

ЗАКОНОДАТЕЛЬСТВО: ОТ ИНСТРУМЕНТА ДАВЛЕНИЯ ДО ФАКТОРА СТАБИЛЬНОСТИ МЕДИАСИСТЕМЫ РУМЫНИИ

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До событий 1989 г. вся культурная индустрия в Румынии рассматривалась как инструмент политической пропаганды. Журналистская деятельность субсидировалась государством, частная инициатива была под запретом. Последующие перемены в политической, экономической и социальной сферах сопровождались изменениями в регулировании средствами массовой информации, которые анализируются в данной статье.

Эволюция регулирования представляла собой как результат внешнего давления (со стороны иностранных правительств и таких международных структур, как НАТО и ЕС), так и рыночных факторов. В течение двух десятилетий правовое регулирование румынской медиаиндустрии прошло путь от тоталитарного к демократическому.

Ключевые слова: право, институты, журналистика, Румыния.

In a book-long review of the literature on institutions, Richard Scott (2004) identifies three pillars of an institutional development: the regulative pillar (based on laws, regulations and enforcing systems), the normative pillar (based on binding expectations that may take the form of a code of ethics) and the cultural-cognitive pillar (based on shared beliefs). The transition from an authoritarian regime to a democratic regime has effects on all institutional pillars: regulative, normative and cultural-cognitive. In Romania, the transition to a democratic regime and a market economy destroyed the party-state centered institution and allowed for the appearance of several other institutions that replace it: mass-media, the political parties, the parliament, the government, the presidency and so on. Institution is defined here as a stable social construct, based on conventions negotiated by social actors that cooperate due to a shared understanding of the value they collectively produce (Scott, 2004; Douglas, 2002; Becker, 2008). The analysis of the development of journalism in Romania after the fall of Communism, with a focus on the regulative pillar and on the connections with the other institutional pillars, can shed a light on the institutionalization process and on the factors involved.

There is an abundant literature on the transition from communism to capitalism and this literature follows two main logics (Blooker, 2005; see also Stark, 1996; Eyal, Szelenyi and Townsley, 2001): modernist transitology or evolutionist theory, that proposes the model of capitalism by design, and historicist transitology, that proposes the model of various trajectories from past to present, based on historical legacies. The evolutionist theory implies that once the main institutional designs are in place, the former communist societies' members will fill the empty forms and the community will evolve as envisioned by reformists. Thus, the right design leads to the right forms of democracy and market economy.

The historicist models focuses on a recombination of institutional elements, not on a replacement; this recombination is a consequence of a continuous struggle for the dominant position (Eyal, Szelenyi and Townsley, 2001) or of a highly unpredictable environment (Stark, 1996). Other institutionalists, like Richard Scott (2004) or Mary Douglas (2002), share a similar vision about changes at institutional level.

Individuals and organizations obey institutional pressure or, on the contrary, try to change them, because of several causes: centuries-long programming (Vanberg, 2002, talking of running from danger), coercive isomorphism – based on political influence and the problem of legitimacy, mimetic isomorphism – based on standard responses to uncertainty, and normative isomorphism – related to professionalization (DiMaggio and Powell, 1983, about highly structured organizational fields), vision of the future (Blooker, 2005, when talking about modernizing agents), agendas and interests (Milton, 2001, when talking of politicians), willingness and ability of organization to conform (Oliver, 1991). Some of the inventions at institutional level are accepted and repeated, this is, institutionalized, some are considered dangerous and are repealed. In an effort to prevent dangerous acts, societies may decide to forbid them through laws (Miroiu and Blebea, 2001).

Usually, laws that influence the journalistic practice are considered an indicator of the degree of democratic development in a country (Gross, 2004; Coman, 2003; Milton, 2001). The legis-



lative process is, in itself, influenced by the social actors: the form a law takes and the effects a law has are dependent on the different social actors' will and power. During an authoritarian regime, the power rests in the hands of a limited number of people and laws serve this limited number of people's interests. In contrast, during a democratic regime, laws can be influenced by stakeholders, so that their interests are more or less protected. Thus, says Khodyakov (2007), during an authoritarian regime citizens don't trust institutions. Trust in institutions relates to the ability of fulfilling institutional functions, their perceived legitimacy and the efficacy with which the institution forbids their agents from cheating, through norms and regulations. Institutions work because an encapsulated interest (Hardin, 1991): the social actors learn not to break confidence entrusted with them and respect the interests of others, in order to fulfill their own interests. Khodyakov and Hardin's views about institutional creation, based on interest preserving and trust, are in contrast with Richard Scott's view. Scott (2004) says that there are sets of institutional inventions that are promoted, as good practice, by professional associations, by foundations, by schools and by consultancy firms, *regardless* the wants or the needs of local actors. Capitalism-by-design can be seen be, in this regard, an enforced set of institutional rules on developing countries that might or might not need it.

