

Religious Diversity as a Media Regulation Issue: The Changing Frameworks in German and Dutch Public Broadcasting Regulation

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It is a truism that societies, particularly in the Western world, are diversifying. It is probably less obvious that this is also true for the religious field. Contrary to the assumption popularized in the secularization thesis, religion has not lost all societal significance and many individuals continue to make sense of the world through religious terms (e. g. Casanova 1994; Berger 1999; Graf 2004). The persistence of religion in Western societies is not only related to migration processes, but also to a growing individualization of religious beliefs. With regards to migration, the last decades have witnessed a large number of Hindus, Sikhs, Buddhists and, most notably in numerical terms, Muslims migrating to Western Europe, particularly to larger metropolitan areas. These migrants, their children and their grandchildren have often created or maintained their own religious communities, considerably diversifying the hitherto largely Christian religious field in the process. However, religious diversification does not result from migration alone. Rather, it can also be understood as a consequence of religious individualization, for an increasing number of people today live religious lives outside traditional religious institutions. Many of them develop their own belief-systems by syncretizing elements and symbols from existing traditions, a phenomenon that has been called “patchwork-religion” (Wuthnow 1998) or “bricolage” (Hervieu-Léger 2005). This, of course, increases religious diversity to unprecedented extends.

The religious diversification of society provides a challenge for many public institutions, such as schools, prisons or hospitals that have traditionally often been either run by the Christian churches or, for historic reasons, have been tailored to their needs. Whereas the aforementioned institutions have often been the focus of studies from the field of the sociology of religion (e.g. Monsma & Soper 2009; Reuter 2014; Jahn 2015), the institution of Public Service Broadcasting (PSB) has seldom been considered, although it too is clearly affected by religious diversification (see Davie 2000:

104 for a critical note on this desideratum). The main reason for this is that the catering for the diversity of society is part of PSB's standard public service remit (Betzel & Ward 2004; Collins 2004). The more diverse society becomes, the more difficult it becomes for PSBs to create programmes for everyone and the harder it gets for them to legitimize their very existence. Critics of PSB can easily claim that a plurality of target-group-oriented commercial broadcasters, rather than a small number of public channels, could best provide for today's diverse societies (see Born & Prosser 2001; Lowe & Jauert 2005 for critical assessments of this dilemma). Religious diversity forms a part of this larger dilemma. Nowadays, PSBs are expected to cater not only for their Christian audience, but also for adherents of other religions – as laid down e.g. in diversity guidelines published by the European Broadcasting Union (EBU 2007). This changing expectation is relevant not only with regards to the programme output of PSBs, but also with regards to their regulatory framework, as this framework quite often contains provisions specifically concerned with religion. Typically, for historic reasons, such provisions arrange for specific privileges given to the Christian churches. While such arrangements led to little argument in times of Christian monopolies, they are increasingly questioned in times of religious diversity. As a result, some of these provisions are currently undergoing significant change across Europe.

In the following, taking Germany and the Netherlands as examples, I will look at some of the changes in media regulation that have occurred in light of religious diversification in these countries in more detail. As I will point out, due to the particularities of each country's broadcasting system, their respective experiences and the strategies developed by PSB officials and media politicians are rather different. In Germany, some of the existing regulation is currently adjusted to the fact that a growing percentage of the population is Muslim. In other cases, however, Christian privileges are kept up on the regulatory level, but are in part, circumvented through programming practice. Notably, the discussion in Germany is solely focused on Islam as a newcomer to the religious field, whereas other religious communities, as well as religious phenomena outside religious institutions, are not taken into consideration at all. In the Netherlands, to the contrary, the media law has long contained a special provision which allowed for a variety of religious groups, as well as life-stance-groups, to get direct access to airtime (Christian, Jews, Muslims, Hindus, Buddhists and Humanists). This

provision, however, has recently been abolished, completely removing the religious element from Dutch media law.

The Case of Germany: Broadcasting Councils and Airtime Provisions

PSB was created in Germany shortly after the Second World War, a time in which the Christian churches had significant influence on the re-building of civil society. As historian Nicolai Hannig points out, in no area has this influence been more noticeable than in the field of PSB (Hannig 2010: 16). This historical legacy is still very much discernible in the current regulatory framework – with considerable privileges for the Christian churches, as well as for the Jewish communities, still in place and little regard for religious newcomers and the religious diversification of society in general (Haberer 2001; Stock 2007).

Due to the regional structure underlying German PSB, there is no all-encompassing national Public broadcasting legislation. Rather, individual laws or treaties for each regional PSB and then another set of treaties for the national players ARD, ZDF and Deutschlandradio exist. Provisions within these legal documents are often fairly similar, but they can, at times, also differ considerably. With regards to religion, two types of provisions have to be considered. First, provisions concerning religious representatives on the PSBs' governing bodies, the *Rundfunkräte* (broadcasting councils) and second, provisions concerning special airtime for religions.

