
Testing Legal Boundaries within Arab Media Hubs: Reporting, Law and Politics in Three Media Cities

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Abstract

A dynamic transformation of the Arab world raises important questions about the character of structural alterations within Arab regimes. This transition has effected several changes in the legal sphere of Arab media. Rejecting the paradigm of the Arab world's democratization, this article argues for the Arab regimes' ability to adjust to globalization trends without a substantial loss of power. Based on empirical evidence, the legal aspects that govern media organizations within free media zones in Egypt, Jordan and Dubai have been examined. Perceived as 'oases of media freedom', these zones illustrate the ability of Arab regimes to meet the challenges of globalization with regard to media. In order to supposedly preserve social stability and cultural heritage, these regimes retain control over zones' tenants through various means of control, such as direct and indirect censorship, structure of ownership, unclear business ties between media and state-controlled agencies, and vague laws.

There is no doubt that over recent years, Arab media have successfully entered the global media system. These media have transcended national boundaries and radically changed the regional media market. This penetration of Arab media has resulted in a variety of different outcomes. Media undertakings such as Qatari television station Al Jazeera bring a new quality to Arab reporting while influencing existing media forms, audiovisual ones in particular. At the same time, several changes in Arab media have effected change in the legal sphere. To what extent are these new ventures able to force regional lawmakers to revise the laws to progressively liberalize the Arab media sphere? And to what extent do traditionally obstructive laws influence Arab journalists to be more cautious when covering sensitive issues?

This article is focused on the legal aspects that govern media organizations within three free media zones (FMZ) in Egypt, Jordan and Dubai. To attract media companies, the FMZs' administrators guarantee to the potential tenants special

business incentives, high-tech infrastructure and relative freedom of operation. Seen as a sign of modernity, the FMZs express their owners' aspirations to be the regional, and even global, media leaders. Furthermore, because FMZs constitute a kind of 'legal loophole', they attract Arab and foreign investors with different (from the rest of the region) visions for the media business.

Nevertheless, despite an incentive system and technological advantage over the rest of the region, the free media zones remain the product of the Arab governments expressing a political philosophy of the people in power. And, as in many other cases, the FMZs are also put under the same rules of play. That simply means the media operating from within the FMZs are often put under a type of pressure that limits their guaranteed freedom. How then should we consider the free media zones: as a sign of democratization and modernization of Arab media or rather as a governmental tool used to drown out the voices against the restriction of freedom?

Undoubtedly, both Arab media and Arab politics are far from undergoing democratization processes. As this article shows in the first section, a new approach is needed to fully understand the dynamic transformation of the Arab world. In sections two and three, the Arab regimes are shown to be experiencing non-democratic, rather than democratic, alterations. These alterations can be considered either as evolutionary adjustments or as a non-democratic transition. Relations between media operators and free media zone administrators are exposed in section four as evident in the 'struggle' between Arab journalism and media law that manifests in the warnings of potential interference, channel censorship and interventionist incidents occurring amidst 'modernized' media activity.

Step One: Reconsidering the Analytical Approach

Taking into consideration the economic, political and media changes that have occurred in the Arab world in the past two decades, it can be stated that, to some extent, the region is evolving towards some democratic practices. Undoubtedly, as Schlumberger (2007, 2) points out, three phenomena can be seen as a reformation from the status quo of Middle Eastern politics. These are: (1) political protests, such as anti-Syrian manifestations in Lebanon in 2005 and demonstrations of human rights activism in Bahrain and Kuwait; (2) political reforms, such as decentralization in Yemen, new laws on municipalities, new regulations against money laundering and the establishment of an anti-corruption commission in Jordan, a new personal code in Morocco, Saudi Arabia's first-ever municipal elections in 2005 (however, men only), and the installation of parliament in Oman. Finally, (3) the new wave of foreign influence such as bilateral programs, and campaigns promoting better governance, such as the European Union (EU) Euro-

Mediterranean Partnership¹ and the United States Agency for International Development (USAID): Middle East Regional² are significant steps towards greater political openness in the region.

Nevertheless, as Schlumberger (2007, 5–6) observes, none of these initiatives have produced a structurally effective quality of political governance nor have they been able to guarantee basic freedoms or represent democratization. As he notes:

[T]he frequency of pejorative terms such as ‘gap’, ‘deficit’, and the like, even in the more recent literature, reveals that one thing has by and large remained constant: the popularity of an implicit frame of reference that analyzes Middle Eastern politics against the normative background of how ‘the free world’ would like to see Arab countries ruled. Apparently, the predominance of the ‘democratization’ paradigm is particularly hard to break and continues to preoccupy many analyses of Middle Eastern politics.

In relation to this, Schlumberger (2007) calls for a reinterpretation of the dynamics of authoritarianism beyond the ‘democratization paradigm’. As he claims, this has to occur in order to explore how the Arab regimes manage to remain in power despite increasingly dynamic transformation on national, regional and international levels.

Step Two: Exploring Arab Authoritarianism

There are two aspects that contribute to the better understanding of the relationship between political and media structures, and the legal elements regulating these spheres. These include the abandonment of the Western-biased normative approaches (Couldry, 2007); and a stronger focus on the relationship between power and media in the Arab world.

As it is commonly agreed (Jakubowicz 2007; Kuzio 2002; Linz and Stepan, 1996; Offe, 1997; Rizman 2000), the former regime of a country in transition determines the type of challenges that this country would face during the process of creating or consolidating democracy. As Rozumilowicz (2002, 3) observes, it is reasonable to assume that the tasks for the founders of independent media can be highly dependent upon a previous regime of a state in transition. Therefore, before the effects of such a transition can truly be understood, the nature of this media evolution must first be examined.

The Arab media environment has experienced several alterations over the past two decades. The most relevant, the satellite revolution, has determined the great number of adjustments to the global standards in many Arab countries. For instance, these adjustments are reflected in private media sector developments, censorship relaxation, and the free media zones. Furthermore, the successful

economic and political reforms of countries like Jordan and Morocco may also suggest that the Arab world is drawing towards democratization as never before.

