

Minority Politics and Minorities Rights

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Questionable Liberty of the Press

The Exact Description of the Situation

In its report on the year 2005 published on the 28th April this year, the independent organisation, Freedom House, which is resident in New York, USA, declared the Romanian press to be partially free. Freedom House weighs legal background, possibilities for political and economic influence in points: between 0-30 points the press is free, between 31-60 points the press is partially free and between 61-100 points the press is not free. Romania's score was 44.

About Censorship Since It Does Not Exist

Censorship was officially abolished in Romania at the end of the 70's. The idea came from the chairman of the party who believed he could make use of ambivalence in internal policy as successfully as he did in foreign affairs. The Press Directorate was dissolved by presidential order.

Since it does not exist, censorship should not be mentioned anymore -was the dictator's message sent to the West and to the intellectuals of his own country. The power in reign was certain that the three decades of dictatorship, self-censorship and mutual surveillance would serve just as well as the institution itself used to. And it did! One of the most terrifying instruments of the totalitarian communist regime was the officially abolished censorship from the late seventies onward. At the beginning the censors were narrow-minded bureaucrats - writes Norman Manea, - but later more and more cynical, well-educated, intelligent intellectuals, who were longing for privileges, started working for the intellectual inquisition.

Without the consent of Reader Service of the Council of the Socialist Culture and Education practically not even a death notice could be printed. Ambiguous misprints counted capital offences. In certain cases the idea of "clean head" could end the journalistic career of the editor or the editor in charge. It was predictable; but after the reorganisation of social relations personal fates and careers became unpredictable.

The central power ceased to exist, which used to prescribe who was free to speak and how much liberty of speech they had.

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In a dictatorship journalists did not have to and could not take a stand concerning the rightness of a cause. Power was in the possession of the eternal and unquestionable right; no divergent point could receive publicity.

It is all different in a western type of democracy. Press is of key importance - which is frequently referred to as mass media, but I prefer the term press which distinguishes serious media from entertainment media industry. Press is responsible to deliver information of public interest to the citizens, who can participate in democratic systems through it. How free is the press? This is the question which occupies both media consuming society and the Hungarian journalists in Transylvania. Doubts, concerning the liberty of press, came forth by the strengthening of the Association of Hungarian Democrats in Romania (RMDSZ) and its becoming a governmental factor.

Dangerous Relations

Those, who doubt the liberty of Hungarian press in Romania, first of all analyse the relationship between the political department and the press. However, the liberty of speech for the Hungarian media in Romania is a far more complex issue. On the one hand it cannot be separated from the state of the press in Romanian language, of the legal, political and economic framework nor can unsolvable dilemmas deriving from minority existence be ignored on the other.

To formulate the question from two approaches: does the liberty of press exist in Romania? Is the Hungarian media free in Transylvania?

The answer to the first question - if not unambiguously is still yes. The press is free in Romania if we accept that liberty of press is the summarised result of the freedom to report truth and does not mean that truth is presented in each report instantly and in its utter truthfulness. Hungarian media in Romania are evenly differentiated, so all interest groups in public and political life have access to publicity. The Hungarian media consumer in Transylvania has access to the views of rival political groups. Currently there are two daily newspapers, which are published nation-wide. *Krónika*, which is edited in Kolozsvár (Cluj-Napoca), presents the views of the right wing opposition, which is in strong cooperation with the right wing in Hungary while *Új Magyar Szó*, edited in Bucharest, presents the point of view of RMDSZ without the exclusion of publishing the opinion of the opponents.

The most influential journals influencing public opinion are the daily papers of counties whose party preferences can be felt quite obviously. *Népújság* in Marosvásárhely (Târgu Mureş), *Szatmári Magyar Hírlap*, *Nyugati Jelen* in Arad and *Hargita Népe* in Csíkszereda (Miercurea-Ciuc) are allied to the RMDSZ while *Háromszék* in Sepsiszentgyörgy (Saint George), *Reggeli Újság* in

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Nagyvárad (Oradea) consider the ideas of the Hungarian Civic Alliance to be more acceptable. Szabadság in Kolozsvár is on the traditional track of journalism it does not have an obvious commitment to any party but provides publicity for any opinion. (This may make the reader unsure); as for the weekly magazines the Erdélyi Napló which is edited in Kolozsvár and Polgári Élet in Udvarhely (Odorheiu Secuiesc) are critical to RMDSZ as well as Kézdivásárhelyi Székely Hírmondó. Brassói Lapok intends to fulfil the role of constructive opposition of the union of protection of interests. Erdélyi Riport, edited in Nagyvárad, cannot possibly deny its commitment to RMDSZ. A Het which intends to be the journal of the young, non-conformist intellectuals is the propagator of left-liberal ideas, which are not significant in Transylvania but have considerable influence in Hungary.

So liberty of journalism is not executed in the way that each opinion is published in every newspaper rather in a way that every point of view can find its forum and be printed.