Religious Representatives on the Broadcasting Councils

Broadcasting councils are a peculiarity of German broadcasting law. Their existence is based on the premise that supervision and control of PSBs should neither be in the hand of the state, nor in that of commercial interests, but rather in the hands of civil society. Accordingly, the broadcasting councils are comprised of representatives of so called “socially relevant groups”, e. g. labour unions, professional associations, political parties, NGOs, as well as religious communities. In fact, the Catholic church, the Protestant church and the Jewish communities each have at least one seat in each of the twelve broadcasting councils (Klenk 2013: 236). Altogether they amount to 49, which is equivalent to almost ten per cent of the total seats (ibid.). Until

quite recently, other religious groups were not represented at all, with the sole exception of one seat at the SWR broadcasting council, which was held by a representative of the Christian free churches.

This situation started to change in 2013, when, in the process of the amendment of the SWR-Treaty, the decision was made to give the free churches' seat to the Muslim community.¹ This was criticized, not surprisingly, by the free churches, and also by the larger Protestant and Catholic churches, which felt that the inclusion of a Muslim representative, while welcome in principle, should not be implemented at the expense of inner-Christian diversity within the councils (epd-Medien 2012a; 2012b). The decision was upheld regardless and other PSBs followed suit, with Radio Bremen creating a Muslim seat in their renewed law² while ZDF is planning to do the same in the revised ZDF-treaty (Rauch 2013b; Medienkorrespondenz 2015).

While these are clear signs of the effect that religious diversification is having on media regulation, the developments are not consistent. For example, at the last revision of the RBB-Treaty, it was decided against the inclusion of Muslims in the broadcasting council, with politicians – quite originally – arguing that the Muslim community was already sufficiently represented through the representative of the migrant community (Huber 2013). Similarly, although WDR is planning to enlarge its broadcasting council from 49 to 58 persons, none of the additional seats, according to the draft law currently debated, will be awarded to a Muslim representative.³ Moreover, in the German discourse on the composition of the broadcasting councils, any awareness of the religious diversity of society does not go beyond an acknowledgement of the growing Muslim community. The question of how German Buddhists, Hindus or Pentecostals might be properly represented on the broadcasting councils is not on the table. Likewise, religious perspectives from outside religious institutions are not taken into consideration. This is particularly remarkable in light of a recent decision made by the German Supreme Court (Bundesverfassungsgericht), which was concerned with the composition of the ZDF broadcasting council. Speaking of broadcasting councils in general, the court ruled that they should have

¹ SWR-Staatsvertrag, § 14, par. 2, no. 5 (01/01/2014).

² Radio-Bremen-Gesetz, § 9, par. 1, no. 8 (04/01/2014).

³ The draft can be found at: <https://mbem.nrw/sites/default/files/asset/document/mmd16-9727.pdf>.

ample room for small social groups and also for “not-coherently organized perspectives”.⁴

Table 1: Muslim representation on broadcasting councils and type of air time provision on German PSBs

<i>PSB</i>	<i>Muslim representation to be created on broadcasting council?</i>	<i>Type of airtime provision</i>
<i>Bayerischer Rundfunk (BR)</i>	Unclear. ¹	public-body-type ²
<i>Deutschlandradio</i>	Unclear.	public-body-type
<i>Hessischer Rundfunk (HR)</i>	Unclear.	(no explicit regulation) ³
<i>Mitteldeutscher Rundfunk (MDR)</i>	Unclear.	exclusive type
<i>Norddeutscher Rundfunk (NDR)</i>	Unclear.	public-body-type
<i>Radio Bremen (RB)</i>	Yes	inclusive type
<i>Rundfunk Berlin-Brandenburg (RBB)</i>	No.	inclusive type
<i>Saarländischer Rundfunk (SR)</i>	Unclear.	exclusive type
<i>Südwestrundfunk (SWR)</i>	Yes.	public-body-type
<i>Westdeutscher Rundfunk (WDR)</i>	No.	exclusive type
<i>Zweites Deutsches Fernsehen (ZDF)</i>	Intended.	public-body-type

¹ At BR, Deutschlandradio, MDR, NDR and SR, revisions of their respective broadcasting laws are currently not on the table. It is therefore unclear whether or not it is intended to create a Muslim representation on the next occasion. At HR, as of April 2016, there is some discussion about including Muslims into the broadcasting council, but it is currently unclear whether these discussions will transform into legislation.

² The provision contained in the BR-Act is exceptional, as it refers to all religions with a public-body-status without explicitly mentioning the Catholic and Protestant church or the Jewish communities.

³ The HR-Act does not contain a specific regulation concerning airtime for religions. However, it does mention the obligation for HR to broadcast “church services and edification” (HR-Gesetz, § 3, no. 2, transl. T.K.). It is due to this provision that HR, in practice, provides airtime to the Christian churches and the Jewish communities, as if a provision of the exclusive type would exist (Rauch 2013a; Stock 2007).

