

The Invisible Scissors

Media Freedom and Censorship in Switzerland

A thesis submitted for the degree of Doctor of Philosophy
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1 Preface

1.1 The catalyst for this research

At first glance, the very idea of analysing the freedom of the media and of researching censorship in Switzerland seems absurd. After all, the Federal Constitution explicitly guarantees freedom of the media, and censorship is forbidden. Furthermore, this small, federal, multilingual and multicultural landlocked country in the middle of Europe is universally praised as a model of democracy. Indeed, in a country whose people have a far greater say in government than anywhere else, one could easily assume that the freedom of the media is a foregone conclusion.

Yet, in reality, this shining image is more than a little tarnished. The "Prototype for Europe" – as the former Federal President of Germany Richard von Weizsäcker once described Switzerland – experiences the same forms and mechanisms of censorship as any other democratic country. Of course, in Switzerland "undesirable" journalists are not threatened with murder, but critically discerning authors do risk becoming social outcasts. Switzerland prohibits governmental pre-censorship, but the advertising industry has on occasion attempted to shape the content of the media by means of post-publication censorship in the form of boycotts. Switzerland is a constitutional state, yet the paragraphs of its penal and civil codes hang over media workers like the sword of Damocles. Then there are structural problems such as the lack of proper journalistic education. However one looks at it, the freedom of the media in Switzerland is officially, materially and structurally restricted.

However, most people remain unconcerned by and indeed unaware of this state of affairs. Thomas Jefferson's reminder that, "to preserve the freedom of the human mind then and freedom of the press, every spirit should be ready to devote itself to martyrdom; for as long as we may think as we will, and speak as we think, the condition of man will proceed in improvement"¹, has long been forgotten in Switzerland. The Swiss appear to be basking in their country's reputation as a place without media problems. It therefore came as no surprise to us when, both in our quantitative and qualitative research, many of those interviewed were surprised and even irritated at our

¹ Jefferson, Thomas, Letter to William Green Mumford, 18 June 1799
(<http://www.positiveatheism.org/hist/quotes/jefferson.htm>, consulted 15 June 2006)

questions about possible threats to freedom of the media in Switzerland. Some people even felt that they were being personally attacked and responded along the lines that "Instead of fouling our own nest we ought to describe the advantages of our country and our democratic system". Or: "In comparison with Russia or China we are living in a paradise": It seems that only the most critical among the media personnel, media experts and media scientists are willing to pinpoint the problems faced by the contemporary Swiss media. All the others are convinced that we have the best media on earth.

This attitude of part indifference, part ignorance and part wishful thinking, was the catalyst for our research on the freedom of the Swiss media and the potential dangers and mechanisms which threaten it. Our findings reveal that all that glitters is not gold and that the Swiss media scene is, in some ways, reminiscent of a Potemkin village.

1.2 Acknowledgements

Many people have contributed to this investigation on the freedom of the media in Switzerland: media scientists and experts, colleagues and interviewees. Without their profound knowledge and valuable feedback this work could not have been presented in such a comprehensive format. This thesis is therefore a joint effort.

First of all, I would like to sincerely thank Professor Dr. Julian Petley, Deputy Head of the School of Arts at Brunel University. His support, constructive criticism and valuable input and suggestions throughout the whole process of composing, researching, writing and editing this thesis have immensely improved its quality. As my principal supervisor, he has devoted much energy and expertise to this work. I very much appreciate his integral approach to research and, above all, his commitment to producing work of the very highest quality.

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Thirdly, I owe a great debt to Ronald Schenkel, MA. As a colleague in journalism and as a friend, he was deeply involved from the very beginning. He contributed a number of very valuable ideas and acted as sort of "advocatus diaboli" by constantly putting the

content of the thesis to the test. Furthermore, he accompanied me to all interviews which had to be held anonymously.

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Finally, I am also very grateful to Jenifer Horlent who has provided most valuable services in the process of translating this work into English.

2 Introduction

2.1 Utopia versus reality – high ideals versus hard facts

A watchdog, a genuine fourth estate working in the service of a free and liberal democracy, committed to the continuity of John Locke's enlightenment impetus as epitomised by his *Two Treatises of Government* (Locke 1690) and Charles-Louis de Montesquieu's idea of the separation of powers as expressed in his *Défense de l'esprit des lois* (de Montesquieu 1748), liberal and democratic, diverse and discursive: this is what Ralf Dahrendorf expects of the media in a free society (Dahrendorf 2006). This is how most of the media presents itself too: altruistic, serving the interests of *res publica* and public opinion and promoting democratic discourse. And this, certainly, is how most Swiss people see their media, and how the Swiss media see themselves.

But how does this image measure up to concrete reality?

It was a statement by the renowned Bern media scientist Roger Blum² that jolted people out their supposed Helvetic Arcadia. During a symposium, he complained about Swiss journalism's proximity to power, criticised its obsession with harmony and found fault with the overpowering consensus between the political system and the media. He pinpointed similar symptoms of this media malaise in Russia and in Switzerland (Blum 2005).³

However, those who were expecting an outcry in the media scene were thoroughly mistaken. No comments, no response, no analysis: that was the reaction to Blum's pronouncement. His wake-up call went unheard, and Cassandra remained serene. In the much-praised journalistic Elysium of Switzerland everything seemed to be in good order.

Yet, the accusation of equivalence with Russia is an extremely serious one which should have caused sleepless nights for his audience and for those responsible for the

² Roger Blum worked as a journalist for many years, including a spell in the chief editorial office of the *Tages-Anzeiger*. Since 1989 he has been a Professor of Media Sciences at the University of Bern. Between 1991 and 2001 he was President of the Swiss Press. Currently he is President of the Swiss Society for Communications and Media Sciences SGKM.

³ "Russland und Schweiz haben das gleiche Problem" - (Russia and Switzerland have the same problem), article published in *St. Galler Tagblatt* (30 September 2005). This brief article reports on the conference of the Swiss-Russian Cooperation Council of 23 September 2005 in Bern.

media. Roger Blum is not a man who speaks lightly. His statements carry weight; they are supported by academic and empirical knowledge, and they are based on a wide experience of both national and international media. It should be remembered that organisations like Reporters Sans Frontières or Article 19, which closely monitor the development of freedom of the media, state in their annual reports that, in Russia, basic human rights such as freedom of opinion or freedom of expression are often brutally suppressed⁴. This view is supported by Julian Petley, Professor at Brunel University and a well known media expert of international repute, who points out that in parts of the world, the ultimate and most direct form of censorship, that is the cold-blooded murder of opponents, is quite commonplace (Petley 2007, pp.2-3.). A very prominent recent casualty was Anna Politkovskaya of the Russian independent newspaper *Novaya Gazeta*, who was well known for her investigative reports on corruption and human rights abuses.

Thus the questions arise. Why the silence? Why no reflection on the function of journalism and the quality of the media in Switzerland? Is the media really no longer playing the role of a fourth estate and watchdog? Or is Blum's statement so far off the mark? Or is the matter simply taboo? These questions are of paramount importance to a free society as envisaged by Karl Popper (1980) and the kind of liberal democracy foreseen by Ralf Dahrendorf (2002).

2.2 A starting point: Roger Blum's pronouncement on Swiss journalism

We will take Roger Blum's hypothesis – *that the media's proximity to politico-economic power and influential sections of society suppresses truth and corrupts journalism* – as the starting point for our work, examine it in the light of extensive research on the Swiss media and, on this basis, formulate a theory of media freedom and censorship in Switzerland.

In order to test Blum's hypothesis, the following steps were taken:

1. Firstly, we took a detailed look at censorship and freedom of the media, both past and present.

⁴ www.rfs.org and www.article19.org, consulted 12 March 2006.

2. We identified the mass media of German-speaking Switzerland⁵, focusing on newspapers and magazines, radio and television, and the Internet⁶.
3. We identified the potential sources of danger to media freedom in a democracy.
4. We analysed the freedom of the print and electronic media in Switzerland on the basis of both national and international standards.
5. Extrapolating from above, we investigated current threats to the freedom of the Swiss media, such as the power of advertising, the battle for market share, the infiltration of PR agencies into editorial offices, the poor quality of journalistic training, self-censorship, and infotainment as the supreme credo.
6. Drawing on all of the above, we reached our conclusions and recommendations on the freedom of the Swiss media.

2.3 The framework of the thesis

Our investigation is based upon the following three premises and three theses:

2.3.1 Three premises

1. The most recent examination of the Swiss media as a whole dates from the 1970s and was published in 1980 (Nuspliger 1980). Since then, in general, only selected points have been pursued, whether theoretically or politically. At present, there is no sign of any critical all-inclusive reflection.
2. The loss of the variety of political discourse that was formerly offered by the party press⁷ has led to a financial battle for market share. Ulrich Frei has dramatically

⁵ The reasons we have mainly restricted our research to the Swiss-German media scene are that:
a) there are hardly any significant differences between the German-speaking and other three parts of Switzerland (French-, Italian- and Romansh-speaking)
b) with a 65 per cent share, German-speaking Switzerland has proved to be highly representative of the Swiss media scene.

⁶ Literature, film, art and music were not highlighted.

⁷ Until the late 1970s, many newspapers and magazines were the official organs of political parties, which (co)financed them. Naturally, the parties' involvement was not only financial, but also extended to influencing the editorial content of such publications. Some of the members of the editorial committee would be party delegates who held certain powers of decision, both in personnel matters and regarding what could be published. This gave both the bourgeois parties (that is, the Christian Democratic Party CVP and the Radical Democratic Party FDP) and the left-wing parties (namely the Social Democratic Party SP and the Workers' Party PdA) a media platform for the propagation of their philosophy, their ideals and their politics. See chapter 11: Print Media, p.144

outlined the demise of the Swiss party press (Frei 1987). The “shield of democracy” metaphor stood for a press scene offering plenty of variety that was rooted in democracy and thrived within a free society. The image of the reputable regional chief editor with a national aura in the person of Theodor Gut⁸ did not come about by chance. By contrast, today’s press and other media are no longer based on pursuing the politics of Swiss democracy, its parties, institutions and people, but on pursuing success in the competition for readers and advertisers. The reality is plain to see: with the exception of the weekly newspaper *Wochenzeitung*, the left-wing press has completely disappeared from the market. The press has become a consumer product, like all other goods (Frei *ibid*, p.7, 35ff., 203ff.). Much the same applies to electronic media such as radio, television or Internet: they, too, have followed this paradigm shift.

3. The “shield of democracy” has given way to the desire for amusement. The fact that the free newspaper *20 Minuten*⁹ scores the highest circulation figures is symptomatic of both the print and the electronic media situation in Switzerland today. The concept of fast-food journalism, full of bold headlines but without any depth, has arrived with a vengeance. There has been a decline in the amount of in-depth, researched information, and the focus is now much more on entertainment or infotainment. The circulation figures reveal the success of tabloids and free sheets and indicate that a significant part of today’s society seems to be hungry for headlines – mostly personalised, emotive or scandalous (Postman 1985, p.24). Speech in the electronic media is shrinking to a few broadly formulated sentences; articles in the print media with more than 100 lines are now regarded as background features (Luhmann 1996, p.65f.; Postman 1985, *ibid*). When a respected sociologist such as Niklas Luhmann comes to such a conclusion, this gives rise to considerable concern.

⁸ Theodor Gut (1890–1953), a confirmed and convinced Liberal, was editor-in-chief of the *Zürichsee-Zeitung* and founder of Th. Gut & Co. Verlag as a regional and national cultural vehicle (<http://www.zsd.ch/unternehmen/druckmuseumganz.html>, consulted 7 September 2006).

⁹ *20 Minuten* is the Swiss daily paper with the most readers and is distributed in Zurich, Bern, Basle, Lucerne/Zug and St. Gallen through the public transport network. “The target group consists of young, urban commuters with a good education and above-average income level”, according to the Tamedia Media Group. The total certified circulation figures in 2005 were 380,427 with a readership of about 1,039,000 (<http://www.tamedia.ch/dyn/d/zeitungen/461156.html>, consulted 7 September 2006).

2.3.2 Three theses

1. The concept of direct democracy, as practised in Switzerland, is based on the high degree of participation by the electorate. Such identification with the *res publica* characterises the *Confoederatio helvetica* and leads almost automatically to involvement in politics and national affairs. The country's militia system is founded on the typically Swiss trait of taking such things for granted. Nevertheless, some cracks are appearing in the cement of democracy. Individual interest in the local microcosmos and in national politics has waned noticeably in recent years and the militia system is already on shaky ground. The tendency for the individual citizen to stay attuned to national issues seems to be fast declining. Instead of "Suus cum alteris", so vital to direct democracy, the focus has shifted to people's own wellbeing. This is reflected in the dearth of candidates to hold office at federal, cantonal or communal level in our small, four-language country. Such lack of interest is also apparent during elections and referenda. Today, if 40 per cent of voters go to the polls, this is already considered a respectable turnout. Swiss democracy appears to have lost its citizens. This development can also be observed in other democratic countries: for example, in the USA, where for the 1998 congressional elections just over one-third of the eligible voters turned out on Election Day (Mc Chesney 1999, p.2).
2. The media landscape correlates with this development, so that the individual citizen's political lack of interest and personal commitment are reflected in the national media. As far as public attitudes to the Swiss media are concerned, we diagnose a distinct lethargy and an undemanding acceptance of the status quo. And in some cases, this could almost be described as collaboration on the part of the media. It is disturbing that the public, the politicians and the social scientists do not collectively examine the subject of threats to the "freedom of the media". It is as though a *fait accompli* has been accepted without any resistance, and the media rabbit stands paralysed in the economic headlights. And as a matter of fact, there is hardly any public discussion about the freedom of the media. The dynamics of modern civilisation, and especially the rapid changes in society, seem to leave hardly any time for discourse. "Le temps mange la vie" were Charles Baudelaire's words in his 1857 poem 'L'ennemi'. Today one is tempted to say: "Le Temps mange le discours." However, this cannot be put down merely to a lack of

time: there is a climate of general lack of interest in significant issues such as these, as well as too little political concern with the healthy functioning of a vibrant and liberal *res publica*.

3. Anyone who follows contemporary media developments in Switzerland cannot fail to notice that the freedom of the media is threatened both directly and indirectly in a number of ways. Although this fragile quality of the Enlightenment, laboriously achieved after decades of struggle, is legally established in Article 17 of the Swiss Federal Constitution¹⁰, and freedom of the media is portentously celebrated as a fact, it has actually been downgraded to a side issue and thus ultimately negated.

It is clear from these three premises and three theses and, in particular, from Roger Blum's statement, that tough times may lie ahead for the much-praised freedom of the Helvetic media. Blum can be regarded as a seismograph of socio-political and media change. Accordingly, his provocative hypothesis forms the starting point for the research which constitutes this work.

2.4 Design of the thesis

2.4.1 Preliminary remarks

This academic investigation is designed in such a way that, in the empirical area, it focuses on the German-speaking part of Switzerland, and here mainly on two major, partially contrasting regions: on the one hand the city of Zurich with its urban agglomerations, and on the other hand the less sophisticated, partially agricultural area of Central Switzerland. This broad approach means that the study takes account of the diversity of Switzerland. The author questioned numerous knowledgeable and experienced people involved in the media; however, for professional reasons, many respondents wished to remain anonymous.¹¹ Such statements are nevertheless as important and revealing a part of the research as those from sources that can be revealed, and are – where appropriate – included for that reason. Regarding the

¹⁰ Swiss Federal Constitution, Art. 17 Freedom of the media: ¹Freedom of the press, radio and television, and of other forms of public tele-casting of productions and information is guaranteed. ²Censorship is prohibited. ³Editorial secrecy is guaranteed (<http://www.admin.ch/ch/d/sr/101/a17.html>, consulted 5 September 2006).

¹¹ All anonymous interviews were held by the author with an accompanying person, who served to guarantee that the statements are authentic.

theoretical framework, this research relies on secondary literature such as investigations, analyses, theoretical frameworks and conclusions by well known and broadly accepted Swiss and international scientists, media experts, journalists, editors and institutions.

2.4.2 An investigation on the Swiss media with new findings

When we are surprised, we are confronted with reality – a reality that has changed, particularly in the media. The transition from analog to digital has radically changed our society and, at the same time, the availability of information. Today's world consists of data, data and yet more data. Information to our heart's content, everywhere we go. A veritable tsunami of information, in fact. We are "overnewsed", as it is said. Something new has emerged, expressed in words such as "information society" and "data highway", "cyberspace" and "community network", "weblogs" and "You-Tube charts", "Internet radio" and "flat-rate", "text-messaging" and "chatting", "blogging" and "vlogging".

Nowadays many people thrust their way into the media, seeking power and influence; others secure top jobs for themselves, pushing other people aside. Reality has radically changed. But what does the modern Swiss media landscape look like? To what apparent and hidden threats is it exposed? Who exerts what kind of influence, and how?

This academic investigation seeks to answer these questions. The work breaks new ground by exploring issues that have not previously been considered with such attention. This is a wide-ranging investigation, which draws attention to social-media correlations, highlights parallels and outlines historical perspectives. It is a novel approach, not previously adopted. The work is based on empirical data and comprehensive literary analyses.

In a direct democracy like Switzerland, the media play an essential role. Indeed, they may well be even more important than in a parliamentary or presidential democracy. The Swiss media landscape is accordingly characterised by pluralism, but has only attracted the interest of media scientists during the past few decades. However, research has tended to concentrate on specific topics and particular aspects such as media ethics, the sociology of communication, media entertainment or political communication, rather than attempting to gain a synoptic overview. Nowadays media

scientists are primarily concerned with aspects of the media, for example with online journalism, Internet research or the liberalisation of radio and television (Matthias Künzler). This was confirmed by our literary research on the academic publications of the institutes of journalism at the Universities of Zurich (Otfried Jarren, Heinz Bonfadelli, Kurt Imhof, Matthias Künzler), Bern (Roger Blum), Lugano (Stephan Russ-Mohl) und Fribourg (Louis Bosshart). For the most part, the academic research focuses on significant individual topics.

Ulrich Saxer has written one of the very few existing overviews of the role of the media in society. In 1998, he published as co-editor the pioneering work “The political communication in the democratic society” and in 2007 “Politics as entertainment”. In 2002, Otfried Jarren and Patrick Donges published “The political communication in the democratic society”. Also worthy of mention is Alfred Willener’s fundamental work “Notre bain quotidien – Les media en Suisse”, published in 1982. However, this publication is nearly 30 years old and partially out of date. Heinz Bonfadelli’s project “The Swiss information society – media, organisations and public in transition”, published in 2004, is of a synthesising nature; however, actual compendiums are rare. The reason for this lies in the fact that, in Switzerland, media science exists only on the fringes. University institutes of journalism are generally understaffed and have to work with a small budget¹². In comparison, other academic fields are accorded a higher status, both in Switzerland and abroad. Astonishingly, the institutes of journalism, media and communication at Zurich, Berne, Fribourg and Lugano manage to produce outstanding academic work and enjoy an excellent (even international) reputation. Their findings on the topics related to this research are integrated as useful theoretical frameworks in which our empirical findings are contextualised.

The present academic project, which was conducted at the Brunel University in London under the aegis of Professor Julian Petley, therefore sets out to gain a synoptic overview, contrary to the current tendency to concentrate on specific topics and narrow fields. To obtain a holistic view it was essential to conduct a comprehensive literary analysis. Above all, it was necessary to present the significant correlation between Swiss society and the Swiss media against the background of international research findings. These include, among others, the works of systems theorists Niklas Luhman

¹² See chapter 10: Education and training in journalism, p. 129

and Jürgen Habermas, sociologist Ralf Dahrendorf, linguist and cognitive scientist Noam Chomsky and media sociologist James Curran. Their insights and opinions have had a formative influence on the present work.

2.4.3 A contribution to the academic discours

At first sight, the Swiss media landscape appears to be versatile, healthy, pulsating and effective. However, if we take a closer look through the academic zoom objective and delve deeper into the latent and obscured mechanisms at work, we can perceive the extent of economic influence and information control. Media workers are increasingly subjected to these forces. At the same time, the media houses are announcing rationalisation measures and reducing the number of editors on their staff. Under increasing pressure, there is less and less time for research. As a result, uniformity is on the increase, while freedom is shrinking. The free flow of information is being channelled into a narrow course and at the same time accelerated.

The present academic study elucidates these speeded-up trends and subsurface mechanisms. It also indicates the necessity for further meticulous research in order to analyse, interpret and understand the complex correlation between those responsible for the media and the implications of the res publica, as well as between the players and the public. Finally, this research project is intended to inspire and motivate others to engage in similar research, a sine qua non for an open discussion of the situation of the media in Switzerland.

2.4.4 The methodology used for this study

“I am the curriculum”, said the great German educationalist and publisher Hartmut von Hentig. What is true for teachers also applies mutatis mutandis to our understanding of media and journalistic processes. As an experienced media worker and PR consultant, the professional empiric enables the reader to see what lies beneath the surface and to recognise the subtle networks and causalities, and the structures and systems at work. For many years, the author has observed the media scene with a critical eye. At the same time he took care not to underestimate the danger of assumption. In order to avoid prejudice and tendentiousness, he adopted an explorative approach as his modus procedendi. Based on the observations he made, the author analysed his own point of view and then, according to the responses he received during interviews, he was able to complement or adjust his own views, which were either confirmed or

contradicted. This challenging approach led to the first working hypotheses and theorems. In the next phase, the findings were either confirmed and reinforced or else rejected, based on the input from a series of qualitative interviews. To ensure a comprehensive perspective, the social research technique of theoretical sampling and the new methodology of grounded theory formed the basis for both the observations, presumptions, hypotheses and analysis, quintessence and conclusions.

To sum up, the work is based on four cornerstones:

1. Personal background and many years of professional experience in the fields of journalism and public relations.
2. Quantitative, representative telephone survey of recipients on media-related topics. The results of this survey served above all as a seismograph insofar as the answers helped to influence the orientation of the research work.
3. Qualitative interviews with journalists, PR professionals and selected recipients with an academic background.
4. Comprehensive research and analysis of modern research literature.

In the quantitative telephone survey of 301 people from German-speaking Switzerland information was gathered from answers to closed questions of a general nature concerning the possible existence of censorship and methods of censorship. However, the survey was not used for the study itself, that is for categorising the dangers, placing the findings in a theoretical context or examining empirical experiences. The present work should therefore not be considered the result of a recipient survey. Nevertheless, the survey did serve as a seismograph in that it influenced the orientation of this work in the same way as personal experience or existing literature.

One could say this work took on cyclic dimensions, not unlike the “growing rings that move out over the things around me” in the famous poem written by Rainer Maria Rilke in 1899. The innermost ring, the nucleus, is the rational and intuitive thinking of the author, who is nevertheless aware of his personal subjectivity. It was for this reason that both contrasting and linking elements were core criteria for the selection of interview partners. The interviewees and their responses widened the field of research. The approach was consecutive and the findings were processed cumulatively. The next ring was built on the basis of the hypotheses and theorems gathered. From the contrasting or complementary next step further findings resulted – wholly in the sense

of Rainer Maria Rilke's rings. All in all, 97 qualitative interviews were conducted with experts from the entire media spectrum, including editors, correspondents, freelancers, trainees, academics, PR professionals, lawyers, educationalists politicians and representatives of various organisations. A significant part of those interviewed had worked in more than one of these fields during their career.

The process and the results obtained were continually evaluated. There was a constant supply of critical feedback from external sources, chiefly from Professor Julian Petley, Professor Carl Bossard, Dr. Werner Schaeppi, Dr. Max Bauer and MA Ronald Schenkel. It was only in this way that the desired quality could be achieved. In the same way that Rilke did not complete the last ring, although he tried, this academic work is not a definitive conclusion, but a basis for further research – that is to say, for further rings.

2.5 The standpoint of the author

The author, a journalist, communications and media consultant with his own company, is highly familiar with the media scene through his own professional activities. He worked for almost ten years as a front-line journalist in print media and as correspondent, editor and presenter in the information department of Radio DRS¹³. From his own years in journalism he is extremely familiar with the German-speaking area of Switzerland. Today he manages his own communications company, developing and implementing communications concepts for public and private institutions, as well as for businesses. In addition, he is a lecturer in communications and media. He therefore knows both sides of the business, he is a practitioner and a consultant, a producer and a consumer, a businessman and a citizen, both participating in and benefiting from the media. His mindset leads him to be committed to liberal ideas.

¹³ Radio DRS (Radio der deutschen und rätoromanischen Schweiz) is a national radio programme for the German speaking part of Switzerland of SRG SSR idée suisse (Schweizerische Radio- und Fernsehgesellschaft). The latter is the biggest electronic media enterprise in Switzerland and, as a public service institution, it is structured like the BBC in England, the ARD in Germany or the ORF in Austria.

3 The Meanings of Censorship

3.1 A weapon of power

In its usual definition, censorship is understood as a vertical and unilateral process: control from the top downwards with clear authority to issue directives, even, at times, using force to suppress free expression. The conventional concept of censorship is the surveillance by a higher (spiritual or secular) authority of public speeches, illustrations and printed matter, plays and films, radio and television programmes, and all other media. Such censorship focuses on the systematic control of the content of communications (usually on political, economic, social or religious subjects) with the aim of safeguarding the interests of the powers that be.

In authoritarian, despotic or oligarchic forms of government censorship is thus, by definition, an inherent part of the system. There is no lack of examples: one of the most pronounced – which some people still remember – was the draconian censorship imposed by the Third Reich (1933-1945). During a period when most of Europe was enslaved to National Socialism, freedom of opinion and expression, and of the media, were practically non-existent. Also in Switzerland¹⁴ the media experienced some strict state regulations on reporting, and, thus were able to fulfil their role as a cornerstone of democracy only to some extent. Present-day examples include Russia, as a territorially shrunken successor state to the former USSR, China and North Korea (Bütler 2006).¹⁵

However, censorship is found not only in authoritarian societies, and is not solely the preserve of governments and the state apparatus. Therefore it might be useful to supplement the conventional definition of censorship with a broader one which understands censorship as "a variety of processes formal and informal, overt and covert, conscious and unconscious, by which restrictions are imposed on the collection, display, dissemination, and exchange of information, opinions, ideas, and imaginative expression" (Jones 2000: xi)

¹⁴ See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50

¹⁵ See also the country reports of Article 19 (www.article19.org) and Reporters sans frontières (www.rsf.org), both sources consulted 22 April 2007.

3.2 Comprehending the term “censorship”

3.2.1 The dynamics of new social processes

Since the 1970s, Western society has undergone considerable changes. The consequences of the 1968 protests against the lifestyle and moral values of the older generation and the associated drive for a general re-evaluation and renewal have been the subject of a number of academic studies (Leggewie 2001; Wolfrum 2001). By contrast, from the 1980s onwards, other forms of change, both economic and ideological, led to further development of the so-called consumer, leisure, thrill-seeking (Anselm 2005; Klein 2002; Schulze 1992) or fun society¹⁶. Analysts and critics such as Gerhard Schulze, and Naomi Klein have noticed a growing tendency to reduce all sense of social responsibility, solidarity or interaction with other people. Such an individualistic consumer society not only acquires the products that it needs, but regards their acquisition as a satisfying experience in itself or even as the core of individual identity. This attitude has yet further transformed consumption into a status symbol. As a result, personal commitment and striving towards societal changes are advocated and practised less than in the past, and the emphasis is on self-centred hedonistic values, so that life has been reduced to a quest for the ultimate thrill (Schulze 2006). And the end of this development is not yet in sight. On the contrary: people’s yearning for this kind of hyper-individualistic self-fulfillment appears to be on the increase.¹⁷

It is therefore no coincidence that the expression “civil society”, which advocates social responsibility, has emerged as a counterforce and a radical antithesis to the status quo with its radically individualistic approach and consumer-oriented lifestyle. It was John Keane, the founder of the Centre for the Study of Democracy in London, who introduced this term as a potential counterforce to the individualistic society in his study *Democracy and Civil Society*, which first appeared twenty years ago (Keane 2006).

¹⁶ The term Spassgesellschaft (fun society) was first used by German-speaking feature writers to describe the lifestyle of parts of society during the age of the so-called New Economy Hypes. The expression criticises the consumer-oriented, careless way of living (Hahne 2004).

¹⁷ The terrorist attack of 11 September 2001 was without doubt a traumatic event, but the much-hyped return to past values was merely temporary and did not signal the start of a new epoch. Although the Western world was temporarily thrown into a state of confusion, it does not appear to have undergone any radical changes in the field of values.

The expression “civil society” has, since then, become an important feature of European social science.

3.2.2 Ideals and realities

However, in reality, the picture looks rather different. In our post-modern working world the wheels turn faster and faster: opportunities have to be seized quickly, market niches must be filled sustainably and innovations need to be exploited as efficiently as possible. The political philosopher Hermann Lübbe, calls this phenomenon the “contraction of the present” (Lübbe 1996, p.12ff.).

The dynamics of our changed social culture as described above have become even more accentuated with the acceleration brought about by technical developments such as digitalisation. Furthermore, since the radical political changes of 1989 following the fall of the Berlin Wall (Dahrendorf 2004) and the implosion of the Soviet Union, a number of political/geographical boundaries have disappeared, and are continuing to do so. And with the introduction of the Euro at the beginning of 2002, most of the divisions between the currencies of the countries within the EU ceased to exist. Nowadays, the economic future is seen as lying beyond the old boundaries. “Globalisation” has become the buzz word. It is borderless by definition. Society, politics and the economy are thus experiencing not only an acceleration of pace, but also a process of boundaries being lifted – in the senses both of border-crossing and a world of unlimited possibilities (Gross 1999). Borders are disappearing on a grand scale, with the result that people’s attitudes to each other and their relations with the outside world are becoming increasingly characterised by limitlessness and its attendant insecurities (Beck 1986; *ibid* 2007).

The widespread dynamism of our world and the tempo of modernisation show no signs of slowing down, so that we have little idea whether what is important today will still be so tomorrow (Schaeppi 2004). This means that modern, or, in the view of some, postmodern, people must learn to live flexibly. Who knows where, or in whose service, he or she may be working the day after tomorrow? Although this may make life more exciting for some, there is also a negative aspect. In his book, *The Corrosion of Character* (1998), Richard Sennett discusses two case histories. First, he recounts a life story from the times when it was not yet necessary for people to live “flexibly”. Enrico was a caretaker in a block of administrative offices in Boston. Throughout his

working life, he did the same work every day – nothing but routine, but this was outweighed by a stable environment. Free from financial worries, he enjoyed a steady income with a guaranteed pension. At the same time, Enrico had a clearly defined social status, his place in the community, longstanding friendships with his neighbours, acceptance because he conformed to the norm, foreseeable horizons and enough savings to buy a house and pay for his children’s education. All in all, a well-ordered life – nothing special, to be sure, but nevertheless displaying a clear individual identity.

The second life story is taken from the new “flexible” era. Enrico’s son, Rico, is out to make a career for himself. He has two higher qualifications and a wife who is also a successful career woman, and he is constantly moving house and changing from one dream job to the next. At first glance, he is to be envied, yet Rico has no social network to fall back on, no neighbours to lend a helping hand and no longstanding friendships; he is psychologically fragile, suffers from constant stress and anxiety, and feels that, instead of shaping his own life, he is forever adapting to the changing demands of the market.

Three phenomena can be extrapolated from these stories: the demise of tradition, increasing pluralisation and growing individualisation. These three phenomena are symptomatic of today’s society and its “Children of Freedom” – the epithet bestowed by Ulrich Beck on modern youth and (by implication) on today’s adults as well (1997a; 1997b; 1997c; Houellebecq 1998). The current plurality of values and diverging claims to normalcy are tearing society apart, with the result that the profound changes in living conditions are bringing with them increasing egoism, coupled with individualised moral values and ethics (Schulze 1992; 2000), thus – according to the diagnosis of Thomas Ziehe (1996) – widening the gap between individuals and society. Leisure activities, television and other modern media, commerce and consumerism all contribute to this process in children, young people and adults alike (Ziehe 1996; Luhmann 2002).

3.2.3 The diversified semantics of the term censorship

Given the extent to which this profound social trend is reflected in the media, it therefore comes as no surprise to discover that there, along with other major changes, new or hitherto little-known forms of censorship, in a broad but still meaningful sense,

have emerged, as suggested by Jones above.¹⁸ As will be explained later, the concentration of the media has silenced many voices, while the PR industry has found its way into the editorial offices (Ries and Ries 2002).¹⁹ Furthermore, the accelerated pace of production has reduced research and editorial processes to a minimum, restricting the opportunity for critical analysis of truth and relevance, and hindering the search for hidden facts.

As a consequence, the semantics of the familiar term “censorship” have become diversified: economic and ideological interests, financial and party political pressures, the actions of media tycoons, the lack of governmental regulation of training standards, the growth of media monopolies and the resulting battle of the journalistic David against the oligopolistic Goliath, the collapse of ethical standards, and the loss of quality in journalism – these are some of the key characteristics of this trend in Switzerland, as elsewhere.

The term 'censorship' can, as has already been suggested, be used and interpreted in several different ways, and indeed it has long become a catchword. However, opinions are divided as to what censorship really is and what it comprises. For example, some consider that censorship occurs only where there is a state ban on publication, while others find that when the content of a journalistic text is influenced by editorial guidance or PR machinery, this already amounts to a form of censorship. Michael Scammell believes that one of the reasons for the broad use of the term is that 'censorship' belongs to "that category of words describing apparently simple, but in reality highly complex social mechanisms that have been the subject of impassioned dispute in modern political life" (Scammell 1988, p.1f.). And from this he concludes that "‘censorship’ is a handy word to throw at [...] opponents when one wishes to discredit them."

Thus, if we are to seriously investigate the status of the freedom of the media in Switzerland the term 'censorship' needs to be defined as clearly as possible– the more so, since the Swiss Federal Constitution does not clarify the term precisely. Article 17, Para. 2, merely states that censorship is forbidden. Clear definition is also the key to

¹⁸ See also Article 19 – International Centre on Censorship, Information, Freedom and Censorship. World Report 1988. Longman: Essex 1988, p. 291ff.

¹⁹ Such are the observations of the US media specialist Harold Burson, who was voted the most influential PR personality of the 20th century in 2001 (Puntas Bernet 2005).

awareness of the different methods of censorship employed, so that the frequently covert or structural measures which we encounter today can be pinpointed and potential threats identified.

3.2.4 Broader terminology versus narrow legal principles

To start with, let us take a look at the definition of 'censorship' in a general legal sense. As in other European countries such as Germany or Austria, Swiss legal principles differentiate between formal and material censorship, as well as between pre- and post-censorship (Fiedeler 1999, p.41ff.). Formal censorship denotes the procedures employed, while material censorship means the standards by which the content is controlled. Both forms are divided into two time categories: pre-censorship is imposed in advance to prevent material being propagated at all, while post-censorship only occurs after publication of the material (Peduzzi 2004, p.247f.).

However, the definition of 'censorship' according to general legal teaching does harbour certain risks. Sometimes the term 'censorship' is so narrowly applied that present-day threats to freedom of opinion, or modern forms of censorship, which we will discuss in detail later, would automatically be excluded. In this current work, therefore, the term is used in a somewhat broader sense. In this way, new forms of covert or structural censorship, such as the influencing of the media by PR, advertising boycotts by private industry, problems such as the lack of training opportunities for journalists, or the weak position of the unions, can be investigated as real threats to the freedom of the media and thus as possible instruments of censorship. To a large extent, this investigation is concerned with the following two fundamental types of censorship:

1. Direct censorship²⁰ that includes preventive pre-censorship and repressive post-censorship in all their various forms. Direct censorship is mainly practised in societies organised according to authoritarian principles. It involves, for example, newspaper licensing, imprisoning or physically attacking those who dare to criticise openly, or even murdering "undesirable" opponents. The players here are mainly state or religious institutions.

²⁰ See subchapter 3.3: The origin and development of authoritarian censorship, p.21

2. So-called indirect or hidden censorship²¹ with all its various repercussions. Indirect censorship appears mainly in societies which are democratically organised. It involves, for example, advertising boycotts, overweening proprietor power, the manipulation of the media by various forms of 'spin', the tyranny of majority tastes and market forces, and the exploitation of media workers. Here, some of the players are state or religious institutions, some are private organisations and some are deep-seated structural factors (Kopp 1976, p.117, 120ff.).

3.3 The origin and development of authoritarian censorship

3.3.1 Censorship in ancient Rome

Etymologically, the term 'censorship' has its origins in Latin, but in point of fact, in general, classical Europe was not heavily censored (Kopp 1976, p.136). Today's term "censorship" is confusingly similar to the Roman office of the censor (Mommson 2002, p.120ff.). His name was derived from *census* (which denoted the tax class of a citizen). The censor had to assess the citizens' assets and then grade them for taxation purposes and for military service.

The semantics of both terms are completely different. The censor in the Republic of Rome was an officer of the taxation authorities – in modern times the term has generally been used to designate a controlling and disciplinary organ of the state or church.

It is difficult to prove the existence of censorship of written material in the ancient world as there appear to be no indications of systematic control, consistent suppression or deliberate influencing of handwritten material. This is linked to the fact that verbal communication was the usual method of public discourse, with the forum, the Senate or the theatre as the location. Written material was of very little significance.

Nevertheless, some laws and decrees can be found in the political history of Rome which come close to today's notion of censorship, such as prohibiting satirical verse in the Law of the Twelve Tables of 450 BC (Flach 2004) or the so-called *damnatio memoriae*,²² by which all statues, works and inscriptions of a person who had fallen

²¹ See subchapter 3.4.5: New, subtle forms and mechanisms of censorship, p.32

²² Translated: "banished from memory"; "wiping out the recollection". In Roman criminal law 'damnum' denoted the damage that a perpetrator suffered through his sentence. Traces of the *damnatio memoriae* can still be deciphered on inscriptions and Roman sculptures. Similar processes of

into disfavour were destroyed (Bergmann and Zanker 1981, p.317ff.; Pollini 1984, p.547ff.; Schmidt 1991, p.50ff.). In this way all public traces of certain people were erased. In the religious sector, there were strict laws against the propagation of magic and individual cults, and these laws included the persecution of Christians.

These few examples show that the type of censorship practised on a rather sporadic basis in ancient times cannot be directly compared with the institution of modern censorship. It is, in any case, problematic to refer to censorship in Roman history when using the term in its modern sense. Conversely, that does not mean that Rome was a haven of freedom of opinion. In Imperial Rome²³, for example, a mere suspicion was enough to have somebody executed for insulting the emperor or the Roman gods.

3.3.2 Censorship – a familiar term as a modern phenomenon

Initially, censorship was applied primarily to written material. Written matter as a medium with a relatively high level of circulation is a phenomenon of the early modern age, originating with Gutenberg's printing press in the mid-15th century (Kopp 1976, p.127f.; Petley 2007, p.3). The success of Luther's Reformation would have been inconceivable without Gutenberg's invention of 1445. The printing press allowed an unprecedented dissemination of knowledge, and this prompted orthodox-minded authorities (mainly the Church) to call for the control of publications and, if necessary, the banning of some of them. With the revolution of the media through the advent of the printing press, the Church's monopoly of knowledge was under serious threat. As early as 1445, therefore, books which conformed to the teaching of the church were marked with a stamp of approval. In 1487 Pope Innocent VIII issued the first papal censorship decree; each item of printed matter had to undergo general authorisation, that is pre-publication scrutiny to ascertain whether it could be deemed fit to print. In the Vatican's conflict with the Reformation, book censorship gained increasing importance as an instrument of control and discipline.²⁴ The Catholic Reform Council of Trent ultimately led to the publication of the "Index Librorum Prohibitorum" (Index of

condemnation can be found up to the present day. Under Stalin, photographs and paintings were altered on a large scale in order to erase from collective memory people with whom the dictator no longer wanted to be pictured. Leon Trotsky was one of those who fell victim to this Stalinist cleansing.

²³ Imperial Rome began in 31 B.C. with Julius Caesar's adoptive son, Augustus, and ended with the Fall of Rome in A.D. 476.

²⁴ Book censorship is not a specifically Catholic practice; it has parallels in the Protestant Church.

Forbidden Books) in 1564 (Wolf 2006). This ecclesiastical blacklist had important historical repercussions, finding an echo, for example, in the Nazi regime's public burning of "degenerate" books on 10 May 1933. Then, members of the S.A. and Nazi youth groups publicly burned around 20,000 books in front of the University of Berlin. In more recent times, the Soviet Union, [...] the Greek dictatorship (1967-74), and the apartheid regime of South Africa have all produced similar lists". As Julian Petley puts it, such measures are a "potent form of censorship, as they serve as a clear warning to publishers, booksellers and readers that certain texts are taboo, and that to be found in possession of them may result in forms of extremely severe punishment, including death" (2007, p.7).

For many centuries, the Roman Index was a fixed institution and it contained everything that had any standing and reputation in the worlds of philosophy and literature: from Montaigne to Sartre via Pascal and Descartes to Kant, from Spinoza, Locke and Hume to Rousseau; then Heinrich Heine, André Gide, Simone de Beauvoir. Strangely enough, Hitler's *Mein Kampf* never featured in the Index (Onfray 2006, p.120, 255; Petley 2007, p.3). The final edition of the *Index*, published in 1948, still contained over 4,000 books. It was not until 1966 that the Catholic Church under Pope Paul VI abolished this infamous Index. Incidentally, the abolition of the Roman Index cannot be equated with the end of internal church censorship. The Inquisition – renamed "Congregation of Faith" – still practises a form of censorship on clerical publications. Under the present Pope Benedict, however, this "censorship office" started to open its archives to individual, selected researchers and thus to make possible the reappraisal of at least historical cases (Goodman 1987)²⁵.

Parallel to the advent of the printing press and pre-publication scrutiny at the "fit to print" stage, the (post) censorship of the Church was established – to an extent and with an aggression previously unheard of. With the Inquisition plus the Index in the 16th century, the Catholic Church created a veritable machinery of literary destruction. It was directed against anything non-Christian, as well as against the Evangelists and so-called heretics, in other words: anyone of a different creed or faith.

It also needs to be noted that, in those times, state censorship went hand-in-hand with church censorship. The Roman Emperor Constantine (325-337) and the Council of

²⁵ See also www.theologe.de/theologe9.htm, consulted 19 June 2006.

Nicaea in 325 had declared Christianity to be the state religion (Schwanitz 1999, p.66). This was a decision of worldwide historical significance, since the state and the church in the Western European Holy Roman Empire of the German Nation (962-1806) entered into a form of authoritarian symbiosis²⁶ or “unholy alliance”. One of the consequences was massive censorship.

3.3.3 Power and censorship as Siamese twins

Power and censorship are not unlike Siamese twins, or like the Church and state before the emancipation brought by the Enlightenment and its attendant secularisation. The absolute monarchies with their hierarchically ranked societies, such as the Bourbons in France, the Tudors in England or the Habsburgs in Spain and Austria, are examples of such a symbiotic relationship. According to Fred S. Siebert, “[... they] utilised the basic principles of authoritarianism as the theoretical foundation for their systems of press control” (Siebert et al. 1963, p.7ff.). Such a feudal system with its immense consequences for freedom of expression and freedom of the press was likewise very clearly demonstrated in the Old Swiss Confederation of the Ancien Régime until 1798 (Im Hof 1977, p.673ff., p.750ff.; see also Bollinger and Kreis 2002). Power was clearly distributed, especially in such aristocratic, patrician centres as Lucerne, Bern, Solothurn and Fribourg, as well as in the cantonal subject territories and the subject territories under common administration: on one hand, the ruling class, and on the other, the subjects; on one hand, power, and on the other, obedience; on one hand, education, and on the other, ignorance. All thirteen cantons of the Old Confederation recognised and applied censorship (Im Hof 1977, p.752f.; see also Thommen 1944), which could be intensified at any time if necessary. It was the Government of Helvetia that abolished censorship and, on 12 April 1798, guaranteed freedom of the press under the Constitution as a “natural consequence of everyone’s right to education” (Strickler and Rufer 1886, p.54). For the Swiss citizens, this newly found freedom was due to the influence of the Enlightenment, which, as a radical antithesis to the status quo, had already prevailed over feudal systems and privileges in England and was to lead to the American Declaration of Independence in 1776 and

²⁶ This, however, did not preclude the German emperors and Roman popes being often at loggerheads in a conflict of interests. Emperor Henry’s famous “Gang nach Canossa” (Pilgrimage to Canossa) in 1096 is just one example of such conflicts.

the French Revolution in 1789. As early as 1644 John Milton had published a radical thesis on the importance of a free press in his essay "Areopagitica". This work was written as a protest against the Licensing Order passed by Parliament in June 1643, which banned all publishers and publications not licensed by the state. This was an early milestone in the development of the Enlightenment with its goals of freedom of opinion and freedom of expression.

However, in Switzerland, the new spirit of liberalism was short-lived, as was the very concept that people should be freed from all forms of servitude and oppression, and that they should all have equal rights. Switzerland became an occupied territory, dependent on the grace of France and Napoleon. The fragile commodity of freedom of the press did not survive for long; in the middle of 1798 the French occupying powers reinstated censorship (Frei 1977, p.863) and began to monitor the press. After Napoleon's defeat at Waterloo in 1815 and his banishment to St. Helena, the 1814-15 Congress of Vienna – under the aegis of Prince Metternich (Biaudet 1977, p. 870ff.) – invoked the pre-revolutionary principles of the supremacy of Christianity and of royalty. The conservative influence of the Holy Alliance was also carried over into Switzerland, and censorship reappeared in the oligarchic manner of the Ancien Régime (ibid, p.899). The ultra-conservative Canton of Bern even went so far as to ban all discourse on political matters (Klages 1945, p.21ff.).

In the Confederation of those days, the struggle against authoritarian censorship was long and hard, but in the end liberal ideas proved stronger than the autocratic repression and ultimately prevailed. Finally, the liberal Swiss Federal Constitution of 1848 established freedom of the press, which was also valued as a precious democratic achievement during both World Wars. During the war years, the right to information was necessarily restricted to a certain extent, but the population was nevertheless kept informed "on a comprehensive, all-round basis" (von Greyerz 1977, p.1204; Welti 1925, p.274).²⁷

²⁷ See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50

3.4 Censorship in today's democratic constitutional state

3.4.1 The cradle of liberalism

Amongst the achievements of the Enlightenment and liberalism are the human rights of freedom of expression and freedom of the press, which are crucial to all democratic liberties. Or, as Jeffrey Klaehn argues: "Mass media play an especially important role in democratic societies. They are presupposed to act as intermediary vehicles that reflect public opinion, respond to public concerns and make the electorate cognisant of state policies, important events and viewpoints." He concludes that "the fundamental principles of democracy depend upon the notion of a reasonably informed electorate" (Klaehn 2005, p.1).

Yet, unfortunately only about 20 percent of people live in countries which fully recognise basic freedoms such as freedom of debate by Parliament and freedom of the press (Bütler 2006). And Julian Petley quotes figures which should give rise to alarm: "In the past ten years, over 1,000 newsgathering personnel have been killed in the course of doing their job [...]. In 2006, 137 journalists and 30 other newsgathering personnel were killed, making it the worst year on record for news media fatalities" (Petley 2007, p.2).

The situation looks even bleaker if one remembers that, as far back as 26 August 1789, the French *Déclaration des droits de l'homme und du citoyen* included Article 11 which states that: "The free expression of thought and opinion is one of mankind's most precious rights; each citizen is therefore entitled to speak, write and think freely, on condition that he bears the responsibility for any abuse of this freedom in the cases specified by the law" (Guggenbühl 1939, p.11). Earlier still (on 12 June 1776), the famous "Virginia Bill of Rights" had stated clearly and unequivocally that: "the freedom of the press is one of the great bulwarks of liberty and can never be restrained by despotic governments". Shortly afterwards (on 4 July 1776), these basic ideals of liberalism were incorporated into the *Unanimous Declaration of the Thirteen United States of America*).

Both texts of the American Constitution breathed the spirit of the French and English proponents of the Enlightenment, particularly John Locke. At least, this is what the history books have handed down from one generation to the next. Equally important in this respect is Thomas Jefferson, who can be considered the actual author of the

American 1776 Declaration of Independence. Jefferson's ideas have been immensely influential in the United States, and he too considered freedom of the press as among the basic values of a liberal and democratic state: As he put it: "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."²⁸ And it is certainly no coincidence that Jefferson wrote elsewhere: "[...] and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter" (Petley 2007, p.44).

3.4.2 The arguments for freedom of the press

John Keane uses this timeless quote in the introduction to the chapter "Liberty of the Press" in his book *The Media and Democracy* (Keane 1991, p.2). In this essay, Keane analyses the crucial relationship between the media and democracy and explores a number of vital questions. For example: were the ideals of democracy and "liberty of the press" destroyed during the twentieth century, and have the emergence of media conglomerates and the growth of electronic media endangered the freedom of the media? Is free and neutral communication to the country's citizens through the media still a feasible ideal?

These questions were long neglected in the fields of both social science and journalism. One might also add that – at least in Switzerland – they still do not seem to be very high on the agenda of either politicians or the public. Hence, Keane has made it his mission to restore these questions to the centre of political, scientific and public discourse and they will play a key role in the present study. Keane's essay gives a sorely-needed account of the importance of the media to democracy, since "the dangers of irresponsible communication [...] threaten democratic societies" (Keane 1991, p.xii) and he elaborates a new conception of the "public service model of communications" – notably a model which would expose invisible power, draw attention to risks of abuse of power and facilitate a "genuine commonwealth of forms of life, tastes and opinions, thus combining the ideals of Enlightenment" (ibid, p.xi).

The key question is, of course, why are the media so important in a democracy? The free media have emerged parallel to, or even hand in hand with, other institutions of

²⁸ Jefferson Thomas, Letter to Dr. James Currie. 28 January 1798
(<http://www.positiveatheism.org/hist/quotes/jefferson.htm>, consulted 9 August 2006)

modern democratic societies, such as the executive, the judiciary, the legislature and universal suffrage. Similarly, the media have gradually developed and strengthened their status and role as a major institution in the public sphere. The key impulse for this relationship between media and democracy is provided by what has come to be perceived as the basic human right of freedom of expression as a fundamental idea embedding other rights such as the freedom of the media. Nowadays, in liberal societies, freedom of expression and its correlates are broadly accepted as a pillar of democracy. Yet, this has not always been the case, as Julian Petley notes: “Although most people in the West today would take the importance of freedom of expression for granted, this is, in fact, a relatively recent notion. Its beginnings lie in the development of printing in the fifteenth century, and in particular in the Reformation struggles to make the Bible and other religious texts available in the vernacular. It was further boosted by the growth of rationality and literacy, and emerged in the eighteenth century as a central value of the Enlightenment, with its basic premise that the truth was capable of discovery and demonstration, and that there was no longer any need for deference to traditional authorities and outdated dogmas” (Petley 2007, p.33f.). Thus, what nowadays in Western democracies is regarded as normal is, in fact, the result of a prolonged struggle in which liberal arguments eventually triumphed – but which, today, some see as being in increasing danger.

3.4.3 Four classical theories of the freedom of the media

An overview of the classical arguments in favour of the freedom of the press gives an interesting insight into the philosophical and cultural values held by their proponents. According to Keane (1991), Britain was the birthplace of the modern principle of liberties such as freedom of the press. He states that, in Britain, “those who argued for snapping the padlock of state censorship relied upon a variety of sophisticated claims” (ibid, p.11ff.) In his essay, Keane places these arguments in four categories, namely the theological approach, the natural rights theory, the theory of utilitarianism and the concept of truth.

What is called the theological approach is the concept that associates the freedom of the press with the rationality of individuals. In this view, since God gave mankind the capacity to reason, people should be able to tolerate different and conflicting opinions and to choose between good and evil. According to Keane (ibid, p.12), the theological approach was expounded most eloquently in Milton's *Areopagitica*, in which Milton

argued: "that which purifies us is trial, and trial' is by what is contrary" (quoted in Keane 1991, p.12).

The natural rights theory is an extension of the theological approach. Basing their arguments on the constitutional innovations of both the American and the French Revolution, its exponents introduced the idea of the natural right of individuals to have access to the political and social sphere. In their view, the natural right of free choice of religion needed to be extended to include the freedom of political choice, which includes freedom of expression. According to Keane, it was John Locke who first outlined the idea that the press should be guided by the rights of individuals in his "Epistola de tolerantia ad clarissimum virum" (1689). Later on, in 1704, Matthew Tindal developed this theory explicitly in "Reasons Against Restraining the Press" (Keane 1991, p13f.).

The utilitarians regarded a free press as a necessary counterweight to despotism, an effective instrument for controlling the government and, thus, an ally of those concerned with ensuring the greatest happiness of the greatest number. According to Keane, this maxim was first hinted at in William Godwin's "Enquiry Concerning Political Justice" (1798) and in James Mill's "Liberty of the Press" (1811). Later on, Jeremy Bentham developed the concept in more depth in his letters "On the Liberty of the Press and Public Discussion" (1820-21) (Keane 1991, p.15).

Those concerned with the concept of truth argue that truth can only be ascertained through unrestricted public discussion and debate among citizens. According to Keane, an early tract outlining this idea was Leonard Busher's "Religion's Peace: or, a Plea for liberty of conscience", which was published in 1614. In 1859, John Stuart Mill elaborated on the concept of truth in his *On Liberty*. Mill provided three convincing arguments in favour of freedom of the press. Firstly, any opinion may prove to be right, and thus to silence it because it is assumed to be wrong means simply that the "censor" upgrades their own opinion to the status of absolute truth. Secondly, even a false opinion may contain some truth and only the confrontation of all opinions makes it possible to ascertain the truth. And thirdly, even an opinion that is universally accepted as valid needs to be challenged from time to time since, according to Mill, "the fatal tendency of mankind to leave off thinking about a thing when it is no longer doubtful, is the cause of half their errors" (quoted in Keane 1991, p.19).

Although the Enlightenment originated in England and France, liberal thinking also became established in Switzerland at an early stage, and the philosophy of the Enlightenment became a radical antithesis to the absolutism which prevailed at that time. There was talk of the natural equality of all people, whereby each person was said to possess rights and integrity which nobody – neither the Church nor the monarch – could take away. From the 1720s onwards, Swiss philosophers also began to support this new movement. Beat Ludwig von Muralt's²⁹ "Lettres sur les Anglais et les Français", published in 1725, compared the supposedly intellectually superior French population, which had become even more sophisticated under Louis XIV, with the individualistic, independent and uncomplicated British population. His letters had an impact throughout Europe (Im Hof 1974, p.84). Even before the appearance of Voltaire's "Lettres sur les Anglais" people were getting to know more about the character of the hitherto little-known English nation. Swiss intellectuals supported the liberal English concept of government by parliament, rather than the monarchist absolutism of France.

About twenty years later, the two French-speaking Swiss advocates of natural rights, Jean Barbeyrac and Jean-Jacques Burlamaqui, revived the ideas of Hugo Grotius³⁰ and elaborated new theories of moral obligation and principles of international law (Im Hof 1977, p.735f.). In his work "Principes du droit naturel" (1747), Burlamaqui, who was a citizen of Geneva, conceived a new liberal system of humanity and called for freedom of opinion and expression. Emer de Vattel applied these philosophical concepts to inter-state relations in his work "Le droit des gens" (1757). The teaching of Burlamaqui and de Vattel influenced the American Revolution, and had a direct impact on the formulation of the constitution of the United States of America (Im Hof 1970, p.21).

²⁹ Beat Ludwig von Muralt (1656-1749), was an advocate of the early Enlightenment and radical pietism.

³⁰ In his book *De jure belli ac pacis* (On the Laws of War and Peace), published in 1625, the Dutch writer Hugo Grotius laid the groundwork for international law. The book, which first appeared in Paris, was regarded at that time as a masterpiece and it was reprinted many times during the 17th and 18th centuries. In it, Grotius described, on the one hand, the rules that should apply between peoples in times of war and peace and, on the other hand, he went still further, setting out a legal system for the whole of humanity, that is all legal relations – even between individuals – within the *magna generis humani societas*, so that the work can be regarded as a treatise on natural law.

3.4.4 Censorship as an indicator of totalitarianism

Censorship is generally seen as standing in direct opposition to the ideals of the liberal state. As a result, it is generally viewed as an indicator of totalitarian state rule (Bütler 2006),³¹ and it is no coincidence that censorship is traditionally frowned upon in democratic societies. Article 19 of the 1948 Universal Declaration of Human Rights expressly mentions “the right to freedom of opinion and expression”.³² These rights are also guaranteed in Article 10 of the 1953 European Convention for the Protection of Human Rights and Fundamental Freedoms.³³

Like many other modern democratic states, however, Switzerland reserves the right to restrict the freedom of the media in extraordinary circumstances such as war and or in the case of threats to other general interests such as public morals. But Switzerland basically forbids pre-censorship. Restrictive measures before the production or distribution of an intellectual work are designated as pre-publication scrutiny or preventive censorship, in particular the requirement of official pre-examination and approval of the contents of a media item.

Post-publication censorship, however, is permitted in Switzerland within the limits of civil and criminal jurisdiction. Such post-publication censorship includes, for example, the prosecution and enforced withdrawal of libellous statements and of representations of extreme violence or hardcore pornography in the media. It serves to safeguard what are considered other essential rights such as the legal protection of privacy or of children and, as a result, is not generally regarded as censorship. Based on this understanding, Switzerland introduced the new Article 135 of the Swiss Penal Code in 1989, despite protests by well-known Swiss writers such as Max Frisch or Friedrich Dürrenmatt. On 1 April 2002 this regulation, often referred to as the “Brutes Article”³⁴,

³¹ Bütler (2006) states that, in 2005 over 100 journalists worldwide lost their lives in connection with their professional activities and the number of media representatives who were threatened or arrested can hardly be estimated.

³² See chapter: 6, International Obligations and the Freedom of the Media in Switzerland, p.79

³³ Council of Europe, Conventions and agreements on Human Rights, <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?MA=3&CM=7&CL=GER>, 14 August 2006; See chapter: 6, International Obligations and the Freedom of the Media in Switzerland, p.79

³⁴ Art. 135, Swiss Penal Code: Representations of Violence

¹Anyone possessing sound or video recordings, illustrations, other objects or demonstrations, which, without cultural or scientific value worth preserving, insistently portray brutal acts of violence against people or animals and which thereby grossly violate basic human dignity, or who produces, imports,

was tightened up to the extent that the mere possession of certain kinds of representations of violence was punishable. In 2005 this law led to considerable scandal when several people in possession of horror films were fined, even though there was no official list of forbidden items; in addition, most of these films could then, and still can, be bought at the larger stores.

3.4.5 New, subtle forms and mechanisms of censorship

Apart from direct censorship by the state (and formerly by the Church), nowadays there are other, far more subtle forms of influence on the media, and the ideal of the liberty of the media has come under pressure from new directions. For example, Edward S. Herman and Noam Chomsky (1994) have identified various new, or at least fairly recent, dangers with regard to media freedom. They first described these mechanisms in their book *Manufacturing Consent: The Political Economy of the Mass Media* which elaborates a “propaganda model” of the media which demonstrates, with a wealth of empirical detail, how massive inequalities of wealth and power within both the media and society in general make it possible to filter out the news fit to print, marginalise dissent, and allow the government and dominant private interests to get their message across to the public.

Herman and Chomsky’s model describes how the media are a crucial part of a decentralised, non-conspiratorial propaganda system³⁵ which manages to maintain the appearance of a democratic consensus and legitimacy. Such a model suggests the existence of extended, systemic or indirect, forms of censorship. According to Herman and Chomsky, the media serve to mobilise support for the special interests that dominate the state and private activity, and the choices, emphases and concerns of the media are often best understood when analysed in such terms. Now, such an approach obviously conflicts dramatically with the commonly held democratic postulate that the media are independent and committed to discovering and reporting the truth in a

stores, puts into circulation, advertises, exhibits, offers, shows, gives or makes accessible, will be sentenced to prison or will be fined. ^{1bis}Imprisonment of up to one year, or a fine, is the punishment for anyone acquiring, obtaining via electronic media or otherwise, or possessing any of the objects or demonstrations listed in Para 1, if they portray acts of violence against people or animals. ²The objects will be confiscated. cf. www.admin.ch/ch/d/sr/311_0/a135.html, 24 June 2006

³⁵ The propaganda model tries to explain political trends in the mass media, not as the result of conspiracies, but as due to economic pressures.

disinterested fashion, and that they do not merely reflect the state of the world as powerful groups wish it to be perceived.³⁶

Herman and Chomsky have recourse to the notion of “filters” when explaining the restricted diversity of opinions and views in the media. They insist that they are not trying to spread a “conspiratorial theory” but to explain how the attitude of the media can be explained in “free market” terms. Instead of a central instrument of censorship, there is both individual self-censorship and systemic censorship, driven by the above mentioned factors. However, in the final analysis, the result is the same. Admittedly one cannot speak of a “commonality” of the media, yet the spectrum of opinion represented corresponds disproportionately to the views of the powerful, not the whole population. To achieve this end, the original information (that is, the raw material of the media) passes through five inter-related filters, “leaving only the cleansed residue fit to print” (Herman and Chomsky 1994, p.2). Those five filters are:

1. *Ownership of the medium* (ibid, p.3ff.) Due to the need for huge investments, very few people are in a position to publish a newspaper, let alone run a television or radio station. Increasing concentration in this field has also resulted in a sharp drop in the number of publishing houses over the past few decades. The need to recover outlay and earn profits has made it expedient to avoid picking a fight with influential groups – particularly when these are sponsors or even co-owners, for examples banks and large companies. Moreover, industrial magnates and politicians often sit on the committees of media companies. Leo Kirch and Bertelsmann in Germany, Berlusconi in Italy, Murdoch in the UK and Ringier in Switzerland all tend to confirm Herman and Chomsky’s analysis.
2. *A medium's funding sources* (ibid, p.14ff.) Many media depend on revenue from advertising, and private media cannot survive without it. This means that in the case of advertising-funded media, the advertisers shape the destiny of those media quite as much as, if not more than, than the consumers. Those advertisers are chiefly interested in customers with money to spend, so that the media must mainly attract such purchasers. Herman and Chomsky argue that, “the mass media are interested in attracting audiences with buying power, not audiences per

³⁶ Although Chomsky und Herman mainly examined the American media, they assumed that this “filter” exists in all mass media operating in a capitalist environment.

se [...] The idea that the drive for large audiences makes the mass media 'democratic' thus suffers from the initial weakness that its political analogue is a voting system weighted by income!" (ibid, p.16). Furthermore, those responsible for advertising prefer programmes or media that are close to their own political and ideological views, or at least "non-political". Critical media run the risk of an advertising boycott. Both these facts can and do lead to self-censorship. The Swiss automobile industry's successful advertising boycott of the *Tages-Anzeiger* during the 1970s, after the newspaper had criticised the automobile industry and championed the cause of environmental protection³⁷, illustrates this filter in a precise manner.

3. *Sourcing* (ibid, p.18ff.) Commercial media make money from news and information. They therefore may be wary of crossing swords with their most important suppliers of news or even exposing them as unreliable or dishonest. The main sources of information are the state and the government, whence comes much of the news in the press. Other extremely important sources of information are large firms and influential pressure groups. Journalists clearly need sources of information, but the problem arises if they treat their sources, for whatever reason, as automatically truthful. However, this is all too often the case, particularly when, as today journalists are overloaded and under-resourced, or if, as in Britain, political journalists are enmeshed in the lobby system), in which circumstances too much journalism comes to resemble the 'official view'.
4. *Flak* (ibid, p.26ff.) This filter comprises adverse reactions from authorities, companies or powerful pressure groups. The expression "flak" is used to describe direct or deliberate action taken against organisations or persons which criticise the powers that be. This might be in the form of an advertising boycott, exclusion from information sources, threats of legal action or the public discrediting of critics. This filter brings about "acquiescence in advance" in the form of self-censorship and not only influences decisions on which news shall and shall not be reported but also what will make the headlines and what will merely receive a brief mention on one of the inside pages, before disappearing altogether.

³⁷ See chapter 14: The Power of Advertising, p.193

5. *Anti-communist ideology* (ibid, p.29ff.)³⁸ The fifth filter or controlling mechanism concerns aspects of the prevailing ideology. In the past a key aspect of the prevailing ideology in the USA (and in many other Western countries) was anti-Communism, Communism being branded in the USA as the antithesis of the American way of life. Indeed, anti-Communism established itself as a kind of national religion. Since the fall of the Berlin Wall and the disintegration of the Eastern bloc, anti-Communism has been replaced in the USA, and in Western Europe too, by the “war on terror”. Opponents and critics of American foreign policy have routinely been victims of this “filter”. Whoever dares to criticise the policies of the American government can easily get put in the same bracket as terrorist sympathisers, as once they were branded Communists.

Herman and Chomsky back up their model by citing in detail a number of cases – even including reporting that is normally regarded as a triumph for the freedom of the press, such as the Vietnam War or the Watergate affair (ibid, p.169ff.). It becomes clear that, here too, even if the media did not support the government’s point of view, they were acting in the interests of other influential groups rather than representing a wide range of views. In the view of Herman and Chomsky, the most scandalous aspect of the Watergate affair was as follows: The headquarters of the oppositional Democratic Party were broken into on the orders of President Nixon. As the Democratic Party is firmly rooted in the power structures of the USA and has many connections to the business world, the behaviour of the President was publicly reprovved as unacceptable and morally reprehensible. However, when, during the Watergate investigation, it emerged that the Socialist Workers’ Party had been spied on by the FBI for ten years and that they, too, had been the victims of break-ins and other illegal measures, there was very little coverage of this in the media.

The authors came to the conclusion that “the US media do not function in the manner of the propaganda system of a totalitarian state. Rather, they permit – indeed, encourage – spirited debate, criticism, and dissent, as long as these remain faithfully within the system of presuppositions and principles that constitute an elite consensus, a system so powerful as to be internalized largely without awareness” (Herman and Chomsky 1994, p.302; see also Chomsky 1999). Herman and Chomsky’s model has

³⁸ In contrast to the first three filters, “flak” and the “anti-ideologis” are mainly not based on financial considerations.

been criticised by some for being too ‘conspiratorial’, a criticism which they have strongly contested in new editions of the book, which Herman himself has addressed in the essays collected in *The Myth of the Liberal Media* (1999), and which is also the subject of spirited defence in Klaehn (2005).

3.5 Switzerland is no exception

In theory, the media represent the “Fourth Estate” of democracy, with the task of enlightening the citizens on important questions, publishing information and – thanks to their transparency – preventing the abuse of power. But does this work in practice?

“The market is today – in the world of the media, too – the measure of all things, with success as the only criterion that counts”, is the diagnosis of the former Programme Director of Radio DRS Andreas Blum.³⁹ In his speech at the symposium of the foundation “Wahrheit in den Medien” (“Truth in the Media”) in 2001, he adds: “The recipe is: one-sided orientation in order to appeal to the majority and dumbing down in the interests of optimum marketing. The result is infotainment instead of information, and scandal-mongering in place of discernment. Bad news is good news; good news is no news.” In his bold analysis, Blum makes plain the consequences of living in a world of commercialised media. He states categorically that, therefore, what we need is a corrective in the form of programmes offered by public service broadcasters.

Herman and Chomsky, too, maintain that there is a gap – and sometimes a whole world of difference – between theory and reality, and in this they and Blum are in agreement. However, Herman and Chomsky’s analysis is based on conditions in the American media and the realities of life in the USA. So we must ask ourselves whether their five filters also apply to Switzerland.

