

# The Armenian Media in Context: Soviet Heritage, the Politics of Transition, Democracy, and the Rule of Law

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**Abstract:** This article considers why the media industry has failed to promote democracy in post-Soviet Armenia. It attempts to explain why the media have been consistently unable to bring socially significant information into the public domain, and why they have failed to provide an intellectual space in which politically constructive ideas could take shape through exchange, negotiation, and confrontation. The core of the article gives a critical assessment of the factors that affect media operation in Armenia, such as the expectations of the audience, the reasons for the lack of demand for democratic media, the impact of the Soviet legacy on the normative framework affecting the media industry, the growing control of the political authorities over business activity in general, and a legal culture that marginalizes the rule of law. The analysis throughout is illustrated and underpinned by empirical data collected by the author during a series of research projects in Armenia.

**Key words:** democracy, forms of dependency, freedom of the press, media consumption, rule of law

**A**lthough many social scientists recognize that democracy, free media, and the rule of law each have a life of their own, and do not necessarily come together as a package,<sup>1</sup> people still assume that the introduction of any one of these elements will strengthen the other two.<sup>2</sup> In the early 1990s, that assumption gave rise to the misleading expectation that if the media could be freed from Communist Party control, and placed under regulations that met international standards, it

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would become a powerful catalyst of the post-Soviet transition toward democracy. In pursuit of that vision, Western-sponsored programs emphasizing media reform were introduced in many of the new republics that emerged after the fall of the Soviet Union. The reforms were accompanied by an insistent rhetoric that stressed the importance of a free and independent media. But as time passed it became clear that this was not to be. The goal of an independent media bore little relationship to what was actually happening in Armenia.<sup>3</sup> Instead of taking a lead in promoting democracy, the press in Armenia and other post-Soviet countries quickly became involved in political and economic affairs, unashamedly violated the principles of integrity, and generally interpreted “freedom” as being free from every kind of restraint—including moral restraint.<sup>4</sup>

Why was there such a failure of the media industry to promote reform in the post-Soviet independent states? Why did the industry not bring socially significant information into the public domain? Why did it not provide a climate in which constructive ideas could take shape? Why, well into the second decade after its formation, was it beholden to political and economic interests? And why did the media not succeed in building a working relationship with readers, viewers, and listeners? To answer some of these questions, it is necessary to place the media in social, economic, and political context. This requires examining all of the factors that affect media operation. Factors include the audience’s expectations, the reasons for the lack of demand for democratic media, the impact of the Soviet legacy on the framework of the media, the growing control of the political authorities over business, and a legal culture that marginalizes the rule of law.

This article will examine some of the above issues in relation to the Armenian media. Although Armenia has some unique peculiarities, the general pattern of media-related processes in the country has a strong resemblance to the manner in which the media developed in the other post-Soviet republics.

I will analyze the media’s audience in Armenia, examining both the pattern of media use among ordinary people, and the much more intense attention paid to them by the political and economic elite. The findings will give an indication of what is expected of the media in Armenian society, and what is demanded of them. This will lead to an account of the media industry, with particular attention paid to the rules under which it operates, and the way in which it interacts with political institutions. In my analysis I will refer to research data from Armenia, which I collected myself as part of several projects.<sup>5</sup>

### **Media in the Context of Everyday Life**

The official statistics suggest that media sources in Armenia are remarkably abundant in relation to the relatively small population of the country. The government figures show that the official population<sup>6</sup> is a little more than three million and is served by as many as forty-five prints<sup>7</sup> and sixty broadcasting outlets, most of which are in the private sector.<sup>8</sup> The media market is more diverse if one also takes into account the foreign-based sources of news, information and entertainment that can reach almost all areas of the country and have a long-established

share of the audience. They include three major and highly influential Russian TV stations, CNN,<sup>9</sup> the popular Armenian Service of Radio Liberty, and the European EuroNews broadcasts.

Nevertheless, the statistics can be misleading. Many of the media outlets are local, tiny, and insignificant. In fact, the media landscape is formed by about fifteen major newspapers, which can claim readership, albeit small, of about seventeen operational TV stations (if the heavily watched Russian channels are included) and approximately seven or eight radio stations. However, the newspapers in Armenia are not big enterprises. Each one is built around the personality of an editor who directs what is written by a small staff, often as few as two or three journalists. By international standards, what they produce is flimsy—a typical format is a four-page broadsheet or an eight-page tabloid. The output of the television and radio stations is mostly entertainment, rather than news, information, or commentary.

Further distortion in the image created by official data occurs as a result of grossly uneven access to media products. This inequality is caused by a combination of Armenia's industrial inefficiency and its tradition of metropolitan dominance. Almost all major media outlets are located in Yerevan (the capital), and they focus most of their attention on it. Of the domestic TV stations, just four have the capacity to transmit across the country, but even those give poor reception to many regions. Only a small proportion of the print publications are delivered to the larger cities outside Yerevan, and practically none reach the people in small towns and villages—which means that approximately half of Armenia's citizens are deprived altogether of newspapers and magazines. Despite all this, the other half of the population, which lives in Yerevan and the other mid-sized cities, can be accurately described as being served by multiple private, as well as public, media outlets.

