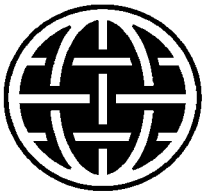

THE ATLANTIC COUNCIL

OF THE UNITED STATES

Fighting Legacy: Media Reform in Post-Communist Europe

Marius Dragomir

Senior Fellow, Atlantic Council of the United States

Senior Fellows Publication

August 2003

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OF THE UNITED STATES

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Foreword

Few aspects of the process of democratization in the countries of Central and Eastern Europe are more important than the liberalization of the media. Unless free and independent media can be established on a sound financial footing, the new democratic institutions will be seriously incomplete. This study, by a Romanian journalist who spent six months at the Atlantic Council as a Knight Fellow in 2002, provides both a survey of the experience of the media reform to date, an assessment of the challenges that must still be faced and conclusions and recommendations on what is needed to bring the process to a successful conclusion in the light of Western experience.

The Knight Fellowships were established at the Atlantic Council in 2002 by a grant from the John S. and James L. Knight Foundation. A competitive selection process resulted in Marius Dragomir becoming one of the first cohort of two fellows. A biographical note on Mr. Dragomir can be found elsewhere in this report.

The Council is pleased to be able to offer this stimulating and comprehensive analysis to a wider audience. The opinions expressed in this report are those of the author and do not necessarily represent the views of the Atlantic Council, but the Council does believe that the issues treated in this report are important and serious. We hope that Mr. Dragomir's analysis and conclusions will be useful to a wide readership concerned with the future of Europe and the states of the former Soviet Union.

Christopher J. Makins
President, The Atlantic Council of the United States

Introduction

When the Polish anticommunist Lech Walesa said in 1993 that, "the level and state of the mass media determine the development of democracy,"[1] few put much value on his remark. A decade later, however, Walesa's comment has proven prescient. As we evaluate mass media in Central and Eastern Europe, we see a lack of able managers, low levels of journalistic training, and media outlets on the verge of bankruptcy, with governments and emerging businesses systematically attempting to stifle this young, yet already sickly press. Enlarging the picture, we see former communist systems having difficulty finding the path to democracy.

Despite the enthusiasm and euphoria that accompanied the anticommunist earthquake in Europe in the late 1980s, the much-expected societal and economic change has proven to be a formidable task in the region. The process of democratization in the former communist countries remains far from complete. Facing a backward mentality entrenched in many levels of society and striving to resuscitate ailing economies, Central and Eastern European nations have been slow to complete desperately needed reforms in all spheres – including the media, an important part of the democratic process, as Walesa foretold.

Following several libel suits as a journalist in my native Romania and extensive informal research on the state of mass media in former communist countries, I came to recognize that the focal issue in the transformation of media in the region is the legal framework in which the press operates. The newly established media laws in the former Soviet-controlled countries indicate the state of the media there. This legal framework is the real Gordian knot that needs to be cut by the post-communist regimes to accelerate the democratization process.

Understanding the importance of this nascent legal culture in the creation of a democracy-building press in the region, I embarked upon a comparative analysis of media laws in the former communist countries. I chose to look at the whole former Soviet-controlled region of Europe, as these nations share a common political and cultural history, having experienced the same development path for half a century.

Some of the countries in the region have been more successful in reconstructing the legal system, while others still lag behind, but all these young, struggling democracies are experiencing a painful transformation, with unexpected challenges and obstacles. As Bernard J. Margueritte put it, the press reflects this checkered communist past. "Beset by weak professional training and standards, by intense competition, by an invasion of Western investors, managers and press models, today the Eastern European press is at sea, freed of its old Communist moorings (or shackles), but without a clear course to sail."[2]

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[1] Quoted from Margueritte, Bernard J. *Post-communist Eastern Europe: The Difficult Birth of a Free Press.* [Cambridge, Mass.]: Joan Shorenstein Center, Harvard University, John F. Kennedy School of Government, 1995.
[2] Ibid.

After examining the current state of media in the region, with its key similarities, I delved into the system by surveying media legislation in developed democracies and looking for several possible models to be applied in Eastern and Central European states. Although many communication theorists and experts are bringing increasing attention to the necessity of importing the U.S. model to these countries, I have found that the borders between former communist nations and the U.S. or Western model are blurred and leave room for large gray areas. My conclusion is that an unexpectedly big cultural gap (defined as a national shared heritage, history, cultural perception, economy and political system) is separating the West and the East, making the transplantation of the "U.S. model" into Central and Eastern Europe problematic. Moreover, it seems that even the Western paradigm is a questionable concept today, at least as it pertains to the media, with U.S. and Western European models following different paths.

A U.S. journalist who has spent several years in Eastern Europe agreed and told me anecdotally that her empirical data supports these conclusions. She said, "The U.S. journalistic model just doesn't fit in the 'culture' of Europe. We, American journalists, are a case study, but not a template upon which any European model should or can be built. The First Amendment is a big part of it, yes, but it is also a thousand small beliefs and attitudes and assumptions and expectations and realities that stem from a culture upon which the First Amendment can sustain."[3]

Therefore, I am trying to bring a different, more adequate approach to the discourse on media development in the former communist countries, and build my analysis on more pragmatic grounds, which is a better way to push reforms further. One of the goals of this paper is to find those components of West European and U.S. journalism and the media legal system that can work in a practical sense in the European former communist countries.

The final part of this study deals with possible scenarios of reform in the region. These emerging democracies have to avoid following any model blindly and absolutely, any model currently viewed as "perfect" by any school of communication. Eastern and Central European countries still feel the communist hangover and realistically need to import some components of the Western models, while constructing their own system in order to avoid the inherent foibles of the Western models and adapt this mix of legal components to their specific legal and cultural environments.

Monroe E. Price and Peter Krug wrote that laws are frequently viewed "in isolation and as interchangeable parts that are separately advocated for the creation of effective and democracy-promoting media. They are often analyzed and discussed with attention paid merely to their wording. However, each society has a cluster of activities, interactions of laws and the setting in which they exist, that make those laws more or less effective."[4]

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[3] From a 2002 discussion with Laura Kelly, an American veteran journalist who headed a postgraduate journalism program at the private Slovak university Academia Istropolitana Nova (AINova).

[4] Price, Monroe E. and Krug, Peter. *The Enabling Environment for Free and Independent Media.* Sponsored by United States Agency for International Development, Center for Democracy and Governance. Prepared by Program in Comparative Media Law & Policy. Oxford University, 2000.

To successfully reform the legal culture in Eastern and Central Europe, the political players must first ensure that they create conditions that make laws effective and useful. They must then achieve "a media structure that serves to bolster democratic institutions (the separation of powers, independence of the judiciary, and establishment of reliable regulatory bodies that are loyal to enunciated legal principles). Then, a set of enabling factors for the media: larger societal issues such as the state of the economy, the extent of demand for information, and the extent of ethnic and political pluralism."[5]

Most of the post-communist regimes have scrapped the communist media laws used to serve the interest of a centralized power, but some countries have replaced them with legislation that is in many cases more draconian than the original communist laws. This recent legislation has become a tool for controlling the media and constraining journalists from reporting fairly and independently, just as it did in the communist era. According to Ray Hiebert, this is due to the post-communist rulers' fear that the absence of legal control of the media will create chaos in the newly freed countries.[6]

Such legislation is part of a larger communist behavioral legacy, which can still be seen in the attitude of the political players in the region towards journalism and its role in a democracy. Politicians and lawmakers in these countries cannot easily jettison the habit of controlling critics. They continue to think that public broadcasting is what I would call a "political good," to be controlled as if owned by those in power. This is one of the main reasons why political powers in the region have failed to reform the loss-incurring broadcasting colossuses inherited from the communist era. The political mentality needs to change by infusing into the media structure layers of young managers and a new generation of policy-makers uninhibited by communist indoctrination. However, without a willingness on the part of political leaders to accept such change it is practically impossible to revamp the media landscape.

With this aim attained, the next logical step would be to rethink media development, making it more economics-oriented. I agree with Slavko Splichal, who said, "Deep economic crisis in the former socialist countries makes the question of an appropriate legal and financial encouragement of independent media even more urgent."[7]

Media outlets in these countries are struggling to survive economically. It is difficult to run private media in an economy with low productivity, slow capital movement and scarce advertising flow. However, the media survives, often forced to compromise its journalistic independence in order to secure its financial survival and keep newspapers, radio and television stations afloat. Reporters themselves are increasingly yielding their independence,

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[5] Ibid

[6] Hiebert, Ray. "Transition: From the End of the Old Regime to 1996" in *Eastern European Journalism. before, during and after communism* (Jerome Aumente [et al.]) Cresskill, N.J.: Hampton Press, 1999: "Former Communist nations, without a recent tradition of press freedom and responsibility, feared that immediate elimination of press laws governing journalistic conduct might lead to chaos and unfair maligning of innocent individuals and their reputations."

[7] Splichal, Slavko. *Media Beyond Socialism: Theory and Practice in East-Central Europe*. Boulder: Westview Press, 1994 (p.43)

either by accepting freebies, junkets and other gifts, or by simply heeding the threat of legal suits, which are very common in the region. As we can see, media development is related to the state of the legal culture in Eastern and Central Europe.

Finally, I will tackle the issue of public perception of the media, which is an important mechanism of democratic society as the public participates directly in the democratic life. In their study of independent media, Price and Krug stated, "There is a close interaction between what might be called the legal-institutional and the socio-cultural, the interaction between the law and how it is interpreted and implemented, how it is respected and received. In this sense, another important factor to the enabling environment is the response of the citizenry."[8]

After an initial thirst for information in the early 1990s, when demand for newspapers, television and radio exploded, interest in mass media gradually decreased. This probably happened because either the public felt the need to penalize the lack of independence in the media, or it was simply a result of the worsening economic situation, where media became a kind of luxury good. Additionally, there exists a public apathy in some Central Asian nations where the imprisonment or killing of journalists has become routine. Without a mutual respect-based relationship between the public and the press (which is normal in a democracy), infringements on press freedom will continue. The media needs to work as a bridge between the power structure of the government and the public; this has proven to be one of the most difficult lessons to teach and learn in the former communist countries, where citizen involvement in the public arena was prohibited for more than half a century.

But with the European Union enlarging its borders and more Western capital and expertise coming into these countries, independent media in the former communist countries is not a lost cause. However, its true democratization still has a long way to go. The rapid transformation of the "information society" and the major political changes occurring in a quickly evolving world make the call for reform in Eastern and Central European media even more important.[9]

The general aim of this paper is to offer a description of the current state of media in the former communist countries and make recommendations for reform, based on extensive research and pragmatic thinking. In this study I used my experience as a journalist in Romania, Slovakia and the Czech Republic, where I covered a diverse range of issues. I also used the results of research and extensive study visits in several countries in the region, and interviews with journalists, media observers, and communication and political experts in almost all the former communist countries.

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[8] Price, Monroe E. and Krug, Peter, *op. cit.*

[9] "This important moment for building more democratic media is attributable to rapid-fire geopolitical changes. These include a growing zest for information, the general move towards democratization, pressures from the international community, and the inexorable impact of new media technologies." (In Price, Monroe E. and Krug, Peter, *op. cit.*)

A large research library was also helpful in shaping the opinions formulated in this paper. Last but not least, I completed this paper during my six-month stay in the United States as a John S. and James L. Knight Foundation Senior Fellow with the Atlantic Council of the United States, where I conducted over 50 interviews with American journalists, press organizations, media investors and legal experts specializing in media issues.

Fighting Legacy: Media Reform in Post-Communist Europe

I. The Communist Legacy

In the early 1980s, when communist dictator Nicolae Ceausescu's paranoia reached its peak, Romanians began to buy local newspapers regularly, a surprising development considering 99 percent of the newspaper space was filled with the dictator's speeches, figures about the 'thriving' communist industry and long, deadening nationalistic 'culture' features, all devoted to the cult of the regime's "hero of our nation." Why then did people continue to buy these official propaganda sheets? The remaining one percent of space was filled with the information that was sparking people's interest. It was the obituary page, the only section where the communist indoctrination did not pervade.

In addition to the morning reading of the obituaries in the local dailies, another piece of 'entertainment' under the communist regime was the daily Romanian three-hour television program whose audience went through the roof when it broadcast an American movie every two weeks.[10] Radio Free Europe's broadcasts from West Germany spurred high interest, but that was an unofficial, and therefore illicit, information channel to which people listened risking the loss of their jobs, freedom or even life. Official press came down to a network of party-controlled newspapers, national radio and television under the rough command of the political power.

Behind all mass media there was a huge cadre of journalists, most of them activists educated in the communist political schools. Accepting their role as political trumpets of the regime's propaganda, the press makers at that time, along with Ceausescu's political police (the Securitate) and other repressive institutions, were exerting a great deal of influence in the society. These journalists also worked as informants for the *Securitate* and used journalism as a springboard to higher positions in the political structure.

Party control over the Romanian media was codified in the 1974 press law, which framed the goal of the media, from a sociopolitical function to its organization and relationship with state, public organization and organs, and citizens. As Peter Gross put it, "there was no legal

[10] "[…] If you turned on Czech Television or some Russian Soviet television or Romanian Television, prior to 1990, it looked terrible. It was always some kind of damn minister talking about some hydroelectric power project or Ceausescu's wife who's just done some amazing thing." (From an interview conducted in Washington D.C., with Mark Palmer, former U.S. Ambassador to Hungary and Deputy Assistant Secretary of State in charge of U.S. relations with the Soviet Union and East Central Europe. Palmer was the founder and co-owner of Central European Media Enterprises (CME) that launched a group of commercial television and radio stations in the Czech Republic, Slovakia, Romania, Poland and Ukraine. Palmer spent several years in the former communist countries before the 1989 anticommunist revolutions in the region.)

document than the press law that more clearly expressed the party's totalitarianism claim."[11] Article 2 of the law 77/1974 stated that, "the mass media carries out its activities under the leadership of the Romanian Communist Party – the leading political force of the entire society." Ceausescu himself viewed Romanian mass media as "an instrument of the party" that "had to disseminate the party's policies in all of its spheres of activity."

In the 1980s, control over the media soared. This was, in Gross' opinion, a defensive attitude against glasnost. There were only 36 dailies, nine national and local radio stations, and one TV channel, with three hours of daily broadcasting at the end of the 1980s.[12] Non-convertibility of Romanian money, closure of the borders, forbidden contacts with foreigners and religious freedoms, interdiction of Western books, new movies and music: This was the story of the last, gruesome years of Ceausescu's rule.

The Romanian experience strikingly resembles the situation of the media in the Soviet-controlled sphere. For an accurate analysis of media development in former communist countries, the way press functioned during the communist regimes needs to be understood because this legacy is what hinders the reformation of the press in these nations today. Only by understanding, acknowledging and facing this legacy, can media and post-communist rulers redefine the role of the media in society and help journalism become a truly democracy-building institution. Unfortunately this is not the case now.

Fighting the Legacy

According to some communication experts, media during communist regimes succeeded in fulfilling their1 role as transmission belts from the party to the people.[13] All of communist-ruled Europe followed the same pattern. Drawing upon the old Leninist belief that media and mass communication are a crucial part of the political process, Eastern and Central European rulers put in place a system within which press had a privileged position. The most important channels of communication, television and radio, came under the direct, rough control of the party. The state-run TV and radio networks worked as mouthpieces of the regime and a huge censorship apparatus was established to stifle critics and ensure that no contradictory, inflammatory or subversive opinion interfered with the official flow of information.[14] The main characteristics of the communist information system were a

[11] Gross, Peter. *Mass Media in Revolution and National Development: the Romanian Laboratory*. Ames, Iowa: Iowa State University Press, 1996.

[12] Between 1965-1971 there were attempts at softening the face of communism. Romania experienced a higher degree of openness to some Western media, books and the like. But after a visit to China and North Korea in 1971, Ceausescu overtly announced his intention to implement a new version of the Chinese Cultural Revolution in Romania, with a highly nationalist theme and the push to create 'the new socialist man.' (See Gross, Peter. *op. cit.*, p.9).

[13] See *Post-Communism and the Media in Eastern Europe* (edited by Patrick H. O'Neil). London; Portland, OR: F. Cass, 1997.

[14] Several years ago, after talking to people who wrote for a local newspaper in Romania during communism, I learned that a group of censors worked shoulder to shoulder with journalists, helping them to pass articles through the Caudine Forks of local 'censorship committee' where all stories went for approval before being published. The interviewees explained that they had a big list of words prohibited in a story hanging on the wall. I was amazed that words such as *banana*, *orange*, *cheese*, *meat* and other food denominations were blacklisted

complete centralization of the media organs, with the communist party and its multi-layered structure at the head of the system.

In her book about media in Soviet Russia, Ellen Mickiewicz added a third feature that characterized the old, Soviet-type media system – saturation. Seeking total penetration of the potential audience, the Soviet leadership was in charge of approving the message pattern and content, and then sending it out to thoroughly dominate media output.[15] According to the internal rules of nomenklatura, leading positions in mass media had to be filled by communist party members agreed upon by the Soviet political leadership.

This centralized system with media as a determinant link in the power chain survived in most of the former communist countries in Europe. Its legacy plays a substantial, negative role in the transition process of reclamation that media are working to complete. Looking into the evolution of the former communist states, political theorists identified six key legacies.[16] The first is the cultural legacy, with backwardness, victimization and intolerance as its main expressions. In the context of failed promises, and the brutal exercise of power and enforced political participation, Leninist regimes "prevented the emergence of a 'public realm' and instilled in their societies a deep distrust of government and general political passivity."[17]

Another important legacy is social, characterized by the absence of an established successor elite. Communist elites cultivated patron-client relations, aiming at reaching their ends rather than building a merit-based bureaucracy. This legacy blocks the emergence of a liberal society of contestation and mutually respected rights. The political legacy, with weak party systems shallowly rooted in society, is also felt in the post-communist societies and can be seen in the lack of programmatic party platforms. The national legacy refers to the interrupted process of nation-building in the former communist lands and applies mainly to the former Soviet republic that experienced, in addition to communization, a forced Russification process.

The most painful legacies that have the strongest impact on the transformation of the former communist states are the institutional and administrative/economic legacies, with surviving Leninist institutions and centralized command economies. This legacy is the most important as it highly affects the emergence and development of a liberal capitalist

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because the censorship committees thought such words would inflame the hungry Romanian population at that time.

[15] See Mickiewicz, Ellen. Changing channels: television and the struggle for power in Russia. New York, Oxford University Press, 1997 and Mickiewicz, Ellen. *Soviet Political Schools; the Communist Party Adult Instruction System*. New Haven, Yale University Press, 1967.

[16] Political and Economic Trajectories in Post-Communist Regimes in *Liberalization and Leninist Legacies: Comparative Perspectives on Democratic Transitions* (Beverly Crawford and Arend Lijphart, editors). Berkeley, Calif.: International and Area Studies, 1997.

[17] Jowitt, Kenneth. "Weber, Trotsky and Holmes on the study of Leninist regimes" in *Journal of International Affairs*, Summer 1991, p. 31-50.

democracy. Part of this legacy is the fundamental legal basis upon which new institutions are constructed.[18]

Bernard J. Margueritte goes further and defines in his book about post-communist media the concept of psychological legacy, which was inherited by the journalists' guild in these countries. Personal attacks, unproven accusations and calumnious denunciations became normal in the media, shaping a pervasive irresponsibility or what Margueritte calls "a post-mortem victory of Communism."[19]

However, once the media realized the importance of the freedom it achieved during anticommunist revolutions, the relationship between power and press changed dramatically. What was once a complementary relationship evolved into an open conflict between a political power and press that found themselves at loggerheads. As direct political intervention receded, the conflict moved to the economic front, with media at a disadvantage due to lack of readiness to adapt to a free market.[20] Most media scholars specializing in East Central Europe noticed that the major cause of conflict between press and power is governments' tendency, inherited from the past, to control media.[21] Although in most of the countries print media more or less broke from political control, television and radio stations are still part of the state-owned information system. This discussion will be subject of a separate chapter.

Analyzing the evolution of media in East Central Europe, Slavko Splichal makes some interesting comments, underlining the encroachment of the communist legacy in the region and helping to understand the state of the media in the past decade of transition there.[22] In the early 1990s, Splichal argues, media in East-Central Europe resembled the press in Latin America after the overthrow of military dictatorships. Both were imitating industrialized countries, with government controlled TV stations, while print media, in its attempt to overcome serious economic problems, became subject to self-censorship. All of these resulted in gross infringements on press freedom. Another comparison, relevant for fully understanding the backwardness dominating the region, can be made between the current situation in the former communist countries and that of Western Europe in the mid-1800s,

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[18] "…this legacy would be crucial to the success of liberal capitalist democracy because institutions affect the distribution of resources, determines the relative power of both political and economic actors, and structure their preferences and constrain their choices." (See Beverly Crawford and Arend Lijphart, editors, *op. cit.*)

[19] Margueritte, Bernard J. *Post-Communist Eastern Europe: the Difficult Birth of a Free Press.* [Cambridge, Mass.]: Joan Shorenstein Center, Harvard University, John F. Kennedy School of Government, 1995, p.10.

[20] "Politics and economics were tightly intertwined, but masked by a very nearly unregulated and economically crippled media system, still hostage of the legacy of over 70 years of information control." (Mickiewicz, Ellen. *Changing channels: television and the struggle for power in Russia.* New York, Oxford University Press, 1997, p.217).

[21] "Looking at the media's relationship to the new political forces, one can still notice traces of Soviet-era inertia. The parties and individuals who have attained power tend to seek dominance in the media." (*Towards a Civic Society: the Baltic Media's Long Road to Freedom: Perspectives on History, Ethnicity and Journalism* [edited by Svennik Høyer, Epp Lauk and Peeter Vihalemm]. Tartu: Baltic Association for Media Research: Nota Blatica Ltd, 1993, p.270)

See also Margueritte, Bernard J., *op.-cit.*

[22] Splichal, Slavko. *Media Beyond Socialism: Theory and Practice in East-Central Europe.* Boulder: Westview Press, 1994, p.37.

with press owners and editors acquiring more respect and influence, and the role of the press redefined as that of an independent fourth estate.

After outlining the main characteristics of the media, as part of a system still mired in the communist legacies, and before trying to define the main barriers to media development in the region, it is worthwhile to examine the perspective of Anthony Mughan and Richard Gunther, who see as simplistic the viewpoint that Eastern and Central European media is in opposition to the Western press. This is sinfully reminiscent of Cold War thinking.[23] A traditional view is that media has a schizophrenic character, playing contrasting roles. On one hand, in totalitarian and authoritarian regimes the press is manipulative and subversive of individual freedom and political choice. The press there works within the limits of strict censorship, repression of journalistic liberty, and heavy-handed efforts to structure highly selective flows of information to the general public. On the other hand, in democracies, there is a tendency to see the press as a guarantor of political liberties and government accountability. The uniformly positive contribution to democracy by free communication is a traditional stereotype, the authors say. The best example is the increasing scrutiny and criticism under which the free, Western press has come in the past years. In the United States for example, media experts lament the journalistic cynicism, coupled with trivialization and personalization, in media coverage of politics that undermines healthy and substantive political debate.

Communication researchers should restrain this antagonistic model of analysis and embark on the more realistic approaches of communication models today. Media in former communist countries needs to stop being viewed as an empty vessel waiting to be filled. There is a tradition, dating back to interwar years, of press, cultural specificity and distinct public perception in these countries. Imitation of industrialized countries has to be done with a certain degree of acumen and result from a reexamination of the Western model.[24]

The first decade of post-communist development was a blind search for models to imitate, with political and economic thinking anchored in communism. The results of this disconcerted evolution are limping economies and political regimes winking at the corruption and susceptible to critics and pluralism. However, most of these countries have openly declared that they abolished communism, engaged in democracy-building and began to develop free-market economies. Most of them more or less redeemed their promise. However fragile the freedom is in some Eastern European nations, the former communist Europe is no more the political cage guarded by the Soviet empire. The market is free, people have free access to information and elections are regularly held in these states. The problem is that these young democracies bypassed several important development stages, and this strategy is proving to be damaging to the democratic evolution in the region.

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[23] See "The media in democratic and non-democratic regimes: a multilevel perspective (Mughan, Anthony and Gunther, Richard) in *Democracy and the Media: a Comparative Perspective* (edited by Richard Gunther – Anthony Mughan), Cambridge; New York: Cambridge University Press, 2000. See also Neumann, W. Russell. *The Future of the Mass Audience*, Cambridge University Press, 1991; and Fallows, James. *Breaking the News: How the Media Undermine American Democracy*. New York: Pantheon Books, 1996.

[24] See Splichal, Slavko, *op.cit.*

Andrew K. Milton summarized the primary barriers to the creation of more comprehensively free and independent media in these countries. They are: the unclear legal status of the media, the lack of legal reform specifying the media's role, the persistence of institutional structures that bind the media to the state, and the persistence of 'political expectations,' held by both politicians and some journalists, on media.[25]

The post-communist regimes failed to write pragmatic and clear media legislation. In many countries the media law is deliberately conceived to keep journalism under control. In other cases the law sounds democratic and generous, but in reality is not applied. In summary, the former communist world failed to produce a working legal culture, which is the base of healthy social, economic and political development. Such a working legal culture means clear, democratic legislation, reformation of the judiciary power and creation of a democratic legal system. This is the stage that Eastern European governments skipped.