3.5.1 Herman and Chomsky’s filters and the Swiss media

In our view Herman and Chomsky’s filters can be transposed more or less one-to-one and applied to Switzerland, as we shall illustrate (with examples) later in this chapter and in the other chapters of this thesis. The fifth filter is the exception: the ideology of anti-Communism was never as important in Switzerland as in the USA – not even at the height of the Cold War when the Soviet-led Warsaw Pact troops marched into Hungary in November 1956, or at the time of the Cuban Missile Crisis in 1962.

³⁹ <http://www.persoelich.com/pdf/RedeBlum.pdf>; consulted 18 October 2005. See also Blum (2005).

Naturally, the sentiments of the people in Switzerland were not neutral: they sympathised with the oppressed Hungarians and many people were critical of Communism and supportive of the Americans. But the media at that time, the newspapers and magazines, as well as the public radio and television station SRG, generally maintained their “neutral” voice with little sign of being under pressure to conform.

In retrospect, however, we can see that this was not the whole picture, and that some influential circles were using all the means at their disposal to combat anything that could be thought of as remotely “Moscow-friendly”. This also applied to some state institutions. At the end of the 1980s, Switzerland was rocked by the uncovering of the scandal known as the “*Fichenaffäre*” (Engeler 1990; Sonderegger and Dütschler 1995), when it came to light that 900,000 inhabitants of Switzerland had been placed under surveillance by either the federal or the cantonal police authorities. The federal archives contained about 700,000 files on these people. The population at that time was about 6.5 million, which means that more than 10 percent of the population had been placed under surveillance. Most of those affected were left-wing or alternative politicians, trade unionists and persons who had voiced public criticism, including media workers (Röthlisberger 2005). The aim of this campaign was to protect Switzerland against Communist subversion. The right-wing politician Ernst Cincera, who, as a private citizen, had already compiled an index, which was the predecessor of state-organised surveillance (Frischknecht and Studer 1990), was a key player in this affair. However, it was thanks to coincidence, rather than to journalism, that the scandal was uncovered at all.

In 1988, a parliamentary commission was investigating a breach of official secrecy by the then Minister of Justice and Police, Federal Councillor Elisabeth Kopp.⁴⁰ At about the same time, the Radical Democrat Councillor Massimo Pini complained in the media about a federal police official who was attached to the Department of Justice and Police. According to Pini, the police official had asked him detailed questions about a trip to Eastern Europe and had drawn up a file. In January and February 1989, the tabloid *Blick* published files that had been leaked to the newspaper, which prompted the parliamentary commission to take over the investigation. Their report, published on

⁴⁰ Elisabeth Kopp telephoned her husband, the well known financial attorney Hans W. Kopp, to warn him of the federal investigation of a company of which he was a member of his board.

22 November 1989, revealed a state of affairs that few would have believed possible: a campaign of widespread, systematic spying on the Swiss population.⁴¹

At the time of the Cold War, the national radio and television company SRG and its journalists were also the target of anti-Communist circles. Right up until the collapse of the Soviet Union in 1989/91, the SRG regularly came under fire, since, in contrast to the pluralism of the printed media, it initially monopolised the electronic sector, and, from 1983 onwards, was the leading player in that sector.⁴² In 1971, Professor Walter Hofer, a historian and Swiss People's Party Councillor, founded a right-wing Swiss Television and Radio Association known as the "Hofer Club", which scrutinised every picture and listened to every word that was broadcast by the studios. The idea was to keep Swiss radio and television from straying onto the supposedly wrong ideological path. In the event of a suspected inclination towards the left, the association would issue a communiqué to reprimand the national television and radio company. A real love/hate symbiosis developed between the SRG and the association. The constant criticism gave rise to debates and publicity and, eventually, to gradual conformity on the part of the SRG (Schneider 2001).

In 2000, the Radical Democrat Councillor Peter Weigelt, himself active on a number of fronts in the media business,⁴³ took over the leadership of the association. The "Hofer Club" was renamed the "Media Forum" and its voice faded into the background.⁴⁴ Nowadays SRG broadcasts mainstream programmes that are more in the mainstream and no longer faces any political opposition.

3.5.2 Economic pressure and commercialisation

A longstanding phenomenon in other countries has now also reached Switzerland: the increasing commercialisation of the media is pushing well-informed journalism into the

⁴¹ Official Collection of Federal Documents, www.admin.ch, consulted 23 May 2007.

⁴² The monopoly of the national broadcasting station SRG ended only in 1983, thanks to new legislation which authorised a number of private radio and television channels. See chapter 7: National Standards, p.88; and chapter 12: Radio and Television, p.160

⁴³ National Councillor Peter Weigelt's mandates include the chairmanship of the board of directors of Druck & Mail Center AG, St. Gallen, and of Druckerei Flawil, as well as heading the Aktion für freie Meinungsbildung (a campaign for free opinion) in Zurich.

⁴⁴ The "Media Forum" is now presided over by the Radical Democrat Councillor Rolf Hegetschweiler from Zürich.

background, making a conflict of interests inevitable. “Infotainment” is the norm in modern reporting – and not only in the tabloids (Gaetano 2001). Quality newspapers are coming under economic pressure and joining the trend, adopting a style of journalism that is oriented towards entertainment. One reason for this is that pure information and complex issues are becoming more and more difficult to “sell” in our hedonistic, privatised consumer society, and another is the financial dependence of the media themselves on advertising or on major economic players (Schmidt 2004). Only a small part of the earnings of printed media, for example, come from sales, and they are chiefly financed through advertising or by belonging to a large concern. Indirect financial censorship is thus enjoying its heyday.⁴⁵

Furthermore, in times of economic supremacy, (almost) everything is subordinated to economic calculation and profit. This also applies to most of the Swiss media where, according to Braun “programme-planning and ratings take precedence over quality and concepts” (2006⁴⁶). The market-oriented momentum gathers speed by the day. The basic maxim is that where there’s a market, there’s a way; where economic success beckons, other criteria become marginalised.

3.5.3 The growth of PR and the decline in journalistic activity

In Switzerland, the trend is clear: our research reveals the supremacy of economic considerations. In addition, far more importance is attached to PR than in the past - indeed, its status has become almost sacrosanct. PR is regarded as a kind of panacea in the sense of “Open Sesame!” in the well-known Grimm fairy tale. The megatrend is to conceal or compensate the decline in quality by stepping up public relations. With PR, everything is possible!

The current dominance of economic considerations and the increase in PR activities can easily be seen in the the entire media landscape. The rapid growth of PR departments in big companies and in government has coincided with a decline in journalistic input. As far back as 1986, René Grossenbacher⁴⁷ established that: “The

⁴⁵ See chapter 14: The Power of Advertising, p.193

⁴⁶ If quoting literally from a newspaper article or from an electronic source, page reference are not given as these texts are invariably short.

⁴⁷ René Grossenbacher is the executive manager and project leader of Publicom AG in Kilchberg (Zürich) that provides consultation and research for the media and the field of communication.

performance of the media is mainly restricted to compressing and disseminating inputs. Anything that finds its way into the media system via PR has a good chance of being published – maybe in abridged form, but with its message unaltered. Self-promotion via the organised interests of PR wins through in practically unchanged form” (Grossenbacher 2007).⁴⁸ A few years later, the Swiss Press Council came to a similar conclusion.⁴⁹ That was the situation in 1986. And 20 years later? The pressure has sharply increased – along with the number of PR offices. More and more PR people are forever using new tactics to gain access to the editorial offices, where, it should be underlined, fewer and fewer journalists are working. Stephan Russ-Mohl, Professor at the European Journalism Observatory in Lugano, says: “Faced with the spiral of a build-up of arms on the part of the PR departments of large companies, the media reacted with a spiral of disarmament, made necessary by structural changes and the associated cost pressure” (Grossenbacher 2007). This judgement is substantiated by a recent study⁵⁰ conducted by the media research organisation Publicom, which clearly shows the extent to which the media and PR are closely interwoven. For example, in at least half of the daily reports from media conferences convened by the cantonal authorities, there is no sign of any personal input at all by the journalists. Texts which the cantonal authorities send to the media are mostly published unchanged, or – at most – slightly shortened. Seldom do the media carry out any independent work on these texts, making it appear that the main functions of the media system today are selection and reduction. The study paints an extremely gloomy picture for the future, with a further shift of power in favour of PR.

And Nick Davis’ judgment is by no means less worrying. He states that “the rules of production of the news factory themselves impose their own demands as media outlets pick easy stories with safe facts and safe ideas, clustering around official sources for protection, reducing everything they touch to simplicity without understanding, recycling consensus facts and ideas regardless of their validity [...]”. He concludes: “Most worrying, however, this flow of falsehood and distortion through the news factory is

⁴⁸ Published on www.publicom.ch/de/publikationen_studien.htm, consulted 10 August 2007. See also Puntas Bernet (2005).

⁴⁹ Swiss Press Council (2006). See also 14: The Power of Advertising, p.193

⁵⁰ Input/Output kantonaler Behörden in Print- und elektronischen Medien. (Study on Input/Output of Cantonal Authorities in Printed and Electronic Media.) published on www.persoendlich.com, consulted 4 March 2007.

clearly being manipulated, by the overt world of PR and the covert world of intelligence and strategic communications” (Davis 2009, p.255f.).

Nowadays it is apparently normal to work under permanent pressure of time, work and expectations, as well as having to endure the constant domination of marketing and PR departments. It is rare for journalists to escape from their clutches. PR offices are increasing their range of services with their sights trained on the elementary needs of media workers. “The trend towards the mutual influencing of PR and journalism is clearly noticeable. The more professional PR work becomes, the greater the danger of PR exerting a one-sided influence on the work of the journalist” (Hoofacker 2002,p.7; Curran 2002)

3.5.4 Corruptible media – mainstream opinion

In a similar vein, interested parties can reward the media financially for the inclusion of certain items. One well-known case concerns the *Berner Zeitung*. The *BZ* received considerable sums of money from two hospitals and a medical insurance company for its reporting on health topics. The reader, however, was unaware of this and the insurance company indicated only that it had “[contributed] as a partner [...] to the costs of the *BZ*” (Gmür 2006). It is therefore not surprising that certain articles in the *Berner Zeitung* read like veiled infomercials. A form of media manipulation amounting to pre-publication censorship thus enters the scene: through financial commitments, external sources effectively become clandestine editors, peddling their own interests, ensuring that negative stories about themselves do not appear in the client media and generally propagandising on behalf of market-driven ideology.

The question of whether the media have become corruptible is thus absolutely central. In the words of Horst Pöttker, Professor of Journalism in Dortmund: “the year 2005 brought to light a scale of corruptibility in the media that [...] must cause alarm bells to ring” (Seifert 2005) As an obvious example, Pöttker cites the rampant plugging of the chemical companies and their medicinal products during health programmes broadcast by the public service television channels ARD and ZDF. Equally dependent – in his opinion – are many sports and lifestyle journalists, who are quite often open to bribery. The malicious cross-media campaign of the Munich magazine *Focus*, the tabloid *Bild* and the quality newspaper *Frankfurter Allgemeine Zeitung* belongs in the same category. Notably alarming is the fact that the three media involved are not run by the

same owner. In the late autumn of 2006 *Bild* reported the existence of nude photos of EU Commissioner Günther Verheugen and his chief of staff Petra Eler. However, there were no pictures to be seen, since these did not exist. Neither did *Focus*, the magazine that first spread the story, have any pictures and there were no hard facts to substantiate their report. However, that did not stop the *Frankfurter Allgemeine Zeitung* from publishing a sequel with the sole object of getting rid of the EU Commissioner they so much disliked (Greven 2006). One is tempted to say: Quod licet Germaniae, non licet Helvetiae. Yet, at least Federal Councillor Moritz Leuenberger did go along with this idea: speaking at the same conference as Horst Pöttker, he fiercely criticised modern Swiss journalists' desire to follow the market-driven trend, as well as "their capriciousness, whereby they swim with whatever the prevailing media tide happens to be".

The well-known media observer of the *Neue Zürcher Zeitung*, Heribert Seifert, describes how enormous pressure is placed on media workers, whereby quality is sacrificed in the interests of speed (Seifert 2005). This is confirmed by Werner Schäppi, owner of a PR-agency in Zug. The pressure to publish is on the increase, while the time allowed for research is steadily shrinking. Facts are pieced together in an unreliable manner and published on the Internet, whereupon they are immediately in the public domain and count as a quasi-legitimate source. There is no time for critical reflection and most people are not interested in the truth of the contents. What counts is the scoop. Schaeppi concludes, that "more often than not the newspapers just ruminate the stories of previous radio or television programmes and vice versa."⁵¹

3.5.5 The compulsion to produce headlines, the pressure of deadlines and uniformity of source

The sociologist Niklas Luhmann has analysed today's media in a particularly succinct manner (1996, p.67ff.). He speaks of their virtually neurotic compulsion to constantly offer something new and their addiction to finding ever-fresh news items, no matter how trivial. Since the only things that are considered really "newsworthy" by sections of the media are contraventions of normal behaviour, scandals and bad news, journalists tend seriously to over-represent the negative aspects of society which eventually leads to a distorted perception of reality (Precht 1996). We have known about the potential

⁵¹ Interview with the author, 7 July 2006

consequences of this journalistic negative spiral ever since Immanuel Kant. He radically changed our understanding of knowledge. Nowadays hardly anyone believes that the mind reflects the world. Practically all serious theories are constructivist: we construct our reality (Watzlawick 1993). We only register what fits into this construction, in the same way that we can only hear a certain range of tones – unlike dogs, who can also hear ultrasonic tones. Those who perceive our world exclusively from the perspective of negative reporting, scandals and gutter journalism construct their reality with this pejorative stance.

In these circumstances it is perhaps unsurprising that the former editor and analyst of current affairs of the reputable *Süddeutschen Zeitung* in Munich, Dr. Stephan Wehowsky, complained that increasingly restricted time for research, ever shorter deadlines, less and less depth, and more and more superficiality constituted the sad face of today's journalism. He argued that journalists were forced to work in this manner by the current obsession with ratings, the presumed likes and dislikes of the lowest common denominator audience member, and other ultimately financial considerations. Finally, he stated that an additional worrying factor is the increasing uniformity of sources used for stories, usually the report of a wire service, news agency or website.⁵² This type of journalism – called mid-risk-journalism – can also be regarded as a form of censorship to the extent that it seriously decreases the range of news items on offer.

3.5.6 Embedding and information subsidy

Politicians, companies and national institutions often provide information about themselves only to selected media and journalists – a practice known as “embedded journalism”, an expression which has been a popular catchword since at least the first Gulf War. Yet, it is not only a phenomenon of modern warfare. From the very beginning, wartime reporting has been carried out on two fronts: on the battlefield and in the media. Bismarck is reputed to have said: “You’ll never hear as many lies as before an election, during a war or after a hunt.”⁵³ In wartime, information is used as a

⁵² Interview with the author, 3 April 2006

⁵³ Bismarck's statement has become a familiar quotation (Schwarz Müller 1998 or von Krockow Christian 2000).

weapon, with the warring factions all vying to manipulate the image of the events to their best advantage.

Yet, the phenomenon of “embedded journalism” can also easily be transposed to the fields of politics or economics, and this is particularly noticeable in Switzerland, whose extremely small size and population actually makes such a practice relatively easy. This is confirmed in a study by the editor in chief of the *Thurgauer Zeitung*, Peter Forster (1998; *ibid* 2005; see also Bonfadelli and Meier 1993; Imhof and Schulz 1995). Among other examples, he cites the Borer affair. The former Swiss Ambassador in Berlin apparently fell victim to a media campaign. In his opinion selected media, beginning with the tabloid *Blick*, invented a sordid affair to discredit and finally get rid of the troublesome Ambassador before the very eyes of the Federal Department of Foreign Affairs.⁵⁴

As a consequence, those who are denied this “information subsidy” have to rely on secondary sources or must purchase the information, pictures or films. Deliberately supplying free information only to well-disposed and compliant media – this, too, is a form of pre-publication censorship in that it attempts to pre-empt critical comment and to co-opt sections of the media as allies as opposed to watchdogs.

If embedding alone does not do the job, the powers that be can employ a second weapon. Nowadays, companies and private individuals are quite likely to threaten editorial offices and publishing houses with legal action. By such means they try to suppress, or at least discourage and delay, the publication of unfavourable information, thus limiting the freedom of the media. This may not be a new form of media instrumentalisation, but it has become more sophisticated and more frequently used in modern times, and this kind of threat or “chilling effect” can certainly be classified as a form of indirect censorship.

3.5.7 Media self-censorship

The media even carry out censorship on themselves. For example, in the autumn of 2005, the *Neue Zürcher Zeitung* refused to publish a study by the University of Zurich which showed that aircraft noise led to physical and mental stress. The study made an indirect connection to stress with flights approaching Zurich Airport from southerly and

⁵⁴ For details see chapter 5.9 The media and the abuse of power, p.74

easterly directions. People in these regions, burdened by unlawful noise pollution, were said to feel greater stress than those, for example, to the north of the airport, where the inhabitants always knew that aircraft noise would be part of their lives. The regional editors at the *Neue Zürcher Zeitung* wanted to publish the study, and the article had already been prepared by the editorial office and approved by the authors of the study. Immediately before publication, however, intervention from somewhere higher up in the organisation stopped publication and the article has still not appeared to this date.⁵⁵ According to a member of the editorial team: “The responsible editors feared political pressure and repressive measures on the part of the Zurich authorities and Flughafen Unique, which wanted to implement the new model”.⁵⁶ This example indicates that intervention can still take place in the (model) democracy of Switzerland – and even at a reputable liberal newspaper like the *Neue Zürcher Zeitung*.

3.5.8 Censorship by government offices and political institutions

It is an open secret that government offices and political institutions are increasingly attempting to influence media content. The following cases clearly illustrate this development.

Some time ago, the Cantonal Laboratory of Zurich ordained that the Swiss Brewery Association could not report on its website about a scientific study that proved that the moderate consumption of beer had health-promoting effects.⁵⁷ The ban was enforced under the cantonal food laws. “These food laws expressly prohibit the dissemination of all information on alcoholic beverages that has any bearing on health”, wrote the Cantonal Laboratory.⁵⁸ Publishing this report constituted a punishable offence. This view was supported by the Federal Office of Public Health, basing its arguments on the Food and Consumer Goods Ordinance of 23 November 2005 and, in particular, Article

⁵⁵ <http://www.stoehlker.ch/2005/10/03>, consulted 11 June 2006.

⁵⁶ Interview with the author, 15 August 2006.

⁵⁷ Swiss Brewery Association, *Bier und Gesundheit – Gesundheitliche Vorteile eines massvollen Bierkonsums mit erhärteten wissenschaftlichen Aussagen*. (Beer and Health – The health-promoting effects of the moderate consumption of beer, backed up by scientific arguments.) published on www.bier.ch, consulted 13 June 2006.

⁵⁸ Letter from Christoph Spinner of the Cantonal Laboratory of Zurich to the Swiss Brewery Association in Zurich, 5 June 2006.

11.⁵⁹ According to this article, no advertising at all is permitted for alcoholic drinks. The Federal Office of Public Health perceived the suggestion that drinking one or two glasses of beer or wine could have a positive effect as an implicit act of advertising and categorically prohibited the publication of this scientifically founded correlation.⁶⁰ “Such a measure is an insult to scientific research and impedes the type of public discourse that is fundamental to a liberal society”, complained the indignant Director of the Swiss Brewery Association, Konrad Studerus.

At the end of April 2006, the PR consultant and Swiss media expert Klaus J. Stoehliker reported on the information policy of the rectorate of the University of Neuchâtel.⁶¹ In his opinion, the rector and the head of information were practising censorship. Only the rector was allowed to speak to the media. “We have enough blabbermouths in the country already and we don’t need another one in Neuchâtel”, he wrote on his website. Indeed, the rector had abused the generally unquestioned tradition whereby not only the principals of Swiss universities but the heads of academic institutes may take charge of issuing information. Generally, in Switzerland, responsibility for issuing information is delegated much further down the hierarchy. This is in keeping with the country’s tradition of direct democracy and finds a parallel in the federal political structure of the three Helvetic levels of Confederation, Canton and Commune.

At the end of March 2003, the Socialist-Green Alternative Party (SGA) of Canton Zug described the Cantonal Council’s refusal to allow filming of parliamentary proceedings as censorship. A parliamentary majority had prevented the French TV station Canal+ from filming a debate, whereupon the SGA of Canton Zug issued a strong protest.⁶²

⁵⁹ Article 11 of the Food and Consumer Goods Ordinance states that:

¹Alcoholic drinks may not be given to children and adolescents under the age of 16, subject to the provisions of the legislation on alcohol. ²Alcoholic drinks must be offered for sale in such a way as to be distinguishable from alcohol-free drinks. At the point of sale a prominent, easily readable notice is to be displayed stating that it is prohibited to give alcoholic drinks to children and adolescents [...] ³The promotion of alcoholic drinks specially targeting young people under the age of 18 is prohibited. In particular, advertising is forbidden [...]

⁶⁰ Statement made by Konrad Studerus, Director of the Swiss Brewery Association on 27 March 2007. The association represents the interests of the Swiss Brewery Industry.

⁶¹ <http://www.stoehliker.ch/weblog/2006/04/21>, consulted 13 June 2006.

⁶² Media release by SGA, Zensur im Zuger Kantonsrat. (Censorship by the Parliament of Zoug.) on 27 March 2003 (www.sga-zug.ch/archiv2003/medien_info/med_kr_20030327.pdf, consulted 15 October 2007.)

The subject of the debate was an accusation in parliament against the financial location of Zug, whose taxation laws favour international companies. To be precise, the SGA's criticism was levelled at the commodity trading company Glencore International, domiciled in the Canton of Zug, and its activities in Colombia and Bolivia. In particular, the SGA denounced the devious methods which the company was said to have employed to privatise the Bolivian smelting works in 2000.⁶³ The Zug parliament, the majority of whose members are conservatives, did not want to see these charges discussed on the screen. In their opinion, the subject was too polemical and could damage the image of Zug⁶⁴. Furthermore the Cantonal Council banned another TV report on this subject in November 2005 and did not allow the French-Swiss news programme *Temps Présent* to film the parliamentary debates.⁶⁵ On that occasion, a Colombian delegation had come to Zug to protest against the methods used by the Zug-based company in Colombia. They had been accompanied on their journey to Zug by a team from French-Swiss television. Here, again, the Cantonal Council did not want to jeopardise the international financial location of Zug by allowing the proceedings to be filmed.

3.5.9 The question of standards of training

In Switzerland there are no standard regulations for journalistic training. "Journalism as a career does not benefit from any nationally or professionally regulated entrance schemes", commented the former Head of the Institute for Journalism and Communications Sciences of the University of Freiburg i.Ue., Professor Louis Bosshart (1991). This is why the term "journalist" is not an officially registered job title. Despite the Medienausbildungszentrum MAZ (Media Training Centre) in Lucerne, despite the existence of various colleges of journalism, and despite considerable efforts, little has changed. Requirements and skills have not been defined and there are no standard job descriptions⁶⁶. Even such highly esteemed newspaper publishers and *Neue Zürcher Zeitung* journalists as the two *Weltwoche* founders, Karl von Schumacher and Manuel

⁶³ At the beginning of February 2007, the Bolivian President Evo Morales reversed the privatisation of the smelting works and re-nationalised them (*Neue Zürcher Zeitung*, 7 February 2007).

⁶⁴ Minutes of the Cantonal Council's debate on 27 March 2003, State Chancellery of the Canton of Zug

⁶⁵ Minutes of the Federal Council's debate on 24 November 2005, State Chancellery of the Canton of Zug

⁶⁶ See chapter 17: The Failure of Media Journalism, p.233

Gasser, did not consider it necessary to train at a college of journalism. "Life is the only thing that creates a journalist", they said. "There is nothing to be learned" (Born 2006). In public discourse, journalism is still broadly regarded as a "job" that can be accessed in various ways. Yet, this fact harms the image of the profession, undermines quality, trivialises the journalistic mandate of the media and belittles the democratic role of media workers. A journalist has to satisfy high demands "from the point of view of both his integrity and his professional competence", wrote the former Programme Director of Radio DRS Andreas Blum (1991). But how can the average journalist do this when the question of recognised training standards remains unsettled? And is it not also a major handicap bordering on invisible censorship when, without proper training and education, and beset by the various pressures outlined thus far, the journalist has to act as a custodian of the democratic process?

3.5.10 Between ideals and reality

The history and development of censorship shows that there is frequently a gap between the ideals and the reality of journalism, and that the media are rather less "free" than many, both in and outside the media, generally like to suppose. The fact that much censorship today is "invisible" and structural does not in any way lessen the danger that we will regress to a pre-Enlightenment stage, as the highly regarded German philosopher Peter Sloterdijk observed (Sloterdijk 2001, p.338f.).

New forms and mechanisms of media censorship clearly signal this danger, even in liberal, democratic and free countries. Subtle, systemic and clandestine mechanisms are no less serious than openly declared, top-down censorship measures. "Principiis obsta!" was an important Roman principle; "Be sure to resist from the start! Nip the evil in the bud!" (*Wörterbuch der Antike* 1976) These mechanisms, therefore, must be publicised and discussed in order to protect the freedom of our media and guarantee the circulation of information which we need in order to function as citizens.

Journalism is supposed to inform society or, in the words of Martin Löffelholz and David Weaver, the media are responsible for "the production and supply of topics for public communication" (2008, p.20). The media scientist Brian McNair rightly considers that the media play an eminently important role "that has an impact and influence on the whole of society" (1999, p. 21ff.; see also *ibid* 1995). In modern democratic societies,

interdependence is considerable and interrelations between the authorities responsible for political communication are fraught with tension and conflict.

Löffelholz and McNair both point out that the professionalisation of media relations will present a tremendous challenge to journalism in democratic societies and that the media are in danger of becoming part of the system themselves. Self-critical consideration of external influences, of attempts to apply pressure and subtle constraints on the part of PR is sorely needed, although it tends to be avoided. What Löffelholz and McNair, as well as James Curran in his fundamental work *Media and Power* (2002), have established should not be taboo, even in Switzerland: namely, the danger that journalism will be reduced to obsequious reporting and the release of mere statements. If that happens, journalism will have lost its own capital: the autonomy and freedom which are the foundation and starting point of quality journalism and the watchdog function in a liberal democratic society.

4 The Origins and Evolution of Media Freedom in Switzerland

4.1 A hard-won quality

Freedom of the press, and thus freedom of the media as a whole, is based on liberal ideas. Historically, though, this has always been a hard-won freedom, so that, even today, genuine freedom of the media is rarely encountered.

The 18th century, known as the “Age of Enlightenment” (Schindler 1989, p.7ff.), served broadly in the Swiss Confederation of the time as the impulse for a realignment of social relationships. Alongside the separation of powers, civil rights and freedoms became the central issues of the day (de Capitani 1983, p.97ff.). Amid a still absolutist order, however, the establishment of the politico-philosophical ideals of a new world was a slow and tedious process. The utopia of Enlightenment with its stress on philosophy, constitutional law and natural sciences was inspiring, and the enlightened elite in business, politics and education dreamed of a better world; the old religious foundations were eased, the ties to a rule willed by God were loosened, new images of mankind were perceived and liberty and progress were discovered as subjects of contemporary history.

A new epoch dawned with, first, the American Revolution of 1776, and then the French Revolution of 1789. In 1798, the Helvetic Revolution (Staehelin 1977, p.785ff.) and the French army’s invasion of Switzerland signalled the end of the Ancien Régime (Im Hof 1977, p.673ff.).

All this happened over two hundred years ago, and for today’s generation the events are both distant and relevant at the same time. In particular, the old feudal system – with its privileges for a small minority and the absolute autocratic claim to power by governmental and ecclesiastical authorities, which granted only to a very few what are nowadays recognised as basic rights – seems very distant. Much more relevant for us is the demand for such liberties as freedom of opinion and of the press, which ultimately formed the basis for Swiss democracy and which – it is regularly claimed – have been preserved until the present day.

4.2 The emergence into an intellectual modern age through the "Helvetia"

For Switzerland, the Helvetic Revolution was more than the end of the Ancien Régime. It signalled the emergence into a modern age and the triumph of the idea that people must be freed from all forms of serfdom, oppression and having their decisions made for them, that "people are born free and with equal rights and [...] should always remain so."⁶⁷ Our links with revolution are still apparent today – whether in America in 1776, in France in 1789 or "Helvetia" in 1798.

The "Helvetia" of 1798–1803 was the first modern constitutional state to guarantee freedom of the press (Schindler 1989, p.164). But "Helvetia" collapsed; it remained an incomplete state, occupied by French soldiers and corrupted by the accompanying Jacobean Terror. But at least "Helvetia" left behind an intellectual inheritance, created space for further reflection and introduced innovations. It also ultimately brought freedom to the Swiss people in the form of basic rights and national unity. Some of its principles were incorporated into written law in the Swiss Federal Constitution of 1848 – including the freedom of the press (Kutter 1996, p.108). Thus, in spite of the failure of "Helvetia", it did have its uses. As a radical antithesis to the Ancien Régime, "Helvetia" led Switzerland, with its first written constitution and concern with individual rights, into the modern age. The constitution included enlightened concepts like the sovereignty of the people and equal rights for all citizens. All types of subservience under the Ancien Régime, and indeed the whole feudal system, were swept aside. Of particular importance were the new individual liberties such as freedom of opinion, of worship and of the press. De Montesquieu's famous separation of the legislative, executive and judiciary powers (Weigand 1993) was achieved, with the aim of facilitating the independence and democratic accountability of the political institutions.

4.3 Freedom of the press as a new quality

The proclamation of freedom of the press at the birth of "Helvetia" was quite new and revolutionary for Switzerland. "Freedom of the press is a natural consequence of the right to receive education, which is accorded to everyone" (Strickler 1898), as defined in Article 7 of the Helvetic Constitution. This article abolished censorship in all federal

⁶⁷ Human Rights, Art. 1 of the General Description of Human Rights, which was approved and announced by the UN General Assembly on 10 December 1948 (Schindler 1989, p.19)

states and their subordinate regions. It also showed the close correlation between education and the press. As long there was no compulsory schooling system for all, there could hardly be any development of the press (Andrey 1983, p.237). In a society with a low level of literacy the press could not expand, and the founding fathers of Helvetia were well aware that newspapers alone would never suffice to empower people. They knew that a free press was a necessary component of democracy but, if the public was not universally educated and the newspapers were too elitist for the general public, the development of a free Swiss society would prove to be a dead end. The new constitutional liberties led to a brisk growth of the press and literature in the form of brochures (de Capitani 1983, p.167). During "Helvetia", around 120 newspapers, magazines and journals were in existence. This represented twice as many as during the pre-"Helvetia" age, but the appearance of these new publications was usually only brief (His 1920, p.440f.).

Even so, the press influenced public opinion, which was a new phenomenon in Switzerland. For the first time supporters, as well as opponents of the Republic, seized the new liberties and launched free political discussions pro and contra the state itself (de Capitani 1983). Never before had publications supporting and attacking the regime (Staehein 1977) appeared simultaneously.

The most significant journalist in "Helvetia" was Paul Usteri. Together with Hans Konrad Escher he published the widely-read *Schweizerische Republikaner*. They reported on the political debates in both Helvetic Chambers: the Senate and the Council of States. The Helvetic Government itself, the so-called directorate, founded its own newspaper in September 1798. Johann Heinrich Pestalozzi, who also revolutionised schools in Switzerland, edited and revised it with great care. However, after only three and a half months, the paper fell victim to a lack of finances.

The political situation, which was becoming increasingly difficult, and the strong contrast between the opinions of supporters and opponents of the new order were, however, soon reflected in measures akin to censorship and the elimination of newspapers. Despite its willingness to embrace innovation, the Helvetic Government found itself in a political dilemma, and freedom of the press never really developed properly. Still, in the opinion of the historian Andreas Staehein (1977, p.833f.), "Helvetia (represented) an important milestone in the development of the Swiss press [...]."

On the other hand, who would have been able to read all these publications and critically examine their content, and thus be able to actively participate in the democratic politics of the state? Only a handful of people: namely those who could read and write. It was no coincidence that in 18th century Switzerland the democratic movement, and thus the press, concentrated its efforts on national education and that today one of the best-known figures of the Helvetic Revolution of 1798 is Johann Heinrich Pestalozzi (1746-1827), who rendered outstanding services, particularly in the field of national education. The democratic Helvetic Republic and the first liberal press failed, not least because at the beginning of the 19th century broad sections of the population could neither read nor write, and thus had no access to books and newspapers. Inevitably, the circulation figures were very low. The *Neue Zürcher Zeitung* distributed only 419 copies in 1820 (Weber 1933).

4.4 Searching for the new state

“Helvetia” (1798–1803) was the first state to postulate freedom of the press guaranteed by the constitution, but it was as yet unable to establish it over the whole country. This recently acquired freedom was too new, the times too uncertain and the state too unstable. The Period of Mediation (1803–1814) brought a partial return to the customs and tenor of the Ancien Régime, particularly in the area of freedom of the press. The political and constitutional character of the Period of Mediation was born of political reaction and was therefore counter-revolutionary. The repression of the time crushed any liberal, democratic or revolutionary movements. So it is not surprising that freedom of the press was no longer guaranteed. On the contrary: just a few weeks after the Mediation constitution came into effect, the highest official of Switzerland instructed the cantonal governments to critically examine all press publications (Frei 1977, p.863; Andrey 1983, p.181). Censorship – in the form of both pre- and post-censorship – came into force again and, with it, regression into the Ancien Régime. For many cantonal governments, particularly in the urban cantons and in Central Switzerland, this order for censorship corresponded precisely with their own desire to strengthen their authority. But despite this repressive policy, in 1810 a total of 45 publications appeared regularly in mediated Switzerland – a respectable amount for a total population of only 1.8 million. However, critical publications were nowhere to be seen.

Even the Restoration phase (1815-1830) did not restore the freedom of the press (Biaudet 1977, p.907), quite the opposite. There were even more restrictions, imposed

by conservative-reactionary powers, both internal and external. Although Switzerland's neutrality was recognised at the Vienna Congress of 1815, that was no guarantee against interference. The powers of the Holy Alliance, Prussia, Austria and Russia put strong pressure on Switzerland. In 1823 Switzerland submitted to this intervention and declared the "Pressekonklusum", a nationwide censorship, which was vigorously directed against the liberal press (Bauer 1975, p.9f.). Amongst other conditions, the censorship law obliged the cantons to exercise meticulous control on reporting about other states.

It was not until the Regeneration [Renewal] from 1830 to 1847 that "Helvetia" revived what had already been achieved. After the July Revolution of 1830 in Paris, various cantons set up a representative democracy and confirmed the sovereignty of the people in their constitutions. Their laws guaranteed the political equality of all citizens, and freedom of the press was once more added to separation of powers, to freedom of trade and industry, and these liberal principles met with general acceptance (Biaudet 1977, p.920). Ultimately, the majority recognised that a democracy is unthinkable without freedom of the press. It is the so-called "conditio sine qua non" of the republic. The basis for this development was not least the progressive literacy of the population, which served as the foundation for a renewed and sustained development of the press. The fruits of the educator Pestalozzi's efforts were now ready for harvesting, thirty years later: the democratic regeneration of the 1830's was underpinned by a significantly better educated and better informed public. The progress in schooling and education created the basis for critical thinking, and political innovations became possible and could be implemented; this benefited the press in no small measure. Freedom of the press was finally achieved from 1830 onwards. The number of newly established newspapers and magazines increased dramatically – by a total of 739 between 1798 and 1848 (Biaudet *ibid*, p.238). In Switzerland too, the press turned into a powerful weapon in the hands of those who knew how to exploit it. It was not without reason that Thomas Carlyle described the press even then as the "fourth estate"⁶⁸. In

⁶⁸ This description originates most probably from the Scottish historian and author Thomas Carlyle (1795-1881), who wrote in 1841, in *On Heroes and Hero-Worship* (1897, p.219): "[Edmund] Burke said that there were Three Estates in Parliament; but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all. It is not a figure of speech, or witty saying; it is a literal fact – very momentous to us in these times." See subchapter 3.4: Censorship in today's democratic constitutional state, p.26

particular, the so-called opinion press, that is the press that was devoted to the political conviction of a party, with a tendency towards ideological commentaries rather than objective reporting, developed into an influential power in this country. It played a decisive role in the debate on the new Federal State in 1848, in the dispute between Liberals and Conservatives, and in the struggle between Centralists and Federalists.

4.5 The development of the freedom of the press in the new federal state

The Swiss Revolution of 1847/48 with the *Sonderbundskrieg* (Civil War of the Separate Alliance) in November 1847 brought victory to the liberal-radical movement and Switzerland became a liberal republic (Im Hof 1974, p.108). In the slipstream, as it were, of the great liberal revolutions in Europe in 1848 the victors created the Swiss Federal State within a very short time. Amidst a Europe of imperial superpowers a small republic arose, almost unnoticed and, at any rate, undisturbed.

The new Federal Constitution of 1848 (Bucher 1977, p.989ff.) primarily transferred the balance of power for decision-making from the cantons to the state. That was the way in which Switzerland evolved from a confederation of small sovereign states into a federal state which ruled that federal law took precedence over cantonal law. Yet, the Federal Constitution limited itself to essentials, as many cantons had already formulated and enacted various human and civil rights in their constitutions of 1830. As far as freedom of the press was concerned, the sole issues for discussion were whether the Federal State should be involved at all and whether legislation against misuse was a matter for the cantons or the state (Bucher *ibid*, p.1001f.; Feldmann 1933). In the end, freedom of the press was guaranteed by the Federal Constitution; the authority for legislation against misuse was given to both the state and the cantons. Until the Swiss Penal Code came into force in 1942, the relevant Article 45 of the Federal Constitution stated that:

Freedom of the press is guaranteed.

In cases of misuse of the freedom of the press cantonal legislation shall apply subject, however, to the approval of the Federal Council.

The Confederation shall have the right to issue sanctions against misuse of the freedom of the press when this is directed against the Confederation and its authorities.

Later the legislative clauses (Para. 2 and 3) were eliminated from the Constitution and integrated into the Penal Code (Nobel 1991, p.23). The first paragraph⁶⁹ remained as the new Article 55 of the Constitution until its complete revision in the year 1999.

4.6 Freedom of the press – a valuable quality

The fact that freedom of the media in Switzerland had finally received the high priority it deserved and was regarded as undisputable element of a liberal state was evident on various occasions during politically tense and restless times. In 1903, for example, the army and the middle classes wanted to restrict basic democratic rights, as well as freedom of the press, in military matters by means of the so-called *Maulkrattengesetz* (Gagging Law). The federal councillors approved a new law but the people and the states (cantons) clearly rejected it in a referendum.⁷⁰ Freedom of the press was also jeopardised during the Second World War. In the middle of conquered and subservient fascist Europe Switzerland remained an island of freedom, as noted by the historian Edgar Bonjour (Bonjour 1970, V 4, 349ff.). During this period, too, freedom of the press was a valuable quality for Switzerland. It was, however, threatened by internal as well as external influences. The military command and the Federal Council were not always of one mind, either. General Henri Guisan demanded a general pre-censorship in the critical summer of 1940; the Federal Council refused, but certain restrictions concerning the reporting of home and foreign affairs were imposed on the press (Bucher 1977, p.1204). Thereafter, newspapers and magazines were subjected to censorship up till the end of the Second World War – in the “mild”, yet perhaps equally effective form of post-censorship. For example, printed articles were read by the military censorship authorities, who could issue warnings and – in extreme cases – even issue a temporary or permanent ban on the future publication of such articles (ibid). Furthermore, as part of the country’s strategy of intellectual and ideological defence (“Geistige Landesverteidigung”⁷¹), the Federal Council suspended the concession granted to the SRG radio service for the duration of the war (1939-1945)

⁶⁹ See chapter 7: National Standards, p.88

⁷⁰ Federal law of 12. December 1902, thrown out by the referendum held on 25 October 1903 by 264,085 votes against 117,694 (von Greyerz 1977, p.1086)

⁷¹ The term *Geistige Landesverteidigung* was used to describe Switzerland’s defence strategy against German and Italian National Socialism before and during the 2nd World War. This strategy placed emphasis on Switzerland’s autonomy and the importance of its cultural diversity (Jost 1986, p.731ff.)

and placed the programs under state control (Schneider 2001). In contrast to the press, the radio programs were subjected to pre-censorship. One of the programs affected was Prof. Dr. Jean Rodolphe von Salis's famous "Weltchronik"⁷². Von Salis would write his reports early on Friday morning and send them by express post to the directors of the Swiss radio service, which was supervised by the military authorities. In the evening he received the manuscripts back again in the radio studios in Zurich, furnished with remarks like "read in Bern" or "approved by Bern". At first, the returned texts also contained "corrections of style or crossed-out passages", but von Salis remembers that, in time, such amendments practically ceased to appear altogether (von Salis 1966, p.14).⁷³

There is no doubt that wartime state control of the media in the form of pre-censorship of the electronic media and post-censorship of the printed media had an impact on journalism in Switzerland, with every editor, journalist or correspondent exercising some form of self-censorship. Such self-censorship was dictated, not merely by a journalist's own judgement or willingness to take risks, but also by the strategic guidelines issued by Federal Councillor Enrico Celio:

"Our national foreign policy maxim remains the independence of Switzerland in the key position to which it has been elevated both by natural circumstances and by the peoples of Europe. One of the chief ways of achieving this objective is to maintain a clearly defined, intelligent policy of neutrality. With regard to foreign policy, this must be plainly presented as something that is a matter of course, with the accent being on "matter of course". Not for one moment should it appear as though, every time there is a shift of power, we are wondering whether there is still a place in Europe for our country and its mission. Therefore, doubt based on self-denial must be banned" (quoted in von Salis 1966, p.14f.).

Celio based his instructions to the media on this political strategy:

"Our commentaries on world events ought mainly to be in the form of registering what is going on. We will describe the events around us and accept reports and omissions from both sides. We will remove anything that is overstated or insulting and refrain from jumping to conclusions about the changes happening in Europe and the rest of the world. This does not mean betraying our deepest convictions. No-one should doubt that we continue to adhere to the principles of disarmament, ideological cooperation between the nations, economic independence and solidarity. However, it is not always good policy to report and comment on every item of news from the point of view of these principles. Under the current, very difficult

⁷² During a program called Weltchronik (World Chronicle), Jean-Rodolphe von Salis reported on the military and political situation every Friday evening in prime broadcasting time throughout the Second World War (von Salis 1966; Imhof et al. 2001).

⁷³ Passages that were deleted or amended to conform with the censorship are cited on p. 150f. of his book (von Salis 1966, p.150f.)

circumstances we should, first and foremost, try to achieve what is possible, that is the essential goal of maintaining our national independence. We must not squander the ideological and political strengths that support this one main objective in favour of other objectives, however attractive these may seem. Above all, we must maintain careful integrity, particularly in the domain of foreign policy" (quoted in von Salis 1966, p.14f.)

It was just a few months later, in autumn 1940, that the Swiss army's department for radio and press tightened the censorship regulations:

"Over the past few days, our department has had to repeatedly remind the press that, when politically analysing current events, discretion must be exercised with respect to our neighbouring countries. Furthermore, we draw your attention to the fact that Japan and Russia's recent involvement in the axis mean that they, too, are now in the spotlight. Until now, we have adopted a rather more tolerant attitude to reporting on these states. However, it is now recommended to exercise discretion with respect to these countries too" (quoted in von Salis 1966, p.85).

Yet, despite these measures, journalists and the media were able to keep the population relatively well informed. Looking back on this period of censorship, von Salis said:

"Although it was obviously wiser for us not to reveal all we knew or thought, it should be underlined that, under the given circumstances, we were still able to say quite a lot. Censorship calls for finesse and, for us, it was something of a challenge to exercise care in our manner of reporting, yet still make people understand what we were saying. Nobody in Bern could object to precise information, objective reporting or an analogous analysis of events" (von Salis 1966, p.151).

Nevertheless, these were difficult years. Many (journalists) vacillated between resistance and conformity. They were caught up in the National-Socialist pseudo-alternative of choosing between a Bolshevist Europe and one under the leadership of the German "Nation of Culture". Albert Oeri, Editor in Chief of the *Basler Nachrichten* at the time, Willy Bretscher, Editor in Chief of the renowned *Neue Zürcher Zeitung* from 1933 to 1967, and Ernst Schürch, Editor in Chief of the Berne newspaper *Der Bund* from 1925 to 1941, all guaranteed an independent, impartial and intrepid press. They were all on the National-Socialists' blacklist; if there had been an invasion by the German armed forces, they would have been destined for deportation to German concentration camps.

In his *Tagesberichte* (Daily Reports) 1932-1945, Albert Oeri describes himself as an "antidote". He was one of the most-hated opponents of the National Socialists. Untiringly, he dragged them into the press and attacked them in his newspaper. Criticism was also levelled at the Anglo-Saxon inclination to enter into an alliance with Stalin or Chiang Kai-shek. Looking back on the years of war and censorship, he said in

1945: "One could write more or less anything one had to, but very often not as one would have liked. Thank goodness the nightmare is over" (Oeri 1999, p.325).

Thus the authoritative papers of the time did not allow themselves to be muzzled.

Some radio programmes were critical, too. During the Hitler dictatorship, as mentioned above, Jean Rodolphe von Salis (1966, p.13) was able to broadcast in his programme from 1939 onwards credible information on the Swiss National Radio station, Beromünster. He commented on the international situation in quite a free and independent manner for twenty minutes a week. At the time, his program was one of the few – if not the only – really independent sources of information for millions of listeners throughout continental Europe. During the Second World War they discovered what was really happening and what a liberal contemporary thought of the aims of the Hitler regime" (Helbling 1996). The ultimate aim of my broadcasting activities was to establish the truth. *Weltchronik* was not the voice of the government or a party, but of an individual", von Salis explained in 1991 in an interview with the magazine *Brückenbauer*. "Neither the mouthpiece of the state, nor the opinion of a party, nor the dictates of a union – no, the voice of journalism should be independent and free, solely dedicated to establishing the truth", as von Salis wrote of his mission. And many journalists shared his ideals, even in the difficult times of the Second World War.

4.7 The Federal Constitution of 1999

Switzerland had long found it difficult to implement a total revision of the Federal Constitution of 1874. Various attempts had been made, but it was not until 1987 that Federal Assembly⁷⁴ instructed the Federal Council to prepare a draft (Pедуzzi 2004, p.15). In 1995 the draft was presented to the public, a year later the Parliament addressed the issue of the Constitution and, in a national vote on 18 April 1999 the revised Federal Constitution was finally accepted by 59.2 percent of the electorate and by 13 cantons, although only 35.3 percent of those eligible participated in the vote.

With regard to freedom of opinion and information and of the media, the new Federal Constitution brought about a significant improvement compared with the old basic

⁷⁴ The Federal Assembly (Switzerland's parliament) is organised according to a two-chamber system. These two chambers are known as the National Council and the Council of States. The National Council, with 200 members, represents the people. The Council of States, with 46 members, represents the cantons.

rights. While the 1848 Federal Constitution simply stated that freedom of the press was guaranteed⁷⁵, the new Federal Constitution guaranteed freedom of opinion and information as a general condition⁷⁶. In other words, freedom of opinion and information are the rights of all persons, whether natural or legal, foreign or Swiss, minor or adult, thus guaranteeing the protection of

- a. all “products” (that is the communication) of human thinking, whether through feelings, considerations, opinions, the observation of facts, information or commercial advertising, as well as
- b. all means of communication: in word, writing, artistic form, cassettes, films, transparencies, loudspeakers, switch-on devices, flags, the press, radio and television (Peduzzi 2004, p.17ff.)

Freedom of opinion and information works both ways, that is people have the right to obtain information from generally accessible sources, as well as the right to disseminate information. However, even today, there are some restrictions⁷⁷:

- a. People without a residence permit are subjected to restrictions when expressing opinions in political speeches.
- b. Restrictions are particularly evident in the protection of personal integrity. Anyone who contravenes the following articles of the Penal Code will be prosecuted:
 - Art. 177: Verbal insults
 - Art. 173: Calumny and defamation of character (deliberately damaging someone’s reputation without due cause by making “false” negative allegations, particularly with regard to that person’s private life and family.)
 - Art. 174: Libel and slander (deliberately damaging someone’s reputation against one’s better judgement, and possibly even planning a smear campaign of “false” allegations, particularly concerning a person’s sense of honour.)
 - Art 261^{bis}: Racial discrimination (amongst other things, it is prohibited to incite hatred or discrimination against a person or group of people on account of their race, ethnic origin or religion.)
- c. Persons who are in the public eye, for whatever reason, enjoy a lower level of protection of personal integrity (cabaret, magazines etc.)

Further restrictions are (Peduzzi 2004, p.19ff.):

- d. A prohibition on the revelation of military secrets
- e. An obligation to secrecy on the part of officials, certain employees, doctors etc.
- f. An obligation to secrecy in the field of banking, post and telegraph services
- g. State of emergency: in the interests of national safety and neutrality, the Federal Council can impose censorship during times of crisis and war.

⁷⁵ Art. 45 of the Federal Constitution of 1848

⁷⁶ See chapter 7: National Standards, p.88

⁷⁷ Swiss Penal Code of 21 December 1937 (http://www.admin.ch/ch/d/sr/311_0/index.html, consulted 19 December 2006).

Thus, the current Federal Constitution confirms and strengthens what the 1798 “Helvetia“ Constitution of Switzerland had first established and what, after some acrimonious struggles, was incorporated 50 years later into the Federal Constitution of 1848: a liberal state is based on the valuable and often endangered quality of freedom, including freedom of opinion, of the press and of the media in general.

5 Media and Democracy Today

5.1 No state within a state

In Western democracies the media are frequently referred to as a fourth estate (Peduzzi 2004, p.60), thus putting them on the same level as a country's legislative, executive and judicial bodies. Yet, from the point of view of constitutional law, this expression is a paradox, because the media hold no official function. For this reason, neither the Swiss constitution nor the country's media legislation use the expression "fourth estate" to define the function of the media. Furthermore, media experts such as Fred S. Siebert in *Four Theories of the Press* (1963), James Curran in *Power without Responsibility* (1991) and Julian Petley in *Fourth Estate or Anti-Journalism* (2004) do not believe that modern media operate according to the liberal principles of the Enlightenment, mainly because of the way in which they have developed. One way or another, the function of the media is perceived as that of a public watchdog that monitors state institutions, criticising them as and when necessary (Curran and Gurevitch 1991). This is also the image used by the European Court of Human Rights (ECHR)⁷⁸. Educational institutions sometimes use the expressions "public service" or "public duty of the media" as synonyms (Kley 2000, p.192).

The idea that the media act as a watchdog is based on a concept of media that are entirely free of state influences and can operate in the free market without any official obligations or restrictions. In the USA this way of thinking has paved the way for full liberalisation of the electronic media television and radio. In Europe – that is in Switzerland too – one finds other types of systems. Like the BBC in Great Britain, the ORF in Austria, and the ARD or ZDF in Germany, the leading radio and television corporation SRG is some way removed from the free market and is principally financed from licence fees that are laid down by the state⁷⁹. The same cannot be said of the press, although the Swiss press does receive some government support through tax relief for postal deliveries of publications⁸⁰. However, this does not amount to state

⁷⁸ See for example the case of *Sunday Times v. Great Britain*, ECHR verdict of 26 November 1991, Ser. A, No. 217, Point 50.

⁷⁹ Radio and Television Licence Regulations, issued by the Federal Office of Communications (www.bakom.ch, consulted 12 July 2006)

⁸⁰ At present the Confederation pays CHF 80 million to the Swiss post office. Recently, however, there have been discussions in the Federal Parliament as to whether this tax relief measure, which indirectly

interference in the affairs of the press, since these subsidies are granted indiscriminately to a large number of recipients. As can be seen from the way in which they have developed, the press and the other media are subject to demographic and market conditions (a fact that has never been regretted by any publisher in Switzerland). In Europe, there are currently a number of vigorous advocates of full liberalisation of radio and television as well. We need, however, to look closely at their motives. One could be forgiven for wondering whether these advocates' desire for full freedom of the media, governed solely by the market, does not in fact primarily serve their own interests. For example, the role of media mogul Rupert Murdoch in Great Britain has always been chiefly that of an entrepreneur, whose interest lay in making maximum profits. In Italy, Silvio Berlusconi has waged an ongoing conflict with the state-run RAI⁸¹ (which, during his time as Prime Minister, he actually ran!) for the simple reason that it was the main competitor to his commercial TV interests grouped into Mediaset. For such entrepreneurs, the democratic role of the media is far less important than their profit-generating role or, as Jeremy Tunstall and Michael Palmer described it: "In the United States, established daily newspapers and [...] established TV stations are widely regarded as 'cash cows' – high in profit and low in risk. The same is broadly true in Europe [...]" (Tunstall and Palmer 1991, p.5). However, the argument that the media should, at the very least, act as a watchdog is as important as it ever was, if not more so.

5.2 The role of the media in a democracy

Against the background of spectacular revelations such as the Watergate Scandal the role of public watchdog appears to be indispensable. It is generally accepted that the watchdog role is indeed important, not only for Anglo-Saxon media theoreticians, but in German-speaking regions as well. In Germany, Austria and Switzerland the "public duty of the media" is seen to consist of informing people about what they need to know as citizens. A good example of this can be seen in the opinion of the European Court of Human Rights on 23 September 1994:

"[...] that freedom of expression is one of the most important foundations of a democratic society. Therefore particular attention must be paid to the freedom granted to the press. The

promotes the interests of the press, should be stopped. So far no decision was taken. See chapter 11: Print Media, p.144

⁸¹ Radiotelevisione Italiana. Originally and until 1954 the acronym stood for Radio Audizione Italia.

press may not exceed legal limits, in particular those imposed in the interests of “the protection of good reputation and the rights of others”. Nevertheless, the press is responsible for communicating news and ideas that are in the public interest. Not only does the press have a duty to report on such news and ideas, but the public has a right to receive them. Otherwise, the press would not be able to fulfil its essential role as a public watchdog. These principles were laid down for printed media. But they certainly also apply to audiovisual media.”⁸²

The function of watchdog or “fourth estate” is firmly established in the (critical) opinion of the majority of people, even though there are signs that nowadays the media themselves no longer attach such importance to this function: “When the Swiss media claim that they are an ‘organ of control’, that is act as a fourth power within the state, this is grossly exaggerated”, says Josef Lang⁸³. On the contrary, he says that they are profit-oriented enterprises trying to make money with all the means at their disposal. “Circulation or viewing figures are their measure of all things”. Lang paints a black picture, saying that this is obviously the only way they can survive the ongoing process of media concentration.

Whatever the case may be, the media – whether we are talking about mass media or niche products – are responsible for much valuable groundwork or other tasks that are important for a democracy, especially a direct democracy⁸⁴ like Switzerland.

⁸² This opinion of the Court of Human Rights relates to the verdict against the journalist Jens Olaf Jersild, who worked for the Sunday news magazine of Danish Television (Danmarks Radio). In 1985, he held long discussions with young right-wing extremists. He shortened the two hours of discussions into a television feature lasting a few minutes that contained statements that were clearly racist in nature. The questionable interviews were supplemented only by a brief introduction and a few closing comments. The green jackets were described as a “Group of young extremists” and it was mentioned that several of them had a criminal record, yet the interviewer made no effort to disassociate himself from their statements. The Danish penal system found the three youths guilty of contravening Danish anti-racist laws – which say much the same as Article 261 of the Swiss Penal Code. Jersild was also fined, since he had aided and abetted them in committing this offence.

⁸³ Josef Lang is a doctor of history, lecturer and journalist. He has been a left-wing national councillor for the Green Party since 2003. Interview with the author, 17 February 2006

⁸⁴ Direct democracy, classically termed pure democracy, comprises a form of democracy and theory of civics wherein sovereignty is lodged in the assembly of all citizens who choose to participate. Depending on the particular system, this assembly might pass executive motions (decrees), make law, elect and dismiss officials and conduct trials. Where the assembly elects officials, these are executive agents or direct representatives bound to the will of the people. In a representative democracy sovereignty is exercised by a subset of the people, elected periodically, but otherwise free to advance their own agendas. Modern direct democracy is characterized by three pillars: Initiative, Referendum and Recall. The first pillar gives the citizens the ability to propose new legislation. The second pillar grants the populace a veto on government legislation. The third pillar gives the people the right to recall elected officials by petition and referendum. Nowadays, Switzerland provides the strongest example of

The primary function of the media is to communicate information. This can be seen, for example, in the definition of the self-imposed task stated in the very first issue of Switzerland's oldest newspaper, the *Neue Zürcher Zeitung* (Gessner 1780). The main objective of Salomon Gessner and his colleagues was to produce a newspaper that would describe what was happening in the world, whereby the ironically intended remark that the paper would not report news that had not yet happened was intended only as an indication of their understanding of quality and of the integrity of the editors (Meyer 2004). The credibility of a medium is also an important element in the communication of information. Only when a person can believe what is reported can he or she act on this information with a good conscience. In this connection, a remarkable paradox exists – and not only in Switzerland: though the overwhelming majority of the population obtain information on politics through the media,⁸⁵ people's confidence in the media is astoundingly low. The Credit Suisse Worry Barometer in 2005 showed that only 17 per cent of people trusted the mass media, 21 per cent said they neither trusted nor mistrusted the mass media, 60 per cent had no confidence whatever and 2 per cent gave no reply (Longchamp and Golder 2005, p.27ff.). We shall explore the reasons for this lack of confidence later on.

Apart from communicating information, the media pave the way for the public discussion of topics that are in the news. Experts agree, too, that the media help to communicate values and explain associations between different topics, as well as uniting vastly different groups of people and even competitors under the same banner. The media should contribute to opinion-forming, as well as exercising a correlative

direct democracy, as it exhibits the pillars at local, district and federal levels. Modern-era citizen lawmaking began in Switzerland in the 13th century. In 1847, the Swiss added the "statute referendum" to their national constitution and in 1981 the "constitutional amendment initiative". Nowadays, the Swiss political system, including its direct democratic devices in a multi-level governance context, is regarded as sort of model and, for example, it becomes increasingly interesting in the context of EU integration (Kobach 1993; Trechsel 2005; *World Book Encyclopaedia* 2006; *Merriam-Webster Dictionary* 2005; *American Heritage Dictionary* 2003)

⁸⁵ In this connection Roger Blum mentions a study by Steinmann/Jedele on the public response to the Swiss TV program on the 1995 elections to the Federal Council and the Council of States, which showed that 75.8 per cent of voters obtained their information through daily newspapers, 49.5 per cent obtained it from television and 29.8 per cent from the radio. "It can be inferred that although people show interest in politics, they rely to a large extent on mass media. The biggest change in people's attitudes is that they experience politics almost exclusively through the mass media and draw their political knowledge primarily from the media", writes Blum (1996).

function and presenting ideas for assessment. In their correlative function, the mass media lend a voice to the public, offering a platform for everyone, from prominent personality to anonymous member of the public. Finally – as already mentioned – the media exercise a critical and controlling function, that is they monitor political authorities on behalf of the public.

Furthermore, the media – above all the television and the popular press – meet a public demand for entertainment. However, news and entertainment are not necessarily separate programmes. Not surprisingly, the expression “infotainment” originates from TV and means: information communicated in an entertaining manner. There are signs of a shift of emphasis towards the public, whereby the media are looking for supposedly more viewer- or reader-friendly ways of communicating information. The rise of infotainment should, however, be seen in the context of increasingly fierce competition, both between individual media and in the domain of media crossover. Here too, we encounter a paradox: although the media are careful to provide their public with information in acceptable doses – even sweetened with elements of entertainment – surveys have found that there has been no increase in the level of people’s knowledge. On the contrary, there has been a decrease (Suter 1997). To put it somewhat boldly, Switzerland can be defined as a maximum of complexity and heterogeneity within a minimum of space. The reasons for this are historical. The present Confederation emerged only slowly from the feudal patchwork of the Ancien Régime⁸⁶. In a direct democracy like Switzerland that is composed of a diversity of regions and cultures and holds a large number of elections to local, cantonal and federal bodies (legislative, executive and judicial), as well as frequent referenda, it is essential that people have access to efficient sources of information on political, economic and societal topics at both regional and national level. This is where the media play an important role (Weber 1995, p.1ff.). It is also the reason why Switzerland has the largest proportion of print media in Europe, measured against the country’s size and population⁸⁷.

A lively democratic process stands in direct correlation with diversity and freedom of the media. However, this sine qua non no longer seems to apply in Switzerland today,

⁸⁶ See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50

⁸⁷ See chapter 11: Print Media, p.144

or at least not in the printed media. In the 1940s, over 400 different papers could be bought over the counter. Since the mid 1980s this number has shrunk continually, especially insofar as dailies are concerned.⁸⁸ Overall, however, average weekly sales have remained largely stable, which can be attributed to the popularity of weeklies. The new free dailies in German-speaking Switzerland also enjoy considerable popularity.⁸⁹

5.3 The importance of the media in the communication of information

“Adult citizens who think for themselves, take responsibility for their own lives and contribute to the wellbeing of the community” is how the readers of the national newspaper *Neue Zürcher Zeitung* described themselves, according to an article by its former Editor in Chief, Hugo Bütler, on the occasion of the 225th jubilee of the *Neue Zürcher Zeitung* (Bütler 2005, p.1). This seems to be in harmony with the ideals of Enlightenment as seen by Immanuel Kant (1783) and the concept of a liberal state with citizens who find their own way in the world. They are readers seeking reliable, comprehensive information on politics, business, culture, society and science.

A free, self-confident society enjoys full access to information, an exchange of arguments and theories; and the knowledge that a "picture of reality" will not turn into rigid dogma, but remain open to change and criticism (Meyer 2005).

Switzerland is an open society, as was described by the philosopher Karl Popper (1980, p67ff.) – and it has remained an open society, even in times of political or religious restrictions and during the dark days of Fascist attempts to exert influence and pressure. Such a society demands a very special type of openness, in the sense of a culture of dialogue and a forum for political and social discourse, and in this situation the media hold a key responsibility to deliver information, ideas and values.

The plurality and autonomy of the media is almost part of the constitution of the Swiss Confederation – a colourful, heterogeneous patchwork. As a democratically constituted, social, federally conceived state under the rule of law, Switzerland has always managed to cope with its own cultural, ethnic and religious heterogeneity. The politics of the Confederation and its individual cantons have succeeded in integrating

⁸⁸ Source: Federal Statistical Office (www.bfs.admin.ch, consulted 23 April 2006).

⁸⁹ See chapter 11: Print Media, p.144

the opposition and, using the political tool of consensus, resolving problems. The media's high degree of plurality and sense of civic responsibility were also determining factors. Many editors in chief sat on political committees and quite a few were national councillors. The three editors in chief of the *Neue Zürcher Zeitung*, Walter Bissegger, Albert Meyer and Willy Bretscher, as well as Kurt Müller (later head of the Inland Department) were all members of the Federal Parliament. Albert Meyer was even an elected Federal Councillor (Meissen 2005, p.33), as was Philipp Etter, editor in chief of the *Zuger Nachrichten* (Jorio 2002). As an illustration of the attitude of many Swiss citizens: in the 1930s and 1950s a number of people living in Zug simultaneously subscribed to two newspapers from different camps, namely the conservative Catholic oriented *Zuger Nachrichten* and the liberal free market oriented *Zuger Volksblatt* under Damian Bossard. Each of these local newspapers was linked to a political party and devoted to democratic discourse, opinion-forming and the ideals of the Swiss state. Practically every larger town had two to three (sometimes even four) newspapers, each with a different political orientation. They reflected the lively Swiss political landscape.

5.4 Have the media taken over the function of the political parties?

In the opinion of Roger Blum, the mass media have taken over functions that used to be the preserve of the political parties (Blum 1996, p. 25). This is true to some extent. For the political parties, it has always been important to maintain transparency and to keep people informed where political issues are concerned. The party event has always been an occasion where opinions could be exchanged and formed. However, the kind of discourse that promotes democracy takes place in arguments between conflicting parties, which are often played out in the organs of the respective parties, that is the party newspapers.

The extent to which the Swiss media (principally newspapers, since the electronic media have not developed in quite the same way⁹⁰) have emancipated themselves from the influence of the political parties can be seen from their profile, which goes far beyond the functions of the party. Independence from political parties gives rise to a demand for autonomy and objectivity – basic requirements for media that see themselves as forums. Apart from the *Neue Zürcher Zeitung*, which is clearly dedicated

⁹⁰ See chapter 11: Print Media, p.144; and chapter 12: Radio and Television, p.160

to liberal, middle-class values, and the *Wochenzeitung*, which clearly reports from a left-wing perspective, most printed and electronic media claim to exercise objectivity with regard to political orientation and ideology. In the case of radio and television, this is even written into the constitution.⁹¹ However, what sounds good in the editorial guidelines is often difficult to achieve. John Keane points out that it is impossible to create the directness of a Greek polis or a Roman Forum in a complex modern society. He argues that "the early modern assumption that communications media recreate the intimacy and directness of the *polis* neglected the problem of how freedom of communication among citizens could be institutionalized peacefully in a dispersed, complex society" (Keane 1991, p.40). Neither is any newspaper thick enough, or any radio or TV programme long enough to propagate all opinions. Every medium has to choose from a plethora of points of view. Thus, selection criteria become a crucial element. Particularly with the leading medium of television, a person's political or social relevance or position is not always the determining factor.

It is therefore no coincidence that Blum concludes that the media have evolved into an autonomous political force that is independent of the political/administrative system and now functions according to its own rules. According to Blum, these rules include personalisation, dramatisation, intimisation, negativism, seeing problems only in black and white, staging reality and agenda-setting (Blum 1996).

The media are thus not just forums where anyone can voice his or her opinion. The media make their own selection and, through this selection, they can influence the profile of the information, the weighting of an opinion and thus the reception of the reality mirrored by the media. Or, as Habermas puts it "Whereas the press formerly merely communicated and elaborated on the reasoning of the private individuals making up their audience, nowadays the opposite is true: it is the mass media that determine it" (Habermas [1962] 1990, p.284). The media are active players in politics, but they operate according to their own rules.

5.5 The media-friendly politician

Not only have the media emancipated themselves from the political parties – they have made the parties dependent on the media. The prospect of reaching thousands of

⁹¹ Swiss Federal Constitution, Article 93, Para. 2 and 3. See chapter 7: National Standards, p.88; and chapter 12: Radio and Television, p.160

readers in one issue of a newspaper, or even millions of spectators during one TV programme, far exceeds anything that can be offered by a political party in the form of public speeches, meetings, or their own publicity campaigns. The dominance of the media has led to a trend towards a loss of autonomy on the part of political exponents and parties. In order to make good this loss of autonomy, politicians have for their part, attempted to instrumentalise the mass media.

The media-friendly politician is a product of the so-called mediocratic or public relations industry⁹², and it should be pointed out that even politicians who do not count among the favourites of the media are often highly accomplished at using it as an instrument. Good examples of this phenomenon are those two pillars of the Swiss People's Party (SVP)⁹³, Christoph Blocher⁹⁴ and Christoph Mörgeli⁹⁵, both from the conservative wing of their party. The former, with his strong, pithy remarks, makes statements that are incomparably media-friendly. The latter, as a polemic, demagogic writer of articles that are, however, quite witty, is the ideal figure for a medium that seeks to provoke. For this reason, Mörgeli has a regular column in the intellectual – but not exactly conservative – weekly *Weltwoche*. Instrumentalisation of the media and the media's interest in media-friendly figures, statements or opinions go hand in hand. They need each other.

