

WRESTLING THE FOURTH ARM OF DEMOCRACY: HOW THE ORBAN REGIME
UNDERMINED MEDIA INDEPENDENCE IN HUNGARY

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ABSTRACT

Hailey Jo Altena: Wrestling the Fourth Arm of Democracy: How the Orban Regime Undermined Media Independence in Hungary
(Under the direction of Milada Anna Vachudova)

This thesis explores how political actors in East-Central Europe undermine media independence. Framed by opportunity structure theory, it suggests that given relevant opportunities, political actors restrict media independence by utilizing three specific strategies: legislative action, financial manipulation, and political pressure. While political actors may have agency to employ one or two strategies against independent media, without opportunity to utilize all three strategies in tandem, political actors cannot effectively undermine media independence. To explore this argument, this thesis examines the Orban regime in Hungary as a lens through which to observe each strategy in action. Orban's regime represents the most extreme case of media freedom violations in East-Central Europe — violations, which are made possible by political, financial, and legislative opportunities in Hungary. It suggests that the ruling party and Prime Minister, Viktor Orban, have been more effective than other political actors in the region because they have utilized all three tools simultaneously to repress independent media.

For my dear Joel Samuel.

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LIST OF ABBREVIATIONS

ECE	East-Central Europe
EU	European Union
KDNP	Christian Democratic People's Party
IMF	International Monetary Fund
MP	Member of Parliament
MSZP	Hungarian Socialist Party
MTVA	Media Service Support and Asset Management Fund
MTI	Hungarian News Agency Corporation
MTV	Hungarian Television
NMHH	National Media Infocommunications Authority

CHAPTER 1: INTRODUCTION

In 2004, eight post-Communist and ex-Soviet states joined the European Union (EU). To qualify for EU membership, each state satisfied requirements meant to secure strong democratic institutions and fundamental democratic rights and freedoms, alongside myriad economic and regulatory changes (Vachudova, 2005; Schimmelfenning, 2007). As part of the accession requirements, the EU required candidate states to adopt liberal norms and to protect media independence because, as outlined in the Charter of Fundamental Rights of the European Union, the EU considered freedom of the press a vital tenet of liberal democracy (Toke, 2017; CoFR Articles 6-19).¹ By 2004, the EU determined each state to have satisfied the EU's accession requirements and granted full membership to the eight candidate states. At the time, observers were generally optimistic that new member states would continue the process of democratization after accession and that domestic actors would weave political rights and norms into their respective practices (Levitz and Pop-Eleches, 2009).

Despite early optimism, in the last few years we have witnessed the deterioration of liberal democracy in a number of East-Central European states, including EU member states such as Poland, Hungary, Slovakia, Latvia, and the Czech Republic (Greskovits, 2015).² In many states, political actors have challenged liberal norms to both solidify their domestic authority and

¹ While respect for the media was considered a key indicator of candidate readiness, the EU *Acquis Communautaire* requirements did not specify precise media protections, but rather outsourced these requirements to the Copenhagen Criteria throughout the accession process (Dunham, 2014).

² I use the term East-Central European or ECE states to refer to both post-Communist and post-Soviet states. In this paper, I specifically consider ECE states that are members of the European Union.

international prowess. Specific abuses of liberal norms include increased political pressure on civil society, criminal investigations of political opponents, and obstruction of basic civil liberties (Greskovits, 2015; Hanley and Dawson, 2017).³ Perhaps most alarming to international observers is that elected officials have intentionally violated the political rights of their own constituents.⁴ Across the region, the most notable cases of government-led abuse are found in Hungary by the ruling Fidesz led by Prime Minister Viktor Orban, and in Poland by the ruling Law and Justice (PiS) party (Hanley and Dawson, 2017; Zalan, 2016; Freedom House, 2015, 2016).⁵

Of all the norms of liberal democracy that have been violated, political actors have attacked freedom of the press and media independence most severely. While backsliding governments across ECE have also eroded liberal practices in other areas of democratic governance and the electoral process, Freedom House reports suggest that illiberal governments have curtailed the independent media most significantly (Freedom House, Nations in Transit Reports, 2007-2016). For example, in 2016, Freedom House reported the 8th straight year of media freedom decline in Hungary since 2008 (Dunham, 2016). Reporters Without Borders' 2016 report ranked Hungary 64th out of 180 countries concerning freedom of the press – a staggering drop of 45 places in the last three years. Second in the region after Hungary is Poland, whose leaders have also worked to silence opposition media and control public discourse over the last three years (See Figure 3). In both countries, specific burdens upon freedom of the press

³ I follow Zakaria's lead and separate democracy from liberalism. I also frame media independence as a liberal norm. This paper does not assess whether decline in media independence reflects a decline in democracy, but instead focuses on how political actors undermine liberal norms and practices.

⁴ In this paper I use the term 'political actors' to include political elites, political parties, elected officials, and high-ranking party members.

⁵ While Prime Minister Beata Szydlo and President Andrzej Duda are the official heads of state, many see Jarosław Kaczyński as *de facto* leader of the PiS-majority government.

include partisan control of state media appointments, targeted media taxes, the creation of biased, supralegal media regulatory bodies, and political pressure upon public and private media.

Politicians and political elites have also worked to purchase and consolidate ownership of media outlets, particularly newspapers (Freedom House, Nations in Transit Reports, 2007-2016). While each attack on independent media has been alarming, I observe that political actor's activities against free media can be interpreted as moves to undermine liberal democratic norms.

Specifically, because independent media is viewed as the essential fourth arm or 'estate' of liberal democracy - both in terms of holding the state accountable and informing the populace - when political actors hinder the media's ability to perform these two roles, they not only obstruct media independence, but also challenge notions of liberal democracy (Zakaria, 1997).

Across the region, government-led aggression towards media independence is not only alarming, but it is also puzzling. The EU accession process once bound all candidate states to the same external expectations and standards regarding press freedoms, including the broad imperative of building liberal democracy found in the EU's Copenhagen Criteria and in the European Charter of Fundamental Rights.⁶ Perhaps even more puzzling is *how* and *why* some governments have taken far-reaching steps to manipulate media independence. In this thesis I explore *why* ECE governments seek to curtail media independence.⁷ Next I ask *how* these governments have been so successful at curtailing freedom of the press and controlling media

⁶ Through the Copenhagen Criteria, the EU required candidate states to ensure 'fair and equal access to press', while article 11 of the European Charter of Fundamental Rights required candidate states respect freedom and pluralism of media. Because there were no explicit media freedoms outlined in *Acquis Communautaire* the EU required adoption of these documents as part of the accession process.

⁷ In this paper I consider freedom of the press and media freedoms as civil liberties. However, in EU member states, civil liberties are also codified as political rights to which national governments are legally bound, either through national legislation or EU documents, such as the *Charter of Fundamental Rights of the European Union* (Article 11), or the *European Convention on Human Rights* (Article 10). Within these documents, the EU frames freedom of speech and freedom of expression as civil liberties, and freedom and pluralism of the media as a political right with limited exceptions (Hungarian Media Laws In Europe, 2010, pg ix)

independence. What strategies or tools do political actors use to control the press? Is there variation in what strategies governments choose? What combination of strategies most effectively allows the ruling party to restrict or even eliminate the independence of the media?

To answer these questions, I offer an argument to account for how political actors curtail media independence. I build on literature from media scholars and political scientists, including Peter Bajomi-Lazar, Bela Greskovits, Vaclav Stetka, and Hendrik Ornebring. I also frame my argument within opportunity structure theory, which suggests that external structures both limit and empower political actors' abilities to act. Synthesizing these arguments, in conjunction with my own empirical observations, I argue that, given the opportunity, political actors in ECE work to restrict media independence by utilizing three main strategies: legislative action, financial manipulation, and political pressure. I detail each strategy later in this thesis. I argue that while different political actors may have various opportunities to utilize one or two strategies, without opportunity to utilize all three strategies in tandem, political actors cannot effectively undermine independent media. To illustrate and support this argument, I explore how the Hungarian government has had ample opportunity to curtail media freedoms and concentrate power over public discourse. I argue Orbán has been effective because, unlike other ruling parties in East-Central Europe, Orbán has utilized all three tools simultaneously to repress independent media.

My research for this thesis is anchored in both primary and secondary sources. I analyze assessments of media freedoms across East-Central Europe as reported by Reporters Without Borders, Human Rights Watch, the Committee to Protect Journalists, Freedom House, BBC, Foreign Policy, and the Guardian. To frame and support my arguments, I draw on literature from both political scholars and media scholars who offer perspectives on both how and why political actors curtail media independence. Lastly, within my case study of Hungarian media freedoms, I

also rely upon reports by Jan Werner Muller, Daniel Kelemen and Kim Lane Scheppele, in addition to my own empirical observations.

To present my argument, I organize the rest of this thesis in five parts. In section two I offer a brief history of media independence development since the fall of communism in 1989 and throughout the EU accession process. I do so in order to frame the subsequent discussion of how and why political actors in ECE work to curtail media independence. In section three I explore reasons why illiberal leaders work to limit independent media and what motivates them to do so. In section four I detail my argument of *how* political parties and illiberal leaders limit the freedom of the press and also describe how my claims draw on and contribute to existing literature. I argue that political actors employ three strategies to undermine independent media: legislative action, financial manipulation, and political pressure. I also discuss political opportunity structure and how this theory frames political actors' use of each strategy. In section five I present a country sketch of Hungary as a lens through which to observe each of these tools in action and to illustrate how far a government can go to curtail media independence in the context of EU membership. I highlight Orbán's regime in particular because Orbán's activities illustrate the use of each tool, as well as how he has successfully limited media independence in Hungary by using each strategy simultaneously. In section six I discuss the observed decline of media freedoms in Poland and ask whether variation in media independence across the region can be explained by opportunity structure and how ruling parties in the region choose to deploy each strategy. I observe that other ECE political actors who attempt to use these same tools will be somewhat less successful because of fewer opportunities. Finally, in section seven I conclude by recapping my findings and suggesting additional avenues of research.

CHAPTER 2: MEDIA INDEPENDENCE IN EAST-CENTRAL EUROPE SINCE 1989

In this section I outline a brief history of media freedom development since 1989 to contextualize the recent decline of media independence. I highlight the commercialization of media in the 1990s, the EU accession process, the 2008 economic crisis, and the re-introduction of political influence over media since 2008. In general, I illustrate that while media freedom scores in post-Communist states have generally improved since 1989, media independence remains shaky and vulnerable to legislative, political, and financial manipulation.

After 1989, ECE states witnessed relatively strong growth in both private and public media, due in part to market deregulation, the legal abolition of censorship, the rebuilding of state media, and the adoption of EU media policy norms (Stetka, 2012).⁸ In the immediate transition years, the ECE media landscape was defined largely by the rapid commercialization of the media sector and the influx of multimedia corporations and foreign investors. In general, these changes served to build media consumption, strengthen foreign investment, and stabilize transitioning economies (Sukosd 2000; Gross 2002).⁹ While all post-Communist and post-Soviet states endured some form of market liberalization, not every state experienced political or economic transition in the same way. For example, in states where governments were quick to adopt liberal media laws and welcome foreign investment, such as Hungary and the Czech

⁸ “Advertising expenditure tripled between 1999 and 2008 in the countries of the former communist bloc and former Soviet Union, rising from US\$ 7,997 million to 26,584 million” (Stetka, 2012, 2).

⁹ Though there is, of course, more to the relationship between foreign ownership and domestic media in ECE states, Stetka argues that between 1989-2008, foreign investors were good for media pluralism and journalistic independence. Foreign investors were usually less interested in domestic politics and also avoided domestic elites who sought to capture their outlets for political gain (Stetka, 2012).

