

**NATIONAL INTEGRATION, MEDIA AND DEMOCRACY  
IN POST-MILOSEVIC SERBIA:  
SOCIALIST LEGACIES, NEOLIBERAL STRATEGIES**

by

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## **ABSTRACT**

This dissertation offers a socio-historical analysis of media and democratization in post-Milosevic Serbia. The transformation of Serbian media structures and practices is framed around competing notions of democracy and a clash between two opposing conceptions of national integration: the universalism of an egalitarian legal republic and the particularism of a community united by historical destiny, common language and culture.

The ousting by the democratic opposition in 2000 of the authoritarian and nationalist Milosevic regime set in motion, in conjunction with the capitalist transformation of Serbia's economy and society, the development of democratic processes and institutions. In the process, domestic political elites and media reformers discounted participatory democracy as a form of media organizing, embracing instead the liberal and elitist notion of democracy advocated by Western governments and aid organizations.

The complicated issues of national integration, state formation, and media in two consecutive historical periods, are critically reviewed highlighting ideological, structural and cultural legacies influencing Serbia's ongoing transformation. The media transformation process has centered on privatization and the construction of a legalistic regulatory framework, changes which have resulted in the alienation of Serbian media institutions from both from journalists and a society deeply ambivalent about the choice between universalism and particularism. The dissertation assesses both the elitist nature

of the transformation and the controversial micro-dynamics of power as it operates among the agents of change.

This dissertation argues that Serbia's unresolved questions of external and internal sovereignty have the integrative capacity of the democratization process less effective. Moreover, a form of integration through ethnic bonding still prevails and presents a powerful challenge to the still-embryonic social bonding achieved through democratic citizenship. The tension between the nationalistic and republican conceptions of democracy has contributed to the contradictory and volatile development of a Serbian constitutional democracy, public sphere and democratic media. The dissertation concludes that the polarized pluralist system of media and politics found in southern Europe also provides important insights guiding our consideration about the possible direction of the Serbian transformation.

**To Sue**

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## INTRODUCTION

For small Balkan nations such as Serbia, the co-existence of national identity and ethnic self-assertion remains a question whose resolution fundamentally conditions the prospects of economic and political progress. The process of democratic transition in the Balkans is not isolated from the impact of the identity issue. Moreover, the eventual success of social, political and economic transformation is measured in the ability of the current respective elites to deal with differences in general and ethnic and identity differences in particular.

The emancipation of the Balkan nations has been an ongoing process, subdued and latent in some historical periods, but emerging in its ugly form through ethnic nationalism at other historical junctures. At certain times the emancipation has been glorious in its idealization of a world in which ethnicity disappears. With the end of the Ottoman and Austro-Hungarian Empires in the 18<sup>th</sup> and 19<sup>th</sup> centuries, the *imprisoned nation*—small Balkan ethnic groups—rushed to establish nation-states that would be analogous to those maturing in the rest of Europe. Serbia achieved partial independence from Ottoman rule as a Duchy in 1878, and then full independence as the Kingdom of Serbia in 1882. A few decades later, the conclusion of the Great War in 1918 gave the people of Slovenia, Croatia, and Bosnia and Herzegovina a chance to formulate their nationhood out of the ruins of the Austro-Hungarian rule.

In 1918, inspired by an ideal of Pan-Slavic unity of the Slavic people—based on historic affiliation of culture and language—the elites and intellectuals relinquished the

quest for full sovereignty of their corresponding territories, and formed a supranational state with a Serbian king at its helm. The new state took various forms, first as a Republican Monarchy (the Kingdoms of Serbia, Croatia and Slovenia in 1918, and as the Kingdom of Yugoslavia in 1929) and later, a Communist/Socialist republic, in 1945. However, the idea of the unity and fraternity of the various ethnic groups persisted up until the late 1980s, when different Yugoslav elites renewed their fervour in reclaiming independent sovereignty for Yugoslavia's constitutive republics and nations. This quest for self-realization led to considerable animosity among Yugoslav ethnic groups, and bitter conflict characterized most of the 1990's. When Montenegro left the short-lived state union between Serbia and Montenegro in 2006, a democratic Serbia, found itself again renegotiating the demarcations of its statehood and identity.

The redistribution of political power in Serbia, which commenced soon after the victory of the democratic opposition in the 2000 election, provided a strong impetus toward the reconstruction of the entire political, economic and socio-cultural context. As a component of this change, the new political elites and the media reformists envisioned structural and moral reconstruction for the mass media, which had suffered extensive damage on the economic and moral plains during the more than a decade of the Milosevic Socialist regime.

To achieve this democratic reconstruction, the major institutions of the European Union (the European Commission, the Council of Ministers, the European Parliament and the European Court of Justice) requested sweeping changes from Serbia at the state governance level of organization. Demands included an entire revision of Serbia's legislative and legal system, reform of the state apparatus and institutions, and the

reconstruction of Serbia's failed economy and industry. For the most part, such a transformation was to be achieved on the premise of adoption of the advanced West's tradition and experience—especially in the policy sphere including western traditions of independent media.

In an attempt to chart the profusely contradictory dynamic between the state, identity, media and democratization of Serbian society, this dissertation focuses on several relevant questions posed by Hackett and Zhao (2005). These questions are the following:

- How adequate, or relevant, are the Western models and concepts in understanding and assisting the processes of political and media democratization throughout the world?
- To what extent is democratization not simply a political process but a cultural one, involving the media in processes of identity formation much broader than the provision of political information? (pp. 22-26)

To probe these questions, it is important to turn to four dimensions of communication outlined by Robert A. White (1999): “a) clarification of normative models grounded in social philosophy of democratic communication; b) an analysis of the economic, political, and sociocultural conditions that both demand and support [or subvert] democratic communications; c) an analysis of the social rigidities, ideologies of power concentration and mechanisms that thwart efforts toward democratic communications; and d) an analysis of how practitioners negotiate change in the face of social rigidities” (p. 255).

This dissertation describes the contradictory and mutually constitutive processes of social integration (nationalist and republican), the state transformation and the mass media reform which define this specific conjuncture in Serbian history. The study uses as

a guiding reference, contesting democratic (Western) media criteria for the development of democratic media in specific Serbian historical and national restorative contexts.

Keeping the two general questions from the beginning of this dissertation in mind, I also ask, with respect to extent and applicability, what specific democratic model informs the current transition of the Serbian mass media? And finally, do western democratic media models and concepts take the national identity issue into consideration, and if they do, to what extent?

The analysis of Serbian media reform that follows is particularly attentive to the critical theoretical contributions of media democratization as a critique of, and an alternative to, the dominant market liberal approach in which the market assumes a central social integrative role. The thesis thus attempts to dissect the initial steps in the process of democratization, after political changes that occurred in Serbia in 2000, with regard to the fragmented and defused social forces involved in bettering, or repressing, the structural configuration of civil society and the media within the public sphere.

Although it has been seven years since the peaceful, constitutional, though massive and sudden revolution (Stojanovic, 2003), and the historic transference of power in Serbia, there has been a scarcity of literature that attempts to analyze the reform of the Serbian media with respect to available western contemporary theories on media democratization. If the justification for this lacuna lies in the risk of the analysts being accused of *westerncentrism*, then there is not much substance to this claim, as the entire reconstitution of the Serbian society, including the Serbian media, was engineered based on democratic traditions of the most advanced Western societies. Empirical evidence presented in chapter six reveals that the major portion of Western tax dollars has been



spent in aiding this particular purpose—the rational transformation and reconstruction of the media sphere.

There are a number of reasons why Serbia deserves specific attention. Some stem from the fact that after the Second World War the former Yugoslavia, in contrast to the countries integrated into the Soviet bloc, followed a distinctive (though still communist) path of development. A defining characteristic of the Yugoslav model was the introduction of self-management, an organizational feature which made a decisive imprint in all spheres of society, including the form of integration and structural organization of the mass media.

Although it has been in retreat following the collapse of Yugoslavia and the current liberalization of the mass media in Serbia, I argue that the model of workers control of the former Yugoslav media—although itself riddled with controversies due to the Communist Party’s occasional interventions—represents an important contribution to democratic media theory as an alternative communist conception that is more compatible with humanist emancipation. It is my belief that although seemingly overrun by Tito’s authoritarian and then Milosevic’s totalitarian control, the spirit of the workers’ control of the mass media continued to affect journalists in a profound way, notably in mobilizing the international and domestic community in defiance of Milosevic. Regrettably, after the so-called 2000 “peaceful revolution,” a historically embedded discourse protecting a place for a decentralized public service system at the municipal level does not emerge, making progress for sustainability bleak. This argument most specifically informs the chapter treating the current privatization of the mass media in Serbia.

The second major characteristic, also associated with the social, political and

economic contexts, has been attached to the breakup of Yugoslavia into six (at this moment) independent state entities—an event around which the question of ethnic integration and identity building came to prominence, outstripping other pressing issues. As a consequence, my second argument revolves around the notion relevant for small Balkan nations and for Serbia in particular, that the failure of liberal-pluralist communication studies and democratic communication theory to adequately accommodate theories of national identity and ethnic self-assertion fundamentally limits some regions' prospects of economic and political progress. This limitation stems from two fundamental problems: that the liberal-pluralist approach concentrates on normative models to assess mass media performance in fostering democracy, and that the approach engages in a form of media analysis that often fails to address structured forms of inequality and power.

With respect to the first problem, the liberal free market, liberal public sphere and radical models of mass media democracy, which I discuss in the first chapter, represent a body of normative models utilized in the evaluation of the functioning of the media around the world including Serbia. As we will see, the liberal free market and liberal public sphere models have a limited perception of the structured forms of inequality and power. Although this is not the case with a radical model, all of these normative prescriptions seem inadequate in addressing the issue of national identity and ethnic self-assertion.

In contrast to liberal-pluralist communication studies and democratic communication theory, the political economy approach has more to offer for the analysis of the mass media in Serbia, simply because it does pay attention to power relations. Its

relevant straights have been identified for us by Peter Golding and Graham Murdock (2000, pp.72-73). First, the critical political economy approach to the media is holistic—the economy is not seen as separate from political, social and cultural life. Second, it is historical—that is, it takes into account continuity and change—in that it pays attention to long-term changes in the role of corporations, the state, and the media. Further, the critical political economy approach is “centrally concerned with balance between private enterprise and public intervention” (p.73). Finally, the approach moves beyond “technical issues of efficiency to engage with basic moral questions of justice, equity and the public good” (p.73). The critical political economy approach can thus be effective in addressing the dialectical notion of social change that accounts for the redistribution and concentration of social power, and for the rigidities and constraints created by the forces involved in the strategic recomposition of a society.

Although undeniably useful, the critical political economy approach, which has been developed largely in the context of advanced and relatively stable capitalist societies in the West, has not been able to adequately address the issues of meaning, identity, and cultural politics in non-Western societies, let alone rapidly disintegrating and reintegrating societies in the former communist bloc. The complexity of the Serbian cultural space in which a variety of influences combine and conflict can be better understood if we make another step and consider the involvement of politics in issues of recognition and identity—with an emphasis on the formation and reformation of the nation-state and questions of national integration and (ethno)nationalism.

Of particular relevance to this analysis is Ernest Laclau and Chantal Mouffe’s (1985) thesis that social objectivity (as well as political order) is constituted through acts

of power while being political in the sense of engendering exclusions in the process of its constitution (Mouffe, 2000, p.99). Here the concept of hegemony itself describes a reflection of a specific pattern of power relations in a particular political order (p.99). These power relations have been articulated through the discursive strategies of multiple agents, who themselves are perpetually reconstituted.

Furthermore, since any political order is the expression of a specific pattern of power relations the crucial question becomes that of determining what form of power relations constitutes democratic order, in other words, to what extent do the members of given community participate in policy making? According to Robert A. Dahl (2000), a constitution must be in conformity with one elementary principle before further notions of criteria for democratic government can be developed: “ all the members are to be treated (under the constitution) as if they were equally qualified to participate in the process of making decisions about policies the association will pursue” (p.37). Dahl goes on to distinguish five requirements for achieving goals stipulated in such a constitution: effective participation, voting equality, enlightened understanding, and control of agenda and inclusion of adults (pp.37-38).

Usefully, most models of democracy distinguish the way in which, and the extent to which the participation takes place. In *Capitalism, Socialism and Democracy* (1947), Joseph Schumpeter challenges the classical normative model of democracy proposing a now-dominant ‘aggregative model,’ indicating the aggregation of preferences through the electoral process. Dahl (1989) critiqued Schumpeter’s perspective, arguing that such a notion of democracy constrains the extent of political equality (pp.121-123 and pp.128-130). Similarly, through the concept of ‘deliberative democracy,’ John Rawls (1971) and

later Jürgen Habermas (1998a) also provide a critique of the aggregative model's instrumental rationality and its "reduction of democracy to procedures for the treatment of interest-group pluralism" (Mouffe, p.82). Put succinctly, Rawls suggests a revival of the moral dimension in liberal democracy as a basis for rational consensus making while Habermas advocates a strictly proceduralist approach to deliberation and rational agreement by means of eliminating the various positions in the moral discourse.

Mouffe (2000) sees both Rawls and Habermas' versions of deliberative democracy as problematic, since they suggest the elimination of the dimension of power and antagonism in the process of deliberation. Again, having in mind that any social objectivity is ultimately political and thus a result of a specific pattern of power relations it is essential to perceive the power struggle as both a necessary ingredient and the very legitimation of what democratic pluralism stands for. Mouffe's model of 'agonistic' democracy re-establishes recognition of power's constitutive character while acknowledging its exclusionist trait. This is indicative for the Serbian context and the current stage of the development of its democracy. As Mouffe states "To foster allegiance to its institutions, a democratic system requires the availability of ... contending forms of citizenship identification. They provide the terrain in which passion can be mobilized around democratic objectives and antagonism transformed into agonism" (p.104). The absence of democratic confrontation will lead to a resurgence of altercations among other forms of collective identification (p.104). For the purposes of the analysis, Mouffe's notion of agonistic pluralism, perceived as a confrontation of positions, suggests an open possibility for a greater level of participation in the process of decision-making.

With the foregoing in mind, an examination of the Serbian process of transformation can be described in terms of “a shifting of balance between descriptive-explanatory and normative statements; that is, between statements about how things are and why they are so (actual), and statements about how things ought to or should be (ideal)” (Held, 1996, p. 8). Chapter one presents a core example of such a strategy.

The second chapter of this dissertation offers an overview of two historical periods. The first reviews the Yugoslav Communist League’s model of political communication and journalism, whose rudimentary tenets derive from the ideologies of Marx and Lenin. This model prevailed in the era of Tito’s communism, which spanned the period from the breakdown of fascism in Europe and Serbia in 1945 until the beginning of the 1980s. The second period considers the coming to power of Milosevic at the end of the 1980s and the harnessing of the media for the purpose of reconstructing Serbian nationhood amidst the breakdown of the Yugoslav federation.

Chapter two is essential, for at least two reasons. First, it offers a glimpse into ideologies whose doctrines concentrate on national self-preservation. Second, it reveals the gamut of Milosevic activities aimed toward the negation and suppression of liberal democratic rules and principles in which the neutralization of public autonomy, whose pivotal constituent was the media, has been consistent. Joined together, these important aspects of this period account for the existence of legacy problems in post-Milosevic Serbia.

The central body of this dissertation, consisting of four chapters, can be divided along two lines of analysis. Chapters three and four concern the legal and structural reconstruction of the media. I trace the steps followed in the institutionalisation of new

forms of social integration. Chapters five and six deal with the various agents of change: their social status, their values, their motivations and their practical participation in the reform of the media.

To elaborate on the foregoing: the phenomenon of continuity in the sphere of media law and regulation is the subject of part of the third chapter. The chapter opens with an overview of the general political context of the democratic revolution in the year 2000, the first step in the consolidation of power and the ongoing transformation of the country's entire social, political and economic life. A series of problems relating to the political aspects of the transition and specific to the Serbian milieu, are also addressed in this chapter, such as new legislative framework for the media, issues surrounding the penal code, enduring intolerance in news discourse and other informal political pressures and practices evident at this developmental stage of Serbian society and the media.

Chapter four is concerned with the economic side of the media transition. Here we clarify the economic structure of the various print and electronic media, the question of and privatization and transition of ownership and the nature of the existing market and commercialization. Structural economic changes are imbued with specifics that serve to reveal the state of consciousness of some of the major actors involved in the reform of the media, including the state of their popular perception, their interests, values and expectations.

Chapter five concentrates on journalists as a social group, their education patterns their professional practices, their ethos, their mentality (enduring values), and their biases. Journalists here are seen as members of society who share the nation's confusion on the important questions of identity and morality. In addition to the problems related to

the profession of journalism, the chapter examines a split caused by an ideological rift among members of the journalism community that has affected the pragmatic ability of journalists to improve the status of their trade and their immediate livelihood through the more effective use of their professional organizations.

Chapter six traces activities of transnational and domestic social forces, which are organized through various non-governmental and governmental organizations with respect to the new legal media framework and the professionalization of the practice of journalism. Important communication and media laws have been, for the first time, generated outside the mainstream executive political network. This chapter focuses on the growing ability of the civil sector to participate autonomously in the creation of the legal framework (as a fundamental precondition for self-governing), informed by the liberal conceptions of freedom and equality. These activities are, however, followed by a number of examples of miscommunication attributable to contesting interests and procedural deficiencies. Finally, chapter seven summarizes some of the major features of the current Serbian transition and offers some assessments and prospects.

The phenomenon of “tension” has been central to this analysis as it occurs on various levels, beginning at the methodological level; that is, there is always some tension when we apply abstract norms in a specific historical and cultural context. More specifically, as in the case of this study, there is a strain between western normative approaches (including the entire aspect of the meaning of democratization that subsumes the structural and cultural reconfiguration of a society) and the facticity of the post-communist and etnonationalist social reality. At the level of social actuality, this tension results in some friction between ideological positions, such as that between those who



insist on defending history and nationalistic dogmas and those who advocate a pluralism corresponding to “moral deliberation ... freed of all egocentrism or ethnocentrism” (Habermas, 1998b, p. 97).

Another source of tension imbuing this dissertation comes from an awareness of the paradoxical relationship between liberalism and democracy within the regime of liberal-democracy, where liberalism (which guarantees citizens’ rights) occupies a position contradictory to democracy (popular sovereignty, equality and democratic right of participation) (Mouffe, 2000, p. 9). According to one critical school of thought, the major reason for the existence of a democratic deficit in the so-called democratic societies is the prevalence of liberal values over democratic ones in the form of neoliberal hegemony. I hope to show, among other dynamics of change, that within the indisputable tension among the three levels of transition suggested by Offe (1991) (cultural/nation-state/identity; institutional/democracy; market economy), the Serbian political project of the institutionalization of economic capitalism and neoliberalism through the process of privatization by the domestic elite as aided by the EU and the USA, is indeed in danger of becoming a transition “from plan to clan” (D. Stark in Offe, p. 886); it may, therefore, herald the dominance of neoliberalism over democracy, with negative implications for the expression of popular opinion in the public sphere.

Nevertheless, at the end of this introductory section, I would like to distance myself somewhat from the pessimistic outlook and conclusions present in a number of domestic assessments of the post-communist period. Instead, I see the current changes in media democracy as an intensification of the ever-continuous emancipatory struggle embodied in various nodes of tension; these may be signs of “uneven development”—

indeed, sometimes even slowed down development, but they are markers of development nonetheless.

# 1: SERBIAN “TRIPLE TRANSITION” AND THE MASS MEDIA: THEORETICAL CONSIDERATIONS

The core problem of the political and economic modernization of the former socialist societies resides in their lacking any noncontingent “givens” which would be suitable fixed parameters of the politics of reform. Precisely because the system is at such a deadlock, everything becomes contingent, and nothing can self-evidently remain as it is. The absence of the fixed set of the trustworthy or at least uncontested social facts and binding institutions forces the reform politicians to some gigantic “bootstrapping act” (Elster). For this reason also, the quest for reliable foundations of societal and political accord clings to national identities and desires for ethnic self-assertion. (Claus Offe, 1991, p. 882)

In an astute analysis of post-communist societies, Piotr Sztompka (2004) distinguished five symptoms of trauma caused by social change and followed by identity crises in the years immediately following the break of 1989. These are distrust syndrome (with misgivings specifically present in the mass media), a bleak picture of the future, a nostalgic image of the past, political apathy and the post-communist hangovers which manifest themselves in traumas of collective memory (pp.178-184). Together with these normal features accompanying the fall of communism, Serbian society, due to an entire decade of nationalist policies, may add a palette of traumas brought on by the breakdown of the Yugoslav state, civil war, economic sanctions, rampant inflation, NATO aggression, the assassination of the prime minister and, thanks to the force of the international *realpolitik*, the loss of the “cradle of Serbian spirituality,” the province of Kosovo and Metohija. As a consequence, the current democratic transition has been characterized not only by the clash of the cultural “discourses of real socialism” with a “discourse of emerging capitalism” (as in the most of the post-communist societies;

Alexander, 1992, cited in Sztompka, p. 172), but also by a strong nationalist discourse which resonates at a fundamental level in which “a ‘decision’ must be made as to who ‘we’ are, i.e., a decision on identity, citizenship, and the territorial as well as social and cultural boundaries of the nation-state” (Offe, 1991, p.869).

Currently, each of the three discourses (socialist, capitalist, and nationalist) have entered into an antagonistic struggle in an attempt to instil a radical change in the political identity of its adversaries and thus, as a goal, fix the political destiny of Serbian society. For Mouffe, the fixing of social relations verges dangerously on authoritarianism. To gain democratic credentials, the antagonism needs to be transformed into a form in which the political opponent is not an enemy, but an adversary (agonism as opposed to antagonism), and collective passion must be preserved in, not eliminated from the public sphere (pp. 102-103).

The above differentiation of the socialist, nationalist and capitalist discourses has been integral in defining the highly determinative political context of Serbian society, characterized by the significant ideological diversity and conflict, which, according to Hallin and Mancini (2005), are the characteristics of “delayed development of liberal institutions” (pp. 73-74). In the next segment I outline the characteristics of the three ideological discourses with regard to their perspectives on the issues of collective identity, the integrative process and ethnic or national determination.

## **1.1 Three models of integration**

Before I outline the three specific forms of integration found in the Serbian historical context following 1945 it is necessary to provide an overview of definitions and the correlation between the concepts of social integration, state, nation, national identity,

and (ethno)nationalism. The major tasks of social integration include the maintaining of order, income distribution and social welfare, the protection of collective identities and the transmission of a shared political culture (Habermas, 1998a, p.352). The state is crucial in these processes because its very strength lies in its capacity to respond to the tasks of social integration, including the fundamental ones, such as establishing and maintaining “internal and external sovereignty, at the spatial level over a clearly delimited terrain (the state territory) and at the social level over the totality of members (the body of citizens or the people)” ( Habermas, 1998b, p.107). The concept of nation refers on the social level to the people who form a political community shaped by common descent, common language, culture, and history (p.107).

The above elements constitutive to the concept of nation, however, possess an integrative power that at the specific historical juncture of state identification may lead to the exclusion of those who apparently do not fit the set of requirements. What is the origin of this integrative power? Benedict Anderson (1983) argues that the concept of nation is a “cultural artefact of a particular kind” that has “profound emotional legitimacy” and is the product of the creative imagination (p. 13-15). Price (1995) seems to agree with Anderson saying that this creative imagination encapsulates the collection of myths, ideas, and narratives, which often serve a dominant group or coalition to maintain power in society (p.40). A post-Marxist would explain the very mechanics of the creative process in terms of a logic of equivalence, which stands for the process that “constructs a chain of equivalential identities among different elements that are seen as expressing a certain sameness” (Torfing, 1999, p.301). Historically, the collective self-identification based on the premises of “imagined communities” (Anderson, 1983) may

lead to ethnonationalism, a form of extreme nationalism in which a specific ethnic group or nation, bound in emotional sameness, engages in a brutal act of suppression of difference or even the elimination of the other ethnic groups and nations. Regrettable, the histories of most modern nation-states show that violence was instrumental during their formative periods.

Beside its precariousness, nationalism as an expression of common identity thus seems to be both a major ingredient during formative periods of nation-states but also a necessary element for the maintenance of their future integrity. Nationalism's emotional dimension seems to imbue the concept with a strong integrative power.

According to Habermas, however, the very concept of the nation-state possess a built in tension between the particularism of a community united by historical destiny (nationalism) and the universalism of an egalitarian legal community (republicanism) (1998b, p.115). Since this also indicates the fusion of the ethnic nation with the nation of citizens within the nation-state, it allows those engaging with the task of social integration at the state level, to also take action towards shifting the emphasis along the continuum joining these two fundamental forms of integration. However, as will be seen in the discussion that follows, when societal integrity and national identity are endangered, it is harder to pursue democratic goals. Hence, to some extent, integration can be seen as a pre-condition for democratic nation-building.

Beside these basic two forms of integration, in the following analysis of the models of integration in the Serbian context I add a third, a proletarian dimension of integration that can also be seen as a variation of the republican model, based on their common attention to the universal ideas of egalitarianism and popular sovereignty.