II. Transitions

More than a decade after the ouster of the communist regimes, Eastern and Central European countries are still grappling with the Soviet legacies. Having started out more than ten years ago, the democratization process continues to face unexpected obstacles. That is why the return of these states to the wealthy, democratic Western family has proven to be difficult.

Slow in putting democratic legislation in place, all these states have failed to truly liberalize the media market and free the press from the constraints it experienced under communism. Although the communist legal framework has been abolished, the introduction of new coercive laws and the establishment of regulatory bodies that resemble the old censorship committees have severely hindered the completion of press democratization in the region. Western capital has flowed into these countries and large parts of the media have been privatized, but the legal basis guaranteeing the independence of the press is still deficient and governments maintain a patronizing attitude toward the press, especially the public broadcasting industry. Describing the media in the region, Slavko Splichal concludes that commercialism, paternalism and nationalism tend to dominate post-socialist media.[26] The development of a free and healthy press faces a weak civil society caused by economic hardships, flawed legal systems and non-functional bureaucracies inherited from the socialist systems. "Post-communist media history provides an excellent example of how historical precedents color even the most determined attempts at conceptualizing and organizing a new kind of liberal communication system."[27]

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[25] Milton, Andrew K. *The Rational Politician: Exploiting the Media in New Democracies*. Aldershot; Brookfield, VT.: Ashgate Publishing Ltd., 2000.

[26] Splichal, Slavko. *Media Beyond Socialism: Theory and Practice in East-Central Europe*. Boulder: Westview Press, 1994.

[27] Goban-Klas, Tomasz. *The Orchestration of the Media: the Politics of Mass Communications in Communist Poland and the Aftermath*. Boulder, Colo.: Westview Press, 1994, p.258.

A proper legal framework is one of the most important factors in the democratization of media in all these countries. More than ten years after the anticommunist revolutions in the region, the legal system is predominantly to blame for the lack of objective reporting and free and independent media. Effective media legislation can be defined by both the package of laws dealing with freedom of expression and the legislation regulating broadcasting. In both areas, gross infringements on media freedom continue to occur.

Although newly enacted laws stipulate freedom of speech, they leave room for interpretation, and this encroaches upon independent, objective reporting in these countries. Most of these laws have criminalized libel and are used as an instrument to punish critics of the regimes and of the wealthy businesses emerging in the former communist countries.

Revamping Communist Law

A characteristic of the newly adopted legislation is its generous wording. All the post-communist constitutions guarantee freedom of the press, but the past ten years have shown that these promises are disingenuous. Bernard J. Margueritte reminds us that even the communist constitutions were extremely generous in guaranteeing such liberties and promised prosperity and freedom for the whole nation. Anticommunist students who demonstrated in Warsaw two decades ago were demanding not a change of the state constitution, but "respect for the constitution."[28]

Censorship has been formally abolished in all former socialist countries in Eastern Europe, and although the new media laws appear more liberal than their predecessors, they still have loopholes that offer governments the opportunity to put pressure and limits on the media. For example, Romania's constitution of 1991 declares that the "freedom to express ideas, opinions, and beliefs" is "inviolable," but then adds that the law "prohibits defamation of the country and the nation." In addition to the fact that this set of exceptions overshadows the rule, all of these laws have in common their vague wording, leaving room for interpretation of the law to suit the needs of the repressive elements in the government, mainly at the journalists' expense.[29]

In the early 1990s, the Press Law for Russia was so vaguely worded that many public figures took advantage by suing journalists for defamation. The Russian ultra-nationalist leader Vladimir Zhirinovsky filed over 100 defamation suits between the end of 1993 and the summer of 1994.[30] Along with overlapping jurisdictions of regulatory bodies and competition among the bureaucracies, these defamation suits undermined broadcast autonomy in the judiciary of post-communist Russia.

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[28] Margueritte, Bernard J. *Post-Communist Eastern Europe: the Difficult Birth of a Free Press.* [Cambridge, Mass.]: Joan Shorenstein Center, Harvard University, John F. Kennedy School of Government, 1995.

[29] *Constitution Making in Eastern Europe* (edited by A.E. Dick Howard). Washington, D.C.: Woodrow Wilson Center Press: Distributed by the Johns Hopkins University Press, 1993.

[30] Mickiewicz, Ellen. *Changing Channels: Television and the Struggle for Power in Russia.* New York, Oxford University Press, 1997.

Criminal defamation claimed many victims in former communist countries and became a legal scarecrow for journalists. When not sent to prison, journalists have had to pay huge fines and endure a criminal record, losing their basic civil rights.[31] Responding to the pressure of Western entities and media organizations, some countries in the region have amended their media legislation, abolishing the chapters indicting journalists for defamation. In 1997, Czech president Václav Havel signed into law a measure revoking a 36-year-old statute on the "defamation" of the president. When found guilty under the old statute, a journalist faced up to two years in prison. Dozens of people were prosecuted under this law in the Czech Republic in the 1990s, but Havel granted amnesty to almost all of those who had fallen victim to this antiquated law.[32]

The post-communist regimes have competed to find legal loopholes to keep journalism under control. In spite of being boasted as one of the most advanced democracies of the former Eastern Bloc, Poland failed to adopt truly democratic media legislation. A Polish broadcasting law dating back to 1992 prohibited programs from promoting activities that are illegal or against state policy, morality or the common good. According to this law, programs must "respect the religious feelings of the audiences and in particular respect the Christian system of values."[33]

Another vague term that appears in most of these nations' media laws is "state secrets," which the press is forbidden to publish. A 1991 Armenian media law contains such a restriction, but does not give any clear definition of what a "state secret" entails. Armenian lawmakers have gone beyond any post-communist attempt at suffocating the media, adopting a law in 2000 that goes so far as to forbid the public broadcast of horror movies.[34]

State interventionism and restrictions of the press are often obvious in the economic laws adopted in these countries.[35] The Croatian government's influence on the media has been wielded via a state-owned network of press distribution. By withholding large sums of money owed to several magazines, the distribution company has exerted tremendous financial pressures on these media outlets.[36] The Kazakh Audio-Visual Committee, the regulatory body of electronic media in Kazakhstan, used a 1996 decree requiring all radio and TV stations in the country to renew their contracts as a tool to crack down on independent media. Four stations had their transmitters disconnected by this Kazakh state-controlled audio-visual watchdog even though they had paid their fees before the introduction of the new decree.[37] Repeated hostile financial inspections are another

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[31] For records of journalists sentenced for libel see the country archives of the Committee to Protect Journalism (CPJ) at www.cpj.org, the World Press Freedom Review of the International Press Institute (IPI) at www.freemedia.at, International Journalists' Network (IJNet) (www.ijnet.org), Freedom House (www.freedomhouse.org). See also *Media Sustainability Index 2001* (MSI) published by the Washington-based International Research and Exchanges Board – IREX (www.irex.org).

[32] See Czech Republic in *MSI 2001*.

[33] See Poland in IJNet archives.

[34] See Armenia in *MSI 2001*.

[35] Splichal, Slavko, *op. cit.*

[36] See Croatia in IPI Report, 1998.

[37] See Kazakhstan in IPI Report, 1997.

common way of stifling critical media. Waging a war of attrition against the private television corporation STB, Ukrainian authorities ordered at least nine state agencies to put the station through repeated random tax audits in 1999 alone.[38]

The judicial system has also been playing an important role in muzzling the press in the former East Bloc countries. A set of poorly paid public institutions that have acquired the fame of being corrupt, the backward judiciary is one of the key state players who have contributed to the poor state of journalism. Used to serve as instruments of the communist judicial system, Eastern European magistrates remain under the thumb of state officials and rich corporations. Boštjan Zupani sees this as a normal step in the democratization of the judicial system. "The cynical habit of using law as a smokescreen for politically palatable decisions is the natural next step for the morally disoriented members of the legal profession," he wrote.[39]

With judges postponing hearings without any justifiable reason and intentionally "losing" files, libel suits linger and courts endlessly harass media outlets and reporters. Obstinately refusing defenses prepared by journalists' lawyers, magistrates are renowned for making trials look like judicial masquerades. Sued for libel by a ruling party deputy, a Romanian journalist was sentenced, despite the fact that the plaintiff had already withdrawn his complaint. Nevertheless, the tribunal sentenced the journalist simply because the notarized document verifying the plaintiff's complaint withdrawal had disappeared from the file.[40]

Censorship at Work

In Uzbekistan, the Inspection Agency of State Secrets is based in the same building as the country's major newspapers. The agency's mission is to review and approve the publication of news stories. Although the Uzbek constitution outlawed censorship ten years ago, the body that used to censor media during the Soviet era remains effective even after Uzbekistan rewrote its constitution more than a decade ago.

A similar entity, the State Committee for Protection of State Secrets, was founded in post-communist Turkmenistan to ensure that the views of opposition political leaders and critics are suppressed. All publications in the country are required to register with this institution.[41]

The Uzbek and Turkmen cases show the obstinacy of the post-communist regimes in maintaining their chokehold on the media. Governmental ministries and local legislatures to a large degree fund these two countries' major newspapers. A bureaucratic system of annual

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[38] See Ukraine in IJNet archives.

[39] Boštjan Zupani, "Slovenian Constitutional Court, From Combat to Contract or: What Does the Constitution Constitute?" (unpublished manuscript) quoted by Mark Gillis in "Lustration and Decommunisation" published in *The Rule of Law in Central Europe: the Reconstruction of Legality, Constitutionalism and Civil Society in the Post-Communist Countries* (edited by Jirí Pribán, James Young). Aldershot; Brookfield, Vt.: Ashgate/Dartmouth, 1999.

[40] "Running the Steeple Chase" (An interview with Marius Stoianovici by Marius Dragomir, 5 November 2001 in *Central Europe Review*, URL: www.ce-review.org).

[41] See Turkmenistan in IPI Report, 2001. Consult also the reports on Turkmenistan published by "Reporters sans frontières" at URL: www.rsf.fr.

re-registration of every TV station is in place, making independent thought in the media next to impossible.[42]

In her book about post-Soviet media in transition, Elena Androunas describes the process of reinstituting censorship by creating monitoring institutions similar to the old censorship committees that strictly controlled the media during communism. Under the administration of president Boris Yeltsin, the Russian government created committees specializing in supervising and controlling the media, such as the State Inspectorate for the Defense of Freedom of the Press and Mass Information at the Russian Ministry of Press and Mass Information.[43] Continuing Soviet-like media strategies, the post-Soviet Russian government excelled in establishing media watchdogs aimed at keeping the press under strict observation. Founded with the initial goal of helping the quest for press freedom, the Russian government agencies ended up hindering media democratization. Before 1997, the Russian government set up institutions such as the Judicial Chamber on Information Disputes, an oversight group appointed by the president to monitor the press; the Committee for the Press, an agency controlling the government subsidies to newspapers; and the Federal Television and Radio Service, a joint budgetary-personnel authority for the TV and radio stations.[44]

The requirement that media register with government regulatory bodies before starting operations has been common in many post-communist countries. In some cases, such as Kyrgyzstan, media outlets must ask for approval to operate from the Ministry of Justice, which is responsible for investigating all violations of the media legislation.[45] Thus, the decision to allow media to work is completely at the government's discretion. A group of Georgian panelists commissioned by an U.S. research organization to give an account of media freedom in their country expressed their concern over some of the articles in the Georgian Law on Press and Mass Media that leave room for legal maneuvering. Article 10 of this act, for example, entitles the state to deny registration to a media outlet "whose goals are considered in contradiction of Georgian law."[46]

A practice reminiscent of the Cold War, jamming foreign programs, has been used by several post-communist nations. An example is the Albanian censorship department of the National Intelligence Service, which reportedly jammed a 1998 Voice of America broadcast of a conference featuring an opposition politician, the Democratic Party leader, Sali Berisha.[47]

Instead of alleviating the pressures posed by the former propaganda apparatus, post-communist governments have vied to burden the state bureaucracy, wasting both financial

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42 See Uzbekistan in IPI Report, 1999.

43 Androunas, Elena. *Soviet Media in Transition: Structural and Economic Alternatives*. Westport, Conn.: Praeger, 1993.

44 Mickiewicz, Ellen. *op. cit.*

45 See "Freedom of speech and press," *Country Reports on Human Rights Practices, 2001* released by the Bureau of Democracy, Human Rights, and Labor (March 2002 – Kyrgyz Republic).

46 See Georgia in *MSI 2001*.

47 See *IJNet* archives.

and human resources in their bid to keep access to information under tight control. Despite calls from international media organizations for freer speech, and the foreign legal assistance that has poured into these countries, post-communist regimes have continued to build communication strategies molded on the pattern of propaganda campaigns and censorship bureaus. The strong political legacy impedes the reformation of the political class. Politicians' and lawmakers' expectations that the media should serve as a megaphone for those in power explain the regimes' propensity towards a complicated and overloaded bureaucracy established to control the media. For example, a representative of a local media organization in Romania who asked members of the Defense Commission in the Romanian Parliament debating a law on classified information whether they had studied the legislation on this topic in other countries, received the reply, "Madam, you throw us back to the school." This persnickety stance of the deputy best illustrates politicians' resistance to reform.[48]

The Fate of Public Broadcasting

The end of 2000 saw turmoil in the streets of the Czech capital, Prague, where hundreds of thousands of people protested against what they perceived as the "politicization" of the country's public television network. In mid-December, the station's director was fired and replaced with a person believed to have political connections. Czech Television's editors and reporters barricaded themselves in their newsroom, demanding guarantees against political interference. This came as a surprise to media observers, as public television in the Czech Republic, although occasionally accused of broadcasting programs pandering to certain political parties, had a relatively solid reputation when compared to its peers in other former communist countries.[49]

A week after the station's manager was fired, the television board, composed of members appointed by the political parties, named Jiří Hodač as general director of the station. Hodač was said to have close ties to the Civic Democratic Party of the former Prime Minister, Václav Klaus. These suspicions were confirmed when the newly appointed head of the station employed Jana Bobošíková, a former economic advisor to Klaus, as chief of the news department. Czech president Václav Havel and popular artists, actors and writers demonstrated their support for the station's "rebels." For two weeks, Czechs could watch two versions of their public television: one produced and broadcast by the Czech Television's official leadership, the other the work of the protesting journalists. Eventually, Hodač stepped down and the parliament passed a new television law relegating the appointment of council members to civic associations. However, media observers still complained that parties would continue to influence public broadcasting, as the parliament reserved the right to reject the people nominated by these civic groups.

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[48] Cârstean, Svetlana. "Presa românească e liberă, dar nu şi independentă" (interview with Ioana Avădani), *Observator Cultural*, no. 124, 9 July 2002.

[49] Druker, Jeremy. "Color TV," *Transitions*, 26 January 2001.

The Slovak media drummed up support for Czech Television's protesting reporters while Slovak politicians hoped that the political firestorm would not reach Slovakia.[50] Since the demise of the ultra-nationalist rule of Vladimír Mečiar, media freedom in Slovakia has progressed, but negative government attitudes toward public television remain. In 1999, both Prime Minister Mikuláš Dzurinda and President Rudolf Schuster were consistently accused of holding a tight grip on Slovak public television.[51]

The Czech Television crisis epitomizes the fate of public broadcasting in former communist countries. These nations inherited broadcasting behemoths where a multi-layered administrative structure led to a complicated decision-making process and immense financial losses. Moreover, with politicians using public broadcasting for their own purposes and the stations' journalists and management continuing to obey official instructions, reform of the former state-owned communist broadcasting system failed.

Defending the station's state-heavy coverage, a director of Albanian public television said that they were obliged to report "what the government is saying," and that the station had "to trust and respect the source of the information because [the politicians] are the ones responsible for resolving the country's problems."[52] New legislation in the former communist nations established "public television," to replace the old system of government control. But the greatest emphasis during the transition was placed on programs and persons, and not on structures and mechanisms.[53]

One of the main foibles of the post-communist state broadcasting system is the process of appointing board members with very close ties to the power elite. The boards of two public media outlets in Slovakia, Slovak Radio and Slovak Television, while theoretically independent, are appointed by parliament. Moreover, the parliament must also approve the stations' annual budgets and appoint the stations' general managers.[54]

Throughout 2000 when presidential elections were held in Poland, public television was constantly under fire for campaigning for presidential candidate Aleksander Kwasniewski, who was subsequently elected. The body in charge of regulating Polish broadcasting, the National Board of Television and Radio, became a highly politicized institution with members appointed by the Senate and the president. The board continues to exercise its power to appoint members to the station's supervisory and program boards.[55] It therefore comes as no surprise that these stations feel obliged to obey the government's orders and broadcast such political messages from the parties in power.

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[50] Horobová, Miroslava. "Signaling Slovakia. Come in Slovakia," *Transitions*, 9 January 2001.

[51] When the Slovak president met with the body established to ensure the impartiality of Slovak Television, his primary concern was the channel's coverage of his own activities. For more, see Slovakia in IPI Report, 1999.

[52] The same director said: "What they are saying has to be communicated to the public, but sometimes the public mistakenly thinks that it is something we are saying." (See Albania in IPI Report, 1997).

[53] Mungiu-Pippidi, Alina. *State Into Public: the Failed Reform of State TV in East Central Europe.* The Joan Shorenstein Center on the Press, Politics and Public Policy, 1999.

[54] Horobová, Miroslava. *op. cit.*

[55] Kosc, Wojtek. "Polish Official Calls for Media De-Politicization," *Transitions*, 9 January 2001.

In an attempt to create the impression that such broadcasting regulation is democratic, most of the post-communist governments have created national broadcasting oversight bodies that supervise the granting of broadcasting licenses to private entities. However, these broadcasting watchdogs have become organs through which the state ensures tighter control over broadcasters in the country. Such is the case with the National Council for Radio and Television and the State Telecommunications Committee in Bulgaria. This Bulgarian broadcasting council consists of nine members nominated by the president and the parliament.[56] The Romanian National Council for Audio-Visual is also an arm of the political power structure and has gained infamy for its corruption through representing the interests of the rich political clique and its business clients.[57]

This subjective form of regulation also taints the process of obtaining a broadcasting license. In Azerbaijan this consists of five steps, one of which requires the applicant to receive a certificate from the state television stating that the station has "high-quality broadcasting equipment." Yet, some independent stations have equipment more modern than the state does, so this borders on the absurd.[58]

Another problem with the current public broadcasting system in the former Eastern Bloc is the financial quasi-dependence of the public stations on the state. As Splichal noted, governments control the public broadcasters either directly through appointments of stations' management or indirectly through budget and other economic instruments.[59]

While a substantial part of most public television stations' funds come from mandatory fees paid by television owners, the public broadcasters still rely on state funds. Moreover, disillusioned with the public broadcasters claims of objectivity, a large part of the viewership has stopped paying the public broadcasting fees.[60] In some countries, such as Romania, where the government is struggling to keep public stations afloat, the state obliges all citizens who own a radio and TV device to pay the broadcasting fee even if they do not use the services of public radio and television.

The public fees and government's funds have proven to be insufficient. Confronted with competition brought by free market enterprise, the public's reluctance to pay fees and the state's reluctance to open its pockets have caused public broadcasters to face huge debts. Even in Estonia, which is enjoying a rapid economic recovery compared to other former

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[56] See Bulgaria in *MSI 2001*; and Vulkov, Konstantin. "No Poetic Justice," *Transitions*, 20 March 2001.

[57] In the late 1990s, I took part in several meetings of the managers of a media group and its owners, who were Romanian deputies and senators. One of the topics discussed was how and whom to bribe in the Romanian audio-visual regulatory body to secure new radio frequencies. Later on, in the Romanian town of Braşov, I attended one of the media gala festivities where a big local media group awarded prizes to meritorious journalists. Among the "laureates" there was also a member of the Romanian Audio-Visual Council who received a prize for having helped "to promote democratic press in the country." Such is a perfect example of the connections and relationships between media tycoons and those regulating broadcasting in Romania.

[58] See Azerbaijan in *MSI 2001*.

[59] Splichal, Slavko. o*p.-cit.*

[60] See the interview with the director of the Czech Television, Jiří Balvín. Dragomir, Marius. "Fine tuning," in *Prague Business Journal*, 25 March 2002.

communist countries, state-owned television was $2 million in debt in 2000.[61] Desperately looking for financial backing, the public broadcasters have finally been forced to open their doors to advertisers. The establishment growing out of this multitude of financial sources is a hybrid private/public entity that combines the worst features of both. The epitome of such media monsters are the Russian broadcasters. Because the government has proven unable to provide sufficient subsidies, television stations have sought revenues in a market controlled by "new Russians," that is media barons who are primarily bankers and industrialists.[62]

Changing state media outlets by making them quasi-commercial is the most dangerous model, as they become victims of two masters, state and commercial control, leaving no island for independent reporting. The market has moved in and has pushed media outlets to open themselves to any and all cash sources. The result is that the stations are subjected to the worst of both worlds.[63]

At War with the Press

The reformation of the media and economic and political reform in the former communist countries are inextricably intertwined processes.[64] While some of the former communist countries have made more progress in the process of democratization, others have chosen to continue the authoritarian politics inherited from communism. More than a decade after the fall of communism, a new "Iron Curtain," separating a substantially reformed Eastern European Bloc from a group of countries that have made slower progress, can be drawn from Estonia in the north all the way south to Slovenia. Countries like the Czech Republic, Poland, Hungary, Slovenia and the Baltic states are demonstrating signs of economic and political growth. But going east to Belarus, Russia, Ukraine and Central Asia, the state of media reform is in shambles.[65]

Declaring their independence from the Soviet empire in the early 1990s, the former Soviet socialist republics faced a deep crisis of identity. Some of them, such as Belarus, Moldova or the conservative eastern Ukraine, have craved a Russian commonwealth directly subordinate to Moscow. Others, such as the Central Asian nations, have reinvented their identities, rejecting the Soviet influence, but taking the worst aspect of it – the authoritarian model for

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61 See Estonia in IPI Report, 2000.

62 Mickiewicz, Ellen. *op. cit.*

63 This is the opinion of several American media experts whom I interviewed in the United States. Orville Schell, dean of graduate school of journalism with the University of California at Berkeley, told me that one can see this hybrid model in China. He further said that he is very wary of this dangerous dynamic rapidly developing in many former communist countries.

64 Jeff Trimble, director of broadcasting with the Congress-funded Radio Free Europe/Radio Liberty agreed with this. In an interview conducted in Washington, D.C., Trimble gave the example of Poland, where the post-communist leadership chose to speed up reform in the early 1990s and reaps the fruits of these reform policies today. Therefore, Poland has a free and vibrant media whereas in Armenia, for instance, the poor state of the economy has hindered media development.

65 "If you look at places like Kazakhstan and Turkmenistan, it is a complete disaster. They have no independent electronic media." (Mark Palmer, former U.S. Ambassador to Hungary and former Deputy Assistant Secretary of State in charge of U.S. relations with the Soviet Union and East Central Europe.)

statehood. Compelled to endure the dictatorship of the clans established by the new leadership in their countries, these nations' efforts for reform lag far behind the rest of the East Bloc. They have simply replaced the Soviet "iron fist" *modus operandi* with their own versions of domestic dictatorship, often more repressive than that of Soviet era.

Confronted with authoritarian regimes unwilling to accept criticism and opposition, and with distressed economies, media independence is practically non-existent in all of these nations isolated from the progress that is being made to their West. In his essay on the economic transition in post-communist countries, Lajos Brokos describes countries such as Belarus, Uzbekistan and Turkmenistan as paradigms of "no-reform," which have maintained central economic planning, with a significant share of financial and even physical resources still allocated by direct government decision, not by market forces.[66]

In a country like Belarus, with a population deeply indoctrinated with fear of opposing the leadership (a legacy of the Stalinist years) the media has resigned itself to a fate as a mouthpiece of the political leadership. The repressive apparatus established to serve the political power structure has eliminated the voice of dissent. One such example is Pavel Sheremet, former head of the Minsk bureau of Russia's ORT television, who was arrested in 1997 after he had reported the link between the smuggling networks operating at the Belarusian-Lithuanian border and the secret funds of the country's president Alexander Lukashenko. Sheremet was subsequently imprisoned in a KGB jail at Grodno. The draconian media laws in Belarus stipulate a term of up to five years of prison for defamation of the president, while the Public Council on Implementing the Law on Press, a state-run body comprised of government-appointed members and editors working with the state media, ensures that this legislation is enforced. State institutions are instructed to withhold information and advertising revenue from the private media outlets.[67] Belarusian state television has been overtly used by the government as a megaphone to attack foreign diplomats, international organizations (such as the Organization for Security and Co-operation in Europe), and various human rights monitoring groups.

