

# The Second Wave of Media Reform in East Central Europe

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## **Political democratization and media democratization**

The political transformation at the turn of the 1980s and 1990s in East Central Europe brought about the liberation of the print press and the broadcast media from under the control and the information monopoly of communist parties. The licensing procedures imposed on newspaper publication were abolished in all of the countries in the region, and more relaxed regulations were introduced for the print press. The majority of the newspaper market was privatized and pluralized as hundreds of new titles tried to make a living. In a new era of economic and political freedom, print publications were mostly threatened by the iron laws of the market. Political pressure on print journalists was moderated and pluralized in some countries, and terminated in others.

By contrast, the broadcast media remained at the forefront of attention among the new political elites who were/are reluctant to accept critical media coverage. The major reason for this is the lack of democratic political culture – a relic of the roughly four decades of communist rule. Although public criticism of office holders constitutes a basic feature of democratic systems, post-communist elites, including significant elements of the old, state-socialist *nomenklatura*, could not easily throw off old habits. Moreover, it was difficult to shake off entrenched standards in which rulers were publicly untouchable and propaganda was considered a major and legitimate force of social transformation. The press, in the official Leninist parlance, served as “the sharpest weapon of the party”. Widespread belief in direct media effects, a corresponding irresistible desire to control the media, and a partisan journalistic tradition, constituted the cultural heritage of the new democracies with regard to the media.

As the media history of the first years of democratic consolidation in East Central Europe demonstrates (Paletz et al. 1995; Giorgi 1995), the new political elites proved highly creative when it came to exerting pressure on the media. Exploiting media regulation loopholes, removing top media executives and critical editors, appointing loyal managers and journalists, placing informal telephone calls and personal pressures by party and government officials, and with-

drawing funding were all commonly used strategies in the region, especially in the public service media. Political pressure and partisanship in frequency allocation for commercial media, coupled with selective information and state sponsored advertising hindered pluralization and democratization in the newly established private sector. In some cases, broadcasting councils also threatened commercial stations with penalties, based on partisan motivations. Legal action against journalists and publishers, special taxes on the use of printing paper and certain independent newspapers, a state monopoly on printing, and selective state-sponsored advertising were among government actions aimed at ensuring pro-government coverage in newspapers and at creating pro-government segments in some countries' press markets. Finally, attempts to introduce suppressive libel laws posed threats to freedom of speech in general, and for professional journalists in particular.

Political pressure on journalists was facilitated by a number of regulation loopholes in the early 1990s. However, legislators had to pass their respective broadcasting acts in order to create the necessary laws in the sector to invite foreign investment – a precondition for the modernization of the sector. In addition, the newly passed broadcasting acts, at least according to their preambles, also aimed to protect media freedom and to enhance the plurality of views – in brief, to conclude the unfinished democratization of the media.

Once passed, media regulation in the first part of the 1990s indeed created a new legal and institutional structure to regulate the media in the new democracies. This *first wave of media reform* had two major achievements. First, it transformed state controlled media into public service media and established funds to finance public service broadcasting. Second, it de-monopolized the sector and introduced commercial broadcasting by allowing for private ownership of the broadcasters in East Central Europe (Splichal 1994; Sparks & Reading 1998). Of the countries discussed in this volume, the Broadcasting Act of what was then Czechoslovakia was passed in late 1991; the law is still valid in both the Czech and Slovak Republics, albeit with modifications. Poland's Broadcasting Act was passed in 1992 and modified in 1995. The Romanian Audiovisual Act was passed in 1992, while the Law on Public Service Radio and Television was passed in 1994 and modified in 1998. Hungary's Radio and Television Act was passed in late 1995. Lithuania passed its Media Act rather late, in 1996.

It is no exaggeration to state that the first wave of broadcasting reform has played a historic role in the democratization of the media, and indirectly in the political democratization of East Central Europe. At the same time, experience shows a discrepancy between the declared objectives of the laws, and the actual

achievements during their implementation. Problems pertaining to the freedom and performance of the media persist to date.

