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Media management in Hungary
(parties, society, public politics and professional control)

It has been a century old superstition that whoever takes control over the media, reigns over society. However, the Central-European experience contradicts this adage as the communist regimes had not been spared by the ability to control the public. The press – part of the oppressing structure – did not have any credit. No doubt, that media and the ability to influence it, is an element of power. A prerequisite of democratic politics is the public debate. Without free press there is no democratic politics. The media in control of politics should be the guarantee of democracy. Traditionally, it is the State, which poses the biggest threat to the freedom of the press, but based on our experience we might state that market forces are no less dangerous. In recent years, we have witnessed in Hungary that there is a rivalry between the political powers and market players in other cases they harmonize their interest and support each other beyond the realm of legality.

The elite of the political changes could only agree in one thing before the first general elections that a law should be passed with a 2/3 majority on the electronic media after the elections. There was also agreement that media management should be free from political and government influence. Finally (Act LVII of 1990) a solution was reached i.e. that upon the proposal of the prime minister and the nomination of the president of the republic, the presidents of the public service broadcasters shall be elected by Parliament. With reference to the fact that the peaceful political changes had not rescinded the law of the communist state, the Government – rather unfairly – considered the media hostile towards it and applied a decree from 1974 (1047/1974 decree of the Council of Ministers) to put the media under government supervision. The Constitutional Court declared this as unconstitutional (37/1992. (VI. 10)) but did not annul it as the Court created the notion of “higher danger” which means that the lack of supervision is more dangerous than government supervision. Meanwhile the government carried out cleansings within the ranks of public service broadcasters based on this communist decree, which would qualify as unconstitutional in the democratic state.

In 1996 – six years after the political changes – the parliament adopted the current Media Act. A democratic regulatory change was expected, which did not come true fully.

According to the current act in force, the management of the media is not realized in a converged model. The act created the National Radio and Television Commission in charge of content supervision, its remit is to protect “the freedom of speech” it manages frequencies, publishes tenders, sanctions broadcasters who violate the law, maintains a monitoring service and collects the licence fees and the maintenance of operation fees paid by the public (this duty had been taken over by the Government) and it also spends a large amount of money on subsidies. The source of this is the Broadcasting Fund, which is managed by the Board of the Commission. The Members of the Board are elected upon the nomination of the groups of

MPs in Parliament by the Parliament and are only answerable to it. The Chairman of the Board is jointly nominated by the Prime Minister and the President of the Republic.

The Members of the Board are independent, in line with their oath they are unbiased, take cannot be ordered and take orders. However, they are sometimes unaware of this independence, some of them even declare that the Board consists of party delegates.

The Board operates a Complaint Committee to supervise the balanced nature of information provision, the members of which are elected by the Board. They are independent and cannot be given orders. In each case, a council consisting of three people deliberates, one of whom should have a degree in law. Anyone whose position did not appear in the programme or who had suffered an offence may turn to the Complaint Committee within two days following the broadcast of the programme. The decisions of the Committee can be appealed by the Board of the Commission.

Public service radios are controlled by the Board of Trustees. Its members are elected by Parliament upon the nomination of the political parties, churches and in great numbers the delegates of civil organizations who are selected by drawing lots. Basically they exercise the ownership rights of the public service media, but also have a pivotal role in mandating the presidents of public service radios and televisions.

By now, the political parties have occupied this type of civilian control, the presence of the so-called “fake-civilians” has become the pattern (left wing mountaineers compete with right wing scuba divers and liberal dog sled riders).

The present system can be criticised from several points of view. Party influence is stronger and alas, more direct than one might think based on the letters of the law. Constitutionally, party influence should not be direct, or overwhelming. Parties could put professionals, who are close to their legal philosophy into important positions, yet they cannot influence legal decisions.

The solution in which a law enforcing and sanctioning body is also in charge of handing out money, collecting it and defining and collecting liabilities. This leads to a mistaken identity and might lead to corruption.

Horizontal connections are missing from media management, management is purely hierarchical. In other words self-regulation is missing.

In the lack of self-regulation, co-regulation cannot work.

Practically, civilian control is missing as well, the “civilian trustees” of the Boards of public service broadcasters are linked to political parties in reality.

With reference to the management categories this corresponds to the Mediterranean-type of regulation (Mancini), yet to describe the Hungarian situation, Mr. Jakubowicz’s categories¹ seem to apply better. He writes of an ideal (access, participation and civil control), imitative (following earlier European patterns, preferring minimal interference), the atavistic school, which places the audiovisual media under the supervision of the new political elite. In my view, the recent Hungarian attempts are all the forms of this atavistic school.

¹Jakubowicz: Ideas in Our Heads. Introduction of PSB as Part of Media System Change in Central and Eastern Europe, European Journal of Communication, Vol. 19, No. 1, 53-74.o.

Although the Hungarian Constitutional Court set the limitations of the influence on the electronic media in 1992:

“Freedom from the state requires that neither the Parliament nor the Government should have a decisive influence in an organization, which is capable of influencing the contents of programmes. Similarly, the influence of political party or groups representing the same interests cannot be decisive.”²

At the end of 2008, beginning of 2009, the ruling Socialist party and the opposition Fidesz, after a clandestine preparatory work, published the drafts of a new Media Act. I have criticised the draft for the following reasons.

There were no democratic talks – even though it was obligatory – market players had not been asked about their opinion.

According to the draft act, party influence would have further grown in the management of the media to the extent that all ownership – including that of commercial broadcasters – administrative bodies in charge of media would have been under the control of two political parties (MSZP-FIDESZ).

There were however no guarantees of the independence of local media. Local televisions usually reiterate the mayor’s views.

In its capacity to supervise competition, the new media authority would have been provided the right to search premises, which would have created the opportunity to politically abuse the law. In case of repeated and grave violations of the law, the media authority could have restricted the broadcast of the programme (series, regular programmes) In my view this amounts to censorship. It also gives rise in similar cases to the revocation of licences, which is also unconstitutional.

I do not wish to go on. Faced with social and professional opposition, political parties revoked the drafts. Yet, the perspectives are not very promising. In the past, Hungary was considered to be a paragon of democratic state. Alas, this is the past. According to the press watchdog of the OECD, there is a new iron curtain in the horizon between Western Europe and our region. I hope this proves to be an exaggeration.

I consider self-regulation, co-regulation and effective civil representation a pivotal issue.

However, we have to realize the difficulties to introduce them:

In our region, the traditions of self-regulation in the electronic media are missing completely. The society – including journalists – is political divided. This poses a hindrance to all sorts of self-and co-regulatory cooperation, in which partners and not enemies work together.

Market and politics often conclude secret deals, unethical and illegal compromises. In October 2009, during the tendering of analogue terrestrial radio frequencies, those applicants won illegally, who in my view should have been excluded. In its communication the President of the Republic drew the attention to the fact that “a shadow of political deals is looming

² ABH 1992, 227, 231.

over” the decision. I resigned from my capacity as chairman of the National Radio and Television Commission.

Those who wish to dominate the press misunderstand the functions of the free press with special regard to its public service function.

The civil sphere is relatively underdeveloped and politicized to a large extent.

However, democratic culture is present in the historical traditions of Hungary. There are several non-autocratic traditions from the 19th century to the present to which we could return.