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**THE ROMANIAN PRESS AND ITS PARTY-STATE RELATIONSHIP: A STUDY
OF THE 1974/1977 PRESS LAWS**

The University of Iowa

PH.D. 1984

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THE ROMANIAN PRESS AND ITS PARTY-STATE RELATIONSHIP:
A STUDY OF THE 1974/1977 PRESS LAWS

by

Peter Gross

A thesis submitted in partial fulfillment of the
requirements for the Doctor of Philosophy
degree in Mass Communications in the
Graduate College of The
University of Iowa

December 1984

Thesis supervisor: Professor Hanno Hardt

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CERTIFICATE OF APPROVAL

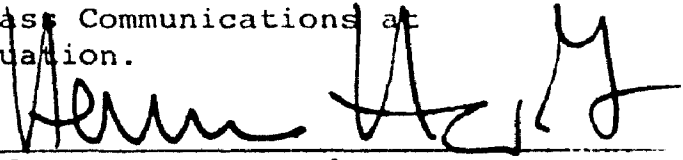
PH.D. THESIS

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Philosophy degree in Mass Communications at
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SECTION I

1. Introduction

The study of communist press systems, their organization, structure, functions and governing laws, has been primarily confined to the examination of the Soviet system and only secondarily to that of other communist nations.

There have been several studies of the Polish, Czechoslovak, Hungarian, Yugoslav, East German and Chinese press systems. [1] Yet one communist country which has undergone a drastic political re-orientation since 1964 has been largely ignored by communication scholars: The Socialist Republic of Romania (SRR).

Romania gained world attention in the last 20 years as a maverick nation which presented to the world three principal characteristics: (1) dogmatic and near-Stalinist domestic policies in an era in which the USSR de-Stalinized itself and demanded that this course be emulated by the other Eastern European communist nations; (2) repeated refusal to bow to the Council for Mutual Economic Assistance (Comecon) and the Warsaw Pact's pressures to adhere to the functions and responsibilities assigned that nation in these organizations by Moscow, and (3) its overall foreign policy which was and is non-conformist to Soviet dictates and the general Soviet foreign policy line pursued by the other East European communist states.

In fact, not since the Yugoslavs broke with the Soviet Union in the late 1940s has there been a communist nation in that region willing to set its own, distinctive course in foreign policy and economic affairs. (Developments in Hungary and attempted changes in Poland within the realm of their respective economic, and to some extent their political affairs, are clear exceptions to this rule.)

Within the last 10 years there has also been a development in the relationship between state and party in Romania which is unique among socialist states. Specifically, in recent years, as noted by Fischer, Nelson, Cismarescu and others, there has been a de facto merging of party and state functions.[2] According to Cismarescu,[3]

The very nature of the communist party and of its relationship to the state within society, may undergo a transformation. Some of the prerogatives of the state apparatus could be shifted to party-state bodies or to public organizations...It has been asserted that the double-nature organs would represent 'a prototype of organs belonging to the future.'

The Romanian nation is evolving conditional to its historical setting, national aspirations, and the character of the indigenous interpretation of Marxism-Leninism. Romania's press system has been an important part of this changing environment.

A nation's press system reflects, in general, its economic, social, political and even historical and geographic condition, and Sarkar suggests that,[4]

If we don't understand the way the media work, we don't understand the political system. Equally, if we don't understand the political system we cannot understand the media.

The determinants of a press system flow out of one primary source: a nation's political ideology which also dictates extensively its socio-economic conditions.

The political ideology defines not only the economic-financial links between the state and the press, but may also prescribe the level of political and administrative control the state has over the press system and the roles and functions assigned a press system by that society, including its degree of freedom.

Merrill points out that the press could not survive if its philosophy was not compatible with the society in which it operates. It must reflect the political philosophy of the society in which it functions.[5] As a product of the political and social culture it resides in, the press must conform to the standards demanded by society.[6]

This dissertation examines the press laws, one facet of the Romanian politico-ideological system, to present one definition of the role(s) and freedoms of the press in

Romanian society. It also examines the relationship between the press, party and state, in light of the changing relationship between the latter two.

The "press" in Romania includes the print media, radio and television, and the Romanian national news agency, Agerpres. All are guided by the new press law (Art. 5 and Art. 21), yet radio and television, and Agerpres, also operate under the stipulations and directions outlined in decrees specifically dictating their organization and functions.

The main focus of this dissertation is the print media. It is the "press" most affected by the press law which directly addresses its organization, functions and obligations. And the print media are still the most developed and important ones despite the rapid rise of radio and television in the last 10 years.[7]

Print media, radio and television are controlled by organs of dual nature, by the Council of Socialist Education and Culture, and by the National Council on Radio and Television, respectively.[8] Agerpres is itself an organ of dual nature controlled directly by the Central Committee of the RCP and by the Council of Ministers.[9]

Why choose the Romanian press laws as the primary source for this study?

Law serves as an indicator of change and communist law is not monolithic in nature.[10] Romania's press law, therefore, specifically serves as a gauge of the Romanian system. It officially defines the communist press system and the Marxist-Leninist interpretation of its roles, functions, status and freedoms in Romanian society.

Romania is today a communist nation. As such, the political elites adhere to a set of beliefs and values based upon Marxism-Leninism. It is Marxist-Leninist philosophy which defines the economic foundation and the relations of production in Romania and, therefore, its politico-social system. As part of this system, the Romanian mass media are assigned specific functions in accordance with Marxism-Leninism.

These functions were defined as the raison d'etre of the Romanian press by the 11th Congress of the Romanian Communist Party (RCP) which in 1975 reiterated that,[11]

The press, radio and television play a very important role in our ideological-political-educational activities. They must firmly and permanently promote the party's outlook on life and the world; they must firmly combat outlooks which are foreign, idealistic and backward; they must disseminate knowledge about nature and society; they must consistently militate for the carrying-out of the party's and state's external and internal policies and they must contribute to the unity of effort on the part of the great, popular masses in realizing the multilateral development of the country.

The functions and duties of the Romanian press, as well as its organization and structure, are defined by law which is determined almost exclusively by its political and social functions. Under Marxist theory, founded on doctrines of dialectical and historical materialism, the law, as well as the state, are part of the superstructure which reflects the economic system serving as its foundation.

The substance and consequences of the constitution and laws are dependent upon who interprets and gives shape to such documents.[12] In the Romanian case, the RCP with its basic Marxist-Leninist orientation gives Romanian laws their substance and definitions.

Essentially, as Nelson notes, constitutions and administrative laws provide a "framework," not necessarily for popular participation, but ones that function as "an instrument of penetration for the party's efforts to mobilize the populace." [13]

In his book, The Soviet Bloc, Brzezinski writes that, [14]

To a communist, a constitution is not an intricate legal arrangement organizing and limiting power and expressing certain societal norms. Rather it is a reflection of existing reality and a means of furthering the transformation of society. It is both passive and active, meaningful only within its own historical phase, and can be altered when circumstances dictate.

The constitution, as well as socialist law and the state, serves the infrastructure which is defined politically, socially and economically by the communist party.

The doctrine of separation of powers is not applied in the SRR and, therefore, state, party and law are inextricably linked with one another. While this linkage persists, its form in the SRR during the last 10 years, as was already mentioned, has changed.

The prevailing Marxist-Leninist conception that while the party is supreme, the state and its organs, at least theoretically, have their own separate competence and specific attributes, has been altered in Romania.

Specifically, this dissertation addresses the following questions:

1. How does the new state-party relationship define the relationship between press, state and party?
2. How does the press law reflect this changed relationship?
3. What does the Romanian press law tell us about the contemporary Romanian press?

The findings of this study are analyzed in light of existing theories of communist press systems, and Marxist-Leninist philosophy as interpreted by the Romanian leadership.

Their contributions to existing press theories are also examined.

The answers to these questions offer not only an insight into the contemporary Romanian press, but also add to our understanding of the Romanian press system not hitherto explored.

Furthermore, this study contributes to the scholarship in Eastern European studies. It outlines a historical process in state-party relationships out of which evolved a particular legal and theoretical position. It adds to our understanding of a communist theory of the press that takes into account the pluralism among communist bloc nations regarding the role and function of the press and, within these, the press' freedoms.

2. Rationale

Western understanding of the communist press has for years been based on the model outlined by Schramm, Buzek, Kruglak, Kecskemeti and others.[15]

The communist press was presented as a monolithic system. It was conceived, they argued, as an instrument by which communist doctrine was to be interpreted and it was to "carry out policies of the working class (now in control) or the militant party." [16] Thus, the communist press developed

as an integral part of the state, i.e., the regime in power. There was no separate theory of state and mass communication. The party had complete control over the press whose means of production were owned by the "people." Buzek writes about, [17]

...a continuous direction and supervision of the press in the most detailed way, and the issuing of long- and short-term, even daily instructions.

And, Schramm explains that, [18]

There is no place in the Soviet concept for the idea of the press as a clear and independent mirror of events...Soviet mass communication do not have integrity of their own. Their integrity, such as it is, is that of the state. They are kept instruments and they follow nimbly the gyrations of the party line and state directives.

The press in a communist society, according to Schramm's Soviet communist theory of the press, is to serve as agitators and propagandists. Objective, accurate and comprehensive news coverage/reporting was replaced by partisanship. News meant interpreting social processes/phenomena in light of Marxism-Leninism, party policy and from the class viewpoint.

The character of communist press system was to be ideological, class conscious, partisan and militant in nature. Freedom of the press was to be interpreted in a negative way, i.e., there cannot be freedom to question the

state, the party or the Marxist-Leninist orientation of society. The responsibility of the communist press lies with Marxism-Leninism, that is, with the party. According to Prokhorov, [19]

From the Marxist point of view, freedom means the possibility of action within the framework of a realized necessity.

Studies of various communist press systems in the 1950s and 1960s supported these theories of a monolithic communist press. [20] The Soviet Union, it was argued, dictated by example the make-up, character and essence of the press in the communist nations. Kruglak, for example, writes that, [21]

The political anchoring of the satellite countries to the USSR was accompanied by increasing reliance of the national news agencies on TASS. The Conference of News Agencies of the People's Democracies in 1950 affirmed this relationship.

A brief overview of the Romanian press in the late 1940s, 1950s and early 1960s, culled from the few studies conducted during those years, confirms these theories of the communist press.

The installation of the Petru Groza government in 1947 brought with it the re-establishment of the Ministry of Propaganda (abolished in 1944). [22] A Press Directorate was set up within the ministry and assigned "the function of

conducting and coordinating all work connected with the domestic and foreign press." [23]

All non-communist mass media were terminated or taken over by the communist party and controlled through the Ministry of Propaganda and the Press, Information, Agitation and Propaganda section of the Central Committee and Political Bureau of the RCP. Ultimately, the control of the Romanian press rested with the Council of Ministers. [24]

The Central Committee of the Romanian Worker's Party (the predecessor of the RCP) in Decisions issued in March 1951 said of the press, [25]

Following the example of the Bolshevik press, editorial offices must see to it that all material appearing in print, from the editorial articles down to the last information item, be penetrated with the high principles and spirit of the party.

The Romanian press was made an instrumentality of propaganda and agitation. Partisanship was the hallmark of the Romanian press.

Throughout the 1940s, 1950s and the early 1960s, the Romanian press exhibited the organizational, functional and structural traits of the communist press as described by Buzek. [26]

By the second half of the 1960s, students of the communist bloc began noting assertions of independence from

Moscow, particularly on the part of China, Albania and Romania, which shattered the unity of the Soviet bloc. One major challenge to Soviet dominance involved Romania which issued its "declaration of independence" in April 1964.[27]

The fundamental principles governing economic and political relations between communist states, according to the Romanian Statement was henceforth to be the right of all nations to determine their national destiny on the basis of the interests of their people regardless of their political system. Fischer-Galati writes that the Romanian declaration was,[28]

...a principal force of disintegration of the Soviet bloc, of the unity of the international 'socialist movement' and the socialist camp as a whole.

The sameness of the communist press systems also began to disappear. In Romania, the re-orientation of policies and the desatellization process brought about a change in political socialization themes. This change had a notable effect upon the press as shown by the observations made by foreign scholars in that period. Fein and Bonnell, for example, wrote in 1965 that,[29]

Today's press and radio (in Romania) show somewhat greater objectivity and more balanced news reporting than in the past.

Commercial advertising re-appeared in the Romanian press (since 1947 there had been no commercial advertising) and restrictions on press and radio contact with the West were eased. [30]

The Romanian national news agency, Agerpres, exercises control over the distribution of all foreign news. It is the sole Romanian repository and gatekeeper for foreign news flow into Romania. Hence, the quality of such news is directly dependent upon it and its sources, the international news agencies. Gaspard wrote in IPI Review in 1965, [31]

In this field (foreign news) visible progress has been made. The efforts of the Romanian government towards independence have been translated by the press agency into an effort towards objectivity.

Most Romanian newspapers in the late 1960s began reproducing articles from foreign newspapers either in their entirety or in excerpts. The receptivity towards the West and the eclipse of Soviet influence, which before 1964 was all-embracing, became most obvious in Agerpres' choice of major foreign news sources. Instead of TASS (which supplied well over 75 percent of Agerpres' foreign news before 1964), Agence-France Presse became the major source of foreign reports for Agerpres. [32]

The Romanian press was not the only one to undergo changes in the 1960s. Studies by Hopkins, Markham, and

Hollander on the Soviet press, Yu and Liu on China, Pool on Czechoslovakia, Robinson on Yugoslavia and Sicinski on Poland presented images of communist press systems that noted similarities and differences among them.[33]

Scholars, in general, questioned whether the old approaches to the study of foreign press systems were valid in an ever-changing world. In the realm of Eastern European studies, Robinson presented a new approach to the study of the evolution of the Yugoslav press from dogmatic, Soviet style communism to Titoism.[34]

Robinson questioned the validity of the Siebert, Peterson and Schramm typology in studies of other systems and applied communication theory (a symbolic and dialectical theory of communication) to the study of the Yugoslav press in its historic and political setting. She writes that,[35]

Investigations of the Eastern European mass media have...suffered from the influence of 'totalitarian' theory, which viewed them primarily as a political instrument. Such an outlook overstressed the organizational mingling between party and information hierarchies as well as the propagandistic and social control functions of the Leninist press. It also tended to downgrade the importance of geographic, social and historical differences in explaining media structure and content.

This dissertation also tests the totalitarian theory of the press and contributes to the literature which suggests that as each nation in the communist bloc establishes its

particular socialist system they create their own conditions for their particular press system.

It also contributes to the literature covering press systems in particular cultures and environments which the systems themselves helped establish and now help maintain.

Finally, given the lack of any contemporary studies dealing with the Romanian press, this dissertation provides a beginning to our task of describing and defining the Romanian press and its underlying theories.

3. Dissertation Outline and Sources

The study is presented in five sections. Section I introduces the general topic and questions to be answered, the underlying rationale for the study, sources and the contributions this study makes to our knowledge of communist press systems and theory, and of the Romanian press in particular.

Section II presents a critical review of selected works on (a) the Romanian press and press laws; (b) the Romanian politico-social and juridical system; and (c) Marxist-Leninist social, political, juridical and press philosophy and theory.

Section III presents the socio-political and legal environment within which the press functions and to which it

contributes. This section contains a general presentation of the philosophical and theoretical underpinnings of Marxist-Leninist conceptions of party and state roles, their relationship, of law and its role in a Marxist-Leninist society. It presents the Romanian interpretation of law in a Marxist-Leninist society and the role and function of the Romanian state and the RCP, as well as the evolution of their relationship in the last 10 years.

Section IV examines the 1974/1977 law governing the Romanian press with particular attention paid to the press' relationship to state and party, freedom of the press, press roles and functions, structure and organization. It also offers a short historical background to the Romanian press.

Section V contains a summary and discussion of the findings. It also presents a discussion of the contributions the findings make to our understanding of the Romanian case and that of our existing theories and knowledge of communist press systems.

Sources for this dissertation include the Romanian constitutions since 1947; Romanian press laws of 1974 and their revised version of 1977; the Romanian law journal, Revista Română de Drept (1973-1981); the journal of the Romanian Union of Journalists, Presa Noastră (1973-1981);

the RCP's newspaper, Scînteia (1973-1981); other magazines in the political and social field; and books and articles by Eastern European, specifically Romanian, and Western authors on the subjects outlined as a guide for the literature review.

These sources are available at the Library of Congress and at the libraries of the University of Chicago, University of Michigan, University of Pittsburgh, UCLA, University of Illinois, The University of Iowa, the Osteuropa Institute, Bern, Switzerland, and in Munich, W. Germany.

Some materials published by the Romanian journalism school at the Stefan Gheorghiu Academy, as well as other Romanian books and articles, were obtained during research in Bucharest, Romania, in the fall of 1979. The three-week trip was, in part, sponsored by the Kaltenborn Foundation.

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SECTION II

1. Introduction

Romania has received scant attention from scholars when compared to other Eastern European communist nations such as Poland, Yugoslavia, and Hungary. This is due to the difficulties encountered in carrying out research in this communist country and to the general disregard for Romania's importance and uniqueness among the six Eastern European communist nations in the academic community. Only after the 1964 re-orientation did Romania attract the attention of some Western scholars and then only because of its maverick foreign policy and extensive buying sprees in the West.

This section provides a brief overview of the most important literature which has contributed to the elucidation and description of the many facets of the dissertation topic.

The Romanian sources are, of course, written from a Marxist-Leninist perspective, more precisely from the Romanian interpretation of this ideology. Western sources are no more critical in nature but examine the many facets of Romania from a non-Marxist-Leninist point of view and, with few exceptions, rely on insights which were gained from observing Romanian society from the outside.

This review is divided into three parts, dealing with literature on (A) the Romanian press and press law; (B) the

Romanian politico-social, state, party and juridical system, and (C) the Marxist-Leninist theories and philosophies of state, party, law and press.

2. Review of Literature on the Romanian Press and Press Law

The Romanian press (print media), its pre-communist and communist history, its evolution and contemporary forms, has been the focus of few studies. The literature search revealed a painfully obvious shortage of comprehensive works, descriptive, critical and theoretical, on the Romanian press in its various phases of evolution. The sources which were discovered add to our knowledge of the Romanian press, and perhaps more importantly to our understanding of the knowledge gained from the examination of the 1974/1977 press laws.

Only two works, both Romanian, attempt to piece together a comprehensive picture of Romanian press history: Nicolae Iorga's Istoria presei românești[1] and Constantin Antip's Istoria presei române. [2]

Iorga's book was published in 1922 and, therefore, does not include descriptions and analysis of some salient changes which the press underwent in the turbulent years before World War II and, finally, the death of the Romanian pre-communist press and the birth of a new Marxist-Leninist press system. His work does, however, provide a glimpse of the Romanian

press' beginnings in the 18th century, it includes a well rounded and critical look at the press during the closing years of the 19th century and in the first 22 years of this century.

Nicolae Iorga was one of the most influential figures in contemporary Romanian history. As a scholar and professor of history at the University of Bucharest, and as a journalist and political leader, he was one of the giants of Romanian intellectual and political life in the late 1800s and early 1900s.

Constantin Antip, the author of Istoria presei române, is an academician and member of the RCP, and his book reflects in its analysis and descriptions of Romania's press history the Marxist-Leninist orientation of the author.

Antip's work is complete and well documented, covering the evolution of the Romanian press from its beginnings in the 1700s to the communist phase which began in 1947. Unlike Iorga's work, it more fully deals with the minority German-, Hungarian- and Slavic-language press which has always been an important and ever-present fixture in Romanian press history.

Istoria presei române also deals briefly with the socialist and communist press in Romania but ends its coverage of this phase with the establishment of the communist press

in the late 1940s.

Iorga's and Antip's works are augmented by others whose focus was less encompassing and more specific to particular time-spans in the history of the Romanian press and/or to particular newspapers and magazines.

Romanian pre-communist press history is the focus of Dan Simonescu's Din istoria presei românești[3], published in 1931. It gives us glimpses into periods of Romanian press history with anecdotes and descriptions of papers and journalists.

Jean Georgesco examines the periodical press in Romania in the 1920s in his La Presse Periodique En Roumanie[4]; Georg Ivascu's work, Reflector peste timp. Din istoria reportajului românesc, 1829-1865[5], focuses on the 37 years during which the Romanian press was firmly established in Romanian social and political culture. It was the period in which the first press law was enacted in 1862, thereafter serving as the basis and model for subsequent press laws; I. Ionescu-Dolj concentrates on the Romanian press and its regime between 1859 and 1914[6]; Nicolae Deleanu [7] supplements Ivascu's work, concentrating his attention on the very first Romanian newspapers, as do N. Hodos and Al. Sadi Ionescu in their Publicațiunile periodice românești. [8]

Additions to our knowledge of the minority press in Romania are made by Elena Dunăreanu and Mircea Avram in their Presa Sibiiană în limba Germană (1778-1970).[9] This work is comprehensive in its coverage of the German-language press, but only in one particular region of the country.[10]

More encompassing is the work of Eduard Eisenbürger and Michael Kroner, published in 1977, which looks at all German-language political journalism in Romania.[11]

A brief history of the Hungarian-language press in Romania is offered by Kristof Gyorgy in Az Erdélyi magyar vidéki hirlapirodelom története a kiegyezésig. [12]

Finally, the pre-communist history of the Romanian press is further amplified by the work of A. Castriș and Constantin Grauer.[13] Both authors focus on the subject of press freedom in Romania from a philosophical, political and legal perspective in their respective works which share the same title, Libertatea Presei.

Although other Romanian works on press history are available, the ones mentioned are the most useful to this study as they weave the colorful, if brief, tapestry of Romanian press history.

The Romanian press changed drastically after the 1947 communist takeover. The communist press is described in several Romanian as well as Western sources.

The Romanian socialist and communist press from its early beginnings in the 1900s to present is explicated in several works of both descriptive and philosophical/theoretical nature. One of the most comprehensive examples is Presa Muncitorească și Socialistă din România, [14] vol. I (1865-1900), vol. II (1900-1916), vol III (1917-1934).

This work pieces together the history of the socialist and workers press in Romania from 1865 to 1934. Much of it is an attempt to equate the democratic socialist press and those of workers unions, peasant parties and left leaning academic associations to the communist movement.

Popescu-Puturi's three-volume work provides us with a glimpse of the varied, diverse and lively press system found in Romania in the period from the unification of the Romanian regions to the establishment of fascism in Romania in the 1930s.

Descriptive and analytical Western works on the Romanian press in the 1947 to 1960s period are virtually non-existent. The very shallow and limited descriptions and analysis of the press in that period offered by Romulus Boila in "Press and Radio (in Romania)," [15] and Kenneth Olson in The History Makers, [16] are insufficient for a full view and understanding of the Romanian communist press in the first 15 to 16 years after its official establishment in 1947.

So, indeed, is the 1959 IPI Review article "Romania: The Press in Authoritarian Countries;"[17] J. Sylla, "The Periodical Press in Rumania,"[18] a 1961 Gazette article; "Presse und Journalismus in Rumänien und der Tschechoslowakai,"[19] and a U.S. Department of State report, Romania. Expression, Press and Publication.[20]

Descriptions of the directions and forms of Romania's press in the 1964-to-present period are, if not abundant, at least available in limited numbers and quality. Most of these works came out of the early 1960s and thus concentrate on the immediate pre- and post-1964 period when the Romanian communist system re-oriented itself politically and ideologically.

J. Rauch in his 1961 work, "Die Presse der volksdemokratischen Balkanländer - Rumänien." [21] gives an overview of the Romanian press just 3 years before it was to undergo some drastic changes. The most dramatic of these changes were recorded in 1965 by Leonard Fein and Victoria E. Bonnell in "Press and Radio in Romania: Some Recent Developments," [22] and Armand Gaspard, in "Rumania - Advertisements and a move to objectivity." [23]

But, these were limited studies relying on observations made over short time-periods by authors whose access to the

inner workings of the Romanian press was curtailed by Romanian authorities.

Additional information on the Romanian press in the early 1960s was provided by Richard Fagan in "Mass Media Growth: A Comparison of Communist Countries," [24] which shows the growth of the Romanian press in terms of number of publications and readership.

The works listed above provide a glimpse of how the Romanian press has changed its facade in light of the 1964 political re-orientation in Romania.

More recent works describing and analyzing the Romanian press, from both a Western and Romanian perspective, allow for a better recording of Romanian press history. And, for an understanding of the context in which the 1974/1977 press law can be analyzed and understood.

The works of Anneli Ute Gabanyi and Paul Lendvai stand out from among the few recent ones that examine the Romanian press. Gabanyi in "Das Zensursystem in Rumänien," [25] and "Die Zensur in Rumänien - nicht abgeschafft, sondern verstärkt," [26] focus on censorship and the press law's effects on informal and formal curtailment of free speech and free press.

Lendvai's book, The Bureaucracy of Truth - How Communist Governments Manage the News, [27] is a comprehensive work which looks at the workings of the Eastern European communist press systems, and that of China, and provides many insights into the Romanian system. Lendvai is a journalist who lived and worked in Hungary until 1957 when he settled in the West.

And, finally, Sepp Horlamus in Mass Media in CMEA Countries, [28] offers brief overviews of the print and electronic media in the Eastern European communist countries including Romania. Horlamus' work is detailed in its description of the makeup of the Romanian mass media.

Romanian authors provide a Romanian communist perspective on the working and roles of the press in society and, therefore, present an avenue for understanding not only the Romanian interpretation of Marxist-Leninist press philosophy but also of the application of these interpretation.

Henri Dona in "Presa și Societatea" [29] looks at the relationship of the press to a communist society; D. Mîndroiu focuses on the attributes of communist journalism in "Atribute majore ale ziaristicii comuniste;" [30] Vasile Potop [31] examines how the press contributes to political and ideological education in communist Romania and

the Marxist-Leninist justifications for this very important role the press plays in a socialist society. Potop's work is augmented by Nestor Igant whose "Considerații despre rolul presei în educația comunistă,"[32] deals with the same subject; Victoria Iliescu in "Rolul presei în formarea personalității umane"[33] looks at the specific role the press has in a communist society in shaping the personality of communist man; Ion Cumpănașu[34] examines the various political and ideological themes which underline Romanian journalism.

All of these works have a common thread: the usefulness of the press in a socialist society and the need, therefore, to tightly control the press to fulfill its assigned role in society.

The Romanian communist theory of the press is further discernible in a number of works by N. Ceausescu[35] and in Pavel Cămpeanu's Psihosociologia culturii de masă. [36]

In both instances, the authors base their views of the press' role and workings in a socialist society on Marxist-Leninist philosophy. Yet, they give this philosophy two important additions. Other than the traditional roles and functions assigned to the press under a Marxist-Leninist theory, both Ceausescu and Cămpeanu stress the need for the

press to serve as a tool for the multilaterally developing nation and for unifying it, i.e., to serve as a proponent and supporter of the nationalistic sentiments espoused by the current Romanian leadership.

Furthermore, the press' propagandistic and educational functions are fully outlined by Dinu Popescu in "Presa - factor principal de propagandă și educație comunistă a maselor,"[37] as well as by Ion Popescu-Puturi, N. Goldberger, et. al., in Presa comunistă și a organizațiilor de masă create și conduse de Partidul Comunist Român[38], vol. IV. The latter work also clearly explicates the overwhelming role of the party in guiding and controlling the Romanian press and outlines the communist press and the press of mass organizations under the leadership of the RCP.

For a Western analysis and presentation of the communist press in general and its theories, reliance is placed on such works as Paul Keschemeti's "Totalitarian Communication As A Means of Control;"[39] Anthony Buzek's "How the Communist Press Works;"[40] Karl J. Friedrich and Z. Brzezinski's Totalitarian Dictatorship and Autocracy;^[41] Wilbur Schramm's "The Soviet Communist Theory of the Press;"^[42] Ivan Volgyes' Political Socialization in Eastern Europe,^[43] Ithiel De Sola Pool's "Communications in Totalitarian Societies,"^[44]

and Donald R. Shanor's "Press Freedom in the Communist World." [45]

With the exception of Shanor's work, most of the above-mentioned works are dated and describe the communist (socialist) press as monolithic, sharing the same functional and organizational roles based on a uniform interpretation of Marxist-Leninist theory.

While Shanor's 1982 piece, too, shares this predilection for grouping all socialist press systems in Schramm's Soviet theory of the press mold, it fails to examine some of the substantive differences between the various E. European communist press systems brought about in the last 20 years.

Some reference to Romania's press law during the press' short pre-communist history was made in many of the works already mentioned. Salient among them are Antip's and Iorga's works and, even more important, Grauer's Libertatea Presei and Castris' work of the same title.

To a limited extent the first Romanian communist press law enacted in 1974 and amended in 1977 is outlined and examined in two contemporary works. I. Ceterchi's "Legea Presei: Un Document Important politic și juridic" [46] analyzes the new law in terms of its political significance

as well as for its juridical meaning. Ceterchi's description, analysis and conclusion are based upon his Marxist-Leninist perspectives.

Peter Leonhardt takes a Western perspective in his examination of the press law in "Das rumänische Presserecht nach dem Gesetz von 28.3.1974." [47] His analysis focuses on the law's meaning to some of the conceptual components of the Romanian communist press.

Both Ceterchi and Leonhardt provide important analyses on the meaning and importance of the 1974/77 press law.

There are few works which address themselves directly to the Romanian press law in its entirety or even to one of its facets. However, Gabanyi's work is worth mentioning again as is Doru Cosma's "Dreptul de răspuns prin presa," [48] which deals with the specific right of Romanians to use the press to answer charges against them, i.e., the right of reply.

There are no English-language works examining the Romanian press law.

Neither Ceterchi, Leonhardt, Gabanyi nor Cosma examine how the Romanian press laws are actually applied in Romania, how they work and the extent to which they have or have not changed the press and the work of Romanian journalists.

3. Review of Literature on the Romanian Socio-Political, State, Party and Juridical System

The evolution of the Romanian party or state cannot be understood without knowledge of Romania's post-World War II history, Romanian aspirations, challenges, opportunities, constraints, shortcomings and the socio-political and economic policies and Marxist-Leninist interpretations to which they gave birth.

Several works present a succinct picture of Romanian contemporary history in all or some of its facets.

Julian Hale's Ceausescu's Romania, [49] David Floyd's Romania: Russia's Dissident Ally [50] and S. Fischer-Galati's two books, The New Romania [51] and The Socialist Republic of Romania [52] focus on cultural, political, economic and social aspects of Romanian communist history as well as on the domestic and foreign policies since the communist takeover in 1947.

These works lack depth, yet they provide a broad and concise explication of Romania's many-faceted development and the meaning attached to it for Romania, for its communist brethren in the world, for its immediate neighbors and for the West.

More specific in its focus is Aurel Braun's Romanian Foreign Policy. [53] Since 1965 Braun analyzes the evolution

of Romanian foreign policy since the 1964 re-orientation and presents the many factors affecting this policy and the role the nation has played in the communist camp as well as in the world political arena. Braun's book is presently the best source for our understanding of Romania's foreign policy, past and present.

For an analysis of the economic and industrial development in Romania with all its underlying social and political changes, Trond Gilberg's Modernization in Romania Since World War II[54] is the most comprehensive. Gilberg has contributed several other works dealing with political socialization, mobilization and economic development in Romania.[55] Others add to our knowledge of Romania's economic development. Among them is John M. Montias' Economic Development in Communist Romania. [56]

One of the most enlightening works on the ideological re-orientation of Romanian Marxism-Leninism is Kenneth Jowitt's "The Romanian Communist Party and the World Socialist System: A Redefinition in World Politics." [57]

Jowitt's work explicates the philosophical re-interpretation of Marxism-Leninism which continues to distance Romania from the Soviet Union and its more faithful followers in Eastern Europe.

Generally, examinations of Eastern European states also provides valuable insights into Romania's development and its domestic and foreign policies. The most important sources are H. Gordon Skilling, Governments of Communist East Europe[58]; Ghita Ionescu, The Politics of the European Communist States[59]; Z. Brzezinski, The Soviet Bloc[60]; Robert Wolff, The Balkans in Our Time[61] and S. Sinanian, Istvan Deak and Peter Ludtz, Eastern Europe in the 1970s.[62]

All of these works deal more or less with Romania's communist party, the state, their relationship.

Some Western and Romanian works address themselves directly to the Romanian state, the RCP, and their relationship. Generally, however, few Western works deal with this topic and reliance in this study was placed mostly on Romanian sources.

Among the few Western sources, Daniel N. Nelson's article "Organs of state in Romania"[63] is most valuable in providing an understanding of the structure and workings of the Romanian state. Helpful, too, is Robert E. King's "Romania"[64] which succinctly ties together the developments in Romania since 1947.

Additionally, Mary E. Fischer's "Participatory Reforms and Political Development in Romania,"[65] and Jan F. Triska

and Paul M. Cocks' Political Development in Eastern Europe[66], provide a thorough description of the governmental and political development in the Romanian nation with emphasis on the establishment of socialist democracy and changes in policies.

Finally, Traian Ionascu's "Romania: The Constitutional System,"[67] is another English-language work which describes, in a limited and brief way, the four branches of the Romanian state.

