

SLOVENIA: THE PERIOD OF "CAPITALIST ENLIGHTENMENT"

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Introduction

In April 1994, the main Slovenian daily newspaper Delo started to publish the following editorial statement in the section devoted to readers' letters to the editor:

Due to the new Law on the Public Media (April 23, 1994), editors are not bound any more by the provisions of the old Law on Public Information of 1986, that prescribed a special procedure in dealing with readers' letters. This means that from now on, the editors reserve the right to publish them or not, to abridge, summarise, or to publish them only partially, in accordance with the editorial policy and the space available. (...) The selection of letters is an exclusive right of the editors, in accordance with the editorial policy, which denotes Delo as an independent, non-party, and politically balanced newspaper, at service to the interests of the public, or civil society.

This editorial declaration is in a sharp contrast to the formerly declared right of citizens to publish their opinions, that has been, for more than three decades, one of the cornerstones of the legal regulation of the media in the former Yugoslavia. The right of "Yugoslav citizens, regardless of their nationality, language or religion, to express and publish in the communication media their opinions," was first introduced by the Yugoslav Press Act, adopted in 1960. Three years later, this right became, for the first time in the human history, a constitutional right: The ex-Yugoslav Constitution of 1963 guaranteed the citizens "the right to express and publish their opinions in the public media" (Art. 167). However, neither the Act of 1960 nor subsequent federal and republican constitutions (1963 and 1974) and press laws have stipulated how this revolutionary right — in contrast to the right of reply and the right to correct, whose execution was clearly determined by law — would be implemented and protected. There existed mechanisms of appeal to which the individual, whose letter was not accepted for publication, might resort, but the process was extremely slow and cumbersome. Nevertheless, in the

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eighties, this right - together with the right to reply and the right of correction - became frequently used by citizens, mostly in newspapers. The most important precedent occurred in a 1985 lawsuit when the Supreme Court of Slovenia ordered the main daily newspaper in Slovenia Delo (in that time the organ of the Socialist Alliance) to publish an article by a citizen criticising a high functionary of the Communist Party, but which the editor of Delo did not want to publish earlier. This case has become a very celebrated one for both editors and journalists, and citizens. The lawsuit opened the door to the democratisation of both communication and political spheres in Slovenia.

However, when in 1991 the Slovenian Ministry of information presented to the democratically elected multiparty parliament amendments to the former Act on Public Information adopted in 1985, it suggested "to cut out the provisions related to the publication of opinions." The Ministry admitted that "this citizens' right represented a great achievement of civilisation under the conditions of a one-party system." Nevertheless, it argued that "in a plural society and developed information market such a citizens' right, or duty of the media, is an anachronism; the media will be forced to publish opinions important for the public primarily because of the pressure of competition" (Splichal 1991, 497). This attitude of the then existing Ministry of Information (it was later transformed into the governmental information office) was strongly supported by the majority of journalists and their professional association.

The tendency of journalists (as potential owners of the press after the privatisation process) and media management to limit access of non-professionals to the media, which is hidden in the "new professionalism" of journalists, is neither new nor specific to any particular system. Lazarsfeld (1972, 123) considered "a nervous reaction to criticism" often exhibited by the media as an institutional disease, which is paradoxical because the media vigorously defend principles guaranteeing the right to criticise when their freedom is at stake, and try to limit the same right when another social actor — either a citizen or the state — wants to have it. It is paradoxical, however, that the "maturation" of the transition from the system of socialist self-management to a developed market economy and multiparty parliamentary political system is indicated by the abolition of the legal provision, that in fact enabled the initiation of this very process. Even more, this has been supposedly done "at service to the interests of the public, or civil society" in the period of time when civil society was in fact massively jeopardised by the state and political parties.

During the whole five-year transitional period, the changes of media system represented a highly politicised question; political debates about legal changes in the media sphere attracted as much attention as the questions of constitutional changes. The reasons are obvious. The media had an important role before and during the revolutionary political changes of the 1980s, and they continue to play an important political role. Significant political and economic changes in Slovenia were also aimed directly at the transformation of the party- or state-owned media. Finally, in one way or another, all the central questions of the period of transition pertain to the media: the role of the state and civil society, the question of democratic pluralism, problems of denationalisation and privatisation of the means of production, the quest for sovereignty and, of course, the liberalisation of the media systems themselves.