Since the takeover of power in Yugoslavia by Tito's communists after the Second World War, Yugoslavia/Serbia has experienced three diverse political systems with different approaches to the question of identity formation and the understanding of the media's role in this process. The main ideological differences in approach to identity building can be summarized as follows: Tito's proletarian model of integration (1945-1987), Milosevic's ethnonationalist model of integration (1987-2000) and the republican (democratic/civil society) model of integration upheld by the democratic opposition after the replacement of the Milosevic regime (after 2000).

### **1.1.1 Proletarian model of integration (1945-1987)**

At the dawn of the Yugoslav crisis, Majstorovic (1980) states in Unesco's publication on Yugoslav cultural policy (1980) that "Yugoslavs hold that nations can and must accomplish their full and comprehensive development only in socialism, before finally disappearing from the historical scene" (p. 46). Majstorovic further elaborates that the integrative principle of "brotherhood and unity" had been accepted widely after the National Liberation struggle by the Yugoslav nations and nationalities. The belief of the Yugoslav socialist government was that the forging of the workers' solidarity in the sphere of the economy would melt down existing ethnic and national differences. A "genuine national class" would thus unite in itself the class and the national (p. 47).

This proletarian model of the integration of Yugoslav nations and nationalities was buttressed by a stockpile of discourses disseminated through the mass media which served integrative purposes. Indeed, the media could have fleshed a number of the achievements of Tito and the Party out. During the Second World War, the Communist Party mustered to co-opt the image of a leader in resistance against the fascist invasion.

The Party's success in mobilizing populations against the aggressor rested on two factors. First, its proletarian ideology resonated well with both progressive urban intellectuals and the poverty-stricken population. Second, this class orientation superseded divisions based on nationality or ethnicity.

In addition, a number of international events, built around resistance involving Yugoslavia, gave credibility to the regime and made the people proud of the country's achievements. First, in 1948, Tito suddenly parted with Stalin and, after a short-lived confusion among the populace due to heavily propagated claims of comradeship with the Soviet Union, Tito solidified his aura of invincibility in the public eye. Second, Yugoslavia was the co-ideologue of the movement of Non-Aligned countries who raised their voices against the political, economic and cultural hegemony of the two belligerent great powers engaged in the Cold War. Thus, generations of the Yugoslav nations were introduced to the values of anti-fascism, anti-Stalinism, and anti-imperialism. The culture of resistance has been an integral component in building a positive image of Yugoslavia and its people abroad, despite the authoritarian aspects of Tito and Party governance.

Certainly a major feature of such authoritarian rule was the establishment of a new system of values through practical measures. Thus, individualism gave way to collectivism, and the annulment of class differentiation at the expense of the bourgeoisie gave way to labour class egalitarianism; the muting of sporadic nationalistic extravaganzas gave way to a celebration of the Party's political agendas. In typical contradictory fashion in which a social development occurs, a nation becomes implicated in fighting one aspect of subordination while being itself a victim of another form of subordination.



Through the scope of structural and political measures, Tito and the Party managed to subdue the formation and development of serious internal resistance against the system (serious in comparison to, for example, the Solidarity movement in Poland and resistance movements in Czechoslovakia and Hungary). In contrast, the integrity of the Communist Party of Yugoslavia and the integrity of the Yugoslav state, along with its ideological association with individual rights and social participation, managed “to contain the industrial conflict in a class conflict of the class-divided society” (Gredelj, 2002, p. 283). Gredelj argues further that the other aspects of the Party’s success in the containment of internal resistance also included “a certain increase in the standard of living and consumption, travelling discounts, and narrow freedom of self-expression” (p. 283). As a result, in Tito’s Yugoslavia there was no substantial resistance against the system, nor much evidence of “the strong cultural movement which would gradually build a parallel [civil] society” (p. 284). The situation offered no conditions for the development of political pluralism, genuine participatory democracy or integration based on civic solidarity.

### **1.1.2 Ethnonationalist model of integration (1987-2000)**

Fragmentation of the Yugoslav state along ethnic lines set at the beginning of the 1990s showed that “nationalism is most an issue where the boundaries and power of a state do not coincide neatly with the will or identity of its members” (Calhoun, 1994, p. 305). And indeed, in the 1980s Serbs made up 66 per cent out of 9.313, 000 inhabitants living in Serbia, but also lived in Bosnia and Herzegovina (32 %), and in Croatia (14. 2 %) (Sekelj, 1992, p. xvii). Thus nationalism, the “central way of organizing collective identity throughout the modern world,” became the prime force behind the constitution of

the Serbian state past the collapse of the socialist Yugoslav federation of the six republics and two provinces (Calhoun, 1994, p. 305). As suggested by Calhoun, the rhetoric of identity and solidarity as a major attribute of nationalism served as a most convenient way to address the question of inclusion and exclusion in the Yugoslav Serbia.

With the departure of Tito and the subsequent weakening of the Yugoslav federation, the separation between national (Yugoslav) and ethnic membership soon appeared to be quite real. Apparently, with the crises of communism and self-management looming (see chapter two below for a discussion of the potential causes of these developments), the entire cultural policy based on a nation of workers and proletarian ideology fell apart. National and ethnic issues not only failed to disappear from the historical scene, but also returned vigorously in Serbia under the sponsorship of the Serbian Socialist Party and its leader Slobodan Milosevic. And, as Gredelj (2002) suggests, “crushed and nondifferentiated as it had been, the deficiency in social structuring and stratification was offset by the primordial (ethnic) homogenization” (p. 285).

The concept of ethnic nationalism in the Balkans has been directly associated with violence as a force of integration. It is important to emphasize that nationalism as a synonym for integration and national homogenization has, throughout the history of humankind, shown itself in a variety of forms: in its everyday banal shape, as in the waving of the national flag (Billig, 1995); in the form of cultural policies (Dorland, 1996); or in its extreme ethnic nationalist form, as it has been experienced in the Balkans. Besides having a common galvanizing trait, the forms of nationalism also share a rational background as a component. Thus, for Duijzings (2000), the violence in the Balkans “has

profoundly rational dimensions and is primarily 'European' in origin: it is a European idea, that of the nation-state, which has been the objective of most of this violence, of 'ethnic cleansing' and other forms of 'ethno-demographic engineering', which were practiced in all parts of the former Yugoslavia" (p. 208).

The first free election in Yugoslavia since World War II, held in 1990, somewhat ironically "set the stage for the civil war that broke out in summer and fall 1991" (Hayden, 1992, p. 655). The nationalist governments in the Yugoslav republics used the major broadcasting media for their campaigns based on chauvinism. Hayden (1992) maintains that in their efforts to consolidate the nation-state, the governments eventually affirmed their dominant nation-states discriminating against minorities. Aiming to be considered democratic and being aware of the incompatibility of nationalist policies with the European democratic element that supports the protection of the rights of minorities, governments found a solution in the creation of systems of *constitutional nationalism*, which stands for "a constitutional and legal structure that privileges the member of one ethnically-defined nation over other residents in a particular state" (p. 655).

Indeed, while the protection of the majority nation as a disguise for the repression of dissent, civil society and the mass media was one of the major internal characteristics of Milosevic's national policies throughout the 1990s, there was at least one decisive element that made the 1990 Serbian Constitution unique with respect to the any discussion about constitutional nationalism in Yugoslav republics. According to Hayden (1992) (also Cavoski, 1991, and Nikolic, 1991), the Serbian Constitution "must be viewed primarily as a vehicle for maintaining the personal power of Slobodan Milosevic rather than as a serious constitutional document" (pp. 660-661). As a result, Serbia

should not have been treated as a constitutional state, but rather as a constitutional dictatorship.

With the arrival of Slobodan Milosevic to power at the end of 1980s, the country entered a period of lawlessness and institutional indecision; further, war raging among nations and nationalities who had recently been peacefully coexisting renders any discussion of cultural policy meaningless. Thus, we may talk rather about the nationalist program in its most extreme form in which two parties, Milosevic's Socialist Party and Vojislav Seselj's Serbian Radical Party (both Milosevic and Seselj went on trial before the Hague Court) differ slightly in their qualification of the process of Serbian nation-building on the ruins of Yugoslavia. While Milosevic's state tended to screen his expansionism through the rhetoric of provoked interventionism necessitated by the endangerment of the Serbian population in the neighbouring republics and the Serbian province of Kosovo, Seselj's nationalist party overtly professed the inclusion of "all Serbian lands" into a one-state formation. Essentially equal, both programs brought ethnic cleansing to the former Yugoslav lands. The mass media segment took a leading role in propagating the Serbian state's project of nation-building by participating in nationalist propaganda and campaign, serving the authorities by spreading populist messages and fostering animosities among nations and ethnic groups (Matic, 1998b; Thompson, 1999; Kurspahic, 2003).

In November of 1995, however, we witness a calming of the ethnonationalist and war-mongering propaganda. The General Framework Agreement for Peace in Bosnia and Herzegovina (also known as the Dayton Agreement, Dayton Accord, Paris Protocol or Dayton-Paris Agreement) put an end to a three-and-a-half-year armed conflict in Croatia

and in Bosnia and Herzegovina. The representatives of the major parties in the conflict, Serbian President Slobodan Milosevic, Croatian President Franjo Tudjman, and Bosnian President Alija Izetbegovic reached their accord at Wright-Patterson Air Force Base near Dayton, Ohio; the agreement was signed formally in Paris on December 14, 1995. It proved to be efficient in bringing to an end the Serbian government's aspirations to take control of the areas populated by the Serbs in Croatia, and gave some concessions to the Serbs by creating an inter-entity boundary line in Bosnia. The agreement established the basic structure of the present-day state Bosnia and Herzegovina, constituted as it is from two entities: Republika Srpska (49% of the territory) and Federation of Bosnia and Herzegovina (51%; this latter includes the territory of Herzeg- Bosna, dominated by a Croat population).

With the settlement of the armed conflicts in Bosnia and Croatia, the attention of the Serbian government moved to the Serbian Province of Kosovo, one of the historical and emotional hearts of Serbia. Under the centuries-long occupation by the Ottoman Turks, Kosovo, like most of Serbia, was a poverty-ridden periphery of the both West and East until around 1900. A field outside today's Kosovar capital Pristina is the site of a historic battle between Christian Serbs and Muslim Ottoman forces in 1389, where Serbian feudal lords tried in vain to prevent the incursion of the Turks. Some of the oldest Serbian Christian monasteries and churches are scattered throughout Kosovo. The territory was for centuries inhabited mostly by Muslim Albanians and Christian Serbs, mixed with Catholic Croats, Roma populations and other ethnic groups. Both the Turkish occupation and poverty stimulated the frequent migration of the Serb population to the north, changing the ethnic representation in the Albanian's favour. Following the

eruptions of violence in 1999 and 2004, the population of Kosovo is only about 2 % Serbian.

At the beginning of the 1980s, Albanians demanded that Kosovo be granted the status of a Republic within Yugoslavia. In 1987, Milosevic chose Kosovo as the site for his own political promotion, proclaiming himself the custodian of the Serbian nation. The rising animosity between the two nations escalated at the beginning of 1990s, at which time Milosevic used force to re-establish control in Kosovo. After the failed attempt of the international community to broker an agreement in Rambouillet, France, which was followed by a further escalation of conflict, NATO conducted air raids against Serbia in 1998, forcing Milosevic to withdraw his forces from Kosovo. After that point, the United Nations administered the Province. During 2007, a set of negotiations failed to produce results, leaving it up to the UN Security Council to decide the fate of Kosovo. However, some members of the Council signalled that it would not be able to resolve the status of Kosovo, since Russia was blocking the attempts of the major Western powers to grant Kosovo its independence from Serbia. Britain, Germany, France, Italy and the USA decided that a solution would have to come from outside the UN. To this end, they orchestrated a unilateral declaration of independence by ethnic Albanians in Kosovo, on February 17, 2008. The move violated UN Resolution 1244 that had reaffirmed Serbian sovereignty in Kosovo. So far, the majority of the close to 200 members of the UN has declined to go along with this flagrant destabilization of the institution of the UN and a number of international laws and conventions. Serbia, together with Russia, continues to wage a diplomatic battle to retain Kosovo within its borders. Unresolved questions of national sovereignty and territorial integrity therefore still powerfully define politics in

Serbia, competing with the discourses surrounding the republican model of integration discussed below.

### **1.1.3 Republican model of integration (after 2000)**

Tito's authoritarianism and Milosevic's totalitarian control of the media segment could not fully diminish the spirit of the worker's control, which was fundamentally linked not only to its origins in the democratic principles of equality and popular sovereignty but also to the liberal tradition constituted by the rule of law, the defense of human rights and the respect of individual liberty. This spirit has not vanquished in the 1990s and, indeed, journalists succeeded in mobilizing the international and domestic community to defy Milosevic. And while Wood (1990) claims that the surfacing and strengthening of autonomous civil society was decisive in dismantling the oppression carried out by the communist apparatus in Eastern Europe (p. 60), the same critique could be applied to Serbian civil society with regard to the Milosevic nationalist regime.

Civil society and the public sphere are essential for participatory democracy and as such possess the ability to diminish the importance of "a prior consensus based on a homogenous culture..., because democratically structured opinion-and-will-formation make possible rational agreement even between strangers" (Habermas, 1998b, pp.137-138). Most theories define civil society as a space occupying a position alternative to the state and the sphere of a market economy. Civil society constitutes various collective actors, such as associations, federations, trade unions, parties, churches and local authorities, with which any person may affiliate in a search of fulfilment of certain freedoms and rights, interests and concerns. Moreover, civil society is important as it represents "the opposition not only to a barbarian state of nature but also, and

particularly, the opposition to all forms of despotism, feudalism, and political interference in personal, family, and business life in general” (Splichal, 1994, p. 10). These “intermediate institutions” or “mediated bodies” augment negotiation and the participatory strength of citizens (Offe, 1991, p. 885 and 891).

The public sphere is a concept introduced by Habermas, representing the heart of civil society. According to Habermas (1998a), “the public sphere can be best described as a network for communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes” (p. 360). Jakubowicz (1991) is more specific when he says that the public sphere can be defined “as the network of media, educational, knowledge and opinion-forming institutions within a civil society whose operations are conducive to the emergence of public opinion as a political power” (p. 155).

However, just how decisive the dismantling of preconceived values and practices has been since 2000 and in the current process of democratization remains a contentious question, one which comprises a significant part of the discussion in this dissertation. The democratization of Serbian society after the fall of Milosevic in 2000 has shown signs of erratic development. Contesting social forces in Serbia have shown both the persistence and continuity of established norms, values and practices, as well as openness to the new challenges. Thus Podunavac (2003), for example, noticed a discrepancy between the structural and regulatory realigning of the entire Serbian political and economic system toward liberal democracy, and with a slower rate of change of the nation’s value system. Podunavac, therefore, expresses hope for the gradual transformation of the political culture of resistance to a civic political culture. This optimism is based on the premise that civic peace, as a guarantor for the development of democratic institutions, has been



eroding the traditional militant spirit of a society that favours a traditional pattern of hierarchies of power.

Since the dethroning of the Milosevic regime, the new democratic government has been involved in the reformulation of the collective identity of the Serbian nation in accordance with its goal to make Serbia a partner with the democratic states of the European Union. This ambition has enabled the development of the conditions for popular political participation in a still weak but vibrant civil society. However, due to territorial disputes with the mostly Albanian population (approximately 2 million people) in the Serbian province of Kosovo and Metohija, disputes which have an international dimension, the Serbian state has been in permanent crisis and has engaged its energy and resources in attempting to preserve sovereignty and territorial integrity, in parallel with the development of democracy and a free market economy.

The state's determination to prevent the secession of Kosovo by Albanians has been perceived by most western countries as a sign of the continuity of Serbian ethnic nationalism, and as incompatible with the state's determination to follow the path of democratization. Now led by a democratic government making use of diplomatic means, Serbia continues its struggle to retain the governance of Kosovo, acknowledging through its activity Calhoun's (1994) point that "As states remain of crucial importance, so too does the ideology of nationalism" (p. 307).

The importance of nationalism remains the crucial element for Serbia's future. At the end of 2007, close to the signing of the Stabilization and Association Agreement with the EU, "the Serb parliamentarians of all major parties lined up behind a resolution implicitly rejecting membership in the European Union and NATO if the West

recognizes the independence of Kosovo” (“Serbia to take,” 2007, A 17). The insistence by the democratic state to keep the issues of sovereignty and territorial integrity at the top of its agenda prompted some to claim the domination of “democratic nationalism” in the country. Although undeniably precise in the naming of the phenomenon, they quickly fell into the trap of collapsing the distinction between the questions of integration, national identity, the crucial and inclusive elements of sovereignty and territorial integrity, with Milosevic’s and Seselj’s ethnic nationalism. Therefore, Ivan Torov (“The influence,” 2006) writes that “While during the period of the Milosevic reign it was known which media were pro-regime media and which media were against such destructive politics and ideology, today the situation is confusing.” Torov further blamed the media as serving the “the new interpreters of the national interest.” Observing Serbia’s somewhat chaotic and polarized pluralism, Torov proclaimed the restoration of xenophobia, false patriotism, primitive and obscene or yellow journalism “in which the rules of the game are not created through professional and ethical norms, but through the convolution of the interest of tycoons, government and intelligence services.”

Torov’s account of Serbian social reality, though depressing at first glance, nevertheless presents a view of a changing society in which the language of the past and the future and the modalities of integration have been entangled in a web that is often impenetrable for a population used to being indulged in prefigured meanings and truths set up in the past by Tito’s and Milosevic’s regimes. With the current state of wanton pluralism and transition in the country, even good intentions tend to be smeared and deformed in the public eye by opposing social forces. This is a source of trauma and dissatisfaction for many, including Torov.

Robert A. White (1995) takes a broader approach based on the norm of justice in the public construction of cultural truth (as opposed to the one limited only to professional media ethics), and offers an analytical tool more meaningful for Serbian society, media and journalism in a state of flux. For White, the restoration of the sense of justice, mutual respect, and human dignity is paramount if the society as a whole wants to move forward. But the restoration of a sense of justice cannot be solely the responsibility of either government, media, a few organizations or journalists, but rather requires the commitment of all of the social actors. The improvement of the functioning of the mass media in Serbia rests equally on the capabilities of the entire Serbian society to accept justice as a measurement for public truth.

In accordance with the intentions of this dissertation, it is important to note the failure of some liberal analysts such as Peter Gross, Monroe E. Price and Hafez Kai to account for the specificity of the conditions for democratic communication and the cultural dimensions of the process of democratization (for both media and society). Before I bring in the critique of the above situation, I turn to the commentaries that revolve around two closely related questions: the existing reductionism regarding the forms of organizing democratic communication and *westerncentrism* in mass media studies. Attention to these two elements serves to foreground further analysis of the tensions between three struggles at the historical juncture in which Serbia finds itself: the formation of a national identity, the process of political democratization and an economic turn to a capitalist mode of production. I hope that description of the Serbian context in which the three competing systems of integration struggle for meaning established a solid ground for the following critique of the reductionism and westerncentrism in mass media

studies.

## **1.2 Escaping reductionism in theorizing about democratic media**

According to Nerone (1995), “an unwise attempt [of the scholars] to reduce the entire sweep of liberal political thought to a simple formula,” ignored “the diversity of liberal thought” (p. 75). The continuing reassessment of the democratic role of the mass media in the western hemisphere has deconstructed the simple libertarian formula into more elaborated perspectives concerning the improvement of free communication and the mass media. At least two important normative democratic options have matured out of the re-evaluation of the traditional free market option. These are the public sphere liberal model and the radical democratic approach.

In the classical liberal theory of the press, the state, as a kernel of coercive powers, is identified as a major threat. The role of the media, therefore, has been to oversee and inform citizens of potential abuses of power at the state level of organization—hence its free market watchdog status (Curran, 2002, p. 218). According to this theory, the independence and impartiality of the media is impossible to assure without the free market and private ownership. The free market, here, is envisioned as the sole alternative to state regulations. This model of the free press has “simply assumed that the market will provide appropriate institutions and processes of public communication to support a democratic polity” (Garnham, 1997, p. 363).

Critical observation of this model usually sees it as “essentially capitalistic” (Cunningham, 2002, p. 46) and hence, due to an emphasis on the accumulation of profit, it values citizens as passive consumers rather than rational persons capable of

contributing to the well-being of a society. Such a society “tends to see the media as reflecting rather than shaping society” (Curran, 2002, p. 127). This, in essence, is an elitist conception, which disregards the media’s power as a mediator of the political options that challenge the existing order, and instead conceives it as a recording device. In such a social constellation, the *quality* press takes on a special role, because it “usefully reports intra-elite debates and circulates *objective* information helpful to elites themselves” (Hackett, 2005, p. 86).

Hall (1986) urges the active deconstruction of the liberal myth, which upholds the dichotomization of the alternatives between the *free market* or *state domination*, as this dichotomization tends to narrow the scope of possibilities and close up the gap between the two extremes (p. 6). The very restoration of the central ground, that of civil society, public opinion and “a public sphere in which the press play(ed) a critical role,” seems to be the common alternative that moves away from simplified preferences and bridges the gap between the East and West (p. 6).

On the other hand, a liberalist public sphere perception dismisses charges of elitism by indicating the public’s greater participation in the process of decision making. Hope lies in the power of the public sphere to encourage greater civic involvement; such participation in policymaking would provide democratic legitimation for office holders (Baker, 2002, p. 136). The insistence on the popular participation of the public in the creation of laws and regulations stems from the basic tenet of normative democracy that encourages people’s right of self-government.

The liberal public sphere model, however, fails in its attempts to reform the practices of journalism since it “does not raise fundamental questions about the market-

oriented corporate structures of the news media, and still less the (capitalist) social and political order” (Hackett, 2005, p. 91). As an alternative to the free market and public sphere liberal model, the radical democratic (or complex) model, disputes a prefigured conception of the public good. Instead of envisioning the public good in generative terms, and as an output of a few elites, the radical option of democracy sees it as a complex field of differences, a multiplex of goods, with a highly discursive process of engagement, in which various conceptions of public good struggle for their own articulation. The radical democratic alternative intrinsically assumes the critical political economic stance, as its major concern is the unequal distribution of power throughout society. In order to combat inequalities, the radical pluralist acknowledges their existence and perceives the hegemonic conflicts as themselves disruptive to the creation of the dominant and integrative meta-narrative.

When compared, the three models of democracy and their corresponding media roles show some overlapping and common characteristics, but also important differences. Most important, both public sphere liberalism and radical pluralism critique market liberalism for its indifference with respect to citizens’ participation in decision making. Such a position, it is maintained, devalues the public sphere as a site where the will of the citizens or the nation is debated.

To what extent have the three models of democracy been relevant to the Serbian context? For both the democratic elite and the media reformist the classical liberal model, and to some extent the liberal public sphere model, present models of choice. Currently, the mass media in Serbia are experiencing a privatization which would ideally, when fully realized, free the media (once owned by the state) from political influence. On the

other hand, in an attempt to counterbalance the domination of the commercial media, legislators have formulated policies to transform the state television Radio Television Serbia (RTS) into a public service corporation. The RTS would have a public mandate to formulate the goals of a society and present a tool through which the Serbian public may express their interests and concerns. In their quest to reconstruct the media along the lines of the liberal democratic West, media reformers paid no attention to the radical media model, although the model could offer interesting insights into current multilayered struggle for meaning in Serbian society.

### **1.3 Westerncentrism in theorizing about media democracy**

In general terms, critics of the *westerncentric* approach base their argument on its insensitivity to the specific context and the cultural aspects of media in the process of identity formation. Among these critics are theorists who question the transplantation of *ideal* systems and models into changing societies: in this case, post-communist countries. The critique of the practice of *transplantation* comes from the realization by a number of critical scholars that “formal principles require fleshing out with contextual knowledge” where the “procedural principles are silent in regard to outcomes” (Blaug, 1999, p. 61). The attempt to use normative standards as the blueprint for institutional design or as a performance prescriptive serves “to devalue and oppress the participant” (p.61). Wellmer, as theorized in Blaug, describes this approach as a “shortcut” that “overextends” the theory on account of discourse. In Habermas’ view, disqualification of the participants and their competing arguments on account of the privileged form of organization leads to abstraction and utopianism, and also to “discriminative failure, lacuna, and indeterminacy in comparative evaluation” (Blaug, 1999, p. 76).

Western ethnocentrism is addressed as such in some analyses. Splichal warns about the mere imitation of industrialized countries “rather than reexamining the possible contributions of a ‘Western model’ to the specific situations in Eastern-Central Europe” (Splichal, 1994, pp. 29-30). With respect to media studies, normative Westernization of the world may blur comprehension of the real state of affairs (Curran and Park, 2000, p. 15). In addition, Sparks (2000) denounces the famous Four Theories of the Press as passing Manichean constructs that fail to address “the very substantial variations between the media systems” (p. 40).

In the last instance, the Westerncentric approach tends to lead analysts to assess the achievements of the domestic media through the prism of the degree of success in which the liberal press arrangement has been transplanted into the institutionally eroded post-communist social body. Therefore, analysts interested in the development of communication in post-communist countries tend to gauge media performance based on the degree of accomplishment with which the media emulate the western liberal free press model. For example, Gross (2002), although aware of this tendency (as indicated in his later contribution (2004), seems to appreciate the shortcomings (verified by a number of critical scholars) inscribed in the American and British media as more tolerable in contrast to other possible options, asserting that the liberal democratic ideals of these two countries are “the models against which all others should be measured” (p. 9). Gross’s model of choice is the social responsibility model. As might be expected, such comparisons lead analysts to shrug in frustration and routinely perceive the society and media under inspection as “failing,” “not adept to the challenge,” or as “stalled during its evolution.”