But is the quantity of media outlets, or their form of ownership, a key variable in the supposedly causal relationship between the media and democracy? It is important. Consumer choice, varied content, and an assortment of different owners and publishers must harmonize with the growth of a democratic society, in which power is diffused and different groups compete for it on the basis of distinct agendas. The Armenian case indicates that private ownership and multiple media outlets are not sufficient enough to develop democratic media.

There are other important variables, such as the media's social role, the editorial content of what it offers people, and, most significantly, what ordinary citizens think about it.<sup>10</sup> Does the general public regard newspaper editors and broadcasters as guardians of the public interest? Is the media industry a vibrant institution that links the different parts of society together, while providing a shared intellectual space for them? If not, is there a meaningful civic or political effort to make it so? In what direction did the media shift as the transition took hold of every aspect of Armenian society after 1990, and how far did that shift go? Has the current model of the media institution succeeded in differentiating itself from its Bolshevik-inspired predecessor, or does the obstructive legacy of the Soviet period remain a significant factor?

As with almost all social, political, cultural, and economic institutions in the Soviet Union, the Armenian media were totally controlled by the Communist Party, which saw all forms of mass communication as instrumental in supporting and legitimizing the regime. Throughout the entire Soviet period, two major social roles were assigned to the media. First, each media outlet was shaped and directed so that it would work as an instrument of propaganda, delivering messages to the masses and presenting the party's version of events. Second, the Soviet media was perceived as an educational tool and assigned the task of helping to form "new people with a communist morality."

In more detail, the Soviet model of an ideal media institution stood in vivid contrast to Western models in one major characteristic: lack of concern for empirical truth. There was no interest in facts, no tradition of collecting or reporting objective information, and no attempt to separate facts from value-based statements. Facts, it was understood, were often random or incomplete, and changed continually. They were subjected to interpretation before they could be published. Therefore, there was no need for fact-gathering, no requirement for such training within the journalistic profession, no understanding of how to gain access to sources and then how to treat them, and no room for investigative journalism.

Those shortcomings of the Soviet media have not been overcome in post-Soviet Armenia, despite the fact that the media operate in a more democratic political and legal framework. It emerged in a number of interviews with Armenian media leaders that there is still no working mechanism in place that would require and enable reporters to formally obtain the information they need from politicians and civil servants, and that they have difficulty in verifying information they do manage to get. The failure to circulate factual information between the media and the rest of society comes from both sides. The state institutions do not see the media as worthy recipients of information, but the media do not value factual information enough to fight for it. The inability to search for sources, and then work with the information gathered, is deeply rooted in the media's self-image, an image inherited from the Soviet period. Confronted by what would be an intolerable lack of reliable information in advanced democracies, reporters fall back on rumors and uninformed speculation such as conspiracy theories. To some extent, the lack of efficient journalistic procedures tends to legitimize the practice of substituting imagination for empiricism, because the staff must prepare their reports against deadlines. Having only a limited understanding of how to investigate, they feel that they have no other way to get their job done.

In post-Soviet Armenia, ordinary viewers, listeners, and readers are fully aware of the shaky relationship between media output and objective reality, just as they were in the Soviet period. With respect to any actual event, they may not know what really happened, but they have a strong suspicion that what they are reading, listening to, or watching is not the whole truth. Therefore, a response strategy therefore evolved long ago. People became extremely skilled at reading between the lines. People always want to know who is paying for a story and what their interests behind it are. As for the events, everyone became accustomed to building up their own version of them piecemeal, by gathering bits and pieces of

information from a wide variety of sources. These would usually include informal contacts, if the event was local, and Western radio stations, if the news had international significance. Overall, the attitude of people toward every form of media, and toward everyone who works in media, is skeptical and mistrustful. This is still the case, despite the consensus that things have changed, and that the multiplicity of sources now available in Armenia provides an environment in which comparing different versions from many sources makes it possible to be well-informed. People usually try to use as many news sources as possible, so that they can decide what is true and what is false.<sup>11</sup>

The typical experience of media consumers in Armenia was neatly summed up by one of the research participants as follows:

First you hear a rumour that something has happened, and the various news stories usually give different versions of it. If you spend a lot of time and if you are persistent you can be well informed by following and matching many sources of information. But in practice doing all that is usually not possible because there are so many other things to do—family, social life, business to take care of. The result is that everything that we learn is based on shaky, rumour-like, patchy information.<sup>12</sup>

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Because of this uncertainty, informal, world-of-mouth exchange is generally considered to be a much more reliable and efficient source of information than anything broadcast on TV or printed in the paper. Almost all the participants in the research commented that person-to-person stories are the ones that they value most. If they hear things directly from colleagues, friends, or acquaintances, they feel that they can rely on them because they trust the source. Shopkeepers value tales that they hear from customers; schoolteachers give credit to descriptions from pupils and their parents. Even when a piece of information is initially taken from the media, it is more likely to be listened to and trusted after it has been “checked” through an informal network.