The condescending paternalistic attitude of the government toward the media has sparked a feud among journalists. Lawmakers have been continuously attempting to push independent press out of business, while state media has enjoyed preferential treatment. The two camps, state and non-state, have engaged in endless fights and have ensured public distrust of the press through an endless cycle of attack and retaliation. Public disillusionment with the media, combined with the inherent fear and insecurity in which Belarusian people live, have worsened the state of media in this enclave of authoritarianism.

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[66] Brokos, Lajos. "Comments on Fischer and Sahay," in *Transition and Growth in Post-Communist Countries: the Ten-Year Experience* (edited by Lucjan T. Orlowski). Cheltenjam, UK; Northampton, MA: Edward Elgar, 2001.

[67] "Throughout 1999, the authorities used both old and new tools for harassing independent journalists. These ranged from the long-standing practices of 'official warnings,' the denial of official information, interference in printing houses, arrests, bullying and street beatings; to newer methods, such as the demand that all newspapers be re-registered." (See Belarus in IPI Report, 1999.)

Post-Soviet Ukraine has experienced a similar situation. In 1997, two Ukrainian journalists were killed, others beaten up and the authorities closed down a newspaper. Before parliamentary elections in 1998, the Ukrainian leadership used a multitude of legal tools to silence opposition newspapers and continued attacks against journalists. The country's criminal code, which provides for prison terms for libel, has become a legal tool to silence dissenting voices. The 1992 Law on Information contains several vague restrictions on information. For example, the press cannot publish information that calls "for an overthrow of the constitutional order, a violation of the territorial integrity of Ukraine." Stories promoting "propaganda for war, violence, cruelty, fanning of racial, national, [or] religious enmity" are also forbidden.[68]

In 1994, Ukrainian authorities enacted another law targeting the media, which forbids journalists from publishing any information regarded as a "state secret." The vague definition of official state secrets, including such broad categories as defense, economy and foreign relations, offers authorities numerous legal loopholes to control and quiet independent journalists.[69] The poorly funded Ukrainian judiciary, with judges unaware of the ever-changing legislation, contributed to the weakening of the media.[70]

All of these campaigns against free media helped incumbent president Leonid Kuchma win reelection in 1999, one year before another huge scandal tarnished the already poor image of the country. Gyorgy Gongadze, an editor with the Internet newsletter "Pravda Ukrayiny," whose reports had been renowned for their critical tone toward the Ukrainian government, disappeared in September 2000. Two months later, the journalist's decapitated corpse was found outside Kiev. President Kuchma has been accused of ordering this murder.[71]

In Nursultan Nazarbayev's Kazakhstan, the post-communist government has been continuously cracking down on independent media. The ban on television stations, restriction of transmitter use by popular independent broadcasters, and the closing down of dozens of independent electronic media outlets have been just a few steps that the Kazakh government has taken.

Control over the media was consolidated prior to the 1999 presidential elections. The campaign of harassing independent media outlets began a year earlier, when private stations were forbidden from covering opposition candidates or writing unfavorable stories about the president and his clan. Kazakhstan's leadership took hold of a large part of the nation's media through a sophisticated nepotism-based power system with the president's daughter,

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[68] See Ukraine in *IJNet* archives.

[69] "Comparative Analysis of Independent Media Development in Post-Communist Russia and Ukraine," published by Internews-Russia. July 1997.

[70] "Ukraine Media Analysis." IREX/ProMedia – Ukraine.

[71] The Ukrainian president was accused of playing a major role in Gongadze's murder. Despite this and other political scandals, such as corruption and systematic use of the police and security forces against political opponents, Kuchma repeatedly refused to resign. On the contrary, he kept on maintaining a strong grip on power. (See Ukraine in IPI Report, 2001.)

Dariga Nazarbayeva, controlling large television and radio networks.[72] Using his daughter's media holdings to spread his message, Nazarbayev secured his re-election in 1999, but this success did not satiate the president's hunger for punishing dissenting voices. Defying the international community that had been pressuring the Kazakh government to alleviate media suppression in the country, Nazarbayev brazenly chose World Press Freedom Day (May 3, 2001) to pass several more restrictive amendments to Kazakh media law, such as the limitation of re-transmission of foreign television and radio programs to less than 20 percent of the total air time.[73]

The lawmakers and the judiciary represent an important link in the chain of power in Kazakhstan. The country's legislation prohibits journalists from "undermining state security" and "disclosing information about the president and his family and their economic interests or investments." The law imposes stiff fines on media outlets that use "unofficial information," that is, sources that are not sanctioned by the state. Moreover, laws on national security allow the Prosecutor General to suspend any media outlets that he believes "undermine national security."[74]

The same system of repressing independent media is in place in other Central Asian nations like Tajikistan and Turkmenistan. Grappling with severe economic backwardness, which paved the way to authoritarian regimes, the Tajik and Turkmen scenarios are symptomatic of the Central Asian communist legacy. The communist-oriented leadership, seasoned with local religious extremists and collective fear, provided the perfect soil for autocratic states to take root.

Continuing the totalitarian communist tradition, the Tajik government controls the entire media in the country either through restrictive legislation or instructions on how and what to write. The state controls the printing press industry and broadcasting facilities and supplies funds to all publications and broadcasters. The dozen television stations operating in Tajikistan are labeled "independent," but they lack the freedom to report truly independently, as they do not own their own facilities and need to use the official state-owned studios for productions.

As in all Central Asian states, the pre-election period is a time when Tajik authorities heighten their attacks on dissident media. Prior to the 1999 presidential election, the Tajik government quashed all independent media, forbidding them to write about the opposition. The head of Tajik state, Emomali Rakhmonov, won a landslide victory with a whopping 96

[72] Typical for Kazakhstan is the development of the clan-based political structure. In addition to the president's daughter, other relatives of the chief of state and political allies have been given the power to control media. Therefore, the administration of Kazakhstan has become more like a "family business," where outsiders have no access to any medium to communicate critical or dissenting opinions. (See Kazakhstan in IPI Report, 1998.)

[73] In an interview with *The Washington Post*, Nazarbayev rejected criticisms of his government. He vehemently denied the involvement of his family, especially his daughter, in the Kazakh media business. However, the Kazakh president failed to offer any relevant proof. (See "President of Key U.S. Ally Puts Critics on Trial, in Jail," by Robert G. Kaiser, published in *The Washington Post*, July 22, 2002.)

[74] See the country reports produced by the Committee to Protect Journalists (CPJ).

percent of the vote.[75] In Tajikistan, a country ravaged by civil war where a decrepit judiciary and underdeveloped civil society helped parallel legal systems arise, the discrepancy between law and its enforcement is enormous.

The same political and legal pandemonium has grown in Turkmenistan, where the self-declared "President for Life," Saparmurad Niyazov, has brought the media to its knees. The repressive practices of the Turkmen government go well beyond to any of the former communist regimes. Measures such as incarcerating dissidents in psychiatric clinics, have been used extensively by the Turkmen authoritarian leadership. A distinguished journalist, Marat Durdyev was detained for over a month in an Ashgabat psychiatric hospital at the end of 1996 for having written and published an article criticizing Turkmenistan in a Russian newspaper.[76]

By systematically shutting down all independent media outlets and severely restricting the importation of foreign texts and subscription to foreign publications, the Turkmen regime succeeded in silencing all local opposition voices.[77] According to a criminal code passed by the Turkmen parliament in 1997, infringements into the president's life could be punished by a 15 to 20 year prison term or even capital punishment. Thankfully, the latter punishment was repealed in 1999.

Compared to the clan-run Kazakh state, the Tajik authoritarian regime and the Turkmen despotic leadership, Kyrgyzstan and Uzbekistan have benefited from some democratic improvements. However, the democratic evolution of these two countries fits into the same overall Central Asian pattern because of their grizzly record of restricting freedom of speech. By suppressing a newspaper one week after its first issue was printed and jailing a journalist in 1997, Kyrgyzstan gained the infamous distinction of being the first ex-Soviet republic to jail a journalist for libel.[78] As in the other Central Asian countries, the Kyrgyz president's

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[75] The elections were a macabre farce. In addition to blatant fraud, the government feigned an electoral game, hiding the official withdrawal of a second candidate on the ballot from the race. Government media played a major role, refusing to report on the candidate's withdrawal. (See Tajikistan in IPI Report, 1999.)

[76] Durdyev was released in poor health. Meanwhile, he was dismissed from the editorial boards of the publications with which he was associated, was fired from his teaching posts, and saw his membership of the Academy of Sciences withdrawn. Durdyev is not the only example of dissidents incarcerated in psychiatric clinics. Durdymurad Khodzha-Muhammed, a former editor-in-chief of the opposition newspaper *Ata Vatan*, distributed clandestinely in Turkmenistan, was also forcibly detained in Bekrava psychiatric hospital in February 1996. (See Turkmenistan in IPI Report, 1997.)

[77] The Russian state television outlet, ORT, is one of the few "foreign" channels penetrating Turkmenistan. However, people can watch only a heavily edited version of its broadcasting. (See Turkmenistan in IPI Report, 2001.)

[78] Citing difficulties over the license of the newspaper *Kriminal*, the Kirghiz Ministry of Justice forbade a printing house to print the publication. The ministry officially banned the newspaper for violating an article of the country's Civil Code that prohibits "publication of non-verified or false information." The newspaper was blamed for publishing an unflattering story against the country's prime minister and deputy prime minister. The journalist sentenced, Rysbek Omurzakov, a reporter with *Res Publika*, was charged with libel against a director of a state-owned business. The conviction was even more revolting in light of the fact that the journalist based his story on a petition signed by more than 100 employees who claimed they suffered from poor living conditions. Eventually the journalist received a sentence of three years in a prison colony. (See Kyrgyzstan in IPI Report, 1997.)

image is central to the consideration of legislation concerning the media. An article of the 1998 Kyrgyz criminal code protects the "honor and dignity of the president."

Moreover, such vaguely worded laws are often contradictory. For example, although the law on mass media clearly states that no media outlet can be closed without a court decision, another law that regulates the realm of broadcasting stipulates that broadcasters can be shut down if they have disregarded technical requirements, which are unspecified (one of the loopholes in the law which leaves it open to broad interpretation).

The behavior of the political rulers before elections bears the same characteristics in Kyrgyzstan as in the other Central Asian nations. Struggling to secure an electoral victory, the incumbent leadership of Askar Akayev resorted to more or less the same set of restrictive measures aimed at intimidating a critical press. Prior to the heavily criticized 2000 presidential elections in Kyrgyzstan, the government began a campaign of harassing the media, detaining and sentencing journalists in unfounded libel suits in which the journalists were denied access to lawyers. Journalists were ensnared in so many legal suits that they were left no time to focus their attention on the elections, and President Askar Akayev was reelected with some 74 percent of the votes, which may have been an effect of the lack of media role during the campaign. The new Kyrgyz administration continued to maintain strict control of the media and new steps further limiting the freedom of the press have been taken in the past years.[79]

In addition to the official measures directed at clamping down on the media, the Kyrgyz government has repeatedly attempted to compromise the credibility of the independent press through various underground "media projects" aimed at breaking the credibility of the media and confusing the readership. A phenomenon showing the degree of mischievous sophistication reached by the Kyrgyz government's manipulation machinery is the outgrowth of "the other independent press." Funded by fictitious people and organizations, this Central Asian version of yellow journalism has discredited the truly independent press to a great degree, relying on the "scissors" technique – cutting, pasting and reprinting stories from other papers.[80]

The Uzbek media has also been living in an atmosphere of repression, with little freedom to publicly criticize the government. In 1997, the BBC and Radio Liberty did several reports on the lack of media freedom in Uzbekistan.[81] State-owned printing houses must clear censors, and criminal codes are designed to victimize journalists. Employing obfuscating

[79] Hamid Toursunof reported on a 2002 decree stipulating that the interior and justice ministries make an inventory of publishing houses and control the import of print equipment. (Toursunof, Hamid. "Kyrgyz Media, Made in Russia," *Transitions*, 22 February 2002).

[80] Usually these newspapers have only three staff members who spend their time pillaging other media, stealing and re-publishing texts. (See Kyrgyzstan in *MSI 2001*).

[81] In a broadcast on the public radio, Obrohim Normatov, director of Uzbek state television, accused the BBC and Radio Liberty of undermining political stability in Uzbekistan. In the tradition of Soviet propaganda, he spoke about "a deliberate policy of disinformation" on the part of the two Western radio stations. (See Uzbekistan in IPI Report, 1997.)

terminology, several articles of Uzbek mass media law give the authorities the legal instruments necessary to easily send critics to jail.[82]

The transitional post-communist decade in the East Bloc has seen slow economic and political reform. However, while a few Central European nations have succeeded in attracting investment and revamping some essential parts of the national economies, the sauntering "Eastern world" of the former communist bloc has faced dramatic economic crises ensuing from the reliance on authoritarian state policies. Although replacing the brutal Soviet structure with localized dictatorships, these nations have been desperately looking for a national or political identity to bolster their sovereignty.

While countries such as Poland, Hungary or the former Czechoslovakia have historically considered liberty a given, as demonstrated by these countries' citizens repeatedly challenging Soviet dominance as illegitimate during the communist era, the former Soviet republics found themselves in a political and national vacuum after gaining their independence. With inherent concepts of identity wiped out by forced Russification, these fledgling nations "East of the East" have found their legitimacy either in the grand Mother Russia mirage or in a new generation of Soviet-minded leaders, who have exploited this political and cultural vacuum.

While nations such as Belarus and Ukraine have obsessively nurtured the myth of Mother Russia, even proposing the creation of a Russocentric commonwealth over the past few years, the Central Asian countries have fabricated post-communist national legitimacies. Mired in communist legacy and painful national reconstruction, and burdened with failing economies, these nations have reverted to authoritarianism. Cultivating fear and client/patron relations, these regimes have championed the repression of free expression. Rampant corruption, over-regulation and economic inertia have hampered the health of the private sector in the feudal societies of Central Asia and the autocratic states of Belarus, Ukraine and Moldova.[83]

The view of the international human rights community is imbued with optimism regarding the recovery of these states in the coming years. Moreover, the war against terrorism in Afghanistan has focused international attention on these Central Asian countries whose strategic position has made them key allies in the war on terror. Despite the wave of optimism that has fueled the international hope for democratization in the region, the propensity towards dictatorship in these countries is likely to dash these hopes.

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[82] A case that drew the attention of the international media organizations was the 1997 conviction of the state-owned Samarkand radio station reporter, Shadi Mardiev, for mocking a corrupt local prosecutor. The journalist was charged with defamation and extortion and was sentenced to an eleven-year prison term. (See Uzbekistan in IPI Report, 1998.)

[83] Robert G. Kaiser gives an accurate account of the backwardness dominating the Central Asian states. (See Kaiser, Robert G. "Tajiks Upbeat About 'Most Backward' Republic," August 1, 2002; "Difficult Times For a Key Ally In Terror War," August 5, 2002; "Personality Cult Buoys 'Father of All Turkmen'," July 8, 2002; "U.S. Ties Inspire Uzbek Reform Promises," July 1, 2002, all published in *The Washington Post*).

Momentary political developments, such as the war on terrorism, exert a great deal of influence in the region. However, the crisis of legitimacy and the lack of basic comprehension of democratic practices among these peoples will delay any radical change in this part of the world. A lack of political willingness and foreign capital to revive lifeless economies keeps these countries in a state of perpetual crisis. Unlike other former communist nations, where reprimands have become exceptions, media in these countries have suffered the worst repression in the past ten years of transition, where censorship and restriction have been the rule rather than the exception.

Soviet Dictatorship Ends, But Dictatorship Lives On

A significant part of the Soviet legacy in Eastern and Central Europe is a mentality, inherited by both the political establishment and the society, which existed in a fear-based relationship between the state and its citizenry. The embodiment of this legacy is the revival of authoritarianism in some of the former communist countries. By maintaining the repression-oriented leadership and centralized economies, the dictatorships that survived the fall of communism failed to attract foreign investment and discouraged Western assistance needed to reconstruct their bankrupt states. Such an oppressive political and economic environment proved a severe impediment to the development of independent media, which experienced coercive legislation imposing excessive limitations.

In addition to the dictatorial system functioning in the countries that were directly subjugated to Russian ideology until twelve years ago, another important component of the Soviet legacy that has latently survived in most of the former communist nations is the dictatorial behavior among the political leaders in the region. Although most of the post-socialist leaders outwardly professed their democratic beliefs for appearance's sake, dictatorial behavior has continuously surfaced even in some of the nations boasting more mature democratic systems.

While the communist-inspired political system has firmly taken root in the former Soviet satellite nations, the authoritarian character has survived in post-communist leaderships in the entire Eastern Bloc. One of the main difficulties contributing to the repression of free expression in the region is the large group of political antagonists harboring dictatorial tendencies. These autocratic political players have hindered the democratic evolution of the emerging legal culture in the former communist countries, wielding a substantial amount of influence on post-socialist media policies.

With the collapse of the Soviet empire and its transnational system of ideological, political and economic control over its subordinated regimes, the spectrum of political opportunities increased and allowed the emergence of a new wave of national dictators. But with anticommunist revolutions sweeping the Eastern Bloc and the people seeking democratic reforms, the post-socialist leaders had to accept some political concessions such as free press, political pluralism, elections and free markets.

However, few believed in the early 1990s that neo-Stalinist systems would be revived. Unlike the primitive, brutal communist leaders who ruled Eastern European nations during the Cold War, post-socialist rulers ironically have relied heavily on personal charisma for their political livelihood. They polished their style of leadership by enhancing their repressive methods and techniques of dissuasion. In Yugoslavia, Slobodan Milosevic arose in the wake of the communist collapse. Banking on the nationalistic fervor that paralyzed the former Yugoslavia in the early 1990s, Milosevic embarked on a brutal campaign of clamping down on opposition voices in the country. In 1997 his regime closed down several independent radio and television stations, appointed his acolytes in managerial positions at other media outlets and stifled a new media law that would have permitted the access of electronic media to more than 25 percent of the population, thus maintaining a state media monopoly. Meanwhile, Serbian authorities continued to crack down on the media in the 90 percent Albanian-populated Kosovo province.[84]

In the style of communist dictators, Milosevic obsessively attempted to restrict access to foreign information. In 1998, the Serbian Parliament enacted a law that banned the re-broadcast of foreign programs and imposed exorbitant fees on media outlets that did not comply with this rule. In the same year the government issued a series of decrees aimed at closing down three independent newspapers.[85]

Using the conflict in Kosovo as a stalking-horse for reprimanding the media, the Milosevic regime continued the campaign of harassing journalists who attempted to report objectively. Prior to the 1999 NATO bombing campaign, violence and ethnic hatred in the former Yugoslavia reached a climax, making the media's mission of independent reporting nearly impossible. Two decrees adopted in 1999 allowed the police and public prosecutors to use any method necessary to stamp out opponents of the regime. The media was placed high on the government's black list.[86]

A major characteristic of post-communist dictatorial behavior in the Eastern Bloc is the leaders' publicly expressed aversion toward media. The decade following the fall of communism in Europe saw a recrudescence of vitriolic political speech, with media being the primary target of these attacks. During communism, state leadership had control over the media, which became a malleable tool of the political machinery. The relationship between political rulers and journalists was one of patron to subordinate. After the fall of communism, as many media outlets became independent, the press and political leadership became adversaries. This prompted some politicians, who were unfamiliar with diplomatic public discourse and appropriate political behavior, to publicly vent their anger towards the

[84] Several reporters working with the Albanian-language daily *Rilindja-Bukju* were arrested and interrogated about the activities of Albanian political parties. (See Albania in IPI Report, 1997).

[85] The newspapers shut down were *Danas*, *Nasa Borba* and *Dnevni Telegraf*. They were accused of "inciting fear, panic and defeatism" through their reporting. (See Yugoslavia in IPI Report, 1998).

[86] The Decree on Criminal Proceedings during a State of War and the Decree on the Application of the Law on Internal Affairs during a State of War gave the repressive machine of Milosevic the ability to crush any opposition. Eventually this led to total legislative chaos in the country. Any policeman on duty had authorization to arrest journalists for any suspicion of their being "engaged in activities against the current interests of the country." (See IPI Report and "Nations in Transit: 1999-2000," published by Freedom House).

critical voices. A detailed analysis of the political behavior in the region reveals the existence of dictatorial instincts in the innermost behavioral depths of most leaders. This behavioral legacy can be detected in the tendency of many in the former communist societies to use vulgar rancor in their daily social relationships. Fostered by the fear-based relationship developed under communism, this vitriol pervades many layers of public life, its manifestations ranging from personal attacks in the media to the leadership's fiery speeches attacking any opposition.

The Milosevic government was one of the first practitioners of this kind of discourse in the former communist camp. In 1999, during NATO's operation in Yugoslavia, the country's leadership innumerable times called its own domestic journalists "traitors" who undermined the defense and reconstruction of the country.

This kind of speech was vivified in the Balkans in the early 1990s. The imprisonment of a regime opponent in the mid-1980s for campaigning against Yugoslavian communist rule, the former Bosnian president Alija Izetbegovic, is an example of how the Leninist legacy has penetrated the mentality of people living in the communist bloc. A fervent supporter of the creation of an Islamic state in Bosnia, Izetbegovic ironically emulated his repressors and wore the coat of authoritarianism, lashing out at independent media that refuted his ideas. His public speeches contained a whole panoply of accusations typical of communist-inspired propaganda. Discontent with the media coverage of political life in the country, Izetbegovic called journalists "foreign sources"-sponsored "traitors" who spread information "contrary to the interests of Bosnia-Herzegovina."[87]

The first president of independent, post-socialist Croatia, Franjo Tudjman, also rebuked the criticism of independent media, whom he labeled "enemies of the state."[88] A former communist activist and lecturer of socialist revolution theory, Tudjman was arrested and imprisoned several times in the 1970s after falling out of the communist authorities' favor by speaking out against the Party leaders. Like other post-socialist leaders in the region, he embarked on a war against Croatian media aimed at curbing criticism. Like the communist leaders who once savored the stultifying national celebrations centered on their own cult of personality, Tudjman resumed galas celebrating the regime and himself as its head, with his allies hailing the presidency of the "supreme leader."[89]

The same attitude towards media characterized many of the post-communist politicians in Romania where the former communist activist and three-time president Ion Iliescu acquired infamy as an outspoken enemy of the media. The Romanian president, who in the wake of the anti-communist revolution called for "a socialism with a humane face," combined the typical dictatorial behavioral with physical attacks against influential journalists. Today he is

[87] The newspapers targeted by Izetbegovic in 1997 were *Svijet*, *Slobodna Bosna* and *Dani*. (See Bosnia in IPI Report, 1997).
[88] See Croatia in IPI Report, 1997.
[89] Such a show took place in 1997 when the president celebrated his 75th birthday in a pompous gala held in the Zagreb-based national theater. (See Croatia in IPI Report, 1997).

remembered as the first president who literally held a journalist by the throat in the 1992 electoral campaign, quite a potent symbolic act.[90]

Although the ouster of the Milosevic regime in the former Yugoslavia was heralded by many as the end of the last dictatorship in Europe, dictators have nonetheless seemed to make their way back into the political systems in many former communist European states. A country that has remained a pariah of Europe, isolating itself from the West, is Belarus. President Aleksander Lukashenko is a typical communist dictator who has used all available tactics to rein in his countrymen and consolidate power. Elected in 1994 on an anti-corruption platform, he dissolved the parliament and protracted his mandate through a referendum in 1996 that was highly criticized by Western countries. He won another mandate in the 2001 elections as reports of electoral fraud abounded. In the months prior to these elections he escalated his attacks against independent media and political opponents. Lukashenko is the embodiment and successor of a Stalinist-style dictator. Overtly spurning the democratic course of development that has surrounded him, the Belarusian president has revived the harshest version of communist dictatorship.[91]

A different version of dictatorship has flourished in the Central Asian countries where the authoritarian figures have emerged as national avatars of justice fighting Russian dominance. Rediscovering or reinventing their national identity and looking for a national thesaurus to defend their national legitimacy, the poor Central Asian nations have fallen into the trap of the ideologues who, as they promised liberty and national dignity, seized power following the collapse of the Soviet Union. Though dictatorial mores pervade all Central Asian nations, the Kazakh regime of Nursultan Nazarbayev has distinguished itself as particularly severe. Laying out a highly sophisticated, nepotism-based political network, Nazarbayev has managed to control, in the pure Soviet tradition, all of his country's industries, including the media.[92]

An important factor that has helped the regimes in Belarus and Kazakhstan impose their autocratic policies is the general political apathy of the public. Living in fear and lacking education, people in these countries passively allow the dictatorships to consolidate their hold on government. Systematically decked by the Kazakh regime, media rarely enjoyed

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[90] I was working as a journalist with a local newspaper in the Romanian town of Constanta when Iliescu lost countenance during his electoral visit in this town. When he went out of the mayor's office, a large crowd welcomed him. However, among this group there were some journalists and dozens of people booing and shouting anti-presidential slogans. At the height of the hubbub, enraged by the booing, the president singled out a person in the crowd, who happened to be a journalist, held him by the throat, and asked him nervously, "Why do you boo, you animal?" The episode became widely publicized in the country. Musicians wrote songs inspired by this event and "Why do you boo, you animal?" became a popular reference for many journalists and politicians in their speeches or writings.