⁴ BVerfG, 1 BvF 1/11, par. 39 (03/25/2014), transl. T.K. See also the contribution of Christine Horz in this volume.

Airtime for religions

Much like the provisions concerning religious representatives on the broadcasting councils, provisions concerning special airtime for religious groups also clearly privilege the Christian churches and the Jewish communities. However, the legal situation is somewhat more complex and has, to date, proven to be even less adaptable to the new religious situation. Part of this complexity is that legal provisions concerning airtime for religions on PSB come in three types: an *exclusive type*, a *public-body-type* and an *inclusive type* (see Rauch 2013b for a similar categorization). The exclusive type is exemplified by §8 par. 3 of the WDR-Act, the legal document establishing and regulating the regional broadcaster Westdeutscher Rundfunk:

“The Protestant churches, the Catholic church and the Jewish religious community are, on request, to be provided with appropriate airtime for the broadcasting of worshipping activities and festivities as well as other religious programmes.”⁵

As this provision relates to specific religious communities and mentions them by name, it excludes all other religious communities as well as religious life outside of religious institutions from special airtime. It is therefore particularly ill-suited to accommodate religious diversity. While provisions in the MDR- and SR-Acts are virtually identical and, therefore, also of the exclusive type, the regulatory framework for other PSBs is less strict. In the case of NDR, ZDF, SWR and Deutschlandradio, the provision in question states that airtime shall be provided not only to Protestants, Catholics, and Jews, but also to other religious communities with a *public-body-status* (*Körperschaft des öffentlichen Rechts*). This is a legal construction characteristic of German public law. With regards to religion, it is designed to facilitate the partnership between the state and religious communities, for example when it comes to churches operating hospitals or charities, or churches providing religious education in public schools. As this peculiar construction developed during a time when the churches held a virtual religious duopoly in Germany, it is tailored to their needs and organizational structure. This makes it very difficult for other religious communities to gain the status of public body. Unlike the churches, for example, Islamic communities lack a central authority and a clear hierarchy, which has hitherto prevented almost all Muslim applicants from actually gaining said status (Sydow 2013). Thus, while this type of provision is more open than the

⁵ WDR-Gesetz, § 8 par. 3, transl. T.K.

exclusive type, for it allows for the accommodation of religious diversity at least in theory, it has so far been equally incapable of actually doing so in practice. It should be noted, however, that in 2013, a first Muslim community, the Ahmadiyya Muslim Jamaat, successfully gained the public-body-status in the federal state of Hessen. It is expected that other federal states might follow suit and that other Islamic communities might also have more success in gaining the status in the process. The Ahmadiyya's application for airtime on the regional broadcaster HR, however, was denied and it is yet to be seen whether the Ahmadiyya will protest against this decision.⁶

A third, inclusive type of provision on airtime can be found in the case of RBB. Without reference to the status of public body, the RBB-Treaty states that airtime can be given not only to the churches and the Jewish communities, but also to "other religious communities relevant to the population in the broadcasting area"⁷. Despite this inclusive provision, other than Christian or Jewish communities have not successfully applied for airtime at RBB and it is unclear, whether they have applied at all (Rauch 2013b: 461). The same is true for the inclusive provision in the RB-law, which does not refer to religion at all, but more generally states that RB is obliged to include "productions of non-commercial third parties"⁸ into their programmes.

As the individual slots provided for religious communities can be very short and are often not announced in listings magazines, it is rather difficult to find out the exact number of broadcasting hours that religious communities actually produce (Klenk 2013: 253). Research on Jewish programmes on PSB is particularly sparse and Rauch (2013a) was the first to provide an overview of all Jewish programmes based on legal provisions. He lists a total of 16 programmes, some of which only air on Jewish holidays, which altogether amount to an approximate airtime of eight hours per month across all 54 PSB radio stations. To date, no Jewish programmes on PSB television exist. The churches, in contrast, produce about 100 hours of radio output monthly (Opahle 2013) and are also quite prolific on television, with numerous religious magazine formats and about 100 televised church services each year. The costs for the broadcasting of church services alone add up to an annual double-digit number in the millions (Klenk 2013: 258). It

⁶ I would like to thank Wahaj Bin Sajid of the Ahmadiyya Muslim Jamaat at Frankfurt am Main for providing me with useful information on this ongoing conflict.

⁷ RBB-Staatsvertrag, § 8, par. 3, transl. T.K.

⁸ Radio-Bremen-Gesetz, § 2, par. 5, no. 2, transl. T.K.

should be noted that it is the PSBs, and not the churches that cover these expenses. The money, thus, comes from the license fee and is therefore paid by everyone, Christian or not.