The failure of the media to assume the role of a reliable and responsible provider of news undermines the social standing of the Armenian media. If the many organizations that bring news to the people are to be in a position to promote democratic advancement by imposing restraints on politicians, securing transparency in public policy and social affairs, and mobilizing societal energy, they need to figure out a way to secure people’s trust so they can influence public opinion.<sup>13</sup>

If the media were to play an important role in the democratic process, it would be necessary for newspapers, TV, and radio studios to provide public space, regularly and generously, for discussions, arguments, and the expression of ideas. That has proved to be a difficult task for the media. The legacy of Soviet journalism was strictly paternalistic. It mainly consisted of educational rhetoric,

which taught people what was right and wrong. It did not provide a platform for groups of people to communicate and debate ideas with each other as equals, so that the audience could understand the choices before them.

As Armenia moved into the post-Soviet era, adjustments had to be made. The novel concept of freedom of the press had to be defined and put into practice. It came to mean the freedom of each outlet to look out for its own interests. In Armenia the newspapers and broadcasting agencies quickly seized the opportunity to exploit the new freedom with an opportunism that matched that of their Soviet predecessors. Editors and journalists are obsessed with personalizing politics, and their reporting mainly consists of sarcastic, opinionated articles libelling opponents and seeking to discredit them. Instead of modifying the traditional Soviet-style monologues, the tone of post-Soviet reporting has become noticeably more aggressive. If the media transition had taken a more constructive form, the habit of frequently publishing critical and argumentative outbursts might have been accommodated within a democratic framework that encouraged informative dialogue. What this means for Armenia is that positive, imaginative, sophisticated policy discussions on topics vital to the future of the country, such as education, health, poverty relief, and economic development, are kept out of the media's attention span and therefore denied to the public.

However, it is not enough to attribute the lack of democratization in the media to only the institutional inertia that holds back an underdeveloped industry. Insofar as there is a free market for the media, what it supplies may have something to do with what is demanded of it. There is also the question of what the viewers, listeners, and readers expect from the media's output. Is there a market for less aggressive, less politicized, less oversimplified, and more balanced and intelligent media? When asked this question during interviews, several newspaper editors said no. They insisted that balanced and neutral publications would not be valued; instead they are likely to be dismissed as weak and colorless. One of them suggested that "If you are not playing a dirty political game you are not interesting."<sup>14</sup> This opinion of the editors did correspond with the tendency, revealed consistently in the research, of members of the public to rank "political color" as the most important factor in determining which program or newspaper they preferred.

The space of the public domain into which the media could be extended is limited by the barriers created by cultural conservatism. The research shows that although there are some younger people who believe that a society should not be able to veto topics suggested for public discussion, the dominant view is that one should take into account the cultural and emotional factors that the Armenian people care about most. In effect, this means that a list of social taboos exists, and it is quite a long one: from the question of a possible compromise in the Karabakh conflict, to private issues such as homosexuality, new religious movements and cults, sex, and material that is "harmful to the younger generation."<sup>15</sup> As one respondent, a middle-aged man, put it to me:

Recently there have been a lot of items about homosexuals on the Russian TV. I know many people who are really unhappy with that. It is a very embarrassing topic and to have so much attention paid to it is destructive for the foundations of our national val-

ues. I have a teenage son and I hate it if he happens to be in the room when the radio or TV carries a story about homosexuality. It is like deliberately putting in the minds of young people something that they otherwise would not think about.<sup>16</sup>

An objective look at the media's performance in Armenia suggests that it has a long way to go if it is to become viable enough to promote democratic development. As an institution, it has still to throw off many of the characteristics it inherited from the Soviet era, such as a casual disregard for objective information, an intolerance of opposing views, a tendency to hammer away at one-sided messages, and an inability to grasp the need to engage the public. The reasons for such a persistent attachment to outdated attitudes are not difficult to identify, provided the analysis proceeds along a sociological path, rather than a legalistic one. It is relatively easy to change any formal structure through legislation, by fiat, or even by the novel means of an international institutional transplant. However, changes in formal structures can achieve little or nothing by themselves. People must also be ready, willing, and knowledgeable enough to operate a new system in the manner intended by the reformers who put it in place. Whether they are ready, willing, and skilled enough does not depend on legal rules, but on people's attitudes, norms, and ways of thinking. The social meaning of the media and how to relate to its output had been thoroughly learned in Armenia long before the transition began. It has proved to be far more difficult for people to unlearn them than it was for Parliament to pass the new media laws.<sup>17</sup>

In the whole nexus of relationships between the media and democracy, other obstacles lurk beyond those intrinsic to the media institution itself. Identifying them requires a brief examination of the interplay between the media, the political transition from 1990 to the present, and the economic circumstances of the country during that dramatic period.

### **Media, Politics, and Various Forms of Dependency**

The trajectory of media development since its liberation from Communist Party control in the late 1980s and early 1990s is a story of a failure to grasp the opportunity to turn freedom into independence. The relationship between the media and those in power has passed through a series of crucial stages. The process started with Gorbachev's genuine—if erratic—relaxation of Moscow's control, continued with a drift during the vacuum of regulatory measures during the early years of independence, and then slowly faced the need to cope with an assortment of problems and restrictions as the new regime took a progressively firmer grip on the country. In between there have been brief phases of precipitous decline prior to almost every presidential election when the incumbent candidate felt vulnerable. Yet even during the short periods of political calm in post-Soviet Armenia, when different sorts of pressure on the media have been relaxed, the media have allowed themselves to be used as a means of propaganda.<sup>18</sup> This occurred in the ideological warfare conducted throughout the Karabakh conflict, in various political confrontations between presidents and their critics, between individual members of Parliament and other political cabals, intermittently in clashes between economic clans, and in personal feuds between prominent elite members.