What are the consequences of this attitude? Tautological reasoning sets up the liberal democratic variant of the social responsibility model as the ideal, and thus sets a trap of inevitable “failure” in any newly independent east communist regime: a approach which cannot historically explain the emergence of an autonomous media realm in opposition to the Milosevic regime or, for that matter, the emergence of any alternative solutions to social change.

In this regard, a more useful analytical tool would be one which “implies that social objectivity ... constituted through acts of power... is ultimately political” and “this point of convergence—or rather mutual collapse—between objectivity and power is what we meant by ‘hegemony’ (Mouffe, 2000, p. 99). Gransow and Offe (1982) suggest that “the study of political culture, first makes it possible to overcome the exclusive focus on political institutions and organizations, and second, is more helpful in describing the process of political change” (p. 68). However, they add that in order for a culture to be efficient as an analytical tool, its definition needs to overcome ethnological and anthropological determinism. According to these authors, Raymond Williams’ definition of a culture, as a way of life, supplements traditional perception of the culture as a system of values with the element of praxis. Inspired by Gramsci, Williams thus proposes a cultural analysis of the “complexity of hegemony.” The praxis in this context reveals a struggle for meaning in a society in which the dominant culture tries to fix the meaning of reality for all members of society. It is evident that cultural industries in general, and mass media institutions in particular, being involved in the production of social meaning (Hesmondhalgh, 2002, pp. 11-12), remain the crucial site of struggle. Notions of a culture as social struggle give meaning not only to the confrontation between the civil society

and authoritarian regimes in communist countries preceding the collapse of the latter, but also in realization that “Modern democracy’s specificity lies in the recognition and legitimation of conflict and the refusal to suppress it by imposing an authoritarian order” (Mouffe, p.103).

#### **1.4 Ideological diversity, conflict and the mass media in post-communist countries**

A number of scholars observing the media in transitional post-communist countries indicate contextual specifics. For de Smaele (1999), for instance, the Russian varied cultural and historical backgrounds will most likely mutate the current westernization drive into some form of “Eurasian” media system. Another analysis of the Russian media scene reveals the dynamics of a power struggle among various social actors at the micro level, as among journalists engaged in news production (Koltsova, 2001). Koltsova lists a number of western scholars such as Downing (1996) and Sparks and Reading (1998), who have rightly recognized the intensive competitive dynamics in the media field among various social agents, while, accordingly, challenging the “unconscious normativism in post-communist media studies” (p. 317).

In his seminal book *Media Beyond Communism* (1994), Slovenian scholar Slavko Splichal asked to what extent the ongoing imitation and duplication of the Western European practices of economy and civil society may reform rigid structures and relationships in Eastern-Central European (ECE) post-socialist societies, suggesting the creation of a mutant system (to use Smaele’s metaphor) which gravitates somewhere between paternalism and pluralism. Splichal draws on Mancini’s (1991) analysis of the Italian public sphere to make two observations: first, the differentiation of the media in

Italy from a number of Western European democracies; and second, the similarity to the Italian situation of the systems crystallizing in post-socialist countries in the 1990s.

Overall, the major characteristics of this model are the strong influence of the state on the media, strong media partisanship, integration of the media and political elites and lack of a consolidated and shared ethic among media professionals (Mancini, p. 139). There are two dimensions also discussed by Mancini and Splichal and later added as an integral part of the four dimensions. A fifth element refers to the unstable political environment caused by the complex nature of the relationships among a large number of parties, which often results in the formation of coalitions. It is interesting to note, in relation to the Serbian historical context which will follow, that these coalitions have been created in a binary form and reflect the opposition between the pro- and anti-communist parties. Finally, a sixth dimension addresses the mode of organization of the new political parties in ECE, which “resemble the structure and strategy of a business corporation,” with the approach showing” no difference between managing a political party, a business corporation, or a television station or newspaper company” (Splichal, 2001, p. 49).

Splichal (2001) identifies “several structural tendencies or strategies in the ECE countries” which “reflect the imitative nature of the new systems” (p. 40):

1) renationalization, 2) denationalization and privatization, 3) commercialization, 4) inter- and transnationalization, 5) nationalistic and religious exclusivism as two forms of ideological exclusivism, which are usually 6) cross-fertilized. Splichal further differentiates two tendencies in this list, those that imitate the external environment, above all Western Europe and the USA (2-4), and those imitating the past (1 and 5). While most of these strategies do not need explanation at this point, the dimension of

cross-fertilization requires additional clarification. The concept of cross-fertilization refers to the revisited example of the Italian media system and as a party-political and media model that “blurs political, commercial and professional interests and dissolves the borders between the state, economy and civil society” (p. 48).

Making no reference to the evolution of the media in post-communist countries, Hallin and Mancini (2005) establish three models of media and politics in the western hemisphere. These are the Mediterranean or Polarized Pluralist Model, North/Central European or democratic Corporatist Model and the North Atlantic or Liberal Model. Mancini, with Hallin, further extends his analysis of the Italian system by finding its similarities in other countries situated in the Mediterranean basin. Therefore, countries such as France, Greece, Italy, Portugal and Spain possess a number of common features encapsulated in the Polarized Pluralist Model of mass media. As might have been expected, most of the characteristics of this model highlight and further analyze in more depth the six dimensions established earlier by Mancini (1991) and further expanded and applied in the analysis of the ECE political and media systems by Splichal (1994, 2001) and Jakubowitz (2007).

Upon the transition of power in post-communist countries after 1989, one of the crucial aims was to establish a policy framework for the mass media based on two elements: the role of the media in each corresponding society and the available media theoretical framework(s) (Jakubowicz, 2007). Jakubowicz highlights three major policy orientations as a result of this goal:

- Idealistic (a radical vision of direct, participatory communicative democracy);
- Mimetic (straight transplantation of the generalized Western media system with a free press and a dual broadcasting system);
- Atavistic (the unwillingness of new power elites to give up all control of, or

ability to influence, the media) (2007, p. 2).

A number of scholars have found that the idea of a radical version of direct democracy, considered at least in some post-communist countries such as Poland, faltered at the very onset of the great transformation (Splichal, 1994; Jakubowicz; Sparks and Reading ,1998; Sparks, 2005). They also agree about the mimetic (Jakubowitz, 2007) or imitative (Splichal, 2001) nature of the process of democratization of the mass media with the emphasis on the normative media experiences of the West. Finally, the same authors notice that after more than a decade of intentional distancing from political influences, in these politically pluralized settings direct democracy has failed to materialize.

There is indeed great merit in observing the similarities between the polarized-pluralist media system offered by Hallin and Mancini (2004) as manifested in Mediterranean countries with the fragmented, pluralistic post-communist countries, with equally “various territorial identities and political subcultures, in which state centralism is only a heavy superstructure” (Jakubowitz, 2007, p. 8). The polarized-pluralist system is the result of the context of consensual (consociational) systems of government and systemic-parallelism, which is the result of ideological diversity and conflict (pp. 6-7). As a result, media are directly affected by the strategic positioning and renegotiating among the various power structures in the hegemonic struggle.

## **1.5 Polarized pluralism, nationalism and mass media in Serbia**

As in the rest of the East Central European post-communist countries, the change of the mass media in Serbia was “systemic”—a change which was, according to

Jakubowicz, brought about through broader political change, “typically transition to democracy after an authoritarian or totalitarian system” (p. 4). After the disposal of the Milosevic regime in 2000, the new democratic government pledged to support political freedom and liberty and entered the process of developing the conditions for a pluralist system of political communication. Instead of focusing on the ethnocentric interpretation of the state, forged by Milosevic throughout the 1990s, the new democratic elite professed a republican conception of organization for the state based on the universalistic liberal democratic principles of liberty and autonomy of the citizens. This move made it possible for the integration of Serbia into the Western community with the prospect of achieving, sometime in the future, full membership in the European Union.

Expectations are that an increase in the observance of universal democratic values in Serbia will also establish the conditions “in which the public sphere is no longer equated with the boundaries of the nation-state” (Schlesinger, 1999, p. 263). Accordingly, the western free market liberal press model, discussed earlier, serves as a point of reference. Most media reform activists and journalists wholeheartedly follow this general strategy, and place their confidence in privatized media and the free market. As we will see in the following chapters, the market liberal press model serves as a blueprint for democratization of the Serbian media. One of the central arguments of this thesis is that the reliance on market forces to solve the problem of media integrity in Serbia is erroneous and that this choice may be costly for both journalists and civil society, who at this stage entered the social transition stripped of the means for greater participation in the process decisive for their future.

Although the political, economic and mass media democratic transformation has

taken a stride forward, Serbian society remains deeply ideologically divided and conflict-ridden along the lines of the three competing and sometimes bizarrely convoluted forms of integration discussed earlier in this chapter.

The creation of democratic political pluralism in the country enabled equal political rights of participation for political parties involved in the Serbian nationalist project. Milosevic's Socialist Party and Seselj's Radical party are the political parties that continue to profit from the establishment of political pluralism by recycling "a strange combination of class-based and ethnic particularism," while paying lip service to universalistic values (Jasiewicz, 2007, p. 26) in the Serbian National Assembly, public sphere, and the mass media. Their ethnonationalist and class-based doctrine tends to "underline the unconditional relation to the past, whether in the physical sense of common descent or in the broader sense of a shared cultural inheritance" (Habermas, p. 129). In contrast, the Democratic Party and the Liberal-Democratic Party offer a form of integration that transcends particularism based on the dominance of one ethnic group while supporting relations based on liberal and political rights of citizens.

This is not to say, however, that the democratic parties overlook the question of national restoration, sovereignty and territorial integrity. Discourses that cut across ideological boundaries have also been a feature of democratic forces. In fact, most democratic parties demonstrate agility in preventing, albeit through negotiation, independence for the Serbian province of Kosovo. However, they lay their hope in the prospect of the development of a new abstract integrative form in which political citizenship transcends the deficiencies of cultural integration. The omnipresent national and identity issues in Serbia thus seemingly transcend the ideological differences among

the parties. I argue that this implies that nationalism, national identity and the process of state formation cannot be dismissed from the discussion on the consolidation of liberal democracy.

In this respect, Calhoun (1994) is right in saying that “nationalism is directly and fundamentally involved in questions about the social foundations for a democracy” (p. 306). Moreover, nationalism emerges in the discourse of the post-communist transition to democracy “and in theories of democracy generally—primarily as a hazard to be avoided, not as a central dimension of the subject” (Calhoun, 1994, pp. 305-306). Offe (1991) also implies the importance of identity with respect to democratic theory by claiming a triple transition in East Central Europe:

The unique and unrepresented nature of the East Central European process of transformation – and the challenges to democratic theory emerging from it – is fully highlighted only if we remind ourselves that any operative political system is the combined outcome of the three hierarchical levels of decision-making. At the most fundamental level a “decision” must be made as to who “we” are, i.e., a decision on identity, citizenship, and the territorial as well as social and cultural boundaries of the nation-state. At the second level, rules, procedures, and rights must be established which together make up the constitution or the institutional framework of the “regime.” It is only at the highest level that those processes and decisions go on which are sometimes mistaken for the essence of politics, namely, decisions on who gets what, when, and how – in terms of both political power and economic resources. (p. 869)

A search for the direction society must take is not of course unique to Serbia. Permanently in flux, national identity and political culture are constantly under siege and in a state of revision (as argued by Williams and Offe etc.). Thus, identity reassessment is re-emerging as a feature in developed societies. A recent referendum held by some of the



European Union's member countries on the question of the implementation of the EU constitution has revealed a dose of ambivalence on the future direction of the Union. The results of the referenda have shown popular disapproval toward the anticipated enactment of the joint EU constitution. The recent debacle of the European Constitution bears contradictory interpretations, as both a sign of maturity in which citizens may rebel against an elitist concept of a Europe disassociated from autonomous citizenship or, on the other extreme, as a sign of the recurrence of "ineradicable" nationalism, "the repressed other of democratic universalization" (Torfing, p. 195). This European diversion has prompted two eminent sociologists, Ulrich Beck and Anthony Giddens (2005), to publicize their concern about "an emotional return (of the countries voting against the constitution) to the apparent safe haven of the nation." They continue, "The paradox is that in the contemporary world, nationalist or isolationist thinking can be the worst enemy of a nation and its interests. The EU is an arena where formal sovereignty can be exchanged for real power, national cultures can be nurtured and economic success improved" (Beck and Giddens, 2005).

Apparently, even for well-ordered societies, the nation-state remains a powerful binding force, symbolizing identity, autonomy and integrity. According to Habermas (1998b), this is a source of trouble for the new political and economic order. The question of "whether a democratic opinion and will-formation could ever achieve a binding force that extends beyond the level of the nation-state" lingers persistently (p. 127). Most of this struggle is wielded in the public realm where the mass media takes central stage.

Due to the importance of the mass media in creating social meaning, "the media's cultural role" in the process of identity formation becomes "increasingly salient at current

historical junctures” (Hackett and Zhao, 2005, pp. 25-26). Nonetheless, most models of democratic media fail to account for the important co-dependence among democratization, national identity, and the mass media. In practice, and for decades, the mass media participated in the configuration of the Yugoslav and Serbian symbolic plane, delineating the character of the nation. The next chapter will reveal the media as a central site of struggle for meaning through the various epochs including the current democratization of the Serbian state and media.

## **1.6 Note on sources and methods**

The data for this analysis was for the most part gathered during the period between 2000 and 2007. Three trips to Serbia in 2001, 2003 and 2006, provided the primary opportunity for finding and assembling the data. The collected data includes three types: interviews, primary documentary sources and secondary sources.

**Interviews** represent the personal accounts of some of the major actors involved in the democratization of the communication and mass media institutions in Serbia. Their insights can be divided into two categories: those related to the wide-range of problems experienced by the mass media during the period of Milosevic’s authoritarianism, including their observations, involvement and experiences from this period and insights concerning the ongoing democratic transformation of the mass media in post-Milosevic Serbia. Most respondents took part directly in the reconstruction of the mass media in variety of roles: as respected journalists, as editors-in-chief, as directors of media companies and associations, and as media and communication scholars.

During my visit to Serbia from September to December 2003 I was able to conduct 26 formal and informal interviews. Those categorized as formal include ten

recorded in-depth interviews of varying length—from 45 minutes to two hours. Formal interviews were conducted according to the strict requirements of Simon Fraser University's Research Ethics Board. According to the Board's procedure, a potential respondent is required to sign an agreement, which stipulates a number of details. The agreement also needs to be witnessed. The agreements were translated into Serbian. As might have been expected, the procedure proved to be a barrier for some respondents, who for various reasons wanted to adhere to a more informal approach, and to remain anonymous. Interestingly, various representatives of foreign institutions were particularly cautious in this regard. Consequently, 16 interviews can be categorized as informal. These interviews were not taped, and the information collected through this aspect of the work served mostly to indicate potential leads. Assertions in the informal setting would often necessitate a formal check of reliability through the formal interviews or other data. Nonetheless, these informal discussions were very informative, and this is particularly the case with those involving media and communication scholars and journalists. The variety of individuals and their roles in the transformation of the Serbian mass media required the practice of open-ended questions rather than the utilization of standardized questionnaires. The formal interviews were transcribed and annotated in the margins. These commentaries served for the creation of analytical categories. All recorded interviews were preserved on tapes.

Ten interviewees were media professionals, full-time journalists, editors and media and communication scholars (the list of interviews can be found at the end of the dissertation). There is an obvious absence of media owners among the interviewees, except in the two cases when the owners were journalists. Most owners were reluctant to

share information linked to their publishing businesses. This lack of business transparency is the result of regulatory weaknesses, which also leads to a shortage of official data available through government institutions. As a consequence, in a number of instances I was forced to refer to the best data available, collected by non-governmental institutions and recorded in secondary sources rather than to the data of official governmental institutions (who themselves, of course, are caught in the process of reconstitutionalization and thus manifest data deficiency).

**Primary documentary sources** also provided important data on the Serbian mass media. The Media Centre library was the venue that was most helpful for my documentary research. The library consists of important documents, books and trade journals concerning the issues facing the Serbian media. Statutes and policy documents such as the Broadcasting Act, Law on Free Access to Information of Public Importance and the Public Information Law, were acquired directly from the state's publishing company, the Official Gazette. Recently the same publisher made all the important documents available through the Internet. An important example is the compilation of the statutes from 1921 to 2001. A number of publications have been compiled from the media associations and NGOs, whose contribution to media reform has been pivotal both during the period of struggle against the Milosevic regime and in the current revaluations of the media's status and its role in the new circumstances. Also, a number of research papers from the prominent Serbian media and communication scholars were provided through immediate contact thanks to their authors' generous support and understanding. Belgrade's bookstores were also another source of valuable documents and books.

**Secondary sources** provide a firsthand illustration at the almost daily level, of the

actual transformation of the mass media, documenting the dynamics of the internal and external power struggles of those involved in the reformation of the mass media, as those with different motivations in mind.

The Serbian press present the major secondary source in my dissertation. Due to the availability of the Serbian press on the Web, the scrutinizing of the print content was not limited to my actual visits to Serbia. The Serbian press keenly covers issues related to its own transformation and publishes online opinions and critiques by journalists, members of civil institutions and legislators involved in the structural and ethical regeneration of the mass media. For years, I have been able to follow, on a daily basis, first the struggle of the independent print and broadcasting media to free itself from Milosevic's grip, and later the post- revolutionary phase, which is brimming with a mixture of sentiments including self-doubt, disappointment and the hope for a better future. During my visits I was able to monitor a number of television and radio night-time debates and talk shows that are leading features of the major television companies in their competition for viewership. Radio programs, also available through the net, have also been a good source of information.

The use of the mass media as secondary sources presents a considerable challenge to the validity of data. In order to reduce any risk the validity of the data was ensured by the repetitiveness of cases and by the availability of the same story in several sources. In relatively small Serbia, media- relevant stories become the subject of the passionate public discussions and exchange of opinion often followed by analysis of the particular situations being debated.

Although the obvious heterogeneity of the data cautions against any sweeping

generalization in the analysis, it contributes to an appreciation of the multifaceted nature of the ongoing transformation from a diversity of perspectives.

## **2: THE CRISES OF THE YUGOSLAV PROJECT: IDENTITY BUILDING AND THE ROLE OF THE MEDIA IN TITO'S AND MILOSEVIC'S SERBIA**

This chapter focuses on two periods in Serbian history characterized by distinctive approaches to social integration. First, I revisit the period of Communist Yugoslavia and Serbia, from 1945 until the mid-1980s, characterized by integrative policies based on communist democratic credos of unity, fraternity and egalitarianism among working people. Second, I turn my attention to the period from the mid-1980s until the year 2000, which witnessed a rebirth of the Communist Party through the “anti-bureaucratic revolution,” that is, the reform of the bureaucratized state apparatus. The Party then became the Socialist Party of Serbia, with an orthodox form of integration based on common language and customs. Two major lines of analysis serve to revisit the two historical periods. The first concerns an assessment of the media from the point of view of its ability to fulfil an integrative role and its function in formulating the identity of the Yugoslav/Serbian nation. The second concerns the status and structure of the mass media in the two social-political and economic contexts. The intention of this chapter is to explore both the status and structure of the mass media, and the role and contribution of the Serbian mass media in maintaining politically privileged forms of integration and identity-building during these specific historical periods, noting how this led to the current liberal democratic transformation of the Serbian society.

## **2.1 Media and national identity in Tito's Yugoslavia**

After the Second World War, Yugoslavia was constituted as a federation of peoples of various nationalities whose rights were guaranteed on an equal basis. The intent of the Yugoslav federalist constitution, under which some 19 nationalities converged, was to once and for all resolve all issues related to the national question. For several decades, the Communist League used a combination of Tito's charisma, "legitimate violence" and institutional changes in its attempt to consolidate the country by preventing any fragmentation along ethnic lines. In most cases, attempts to destabilize Yugoslavia's purported unity were met by anti-propaganda and the threat of force and imprisonment. As Stanovcic (2003) acknowledges, as in the case of other crucial issues that contradicted the Party's tenets, "'the national question' was officially treated as a solved problem, and so forbidden as a part of any genuine political discourse" (p. 21).

The failure of the system to genuinely deal with the question of national identity prompted some to regard post-war Communist Yugoslavia as a transitional and unfulfilled state. As such, it served as a spawning ground for the maturation of various national identities that during the 1990s culminated in the creation of several quasi-national states (Golubovic, 2003, p.32). With enactment of the Constitution of 1974, "the destiny of Yugoslavia was laid out" (p.31).

The present-day segmentation of Yugoslavian territory into local national public space has its roots in the constitution itself. One of the key elements of the new constitution is that it "asserts a nation, not a free citizen, as a central constitutive principle of the Yugoslav state" (p. 36). Hence, the federation in essence became a confederation or association of the six autonomous republics (Bosnia and Herzegovina, Croatia,



Macedonia, Montenegro, Serbia, and Slovenia) and two autonomous provinces within Serbia (Kosovo and Vojvodina), whose politicians would seek mutual consensus on important questions.

Figures from the 1981 census confirm the prominence of ethnicity over citizenship in Yugoslavia. Out of a population of 22,427,000, only 5.4 % declared themselves as Yugoslavs. It turned out that only 1,219,024 chose to be treated as citizens of Yugoslavia (Sekelj, 1993, p. xx). Most of the population who declared themselves as Yugoslavs did this for pragmatic reasons. Because most people have multi-ethnic family backgrounds, they wanted to avoid the burden of choosing between the nationality of one or other parent.

It is obvious that the attempt to create a common identity for all the various ethnic groups did not succeed. The media, whose structural composition followed the line of the political and economic fragmentation of the common Yugoslav space (affirmed also by the constitution) failed to provide adequate support for the maintenance of a cohesive Yugoslav identity. National news agency *TANYUG (Telegraphic Agency of New Yugoslavia)*, as one of the most recognizable symbols of the former Yugoslavia, proved to be rather anaemic in providing the “glue” that was needed to bind the loose ends of the politically and economically decentralized country. Out of 3,000 dailies and magazines published in 1984, “none [could be] considered a ‘Yugoslav newspaper’” (Splichal, 1990, p. 3). Similarly, each of the six republics and two autonomous provinces had its own “central” broadcast systems, with the exception of Slovenia, which also had a separate television station for its Italian minority (TV Koper/Capodistria). Two central television and radio stations located in the Serbian provinces of Kosovo and Vojvodina transmitted

their programs in the languages of the minorities living in those areas. In Kosovo, the majority of programming was in Albanian but also in Turkish and the Romani language. In Vojvodina, besides Serbo-Croatian, which was the language of the majority, programs were broadcast in Hungarian, Romanian, Slovakian and the Ruthenic language. While the Slovenian and Macedonian stations transmitted programs in their own respective languages, the four central stations located in Bosnia and Herzegovina, Croatia, Montenegro and Central Serbia offered their programs in Serbo-Croatian. At the federal level, there were no media policies that could integrate such a fragmented public space. As Radojkovic (1994) stresses, “if there was any media coordination, it was forced by political pressure from the ruling party (the League of Communists)” (p. 139).

### **2.1.1 The Yugoslav communist project**

Rather than forging the unity of its nation through negotiating ethnic differences among its citizenry, the Party, in accordance with its credo, tried to forge unity through class affiliation. The introduction of economic self-management was an attempt to generate unity and fraternity of the working people through the production process. The creators of such a concept might have believed that self-management of production would, along the lines of democratic promise, serve to collapse differences and stabilize community.

The reconstitution of social relations based on such a constellation took place at the end of the Second World War when the Communist Party found itself in a position to negotiate and control Yugoslavia’s political destiny. This change of political orientation of the state set in motion a sweeping reconstruction of the country, which also affected the status and organization of the press. Putting this claim in context, “development of the

post-war Yugoslav journalism has been conditioned by the development of the society in general” (Bjelica, 1985, p. 139). The Constitution of 1946, the Constitutional Law of 1953, and the Constitutions of 1963 and 1974 are considered turning points for such a development.

The year 1946 brought with it a new constitution, which turned the Kingdom of Yugoslavia into the Democratic Federative Republic of Yugoslavia. The new federation consisted of six republics: Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia. This constitution bid a final farewell to political freedoms and set the agenda for the transformation of Serbian capitalist society. The new Yugoslavia was to be based on ideological propositions found in egalitarian ideals. The transformation of more than 90 % of Serbia’s privately owned property to publicly owned property took place under the Agrarian Reform Law and the laws which enabled confiscation of property, nationalization, and expropriation.

A law reforming the Press was passed in Parliament at the same time, in August 1945. In 1946, the nationalization laws ensured the conversion of 4,257 factories in the possession of domestic owners, and 183 factories owned by foreign owners, to state property (Miletic & Jovanovic, 2006. p. 32). In the same vein, printing presses, paper stock factories and various radio and communication infrastructure and technology were confiscated from private owners. While the control of the press and the radio stayed firmly in the hands of the Agitprop and the Radio Head Office respectively, a few oppositional papers, such as *The Republic*, continued to exist until 1956.

In 1948, Tito cut Yugoslavia’s relationship with Stalin, enabling the Yugoslav Communist Party’s oligarchy to search for its own social-economic and political model.