5.6 PR methods of marketing personalities

Not every politician has a natural talent for media appearances, yet he or she still hopes to get elected. As a result, the roles of PR advisors to Swiss politicians are

⁹² Public relations gained a steady foothold in Switzerland in the 1970s, first of all in the business world. Gradually, all the political parties and groups have established their own PR department. The bon mot of PR consultant Rudolf Farner puts the current status of political PRs in a nutshell: "Give me a million Swiss francs and I will succeed in having a sack of potatoes elected as Bundesrat (Federal Councillor)."

⁹³ The Swiss People's Party (SVP) is a right-wing conservative Swiss government party. During the last parliamentary elections (in 2003) the party won 55 of the 200 seats in the National Council and 8 of the 46 seats in the Council of States, making it the strongest party in the Swiss parliament (the Socialist Party came second with 52, respectively 9 seats). At present two Federal Councilors are members of the SVP. See chapter 19.2: Appendix 2: Composition of the Swiss Federal Assembly, 262

⁹⁴ Christoph Blocher was formerly a business tycoon and has been a Federal Councillor since 2003.

⁹⁵ Christoph Mörgeli is a historian and has been a National Councilor since 1999. He is Blocher's pupil and speech-writer.

becoming more and more important.⁹⁶ For shrewd politicians, the aim of self-presentation should be the same as that of PR for companies and products. In this connection, Habermas points to the problem of the blending of news with publicity, a ploy used by public relations companies to give their arguments an illusion of being in the public interest:

“If you look at the plethora of information and instructions that public relations offices supply to the most important ‘distribution points’, soberly presented as ‘documentation’, anyone who still respects the traditional professional ideology of separating news from publicity will appear hopelessly out of date. Public relations companies blend the two together so that their argument is no longer recognisable as the marketing of private interests. The subject of their argument is given the authority of an issue that is in the public interest, on which an audience of thinking people is free to form its own opinion.” (Habermas [1962] 1990, p.291)

In contrast to the marketing of a product, the PR advisor to a politician or political party does not need to create an illusion of their argument being in the public interest. Any politician assumes from the outset that he or she (or what he or she has to say) is in the public interest. In the end, however, the similarities between self-presentation and PR may have a negative impact on the interests of the politician and the political system in general. Borrowing PR tactics for the purpose of self-presentation may undermine credibility, or the public may recognise the tactics employed and react as vigorously against political statements as they do against conventional advertising. And indeed, there is quite a strong indication that the public has finally become tired of the PR-tactics. According to Hansueli Suter, the result is that nowadays the level of information of the public remains low, despite concentrated efforts to provide full reports on elections or referenda. And he argues that the ever-decreasing number of Swiss citizens who go to the polls is also due to a lack of honest journalism. News programmes and television discussions conducted in PR-style leave only a fleeting impression in the minds of viewers, and even direct information campaigns have no more than a moderate impact (Suter 1997). At the same time, the widespread PR-journalism has a negative effect on politicians and their parties, as is reflected in the current low level of public confidence. A study by the research institute GFS for the Credit Suisse Worry Barometer 2005 established that only sixteen per cent of

⁹⁶ The non-reelection of Federal Councillor Ruth Metzler in 2003 broke a taboo – in the eyes of her former PR advisor and spokesman Hans Klaus. He considers that, in future, Federal Councillors in office will be dismissed more quickly if, for example, their party suffers election losses. This would make it necessary for politicians in office to address not only the political community, but also a wider public. This, in turn would create a market for communication advisors for politicians (Ackeret 2004).

respondents have confidence in the political parties. 32 per cent said they neither trusted nor mistrusted the political parties, 45 per cent had no confidence at all and seven per cent gave no reply (Longchamp and Golder 2005, p.27).

In this context, one should remember that in Switzerland political advertising is still banned in the electronic media of radio and television.⁹⁷ PR campaigns and advisors to politicians therefore have to rely on creating an illusion of relevance to the public interest in order to place their candidate or their arguments in the best possible position. Relevance to the public interest may indeed exist, but not always to the extent implied. For this reason, too, every communiqué received in an editorial office is labelled “highly important” and dressed up as an event so that it will overcome the first hurdle, that is editorial selection.

Naturally, media workers know all about this interplay, but it is questionable whether, and to what extent, they can avoid it. As suggested above, mutual instrumentalisation calls for the type of politician who knows how to present him- or herself in a media-friendly manner. But this is only half the truth: journalists appreciate politicians who are prepared to give a spontaneous answer to a question. From sheer force of habit, they tend to interview the same people time and again, that is those who willingly supply information and are readily accessible. “Slightly overstated, I can say that I have a main source in each political party, whom I can tap for information as and when required. Our gentlemen’s agreement is along the lines of ‘If you supply the information I will place you in the media’”, explains a journalist⁹⁸ at the Swiss Federal Parliament. Political events are thus reduced to the statements of a few political personalities. These people attract the attention of the public, thanks to their presence in the media. This, in turn, can affect the internal structure of a political party with, in some cases, the media stars becoming internal party leaders.

5.7 Media friendliness and election successes

When looking at the spectrum of political parties in Switzerland, it is remarkable that the middle-of-the-road parties, that is the Radical Democratic Party (FDP) and the

⁹⁷ This is being debated in the context of the current revision of the Radio and Television Act. The National Council was against publicity for political parties (and also the advertising of alcohol and tobacco) on the public SRG SSR radio and television stations, but wanted to allow it on private radio and TV stations.

⁹⁸ Interview with the author, 12 September 2005.

Christian Democratic Party (CVP), have far fewer charismatic leaders than, for example, the Swiss People's Party (SVP), the Social Democratic Party (SP) or even the Green Party. It may be an oversimplification to see a connection between media-friendly leaders and election successes, but the FDP in particular has been steadily losing votes over the past few years – mainly in elections to legislative functions (the party has been able to maintain its position within the executive organs). These defeats are in no small measure due to the party's lack of clear profile, as well as the fact that the FDP does not have the same internal discipline as the SVP or the SP. There are also controversial discussions within the party itself, which filter through to the public. Such methods are undoubtedly appropriate for a party that is oriented towards solving problems, but at the same time they make it difficult for the party to communicate its position on various issues in a media-attractive manner.

A tendency to oversimplify, combined with personalisation and visualisation, boosts the impact of opinions voiced by new political parties or those on the far-right or far-left. Innovative points of view satisfy the media's need for news of any kind. Often, when such points of view are discussed in the media, they receive more attention than they deserve, given their actual political worth. It should also be remembered that, when dealing with political topics, the media follow their own agenda and they are not oriented to the strength of a specific political party.

In a democratic system, this is not necessarily a bad thing – on the contrary. Seen positively, the media lend a voice to smaller political groups as well, whereby political discussion can certainly become more dynamic. Moreover, smaller political groups and their exponents are subject to the media's standards of acceptability, particularly when they express their opinions on television or radio. Thus new political groups have been able to present themselves as alternatives to the traditional parties and have achieved surprisingly good election results. For example, the success of the *Junge Grüne* ("Young Greens") at the 2006 communal elections in Zurich speaks for itself. Some of those elected had drawn attention to themselves by waging a much-publicised campaign against so-called SUVs (sport utility vehicles) in the city of Zurich. Although the campaign exceeded what was legally acceptable, this did not lead to a defeat at the polls – quite the contrary. One exponent of the "Young Greens", Bastien Girod, is perceived as a shooting star – having overtaken two well-established town councillors at the polls. The media referred to him as an "angry young man", a label which the

young man in question will certainly not object to, given that it will probably help him to “market” the type of politics that he preaches.

Media presence can also tempt the exponents of the major parties to make controversial political statements in public. Announcements of forthcoming campaigns, the publicising of demands or the expressing of opinions are usually targeted at the general public, rather than the political opponents concerned. Such tactics are being employed more and more frequently, but in the long run they are ill-suited to resolving political problems. In particular the Swiss system of consensus democracy, which has been maintained to this day, is increasingly jeopardised when the media publicise certain opinions before preparations for the referendum have even begun or do not agree with the weaker side’s offer of a compromise solution.

5.8 Consensus democracy and the diminishing consensus

With the election of SVP Federal Councillor Christoph Blocher, the Swiss government clearly ceased to be a homogenous body. Whereas previously there had been an unspoken rule that the seven government ministers would always speak in unison, nowadays divergences of opinion are increasingly being made public – not in clear announcements (otherwise that would infringe the much-vaunted principle of collegiality), but during appearances that receive wide media coverage, whereby hints and gestures play an important part. Once the interest of the media has been awakened, they will also seek the opinion of the minority whenever potentially controversial debates are held. Here, the media are acting instinctively, rather than as a watchdog. Indiscretions that reach the ears of the media also fulfil an important function as instruments of control. Accompanying rumours of dishonesty, secrecy or even insubordination help the media to create a sensation.

The increase in such cases has meanwhile led the parties to demand greater transparency on the part of the Federal Council when taking decisions (Novak 2005). Nevertheless, the fact remains that the principle of collegiality – one of the pillars of Swiss democracy – has been challenged.

5.9 The media and the abuse of power

As people’s main source of political information and opinions, the media play a major role in the forming of public opinion. As Habermas writes – referring chiefly to the electronic media – journalists’ powers may seem so menacing that in some countries

the establishment of these media has been under state direction or control right from the outset. "This reaction by the state to the empowerment of a public that has come under the spell of social influences could also be observed in the days of the very first telegraph offices" (Habermas [1962] 1990, p.282f.).

As is well-known, Switzerland is one such country and for a long time the government insisted on a state monopoly in electronic media such as radio and television. At the same time the government legally granted these media editorial freedom. Theoretically, radio and television are protected against political influences. This allows them (like the BBC in England) to become a medium with a certain amount of autonomy vis-à-vis the authority of the state.⁹⁹ However, Swiss radio and television are also subjected to a complaints process that can be seen as a form of control. The law allows for the appointment of ombudspeople to handle complaints about programmes. There are also compulsory ombudspeople for private radio and TV stations. Decisions of the ombudspeople appointed by the media can be brought before the Federal Council's independent complaints office, and from there to the Federal High Court. This means that the electronic media are effectively subjected to control by outsiders.

This is not the case with printed media. Responsibility lies with the Swiss Press Council¹⁰⁰, which is a private institution and sponsored by four different press associations, and with ombudspeople appointed voluntarily by the newspapers. However, not all newspapers and magazines have an ombudsperson on their payroll. Smaller local or regional print media, in particular, tend to dispense with an ombudsperson, since this is not required by law. This shortcoming has been repeatedly criticised by the Swiss Press Council, who demand that the Swiss print media assume their responsibilities (editorial *Neue Zürcher Zeitung* 2001). At the end of the day, the printed media are thus self-controlling – on a voluntary basis.

Theoretically, this is also the case with the Internet, but there has, in fact, been no effective control at all so far. The sole institution to have monitored journalistic quality in the Web over the past few years is the Swiss Press Council. At the end of 2000 the

⁹⁹ James Curran describes the development of the BBC since the 1980s as increasingly critical vis-à-vis the authority of the state. "Yet, despite this [meaning loss of autonomy during the reign of the right-wing government of Margaret Thatcher], it continued to expose government to more sustained, critical scrutiny than the predominantly right-wing national press" (Curran and Gurevitch 1991, p.89).

¹⁰⁰ See chapter 7: National Standards, p.88

Swiss Press Council presented a position paper that established that the Web was being abused for all types of fraud¹⁰¹. At the same time, the Swiss Press Council let it be known that it would at least continue to monitor the journalistic content, that is first and foremost the online newspapers. To ensure the necessary journalistic quality, the Swiss Press Council called for adequate basic and advanced training for online journalists, a clear separation of editorial content from advertising, and also the naming of information sources. With their position paper, the Swiss Press Council assumed a pioneering role, given that – at least in German-speaking countries – no other official or private institution had ever made such demands. However, as we will see later, the good intentions of the Swiss Press Council have, as yet, had no effect on everyday life in the Web.

State supervision and control of radio and television on the one hand, self-control for newspapers, magazines and the Internet on the other: the Swiss system against the abuse of media power is bipolar. According to one's point of view, both systems have their advantages and disadvantages. External control provides an independent outside view that cannot be challenged in court. In the eyes of the critics, however, external control involves certain dangers. For instance, there is no guarantee that the ombudspersons engaged by the state really are neutral; for financial reasons, not everyone can afford legal proceedings, and finally it can be assumed that some of these controlling organs are unfamiliar with the media scene. Therefore, in the view of the people involved in the media, a self-controlling system is to be preferred. However, it is questionable just how far such a system can actually prevent abuse. In 2002, in the case of the Swiss Ambassador in Berlin, Thomas Borer, all the self-controlling mechanisms of the print media failed miserably. Neither did the editors and journalists involved observe the guidelines of the Swiss Press Council in matters of accuracy, truth, source-checking and so on, nor did the internal ombudspersons take action against the infringement of the journalistic code. After publication of an alleged marital infidelity on the part of the ambassador, the two tabloids belonging to the publishing house Ringier, *Sonntags-Blick* and *Blick*, waged an unprecedented campaign that finally led to the dismissal of the ambassador.¹⁰² Although it quickly became apparent

¹⁰¹ Annual Conference of the Swiss Press Council in Zurich, 1 December 2000 (Stadler 2000).

¹⁰² Thomas Borer was dismissed from his post in Berlin at the end of 2002 and shortly afterwards left the diplomatic service.

that there was no truth in the allegations against the ambassador, both newspapers stuck to their story for weeks, repeatedly “fabricating” unchecked or even false reports. According to journalist Rainer Stadler, not only did the journalists and editors in chief at *Sonntags-Blick* and *Blick* fail spectacularly in their professional, moral and ethical duty, but the same accusations could also be levied at publisher Michael Ringier himself and his Chief Journalist and Consultant Frank A. Meyer (Stadler 2002b). Symptomatic of this case is how Meyer later described the debacle. “The responsible people in the editorial office let themselves get carried away by the desire to display fighting spirit,” was Meyer’s comment in an interview with *Das Magazin* (Gsteiger 2002).

The media representatives, for their part, pointed a finger at the powerlessness of the politicians in the Borer case.¹⁰³ Certainly, things would never have gone so far if the Federal Department of Foreign Affairs (EDA) under Federal Councillor Deiss had acted more decisively. The attitude of the EDA and its boss lead one to conclude that Borer’s dismissal was not due to the campaign alone, but that the campaign presented a welcome opportunity to get rid of a controversial diplomat who had used his position for unconventional methods of self-promotion, which were naturally widely reported in the media.

Evidence of mistakes by the EDA subsequently served to support the assertion of the newspapers that the media are there to influence, rather than wield power themselves. In fact, so far, a concentrated campaign like the one waged by *Sonntags-Blick* and *Blick* in the Borer case remains an exception, since the editorial independence of both the Sunday and the weekday edition is basically guaranteed at Ringier, as it is at Tamedia (*Tages-Anzeiger* and *Sonntags Zeitung*) and the NZZ (*Neue Zürcher Zeitung* and *NZZ am Sonntag*). Neither has there been any noticeably closer editorial collaboration, for example, between Radio and Tele 24 and the *Tages-Anzeiger* under the umbrella of Tamedia. Switzerland has, as yet, seen very little of the “entrepreneurial journalism” encountered in other countries, for example in Italy with Berlusconi or in England with Murdoch. Whether this is due to effective self-controlling measures on the part of the print media, or whether the zeitgeist of the media moguls in Switzerland is simply not yet ripe, is a question that can only be answered at a future

¹⁰³ According to Filippo Leutenegger, CEO of Jean Frey AG, during a round table discussion in Zug (Mühlethaler 2002).

date. But the stigma of the media's utter failure as a critical and investigative institution remains.

6 International Obligations and the Freedom of the Media in Switzerland

6.1 Dissent and conformity

The organisation "Reporters sans frontières" draws up an index of countries that enjoy the greatest freedom of the press. In 2005, Switzerland ranked first on this list¹⁰⁴, yet nowadays an increasing number of Swiss journalists are being taken to court and convicted. The decisions of the Swiss courts are undoubtedly in accordance with national law, but does this law really concur with international standards?

Looking at some of the recent decisions of the European Court of Human Rights against Switzerland, the answer would appear to be "not always". Parts of the Swiss Penal Code are contrary to international understanding of freedom of opinion and expression. Even when national laws follow international standards, they are not always perceived as an increase in people's freedom. On the contrary, they may be considered to limit freedom of expression.

It should, however, be said that Swiss law has reacted very rapidly to the adoption of international standards. In 1997 the Swiss Federal Supreme Court reviewed its established decisions following the 1996 verdict of the European Court of Human Rights (ECHR) in favour of the English journalist William Goodwin. Goodwin had planned to report on the financial problems of a certain company, but the judicial authorities ordered precautionary measures to prevent him from doing so. When he refused to reveal his sources of information the British judicial authorities threatened him with criminal proceedings. Goodwin took the case to the ECHR, which viewed the journalist's conviction as a violation of the right to free expression under Article 10 of the European Convention on Human Rights and upheld the journalist's right to refuse to reveal his sources. In the opinion of the ECHR, there must be compelling reasons for the revelation of a source of information that are in the public interest¹⁰⁵.

¹⁰⁴ Source: Reporters sans frontières, Worldwide Press Freedom Index 2005, 20 October 2005. The index measures the state of press freedom in the world. It reflects the degree of freedom journalists and news organisations enjoy in each country, and the efforts made by the state to respect and ensure respect for this freedom (http://www.rsf.org/rubrique.php3?id_rubrique=554, consulted 27 October 2006).

¹⁰⁵ See *Goodwin v. Great Britain*. Decision of the ECHR of 27 March 1996, Rec. 1996-II 483, Points 40, 45

Until then, the right to refuse to reveal sources had hardly ever successfully been invoked in Switzerland, and the Swiss Federal Supreme Court had always denied journalists the right to withhold any information they may have received or to refuse to reveal their sources during legal proceedings. In the opinion of the Federal Supreme Court the basic principle of freedom of the press, as established in the Federal Constitution, "does not amount to a general licence for employees of the press to withhold sources [...] and thus, in the case of criminal proceedings, journalists are not automatically entitled to refuse to reveal sources of information received by them in writing or by other means."¹⁰⁶

However, the ECHR verdict in the case of Goodwin not only changed the practice of the Swiss Federal Supreme Court. It also led to changes in the law: for example, the revised media laws, which came into force in 1998, gave a person the right to refuse to reveal sources – albeit it with some exceptions, for example, where full witness statements are essential for the prevention or the solving of a capital crime¹⁰⁷. At the same time, the right of so-called editorial secrecy was incorporated into the Swiss Federal Constitution.¹⁰⁸ According to this constitutional article, "Persons whose profession is the publishing of information in the editorial section of a periodical, or their assistants, may refuse to reveal the content and source of their information and the identity of its author"¹⁰⁹. Furthermore, the court may not order sanctions or penalties against them.

The two most important international standards that ought to protect people's freedom of opinion and expression in Switzerland are the UN Human Rights package and – first and foremost – the European Convention on Human Rights.

6.2 The UNO Agreement

The UN General Assembly held on 10 December 1948 adopted and proclaimed the Universal Declaration of Human Rights (UDHR).¹¹⁰ This was the very first universal pronouncement on basic human rights. Article 19 states that:

¹⁰⁶ BGE 115 IV 75 (77 ff.)

¹⁰⁷ Swiss Penal Code Art. 27^{bis} Para. 2. See chapter 7: National Standards, p.88

¹⁰⁸ See subchapter 7.1: The Swiss Federal Constitution, p.88

¹⁰⁹ Swiss Penal Code, Art. 27^{bis} Para. 1

¹¹⁰ Resolution 217 A (III) of the General Assembly

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, regardless of frontiers.

The UDHR is comprised of non-binding recommendations. Since it has no legal force, it has never had a really profound impact (Peduzzi 2004, p.20). Nevertheless, various international treaties have been drawn up on the basis of the UDHR, for example the International Convention on the Elimination of all Forms of Racial Discrimination and the International Covenant on Civil and Political Rights – both of which are important when it comes to freedom of communication. Some of the terms of the UDHR found their way into the two international pacts on civil and political rights, as well as agreements on economic, social and cultural rights, which places them in the category of international agreements. Furthermore, the European Convention on Human Rights has its roots in the UDHR, as is obvious when comparing Article 10 of the former with Article 19 of the latter¹¹¹.

6.3 The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights was unanimously adopted by the General Assembly of the United Nations on 16 December 1966 and became a part of international law on 23 March 1976. Switzerland also signed this agreement and it came into force in Switzerland on 18 September 1992. It contains the following guarantees regarding the process of communication:

1. Everyone has the right to freedom of opinion, without restriction.
2. Everyone has the right to freedom of expression; this right includes freedom to acquire, receive and impart information and ideas of any kind whether by word of mouth, in writing or in print, regardless of national borders.
3. Exercise of the rights described in Para. 2 is associated with specific obligations and responsibilities and may be subject to such legally imposed restrictions as are necessary:
 - a) in order to respect the rights or the reputation of others;
 - b) for the protection of national security, public order, public health or public morals.

Article 20 also imposes further limitations on the process of communication:

1. All war propaganda is forbidden by law.
2. All incitement to hatred for reasons of nationality, race or religion leading to discrimination, hostility or violence is forbidden by law.

For Switzerland, too, these conditions are basically binding. However, based on Article 1, Paragraph 1, whereby every state has the right of self-determination, the Federal

¹¹¹ See subchapter 6.5: The European Convention on Human Rights, p.83

Assembly added nine provisos to the Convention¹¹². Three of these provisos affect the freedom of opinion and of the media more or less directly:

Firstly, the principle of public proceedings does not apply to disputes concerning rights and obligations under civil law or relating to the validity of a criminal charge and which, under cantonal law, are handled by an administrative authority. The principle of the public pronouncement of judgement applies, subject to the requirements of cantonal laws on civil and criminal proceedings, whereby in certain cases judgement is not publicly pronounced, but notified in writing to the parties involved¹¹³.

Secondly, the stipulations of certain cantonal and communal laws, whereby elections at meetings do not need to be held by secret ballot, are retained¹¹⁴.

And thirdly, Switzerland reserves the right not to introduce new measures against war propaganda, basically on the grounds that this declaration is superfluous, given that the restrictions under the Swiss Penal Code already meet the requirements of Article 20 of the International Convention on Civil and Political Rights (Peduzzi 2004, p.23).

6.4 The International Convention on Racial Discrimination

In 1993, Switzerland also approved the International Convention on the Elimination of all Forms of Racial Discrimination. At the same time Switzerland adapted its Civil Code to concur with the terms of the Convention. In 1994, the law against racial discrimination was accepted by a small majority at the polls.¹¹⁵ The new Anti Racial Discrimination Law, which includes certain restrictions on communication, was not universally popular. It was opposed, not only by right-wing conservatives, but also by certain liberal and progressive elements. Michael Marti, Ralph Pöhner and Sibylle Stillhart, for example, denounced the new law against racial discrimination as having grown out of the “compost heap of left-wing mainstream” and as being contrary to the “basic right to freedom of expression” (Marti et al. 2004). “If someone loudly denies the existence of the Holocaust down at the pub, he risks punishment. However, if the same person says that Stalin or Mao was a philanthropist – despite the fact that both these

¹¹² Federal resolution on the International Convention on Civil and Political Rights of 13 December 1991, Article 1, Para. 1

¹¹³ Article 14, Para. 1

¹¹⁴ Article 25, Letter b

¹¹⁵ The law was accepted by 54.6 per cent of voters on 25 September 1994.

leaders sent millions to their deaths – he will probably be left alone. "The leftists, too, succumb to the temptation to stretch the law to legitimise their own philosophies, and to identify new punishable offences in order to criminalise persons in areas where until recently they felt secure" wrote the authors.¹¹⁶

6.5 The European Convention on Human Rights

The European Convention on Human Rights was adopted by the representatives of the (then) thirteen member states of the European Council in Rome on 4 November 1950 and it became part of international law on 3 September 1953. This Convention is considered to be the actual foundation of what amounts to a European "bill of rights". Switzerland ratified the Convention in 1974.

The Convention protects the right to freedom of expression in Article 10:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

However, this article only secures freedom of expression to a limited extent. Both criminal and civil law may oppose this basic human right and, furthermore, a state may impose restrictions on freedom of the media to protect other values, such as territorial or public safety or national security. So, at the end of the day, a government, for example, cannot be prevented from imposing the requirement of a licence for radio or television. All possible limitations to freedom of expression are explicitly described in Paragraph 2 of Article 10:

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The European Court of Human Rights (ECHR) in Strasbourg monitors the respect of the Convention on Human Rights and examines complaints lodged by states and individuals. However, the Court may only go so far as to establish a violation of the Convention. The country concerned is obliged to accept the Court's decision, but whether the decision is actually implemented depends on that country and cannot be ordered by the ECHR. In Switzerland, the decision is seen as legally binding and the

¹¹⁶ See subchapter 7.2: The Swiss Penal Code, p.93

upholding of a complaint lodged under the European Convention on Human Rights is considered to be a legally prescribed reason for revising a national judgement of the last instance, insofar as rectification is only possible by means of such a revision (Peduzzi 2004, p.41).¹¹⁷

6.6 The Swiss Federal Supreme Court restrained by the ECHR

The ECHR has ruled against Switzerland on several occasions – in some cases for failing to respect the right to freedom of expression. Two recent cases have aroused widespread public interest, and not only the media concerned reported on the controversy (Lenzin 2006; Josi 2006). The cases concerned the conviction of two journalists working for *Blick* and *Sonntags-Zeitung* respectively. Both these journalists had been convicted by the Federal Supreme Court. They were found guilty of incitement to breaching the Official Secrets Act. This act concerning the publication of official secrets and proceedings is defined in the Swiss Penal Code in Article 293¹¹⁸ and states that:

1. The unauthorised publication of any information contained in official files, proceedings or investigations which has been classified as confidential by law or by order of the authorities will be punished with imprisonment or a fine.
2. Aiding and abetting is liable to prosecution.
3. The court may dispense with punishment if the secret information that has been publicly divulged is of minor importance.

While researching the background of a robbery at a Zurich post office on 1 September 1997, the *Blick* journalist Viktor Dammann requested information from an employee of the office of the Director of Public Prosecution. On 10 September 1997 he sent an administrative assistant a fax with a list of suspects, asking her to mark those who already had a criminal record. He subsequently obtained this information. For the Swiss Federal Supreme Court this was an open and shut case. "Making such a request not only created a situation in which a person, in complying with the request, had been deliberately persuaded to commit an offence: in asking such a question, the journalist had incited the assistant to act as she did".¹¹⁹ In its verdict of 1 May 2001 the court came to the conclusion that without the journalist's question there would never have

¹¹⁷ See Article 139a of the Federal Law relating to the Organisation of Federal Judicial Practice of 16 December 1943

¹¹⁸ See subchapter 7.2: The Swiss Penal Code, p.93

¹¹⁹ BGE 127 IV 122

been an answer, so that the journalist was accountable for this incitement to contravene the official secrets regulations.

The *Sonntags-Zeitung* journalist Martin Stoll was convicted of publishing the content of officially secret negotiations. In 1997, he published extracts of a paper written by the Swiss Ambassador to the USA at that time, Carlo Jagmetti. The paper concerned Switzerland's attitude and possible strategies in the conflict between Swiss banks and the World Jewish Congress concerning the unclaimed Jewish accounts in Swiss Banks dating from the Second World War. The paper in question served as a basis for the decision of the federal authorities on the compensation of Holocaust victims. In this case, too, the Swiss Supreme Federal Court made it quite plain that, in Switzerland, official secrets need to be safeguarded, particularly where overriding national interests are at stake. In its verdict, the Supreme Federal Court concluded that "the safeguarding of the confidentiality of the strategic paper in question [...] was more important than the public's interest in reading the published extracts in the newspaper¹²⁰."

Both these cases caused a stir in the Swiss media and amongst the public, particularly as many people could not go along with the decisions of the Supreme Federal Court. The Swiss Press Council joined the melee¹²¹: in the case involving *Blick* journalist Dammann, one of the criticisms raised by the Swiss Press Council was the fact that merely asking for information was regarded as a punishable offence. Indeed, from both a journalistic and a socio-philosophic point of view, the verdict is problematical in the long term. If journalists are not allowed to ask questions, their work is reduced to the status of press announcements or official communiqués and discursive dialogue, as well as dialectics, is reduced to the mere form of one-way communication.

In the case of the *Sonntags-Zeitung* journalist, contrary to the verdict of the Federal Supreme Court, the Swiss Press Council reached the conclusion that publication of this document was basically legitimate. However, the Swiss Press Council¹²² also criticised the selective editing and over-dramatisation of Jagmetti's strategy paper, as well as the scandal-mongering on the part of the journalist.

¹²⁰ BGE 126 IV 236

¹²¹ Swissinfo, Die Schweiz hat Mühe mit der Meinungsfreiheit. (Switzerland has Problems with Freedom of Opinion.) (www.swissinfo.ch, consulted 25 April 2006).

¹²² See subchapter 7.6: The Swiss Press Council, p.99

In both cases, the ECHR established that there had been a form of censorship and a violation of the right of free expression under Article 10 of the European Convention on Human Rights.

In the case of the *Blick* journalist, the ECHR considered that it was a matter for each state to train its officials not to disclose confidential information. Moreover, under to the European Convention on Human Rights, the conviction of the journalist was out of proportion, given the interest of a democratic society in maintaining a free press. Even though the information obtained in this way should basically have been protected, it was not confidential information in the sense of the Convention. Finally, in this case, publication of these facts was actually in the public interest, because a spectacular robbery had been committed, which caught the attention of the media and the public.¹²³

The ECHR reached a similar decision in the case of the *Sonntags-Zeitung*: publication of the content of the Swiss strategic paper did not jeopardise any interests that were more important than the right to freedom of expression. Although the ECHR recognised the importance of protecting the work of the diplomatic corps from outside interference, it concluded that the information contained in the articles in question had been of a kind that raised matters of public interest, since discussions about the assets of Holocaust victims and Switzerland's role during the Second World War had been very heated and had acquired an international dimension. The court established that the public were entitled to be informed about the officials dealing with such a sensitive issue and their negotiating style and strategy¹²⁴.

In January 2006, a third sensation was caused by the so-called Fax Affair. The *Sonntags-Blick* published a fax that had been leaked to the newspaper. This fax had already been intercepted by Swiss intelligence. The fax, which had been sent to Cairo from the Egyptian embassy in London, mentioned the alleged existence of secret CIA prisons in Europe – a very sensitive topic at the time. Dick Marty, a member of the Swiss Council of States, was one of those investigating the affair on behalf of the Council of Europe.

Here too, legal proceedings were instituted, not only against the sources within Swiss intelligence, but also against the journalists who had published the fax. Investigations

¹²³ ECHR, *Dammann v. Switzerland*, n^o/no. 77551/01 (Sect. 4), 5592, 25 April 2006

¹²⁴ ECHR, *Stoll v. Switzerland*, n^o/no. 69698/01 (Sect. 4), 5591, 25 April 2006

were carried out by the military judicial authorities and the Federal Public Prosecutor's Office. Should those accused be found guilty of an offence, they too will probably bring the case before the ECHR.

In all the above-mentioned cases, the Swiss investigators and courts have based their arguments on Article 293 of the Swiss Penal Code¹²⁵, which makes the publication of official secrets a punishable offence. Several attempts have been made to abolish this article, but as yet without success. It is true that, according to the Swiss Federal Statistical Office, during the years 1996-2004 only eight media workers were convicted under this article, but this figure does not include cases where a person was merely fined – as was the case in the above mentioned publication of the Jagmetti strategic paper.

¹²⁵ See subchapter 7.2: The Swiss Penal Code, p.93

7 National Standards

7.1 The Swiss Federal Constitution

From 1848 onwards the Swiss Federal Constitution – as liberal heir to the 50-year constitutional struggles – upheld the freedom of the press. The totally revised Federal Constitution of 1999 also guarantees this basic right, and now also extends it to uphold the right to freedom of opinion and freedom of information¹²⁶. Article 16 states that:

1. Freedom of opinion and information is guaranteed.
2. All persons have the right to form, express and disseminate their opinions freely.
3. All persons have the right to receive information freely, to gather it from generally accessible sources, and to disseminate it.

All this sound very positive, but restrictions are implied too, particularly in Paragraph 3, which means that not all sources of information should be available to media workers, but only those that are generally accessible. In the case of information that is not considered “generally accessible” the authorities can decide whether or not this material is to be made available to media workers. This paragraph reflects the problem that suspicion is the order of the day when dealing with the media and their use of sensitive data. However, the paragraph is also based on an understanding that the state can and should control the media. The Federal Constitution was drawn up by parliament and – as will be seen later – the Swiss parliament is notoriously hostile to the media, or is at least afraid of it. Need this be so? The Swiss Press Council disagrees. As guarantor of the code of ethics of Swiss Journalists and recognised discussion partner in questions of media ethics, the Swiss Press Council found this situation far from ideal. Its Chairman, Peter Studer, is said to have favoured an arrangement whereby the authorities would have to prove why a particular matter must remain confidential, as is the practice in Sweden or the USA (Studer 2001). He pointed out that some cantonal constitutions foresee this right. Studer’s predecessors had likewise repeatedly accused the federal authorities and parliament of maintaining a policy of secretiveness. For example, on 24 January 1994, the Swiss Press Council issued the following statement concerning the publishing of confidential information:

"The mass media can only perform their criticising and controlling function and fulfil their duty to publicise information if they are able to carry out research free from all thematic, geographical or structural restraints and if they are able to report on all topics which they hold

¹²⁶ See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50

to be relevant to the public. When the state decides what can be reported, this amounts to an infringement of the freedom of the press."

For a long time, the parliament and the federal authorities remained unmoved by such arguments and, until recently, the Swiss federal authorities maintained a general policy of strict confidentiality. It was not until 1 July 2006 that the new Federal Law on the Principle of Transparency in the Administration was implemented and eased the situation. The new law brought about a change from the principle of maintaining confidentiality to the principle of transparency and, for the first time, it became possible to gain free access to official documents on the pronouncements and decrees of the federal authorities, parliamentary services and public institutions¹²⁷. All this sounds encouraging, but it remains to be seen whether the new law really does signal a change of paradigm: certainly, there are grounds for doubt, since the principle of transparency is still subject to a number of restrictions and exceptions. Generally speaking, the new law foresees that official documents will only become accessible once the political or administrative decision in question has been taken. And the new law bars access to documents and papers which:

- are labelled secret
- were drawn up before 1 July 2006
- were drawn up by the Swiss National Bank or the Swiss Federal Banking Commission
- are put to commercial use by an authority, for example maps issued by the Federal Office of Topography
- are not yet complete
- are being used for ongoing or future discussions
- are destined for personal use, for example handwritten notes, working copies of documents or other working aids

Furthermore, the new transparency act defines a number of exceptions or special cases where access to documents can be restricted, postponed or even prohibited. This concerns access to documents which:

- could endanger the internal or external security of Switzerland

¹²⁷ The so-called Transparency Act was passed by Parliament on 17 December 2004.

- could jeopardise foreign policy interests or international relations
- could affect relations between the Federal Government and the cantons or between different cantons
- could endanger Switzerland's financial, monetary or currency policy

Finally, the new law foresees that access to documents can be restricted, postponed or prohibited when it is necessary to protect:

- personal data
- information given to the authorities subject to the obligation to secrecy
- information that is someone's intellectual property or subject to professional, business or manufacturing secrecy

So much for the transparency of the federal administration and parliament. On the other hand, the new Federal Constitution also contains an article pertaining to the media which goes far beyond what the authors of the 1848 Constitution considered necessary.

Article 17 states that:

1. Freedom of the press, radio and television, and of other forms of public tele-casting of productions and information is guaranteed.
2. Censorship is prohibited.
3. Editorial secrecy is guaranteed.

Article 17 is significant for several reasons. Firstly, it expressly prohibits censorship and protects editorial secrecy. In Paragraph 3, the new constitution echoes Directive 6.1 of the Declaration of the Duties and Rights of the Journalist: the protection of editorial secrecy guaranteed under the constitution has become an inviolable professional duty, far exceeding the legal right to refuse to give evidence and reveal sources since, contrarery to a constitutional right a legal right can be undermined or restricted by the legislators. The protection of editorial secrecy as foreseen by the constitution protects journalists' source material (notes, addresses, recordings, photographs etc.) even more comprehensively. It also protects informants who have provided their information on condition that their identity will not be disclosed if the information is published. And finally, the author of an article may also choose to remain anonymous¹²⁸. The Federal

¹²⁸ See chapter 19.7: Appendix 7: Directives Relating to the Declaration of the Duties and Rights of the Journalist, p.268

Supreme Court established the importance of this paragraph in its opinion of 11 May 2006: "[...] The lack of such protection would make it more difficult for media workers to obtain the necessary information and thus for the media to assume the watchdog function that is essential in a democratic society." The Federal Supreme Court concluded that "the protection of sources is a basic condition and cornerstone of freedom of the press and it is recognised as such under the constitution and convention."¹²⁹ However, this should not be understood as absolute protection of editorial secrecy: like other basic rights, editorial secrecy may be subject to certain restrictions (Studer and Mayr von Baldegg 2001)¹³⁰. Article 36 of the Swiss Federal Constitution grants this right, but only where it has a legal basis, is in the public interest and is appropriate. Article 10, Point 2 of the European Convention on Human Rights also allows restrictions that are necessary in a democratic society for the prevention of crime, the protection of the rights of others or the maintenance of the authority and impartiality of the judiciary¹³¹.

In Switzerland, the guaranteeing of editorial secrecy in particular was initially the subject of some controversy. However, after federal judicial practice had oriented itself to that of the European Court of Human Rights, this more extensive protection was finally included in the new constitution and penal code.¹³² But here too, it should be noted that parliament only gave in when external pressure had clearly become overwhelming and the Federal Court, as supreme judicial authority, had begun to uphold editorial secrecy. And Article 27^{bis} of the Swiss Penal Code was revised on 1 April 1998 to include the following additional clauses:

1. If persons whose profession is the publishing of information in the editorial section of a periodical, or their assistants, refuse to reveal the content and source of their information or the identity of its author, neither legal proceedings nor sanctions may be instigated against them.
2. Paragraph 1 shall not apply if the judge establishes that:
 - (a) it is necessary to give evidence in order to save a person who risks life and limb, or

¹²⁹ BGE, 132 I 181

¹³⁰ See also Swiss Press Council, Directives relating to the Declaration of the Duties and Rights of the Journalist (www.presserat.ch, consulted 21 July 2007); or chapter 19.7: Appendix 7: Directives Relating to the Declaration of the Duties and Rights of the Journalist, p.268

¹³¹ On 27 March 1996 the European Court of Human Rights based its demand for the protection of journalists' sources on the freedom to express opinions as established in Art. 10 of the European Convention on Human Rights (Recueil Cour EDH 1996-II, p. 483, Para. 28).

¹³² See subchapter 6.1: Dissent and conformity, p.79

- (b) if evidence is withheld, it will not be possible to establish the truth or apprehend the perpetrators of a crime in the case of culpable homicide [...] or another crime subject to a minimum sentence of three years imprisonment, or a punishable offence [...] under Article 19, Point 2, of the Narcotics Act of 3 October 1951.

In explicitly stating that censorship is forbidden, the Federal Constitution in fact goes further than the European Convention on Human Rights. However, what at first sight appears quite revolutionary might be viewed by some people as rather less progressive upon closer examination. They would argue that the prohibition of censorship has been the normative core of freedom of communication right from the outset (Peduzzi 2004, p.245) and, to date, nothing has changed in this respect. In their opinion, the prohibition of censorship is the basic condition for any self-respecting society dealing with communication processes. From this point of view, the explicit mention of prohibition of censorship may put the constitution in a flattering light, but basically it can also be seen as an absolute necessity in any free society and country. On the other hand, this formulation shows the relevance and the unlimited protection of freedom of communication; generally, the Swiss Constitution only defines prohibitions where inviolable issues are concerned, such as prohibiting the death penalty (Article 10, Para. 1) or torture (Article 10, Para. 3).

The light of freedom does not shine on all parts of the new constitution, however. As can be inferred from Article 17, Para. 1, the prohibition of censorship extends to all media products, but it does not refer to freedom of information and opinion in general. This raises the question of statements made in a web log¹³³. Neither is the prohibition of censorship applied to the freedom of expressing opinions and gathering in public, while the Supreme Federal Court has already issued communal regulations that limit the freedom of expressing opinions and gathering in public as a form of pre-censorship.¹³⁴

Despite this article in the new Federal Constitution, it is clear that, seen from certain points of view, censorship continues to exist in Switzerland. For example, the extensive legal protection of personal rights, as foreseen in the Civil Code¹³⁵, makes it possible to issue a precautionary injunction against a publication. It is no exaggeration to speak of

¹³³ See chapter 13: The Internet – progressing by fits and starts, p.176

¹³⁴ See BGE 107 Ia 292 (289)

¹³⁵ See subchapter 7.3: The Swiss Civil Code, p.96

pre-censorship in such a case. Neither is editorial secrecy absolutely guaranteed. It is restricted both by the Swiss Penal Code and the Swiss Civil Code¹³⁶.

7.2 The Swiss Penal Code

The Swiss Penal Code plays a considerable role in connection with restrictions placed on journalism. The case of Ambassador Jagmetti's strategy paper mentioned above¹³⁷ demonstrates the precariousness of the balancing act between protecting confidential documents on the one hand and protecting the public interest on the other. For the Swiss Press Council, Article 293 of the Swiss Penal Code, which was applied in this case, is an "authoritarian relic" (Studer 2001). Prohibitions or demands vis-à-vis the media are usually based on the Swiss Penal Code, that is on Article 293. This article is, however, the subject of some controversy and from time to time efforts are made to have it abolished.

For example, both the Federal Department of Justice and Police (in a draft drawn up in November 1986 on possible amendments to media law under the current penal code and procedural law) and the study group on media law *Medienstraf- und Verfahrensrecht* commissioned by the same Federal Department (in their report of 1991) demanded the deletion of this article without replacement. The Federal Council too, when replying to a motion by National Councillor Paul Rechsteiner, considered this article to be in need of revision. In 1997, at the time of the revision of the *Medienstraf- und Verfahrensgesetz* (media laws) the Federal Council once again pointed out the ineffectiveness of this article.¹³⁸ Another exponent of this point of view is Gerhard Fiolka, lecturer in Criminal Law at the University of Fribourg (Fiolka 2002). He considers the provisions concerning official secrets ill-suited to the purpose of combating indiscretions. According to Fiolka, these provisions do not deter journalists. Furthermore, the facts constituting an offence concern a process that was merely a result of the actual indiscretion (Gerny König 2006).

¹³⁶ See subchapter 7.2: The Swiss Penal Code, p.93; and subchapter 7.3: The Swiss Civil Code, p.96

¹³⁷ See subchapter 6.6: The Swiss Federal Supreme Court restrained by the ECHR, p.84

¹³⁸ Nationalrat, Amtliches Bulletin. Medienstraf- und Verfahrensrecht. Frühjahressession, Nr 96.057. (Minutes of National Council on Media Legal Proceedings. Spring session, Nr 96.057.), 19 March 1997 (http://www.parlament.ch/ab/frameset/d/n/4506/148825/d_n_4506_148825_148928.htm, consulted 10 March 2007).

To date, this article has withstood all attempts to abolish it. As Fiolka remarks: “It is worrying that parliament has an even greater need than the authorities to sanction the undesired disclosure of information to the public.” (Fiolka 2002).

Article 293 of the Swiss Penal Code and the corresponding Article 106 of the Military Penal Code¹³⁹ are not the only regulations pertaining to the media. The actual media laws are to be found in Article 27 of the Swiss Penal Code, which regulates the penal liability of the media, Article 27bis, which defines the protection of sources, and Article 322, which defines the media’s duty to provide information.¹⁴⁰

Editorial secrecy and the protection of sources are constantly coming under pressure. For example, in the summer of 2005 the prosecuting authorities in Zurich tried in court to have the protection of sources lifted in connection with the report on a heart transplantation at the University Hospital of Zurich with a fatal outcome. The *NZZ am Sonntag* wanted to protect its informants, who were accusing the senior consultant who had carried out the operation of taking a calculated risk (Ninck 2005).

In the first instance, the Zurich High Court followed the arguments of the newspaper. The court found that, firstly, lifting the protection of sources was not absolutely necessary for the purpose of the investigation and, secondly, there was no strong suspicion that the doctor in question might have committed voluntary homicide, neither had the newspaper report made such an accusation, even if the informants had voiced suspicions (Gyr 2005). In the appeal proceedings the second chamber reversed the decision of the court of the first instance, saying that the accusation of possible voluntary homicide could not be clarified without access to the source of information. The High Court invoked the above mentioned Article 27bis, Para. 2 of the Swiss Penal Code, which cites exceptional circumstances under which the protection of sources can be lifted. This is possible if a homicide or other serious crime cannot be clarified without revealing the identity of informants.¹⁴¹

The *NZZ am Sonntag* was shocked by this decision. Referring to the Federal Constitution and the European Convention on Human Rights (Gyr 2006), the *NZZ am Sonntag* appealed to the Federal Supreme Court against the decision. The newspaper

¹³⁹ See chapter 8: The Secretiveness of the Military, p.104

¹⁴⁰ The same norms apply to the Military Penal Code, cf. Art. 26b.

¹⁴¹ Art. 27^{bis} Swiss Penal Code

was successful: in a decision of 11 May 2006, the Federal Supreme Court confirmed the protection of sources and thus overturned the decision of the court of second instance. Meanwhile, the state prosecutor had extended the investigations to include the possibility of voluntary homicide, in the hope of having the protection of sources lifted, but this did not influence the decision of the Federal Supreme Court. In its decision, the Federal Supreme Court pointed out that lifting the protection of sources had to be appropriate under the circumstances, which was not the case here¹⁴².

Apart from these questionable articles relating to the media, journalists negotiating the minefield of the Swiss Penal Code also need to bear in mind that there are other articles under which they can be charged with offences. These concern defamation of character, libel, slander, the unauthorised opening of letters or the unauthorised recording of conversations. In order to record a private conversation or interview, it is necessary to obtain the permission of the discussion partner(s).¹⁴³ The acoustic or visual recording of aspects of a person's private life also requires the consent of the person concerned.¹⁴⁴ Journalists may also be restricted by the above mentioned Anti Racial Discrimination Law, although no infringement of Article. 261bis on the part of the media has been recorded to date.

On the other hand, journalists have already been convicted of incitement to breach the Official Secrets Act under Articles 24 and 320 of the Swiss Penal Code.¹⁴⁵ A Swiss court of the first instance also convicted and fined a journalist for illegally crossing the border after the journalist – in the style of “undesirable journalist” Günter Wallraff¹⁴⁶ – had disguised himself as an illegal immigrant. However the verdict was overturned by the court of the next-higher instance – in the interests of freedom of the press (Cortesi 1999).

¹⁴² BGE-Publication, Decision 6P.45/2006

¹⁴³ Art. 179^{ter} Swiss Penal Code

¹⁴⁴ Art. 179^{quater} Swiss Penal Code

¹⁴⁵ See subchapter 6.6: The Swiss Federal Supreme Court restrained by the ECHR, p.84

¹⁴⁶ The author and journalist Günter Wallraff became well-known during the 1960s and 1970s for his clandestine reporting. He played a major role in the development of investigative journalism in Germany and Switzerland.

7.3 The Swiss Civil Code

As with the Swiss Penal Code, the Swiss Civil Code contains an increasing number of paragraphs that affect media workers. In 2001, the Swiss Press Council pointed out this fact, criticising it indirectly: "In civil law, where the state settles conflicts between private individuals with equal rights, there has recently been a dramatic increase in legislation concerning the media" (Studer 2001) Thus, the Civil Code does not only establish the right to make counterstatements¹⁴⁷ it also foresees the possibility of applying for precautionary measures to prevent the violation of personal rights.¹⁴⁸ The Civil Code in fact goes much further than the Penal Code, when it comes to the protection of secrecy and privacy (Riklin 1995, p.5).

At the beginning of May 2006, the Zurich High Court upheld a request by the World Football Association (FIFA) and issued a temporary injunction on the sale of a book by English journalist Andrew Jennings that criticised the Football Association and its President Sepp Blatter. The circumstances surrounding this injunction are very interesting.

It is clear from the statements of FIFA that the court banned the book two days before either the Football Association or the High Court could have seen it. Jennings wondered how a court can ban a book that it has not seen and asked provocatively what kind of a legal system this was.¹⁴⁹

It is indeed a fact that this legal system recognises a temporary or precautionary measure taken only on the evidence of one side, the primary aim being to protect personal rights. The Jennings case was not the first of its kind in Switzerland. In 1996, a Geneva court also issued a temporary injunction against selling a book about shady financial dealings in Switzerland, written by journalist Gian Trepp and entitled "Swiss

¹⁴⁷ Art. 28g, Para. 1, Swiss Civil Code: "Where anyone is directly injured in his person by the presentation of facts in periodically appearing media, in particular the press, radio or television, he is entitled to make a counter-statement." and Art. 28k, Para 1, Swiss Civil Code: "The counter-statement must be published as soon as possible and in such manner that it reaches the same group of people as the presentation of the facts to which exception has been taken." and Art. 28k, Para. 2, Swiss Civil Code: "The counter-statement must be marked explicitly so that it can be recognised as such; the media institution or enterprise is only entitled to add a declaration whether they maintain the previously published presentation of the facts or on what sources their presentation is founded."

¹⁴⁸ Art. 28c Swiss Civil Code

¹⁴⁹ On *Tagesschau* (news program on Swiss television SF DRS, broadcasted 3 May 2006, 19.30).

Connection". However, the court neglected to include book stores in the injunction, so that copies already supplied could be purchased quite legally (Ladner 1996).

7.4 The Federal Law on Unfair Competition

Finally, journalists can also get into trouble on account of the Federal Law on Unfair Competition. In 1998, the Swiss television (SRG) programme *Kassensturz* contravened Article 3 of the Federal Law on Unfair Competition in their report on the medicine *Contraschmerz*. The TV company had to pay record damages of 480,000 Swiss francs because it had concentrated on the painkiller that was the market leader with the most effective advertising, but did not report in the same detail on the other eleven products on the market. The successful legal action taken by the plaintiff was not the only one of its kind, although in the other cases the fines were not so hefty.

In the opinion of journalists, following its revision in 1988, the Federal Law on Unfair Competition has in fact become a law muzzling freedom of speech. For example, in 1994, the Federal Council prohibited an environmental biologist from publicising his theses on the harmful effects of microwaves. In doing so, the Federal Council upheld a complaint lodged by the association of electrical appliance manufacturers on the grounds that such reports would distort competition, whereas in actual fact the manufacturers were simply afraid of losing business.¹⁵⁰

The journalist Christian Mensch wrote in the *Weltwoche* that the formulation and judicial practice in this field is more rigid than anywhere else in Europe (Mensch 2001). Reporting on matters of finance and consumer protection is indeed very much restricted under this law and Urs Saxer, an expert on media law, asks whether it is fitting that financial interests should come before the freedom of the media (Saxer 2001).

7.5 The Law on Radio and Television (LRTV)

Apart from general media legislation, Switzerland also has a separate Law on Radio and Television (LRTV).¹⁵¹ In the Spring 2006 session of the Swiss parliament, a totally revised version of this law was adopted. However, according to the Minister of Transport, Communications and Energy, Moritz Leuenberger, the law was already out

¹⁵⁰ BGE 120 II 76

¹⁵¹ See chapter 12: Radio and Television, p.160

of date.¹⁵² Firstly, it establishes that the Swiss radio and television company SRG is a public service, thus ensuring that SRG can claim most of the licence fees. Secondly, it legislates on the competitive situation between the public service and private stations. Originally, some people wanted full liberalisation with the same conditions for the SRG as for private companies, while others favoured a clear distinction between the licence-financed SRG and the advertising-financed private companies. Full liberalisation of the market did not take place, and there continues to be a splitting of licence fees, of which the private companies receive a mere four percent. At the time the new law was adopted, this amounted to 44 million Swiss francs. In exchange, the private companies enjoy greater freedom in advertising, with more lenient rules concerning commercial breaks and the advertising of alcohol.

Apart from financial considerations, the new Radio and Television Law also legislates on the content of programmes. For example, under the new law, stations will no longer be obliged to broadcast official declarations or give the authorities transmission time. The right of interested broadcasters to report briefly on public events for which exclusive agreements exist between the organiser and other broadcasters is strengthened.

The law includes the monitoring of programmes, making a clearer distinction regarding the competencies of the Federal Office of Communications and the independent complaints authority for radio and television (UBI). In future, the UBI will be responsible only for complaints which relate to the editorial content of a programme. It loses its previous competencies in the area of advertising (for example in the case of political publicity). On the other hand, the UBI will now rule on disputes concerning denied access to a programme and its consultations will be made public. Finally, the legal protection for broadcasters is extended. In future, they will be able to appeal to a legal body (the Federal Administrative Court) if the department refuses them a licence.¹⁵³

¹⁵² For example, the Radio and Television Law does not contain any articles about the spread of radio and television in the Internet.

¹⁵³ Bundesamt für Kommunikation (Federal Office of Communications), Das total revidierte RTVG – Kernpunkte und Neuerungen. (The totally revised LRTV- Crucial Points and Reform.) (www.bakom.ch/dokumentation/gesetzgebung/00512/01031/01404/index.html?lang=de, 18 November 2006, consulted 27 February 2007). See also chapter 12: Radio and Television, p.160

7.6 The Swiss Press Council

The Swiss Press Council was founded in 1977 by the Swiss Journalists' Association *Verband Schweizer Journalistinnen und Journalisten (VSJ)*. Since then, the Committee of Editors in Chief, *Konferenz der Chefredaktoren*, and the trade union *Comedia* have joined this institution. The Swiss Press Council is, to some extent, the conscience of the Swiss media and it is conceived as a self-regulating authority. It is accessible to the media and the public as an authority for questions of media ethics. It is not a court in the traditional sense and its statements are not legally binding¹⁵⁴. However, the Swiss Press Council wields considerable influence both in the media and with the public. "When the Press Council [...] throws light on conflicts, criticises inappropriate behaviour, or proposes and openly discusses ways of solving problems, it makes an important contribution to the professionalism and the general reputation of the media" (Loretan 2002).

The Swiss Press Council consists of 21 members, six of whom represent the public and are not employed in media professions. The other members are professional journalists who are recognised for their personal integrity. At least six members must come from French-speaking Switzerland and at least two from Italian-speaking Switzerland. According to the regulations, Romansch-speaking Switzerland should also be represented if possible. The president and the two vice-presidents may not all come from the same linguistic region. All members of the Swiss Press Council are elected for a period of four years by the committee of the Swiss Press Council Foundation. Members may be re-elected twice.

In 2005, the Swiss Press Council received 88 complaints, of which almost a quarter were later withdrawn, usually because the plaintiff failed to supply the necessary evidence to substantiate the claim or because the conflicting parties were able to reach an agreement. The Swiss Press Council rejected thirteen complaints as being unfounded, turned down another eleven, fully upheld twelve complaints and ruled that fifteen complaints were at least partly justified¹⁵⁵. Thus, there is a fairly even balance between rejected and upheld complaints.

¹⁵⁴ Swiss Press Council, Regulation Art. 1 (www.presserat.ch, consulted 7 March 2006)

¹⁵⁵ Source: interview with the Secretariat of the Swiss Press Council, 18 March 2006

Looking at the reasons for lodging complaints, inaccurate truth-seeking and violation of the obligation to speak the truth come first, followed by demands for correction and rectification, complaints about the violation of privacy and unjustified identification, demands for fairness and the right to be heard, and complaints about discrimination and the violation of human dignity.

However, the Swiss Press Council often attaches less significance to the subject of the complaint than the plaintiff does. Top of the list in this respect are cases concerning fairness and the right to be heard, followed by inaccurate truth-seeking and demands for correction and rectification. During 2005, complaints were also received concerning insufficient researching of information sources or violation of privacy. There were also cases of discrimination and unwarranted clandestine reporting. In at least one case, there had been a violation of human dignity. Other complaints concerned freedom of information and the duty to inform. Apart from criticism for being out of proportion, for example, in demanding a rectification of content which would only be appreciated by insiders¹⁵⁶ there was at least one complaint concerning how a distinction is (or is not) made between the editorial and the commercial part of a medium.¹⁵⁷

The Swiss Press Council occasionally voices an opinion on court decisions concerning the media, particularly when people are convicted under Article 293 of the Swiss Penal Code or in cases where the ECHR establishes that there has been a violation of the freedom of the media.¹⁵⁸

Currently, efforts are being made to persuade the Publishers' Association to join the Swiss Press Council as well, which would give it an even broader basis. However, demanding that the publishers assume their responsibilities has led to a conflict based on the Declaration of the Duties and Rights of the Journalist¹⁵⁹. Representatives of the trade unions fear that the publishers will try to influence their code of ethics. Indeed, the Publishers' Association disapproves of two items: one bone of contention is Point 11, which states that journalists should "take journalistic directives only from designated

¹⁵⁶ Swiss Press Council, Berichtigungspflicht. (The Obligation to Rectify.) Communiqué 26/2005, 9. Juli 2005 (www.presserat.ch/21800.htm, consulted 9 March 2006))

¹⁵⁷ Swiss Press Council, Annual report 2005. Stiftung Schweizer Presserat, March 2006 (www.presserat.ch, consulted 19 October 2006).

¹⁵⁸ *ibid*

¹⁵⁹ See chapter 19.6: Appendix 6: Declaration of the Duties and Rights of a Journalist, p.266

editorial superiors, and respect those directives only when they are not contrary to this Declaration.” The other contested issue concerns Point g, which states that a journalist has “the right to benefit from an individual employment contract guaranteeing material and moral security. In particular, an appropriate remuneration – corresponding to the journalist’s function, responsibilities and social role – should ensure his or her economic independence.” There are other points, too, that are not at all popular with the representatives of the publishers, such as those limiting the employer’s right to issue instructions or establishing the journalist’s primary duty to the public (as laid down in the code of ethics) (Brügger 2006). On top of this, the Chairman of the Publishers’ Association, Hanspeter Labrument, also once described the Swiss Press Council as “a mere weather-vane and garrulous coffee party” (Brügger 2006). This last remark was also criticised by some of his own associates, however (Stadler 2005b). In the meantime the feud has quietened down, but it seems unlikely that the Publishers’ Association will be joining the Swiss Press Council in the near future (Brügger 2006). This is a pity, since it would be a positive step forward if the Publishers’ Association were also to uphold the Declaration of the Duties and Rights of the Journalist and the corresponding ethical guidelines. Particularly insofar as their rights are concerned, media workers are confronted with infringements every day. In reality, the right to issue instructions is quite different from the rather idealistic formulation of the Declaration.¹⁶⁰ Appropriate remuneration – particularly for freelance journalists – is not guaranteed and in many publishing houses the question of further training is not only left to the initiative of the journalists concerned, but it is often financed by the journalist’s own means.¹⁶¹ If the Publishers’ Association were a member of the Swiss Press Council, it would at least have to adopt a clear position on this point, even though there would probably be very little change in the situation, given that there has been no further progress concerning the Collective Agreement.¹⁶²

¹⁶⁰ Anonymous survey, with the participation of the editors of five different newspapers from Central Switzerland and Zurich, carried out between 18 March and 14 April 2006: all of them are at least occasionally confronted with wishes or instructions on the part of publishers which can compromise their editorial independence. Examples cited included writing articles as a favour, exercising moderation in their reports, requests for a specific issue to be placed in the newspaper.

¹⁶¹ See chapter 10: Education and training in journalism; p.129

¹⁶² See chapter 9: Media Organisations and Journalists’ Associations, p.114

7.7 The Declaration of the Duties and Rights of the Journalist

Since 1999, Swiss journalists have had a comprehensive code of ethics. The new directives were drawn up for the profession by the Swiss Press Council and approved as the *Declaration of the Duties and Rights of the journalist* and *Directives relating to the Declaration*. The preamble of the Declaration sets out the following ethical principles:

1. The right to information, together with freedom of expression and criticism, is one of the fundamental liberties of every human being.
2. The rights and duties of journalists devolve from the public's right to have access to fact and opinion.
3. Journalists' responsibility to the public must come before any they bear towards a third party, notably employers and public authorities.
4. Journalists should, of their own accord, adopt the rules necessary [and laid down in the *Declaration of Duties*] to accomplish their mission to inform.
5. In order to carry out their journalistic duties in an independent manner, and in accordance with required quality standards, journalists must be able to count on general conditions adequate to the exercise of their profession [as laid down in the Declaration of Rights].

The directives themselves follow after the preamble. To summarise, they cover the elementary values of truth, freedom of opinion, access to information, fair working methods, incorruptibility and respect of human dignity¹⁶³.

In contrast to the example of the USA, where the *Ethics Checklist* was drawn up as a ten-point checklist for the influential *Society for Professionals in Journalism*, that is mainly as a working aid, the Swiss Declaration of the Duties and Rights of the Journalist extends the meaning of the existing guidelines. The Swiss code of ethics, with its rights and duties, is not only intended as a set of guidelines for journalists, but also as a standard, that is the normative basis which is to be applied when judging the behaviour of journalists and, furthermore, when handling complaints brought before the Swiss Press Council.¹⁶⁴ As can be seen from the preamble, the Declaration is derived from the professional code of ethics and the logical role of the journalist in society.

In an attempt to make this Code more than just a paper tiger, the journalists' associations have made the signing of this document a pre-condition of acceptance for

¹⁶³ See chapter 19.6; Appendix 6: Declaration of the Duties and Rights of a Journalist, p.266

¹⁶⁴ Swiss Press Council (www.presserat.ch, consulted 16 March 2006).

registration in the professional register and the issue of a press card.¹⁶⁵ It is above all the manner in which the conditions for official acceptance are formulated that annoys some media workers. “We are not living under a Communist regime in which people’s convictions have to follow the party line,” is how one journalist explains his refusal to sign.¹⁶⁶ As a result, the journalist concerned has left the association.

If one compares the reality of the profession of media worker in Switzerland today with this declaration, many people would have to be excluded from the professional register. Even though journalists seldom deliberately break the rules of their profession it must be said that hardly any journalist constantly checks his or her work for conformity with the rules. “You work according to the best of your knowledge and ability,” says one journalist¹⁶⁷, voicing the opinion of many of his colleagues. Another colleague puts it even more bluntly:¹⁶⁸ “By signing the code of ethics we are ridiculing ourselves and our readers, because the reality of the situation is quite different.” In addition, it is a fact that media organisations and journalists’ associations are not really in a position to enforce the code of ethics. For that, they need to have a lot more punch.¹⁶⁹

¹⁶⁵ Regulations of Comedia, SSM, Impressum. See chapter 9: Media Organisations and Journalists’ Associations, p.114

¹⁶⁶ Interview with the author, 16 August 2005

¹⁶⁷ Interview with the author, 5 November 2005

¹⁶⁸ Interview with the author, 28 November 2005

¹⁶⁹ See chapter 9: Media Organisations and Journalists’ Associations, p.114

8 The Secretiveness of the Military

8.1 Under special protection

As one of the smallest countries in Europe, for a long time Switzerland had the largest army of the continent – in terms of manpower. This militia, in which every male citizen has to serve, and which can be mobilised within 48 hours, was regarded as a “sacred cow” until the end of the 1980s. As an indispensable part of Swiss self-esteem the army was as important as, for example, the Federal Parliament in Bern or the traditional Swiss farming community. The Swiss army was trained to defend the country against external foes (mainly seen as being in the East), as well as fighting the enemy within, against which it was even prepared to use weapons, as shown by the example of the national strike in 1918¹⁷⁰.

An army that is ready to defend should, however, enjoy the protection of the law and should equally be subject to its rules – particularly in a democratic society like Switzerland. That civil standards are insufficient for dealing with military issues is, however, a widespread doctrine, especially where national security¹⁷¹ or state security¹⁷² is involved. This doctrine, though, has recently become a subject of dispute in Switzerland, with the most recent political debate on military criminal law taking place in the summer session of the National Council in 2006. Here, military legal authority was vindicated by a large majority and, contrary to the view of the initiators, was perceived not as an “anachronism” and a special tribunal, but as a legitimate specialised court¹⁷³.

¹⁷⁰ The national strike was a general strike of workers and trade unions. It lasted from 11-14 November 1918. Approximately 400,000 people took part. In centres such as Zurich or Berne the strikes were resolved by the army using force of arms. (*Historisches Lexikon der Schweiz*: <http://hls-dhs-dss.ch/textes/d/D16533.php>, consulted 4 December 2005).

¹⁷¹ Article 19 – International Centre on Censorship, Information, Freedom and Censorship. World Report 1991. Library Association Publishing: London, 1991, p.412: “National security is broadly defined as the safety of a nation from threats by other countries to its political and economic independence, its territorial sovereignty, its cultural heritage and its way of life.”

¹⁷² *ibid.*, p. 413: “State security refers to the safety of a particular form of state or government from either internal or external threats.”

¹⁷³ Parlamentarische Initiative Josef Lang. Abschaffung der Militärjustiz. (Parliamentary Initiative by Josef Lang to abolish military courts.) Examined and rejected by the National Council on 13 June 2006. See Minutes of National Council, No. 04.465

Thus, the army still has its own laws and its own courts. In Switzerland, the regulatory norms are defined in the Military Penal Code, which governs military issues such as compulsory military service or mobilisation. The peculiarity of Swiss military criminal law, however, is that military personnel are not the only people subject to its regulations. The law can also be applied to civilians who commit a violation against the army in general or against the protection of military secrets in particular. The Military Penal Code states in Article 2, Para 8, that civilians are subject to military criminal law if they are guilty of the treasonable violation of military secrets¹⁷⁴, sabotage¹⁷⁵ weakening powers of defence¹⁷⁶, violation of military secrets¹⁷⁷ or insubordination towards military and official measures which are for the purpose of preparation or implementation of army mobilisation or the protection of military secrets¹⁷⁸.

8.2 The media in the sights of military justice

In Switzerland, it has mainly been journalists who have fallen victim to this extended jurisdiction of the military courts. In all cases, military justice has proceeded with self-confidence and the utmost rigour. A few examples will illustrate this clearly, as well as showing the degree of zeal and the lack of reflection that can be applied in the punishment of the “betrayal of secrets”. Moreover, the cases and verdicts reveal how the courts’ interpretation of secrecy can sometimes produce comical or absurd results. In 1972 three editors at the *Tages-Anzeiger* received a suspended sentence of several days’ imprisonment for naming the site concerned when publishing an official military communiqué about a serious accident during the construction of a subterranean military installation. The verdicts of the military tribunal were even more severe than those requested by the prosecution. The judges’ view was that the sentences should work as “a deterrent” (Schmid 1976, p.394).

The conviction in the same year of a first lieutenant in the anti-aircraft brigade was even more serious. During a refresher course he found on the notice board of the

(http://www.parlament.ch/ab/frameset/d/n/4713/223717/d_n_4713_223717_223881.htm, consulted 15 October 2007).

¹⁷⁴ Military Penal Code, Art. 86

¹⁷⁵ *ibid*, Art. 86a

¹⁷⁶ *ibid*, Art. 94-96

¹⁷⁷ *ibid*, Art 106

¹⁷⁸ *ibid*, Art. 107

team's lodgings in his barracks an order regarding "informing the public about army matters"¹⁷⁹. By order of the Commanding Officer of Territorial Zone 9, all publications relating to army matters or special military events had to be discussed with the commanding officer before any contact was made with the media. The first lieutenant interpreted this order as an attempt to introduce censorship behind the backs of the press and without the public finding out. His understanding was that everything that happened in military courses could be classed under the term "special military events". In the opinion of the first lieutenant, there was a danger of the army forming a state within a state. In order to publicise the affair, he sent a copy of this command to the soldiers' newspaper *Offensiv*, which happily published it (*Offensiv*, Issue No. 4, 4 September 1972). Subsequently, the editorial offices were searched. A covering letter from the first lieutenant was found and military criminal proceedings were instigated, whereupon he received a suspended sentence of two weeks' imprisonment (Schmid 1976, p.395). Even the Federal Council became involved in both the proceedings and the sentencing, because the Swiss Union of Journalists (SJU) had accused the army of issuing orders that were unconstitutional. Equally unconstitutional, according to the SJU, were the military courts which, as extraordinary institutions, could do as they pleased without being subject to democratic control. At the same time the SJU called on the Swiss Government to investigate the case. The Federal Council, however, took no notice of the protest, declaring that under Article 183^{ter} of the Military Organisation Law the military justice authorities were independent. Moreover, the Federal Council considered the commanding officer's order to be constitutional, since it was intended to ensure the proper orientation and information of the public on military affairs (Schmid 1976, p.396).