In August 1990 Armenia formally declared its intention to become an independent country, and in October 1991 the first president of independent Armenia was elected with the overwhelming support of the people. The legitimacy of the new government was unquestionable, so there was no need for the leaders to go on the defensive. Some scholars call the brief interlude of 1990–92 the “Golden Age” of Armenian media because they did not have political barriers to reporting freely.<sup>19</sup> Although the media were free, they could not be described as being open to a variety of approaches, or as providing space for free expression, because this was a period of nationalist euphoria. There were self-imposed restrictions provoked by the belief that every voice heard in Armenia must support national unity to strengthen the nation’s position in the ethnic conflict that was escalating at the time. This self-imposed censorship was very much a reflection of popular attitudes. According to a survey conducted in August 1995, 77 percent of Yerevan residents believed that the media should not be permitted to report on material that might damage national unity, and 45 percent thought that the media should not take any point of view with which the majority of people disagreed.<sup>20</sup>

Cracks in the social consensus appeared only with the horrific economic crises that started in 1992. There was a drastic fall in the standard of living, mounting frustration among the public with government mismanagement and corruption, fragmentation of the political elite, and, for the first the time, fierce criticism in the media. With a presidential election approaching in the mid-1990s, the weakened leadership resorted to repressive methods to destroy the opposition and its ideological mouthpieces, the critical media outlets. The pressure took a variety of forms. Some were open, such as the harassment of individual journalists and official bans on several opposition papers directly and loosely associated with an opposition party, the Armenian Revolutionary Federation (HHD). Others forms were subtle, such as exerting pressure over the printing process and distribution and switching off the power to production facilities. The result of this government strategy was apparent to the international monitors of the 1996 presidential election campaign, who recorded grossly unbalanced coverage in favor of the incumbent. The election was procedurally unsatisfactory, flawed by widespread ballot rigging, and was qualified by the international observers as “free but not fair.” The announcement of the result produced mass disturbances and clashes with the police.

Tension subsided after the election, allowing observers from the European Institute for the Media (EIM) to report in 1997 that “compared to the period 1994 to mid-1995, the instances of violence and (alleged) government hindrances against journalists and media outlets decreased markedly,”<sup>21</sup> the experience forced the media to learn their lessons. Three changes occurred as a result. Self-censorship in government-related publications became more apparent, as reporters revived the old Soviet habit of staying within their limited freedom to speak. Editors and managers grew acutely sensitive to the importance of securing reliable financing for their operations; they became even less concerned with serving their audience and instead looked for stronger ties with the wealthy and powerful. Journalists also became conscious of the need for mutual support and

solidarity. On the positive side, this triggered the formation of professional media institutions, but on the negative side, any attempt to apply laws and regulations to journalistic production was branded by the media as an attack on the freedom of expression and was followed by calls for professional self-defense.

In 1998 a new cycle began in the alternation of friendly and hostile relations between the media and the authorities. The president was forced to resign and a new one was elected with a questionable majority. Within a year the political climate was liberalized, which resulted in the media being less repressed. The government's benign attitude toward the media did not last long. It ended abruptly with a crisis, this time political, provoked by the assassination of several leading figures when a small group of gunmen burst into Parliament in October 1999. The violent deaths of the speaker, prime minister, and others caused severe turbulence in the already established political hierarchy, and the following months were marked by sectarian intrigue, confrontation, and clashes between different clans.

For several years pressure on the media intensified, as the conflicting factions attempted to recruit or manipulate editors and broadcasters as agents in their petty propaganda battles. The ruling group was best placed to win that particular competition, and eventually it regained political control by using both economic and legal pressure to channel the media in its desired direction. Well before the presidential election in 2003, several of the most critical voices, such as A1+ and Noyan Tapan TV, were forced off the air. By the end of the election year, a team of international observers from Freedom House had downgraded its assessment of the overall Armenian media performance from the "partially free" of previous years to "not free."<sup>22</sup>

The state of the media in Armenia after the 2003 election can be described as "the calm before the next storm." This time, however, it seems that the forms of dependency and subjugation that afflict the media are more tight and will likely last longer. Both the print and electronic media are experiencing it, although the level and form varies according to the importance and specific character of the sector.

The press in Armenia continues to be highly politicized, as it has been from the very beginning of independence. Today most newspapers and journals are either owned by, or have a close link to, a political party, a prominent group, or a wealthy individual. Some of the newspapers consistently hold to a pro-opposition line, which means that unlike the broadcast media, the press has been able to reflect a spectrum of political views. In that respect, the print media have been able to present a plurality of positions (albeit all biased), and they are not under state control. Unfortunately for the democratic cause, newspaper circulations are small and their influence is certainly small as well.