The Party's surging bureaucracy had already alerted its major ideologues about the need for transformation of its apparatus. The growing dissatisfaction of the population with the performance of the communist political and economic elite damaged the credentials of the Party.

The Communist Party of Yugoslavia took the opportunity to effect a remedy for this problem: they planned to confront the statism that plagued the system and introduce a semi-market economy. From that moment, as Lydall (1989) puts it, "central planning was abandoned, the previously nationalized industries were progressively transferred to the control of elected workers' councils, and enterprises began to operate in the market" (p. 2). Impressively innovative, this approach allowed the country to distance itself from the rigid Soviet style of control, and as a corollary, brought three decades of relative prosperity—with, indeed, politically motivated monetary support from the West.

The beginning of the 1950s saw the Party slowly releasing its direct control over the economy by relegating it to workers' councils. Similar transformations took place in the spheres of education, health services, culture and social services. Following soon after, the constitutional changes of 1953 replaced the model of state socialism with new social and political conceptions of organization, based on social possession of the means of production. The meaning of this transformation can be understood as a transformation of ownership from the state to the self-managing workers, who are the core representatives or components of a society. Control is thus transferred to society and its working people. In order to avoid potential legislative difficulties, the titular owner of all social property, including the media, was the Socialist Alliance of the Working People of Yugoslavia. Private ownership was banned.

The Yugoslav model of federalism hence transcends the traditional territorial and political concept of federalism by incorporating its “polyvalent” model, along with multiethnic, social, functional and participatory components. In this way, the superstructure of the Yugoslav community was based on social ownership of the means of production and social self-management. Social ownership and social property directly counteract private ownership and state ownership. As Djordjevic (1975) indicates, “the right of ownership is guaranteed to each and all” (p. 77). This eliminated ownership based on class divisions. In essence, no one person specifically can claim the right to own social property; everyone possesses social property equally.

The notion of self-management, however, became “the fundamental organizing principle of the Yugoslav society” (Djordjevic, p.77).The term itself refers to a set of theoretical, political and legal prescriptions that set guidelines for the management of social property and underline the rights and responsibilities of its management. The system also “implies a new mechanism for decision-making that transforms traditional representative political structures and creates a new synthesis of individual and common interests, of autonomy and unit, of participatory and representative democracy” (p. 78). In practice, and according to the Yugoslav constitution, territorial political representatives must meet with the representatives of the producing communities, that is, representatives of social, cultural, and economic spheres, to discuss a line of action. Through this system of assemblies the entire decision making process is removed from the sphere of politics into the system’s base. From the theoretical point of view, this has been a move “from political federative association to polyvalent federative association, from territorially-based community to functionally-based community, from a mechanistic constitutional

model to an organic constitutional model” (p. 78-79).

### **2.1.2 Self-management and mass media**

The new model of governance known as “social self-management” was, however, somewhat reluctantly implemented in the sphere of communication. One has to remember that the role of the press in communist society was to aid the actualization of the ideal communist society. Lenin, in his article “Party organization and party literature,” published in 1905, set the standards to be followed. In this article, Lenin contrasts the class-based notion of the free press against the liberal notion, while being resolute in defending the virtue of the former. It is hardly probable to live in a certain society and still be apart from it, says Lenin. Therefore, he ridiculed the bourgeois notion of absolute freedom of the press in a capitalist society. How can you have freedom of the press in a capitalist society, where the disenfranchised are exploited and author freedom is subject to the pornographic taste of a bourgeois public? For Lenin, this was utterly hypocritical (Bjelica, 1985, p. 50). To forestall such a trend, he favoured a communist counterhegemonic option in which the press takes the role of “collective agitator, propagator and organizer of socialist ideas” (p. 50).

The Party initially expressed some uneasiness in releasing its grip over the press. Only the introduction of two new laws, the Law on Radio-broadcasting Stations, in 1955, and, the Basic Law Regarding the Press Firms and Institutions, in 1956, introduced a set of new features that impacted the functioning of the press while authorizing its partial democratization. From that point, radio (television was introduced in 1958) would be treated as a public service while newspaper outlets were to function in accordance with the Law governing the activities of commercial firms, enacted in 1950. Following the

provision of these two laws on the functioning of media firms, decisions on the internal organization, production, operations and distribution of revenue became the responsibility of the self-managing working council. The Party retained external control of editorial policy and personnel planning.

### **2.1.3 The administration of the media in Tito's Yugoslavia**

According to the Law on Radio-broadcasting Stations and the Basic Law Regarding the Press Firms and Institutions, the press or broadcasting firm or institution could be founded by the *legal subject* situated in a municipality. For print media in most cases this was the Socialist League of the Working People, and in the case of broadcasting firms, assemblies of the social-political communities. A number of other social-political organizations and communes such as the organizations of associate labour, interest communes and other self-management organizations could also form media outlets. Under the law, a founding social-political organization enjoyed certain rights, such as the right to define programming concepts (editorial policy), to constitute a working council, to set personnel policy, to name the director and the editor in chief, to maintain an influence on personnel and editorial policies, as well as to provide and monitor financial upkeep of the media firm or institution. In reality, as a pivotal founders of the mass media, the Socialist League of the Working People and assemblies of the social-political communities retained a powerful role in determining not only "the basic content orientation of a medium, but also [the] appoint[ment of] the editor-in-chief and the managing editor (Splichal, 1990, p.9). Although individual citizens could be subsequently granted the right to publish a newspaper, systemic obstruction would prevent such a development. The formation of a radio or television station by an

individual was not considered.

Publishing and programming councils were organs that represented social self-management in the press, radio, television, press agencies and organizations for the production of informative films (Bjelica, 1985, pp. 152-153). These management boards were constituted in such a way that two-thirds of their members were delegated by the founder or social-political commune and its organizations, and one-third by the editorial offices of the respective media outlets. The councils had a monitoring function, and thus served to keep the firm in line with the founders' political and editorial policies.

In some cases workers were more vital to the decision making process. Taking the Party organ *The Enterprise Borba* as an example, each group of 20 workers delegated one representative in the Workers Council of 60 members. The Council then elected 15 representatives to sit on a board of management that determined editorial policy and guided the company's business (Bryan, 1966, p. 191). Distributing representatives in such a way gave greater advantage to the power of the Workers Council in controlling how the organizations functioned. After all, the entire doctrine of self-management rested on labour's ability to dictate the process of production. On the other hand, private ownership in Serbia was denounced and banned under the Party's commitment to battle private property as the basis of social inequality.

#### **2.1.4 Media financing**

The incompatibility of the communist system with private ownership, competition and the free market has had a prominent impact on media financing. Even in the 1980s the Yugoslav mass media did not rely much on advertising revenue. In 1983, the newspapers with the highest circulation (200,000 copies) managed to collect around 15 %



of their revenue through advertising. In the case of broadcast media, only 4 % came from advertising, while the majority of their income, 85 %, came from licence fees (Splichal, 1990, p. 4).

Despite this, certain commercial elements have been evident since 1948 (Bryan, 1966, p. 291). Even these meagre commercial tendencies allowed the media to slightly distance itself from the state and as a consequence intensify the competition for readership. The Party itself was responsible for creating the tension between these two contradictory dynamics. The Party's withdrawal of subsidies for the press gave the media a chance to act in according to its particular economic or ideological interest. Therefore, driven by economic reasons, magazines such as *Start*, *Adam & Eve* and *Cik* attracted the attention of a growing audience with pages devoted to nudity and even pornographic content. Other publications such as *Juxebox* specialized in providing news about the world music trends and popular culture. In contrast, publications such as *Student* in Serbia and, later in the 80s, *Radio-Student* and *Mladina* in Slovenia offered their pages to alternative political views which were to a degree tolerated. On the other hand, the Party expressed a wish to enable the media to fulfill its social role through the use of management organs. Thus, the ambivalence exerted at the ideological level with its contradiction between individual and societal rights penetrated directly into the media sphere, creating a sort of controlled semi-commercialization.

Up to 1980s advertising was just a semblance of the meaning of the word. The type of advertising encountered in the Yugoslav press was typically classified advertising, rather than product advertising. Moreover, circulation income for both dailies and weeklies hardly compensated for the lack of advertising revenue. In 1964, only one-

third of the overall population of more than 19 million people purchased a daily newspaper (Olsen, 1966, p. 426). The source of additional financial backing for the press was achieved by something that Olsen depicts as “an unusual financial setup” (p. 427). For most of the mainstream press establishments, partial financial salvage came from the strategic positioning of the eight publishing companies, located in major Yugoslav cities, as job printers engaged in servicing of the printing needs of various local publications. The profit gathered in this way was enough to provide, with the advertising and circulation, a decent base for maintaining production.

In 1975 soaring operating costs put the newspaper-publishing enterprises into a dire situation. The enterprises were not able to keep up with their obligations to their creditors from previous investments, and they were forced to increase sales prices and depend on subsidies from the founders. Of course, these strategies did not improve the situation, especially for the daily newspapers. By keeping prices at a higher level, illustrated magazines managed to keep newspapers afloat (Avramovic, Marjanovic & Ralic, 1975, pp. 19-20). The newspaper-publishing industry entered a vicious cycle in which a price increase meant a decrease in readership. In their report for UNESCO (Avramovic, Marjanovic & Ralic, 1975), in the section that describes the profitability of the industry, no consideration is given to advertising as an option for improvement of the newspaper industry’s financial status.

The gradual withdrawal of state support from the media also had an impressive impact on people’s preferences (Lendvai, 1981, p. 24). For example, the demand for *Borba*, once a Party mouthpiece, dropped from 650,000 copies in 1949 to 30,000 copies in 1970. In the meantime, circulation figures for other papers on the market, such as

*Politika*, doubled. The public had turned to newspapers that offered more diverse content, spanning from serious political analysis to mindless entertainment and nudity.

### **2.1.5 The Yugoslav broadcasting system**

Broadcasting in Serbia dates back to 1929 when *Radio Belgrade* started transmitting its radio program. Television was introduced in 1958, joining as a unit with *Radio Belgrade* and becoming *Radio-Television Belgrade (RTB)*. In accordance with the Party's plan, the other Yugoslav republics developed their own television channels (RTV Ljubljana in Slovenia, RTV Zagreb in Croatia, RTV Sarajevo in Bosnia and Herzegovina, RTV Titograd in Montenegro and RTV Skoplje in Macedonia), with the intention of broadcasting for a corresponding viewership. At the beginning of the 1990s, the renaming of the RTB into Radio-Television Serbia (RTS) paralleled Yugoslavia's disintegration along ethnic lines. Other Yugoslav broadcasters followed suit.

From the outset and until the year 2000 with the change of the political system, RTB was a state-owned monopoly, financed by licence fees set up by the organs of the social management. Government financial support was expected for the development of new transmitting infrastructure and minority broadcasting. A second and third television channels had begun to broadcast programs in 1972 and 1989. Located beside the central unit and headquarters in Belgrade, RTB/S consisted of two regional units, RTV Novi Sad, in the autonomous province of Vojvodina, and RTV Pristina, in the autonomous province of Kosovo.

Until the 1990s, when new commercial television outlets begun broadcasting, Television Belgrade, with its regional units, maintained a monopoly over Serbian viewership. Up to the democratic revolution of 2000, government influence on

broadcasting was exercised through the nomination of the Administrative Council and Director General, rather than through direct censorship. Company news sections were the key object of Party attention, and were therefore, kept under tight surveillance for decades. Throughout the 1990s the Serbian opposition pointed to Television Serbia as a bastion of the Milosevic regime through which Milosevic managed to consolidate his power for more than ten years.

### **2.1.6 TANYUG (Telegraph Agency of New Yugoslavia) and the major press organizations**

Native opposition forces formed *TANYUG* during the German occupation 1941-1945, with the aim of truthfully informing the public and its Western allies about the antifascist struggle in Yugoslavia (Tanyug, 2006). After the end of the war, it became the place where generations of journalists learned their trade. As one of the ten strongest global news agencies, at one period, it had 48 foreign reporters around the world; by the end of the 1980s, it had 1,200 employees.

During the self-management phase, *TANYUG*, which celebrated its 60<sup>th</sup> birthday in November of 2003, continued to be the sole news agency in the former Yugoslavia. Canadian scholar Gertrude Joch Robinson, who did pioneering work on *TANYUG* (1970, 1977) and the Yugoslav media in general (1977) found that *TANYUG's* “foreign news processing has shown that censorship is not nearly as important a variable in the determination of product content, as are market and organizational factors” (1970, p. 350). Her data led Robinson to conclude that “most criteria used at the feedback, points to market, resources, and international desiderata” therefore bringing *TANYUG* “closer to [being] a Western agency like the *AP* than is usually assumed” (p. 350). Motivated by the

agency's anniversary in 2003, the Russian press agency *Itar-Tas* pointed out that *TANYUG* was the first to inform the world about the American invasion of Cuba in 1961, the coup against Salvador Allende's Chilean government in 1973 and the demise of the Romanian president Nicolae Ceausescu's regime in 1989 ("Six decades," 2003).

In this context is important to mention two press organizations, *Borba* and *Vecernje Novosti*, which eventually managed to re-form and outlive the era of communist self-management. As the voice of the Yugoslav Communist Party, *Borba* was established in 1922 in Zagreb (Croatia). Upon its inception, it immediately came into conflict with the monarchy and the government due to its critique of government policies and consistent call for freedom of the press. Finally, *Borba* was banned in 1929. Throughout the Second World War *Borba* continued publishing underground and called for the resistance against the German forces. In 1954, *Borba* became the organ of the newly formed Socialist Alliance of the Working People of Yugoslavia. *Borba* had lost its prominence by the late 1980s. At the beginning of the 1990s, however, it became the central force in forging the resistance against the nationalistic politics of the Milosevic regime.

*Vecernje Novosti* (Evening News, or commonly, the News) was established in 1953 as an evening newspaper. Soon it became an informative political daily appealing to the general public. For most of its history, it kept the status of the newspaper with the highest circulation in Yugoslavia, much as it is today, in Serbia. Its critics attribute this trend to its "lighter" approach to serious issues. A substantial network of journalists and reporters has represented the News domestically and abroad. It also issues a number of specialty publications that cover sports and entertainment (Novosti, 2006).

### **2.1.7 The crisis of self-management**

The rare accounts in the West about Yugoslavia's communist press during the 1960s and seventies noted the impact of sweeping political changes on the status of the press in society. The accolades that followed came from the realization that Marshal Tito "dared defy Stalin in 1947" (Olsen, 1966, p. 414) in order to forestall what he feared was "complete economic subordination" (p. 424). After a period of time, Tito created the press within what was dubbed "communism with a difference" (Bryan, 1966, p. 291). Partitioning from the Soviet embrace was followed in 1950 by the introduction of "a management of the economy and its enterprises by workers' collectives," that reshaped the entire Yugoslav political and economic landscape and thereby conditioned media functioning and development (Splichal, 1990, p. 5).

Strategic adjustment from the Soviet totalitarian style of politics did not prevent either Tito or the League of Communists from demonstrating authoritarianism and interventionism and, as a result, negating the credibility of the sort of democracy expounded by the Yugoslav self-management project. The regime brought in a significant degree of arbitrariness, with regard to legal matters and even the constitution, thereby unmasking the ambivalence of the top figures towards the rule of law as proclaimed in their own grandiose social-democratic discourse. In fact, Tito himself acknowledged doubt in the practicability of laws in a dialectical system such as self-management. Existing interventionism rendered these institutions as nonfunctional entities whose role was to serve the ruling elite and to uphold the pretense of the accomplished state.

According to some liberal critics, a few central conditions had been ignored in the construction of the participatory or self-governing organization of society. First, the

project of self-management was a project of the ruling elite, not of the workers from below. The power of the vertical oligarchic structure had never been removed from the purportedly self-governing production and working processes. The crucial decisions about production, distribution and surplus value were made at the top of the bureaucratic structure. Second, the concept of self-government entailed the development of a vibrant pluralistic civil society in which various options could be assessed and expressed. In contrast, paternalistic self-management was “treated as an appendage of the state, not as its alternative” (Golubovic, 1991, p. 37). Thus, these contradictions had been partly generated “by a confused idea of self-government inserted into an inappropriate political system” (p. 43).

Gredelj (2002) further observes that the culture of self-management and its “feigned, ritual participation of workers” as an actual agent of control by communist elites, encapsulates “a conservative coalition between the ruling oligarchies and, primarily, manual workers corrupted by excessive consumption (granted on behalf of foreign petrodollar loans during the seventies)” (p. 283). Two important insights spring from this statement; first, the nature of participation, which Gredelj further elucidates, is the participation of producers rather than citizens; second, the communist elites utilized consumerism for the benefit of their own maintenance.

In an attempt to devalue self-management in the former Yugoslavia, which is a widespread trend in Serbia, Gredelj and others point to the overarching factor for its demise—the abrupt liberalization of the Yugoslav economy. Tausch and Herrmann (2001) invoke Deutsch’s radical account of “the idea that development is a threat to stability” maintained by Huntington (p. 80). In this view, “the real and final reason” for

the political and economic crisis in Yugoslavia and the outbreak of conflict was “the strategy to cling to communist regional power while opening up the country to the world market” (p. 81). The authors claim that critics often disregard the fact that Yugoslavia in the 1980s maintained its European record of economic and social policy while pursuing the “most far-reaching neoliberal transformation strategy in the region” (p. 81).

Tausch and Herrmann find support for their theorizing in the statistical data of the period. The first important factor they find in is the fact that Yugoslavia had the most rapid urbanization rate among all European countries from 1960 to 1990. Second, “this enormous potential and challenge of social mobilization was coupled with a very rapid process of economic transformation and a disappearance of the central state” (p.81). Third, decentralization of the state from the constitutional changes in 1972 and 1974 actually diminished the power of the central state to influence the activities of its constitutive republics in national economic affairs. In sum, this was “the most radical economic transformation from socialism to dependent regional nationalism ever to have been recorded throughout the period of the end of communism in the world” (p. 81). Fourth and last, while Yugoslavia was still, for the most part, an egalitarian society, the rift between the poor and those who were wealthy and less committed to the political system, grew rapidly. All the elements for disaster found in Deutsch’s analysis, according to Tausch and Herrmann, can be found in the case of Yugoslavia.

In conclusion, did self-management encourage national fragmentation? It seems this may not be the case. It was rather the sudden liberalization of the Yugoslav state that brought the collapse of solidarity among equals in a community. Moreover, with the demise of the Soviet empire in view, the interest of the West in supporting Tito’s



Yugoslavia disappeared. Foreign funding diminished, and Yugoslavia found itself burdened by foreign debt. While solidarity among the working people could still have been found in traces among the workers during the 1980s, the solidarity among Yugoslav elites and nations was fading away.

## **2.2 Ethnonationalism: return of the suppressed in Milosevic's Serbia**

Tito's death in 1980 was not just a subject of analysis for foreign intelligence services, but also a hot topic for the international press. One of the main concerns for both was how long a decentralized Socialist Federative Republic of Yugoslavia (1963)—which had originated in 1945 as Democratic Federative Yugoslavia and was renamed the same year as the Federative Peoples Republic of Yugoslavia—would remain intact without the presence of the charismatic and dictatorial leadership of Josip Broz Tito.

The crisis of Yugoslav federalism and the unique practice of economic self-management was underway, however, a long time before the system's actual demise. Until 1966 the country enjoyed partial liberalization and economic success under the surveillance of the League of Yugoslav Communists. The ensuing unsuccessful economic reform brought the country into a crisis. Uneven distribution of budgetary spending among Yugoslav's six republics (Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Montenegro and Macedonia), and the growing rivalry among party leaders, further contributed to the crisis. Decentralization continued under pressure from the six constitutive republics, culminating in 1974 with the essential confederalization of the country. The major levers of power were delegated to the republics. The Serbian territory was carved up by the introduction of its two new provinces, Kosovo and Vojvodina.

The decade following Tito's death was characterized by a further decline, augmented by high inflation, unemployment and rising foreign debt. Nearly two-thirds of the foreign debt had been built up by the Republics (65 %) and not by the federal government. In 1986, a group of members of the Serbian Academy of Arts and Sciences produced Memorandum, an unpublished document that found Serbia disadvantaged under the Yugoslav constitutional arrangement. Tito's political successors, disorientated and apathetic, did little to address these concerns. Although managing to hang on to Tito's enduring charisma, there was no one within the party ranks who was able to tie together the loose ends of a constitutionally and spiritually decentralized Yugoslavia. A lingering political crisis matched the economic aimlessness. The void created by the lack of capable leadership created an excuse for some who were looking for a scapegoat for their own incompetence. Since 1980, Kosovo Albanians intensified their request for an upgrade of the province's status to that of a Republic.

In 1987, party apparatchik Slobodan Milosevic spectacularly inaugurated himself in Kosovo as a saviour of the Serbian nation. Judah (1997) describes the situation at the time:

In 1987 Milosevic was already the head of the Communist party of Serbia, but he had only risen to that position on the coattails of his best friend Ivan Stambolic, who was the then president of Serbia. In April 1987 Stambolic asked Milosevic to go to Kosovo to meet with angry Serbs. It was here that Milosevic betrayed Stambolic and, moving from the party line of denouncing nationalism, began his campaign to oust him and take full power. (p. 39)

Through the use of populist rhetoric, Milosevic promised a Serbian renaissance and solidification of national borders. In his article "The Serbs: The Sweet and Rotten

Smell of History,” English journalist turned political analyst Tim Judah argues that Milosevic, metaphorically speaking, intoxicated the Serbian nation with “an overpowering smell of history” (p.23), tendentiously ripening his speeches with references to a glorious Serbian past in which Kosovo held central stage. The Battle on the field of Kosovo, on the outskirts of today’s capital Pristine, which took place in 1389 between Serbian forces led by its medieval Christian aristocracy and the Muslim forces of the expanding Ottoman Empire, has for centuries been an inspiration for artists, the clergy, the general population and those interested in evoking the myths of the past. Although it proved to have been futile, as shown by the ensuing five hundred years rule of Serbia’s territories by the Turks, the standoff itself became the symbol representing the best attributes of the Serbian nation: bravery, chivalry and sacrifice for the nation. Amid the crisis, “a determined and cynical leader [Milosevic]” managed to “harness historical memory for his own political ends and succeeding” (p.43). Reawakening of the historical memory commenced in Kosovo on April 24, 1987, during Milosevic’s address to the Serbs reminding them about their predecessors who fought against injustice and humiliation and who faced obstacles. Milosevic urged: “Yugoslavia does not exist without Kosovo! Yugoslavia would disintegrate without Kosovo! Yugoslavia and Serbia are not going to give up Kosovo! (Djukic, 1994, cited in Judah, p.40).

The gap among the leadership of the Yugoslav republics finally reached a breaking point during the last Convention of the League of Yugoslav Communists in 1990. The major cause of the split lay in the irreconcilable differences in the view of the future organization of the state. Milosevic’s attempt to centralize the Yugoslav federation was countered by the Slovenian and Croatian leaders, who demanded a looser association

among the Republics. In response to the snubbing of their proposition by the Serbian delegation, the Slovenian and Croatian leadership left the event, essentially pronouncing the death of Yugoslavia. In 1992, Serbia and Montenegro proclaimed the joint state formation of the Federative Republic of Yugoslavia.

The fragmentation of Yugoslavia along the constitutional republic borders found the Serb populations in Bosnia and Herzegovina and Croatia cut off from Serbia. In an attempt to aid the fight of the Serbian populations against what was seen as a humiliation and injustice, Milosevic and the Yugoslav People's Army participated in arming the Serbs for their own protection. The Serbian Radical Party, formed by extreme right-wing nationalist Vojislav Seselj, called for the inclusion of the all Serbian lands into "Greater Serbia." Ironically, Milosevic and his left-oriented Socialist party found in the Radicals a strong collaborator in the remapping of the post-Yugoslav space and in nationalist mobilization. During the 1990s the accessional skirmishes between the neighbors of different nationalities evolved into the bloody civil war which carried on until 1995. Milosevic's government was condemned by most of the international community, including the U.S.A. and the European Union, for instigating the conflict. In order to put the pressure on Serbia's political classes, the EU and the USA imposed economic sanctions which would intensified the economic isolation of the country. Milosevic's nationalist politics brought the country to an almost complete isolation.

From 1987 and for part of the 1990s, Milosevic managed to mobilize the masses by revitalizing and utilizing, in his rhetoric, Serbian national symbols and myths. As a result, he succeeded in transcending commonplace politics by erasing ideological differences (Thomas, p. 425). The entire mobilization of the Serbian people was forged

through the media (Kurspahic, 2003; Thompson, 1999). Thus created, the powerful, nationalistic bloc managed to uproot any prospects for complex political deliberation. The power of symbolic politics in this period seriously threatened to annihilate the emerging forces that upheld the politics of difference, deliberation, and democratic compromise.

### **2.2.1 The politics of the 1990s and the rise of the democratic counterhegemonic movement**

In the best Marxist tradition, which accounts for the phenomenon of contradictions in each practice constituting the social formation, the period of Milosevic's rapid rise to power also characterizes a negation of his nationalist politics. The end of 1989 and the entire 1990s saw a pluralization of the Serbian political landscape due to the simultaneous processes of external political and sociocultural change in Eastern Europe after the collapse of Soviet Union, and the weakness of the Serbian communist state apparatus in preventing the formation of political parties. This was a period in which the various political parties started to form, develop political platforms and create alliances. Street protests and pressure from the opposition problematized their various demands, such as the scheduling of multi-party elections, enactment of the new democratic constitution and the institutionalization of political associations. Upon the announcement of the election, people also demanded a decrease in the number of signatures needed for nominations, multi-party representation on election committees and access to the media during the campaign.