In 1975 the army dealt even more harshly with a soldier who published an article about military service in the soldiers' newspaper *Links zwei drei* (Left two three), known for its anti-military views. In this article, entitled "For democratic rights in the Army", one of the things the soldier wrote was: "One wins democratic rights by using them." The article as a whole, and its tone, were without doubt a challenge to the army to grant civil rights – such as freedom of opinion or the right to petition – during the term of official service. The author did not, however, write the article as a call to refuse to obey orders or even

¹⁷⁹ Date of order: 26 April, 1972.

to engage in mutiny. But the military criminal court trying the case viewed matters differently and interpreted this sentence in the report as a clear incitement to violate official instructions or even to refuse to do military service. According to Article 98 of the Military Penal Code the soldier received a suspended sentence of four months' imprisonment¹⁸⁰. At the time, the verdict caused quite a stir in left-wing circles. *Infrarot – Die Zeitschrift der Jungsozialisten (Infrared – the Young Socialists' Magazine)*, for instance, criticised the harsh sentence in a four-page background report, raising the spectre of the gradual loss of constitutional freedom of opinion (*Infrarot*, Issue No. 22, December 1975) – a viewpoint, incidentally, shared at the time by the charitable organisation Amnesty International, which voiced its concern in a telegram addressed to the Federal Council and to the military judge¹⁸¹:

"Amnesty International inquiet poursuites contre Josef Lang sous article 98 du Code Penal Militaire. / Pense que condamnation enfreindrait liberté d'expression garantie dans convention européenne des droit de l'homme. / Respects, Hans Ehrenstrale."¹⁸²

Lastly, a verdict pronounced against a local newspaper, the former *Zuger Nachrichten*, was as astounding as it was comical. This small newspaper which, as the mouthpiece of the Christian Democratic Party (CVP)¹⁸³, pursued a respectable middle-class (that is, pro-army) line, reported on the reconstruction and extension of the cross-country skiing trail on the Zugerberg, a local leisure spot where many local people indulge in summer and winter sports. The Zug newspaper included a picture of a new bridge which enabled cross-country skiers and hikers to cross a ditch. What the newspaper overlooked, though, was the fact that the ditch was actually an anti-tank ditch dating from the Second World War (editorial *Zuger Nachrichten*, 12 February 1979). The military courts deemed this to be a clear violation of the Military Penal Code and punished the editorial "lapse" as an unauthorised publication of military secrets by

¹⁸⁰ Military Penal Code, Art. 98: "Anyone who publicly incites insubordination towards military commands, the committing of any service violations, the refusal to do military service or desertion, or who encourages a conscript to such action, will be liable to imprisonment."

¹⁸¹ Telegram, 19 June 1975

¹⁸² "Amnesty International concerned about proceedings against Josef Lang under Article 98 of the Military Penal Code. Consider sentence imposed infringes liberty of expression as guaranteed under European Human Rights Convention. Regards, Hans Ehrenstrale."

¹⁸³ The Christian Democratic People's Party advocates a free and social market economy, strong national defence, Christian values, and the family as the basis of society (www.cvp.ch, consulted 28 October 2006).

imposing a fine of 50 francs. Yet, according to the then editor-in-chief Cäsar Rossi, the verdict of the military tribunal was not regarded as a justified penalty but as joke: "We had a good laugh. And frankly, at the end of the day it was not our authority that has been questioned. Far from it. With this verdict the military tribunal just ridiculed itself."¹⁸⁴

8.3 The army's deaf ears

The cases in which military secrets were allegedly betrayed in the 1960s and 1970s did not pass unchallenged, however, and criticism of military justice by the media increased. The Federal Military Department (EMD) countered this criticism in 1974 with a leaflet to all editors of news media, drawing their attention to the most important articles of the Military Penal Code, namely Articles 106 and 107. Article 106 defines in particular the violation of military secrets and states that:

¹ Anyone deliberately publishing or making known or accessible in any way to unauthorised persons any files or objects, precautions, procedures or facts, which in consideration of national defence or based on contractual agreements are to be kept secret because their disclosure would jeopardise the performance of duty by significant parts of the army, or anyone who unlawfully takes, photographs or copies such files or objects, will be punished with up to five years' penal servitude or imprisonment.

² In active service the punishment is penal servitude.

³ If the culprit is guilty of negligence, the punishment is imprisonment or a fine.

⁴ Mild offenders will receive disciplinary measures.

And Article 107 defines the insubordination towards military and official measures and states that:

Anyone who deliberately or negligently contravenes general orders or published decrees issued by the Federal Council, cantonal governments or other civilian or military authorities to safeguard military interests or neutrality or in execution of police authority, or anyone who deliberately contravenes special orders or instructions issued by a military office, a member of the army or a civilian office to safeguard military interests, will, provided no other defined punishment applies, be punished with imprisonment or a fine, or disciplinary measures in milder cases.

Restricting the bounds of military justice or relaxing the supremacy of the army and its desire for secrecy in the face of democratic considerations or the public interest was completely out of the question from the army's point of view (Schmid 1976, p.396f.).

Military justice saw no reason, therefore, to be lenient when amateur journalist Corporal Ivo Sturzenegger published an article on the Swiss Air Force in an Austrian military

¹⁸⁴ Interview with the author, 14 July 2006

journal (*Österreichische Militärische Zeitschrift*, No. 5, 1987), in which he showed in great detail the war plans, including the battle formation, of Air Force Brigade 31 (Meier (Erich) 1989).

Sturzenegger's article caused some red faces at the EMD, and the directorate of the Federal Military Administration ordered an immediate investigation. Finally Sturzenegger was found guilty of the treasonable violation of military secrets; the court of last instance gave him a suspended sentence of thirteen months' imprisonment and he was dismissed from the army (ibid), even though it was not at all clear what secrets he had betrayed. And although the EMD press officer at the time, Hans-Rudolf Strasser, took the attitude that only someone high up in the hierarchy could possess the knowledge that Sturzenegger displayed, and the press officer of the air and anti-aircraft corps, Hans Rudolf Häberli, could not explain either where the knowledge had come from, Sturzenegger himself maintained that everything that he had written could be read in reference books and other publicly accessible material (Minder and Dammann 1987). He also disputed having published information which he had discovered during his military service.

Indeed, even during the hearing it was revealed that what had been classified as secret was no longer treated with such secrecy by the army itself. As the *Neue Zürcher Zeitung* wrote, this was why a minority at the court tended to the view "that there was no longer any such intention [to maintain secrecy on the part of the army] and there must at least be an element of doubt" (Meier (Erich) 1989). Troops had regularly been involved in open days, and Sturzenegger had argued in his defence that a large part of the knowledge he had used in his article could be gained at these events.

In other words: the army itself had no longer taken its "secrets" very seriously; but this was apparently meaningless to military justice. One can only conclude that the journalist corporal was sentenced simply for taking the trouble to collate information that was already public and to publish it as a journalistic report.

8.4 Unchanged practices

Journalists are still taken to court and sentenced for such "messenger services" even though the position of the army has changed significantly since 1989, having ceased to be a taboo topic long ago. The pedestal on which the sacred cow had stood was severely shaken in 1989 when over one-third of voters were revealed to be in favour of

the GsoA Initiative for the Abolition of the Army¹⁸⁵. Since then, the role of the army has undergone significant revisions. Nevertheless, the same standards of punishment are still applied, as the respected *Weltwoche* journalist Urs Paul Engeler discovered. In the autumn of 2003 he wrote about the bunkers of the government of the Canton of Bern, illustrating his article with a picture of the entrance area (Engeler 2003). Engeler criticised what, in his opinion, were the oversized construction and the massive waste of public money. The bill, according to Engeler, had been carefully concealed, and the general public was not supposed to know any more about the costs than about the building itself.

Engeler contrasted the great size and cost of the bunker with Bern's diminishing political and economic influence and used it as a symbol for an outmoded and inappropriate hideout. However, the military justice neither had to, nor wanted to, judge this matter. After a complaint by the Office for the Protection of Information and Industrial Security (AIOS) of the Department for Defence, National Security and Sport (VBS), criminal proceedings were instigated against Engeler, because the bunker was a so-called "classified installation", and therefore subject to secrecy.

In an initial court case, Engeler was fined 500 francs. Since he contested this fine, the matter was brought before the Military Court 4 in August 2004. The *Weltwoche* revisited the issue of the trial and reported it under the ironic heading "Sternstunde Philosophie" (Great Philosophical Moments) (Widmer 2004). According to the *Weltwoche* their journalist had been accused by the prosecution of "endangering the performance of duty by the army." Surprisingly, Engeler got off scot-free. According to the verdict, his revelations about the bunker were only a breach of his obligation to due diligence and did not constitute criminal liability. Nevertheless, Engeler had to pay a disciplinary fine of 400 francs.

The verdict reflected the very difficult situation of the court: it had to judge the alleged offence of a journalist who reported on an installation which, although classified as secret, had nevertheless been known to a large circle of people for a long time; a circle

¹⁸⁵ The GSoA (Group for Switzerland without an army) is a political movement, established in 1982. According to their own records, they currently have approximately 25,000 members and sympathisers. In the autumn of 1986 they submitted their first petition "For Switzerland without an army and for a comprehensive peace policy" with 111,300 signatures. On 26 November 1989 they received 1,052,218 votes, or 35.6 per cent of the total. This result represented a political earthquake (www.gsoa.ch, consulted 4 May 2006).

of people, it should be noted, which consisted not only of insiders, but also of neighbours near and far. The court did not, however, involve itself in the question of the extent to which military secrecy criteria should still hold good. What appears at first glance to be a mild judgment against Engeler also means, though, that the standards of punishment relating to secrecy obligations still apply and are used by the courts. It is therefore unsurprising that not all military courts arrive at a judgment worthy of Solomon. The case brought against a *Sonntags-Blick* journalist proved considerably more onerous, attracting far more public attention. The journalist had published pictures and information about a subterranean air force installation (Sautter 2003). Like Engeler, the *Sonntags-Zeitung* journalist was charged under Article 106 of the Military Penal Code; however, the offence was judged to be serious and it was therefore not settled with a mere disciplinary fine, but much more drastically. At the court of first instance, the journalist received a suspended sentence of ten days' imprisonment¹⁸⁶ which, however, did not satisfy the prosecutor. The court of second instance, the Military Appeals Court 2, increased the length of the suspended sentence to six months¹⁸⁷. The journalist filed a complaint at the Military Court of Cassation 2 in Solothurn. This court also reached the conclusion that the media worker's offence was serious, but passed the case back to the court of first instance for a reassessment of the sentence¹⁸⁸. At present the reassessment is still pending.

8.5 Criticism without results

The proceedings against the *Sonntags-Blick* journalist and the resulting sentence brought forth strong criticism from the trade unions and journalists' associations. Although the trade union Comedia stated that they welcomed the decision of the court of cassation, they stressed at the same time that the reassessment was insufficient¹⁸⁹

¹⁸⁶ Verdict of 3 December 2004

¹⁸⁷ Verdict of 7 June 2005

¹⁸⁸ For verdict and findings of the court of cassation of 30 March 2006 see www.vbs.admin.ch/internet/vbs/de/home/documentation/oa009.ContentPar.0033.DownloadFile.tmp/MKGE_781.pdf (consulted 15 January 2007).

¹⁸⁹ See Comedia, Media report. Communiqué, 30 March 2006, and Comedia fordert Schutz der Medienfreiheit. (Comedia urges for protection for freedom of media.) Communiqué, 2 May 2006 (www.comedia.ch/de/5-Mediendienst/Communiques/060330_urteil.php, consulted 16 January 2007).

and that the trial and verdict were inherently anti-media and unworthy of a modern information society.

Josef Lang, the socialist, green alternative party member and Zug National Councillor, joined in with this criticism. His parliamentary petition, which demanded the abolition of military courts and the transfer of their functions to civil courts¹⁹⁰, was addressed in the 2006 summer session¹⁹¹; however, the commissions involved in its preparation rejected the petition. Accordingly it did not have a chance in the National Council and was dismissed by 99 to 54 votes.

Lang's approach was motivated partly by his own experiences with the military courts and partly by the lawsuit against Engeler, which he personally attended and regarded as a farce.¹⁹² Last but not least, the journalists themselves feel impelled to take a stand against military court verdicts and they find a corresponding echo in the media. Their aim is namely to expose this farce and prepare the ground for the abolishment of what they regard as an antiquated system.¹⁹³

8.6 Military justice as a disciplinary institution

In the case of Urs Paul Engeler there is another aspect which makes the issue more volatile and at least allows speculation that the military justice system was working hand in glove with Defence Minister Samuel Schmid in order to wreak vengeance on Engeler. It is important to realise that Engeler had for years been one of the most forthright critics of SVP Federal Councillor Schmid and, as Parliamentary Correspondent of the *Weltwoche*, did not miss any opportunity to rap the knuckles of Schmid and his VBS Department¹⁹⁴. The fact that other cases of disclosure of secret installations by media workers had not resulted in charges being brought lent credibility

¹⁹⁰ Official bulletin, verbatim report of proceedings in the National Council and the Council of States (www.parlament.ch/ab/frameset/d/n/4713/223717/d_n_4713_223717_223881.htm, 25 June 2006, consulted 15 October 2007).

¹⁹¹ 13 June 2006

¹⁹² Reasons for Josef Lang's parliamentary initiative for the abolishment of military justice 04.465, 7 October 2004 (http://search.parlament.ch/cv-geschaefte?gesch_id=20040465, consulted 12 July 2006).

¹⁹³ For Urs Paul Engeler too. This was also the reason he filed an appeal. See also Website *journiweb* – the website of the journalists in Berne (www.bvj.ch/news/news_archiv_2004.asp?id=397; 15 July 2006, consulted 15 October 2007)

¹⁹⁴ Federal Department for Defence, National Security and Sport

to the theory (Ackeret 2005), which was backed by Engeler himself, noting that in 2000 the *Luzerner Zeitung* had already reported on a secret government bunker in the Kerns forest without suffering any consequences. The *Basler Zeitung* was also able to report on two secret passages of the federal government's bunker. Nothing happened either in Canton Aargau when the location of the government's bunker was revealed (ibid.). Even if a conspiracy is not immediately assumed, military justice at least seems to use different yardsticks in different cases, both when it comes to a conviction and when deciding whether to pursue an alleged offence at all.

In all verdicts, it is apparent that the question of non-disclosure criteria still needs to be clarified. Although the abundance of statutory regulations is clear, the interpretation of the individual paragraphs is what turns reporting into a tightrope walk for the journalists. It is like the sword of Damocles, and must compel many journalists and editors – if not to exercise self-censorship¹⁹⁵ – then at least to proceed with extreme caution. In the words of Walter Bucher¹⁹⁶: "As long as the army is flattered, there are obviously no problems in reporting, but woe betide anyone who treads on their toes, then all hell breaks loose."

¹⁹⁵ See chapter 16: Self-censorship and blind obedience, p.219

¹⁹⁶ Walter Bucher carried out various functions for Swiss television's *idée suisse* from 1980 to 2000: as a correspondent, editor and presenter on Swiss Radio, deputy head of the regional programme for Central Switzerland and correspondent for Swiss-German television. Since 2000 he has been a communications consultant for public institutions and private industry. Interview with the author, 9 January 2006

9 Media Organisations and Journalists' Associations

9.1 An unprotected area

In Switzerland, the job title “journalist” is not protected. Basically, this means that anyone who communicates information to the public in the editorial section of a medium (by means of articles, photographs, sound recordings or films) can call themselves a journalist. Even the professional associations and trade unions, whose aim it is to protect the interests of journalists, have come to terms with this fact, as is quite clear from the description of the profession given in the latest Collective Agreement, which dates from 2000¹⁹⁷:

“Regardless of the actual job description and the legal relationship with the media enterprise concerned, a journalist is considered to be anyone who is principally employed in contributing or editing material destined for the editorial section of media products and who reports to the editor in chief.”

This definition implies that – unlike in other professions – people can only call themselves journalists if they are actually practising their profession. In other words: a person who temporarily or permanently ceases to contribute material to the editorial section of a media product loses the right to call him- or herself a journalist. The journalists' associations also diverge from the practice in other professions in that, with this definition, they have more or less given employers a free hand to determine who can be called a journalist. It follows that a publishing company can then decide who merits a place in its editorial team with corresponding promotion to journalist status. The professional associations' interpretation of “journalist” is therefore a description of tasks, rather than a job title. This fact, coupled with the already-mentioned kowtowing to the interests of employers, already points to the main problems faced by these associations when it comes to representing the interests of their members.

9.2 Impressum and Comedia

The largest, and certainly the most important professional organisation is *Impressum – Die Schweizer JournalistInnen*¹⁹⁸, the former *Verband Schweizer Journalistinnen und Journalisten* (SVJ). The SVJ was founded as a professional organisation in 1883. The

¹⁹⁷ The Collective Agreement regulates the working relationship between journalists and media enterprises. Amongst other things, it defines mutually accepted rights and duties.

¹⁹⁸ See www.impressum.ch (consulted 19 January 2006).

name was changed in October 2003. Today, some 6,000 active and passive professionals¹⁹⁹ belong to Impressum, with the membership currently decreasing. The second-most important organisation for journalists is the trade union Comedia²⁰⁰. This organisation emerged in December 1998 from the amalgamation of the trade union *Gewerkschaft Druck und Papier* (GDP), the lithographers' association *Lithographenbund* (SLB), the journalists' union *JournalistInnen-Union* (SJU) and the book trade employees' association *Angestellverband des Schweizer Buchhandels* (ASB). Comedia has some 15,000 members, the majority of whom are employed in the printing graphics sector, with journalists numbering less than 2,000²⁰¹.

Apart from these two organisations, there are a number of smaller journalists' associations in Switzerland, including the *Schweizer Syndikat für Medienschaffende* (SSM) with around 1,500 members²⁰² and the Swiss radio and television employees' association *Verband Schweizerischer Radio- und Televisionsangestellter* (VSRTA), which has about 100 active members²⁰³.

The last survey of the proportion of journalists belonging to professional organisations dates back to 1981, when it was shown to be 87 percent (Saxer and Schanne 1981, p.9). However, this percentage has probably decreased considerably over the past few years. Impressum estimates that today there are about 11,000 journalists working in Switzerland and of these about 8,000 (around 72 per cent) belong to one of the professional organisations²⁰⁴. To be accepted as an active member of Impressum, an applicant must have a minimum of two years' experience in the field of journalism, whereby at least 50 per cent of their work must have been in journalism, or else they must have earned at least 50 per cent of their income from journalism. Comedia has no such earnings-related restriction, and anyone can join the trade union who is professionally engaged in the branch. Subscriptions also vary considerably. Impressum charges fixed subscription rates of between CHF 300 and CHF 500 per year, while

¹⁹⁹ Source: Interview with the secretariat of Impressum, 19 January 2006

²⁰⁰ See www.comedia.ch (consulted 19 January 2006)

²⁰¹ Source: Interview with the secretariat of Comedia, 19 January 2006

²⁰² Source: Interview with the secretariat of SSM, 19 January 2006

²⁰³ Source: Interview with the secretariat of VSRTA, 19 January 2006

²⁰⁴ Source: Interview with the secretariat of Impressum, 19 January 2006

Comedia's subscriptions are – as one would expect of a trade union – earnings-related, ranging from CHF 156 to CHF 744 per year.

9.3 The professional register (“BR”)

The so-called professional register (“BR”) is a very important element of the professional associations. It was drawn up in 1995 by the associations SVJ, SJU, SSM and VSRTA. The purpose of the professional register was, and still is, as follows²⁰⁵:

“By keeping a common professional register the associations that are parties to this agreement aim to enhance the status of the job title “Journalist” by creating uniform criteria for entitlement to be entered in the register, as well as maintaining and extending services that will be of assistance to journalists in the exercise of their profession.”

According to Impressum, nearly all their active members are also entered in the professional register. The designation “Journalist BR” (indicating inclusion in the professional register) carries a certain weight amongst journalists, but these two letters are unfamiliar elsewhere. The appendix “BR” also tells us very little about the level of professional training or the experience of the journalist in question. Even though only active members of the associations are accepted for entry in the professional register, as already mentioned, anyone can become a member who has been engaged in journalism for two years.

Neither do the letters “BR” give any indication of the specialisations of a journalist, and activities outside the field of journalism cannot be excluded. This means that a BR journalist could also be a public relations employee or even a public relations manager, without having to limit his or her journalistic activities.

9.4 Privileges

The privileges and facilities that these associations accord their members, for example in the fields of transport, communications or infrastructure, are nowadays diminishing in importance because the associations' partner companies have steadily reduced the range of services on offer²⁰⁶. Fewer and fewer airlines or other travel organisations like the Swiss Federal Railways are willing to grant reductions, or else the reductions are

²⁰⁵ SVJ, SJU, SMM and VSTRA, Schweizer Presseausweis und Berufsregister der journalistisch tätigen Medienschaffenden BR. Reglement. (Swiss Press Card and Professional Register of the journalistic activ Personel BR. Regulation.) 1995, Article 1
(www.comedia.ch/uploads/media/BR_ReglementPresseausweis.pdf, consulted 20 January 2006).

²⁰⁶ See also list of privileges for journalists (www.impressum.ch, consulted 20 January 2006).

minimal. Likewise, the number of businesses prepared to grant so-called fleet discounts is decreasing, while individual companies that are nevertheless ready to oblige will often base their offer on individual agreements or personal contacts with certain journalists. Naturally, this can cause problems, particularly when it comes to journalistic impartiality²⁰⁷. However, for freelancers and small media companies contractually agreed privileges would be very helpful in the furtherance of their work. The consequences of the present situation are typically reflected in a remark made by the deputy head-of-section of a medium-sized regional newspaper: "In contrast to the old days, we often dispense with on-the-spot reporting to economise on travelling expenses."²⁰⁸

9.5 The press card

Today, a press card issued by one of the journalists' associations still entitles the holder to certain modest benefits, such as free admission to museums or concerts in Switzerland or abroad. However, even these domains have experienced considerable inflation in recent times: apart from internationally recognised press cards issued by the journalists' associations, similar cards are also issued by newspapers, and of course these are neither nationally nor internationally recognised. Since the 1990s, the publishers' association *Schweizer Presse* has also been handing out press cards to journalists. In spring 2006, the publishers' association even went so far as to launch a new campaign to promote their own press cards, which naturally caused much ill feeling between them and the journalists' associations.

According to Hanspeter Kellermüller, legal advisor to *Schweizer Presse*, there was never any intention to compete with the journalists' associations²⁰⁹. The real reason for the campaign was to offer once again real advantages that would serve the interests of those in the profession. The publishers' association hopes to create the necessary working aids for journalists by offering bonuses in the fields of communication, mobility and hardware. However, even the publishers' association is limited to formalities when issuing press cards. Basically, the signature of the editor in chief is sufficient if

²⁰⁷ See chapter 14: The Power of Advertising, p.193

²⁰⁸ Interview with the author, 16 December 2005

²⁰⁹ This and all subsequent statements by Hanspeter Kellermüller were made when the author interviewed him on 19 and 28 April 2006.

someone applies for such a card (which costs CHF 80 per year). Kellermüller explains that “With this method of accepting applications, we expect that it will actually be journalists who receive such cards, rather than other company employees, for example from the administrative sector.”

The exact number of press card holders is currently unknown, but is said to be about 400. After a drop in applications, the number is reported to be on the increase again. It should be mentioned that, until a few years ago, certain newspapers like the *Neue Zürcher Zeitung* assumed the costs of issuing press cards themselves. This rather more generous policy has meanwhile fallen victim to economy measures, which at least may explain the decrease in applications. The renewed interest in the publishers’ association’s press cards can be explained on the one hand by the truly substantial bonuses offered such as the free subscription to the services of the car-sharing organisation Mobility, and on the other hand by a price that no journalists’ association could ever compete with.

9.6 Further services

However, the services that the two largest journalists’ associations offer their members go far beyond what the publishers’ association can or wants to offer journalists²¹⁰. Impressum and Comedia both operate insurance schemes for freelance journalists, offer a legal advisory service and have set up a special fund for members in need (the revenue comes from takings at the annual Press Ball in Zurich). It is mainly the freelance journalists who take advantage of the providence schemes: ever since the publishers terminated the Collective Agreement in 2004, they have been working under less favourable conditions (editorial *St. Galler Tagblatt*, 18 April 2005). Freelancers with a low income can also apply for subsidies towards the costs of further training. Comedia also runs its own training courses at affordable rates. According to General Secretary Serge Gnos²¹¹, these courses are mainly attended by freelancers, who are often unable to afford some of the expensive courses offered by the Swiss School of

²¹⁰ See list of services for journalists (www.impressum.ch and www.comedia.ch (both consulted 20 January 2006).

²¹¹ This and all subsequent statements by Serge Gnos were made when the author interviewed him on 25 April 2006.

Journalism in Lucerne MAZ²¹². According to Gnos, the courses are fairly well attended, although he could not give any exact figures.

9.7 A difficult position vis-à-vis employers

At the end of the day, however, the associations are of only secondary importance to journalists working in Switzerland because they can seldom offer real assistance in the event of conflicts with employers. When it comes to dealing with conflicts, they tend to act like a toothless tiger and are generally unable to effectively defend an employee's interests, although this ought to be the main task of such an association. When journalists find themselves in conflict with their publishers, their interests are generally very poorly defended, as will be shown by several examples later in this chapter.

The powerlessness of the journalists' associations is borne out by a situation that is unique throughout Europe, whereby the publishers are able to terminate the Collective Agreement without any further ado. A conflict on this subject has been in progress for years – to the detriment of the journalists' associations – which have now taken up the cause of the Collective Agreement. The last Collective Agreement dates from 2000 and the publishers' association terminated it with effect from July 2004. Although Impressum and Comedia resumed negotiations with the publishers' association, the talks broke down at the beginning of 2004, apparently due to dissent about the minimum wage principle – for the journalists' associations a sine qua non, but for the publishers' association clearly taboo.

For Serge Gnos²¹³, General Secretary of Comedia, working hours and wages must be central elements of any collective agreement. The journalists' associations had already made concessions concerning working hours and it was simply out of the question to renounce the regulation of wages as well. Comedia justifies the concept of minimum wages with the maintenance of quality and argues that “investing in acceptable working conditions is in effect investing in the quality of the press”²¹⁴.

²¹² See chapter 10: Education and training in journalism, p.129

²¹³ Serge Gnos was the delegate of Comedia during the negotiations with the Swiss Publishers' Association for a new Collective Agreement.

²¹⁴ Interview with the author, 25 April 2006

Naturally, the publishers' association views the situation differently. Hanspeter Kellermüller²¹⁵ argues that, firstly, a disagreement of this nature is a matter between the two parties concerned, so that putting all the blame on the publishers' association is unacceptable. However, he concedes that his association is against the minimum wage principle. Furthermore, he argues that the last time minimum wages were agreed was during an economic boom period, and nowadays only the market leaders would be able to pay minimum wages. For SME publishers, this would be out of the question²¹⁶. "Therefore," asks Kellermüller "what is the use of having agreed something on paper that cannot be put into practice?"

He also takes the view that – unlike shop assistants, for example – journalists are in a position to defend themselves. In their function and position they should be perfectly able to fight for fair wages themselves, without the help of an association. According to Kellermüller, excessively high minimum wages also deprive employers of an important management instrument: "How can I recompense a good worker if the Collective Agreement prescribes that I pay almost as much to someone less competent, while the upward margin for manoeuvre is restricted". Finally, the representative of the publishers' association sharply criticises the old Collective Agreement in that it only applied to certain sectors and completely overlooked representatives of the electronic media, thus creating two classes of employee within the same publishing company. He says that many publishers have solved the problem themselves by drawing up new, group-wide contracts of employment – surely a clear indication of their aim to remain attractive as employers²¹⁷.

9.8 Everyday examples

Some everyday examples will show the reader just how little the journalists' organisations are willing to assert themselves or take up causes effectively. For example, a freelancer²¹⁸ asked Impressum about the possibilities of taking action against the *St. Galler Tagblatt* for using her articles on several occasions without

²¹⁵ Hanspeter Kellermüller is chairman of the working group Medienrecht beim Verlegerverband Schweizer Presse (Media Law at the Swiss Publishers' Association).

²¹⁶ SME publishers are small and medium-sized companies with 20-200 employees.

²¹⁷ Interview with the author, 28 April 2006

²¹⁸ Interview with the author, 23 February 2006

remuneration. The advice which the journalist received from the association did not go beyond what she had already been told by *Pro Litteris*²¹⁹, namely that she could take legal action herself. It goes without saying that a lone journalist will avoid taking legal action, firstly for fear of acquiring a reputation as a nuisance or malcontent, secondly for fear of losing the case together with a lot of money and, thirdly, because the journalist fears losing his or her source of income permanently. Taking people to court is a costly business, while publishers are understandably unwilling to employ media workers who are capable of suing them. The journalist would have much preferred the association to gather similar complaints and to present her case as typifying such practices. However, the association refrained from taking any such action.

Neither do the associations pursue the established right of an editorial team to have a say in the appointment of a new editor in chief. This right was set up by the Swiss Press Council Foundation in 1999 and it states that "members of the editorial staff must be informed and heard before final decisions are taken to determine the composition or organisation of the editorial department".²²⁰

Yet, either their right to be consulted is ignored altogether or the consultations are meaningless: the members of the editorial team may be asked for their opinion, but at the same time the prevailing climate makes it pointless to voice an objection. This happened in spring 2004 when a new editor in chief was appointed at the *Neue Zuger Zeitung*.²²¹

Following the removal of Werner Steinmann from his post (presented internally under the guise of an appointment to the post of chief financial editor of the *Neue Luzerner Zeitung*), the newspaper publishers advertised the position of editor in chief without consulting his deputy or the other editors. One of the editors concerned²²² recounts that the selection of his successor took place behind closed doors. In August 2004 the editor in chief of the *Neuer Luzerner Zeitung*, Thomas Bornhauser, appeared in the

²¹⁹ ProLitteris is the Swiss copyright society for literature and fine arts. It was founded in 1974 and holds negotiations with user organisations concerning the use of their members' protected works (e.g. books, newspaper articles, pictures or photographs). At present, over 6,300 copyright holders and about 700 publishers are members of ProLitteris. In: www.pro.litteris.ch/

²²⁰ See chapter 19.6: Appendix 6: Declaration of the Duties and Rights of a Journalist, Article d, p. 266

²²¹ Regional edition of the *Neue Luzerner Nachrichten* for the Canton of Zug

²²² Interview with the author, 5 December 2005

editorial offices together with Steinmann's appointed successor, Gabriele Keller. Another of the editors concerned stated "that was indeed the moment when somebody should have spoken out, but nobody did so."²²³ Everyone knew that it would be unwise to voice an objection, given the authoritarian management of the publishing company. Neither did anyone want to contact the journalists' association because the editing team knew from experience that the professional associations tend to protect the interests of the owners. In this case, not only the editor in chief, but also his deputy was replaced. Here too, the associations failed to intervene. A further symptomatic episode occurred when, following the departure of Werner Steinmann, several members of the editorial team of the *Neue Zuger Zeitung* requested interim job references²²⁴. One of the editors in question²²⁵ reports that he had to complain eighteen times either orally or in writing before his request was granted. Even an appeal to the managing director of the *Neue Luzerner Zeitung* failed to bring satisfaction. The editor concerned feels that, here too, the association failed its members quite miserably.

Consultations with the editorial team are, however, not necessarily a sign that team members are being taken seriously, even in the case of a highly respected newspaper. When appointing a new editor in chief at the *Neue Zürcher Zeitung* in spring 2006, the members of the editorial team were asked for their opinions, but their statements had to be submitted personally to Hugo Bütler, who had not yet quit the post of editor in chief. This procedure caused a deputy editor²²⁶ to remark that going through the motions in this manner was a complete waste of time because Hugo Bütler had already made it quite clear what he thought of the opinions of his staff. When, in 2001, he put Sigi Schär in charge of the section reporting on the City and Canton of Zurich, the entire local editorial team protested, but Schär stayed. As a result, some of those concerned simply (had to) quit the local editorial team.

²²³ Interview with the author, 7 December 2005

²²⁴ Under the Swiss Code of Obligations, employees may request their employer at any time for a so-called interim (or provisional) job reference, which describes their current functions and attests the quality of their work.

²²⁵ Interview with the author, 24 November 2005

²²⁶ Interview with the author, 5 January 2006

9.9 At the publishers' mercy

However one evaluates the attitudes and accomplishments of the individual associations, it is a fact of life that journalism is currently a profession more or less without contracts. Publishers can, at least theoretically, make life harder for their employees by enforcing changes. For freelancers, the demise of the Collective Agreement means that they are no longer protected by binding regulations concerning fees, thus putting them at the mercy of the publishers. Freelancers in particular have experienced a sharp deterioration in their working conditions. It is not only the smaller newspapers that are pushing down fees: even well-known, widely circulated and specialised newspapers are cutting freelance rates²²⁷. Even if a reporter has reached an agreement with the editor responsible, he or she, in turn, may be overruled by the editor in chief. Since the termination of the Collective Agreement, the *Coop Magazine*²²⁸ has not been paying its freelance contributors until their article has appeared in print. In the past, the journalist was paid upon delivery of the article (Waser 2005). This practice already existed while the Collective Agreement was in force, but not to such a wide extent. Objections were raised, but the associations took very little action and had even less success. Other examples concern the Collective Agreement rather more directly. According to the former General Secretary of Impressum, Daniel Waser, for example, the *Neue Luzerner Zeitung*, the *Zuger Presse* and the *Zürichsee Presse* pay the minimum legal wage in cases of illness, and even the big player Ringier reduces wages by 20 percent (Waser 2005). In addition, the period of notice for long-serving employees has been reduced and the status of freelancers has been redefined to their disadvantage. However, since the survey carried out by Marr, Wyss, Blum and Bonfadelli (Marr et al. 2000, p.106) in 2001, the level of wages in publishing companies

²²⁷ Random survey of five freelancers working for regional and national newspapers conducted by the author between 15 and 25 January 2006

²²⁸ The Coop Magazine is the German publication of the cooperative and chain store operator Coop. Intended as a consumer magazine for its members, it is first and foremost an instrument of marketing communication, designed to cover the wide range of goods and services offered by Coop. However, it also acts as a neutral source of information on such topics as family and society, consumer interests and the economy, fitness and health, or culture and tourism. Circulation of the Coop Magazine in 2006 (confirmed by the WEMF – AG für Werbemittelforschung) was 1.71 million copies, making it the most widely read magazine in Switzerland.

has not notably dropped – but neither has it increased²²⁹. This is only partly due to the demise of the Collective Agreement: the economic pressure in the media field at the beginning of the twenty-first century has also played a role.

9.10 The campaign for a new Collective Agreement

In an effort to bring the publishers and their association *Schweizer Presse* back to the negotiating table, Comedia and Impressum contacted the Federal Arbitration Board in December 2005, appealing for assistance in resolving the conflict concerning the Collective Agreement. It is hoped that, under the auspices of this institution, the dialogue between the social partners in the branch can be resumed. However, at the time of writing, this has not yet happened.

Here too, the professional associations seem unable to assert themselves, which could be interpreted in two different ways:

1. Even without the Collective Agreement, the situation is basically acceptable and there has been no wage dumping. In the main, journalists are satisfied with their working and pay conditions, or at least as satisfied as they were in 2001, when Marr, Wyss, Blum and Bonfadelli established in their survey (Marr et al. 2000, p.110) that the majority of respondents found their income level acceptable. In 2001, only one-quarter of respondents described their income as unsatisfactory. Even the groups with the lowest incomes did not appear to be dissatisfied in general. On the other hand, freelancers often considered themselves underpaid. However, as Marr, Wyss, Blum and Bonfadelli pointed out, regular freelance assignments go a long way to mitigating the impression of being disadvantaged. At the time of the survey, most people were also satisfied with their working environment. It is true that, since then, there have been job losses in a few publishing companies for economic reasons, but the situation has changed most dramatically for freelancers – a phenomenon that has been observed both by the freelancers themselves and representatives of the professional organisations. It is in this area that the associations are slow to take up the cause of their members. Organisations designed to defend the interests of freelancers like *Freien*

²²⁹ Random survey of 18 journalists (13 members of editorial teams and 5 freelancers) conducted by the author between 15 and 25 January 2006. The question posed was: "How has your income from journalism developed since the termination of the Collective Agreement?"

Berufsjournalisten Zürich have no punch at all and no political influence in media circles.

2. The lack of assertiveness of the journalists' associations could also be due to the fact that Swiss journalists themselves are loath to fight back. There may have been strikes in the printing industry in favour of a new Collective Agreement but, as yet, no editorial office has ever been crippled by strike action. Indeed, Comedia's Serge Gnos demurs when it comes to adopting combative measures, saying that he does not believe in taking aggressive action or going on strike, but that he prefers to refer the dispute to the Federal Arbitration Board. He would also advocate the organisation of petitions and the use of political means to put pressure on publishers.

No matter which approach is preferable, it is quite clear that at the moment it is the publishers who hold the whip. This is partly due to the current tensions on the labour market. Journalists dare not protest because, on the one hand, they are afraid to lose assignments or even their job, and on the other hand it is common for journalists' associations to have little confidence in their own ability to protect journalists.

9.11 The Declaration of the Duties and Rights of a Journalist and the Federal Diploma

As described above, the professional organisations concentrate on helping to establish and improve working conditions for journalists. It is an undisputed fact that good working conditions make for good journalism. On the other hand, these associations have practically no power to curb the forces that jeopardise the work of journalists and thus the freedom of the press. When legal action is taken against journalists, the associations say that the freedom of the press is at stake. However, they seldom take any action.

In an effort to enhance the quality of journalism and to prevent abuses, the associations have – apart from offering individual training programmes – revised standard BR 2001, primarily to link the acceptance of a journalist for inclusion in the register, by issuing the “Declaration of the Duties and Rights of a Journalist”²³⁰. The regional sections must monitor BR members for compliance with this agreement.

²³⁰ See chapter 7: National Standards, p.88

However, it is questionable whether they actually do so, since to date no cases of exclusion from membership have ever been reported. With a membership of 8,000 it is, statistically speaking, highly improbable that there have never been any offenders.

During the revision of the BR standard, the creation of a federal diploma was also discussed. This would provide journalists with the opportunity of taking a federally recognised examination with a corresponding qualifying diploma. The guidelines for such a diploma were discussed at the SVJ congress in May 2001. Basically, the professional associations would be able to draw up a set of examination rules and regulations, whereby admittance to the examination must be open. Current BR members would be able to take a shorter, slightly easier examination during the interim period only.

General Secretary Marek Szer is responsible for the “federal diploma” dossier at Impressum. However, at the time of his interview²³¹ he had only just assumed this responsibility and was able to say very little about this matter, even though it has already been pending for five years. Naturally, discussions were being held with certain institutions, but Szer questions the concept of a federal diploma – for legal reasons. Szer puts the ball firmly in the court of the Federal Office for Professional Education and Technology, which, he says, is ultimately responsible for the establishment of such a qualification. Yet, this means it will take a certain amount of time to introduce a federal diploma – a fact of which Impressum seems to be well aware. In the meantime, the doubt within the associations appears to have dispersed – or at least the former fears that a state-organised training program might upset the profession – so that the importance of a uniform qualification is now widely accepted. In spring 2007 Impressum announced that they would take the initiative and campaign for standardised professional training for journalists. To begin with, a national standard of training will need to be established and a federal diploma introduced²³². It is hoped that a properly organised, standardised training program can be launched in three to four years’ time.

²³¹ Interview with the author, 17 march 2006

²³² Impressum, Vereinheitlichung der Berufsbildung im Journalismus. (Standardised Professional Training for Journalists.) Strategic concept presented at the spring conference of the journalists’ association Impressum, 11 May 2007 (www.impressum.ch, consulted 15 October 2007).

9.12 A society striving for quality

The society *Qualität im Journalismus* (Quality in Journalism), which was founded in 1999, is concerned with questions of quality and quality assurance. Its official purpose is “to promote and ensure the quality of journalism in the media”²³³.

The society’s main event is the Herzberg Conference²³⁴, which has been held annually since 1999. Every year, the society discusses a topic relating to quality. Although top representatives of the media and media sciences attend this conference, very little is communicated to the public or – even more importantly – to newspaper publishers and journalists. This is certainly due to the low number of members. At the end of 2005 the society had 143 individual members and ten corporate members²³⁵.

Since 2001 the society has granted the so-called Media Award for Outstanding Quality Initiative every other year. This distinction was awarded for the first time at the Herzberg Conference in 2001 to the *Zürcher Unterländer* and the *Zürichsee-Zeitungen* for their editorial handbook. This editorial handbook lays down traditional publishing principles, such as the journalist’s obligation to maintain accuracy, check his or her sources or respect human dignity. It also regulates the relationship between a newspaper’s journalists and various interest groups, particularly advertisers. In 2003, it was awarded to Marco Färber, Editor in Chief of Swiss Radio DRS Information for his internal editorial communication instrument *CR-News* and to the *Aargauer Zeitung* for its interactive critical system *Helena*. *CR-News* is a weekly newsletter in which the editor in chief issues an in-depth analysis of the journalistic output over the past week. *Helena* is, so to speak, an “internal blog” in which the editor in chief issues a daily critique of the output, to which the individual editors can react if they wish. The third award, in 2005, went to the European Journalism Observatory at the *Università della Svizzera italiana* in Lugano for its journalistic media activities and transfer of media science know-how. Honours also went to the consumer magazine *Beobachter* for its editorial book and the editorial organisation instrument *E-Tool*, to the Swiss Radio DRS for its guiding principle and to the *Bieler Tagblatt* for its critical policies.

²³³ Article 3 of the statutes, 17 March 1999 (www.quajou.ch/statuten.php, consulted 26 April 2006).

²³⁴ The name “Herzberg” is due to the fact that the first two conferences were held at Herzberg, near Aarau.

²³⁵ Source: Interview with Philipp Cueni, Chairman of the Society *Qualität im Journalismus* (Quality in Journalism), 15 February 2006

The association *Qualität im Journalismus* will certainly need to grow if it is to become a serious forum for discussion of quality. Moreover, it hopes to create models of excellent projects and measures – a worthy aim which, however, depends on people's willingness to follow its example.

Thus, professional associations, trade unions and societies have very few active means of influencing everyday journalism with regard to quality assurance.

Furthermore, their ability to protect journalists against infringements of their rights or against restrictive measures is very limited, given that – in contrast to other social partners in Switzerland – their position vis-à-vis the publishers is relatively weak.

10 Education and training in journalism

10.1 Specialised professional training as a core element

The quality of journalism naturally depends mainly on those producing it, namely journalists. Training of media workers is an important basis to enable journalism to hold its own under increasingly difficult conditions: compared with twenty or thirty years ago, today's journalists are exposed to a positive deluge of information. The Internet has contributed in no small measure to the amount of input confronting journalists compared to even a few years ago. At the same time, the Internet creates a gap between the original source and the recipients which often cannot be bridged. In other words, reports, news, statements and so on are difficult to verify. Danger looms from another direction, too, for the "professional code" of journalism²³⁶: the distinctions between public relations and journalism are becoming increasingly fuzzy²³⁷, not least because of the increased economic pressure being brought to bear on media companies. Take, for example, the tourism pages in newspapers and magazines. Which media organisation in Switzerland can afford the luxury these days of bearing the cost of an expensive trip in order to retain complete independence vis-à-vis a travel agency, a hotel or a tourism authority? The same applies to motoring supplements, property pages and similar contents of newspapers and magazines²³⁸.

Political and business reporters also face challenges which, up until a generation ago, were largely unknown. Political parties and companies – as well as authorities at community, cantonal or national level, are nowadays extremely well-armed on the communications front. The army of press officers, media agents and corporate communications specialists is already immense and is growing daily. The professionalism of communications specialists in the employ of lobbies is now considerable and their information strategies are cleverly conceived. On the one hand, media workers are bombarded with communiqués and raw material. On the other, their enquiries often come up against a phalanx of media representatives, who no longer

²³⁶ See chapter 19.6: Appendix 6: Declaration of the Duties and Rights of a Journalist, p.266; and chapter 19.7: Appendix 7: Directives Relating to the Declaration of the Duties and Rights of the Journalist, p.268

²³⁷ See chapter 14: The Power of Advertising, p.193

²³⁸ See chapter 16: Self-censorship and blind obedience, p.219

allow direct contact with those really qualified to give information. According to Walter Bucher, a journalist for many years and now a communications consultant, it is more or less a part of modern journalism that media representatives of both private and public institutions want to cross-check every statement²³⁹. “It is not necessarily lack of confidence in journalists, but negative experiences, which have led us to ‘control’ interviews and statements”, explains Max Bauer²⁴⁰, academic adviser at the Education and Culture Office of the Canton of Zug. Depending on the power of the medium backing the journalist, the greater or lesser the pressure on them to adapt, downplay or even delete statements, and usually this pressure is the greater. Walter Bucher, has experienced this development: “The concentrated power of the lobbyists that pours down on the editorial offices, particularly the smaller ones, is sometimes difficult to take. It is not surprising that the journalistic aspect often falls by the wayside.” This, continues Walter Bucher, happens particularly where poorly trained journalists are at work and cannot withstand the pressure.

So it is actually rather surprising that in Switzerland there has, as yet, been no public outcry or demand for uniform, high-quality training for journalists, even though it is generally recognised that sound professional training definitely improves the quality of their work and helps them to cope with pressures of this kind.

10.2 A shift of emphasis from talent to training

Unlike the USA and some other countries in Europe, such as Germany and Austria, the professionalisation of journalistic studies is relatively new and undeveloped. This is linked to the understanding of journalism in Switzerland. Journalism was long regarded as an integral part of politics, which manifested itself mainly in party newspapers²⁴¹.

Just as Swiss citizens learned politics by working in an honorary capacity– at party and local government meetings, at votes and elections – the same principle of “learning on the job” also applied to journalism.

Until recently journalism was regarded purely as a career for someone with the appropriate talent. That has changed somewhat in the meantime. In Switzerland, too, it

²³⁹ Interview with the author, 12 January 2006

²⁴⁰ Interview with the author, 20 January 2006

²⁴¹ See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50; and chapter 11: Print Media, p.144

has been realised – at least by the younger generation – that good journalism should be based on a combination of talent and training. It has also not gone unnoticed that journalism is a lucrative market in Switzerland. In proportion to its population, Switzerland has a very high number of journalists. In international comparison it is clearly above average. There are 129 journalists per 100,000 inhabitants. Germany has just 66, the USA has 47 and France has 46 (Marr et al. 2000). Reasons for the comparatively high number of journalists in Switzerland are the high density of newspapers and magazines with a strong regional and local orientation²⁴², as well as the strong commitment of the Swiss public radio and television stations to the various language regions of the country²⁴³. In addition, the “dream job” of media reporter has been enjoying a real boom in Switzerland for years. Thus various training courses have been created to provide specialised knowledge and skills. Naturally, there are qualitative differences between these courses, and the target group does not always correspond to that which should be addressed under the keyword “journalistic writing”. An advantage for all institutions offering such courses today, however, is the fact that journalism, or the communications branch in general, is seen by young people as one of the more attractive careers. In addition, smaller newspapers in particular, or those which are free of charge, employ people such as young high school students who want to earn some pocket-money, or housewives and pensioners seeking a meaningful occupation in their free time. These, then, are the target groups of many private “journalism workshops”, which give participants a crash course in journalism at day seminars or evening classes.

10.3 No more academics

While in countries like the USA an academic training for journalists is long established, in Switzerland – as in many other European countries – academic and non-academic training methods exist in parallel.

Right at the outset, however, it can be stated that academic training methods do not primarily target journalism as a career. Universities in Switzerland study subjects such as media or communications sciences primarily in order to train the theoreticians of the communications and media fields. Journalism does exist as a subject, for example at

²⁴² See chapter 11: Print Media, p.144

²⁴³ See chapter 12: Radio and Television, p.160

the University of Fribourg. Firstly, however, this is an isolated case and, secondly, it can only be studied as a subsidiary subject. The universities explicitly do not wish to train journalists, even though it is accepted that more than a few students "misuse" the media subjects as a bridge to journalism. According to estimates by the Media Sciences Institute of the University of Berne, approximately half of the 150 annual leavers start a career in the media, that is in media sciences or research as well as journalism or public relations (Knellwolf 2005). This analysis is supported by Vinzenz Wyss, the representative of the institute of journalism and media research *Institut für Publizistikwissenschaft und Medienforschung (IPMZ)* in Zurich who states that according to an internal study, 23 per cent of IPMZ graduates work in journalism and 60 per cent in the media branch. "For lack of alternatives," he goes on, "these people 'misuse' the journalistic subjects, hoping to gain a foothold in journalism more easily". The universities see themselves mainly as "suppliers" in the areas of reflexive knowledge, media science, history and development, media economy and media technology.²⁴⁴ The universities consider that the actual training of journalists should be handled by technical colleges. For the moment, at least, they could not, even if they wished, offer these studies as their media and journalism faculties are too poorly endowed. So poorly, in fact, that the doyen of the Swiss media branch, Roger Blum, has demanded a rigorous review as the number of students of communications sciences increased by almost 1,000 percent between 1995 and 2000. Today over 7,000 people study this subject. Difficult study and research conditions are the result. The average ratio of professor to student in Switzerland is about 1:250 and around 1:900 at the University of Berne²⁴⁵. The Conference of Vice-Chancellors of Swiss Universities is aiming for an ideal ratio of 1:40. According to Roger Blum, conditions for basic training in communications sciences are worse than in any other subject²⁴⁶. Equipment and support at the ten university media institutes in Switzerland are insufficient. In comparison, the conditions for theology students are like paradise, with

²⁴⁴ Verein Qualität im Journalismus VQJ (Association Quality in Journalism), Anhörung der Wissenschaftler. (Hearing of the Scientists.) 31 January 2000. Those questioned were Vinzenz Wyss, University of Zurich and Markus Will, University of St. Gallen (www.quajou.ch/hearing.php, consulted 2 December 2006).

²⁴⁵ Federal Statistics Office, 2001

²⁴⁶ Comedia, Medientraumberufe – schnurstracks in die Arbeitslosigkeit? (Dream Jobs in Media – the Direct Route to Unemployment?) Communiqué, 25 June 2002.

one professor looking after an average of seventeen students (Knellwolf 2005). This led Blum, in his farewell speech as SGKM President at the beginning of April 2005, to call for 69 of the 90 theology chairs to be given to the media institutes.

10.4 Academic background

Despite this clear refusal by the universities to offer journalistic studies, many journalists who populate editorial offices or work freelance in Switzerland come from an academic background and have studied language or the arts, law or natural sciences. According to a survey by Marr, Wyss, Blum and Bonfadelli (Marr et al. 2000, p.83) 44 per cent of those questioned have studied at university. 18 per cent started, but did not finish their studies. In comparison to France or Germany, though, this is not exceptional. There, 65 per cent and 69 per cent respectively have completed their university studies (Weischenberg and Sievert 1998, p.403ff.).

Because journalism is an "open profession", that is there are still no uniform standards of training or universally recognised diploma, so that the title is not protected, journalists include people without any specific professional training²⁴⁷. Their number is estimated at fifteen per cent by Marr, Wyss, Blum and Bonfadelli. They emphasise that the lack of specific professional training and the carrying out of the job solely on the basis of "learning by doing" should in no way be taken as an implication of inadequacy. The researchers discovered that specific professional training is neither an essential requirement for climbing the career ladder nor is it a decisive factor for higher remuneration. They come to the conclusion therefore that, with respect to salary policies, there is no incentive on the part of media companies for any special training. The highest quota of editors without specific journalistic training is found at the specialist journals and the Sunday and weekly newspapers, with 23 per cent in each case (Wyss 2002, p.365). In this connection it must be mentioned, however, that the majority of the editors of the *Neue Zürcher Zeitung* – regarded as a quality newspaper – must be included amongst those journalists without any specific training, and neither do they undergo any further training on the job. At the same time, an academic background figures in almost 100 per cent of cases. Depending on which newspaper section is involved, the degree of specialisation is relatively high. The business section,

²⁴⁷ See chapter 9: Media Organisations and Journalists' Associations, p.114

for example, consists entirely of people with business economics training. A political scientist is responsible for the Swiss political arena, and a legal expert is in charge of public health issues.

10.5 Basic training

Anyone wanting to become a journalist in Switzerland, therefore, can do so without a corresponding educational qualification. A survey has revealed that, on the basis of a given selection of methods, over 50 different combinations were named. Nevertheless, younger journalists and trainees in particular have definite ideas of what qualifies someone to be a journalist. According to a survey of the Association Quality in Journalism in 2006, they agree that to start with, basic training is required.²⁴⁸ This view is also supported by experienced media workers. Rolf Wespe of MAZ describes a combination of theory and practice as the ideal means, whereby an initial basic training period should be completed, followed by a traineeship to deepen the knowledge gained. The prevailing opinion is that journalism cannot be taught via a purely theoretical academic route.²⁴⁹

10.5.1 The practical training period

Indeed, the practical route is the one most often taken in journalism. A survey by Vinzenz Wyss (2002, p.366) revealed that every other journalist had completed such a traineeship, while one in three had benefited from a placement. The survey of types of training also showed that traineeship is the method most often employed. Where respondents indicated a combination of methods, it was a traineeship, plus study at a school of journalism (ibid).

A short basic training period usually lasts from one to two months, a traineeship from one to two years. Traineeships are, however, hard to come by, and the trainees do not

²⁴⁸ Verein Qualität im Journalismus VQJ (Association Quality in Journalism), Anhörung der Journalisten. (Hearing of the Journalists.) 20 January 2000. Those questioned were Thomas Schäppi, editorial head of *Schweiz Aktuell* on Swiss-German TV; Yvonne-Denise Köchli, freelance journalist; Röbi Ruckstuhl, head of programmes at Radio ZÜRisee; Stefan Barmettler, head of business section at *Facts* and Josef Zihlmann, editor in chief of the *Willisauer Bote* (www.quajou.ch/hearing.php, consulted 2 December 2006).

²⁴⁹ Rolf Wespe, responsible for diploma studies at the Medienausbildungszentrum Luzern (MAZ): "Journalism is not a theoretical subject. It cannot be learnt in lectures. Training must be strongly anchored in practical work." Interview with the author, 14 February 2006

always receive optimal support at work. However, most larger and medium-sized newspapers regularly offer newcomers to the profession an opportunity of taking up a trainee position. At the *Neue Luzerner Zeitung* the trainee learns the basics from the bottom up by working in the regional section and is soon sent out in the field. "I was more than a little surprised, after a three-day introductory phase, to be sent to a meeting to report on it. I had no idea of journalism at the time", a journalist²⁵⁰ said of his first experiences as a trainee with the *Neue Luzerner Zeitung*. And he was even more surprised to find his article in the newspaper on the following day, largely unaltered. However, what worried him even more was the fact that "I practically never received any feedback which would have helped me to progress."

On the other hand, trainees at the *Neue Zürcher Zeitung* allocated to the Zurich, Inland or International sections of the paper are first of all acquainted with the language rules of the company. This entails them being first assigned to the duty editor who puts the articles of the editorial staff and correspondents into the newspaper. The Inland section of the *Neue Zürcher Zeitung*, for example, offers four-month traineeships.

Approximately every two years the section employs graduates of the MAZ post-diploma course in such a time frame²⁵¹. No training takes place in conjunction with the MAZ basic course, however: "To put it bluntly: even as a beginner I wrote and edited in the editorial department practically without support. I simply acquired the theoretical tools somehow by reading," a trainee at the *Neue Zürcher Zeitung*²⁵² recalls. It is not different in the online editorial department at the same newspaper. For the first time, at the beginning of 2006, a student of the basic MAZ training programme also completed a traineeship at the *Neue Zürcher Zeitung*. These examples show that, even within one of the largest Swiss newspapers, no standardised training of juniors takes place. And they also indicate that trainees in any form are at considerable risk of being exploited as cheap labour.

²⁵⁰ Interview with the author, 18 December 2005

²⁵¹ The Swiss School of Journalism in Lucerne Medienausbildungszentrum Luzern (MAZ); See subchapter 10.5.3: Schools of journalism, p.137

²⁵² Interview with the author, 16 January 2006

10.5.2 Technical and private colleges

Prospective students can expand their practical knowledge with specific professional training at technical or private colleges, which place a strong emphasis on practical tasks, exposure to journalistic text formats and training in journalistic techniques, in which the lecturers have (allegedly) had experience as journalists themselves. Not always are the courses directed exclusively towards budding journalists or professionals looking for opportunities for further training.

The Zurich University of Applied Sciences in Winterthur (ZHW), for example, has offered courses in journalism since 2000. These are, however, operated in conjunction with business communications training, even though it is clear that journalism and business communications require different, even opposing, skills. This contrast is described by the University as stimulating and absorbing. After all, the reasoning continues, many journalists change sides. Briefly stated: at the ZHW, prospective journalists are from the outset given the tools – and possibly the motivation too – to change direction even before they actually start out in journalism. Former lecturers at the ZHW also voice criticism concerning the admissions criteria and selection at the institution.²⁵³

Opinions are divided on this point of combined training for PR specialists and journalists. On the one hand, there is a risk that journalists and PR specialists will no longer reflect their particular standpoints. The other camp argues that, as the market has a tremendous need for communications specialists, training with a dual orientation serves market requirements, as well as future jobseekers, and is therefore absolutely legitimate.²⁵⁴

Amongst the technical colleges offering journalism alongside other subjects is the College for Applied Linguistics (SAL). This institute endorses a combination of journalism, translation and language teaching. The SAL plays a central role, particularly for the *Mediengruppe Südostschweiz*.²⁵⁵ The SAL, which has a branch in Chur in

²⁵³ Among them is Claudia Wirz, *Neue Zürcher Zeitung* Inland Editor. She gave journalism courses at the FHZ for several semesters. Interview with the author, 12 February 2006

²⁵⁴ Verein Qualität im Journalismus VQJ (Association Quality in Journalism), 31 January 2000. (www.quajou.ch/hearing.php, consulted 14 February 2006).

²⁵⁵ Verein Qualität im Journalismus VQJ (Association Quality in Journalism), Anhörung der Verleger. (Hearing of the Publishers.) 10 February 2000. Those questioned were Walter Rüegg, director of Radio DRS, Andreas Netzle, editor in chief of *Solothurner Zeitung*, Hanspeter Lebrument, publisher of the

addition to its headquarters in Zurich, is credited with having significantly improved the output of journalists in South-Eastern Switzerland. The *Mediengruppe Südostschweiz* has changed its policy and now does not give journalists their press certificate and inclusion on the masthead until they have completed a training course at SAL or a similar institute. Such radical “standards” are, however, unique in the Swiss media scene and run counter to calls for a really “open profession”. The Migros Club School St. Gallen and Adult Education Zurich have introduced courses for people wanting to practise journalism as a sideline, and both courses are very well-attended.

10.5.3 Schools of journalism

Until a few years ago, the Ringier publishing house used to provide training in journalism even for non-employees. For economic reasons, however, the courses for external students were stopped. Although the resumption of courses for non-Ringier employees was announced for 2006, the publishing house has so far made no move to put this into effect.

Thus, at present the only college of journalism in the German-speaking part of Switzerland is the Swiss School of Journalism *Medienausbildungszentrum Luzern* (MAZ). It was established in 1984 and is a foundation of the German-Swiss and French-Swiss TV *idée suisse*, the Swiss Press Association, the Swiss Association of Journalists *Impressum*, the journalists’ trade union *Comedia* and the City and Canton of Lucerne. It is also supported by the Federal Office of Communications. Around 1,300 people study at MAZ each year. They are taught by some 250 lecturers, who are usually practising journalists or, depending on the various subjects, other professionals. MAZ covers all areas of journalism – from print through radio and television to online journalism.

As well as basic training, MAZ also offers post-diploma and further training courses. The first stage of basic training is the diploma course which has been taught since 1984 and lasts for two years. In addition to examinations gained either on leaving school, while working, or similar, the qualifications required are employment as a trainee or as a journalist with a media organisation. In addition, candidates have to

Mediengruppe Südostschweiz, Fridolin Luchsinger, head of communication department of Ringier AG, Norber Neiningner, CEO of Meier+Cie.AG Schaffhausen. (www.quajou.ch/hearing.php, consulted 14 February 2006).

pass an entrance examination. Each year, though, MAZ has only about 35 graduates of this diploma course.

In addition, since 1996 MAZ has offered a masters course for graduates. It is aimed at newcomers or those, crossing over into journalism and is designed as full-time training for three semesters. In the third semester, the knowledge gained in the first two is put into practice, since the students work as trainees in an editorial office, an agency or a broadcasting station. Every two years, about fourteen people complete this course.

At the end of 2005, as the first college of journalism in a German-speaking area, MAZ achieved the “Committed to Excellence in Europe” award of the European Foundation for Quality Management (EFQM). In order to maintain that quality, however, financial security is essential. In the spring of 2006, MAZ had to announce the cancellation of the ten-day radio journalism course. The background to this decision was a CHF 70,000 cut in the grant from the Federal Office of Communications. This was triggered by an application for a budget cut in Parliament. Interestingly enough, the impulse originated from publisher and ex-television personality Filippo Leutenegger. As we will see later, this can also be taken as an indication that it is mainly the older generation who are against state subventions for the training of journalists.

The MAZ training scheme is based mainly on three groups of skills: professional competence, communication skills and knowledge of the material. There is also social orientation, which should equip journalists with the ability to reflect on their own journalistic activity (Wyss 2002, p.217f.). According to Reto Schlatter, member of the study board, MAZ primarily trains in journalistic skills, namely “techniques for conversation, interviews, reporting and commentating”. Emphasis is placed on practical tasks involving journalistic skills, such as research and writing texts. MAZ does not set out to convey basic knowledge in fields such as political science or economics.

On March 1 2006, the Bologna Reform²⁵⁶ was implemented at MAZ. Its objective is to institute reforms in higher education throughout Europe, to promote mobility and, above all, to increase the quality of academic training. Among the most important features of this reform are two-level study courses with bachelor or masters diploma, the use of a uniform European Credit point system (ECTS) for study modules and the introduction

²⁵⁶ On 19 June 1999, 29 European Ministers in charge of higher education signed in Bologna the Declaration on establishing the European Area of Higher Education by 2010 and promoting the European System of higher education world-wide.

of a comparably system of titles. At MAZ the Bologna Reform has led to an intensification of theoretic and practical training, while teaching success can be monitored with more authority. At the same time, according to Rolf Wespe the overall quality of the studies has significantly increased. It is hoped to attract more students, also from abroad, in particular Germany. And, last but not least, Wespe concludes, it is thanks to the introduction of the Bologna Reform that 90 percent of all MAZ graduates find a job, even in difficult economic times²⁵⁷. It would also seem to indicate that people might be coming round to the view that journalism, too, is a profession that can be learned to a certain degree. But the picture is deceptive. Vinzenz Wyss has found that many journalists, particularly older or firmly established ones, still believe “that journalism is a profession where talent is all-important” (Wyss 2002, p.368) and that appropriate skills can only be acquired by “learning on the job”. Of particular interest in this connection is the statement made by the editor of a tabloid newspaper, which was cited by Wyss, to the effect that his specific professional training only made his job more difficult, and that due to his training he had certain ideals that he was not able to realise in his current position (ibid).

10.6 Advanced training

While the concept of basic training continues to gain ground, despite scepticism on the part of journalists, and increasing numbers of media workers with a MAZ diploma or comparable training are filling editorial and journalists’ offices, formal advanced training tends to be treated like a poor relation. The point of view prevails that life is the best teacher for a journalist. For media sciences, however, it is accepted that advanced training in journalism will in future become more significant than basic training “because new topics are appearing in the areas of technology, economy and social realignment through globalisation and so on.”²⁵⁸

Nevertheless, there is little incentive for editorial staff to undergo further training, because the publishers do not send their journalists on courses and also their contribution to costs is usually pretty minimal. But it is not only the publishing houses

²⁵⁷ Interview with the author, 14 February 2006

²⁵⁸ Verein Qualität im Journalismus VQJ (Association Quality in Journalism), 31 January 2000. (www.quajou.ch/hearing.php, consulted 14 February 2006).

which are at fault. Journalists themselves talk of insufficient interest and lack of time, but laziness and inhibitions can also be obstacles to undergoing further training.²⁵⁹

Basically, institutionalised advanced training only takes place at the German and French Swiss *idée suisse* public broadcasting corporation. In the print world, advanced training is left to the individual. Despite the self-critical appraisal of journalists regarding motivation and self-image, requirements for advanced training can definitely be identified. Journalists often find themselves confronted with issues unknown to them; the more so as factual knowledge becomes obsolete ever more rapidly. On the other hand, practical journalism consists of discovering and understanding new things, which in itself results in a learning process.

What is not so easily learnt, but where, for example, Reto Schlatter from MAZ sees a clear deficit, are people management skills. "Many good journalists suddenly become supervisors and do not notice that they have acquired a new function which they have never learnt. The lack of skills in these so-called 'soft' topics is, in my opinion, the biggest deficit in editorial offices", says Schlatter²⁶⁰. They manage their staff or their team "on the side", and this obviously leads not only to management errors, friction and a poor working atmosphere but can also have consequences for quality of performance. Without the necessary backing, or at least the ability to evaluate the mindset of their supervisor, journalists wanting to handle a sensitive topic are fatally let down by poor, misunderstood, or simply non-existent management. Quite often it is an indication that the nettle should not be grasped.

10.7 The status quo in the editorial office

The career image of journalists is definitely changing. Even though it is not a prerequisite for launching a career, specific professional training is becoming increasingly prevalent. But to believe that the creation of training opportunities has suddenly changed the level of professionalism in editorial offices is an illusion.

According to Marr, Wyss, Blum and Bonfadelli, the majority of Swiss media workers today are between 30 and 45 years old (Marr et al. 2000, p.96). Most of them started their career between the ages of 25 and 29. Today's newspapers, therefore, are

²⁵⁹ Verein Qualität im Journalismus VQJ (Association Quality in Journalism), 31 January 2000. (www.quajou.ch/hearing.php, consulted 14 February 2006).

²⁶⁰ Interview with the author, 14 February 2006

usually written by people who have not undergone any specific professional training. Even though 44 percent of media workers (39 percent in German-speaking Switzerland) have an academic qualification, this does not mean that they have actually acquired the skills needed for their job. For them, that is for a large number of journalists, the style of their initiation at the editorial office was the determining factor in providing quality journalism.

A closer look at the information from Wyss on the training background of journalists, and the more detailed data of Marr, Wyss, Blum and Bonfadelli, reveals marked differences in language regions. It is still true that every other journalist has been a trainee and that one in three has benefited from a placement but, as far as German-speaking Switzerland is concerned, only 24 percent took one of the most frequent paths (placement only: seven percent; traineeship only: seven percent; placement and in-house training: five percent; traineeship and further training and MAZ: five percent) (Marr et al. 2000, p.104).