Nevertheless, despite its advantages and disadvantages, this process does not necessarily imply a path towards democracy. As Sakr (2007, 15) argues, after the initial excitement that Arab satellite television would challenge the regional status quo, the reality of the Arab media environment dispelled any illusions that the regimes would quickly lose their control over the media sphere. Accordingly, in terms of political reforms, the democratic institutionalization undergone in some Arab countries such as Saudi Arabia or Bahrain has not led to greater civil freedom. Indeed, some empirical findings (see Gandhi and Przeworski, 2001; Gandhi and Vreeland, 2004) suggest that authoritarian regimes with parliamentary institutions tend to have longer life spans and experience less civil strife than their counterparts without parliaments.

Furthermore, the process of political liberalization is also limited at the media level. Although claiming to ensure greater media freedom, Jordan abolished the Ministry of Information in 2003, which has been replaced in the meantime with other government institutions, the Higher Media Council and the Audiovisual Commission. Moreover, two years after the ministry was abolished, the country slipped down the Annual Press Freedom Index published by Reporters without Borders (RSF). According to an RSF report (2008, 158), while a law providing for prison terms for press offences was dropped, as were Jordanian government plans to 'crack down hard on written "insults" to religion and its leaders', the government 'did not produce major changes for the media and self-censorship continues'. In Egypt, despite the fact that Freedom House rated the country as less restrictive in 2005 than in 2004, the regime brutally cracked down on the newly organized opposition forces 'including hundreds of arrests and massive human rights violations' (Schlumberger, 2007, 5) at the beginning of 2006. In 2007, the same Freedom House observed that, despite having more than 500 newspapers and other periodicals and a large number of private broadcasters, this apparent diversity has only disguised the government's key role in the censorship of the national media landscape. Furthermore, although many amendments to the Egyptian Press Law were enacted in July 2006, they did not alter provisions that criminalized the publication of 'false news' and criticism of the president and foreign leaders.

These examples of the persistent superficiality of the 'democratic' changes in the Arab world may suggest, however, a kind of 'modernization' of Arab authoritarianism. Such a modernization is better portrayed as a response to the progressive globalization in the region rather than as a signal of its democratization.

For example, the changes that occurred in the last decade in Jordan are a testament to the greater stability of the current regime rather than its democratization. What also seems to be clear is that there is no sign that the Jordanian king would retain only a representative function (as in the case of many European monarchies), or cede his ultimate say in political decisions (Schlumberger 2002, 33). Heydemann (2007, 26) described this phenomenon as 'bounded adaptiveness'. According to him, authoritarian regimes in the Arab world exhibit 'a capacity for adjustment and accommodation that is produced by the interaction of formal and informal modes of conflict resolution, bargaining, and coalition management'. Bounded adaptiveness, in other words, can be considered as the regime's capacity to benefit from, rather than be weakened by, the presence of multiple and competing sets of 'game rules' (Migdal, 1988, 34). In cases such as Egypt, Syria, Tunisia and Jordan, coercion is directed not against those reform groups who operate in accordance with the state's rules but against those that challenge the existing rules and demand transparent and accountable regulations. This also explains why, in strategic terms, the institutional arrangements and other related modes of informal governance are combined to secure the process of conflict resolution within the existing system of rules in order to maintain the stability of such a system (Heydemann, 2007, 36).

These findings seem to confirm Schlumberger's (2007) thesis on the modernization of the authoritarian Arab world. Schlumberger has made also a clear distinction between regime types on the basis of regime stability. Arab countries thus have been divided into: traditional authoritarian and bureaucratic authoritarian, and then further subdivided into resource poor and resource rich. Nevertheless, in both sets of countries the adjustments that prove a 'modernization' of Arab authoritarianism appear to have twofold goal in a majority of cases. In one sense, such tightly controlled arrangements are built in order to secure the incumbent regimes. On the other hand, however, they aim to increase the countries' ability to face the challenges of a global economy.

In the case of traditional authoritarian countries such as Morocco, Jordan and the Gulf monarchies, the combination of religious and political legitimacy of the leaders provides greater stability than any kind of state ideology. Legitimacy is decisive also in the legal aspects of media functioning, as it is often takes priority over the formal legislation in order to ensure stability, neutrality, security and prosperity (Schlumberger, 2002, 28). As Abdel-Latif al-Sayegh, representative of state-owned radio in Dubai explicitly stated (quoted in Sakr, 2007, 37), anyone who wanted to get involved in the broadcasting sector, should prove their loyalty to the government. An analogous manifestation of the loyalty can also be observed in the case of Dubai Media Incorporated (DMI), a government-controlled media conglomerate based in Dubai Media City. In the 'Media Ethics Charter' issued by DMI in December 2005, the conglomerate established a clear set of statements encompassing both private business objectives and a commitment to serve the

UAE government (Sakr, 2007, 174). In Bahrain, political and religious legitimacy is also reflected in the media regulations. Bahrain's actual press law, despite the government's announcement that it is soon to be revised,³ still puts religion and the monarchy within a special category that make journalists liable to jail terms for offences including insulting the king and Islamic religion.

Moreover, as Luciani (2007, 176) remarks, the traditional authoritarian countries have entered a phase of growth that compels them to transform their economic structures and to improve the quality of their relationships with the global economy in order to attract international and national private capital. The transitions in Saudi Arabia, Kuwait and United Arab Emirates between June 2005 and January 2006 confirm that the ability of government to introduce pro-business policies was strongly supported by these countries' business communities. In Jordan, the latest EU (2007) report on 'Implementation of the European Neighbourhood Policy' shows that, albeit there is much more needed to be done on the political front, in terms of social and economic reforms the country is an active and a constructive partner.⁴ This, according to Luciani, 'more likely will embolden incumbents as well as challengers to dare to reform, in the confident expectation that they will not lose control of the process' (2007, 170), rather than reduce the incentive to reform.