While programmes for religious communities other than the Jewish, the Protestant or the Catholic one are hard to find on German PSB, some religious diversity does exist. A first place to look for it is BR. The legal provision regarding airtime for religions on BR is a special case, in that it does not refer to any specific religious community, but rather to all “recognized religious communities”.⁹ This is taken as the incentive for a programme called *Positionen* (Positions), which features contributions from all religious communities with the status of public body that are active in Bavaria.¹⁰ It includes several Protestant free churches, the Old Catholic Church and Jehovah’s Witnesses, as well as a Humanist and a Freethinkers Association. However, for their lack of status as a public body, major world religions such as Islam, Buddhism and Hinduism are not included. A second place to look for religious diversity on German PSB is Deutschlandradio Kultur. The channel, now under the roof of Deutschlandradio, is the successor to RIAS (Rundfunk im amerikanischen Sektor), the radio station set up in Berlin by US occupational authorities after the Second World War. RIAS has traditionally been very committed to religious diversity (Rauch 2013b: 461). Today, its successor, Deutschlandradio Kultur, exploits a legal provision included in the Deutschlandradio-Treaty in addition to the public-body-type-provision mentioned above. According to this provision, the channel is obliged to “provide an opportunity for debate” to different religious traditions.¹¹ On this basis, Deutschlandradio Kultur created a programme called *Wort zum Tage* (Word for the Day), a daily 2 to 3-minute-commentary that features contributions of several Muslim associations, as well as e.g. Baha’i, Mormons, Buddhists, Hindus, Christian Free Churches, Jews and the New Religious Movement Eckanbar. However, as most episodes feature representatives of the mainline Catholic or Protestant churches, there is simply not much time left for the many smaller traditions

⁹ BR-Gesetz, Art. 4, par. 2, no. 3, transl. T.K.

¹⁰ For more information see <http://www.br.de/radio/bayern2/gesellschaft/positionen/index.html>.

¹¹ Deutschlandfunk-Staatsvertrag, §11, par. 4, transl. T.K.

featured in the programme, so that the annual airtime for a single tradition might add up to little over 15 minutes.¹²

As the situation at BR and Deutschlandradio Kultur is less than perfect and the overall lack of religious diversity on German PSB is severe, it is rather surprising that the existing legal situation is not more vehemently criticized. Also, it begs explanation as to why – unlike the provisions concerning the broadcasting councils – airtime regulations remain virtually unchanged. Reasons for this remain under-researched, but are probably manifold. First, it can be assumed that having airtime on PSB is less important today than it was before the implementation of the internet, which gives religious communities ample opportunity to create their own programmes without any supervision or restrictions imposed on them by PSBs. Second, and following from that, there are other issues in the struggle for minority rights, such as the right to provide religious education in schools, which are more important for religious groups than airtime on PSB and on which, accordingly, resources and campaigning efforts are usually centred. Third, while there can be much debate over which groups should be represented on the broadcasting councils, individual representatives tend to have little influence on the proceedings of the councils, as those are generally considered to be largely controlled by the political parties (Nehls 2009). Thus, the creation of Muslim representations on the broadcasting councils can be regarded as a symbolic exercise with little practical significance and visibility. In contrast, should Muslims or other religious groups be allowed to create their own programmes on PSBs, these voices might, provided an attractive time slot, actually be heard by a significant audience – something many media politicians in Germany do not exactly wish for.

This became apparent in 2007, when ZDF broadcasting director Nikolaus Brender presented a plan to create a programme specifically for Muslims, roughly modelled on the age-old Christian religious commentary format *Das Wort zum Sonntag* (The Word on Sunday, see Rauch 2013b in the following). Brender's initiative was heavily criticized, with conservative politicians like Markus Söder of the Christlich-Soziale Union (CSU) particularly adverse, stating: "Germany does not need a mosque-channel. That is really not what the license fee is there for. [...] Rather than talking about the study of Islam, there should be more talk about our values

¹² For more information see http://www.deutschlandradio.de/audio-archiv.260.de.html?drau:broadcast_id=218&drau:page=7.

and our everyday-culture” (Bild.de 2007). In the end, ZDF did create a format for Muslims called *Forum am Freitag* (Forum on Friday), but unlike its Christian counterparts, editorial control remains with the broadcaster. Also, the programme is not religious in character, but merely a programme about a particular religion. The most telling difference between *Forum am Freitag* and the Christian *Das Wort zum Sonntag* lies in the scheduling practice of the PSBs. *Das Wort zum Sonntag* is broadcast on the main channel ARD and is scheduled Saturdays after the evening news. For the churches, this scheduling practice has the welcome effect that individuals who would not intentionally look for religious programmes in the schedule themselves, might still stumble upon *Das Wort zum Sonntag* after watching the news or before watching a movie. This translates into ratings of about 1.8 million viewers per episode, which is roughly twice the number of people who would on average watch the broadcast of a church service (Hertl 2010: 140). *Forum am Freitag*, by contrast, is broadcast every Friday at 8 am on the digital-only channel ZDF-info. The amount of viewers is a mere 40,000 (Rauch 2013b: 469).

