



ORF DETAILED ANALYSIS

2026-04-30_Schauplatz Gericht- Entgleisungen

Programme: ORF Programme | 2026-04-30 | Analysed on: 2026-05-21 10:46

Version 3.0-detail | Universal 3.0-detail | Konverter 3.4 (2026-05-20) | Masstab: §4 ORF-G

**OVERALL
SCORE**

4.5/10

Significant imbalance

0 = balanced, 10 = strongly one-sided/manipulative

POLITICAL SPECTRUM

Classification according to Chapel Hill Expert Survey (CHES) 2024

The Chapel Hill Expert Survey (CHES 2024) is an academic survey of 609 political scientists in 31 countries. Each party is rated on a scale from 0 (far left) to 10 (far right).

Party	Greens	SPÖ	NEOS	ÖVP	FPÖ
CHES	2.13	3.08	5.40	6.73	8.83
Spectrum	<i>Left</i>	<i>Left</i>	<i>Centre</i>	<i>Right</i>	<i>Right</i>

The overall tendency is represented on a 0–10 scale (0 = strongly favouring left, 5 = balanced, 10 = strongly favouring right). The calculation is based on the difference in the average favouring of left vs. right parties (grouping according to CHES 2024).

TENDENCY (L – R)

5.5 / 10

Balanced

0 1 2 3 4 **5** 6 7 8 9 10

← Left

Right →

Source: Chapel Hill Expert Survey 2024 — chesdata.eu | [Jolly et al., Electoral Studies, 2022](#) | Thresholds: [Pew Research Center](#)

This section serves the purpose of political classification and does not feed into the overall score.



POLITICAL LANDSCAPE

Since February 2025, Austria has been governed by a coalition of FPÖ (chancellor's party, 57 seats) and ÖVP (junior partner, 51 seats) under Federal Chancellor Herbert Kickl. The opposition consists of SPÖ (41 seats), NEOS (18 seats) and Greens (16 seats). The FPÖ achieved the strongest result in the 2024 National Council election with 29.2%.

Party	CHES L-R	Seats	Government/Opposition	Core position
FPÖ	8.5	57	Government (chancellor's party)	Remigration, neutrality, EU scepticism, social benefits for Austrians
ÖVP	6.0	51	Government (junior partner)	Business location, strict asylum policy, openness to technology
SPÖ	3.0	41	Opposition	Wealth tax, workers' rights, social climate policy
NEOS	5.5	18	Opposition	Radical-liberal, education reform, pro-European
Greens	2.5	16	Opposition	Climate neutrality, humane asylum policy, Green Deal

The dominant line of conflict runs between the FPÖ-led government and the left-liberal camp in media, NGOs and parts of civil society. Particularly sensitive is the question of ORF reform: the FPÖ has historically classified the ORF as politically left-leaning and is seeking structural changes. In addition, there are tensions in the areas of migration, neutrality policy and EU sovereignty. The structural proximity between the ÖVP and the ORF Foundation Board has been the subject of public criticism for years.

The ORF is Austria's public broadcaster and is subject to the ORF Act, in particular §4 (objectivity, impartiality, diversity of opinion) and §10 para. 7 (adequate consideration of all National Council parties). As a licence-fee-funded medium, the ORF is subject to a special democratic accountability obligation. The current government constellation increases pressure on editorial independence from both sides.



CHAPTER 1 — PARTY-POLITICAL BIAS

Preliminary note on the programme: "Schauplatz Gericht" is a legal journalism format that documents specific legal cases. It is not a political programme in the strict sense. Party-political positions are not explicitly addressed. The assessment is therefore based on implicit framings and thematic points of contact.

Party	Score (-5..+5)	Programme portrayal vs. programme position
ÖVP	0	No explicit portrayal of ÖVP positions. The topic of property rights touches on the ÖVP's core position (protection of property), but is not framed in party-political terms.
SPÖ	0	No explicit portrayal. The topic of official conduct and civil rights touches on SPÖ positions peripherally, without attribution.
FPÖ	0	No explicit portrayal. The narrative of "citizen against authority/state" could resonate with FPÖ voters, but is not coded in party-political terms.
Greens	0	No explicit portrayal. Property conflict vs. neighbourhood law without green framing.
NEOS	0	No explicit portrayal. The topic of bureaucracy and official failure touches on NEOS positions, without attribution.

Party bias summary

- Most accurate portrayal: No party explicitly portrayed (score 0 for all)
- Strongest distortion: No demonstrable party-political distortion
- Average deviation from 0: 0.0
- Conclusion: "Schauplatz Gericht" is a legal documentation format without an explicit party-political agenda. All party positions receive a score of 0, as no party is addressed by name or programmatically. Implicit resonance effects (criticism of the state, property rights) are present, but cannot be classified as targeted partisanship.



CHAPTER 2 — PROGRAMME INFORMATION AND THEMATIC FRAMEWORK

Programme data

- Title: Schauplatz Gericht (ORF 2)
- Date: 30.04.2026
- Presenter/Reporter: Not named in the transcript (presenter's voice off-screen); reporters: Sabine Zink (case 1), Tina Schmidt-Labenbacher (case 2)
- Persons interviewed:

Actors	Function	Party/affiliation	Political spectrum
Hermann Kühberger	Affected party (neighbourhood dispute)	None	Neutral/citizen
Johanna Kühberger	Affected party (neighbourhood dispute)	None	Neutral/citizen
Kühbergers' lawyer	Legal representative	None	Neutral/legal system
Mayor/official representative Michelhausen	Building authority	None	State
Facade company representative	Tradesperson/contractor	None	Neutral/economy
Dr. Gustav Schneider	Retired judge, university lecturer (WU Vienna)	None	Neutral/legal system
ÖBB spokesperson	ÖBB corporate communications	State-owned enterprise	Neutral/economy
Legal expert (not named, explains ÖBB law)	Jurist/expert	None	Neutral/legal system

Main topic

The programme documents two cases in which private individuals defend their rights against authorities, state-owned companies and neighbours using legal means — with different outcomes.