It would be a mistake to suggest that East Central European media systems are “half way” to some final media state of reform, an end point of “the” Western institutional pattern. In our view, such a final destination does not exist and democratization of the media remains an open-ended, normatively oriented project (Curran 1991a, 1991b). Some of the problems presently found in the East Central European region are shared by many democratic media systems, including those in countries with sustained, or at least significantly longer, democratic institutions and traditions (Gunther & Mughan 2000). However, other specific problems are rooted in the context of democratic transformation in the region (Sükösd 2000; Bajomi-Lázár & Hegedűs 2001).

The nine major problem areas in contemporary East Central European media can be summarized as follows:

- Slow technological change;
- Weak news competition;
- Crisis of public service broadcasting;
- Persisting political pressure on the media;
- Weak professional performance of journalists;
- Problematic minority access to the media;
- Hate and nationalist speech;
- Inadequate press and media markets;
- Europeanization of media regulation.

### **Slow technological change**

The legal setting established by the first wave of broadcasting acts is lagging behind technological change. Broadcasting legislation in East Central Europe is designed foremost to regulate analog terrestrial broadcasting, and it typically pursues the outdated principle of frequency scarcity. Digital broadcasting has scarcely been introduced in the region. Its introduction has been a slow process compared to what the available technological potential with adequate policies, investment and funding would allow for. Digitization of television and film archives has hardly begun and the issue is not high on the agenda. In addition, most of the current regulation does not even mention the Internet, whose market and popularity is increasing rapidly across the region; the trend of media convergence is also seldom studied.

The major reason why the first wave of media reform disregarded technological trends was heavy politicization of media policy. Legislators focused on breaking the state monopoly on broadcasting, and creating the fundamentals for ensuring media freedom and an institutional framework for the pluralization and democratization of media systems. Moreover, political issues (such as partisan composition of public service media boards and overseeing institutions) often dominate regulation. Typically, media policy in the region is not seen as a public policy involving a variety of policy actors; it is often directly mixed with media politics, i.e., it is dominated by party politics.

In contrast, cable television systems are just briefly mentioned, the technological trend of media convergence and its effect on content are largely absent, and digital broadcasting is seldom dealt with in the first wave of media laws. Partisan conflicts and debates over the media most often suppress the informed discussion of major technological and market trends and relevant policy alternatives. The failure of policy makers to cope with technological change may hinder the further pluralization and democratization of the media, and undermine economic competitiveness.

### **Weak news competition**

The first wave of broadcasting acts established dual broadcasting systems in East Central Europe. Commercial television channels and radio stations, newly established during the 1990s, were expected to offer an alternative to viewers and listeners in all areas. Today, commercial channels dominate media markets (in the Czech Republic and Hungary they recently reached a 70-90 per cent audience share). Broadcasting acts prescribe public service duties to commercial broadcasters; they should carry, among other programs, political news and current affairs programs. However, experience shows that entertainment genres dominate the program flow of commercial television channels and radio stations. Even the news programs of commercial media remain largely apolitical, i.e. tabloid news, reports on accidents, disasters, human interest stories and sports news. The sensationalism of news has been common, as commercial channels try to attract the greatest possible audiences. Being apolitical often pays more and is thus often preferred to covering politics and seeking objectivity in news reporting.

As a result, dual broadcasting systems have only moderately improved the quality of news competition. Public service television and radio continue to have a primary role in political news reporting and have a practical monopoly on in-

depth news, news analysis and commentary. Therefore, the news contest remains weak and the public service media is not always motivated to improve their news and current affairs programs. Once the public service media is controlled by the political elites, and if the circulation of quality newspapers remains relatively low (as is often the case), a huge part of the population is denied the critical and in-depth coverage of how those in office perform.

The relative weakness of the news contest becomes particularly visible in the periods of election campaigns. Where can audiences turn to receive quality information on parties, candidates and positions? Public service channels in the region often present pro-government views and commercial media remains rather apolitical, and carries paid political advertisements as a form of campaign communication.

### **The crisis of public service broadcasting**

The first wave of broadcasting acts created dual broadcasting systems that challenged both communist type state media and the traditional Western concept of public service broadcasting. The audience share of public service radio and television has gone down dramatically. The newly established commercial media has taken away a significant part of their advertising revenues. As a result, public service media encounters a similar identity and funding crisis as did their counterparts in Western Europe after de-monopolization and the liberalization of media markets a decade or two ago (Blumler 1992). The situation is even more severe in East Central Europe, however, as there was little tradition in public service broadcasting before 1990 and its institutions have remained relatively weak since then.