This paper will explained what happened during the transitional period from Communism to democracy in Romanian media and will identify the factors that influenced the changes, at structural level. The focus of the paper is the regulative pillar for journalism, but the changes at normative and at cultural-cognitive level are of major importance, also. In Romania, the changes in the regulative pillar show that the institutional creation was based on a transition from a society where rules were enforced brutally on the population, in order that the interests of a ruling few to be fulfilled, to a society where rules are negotiated among social actors with balancing powers. The evolutions at the regulatory level, in Romania, were the results of several actors acting in the same time: external pressures (both governmental and business), Romanian public, non-governmental organizations, journalists, academia and politicians, because of a shared vision about Romania, as a democratic state with a market economy.

Hard new beginnings

Before 1989, the totalitarian state imposed, through brutal repression, the Communist party as the main institution. Private ownership is forbidden by law (the 1952 Constitution) and also by law (3/1974) the journalist is identified as a Party activist. Thus, the party controls the information, the media, the state. Towards the end of the Communist era, even if in most of the East European countries there was a time of perestroika and of glasnost, Romania remained an enclave of strict totalitarian regime. There was no alternative press, besides dedicated radio programs transmitted from abroad, like Radio Free Europe, and no traveling possibilities outside Romania. There were not even news about perestroika and glasnost in the national or local Romanian press (Gross, 1996). The economic situation of Romania was worst than the rest of the region, as Ceaușescu decided to pay back the foreign debt of Romanian and the communist economy was not capable of sustaining both this repayment and the internal consume. The Communist regime was changed in December 1989 during a citizens' revolt in the streets that ended in a blood bath in several cities.

The second day after the Communist president fled Bucharest (on Dec. 22, 1989), journalists admitted publicly they were part of the Communist propaganda system. Former second rang leaders of the Communist party formed a new structure, the Front of the National Salvation (FSN). Among the first decrees of the new structure, there are several related to abolishing death penalty (Ceaușescu was executed, alongside his wife), passports and private investments. Historical parties and new founded ones appear on the political scene. At the beginning of 1990s, privately funded newspapers and radio stations, at national and local levels, and TV stations, at local level, appear. At regulatory level, the future media institution receives a solid base due to the 1991 Romanian Constitution¹ (www.cdep.ro). Article 30 forbids any kind of censorship and any cancellation of publications and indicates that the freedom of the press implies also the freedom to launch publications. Thus, formally, Romania could be considered a newly-born democracy with a newly-created market economy.

¹ The Constitution was revised in 2003, to include changes required during the Romanian accession to the EU process.



The reality is different. At the first elections, in May 1990, Ion Iliescu won 85% of the votes (*Statistica electorală*, www.insse.ro, accessed 25 March 2008). The majority of the written press, alongside public radio and television channels, sustained FNS. In the period January 1990 – September 1991, the opponents of the then ruling party are violently repressed by mine workers brought to Bucharest to “protect democracy” (Gheorghe and Humenic, 1999). In September 1991, these mine workers manage to overthrow the prime-minister, to protect president Iliescu.

Because independent press is considered a guaranty of further democratization of the country, external political forces contribute financially and politically, through negotiations with the Romanian president, in creating the conditions for a plurality of voices on the media scene. The daily *România liberă* receives, through the American embassy, its own typography, so that the dependency on the state's typography is ended. After negotiations done by the American Embassy, SOTI, the first independent television in Bucharest, may air on one of the public television's channels, during night time, from December 1991 on (Gross, 1995). These two voices, along with the party press and with some other privately funded publications will sustain political opposition, creating the premises for a public debate.

From 1992 on, official steps are taken in the direction of Romanian's accession to the European Union (EU) and to the North Atlantic Treaty Organization (NATO). In 1994 the first agreement with International Monetary Fund is signed (www.mae.ro, accessed March 25, 2008; *Capital*, Dec. 13, 2007). Due to the political pressure and the logistic and economic help from these international organizations, the reinstitutionalisation process evolves slowly in Romania, toward a democratic state and a market economy. The first change of the political parties in power takes place in 1996. In 2002 private capital becomes more important, in percentages, than the state's capital. Romania will join NATO in 2004 and EU in 2007. The accession process includes the adoption of the *acquis communautaire*, the European body of legislation, and the adoption of several laws regarding the army and the protection of military secrets. The external support, American or European, takes also the form of professionalisation programs (like USAID and PHARE) for the relevant social actors: journalists, media managers, NGO representatives in the area of human rights, journalism professors, and governmental institutions' representatives. There are both training programs and funds for the financial support of the programs proposed by these stakeholders.