One of the major hindrances of the liberty of press is that neither of the national journals have a leading position in the market and surveys indicate that very few do buy both newspapers. County newspapers are not distributed beyond the county borders. Diversity of the Hungarian press in Transylvania is available for those who read several papers on the internet on a daily basis.

VAT and the Forest Beyond

One must not reply with a definite yes or no to the question whether the Hungarian media in Transylvania is free. The reply in fact is very complex. Numerous economic, legal and social canons limit and restrict the liberty of press in Romania.

The Human Rights Committee of the European Union proclaimed when commenting § XIX concerning the liberty of press included in human rights that: in order to provide a pluralist press, governments must create an economic logistical and legal framework which is necessary for the proper functioning of media. This framework does not provide but hinders the pluralism of press in Romania.

The majority of newspaper and magazine publishers operate as Ltd.-s. The same restrictions and obligations concern them as any other production or trade unit. In the middle of the '90s press publishers became vulnerable to the government, represented by the tax authority, by their ever growing debts due to increase of tax. The introduction of VAT increased economic vulnerability. The Association of Hungarian Journalists of Romania asked representatives of

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RMDSZ to apply 0% VAT instead of 19% in the case of press releases. They argued by pointing out that printed matters are the exclusive factors to maintain post educational literacy for 82% of the population in Romania. According to the surveys 82% of the population of Romania does not read any books after leaving school only newspapers and magazines. 9% VAT-rate was accepted by the legislation for printed press which eased the situation of publishers.

Love Me Because I Love You So Much

The social democrat government of Adrian Năstase applied the strategy of buying their way. By preferred distribution of governmental advertisements they supported the pro-government newspapers and punished by denying these advertisements of those which opposed government policies.

A mighty media-empire, Axel Springer, was forced to change the editor in chief and several major publicists of *Evenimentul Zilei* - which was strongly counter to Năstase and the government -, because according to their statement they could not get any advertisements from the government and their income decreased dramatically. None of the Hungarian journals had income deriving from governmental advertisements while they had to manage in a market which was built on government subsidiaries in a not even covert way.

Support for the Hungarian press in Romania is a frequent and pivotal issue of public discussions, internet forums and provides grounds to suspicions that the RMDSZ, which is in power, maintains and supports those journals which are considered to be its clarion and hamstrings publication of opposition journals.

Public and political newspapers can apply for support to three funds: *Ilyés* Public Endowment supports Hungarian printed and broadcasted media in Romania with 20 million HUF per annum. The amount of money daily papers and magazines can apply for is 50,000 to 500,000 HUF. For *Brassói Lapok* this means 0.4% of the yearly budget of the Ltd. which issues the journal. *Communitas* Foundation distributes the grants that RMDSZ receives from the Romanian government as legal representative of Hungarians in Romania. The *Native Land Fund* can provide a somewhat larger support since the Board of Trustees has correctly decided that supporting press outside Hungary's borders is to be considered a priority. It is through the press that Hungarian literacy, education (as well as technical culture) and their integration and common development can be maintained. None of the amounts of the three funds press companies can apply for exceeds 1-1.5% of their budgets. One has to recognise that these amounts do not provide a living for these publishers, but their deprival cannot result in the discontinuation of the jour-

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nals either. Because of their timidity and servility, political dependence and defencelessness seem more important according to objections. Dependence does not rely on financial links but on inherited ideological - comradely - reflexes (reminiscence of the communist press), and on those taboos that were set up by the Hungarian press in Romania in the '90s with its over-carefulness and moderateness thus applying damaging self-censorship. Hungarian and Romanian sponsors have supported some other publications with considerably larger sums from different funds in the past 15 years. These publications are still tottering on the verge between existence and extinction because the fish they received as a gift deterred the leaders of the publishers from learning how to fish.

Lack of logistic frameworks can be seen most vividly in the destruction of infrastructure. Although the Supreme Court of the United States of America declared it more than a hundred years ago that freedom of distribution is as important as the liberty of printing, otherwise lacking of the freedom of distribution the freedom of press loses its sense.

Brassói Lapok could be read on the day of its publication in Budapest, in Bucharest and in Prague between the two World Wars. Nowadays it would take two to four days after its publication to be delivered to Kolozsvár, thus it has given up its markets there and in the Parlium. On top of this the privatised distributor, Rodipet, transfers the takings from the sales with six months delay to the publisher.

In many cases distributors do not take upon the distribution of minority journals on the excuse that its not profitable but we can hardly be mistaken in the belief that they hinder distribution of Hungarian press on a "national" basis.

Stalin Re-Visits

Legal framework in many cases hinders the liberty of press. The police force of Marosvásárhely confiscated the editions of the tabloid: Európai Idő for it published a possible agenda presumably represented by autonomists. Police also harassed the distributors. The Police commissioner of Marosvásárhely justified the brutal action before the public by claiming that they only intended to inquire about the content of the article...

The case of the Romanian journalists, who accessed classified military documents by accident but did not publish them and were subjected to prosecution, also supports the idea that although there are significant changes, the Romanian legal system is still restricting the liberty of press with Stalinist regulations.