So what has been gained by the majority who will, to a large extent, be working in small editorial offices without generous training budgets? Practice alone, it has to be said, has taught these professionals their job. However, it cannot be emphasised enough that "learning by doing" may follow criteria other than journalistic ones. Local editorial offices want, above all, reporting. Journalists' agendas, therefore, are full of events that do not challenge them or demand much research. Nor do the quality requirements exceed the accurate reproduction of what the journalist has seen and heard. Anyone who has to work like this does not learn much.

The fact that local editorial offices, despite the popular view of many professionals, are not necessarily ideal training grounds must be traced back to the social control of journalists by their public. Working professionally under conditions of constant critical observation, as well as with the danger of making personal enemies in the local community, requires powers of resistance that few possess. Journalists who are well-established in their region have to choose between their professional ethics and their own social situation. Many decide in favour of the latter, with the result that many a journalistic work technique does not come into operation at all, and therefore does not get any exercise. After transfer to a supra-regional editorial office, these techniques are thus often found to be lacking, techniques which would at times be necessary, for example, for editing simple agency reports.

Scepticism is also required when journalists list a traineeship or placement as part of their studies. "After a brief tour of the editorial offices, I was thrown straight in at the deep end", was how a journalist²⁶¹ with many years' experience described his "traineeship" experience at a supra-regional newspaper, which he joined immediately upon completion of his studies. In fact, his articles were initially proof-read by an editor, who cautioned him to write less scientifically, but he had to work out for himself which criteria should be applied to investigations, which journalistic text formats should follow which rules and so on. After a short time the "traineeship" became a permanent position, without his training status ever having been determined.

Such experiences are not unique in today's generation of "40-somethings". But neither can journalists who complete a traineeship these days always expect proper training in editorial offices. In local editorial offices, trainees are still seen as cheap labour, and they are sent out into the field as soon as it has been established that they can write passably well. This is substantiated by the comments of a 24-year-old trainee from Eastern Switzerland: "After about only two weeks I was instructed by the editor responsible to go to a local government meeting and report on the budget debate ", she recalls of her first journalistic assignment²⁶². As the correspondent was absent through illness, there was apparently no other choice for this small local newspaper: "I know as little about journalism today as I knew then. None of the editorial staff has time for my training." Thus she has been writing on blithely for almost a year, more or less according to the maxim: paper doesn't blush.

Even in the case of larger newspapers, there is a danger that trainees who show a certain amount of talent and can work on their own will lose out on their "training" because it is so easy and cost-effective to utilise them untrained.

Many journalists working in editorial offices today won their spurs as freelancers in local or regional media, often during their studies. Apart from the facts that their fees would hardly cover in-depth research and that expenses are not always reimbursed either, they have seldom received any feedback on the quality of their articles, not to mention proper "academic" support. If the articles are published, then they are good

²⁶¹ Interview with the author, 27 January 2006

²⁶² Interview with the author, 19 February 2006

enough. One waits in vain for comment from the editors²⁶³. Journalists who become full-time employees at an editorial office after their freelance work, or who continue to work freelance, also miss out on an opportunity for training. The same applied to them then, and is still true today: Learning by doing is good, as long as what one does is right.

²⁶³ Summarised reproduction of anonymous interviews with 5 people from Central and Eastern Switzerland, who worked freelance for the *Zuger Presse*, the *Neue Luzerner Zeitung* und the *St. Galler Zeitung*. Interview with the author, 18 and 23 January 2006

11 Print Media

11.1 A nation of newspaper readers

Switzerland is a nation of newspaper readers. Nowhere else in Europe is there such a high density of newspapers – almost three times higher than in Great Britain and four times as high as in Germany (Meier 2001, p.3ff.). In Switzerland, when people talk about “media products”, they usually mean newspapers. The newspaper is the interested Swiss citizen’s daily bread. In a 2004 survey by the Research Institute gfs (2004/2005), 58 percent of respondents said they kept themselves up to date on current events by reading a daily newspaper. The second-most frequent source of information was the Swiss television station SRG, with a user level of 53 percent. SRG radio programmes served as a source of information for 16 percent.

In most cases (unlike in Great Britain, for example²⁶⁴) the daily newspaper is a locally or regionally oriented publication. Apart from the freesheet *20 Minuten* distributed in the conurbations of Zurich, Bern and Basel, there are in fact only three newspapers in German-speaking Switzerland with a supra-regional or even international readership, namely: the tabloid *Blick* published by the leading Swiss publishers Ringier, the *Tages-Anzeiger* published by Tamedia AG, and the *Neue Zürcher Zeitung* published by the NZZ Group. Even if the editors of the *Neue Zürcher Zeitung* refer to their paper – in an attempt at self-irony – as an “international rag”, it is actually one of the best international newspapers in circulation²⁶⁵.

It is no coincidence that all three newspapers with a supra-regional readership are published in Switzerland’s undisputed commercial centre: Zurich. They are produced by some of the leading Swiss publishing companies, which are also active in other regions and other fields of business²⁶⁶. This is a phenomenon that affects the entire media scene in Switzerland and influences the concept and content of each newspaper. Indeed, if smaller newspapers are to survive, they must either join the

²⁶⁴ See Murphy and Franklin (1998) and Franklin and Murphy (1991). The authors argue that that there is almost nothing local about the local media in England.

²⁶⁵ See the survey by International Media Help (IMH): The survey was carried out in 50 countries in 2004 to find the best-known newspaper; the *Neue Zürcher Zeitung* ranked 5th (www.imh-deutschland.de, consulted 15 October 2007).

²⁶⁶ Ringier, Tamedia and NZZ Goup publish and print a variety of dailies, weeklies and magazines, as well as being active in the fields of printing, radio and television, Internet and E-Commerce.

mainstream, that is imitate the big newspapers, or else establish themselves as niche products. Experience has shown that neither of these strategies can guarantee success, since both imitation and high-quality independence entail considerable financial outlay.

Despite their significance for the whole of (German-speaking) Switzerland, the newspapers published in Zurich have a modest circulation compared with the total circulation of all print media. In 2004, *Blick*, *Tages-Anzeiger* and *Neue Zürcher Zeitung* together reached a circulation of 670,847 copies²⁶⁷. That year, however, there were 210 newspapers in Switzerland with a total circulation of 3,837,648²⁶⁸ for a constant resident population of 7,415,102²⁶⁹. Papers such as the *Mittellandzeitung*, which incorporates the *Aargauer* and *Solothurner Zeitung*, as well as the *Oltener* and *Zofinger Tagblatt*, achieved circulation figures of 190,098 copies, while the *Berner Zeitung* distributed 165,700 copies, that is, more than the *Neue Zürcher Zeitung* with its circulation of 159,002. The *Neue Luzerner Zeitung* with its regional editions in Central Switzerland showed circulation figures of 134,140 for 2004. Other strong regional papers included the *Südostschweiz* with its regional editions (circulation: 132,797), the *St. Galler Tagblatt* with a circulation of 108,004 and the *Basler Zeitung* with 101,972²⁷⁰. Apart from the larger regional newspapers and newspaper groups which supply the regions with official information pertaining to the canton and/or commune, there are further press products covering even smaller structures. These papers are hardly distributed beyond the boundaries of a commune or valley. They are often called *Anzeiger* (gazette) and their journalistic scope is rather limited. In many cases they are the publication organs of the local authorities and/or local businesses. Clubs or other local organisations use them to convey information. The journalistic performance of some of these papers, therefore, is limited to reporting on club events, or else they serve local industry as a platform for self-promotion, and thus they do not fulfil the

²⁶⁷ WEMF – AG für Werbemittelforschung, Circulation Bulletin 2004 (www.wemf.ch, consulted 8 January 2006); see chapter 19.4: Appendix 4: Newspapers and Circulation Figures 1939-2004, p.264

²⁶⁸ *ibid*

²⁶⁹ Federal Statistical Office, Annual population statistics 2004. Neuchâtel 2005 (www.bfs.admin.ch/bfs/portal/de/index.html, consulted 10 January 2006); see chapter 19.1: Appendix 1: Facts and Figures about Switzerland 2006, p.261

²⁷⁰ WEMF – AG für Werbemittelforschung, Circulation Bulletin 2004 (www.wemf.ch, consulted 8 January 2006)

same role as those local media which have committed themselves to a more extensive journalistic mandate.

11.2 A democratic structure requires regional newspapers

The high number of newspapers in Switzerland is linked to the particular structure of the country with, on the one hand, its four languages, and, on the other hand, its political system of direct democracy and the unusual significance of the member states, the cantons. The cantons have their own parliaments and governments which are endowed with extensive powers. They enact their own laws, impose their own taxes and maintain their own police forces. Important areas such as schools, hospitals or environmental protection are handled by the cantons. This system of power delegation even extends into local community politics. Media scientist Roger Blum describes these powerful microcosmoses as follows: "Since the subsidiarity principle also applies within the cantons, this means that the boroughs and the 3,000-plus communes (even if in extreme cases they comprise only 50 people) can autonomously decide on many issues of jurisdiction, regional planning, taxation, social services, schools or the fire brigade. So it is not surprising that most Swiss identify first and foremost with their commune and their canton. They will say that they are from Bern, Basel, Geneva, the Jura, the Grisons or Ticino. They are Swiss only when abroad" (Blum 1999). In order to provide the citizens of the cantons with the necessary information for the political process, therefore, the national or supra-regional press does not usually suffice. The political structure of Switzerland requires regional and local media products, which are in a position to go into detail on the particular political or social topics of a region and its communities. The abundance and the regional allegiance of the newspapers are thus explained by factors pertaining to the historical development of Switzerland as a country. The locally oriented press still plays a central role in the political functioning of the communes, the cantons and thus finally Switzerland as a whole.

11.3 From party to forum newspaper

Today's local, regional and national press products generally regard themselves as forum newspapers. Many explicitly call themselves independent newspapers in their mastheads. They are neutral areas making information that is relevant to the public

freely accessible and, moreover, they offer a platform for public debate²⁷¹. They also regard themselves as neutral towards political parties and tolerant towards religions and world views, as long as these are neither racist nor hostile to democracy. This was not always the case. Over the past few decades local press products first had to grow into their role as forum newspapers. After the establishment of the Swiss Confederation in 1848, and after the evolution of the religious-ideological schism of Switzerland into a liberal-Protestant and a conservative-Catholic part, many publications were party papers which took clear positions in the political discourse. The diversity of the media, therefore, represented the diversity of the parties to a certain extent, and was the expression of political pluralism²⁷².

Up to the 1970s most press products were still closely affiliated to political parties. In 1969, 189 of a total of 348 newspapers could clearly be assigned to a specific political orientation, with 44 percent "free-thinking liberals," 39 percent "Catholic, conservative, Christian socialists" and 10 percent "social democrats" (Hailbronner 1974, p.210). These days, as national and politically independent media, they would like to fulfil, to a certain extent, the function of public watchdog²⁷³, namely to monitor the actions of the state and the public authorities. In conformity with their self-image, they also track regional economic and cultural affairs as neutral and independent observers.

A particular characteristic of the Swiss press, however, is still the close connection of the newspapers with the town or region in which they appear. This also applies to major supra-regional newspapers like the *Tages-Anzeiger* or the *Neue Zürcher Zeitung*²⁷⁴. The sole exception is the tabloid *Blick*. A glance at the masthead of the *Neue Luzerner Zeitung*, for example, shows the emphasis which is placed on regional – as opposed to national or international – reporting. While the Foreign Desk of the *Neue Luzerner Zeitung* has just three editors and the Inland Desk also has three, plus two Federal Parliament correspondents, the masthead lists nine editors and editorial

²⁷¹ James Curran extrapolates Jürgen Habermas' *Bild der Medien in einer Demokratie* (Image of the Media in a Democracy) on these functions (Curran and Gurevitch 1991, p. 83) see also Habermas (1962).

²⁷² See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50

²⁷³ The term is used according to the English "public watchdog" (Curran and Gurevitch 1991, p.84)

²⁷⁴ See subchapter 11.10: Regionalisation and localisation, p.156

staff for the region, and four for the city of Lucerne.²⁷⁵ Although it is true that editorial staff of the Inland and Foreign Desks can resort to using texts from the news agencies for their work, enabling economies to be made in editorial and correspondent staff, the strong personal input in the local editorial departments demonstrates the main focus of the papers, which to a large extent corresponds to the needs of the readers. In a survey, 56 percent of respondents explained that they were above all interested in local and regional affairs. Only 19 percent were extremely interested, and 14 percent very interested, in politics at home and abroad²⁷⁶.

11.4 The great newspaper demise

In 1939, there were 406 newspapers appearing throughout Switzerland. The average daily circulation at the time was 1,454,244, and the total circulation amounted to 2,049,480 copies. However, a wave of newspaper consolidations started in the 1960s, with party newspapers being the worst-hit. Over forty papers disappeared between 1965 and 1980 (Bollinger 1986, p.96f., 150f.). They were almost all local or regional newspapers, whose circulation had fallen below a profitable level, especially since the political parties were no longer in a position, or willing, to provide financial support to “their” party organ.

A second wave of consolidations spread across Switzerland in the two decades between 1980 and 2000. Its trigger was a wave of business shocks, from the slump following the oil crisis of the 1970s to the economic crisis after the attacks of 11 September 2001. Whereas there were 290 newspapers in Switzerland in 1980, by the year 2000 there were only 232. Finally, for the year 2004, the statistics show only 210 papers with an average daily circulation of 2,365,165 copies and a total circulation of 3,837,648 copies²⁷⁷.

The study by the Federal Statistical Office *Entwicklung der Pressevielfalt 1980-1999* (*Development of Press Diversity 1980-1999*) shows that 18 percent of newspapers disappeared between 1995 and 1998 alone (Federal Statistical Office 2001). Again, the

²⁷⁵ In comparison, taking a look at the masthead of the *Neue Zürcher Zeitung*: 13 editors work at the Inland Desk, 14 at the Foreign Desk and 14 at the Zurich Desk.

²⁷⁶ UNIVOX Kommunikation & Medien (Communication & Media) (2004/2005).

²⁷⁷ WEMF – AG für Werbemittelforschung, Circulation Bulletin 2004 (www.wemf.ch, consulted 8 January 2006).

local press was the worst affected. In particular, papers with a circulation of less than 10,000 disappeared. These were the same papers that had previously counted on their party political affiliation. But this “loyalty” dissolved completely in the 1980s. Many newspapers merged or formed a local edition in a parent paper system; and because the concentration of newspapers in most places caused (party) papers to disappear, this clearly had a detrimental effect on the expression of opposing views and philosophies. Today Bern, Basel, Lucerne and St. Gallen are left with a media monoculture, which in the Swiss capital Bern is even distinguished by a tabloid type of paper, the *Berner Zeitung* (Kopp 2006).

However, it is striking that – despite the consolidation and merging of the Swiss press – overall, the readership remains more or less stable (Stadler 2005c). The waves of consolidation, the growing attraction of the electronic sector, and increasing use of the Internet have – thanks to the rise of the freesheets – failed to inflict serious damage on the press, at least not the medium and large newspapers – or at least not yet²⁷⁸. Events have unfolded quite differently in other countries. For example, in the USA, television and the Internet have had quite a damaging impact on the print media (Piper 2007). The Internet, in particular, has plunged newspapers and magazines into a fundamental crisis. In the annual report on the state of the media in the USA²⁷⁹ the authors of the analysis, the Washington research organisation Project for Excellence in Journalism described the situation as an “epoch-making change”. Faced with dwindling circulation figures and rapidly decreasing revenue from advertising, a number of traditional publishing families have withdrawn from the branch. Certainly, some people must be asking themselves whether quality journalism still has a future in the USA.

Switzerland is not (yet) faced with such a gloomy prospect. Certainly, from a democratic perspective, Switzerland remains a country with a high density and reasonable diversity of press products. The print sector has altered and – depending on the area – consolidated but, to a certain extent, tradition and market forces seem still to prevail. This is probably chiefly due to Switzerland’s media structure and legal system. In the main, the print media have been able to maintain their position, thanks

²⁷⁸ See chapter 12: Radio and Television, p.160; and chapter 13: The Internet – progressing by fits and starts, p.176

²⁷⁹ Journalism.org – Project for Excellence in Journalism, The State of the news media 2007, 12 March 2007 ([www.journalism.org>state of the news media](http://www.journalism.org/state-of-the-news-media), consulted 28 October 2007).

to the country's restrictive radio and television legislation (restrictions on the granting of operating licenses). Local and regional print media are still a major source of information concerning political, social, economic and cultural events. It should also be mentioned that the private radio and TV stations are owned by the publishers of print media, who tend to run their stations in the same spirit as their printed products, rather than as independent media. It is also remarkable that newspaper subscribers tend to stick to their paper either by force of habit or through a certain sense of loyalty. Lastly, the affluence and high purchasing power of the Swiss is reflected in the fact that many newspaper subscribers are quite willing to pay for a newspaper, even though the television is their main source of information.

11.5 Mergers and expansion

The demise of a large number of newspapers was not the only reason for the fundamental changes in the Swiss press scene. In many places mergers took place – even between antagonistic papers with opposing ideologies. The press scene of Central Switzerland presents a prime example of this phenomenon. In Lucerne, in 1991, the Catholic, conservative *Vaterland* joined forces with the liberal, free-thinking *Tagblatt* to become the *Luzerner Zeitung*. With this new product, it was hoped to meet the challenge of the newspaper published by C. J. Bucher AG (a Ringier subsidiary) the *Luzerner Neuste Nachrichten*, which had until then been the local market leader. But reader potential in Lucerne was too limited, even for just two newspapers. Only four years after the first merger, the two newspapers – which had at times been involved in fierce arguments – were merged to form the *Neue Luzerner Zeitung*. Managed by the former Chief Editor of the *Luzerner Zeitung*, Thomas Bornhauser, the *Neue Luzerner Zeitung* appeared for the first time on 1 January 1996.

The biggest takeover to date took place in spring 2007. In May, Tamedia, publishers of the *Tages-Anzeiger*, announced that they were taking over the Berner Espace Media Group (EMG), whose publications included the daily paper *Berner Zeitung* and who held operative responsibility for *Der Bund* – another Bern daily. Tamedia paid about 200 million Swiss francs in cash and nearly 6 percent of its own shares for the acquisition of EMG. In taking this step, the newly enlarged Tamedia hopes to boost its annual sales to around a billion francs.

This takeover can be interpreted as a sign that the competition in the field of information and advertising is beginning to reach national level, and that publishers who only operate regionally will find it more and more difficult to achieve sufficient sales. Up till now, this trend has not caused any further reduction in the number of publications, because a large number of publishers have recently launched new products or have announced their forthcoming appearance. However, these new products are all freesheets that either offer service- and lifestyle-oriented information or else print agency reports and human interest stories along the lines of Tamedia's publication *20 Minuten*.

As a reaction to the trend towards concentration, more and more publishers are toying with the idea of launching a Sunday paper. Autumn 2007 will see the launch of the Sunday edition of the *Mittelland-Zeitung* with a circulation of some 200,000 copies (Stadler 2007). In this way, the smaller publishing companies are attempting to penetrate the Sunday market, which is currently dominated by the three big publishers Ringier, Tamedia and NZZ Group.

Apart from the merging of newspapers, another trend – the prevalence of individual, regional newspapers dominating the market – has been apparent in recent decades. In the sixties, the liberal *St. Galler Tagblatt*, with a circulation at the time of less than 20,000 copies, started an offensive in Eastern Switzerland, buying up smaller newspapers and transforming them into so-called *Kopfblätter* (local editions of bigger papers) which take supra-regional news from the parent newspaper and themselves produce only the very local news. In this way, larger so-called “journalistic units”²⁸⁰ were formed. Their numbers also decreased over time: in 1980 there were still 216 journalistic units, but by 1999 this number had decreased to 148. Conversely, the number of newspapers per journalistic unit increased: in Switzerland overall, there were on average 1.2 papers per journalistic unit in 1980, and by 1999 there were already 1.4. The situation of the daily newspapers developed even more dramatically in German-speaking Switzerland: in 1980, there were on average 1.7 daily newspapers per journalistic unit, and by 1999 there were already 2.3²⁸¹.

²⁸⁰ A journalistic unit indicates newspapers which share the current affairs section (especially political and supra-regional). See Federal Statistical Office (2001).

²⁸¹ WEMF – AG für Werbemittelforschung, Circulation Bulletin 2000 (www.wemf.ch, consulted 11 September 2006).

11.6 The power of the market

One factor responsible for the consolidation was the local readership and advertising market, which often proved too restricted. In order not to fall below the critical level for economic survival, circulation had to be raised and the range of coverage enlarged. This also applied to the leaders in the business, which was why publishers such as Ringier and especially the NZZ Group – which aimed less at product diversity – put out feelers into the regions. In 1991 the NZZ Group took over 60 percent of the share capital of the publishing and printing company Zollikhofer, the publisher of the *St. Galler Tagblatt*. This made the situation increasingly precarious for the sole competitor in the area, the *Christlichdemokratische Ostschweiz*. Founded in 1874, this newspaper published its last edition on New Year's Eve 1997. At the same time, the *St. Galler Tagblatt* had been able to extend its dominance to two further partner papers and, since then, has supplied its portmanteau pages to the *Appenzeller Zeitung* and the *Toggenburger*. At that time, the *St. Galler Tagblatt* already had a total circulation of approximately 120,000 copies.

The more recent history of the press in St. Gallen was repeated in the cantons of Aargau, Solothurn and Glarus. Central Switzerland, which has already been mentioned, is now also characterised by a local parent paper system. Split copies (local editions) of the *Neue Luzerner Zeitung* appear in the cantons of Schwyz, Zug, Uri, Nidwalden and Obwalden, mostly as monopoly papers similar to those of Lucerne; and the publishers of the *Neue Luzerner Zeitung*, the Luzerner Medien Holding are now controlled by another media company. As part of its regional paper policy, the NZZ Group acquired the Ringier share of the Luzerner Medien Holding in 2002. This share was increased to a majority holding by 2004.

11.7 The monopoly situation within the daily newspaper market

The consolidation phenomenon has led to most regions, apart from Bern and the conurbation of Zurich, having only one leading newspaper, in other words one which reaches 50 percent and more of households.²⁸² This also applies to larger towns like Basel, Lucerne or St Gallen (to remain in German-speaking Switzerland). However, the situation in the French- and Italian-speaking parts of the country looks much the same.

²⁸² WEMF – AG für Werbemittelforschung, Circulation Bulletin 2000 (www.wemf.ch, consulted 11 September 2006).

Individual media companies clearly dominate the scene, additionally reinforced by the fact that they usually control the local radio and television stations too.

The latest major revision of the Law on Radio and Television seeks to limit media concentration by restricting the number of operating licences: a media company may now hold no more than two operating licences for television and two for radio²⁸³.

However, with the exception of the cities of Zurich, Basel, Bern and Geneva, most regions are financially too small and too weak to operate a large number of broadcasting stations, so that it is, in fact, almost impossible to prevent a quasi-monopoly²⁸⁴.

Furthermore, independent Internet media have been unable to establish themselves alongside the new sites affiliated to the editorial offices.²⁸⁵ In the opinion of Roger Blum, this development is economically unavoidable, but nevertheless disquieting "if we want the public in all regions to be able to choose between different media and differing points of view emanating from companies with different owners, and if we want political opinions to be formed by a versatile democratic discourse" (Blum 1999).

This choice is often no longer available, even where two newspapers still appear in a relatively limited reader market. For example, in the Federal capital Bern, the public could choose between the *Bund* and the *Berner Zeitung*, but the choice was not between one publishing house and another, since they both belonged to the NZZ Group. The situation in Zug has now become similar. In the 1980s the reading public had four newspapers to choose from: the local *Zuger Nachrichten*, which appeared three times weekly, the *Zuger Tagblatt* (the local daily) and the two regional newspapers, *Luzerner Neuste Nachrichten* and *Vaterland*. Today there are just two newspapers, the *Neue Zuger Zeitung* (the local edition of the *Neue Luzerner Zeitung*), and the *Zuger Presse*. Since the beginning of 2006 both newspapers have belonged to the same publishers, and the *Zuger Presse* is now only distributed once a week as a free gazette.

²⁸³ Law on Radio and Television, decree of 18 December 2002
(http://www.parlament.ch/afs/data/d/rb/d_rb_20020093.htm, consulted 4 May 2006).

²⁸⁴ See chapter 12: Radio and Television, p.160

²⁸⁵ See chapter 13: The Internet – progressing by fits and starts, p.176

11.8 The Bern model – an exception

Before the NZZ Group became active in Central Switzerland, it had acquired a share in the financially stricken Bern newspaper *Bund* during the recession following the first Gulf War. As had been the case in Lucerne, a transaction was also made between two Zurich publishing houses, whereby the NZZ Group bought the Ringier interests. After the lifting of the Iron Curtain, the publishers of *Blick* preferred the launching of papers in Eastern Europe to a serious regional press strategy and therefore gladly offloaded the *Bund*. The NZZ Group, for their part, believed that an involvement in the “traditional, free-thinking *Bund* would be good journalistic sense”, as the *Neue Zürcher Zeitung* Chief Editor at the time, Hugo Bütler, wrote retrospectively (Bütler 2005).

The Bern commitment, though, emerged as a pyrrhic victory for the NZZ Group. After a brief respite, the *Bund* again fell deeply into the red. As a result, in 2003, the NZZ Group set out to look for a partner for the unprofitable paper. They found one in the form of the Espace Media Groupe which, among other publications, was responsible for the *Berner Zeitung*, the leading competitor in the city. The NZZ Group and Espace Media Groupe agreed on a 40 percent share each. The remainder was held by the advertising agency Publi Groupe. With the so-called Bern Model, the *Bund* was able to continue as a liberal newspaper. However, the paper is threatened by further economies which, at least in the view of the journalists’ organisations, may jeopardize its existence. This is contested by the publishers (Stadler 2005d). In fact Albert P. Stäheli, Chairman of the Board of the Espace Media Groupe, regards the Bern Model as “sustainable”.

Since 1939, therefore, Switzerland has experienced massive consolidation in the press. The number of newspapers has almost halved and the decrease in journalistic units has been even more serious. In most regions of German-speaking Switzerland, but also in the French- and Italian-speaking regions, the readers of the daily press have no choice or, at best, a very limited choice. There is usually a market leader, or a regional edition published by a media company which, in some cases, is controlled by a media organisation located outside the region. The monopoly situation is intensified by the fact that the local radio and TV stations are also dominated by the same media organisation.

11.9 The consequences for journalism and journalists

The disappearance of newspapers, as well as the frequent mergers and consolidations, has led to massive personnel cutbacks. For example, the merger of the *Luzerner Zeitung* and the *Luzerner Neuste Nachrichten* cost 120 jobs. The end of the *Ostschweiz* resulted in the loss of 45 editorial and publishing jobs. The co-operation between the *Berner Zeitung* and the *Bund* initially led to a cut of 25 jobs at the *Bund*, where the loss of a further 50 jobs has already been discussed. Consolidation also resulted in synergies, however, which helped the budgets of the publishing houses. This was even more significant from an economic point of view because, around the turn of the century, advertising revenue decreased sharply. In 2002 alone, the media suffered a 17 percent drop in advertising revenue, most of which affected the print media (Verband Schweizer Werbegesellschaften 2003). The lost revenue was partially offset by a reduction of staff in the editorial offices.²⁸⁶

There are no comprehensive statistics about job losses in the media but, based on various examples, a picture can be sketched of the economy measures and their impact on the content of the papers (Hitz 2003). At the end of 2003, the *Basler Zeitung*, the leading newspaper in the Basel region, announced that seventeen jobs would be cut. At the same time, the newspaper stopped production of the *Basler Magazin* insert, in which essays and reports of an upmarket kind had appeared. The *Basler Zeitung* also turned its arts section from a platform for critique into a receptacle with cultural tips. Incidentally, the newspaper lets the organiser pay for the publication of such tips, which was criticised by the *Neue Zürcher Zeitung* as an “Economisation of the Arts Section” (Höhne and Russ-Mohl 2004).

Economy measures have also affected the portmanteau pages – and the arts sections in particular – of other (regional) newspapers with monopoly character. But, as with the *NLZ* in 2002, the media and science pages have also disappeared from the papers. In January 2006 Espace Media announced that the editorial sports desk of the *Bund* would be discontinued and that the sports section would in future be produced by the *Berner Zeitung*, costing six jobs at the *Bund*. This measure must be regarded as an indication of the gradual liquidation of the *Bund*.

²⁸⁶ See chapter 14: The Power of Advertising, p.193

11.10 Regionalisation and localisation

So far, most newspapers have experienced significant cuts in their content, which affect not only the parent papers but also the local editions that were relying on the portmanteau pages. The *Tages-Anzeiger* announcement in autumn 2003 that they intended to place emphasis on the portmanteau page departments of inland, foreign, business, culture, sport and special topics, therefore came as a surprise. Their main competitor in the German-speaking part of Switzerland, the *Neue Zürcher Zeitung*, qualified this as a first step towards intensified collaboration with other local Swiss-German publishing houses (Meier 2003). And as a matter of fact, by providing strong portmanteau pages, the *Tages-Anzeiger* intended to create new units under its control and thereby take the lead in the heavily competitive market of Zurich. In spring 2005, the *Tages-Anzeiger* did indeed launch a regional edition – backed up by the *Tages-Anzeiger* portmanteau pages – for the left bank of Lake Zurich and the Sihl Valley. With this regional edition, the *Tages-Anzeiger* entered into competition with the left bank *Zürichsee Zeitungen*, in which the NZZ Group holds minority interests.

In the spring of 2006 the first rumours started of further split copies of the *Tages-Anzeiger* for the city and the Zurich *Ober-* and *Unterland* regions, as well as for the right bank of Lake Zurich. These split editions appeared in the autumn of 2006.

According to Rolf Bollmann, head of publishing at Tamedia (Vonplon 2006), the *Tages-Anzeiger* intends to use these regional copies to recapture its leader status in the Zurich area, which was lost when the freesheets appeared. The objective is to achieve a range of coverage of at least 50 percent. The strategy will be to aim for added value in the portmanteau pages and more detailed local information.

The split offensive of the *Tages-Anzeiger* was openly announced as a campaign of repression against the *Neue Zürcher Zeitung*. According to Bollmann, control of the Zurich area is ultimately at stake. From a strategic point of view, however, the *Tages-Anzeiger* management is thinking beyond the boundaries of Zurich, because whoever controls Zurich from an advertising angle also controls the whole of German-speaking Switzerland.

For the time being, the environment in Zurich is still competitive, but the trend clearly indicates a battle between the rival media companies, Tamedia and NZZ Group. Based on the current economic situation, Tamedia would at least seem to hold the better cards.

Long-term, then, it can be expected that what has already happened in the rest of German-speaking Switzerland will also happen in Zurich: the newspaper market will become monopolised. As in other places, the recipe for success in Zurich is clearly regionalisation. In addition, regional news will be enhanced with further background in portmanteau pages. This double strategy is largely in reaction to the emergence of the freesheets²⁸⁷ and the Internet²⁸⁸: both offer news free of charge.

11.11 Freesheets

A spate of free daily newspapers enveloped Zurich and German-speaking Switzerland in December 1999 / January 2000. The commuter newspaper *20 Minuten*, published at that time by the Norwegian publishing house Schibsted together with Swiss investors, and *Metropol*, in similar format but with Swedish roots, were launched at short intervals. At the same time, the *Tagblatt der Stadt Zürich* was upgraded and launched under the title of *Zürich Express*. Since it was distributed to all households as the official gazette, however, it was able to keep out of the real competition among the freesheets.

The euphoria evaporated as quickly as it had arrived. In February 2002 *Metropol* succumbed. Prior to that, the newspaper had already withdrawn from various regions; 58 jobs were lost, fifteen of them in the editorial offices. At the time, the imminent demise of *20 Minuten* was also predicted, for example by Wolfgang Mecklenburg from the M+M Media Agentur AG who expressed himself accordingly (Tommer 2002), but this freesheet evolved in a different manner.

In 2002, *20 Minuten* had a circulation of 320,000, and in 2004 this free gazette showed a certified circulation figure of 339,769 copies (WEMF AG 2002; *ibid* 2004). The paper was able to sustain its position well in German-speaking Switzerland – so well, in fact, that Tamedia planned to acquire it by what amounted to a coup. At the beginning of 2003, Tamedia announced the launch of a paper to compete with *20 Minuten*. The commuter newspaper, with the name *Express*, was planned in minute detail. Clearly Tamedia was reacting to the popularity of *20 Minuten*. But the publishers were following what was virtually a double strategy; basically, the launch of *Express* was simply a threatening gesture, the consequence of which was that in March 2003

²⁸⁷ See subchapter 11.11: Freesheets, p.157

²⁸⁸ See chapter 13: The Internet – progressing by fits and starts, p.176

Tamedia, together with the *Berner Zeitung*, managed to acquire a minority shareholding in *20 Minuten* with the prospect of a majority share. In January 2005 their share was finally increased to 100 percent.

With their participation in *20 Minuten*, Tamedia were able to kill two birds with one stone, as it were. On the one hand, with the commuter newspaper they could absorb their losses in reader figures and subscriptions. On the other hand, Tamedia avoided another competitive battle between the freesheets in Zurich. A further pivotal aspect is that the publishers recognised a trend: the young public in particular is no longer prepared to pay for certain sorts of information. This same trend also works in favour of publishers' Internet sites.

11.12 Political rescue efforts

Media concentration – particularly at local level – and the prospect that by 2010, at best only seven media publishers²⁸⁹ with their own groups of publications will still exist in Switzerland, has caused concern, mainly amongst left-wing and alternative politicians, and has created demands for a targeted promotion of the press. In the last few years intensive debates have taken place on how the local and regional press can be effectively promoted without unwanted state involvement and competitive distortion (Meier (Oliver) 2002). In 1999 the Social Democrat National Councillor Hans-Jürg Fehr, himself a former editor and now head of a publishing house, launched a parliamentary initiative for the statutory reorganization of the promotion of the press in order to prevent the formation of regional monopolies. He wanted to replace the previous form of press promotion (reduced postal tariffs) with “more focused and more efficient” methods. Soon afterwards, in 2002, the State Political Commission of the National Assembly voiced the same opinion and even wanted to go so far as to safeguard media diversity in the Federal Constitution and to switch over from the hitherto indirect promotion of the press to direct methods. The parliamentary sub-commission “Media and Democracy” drew up the relevant submission under the leadership of Social Democrat National Councillor Andreas Gross (Rentsch 2002; Boos 2002). But, once again, these efforts were unsuccessful and the submission met with a clear rejection, not least by the publishers. It appears that the publishers are able to prevail since, until now, attempts at reform in parliamentary debates have never stood a chance. In view

²⁸⁹ See chapter 19.8: Appendix 8: The Seven Dominant Swiss Media Corporations, p.274

of the political composition of the Federal Parliament²⁹⁰, this is not surprising. Experience has shown that it is difficult to touch the traditions of free market economy, and media subsidy regulations would have done precisely that.²⁹¹

²⁹⁰ See chapter 19.2: Appendix 2: Composition of the Swiss Federal Assembly, p.262

²⁹¹ The Council of States buried the submission in the 2004 autumn session, but they argued for a motion to optimise the current indirect promotion of the press via reduced rates for newspaper distribution.

12 Radio and Television

12.1 Swiss radio – a success story

The history of Swiss radio can be regarded as a genuine success story – not only in terms of outward development, but also when comparing the reputation of radio with that of other media for the communication of information. First and foremost, let us take a look at the public radio stations in all four linguistic regions of Switzerland.

According to SRG SSR *Idée suisse*²⁹² nine people out of ten listen to the radio every day, at least as a background medium, because the radio can be switched on almost anywhere: at home, in the car, at work or in a restaurant. This is borne out by the statistics: in 2005, 91 per cent of the population aged 15 or over (that is at least 5.4 million people) listened daily to the radio.²⁹³ The average listening time was just under three-quarters-of-an-hour. The programmes of SRG SSR *idée suisse* were by far the most popular, with an average listening time of 69 minutes. In comparison, people listened to private radio stations for 25 minutes and to foreign channels for 9 minutes per day.

The radio programmes of SRG SSR *idée suisse* are still the most firmly established and clearly lead the market in all linguistic regions of Switzerland. Depending on the region, competition comes mainly from other Swiss radio channels or from foreign stations. The market share of SRG SSR also varies from one region to another, with the largest share (82 per cent) in Italian-speaking Switzerland. SRG SSR has a market share of 67 per cent in German-speaking Switzerland and 63 per cent in the French-speaking areas. Finally, the programmes of SRG SSR are also a firm fixture in the Romansch-speaking regions, holding a 79 per cent market share.²⁹⁴ All in all, SRG SSR operates 16 radio stations: three each in German, French and Italian, two in

²⁹² Swiss Radio and Television Co-operation, public broadcasting station, founded in 1931

²⁹³ Radiocontrol 2005. In: Forschungsdienst SRG SSR zu den Radio-Marktdaten. (SRG SSR research on radio market data.) Press release, 27 April 2006 (www.mediapulse.ch/de/download/studien/jahresbericht2005.pdf, consulted 14 May 2006).

²⁹⁴ SRG SSR *Idée suisse* has its own media research facility, which works according to scientific criteria. The findings are generally recognised. The statements are taken from radio research carried out in 2004 and 2005. See also Annual Reports for 2004 and 2005 (www.forschungsdienst.ch, consulted 29 January 2006).

Romansch, one international programme (Swissinfo) and various specialist channels throughout Switzerland.²⁹⁵

12.2 The predominance of Swiss television SRG SSR

SRG SSR also dominates the scene in the realm of television. At present, SRG SSR runs seven channels: two each for German-, French- and Italian-speaking Switzerland, and one for the Romansch regions.²⁹⁶ As with the radio, Swiss viewing statistics show the predominance of national television. Despite hefty competition from the neighbouring countries of Germany, France, Austria and Italy, and although foreign private stations such as RTL, Pro7 or SAT1 regularly target Swiss viewers with special commercial blocks, Swiss national television has managed to retain and even reinforce its position of market leader, particularly at national and regional level. In 2005, almost 75 percent of people aged three or over watched television at home. In German-speaking Switzerland (including the Romansch regions), the average viewing time per person/day was 147 minutes, in French-speaking Switzerland it was 171 minutes, and in Italian-speaking Switzerland it was 175 minutes. It is true that foreign stations as a group achieved the biggest market share, but none of the many individual stations achieved more than a 7 per cent market share, at least in German-speaking Switzerland. Only in French-speaking Switzerland does a foreign TV station, France's TF1, hold a very significant market share of almost 17 per cent. The position of Swiss private TV is also relatively weak. The market share of these mainly regional and local stations is diminishing, and is currently just 4.1 per cent in German-speaking Switzerland, 1.2 per cent in Italian-speaking regions and 0.5 per cent in French-speaking regions.²⁹⁷ SRG SSR, on the other hand, attracts between 30 and 36 percent of viewers, depending on linguistic region; during prime time (18.00 - 23.00 h) this percentage jumps to between 39 and 44 percent²⁹⁸. SRG SSR is thus clearly the market leader.

²⁹⁵ www.srg.ch/5.0.html , consulted 5 May 2006

²⁹⁶ *ibid*

²⁹⁷ Telecontrol 2005. In: Forschungsdienst SRG SSR zu den TV-Marktdaten. (SRG SSR research on radio market data.) Press release, 27 April 2006, 27 April 2006, <http://www.mediapulse.ch/de/download/studien/jahresbericht2005.pdf>, consulted 14 May 2006.

²⁹⁸ www.srgssrideesuisse.ch, consulted 15 February 2006

12.3 A national monopoly

In contrast to the printed media, the Swiss national radio and television stations clearly monopolise the scene.²⁹⁹ This phenomenon can be explained if we take a look at the history of radio and television in Switzerland.

The very first attempts at broadcasting took place in 1911; at the same time, the first radio reception licences were issued. In 1922, Europe's third public radio station (after England and Germany) started broadcasting from Lausanne. Initially, this technical achievement was reserved for the use of the military and aviation authorities. It was only gradually that radio gained significance as a broadcasting medium. In 1930, the first steps were taken towards establishing a national radio station. As it was – in those days – out of the question to leave such an important service to the mercy of market forces, the Swiss Broadcasting Corporation (*Schweizerische Rundfunkgesellschaft SRG*) was founded in 1931, structured similarly to an organisation constituted under private law. All the regional radio organizations were united under the umbrella of the SRG, whereby (in traditional Swiss federal manner) the individual organisations wielded a great deal of power, for example in planning programmes and appointing editors. The same year, the Swiss Federal Council granted the SRG an exclusive charter to broadcast in Switzerland. However, there were certain strings attached: from the outset, news reports had to be obtained exclusively from the *Schweizerische Depeschenagentur (SDA)*³⁰⁰ and these reports had to be faithfully reproduced, almost word for word. This stipulation was due to the influence of newspaper publishers, who saw the radio as serious competition that needed to be kept in check by all possible means. As was the case in a number of other countries – like Germany or Austria – Swiss radio had to surmount considerable difficulties at the beginning. On the one hand, it had to withstand the opposition of the press and, on the other, its own decentralised, federal structure gave rise to a good deal of inner tension and friction.

²⁹⁹ See chapter 11: Print Media, p.144

³⁰⁰ Schweizerische Depeschenagentur AG SDA, founded in 1894 by Swiss newspaper publishers is Switzerland's "national" news agency.

Swiss radio played a key role during the Second World War³⁰¹. In its programmes, the Swiss Broadcasting Corporation supported the government's strategy of intellectual and ideological defence of the nation ("Geistige Landesverteidigung")³⁰². However, people listened to Swiss radio not only in Switzerland but also abroad – hailing it as the voice of neutrality. These short-wave programmes, which were primarily conceived for Swiss people living abroad, continued to be broadcast until 1998, when they were discontinued for financial reasons and replaced by more varied, multilingual Internet programming.³⁰³

SRG took further steps to buttress its position in taking over the *Telefonrundspruch* service from the Post Office. With this service, which in those days was unique in the world, the Post Office was the non-licensed provider of a range of radio programmes produced by the SRG and broadcast through the telephone network. Launched at the end of 1931, the *Telefonrundspruch* was a commonly-used wired radio system for the broadcasting of programs by means of carrier frequency oscillations in the long wave range using telephone lines. Until the advent of VSW radio it was a major source of information in remote alpine regions. During the 1970s, 400,000 households were connected. *Telefonrundspruch* broadcast the three national SRG programs, plus the programs of three other radio stations in Switzerland's neighbouring countries. For various reasons, *Telefonrundspruch* was finally discontinued in 1997. For one thing, the harmonic waves of the new ISDN and ADSL technologies disrupted the signals of the Swiss *Telefonrundspruch*. Another reason was that, during the 1990s, people living in remote areas began to buy satellite antennas. As a result, there was a deficit of ten million Swiss francs.

Nowadays, it is clear that one of the most important milestones in the history of the electronic media – and one which boosted the monopoly status of the SRG still further – was the advent of television. In 1953 the SRG launched an official pilot television service. The fact that only 920 television licences were issued at that time reflects

³⁰¹ At the time of general mobilisation in 1939, the SRG's licence was withdrawn and the radio was placed under the direct command of the government and the army. The radio functioned as a strategic communicator of information between the government and the population. The government also made use of the cinema: from 1940 onwards, the cinemas agreed to show newsreels (www.drs.ch, consulted 18.März 2006).

³⁰² See chapter 4: The Origins and Evolution of Media Freedom in Switzerland, p.50

³⁰³ See chapter 13: The Internet – progressing by fits and starts, p.176

public scepticism towards this revolutionary technical invention. While the radio was already firmly established, with 1.2 million people owning a licence, very few Swiss believed in the future of television. In 1957, the Federal Council granted the SRG a television broadcasting charter which came into effect on 1 January 1958.

In 1964, a new, joint charter was issued for both radio and television and, at the same time, the SRG underwent radical restructuring. The same year, the Federal Council authorised advertising on television and a joint stock company was founded to handle television advertising. Finally, in 1969, the *Schweizerische Rundspruchgesellschaft* was renamed *Schweizerische Radio- und Fernsehgesellschaft* – but the abbreviation SRG remained unchanged.

12.4 Radio and television under the Swiss Federal Constitution

Generally speaking, broadcasting freedom is based on the freedom of the media as guaranteed under Article 17 of the Federal Constitution: Paragraph 1 guarantees the freedom of radio and television, Paragraph 2 prohibits censorship and Paragraph 3 guarantees editorial secrecy.³⁰⁴

However, there are other stipulations relating to radio and television showing that, even under the Constitution, radio and television have a special status in Switzerland. These additional stipulations are listed under Article 93 of the revised Constitution dating from 1999. Paragraphs 2 and 3 state that:

(2) Radio and television shall contribute to education and cultural development, to the free formation of opinion, and to the entertainment of the listeners and viewers. They shall take into account the particularities of the country and the needs of the cantons. They shall present events factually, and reflect diverse opinions fairly and adequately.

(3) The independence of radio and television and the autonomy of their programming are guaranteed.

Special attention should be paid to the second sentence of Paragraph 2, which reflects the particular role of radio and television as a uniting force in federalist, multilingual Switzerland. This singular demand to take into account the needs of the cantons and at

³⁰⁴ See chapter 7: National Standards, p.88

the same to play an integrative role crystallised into a duty to provide a public service³⁰⁵ – a duty which the SRG is still bound to fulfil today.

12.5 The Law on Radio and Television

In Switzerland there is no actual law on the press or Internet. The National Council's Commission for Political Institutions drew up an official paper containing a media article as the basis for a new law concerning the press and in March 2002 this was submitted for consultation, but to date this proposition has not been well received. There has been formidable and successful opposition from the publishers and parliament, who resist any regulation that seeks to give the state powers which could influence the free-market status quo of the press. Unlike the press or the Internet, Swiss radio and television are the subject of comprehensive, detailed legislation³⁰⁶. Based on the original article of the Constitution concerning radio and television³⁰⁷, which, following a number of setbacks, was finally approved by the Swiss voters in 1984, the parliament was able, for the first time, to lay down broadcasting legislation in the form of the Law on Radio and Television (LRTV) of 1991. The 77 articles of this law set out conditions for the public television service SRG SSR, as well as for private channels. In spring 2006, the Swiss parliament revised this law, after a six-year debate on the new Law on Radio and Television that had been characterised by individual interests rather than farsighted media politics (Bänninger 2004). In 2000, the Federal Council submitted a draft for consultation. Since then, we have seen a typical Swiss-style struggle to arrive at a compromise that would be acceptable to the majority. The debates in- and outside parliament revealed two things: firstly, not only politicians but also the public at large agree that radio and television need to be governed by separate legislation to ensure

³⁰⁵ In connection with radio and television, "Public service" is understood to mean supplying all parts of the country with radio and television programmes in the relevant national languages, taking into account the characteristics of each region and strengthening the unity of Switzerland.

³⁰⁶ Parliamentary initiative on media and democracy in the report of the National Council's Commission for Political Institutions of July 2003 (www.admin.ch/ch/d/ff/2003/5357.pdf, consulted 15 October 2007); and Eidgenössisches Departement für Umwelt, Verkehr, Energie und Kommunikation. Vorzugspreise für die Beförderung von Zeitungen und Zeitschriften. (Special prices for the mailing of newspapers and magazines.) In: Ergebnisse der Vernehmlassung zur Teilrevision der Postverordnung. (Results of the examination of the partial revision of the postal regulations.) Bern, June 2002

³⁰⁷ The old Article 55^{bis} concerning radio and television was taken over, practically unchanged, as Article 93 of the new Federal Constitution of 1999.

the continued provision of this important public service. It is generally believed that the basic principles on the media and its freedoms as laid down in the Constitution are insufficient. Whereas the press is mainly financed through advertising, radio and television are financed through government-imposed licence fees that have to be paid by all listeners and viewers. Secondly, it is becoming increasingly difficult to legally define and implement this public service. The interests at stake vary enormously with, on the one hand, the SRG SSR fighting to defend its position of media leader in the electronic sector and, on the other hand, exponents of commercial broadcasters and interests who want to grab as big a slice of the cake as they can. As a result, the SRG and its supporters – mainly Social Democrats, members of alternative parties and moderate bourgeois voters – have often been at loggerheads with the companies running private radio and television stations and the supporters of the free market ideology. For the SRG it has always been clear that in the long term only they are in a position to offer a comprehensive programme catering for the whole of Switzerland, which is why, they argue, they deserve to be given a special status. However, this is exactly what their opponents doubt and are fighting against.³⁰⁸ This dispute has been going on in Switzerland since the mid 1970s, but it has intensified over the past few years. In the wake of developments and debates in other countries, particularly in Italy (with Berlusconi) and England (with Murdoch), pressure on the public service is increasing. The protagonists of the free market philosophy constantly refer to the so-called English or Italian model. There, they say, the RAI and the BBC have managed to hold their ground in spite of the competition. They are quick to quote Rupert Murdoch, who already said at the end of the 1980s that the broadcasting market should be shaped by "freedom and choice, rather than regulation and scarcity" (Murdoch 1989, p.4). But the examples of England and Italy demonstrate, on the contrary, that deregulation is not as good as it sounds. It was Thatcher's – and, later, Blair's- broadcasting legislation³⁰⁹, that weakened the BBC and strengthened Murdoch's Sky TV, leading to loss of overall quality. According to Julian Petley (2003) there are various reasons for this. "In the first place, it is far cheaper to import ready-made [American] programmes [... which ...] have already covered their production costs via sales to their vast home market and can thus be sold abroad at rock-bottom prices".

³⁰⁸ See chapter 7: National Standards, p.88

³⁰⁹ Broadcasting Act 1990

And indeed, various studies (Tunstall 1986; Pfetsch 1996) of television schedules in deregulated markets have shown that there are fewer domestically produced programmes, together with less investment in innovative ones.” Furthermore, Petley (2003) states that "intensive competition for ratings – brought about in the commercial sector by the need to attract advertisers and, in the case of the BBC, by the need to justify the existence of the licence fee, especially in face of the unremitting campaign against it in the Murdoch press – tends to narrow the diversity of what is broadcast". It is true that the massive commercialisation in the deregulated television and radio markets is clearly pointing in this direction. Klaus Haefner, Professor at the University of Bremen agrees: "It is less important to broadcast information that is well-researched and correct than to give people information that will sell well. Nowadays, the 'quality' of a television program is no longer measured according to whether it has achieved its editorial, artistic or information objectives, but exclusively according to its 'market value', that is whether it can attract advertisers" (Haefner 1995).

12.6 The key points of the new LRTV

Meanwhile, there is a new law on radio and television, which regulates the “mandates” of the broadcasters, defines the types of advertising that are allowed or prohibited and introduces a new fee-splitting model. Parliament has seemingly dared to square the circle to ensure the financing of both the public station SRG SSR and private broadcasters, but according to Urs Meier, Managing Director of *Reformierte Medien* and co-publisher of *Mediaheft* the actual result is a law “trimmed down to accommodate the wishes of the majority” (Meier (Urs) 2004).

The new law seeks to compensate the preferential treatment of the SRG in the allocation of licence fees³¹⁰ by imposing stricter provisions concerning advertising and sponsoring on the SRG than on private channels. In other words, the duration of commercials on SRG programmes will be restricted and the existing regulations concerning advertising that interrupts programmes will remain in force, as will the ban on radio advertising. Finally, the SRG is also forbidden to operate so-called TV shops outside the spot advertising blocks. Such TV shops are actually sales platforms – or a special form of advertising. They include not only the promotion of certain products and services, but also the possibility of concluding a contract on the spot. During the

³¹⁰ In 2005, SRG's income from licence fees amounted to about CHF 1 billion.

program, the viewer can accept the offer and make his or purchase by telephone or via the Internet.

The new LRTV contains 116 articles. Notwithstanding accusations of “over-regulation” during the consultations in both the National Council and the Council of States, Swiss politicians are clearly in favour of comprehensive broadcasting legislation. During the consultations in the National Council, the number of articles steadily increased over and above the content of the Federal Council’s draft. The abundance of paragraphs shows quite clearly that both politicians and citizens attach great importance to the SRG and its information services and that they want to see its editorial freedom properly used.

In the opinion of Urs Meier, the unusual consensus on the issue of radio and television in an otherwise polarised political scene is due to the division of the small country of Switzerland into several linguistic and cultural regions: “It is taken for granted that even the smallest of regions should receive its own programmes, regardless of the cost. Such politico-cultural services are then not charged directly by the state, but are indirectly made possible via the legally imposed solidarity of the licence-paying public” (Meier (Urs) 2004).

Meier sees *SRG SSR idée suisse* as a virtual analogy of Switzerland itself. In this context, according to Meier, it is quite feasible to react to the increasing competitive media market by drawing up regulatory legislation. However, the parliamentary consultations leave some doubt as to whether the new LRTV, which came into effect on 1 April 2007, will survive even in the medium term, or whether it will soon need to be revised. Quite early on – in autumn 2005 – the media journalist Rainer Stadler criticised the fact that the new law seemed to reinforce the leader position of the *SRG*, ignoring the realities of the media scene (Stadler 2005a). More recently, a strong lobby of private radio and television companies described the new law as a corset. One of their criticisms is that the new legislation stands in the way of diversity, because the draconian advertising regulations (for example restrictions on advertisements for alcohol and tobacco) will ruin the commercial stations. For them, the licence fees paid

to the *SRG* are a thorn in the flesh that gives the *SRG* an unfair advantage and distorts competition³¹¹.

The new law therefore needs to be regarded with scepticism. Moreover, there is a danger that, despite the concept of a “public service” which, according to Alex Bänninger (2004), is taken by most parliamentarians as a synonym for the *SRG* and Helvetic dogma, in the end it is the market, in other words the likes and dislikes of the fee-paying public, that ultimately decides the content and quality of national radio and television programmes. Bänninger draws a comparison with other European television channels, whose overall quality has deteriorated. In his view, these programmes have adjusted their content to satisfy the majority of viewers. It is irrelevant whether these programmes are financed through advertising or licence fees, since both modes of financing are plebiscitary. “In other words,” he said, “in order to remain a paying proposition, a television company has no option other than to pander to the tastes of the masses” (Bänninger 2004).

And indeed, ensuring quality by imposing laws might likewise be condemned to failure in Switzerland, because whoever finances a TV channel by means of licence fees is obliged to offer a programme that pleases the majority of licence-payers. At the end of the day, the plebiscitary weight of the fee-paying public could easily be stronger than any legal provisions and any intellectual or cultural appeals for quality standards. No amount of politicising will ever be able to change this. And furthermore, one has to take in account that, in Switzerland, the licence fees are not established by an independent body but by the Federal government and parliament. Thus, the public service broadcaster is by no means guaranteed sufficient income to compete against the commercial broadcasters. As parliamentary debates in the past have clearly demonstrated, the licence fee has always served to put a curb on the *SRG*. As a consequence, the *SRG* is not inoculated against market forces. Far from it!

12.7 Private radio and television stations

For half a century (from its creation in 1931 until the year 1982), the *SRG* enjoyed a very comfortable and privileged position, holding an exclusive charter for the public broadcasting of radio and television programmes. At the same time the *SRG* was

³¹¹ See http://persoenlich.com/news/show_news.cfm?newsid=58965&criteria=srg, 28 March 2006 (consulted 21 October 2006).

officially mandated to present events accurately and to allow a range of points of view to be expressed, whereby points of view had to be clearly presented as such; as far as reporting and commentaries were concerned, accepted journalistic guidelines applied.³¹² Despite, or perhaps because of its mandate to function as a kind of opinion platform, Swiss national TV enjoyed a state-prescribed monopoly for over 50 years. However, during the 1970s this monopoly came under scrutiny. The privatisation wave and general deregulation, the advent of local radio stations abroad (namely Italy) and the expansion of VHF frequencies prompted a demand for new, independent radio stations. In 1979, former SRG employee Roger Schawinski – a genuine radio pioneer – launched *Radio 24* from an “illegal” pirate station in Pizzo Groppera, Italy. Despite Swiss attempts to shut down the station, *Radio 24* survived, because the Italian judicial authorities found no grounds to ban it under their broadcasting legislation. *Radio 24* was not the first private radio station that tried to break the monopoly of SRG, but it was certainly the most successful. *Radio 24* enjoyed the support of the young activists of the day, thus acquiring a socio-political dimension. Although *Radio 24* mainly broadcast music, it was just the kind of music that young people liked. Catering for young people’s musical preferences in fact amounted to recognising them as a social group that needed to be taken seriously.

In the end, the Confederation had no choice but to liberalise its broadcasting legislation, initially by issuing the *Rundfunkversuchsordnung RVO* (Ordinance on Local Radio Stations). On 23 November 1983 the first local radio stations went on the air, at the same time as DRS 3, a young people’s channel which was SRG’s answer to the liberalised competition. This signalled the arrival of the so-called dual system.³¹³ However, the *RVO* resulted in pluralisation of only the local broadcasting scene. The

³¹² Broadcasting Charter, Articles 1 and 2

³¹³ Basically, a “dual system” is understood as, on the one hand, a public broadcasting corporation financed by licence fees and, on the other hand, private broadcasting stations financed through advertising. However, in Switzerland the dual system is combined with government restrictions on the number of competitors. With their existing legislation on radio and television the Swiss authorities want to establish a comprehensive broadcasting scene and has called on all channels to provide a public service. In regions where this duty cannot be fulfilled via the market, the authorities have granted certain private channels a chance to earn additional income in the form of splitting revenue. This system is unique in Europe.

SRG still retained its national monopoly and its control of the separate linguistic regions but, in the end, there were consequences for the whole organisation.

“The SRG, at that time still a national institution and a lazy, rather self-righteous colossus, had problems with the changed situation: the external challenge was a new phenomenon, but self-critical analysis of one’s own work was not yet an integral part of the corporate culture. In the end, the new competition forced the largely self-regulating “public service” broadcaster to critically re-examine its positioning and its programme orientation” – this was how the media expert and former radio director Andreas Blum described the situation (Balts 1999). With hindsight, he evaluated this state of affairs as a systematic denial of the duty to provide a public service. In the stronger competition Blum also perceived a threat to the electronic media’s existing system of financing through licence fees.

The situation did indeed change dramatically when not only private radio stations, but private television channels began broadcasting as well. Once again, it was Roger Schawinski who assumed the role of pioneer. In 1994 he founded *TeleZüri*, a local television channel for the region of Zurich. However, Schawinski did not remain alone and – at least for the time being – the activities of private channels could not be restricted to specific regions, for reasons of programme content and, above all, costs. In 1999, under the new government policy, the Federal Council granted broadcasting charters to *TV3*, *RTL* and *Pro7*. *TV3* was the first Swiss private television station to offer a full national programme. However, the experiment was short-lived, and the station closed down again in 2001. Roger Schawinski’s experiment with a national programme, an offshoot of *TeleZüri* called *Tele 24*, suffered a similar fate, surviving only from 1998 until 2001, when Tamedia took over *Radio 24* and *TeleZüri* for 80 million Swiss Francs. However, Tamedia discontinued the national programme.

For Josef Trappel and Daniel Hürst of Prognos AG, the reason for the failure of the private national television channels, particularly *TV3*, remains unclear – especially as the amount of advertising on *TV3* was constantly on the increase (Trappel and Hürst 2003). There may at least be some truth in Federal Councillor Leuenberger’s comment on the demise of *TV3*, namely that it was not necessarily the market that had deprived the private TV stations of all chance of success. The publicist and author, and head of the Media Institute of the Swiss Press Association, Karl Lüönd, is more inclined to speak of “protection of the national interest” (Lüönd 2001). In his opinion, a good

business opportunity had been missed, while the politicians, in particular the Social Democratic Minister of Communications Moritz Leuenberger, were reluctant to support any projects of which the SRG did not approve. It is a fact that the Department of the Environment, Transport, Energy and Communications imposed various conditions on TV3 which ran counter to the station's own budget planning.³¹⁴

Despite a number of efforts to remedy the situation, the national broadcasting market is still firmly in the "monopolistic" hands of the SRG. On the other hand, the situation looks quite different in the local and regional broadcasting scene. Today, there are over forty local and regional radio stations,³¹⁵ and at the beginning of 2006 the association Telesuisse³¹⁶ comprised 18 more or less active local and regional television channels throughout Switzerland.³¹⁷ Quite often, publishing companies that primarily sell printed products participate in these channels in one way or another, and to varying degrees, in channels operating in a specific linguistic region. It is therefore not surprising that the Publishers' Association and Telesuisse were united in their reaction to the new Law on Radio and Television and pressed for liberalisation.³¹⁸

12.8 A journalistic challenge

While TV3 sought a breakthrough with shows like *Big Brother*, *Tele 24* – no doubt harking back to its still-existing forerunners *Radio 24* and *TeleZüri* – opted for a more journalistic approach. Already in the heyday of *TeleZüri*, a new type of journalist appeared on the scene: the VJ, or video journalist. While his colleagues from "national" TV went to work equipped with an array of equipment in a team comprising at least a journalist, a cameraman and a sound engineer, the VJ went news-hunting on his own,

³¹⁴ For example, the Department of the Environment, Transport, Energy and Communications ordered the reintroduction of a news programme that TV3 had cut for financial reasons (see Federal Archives, 24 November 2000).

³¹⁵ The number of official broadcasting charters radio stations is even much higher. The Federal Office of Communications issued the following broadcasting charters up to the end of 2005: 51 charters for local radios and six for radios operating in specific linguistic regions.

³¹⁶ Telesuisse was founded on 23 November 1995 and represents the interests of regional TV channels.

³¹⁷ The number of official broadcasting charters for television stations is also much higher. At the end of 2005 the Federal Office of Communications had granted the following broadcasting charters: 73 charters for local and regional channels, of which 35 were for videotex, and eleven charters for stations operating in specific linguistic regions.

³¹⁸ Schweizer Presse and Telesuisse, Fee-splitting: Policy paper of 21 May 2002 (http://www.schweizerpresse.ch/de/recht/gebuehren_rtvg.shtml, consulted 26 April 2006).

equipped only with a lightweight camera. It is true that it sometimes looked strange when the VJ spoke his text in front of a camera running in automatic mode or when he conducted an interview from behind his camera. However, the modest technical equipment not only made the VJ an economic means of acquiring news. He was also exceptionally mobile.

Therefore the two Schawinski stations represented genuine competition for Swiss national television. Their journalists were quickly on the spot and provided viewers with up-to-date pictures of disasters or important press conferences far more rapidly than *SF DRS* was able to do. Both *TeleZüri* and *Tele 24* made it quite plain which news concept they followed: not only was the VJs' way of speaking reminiscent of *CNN*, which had been hugely successful during the First Gulf War; the tactic of interspersing reports on political or financial events with so-called specialist interviews on the spot was completely new to Swiss television, and was later emulated by *SF DRS*.

Naturally, the two Schawinski channels were not averse to indulging in a certain amount of self-publicity, and this also applied to the pioneer himself. His programme *Talk Täglich* (Talk Daily) attained cult status. During the programme (sometimes dubious) celebrities were engaged in a discussion, in which the public could intervene with questions and comments. When viewers addressed comments to one of Schawinski's guests that were over-critical or too insulting, he would simply react with the legendary remark "Who cares?"

12.9 The programme orientation of the private channels

After the demise of *Tele 24* and *TV3* there was no longer any private national channel, but there remained a wide network of private television stations all over the country. However, these stations operated in different styles and the financial means at their disposal were sometimes quite meagre, which directly influenced the content of their programmes. In comparing the programmes of the seven channels of the Swiss-German *TeleNewsCombi*³¹⁹ media journalist Bettina Büsser (2005) established that, with the exception of *Tele 24*, reporting was primarily focused on local or regional

³¹⁹ *TeleNewsCombi* is a commercial cooperative consisting of seven regional television stations in German-speaking Switzerland. Apart from their joint input for the national advertising market, the members cooperate on the preparation of programmes, according to event.

affairs. According to Büsser, the performance of these stations depended to a large extent on the resources available.

Büsser noted that many regional stations all too frequently could not afford to feature the type of reporting on complex political themes that requires time-consuming research. Some stations have solved this dilemma by resorting to the “reporterphone” system. Viewers can contact the television station if they have a piece of news or if they feel moved to voice an opinion on a particular issue. This brings us to the phenomenon of “citizen journalism”, as it is nowadays called. This phenomenon appeared just as the new interactive media were beginning to catch on. Since then, more and more citizens have been acting as “journalists”. The mass media were quick to take advantage of this trend and began to recruit the services of such people as amateur photographers, film-makers or reporters. Since July 2006, the *Blick* has been encouraging its readers to send the editor their news via SMS, MMS, E-mail or telephone. The tabloid only had to copy examples abroad like England’s BBC, which had already been using its weblogs as reporting sources for some time and incorporates more and more of its viewers’ pictorial material into its programs. Pete Clifton, Head of BBC interactive, underlines the extreme importance of public participation to the British national television station. “The terrorist attacks in the London underground marked a turning point in this respect”, says Clifton. Masses of digital pictures and eye witness accounts were supplied to the BBC. After having been vetted by the editors, much of this material was published on the BBC News website.³²⁰ Since then, six employees working in a so-called “user-generated content hub” have been exclusively occupied with information and other material sent in by the public. After they have assessed the value of the material sent in according to conventional journalistic criteria, they distribute it to the editorial section concerned.

In 2006, the German magazine *Stern* opened a picture agency for amateur photographers, and the tabloid *Bild* even went so far as to issue press cards to reader-reporters. Nicolaus Fest, member of the editorial board of *Bild* is convinced that “the important events of the future will be documented by amateurs” (Tzortzis 2006). Since summer 2006, *Bild* has been printing a new section devoted to “reader-reporter pages”.

³²⁰ Peter Clifton made these comments at the event “Citizen Journalism – Können alte Medien in der neuen Welt überleben?” (“Citizen Journalism – can Old Media survive in the New World?”) held at the Swiss School of Journalism (MAZ) at Lucerne on 21 June 2006.

The significance of this so-called "user-generated content" is underlined by the predictions of several prognoses and forecasts that, in as little as 15 years, nearly half our news will be supplied by laypersons rather than professional journalists (Armborst 2006, p.102)³²¹.

Citizen journalism has not advanced so quickly in Switzerland, although it does exist – mainly in local and regional media. A random test among commercial TV programs showed that nowadays nearly all local TV stations in Switzerland feature material that has been received from viewers³²². Bettina Büsser also notes that news journalists handling user-generated material have to work very fast, which impairs the journalistic and technical quality of their reporting. However, she finds that, overall and in comparison to the early years of private and commercial television, the local and regional stations have improved immensely. Since the beginnings of private television, both the picture quality and the editorial and presenting standard have improved, although it is painfully obvious that most private television stations lack the necessary personnel and finances for in-depth reporting (Büsser 2005). It is therefore not surprising that individual programmes, such as Central Switzerland's *Tele Tell*, tend to concentrate their reporting on social events like the Lucerne Carnival that will enable them to anchor themselves in their region. This may be a cheap recipe for success, but it seems to be an effective way of generating publicity, and thus income. For viewers, there is the added excitement of seeing oneself, one's neighbour or one's relatives on television. Büsser describes this phenomenon as "Grassroots television". By the way, this concept is also increasingly being employed in the print media³²³.

³²¹ See also www.matthias-armborst.de (consulted 15 October 2007).

³²² Telephone survey of editors of seven local television stations by the author (15 April 2006).

³²³ See chapter 11: Print Media, p.144

13 The Internet – progressing by fits and starts

13.1 Round-the-clock presence

The boom years at the beginning of the 1990s were over just as quickly as they had come, and following the cyber crash of 1999/2000, the end of the Internet media era was foretold by a number of established experts and an even greater number of self-proclaimed experts. However, history took a different turn and today Internet media represent a strong fourth power in the media scene, along with print media, radio and television.