Yet, *Forum am Freitag* is a good example for the ways in which PSBs create room for religious diversity by circumventing existing legal provisions. Further examples include the radio programme *Islamisches Wort* (Islamic Word) on SWR, which was created around the same time as *Forum am Freitag*, but is more resemblant of the Christian formats, as it is rather religious in character (Rauch 2013b). In 2015, Deutschlandfunk launched a programme called *Koran erklärt* (The Qur’an explained) in which scholars from the field of Islamic studies present the Qur’an one surah at a time.¹³ Such programmes diversify the religious output of PSBs and clearly have the potential to raise awareness for this diversity among audiences. At the same time, they might also work as a fig leaf, effectively clouding the fact that the legal situation keeps mirroring a much more homogenous religious situation that has long since passed.

The Case of the Netherlands: The End of the 2.42-System

When PSB first came into being in the Netherlands in the 1920s, three out of the five broadcasting associations which first constituted the Dutch PSB

¹³ For more information see <http://www.deutschlandfunk.de/koran-erklart.2393.de.html>.

system were religious in nature: the catholic KRO, the protestant NCRV and the liberal-protestant VPRO (see Bardoel & van Reenen 2009 in the following). It is, thus, not an overstatement to say that there is no other PSB system in Europe more rooted in religion than the Dutch one. With the fourth original broadcasting association being pledged to a socialist agenda (VARA), the Dutch model clearly represented the pillarization of society, which remained characteristic for the country and its PSB system until the 1960s.¹⁴ In later decades, KRO, NCRV and VPRO successively dropped much of their religious character and largely became general-interest channels. During the same period, more PSB associations, respectively representing specific societal groups, were added to the system. At its peak, the Dutch PSB system was comprised of more than 20 individual broadcasting associations on the national level (NPO 2009).

These included a total of eight associations which owed their existence to a special provision within Dutch media law concerning “church associations and associations of a spiritual character”.¹⁵ In a nutshell, this special provision, precursors of which had been in place since as early as 1967 (Landman 1997), made it possible for religious groups (as well as life-stance-groups), to form their own independent broadcasting associations without meeting some of the criteria normally expected from applicants. Most importantly, religious broadcasting associations applying for a license within PSB were dispensed from the necessity to present membership numbers of at least 70,000. With reference to the corresponding article in the media law, these special broadcasting associations were called *2.42-omroepen* (2.42-broadcasters). Until 2014, the following 2.42-broadcasters existed: a Buddhist broadcaster (BOS), a humanist broadcaster (HUMAN), a Jewish broadcaster (JO), a Muslim broadcaster (MO), a Hindu broadcaster (OHM), a roman-catholic broadcaster (RKK) and two broadcasters catering to different Protestant churches (IKON and ZvK). Together, and distributed roughly in proportion to the respective size of the religious groups they represented, these broadcasters could make use of roughly 320 hours of television and 1000 hours of radio airtime on the national PSB channels per year (CvdM 2014: 16).

When it comes to the representation of religious diversity on PSB on

¹⁴ The fifth original broadcasting association, the Algemene Vereniging Radio Omroep or AVRO, had a neutral, that is to say a non-religious and non-political character.

¹⁵ Mediawet 2008, Art. 2.42, no.1, transl. T.K.

a regulatory level, the 2.42-system could be called exemplary, especially when compared to the much less inclusive German system. However, the religious diversity permitted on the Dutch airwaves was never limitless, but confined to a small number of pre-defined religious communities. As Article 2.42 explicitly states, only such religious groups can apply for a broadcasting license which are considered to represent the religious and spiritual *hoofdstromingen* (main currents) of the Netherlands.¹⁶ Following this provision, remarkably, it became the task of the Dutch media regulation agency, the Commissariaat voor de Media (CvdM), to determine which main religious currents existed in the Netherlands. In guidelines published on the matter in 2009, the CvdM settled on Buddhism, Hinduism, Humanism, Islam, Judaism, Catholicism and Protestantism, thereby basically creating an ex post regulatory basis for the existing status quo (CvdM 2009). This meant, in turn, that religious groups outside these main currents could not hope for a successful application – something adherents of the Winti-religion, the Rajneesh movement, as well as Pantheists, Pentecostals and Scientologists have experienced first hand.¹⁷ The *hoofdstroming*-rule also meant that there could only be one PSB-license given to each of the main religions. This became a problem when, in 2004, two Islamic associations, NMR and CMO, applied for airtime at the CvdM, forcing the regulator to decide which of the two associations represented Islam more properly (see CvdM 2013: 33–34 for a summary of events). When this was deemed unfeasible (with NMR representing more currents within Islam and CMO representing the larger currents, and therefore a higher number of Muslims), the CvdM departed from its usual practice and awarded licenses to both Islamic organizations. The courts, however, later rescinded this and further conflict ensued, encompassing an unsuccessful attempt to foster a joint venture between NMR and CMO, a plethora of additional rivalry groups and consortia seeking out airtime for themselves (leading to yet another set of lawsuits), and a steady flow of financial scandals. At last, in 2013, matters were finally settled and a new Muslim broadcaster, claiming to represent all Dutch Muslims independent of ethnicity and ideology, was launched (CvdM 2014: 16; de Wever 2013). However, for external reasons, the life span of this broadcaster, too, would be rather short. For when Dutch Muslims and the CvdM were still struggling over who would get a license in