[91] "Belarus is the only former Soviet republic that has overtly rejected the path of democracy and market reform, paying lip service to democratic values, but keeping a tight lid on expressions of dissent. The president, Alexander Lukashenko, is an authoritarian figure, with an almost paranoid fear of the West and his own domestic opposition." (See Belarus in *MSI 2001*.)

[92] "Very much in the tradition of clan-based rule, President Nursultan Nazarbayev, his family circle, and loyal friends continue in both open and covert ways to supervise media outlets, patronize business development, and keep legal and political progress in check." (See Kazakhstan in *MSI 2001*.)

support from the impoverished, fearful public which has shown little concern about freedom of speech issues.

Public indifference and obedience boosted another dictatorship in the region. Repeating the political seclusion pattern of the 1980s, Turkmenistan is one of the harshest dictatorships in the region, led by the self-appointed president for life and "father of all Turkmen people," Saparmurad Niyazov. Eliminating practically all dissidence in the country, Niyazov enjoys a cult of personality established by his clique of courtiers.

Banning all opposition political parties, Niyazov's loyal supporters from the Democratic Party have seized all seats in parliament after the first parliamentary elections since independence, held in 1999. Compelling the culture and media makers in the country to incorporate "the national features of the Turkmen people" in their works, Niyazov has consistently objurgated mass media and cultural institutions for not being able to follow his directions.[93]

While the dictatorial mindset has been active in most of the former communist countries, Central European countries have boasted more pragmatic and Western-like leaderships in the post-socialist transitional years. The Balkans have been ravaged by ethnic strife meticulously orchestrated by sophisticated and charismatic dictators. Countries such as Romania have managed to avoid allowing traditional ethnic tensions from flaring up, but it nonetheless experienced dictatorial outbursts from former communists such as Iliescu, who reinstated members of the repressive communist machinery by appointing them to key bureaucratic, media, and business posts. The former Soviet republics, where the mentality of the citizenry has been extremely traumatized by brutal communist indoctrination, have undergone a quick resurgence of dictatorships. Only countries like Slovenia (which diplomatically avoided the Balkan turmoil), Hungary, Poland, Czech Republic and the Baltic states succeeded in avoiding a dictatorial system, setting out to reform their economies and political systems. Pragmatism and political willingness marked the democratization process in these states.

When Czechoslovakia evolved into two separate nations, the nationalistic, populist Slovak movement gained political ground, paving the way to power for another dictatorship-oriented leader in the Eastern Bloc, Vladimír Mečiar. Listed among the world's "Ten Enemies of the Press" by the Committee to Protect Journalists (CPJ), the three-time prime minister of Slovakia had a grim record of attacks against press freedom. His political machinery acquired such strength that even the presidential institution became one of the victims of his power. Former Slovak president Michal Kováč was forbidden several times in 1997 to be on state television when he desired to address the nation regarding the referendum for NATO candidacy.[94]

[93] In 2001, Niyazov accused the Turkmen Minister of Culture of organizational failures. Heads of other sectors such as theater, radio and television broadcasting were also chastised for their failure to reflect Turkmen national life in their productions. (See Turkmenistan in IPI Report, 2001).

[94] See Slovakia in IPI Report, 1997.

Mečiar kept a stranglehold on state media in the country and barred the development of an independent, objective press. The true face of the Mečiar regime was revealed only after 1998, the year of his fall, when the Slovak counter-intelligence service revealed that Mečiar had used the service to spy on opposition politicians and both local and foreign journalists.[95]

Praised as one of the most developed democracies among the former communist nations, the Czech Republic has been an example of a free environment propitious for the development of independent media. The press owes much of this to the country's president, Václav Havel, one of the champions of democracy in the Eastern Bloc, who intervened with his moral authority in journalists' favor, supporting free speech in the country. However, even in such a fast developing democracy, authoritarian attitudes have sometimes arisen.

One of the officials who made a habit of rebuking the press was former Czech Prime Minister Miloš Zeman. He constantly criticized and threatened media outlets with libel suits, sometimes seeking damages amounting to exorbitant sums, such as $4.67 million.[96] Furthermore, Zeman excelled in discharging volleys of oaths against the media and particular journalists. The Czech premier's favorite appellations for journalists were "liars and amateurs," "stupid, corrupt, damned idiots," and "people with the intelligence of remedial school graduates."

The legacy of dictatorship has been felt in former communist countries in two ways: on one hand, the revival of the authoritarian *system* with its reactionary bureaucracy and repressive machinery, and on the other hand, the authoritarian *mindset* with its multitude of dictatorial behaviors. Both parts of this legacy have dramatically encroached upon media freedom in the region. While implementing an authoritarian system proved to be more difficult without an indoctrinated public, the dictatorial mentality has survived in all of these countries, surfacing even in the most democratic of them. This mentality has been manifested in interventions into media affairs (through legislation, physical attacks, or verbal assaults against a press accused of stupidity, corruption, venality to imperialistic forces or fascism).[97] To bring down a dictator can take only a matter of days as the anticommunist revolutions in Europe demonstrated. The real challenge thus far has proven to be the destruction of the authoritarian mentality and instincts.

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[95] Mečiar developed a strong network of political and economic allies. As head of this mafia-like state apparatus, he controlled the capital, political power and communication channels in the country, having power over all state structures in Slovakia. During his mandate, journalists were denied access to the monthly meetings of his party (Movement for a Democratic Slovakia), could not attend parliament sessions, and were rarely allowed to question the prime minister during his news conferences. (See "Slovakia. Nations in Transit 1998." [Edited by Adrian Karatnycky, Alexander Motyl and Charles Graybow]. Freedom House, 1998.)

[96] The former Czech prime minister demanded millions of dollars in damages in 2001 when he was outraged by an article published by the Czech magazine *Respekt*. The story, which alleged that government did not fulfill its promise to eradicate corruption, was based on a report on the level of corruption in the former communist countries released by the non-governmental organization Transparency International.

[97] The Belarusian president, Alexander Lukashenko, used the word "fascist" to describe independent media. He made this comment in 1999 in Moscow. (See Belarus in IPI Report, 1999).

The filmmaker Steve York, who produced and directed the one-hour documentary film "Bringing Down a Dictator," quoted the Serbian prime minister Zoran Djindjic as stating that, " the enemy is not only Milosevic the man, it's the Milosevic in all of us."[98] Such an ominous legacy is one of the most obstructive factors impeding the reform of the media in the former communist nations.

High Poverty, Low Journalism

The post-communist governments' attempts to control independent press through draconian media legislation remain a major obstacle in the process of media reform in the region. Debilitated economies and scarcity of capital in these countries have also been used largely as an instrument to further control the media in the post-socialist nations. Western companies have become cautious in placing their capital in countries whose political credibility is in doubt, since post-communist countries grapple with spiraling budget deficits and low standards of living.

In such an economic climate, media independence is almost impossible to maintain. Unlike Western media, which is a profit-driven industry, post-socialist media caters to the interests of its sponsors, be they politicians or businesses, and its goal is simply to survive ongoing economic crisis by accepting any compromises.

The countries that sped up economic reform in the early 1990s enjoy more vibrant media and freedom of expression today. In many cases the harsh economic conditions have been used as a supplementary tool of repressing press freedom, backing the enforcement of the restrictive legislation. Media outlets are increasingly subservient to their country's government or rich businesses, fearing that they will be closed if they are sued for libel. Even when journalists are not sent to prison, obligation to pay exorbitant sums in damages can render a media outlet insolvent.[99]

This uncongenial economic climate produces self-censorship, thereby reducing the level of journalism.[100] As a result, a new phenomenon has emerged in the press – economic censorship. Such censorship prevents journalists from writing negatively about, for example, companies that advertise in the media outlet the journalist works for. "It is a consequence of the economic poverty in the country and part of the daily survival of most publications. It is also caused by the fact that not even the advertisers note the difference between an

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[98] "Bringing Down a Dictator" is a production of York Zimmerman Inc. and a presentation of WETA Washington, D.C., premiering March 2002 on PBS television. An interview with Steve York was published on the station's web site: http://www.pbs.org/weta/dictator/film/yorkqa.html

[99] After having experienced several libel suits in Romania, I realized that rich businesses (most of them close to the political machine) and politicians have become more interested in getting media outlets to pay fines than imprisoning journalists. Jailing a reporter tarnishes the image of government and brings grist to the media to reopen the debate on the freedom of press. But making media pay steep sums in damages silences media in a "legal" way and does not sully the government's image.

[100] Margueritte noticed the low standard of living among journalists, and a greater society that does not support and demand a diversified, credible media. (See Margueritte, Bernard J. *op. cit.*).

advertising contract and editorial space. Generally, they see it as normal that one should not write negatively about them once they pay," said a Romanian media manager.[101]

Romania is one of the countries grappling with a deep economic crisis. In the post-communist years, a combination of corruption and lack of economic management skills have slowed down economic reform. In some journalists' opinions, the relationship between the press and the political and economic power has slightly "normalized," but the economic penury is still affecting media independence. Most Romanian media outlets remain unprofitable, financed largely by adjacent businesses run by the media owners. This compels journalists to comply with the internal rules of the house and not bite the hand that feeds them.[102] Advertising, the main source of revenue in a Western media outlet, accounts for only 30 percent of the revenues of an average local newspaper in Romania. The scarce advertising has prompted the state to intervene in media business through its numerous agencies and companies that use state funds to get friendly coverage.[103]

The press crisis stems from Romania's disastrous economic conditions. Newspaper circulations have been declining as the buying power of the population has decreased. With the readership shrinking, media outlets have become more vulnerable to growing pressures from government and businesses, a phenomenon characterizing most of the former communist nations. In countries such as Armenia, the press serves as a mouthpiece of rich businesses or political parties that overtly force media outlets to publish flattering stories about their members and criticism of their opposition.[104]

In Albania, one of the poorest countries of the former Eastern Bloc, the media is fighting for its financial life. When the economic situation deteriorated in 1997 after the collapse of several dubious pyramid savings schemes that left thousands of people penniless, the media experienced dramatic losses and repression. The consequences of these crises have been a strategy of cutting costs and growing obedience to the regime. Most newspapers, television and radio stations made fewer efforts to do investigative and on-the-spot reporting and placed more stock in international news reports. To keep their businesses afloat, media

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[101] "Obviously, I have made compromises. As a journalist I don't believe I did, but then as a manager... How can you not make compromises when on each pay day almost 100 employees are waiting for their ridiculously small wages and you have no money in your bank account? Can you refuse an advertising contract offered, apparently, without any hidden interests behind it? There were times when I, personally, didn't succeed in refusing it. […] That is why to talk about profit in this business is a little bit weird. The media doesn't make a profit yet. […] Without blackmailing, advertising contracts pushed through politically, it is not easy to survive. We don't even dream about getting rich." (From "Running the Steeple Chase", interview with Marius Stoianovici in *Central Europe Review*.)

[102] Avadani, Ioana. "Press Freedom Is a Costly Issue," *Transitions*, 3 May 2002.

[103] "Huge ads for railroad equipment and other services provided by various state-owned agencies are not rare in some papers – a "token of gratitude" for friendly coverage." (See Avădani, Ioana. *op.cit.*). The Romanian journalist Marius Stoianovici talked about some media outlets ready to accept the financial advances of the government. He called these media "barons of the national press who knew how to negotiate some fat advertising contracts – for instance, with public companies such as railway company SNCFR […]." (See interview with Marius Stoianovici.)

[104] See Armenia in *MSI 2001*.

managers desperately sought financial backers, either politicians or their friends running big businesses in the country.[105]

With the collapse of the Russian economy, weak local businesses, and high unemployment, the former Soviet republics have experienced the harshest economic difficulties. In the struggling Central Asian nations, ruled by repressive regimes, buying newspapers has become a luxury for the impoverished population. Lacking financial resources in a country where the pensioners earn $6 per month, the Kyrgyz media is simply duplicating the Albanian crisis management plan: minimizing costs and avoiding public criticism of government and business institutions.[106] Moldova experienced a similar economic slump where insufficient advertising revenue and low circulation have forced the media to look to the state and political parties for financing.

The Romanian post-socialist leadership has not missed any opportunity to exploit the media's financial instability. Realizing that television is the most powerful medium in the country, the Romanian government concocted sophisticated plans to secure positive coverage on television stations that have become part of the power elite's prodigious propaganda machine.[107] Unable to make enough money to pay taxes to the state budget, the largest television stations nibbled at the government's bait: friendly coverage in exchange for forgiving the stations' debts.[108] The economic card that regimes have played against the media has led to the deterioration of both journalists and journalism. Underpaid and overworked, journalists use their profession as a springboard to higher positions, mainly in the public relations sections of political parties and state structures.[109]

The retrogressive status of journalism in a hostile economic and legal climate has prompted journalists to give up their independence and compromise their credibility. Bernard

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[105] A panelist in the *MSI 2001* report, speaking on condition of anonymity, describes the method of becoming a media mogul in the country: "All you have to do is promise allegiance to one political party or another, swear that your programming (news especially) will promote their philosophies, and they will guide you to the right MP who will then accept your token of appreciation for his attention, usually paid in American dollars." (See Albania in *MSI 2001*.)

[106] Ernis Mamyrkanov, director of the Osh Media Regional Center in Kyrgyzstan, said: "The [Kyrgyz] media here are facing great financial difficulties, like the rest of the country. They are poorly equipped and lack well-trained and experienced professionals, because they cannot offer decent salaries." (Quoted by Toursunof, Hamid. op. cit.).

[107] "It is a diabolical media dictatorship achieved by such subtle and clever means that nobody finds out. And if you do, you're in serious trouble." (A Romanian journalist quoted in: Dragomir, Marius. "Propping up Propaganda," *Transitions*, 21 June 2002.)

[108] According to a survey carried out in April 2002 by the Romanian Press Monitoring Agency, the incumbent Romanian Prime Minister, Adrian Nastase, is the most frequently appearing figure in the news programs broadcast by the four largest channels in the country, which together gather a 64.8 percent audience share in prime time. (For more details about this survey and the debts of the TV stations to the state budget see Dragomir, Marius. o*p. cit.*)

[109] "The Romanian journalist is a typical person. He never has money. He is sufficiently crazy to attack anyone without caring about the danger. He is cynical because he saw too many things and knows that he is alone in the war against everybody because he is not actually protected by anyone. […] On the other hand, the press has become more and more menial to political and economic interests mainly because of the crisis that the Romanian economy has been going through." (See interview with Marius Stoianovici).

Margueritte speaks about corruption among journalists in former communist countries who often work as journalists while holding an elective office or even serving on the board of a corporation.[110] Working as a news reporter while simultaneously working as a public relations agent or spokesman for a political party – even when the journalist writes about that party – has also become common in many former communist countries.

In Hungary, where the political pressure has significantly receded, the real story has become the economy in recent years. Jockeying to secure advertising revenues has completely blurred the line between news and promotional content, with most of the Hungarian dailies reportedly willing to get paid for inserting advertisements in the editorial space without labeling them as such. This practice, known in the industry as "advertorial," is common in many Eastern European countries.[111]

The low level of economic development, which has led to corruption among journalists and helped to develop a thriving culture of perks, has encroached upon all media in the region. In Macedonia, where competition bolstered newspaper readership in 1997, journalists were obliged to pay lawmakers and bureaucrats for information. Journalists express their thanks usually through a flattering article about their source.[112]

Moreover, the impoverished conditions under which most of the media outlets must work and the compromises journalists are obliged to make have led to a lack of willingness to question people in official positions or top ranking business leaders in the region. Although skeptical about what they are being told by government officials, journalists in Eastern and Central Europe lack the positive aggressiveness that makes journalism worthwhile. "Unlike American journalism, where you come back with a different way to ask a question, I find that journalists in Eastern Europe have not yet developed a self-confidence or psychological ability to ask those tough questions," said a U.S. journalism expert.[113]

Living in a hostile economic climate, with politicians and powerful business leaders striving to interfere with media coverage, journalism has lost its independence and credibility. Coalesced with a long tradition of opinionated journalism in Europe, this has led to the development of a subjective press with journalists acting more as missionaries in the service of their financial masters rather than objective information channels.[114]

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[110] Margueritte, Bernard J. *op. cit.*

[111] This was the result of an investigation carried out by the local English weekly *Budapest Business Journal* in July 1996.

[112] See Macedonia in IPI Report, 1997.

[113] From an interview with Stephen J. Simurda, teacher of Journalism at the University of Massachusetts at Amherst. Simurda won a Fulbright Scholarship and taught journalism at two universities in Slovakia in 2001.

[114] "East European journalists have been heirs to a politicized notion of the press; when it's not politicized, it's opinionated; these journalists feel that they have a more missionary attitude." (See "The media and democracy in Eastern Europe," by Owen V. Johnson in *Communicating Democracy: the Media and Political Transitions* [edited by Patrick H. O'Neil]. Boulder: Lynne Rienner, 1998; *Towards a Civic Society: the Baltic Media's Long Road to Freedom: Perspectives on History, Ethnicity and Journalism* [edited by Svennik Høyer, Epp Lauk and Peeter Vihalemm]. Tartu: Baltic Association for Media Research: Nota Blatica Ltd, 1993).

In the opinion of many communications scholars and journalists, the main difficulties in the development of the media in the former communist countries have a political character. Post-socialist governments have exerted an immense amount of pressure on independent media, mainly through repressive media legislation. But when the external pressures are economic, other tools of coercing independent media outlets have been employed. They have used this hostile economic environment to further bully the dissenting media outlets that have lived on the verge of economic collapse. It is a situation that Václav Havel has recently warned of: "In a situation where there will be no direct political oppression and censorship, there might be much more complex issues, especially at the economic level, that may affect freedom of speech."[115]

Only the development of a free and dynamic market will help media in these countries to overcome the economic impasse. Some nations, like Belarus and the Central Asian states, have rejected the path of free market enterprise and have maintained the planned, centralized economy.[116] Others, such as the Czech Republic, have attracted a healthy amount of foreign investment and have enjoyed relatively solid economic prosperity. Without capital to help these economies get out of the poverty inherited from communism, the media will always be susceptible to manipulation.

Ultimately, to recover from the communist hangover, the media in these countries require a new generation of managers who understand and are willing to apply the principles of free market economies. In Bosnia, for example, millions of dollars in aid have been poured into the country's media, but little progress has been made, as most of the media outlets lack professional business plans and managers.[117] Much is expected of the younger generation with more market-oriented managers taking over the media in these countries.[118]

Some progress has been made; nevertheless it is insufficient. A more radical revamping of the economic mentality is desperately needed to speed up economic development. A healthy economic environment will aid the field of journalism in becoming a respected industry that can afford to turn down governments' advances and resist political and economic pressures.

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[115] "In the post-communist countries the situation is very complicated, because these countries have undergone and are undergoing immense changes. In the Western part of the world, you have not undergone the same dramatic transformation of ownership and privatization. In this transformation process, 1001 temptations have been generated, including sudden attempts to link political and economic power. This process needs constant monitoring from the press and civil society, and well-researched, substantiated criticism is not just welcome, it is imperative for the continued development of democracy." (See Havel, Václav. "Imperative to Democracy," *Transitions*, 3 May 2002.)

[116] To see the economic backwardness suffocating the media in several former communist countries, it is helpful to look at the way the Belarusian press is carrying out marketing surveys. They rely on amateur, in-house surveys or make estimates based on the number of telephone calls they get to place ads. (See Belarus in *MSI 2001*.)

[117] See Bosnia in IPI Report, 2001.

[118] "My generation, the 30-40 years old, took the helm in a dozen of organizations and, paradoxically, most of them are like me, engineers. The press has cleaned itself up of the old activists, and the kids who took over have learned journalism in their workplaces. This change of generations was needed." (See interview with Stoianovici.)

Ethnic Hatred and Ravaging Wars

Most of the former communist countries in Europe have faced economic crises, slow reform and shaky institutional rehabilitation. Some of the nations in the region have undergone a more tumultuous transition, with ethnic conflicts flaring up at an astounding pace. The war in Kosovo, continuing conflicts in Chechnya and Nagorno-Karabakh and other places have abounded in a region where communism forcefully conglomerated different ethnic groups, populations and cultures. Thirst for secession and independence swept the Eastern Bloc in the post-communist years. With the exception of the 1993 velvet political divorce in the former Czechoslovakia and Romania's northwestern region, Transylvania, where the ethnic demagogic discourse of both the Romanian government and leaders of Hungarian minority failed to develop into armed conflict, the former communist world experienced a recrudescence of ethnic unrest.

Not only contributing to high instability in the region, the conflicts also further delayed economic reforms and daunted foreign investors and hindered political reconstruction, thereby aggravating reconstruction pains. In such a climate, local governments have discovered another pretext for hindering the media: "national interests." War and conflict have been the excuses behind implementing new, more severe media legislation. The regime of Slobodan Milosevic in the former Yugoslavia is the best illustration of a dictatorship that was based on the charisma of a "leader" luring the masses with ethnic and nationalistic ideals by using an overloaded state bureaucracy to spread hateful propaganda and repress dissidents.

During the Kosovo war, both the Serbian media and Albanian journalists suffered under the draconian legislation introduced by Milosevic. Although Milosevic was eventually toppled, the conflict in the Balkans did not end. Once the doorway to ethnic rancor had opened, fighting spread throughout the area. February 2001 saw the eruption of fresh conflicts between Macedonian security forces and the Albanian rebels demanding more clearly defined rights for the Albanian minority living in Macedonia. Although at the time the state did not interfere with media affairs, the conflict caught journalists in the middle. Both the Macedonian population and the Albanian minority accused the media of presenting the conflict in a biased manner and several times attacked journalists.[119]

While the Balkan nations experienced a resurgence of old, nationalistic cacoethes, the former satellite republics of the Soviet Union underwent secessionist fever. Whether trying to break away from the domineering Russian regime, or fueling older disputes in the region, secessionist and national movements stymied the economic and political development in the region. As during the Milosevic regime, other governments in this region used the "national interest" theme to silence the independent media.

[119] For attacks against journalists in Macedonia, see Macedonia in IPI Report, 2001.

The conflict between Armenia and Azerbaijan over Nagorno-Karabakh, which dates back to 1992, was used by authorities to justify media repression.[120] In 1998, Armenian parliamentarians vehemently criticized the programs of the national television network, forcing the station to host a weekly broadcast about parliamentary activity. The campaign of clamping down on the independent media continued in the same year when the parliament fired the editor-in-chief of a newspaper controlled by the parliament.[121] The lingering conflict victimized still more journalists in 2000 when an Armenian journalist was found guilty of libeling the self-proclaimed prime minister of Nagorno-Karabakh, Anushavan Danielian.[122] Azerbaijani authorities similarly muzzled the independent media in the name of "national interests" and the war against Armenia.[123] Led by the self-appointed government, Nagorno-Karabakh is an Armenian-populated enclave in the middle of Azerbaijan. The province was assigned by Moscow to Azerbaijan, its then satellite-state, in the 1920s. Armenia and Azerbaijan began hostilities over the region in 1988. The conflict persisted after the collapse of the Soviet Union.

A separatist movement also struck the small, destitute republic of Moldova, deepening the economic and political crisis in this former Soviet republic. With economic breakdown triggered by the collapse of the Russian economy and the incapacity of the post-socialist governments to reform the country's economy, the isolated former Romanian province of Moldova faced an intensification of separatism in the transitional post-communist years. The issue of contention centered on the northern Transdniester region, which proclaimed itself "Dniester Moldovan Republic" in 1990. A narrow strip of land that was part of Ukraine until 1940 when it joined Moldova as part of Soviet annexation, the region is inhabited by a Slavic population supported in their secessionist movement by Russian mercenaries and the Russian army. Fighting for independence, the self-proclaimed authorities in this province have repeatedly closed down independent media outlets that have refused to pander to the authorities.[124]

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120 In "Paradoxes in the Caucasus: A Report on Freedom of the Media in Azerbaijan and Armenia," published in 1998 by the Committee to Protect Journalists, the leaders of both Armenia and Azerbaijan were accused of "displaying authoritarian tendencies, resulting in an ambiguous and sometimes surreal climate for the media." CPJ criticized "the persistence of political and military censorship, restrictive media legislation and violent attacks against journalists and media organizations."

121 Liza Chagaryan, the head of the parliament-controlled newspaper *Aiastani Anpapetutyun*, was dismissed for "perpetual distortion and incorrect coverage of the activities of the parliament, lowering its prestige, creating a negative image of the National Assembly in the eyes of the public." (See Armenia in IPI Report, 1998).

122 Vahram Aghajanian, a journalist with the daily *Tasnerord Nathan*, was sentenced to a one year prison term in a libel suit brought by the self-proclaimed prime minister of Nagorno-Karabakh, Anushavan Danielian. The sentence was later suspended. Attacks against journalists intensified in 2000, a year of political confusion that followed the October 1999 killings of the Armenian prime-minister, Vasken Sarkisyan, and seven parliamentarians. (See "Government pressure on journalists increase in South Caucasus," produced by *IJNet*, June 17, 2000.)