An almost unlimited number of Romanian works on the state present a Romanian Marxist-Leninist interpretation and description of the state, its workings, structure, organization, leadership, theory and philosophy, and relationship to the RCP.

Several of these contribute greatly to the understanding of Romania's Marxist-Leninist interpretation of theories and philosophies of state and party.

M. Lepădescu in Sistemul organelor statului in Republica Socialistă Română[68] offers a concise explanation of the state system in Romania and describes the relationship among the many state organs.

Similarly, Tudor Drăganu's "Organele puterii de stat în Republica Socialistă Română"[69] offers a comprehensive look

at the development of these organs and their function within the state and governmental system.

The relationship between the activities of state organs and those of mass and popular organizations is outlined by M. Preda in his work published in 1975.[70]

A major work which explains and analyzes the function of the state in Romanian society and the underlying philosophical and theoretical thinking which guides these functions is Dumitru Mazilu's Funcțiile Statului Socialist. [71] Mazilu's work is theoretical in nature and all-encompassing in its presentation.

Of equal importance to the understanding of the Romanian state and the RCP is Ion Ceterchi and Pavel Suian's Conducerea Politică a Statului[72] and Ion Mitran's three-chapter work, Partid, Stat, Democratie. [73] Both works focus on the role of the party and the state, and provide clear and concise views of the relationship between the two. More importantly, these works also deal with the birth and evolution of Romanian socialist democracy.

The role of the party in Romanian society and in the development and function of both state and law is dictated by Marxism-Leninism as well as by the ruling elites and their interpretation of this ideology. This role and its

growth in the last 15-20 years is explained and theoretically justified in such works as I. Ceterchi's "Rolul partidului comunist Român - forța politică conducătoare a societății noastre - în dezvoltarea statului și dreptului,"[74] which focuses on the party's role in developing the state and law; D. Rodoveanu's "Necesitatea directivă a creșterii rolului conducător al partidului,"[75] in which a Marxist-Leninist justification is given for the need to have party involvement grow in every facet of Romanian life and C. Vlad's "Creșterea rolului conducător al partidului în perfecționarea vieții sociale,"[76] which makes some of the same arguments; E. Nucescu's "Rolul Partidului Comunist Român în crearea și dezvoltarea dreptului socialist,"[77] focuses on the RCP's role in creating and developing law in Romania, and Constantin Mihailă's "Conducerea de către partid a procesului de perfecționare a activității organelor juridice..."[78] which also shows the party's role in the activities of judiciary in Romania.

All of the above-mentioned works deal with the philosophical and theoretical underpinnings of the evolution of Romania's party and state, and their relationship, since Romania's "declaration of independence" in 1964.

While these works are helpful in understanding the

party's specific and general involvement in the state structure and its functions, they do not cover the recent development of organs with dual, state and party, functions.

For an explanation of these new organs, reliance is being placed on the few works which address themselves to the evolution of these organs with dual functions, their juridical basis, and their philosophical underpinnings.

The most important and helpful works are Ion Deleanu's "Organele de partid si de stat;"[79] Ilie Rădulescu's "Împletirea activității de partid și de stat;"[80] Mircea Anghene, "Rolul și însemnătatea organelor de dublă natură, de partid și de stat, în sistemul democrației socialiste;"[81] Ion Busuioc's "Organele cu dublă natură - de partid și de stat;"[82] Tudor Drăganu's "Organele de dubla natură - de partid și de stat - în sistemul democrației socialiste a României,"[83] and Michael Cismărescu's "An Original Legal Experiment in Romania: The Party and State Bodies." [84]

Each work attempts not only to describe the nature of these new organs but also provide a Marxist-Leninist justification and explanation for their birth. None of them, however, provides either a legal or theoretical justification for their existence in Romanian society nor, indeed, a prognostication of the ultimate functional outcome of this molding of state

and party organs. They also fail to explain to what extent this merging of organs will continue and the significance it might have to Marxist-Leninist societies.

Much has been written in Romania about socialist legality, sources of laws, the relationship between politics, the party, the state and law, the educational role of law and the overall evolution of Romanian law.

Since the works selected as sources for this dissertation are all Romanian in origin they, naturally, also add to our understanding of the adaptation of Marxist-Leninist theory and philosophy of state, party and law in Romania.

No Western works on this sub-topic were found, yet this was not considered a shortcoming as this dissertation seeks to analyze Romanian interpretation of the law.

The most significant of these works is N. Prisca's Drept Constitutional. [85] It deals with Romanian constitutional law, an arm of socialist law in Romania. Prisca examines the meaning and origins of the Romanian communist constitution as well as its supremacy in Romanian legality.

Law is a part of the superstructure in Romania as is the state. Yet, the function of law is somewhat more

elevated than that of the state by virtue of its role as definer of and legitimizer of the forms the state takes and its functions and roles in a socialist society.

Prisca devotes two chapters to the state and its constitutional foundations as well as one chapter to the fundamental rights and duties of Romanian citizens vis-a-vis the state.

This theoretical work is augmented by a much more descriptive one which deals with the constitutional system in Romania. Traian Ionascu's "Rumania; The Constitutional System"[86] provides a skeletal understanding of this subject.

For a better understanding of the relationship between politics, ideology and the Romanian juridical system, one must rely on four works which are both descriptive and theoretical. Vasile Pătulea's "Locul și rolul activității în procesul dinamicii structurilor politice, economice și sociale,"[87] deals with the role and place of judicial activity in the political, social and economic structure in Romania; M. Naschitz' Teoria și tehnica în procesul de creare a dreptului în lumina filosofiei marxiste a dreptului și a practicii legislative a statului socialist român[88] is a major work attempting to explain the theory and technique in the process of creating law in light of Marxist-Leninist legal

philosophies and of legislative practices in Romania; Vasile Pătulea's "Fundamentul politic și ideologic al dreptului,"[89] outlines the political and ideological foundation of law; and G. Vrabie's "Considerații privind raportul dintre politică și drept,"[90] which examines the relationship between politics and law in a socialist society.

The evolution of Romanian law-making since the communist takeover in 1947 is comprehensively covered in Emil Nicolciou's "Trei decenii de dezvoltare a legislației României socialiste." [91]

The Marxist conception of the peoples' law, democracy in the realm of law, and the supremacy of law in socialist society is best explained by Mircea Preda in "Creșterea continuă a rolului oamenilor muncii la îndeplinirea legalității - Expresie a dezvoltării democrației socialiste în țara noastră." [92]

In the same vein, M. Naschitz, M. Popa, D. Gheciu, in their "Principiul supremației legii ca manifestare a suveranității poporului în Republica Socialistă Română." [93] add much to our understanding of how the Romanians interpret the supremacy of law as a manifestation of the peoples' sovereignty.

The function of law in Romania is to legitimize,

legalize and define social and political life in the nation. Law also serves an ever important role as educator. These roles are best presented and explained by Vasile Pătulea in "Educația politică și ideologică - mijloc de activizare a conștiinței juridice socialiste și de dezvoltare...;"[94] Sofia Popescu in "Funcția educativă a dreptului în etapa făuririi societății socialiste multilateral dezvoltate...,"[95] and, finally Oliviu Aug. Stoica in "Considerații privitoare la funcția educativă a dreptului în etapa făuririi societății socialiste." [96]

4. Review of Literature on Marxist-Leninist Philosophies and Theories On State, Party, Law and Press

Karl Marx, Friedrich Engels and V.I. Lenin provide the theoretical basis for contemporary Marxist-Leninist interpretations. Although not directly involved in this dissertation, references to them are based on Marx and Engels' Selected Works, [97] vol. I and II, the German-language Werke, [98] vol. 1 through XXXVIII, and Marx and Engels' Selected Correspondence. [99]

Marx's On Freedom of the Press and Censorship, [100] his Critique of the Gotha Program [101] and The Communist Manifesto [102] were of central interest since they deal specifically with some of the topics discussed in this dissertation.

Since much of Romania's ideology is based upon Leninism, Lenin's State and Revolution[103] and What Is To Be Done?[104] were examined as were some anthologies, among them Collected Works, [105] vol. 1 through XXVIII and Robert C. Tucker's The Lenin Anthology. [106]

All of these works allowed for an understanding of the vast difference between Marxist and Leninist philosophy and theories on the important issues dealt with in this work: state, party, law and press.

Because Joseph Stalin had such a profound influence on Romanian interpretations of Marxism-Leninism, Bruce Franklin's The Essential Stalin: Major Theoretical Writings[107] became a major reference source.

On the specific topic of law, Maureen Cain and Alan Hunt's Marx and Engels On Law, [108] offers a view of Marxist thinking on the legal system of a socialist state.

Further elucidation on a Marxist-Leninist idea of law is available in several works which were examined to gain a better understanding of how, why and if law in socialist nations is different from other socio-political systems.

Most helpful in presenting the socialist legal system are Rene David and John E. C. Brierly's Major Legal Systems in the World Today[109] and Paula M. Leideritz' Key to the Study of Eastern European Law. [110]

Both works are general in nature but provide a good starting point for the examination of law in socialist countries.

More specific to socialist laws and their underlying theories are the works of J.N. Hazard, Communists and Their Law: A Search for the Common Core of the Legal Systems of Marxian Socialist States;[111] A. Kh. Makhnenko, The State Law of the Socialist Countries[112] and Norbert Reich and Hans-Christian Reichel, Einführung in das sozialistische Recht. [113]

All three works assess the significance of Marxism-Leninism and its impact on the form and function of law in all socialist societies. Reichel and Hazard's works are particularly enlightening since they make the reader aware of the different historical context within which Marxist-Leninist legal philosophy is interpreted and applied in the Eastern European countries. Each of these nations had a different legal/judicial history and Marxist-Leninist or "socialist" law has often been woven into and applied with those historical considerations in mind. While law in these societies is commonly labeled socialist law, some Western and, to a much more limited extent, Marxist-Leninist scholars have questioned the validity of this label.

For example, in his "Was ist 'sozialistische Recht?,"[114] Dietrich Frenzke argues that there is no socialist law, since bourgeois law is adapted to the needs of Marxism-Leninism.

Eugeny B. Pashukanis is one of the very few communist legal experts to agree with Frenzke. In fact, he was the first to put forth the thesis that there cannot be a socialist law. Pashukanis' Law and Marxism - A General Theory, [115] and other works are available in Piers Beirne's book, Pashukanis: Selected Writings on Marxism and Law, [116] which goes a long way in discrediting the now commonly accepted theory supporting the existence of a separate socialist legal family.

As the Romanian legal system has borrowed to some degree from the Soviet legal system, two works served as a primer for the understanding of the socialist legal system and specifically the Romanian socialist system of law. They are, A. Vyshinski, The Law of the Soviet State [117] and J.N. Hazard, Soviet Legal Philosophy. [118]

Vyshinski's work is particularly important as it refutes the work of his contemporary, Pashukanis, and provides the theoretical framework of present-day socialist law.

The literature review reveals many gaps in our knowledge of the Romanian press: (1) there is no comprehensive study

of the Romanian press laws which attempts to outline the relationship between press, party and state; (2) there is no study dealing with the Romanian press in any of its facets, examining, for instance, the press' functions and the parameters within which this function is to be carried out; (3) there is no recent work which attempts to define the Romanian interpretation of Marxist-Leninist theory of press and, finally, (4) there is no study which lays the groundwork for future examinations of the Romanian press system.

There is, in general, a lack of recent works on the Romanian press. Those that are available are shallow notations of certain expressions and examples of a press system whose underlying theories and philosophies are perhaps not clearly understood or examined.

The sources reviewed range in quality from the precise and thorough to the speculative and shallow, yet they are all helpful in providing a guide and context for the examination of the press law and the relationship between press, party and state in Romania. They are also useful in allowing us to gauge any possible changes which might have occurred in the Romanian press, both practical and theoretical, as well as clues to the reasons for these changes.

This dissertation deals primarily with the Romanian press, its relationship to party and state, and the law regulating it, setting the parameters within which it is to operate. Thus, we can also gauge the importance of the press in Romanian society and the interpretations given to its underlying Marxist-Leninist philosophy and theory.

The relevance and importance of this work lies in its attempt to understand this Romanian interpretation of Marxist-Leninist press philosophy and theory, and the relationship between party, state and press as expressed in the press laws.

This work aims to provide a context for any other findings on the Romanian press, an understanding of the Romanian press vis-a-vis other East European communist press systems and a starting point for further studies on the subject.

5. Notes and References

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SECTION III

1. Introduction

Romania was proclaimed a People's Republic on December 30, 1947. What followed was a complete dismantling of the social, legal, political and economic system of the nation to be replaced by Soviet models with no regard to the particular social, economic or cultural uniqueness of Romania, or the desires of the Romanian people.* Marxist-Leninist concepts, à la Russe, were to dominate every sphere of life until 1964 when these concepts were officially given a Romanian interpretation.

What are the contemporary roles and functions of the Romanian state and communist party and what is their relationship to each other? What is the function and role of law in communist Romania and its relationship to state and party?

The Romanians claim that a "new type" of relationship between party and state exists today. This relationship has spawned dual-nature organs which will be outlined and examined in this section. The law, too, has been given increased attention in an attempt to give legality to the powers of state and party, and develop "socialist" legal precepts.

*For background on the establishment of communism in Romania see Ghita Ionescu, Communism in Romania, 1944-1962; N.Y.: Oxford University Press, 1964.

An understanding of the party-state relationship and of law in Romania will provide a context for the 1974/77 Romanian press laws and, specifically, for the relationship between press, party and state.

The contemporary relationship between party and state in Romania, indeed the Marxist-Leninist conception of state and party, their functions and roles, is conditioned, in part, by the country's post-war history, by domestic political exigencies as seen by the ruling elite and by the political ambitions, fears and style of the Romanian president.

Therefore, in Part 2, I will briefly examine Romania's post-war history in an attempt to identify its possible, general effects on the contemporary structuring of party and state, their roles and functions, and the special party-state relationship which evolved in the last 10 years.

Part 3 will outline Marx and Lenin's writings on party, state and law and their relationships as theories from which Marxism-Leninism in Romania draws sustenance and guidance.

In Part 4, the state's and party's role and functions in Romania's socialist society will be examined, as will the relationship between party and state, and the organs of dual nature to which it has given birth.

The law and its role and function, and its relationships in Romanian society will be the focus of Part 5. An understanding of the law's sources, its roles and functions will allow us to gauge the importance and meaning of the Romanian press laws to the press, the journalists and society as a whole.

Part 6 offers a summary and conclusion.

2. A Brief Background to the Post-1964 Period

In 1948, the Romanian communist regime nationalized industries, transportation, mining and banking not belonging to the Sovroms.[1] In the agricultural sector, land reform begun in 1945 was a prelude to the forced collectivization completed in 1962.[2] The upheaval caused by this collectivization, the lack of adequate investments and forced deliveries of livestock and large portions of (poor) harvests to the USSR, compelled Romania as an exporter of food to import food, ration it, and lose a needed, profitable trading commodity.[3]

After nationalizing all means of production, the communist government set up a State Planning Commission and in 1949 put into effect a One-Year-Plan followed by another one in 1950. By then Romania's industrial output had returned to about the peak war-period level and the

government began a drive to industrialize the predominantly agrarian economy.[4] The economic war-cry for many years to come was "rapid and all-around industrialization," with the main emphasis on heavy industry.[5]

In the socio-cultural realm, the communists banned all non-communist media including the foreign media; the school systems were changed to reflect the communist need to transform Romanians into a new breed of socialist men and women; a classless society was proclaimed in which the old bourgeoisie and the intelligenzia were patently discriminated against and the professional class tolerated only because, and if, it could serve the new order; Romanians could not travel freely and foreigners, unless on official business, were not welcomed in the country; the armed forces, media, industry, education, commerce, entertainment and all socio-cultural and economic planning and programming came under the direct supervision of the RCP.[6]

Marxism-Leninism was to be the only socio-political ideology and philosophy in Romania. The country adopted a new constitution patterned after the Soviet model in 1948 and again in 1952. The RCP, de jure if not de facto at the helm of the country, was weak, unpopular and dependent on the Soviet government for its continued existence in power and

for its support in establishing communism in Romania. The party was not a sovereign entity, but an implementor of Moscow's orders.[7] It was also split.

The existing division within the RCP was, aside from a personal battle for survival between members of two factions within the party, an ideological dispute over the basic role to be played by Romania in the communist camp.[8]

Ab initio, the communist party which was catapulted to power by the Soviet army was divided into two distinctive camps whose loyalties were divided between Moscow and Bucharest.

The "Moscovites" were led by Ana Pauker, Vasile Luca, Teohari Georgescu and Emil Bodnâras who were Moscow-trained, loyal to Moscow and inclined to place Soviet interests above those of Romania.[9]

The "native" group led by Gheorghe Gheorghiu-Dej, Miron Constantinescu, Chivu Stoica and Nicolae Ceaușescu, the present president, were dedicated to installing communism in Romania and transforming the country socially, economically and politically, but to their own advantage and not to that of the Soviet Union.[10]

Until 1952 when the Pauker-Luca group was purged from the ranks of the Romanian communists,[11] the infighting in the

party was an indirect struggle between Moscow and Bucharest.

The elimination of the Pauker-Luca group from power, as Dej wrote, was "a turning point in the life of the Romanian Communist Party." [12] The "turning point" consisted essentially of the establishment of cadres loyal to Dej and to Romania rather than to the USSR. The RCP, thereafter became more cohesive, allowing Dej to make unchallenged decisions and present the Soviets with a united party.

Dej's Stalinism and his correct perception of his and the party's lack of popularity in the country, as well as the economic shortcomings in Romania [13] which were due primarily to Romania's economic relationship with the USSR, [14] placed him in direct conflict with the Kremlin's post-Stalin leadership. This conflict provided the seed for the resulting struggle between the two states and evolvement of an indigenous Romanian domestic and foreign policy, and interpretation of Marxist-Leninist ideology.

Four important events, coupled with Dej's political and economic problems, helped change the course of Romanian policies in the 1950s and 1960s, vis-a-vis the Soviet Union, the communist bloc, and the West.

1. Stalin's death in 1953 ushered in a new leadership in the Kremlin, relatively peaceful co-existence between East

and West, and de-Stalinization in the Soviet Union which was also to be emulated by its satellites;

2. The Hungarian, Polish and East German uprisings, as well as the general unrest in the satellite nations, required a change of direction in the philosophy of Soviet relationships with those nations and the rest of the communist bloc;

3. The Yugoslav example of the success of an indigenous road to communism in defiance of the Soviet Union, showed the Romanians that autonomy from the Soviet Union was possible;

4. The emergence of the Sino-Soviet conflict which presented the Romanians with some leverage in its dealings with the Soviets who needed support in the conflict, as well as in maintaining the unity of the Eastern bloc.

Thus, what occurred after Stalin's death was the beginning of the demise of monolithic communism and the birth of what Palmiro Togliati called polycentrism in the communist world. [15]

By 1962, the Romanians changed the nature of their economic relationship with the Soviet Union, as well as with other communist nations. They achieved the removal of Soviet troops from Romanian soil; began and expanded their trade and politico-diplomatic relations with Western and Third World nations; successfully fought off any attempt at integrating

the Romanian economy into the Council for Mutual Economic Assistance (CMEA or Comecon) and multilaterally developed its industry, undermining CMEA integration and placing Romania in a competitive position with communist countries (Eastern Europe) in trading like products.[16]

The leverage gained from the successful development of their industry and relations with non-communist countries, the Sino-Soviet conflict and the exigencies it placed on Soviet policy vis-a-vis Eastern Europe, as well as the establishment of a cohesive, united communist party in control of the Romanian polity with the help of its own security forces and army, allowed the Romanians to divorce their policies from the USSR and openly embark on a "Romanian way" to communism.

The Sino-Soviet conflict which came to a head in 1964 gave the Romanians the opportunity to make a formal "declaration of independence" that year by clearly spelling out Romania's policy and principles governing economic and foreign relations among nations, as well as their expectations in this area.[17]

The Statement on the Stand of the Romanian Workers' Party Concerning the Problems of the World Communist and Working Class Movement[18] was essentially a recapitulation

of its stand concerning principles governing economic relations among socialist nations. Added to the above, however, was an ideologically significant declaration of the "correct" political relations between communist states. The fundamental principle of this declaration was the right of all nations, regardless of political systems, to determine their national destiny on the basis of the interests of their people and country, i.e., political autonomy.[19]

The victory of international communism was not renounced by Romania, but the concept of the autonomous, neutral socialist nation was publicly endorsed. Henceforth, Romania was to pursue policies independent of international communism and based on the country's national needs and aspirations.

The basic principles espoused in the Romanian Statement were reflected in Romania's foreign and domestic policies after 1964. They were formulated on the bases of two elementary national goals: (1) protection of Romania's autonomy and sovereignty and (2) the development of the country industrially and ideologically.

Romania developed relations with countries of all socio-political persuasion, did not side with the Soviet bloc on important international issues, continued to fight any

attempts to integrate Romania's economy and military into Comecon and the Warsaw Pact, yet remained, domestically, a dogmatic, near-Stalinist nation.[20]

Romanian domestic policies, in part, before and after 1964 were aimed at gaining legitimacy and support for the party and state from the Romanian people. Together with the heavy investments in the economy, as King[21] points out, there was a call for greater sacrifice on the part of the people to achieve domestic policy goals and an emphasis on the importance and overwhelming role of ideology in the nation's life.

To gain popular support the leadership attacked traditional Russian interference in Romanian affairs. This was an attempt to unite the masses and the party in a common bond of anti-Russian nationalism. As far back as 1953, Dej, in a speech on August 23, clearly enunciated two fundamental concepts of nascent Romanian communist nationalism which were to underline subsequent Romanian policies and actions:[22]

The party was the democratic political organization of all Romanians and it was dedicated to the construction of socialism in the Romanian People's Republic for the benefit of the Romanian people.

While Romania did not go as far as Hungary or Czechoslovakia (before 1968) in de-Stalinizing itself, it did

embark on a successful and significant de-Russification of the country.

The Romanians re-adopted the historical Latin spelling of Romania (as opposed to Rumania) abandoned in 1954. In a more recent move (November 1, 1977), the Romanian Parliament adopted a new national anthem replacing one which glorified the Soviet "liberators" of the country.[23] Romanian streets, given Russian names after World War II were re-named for Romanian national heroes and the obligatory Russian language requirements in schools were dropped.[24]

This trend toward reviving nationalism, with its historic anti-Russian characteristics, has brought about a renaissance of Romanian history and a re-evaluation of Russo-Romanian relations among other things.[25]

There were other gestures made by the Romanian leadership which were designed to win popular support. Fischer-Galati, for example, writes:[26]

The emptying of jails of political prisoners and the reinstatement of these men in the new Romania, the unrestricted opening of the country to Western tourists as well as to friends and relatives of the now-integrated class enemy, the rapid re-introduction of Western culture cultural productions and even newspapers, and above all the publicizing of Romania's commitment to develop further ties with the West, inevitably raised the Romanian's hopes for a freer and better life.

Despite this and other attempts to win full backing for the regime, evidence gathered by Braun and King shows that considerable disenchantment remained among Romanians with the RCP's continuous efforts to mobilize the population for political and economic purposes without, however, any corresponding rewards for those mobilized.[27]

There is no evidence to show that the population as a whole is satisfied with the regime, but there is also no indication that overt dissatisfaction, at this time, is so wide-spread and uncontrolled as to de-stabilize the regime.

While Romania was changing its domestic and foreign policy, it also revised its communist ideology.[28] The imposition of the Stalinist Gleichschaltung throughout Eastern Europe in the post-war period meant that the Romanian system would not be divergent from those elsewhere in the Soviet sphere. Soviet style Marxism-Leninism dominated and underlined the actions and policies of the communist regimes in Eastern Europe.

The move to a polycentric communist world, begun in the late 1950s, allowed for a divergence in the interpretation, if not in the essence, of the Marxist-Leninist dogma serving as the foundation of the communist governments in Eastern Europe. A limit to this divergence was and is still imposed

or self-imposed as Soviet tolerance is not unlimited and the perceived requirement of the Romanian communist elites to remain in power, which is control over the nation and its polity through the party, has not changed.[29]

Romania has moved towards autonomy within the communist world, but not independence. For, as Braun writes:[30]

In the first instance, we speak of the power or right to self-government and particularly of autochthonous policies, whereas "independence" would have connoted freedom from dependence upon others.

The notion of sovereignty and autonomy is a constant theme in the regime's foreign and domestic statements. Romania's economic progress, the nationalistic and anti-Russian flavor of its foreign policy, its foreign policy successes, were all major sources of pride to the nationalistic Romanians. Fischer-Galati, for example, writes that:[31]

There can be little doubt that the average Romanian's pride in the regime's achievements in international affairs rests primarily on the anti-Russian character of Romania's independent course.

This nationalistic pride and the realization that the regime can continue its autonomous foreign policy only if supported by the population contributes to the relative success of the RCP to mobilize the people and to keep domestic unrest to a minimum.[32]

Romania's autonomy does not mean that policies, particularly in the domestic arena and sometimes in the foreign arena, do not coincide with those of the Soviet Union and other Eastern European communist nations. However, these policies, when and if they coincide with those of other communist states, may be indigenously formulated and not necessarily dictated by the Soviet Union as was the case in the immediate post-war period.

Romanian autonomy has brought about a Romanian re-evaluation of Marxist-Leninist ideology and of international communism. Burks, for instance, writes of the changes in the Eastern European nations:[33]

Now that the advisors are gone, the leadership self-opting and the whole set of politics shaken by de-Stalinization and rendered by schisms, the ruling parties are increasingly sovereign. In this situation, ideology is not only a field of discourse, and because of its multi-centered character, a source of innovation, but it is also vital to the self-identity of the regime and their coordination.

Clearly, the Romanians have endeavored to enter the ideological debate, previously involving only the Soviet Union, Yugoslavia and China. The Romanians, for example, rejected the notion of one single road to the achievement of communist society, the Soviet road, and evolved a Marxist-Leninist theory suited to the conditions prevailing in

Romania and the nation's aspirations.[34] Romania thus also rejected the post-war tenet of the communist world which states, in essence, that whatever strengthens world communism, the Soviet Union specifically, ultimately strengthens and benefits each individual communist nation.[35]

In the late 1960s, throughout the 1970s, and in the 1980s, the RCP sought to emphasize its version of Marxist-Leninist ideology in every aspect of Romanian life. Two reasons may be offered for this assiduously pursued forced feeding of ideology to the Romanian polity: (1) strengthening the party's hold on the population and attempting to create the "new socialist man" would present the RCP with a united nation with which to confront its foreign policy problems and foes, and (2) it is ideology which now holds the Eastern European communist system together. Burk writes that in the immediate post-war years:[36]

The Stalinist system of controls was so far-reaching and so effective that ideology and ideological pronouncements served primarily as a signal and announcement system for the initiated.

As the ruling individual parties became autonomous in Eastern Europe, Romania being in the forefront of this process, the role of ideology was sharply accentuated because the other linkages became attenuated.[37]

Romania's message to the world and, more importantly, to Moscow was and continues to be that Marxist-Leninist ideology is at the center of all Romanian policies and actions. This provides one defense against any possible Soviet intervention.

The fear of Soviet intervention, at its height during the Czechoslovakian crisis (1968), continuously forces Romania to assuage the Soviets and convince them that they are firmly in the communist camp without the slightest possibility of deviating from orthodox Marxism-Leninism. This is particularly noticeable whenever the Romanians are deviating from Soviet foreign policy lines. Writes Broun, for example: [38]

There is evidence...almost invariably following certain gestures of foreign policy autonomy, there is a tightening of party control over life in Romania.

As an additional defense against external pressure and internal formation of power blocks, a reshuffling of the party and state hierarchy was effected periodically in the 1960s, 1970s and thus far in the 1980s. [39] The president, Nicolae Ceaușescu, by the mid-1970s, occupied all the important party and state posts in the country. In fact, he is the only individual who maintains "multiple memberships in the top organs of the party, the state and the many commissions and working groups which are established to oversee all aspects

of political, cultural and socio-economic life." [40] He is now seemingly free to act as he wishes in all matters. This does not mean that he could not, at any time, be toppled from power.

This trend toward over-centralization in the leadership structure has one striking manifestation: the promotion of a personality cult surrounding President Ceaușescu. The RCP and the mass media attribute every success, be it in the arts, sciences, industry, etc., to the wisdom and leadership of the president.

Since Ceaușescu came to power in 1965, the RCP's self-proclaimed preeminent role in Romanian society was expanded and, in some cases, changed.

Trond Gilberg writes that several objectives "have been more strenuously emphasized as primary goals" [41] since 1965:

1. The expansion of the party's position and influence in society;
2. The gradual re-organization of the political machinery, which will decisively implement the principles of rotation of cadres and the removal of duplication of positions;
3. The continuation and expansion of economic development to "lay the material base" for multilateral development,

ultimately socialism and communism;" and

4. A concerted campaign to enhance the image of the RCP as a national force which is carrying on the traditions of the great liberators of Romanian history, much as Stephan the Great and Michael the Brave.

There are several lessons which the Romanian leadership has learned from its post-war history. These lessons may have had a strong bearing on the evolution of present-day party and state structuring, their organization and function, and their relationships.

Above all, the Romanian leadership has learned what their non-communist ancestors have always known and fought for: Romanians want their autonomy and sovereignty.

In adopting the achievement and retention of autonomy and sovereignty as one of its goals, the Romanian regime was and is cognizant of several key prerequisites to this goal's realization: a strong, united, cohesive party, control over the polity and industrial growth so as to be able to trade with the West, and resistance to integration into Comecon.

The need for party unity and cohesiveness brought about, together with the philosophical demands of Marxism-Leninism, centralization on both party and state levels. The Romanian leaders are aware that only a united party and state

apparatus which can show itself fully in control can successfully stand up to the Soviets. Dissension in the ranks of the party could be exploited by their enemies; therefore, the insistence on party discipline, centralization (democratic centralism) and reshuffling of party and state functionaries to prevent formation of power blocks is ever present.

The perceived need for over-centralization, dogmatic Marxism-Leninism and control over the polity was mitigated somewhat by an attempt to "democratize" the system and involve more Romanians in the political process through the introduction of democratic centralism,[42] by essentially anti-Russian pronouncements and by a foreign policy which promised a better life for the average Romanian.

The ability to conduct an independent foreign policy divorced from ideology and from Soviet dictates, can best be achieved by projecting an image which tells Romania's giant eastern neighbor in unmistakable terms that party and state are fully in control and that there will be no deviation from Marxism-Leninism and no movement away from the communist camp. The lessons of Hungary (1956) and Czechoslovakia (1968) have not escaped the Romanians.

3. Marx and Engels on State, Party and Law in a Socialist/Communist Society and Their Relationships

Marxism-Leninism, founded on doctrines of dialectical and historical materialism, serves as the philosophical foundation of Romanian society today.

The concept of Marxism-Leninism was introduced in 1938 when the Central Committee of the Soviet communist party condemned the harmful separation of Marxism and Leninism.[43] Marxism-Leninism was thus established as an independent discipline blending Marx and Lenin's works and interpreting them according to the individual party's aspirations and Weltanschauung.

The essential philosophy of Marxism and Leninism in regard to state and party in a socialist society will briefly be examined here in Part 3 as it has a profound bearing on the concepts of press freedom and freedom of expression in Romanian society, as well as on the concepts of press control and function.

While adopting Hegel's thesis on the historical dialectic evolution of society, Marx and Engels reversed the former's idealistic analysis of this evolution based on the advances made by the human intellect. They argued that materialism applies to social life and reality gives birth to Ideas and thought and intellect are properties of Matter.

Consciousness is simply a reflection of the material world,

Marx writes:[44]

...It is not the consciousness of men that determines their being...The material productive forces of society condition the progress of social, political and spiritual life...For one, ideas are merely the material world transposed and translated in the mind of Man...The anatomy of civil society must be found in political autonomy.

Marxist theory, therefore, views the conditions in which the means of production are exploited and the infrastructure upon which society is based (its economic structure) as deciding factors in society.

In his preface to his Critique of Political Economy,

Marx outlined the principle theme of his thesis:[45]

In the social production of their life, men enter into definite relations that are indispensable and independent of their will, relations of production of their material productive forces. The sum total of these relations of production constitutes the economic structure of society, the real foundation on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness. At a certain state of their development, the material productive forces of society come into conflict with the existing relations of production or - what is but a legal expression for the same thing -

with the property relations within which they have been at work hitherto. From forms of development of the productive forces these relations turn into their fetters. Then begins an epoch of social revolution. No social order ever perishes before all productive forces for which there is room in it have developed; and new, higher relations of production never appear before the material conditions of their existence have matured in the womb of the old society itself.

Marx and Engels adopted and adapted Saint-Simon's thesis of the superiority of the principles of political economy over everything else, ideas, social habits, morality, religion, etc.[46]

The state and the law in Marxist and Leninist theory are simply part of the superstructure which is defined by and based on the economic foundation of a nation and the relations of production.[47] Neither state nor law are in any way independent of socio-economic "reality."