Internet media have definite advantages over all other media. Providing people have the necessary financial resources and technical access, both the educational curriculum and cultural background Internet media allow users to retrieve constantly updated information at any time of the day or night. This is, without any doubt, the case in Switzerland and likewise in all other developed countries such as Germany, France or England. According to the German *Marktforschungsinstitut* (Institute for Market Research), the per capita income in Switzerland in 2006 was € 25,700³²⁴. Instruction in the use of Internet is already a compulsory part of the curriculum at primary school, and even old-age pensioners can attend the free or low-priced courses organised by old people's homes and other social institutions.

Compared with radio and television, there are no fixed times for information broadcasts or news blocks. News in the Internet is available at all times and, in contrast to newspapers, it is not yesterday's news. Thanks to technological innovation, the Internet is practically always accessible, no matter where the user happens to be – even abroad. There is hardly a place left on earth without Internet access. Thus, the user can obtain news via a portal which he or she knows and trusts. It is no longer necessary to read a foreign newspaper or watch a foreign television programme to get the required information.

To some extent, these advantages were already obvious at the end of the 1990s. Nevertheless, little confidence was placed in the Internet as an information medium; at least this was the case in Switzerland. For example, the *Media Trendjournal 1999*

³²⁴ See Article "Schweizer mit zweithöchstem Pro-Kopf-Einkommen in Europa" (The Swiss have the second-highest per capita income in Europe.) by Schweizerische Presseagentur published on *NZZ Online* (www.nzz.ch, consulted 3 May 2005).

reported that: “The effects of technological innovation on our social reality are over-estimated, particularly with regard to the new media”, and again: “Its virtualisation of our real relationships understandably generates a feeling of uneasiness and a strong desire for proximity and comprehensibility”. According to Barbara Domeyer, co-proprietor of the *d&s Institut für Markt- und Kommunikationsforschung* Zurich, this leads to the result that the more the Internet spreads, the more people will turn to reading – particularly newspapers and magazines (Domeyer 1999).

Yet the Internet, or more precisely those portals that provide news, did not spread that wildly, or at least not in Switzerland. The bursting of the dot.com bubble, and the advertising industry’s shaken faith, as well as the rather lethargic consumer attitude towards a new medium, resulted in the flushing out of the World Wide Web of a significant number of those providers who themselves offered websites and at the same time purported to be communicators of information. A serious market shake-out took place, which was how Josef Trappel, Area Manager Media and Communication at Prognos AG Basel, expressed it in a *Neue Zürcher Zeitung* report (Trappel 2002). The sites that ultimately remained are chiefly those run by large or medium-sized publishing houses and which also appear under the label of the publishers’ newspapers. In German-speaking Switzerland these are mainly the national newspapers, such as *Blick*³²⁵, *Neue Zürcher Zeitung*³²⁶ and *Tages-Anzeiger*³²⁷. In the meantime, regionally distributed newspapers also have their counterpart on the web, for example the *Neue Luzerner Zeitung* and its local editions³²⁸, the *Aargauer Zeitung*³²⁹ or the *Basler Zeitung*³³⁰.

Despite the variety of online newspapers today, the sites of the three large publishing houses predominate. In contrast to Austria, for example, the national television site in Switzerland cannot (yet) generate high user figures.

³²⁵ www.blick.ch, consulted 7 August 2007

³²⁶ www.nzz.ch, consulted 7 August 2007

³²⁷ www.Tages-Anzeiger.ch, 7 August 2007

³²⁸ www.zisch.ch, consulted 7 August 2007

³²⁹ www.azonline.ch, consulted 7 August 2007

³³⁰ www.baz.ch, consulted 7 August 2007

13.2 Ideal technical conditions

In Switzerland, conditions for broadcasting information via the Internet are ideal. In January 2005, 1,785 million Internet hosts were counted. Although the growth rate of 48 per cent between 1998 and 2005 was within the European average,³³¹ Switzerland was far above the average for the OECD States³³², with 20 per cent high-speed connections, according to the Federal Statistical Office in June 2005. Only South Korea, the Netherlands and Denmark recorded more high-speed accesses³³³.

According to the report *Online-Medien 2009* (Online Media 2009) by the Research Institute Prognos AG, provision of Internet access in households will continue to grow until 2009, although the rate of growth will decrease. 2.17 million Internet households are forecast for Switzerland, whereby – according to Prognos AG – 54 per cent of households will be equipped with broadband access (Trappel and Wölk 2005, p.8f.).

13.3 High user figures

Already by 2004, WEMF – AG für Werbemittelforschung (company for media and advertising research) had established that, in German-speaking Switzerland, about 65 per cent of the population were already using the Internet daily³³⁴, with sending emails top of the list and online purchasing becoming more and more frequent. Obtaining information via the Internet is therefore not in first place, if one excludes the use of search engines such as Google or – for Switzerland – directories.ch or search.ch. According to a WEMF survey of press and Internet use in 2005 the highest quota in German-speaking Switzerland was attained by Swisscom's provider bluewin.ch with 43 per cent, or 1.2 million customers. This was followed by the search engines: directories.ch (15 per cent), search.ch (17 per cent) and tel.search.ch (16 per cent).

The actual news sites come only after these figures. In 2005, the most successful news site was that of the tabloid *Blick* with a share of 12 per cent. The free newspaper *20Minuten* followed with 9 per cent. The websites of both national newspapers *Neue*

³³¹ Indikatoren zur Informationsgesellschaft. (Indicators of the Information Society.) by Swiss Federal Statistical Office (2005), (www.bfs.admin.ch, consulted 4 September 2006).

³³² Organisation for Economic Co-operation and Development OECD, founded 1948, with headquarters in Paris. 30 Member States, all highly developed industrial countries.

³³³ Swiss Federal Statistical Office (www.bfs.admin.ch, consulted 4 September 2007).

³³⁴ Source: WEMF – AG für Werbemittelforschung, MA-NET 2004 (www.wemf.ch/de/archiv/manet/index.php, consulted 6 September 2007).

Zürcher Zeitung and *Tages-Anzeiger* followed with 8 and 6 per cent respectively. However, evaluation according to visits gives a different picture. *Blick* still topped WEMF's net audit list in August 2005 with 6 million visits, but the *Neue Zürcher Zeitung* came second with 5.09 million visits. Compared with the same month of the previous year, the *Neue Zürcher Zeitung* page showed an increase of 12.7 per cent. The *Tages-Anzeiger* website followed in third place with 3.69 million visits and *20Minuten* ranked only fifth with 1.2 million visits. Regional newspaper sites such as the *Aargauer Zeitung* or the *Neue Luzerner Zeitung* occupied the rather lowly ninth and tenth places with 0.51 million and 0.36 million visits respectively³³⁵.

13.4 The players

From these figures it can be seen who is the boss in the Internet world when it comes to providing journalistic information: the offline market leaders dominate the online market too. At the very beginning this was not the case: that is to say, the possibilities of the Internet were not exploited to the maximum as soon as the offline media's Internet pages were launched. Originally, the websites of most German-Swiss newspapers were content simply to transfer topics from their newspaper onto the web. At best, a news sticker might be added that reproduced unfiltered agency reports. Not until 2000 did the major newspaper publishers start to build up their own online news editorial departments, which were expected to produce material specially for the websites. It is worth noting that one reason the publishers took this action was the increasing pressure from providers unacquainted with the industry, who were in the process of offering news and information on their websites too. For example, on 21 September 2000 the Swiss Post Office launched *www.yellowworld.ch* with the intention of offering a news summary prepared by a 50-strong editorial team. Plans to invest up to 350 million Swiss Francs over three years were under discussion (Schweizer Depeschenagentur 2000). However, the Post Office had to pull out of *yellowworld* in 2002, since the profit expectations were a long way from being realised (Schweizer Depeschenagentur 2002).

Nobody knew anything about this in 2000 though, and the newspaper publishers were arming themselves on the Internet so as not to be outrun by people who knew nothing

³³⁵ Source: WEMF – AG für Werbemittelforschung, MA-NET 2004
(<http://www.wemf.ch/de/archiv/manet/index.php>, consulted 7 September 2006).

about the industry. But the publishing houses' commitment remained restrained, as least as far as staffing was concerned. The *Tages-Anzeiger* initially created ten jobs for its online editing, while the editorial department of the *NZZ Online*, which opened in May 2001, employed eighteen people.

At that time the publishing houses had good reason to invest in the online business. "The Internet threatens to hit the print industry right where it hurts financially, because the daily newspapers live from their advertising trade", said the then Marketing Manager of Tamedia, Kurt W. Zimmermann at a meeting of the media institutes of the Swiss Press in 1997 (Zimmermann 1997). Zimmermann forecast that in the coming years newspapers would lose 30 per cent of their trade in advertising to the Internet. The publishing houses invested in their Internet pages in accordance with this perspective, but the longed-for success was not forthcoming. Compared with the USA or the rest of Europe – particularly Scandinavia – profits were extremely modest (Spillmann 2006). As a result, Tamedia axed 5.3 full-time jobs in the online sector, effective from January 2003 (editorial *Tages-Anzeiger* 2002), and the NZZ Group continually phased out jobs over a long period. While this resulted in only a very few dismissals, online editors still had to move to other sectors or were transferred to the *NZZ am Sonntag*. In addition, the editorial department was forced to accept a reduction in work quotas, which was later partially reversed, but only at the beginning of 2006. Yet, by no means were the newly increased work quotas comparable to the former cut in editorial staff. At the beginning of 2006, the online editorial department of the *Tages-Anzeiger* had a staff of eight in the news section³³⁶, while the *NZZ* online editorial department employed eleven people³³⁷.

Both newspapers – and they are not alone in this – still insist on maintaining their hold on the Internet. According to Ronald Schenkel³³⁸, the *Neue Zürcher Zeitung* management has said internally on more than one occasion that online constitutes a core sector of their commercial activity³³⁹.

³³⁶ www.tagesanzeiger.ch/dyn/news/ssi/impressum/index.html, consulted 15 January 2006

³³⁷ www.nzz.ch/impressum_1.106.html?independent=true, consulted 15 January 2006

³³⁸ Ronald Schenkel is an author and a freelance journalist. He works part-time as NZZ-online editor.

³³⁹ Interview with the author, 15 January 2006

13.5 Online editorial departments with a limited scope

The rather modest staffing of the editorial departments explains why journalistic scope is limited. More often than not, the same topics predominate within the two competing online portals in Switzerland, namely those of the *Neue Zürcher Zeitung* and the *Tages-Anzeiger*.³⁴⁰ Because it comes from the same source – from the News Agencies AP³⁴¹, SDA³⁴² and possibly Reuters³⁴³ – news can only significantly vary if the editors can report on a subject in more detail, by virtue of specific professional knowledge or because they have been able to carry out their own research. The journalistic possibilities are limited, however, to Internet or telephone investigations. It is seldom possible for an online editor to go to the scene of the action, to attend a media conference or to hold a personal interview.

The reason for this, as already mentioned, is limited staff resources, as well as the fact that the specific working methods of the medium hinder in-depth research. Martin Breitenstein, who built up and directed the online news editing of the *Neue Zürcher Zeitung*, put it like this: “What is new with the Internet is the fact that highly topical news, which until recently had been the exclusive domain of radio and television, is now also available in print [...]. The final going-to-press time – that late evening deadline which left its mark on every newspaper – has gone. In the online medium new reports can be published or added to at any time. There is never, ever, a deadline” (Breitenstein 2004, p.195).

Negatively speaking, this means that online editors swim in a constant stream of news, which nonetheless has to be channelled. Confronted with a continual influx of the latest news or updates, they do not have time to look at one particular subject in depth or to reflect on it. In addition, they are forced to cope with long hours – not only because there is no copy deadline, but also because users expect updated information early in the morning when they go to their PCs and again when they sit there late at night. The

³⁴⁰ Period of comparison 15 January – 15 February 2006

³⁴¹ Associated Press AP, founded 1848, is an international news agency with headquarters in New York. AP has 250 offices world-wide.

³⁴² Schweizerische Depeschagentur AG SDA, founded 1894 by Swiss newspaper publishers, is the “national” Swiss news agency. SDA has a staff of 220 and sends daily approx. 180,000 reports on politics, commerce, society, sport and culture.

³⁴³ Reuters, founded 1850, is the largest international news agency worldwide, with headquarters in London. Reuters has 190 offices worldwide.

on-duty times in the online editorial departments of the two major news sites in Switzerland are about the same. The editors of the *Tages-Anzeiger* start work at 7.30 a.m. and stay online until 11 p.m.: *Neue Zürcher Zeitung* editors are already in front of their screens at 6 a.m., so that they have up-to-date news on the web page by the time the first user hype sets in at 7 a.m. Their working day lasts till 11 p.m. too. In crisis situations, or for important topics like war or elections, editors even stretch to a 24-hour day service³⁴⁴.

As in other news agencies, online editors work in shifts. Whereas only one or, at most, two editors are present at fringe times, there will be three or four people working together during rush hours. Neither the *Tages-Anzeiger* nor the *Neue Zürcher Zeitung* allot their online editors separate sectors, but there are areas of responsibility. At the *Tages-Anzeiger* one editor takes care of certain main points in the subject files which are also on the web page, but which are mainly newspaper material. The *Neue Zürcher Zeitung* also uses such files, but one member of a two-person editorial team puts these together. The *Neue Zürcher Zeitung* deals differently with individual editors' main competences: if one editor has some specific knowledge of a subject, this fact will be taken into account when distributing the topics to be handled. In practice, however, each editor at *Neue Zürcher Zeitung* must be capable of evaluating and dealing with every piece of incoming news.

Despite having similar priorities, the online newspapers' web pages do differ in content and method of presentation. The number one in the user statistics – the tabloid *Blick* – produces a web page that is just as “tabloid” as the printed edition, offering scanty pieces of news followed mainly by sport, entertainment and sex. The user statistics are high because of the last-named contents, but *Blick* still tries to bind its readers by producing its own material, and to do this it employs an editorial team of eighteen, although only four look after current affairs, with three for show-business, two for sport and one for the car industry and special events³⁴⁵.

The philosophy of the *Tages-Anzeiger* is to publish as much news as possible, as Christoph Stricker, a journalist acquainted with both the *Tages-Anzeiger* and the *Neue*

³⁴⁴ According to editorial offices of the *Tages-Anzeiger* and *Neue Zürcher Zeitung*. Interviews with the author, 14 January 2006

³⁴⁵ www.blick.ch/leserblick/impressum-zeitungen, consulted 11 January 2006

Zürcher Zeitung, has explained.³⁴⁶ The items of news, based on material from the agencies, are edited slightly and shortened considerably. Updates are clearly marked as such.

The *Neue Zürcher Zeitung* is different. According to Prognos, the *Neue Zürcher Zeitung* scores points with its sophisticated offer of material, which “goes far beyond the mere reproduction of Agency reports” (Breitenstein 2004, p.35), and so, a larger selection of news is found than in the *Tages-Anzeiger*. Martin Breitenstein stresses the importance of clear evaluation and, as a service to the reader, making a discerning selection from the glut of information that pours through the flood-gates (ibid, p.197). Importance is also attached to compiling one’s own texts. However, as the material comes mainly from the same sources as those available to the agencies (and in fact agency reports often form the basis of an article), perhaps enriched by a little background knowledge, there is seldom anything on the *Neue Zürcher Zeitung* web page that is basically different from its counterpart on the *Tages-Anzeiger’s* web page. For the *Neue Zürcher Zeitung* editors too, lack of time and human resources hinder extensive research into a subject.

On average, five to six editors are employed in Swiss online editorial departments. Although online journalism is technically irksome, the main duties of the editor can be interpreted as journalistic, even if in a limited sense. The authors of the study *Qualifikationsanforderungen an Online-Journalisten* (Qualifications Required of an Online Journalist) attribute this to the fact that technically mature content management editorial systems are available, which reduce technical input to a minimum (Wyss and Zischek 2004, p.48). Online editors would also look after chat pages or forums on the side, which illustrates that the Internet pages are a long way from being dialogue- or service-oriented.

Given the above-mentioned working methods of online journalists, it is obvious that this job calls for broad general knowledge rather than profound specialisation. The online journalist should, in addition, be linguistically adept, since both communicational and editorial duties are a priority.

³⁴⁶ The online editor Christoph Stricker formerly worked at the *Tages-Anzeiger*, before changing over to the *Neue Zürcher Zeitung* in 2003. Interview with the author, 19 November 2005

The survey carried out by Wyss and Zischek showed that the majority of online journalists already had experience in journalism (Wyss and Zischek, p.62)³⁴⁷ before they changed to the Internet. The majority had also attended an institute of higher education, although only a quarter of those questioned had completed their studies. The majority had obtained the essential skills of their profession on the job (ibid, p.64).

13.6 The status of online editorial departments

Despite lip service to online media, Swiss media companies have made no significant shift of emphasis between on- and offline media. The newspapers still act as a flagship. From the point of view of staffing and infrastructure, the newspapers are considered more important, and hence they dispose of greater financial means than the online media. This strategy is based not least on the result of the WEMF survey, which showed that the Swiss press still had the confidence of a wide and stable clientele. According to the report, neither the high potential of the Internet – such as permanent access and availability, or possible interaction with the audience (weblogs, chatrooms) – nor the increasing use of the electronic sector has, so far, decisively harmed the press. The ten largest daily newspapers in German-speaking Switzerland, almost without exception, either retained their readership in 2005 or even marginally increased it.³⁴⁸ But this could be misleading because experience has shown that, in a market without (significant) growth, problems can be expected in the future. And the WEMF figures are based on a two-year period. It could well be that the publishing companies have been lulled into a false sense of security.

Nevertheless, online editorial departments are still struggling for recognition, both against newspapers and within their own organisations. This is evident in the job situation, particularly at *NZZ Online*. Whereas the editors at the *Tages-Anzeiger* at least have an open office with individual work stations, the editors of *NZZ Online* work without fixed, personal work stations and they are scattered around an open office, where production of the newspaper also takes place. Other editors at the *Neue Zürcher Zeitung* generally have their own personal offices.

³⁴⁷ 55 per cent came to online journalism from the printing trade, 39 per cent from radio, 8 per cent each from television or other journalistic areas (agency/Teletext).

³⁴⁸ WEMF – AG für Werbemittelforschung: Reader figures of Swiss Press 2005. The Mach-Basic Study is quoted by Stadler (2005c). See chapter 19.5: Appendix 5: Readership of the Swiss Press 2005, p.265

In the traditional *Neue Zürcher Zeitung* organisation, a distinction is also made between print and online editors, in that the staff of the new media do not receive signatory powers; their status, therefore, remains that of editorial workers. Neither are they entitled to write a commentary nor can they decide on the topics to be covered and, accordingly, certain opportunities for advancement within their own medium are barred to them.

Such distinctions do not weigh so heavily at the *Tages-Anzeiger*, because there is a different culture there anyway, says Christoph Stricker (Stadler 2005c). With regard to the salary situation, too, he could not imagine that distinctions would be made at the *Tages-Anzeiger* between print and Internet. At the *Neue Zürcher Zeitung* there is no transparency about salaries at all, so that it is not possible to make a reliable assessment. "Both my own experience and informal discussions with colleagues, however, lead me to assume that there are significant differences between print and online", explains an *Neue Zürcher Zeitung* employee³⁴⁹.

The online teams of both editorial departments take part in meetings, or are at least informed about the planning of the newspaper. In the *Neue Zürcher Zeitung* editorial offices, the online representatives have a voice and can submit their topics to the overall editorial department. At the *Tages-Anzeiger*, though, they can only listen.

Online journalists have always needed a thick skin in certain editorial departments, since they are regarded by their colleagues as "inferior" journalists. Wyss and Zischek have determined that the work processes – which are more technical and less editorial – are the possible reason for this. That is why, in the opinion of those surveyed, the work of online journalists is not viewed in as good a light as traditional journalism, generally has a lower significance and tends to be seen as a launching pad from which one switches to another medium as soon as further training has been completed. The training requirements envisaged for online journalists also fall into this category, whereby more emphasis is placed on other areas than on the purely journalistic, Wyss and Zischek (2004) explained.

³⁴⁹ Interview with the author, 25 November 2005

13.7 Quality not yet assured

The survey also revealed that there is a need for further training among online journalists. The range of requirements is, however, broad and inconsistent. According to Wyss and Zischek, this can be attributed, amongst other things, to the fact that there is as yet no regulated access to online journalism as a career and no accurate vision of the activities and requirements within online journalism (Wyss and Zischek 2004, p.74).

Quality assurance in online journalism is therefore far more precarious than in the printed press or in other electronic media. The tight resources in terms of personnel and time take a toll on the quality of journalism. In addition, online journalists have to trust their main sources of information (the agencies) blindly, since there is neither the time nor the opportunity for verification. Lastly, according to Ronald Schenkel, as a consequence of poor training, lack of guidance and unclear rules online journalists seldom have a clear picture of which legal rules of the game apply to their medium.

It is surprising that potential online possibilities are not necessarily presented in a form suited to the Internet. The great strength of the medium is not fully utilized, as Wyss and Zischik have also made clear. There are numerous reasons for this, the first being the effort which is expended in connection with the production of interactivity (Wyss and Zischek 2004, p.124). But the online media can also avoid legal problems such as libel, sexism, racism if they abstain from forums or chats, and they retain the monopoly of information. Blogs are therefore rarely found on their websites. This situation will probably remain unchanged in the immediate future.

13.8 Further developments

The above-mentioned conservative tendencies within the editorial offices and publishing houses seem at first glance to be acceptable. Use of the traditional media shows a rather high degree of stability compared with the prior year, states the Univox Study of the *Institut für Markt- und Sozialforschung gfs Zürich* (Institute for Market and Social Research, Zurich) (Bonfadelli 2006). Yet, apart from the freesheet *20Minuten*, some major daily newspapers have either been steadily losing readers for some time or have been unable to significantly increase circulation figures³⁵⁰. In contrast, there has been a noticeable increase in Internet use over the past few years. The Univox

³⁵⁰ See chapter 19.5: Appendix 5: Readership of the Swiss Press 2005, p.265

Study shows a daily use quota of 20 per cent for 2004. On the other hand, newspapers – according to the Institute – fell to below 70 per cent. The survey revealed that 10 per cent of users already surf the Internet for information as a first or second line of approach. A year earlier, well under 10 per cent of those questioned assigned the same importance to the Internet. Growth is probably around 30 per cent. Newspapers are indeed read to gain information by 58 per cent of those questioned. The print media are still not only more popular than the Internet, but also more popular than other electronic media such as television, radio or local television as a means of obtaining information. As far as credibility is concerned, however, the *Baromédi*a survey (last carried out in 2002) showed Teletext at the top of the list with an astounding rating of 90 per cent, even though it is one of the least-used media. The public broadcasting service SRG took second place with 86 per cent, followed by the daily newspapers with 84 per cent. Information magazines were considered reliable sources of information by 78 per cent of respondents, while 74 per cent considered television to be credible. Private radio stations were also rated credible by 74 per cent of respondents. Only 65 per cent of participants in the survey considered the Internet to be a reliable source of information (Zimmermann and Cretton 2002).

But the figures for Internet use and its credibility rating may well change in the near future. The Internet has only just begun to catch up. Particularly the younger generation, and those age groups of 14-49-year-olds who interest the advertising industry, seem to be turning more and more to the Internet (Trappel and Wölk 2005, p.48).

However, the prognoses for Internet advertising remain cautious. In 2004 Internet advertising in Switzerland accounted for 22 million francs, or 0.5 per cent of the total advertising market (ibid, p.63). The online share may well increase by the year 2009. Prognos estimates yearly growth of 16 per cent, whereby the online advertising share could increase to 1 per cent.

The online providers are attempting to boost their advertising revenue by levying charges for subject matter. Positive comments are also being uttered about the readiness of users to pay for subject matter. Nevertheless, the editorial offices are reluctant to charge for journalistic material. If need be, free access to archives and dossiers may be blocked in the mid-term.

The potential offered by the Internet with regard to interactivity and diversity of offers is currently nowhere near fully exploited and, as long as the leading Swiss Internet sites are controlled by parent print companies, a certain level of sluggishness can be expected. After all, with *Radio 24* and *Tele Zürich*, the *Tages-Anzeiger* had the opportunity of accessing voice- and video-streaming offers, without the need to purchase them for large sums of money. Appropriate plans have been drawn up, although they have not yet been implemented.

Television could start things moving on the online scene. Since the beginning of December 2005 an online news editorial office has been in operation, presenting news on the net under such familiar television headings as *Tagesschau* (*The News*). Initially only *Radio DRS* (Radio of German- and Romansch-speaking Switzerland) had an Internet platform which was targeted principally – in several languages – at Swiss living abroad and was really intended as a replacement for short-wave programs, but now SF DRS (Television of German- and Romansch-speaking Switzerland) has entered the arena in clear competition with the existing sites of the publishing houses.

This led to immediate protests and complaints. The publishers accused SF DRS of failing to act in good faith, especially as the initial mention had only been of added content on the site, not news, and certainly not advertising. With a complaint to the Federal Office of Communications and a letter to Federal Councillor Leuenberger requesting that the online activities of television be stopped, the publishers have clearly opted for confrontation.

Whether this offensive of Swiss Television will succeed in ousting the newspapers from their top positions in the user statistics remains to be seen. It may be assumed, however, that the SF DRS website will soon offer an increasing number of moving images, as BBC Online or CNN have been doing for ages. Technical progress, with its trend towards moving pictures and spoken language too, could encourage this development. Podcasting already enables the receipt of such news, both spoken and visual, at any time on the Net. Last September, *Radio DRS* launched the Swiss premiere with a Podcast broadcast of the *Echo der Zeit* (*Echo of our Time*) programme. In the first month, contributions were downloaded 34,000 times (Settele 2005).

After the cyber bubble burst, the excessively euphoric plans experienced a setback. However, the IT branch has recovered and has extricated itself from this stagnation. The iPod generation will certainly appreciate other forms of media consumption than

those of their parents. Even the advocates of a service that concentrates on the written word will have to reconsider. In order to keep up with technical developments, however, investment is necessary. The market winner will also depend on this readiness to invest and on the available resources.

13.9 Weblogs as competition or enhancement?

The Internet has not only provided traditional media businesses with a new channel for transmitting news. Today the World Wide Web offers everyone the opportunity to present his or her views of the world, investigations, experiences or research to a potential audience of millions of people. These forums, mostly designed as a sort of diary on all conceivable subjects, have a name: they are called weblogs, or blogs for short. The author of these blogs is the blogger. Their source is usually the Internet. The first weblogs sprung up in the USA in 1994. In the meantime, they have arrived on all continents and in all languages.

In order to be a blogger, neither basic journalistic training nor a basic understanding of journalism is necessary – and certainly not an editorial office. The number of bloggers active worldwide in mid-2005 was estimated at 31 million (Russ-Mohl 2005b). Already there is a considerable amount of literature on bloggers and the weblog scene. Ansgar Zerfass and Dietrich Boelter, the authors of *Die neuen Meinungsmacher* (The New Spin Doctors), see weblogs as an important corrective measure for mainstream media (Zerfass and Boelter 2005).

13.10 Weblogs as watchdogs

This corrective function has already been tested effectively in the USA. The political journalist and anchorman of the news channel CBS, Dan Rather, had to resign during the election campaign for George W. Bush's second term, because he was actually convicted of fraud by weblogs. The sites of rathergate.com and freerepublic.com were able to demonstrate that documents which were supposed to prove Bush's refusal to obey orders thirty years earlier and which were presented on CBS on 8 September 2004 were forged. Rather and his team claimed that they had received the said documents from a retired officer of the Texas National Guard. This could have been true, since this officer (a Democrat), had already caused a stir in the past with his bitter accusations against Bush. But soon after the broadcast the suspicion arose that the documents had been forged by the man himself. This meant that Dan Rather had

broken the journalist's most important duty of care because he had failed to check out his source sufficiently. He even went so far as to defend the report in the face of all the allegations being made against him. At this time, it must be said, CBS and Dan Rather's program were being subjected to huge competitive pressure (Born 2004; Rüesch 2004; Mink 2004).

This was a shock, not only to the journalists of the news programme of CBS, who had hitherto been regarded as absolutely credible and trustworthy, but to the established media as a whole.

There has not yet been any similar exposure of a blunder on the part of an established medium by webloggers in Switzerland, and it may well be some time before blogs actually perform the function foreseen by Zerfass and Boelter in this country, if it ever happens. Although the Swiss are already keen bloggers, blogging can hardly be referred to as a really widespread phenomenon at the moment. One searches more or less in vain for political weblogs or sites which deliberately look for fabrications in the media, as for example bildblog.de³⁵¹ does in Germany. Although *medienspiegel.ch*, the site of the former Head of *NZZ Online*, Martin Hitz, deals with the daily news – usually news about media and media politics – as the name of the site (“mirror of the media”) indicates, this is more or less just a media review, sometimes in commentary style. It is by no means an investigative site and therefore not at all a watchdog of watchdogs. A first weblog has in fact recently appeared in Switzerland, which deliberately searches for fabrications and blunders in the media. It is interesting to note, however, that it does not keep tabs on quality newspapers such as the *Neue Zürcher Zeitung* or the *Tages-Anzeiger* or the tabloid *Blick* but only the nationally oriented commuter newspaper *20 Minuten*. The watchblog *www.pendlerblog.blogspot.com* mainly criticises and satirises the mix of advertising and editorial content or the manipulation through images. And it “exposes” journalistic errors of judgement, which can be attributed simply to the fact that agency reports have not been critically questioned.

The Swiss bloggers do, indeed, concede that they are hardly geared towards criticising the political aspects of Swiss life. A blogger was quoted by the *Neue Zürcher Zeitung* at a meeting in Basel to the effect that bloggers realise their deficit as far as political

³⁵¹ bildblog.de “corrects” based on the media comparisons of reporting by “Bild” newspaper. Four German media journalists are behind bildblog.de.

reporting or commentary is concerned, and that is why most of them keep their distance (Bayrica 2005).³⁵²

13.11 The weblogs of the established media

In the meantime, the online portals of the established media have set up weblogs – if not all to the same extent or with the same appetite for experimentation. It is noticeable that the thoroughly successful *NZZ Online* site is almost without blogs.³⁵³ In contrast, the *Tages-Anzeiger* site has a number of blogs which vary from humorous columns to foreign diaries. The *Tages-Anzeiger* even has a crime series as a weblog. The commentary of a private blogger on this particular weblog is definitely worth quoting: "*Blog* is not necessarily everywhere the word *Blog* appears. It is in fact a simple, serialised story. Why a commentary function is needed remains to be seen. Perhaps a very shrewd reader will expose the murderer with his commentary after only the second instalment, who knows?"³⁵⁴

Shortly after the launch of its new Internet offering, *SF DRS* "enriched" the Internet with two weblogs; one, penned by the editor-in-chief of Swiss Television himself, Ueli Haldimann, was on in-house and general media topics, and the other, with a personal touch, was by TV presenter Kurt Aeschbacher. As Haldimann notes of his weblog, questions received by email or post are often taken up. Haldimann also invites readers to express themselves in their own commentaries. The rules correspond to those applied to readers' letters in newspapers: scurrilous, abusive, racist or otherwise immoral expressions of opinion will be deleted, as stated on the *SF DRS* site.

13.12 Instrumentalisation and lack of impact

Turning one's attention to the blogs that have evoked a particularly high number of reactions, one is struck by the fact that these invariably concern topics that also occupy considerable space in the traditional media and are the subject of most readers' letters.

³⁵² In this edition the *Neue Zürcher Zeitung* reported on a meeting of a good dozen Swiss bloggers in Basel and the blogger quoted was Stefan Bucher, who operates the weblog stefanbucher.net. According to the *Neue Zürcher Zeitung*, Bucher said: "One must be in a position to write about politics, and many are not."

³⁵³ At the time of the study, *NZZ Online* had only one weblog, and that was on a site (e-balance), not directly assigned to the editorial offices, but was a co-operation between the hospital Hirslanden Clinic and *NZZ Online*.

³⁵⁴ See blog.namics.com/2006/02/ich_bin_voellig.html (consulted 15 March 2006)

At the time this observation³⁵⁵ was made, commentaries were focusing on blogs about the Mohammed caricatures or about the ban on the ideas of Darwin striven for by Christian fundamentalists. By far the most reactions, however, were generated by announcements by Haldimann on television-related topics such as the introduction of the new news studio and the decision to present the weather news in Swiss-German only.

The weblogs of the publishing houses of established daily newspapers or weekly magazines can be taken primarily as an attempt to commit their readers to their (printed) products. For Sandra Manca, head of *Tages-Anzeiger Online* weblogs represent an opportunity for readers to use their own commentaries to enter into dialogue with the blogger, whereby a degree of reader-proximity may develop which could not be achieved with traditional media (Olar 2005; Bouhafs 2006).

Therefore, weblogs on the sites of the established media, on the one hand, and those of private individuals on the other, are pitted against each other. Whereas the former are often penned by journalists, frequently in the style of columns familiar from print media, the latter are composed by amateurs who are not committed to the ethics of traditional journalism; neither do they know or need to comply with the rules of quality journalism. Moreover, these weblogs have a subjective slant, and are often brief and written in uncouth language because, apparently, the real “blogger feeling” calls for a certain measure of impertinence.

This impertinence, as already implied, is concentrated for the time being on language rather than content, and this warrants broad “public interest” only in the rarest of cases. The “journalistic” standard, as foreseen by the euphoric champions of blogs has not yet established itself on Swiss sites. “Citizen journalists” do not write on weblogs, and the position in neighbouring Austria as sketched out in the Austrian newspaper *Der Standard* is probably the same as in Switzerland: “The traditional media will increasingly take up bloggers’ subject matter, and re-investigate, refute or confirm or, at any rate refine it. Free websites will draw readers away [...] but they will not replace print.”³⁵⁶

³⁵⁵ Observation period from 15 December 2005 to 31 January 2006

³⁵⁶ editorial article (www.derstandard.at/?url=/?id=193579325, consulted February 2006)

14 The Power of Advertising

14.1 The media as commercial enterprises

Media, unless financed by licence fees, are commercial entities which have to sustain their position in the market. Their main source of revenue is advertising; direct income from subscriptions or newsagent sales has little or no significance. Swiss subscriber newspapers, for example, gain on average approximately 70 to 80 percent of their revenue from advertising and just 20 to 30 percent from sales. Free newspapers are financed entirely by the advertising industry, as are most private local radio or television stations. Only a limited number of radio and television stations receive modest amounts from licence fee splitting in addition to their advertising revenue. At present, 25 private radio stations and 17 television stations share CHF 44 million (four per cent) out of the CHF 1.1 billion paid in licence fees to the national broadcasting service SRG SSR³⁵⁷. With this system of licence fee splitting, which is laid down in Article 40 of the Law on Radio and Television (LRTV), the government aims to support small private broadcasting stations in sparsely populated and financially weak regions and thus ensure diversity of the media³⁵⁸.

In 2004, advertising sales in the Swiss media reached a total of 5.223 billion francs, representing an increase of 200 million francs, or 3.9 per cent over the prior year. In Switzerland, current per capita advertising expenditure in the media amounts to almost 700 francs. The costs of advertising in the daily, Sunday and regional weekly newspapers alone amounted to 1.638 billion francs with a circulation of approximately 4.2 million issues.³⁵⁹

However, the media are not just a branch of business; they also report on business and its players. This gives rise to awkward interfaces and conflicts of interest. "A press publishing house is an information business which is largely exposed to the same market influences as other types of companies", commented Heinrich Oswald, former

³⁵⁷ Federal Office of Communications
(www.bakom.admin.ch/dokumentation/medieninformationen/00471/index.html?lang=de&msg-id=11358, consulted 9 March 2007).

³⁵⁸ See chapter 12: Radio and Television, p.160

³⁵⁹ WEMF – AG für Werbemittelforschung, Statistical Material 2004 and 2005 (www.wemf.ch, consulted 13 February 2007).

Head of Ringier, way back in 1974 (Haldimann 1981, p.22f.). He conjured up all the possible negative influences, such as competitive pressure, mergers, lack of business ethics and even corruption. Ideally, this should not be the case in the media. However, it cannot be denied that media workers come under pressure both internally (through the dictates of the publishers) and externally (through the influence of advertisers). Over the past few years, the growing impact of this pressure can be seen in the form, style and content of the Swiss media. A few years ago, media scientist at the Institute for Mass Communication and Media Research IPMZ at the University of Zurich Werner A. Meier attributed the spread of tabloid-type journalism and the gradual demise of journalistic ethics in the Swiss media mainly to lack of transparency regarding direct and indirect financing through advertising, sponsoring and PR (Meier (Werner A.) 2002). Or, expressed somewhat more bluntly: just like everywhere else in a free market economy, in the end the customer alone is king and the customer is not the reader or viewer but the advertising industry. It is obvious that this industry can, in Switzerland as elsewhere, directly or indirectly, openly or covertly, influence the content of the media in which it invests. Various actions of the advertising industry against the media, especially in the 1980s, have been documented. Even today, some tangible indications remain apparent and verifiable.

Ultimately, whichever way it is viewed, the media's heavy reliance on advertising shows that, when it comes to business reporting in particular, the media are not really free, and in fact cannot be free. Of course there are companies and individuals who hardly ever, or never, place an advertisement and, consequently, reporting about them can be critical without any fear of economic reprisal. But those who do advertise are undoubtedly in the majority. This does not necessarily mean only the key players and large enterprises. For local newspapers, radio and television stations, the small garage around the corner is just as important a customer as the major automobile importer Walter Frey was for the *Tages-Anzeiger*.

14.2 Advertising boycotts to penalise the media

It was precisely Walter Frey, a leading automobile dealer and Zurich SVP National Councillor, who exerted economic pressure on a media company in a dispute that is still regarded as a classic case today. The background to this affair was an article on the Swiss automobile lobby in the *Tages-Anzeiger* magazine, written by Paul Romann and Beat Schweingruber (Romann and Schweingruber 1979). At the beginning of the

Geneva Automobile Show the *Tages-Anzeiger* published not only a nineteen-page supplement and a one-page illustrated report on the new models, but also a news article on the opening of the show and a business commentary with critical remarks regarding the excessive size of the cars. The issue also included a magazine containing nine pages of critical documentation on the car lobby in Switzerland. Incidentally, the story was based almost exclusively on quotes from the professional associations.

The car importers were up in arms. Without further ado, the key players Amag, Emil Frey AG, Fiat, General Motors and several others suspended their advertisements. Walter Frey explained that he had no interest in advertising in an “anti-car” environment.³⁶⁰ Peter Studer, Head of the *Tages-Anzeiger* at the time, calculated that car advertisements represented about three percent of the Tamedia advertising volume; resulting in a loss of up to 500,000 francs a month – a high amount even for a major publishing house (Studer 1979).

In his book *Der verkaufte Leser* (The sold-out Reader) author Ueli Haldimann does not only name further instances of boycotting. The advertising managers of various papers openly admit that pressure was exerted on them (Haldimann 1981, p.38f.). Moreover, Haldimann describes the toadying attitude of the publishers towards strong representatives of sectors like the automobile or cigarette industries, tourism or atomic energy. The publishers of small or medium-sized papers are not the only ones to be affected. The arm of the business bosses stretches right to the tip of the *Tages-Anzeiger* or *Blick*, to Coninx or Ringier³⁶¹.

However, one man’s sorrow is another man’s joy and, in disagreements between a media organisation and a particular branch of industry, compliant alternative bidders are quickly at hand. Thus during the battle between Tamedia and the car lobby, the free newspaper *Züri Leu* (Zurich Lion) – a *Tages-Anzeiger* competitor at the time – jumped into the breach and took over some of the advertisements. And not only that: the *Züri Leu*, published by Jean Frey, soon conjured up a page out of nothing, which called itself *Am Steuer* (At the Wheel). *Am Steuer*, according to Haldimann, was “an absolutely disgusting, sleazy mixture of exactly those topics with which the *Züri Leu*

³⁶⁰ In *Blickpunkt*, broadcasted by SF DRS (Swiss TV) on 9 April 1979.

³⁶¹ The Coninx family owns Tamedia AG, the Ringier family owns Ringier AG.

hoped to ingratiate themselves with the car advertisers”(Haldimann 1981, p.54f.). But the *Züri Leu* was not the only paper to benefit from the car lobby’s fury with the *Tages-Anzeiger*. The other quality newspaper in Zurich, the *Neue Zürcher Zeitung*, apparently received significantly more car advertisements than usual during the period of the boycott (ibid, p.58).

14.3 The Federal Cartel Commission and the "boycott"

While some importers resumed advertising in the *Tages-Anzeiger* after a relatively short time, Walter Frey sustained his refusal until 1999, that is, a full twenty years. This was certainly the longest attempt by an enraged businessman to punish a medium. Did he achieve anything? Probably nothing more than self-satisfaction because, although his attitude penalised the *Tages-Anzeiger* financially, its existence was never in jeopardy. On the contrary, seen in retrospect, Frey’s action provided the newspaper with an image boost, according to former media journalist at the *Tages-Anzeiger* and *Weltwoche* Christian Mensch: “The exposure of the Watergate scandal led the *Washington Post* to be regarded worldwide as the epitome of investigative journalism; the advertising boycott gave the *Tages-Anzeiger* the aura – at least across Switzerland – of being a business-critical newspaper” (Mensch 2002).

These events also sensitised broad sections of the population and alerted the federal authorities. The Federal Cartel Commission became involved and had to clarify whether the boycott was in fact a boycott. They reached the conclusion that this was not the case in a legal sense and that they could not intervene. The authorities could only react if powerful companies forming a cartel or similar organisation were to withdraw advertising from a medium³⁶². They therefore agreed entirely with the arguments of the car dealers, who announced that the decision to cut the *Tages-Anzeiger* had been taken tacitly. “There was never any mention of a boycott and there was no consultation”, Alex Meile of General Motors explained in October 1979 at a press conference in Zurich (Haldimann 1981, p.60).

As long as they are declared as "tacit agreements", boycott measures are for the most part legally incontestable. It is no wonder, then, that this was not the first campaign by

³⁶² Federal Cartel Commission, Die Anzeigensperre von Automobilimporteuren gegenüber dem Tages-Anzeiger. (The advertising embargo by automobile importers against the Tages-Anzeiger.) VKK-Publikation (1981, p.41ff.).

the automobile lobby, and nor was it the last. Another prominent case was Karl Schwenk's fight against Ringier. Because of a critical article in the business newspaper *Cash* of 6 August 1993, the owner of Denner (a discount food store) decided at that time to stop advertising in Ringier publications. This too was not interpreted as a boycott under cartel law.

14.4 Other forms of "punishment"

If companies are dissatisfied with a medium's performance, they can take their "revenge" without depriving themselves of their advertising platform. For example, in 1974 an article appeared in the *Tages-Anzeiger Magazine* on open-plan offices. The fashion house Spengler was critically examined. Spengler did not cancel their advertising with Tamedia AG, but promptly withdrew the print order for their catalogue from the publishers' printing company.³⁶³ This was not the only case of its kind.

As Christian Mensch stated, instances in which boycotts or other punitive measures become public are rare these days. But, according to the media journalist, it can still happen. Thus the former head of Swiss International Airlines, André Dose, reacted to a critical report in *Facts*, a Tamedia magazine, by simply banning it from his planes. This happened in the spring of 2002 and was publicised by the *NZZ am Sonntag* (Keller 2002). As a result, there was a circulation drop of 8,000 copies, which – given a total of roughly 100,000 copies – represented a painful loss.

14.5 Political reasons for punitive measures

In Switzerland, it is not only direct criticism of a company, a product or the head of an organisation that can lead to suspension of advertising. Businessmen, professional associations or employers' organisations are also political and social players. And bruised political or socio-political feelings can definitely grow into tangible economic cudgels. This happened during the youth riots in 1980. In that summer, the head of the *Globus* department store, Hans Mahler, wrote to the editor in chief of the *Tages-Anzeiger*.

"We agree with those who regard your reporting of the youth demonstrations in Zurich as one-sided and are of the opinion that you are exceeding the measure of tolerance. We have therefore decided to reduce the current advertising budgets for our companies by 50 percent until further notice." (Haldimann 1981, p.74)

³⁶³ *ibid.*, p. 97f

Calculated over a year, the *Tages-Anzeiger* lost several hundred thousand francs. "Follow the example of *Globus*" was the advice of the Swiss Employers' Newspaper in their issue of 31 July 1980, and more or less open discussions were held in various circles as to whether they should also try to influence the attitude and reporting of the *Tages-Anzeiger* with an advertising boycott.

The enormous external pressure ultimately caused the management to order the entire editorial staff to employ more "technical accuracy" and "strict fairness" in their reports of the youth riots that summer. At an obligatory employee meeting, called the Rütli report, following the style of the 1940 assembly of Swiss officers held by General Guisan at the Rütli (the meadow in Central Switzerland where the Confederation was first established), the management communicated further that publishing and sales would in future need to be involved in opinion-forming from the start. If a consensus were not reached between the editor-in-chief and the head of publishing, a decision would be taken by the management (Haldimann 1981, p.77). This attempt at discipline was more successful: within the publishing house the editorial staff were put on a short leash and the prescribed "balance" led at times to self-critical articles. But it was not long before the editorial staff of the *Tages-Anzeiger magazine* rebelled again. When the management spoke out against publication of a report describing the experiences of author Reto Hänni in police custody in Zurich, the editors decided to print the report at their own cost in a circulation of 5,000 issues to be distributed in public places under the heading: "Here is the text which you did not find in the *Tages-Anzeiger magazine* of 4 October 1980" (ibid, p.84).

14.6 Anticipatory obedience and grovelling ingratiation

Such courageous insurgence tends, however, to be rare amongst Swiss journalists and editorial staff. The opposite is more often the norm: anticipatory ingratiation with the (potential) advertisers. This is most noticeable in local newspapers and local radio and television stations, which quite often report on matters with no or little journalistic relevance and which may even be below the threshold of interest of the public. "Every time the new car models arrived at the local garages, we were invited to a photo rendezvous with written text. It was taken for granted that the garage owner would pose in front of the new car, and it was probably only due to the car dealer's last

remaining threads of decency that he did not write the text himself, but merely dictated it", a former local editor from Zug recalls.³⁶⁴ Cäsar Rossi, former editor in chief of the local newspaper *Zuger Nachrichten* remembers only too well the pressure of advertisers: "Local SMEs were constantly ringing up and telling me that they would only place an advertisement in the paper if I wrote a favourable article about them in the editorial section of the paper. When this ploy was unsuccessful, they contacted the publishers, to whom I then had to trot and defend the cause of freedom of the media".³⁶⁵

But it is not only the smaller newspapers and electronic media, dependent on advertising by local trade, that follow such an ingratiation strategy. Haldimann had already criticised the "Man of the Month" column, which was introduced in the 1970s and included a portrait on the title page of the business magazine *Bilanz*, as a genuflection before potential advertisers (Haldimann 1981, p.28f.). This is by no means all water under the bridge. Under the editor in chief, Martin Spieler, the editors of the *HandelsZeitung* have been instructed to write not only in a simple and understandable style, but also to be generally positive. Criticism of potential advertisers is undesirable, indeed even forbidden in the numerous supplements that fall over themselves to be positive about consultancy businesses, the IT sector or even cleaning ladies. Arrangements for these supplements are sometimes made between the editors and the organisation to be featured. A freelance worker at the newspaper³⁶⁶ was advised by an employee of the company about which she had to report exactly how and where the company could be named and how the text had to appear. This had been agreed with the editor, she was told. The journalist herself knew nothing of this but, after conferring with the editor, she nevertheless had to adhere to the directives of the company. But supplements of other newspapers, too, are really favours. Christian Mensch cites the example of the *Neue Zürcher Zeitung* supplements relating to banking, insurance and financial assets "which are practically unsurpassed at making positive remarks and are simply fit for consumption by the consumer". And indeed, they do serve to attract the attention of businesses, which feel they are being taken seriously by such supplements and accordingly buy advertising space (Mensch 2002).

³⁶⁴ Interview with the author, 15 November 2005

³⁶⁵ Interview with the author, 12 December 2005

³⁶⁶ Interview with the author, 12 December 2005

This development has also alarmed the Swiss Press Council. In fact the Swiss Press Council requires that “supplements linked to advertising” should be declared as such. In their reaction of 14 May 2004³⁶⁷ they wrote:

"Sponsored supplements are to be identifiable by readers as such, both optically and in their manner of expression. This is to prevent readers from being misled to believe that these are editorial supplements."

Apart from this, the Swiss Press Council demanded that such supplements should not simply be called "special supplements", but “advertising supplements”. Only in this way can readers recognise the supplements for what they are: advertising material.

However such transparency is found neither at the *Neue Zürcher Zeitung* nor at the *HandelsZeitung*.

Whichever way you look at it, these examples show quite clearly that all is not well with the separation of advertising from the editorial section. Article 10 of the Swiss Press Council's Declaration on the Duties and Rights of a Journalist, whereby the journalist must "avoid any form of commercial advertising and never accept conditions laid down by advertisers, either directly or indirectly"³⁶⁸, certainly fails to reflect the reality of the situation.

14.7 Interwoven connections

But the interconnection between the media and the advertising industry has not nearly reached its peak. Perhaps the American model will soon become the norm in Switzerland, whereby companies request the editors for a favourable spot for placing their advertising messages and therefore have a definite influence on the shape and form and, probably, on the content of the medium (Kilian 1998). Cooperation between media organisations and consumer goods manufacturers, such as between the media house Ringier and the retailer Coop with the “Betty Bossi” brand, is already here. In 2001 Coop acquired 50 percent of the share capital of the “Betty Bossi” foods line and launched a strategic partnership with Ringier. Later Ringier not only produced the “Al Dente” programme sponsored and presented by Coop in *Presse TV (Press TV)* but Betty Bossi products can also be bought in Coop shops, while “Betty Bossi” issues a magazine.

³⁶⁷ Communiqué by the Swiss Press Council on 14 May 2004 (www.presserat.ch/20900.htm, consulted 9 November 2006).

³⁶⁸ See chapter 19.6: Appendix 6: Declaration of the Duties and Rights of a Journalist, p.266

In an article for the *Werbewoche* entitled “Purchased Goodwill” (Glötz 2005) Peter Glötz, the communications scientist who died recently, alluded not only to the spread of product placement in the media, especially in the lifestyle supplements of newspapers such as the *NZZ am Sonntag* or the *Sonntags Zeitung* of Tamedia. He also stated that a colour brochure from the fashion house H&M was enclosed with an issue of the *Sonntags Zeitung*, accompanied by a large spread and an extensive but innocuous interview with the chief designer of the Swedish fashion label in the editorial section of the same newspaper. Incidentally, this interview – contrary to standard archive usage – is still accessible free of charge on the Internet today.³⁶⁹ Normally, the archives of the *Sonntags Zeitung* can only be accessed against payment³⁷⁰.

Although minimum rules of division between advertising and editorial sections have been retained, such dividing lines are becoming increasingly fragile. The vehicles used to break them down are called “infomercials” or “advertorials” and are often used by the PR people as a tool for image campaigns. The first major, eye-catching image campaign in the advertorial style in Switzerland was the Renault Clio campaign in the autumn of 1994. It appeared in all important supraregional titles such as *Blick*, *Sonntags-Blick*, *Weltwoche*, *Sonntags Zeitung*, *Sport*, *Le Matin Dimanche*, *Le Nouveau Quotidien* and *Télé Top Matin*, and as a result achieved coverage of 70 percent. According to Karin Jost, not only was the language entirely in the style of a tabloid article; the layout, too, corresponded to the media in which the “article” appeared (Jost 1995). While it is usually a company’s PR representative who composes the advertorials, this service can sometimes be requested from the media organisations themselves, for example from the Tribune de Genève (ibid 1995). Journalists therefore get their chance to write according to the dictates of the paying customer. Publishing companies like Ringier claim that the typography and layout of an infomercial should be distinguishable from the editorial section. In addition, the logo of the company must be shown.³⁷¹ In exchange they offer the entire journalistic, organisational and coordinating know-how of the editorial office.

Even if the visual features of an infomercial contrast with genuine articles by journalists, its journalistic characteristics and the whole environment are intended to mislead the

³⁶⁹ www.sonntagszeitung.ch/dyn/news/trend/500784.html, 15 June 2006, consulted 23 August 2007

³⁷⁰ www.sonntagszeitung.ch/dyn/news/onlinearchiv/442873.html, consulted 23 August 2007

³⁷¹ Ringier Advertising Service (www.go4media.ch, consulted 29 August 2007)

reader about the advertising aims, or indeed to conceal them. Advertorials and infomercials clearly indicate the trend towards the integration of editorial and advertising content. These methods are no longer limited to the print media. Cross-media approaches on online platforms are becoming more and more prevalent. The inexperienced surfer is easily led from the editorial section of a site to a commercial site, without any sign of a bar with the title “advertisement” as a warning. Frequently – as in the case of the slimming diet “e-balance” or the partner-search site “Parship” on *NZZ Online* – there is collaboration between the media organisation and the service provider, who benefits from the reputation of the media partner.

14.8 Gifts and concessions

Killing the goose that lays the golden eggs is getting harder and harder for the media companies. Travel journalism is an impressive example of this. Almost every daily newspaper, as well as public and private radio and television station, has supported the travel industry with appropriate editorial stories for years. It is remarkable that the normal minimum critical distance cannot usually be observed here. There are two reasons for this: firstly, journalists are invited to press trips, where everything is first class; this can quickly put paid to critical assessment and independent judgement. Secondly, in times of reduced advertising, the invisible scissors are already embedded in the minds of otherwise critical journalists³⁷². Thus, a journalist at the *Neue Zürcher Zeitung*³⁷³, who returned from a Mediterranean cruise with rather negative impressions and had nothing good to say about it in a private conversation, nevertheless suppressed these ideas in print and wrote a thoroughly favourable article. She justified this by reference to the advertisements that the organiser regularly placed in the pages of the newspaper, which they did not necessarily wish to lose.

Apart from the travel industry, the automobile sector also has various tricks up its sleeve to encourage journalists to write positive reports. Automobile journalists are simply given “test cars” on a regular basis, which they can drive as long as they want. A journalist³⁷⁴ who used to write about motor cycles, and who now travels around as a yacht specialist, revealed that the Japanese manufacturers in particular splashed out

³⁷² See chapter 16: Self-censorship and blind obedience, p.219

³⁷³ Interview with the author, 16 December 2005

³⁷⁴ Interview with the author, 14 December 2005

on the “support” of journalists – not only during the daytime but round the clock. A prime example of this type of "economic pressure" being practised as a form of strategic and methodical instrumentalisation of media workers can be seen in the strategy of the Valais Tourism Association. The organisation maintains a detailed database of journalists. This database contains their work as well as the Association’s evaluation of them and a list of their personal preferences, for example on overnight stays or in their leisure time. The Association then meets these preferences, as a former employee³⁷⁵ declared, but only as long as positive reports result.

These examples point to a clear infringement of the journalist code of ethics. The Swiss Press Council directives stipulate that the independence of journalists towards business players must be guaranteed. Article 9 of the Declaration of the Duties and Rights of a Journalist states that a journalist is:

9) neither to accept any advantage nor any promise that could limit his or her professional independence or expression of opinion.

And the correlating Directive 9.1. declares:

"The defence of press freedom depends on preserving journalists' independence. Such independence must be the object of constant vigilance. It is not forbidden to accept – as an individual, in social and professional relationships – invitations or small gifts of which the value is within reasonable limits. However, such acceptance should in no way influence research and its publication."

The clear and unequivocal demands of the journalists’ code of practice are in reality hardly put into effect. It is unlikely that any automobile or travel journalist has ever drawn the suppliers’ attention to these paragraphs of the Swiss Press Council.

But not only companies who produce consumer goods and service providers know how to use their influence on journalists – and travel agents are certainly not the only ones to invite journalists on press trips. Charities and environmental organisations arrange trips with individual journalists or groups of journalists. At times, certain charities or other non profit organisations support journalists in their research by providing local contacts and organising on-site visits. This service is not always supplied without some quid pro quo. The Swiss Red Cross, for example, complained to a journalist³⁷⁶ who, in

³⁷⁵ Interview with the author , 8 January 2006

³⁷⁶ Interview with the author, 14 January 2006

a national newspaper, wrote a thoroughly positive report intended to make people aware of the charity's activities, but who omitted to make an appeal for funds.

14.9 Publicity as a weapon against boycotts and pressure

Editorial offices and journalists are not completely helpless in the face of advertisers' and sponsors' attempts at boycotting them or exerting other threats and pressures. The Swiss Press Council encourages the publication of boycotts or threats which, in the view of Christian Mensch, could be an effective deterrent (Mensch 2002). Very few would-be boycotters can actually afford a boycott, according to Mensch – either economically or politically. Whoever mounts a boycott runs the very real risk – if it becomes public knowledge – of being considered a black sheep who threatens the freedom and independence of the media. Even in cases in which a medium has clearly exceeded moral boundaries, such as deliberate false accusations or breach of privacy, it is inadvisable to risk a boycott. Based on the Borer³⁷⁷ case, a company decided on a boycott against Ringier, according to Mensch. But this same company went to great lengths to avoid being publicly identified. However, when it became clear that this was exactly what might happen, the company decided against the boycott. Obviously there was too great a danger of the boycotter being boycotted himself by the consumers. Therefore, Mensch concludes, the announcement of a boycott tends to boomerang back to the boycotter, thus acting as a protective shield for the media.

Although in recent years hardly any boycotts have surfaced, the assumption that advertising budgets and planning are undertaken purely for reasons of business and market is out of touch with reality. If, for example, one observes the advertising activity of a company after a particularly critical media report on its CEO has been published, a marked absence from the very medium which got its knives out in the first place will be noted. After a certain period has elapsed, the CEO himself is then given the opportunity in a major interview to express his opinion and above all present his company in the best possible light, and everybody is happy again. "If a journalist has pestered us, we know how to react", explains the communications delegate of a major company³⁷⁸. And he adds: "We make a considerable contribution to the media with our advertising, so it is only fair that they do something for us."

³⁷⁷ See chapter 7: National Standards, p.88

³⁷⁸ Interview with the author, 24 February 2006

14.10 Spoon-feeding the media

On the one hand, the relationship between advertisers and the media can be strained, marked by attempts by the former to exert pressure on the latter. On the other hand, editorial forms are increasingly being employed to disguise advertising messages, without any resistance from the media organisations. On the contrary, they offer opportunities for collaboration, which can ultimately confuse the media consumer. But journalists themselves, even if they are not directly exposed to pressure from the advertising industry, at times act in blatant contradiction to the rules of their own professional code³⁷⁹. For example, the acceptance of “gifts” in the form of travel, states a long-term employee of a national newspaper³⁸⁰, has nowadays become such standard practice that no-one gets excited about it any more – except the journalists who miss out.

What has been common practice for years in private radio and television – sponsoring and product placement – has recently been noticeably on the increase in other types of media as well. It is not only the fashion and style supplements of the Sunday newspapers or magazines that provide an appropriate platform. Sports or culture sponsoring, for example, has in the meantime also spread to conventional daily newspapers. Via cooperation agreements a company will try to commit the medium to exclusively positive reporting. "Whether triathlon or open air cinemas, if our newspaper appears as a partner, only positive reports are wanted", an editor from Eastern Switzerland explains³⁸¹. "Although we do not have any written instructions or guidelines, we soon find out in the oral briefings how the land lies and what the publishers expect from us journalists." And the editor of a local radio station in Central Switzerland adds: "The time allotted to broadcasting an event where we are media partners increases massively, while others miss out." The medium has thus degenerated in part into a plaything of the advertising industry. This industry commits itself financially to the medium, and the medium "rewards" the company's commitment with a substantial and, in particular, an approving report. In other words: you scratch my back, I'll scratch yours.

³⁷⁹ See chapter 19.6: Appendix 6: Declaration of the Duties and Rights of a Journalist, p.266

³⁸⁰ Interview with the author, 21 February 2006

³⁸¹ Interview with the author, 12 March 2006

15 Playing with the Truth

15.1 Economic necessity

Attentiveness has become rare in a society that is saturated with information. In our so-called Information Age³⁸² attentiveness is definitely in short supply, making it – according to the laws of supply and demand – a most valuable commodity (Russ-Mohl 2002, p.125ff.). A promising outlook, one might suppose, for enterprises whose job is to transmit information. But the fact is that modern companies are faced with a dilemma. “Projects which look promising from an economic point of view – and are thus attractive for publishers too – are those which either easily absorb our attention and/or do not demand too much of our concentration”, is how Stephan Russ-Mohl defines the requirements of a successful media product (ibid, p.3). The crux of the matter is that in Switzerland there has been a clear shift of focus in the field of communication. More and more information media are going over to trivial tabloid journalism – that is to say, they do not demand too much attentiveness on the part of their readers. Given the generally short attention span of the broad public, one may be tempted to say that the information market is getting more and more saturated with trivia. At the same time, this situation could also open the door to high-quality niche products. Viewed from this aspect, well researched stories, tantalising exclusives and insider reports – so-called scoops – ought to be in greater demand than ever before, but these considerations appear not to interest the Swiss media market. It is true that a few Swiss print media, such as *Du*³⁸³ or *GDI Impuls*³⁸⁴, have opted for quality. However, these so-called “Hochglanz-Magazine” (upmarket magazines) which cater for such fields as technology, science, pedagogy or the psychology of modern living, play only a minor role in the daily business of transmitting information, particularly as they are periodicals appearing three to twelve times a year and neither their topics nor their style of writing

³⁸² The phase of the Information Age began in the 1870s and 1980s. It is marked by the huge importance of information as both raw materials and goods. This phase was brought about by the advent of electronic data processing (Castells 2001).

³⁸³ *Du* is a monthly magazine devoted to culture, which was first launched in 1941. Until 2004, it was published by Tamedia AG. The publication, which was making a loss, was then sold to the publishers Niggli Verlag.

³⁸⁴ *GDI Impuls* is a quarterly magazine devoted to social and market-related topics. It is published by the Gottlieb Duttweiler Institute.

is intended for a broad public. Most of the so-called special interest media are equally elitist and their editorial output targets a small, exclusive segment and only covers private interests such as leisure, fashion or health. Given that Switzerland is a small country, and therefore a restricted market, Michael Grabner, Newspaper Manager of the Holtzbrinck Group, explains that it is considerably more lucrative to be engaged in the tabloid market segment than in the tinier, more elite market of quality newspapers and magazines (Grabner 2000, p.47), due to the higher circulation in the former segment, as well as lower production costs for the articles. It is no exaggeration to say that it is mainly the large and medium-sized Swiss media companies who have adopted this analysis as their maxim. At any rate, they avoid the high costs of producing quality information like the plague. Another reason is that – even though Switzerland enjoys a very high standard of living – potential customers are not prepared to pay sufficiently high subscription rates. According to Werner Schaeppi, PR consultant and market researcher, Swiss people have never expected to pay even half the price of a cup of coffee for their newspaper or magazine³⁸⁵.

Assuming that it is cheaper to churn out press releases or “court circulars”, and also assuming that the PR machinery makes its own contribution to keeping down the media companies’ costs for the production of information (the so-called ‘information subsidy’), it becomes increasingly difficult for reputable journalists to recoup the costs of extensive research. These journalists either try – in addition to their more demanding, quality work – to cross-finance their articles by writing stories that call for less intensive research, or else they try to utilise their articles more than once; however, this is far from easy in the relatively limited Swiss media market. A magazine article or a sizeable report can hardly be placed twice in this country.

15.2 "Mid-risk journalism"

Freelance journalists are not by any means the only ones affected by cost pressure. Editorial staff are not exempt from this economic development either. Seventy percent of German-Swiss journalists have indicated that they experience economic pressure to a greater or lesser degree (Marr et al. 2000, p.117). This is also reflected in their work ethics. Nowadays hardly any journalist will keep to the rule of consulting at least one second source in the course of research (Baerns 1991, p.88). In this connection, the

³⁸⁵ Interview with the author, 15 September 2006; See also Russ-Mohl Stephan (2006)

term “mid-risk journalism” is attributed to Andreas Durisch, the former editor in chief of the *Sonntags-Zeitung*, to describe the practice of publishing only half-researched articles (Russ-Mohl 2002). In an interview with *persönlich.com* Durisch explains: “As editors of the *Sonntags Zeitung* we have to grapple with the risks of investigative journalism. Whoever does not rely exclusively on the official position, has to carry out off-the-record research, which always involves a certain amount of risk, since they never have access to as much information as an insider has at his disposal”. It is true that Durisch denied sacrificing the search for truth by using mid-risk journalism (Ackeret and Durisch 2005). But whoever wants to write a story with only 50 percent of the facts must necessarily resort to speculation. Mid-risk journalism in Durisch’s terms means, therefore, that a story is not essentially incorrect, even if not all the facts are correct; however, it is also not necessarily correct even if certain facts are right. The former editor in chief of the *Neue Zürcher Zeitung*, Hugo Bütler, called this kind of journalism “a tightrope walk in a landmine zone” (Bütler 2003, p.8).

It is not easy to verify at what point the journalist actually falls off the tightrope. The public is not unconcerned, however. When Walter Bosch, former editor in chief and ex-member of the Ringier Board, read the riot act to the publishers at the 2004 Annual Congress and attributed the decrease in press readership to lack of quality, he quoted a study by the *Zürcher Institut für Markt- und Kommunikationsforschung D&S* (Zurich Institute for Market and Communication Research D&S) which revealed that “sloppy research” caused the most resentment (Bosch 2004). Bosch added that this specific annoyance had increased considerably between 2002 and 2004. In 2002, 42 per cent of those questioned were of the opinion that research was sloppy, in 2003 this number had grown to 53 per cent, and by 2004 as many as 61 per cent of 18- to 65-year-olds believed this to be the case. Among managers, 72 per cent held this opinion. Bosch does not see any ray of hope, either. In his opinion, the Swiss print media cannot, or will not, break through this vicious circle: “When the print media consider quality to be only a minor factor in the marketing mix, confidence wanes rapidly, with the result that readers are disappointed in their paper and begin to look elsewhere, which, in turn, causes a drop in advertisements; subsequently, the editorial office is obliged to cut costs, so that the remaining quality sinks even lower” (Bosch 2004).

15.3 Borderline journalism and the descent into fabrication

While mid-risk journalism can be classified as the non-fulfilment of journalistic obligations, there are other tendencies which clearly obliterate the border between journalism and fiction. This syndrome is covered by the term “borderline journalism”, created by Ulf Poschardt and Christian Kämmerling as editors in chief of the *SZ-Magazin* (Meier (Oliver) 2004). Under Poschardt and Kämmerling in the 1990s, the *SZ Magazine*³⁸⁶ became the precursor of a new style of journalism which put subjectivity to the fore. The aim was to explore the limits between literature and journalism. To what extent an expansion into fiction was involved remained unclear, however, and it may be assumed that this was definitely the intention of those responsible (Meier (Oliver) 2004).

If nothing else, the New Journalism popularised by Tom Wolfe and others in the 1960s showed that the border between literature and journalism does not have to be absolute, and that literary categories certainly have their place in journalistic, fact-oriented work (Wolfe 1973). The new-style journalist saw himself as being personally involved, rather than as reporting at a distance, and his texts lived by their authenticity. The reader knew that everything reported had actually taken place (ibid).