The rapid professionalisation is a consequence of pressures from foreign governs and NGOs, but also from the foreign investors that enter the Romanian media market and impose the conventions and the instruments of a free market. Mass-media becomes gradually, from a part of the propaganda system in an institution created around the party-state, an institution on its own right, thanks to a gradual replacement of the state with the market, as the reference element.

Freedom of expression and freedom of information

Sustained by a gradual liberalization of the market and by a large public, avid for information, the media products rise steadily in number and the journalistic world around them starts to develop. Even if the state controls paper production, typographies and distribution, the profits in the first years of 1990s are high, of 300 and 400 per cent (Petcu, 2000, apud Coman, 2003). The public sustains and trusts the journalists and the journalists are encouraged to keep and develop the media organizations they are part of. In 1992, the Swiss media trust, Ringier, enters Romania – it is among the first foreign companies to enter the new media market.

The Communist Press Law of 1974 was abrogated by Government's Urgency Ordinance no. 53/2000, with the exception of the articles that refer to the right to reply and to internal publications. The 2000 Ordinance will be abrogated, on its turn, in 2001 (spete.avocatura.com; www.cdep.ro; anaf.mfinante.ro, accessed April 2, 2008). A new press law was never instituted, due to the constant refusal of journalists and of human rights non-governmental organizations that fear the possibility of the politicians to create a law in their advantage, and in the disadvantage of citizens or journalists. But, due to the abrogation of the ordinance that abrogates the Communist press law, one can say that in Romania the 3/1974 law, that says that the journalist is a Party activist, is still functioning. Nevertheless, in 2007, the members of the Constitutional Court considered that, through the elimination of some articles of the Penal Code, regarding the freedom of expression, a legislative void is created (*Decizia Nr.62 din 18 ianuarie 2007*, www.ccr.ro, accessed April 2, 2008), thus that the 1974 Press law is to be considered abrogated.



The limits of the freedom of expression are, for all citizens, through Constitution, the private life, the person's dignity, country and nation's defamation, the incitement to aggression war, to national, racial, class or religious hate, the incitement to discrimination, to territorial separatism or to public violence and the obscene acts. The law that stipulates clearly how the abuses are to be punished in the area of freedom of expression, not only for the media, but also for the citizens, is the Penal Code of 1968, republished in 1997 and modified, for the articles that are related to opinion crimes, in 2002, 2005, 2006 and 2007.

Thus, the Article 168¹ of the Penal Code indicates that there should be a jail punishment for the communication of false information, if the information endangers the state. Article 205 punishes insult, understood as a crime against the honor or the reputation of a person, even if it is done through real information that is not of public interest. Article 206 is related to defamation, as the public exposure, through any means, of facts referring to a person that, if true, would expose the person to a penal, administrative or disciplinary sanction, or to public disgrace. Article 236 sanctions the offence against the Romanian official signs, and 236¹ sanctions public defamatory manifestations against the country or the Romanian nation, 238, the offence against authorities, and 239, the outrage, this is the insult, the defamation or the threat against a public functionary while he is performing a public duty.

These articles of the Penal Code were often used by public figures in order to restraint the journalistic freedom of expression. The first sanction for defamation was pronounced in 1994 (Petcu, 2005b). During the period 1997-2001, the central daily *Evenimentul Zilei* was involved in 318 law suits, *Ziua*, in 300, and *Adevărul*, in 60 (Coman, 2003, p. 57). The corruption cases, exposed by journalists, that lead to the law suits for insult and defamation, and the cases of famous journalists, that appeared in front of the judges because of these accusations, make out of the eliminations of these crimes off the Penal Code one of the key points of the journalistic pressure on the legislative, executive and judicial powers. The representatives of the media were helped by non-governmental organizations, financed often by foreign public funds (either the government of the United States of America, or European governments and the European Union, through enlargement programs). In 2002, due to intense pressures from journalists, from Romanian and foreign non-governmental organizations and even from the diplomatic missions in Bucharest, the Penal Code was modified, through the abrogation of the Article 238 (offence against authorities). In 2002, 2005 and 2006 the articles related to insult, defamation and outrage are changed: first, the punishment is changed from jail to fine; afterwards the articles related to opinion crimes are eliminated from the Penal Code. One year later, the Constitutional Court decides that the abrogation was unconstitutional.