Problems of institutional and professional identity, and under-funding renders public service media the prey of governments that use them to improve their own public image. In fact, funding is at times intentionally withheld to make the public media more dependent on government intervention. Then, financial support may have a political price, i.e., to remove critical editors, journalists and take a more pro-government position.

As a result, the public service media in the region has over the past decade frequently promoted discourses of *particular*, rather than *universal*, values and interests which questioned the public nature of such broadcasting. In some countries, public service television faces deep financial, professional and political problems.

## Persisting political pressure on the media

The first wave of broadcasting acts in the region established the institutions that were to safeguard the freedom of the media. However, the common experience was that what they really did was institutionalize informal political control over the media. The post-communist political elites, sharply divided over ideological issues, seemed united in their common belief in the mobilizing power of the media. Noting the increasing ‘mediatization’ of politics, many of them were convinced that continuous media presence and representation constitute a key factor of political success.

But unlike their Western counterparts, politicians in East Central Europe often resorted to *illegitimate* means of political pressure through the media. The belief that positive media coverage was so important to set public agendas, affect public opinion, raise positive attitudes and maximize votes at elections, led to many dubious measures being taken – measures that would qualify as undemocratic in Western liberal democracies. Interestingly, this view survives, even though practice has disproved it, demonstrating that forced positive coverage alone is insufficient to gain popular support. The very collapse of state socialist regimes along with their propaganda and control of the media is evidence to this.

## Weak professional performance of journalists

The first wave of broadcasting acts has attempted to establish such norms of journalistic performance as impartiality, balance, and objectivity. However, widely acknowledged and approved norms of profession have not yet crystallized; the professional performance of the journalists is at best contestable. There is no consensual professional ethos in the countries of the region. While some journalists believe that it is their job to critically cover the government of the day, others are convinced that they should be loyal to democratically elected governments. A significant part of the journalistic community is politicized and divided along political cleavages. Their *political identities* often prevail over their *professional identity*.

The tradition of partisan, opinionated journalism is still strong, especially in the print press and in public service media. In commercial television news coverage, objective, balanced journalism became a norm, but this remains weaker than tabloid and apolitical tendencies. Investigative reporters constitute a very small group that has difficulty due to bureaucracies’ resistance to implement freedom of information laws and the limited resources of newspaper publishers

(low salaries and shortages of time to work on a story). The public journalism movement is unknown in the region. The low quality of many journalism schools presents significant problems: even simple story writing is seldom taught properly, let alone journalistic investigation.

Self-regulation of journalists is also under-developed. The institutions of press councils and press ombudspersons are missing in the region. Audiences are seldom represented in any media-related institution or civic organization. Transgressions of professional norms are rarely sanctioned. Soft corruption and hidden PR activities, both by economic and political journalists, are not rare. Many practicing journalists also own small (or large) private enterprises (e.g. providing PR advice) that would be incompatible with journalistic integrity.

The political division of the journalistic community and the shaky professional performance and ethical norms of many journalists make them easy targets for the political and business elites who question their integrity whenever criticized. Contestable professional performance makes the social prestige of journalists surprisingly low in some countries. Without the firm support of the public, the findings of investigative journalists are easily questioned, and journalists cannot be good and reliable watchdogs of democracy.

### **Problematic minority access and representation in the media**

The first wave of broadcasting acts has not made adequate provisions for the special needs of minorities, including ethnic, national, sexual groups and the physically challenged. Both their access to and representation in the media continue to be largely problematic. Minority media, and especially ethnic and sub-cultural community radio stations, are sporadic. The institutional conditions such as radio funds providing grants to community radio stations and journalism education that would enable them to establish and maintain community media, are lacking in all of the countries discussed in this volume. In this, the media systems in East Central Europe differ sharply from those in Western Europe and the United States. In most Western countries positive discrimination of the minority media and journalists has been an established practice since at least the early 1980s. This is not at all the case in East Central Europe.

The recruitment of minority journalists is not systematic; training for minority journalists is the exception not the rule. As a result, minority programs are frequently produced by the journalists representing the majority. The representation of minorities in the national public service and commercial media tends to be stereotypical in current affairs coverage (political, crime, human interests,

etc.) as well as entertainment programs (mainstream talk shows, comedy, etc.) and reflects the perspective of the majority. Most severe is the situation with the Roma minority. Evidence of this can be found in all the countries in the region. Due to the under-representation of Roma in the educated class, and systematic cultural discrimination, Roma journalists or news anchors hardly exist even in countries where their minority proportion exceeds five percent.