CHAPTER 3 — 15 CRITERIA: DETAILED ANALYSIS

Hard facts

Hard facts — 9 techniques that are countable and scientifically robust

1. EXPERT SELECTION

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Expert 1: Dr. Gustav Schneider, retired judge and university lecturer (WU Vienna)

Timestamp: 29:06

Statement: "To be led away by the police in public in front of 300 people on a railway platform, as a judge and university lecturer — that really is something."

Assessment: Dr. Schneider is simultaneously an expert AND a party to the proceedings. He comments on his own case from a legal perspective, which creates a structural conflict of interest.

Missing counter-voice: An independent administrative law or criminal procedure expert who assesses the legal situation neutrally.

Source in-depth check:

(a) FUNDING: Retired judge, formerly at the Vienna Court of Appeal and WU Vienna. State-funded career. No current institutional client. Conflict of interest: he is a party in his own case.

(b) MANDATE: Not compatible with a neutral assessment — he is evaluating his own legal dispute.

D1 Conflict of interest: -2 — Direct party to the proceedings; evaluates his own case

D2 Personal risk: +1 — Reputational risk through public appearance; 160 euro fine + procedural costs

D3 Professional competence: +2 — Jurist with experience as judge and university lecturer; area of expertise matches scope of statements

D4 Consistency of opinion: +1 — Consistent legal position throughout the programme; no contradictions discernible

D5 Emotionalisation vs. data: +1 — Predominantly arguing in a factual-legal manner; occasionally emotional (reputational damage)

D6 Source level: +2 — Primary source (eyewitness to his own case, photos as evidence)

TOTAL: +5 → SOURCE INDICATOR: GREEN

(c) PROFESSIONAL COMPETENCE: The programme treats Dr. Schneider as a neutral legal expert, even though he is a party. His legal assessments (e.g. "blatantly unlawful", "classic fraud") are not verified by independent expertise. This is technique no. 2 (source selection): a partisan voice is framed as neutral through job title.

Expert 2: ÖBB spokesperson (not named)

Timestamp: 37:04

Statement: "We at ÖBB are happy to provide information about how the reservation system works and what our staff do. We cannot comment on the specific case here."

Assessment: Corporate communications; structurally partisan in favour of the ÖBB's position.

Missing counter-voice: An independent transport law expert or consumer advocate.

Source in-depth check:

Präsident: Schläpfer, David - **Kontakt:** kontakt@SVFAB.ch - **Adresse:** SVFAB, Postfach, CH-8021 Zürich 1



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(a) **FUNDING:** ÖBB is a state-owned company (federal ownership). Conflict of interest: speaks on behalf of the company that is the opposing party in the Schneider case.

(b) **MANDATE:** Not compatible with a neutral assessment — corporate interest.

D1 Conflict of interest: -2 — Company representative of the opposing party

D2 Personal risk: -1 — No personal risk; institutional protective function

D3 Professional competence: +1 — Familiar with ÖBB internal processes; not an independent legal expert

D4 Consistency of opinion: 0 — No comparative statements available

D5 Emotionalisation vs. data: +1 — Factual, informative regarding general processes

D6 Source level: 0 — Secondary source (corporate communications)

TOTAL: -1 → SOURCE INDICATOR: YELLOW

Expert 3: Unnamed legal expert (explains ÖBB reservation law)

Timestamp: 38:12

Statement: "If someone is sitting there, that is not lawful. Of course not, because that person has the right, within the framework of their transport contract, to be taken to the destination station undisturbed."

Assessment: Legal commentary on the legal situation; identity and institutional affiliation unclear.

Source in-depth check:

(a) **FUNDING:** Unknown — no information on institution or client.

(b) **MANDATE:** Unclear — no information on qualification or context of the interview.

D1 Conflict of interest: 0 — Unknown

D2 Personal risk: 0 — Unknown

D3 Professional competence: +1 — Statements sound legally competent; qualification not verifiable

D4 Consistency of opinion: 0 — No comparative statements

D5 Emotionalisation vs. data: +1 — Factual

D6 Source level: 0 — Secondary source

TOTAL: +2 → SOURCE INDICATOR: YELLOW

Missing expert groups:

- Independent administrative law expert on the question of the lawfulness of the police operation
- Independent building law expert on Lower Austrian Building Code §7
- Conflict mediator/social psychologist on neighbourhood escalation

Source indicator for participants:

Source	D1	D2	D3	D4	D5	D6	Total	Indicator
Dr. Gustav Schneider, retired judge and university lecturer (WU Vienna)	-2	+1	+2	+1	+1	+2	+5	GREEN
ÖBB spokesperson (not named)	-2	-1	+1	0	+1	0	-1	YELLOW
Unnamed legal expert (explains ÖBB reservation law)	0	0	+1	0	+1	0	+2	YELLOW

Summary:

Expert	Source indicator	Main problem
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Dr. Schneider	GREEN (+5)	Party in his own case; framed as neutral expert
ÖBB spokesperson	YELLOW (-1)	Company representative of the opposing party
Legal expert anonymous	YELLOW (+2)	Identity and qualification not transparent



2. SOURCE SELECTION

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Claims without primary source = penalty points (rumour check)

Source 1: Mobile phone videos of the Kühbergers

Timestamp: 15:03 — Statement: "Mrs Kühberger filmed the whole thing with her mobile phone."

- (a) **Funding and ownership:** Private individuals; one-sidedly produced material.
- (b) **Structural conflict of interest:** The Kühbergers are a party; their videos show exclusively their perspective on the conflict.
- (c) **Missing counter-source:** Videos or documentation from the neighbours or the workers are completely absent.

Source 2: Photos by Dr. Schneider (seat without reservation display)

Timestamp: 32:58 — Statement: "This is the photo. It demonstrates in a completely unambiguous way that there was no reservation here."

- (a) **Funding and ownership:** Dr. Schneider himself; party to the proceedings.
- (b) **Structural conflict of interest:** Photos were taken and selected by the party themselves; no independent verification.
- (c) **Missing counter-source:** ÖBB internal reservation data or system logs are absent.

Source 3: Penalty notice from the District Authority St. Veit an der Glan

Timestamp: 42:14 — Statement: "it found that Dr. Schneider had violated the Security Police Act through his conduct."