Republic, the commercialization process was fraught with corruption and political infighting (Wyka, 2009). Conversely, in a state such as Poland, where the state was more methodical about developing strong media regulatory bodies, foreign investment was more slowly introduced. (Klimkiewicz, 2004; Stetka, 2012, 436). The commercialization of media across the region was not homogenous, neither in terms of speed nor building media independence.

Regardless of fast or slow commercialization, independent media and media regulatory institutions across the region remained vulnerable to the competitive political atmosphere and rapid party turnover, which was characteristic of the post-1989 years. Though the transition to free-market media did improve media independence and professional journalistic practices, the transition years were also marked by party contestation over media laws, evolving institutional practices, and attempts by political actors to capture news outlets and regulatory bodies for their own benefit (Bajomi-Lazar, 2011). In the early 1990s, ruling parties in post-Communist and post-Soviet states restructured existing Communist institutions and media bodies to serve the needs of political parties. Consequently, inter-party fighting, political bargaining, and mutual self-restraint also defined the nature of media independence in ECE states.¹⁰ Bajomi-Lazar describes this era, “The regulatory regime made sure that all parties would have some influence on the media, but none of them would have too much influence” (Bajomi-Lazar, 2013). In other words, the character of media freedoms was largely due to the opposition party’s ability to halt state capture by the ruling majority party.

¹⁰ Ironically, while watchdog organizations increasingly ranked ECE media freedoms as improving from 1990-2004, it is possible that their improved scores correlate to the level of political competition and rapid political turnover in the immediate years after 1989. Since improved regulation of media freedoms was often a result of political bargaining and mutual restraint, it is plausible that the reasons we observe media freedom decline since 2004 is simply that political parties, while in office, have been able to minimize media freedoms because their opposition has not been able to mount significant threat to their rule as they did in the 1990s. (And so consequently the ruling party is not held by mutual restraint).

Therefore, when ECE states began the EU accession process in the mid-1990s, the EU required each candidate state to disentangle political influences from media regulations and to codify and implement international and EU media norms. To some extent, the EU's efforts were rewarded, as national governments passed new laws and media independence scores improved between 1996-2004 (Bajomi-Lazar, 2011). However, what these new laws and improved scores do not reveal is that while media regulations became less vulnerable to political capture, media outlets became increasingly prone to financial manipulation by private businesses and wealthy elites. In particular, as the accession process between 1996-2004 decreased political parties' abilities to fund media outlets and thus exert control over media regulations, media outlets found alternative financial support in the form of private advertising contracts (Stetka, 2012). Thus, while political parties could no longer dictate media regulation and content to the same extent as during the early 1990s, the media's new dependency upon advertising contracts also created new opportunities for marketing companies and private businesses to influence media outlets through financial manipulation. Stetka describes this phenomenon:

Following the liberalization of media markets and privatization of previously state- or Communist Party-owned outlets, most ECE media had been institutionally separated from government or political structures; nevertheless, their former political dependence was often quickly replaced by dependence on market mechanisms, imposing new forms of control and constraints on their autonomy and democratic performance (Stetka, 2012, 434).

As a result of the media's new dependence on market mechanisms, private companies with large advertising contracts increasingly dictated news content and pressured journalists to report from certain political perspectives (Steka, 2012). Media outlets with former political party alliances now also formed loyalties to specific private businesses (Bajomi-Lazar, 2011). In sum, while the EU accession process constrained political influence over the media in some ways, media outlets became increasingly vulnerable to commercial financial manipulation.

Now, since 2007, political parties and political actors have once again increased their influence over media regulations - despite the EU's efforts to disentangle political actors from independent media. Much of this reversal can be attributed to the 2008 worldwide economic crisis, which crippled most ECE governments, and by extension, ECE media practices (Stetka, 2012). As one consequence of the crisis, private advertisers sold their company shares to domestic buyers and nullified existing advertising contracts. Angelika Wyka-Podkowska cites a number of these changes:

In 2008 the Swedish company Bonnier sold the Hungarian daily *Metropol* to the local company Megalopolis Media, controlled by Simicska, a businessman linked to the Hungary's ruling party, Fidesz. The British-based Mecom sold its shares in the Polish *Presspublica* to Hajdarowicz, a businessman with close links to the Polish government. In 2013, the largest Czech media house (MAFRA) was sold to Andrej Babis, a businessman with political aspirations (Wyka-Podkowska, 2014).

Another consequence of the 2008 crisis was that advertising markets shrank across the region. To compensate for these changes and severe financial losses, newspapers and broadcasting stations sought advertising contracts with political actors to supplement private advertising contracts. In many states, this meant that media outlets became increasingly reliant upon political funding once again. Scott Gelbach and Konstantin Sonin have observed this transition and have shown that in places where the private advertising market shrank after 2008, media bias increased towards the ruling party (Gelbach & Sonin, 2014). They argue that because of small private advertising markets in East-Central Europe after 2008, journalists and reporters found themselves increasingly pressured to re-iterate pro-government messages.

Not only has the 2008 crisis increased political actors' sway over the media in terms of political influence, but political actors have also secured an upper hand over media in regards to financial support. How have these changes affected media independence in small ECE states? Because most media outlets across ECE have been unable to sustain their independence without

external funding from political actors, media independence has now fallen upon political actors to uphold media independence and plurality – the very actors from which media should be independent (Toke, 2017). Additionally, because of the relative weakness of non-government actors in ECE states, including civil society and trade unions, business elites and political actors now have a monopoly over decision-making in ECE states far greater than in Western Europe (Lasas, 2015). Save for Lithuania and Slovenia, political actors across ECE play a significant role in determining which media outlets receive financial support and consequently, which media outlets exist and are allowed to shape public discourse (Bajomi-Lazar, 2013, 5). Stetka argues that media outlets “have found themselves under combined pressure from both political elites and economic forces” (Stetka, 2012, 434).

Now, to the extent that public discourse and media freedoms and regulations rely upon political actors to protect and sustain public discourse, media freedoms are equally subject to the ruling party’s amplification of the media-government relationship. Toke observes the uneven reliance of media upon the government and argues that this relationship has not only sabotaged legitimate media independence, but has also encouraged self-censorship, weakened public discourse, and reduced media pluralism across the region (Toke, 2017). Stetka adds that the media’s increased dependence on political parties for financial security, political support, and sustained media independence has been one of the most significant moments for determining the relationship between media and democracy across the region (Stetka, 2013).

CHAPTER 3: MOTIVATION TO UNDERMINE MEDIA INDEPENDENCE

The previous section demonstrates that political actors across East-Central Europe maintain an upper hand over the media through both political and financial avenues. Considering that political actors already hold power over the media, I ask in this section why some politicians take additional, far-reaching steps to tighten control over media independence. Conversely, I ask what motivates other political actors to protect media freedoms. To answer these questions, I consider public choice theory and scholarship from both media scholars and political scientists.

Literature within media studies suggests that political actors are motivated to curtail media freedoms in order to gain electoral support (Lasas, 2015; Besley and Prat, 2005; Petrova, 2008). In volatile electoral conditions, political actors pressure media outlets to gain voter attention and determine positive voting outcomes. Media scholars such as Jakubowicz and Sukosd (2008), Dragomir and Thompson (2008), and Hallin and Mancini (2004) Petrova (2008) and Besley & Prat (2005) suggest that political elites gain such support by placing formal and informal pressures on the media to influence young voters. They claim that political parties in post-Communist ECE states have not had a significant historical tradition of disseminating public information through local networks, civil society organizations, or local political organizations. To make up for this weakness, political actors rely heavily on the media in order to campaign, communicate with voters, and gauge voter support (Petrova 2008, Besley & Prat 2005). Bajomi-Lazar describes this practice:

In an attempt to compensate for their poor social embeddedness, many parties in Central and Eastern Europe have captured, or colonized, the state and its institutions. Since most

parties had meagre direct links with voters, the media were for many politicians virtually the only instrument for communication with the electorate (2014, 4).

In general, much of media studies literature is framed by public choice theory, which argues that in countries where the government has, or desires, strong control over state operations, political actors face strong temptation to manipulate media and information for their political ends. These temptations include, “entrenching incumbent politicians, precluding voters and consumers from making informed decisions, and undermining both democracy and markets” (Djankov, 2003, 342). This theory posits that if political actors have desire to exploit media freedoms, they will.

While media studies literature argues that political actors primary motivation is securing electoral support, political science literature challenges this reasoning. Political scientists suggest that historical evidence does not necessarily prove a link between control of the media and electoral victory (Bajomi-Lazar, 2014). For example, while media in ECE states have tended to bias towards the ruling party - because of the media’s need for political and financial support to stay afloat - active political control of media has not necessitated electoral victory. Rather, electoral upheaval has been very common in ECE transitioning states, despite having primary access to the voter through media outlets (Bajomi-Lazar, 2014, 17). Therefore, while building electoral support may be one motivation for curtailing media freedoms, political scientists offer alternative motivations for democratic leaders to control public discourse. In particular, Bajomi-Lazar (2011, 2013, 2014) and Ornebring (2012) suggest that governments control media in order to extract and redistribute media resources, practice party patronage, and measure party loyalty. For example, they claim that political actors meddle with media independence in order to extract resources (airtime, frequency distribution, licensure) such that they can redistribute said resources to party-loyal supporters (Innes, 2014). Other political science scholars have suggested that actors curtail media independence for myriad reasons, including: to control the public

narrative Magyar (2016), to hide poor governance and corruption (Kellam and Stein, 2014), to reassert national or political values in a context of social disenfranchisement (Innes, 2014) or to paralyze rivals and making it harder for the opposition to organize against the ruling party (Stetka 2012 and 2013; Mungiu-Pippidi, 2008).

Overall, political science literature argues that political actors frame media access and control as a zero sum game. The ultimate goal of undermining independent media is then extracting resources for party gain (Bajomi-Lazar, MDE, 8). In ECE states where public service media is a profitable business, political actors work extra hard to control the media through financial manipulation. In the Czech Republic, where media outlet ownership is especially lucrative, oligarchs have increasingly attempted to consolidate their control over various print and online outlets. For example, Czech oligarch, Andrej Babis, has worked to consolidate both his political and financial hold over a variety of media outlets in order to further business interests and sustain his political clout (Vachudova, 2017). However, even in states where media outlets are less profitable, political actors still work to consolidate their authority over independent media. An interview with an anonymous Hungarian politician characterizes these zero-sum motivations: “How shall I put it? If it’s not mine, it will be other people’s. Even if I don’t have any visible benefit having it, it’s better if other people can’t have it” (Ornebring, 2012, 505).

While there are certainly political actors who wish to downsize media independence, it is inaccurate to assume that all political actors want to curtail media freedoms entirely, or that they even want to do so at all. In particular, there are several strategic reasons why political actors would *not* want to curtail media independence in its entirety. Gehlbach and Sonin suggest too much media bias can be counterproductive to political messaging and rhetoric. They argue, “bias

in reporting reduces the informational content of the news, thus lowering the likelihood that individuals who need that information to make decisions will read, watch, or listen to it” (Gellbach & Sonin, 2014). In other words, if citizens do not listen to the media because it is too biased, then political messaging will not influence them. Toke adds that political actors may also actively choose to preserve some forms of media independence. In many cases, it may be strategic for ruling parties to allow some forms of free expression, either to probe allegiance to the state or to measure popular support (Toke, 2017).

Regardless of motivations to protect or curtail media independence, it is difficult to discern what motivates individual political actors. Leaders across ECE do not necessarily share the same reasons for curtailing independent media. Unique domestic conditions (economics, historical legacy, minority populations, etc.) suggest that even within the same state, individual political leaders may not share the same motivations or ability to limit media freedoms. Thus, while we may speculate different reasons *why* political actors limit political rights of their own constituents, it is perhaps more interesting and tangible to consider *how* political actors across the region curtail media freedoms, and if any pattern emerges within their activities.