Anti-gay stereotypes and humor are also widespread in the mainstream public service and commercial media. Windows of opportunity for gays and lesbians in the media are often missing and gay and lesbian media usually exists only in the form of small circulation newspapers.

Democratic media theorists frequently argue that a key task of the media is to cover diversity and represent minorities – to empower socially, politically or economically disadvantaged groups and to defy mainstream dogmas (Gurevitch & Blumler 1990; Keane 1991; Kunczik 2001). In sharp contrast to this, most of the media in East Central Europe seems to reinforce stereotypes, promote traditional hegemony and social exclusion. Opportunities for minority self-representation are extremely scarce both in the mainstream media and in alternative, minority media.

### **Hate speech and nationalist mobilization by the media**

Stereotyping and marginalization are not the only problems related to media representation of minorities. Another timely issue is hate speech, i.e., openly racist or hostile coverage of other ethnic groups which may turn into active mobilization against them.

Ethnically biased reporting, especially related to conflicts, cannot but contribute to the escalation of ethnic hatred and violence. In the early 1990s, media reports played a key role in escalating ethnic conflicts in East Central Europe (e.g. the Hungarian-Romanian clashes in Tîrgu Mureş, Romania in 1991). After the collapse of former Yugoslavia in the 1990s, ethnic tension in Bosnia-Herzegovina, Macedonia and Kosovo, was reinforced by the nationalist mobilization of the media.

In other countries, anti-Roma and anti-Semitic hate speech present significant problems, especially when these are broadcast on major public service media programs that are under the control of extremist political right editors (Csepeli & Örkény 2002).

A specific form of hate speech, or black PR during election campaigns, is realized when extremist political stereotypes enter mainstream thought as a result of their chronic use in a negative manner (Vásárhelyi 2002).



## **Inadequate press and local media markets**

Most countries in the East Central European region are small both in terms of territory and population. Media markets also remain small, for two reasons. First, the region presents an ethnic and linguistic mosaic, and market sizes and audience numbers are defined by linguistic borders. Second, East Central Europe is not an affluent region. Income levels and purchasing power remain much lower than in Western Europe or the United States. This means that advertising revenues in the press also remain relatively moderate. In the quality press, this leads to a situation in which costly journalism genres (e.g. investigative journalism) cannot be exercised regularly and at a high quality. To contend with problems related to small market diversity of the press, press funds were set up in the Scandinavian countries, the Netherlands and France. In East Central Europe such press funds will also be necessary.

This is especially relevant for local media markets. Media monopolies at the county, city, district, town and village level are so common that they are often taken for granted. In some countries, local governments indirectly own local television stations and newspapers. As these are the exclusive channels of institutionalized communication at the local level (Internet use is growing relatively slowly), their performance is often biased in election campaigns.

## **EU accession and media regulation**

Most countries in East Central European would like to join the European Union (EU), and eight of them (the Czech Republic, Hungary, Poland, Slovenia, Slovakia, Estonia, Lithuania and Latvia) are expected to become full members in 2004. By the time of accession, these states are expected to harmonize their regulatory systems with that of the EU. In the field of audio-visual policies, they should include into their legal systems and enforce the requirements of the "Television Without Frontiers" Directive (EC 89/552, modified by 1997/36) that prescribes a 50 percent quota for European made programs in the entertainment field. This may not be easy to implement, as the Motion Picture Association of America and the U.S Administration is lobbying hard against the implementation of such quotas (Sükösd & Cseh 1998). In comparison, participation in the Sponsorship and collaboration scheme of the Media Plus Program of the EU by East Central European movie makers and audio-visual producers in the pre-accession period, remains an easier challenge.

## Contributions to the second wave of broadcasting reform

This volume contains studies that explore the current situation, offer a critical analysis, and propose area-specific measures towards media policy reform in the countries of the region. They have been written in view of a *second wave of broadcasting acts* that will likely be passed in the near future. Through case studies they offer insight into the present-day situation of the media in the countries of East Central Europe with a focus on current and needed media policies and regulations.