Marco Meier named authors such as Jürg Federspiel, Hugo Loetscher and Niklaus Meienberg as Swiss representatives of the New Journalism who, as “agile border-crossers between literature and journalism, fulfilled the task of innovatively provoking the established order of things” (Meier 1988, p.146). But Hugo Loetscher himself critically stated that one of the pitfalls of crossing from literature to journalism is that the author’s participation can sometimes degenerate into an end in itself (Loetscher 1999, p.17). Moreover, in magazines and newspapers today, one rarely sees the kind of literary gem produced by such people as Egon E. Kisch,³⁸⁷ or the literary reportage of Winfried. G. Sebald³⁸⁸. Instead, the author and journalist Dante Andrea Franzetti sees a pattern of trivial literature in everyday products all over the country (Franzetti 2000).

³⁸⁶ The *SZ-Magazin* is an insert in the Friday edition of the *Süddeutschen Zeitung*. From 1996 the editors in charge were Ulf Poschardt and Christian Kämmerling. In 1999 they had to leave, after it was discovered that they had published bogus interviews.

³⁸⁷ Egon Erwin Kisch, 1885–1948, was a journalist, reporter and author. In Germany he became known for his impressive commentaries as the “racing reporter”.

³⁸⁸ Winfried Georg Maximilian Sebald (1944-2001) was Professor of German studies at the University of East Anglia in Norwich, and author.

He states that "for a long time now, the purpose and application of such trivial literature has not been the preserve of the so-called tabloid press" but "it has become commonplace in practically every editorial office" (Franzetti 2000). This means that, apart from the author, a whole string of other people is involved in producing an article; in other words, it is "designed", with ingredients such as personalisation and trivialisation being of prime importance.

15.4 The Kummer case

Franzetti wrote his critical article on trivial literature in topical media in the aftermath of the so-called Kummer case. As a journalist, Tom Kummer had mastered the rules governing light, lifestyle-oriented reading entertainment almost perfectly. His work was much in demand at the editorial offices of all magazines and larger newspapers in Germany and Switzerland. Kummer, born in Bern, supplied interviews with Hollywood celebrities for the magazines of the *Süddeutsche* and the *Tages-Anzeiger*. But in May 2000 the news magazine *Focus* found the star reporter guilty of falsification. Roger Köppel, Chief Editor of the *Tages-Anzeiger Magazine* at the time and a friend of Kummer, subsequently had to admit: "We have allowed ourselves to be seduced by a gifted teller of fairytales" (Köppel 2000) From 1992 until his immediate dismissal in April 1999, Kummer had been one of the regular contributors to the magazine.

"Kummer was the perfect journalistic drug of the nineties. His interviews were the hallmark and at the same time the product of a type of magazine journalism that attempted to link profound reflection with popular, everyday topics" as the *Zeit* put it (Minkmar 2000). It was already known – or could have been known if anyone had wanted to know – that Kummer was never too particular with the facts, as was quite clear from earlier stories he had written, where the truth had been "helped along" (ibid).³⁸⁹

³⁸⁹ As Nils Minkmar (ibid) reports in *Die Zeit*, in 1993 Kummer moved to Los Angeles. He made a name for himself with one of his first texts for the *Tages-Anzeiger Magazine* about Swiss expats in Los Angeles; but it was not a good name. He described them as an unpleasant, cocaine-sniffing crowd. His illustrations included a picture of a friend, the photographer Amedeo Bühler, and another Swiss person. The caption described them as the gay couple Jean Marie and François who run "a trendy coffee house in West Hollywood". Yet, this was nothing but fiction and Bühler, a proud father, exploded with rage and chased Kummer out of the photo studio wielding an axe.

The interviews, in particular, had practically exposed themselves as shams; according to the *Zeit*, "Kummer interviews are essentially conversations between Kummer and himself" (ibid). No philological investigations were necessary in order to harbour suspicions about Kummer. In 1996 the journalist had published a book. In *Good Morning Los Angeles: Die tägliche Jagd nach der Wirklichkeit* (Good Morning Los Angeles: the Daily Hunt for Reality) Kummer describes how Kummer the journalist stage-manages reality and engages in thoroughly self-critical reflection. In no way does the book profess to be fiction. Despite this, the book caused no concern in any editorial office, nor was the question raised as to whether what Kummer had written about himself really represented his actual working methods.

15.5 The Wolffers case

Kummer is not the only well-known case of a fraudster. Until 2003, the Swiss journalist and lawyer Lorenz Wolffers, who also lives in the USA, wrote for various Swiss newspapers and enjoyed a thoroughly respectable reputation. On 14 September 2003, however, the *Sonntags-Blick* reported that an article by the American author David Margolick about his feelings after the 11 September 2001 (published in *Sonntags-Blick* of 7 September 2003) had not been written by him at all, but by the man who had been commissioned to obtain the article: Lorenz Wolffers (editorial *Sonntags-Blick* 2003).

The *Neue Zürcher Zeitung* took up the report two days later (Stadler 2003). The quality newspaper from Falken Street in Zurich had good reason to become involved in the case, as Wolffers had also written for the *NZZ am Sonntag*, the Sunday sister paper of the daily. For this reason Felix E. Müller, the head of the Sunday newspaper, was questioned, but said that he saw no indications that the articles supplied by Wolffers for the *NZZ am Sonntag* had contained false information (Stadler 2003); however, it was not long before the *NZZ am Sonntag* had to admit that they had indeed been taken in by fake reports. On 16 March an interview with the American author and lawyer Scott Turow appeared in the paper entitled "Der Glaube an die Abschreckung" ("Faith in Deterrents") (Wolffers 2003). Again, the author was Lorenz Wolffers. In a lengthy article entitled "The truth will out, in printed form as well" (Senn 2003) Martin A. Senn, the Head of Background Editing, revealed that the editors questioned Scott Turow six months later, after their attention had been drawn to the case in the *Sonntags-Blick*. Turow, though, could not recall Wolffers or his alleged responses. It transpired that at least two of the ten questions and answers from Wolffers' interview were taken from a

discussion between the journalist and talk show host, Terry Gross, with Scott Turow, which had been broadcast on National Public Radio on 18 February 2003. Despite this, Wolffers – allegedly “snivelling” (Senn 2003) – flatly denied submitting a fabrication.

Similarly the tabloid newspaper *Blick* had to admit to printing fictitious interviews. On 1 October 2003, the newspaper confessed that a five-part interview with the Rolling Stones front man Mick Jagger, which had appeared from 9-13 September and had been provided by the German journalist Robert Macher, was a fake. The phoney discussion was discovered after Jagger’s manager called the newspaper’s attention to the fact that the singer had never granted an interview to Macher (editorial *Blick* 2003; Schweizer Depeschagentur 2003). An interview with the singer Shakira, which also appeared in the *Blick*, was exposed as fictitious as well (Schweizer Depeschagentur 2003).

15.6 Limited self-criticism by editors

The short time span between the Wolffers and Macher cases did not really ruffle any newspaper feathers. The reactions collected by the *Aargau Zeitung* were, however, admittedly mixed – from alarmed to carefree (Luethi and Baumann 2003). Some newspapers have also tried since then to install safety mechanisms. Andreas Durisch, Head of the *Sonntags-Zeitung* at the time, explained that they took measures to verify new authors before their articles were published. With established contributors, however, this was thought to be superfluous; past experience would indicate that they could be relied upon (Luethi and Baumann 2003). This attitude corresponded with that of most of the other leading editors.

But the self-analysis of the *NZZ am Sonntag* shows that long-term collaboration is no protection against fraud, nor are personal contacts or even friendships.³⁹⁰ Based on the findings, it would be more accurate to assume that the shared history of the authors and the editors concerned can act as a sort of breeding-ground for fabrications. The reason why the fabrications were so convincing is precisely because the culprits were known and appreciated as good authors. The fact that both Wolffers and Kummer were

³⁹⁰ Tom Kummer belonged to Rolf Köppel’s intimate circle, and Martin A. Senn wrote in the *NZZ am Sonntag*: “I had no reason to doubt Wolffers’ credibility. I had known him from my time as a journalist at the Federal Parliament, where he even managed the office of the news agency AP in the mid-nineties.” (Senn 2003)

Swiss does not necessarily imply that Swiss journalists work less reputably than their German or English counterparts³⁹¹. The USA, too, has had its share of sensational scandals involving fraud.³⁹² But the incestuous relationships that sometimes exist amongst Swiss journalists, on the one hand, and the scarcity of platforms for major, sensational stories on the other, may entice people into concocting phoney articles. It is obvious that not all branches of journalism are equally susceptible to fraud. Anyone who invents stories at a regional or even national level in the narrow confines of Switzerland usually gets found out in the end, although some researchers believe that the risk of being discovered is not very great (Fengler and Russ-Mohl 2005, p.178). Particularly in daily journalism, with the pressures of time and competition, there is a lack of effective internal monitoring within the editorial offices. This would incur additional time and labour costs for the editorial offices, which are anyway usually short-staffed (Höhne and Russ-Mohl 2005)³⁹³. Nevertheless, certain topics and types of text should urgently merit more critical attention on the part of the editorial offices: celebrity interviews or portraits, reports from remote areas of the world and supposed discussions with people who are definitely not a normal part of the public of the particular medium, should all evoke particular scepticism. And when sources are cited anonymously this should at least incite the editors to make enquiries. Only when the source is known to the editorial office and not merely to the author is there a reasonable certainty that the words were actually spoken and that it is not a case of the author merely putting words into the mouth of a fictitious person. And the more flowery, the more juicy and the more surprising the statements, the more shocking and exciting the revelations that open the article, the more critical should the editorial offices be. But, sadly, this is not the case. The *NZZ am Sonntag* did carry out an unprecedented investigation of their own shortcomings, putting them on a refreshingly different plane from the other newspapers, which merely mentioned the mishaps in a brief “In eigener Sache” (“A word from the editor”). Here again, though, after finding an external culprit

³⁹¹ See for example the article “Hitler’s diaries discovered” (published in *Stern* on 28 April 1983): Yet, soon they were exposed as fake. The publication in the news magazine *Stern* is considered an utter scandal in German journalism.

³⁹² One prominent example is Jayson Thomas Blair, whose fabrications were exposed in the *New York Times* in 2003.

³⁹³ See also www.ejo.ch/indes.php?option=com_content&task=view&id=514&Itemid=93, consulted on 15 January 2006.

and explaining that collaboration had immediately ceased, the matter seems to be closed. "The fact that the case resulted from a lack of internal monitoring procedures was not taken into consideration", argued Colin Porlezza in a critical examination of media reporting.³⁹⁴ Fengler and Russ-Mohl also believe that the majority of the recent scandals in journalism stem from "casual or non-existent internal monitoring within the editorial offices" or from "supervisors, who give precisely those juniors who are not too careful with the truth, or do not exercise a journalist's reasonable care, an opportunity to make a big impact with their contributions to the newspaper" (Fengler and Russ-Mohl 2005, p.178).

15.7 The danger of making assumptions

Fengler and Russ-Mohl also regard these prominent cases as merely the tip of the iceberg (Fengler and Russ-Mohl 2005, p.178; Höhne and Russ-Mohl 2005). They see the main problems as "complaisant journalism and hidden PR work on the part of the journalists, as well as – conversely – instrumentalisation by PR people, which is often unnoticed or suppressed by the journalists themselves". However, in this game journalists are not only at the receiving end, acquiescing towards the so-called "spin doctors" of finance and politics. No, they also play an increasingly active role in "shaping news" so that it will be approved both by the influential subjects of their reporting and by their own conscience. If one wishes simply to confirm one's assumptions, this can easily be done by blanking out certain information.

Developments in this connection have reached such a pass that even the Swiss Press Council has become concerned. In 2000, it issued the following statement: "Media workers who base their investigation on a particular thesis may not suppress any information which contradicts this thesis. They should also ask players who could possibly qualify or refute the accusations [...]. If contradictory information is suppressed, allegations unsupported by facts remain unresolved".³⁹⁵ With this declaration, the Swiss Press Council reprimanded the newspaper *Le Matin* for a report

³⁹⁴ In the period from 1 September 2001 until 30 November 2003 eight print media were investigated. With the assistance of qualitative content analysis, the author analysed 224 articles. This was submitted as seminar work to the Università della Svizzera italiana (Porlezza 2004).

³⁹⁵ Communiqué by the Swiss Press Council, Recherche de la vérité et devoir de rectification. (Truth-seeking and the Duty to Rectify.) on 10 November 2000 (www.presserat.ch/14350.htm, consulted 6 April 2006).

about the expulsion of an Angolan pupil from school, where the motivation was allegedly racist. At least, that was the journalist's own theory, which he sensationalised in his report (Brélaz 2000). However, he omitted to report the comments of the principal of the school or the local school authorities, who firmly insisted that the pupil had been expelled from the school for disciplinary reasons.

The extent to which fraudulent reporting is involved in such cases is still a matter of conjecture. It is true, though, that this type of journalism is equivalent to manipulating information. Masking relevant aspects of the facts amounts to changing those facts and thus misleading the public. This kind of journalism is also very much characterised by so-called self-censorship. We will be taking a closer look at the phenomenon of self-censorship in a later chapter³⁹⁶.

The significant trend towards forum newspapers – papers that are independent from a political party and call themselves neutral – should really indicate that "assumption journalism" or "journalism à these", in other words tendentious, didactic journalism, has no place in the media scene of this small country. Moreover, this kind of journalism is regarded as the hallmark of tabloids. The *Blick* has repeatedly sacrificed truth in favour of assumptions of one kind or another, not only in campaigns against alleged sex monsters in priestly robes³⁹⁷ or against the supposed sexual indiscretions of ex-Ambassador Thomas Borer in Berlin. When they wanted to test the mood of the people after the attacks of 11 September 2001, they took to the streets with the theory that women were afraid of another war, and they persisted with this assumption, even though the results of the survey would lead to a different conclusion (Strehle 2002). But, meanwhile, assumption journalism has extended far beyond the bounds of the tabloids. "In a branch where the battle for market share has become more intensive, it has become the norm in quality titles too", notes *Das Magazin* head Res Strehle (2002). In Strehle's opinion, assumption journalism has also caught up with the *Neue*

³⁹⁶ See chapter 16: Self-censorship and blind obedience, p.219

³⁹⁷ In a campaign lasting several days in 2002, starting with the headline "Sex-priest arrested" *Blick* accused the priest of St. Johann and Walenstadt of several cases of child abuse. When the theory was propounded that the authorities knew about the priest's behaviour but had taken no action, *Blick* studiously avoided mentioning that the local council knew that the victim of the priest wanted to denounce his tormentor himself and was already in contact with an appropriate advisory centre in Zurich. The local authority, explained their President at the time, Ernst Dörig, has taken no action, because of the victim's personal safety (Strehle 2002).

Zürcher Zeitung, which collected an array of such journalists for its Sunday paper because competition for the Sunday market was fierce and the traditional qualities of the *Neue Zürcher Zeitung* – staid to the point of stuffiness – would not have attracted the Sunday readership. Sure enough, the *NZZ am Sonntag* excelled itself as early as its second issue by publishing a report on alleged investors in Jean-Frey Publishers (Lüthi 2002). The *NZZ am Sonntag* named names which the parent paper *Neue Zürcher Zeitung* had to revoke the next day (Stadler 2002a).

The more sensational a claim, the more it can be linked with people or events that arouse public interest, the more it will capture people's attention. More and more frequently, the media seem to be willing to accept the risk of making a mistake, especially as readers' memories are all too short (Strehle 2002). The prominent businesswoman Carolina Müller-Möhl, for example, read an item in the business newspaper *Cash* claiming that she was pregnant. A week later *Cash* corrected their statement (editorial *Cash* 2002). But this was not her only surprising encounter with journalists, as the businesswoman explained in a speech at the Annual Congress of the Swiss Press Union in 2002 (Müller-Möhl 2002). Assumptions and stereotypes in the heads of writers are responsible for many strange things. For example, Müller-Möhl believes that in the editorial offices of Swiss media there is a clear prejudice against career women in leading positions: "This prejudice is outdone only by the bias against single mothers who work because they have to or – even worse – because they want to" (ibid) Firm ground will not be reached again until this prejudice has been overcome, according to Müller-Möhl.

15.8 Seduced by prestige and money

In the 1980s Barbara Baerns in Germany and René Grossenbacher in Switzerland presented empirical studies on the influence of PR on journalism. They demonstrated that this is far more pronounced and much stronger than most journalists would want to admit (Baerns 1991; Grossenbacher 1989). Follow-up studies have proven that around two-thirds of all news items in circulation can be traced back to PR sources – admittedly with strong fluctuation margins, as Stephan Russ-Mohl concludes (Russ-Mohl 2002, p.6). In Switzerland, prejudices, as well as media people who are "managed", produce news with questionable validity. The motives for such dealings can be found partly in the editorial offices and their desire to receive even more tantalising, attention-grabbing stories. People such as Tom Kummer, who was

encouraged by leading editors and who is undoubtedly talented, can be tempted in this way. Recognition and attention beckon from a limited circle of distinguished men of letters. At the same time, they can be regarded as victims of a system from which they cannot escape. The irony is that, after a sham has been exposed, those editors who encouraged the journalists to write their flashy, sensational stories in the first place portray themselves as victims, having apparently acted in good faith when printing the articles in their columns.

Susanne Fengler and Stephan Russ-Mohl (2003, 209ff.) suggest, however, that journalists can also work on the principle of rational choice (Kirsch 1993, p.4ff.), or economics. Accordingly, they decide on the alternative which seems to them to be more advantageous, taking into consideration the expected costs and benefits. In the age of information saturation, journalists are also forced to make cost/benefit calculations when obtaining information. They therefore work less under conditions of total availability of information than under “adequate” information. Even textbooks on journalism suggest that adequate information can be perfectly sufficient, and warn of the risk of researching a topic “to death” (Haller 1983, p.31).

Fengler and Russ-Mohl emphasise that the decision in favour of one working method over another is by no means made purely on financial grounds. The spectrum of self-interest involves considerably more than the possibility of increased affluence (Fengler and Russ-Mohl 2005, p.107ff.). The authors believe, however, that – seen from a financial point of view – journalists without a steady income are more easily corruptible, especially if they see little danger of legal or ethical violations being discovered and punished (ibid, p.177).

15.9 Pictures can also be deceptive

So far we have referred exclusively to bogus or manipulated articles. But pictures, too – the medium in which the highest degree of authenticity ought to be expected – are not always what they seem. When the *Blick* wanted to illustrate its story about the meat smuggler, Josef Segmüller, there was no relevant picture of the man concerned. The tabloid newspaper solved the problem by copying a photograph of a similar person. The photograph was blurred by computer to such an extent that the person could no longer be clearly identified (Braun 2001).

Newspapers are sometimes not the only medium to blunder in their choice of methods. There has been at least one proven case where DRS, the Swiss-German television station, manipulated a picture in order to illustrate a story. When wanting to increase the impact of a report on the tourist murders in Luxor the *Blick*, in its issue of 19 September 1997, showed a photograph with a huge pool of red blood which had spread down the pale-coloured steps of the Hatshepsut Temple and over the sand of the forecourt. The programmes *Schweiz aktuell* (*Switzerland today*) and the *Mittags-Tagesschau* (*Midday News*) of DRS Television illustrated their reports with the same shocking trail of red blood.

The Egyptian who took the photograph, however, corrected this impression. It was only water, he told the *Sonntags-Zeitung* (Senn 1997). The *Blick* tried to wriggle its way out of the affair by explaining that the red colouring was the result of a printing error (ibid). A test by the *Eidgenössischen Materialprüfungsanstalt Empa* (Federal Materials Testing Institute), however, clearly disproved this claim (ibid). The television station admitted its mistake and apologized for the retouching. The whole issue left a bitter taste, and not only for the photographer.

Just like the fabrications of a Kummer or a Wolffers, these photo-shop experiments in the editorial offices are probably only the tip of the iceberg. The tendency to “adapt” pictures in order to illustrate the contents of a story, and especially to increase their emotional impact, is not even worthy of discussion in the editorial offices. “Retouching is part of my everyday work”, the Pictures Editor³⁹⁸ of a newspaper in Eastern Switzerland explains. And even prominent photographers such as the war reporter, James Nachtwey³⁹⁹, admit freely and openly that they rework their pictures⁴⁰⁰ in order to make the mood more dramatic. Such pictures also appear in Swiss publications. Thus the “reality” portrayed in both the text and pictures is not always as “real” as it seems.

³⁹⁸ Interview with the author, 18 March 2006

³⁹⁹ James Nachtwey is a prize-winning US photographer. He is regarded as one of the most important contemporary photographers, particularly in war photography.

⁴⁰⁰ Nachtwey made the statement in the film “The war photographer” by the Swiss film producer, Christian Frei (2001).

16 Self-censorship and blind obedience

16.1 Subtle pressure

As a rule, Swiss journalists enjoy a peaceful existence – or at least that would seem to be the case. Seen in an international context⁴⁰¹, the risk of a Swiss journalist being attacked physically, psychologically, economically or socially is not worth mentioning. Indeed, Switzerland appears so safe that it is hardly ever or not even mentioned in the reports of the organisations Reporters sans frontières or Article 19⁴⁰². But even Swiss journalists do not live under idyllic conditions. Leading members of the profession such as Jürg Frischknecht⁴⁰³ make sure they never rent a ground-floor apartment for fear of reprisals, while readers' letters containing remarks that are below the belt or frankly insulting are part of a journalist's daily routine. The latter can be considered the most harmless form of attack. Swiss journalists or anyone who expresses a critical opinion in the media must also reckon with threatening telephone calls or anonymous letters trying to scare them off or with so called e-mail blitzes. In particular, where financial or political interests are concerned, there is an increase in threats – and often not only threats – whereupon the lawyers are called in. For many newspapers, the same Frischknecht who avoids renting a ground-floor apartment is a liability, since the articles he writes are apt to end in a legal battle which they cannot afford – or, to put it more precisely, do not want to afford⁴⁰⁴.

Pressure – as well as perks – is just as common in Switzerland as in other countries, although tending to remain discreetly in the background. The same applies to

⁴⁰¹ See, for example, Article 19 – International Centre on Censorship, where no such document on Switzerland has been found (www.article19.org, consulted 16 February 2006)

⁴⁰² See, for example, Annual report 2006 of Reporters sans frontières (www.reporter-ohne-grenzen.de/fileadmin/rte/docs/report_RSf.pdf, consulted 24 April 2006)

⁴⁰³ Jürg Frischknecht studied Sociology, Journalism and History at the University of Zurich. In the 1980s he worked as a correspondent for the Basel newspaper *National-Zeitung*. One of the topics he reported on was right extremism in Switzerland. He published a number of books on the subject, such as: *Die unheimlichen Patrioten: Politische Reaktion in der Schweiz*. (The sinister patriots: Political Reaction in Switzerland; 1979); *Die unterbrochene Spur: Die antifaschistische Emigration in der Schweiz von 1933 bis 1945*. (The Interrupted Track: Anti-fascist Emigration in Switzerland from 1933 to 1945; 1983), *Schweiz, wir kommen: Die neuen rechtsradikalen and rassistischen Gruppierungen in der Schweiz* (Switzerland, here we come. The New Extreme Right-Wing and Racist Groups in Switzerland; 1991)

⁴⁰⁴ Interview with the author, 16 March 2006

“censorship” within editorial offices and, naturally, to self-censorship by the media workers themselves for reasons of self-protection or personal interests⁴⁰⁵. And media workers have every reason to seek self-protection or indeed to keep others out of the line of fire. Usually, they are prompted by financial or social considerations, as can be seen from the tragic example of Niklaus Meienberg⁴⁰⁶. As a genuine mischief-maker on the Swiss journalism scene, Meienberg continually angered the establishment with his social criticisms. He first became known for the many investigative reports that he wrote for newspapers and magazines like the *Spiegel*, the *Zeit*, the *Weltwoche* or the *WochenZeitung*. He repeatedly upset the Swiss establishment, for example with his critical reporting on the financial location of Zug (Meienberg 1984) or his writings about General Wille and his family (Meienberg 1987)⁴⁰⁷.

Gradually, he found himself socially isolated as a "persona non grata". He was also ostracised by some of the media, including the *Tages-Anzeiger* which – it should not be forgotten – prides itself as being liberal, critical and open-minded. In 1976 the publisher Otto Coninx overruled the editor and banned Meienberg from writing for the paper for fourteen years. Later on, In the 1980s, the tabloid *Blick* put a muzzle on him when it came to reporting on such topics as the army or the Pope.

16.2 Critical proximity

It is, of course, a truism: journalists are part of society and, just like any other citizens, they are socially conditioned. However, as communicators of information and opinions, they should deliberately maintain a healthy distance from their subjects, remain critical and be committed to telling the truth. But over the past few years these ideal qualities seem to have been rapidly disappearing from the editorial offices. It is thus not surprising that players in the media business are both manipulators and manipulated.

⁴⁰⁵ See chapter 16: Self-censorship and blind obedience, p.219

⁴⁰⁶ Niklaus Meienberg, 1940-1993, was a reknown historian, writer and investigative journalist. He published 14 books on Switzerland's history and present situation, making an important contribution to the forming of public opinion. In modern courses on journalism his work is considered exemplary.

⁴⁰⁷ In years of research, the author investigated the history of the Wille Family, a family clan with many branches. In his writings, Meienberg presents a less-than-heroic picture of the general. Ulrich Wille I is depicted as a mediocre campaigner with Prussian ideas who sympathised with the German Kaiser. According to Meienberg, he would gladly have led Switzerland alongside Germany in the war against the hated French (Meienberg 1987).

Greg Palast (2006)⁴⁰⁸, journalist at the Guardian and the BBC, has produced concrete evidence of lobbying and spinning in the American media market. In the British media market, former BBC correspondent Nicholas Jones argues that by far the most profound of all changes in the media has been the phenomenal growth in un-sourced and un-substantiated stories. The widespread failure to attribute facts and quotations has become a cancer eating away at the ethical standards of news reporting and the probity of the British news media (Jones 2004). According to Jones, one reason for this is the fierce competition between newspapers, magazines, websites, radio and television. Therefore, he concludes that the journalists are no longer judged solely on their reputation for fairness and reliability but more often than not on their hit rate when it comes to delivering exclusives. In addition, the flow of information is increasingly controlled by so-called spin doctors and specialists in public relations who only grant journalists access to information if their articles are written in the form of favourable publicity (Jones 2000; 1996; 2002).

Similar trends have been observed in Switzerland, too. Anyone working in journalism in Switzerland, whether as a business, political or cultural correspondent, has to live uncomfortably close to those about whom he or she writes. In Switzerland, it is difficult to keep out of each other's way, mainly for geographical reasons. The journalist does not only meet the subjects of his or her reporting at both official and private events, but Swiss society is considerably more integrated than that of other European countries, with reporters living next door to public figures; their children all go to the same school and they see each other out shopping, or at the restaurant or bar in the evening.

Local and regional reporters are particularly affected by this proximity and indeed they are often sought out by those who have an interest in being presented in a specific light. Local reporters are courted by local politicians or entrepreneurs, and can expect strong criticism if they fail to write exactly what is expected of them. The criticism is levelled openly and in public, although this is not the most serious action taken against unpopular journalists, thanks to the limitations that publicity imposes. A far more

⁴⁰⁸ Palast draws the reader's attention to facts about the Bush administration which, due to media biases, are largely ignored and remain unreported by the American media. And, according to BuzzFlashReview, he demonstrates that the American media have little or no place at all for journalists who dig under the veneer of political public relations that passes for news nowadays (See also www.buzzflash.com/store/reviews/237, consulted 10 June 2007).

devious tactic is to contact the journalist's superiors without the journalist's knowledge. However, he or she will soon notice the effect when, for example, their scope of competence is suddenly reduced or they are no longer allowed to attend certain events as Christa Mutter reports such indirect censoring of this nature (Mutter 2002). And they cannot necessarily count on the solidarity of their editors: distrust of the journalist on the one hand, and the fear of coming into the line of fire themselves on the other, often result in feeble management on the part of editors and a spirit of blind obedience. A journalist at the *Neue Zuger Zeitung* recalls that During Werner Steiner's editorship of the *Neue Zuger Zeitung* the intervention of the management of the *Theater- and Musikgesellschaft Zug* (Association of theatre and music) led to the critical column of a cultural editor being published only with editorial approval, until finally the articles were no longer allowed to appear at all⁴⁰⁹. There was never any discussion of the motives for the intervention. "What we are doing here is little more than sending out court circulars" is how another newspaper employee in Central Switzerland describes his work⁴¹⁰. "I am not allowed to research, let alone comment on hot topics like the financial scandals in the commercial and financial centre of Zug."

16.3 Sleaze

The kind of proximity that can lead to conflicts of interests is not restricted to the confines of a small town or region: it is the order of the day when reporting on cultural events, motoring or tourism⁴¹¹. Even in the domain of lifestyle there are remarkable coincidences that lead one to suspect that journalistic independence can no longer be taken for granted. Even the *Neue Zürcher Zeitung* is not spared from such embroilments. Their fashion editor Jeroen van Rooijen has a habit of reporting at length, or even exclusively, on the fashion sector at the department store Globus, not forgetting to recommend the styles currently offered by Globus. It is worth knowing that this same van Rooijen is also a fashion consultant for Globus and that it is he who is personally responsible for dictating the styles of the season. To date, the *Neue Zürcher Zeitung* has omitted to reveal this conflict of interests (Schuler 2005).

⁴⁰⁹ Interview with the author, 27 February 2006

⁴¹⁰ Interview with the author, 12 January 2006

⁴¹¹ See chapter 14: The Power of Advertising, p.193

In this context, the word “sleaze” immediately springs to mind. Federal politicians are past masters in the art of sleaze, which is hardly surprising, given that politicians and journalists at the federal parliament in Bern enjoy a particularly close relationship. For the journalists, it is worth being in the good books of certain politicians because this will ensure a steady supply of information, as well as news of indiscretions. They follow the golden rule about “not biting the hand that feeds you.” The parliamentary correspondent of the *Tages-Anzeiger*, Bettina Mutter, describes the situation as follows: “Whenever federal employees and individual federal councillors consider it expedient, the federal government becomes a sieve, leaking information to the outside world, even if this is classified as ‘confidential’ or ‘secret’” (Mutter 2005). Of course, the federal government takes rigorous action against those who commit “unwarranted” indiscretions; it is not unknown for federal employees’ telephone and fax communications to be placed under surveillance (ibid), but the federal government has never been able to get on top of the situation. The reason for this is quite simply that the sources of such indiscretions are frequently very high-ranking politicians. One parliamentary reporter⁴¹² describes the situation as follows: “On the strict understanding that I will under no circumstances reveal my source, I hold off-the-record discussions with several leading politicians that sometimes include very sensitive information. And it goes without saying that I am not going to betray my informants.” Furthermore, journalists with “special connections” to politicians not only stand a better chance of picking up a good story: in the long-term, they are also more likely to land a good job, and to keep it (Zimmermann 2005). And indeed, it is not unknown for journalists to change sides. The *Weltwoche* has drawn up an impressive list of journalists who have been lured away from their editing posts to become press spokesmen for politicians or heads of information of a wide variety of Federal Offices. For example, at the Federal Department of Environment, Transport, Energy and Communication six out of eight offices have former journalists on the pay roll. The spokesman for the Federal Council, Vice-Chancellor Oswald Sigg, tries to stem the influx of journalists working at the Federal Parliament, considering that such proximity to former colleagues is not exactly conducive to professionalism (ibid). Yet, so far he has been unsuccessful, since what the politicians are seeking is not professionalism

⁴¹² Interview with the author, 18 September 2005

but the possibility of propagating their point of view more effectively in the newspapers and electronic media.

The boom in jobs for communication specialists has been less noticeable at cantonal or communal level. Nevertheless, some former journalists do hold administrative posts, for example as a town clerk or head of office. It goes without saying that the former journalists in question seldom wrote any critical remarks about their present bosses.

16.4 Gentle coercion

In his speech on the occasion of the jubilee of the Swiss Press Council in 2002, journalist Beat Allenbach described conditions in the Canton of Ticino (Allenbach 2002). According to Allenbach, problematic situations often arise when journalists and politicians live and work side-by-side. These remarks can undoubtedly be applied to the rest of Switzerland, as can Allenbach's closing comments to the effect that politicians frequently try, directly or indirectly, to influence a journalist or an editor in chief. The aim is not so much to prevent the publication of a newspaper article, but to have it slanted (in other words, "spun") in the direction which they desire. Such influence results in a situation where editorial offices and journalists end up satisfying the often unspoken expectations of politicians. Such proximity means that journalists are no longer fully impartial or independent.

Allenbach points out that the media scene in German-speaking Switzerland is not identical to that of Ticino, and that in most regions it is monopolistic newspapers aspiring to function as forum newspapers that communicate news and opinions independently from a party line. Certainly, these forum newspapers claim to be independent of any political party, but an example taken from local politics in the small town of Zug gives rise to scepticism on this count.

In spring 2006 the population had to vote on a building project for a new department store building. The people in the neighbouring buildings opposed the project, among them former Christian Democratic State Councillor Markus Kündig. The latter is a dyed-in-the-wool businessman, owner of a printing firm and former member of the board of some of Switzerland's richest companies, such as its most prominent bank UBS, as well as being CEO of *LZ Medien*. Since 2002, he has also occupied the position of Honorary President of *LZ Medien*, to which Zug's local paper *Neue Zuger Zeitung* belongs, supplying information to the region as a "monopoly newspaper". It could be

that Kündig and his associates opposed the plan for noble reasons, but it is far more likely that they were worried about losing their view of the lake, as the new department store would block Kündig's view. However, since very few people in the agglomeration of Zug are able to enjoy an uninterrupted view of the lake and mountains, and the interests of the fortunate few are thus hard to defend, the emphasis was shifted to the alleged problem of the need for more parking spaces. And in deputy editor in chief of the *Neue Zuger Zeitung*, Lukas Nussbaumer, those opposing the building project found an ideal, even willing mouthpiece.

Even after the Zug *Grosse Gemeinderat* (local parliament) had approved the construction project with very little opposition, and even after the City Council had issued a public announcement that the reasons for opposing the building project had nothing to do with outdoor parking facilities⁴¹³, Nussbaumer continued to criticise the project, resorting to bogus arguments and warning that the project would cost taxpayers' money, that there would be an unacceptable increase in traffic with people constantly looking for parking spaces, and that local firms had been overlooked when commissioning the building work. In short, people should vote "no" at the referendum to be held on 21 May 2006. In addition, he put the committee supporting the project at a disadvantage by omitting to print some of the readers' letters, or placing letters by supporters of the project on one of the less-read pages, or even illustrating them with misleading photographs. The end result was that the opponents of the project received proportionately far more space in the *Neue Zuger Zeitung* than did its proponents. Even the most vehement protests on the part of the project's supporters were unable to change the situation.⁴¹⁴ When, in the end, 75 percent of the electorate voted in favour of the project, Nussbaumer acknowledged defeat but could not refrain from issuing ominous warnings about possible legal action (Nussbaumer 2006). For the winners of the vote, that was going too far, and in various readers' letters they asked how it was that a representative of the so called neutral *Neue Zuger Zeitung* was willing to accept the "decision of a court of last resort" on the building project, but not the decision of the people (*Zuger Woche*, 24 May 2006; *Neue Zuger Zeitung* 23, 26 May 2006). All in all, it

⁴¹³ Communiqué by Zug City Council, Rectification concerning the Bundesplatz West building project (12 May 2006).

⁴¹⁴ Rob Hartmanns, spokesman of the insurance company Swiss Life, interview with the author, 28 May 2006

can be said that the *Neue Zuger Zeitung* had failed to the point of gross negligence to engage in the type of balanced reporting that is to be expected of a forum newspaper. Of course, it cannot be proved that Kündig manipulated the newspaper editorship in this case, and Nussbaumer himself refutes any such allegations. However, looking through the reports that appeared in the paper concerning this referendum (*Neue Zuger Zeitung*, end March until end May 2006), there are clearly grounds for strong suspicion, even without actual proof of collusion and complicity.

16.5 Blatant threats

It must be said that the methods described by Allenbach (2002) are among the more “civilised” ways of influencing the press. But even in Switzerland, far less genteel methods are increasingly being employed to influence or to exert pressure on journalists. Naturally, such cases only become public when the medium or the individual journalist concerned fights back, or if the threats are as blatant as those made by the Swiss People’s Party (SVP) against the *Solothurner Zeitung* in 2002. The way in which the SVP tried to discipline the newspaper was by no means new in the business world,⁴¹⁵ but it represented a new phenomenon in Swiss political culture, provoking some lively reactions. The right-wing political party simply threatened to stop advertising in the *Solothurner Zeitung* unless the newspaper featured more “balanced” (that is, more SVP-friendly) reporting. Apart from risking a potential loss of income of 150,000 francs a year, the paper also received a warning that subscriptions would be cancelled. The secretary and media chief of the SVP of the Canton of Solothurn, Roman Jäggi, had previously complained that the editors of the *Solothurner Zeitung* were getting “redder” all the time.

It was also rumoured that the Solothurn section of the SVP had acted with the blessing of the SVP Switzerland (Merki 2002), which the central party leadership later denied. But for the Swiss Publishers’ Association this, rightly, sounded an alarm bell, and the line taken by the SVP was interpreted as a “threat to the freedom of opinion and the freedom of the press; in fact harmful to society as a whole” (ibid).

⁴¹⁵ See chapter 14: The Power of Advertising, p.193

16.6 When the scissors are used

Attempts by politicians and other powerful interests to influence the media are certainly not in the best interests of society, but they are usually not accompanied by so much publicity and tend to go unnoticed. As Ueli Haldimann writes, the fear of incurring financial loss is usually enough to persuade the media to toe the line (Haldimann 1981, p.39). Sometimes it is the publisher or the editor in chief who intervenes personally in the work of the employees, changing articles or even causing them to disappear completely. As an example Haldimann mentions the intervention of the Delegate of the Board of Directors of Jean Frey AG, Beat Curti. One of the publications of Jean Frey AG is the financial magazine *Bilanz*. It had been planned to publish a report on Dätwyler (a well-known company in the Canton of Uri) in the April 1980 edition of *Bilanz*. The journalist concerned had also held some discussions about the company with representatives of the relevant trade union. The report was duly published – but Curti had the comments of the trade union representatives deleted, although the article was already being typeset. The Delegate of the Board of Directors defended his action on the grounds that the magazine was not a “trade union mouthpiece” (Haldimann 1981, p.59).

Such interventions are not just a thing of the past: a number of more recent cases have been documented and publicised. Representatives of the publishers are not the only ones who interfere with the work of journalists. An editor in chief or head of section can also act as a censor – for a variety of reasons. In August 1998 the Ringier publication *Sonntags-Blick* announced that the new editor in chief of the *Tages-Anzeiger*, Esther Girsberger, had banned a series of discussions with *Sonntags-Blick* columnist Frank A. Meyer from appearing in the magazine of the *Tages-Anzeiger* (Boselli and Walder 1998). The discussions with Meyer had been carried out by former editor in chief of the magazine Roger Köppel and magazine editor Martin Beglinger. Girsberger’s motives for banning the magazine articles remain a matter of conjecture. The editor in chief was not prepared to comment, and neither was the head of its publishing house Tamedia, Michel Favre, who stated that he would not interfere with the decisions of the editor in chief. The *Sonntags-Blick* declared that Girsberger’s methods amounted to the discrediting of enterprising editors, referring to comments made by members of the editorial office at the *Tages-Anzeiger* (Boselli and Walder 1998).

Editors in chief are slow to protect their journalists. Far more often, they function as the long arm of the publisher, or else they look after their own interests. On 23 February 1992 the *Sonntags Zeitung* published an article by Hanspeter Bürgin entitled “The perilous balancing act of the financial journalist”. According to the article in question, Andreas Z'Graggen, editor in chief of *Bilanz* and Peter Bohnenblust, head of *Finanz und Wirtschaft*, had accepted “gifts” from Huber Holding. Bürgin reported that in 1989 property agent Hans P. Huber had given or else sold at a very low price some shares in his Geneva-based company Société des Mouettes Genevoises (SMG) to the two financial journalists. Z'Graggen received 500 shares and Bohnenblust 300. Huber was a friend of both men. There also existed a business partnership with *Bilanz*: the publication featured publicity (although not recognisable as such) about ranches for sale in the USA, which Huber and Z'Graggen (for the publishing company Jean-Frey-Verlag) had purchased. In addition, *Finanz und Wirtschaft* tended to feature numerous articles about Huber.

The story also made the headlines in other papers and the Swiss Press Council took a dim view of the matter.⁴¹⁶ It considered that, on the one hand, such links should be revealed and, on the other, there had been too much proximity and too little independence in the case in question. According to the Swiss Press Council, such cases occur with depressing frequency: “It can be assumed that the case of the two editors in chief is not unique, but rather more the tip of the iceberg. Close relationships between media workers and the people featured in their reporting are a matter of course in Switzerland.”⁴¹⁷

Andreas Z'Graggen assumed responsibility for the consequences of his acts and resigned from his post as editor in chief of *Bilanz*, to avoid compromising *Bilanz*'s reputation as a critical publication. Peter Bohnenblust, on the other hand, saw no reason for taking action. As later reported by the Swiss Press Council, his doctrine was that competent financial journalism should be based on “active financial engagement”.⁴¹⁸

⁴¹⁶ Statement by the Swiss Press Council (www.presserat.ch/vm_medienwirtschaft12.htm, consulted 30 April 2006)

⁴¹⁷ *ibid*

⁴¹⁸ *ibid*

While such an attitude is clearly frowned upon by journalists who adhere to the professional code of ethics, the hidden reality is that many of Switzerland's 11,000 journalists are also debenture- and shareholders in their private lives (this can easily be extrapolated, purely on a statistical basis). As one financial journalist from Zurich⁴¹⁹ said in all seriousness, some of his colleagues must have been jealous of Piers Morgan, former editor in chief of the *Daily Mirror*, an English tabloid. In the year 2000 Morgan purchased shares in Viglen Technology. The following day, he recommended purchasing these shares (certainly not to his disadvantage) in his stock exchange column "City Slickers". Anyone who expected this to spell the end of Morgan's stint as editor in chief was greatly mistaken. In spite of the scandal, which went down in press history as the "Mirrorgate", Morgan surprisingly remained in his post, while the two financial journalists responsible for the column were sacked on the spot (Burell 2004; Thomas 2004; Wells 2004; Ziauddin 2005).

16.7 No chance to fight back

The journalist who tries to fight back against superiors who literally betray the basic principles of journalism – independence and objectivity – may be acting nobly, but he or she is unlikely to be rewarded for their courage. This is illustrated by a similar scandal that occurred in Western Switzerland, the so-called *Bilan* Affair. The editor in chief of *Bilan*, Alain Jeannet, had, amongst other things, received a special discount on a watch, in exchange for which he refrained, for a number of months, from publishing a critical article about a certain company. He also omitted to publish an article about the insurance company *Rentenanstalt* after having been threatened with a boycott. On the other hand, he featured in a publicity photo in the annual report of the company Kudelski (Mutter 2002). André Kudelski happens to be a director of Edipress, which publishes *Bilan*; internally he was considered as a kind of undercover agent for the magazine. At the same time, however, his company is an interesting topic for any editorial office, providing that it is treated objectively.

The *Bilan* chief editor's policy of protecting certain companies was not appreciated by some of the magazine's editors. Christa Mutter reported that, following further similar incidents, two of them handed in their notice, citing the conscience clause in the collective agreement which is applicable in Western Switzerland (Mutter 2002). A far

⁴¹⁹ Interview with the author, 16 November 2006

more serious case concerned a third editor, who was also an editorial representative of Edipress Coordination. He was instantly dismissed in August 2000 after having brought the actions of his boss to the attention of the general management of Edipress, while VSJ and the *Syndicat Lémanique des Journalistes* SLJ made complaints about Alain Jeannet to the Swiss Press Council (Mutter 2002).

In Switzerland, any editor who loses his job as a result of “disloyal” conduct has very little chance of finding work in the future – not only because of the high concentration of newspapers in this small country, but also because publishers do not want to employ people who, in their view, are going to make trouble. Even if they are not directly involved in such an affair, other publishers are loath to put a cuckoo into their own nest. The media scene is small, familiar and people talk to each other. Everyone knows the “troublemakers” – and how to avoid them.

There may be a few stars like Roger Köppel, who still manage to make a career for themselves after having fallen into disfavour – Köppel later joined the *Weltwoche*, finally becoming editor in chief of the *Welt*. On 1 February 2006 the *Welt*, under Köppel, was the first German newspaper to print the controversial Mohammed cartoons.⁴²⁰ Köppel defended the reproduction of the images on the grounds that one should not be cowed into self-censorship by external pressures. Anyone who does that “has already lost” (Ackeret 2006).

Köppel is clearly an exception. Other journalists who refuse to submit to demands for self-censorship or who criticise their superiors are apt to lose their jobs. They can usually no longer work in journalism, given that in most cases their dismissal cannot be challenged. The weakness of the professional associations, which are for the most part unable to take up the cause of their members, has already been described.⁴²¹ Taking a case to the labour tribunal is unlikely to be successful either, because such a tribunal does not attach much importance to professional ethics, in other words, the very reason a journalist might take action against potential conflicts of interest or censorship. Such are the experiences of the Geneva lawyer Joanna Bürgisser:

⁴²⁰ The controversy about the cartoons broke out after the Danish newspaper *Jyllands-Posten*, on 20 September 2005, had published images of Mohammed and other Muslims, earning itself hefty criticism from the Muslim world. A few other newspapers reproduced the caricatures, while others refrained from doing so, ostensibly to avoid offending Muslims.

⁴²¹ See chapter 9: Media Organisations and Journalists’ Associations, p.114

“Complaints brought for reasons of professional ethics often cause enormous emotional strain. From my own experience I would say that anyone lodging a complaint against their publisher or their editor in chief must reckon with dismissal. [...] If they are bringing a case purely for reasons connected with labour law, journalists stand as much chance of success as anyone else. However, when deontological reasons are invoked, the lay judges have no idea of what is at stake” (Mutter 2002).

Nowadays, people can be fired very quickly. One of the best-known cases of a journalist losing his job more or less overnight is that of Simon Heusser, who was dismissed from his post as editor in chief of the *Weltwoche* after only a year. He had tried in vain to persuade the Swiss People’s Party (SVP) clique at the newspaper to adopt a more liberal approach and ended up on the wrong side of the CEO of Jean-Frey AG, Filippo Leutenegger. It is true that Leutenegger is a National Councillor for the Radical Democratic Party (FDP), but his ideology is actually closer to that of the SVP (Benini 2005).⁴²² Following his departure, Heusser was lost to the world of journalism and became press spokesman at the pharmaceutical company Novartis.

16.8 Military-style management in the editorial offices

For an editor in chief it is risky to go against the ideological orientation of their paper (although in the age of forum newspapers such orientation actually ought to be a thing of the past). But for a simple editor or journalist it is a sheer impossibility. Financial interests or the fear of economic sanctions and costly legal suits also lead to moral cowardice. For example, Martin Spiller, editor in chief of the *Handelszeitung*, gave orders not to write any more critical articles about companies and their cadre members or, if possible, to criticise only mildly. Not one of the editors had the courage to oppose these instructions, although plenty of cynical comments made the rounds in the

⁴²² The *Weltwoche*, once a publication containing articles by openly left-wing writers like Niklaus Meienberg, has maintained excellent relations with SVP Federal Councillor Christoph Blocher ever since Köppel took over. On 22 June 2006 the *Weltwoche* contained a critical article about the investigative methods of Federal Prosecutor Valentin Roschacher that had all the makings of a judicial scandal. Roschacher was an outspoken opponent of Justice Minister Blocher’s attempts to have responsibility for the office of public prosecution shifted to the Federal Department of Justice and Police. In view of the close relationship between the paper and leading lights of the SVP like Blocher or the party’s chief ideologist Christoph Mörgeli, it is hardly a coincidence that the *Weltwoche* received information which was not only secret but, if true, would have had fatal consequences for Roschacher. For the paper, this story drew much welcome attention, while Blocher had a pretext for investigating the methods employed by the public prosecutor.

editorial office. However, there were a surprising number of resignations at the *Handelszeitung* after Ringier launched its new financial publication *Cash Daily*, with a good half-dozen editors changing sides.⁴²³

The tendency towards an increasingly authoritarian style of management in the editorial offices does nothing to encourage a self-critical attitude on the part of journalists towards their medium and their work. Not only are the guidelines of the Swiss Press Council, such as consulting the editorial team when appointing an editor in chief, completely disregarded,⁴²⁴ but the media are notoriously bad at informing people of their actions. The results are mistrust, lack of motivation or downright refusal to defend the cause of high quality journalism. The media become servile and lose their force. Only rarely do they fulfil their role as a watchdog – and, even when they do, one has to ask oneself what their ultimate aim might be or what hidden interests could be at stake.

At the same time, the different sides exercise restraint in their journalistic skirmishes, even if the publishers constantly attempt to capture each other's market share. It is perhaps symptomatic that the editorial management of the *Handelszeitung* refrained from featuring a picture of the resigning editor in chief of the *Neue Zürcher Zeitung*, Hugo Bütler. Such a picture, on condition that it was honest, would have exposed the disastrous lack of leadership that had brought the paper to a state of crisis at the end of 2005. In the Swiss media scene today it is not even possible to criticise one's competitors as will be established later on.⁴²⁵

⁴²³ The resignations took place between autumn 2005 and spring 2006. A large number of journalists working at the *Handelszeitung* changed over to *Cash*, a weekly publication of the publisher Ringier.

⁴²⁴ Swiss Press Council (www.presserat.ch/21690.htm, consulted 3 October 2006)

⁴²⁵ See chapter 17: The Failure of Media Journalism, p.233

17 The Failure of Media Journalism

17.1 A blind spot

Media researcher Stephan Russ-Mohl, who directs the European Journalism Observatory in Lugano, does not mince words when it comes to the importance of media journalism to the media themselves: “Whoever thinks that media journalism is superfluous is in fact helping to create a situation where journalism as a whole could become superfluous” (Russ-Mohl 2004). What actually prompted Russ-Mohl to make these controversial remarks was a recent development that has steadily pervaded all the print media in Switzerland: the disappearance of the media pages.⁴²⁶ This is apparent in magazines as well as in daily, weekly or weekend newspapers: nowadays media topics are only dealt with sporadically and selectively. Instead of background reports, for example on developments in the media scene or the embedding of communicative processes within their social dimension, what we tend to see nowadays are typical consumer-oriented articles about the latest iPods, ADSL technology or the resolution of mobile telephone photography. Regular public discussion of substantial media topics in the print media has become extremely rare.

What is missing in the print media cannot be found on television either. As early as the mid 1980s, the major Swiss television station *SF DRS* scrapped the programme *Medienkritik*, which analysed developments and new phenomena in the media. Today, *SF DRS* operates without any form of reflection at all on the role of the media, and naturally the private stations do not bother themselves with something that even Swiss National TV deems superfluous. For them, media journalism is completely irrelevant and not worth a minute of broadcasting time.

Neither do the radio stations – whether state- or privately-owned – broadcast any regular programmes on the media, whether this be media ethics, the media economy or the way in which news is created, selected and evaluated.

Here, it can truly be said that radio silence rules the waves. Unlike the two American newspapers New York Times and Washington Post or their counterparts in other European countries, such as Germany or France, the Swiss newspapers, radio and

⁴²⁶ In French-speaking Switzerland the tendency is even more marked than in German- or Italian-speaking Switzerland. In French- and Italian-speaking Switzerland there is no longer a single newspaper featuring a proper media page.

television have a complete blind spot when it comes to their own profession. Within the narrow confines of Switzerland media journalism appears to have capitulated under the motto “Birds of a feather stick together”. This is regrettable, since media journalism has much to offer. First of all, if the media were to take a look at themselves in the mirror, a number of failings would be revealed, and this would lead to an improvement in the quality of journalism and, ultimately, the credibility of the media. Secondly, criticism of the media would help to create transparency for the reader, for example with regard to the working methods of journalists. And thirdly, media journalism makes for a media-competent readership that can find its way in the modern media world (Porlezza 2006).

17.2 The example of the *Tages-Anzeiger*

In order to explain the reasons for the reduction – or more precisely – the demise of the media pages in the Swiss print media, let us consider the story of the media pages of the *Tages-Anzeiger*. This is an excellent example, since the *Tages-Anzeiger*, has always been in the privileged position of being able and expected to devote an appropriate amount of space to media journalism. Not only is the *Tages-Anzeiger* the most widely-circulated quality newspaper in Switzerland⁴²⁷: it is also published by very powerful organisation. Tamedia AG publishes a number of dailies, weeklies and magazines, as well as operating in the fields of TV and radio, the Internet and E-Commerce⁴²⁸. Critical (self-)examination would certainly be appropriate, and perhaps even useful – for example, where the credibility of its leading newspaper is concerned. Furthermore, the *Tages-Anzeiger* has always prided itself on being a critical newspaper, leaning towards the liberal left and generally ready to report and comment on anything and everything that concerns today’s world.

However, it seems that, as far as the media pages are concerned, the apparently independent *Tages-Anzeiger* has been following trends similar to those observed all over Switzerland. The history of the media pages in the *Tages-Anzeiger* did not develop linearly: on the contrary, there have been many changes. In the late 1980s, the *Tages-Anzeiger* gave ample space to its media pages. The Tamedia newspaper – as well as several other Swiss papers – enabled media journalism to enjoy a real boom

⁴²⁷ See chapter 11: Print Media, p.144

⁴²⁸ See www.tamedia.ch and chapter 19.8: Appendix 8: The Seven Dominant Swiss Media Corporations, p.274

(Weichert 2004). Placed prominently on special pages, media journalism established itself as a “fifth power” (Weichert 2004) or, so to speak, a “watchdog over the watchdogs”. But scarcely were the media pages created, the different departments established and the journalists beginning to find their way in this field, than the tide turned. At the *Tages-Anzeiger* the appointment of the new editor in chief Roger de Weck⁴²⁹ sounded the death knell for the media pages. According to the long-established media journalist Rainer Stadler at the *Neue Zürcher Zeitung*, de Weck more or less abolished this section (Stadler 1998). However, that was not yet the end of the media pages in the *Tages-Anzeiger*. As part of a rediscovery of the media topic in German publications, de Weck’s successor, Esther Girsberger⁴³⁰, attempted to revive the media pages in the *Tages-Anzeiger*. In 1999 a daily media page was introduced – but it was short-lived. Just under a year later, it was once again scrapped and replaced by a weekly article. Neither did this article last long, and finally the heading “Media” disappeared completely from the *Tages-Anzeiger*. It is true that, in June 2003, the *Tages-Anzeiger* announced the intention of devoting more space to media topics (editorial *Der Bund* 2003), but this promise was not kept. Certainly, reporting on media topics appears from time to time, but this is scattered under different headings. Above all, it is handled by journalists who are not necessarily specialists in this field.

This means that at the *Tages-Anzeiger* there are no longer any professional media journalists reporting, analysing and commenting on media topics. All these people, including the well-known media journalist Stephan Rensch, became victims of de Weck and were sent into “early retirement” long ago. The loss of their jobs and their know-how has left a vacuum that has never been filled since.

What happened at the *Tages-Anzeiger* also happened at other newspapers and magazines: the media pages were axed, from Basel to Lucerne, from Chur to Bern, and from Geneva to Lugano. The only daily paper in German-speaking Switzerland today that features a daily media page is the *Aargauer Zeitung/Mittelland Zeitung*. It should also be mentioned that the proudly traditional *Neue Zürcher Zeitung* publishes a very respectable weekly media supplement entitled *Medien und Informatik*. Its chief

⁴²⁹ Editor in chief from 1992 until 1997

⁴³⁰ Editor in chief from 1998 until 2000

editor, Rainer Stadler, has been working for the newspaper since 1989. He also works in close collaboration with the European Journalism Observatory⁴³¹ in Lugano and provides the institute's media researchers with a platform from which readers can benefit.

17.3 Media journalism for insiders

Naturally, there are a number of professional publications for journalists themselves and it is worth mentioning four of these. The oldest of these publications is called *Klartext – The Swiss Media Journal* and the first edition appeared in November 1980⁴³². It is possible to take out a subscription, but the publication is sent to all members of the press section of the trade union Comedia. The association Impressum publishes *journalisten.ch – offizielles Organ von Impressum*⁴³³. This publication, too, is chiefly intended for members of the organisation, providing information relating to the trade union and the association, in other words. information for insiders, although there are also articles on journalistic and publishing topics.

On the other hand, the magazine *Gazette*,⁴³⁴ published by the Schweizer Syndikat Medienschaffender, the largest association of media workers in the electronic media, sees itself more as a media magazine than a trade union paper. It focuses on such matters as media politics or debates on professional issues.

At the end of 2005 the Austrian publishers Oberauer in Salzburg launched a magazine for subscribers called *Schweizer Journalist*⁴³⁵. Apart from this, Oberauer also publishes *Der österreichische Journalist* and (for Germany) *Medium Magazin*. Other publications include *Der Umweltjournalist*, *Der Agrarjournalist* and *Medizinjournalist*.

The *Schweizer Journalist* is not only the latest publication in this field: it is also the most colourful and the most dynamic. At the same time, its contents give us a very good idea of what really interests media workers. To date, the *Schweizer Journalist* has largely refrained from systematically criticising the Swiss media, preferring to print stories, portraits and interviews relating to people. The focus is very much on individual

⁴³¹ Faculty of the Università della Svizzera Italiana (www.ejo.ch, consulted 19 February 2007)

⁴³² www.klartext.ch, consulted 19 February 2007

⁴³³ www.impressum.ch, consulted 19 February 2007

⁴³⁴ www.ssm-site.ch, consulted 19 February 2007

⁴³⁵ www.schweizer-journalist.ch, consulted 19 February 2007

personalities according to the credo: “If people do not write articles about someone, then they have an image problem.” Accordingly, the first edition of the *Schweizer Journalist* featured a ranking list of journalists⁴³⁶. On the other hand, the *Schweizer Journalist* – other unlike other magazines – also endeavours to provide its readers with practical tips. For example, there may be a discussion on a topic such as layout samples, and each edition contains an informative brochure about a specific journalistic genre.

As already suggested, these publications are not really intended for the general public, but primarily for journalists who want to keep up to date with developments in their field, as well as informing themselves on issues like corporate shake-ups or changes at the top of major companies. The magazine portrays offbeat journalists, names the top-earners in the field and reveals what new products are in the offing. From time to time, critical articles with a potential for self-reflection find their way into the columns of some of these publications, winning the approval of the leading media. In 2005 a number of newspapers congratulated the media magazine *Klartext* on its silver jubilee along the lines of “Ohne *Klartext* kein Durchblick” (which translates roughly as “Without the plain language of *Klartext* there is no transparency”) (Meier 2005).

The public media do not seem perturbed about the existence of such specialised publications. Neither do they mind being occasionally subjected to criticism. Since these are specialised publications with a fairly small professional readership, the impact of sporadic attacks or criticism remains limited. Even if employees may thus become aware of the real state of affairs at their newspaper or in their field, there is little to fear from the awareness of a few journalists and, maybe, publishers.

17.4 Relevance from the point of view of the general public

There are clearly a number of reasons why the public media tend to shun media journalism. Reluctance to paint themselves in an unflattering light on their own pages cannot be the only reason. A survey conducted by *Klartext* showed that journalists normally consider media journalism to be not only desirable but in fact quite important (Meier 2005). However, editors-in-chief tend not to share this opinion. Neither should we overlook the fact that the content of media pages is determined by journalists – not

⁴³⁶ *Schweizer Journalist*, 6 December 2005

the readership – which generally weakens the impact of the media pages. In the opinion of media scientist Werner A. Meier, the wrong people are in charge: “As long as the business world fails to understand the genre, media journalism will encounter legitimation problems in a difficult economic environment” (Meier 2005). Meier thus demands that, rather than complaining about readers’ lack of interest, media journalists should take any suitable story and ask themselves how they should tell it so that readers are interested and recognise its immediate or potential relevance to their daily lives. In other words, media journalists should exert themselves to write for the general public, as is expected from journalists in all other fields.

It needs to be stressed that media journalism can and should be of interest to readers who are not professional journalists. Few topics concern the Swiss public more than the media – no matter whether it is their favourite morning paper, the free newspaper in the tram, listening to the news on the radio at lunch time or watching the TV news in the evening⁴³⁷. The media are omnipresent. As Stephan Russ-Mohl says, it is a paradox that publishers and editors-in-chief continue to claim that the general public is not interested in how the media work (Russ-Mohl 2005a; Russ-Mohl and Fengler 2000, p.24). Carl Bossard⁴³⁸ agrees, stating that: “You can always arouse interest if you want to.” For him, a stronger presence of media journalism is a must, because there is no other way for consumers to learn how to deal with the media. Media as a subject is largely neglected in Swiss schools, and, even when it is included in the curriculum, it is usually an optional subject that has no bearing on examination results.

17.5 Quality and self-regulation

As Fengler and Russ-Mohl argue: “The fact that the media are able to criticise their own profession could induce them to demonstrate their sense of responsibility towards society and, in the long run, help to prevent the erosion of the freedom of the press.” (Fengler and Russ-Mohl 2005, p.12) Experts in the field consider that media journalism should, at least theoretically, be able to break through the confines of the profession and publicly divulge anything that is unsatisfactory in the world of journalism today.

⁴³⁷ See chapter 11: Print Media, p.144; and chapter 12: Radio and Television, p.160; and chapter 13: The Internet – progressing by fits and starts, p.176

⁴³⁸ Professor Dr. Carl Bossard, former Dean of the Teacher Training College of Central Switzerland-Zug, interview with the author, 15 May 2006

This would undoubtedly enhance the quality of reporting and, according to Fengler or Russ-Mohl, also have a preventive effect.

Above all, media journalism is also considered vitally important to the development of democracy and society, since it is at least in a position to make the media system and its mechanisms transparent to its users. Media journalism aimed at the general public could help to create media competence, leading to an informed choice of media consumption. Matthias Karmasin puts it as follows: "The subject of media reporting in general and media journalism in particular is the very environment in which they themselves [media journalists] are operating. Media journalism as a secondary means of observing the media also gives rise to self-reflection and self-reference. The aim is thus 'publicity' [...]. Media journalism publicises the media and thus enhances collective knowledge about the media" (Karmasin 2000, p.196f.) In the view of many media scientists, this, too, contributes to quality assurance in journalism. If the public can grasp the role which the media play in both reflecting and indeed creating reality, it will also be capable of differentiating between good and bad practice and be able to make choices accordingly. This, at least, is the theory.

However, Fengler and Russ-Mohl concede that communication experts are still uncertain as to whether media journalism really is a viable instrument of media self-regulation (Karmasin 2000). This is in spite of the fact that experts in the field have been minutely analysing this question over the past few years. As Russ-Mohl confirms: "In recent years, no other journalistic profession in German-speaking regions has been subjected to so much intensive research" (Russ-Mohl 2005a). In the process, some have come to the conclusion that media journalism falls short of fulfilling the role attributed to it by the more optimistic researchers. For these critics, media journalism insufficiently performs its functions of information, orientation, criticism and controlling; as a result the editorial offices risk losing the confidence of their readers (Russ-Mohl and Fengler 2000, p.25).

17.6 A service rather than a form of communication

So, how are things in practice? The only media pages to appear in a Swiss newspaper (the *Aargauer Zeitung/Mittelland Zeitung*) contain a myriad of topics, from reactions to the latest show on Swiss TV to an article on a radio station in the Congo. According to media editor Oliver Baumann, no subject has to receive compulsory coverage (Lüthi

2005). However, the majority of articles concern television (ibid), and this certainly follows the general trend. Media reporting has established itself as merely a service for media consumers in papers that no longer have their own substantial media pages. These services may be presented on the pages containing programme previews or else in the lifestyle section of the paper. The reporting about television may sometimes be very critical but, more often than not, the opposite is the case. For example, the tabloid *Blick* has created its own series based on popular TV soap operas. The *Blick* stories complement and run parallel to the television series, yet do not reflect their content. From this point of view, the printed versions appear simply to be additional publicity benefiting the television company. In this connection and in connection with increased reporting on television programs, program previews and interviews with actors, media scientist Stephan Alexander Weichert pinpoints the lack of a clear definition of the actual function of media journalism. According to him, media journalism needs to define its function more comprehensively, confidently extend and consolidate its scope of thought and action, and defend its journalistic autonomy (Weichert 2004).

17.7 In the company's own interests

In the media pages of the *Aargauer Zeitung/Mittelland Zeitung* the newspaper itself is the subject of regular articles, though these are not always wholly impartial. For example, at the end of June 2005 the newspaper “invested” in a two-page spread about its continuing cooperation with the *Mittelland Zeitung*. However, the article in question was not serious media journalism but active entrepreneurial communication in the best ‘infomercial’ (advertorial) style – only it was not presented as such.

This example of “impure” media journalism is certainly no exception. On the contrary, the *Aargauer Zeitung/Mittelland Zeitung* is in good company. In summer 2003 the Bern newspaper *Bund* was taken under the wing of the media company Edipresse and plans were made to create the so-called “Bern model”.⁴³⁹ The *Berner Zeitung*'s article on this event included no less than 43 references to these plans, naturally all with a positive slant. The affair culminated in a full-page reproduction of a speech made by a member of group management, without any accompanying critical commentary, for example on the possible consequences of media concentration (Porlezza 2004).

⁴³⁹ Two daily newspapers – *Der Bund* and *Berner Zeitung* – in the same region with the same publisher. A complete novelty in Switzerland. See chapter 11: Print Media, p.144

Even the *Weltwoche* could not refrain from these tactics when changing from newspaper to magazine format in 2002, at the same time placing much emphasis on its change of orientation from left-wing/liberal to right-wing/conservative. The editors devoted almost twice as many articles as other papers to the impact of this change of format. Even the latest circulation and sales figures were published with the greatest of pride, with the added bonus of extracts from reports in other media and the announcement of the awarding of a prize. But very little else was reported (Porlezza 2004).

The 225th birthday of the *Neue Zürcher Zeitung* gave the newspaper an excuse for publishing a whole series of reports on its own achievements during Januar 2005. Naturally, these reports were all very positive without the slightest hint of criticism⁴⁴⁰. The *Neue Zürcher Zeitung's* publishing company also brought out two new books, and these too were duly marketed in the paper⁴⁴¹.

The *Tages-Anzeiger* also jumped on the bandwagon when it began to praise the launching of its regional edition for the left bank of Lake Zurich – even going so far as to put the event on the front page (Schuler 2006; Hartmeier 2006). The lead commentary was also devoted to this “momentous occasion” and bore the title “Newspaper breaks new ground.” The creation of the regional edition and, with it, 80 new jobs, was labelled “an unprecedented decision of the board of directors.” Even if the writer of the lead commentary, Peter Hartmeier, had not been at the same time editor in chief of the *Tages-Anzeiger*, it would have been difficult not to regard these reports as simply a form of entrepreneurial communication serving the paper’s own interests.

17.8 Media journalism as PR journalism

PR journalism is often what emerges from media journalism. The prime motivation is not so much journalistic reporting and the communication of information as “the strategic presentation of a media company’s own concerns and/or the promotion of its own programmes or publications” (Wenzel 2005). The general public may not always be aware of this, but it does not escape the notice of experts in the field, who are quick to criticise the media’s increasing efforts at self-marketing in prominently placed

⁴⁴⁰ As an example see Meyer (2005).

⁴⁴¹ As an example see Bitterli (2005).

articles. It should be mentioned that the line between media journalism and media-PR is somewhat blurred and not always apparent to the reader (Wenzel 2005). It is also disturbing that what actually amounts to “non-information” or information scarcely worthy of reporting is raised to the status of important information or at least given space on a page generally devoted to important national or international events, namely on the front page of the newspaper or the front page of a section. When this happens, journalistic selection criteria have been overridden by other selection criteria (Wenzel 2005). These other criteria are laid down by the PR department of the media company and, at the end of the day, the journalists who write or place these reports must be considered as the long arm of the publisher’s PR-department.