CHAPTER 4: HOW POLITICAL ACTORS UNDERMINE MEDIA INDEPENDENCE

Observing decline of media freedoms across East-Central Europe, I return to the main puzzle driving this thesis: *How* do political actors curtail independent media? What strategies do they use to hinder media independence? Is there a common thread to their myriad activities? To answer these questions I examine differing perspectives on how political actors limit media freedoms. In particular, I highlight McAdam's Opportunity Structure theory (McAdam, 1999) and examine literature by media scholars, such as Szilagyi (2017), Jakubowicz and Suksod (2008), Dragomir & Thompson (2008), and Hallin & Mancini (2004). I also consider scholarship by political scientists, including Bajomi-Lazar (2011, 2013, 2014), Innes (2014), Stetka (2012, 2013), Ornebring (2012), Mungiu-Pippidi (2008), and Magyar (2016).

In the previous section I discussed political actors' motivations for undermining media independence. In this section, I suggest that while actors' may hold strong motivations, external structural factors ultimately constrain political actors' abilities to act on said desires. Specifically, Opportunity Structure Theory argues that external factors shape political opportunities and that political actors are bound by four dynamic components: the openness or closure of political systems, the character of elite relationships, state capacity, and propensity for repression (McAdam, 1999). Together, these four factors determine opportunities and constraints for political actors. While I do not detail these four components, I operate from the assumption that these opportunity structures determine political actors' abilities regarding the protection or undermining of independent media. In other words, I argue that given various degrees of opportunity, political actors pursue specific strategies to undermine media independence.

Therefore, in the context of opportunity structure theory, I present my own argument for how political actors in ECE states curtail media independence. I claim that, if given relevant opportunities, political actors will utilize three strategies to control the media: 1) legislative action, 2) financial manipulation, and 3) political pressure.¹¹ I detail these strategies and provide relevant literature to support each strategy in the following sections. Upon these three strategies I build my main argument: while different political actors may have opportunity to utilize one or two strategies to curtail media freedoms, without opportunities to employ all three strategies in tandem, political actors will be unable to effectively minimize media freedoms. To explore this argument, I review and cite relevant literature, and also suggest ways in which political actors employ each of the three strategies.

Legislative Action

Following Jakubowicz and Sukosd (2008), Lasas (2017), and Bajomi-Lazar (2011, 2013) I suggest that provided opportunity, political actors affect media independence through legislative action and regulatory law making. Their scholarship suggests that political actors curtail media independence through legislative action in two ways: 1) pursuing legislative action to determine media rights (and crimes) and, 2) using legislative action to bring state institutions and media regulatory bodies under partisan control.

Within a democratic, legal framework, elected political officials are given opportunity and responsibility to codify the boundaries of media rights and to protect certain media activities (Jakubowicz and Sukosd, 2008). In particular, ruling parties have legislative opportunity to either regulate or deregulate national media, to provide appropriate policies for print, television, and

¹¹ While scholars have not used these categories explicitly, Freedom House uses similar categories in their annual Freedom of the Press Reports to measure media independence: 'Legal Environment', 'Economic Environment', and 'Political Environment'. <https://freedomhouse.org/report/freedom-press-2016-methodology>

online media production, to diversify media content, and to give autonomy to media outlets. Conversely, just as political actors have the ability to use their office to protect independent media, so too can political elites exploit media rights through legislative action.¹² Lasas points out that instead of defining media rights, political actors can also criminalize certain media activities, such as free press, libel, or defamation, or curtail media freedoms and activities (Lasas, 2017). With such agency and opportunity, political actors can use their power and political opportunities to legislate media rights and independence or to undermine freedom of the press (Jakubowicz and Sukosd, 2008). I build on Jakubowicz and Sukosd and Lasas's arguments and suggest that political actors use legislative action as a strategy to undermine media independence through legal avenues.

Additionally, while political actors use legislative action to legally affect media independence, political officials can also use legislation to appropriate media regulatory bodies for partisan gain (Bajomi-Lazar, 2014). Bajomi-Lazar argues that across East-Central Europe, political parties like to appropriate and reshape existing media regulatory bodies because it allows them to sustain partisan control even after they leave office. For example, in 2010, the Fidesz-majority government in Hungary appropriated four existing media regulatory bodies to create their own, media regulatory body, the National Media and Infocommunications Authority (NMHH). Upon creation of the NMHH, Fidesz stacked the new ruling board with pro-Fidesz staff for 9-year terms (Freedom House, Freedom of the Press Report, 2013). Since then, the board has used its authority to determine the bounds of media freedoms and to criminalize certain media activities, such as speaking out against the government or not disclosing anti-

¹² Lasas also points out that in states with strong political competition, it is far more difficult to control media freedoms through legislative action because it is difficult to accommodate many perspectives into one law.

government sources (Lasas, 2017).¹³ For example, in December 2015 a Hungarian blogger who criticized his local district mayor was charged with libel and defaming a government employee (Freedom House, 2017). While the NMHH, in effect, has undermined independent media, this example demonstrates how the use of legislative opportunity to determine the bounds of media freedom can minimize media independence in a system of checks and balances.

I conclude this section by also noting that the strategy of ‘legislative action’ is exclusive to elected political officials or ruling parties. Elected and non-elected political actors may attempt to undermine media independence through the other two strategies - financial manipulation and political pressure, which I discuss next.

Financial Manipulation

In addition to legislative action, I argue that, if given opportunity, political actors curtail media independence via financial manipulation strategies.¹⁴ Financial manipulation is defined as the effective exploitation of financial relationships to receive benefits, such as airtime, advertising contracts, media ownership, and influence over media content. To detail financial manipulation, I highlight political actors’ efforts to manipulate advertising contracts, increase licensing and operating costs for media, and concentrate media ownership into party-loyal hands. (Stetka, 2014; Bajomi-Lazar, 2013; Ornebring, 2012).

¹³ Freedom House cites other examples of the government’s new media laws: “Under a 2013 amendment to the penal code, “anyone who knowingly creates or distributes false or defamatory video or audio recordings can face a prison sentence of one to three years. A civil code provision that took effect in 2014 allows for penalties on those who take pictures without the permission of everyone in the photograph; previously permission was only required for publication” (Freedom House, Hungary, 2017).

¹⁴ Though many scholars combine financial manipulation with political pressure (the third strategy) (Ryabinska, 2014; Besley and Prat, 2005; Petrova, 2008), I break with this literature and argue financial manipulation as a separate strategy. While the financial manipulation and political pressure are certainly complimentary, I argue that political actors can practice financial manipulation without using political pressure and vice versa, i.e. raising or lowering media taxes.

As discussed in section one, the fewer financial resources available to media outlets after the 2008 economic crisis meant that media networks became especially vulnerable to political influences. This also meant that political parties and political actors had increased opportunity to exploit financial relationships with media outlets. Indeed, Bajomi-Lazar and Stetka argue that after 2008, media outlets aligned with political parties who had monetary resources, and that media outlets became increasingly dependent upon political ads and government funding (Stetka, 2012; Bajomi-Lazar, 2013). Since then, political actors have practiced financial manipulation by exploiting relations between media outlets and political advertising. As one example, political actors have manipulated advertising contracts to shape editorial content and spread political messages. In exchange for secured advertising contracts and financial stability, political parties have encouraged journalists to echo partisan messages and to disseminate political reporting (Bajomi-Lazar, 2014). In particular, political elite involvement in media has increased feelings of self-censorship. In an interview, Christian Ghinea, editor for Romanian magazine *Dilema* describes how advertising contracts have increased this practice. He states:

Journalists consider themselves some sort of “opinion employees”, so what they do is to write what they think the owner wants to hear. It’s a form of voluntary self-censorship and it’s impossible for us to fight it...the biggest problem is the journalists’ own obedience and their belief that you can write both black and white, depending on the amount of money you get for it (Baya, 2007).

Overall, media outlets’ reliance on advertising contracts has allowed political actors to increase their influence over editorial content, to encourage self-censorship, and to influence public discourse (Stetka, 2012).

Political actors have also practiced financial manipulation by increasing operating and licensing costs for all media outlets, raising costs of advertising taxes and licensing fees, and levying fines against noncompliant media outlets (Freedom House Annual Freedom of Press

Reports, 2007-2016). While raising taxes and granting funding is not illegal *per se*, this tactic has worked to financially starve opposition media and to reward pro-government media. In the context of financial instability, raising taxes has also been strategic. Higher taxes have made it costly for media outlets to oppose the ruling party or to sustain the voice of the opposition.

Lastly, political parties practice financial manipulation by concentrating ownership of the media in the hands of political actors. Since 2008, a large number of foreign investors have withdrawn their ECE holdings and sold them off to domestic elites such as Dan Voiculescu, former owner of Romanian Intact Media Group and senator with the Romanian Humanist Party. Voiculescu used these positions to shape Romanian politics. In May of 2007, former President Basescu accused Voiculescu of such and stated,

Oligarchs should not be confused with the business community. They are the few who have made fortunes thanks to facilities from government, people who have become very rich and now give orders to politicians, those who are supported financially by the oligarchs and who have turned into puppets of certain businessmen like Voiculescu (HotNews, 2007).

Ironically, some Western European owners had pulled their holdings from ECE after 2008 because they felt that political actors were manipulating media outlets to prop up their political interests. If this was not the case in 2008, it certainly is now (Stetka, 2012, 441). While some media tycoons are involved in politics, like Voiculescu, other political actors have used financial pressure to reshuffle media ownership into the hands of other party-loyalists (Stetka, 2012, 445). The implications of media ownership concentration are that it is far more difficult for smaller, independent media outlets to compete with larger media moguls.

In this section I have illustrated that across the region, political actors have had many opportunities undermine independent media and media plurality through a variety of financial tools. As a result of political actors' use of these tools, including manipulation of advertising,

increased operating costs, and consolidation of media ownership, political actors have negatively affected media independence and plurality across the region (Stetka, 2013).

Political Pressure

Political actors utilize political pressure to curtail independent media. I define political pressure as ‘political actors manipulation of ideological space for political or partisan benefit’. I argue that if given opportunity, political actors can exert political pressure to produce positive, liberal changes, but also that they can also use their position to hinder basic civil liberties of citizens.¹⁵ In this section I focus on the latter use of political pressure in terms of undermining media independence. In particular, I argue that when political actors use their position to hamper public discourse or to challenge legitimate reporting, they effectively undermine media freedoms and the media’s ability to inform citizens, monitor corruption, and build democracy. I also build on arguments from Toke (2017), Dunham (2016), and Ornebring (2012) to describe various ways in which political actors use political pressure to define media content, build ideological support, manipulate media messages, and isolate opposition media. While these activities are not explicitly illegal, politicians can use these tactics to shape public discourse and undermine the legitimacy of certain media outlets.

First, political actors undermine public discourse by publically challenging the legitimacy of media outlets (ironically, this tactic can also serve to strengthen public discourse). Toke argues that politicians delegitimize independent media when they publicly defame media outlets for reporting unsavory election results or for unfair reporting during an election (Toke, 2017). A

¹⁵ For example, while in office, Hungarian Prime Minister Gyula Horn in Hungary (1994-98) did not use his political position to put pressure on media outlets (though he had similar opportunities as Viktor Orbán does now). Instead, he used his political power to strengthen media independence (Bajomi-Lazar, 2013).

recent example of this is Slovakian President Robert Fico’s anti-media rhetoric surrounding Fico’s term as EU president. Fico, who has had a historically poor relationship with critical media, told some journalists during a press conference they were “dirty, anti-Slovak prostitutes,” who only criticized the government and did not produce quality news (‘Slovakia’s PM’, 2016). While the immediate effects of Fico’s anti-media rhetoric remain unclear, it is likely that he has already begun to cultivate suspicion and increased criticism of Slovakian media and journalists – thus undermining Slovakian media independence. I suggest that only do politicians publicly challenge the media’s role in “determining” elections results, but they can also discredit media outlets for libel, defamation, and unbalanced reporting throughout the process (Toke, 2017).