None of the newspapers are self-sustaining, although some claim to be.<sup>23</sup> Income from sales is very small. They receive some money from advertising, but in the small and undeveloped market at which Armenia is presently, that source covers only a small part of the need. The main source of funding remains sponsorship: money paid for political motives.

Political sponsorship should not be confused with the Western equivalent exemplified by Rupert Murdoch's companies, in which majority share ownership

enables both the management and the policies of his many TV channels, radio stations, newspapers, and magazines to be controlled by a single person. Western sponsors exert their power from inside media companies, and they lose their investment if the companies fail. Armenian sponsors have no stake in the company, as such, and exert their power from the outside. Most of them are politicians or people involved in industry and commerce, which is remote from the media. Sometimes they make an informal payment to a newspaper or to an individual journalist on its staff, and in return they require an article to be printed “to order.” An ordered article is prepared exactly to the sponsor’s specifications with respect to content, length, positioning, and illustration. The nature and extent of

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an intervention by a sponsor in the editorial process varies. A sponsor determines his paper’s political “color”; “In practice,” an editor remarked, “that means printing nothing bad about our side and nothing good about the opposite side.”<sup>24</sup> Occasionally, a sponsor orders his paper to run a hostile story targeting a specific politician, official, business-

man, or media personality. One of the media analysts interviewed in Yerevan compared the newspapers with nongovernmental organizations (NGOs): “they both depend on grants (i.e., money from private sources) so they both have to deliver projects that will satisfy whatever monitoring is carried out by the funding bodies—which the papers do by publishing whatever the sponsor wants.”<sup>25</sup>

Another informant, one of the editors, explained to me why newspapers are not motivated to make an effort to increase their circulations. I inquired as to why he did not improve his newspaper and attract more readers so that he could set himself free from the financial dependency of sponsorship:

The sum of money that I receive from the sponsor is so large compared with the amount that comes from the sale of the newspaper that I have no incentive to put a lot of effort into achieving a small increase in the circulations. Anyway if I even tried to increase sales I would probably have to do things that would jeopardize my relationship with the sponsor.<sup>26</sup>

Everyone at the editorial level is involved in the second economy in Armenia, which means that all the editors and leading journalists are very high earners in the local context. There is no way to get objective and reliable information about anyone’s income because part of it comes through informal channels and, by definition, is not recorded, still less subjected to audit.

Like the press, the majority of radio and television stations in Armenia are privately owned, but nearly all are effectively under state control. When I inquired about the mechanisms that make this possible, I was told that three methods are used.

The first method is licensing. By law, TV broadcasters must put in a competitive bid for a renewable license that permits them to use assigned frequencies. The licence is issued by an official from the Committee on TV and Radio, whose members are all appointed by the president. They are formally authorized to pass judgment on the suitability of each applicant by making a subjective evaluation. In practice, such extreme discretionary power enables them to reject an application without any obligation to produce convincing reasons for doing so. That was the mechanism used to close down the pro-opposition stations Noyan Tapan and A1+ on the eve of the 2003 presidential election. That judgment forced other stations to censor themselves severely to have any hope of continuing to operate in the future.

Sponsorship is another means of pressure. It is so powerful that it amounts to control. In every TV and radio station, the operating budget is heavily dependent on informal payments. The situation resembles that of the press, but on a much larger scale, and the link is commonly to a government figure rather than to a business magnate.

Advertising is the third means of pressure on TV and radio stations. Advertising can provide a significant source of income for a private TV station, although it may not be sufficient enough to maintain its independence from informal sponsorship. But in practice, even advertising contracts, although notionally commercial in nature, come at the pleasure of the political elites. All businesses in Armenia, especially banks, retail chains, and airlines, are heavily dependent on people in high office. This makes it possible for the authorities to impose an informal blockade on any nonconformist TV station at any time because they can be confident that if they pass the word, all the station's advertising clients will withdraw their orders. For example, that kind of pressure was imposed on A1+ before it was required to apply for a renewal of its license.

In summarizing the changing relationship of the media to the wider political and economic systems in Armenia, it is difficult to see the forest through the trees. There have been dramatic twists and turns in the fifteen-year journey, from indirect manipulation and overt political interference to optimistic reforms and brief postelection liberation. But the shape of the forest reveals that at no point has the impartiality of the media been at risk, because it never existed. The interpretation of the media as an institution that serves specific, narrow interests was formed and legitimized in the Soviet period, and throughout the transition toward democracy it has remained the only version of the media's role that is widely understood and accepted.<sup>27</sup> There have certainly been struggles over the media and within the media, but the issue has always been which political group the media should serve. Freedom has come to mean the freedom to choose sides, not to stand apart from the fray, and still less to stand above it.

### **The Media and the Rule of Law**

In reviewing the transitional path that the Armenian media have followed, it is important to take into account the legal framework that they are operating in and to consider whether the law has played a significant role in regulating the industry's day-to-day affairs and steering its long-term development. Presently, the

important questions arising in this area are whether the existing laws favor the promotion of independent media, at least in principle, and if the answer is yes, then whether those laws have made a significant difference in practice.

