

# **Egyptian Press and the Transition to Democracy: A Study of the Conditions and Challenges Facing National Print Media Post the January 25<sup>th</sup> 2011 Revolution**

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## *Abstract*

*National press in Egypt has long been restricted and manipulated by the regime. For more than three decades it was the regime's mouthpiece. Paradoxically, the ouster of President Hosni Mubarak in 2011; which was supposed to bring freedom to all institutions, mired the Egyptian press resulting in its regression rather than progression. The press had begun facing a series of political and financial problems even before the January 25<sup>th</sup> 2011 Revolution due to declining leadership and advertising revenue. After February 11, 2011, with protestors jamming Tahrir Square, the induced democracy soon got stalled. Notably, all internal pressures for change were stifled. Political and legal challenges remained to be imposed on media professionals. Journalists systematically faced legal and financial pressures and other forms of intimidation hindering them from fulfilling their role in the democratization process. Indeed, a democratic state can't be built without a vibrant and independent media. (1) Surmountable causes can be linked to why the process of democratization in Egypt has been slow and retrograde, nevertheless. The question is: How can we possibly turn the Egyptian press into an independent institution whose main concern is to serve the people through providing information with accuracy and transparency? And whether there is a specific model that we can emulate to develop the Egyptian national press.*

## **Introduction**

National press in Egypt had long been undergoing a state of transition. It is called 'transitional' because the system is debatable and seems to be unsettled. In fact, it contains elements that favor government control besides elements that prefer freedom of expression. There are some newspapers that are owned by the government and are; thus, called 'national newspapers' like *Al-Ahram*, most prestigious and oldest newspaper catering the elite segment, which tends to influence public debate. Other newspapers are either owned by independent private sectors or by political parties.

Paradoxically, we call the Egyptian system "transitional" but it is not clear which way it is going or that it is in transition to a different type of system that will stabilize and stay for years to come.

Despite claims after the January 25<sup>th</sup> 2011 Revolution that Egypt is in transition to democracy, the fact remains that there are still obstacles that impede the process starting with the drafting of

a new constitution that defines and protects the right to freedom of expression and freedom of information as well as the exact role of the press.

Traditionally, the Egyptian Government had not hesitated to use its economic power over the print media. Eventually, such system had brought journalists to court, sent them to jail and fined them. Hence, the government got accustomed to exercising its influence through various ways starting from press ownership, censorship, litigation, economic pressure to selecting editors-in-chief of the national press.

Stemming from the fact that the press constitutes the fourth branch of government and the pertinent role it plays and ought to, especially post the January 25<sup>th</sup> 2011 Revolution, this paper tries to tackle how freedom is constituted in Egypt, the conditions and challenges facing national print media and what might be done to safeguard its freedom. Researcher aims to specifically examine few press models that Egypt may embrace in order to hasten its transition to democracy.

## **1. Ownership**

Ever since President Gamal Abdel Nasser (1953 – 1970) nationalized the press in 1960, major Egyptian newspapers fell under total government control; hence, turning journalists into civil servants. Then the following presidents followed suit. It was late President Anwar El Sadat (1970 – 1981) who allowed the establishment of three opposition parties having their own newspapers and accordingly expressing their views. “Wanting to conceal the fact that the state directly owned the newspapers – fearing for his image in front of his new American friends – Sadat created a second House of Parliament, or the Shura Council, and it was tasked with ownership and administration of the affairs of the ‘national press’.” (2) Accordingly, the national press is owned by the Supreme Press Council (SPC) and the Shura (Consultative) Council. Notably, SPC has the right to issue licenses for all press including independent papers. (3) And since both councils are controlled by the regime’s political party, the president has the ability to appoint newspapers’ editors-in-chief.

The Egyptian Constitution allows newspaper ownership by public or private political parties or corporate legal entities. Article 22, Law on Press Authority, posits that “national press establishments shall be considered the property of the state and the Shura Council shall exercise ownership rights over national press establishments.” (4) In other words, this Article gives the right to the Shura Council to establish more press establishments. (Thus national newspapers are not truly ‘national’ as the Law does not grant them full independence of the executive authority and all political parties. Likewise, editors become dependent.) Article 23, Law on Press Authority, stipulates “the relationship between national press establishments and all their employees, including journalists, administrative staff, and laborers shall be governed by individual employment contracts. Employees of national press establishments may, where in the interest of work, be transferred from one establishment to another by decree of the SPC.” (5)

## 2. Censorship

The first law defining the functions of the Censorship Bureau was issued in 1975. Accordingly, the Egyptian Government can affect the content of the print media indirectly, or by persuasion. Moreover, journalists themselves do practice self-censorship, mindful of their paymasters, knowing that repercussions for what they publish may cost them a dear price. This goes for national and independent press alike.

There are provisions in the laws that can restrict these publications on grounds that they are disrupting social peace. There are 'taboo' areas or 'red lines' where newspapers cannot, under any circumstances, venture. Evidently, newspapers are not allowed to criticize, to attack, or to insult the country's president or the armed forces or security-related information. Otherwise, such criticism invites the government's strong reaction resulting in trying journalists and their newspapers as well. According to Egypt's penal code, journalists can be fined, jailed if they cross the 'red lines'. A famous case of state bullying freedom of expression is the independent *Al-Dostour* Editor Ibrahim Eissa's who was sentenced to jail, subject to appeal, as he dared to touch a taboo when he wrote about the ailing health of Mubarak back in 2007. (6) Presently, the same newspaper's editor-in-chief Islam Afifi is being imprisoned, subject to appeal on September 16, despite President Mohamed Morsi's declaration on August 21, 2012 to penalize journalists instead of the jailing sentence.