Second, ruling parties weaken media freedom by encouraging or discouraging the publication of certain kinds of public messages. In particular, Jennifer Dunham argues that political actors pressure media outlets to avoid controversial “dangerous topics” both on air and in print, which include anything from organized crime, environment and land development issues, religion, or disputed sovereignty (Dunham, 2016). In East-Central Europe, Dunham suggests that topics of corruption and *Lèse-majesté* (criticism of the state or top officials) are dangerous topics for media on all sides of the political spectrum. The implication of this tactic is that political actors undermine independent media by pressuring outlets to report certain stories from certain perspectives.

Third, Ornebring describes how political actors practice political pressure when they encourage journalists to publish *advertorials* and *kompromat* – statements that reiterate pro-government messages or criticize political actors, respectively. Ornebring (2012) describes how both of these statements function:

A typical *advertorial* could for example be a news article about how a road-work project has finished on time, with one or more representatives of the company responsible for the

project quoted saying positive things about the process and how happy they are to be able to contribute to the infrastructural development of the nation. In other words, the *advertorial* is essentially an advertisement for a company or political party but is presented as a regular news article (506).

Conversely, a *kompromat* works to slander a political party or political ideology. The most common forms appear as anonymous allegations of political corruption, which political actors are pressured to confirm or deny (Ornebring, 2012).¹⁶ Ornebring argues that these tactics not only works to defame political opponents, but as political actors pressure media outlets to report certain content, they undermine professional, independent reporting.

In sum, political pressure, especially when directed against the media, can shape public discourse and undermine the legitimacy of independent media outlets. While political pressure strategies do not explicitly limit freedom of the press or media freedoms in a legal sense, they do enable ruling parties and political actors to intimidate or criticize public media. Also, while political pressure strategies are slightly less visible, they allow political actors to delegitimize opposition media and to build an ideological and rhetorical framework for which they justify political capture and financial manipulation.

Conclusions

In the context of opportunity structure theory, I have outlined three strategies to suggest how political actors curtail media independence in East-Central Europe. After tracing these three strategies, I claim that, if given relevant opportunities, political actors will utilize three strategies to control the media: 1) legislative action, 2) financial manipulation, and 3) political pressure. While different political actors may have opportunity to utilize one or two strategies to curtail media freedoms, without opportunities to employ all three strategies in tandem, political actors

¹⁶ See other studies of this journalistic strategy by Erjavec 2004; Erjavec and Kovacic 2010; Harro-Loit and Saks 2006; Nevinskaite 2009; TI Lithuania 2007; Tsetsura 2005.

will be unable to effectively minimize media freedoms. To explore this argument in greater detail, I examine the case of Hungary – a state that has seen the greatest decline of media independence since the EU accession process. I consider Hungary specifically because it allows the reader to see all three strategies being used skillfully and deliberately together. Hungary also shows us how far an EU member state can go to curtail independent media if they hold political, financial, and legislative opportunity.

CHAPTER 5: HUNGARY – A COUNTRY SKETCH

In this section I present a country sketch of Hungary as a lens through which to observe each strategy in action, as well as to probe the plausibility of my argument: that political actors must have opportunity to employ all three strategies at once in order to effectively curtail media independence. I chose to examine Hungary because Orbán's Fidesz regime represents the most extreme case of media freedom violations in East-Central Europe—violations, which I will argue, are made possible by political, financial, and legislative opportunities in Hungary. Not only has Fidesz been the most successful at curtailing independent media among East-Central European states, but also in Hungary we see the most favorable conditions for a political actor to use all three strategies. I use this study not so much to test my argument, but rather to consider the conditions and strategies by which Orbán has controlled independent media, as well as to examine how he has used each tool simultaneously.

In the rest of this section I describe Viktor Orbán's rise to power in 2010 and categorize his actions to curtail media independence by strategy type: legislative, financial, and political. I use process tracing of Hungarian events since 2010 to identify key factors and opportunities on the road to poor media independence. Using empirical research regarding recent events in Hungary, as well as scholarly commentaries on these events I find that Orbán's use of all three strategies simultaneously has led to his ability to successfully curtail media independence.

Hungary: 2010-2016

In 2010, the conservative-nationalist Fidesz party, led by Viktor Orban, won the first round of elections to gain a simple majority of parliamentary seats. Orban was elected Prime Minister.¹⁷ In the second round of elections, the Fidesz party, in coalition with the Christian Democratic People's Party (KDNP), swept the elections and obtained a two-thirds supermajority in the *Országgyűlés*, the parliamentary National Assembly (Sardi, 2010).¹⁸ Prior to the 2010 elections, Orban was Prime Minister between 1998-2002 and had led the country with Fidesz's national conservative and populist ideology. While the Fidesz party did have considerable support in the 2010 elections (between 45-60 percent), observers suggest that numerous scandals within the Socialist left party prior to 2010 - such as Prime Minister Ferenc Gyurcsany's "Oszod speech" - exposed rampant corruption in the Socialist party, and gave way to serious popular support for Fidesz (Election Watch, 2010; Scheppele, 2014)¹⁹ Scheppele also points to the Socialist Party's (MSZP) unpopular management of the post-2008 austerity measures as a contributing factor towards Orban's victory. In particular, after the International Monetary Fund (IMF) bailed out Hungary in 2008, Prime Minister Gordon Bajnai implemented sweeping austerity measures to pay for the IMF loan, including pension caps, wage cuts, and smaller social benefits. These austerity measures, coupled with the economic downturn, quickly turned

¹⁷ Prior to 2010, the Fidesz party competed for office after first coming to power in 1998. Fidesz' primary opponents today are the Socialist Left MSZP party, as well as the far-right Jobbik movement, which is openly anti-Semitic and anti-Roma. Within the European Parliament, Fidesz is a member of the European People's Party – a combination of Christian Democrats and moderate conservatives.

¹⁸ "The latest legislative elections in April 2010 brought Fidesz and its ally the Christian Democratic People's Party victory: these two right-wing conservative parties jointly obtained over 52 per cent of the votes which – through Hungary's mixed election system – gave them 67.88 per cent of the parliamentary vote. They were followed by the MSZP (15.28 % of seats), Jobbik (12.18 % of seats), and the LMP (4.15 % of seats)" (Bajomi-Lazar, 2013).

¹⁹ In 2006, a tape was made public in which Prime Minister, Ferenc Gyurcsany, admitted to lying and revealed rampant corruption and problems within the MSZP left. In response to the 'Oszod Speech', there was wide-scale citizen protest, and Fidesz called for Gyurcsany to resign.

Hungarian support away from Bajnai and the Socialist left. Kim Lane Scheppelle suggests that these austerity measures cost the Socialist party the 2010 election: “No government that presided over such a disastrous crash and such radical austerity could possibly be re-elected. The election in 2010 that brought Fidesz to power pronounced a verdict on the government of general austerity. The Socialists were trounced” (Scheppelle, 2014).

However, Orbán’s greatest victory from the 2010 election was not that the opposition Left had crumbled, or that the conservative Fidesz party had won a two-thirds supermajority. Rather, per Hungary’s malleable constitution, Orbán gained legal authority to amend the Hungarian constitution. As I shall illustrate in further detail, this unique flaw within the Hungarian constitution would be to Fidesz’s great benefit and to the demise of Hungarian independent media. Indeed, in the last six years under Orbán’s leadership, the Fidesz party has used their supermajority to concentrate power across Hungary and to minimize media freedoms.²⁰ Zselyke Csaky describes the immediate changes in 2010:

Fidesz embarked on sweeping legislative changes that were mostly in line with the letter, though hardly the spirit, of the law. These changes encompassed every aspect of political and social life, from a new constitution and the extension of citizenship to ethnic Hungarians living outside the country’s borders, to amended electoral laws and new tax regulations. In its first four years in government, Fidesz passed more than 800 pieces of legislation (Csaky, 2017).

Among significant changes to the Hungarian system of checks and balances, Fidesz has propped up media regulatory bodies with pro-government staff, derived opposition news media of subsidiary funding, encouraged self-censorship of public and private media, spread Fidesz’s

²⁰ Along with consolidation of the media, Orbán has consolidated and centralized certain sectors of the Hungarian economy, such as Energy and the Tobacco industry.

ideological propaganda, and challenged the legitimacy of the Constitutional Court (Bajomi-Lazar, 2013).²¹

Observing Orban's actions and the subsequent decline of media freedoms, it is important to consider how exactly Orban has been successful. I argue that in addition to Hungary's weak constitution and Orban's supermajority, Orban has had great opportunity to restrict independent media and utilize the tools of political pressure, financial manipulation, and legislative action simultaneously to curtail Hungarian media independence. In the sections below I use process-tracing methods to follow Orban's actions between 2010-2016 as they relate to the curtailing of media independence.

Legislative Action Against Hungarian Media

In this section I argue that Fidesz has had ample opportunity to curtail Hungarian media independence through legislative action and law making. I describe how the Fidesz-KDNP supermajority passed significant media reforms to limit media independence, as well as how Orban has appropriated media regulatory bodies to benefit the Fidesz loyalists. I also discuss Orban's 2011 constitution and how it has allowed Fidesz to secure partisan influence over Hungarian media.

Orban has had opportunity to pursue legislative action because the Hungarian constitution is malleable and prone to partisan manipulation. Unlike other ECE constitutions, the 1989 Hungarian constitutional amendments (passed at the 1989 roundtable talks) allow for a two-thirds majority party to amend the constitution with a single vote. In some cases, new

²¹ Beyond attacks on the media, Fidesz has also undermined democratic checks and balances, introduced a new constitution, centralized a variety of economic sectors, redefined the electoral system, downsized the parliament, weakened the judiciary, and consolidated the state under its one-party control (Bajomi-Lazar, 2013).

amendments take effect the next day (Scheppelle, 2017).²² Scheppelle describes the two-thirds majority as such: “The two thirds is a magic fraction in Hungarian law. With two thirds of the parliamentary seats, a party can change the constitution at will and therefore govern without constitutional constraint” (Scheppelle, 2015).

By this law, the Fidesz party has passed over 800 new laws since 2010 in order to consolidate their hold over the Hungarian state (Human Rights Watch, 2013 Report; Scheppelle, 2013). Additionally, because the Fidesz-KDNP coalition held a parliamentary supermajority between 2010-2014, as well as a simple majority since 2014, the Fidesz party has been able to make sweeping reforms and rule without significant opposition. With these tools in hand, the Fidesz-KDNP supermajority coalition in 2010 approved legislation to restructure and appropriate existing media regulatory bodies soon.