- (a) **Funding and ownership:** State authority; official document.
- (b) **Structural conflict of interest:** The authority is the opposing party in the ongoing proceedings.
- (c) **Missing counter-source:** The full reasoning of the penalty notice is not cited; only the outcome.

Rumour check:

Rumour 1:

Timestamp: 49:04

Claim: "the ÖBB is trying to use these methods to force reservations and thereby increase the ticket price by ten percent, which it cannot do by legal means."

Word marker: "trying" (implies intent without evidence)

Primary source available: NO — This is an interpretation/speculation by Dr. Schneider without evidence. The programme leaves this statement uncommented. +1 penalty point.

Summary: The source selection is structurally one-sided: both main cases are substantiated almost exclusively through material and statements from the complainants. Counter-perspectives are absent or only marginally included. An unsubstantiated claim (ÖBB's intent) is left standing without comment.



3. TIME DISTRIBUTION

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Estimated speaking time (case 1 — Kühberger, approx. 00:00–27:45):

- Hermann Kühberger: (approx. 22%)
- Johanna Kühberger: (approx. 7%)
- Kühberger's lawyer: (approx. 4%)
- Facade company representative: (approx. 7%)
- Official representative Michelhausen: (approx. 4%)
- Kühbergers' neighbours: 0 min. (0%)
- Presenter/commentary: (approx. 29%)
- Atmosphere/music/silence: (approx. 29%)

Estimated speaking time (case 2 — Dr. Schneider, approx. 28:00–50:33):

- Dr. Schneider: (approx. 45%)
- ÖBB spokesperson: approx. 1.5 min. (approx. 7%)
- Legal expert (anonymous): (approx. 9%)
- Police/train conductor: 0 min. (0%)
- Presenter/commentary: (approx. 23%)
- Atmosphere/music/silence: approx. 3.5 min. (approx. 16%)

Summary: The time distribution in both cases is strongly asymmetric in favour of the complainants. The opposing sides (neighbours, train conductor, police) receive no or minimal speaking time. This is the most serious measurable imbalance in the programme.



4. OMISSION (Selective Omission)

7/10

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Omission 1: Perspective of the neighbours (Kühberger case)

Context

The Kühbergers' neighbours are the main opposing side in the conflict. They have built a house that is legally permissible, and are attempting to render their facade — also legally permissible and ordered by the authorities.

Relevant at: Entire programme (00:00–27:45)

Effect

The omission of the neighbours' perspective creates a one-sided picture in which the Kühbergers appear as victims, even though they have lost in all court proceedings.

Omission 2: Full reasoning of the penalty notices against Dr. Schneider

Context

The District Authority St. Veit has issued two penalty notices. The reasoning is replaced in the transcript by ellipses (quotation gaps).

Relevant at: 42:14–43:01

Effect

The audience does not learn what specific conduct is attributed to Dr. Schneider. The authority's decision therefore appears arbitrary rather than reasoned.

Omission 3: Dr. Schneider's conduct from the perspective of the train conductor and police

Context

The train conductor claims that Dr. Schneider told her "Halt die Gosch'n." The police officers have a different recollection. These versions are only briefly mentioned, not elaborated upon.

Relevant at: 42:02–42:09, 47:43–48:24

Effect

Dr. Schneider's account dominates; the counter-account remains without substance and appears as a mere defensive claim.

Summary: Systematic omission of the opposing perspectives in both cases. Particularly serious: the neighbours in the Kühberger case are given no voice at all, even though they are the legally prevailing party in all proceedings.

Missing voices

- Kühbergers' neighbours: Would have contributed their view of the conflict, the building history and the escalation.
- ÖBB train conductor: Would have presented her version of the conflict with Dr. Schneider, in particular the disputed statement "Halt die Gosch'n".
- Police officers (St. Veit): Would have explained the legal basis for their intervention and described their perception of the situation.
- Independent administrative law expert: Would have independently assessed Dr. Schneider's legal position (police operation unlawful).
- Mediator/conflict researcher: Would have identified escalation dynamics in neighbourhood conflicts and alternatives to legal proceedings.
- Consumer protection organisation (e.g. VKI): Would have assessed the systemic question of ÖBB reservation practice from a consumer perspective.
- District Authority St. Veit: Would have set out the full reasoning of the penalty notice against Dr. Schneider.



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- Judge/legal scholar on §7 Lower Austrian Building Code: Would have independently contextualised the legal situation in the Kühberger case.



5. MANIPULATION OF FIGURES

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Complete figures include: absolute value, proportion (%) and trend

Finding 1:

Timestamp 11:38

Figure: "one trunk is 10,000 euros, and then there are one, two, three, let's say five or six that thick [...] that alone would already be 60,000 euros."

Dimensions: (a) Absolute value shown — (b) Proportion missing — (c) Trend missing

Missing context

Where does the value of 10,000 euros per trunk come from? No expert report cited; estimate by the affected party.

Effect

The figure creates an impression of enormous damage sums without any independent assessment being available.

Finding 2:

Timestamp 42:56–43:01

Figure: "80 euro fine plus ten euro contribution to costs" (twice)

Dimensions: (a) Absolute value shown — (b) Proportion missing — (c) Trend missing

Missing context

In relation to the procedural costs that Dr. Schneider incurs through his objections, a 160 euro fine is minimal. This contrast is not addressed.

Effect

The low level of the fine could be interpreted as evidence of the disproportionality of the proceedings — or as evidence that it is a trivial matter. Neither reading is made explicit.

Summary: No systematic manipulation of figures identified. Two findings of low weight: an unsubstantiated damage estimate and a contextless statement of a fine.



6. GUILT BY ASSOCIATION

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Finding 1:

Timestamp

00:34

Quote

"For me this is no longer a constitutional state, it is a police state for me."

Technique: Hermann Kühberger associates state action with "police state" — a strong negative connotation. The programme leaves this statement uncommented.

Effect

State authorities are implicitly associated with authoritarian structures, without this assessment being questioned.

No persons are framed as "conspiracy theorists". No chains of association discernible.

Summary: Guilt by association is not a dominant pattern in this programme. A single finding (police state statement left uncommented) is present, but not systematic.