In fact, the law of historical development underlying the Marxist doctrine calls for the eventual re-emergence after socialism of a classless society in which all economic contradictions would be resolved (communism) ending, therefore, exploitation of man by man, and bringing the withering away of state and law for whom no functions would be left.[48]

A socialist nation, a transition stage to communism and a stage in which most Eastern European nations now claim to be, is a nation in the midst of a transformation from

capitalism to communism. Marx defined such a nation as being in a "period of revolutionary transformation." [49] Lenin reiterates that point when he writes that: [50]

...The transition from capitalism to communism will certainly bring a great variety and abundance of political forms, but the essence will inevitably be only one: dictatorship of the proletariat.

The dictatorship of the proletariat was envisioned by Marx and Engels to be a short-lived transition period during which time all classes would be abolished and a classless society established. [51]

The proletariat's victory over the bourgeoisie and the overthrow of the latter's socio-political system was the crux of Marx's theory. In the Communist Manifesto [52], Marx described the "conquest of political power by the proletariat" as the communist objective. His concept of the "dictatorship of the proletariat" meant the realization of a democratic political system and universal franchise which would automatically mean a majority of workers' representation in parliament and, therefore, political rule by the working class.

Democracy and the dictatorship of the proletariat, in Marx and Engels' writings, were synonymous. Indeed, Engels writes that: [53]

Democracy in all civilized countries has as its necessary consequence the political rule of the proletariat, and the political rule of the proletariat is the first prerequisite of all communist measures.

Having achieved victory, i.e., seized power, Engels argues that all means of production are turned into state property. Once this has been achieved, the proletariat "abolishes itself as the proletariat, abolishes all class distinctions and class antagonisms, and abolishes also the state as a state." [54]

The state, in Marx and Engels' view is not abolished but rather is taken over by the proletariat whose programs create the pre-conditions for the withering away of the state. Engels elaborates on that theme: [55]

The first act by which the state really comes forward as the representative of the whole of society - the taking possession of the means of production in the name of society - is also its last independent act as a state. State interference in social relations becomes, in one domain after another, superfluous, and then dies down of itself. The government of persons is replaced by the administration of things, and by the conduct of processes of production. The state is not "abolished." It withers away.

The introduction of the socialist order of society abolishes all class distinctions and the state "will dissolve itself and disappear." [56]

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Lenin's interpretation of the "dictatorship of the proletariat" and its role in society, as well as the function and form of the state after the proletarian takeover, differs sharply from Marx and Engels.

The withering away of the state, in Lenin's view, was relegated to what he identified as the second phase of the classless society of the future: communism.[57]

To Lenin the withering away of the state was a prolonged process. The state would wither away completely, he wrote:[58]

...only when people have become accustomed to observing the fundamental principles of social life and their labor is so productive that they will voluntarily work according to their abilities.

Until society moves into the communist phase, Lenin saw the dictatorship of the proletariat in a society dominated by the proletarian class as "an authority shared with none else and relying directly upon the armed forces of the masses." [59] This dictatorship of the proletariat, with all its coercive powers, would be the new state. The dictatorship of the proletariat, i.e., the state, presupposes a "revolutionary government that is really firm and ruthless." [60] It is a rule, Lenin writes, "that is unrestricted by any laws." [61]

Unlike Marx and Engels, Lenin made it clear that the dictatorship of the proletariat must be under the leadership of the Party. It was the Party's task, Lenin writes, "to direct and organize the new order, to be the teacher, guide leader of all the toiling and exploited." [62]

While Marx and Engels emphasized the working class, the proletariat, as the decisive force transforming society, Lenin emphasizes the Party in this transformational process. In fact, partially under Lenin and fully under Stalin, the party was synonymous with the concept of the working class. [63]

Lenin argues that the party should be organized on the principle of democratic centralism and dissemination of anti-Party views should be prohibited. The party, according to Lenin, should be united, disciplined and an elite group which has the task of awakening political awareness in workers. All functions of the party must be "in the hands of the smallest possible number of professional revolutionaries." [64]

The principle of "democratic centralism" upon which the party is to be based according to Lenin, meant, as he writes: [65]

...freedom to criticize, so long as it does not disturb the unity of a definite action; it rules out all criticism that disrupts or makes difficult the unity of an action decided upon by the party.

In contrast, Marx and Engels saw the party as a loosely structured, democratic organization representing the interests of the workers. The proletariat, writes Marx, needs only "a previous organization...developed up to a certain point;" the important thing is "a movement of the class," which only necessitates "a degree of previous organization." [66]

The unity which Lenin demanded of the party was dismissed by Marx and Engels: [67]

The looser the organization is now in appearance, the stronger it is in reality...

Marx and Engels were also decidedly against personality cults and authoritarian superstitions. Engels writes against a system in which the party leader would make final decisions on everything, where "everybody who attacks one of them is a heretic." [68]

The party was to make "no claims to dogmatic orthodoxy or doctrinaire supremacy." [69] Marx and Engels argue: [70]

...unity of thought and action is merely another name for orthodoxy and blind obedience.

After all, communism proceeds from facts and not from principles, argues Engels, and, therefore, it is not a doctrine but a movement. [71] Freedom of debate should, therefore, be inherent in the party, according to Marx and

Engels. Lenin, on the other hand, advocates that those who were "not completely Marxist and not altogether correct," must be removed from the party by "periodical cleanings." [72]

Marxism-Leninism is considered to be a blend of Leninist and Marxist theories. The extent to which these theories are blended varies from socialist country to socialist country. The Romanian interpretation is outlined in Part 4 by an examination of state and party structure, function and role, and relationships.

4. Romania's State and Party, Their Relationships

The amended constitution of the Socialist Republic of Romania specifies that the Romanian Communist Party "is the leading political force in the entire society" and plays "the leading role in all fields of socialist construction and guides the activities of the mass and public organizations of the state organs." [73]

Indeed, the RCP, as the monopolistic owner of Romanian political and social ideology, with its pattern of views on politics, economics and socio-cultural life, controls every facet of Romania's political structure, its internal and external politics, and dictates the parameters of socio-political and economic behavior. [74]

The organs and apparatus of the RCP determine, as per their constitutional mandate, all public activities, societal life, institutions, enterprises and associations.

The RCP, by virtue of its constitutionally defined leadership role has been, as Sik points out in describing Eastern European communist parties:[75]

...officially transformed into a supreme state institution that can rightfully claim the administration and control of all aspects of public life.

The implication of this legalization has far-reaching consequences: any opposition to the party can be interpreted as subversive activity against the state.[76]

Nelson explains that party control over political power and assertion of its will through constitutional-legal frameworks are:[77]

...linch-pins in communist political systems; any change in the role of constitutional-legal political institutions would pose a serious dilemma for communist regimes.

Romania's political structure is dominated by the Congress, the supreme organ of the RCP. This body meets every five years to receive reports on party activities, establish basic policies and to elect the Central Committee (CC), the seat of power between Congresses, a Central Auditing Commission, and the Central Collegium. Since the CC is a large

body and meets infrequently, the Political Executive Committee (PEC), the Bureau of the PEC and the Central Committee Secretariat wield the real power in Romania.[78] The CC was enlarged in 1969 from 121 full and 76 alternate members to 165 full and 120 alternate members.[79]

Unlike most other East European communist parties, the RCP does not have a Presidium or a Politburo although such a body did exist until March 1974. Instead, the PEC has, as King writes:[80]

...gradually assumed a status somewhat between the level of the Politburo and that of the Central Committee.

The Permanent Presidium or Politburo was replaced by the Permanent Bureau of the Executive Committee with a present membership of nine.[81] Some observers of Romania's political scene argue that this body may again be assuming the role of a Politburo.[82]

The RCP is today based on Lenin's organizational principle of democratic centralism.[83] This has allowed the party to increase its membership and its activities while at the same time retaining party discipline. For example, Fischer writes:[84]

The formation of factions is prohibited not only for tactical reasons as a defense against possible Soviet endeavors to split the party, but also

because Ceausescu strongly believes in the idea of strict party unity. The party, namely the leadership, is always right and members merely carry out the decisions and the instructions of central organs.

The RCP has units or cells in factories, on farms, in school and universities, and in smaller political subdivisions; there are party organizations in communes and municipalities, as well as for each of the 39 counties and the municipality of Bucharest. [85]

A number of mass and public organizations, the Union of Communist Youth, the General Confederation of Romanian Trade Unions and the Front of Socialist Unity (which replaced the People's Democratic Front in 1968 and provides the permanent organizational framework for mass participation in politics at all levels) function under party leadership. [86]

The party's principal ways of affirming its leading role in society lies in organizing and mobilizing the Romanian masses. One of its major tools for carrying out these two functions is the Romanian press. The role of the RCP has become even more important, according to its leaders, now that Romania has entered the socialist phase and is multilaterally developing society. [87]

I. Ceterchi and P. Suian, two Romanian jurists, argue, for example, that: [88]

...in the stage of completing the development of socialism, the communist party's role of political leadership of all social life not only does not diminish, but grows continuously. It does so because the scope and dynamics of socio-economic evolution requires a more direct employment of politics to resolve the complex problem of development in the new socialist system.

Strengthening and further developing the party in its leadership role is viewed by the Romanian leadership as obligatory in this stage of constructing a multilaterally developed socialist society on its way to communism.[89]

The role of the party is closely tied to the assignments which society must fulfill at this stage in its evolution. The most important task, therefore, for the party is to develop a socialist conscience among the polity. But, it is argued, in the socialist stage the party does not give up its political power adopting only an educational-cultural role.[90] Quite the opposite, the party continues to strengthen its political role and to grow in power and, thus, also facilitate the growth of socialist democracy. This system calls for the party, the state and public organizations to work together.[91]

The strengthening of the political role of the RCP is viewed by the Romanian leadership as a legal, dialectical process of historical evolution. The program of the XI Congress, for instance, states that:[92]

In the period of development of a multilaterally developed socialist society and transformation to communism, the party will continue to constitute the leading political force of all socio-economic activity, the vital center of our socialist nation, destined to provide the scientific elaboration of plans for Romania's development, as well as the leadership of political and organizational activities to achieve the plans.

The ongoing, massive politico-ideological campaign begun by the RCP in the 1970s was aimed at the long-term transformation of values, the formation of a socialist conscience, and the ideological mobilization which is considered crucial in accomplishing the ambitious economic development of the country.[93] A second goal of this ideological offensive was to combat remaining "old values" and to remove what Ceausescu has labeled as "socialist contradictions" which have been born under the communist system, i.e., unjust accumulations of wealth, and the rise of elitism and favoritism.[94]

The party controls the judiciary, the Procuratura[95], the army, the trade unions and every other formal and informal social and political institution in Romania. Indeed, the party's role also extends to leading and controlling the state and the organs of state administration. The RCP statute of 1965 overtly asserts that the party guides all activities of the central and local organs of the Republic.[96]

Thus, despite the fact that the 1965 Romanian constitution in Art. 2 assigns state power and control to the people and only political leadership directly to the RCP (Art. 3 and 26), [97] the party does control and lead the state in many ways.

It exercises its leadership role by establishing the general domestic and foreign policies, as well as the program for multilateral development; it establishes and maintains the Front of Socialist Unity, a political organization which under RCP leadership unites mass and public organizations; it initiates discussions and approves the most important state legislation; it makes decisions jointly with the Council of Ministers and the National Council of the Front of Socialist Unity, and initiates and promotes measures for "continually perfecting the leadership of social life." [98]

Furthermore, the RCP controls elections to the National organs of state power, selects personnel for the organs of state administration and oversees the official implementation of all of its decisions. [99]

In an attempt to "democratize" the political process, as of 1975 the party has offered the voters two candidates for each political office, particularly on the local and regional levels. Fischer writes about these elections: [100]

First of all, they were not, and were not intended to be, multi-candidate elections in the Western sense. There was no difference between the candidates on substantive issues. (Of course, it can be argued that this is frequently true of elections in the United States, but that is not the intent of elections there.) Both candidates were nominated by the Socialist Unity Front with the approval of the party, and so their platforms assumed support for official policies. In most cases, major political officials ran unopposed, and so there was no way to register discontent with the top leadership except by voting against all candidates. Often there was no real connection between the candidate and his constituents, although even major candidates were required to at least put in an appearance in their electoral district between nomination and election. Finally, the composition of the GNA (Grand National Assembly) itself was predetermined by the selection of candidates and their opponents within certain occupational categories. The overall outcome of the elections was assured by the carefully organized nomination process.

As was the case in the mid-1960s when the Romanian re-orientation came about and political socialization themes changed, the "democratization" of the political system brought about a change in the content and direction of the press as will be shown in Section IV.

There are four categories of state organs in Romania: the organs of state power, organs of state administration, the judiciary and the procuratura.

The concept of organs of state power is the creation of socialist law, Romanian jurists argue.[101] Given Marxist-Leninist principles of democratic socialism, only the

representative organs can hold supreme power. There is no separation of power between the executive, legislative and judiciary.

The organs of state power include the Grand National Assembly, a representative body of 465 elected deputies which appoint and dismiss the members of the Council of State, the Council of Ministers, the Supreme Court, as well as the Procurator General.[102] According to Art. 43 of the 1965 Constitution, the National Assembly also supervises the activities of the local organs of state power; of the Council of State, which directs and controls the ministries when the National Assembly is not in session and exercises the supreme power of the state on a permanent basis and is only responsible to the National Assembly; of the president of the Republic and, at the local level, the People's Councils which are local representative assemblies essentially charged with organizing citizen participation "in the solution of state and public affairs at a local level." [103]

The People's Councils exist in all communist countries serving as the "broad organs of direct government by the people, combining administration and legislations." [104]

The organs of state administration are the Council of Ministers, the supreme executive body which directs and

controls the country's executive organs and decides "upon the general measures necessary to achieve the foreign and internal policies of state and respect for the law." [105] It also directs, controls and coordinates the various ministries and other central administrative bodies.

It is the Council of Ministers which until 1977 was responsible for overseeing the Romanian press' functions, organization, political and ideological "correctness" and, by implication, censorship. It carried out its responsibility through the Committee for Press and Other Print Material instituted in 1975. [106] Before 1975, the Ministry of Propaganda and the Central Committee and Political Bureau of the Romanian Communist Party took turns in overseeing the Romanian press.

Other organs of state administration include the various ministries and, on the local level, the executive bureaux and committees of the People's Councils.

The Romanian judiciary is made up of the Supreme Court, local courts in communes and regions, and military tribunals. The supreme court is answerable only to the National Assembly and to the Council of State, and supervises all lower courts. Its members are elected by the National Assembly.

The Procuratura, the last of the state organs, is made

up of the Procurator General, department and local procurators and the military procuratura.

The Procurator General is elected by the National Assembly and every member of the procuratura is bound by the orders of his superiors.[107] Ionaşcu writes that the procuratura:[108]

...sees to it that the law is observed by the organs of the executive, of the prosecution, by the courts and also by the civil servants and all other citizens.

The state, i.e., the organs of state power and administration, the judiciary and the procuratura, far from fading away, has grown in size and importance in Romania.

The Romanians argue that during the period of consolidating socialism and working towards communism, the state must grow.[109]

It must grow because the social and economic transformation which a nation undergoes in developing socialism and working toward communism necessitates the strengthening of the state.[110] Furthermore, the evolution of democratic socialism, the change from the democracy of the majority to democracy of all, expresses itself in the growth of the state.[111] Mitran, for instance, writes:[112]

As a social-historic phenomena, the socialist state is continually developing and growing,

and its system of organization is constantly being perfected under the influence of new socio-economic and political processes, and the necessity to address the exigencies of socio-economic progress.

In the Romanian view, only through the state can the party's socio-political programs be achieved. Therefore, the role and function of the state is manifold: the state organizes and puts into practice economic plans; it has a cultural-educative role in raising socialist consciousness and involving all people in the democratic process; it defends the gains of the socialist state, and the rights of citizens and their property (common and individual); it insures the security of the nation and, finally, it insures the achievement of the party's foreign policy.[113]

The development of the socialist state and its growing role and function is, of course, tied to the growth of the party's leadership in Romania. Only the party can assure the proper orientation of the state in the evolution of socialist society.[114]

The mechanism of the state, defined as the totality of organs of state power, of administration, justice and procuratura is organized and conducts its activities according to the following principles:[115]

1. Supreme leadership by the party;

2. Democratic socialism;
3. Mass participation in the leadership of the state;
4. Socialist legality and
5. Collective leadership.

The party's leadership and control has further grown in the past 10 years with the establishment of organs of dual nature, i.e., organs characterized by common state and party attributes.[116]

These organs came into being as a result of the perceived necessity by the party of doing away with the duplication of functions of some state and party organs and of strengthening the role of the party. N. Ceaușescu, for example, told the National party conference in July 1972:[117]

I have in mind a certain blending of party and state activities, while drawing clear-cut limits that should avoid overlapping and parallelisms. Undoubtedly, in the long-run, we shall witness an ever closer blending of the activities of the party, state and other social bodies, as a logical process of socialist and communist development.

There are three types of organs of double nature in Romania today:[118]

1. Those directly responsible to and under the leadership of the CC of the PCR;
2. Those directly responsible and under the leadership of the CC of the PCR and the supreme organ of state

administration, the Council of Ministers, and,

3. Those that function alongside the Council of Ministers.

The organs of dual-nature which share party and state attributes are organs for deliberation which make decisions and pass legislation of both political and state character, and carry out activities which coordinate the implementation of decisions.[119]

Again, there is no diminishing of the PCR's leading role in state-party relationship as a result of combining state and party attributes. To the contrary, the party's leadership as established in the constitution is strengthened and more direct in these organs of dual-nature.[120] Anghene writes:[121]

The sharing of party and state attributes in the organs of double nature does not lead to a diminishing of the leading role of the party, the intermingling of party and state activities. It creates the necessary conditions for the party to exercise its leading role in a more direct way...

One consequence of this double subordination (to state and party) is that nominations to or firings from these organs can only be made with the consent of the CC of the PCR,[122] clearly indicating the preponderant control exercised by the party.

These organs of double-nature are not representative and, therefore, not organs through which the people can exert power, even though they are made up of some deputies or representatives duly elected by the polity. They also include functionaries as well as representatives from public organizations.

Their activities do not include elaboration of laws, appointment of the leading bodies of other state organs, control of legality, the exercise of attributes of the chief of state or the resolution and handling of foreign policy problems, all of which are attributes of state power.[123]

While the organs of dual-nature are not organs of state power, neither are they organs of administration because they perform a political as well as an executive function, i.e., they also carry out party activity and contribute to implementing the leading role of the party in their specific field of competence.

Organs of double nature can also carry out some responsibilities which in the past belonged to public organizations. These organs can be classified as central (national and local organs).[124]

Some organs of double-nature include the Supreme Council for Economic and Social Development; the National Council for

Science and Technology; the Council for Socialist Education and Culture; Radio-Televiziunea Română and Agerpres, the Romanian national news agency.[125]

The existence of organs of double-nature is compatible with the Romanian constitutional system.[126] They are not a fifth category of state organs but rather organs which promote the leading role of the party and may be subordinate also to one or more of the four state organs.

Nevertheless, Romanian jurists have called for a change in the Romanian constitution which would recognize these organs of double nature as separate organs to be included in the system of socialist democracy, thus enlarging the sphere of democracy.[127] According to one Romanian jurist, Professor Drăganu:[128]

Given the increasing significance of these bodies, following recent legislative acts, the problem of a modification of the Constitution arises in order to confirm their existence and to define their position within the system of socialist democracy.

How can the organs of double-nature fit into this Romanian system of socialist democracy?

Since these organs of double-nature are not strictly administrative or political in nature, they may represent a special category of social organs.[129] Certainly, the nature and character of their activity, it can be argued, is

unique since there cannot be a clear distinction made between the executive and party acts of these organs. Thus, the activities of the organs of dual-nature are not solely of a juridical character but also of a political character. In fact, the latter tends to dominate the former.[130]

The nature of the relationship between the communist party and the state may be undergoing a significant transformation in Romania. Romanian scholars have not yet set this ongoing transformation into the context of the existing Romanian constitution. They have, however, set it into the context of Marxist-Leninist philosophy.

It has been asserted that the organs of double nature represent "a prototype of organs belonging to the future." [131] For the present, the immediate impact of these organs of double nature is a more direct party control over certain organs of state and their auxiliaries, or at least legalization of informal controls.

The change in party orientation and in its program brought about a significant re-orientation in the relationship between state and party in Romania. This has had an effect upon the Romanian press and its relationship with party and state.

The same impetus which moved the RCP towards greater

control and domination of the state and its organs, and the need to more directly control and guide the agents of socialization, led to a changing relationship between press, party and state. The co-opting of the state's control over the press had to be legalized and legitimized as the Romanians now strongly emphasize socialist legality and the need to obey the law.[132]

Therefore, it can be argued that a significant result of the change in the relationship between state and party was the enactment of the press law in 1974, the first in communist Romania's history.

Ion Ceterchi explains in România Liberă on April 4, 1974, that the functions of the press and its organization were henceforth to be carried out under the leadership of the party and state, not solely by the state. And, that the press law was to confer socialist legality to the party's relationship with the press.[133] The RCP, he writes, supervised the formulation of the press law which was written "under the direct leadership" of Ceausescu.[134]

Ceausescu has made it clear that the new press law is based on the principle which affirms the leading political role of the party in all areas of activity:[135]

...We have to understand that the new law is based on the principle of affirming the leading political role of the party in all activities...

The first effect, then, of the new state-party relationship on the press, state, party linkage was its detailed outlining for the first time in Romania's post-war history and its legalization and legitimization.

Cismărescu explains in his Einführung in das Rumänische Recht that the press law:[136]

...serves the primary purpose of establishing party control over the entire press, legally linking it to the politics of the party, to raise the people's socialist consciousness and to thwart the development of any liberal tendencies.

The second most significant effect of the new state-party relationship on the relationship between press, state and party was the transference of authority over the press from a state organ, the Council of Ministers, to an organ of dual nature; first, the Committee on Press and Other Print Matter in 1975 and, then, to the Council for Socialist Education and Culture in 1977.[137]

While de jure the Council for Socialist Culture and Education is subordinate to both the Central Committee of the RCP and to the Council of Ministers, the party is de facto in control.[138] The Council, which also has regional committees overseeing the local and regional press, is composed of

members who also hold party positions.[139] As King points out:[140]

The holding of state positions by party leaders and the dual subordination of some organizations to both party and state bodies provides greater legitimacy to the party and its officials.

The party is now de jure as well as de facto in control of the Romanian press through the Council for Socialist Education and Culture. Further discussion of the extent of this control is offered in Section IV.

The RCP has spread its direct control, which it used to exercise only over the party press with indirect control over the rest of the Romanian press exercised through the state, over all press organs in Romania.

The Romanian press law extends the right to publish (Art. 17) to political organizations and to state, mass and public organizations. All publications emanating from these organizations are now controlled, by law, through the Council for Socialist Education and Culture. [141]

The press published by mass and public organizations is now also, nominally at least, under the control of the Front of Socialist Unity, an RCP organ which unites all mass and public organizations.[142]

Another noteworthy change which occurred as a direct result of the change in party-state relationship, redefining

the press' relationship with both, is the abolition in 1976 of the Journalists' Union, a state-controlled organ.[143] In its stead the RCP established a Journalists' Council as a part of the General Confederation of Trade Unions, a party organ.[144]

A good example of the kinds of direct changes brought about by the modification in the relationship between party, press and state is the appointment of Nicolae Dragoș, former assistant editor of the party newspaper, Scînteia, as editor of Luceafărul, a Bucharest-based publication which was considered to be a "left"-oriented review published by the Romanian Writers' Union.[145]

Other visible examples of the change in party, press and state relationship abound and will be further discussed in Section IV. One other example is worth mentioning here. The most popular publications in Bucharest, Săptămîna, edited by Eugen Barbu, and Flacăra, edited by Adrian Păunescu were also brought under the tutelage of a party organ. In the case of Flacăra, the Front of Socialist Unity took control of the publication and Săptămîna was taken over by the Council for Socialist Education and Culture.[146]

The state now only aids the party in overseeing the press, a function which has now been taken over directly by

the RCP and has brought about a sameness in the approach to news coverage and commentaries in all publications. The brief liberalization of the 1960s has thus been effectively snuffed out.[147] This has been carried one step further by, in essence, doing away with the non-party press. Ceausescu said that:[148]

...today there exists nothing but a party press...

5. Law in Romania, Its Sources, Role and Function, and Relationship to State and Party

In Romania, the practice of law is seen as an application of Marxism-Leninism and, therefore, cannot be understood without a knowledge of its philosophical foundation.

In brief, as outlined in Part 2, Marx saw the state and law as a part of a superstructure which is defined by and based on the economic foundation of the nation and the relations of production.[149] Therefore, in a Marxist-Leninist system:[150]

...Law is not independent or self-determining and cannot reinforce itself from sources outside social economic reality...

The Marxist doctrine stresses the historical development of society from capitalism to socialism and, then, communism. During the transition to socialism, the socialist stage and the transition to communism, the law remains an important

part of the superstructure serving political and social functions. Indeed, in a Marxist-Leninist society law is determined almost exclusively by its social and political functions because, as Zwigert and Kotz write:[151]

Marxism rejects the view that law may aim at the realization of other independent values, be they established by a god-given law of nature, by an idea of justice or by particular legal tenets of a given culture; in particular Marxism opposes the view that the law may set limits to political action by guaranteeing to the individual citizen certain spheres of freedom immune from control by the state, even if such controls seemed justified by the needs and demands of politics and society.

Marx and Engels in the Communist Manifesto[152] made it clear that the law is the will of the dominant class, the proletariat, made into law for all. In contemporary Eastern European communist systems, Marx's theory is applied fully and law is conceived only as a class instrument used to move society toward communism.[153]

A further elucidation of the essence of law in socialist societies was offered in 1938 by Vyshinsky who argued that law is no "enigmatic shape," but a living expression of the essence of social relationships between classes.[154] He writes that:[155]

Law is the totality of rules of conduct which express the will of the ruling class and are laid down in legislative manner, along with the rules and practices of communal life which are sanctioned by the power of the state. The

application of these rules is backed by the coercive power of the state in order to secure, reinforce, and develop the social relationship and conditions which are agreeable to the interests of the ruling class.

As an instrumentality in the hands of the now dominant proletarian class, writes Vyshinsky, et al., the state creates its law to protect the interests of this class.[156]

Today's socialist societies, among them Romania, claim to have advanced to a higher level of development which has eliminated the existence of classes, making Vyshinsky's half-century-old view non-applicable to the present concept of socialist law.

Yet, law not only reflects the social values of socialist society and serves as an instrument of change, but also serves as a political instrument. Lenin defined law as politics.[157] As such, law and juridical activities also adopt an essentially educative function since, according to Marxism-Leninism, an important task of politics and, therefore, of law, is to alter the consciousness of the polity.

From a Marxist-Leninist viewpoint there is no law independent of the state "for the reason that law is nothing without a mechanism capable of enforcing the observance of the norms of law." [158] Additionally, as Vyshinsky states, the law cannot be independent of the state for it is an expression

of the philosophy of the state and, therefore, of the will of those who govern, i.e., the proletariat as represented by the communist party.[159]

Frenske points out that the theory of socialist law in the socialist nations is simply a theory of legitimation (Legitimationstheorie) with its most important assignment being the definition of the roles of the party in society and the forms the state takes in a socialist nation.[160]

Marxist-Leninist socialist legal systems are, it can be argued, no different from other legal systems. They, too, are involved with politics, economics and social organization. The exception being their conscious and purposeful involvement in these areas. Indeed, some argue that there is no such thing as socialist law since the very idea of law can only survive outside a Marxist-Leninist system, i.e., only within the capitalist mode of production. For example, Pashukanis argued in 1924, virtually alone among communist jurists, that "socialist law" is nothing but the adaptation of the old laws to the new means of production and to the prevalent ideology.[161]

An examination of available comparative studies of legal systems support Pashukanis' view. Rene David writes,[162] for instance, that the Islamic, Hindu and Hebraic systems are

distinguished by concepts of sources of law and attitudes of judges held together by the concept of holy writ. The Anglo-American and Romanist systems are distinguished by differing attitudes of judges held together by the concept of the role of the judicial decision in the legal process. The socialist legal system, socialist law, adopts the Romanist method with what might be called an element of holy writ techniques.

In fact, Romania's socialist law did not come into being in a vacuum. On the contrary, the nation already enjoyed established legal orders belonging to the Romano-Germanic legal family.[163] Therefore, the establishment of socialist law in Romania did not mean adherence to Soviet legal forms and the rejection in toto of pre-communist laws, but rather adherence to the ideas which inspired them. The old laws, codes and legislation which were not contrary to the principles of the new Marxist-Leninist order were retained.[164]

David and Brierly note this to be true in all Eastern European communist nations and write that:[165]

Substantially, legal provisions in which class characteristics were evident, were abrogated; but the whole of the law was not condemned since it contained a portion of the national cultural heritage that was worthy of admiration and confidence.

The principal source of law in Romania is the constitution and the various codes and statutes passed by the

National Assembly, Romania's parliament. Unlike its counterpart in the Western world, the Romanian parliament stands above the constitution, even though the constitution establishes procedures for constitutional amendments. This is not unusual in Eastern European communist countries as Kase points out:[166]

...Constitutions of the people's democratic countries contain provisions which entrust the presidium of the legislative assembly with the control of legality and constitutionality of decisions made by various organs of the state.

In fact, the National Assembly has the primary and sole competence of making laws and approving as law codes, norms, decisions, etc., made by other state organs.[167] There are, in addition, special sources of law in the Romanian constitutional system.

For example, the decrees of the Council of State, an organ of state power, have the same effect; they have legal weight, as statutes do, but only until submitted to the next session of the National Assembly where they either become law or are rejected.[168]

Those binding decisions taken by the Council of Ministers, an organ of state administration, within the framework of existing laws and decrees, are also a source of law. So are the binding instructions or regulations made by ministers and

heads of other central administrative bodies for the purpose of implementing laws, decrees and decisions made by the Council of Ministers.

Furthermore, the decisions made by local organs of state power and administrative bodies are also sources of law.

The constitution clearly excludes organs of administrative power from primary law-making activities.[169] They can make general but not normative rules in areas which are already regulated by law.[170]

Case law is not a source of law in Romania. The contribution of the courts to Romanian law is limited to the identification of needs for new statutes and rules, and by the incorporation of general principles which could themselves become sources of law if adopted by the Legislature.[171] The decisions of the Romanian Supreme Court taken in plenary session ensure even application of laws and serve to interpret the constitution, statutes and codes already in existence.

The supremacy of laws, of legality, is continually stressed in Romania. This is not a characteristic unique to the socialist constitutional-legal system, but is also shared by the systems of the Western world. It is different, however, in its theoretical foundation and in the practical

application of its principles given the socio-economic structure under which it serves.[172]

Nucescu, for instance, explains that:[173]

The establishment in judicial terms of the relationship developed in the complex process of creating our socialist society, played and still plays a remarkable role in the realization of party objectives in all areas of activity. Law, as an element of the superstructure, has to correspond to the socio-economic relationship which it expresses and protects.

Romanian jurists argue that the principle premises of the supremacy of law in their socialist society is the effective exercise of state power by the people.[174]

Therefore, a Western conception of separation of powers is not valid in Marxist-Leninist society because the executive and the legislative branches of the state, as well as the judicial branch, are viewed as inseparable. The necessary limitation of the state's attributes and its spheres of activity does not itself divide power, but it simply organizes the forms and methods of realizing this power. Naschitz, et al., write that:[175]

Given the fact that the owners of power in a socialist state are the people and not parliament or another organ of the state, given the essence of representative democratic socialism and the responsibility and recall possibility of the chosen representatives, but more importantly given the social and political structures forming the basis of society it is imperative that

legislative law-making attributes be retained in the hands of the people's direct representatives. And, therefore, also imperative is that the delegation of these attributes to the organs of the executive be forbidden.

The fact that law making activity is exclusively in the hands of the people, through their duly elected representatives, constitutes an essential element in the principle of people's sovereignty. It is this principle, in Marxist-Leninist thinking, which gives added significance to the supremacy of law in the Romanian constitutional system.[176]

The people through the National Assembly make laws enforced and put into effect by the state which is charged with protecting the socialist order, i.e., protecting socialist property, socialist legality and the rights of citizens. And, since Art. 3 of the 1965 Romanian constitution emphatically spells out the RCP's leadership role in all aspects of Romanian life, it is the party which supervises and, finally, approves all laws in Romania.[177]

Law in Romania is defined as the normative expression of state power and as an instrument for the realization of the state's politics, i.e., the politics formulated by the party on the basis of Marxist-Leninist philosophy.[178] It is characterized as meeting the needs of social reality and of social progress; harmonizing different interests and aiding in the realization of society's common aspirations.[179]

The laws' raison d'être are closely correlated with the political program for societal development, as well as with Marxist-Leninist ideology which provides the "scientific foundation" for this program.[180]

In keeping with Leninist theory, the functions of law in Romania are not separate from those of politics.[181] The minority view that law has some goals or purpose different from politics is dismissed.[182]

Law in Romania is politics or an extension of politics and several reasons are given for this synonymy:[183]

1. Law originates with the politico-ideological program of society;
2. It is elaborated and implemented by the state, and
3. It implements the politics of the state.