In the case of the bureaucratic authoritarian countries, the growing alliance between private business and the state indicates that these states are losing their ideological foundations and therefore have to adjust to the new conditions. This growing alliance goes along with an escalating popular frustration resulting from increasing social inequalities. Accordingly, these new conditions force the Arab bureaucratic regimes to seek legitimacy through, as Schlumberger (2002, 28) puts it, allocating political liberties at times and curtailing them at others.

This can be found in Egypt where the government is adjusting to the new conditions in the regional media market through a process of strictly controlled privatization of the media sector. The advent of the Egyptian privately owned channels, such as Dream TV and Al-Mehwar, has resulted in changes in Egyptian broadcasting regulation that allow private media companies to operate from within the Egyptian Media Production City (EMPC) near Cairo. Accordingly, as Sakr (2007, 7) argues, the new private Egyptian television channels illustrate how a crossover between commercialism and elements of public service might come about 'in an environment marked by tight government controls and general absence of state provision for pluralist public-service content'. Sakr (2007, 28) also points out that the first beneficiaries of the Egyptian government's decision in 2000 that allowed private broadcasters to transmit from the EMPC were Egyptian business leaders closely related to President Hosni Mubarak. This, as Schlumberger (2002, 27) remarks, is a clear sign of an increasing 'amalgamation' between parts of

the private business community and segments of the former 'state class' to such an extent that the former 'state class' no longer exists.

Step Three: Approaching Bounded Adaptiveness in Arab Media – Two Dimensions of Social Responsibility Theory: Self-censorship and Responsible Journalism

A theoretical framework of 'bounded adaptiveness', understood as a capacity for adjustment 'that is produced by the interaction of formal and informal modes of conflict resolution, bargaining, and coalition management' (Heydemann, 2007, 26) is also applicable to Arab media, more specifically to the social responsibility paradigm of the regional media sphere. As McQuail (2005, 171) puts it, the social responsibility theory reflects the key journalistic standards that the press should maintain in order to meet the obligations that it has to society. It also implies a strong governmental contribution in regulating media activity in order to preserve their 'responsible acting'. According to McQuail, although social responsibility should be reached by self-control rather than government intervention, this ideal has never been allowed. As Siebert, Peterson and Schramm (1956 quoted in McQuail, 2005, 171) remark, a government which actively promotes the freedom of its citizens may also 'enter the field of communication to supplement the existing media'.

Nevertheless, such premises may pose some limits to media freedom and social responsibility theory might be used as a pretext to interfere in media activity that criticizes incumbent regimes. In this light, there are two dimensions of 'responsible journalism' that can be distinguished in the Arab mediascape.

The first dimension refers to the discussions about journalistic responsibility from the perspective of the ruling elite (a 'top-down' approach). One of the official requirements that the Media Cities' tenants are expected to adapt to is that a guaranteed freedom of expression should reflect a specific socio-cultural context prevailing within a society.⁵ Accordingly, such 'responsible journalism' should consider the impact of information on social peace and harmony. As the ruler of Dubai, Sheikh Mohammad Al-Maktoum emphasized, the responsible freedom that was expected from the residents of the Dubai Media City has integrity as its primary principle.⁶ This integrity has to be secured by a control mechanism that is created to avoid 'an antagonistic atmosphere within society' and preserve social harmony.⁷ Nevertheless, the ambiguity about interpreting the above-mentioned terms according either to a ruler's vision or to an official state ideology put the media independence in danger.

The second approach in the social responsibility pattern of Arab media reflects the attitudes of journalists ('bottom-up' approach). As El-Baltaji (2007) claims, 'the

government's involvement in the regulation of the media has driven a number of journalists to exercise self-censorship'. What seems to advocate this kind of censorship are unofficial and untold pressures that force reporters to consider whether or not the story will harm the country's social harmony. Such practices are more likely directed towards Arab reporters who are covering local issues rather than the Western residents of media cities who are considered as operating in the Western style and covering the events for their own audience.⁸ A longstanding trend in Arab satellite broadcasting proves the reporters seek to cover regional issues more readily than local ones. According to Ahmad bin Byat, the head of the Dubai Technology and Media Free Zone, a reorganization of state-owned outlets under the umbrella of Dubai Media Foundation (later Dubai Media Incorporated) in 2004 was aimed at creating an alternative media perspective to politically oriented international and regional outlets hosted in Dubai Media City.⁹

Despite its obvious drawback, the 'bottom-up' approach also has a positive dimension. As Yahia Shukeir indicates, in Jordanian media the 'red lines' are drawn by restrictive laws that constitute a legal justification for actions taken against media organizations. These actions include financial restrictions imposed on media that might lead to their bankruptcy. Such a threat, according to Shukeir, draws a very thin line between self-censorship and journalistic responsibility. This means that the editors' role in censorship is usually limited to checking that media products are in accordance with the existing laws, and the role of journalists in self-censorship is a matter seeking to develop a unique way of expressing themselves 'without losing ability to challenge the red lines'.¹⁰

Such a view is commonly shared by a new generation of regional 'media activists'. As Nadine Toukan, a blogger at *Arabian Monkey Tales*¹¹ and one of the producers of award-winning Jordanian movie *Captain Abu Raed*, emphasizes: 'We can still be warriors. In order to do your job responsibly, you have to be clever and fight with your brain, not with your weapons.'¹² Arab bloggers, the most active representatives of civic journalism, reflect a new dimension of the social responsibility paradigm. Such a responsibility comes from below, as citizens' actions largely expressing the main idea of a bounded ability to adapt that is built across a citizens' community and includes a certain pragmatism in acting.