## 3. Litigation

Notably, the Egyptian Government exercises influence over all print media through several means. It can license newspapers or shut them down for what they print. It can impose fines on newspapers and journalists alike. It can arrest journalists and/or ban them from travelling abroad. And to further control and restrict the formation of new political parties or any dissenting press, the Egyptian Government had used various laws such as the Emergency Law (1967) – until recently – and Antiterrorism Law (1992).

Between 1996 and 1999, the public prosecutor referred 175 journalism cases to court. "The law gives the public prosecutor power to ban publication of news related to a case involving national security." (7) The Egyptian Penal Code still contains a chapter with thirty-nine articles on "Crimes of the Press." And to add insult to injury, a 2006 Law was passed creating the offense of insulting a *foreign* head of state. Eventually relations between the press and the state deteriorated and reached their lowest levels in 2007 under the same old rhetoric: "Egypt must be united. The national interest is supreme. Excesses of free speech endanger national stability." (8)

#### **4. Economic Pressure**

National media is owned by the government; unlike independent or private media which depends financially on advertising and subscription. The government also has the power to exercise economic pressure on newspapers and journalists. Its subsidies are granted; thus, forcing opposition newspapers with limited financial means to certainly be dependent. The government also controls publishing houses including those of the opposition; hence, restricting freedom of expression. Noteworthy, the government also exercises import restrictions of print media published outside Egypt on grounds of protecting public order. Article 24, Law on Press Authority, posits that “the SPC shall issue resolutions and guidelines regulating the administration, development of annual budget, and profit distribution method of the press establishments.” (9)

#### **5. Selection of Editors-in-Chief**

Selection of editors-in-chief falls under the jurisdiction of the Shura Council by an official decree since 1970. Government officials from time to time instruct and guide journalists to portray certain issues in the media the way they would like major issues to be promoted. On occasion there are strong ties between the government and editors. The most famous example would be that staunch relationship between Egyptian President Nasser and Al-Ahram Editor-in-chief Mohamed Hassanein Heikal who was Nasser’s confidante and the most influential journalist during the ‘50s and ‘60s.

According to Article 32, Law on Press Authority, in each national newspaper, “an editorial board shall be constituted of 5 members at least under the chair of the editor-in-chief selected by the Shura Council (...) The editorial board membership term shall be three renewable years.” (10)

Significantly, this researcher attempts to delve into the impact of this coercive and manipulative system on the content of the press post the January 25<sup>th</sup> 2011 Revolution by examining the conditions and challenges facing national print media, what might be done to safeguard its freedom and most importantly, what model should Egypt adopt to hasten its transition to democracy?

#### **Toppling the Regime**

When people took to the streets heading to Tahrir Square demanding to topple the regime, the state-run media was unable to grasp the magnitude of the event, it only cowered beneath the regime that bred it and; hence, covered the events in a biased and distorted manner that was expected of it. But then it went into a panic when Mubarak was forced to step down. It did not know how to react momentarily. Accordingly, the national press resorted to its traditional role of denial of any disturbances and played on the notion of threat of chaos if such acts continued. It even pointed to foreign elements and doubted a conspiracy theory in the making. As the regime

further crumbled, the national press dashed in several directions immediately, pointing fingers at protesters one day and signaling some distance with the failing regime the next.

The ousting of Mubarak placed the national press in a difficult position; nevertheless, forcing it to explain what had happened and why the change of disposition. Meanwhile, the stunning growth of social media or online journalism and blogs (introduced in the early 1990s in Egypt); known as “Citizen Journalism”, seemed to call attention to its massive power by tackling issues that were considered taboo. They seemed to be the agenda setters by choosing intricate issues that needed to be addressed like torture and human rights abuses that were pervasive in Egypt. Eventually, the internet contributed to raising people’s political awareness and formed a wake-up call to a wide spectrum of readership: the Egyptian youth constituting 60% of the population.

Temporarily, the national press chose to ignore the call for demonstrations that was organized by Facebook groups whose numbers ranged to thousands opposing police brutality. Instead, national press only reported news about protests carried out by workers demanding better working conditions and salaries. Ironically, on January 26<sup>th</sup>, 2011, *Al Ahram* tackled protests in Lebanon in its headline banner main position and placed protests in Egypt in a side location. It focused; however, on the killing of a security officer without revealing the reason behind his death which was due to being pushed and stepped on by his colleagues during the demonstrations. Additionally, all three main national newspapers, *Al-Ahram*, *Al-Akhbar* and *Al-Gomhouria* rather insinuated at various instances that the Muslim Brotherhood (MB) was behind those protests.

As events escalated on January 28<sup>th</sup>, 2011, all such national press reported that counter demonstrations amounting to millions marched in support of President Mubarak despite the fact that their number didn’t exceed thousands of workers in petroleum companies owned by businessmen who financed them to buy their allegiance to the ousted regime. Moreover, on February 2<sup>nd</sup> and 3<sup>rd</sup> these papers totally neglected how the ruling National Democratic Party (NDP) co-opted thugs to disseminate demonstrators by any means; an infamous act that came to be known as the “Camel Battle”.

After Mubarak’s ouster on February 11, these newspapers started to disclose government corruption and that of the president and his family. Eventually, editors-in-chief switched their stance and played a different tune in an attempt to contain the protests by declaring that the youths’ demonstrators have economic and social demands that need to be realized. Such demonstrators’ power could not have been ignored any further by the national press that began to lose their readership in terms of credibility and circulation. Finally, with Mubarak’s stepping down, national press realized that they were standing alone against the society; hence, *Al-Ahram*; per se, switched gears and repositioned its loyalty in favor of protestors in a banner headline that likely made more Egyptians laugh than cry: “The People Brought down the Regime!” The press suddenly got disoriented without a president to flatter, before swinging eagerly behind the

Supreme Council of the Armed Forces (SCAF), Egypt's interim ruling military, in a desperate attempt to find a new patron to rescue it from financial and political chaos.