First, law is dependent on politics because it is politics which defines the socio-economic structure of society with its specific values and norms. It is this milieu which defines the essence, the characteristics and the general principles of the socialist legal system.[184]

Second, law is politics because it originates with the state which has a duty to make laws, to set them into practice and to organize forces which compel respect and adherence to the law.[185] Without state recognition and

without its powers to force compliance, no norms have juridical values, they cannot be law.

Finally, this connection between politics and law is further explained by defining politics in more specific, Marxist-Leninist terms. Pătulea writes:[186]

Law is politics also, and more specifically, through its end result: realizing the politics of the state. This means that law has to be considered and elaborated as politics, by which we understand a rule of conduct corresponding to a plan of action whose stipulation is the achievement of a certain goal. In this sense, therefore, every action in every sphere could be conceptualized as politics.

Since Marxism-Leninism views laws as reflections of the politics of the dominant class, law and politics cannot have differing goals. Vrabie explains that:[187]

The purpose of socialist law was outlined from the beginning of its existence as being in harmony with the purpose of the working class's politics, building and perfecting socialist society, this is due to the intelligent legislative politics of our party and state. Law has become an instrument of progress.

As an "instrument of progress," law in general and constitutional law in particular, has the task of giving normative shape to society's political system, regulating its organization and perfecting it.[188] It does so within the political framework of the system and, therefore, becomes politics. But, this does not change its special nature

through which characteristics it is able to fulfill its new roles and functions.[189]

Socialist law's special nature is derived from the system in which it functions but in addition, as Nucescu points out, other factors contribute to it:[190]

...the socio-political environment, with its fundamental structures and its general laws which determine its evolution; with the traditions, national works and institutions within which its past and present history is crystalized and recorded; with its own values...defines the essence, the characteristic features and general principles of the legal system which acts in the given state and social system.

As politics, law is formulated and applied in light of the RCP's policies. For example, the adoption by the National Assembly of the directives and decisions of the party and, therefore, of the people, constitutes the foundation of all of the state's law making activities.[191] The approval of important normative acts, and often their introduction, by the highest organs of the party has become commonplace in Romania.[192]

The ties between law and politics, however, go beyond the realization of politics through law. Vrabie writes that:[193]

We observe how the demands of political standards and principles can be realized through law. But this aspect does not constitute the only link which can be established between politics and law.

The relationship between these two phenomena are very complex, the law constituting a reflection, as well as an avenue for the realization of, the politics of the dominant class. Politics play an unusually important role in the making of, modification and realization of laws.

The role of law in Romanian society, as with the role of the state and party, is not diminished. In fact, it continues to grow. Ceterchi writes:[194]

The increasing role of law is directly tied to the growth of the political factors, of state and party.

The RCP has instigated and directed the development of socialist law in the period of transition from capitalism to socialism on the basis of the exigencies of that period. The laws in socialist Romania, Ceausescu writes:[195]

...have to correspond to the demands of today's reality, to the need to protect fundamental socialist values, to develop public property, to strengthen socialism, insuring at the same time an undisturbed exercise of citizens' liberties and rights.

Ceausescu's view of the law's functions is reiterated by Romanian jurists.[196] They draw attention to the important ideological-educative role which law plays in developing the new socialist man and conscience, principally by shaping socialist juridical conscience.[197]

As ideology and political activity have taken an increasingly center-stage role, law has become a greater

force in educating and shaping the polity's understanding and acceptance of socialist norms in all spheres of life. The law's educational and ideological function is twofold: (1) To educate and (2) to persuade or force adherence to socialist legality and norms of life.

First, law is called upon to help fulfill the program for the socialist education of the masses, of heightening their level of legal knowledge and conscience, and of setting all social relationships in the context of "socialist equity and ethics." [198] Stoica succinctly describes how Romanian law in the present stage of socialist development serves the established order: [199]

Through its destiny and function, socialist law...is called upon to give everything juridical expression and form corresponding to the socio-economic realities.

Secondly, another fundamental educational characteristic of socialist law is its activity to hold accountable those guilty of various violations of the nation's laws by applying sanctions and other juridical measures. [200]

The law, it is argued, by meting out punishment also has a duty to re-educate the individual before permitting him or her to re-enter socialist society. [201] The act of persuading or convincing individuals to adhere to the law is preferred to the act of forcing compliance in today's Romanian legal philosophy [202]

However, the need for the law to assure compliance with socialist norms one way or another is emphasized repeatedly, either directly or indirectly. Ceausescu, for example, has warned time and time again that:[203]

...the rigorous application of laws is obligatory for all state organs, for all citizens of Romania. No one is permitted, no one is allowed to infringe upon or to elude respect for the laws.

Strict respect and observance of socialist legality in all sectors of life is most important in Romanian society. In conditions in which law is a normative expression of the RCP's and, therefore, of the state's politics and ideology, any action which shows disrespect or violates the law is considered harmful and intolerable.[204]

As an instrument of politics, one of social control and education, socialist law is a powerful tool for communist education, while at the same time it contributes to the organization of social life, guaranteeing the new social discipline imposed by the party and socialism itself, and perfecting the Marxist-Leninist conception of social relationship and the leadership of socialist society.

6. Analysis and Conclusion

The RCP today is a thoroughly Leninist organization. Far from being a loosely-structured, democratic institution representing worker and peasant interests as Marx had

envisioned it, the RCP is a tightly-knit organization composed of an elite cadre of activists.

Power within the party is concentrated in the hands of a select few leaders who, in turn, owe their position and pay homage to the President and head of the RCP.

In contravention to Marxist philosophy, a personality cult has arisen in Romania which may well match the ones which surrounded Stalin and Hitler. The birth of this personality cult and adoption of a Führer principle are not only traceable to Romania's Leninism but may also be traced to Romanian history. The old concept of Voievod which demanded utmost obedience from all subjects has been adopted and adapted by Romania's regime.

Organized on the Leninist principle of democratic centralism, the RCP demands strict discipline and obedience from its members. Contrary to what Marx and Engles write about a communist party, the RCP is dogmatic and doctrinaire.

De jure and de facto the RCP has a voice in every sphere of Romanian life and controls directly or indirectly every formal and informal organ of power in the country. Its role extends well beyond that of political leader. Lenin's "party," as opposed to Marx's "working class," is the decisive force attempting to transform Romanian society.

The RCP's Leninist orientation, its democratic centralism and the insistent and constant call for party unity and obedience, may in part be explained by the lessons learned during its post-World War II period and by the demands of the nation's geopolitical situation.

Party leaders learned that power blocs within the organization may bring foreign (Soviet) influence over party programs and ideology. Only a united party, the Romanian leaders know, can deal with foreign and domestic issues in a way which satisfies Romanian aspirations and needs as expressed through the RCP.

The growth of the party and its pervasive control in Romania can be similarly justified. The RCP's perceived need to show total control over the nation is partly a defense mechanism against Soviet intervention, particularly during periods in which Romanian policies deviate from Soviet ones.

Satisfying the need to mobilize the polity for regime-defined goals and ideologically indoctrinate it in an effort to transform society and build socialist conscience, is one of the RCP's primary functions and another reason for its growth. This need, too, at least partially, has its roots in the requirement to build defenses against foreign intervention as well as in the perceived situational demand to

bind the nation with a Marxist-Leninist ideology interpreted and applied with a heavy dose of nationalism. Continuous growth of the party was, after all, foreseen by Lenin.

The party's growth, its spreading control and its ideological and programming demands make a commensurate growth of the state necessary in accordance with Leninist theory. It is only through the state that party philosophy, ideology and programs can be introduced, implemented and enforced. Therefore, far from withering away, the Romanian state, true to Leninist theory, continues to grow and extend its power and influence.

The organs of state power in Romania are representative in nature. Yet, by virtue of the party's direct and indirect control over these organs it is the RCP which proposes and ultimately decides the fate of the nation. Theoretically, all four categories of state organs, those of state power and administration, the judiciary and procuratura, exist to give expression to the people's will, safeguard their well-being and implement their will.

Constitutionally the RCP is only entitled to political leadership. State power and control is to be exercised by the people through their elected representatives. But, de facto state power and control was always exercised by the

party. Now, through the newly-established organs of dual-nature, the RCP has legally established itself in control of portions of the state apparatus.

The Romanian leadership's claim that these organs of dual nature are original creations of the Romanian Marxist-Leninist system may well prove to be a bona fide claim. But, the sole purpose and result is greater and constitutionally legal control by the RCP over all state organs.

If constitutionally the RCP is entitled to wield only political leadership, the arguments that these organs eliminate duplication of functions brings forth the question: Why were RCP organs carrying out functions which belonged to state organs?

Clearly, the organs of dual nature were instituted to further extend the RCP's control, in this case constitutionally supported, over the state apparatus.

The relationship between the RCP and the state is undergoing a transformation in Romania in line with Leninist theory and the regime's perceived politico-ideological needs and desires. More than any substantive change, however, it is a change in the legal status of the RCP's interference with the people's constitutionally-defined right to hold power and control.

The organs of dual nature may well be the beginning of a formal, de jure melting of state and party, as indeed is claimed by Romanian jurists. The party, of course, legally holding not only political power but state power as well.

The law already gave legal status to the organs of dual nature and a change in the constitution, verifying their existence and defining their position in the system, would further legitimize the control of the RCP over the state and hasten the day when even the present, nominal separation of state and party attributes and prerogatives will be eradicated.

Such a constitutional amendment giving dual-nature organs additional legal substance would, in Marxist-Leninist philosophy, meet the requirement of the socialist laws' primary task of defining the roles of the party and the form the state takes in a socialist nation. The assertion that the theory of socialist law is simply a theory of legitimation seems to be amply supported by the absence of separation of powers in Romania, by the goals and purposes of Romanian laws as spelled out by the nation's jurists and the RCP and, finally, by the sources of Romanian law.

Clearly, the Romanian leadership define law as politics. Romanian law is derived from the politico-ideological needs

and programs of the party and its purpose is to support these needs and programs as well as legitimize the demands made on the polity on their behalf. In line with Marxist-Leninist theory, law also has an educative role in shaping understanding and acceptance of the socialist norms of society which the RCP sets forth on the basis of its Leninist orientation.

Thus, law along with the state, becomes another tool used to introduce, implement and enforce the party's programs, ideology, aspirations and need to remain in control over the country.

In Marxist-Leninist terms, the law and the state are part of a superstructure based on the relations of production which are dictated and controlled by the party.

The state organs of power, controlled, guided and inspired by the RCP, serve as the principal source of law in Romania. Through the state, the RCP in the context of its ideology and policies establishes laws outlining the parameters of individual, group and institutional freedoms and rights.

The state, in turn, uses the laws to carry out its party-assigned functions and roles. Acceptance and obedience to socialist laws is accomplished through the state, which provides both a judicial system and coercive powers.

The RCP's relationship to state and law in Romania is akin to its relationship to the basic economic structure dictating all other relationships in a socialist nation. This relationship might be labeled as that of an old-fashioned pater familias, i.e., it establishes the economic structure of the nation which, in turn, gives birth to the socialist state and laws, both of which obey the master of the house who has exclusive insight into what is best for the entire "family." It is in this context and within these relationships that the new Romanian press laws and the media's relationship to party and state in contemporary Romania emerged in the past 10 years.

The RCP's move to more thoroughly control every facet of Romanian life, directly or indirectly through the new organs of dual nature, redefined the party-state-press relationship.

The state and its organs do no longer have direct control over the non-party press. This has put an end to the attempts of liberalization begun in the 1960s and brought about an across-the-board sameness in all Romanian publications. It has also brought party functionaries to the editorship of all newspapers and magazines, whatever their nature might be, and as we shall see, also ended the life of many publications considered unacceptable to the party.

This change in the party-press-state relationship was legitimized and legalized by the enactment of the new press law, an offspring of the change in the relationship between party and state.

7. Notes and References

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9. Ibid. p. 47-54; also see Fischer-Galati, The New Romania, p. 6-8 and p. 23-30.
10. See Brzezinski, The Soviet Bloc, p. 442-443.
11. Floyd, Romania: Russia's Dissident Ally, p. 47-54. Brzezinski also writes that tension in the Moscow-Bucharest relationship is evident in the intra-party struggle in the 1940s, see The Soviet Bloc, p. 442-447.
12. For a description of how Dej purged the Pauker group see Floyd, Romania: Russia's Dissident Ally, p. 51-55; Dej is quoted from Scinteia, December 7, 1961.

13. The politically based decision to raise Romania's economic sights and turn the nation into a well-developed industrial nation was the crux of Romania's autarkical policies. And, it is these policies which became the focus of the initial Romanian-Soviet dispute.
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16. See Floyd, Romania: Russia's Dissident Ally, p. 38-39; For a description of Romania's economic adjustments from 1956 to 1958 see Ionescu, Communism in Romania, p. 275-287; Montias, Economic Development in Communist Romania, p. 39-53 and p. 187-192; see also Michael Kaser, Comecon - Integration Problems of the Planned Economies; N.Y.: Oxford University Press, 1967, p. 1-41.
17. See Floyd, Romania: Russia's Dissident Ally, p. 93-100 and p. 108-110; The Romanians decided to play the role of mediator in the dispute, accentuating their "neutrality" in the communist camp and enhancing their diplomatic prestige. They sent a delegation to Peking in February 1964, which failed to bring the Soviets and Chinese any closer to a compromise. For a description of the events leading up to the Romanian declaration, see S. Fischer-Galati, The Socialist Republic of Romania; Baltimore: Johns Hopkins Press, 1969, p. 76.
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19. See Floyd, Romania: Russia's Dissident Ally, p. 122-118; Fischer-Galati, The New Romania, p. 102; V. Gliga, "Rumänien für eine neue ökonomische und politische Weltordnung," in Europäische Rundschau 1, nr. 4, 1976, p. 19-28.

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 31. Fischer-Galati, The New Romania, p. 103.
 32. Ibid.; see also T. Gilberg, "The Communist Party of Romania."
 33. R. U. Burks, "The Communist Polities of Eastern Europe," in James N. Rosenau, ed., Linkage Politics; N.Y.: The Free Press, 1969, p. 303.
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 36. Burks, "The Communist Polities of Eastern Europe."
 37. We have seen how emphasis on doctrine and conformity was great in the 1945-52 period. There was one single center of doctrine, Moscow, and conformity to Moscow was a sine qua non to the communist parties of Eastern Europe. As the Soviet armies were removed from Romania in 1958 and economic ties with the Soviets, while still substantial, were decreased.
 38. Braun, Romanian Foreign Policy Since 1965, p. 151.
 39. Ibid., p. 18-20; also see Trond Gilberg, "The Communist Party of Romania," in S. Fischer-Galati, The Communist Parties of Eastern Europe; N.Y.: Columbia University Press, 1979.

40. Trond Gilberg, "The Communist Party of Romania," p. 290.
41. T. Gilberg, "The Communist Parties of Eastern Europe."
42. See T. Gilberg, "Ceausescu's Romania," in Problems of Communism 23, nr. 4, July-August, 1974, p. 29-43; D. N. Nelson, "Organs of the state in Romania," in International & Comparative Law Quarterly 25, July 1976, p. 651-664; Mary E. Fischer, "Participatory Reforms and Political Development in Romania," in Jan F. Triska and Paul M. Cocks, eds., Political Development in Eastern Europe; N.Y.: Praeger, 1977; M. Preda, "Corelatia între activitatea desfășurată de organele statului și organizațiile de masă și obștești," in Revista Română de Drept 31, nr. 8, August 1975, p. 3-9.
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137. See Decree nr. 53, 1975, establishing the Committee on Press and Other Print Matter as mandated by the 1974 press laws. This committee was dissolved in 1977 by Decree nr. 472 (Buletinul Oficial nr. 138 of Dec. 12, 1977) and replaced by the Council for Socialist Culture and Education established by Presidential Decree nr. 422 published in Buletinul Oficial nr. 127, Nov. 8, 1977.
138. For example, Ion Galățeanu, the former head of the Committee for Press and Other Print Matter and a party functionary was named head of the Council for Socialist Education and Culture. In fact, the list of the Council's members, published in Decree nr. 234 in Buletinul Oficial nr. 84, Sept. 9, 1978, clearly shows the party's control over the Council as all members listed also played key roles in the party organization.
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142. From a conversation with Nestor Ignat, provost of the Journalism School of the Stefan Gheorghiu Academy, Bucharest, in October, 1979.
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146. Ibid.
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202. Ibid.
203. N. Ceaușescu, "Cuvîntarea la consfîtuirea activului de partid și de stat din ministere și instituții centrale, din 11 aprilie 1974," in Scînteia, April 13, 1974.
204. Ceterchi, "Rolul partidului comunist român - forța politică conducătoare a societății noastre - în dezvoltarea statului și dreptului socialist."

SECTION IV

1. Introduction

The Romanian National Assembly on March 28, 1974, enacted the first set of Romanian press laws in the post-World War II period. Some additions and changes to the 1974 laws were made in 1977.

The 1974 laws represent the first set of press laws under the communist regime (installed in 1947) for the 225-year-old Romanian press.

The last, pre-communist press law was enacted in 1925. The 1974 law represents the first attempt to set into law the rules governing the Romanian communist press, its duties, rights and responsibilities, and functions, as well as its organization and structure. And, for the first time, the duties, rights and responsibilities of Romanian journalists were precisely and stringently spelled out by law.

How do the laws define freedom of the press in Romania? What are the journalists' rights, duties and educational requirements? What are the roles and functions of the press in Romanian society? And, finally, what are the controls imposed on the press and what is the relationship between the press, party and state as mandated by the 1974/77 press laws?

The answers are defined in the articles of the 1974/77 press laws.[1] They provide a view of how Romanian print

media are to function, how they are structured and organized, and under what conditions they carry out the role assigned them by law.

Answers to these questions may add to our understanding of how the law defines the relationship between party, state and press and together with the answers gained in the examination in Section III they will allow for a comprehensive outline of the meaning and significance of the press law in Romanian society and a better understanding of the relationship between press, party and state.

The Romanian press laws can be understood only in the context of Marxist and Leninist philosophies and theories of the press. These theories and philosophies provide the basis for Romanian Marxist-Leninist conceptions of press roles and functions, organization and structure, as well as the duties, rights and education of journalists, and the relationship between press, party and state.

Marxist-Leninist press concepts were introduced in Romania in 1947. These concepts changed during the 27 years which preceded the enactment of the first communist press law in 1974. A brief examination in Part 2 of the Romanian press without a press law during that period can provide clues to their significance and to the reasons for their introduction

in 1974. And since some of the articles in the 1974/77 law are reminiscent of those of pre-communist days, a brief look at the history of the Romanian press and its laws adds to an understanding of the origins and historico-cultural foundations of the Romanian press and its laws. This limited historical overview in Part 2 also provides a comparison to today's Romanian press and the central issues to be examined in this chapter.

Part 4 will examine the articles of the Romanian press law which address questions raised in this section. Those articles dealing with the relationship between the press and the citizens of Romania, the protection of the individual against the abuse of the right to expression in the press, and the activities of the Romanian press abroad, are generally excluded in this examination as they do not contribute to the discussion.

Part 5 offers a summary and conclusion.

2. A Brief History of the Romanian Press in Its
Pre-Communist Days and During the 27 Years It Functioned
Under Communist Rule, Prior to the Enactment of the 1974
Press Law

The birth of newspapers in the Romanian provinces in the closing years of the 18th century, before the country's unification in 1859, reflected the existing ethnic diversity

and the level of socio-cultural and political development in those provinces.[2]

Constantin Antip writes in his Istoria Presei Române[3] that the appearance of weeklies and dailies in the late 1700s was directly tied to the necessity of acquiring the means by which political aspirations and ideologies could be aired by the various ethnic and social classes, as well as by politicized individuals in the provinces.

The first newspapers printed in the Romanian provinces were German, Hungarian and French-language publications, a testimony to the ethnic mix in the provinces and to the influence of French society upon Romanian culture and the ruling Romanian classes of that period.[4]

No Romanian-language publications appeared in the provinces until 1829. The revolt against the Turkish overlords in 1821, inspired by the cultural renaissance in the Romanian provinces and the French revolution, brought about "the first precursors of the press, at first mere pamphlets, then political newssheets calling the people to resist their oppressors," according to Olson.[5]

As a result, three Romanian-language weeklies appeared in 1829, constituting the foundation of Romania's mass media development.[6]

The first daily Romanian-language papers did not appear until 1838 when the Românul began publication in Iași.[7] Subsequently, several other dailies, in Romanian, Hungarian and German made their appearance throughout the provinces.

There were no press laws in force in the provinces regulating publications of newspapers, their rights and responsibilities or the duties and conduct of journalists. The political exigencies of the Turkish occupiers and the whim of the indigenous lords and local nobility often decided the fate of the press. For example, in the aftermath of the 1848 revolution in the Romanian provinces, suppressed by a coalition of Russian, Turkish and Austrian military powers,[8] the Moldovian and Wallachian press was strongly censured and some periodicals were confiscated.[9] In Transylvania, several papers were banned.[10]

For a brief period (1853-54) after the foreign powers finally withdrew from the Romanian provinces, several nationalistic papers appeared, but were quickly suppressed when Russia again occupied the Romanian provinces as a preliminary to her drive into the Balkans, a move which precipitated the Crimean War.[11]

Russia's subsequent defeat in that war brought about full autonomy for Wallachia and Moldova.[12] Autonomy, in

turn, brought about the unification, if not independence, of one-fourth of Romanian soil and the creation of a single Romanian state in 1859.[13]

Colonel Alexandru Ion Cuza, elected prince of the united principalities, imposed strict censorship on the existing newspapers and silenced many of the new papers which were introduced after the 1859 union.[14] Before he was deposed by the National Assembly in 1866 and replaced by Prince Charles of Hohenzollern-Sigmaringen, Cuza signed into law the first Romanian "Laws Concerning the Press" in 1862.[15]

The original 1862 press laws were patterned after French laws (1793) concerning "Literary Property" and covered Romanian book trade, printing and dissemination of news (publishing of political newssheets, periodicals dealing with literature, science trade, industry, etc.) and press offenses.[16]

Press freedoms were guaranteed in the 1862 laws in Article 27, which insured the right of free expression in the contemporary press, and Article 26, which stated that censorship has "forever been lifted" in Romania.[17]

In communist Romania, the 1862 laws are regarded as progressive in nature and in some sense are emulated in the new communist press laws of 1974/77, as will be described

later. A contemporary Romanian jurist, I. Ceterchi, for example, writes of the 1862 laws in România Liberă: [18]

It was a law which for those times meant much. It proclaimed freedom of expression through the press, social responsibility as the essence of the press and defined the rules regulating its publication.

Press freedom defined in the original and subsequent press laws found their juridical anchor in Romanian constitutions.

The constitution of 1866, passed under the aegis of Prince Charles, included provisions for freedom of the press hitherto unknown in Romanian history. It guaranteed press freedom in Romania in Articles 5 and 24, with the sole reservation that press freedom should not be "misused" and the Romanian "criminal codes not be broken." [19]

Article 24 of the 1866 constitution stated that freedom of the press, as such, shall not be eliminated by either the criminal codes or by any other particular laws. [20] It also forbade censorship of the press. In 1866, the original 1862 press laws were altered and amended to reflect the new constitution.

Under the 1866 constitution and the amended press laws, the Romanian press experienced relative freedom and prosperity until the outbreak of the Franco-German War. [21] The

Conservative government which took over the country during that war, imposed various restrictions on the Romanian press which for nearly six years dwindled in numbers.[22]

Significant changes in the Romanian press laws were made in 1874 reflecting the tighter reigns the regime imposed on the press.[23]

When a liberal government came to power in 1876, under the leadership of the most prominent Romanian political figure of the time, Ion Brătianu, the press was finally rejuvenated. All political/economic groups or individuals were allowed to publish and express their views without restrictions.[24]

With only two exceptions,[25] the Romanian newspapers, as was generally the case across Europe at that time, were political organs. The diversity of political opinions and political freedoms were, therefore, expressed by the plethora of newspapers found in Romania.[26]

In 1884 and again in 1885, the Romanian press laws underwent amendments which addressed themselves to prior restraint issues as well as to minor publishing procedures.[27]

The political newspapers were, as mentioned above, the predominant element of the Romanian press. Most of these party-controlled newspapers were small in circulation, had limited financial resources and were markedly biased, devoting much space to political polemics.[28]

The lively political press debates and the expression of opinions covering every shade of the political spectrum in Romania were continued throughout the closing years of the 19th century and through the first 16 years of the 20th century. On August 18, 1916, Romania entered World War I on the side of the Allies and was subsequently attacked by Germany and occupied by her for sixteen months. During Germany's occupation, all newspapers except those of the Germanophiles were suppressed.[29] When the war ended with Germany's surrender in November 1918, Romania regained her pre-war territory and was given Transylvania, Bucovina and Bessarabia (1919 treaty), doubling her territory and population.

The post-war period brought a resurgence of the varied political system in the country, a proliferation of political parties and of party organs.[30]

The Liberal Party which came to power in 1922 began a reconstruction program which included changes in the press laws in 1922, 1923, and 1925, answering a need for a clearer definition of the freedom of the press and recognizing the need for free expression of a diversity of ideas and thoughts.[31] A new constitution was adopted providing for a parliamentary government and guaranteeing "to everyone the right to publish

his ideas without censorship or previous authorization. It prohibited suspension or suppression of papers or preventative arrests of editors and publishers." [32]

The 1923 constitution guaranteed freedom of the press in Articles 5 and 25 with the same reservations and stipulations as did the 1866 constitution. The latter article also forbade press censorship.

During the 1920s, the Romanian press flourished. More than 1,300 periodicals were published, 140 of them dailies. [33] Also, in 1925, the first experimental radio broadcast took place in Romania. [34]

The 1920s was also a period of great turmoil in Romania. The economic depression and political instability caused a resurgence of militaristic nationalism. New newspapers appeared, such as Tara Noastră, which were nationalistic and anti-semitic in tone. [35] Others were aggressively militaristic. [36]

Between 1930 and 1933, there were eight different governments in Romania, testimony to the national turmoil which fostered the emergence of the fascist Iron Guards led by Ion Codreanu. [37]

Despite the turmoils, uncertainties and depression, Romania in 1935 still had 299 newspapers, 102 of them dailies. [38]

King Carol, who ascended the Romanian throne after King Ferdinand's death in 1927, began tightening the reins on the press in the early 1930s. He introduced press laws similar to the ones introduced by Hitler in Germany (1933) and suspended all newspapers which raised their voices against Romanian fascism.[39] Romania's leading newspapers, Adevărul and Dimineața, were muzzled; Jews were driven out of journalism and a new fascist constitution in 1938 made government control of the press complete.[40]

The 1938 constitution guaranteed freedom of the press in Articles 10 and 22, "under the conditions set by laws." [41] This stipulation and the lack of a clearly stated stand against censorship, provided no protection for the contemporary Romanian press against censorship and prior restraint.

Indeed, during World War II years various ministries, as well as the military government, were able to impose censorship on the Romanian press.[42]

In the immediate post-war years (1944-47), the Romanian government representing the Peasant, Liberal Socialist and Communist parties restored the former democratic constitution (1926) and once more proclaimed unabridged freedom of the press.[43]

The Propaganda Ministry, instituted in the mid-1930s, was abolished. There was no administrative censorship whatsoever as dictated by Law No. 462 published in the Official Bulletin No. 218 in 1944.

The diversity inherent in the Romanian press system since its birth was once again re-installed.[44]

The Romanian press had only begun to recover from the oppressive fascist years when the Romanian communists, backed by Soviet troops stationed in the country, took over the government. There were violent demonstrations organized by the communists who commandeered police and radio stations and attacked opposition newspapers.[45]

Finally, the installation of Petru Groza's communist government by the Allied (Soviet) Central Commission brought with it the re-establishment of the Ministry of Propaganda.[46] A Press Directorate was set up within this Ministry and assigned "the function of conducting and coordinating all work with the domestic and foreign press."[47]

The pre-World War II constitution as well as the press laws, together with the socio-economic and politico-ideological order were scrapped by the new communist regime in 1947.

Thus the Romanian press joined the ranks of the

totalitarian press system, reflecting, as Kecskemeti writes, "a controlled and carefully fashioned body of opinion." [48]

Friedrich and Brzezinski write in Totalitarian Dictatorship and Autocracy that the press in a totalitarian system is utilized for very particular purposes because: [49]

The nearly complete control of all means of mass communication gives the totalitarian dictatorship the very great advantage of being able to shift its general line of propaganda rather radically over short periods of time. This is especially helpful in the field of foreign affairs.

The Romanian press after 1945 became, not only a tool used to rule the Romanian polity, but also a tool for mobilization of the masses for regime-defined goals and for socio-political education.

The Romanian press system exhibited the organizational, functional and structural traits of the Soviet communist press. [50]

From 1947 to 1964, no discernable changes in the function, organization or control of the Romanian press system took place. The overt re-orientation in the domestic and foreign policy spheres started by the RCP in 1964, however, brought about some immediate changes in the Romanian press system.

Principally, the re-orientation of policies and the de-satellization process begun in 1964 brought about a change in the political socialization themes in Romania. [51] These

changes had a notable effect upon the Romanian press.[52]

The number of mass media increased in Romania since 1947.[53] Weekly and daily publications (including foreign-language publications) grew from 228 in 1949 to 472 in 1976 and by 1976 there were also 47 radio and 23 T.V. stations in the country.[54]

The tremendous growth of the Romanian mass media can, in part, be attributed to the need to mobilize all resources within the state to accomplish the goals outlined by the RCP.[55]

Although communist states may differ from each other in their goals and approaches to their realization, as Kautsky points out,[56] in their pursuit, however, each state is influenced by its particular socio-political situation.

Thus, Romania shared these basic, ideologically-defined goals with other Eastern European countries: establishment of the dictatorship of the proletariat, rapid industrialization, and the creation of the new "socialist man." The development of the media as seen by the Romanian communist regime was necessary to aid in the achievement of these goals.

The definition and implementation of Romania's national goals and the use of the media in these processes depended and still does (as is the case in all other countries) on the nation's economic development, its political culture, the

means by which the regime assumed power and the factors involved in protecting its national independence.[57]

The legal anchor for freedom of the press in Romania was provided in Article 31 of the 1948 socialist constitution, in Article 85 of the 1952 constitution, in Article 3 of the 1965 constitution, and, most recently, in Article 28 of the 1975 constitution.[58]

None of the post-World War II Romanian constitutions mentioned censorship. The act of censorship was exercised by the Ministry of Propaganda (1947), by the Central Committee and Political Bureau of the Romanian Communist Party and, finally, by the Committee on Press and Other Printed Media.[59]

After the 11th Party Congress (1977), the Central Committee of the RCP assigned responsibility for the content of the press to the press' leading cadres and the press councils, as dictated by the press law passed in 1974.[60]

The Committee on Press and Other Print Media was dissolved.[61] Members of the committee were assigned to the leadership councils of various media and publishing organizations.[62] As the examination of the press laws will reveal, the Council for Socialist Culture and Education is now directly and indirectly responsible for the political and ideological content of all media.

When censorship was officially abolished by the Central Committee in 1977, President Ceausescu and the RCP adopted a strategy to "democratize" the press by involving all employees of publishing entities in "collective leaderships," have them assume "own responsibility" and giving them a "voice in decision-making." [63] Ceausescu told American journalists in July 1977 that: [64]

Romania is seeking new democratic forms...which are not only different from today's classical forms of democracy, but which will far surpass these forms.

Gabanyi, however, [65] contradicts official claims. She found that today's journalists, artists and others engaged in creative work have less, rather than more freedom: [66]

Seldom before has the state of Romania's cultural politics presented itself in such contradictory terms, and seldom has the gap between the supposed and the real actuality been so far apart.

The enactment of the first communist press laws in 1974, revised and amended in 1977, helped make the official abolishment of censorship possible, as our examination of these press laws will show.

In a sense, responsibility for censorship was shifted from a governmental agency to those individuals and organizations directly involved in media activities. [67] The new press laws lend some clarity to the attributes,

functions, rights, responsibilities and organization of the Romanian press and its journalists, by giving them legal meaning and status for the first time in the history of the Romanian communist press.

It is these laws, then, which will be examined in Part 4 of this section after a brief look at Marxist and Leninist press philosophy which provided the basis for Romanian conceptions of press and journalists' roles and functions.

3. Marxist and Leninist Theories and Philosophies of the Press

Romania's ideological, socio-political and economic outlook is derived from Marxism-Leninism, which is also the basis for the conception of the press in Romanian society.

While both Marx and Lenin concerned themselves in their writings with the press in a communist society, they held divergent views on the questions of control, role and function, and freedom of the press.