Specifically, Orban has had opportunity to regulate and appropriate existing media regulatory bodies for Fidesz gain. In 2010 Orban signed public administrative agreements with four other media regulatory bodies. While the four bodies had previously regulated content and ensured professional regulations of Hungarian public media, the agreements effectively transferred media regulations into government hands.²³ Then, to silence the four former regulatory bodies, Orban formed a new supervisory media regulatory body, the National Media and Infocommunications Authority (NMHH), which he tasked with regulating the business of public media and defining rules and regulations of both public and private broadcasting, journalism, and media access. The NMHH directly increased government (read: Fidesz) control over print news, radio, and television and tightened regulations over public and private media

²² See Appendix 1

²³ The four regulatory bodies were the Association of Hungarian Content Providers (MTE), the Advertising Self-Regulatory Body (Ort), the Association of Hungarian Publishers (MLE), and the Association of Hungarian Electronic Broadcaster (MEME) (FH, Freedom of the Press Report, 2011).

sources. While the four bodies retained their independence in name, critics argued that the NMHH transformed the former regulatory bodies into puppet organizations for enforcing decisions and censorship (Freedom of the Press Report, 2011). The first leader of the NMHH (and Media Council) was Anna Szalai, a former Fidesz legislator (Csaky, 2017). Overall, Orban's actions served to both undermine opposition voices in media bodies, as well as to reward Fidesz-loyalists with new government positions.²⁴

In addition to the NMHH, Orban also formed a media watchdog body - the Media Council - charged with regulating media content in print and broadcasting avenues of both public and private media. The Media Council's activities included monitoring television and radio for 'unbalanced' reporting coverage, fining broadcasting networks for 'immoral' reporting including drugs, alcohol, and sex, and banning funding for public media that were found guilty of 'unbalanced' reporting (Freedom of the Press, 2013). Bajomi-Lazar details their authority:

The Media Council exercises far-reaching supervision over the whole media sector. Its jurisdiction reaches broadcast and print, public and private, even online media. It controls the assignment of all frequencies, monitors content across the media landscape and wields the power to levy large fines for violations of the rules. It dictates that news media must carry the news distributed by the state-controlled news service MTI, which only gingerly reports criticism of the government. The Media Council regulates media content through vague standards. In particular, each media outlet must demonstrate overall political 'balance' in its coverage of the news. And balance is determined by a Media Council that is not itself politically balanced. Not only can media not speak poorly about minorities, but also majorities (Bajomi-Lazar, 2013).

In addition to content regulation, the government consolidated funding for public media under the Media Council's jurisdiction through the Media Service Support and Asset Management Fund (MTVA). The MTVA would report to the Media Council and was responsible for financial

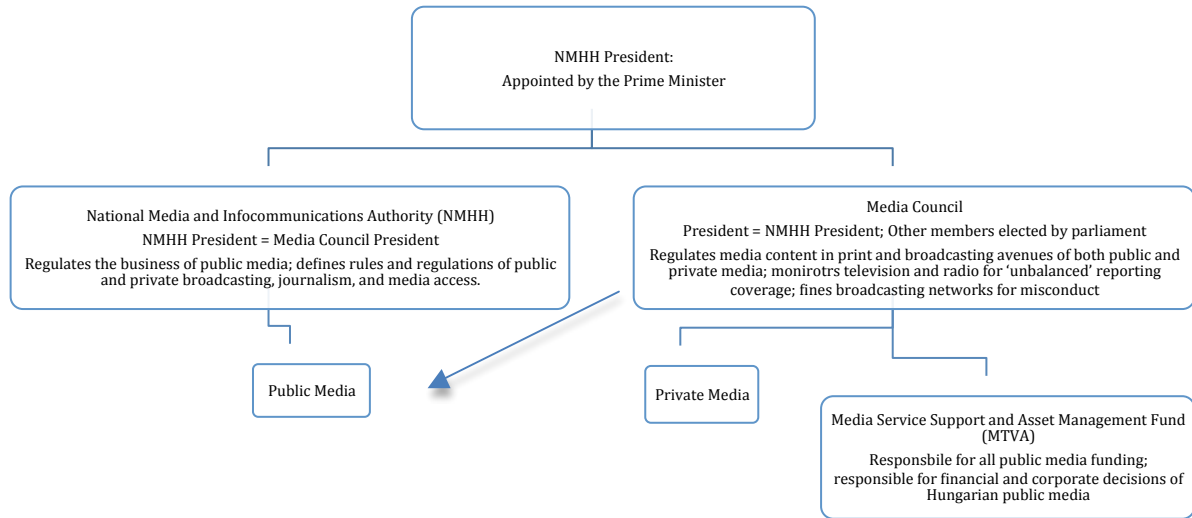
²⁴ The details of the NMHH board are as follows: while NMHH board members were to be chosen by a two-thirds majority parliament, the Prime Minister chose the head of the NMHH board for a renewable 9-year term. The NMHH leader's task would be to appoint executive directors of Hungarian public media. Furthermore, Despite the NMHH and Media Council's separate tasks and supposed independence from each other, the NMHH and the Media Council are inherently linked, as Orbán's appoints the NMHH leader, who is also the chair of the Media Council (FH, Freedom of the Press, 2011 Report).

and corporate decisions of Hungarian public media.²⁵ As a result of this merger, three previous Hungarian public media institutions were deprived of their autonomy and financial decision-making: Hungarian Television (MTV), Hungarian Radio (Magyar Radio), and Danube Television (Duna Televizio) (Freedom of the Press, 2011). Though previous Hungarian governments also replaced media institutions with pro-government staff, Orban's restructuring and downsizing of the media funding bodies has been on a larger scale: 1,000 staff lost their jobs and many Fidesz loyalists gained new jobs. Similar to the NMHH and the Media Council, Orban's creation of the MTVA was used to replace former media bodies with pro-Fidesz loyalists (Freedom of the Press, 2012).

To codify these regulatory changes, the Fidesz-KDNP supermajority parliament passed, among other legislation, three important media laws: the Act on the Modification of Certain Acts Regulating the Media and Communications, the Act on the Freedom of the Press and Fundamental Rules on Media Content, and the Act on Media Services and Mass Media (also known as the Media Act) (Human Rights Report, 2012). Together, these laws outlined the abilities and authority of the NMHH and Media Council. Within these laws included the NMHH's right to re-register and renew media licenses with the state and to suspend a station's right to broadcast. The laws also enabled the Media Council to fine offenders of media regulatory law (Dunai, 2014).

²⁵ The MTVA states that it is also in charge of asset management for Hungarian public media, producing content for news agencies, and producing media content for Transylvanian Hungarians (<http://mtva.info/inside-mtva/mtva-organization>)

Figure 1: Chart of Primary Hungarian Media Regulatory Bodies



In conjunction with these laws, the parliament amended the constitution in 2010 to weaken media protections. As mentioned, with a two-thirds supermajority, Fidesz could amend the constitution overnight with one single vote (Scheppele, 2017). Fidesz used this power to weaken privacy protections of journalists’ sources through constitutional amendments, thus ensuring that this practice would remain even after Fidesz left office.²⁶ Specifically, the 2010 amendment required journalists to report their sources when said sources revealed state or national security information. Failing to comply could result in suspension, job loss, or a fine of up to \$230,000 USD (Freedom of the Press, 2011).²⁷ Fidesz also changed an existing clause in the Hungarian constitution, which had previously outlawed media monopolies. Critics argue that

²⁶ Political parties that replace Fidesz may attempt to undo some of Fidesz’s actions, but will only be able to with a parliamentary supermajority.

²⁷ Kim Lane Scheppele suggests that this constitutional amendment reflected punishments doled out to *samizdat* writers during the Communist years, as journalists who refused to comply with new media laws after 2010 also saw their family members barred from public jobs (Scheppele in Magyar, 2016, xii).

this move was foreshadowing of Fidesz's financial manipulation of media outlets from 2010 onward (Freedom of the Press, 2013).

However, after a year of severe changes to the existing constitution, Fidesz used their authority to write and implement a new Hungarian constitution in 2011. Orban justified the new document (first drafted on an MP's iPad), claiming it symbolized a necessary and final break from Hungary's Communist past. Many observers have critiqued the new constitution, arguing that it severely undermines the power of the constitutional court and favors a conservative perspective (Human Rights Watch, 2013). (Ironically, much of Orban's activities seem to mirror Communist centralization of state media). While there is much more to be said about how and why Orban produced a new constitution, it is most relevant to consider how the 2011 constitution undermines press freedoms, and what this has meant for media independence in Hungary.²⁸

Specifically, while the 1989 amendments to the 1949 constitution included the rights of citizens to freely access and distribute information, Fidesz omitted this right from the 2011 constitution. Additionally, while the former 1949 amendments emphasized the role of parliament in determining the ground-level protections of media rights, the 2011 constitution is not clear on how the government ensures free media or laws concerning media regulations (see Figure 2). Rather, the 2011 constitution implies ambiguously that 'the state' is chiefly responsible for monitoring and regulating information and media services. International critics of the constitution argued that Orban's actions promote a conservative-Christian view on the media, as well as undermine individual rights and liberties in favor of public order. Additionally, the 2011

²⁸ The new Hungarian constitution was met with wide criticism from international bodies, governments, and human rights organizations who found the new constitution to have violated a variety of European and human right standards. In particular, they critiqued the modification of term limits (which effectively lengthened Orbán's prime ministership), limits on civil liberties, an ethno-Christian emphasis, and budgetary concerns (Amnesty International, Dempsey). Especially disturbing was the document's ability to limit the powers of the constitutional court, strengthen the role of the state, reduce checks and balances, and hinder individual rights (BBC, MTI).

constitution makes it easier for the ruling party to influence and manipulate media freedoms without a two-thirds majority in parliament (Risk and Forecast, 2011). In the same year as these constitutional changes, Freedom House ranked Hungarian Media as ‘Partly Free’, a step down from ‘Free’ – the first time since 1989 (Freedom of the Press, 2011).

Figure 2: Comparison of Freedom of the Press and Freedom of Speech Clauses in 1989 Amendments and 2011 Hungarian Constitutions

Article 61 of the 1989 Constitutional Amendments (italicized words eliminated from 2011 constitution)	Article 9 of the 2011 Constitution (bold sections new to 2011 constitution)
<ul style="list-style-type: none"> • In the Republic of Hungary everyone has the right to freely express his opinion, <i>and furthermore to access and distribute information of public interest.</i> • The Republic of Hungary recognizes and respects the freedom of the press. • <i>A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the public access to information of public interest and the law on the freedom of the press.</i> • <i>A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the supervision of public radio, television and the public news agency, as well as the appointment of the directors thereof, on the licensing of commercial radio and television, and on the prevention of monopolies in the media sector.</i> 	<ul style="list-style-type: none"> • Every person shall have the right to express his or her opinion. • Hungary shall recognize and defend the freedom and diversity of the press, and shall ensure the conditions for free dissemination of information necessary for the formation of democratic public opinion. • The detailed rules for the freedom of the press and the organ supervising media services, press products and the infocommunications market shall be regulated by a cardinal Act.

In addition to the 2011 constitution, Fidesz proposed four new constitutional amendments in 2013. Relevant to media independence, the new amendments banned political campaigning in private media during election years (Human Rights Watch, 2013). In practice, this meant that opposition parties could only advertise in public media outlets – the very outlets that were

controlled and loyal to Fidesz. While the Hungarian Constitutional Court overruled the amendment, Fidesz used their two-thirds supermajority to overrule the court and insert the amendment anyways (Freedom House, 2014). Freedom House argues that this move is just one example of how Fidesz has worked to undermine democratic checks and balances. Scholars also contend that it also helped to ensure Fidesz's electoral victory in the following year (Scheppelle, 2012).