7. TIMING

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Finding 1:

Position: 00:02–01:13 (beginning — teaser)

Content: "We crawled partly on all fours under the bushes" / "For me this is no longer a constitutional state, it is a police state for me." / "To be led away by the police in public is really something."

Timing effect

The teaser sets the emotional framework for the entire programme: citizens as victims of state arbitrariness. All subsequent information is filtered through this framework. Exculpatory information (court rulings against the Kühbergers, penalty notice against Dr. Schneider) comes later and is attenuated by the emotional lead-in.

Finding 2:

Position: 18:10–18:18 (middle — after court rulings)

Content: "The Kühbergers' appeal against the toleration order was dismissed as unfounded. [...] Unsuccessful. [...] Unsuccessful."

Timing effect

The Kühbergers' defeats are reported in rapid succession and in a sober tone, without emotional depth — in contrast to the extensive emotional portrayal of their suffering. The timing minimises the impact of the legal facts.

Finding 3:

Position: 49:50–50:29 (end)

Content: "The judge [...] has taken [...] more time for her decision. It has not yet been issued."

Timing effect

The programme ends without resolution in the Schneider case. The open ending reinforces the impression of unresolved injustice and maintains emotional identification with Dr. Schneider.

Summary: The teaser sets a one-sided emotional framework; legal facts unfavourable to the protagonists are minimised in terms of timing and tone; the open ending in the Schneider case reinforces the victim narratives.



8. SELECTIVE OUTRAGE

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Outrage = bias. Selective outrage reinforces the finding. Score = degree of outrage (0–5) + selectivity (0–5)

Methodological principle K11+K8: document the triggering event.

Finding 1:

Timestamp 43:02

Triggering event: A 72-year-old retired judge is removed from a train following a seat dispute and receives a penalty notice.

Reaction: "Is it really the case that a 72-year-old retired judge with health impairments sitting on a train who wants to read a book can be a danger to security and order?"

Comparison

Analogous event — conduct of the train conductor (calling the police, stopping the train, announcement about the delay) — no analogous outrage reaction from the presenter/commentary.

Asymmetry: Demonstrable. The question is formulated rhetorically and implies outrage at the authority's decision. The conduct of the train conductor (which escalated the conflict) is not commented on with comparable outrage.

Degree of outrage: 2/5

Selectivity: 2/5

Finding 2:

Timestamp 03:54

Triggering event: Presenter announces what happens "when one wishes to uphold the fundamental right to the inviolability of property without any restriction."

Reaction: Implicit criticism of the Kühbergers through the formulation "without any restriction."

Comparison

The conduct of the neighbours (house on the property boundary, use of third-party land) is not given a comparably critical framing.

Asymmetry: Partially demonstrable. The formulation is the only critical distancing from the Kühbergers in the entire programme; it is mild and is not elaborated upon.

Degree of outrage: 1/5

Selectivity: 1/5

Summary: Selective outrage is present, but not dominant. The strongest asymmetry lies in the Schneider case: the presenter's rhetorical question implies outrage at the authority, without commenting comparably on the conduct of the train conductor or Dr. Schneider's stubbornness.



9. COMPLETENESS (Selective Omission — Overall picture)

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Finding 1:

Timestamp entire programme (00:00–27:45)

Missing perspective/fact: The Kühbergers' neighbours are given no voice at any point. Their motivation, their view of the conflict and their experiences with the Kühbergers remain completely hidden.

Relevance: They are the legally prevailing party in all proceedings. Their perspective is indispensable for a complete picture of the conflict.

Impact: The overall picture shows the Kühbergers as victims of state and neighbourly arbitrariness, even though the legal situation has been decided clearly against them.

Finding 2:

Timestamp 42:02–42:09

Missing perspective/fact: The differing recollection of the police officers and the train conductor is only mentioned in one sentence, without substantive elaboration.

Relevance: It is a case of one person's word against another's; the court must decide whom to believe. The police perspective is essential for the audience.

Impact: Dr. Schneider's version dominates with approx. 45% speaking time; the opposing side has 0% direct speaking time.

Finding 3:

Timestamp 21:04–21:46

Missing perspective/fact: Hermann Kühberger reports an appearance by the tax authority, the labour inspectorate and an asylum authority at the construction site. He interprets this as harassment.

Relevance: It is unclear whether these inspections were initiated at the Kühbergers' instigation (which seems likely) or were coincidental. This information is missing.

Impact: The impression of state harassment is reinforced without the background of the inspections being clarified.

Summary: The programme is structurally incomplete in both cases: the opposing sides are almost entirely absent, and exculpatory or qualifying information is neither researched nor presented.

Soft facts

"Schauplatz Gericht" is an established ORF legal journalism format that presents court proceedings and legal conflicts for a broad audience. Both cases touch on fundamental rights issues: property rights (Art. 5 StGG), transport law, proportionality of police operations and procedural rights. The social context is the increasing legalisation of everyday conflicts and the question of how citizens can assert themselves against institutions. Both cases have a "David versus Goliath" structure that generates emotional identification in the audience.

Proportion of perspectives covered

Inverted: original value measures coverage (higher = better). Displayed as deviation (higher = greater gaps).



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- [A] Legal position of the neighbours (Kühberger case): Why did they build the house the way they built it? What is their view of the conflict?
- [B] Psychological/social perspective: Escalation dynamics in neighbourhood conflicts — when does law become an end in itself?
- [C] Principle of proportionality: Was the Kühbergers' resistance proportionate? (Barbed wire, physical altercations, complaints)
- [D] ÖBB perspective on the specific case: Why did the train conductor act as she did? What is her version?
- [E] Police perspective on the Schneider case: Why did the officers act as they did? What is their version?
- [F] Legal academic classification: Is Dr. Schneider's legal position (police operation unlawful) actually the prevailing opinion?
- [G] Consumer protection perspective: How frequent are ÖBB reservation conflicts? Systemic problem or isolated case?
- [H] Mediation approach: Are there out-of-court solutions that were not used in either case?
- [I] Authority perspective (District Authority St. Veit): Why was Dr. Schneider penalised? Full reasoning of the authority.
- [J] Social costs: What do such proceedings cost the general public (courts, police, administration)?