Ironically, in the next few days after Mubarak's ouster, headlines in red banners in *Al-Ahram* appeared as follows:

On February 12: Downfall of Mubarak Regime: Congratulations Egyptian People

On February 13: Cleansing Egypt

On February 14: Stalling the Constitution: Dissolving the Parliament & the Shura Council

On February 15: Fall of Corruptors

On February 16: No Return to Conditions before January 25<sup>th</sup>

On February 18: Millions Demonstrate Today to Emphasize the Revolution's Demands

“[S]ince February and the fall of the regime that it served (and that shielded it), the national press has entered an era of profound crisis. No longer able to ignore its problems, various papers and publishing houses have faced internal revolts and demands for reform.” (11) Most importantly, it had learned that losing its credibility and transparency would mean losing its readership that would easily turn to other media in search for the truth. This print media then realized that what's at stake is its share of advertisement and once large circulation.

### **Implications of January 25<sup>th</sup> Revolution on the Press**

Significantly, January 25<sup>th</sup> Revolution's goals didn't represent one specific party as it aimed to establish a modern civil state under the slogan; Freedom, Social Justice & Human Dignity, meaning no Authoritarian, no Military and no Religious rule shall obstruct it from realizing its goals. (12) Notwithstanding the dire need for drafting a new constitution identifying the relationship between the ruler and the citizens and reflecting various political and ideological tendencies, matters went into the opposite direction.

In the wake of the January 25<sup>th</sup> Revolution; however, it was the independent press (besides social media) that projected a dissenting voice tackling corruption cases, demanding civil rights for citizens and opposing 'hereditary rule' in addition to reporting on conflicts taking place inside Syndicates and civil society. Noteworthy, the impact of civil society on the press is tremendous as it represents people's voice against any attempts to limit political rights of citizens. As such, an active and vibrant civil society can prevent government's involvement in the media. Civil society and public access to information can facilitate people's right to free expression and media freedom. (13)

“The emergence of independent newspapers like the daily *Al-Masry Al-Youm* in 2004, along with online journalism, has laid the foundation for pluralism.” (14) The fact that the independent press displayed credibility as opposed to national press during the Revolution reflects how the former have gained more privilege over the latter whose credibility has been worn out during the past years under editors-in-chief who were deeply involved with the NDP and the hereditary scenario.

Imperatively, “the independent press represented the voice that awakened a new kind of awareness; an awareness that broke the fear barrier confronting government’s power, displaying an example of freedom of opinion devoid of any interest.” (15)

On the other hand, the national press; notwithstanding, had suffered tremendous loss due to the following:

1. *Lack of Vision* regarding its functions and administrative procedures.
2. Being *manipulated by the regime* and especially the then ruling NDP to serve, realize and promote its goals including ruling by ‘hereditary rule’.
3. *Loss of people’s credibility, accountability and confidence* in national press due to its swinging to extremes between being loyal to the regime and then expressing its extreme animosity to the regime.
4. *Corruption* that exceeded all limits within the functioning of these media. (16)

## **Non-traditional Media & its Effect on National Press**

Social media played a key role in mobilizing people. Indeed, the emergence of political blogging in Egypt is linked to *The Egyptian Movement for Change*; known as *Kefaya* (Enough), as early as 2004 when this movement called for an end to Mubarak’s rule, government corruption and Egypt’s state of Emergency Law. Notably, Egyptian bloggers put tremendous pressure on the political system by tackling sensitive issues like government corruption, sexual harassment, torture and pervasive human rights abuse. Unfortunately, Egyptians seemed to have been accustomed to insults and torture from the police in their daily lives. After reporting on such incidents by bloggers, people have realized that this kind of police brutality and abuse is a violation of their rights and; thus, they can sue the police for criminal behavior for the first time. In fact, this kind of reporting contributed to raising people’s political awareness. It has also helped in creating social awareness of feminist rights by opening up job opportunities for women in the media, per se. (17) The internet has made the practice of censorship by the government very difficult. As a result, bloggers succeeded to get these thorny issues heard by an international audience. (18)

Imperatively, *April 6 Youth Movement* presents an interesting example of an organized group of youth who desired to reform Egypt. As early as 2007, they called for a general strike on April 6 to protest against the massive price rises, stability of salaries and deteriorating living conditions. Evidently, the exact turning point took place on April 6, 2008 using Facebook to extend

solidarity with 27,000 protesting workers of Al-Mahalla al-Kubra who were demanding better salaries. “The strike was not an end in itself, but the means to promote a culture of peaceful protest and to encourage people to claim for their legitimate rights.” (19)

Another important movement was the *National Association for Change (NAC)* which was initiated by former head of the International Atomic Energy Mohamed El Baradei. By 2009, access to internet had increased tremendously. The independent newspapers covered NAC in order to compete with “citizen journalism” which was already providing their readers with the information they yearned to know.

Eventually, the Internet “opened up new global communication conduits, providing Egyptians with greater access to information while making government efforts to restrict information more difficult.” (20)

## **Conditions & Challenges Facing National Press**

Since the 1950s, the government had owned nineteen media institutions. In 1980, the Egyptian government assigned the Shura Council to run matters concerning national press.

It is necessary to comprehend the conditions or challenges under which print media in Egypt functions in general in order to devise methods of reform. They are as follows:

1. Limited Independence;
2. Government Domination;
3. Private but partisan;
4. Censorship (government & self-censorship);
5. Influence of security agencies;
6. Granting licensing to media institutions is restrictive;
7. Growing religious & financial power of the ruling elites;
8. Spread of journalists who breach the Code of Honor;
9. Lack of transparency on reporting on government practices especially by national press. Indeed, the “closed nature of Mubarak’s political system and his government’s near monopoly over important information sources made information gathering especially difficult in Egypt. Acquiring information was even more challenging for journalists at independent and opposition newspapers because government sources were often suspicious of their reporting intents and sometimes refused to speak to them.” (21)
10. Defamation laws protect those public officials who are shielded from criticism like the President (and his family), the military, security agencies, religious authorities, ministries, parliamentarians, legal and judicial authorities, leaders of foreign countries, and the flag.
11. Arbitrary justice applied on journalists who cross the line by appearing before civil and military courts. Various laws are used to justify such acts like the Emergency Law, theory



of exceptional circumstances, external breaches and government solemnity and confidentiality of information. All such free expression restrictions are applied.