It is commonly accepted by international, as well as local experts, that “the Constitution of the Republic of Armenia provides for freedom of speech, information, and expression,” and that “. . . the articles conform to international norms and generally favour the media.”<sup>28</sup> Through an intensive law-drafting process, beginning in the early 1990s, involving the local media, in addition to international experts, the constitutional principles have been translated into specific laws pertaining to media regulation.<sup>29</sup> The Armenian law on mass communication provides the media with easy market access, particularly for the press. Newspapers and journals do not have to register with the Ministry of Justice, and they enjoy several economic privileges, such as being exempt from a value-added tax on their distribution processes.

The law on “television and radio broadcasting” is more controversial. It grants the president full control over the appointment of all members of the National Committee on Television and Radio, the state body in charge of licensing, regulating, and supervising the activity of private television and radio companies. The committee became notorious for its harsh treatment of the opposition media during the run-up to the 2003 presidential election, and it has remained a constant warning to those who might think of braving it by lifting their self-censorship.

Nevertheless, the fault may not be entirely in the design of the law. After all, in Britain and America, it is often the prime minister or president who appoints people to conduct inquiries into the most controversial social and public affairs. Sometimes, the inquiry deals with suspicions about their own performance or their alleged transgressions, and in such cases their power usually does not discredit the integrity and independence of the appointees. Therefore, it seems likely that in the case of Armenia, and in the post-Soviet countries in general, it is the Soviet tradition of deference to authority combined with a low standard of integrity as a means for social success that makes it possible for the president to have an unlimited supply of people ready to serve him without even pretending to be independent. There is no social cost in the form of exclusion or reprimand for anyone in public life who openly serves political ends.

Another shortcoming of the Armenian legislation that international observers are pointing to as undemocratic is that libel cases are criminalized, so that the penalty for anyone found guilty of it would probably be imprisonment. However, there are no instances of a journalist actually being imprisoned, and it has proved difficult to prosecute journalists under Armenian law. The whole media community has united around this particular issue, regardless of political affiliation, grouping itself under slogans such as “no suppression of freedom of speech” and “stop political prosecution of journalists.” There has been great success in imposing pressure on the authorities. Apparently, it has become unusual for anyone to file a lawsuit against a newspaper.

Unsurprisingly, the media leaders interviewed were not worried about the prospect of having to deal with, or adjust to, formal complaints from politicians

and business people. The reasons usually given to me to explain this were that well-known figures tend to avoid doing anything that might bring negative publicity, and they understand very well that to bring a lawsuit against a newspaper will give more publicity to the issues involved. They also realize that if they file a formal complaint, they will become a target for several newspapers, rather than just one, for a longer period of time. Even if the court eventually decides in their favor, it will not clear their names because people do not trust the legal system. Experience has shown them that they can only lose. This is not to say that formal legal complaints are not considered at all. Some are brought to court, although not very often. So far most of the cases have been settled out of court.

The lesson that it is better not to formally punish journalists was learned after an infamous case involving a newspaper editor who was accused of publishing a story about corruption, without having reliable proof. He was about to be taken to prison when the sentence was abruptly cancelled in response to pressure from the media. Instead of suing, the people in power (be they either a politician or a businessman, which in the Armenian context are two closely connected occupations) now tend to use different, more informal techniques of self-defense. For example, the simplest way would be to pay the offending editor to withdraw or stop the story. Alternatively, they might pay another newspaper to publish a story against the author of the story, against the editor of his newspaper, or against the sponsor of the newspaper.

None of the editors, proprietors, or senior journalists that I spoke to were concerned about the law, either in relation to libel or any other aspect of running a media business. None of them felt personally threatened by it. I was told by all the leaders that the law does not matter in itself, and that it does not have a significant effect on the “rules of the real game.” The law, they said, cannot work unless there is a private interest in making it work. In a situation in which the law is used, it does not matter because the law can always be adjusted to fit the case at hand.<sup>30</sup> One of my respondents commented: “Law does not matter. I know the rules of the game that do matter, and I am playing by the rules.” I confronted him with the argument that those rules are wholly dependant on the existing power structure—which can change, and certainly will change, in due time. When that happens, he might find himself out of “the game.” To my questions “Don’t you want to be protected by law at the time of a regime change? Don’t you want to have a more reliable, stable, and lasting protection for the future?” his answer was “If the rules change, then I will start to play by the new rules. Why should I bother with law now?”<sup>31</sup>

It is fair to conclude that an overview of the legal framework surrounding the Armenian media shows that on paper, at least, things appear to be entirely satisfactory. Furthermore, the law-making process in Armenia is vigorous, and it is likely to continue to improve the laws relating to the media. If so, there is a prospect of constructing an advanced legal environment—on paper. The difficulties occur with that key phrase, “on paper.” In practice, the law cannot be relied on to be the driver of any move toward democracy, because it is little regarded and little used within the larger context of Armenian legal culture, as is also the

case in other post-Soviet societies. In the former Soviet Union, neither private life nor business life operate on the principles of the rule of law. Most people do not consider law to be an unqualified social good, and do not make any effort to make the legal institution work. In these circumstances, the quality of the law is not sufficient enough to support the development of the media, and it is difficult to see how the media could ever assume a prominent role in promoting democracy.