Observing these legislative activities, international bodies and external actors, including the Council of Europe, the European Parliament, and media representatives from the OSCE, have been very vocal against Orban's attacks on independent media. Most critics have argued that Orban's consolidation of media bodies through legislative action represent an assault on free media, but Orban has justified his actions by stating that ruling parties in the region have long worked to bring media outlets and regulatory bodies under their helm. While media outlets have indeed naturally biased towards the ruling party, Orban has gone beyond previous attempts to control media in Hungary – I argue both because he has motivation to, but also because he has *carte blanche* to pursue legislative action in a permissive international and EU context. In 2011, the EU reported Fidesz's violations of EU law and demanded the Hungarian constitution be amended once again to comply with the EU Audiovisual Policy (Csaky, 2017).²⁹ Though the EU had some power over Orban regarding EU law, the European Commission's efforts were largely ineffective and Orban was able to keep much of Fidesz's institutional changes in place: Fidesz addressed only 11 of 66 recommendations from the Council of Europe (Csaky, 2017; Freedom of

²⁹ See Articles 167 and 173 of the Treaty on the Functioning of the European Union for EU Audiovisual Policy.

the Press, 2012).³⁰ In general, once Orban’s legislative actions were codified, the EU could do little to alter them (Innes, 2014).

When taken together, the sum of Fidesz’s legislative and constitutional changes are alarming. Orban has appropriated media regulatory bodies to form the NMHH, the MTVA, and the Media Council, and has changed the Hungarian constitution to centralize control over the media sector. Risk and Forecast argue that through legislative action, Fidesz has been able to monitor and influence media independence through vaguely defined regulations and via a series of Fidesz-loyal supervisory bodies. They also suggest that, “the net impact is that the government has broad discretion to supervise the Hungarian media as it sees fit” (Risk and Forecast, 2011). In sum, Orban’s centralization of media law and regulatory bodies exemplify how political actors use legislative action to assert political authority over media practices, as well as to preserve partisan control over media bodies even after leaving office. As I explain in the next two sections, while Fidesz created NMHH and Media Council for regulatory purposes, these media bodies are would become useful tools through which Orban and Fidesz could exert financial manipulation and political pressure. In sum, I argue that Orban’s disregard for checks and balances, combined with significant opportunity and a malleable constitution have made Orban virtually unstoppable.

Financial Manipulation of Hungarian Media

In addition to legislative action, I argue that Orban and Fidesz have had opportunity to practice financial manipulation as a tool to further consolidate and centralize power over both

³⁰ In 2012, the Hungarian Constitutional Court did annul some of NMHH’s authority, as outlined in the 2010 Press and Media Act. In particular, the court also, “revoked the media authority’s right to demand data from media service providers, publishers, and program distributors; deleted a provision limiting the confidentiality of journalists’ sources to stories serving the public interest; and eliminated the position of media commissioner, an appointee of the NMHH president with the authority to initiate proceedings that do not involve violations of the law and whose proceedings can be enforced by NMHH-issued fines and sanctions” (Freedom House, 2012 Freedom of the Press Report).

public and private media. In this section I sketch how Orban has undermined Hungarian media independence by 1) increasing costs for media outlets, 2) manipulating the advertising landscape, and 3) concentrating media ownership into pro-Fidesz hands. I contend that Orban's financial manipulation of Hungarian media has effectively pushed the character of the media content towards the pro-government right, because opposition and left media outlets have been unable to withstand Orban's financial pressures.

After Orban established the National Media and Infocommunications Authority (NMHH), the Media Council, and the Media Service Support and Asset Management Fund (MTVA), the Fidesz party also designated the Hungarian National News Agency (MTI) as the official news source for all public media outlets. The Fidesz government tasked MTI with producing free public content for both private and public news agencies, including news stories, photographs, and content. To maintain these services, Fidesz channeled government funds to MTI (MTI consistently argues that despite its funding, it is not influenced by the Fidesz party). Despite claims that MTI's content is often inaccurate and pro-Fidesz, smaller companies have found it more cost effective to redistribute MTI's free content; the incentive to 'copy-and-paste-journalism' is tempting. Most small private outlets have reported increased competition with media outlets that use MTI's content, especially those who rely upon paid subscriptions to remain in business (Bajomi-Lazar, 2013). Though the government has worked to disguise this move as 'centralization' and as 'protection from foreign influences', I argue that these moves starve small, liberal media outlets and constitute a form of indirect financial pressure.

Not only does MTI weaken media independence through financial pressure, but also the Orban government undermines media plurality by making it more difficult for small media outlets to maintain the costs of operating independent outlets. Between 2010 and 2011, the

Media Council doubled the costs of broadcasting licenses (Freedom of the Press, 2011, 2013). In 2014, Fidesz also passed a new media tax to make it more burdensome for opposition media to stay in business. At face value the tax was designed to limit foreign buyers from purchasing Hungarian media shares, but in practice the tax disproportionately affected one anti-Fidesz TV station, RTL Klub, which Fidesz has previously tried to bring under its control (Reporters Without Borders, 2014).

Freedom House also cites the *Klubrádió* radio case as a well-known example of how Orban has limited opposition by increasing financial burdens on opposition outlets. In 2010, the broadcasting license of the anti-Fidesz Klubrádió radio station expired. Though the station applied for a renewed license with the Media Council, the Council instead granted two-month extensions of its previous license. After each two-month period, Klubrádió was forced to pay license renewal costs. While this was not explicitly illegal, the Media Council scared advertisers from investing in a radio station that appeared to be going under. Finally, after a year of two-month extensions, the Klubrádió station lost its renewal bid to another radio station that ‘met NMHH requirements’. Critics of the Media Council argue that the Council’s tactics effectively created an economic burden too high for Klubrádió to bear (Freedom of the Press, 2012).

In addition to various regulatory and financial burdens, Orban has exploited government-media advertising contracts to saturate the private advertising industry with pro-Fidesz messages. As mentioned previously, the media-government relationship in Hungary is unique because both public and private media rely heavily on state subsidies for funding, and also because the Hungarian government has been one of the largest advertisers in Hungary since 2008. While private advertisers have historically biased towards the ruling party, Orban has manipulated the government-media relationship even further than what we have seen in the past (Krugman, 2012).

Now, Fidesz has made it dangerous for private businesses to advertise in anti-government newspapers or television. The government monitors businesses' political alliances through the 'Lucky Joker Rule'. Scheppele explains this rule:

The Lucky Joker is one of the lottery games run by the state. The Lucky Joker rule says that private businesses are safe if they advertise where the lottery advertises. Lottery advertising used to be everywhere. But now, lottery advertising is limited to the Fidesz-friendly media. If businesses advertise in media outlets that do not carry lottery advertising, they do so at their peril (Scheppele in Krugman, 2012).

In other words, if companies advertise with the same media outlets that advertise the Lucky Joker lottery, then they are seen as pro-Fidesz, but if they advertise with outlets that do not support the government, then the government perceives them as anti-Fidesz. I argue that the 'Lucky Joker Rule' has effectively minimized media independence and plurality across Hungary because it has forced advertisers to support certain newspapers and to avoid contracts with anti-government newspapers.

Furthermore, because media outlets across Hungary are desperate for government subsidiary funding, most outlets have adjusted their editorial content to mirror Fidesz's ideological messages; many formerly center/moderate media outlets have begun to publish conservative-right content. The chair of the Lithuanian Journalists' Union succinctly describes similar attitudes among media outlets in Lithuania, "Businesses did not have money. The state had money. The media, they need this money" (Stetka, 2012, 14). Indeed, in Hungary we have seen an influx of government funding towards media outlets that have altered their content to reflect Fidesz ideology. Stetka provides an example: "the conservative daily Magyar Nemzet received three times as much income from state advertising in 2012 as in 2009 (under the socialist government); on the other hand, the left-liberal Népszabadság lost 50 per cent of its state advertising during that time" (Stetka, 2012, 14). According to a study by the Corruption

Research Centre, Fidesz granted twice as much funding to pro-government media outlets than to anti-government or liberal outlets between 2010-2012 alone (Scheppelle, 2012).

Lastly, Orban has had opportunity to undermine independent media by consolidating media ownership into pro-Fidesz hands (Toke, 2017). In 2014, an Austrian company, Vienna Capital Partners, purchased the well-known Left newspaper, *Népszabadság*. Prior to this sale, *Népszabadság* received no state funding and had been losing economic support for years because of Fidesz's financial pressures (Daily News Hungary, 2014). In 2016, the Austrian owners sold the newspaper back to Hungarian domestic owners, citing economic hardship. However, Vienna Capital Partners did not sell the newspaper back to anti-Fidesz owners, but rather brokered a deal with Opimus Press, a media group owned by an associate of Orban (Toke, 2017; Reporters Without Borders, 2016). Soon after the deal with Opimus Press, *Népszabadság* was shut down entirely. While critics agree that the newspaper was already financially unstable, they blame the Orban government for shutting down an opposition newspaper through illegal means. While this is one high-profile example, it exemplifies Orban's strategy in both consolidating media ownership and shuffling media outlets into pro-Fidesz hands. Balint Magyar argues that Orban's privatization of public assets into pro-Fidesz hands represents 'mafia-like' activity, through which Orban has managed to reward Fidesz loyalists through complex changes in stakeholders and shareholders (Magyar, 2016). Indeed, Fidesz now owns, or at the very least, influences most public and private news outlets through advertising contracts, heavy financial burdens, and consolidated media ownership.

To conclude this section, I argue that Orban has had opportunity to practice financial manipulation as a strategy to curtail media independence in Hungary. However, Fidesz has not yet attempted to obliterate opposition media directly or entirely, but rather prefers to undermine

media independence through financial manipulation strategies that rest on the edge of legality.

The effect of Orban's financial manipulation is clear. Independent media outlets have felt, and will continue to feel, the economic strains of government meddling - both to the detriment of professional journalism standards and of complex, independent, plural media (Stetka, 2012). The combination of Orban and Fidesz's actions has also silenced the opposition Left and has made it difficult for anti-government media to stay afloat financially. Even wealthy liberal organizations, such as George-Soros funded organizations have struggled to maintain their presence on the Hungarian media landscape.

Political Pressure on Hungarian Media

In this section I contend that Orban and Fidesz have had opportunity to exert political pressure on media outlets to undermine independent media and shape public discourse. In addition to monitoring media content, I argue that Orban has encouraged self-censorship to delegitimize opposition media and to question norms of media independence. In this section I explore various methods by which Fidesz and Orban have placed political pressure on media and how this tactics have worked to undermine independent media in Hungary.

Foremost, media regulatory bodies such as the Media Council and NMHH have used their authority to influence daily media content on a broad scale. In particular, Orban's press chief, Bertalan Havasi, has used his position to determine what topics can be discussed on public media. He has also been responsible for structuring interviews that give Orban non-probing questions (Dunai, 2011). Dunai describes Havasi's preparation for Orban's weekly appearance on MR1 - a public television network. "Press chief Bertalan Havasi usually proposes a list of subjects in an email on Wednesday. In the next 24 hours, he hashes out with the editors what

subjects to cover on Friday and what to skip” (Dunai, 2014). Because all topics are covered and agreed upon in advance, journalists who surprise Orban with unknown or tough questions are often dismissed or placed on temporary leave (Dunai, 2011).³¹ Public media employees in particular face the most pressure to maintain a pro-government attitude on air. Bela Varadi, an anchor on a state television news show, reports that on many occasions, the scripts that he had written for the show had been edited and changed before the airing had been edited to be more Fidesz friendly (Dunai, 2014). Attila Mong also argues that he lost his job at Hungarian Public Radio when he held a moment of silence on air to protest the new media laws in 2010. Despite prior and regular occurrences of Orban’s appearance on the show, the broadcasting managers suspended Mong indefinitely and did not renew his contract. After the fact, Mong stated, “Political pressure was always a fact of life in public media...there were always pockets of professionalism, islands of freedom. That is what changed now. There is no island. One party controls the system now” (Dunai, 2014).