12. Few professional standards (poor hiring standards) as journalists are often hired and promoted based on nepotism or favoritism rather than competence and professionalism. The Shura Council is still responsible for selecting editors-in-chief of all national newspapers.
13. On a positive note, public access to information via social media has led to more pluralistic voices resulting in a press that has become more critical of government's practices. Nevertheless, slow attempts at progress toward reform and a move toward democracy remains to be seen. (22)

Notably, the national press had also suffered from other troubles. First, they were quickly *losing credibility*. Most Egyptian readers skipped the news and op-eds of the state-owned dailies and went straight to obituaries in *Al-Ahram* or sports of *Al-Gomhouria*. In the last two decades and with the age of satellite, people could easily turn to other sources of information. "There were suddenly places where politics could be discussed intelligently (or at least in an interesting manner) and the official monopoly of information was broken." (23)

Second, *new competitors emerged* as early as the '80s and '90s like pan-Arab newspapers which entered the Egyptian market in addition to few opposition publications. Moreover, the independent *Al-Masry Al-Youm*, boldly entered the Egyptian scene in 2004 catering to elite readers and posing a challenge to *Al-Ahram's* prominent position. *Al-Shorouq* is yet another independent newspaper that introduced a high level of professionalism, long absent from national press, and cleverly maintained a calm oppositional tendency. *Al-Youm El-Sabei* has gained a wide popularity especially among the Egyptian youth with a tremendously growing circulation.

Third, the national press was on the *brink of bankruptcy* since the publishing houses hired too many workers with little training and very low salaries. With a *decline in advertising and circulation*, the state borrowed heavily that it could not repay without some kind of restructuring.

Fourth, those who headed the industry were reputed to pay themselves *astronomical salaries* as they treated the institution as their own private property. Moreover, allegations of *financial corruption* were spread in all enterprises (*Al-Ahram, Al-Akhbar, Al-Gomhouria* and *Dar al-Ma`arif*, publisher of *October*, and others) claiming that they were sold at below market rates to friends of top officials.

Fifth, the fact that *editors-in-chief* are assigned by the government reflects their vehement support to the regime. Unfortunately, top officials of national newspapers used to squander millions of pounds from their institutions on gifts presented to the regime gangsters hoping to guarantee their satisfaction. (24) (Though some employees sought to bring corruption allegations to the public prosecutors' attention, their voices went in vain.)

Sixth, *inability to access information* makes it very difficult for national print media to report transparent and authentic information. The government remains to be the source of information. As such, the right to access information is subject to government control. This is done through the Press Bureau which is under the control of the Ministry of Information; again subject to government control!

Seventh, the standard of *professionalism* and *ethical considerations* is not of high quality as it ought to be.

Eighth, the *lack of training* to support print and electronic journalism has contributed to the ailment of the organization and its loss of vision as to where it needs to go. Indeed, there is a technology gap between those who have access to the latest forms of science and technology and those who do not. (This gap certainly needs to be bridged.)

Finally, a *blurred mission* has hindered the national press from supporting democracy and human rights in Egypt.

- **A State of Limbo**

The publishing houses are still immensely plagued by the same problems from before the Revolution. These problems have been further aggravated by the current political and economic decisions. However, if the national press was to gain control of any assets previously embezzled by the ousted bosses, it would still be in a very difficult economic situation. Many of the top leaders and officials of these newspapers have repulsive political or ethical reputations—or both. Although many such senior officials associated with the old regime have been removed, their replacements have not been any different. For instance, a group of reporters gathered in Tahrir Square demanding the “cleansing” of the press with posters displaying photographs of their bosses. Echoes could be heard of similar descriptions of the current situation as a state of limbo between a discredited old regime and the now Morsi’s MB regime that may not hold that much promise.

Investigations of corruption charges against former as well as current officials of the national press “continue to proceed slowly if at all, fostering simmering resentments and potentially depriving the institutions of funds they desperately need to recover.” (25) The only newspaper that may survive the difficulty seems to be *Al-Ahram* due to its circulation and advertising besides earning revenues from its printing press (which most of the independent newspapers are forced to use due to licensing restrictions on other press.)

Nevertheless, Egypt’s national press cannot operate as it has in the past; it has lost its economic and political base. A serious restructuring is indeed imperative as most national press is burdened with tremendous debts, overstaffing, dropping circulation, and politically exposed (making a bailout difficult). One chief journalist at Dar al-Hilal once explained, both an

economic and a political restructuring is necessary. “The former is needed to reconstruct institutions that stop bleeding funds; the latter is needed to shore up professionalism and grant the national press the autonomy and credibility it has lacked for generations.” (26)

But the path forward is extremely hazy at present. Seemingly, both tasks are intimidating. Economic restructuring is difficult as Egyptian media outlets pursue limited advertising revenue, shrinking readership and loss of credibility. Whereas independent newspapers are able to rely on freelancers, smaller staffs, and wealthy backers, the national press has to strive to find a way not only to earn revenue and cut costs but also to dig out of its huge debt. It is necessary; however, to enhance readers’ participation and access to information to guarantee individual’s liberty and the effective functioning of the democratic process.

Political restructuring is also problematic. Ironically, it is unclear what role (if any) the national press should have if some mechanisms of the authoritarian regime are completely dismantled and with Morsi’s regime, skepticism lurks.

Nevertheless, economic and political restructuring might pull in conflicting directions. The former requires addressing the problem of an overstaffed, underpaid, and underperforming labor force. The latter requires answering demands of the employees by mobilizing them and inspiring real reform.