### Conclusion

Democratic reforms and the introduction of market forces have brought massive changes to the media in post-Soviet Armenia. Numerous competing sources of news and entertainment have become available, but they are not trusted. Therefore, members of the public can be confident that there is no information vacuum. By searching through the various news sources, an assiduous person can successfully put together the real picture of any event.

There are also some noticeable tendencies within the industry that look encouraging for its democratic development. The process of institution building is moving forward, and new organizations designed to support the media are being built. Already, there are twelve NGOs that work effectively. These NGOs are implementing training programs, providing links with Western communities for reporters and producers, channelling professional norms to younger staff, and spreading the understanding of advanced management techniques.

There is also some evidence that the media industry is beginning to realize the importance and value of its self-interest and common identity as an industry. There have been several occasions, only a few of them, on which spontaneous action was undertaken collectively by the media leadership to meet the shared needs of the whole profession and its institutions. One of these occurred in the late 1990s, when a group of newspaper managers acted together in their common commercial interest. The plan was to create a publishing house that would print and distribute all their papers, functioning under the umbrella of the Association of Editors. All the major newspapers, regardless of political orientation, came to an agreement that established an NGO. They went on to elect a president and even agreed on how they would run the new Press Publishing House if a grant to build it and equip it could be secured. In a society with no tradition of media self-regulation, this was a considerable step forward. Unfortunately the money was never awarded, and that failure caused the united editorial front to fall apart.

Another example occurred in 2002, when reporting organizations came together in a successful exercise to resist the imposition of a new, sharply restrictive media law that would have created a body of official overseers for the news industry, issuing and revoking not just licenses to publish in general, but also specific permits for individual stories and even photographs. In response to the fierce collective protests, the draft was rejected in Parliament, and representatives from the media were invited to take part in drafting a new law.

As of now, it does not seem likely that these examples of institutional maturity can be regarded as normal. They might indicate a desire for a genuinely democratic transformation of the media, but at the same time, it is evident that there

are still many obstacles to realizing that goal. When the process of transition across all of society is taken into account, it becomes clear that neither private ownership and competition nor the existence of a legal framework that is mostly liberal is sufficient enough to create a media that can become a major player in the democratic transformation of post-Soviet societies. The media's place in society, and the role that it can play there, are dependent on other factors. These include established and slow-changing norms, values, the meanings that people attach to the media, the self-identity of the media community, and more important, the overarching political and legal culture of society. Despite the fact that it has been freed from state control, the media has not taken up the social role that external developers foresaw for it in the optimistic 1990s: a guarantor for government accountability, the day-by-day facilitator of popular control of the government, and the task of being an ever-alert and persistent agency for the transmission of queries, complaints, and suggestions to all the major public and private institutions, from multinational firms to the judiciary. "Transition" remains the appropriate term to describe the current condition of Armenia.

### NOTES

1. On the rule of law and democracy, see Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford: Clarendon Press, 1979); on the case when the freedom of the media is not translated into responsibility, see Y. Zassoursky, "Freedom and Responsibility in the Russian Media" in *Russian Media Law and Policy in the Yeltsin Decade*, ed. Monroe E. Price, Andrei Richter, and Peter K. Yu (The Hague: Kluwer Law International, 2002).

2. For an optimistic account of the media's contribution to the process of political changes and to fostering rule of law development in several countries, including Hungary and Russia, see Jose Maria Maravall and A. Przeworski, eds. *Democracy and the Rule of Law* (Cambridge: Cambridge University Press, 2003).

3. Hedwig de Smaele, "In the Name of Democracy: The Paradox of Democracy and Press Freedom in Post-Communist Russia" (a paper presented at the ECPR Workshop on Political Communication, the Mass Media, and the Consolidation of Democracy, Turin, Italy, March 22–27, 2002).

4. This observation does not apply to countries such as Uzbekistan and Turkmenistan, where political dictatorship has taken open and extreme forms. This article is about the group of post-Soviet countries that can be defined as "authoritarian democracies." See Richard Sakwa, "Russian Political Evolution: a Structural Approach" in *Rethinking the Soviet Collapse: Sovietology, the Death of Communication and the New Russia*, ed. Michael Cox, 181–201 (London: Pinter, 1998); or as "guided democracies," see Archie Brown, "From Democratization to 'Guided Democracy,'" in *Democracy after Communism*, ed. Larry Diamond and Marc F. Plattner, 209–16 (Baltimore: Johns Hopkins University Press, 2002).

5. I have collected data from 2002 to 2005 for the Washington, D.C.-based InterMedia Research Institute on the public consumption of media output in Armenia. Over those three years, the study has built up a total of 32 focus groups, which are composed of 224 participants, drawn from all parts of Armenia. I also draw on the findings of a separate research project conducted on the attitudes, values, and behaviors of the Armenian media elite in 2004. This work was carried out for the Soros Foundation, using in-depth interviews with editors, publishers, company lawyers, and others in an attempt to gain insights into how post-Soviet industry works in practice and to identify the norms, formal and informal, that constitute the fabric of the relationships within the media industry as a whole and also between it and

the rest of the society. Finally, I use survey data on democratization in Armenia collected in Yerevan in 1995 in cooperation with Jonathan Aves of the University of Sussex, UK.