Popular pressure, rather than round-table negotiations, forced the ruling Party to schedule the first multi-party elections on December 9, 1990. The result of the election

decisively favoured Milosevic and his Socialist Party of Serbia (SPS), put together in July of 1990 through the merger of the League of Communists of Serbia and the Socialist Alliance of the Working People. The SPS secured a majority of 194 seats (out of 250 available) in the Assembly with 77.6 % of the vote. Milosevic personally won the Serbian presidential post with 65.34 % of the vote.

The democratic opposition, fragmented in several parties (Democratic Party of Serbia, Democratic Party, Serbian Renewal Movement and Civic Alliance Party) regarded government control of the media as central to the victory of SPS. Although the opposition parties gained access to the media during the pre-election period, their access was minuscule compared to consistent SPS propaganda carried out through regular news broadcasts. Serbian Radio-Television, for example, openly sided with the SPS and Milosevic by exceeding the coverage of their activities while minimizing the activities of the oppositional leaders and their parties (Thompson, 1999, p.78). Additional tactics included attacks on oppositional candidates by questioning their patriotism while accusing them of treason. Similar tactics were employed before the 1992 Federal and Republican elections. For all these reasons a monitoring mission from the Conference on Security and Cooperation in Europe (CSCE) found in 1992 that “The pre-electoral campaign was tainted by shameless propaganda in the state-run media, especially television, that exclusively supported the governing party and either ignored or distorted the message of the opposition” (European Institute for the Media (EIM), January 1993, cited in Thompson, p. 79).

The post electoral awakening made clear the importance of the media. At a rally that took place on March 9, 1991, the opposition proclaimed as its major goal the

liberation of the “Red Bastille,” a pejorative name for the state television RTS. Milosevic sent riot police and military tanks to deal with the protesters.

The Party ignored calls for the reconstruction of state television, and offered only cosmetic action. A typical Party recourse in squelching the critique included shifting management around. As Matic (1998a, manuscript) notices, “the authorities replaced those loyal to them with those still more loyal.” Despite the fact that pluralism had been institutionally introduced through the work of the multiparty Assembly in 1991, RTS continued to serve the vision of Serbia endorsed by the sole party.

According to Matic (1998a, manuscript), the period from 1990-1993 can be described as the media’s war-mongering phase. The official mass media used nationalistic rhetoric to influence the minds of the Serbian nation while ethnic conflicts in Croatia and Bosnia-Herzegovina took their toll. The European Union recognized the independent status of Croatia and Slovenia in 1992. The United States joined some time later by adding Bosnia-Herzegovina to the list of the newly recognized states. Out of the ashes of the former Yugoslavia, Milosevic created the Federal Republic of Yugoslavia with Serbia and Montenegro as its only constituents.

As Serbian refugees from Croatia and Bosnia-Herzegovina streamed into Serbia, the “Reds” (SPS) and “Blacks” (extreme nationalist, Radical Party) increased their popularity with their populist rhetoric. The election in 1992 confirmed the prominence of both parties. In the same year, the UN put in force economic sanctions, which, along with the long-term state crisis, a command economy and self-management, brought the country to a standstill.

In preparation for the federal and local elections planned for November 1996, the

opposition leaders of the three parties, the Serbian Renewal Movement, Democratic Party and the Civic Alliance Party, harmonized their activities by forming the coalition “Together.” The Socialist Party controlled most of the media and significant economic resources for their campaign, including the institutions, courts, national parliament, local assemblies, and the election commissions. Although disadvantaged during the campaign, the “Together” coalition won in fifteen major Serbian cities. Rural inhabitants largely remained faithful to the Socialist Party. Milosevic attempted to annul the results of the election and scheduled a re-election. The decision triggered a protest that lasted for several months. At last, Milosevic agreed to concede the results of the local elections.

A number of oppositional parties abstained from the parliamentary and presidential election called for in September of 1997. The opposition emphasized the lack of conditions, especially these regarding media coverage and equal access. The ultra-nationalist Radical Party won 82 Parliamentary seats, while the Socialists were elected in 110 seats out of 250. The Dayton Peace Accord was ratified by the warring parties in December 1995 in Paris, ending the war in Bosnia. At the time “two thirds of the eligible voters [in Serbia] lived close to the poverty line” (Niksic, 1997, p. 7).

The Radicals and Socialists created “a red and black coalition” with which Serbia entered new challenges: the Kosovo crisis, continual economic decline, international sanctions, infringement of the free status of the university and the further deterioration of human rights and freedom of speech. A journalist for the independent daily newspaper *Nasa Borba*, Slobodan Pavlovic (1998), described the atmosphere in Serbia as one where the worst was yet to come by saying: “Fortunately, bombs did not fall on Serbia. But Serbia still found itself in darkness—a media darkness characterizing totalitarian



regimes.” He concluded that “There cannot be a real solution for the problems in Kosovo and Bosnia without democracy in Serbia, and there will not be democracy in Serbia as long as Slobodan Milosevic is in charge in Belgrade” (p. A9).

The ruling coalition showed continuing intolerance toward ethnic minorities and equal obsession with “political issues concerning state organization, borders, national unity, war, [and] peace,” rather “than those of modernization and political partnership” (Lutovac, 1996, cited in Matic, manuscript). Fomenting for decades, the hostilities between the Albanian majority and the Serbian minority in the Serbian province of Kosovo finally boiled over in 1999. Again, the regime failed to show any intention or ability to compromise and settle the differences in a democratic manner. After the failure of the internationally monitored negotiations in Rambouillet, France, the conflict in Kosovo escalated. NATO reacted by force between March 24 and June 9 until the Serbian troops agreed to retreat from Kosovo, submitting the province to international governance.

In September of 2000, people from all over Serbia converged in the Serbian capital, Belgrade, to protest yet another attempt by the regime to rig the result of a federal election. Under public pressure, Milosevic accepted the results of the election that put Vojislav Kostunica, the leader of the Democratic Party of Serbia and the candidate of democratic coalition Democratic Opposition of Serbia, in a presidential chair of the Federal Republic of Yugoslavia.

The victory of DOS and Kostunica capped a decade of struggle that witnessed the formation and strengthening of various political parties, non-governmental organizations, trade unions, and associations which had managed to create a unified front against the

coercive state. Victory in the election showed that a segment of civil society had matured into a force that was able to confront Milosevic's politics of nationalism and isolationism (Goati, 2001, p. 251). In the ensuing days the regime was compelled to make further concessions. Street demonstrations, the failure of some of the regime's key levers and mechanisms with respect to information and policing, and widespread insubordination at many levels, forced the regime to succumb to pressure and call for the extraordinary Serbian Parliamentary elections held on December 23, 2000. An overwhelming victory for the democratic alliance in this election finally assured control over the legislative branch of government, thus creating the conditions for sweeping institutional renovation along the lines of a constitutional liberal democracy.

### **2.2.2 Media regulations in the service of a nation**

Political monism remained a defining feature of the entire period despite the introduction of party pluralism at the beginning of the 1990s. The Socialist Party continued to control all levers of political power until the year 2000. The Party's domination in the People's Assembly of Serbia profoundly affected the legislative process and the determination of governmental policies. Thus, the constitution and the entire legal framework served to accommodate the political goals of the Socialist Party.

Nevertheless, this is not as straightforward as it might appear. The constitution and legal framework also served to legitimize the political system and thus preserved the integrity of its leaders in the eyes of the public. Despite this nondemocratic practice, both political systems, Communist and Socialist, pledged their allegiance to democratic principles through their respective constitutions and legislative policies. In a similar vein, the Press Clause in the constitutions following the Second World War mirrored those of

advanced democratic societies. Article 46 of the Serbian Constitution, from September 28, 1990—which stayed in force until late 2006, six years after the change of the political system—upheld freedom of the press and freedom of opinion and speech, and prohibited censorship.

Constitutional proclamations, however, encountered difficulties in their implementation. For example, the Press Clause postulated the existence of “the competent agency” (paragraph 3), which was to provide for the registration of new press outlets. No such agency was available. Also, the Press Clause stated that the establishment of electronic media is possible “in accordance with law” (paragraph 4). No such law existed. Similar inconsistencies, discords, and ambiguities were the major features of the legal framework for the media that originated during the reign of the Socialist Party. Such a state of affairs conveniently contributed to misinterpretation and misuse.

Other problems were related to the discord between the existing regulations, between old and new laws, and between the federal laws and the laws of the Republic of Serbia. In 1990, in one of its last sessions, the Yugoslav Assembly passed the Federal Act on the Public Information System, which announced major changes that included “privatization, the possibility of foreign investment in the media industry of up to 49 %, and abolishment of pre-licensing of potential media owners” (Radojkovic, 2004, p. 322). It is important to note that, although the state has been dismantled, the Yugoslav legal system and its obligations remain in force in Serbia due to the country’s internationally confirmed status as the legal successor of the former Yugoslavia.

In 1991, Serbia unveiled three pieces of media legislation. Its first ever Act on

Public Information (previously under federal authorities), included among its provisions such novelties as privatization, foreign investment and pre-licensing. The other two laws were the Act on Radio Diffusion and the Act on Broadcasting. The Act on Broadcasting allows for various types of ownership: private, shareholding, state and socially (community) owned property. According to Radojkovic (2004), however, “this party (Socialist) was able to build into the legislation all the provisions that were going to subordinate the media to the government and state authorities” (p. 322).

An important segment of the Serbian Act of Public Information violated federal legal competence in allocating frequencies. Although the Federal Constitutional Court found the provision illegal, the imminent disintegration of the Yugoslav Federation created a situation in which Serbia assumed control over its frequencies. There were no independent bodies in place to supervise the allocation of vacant frequencies. Instead, the Serbian government took direct charge of this process.

Indeed, the major sources of anguish for those applying for the broadcasting frequency were the articles 5 and 11 of the Act. Article 5, due to its vagueness with respect to criteria for the distribution of frequencies, allowed a special commission appointed by the government of Serbia (Article 11), to bring out decision based on pure arbitrariness. Because it was dominated by the ruling party, the commission’s entire process of decision-making was cloaked in obscurity and lacked transparency. Such a control of the process of allocation by the regime has had direct consequences on the choice of programming of the aspiring broadcaster. Thus, Radojkovic (2004) argues that many local and private broadcasters, because of this process, had to give up covering news or political information, “leaving almost a monopoly over such information in the

hands of the national, state network” (p.323).

In addition, indolence and lack of direction were a common trait of the ministries responsible for the mass media throughout the 1990s. By law, bidding for vacant frequencies occurs each year. Until 1997, the allocation of frequencies took place only in 1992 and 1994. In 1992, permission to broadcast programs went to eight radio and seven television stations. Two years later, out of 80 requests, permission to broadcast went to fourteen radio and five television outlets. In 1997, out of 320 radio and 70 television stations available, only about a hundred possessed a licence to broadcast their program (Media Centre, 1998, p. 19). Media practitioners started to describe the situation as “a jungle in Serbia’s ether”; this phenomenon has persisted, despite political change, for at least the following decade.

In 1997 the state made an effort to consolidate the electronic media scene. The federal ministry (Yugoslav federation of Serbs and Montenegrins) specified a number of documents necessary for obtaining permission to broadcast. Soon, broadcasters realized that acquiring the documentation was interlocked with a bureaucratic circuit of mutual subordination (“vicious cycle”). The Media Centre, an organization formed by the Independent Journalist Association of Serbia (IJAS), focused its attention on this development. This is how the Media Centre’s Report (1998), described the situation:

The Serbian Public Information Act predicts the registration to be in effect only if the outlet has a permit. However, a letter from the Federal Ministry of Communication observes registration as a mandatory precondition for the permit. Similarly, the courts refuse to issue certificates without the permit having been presented to them. And finally, the Ministry (for Traffic and Communications) has not been releasing their “opinion” (required document) as this obligation is active only in the case of a public bid (which has nevertheless not been

performed in the last three years). (pp. 19-20)

As expected, the inability to fulfill these requirements brought broadcasters into a dire situation, forcing a great number of closures. Although the whole episode was justified by the ministries as an attempt to bring order to the media sphere, the massive closures that followed coincided with the approaching parliamentary and presidential elections in Serbia, proposed and held on September 21, 1997.

Since it was in control of one party, the entire allocation process, set up by the Act on Broadcasting, lacked transparency. The process hid endless possibilities for corruption and tendentious exclusion of alternative programming. Ambiguous criteria such as “more complete informing of the citizens, quality of the programs, quality of the signal, social need, and so forth” served as a filter (Radojkovic, 2003, p. 323). Such practices put potential candidates in the position of having to refrain from suggesting programming that would elaborate on serious social and political issues. Sheer pragmatism indicated the only solution for the potential broadcaster: the evasion of confrontation with the regulatory body and a retreat to the safe haven of entertainment and escapism. Indeed, according to Gordy (1999) until 1994 the new nationalist elites participated in the creation of a specific form of musical culture, Neofolk (newly composed folk music) or Turbofolk (commercial dance and disco versions), “in order to change social order and appealing to its rural and semirural bases of support” (p.104). Attuned to the period of nationalist mobilization, the musical culture of Neofolk was widely present in the state-controlled media serving the tastes of the rural inhabitants while decreasing the cultural space available to, for instance, rock and roll culture whose members says Gordy, “already removed from influence, were made to feel more

intensively isolated in an environment hostile to them culturally as well as politically” (p.104). Privately owned Pink television managed to build a small empire both through to its ties to the regime and the fostering of Neofolk and Turbofolk culture.

### **2.2.3 The public information act of 1998 and the penal code**

Increased repression of the media in 1998 correlated to yet another cycle of violence, now in Kosovo. Amidst the crisis, the Assembly adopted with some urgency a new Public Information Act. This Act consisted of a number of essentially “anti-information” provisions. Besides the usual “gallant declarations” (Pihler, 1999, p. 134), the law consisted of three discouraging innovations. These measures involved administrative proceedings against the media (Articles 72-74), formulated punishment in the case of media misdemeanors (Articles 67-71) and dealt with the problem of re-broadcasting (Art 27) (Human rights in YU, 2000, p. 112). The new provisions were soon put into practice.

The ensuing proceedings against the media who challenged the regime and its editors resembled a summary trial. The hearing and announcement of a verdict took no longer than 48 hours. People found guilty were required to pay a sizable fine within 24 hours. Failure to secure payment of these fines initiated a confiscation of the means of production that then went to auction. Moreover, these prescribed fines were in conflict with the range of fines ordained by the Misdemeanors Act of the Penal Code. By raising the fines 400 %, the media’s petty offence fines equaled the fines prescribed for serious crimes.

According to Belgrade’s Centre for Human Rights, these provisions, besides being in conflict with international law, also contradicted the Serbian Constitution. First,

they counteracted a guarantee of freedom of expression. Second, they neutralized the right to fair trial; instead accused were presumed guilty with no opportunity to defend themselves. Third, “They also violate[ed] the principle of equality of arms ... as well as the presumption of innocence” (Human rights in YU, 2000, p. 113).

A number of significant deficiencies related to procedural law. The requirements were lax regarding the elaboration of the accusations and were rigid with regard to the justified absences of those expected to show up in court (p. 113). Finally, there were serious limitations with regard to re-broadcasting programs funded by foreign governments or their organizations. In essence, the provision’s immediate targets were institutions and groups of civil society whose activities were supported by foreign funds.

The integrity of the judge was of crucial importance when the decision depended on an interpretation of the Articles of the Serbian Penal Code, which was established to protect the reputation of the state (Art 157, para. 2) and to act against the circulation of false information (Art. 218, para. 1), as well as against the unlawful possession and operation of a radio station (art. 219). According to Belgrade’s Centre for Human Rights, Art. 218 was central in harassing journalists and editors who worked for independent media. In like manner, Art. 219 served the purpose of dealing with those working for the electronic media (p. 122). The media paid fines totaling DM 2.5 million due to these punitive provisions. This development should not be surprising since the Penal Code designates that magistrates in Yugoslavia “are not judges but officials of the executive branch” (p. 112).

The new law qualified as a severe attack on the mass media. It was perceived by some as a result of “political psychopathology” (Grubac, 1999, p. 145). There was no



doubt that the system found itself in a deep crisis on all fronts. With Milosevic rising to power, Serbia entered a stage of permanent alert. Those in power deduced that the endangered nation required adequate appraisal of state security. According to most constitutions, including the Serbian constitution, these special times called for special measures. This time of crisis thereby contributed to stifling the rising autonomy of the press. Facing the state's "monopolization of the image of meaning" in the media (Price, 1995, p. 42), the public and the press were fighting a media war within the nation.

#### **2.2.4 Privatization of the media—first attempts**

In 1990, counting its final days, the Yugoslav Federal Parliament legalized the privatization of the mass media. Serbia's legislators followed suit, intending to gradually transform the pre-dominant social and state ownership into private ownership. The privatization of the mass media was envisioned as being carried out in the form of shareholding or single ownership. However, economic transition based on the imperatives of the free market, at the Yugoslav level, soon ceased due to the disintegration of the federation. In Serbia, the sort of privatization conducted during the Milosevic decade was characterized as one that provided "false ownership rights" and was essentially "fictitious" (Radojkovic, 2002, p. 6). "Instead of fresh money," Radojkovic suggests, "founding rights of the political institutions and employee privileges were calculated as their shares". As a consequence, "The media [were] poor, at the edge of bankruptcy" (Radojkovic, 2002, p. 6).

The first to experience privatization under the new legislation was *Politika*, the most prominent Serbian daily. The Workers Council of *Politika* initiated its ownership transformation in 1992 amidst the breaking up of the former Yugoslavia (Marovic, 2002,

pp. 271-294). The idea was to find out how the organization, which was officially owned by society (the people) and hence managed by the Workers Council, could be transformed into a shareholding company. Their mission was to differentiate between the social and organizational, and to verify the number and the value of the shares. At the outset, the Serbian Assembly ensured ownership rights for *Politika*'s Workers Council and thus its authority to proceed with the full transformation. However, Milosevic suddenly acknowledged *Politika* as an institution of "outstanding interest for the society" and the transformation promptly stalled. Soon, the legislator proposed a law in which the state would retain 51 % of the ownership rights and thereby management of the company. The proposal encountered fierce opposition in the Assembly and the attempt failed. Despite this initial setback for Milosevic, his control of *Politika* was recaptured through filling management and directorial positions with his confederates.

Federally owned daily *Borba* (The Struggle) had better luck with regard to ownership transformation. Privatized in 1990, during the governance of the last Yugoslav Prime Minister Ante Markovic, the newspaper transformed from being the journal of the Yugoslav Communist Party into an independent joint-stock company. The change of ownership initiated an overhaul of its editorial policy. *Borba* became a civic publication with a more objective approach to current issues. Upon the disintegration of Yugoslavia, its critical assessments attracted the attention of the Serbian regime. In November of 1994, the Serbian authorities moved to legally challenge the previous incorporation of the company under federal authority. The challenge was successful and the Serbian authorities recaptured *Borba*.

Besides the transformation of state and social ownership into private hands, the

Serbian legislative framework, for the first time since the Communist Party took over the state apparatus, allowed private initiative in the media field. This private initiative became the major reason for the proliferation of mass media outlets in Serbia. Among the first to be associated with this trend was the daily *Borba* itself. Upon the seizure of *Borba*'s premises by the regime, a number of journalists abandoned *Borba* and established *Nasa Borba* (Our Struggle), which, with financial support from abroad, continued to confront the regime for several years.

During 1998, three important alternative dailies encountered trouble. Daily *Blic*, at the time one of the top independent newspapers with a circulation of 200,000 copies, split in two due to an internal rift. The journalists mutinied; led by the former editor-in-chief, formed a new publication, the daily *Glas Javnosti*. The owner of *Blic* continued to publish. *Nasa Borba*, after several years of being a leading alternative daily, ceased to exist for dubious reasons: purportedly, the owner withdrew from the business, leaving most of the journalists to form the daily *Danas*, currently the top ranking daily. Financial reasons caused the disappearance of *The Demokratija* (Dragos Ivanovic, 1999, pp. 72-74).

### **2.2.5 The arrival of independent media and the new press agencies**

The advent of the commercial television station, *Independent Television Studio Belgrade* (*NTV SB*, commonly referred to as *Studio B*) in the late 1990s challenged the nationalistic narrative emanating from RTS. Situated at the top of the tallest high rise in the centre of Belgrade, *Studio B* transmitted alternative political views, barely reaching the outskirts of the city. As the only independent television station at that time, *Studio B* had developed out of a popular urban radio station founded under the sponsorship of

Belgrade's municipality.

Throughout the 1990s *Studio B* was an objective of interest in the struggle for political control. On several occasions, under pressure, the station ceased broadcasting and management was purged. Just after its founding—and prior to the 1990 election—*Studio B*, paired with *B-92* (at the time a student radio station), experienced the first forced closure by the government. Again in 1995, the authorities used legal measures to take over and assimilate *Studio B*. The court repealed the company's status as a private company and reinstated social ownership. The Belgrade city assembly, dominated by the Socialist party, took over. Although the station had provided progressive and alternative material, the new management fired 20 journalists and converted it into a source of popular entertainment. Despite its weaknesses, “with a small share of audience, poorly technically equipped with little [of its] own program production, *NTV SB* was continuously under pressure from the regime” (Matic, 1998a, manuscript). At last, *Studio B* confined its activities to the sole issue of how to dismantle Milosevic's authoritarianism (Milivojevic & Matic, 1993, p. 14).

Having begun broadcasting in 1989 *Radio B-92* was an experimental student station. The station, as a staunch opponent of the Milosevic's nationalist politics achieved international fame. Eventually, this wider attention also brought considerable financial support from abroad. Being the hub of alternative opinions, *Radio B-92* was constantly under siege by the regime. A foreign financial presence institutionalized through the acquisition of the 48.06 % of shares by the Prague-based Media Development Loan Fund, helped foster Serbian broadcasting independence and plurality (The Media Development Loan Fund, an international foundation, was linked to Television Across

Europe, an aspect of the Open Society Institute). In the autumn of 2000, *B-92* formed a television branch.

Two commercial television companies of considerable relevance began broadcasting in the 1990s. *BK Telekom*, in the possession of the controversial Serbian tycoon Bogoljub Karic, launched its program in 1994. Karic maintained a tight connection with the regime. Close ties to the Milosevic family seemed to result in his personal wealth and prominence. *BK Telekom*'s use of transmitters owned by State television RTS was one of many lucrative deals that existed between the two families. Such practices allowed the company to cover 60 % of Serbian territory with its broadcast signal. The mechanics of this reciprocal relationship became known during the public unrest of 1996-1997, which has been caused by Milosevic's attempt to foil the elections. In response to evident enthusiasm on the streets, *BK Telekom* briefly offered broadcasts that conveyed the grievances of the public. Nonetheless, the state television replied by threatening the cancellation of the contract that stipulated the use of transmitters. In no time, *BK Telekom* retreated to its servile groove (Helsinki Committee, 1997, p. 322).

Another commercial broadcasting enterprise, *TV Pink*, launched its television channel in 1994. Its owner was also close to the regime. At the time of the founding of the station, its owner maintained a membership in the "Yugoslav left" political party. He was a close friend of this party's president, Mira Markovic, the spouse of Slobodan Milosevic. In contrast to the other propaganda machines at Milosevic's disposal, however, *TV Pink*'s role was to offer escapism to the nation through senseless entertainment. In essence a market orientation, this approach to programming provided the company with assets and a position that put it among the leading media outlets,

outgrowing its local Serbian context.

*TANYUG*, for decades the sole news agency in Yugoslavia and Serbia, also witnessed the advent of rivals. The 1990s were the bleakest in *TANYUG*'s history. Its reputation crumbled due to a combination of negligence and loss of integrity under Milosevic's control. At this low point, two competing news agencies introduced themselves. The news agency *FONET* was launched in February of 1994. According to its director and owner, the agency was formed "due to pure despair as true journalism was expelled from the state controlled media" ("Procreated out of Despair," 2006). *FONET* strived to reintroduce professionalism in Serbian journalism in order to counteract the prevalence of deception, manipulation, intolerance and agitprop fostered in the regime's media.

The *BETA* news agency came into being through the erosion of the pool of *TANYUG*'s journalists. In 1992, marginalized within *TANYUG* and unable to accept its retrograde editorial policy eight editors took the initiative to leave the agency and establish the *BETA* agency. The *BETA* was also the outcome of solidarity between journalists. Having no resources, the *BETA* was offered a room and phone line at the *NTV Studio B* in exchange for a feed of independent news. As of 2008, the *BETA* is one of the region's central news agencies with 200 employees, of whom 80 are journalists. It broadcasts the news in Serbian, English and in the languages of the minorities: Hungarian, Roma and Albanian. The *BETA* agency has formed a strong network of reporters all over the world ("Daily fare," 2004).

The foregoing suggests that the independent media in the 1990s challenged the officially propagated form of social integration based on traditional forms of bonding.