[A] OMITTED

Timestamp: entire programme — Quote: The Kühbergers' neighbours are given no voice at any point. — Assessment: Serious imbalance; the opposing side of the main conflict remains silent.

[B] INDICATED

Timestamp: 22:48 — Quote: "Something else must have happened for people to be so angry with each other." — Assessment: The facade company representative hints at the escalation dynamic without elaborating on it.

[C] OMITTED

Timestamp: entire programme — Quote: Barbed wire and physical altercations are shown, but not critically assessed. — Assessment: The proportionality of the Kühbergers' conduct is not questioned.

[D] OMITTED

Timestamp: 37:04 — Quote: "We cannot comment on the specific case here." — Assessment: ÖBB refuses to comment on the specific case; the train conductor herself is not given a voice.

[E] INDICATED

Timestamp: 42:02 — Quote: "The police officers therefore remember the conflict in significant respects differently from the retired judge." — Assessment: Mentioned, but not elaborated upon; the police perspective remains without substance.

[F] ADDRESSED

Timestamp: 39:52 — Quote: "That is seriously unlawful, that is not a grounds for deployment." — Assessment: Dr. Schneider's legal position is presented, but not verified by independent legal scholarship.

[G] OMITTED

Timestamp: entire programme — Quote: No system data on ÖBB reservation conflicts. — Assessment: Completely absent; unclear whether isolated case or structural problem.

[H] OMITTED

Timestamp: entire programme — Quote: Mediation or out-of-court settlement are not addressed. — Assessment: Relevant alternative to legal proceedings is missing.

[I] ADDRESSED



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Timestamp: 42:14 — Quote: "it found that Dr. Schneider had violated the Security Police Act through his conduct." — Assessment: The authority's decision is reported, but not presented with substantive reasoning.

[J] OMITTED

Timestamp: entire programme — Quote: No information on procedural costs. — Assessment: Social dimension completely absent.

Completeness score: 3/10

Reasoning: Of ten relevant perspectives, only two are fully addressed ([F], [I]), two are indicated ([B], [E]) and six are omitted. Particularly serious is the complete absence of the opposing side in the Kühberger case and the missing independent legal verification in the Schneider case. The programme consistently follows the perspective of the complainants.



Soft facts — 6 qualitative techniques

10. FRAMING (Setting the frame)

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Finding 1:

Timestamp	03:54
Quote	<i>"can now show you where it can lead when one wishes to uphold the fundamental right to the inviolability of property without any restriction."</i>
Manipulation	The presenter frames the Kühberger case as a warning against exaggerated defence of property rights. At the same time, the case is narrated emotionally as a story of suffering. This dual framing (warning + empathy) is contradictory and creates ambivalence.
Why problematic	The audience is simultaneously invited to empathise with the Kühbergers and called upon to distance themselves — without this contradiction being resolved. The warning is the only critical distancing and is not elaborated upon.

Finding 2:

Timestamp	28:00–28:10
Quote	<i>"What is very rare is that a judge writes to us because he feels unjustly treated by the authorities."</i>
Manipulation	The word "authorities" [Obrigkeit] is a historically negatively connoted term (authoritarian rule). Its use frames state action as problematic from the outset.
Why problematic	A neutral alternative would be: "feels unjustly treated by authorities [Behörden]." "Obrigkeit" sets an interpretive framework that delegitimises state action before the case is presented.

Finding 3:

Timestamp	05:05
Quote	<i>"You are no longer master of your own affairs. You feel expropriated, yes, and abandoned."</i>
Manipulation	The word "expropriated" is a legally and politically charged term. Johanna Kühberger uses it for an officially ordered, time-limited duty of toleration — which is legally not an expropriation.
Why problematic	The programme leaves this misuse uncommented, which reinforces the false impression of an expropriation in the audience.

Summary: The dominant framing of the programme is "citizen as victim of state and institutional arbitrariness." This framing is consistently built up through word choice, visual language and narrative structure and is not balanced by critical distancing.



11. WORD CHOICE AND TERMINOLOGY									5/10
1	2	3	4	5	6	7	8	9	10

Finding 1:	
Timestamp	28:05
Quote	<i>"because he feels unjustly treated by the authorities [Obrigkeit]"</i>
Manipulation	"Obrigkeit" — historically connoted term for authoritarian rule; implies abuse of power.
Why problematic	A neutral alternative would be: "feels unjustly treated by authorities [Behörden]." The word choice delegitimises state action in advance.

Finding 2:	
Timestamp	43:02
Quote	<i>"a 72-year-old retired judge with health impairments sitting on a train who wants to read a book"</i>
Manipulation	Cumulative sympathy markers: age (72), health (impaired), profession (judge = representative of the rule of law), activity (reading a book = harmless). This accumulation generates maximum sympathy.
Why problematic	A neutral alternative would be: "a passenger who did not want to vacate his seat." The chosen formulation is rhetorical, not descriptive.

Finding 3:	
Timestamp	16:15
Quote	<i>"This is my realm. And in my realm, I also told the judge, I am not a supplicant."</i>
Manipulation	The word "realm" for a private plot of land is unusual and is left uncommented by the programme. It implies absolute sovereignty over the property.
Why problematic	The programme leaves this statement standing without contextualising the legal reality (property is subject to social obligation, Art. 14 GG analogously).

Summary: The word choice of the programme — both in presenter commentary and in uncommented quotes from the protagonists — consistently reinforces the victim narrative and delegitimises state action.



12. PRESENTER CONDUCT									4/10
1	2	3	4	5	6	7	8	9	10

Methodological principle K11+K8: document the triggering event.

Finding 1:

Timestamp 25:51

Triggering event: Kühberger has lost all court proceedings.

Quote (presenter) *"Given all these lost court proceedings, was there not even a point where you said: 'Let's stop now'? 'There's no point, we're losing all of this.' 'We are not in the right.'"*

Comparison Analogous event — Dr. Schneider has also received a penalty notice and filed an objection. No comparable critical follow-up question to Dr. Schneider.

Asymmetry: Partially demonstrable. The question to Kühberger is the most critical in the entire programme. No comparably critical question is put to Dr. Schneider (e.g. "Should you not simply have stood up?").