¹⁶ Mediawet 2008, Art. 2.42, no.2, transl. T.K.

¹⁷ Kamerstukken II 2007–2008, 31200 VII no. 39, bijlage 1–2, p. 1–2.

accordance with the 2.42-system, this very system was effectively abolished.

The process, which would eventually lead to this abolishment, probably started in 2010, when for the first time in Dutch history, the liberal VVD-party won the general elections and was able to appoint Marc Rutte as the first VVD Prime Minister (Wilp 2012 for details on the election). In the media sector, the new government announced austerity plans, which would hit the PSB system with unprecedented force. Planned budget cuts amounted to 200 million Euros, or more than 25 per cent, of the total budget.¹⁸ First and foremost, this goal was to be reached by way of mergers between existing broadcasting associations, effectively reducing the remaining number of broadcasting associations to a mere eight.¹⁹ This implied that the 2.42-broadcasters, too, had to merge with existing larger associations.²⁰ At this point in the process, government plans envisaged that the 2.42-broadcasters, albeit as part of a larger association, would still preserve their editorial independence and the possibility to create their own programmes. They would, however, have to do that with a reduced budget of 13 million Euros rather than 27 million Euros for all 2.42-broadcasters combined.²¹ After the general elections of 2012, which strengthened the VVD, the government's approach to PSB in general, and the 2.42-broadcasters in particular, became even more radical. In December, new plans for additional budget cuts were announced and the budget awarded to the 2.42-broadcasters was set to zero.²² This left the religious communities with the vague possibility of financing their broadcasting activities on their own. Only a few months later, in March 2013, this option, too, was removed from the table when the decision was announced to altogether remove Article 2.42 from the Media Law – since, it was argued, it made no sense to keep religious broadcasters around with no budget.²³ In the future, as State Secretary for the Media Sander Dekker explained in parliament, rather than having religious communities produce their own programmes for Dutch PSB, it is simply going

¹⁸ Kamerstukken II, 2010–2011, 32500 VIII no. 80, p. 2.

¹⁹ Ibid.

²⁰ Kamerstukken II, 2010–2011, 32827 no.1, p. 15.

²¹ Kamerstukken II, 2010–2011, 32827 no. 24, p. 18.

²² Kamerstukken II, 2011–2012, 33400 VIII no. 29, p. 4.

²³ Kamerstukken II, 2012–2013, 33541 no. 3, p. 4.

to be the responsibility of all remaining Dutch PSBs to ensure that religious diversity is appropriately represented in PSB programming.²⁴

How this is supposed to work in practice is not entirely clear. At this point, it has been agreed upon to lay down details of this new “religious” responsibility for Dutch PSBs in the so-called *prestatieovereenkomst* (performance agreement) for 2016 to 2020, a document in which Dutch government and PSB establish goals and standards for PSB in general.²⁵ Moreover, after fierce critique by the opposition parties of the government’s decision to abolish the 2.42-system, the government conceded to reserve a specific budget of 12 Million Euros for religious programming on PSB.²⁶

The revised media law became effective as of January 1, 2014 and the abolishment of the 2.42-broadcasters was finalized on December 31, 2015. This gradual extinction of a system that had been left largely unquestioned before over a period of a mere five years is remarkable. Not least, it is remarkable because this was a system created to guarantee the presence of a diversity of religious groups on Dutch PSB and it was abolished precisely in a time of immense religious diversification. In search for an explanation, two levels of analysis have to be considered. First, it seems obvious that the abolishment of the 2.42-system has to do with the VVD-party taking the helm in 2010, a party traditionally strong in unchurched milieus with a record of campaigning for changes in the 2.42-system while in opposition.²⁷ Yet, as initial results from an ongoing analysis of parliamentary documents related to this issue show, it is also true that support for the system by the other major parties, the Christian Conservatives (CDA) and Social Democrats (PvdA), was inconsistent. For example, in the 2010 election campaign, it was the CDA, not the VVD, that most explicitly came out in favour of mergers between 2.42-broadcasters and larger broadcasting associations (see *Broadcast Magazine 2010* for an overview on party positions). Moreover, when the PvdA, who had vowed to keep the PSB system as it was in 2010, joined the VVD-government in 2012, they chose not to stop the restructuring of the system championed by the VVD nor the abolishment of the 2.42-system.