This approach also delineates distinction between the 'ideal', expressing the normative theoretical assumptions of journalistic responsibility, and the 'real', which is an interpretation of this responsibility by the incumbent regimes (Nordenstreng, 1997). As Toukan puts it, journalists coming from the region can have a huge advantage in facing the current situation. Knowing the limits imposed by the zone's red tape, they are more creative in challenging the existing restrictions in order to 'help people to transform, and to stimulate their consciousness and confidence in that their voices do really matter'.¹³

The bounded adaptiveness in Arab media sphere is thus approached from two different levels of journalistic responsibility. At the top-down level, this responsibility expresses the governments' vision of media functions within society. At the bottom-up level, it constitutes a way in which journalists adapt to this vision, while at the same time challenging the media restrictions in accordance with the existing laws.

Step Four: Testing Legal Boundaries – Politics, Arab Reporting and Legal Aspects of the FMZs

Created as a result of a government policy, the Egyptian Media Production City (EMPC), Jordan Media City (JMC) and Dubai Media City (DMC) are considered explicit symbols of modernity and a way for media people and capital in the Arab diaspora to come home (Quinn et al., 2004). Nevertheless, despite their business character, these Media Cities differ with regard to the degree of freedom permitted, structure of ownership and the means of control. FMZs expose the different ways Arab governments deal with the pressures of media modernization. To understand the logic of these zones it is thus necessary to look more closely at the differences between three media zones.

Both the Jordanian and Egyptian Media Cities are the national projects of mixed public and private partnerships. Jordan Media City is a joint venture between a government Information Communications Technology (ICT) program and the Dallah Media Production Company, which is owned by Saudi businessman Sheikh Saleh Kamel. The main tenant and client of the JMC is Arab Radio and Television (ART), owned by Sheikh Kamel, for which the City acts as a facilities provider. JMC operates according to free zone law and audiovisual law. Furthermore, each media company that wants to establish its business in the JMC has to apply directly to the Jordanian government.

The structure of EMPC ownership is much more complex. The company is controlled by the Egypt Radio and Television Union (ERTU) through a system of ownership. The EMPC's Council of Trustees, chaired by the Minister of Information and drawn from the founding members and selected representatives of the companies operating in the City, acts as a committee of guardians to supervise and control the media undertakings.

In comparison with the JMC and EMPC, Dubai's project seems to be slightly different with regard to ownership structure and the way the zone is managed. While reflecting the technological priorities of national government, Dubai Media City is the realization of a project of Dubai's ruler, Sheikh Mohammed bin Rashid Al-Maktoum. As Quinn et al. (2004) observe, because Dubai is a monarchy with

absolute rule, any law can easily be changed or altered. An obvious result of this is that the bureaucracy is streamlined and things can move quickly, but it also means that things could quickly change for the worse.

The FMZs are also unique to the Arab media landscape because of the special incentives and legislation offered to their clients. Furthermore, in addition to their clear economic advantages and technological facilities, the zones are meant to have more freedom from government interference than the rest of the state's territory. As stated by their designers, freedom of expression and expression of that freedom is a primary goal in the Media Cities. However, as the ruler of Dubai puts it clearly, as freedom of expression is the foundation of Dubai Media City, the practice of this freedom in a responsible manner by its tenants is equally important.

The FMZs' relaxed legislation and guaranteed freedom often collide with the political, social and cultural contexts that generally surround, shape and influence Arab media. As Sheikh Mohammed Al-Maktoum declares:

I am aware of the vital importance [freedom of expression] holds to the media world. I guarantee freedom of expression to all of you and the right to be completely objective in your views and reporting. Let us do so responsibly, objectively and with accountability and in the spirit of the social and cultural context in which we live.¹⁴

These contexts are also reflected in the attitudes of Arab officials towards journalists' activity in the free media zones. As Sheikh Hasher Al-Maktoum, director of Dubai's Information Department and a cousin of the crown prince, explicitly said, the journalists operating from within the Dubai Media City are expected to exercise their freedom in order to focus on the issues important to a society, such as education, health and economy, but not to politicize their audience (Quinn et al., 2004). Also in Egypt, the regulations that govern licensing of broadcasting in the Media Production City exclude 'channels of a religious, factional, and partisan nature or involving sex or violence'.¹⁵ Furthermore, the companies operating from within the EMPC have to abide by the Media Code of Ethics that 'puts limits on what satellite TV stations could broadcast, especially when the topic was political in nature'.¹⁶ In Jordan, the rule of law within its FMZ has been replaced by the notion of the 'rule by law'. According to Yahia Shukeir, this simply means that a very general and often abstract legal framework that regulates media activity coexists with guarantees and restrictions not mentioned in the laws.¹⁷

Accordingly, with all their business-friendly regulations and facilities, the Arab Media Cities seem to be a 'safe haven' for media companies, a place where these companies can easily run their business. Nevertheless, numerous incidents related to 'inappropriate' media practices force us to question freedom of action within

these 'media oases'. The critical areas in which Arab journalism collides most frequently with the regulations of the FMZs are presented below.

Controversial Issues: Sex, Drugs ... Politics and Religion

Despite the creation of Media Cities and the proliferation of satellite television, Arab governments still exert a certain degree of pressure on media within FMZs. These pressures influence the broadcasting of content related to issues, as one Egyptian journalist said, 'not acceptable in the region', such as local politics, nudity, sexuality, drugs and alcohol, and offending religious beliefs.

One example of this comes from Egypt. The EMPC guarantees its residents several incentives, such as no restrictions on investors' nationality; free choice of project's legal format; unrestricted transfer of funds; no constraints on local and foreign imports; and no restrictions on either product-pricing or profit-ceilings. Nevertheless, this business-friendly atmosphere is ceaselessly challenged by the Egyptians. As Sakr (2006, 67) argues, the launching of new Egyptian private channels such as Dream TV, Al-Mehwar, Mazzika, Melody and the tourism channel MTC can be seen as the culmination of a lengthy process of relaxation of the country's media regulation to allow private entrepreneurs 'to speak for themselves through the media to overcome a Nasserist legacy of popular suspicion towards private capitalists'. However, the government has been able to maintain a certain kind of control of these channels through both ownership structure and various kinds of informal pressures. The example of Dream TV, the first Egyptian private channel broadcasting from the EMPC, proves that the pressure exerted on the EMPC's undertakings is 'a mixture of administrative and editorial interference' (Sakr, 2006, 70).