Karl Marx, himself a journalist, spent most of his early years fighting government control and censorship of the press in Germany, France and England.[68]

His experience influenced his view of censorship which he saw as being always based on the principle that the end justifies the means. But, he writes, "An end which requires justifiable means is not a justifiable end." [69]

Marx questioned whether censorship, in its essence, can ever be considered a good means to whatever end since censorship specifically questions freedom of the press. He writes that:[70]

As soon as specific freedom is put to question, freedom in general is put to question.

Censorship, Marx writes, is nothing but criticism as government monopoly:[71]

A censored press had demoralizing effects. The government only hears its own voice, it knows that it only hears its own voice, yet it persists in the delusion that it hears the voice of the people and in turn demands of the people that they should persist in this delusion.

Marx, who sharply condemned government control of the press in his earlier works, identified the principled, reasonable and moral essence of freedom as the essence of the press.[72]

Nowhere in his writings was Marx in any way ambiguous about his view of the negative character of a censored press, of a press which is not free. In 1842, he wrote that:[73]

The free press that is bad does not correspond to the essence of its character. The censored press with its hypocrisy, its characterlessness, its eunuch language, its doglike tail-wagging, embodies only the inner conditions of its existence...

...A censored press is still bad when it produces good products, for these products are good only insofar as they exhibit a free press within a censored one, and insofar as it is not in their

character to be products of a censored press. A free press is still good even when it produces bad products, for these products are apostates from the nature of a free press.... The character of a censored press is the unprincipled aberration of unfreedom, it is a civilized abomination, a perfumed monster.

Marx and Engels never considered the possibility, indeed the necessity, for the "Marxist" party to direct and control the press or literary and artistic activity. Quite the contrary, the party's stranglehold on the press would impede, they argue, the development of socialist theory.[74]

Even the party's paper, Marx argues, must be independent of the party leadership and freely practice the right of criticism.[75]

It is absolutely essential to have a free press in the Party independent of the Executive and even the Party Congress, i.e., it must be in a position within the framework of the program and the tactics adopted, to make unashamed opposition against individual party measures, and also, within the limits of Party propriety, freely to criticise programs and tactics.

However, given the press' position in society, as envisioned by Marx and Engels, i.e., as part of an infrastructure, it is difficult to understand how they conceived a press free enough of the restraints they saw as deleterious to society.

Neither Marx nor Engels addressed himself to the question of freedom of the press in their later works. The

interpretation of this issue, as well as of its underlying theories, were left to others.

Lenin, for example, offered the thesis that the party press must be subordinate to the party. Literary and journalistic activities, he wrote, must become part and parcel of organized, systematic party work. Therefore, he demanded the subordination of the press to the party in most unambiguous terms:[76]

Newspapers must become the organs of the various Party organizations, and their writers must by all means become members of these organizations. Publishing and distributing centers, bookshops and reading rooms, libraries and similar establishments must all be under Party control.

Lenin further proclaimed the ideological unity of the party and the ban on the propagation of views running counter to the party, particularly in the press:[77]

Anybody is free to write and speak as he likes, without the least limitation. But any free association (and this includes the Party) is similarly free to throw out such members as use the shield of the Party for preaching views running counter to the Party...The Party is a voluntary association which would inevitably disintegrate, first ideologically and then also materially, if it did not rid itself of those members who preach anti-party views.

The practical effects of Lenin's views, since he also believes in the state's right and duty to license the press and supplying it (exclusively) with the means of existence,

was to eliminate any press which would voice opinions contrary to those of the party. In short, only one view was to be offered to the polity by the party through the press under a Leninist regime.

Lenin has made contradictory remarks concerning freedom of the press. On the one hand his dictum: "Freedom of the press will help the force of the world bourgeoisie" and will become a "weapon in the hands of this world bourgeoisie," [78] seems to have become the rallying point for the dogmatists among communists. On the other hand, "democratic" communists often refer to Lenin's advocacy of press freedom as a sign of a non-totalitarian ideology: [79]

Freedom of the press means that all opinions of all citizens can be disseminated freely.

While Lenin did not specifically elaborate on his conception of freedom of the press, he proposed "publication of big newspapers by the Soviets:" [80]

...to give a guarantee to a much larger number of citizens that they can air their views - let us say, any group that can raise a certain number of signatures. Such a reform would make freedom of the press much more democratic in practice and incomparably more complete.

The press, in Lenin's view, has two major functions:

- (1) To mobilize the polity by transmitting a set of programs and values which are centrally articulated and
- (2) to help

integrate the different outlooks, making viewpoints more uniform, among the nation's various ethnic/national and cultural groups.[81]

Lenin compared the press with the scaffolding around a building under construction. The scaffolding, he argued, marks the contours of the structure and makes communication between the builders possible, "permitting them to distribute the work and to view the common results achieved by their organized labour." [82]

The communist press was, therefore, conceived by Lenin as an instrument by which communist doctrine, to the exclusion of all other doctrine, was to be interpreted. In Schramm's words, the press was to:[83]

...carry out policies of the working class
(now in control) or the militant party.

Thus, the communist press was to be developed as an integral part of the state and party. There was to be no separate theory of state and press. One theory was to underline both state and mass communication functions.

Since in Leninist terms only one political point of view is permitted and all interests are to be subordinate to it, a diversity of thought and information is unnecessary nor is it to be allowed.

Therefore, freedom of the press is interpreted in a negative way, i.e., there cannot be freedom to question the state, the party or the Marxist-Leninist orientation of society. Prokhorov, for instance, writes in "The Marxist Press Concept:"[84]

From the Marxist point of view, freedom means the possibility of action within the framework of a realized necessity.

While credit for this view may have improperly been assigned to Marx, rather than to Lenin, today's Marxism-Leninism in Eastern Europe provides a socio-political climate which gives a very specific meaning to the concept of freedom of the press, as well as to that of censorship.

Certainly there are variations in the actual press freedoms permitted by the Eastern European communist nations.[85] However, generally the essential political truth is claimed as an exclusive property by the party and its monopoly on defining and elaborating this truth are not to be questioned by the press.

This conception of freedom of the press dictates what is and what is not newsworthy as well as the press' role and function in society.[86]

Such a narrow conception of press freedom entails a certain control over the press which has brought about in the

Eastern European communist nations, party supervision, censorship and self-censorship. This decidedly non-Marxist development was described by Buzek as:[87]

...continuous direction and supervision of the press in the most detailed way, and the issuing of long- and short-term, even daily, instructions.

Censorship and self-censorship concepts in the communist world have their basis in the need to guard against any news subject or idea which goes counter to or negates Marxist-Leninist philosophy, socialist development, attempts to change society to communism, and the will and desires of the ruling elite.

Furthermore, censorship and/or self-censorship can assure uniformity in press action for politico-ideological education, socio-political mobilization and economic development purposes.

This Marxist-Leninist climate of press freedom also engenders a new concept of professionalism in the press. The communist journalist has always been regarded as an advocate and party functionary. Kecskemeti, for example, writes that:[88]

In totalitarian society...the newspaper is seen as produced by public officials in the exercise of their functions.

The Romanian interpretation of these basically Leninist concepts of the press' role in society and its freedom, and the climate which gives rise to this interpretation, have been outlined by the nation's President, N. Ceausescu:[89]

The Press is an instrument of the party and has to spread (disseminate) the party's policies in all of its spheres of activity...In the press field...we have to take a range of measures against whatever liberalist spirit which allows the possibility for conceptions which do not serve our socialist and communist education...

Furthermore, he said that freedom of the press and freedom of expression:[90]

...has nothing in common with the freedom to present works in the press, on radio and television, in films and theatre, which contradict and by nature harm the revolutionary education of our youth and people.

The Romanian leadership bases its notion of freedom of expression and of the press on a collective view, rather than on an individual one. This view is in step with the Marxist-Leninist ideal which states that the full potential of the individual and his well-being can be achieved only if that individual is a member of society on whose advancement and perfection everything else rests. Society, then, is more important than the individual whose well-being is dependent upon society's advancement as dictated by the party and the state.

Freedom of the press is, therefore, defined as the freedom to support the party and its policies, and the state in the implementation of these policies. As the party, the representative of all people, is the sole and exclusive possessor of truth, identification with it is the highest form of freedom.

The examination of Romanian press law in Part 4 further elaborates on the contemporary Romanian interpretation of Marxist-Leninist press theories and philosophies.

4. Examination of the 1974/77 Press Laws

In his analysis of the Romanian press laws of 1974, Leonhardt[91] writes that with the exception of the Romanian constitution, there is no legal document which more clearly expresses the party's totalitarian claim than the law of the press.

Indeed, the preamble to the Romanian press law in force today states that the National Assembly of the SRR adopted the present law:[92]

Taking into account the socio-political mission which the press has in the fulfillment of the general policy of the Romanian Communist Party, in the construction of multilaterally developed socialist society and in the building of communism in the Socialist Republic of Romania.

The "press" is defined to include newspapers, magazines and periodical bulletins, as well as radio and television

broadcasts of an informational character, informational and documentary films and all other forms of written or broadcast-type communication used as an avenue of public expression and information. In the case of radio and television, their activities are carried out in accordance with the press law and the decrees and rules outlined particularly for their functioning.[93]

The Romanian press law defines the roles of the press and of journalists in Romanian society and the controls imposed by state and party. Therefore, they outline the relationship between the press, party and state, and express the Romanian conception of freedom of the press.

In Part 4, I will examine how the law addresses the question of (A) freedom of the press; (B) the journalists' rights, duties and education; (C) control of the press and its relationship to party, state and the latter two's organs and (D) the roles and functions of the press in Romanian society.

A. Freedom of the Press

The 1974/77 Romanian press laws address directly the question of press freedom in Articles 3 and 4. As a basic freedom permitted by the Romanian constitution, freedom of the press is guaranteed to all citizens, including

minorities, in accordance with party and state policies.

This means also in accordance with the press law.

The Romanian press is to be an avenue for mass communication and an instrument for molding public opinion. According to Article 11, the press is also a forum for discussion, an exchange of views, and a means by which citizens of Romania "can exercise their right to free speech and opinion."

Furthermore, the press is also to be a critic of society, as well as an exponent of positive ideas and an analyst of social phenomena. (Articles 13, 14, and 15.)

However, in true Leninist fashion, freedom of the press, the citizens' right to free speech and opinion, as well as the right of the press to criticize, may not be used for purposes hostile to the socialist system, or contrary to the orders of law established by the constitution or other laws, or to "the rights and legitimate interests of juridical and physical man and socialist morality." [94] These rights or interests are defined by the RCP, as per Lenin's theory of the press, as an integral part of party and state.

Therefore, Article 69 guards the interests of society and the individual against abuse of the rights of expression in the press by specifying those materials which are not to

be published or broadcast. These are:

(1) Materials which are hostile to the constitution of the SRR;

(2) Materials containing attacks against the socialist order, against the RCP and the SRR's principles of foreign and domestic policy;

(3) Materials which defame the leadership of the state and party;

(4) Materials which are defined by law as secret information, data, documents;

(5) Materials which contain information or comments which are false or alarming, thus threatening the public peace, or present a danger to the security of the state;

(6) Materials which encourage disrespect for the laws of the state or those which encourage the committing of deeds which constitute infractions of the law;

(7) Materials propagating fascist, obscurantist, anti-humanitarian conceptions, chauvinistic propaganda, or which encourage race hatred, violence or injure national honor;

(8) Materials which affect good manners or constitute incitement against ethical norms and social conventions;

(9) Materials which furnish information on ongoing trials, anticipate decisions by judicial organs;

(10) Materials which include data or deeds which are not

true and by nature are harmful to legitimate interests and to the honor and reputation of an individual, to his social and professional prestige, or which include insults or threats to an individual.

Article 69 sets clear parameters to the freedoms of the press in Romania. There cannot be any freedom to question the state, the party or the Marxist-Leninist orientation of society.

Adhering the Lenin's viewpoint, Article 69 does not allow for any attacks of the state's principles of foreign and domestic policy, or against the leaders of the state. It also forbids dissemination of materials which encourage disrespect for the laws formulated by the state in accordance with the Marxist-Leninist foundation of society.

Article 69 is reinforced by Article 99 which clearly points to the former as the ultimate guide to any materials published, broadcast or made public "by any other means of mass communication whether by a person, organization or institution." The function of Article 99 seems to be one of reinforcement, reiteration and emphasis. It draws attention to the limits the press must observe in carrying out the journalistic function.

Article 69 applies also to the minority press in

Romania which, in order to assure "equality among all citizens" is by law provided to the minorities as a means for expression and information in their own language (Article 4).

The foreign press is allowed into Romania. However, any foreign press product which does not meet the guidelines of Article 69 is not to be disseminated (Article 88). While this article is not fully enforced, it could be if and when the state so chooses. The dissemination of foreign print media in Romania is limited.[95] While major Western newspapers and magazines are available, their distribution points are limited to the large tourist hotels whose clientele is almost exclusively Western. These papers and magazines can be purchased only with foreign (Western) currency, which Romanian citizens are not allowed to possess.

The specialized foreign press, engineering and other trade and scientific publications, are seldom included in the categories of publications which come under scrutiny under Article 69. It is the general circulation press which could be most affected by this article. (Foreign broadcasts could also be judged for their suitability for Romanian audiences under Article 69, yet since 1963 Romania has discontinued any jamming of foreign broadcasts. This does not mean that

Article 69 is not also used to control domestic broadcasts. For example, in 1978, in order to give more play to ideological education, Ceausescu's speeches, the presentation of Romania's domestic and foreign policy directions, as well as to other specific domestic achievement, Romanian television was directed not to broadcast the games of the 1978 World Soccer Championships, thus enraging the millions of soccer fans in the country.)

The press laws are in step with the RCP's conception of freedom of the press. President Ceausescu, for instance, has repeatedly stated that freedom of the press and of expression has nothing in common with publishing or broadcasting news and ideas which are inimical to the party, socialism and communism, and the ideological education of the polity.[96]

Even before party control over the press intensified with the enactment of the 1974 press law, Ceausescu in 1969 referred to freedom of the press in a way which excluded the acceptance of non-Marxist-Leninist ideas, conceptions and interpretations of events in the pages of the Romanian press. On the occasion of a meeting between the CC of the PCR with leaders of party organs and those of the People's Councils, he said:[97]

...sure, comrades, we have to make room on the pages of our press for a free exchange of opinions. But, this does not mean that we have to passively accept ideas which are backwards, or not to militantly express our conceptions...

And, in the same vein, he told participants of a meeting on Romanian education that:[98]

...It is the press' fundamental duty not to allow in its pages any foreign concepts, ambiguous materials, no matter in what ways these may manifest themselves. We have to criticize those communists who work in these sectors (of the press) and who show passivity, inattention or absence of combative spirit in this regard.

Ceausescu has made it clear that while anyone can write whatever he/she may wish, the media will publish or broadcast only those expressions which "correspond to the educational needs of our society." [99]

In doing so, Ceausescu, and, indeed, the entire Romanian leadership parrots Vyshinsky's earlier conclusion that freedom of the press:[100]

...consists essentially in the possibility of freely publishing the genuine, not the falsified opinions of the toiling masses, rather than in the absence of preliminary censorship.

The Romanians' right to free speech and freedom of the press are placed within the well-defined boundaries outlined by the RCP and the state.

These boundaries may change to accommodate domestic and foreign policy exigencies in Romania. For example, the

freedom of the Romanian media did not extend to reporting the Sino-Soviet conflict in the spring of 1964. Also, when Romanian foreign policy re-oriented itself and moved closer to that of the West, the Romanian media devoted 32 lines to President Lyndon Johnson's press conference on April 10, 1964, and only 15 lines to N. Krushchev's famous speech about "goulash communism" in Hungary delivered that same day.[101]

While the press is governed by the press law, it should not be forgotten that in the area of international news the Romanian news agency, Agerpres, serves as the ultimate gatekeeper for foreign news disseminated in the print media.[102]

Even more numerous are examples of curtailed freedom of the press when domestic policy or party infights dictated a particular course for the Romanian media.

In 1973, Prime Minister Ion Gheorghe Maurer, at a party conference in Cluj warned against hasty implementation of economic policies, deviating from President Ceausescu's all-out industrialization policy. The Romanian press ignored the speech of the second most powerful man in Romania at that time. Maurer was forced to resign only a few months later. Access to the press and control of its content are vital to any party conflict.[103]

Another illustration of content control came in the late

1970s with the launching of a civil rights movement in the spring of 1977. This movement, led by Paul Goma, also encouraged an attempt by minorities living in Romania to improve their situations. Károly Király, a former alternate member of the Political Executive Committee of the PCR, attempted to publicly demand an improvement in the political and educational situation for the Hungarian minority, thus also demolishing the myth that the question of minorities in Romania has been fully resolved by socialism. His writings were eventually kept out of the press and his subsequent rise, as a minority representative in the communist hierarchy, was slowed down.

The restrictions embodied in Article 69 also limit the freedom of the press in reporting pertinent and timely information to the Romanian people. For instance, the Romanian media had never reported the protest strike by 30,000 coal miners in the Jiu Valley in 1977. The workers demanded improvements in their working conditions and the repeal of a controversial draft law on miners' pensions. They resumed work only after a personal promise by President Ceausescu that their demands would be met. Hundreds of the most active organizers were later detained and deported to other areas of the country. [104]

Silence is also the rule rather than the exception when it comes to disaster news, e.g., the earthquake which devastated industrial and residential sections of Bucharest on March 4, 1977; the explosion in a chemical plant in Pitești which caused extensive destruction with 20 to 60 people injured and an unknown number of deaths; and the fire at the National Theatre in Bucharest, next door to the Intercontinental Hotel in 1977.

The limitations imposed on freedom of the press by the new law, true to the Leninist interpretation of the press' function and role in society, extend well beyond political and historical issues or natural disasters.[105] Freedom of the press does not extend to such issues as crime and accident statistics, the number of illiterates or drug addicts, the privileges of athletes, artists, and party functionaries, as well as the salaries of these individuals. Also, there is no direct mention of disagreements between East European or Western communist parties. There is also no international comparison offered on such issues as social services, purchasing power, or per capita income in various nations.

On the occasion of the 25th anniversary of the first legal issue of the party newspaper, Scînteia, President

Ceausescu once again pointed out the parameters for Romanian press freedom when he said that:[106]

It has to be clearly understood that in our society the entire press, whether daily or not, socio-political or cultural, has to promote with consequence and firmness the political line of our communist party. All publications have to mirror the ideology of our socialist society, the conceptions and points of view of the political, social and cultural organs and organizations to which they belong. We cannot allow for any reason the publication of certain works or opinions, no matter from whom they come, which contradict the interests and ideals of our people...

The Romanian conception of press freedom is also based on the notion that freedom of communication goes hand-in-hand with ownership of the means of communication. Thus, Article 17 spells out who has the right to publish: Political organizations, those of state, mass and public character or other "juridical persons." This arrangement allows the party and the state to control the degree of freedom to be enjoyed by citizens as well as by professional journalists.

Freedom of the press, which is explicitly limited by the socio-political and ideological needs (as defined by the party) of the nation is further clarified by the provisions regarding the rights, freedoms, and duties of journalists. The articles in the 1974/77 press laws addressing these issues also outline, implicitly and explicitly, the control of the party over the Romanian press and its journalists.

B. The Journalists' Rights, Duties,
Education and Certification

The law states that one may be "appointed" a journalist only if one supports "the application in life of the RCP's policies for a multi-developed socialist society" and if one conducts oneself in accordance with "socialist ethical norms and etiquette." (Article 39)

Article 39, therefore, effectively excludes anyone from the journalistic profession who does not support RCP policies. Romanian law adheres to Lenin's call to eliminate any press which voices opinions contrary to those of the party by, in part, excluding anyone from the journalistic profession who does not obey the tenets of Marxism-Leninism as interpreted by the RCP.

President Ceausescu has made it clear that the journalist in Romania has to be:[107]

...a communist fighter, he has to be a party
activist in this sphere of activity (press)...

He describes the Romanian journalist as having to be animated by a strong partisan spirit, by a desire to contribute through his work to the general progress of Romanian society and to the construction of socialism and communism in Romania.[108]

The political duties of journalists do not exempt them, however, from rigorous educational demands and a certification process.

Among the certification requirements for a journalist, according to Article 50, are a degree from a journalism school or a diploma from another institution of higher learning and/or a period of work in the journalistic field.

The certification process itself, by law (Article 50), includes examinations and presentation of evidence of foreign language skills, typing, stenography, and proficiency in the use of camera or film equipment, telex or sound equipment.

The law (Article 55) also demands that all journalists pass a two-year probationary period during which they have all the rights and responsibilities of a journalist.

Even those graduates of journalism schools without prior journalistic experience are required to spend a two-year probationary period on an editorial staff. This period is reduced commensurately with the time already spent in press activities. (Article 50.)

The educational and politico-ideological requirements for becoming a journalist have been tightened since 1974 in step with the party's crusade to emphasize Marxist-Leninist ideology and the domestic and foreign politics of the RCP.

As early as 1972, President Ceausescu has sent out signals that journalists will have to be more political, that their training in this regard will be more rigorous, and that having earned a degree in whatever field, including journalism, will not make one a journalist.[109] Special preparation is needed, he said, and to that end he proposed a change in the journalists' educational system:[110]

...In order to prepare press cadres and perfect the existing ones, we must re-establish the political schools for the press.

Indeed, anyone today who aspires to a journalistic career must attend the Journalism School of the party's Stefan Gheorghiu Academy regardless of his or her educational status.[111]

The certification commission, according to Article 53, is to be composed of representatives of the Ministry of Education and Training, the Council of Socialist Education and Culture, professional journalistic organizations, and of the editorial staff with whom the candidate has spent his probationary period.

The certification commission can certify one as a journalist even if that individual did not have the required educational background by placing him or her in the category of "fellow journalist." These "fellow journalists" have the

same duties and rights as the professionals (Article 40); they may be certified without meeting the two-year probationary obligation (Article 45) as long as they meet the conditions set out in Article 50.

Embodied in this category of "fellow journalist" is the Marxist and Leninist tradition, indeed the European tradition, of involving party activists and politically involved individuals in the journalistic enterprise.

As if the stringent politico-ideological requirements for being recognized and for functioning as a journalist were insufficient to guarantee this correctness, since the communist takeover in Romania several state organs have been charged with overseeing press content concerning state and party policies and ideology.

The latest of these organs was created in 1975 by a Ministry of Justice decree.[112] During its two-year tenure, the Committee on Press and Other Print Materials, composed of 45 to 55 members drawn from among press organs, the Romanian Academy of Science, and other party organizations, oversaw the press politico-ideological "correctness" and the certification of the Romanian journalists. The significance of this committee, or former committee, lies in the perceived need to constantly monitor and guide the press and journalists.

Once again, Lenin's outlook on the role and functioning of the press prevails in Romanian conceptions of press freedom.

As of December 26, 1977, the Committee on Press and Other Print Materials was abolished, its members being dispersed to serve on the various editorial boards in charge of various publications.[113] There was no further need for this committee as the 1977 law reinforced the 1974 one in outlining very clearly the duties to be carried out by Romanian journalists. Any deviation from these duties would mean the loss of certification, and therefore the loss of a position or additional punishment ranging from fines to imprisonment.[114]

In the practice of his profession, the Romanian journalist has a duty, as spelled out in Article 40, to (a) contribute with all his abilities to the achievement of the socio-political functions of the press as established in the law and in RCP documents; (b) to devotedly serve the cause of socialism and communism, and to fight to set into practice the internal and external policies of the party and state; (c) to fight to promote the revolutionary spirit in all facets of socialist life and to fight against "statism, conservatism and routine" and against everything which might "curb the forward movement of society;" (d) to prove

his high ethical and professional standards, his objectivity and responsibility, to respect the laws and secrets of the state, and to fight for the truth; (e) to respect socialist ethics and etiquette, to continuously perfect his politico-professional training and to broaden his knowledge.

Any grave or recurring violations of these duties or professional ethics may mean a temporary or permanent revocation of licenses and transfer to another "activity." (Article 59.) At the request of media organization, the certification committee and the Council of Socialist Education and Culture with whom the licenses are registered may revoke a journalist's license.

There have been no recent reports of revocation of licenses. This may be attributed to the tighter control over journalists since the enactment of the 1974 law and the absence among their ranks of those without the proper Marxist-Leninist outlook and politico-ideological fervor. Those journalists who were considered ideologically unreliable and insufficiently engaged politically lost their jobs and licenses in the aftermath of the press re-organization in 1974 at which time many publications were eliminated or combined with others.[115]

This fact is confirmed by other observers of the Romanian press, among them Elemér Illyés who writes that:[116]

The resolution of the Central committee of the RCP of May 7, 1974, contained new measures modifying the structure of the press. Various publications were merged, changes in content were introduced, and censorship was increased. This measure was accompanied by mass dismissals of editorial personnel. Those viewed as "liberal" were replaced by conformists: retaining one's job was based on one's "loyalty," and the degree of governmental control over the press was thereby increased.

There have also been no reports of journalists being brought to trial and jailed or dismissed from their posts for violations of the press law.

Article 76 outlines one more duty for Romania's journalists: To respect Article 69 governing the publication of certain materials in all of their work.

The duties which are assigned the journalists make it clear that they are considered political and ideological activists.[117]

The political role of the journalists in Romanian society is constantly reinforced by the party and its leadership. President Ceausescu has repeatedly said that the journalist,[118] has to be a communist, a party activist in press activities, and that he has to be a person with:[119]

...a progressive outlook, with a thorough education in Marxist-Leninist ideology, capable of understanding the great revolutionary transformation in the world. He has to be close to the masses, serve through all of his activities the interests of the working class, of the people, of the party cause, of socialism and communism. Only this way can he successfully accomplish his mission of indefatigably militating for the realization of the internal and external politics of the party.

Indeed, the party leadership has consistently held that it is the patriotic duty of journalists to contribute to the realization of party programs.[120] While the law does not require party membership, all of Romania's approximately 4,000 journalists are party members.[121] With the enactment of the 1974 press laws and the general reorganization of the press system, a non-party member has no chance of becoming a journalist as the editorial staffs became much more political with no exceptions tolerated.[122]

The Romanian journalists in carrying out their journalistic duties have certain rights spelled out in Articles 41 and 65. As journalists, they have the right (a) to solicit and receive information from state and mass organs and organizations, from economic and socio-cultural organizations and their officials; (b) to partake in working meetings of the leadership organs of the ministries and other central and local organs of state administration, of those of

mass and popular organizations and those of economic and socio-cultural units; (c) to partake in the meetings and demonstrations of workers in which the problems of popular interest are debated; (d) to have access to documents and other information sources under the conditions spelled out by law; (e) to receive support from various organs when the realization of their duties so demands; and (f) to benefit under the conditions established by the Council of Ministers of the facilities and priorities in telecommunication and transportation, as well as accommodations and access to cultural and athletic events, and purchase of equipment specific to the profession.

These rights are contingent on the official recognition of an individual as a journalist (Article 42), i.e., Romanian law supports the rights of journalists only if and when individuals are certified.

For example, N. Ceausescu refers to journalists as state and party activists whose education has to continue throughout their professional tenure in order that their communist consciousness be more and more developed:[123]

...I am referring to all this, comrades, keeping in mind that in all areas of activity we need highly qualified people capable of optimally carrying out the important task of socialist construction. This forces all party and state

activists to continually concern themselves with developing their level of consciousness; never to consider themselves sufficiently knowledgeable, with nothing more to learn. Only those party and state activists, including those workers of the press, who prove their receptivity to all that is new, who will endeavor to continue learning so as to understand society's development, will be able to contribute to the evolution of social life and will carry out their duties honorably. We need such activists in all areas of activity and more so in the press.

Thus, freedom to practice journalism is linked to responsibility. In this case, obedience to party policies and communist ideology. This political role assigned to the Romanian journalist, in line with Leninist press philosophy, is emphasized at all levels of reporting and in all subjects covered, including such seemingly non-political topics as car safety, vacations and sports.[124]

Party and state control and involvement in the journalistic profession are furthermore evinced when one examines the organs which oversee the functioning of the press and the certification of its members.

For instance, the members of the certification commission and those of the Council of Socialist Education and Culture are by virtue of their positions, party members who represent party and/or state organizations. Members of various editorial staffs which are represented on the

certification commission may be considered loyal to the RCP and the state, otherwise they would not have been appointed to editorial positions.

Underlying such direct party and state control of journalists is the idea, as expressed by the press law, that the duties and responsibilities of journalists are to be defined in terms of support and furtherance of socialism and communism.

But party control over journalists is most often carried out directly by President Ceausescu. Lendvai writes that:[125]

At present, the communist leader in Europe most intimately involved in personal supervision of the media may well be Romania's Nicolae Ceausescu (if we exclude the special case of Enver Hoxha in isolated Albania, who himself writes most of the editorials on ideology and foreign policy in the party organ in Tirana). For the past few years, no editor of a newspaper, even of a minor cultural weekly, has been allowed to leave the country without President Ceausescu personally counter-signing the exit permit.

After the defection of an Agerpres foreign correspondent in Paris in 1977, President Ceausescu ordered the immediate recall of all Agerpres and Romanian newspaper correspondents in the West.[126] Since then, Romania has been the only East European nation with no permanent foreign correspondents abroad (in the Western world).

Whether all Romanian journalists adhere to a strict, literal interpretation of the press laws, or whether they have, or take, a certain amount of latitude in their work, is not known and could be the subject of a future study. Similarly, it is impossible to obtain official documents which indicate if, when, and under what circumstances how many journalists have lost their license or have been reprimanded or punished in other ways for violating the Romanian press law.

C. Control of the Press

When in December 1977, President Ceausescu announced the decision of the Central Committee of the party to eliminate official censorship in Romania, he had, months earlier, hinted as to why "censorship" had become unnecessary.[127] In June 1977, he told the CC of the RCP that:[128]

...the minute party members, party activists, work on all editorial matters, do we not have to give them the responsibility of applying the general party line in their respective fields? Is it necessary to have an outsider (from outside the editorial staffs) to control what these activists are doing?

The overall control of the editorial staffs, Ceausescu said, rests, anyway, with party organs as well as with those state organs charged with the leadership of certain sectors of editorial activity.

There is no intent to de-control the press, as President Ceausescu has repeatedly said, but only to:[129]

...do away with a certain kind of control of a bureaucratic and administrative character. We have to strengthen the party's control and responsibility, the responsibility of communists for the way in which they write, for what they publish...

The underlying principle for the elimination of censorship is the affirmation of the leading role of the party in all activities in Romania. Additionally, the essence of Marxist-Leninist philosophy which is at the core of all activity is in itself, as President Ceausescu claims, a form of censorship:[130]

We do not have, I repeat again, more than one philosophical conception in Romania. We only have one: dialectical and historical materialism. This is actually the only kind of censorship and we have no need for any other. It has to assure the elimination of everything which does not correspond to our conception of our world.

The press law simply reinforces this principle.

State and party, through the Council of Socialist Culture and Education, an organ of dual nature, authorize any publishing venture in Romania. (Article 18) According to Article 17, the right to publish belongs only to political organizations and state, mass and public organizations, all of which have to be officially approved.

Printed material for "internal" use by educational and religious institutions, for instance, still need such authorization but are to be published according to the organization's own statutes. The attributes of organizations which are considered publishers are spelled out in Articles 17 and 18.[131]

In fact, without legal authorization from the Council for Socialist Education and Culture, one could not mass publish even if one would want to defy the law. The reasons are simple: The Council controls all newsprint supplies and allocation, the operation of all printing plants and the distribution of all publications.

During the press' reorganization in 1974, the CC of the PCR ordered a cut in the frequency of some publications and the abolition of others. It also dictated page size for each publication, number of pages and print runs.[132] A clear sign also that the party has taken control of all Romanian publications from the state.

The Council through which the CC of the PCR controls the press also has the power to suspend publications which have in any way violated the press law, or whose very existence is being questioned by the party, until the courts or the appropriate bodies make a decision concerning the

life of the publication.[133] Prior to 1974, the law made no mention of suspensions of publications.[134]

The hiring and firing of editorial or technical personnel is based upon decisions by the leadership councils and by the editor-in-chief of the particular publication. (Article 29.)

The editing and administration of the press will be carried out by publishers, or by special editorial boards, according to Article 20.

Editorial leadership of press organizations is provided in accordance with the provisions of Article 22. This leadership remains in the hands of the editor-in-chief, representatives of the General Trade Unions, the Union of Communist Youth, and of other (unspecified) mass and popular organizations, the Council of Socialist Culture and Education, industrial and agricultural workers, and journalists from the respective publications.

The editorial councils control and guide each publication and are responsible for the publication's ideological orientation, its decisions and assigned duties. (Article 23.) They oversee the politico-ideological content of their publications, the material quality, as well as the "strict" adherence to press and general laws of the state,

the protection of state secrets, and the objective and "correct" information of public opinion. (Article 23.)

The role of the editorial councils are of utmost importance as they are the levers which allow the party to control each publication. In a decision concerning the mass media, the CC of the PCR said:[135]

The leadership councils of the press organs will carry, in toto, responsibility for the political and ideological content of publications and for the quality of the material published; they will constantly militate for the translation in life of the party's politics, of the socialist principles of ethics and equality...They will assure strict respect for the laws of the press, of all other laws; they will assure that state secrecy is kept....