Moreover, national press may not witness any freedom “unless we take a close look at its ownership or by segregating between its ownership and administration. As for responsibility, there seems to be a grave difference between those papers that attend to scoops rather than paying attention to objectivity and credibility.” (27)

Practically speaking, the structures that the national press report to—the Ministry of Information, the Shura Council and the parliament (currently dissolved) —are themselves in a state of political limbo. In the absence of a clear process for political reconstruction, Egypt’s national press may, indeed, lack the ability to restructure itself. As such, the following objectives are suggested for media reform:

1. To evaluate the media performance during the last 5 years since 2005 elections until January 25<sup>th</sup> Revolution.
2. To propose alternatives for media reform based on international experience that may be related to the Egyptian context.
3. To enhance the capacity of media cadres by providing regular training sessions and supporting print and electronic journalism.

According to Brian Steffens and Ed Lambeth, what separates journalism from other information media is its key role in the conduct of public affairs. Successful politics mean successful government, press and people who are partners in the democratic process. (28) Furthermore, “the mission isn’t yet accomplished. Indeed, toppling the regime’s head doesn’t necessarily mean the end of the old regime since its tools and system still exists. Perhaps, it’s trying to bring it back to life.” (29)

- **The New Constitution & The Press**

Constitutions and international treaties may guarantee freedom of expression but the reality on the ground may somehow be different. Millions of people around the world live in countries where the flow of information is tightly controlled, censored and freedom of expression discouraged or restricted. Defamation laws preventing criticism are all too common and prevalent around the world. Egypt is no exception. This is true in the Middle East and North Africa. Despite the fact that on paper, the Egyptian Constitution guarantees the right to free expression, in reality government practices, laws and regulations obstruct that right.

If constitutions are insecure, governments will repress freedom of speech, freedom of expression and freedom of assembly. Imperatively, Egypt’s new constitution must be founded on two basic rules: separation of powers and a strong respect for fundamental freedoms. The West chose freedom because they decided that “freedom of speech was not only no threat to, but a condition of, a durable democracy.” (30)

Freedom of the press is crucial to any democratic regime. This freedom equates responsibility – a general norm in all laws. All dictatorial regimes had always been hostile to freedom of the press despite disclosing otherwise. Notably, the Egyptian press had enjoyed press freedom after 1919 Revolution; during which time liberalism spread. With Nasser’s 1952 Revolution freedom of the press got to be restricted and during Sadat’s era, the press witnessed a limited freedom that was severely curtailed following 1977 riots. During Mubarak’s regime, all institutions declined tremendously and the media could not escape such decay.

Consequently, people were divided into those who envisioned a dire need for a new constitution that represents a roadmap for the ensuing period. However, others favored holding parliamentary elections before drafting the new constitution. The latter won, unfortunately. A turbulent period followed creating a legislative vacuum after which a limited majority in favor of political Islam took over the political scene representative of the Freedom and Justice Party (MB) at which time, SCAF’s Major General Tantawi hurriedly called for the establishment of a constituent assembly to produce a Supplementary Constitutional Declaration (SCD) aiming at limiting the power of the president while still holding onto its old entrenched power. (31)

In drafting the derailed new constitution, Articles regarding the press and media do not differ much from those set in 1971 Constitution. Article 2 advocates the right to stall and cancel

newspapers through judicial procedures; despite the toppled regime which had concurred in 2006 under journalists' pressure by cancelling the halting punishment in Articles 199 and 200 of the Law. Regarding the cancellation of newspapers; whether through administrative or judicial procedures, Egyptian Laws appeared to be devoid of it since the drafting of 1923 Constitution.

The Press Syndicate has posited that no censorship, confiscation, suspension, or cancellation shall be imposed on the press or on any other media. Nevertheless, Article 3 limits the right of ownership and publishing of newspapers to public and political party figures – a statement that was added to 1971 Constitution in amendments introduced in 1980; thus, confiscating the right of private individual ownership; a right that Egypt had until 1980. Moreover, Article 5 returned jail sentence in slander and libel crimes. Notwithstanding, the old regime had agreed in 2006 to replace such offense with a fine for offenses ranging from slander, libel to insulting a foreign country representative. (32)

The need for an interim set of rules that could fill the current constitutional vacuum in Egypt was and is still pressing. Without one, people have no idea what powers Egypt's elected President Morsi possesses; especially with the bold measures he recently embarked upon when he announced on August 13, 2012 the annulment of the Supplementary Constitutional Declaration after declaring the retirement of Major General Hussein Tantawi, chief of SCAF since 1993. Nor do people know what his relationship would be with respect to other organs of the state like the judiciary and media, per se. However, the idea of putting such an important document together in haste without really reflecting all society's cross-section and without consultation is still deeply worrying.

Some journalists have acknowledged that under the current circumstances, old habit of self-censorship has not disappeared completely. Undoubtedly, censorship and control of information serves the interest of but a privileged few; the rule of law is negatively affected, human rights ignored and corruption unchecked. Albeit, the new regime would still exercise its hegemony over the media bringing it back to square one!

Moreover, the same old system is still in effect and no journalist is immune to Crimes of the Press Law and the list of offenses is awaiting journalists from national and independent press alike. In fact, on August 8, 2012, the Interior Ministry's raided Dar Al-Tahrir Printing House at sunrise to confiscate independent *Al-Dostour* newspaper which opposes the MB on pretext that it contains material that touched President Morsi's own figure and humiliated his character; thus, constituting a crime, "as if we've returned to 'sunrise visitors', no law, no principles, nothing." (33) Here, a question looms: who is behind such attack? The MB. Yes, indeed, Egyptian Freedom is in jeopardy!