With the emergence of the modestly priced commercial dailies such as *Nasa Borba*, *Blic*, *Danas* and *Glas Javnosti*, the official description of reality was put into question. As one rather dark example we can note that, “the independent press started to have trouble with the authorities as soon as the death-count in Kosovo rose sharply, in March 1998” (Thompson, p.132). They critiqued the restoration of the Serbian state on the basis of its exclusion of others, who by their ethnic specificities, are perceived not to belong to the project. They also critiqued a score of journalists who endorsed the politics of symbolism, which diminished the possibility for democratic problem-solving, in place of issueless mobilization “bound up in a single apocalyptic and restorative need” of one nation (Thomas, pp. 8-9). Retaining the best of the Serbian tradition, the independent media attempted to make a distinction between the reconstruction of the state on the basis of universal rights and freedoms and its reconstruction based on myths. As will be evident in the analysis of the post-revolutionary period in the following chapters, this struggle continues to be the thread that conditions the consolidation of Serbian democracy and state.

### **3: REMAPPING AND IMPLEMENTATION OF MEDIA REGULATIONS AFTER DEMOCRATIC CHANGE**

The opening segment of this chapter describes the turnover of power of the key political system—the Serbian state—following the 2000 elections, and the context in which the newly established democratic regime reformulated the national policies that define Serbian cultural identity. Due to the mass media’s central role in shaping the identity of the nation, attention then shifts to the provision of the basic regulatory framework for mass media organizations. This chapter offers an analysis of the legal contribution to the dynamics between continuity and change for the identity of the Serbian mass media. The core regulations included in this analysis are the Broadcasting Act, Law on Free Access to Information of Public Importance, Public Information Law and the items of the Penal Code that address the practices of hate speech and defamation.

#### **3.1 Political change after 2000: the national and international context**

The opportunity for the reshuffling of political power in Serbia at regional and local levels occurred in 2000 with the coming of regular elections. Socialist authorities took the opportunity to call for a premature federal presidential election, hoping for an extension of Milosevic’s tenure as Yugoslav president. In anticipation of the elections, set for September 24, 2000, the democratic opposition made a number of demands similar to those put forward during the 1990s, of which free media was a top priority. Despite unyielding conditions imposed by authorities in power, an 18-party core of opposition



entered the campaign under the collective name Democratic Opposition of Serbia (DOS).

The election results were overwhelmingly in the opposition's favour. However, repeating the strategy from 1996/1997, the regime refused to announce the loss. This crisis led to popular unrest. Street demonstrations, the failure of key levers and mechanisms of the regime such as control of information and policing, and widespread insubordination in many strata of society prompted the regime to succumb to pressure and concede victory to the DOS coalition. The immediate post-revolutionary period placed Serbia in the context of "political dualism," in which Milosevic and the Socialist Party of Serbia still controlled the executive, legal and coercive branches of the Serbian state (Goati, 2001, p. 250). Aware of this contradiction, the opposition managed to compel the flustered regime to permit an extraordinary Serbian Parliamentary election. On 23 December 2000, a majority of voters gave Serbia's democratic alliance the opportunity to direct the future of the Serbian state.

The recapturing of the state apparatus by the liberally-oriented parties in 2000 established conditions encouraging sweeping reconstruction of the society's institutions, including the sphere of communication and the media. Still, according to Blaug (1999), a transition to democracy inevitably generates resistance. "From the first moment a breakout of democracy occurs," Blaug says, "participants are involved in a struggle for survival as a democratic entity" (p. 141). Also, he continues, since the participants are "engaged in an activity whose legitimacy is entropic, they now face significant pressures and constraints, many of which will, if improperly managed, serve to return them to a power-saturated form of discourse" (p. 141).

In Serbia, however, some of the key problems exceeded the realm of mere

discourse. The legacy of the Milosevic regime included unsolved issues related to core functions of the state, such as its ability to secure control over internal and external sovereignty, state territory, and its citizens. After the change of power, the state struggled to consolidate its basic functions—those integral for the homogenization of the Serbian entity. Three specific issues were cardinal in this regard: Montenegro, Kosovo, and Serbia's implication in the atrocities in the Balkan wars before the International Court in the Hague.

The challenge related to the state partnership with Montenegro reached an end in 2006. Upon the dissolution of the Socialist Federative Republic of Yugoslavia at the beginning of the 1990s, the Republic of Montenegro remained constitutionally attached to Serbia. The two republics rejuvenated their ties in 1991, renaming the state formation the Federal Republic of Yugoslavia. Nonetheless, since the mid-1990s Montenegro has distanced itself from Milosevic's politics, voicing its craving for independence. Upon the removal of Milosevic from power in 2000, the question of the status of Montenegro intensified. In 2003, diplomatic pressure from the EU and Serbia led to the reconditioning of the state formation under a new Charter and name—The State Union of Serbia and Montenegro (SCG). Montenegrin authorities consented on the basis of a provision added to the Charter, which anticipated a plebiscite on its status within the Union in three years. In 2006, the people of Montenegro decided to support the initiative of their government and vote for independence; therefore, Montenegro's long-term constitutional ties with Yugoslavia and the final three-year-long state union with Serbia, came to an end. Historically and symbolically, the separation also signified the severing of some of the final associations with the former Socialist Federative Republic of Yugoslavia, whose

disintegration had commenced fifteen years before.

Another challenge for the young Serbian democratic state has been the question of Kosovo's independence. In the period from 2006/2007, Serbian and Kosovar political delegations convened in Vienna on several occasions to negotiate the status of Kosovo. Under the tutelage of the core Western countries and the leadership of the USA, Kosovo's ethnic Albanian leaders declared independence from Serbia on February 17, 2008. The Serbian democratic government has been as determined as the Milosevic regime in holding off the partitioning of 15 % of its territory.

Finally, the new Serbian state is committed to proving its democratic potential at the international level by finalizing its "cooperation" with the International Court in the Hague, which seeks extradition of several individuals charged with crimes perpetrated against humanity during the ethnic conflicts in the previous decade.

Montenegro, Kosovo, and the Hague have long been considered issues that have the potential to destabilize international peace and security, and as such, demand active international attention and participation. The Serbian government's cooperation in connection to these issues directly conditions the future development of Serbia. The inability of the state to fulfill these international requirements damages the prospects of a closer partnership with Europe and the U.S.A. For instance, after the satisfactory conclusion of the preparedness of Serbia to enter into negotiations for membership with Europe, at the end of 2005, Serbia found itself having to negotiate a Stabilization and Association Agreement with the European Union. It was believed, at that time, that if the political, economic and administrative reforms continued at a similar pace, the agreement on association would be signed some time at end of 2006. This time-frame also

envisioned Serbia becoming a candidate for membership around 2010, and its final entry into the Union in 2015 (Milosevic, 2005). Nonetheless, the European Union suspended negotiations in May of 2006 due to Serbia's failure to capture war crime suspect General Ratko Mladic. The United States responded in a like manner, shelving anticipated annual financial support for Serbia and postponing Serbia's entrance into the organization, Partnership for Peace, which stands as the ante-room for NATO membership. Nonetheless, notwithstanding an unsatisfactory assessment with regard to cooperation with the Hague's demands, in 2006 Serbia was allowed membership in Partnership for Peace. In contrast, the EU remains adamant about the discontinuation of negotiations for Serbia's candidacy for membership.

By entering into cooperation with the EU, Serbia willingly accepts a number of obligations and commitments whose fulfillment will determine the speed, form and extent of change. Internal contextual dynamics often put a strain on the relationship between the Serbian government and international institutions. Some of the strain comes from Serbia's dexterity in securing the passage of specific legislative frameworks through the Assembly. For example, the acceptance of Yugoslavia into the Council of Europe in 2002 was directly correlated with the passage of the Broadcasting Act through the Serbian Assembly.

Domestically, the unsolved spatial, social and sovereigntist questions condition the nature of discourse present in the public debate. The frustration around these crucial questions of identity renders the nation sensitive to nationalistic discourse. External pressures feed the fear of change, and as a consequence, reintroduce and empower the ethnonationalist forces once thought to be in retreat. The breakdown of the democratic

alliance in the post-electoral period damaged the public's perception of the new elite's capacity to lead the country. The split within the democratic corpus brought extraordinary parliamentary elections in 2003. Defeated in 2000, the Socialist and Radical Party recovered. The two parties managed to regain their popularity on the basis of their populist and nationalist rhetoric. This development had immediate repercussions on the constellation of power within the Assembly and the new Government. The Democratic Party of Serbia decided to ignore its former coalition partner, the Democratic Party, and formed a coalition with its former arch-enemy, the Socialist Party. The extreme nationalist Radical party returned energetically by becoming the Parliamentary opposition with the strongest popular base. As a result, both the international community and the fragmented democratic corpus awaited the future Serbian elections with apprehension.

Upon its constitution in 2004, the government's decisions and, therefore, its capacity to answer to the democratic transition and external obligations, were conditioned by its ability to negotiate further developments with its Socialist partner. The Socialists' (and Radical Party's) inclination to defy international cooperation put a strain on the obligation of the Serbian state to show flexibility in its approach with respect to the Hague Tribunal and Kosovo. The Socialists and Radicals, for instance, continued to feed the public perception of the Hague Tribunal as a political creation whose intention is the humiliation of the nation ((Biserko, Kupres, Stjepanovic, Kistic & Savic, 2004, pp. 55-58). Moreover, the independence of the "Serbian Westminster," Kosovo, is considered a taboo topic even for democratic parties. Consequently, the young democratic government is torn between the obligations towards its international partners, who aid the democratic

transition, and the significant segment of the population who perceive the state's collaboration as a further decay of Serbian national pride. In the background of these grand issues of sovereignty, the ordinary citizen is asked to single out "which way of life deserves honour and respect, and how a particular nation should imagine its political future" (Jaggard, 2000, p. 33).

### **3.2 The initial regulatory interventions and the legacies of the past**

Political reshuffling at the federal level of governance affected the media at once. The government's first action was to purge some of the legal provisions that had caused injustice to the alternative media since the introduction of the Public Information Act in 1998. In January 2001, the Yugoslav Federal Constitutional Court suspended the most detrimental provisions of the Public Information Act on the grounds of unconstitutionality (Media Center, 2001). The new authorities further acted to dismantle the Ministry of Information, thereby halting the future allocation of frequencies on an arbitrary basis. In the following month, the newly constituted Serbian Assembly upheld only the articles regulating the process of registration, reply and correction of published information. The Assembly annulled the other provisions. The slander and libel provisions of the Serbian Penal Code remain intact for the time being.

Further measures of the government in the media field also included the return of 11.4 million dinars as partial compensation to print media producers for damage caused by the punitive provisions of the former Public Information Act during the period 1998-2000 (Media Center, 2001). The total amount paid through the collection of fines, for reasons such as "spreading of defeatism" and "tearing down constitutional order" has

been assessed in the neighbourhood of 31 million dinars (Media Center, 2001). Finally, the outdated Law on Radio and Television was altered with respect to the model of financing for the RTS, which was now supported through the budget as opposed to being financed through the collection of subscription fees.

Some products of past legislative activities presented a greater challenge, reflecting the fact that political transformation in post-communist countries typically manifests a mixture of elements of change and features that endure from previous political orders. This is especially true in consideration of the discord between the provisions of two constitutions, the Serbian constitution, brought to life by Milosevic and his Party back in the early 1990s, and the SCG Charter, which in 2003 revamped the constitutional relations between Serbia and Montenegro within the new joint state formation, SCG.

Contrary to the Press Clause in the Charter on Human and Minority Rights and Civil Liberties, the Serbian Press Clause showed the absence of any provision that safeguards the right to reply, despite such a right's relatively long existence in the former Yugoslav legal system. In Tito's period, the press was obliged by law to offer space for those intending to challenge an allegation in print. Instead of this, the Serbian Press Clause retained only the rights to correction and compensation. Second, the Serbian Constitution failed to address the citizens' right to freely access information of public interest. While Montenegro's proclamation of independence in 2006 had made the SCG Charter irrelevant, the Serbian constitution, drafted by Milosevic and with all its incompatibilities to the contemporary context, remained. Since the political change, it has been the subject of a dispassionate attempt by political parties to replace it. The political

wrangling and the general lack of will on the part of the entire political elite continued to impede the procurement of a new constitutional legal framework until the end of 2006, when a new constitution finally came into being. It is somewhat ironic that work on the new constitution was begun at the urging of the new elites to once again confirm the constitutional status of the Province of Kosovo within the Serbian domain, rather than to constitutionally support economic and political transformation. However, this is another example that suggests the pre-eminence of basic identity issues over politics and the economy.

### **3.3 The new legal framework for media and the sectors of mass media organization**

The period of ad hoc measures in the media sector, carried out as a form of post-revolutionary justice, soon reverted to deliberation about the form of media organizations and the drafting of a major legal-institutional document. Committed to their promises and ideological convictions, the new democratic authorities created the conditions for a vigorous debate on the reform of the media. A number of journalists, scholars, and media practitioners took a personal interest in the drafting of the major legal documents for mass media and communication. Others participated through various professional institutions, associations, and non-governmental organizations whose stakes lay in democratic development. Foreign institutions such as the Council of Europe, the European Agency for Reconstruction (EAR), the Organization for Security and Cooperation in Europe (OSCE) and USAID also took a major interest in the development of the mass media regulatory framework and offered financial and advisory aid.

In a somewhat general approach to transformation, the media reformers, from



the civil sector to the legislators, achieved a consensus in separating the media into two basic sectors, each with a distinctive internal organization and economic base. The inspiration for the assumed conceptualization of the media broadcasting sphere stemmed from the western European tradition in regulating the mass media. Public broadcasting, as one form of organization, saw the transformed state *RTS* and its former sister, Vojvodina's *RTNS*, as institutions allocating their resources to provide communications as a public service. This was consistent with the way the two entities were financed. Between the two basic forms of economic support for public media, the reformists and legislators opted for the collection of licence fees as opposed to budgetary support. This was defended on the premise that the former provides a greater level of autonomy from the possibility of state interference, which is the general fear of most democratic media theorizing.

Also, the private media sector is expected to follow commercial interests by securing its position in response to the marketability of a product. This form of ownership and economic footing, as a core of the liberal doctrine, has been theoretically supported and perceived as a single and efficient repellent to political and state interference. The Serbian media reformists opted to counterpose these two forms of media organization in a direct attempt to respond to the Western European and, we may add, the Canadian experiences with regard to the failure of the market to fulfill the public's real needs (Attallah & Foster, 2002; Szuchewycz & Sloniowski, 1999).

### **3.3.1 Alternative tiers of mass media organizing**

Plurality and diversity of discourse in the public sphere of Serbian civil society were in the minds of media reformists and legislators when introducing regulations for

the civil broadcasting sector. The new Broadcasting Act (2002) allowed a non-profit organization or citizen association to organize a broadcasting outlet at the local level (Article 95). To support the content produced by the non-profit organization, there were to be no fee requirements upon the attainment of the broadcasting licence. Financing for the civil broadcasting sector would come from donations, citizens' contributions, sponsorships and other means stipulated by the law and policies for the organizing and founding of civil associations and non-governmental organizations. The civil broadcasting outlets could collect funding through advertising and sponsorship according to the percentage permitted for the Public Service Broadcasting Corporations.

A new set of media and communication laws envisioned media development that would give a voice to national minorities and ethnic groups and thus serve as a vehicle for the maintenance of Serbia's diverse cultures in their native languages. The Public Information Law (2003, Article 5) emphasized that the state had a role equal to the provincial, regional and local administrations, to participate in creating the conditions for the founding of a culturally diverse mass media. This would involve financial and other forms of support. Similar support was also expected for those with less access due to health issues.

The media policies spawned during the lengthy deliberation responded to the general idea of what kind of media Serbia, as democratic society, wanted. In the next section I devote attention to some of the major policy and regulatory documents whose appearance manifested the relationship between media reform and political reform in transitional societies as suggested by a number of scholars (Price, Rozumilowicz & Verhulst, 2002, p. 261).

### **3.4 Broadcasting act (2002)**

The slow stabilization of the state administration after the electoral victory seemed to betray the civil community's expectations and enthusiasm for the formulation of a set of important regulations for the functioning of the media. The longevity of the post-revolutionary institutional vacuum and the lack of regulations soon drew critique. The media analysts were the first to denounce the new administration for its reluctance to quickly introduce a set of regulatory policies, of which the most anticipated were the Broadcasting Act, the Public Information Law and the Free Access to Information Law. The condemnations went so far as to accuse the authorities of a deliberate attempt to prolong reform while benefitting from the growing chaos in the media sphere (Helsinki Committee, 2002).

Finally, in July 2002, under pressure from domestic forces and the EU, the Serbian Assembly passed the Broadcasting Act, the first in a set of regulations aiming to democratize the Serbian media in the near future. As indicated earlier, the passing of the law by the Assembly qualified Yugoslavia for membership in the Council of Europe.

The new Broadcasting Law (BA) replaced the Law on Radio and Television which had been in force since 1991. The BA set the regulatory framework for broadcasting. Once passed, the law brought a number of issues to the fore. For the most part, these issues can be categorized into two segments. First are the issues revolving around the formation of the Broadcasting Agency, its Council and its functioning and decision making in accordance with the agendas and goals specified in the law. Thus I first address the questions attached to the constitution of the Council, its role in the transformation of the state-controlled RTS into a public service institution and the

allocation of frequencies. The second set of issues under scrutiny (and addressed below) is related to specific provisions such as the concentration/anti-trust rules, financing of broadcasting companies and political influence.

### **3.4.1 Serbian broadcasting agency, the council**

The Broadcasting Act formed the basis for the creation of the Serbian Broadcasting Agency, whose capacities are to plan and coordinate the transformation and development of the broadcasting systems in Serbia, in accordance with democratic tradition and international conventions. The agency and its governing Council are obliged to regulate the broadcasting sphere informed by the principles of freedom, professionalism and independence of the public media, “as a guarantee for the overall development of democracy and societal harmony” (Article 3).

Candidates for the Council would be the representatives of various segments of society. Consisting of nine members, the Council ideally presents a collection of representatives delegated from the pool of media experts, advertising experts, lawyers, economists, telecommunication engineers, and so forth. The media reformists, having the public sphere role of the media in mind, insisted on a greater representation of civil society in the Council. From the perspective of the media reform forces, the autonomy and independence of the Council would mean greater authority and legitimacy for decisions, leading to a crucial reconstruction and democratization of the media broadcasting sphere. Informed by the past, the media reform forces insisted on a distancing of broadcasting companies from the impact of politics.

By law, the political executive body retained the right to delegate a number of representatives to the Council. The ratio between the members of the Council

representing civil society, and those approved by the executive political bodies, was the subject of a dispute (more about this struggle in chapter six). According to civil society advocates, the impact of political forces on the decisions of the Council directly threatened the guarantees legally formalized under provision 6, whereby the Broadcasting Agency had been designated to be “an autonomous i.e. independent organization exercising public competencies pursuant to this Law and regulations...”

Hence, the battle for the autonomous Council, which would resist political influence, was understandably the central issue at the time, if democratization of the broadcasting media in Serbia were to succeed. The integrity of the candidates was essential. And in a country whose recent history was marked by failing institutions, moral crises, animosity and ambiguous political and economic affiliations, few personal biographies remained irreproachable. On the other hand, the list of Agency competencies (Article 2) suggested a need for candidates with integrity, able to sustain political and economic pressure. The Agency’s responsibilities include:

1. Passing the broadcast development strategy in the Republic of Serbia with the consent of the Government of the Republic of Serbia;
2. Controlling and ensuring the consistent application of the provisions of this Law;
3. Issuing broadcasting licences and prescribing the licence form;
4. Setting technical, organizational and programming conditions for the production and broadcasting of programs pursuant to the provisions of this Law;
5. Prescribing rules binding the broadcasters to ensure the implementation of the broadcasting policy in the Republic of Serbia;
6. Supervising the work of broadcasters in the Republic of Serbia;
7. Considering submissions filed by natural and legal persons and complaints of broadcasters concerning the operations of other broadcasters;
8. Delivering to the competent state bodies its opinions with regard to accession to international conventions related to the broadcast sector;
9. Imposing adequate sanctions against broadcasters in keeping with the Law;
10. Performing the other duties in

accordance with the Law.

In April of 2003, after initial delays and contestations, the Serbian National Assembly appointed the Council. The controversy related to the appointment procedure followed immediately, blocking the work of the Council for two more years. In addition, the media reformers from the civil society displayed disapproval with the over-representation of state-institutions candidates in the Council. Four of the Council members were representatives of state institutions. Although the five remaining members essentially represented various sectors of civil society (these includes universities; media and professional associations; NGO's whose activities revolve around the protection of the freedom of expression and/or protection of the rights of national and ethnic minorities, and protection of children's rights; churches; and a representative from Kosovo, respectively), the media reformers had reservations with regard to the representative of the Church in the Council, due to their intricate ties to the state. Moreover, certain reservations arose concerning of the representatives from Kosovo. Because of the government's engagement in diplomatic efforts to retain the Province of Kosovo within Serbia's borders, the Kosovo representative might be seen to prefer siding with the state's suggestions.

In May 2005 the Assembly reinstated two out of three disputed representatives. Representatives of the civil society who were engaged in policy making and reform of the media felt that the mission of securing autonomy for the major broadcasting regulatory body were not being realized. They sensed that the distribution of political powers in the Assembly transmit into the Council. Further amendments to the BA in 2005 allowed those members delegated by the state to remain in their capacity as members of the

Council for six years, a length of time not anticipated in the law for their colleagues. The government justified the change by claiming that “the nominees of the Parliamentary Committee of Culture and Information contribute more to the “public interest” than those of other authorized nominators” (Open Society Institute, 2005, p.1.339).

According to media professionals and reformists, the government had failed to provide regulatory conditions for the fair reconstruction of the broadcast media from the very outset, simply by widening the state’s share in the functioning of the major broadcasting regulatory body. Such a concentration of power within the Council would affect the crucial decisions anticipated in the near future. In the next two segments I discuss the Council’s role in relation to the transformation of the state RTS into a public service broadcasting corporation and the allocation of frequencies.

### **3.4.2 Transformation of the state RTS into the public service broadcasting corporation**

The Broadcasting Act stipulated the transformation of the RTS into the Serbian Public Service Broadcasting Corporation (hereafter referred to as Serbian public service television and/or National television), and its once-integrated segment, Radio-Television Novi Sad, into the Province of Vojvodina’s Public Service Broadcasting Corporation. The two public services were to be autonomous. The transformation of the existing broadcasting companies included financial, structural, technical and personnel restructuring. It also required the establishment of a nine- member Board of Management through open competition. The Broadcasting Law (Article 87) made sure that nominees for the seats on the Board do not hold political positions in a government or political organization. The eligible candidates, who have to possess reputation and integrity, can

come from the various professions: journalists, media experts, management, justice, finance, etc. The formation of the Board was to be accomplished in one month beginning on April 1, 2006, before the official inauguration of public service broadcasting on April 30, 2006.

The autonomy of the Council in the selection of the Board is of utmost importance, as the members of the Council decide its composition. It is believed, due to the Council's already eroded credibility, that its alleged political affiliations threatened to endanger the civil autonomy of the newly elected Board, which had a crucial role in the restructuring of the former state's broadcasting companies. Some of the Board's jurisdiction includes the institution of statutes, selection of the General Directors, adoption of the working plans, planning directions of development and future investments.

### **3.4.3 Financing of the electronic mass media**

The two central forms of financing of mass media in Serbia are through subscription fees (public service) and advertising (public service and commercial media enterprises). Since the autumn of 2005 the major source of financing for these two public service corporations comes from the monthly licence fees, valued at 350 dinars (approximately €4 in 2007) paid by the public. As mentioned above, in 2001 the new administration reacted to popular demand and abolished the financing of the *RTS* through the collection of licence fees replacing them with budgetary subsidies. Reintroduction of the licence fees in 2005 led to public disapproval, especially due to the fact that the payments were tied to the power bill—the exact tactics utilized by the Milosevic regime in its endeavor to secure funding for the major tool of nationalist propaganda, *RTS*. In



2006, through the collection of monthly fees, the RTS collected €4. 2 million (Jovanovic, 2007).

Additional financing was secured through advertising, production of programs, organization of concerts and various events, and so on. Article 108 of the BA places some limitations with respect to the amount of advertising permitted in the public and civil broadcasting sector, allowing up to 10 % of total programming dedicated to advertising; that accounts for no more than six minutes of advertising per hour. In contrast, the regulatory framework allows the commercial broadcaster up to 20 % of daily advertising, which when translated into an hourly rate of advertising is 20 minutes. The BA also specified the rules for the placements of ads in both the public/civil sector and the commercial sector. In 2006, *RTS*, through the advertising, collected revenue of € 24, 5 million (Jovanovic, 2007).

There has been a rising dispute between the public sector and the commercial sector contesting the advertising privileges given to the *Serbian Public Service Corporation*. The steady growth of commercialism in the country is also evident from the rising profit generated through advertising. The finances generated from advertising are an issue that provoked the attention of both those working in the commercial broadcasting companies, as much as those advocating on behalf of the public sector. The former see this situation as damaging to their financial interest since public television, due to its financial, technical and viewership dominance, can command considerable advertising money from the market. At the same time, public broadcasters have a similar complaint, but for a different reason. They fear the erosion of the prefigured role of the public institution in providing high value programming, devoid of commercial effect. The

third party, the *RTS* itself, according to its general director, needs some € 6 million to keep the production running (Jovanovic, 2007).