The day-to-day administration of the press is to be carried out by the editorial board of each publication, according to Article 25, in a "collaborative" fashion. Article 26 specifies that each of these boards is to be composed of the editor-in-chief of the publication, "activists" from the Central Committee of the PCP and from district party committees, representatives of the publishing organization or institution, adjunct editors, secretaries responsible for the publication, the secretary of the party organization and other editors and members of the leadership council to whom the editorial board and its members are responsible.

An editor-in-chief is not only responsible for the financial management of the publication and its organization and editing activities, but also for:[136]

...improving the political and economic efficacy of the publication, and for making certain that all activities are carried out in accordance with the socio-political functions of the press.

It is the responsibility of the leadership council, the editorial board and the editor-in-chief to see that the stipulations contained in Article 69 are respected.

Emphasis is set on collective leadership and responsibility in Romania, in accordance with the principles of democratic centralism. This insures great vigilance on the part of each member of a council or committee since they are collectively responsible for infringements of the law or deviation from party policies or politics. President Ceausescu has said that in leading and overseeing the press the most important factors are:[137]

...the forms of collective leadership, the collectives themselves, large masses of workers, the true beneficiaries of art, science, culture, and the activities of the press.

While the 1974 press law assigned leadership of the press to Committee on Press and Other Print Matter, by 1977 there was a movement toward own-responsibility, self-control

and leadership of the press with the aim of further democratizing the system. The press law amended in 1977 does not reflect this change, yet the politico-ideological campaign to involve more workers in self-management went into high gear.[138]

President Ceausescu has equated the democratization of leadership with the growing control of the party and the people. He told activists and cadres from organizations dealing with political education, propaganda and ideology that:[139]

We have adopted in the press and radio-television area...a string of measures which are in the process of being applied - actually work is proceeding on the basis of these decisions even though they have not been set into law. These measures concern the enhancement of collective leadership and organs of the organizations (press, radio-television, etc.), the strengthening, at the same time, of the party's and the masses' control over all of these sectors of ideological life.

...I want to call your attention to the necessity of having activists and other cadres who work in the area of ideology, social sciences, of propaganda in general, be conditioned to participate in a more active manner and without reservation in all of the activities of our party.

President Ceausescu's aim, indeed, the regime's aim, is to involve increasing numbers of people, particularly those in the press, in party life. Party control is, of course, always complete, yet this sort of democratization contributes

to what Fischer calls "legal-rational legitimacy of the regime," especially if performance improves and it provides the stimuli for significant mass input into what seems like the decision-making process.[140]

Indeed, all Romanian journalists are responsible for supporting RCP programs and for carrying out the socio-political functions of the press. The journalists are likened by President Ceausescu to an army fighting for the party and its philosophy and programs:[141]

These newspapers and (other) publications, this army of communist journalists, represent a remarkable political potential for our party, our socialist society. They are factors of great importance in our socialist progress.

The overwhelming involvement of party representatives in all press activities, as directed by law, is consonant with the Leninist notion expressed frequently by the leading state and party cadres that the press is an arm of the party and state:[142]

The press is an instrument of the party, and has to serve as disseminator of the party's policies in all areas of activity - including literary and artistic. This is even more valid when we speak of the political press.

State and party control is, to some degree, also extended over the foreign press and its correspondents. Foreign correspondents in Romania must be accredited by the Ministry

of Foreign Affairs, upon written requests from press organizations. (Article 83.)

Visits, meetings, interviews and participation in national and international events held in Romania will be organized for foreign correspondents (mostly by Agerpres, whose specific duties include supervising the foreign press corps) who "may carry out their duties in accordance with the laws of the SRR." (Article 84.)

Lendvai writes that:[143]

Romania has the perhaps (sic) strictest and tightest regulations about state secrets in Eastern Europe. Contacts between ordinary citizens and foreign journalists are allowed only if the ministry in charge of the given person or the chairman of the municipal or county People's Committee (sic) gives him or her permission. Conversations with foreigners have to be reported immediately to the police or the employer. Journalists have no access to sources, and interviews generally take place in the presence of at least two other persons - one of them taking notes. Not even in the Soviet Union or in Czechoslovakia are journalists who know the country or speak the language so closely followed as in Romania. This is, however, equally true of East bloc correspondents stationed in Bucharest.

Cases of harrassment, expulsion and denials of visas are well-documented by Lendvai and others, showing that the lot of the foreign correspondent in Romania is a difficult one.[144]

The introduction of foreign newspapers and broadcasting in Romania is based upon the authorization by the appropriately designated enterprises and institutions. United Nations publications or those of its related institutions are exempt from authorization procedures. (Article 86.) The introduction of the foreign press for purposes of distribution or broadcast in any form other than described in Article 86 will be considered a violation (unless committed in such a manner as to be considered under the criminal code) and can result in penalties of 1000 to 5000 lei. (Article 91.)

Several Eastern bloc and Western newspapers and magazines are being officially allowed into Romania. The Western press in particular is destined only for the best hotels which cater to a mostly Western and Third World clientele who can purchase these papers or magazines only with dollars, a currency which Romanians are by law not allowed to possess.[145] The Western press imported in Romania, mostly from Italy, France, Germany and England, is usually one or two days late and bought in very small quantities.[146]

Without legal authorization, the publication or recording of printed material, material on a sound track or film for purposes of public information is considered a

violation and punishable with prison terms ranging from 3 months to 2 years, or a fine. (Article 94.)

The law prescribes further state control over the press in Articles 41, 42, 62, 63, and 64. These articles deal essentially with the rights of journalists to solicit information and the obligation of state and party, and their organs, to aid journalists in carrying out their responsibilities and duties. These rights, however, are contingent upon the certification/accreditation of journalists (Article 60), a process which, as we have already seen, is controlled by the party.

Once certified/accredited, journalists enjoy the rights outlined in Article 41[147] under the protection of the law. In fact, Article 44 not only guarantees this protection, but makes it illegal for anyone to exercise any pressure or intimidation upon journalists which may interfere with the performance of their duties and/or may lessen their social and professional prestige.

In summary, the examination of the press law suggests that party control over the Romanian press is carried out both directly and indirectly in the following manner:

1. Through the Council of Socialist Culture and Education, the party has a firm hold on what is to be

published or not. In fact, the Council for Socialist Culture and Education is empowered by law to confiscate offending issues prior to legal proceedings, to allocate paper, to appoint journalists and to control their activity, oversee the political and ideological directions of the publications, as well as the imports of foreign media;

2. RCP representatives on press councils and editorial boards help maintain the correct ideological and socio-political position of the publications;

3. The editors-in-chief are held responsible by law for carrying out the socio-political functions of the press as defined in the press laws; and, finally,

4. Journalists are judged by their ideological conformity and by law required to be party activists. Whether journalists do or do not work in the profession depends upon state and party organs charged with defining the professional roles and ascertaining whether individuals comply with the definition.

RCP control over the press and its journalists is a clear prerequisite for the existence of the Romanian press.

The roles and functions of the Romanian press and that of journalists define the party's control over the press. The law reinforces this control and legitimizes it.

Party control over the Romanian press is made abundantly clear in Article 2 of the press laws. It unambiguously states:

The press carries out its activities under the leadership of the Romanian Communist Party - the leading political force of the entire society in the Socialist Republic of Romania.

Article 2 of the Romanian press law is based upon the Romanian Constitution of 1965 which, in Article 3, unequivocally states that the party is the leading element in every facet of Romanian life.

The new press law and the self-administration and control now serving as the underlying operational principle of the Romanian press, in part, explain why censorship was abolished. This self-administration and control has, however, strengthened censorship in Romania as observed by Gabanyi and Romanian writers and journalists such as Paul Goma (now in exile in Paris) and Ion Coja (who is still in Romania).[148]

At a meeting in Cluj in May 1978, Coja, speaking to a group of writers, said:[149]

...now to the second issue: to censorship. It was abolished a year ago. This is what the Secretary General of the party decided. I ask those present here who have the opportunity to inform the party leadership that censorship in Romania has not been abolished, but on the contrary has become even more stupid. Out of fear, over-eagerness, or as a consequence of the incompetence of those people who are paid

to carry out the policy of the party in the literary field? I do not know...

What Coja was alluding to, of course, was the increased dogmatism and control exercised by the collective leadership of all publishing enterprises who are now directly responsible for the content of all publications.

Coja couched his statements in terms of a Marxist-Leninist definition of duties faced by Romanian writers. He concluded his remarks with a telling message, one that was articulated by the Romanian leadership in earnest:[150]

...we writers are those who apply the party line in literature, and one should take note that censorship already functions, it functions well - in our brain. In our consciousness. A censorship which no one can ever abolish.

Coja is referring to the Romanian leadership's assertion that the acceptance on the part of journalists and writers of the dialectical and historical materialism concept of society assures the kind of automatic censorship which eliminates everything which goes counter to the Romanian conception of the world.

D. Political, Ideological, Educational Roles of the Romanian Press

The political, ideological and, within this context, the educational role of the Romanian press has been continuously reiterated by the RCP and its leading spokesmen.[151]

The propagandistic, educative and ideological role of the press comes to the fore not only in regard to the need for an explanation of the overall party program, but also in regard to the ideological mobilization of the population.

In the last ten years, the RCP has stressed the need for immediate attention to educating the polity in the politico-ideological tenets of the party.[152] The Romanian press laws, therefore, explicitly direct the press to assume a partisan and militant function in disseminating information about the party's internal and external policies.

The press has to support, according to Article 7, the realization of the party's program for a "multilaterally developed socialist society, a communist society."

The many problems associated with building a multilaterally developed socialist society are to be openly dealt with by the press as President Ceausescu said:[153]

Our press, led by Scînteia, has to make these problems the center of its activities; it has to increase its contribution to solving all of the problems which our nation's economic development raises. These problems have to be treated systematically and followed daily in the pages of our newspapers. The press being called upon to exercise with increasing efficiency control of public opinion over the collective work activities of factories and plants, of state and party organs responsible for the organizing and for the progress of economic activities.

In conjunction with its partisan and militant function, the Romanian press is also charged with contributing to the assertion of the "scientific, dialectical materialist and historic conception of life in society held by the party." (Article 8.)

The educational mission of the press to help develop the "socialist conscience" and the "new socialist man" is further augmented by the laws' insistence that it also cultivate "love towards the Romanian Communist Party and the socialist nation." (Article 9.)

The press law parrots to a great degree statements made by party leaders regarding the role and function of the Romanian press. President Ceausescu said in 1969, five years before the law's enactment, that:[154]

It is necessary that the press' role grow in propagating our party's ideological positions and our ethical principles of socialist life, in firmly combating the influences of bourgeois ideology and all kinds of backward mentality.

The functions of the press outlined in Articles 8 and 9 are predicated, in part, on the raison d'être of the press as presented in Articles 1 and 2.

The educational mission of the press is seen as particularly important for the younger generations.[155] Therefore, the laws call for the press to educate the

Romanian youth "in the spirit of creative work, civil and moral responsibility, in the spirit of socialist and communist ideals, in peace and progress." (Article 10.)

The press' tasks are viewed by the Romanian leadership as being of great importance and responsibility:[156]

Tasks of great responsibility are assigned to the press. Newspapers and magazines have to open their pages to the problem of socialist education...They have to courageously promote progressive experiences, to criticize backward habits and manners, to assure the expression of our working people's opinions in their pages, thus becoming a powerful instrument in the development of socialist democracy.

In the process of fulfilling its socio-political duties, the press can make objective and constructive criticism. Such criticism will not be considered injurious to the press, the journalists or their mission. (Article 72.) While the press is supposed to be an exponent of positive ideas as well as an analyst of social phenomena, it must also be a critic of the negative aspects of society. (Articles 13, 14, 15) Once again, the caveat to this critical function of the press resides in Article 69.

The critical functions of the press are now taken very seriously as are those functions tied to the participatory reforms enacted in the 1970s to actively involve a greater number of people in the RCP's political and ideological life.

Fischer has identified three categories of reforms in the context of Romania's political democratization:[157]

1. Increased "consultation with interest groups and individuals at all levels, but mostly in local decision making;

2. A more important role for the Grand National Assembly and its committees in the formulation of legislation; and

3. Multi-candidate elections.

The press, responding to these changes, and in accordance with the press law, has endeavored to frequently publish citizen's complaints since the mid-1970s.[158] In fact, the law now requires the press to answer a citizen's communication within a prescribed time limit. Noncompliance with the law can result in fines levied against the offending publication.[159]

The right of each person to reply in the press to charges and accusations made against him in public is guaranteed by law (Article 72). This right, indeed, the wording of the article, is one that was embodied in the first set of press laws in 1896. Doru Cosma, in his "Dreptul de răspuns prin presă," points to the similarities between some articles in the present press law and some articles in press laws enacted prior to the communist takeover in 1947.[160]

An equally important change which occurred in the mid-1970s, in step with Romania's participatory reforms, is the public debates on many important laws and decrees before they are finally enacted. These debates take place in a number of forums, including the press, and "suggested changes are frequently incorporated into the final decision." [161]

Naturally, these debates are tightly controlled by the party and have to unfold in the context of the RCP's politics and Marxist-Leninist orientation.

President Ceausescu frequently addresses the politico-ideological functions of the press and makes it clear that the press: [162]

...is called upon to permanently militate for the fulfillment of the party's Marxist-Leninist politics, to light the way to a multilaterally developed socialist society, to communism, for the working people...

The press has to constitute a powerful instrument for public debate and for the participation of the popular masses in the elaboration of the party's foreign and domestic politics, thus constituting a powerful forum for our socialist democracy.

The essential philosophy underlying the socio-political duties of the press rest with Lenin's view that the press must transmit to the people a set of centrally articulated programs and values and, thus, mobilize them.

The law is in no way ambiguous about the party's leadership over the press, as indeed Lenin has suggested it should be, and the latter's duties to carry out its socio-political mission. Ceausescu says that:[163]

It is necessary to analyze in a critical way in the pages of our press the shortcomings and drawbacks which manifest themselves in various sectors of our activities. Their causes have to be uncovered and ways to remove these causes have to be presented. The debates in the press have to unfold in a constructive spirit, in a communist way...

The "constructive spirit" and "communist way" of debating the pertinent issues of society, excludes any point of view which is not Marxist-Leninist in orientation.

The press has to promote "principles of international socialism, serve the cause of socialism and peace and progress," as well as bring about understanding and cooperation among nations and people. (Article 16.)

Press cadres were told by President Ceausescu that:[164]

...Newspapers have an important task in the field of international problems. The press has to continue to make known the RCP's and our government's foreign policy principles. Developing its international traditions, our press has to contribute to strengthening friendship and collaboration with the socialist nations, to solidarity with communist parties and with the other detachments of the workers' revolutionary and progressive movements in the world; to promoting principles of peaceful coexistence between nations with different social systems, to the efforts of our country consecrated to improving the international atmosphere, the cause of socialism and of peace.

Despite these clear ties to the party and its politico-ideological programs, the law insists that the opinions expressed in the press do not and should not have an official character with the exceptions of those emanating from organs or persons charged with such functions. (Article 43.)

While the opinions expressed in the Romania press may not have an official character, they can be characterized as officially correct in their politico-ideological orientation. There are obvious instruments of control in this instance, in addition to the power of the law. The central news agency, Agerpres, and the central party newspaper, Scînteia, are the main channels for the day-to-day transmission of politically correct information.

Scînteia is also used from time to time to rebuke the editorial staff of other journals if they happen to lean toward what is called "objectivism" or, even more negatively, "bourgeois objectivism," i.e., the presentation of events not in the context of a "partisan" and "class" evaluation.[165]

Lenin's teachings which call for creating a press "that will not entertain and fool the masses with political sensations and trivialities" have been adopted by Ceaușescu.[166]

5. Summary and Conclusion

The American constitution and the libertarian philosophy upon which it is based, recognize and even presume the human rights of life, free speech, liberty, property and due process.

In keeping with Marxist-Leninist philosophy, the Romanian constitution, in essence, simply gives constitutional recognition to rights granted to the people by the Romanian state and the RCP.

Thus, the Romanian press, according to its laws, is not defined to function as an independent Fourth Estate; the fact that the constitution and the press laws guarantee "freedom of the press" is meaningful only in the political context of the communist state.

The Romanian press law, in defining the political, ideological and educational roles of the Romanian press, fits into the classic communist theory of the press. This means that the Romanian press does not exist for the purpose of chronicling the day-to-day events in Romania and the world, although that might be a by-product to its main function, but to serve the party and state and their programs.

Describing the Soviet media system, Schramm writes that the press is not allowed to independently criticize the state,

or the party, or serve as a forum for free discussion: [167]

Rather, the communist press could be conceived as an instrument to interpret the doctrine, to carry out the policies of the working class or the militant party.

In outlining what is not to be published, as well as the specific functions of the press and the duties of the journalists, the Romanian press laws present a picture of a classic Soviet-style totalitarian press system.

The Romanian press serves as mass propagandist, agitator, organizer and critic. The criteria for selection of material to be published, for decisions on when, where and how it is to be presented, are the exigencies of domestic and foreign policy, and Marxist-Leninist ideology as interpreted by the RCP.

Freedom of the press is guaranteed by the Romanian laws only in accordance with party and state policies.

While the press, according to the laws, is obliged to support and follow these policies, it is further inhibited by not being allowed to interpret these policies. According to the press law, journalists are not allowed to interpret the interests of society independent of the policies set by party and state. And, when any criticism is allowed, it may not be hostile to the socialist system or the party per se. To quote Buzek on the classic communist press model: [168]

There is freedom only within the functions and methods strictly defined by the party and ideology.

Clearly, the Romanian press is not free to criticize Marxism-Leninism, communism and socialism, the RCP or the Romanian state, their policies, or the individual leadership (unless, of course, permission in this latter case is received from the very top, or individual leaders have fallen out of favor). The Romanian press functions in accordance with its mandate, supported by the law, primarily to strengthen the present politico-ideological system and the party.

These strict guidelines are also applied to the foreign press, whose circulation, consequently, is limited in Romania despite the Helsinki Final Act which calls for an increase in and freer circulation of Western media in communist countries. [169]

While the Romanian press laws restrict freedom of the press in general, even more specifically they restrict and control the journalists.

As all Romanian journalists today are party members working for state or party-controlled media, and support the official policies and ideology sanctioned by party and state, they are, in essence, public officials. Given their status, overt censorship by a separate state or party entity is no

longer necessary in Romania and, therefore, could be abolished. Instead, self-censorship is a success by virtue of the political consciousness of journalists or by the necessity to avoid becoming ideologically or politically unreliable and, therefore, losing their status.

The classic totalitarian theory of the press seems once more eminently applicable in the Romanian case. As Kecskemety wrote in 1950:[170]

In the totalitarian society, on the other hand, the newspaper is seen as produced by public officials in the exercise of their function.

Party and state control over the Romanian press is direct and indirect in nature. The Romanian mass media system is much like the Soviet system described by Schramm. It exists,[171]

...to do a job specifically assigned it by the leaders of the state.

The Romanian press, by law, meets all five of Buzek's characteristics of a totalitarian press:[172]

1. It is absolutely dependent on the party for licensing, facilities and financial matters;
2. It is staffed only by and with selected and politically trained, reliable individuals;
3. It is efficiently directed by the party and state organs in all ideological, political or organizational matters;

4. It has in place an effective system of supervising and controlling the fulfillment of directives; and

5. The censorship bodies, while now replaced by an equally effective self-censorship system could still, at any time, be brought back if deemed necessary by the RCP.

Great stress is put on the ideological functions of the Romanian press in the laws and by the Romanian leadership. Reasons for this were offered by Schramm in "The Soviet Communist Theory of the Press":[173]

The media are their swiftest instruments for achieving unity of knowledge within their own country. That is why the leaders have gone to such great troubles to establish controls and censorship...

The socio-political duties of the Romanian press transforms the press into an educational tool to be used in transmitting communist ideology and policies, and in aiding the process of transforming the individual, and the nation into a communist state.

The law clearly states that the party leads the Romanian press. In Romania the total control of the media by party and state, and their close integration with other tools of power, has not changed. If anything, this relationship has been strengthened in its specific outlining in the new press law.

While the Romanian press law allows for changes such as a more even-handed, if still curtailed, reporting of international news if and when political exigencies demand it, its laws do not allow for any basic changes in the structure and function, or leadership of the Romanian press.

The educational requirements for becoming a journalist have also allowed for greater professionalization of the cadres charged with carrying out the journalistic function in Romania. The standards for the journalists' general educational background and their journalistic skills are now much higher and far more uniform across the country than in the 1950s and 1960s.

The Romanian press laws do allow for certain innovations and changes in style within the strict politico-ideological parameters they outline. The law allows the Romanian media, for instance, to serve as entertainers or strictly as informational vehicles in specialized fields. But, basically, the laws portray a press system (print) which is exclusively controlled by the party and state in order to prevent any expressions of hostile, undesirable opinions. The Marxist-Leninist view that law is not aimed at the realization of independent values, independent of Marxist-Leninist values, is obvious in the Romanian press laws.

Romania has established its own particular brand of socialism. It is dogmatic, near-Stalinist in its domestic policies, and more liberal and pragmatic in its foreign policy. Romania's press law mirrors the conditions which have been created in the country. It portrays a press system which is totally controlled by the RCP. Yet, Romania's press law allows for a sufficient amount of latitude and, indeed, provides the press with an avenue to change editorial policies to fit the needs of domestic or foreign policy directions. In this it does not differ from other communist press systems.

The study of the Romanian press itself could lead to a view of the Romanian press which goes beyond that of a strict partisan militant, politico-ideological press which by law it is directed to be.

The Romanian communist press laws evolved conditional to Romania's history. Several articles in the law were borrowed, in substance and in wording, from pre-communist press laws. Their philosophical context is Marxism-Leninism and, therefore, their meaning has been changed. The adoption of these articles may indicate that the present Romanian leadership is consciously attempting to tie its own legitimacy, that of the ideology they represent, and that of the press laws, to Romania's history and the liberal, progressive, non-Marxist-Leninist tendencies mirrored in earlier non-communist press laws.

6. Notes and References

1. See Legea nr. 3/1974 in Buletinul Oficial, nr. 48, April 1974; State Decree nr. 471 in Buletinul Oficial, nr. 138, Dec. 1977.
2. See Constantin C. Giurescu, Dinu C. Giurescu, Istoria Românilor; Bucharest: Editura Albatros, 1971.
3. Constantin Antip, Istoria Presei Române; Bucharest: Academia Stefan Gheorghiu, 1979, p. 56.
4. Ibid., p. 57, 59; see also Eduard Eisenburger, Michael Kroner, Die Zeit in der Zeitung Beitrage zur rumänisch-deutschen politischen Publizistik; Bucharest: Dacia Verlag, 1977; also Elena Dunăreanu, Mircea Avram, Presa Sibană in Limba Germană (1778-1970); Sibiu, 1971; see also "Courier de Moldavie," in Presa Noastră, nr. 6, 1956; the first German-language newspaper was the Temesvarer Nachrichten, edited by Mathaus Heimerl, which first appeared on April 18, 1771, in Timișoara. The Nachrichten was followed by other German- and Hungarian-language newspapers in the Banat and Transylvania regions, both heavily populated by Hungarians and Germans. The most notable of these were the Siebenbürger Zeitung in Sibiu (Hermannstadt), edited by Michael Lebrecht, Johann Karl Eder and Johann von Lerchenfeld, and the Hungarian-language Erdelyi Magyar Hirviovo in Cluj in 1790, edited by Fabian Daniel and Cserei Elek. The first newspaper in the predominantly Romanian regions of Moldova and Muntenia was the French-language Courier de Moldavie published in Iași on Feb. 18, 1790.
5. Kenneth E. Olson, The History Makers. The Press of Europe From Its Beginnings Through 1965; Baton Rouge: Louisiana State University Press, 1966, p. 400.
6. Ibid., p. 401; see Ion Biann, "Introducere," in N. Hodos, Al. Sadi Ionescu, Publicațiunile periodice românești, vol. K, 1820-1906; Bucharest, Oraștie, 1910. The first Romanian weeklies were Ion Eliade Radulescu's Curierul Românesc, founded in Bucharest, and Gheorghe Asachi's Albina Românească in Iași, and Johann Gott's Gazeta Transilvaniei published in Brașov.

7. See Ion Matley, Romania. A Profile; N.Y.: Praeger, 1970, p. 256; Antip, Istoria Presei Române, p. 62-72; see also Nicolae Deleanu, "Cele dintâi periodice românești," in Presa Noastră, nr. 3, 1956.
8. See Giurescu, Giurescu, pp. 525-538.
9. Matley, Romania. A Profile, p. 256-257; also see Dan Simonescu, Din Istoria presei românești; Bucharest: Editura Cartea Românească, 1931.
10. Ibid.
11. Olson, The History Makers, p. 401; N. Iorga, Istoria presei românești; Bucharest: Union of Journalists, 1922.
12. See Giurescu, Giurescu, Istoria Românilor, p. 541-542.
13. Ibid.
14. See Olson, The History Makers, p. 401; see also Stefan Pascu and Carol Goliner; Studii privind unirea principatelor; Bucharest: Editura Academiei Republicii Populare Române, 1968.
15. Ibid., see also Antip, Istoria Presei Române.
16. See I. Ionescu-Dolj, Presa și regimul ei în România, 1859-1914; Bucharest: (no publisher given), 1914; see also "Laws Regarding the Press," in Buletinul Oficial, 1862.
17. Ibid.
18. Ibid., I. Ceterchi, "Legea Presei. Un Document important politic si juridic," in Romania Liberă, nr. 9157, April 4, 1974.
19. See I. Ionescu-Dolj, Presa și regimul ei în România, 1859-1914.

20. Ibid.; see also George Ivascu, Reflector peste timp. Din istoria reportajului românesc, 1829-1866; Bucharest: Editura Pentru Literatura, 1964.
21. Ibid.
22. Ibid.
23. See I. Ionescu-Dolj, "Presa și regimul ei în România;" see also "Presa," in C. M. Ciocazan, Regimul Representative; Craiova: Tipo-Litografia Națională, 1893.
24. Ibid.
25. Most of the newspapers, as was generally the case in Europe at that time, were political organs. One exception was the daily Universul founded in Bucharest by an Italian, Luigi Cazzavillan, in 1882. According to Olson, the Universul "set a new pattern with a paper impartial in politics and placing its main emphasis on news." (Olson, p. 402); the Universul was the first Romanian newspaper to achieve general circulation throughout the country. Another newspaper similar to the Universul was the Adevărul. It championed the cause of social and political reform and aggressively fought against administrative abuses, for the distribution of land to peasants, naturalization of native Jews and better schools. (N. Iorga, Istoria presei romanesti.) Adevărul added a morning edition, Dimineata, in 1904.
26. The leading conservative organs were Bucharest's Epoca and Lupta, published in Iași. Both were founded in 1885. The strongest of the liberal papers were the Românul and the French-language L'Independance Roumaine, launched in 1875. The emerging socialist factions were represented by bi-weeklies started in 1878, and by their first daily, Lumea Nouă, which was published by 1894 in Bucharest. See Antip, Istoria Presei Române, p. 119.
27. See I. Ionescu-Dolj, Presa și regimul ei în România, 1859-1914; See also A. Castriș, Libertatea Presei; Bucharest: Tipografia Gutenberg (Joseph Göbl), 1902, p. 43.
28. I. Ionescu-Dolj, Presa și regimul ei în România, 1859-1914; also Antip, Istoria Presei Române, p. 120-27.

29. See Olson, The History Makers; N. Iorga, A History of Roumania; London: Adelphi Terrace, 1925.
30. See Nicolas Maxim, Les Partides Politiques et la Presse en Roumanie, Paris, 1925.
31. See I. Ionescu-Dolj, "Presa și regimul în România;" see Constantin Grauer, Libertatea Presei (2nd edition); Bucharest: Editura Ziarului Adevărul, 1927, p. 112.
32. Olson, The History Makers, p. 404.
33. See Iorga, Istoria Presei Românești; Antip, Istoria Presei Române.
34. Sepp Horlamus, ed., Mass Media in CMEA Countries; Budapest: International Organization of Journalists, 1976, p. 200.
35. Jean Georgesco, La presse periodique en Roumanie; Oradea (Romania): Editura Sfânta Unire, 1929, p. 70-150.
36. Ibid.
37. Giurescu, Giurescu, Istoria Românilor, p. 615-625.
38. Olson, The History Makers, p. 405-407.
39. N. Sevastos, "Amintiri din redacția Adevărului," in Presa Noastră, nr. 2, 1967.
40. Ibid.
41. See Peter Leonhardt, "Das rumänische Presserecht nach dem Gesetz vom 28.3, 1974," in Jahrbuch für Ostrecht, nr. 15, 1974, p. 199-229.
42. Olson, The History Makers, p. 406.
43. Romulus Boila, "Press and Radio," in Alexander Cretzianu, ed., Captive Romania; N.Y.: Praeger, 1956.
44. The most popular post-war newspaper was the Curierul, published by Maniu's Peasant Party, with a national circulation of over 350,000. Universul, Adevărul and

- Dimineața were also on the newsstand again. The liberals had their Viitorul and the new Liberalul. And, the newly emerged Communist Party or Romanian Workers' Party (1000 strong in a country with a population of over 17 million) had Graiul Nou and Scinteia. See also Boila, "Press and Radio," and Olson, The History Makers, p. 407.
45. The liberals' Democratul was suppressed and its editor arrested. Curierul's plant was expropriated; Viitorul was silenced, its editors arrested. See Olson, The History Makers, p. 407 and Vasile Liveanu, "Presa muncitorească și lupta pentru făurirea Partidului Comunist Român," in Presa Noastră, nr. 4, 1966.
 46. See Boila, "Press and Radio."
 47. As quoted from a decree in the Buletinul Oficial, nr. 67, March 27, 1945.
 48. Paul Kecskemeti, "Totalitarian Communication as a Means of Control," in Public Opinion Quarterly, nr. 14, 1950, p. 224.
 49. Karl Friedrich and Z. Brzezinski, Totalitarian Dictatorship and Autocracy; Cambridge, Mass.: Harvard University Press, 1956, p.134.
 50. See Anthony Buzek, How the Communist Press Works; N.Y.: Praeger, 1964; see also Wilbur Schramm, "The Soviet Communist theory of the Press," in Siebert, Peterson, Schramm, Four Theories of the Press; Urbana: University of Illinois Press, 1974; see also IPI Review, 1959; also Walter J. Rauch, "Die Presse der volksdemokratischen Balkanländer - Rumänien," in Publizistik, nr. 2, 1961, p. 229-235.
 51. The changes in Romanian policies, both at home and abroad, called for a re-orientation of the political socialization process and demanded new themes. Consequently, these themes and their order of importance were redefined and reorganized; patriotism/nationalism, anti-Stalinism, building socialism, anti-individualism,

socialist morality, anti-imperialism and the social commonwealth became the official themes of political socialization after 1964. See Ivan Volgyes, Political Socialization in Eastern Europe: A comparative Framework; N.Y.: Praeger, 1975.

52. See Leonard Fein and Victoria E. Bonnell, "Press and Radio in Rumania: Some Recent Developments," in Journalism Quarterly 42, nr. 3, 1965, p. 443; see also Armand Gaspard, "Rumania - Advertisements and a move to objectivity," in IPI Review, nr. 8, May 1965, p. 17. Fein and Bonnell noted several changes in the Romanian press system and concluded that "it remains to be seen whether the present re-orientation will eventually lead to a reform in the structure and function of the control agencies (Agitprop and Agerpres) themselves."
53. See Horlamus, ed., Mass Media in CMEA Countries (Romania).
54. Ibid.
55. For information on the growth of the communist media see Richard Fagan, "Mass Media Growth: A Comparison of Communist Countries," in Journalism Quarterly 41, nr. 3, Fall 1964.
56. John Kautsky, "Communism and the Comparative Study of Development," in Slavic Review 26, nr. 1, March 1967, p. 13.
57. For a background, see Chalmers Johnson, Change in Communist Systems; Palo Alto, CA: Stanford University Press, 1970, Chapter 1.
58. See The constitution of the Popular Republic of Romania, 1948 and 1952, and the Constitution of the Socialist Republic of Romania, 1975.
59. A Press Directorate was set up within the Ministry of Propaganda in 1947; see also Anneli Ute Gabanyi, "Das Zensursystem in Rumanien," in Wissenschaftlicher Dienst Südosteuropa, nr. 11, 1978, p. 270.