Even if the insult and the defamation were reintroduced in the Penal Code, their power was greatly lessen, because in 2007 journalism already had stronger cultural-cognitive bases, the social actors were more professional and the law suit was no longer the favorite weapon of the politicians. Thus, the insult, the defamation and the outrage become, from pressure instruments used by politicians against journalists, regulative instruments, through which the state insures the social actors, part of the journalistic world that journalists are, do not to abuse their position.

A famous case will help the transition of avoiding insult and defamation from the area of the regulative pillar (I am careful with what I say in order to avoid a penal punishment) to the one of the normative pillar (I am careful with what I say because this is the moral thing to do). Ion Cristoiu lost two civil suits for defamation, in front of two other journalists, Gabriela Adameşteanu (the 22 weekly) and Christian Mititelu (radio BBC, at that date), for two editorials written in 2000. The cases became known because for the law suit with Gabriela Adameşteanu, the moral damages were paid due to a public subscription, and for the law suit with Mititelu, the moral damages were still not paid for in 2008 and Cristoiu was facing a forced execution (Scânteie, 2008; Antoniu, 2008). On the other hand, avoiding insult and defamation becomes, in time, a sign of the professionalisation of the Romanian journalists. This process is facilitated by the decrease in importance of opinion, as compared with information, in the Romanian journalistic products. Some of the opinion materials are cautiously identified as pamphlets, after other law suits indicated this as a good solution. In some of these law suits the extreme right leader of the Greater Romania Party, Corneliu Vadim Tudor, was involved.



The laws that restrict the circulation of information have Western examples: the 82/2002 law regarding classified information (that replaces the 1971 regulations), the 46/2000 law, regarding the rights of the patient and the confidentiality of the information related to his health, the 196/2003 law, regarding the prevention of and the fighting against pornography (that admits, as exceptions, materials created with artistic, scientific, research, educational or informational purposes) and the 137/2000 ordinance regarding the prevention of and the fighting against all forms of discrimination (www.cdep.ro).

Article 31 of the Constitution, about the citizen's right to be informed, is talking not only about the journalists' obligation to provide correct information (paragraph 4) but also about the obligation of the holders of public interest information to make it public (paragraph 2). This obligation will take the legislative form in 2001. By the 544/2001 law, the Parliament will force the professionalisation of some of the social actors with a decisive role in the journalistic world, namely the sources in the central and local administrations: publicly funded organizations are obliged to have a spokesperson, to organize periodically press conferences and to publish periodically information referring to their activity (www.cdep.ro).

Media as business

As compared to print, radio and television stations function, from 1992 on, based on a licensing process administrated by the National Audiovisual Council (CNA). The license can be suppressed by CNA, the Audiovisual Law¹ stipulates, for repeated cases of law breaking, or can be lost, if the station ceases to air its program. One of the cases CNA used the right to suppress a license is that of OTV, in 2002, for hate speech against ethnic minorities (*INFO media. Suspendarea licenței OTV*, undated).

Following the new Constitution, media companies can be financed both by the state and by private persons or private companies. By law, the 1991 Constitution stipulates, media companies can be obligated to make their financing sources public: from 2004 on, the National Audiovisual Council imposed transparency on AV stations.

For all state funded media companies there are special sets of laws², through which the state officially protects the interests of some of the social actors with the smallest negotiating power – the general public. In the case of the public TV and radio stations (financially sustained by the public budget and by compulsory fees), in the case of the national press agency (financially sustained by the public budget), and in the case of other AV companies (that function based on a license), the regulations ask explicitly the journalists to offer correct, undiscriminating, verified information. The publicly supported media organizations have to provide general interest information with no influences, be them political, economic or of any other kind. This is an area where the citizens' right to be informed interferes with the politicians' interests: the election of the members in the management of the publicly funded media companies is done politically, the members of the board of trustees of the public radio and television are named by the political parties and the National Audiovisual Council has members that represent the political parties, named by the Parliament, the Government and the Presidency. Thus, the independence of these organizations is also depending on the political will of the parties, even 20 years after 1989. Tudor Giurgiu, the last but one president – CEO of the public television, even said that the administrative reform of the public television can be done only if there is political support (Hritcu, 2008).