123 "By constitution and law, Azerbaijan has banned censorship, yet it continues to practice extensive Soviet-style censorship over the print media," the CPJ report stated.

124 In 1998 the State Committee for Information in this separatist region shut down the newspaper *Novaya Gazeta*. Andrei Safonov, one of the newspaper's founders and head of the United Labor Party of Moldova, told Radio Free Europe that the decision was "purely a political act," intended as revenge against the newspaper's critical stories. (See Moldova in IPI Report, 1998).

Although some of the major conflicts have ended, ethnic hatred has spread throughout this region, feeding upon the xenophobic and nationalistic instincts of the people. This ethnic strife has allowed governments to put in place draconian, martial media legislation always justified by the "national interests" theme. However, ethnic hatred has proven to be so resilient that it has survived the conflicts in the region; the media has itself become entrapped in the nationalistic, xenophobic speech. Two years after the Dayton peace accord, the Bosnian media, assisted by foreign financial and technical assistance, continued to present ethnically biased reports.[125]

Nationalistic fever also infested the media in other former communist nations. Romania has been plagued by ethnic animosity since the Ceausescu dictatorship fell in 1989. Focusing primarily on the large Hungarian minority living in Transylvania, Romanian nationalism has been fostered by the ultra-nationalist political parties in the country that continually focus on the danger of losing part of the country to the irredentist ideals of the Hungarian population. Governments have also used this fear to divert people's attention from the economic woes of the country. The staggering growth of the ultra-nationalistic Greater Romania Party and its leader, Corneliu Vadim Tudor (who placed second in the 2000 presidential elections), is symptomatic of the country's jingoistic fervor. Vadim's party won electoral capital by blaming the Roma, Hungarian and Jewish minorities for Romania's problems. Some media have fallen into the snare set by nationalistic demagogues grasping for an informed electorate, and perpetuated this ethnic hatred. In addition to the various publications controlled by Vadim's party, the Romanian market has made room for other popular nationalism-oriented publications that have cultivated a trend toward incredibly violent xenophobic speech.[126]

The flag-waving, ethnic hate speech has pervaded the media even in countries that have made impressive economic and political progress in the post-communist transition. The Baltic states have been among the champions of this patriotic and xenophobic speech. Despite a large Russian minority, the Estonian government has concentrated much of its efforts on the language law that fines employees in the public sector who cannot speak Estonian.[127]

However, the Estonian media has managed to steer clear of the nationalistic speech, unlike its Baltic peers. The Latvian and Lithuanian media have excelled in disseminating fierce hate speech. In 2000, a Latvian magazine published a cover story entitled, "Jews Rule the World," accompanied by a photo of a rabbi covered in gold jewelry. The story suggested that Jews induced the Holocaust and used quotes from prominent Jewish businessmen in the country to reflect this thesis. In the same year, a private Latvian channel aired a documentary depicting gypsies as thieves.[128]

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[125] The station, S-Kanal, employed mainly reporters formerly working with the official ultra-nationalist TV station SRT – Serb Radio Television (See Bosnia in IPI Report, 1998).

[126] *Atac la persoană* is one such publication. It publishes stories overtly blaming the Roma minority for the economic and social problems of the country, and the Jewish community, which was dubbed "potential soap."

[127] Russian speakers account for 32 percent of the Estonian population of 1.5 million.

[128] The magazine that published the story was the business monthly *Kapitals*, and its author was Normands Lisovskis. The private station TV3 aired the documentary about Roma in the spring of 2000. Another example

With media legislation considered the most liberal in Europe, Lithuania has permitted unprofessional journalism, dominated by negativism and xenophobic, even racist attacks on its own citizens.[129] Like their colleagues in Latvia, Lithuanian media outlets have been propagating a boisterous xenophobic, often anti-Semitic, speech. In 1999, when the alleged Nazi war criminal, Aleksandras Lileikis, feigned poor health to avoid trial, some Lithuanian media defended him and urged the local government to turn down the demands of countries such as the United States that, in their words, sought to apply "the principles of the blood feud or the lynch law." The promotion of anti-Semitic stories continued in 2000 when a Lithuanian daily newspaper published two flurrying anti-Semitic stories that accused Jews of communism, opposed the prosecution of war criminals and called for the investigation of crimes against humanity committed by Jews.[130]

Post-socialist governments have largely used ethnic tensions and conflicts as an instrument to clamp down on independent media. Severe restrictions were further imposed through martial media legislation in these countries. Enticed by the nationalistic, xenophobic speech, the media have cultivated this hatred in their stories, helping authorities to achieve their political aims.

Western Capital and Local Tycoons

When the populace of the Eastern Bloc welcomed the fall of communism as the end of repression and the beginning of an era of economic and political freedom, Western businesses focused a great deal of attention on this region where a new, inviting market was opening its doors. Big media corporations and ambitious Western media investors seized the opportunity to expand their business in a region where the media market was a state monopoly inherited from communism. Soon after the fall of the communist regimes, numerous media outlets filled this vacancy. Despite its huge readership and circulation, the lack of business plans and efficient management proved fatal for the young print media enterprises that banked on enthusiasm rather than pragmatic business planning. Moreover, television and radio were ventures that needed more than the smattering of cash some local entrepreneurs drew on to establish print media in the early 1990s. Like other economic sectors in these countries, the media was craving for Western capital to launch professional, strong outlets and create a working media market.

Western capital poured into these countries soon after the Eastern and Central European markets opened their doors. In addition to the finances needed for founding media outlets, Western businesses also brought media expertise, which tremendously helped the media

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of the ethnic hatred pervading in Latvia is an essay competition organized by the extreme-right Latvian publishing house Vieda. The theme of the contest was "How would Latvia be without Russians," and was highly publicized by the Latvian press. (For more details see Latvia in IPI Report, 2001).

[129] The conclusion of an international seminar "Promotion of Tolerance in Central and Eastern Europe," held in 1999 in Vilnius, was that the Lithuanian media reported on the country's minorities, Poles, Russians, Jews and Roma, "in a stereotypical and racist fashion." (See Lithuania in IPI Report, 1999).

[130] The stories appeared in the Lithuanian daily *Lietuvos Aidas*, controlled by the right wing Conservative Party in the early and mid-1990s. (See "Mass Media, Telecommunications and Publishing Market: Lithuania," in *Information and Public Accessibility Report*. Goethe Institute. March 2000.)

makers in the former communist nations to envisage modern, professional communications channels. As the veteran American journalist David Halberstam put it, "the last great American export is our journalistic freedom and freedom of speech."[131]

The result of such Western development was the internationalization of the media in terms of content, ownership and style of programming. Most of the new media ventures in these countries were built in opposition to the existing state-owned media outlets, mainly the former official radio and television stations, which were the mouthpieces of the communist governments and largely remained channels for communicating the ideas and views of those in power.

Media under communism was filled with communist rulers' speeches and long cultural and economic features promoting the "achievements" of the regime. But the population wanted to hear and read stories addressing taboo subjects such as crime and sex (considered by communists plagues of the "imperialistic" Western culture). Western media outlets were happy to comply.

On the whole, the process of Eastern European integration in the media field presented two dynamics in the post-socialist transitional years. On one hand, markets in the Eastern Bloc received programming and their style of broadcasting media products from the West. On the other hand, a process of two-way flow between those media developed. However, the Central and Eastern European media were much more open to Western television programs and films, while Western Europe remained indifferent to the Eastern media exports.[132] The role of the West in revamping the media scene in the Eastern Bloc turned out to be quite a disappointment, as most of the Western media giants scrambled for profits and market share and not for the inculcation of the democratic and civic values of the Western civilization.[133]

Nevertheless, the West played an important role in transforming the media in the region. Hefty financial aid flowed in these countries in form of educational and training media projects or equipment. With theory-based schools of journalism, woefully lacking necessary equipment, and journalism taught by former ministers of propaganda or professors who have never published, post-communist media needed foreign training.[134]

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131 Quoted in "The media and democracy in Eastern Europe," by Owen V. Johnson in *Communicating democracy: the media and political transitions* [edited by Patrick H. O'Neil]. Boulder: Lynne Rienner, 1998, p.103.

132 Jakubowicz, Karol. *Conquest or Partnership?: East-West European Integration in the Media Field.* [Düsseldorf, Germany]: European Institute for the Media, 1996.

133 Some years ago, a Czech media manager working with a Swiss media investor told me on condition of anonymity that his foreign bosses residing in Prague were unable to pursue their mission to supervise the marketing and editorial sectors of the publishing company, as they could not read Czech. Their motto was "I do not care what you write, give them sex, gore, scandal, whatever, but bring me profit." (More about the Western media investment in Margueritte, Bernard J. *op.-cit.*)

134 Dragomir, Marius. "Slovakia's 21st Century Journalism School: An innovative learning-by-doing approach teaches a new generation of journalists," in *Central Europe Review*, 23 September 2001.

Moreover, even though Western media corporations failed to instill Western democratic values in the Eastern press, it helped reconstruct the media in these countries. Some smaller Western investors established qualitative English-language journals targeting the growing expatriate communities in these countries. They employed American or Western European editors with long journalism careers who have been struggling to teach Western-style professional journalism and open the debate on ethics in journalism. Even the much-criticized Western corporations played a tremendously positive role in transforming the media in these countries and pushing the media market ahead. Facing financial losses and a steep decline in audience, the state media outlets embarked on marketing and management reforms to keep up with the growth of the foreign-established competitors. This created diversity, allowed niche channels to come into existence and helped the free market to take off. In Prague, Budapest, Warsaw, and Bucharest there are now well-established English-language newspapers geared to the expatriate community.

On the other hand, the influx of capital was also responsible for the emergence of local media tycoons who did a great deal of harm to the development of media in the region. Symptomatic of the transition of the mass media in the former communist countries is the story of the Czech television market, which was deeply marked by unfair business practices and shady deals. The business partnership between a local media manager and a U.S. investor that helped to launch TV Nova in the Czech Republic did not last long. Getting more and more financial power as director of the station, the Czech partner, Vladimír Železný, pushed his U.S. investor, Central European Media Enterprises (CME), out of the market through behind-the-curtain practices. The move was a riposte to the Americans' intention to sack him. As foreigners were not allowed to own broadcasting licenses, CME used Železný as a partner in the venture to get access to the license. Using amendments to the broadcasting law made by the local regulatory body, Železný managed to kick his partners out of the business.[135]

The Czech TV Nova saga is indicative of the lack of legal protection and guarantees in the media legislation in the former communist countries. The story drew the ire of the U.S. investor, who lost substantial investment in the Czech Republic and cautioned foreign investors from placing their capital in these countries.[136] These two phenomena, the

[135] The dispute began in 1999 when Železný was dismissed from his post as the general director of the CME - owned servicing organization ČNTS. Accused by CME of violating the exclusive agreement between ČNTS and his company CET 21, Železný broke the deal with ČNTS and started broadcasting a break away station. At the time the dispute erupted, TV Nova was receiving healthy advertising revenues and a robust audience.

[136] "This kind of stuff, corruption, inefficiency, and hesitation drive investors away; even investors like me, who have a kind of historical interest in the countries and desire to bring money, go away." (Mark Palmer, one of the American partners who participated in the launch of TV Nova.) After it lost the station, CME sued the Czech Republic in an international arbitration court, accusing the Czech government of failing to protect its foreign investment. Mark Palmer (quoted above) said: "I would rank the order of those responsible [for the bad investment of CME] as follows: I think the media council [the radio and TV broadcasting council] is the most responsible, Železný is the next most responsible and the Czech government is third in line for not doing what they should have done. The council though was particularly bad. We did all the investment, we did all the training, we created the station, how could you just one day wake up and say 'Well, you know, go away.' But that's what they did. The government should not have permitted it, but the council was the one that forced it. […] If you want to ask me a sort of personal point of view, what do I think about it, I think the main thing is

emersion of rich media tycoons and the deficient legislation helping them acquire more power, are interrelated.

In addition to the pressures exerted by governments and their organs, the rise of such local media moguls further damaged the freedom and credibility of the media in these countries. Driven by political ambitions, journalists who a reached certain level of wealth and influence have entered the political game of those in power. It is another facet of the media transformation in the former communist nations.

While private Western investment in post-communist media was more criticized than praised, another component of Western journalism was responsible for cultivating high standards of journalism and inculcating real democratic values in these countries. These were Western broadcasters such as the BBC and the U.S.-sponsored Radio Free Europe/Radio Liberty, which have aired programs in local languages.

Many communication experts consider these broadcasters foreign policy tools working to disseminate British and American political standpoints.[137] While the BBC had more impact in the region after the fall of communism, Radio Free Europe was an active player in the region, especially during the Cold War period. Its story is almost synonymous with the history of freedom of speech in the communist world.

Launched as a propaganda channel of U.S. foreign policy, Radio Free Europe evolved into a professional, objective medium, which satisfied the need for information of the people living in the isolated communist world.[138] It became the only alternative to Soviet propaganda in the countries controlled by the Soviet empire.[139] George R. Urban says that the notion of propaganda is wholly inadequate to describe the work of Radio Free Europe as the Cold War mentality gravitated towards two objectives: the self-destruction of the Soviet system

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how the council was allowed to get away with violating Czech law and international law. But Železný himself, I think, got to a point where he really thought that this station was his station, his personal station. CME, and I think this was a bad decision, paid him at one point $26 million in cash for a small percentage of his ownership of the license company. He [then] thought he could do whatever he wanted, including kicking CME out." CME later won the arbitration in March 2003 when a London-based arbitration court ordered the Czech state to pay CME $354 million in damages incurring from failing to protect CME 's investment in the country.

137 Representatives of both the BBC and Radio Free Europe/Radio Liberty usually accuse each other of being foreign policy tools. Years ago, a journalist with the BBC told me that, "Radio Free Europe is a channel of the American Congress." In the United States, Jeff Trimble, director of broadcasting with Radio Free Europe/Radio Liberty, described the BBC as "a foreign policy tool, better than diplomats."

138 It took a long time for Americans to decide to launch a national state propaganda or information programs as the United States was always comfortable with business advertising or propaganda associated with domestic political campaigns, but averse to government-sponsored international propaganda. This was due also to the American preference for individualistic enterprises. (For American broadcasting overseas see Puddington, Arch. *Broadcasting Freedom: the Cold War Triumph of Radio Free Europe and Radio Liberty*. Lexington: University Press of Kentucky, 2000; Tyson, James L. *U.S. international broadcasting and national security*. New York, N.Y: Ramapo Press: National Strategy Information Center, 1983; Nelson, Michael. *War of the Black Heavens: the Battles of Western Broadcasting in the Cold War*. Syracuse University Press, 1997.)

139 Alexeyeva, Ludmila. *U.S. Broadcasting to the Soviet Union*. U.S. Helsinki Watch Committee, 1986.

without war, and the prevention of intolerant nationalisms. The general goal was to prevent the return of instability in Europe.[140]

The station acknowledged that it had a political mission. The former director of the Czechoslovak program at Radio Free Europe in the 1950s, Pavel Tigrid, said: "Our station has, above all, a fighting and political mission. Our offensive is directed against Communism and Sovietism, against the representatives of the terrorist regime."[141] Moreover, the station gained incredibly high popularity thanks to its declared role as a counter to Soviet and Russian imperialism, broadcasting prohibited literature, music, and plays that could have never been openly produced. It is regrettable that many histories of the Cold War deal with the station in footnotes where the broadcaster is described as a CIA-manipulated propaganda tool.[142]

The station employees had to comply with a rigorous professional code aimed at ensuring the accuracy and quality of the programming. This became a high priority, especially in the 1980s, when the repressive and propaganda systems in the communist countries were scrambling to demolish the station's credibility. Journalists were urged to carefully evaluate *samizdat* works or other documents originating in Eastern Europe and the Soviet Union, to avoid "a stridently polemical tone" in discussing the actions and party officials in the target area, and to refrain from encouraging both defection and incitement to violent actions.[143]

The station became instrumental in thwarting communism's attempt to isolate and atomize its subjects and broke the media monopoly imposed by communist regimes.[144] With increasing attention paid to the accuracy and quality of the programs, this American surrogate broadcasting became part of the culture in these countries, evolving into "something akin to National Public Radio – an American public radio network devoted to public affairs and culture, but with a clear anti-Communist perspective."[145]

Despite the sentiment at the end of the Cold War that the U.S. government should close down its information projects, Radio Free Europe continued to exist and adapted its programming to the post-Cold War era. Although it lost large parts of its audience due to the explosion of media in the former communist nations, it stood as model of journalism, promoting more democratic values than private Western media investors in the region. Although its initial goal was devised in the context of the Cold War era, Radio Free Europe is becoming the most valuable export of U.S. journalism. With more investment in

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[140] Urban, George R. *Radio Free Europe and the Pursuit of Democracy: My War Within the Cold War*. Yale University Press, 1997.
[141] Quoted in Puddington, Arch. *op. cit.*
[142] Puddington makes the same remark. (*op. cit.*)
[143] Sosin, Gene. *Sparks of Liberty: an Insider's Memoir of Radio Liberty*. University Park, Pa.: Pennsylvania State University Press, 1999.
[144] "Through RFE-RL and the other foreign broadcast entities, the Communists were never able to gain a media monopoly, and were thus deprived of the most potent tools of totalitarian control." (Puddington, Arch. o*p. cit.*, p.313.)
[145] Puddington, Arch. o*p. cit.*

technology to cover a wider audience, the station might imperceptibly turn into a multinational, competitive medium. With populations in the countries targeted becoming more educated, the station can fill a niche that a few local broadcasters might be able or can afford to do.

In conclusion, the role that the West played in the reformation of the media in the Eastern Bloc was substantial, but not sufficient in and of itself. With just a few Western media outlets keen to bring democratic values, as well as capital and technology, reconstruction of the media and journalism as an institution has been a slow process. However, Western aid and investment played a major role in keeping the debate on freedom of speech alive and forced post-socialist governments to ease the legal environment concerning the media. Without Western capital and expertise, the media scene in these countries would have looked much worse.

Soviet Political Machinery at Work

In the transitional years, Russia differentiated itself as the epitome of the post-communist regime, embodying all the weaknesses of freedom of speech that exist, with some differences, in all other post-socialist nations. In the early 1990s, Russia embarked on revamping media legislation – a process that brought even more control and restrictions rather than ease of regulation. It championed the process of resuscitating the state organs of censorship. It struggled to keep the media dependent on state funds and to force private media outlets into the hands of the state. Dictatorial media policies were common in the country and an ailing economy further encroached upon the level of professionalism and independence among journalists. The country was mired in never-ending ethnic and secessionist conflicts such as Chechnya, which was also used as a pretext to further constrain media from reporting objectively. It saw its media tycoons grabbing more power and pushed out of business once they turned against the regime. There is no other post-socialist nation in Europe that experienced all these negative developments in the media field at once.

When Vladimir Putin took over the political leadership of the country in 1998, post-Boris Yeltsin Russia was a nation in complete bedlam, stuck in a financial deadlock that resulted from the devaluation of the local currency and growing debt. Shortages in tax collection led to a freeze of salaries and pensions. Political disruption and high criminality made all this even worse. However, despite Putin's success in improving the economic situation in the country during 1999, the communist legacy proved to be much stronger. Moreover, the economic improvements prompted the Russian government to become more confident and enabled it to focus on boosting the Russian image in the world. Internally, Putin embarked on a rapid reforming strategy, limiting the autonomy of the Russian regions and introducing legislation that gave him power to fire regional leaders guilty of breaking federal legislation. Through such strategies, Putin acquired incredibly high political power. He turned this power against both the journalists and the oligarchs who controlled much of the media in the country. As part of his policy of centralizing power, Putin transferred control over state subsidies from the local governments to the Ministry of Press, thus securing Moscow's

ability to interfere with the regional media, which had been until then at the discretion of local leaders.

Sensitive political issues, such as the war in Chechnya, also became part of the information strategy of the Russian cabinet, which secured its control over the campaign in the province by giving accreditation primarily to the loyal media. Moreover, journalists working with undesirable media were harassed and arrested by Russian military.[146]

On the legal front, the fight against media independence got fierce. In addition to some 20 laws regulating various aspects of the mass media, Putin adopted in September 2000 another piece of legislation aimed at further muffling independent reporting. Written in an unintelligible, wooden style and reminiscent of Cold War hate speech, the "Doctrine of the Information Security of the Russian Federation" proposed a plan to reform the information system in the country and called for the abolition of censorship. However, its generous goal is contradicted systematically by the rest of the doctrine, which stipulates the extension of government control over certain information and calls for the development of legal and organizational mechanisms to fight "unlawful information."[147] In typical Soviet style, the doctrine criticizes the negative influence that foreign press might exert over Russian "information security," without describing or naming the sources of threat. The doctrine summarizes the main principles of the Russian government media policy. It contains the core of the repressive media legislation typical of the post-communist governments that have failed to get rid of the paranoid fear of critics and "state enemies."

In addition to repressive legislation, Russian media was the target of numerous physical attacks. In a country dominated by extensive mafia networks and parallel legal systems controlled by criminal gangs, independent media coverage has become impossible as the media had to respond to multiple pressures. In addition to muzzling the media by political machinery, this other influential system has made victims among dissenting journalists.[148]

Confronted with scarce advertising revenues and painful market pressures, media outlets ended in the hands of rich businessmen. Economic crises that marked the transitional years made them even more dependent on state subsidies and the patronage of rich corporations. Although free to report independently on various issues, the media became politicized and biased in its coverage of politics and business. Eighty percent of the print media, roughly 10,000 newspapers and magazines, are privately owned, but they still receive subsidies from the state, while the public Russian television network, ORT, covers all of Russia as well as many former Soviet republics.[149]

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[146] The most publicized case was the arrest of Radio Liberty's correspondent, Andrei Babitsky, who disappeared in Chechnya in January 2000. Initially, Russian authorities said that Babitsky did not have accreditation to cover the war, so it was not their responsibility to guarantee his security. Later, Russian officials acknowledged that they had arrested the journalist for "participation in armed bands." He was found guilty six months later, fined, but finally pardoned. (See "Russia. Stories on Babitsky." IJNet; "Russia. Babitsky reports." Radio Free Europe/Radio Liberty.)

[147] See Russia in IPI Report, 1996-2001.

[148] For cases of journalists killed in Russia see Russia in IPI Report, 1996-2001.

[149] See "Russia. Freedom in the World." Freedom House Survey, 2000.

Disturbed by the boldness of some media tycoons in the country, the government continued its policy of centralizing control over the independent media by attacking the growing private press that had enjoyed Yeltsin's leniency. Putin overtly warned the private media corporations that they would suffer ominous consequences if their behavior threatened the political machine. "The state has a cudgel in its hands that it uses to hit just once, but on the head. We have not used this cudgel yet […] but if we get angry, we will not hesitate to use the cudgel," said Putin when asked to describe his relationship with the rich elite of Russian businessmen. The cudgel was eventually used against Vladimir Gusinsky, the founder of Media-Most, the largest Russian private media company. A former Kremlin ally who turned against the regime, Gusinsky fled the country after Russian prosecutors charged him with fraud. He watched his business crumbling from abroad. The natural gas company Gazprom, in which the Russian state has an important stake, took over the national independent station NTV, changed its management and closed down other newspapers owned by Media-Most. The state company claimed that it took these steps as a response to Gusinsky's incapacity to pay loans owed to Gazprom.[150]

Even though Gusinsky was not a promoter of objective, independent journalism (he used his media to back the re-election of Boris Yeltsin in 1996), NTV was the only alternative to the state-controlled broadcasters that were covering the whole country. Most media commentators believe that the Media-Most affair was the last action of the Russian government policy to silence all dissenting voices in the country. "The present administration does not see freedom of the press or the government's role in ensuring it as a priority. […] Conflicts between the state and the media generally arise when media owners attempt to play an independent role in public politics," said a Russian media manager.[151]

Harsh economic conditions combined with the concentrated efforts of the government to stifle independent press affected the standard of journalism in the country. Self-censorship developed among journalists who were obliged to write favorably about their owners and owners' partners, while chastening their rivals. "Pre-order" articles became a common practice in the Russian media, which depends heavily on funding from sponsors, either political parties or rich businesses. "If anyone offered, we would dedicate the whole newspaper to a store for $2,000," said a Russian journalist.[152]

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[150] The Media-Most saga began with searches of the company's offices carried out by masked and armed tax policemen. Gusisnky was later arrested and spent three days in jail before he left the country. Later it turned out that Gusisnky had agreed to sell his media holdings to his creditor, Gazprom, although he claimed that he did so under duress. (For more details about Media-Most affair see Pankin, Alexei. "NTV, ORT: R.I.P.," in *The Moscow Times*, September 26, 2000; "Strangling Russia's Media," editorial in *The Washington Post*, September 20, 2000; Russia in *IJNet* country archives; "IPI Watch List: Russia: The Cruel Cudgel of the State," in IPI Report).

