

Fidesz and the media: just another brick in the wall

The new media supervision law is stricter than the previous legislation, but by no means marks the end of the freedom of the press. As in many other areas, Fidesz thus far has not moved to advance its power by changing the legislative framework but rather by placing party loyalists in various independent positions

One of the post-transition period's most characteristic but least loved institutions, the National Radio and Television Commission (ORTT) has become the next victim of Fidesz' desire to completely remodel the state's institutional structure. The ORTT won't be missed, but the new institutions, the National Media and Info-Communications Authority, the Media Council and the Public Service Board of Trustees, which emerge pursuant to the ambitiously titled novel "media constitution" that supersedes the old media law, are unlikely to win universal acclaim either.

Of course the problem is that creating independent public media and media oversight institutions is inevitably a thorny issue in a highly polarised, recently democratised society where independent media are a new phenomenon. The old media regulations were basically successful in facilitating the free operation of a vast and vibrant media landscape. That is not to say that most of the media was of high quality or independent from political influence (it was not), but with the exception of the public media, the law was not in fact meant to ensure that.

But it is in the latter area, i.e. the public media, that the performance of the law was patchy: the supposedly independent public media was sometimes subtly, sometimes openly biased. Based on the composition of the oversight bodies and the roster of persons now selected to lead the public media, this problem is likely to worsen.

A relaxed set of restrictions

The best news with regard to the adopted regulation was that it dropped its most controversial measure, the malicious obligation that would have forced the media to publish corrections not only for errors of facts, but also of opinions (in neighbouring Slovakia PM Fico used similar techniques to limit the freedom of the press). While the rules regarding corrections have become stricter in that they must be published more quickly, this measure itself won't be problematic unless decisions regarding corrections will be biased themselves, which would be a problem in the application of the law rather than its intent. Another controversial provisions that did not make it into the final draft would have subjected blogs to the same (also controversial) registration requirements that internet news portals are subject to.

An interesting development in light of last week's discussion of Fidesz-KDNP relations (Week 47 newsletter) was that a last minute KDNP amendment mandating that media outlets may not denigrate the institutions of family and marriage was rejected by the vast majority of Fidesz MPs, only drawing support from Jobbik.

Among the numerous bones of contention that remain two stand out. The first is the requirement that under certain circumstances journalists might be compelled to reveal their sources. The Hungarian Civil Liberties Union (TASZ), which has complained to the Constitutional Court (also on other grounds), faults the corresponding provisions for their vagueness, arguing that the "exceptionally justified circumstances" mentioned in the law offer too much latitude for the government to seek and compel the revelation of sources.

Another unresolved issue is the requirement that media outlets provide "credible, accurate, quick and balanced" information. Critics argue that while this is a perfectly legitimate requirement in the context of public media, there is no need to expect politically balanced media products from private outlets. It is not clear yet whether this requirement will really be applied to the private media, but in practice it seems unlikely, and as opposed to LMP, which is taking the issue to the Constitutional Court, some of the early critics have been mollified. But an interesting aspect of this controversy is that the even though much of the reporting by key right-wing media outlets would hardly withstand scrutiny under the impugned provision, the loudest protest nevertheless came from the left. The reason is that the determination as to whether a violation of these rules has taken place will be made by the Media Council, which is perceived as politically biased and is led by old-time Fidesz politician Annamária Szalai, who was installed as media czar for nine years, thus being irremovable for a period spanning more than two electoral terms.

You can't take politics out of the public media

Fidesz wields a majority in all media supervision bodies. The Public Service Board of Trustees has just selected the new leaders of the state's TV and radio stations and, unsurprisingly, it has picked former and current senior employees at loyal conservative media outlets for these positions. It'd be unfair to claim that the Board of Trustees voted on the candidates competing for the management positions of public television and radio based on anything other than strictly professional criteria. Of course, their strictly professional decision was made possible by the fact that the pre-vetting had only allowed candidates to move into the final selection whose political loyalty to Fidesz was beyond doubt.

The political cleansing that has already begun in these institutions and the selection of TV and radio presidents known to be loyal to the government reinforces the notion that Fidesz might use the public media as additional propaganda instruments (as they functioned when Fidesz was last in power). At the very least, it won't scrutinise the government as the non-



partisan public media ideally should (but never has in Hungary). Already, opposition politicians rarely get invited to political shows and critical reporting is rare, if not absent.

Given the importance that politicians attribute to the media's power to sway public opinion, it is unsurprising that Hungary has been rocked by an ongoing media war over the past 20 years. The right started out in a weak position, which it had always perceived as an historical injustice, but has made such enormous strides during the last decade that it has managed to move from a disadvantaged position to wielding the upper hand. If the public media will also be effectively included in the line-up of pro-Fidesz media organs, then this advantage will effectively become a position of absolute dominance. Especially since two of the left's flagship media outlets, the broadsheet *Népszabadság* and *Klubrádió*, are in serious financial trouble and might close shop at worst, and will have to work with significantly diminished resources even in the best scenario for their future.

The answer to both claims, namely that media control renders a party either all-powerful or that it is irrelevant for furthering political aspirations, is the same: Silvio Berlusconi. Berlusconi's vast media empire and his occasional control over the state media have made his political enterprise considerably stronger, but at the same time his previous defeats also put paid to fears that his dominant media position would make him effectively irremovable. The same applies to Fidesz, especially since critics rightly point to the growing importance of the internet as a source of news, information and opinions. With its relatively easy market entry and the difficulty of controlling its contents, the infinite variety of internet-based journalism is becoming stronger as a counterpole to the traditional media and the power that it represents. But still, given that many voters consume mainly traditional media, control over public media matters.