While there are several other high-profile cases like Varadi and Mong’s that illustrate the government’s censorship of media employees, I argue that since 2010, Fidesz has encouraged individual journalists to produce pro-government content through self-censorship and content regulation. While violence against journalists is rare, reporters have reported increased pressure to reiterate pro-government messages and to toe the party line at risk of heavy fines, job dismissal, or a potential lawsuit (Freedom of the Press, 2017). Szecsi provides an illustration of how Fidesz has fostered an atmosphere of self-censorship. In 2015, the government dispersed an

³¹ Dunai contextualizes Orban’s appearances on MR1 in comparison to previous Prime Ministers: “The deference with which state media treat Orban is not without precedent. Ferenc Gyurcsany, the Socialist prime minister from 2004 until 2009, also gave regular radio interviews in which he fielded gentle questions. Gyurcsany told Reuters it was customary for program makers to give his aides advance notice of the topics that would be covered. But Gyurcsany added: “It would never come to my mind to dictate what to be asked or to put pressure in any way on public media and on how they prepare for these interviews.”

internal memo, which encouraged state bureaus and media outlets from using certain words or phrases in their communications, including phrases such as “equal opportunity” and “stadium” (Szecsi, 2015). While it is difficult to ascertain the extent to which this specific memo encouraged self-censorship, we do know that these phrases have been used to criticize the government: Szecsi argues that the government’s requests for use of the term ‘roofed sports facility’ instead of ‘stadium’ is a reaction to widespread criticism of the government’s excessive spending on national stadiums. Therefore, I argue that this memo is a form of intimidation in terms of dictating what words and topics can be used when talking about Orban’s government.

Lastly, as discussed in the financial manipulation section, I argue that Fidesz pressures media outlets to report stories from Fidesz perspectives. A well-known example of this is the Petra Laszlo case in which Hungarian reporter, Laszlo, tripped a refugee who was fleeing from the police. After the Laszlo scandal, the Fidesz government and pro-Fidesz newspapers worked to reframe the incident, though it was clear what Laszlo had done. While Laszlo was eventually charged and sentenced with probation for disorderly conduct the media had already used the incident to highlight Fidesz’s anti-refugee ideology (‘Camerawoman’, 2017; Toke, 2017).

In sum, I argue that in addition to encouraging self-censorship, Orban has had opportunity to exert political pressure on media outlets both to shape public discourse and to monitor media content. I argue that through political pressure, Orban has de-legitimized opposition media and has undermined practices of media independence and professional journalism. In the next section I describe how political pressure, combined with financial manipulation and legislative action have been so effective in curtailing Hungarian media independence.

The Effects of Orban's Multi-Strategy Approach

Observing the sum of Fidesz's severe changes to media laws and practices, it is clear that Orban's government has curtailed media freedoms and consolidated single-party control. However, what is less clear is why Orban and Fidesz have pursued anti-media actions so intensely. In this section I conclude my country sketch of Hungary by discussing how Hungary illustrates my main argument, as well as briefly discuss motivations for why Orban has pursued anti-media strategies so intensely.

Some observers argue that Orban is motivated primarily by the desire to eradicate Hungary's Communist past and to promote a uniquely Hungarian ethno-national state. Indeed, Orban justifies his moves by claiming that Fidesz is working 'once and for all' to eradicate Hungary's Communist history and the legacy it left behind (Jovanovski, 2013). The new 2011 constitution illustrates this point. Because Orban felt that the 1949 constitution (and 1989 amendments to it) were a symbol of the Communist past, the old constitution provided a convenient excuse for Fidesz to draft a new constitution – a constitution critics argue promotes Orban's national-Christian ideology and which benefits the Fidesz party. While it is possible that previous ruling parties could have also forged a new constitution with a two-thirds supermajority, I argue that Orban's visceral anti-Communist rhetoric has translated into settling scores with opposition parties and eradicating the past. Other scholars, including Szilagy, argue that Orban has interpreted his sweeping victory in the 2010 elections as 'revolutionary' and that such popular support has provided justification for Orban's "warlike, offensive tactics" against the entire liberal democratic system. Ironically, while Fidesz identifies with 1848 Revolutionary Lajos Kossuth, Szilagy argues "Fidesz's self-proclaimed 'revolutionary struggle' has challenged

liberal norms and practices writ large (Szilagyi, 2015, 3). Ironically, it appears that Orban has curtailed basic media freedoms to the point of imitating Soviet Communist rule in Hungary.

Directed by these motivations, I argue that Orban has had opportunity to pursue a multi-strategy approach towards undermining independent media. Specifically, my country sketch has illustrated this main argument: while different political actors may have opportunity to utilize one or two strategies to curtail media freedoms, without the opportunity to pursue all three strategies in tandem, political actors will be unable to effectively minimize media freedoms. Within this argument, I have suggested that Orban and Fidesz have successfully curtailed independent media in Hungary because they have had opportunity to employ all three strategies at once.

First, I have described how Orban has used legislative action to create the NMHH, the MTVA, and the Media Council which, when combined, gave Fidesz control of the media. Not only has Orban had opportunity pursue constitutional changes to expand government reach over independent media, he has also been able to use legislative action to centralize Fidesz control over both private and public media sectors. Fidesz's centralization of media law and regulatory authority is an example of the far-reaching steps political actors can take to prevent media independence. Second, I have argued that via financial manipulation Orban has consolidated media ownership into pro-Fidesz hands. He has had opportunity to exploit the government-media advertising relationship to benefit Fidesz and to undermine opposition media through financial starvation. Specifically, Orban has placed financial burdens upon media such as advertising taxes, licensing fees, and content fines in order to weaken the stability of opposition media, and to move left-wing media to the center-right. Lastly, I have suggested that Orban has had opportunity to exert political pressure on media outlets, both in shaping public discourse and

monitoring media content. Through political pressure, Orban has de-legitimized opposition media and has undermined practices of media independence and professional journalism.

Though I have illustrated each strategy individually, I argue that the three strategies are most effective when employed in tandem. For example, while the NMHH, the MTVA, and the Media Council are products of legislative action, in practice they provide a legal framework by which Orban and Fidesz can employ financial and political pressure. Additionally, Orban has manipulated financial advertising contracts to place political pressure on media outlets. Orban has also used political pressure to shape the character of media legislation and media regulatory boards. In sum, when all strategies are combined and utilized simultaneously we see a strong and effective curtailing of media independence.

Because Orban has had *carte-blanche* and motivation to pursue a multi-strategy approach, I argue that there have been very real effects for journalists and media outlets alike. First, while many journalists have managed to retain their jobs by toeing the party line, media owners have cited increased feelings of self-censorship and fear, especially if they own an anti-government newspaper or station (Human Rights Watch, 2013).³² Other media staff have reported that they lost their jobs for speaking critically against the Fidesz government (Dunai, 2014). Additionally, while media outlets in Hungary still retain some measure of diversity of opinion, the majority of media outlets have shifted their content to the ideological right in order to reflect Fidesz ideology and to stay afloat financially. As Toke describes, while media plurality exists at the surface level, it is simply that most media outlets have moved from left to center, or from center to conservative right. In practice, this has meant that Fidesz and KDNP have their voices heard in 83 percent of all news items, while the opposition has a small margin of public accessibility

³² Since 2010, media watchdog organizations (Amnesty International, Human Rights Watch, Freedom House) have reported journalists' increased feelings of self-censorship and fear. Beyond these reports it is difficult to find evidence for self-censorship – particularly as self-censorship is difficult to observe, if not measure.

(Bajomi-Lazar, Hungary 2014, 11). Due to these changes to Hungarian media freedom, there are also now lower standards of objective, professional reporting.

Lastly, Fidesz's multi-strategy approach to curtailing media independence has meant that the liberal left opposition has very little access to public and private media. Through restructuring and redistribution, Orban has 'paralyzed his rivals' by excluding them from various media resources (Bajomi-Lazar, 2014, 11). With few tools at their disposal, the liberal left has retreated to online platforms, where they have found a new avenue for public outreach. However, while opposition media has developed an online presence, the Hungarian left has changed its character under Orban's rule. Opposition media now struggles to sustain a legitimate political alternative because they have spent most of their time fact checking, uncovering corruption, and combating Fidesz, (Toke, 2017). For example, between 2010-2014, anti-Fidesz sentiments characterized the left far more than alternative liberal contributions. Since 2014, this has changed slightly.

In sum, through opportunities for legislative action, financial manipulation, and political pressure, Fidesz has successfully utilized all three strategies to intimidate journalists, starve opposition media, and drive the opposition underground. Since Fidesz's electoral victory in 2010, Freedom House changed its media freedom rating from 'Free' to 'Partly Free' (Freedom House, 2011). As evidenced in the Hungarian country sketch, Orban's simultaneous use of all three strategies has allowed the Fidesz party to effectively curtail media independence in Hungary. In the next section I compare Hungary to Poland to illustrate what differences emerge regarding opportunity and use of all three strategies. I argue that Poland's fewer opportunities to pursue all three tactics simultaneously has resulted in less aggressive moves against Polish media and that the PiS party has unable to curtail media freedoms to the same extent as Orban thus far.

CHAPTER 6: COMPARISON TO POLAND

In this section I expand my discussion of Hungarian media independence and consider whether Fidesz's illiberal activities signify the beginning of a regional trend. While scholars suggest that other ECE states may attempt to follow in Orban's footsteps (Kelemen, 2015; Hanley and Dawson, 2017), I argue that we do not see the same deliberate use of all three strategies in other ECE states nor the same opportunities for political actors to pursue each strategy. Instead, I suggest that the number of tools political actors are able or willing to deploy accounts for variation of media independence across the region. To illustrate this argument, I briefly compare Fidesz to the Law and Justice (PiS) party in Poland, which is second to Hungary in terms of provoking media independence decline, but which has not been able to undermine media independent to the same extent as Orban.

Many scholars have observed similarities between Hungary and Poland in terms of 'illiberal backsliding' and media rights violations to suggest that the PiS party has followed in Orban's footsteps (Jones, 2016; Dempsey, 2016; Hanley and Dawson, 2017; Ackerman, 2016).³³ Indeed, since PiS's electoral victory in October 2015, PiS has worked quickly to limit freedom of speech, subvert constitutional checks and balances, seize control of public media, and place

³³ Fidesz and PiS profess similar political ideologies: continued privatization, anti-corruption efforts, educational reform, tax cuts, increased military spending and closer ties to NATO, protection of religious (read Christian) rights, limited support for EU integration, restrictions on abortion, non-recognition of homosexuality, and anti-immigrant measures.

political pressure on independent institutions (Gostynska-Jakubowska, 2016; Matthes, 2016).³⁴ Many external observers argue that PiS's legislative and political moves represent an assault on journalistic and media independence in Poland (Reporters Without Borders, 2014; Freedom of the Press, 2016). With its parliamentary absolute majority, PiS has used legislative action to strengthen government authority over public media, replace heads of TV stations, fire anti-PiS media employees, and restrict the number of journalists allowed within the *Sejm* during parliamentary sessions (Freedom House, 2016).

With opportunities for political pressure, PiS political actors have publicly attacked liberal media outlets, such as *Gazeta Wyborcza*, for publishing 'fake news' and for criticizing the government. While many citizens have come to *Gazeta Wyborcza*'s defense, PiS messages have deepened the ideological divide between private liberal news and state-sponsored conservative news (Borys and Goryznski, 2017). Lastly, unlike Fidesz, PiS has not yet had significant opportunity to undermine media independence through financial manipulation. Observers suspect that PiS may seek opportunities for this strategy next (Csaky, 2017; Freedom House, 2016).³⁵

Though PiS has certainly worked to curtail media independence, I find that PiS's actions have been less extensive and aggressive than Orbán's efforts. Indeed, Freedom House still ranks Poland as 'Free', while Hungary became 'Partly Free' in 2011 (Freedom House, 2016 Report). In particular, while PiS may desire to follow Orbán's lead, I suggest that significant differences in opportunity structures between the two states have limited PiS's ability to curtail media

³⁴ The PiS government has also worked to undo many achievements of the liberal Civic Platform party such as strengthening Warsaw-Berlin relations, building a strong military and securing NATO membership, and furthering EU integration (Dempsey, 2016).