Cross-promotion is even more questionable. If the *Tages-Anzeiger* announces an expansion of its range of services, the reader will almost certainly understand that the *Tages-Anzeiger* is promoting its own services. However, if the *Tages-Anzeiger* mentions the services offered by *Facts* or *Magazin*, in order to understand the situation correctly the reader would need to know that all three publications are owned by the same group, namely Tamedia. Unfortunately, the ever-closer links between media concerns have led to a loss of transparency, so that fewer and fewer people know which medium belongs to which publisher (Meier 2005).

17.9 Journalists with their hands tied

Researchers have established that the type of cross-promotion bred by the concentration of the press and the consolidation of publications into a few big publishing groups presents a high-irresistible temptation. Media journalists have to perform a tightrope act between entrepreneurial spirit and company interests on the one hand, and independent reporting and journalistic ethics on the other (Porlezza 2004). This is exactly where the greatest danger lies in Swiss media journalism today. For a media journalist to act as an independent critic of his or her own employer’s products, that journalist must be in a position to protect him/herself against the imposition of sanctions by the employer. But of course this is just wishful thinking, and the concept of “governance” seems to play no role at all within media companies (Meier 2005). “Until media journalists train their sights on the social power potential of the media, they cannot enlighten the public” is how Werner A. Meier analyses the situation (Weichert 2004).

This means that media journalists work according to the same rules as their colleagues in the other departments, and that they are similarly exposed to a PR system that regularly supplies them with press releases or invites them to events. This takes up the time of the usually sparse workforce, so that time and space for personally researched stories or even discursive articles are becoming very rare indeed. Like everyone else, media journalists have an instinct for survival and they do not want to lose their job. Accordingly, they are often quick to obey orders. Even the doyen of media journalists, Rainer Stadler, says he never writes a commentary without this being “counterchecked” by his editor in chief before publication (Stadler 2005e). So does Stadler’s statement mean that he only once argued with his boss, or that he has an exceptionally tolerant boss, or that his articles are so tame that they never give rise to complaint? Stadler himself merely says it is difficult to write about topics concerning one’s own newspaper, and for this reason he regrets that there is not more competition (Stadler 2005e).

However, the competition – if it reacts at all – exercises remarkable restraint. It seems that criticising other people’s failings is considered improper in Swiss media circles. When the *Tages-Anzeiger* reported on the appointment of Jürg Wildberger to the post of editor-in-chief at the *Weltwoche* (Nussbaumer 2005), notwithstanding a hint of irony, full coverage was given to the (naturally) positive statements of the publishers, fending off all criticism of his earlier activities as head of the private television channel TV3, which he built up into an entertainment-oriented event program (Schranz 2000). Stephan Alexander Weichert speaks of the “glass house effect”, one aspect of which is that (Weichert 2004), in an increasingly concentrated media scene, the media journalist may actually be writing about his future employer. Conversely, if a journalist writes critically about any medium other than his own, he will inevitably be suspected of having been put up to it by his own employer.

17.10 The exclusion of media scientists

Would the theorisation of media journalism offer a way out, and could the position of media science be strengthened? As already mentioned, researchers have intensively analysed media journalism. However, the results of their research rarely find their way into the pages of the public media. Stephan Russ-Mohl regrets that the increase in research is blithely ignored by the media themselves and is thus never publicised, even

when researchers have discovered a fact that would bolster the significance of media journalism – not to mention its right to exist (Russ-Mohl 2005a).

Recently, however, media scientists have found their first niche in the Swiss media. In the media pages of the *Neue Zürcher Zeitung*, members of the European Journalism Observatory of the University of Italian Switzerland frequently express their findings and opinions.⁴⁴² During the presentation of the Media Quality Award 2005 to Stephan Russ-Mohl, Roger Blum explained that the availability of this platform was due to the fact that the language of the European Journalism Observatory writers appealed to a wider public.⁴⁴³

The ability to put scientific findings into a language that the general public can comprehend must, therefore, be considered a prime factor in the interchange between research and the media. In this case, it is clearly the researchers who have been at fault: even though they abhor the current situation, they have been unwilling to leave their ivory tower (Russ-Mohl 2005a). It could also be argued that media journalists, as well as business or political correspondents, ought to function as “translators”. They should be in a position to understand the findings of the researchers and present them in a language that is understandable to the public at large. The fact that this is not the case is often attributed to a lack of specialised knowledge. According to studies carried out in Germany, only a quarter of all media journalists have studied communication science or journalism as a principal or secondary subject (Malik 2004). In Switzerland the proportion of media journalists who are qualified in the field of communication science is probably even lower. For example, Rainer Stadler studied philosophy and French literature, concluding his studies with a doctoral thesis on Theodor W. Adorno. That “Last of the Mohicans”, Oliver Baumann, who is responsible for Switzerland’s last daily media page in the *Aargauer Zeitung/Mittelland Zeitung*, studied journalism for a few terms at the University of Zurich (yet, did not conclude the studies) before joining the TV magazine *Tele* (Lüthi 2005).

⁴⁴² In particular Stephan Russ-Mohl, Cristina Elia, and Colin Porlezza

⁴⁴³ The award was presented by the association Qualität im Journalismus (Quality in Journalism) on 8 November 2005 in Basel.

17.11 Media blogs as an alternative?

The withdrawal of media journalism from the print media and the total absence of this genre from the electronic media are now counterbalanced by a new phenomenon that would seem to have a certain corrective effect. With the increasing use of the Internet as a channel of information, there are more and more pages devoted to both the limitations and potential of the medium. There are also a large number of media blogs,⁴⁴⁴ where one is likely to find the kind of enlightenment that is missing from the print media, radio and television. Not only are there witty comments on published articles and malicious remarks about spelling mistakes: some blogs reveal and comment on links and collaboration between media companies and non-media enterprises. In particular, the media pages of companies are minutely analysed and criticised, for example by journalistic scientist Martin Hitz in his *Medienspiegel*. Hitz also keeps a special watch on the *Neue Zürcher Zeitung*.⁴⁴⁵ It should be noted that Hitz also writes for the media pages of the *Neue Zürcher Zeitung*. At least in this case the journalist does not seem to be reined in by dependence on his employer.

But blogs, too, can be treacherous. The commentaries are hardly ever checked for accuracy. The result is a gossip factory, whereby the blogs often become more entertaining while losing their ability to inform and enlighten. This means that media journalism cannot be delegated to the “popular journalism” of a blog. It is an integral part of the services of a media company and it belongs in the pages and programmes of the established media.

⁴⁴⁴ You will find some of the best-known media blogs at www.dienstraum.com or www.medienspiegel.ch. There are also blogs on individual media, such as baz.twoday.net.

⁴⁴⁵ Martin Hitz was editor in chief of NZZ Online from 1997 until 2001.

18 Conclusion

18.1 Open borders for the media

In his memoirs, Sir Ralf Dahrendorf stated that “Freedom flourishes in a world with open borders” (Dahrendorf 2002, p.15), adding that a world without borders is a desert, whereas a world with closed borders is a prison. Another voice raised in favour of open borders, in corroboration of Dahrendorf’s paradox, was that of Karl Schmid, Professor of German Language and Literature at the Swiss Federal Institute of Technology (ETH) in Zurich, of which he was also Rector. Schmid was both a Germanist and a highly respected Swiss and European citizen – an enlightener in the original sense of the English word “Enlightenment”. In 1964, he published a book with the resounding title of *Unbehagen im Kleinstaat (Unease in a Small State)* (Schmid 1998, p.109ff.). In this work Schmid outlined his ideal picture of Switzerland as “a house built strong enough to open the doors to its neighbours, with expansive windows on the world. A small country survives by being both strong and open.” If we now transpose this image to the media, Schmid would no doubt have urged journalists to have both a firm view on a specific topic and an understanding for the opposite point of view. Furthermore, he would have asked that they clarify and differentiate, report accurately, and formulate their opinions clearly and boldly (Schneebeli 1998).

“They dreamt of a better world” is what is often said today about the 18th Century exponents of the Enlightenment. At that time there was a huge gap between ideals and reality, and the concept of Utopia acquired pragmatic significance. For the intellectual elite it was not merely a dream, but a benchmark to employ in the dialogue between ideals and reality, or aspirations and feasibility.

So, how are today’s media addressing the dichotomy of ideals and reality or – to quote Dahrendorf’s metaphor – desert and prison? Are today’s highly commercial, well-connected media compatible with the widely-touted ideal of the media as watchdogs of society? Why do such well-resourced organisations devote so few resources to serious subjects? And what about the discrepancy between the high demands placed on the media – namely to be a sound impetus to society – and what they actually produce? These questions formed the focus of our research. Our starting point was the disturbing statement by the Bern media scientist Roger Blum that “The media’s proximity to

politico-economic power and influential sections of society suppresses and corrupts.”⁴⁴⁶

This was an unheeded warning, a shocking and disturbing statement uttered by a media professional with vast experience who enjoys an international reputation.

Disbelief, astonishment and scepticism were the first reactions. Professorial prophecy or pessimistic, apocalyptic mood? Apodictic panic-mongering from the ivory tower or perhaps a devastating truth? These questions have helped to form the present work, and Blum’s blunt pronouncement has determined the scientific focus of our study, paved the way for our empirical research, evoked the initial theories and, by way of seven key findings, led us to our final recommendations.

For the founding fathers of our civilised liberal state, information was a vital element of democracy; indeed, information was considered a valuable asset and certainly not a commodity to be traded. The situation has changed radically, even in the traditional democracy of Switzerland.

If we assume that “Education is the assimilation of experience”, as has been uncompromisingly formulated and convincingly argued by the German pedagogue Professor Hartmut von Hentig (1996, p.96),⁴⁴⁷ then many of the Swiss media make precious little contribution to this end. The results of our research show that the status of enlightenment and culture in the media has diminished; the focus is on entertainment and superficialities, driven and dictated by competition for higher circulation figures and the instant gratification of the reader, viewer or listener. Information must sell straight away (Bacher 1996), and with no time for reflection and thus enlightenment, information loses much of its informative quality. Enlightened discourse is no longer required and it has been replaced by edutainment and infotainment, together with a mass of trivialities and banalities.

Along with the modern world’s shrinking distances, there has been an increase in the cartelisation of media ownership, a surge of public relations and “spin”, and the forging of overly close bonds between media professionals and those in power on whom they are supposed to be keeping a critical eye. Rational debate is in mortal danger, and has already perished in much of the tabloids and the commuters’ newspapers. This trend has been exacerbated by the sometimes poor professional training of journalists, who

⁴⁴⁶ See subchapter 2.2: A starting point: Roger Blum’s pronouncement on Swiss journalism, p.5

⁴⁴⁷ Hartmut von Hentig, who was born in 1925, is Professor emeritus for pedagogy at the University of Bielefeld. He is one of the most respected pedagogues of our times.

should be some of the most important players in the public communication process, presenting and explaining topics that are the most relevant to our times and our society. It is vital to invest in this resource and offer a sound education to these people – in the interests of both the state and the public at large.

Swiss journalism's proximity to the powers that be, the addiction to consensus politics at all costs and the overly close links between the political and media systems are all endangering our democracy. Countermeasures need to be launched, and our findings and recommendations may point the way. Politicians and academicians, publishers and journalists must come to some form of agreement, draw up a code of ethics and lay down guidelines with the aim of perpetuating the ideals of enlightenment and education in the broad sense.

18.2 Findings

Our research revealed a large number of shortcomings in the Swiss media scene, some of them very serious. Our findings show quite clearly that the image of Swiss journalism has become tarnished, and that behind a façade of quantitative diversity lies a crumbling framework of qualitative depth. This in itself is an alarming conclusion to draw, but equally serious is our observation that the majority of people are blithely unconcerned: journalists remain silent on the subject, while most people questioned were either insufficiently familiar with the issues at stake or they were happy with the present state of the media, while others simply regarded the situation as a “fait accompli”⁴⁴⁸.

Alongside the various findings which are set out in the individual chapters of this work, the author draws the following seven over-arching conclusions from his research.

1. The concept of enlightenment through the media is obsolete

The mandate of the media is no longer governed by the noble ideals of the Age of Enlightenment, with its aim of teaching people to become cultured, well-informed citizens. It is no coincidence that the century of the Enlightenment (the 18th century) has received the epithet “Age of Learning”. Our modern media have long discarded the ideal of teaching the public to become informed, responsible citizens as propagated by

⁴⁴⁸ Representative quantitative research in the form of telephone interviews held by the author with 301 respondents from German-speaking Switzerland, from 15 March 20 April 2006.

Gottfried Keller. And very few citizens are willing or able to “step out of doors and see what is going on”, as Keller pathetically demanded in his novel *The Banner of the Upright Seven* (Keller [1860] 1990, p.50). The myth of Swiss people’s courage to stand up for their beliefs has faded, and no longer does William Tell rebel against the injustices of his times.

Society has changed too radically, the globalised dynamics of civilisation are too rapid and the changes in people’s mentalities and values are too far-reaching to make it realistic to expect the media to act in a manner that is no longer the norm in the worlds of business and politics, that is, to be guided by idealism in a world ruled by financial interests, and to exercise moderation in immoderate times. Our research shows quite clearly that our media reflect the state of our society, or register it like a seismograph. The reality of day-to-day living governs the media too, making the aspirations of the Enlightenment as irrelevant (Färber 2004) as the type of journalism that aims to help people to understand, as advocated by the moral philosopher Hermann Bonventer (1984; *ibid* 1989).⁴⁴⁹ Jürgen Habermas also came to the sobering conclusion that the enlightening Utopia of free political expression was being discarded and rational public discourse replaced increasingly by propaganda-style “public statements” (Habermas [1962] 1990, p.28; Geser 2000). It is but a short step to ideological manipulation and the commodification of all information, indoctrination and manipulation. The present work shows the extent to which this is already actually the case in Switzerland.

2. The Swiss media scene is dominated by information glut and the dictates of consensus

Switzerland used to be a country of newspapers, and that is how it still appears to be today. That is to say, at first sight everything seems to be in order: a high density of newspapers and magazines, a strong public broadcasting corporation and a large number of private radio and TV stations. However, it is an open secret, corroborated by the present analysis, that a basic structural problem lurks in this domain – namely, the modern form of censorship within a democracy. Paradoxically, this is reflected in the huge increase in the range of media available, the constant flood of news and the avalanche of information, much of which people can no longer absorb, comprehend or

⁴⁴⁹ Hermann Bonventer, 1928-2001, journalist, sociologist and professor for media ethics at the University of Munich

critically appraise. Information overload has become a fact of life, and the media increasingly address people not as citizens to be informed but consumers to be entertained (and to be induced to part with their money). Constant exposure to chitchat has reduced the value and the seriousness of the information communicated to mere background music. One might say that we are overnewsed but underinformed.

At the end of the day, it is not only the gigantic media market and its overwhelming surplus that jeopardises the freedom of the media. Two inherent components of the system – firstly, its proximity to vested interests and power and, secondly, its role in maintaining the oppressive Helvetic culture of consensus.⁴⁵⁰

One of the elementary rules of journalism is that impartial, wholly autonomous reporting depends on keeping a healthy distance from the subject of research or the person being interviewed. In the confined area of Switzerland with its close networks of relationships, it is particularly difficult to adhere to this rule. Furthermore, there is a general lack of guidelines to follow, and the statutes of editorial offices are often not worth the paper they are written on. Binding ethical codes such as are in force at the *Washington Post* or the *New York Times* would be a welcome development. They might help to put an end to nepotism and to prevent the kind of scenario seen on Swiss national TV in the programme *Galerie des Alpes* in its edition of 14 June 2006. Moderator Urs Leuthard appeared together with the newly elected Federal Councillor Doris Leuthard. As though it was the most natural thing in the world, the journalist's opening words were: "Dear Doris, as your cousin I want to congratulate you and I am delighted that I am now related to a Federal Councillor." Anyone who expected the moderator to hand the microphone over to a colleague for the interview that followed could not have been more mistaken.

In Switzerland, the necessary distance between journalist and subject is often sadly lacking. This was Roger Blum's reproof, and it has been confirmed by our findings. If journalists are to remain critical and objective, they need to keep an arm's length relationship with the subject of their research. Of course, journalistic research sometimes calls for proximity as well, particularly when a journalist needs to analyse his or her subject close-up. In other words, the journalist needs a metaphorical magnifying glass in order to reduce major international issues to the essential facts and

⁴⁵⁰ See following Paragraph 0: 3. Moral cowardice prevents critical discourse, p.251

thus make them universally comprehensible, at the same time magnifying the small, hidden details to increase people's understanding. However, in either process the magnifying glass must be held at a suitable distance. And it is in knowing this distance, and how to keep it, that one of the secrets of good journalism lies.

3. Moral cowardice prevents critical discourse

Whoever wants to make progress must also consider the opposite point of view to their own – that is to say, they need a critical friend, or at least friendly criticism, as the Swiss philosopher Karl Jaspers (Hügli 2004) put it in somewhat paradoxical terms. However, many journalists are finding it increasingly difficult to muster enough courage to expose the shortcomings in the media field. Any criticism expressed by journalists usually comes from former or already-retired eminent representatives of the media like ex-Director Andreas Blum of Radio DRS (Blum 2005) or the doyen of journalism Karl Lüönd. There has been some substantial external criticism, mainly from academic institutions such as Professor Heinz Bonfadelli's Institute of Mass Communication and Media Research at the University of Zurich, Professor Roger Blum in Bern, or the new Facolta di Scienze della Comunicazione at the Università della Svizzera italiana in Lugano with Professor. Dr. Stephan Russ-Mohl.

The journalists' associations, which actually ought to back their members, have turned out to be toothless tigers. Although most journalists belong to either the Swiss Journalists' Association Impressum or the media trade union Comedia, they still have to work without a recognised employment agreement⁴⁵¹. Understandably, very little criticism is expressed internally. It is not worth rebelling against the mainstream: adopting an oppositional stance within a homogenous milieu can be professionally dangerous and pressure can be expected, both from the publisher and one's colleagues. As we have seen, there is no direct state censorship in Switzerland, but a familiar form of collective self-censorship has established itself: fear of being stigmatised by colleagues pushes people to conform and generates moral cowardice. There are no longer any intrepid journalists like Niklaus Meienberg or Jürg Frischknecht. Anyone who dares to step out of line can expect reprisals of one kind or another. This fear of reprisal is clearly reflected in the large number of anonymous

⁴⁵¹ In 2000 the Publishers' Association terminated the collective employment agreement for journalists in a cloak-and-dagger operation. See chapter 9: Media Organisations and Journalists' Associations, p.114

interviews that the author had to conduct: the interviews were granted only on condition that their contents would remain discreet and the names of the interviewees kept in strictest confidence. This, too, is a symptom of the malaise within the Helvetic media scene, which is far more widespread than the activism on the surface would have us believe. Our in-depth research has uncovered a truly malignant affliction.

4. Financial considerations exert a stranglehold

Article 17 of the Swiss Federal Constitution guarantees the freedom of the media. The Federal Parliament fights for the survival of certain (regional) political media by offering lower postal tariffs. Professor Roger Blum argues that: “The newspaper should be committed to the democratic participation of the citizens, engaging in public journalism and practising citizen journalism” (Wyss 2006) However, the bare facts of life leave little room for civic discourse and people have no belief in and no use for ideals and political altruism on the part of publishers. There are no longer any editors-in-chief or journalists with the courage and the authority of someone like Oskar Reck⁴⁵². Nowadays the media scene is almost entirely at the mercy of financial considerations: making and maximising profits by raising circulation figures is all-important, and it is this which also determines the all-important advertising rates.

The leading publishing companies such as the Swiss media giants Ringier or the Tamedia in Zurich no longer possess any significant degree of liberal stature or civic awareness. Their first concern is figures, because figures are a gauge of economic success. This is where their real interest lies. Even attractive-sounding books with titles like *Medien zwischen Geld und Geist*⁴⁵³ (The Media between Money and Mind), which are sometimes presented to mark a company's jubilee, cannot hide this fact. The tension between these two poles that used to generate inspiration no longer exists, and the focus is exclusively on pecuniary considerations. The media ought to be fulfilling a watchdog function: this is laid down in the Swiss Federal Constitution and it is rhetorically praised in speeches, but generally the publishers' attitude marginalises and

⁴⁵² Oskar Reck (1920-1996), journalist and editor-in-chief of the Basler Nachrichten. Very few journalists receive a memorial. The unforgettable Oskar Reck received one – in the form of a book: Oppenheim Roy, Steinmann Matthias, Zölch Franz A., Journalismus aus Leidenschaft. Oskar Reck – Ein Leben für das Wort. (Journalism as a Passion. Oskar Reck – a Life devoted to the Written Word.) Stämpfli Verlag: Bern 2003.

⁴⁵³ Catrina, Blum and Lienhard (1993).

negates it. And what is the use of a watchdog function when nearly all the watchdogs are looking in the same direction, namely towards Mammon? The concept remains fictitious, a figment of the imagination. The market is the measure of all things, and where market success is all-important, everything else takes second place. In the words of the publisher and press tycoon Michael Ringier⁴⁵⁴ it sounds clear: “We can do what we like, as long as we are successful.” Not without reason, Roger Blum raised the question: “Is direct democracy being killed off by the viewing figures?” (Blum 1993, p.133ff.)

5. Alternative opinions are gradually disappearing

The media market is tough – that is a truism. Alternative watchdogs and complementary products are going through hard times. The *Luzerner Woche* gave up the ghost some time ago, the *Region* has also disappeared and the *Zuger Presse* was unable to survive, despite the generous financial support of Landis & Gyr heir and green-alternative politician Daniel Brunner (Hofer 2005). The journalist who steps out of line will find it hard to earn a living. Small companies cannot afford to take the risk and big companies do not want to do so.

Swiss journalists are neither well organised nor truly united. Publishers concentrate all their efforts on achieving economic success, that is, putting quantity before quality. The result is a journalistic stew and the same menu is dished out to all and sundry. This trend runs parallel to the phenomenon of the changing face of mass communication. Digitalisation and the increasingly global nature of communication make it possible for practically everyone to receive the same information at the same time. “We all participate in the same reality” was Niklas Luhmann’s pithy comment on this phenomenon (Luhmann 1981, p.309ff.; *ibid* 1996). These technological developments could of course make possible a radically heterogeneous media scene, but at least in the mainstream media, alternative views and complementary information are actually under greater threat than ever. At the end of the day, new forms of communication have in many cases proved to be the enemy of journalistic variety and have led to journalistic impoverishment. This, too, shows up quite clearly in our investigation.

⁴⁵⁴ Quoted from Blum (2000).

6. Switzerland is a delayed snapshot of global trends

To put it succinctly, Switzerland packs maximum complexity into minimum space. Global trends therefore take a little longer to establish themselves in this tiny, highly diversified microcosm with its federal structures and political diversity. Nevertheless, the Alps, the Jura and the Rhine are no longer hermetic boundaries. Although Switzerland does not belong to the EU and only recently joined the UN, the country has long been living in an osmotic relationship with the rest of the world. Global issues always become matters of concern to the Swiss in the end, and the media and mass communication are no exception.

The concentration of the press, the publishers' craving for profits and their focus on financial considerations, readership figures instead of quality, campaign journalism, the shrinking social prestige of journalists, the mediocre training of media workers, the growth of PR masquerading as journalism – phenomena that have long been a fact of life in other countries – are now appearing in Switzerland too, albeit it to a lesser extent and with somewhat weaker indicators. We have not yet caught up with Germany and England when it comes to trivial scandal sheets, or with Italy with its media mogul-cum-politician Silvio Berlusconi. Tabloidisation and vulgarisation, simplification and infantilisation – these are not yet given pride of place and some opposing forces are still perceptible in the battle between commerce and quality journalism. But our findings do underline the fact that the Swiss media scene is unhealthy. The one-sided focus on the market suppresses creativity, the proportion of well-researched articles is noticeably diminishing, features on provincial bagatelles are back with a vengeance, zooming in on the most banal of details; readers and viewers are becoming more and more preoccupied with trivia, and we are faced with the prospect of fast food information as our daily diet. Newspapers, television and radio contribute very little to our real knowledge and understanding of our society, or of the world in general. On the contrary: the flood of featherbrained chatter shows no signs of abating, the journalistic wilderness is steadily encroaching, content is getting shallower every day and, in place of information, we have a mixture of infotainment and the populist TV show *Arena* – as the former Programme Director of Radio DRS Andreas Blum was horrified to find out (Blum 2005), thus corroborating our findings.

7. Highly-educated Switzerland suffers from media illiteracy

At school, children learn to read, and this naturally includes learning to read books. But what about learning to read the mass media?

The key to reading the media is media pedagogy. Swiss seminar director Theodor Bucher was one of the first to investigate this topic (Bucher 1967). His concern proved inspiring to others and aspects of media pedagogy became a compulsory part of the curriculum. Professor Christian Doelker from the Pestalozzianum in Zurich (currently teaching at the Pädagogische Hochschule PHZH), was another pioneer in this domain, producing new educational material, making constant demands and publishing articles (Doelker 2005). In the meantime, teaching in schools has undergone certain radical changes. Modern school classes often discuss topics like intercultural issues, cohabitation between different ethnic groups, the prevention of violence and so on. However, all these subjects of discussion take up teaching time, so that less time can be devoted to media pedagogy. Moreover, the integration of the basics of media pedagogy in the overall teaching plan is not systematic. Whether or not young people learn about film and media is often a matter of chance, and media pedagogy tends to be reduced to producing a (school) newspaper and visiting the editorial offices of a newspaper. Clearly, this is far too little for youngsters to be able to find out and understand how the media function. It is an open question whether this could be one of the causes of Switzerland's media illiteracy. But the fact remains that media illiteracy in Switzerland is an astonishingly widespread phenomenon. How else can one explain the lack of public reaction to the regressive trends in the Swiss media? How else can one explain the fact that, while media consumption has increased, the demands placed on the media are no higher (and may indeed be lower) than before? It is true that many readers have less confidence in the media than they did a few decades ago, yet they do not react in any kind of critical or negative fashion.

However, the future of the media is decisive for the future of our democracy because the media help to shape society and politics. They must therefore be more than just the object of critical discourse and should be an essential part of the school curriculum. It is not difficult to extrapolate the urgency of this demand from the results of our investigation.

18.3 Recommendations

Our research, consisting of numerous interviews, extensive source-checking and field research, finally crystallised into three recommendations after it became clear that Professor Roger Blum's diagnosis of the corruption of the Swiss media scene was indeed accurate. Anyone recognising this fact must naturally do all they can to stop the qualitative regression of the media. Some of these recommendations have already been formulated in individual chapters of this work. But one thing is certain: there is an urgent need for enforceable ethical codes. The Confederation and the Swiss intelligentsia must also assume their responsibilities, and finally the whole of society must engage in the task of reconstruction. In the hope of new media "Enlightenment" we make the following three recommendations:

1. Media companies must draw up enforceable codes of ethics.

For a long time, the commitment of major Swiss companies to the interests of the Helvetic Res publica could be taken for granted (Holzach 1988, p.69): Managing a company without basic ethical and moral values was unthinkable, and no rational and responsible citizen would have focused their objectives solely on material values. Service and leadership went together, rather like Siamese twins. *Dienen und Führen* (Service and Leadership) was also the title of an article by the German industrialist Hans L. Merkle who, in 1979, wrote that "A company's services are totally dependent on its readiness to serve and produce results" (Merkle 1984, p.268ff.). Many Swiss entrepreneurs took this statement to heart and assumed national and political responsibility – in a spirit of moderation and based on living out their ethics.

Sadly, the rapid economic and intellectual changes that have taken place in recent years have been steadily eroding these pillars of society. Banks, insurance companies and industrial enterprises are all similarly afflicted, as are most media and publishing companies. And yet if one is dealing in information, one is not simply dealing in goods. It is ethically questionable, or even downright irresponsible, to reduce information to a market product, or, worse still, to turn it – tabloid-style – into a modern form of witch hunt or neo-medieval inquisition. The work of a publisher or journalist has, surely, to have an ethical dimension. Editorial judgements should be based on quality not quantity, and information gathering and dissemination should go hand in hand with a sense of civic responsibility.

Responsible journalism is more than the mere reporting of events, and its founding intentions were nobler than simply (re)producing facts and figures. Responsible journalism seeks to sort out facts from fiction, to explain, evaluate and analyse them, to illuminate their context and pinpoint their consequences. The aim of ethically responsible journalism – to repeat – is to help people to understand the society and the world in which they live, as well as to promote open discourse and public debate.

For this to become feasible once more, we need common codes of ethics that are independent of demands to maximise profits. This may be dismissed as utopian, but without the ideals of the Enlightenment as a pragmatic guide and benchmark, journalism will lose all sense of moderation in what are already immoderate times. Soapbox speeches with well-honed words and glossy brochures with guiding principles from cloud-cuckoo-land are not going to be of much use in the increasingly perilous times in which we live. What we require are publishing companies who are ready to assume their responsibilities, with employees who are committed to the cause of responsible journalism. We do not need any writing on the wall of the editorial office – the signs are plain for all to see.

2. Media science needs the support of the Federal Government

A liberal-democratic state exists on the basis of certain preconditions. These include the active commitment of the citizens and their identification with the ideals of the state, as well as their willingness to actively engage in political discourse. But these bases of a liberal state have become porous. With the disappearance or weakening of many institutions which once ensured a degree of social solidarity and a corresponding rise in individualism, information of all sorts has become fragmented and atomised, pluralized and individualised, emotionalised and personalised. In the media, complex events tend to be simplified to the point of meaninglessness or reduced to the level of trivia.⁴⁵⁵

In the TV series *Friends*, Joey (who is not very bright) is fascinated that “Every day as much happens in the world as can find space in the newspaper.” These words were first uttered by the cabaret artist and comedian Karl Valentin. Were he alive today, he might be amazed to see everything simplified into bite-sized fare to be dished up as tasty titbits. However, a liberal democratic state based on the ideals of the

⁴⁵⁵ *20 Minuten*, the commuters’ paper containing fast food information enjoys the widest circulation in Switzerland.

Enlightenment needs lively, diversified, critical media if it is to survive. What we need is not knee-jerk moralising, but rational thinking based on the founding civic ideals of our state (Geser 2000).

And does this not imply that the working conditions of journalists should be improved, external appraisal encouraged, and criticism and feedback institutionalised at the meta-level? In other words, that “congenial conditions” should be established, as demanded by Habermas⁴⁵⁶ himself?

Responsible politicians cannot afford to remain indifferent towards what is happening in the Swiss media. In Switzerland today, a handful of influential publishers decide which dailies and weeklies are to be published, who gets taken on as an editor or journalist and thus who can influence public discourse.

Instead of discussing isolated issues like the niceties of postal tariffs, politicians should be pressing for stronger journalism faculties at our universities and for serious research on the influence of the media, at the same time initiating public discourse on the subject. Above all, enough professors must be appointed to mentor and teach students of journalism, with a syllabus that is oriented towards professional standards and uniform methods of certification, as foreseen by the new European Bologna system in the educational sector⁴⁵⁷.

3. A “fifth column” to revive the ideals of the Enlightenment

A number of philosophers contributed to the establishment of parliamentarianism and thus a liberal and democratic state, but two of them stand out particularly. John Locke’s “Two Treatises of Government”, written in 1689, argued for the separation of the powers of the legislature (parliament) and the executive (government and monarchy). In 1746 Charles de Montesquieu elaborated on Locke’s principles, adding the judiciary to his conception of the separation of powers. The ideas of these two philosophers produced a tectonic earthquake which helped to pave the way for the ideas underlying the American Revolution in 1776 and the French Revolution in 1789. In Europe, the end result was the transition from absolutism to civic-mindedness.

The idea of the liberal state with separated powers also encompasses the concept of the media as the “fourth estate” or “fourth branch of government”. This concept, which

⁴⁵⁶ Quoted by Professor Wolfgang Edelstein, former Director of Max Planck Institute (Edelstein 2005).

⁴⁵⁷ See subchapter 10.5: Basic training, p.134; and subchapter 10.6: Advanced training, p.139

originated in the Anglo-American world over 200 years ago, sees the media as a necessary check on power. Since the Dreyfuss Affair and Emile Zola's subsequent *J'accuse* in 1898, the media, with their inquisitive, enlightening, discourse-oriented methods of working, their research and their investigations became established as the fourth branch of government – a social seismograph, a barometer of democracy in the form of an independent power that answers only to its own pangs of conscience and the ethics of human rights.

Today, however, the fourth estate has lost much of its former power. "Has the fourth estate gone astray?" was the question asked in *Hart aber fair* (Hard but fair), a programme broadcast by the West German Broadcast station WDR on 30 September 2005. The question is symptomatic. For many people, the media have lost their independence of spirit and have become political and commercial powers in their own right, willing and dependent promoters of their own and others' ideological or financial interests, without backbone or civil courage, fickle and compliant (Ramonet 2005). Deep down, more and more people are realising that something is wrong, namely that we are being sloppily informed by the media and that things cannot be allowed to continue in this way. They suspect journalism of "snuggling up to the powers that be", as the journalist Hans Leyendecker⁴⁵⁸ puts it, liaising with political personalities and, furthermore, being increasingly dominated by the PR strategies of powerful companies. What is necessary is for people to react and to stop being led like lambs to the slaughter or, again in the words of Gottfried Keller: "Resignatio ist keine schöne Gegend" (resignation is not a pleasant prospect)⁴⁵⁹. In 1802 Friedrich Hölderlin wrote in his hymn *Patmos* "Where so little light is present there yet appears the greatest salvation." At the time they were written, these impressive words prophesied a turning point.

Perhaps we also need a turning point, away from the negative development of the fourth estate. Or maybe an innovation in the form of a fifth column, such as weblogs for example? More and more bloggers keep a kind of online diary on the Internet. They

⁴⁵⁸ Hans Leyendecker was born in 1949. After 18 years at the *Spiegel* he has been working for the *Süddeutsche Zeitung* since 1997. The chronicler of numerous affairs has investigated party donations scandals; without him, the Kohl affair would never have been exposed.

⁴⁵⁹ Quoted by Professor Adolf Muschg, ETH Zurich (www.deutschesfachbuch.de/info/detail.php?isbn=3871571903&part=1&word, consulted 2 October 2007).

network with each other to form a virtual community. Despite the often banal contents of such sites, their influence should not be underestimated, because blogging enables anyone and everyone to send out information. Naturally, one can propagate one's views standing on a soapbox in London's Hyde Park, constituting a minipower in the sense of a fifth column. But the advantage of expressing views on the Internet is that it suffices to reach other interested readers, who pick up messages which interest them and publish them in their weblogs. If there is sufficient interest, messages can snowball until thousands of people are reached, constituting an audience that could be called a "public". Could this be the instrument of an alternative form of journalism? Or will it become as commodified and compromised as our research suggests that the traditional media have become? This is increasingly becoming one of the most pressing questions facing journalism and its critics today.

19 Appendices

19.1 Appendix 1: Facts and Figures about Switzerland 2006

Population	7,459,000
Languages	German 64 per cent French 20 per cent Italienisch 6.5 per cent Romansch 0.5 per cent
No. of households	3,180,000
Income per capita	39,041 CHF (24,400 €)
Households with TV	93.6 per cent
Households with radio	98.8 per cent
Cable connection	84 per cent

Source:

Swiss Federal Statistical Office, March 2007, www.bfs.admin.ch

Media Desk Suisse, March 2007. www.mediadesk.ch

19.2 Appendix 2: Composition of the Swiss Federal Assembly

	National Council	Council of States	Total
1 January 1992 / 44th Legislation period			
Radical Democrats (Freisinnig-demokratische Fraktion)	44	18	62
Christian Democrats (Christlichdemokratische Fraktion)	37	16	53
Social Democrats (Sozialdemokratische Fraktion)	43	3	46
Swiss People's Party (Schweizerische Volkspartei)	25	4	29
Alliance Evangelical People's Party LdU/EVP (LdU/EVP-Fraktion)	9	1	10
Liberal Party (Liberale Fraktion)	10	3	13
Green Party (Grüne Fraktion)	14	0	14
Automobilist Party (Fraktion der Autopartei)	8	0	8
Swiss Democrats/Ticino League (Schweizer Demokraten/Lega)	7	1	8
Independent (ohne Fraktionszugehörigkeit)	3	0	3
Total	200	46	246
1 January 1996 / 45th Legislation period			
Radical Democrats (Freisinnig-demokratische Fraktion)	45	17	62
Christian Democrats (Christlichdemokratische Fraktion)	34	16	50
Social Democrats (Sozialdemokratische Fraktion)	58	5	63
Swiss People's Party (Schweizerische Volkspartei)	29	5	34
Alliance Evangelical People's Party LdU/EVP (LdU/EVP-Fraktion)	5	1	6
Liberal Party (Liberale Fraktion)	7	2	9
Green Party (Grüne Fraktion)	10	0	10
Automobilist Party (Fraktion der Autopartei)	8	0	8
Swiss Democrats/Ticino League (Schweizer Demokraten/Lega)	0	0	0
Independent (ohne Fraktionszugehörigkeit)	4	0	4
Total	200	46	246
1 January 2000 / 46th Legislation period			
Radical Democrats (Freisinnig-demokratische Fraktion)	43	18	61
Christian Democrats (Christlichdemokratische Fraktion)	35	15	50
Social Democrats (Sozialdemokratische Fraktion)	53	6	59
Swiss People's Party (Schweizerische Volkspartei)	44	7	51
Alliance Evangelical People's Party LdU/EVP (LdU/EVP-Fraktion)	5	0	5
Liberal Party (Liberale Fraktion)	6	0	6
Green Party (Grüne Fraktion)	10	0	10
Automobilist Party (Fraktion der Autopartei)	4	0	4
Total	200	46	246
1. January 2004 / 47th Legislation period			
Radical Democrats (Freisinnig-demokratische Fraktion)	40	14	54
Christian Democrats (Christlichdemokratische Fraktion)	28	15	43
Social Democrats (Sozialdemokratische Fraktion)	52	9	61
Swiss People's Party (Schweizerische Volkspartei)	56	8	64
Alliance Evangelical People's Party LdU/EVP (LdU/EVP-Fraktion)	5	0	5
Liberal Party (Liberale Fraktion)	15	0	15
Green Party (Grüne Fraktion)	4	0	4
Total	200	46	246

Source: Schweizerische Eidgenossenschaft, www.admin.ch

19.3 Appendix 3: Advertisement Statistics – Revenue per Medium

In Mio CHF, gerundet	2001	2002	2003	2004	2005	2006
Net Turnover Advertising in Switzerland	5'665	5'390	5'123	5'323	5'376	5'632⁴
Printmedia	2'886	2'547	2'302	2'294	2'299	2'369
<i>Daily, weekly and sunday press</i>	¹	1'861	1'646	1'638	1'615	1'688
<i>Syndicat, finance and economic press</i>	¹	307	281	283	294	290
<i>Special interest press</i>	¹	245	248	245	257	263
<i>Specialised press</i>	¹	133	127	127	133	128
Electronic media	677	708	711	757	777	797
<i>Television (inclusive Sponsoring)</i>	494	527 ²	533	570	588	615
<i>Radio (inclusive Sponsoring)</i>	129	129	127	133	142	138
<i>Cinema</i>	40 ³	38	38	41	37	37
<i>Teletext</i>	14	14	13	13	10	8
<i>Internet</i>					36	52
<i>Adscreen</i>					9	12
Remaining Medien (Poster/Fair/Direct-mailing etc.)	2'102	2'135	2'110	2'272	2'300	2'466 ⁴

¹ Not comparable to previous year due to a new typology of press as from 2002.

² Not comparable to previous year since the consulting expenses for the public stations were not included in the turnover till 2001.

³ Not comparable to previous year since not all providers have reported the turnover.

⁴ Not comparable to previous year since more provider have reported the turnover in the sector of fairs and exhibitions.

Quelle: Stiftung Werbestatistik Schweiz, Werbeaufwand Schweiz 2007

<http://www.wemf.ch/de/print/werbestatistik.php> → Gesamtübersicht, 15 June 2007

19.4 Appendix 4: Newspapers and Circulation Figures 1939-2004

Year	Number of Newspapers	Average Daily Circulation	Total Circulation
1939	406	1,454,244	2,049,480
1943	380	1,506,300	2,078,605
1950	368	1,692,184	2,205,760
1955	375	1,651,335	2,187,140
1960	350	1,813,287	2,253,499
1965	337	2,133,286	2,589,875
1968	324	2,316,162	2,755,774
1971	310	2,503,281	2,982,213
1973	297	2,646,177	3,133,375
1974	292	2,681,462	3,192,070
1976	289	2,760,880	3,227,160
1977	290	2,838,122	3,311,900
1978	291	2,709,167	3,169,510
1979	290	2,715,747	3,190,790
1980	290	2,762,552	3,245,460
1981	290	2,781,807	3,271,910
1982	287	2,818,758	3,309,590
1983	292	2,852,138	3,398,860
1984	291	2,882,087	3,419,980
1985	288	2,914,014	3,450,940
1986	289	3,450,940	4,058,050
1987	278	3,026,380	4,008,260
1988	277	3,143,264	4,125,199
1989	275	3,079,214	4,087,603
1990	273	2,651,967	4,054,265
1991	271	2,675,234	4,094,955
1992	264	2,612,109	4,036,662
1993	248	2,533,111	3,939,158
1994	241	2,472,281	4,053,380
1995	257	2,597,768	4,261,970
1996	249	2,585,418	4,202,212
1997	245	2,569,524	4,170,631
1998	234	2,556,128	4,228,532
1999	233	2,556,892	4,226,998
2000	232	2,544,035	4,214,337
2001	224	2,513,827	4,105,564
2002	224	2,490,320	4,158,024
2003	216	2,415,250	3,918,066
2004	210	2,365,165	3,837,648

Source: SWISS PRESS Association, January 2005

Included in these statistics are all Swiss (excluding Liechtenstein) newspaper editions which contain universal information, which appear in one of the four national languages, which are accessible to readers of all classes of the population and are regularly published at least once per week. Freesheets, official gazettes, special interest newspapers (for example *Cash*, *HandelsZeitung*, *Automobil Revue*, etc.) and member newspapers [for example *Coop Zeitung* and *Brückenbauer* (the Migros newspaper)] are not included.

The totals of individual papers (newspapers without regional editions) as well as the regional papers (local papers/split editions of parent papers) were counted.

New Survey Methods

From 1995 new survey methods were applied, which means that the figures cannot be compared with previous years.

19.5 Appendix 5: Readership of the Swiss Press 2005

Ten Major German-Swiss daily newspapers ranked according to range of coverage
2005

Title	2004	2005	Index Basis 2004
<i>20Minuten</i>	782,000	948,000	121*
<i>Blick</i>	736,000	717,000	97
<i>Tages-Anzeiger</i>	573,000	567,000	99
<i>Berner Zeitung</i>	426,000	405,000	95*
<i>Mittelland Zeitung</i>	381,000	389,000	102
<i>Neue Zürcher Zeitung</i>	315,000	331,000	105
<i>Neue Luzerner Zeitung</i>	290,000	292,000	101
<i>Die Südostschweiz</i>	249,000	249,000	100
<i>St. Galler Tagblatt</i>	239,000	229,000	96
<i>Basler Zeitung</i>	221,000	210,000	95

* Increase/decrease of statistical significance

Source: WEMF – AG für Werbemittelforschung, MACH Basis 2005

March 2006, www.wemf.ch

19.6 Appendix 6: Declaration of the Duties and Rights of a Journalist

Preface

The right to information, together with freedom of expression and criticism, is one of the fundamental liberties of every human being.

The rights and duties of journalists devolve from the public's right to have access to fact and opinion.

Journalists' responsibility to the public must come before any they bear towards a third party, notably employers and public authorities.

Journalists should, of their own accord, adopt the rules necessary to accomplish their mission to inform. Such is the object of the 'Declaration of Duties' below.

In order to carry out their journalistic duties in an independent manner, and in accordance with required quality standards, journalists must be able to count on general conditions adequate to the exercise of their profession. Such is the object of the 'Declaration of Rights' that follows.

Declaration of Duties

The journalist who gathers, selects, edits, interprets and comments on information is ruled by general principles of fairness in his or her honest treatment of sources (the people with whom he or she is talking) and the public. The journalist's duties are:

1. To seek out the truth, in the interests of the public's right to know, whatever the consequences to him- or herself.
2. To defend freedom of information, freedom of commentary and criticism, and the independence and dignity of the journalistic profession.
3. Not to publish information, documents, images or sound recordings of which the origin is unknown to the journalist. Not to suppress information or any essential elements of a story. Not to misrepresent any text, document, image or sound recording, nor people's expressed opinions. If information is unconfirmed to clearly say so. To indicate when photographic and/or sound material has been combined to make a montage.
4. Not to use dishonest methods to obtain information, recordings, images or documents. Not to manipulate them, or have them manipulated by a third party with a view to falsification. To prohibit plagiarism in not passing off the work or ideas of others as one's own.
5. To rectify any published information that is revealed to be factually incorrect.
6. To respect professional secrecy and not reveal the source of any information obtained in confidence.
7. To respect peoples' privacy in so far as the public interest does not demand otherwise. To disregard anonymous or unfounded accusations.
8. In respecting human dignity, the journalist must avoid any allusion by text, image or sound to a person's ethnic or national origin, religion, gender, sexual orientation as well as to any illness or physical or mental handicap that could be discriminatory in character. The reporting of war, acts of terrorism, accidents and catastrophes by means of text, image and sound should respect the victims' suffering and the feelings of their loved ones.
9. Not to accept any advantage nor any promise that could limit his or her professional independence or expression of opinion.
10. To avoid as journalists any form of commercial advertising; and never to accept conditions laid down by advertisers directly or indirectly.
11. To take journalistic directives only from designated editorial superiors; and to respect those directives only when they are not contrary to this declaration.

Journalists, who are worthy of this title, accept as their duty a strict adherence to the principles of this declaration. While recognizing the laws of each country, they only accept in professional questions the judgement of their colleagues, the Swiss Press Council or similar, legitimate organizations determining professional ethics. Thereby, they reject any interference by the State or any other authority.

Declaration of Rights

Full respect by journalists of the duties articulated above requires that they enjoy, at the minimum, the following rights:

- a) Free access to all sources of information and the right to investigate without impediment anything that is in the public interest. Public or private confidentiality can only be invoked against the journalist in exceptional circumstances and with the provision of clearly-defined reasons.
- b) The right not to act in any way nor express any opinion that is contrary to professional rules or personal conscience. As a result, journalists should not suffer any prejudice.
- c) The right to refuse any directive or interference that is contrary to the general policy of the organisation with which he or she is collaborating. This policy must be communicated in writing before the journalist's employment. It cannot be modified or revoked unilaterally under pain of breach of contract.
- d) The right to transparency as to the ownership of the company for which the journalist works. The right of a member of an editorial team to be informed in time, and to be heard before, any decision that affects the future of the company. In particular, members of the editorial staff must be informed and heard before final decisions determining the composition or organisation of the editorial department.
- e) The right to adequate and continuous professional training.
- f) The right to benefit from work conditions guaranteed by a collective agreement, including the right to be active in professional organisations without suffering discrimination.
- g) The right to benefit from an individual employment contract guaranteeing material and moral security. In particular, an appropriate remuneration - corresponding to the journalist's function, responsibilities and social role - should ensure his or her economic independence.

Decided at a session of the Swiss Press Council Foundation on December 21, 1999

19.7 Appendix 7: Directives Relating to the Declaration of the Duties and Rights of the Journalist

Directive 1.1: The search for the truth

The search for truth is at the heart of the act of informing. It presumes taking account of available and accessible data, respect for the integrity of documents (text, recording, image), verification and rectification. These aspects are dealt with in 3, 4 and 5 hereunder.

Directive 2.1: Freedom of information

Freedom of information is a primary condition in the search for truth. It is the task of each journalist to defend it in principle both generally and on his or her own behalf. This protection of freedom is assured by the application of numbers 6,9,10 and 11 and as a whole by the rights articulated hereunder.

Directive 2.2: Multiple viewpoints

Multiple viewpoints contribute to freedom of information. It is most necessary when the media outlet is in a monopoly position.

Directive 2.3: Distinction between information and opinion

The journalist must take care to indicate to the public the distinction between pure information, reported as fact, and opinion appropriate to commentary or criticism.

Directive 2.4: Public function

The exercise of the profession of journalist is generally not compatible with that of a public function. However, this incompatibility is not an absolute. In particular circumstances, participation in public affairs can be justified. In such a case, the journalist must separate strictly such spheres of activity and make sure that the public knows of his or her double role. Conflicts of interest are damaging to the reputation of the press and the dignity of the profession. The same rule applies to any engagement of a private nature that has any connection, however slight, to a journalist's professional activity and his or her treatment of news.

Directive 2.5: Exclusivity contracts

Exclusivity contracts agreed with a source must not inhibit information relating to events or situations of major significance to the public and the formation of public opinion. Such contracts, when they contribute to the creation of a monopoly by preventing access to information by other media, are damaging to the freedom of the press.

Directive 3.1: Treatment of sources

The first act of journalistic diligence consists in confirming the origin of any information and its reliability. In principle, it is in the public interest to cite sources, unless there is an overwhelming case against doing so. Whenever the source of information is the subject of a secrecy agreement, this must be mentioned in as much as it constitutes an element important to the integrity of the information being provided.

Directive 3.2: Press releases

Press releases issued by public bodies, political parties, associations, companies and any other self-promoting group must be clearly signalled as such.

Directive 3.3: Archive documents

Archive documents must be presented as such, if possible with a mention of the date of original publication or release.

Directive 3.4: Illustrations

Photographs and filmed sequences designed to illustrate a subject but representing people and/or situations not directly related to the people and/or circumstances cited in the article or programme, must be identified as such. They must be clearly distinguished from photographs and filmed sequences of an informative or documentary character with a direct bearing on the facts being reported.

Directive 3.5: Reconstructions

Reconstructions of reported facts as simulated by actors on television or in publications must be clearly signalled as such.

Directive 3.6: Montages

Photo and video montage can be justified only when it throws light on an event, illustrates a conjecture, offers a critical viewpoint or contains a satirical element. It must, however, be very clearly signalled as such so that readers and viewers are protected from any risk of confusion.

Directive 3.7: Surveys

When publishing the results of a survey, the media must give the public every indication useful to understanding the results. Minimal information includes: the number of people polled, how representative they were, where and when the research was carried out and who commissioned it. The report must also reproduce the questions as posed in the original survey.

Directive 3.8: Right to be heard against grave accusations

According to the principle of fairness, journalists are obliged to contact and hear the views of those accused of serious offences. These views must be presented fairly in subsequent publication. In exceptional cases, this does not apply when the public interest plays a greater role. The statements of the person accused of serious offences must not receive the same weight in an article as the criticism of his or her actions. But the person involved must have a chance to express his or her views on the accusations.

Directive 4.1: Concealing professional identity

Concealing one's identity as a journalist in order to obtain information, recordings, images or documents for publication or broadcast, comes under the heading of dishonest conduct.

Directive 4.2: Covert research

An exception can be made to this rule in cases where the overwhelming public interest justifies publication or broadcasting and in as much as the elements covertly obtained cannot be obtained by any other means. It is also justified when recording or filming could put the life of the journalist in danger or totally distort the behaviour of key players, always under the condition of overwhelming public interest. In such exceptional cases, the journalist should always take care to protect the identity of people who happen to be present at the scene by chance. Even under these special conditions, journalists can refuse to participate in covert research for reasons of conscience.

Directive 4.3: Payment for information

Payment to a third party who is not a media professional for information or images is unprofessional behaviour and is prohibited. It distorts the free circulation of information. It is nonetheless allowable in cases where an overwhelming public interest exists, and when fact or image cannot be obtained by other means. Information should not be bought from persons involved in court proceedings.

Directive 4.4: Embargoes

If information or a document is given to one or more news outlets under embargo, and if that embargo is justified (for example text of a speech that has not yet been delivered or the possibility that legitimate interests could be affected by premature publication), the embargo is to be respected. An embargo cannot be justified for advertising purposes. If the editor considers an embargo to be unjustified, he or she should inform the news source of the intention to publish so that other media can be informed.

Directive 4.5: Interviews

A journalistic interview depends on an agreement between two partners who have established rules for the exchange. Respect of these rules is a question of honesty. When interviewing, the journalist must make it clear to the interviewee(s) that the conversation is intended for publication. Under normal conditions, a report based on the interview must be authorised by its subject. On the other hand, the person interviewed cannot make modifications extensive

enough to give a different orientation to the meeting (change of meaning, suppression or addition of questions etc.); otherwise, the journalist has the right to renounce publication or cite the post-interview interference by its subject. Once the two parties are in agreement on a version, it is not permissible to revert to previous versions. Public declarations by public personalities may be published without their authors' approval.

Directive 4.6: Plagiarism

Plagiarism is an act of dishonesty towards peers since it consists of using, without attribution and in identical terms, information, facts, commentaries, analyses or other kinds of information generated by others.

Directive 5.1: Duty to rectify

The duty to correct errors of fact should be exercised by journalists of their own accord since it is crucial to a truthful record. The obligation to correct applies to misstatements of fact, not to opinion founded on facts known to be accurate.

Directive 5.2: Readers' letters

The standard code of ethics also applies to readers' letters. However, it is advisable to accord readers the widest possible scope for free expression of opinion. That is why editors responsible for readers' letters should interfere only if they contravene the rights and duties of the journalist. Readers' letters should be signed by their authors. They cannot be published anonymously without justification. They can be adapted and shortened as long as their thrust is preserved. In the interests of transparency, the space reserved for readers' letters should contain a regular notice announcing that the editor reserves the right to shorten letters. Exceptionally, a reader may demand publication of the complete text of a letter; the alternative then is to grant the privilege or not publish at all.

Directive 6.1: Editorial secrecy

Professional duty to keep editorial secrecy goes further than legal immunity as a witness. It protects the journalist's source material (notes, addresses, recordings, photographs etc). It also protects the journalist's informants when these people agree to give information only on the assurance that publication or broadcast will not entail disclosure of their identity.

Directive 6.2: Exceptions to legal immunity

Whatever exceptions are foreseen by laws governing immunity of the press, it is advisable in each situation to weigh up the public's right to know against other interests worthy of protection. The evaluation should take place, if possible, before and not after commitment is given to respect the confidentiality of the information source. In certain extreme cases, the journalist can feel released from his or her commitment to confidentiality: notably when he or she learns that particularly serious crimes may be implicated or the existence, for example, of a threat to internal or external state security.

Directive 7.1: Protection of privacy

Everybody has the right to respect for his or her privacy. The journalist cannot photograph a person without his or her consent or take photographs with a telephoto lens without the subject's knowledge. Journalists must renounce all forms of harassment (intrusion in the home, pursuit, stalking, telephone harassment etc.) of people who have asked to be left alone. These provisions are lifted, however, when the legitimate public interest is determinant.

Directive 7.2: People in distress

Special precautions should be taken to protect people in distress, mourning or shock, as much for themselves as for their immediate family and relatives. Hospital patients or patients of any similar institution, are not to be interviewed without authorisation by the facility's management.

Directive 7.3: Celebrities

Photography and televised images of celebrities must take into account the fact that they also have a right to privacy and to protect their image. As a general rule, journalists should treat celebrities with the respect they would wish to receive themselves.

Directive 7.4: Children

Children's interests call for special protection; not least, the children of personalities, public figures and of people who are, for whatever reason, the object of media attention. Particular restraint is called for in reporting violent crimes where children are involved (whether as victims, presumed perpetrators or as witnesses).

Directive 7.5: Presumption of innocence

Reporting on legal affairs must respect judicial presumption of innocence. In the event of guilty verdicts, reporting should show sensitivity to the immediate family and relatives of the sentenced, and safeguard his or her chance of future reintegration into society.

Directive 7.6: Citing names

Journalists should not publish the name or any other detail that would make it possible to identify (outside his or her immediate circle) a person involved in a legal action. The following exceptions to this rule are permitted:

- * When justified by overwhelming public interest.
- * When a person exercises a political mandate or an important public function and is prosecuted for having committed acts incompatible with such a responsibility.
- * When a person is already well known in a specific area, and the acts of which he or she is accused have something to do with the grounds for his or her reputation.
- * When the person reveals his or her own identity, or expressly accepts that it is revealed.
- * When publication is indispensable to avoid confusion that would be prejudicial to a third party.

Directive 7.7: Legal dismissal, shelving and acquittals

When a person is involved in a legal action and the decision is taken to dismiss or shelve the case, or the person is acquitted, the announcement of the decision must be, in form, proportional to the presentation of the offence. If the identity of the person is published, in applying the exceptions listed above, or if the person is identifiable, announcement of the judicial decision should, in a spirit of fairness, take this into account.

Directive 7.8: Sex offences

Victims of sex offences are due special protection. No detail should be given that allows the victim to be identified. In cases where minors are involved, the term of incest should be used with great discretion.

Directive 7.9: Suicide

Any information relating to someone's death implies invasion of privacy. That is why the media should exercise the greatest restraint in a case of suicide. A suicide should not be the object of a news story, except in the following situations:

- * When it involves the public interest.
- * When it concerns a public personality, and the suicide may have a bearing on the function or reputation of that person.
- * When it is linked to a crime under police investigation.
- * When it has the character of legitimate information aimed at alerting the public to an unresolved problem.
- * When it provokes public debate.
- * When it gives rise to rumours and accusations.

Directive 7.10: Images of war, conflict and celebrities

Photography and televised images of war, conflict, acts of terrorism as well as images of famous people must be carefully examined - before publication or broadcast - in the interests of answering the following questions relating to responsibility:

- * What exactly do these images represent?
- * Is the nature of the scene likely to harm the person or persons represented in these images, the people looking at the images, or both?

* If the document shows a moment of contemporary history, does the right of the dead to rest in peace weigh more heavily than the public interest?

* In the case of archive material, is a republication authorised? Is the person represented still in the same situation?

Directive 8.1: Respect for human dignity

The respect for human dignity is fundamental to the work of informing the public. It must be constantly weighed against the public's right to know. Respect must be paid to the people directly concerned in the information, as much as to the public in general.

Directive 8.2: Interdiction against discrimination

When information relates to criminal offences, any mention of ethnic origin, nationality, religion, sexual orientation, sickness or mental or physical handicap should be included only if necessary to the understanding of the story. If nationalities are mentioned, then this practice must apply to Swiss nationals as well. Particular attention should be paid to the fact that mentioning these factors can reinforce prejudice against minorities.

Directive 8.3: Protection of victims

The authors of reports on tragic events or acts of violence should always weigh carefully the public's right to know against the interests of victims and other concerned people. The journalist must avoid any sensational presentation in which a human being is degraded or treated as an object. It is particularly the case for the dying, the suffering or the dead of whom presentation in text or image should not go beyond decent limits appropriate to legitimate public interest.

Directive 8.4: Images of war and conflict

Photography and televised images of war and conflict must be carefully examined - before publication or broadcast - in the interests of answering the following questions relating to respect for human beings:

* Is a possible affront to dignity justified by the fact that the image bears unique witness to contemporary history?

* Are the people in the images recognisable as individuals?

* Would their dignity be harmed by publication?

Directive 8.5: Images of accidents, catastrophes and crimes

Photographs and televised images of accidents, catastrophes and crimes must respect an individual's dignity by taking into account the immediate family and relatives of the person concerned, in particular in the context of local and regional news reporting.

Directive 9.1: Independence

The defence of press freedom depends on preserving journalists' independence. Such independence must be the object of constant vigilance. It is not forbidden to accept - as an individual, in social and professional relationships - invitations or small gifts of which the value is within reasonable limits. However, such acceptance should in no way influence research and its publication.

Directive 9.2: Conflicts of interest

Economic and financial journalism is particularly exposed to privileged information. Journalists should not use information they obtain for their own gain, or have it used by a third party, before it is made known to the general public. To avoid conflict of interest, they must not write about companies in which they themselves, or their close family, hold shares or bonds. They must not, under any circumstances, accept shares under privileged conditions in return for articles.

Directive 10.1: Separating editorial from advertising

The separation of editorial material from advertising must be clearly signalled to viewers, listeners or readers. The journalist has a responsibility to observe this separation and not introduce any illicit advertising into articles or programmes. The dividing line is crossed when mention of a brand, product or service, or the repetition of that mention, does not answer a legitimate public interest nor the right of viewers, listeners or readers to be informed.

Directive 10.2: Deceptive stories

Journalists should not write or edit stories that appear as independent reports but in reality are hidden advertising. This compromises their credibility. Such stories appear in a newspaper looking like a normal article, but if one looks more closely there is in the best of all cases an indication in small letters that they are advertisements (Publireports). Journalists also should only report on events in which their own publication or network are involved as sponsor or partner with the same deference given to other events.

Directive 10.3: Advertising boycotts

The journalist should protect freedom of information in the legitimate public interest when it is breached, impeded or threatened by private interests, in particular by boycotts or the threat of boycotts by advertisers.

Directive a.1: Leaks

The media are free to take into account information that is transmitted through leaks, under certain conditions:

- * The source of the leak must be known to the media to which it is leaked.
- * The theme of the leak must have public relevance.
- * There should be good reasons for publishing the information without waiting. Achieving a competitive advantage is not reason enough.
- * It should be established that the subject or the document is classified as secret or confidential, definitively or for the long-term, and is not simply under embargo for a few hours or days.
- * Leaks should be communicated knowingly and willingly by the source and should not be obtained by dishonest methods (bribery, blackmail, bugging, housebreaking or theft).
- * The publication should not violate rights and secrets self-evidently deserving of protection.

Directive a.2: Privately-owned companies

Privately-owned companies should be the object of journalistic investigation when they play an important economic and/or social role in a region.

State of the Directives as of June 30, 2003⁴⁶⁰

⁴⁶⁰ (These directives summarise the practice of the Swiss Press Council since 1977 and interpret the rules of the Declaration.)

19.8 Appendix 8: The Seven Dominant Swiss Media Corporations

Company	Turnover Revenue	Newspapers	Periodicals	Radio channels	Television channels	Internet	Printing companies	Staff
Ringier	Turnover Total: CHF 1'338 Mio. Turnover CH: CHF 570 Mio. Net gain: CHF 68 Mio.	Blick SonntagsBlick Le Temps Il caffè heute CASH daily	Betty Bossi (50%) Bolero bossi Cicero edelweiss FdH GOAL L'Hebdo L'Illustré Montres Passion Schweizer Illustrierte SJ Schweizer Illustrierte Style SPORTmagazin Tväglich TV8 Cash	Radio Energy Zürich	Ringier TV (SF 2) CASH-TV / CASH- Talk Konsum TV und Gesundheit Sprechstunde Sat. 1 Schweiz (50%) Presse TV (30%)	www.blick.ch www.sonntagsblick.ch	Ringier Print Adligenswil AG Zusammenschluss mit: Swiss Printers AG Imprimeries Réunies Lausanne SA NZZ Fretz AG Ringier Print Zoifingen AG Zolliker AG Zürcher Druck+Verlag AG	6'887
Tamedia AG incl. Espace Media Groupe EMG	Turnover: CHF 971 Mio. Net gain: CHF 117 Mio.	20 Minuten Tages-Anzeiger Sonntagszeitung Finanz und Wirtschaft Tagblatt der Stadt Zürich Thurgauer Zeitung Der Landbote (20%) Der Bund Berner Zeitung Thuner Tagblatt Berner Oberländer Solothurner Tagblatt Der Murtensbieter Anzeiger von Kerzers Bantiger Post Bumpliz Woche	Annabelle Schweizer Familie Tväglich Automobil Revue Schweizer Bauer Berner Bar	Radio 24 Rado Basiliak Capital FM Bern Canal 3 Biel	TeleZürich TeleBärn	www.tagesanzeiger.ch www.sonntagszeitung.ch www.alpha.ch www.jobwinner.ch www.partnerwiner.ch www.piazza.ch www.espace.ch	Druckzentrum Bubenberg	2'880
Edipresse	Turnover total: CHF 887 Mio. Turnover CH: CHF 457 Mio. Net gain: CHF 30 Mio.	Edipress ist Europas grösster Online Presseverteiler. Über presstext.europa erreicht Edipress rund 7'500 Medien (TV, Radio, Print, Online) in Deutschland, Osterreich und der Schweiz.						3636

Sources: Media Trend Journal, WEMF – AG für Werbemittelforschung, Websites of the Media Corporations, by 15 October 2007

Company	Turnover Revenue	Newspapers	Periodicals	Radio channels	Television channels	Internet	Printing companies	Staff
Neue Zürcher Zeitung NZZ Gruppe	Turnover: CHF 505 Mio. Net gain: CHF 31 Mio.	Neue Zürcher Zeitung NZZ NZZ am Sonntag Neue Luzerner Zeitung und RA St. Galler Tagblatt und RA (70%) Wendenberger und Obertoggenburger Zürcher Oberländer und Anzeiger von Luster (MB) Zürcher Unterländer und Neues Blücher Tagblatt Zürchsee Zeitung (MB)	NZZ Folio TVStart Z - Die schönen Seiten NZZ Fokus	Radio aktuell Ostschweiz Radio BE1 Bern Radio Pilatus (MB) Radio RI AG (35%) Radio Sunshine Zentralschweiz (MB)	NZZ Format Presse TV (MB) Tele Ostschweiz Tele Tell Zentralschweiz (MB)	www.nzz.ch www.nzzglobal.ch	NZZ-Fretz AG Zollikofer AG BuchstMedien AG (57%) MDD AG (50%) LZ Medien Holding AG (45.6%)	2137
Basler Zeitung Medien	Turnover: CHF 272 Mio. Net gain: CHF 4 Mio.	Basler Zeitung Baslerstab Aischwiler Wochenblatt Birsfelder Anzeiger Muttener & Prattler Anzeiger Reinacher Zeitung Neue Fricktaler Zeitung (21%) Tachles (50%)		Radio Basel 1 AG (59%) Radio Berner Oberland	Presse TV (10%)	www.baz.ch	Birkhäuser+GBC AG Druckzentrum baz	2023
AZ Medien Gruppe	Turnover:CHF 178 Mio. Net gain:CHF 14 Mio.	Mittelland-Zeitung MZ Aargauer Zeitung Solothurner Zeitung Olten Tagblatt Zofinger Tagblatt Limmattaler Tagblatt		Radio ArgoviaTele M1 AG	Tele Tell AG (6.5%); Immochannel.ch, Alltag.ch	Azonline.ch, Limmattal.ch; Immochannel.ch, Alltag.ch	AZ Prinz und AZ Vertriebs AG; Weiss Medien; TMT Productions AG	606
LZ Medien Holding	Turnover: CHF 134 Mio. Net gain: CHF 12 Mio.	Neue Luzerner Zeitung Neue Urner Zeitung Neue Schwyzer Zeitung Neue Nidwaldner Zeitung Neue Obwaldner Zeitung Neue Zuger Zeitung Obwaldner Wochenblatt Nidwaldner Wochenblatt Zuger Presse Zugerbieter Anzeiger Luzern AG (30%) Surseer Woche (17.5%)		Radio Pilatus AG (41.6%) Radio Sunshine AG (16%)		www.neue-lz.ch	Luzerner Druck Zentrum Multicolor Print AG Maxipring.ch AG Calendaria AG LZ Fachverlag AG Kundig Druck AG Pressevertriebs GmbH (50%) beagdruck AG (49.6%)	499

Sources: Media Trend Journal, WEMF – AG für Werbemittelforschung, Websites of the Media Corporations, by 15 October 2007

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