[151] Yevgeny Abov quoted in Pankin, Alexei. "A Most Ingenious Paradox," *Transitions*, 24 April 2001.

[152] "The practice of paid-for articles is widespread in Russia, and many newspapers depend on that income to survive. […] Igor Yakovenko, general secretary of the Russian Union of Journalists, told *The Moscow Times* that during the last parliamentary elections, the union conducted research that showed that thousands of "pre-ordered" articles were published every day." (Antonenko, Maria. "Exposing the Exposers," *Transitions*, 20 March 2001.)

Facing extremely harsh economic conditions, restrictive legal climate and a dangerous environment due to large criminal networks operating in the country, the independence of the Russian media suffered a lot. It experienced a period of extreme politicization during Yeltsin's rule followed by the Putin regime, which restored centralized control over the press at the expense of press freedom. Russian media saw its tycoons getting increasing power and influence over the country's politics. It saw its tycoons toppled by the Putin media policy, with the state succeeding in reestablishing its complete control over the whole mass media. To attain this goal, the regime used policies of subsidization or simply forced independent media into the hands of its agencies or companies.[153]

III. Reform

In the years following the fall of communism, the media in the former socialist countries looked for models to emulate in the more developed Western nations. The transition from a state-controlled media system used as an official mouthpiece of the communist government to a democratic, market-oriented media proved to be extremely difficult. The mentality of journalists in these countries, accustomed to obeying superiors who paid their salaries, as well as harsh economic conditions and sluggish political reforms hindered the development of free, independent media in the region.

Gradually, as more Western capital, expertise and training began to pour into these countries, post-socialist media made significant progress toward democratization, save in the Eastern Bloc. By embarking on policies aimed at keeping media at bay, post-communist regimes inhibited the development of a free press in the region. In these countries, the communist political legacy prevented the development of a democratic environment. Most of the former communist nations' governments abolished censorship, adopting apparently democratic media laws. However, in practice there was a sustained effort to control print media's critical voice through legislation punishing libel, slander and defamation of state officials or publication of state secrets. Vaguely worded, this legislation has been largely used to intimidate independent journalists. Post-socialist governments attempted to reform the broadcasting market, but this process was marked by confusing and restrictive legislation as well. The broadcasting scene changed considerably after the fall of communism when private broadcasters were allowed to enter the market, but regulation of broadcasting, mainly the restructuring of public broadcasting, was an immense failure.

[153] The incidents orchestrated to muzzle media critical of the government and to extend the state control over the media prompted the International Press Institute (IPI) to choose Russia as the first country placed on the "IPI Watch List," a twice-yearly report listing countries that "appear to be moving towards suppressing or restricting press freedom." Other countries on this blacklist are South Korea, Sri Lanka, Venezuela and Zimbabwe. Austria-based IPI is a global network of editors, media executives and leading journalists working to monitor freedom of the press worldwide.

Legislation will play the most important role in the continuing process of media reform in the post-communist nations. There is still a long way to go. In the transitional post-socialist years, media and policy makers in the region have looked to the "Western model" to inspire reform. Supporters of this model argue that Western journalism and media legislation must be transplanted as a whole in each of these nations. Ignoring cultural and societal differences, they support a model that cannot be realistically applied. On the other side, supporters of "localism" – mainly policymakers whose professional background goes back to the communist era – generally agree with the free press, conceding to pressure from the international community, but want criminal media legislation in place and policies that help to maintain a tight hold on the independent press.

U.S. journalism has been central in this dispute. Both the "Westernizers", who are in favor of simply importing the Western model, and the "Localists", who work to reform existing media legislation in the region, are looking obsessively at the U.S. model as the unique source of ideas for reform of the media environment. The former want an Americanization of the media system, while the latter boast of building a democratic, American-like press, but fight to keep editorial independence under control. Both perspectives have their problems. The Western model is an advanced democratic system, thoroughly identified with the U.S. system, where freedom of expression has become part of the culture. The U.S. model is a free market-based media system, with government obliged by law not to interfere with media independence. This model is viable and has a long democratic history, the fruit of a complex history of economic conditions.

Despite its apparent strength, the U.S. model has come under sustained critical scrutiny in the past years when some of its weaknesses were revealed. That is why successful reform of the Eastern and Central European media requires these countries to pragmatically and critically dissect the Western system and import those parts that can fit into their cultural and economic realities.

The American Way

Although the Eastern Bloc looks at the U.S. and Western European political and social system as a whole, usually describing it as "the West," the Western paradigm has become a debatable concept. During the Cold War, "the West" was a valuable term representing the opposition to the communist world. This antagonistic expression became superfluous after the fall of communism, when ideological and economic friction began to emerge in the Western world. However, the Western social and political model continued to define a free market-based democratic system, the main principles of which are currently considered the most advanced in the world.

In the media field, the Western model is also considered to be the most developed. Its main features, freedom of expression guaranteed by liberal legislation, with media driven by market forces like any other businesses, can be found in both Western European and American systems. Regarding regulation of broadcasting, the Western media system breaks into a myriad of models. The most important of these will be addressed later in this chapter.

U.S. journalism enjoys total freedom of expression. This assertion is as simple and evident as the First Amendment of the Bill of Rights of the United States Constitution, which states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The First Amendment, guaranteeing free speech by prohibiting legislation that would regulate it, has been the foundation of the U.S. culture of expression. Guaranteeing total freedom of speech in a country where debate and acceptance of multiple standpoints has become the linchpin of the national culture, the First Amendment is an expression of the passionate desire among the founders of the United States to liberate the individual from a powerful government.[154] Occasionally, the First Amendment is criticized, mostly in Europe, because the absolute freedom it guarantees allows irresponsible and reactionary media to become manifest. In the United States, it is thought better to have a system that protects irresponsible journalists than risk restricting the voice of responsible journalists.[155]

Despite the freedom that the media enjoys in the United States, another force threatening the independence of the press arose. The "corporatization" of the media, a phenomenon dating back to the Ronald Reagan administration, when trust-building policies were put in place, is considered today the most serious problem that the U.S. media faces. Media conglomerates developed over the 100 years of industrial growth preceding the Reagan and first Bush administrations. During this time government and business leaders joined together to defend private corporate conglomerates, but the Reagan and Bush administrations gave broadcast owners permission to create even larger media empires. In turn, these media mammoths nearly always supported Reagan-Bush foreign and domestic policies.[156]

In the late 1970s, 50 dominant media corporations controlled the production and distribution of most U.S. media products such as magazines, radio and television stations, and motion pictures. By 1992, the number had shrunk to 20.[157] As this corporatization trend continued, the media market evolved until power was concentrated in the hands of five or six media conglomerates. This leads to what Ben H. Bagdikian, a former *Washington*

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[154] No journalist or media attorney that I interviewed in the United States denied that the First Amendment-based culture is the freest in the world.

[155] Many American journalists and media managers told me that the free and developed media market helps American journalism to get rid of irresponsibility. A mistake made by a paper can cost that media outlet a loss of some thousands of readers. This has repercussions on the advertising revenues as media sells advertising according to their readership and circulation.

[156] Mazzocco, Dennis W. in *Networks of Power: Corporate TV's Threat to Democracy*. Boston, MA: South End Press, 1994, p. 142.

[157] The concentration of the media ownership in the hands of a few corporations was the result of some important rules adopted by the Federal Communications Commission (FCC). One of them was a 1985 rule, which increased ownership of television stations to 12. Until then, a 1940s rule had prohibited broadcasters from owning more than three television stations. The 1985-rule was amended in the 1996 Telecommunications Act, which repealed 12-station limit, raising the national audience cap to 35 percent. (For more information about ownership regulation, see Albarran, Alan B. *Media Economics: Understanding Markets, Industries and Concepts*. Ames: Iowa State University Press, 2002.)

Post editor, called the "totalitarian potential of a global media cartel."[158] Free from government control, but driven by the bottom line and Wall Street stock valuations, media in the United States suffers from corporate control just as pernicious as government interference in journalism. "Put simply, the U.S. corporate-owned media is not designed to promote aggressive, independent journalism. Rather, it is designed to make a profit," said an American media analyst.[159] Other American journalists are of the opinion that media corporatization is a dangerous phenomenon, not so much because it encroaches on the objectivity of the press, but because it diminishes the resources dedicated to news gathering. The drive of corporations is to make a profit more than it is to restrict certain ideas, but the easy way to increase profit is to reduce operating expenditures and since news-gathering activities do not generate revenue, cuts come in the form of a reduced number of reporters and space devoted to news.[160]

In opposition to this trend, many communications experts warn that concentrated, corporate media ownership encroaches upon fair and objective reporting and leads to self-censorship among journalists working within mainstream U.S. media organizations. "Concentrated corporate media ownership works to narrow the limits on what is considered reasonable, responsible, or so-called objective reporting by journalists," wrote Edward S. Herman and Noam Chomsky.[161]

The increasing financial strength that media giants acquired in the process of corporatization has changed the balance of power in U.S. society where the press, and television in particular, has become a major actor on the political scene, "capable of making or breaking political careers and issues."[162] If the role of media as an institution is to keep government accountable, then democracy in America is in danger. As corporatization diminishes media's capacity to keep government in check, media becomes merely a propaganda tool essential to those political and economic interests that would maintain power. As a result, journalists fail to meet their public responsibility, presenting public life mainly as a detached spectacle, irrelevant entertainment rather than a vital activity including citizens as essential agents of change.[163]

In their book on the political economy of mass media, Herman and Chomsky describe the propaganda model that has developed in the U.S. media.[164] Five major sets of news "filters" characterize the reporting process today. The first ingredient of this model is related to the

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158 Ben H. Bagdikian, quoted by Mazzocco, Dennis W. in *op. cit.*

159 From an interview with Rachel Coen, media analyst with Fairness and Accuracy in Reporting (FAIR), a New York-based national media watch group.

160 A supporter of this idea was Tom M. Shroder, managing editor with *The Sunday Post – Washington Post* magazine.

161 Herman, Edward S. and Chomsky, Noam. *Manufacturing Consent: the Political Economy of the Mass Media.* 1st edition, New York: Pantheon Books, 1988.

162 *Democracy and the Mass Media: a Collection of Essays* (edited by Judith Lichtenberg). Cambridge; New York: Cambridge University Press, 1990, p.1.

163 Fallows, James. *Breaking the news: how the media undermine American democracy*. New York: Pantheon Books, 1996.

164 Herman, Edward S. and Chomsky, Noam. *Manufacturing Consent: the Political Economy of the Mass Media.* New York: Pantheon Books, 2002.

size, ownership, owner's wealth and profit orientation of the media outlets. In 1986, the American market boasted 25,000 media entities. Many of them were very small and local, dependent on large national companies. The trend towards greater integration of the media into the market system was expedited by deregulation, a loosening of the rules limiting media concentration, cross-ownership, and control by non-media companies. In the end, media autonomy was lost to bankers, institutions and large individual investors.

The second ingredient encroaching upon the objectivity of the news is advertising. Advertisers subtly dictate news programs in which serious complexity or disturbing controversy would interfere with the optimistic "buying mood." These are avoided.

The third news "filter" established by the media corporations in this model is the source of mass-media news. Increasingly, the media is dependent on information provided by government, businesses and "experts." The relationship between the powerful business and political machine and news sourcing has extended beyond official and corporate entities. Once these "routine" news sources gained privileged access to television screens, another group began to gain influence in the newsgathering process: the "experts."

"Hundreds of intellectuals were brought to institutions where their work was funded and their outputs were disseminated to the media by a sophisticated propaganda effort," wrote Herman and Chomsky.[165] This public relations community has gained increasing influence over the media. As another source of news, this element dictates the orientation of the news broadcast. "Public relations has been and remains perhaps the most significant part of this century of triage: its persona is progress, but its underside is the efficient culling of entire peoples deemed to be superfluous, unnecessary."[166]

Another component of the propaganda model is the criticism used as a means of disciplining the media. A negative response to a media statement or program, especially when costly or threatening, is linked to the political machine, whose representatives can complain to media's own constituencies: stockholders. Finally, the fifth news "filter" enforced by corporate media is the anti-communist control mechanism that reaches through the system, exerting a profound influence on the mass media.

David Croteau and William Hoynes view the development of the media market in the United States as a natural process of evolution catalyzed by two principle prescriptive elements: an assumption of the value of freedom of expression and the understanding that the market framework is fundamentally concerned with "consumers," rather than "citizens."[167] Media corporatization has sparked a debate: should media in a democracy act

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165 Herman, Edward S. and Chomsky, Noam. *op. cit.*

166 Nelson, Joyce. *Sultans of Sleaze: Public Relations and the Media.* Monroe, Me.: Common Courage Press, 1992. Robert W. McChesney believes that, "the U.S. broadcast and advertising industries were the first to develop the art of "spin", a way of smashing their opponents and gaining favorable legislation and regulation. (See McChesney, Robert W. *Rich Media, Poor Democracy: Communication Politics in Dubious Times*. Urbana: University of Illinois Press, 1999.)

167 Croteau, David and Hoynes, William. *The Business of Media: Corporate Media and the Public Interest.* Thousand Oaks, Calif.: Pine Forge Press, 2001.

as a servant of public interest? Croteau and Hoynes believe that the Telecommunications Act of 1996, which defines the public interest as competition in the media industry, is the principal document that redesigned the new multimedia world. Intended to unleash new innovations and lower prices for consumers, the act eventually helped to cement the oligopoly structure of the media industry, a market situation in which a few producers affects but does not control the market.[168]

The Telecom Act is "a business story that neglects the political and cultural significance of this restructuring of media policy," wrote Croteau and Hoynes. As a result, financing for the public broadcasting system has stagnated, and the system has been forced to turn to corporate underwriters and viewer donations in order to survive. The result is that public broadcasting in the United States looks increasingly like commercial broadcasting.[169] Created to contribute to democracy by providing an alternative to commercial broadcasting, the public broadcasting system in the United States responded to the new multi-channel cable environment by adopting a market approach. Instead of fulfilling its role as an "electronic platform for perspectives, ideas, and cultural presentations that are largely unheard in commercial media," public broadcasting has craved larger audiences and more corporate dollars in the form of underwriting, a "thinly disguised form of advertising."[170]

Some critics of the U.S. media market have spoken lately about the collapse of the public broadcasting service in the United States, arguing that it has no justification for its existence.[171] The chief historic rationales for public broadcasting were to maintain public control over a scarce broadcast spectrum and provide those socially beneficial programs that the few commercial broadcasters would have found unprofitable to produce. But with the explosion of cable, satellite, and broadcasting technologies, the notion of a scarce broadcast spectrum is outdated, and the idea that the state needs to subsidize broadcasting can no longer be justified on this basis. These attacks on public broadcasting were part of a larger process of criticizing all non-commercial, public service institutions and values, inspired by

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168 "The economic system that world history has demonstrated maximizes consumer welfare more than others are those that make efficient use of market mechanisms - American market capitalism has proven consistently to maximize consumer welfare to a great degree. And, more importantly, which is critical in an information revolution, technology revolution, is it fosters innovation, invention. I think it has the central American philosophy of economic policy and one that has to be considered and applied effectively and faithfully in the context of a revolution that's marked by invention and innovation." (The chairman of the Federal Communications Commission, Michael Powell, in "A NewsHour with Jim Lehrer," broadcast by PBS on August 9, 2001.)

169 Croteau, David and Hoynes, William. o*p. cit.*

170 The American public broadcasting system has operated on a budget of approximately $2 billion of which 75 percent has been going to television and 25 percent to radio. Only 15 percent of this money came from annual congressional appropriation. (See Croteau, David and Hoynes, William. o*p. cit.*) Many communications analysts have been crying over the commercialization of public broadcasting in the U.S., which "caters to the corporate interest through sponsors and benefactors who have decision-making power over programming." (Mazzocco, Dennis W. *op. cit.*) Others believe that the feebleness of the public broadcasting in the U.S. goes back to the 1950s. "Had the U.S. federal government authorized sufficient funding for public broadcasting in the 1950s, a truly alternative U.S. public media system could have been built as an alternative to the corporate media today." (See Barnouw, Erik. *The Image Empire: a History of Broadcasting in the United States*. New York: Oxford University Press, 1970, p.338-9.)

171 McChesney, Robert W. *op. cit.*

the neo-liberal concept of global market and commercial values as rightful guardians of the media. The decline of public broadcasting in the 1990s is intertwined with the emergence of a global commercial media market dominated by a handful of large, dominant transnational corporations whose interests are aggressively represented by the U.S. government in international trade and copyright acts.[172] Robert McChesney argues that public broadcasting has become a predominantly commercial affair all over the world, "a form of death."[173] "Public television is now competing in a race to the bottom with the most degraded presentation and programming of commercial television," Jurgen Habermas wrote.[174]

In this economic climate dominated by corporate interests, hyper-commercialism, and the "dreadful state of journalism and children's programming," the need for public broadcasting appears greater than ever before.[175] One approach would be to accept the global commercial media system as it is and try to locate a safe and lucrative niche within it to be filled by public broadcasting. Croteau and Hoynes argue that public broadcasting needs to restructure its funding in order to become truly independent. Removing public broadcasting from dependence on annual congressional appropriations and establishing a permanent trust fund with a regular stream of politically insulated funds would be essential to ensuring editorial independence. Furthermore, public broadcasters must prohibit funding from private corporations for the production of programming, while some substantial finances ought to be drawn from the commercial entities that profit from the use of the public airwaves. These would be in the form of a tax on advertising or a fee paid by commercial television. The board to govern this new trust should be autonomous, insulated from direct political pressures, comprised of representatives of the public broadcasting industry, the educational community, the arts, the humanities, and public affairs.[176]

William F. Baker and George Dessart, who argue that public television in the United States enjoys strong brand recognition, believe that the public broadcasting voice needs to narrow its focus. Although it retains some strengths, such as the quality of programming and the ability to attract and retain outstanding independent artists, public television in the United States, founded on the principle of a "bedrock of autonomy," may well represent the worst of all worlds as it becomes increasingly responsive to underwriters, philanthropists and governments.[177] Baker and Dessart think that in order for public broadcasting to survive in the United States, in the current multi-channel environment, an efficient system of long-term funding must be ensured through the creation of a federal trust financed by radio and television receiver excise taxes and by auction or sale of portions of the electromagnetic spectrum. This fund would ensure both the independence and the quality of the system.

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[172] McChesney, Robert W. *op. cit.*

[173] McChesney gives the example of the BBC, which signed major co-production deals to launch commercial channels in the U.S. and elsewhere, arguing that it builds a commercial enterprise abroad to support public service home. See also Sparks, Colin. "The Future of Public Service Broadcasting in Britain," in *Critical Studies in Mass Communication* 12 (1995): 328-9.

[174] Habermas, Jurgen. "There Are Alternatives," in *New Left Review*, no. 231 (Sept.-Oct. 1998).

[175] McChesney, Robert W. *op. cit.*

[176] Croteau, David and Hoynes, William. o*p. cit.*

[177] Baker, William F. and Dessart, George. *Down the Tube: an Inside Account of the Failure of American Television.* New York, NY: BasicBooks, 1998.

"The task of the commercial station's manager is to make a dollar; the task of the public television's manager is to make a difference," wrote Baker and Dessart.[178] McChesney warns that how the media market will continue to evolve depends on what kind of society will dominate: "one in which the market and profits are sacrosanct, off-limits to informed political debate; or one in which the notion of citizen will be replaced by that of consumer."[179]

David Demers contributed tremendously to understanding globalization of the media. Analyzing in detail this phenomenon to discover developments that encourage free speech and also ones that threaten it, Demers described the two standpoints in the communications industry: one, the opinion, discussed at length in this chapter, is that global media is a menace because big corporations do not really care about promoting diversity of ideas, democratic principles or equality[180]; on the other hand, free-market media economists and media executives see the corporate media as an organizational solution to inefficiencies and poor productivity in the marketplace, able to integrate disparate countries and cultures into a global village and to satisfy the information and entertainment demands of the world.[181]

Claiming not to be infected with the "Chicken Little Syndrome" that has pervaded the communication industry, Demers believes that corporate and global media organizations have a greater capacity than entrepreneurial or owner-managed media to criticize dominant values and institutions because these media mammoths are more insulated from parochial and national political pressures. He predicts that structural differentiation is one of the trends expected in the industry, with the number and variety of groups and organizations increasing and becoming more structurally complex. Global media's power is likely to decline, while the trend towards specialized information and entertainment services will continue to grow exponentially.

U.S. journalism has enjoyed total freedom, with the First Amendment enhancing its quality and tremendously helping journalism to serve the interests of its public. However, the high amount of critical scrutiny experienced by U.S. media is partly justified. Corporatization of the media encroaches not so much upon editorial independence as it does on the quality of journalism and diversity of the media. Commercial radio stations under the wing of the same company sound the same, while the big television networks, fighting for audience and advertising revenues, champion trivial news and have a gross lack of concern for accuracy in reporting.

Standing out in the public service broadcasting system, National Public Radio has succeeded in maintaining a high level of professionalism, enabling NPR to be taken seriously and its voice to make a difference. Although accused of catering to corporate interests, NPR has

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[178] Baker, William F. and Dessart, George. *op. cit.*

[179] McChesney, Robert W. *op. cit.*

[180] On the dawn of the 21st century, 10 media corporations alone account for more than a half of the $300 billion in yearly worldwide revenues generated by the communications industry. AOL Time Warner and Vivendi Universal, the largest, accounted for one-fifth of all sales.

[181] Demers, David. *Global Media: menace or Messiah?* Cresskill, N.J.: Hampton Press, 2002.

become a model of conscientious journalism and quality programming.[182] Moreover, what helped NPR to reach this level of professionalism and high popularity was the corporatization of the media. When the radio market deregulated in 1996, big media groups began to buy more and more stations. They soon found themselves mired in great debt. As a result, they were forced to cut costs and programs that were not turning a profit slashing news departments and airing ever more commercials. This flood of advertisements disenchanted their important audience group of 18 to 34 year olds, who then turned to NPR.[183]

The better NPR has done, the worse its broadcasting sister, PBS television, has fared. Although the station has a foundation of quality programs that outstrip all commercial television stations in the United States, PBS stands on shaky financial grounds. With costs much higher than those of a radio station, PBS has been obliged to open its pockets to more corporate cash, thus compromising its status.[184]

U.S. media history and its legal framework can serve as an example to emerging democracies struggling to jettison their Leninist legacy. Because U.S. journalism is integrated into a mature legal system governing media, there are inherent inconsistencies that must be faced by former communist countries seeking to import parts of the American media model into their various legal and governmental structures. The U.S. model needs a tremendous amount of scrutiny before it can be adapted to fit the needs of another country.[185] Moreover, these nations must determine which of their own standards and beliefs are essential before they will be able to synthesize the U.S. system with their own.

The media in post-communist nations has been experiencing corporatization, even at this early stage, as the transition from communism to democracy derailed and became instead a transition from communism to capitalism. If the media field continues to focus on earnings, then corporate interests will further dominate the communications industry. Therefore, the U.S. experience can be a two-fold example. It can guide policymakers in the region as they seek to build a comprehensive, yet cut-and-dry media legislation and regulatory package. Second, it serves as a negative example, demonstrating the pitfalls to avoid on the road to maturity.

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[182] Representatives of NPR said that they were not the slightest bit worried about the station being contaminated by corporate funding. When and if the station brings in corporate money, it resides in the "NPR News and information Fund," and is not permitted to have any influence over news programming in any way. The radio station has managed to keep a healthy separation in this process in the past 20 years, NPR representatives argued.

[183] From an interview conducted in Washington, D.C. with Jeff Rosenberg, director with National Public Radio Worldwide.

[184] Even PBS representatives agreed that public broadcasting, especially television, has no justification to exist as it becomes more and more commercial.

[185] The American professor of journalism at the University of Maryland, Ray Hiebert, said that in addition to the corporatization of the media, another phenomenon threatening the American democracy is "the devastating bureaucratic mind." This is the consequence, Hiebert argued, of the Cold War mentality, which forced the U.S. political and social establishment to adopt a lot of communist positions.

Rising from the Communist Ashes

In the post-communist transitional years, the discourse on the reform of media in the former Eastern Bloc focused on the necessity of importing the Western democratic concept of free media, considered universal today. The reformist, Western-oriented, layer of communication theorists and journalists in the former communist countries have promoted this conception mainly as a response to the increasing resourcefulness with which post-communist governments have persecuted media in the region. However, post-socialist political and economic development showed that an attitude of absolute antagonism toward past systems is inadequate. This criticism is mounting as more observers of the media in Eastern and Central Europe are questioning the success of the reformists' Western experiment.[186]

If post-communist governments are reluctant to free the independent mass media by normalizing the legal environment in their countries, this is not a convincing argument that the Western model should be idealized. Part of the answer can be taken from the West, but simply transplanting the whole system into countries with their own, different market, government, history, traditions and social codes of conduct is unrealistic. An American teacher of journalism put it this way: "To think that I can export American journalism and import it into another country is to deny the individual evolution, culture, identity, and traditions of that country. As a country, America has a palpably different history, social structure and value system than those in the countries of Central and Eastern Europe. I would be naïve or arrogant to assert that U.S. journalism is a perfect system. There are plenty of lousy journalists in the United States, but historically the country has been one that has nurtured and safeguarded the power of the press and recognized its vital importance for the healthy governance of the country."[187]

The reconstruction of the media in former communist countries must begin from within. In this process of democratization, political willingness plays a major role. Without the desire to change the Cold War mentality and without the political will to let society engage in the democratic way of life, there is no impetus to reform. Before looking to Western models, post-communist leaders must recognize that successful change begins with the society that would be changed, and therefore must be approached from within their local economic, political and societal conditions.