- **The Shura Debate**

Before the January 25<sup>th</sup> Revolution, editors-in-chief were appointed by the president under an institutional arrangement devised in 1970. They were eager to become personally close to the ruler and display their loyalty by writing what's in his favor and in return they were granted a free hand over their domains. "Heading one of these institutions could bring tremendous job security, considerable autonomy, and high pay. Turnover was not unknown, but it was rare. In 2005, some figures with more than two decades of service were forced to retire in a string of changes marketed as reform, but amounting to a substitution of new sycophants for old ones." (34)

In his column entitled "½ Word," published on July 21, 2012 in *Akhbar El-Youm*, journalist Ahmed Ragab commented that some presidents used to tell editors-in-chief (whom they have chosen) that they write their names in pencil and as such can be erased easily. (35)

Ironically, the MB holds the majority of seats in Parliament and in the Shura Council. Whereas, the Shura Council is still responsible for selecting editors-in-chief of all national newspapers which constitute eight institutions producing 55 publications; a real battle reminiscing from the ailing regime continues. One assumes a hideous desire by the Shura Council to tailor editors-in-chief who can carry out certain tasks at this time (36) resulting in a crippled media still controlled by the government. Many people wonder why the Shura Council still continues to exist. "Once more, we witness press nationalization." (37) If both the Shura Council and the Parliament constitute legislation, it will be impossible for such legislative body to own the national press. "Nowhere on earth have we heard of a legislative authority owning the press unless our situation is askew." (38)

It was agreed; nevertheless, to keep the Shura Council until discussions were held regarding the drafting of Egypt's future constitution. The fact that Egyptians hardly exceeded 10% in the Shura Council elections reflects how people did not believe it was needed to begin with.

Paradoxically, the MB "suddenly remembered that the Shura Council enjoys powers that they need to put into action. Feeling bitter towards editors-in-chief of 'national' newspapers whom they accuse of failing to back President Mohamed Morsi in his election campaign, the [MB] deputies announced that they will appoint new editors to all state-controlled newspapers." (39) And so they did!

Nobody can disagree on the press's need and the media in general for reform and change. "However, one doesn't presume that such reform can be achieved through the Shura's selection of new editors-in-chief due to the fact that the Shura Council itself represents a parable created by former dictatorial regimes to control the media and play with people's minds." (40)

And now with Egypt witnessing a new era after January 25<sup>th</sup> Revolution, it is irrational to continue this obsolete system which reflects a continuation of corruption and making the media a mouthpiece of the regime that carries out a dictated agenda instead of implementing its role as a tool for spreading information, enlightenment and reflecting societal needs. Without a free press, the Revolution will not be able to achieve any of its goals and Egypt will not proceed in the right direction.

In her article titled, “No to Editors-in-Chief Selected by the Shura Council,” published in *Al-Ahram* on July 30<sup>th</sup>, 2012, Asmaa Al-Hussainy suggests that the press people should refuse new selections of editors-in-chief and hegemony by unspecialized people over the media. Furthermore, she calls for a national media conference where media people and specialists participate to examine an adequate drafting of ownership and administration of national media institutions and its relationship with the state and not the government. She concludes her argument by extending a warm welcome to public opinion, to dialogue and participation rather than what the Shura Council posits now; which reflects a certain party’s disposition. However, she proceeds; the media should represent the society and state that are more than just parties. In the end, if this situation continues, she warns, people should expect more intervention from the government.

If “we want a civic, democratic, modern and contemporary Egypt (that is also based on Islamic principles)” the Shura Council should neither own it nor should a governing body like the SPC still exist. (41)

- **Media Development & the Democratic Transition**

Crucially, the Egyptian society needs a media that expresses the goals of the Revolution in which 1500 people sacrificed their lives and some 9000 who got either severely wounded or maimed. Yet, “the ways in which the media is currently studied are themselves in need of reform.” (42)

There is a dire need for a media that do not cater to special agendas or aims at profitability. “To realize these needs we must restructure the media establishment, strengthen its professional standards, enhance its administrative and financial efficiency, and turn it to the service and aims of society as a whole.” (43)

In 2008, the focus was on building capabilities of Egyptian journalists in preparation for a media in transition. Scholar Naila Hamdy focused on the need for professional training and the need for a national policy of media development by the government. According to Botros Botros-Ghali, former Secretary-General of the United Nations, media figures must be fluent in other languages besides English [and French] like Russian, Chinese and Japanese.

A *new code of ethics* should be instilled to implement the following recommendations:

1. Creating a legal environment that protects the rights of members of the press. This requires new laws to reform the existing ones.
2. Focusing on journalists' skills & financial stability.
3. Institution building by utilizing information technology, developing new financial relationships with national & international press partners.
4. Building journalists' professional ethics & ensuring that they can continue improving their skills.
5. Empowering experts to measure the press's independence, integrity & competence.

This final point entails three important components that are noteworthy:

- *Independence* = Enacting freedom of expression, press ability to access information, absence of censorship & journalist's professional independence.
- *Integrity* = Setting up clear standards & ethics for professional journalists including
  - a. Searching for the truth
  - b. Honesty
  - c. Loyalty
  - d. Accuracy
  - e. Objectivity
  - f. Respecting news sources
  - g. Protecting Privacy
  - h. Avoiding defamation
  - i. Refusing bribes (money or junkets)
  - j. Fighting against corruption
  - k. Refusing to submit to others' views through media diversity & equal access to content.
- *Competence* = Assuring professional qualifications & providing opportunities for periodic training

Our press shall be independent. No authority shall interfere in selecting editors-in-chief or in newspapers' political tendencies. If selecting editors-in-chief by the Shura Council used to be the norm, after the Revolution, it would be a shame to still keep these rules. A separation must be made between the ruling authority and newspapers' editorial stance. In a democracy, though rulers may be changed, editorial policy may not. (44)

The media should be more effective in supporting democracy and human rights in Egypt. As such, it would first have to build a secular middle class, reach a level of economic growth and foster a democratic culture. Furthermore, toward a secure exit from the crisis, Dr. Mohamed El Said Idris stresses the necessity of a social-political contract between the leader and his citizens



that works as a compass which directs the government toward good governance based on complete justice and freedom.