The government still participates in the rebuilding of the *RTS*, now as a public broadcasting corporation. With an amount of 400 million dinars, the government has partially funded a third cycle of social programs for the additional 1,000 people who will lose their jobs in 2007 and 2008; the number of employees has been reduced, in the last several years, from some 8,000 people to some 3,000 people.

The regulations also cover political advertising (Article 106). Political parties can advertise their activities and programs during the pre-election period. The Act prohibits discrimination against political parties or other participants in electoral activities. As it happened, discrimination against other parties and strong support for the sole party was the major cause of the BA Council 2006 denial of a national frequency to the *BK Telekom Television*, at the time the third-most viewed commercial station in Serbia. The root of the problem stemmed from a situation in which the owner of the broadcasting company was also the leader of the PSS Party. Somewhat predictably, *BK Telekom* served as a mouthpiece for its politically active boss.

#### **3.4.4 Media concentration and ownership**

The Public Information Law outlawed any monopoly of public information within the mass media and in the distribution of information (Article 7). In response to this basic provision the Broadcasting Act put a limit on media concentration, with the intention of preventing consolidation of ownership, which posed a menace to a plurality of opinion in the public discourse. The prohibition of cross-ownership extended from broadcasting to the press, and also included press agencies, those who possess multiple broadcasting

licences, those who simultaneously broadcast both radio and television programs and publish newspapers, and press agencies distributing in areas in which the broadcasting of radio and/or television programs occurs (Article 97). As a prevailing influence on the public at a national level, over 5 % or a circulation of 30,000 copies is considered candidacy for cross-ownership. At the local or regional level the limit of cross-ownership is set at 30 % of the market.

The BA excludes the participation of any foreign capital in a public service broadcasting corporation (article 41). Otherwise, the set criteria in the law allow the foreign investor, if domestically registered, to participate in the founding of a commercial outlet with up to 49 % of the capital.

The BA strictly forbids political ownership. In fact, political favouritism had been one of the reasons why *BK Telekom* lost the contest for the national frequency, despite its technical, programming and viewership potential. Reacting to such conduct, the Council administered the prescribed penalties against *BK Telekom*. After a first reprimand, the station was shut down for the months of April and May 2006. The top strata broadcasting companies, due to their public exposure, were somewhat easier to monitor than the regional or local companies – especially those whose founders are municipalities.

The cities or municipal assemblies are founders of local and regional community radio and/or television stations. This form of organization of the mass media, discussed above in the chapter on the media's historical context, is a relic dating back to the former socialist Yugoslavia. The BA deals with such an ownership continuity, envisioning a transitional period lasting four years, dating from the moment the Act passes in the Serbian Assembly, until their privatization (Article 96). These institutions are considered

“public” as long as the “golden share” ownership stays in the possession of the local/regional community, that is, of municipalities. Since these are public institutions, political officials were not allowed to assume the top-level management positions by becoming a director, editor in chief or member of the management board. This is an attempt on the part of the legislators to prevent reliability of public discourse from being dictated by an existing constellation of political powers within the Assembly. However, sustainability of this undertaking has been an entirely different matter. Thus, the Act set the deadline for the transformation of community/public institutions founded by local and regional assemblies into private corporations for the spring of 2006. This deadline was later prolonged to 2007 for the press and 2008 for broadcasting.

While the BA established restrictions with respect to founding and ownership of the media, it utterly failed to address the matter of transparency, origin and ownership of capital (Djokovic, 2004, p. 11). The lack of this basic information essentially rendered the restrictions on founding and ownership useless. In a number of cases, it is difficult to trace financial links between the mass media organizations because the owners circumvent the regulations by forming “sister companies.” As Djokovic maintains, “ownership concentration is most evident in the big media corporations, especially those which were under direct control or influence of the former regime” (p. 11). These include *Politika*, *Novosti* and the private *Braca Karic Group*. For example in 2004, the *Politika* Corporation owned three daily newspapers, ten weeklies, various magazines and other family publications, and also owned television and radio stations, one of the largest printing companies and a distribution network. If this was the situation with a core media corporation, what could be expected at the regional and local levels where the current

wave of privatization was taking hold? More about ownership and regulations will be covered in the following chapter, which is entirely devoted to the process of privatization. I turn now to the process of allocation of frequencies, which promises to bring order to the Serbian media sphere.

### **3.4.5 Allocation of the national broadcast frequencies: the outcome**

Without getting into the detailed analysis of the regulatory framework for the allocation of the broadcast frequencies, I examine some of the initial results of the actual process of allocation.

Much of the “chaos in the ether” may be explained away by the fact that for decades there was no confident and transparent system in place to regulate broadcasting. Most of the electronic media did not possess a licence to broadcast a program until 2006. Because there was no system for gathering reliable data, preliminary projections made at the beginning of the year 2000 estimated the functioning of roughly 1,400 electronic transmitters. Nonetheless, the required pre-allocation registration yielded a different result, reducing the number of transmitters to 755 broadcasting outlets (543 radio stations, 73 television stations and 139 with a mixed profile). Those not officially accounted for are believed to be rogue stations whose founders opted to ignore the entire process of pre-registration (Jankovic & Miladinovic, 2006, pp. 12-15).

The Broadcasting Council launched a complex process of frequency allocation in 2005. To qualify, prospective broadcasters entered a public competition for national, regional and local frequencies respectively. Twelve commercial television outlets and nine radio stations competed for the five available frequencies for national coverage.

Several foreign contenders, organizations and individuals entered a strategic

coalition with domestic money in order to fulfill the 49 % limitation stipulated by the law. Among the most influential were American *FOX - News Corporation* (FOX) and German *RTL Group for Central and Eastern Europe GMBH* (RTL). The Council organized a set of public inquiries with the candidates. After deliberation, the Council granted national frequencies for the prescribed length of 8 years to *TV Pink, B-92* (with 48.72% from the Media Development Loan Fund - American NGO association involved in the development of the media in transitional countries), *FOX, Avala, and Kosava-Happy* (joint venture/time sharing). The same regulatory body denied a licence to *BK Telecom, MTS Television, Pro TV* (Romania 49%), *Sigma* (Cyprus 49%), *Television TV 5, Central Media Enterprise SR* (CME, Holland 49%), *RTL Group* (Germany 49%) (“National frequencies allocated,” 2006).

The Council provided justification for the rejection of *Sigma, PRO TV, BKTV, CME TV, and TV 5* on legal grounds and on unestablished origin of the founding capital (Article 41), and also work to avoid media concentration (Article 98-100). In short, Article 99 limits media concentration by setting the cross-ownership participation cap at 5% for an investment in another national broadcasting company or 30% for cross-ownership of regional or local outlets. Also denied were *RTL* because it exceeded the limit for participation of foreign capital (in excess of 49%), and *BK Telekom* because of its earlier history of political affiliations. As it transpired, concerns over concentration, political influence and financing presented central considerations during the process of allocation of frequencies.

Regarding concentration, however, few investors seeking a licence have been found to be in conflict with the Broadcasting Act, specifically with the clauses relating to

disallowed media concentration, transparency of ownership structure and the origin of capital. In the document explaining its rationale for denying licences, the Council found *PRO TV* and *CME SR* in a state of partial cross-ownership. In the case of *BK Telekom*, 53% of the capital was in the possession of companies who were about to enter or who had already been in the process of liquidation. The only television company seeking a national licence and not situated in the capital Belgrade was the regional *TV 5* from Nis (apart from candidates from Province of Vojvodina), which was denied a licence due to a partial cross-ownership with *BK Telekom* (Council of the Republics, 2006). The process of allocating licences has continued in stages throughout 2006 and 2007.

### **3.5 Law on Free Access to Information of Public Significance (2004)**

In November of 2004, the Serbian National Assembly made a revolutionary contribution to Serbian legislative history by passing the first ever Free Access to Information Law. No constitution in Serbian history had given its citizens the right to legally scrutinize the activities of the state bureaucracy and its institutions. To put it another way, there was no legal document that obliged those in power to keep the mechanism of decision making transparent. In like manner, the Serbian constitution, despite significant political change in 2000, retained a legacy of the Socialist administration and remained silent until 2006 about the right of a citizen to gain information essential for autonomous decision-making. This situation presents yet another example of the disagreement between the law and the constitution, or between the laws in general, which helps account for the dynamics of continuity and change in the reformulation of the identity of the Serbian state, culture and the mass media. The

existence of the “outmoded” constitution and democratic laws are one of the noted phenomena of the Serbian constitutional stalemate, which persisted for six years due to the lack of political consensus on the identity of the country.

The access law’s general purpose is to contribute to the development of democratic affairs and give an impetus to the struggle against widespread corruption in Serbian society (Sabic, 2004). In the context of citizens’ political sovereignty, the law’s provision for the right to know and for transparency of state activities presents a critical achievement for a society aiming to call itself democratic. Articles 6 and 7 assured equal opportunity and conditions to access information for everybody, regardless of citizenship, residence, race, religion, national or ethnic background and gender. Article 7 ensured that officials in power refrain from favouritism when releasing information on demand to journalists and the media.

Although lauded for its importance in the development of democracy in Serbia, at this level of its implementation, the law encountered the rigidities of established behaviour in Serbian society. The first Commissioner ever for the information of public importance listed a number of problems relating to the Serbian “way of life.” One is the problem of ethos (or mentality) found in all levels of Serbian society. This observation fully coincides with the contextualist approach to the history of social development, which asserts that “procedures always involve substantial ethical commitments” and “for that reason they cannot work properly if they are not supported by a specific form of ethos” (Mouffe , 2000, p. 69). The frustration found in the echelon of the Serbian democratic vanguard and its international mentors has its source in the fact that rules generated on the basis of principles prove difficult to apply in practice.



The second distressing moment in the application of this law is also tied to mentality, or rather, the rational ability and will of the parties to abide by a consistent interpretation of its clauses. What is implied here is that the law itself, due to its “imperfectness,” is the subject of interpretation and, as such, is capable of creating a certain impasse. Nonetheless, the state’s inefficient judicial system is one of the major culprits in creating this sort of impasse. Both the interpretation and implementation of the law, therefore, necessitate the reform of the Serbian judicial system, corrupted and destroyed during the Milosevic reign.

As a recent study shows, the executive level of the government itself fails to pay due respect to the law that they themselves participated in creating. The government managed to respond to 21 out of 50 demands for the release of information (Skrozza, 2005, pp. 28-29). A number of ministries took refuge in resorting to “administrative silence.” Those ministries ignoring people’s requests included the cabinet of major government bodies. Half of those actually responding did not provide an adequate response.

The Free Access to Information Law foresaw minuscule fines for violations. The Commissioners’ prerogatives end with incriminating the party failing to provide information to a citizen (“Serbia Lags,” 2005). However, only the Ministry of Culture and Media has the capacity to advance legal procedures.

The third issue concerning the implementation of this and other communication and media regulations lies in the incapacity of the government to follow up the passing of the laws with subsequent structural logistics (Sabic, 2004). In the case of the Free Access to Information Law, it took the Commissioner another six months of pleading and public

pronouncements to compel the administration to provide an office, telephone and adequate personnel necessary to fulfill a job of pivotal public importance (“How to Reach,” 2005). It took considerable time until the Assembly approved the institution of the office. In an interview to the weekly publication *NIN*, the Commissioner admitted that it was easier for citizens interested in getting in touch with him to do so by contacting the Organization for Security and Co-operation in Europe’s (OSCE) office than the government’s information service (Kujundjic, 2005, pp. 30-31). In the meantime the Commissioner succeeded to, with the cooperation of NGO’s and assistance from OSCE, in publishing a multi-lingual guide to tell citizens how to make requests for access to information.

An additional problem in creating the necessary conditions for the implementation of the media and information laws rested in the need to coordinate and provide supporting laws and regulations. In the case of the Free Access of Information Law, these included regulations classifying confidential information and privacy law. The lack of these laws weakened the legal prowess of the existing law.

New democratic legislative policies sometimes contradicted one another. The recently introduced law on the police required that seekers of information prove their demand to be “justified.” This is a “detail” unavailable in the Free Access to Information law. In an article published in *Politika*, Commissioner Sabic raised serious concerns about this constraining element, expressing hope that the Free Access to Information Act will enjoy precedence over other laws, as is the practice available in some other countries (Sabic, 2005). Meanwhile, the NGO “Transparency Serbia” prepared an amendment to address this issue.

The opinion of journalists is that the police still resort to the old “self-mystifying” mode of behaviour in responding to public and media inquiries (Vukosavljevic, 2005). The police authorities justify this stance as their deliberate attempt to distance themselves from the police force’s involvement in daily political confrontations. The police, as much as the army, are the subject of the process of “depolitization” and reform in accordance with the democratization of Serbian society. As a result, the police authorities plan to publish a “Guide for business with the media,” which must be in agreement with the Law on Police and the Free Access of Information. This Guide will consist of a score of recommendations from the OSCE, and for that reason is in accordance with the prescriptions found in the EU’s normative documents.

### **3.6 Regulating the public discourse: defamatory and hate speech**

If “national policy-making ... helps define a cultural identity [by] providing the regulatory framework for media organization” (Sreberny, 2000, p. 115), then the greater challenge in such an endeavour for Serbian policy makers is to confront, through the relevant regulations, the culture of moral degradation, intolerance and hatred in the public discourse and mass media that had been cultivated during the period of “national renaissance,” in late 1980s and the entire 1990s.

During the same period, journalists were instrumentalized in the political struggle. Hate speech and intolerance became not only a naturalized feature in the traditional prepolitical ethnic understanding of national integration, but also a significant element in the settling of accounts between nationalist and democratic political forces. At the present moment, the public sphere is still contaminated with a discourse that often transgresses

the norms of civility. As a result, Serbian society, policy makers and the media face the problem of reconstruction of ingrained attitudes and behaviours. Two policy documents that deal with the quality of public discourse are the new Public Information Law and the Serbian Penal Code.

Article 17 of the Public Information Law, adopted in April 2003, allows the courts, as necessary, for the preservation of a democratic society, to forbid the distribution of any information that incites and fosters racial, national and religious hatred and therefore provokes discrimination, hostility or violence. Further, Article 38 prohibits the publication of ideas, information and opinions based on debasements of persons based on their race, religion, nation, ethnicity, gender, or sexual orientation.

According to Freedom House (2004) and the Serbian Committee to Protect Journalism, the Law fails to adequately define the concept of “hate speech.” In this respect, some sort of clarification emanates from Article 40, which first exonerates from responsibility scientific or journalistic texts that refrain from intentionality to do harm and conform to the norms of objectivity, and second, texts that have the intention to critically address the occurrence of such discriminations.

If the democratic laws have been a system of coercible rules, then how efficiently does the Serbian Penal Code, as a core legal document, serve this function? And does the judiciary system comprehensively deal with intolerance of the media and public discourse? The Code was a target for individuals and organizations concerned with the well-being of the media in Serbian society. One of the major reasons for public concern was its origins, since the Serbian Penal Code embodies yet another enduring legacy of the previous regime. Still firmly in place for a considerable time after the change, the

criminal Penal Code contained a legal measure that envisioned persecution of a journalist charged for libel with jail time.

This measure is still utilized by the courts in Serbia despite fierce critique. In January of 2003, the Belgrade First Municipal Court sentenced *NIN* editor-in-chief to a suspended five-month jail term for libel (The European Organization , 2003, p. 23). Along with others, reaction came from ANEM and the organization European Freedom of the Media. In a letter to the Yugoslav Foreign Minister, a representative of the European Mission in Serbia critiqued this practice, stating that libel cases should be administered by the civil courts, not the criminal courts, and should exclude the possibility of sentencing a journalist.

In a considerable number of cases, however, the courts have refrained from giving journalists jail time. According to the Media Center, civil courts have handled 56 cases, out of which 15 charges were dismissed while charging only one journalist (Toncic, 2004). The number of cases, nonetheless, shows the trend of an increasing number of libel charges. This fact was enough to instigate a public debate of both the crisis of Serbian journalism and the overhaul of the criminal penal and civil codes.

For the time being, the law treats libel and insult as criminal activities. The OEBS finds the measure rather controversial and not up to the ideals of a civil society. The minister of justice, in reaction to the pressures coming from civil society and international organizations, promised amendments that stipulate dismissal of possible jail time. The Minister, nonetheless, admits that political representatives in the Assembly are “rather annoyed” by the unprofessional practice of the media and journalists; this attitude, will most likely affect their voting against removing the sentencing option (“Jail Time

Uncivil,” 2005). The Serbian minister of culture and the media, by vocation a professional journalist, described the situation in the media as anarchic rather than democratic, denouncing the jail time measure in the Serbian Penal Code (“Jail Time Uncivil,” 2005). Finally, an interesting comment comes from the Media Centre’s Attorney Pool, which maintains that the criminal courts offer a much more objective and fair trial, and customarily drops the charges, while the civil courts tend to drastically penalize journalists and editors (Toncic, 2004).

The number of those affected by defamatory journalism increased as much as the number of those who resorted to legally challenge the media and journalists. Data provided by the Independent Journalist Association of Serbia (IJAS) show that in 2004 there were 300 lawsuits against the media and journalists (“Politicians and the Public,” 2004). In 2004 alone, there were 10 lawsuits from January to August. The IJAS has been documenting media-related legal charges since the political change in October 2000.

State officials initiate some lawsuits (“Mihajlovic’s Unacceptable, 2003). In response to one such case, the European Organization for Security and Co-operation (OSCE) and its Representative on Freedom of the Media office issued a comment reminding the government about the traditional European standards that require more tolerance on the part of state officials in dealing with the media (“Media Magnates,” 2004). In a similar fashion, the Lawyers Committee for Human Rights (YUCOM) denounced such practices as atypical compared to European standards and usually counterproductive for the plaintiff itself.

In an attempt to assess the degree and depth of the problem concerning journalists’ professionalism in relation to libel and insult, the Lawyers’ Media Centre

Pool conducted a study analyzing six daily newspapers (“Libel, Defamation” 2004). The Pool, constituted in 2003, has successfully represented journalists and media in 60 lawsuits. However, the lawyers and the Media Centre decided to explore to what degree the lack of journalistic professionalism, in these six media, during a two-month period, might contribute to a possible libel or insult charge. This was necessary with regard to the viewpoint that the system itself continued with its undemocratic practices against freedom of speech.

The study revealed that in consideration of the Serbian Penal Code and out of 172 texts analyzed, 55.23% had libellous elements, 6.40 % elements of insult, and 9.88% elements of some other penal misconduct. Also measured in the examination was the level at which a journalist distinguished competencies and responsibilities within the state bureaucracy.

The Pool came to the conclusion that most of the incriminating texts come from the uncritical reproduction of irresponsible claims and statements. As shown in the analysis, journalists neglected to recognize that unverified reporting of a defamatory statement diminishes the value of information as such (p. 5). In court, the practice of uncritical reporting carries the burden of intent, which is punishable by law.

In recent years the Serbian public and the media have shown more agility in condemning discourses permeated with hate, defamatory and libellous speech. As indicated above, the legal system and the courts participate in addressing the problem as far as their present capacities at this stage of transition allow. On the other hand, the upsurge of libel charges against journalists has elicited a great concern in the circles professional journalism. Recent history reminds us how libel charges served in curbing

critical views, and even the very independence of the press.

The surge of tabloidization and sensationalism, however, has had a profound impact on the life of the average citizen. Accordingly, despite the continuing concern regarding the preservation of media independence, there is also a comprehension of the damage that sensationalism brings to public life. A study published by the Lawyers Committee for Human Rights (2004) revealed that “continuing a libel campaign and misinformation, in Serbian mass media, creates a lynch-mob ambiance and ... such activities embody a criminal act not addressed by the current legal norms – that of instigating violence.”

The judiciary system has often failed to respond (Biserko, Kupres, Stjepanovic, Kistic & Savic, 2004, p.19). Unresponsiveness of the system to the dissemination of hate speech puts those who react to it in a dire situation. The public and the media’s critical response to overheated patriotism can be dangerous. Members of the media who attempt to address the occasional excesses of chauvinism and antisemitism, or who wish to critically assess the role of Serbia and its citizens in the Balkan wars of the 1990s, become the object of attacks. A recent case took place in April of 2007, when an explosive device was set in the household window of the journalist Dejan Anastijevic. Prior to the event, Anastijevic publically critiqued the patriotic front known for instigating the violence in 1990s.

Despite the necessity of an effective system for dealing with hate and defamatory speech, a similar chilling effect among journalists can be associated with the current surge of libel cases. Journalists, authorities and policy makers are wary of searching for a balance in dealing with the subject, as they are learning the intricate relationship between



freedom of speech and the limits set up in a civic/democratic public discourse. In the end, finding this balance is what is needed in order to close the gap between the ideal forms of life and the factual—the legacies of the past and the spirit of how things are.

## **4: MEDIA OWNERSHIP TRANSFORMATION AND COMERCIALIZATION**

According to Slavko Splichal (1995), “Deregulation and privatization of the national economy and the media—particularly the press—are considered by the new power elites in Central and Eastern Europe not only as fundamental prerequisites to solve the weaknesses of bureaucratic control and achieve a higher level of productivity, but also as necessary conditions of general democratization and, thus, autonomy and development of the media” (p. 52). Just five years after the publication of Splichal’s article the same logic led Serbia’s democratic elite to pursue democratization of Serbian society and the media.

Graham Murdock and Peter Golding (1989) define “privatization” as “economic initiatives that aim to increase the reach of market institutions and philosophies at the expense of the public sphere” (p. 84). After the Serbian change of power in 2000, on the other hand, privatization and the change of ownership of the media were perceived as part and parcel of the sweeping transformation of Serbian society to liberal democracy. Murdock and Golding’s suggestion regarding the effect of the commercialization of the mass media as a consequence of privatization remained largely undetected by the Serbian policy makers. The communication and mass media legislation passed by the Serbian National Assembly foresaw the privatization of the media as a key strategy for transcending political control of the media. This was justified with support from traditional liberal tenets that envision private ownership as a barrier to political influence.

Nevertheless, both the core media laws—the Public Information Act and the

Broadcasting Act – only envision transformation of ownership, while handing to the other legal frameworks and institutions the task of detailing the actual strategy of the process of privatization. Hence, the fundamental documents for the actual change of identity of the Serbian media are the Privatization Law (2005) and the Privatization Agency as it established “the legal entity that sells capital and/or assets and promotes, instigates, conducts and oversees the conduct of privatization in accordance with the law” (Article 5).

Most of the following discussion relates to the process of privatization of the mass media in Serbia. In order to maintain a coherent picture and recognize the continuities (or discontinuities) of ownership transformation, I will briefly retrace the initial steps of privatization that occurred in the decade prior to the change of regime in year 2000. Then, I proceed with a general description of the current legal framework, institutions and activities aimed at aiding the transformation of media ownership. As mentioned earlier, any historical systematization for particular periods has to be treated with caution, as any current regulatory framework to some extent respects the ownership transformation provided by its predecessor. Discussing this involves occasional references to, in this case, the consequences of privatization provided through the legal activities of the Milosevic regime. Finally, I discuss in detail the privatization of the post-Milosevic media in Serbia.

#### **4.1 Privatization in the 1990s**

Privatization of the media in Serbia cannot be discussed without addressing privatization activities at more general level. Privatization of socially owned or state capital was proposed by the pro-liberal former Yugoslav government in 1989 and 1990 in

an attempt to take the country out of its economic crisis. The laws setting the ground for ownership reform in the former Yugoslavia, which governed the question of ownership transformation in the mass media, were the Socially Owned Capital Law (1989) and the Law on Companies (1989). Both laws guided the privatization of federal state media such as, for example, the *Borba Public Enterprise* (the particulars of this case will be discussed later). As subsequent events showed, reform at the Federal level fell short due to a resurgence of nationalism, which by 1991 had led to the disintegration of the Socialist Federative Republic of Yugoslavia.

Although Yugoslavia no longer existed as a state, its laws continued to have a legal impact on the ownership transformation processes in the Federal Republic of Yugoslavia (1992), the State Union of Serbia and Montenegro (2003) and the Republic of Serbia (2006). This is mostly attributed to Serbia's persistence in preserving legal continuity with the former Yugoslavia, and to Serbia's internationally recognized possession of succession rights with regard to the former Yugoslavia.

Besides the federal regulations, another tier of legislative frameworks concerning the privatization of the media subsumed those produced at the level of the Republics (Serbia and Montenegro), and for the purpose of our discussion here, by the Serbian National Assembly. In 1991, the Republic of Serbia passed its own legal privatization framework, the Law Setting the Conditions and Procedure for Transforming Social Ownership Forms. Laws at both the federal level and the level of the republics envisioned the privatization of socially owned or state companies through their conversion into joint-stock companies whose shares would be offered at a 20 % discount to employees and managers.

Privatization in the 1990s, however, mostly turned into a pillaging of societal assets. The Alterative Information Media (AIM) reported that by 1994 “half of the Serbian industry has been quietly privatized at a rapid rate” and most of the shares had been acquired by managers, who as members of the Socialist Party “make business dealings of a frankly capitalist character and virtually thieving manner, taking the lion’s share” (AIM Report, 1994). Mike Karadjis (2004) further elaborated on this form of privatization taking place in Milosevic’s Serbia: “Anyone familiar with schemes for workers and managers to buy out their companies would be well aware of the fact that this means ‘managers’ who manipulate the system and workers who sell off their largely worthless shares.” Even when they kept them, says Karadjis, “the shares of the workers are often useless, not only because of the relative weight of management shares, but because these ‘managers’ often rob assets they manage to build other private enterprises they own outright.” Moreover, with a war in their backyard, the communist bourgeoisie turned into the criminal capitalist class from inside the regime, moving “crony capitalism” into another dimension by turning it into a black market. The appearance of the Ownership Transformation Law in 1997 and a re-definition of capital in the Law on Companies only further legitimized in-house privatization and manager wealth.