East Germany is a pertinent example of how a former communist nation might succeed in overcoming the Leninist legacy. A former communist country, East Germany broke off from the Eastern Bloc and embarked, strongly supported by West German capital and expertise, on a process of accelerated reform.[188] The rapid decentralization of former

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[186] *Media and Politics*. [Edited by Peter Bajomi-Lazar and Istvan Hegedus]. Budapest: Uj Mandatum Publishing House, 2001. (See also the review of this book by Druker, Jeremy. "Unanswered Questions," *Transitions*, 2 August 2002.)

[187] Dragomir, Marius. "Slovakia's 21st Century Journalism School. An innovative learning-by-doing approach teaches a new generation of journalists," in *Central Europe Review*, 23 September 2001.

[188] Robinson, Gertrude J. "East Germany," in *Glasnost and After: Media and Change in Central and Eastern Europe* [edited by David L. Paletz, Karol Jakubowicz, Pavao Novosel]. Cresskill, N.J.: Hampton Press, 1995.

communist East Germany can be attributed to the generous transfer of management and expertise from West Germany, and the prompt removal of *nomenklatura* managers. This eased the transition of the East German nation to a clean political field, creating opportunity for young, pro-democracy leaders to take the helm in many fields. East Germany's media quickly reinvented itself, learning to play in a free market, liberated from the control of the state. There are still personal and professional blind spots that need to be overcome, but East German media boast healthy revenues and a high level of professionalism relative to communist years.[189]

The reconstruction of the media was rather hasty and ad hoc in the early 1990s when many of the laws on media reform sought to mix openness with state control or to de-politicize the state press without freeing the media from the control of the state. Karol Jakubowicz noted that the first media laws passed in the Eastern Bloc came "from the first impatient impulse to create a new system primarily by negating the old one."[190] This precipitated reconstruction in the early 1990s, resulting in an odd mixture of pre-communist and communist journalism, with the state media enjoying privileged status and playing the game of the power machinery.[191]

In his study on news media reform and democratization in Eastern Europe, Andrew K. Milton sees the process of legal reform in the former communist countries as a two-phase pattern – the simple deconstruction of the communist structure followed by the contentious reconstruction of a new media-law establishment.[192] The reconstruction process has proved difficult, as the East European systems have been unable or unwilling to comprehensively reconstruct the multifaceted institution that is free press. Milton argues that the construction of institutions from whole cloth is politically untenable. A period of institutional continuity is expected to transcend the regime change.[193]

Many communication and political analysts argue that a U.S. First Amendment-based legal system would be the perfect solution for ailing former communist nations. But the major obstacle to reconstruction from the whole cloth of the U.S. institutional infrastructure, including the legal framework governing it, is the difference in legal culture. U.S. legislation is a common law-based system, whereas most European countries have built their legal system on a civil code. The main distinction between the two systems is that in civil code countries, such as former communist nations, rights must be affirmed or acknowledged, whereas in common law countries, such as the United States, Ireland, and the United Kingdom, rights are presumed to exist unless contraindicated.

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[189] Unwillingness to take personal responsibility for the reports, the inability to do independent research and fear of confrontation with authority are among the blind spots enumerated by Robinson in her study about East German media, published in *Glasnost and After: Media and Change in Central and Eastern Europe*.

[190] Jakubowicz, Karol. "Freedom vs. Equality" in *East European Constitutional Review*, Summer 1993, p.43.

[191] See Gross, Peter. *Mass Media in Revolution and National Development: the Romanian Laboratory*. Ames, Iowa: Iowa State University Press, 1996.

[192] Milton, Andrew K. "News media reform and democratization in Eastern Europe," in *Post-Communism and the Media in Eastern Europe* (edited by Patrick H. O'Neil). London; Portland, OR: F. Cass, 1997.

[193] Idem.

"I had a lot of difficulty when I first worked in emerging European democracies to understand why a "press law" was even necessary. Now I do, reluctantly, concede that such laws are necessary in European countries," said an American media law specialist who lived in Eastern Europe.[194]

Common law systems have statutes, but their interpretation is left to the courts. In the civil code system vast statute codes spell out rights and responsibilities. For example, there is no need under U.S. law to establish a citizen's right to be a journalist. By contrast, under civil code, this right does not exist unless granted by statute, so that an individual does not have the "right" to act as a journalist without a law saying he or she may do so.

U.S. journalists say that the best press law is no press law, and they mean it. They have the First Amendment to the Constitution telling them that the government cannot pass laws abridging press freedom and they do not look to Congress or state legislatures to give them the "right" to do their jobs. This is one of the major distinctions between the two legal cultures that make press laws necessary in civil code systems. In civil law countries, absent a law saying journalists have rights, they do not. This is the main argument against the concept of the wholesale importation of U.S. or other Western legal models into the former communist countries. Such a process would mean to deny the whole legal history in these nations and deconstruct the legal basis on which these systems have been built in the past, before the communists took over.

Lawmakers in the former Eastern Bloc do need to make limited changes to the text of media laws, ensuring that the press has the right to operate free of government controls. This right must not be predicated on the fulfillment of "duties," and no special penalties should be created for the press for certain news-gathering activities that might allegedly involve invasion of privacy. Unfortunately, many of the press laws in these Eastern European countries do just that. They require the press to publish "checked facts," leaving the government the right to be the arbiter of what is and is not "true." They require journalists to promote "national values" or include compulsory publication requirements. Furthermore, they regulate the internal structure of news organizations more "thoroughly" than other corporations are regulated. All of these encroachments on the free press should be unconstitutional in mature democracies.

But instead of looking for ways to unfetter free speech, which nurtures a healthy democracy, post-socialist governments dusted off archaic legal models of "insult" laws and similar statutes that exist in countries like France and replicated them in their own nations, forgetting that these laws, even if they exist, are rarely enforced in Western Europe. Moreover, even when they brought improvements to the media legislation, post-communist regimes failed to create conditions under which these laws might function, for example the reformation of the judicial system to liberate it from the constraints of state pressures.[195]

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[194] From an interview with Jane E. Kirtley, Silha Professor of Media Ethics and Law Director with Silha Center for the Study of Media Ethics and Law at the School of Journalism and Mass Communication, University of Minnesota.

[195] Krikorian, Onnik. "A Losing Battle," *Transitions*, 24 May 2002.

Even if the civil code-based legal culture in former communist countries makes it impossible for a system akin to the U.S. First Amendment to be wholly transplanted into their legal structure, the U.S. model remains the main source of media law (I will call it law, although the First Amendment is a statement rejecting media regulation). Furthermore, the most important amendment needing to be incorporated into media law in the former communist nations is decriminalization of libel to make a suit a civil action, as it is in the United States. The burden of proof in the United States is on the plaintiff. The plaintiff must prove with clear and convincing evidence that a statement about them was false. The same should be stipulated by media legislation in the former Eastern Bloc, where journalists now are forced to defend themselves by demonstrating that a statement was, in fact, true.

Moreover, media legislation in post-communist nations should drop the ludicrous articles punishing journalists for defamation of high officials. U.S. legislation provides a clear solution in this case, as well. The "actual malice" standard in the United States says that if you are a public official or someone in the public eye, you must demonstrate that a false statement about you was made in maliciously. A crucial priority is also adopting legislation that eases the access to information.[196]

The reform of media legislation, combined with economic, political, and institutional reconstruction in the post-socialist nations, will create conditions for the institution of journalism to gain credibility. A democratic environment can encourage journalists to take the profession seriously by investing more responsibility in their work. The ombudsman is an institution that can help enhance journalism and media. Well-established in the Western world, ombudsmen make up an institution inside the media outlet, working as a focal point for readers to communicate their complaints about news and the way it is presented. It "gives a newspaper an extra set of eyes and ears, so that journalists can have a better sense of what is on the mind of the readers."[197] The ombudsman, or other such institutions harvesting the civic voice, will add transparency to the relationship between the regime and the media. It will not only help media outlets to look critically at themselves, but also let daylight into possible attempts of government or businesses to interfere with media independence.

The rapid process of European enlargement, with the European Union already planning to bring several former communist countries under its wing by the end of 2007, is exerting considerable pressure on emerging democracies to bring their legislation in line with EU law. The new political order in Europe is expected to push many of these countries to speed up the pace of democratization by granting higher freedom to independent media. However, the Leninist legacy is strongly rooted in the political thinking in the former Eastern Bloc, where mixed forms of old and new authoritarian structures as well as new commercial spheres are likely to coexist in the near future. Hans Heinz Fabris wrote: "Although the

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[196] I owe much for legal advice and ideas to several American media attorneys, journalists and professors I interviewed in the U.S. I would mention here the contribution made by Lucy Dalglish, Executive Director of the Washington-based Reporters Committee, and Kent Middleton, professor and Head of Department of Journalism at Henry Grady College of Journalism and Mass Communication, University of Georgia.

[197] From an interview in Washington, D.C. with Mike Getler, *The Washington Post* ombudsman.

Western media model or media logic has prevailed, in principle, it seems likely that more traditional and indigenous Eastern European media philosophies and behavior patterns will survive at least for some time."[198]

In his book on media in new democracies, Milton proposes the "democratic-participant" model as a possible model of the media environment that meets democratization's specific needs in post-communist East Central Europe. This model calls for decentralized control over media production to ensure access to media in local communities.[199] Milton built his model on the conditions that exist particularly in the former communist nations after testing the validity of classic media models enunciated by Fred Siebert in the mid-1960s.[200] Milton rejects from the very start the authoritarian and Soviet models, in which the state uses the media specifically as a device to sustain its repressive political control. These models are still employed by some former communist nations. The libertarian model, which calls for freedom from censorship and any compulsion regarding what to publish and broadcast, needs a marketplace of ideas to develop. This does not currently exist in post-socialist Europe. Finally, the model of media's social responsibility, which would accept and fulfill a set of obligations such as accuracy, objectivity, truth, and balance, seems predicated on the achievement of a certain level of professional and capital development, also lacking in East Central Europe.

Milton's model overcomes all absolutist views on the reform of the media in post-communist countries. It proposes a decentralized media working in a democratic environment, while retaining the legal culture on which the system was originally based. For some, it might seem to be a compromise with the conservative forces in these countries, stuck in the Leninist legacy. It is not. Milton's model meets the cultural and legal expectations of the people; it guarantees the highest degree of independence that can be attained within the limits of the civil code-based legal culture; it goes hand in hand with democracy. The unsolved problem in the first part of the reform, the deconstruction phase, is how to engage political players in East Central Europe who support monopolies, distrust a free market, and prefer to maintain as much control over the media as possible. The second stage of reform, reconstruction, can only begin once this mentality has been instilled by more liberal thought.

Reforming Public Broadcasting

Imagine a huge concrete-and-steel building with hundreds of offices, studios, wrecked restrooms, old wooden desks, moldy walls and broken windows. Long, dark corridors in this labyrinth are swarming with thousands of employees. This Kafkaesque atmosphere is

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198 Fabris, Hans Heinz. "Westification," in *Glasnost and After: Media and Change in Central and Eastern Europe*, p. 229.

199 Milton, Andrew K. *The Rational Politician: Exploiting the Media in New Democracies*. Aldershot; Brookfield, Vt.: Ashgate Publishing Ltd., 2000.

200 Siebert, Fred S. et al. *Four Theories of the Press: the Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of What the Press Should Be and Do*. [By Fred S. Siebert, Theodore Peterson and Wilbur Schramm]. Urbana, University of Illinois Press, 1956.

not a tribunal. It is the experience of a 1999 visit to Romanian public television, one of the most burdensome legacies inherited from communism.

Used as a mouthpiece by the communist propaganda machinery, the state broadcasters in former socialist countries continue to experience political pressures, huge financial losses and low status among the post-communist media. Attempts at reforming these inefficient media goliaths came up against conservative governments who obstinately refused to remit control over these institutions. As Alina Mungiu-Pippidi put it: "The legacy of the Communist times, consisting both in legislation and legal culture, the transition with its mixture of inflation and fiscal austerity policies, and the desperate power struggles between the old and the emerging political elites also shaped the fate of public television, the once all-powerful media actors."[201]

Challenged by the free market competition that followed the arrival of private stations in the region, the state broadcasters opened their pockets to advertisers. At the same time, they continued to jockey for more state subsidies without making any major changes to their internal institutional structures. They evolved into a hybrid public/private institution, beholden to even more interest groups and completely losing their identity.[202]

Two model broadcasting philosophies have emerged in the past two decades: public service, emphasizing news and public affairs; and commercials with an emphasis on entertainment. The British Broadcasting Corporation (BBC) is the best known and most influential public service model today, while the commercial broadcasting paradigm is best illustrated by the U.S. broadcasting market, where the interventionist role of the state is as nonexistent as it is incompatible with the suspicion of strong government that is embedded in U.S. political culture.[203]

Like the reconstruction of legislation dealing with freedom of the press, the reform of public broadcasting in the former communist countries must be a combination of political willingness, critical examination of existing models in the democratic world and realistic evaluation of the local conditions in which these broadcasters work, such as culture, economy, and civic society. Reform of the public broadcasting system is required because these gigantic institutions consume scarce state resources in countries grappling with deep economic crises and promote unprofessional and biased journalism. The conditions are

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[201] Mungiu-Pippidi, Alina. *State Into Public: the Failed Reform of State TV in East Central Europe.* The Joan Shorenstein Center on the Press, Politics and Public Policy, 1999.

[202] Ellen Mickiewicz wrote about the hybrid state/commercial Russian television, which obeyed to both private investors, who looked to make programs pay dividends, and government who maintained its interest in news and public affairs. (See Mickiewicz, Ellen. *Changing Channels: Television and the Struggle for Power in Russia.* New York, Oxford University Press, 1997; Androunas, Elena. *Soviet Media in Transition: Structural and Economic Alternatives.* Westport, Conn.: Praeger, 1993.) Maryellen Boyle pegs the governing bodies of the public television in East Germany "extensions of the political parties in power." (See Boyle, Maryellen. "The Crisis of Citizenship: The East German Media, Nazis, and Outsiderness," in *Communication in Eastern Europe: the Role of History, Culture, and Media in Contemporary Conflicts* (edited by Fred L. Casmir). Mahwah, N.J.: Erlbaum, 1995.)

[203] *Democracy and the Media: a Comparative Perspective* (edited by Richard Gunther – Anthony Mughan), Cambridge; New York: Cambridge University Press, 2000.

different from those in Western Europe, where there is the luxury of choice because of a strong economy, supportive viewers, and a legislature with ample funds. The reform of public broadcasting in the region is also part of a larger process of affirmation of public broadcasting in Europe, where it has come under attacks from private broadcasters who argued that public stations compete unfairly because they receive heavy state subsidies.[204]

In the United States, the market has been the main arena for mass media development, and public service broadcasting has been designed mainly to compensate for "market failure." In Europe, mass media was based on public broadcasting and the private sector came into the picture later to boost competition and foster diverse voices. In the post-socialist nations, public broadcasting has been used to instill national identity, a useful instrument for new incumbents.[205]

The British system is the best-known model of public broadcasting. It offers pragmatic solutions for the reconstruction of public television and radio in post-communist countries. The system was created to avoid subjection to particular interests, both commercial and political, viewing its audience as a public to be served, rather than a market to be exploited.[206] The principles guiding this model are high-mindedness, comprehensiveness, balanced programming and editorial independence. Although the principle of editorial independence is not absolute, as some proponents of the British "broadcasting myth" argue (there have been attempts to influence news and current affairs programming), the BBC kept alive the belief that such pressures should be resisted.

To succeed in complying with all these principles, the BBC needed a functional leadership structure. This was done by strictly separating the Board of Governors (responsible for appointing the director general and other senior executives, and approving policies, budgets, and schedules) from the Board of Management, in charge of daily production. To further insure the independence of the station, the governors and members of the board of the British broadcasting watchdog, the Independent Broadcasting Authority, are generally appointed for a longer term, usually five years.

The U.S. broadcasting service was built on the assumption that there is considerable similarity between private and public interests in broadcasting, and that the best public services would emerge in a largely unfettered private enterprise.[207] In the United States, public broadcasting is viewed differently than it is in Europe and Canada; Americans and

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[204] *Public Broadcasting in Transitions: a Documentary Reader* (edited by Monroe E. Price, Program in comparative media law and policy, Center for Socio-Legal Studies, University of Oxford, and Marc Raboy, Department of Communication, University of Montreal), 2001.

[205] "[Politicians in the former communist countries] all think it is going to be mine next, or is mine now. That is why [they do not want to reform public broadcasting.] (From an interview conducted in Washington D.C., with Mark Palmer, former U.S. Ambassador to Hungary, and then media investor in Central and Eastern Europe.)

[206] Blumler, Jay G. "The British approach to public service broadcasting: from confidence to uncertainty," in *Public Service Broadcasting in a Multichannel Environment: the History and Survival of an Ideal* (edited by Robert K. Avery). New York: Longman, 1993.

[207] Rowland, Willard D. Jr. "Public Service Broadcasting in the United States: Its Mandate, Institutions, and Conflicts," in *Public Service Broadcasting in a Multichannel Environment: the History and Survival of an Ideal.*

Europeans have different opinions about what it should be. Eventually, the federal government pushed through the Public Broadcasting Act of 1967, which created a national-level superstructure: the Corporation for Public Broadcasting (CPB), the Public Broadcasting Service (PBS) and National Public Radio (NPR). The weak U.S. public broadcasting system is a consequence of a long-standing weakness in the U.S. civic debate about culture and its role in broadcasting in a country in which "culture" is relegated to the Sunday feature section in the country's largest newspapers.[208]

The debate on the role of public broadcasting in the U.S. was reopened in recent years when it was acknowledged that corporate media jeopardize the independence, objectivity and diversity of U.S. media. U.S. public broadcasting, enmeshed in a process of reinvention and reconstruction, cannot be an effective model for the post-socialist public media.[209]

However, the U.S. paradigm seems to have gained more importance in Europe, where broadcasting has become an economic story, especially after the liberalization of the Western European audiovisual market in the early 1980s.[210] Running in markets that permit the dual broadcasting model, with both public and private broadcasters, public broadcasting embarked on more market-oriented strategies in order to survive. The most acclaimed public broadcasting system, the BBC championed its reorganization, dedicating more of its resources to lucrative projects. In 1992, the British ministry of national heritage, which oversees the BBC, called for the continuation of the public fee financing system, but urged the broadcasting corporation to find additional sources of financing, other than advertising. In response, the BBC began reorganizing. The creation of BBC-Resources Ltd was one of the most important steps taken as part of this process. The new company gathered the technical equipment and human resources used in the process of production, functioning as an autonomous entity, producing services and programs under the BBC brand to be sold to independent producers or commercial chains. In this way, the British corporation managed not only to keep up with the private competition, but also to continue to fulfill its public mission.[211]

Financing became the real problem of public broadcasting in Western Europe. Unlike the BBC, public broadcasting institutions in other Western European nations are struggling to survive. In the French-speaking community of Belgium, in Spain, France, Greece, Ireland, Portugal and Italy, where public financing is highly contested, public broadcasters have

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[208] Rowland, Willard D. Jr. *op. cit*, p. 166.

[209] A senior producer with U.S.-based PBS said: "I would not recommend the American model to anybody. It just does not work very well."

[210] For development of the audiovisual market in West Europe see Bray, Florence. *La Télévision Haute Définition: Naissance et Mort d'un Grand Projet Européen*. Paris: Harmattan, 2000; Lunven R., Vedel T. *La Télévision de Demain*. Paris, Armand Colin, 1993; *New Media Politics: Comparative Perspectives in Western Europe* [Edited by MacQuail D., Sinne K.]. London, Sage, 1986; Negrine R.N., Papathanassopoulos S. *The Internationalization of Television*. London, Pinter, 1990; Olivesi S. *Histoire Politique de la Télévision*, Paris: Harmattan, 1998; Breton P., Proulx S. *L'Explosion de la Communication*. Paris: La Découverte, 1993. Rosado Iglesias, Gema. *La Televisión Pública en España: Régimen Jurídico y Control*. Barcelona: Cedecs Editorial, 1999.

[211] Dibie, Jean-Noël. *Entre l'Enclume et le Marteau: le Service Public de la Télévision Dans l'Union Européenne*. La Tour d'Aigues: Aube, 2000.

begun to commercialize their production in order to compete with private broadcasters. Moreover, some dissatisfaction with the public broadcasting system in former communist nations can be found in Western Europe as well. In France, the instability of stations' leadership (appointed for short periods), the annual subsidy, and insufficient funds keep the public stations in a state of dependence on the government. The three strongest political parties in Italy control the three channels of the Italian public television, RAI. Spain's TVE is also under the control of the government.[212]

As in the United States, European media experts express increasing concern over the future of public television. Considered a "European cultural specificity," public broadcasting is seen as the only guarantee that the audiovisual industry will not fall under the control of several corporations.[213]

Public broadcasting has become a questionable concept in a multi-channel environment. The crisis of public broadcasting was brought about by a combination of liberalization, technological progress, and economic change. Mungiu-Pippidi identifies three main areas where this crisis is manifest: identity (what is the justification of public broadcasting in a competitive environment?); financing; and organization (the public sector expands in times of relative prosperity and makes cutbacks when the economy sours.).[214] In short, public television faces growing deficits and a crisis of legitimacy. The two main philosophies concerning public television, economic philosophy and democratic philosophy, Mungiu-Pippidi believes are complementary, not mutually exclusive, as they are usually presented. Mungiu-Pippidi writes that first and foremost, the conception of public television must change. Policymakers must see the distinction between state television, which conforms to the interests of government, and public television, which is a "trustee" of society, absolutely independent from government, providing all necessary information to facilitate citizens' enlightened participation to the democratic process.

In the model Mungiu-Pippidi proposes, the public broadcasting system should become a more consumer-oriented service and improve its audience ratings, financial revenues, and cost-benefit evaluation. "Good television is therefore competitive television, and the main indicator of performance is a quantitative indicator, the market share."[215] A second indicator of performance is "identity", which means specific, quality programs that cannot be found elsewhere.

Mungiu-Pippidi sees the transition from direct state subventions to the license fee as an essential step in freeing public television from the state. However, it cannot remain the only step because the license fee, a flat tax, is not sufficient, even in Western Europe. In Eastern Europe, the license fee is very small: only one dollar per month in Romania, for example.

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[212] Escobar, L.E. 1992, "Spanish Media Law: Changes in the Landscape," in *European Journal of Communication* 7(2): 241-259.

[213] Dibie, Jean-Noël. *op. cit*, p. 138. See also Vedel, Thierry. "French Public Service Broadcasting: From Monopoly to Marginalization," in *Public Service Broadcasting in a Multichannel Environment: the History and Survival of an Ideal.*

[214] Mungiu-Pippidi, Alina. *op. cit.*

[215] Mungiu-Pippidi, Alina. *op. cit.*

Small as it is, evasion is very high. Therefore, commercial earnings are the only solution for public broadcasters to survive.

The reform of the public broadcasting system in post-socialist countries must start with a political leadership willing to let these institutions perform effective services. Governments must change their conception of public broadcasting. Currently, the emphasis is put on "control." Their obsession is not with what public broadcasting should do, but with what it should not do.[216]

Once there is political willingness to reform these institutions, the next step must be to revamp public broadcasters' leadership structure. A supervisory board comprised of professionals must be created to appoint the management of the station and enforce general regulations related to broadcasting. The appointment of the management must be done on professional grounds, while political appointments, or the participation of union leaders, must be forbidden. Currently, public broadcasters in most of the post-communist countries are led by what Mungiu-Pippidi calls an "occult manager," a mixture of parliamentary intervention, government action, and union behavior.[217] The creation of a cadre of professionals from university and independent media businesses, who understand the purpose of public broadcasting, must be followed by a process of decentralization of authority in these institutions by building a more democratic and efficient structure.

Once the reformation of the management structure is complete, public broadcasters may set up a viable system of funding. This is the main problem in reconstructing the public broadcasting system, not only in the post-communist world, but also in mature democracies in Western Europe or in the United States. Ideal financing has these qualities: it must be sufficient and guaranteed for many years, so that politicians cannot interfere, allowing opportunity for accountability.[218] The perfect funding would be the BBC system of fees combined with funds from taxing commercial broadcasters. To ensure better handling of these funds, new institutions, such as endowment funds independent from the state and protected from the marketplace, need to be set up, and must be directed by an independent board of governors.