60. See Leonhardt, "Das rumänische Presserecht nach dem Gesetz vom 28.3, 1974;" also "Transmissionsriemen der Partei; Das neue rumänische Pressegesetz," in Wissenschaftlicher Dienst Südosteuropa, nr. 8, 1974, p. 156.
61. See Decree nr. 472, in the Buletinul Oficial, nr. 138, Bucharest, Dec. 27, 1977.
62. See Gabanyi, "Das Zensursystem in Rumänien."
63. Ibid.
64. Scinteia, July 19, 1977.
65. Gabanyi, "Das Zensursystem in Rumänien."
66. Ibid.
67. Ion Ceterchi states in Romania Liberă, April 4, 1974, that the press laws were written under the "direct leadership" of President Ceuasescu. Another direct effect of the 1974 press laws was the sharp reduction in the number and size of some publications (see Wissenschaftlicher Dienst Südosteuropa, nr. 8, 1974, p. 156). Journalists who at that time were considered insufficiently engaged politically were not transferred to other publications but were retired.
68. Throughout his life Marx had to flee one country after another following publication of his views in newspapers he edited.
69. Karl Marx, "Debatte über die Pressefreiheit," in Rheinische Zeitung, May 5, 1842, Werke I, P. 54.
70. Karl Marx, On Freedom of the Press and Censorship; New York: McGraw-Hill Book Co., 1974, p. 46.
71. Ibid. p. 26.
72. Karl Marx, "Debatte über die Pressefreiheit."
73. Karl Marx, On Freedom of the Press and Censorship, p. 26 in a chapter titled "Debates on Freedom of the

Press and Publications." His thoughts on the very same subject were first published in the Rheinische Zeitung on May 5, 8, 10, 12, 15, 19, 1842.

74. Friedrich Engels to August Babel, May 1-2, 1891, Werke XXXVIII, East Berlin: Dietz Verlag, 1961-68, p. 74.
75. Ibid., Nov. 19, 1891, Werke XXXVIII, East Berlin: Dietz Verlag, 1961-68, p. 517.
76. V. I. Lenin, "Party Organization in Party Literature," Nov. 13, 1905, in Werke X, Moscow: Foreign Language Publishing House, 1960-66, p. 46.
77. Ibid.
78. V. I. Lenin to G. Myasnikov, Aug. 5, 1921, Werke XXXII, p. 506.
79. V. I. Lenin, "How to Ensure the Success of the Constituent Assembly," in Werke XXV, p. 377-78.
80. Ibid.
81. Ibid.
82. See Robert C. Tucker, The Lenin Anthology; N.Y.: W. W. Norton & Co., Inc. 1975, p. 102.
83. Wilbur Schramm, "The Soviet Communist Theory," in Siebert, Peterson and Schramm, Four Theories of the Press, p. 110.
84. Yevgeny Prokhorov, "The Marxist Press Concept," in Heinz-Dietrich Fischer, John C. Merrill, eds., International and Intercultural Communication; New York: Hastings House, 1976, p. 51.
85. See Donald R. Shanor, "Press Freedom in the Communist World, in Comparative Mass Media Systems, L. John Martin, Anju Grover Chaudhary, eds.; New York: Longman, Inc., 1983, p. 327.
86. See Paul Lendvai, "What is Newsworthy - and What is Not - in the Communist World?" in L. John Martin, Anju Grover Chaudhary, Comparative Mass Media Systems; also see Paul Lendvai, The Bureaucracy of Truth - How Communist governments manage the news; London: Burnett Books Ltd., 1981.

87. Anthony Buzek, How the Communist Press Works; N.Y.: Praeger, 1964, p.
88. Paul Kecskemeti, "Totalitarian Communication as a Means of Control," in Public Opinion Quarterly, nr. 14, 1950, p. 224.
89. N. Ceaușecu, "Cuvîntarea la consfătuirea de lucru cu activiștii și cadrele din domeniul educației politice, al propagandei și ideologiei," in Scinteia, Sept. 10, 1977.
90. N. Ceaușecu, România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 6, Bucharest: Editura Politica, 1972, p. 247.
91. Peter Leonhardt, "Das rumänische Presserecht nach dem Gesetz vom 28.3.1974," in Jahrbuch für Ostrecht 15, 1974, p. 199-229.
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93. See "Decret al consiliului de stat privind organizarea și functionarea Radioteleviziunii române," Decree nr. 473, Dec. 24, 1977; see also "Radioteleviziune și Cultură," in Pavel Câmpeanu, Psihosociologia Culturii de Masă; Bucharest: Editura Științifică, 1968, p. 197-252.
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96. N. Ceaușescu, "Cuvîntarea la consfătuirea de lucru cu activistii și cadrele din domeniul educației politice, al propagandei și ideologiei," in Scinteia, Sept. 10, 1977.

97. _____, "Expunere la consfătuirea de la Comitetul Central al Partidului Comunist Român cu conducătorii organelor de partid și ai consiliilor populare județene," in România pe drumul desăvîrșirii construcției socialiste, vol. 3, Bucharest: Editura Politică, 1969, p. 114.
98. _____, "Cuvîntare la închiderea dezbaterilor privind învățămîntul de cultură generală, profesional, tehnic și superior in R. S. România," in România pe drumul desăvîrșirii construcției socialiste, vol. 3; Bucharest: Editura Politică, 1969, p. 174-75.
99. _____, "Cuvîntarea la consfătuirea de lucru cu activiștii și cadrele din domeniul educației politice, al propagandei și ideologiei."
100. See Andrei Vyshinski, The Law of the Soviet State; N.Y.: Macmillan Co., 1948, p. 613.
101. See Scînteia, April 10, 1964.
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103. See Mihailo Markovic, "Widerspruche in Staaten mit sozialistischer Verfassung," in Europäische Rundschau, nr. 4, 1975.
104. See Lendvai, The Bureaucracy of Truth, p. 68-70.
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106. N. Ceaușescu, "Cuvîntarea la adunarea festivă consacrată împlinirii a 25 de ani de la apariția primului număr legal al ziarului Scînteia, organ al CC al PCR, 26 Sept. 1969," in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 4; Bucharest: Editura Politică, 1970, p. 440-41.

107. N. Ceaușescu, "Expunere la consfătuirea de lucru a activului de partid din domeniul ideologiei și al activității politice și culturale-educative, 9 July 1971," in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 6; Bucharest: Editura Politică, 1972, p. 249-50.
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109. _____, "Expunere la consfătuirea de lucru a activului de partid din domeniul ideologiei și al activității politice și cultural-educative, 9 July, 1971," p. 249-50.
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112. Decree nr. 53, 1975, in Buletinul Oficial 242, 1975.
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116. Elemer Illyes, National Minorities in Romania; New York: Columbia University Press, 1982, p. 251.

117. For example, see a speech given by N. Ceausescu on the 25th anniversary of the newspaper Scînteia, in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 4, 1970 and vol. 6, 1972; Bucharest: Editura Politică; see also D. Mindroiu, "Atribute majore ale ziaristicii comuniste," in Presa Noastră, nr. 7/8, 1971.
118. Ibid., vol. 6, 1972, p. 249-50.
119. N. Ceausescu as quoted by Ion Cumpănașu in "Pe teme actuale ale presei," in Analele Academiei Stefan Gheorghiu; Bucharest: vol. 10, 1978.
120. President Ceaușescu, for example, said in 1970 that: "It is the high patriotic duty of all journalists to contribute fully to the realization of the program elaborated by Congress, and to the people's struggle to elevate socialism in Romania to a new plateau;" in N. Ceaușescu, "Cuvîntare la adunarea festivă consacrată împlinirii a 25 de ani de la apariția primului număr legal al ziarului Scînteia, organ al CC al PCR, 25 Sept. 1969," p. 445-46.
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122. Ibid; also see Kenneth Jowitt, "Political Innovation in Romania," in Survey 20, Autumn 1974, p. 132-51.
123. N. Ceaușescu, "Cuvîntare la adunarea festivă consacrată împlinirii a 25 de ani de la apariția primului număr legal al ziarului Scînteia, organ al CC al PCR, 25 Sept. 1969," p. 445-46.
124. See Lendvai, The Bureaucracy of Truth, p. 110.
125. Ibid., p. 43.
126. Ibid.
127. N. Ceaușescu in Scînteia, Dec. 8, 1977.

128. N. Ceaușescu in a speech to the Central Committee of the RCP and the Supreme Council for Socialist and Economic Development, as quoted in Scînteia, June 30, 1977.
129. Ibid.
130. Ibid.
131. Article 17 states that "The right to publish belongs to political organizations, state, mass and popular organizations or to other juridical persons. For a more in-depth explanation of the party and other communist press see Ion Popescu-Puturi, N. Goldberger, et a., Presa Comunistă și a organizațiilor de masă create și conduse de PCR, vol. 4; Bucharest: Editura Politica, 1978.
132. From conversations with Nestor Ignat, provost of the Journalism School at the Stefan Gheorghiu Academy in Bucharest, October 1979.
133. Ibid.; see also "Rumänien" in Recht in Ost und West, nr. 2, 1978, p. 80-81.
134. Prior to 1974 there was no press law regulating the actions of the press which was controlled through an organ of the Council of Ministers. There is no record of any publication being suspended for violating any Romanian laws.
135. See "Hotărîrea CC al PCR cu privire la creșterea rolului și răspunderii organizațiilor de partid și de state, de masă și obștești a uniunilor de creație a conducerilor colective ale redacțiilor, Radioteleviziunii, editurilor, caselor de filme, instituțiilor de spectacole în activitatea de informare și educare a oamenilor muncii," in Scînteia, 30 June 1977.
136. N. Ceaușescu, România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 4, p. 433-34.
137. "Hotărîrea CC al PCR cu privire la creșterea rolului și răspunderii organizațiilor de partid și de stat..." in Scînteia, 30 June 1977.

138. See Mary Ellen Fischer, "Participatory Reforms and Political Development in Romania," in Jon F. Triska, Paul M. Cocks, eds., Political Development in Eastern Europe; N.Y.: Praeger, 1977, p. 217-40.
139. N. Ceaușescu, "Cuvîntare la consfătuirea de lucru cu activiștii și cadrele din domeniul educației politice, al propagandei și ideologiei," in Scînteia, 9 September 1977.
140. See Fischer, "Participatory Reforms and Political Development in Romania," p. 225.
141. N. Ceaușescu, România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 4, p. 433-34.
142. N. Ceaușescu in a speech given on July 9, 1971, reprinted in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 6, p. 247; see also Vasile Potop, "Presa și Educația Comunistă," in Analele Academiei Stefan Gheorghiu, nr. 6, 1976, p. 66-97.
143. See Lendvai, The Bureaucracy of Truth, p. 249-51.
144. Ibid.
145. One can, for example, purchase the Frankfurter Allgemeine Zeitung or the Corriere dela Sera at the Intercontinental Hotel in Bucharest but not at other hotels which do not cater to an international clientele. All purchases in these hotels are to be made with foreign currency, a rule which excludes Romanians, as they are forbidden by law to possess foreign currencies, dollars in particular.
146. The quantity is controlled on purpose so as to minimize the risk of having copies find their way into the hands of Romanian citizens.
147. Article 41 states that: In the exercise of their professional duties, the journalist has the right to:
(a) solicit and receive information from state and popular organizations, from juridical individuals, according to the laws; (b) to partake in working sessions of the leadership organs of the various ministries and other central and local organs of state administration, or

mass and popular organizations, of economic and socio-cultural units; (c) to partake in meetings and other manifestations by workers in which problems of interest to the population are discussed; (d) to have access to documentary and other informational sources, in accordance with the laws; (e) to receive support from competent organs when such support is needed in the realization of his duties; (f) to benefit, according to the conditions set by Council of Ministers decisions, of facilities and priorities in transportation, telecommunications, hotels and access to cultural and athletic events, and purchases of materials necessary to the profession.

148. See Gabanyi, "Die Zenzur in Rumänien - nicht abgeschafft, sondern verstärkt," in Osteuropa 4, 1979.
149. See report of speech in Viața Românească, nr. 7-8, 1978.
150. Ibid.
151. See, for example, "The RCP program for the development of a multilaterally developed socialist society and Romania's progress toward communism," in Congresul al XI-lea al PCR; Bucharest: Editura Politică, 1975, p. 715.
152. See N. Ceaușescu's speech at a gathering of activists and cadres from the political education area, from propaganda and ideology, covered in Scînteia, Sept. 9, 1977.
153. N. Ceaușescu, "Cuvîntare la adunarea festivă consacrată împlinirii a 25 de ani de la apariția primului număr legal al ziarului Scînteia, organ al CC al PCR, 25 Sept. 1969," p. 435-37.
154. N. Ceaușescu, "Propuneri de măsuri pentru îmbunătățirea activității politico-ideologice, de educare marxist-leninistă a membrilor de partid, a tuturor oamenilor muncii, 6 July 1971," in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 6, 1973, p. 191.

155. Vasile Potop, "Presa și educația comunistă;" also see Victoria Iliescu, "Rolul presei în formarea personalității umane," in Analele Academiei Stefan Gheorghiu, nr. 4, 1975, p. 41-45; Nestor Ignat, "Considerații despre rolul presei în educația comunistă," in Analele Academiei Stefan Gheorghiu, nr. 6, 1976, p. 66-69.
156. N. Ceausescu, "Expunere cu privire la programul PCR pentru îmbunătățirea activității ideologice, ridicarea nivelului general al cunoașterii și educația socialistă a maselor, pentru așezarea relațiilor din societatea noastră pe baza principiilor eticii și echității socialiste și comuniste, 3 Nov. 1971," in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 6, p. 177-78.
157. See Fischer, "Participatory Reforms and Political Development in Romania," p. 217-240.
158. Ibid.
159. See Articles 64, 72, 73, 74, 75 of the 1977 Press Law.
160. Doru Cosma, "Dreptul de răspuns prin presă," in Revista Română de Drept, nr. 10, 1974.
161. See Fischer, "Participatory Reforms and Political Development in Romania," p. 217-40.
162. N. Ceausescu, "Mesaj adresat ziarului Scînteia cu prilejul împlinirii a 40 de ani de la apariția primului număr, 17 Aug. 1971," in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 6, 1972, p. 333-34.
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164. N. Ceausescu, "Cuvîntare la adunarea festivă consacrată împlinirii a 25 de ani de la apariția primului număr legal al ziarului Scînteia, organ al CC al PCR, 25 Sept. 1969," in România pe drumul construirii societății socialiste multilateral dezvoltate, vol. 4, 1970, p. 442-43.

165. See Lendvai, The Bureaucracy of Truth, p. 37.
166. See also P. Solcan, "Ziarul - Tribună de răspîndire a idelor," in Presa Noastră, nr. 3, 1973, p. 4-16.
167. Schramm, "The Soviet Communist Theory," in Four Theories of the Press, p.110; see also Yevgeny Prokhorov, "The Marxist Press Concept," in Heinz-Dietrich Fischer, John C. Merrill, eds., International and Intercultural Communication; New York: Hastings House, 1976, p. 51.
168. See Buzek, How the Communist Press Works, p. 62; James W. Markham, "Communist Regimes, Mass Media and Society," in Fischer and Merrill, International Communication, p. 41.
169. The Helsinki Final Act, see U.S. State Department, Implementation of Helsinki Final Act, Special Report nos. 105, 100, 85, of 1981 and 1982.
170. See Kecskemeti, "Totalitarian Communication as a Means of Control," p. 224.
171. Schramm, "The Soviet Communist Theory," p. 122.
172. Buzek, How the Communist Press Works, p. 173.
173. Schramm, "The Soviet Communist Theory," p. 123.

SECTION V

1. Analysis and Conclusion

Lenin suggests that both the party and state will grow in size and strength during the socialist phase of society's march toward communism.[1]

The RCP, as well as the Romanian state, in true Leninist fashion, have in the last 36 years expanded their powers, functions and size.

In accordance with Marxist-Leninist theory, the growth of the RCP is the natural evolution of a political system passing through socialism. And it is a necessity by virtue of its leadership role in society.

The growth of the state is explained only in terms of the party's growth and the increased need to carry out the latter's policies and the enforcement of ideology.

Therefore, the relationship between state and the RCP has evolved conditional to Marxist-Leninist dictates, i.e., the RCP has always had a de facto voice in every sphere of life since 1947, even when only indirectly exercised, while the state is only part of the superstructure defined by Marxist-Leninist philosophy.

The RCP directly and/or indirectly controls each and every organ and institution of power in Romania including the state apparatus. While overt, de facto party control has

always been a feature of the Romanian communist system, it has only been in recent years that direct control has increased, and that legal expression and recognition has been awarded to this relationship.

In the last 10 years the hitherto constitutionally recognized political leadership of the RCP has been expanded to include more direct, and legally recognized, control and power over the state. This has been accomplished, in part, through the established state power hierarchy and partly through the new organs of dual nature.

The scope and number of these organs of dual nature has increased in the last decade. Arguments have been presented supporting constitutional acceptance and recognition of these organs of dual nature as separate from those of party and state organs. It has also been argued that this Romanian "innovation" signals the introduction in the communist world of a new kind of organ which will dominate communist societies of the future, eradicating the legal and functional differences between present-day party and state organs and uniting their competencies, attributes and leadership characteristics.

It is this political reality, together with the Marxist-Leninist ideology serving as its basis which defines Romania's socio-political culture. Romania's press system is the

product of this culture, which through law defines and gives legitimacy to the specific Marxist-Leninist interpretation of the press, its roles and functions, its freedoms, its organization and structure, as well as the rights, duties and educational requirements of journalists.

Specifically, how does the new state-party relationship in Romania define the relationship between press, state and party?

Only political, state, mass and public organizations have a right to publish in Romania (exceptions to this rule are printed materials to be published for internal use by educational and religious institutions). No changes in regard to who can or cannot publish in Romania were made with the introduction of the 1974/77 press law. The press law, simply, gives legal form and support to an already practiced Marxist-Leninist interpretation of ownership and control of the press, of its roles and functions, as well as structure and organization.

What has changed, however, is the increase in party control over the state and its organs, and over mass and public organization, as well as the legalization and legitimation of this control by the new law. This has also meant an increase in party control over all Romanian press.

The mass and public organizations involved in publishing are the Union of Communist Youth, the General Confederation of Romanian Trade Unions and the Front of Socialist Unity. Each of these organizations functions under direct party leadership and control. Therefore, their press is also under the control of the party.

The only political organization involved in publishing and allowed to function in Romanian society is the RCP. The state is still the main publisher in Romania overseeing the majority of the general circulation print media.

Yet, the press' relationship to the state has changed, essentially lessening state control and augmenting party control as the latter had endeavored to increase its grip over every state organ and every facet of socio-political and cultural life in Romania.

The increased direct and indirect party control over the state and its organs means a far greater and more explicit control by the RCP over the non-party press. This more direct and now legally recognized control over the non-party press is being accomplished through the Council for Socialist Culture and Education, an organ of dual-nature.

The non-party press between 1947 and 1974, with the exception of a brief time span when it was overseen by the

RCP's Committee and Political Bureau, was responsible to and under the control of state organs: The Ministry of Propaganda and the Council of Minister's Committee on Press and Other Print Media.

The relationship of the press to state and party has, therefore, changed in the sense that the contemporary Romanian press is by law for the first time responsible to and controlled directly by both state and party, through the Council of Socialist Culture and Education. Politically and ideologically it is under the sole control of the party as, indeed, it has always been.

The very change in the state-party-press relationship brought a change to the press' life in Romania: The enactment of a press law, the first under the communist regime.

In fact, the examination of the socio-political, ideological and educational roles assigned by law to the Romanian press reveals that it explicitly defines the press (party and non-party press) as a party instrument. This instrument is, no matter what other functions and roles it might fulfill, charged primarily with disseminating party and state policies in a partisan and militant way, with carrying out party and state propaganda and with contributing to the shaping and reshaping of the masses into the new socialist

(soon to be communist) world. This is not to say that the Romanian press cannot or does not perform other roles as well.

Party control over the press is also embodied by law in the very definition of the journalists' rights, duties, educational and certification requirements.

The journalists' rights are contingent, as stated in Section IV, upon them meeting the requirements set by law and implemented by the Council of Socialist Culture and Education. The main duties of the Romanian journalists are politicized to the extent of the RCP's need to carry out its policies and plans, mobilize the masses and proselytize them to Marxism-Leninism and its attendant requirements. Once again, the politico-ideological duties of journalists do not necessarily exclude duties which could be non-political and ideological in nature.

A major change brought about by the new state-party relationship was the abolition of the Journalists' Union and its replacement with the Journalists' Council which is affiliated with the party's General Confederation of Trade Unions. Any possible autonomy the journalists or their union might have had from the party has, therefore, effectively been eliminated.

In fact, the increased party control over the press brought about a reorganization of the Romanian press system resulting in the abolition of certain newspapers and magazines deemed politically unsatisfactory by the party. It also brought about the cleansing of the journalistic cadres with many journalists who were considered politically unreliable or uncommitted finding themselves without a position, replaced by more political staffs. This change also brought about the installation of party functionaries at the helm of all newspapers and magazines.

The relationship of press to party and state is further illustrated by the manner in which freedom of the press is interpreted and enforced. Legally, the Romanian press has no freedoms which in any way speak to an unlimited and uninhibited politico-ideological discussion outside the bounds of Marxism-Leninism, or criticism of the regime and its policies.

Therefore, in the Romanian case, Buzek's description of how the communist press works is not outdated.[2]

According to Romanian law, the press is directed to work exactly as Buzek has found the Soviet press to work in the 1950s.

On a day-to-day basis, party control over the press is exercised by RCP representatives on the press councils and editorial boards of all publications. Furthermore, journalists are by law required to be party activists; therefore, giving the impression at least that all print media are party publications, staffed by party and/or state functionaries.

This subordinate relationship to party and state is given full expression in the Romanian press law.

There is now less de facto as well as de jure separation between the party press and the non-party press. The Leninist view of the press' role in society and, therefore, its relationship to state and party, is fully applied in Romania.

The party, state, press relationship is in line with the Soviet communist press theory. The press evolved as an integral part of the political and state power structure and is to serve primarily a partisan and militant role in Romanian society.

This study has shown that by law the Romanian press remains, despite some significant changes in the last 18 years, [3] essentially a kept instrument whose integrity is that of its owner and master.

The Romanian Marxist-Leninist press has changed its facade. For example, it has eliminated official censorship and changed the style of its foreign coverage. Intrinsically, however, the press law indicates that the basic tenets upon which the Romanian theory of the press rests, have not changed. As Lendvai writes in comparing the Romanian press with those of the other Eastern European countries:[4]

...qualitative differences are restricted only to the area of foreign policy and self-assertive nationalism, with no deviation whatsoever from the Soviet tradition as far as the internal information flow is concerned.

Lenin's notions of party control over the press, the exclusion of all other ideas contrary to his interpretation of Marxism, and militancy and politicalization of journalism in general are the concepts followed in Romania's press system.

Romania has established a socialist system which in many ways does not resemble other Marxist-Leninist systems. But what is shared with these other systems is the very foundation of Marxist-Leninist ideology.

The dogmatic, quasi-Stalinist Romanian system has given different shape and definition to its policies as well as to its power structure, and to those of the institutions and organs which carry out a supportive function.

Romania has established its particular socialist system, creating its own condition for its particular press system. Therefore, in its very foundation the Romanian press also remains by necessity and Marxist-Leninist definition unchanged in its structure and function, and changed only in the way it carries out its function. As Richard Lowenthal writes, the total control of the communist press has as its purpose not only the prevention of hostile opinions being expressed but also of controlling the formation of opinion. [5]

While appearances have changed, the principle of absolute dominance of the press by party and state and their organs is still in force. Therefore, the Romanian press by its very foundation does not set itself apart from other Marxist-Leninist press systems.

Any major changes in the Romanian press would have to be preceded by drastic changes in the socio-political and ideological foundation of Romania. Presently, party control is pervasive. And the press law has simply legitimized party control over the press and defined it in terms suited to the RCP's Marxist-Leninist orientation, its interpretation of this orientation and the requirements which it brings about.

The law's basic function in Romania is thus carried out fully. Being derived from the politico-ideological needs and programs of the party, the law supports these and legitimizes and legalizes the requirements for their fulfillment. It also fulfills its educational role.

Therefore, we find the Romanian press law reflecting the regime's need for increasing ideological education and mobilization, defining press freedom, as well as the rights, responsibilities of journalists.

The party, then, exercises its control over the press, dictating its functions and roles and the manner in which they will be carried out through the state and law, both elements of socialist society's superstructure.

The Romanian press law allows for innovations in style and content; it also demands increased professionalization and sophistication. Yet, as Lendvai[6] contends, we should not lose our own sense of proportion by equating this limited latitude and these demands with basic changes in the Marxist-Leninist approach to "the control and function of the press shared by all communist press systems."

Romanian press history has been a turbulent one with various degrees of authoritarian pressures being brought upon an essentially diverse system throughout the pre-communist

days. The history of Romania's communist press after 1947 has been one devoid of diversity and one manipulated by the party to serve its interests and those of the policies outlined by it and by the state.

In summary, what we have learned from this study is that the Romanian press system, by law, fits the not-yet-outdated theory of the Soviet communist press. While Romania's socio-political climate creates particular conditions for the press' evolution which in its facade may differ from other communist press systems, the basic underlying press philosophies and concepts are still shared with them. Indeed, they may be applied more harshly than in other Marxist-Leninist socialist systems.

This conclusion should not, however, refrain us from making further and more in-depth examinations of the actual workings of the Romanian press. For example, it may be interesting and enlightening to find out whether the press takes certain editorial liberties despite the seemingly strict press law. How strictly is the press law enforced? In how many cases and under what circumstances has the law been invoked? What are the thoughts and the perceptions of Romanian journalists regarding the Romanian press and its law? What are the journalists' professional self-perceptions?

How much of a voice and how much influence are they attempting to exert on the making of press laws, on the duties, functions and freedom of the press?

Finally, new approaches should be found to analyze the Romanian press system. A methodology seems to be most lacking in examining the Romanian system. Robinson's approach [7] to the study of the Yugoslav press system may from a practical information-gathering standpoint not be applicable to the Romanian case. In fact, it is in the area of information-gathering and access that most problems surface in the study of the communist press in Romania.

There is a limited, general and shallow nature to all of the pre- and post-1964 studies of the Romanian mass media, partly attributable to the inability of communication scholars to conduct research in Romania because (1) few are sufficiently fluent in Romanian, (2) the Romanian government, with few exceptions, did not open the country to foreign researchers until after 1964 and even now allows only a limited amount of research to be carried out by foreigners and only in areas which are politically less sensitive and (3) official and self-imposed restraints limit the amount of information a researcher can gather from Romanian officials and state employees.

All of these obstacles still remain, yet the maverick nature of the Romanian regime and its distinctive interpretation of Marxism-Leninism makes it imperative that a better understanding and greater knowledge is gained of Romania's press system. It adds to our knowledge of the system and extent to which the Soviet communist theory of the press is applicable in Romania. It serves as a foundation for formulating additional questions to be answered about this system.

2. Notes and References

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5. Richard Lowenthal, "The Model of the Totalitarian State," in Royal Institute of International Affairs, The Impact of the Russian Revolution, 1917-67; New York: Oxford University Press, 1967, p. 274.
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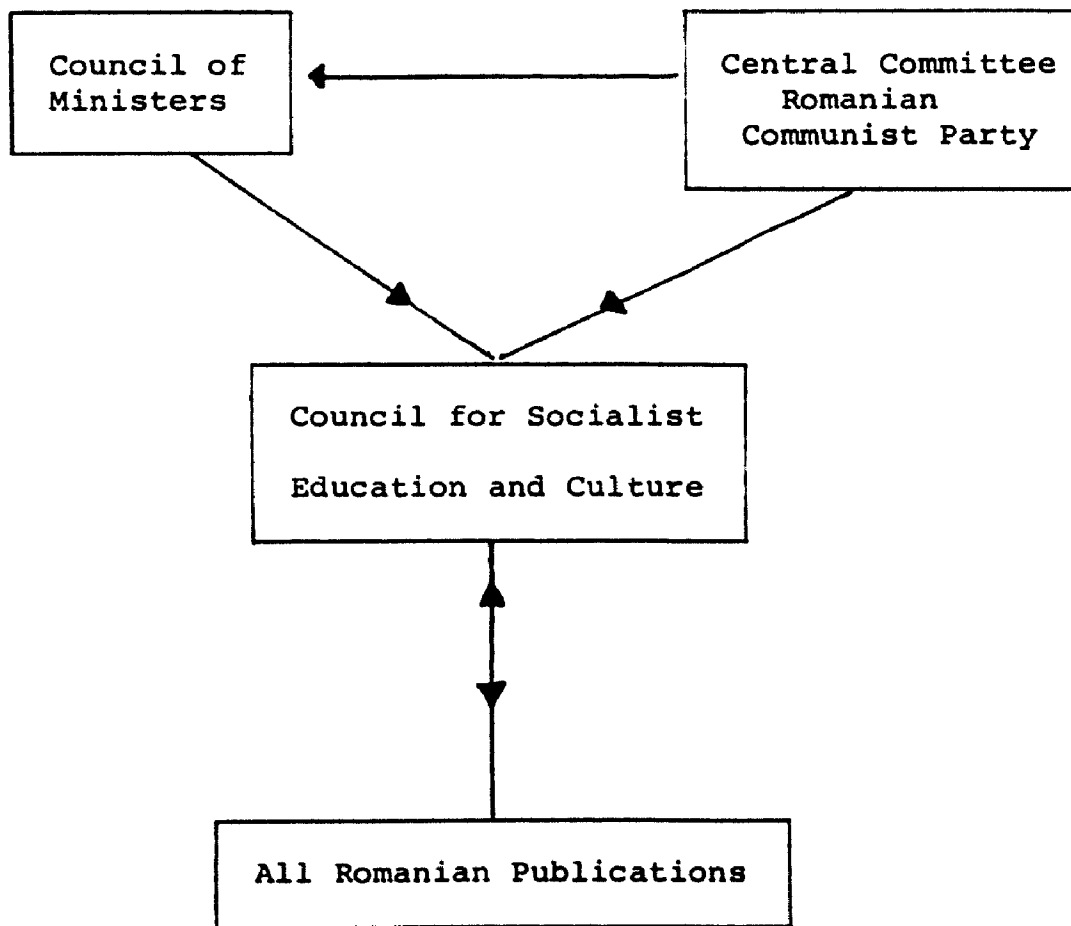
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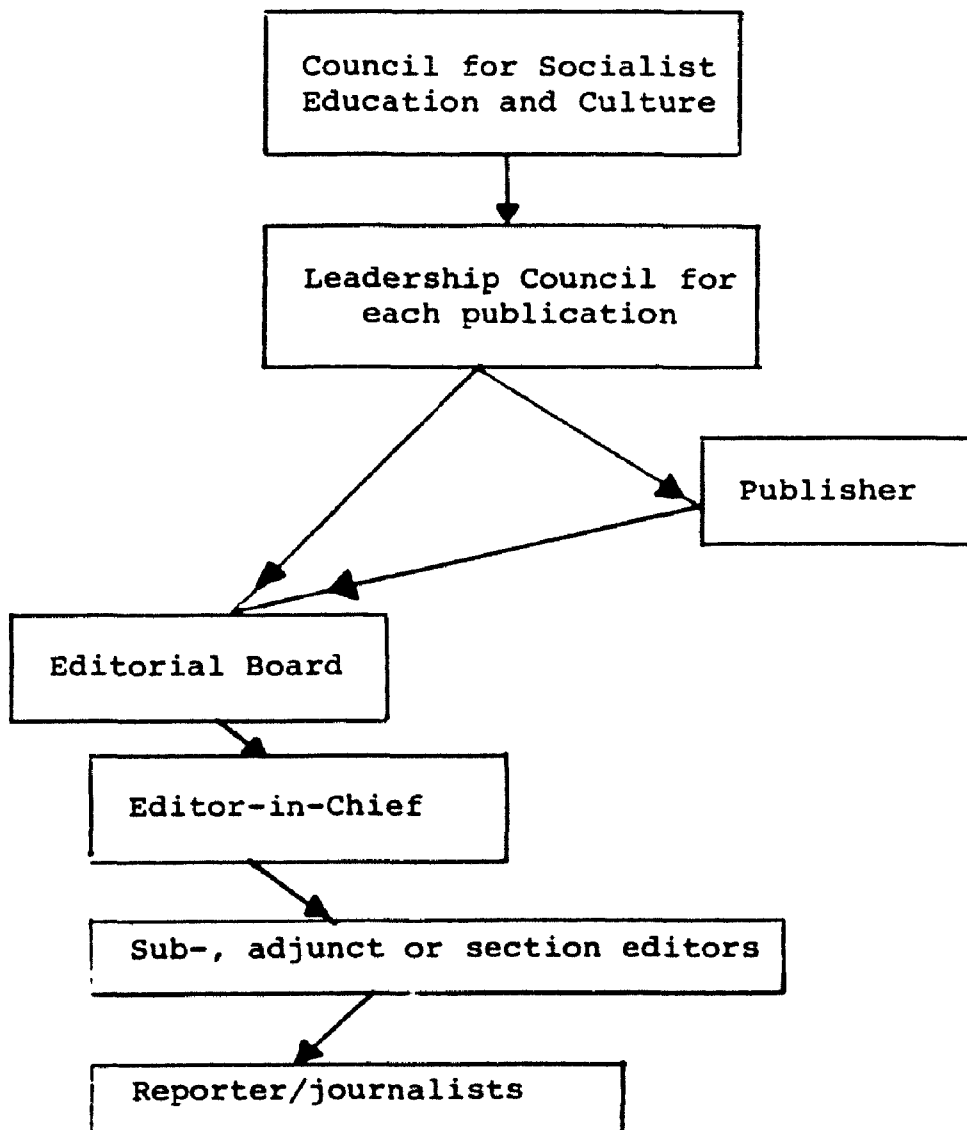
APPENDIX I

CONTROL STRUCTURE OVER ALL ROMANIAN PUBLICATIONS



APPENDIX II

STRUCTURAL ORGANIZATION OF ROMANIAN PUBLICATIONS



APPENDIX III
PRESS LAW OF ROMANIA - 1977

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Press Law of the Socialist Republic of Romania, nr. 3/1974.