At a decade after the 1989 events, the Romanian legislation starts to incorporate rules that acknowledge and protect the working conventions inside the journalistic professional world. It is the case of the Freedom of Information Law and also the case of the legislation that is concerned with the transparency for advertising funded out of the public purse. In 2005, due to the pressure of NGOs (The Romanian Academic Society, The Press Monitoring Agency and the Center for Independent Journalism) and to several press campaigns (for example, the weekly *Capital* or the daily *Evenimentul zilei*), the Government decided to modify the 2001 urgency ordinance regarding the public acquisitions, to include advertising from public funds. Several journalistic materials proved

¹ The Audiovisual Law of 1992 was replaced by the 504/2002 Law.

² The 41/1994 Law, regarding the organization and the functioning of the Romanian Radio and of the Romanian Television Societies and the 472/1992 Government's decision regarding the organization and the functioning of the National Press Agency, Rompres, modified in 1994, 1998, 2001 and finally replaced by the 19/2003 Law.



that media organizations at local and national level were sustained by public funds, in exchange for a favorable attitude towards politicians in power, even if the audiences did not justify the advertising contracts they had during the Social Democratic Party's government, 2000-2004. Thus, the legislators forbade in 2005 a cheating process inside the journalistic professional world, with at least two sets of victims: the tax payers, of whose money media organizations selected on political criteria were supported, and the publics, that were deprived of relevant information and were manipulated the way the sources demanded.

The existence of other regulations demonstrates the journalists' negotiating power with the politicians, during the institutionalization process of the two. The politicians needed media support in order to gain legitimacy in the citizens' eyes and offered in exchange a milder fiscal and economic environment for media companies.

Media organizations took advantage repeatedly of the help of the government, at administrative level. Initially, the paper, the printing and the distribution services for the printed press were offered by state companies. For the printed press, the state, as service provider, was beneficial, on the one hand, due to reduced costs, and less beneficial, on the other, because thus the newsrooms could be controlled economically (Obae, November 22, 2007). In addition, during the 1990s, the print, the radio and the TV stations did not pay any value added tax, and afterwards the VAT was paid at a reduced rate, as compared with other commercial organizations. Regarding the income of the employees, the journalists took advantage of the legislation regarding author's rights (8/1996), that exempts authors and their heirs from paying social contributions. In time, different media associations, such as the Romanian Association of Audiovisual Communications or the Romanian Press Club, have coagulated the interests of the media companies or media companies' owners and have functioned as discussion partners for the state, so that a favorable legislation would be issued.

On the other hand, the state acted in order to support financially or logistically the media companies, in order to insure the plurality of voices on the public scene and the access of all citizens to relevant information. The public radio and television stations have a financial input from the state budget, along with the compulsory AV fee. There are also private media companies sustained by the public budget, of whose existence is following the logic of sustaining relevant voices on the public scene: minorities' publications or cultural publications (through the Ministry of Culture and Religious Affairs). In addition, because the National Audiovisual Council has to prevent any monopoly situation, the Audiovisual Law of 2002 introduces television audiences' constant monitoring. This will be done from 2004 on, through an association of the representatives of the television stations, of the advertising agencies and of the advertising clients, the Romanian Association for Audiences Measurement (ARMA) (www.arma.org.ro, accessed April, 3 2008).

Due to the journalists' efforts, their status got stronger, from the point of view of the regulatory pillar, starting with 2004. From this year on, there is a national labor agreement for journalists as employees, negotiated by the trade union MediaSind. The labor agreement is concentrated mainly on pecuniary rights, as at the moment of its appearance there were several journalists in Bucharest and in the local media that did not enjoy a clear employee status and did not have an insured minimum wage.

Regarding the commercial legislation or other articles of the Penal Code, relevant for the media companies, two cases show the degree in which the law imposes, inside the journalistic institution, rules that protect social actors from being deceived by other participants in this professional world. After 1989, members of some newsrooms are accused of blackmail and have to face lawsuits. Journalists and directors of the *Gazeta* trust from Cluj, for example, were arrested in 2006, for blackmailing local businessmen, in exchange for advertising contracts (Mihășan and Pădurean, 2007).

A second case, that concerns the media organization as a commercial organization, is that of a 7 million EUR investment made by the German group Westdeutsche Allgemeine Zeitung – WAZ in the national daily *Național*, in 2000. WAZ wanted out from the partnership in 2004, selling back stock worth 3.5 millions to the Romanian partners and keeping the title, *Național*, as the contract stipulated. The German group did not receive any money from the Romanian owners. To avoid following the contract with WAZ and paying the debts to the state, Iliuță Naghi, Gheorghe Voicu and Simona Toader, the Romanian owners of the different companies that were in business

with WAZ, changed the company that published the daily and the name of the daily, from *Național* in *7 Plus*, from 6 to 7 of March, in 2005 (Ionescu, 2005).