The primary aim of this volume is to integrate several elements related to media reform in a systematic fashion: *local knowledge, original empirical work, critical policy analysis, independent policy proposals, and Western concepts* in current media scholarship – especially *media policy and regulation* studies. The authors of the chapters are all mid-career media researchers. They are all natives of the region. They conducted their research between 1999 and 2001 as Media Policy Fellows for the International Policy Fellowship program at the Center for Policy Studies at Central European University, supported by the Open Society Institute (OSI) in Budapest, Hungary (see list of authors at the end of this volume).

All authors conducted original field research in native languages, which formed the basis of their policy proposals. Many chapters offer path-breaking work as they discuss issues that have not yet been systematically addressed in English or the local languages. All of the authors have wide international experience and use an international media jargon, which makes their policy analysis and proposals comparable in conceptual, regional as well as global terms.

The second potential contribution of the volume is that several chapters position a classic *policy studies approach* within the particular domestic *political and cultural context* of the respective countries and the region. The objective of the studies in this volume is to define and analyze salient problems of the media as well as to identify relevant media policy proposals. Most of the proposals the contributors have derived are put forward here for consideration to governments. However, some of the proposals are designed to eliminate direct or indirect government pressure on the media and are for this reason unlikely to be considered by the governments themselves. The implementation of some of these media policy proposals is, first and foremost, a question of political will. Nevertheless, the authors and the editors believe it is important to publicize their findings even if the current political elites are likely to dismiss most of them. It is our conviction that the issue of media freedom needs to be kept on the agenda and that public awareness needs to be raised. Popular support for the media's autonomy can be a key motivation for politicians to implement media reform. This volume is an attempt to explain the

present state of affairs in the media, to generate ideas for media policy makers and, at the same time, to exert pressure on responsible politicians in several ways.

The third way in which this volume may contribute to the existing media policy literature is its *emphasis on the role of professional and civic non-governmental organizations* (NGOs) in their contribution to promote media reform. Several detailed proposals in the following chapters are designed for various NGOs such as press and media freedom watch organizations, journalism associations, freedom of information groups, lawyers' professional associations, minority councils, minority media groups, institutions of journalism and media education, and other professional and civic groups.

NGOs may exercise pressure on unwilling governments and other political actors to respect constitutional norms and implement existing legal regulations regarding media freedom, access to information, and minority rights. Professional and civic groups in the media field may also propose further media legislation or discuss existing government proposals. They may also publicly criticize and resist the introduction of suppressive and undemocratic regulations that would curtail media freedom. At the same time, NGOs can educate and prepare their own members, sympathizers, and professional publics about normative concepts that lie at the basis of media policy reform. They may also address the general public and create positive publicity for progressive legal reform. Finally, professional expert groups may be involved in the actual policy process and creative lobbying.

Many of the proposals address the journalistic community and journalism education. A necessary contribution to media reform is the reform of editorial and journalistic practices and journalism education. Only a well-trained, professionally sound and responsible journalistic community can increase the popular reputation of the free media as a democratic institution. In order for media freedom to be efficiently defended and enhanced, the media needs to have a great deal of legitimacy with the public.

The fourth area in which this book may contribute to current policy debates is the discussion on the role that *international institutions play as actors of media reform* in the region. This concerns the effects of major assistance programs of international organizations, governments and private donors that are active in the media field, as well as the international standards and case law of international legal institutions in the area of media law.

Regarding the effectiveness of international democracy assistance for the media, a major question is how these programs may best contribute to the democratization of media systems in ethnically mixed areas, and specifically in the post-war regions of South Eastern Europe. Pluralization of and support for

the private media sector in post-ethnic conflict areas may in fact contribute to the reinforcement of ethnic stereotypes and the spread of hate speech (and even war propaganda). This could end up working against the intended goals related to democratization of the media and the political system. This issue is discussed in a way that blends an international relations perspective with a media policy discussion. Recommendations are made for specific actions and procedures to be taken by international organizations, governments and private donors.

### On the chapters

The studies collected in this volume cover two major topic areas. *Part One* of this book, entitled *Reinventing Media Systems*, addresses media systems at large, and the institutional, legal, economic and professional transformation of their major constituting elements. These chapters concern problems related to the reform of state into public television in East Central European; the application of European legal standards concerning the media; government pressures on media institutions and markets; the specific problems related to media development and regulation in the post-war Balkans; and media coverage trends related to the EU and NATO accession processes.