Finding 2:

Timestamp 41:41

Triggering event: Dr. Schneider reports that he identified himself with his expired official ID.

Quote (presenter) *No follow-up question as to whether an expired ID is sufficient for an identity check.*

Comparison Kühberger is asked about the point of his resistance (25:51); Dr. Schneider is not asked about the lawfulness of his refusal.

Asymmetry: Demonstrable. The presenter's questions to Dr. Schneider are consistently softer than those to Kühberger.

Finding 3:

Timestamp 27:03

Quote (presenter) *"We hope for the Kühbergers, despite minor damage to the tree, for a rich fig harvest."*

Triggering event: End of the Kühberger report.

Comparison No comparable expression of sympathy for the neighbours or the workers.

Asymmetry: Demonstrable. An expression of sympathy for one party to proceedings by the presenter is a clear bias indicator.

Summary: The presenter's conduct is asymmetric: the only critical question is directed at Kühberger (court losses), while Dr. Schneider receives no comparably critical questions. Expressions of sympathy for the protagonists are explicitly present.



13. QUESTION ASYMMETRY

4/10

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Asymmetry 1:

To Hermann Kühberger, 25	51: "Given all these lost court proceedings, was there not even a point where you said: 'Let's stop now'? [...] 'We are not in the right.'" — **hard/critical**
To Dr. Schneider, 49	33: "And how will you behave if a similar situation arises?" — **soft/future-oriented**
Comparison	Kühberger is confronted with his defeats; Dr. Schneider is asked about his future conduct without his stubbornness being questioned.

Asymmetry 2:

To Dr. Schneider, 31	40: "What did you reply? Were you also rude to her?" — **neutral/balanced**
To Dr. Schneider, 41	41: No follow-up question on whether his conduct (refusal, identity check, expired ID) was legally correct. — **omitted**
Comparison	The only critical question to Dr. Schneider (rudeness) is immediately defused by his answer and not pursued further.

Summary: The questions to the protagonists are predominantly soft and oriented towards understanding. The only harder question (to Kühberger) remains an exception. Critical questions about the lawfulness of the protagonists' conduct are largely absent.



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14. FALSE BALANCE									3/10
1	2	3	4	5	6	7	8	9	10

Finding 1:

Timestamp 42:02

Construct: "The police officers therefore remember the conflict in significant respects differently from the retired judge."

Analysis

This formulation suggests a balanced presentation of two equally weighted versions. In reality, Dr. Schneider has speaking time; the police officers have 0 minutes of direct speaking time. The "balance" is formal (one sentence) but not substantive.

Summary: False balance is present to a limited extent: the mention of the police perspective in one sentence creates the appearance of balance without actually establishing it.



15. AGENDA-SETTING

5/10

1

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Finding 1:

Agenda element set: State institutions (authorities, police, ÖBB) tend to act arbitrarily or disproportionately towards citizens.

Timestamp

00:34 — Evidence: "For me this is no longer a constitutional state, it is a police state for me." (left uncommented)

Alternative agenda: State institutions act in accordance with law and statute; citizens have duties as well as rights; courts have decided against the protagonists in both cases.

Finding 2:

Agenda element set: Property rights are an absolute fundamental right to be defended against state interference.

Timestamp

16:44 — Evidence: "My clients have property rights, constitutional rights on their side. And property must not be violated."

Alternative agenda: Property rights are subject to social obligation; §7 Lower Austrian Building Code is a legitimate statutory restriction; all courts have confirmed this.

Summary: The programme sets an agenda in which state action is potentially arbitrary and property rights are treated as near-absolute. This agenda is consistently reinforced through the selection of cases and the one-sided presentation.



CHAPTER 4 — OVERALL EVALUATION

Results

- HARD FACTS SCORE (average criteria 1–9): 4.4 / 10
- SOFT FACTS SCORE (average criteria 10–15): 4.5 / 10

Dominant techniques

- 1. Omission / Selective Omission (score 7):** The opposing sides in both cases — the Kühbergers' neighbours, the train conductor, the police officers — receive no or minimal speaking time. This is the most serious individual technique in the programme, as it structurally distorts the overall picture. Particularly problematic: the neighbours are the legally prevailing party in all proceedings and yet are given no voice at all.
- 2. Completeness / Selective Omission overall picture (score 7):** In addition to the omissions, contextualising information is also missing: full reasoning of penalty notices, independent legal verification, system data on ÖBB conflicts. The programme presents excerpts that consistently support the victim narrative.
- 3. Framing (score 6):** The consistent "citizen against authority" framing is built up through word choice (Obrigkeit, expropriated, police state), visual language (barbed wire, destroyed garden) and narrative structure (emotional teaser, open ending). This framing is not balanced by critical distancing.

Core messages of the programme

****MESSAGE 1 (SUBSTANTIVE):** ** "State institutions and authorities act disproportionately and arbitrarily towards citizens."

Technique: Framing, word choice, omission — evidence: 00:34, 28:05, 43:02

****MESSAGE 2 (PERSONAL):** ** "Whoever knows their rights and defends them tenaciously is a sympathetic citizen — even if they lose in court."

Technique: Time distribution, presenter conduct, sympathy markers — evidence: 16:15, 27:03, 43:02

****MESSAGE 3 (SOCIAL):** ** "Property rights and the personal dignity of the citizen are threatened by state encroachment."

Technique: Agenda-setting, framing, timing — evidence: 03:54, 05:05, 16:44

Reasoning: With an overall score of 4.5, the programme sits at the boundary between "slight tendency" and "clear one-sidedness." The classification as "clear one-sidedness" is justified because the structural deficits — complete absence of the opposing sides, consistent victim framing, asymmetric time distribution — are not coincidental but systematic. Pursuant to §4 ORF Act, objectivity and impartiality of reporting are required; the one-sided presentation of both cases without substantive counter-perspectives violates this principle. The format "Schauplatz Gericht" has a structural tendency towards partisanship for complainants, which is particularly pronounced in this edition.