Conclusion

The Romanian legislation has gradually changed from a pressure factor in the hands of politicians into a stability factor for the institutional construct of mass-media. The legislative evolutions are the result of several factors: (1) concentrated pressures on the Romanian politicians, exercised by foreign governments; (2) the adoption of international legislation relevant for the European Union and for other international organizations; (3) the political and the economic evolution of the country; (4) cultural contamination with Western models, due to foreign investors and cultural consume; (5) rule breakers' actions, that force the clarification of rules and (6) the public's influence, through cultural consume.

The hypothesis of encapsulated interest is verified in the Romanian case. The actions of rule breakers led to the clarification of rules, because they had as effect an unwanted diminishing in the trust extended by relevant social actors. This was, for example, the case of journalists that lie, that blackmail, that use defamatory language, of media managers that cheat, of politicians that act brutally against opponents. Publics' consume contributes to the institutionalisation process for the journalistic world. After 1989, the ties between journalists and politicians are no longer considered legitimate, both by the journalists and by the public. At cultural-cognitive level, these ties have little or no legitimacy, as they are considered a Communist legacy (Coman, 2003).

The recent history of journalism in Romania shows that the evolution of the institutional pillars happens simultaneously, in the sense of the reduction of risks associated with the involvement in a professional world. The rules and the conventions that are characteristic for a Western model of journalism are not adopted just because governments and non-governmental associations, consultants or schools put pressure on the Romanian social actors, but also because they prove useful, as the professional world matures.

Politicians were forced into accepting democracy and a free market, at some points, but were also co-interested in helping democracy and the free market evolve. Moreover, it is obvious that the democratic project was accepted by politicians as the only viable project, after a period of hesitation. Thus, the Romanian legislation could be transformed, in a period shorter than two decades, from a totalitarian state's legislation, with one relevant institution, the party-state, into a democratic legislation, that guarantees the participation with reduced risks of social actors in a new institution, the journalistic one.

The Romanian legislation is not perfect, as it is, maybe, the case with any legislation, and the politicians still try to maintain instruments of influence on media organizations, but, at least, it can be continuously changed through negotiation among the interested groups. The Romanian case shows that a European legislation is not necessarily creating a European media institution. The rules have to be accepted at normative level, also, and this is achieved through public discussion on exemplary occurrences, as was the case of insult and defamation regulations. The transition from an authoritarian legislation to a democratic one was eased by a shared cultural-cognitive definition about the future of Romania, as a democracy and a market economy part of EU and NATO.

The Romanian case shows that a model of transition with a greater explanatory power should take in account both the historic legacy of a country (historicist transitology) and the modernization project shared by citizens and politicians (modernist transitology). Also, a model of transition with a greater explanatory power should not consider that transition ends when a utopian vision of democracy and free market is fulfilled, but when equally balanced institutional forces act together in reducing deceiving behaviors at institutional level and when individuals engage willingly in institutional actions, beneficial both for them and for the community.

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LEGISLATION – FROM PRESSURE FACTOR TO STABILITY FACTOR FOR THE ROMANIAN MEDIA

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Before 1989, the cultural industries were seen by the Romanian Communist state as political propaganda instruments. Journalism was state subsidized and private initiatives were not permitted. After the fall of the Communist Party, the changes in the political, economic and social systems, sustained by international forces, affected the logics of production and of distribution of cultural goods. This article identifies the changes in the regulatory pillar (Scott, 2004) of the institution of mass-media, from a pressure factor in the hands of politicians to a stability factor designed to minimize the risk taken by social actors involved in the production and the consumption of journalistic products.

The evolutions at the regulatory level, in Romania, were the results of external pressures (from foreign governments to international structures such as NATO or the EU), the results of the market, that sustained financially and morally the Romanian journalistic industry, and the results of a shared vision among politicians and the rest of the Romanian population that the country is going to become a democratic state with a market economy. Thus, the Romanian legislation could be transformed, in less than two decades, from a legislation characteristic to a totalitarian state, with one relevant institution, the party-state, to a democratic legislation, that guarantees the participation with minor risks in an institution on its own rights, around journalistic products.

Key words: Law, institution, journalism, Romania.