Accordingly, the EMPC's General Authority for Free Zones has warned Dream TV several times that strict measures, including the withdrawal of its work permit as a Media City resident, would be taken in case of violations on sensitive issues.¹⁸ The official warnings were not the only kind of pressure directed at the channel. From the beginning of Dream TV's broadcasting, the ERTU, through its stake in the channel, has been narrowing the station's scope for producing an independent news output (Sakr, 2007, 30).

The link between Dream TV's owner, Ahmad Bahdat, and the channel's creditors owned by the state-controlled banks may be another explanation for these practices. In 2003 and 2004, several controversial talk-shows¹⁹ that crossed Egyptian 'red lines' were cancelled from Dream TV's programming. As Sakr (2007, 47) argues, this was a price paid by Bahdat for rescheduling his debts to the state-owned banks. In a similar atmosphere the famous Dream TV host Hala Sirhan left the channel in mid-2003. As Dream TV manager Sanaa Mansour declared after the

incident, although no sort of censorship was applied to the programmes, any material that was in conflict with religion, or adversely affected national security or led to sectarian strife would be rejected by the station (Osman, 2004). From this perspective, it is clear that, depending on the personal interpretation of people in power, the rejection of certain content might be used to protect the incumbent regime from critical voices.

Similar practices can be found in Jordan as well. The country's three main red lines are criticizing the king, religion, and military or state security issues.²⁰ Despite King Abdullah's declarations that 'the sky is the limit' for Jordanian media freedom, the government still keeps financial restraints on media that broadcast on political issues. The about \$32,000 price for a license to transmit political programmes is double the price of licenses with non-political coverage and strikes/lashes out particularly at the local media unable to pay this amount.²¹

Control over content also affects the internet. Many Arab countries continue to restrict this medium, using increasingly sophisticated and technologically advanced techniques, such as Electronic Filtering Programs (Eid, 2004). As announced at the beginning of 2007 in UAE, the country's Telecommunications Regulatory Authority (TRA) planned to extend its countrywide web filter into FMZs, thereby breaking with the commonly perceived notion that the free zones had their own telecommunications laws. Under the new regulations internet users in Dubai Media and Internet City would have to face the same web restrictions as the rest of the country. According to Mohammad Al Gaith, the TRA's manager for technical affairs, the reason the free zones were not covered previously under the filter was technical and not jurisdictional. As Mohammad Al Ghanem, director general of the TRA, said, the rules were implemented in every single country, but with different limits and categorizations. Nevertheless, to avoid a negative impact on businesses within the zones, several companies with a 'legitimate interest in keeping unfettered internet access', such as news organizations and fashion companies, would be excluded from these restrictions.²²

Media Control: Context beyond Freedom?

The basic assumption surrounding the media that operate in the FMZs is that they are independent and work freely. Nevertheless, the reality seems to be different. The Egyptian Radio and Television Union is represented in broadcasting ventures operating from EMPC through its share in the Media Production City and NileSat, two companies essential for private broadcasters in Egypt. Moreover, the media operators broadcasting from the EMPC are subject to intervention by the General Authority for Investments and Free Zones (GAFI), the body that is authorized to suspend licences (Sakr, 2007, 30).

In Jordan, too, the state regulators retain a key position. In addition to a general press law, the JMC is still subject to the standardized commercial law that regulates all free zones in the country, and not to the separate FMZ regulations (the latter are still to be amended). Certain unclear aspects can be found also in relations between the JMC authority, the Audiovisual Commission (AVC)²³ and the public broadcaster, the Jordan Radio and Television Corporation (JRTV).

In 2007 the first Jordanian private television station, ATV, faced several hurdles related to its planned launch in August. The company, which at that time was owned entirely by Jordanian businessman Mohammed Alayyan, had a one-year renewable contract with the JMC for the reserved frequency on the Nilesat satellite. The AVC halted the official launch of ATV at the beginning of August 2007 due to 'incomplete paperwork'. A few days later the station faced a new hurdle from JRTV. The country's public broadcaster, which leased to ATV its Channel Two, declared that an agreement between the two companies concerned only terrestrial transmission. ATV's former general manager Mohannad Khatib stated that the AVC refused to allow ATV to operate until the station had clarified its relation with JRTV. However, as he also claims, this was neither under the AVC's mandate nor under the commission's jurisdiction. According to JRTV's Director General Faisal Al Shboul, ATV's problem was with the AVC, and not with JRTV. He stressed, however, that the station still owed JRTV more than \$3.5 million. According to Khatib, financial issues were the main reason that lay behind the illegal advocacy of the AVC.²⁴ He claims that the AVC significantly exceeded its regulatory mandate,²⁵ having delayed ATV's launch to the advantage of JRTV during the most profitable viewership period of Ramadan.²⁶ ATV also received a letter signed by JRTV's Director General ordering the station not to broadcast.²⁷ Furthermore, ATV was charged \$72,000 by the JMC for the halted transmission, while at the same time the latter were refusing to receive their signal and transmit it to Nilesat 'as per orders they received'.²⁸ As Radi Alkhas, the JMC CEO, explains, the test transmission of the channel started on 1 June, ran until 1 September 2007, and was terminated because no payment was received. In the contract, according to which the JMC had the right to claim \$216,000 until it ended, ATV was responsible for the delivery of the signal to the JMC. On 1 August 2007, no signal was received from ATV as JRTV disconnected the ATV signal because of the order issued by Jordan's AVC.²⁹

Although the true reasons behind ATV not going on air have never been clarified,³⁰ the case proves how the interests of governmental agencies override formal regulations. As Khatib revealed, contrary to its status, the AVC acted as an advocate and a collecting body for the Jordanian public broadcaster.³¹ He points out that the station also had to face other pressures aimed at taking over the company. In September 2007, the station was sold to Jordanian investors Mohammad Khalid Asfour and Mohammad Abdul Aati, for about \$21 million.