Taking into account the socio-political mission which the press has in the fulfillment of the general policies of the Romanian Communist Party to build a multilaterally developed socialist society and to build communism in the Socialist Republic of Romania, the Grand National Assembly of the Socialist Republic of Romania adopts the following law:

Chapter I

General Measures

Art. 1 - In the Socialist Republic of Romania the press fulfills a high socio-political mission, serving through all of its activities the cause of the people; the supreme interests of the socialist nation.

The press' destiny is to permanently militate for the translation into life of the Romanian Communist Party's policies, of the high principles of socialist ethics; to firmly promote progress, the advanced conception in all spheres of life and social activities.

As a forum for public opinion, the press expresses the outlooks of the working class - the ruling class in Romanian society - the people's aspirations; it diffuses valuable ideas and initiatives, contributing through all of its activities to creating a multilaterally developed society.

Art. 2 - The press carries out its activities under the leadership of the Romanian Communist Party - the leading political power of the entire society in the Romanian Socialist Republic.

Art. 3 - Freedom of the press constitutes a fundamental right sanctioned by the Constitution. This right, as well as the provisions made for the expression in the press of opinions on problems of general interest and of public character, and the right to be informed of domestic and international events, is guaranteed to all citizens.

Art. 4 - In full harmony with the party and state policy of assuring real equality for all citizens, conditions are created for workers of coinhabiting nationalities to also be informed and express themselves through press organs in their maternal language.

Art. 5 - The press, as the term is used in this law, is meant to describe the activity of public information through any form of printing, recording, transmission and communication realized in:

- a. newspapers, magazines, news bulletins;
- b. radio and television transmissions with a news-informational and, specifically, radio-television

publicity characteristics;

- c. newsreels of current events and other documentary and informational films;
- d. all other forms of printing and graphic recording, audio or visual, destined for and used as a means of mass, public expression and information.

Art. 6 - The journalistic profession is recognized and protected on the basis of this law.

Chapter II

The Socio-Political Functions of the Press

Art. 7 - In the Socialist Republic of Romania, the press exercises an active role in acquainting the masses with the domestic and foreign policies of the Romanian Communist Party; it militates for the realization in life of a program for the creation of a multilaterally developed socialist society, of a communist society.

Art. 8 - The press contributes to the assertion of the party's scientific, dialectical-materialist and historical conceptions of life and society; it manifests revolutionary intransigence in the face of backward, anti-humanitarian and obscurantist conceptions and positions.

Art. 9 - The press has an important educational role in developing the citizens' socialist conscience; a role in the creation of the new man and the multilateral affirmation of the human personality.

The press cultivates love for the Romanian Communist

Party and our socialist land; respect for the glorious traditions of the working class' struggle, for the Romanian people, for social justice, national freedom and progress, for brotherhood, unity and cohesion among working peoples, Romanians and other nationalities, and all other members of socialist society around the Romanian Communist Party.

The press permanently militates for the unflinching affirmation in all of social life of the principles of equity and socialist ethics, and the strengthening of socialist legality.

Art. 10 - The press pays exceptional attention to the education of the young, of all citizens, in the spirit of creative work, high civic and moral responsibility, in the spirit of socialist and communist ideals, of peace and progress.

Art. 11 - The press is a means of wide public information regarding national and international life, and the formation of public opinion; as an exponent of these, the press is a platform for debates and exchanges of opinions, a means through which the citizens of the land exercise their freedom of speech and opinion.

Art. 12 - Through all of its activity, the press contributes to the development and deepening of democratic socialism; to the participation of the masses in elaborating decisions and to exercising control over their implementation; to the continuous perfection of organizing social life; to all of the activities of societal leadership.

The press has an obligation to offer the masses the opportunity to widely debate state and party documents; the design of normative acts submitted to public debate.

Art. 13 - An important factor in progress, the press' destiny is to contribute to the dissemination and analysis of positive, progressive experiences gained in all spheres of activity, on the national as well as international level; it stimulates the exchange of ideas, creative thinking and activity in the service of capitalizing in a most efficient way on the material and spiritual resources of the whole nation.

Art. 14 - The press has a duty to intervene in a critical and militant spirit to remove shortcomings and negative state of things in any field of activity; to combat manifestations with anti-social character, deviations from the norms of socialist equity and ethics; to uncover phenomena damaging our society and to act to remove them.

Art. 15 - The press analyzes phenomena which occur in the contemporary world; participates in bringing together world ideas; popularizes the victories of human genius and the remarkable achievements of universal civilization; contributes to the affirmation of humanitarian and cultural values.

Art. 16 - The press promotes the principles of international socialism, serves the socialist cause, peace and progress; it promotes understanding and cooperation among nations and peoples.

Chapter III

The Organization of Press Activities

Section 1

Publishing

Art. 17 - The right to publish belongs to political, state, mass and public organizations or other juridical persons.

Art. 18 - Political, state, mass and public organizations, or other juridical persons, who publish press organs are considered publishers.

The publishing of press organs is carried out on the basis of a publishing authorization which is registered with the Council of Culture and Socialist Education; the registration specifies the publisher, the name of the publication, type of publication, circulation, conditions of publication and financing, and the price of subscription, and it includes a copy of the publication.

The modification of any element mentioned in the publishing authorization can only be done by obtaining a new authorization.

Art. 19 - The organization or institution which publishes press organs has, in principle, the following attributes:

- a. it establishes the type of publication and its orientation, and guides and controls the publication's entire activity;
- b. it names the editor-in-chief and, in some instances, the adjunct editor-in-chief and the secretary

- responsible for the editorial staff;
- c. it names the leadership council as well as the editorial board;
 - d. it guides and controls the way in which its leadership council carries out the duties which it has, in keeping with the laws and decisions of the party;
 - e. it establishes publishing conditions, the financing and administration of the press organ, as well as the organizational structure of the editorial office, in accordance with the law;
 - f. it analyzes the publicity activities of its press organ, its economic-financial situation, seeking to improve them.

Art. 20 - The press organs are edited by their publishers, directly or through editorial boards specially constituted for one or more publications. The management of publications can be assigned to publishers or to organizations specializing in the administration of publications.

Editorial staffs can obtain a distinctive juridical personality from those of its publishers or, as the case may be, from the administrators of the respective publications.

Art. 21 - Press agencies, radio-television and cinematic studios, as publishing organizations, carry out activities of a press character through editorial boards, in accordance with the rules established in the present law for publishers

and organs of the press, as well as with the normative acts of organization and functioning of these institutions.

Section II

Leadership of Press Organs

Art. 22 - A press organ is led by a leadership council, a deliberative organ, which decides on all matters regarding its basic activities.

In the leadership council participate local and central party representatives; representatives from the General Trade Unions, the Union of Communist Youth, from other mass and public organizations, from the Council of Culture and Socialist Education, workers from production units in industry and agriculture, and from other sectors of socio-economic life. These representatives, who constitute one-third of the leadership council's membership, are joined on the council by journalists from the respective publications.

The president of the council is a member of the publishing organization or the institution's leadership.

Art. 23 - The leadership council guides and controls the entire activity of the press organs, has full responsibility for its orientation in keeping with the program of the Romanian Communist Party; it is responsible for the decisions and tasks established by the party's leadership, for the political and ideological content and quality of materials published, for strict respect for the provisions of the present law, for all of the nation's laws, for keeping state secrets, and for the accurate and objective information of

the public.

Periodically, the leadership council analyzes the whole activity carried out by the editorial board.

With a view to improving the economic efficiency of the press organ, the leadership council analyzes its economic-financial situation.

Art. 24 - The leadership council meets once a month or as many times as necessary. The meetings are called by the president.

The leadership council carries out its activities in the presence of at least two-thirds of its members and adopts decisions by a vote of at least half of its members plus one.

Art. 25 - The leadership council carries out its activities in accordance with the principle of collective labor. The council in its entirety, as well as each one of its members, is responsible for all of its activities to the organization or institution which publishes the press organ; the members of the council are responsible to the council and its president for the fulfillment of the duties assigned them.

Art. 26 - The collective leadership of day-to-day activities of the press organs are realized through the editorial board which is chosen from among the members of the leadership council.

The editorial board is made up of the editor-in-chief, activists from the Central Committee of the Romanian Communist Party, district party committees, representatives of the

publishing institution or organization, adjunct editors-in-chief, secretaries responsible for the editorial staffs, secretaries of the party organization, other editorial staff, members of the leadership council.

The editorial board as a whole, and each of its members, is responsible to the organization or institution which publishes the press organ for the way it carries out the duties assigned it by the leadership of the party and state.

The editorial board is also responsible to the leadership council for the operation of the press organ as well as for the fulfillment of the task assigned it; each member of the board is answerable to the board and its president for the fulfillment of the tasks assigned them.

The president of the editorial board is the editor-in-chief.

Art. 27 - In case of disagreement between the editor-in-chief and the majority of editorial board members, the problem on which there is no accord is submitted to the publisher for resolution.

Art. 28 - The editor-in-chief is responsible for the editing, and the economic and organizational activities of the press organ.

The editor-in-chief is obliged to take steps to fulfill the thematic plans approved by the editorial board; to rationally use the editorial staff; to continue to improve the political and economic efficiency of the press organ,

ensuring that the entire activity is carried out in accordance with the socio-political function of the press, with the orientation established by the publisher and the leadership council.

Art. 29 - Hiring or firing of members of the editorial or technical staffs is carried out by the editor-in-chief on the basis of the leadership council's decisions, according to the conditions set by law.

On an editorial staff without a juridical personality, the editor-in-chief exercises the attributes outlined in the preceding paragraph, under the conditions it outlines and on the basis of the power delegated by the publisher.

Art. 30 - The editor-in-chief represents the press organ vis-a-vis the publisher, political, state and public organs and organizations, as well as vis-a-vis citizens.

If the editorial staff has a juridical personality, the editor-in-chief employs it in any legal relationships with other persons as well as in front of judicial organs; in these relationships and with these organs, the editorial staff without juridical personality is represented by the publisher or by the editor-in-chief so authorized by the publisher.

Art. 31 - If the editor-in-chief is absent or cannot carry out his functions, for whatever reasons, these functions are carried out, depending on the case, by the adjunct editor-in-chief or by one of the adjunct editors-in-chief designated by the editor-in-chief.

If the editorial staff does not have an editor-in-chief, the functions of the editor-in-chief are carried out by another

member of the editorial board designated for that purpose by the publisher.

The person who carries out the functions of the editor-in-chief, in accordance with the preceding paragraph, is responsible for carrying out these functions in accordance with the law, under the same terms as the editor-in-chief.

Art. 32 - Some press organs may have a manager which carries out the functions of the editor-in-chief.

Art. 33 - Every publication will print the name of the publisher on the front page and in one of its pages the composition of the editorial board indicating which person is carrying out the functions of the editor-in-chief, adjunct editor-in-chief, and secretary responsible for the editorial staff, as outlined in the structure of the collective leadership organ.

Also, it will mention the address and phone number of the editorial office and of its administration, as well as the printing plant where the publication is printed.

Section 3

Dissemination of the Press

Art. 34 - The printed press is disseminated by publishers, the administration of the publications or directly by the press organs through subscriptions, street sales, or both.

The dissemination of the press can be carried out by the administration or by specialized organizations and enterprises. The contract signed with these organizations or enterprises is to stipulate the number of copies to be sold,

the conditions of delivery and dissemination, reciprocal obligations in order that dissemination is carried out efficiently, the form and means of control, as well as the penalties to each contracting party if the obligations of the contract are not met.

Art. 35 - Each press organ has the right to a number of non-commercial samples to meet its internal and legal filing requirements, and for domestic and international non-commercial exchange.

Art. 36 - The dissemination of printed materials as well as broadcasts and films which are the objects of this law, are carried out only with the approval of the editor-in-chief or, in his absence, by the person designated to replace him in accordance with Art. 31.

Art. 37 - For the efficient management of the material resources put at the disposal of the press, publishers and press organs, the publications' management, as well as the organizations and enterprises specializing in disseminating the press, have an obligation to follow the results of this dissemination so as to know the needs for press runs and the concrete methods by which the press reaches the reading and listening public.

Art. 38 - The price of each publication, per copy and subscription, is established at the suggestion of the publishers in accordance with legal arrangements.

Chapter IV

The Journalistic Profession

Section 1

The Duties and Rights of Journalists

Art. 39 - In terms of this law, one is considered a professional journalist when one insures the editing, elaboration or leadership of publications, or radio-television broadcasts, of cinematic newsreels and, in general, carries out press activities.

A person can be appointed journalist when he militates for the introduction in life of the Romanian Communist Party's policies of creating a multilaterally developed socialist society, lives his life and carries out his activities in accordance with socialist ethics and equity; is a graduate with a diploma from an institution of higher learning or an institution of special learning; has aptitudes, proven in practice, for the profession of journalist; is fluent in at least one foreign language; has skills and knowledge necessary to successfully carry out the profession of journalist. The publisher of a particular press organ can establish other conditions for the appointment of editorial personnel.

Art. 40 - In the exercise of his profession, the journalist has a duty to:

- a. contribute with all of his abilities to the fulfillment of the press' socio-political functions as they are established in the present law and in Romanian Communist Party documents;
- b. devotedly serve the cause of socialism and communism, to fight for the application in life of the party

- and state's domestic and foreign policies;
- c. militate for the promotion of the revolutionary spirit in all of social life, to fight against inertia, routine and conservatism, against all which is obsolete and can slow down the forward movement of society;
 - d. prove his high ethical-professional conscientiousness, his objectivity and spirit of responsibility in carrying out in exemplary fashion his profession; to respect the laws and secrets of the state, to militate firmly and in all circumstances for the triumph of the truth;
 - e. consistently respect the socialist ethical and equity norms in all life;
 - f. continuously perfect his political-professional preparation; to continuously enlarge his level of knowledge.

Art. 41 - In the exercise of their professional attributes, the journalists have a right to:

- a. solicit and receive information from state and mass organs and organizations, from economic and socio-cultural organizations and from their officials;
- b. partake in working meetings of the leadership organs of ministries and other central and local organs of state administration, of those of mass and popular organizations, and those of economic and socio-cultural units;

- c. partake in workers' meetings and demonstrations in which the problems of public interest are debated;
- d. have access to documents and other sources of information under the conditions spelled out by law;
- e. receive support from various organs when the realization of their duties so demands;
- f. benefit under the conditions established by the Council of Ministers from the facilities and priorities in telecommunication and transportation, as well as accommodations and access to cultural and athletic events, and purchases of equipment specific to the profession.

Art. 42 - The rights outlined in Art. 41 are exercised on the basis of the identity card awarded the journalist by the press organ he represents.

Art. 43 - The opinions expressed in the press do not have an official character, with the exception of those given by organs or persons empowered to do so.

Art. 44 - It is forbidden for anyone to exert any pressures against, and take any actions to intimidate a journalist, to hinder him in the practice of his profession and to diminish his social or professional prestige. In the fulfillment of his duties, the journalist has the protection of the law.

Art. 45 - In litigations resulting from his fulfillment of duties as a journalist, he has the right to be aided by the representative of the press organ, of his publisher and

of his professional organization.

Art. 46 - The remuneration awarded for journalistic activity is made in accordance with the law.

The work load is established in accordance with labor law, with consideration given to the specificity of this activity.

Art. 47 - Journalists can form professional organizations, in accordance with the law.

Section 2

The Collaborating/Fellow Journalist

Art. 48 - The journalistic activity can be exercised by other working people in the capacity of collaborating or fellow journalists.

The collaborating/fellow journalists are working people from industrial and agricultural units, from transportation and construction, from socio-cultural institutions, from research and education, or from other spheres of socio-economic life who, without being appointed to the editorial staffs of press organs, support the activities of these organs in the fulfillment of their socio-political functions.

Art. 49 - In the units in which they work, collaborating/fellow journalists collectively have the following attributes:

- a. to assure the publication of factory publications, news releases, wall posters, the realization of radio emissions and other similar activities of public information in their work place;
- b. to collaborate with central and local press organs,

- for whom they supply information, articles and other materials on political, economic and cultural-educational activities related to their work places;
- c. to participate in the dissemination of the press in their respective work places, contributing to the explication of the content of the local and central newspapers to their co-workers.

The stipulations of Art. 40-42 and 44 also apply to the collaborating/fellow journalists.

Section 3

Certification and Appointment of Journalists

Art. 50 - Appointments to the press, in journalistic work, can be made from among those who:

- a. graduate with a diploma from the Faculty of Journalism;
- b. graduate with a diploma from other institutions of higher education - after a probationary period in a specialty - who have proven in their prior activities aptitudes for the profession of journalist with the fulfillment of the demands made in Art. 39, sec. 2.

Graduates with a diploma from the Faculty of Journalism will serve a 2 year probationary period on an editorial staff to which they are assigned--if they have not worked in journalism for a period equal to the probationary period prior to entering the Faculty of Journalism.

The probationary period is reduced by the amount of time already served on an editorial staff.

Graduates of the Faculty of Journalism can obtain certification after completing their probationary period as outlined in the preceding paragraph; graduates of other institutions of higher learning appointed to an editorial staff after passing their probation in their specialty can obtain certification as professional journalists after a period of one month on the editorial staff.

Certification will include, in addition to the verification of journalistic activity, exams and language, typing, stenography, still or film camera use, use of sound recording devices and telex use tests.

If the certification process is inconclusive, the probationary period may be extended another year. Failure to pass certification requirements means a transfer to another activity which corresponds to the candidate's preparation, or the abrogation of the candidate's contract, in accordance with the law.

Art. 51 - Members of creative unions and other persons in well-known publicity activities can ask for certification as journalists, through the certification commission, without the obligatory probationary period outlined in Art. 50.

Art. 52 - Collaborating/fellow journalists from among working people not appointed to the editorial staffs of press organs, with unusual success in press activities (confirmed by materials published and favorable references from the editorial staff or staffs with which they have collaborated) who meet the conditions outlined in Art. 50, sec. 1, can

present themselves for the certification test without having served the probationary period.

Art. 53 - Certification as a professional journalist is approved by the Certification Commission composed of representatives from the Ministry of Education and Training, the Council of Culture and Socialist Education, the professional organization of journalists, and the editorial staff on which the individual on probation works.

Art. 54 - Certification of journalistic qualifications gives the right to exercise the profession and carry membership certification.

This certification is given by the Certification Commission. Evidence of certification is held by the Council of Culture and Socialist Education.

Art. 55 - During the probationary period, the journalist has the rights and duties of the professional journalist. These rights are recognized on the basis of the legitimacy of the service rendered on the editorial staff.

Art. 56 - Editorial boards in collaboration with the professional organization of journalists assure the professional readiness of the journalists, in accordance with the law.

Art. 57 - The conditions of examination and length of service for being allowed to pursue the profession and be promoted as a journalist in press activities are those established by the legal measures outlined.

Art. 58 - The length of time spent in journalism by

journalists who have other professional qualifications will be recognized as work-time spent in the specialties from which they came, if the journalistic activities are related to their specialties.

Specialists appointed as journalists have their time of service recognized, once certified in their specialization, as time of service in journalistic activity in their specialty or in one related to it.

Journalists certified in their profession, and transferred in the interest of their duty to other spheres of activities, having carried out the functions to which they were named or for which they were selected, will earn this time toward their time spent in press activities; they continue to benefit from the rights conferred by law to the journalistic profession.

Art. 59 - Severe or repeated violations by the journalist of professional duties and ethics will lead to the temporary or permanent revocation of the journalistic license and transfer to another activity, in accordance with the law.

Revocation of the journalistic license is carried out by the organs who awarded it, at the behest of the press organ.

Chapter V

Carrying Out Press Activities

Section 1

The Press' Relationship with State and Public Organizations
and Organs

Art. 60 - State organs, enterprises and institutions, as well as mass and public organizations, will furnish the press, under the conditions outlined by law, information of interest to the public regarding their activities and will support journalists in keeping with Art. 41 and 42 of the present law.

Art. 61 - The leaders of socialist units will respond to the press' solicitations and questions and will invite press representatives, accredited to their organization, to meetings of the collective leadership in which problems of public interest are discussed.

The central organs of state, of mass and public organizations as well as committees of the People's Councils and that of the Bucharest township, will designate press spokesmen to enhance relations with the press.

Art. 63 - The press organs are not obligated to divulge their sources of information on the basis of which they wrote the materials disseminated, these sources are professional secrets.

Art. 64 - Organs of state, enterprises and institutions, as well as mass and public organizations, have a duty to respond in writing to the press organs within 30 days of the date of receipt of materials covering critical opinions about their activities expressed in the press.

Art. 65 - In the exercise of their profession, in the interest of the public, journalists have the right to install, gratis, equipment for visual or audial transmission, or

printing, in enterprises, institutions, halls and other public places, with the approval of their leadership and without disturbing the normal progress of the units' activities.

Section 2

Relations Between Press Organs and Citizens

Art. 66 - In carrying out their socio-political functions, press organs rely on a large number of collaborating/fellow journalists from every sphere of socio-economic life.

Art. 67 - Every person, as an individual or in an official capacity, has the right to address the press organs. on any problem of public interest and character, to formulate opinions, proposals, notices and advertisements.

The press organs are obligated to publish these or use them for purposes of radio-television emissions, or transmit them to organizations and organs which, in keeping with their legal attributes, have the competency and the obligation to solve problems. They have a duty to communicate to the press organs, within 30 days, the steps they have taken. The press organs will inform the sender of the message within 15 days of the answer received.

Art. 68 - The press has to take a firm stand against any person who seeks to curb the right to criticism, whatever the functions of the individual may be.

Section 3

Protection of Society's and the Individual's Interests Against the Abuse of the Right of Expression Through the Press

Art. 69 - Freedom of the press cannot be used for purposes hostile to the socialist system, the legal order as established by the Constitution and other laws, the legitimate rights and interests of individuals, and to socialist morality.

For the protection of society's and the individuals' interests, against abuse of the rights of expression in the press, it is forbidden to publish or broadcast through the press materials which:

- a. are hostile to the Constitution of the SRR;
- b. contain attacks against the socialist order, against the RCP and the SRR's principles of foreign and domestic policy;
- c. defame the leadership of the state and party;
- d. are by law, information, data, documents which are secret;
- e. contain information or comments which are false or alarming, thus threatening the public peace, or present a danger to the security of the state;
- f. encourage disrespect for the laws of the state or those which encourage the commitment of deeds which constitute infractions of the law;
- g. propagate fascist, obscurantist, anti-humanitarian conceptions, chauvinistic propaganda, or which encourage race hatred, violence or injures national pride;
- h. affect good manners or constitute incitement against ethical norms and social conventions;

- i. furnish information on ongoing trials, anticipate decisions by judicial organs;
- j. include data or deeds which are not true and by nature are harmful to legitimate interests and to the honor and reputation of an individual, to his social and professional prestige, or which include insults or threats to an individual.

Art. 70 - The responsibility for respecting the measures in Art. 69 in each press organ rests with the leadership council, the editorial board, and the editor-in-chief.

Art. 71 - In case the measures in Art. 69 are violated, the Council of Culture and Socialist Education can order the suspension of publication/broadcasting until a definitive decision is reached by the organs of law.

Art. 72 - The individual or juridical person injured by statements made in the press, and which he considers false, may demand within 30 days that the publication in question publish his reply in the form of his original response, a retraction or statement.

The published response has to be objective and has to seek the establishment of truth.

Principled, objective, constructive criticism through the press, in the fulfillment of their socio-political functions, is not considered injurious.

Art. 73 - The daily press organ is obligated to publish for free a reply, under the conditions of the preceding

article, within 15 days of its receipt, or at the latest in the second issue published since the receipt of the reply if the publication is not a daily.

Art. 74 - Refusal to publish or broadcast a reply according to the conditions in Art. 73, has to be communicated to the injured person within 15 days of the receipt of written communication from the latter.

Non-publication or broadcasting of the reply within the time schedule outlined in the preceding article is considered a refusal to publish even when this refusal has not been communicated in accordance with the preceding paragraph.

Art. 75 - In the cases stipulated in the preceding article, the injured party can ask the courts to force the press organ in question to publish or broadcast the reply.

If the final judgement ascertains that the refusal is groundless, it forces the press organ to publish or broadcast the reply within 15 days after the court decision.

In the case foreseen in the preceding paragraphs, the publication or broadcast of the reply will include the mention that it is being done by order of the court, indicating the docket number and date of the decision as well as the basis for the decision.

Art. 76 - The journalist has complete responsibility for respecting the measures in Art. 69 in his own writings as well as in those for which he, as part of his job, is responsible.

The journalist is responsible for the accuracy of the

information and related data, for their objective interpretation, for keeping state, professional and office secrets.

The same responsibility is held by collaborating/fellow journalists who are not appointed to the press organ and who publish under their own signatures, give interviews, furnish information or data meant for dissemination in any form.

Art. 77 - The editor-in-chief is responsible for violations of the measures in the present law by those named in the preceding article, if these violations are brought about by non-fulfillment or inadequate fulfillment of duties.

The editor-in-chief is also responsible for cases in which the materials disseminated, the ones which in accordance with the preceding article constitute the object of the violation, are not signed, if the material was disseminated without the permission of the author, or if there is any impediment of whatever nature for the author to be responsible, and this impediment was known by the editor-in-chief.

Chapter VI

International Collaboration in the Press Field

Section 1

The Foreign Activities of the Romanian Press

Art. 78 - In the fulfillment of its socio-political functions, the Romanian press militates for the development of relations with the press of other nations, in keeping with the basic principles of foreign policy of the Romanian Communist Party and of the Socialist Republic of Romania.

Art. 79 - Press organs and organizations, the profes-

sional organization of journalists, the Romanian Socialist Republic's Journalists' Council, can conclude agreements, conventions and understandings of collaboration with other press organs and organizations from other nations or with international press organizations, in accordance with the law.

Art. 80 - In the spirit of the basic principles of the party and state's foreign policy, press organs and organizations, the professional organization of journalists, the Journalists' Council, contributes by specific means to the popularization abroad of the achievements of the Romanian people in all spheres, to the dissemination abroad of the domestic and foreign policies of socialist Romania.

To this end, press organs and organizations, the professional organization of journalists, the Journalists' Council, organizes international meetings and actively participate in similar events organized by other unions or international press organizations; they organize exchanges of journalists with their counterparts in other countries; they organize the exchange of publications and press materials.

Art. 81 - Press organs and organizations can send temporary representatives abroad to gather materials destined to inform public opinion in the Socialist Republic of Romania. They can also accredit permanent representatives abroad.

Art. 82 - Foreign correspondents and press representatives abroad have a duty to militate for collaboration between the Socialist Republic of Romania and the countries

in which they carry out their activities; to objectively inform Romanian public opinion of the problems and state of affairs in other countries, and to obey their respective laws.

Section 2

Foreign Correspondents Stationed in the Socialist Republic of Romania

Art. 83 - Foreign press organs and organizations can send permanent or temporary correspondents to the Socialist Republic of Romania.

Permanent correspondents are accredited with the approval of the Ministry of Foreign Affairs on the basis of requests forwarded to them, in writing, by the press organs or organizations.

Art. 84 - In the exercise of their duty in the Socialist Republic of Romania, foreign correspondents enjoy the aid of Romanian authorities in obtaining from authorized persons and institutions, documentary materials necessary for the fulfillment of their activities.

Informational visits, interviews, discussions and participations in national or international activities in Romania will be facilitated for foreign correspondents.

Foreign correspondents will carry out their activities respecting the laws of the Socialist Republic of Romania.

Section 3

The Dissemination of the Foreign Press in Romania and of the Romanian Press Abroad

Art. 85 - The foreign press, as the term is used in this law, constitutes the means of public information outlined in Art. 5, printing, duplication or recordings made abroad, in Romanian or in a foreign language, as well as those printed, duplicated or recorded by foreign publishers in Romania or at their behest.

Art. 86 - The introduction of the foreign press for purposes of sales or broadcasting is done on the basis of authorizations, and is carried out by enterprises or institutions intended for this purpose.

Publications published by the United Nations or its specialized institutions are exempt from obtaining authorization.

Art. 87 - Diplomatic missions in the Socialist Republic of Romania can print and disseminate information and documentary press materials, in accord with the Ministry of Foreign Affairs, which serve to acquaint Romanians with the countries they represent.

Art. 88 - It is forbidden to disseminate the foreign press which:

- a. contravenes the measures of Art. 69;
- b. is introduced into the country for purposes of dissemination or sale, avoiding the enterprises and institutions authorized specifically to import and disseminate foreign media.

Art. 89 - The dissemination abroad of the Romanian press can be done directly by publishers or by organs of the press,

in accordance with the legal measures concerning the dissemination of the press, and foreign commerce.

Exporting the press through the organizations and institutions specialized and authorized for this purpose will be carried out on a commercial basis in accordance with commercial export contracts.

Publishers and press organs can institute international exchanges of publications, radio-television programs or films on a non-commercial basis according to the established limits.

Chapter VII

Sanctions

Art. 90 - Violations of the measures in the present law bring about disciplinary, material, civil, or criminal penalties.

Art. 91 - The following deeds are considered violations, unless committed under conditions which would have them be considered offenses under criminal law:

- a. preventing in any way representatives of the press from fulfilling their professional duties according to the law;
- b. furnishing the press with or publishing in the press information and data which is known not to correspond with the truth;
- c. persecution in any form of those who have contributed to informing the press or have expressed in the press critical opinions; the pressuring or intimidation of these individuals;

- d. failure to respond to critical opinions expressed in the press as per Art. 64;
- e. the introduction of the foreign press for purposes of broadcasting or sales under conditions other than those described in Art. 86;
- f. changing the price of a publication, subscription or street sale price, without following legal measures.

Violations outlined in the present article will bring about fines ranging from 1000 to 5000 lei.

Art. 92 - Violations outlined in Art. 91 will be ascertained by individuals empowered to do so by the Council of Culture and Socialist Education which monitors press organs and their respect for the measures outlined in the law.

A complaint may be lodged against a finding of violations within 15 days of these violations being communicated to the violator(s); the complaint is resolved by a court under whose jurisdiction the violation is alleged to have occurred.

In case the present law cannot be applied to a violation outlined in Art. 91, the measures of Law nr. 32/1968 will be applied to establish and punish violations.

Art. 93 - Failure to publish or broadcast a reply to an individual or official, in accordance with Art. 75 and as ordered by a court decision, brings about a fine against the press organ, to be paid to the state, of between 200 to 1000

lei for each day of delay in carrying out the order.

In case the press organ can provide evidence that the delay is well-grounded, the fine may be re-considered.

Art. 94 - Printing, recording or dissemination, without legal authorization, of printed or recorded graphics or audio, or of a tape or film, destined to be used as a means of public information, constitutes a violation and will be punished by a prison sentence of from three months to two years, or a fine.

Art. 95 - In case a complaint falls under criminal law, if the deed was committed through the press, the complaint is brought against the organ which pursued the criminal action and the violation will be established by the courts.

Withdrawal of the complaint eliminates the criminal responsibility.

Art. 96 - In case a prison sentence was given for violations committed through the press, measures may also be taken to bar one from any duties in the press or from the exercise of the journalistic profession in accordance with the measures of Art. 115 of the Criminal Code.

Chapter VIII

Final and Temporary Measures

Art. 97 - Bulletins and other publications with an internal or service character, students' school publications, as well as cultural activities which use a publication as a means of expression, are carried out and led according to the rules established by state or public organs competent in their

branch or sphere of activity.

Art. 98 - The publication of religious (confessional and worship) publications is organized and guided according to their (religious order) own statutes approved under the conditions of the law.

Art. 99 - The measures outlined in Art. 69 are applicable to all materials printed, duplicated, recorded, transmitted or made public through any forms of communication, by any person, organization or institution.

Art. 100 - Press organs or institutions have an obligation to insure that within a maximum of 4 years, its editorial personnel appointed at the time the present law came into force, meets the educational and training requirements outlined in Art. 39.

Exempt from meeting these conditions are journalists who at the time the present law came into force only had a maximum of 10 years of service before retirement age. Those who have more than 20 years of tenure in press activity will continue their journalistic profession without having to meet the requirements outlined in Art. 39.

Journalists with less than two years tenure on an editorial staff at the time the law came into force can take the certification exam after meeting the probationary requirements outlined in Art. 50.

Art. 101 - The measures of the present law come into force 30 days after their publication in the Official Bulletin of the Socialist Republic of Romania.