To further cut losses, public broadcasters must dramatically reduce the huge costs stemming from maintaining the gigantic institutions inherited from communism. Furthermore, public broadcasters must cut their enormous labor force. Smaller production and newsroom outlets, and a smaller staff will help public broadcasters to substantially reduce losses, while at the same time easing both the decision-making process and journalistic activity.[219]

Mungiu-Pippidi proposes a largely market-oriented model of broadcasting, struggling to grab a large audience and drawing substantial funding from advertising. "Whoever has the public

[216] Mungiu-Pippidi, Alina. *op. cit.*
[217] Mungiu-Pippidi, Alina. *op. cit.*
[218] *Public Broadcasting in Transitions: a Documentary Reader* (edited by Monroe E. Price).
[219] Dragomir, Marius. "Fine tuning," *Prague Business Journal*, 25 March 2002.

has the legitimacy to exist – the rest is talk."[220] Indeed, public broadcasters must operate as if they were private. Audience ratings, polls and quantitative research remain essential in judging the efficiency of a media outlet, even a public broadcaster. Public broadcasting outlets in former communist nations must therefore forge new identities by shaping new logos, costumes, tempo and profile of the programs. Advertising is the only source of revenue that can keep these institutions afloat during the post-communist transition. However, public broadcasters must acknowledge and understand their mission, which is to become a niche medium, a channel offering alternative programming. Advertising must disappear from public broadcasting's future programming. They should rely more on "neutral" funds, those coming from taxation of private media outlets and license fees. The creation of such "neutral" funds liberates public broadcasters from both political and business interests and allows them to fulfill their mission to provide special programming, different from both political propaganda and commercial entertainment.

The intellectual delusion that public broadcasters should become educational/culture channels has no place in reshaping the identity of the public broadcasting system. Public broadcasters offer the only place where educational and cultural programs can fit, as commercial channels do not air such unprofitable programs, but public broadcasters must offer more. Education and culture are only part of the niche that public broadcasting should fill. There are other segments of the public that are ignored by commercial television, such as children and minorities, who need to be targeted by public broadcasting.[221]

In addition, the most important component of public broadcasting's new identity is a combination of a high level of professional acumen in selecting program topics, especially news. Unlike commercial broadcasters, public radio and television must make a difference. They must look beyond sex, trivia, and violence, bringing up sensitive issues, more phenomena than events, rather than amalgams of the slices of reality seen on commercial broadcasters' chaotic, surreal screens. National Public Radio in the United States is the best example of such programming. It hosts intelligent debates, chat programs and news, in an informative and explanatory way, without becoming either esoteric or banal.[222]

The same should happen in television. However, there is no television duplication of NPR in the world. The BBC attempts to play this role, but its news programs sometimes resemble the news broadcasts of U.S. commercial television stations. U.S. public television, PBS, struggles to become just such a platform of ideas and opinions, but due to a shortage in financing, it has difficulty building comprehensive programs. However, PBS is by far the station that best manages to make a difference in the United States, where the market is

[220] "From state to public," in *Prague Business Journal*, 15 January 2001.

[221] A provocative idea was brought to my attention by Mark Palmer, one of the pioneers of private broadcasting in Eastern and Central Europe. He told me that the public broadcasters must cease airing news, which is always a kind of "political football."

[222] A group of Ukrainian journalists have been attempting to build such a radio station from scratch. See Kleimenov, Alex. "A New Wave on the Airwaves," *Transitions*, 29 March 2002.

dominated by large, commercial television stations whose lineups bristle with trite, erroneous, and obtuse programs. They are especially inept when it comes to foreign news.[223]

The media policies implemented by the European Council in the past decade are likely to play a major role in the reconstruction of the public broadcasting system. The first policy framework designed to address transnational broadcasting in Europe was the "television without frontiers" directive adopted by the European Community in 1989. Its overarching goal is the creation of a common market in television broadcasting. Revised in 1996, the directive has drawn criticism from communication theorists because it does not address the question of how a public service system could ultimately survive competition from private broadcasters and commercial programming. Shalini Venturelli wrote that the directive "has resulted in rendering public broadcasting into an anachronistic transition in the ultimate realization of the information society, following it may disappear altogether."[224] The media policies recommended by the Council of Europe aim at creating a broadcasting system capable of implementing "public service requirements," which will require in Central and Eastern Europe a redefinition of journalism, from an orientation toward advocacy and propaganda to a watchdog function.[225]

The Council of Europe has recommended that the legal framework governing public service broadcasting should clearly stipulate its editorial independence and institutional autonomy, especially in areas such as programming, organization of the service's activities, recruitment and employment, hiring of goods and services, management of finances, and preparation and signature of legal acts relating to the operation of the service.[226]

However, the act promulgated by the Council of Europe is more concerned with regulating the audiovisual market as a whole. It calls for the protection of children, supports pluralism of information channels, and calls for protection of both communitarian and national cultural and economic interests. It sets up rules on limiting advertising and recommends that any law that regulates broadcasting start with a clear and unequivocal statement that the purpose of the law is to guarantee free and independent broadcasting, in both public and private sectors.[227] It also requires public and private stations to earmark at least 50 percent

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[223] I noticed that the U.S. media, mainly the big TV networks, are secluded from the world. Their coverage of foreign affairs is modeled on the news "fashion." Besides the Middle East and Afghanistan (which are important topics, no doubt about that) there is no other major international "topic" in the U.S. news. Moreover, the foreign news abounds with mistakes and shows a crass lack of basic knowledge and superficiality in approaching a subject.

[224] Venturelli, Shalini. Liberalizing the European media: politics, regulation, and the public sphere. Oxford: New York: Clarendon Press, 1998, p. 221.

[225] "The Enemy Within: Unexpected Barriers to the Development of Public Service Broadcasting", by Karol Jakubowicz, 1996.

[226] From Committee of Ministers, Council of Europe Appendix to Recommendation no. R (96) 10, Guidelines on the guarantee of the independence of public service broadcasting – adopted by the Committee of Ministers on Sept. 11, 1996. (In Price, Monroe E. and Krug, Peter. *The Enabling Environment for Free and Independent Media*. Sponsored by United States Agency for International Development, Center for Democracy and Governance. Prepared by Program in Comparative Media Law & Policy. Oxford University, 2000.)

[227] For more information about the media policies of the Council of Europe see Dibie, Jean-Noël. *Entre l'Enclume et le Marteau: le Service Public de la Télévision dans l'Union Européenne*. La Tour d'Aigues: Aube, 2000;

of their total airtime for European audiovisual productions. The introduction of this concept for the first time indicates that the process of European political, economic and cultural integration under the umbrella of the European Union will play a major role in the reconstruction of the broadcasting market in Europe. The debate over public broadcasting might reach a conclusion when Europe becomes a single market. Each national public broadcaster might become part of a transnational broadcasting network, thus current efforts to reform the system in post-communist nations could be solved by European audiovisual integration. This remains, however, a long-term scenario.

Public broadcasting in former communist countries cannot afford to wait for the European market to integrate them. Efforts must be made today to put an end to the crisis in public broadcasting in former communist nations. There is no perfect public broadcasting model in the world. The BBC can be a source of solutions in terms of both the structure of management and funding. Most Western European countries are involved in the same process of reconstruction of their own public broadcasting systems. The need for reform of public broadcasting is even more urgent in the United States, where National Public Radio has emerged as a viable system, but PBS experiences a deep financial and identity crisis. With such imperfect models, the reform of public broadcasting in former communist countries is a complex process. Political and economic weaknesses in the region make it even more problematic.

However, public broadcasters in the region are able to find their own way. These institutions have the facilities, but they must change the cadre of employees. Governments in the region must implement legislation aiming at restructuring these overloaded institutions. The state must disassociate from this business completely, allowing a class of broadcasting professionals to emerge and take the helm of these media outlets. Long-term funds must be secured through license fees and taxation of private broadcasters, with independent management accountable for the administration of these finances. Once these steps are achieved, new management will have to work to mold a strong identity for each channel. This can be done by applying high standards of journalism and connecting with the audience craving an alternative. Public broadcasting should be neither esoteric nor trivial, but stand somewhere in the middle. It must find its voice and have enough funds to be capable of producing comprehensive, informative, and intelligent programs. The effect of achieving a strong identity will be to help consolidate the system of license fees, as more viewers will turn to the public broadcaster. Eventually, such an institution will educate its own public. It will reinvent the public. As democracy matures, the public will need programming that is more intelligent, accurate, informative, and explanatory. Presently, public broadcasters are searching for an audience. That audience is still discovering the colorful, alluring world of commercial broadcasting, but later it will be the public who will seek an escape from trivial commercial broadcasting. Such escape is what public broadcasting must proffer.

Webster, David. *Building Democracy: New Broadcasting Laws in East and Central Europe.* Washington, D.C. The Annenberg Washington Program, 1992; Shaughnessy, Haydn and Fuente Cobo, Carmen. *The Cultural Obligations of Broadcasting: National and Transnational Legislation Concerning Cultural Duties of Television Broadcasters in Europe.* Manchester, U.K.: European Institute for the Media, 1990.

IV. Conclusion

In his book about the media in emerging democracies, Andrew K. Milton explained the reasons why politicians have sought to maximize their control over the media in Poland, Hungary, Slovakia and the Czech Republic.[228] Milton argues that rational politicians controlling post-socialist institutions, and thereby furthering their career interests, are not willing to change those institutions. The media is one institution that the post-socialist politicians are slow in reforming. Instead of embarking on a strategy of reconstructing a free environment for the mass media, the post-communist political actors have merely created the appearance of progress toward media independence. Meanwhile, they have struggled to maintain the old relationship between the government and the media.

Milton rejects the "Leninist legacy" theory, which theorizes that the elements of the communist system for controlling the media have constituted the main barriers to press freedom in the post-communist transitional period. Milton believes that the main obstacle to democratizing the post-communist institutions is their organizational behavior, not the Leninist legacy of those institutions.

Institutional reform in the former communist nations is the most important part of the process of democratization in these countries. Both the theory of Leninist legacy and Milton's argument have some degree of validity. The communist legacy is overwhelming at both the societal and institutional level, but at the same time, the institutions themselves continue to enjoy the entrenched patron/client relationships consolidated under communism. The overloaded, bureaucratic institutional framework, combined with the lack of a fundamental understanding of democratic principles and the inability to change, has hindered the process of democratization in these countries.

The media's initial enthusiasm during the ouster of the communist regimes in the former East Bloc did not last long, despite the abundant reform programs envisaged by the post-communist rulers. In their attempt to revamp the legal framework regulating the media, the post-socialist governments have not been able to jettison their patronizing attitude toward the press. The result has been the introduction of new and even restrictive media legislation. Combined with the lack of judicial independence, the post-communist media legislation has become the new tool that governments have used to ensure the control of information.

More than a decade after the ouster of the communist regimes, the media in the former Eastern Bloc continues to be subjected to draconian media laws making libel and slander criminal offences. Combined with poor economic development and corrupt judiciaries, this legislation has served to silence dissenting voices in the media and reestablish control over independent media outlets.

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[228] Milton, Andrew K. *The Rational Politician: Exploiting the Media in New Democracies*. Aldershot; Brookfield, Vt.: Ashgate Publishing Ltd., 2000; Belin, Laura. "Logical Thinkers," *Transitions*, 2 August 2002.

In this study, I have examined the corpus of media laws in the former Soviet Union, Eastern and Central European countries, and have described the main lines of media development in the region. The main conclusions are:

1. The reform of the media in these nations is linked with the general process of institutional reform.
2. Before trying to adopt/transplant/import democratic models of media legal frameworks in these countries, these societies need a mature political class which understands democratic political and social principles and is willing to implement them. Those in power must agree with the role of the independent media in a democracy and end the control over the independent press.

Once these goals are attained and the process of deconstructing the communist structures has been completed, the reconstruction of the mass media will be attainable. The reconstruction of the mass media is essentially a legal process. Its aim is to put in place legislation acknowledging the state's agreement to reduce its involvement in the mass media's affairs by means of critically reviewing the most advanced models of media legislation worldwide and importing those specific elements fitting into the social, political, cultural and economic pattern of the individual nation being addressed.

The main step in this process is the adoption of a legal framework guaranteeing the freedom and independence of the mass media. Current legislation does so, but it contains numerous loopholes that leave room for the punishment of dissenting journalists. The U.S. First Amendment-based legal culture is the best general model for these countries to follow. Although the importation of the whole U.S. system is impractical due to the difference in legal cultures between the two systems (European and U.S.), some elements of the U.S. model can be adopted to better ensure freedom of the press.

Some will argue that total freedom will leave room for irresponsible journalism, especially in former communist countries where many media outlets have failed to understand and apply ethical and deontological norms. A comment made by a U.S. journalist best illustrates the understanding of the role of free press in a democracy. "What is better?" the U.S. journalist said, "to put in place restricting legislation and make both responsible and irresponsible journalists suffer or enact the First Amendment and let both responsible and irresponsible journalists enjoy the freedom of speech? In other words, is it better to burke both responsible and irresponsible journalism or let them both report independently?"

Moreover, a legal framework guaranteeing a free environment for the media will boost economic growth in the print media and the broadcasting industry in these countries. With the growth of television worldwide and fast-developing technologies, another aspect of reform that post-communist governments must prioritize is the reconstruction of the broadcasting industry. Western companies consider investing in former communist states a challenge especially because the laws, rules and regulations in these countries have not yet been firmly established or enforced. Investors can attempt to compensate, but ever-changing laws and regulations are a true challenge. The protection of foreign investments,

the process of granting and renewing licenses and even the reform of former state owned businesses have been failures in most of these countries, which inevitably leads to greater risk.

Successful foreign investment in some of these countries has helped the media outlets thrive and has boosted competition. Moreover, just as foreign stations have modeled themselves after Western television, the politicians in these countries to some extent modeled themselves after their Western counterparts as well. A former media investor in the region said: "While local television [in the former communist countries] continues to be far more boring and less diverse than Western television, I see signs of westernization in state television broadcasts. I see more commercials; I see man-in-the-street interviews; I see politicians catering to news people rather than vice versa. I see shows starting and stopping on the half hour and I see television guides and published broadcast schedules. Most importantly, I see the power of television on the average man in the street. Soon after Central European Media Enterprises [a U.S. investor in television in former communist countries] introduced new and novel programs, viewers throughout Central Europe stayed up late, changed their hairdstyles and picked up new vocabularies. They came to expect on the spot videos of breaking stories and unbiased reporting from their media as they had seen on CNN, BBC and other international networks. They were exposed to a lifestyle in the West that they demanded their politicians deliver to them. No other medium has the impact of television on a society to form norms of behavior and expectation."[229]

Despite the foreign investment in Eastern and Central European media, post-communist countries are still grappling with the legacy of the former state broadcasters, which have become hybrid state-private institutions, consuming the scarce resources of the state and continuing to promote low standards of journalism by accepting, more or less voluntarily, the influence of the state. The state must get out of this business too, and reform these institutions. The reform process is becoming even more imperative today with the global reaffirmation of the role of public television. The first step that the government must take is to ensure a democratic process of appointing the boards governing these institutions. Then it must train and promote competent managers to the helm of the public broadcasters. These managers must be able to create new identities for the broadcasters and compete efficiently with the private broadcasters.

Altogether, these reforms will help achieve a healthy business environment for the media, which is a prerequisite for democratization. With legislation guaranteeing free speech and a set of regulations encouraging foreign capital flow into these nations, reform of the mass media can get on the right path and the media can become a democracy-building institution.

[229] From an interview conducted in the United States with Andrew Gaspar, one of the former partners in Central European Media Enterprises (CME), a company that launched television stations in the Czech Republic, Ukraine, Slovakia, Slovenia and Romania. Currently, Gaspar heads a venture fund in New York.

Annex: Czech Case Study

Reform of public broadcasting is the most important component of media reformation in the post-socialist nations. Although I have dealt extensively with this issue already, I consider this case study essential to understanding the recommendations contained in my paper. I believe the following example will illustrate how different media markets exist in former communist nations and consequently show that any theoretical models, including mine, are relative and should be implemented with acumen and after recognition of the conditions specific to every marketplace.

I have chosen to analyze the Czech television market for two reasons. First, it is a special market with an extremely consolidated television scene controlled by a single group of political and business interests. Second, I have observed this market very closely for a number of years, and unlike other post-socialist countries that I have analyzed through the study of specialized media literature, I have had the ability to analyze the Czech television industry in great detail through working visits and interviews, and my work in Prague as a writer covering media issues.

Market Evolution

Like the other post-socialist countries in Europe, the Czech Republic has experienced more or less the same scenarios in the development of its media market. The fall of the communist system was followed by the same expansion of media outlets, mainly in the print media sector where communist dailies jettisoned their Party uniforms and hastily reinvented themselves to claim a new identity that matched the new realities. Decades of censorship and distorted information led the post-socialist nations to experience a tremendous thirst for information. Inheriting the facilities necessary for publishing, Czech publications continued production without interruption in spite of tremendous changes taking place at the highest levels of government. The same was with the audio-visual sector where public radio and television continued enjoying a full broadcasting monopoly on the free market emerging in the country in the early 1990s. These market conditions were more or less the same in the rest of the Eastern Bloc nations.

As in other post-socialist nations, private enterprises took four to five years to establish the first private nationwide broadcasts in the Czech Republic. Western entrepreneurs seized the opportunity to enter new markets early after the fall of communism. Hoping to be the first in the virgin markets, Western investors quickly began negotiations with local partners to launch broadcasting businesses in the Czech Republic. However, the size of required broadcasting investment slowed business development, and the first concrete steps were taken only in 1994 when the first nationwide private broadcaster challenged the monopolistic position of the Czech public television, a successor of the Czechoslovak communist television.

In 1994, Central European Media Enterprises (CME), chaired by the former American diplomat Ronald S. Lauder, launched TV Nova, the first private station in the country.

Within several years, CME set up television stations in Ukraine, Slovenia, Romania, Slovakia as well as the Czech Republic. Four years after the station's launch, the relationship between CME and its Czech partner Vladimír Železný deteriorated. Following a period of skirmishes and with the tacit permit of the media watchdog in the country – the Radio and TV Broadcasting Council (RRTV), Železný, owner of the broadcasting license, simply launched his own break-away station, also called TV Nova. At a time when the original TV Nova was grabbing hefty revenues and more than 50 percent of the country's audience, launching his own station under such a strong brand was a safe bet for Železný. U.S. owned CME, without a license, had to close its operations in the country and lose one of its most lucrative businesses in Europe. Later, CME filed a half a billion-dollar suit in the International Arbitration Court, accusing the Czech government of failing to protect foreign investment.

After TV Nova's launch, Czech public television lost more than half of its audience in record time. With the second nationwide private television in the Czech Republic, TV Premiera, later called Prima TV, public television lost even more market share. Currently, in a country of 10 million, there are three nationwide television stations. The private TV Nova has some 45 percent of the audience, the private Prima TV enjoys almost 25 percent of the total audience while the public television, with two channels, gets the attention of the remaining 30 percent of the viewers.

The Fate of Czech Public Television

At first sight Czech television market is more or less in line with the markets of the former communist nations. The public television station that once enjoyed a monopoly has lost its market dominance in favor of commercial stations. However, the Czech market provides a special example of how commercial television stations succeeded in dominating the industry through aggressive political and business lobbying efforts. All these efforts have been aiming at controlling all advertising resources and closing the market to potential newcomers.

The Czech television market now consists of two poles of influence. On the one hand, we have the commercial television circle, represented by the two stations, leading TV Nova and Prima TV. Luring audiences with the "trivial television" formula, the two commercial players exhibit a striking resemblance to commercial stations in the West. Newscasts are full of violence and present only superficial analysis of the day's events. Journalists lack basic knowledge and understanding of the issues presented. Programs are rife with errors, lack any sense of good taste and take advantage of the most primary instincts of the masses.

On the other hand, there is public broadcasting. While its second channel tries to maintain a certain standard of quality in programming, the first channel struggles to look more and more like the rudimentary commercial television stations in order to attract advertising contracts, which account for 25 percent of the station's revenues. The rest of the station's budget comes mainly from license fees.

It is difficult to talk about Czech public television without discussing the television crisis at the end of 2000. When the parliament-appointed television council elected a general manager with alleged links to political power, some of the station's reporters barricaded themselves in one of the station's buildings and broadcast their own news. They claimed that the appointment of the general director, a former BBC journalist, was politically orchestrated and demanded his resignation. In January 2001, thousands of Czechs took to the streets in Prague to protest against the manipulation of the Czech public television. In the end, the general director resigned.

As this paper has discussed, the fact that political machinery controls public broadcasters and the media in the Czech Republic is no exception. A combination of politicians' strong desire to keep their hands on the former state station, a low-quality, provincial media that caters, sometimes unconsciously, to political commands, and a weak civic voice has helped the Czech political class maintain control over the public broadcasting.

In past years, private stations have gained incredible economic and political power and use this new influence to hamper competition, limit free expression and inhibit the development of the local television scene. Controlling almost the whole market through non-transparent ownership, the two private stations have been struggling to push public broadcasting out of the lucrative television market. They have made repeated lobbying efforts, aiming to convince lawmakers that the Czech market is saturated, that there is no room for growth, and that Czech public television is not attractive for advertisers. For these reasons, powerful commercial television stations argue Czech public television should be forbidden from carrying advertisements. The goal of the lobby groups is clear: they want public broadcasting's advertising revenues for themselves.

The suggestions of Czech commercial television's lobbyists are similar to the recommendation I made in the pages of this paper: Public television should carry less advertising, if any at all, and should cover its operations with funds from license fees. It is my recommendation that public television should become a niche channel with a very specific target group, comprised of viewers who cannot find their favorite programs on commercial television. I also recommend that public television should look for "neutral" funds to cover its operations, such as license fees, taxes on private broadcasters and underwriting. However, the application of this model to the Czech public television would merely consolidate the holdings of the private commercial broadcasters, who already control almost all the market. Ad-free Czech public television would lead to a dictatorship of the private broadcasters in the market. They are already using unfair practices by dictating prices on advertising and surcharging those advertisers who buy commercial spots on public television. The lobbying efforts of the private television stations, particularly TV Nova, aim to eliminate the only competitor who is bringing equilibrium and competition, however precarious, in the market. In the long term, the most dangerous effect of eliminating advertising from Czech public television is that this monopoly of the two private television stations in the country would "close" the market to new competitors. The media regulators in the country are crassly controlled by a powerful circle of political and business actors. With such watchdogs, elimination of advertising from Czech public television would just

strengthen the position of commercial stations that would then be able to dominate both business and free expression.

To avoid such a development, Czech public television – where advertising is restricted to 1 percent of the daily broadcasting time – should be further helped to consolidate its position. Lawmakers should allow more advertising on the public television, the only counterbalancing factor in the Czech television market. When more competitors enter the market, my recommendation to eliminate advertising from public television would be more realistically applicable and would not risk damaging the Czech market. Czech lawmakers should first fragment the Czech market to boost competition and ensure that no dictatorship of commercial television will arise. After that, further restriction or even elimination of advertising from Czech public television would be the next logical step and this would not bring any damage to the market.

Conclusion

The Czech case shows that any model of public broadcasting reform in the post-socialist nations should be implemented carefully and after deeper analysis of the consequences ensuing from such a process. Although I called for restriction and eventually elimination of advertising on public television in my paper, any plan of reform should be carried out after an exhaustive check of the facts and after taking into account all potential dangers that any step of reformation can bring. My paper is trying to create a viable, general model of public broadcasting. However, it must be adapted to specific economic and political conditions in every country.

About the Author

Marius Dragomir was awarded the 2002 John S. and James L. Knight Foundation's Central and Eastern European Journalism Fellowship at the Atlantic Council of the United States. From April through October 2002 he participated in the Council's Senior Fellows Program, where he completed the research for this paper.

Born in Constanta, Romania in 1975, Dragomir already had a significant background in journalism before arriving at the Council. By 1991 he had already begun working as a reporter for the Romanian *Daily Telegraf*. At first he covered local issues, and then moved to international political reporting in 1993. Dragomir worked concurrently at *Radio Sky Broadcasting* from 1993 to 1994. In 1996 he moved to the Daily *Buna ziua Brasov*, where he was chief of the international news section. From 1998 to 2000, Dragomir engaged in freelance writing and editing for several news organizations, including daily *Libertatea*, *Daily Monitorul – Curentul, Radio Free Europe, Central Europe Review*, and Prague-based *Transitions*. Just prior to his fellowship at the Atlantic Council he was a foreign correspondent for Romanian TV station PROTV and a writer for the *Prague Business Journal*.

Dragomir's education includes a certificate from the Superior School of Journalism in Bucharest and a bachelor's degree in Romanian and English literature from University Transilvania in Brasov. He also attended the Academia Istropolitana NOVA in Slovakia for a postgraduate program in journalism, and has a Master's degree in Hebrew Studies from Bucharest University. Dragomir is fluent in English, proficient in French and Italian, and has knowledge of Spanish, Portuguese, Czech, Hebrew, and Chinese.