CONCLUSION

"Schauplatz Gericht" from spring 2026 shows a structural one-sidedness in both cases that touches on §4 ORF Act (objectivity, impartiality, diversity of opinion). The opposing sides — the Kühbergers' neighbours, the train conductor, the police officers — receive no substantive speaking time, even though they are the prevailing or at least equally entitled party in the respective legal cases. The consistent "citizen against authority" framing, reinforced by word choices such as "Obrigkeit" and uncommented statements such as "police state", creates an overall picture that delegitimises state action without adequately presenting the legal bases for these decisions. Particularly problematic is the treatment of Dr. Schneider as a neutral legal expert, even though he is a party in his own proceedings — a technique that suggests to the audience an independent assessment where none exists. The programme is not a case of extreme political manipulation, but a clear example of structural one-sidedness through source selection and omission, which would not withstand a legally sound review under §4 ORF Act.



OVERALL EVALUATION OF THE 15 CRITERIA

Individual scores — all 15 criteria

No.	Criterion	Score	Classification
1	EXPERT SELECTION	5	●●●
2	SOURCE SELECTION	5	●●●
3	TIME DISTRIBUTION	6	●●●
4	OMISSION (Selective Omission)	7	●●●●
5	MANIPULATION OF FIGURES	2	●
6	GUILT BY ASSOCIATION	1	●
7	TIMING	4	●●
8	SELECTIVE OUTRAGE	3	●●
9	COMPLETENESS (Selective Omission — Overall picture)	7	●●●●
10	FRAMING (Setting the frame)	6	●●●
11	WORD CHOICE AND TERMINOLOGY	5	●●●
12	PRESENTER CONDUCT	4	●●
13	QUESTION ASYMMETRY	4	●●
14	FALSE BALANCE	3	●●
15	AGENDA-SETTING	5	●●●

HARD FACTS SCORE (1-8)

4.4/10

Significant imbalance

SOFT FACTS SCORE (9-14)

4.5/10

Significant imbalance

OVERALL SCORE

4.5/10

Significant imbalance

Averaged from hard facts and soft facts



KEY — Meaning of scores

Individual scores per criterion (0–10)

0	No finding	No relevant anomaly identified.
1–2	Weak finding	Slight anomaly without material impairment of balance.
3–4	Slight to moderate finding	Discernible tendency; impact relevance low to moderate.
5	Moderate finding with impact relevance	Relevant imbalance that influences the opinion-forming potential of the audience.
6	Significant finding (threshold)	Scores from 6 onwards are reported as "significant findings".
7	Significant finding	Clear, well-evidenced imbalance with marked impact relevance.
8–9	Serious finding	Pronounced imbalance; multiple evidenced individual findings in this criterion.
10	Maximum manifestation	Systematic, pervasive imbalance in this criterion.

Aggregated deviation index — interpretation ranges

0.0 – 2.5	Unremarkable	No material patterns discernible; programme meets the requirement of factual accuracy.
2.6 – 4.0	Slight imbalance	Isolated anomalies; statistically visible, but still within the tolerance range.
4.1 – 6.0	Significant imbalance	Multiple significant findings; relevant impairment of diversity of perspectives.
6.1 – 8.0	Serious deviation from the requirement of balance. High degree of deviation	Pronounced, programme-wide patterns; high impact relevance.
8.1 – 10	Fundamental systemic one-sidedness. Very high degree of bias	Maximum manifestation across almost all criteria; systematically one-sided reporting.

Party-political bias (-5 to +5)

-5 to -3	Strongly disadvantaged	Party is clearly disadvantaged in portrayal, speaking time or framing.
-2 to -1	Slightly disadvantaged	Discernible, but weak disadvantage.
0	Neutral	No discernible preference or disadvantage.
+1 to +2	Slightly favoured	Discernible, but weak preference.
+3 to +5	Strongly favoured	Party is clearly favoured in portrayal, speaking time or framing.



CHAPTER 5 — LEGAL CLASSIFICATION (§4 ORF Act)

Assessment under §4 ORF Act

Violation 1:

Norm: §4 para. 1 no. 1 ORF Act (objectivity and impartiality of reporting)

Facts: In the Kühberger case, the neighbours — the prevailing party in all court proceedings — are not given a voice. The programme presents exclusively the perspective of the losing party.

Evidence: Timestamp 00:00–27:45 — Quote: Not a single quote from the neighbours in the entire programme.

Assessment: The complete absence of the opposing side in a legal dispute that is presented as documentation of an ongoing conflict violates the requirement of impartiality. §4 para. 1 no. 1 ORF Act requires that reporting not be one-sided; the presentation of a legal dispute without the prevailing party is structurally one-sided.

Violation 2:

Norm: §4 para. 1 no. 3 ORF Act (consideration of diversity of opinion)

Facts: In the Schneider case, Dr. Schneider's legal position (police operation unlawful, ÖBB conduct fraudulent) is presented as a factual assessment without being verified or countered by independent legal scholarship.

Evidence: Timestamp 39:52 — Quote: "That is seriously unlawful, that is not a grounds for deployment."
(uncommented, without counter-voice)

Assessment: The presentation of a party's statement as legal fact without independent verification violates the requirement of diversity of opinion. A balanced programme would have obtained at least one independent legal opinion.

Violation 3:

Norm: §4 para. 1 no. 1 ORF Act (objectivity)

Facts: The presenter uses the term "Obrigkeit" (28:05) and poses a rhetorical outrage question (43:02) that implies a value-laden attitude towards state action.

Evidence: Timestamp 43:02 — Quote: "Is it really the case that a 72-year-old retired judge with health impairments sitting on a train who wants to read a book can be a danger to security and order?"

Assessment: Rhetorical questions that imply an answer are not objective reporting. The cumulative sympathy marker construction (72 years old, health impairments, judge, reading a book) is a value-laden formulation that touches on §4 para. 1 no. 1 ORF Act.

Overall assessment §4 ORF Act

The programme exhibits three identifiable points of contact with §4 ORF Act, of which the most serious is the complete absence of the opposing side in the Kühberger case. The format "Schauplatz Gericht" has a structural tendency towards partisanship for complainants that contradicts the statutory requirement of impartiality. The violations are not to be classified as targeted political manipulation, but as format-related structural one-sidedness that would, however, be remediable through editorial decisions (inviting the opposing side, independent legal verification). A complaint to the ORF Audience Council or KommAustria would be justifiable on the basis of the documented findings, with the prospects of success depending on the interpretation of the concept of format.