Repressive regimes everywhere are finding it much harder to control the flow of information. Whereas security forces have tried to close down the internet as in the case of Egypt during the January 25<sup>th</sup> Revolution, people are often quick to find ways to dispatch and receive information.

Despite the challenges facing the emerging Egyptian democracy, there is an opportunity for national dialogue that can lead to a new constitution meeting the needs and aspirations of all members of the society. Few minimum requirements of democracy are freedom of expression, the right to vote, free and fair elections. Nevertheless, democracy is not just voting as it may produce populous despotism. (45) Therefore, “[t]he most important aspect of Egyptian democracy-building will not be the elections. It will be the writing of the constitution and making sure there are guarantees for women, for minorities, for free speech and for free assembly.” (46)

Regrettably, democracy in Egypt represents some piecemeal reforms but has little to do with changing the existing power structure. While the press has opened up in a number of ways in the wake of the Revolution, reform of the media is still underway. Journalists still face government repression and state media still largely act as a government’s mouthpiece. For instance, during the interim period, the SCAF applied restrictions on any reports, topics, news, statements, complaints, advertisements, pictures pertaining to the armed forces. In March 2011, SCAF had summoned and interrogated several journalists in military courts. Red line used to be Mubarak then it was the Military Council and now doubts surrounds Morsi’s real intentions in this respect.

Unfortunately, *Al-Ahram* new editor-in-chief cancelled a page tracing how Morsi was faring in fulfilling the promises of his first 100 days in office. No reason was given. Also, one critic was asked to tone down an article in which she criticized MB for trying to dominate the state and its apparatuses. Her article was pulled after she refused to change the phrase, “journalism has worn a veil.” (47)

Political scientist Daniel Brumberg calls it an “endless transition” that would never reap results and would only enrage regime opponents. The US and EU concur that such change would be gradual. To them, economic reform had to precede political reform.

### **Some Pointers for Consideration**

Although the way forward may seem vague, rigorous developments will likely force the issue.

First, *corruption* cases of media officials will certainly expose the decay inside these institutions.

Second, the *frustrated employees* who chose to be discreet could easily protest if disgraced editors are not replaced, wages are unpaid, prosecutions do not materialize, or reform gets delayed.

Third, elections for the *Press Syndicate* should be free and transparent under the new regime that should not aim to co-opt its members so easily. This entails reviewing the structure and role of the Press Syndicate and transforming it into an independent institution that supervises national and independent press. This demand needs learning from other successful experience to emulate good practice. In sum, a democratic regime functions alongside a democratic media. (48)

Fourth, the election of a new *parliament* representing all parties will create a new pressure point for those seeking reform to rush to this parliament demanding that their positions and salaries be safeguarded.

Fifth, the *Constitution* should devise a new manner rather than the current arrangement of attaching the press to the Shura Council. (49)

Finally, *free access and flow of information* should be guaranteed to all media who shall be credible and transparent in their reporting.

## **In Search for a Model**

Two types of press institutions have been described; the market model and the public sphere model. Whereas the market model treats the press as any other business institution, run for profit with readers being merely customers. Public sphere model advocates that press should uphold the interests of the public who should be treated as citizens not customers. (50)

- *Free Model* – spreading information to the public free of charge (internet);
- *Less-is-more Model* – deciding to maximize profits – often at the expense of the quality of news coverage.
- *Advertising Revenue Model* – relying mainly on advertising as the newspaper’s primary source of revenue. Yet, advertising alone can’t support press organizations.
- *Subscription Model* – charging readers for online editions through a monthly subscription. Examples: *Newsday* and *The Wall Street Journal*.
- *Micropayment Model* – charging readers a small sum for each article they receive. Example: *The Financial Times*.

- *Non-profit Model* – aiming at merely promoting social welfare rather than making a profit.
- *Niche Market Profit* – targeting a small but affluent readership through directing messages at specialized interests, tastes and groups.
- *Collaborative Model* – pooling their resources through combining business operations (sharing articles & photos) of competing newspapers in a geographic area while maintaining separate – and competitive – enterprises.
- *State-run Model* – generating revenue through public taxes. The press is owned by the public but operated by the government. (Authoritarian countries find this model very handy to control the press). In Sweden, at least two newspapers must be published in every town; one is liberal and the other is conservative. If one is unprofitable, the town taxes and donations go to support the struggling paper.
- *Investment Capital Model* – assuming that the press is a sound investment; accordingly, it aims at attracting investors.
- *Employee-owned Model* – forming a union that purchases the newspaper; hence, making the employees co-owners. The rationale behind that is that employees are familiar with the operation more than others. (51)
- *The Guardian Model* – Being run by Guardian Newspaper Limited (GNL) and guided by the values of Scott Trust – founded in 1936 – to uphold and protect the newspaper's independence. *The Guardian* conducts social audits in order to evaluate the impact of its overall activities ranging from news coverage, environmental effect and response of the newspaper's stakeholders like readers, journalists and advertisers regarding the paper's performance. (52)

The Trust sees its main functions as being the following:

- To secure the Trust's own continuity by renewing its membership and by dealing with threats to its existence;*
- To monitor the organization, financial management and overall strategy of the Group, holding the board accountable for its performance;*
- To appoint and 'in extreme circumstances' to dismiss the editors of The Guardian.*
- To act as a 'court of appeal' in the event of any dispute between the editorial & managerial sides of the operations. (53)*

## **Revamping the Same Old Road**

In her article, “Reclaiming the State Media,” published by *Al-Ahram Weekly*, journalist Awatef Abdel-Rahman posits the following recommendations:

First, *abolishing articles* contained in The Press Regulation Law of 1996 *restricting freedoms* and clamping down on journalists.