³⁵ Some suggest that PiS has not yet used financial manipulation as a strategy because 80% of Polish media is still owned by foreign owners.

independence to the same degree as Orban. Most importantly, the Hungarian constitution allows for a two-thirds majority to amend the constitution with a simple vote, while Poland and other states require far greater guarantees, such as ratification or a waiting period (Polish Constitution, 1997).³⁶ Consequently, I find that in term terms of legislative action opportunity, Orban has had a *carte blanche* to amend the Hungarian constitution with a parliamentary supermajority, while the PiS absolute majority (37 percent) does not foresee similar opportunities in the *Sejm* (Cienski, 2015).³⁷

Additionally, I suggest that PiS has not been able to exert political pressure on media to the same extent as Fidesz. Orban operates in a climate of poor political competition, which has allowed Orban to backslide on liberal norms and practices without significant redress or opposition. This has not been the case in Poland. While PiS has tried curtail independent media with political pressure, they have felt significant pushback from political actors, the EU, and citizens alike.³⁸ Citizens have even expressed frustration with how PiS has begun to mimic Orban. Szilagyi points out the example of protestors in Warsaw holding signs that said ‘This is Warsaw, Not Budapest!’ to protest PiS changes to the constitutional court (‘Tens of Thousands’, 2015; Szilagyi, 2017). I find that this instances directly challenges arguments that suggest Poland has followed the same path as Hungary. While PiS may try to imitate Orban, citizens in Poland have

³⁶ The process to amend the Polish constitution requires significant waiting periods and confirmatory referendums (Chapter XII, Article 235 of Polish Constitution).

³⁷ In the 2015 elections the PiS part received 37% of votes which gave it 235 of 460 seats in the Polish Parliament, the *Sejm*. The 235 seats gave PiS an absolutely majority by which it can government autonomously without the need for support form other parties. PiS would need 307 seats to have a two-thirds majority in the senate, by which it could amend the constitution.

³⁸ An example of Hungarian civic opposition is the Facebook group: ‘Egymillioan a Magyar sajtószabadságért (One Million for Hungarian Freedom of the Press)’. The group is a place for those who fear for Hungarian freedom of the media. The group was also very successful at organizing a large protest in Budapest in 2011, but has not been able to sustain significant public acts of resistance since (Hungarian Spectrum, 2012).

been far more active than those in Hungary. In sum, while PiS has done far less to limit media independence, they have witnessed greater pushback from Polish citizens and civil society.

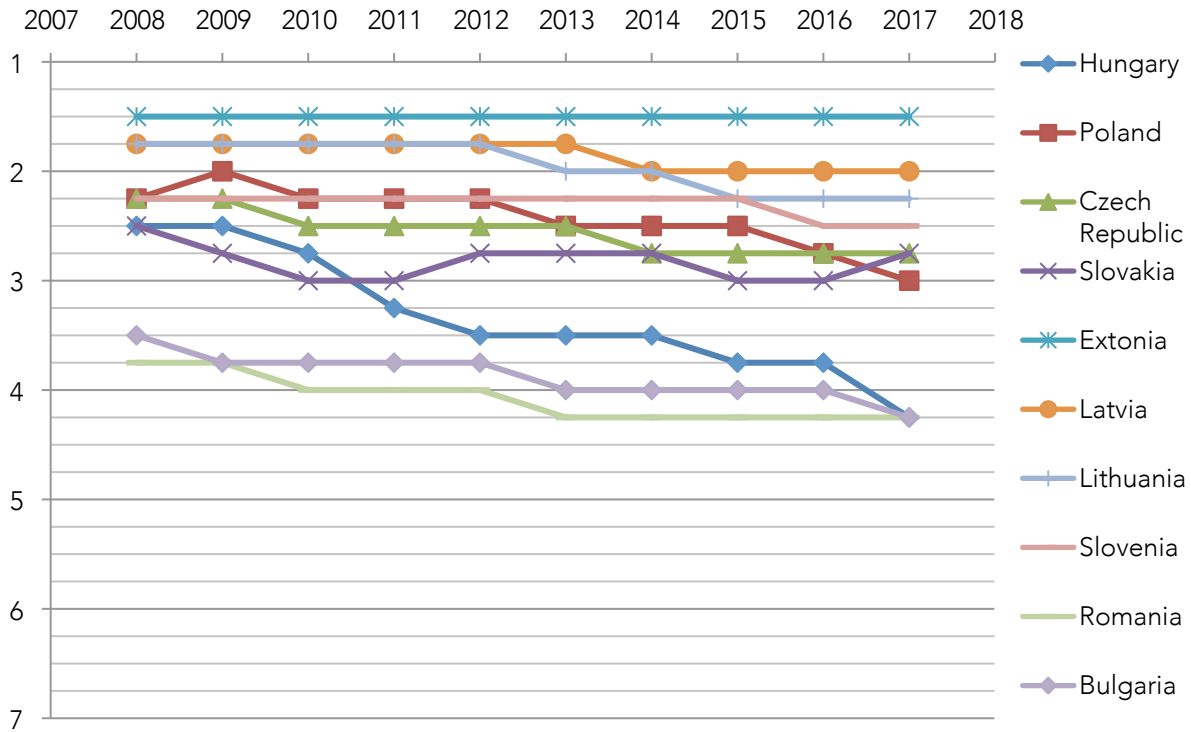
Lastly, regarding financial manipulation, I argue that PiS has had far fewer opportunities to curtail media independence through financial manipulation. Much of this difference can be attributed to current laws in Poland, which prohibit political parties from advertising in state-owned media. Unlike in Hungary, it is far more difficult for political actors to manipulate the government-media advertising relationship because it does not exist. Furthermore, unlike Hungary, whose media outlets are owned primarily by domestic elites, foreign owners manage 80 percent of media outlets in Poland (. And, unlike Hungarian media outlets who have been re-sold and shuffled by political elites, media outlets in Poland have proactively sold shares to foreign elites to temper future moves by the PiS government. In 2015, the liberal Polish newspaper, *Gazeta Wyborcza*, sold 11percent of its shares to George Soros as a pre-emptive protection (Ost, 2017).

Overall, I argue that in Poland we have not seen the same deliberate use of all three strategies, nor have we observed the same opportunities for the PiS party. Indeed, political actors in Poland have not had the same opportunities or ability to curtail media independence, as determined by legislative, financial, and political opportunity structures. These differences suggest that though political actors may attempt to mimic Orbán's actions, they will not be able to pursue legislative action, financial manipulation, or political pressure to the same degree because of stronger checks and balances. While it remains unclear whether a political actor or party will choose to concentrate power if they do have the opportunity, I contend that opportunity and the number of tools that political actors are able to deploy indicates variation of media independence across East-Central Europe.

Figure 3: 2004 and 2013 EU Accession States: Changes in ‘Independent Media’ Indicator Score 2008-2017

(Data from Freedom House ‘Freedom of the Press’ Reports, 2007-2016).

**Freedom House ranks ‘Freedom of the Press’ on a 1-7 scale, with 1 the highest score.



CHAPTER 7: CONCLUSIONS AND FUTURE RESEARCH

In this thesis I argue that, if given opportunity, political actors curtail media independence by using three, complimentary but distinct strategies: political pressure, financial manipulation, and legislative action. I suggest that political actors who do not have opportunity to employ all three strategies simultaneously may not be able to suppress independent media comprehensively. To illustrate this argument I have studied the ruling parties in Hungary and Poland, and how their governments have pursued these strategies. I have also illustrated that Hungary is significant for two reasons. First, Hungary reveals how far political actors can go to curtail independent media if they have the motivation and ability. Second, political actors are bound by their opportunity to pursue each strategy. By comparing Hungary to Poland, I have suggested that while some political actors in East-Central Europe may be highly motivated to curtail media independence, they may face institutional and political constraints that make this impossible. Other political actors who do not face such roadblocks may nevertheless choose to protect media independence. I conclude that while current and future ruling parties in ECE and across Europe may attempt to use all three strategies simultaneously, they will be somewhat less successful than Orban because of greater institutional boundaries and checks and balances on their power.

My findings raise additional questions and suggest future avenues of research. In particular, more research needs to be done on how the efforts of ruling parties to quash media independence represent an attack on liberal democracy.³⁹ Since scholars observe strong connections between media independence and democratic development, I suggest that disrespect

³⁹ In many cases, many scholars see freedom of the press and media independence as the '4th arm of democracy', as well as a rough indicator of the extent to which the government limits or protects civil liberties (

for independent media translates into disrespect for liberal rule of law (Hallin and Mancini, 2004). Furthermore, regarding Zakaria's separation of democracy (laws) from liberalism (norms and practices), I contend that attacks on independent media exemplify a divide between democratic law and normative practices (Zakaria, 1997). Indeed, because the majority of Orban's activities did not undermine EU law *de facto*, but rather violated our assumptions of liberal norms and practices, it is possible that Hungary has long been susceptible to political actors who were willing to violate weak liberal practices (Hanley and Dawson, 2017). In other words, I argue that what Hungary reveals to us is that what we thought was strong, liberal democracy was actually a combination of democratic law and fragile liberal norms.

In sum, while Hungarian media independence exemplifies inconsistencies between democracy and liberalism, I argue this problem is not specific to post-Communist states. Observing the recent popularity of illiberal political actors in Western EU states, i.e. France's Marine Le Pen, the Netherland's Geert Wilders, and Austria's Norbert Hofer, I contend that media independence across the EU is susceptible to political pressure, financial manipulation, and legislative actions by political actors. Thus, while the EU may have little authority now over liberal norms protections in Hungary, it will certainly have less power if other EU leaders follow the same steps as Orban in the future.

APPENDIX 1: HUNGARIAN CONSTITUTIONAL LANGUAGE REGARDING MEDIA RIGHTS

1949 Hungarian Constitution:

- Constitution could be amended by a single two-thirds vote of the unicameral parliament.
- Amendment procedures found in chapter III, article 15, part 3:
 - (1) The National Assembly may function if at least half of its members are present as a quorum.
 - (2) The National Assembly decides by a majority vote.
 - (3) The votes of two-thirds of the members are, however, needed for any change in the Constitution.

1989 Constitutional Amendments:

- In 1989, when the 1949 constitution was amended to create a new political system, political actors left the two-thirds amendment rule intact.
- Amendment procedures found in Article 24:
 - (1) The National Assembly shall have a quorum when more than half of the representatives are present.
 - (2) The National Assembly shall adopt its resolutions by the vote of more than half of the representatives present.
 - (3) To amend the Constitution and to pass certain resolutions defined in the Constitution the vote of two third of the National Assembly representatives shall be required.
 - (4) The national Assembly shall determine its procedural rules and the order of debates in Standing Orders for which the vote of two thirds of the representatives present shall be required.

2011 Basic Law, amended through October 2013 (Orban's New Constitution)

- “All that is necessary to amend the Hungarian constitution is a single two-thirds vote - and in some cases of amendments to the Orban constitution, the amendment has taken effect the next day” (Scheppelle, 2017)
- Amendment procedures found in Article S (2):
 - (1) A proposal for the adoption of a new Fundamental Law or for the amendment of the Fundamental Law may be submitted by the President of the Republic, the Government, any parliamentary committee or any Member of the National Assembly.
 - (2) For the adoption of a new Fundamental Law or the amendment of the Fundamental Law, the votes of two-thirds of the Members of the National Assembly shall be required.

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