CHAPTER 6 — SOURCE IN-DEPTH CHECK

Organisation 1: ÖBB (Austrian Federal Railways)

- FUNDING:** State-owned company wholly owned by the Republic of Austria (100%). Funding through ticket revenues, state infrastructure subsidies and service fees.
- MANDATE:** Public passenger transport; no mandate for neutral legal assessment in its own dispute.
- CONFLICT OF INTEREST:** The ÖBB is the opposing party in the Schneider case. Its spokesperson cannot provide a neutral assessment of the specific case. Structural conflict of interest: any statement justifying the train conductor's conduct serves the company's interest.

D1 Conflict of interest: -2 — Opposing party in the dispute

D2 Personal risk: -1 — Institutional protective function; no personal risk

D3 Professional competence: +1 — Familiar with internal processes; not an independent legal expert

D4 Consistency of opinion: 0 — No comparative statements

D5 Emotionalisation vs. data: +1 — Factual regarding general processes

D6 Source level: 0 — Secondary source

TOTAL: -1 → SOURCE INDICATOR: YELLOW

- COUNTER-VOICE:** Consumer protection organisation (e.g. VKI — Association for Consumer Information) or independent transport law expert is completely absent.

Organisation 2: District Authority St. Veit an der Glan

- FUNDING:** State authority; Carinthia regional administration.
- MANDATE:** Administrative authority; responsible for penalty notices under the Security Police Act and the Railway Act.
- CONFLICT OF INTEREST:** The District Authority St. Veit is the authority that issued the penalty notices against Dr. Schneider. It is the opposing party in the ongoing proceedings before the Regional Administrative Court. Its decision is reported in the programme, but not substantiated by its own statement.

D1 Conflict of interest: -1 — Opposing party in the ongoing proceedings

D2 Personal risk: 0 — Institutional decision; no personal risk

D3 Professional competence: +2 — Competent authority; legal competence present

D4 Consistency of opinion: 0 — No comparative statements

D5 Emotionalisation vs. data: +2 — Official decision; factual

D6 Source level: +2 — Primary source (official penalty notice)

TOTAL: +5 → SOURCE INDICATOR: GREEN

- COUNTER-VOICE:** The full reasoning of the penalty notice is not cited (ellipses in the transcript). An independent administrative law assessment is absent.

IMPORTANT NOTE ON METHODOLOGY:

This analysis is based exclusively on the transcript provided. Timestamps are transcript timestamps. Direct quotes are taken from the transcript. Where the transcript contains ellipses (quotation gaps), this is noted as a finding. The analysis makes no claim to completeness with regard to non-transcribed visual elements, musical accompaniment or visual design elements, which may also fulfil framing functions.

Source indicator for participants:

Source	D1	D2	D3	D4	D5	D6	Total	Indicator
ÖBB (Austrian Federal Railways)	-2	-1	+1	0	+1	0	-1	YELLOW
District Authority St. Veit an der Glan	-1	0	+2	0	+2	+2	+5	GREEN

Legal and methodological classification



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No finding of fact

The results presented do not constitute findings of fact about individual persons, editorial teams or programmes. They are to be understood as the result of a standardised operationalisation, not as a determination of individual responsibility.

No legal ruling

The aggregated deviation index does not replace a legal assessment within the meaning of §4 ORF Act. The determination of whether a specific programme violates statutory requirements is the exclusive responsibility of the competent authorities (in particular KommAustria).

No proof of causality

Statistical correlations are not to be interpreted as proof of causal relationships or editorial intentions. Deviation values may be influenced by topic selection, news situation, political controversy or format logic.

No finding of intent

The analysis measures observable structural characteristics of programmes. A score of 7 means that a significant imbalance has been identified — not that the editorial team intended this. The methodology makes no statements about motives or strategic objectives.

Heuristic comparison instrument

The index serves the purpose of comparative pattern recognition across thousands of programmes, not the precise metric measurement of individual contributions. Threshold values serve as heuristic orientation, not as sharp legal qualification.



APPENDIX 1: NATIONAL LEGISLATION

Legal basis Austria — ORF

Law

ORF Act (ORF-G, BGBl. No. 379/1984 as amended)

Relevant articles

- ORF-G §4 para. 5: Information must be comprehensive, independent, impartial and objective. All news and reports must be carefully checked for accuracy and origin; news and commentary must be clearly separated from each other.
- ORF-G §4 para. 5a: The totality of programmes must ensure diversity and balance.
- ORF-G §10 para. 7: Adequate consideration of all parties represented in the National Council.
- ORF-G §4 para. 1: Mandate for a differentiated overall programme that is comprehensive, independent, impartial and objective.

Core obligations

- 1. Objectivity and impartiality:** Comprehensive, independent, impartial information
- 2. Separation of news/commentary:** Clear distinction
- 3. Consideration of parties:** Adequate consideration of all National Council parties
- 4. Overall programme diversity:** Diversity and balance across all programmes

Supervisory authority

- KommAustria (Communications Authority Austria): media regulatory authority
- Federal Communications Senate: appeals body
- Audience Council: representation of listeners and viewers

Complaints procedure

1. ORF Audience Council
2. KommAustria
3. Federal Communications Senate
4. Administrative Court



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APPENDIX 2: SCIENTIFIC FOUNDATIONS

Literature

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- Schläpfer, D. (2026). Measuring Editorial Noise: A Retrospective Suppression Index for Public Broadcasting Content Analysis. [SSRN 6733280](#)
- Schläpfer, D. (2026). Source Traffic Light: A Six-Dimensional Credibility Framework for Systematic Source Assessment in Public Service Media. [SSRN 6733880](#)

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This analysis lays bare the system — factually, precisely, without polemic. Proceedings, personnel, powers, costs, statistics, legal recourse. And the constitutional law review that shows: the UBI system meets none of the three fundamental criteria — it is not adequate, not based on separation of powers, not market-based. The authority that is supposed to protect citizens protects above all the system it was supposed to control.

Essential reading for everyone considering a complaint — and for everyone who wants to understand why genuine media oversight in Switzerland is still outstanding.