6. Government figures suggest a population of 3,002,594, based on the results of the 2001 census. See the Web site of the National Statistical Service of the Republic of Armenia (<http://docs.armstat.am/census/eng.php>). However, virtually all independent observers agree that this figure is seriously misleading because the rate of emigration since 1992, mainly to Russia but also to many other parts of the world, is much higher than what is officially recorded.

7. It is not possible to obtain the precise number of print outlets in Armenia because there is no formal requirement for their registration in the Armenian Media Law.

8. The Armenian state owns only 20 percent of the media. See Simeon Djankov, Caralee McLiesh, Tatiana Nenova, and Andrei Schleifer, "Who Owns the Media?" in *Journal of Law and Economics* 46 (2003): 341–82.

9. The English language used for the CNN transmissions is comprehensible to only a handful of viewers.

10. On the importance of popular discourses for democratization, see John S. Dryzek and Leslie T. Holmes, *Post-Communist Democratization: Political Discourses across Thirteen Countries* (Cambridge: Cambridge University Press, 2004).

11. On the pattern of media consumption see the report by Marina Kurkchian, "Focus Groups with Current and Potential Listeners to the Armenian Service of Radio Liberty" (Washington, DC: InterMedia Research Institute, 2004).

12. Participant in a focus group discussion, male, 44 years old. Yerevan, March 2004.

13. This contrasts with countries in which democracy is highly developed, where, according to some authors, the media have such a strong standing that they are transforming traditional party democracy into "media democracy" in which it is the media that dominate the scene while politicians are pushed into a subordinate position. See Thomas Mayer and Lew Hinchman, *Media Democracy: How the Media Colonize Politics* (Cambridge: Polity Press, 2002).

14. Interview with the editor of a major newspaper. Yerevan, March 2004.

15. Quote from a focus group discussion, female, 37 years old. Yerevan, November 2004.

16. Participant in a focus group, male, 40 years old. Yerevan, November 2004.

17. The issue of institutional continuity in the post-Soviet media is developed by Marina Kurkchian in "Researching Institutional Transplant as a Way of Learning about Legal Culture" (submitted to *Law and Society Review* December 11, 2005). On the unique post-Bolshevik culture in politics and in the media see Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World* (New Haven: Yale University Press, 2005).

18. On political development in post-Soviet Armenia, see E. Herzig, "Politics in Independent Armenia" in *The Armenians: Past and Present in the Making of National Identity*, ed. Edmund Herzig and Marina Kurkchian, 166–80 (London: Routledge Curzon, 2005).

19. For example, see Mark Grigorian, "Media and Democracy in Armenia" in *The Armenians: Past and Present in the Making of National Identity*, ed. Edmund Herzig and Marina Kurkchian, 180–95 (London: Routledge Curzon, 2005).

20. Data were compiled from a survey carried out in Yerevan in August 1995, using a representative sample of 1,000 respondents, by the author and Jonathan Aves of the University of Sussex.

21. Yasha Lange, *Media in the CIS: A Study of the Political, Legislative and Socio-Economic Framework* (Dusseldorf: European Institute for the Media, 1997).

22. Yerevan Press Club, *Report on Monitoring Results of the Armenian Media Coverage of Campaigning for the Republic of Armenia Presidential Election in 2003* (Yerevan: Yerevan Press Club, 2003), 22.

23. Two newspapers do claim to be fully self-supporting. It is possible that one of them, *Iravunk*, might be, but it seems unlikely. There is no way to monitor the real accounts of the newspapers.

24. From an interview with a manager of a TV company. Yerevan, March 2004.
25. The respondent was an independent commentator who does media consultancy. Yerevan, April 2005.
26. From an interview with the editor of a major newspaper. Yerevan, March 2004.
27. There is plenty of evidence that the propaganda function of the media, taken for granted by nearly everyone in Soviet times, has never disappeared in the CIS. See Ivan Zassoursky, *Media and Power in Post-Soviet Russia* (London: M. E. Sharpe, 2002).
28. IREX, "The Development of Sustainable Independent Media in Europe and Eurasia" in *Media Sustainability Index 2004*, 119 (Washington, DC, 2004). The Web site is <http://www.irex.org/msi/>.
29. These include major laws: "On Advertising" adopted on March 30, 1996, and amended in 2001 and 2003; "On Television and Radio Broadcasts" adopted on October 9, 2000, amended in 2001 and 2003; "On Freedom of Information" adopted on December 13, 2003; and "On Mass Dissemination of Information" adopted on December 13, 2003. Texts of the legislation of the Republic of Armenia that relate to the media are available on the Web site of *Internews*, <http://www.internews.am/legislation/index.asp>.
30. On the post-Soviet legal culture, with its distinctively instrumental approach to law, see Marina Kurkchian, "The Illegitimacy of Law in Post-Soviet Societies" in *Law and Informal Practices: The Post-Communist Experience*, ed. Denis J. Galligan and Marina Kurkchian, 25–46 (Oxford: Oxford University Press, 2005).
31. From an interview with the manager of a radio station. Yerevan, March 2005.