According to Khatib, the new owner, 'Al Ajayeb for Investments', was a company registered officially only on 2 August, a day after ATV's official broadcast was halted.³² As explained by ATV's director general, Zaid Rashdan, the company's new administration would settle all outstanding issues with JRTV and seek a new commercial name. Radi Alkhas, the JMC CEO, regional manager of Saudi ART (the main Jordan Media City tenant), and the former director of Jordanian Radio and Television Corporation, has been appointed as a new ATV chairman. As he said, a decision to sell the station was taken because of ATV's \$17 million debt.³³ After the transaction, the channel was given the green light from the AVC to start its transmission. However, it has never started broadcasting due to financial reasons.³⁴ Currently the station is intended to be sold to the leading Jordanian production company, Arab Telemedia Production (ATP).³⁵

Although the government allows 100 percent foreign ownership in Dubai Media City (compared to 49 percent outside the zone), at the same time it has reserved the right to decide on the composition of the zone's residents. In 2004 the DMC authority announced the selection of residents. The decision was taken because 'a number of businesses with less than desirable credentials' had undermined the reputation of the Media City.³⁶ Those operators 'who found the market terrain increasingly inhospitable' and therefore would have to make room for those with 'better business models' were allocated to the 'elimination round'.³⁷ Furthermore, the applicants for a new licence would be examined by the panel of professionals established by the DMC management. According to this authority, the publishers of magazines would have to provide a proper dummy of the titles for evaluation by the panel before a licence would be granted. The titles assessed by the panel as 'publications that hardly add value to the community and the country' would be dismissed.³⁸

The above-mentioned examples of interference, justified by the ambiguous notions of 'social harmony' and 'journalistic responsibility', prove the use of repression and illegal practices to advocate censorship and self-censorship within the FMZs. These restrictions usually hurt the most local of the media cities' tenants, such as newspapers, local television stations and magazines because of their major interests in covering local issues.

Nevertheless, national legislation and regulators' activities are not the only channels for exerting pressure on regional media. In January 2008, Egypt and Saudi Arabia agreed to submit a bill that would amend the regulations of Arab satellite TV channels.³⁹ This culminated in a meeting in Cairo in February 2008, when the Ministers of Information of the Arab League countries adopted the Arab Satellite Broadcasting Charter. As Egyptian Minister of Information Anas Al Feqqi declared, the document responded to the strong need to enforce control over the

satellite media in the face of a growing number of broadcasters, a chaotic situation and ‘violations [that] have become rife’.⁴⁰

The introduction of the Charter was preceded by attacks on the satellite channels in some Arab countries at the end of 2007 and the beginning of 2008. In December 2007, the authorities of the EMPC were notified by the country’s Ministry of Information that Al-Hayat al-Masriya, the new satellite channel planned to be launched in January 2008, would not be authorized to air its pilot broadcast. A few days later, the Egyptian authorities also banned a daily programme entitled *Sa’a bi Sa’a* on El-Sa’a channel (*Hour by Hour*).⁴¹

The Arab Satellite Charter forbids broadcasters to criticize religion and ‘defame political, national and religious leaders’. It also demands that stations refrain ‘from any form of incitement to hatred, violence or terrorism’, including the violent overthrow of governments and any other activity that would endanger social peace, national unity and public order. Violators of these requirements risk the suspension or cancellation of their broadcasting licenses, even if they broadcast from FMZs.⁴² According to Amin (2008), the Chair of the Department of Journalism and Mass Communications at the American University in Cairo and the lead author of the Charter, the document does not stray much from similar documents issued by the world’s broadcasting regulators such as the European Commission and the US Federal Communication Commission. Recognizing the growing importance of satellite broadcasting, as he says, the Charter draws on a social rationale that this broadcasting has to reflect the primary values and culture of Arab society in order to fulfil its mission responsibly.

Nevertheless, despite these promises, many analysts fear that the Charter is no more than the Arab governments’ response to the expanding popularity of satellite broadcasters, which, through encouraging open debate on sensitive issues, might undermine the regimes’ legitimacy. As Price (2008) remarks, although the Arab Satellite Charter reflects ‘the increasing recognition of the need for regional cooperation in the information field, the importance of clarifying which state has the power over what signals, and the demand for ethical legal principles that would govern transregional communication in the satellite realm’, at the same time it presents many contradictions. As he observes:

In the Charter, the vocabulary of modernization collides with the rhetoric of tradition; the realities of political change conflict with the desire to preserve the status quo. Human rights discourse is interpreted and reshaped to fit the Middle East environment.

Similar views are presented by Arab journalists. As Ahmad Shaikh, the news editor at Al Jazeera, claims, ‘through a wide-ranging document that can have a million

interpretations' the Arab governments seek to impose upon the broadcasters a certain style of television making.⁴³ According to Wael Al Ebrashi, editor of an independent weekly and talk-show host on the private Egyptian Dream TV, the Charter sets out 'to protect the Arab regimes in view of mounting public anger and protests' and 'aims to stop certain programmes on certain satellite channels and prevent the establishment of new channels'.⁴⁴

One of the main premises of the new Charter was to force the satellite broadcasters to exercise their freedom responsibly and to improve the quality of the Arab satellite media industry (Amin, 2008). From this normative perspective, the document might reflect a developmental media theory (Altschull, 1984; Gunaratne, 1998; Hachten, 1981; McQuail, 1983). In its positive vision, the theory assumes that societies undergoing a transition from underdevelopment and colonialism to independence lack the resources, infrastructure and skills to sustain their media market. In order to assure a successful development in such circumstances, 'social responsibility' should come before media rights and freedom. As a consequence, the governments might be justified in allocating resources selectively and restricting journalistic freedom (McQuail, 2005, 178).