*Part Two*, entitled *Minorities and Media Reform*, covers specific media policy problems related to the access and representation of minorities in the media, with a specific focus on ethnic minorities, gays and lesbians, and the physically challenged. In this part, comparative aspects of minority empowerment in several countries in the region are discussed. Some key issues that are analyzed are: ethnic minority media, legal reform and the role of professional associations; the media representation of ethnic and sexual minorities in the Baltic area; and the necessary reforms to improve media access for the hearing impaired.

In *Part One*, *Alina Mungiu-Pippidi* discusses the reform of public service television in East Central Europe. She offers a comparative analysis of broadcasting regulations in Bulgaria, the Czech Republic, Hungary, Poland and Romania, and addresses the question of whether public service television has been able to cope with the emerging dual broadcasting systems, i.e. to meet the challenges imposed by the rise of consumer-oriented private commercial channels. She argues that former state televisions need to be more responsive to audience needs in order to regain their legitimacy as public service broadcasters.

*Ireneusz C. Kamiński* tackles the question of how to create a legal culture that promotes the freedom of expression and media in the new democracies of East Central Europe that is compatible with European standards. The policy pro-

posals put forward pertain to both legislation and legal practice, including the increased awareness and application of international democratic standards.

*Péter Bajomi-Lázár's* paper describes the 'media war' that flared up in Hungary after the Orbán government took office in 1998. It is argued that the right/conservative government sought to gain control over the media, but their efforts encountered intense resistance from the opposition parties and the journalistic community. The chapter offers a critical analysis of the government's media policy and its underlying arguments, and formulates policy proposals that could enhance and protect press freedom in Hungary in the long run.

*Izabella Karłowicz* tackles problems related to the development of independent media in South Eastern Europe, with a focus on Kosovo. She explores the reasons why international organizations in charge of media development in the Balkans have been largely ineffective, and recommends specific procedures for organizations regarding media development, media regulation, and related technical and political aspects in the region.

*Mihály Szilágyi-Gál* studies the press coverage of the EU and NATO accession processes in two candidate countries, Hungary and Romania. He argues that, as an agent of political socialization, the press plays a key role in shaping public opinion on EU accession and, by extension, on the Western European way of democratization. Using selected newspaper coverage of the accession processes, he concludes that a common deficiency of the press is its inability to provide particular interest groups, communities, regions and professions with relevant information. A series of policy recommendations that may help overcome this shortcoming is presented.

In *Part Two*, *Beata Klimkiewicz* offers a comparative analysis of how ethnic and national minorities can access the media in the Czech Republic, Poland and Slovakia. She discusses the legal, institutional and professional framework of the media in these countries, and advances policy proposals that may enhance minority protection and reduce discrimination against minority groups.

*Tivadar Magyari* analyzes the media of Romania's largest national minority, the Hungarians. He argues that the ethnic Hungarian media in Romania constitutes a full-scale media system with its own institutional and professional framework. Although the media plays a key role in the life of the Hungarian community, journalists' performance and attitudes, including their political partisanship and elitist approach to culture, are key impediments for this media function to be met. Most of Magyari's policy proposals pertain to journalistic education.

*Arturas Tereskinas's* study focuses on the images of ethnic and sexual minorities displayed by the Lithuanian press and television in 2000 and 2001. He analyzes the representations in the Lithuanian media of four ethnic groups:

Russians, Poles, Jews and the Roma. He also describes how the topics of ethnicity and homosexuality have been presented.

*Gavril Flora* explores why the hearing impaired do not have access to the media in Hungary and Romania. The chapter analyzes the legal setting as well as policy statements and interviews conducted with media professionals. It concludes with a series of proposals for changes of the legal and institutional frameworks of the media as well as for effective civic activism.

To make this book user friendly it has been standardized. Each chapter's *Introduction* provides an exposition of the media policy problem under investigation and raises the main questions to be answered. In the *Background* section authors explore the origins of the problem, its social/political/economic context, and provide a critical evaluation of current policy. The *Policy proposals and recommendations* part includes detailed policy proposals, including objectives, proposed actions, agents, and in some chapters, an assessment of policy alternatives.

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