Second, *guaranteeing professional and administrative autonomy* of national press under the ownership of the state but within the supervision of the Press Syndicate who’s responsible for ensuring complete application of the journalist’s Charter of Honor.

Third, the *Press Syndicate* should be the main body to *select editors-in-chief* based on a criterion of professional and ethical standards drafted by the Press Syndicate. Candidates must present proposals envisioning the development of state journalistic establishments. Selected editors-in-chief must be accountable to the Press Syndicate.

Fourth, each *newspaper* should hold *elections* for their board of directors who shall be *accountable to the Parliament*.

Fifth, *Newspapers’ Board of Directors* together with the *Press Syndicate* shall be accountable for *advertisement content*.

Sixth, a new *budgetary and accounting system* should be *applied by the Press Syndicate* to all newspapers.

Seventh, periodic *professional training and awareness-raising sessions* for all levels of journalists must be conducted on a regular basis after which journalists who pass certain courses obtain certificates that guarantee their promotion.

Eighth, freeing and *purging national newspapers from business interests*.

## **Mixed-Revenue Model**

In a report composed by Ben Compaine of *The Huffington Post* entitled “Newspapers shouldn’t be seeking – and don’t need – government help,” he suggests three proposals: One advocating that newspapers should concert to non-profit status. Hence, their operating revenues would be tax-exempt.

Second proposal claims to find ways of making money from putting the newspaper’s work online.

Third proposal asserts a foundation-supported model whose mission is to support the press. “The journalism business will be stronger and more credible if it avoids the government’s embrace.” (54) Indeed, *The Huffington Post* (Huff Po) and *The Atlantic Philanthropies* announced in 2009 of a new Huff Fund to support investigative journalism with US\$1.75 million to preserve investigative journalism and its pertinent role in democracy.

Nevertheless, whether this final proposal safeguards a newspaper’s complete independence remains controversial!

## **Going Private – BBC Experience**

Some people claim that the solution to the debacle of national press in Egypt is in journalism privatization to reconstruct the media. As such, many journalists prefer the ‘public service’ model in which the press is financed by people’s taxes like that of the BBC.

Others assume that press privatization isn’t the real solution and is difficult to achieve. To reform the structure of the press, they propose abolishing the Ministry of Information and replacing it with a Supreme Council of the Media, which would be responsible for planning and coordinating between media channels within a framework of a national strategy composed of representatives of experienced journalists, scholars and a group of political, legal, cultural and social of various dispositions. Also, this council would be responsible for electing media leadership on the basis of professional competence, ethical practices and moral integrity.

But beyond vague suggestions of a BBC model for the Egyptian media, few proposals for political restructuring have been advanced. Nevertheless, advocates of this model emphasize learning from and emulating BBC’s successful experience where media is a public service financed by people to cater public interest.

## **Conclusion & Recommendations**

The coverage of the January 25<sup>th</sup> 2011 Revolution by national print media proved to be a fiasco; a disaster by all means that turned Egyptian people away in search for credible and transparent news from independent press, social media and foreign media. Such coverage instilled distrust in people’s minds; hence, proving that there is an internal decay that needs to be addressed and remedied at once.

The national press ought to be published for readers under a regime that does not co-opt the media, a regime that facilitates free access and flow of information. Its mission should be promoting and supporting democracy and human rights. The press must be independent in terms of finance and administration. Initially, a new constitution should be drafted defining the role of the press and media in general and guaranteeing freedom of expression and opinion. This constitution should also define the exact role of the president of the country, obligations,

responsibilities and his power limitation. Once a constitution is organized, all government branches will be organized. Notably, if Egypt aspires to establish a democratic regime, there must be a democratic media to begin with.

Nonetheless, national press should neither be owned by the government nor be fully privatized in order to continue its watchdogging role, expressing all segments of the society and not leaning toward one particular sector or expressing the opinion of its owner.

The jurisdiction of the SPC should be revised to clearly indicate whether it is an administrator on behalf of the owner of national newspapers or as a council with moral powers, representing public opinion and safeguarding professional ethics.

Regarding the selection of editors-in-chief, I would recommend changing the structure of the national press, to safeguard its independence, by having its own internal independent system in selecting its editor-in-chief and staff on grounds of efficiency, ethical practices and moral integrity rather than being selected by the Shura Council. This will guarantee that the press's employees will not be indebted to any external institution for their posts or promotions.

Egyptian press has its distinctive character; however, that requires a culturally sensitive approach that could borrow from various models. (55) Regarding its functioning, it may also be advisable to combine models – *BBC Model & Collaborative Model* – especially under the present political turmoil; while Egypt is staggering to put its house in order. While the first model represents a public service financed by the people, the second model can revive struggling newspapers by combining business operations through sharing articles and photos leading to a win/win situation. a public service financed by people to cater public interest.

Moreover, national press can benefit from others' good practice like that of *The Guardian*, one of the most respected newspapers which has taken leaps toward conducting social audits to evaluate the impact of its overall activities ranging from news coverage, environmental effect and response of the newspaper's stakeholders like readers, journalists and advertisers regarding the paper's performance. Likewise, training to support print and electronic journalism should be carried out.

Toward that end, it is imperative to revive the structure and role of the Press Syndicate and to transform it into an independent institution that supervises national and independent press alike. Regarding the retirement age, some journalists expressed their desire to extend it for national press establishment employees, beyond sixty years, year by year as long as he/she is able to do so, provided journalists can retire with pension at 60.

The fact that Egyptians discovered a power they did not know they had reflects how it turned out that they did not have to wait for democracy. To them, real change doesn't happen through

violence and doesn't necessarily come through NGOs. Change starts with a vision and when people desire it.

Finally, progress happens when a country draws a specific and clear strategy for itself and when it knows exactly what it wants. If Egypt is proud of its past; it is likely to take good care of its present and invest in its future.

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