Nevertheless, as the case of the Arab Satellite Charter proves, these premises differ from the reality of the Arab world. Considering a characteristic structure of power in the region, it is clear that the normative assumptions of the document might be easily replaced by its practical use in order to suppress critical voices. Furthermore, the Charter's focus on 'political dangers' suggests that the document might be applied against political content of all kind. The document also seems to authorize the FMZ authorities to intervene more profoundly in the content that is broadcast from within. As Price (2008) observes, there are substantial accounts that the Charter may serve to justify the restrictions in contracts for the use of Nilesat satellite imposed by the Egyptian government. The case of London-based Al Hiwar satellite station, dropped from Nilesat because of its critical position regarding Egyptian policies, appears to confirm this thesis.⁴⁵

In summary, the Arab Satellite Charter might be particularly effective for the regimes that generally lack the appropriate cultural policies and guarantees of information freedom separating private broadcasting from the control of state. In this light, as Price (2008) argues, the Charter seems to be nothing more than another legal instrument for controlling the use of production facilities in media cities and elsewhere.

Neutrality, Political Stability, Social Harmony and International Relations

Foreign influence and the governments' attempts to maintain the political stability are other aspects that pose the limits on media activities within the free zones.

The question of neutrality seems to re-emerge consequently in Dubai. The Emirate's Media City has put an emphasis on its political neutrality and pro-business orientation in order to attract foreign investments. An expression of this assumption is an unbreakable rule that any business should not be mixed with politics.⁴⁶ This rule also lies behind several decisions taken by the Media City's authority in relation to the activity of its tenants. In November 2007, two leading Pakistani private television networks, Geo and ARY One World, were ordered by the DMC to stop their transmission via the country's facilities. The order was a result of the channels' refusal to adopt the new media code issued by the Pakistani government as a result of the state of emergency introduced by President Pervez Musharraf earlier that year. According to Ebrahim Al Abid, Director General of the UAE's National Media Council, the decision was in line with the country's foreign policy, which is based on neutrality and non-interference in other states' domestic affairs. As the DMC officials also explained, the Media City as a UAE institution, had to commit to the country's internal and foreign policies. In order to do so, the City should not transmit any news reports or programmes that would break this agreement.⁴⁷ Nevertheless, the ban of two channels was considered as a failure of the original DMC idea, to work free of any curbs.

Foreign influence has also been seen as lying behind the ban against the JMC-based Al Mamnou' satellite channel from going on air. The decision was implemented by the JMC in December 2005, after the channel was accused of broadcasting copyrighted material without a licence. As the JMC CEO Radi Alkhas explained, the company received complaints and legal warnings from several studios worldwide. This resulted in a violation of the contract between the station and JMC and, as a consequence, in the channel being closed down. Furthermore, the Mamnou' offices were secured by the Jordanian police as a consequence of a lawsuit filed against the station by the JMC, because of defaulting on payments due.⁴⁸

However, according to Al Mamnou's spokesperson Ibrahim Omar Albahri, there were many other excuses cited to justify the channel's ban. A few months earlier, the station provoked strong protests from the international community by broadcasting the controversial Arabic Series *Al Shatat* (Diaspora), which was criticized for anti-Semitic content. Despite the JMC authority ordering the series to stop, as Al Mamnou' officially stated, the station never received any document related to its ban from the JMC.⁴⁹

Conclusion

This article aimed to examine the legal aspects of media activity within three Arab Media Cities. It has been based upon an analytical framework that recognizes the

importance of structural changes occurring in contemporary Arab regimes. Rejecting the paradigm of the Arab world's democratization, the main thesis of this framework assumes the regimes' ability to adjust and adapt along with developing and prevailing trends without a substantial loss of power.

According to such an approach, the three Media Cities in Egypt, Jordan and Dubai have to be seen as a part of this evolutionary adjustment. A concept of free media zones itself expresses, moreover, a clear contradiction as one considers their relative freedom enjoyed within clearly restricted societies. Further thought also shows that, alongside a successful adaptation to the global economic system, the Arab governments have maintained control over political and social changes.

In the Arab media sphere these kinds of adjustments can be explained by the concept of 'bounded adaptiveness'. This theoretical framework assumes a progressive loosening of the tight guidelines in the media sphere by Arab regimes, while retaining full control over this sphere at the same time. A pattern of 'bounded adaptiveness' is also reflected in the pragmatic attitudes of Arab journalists seeking to push the established 'red lines' through a negotiable self-censorship.

Furthermore, it should be pointed out that a relation exists between a type of Arab regime (traditional or bureaucratic authoritarian, and resource-rich or resource-poor) and the character of the power structure in the media cities. While Dubai Media City can be considered as the vision of a ruler heading a traditional and resource-rich authoritarian monarchy, the Jordanian Media City is a product of the resource-poor traditional authoritarian kingdom and reflects the vision of its powerful Saudi sponsors. The Egyptian Media Production City is a joint venture where the state legacy is mixed with capital of the business elite.

There are various means for exercising control in Media Cities. Media laws and regulations are one such channel. Media restrictions related to the state's stability, security, neutrality and social order, as well as those protecting the system of societal values, are frequently put ahead of the incentives designed to ensure media independence.

Influence is exerted also through the structure of ownership and various business ties. For instance, the Egyptian government maintains control over its Media City tenants thanks to an obligatory share in private undertakings operating in the zone. Pressure on the media has also been exerted through the economic links between media and state-controlled agencies.

The Media Cities also fall under a general trend in Arab media to practise a vaguely named 'responsible journalism' that aims to supposedly improve the quality of

broadcasting content. The most recent legal consequence of this can be found in the Arab Satellite Charter. Giving the green light for state intervention in national media spheres (including FMZs), the document reveals a thin line between the media role in the development of a country, and their role in maintaining a regime.

Finally, actions taken against the media depend on the specific political and socio-cultural contexts of Arab societies. These are reflected in their subsequent media laws which often present a high degree of ambiguity and seem to prioritize the regimes' stability rather than media independence.