²⁴ Kamerstukken II, 2012–2013, 33541 no. 6, p. 23.

²⁵ Kamerstukken II, 2012–2013, 33541 no. 6, p. 46.

²⁶ Kamerstukken I, 2013–2014, 33541 F, p. 1.

²⁷ See e. g. Kamerstukken II, 2008–2009, 31804 no. 50; Kamerstukken II, 2008–2009, 31804 no. 60.

Consequently, the end of the 2.42-system cannot be properly interpreted as an isolated event resulting from an anti-religious campaign initiated by a secularist party. Instead, it should more accurately be seen as part of a larger process, i. e. the process in which Dutch PSB has struggled for decades with the growing diversity of society. Up until the 1960s, the pillarized broadcasting system quite accurately mirrored the pillarized Dutch society. When pillarization dissolved and social perspectives multiplied, the PSB system reacted by allowing for more and more perspectives to enter the system in the form of more and more broadcasting associations. But, as it increasingly became clear, diversification did not only mean an increase in the number of relevant social groups with their respective singular social perspectives. Rather, it meant a growing fluidity of social perspectives and a growing reluctance of individuals to actually identify as members of a specific social group (Konig, Bardeel, Nuijten, Borger 2009). Accordingly, in the last two decades, the existing broadcasting associations have dramatically lost members and experience much difficulty winning new members among younger people (see Bakker & Scholten 2009: 151 for an overview). This, in turn, became a problem for the PSB's own legitimation. At the same time, alternative means of communication, most notably the Internet, offered more flexible ways for social groups and movements to communicate, making the complicated Dutch PSB system appear obsolete. Facing these problems, media politicians in the Netherlands failed to find a solution to uphold the uniquely diverse PSB system. Instead, they are gradually transforming it into a centralized model – a process accelerated, but not initiated by the VVD-government (van Soest 2015; Geuze 2015 for an overview on current events and debates).

In a way, the events surrounding the abolishment of the 2.42-broadcasters mirror these larger developments. Much like the general Dutch approach to PSB worked well when society was (or was considered to be) relatively homogenous, the Dutch approach to religion on PSB also remained successful until the religious situation became more diverse, and the instruments once developed in order to cope with this diversity – particularly the *hoofdstroming*-rule – became impractical. This became abundantly clear when several Muslim groups rivalled for a single license and the CvdM found itself in the midst of a dispute on religious representativeness. Following an ideal of impartiality towards all religions, Dutch media politicians had a clear choice: They could either reform the system so as to include more religions and more intra-religious diversity, or they could dis-

pose of the system altogether, thus creating impartiality through ignorance rather than inclusion. The fact that the latter was by far the less expensive choice and could actually help save money rather than create new costs can reasonably be regarded as the main reason why the 2.42-system is now a thing of the past.

At the same time, it is interesting to see that apparently some traces of the old *hoofdstroming*-rule have been able to survive and transcend into the new post-2.42-era. After the decision to abolish the 2.42-system was announced, the Christian 2.42 broadcasters, RKK, IKON, and ZvK, decided to merge with the larger “pillarized” broadcasters, KRO-NCRV and EO respectively, which are themselves rooted in Christian traditions. For the Muslim, Jewish, Hindu and Buddhist broadcasters, however, such an option did not exist. As a result, the responsibility to cater to their needs has now fallen to the *umbrella*-broadcaster NTR, which is responsible for cultural and educational programmes. As the media director of NTR Carel Kuyl, said in an interview:

“There will be an editorial team in which we will include people from four world religions: Islam, Judaism, Buddhism and Hinduism. [...] In any case, we are not going to make religious programmes, but programmes about the societal side of religion and life-stances. It is going to be a complicated piece of work” (NTR 2015, transl. T. K.).

Interestingly though, NTR seems to understand its role as a substitute for the former 2.42 broadcasters and the associated *hoofdstromingen*. Accordingly, it does not consider itself responsible for catering to religious diversity *beyond* these main currents. Dutch PSB, thus, seems to have missed the chance to transform the abolishment of the 2.42-system into an actual increase in religious diversity in their programme output.

Conclusion

In both Germany and the Netherlands, broadcasters and media politicians have, at least in part, adapted to the growing religious diversity of society. The developments and experiences in each country, however, differ widely. In Germany, adaptations have been rather minor. With regards to the broadcasting councils, some of the federal states are in the process of creating a representation for the Muslim community, thereby relativizing the domi-

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nance of Christian and Jewish representatives in these bodies. With regards to airtime for religions, no legal changes have yet been made, preserving Christian and Jewish privileges. It remains unclear if recent developments, such as the Ahmadiyya community gaining the public-body-status in Hesse, will bring a new dynamic into this field. Whilst a few programmes have been created on PSB that are specifically aimed at the Muslim community, such programmes are typically about religion rather than being religious in character. Moreover, such programmes are not broadcast on the major channels and tend to have unattractive slots in the schedule. Remarkably, the discussion in Germany does not go beyond a possible extension of existing rights for the Muslim community – other religious traditions or indeed other forms of religious diversity are not taken into consideration.