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We can summarize that although several factors impede the consummation of the liberty of press, Hungarian press in Romania is doing its best to broaden the sphere of publicity. It has got rid of direct political pressure and pulling down economic restrictions depends on the managerial prowess of the publishers too. Legal framework will hopefully be EU-conform and will provide a framework rather than limits for the freedom of speech and expressions of opinion. The Stalinist reminiscences will hopefully disappear from the minds of legislators.

Age of Technocrats

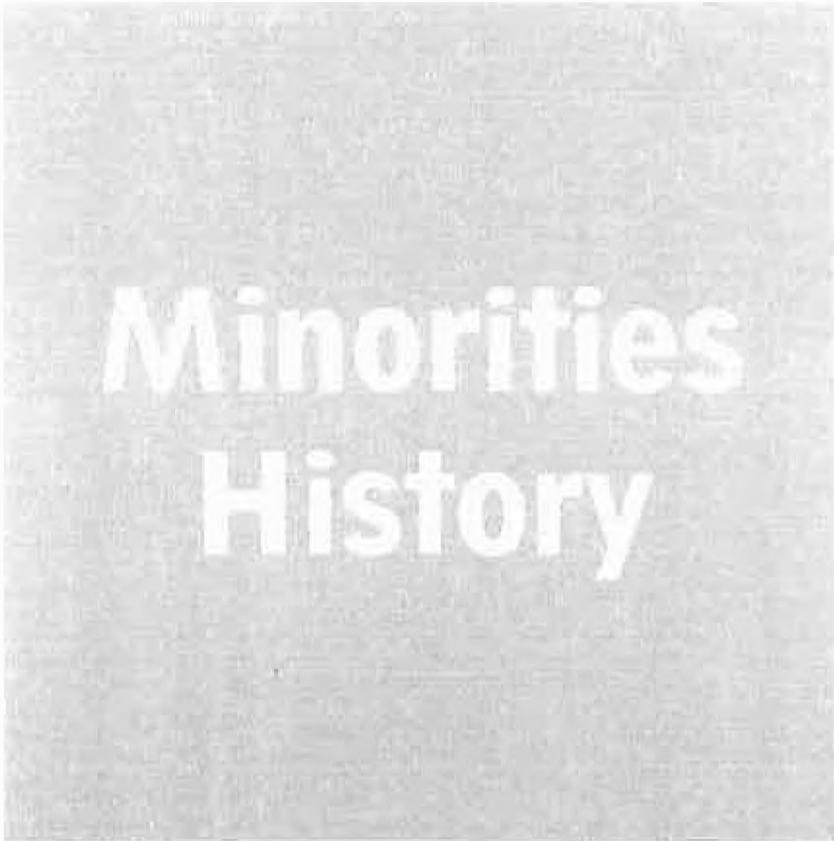
It is of great importance that Members of the Hungarian journalist society in Romania consider professionalism and complying with basic ethic principles essential for the liberty of press. The winding up of county daylies has stopped or at least has been suspended. Bihari Napló and Szatmári Friss Újság set wrong examples for Transylvanian Hungarian journals by changing into tabloids from public service newspapers. The influx of foreign capital does not necessarily means fulfilling free press and broadening of publicity. Manager-type editors-in-chief have appeared as heads of weekly magazines. They are technocrats representing a new ideal, rationalisation and professional ethics according to media researcher Attila Papp Z.. Conclusions of his study (Hungarian press publicity in Romania in the '90s) can be completed that manager-type editors-in-chief cannot only been found among the young but members of the older generation have also realised that the reality of the market shapes business policy. Professional consciousness that arose in them makes manager editors-in-chief to take the role of the guard dog of democracy by keeping distance from politics.

In the last election campaign in Romania it became a pivotal issue whether a Hungarian journalist should take up political functions. Although the social activity of journalists and their amassing functions are accepted in minority societies, the Association of Hungarian Journalists in Romania accepted a recommendation, in which its members were requested to make a choice between the functions of journalists or politicians, because the combination of the two functions has a negative impact on the social attitude towards the journalist profession.

The reverse of this situation is also an issue of major importance: is it advisable for politicians to influence the press as owners too? The answer is a most definite no; (except for the case when the politician publishes a newspaper which is admittedly the paper of a party. However, admittedly party-papers have no market. This is why they are camouflaged as independent newspapers, which - since the reader can also think - do not have a market either.)

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It is outstandingly important for the liberty of the Hungarian press in Romania that the owner or the owning companies should not have political intentions. The owners can have only one specific aim by publishing a journal: making profit. In this case profit can only be measured in money. The conditions of the freedom of press are to be provided by the government, the society and the community of the journalist profession. Recently there have been attempts for this in Romania on behalf of all three. The only press that can be free is the one, which questions its actual freedom all the time. Hungarian press in Romania regained its freedom in 1989. Today there is a way to be found in which this freedom can be preserved. One of the proven methods of protecting liberty is to accept responsibility. Relationship between responsibility and freedom is a fairly complex issue that has to be considered over and over.



**Minorities
History**