Notes

¹ See http://ec.europa.eu/external_relations/euromed/index_en.htm

² See <http://www.usaid.gov/policy/budget/cbj2007/ane/mer.html>

³ Habib Toumi, 'Minister promises to amend press law', *Gulf News* 14 March 2008.

⁴ 'Jordan doing well on reforms, more needs to be done', *Jordan Times* 4 April 2008.

⁵ Rasha Owais, 'Dubai Media City regulations get a final polishing', *Gulf News* 20 January 2001.

⁶ 'Embracing the brave new world of electronic media', Sheikh's speech during the inauguration of the Dubai Media City, *Gulf News* 21 January 2001.

⁷ Vinita Bharadwaj, 'Media needs to act with greater responsibility', *Gulf News* 21 September 2006.

⁸ Bharadwaj, 'Media needs to act with greater responsibility'.

⁹ Lydia Georgi, 'Dubai media new metamorphose', Middle East Online 10 Sept. 2003, available at <http://www.meo.tv/english/Default.pl?id=6958> (accessed 21 March 2008).

¹⁰ Author's interview with Yahia Shukeir, Amman, 8 May 2008.

¹¹ See <http://naydynmoody.blogspot.com>

¹² Author's interview with Nadine Toukan, Amman, 21 May 2008.

¹³ Ibid.

¹⁴ 'Power of media and ideas', speech by Sheikh Mohammed Al-Maktoum at the launch of Dubai Media City, *Gulf News* 5 May 2000.

¹⁵ 'The Arab governments and satellite television', Arabist.net, 7 Feb. 2008, available at <http://arabist.net/archives/2008/02/07/the-arab-governments-and-satellite-television/> (accessed 8 December 2008).

¹⁶ Ibid.

¹⁷ Interview with Yahia Shukeir.

¹⁸ 'Dream TV in trouble over program', Middle East Online, 1 Nov. 2002, available at <http://www.meo.tv/english/Default.pl?id=3078> (accessed 21 March 2008).

¹⁹ The cancelled programs were Hamdy Kandil's weekly political talk show *Ra'is al-Tabiri*' ('Editor-in-Chief') and Ibrahim Eissa's popular program *Ala l-Qahwa* ('In the Café').

²⁰ Remarks to the Euro-Med Academy for Young Journalists, Amman, 4–15 May 2008, author's transcript.

²¹ Rana Sweis, 'Stopping the press', *JO Magazine* Nov. 2006.

²² Ivan Gale, 'Free Zones to be put under official web filters', *Gulf News* 10 Feb. 2007.

- ²³ The Audiovisual Commission is a regulatory body that has replaced Jordan's Ministry of Information.
- ²⁴ Mohammad Ghazal, 'ATV to resort to legal channels if efforts to launch broadcast fail', *Jordan Times* 23 Aug. 2007.
- ²⁵ 'The untelevised revolution', interview with Mohannad Khatib, 7iber.com, 8 Sept. 2007, <http://www.7iber.com/blog/2007/09/08/jordans-atv-the-untelevised-revolution> (accessed 3 April 2008).
- ²⁶ Ghazal, 'ATV to resort to legal channels if efforts to launch broadcast fail', *op. cit.*
- ²⁷ Interview with Khatib, 7iber.com, *op. cit.*
- ²⁸ Facts described in 'Rest in peace, ATV?', Mohannad Khatib's letter published at 7iber.com, 25 Sept. 2007, <http://www.7iber.com/blog/2007/09/23/atv-managing-director-resigns> (accessed 1 April 2008).
- ²⁹ Author's private email correspondence with Radi Alkhas, 28 May–4 June 2008.
- ³⁰ The case is built across a vague number of speculations. One anonymous source inside ATV revealed for instance that the project was led by the Jordanian secret service. Quoted in Kristen Gillespie Demillio 'Choke hold: how Jordan tames its press' (2008).
- ³¹ In an interview with 7iber.com, *op. cit.*, Khatib revealed that the AVC engineering department director was also employed by JRTV.
- ³² Mohammad Ghazal, 'ATV general manager quits post', *Jordan Times* 25 Sept. 2007.
- ³³ 'ATV receives green light to start satellite transmission', *Jordan Times* 3 Oct. 2007.
- ³⁴ Author's private email correspondence with Radi Alkhas.
- ³⁵ Author's interview with Nadine Toukan, ATV employee, Amman, 21 May 2008.
- ³⁶ K. Raveendran, 'On agenda: shakeout restores credibility to Media City units', *Gulf News* 22 Aug. 2004.
- ³⁷ *Ibid.*
- ³⁸ *Ibid.*
- ³⁹ Heba Hassanein, 'Egyptian-Saudi pressures to impose political restrictions on satellite channels', *Al-Masry Al-Youm* 7 Feb. 2008.
- ⁴⁰ Ramadan Al Sherbini, 'Some states tighten leash on satellite TV', *Gulf News* 22 Feb. 2008.
- ⁴¹ Hassanein, 'Egyptian-Saudi pressures to impose political restrictions on satellite channels', *op. cit.*
- ⁴² Al Sherbini, 'Some states tighten leash on satellite TV', *op. cit.*
- ⁴³ Inal Ersan, 'Arab broadcasters say charter will not silence them', Reuters, 3 March 2008.
- ⁴⁴ Al Sherbini, 'Some states tighten leash on satellite TV', *op. cit.*
- ⁴⁵ 'Egypt satellite operator drops critical channel', Reuters, 5 April 2008.
- ⁴⁶ Abdulkhaleq Abdullah, 'A Politically Neutral City', *Gulf News* 13 Feb. 2008.
- ⁴⁷ 'Pakistani TV Stations "Forced to Shut Down"', *Gulf News* 17 Nov. 2007.
- ⁴⁸ Author's private email correspondence with Radi Alkhas.
- ⁴⁹ Jafar Irshaidat, 'JMC: Mamnou Channel Transmission Halted', *Jordan Times* 21 Dec. 2005.

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