In the Netherlands, on the contrary, the old 2.42-system allowed for a variety of religious groups to be represented on PSB, including Christians, Jews, Muslims, Hindus and Buddhists. However, in recent years, this system proved to be incapable of providing for religious diversity beyond the larger traditions and it was also unable to cope with inner-religious diversity, particularly with regards to Islam. These shortcomings have likely been one of the reasons why Dutch politicians have chosen not to reform this system in an inclusive manner, but to abolish it completely in the context of the large budget cuts that have been placed on the Dutch PSB system as a whole.

As detailed knowledge on media regulation concerning religions is particularly sparse, further research will first have to identify existing provisions in Europe (and beyond) and point out to what extent these provisions allow for a diverse representation of religions on PSB. Second, in trying to explain national differences, it will be necessary to take into consideration the particularities of the religious situation in a given country, as well as the complexities of individual broadcasting systems. In order to achieve that, interdisciplinary work involving expertise from the fields of communication studies, law, and the sociology of religion will be paramount.

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List of Abbreviations

- ARD: Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (German national PSB television and umbrella organization of regional PSBs)
- AVRO: Algemene Vereniging Radio Omroep (Dutch ‘pillarized’ PSB, now merged with TROS)
- BOS: Boeddhistische Omroep Stichting (Dutch Buddhist *2.42-broadcaster*)
- BR: Bayerischer Rundfunk (German regional PSB)
- CDA: Christen-Democratisch Appèl (Dutch conservative political party)
- CMO: Contactorgaan Moslims en Overheid (Dutch Islamic umbrella organization)
- CSU: Christlich-soziale Union (German conservative political party)
- CvdM: Commissariaat voor de Media (Dutch media regulation agency)
- EBU: European Broadcasting Union (Umbrella organization of European PSBs)
- EO: Evangelische Omroep (Dutch ‘pillarized’ PSB, traditionally associated with Evangelicalism)
- HR: Hessischer Rundfunk (German regional PSB)
- IKON: Interkerkelijke Omroep Nederland (Dutch Protestant *2.42-broadcaster*)
- JO: Joodse Omroep (Dutch Jewish *2.42-broadcaster*)
- KRO: Katholieke Radio Omroep (Dutch ‘pillarized’ PSB, traditionally associated with Catholicism, now merged with NCRV)
- MDR: Mitteldeutscher Rundfunk (German regional PSB)
- MO: Moslim Omroep (Dutch Islamic *2.42-broadcaster*)
- NCRV: Nederlandse Christelijke Radio-Vereniging (Dutch ‘pillarized’ PSB, traditionally associated with Protestantism, now merged with KRO)
- NDR: Norddeutscher Rundfunk (German regional PSB)
- NGO: Non-Governmental Organization
- NMR: Nederlandse Moslim Raad (Dutch Islamic umbrella organization)
- NPO: Nederlandse Publieke Omroep (Dutch PSB umbrella organization)
- NTR: This Dutch PSB is the result of a merger of the former broadcasting organizations NPS (Nederlandse Programma Stichting), Teleac (Televisie Academie) and RVU (Radio Volksuniversiteit). The abbreviation NTR relates to the first letters of the names of its predecessors.
- OHM: Omroep Hindoe Media (Dutch Hindu *2.42-broadcaster*)
- Omroep RKK: Omroep Rooms-Katholiek Kerkgenootschap (Dutch Roman-Catholic *2.42-broadcaster*)
- PSB: Public Service Broadcasting
- PvdA: Partij van de Arbeid (Dutch social-democratic political party)
- RB: Radio Bremen (German regional PSB)
- RBB: Rundfunk Berlin-Brandenburg (German regional PSB)
- RIAS: Rundfunk im amerikanischen Sektor (former PSB radio station set up in Berlin by US occupational authorities after the Second World War)

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- SR: Saarländischer Rundfunk (German regional PSB)
- SWR: Südwestrundfunk (German regional PSB)
- VPRO: Vrijzinnig Protestantse Radio Omroep (Dutch 'pillarized' PSB, traditionally associated with Orthodox Protestantism, now merged with NCRV)
- VVD: Volkspartij voor Vrijheid en Democratie (Dutch liberal political party)
- WDR: Westdeutscher Rundfunk (German regional PSB)
- ZDF: Zweites Deutsches Fernsehen (German national PSB television)
- ZvK: Zentijd voor Kerken (Dutch Protestant 2.42-broadcaster)