#### **4.1.1 Legacies of the privatization of the state /society owned media in the 1990s**

Yugoslav/Serbian print media organizations entered the privatization process at the beginning of the 1990s through the reform policies of the last former Yugoslav Prime Minister, Ante Markovic. The federal Socially Owned Capital Law (1989) and the Law on Companies (1989) as well as the new Serbian Law on Setting the Conditions and

Procedure for Transforming Social Ownership Forms (1991), established the grounds for change of structure in the ownership of the mass media. The Ownership Transformation Law in 1997 further affected the transformation of media ownership.

Despite the existing regulatory frameworks, the regime showed ambivalence in proceeding with a change of ownership. Djokovic (2004) describes the situation encountered during the 1990s:

But the authorities were largely unprepared to renounce social property and rather keen to retain control over the media. The privatization had turned chaotic, with different acts regulating media ownership, some on the Serbian, and others on the federal level. Provisions for the models of privatization were controversial, and media organizations were free to choose the legal basis for the privatization. The authorities occasionally responded by cancelling privatization. It was mostly affected by government decrees. (Djokovic, p. 430)

#### **4.1.2 Privatization of the state media**

The case of the *Politika* is most illustrative in terms of the form of privatization carried out by the Milosevic regime. *Politika* is the most prominent Serbian newspaper, founded as a family enterprise in 1904. After 1945 Tito's communists took over the company, implementing their own self-management practice. Notwithstanding casual interference by the regime, the *Politika*, due to its prominence and cadre of professional journalists, managed to maintain an elite status in the former Yugoslavia.

At the beginning of 1990, Milosevic was in a dilemma as to how to honour the promised reform, and still retain control over the major Serbian daily newspaper. The initial dilemma was quickly solved, when the major shareholders of the *Politika Enterprise* became state companies. The regime was able to keep *Politika* on a leash through state companies, whose representatives occupied seats on the management boards (Djokovic, 2004, p. 20). The Commercial Bank, also part of the Milosevic network of control, kept *Politika* functioning through influx of fresh capital in exchange for shares. As the decade moved to a close, the Commercial Bank became *Politika*'s main shareholder. Employee privileges status gave the employees possession of 14 % of the shares.

The daily *Vecernje Novosti* (*The Evening News*, commonly referred to as *The News*) also stepped into the perplexing web of quasi-privatization. In contrast to the privately founded *Politika*, *Novosti*, along with *Borba*, was founded by the former Yugoslav state. As state property the latter were subject to owner transformation as proposed by federal laws on privatization—the Socially Owned Capital Law and the Law on Companies. In accordance with the law on social capital, brought up in 1991 by the SFRJ Assembly, *Novosti* was transformed into a shareholding company. *Novosti*'s entire assets were valued at 46 % of ownership and were placed under employee control (Djokovic, 2004, pp. 16-17). The rest remained in the control of the state on the basis of the founding rights.

In 1997, *Novosti* suddenly became a subject of the Republic's new privatization law, which converted *Novosti* into a publicly traded stock company. After a reassessment of the company's value employees received an additional 30 % of the ownership, which

left the state with a mere 24 %. In 1999, in yet another twist aimed to re-establish government control—now under the SRJ federal law—*Novosti* was renationalized through its reintegration with the federal enterprise *Borba*.

## **4.2 Media ownership reform after 2000—regulatory aspects**

The Serbian economy, as such, did not exist at the beginning of 2000. With the introduction of the privatization law in 1997, the ruling elites broke down the largest chunks of state and social property and stripped the assets of the largest companies, such as petroleum and telecommunication companies (Karadjis, 2004, pp. 10-23). When the new democratic government came to power in 2000, the Serbian economy was an empty shell with its assets distributed among Milosevic cronies and the money deposited in offshore banks around the world (Karadjis, pp. 10-23). The new democratic government began to rewrite the legal privatization framework in order to finalize the privatization launched by the former Yugoslav government, which had been continued by Milosevic's socialist managerial clique.

Article 86 of the new Serbian constitution (2006), as much as the earlier Milosevic constitution, only asserted the transformation of social into private ownership and left the Law for Privatization to specify the conditions, manner and time frame for the realization of the privatization. Under the law, a company, a potential buyer or the Ministry of the Economy preserved the right to launch the privatization. In the case of the media, the major initiative came from the Ministry of Culture and the Media (2004). The Agency of Privatization, the institution formed to deliver ownership transition, was responsible for determining the procedure and for organizing technical preparations for the privatization according to the new Privatization Law (2001, revised in 2005).



However, the Privatization Law states that “the Government of the Republic of Serbia shall set out in greater detail the procedure for, and manner of, selling capital and/or assets by public tender ... or public auction” (Articles 33 and 40).

The new Privatization Law foresaw privatization of socially owned and/or state owned capital “in enterprises and other legal entities” (Article 3). Again, the Law gave no specific treatment for media companies. In fact, the law makes no reference to the mass media, and treats it as just another commodity, that is, a socially owned and/or state owned enterprise and other legal entity up for sale.

Prior to the auction, the media anticipated that privatization would necessitate some internal restructuring. Through the process of restructuring the media brought themselves and their rules in line with the provisions of the law dealing with the legal status of an enterprise (Article 25). To illustrate, by decree in 2006, the municipality of Pirot, being a founder of the *Informative Public Enterprise Sloboda*, broke up the company into three constitutive parts: *Radio Pirot*, *Television Pirot* and the weekly magazine *Sloboda*. After consolidation and formation of the “prospect” for privatization, the companies were to be separately offered for sale at auction (Panic, 2007).

With regard to the specific status of the media in society, the media expected the Ministry of Culture and Media to draft a regulation that would detail a set of conditions for the buyer. At least this is what the mass media reformists from civil society, including media workers and journalists, anticipated. The rules should aim to protect the media’s original function, that is, to deter the new owner from changing the basic functioning of the media as such. Media reformers wanted to prevent the owner, after purchasing the media company, from turning it into a video store or simply selling the real estate and

equipment for profit.

Regulations would also guarantee protection for employees in accordance with the Serbian Labour, Employment and Social Politics Law (2005), which set the terms for the treatment of employees during the economic transition. During the socialist era most socially and state owned enterprises served to maintain social peace and quality of life by exceeding the required number of employees, thereby contradicting the logic of profit maximization. As a result, most enterprises and other legal entities, as subjects of privatization, faced a reduction in labour power through early retirement and layoffs. In general terms, the Law on Labour, which was negotiated with several labour union associations, foresaw various phases of this process. At the outset, employees were asked to resign voluntarily on the basis of existing monetary compensation negotiated with the labour union. As one might presume, this process was far from being a straightforward matter and it has brought frustration and anxiety for all those involved in the process of reduction of the labour force in an enterprise, including media institutions.

The new owner of the media enterprise usually had to account for a clause in the ownership contract that obliged him or her to honour the collective contract that stipulated the amount of severance pay for each year of service. The “technological surplus” approaching retirement expected to receive a cheque worth three months’ regular salary.

The Ministry of Culture and the Media responded somewhat sporadically to these demands. The Ministry proclaimed a regulation setting the instructions for the privatization of the electronic media (in response to its responsibility to do so in accordance with the Broadcasting Law, Article 126). Article 5 of the Regulations on

Privatization of the Radio and/or Television Stations of the Local and Regional Communities (2004) thus demands that the buyer preserve the purpose and activity of the station until the expiration of the broadcast licence allocated by the Broadcasting Agency for the legal duration of five years. The same Article also asks the owner to provide a daily minimum of four hours of local informative-educational programming during the peak morning and evening hours. The Ministry of Culture and Media planned to produce future amendments that would ease the privatization procedure (!?)

There was no specific regulation or by-law that indicated the manner of the privatization of the print media. The Ministry of Culture and the Media left matters to the Ministry of Economics and the Agency for Privatization to arrange a contract of sale including such details as contract price, payment deadline, and ways of dealing with employees. The Agency hence envisioned the new owner as “qualified” for the purchase of the media outlet. When detailing the terms of a contract for privatization of local print media, the Agency’s attorneys seemed to be responding to the policies set by the Ministry for electronic media. As a result, and in accordance with the Ministry’s plans to ease the requirements (stipulated in a document Regulations on Privatization of the Radio and/or Television Stations of Local and Regional Communities), the Agency planned to eliminate the clause dealing with the responsibilities of the new owner toward a media outlet and its employees. It is believed that the elimination of the number of requirements and obligations for buyers would attract more interest in the privatization of the media. At this point, there has been only speculation about how far the changes will go.

The Privatization Law envisioned two methods of privatization: public tender and public auction (Article 10). Most of the 60 local print media that are expected to

enter privatization mid- 2007 will be sold through public auction, as were the four print media that already went through the bidding procedure. According to the Law, “a part of the capital of an entity undergoing privatization shall be transferred to the employees, gratis, in the forms of the shares” (Article 42). The public institution on auction allots employees 15 % of shares, plus 15 % for to the privatization register, and the remaining 70 % of shares are to be sold to private bidders. In the case of media enterprises with social and state capital, 30 % of the shares go to the employees and 70 % to the new owner. According to the Law, “the buyer of capital or property may be any domestic or foreign legal entity or individual (who) may also unite for the purpose of buying” (Article 12).

The Law of Privatization, in Article 14, set the deadline for the process of privatization at four years after the inauguration of the Law. This deadline concerned print media only. The Broadcasting Act (2002) particularized the ending of privatization of the electronic media also after four years. Under the Act, electronic media founded by a town municipality and local municipalities needed to be sold. Both deadlines had to be prolonged. New deadlines were set for print media at the end of 2006, and for electronic media, the end of 2007; they were again extended for another year.

The Agency of Privatization, under whose technical supervision privatization came about, found that two major elements contributed the procrastination of the process: the slow process of restructuring the existing organization of a specific media (for example, divorcing print media from electronic), and unresolved legal property rights. The Independent Journalist Association of Serbia (IJAS), a staunch supporter of privatization, found that the reason for the slow process of transformation of ownership

was, first, political obstruction, especially at the local level, and second, resistance by some editorial offices where staff remained in favour of a budgetary form of financing. They were thus a countervailing influence to the central rationale of the ongoing privatization, which had been the abandonment of the budgetary financing and with it the transformation of the society owned mass media into the privately owned media enterprises.

Although both laws suggested terms for ending the process, the Privatization Law did not specify a strategy for the finalization of the process. Currently, the authorities plan to bring into existence a policy document that will detail the procedure for media enterprises that have not been privatized by the deadline. According to the pending regulations, media enterprises with a positive financial balance will be forwarded to the Privatization register and then their shares will be distributed gratis to Serbian citizens of legal age. Since the enterprises are owned legally by the society/public (as a part of the communist legacy) until their privatization, the Serbian citizens retain partial ownership over the media. Media companies having financial problems will enter into the bankruptcy procedure. The Ministry of Culture and the Media also plan to suspend, by the end of the 2007, subsidies for media enterprise with social ownership, thus leaving the mass media to take care of themselves.

#### **4.2.1 The state media, but whose state?**

At the beginning of 2005, the representatives of the Serbian and Montenegrin governments came to an agreement that detailed the settlement of the founding right of the state media. The agreement pertained to the mass media, which had been established and entirely owned by the state since the formation of the communist government after

the Second World War, regardless of the state's own formation (FNRJ, SFRJ, SRJ and SCG). According to the protocol, founding rights remained in possession of the Serbia and Montenegro (SCG) state association. The initiation of privatization of the state association's media was demanded from the joint state and was based on territorial principles. The two member states could transform media ownership within their respective territories under the provisions of their respective privatization regulations. The capital acquired by the transformation was divided between Serbia and Montenegro on the basis of their financial participation in the State Associations' budget, which corresponded to 93.3 % for Serbia and 6.7 % for Montenegro ("Regulation of Status," 2005).

#### **4.2.2 Ownership transformations of the state media**

The crown state mouthpiece *Politika*, reached the year 2000 financially depleted. *Politika*'s servitude to the regime had a devastating impact on its financial health. Circulation plummeted to some 40,000 copies. For the sake of comparison, circulation varied in the post-Milosevic period from 130,000 copies just after the upheaval in October of 2000, to some 80,000 (which is 20,000 copies below the margin of profitability) in July of 2005 (Petrusic, 2005). The political change in the year 2000 found the company in debt with unfulfilled obligations toward banks, suppliers of paper stock and technical providers. Ironically, *Politika* also owed €5.5 million to the State alone. Share value fell more than 50% ("H.D. Antic's," 2005). The company's desperate financial standing made distribution of dividends impossible. At the beginning of 2000, bankruptcy seemed the most realistic path.

In March of 2002, the new democratic government found a solution abroad. The

government took charge of securing capital for *Politika*. *Politika* and the German *Westdeutsche Allgemeine Zeitung* (WAZ) formed a joint venture company PNM (Politika Newspapers and Magazines) with a 50:50 division of capital. The domestic portion of shares consisted of 36 % of shares in government hands and 14 % in possession of the employees. By the summer of 2005, the WAZ, had invested €30 million in *Politika*. The €10 million given to the daily for its restoration enabled modernization of its technology (Petrusic, 2005).

The WAZ has been a major media player in Central and Southeast Europe for a number of decades. At the time of its investment in *Politika* the WAZ was already publishing 25 dailies, 43 magazines, 33 trade magazines, four TV guides and numerous commercial publications, spread across 7 countries (Didanovic, 2005). WAZ is present in all neighbouring countries: Bulgaria, Romania, Hungary, and Croatia. In Macedonia, it owns the two newspapers with the highest circulation. The company has further plans to spread into Montenegro by acquiring the second daily out of the three most circulated (Stankovic, 2005). The success of the WAZ in this area of Europe has been interpreted by Serbian journalists as result of tight political connections.

The coupling of economy and politics was evident in WAZ's involvement with *Politika*. An engagement in this transaction of Zoran Djindjic, Serbian Prime Minister at the time, aroused suspicion. Adding to the controversial nature of the deal was the presence of WAZ's new President of the Management Board, Bodo Hombach, a former Chief of the Stability Pact for South East Europe—the EU's organization designed for giving support to transitional countries.

The entire transaction was highly suspicious. The employees holding 14% of

shares were excluded from the process of ownership change. The Shareholders' assembly, with the capacity to inaugurate the Management Board, never convened to discuss the partnership with the German investor.

Following this general trend, the process of privatization of the state's stocks in *Novosti* was put in motion in 2005. At the time *Novosti* retained its popular "semi-serious" profile, printing some 265,000 copies in its own facilities. Its readership had been eclipsed only by the notorious tabloid *Courier*. Due to a decade of wrangling over ownership of the paper, it became necessary to establish some degree of certainty with respect to the situation. Earlier, in December of 2003, the Court register showed that employees held 70.52 % ownership, while the state owned 29.48 % of the company (Bogovic, 2005). The German *WAZ* showed an interest in acquiring the majority rights through an offer to purchase 51 % of the company. Their offer fell short due to disagreement between representatives of the institutions of the State Association of Serbia and Montenegro and the Serbian government. Both showed aspirations toward the state's shares in *Novosti*. There was no doubt about ownership by the state in general; the problem was, how the parties could reach an agreement on which of the two state formations should possess the shares.

Curiously, the issue about ownership of the state media appeared to have been solved in earlier meetings at the beginning of 2005. As noted above, according to the SRJ—the federal law passed in 1999—*Novosti* was reinstated as a segment of the state-owned *Borba Enterprise*. Although the law was introduced in Milosevic's characteristic fashion, with the intention of manipulating the media, the law passed by means of legitimate parliamentary procedures. In 2002, well after the Milosevic regime had ended,



the federal government instituted the restructuring of the *Borba Enterprise* (now a Corporation) into the three companies, *Novosti*, *Borba*, and the related Printing plant in a quest to prepare for eventual privatization.

In June 2005 the Serbian government intervened by repealing the protocol signed at the outset of the year by the representatives of Serbia and Montenegro, in which the association of the two states retained ownership rights to several media outlets, among which was the daily *Novosti*. The protocol was annulled on the basis of the inalienable rights of the state of Serbia to retain and control possessions in its own territory. The transformation of ownership of the daily *Novosti* has been stalled for a while, as disputes remain unresolved despite negotiation and court action. In 2006 Montenegro left its state association with Serbia. The territorial principle suggested by the Serbian government will be the likely conclusion of the dispute.

In the meantime, most of the small stockholders believed that the government intended to follow the pattern established during the partial foreign takeover of *Politika*. According to stockholders, the state will ignore small stockholders, even though they own the majority of shares, and also abstain from keeping the entire process of privatization transparent. Moreover, since the company contains enough financial strength to navigate the Serbian media market relatively comfortably; most employees and management are not in favour of getting a “strategic partner.” Another concern arose regarding the prospect of *WAZ*’s further expansion into the Serbian market, a situation which would definitely create a monopoly. It was obvious that by acquiring *Novosti* the *WAZ* procured almost total control of the Serbian printing market.

In 2004, *The Enterprise Borba*, with which *Novosti* has been associated, was on

the brink of collapse. The *Enterprise's* debt in 2004 was 750 million dinars ("Partnership or Deceit," 2004). At the end of 2003, a segment of the corporation, the daily *Borba*, had a distribution of merely 1,000 copies per day (out of 8,000 printed copies), at the same time creating monthly deficits of approximately half a million dollars ("Ten employees fired," 2003). The company used to own a printing plant, a large distribution network and valuable real estate due to its decade long privileged position within the communist state.

During 2003 the *Enterprise's* managing board decided to halve the number of 108 employees in the daily *Borba* on the basis of "technological excess" in production. The entire *Enterprise* employed 1,300 workers. The workers' syndicate reacted, and organized a strike against management. Management saw the reduction as necessary for the consolidation of the company and its survival in the market. They went ahead with their intentions. *Novosti*, restored to financial health, setting up to take over the entire joint Corporation. There had been a long feud between *Novosti* and the *Borba*. According to *Borba's* management, *Novosti*, throughout the period of its independent functioning, continued to use 6,500 m<sup>2</sup> of *Borba's* premises without compensation (Petric, 2003). In fact, there are elements of irony in *Borba's* demand. First, the impressive building in the centre of Belgrade was taken away from the original owner and nationalized by the Communist government back in the 1950s. Denationalization of the confiscated assets was a requirement for admittance into the European Union. Therefore, the Serbian government faced the challenge of returning or compensating the original owners before entering the privatization process. Second, the liability of *Borba* to *Novosti* is estimated in the millions of dollars (300 million dinars), and even exceeds the possible rental backlog.

In July 2004 *Borba* announced the formation of a “Business club” with the participation of two foreign financial partners, Danish *EMI* and German *WAZ*. The SCG’s Council of ministers approved the motion. It was believed that this “strategic partnership” (not privatization) would enable *Borba* to pay off its debts and secure jobs and regular payment for its employees. *Borba*’s business sectors, Distribution, Transport and the weekly *The Politics of Economy* were also members of the Club (“Partnership or Deceit,” 2004). There was no indication of who would pay *Borba*’s creditors, whether the government or the foreign investors. However, a recently introduced amendment to the privatization policy has allowed the government to relieve a company entering the process of privatization from debt in compensation for an enlargement of the shareholding rights.

In January 2005 *Borba* resumed publishing the refurbished daily without sorting out the old dilemmas on its status, rental agreements and property relations. The Business Club began with the privatization of the newsstands (Petric, 2005).

#### **4.2.3 TANYUG faces privatization?**

The state media waiting for ownership transformation, beside *Borba* and *Novosti*, were the state press agency *TANYUG*, *Radio Yugoslavia*, television *YU Info* (Info 24), *Jugoslovenski Pregled*, and *Filmske Novosti*. *TANYUG*, once an internationally respected news agency, slowly recovered its reputation which had been damaged by serving Milosevic’s political agenda (Radojkovic, 2003a). During the 1990s the agency sank into a financial crisis. A number of seasoned journalists and editors left and participated in the creation of independent private press agencies such as *BETA*, *FoNet* and *VIP*.

The Serbian regulatory framework permitted state ownership of one press agency

(The Public Information law, Article 14th). The law left legislators with the task of providing regulations that would govern the creation of a state press agency. Two scenarios are possible. First, after compensating the Montenegrin government with 6.7 % of their shares, the Serbian state can retain full ownership of *TANYUG* while continuing budgetary support. The second option includes full or partial privatization.

For the most part, experts favoured the second option. Radojkovic (2003a), for example, contextualizes the problem of *TANYUG* with respect to international experiences. The western European example shows that a number of states have retreated from complete ownership of their traditionally significant national press agencies while still retaining certain rights and a degree of support. In contrast, post-communist states have opted to relieve their respective budgets by selling the national press agencies or simply letting them disappear under the financial burden.

Currently *TANYUG* receives support from the budget. In 2004 *TANYUG* received 70 million dinars, which was hardly enough to pay the salaries of its 300 employees, technical maintenance and taxes (Kaludjerovic, 2004). Similarly to the *Borba Enterprise*, *TANYUG* had in its possession notable assets, including correspondent offices in the former Yugoslavian republics, an estate on the outskirts of Belgrade and an impressive headquarters in the centre of the city.

The state media are the orphans that nobody takes care of (Kaludjerovic, 2004). As in the case of *TANYUG*, budgetary support barely covered the salaries of *Radio Yugoslavia*'s 180 employees. Also, the budget failed to cover the power expenses and severance pay for 30 redundant workers. In 2000 there were 242 employees and *Radio Yugoslavia* had a decent professional resume from previous times. It emulated the

function of national radio stations such as *Voice of America*, *Radio France International* or *Deutsche Welle* in its promotion of strategic national interest.

Although broadband radio was a scarce resource and required the state's full attention and care, at the present time the state administration seems to have no interest in continuing its support. The government has failed to finance programs in other languages and hence has forfeited the promotion of the nation and its culture abroad. The connection with expatriates has also been severed. In spite of the importance of broadband services for the nation, with each passing year budget financing has decreased. In June 2005 the financial crisis threatened to bring the station to a close (Vuckovic, 2005, p. 23). As in the case of other state media, *Radio Yugoslavia* possessed precious assets that were not in use due to the financial situation. The agreement on succession between the former Yugoslav republics allowed *Radio Yugoslavia* to continue using the broadband centre in Bjeljina, a town now situated in the state of Bosnia and Herzegovina. The *Radio* is, however, only using one out of four transmitters. By comparison, neighbouring Romania produces seven times more programming in Romanian than *Radio Yugoslavia* in all languages—90 hours of Romanian against *Radio Yugoslavia's* 12.5 hours in 12 languages (Vuckovic, 2005, p.23).

The situation with *Info 24* was also critical. *Info 24*, originally *YU Info*, had a short history. The founding of this television station in 2000 was one of the last attempts by Milosevic to consolidate power through the media. Although seen nationally, its specific aim was to undermine Montenegro's rebellious government, which had for years been distancing itself, its people and the entire political and economic system from its Serbian federal partner (Vukotic, 2003, p. 58). The station used the network of

transmitters situated in the Army's compounds and facilities. After the change of regime, the new political elite pronounced the practice "controversial" and hence ordered the removal of the transmitters.

In 2003, the Trade Court placed *YU Info (Info 24)* under receivership. The remaining 24 employees expected the court to resolve the problem of asset ownership, as some of its assets were situated in Montenegro. Under bankruptcy regulations the enterprise's financing has been discontinued. The company continued to function through revenue gathered in the market by means of renting its production equipment and selling advertising time. This allowed its employees to receive salaries every two to three months. Previously they had not received payment for eight months. In September 2003, under instructions from the Trade Court, *Info 24* stopped the production and broadcasting of its programming. Most employees were asked to stay away from the premises except for the few in charge of routine maintenance. *Info 24* owes its partners 170 million dinars.

At this moment, there are no specifics on the destiny of the remaining state media, *Filmske novosti* (Film News) and *Yugoslovenski pregled* (Yugoslav Review). The competent body of the government, the Ministry for Culture and Media, holds the power to decide what would be the best solution for the state media. Some of the state media, such as *Politika*, *Novosti*, and *Borba Enterprise* (and possibly *TANYUG* due to its position in society), have readership and assets and, consequently, have been the subject of interest by investors. At the same time, *TANYUG* (if not privatized) and *Radio Yugoslavia* still remain in a state of anticipation, waiting for the state's strategic decision.

#### **4.3 Transformation of ownership in the local media**

Serbian local or regional municipalities are the founders of most print and local

media expecting privatization in 2006-2007. According to the Privatization Agency, some 141 media outlets have entered the process (“Round Table,” 2005). The law on privatization foresees selling 70 % of its media capital through auctions. The initial deadline set by the legislators has, however, been compromised for several reasons: unpreparedness of political factors to provide the additional regulations on how to proceed with the ownership transformation; passivity of local political factors, who endeavour to retain control over local mass media on the basis of founding rights; sluggishness of press organizations to internally set the conditions for the process of transition; and the fear and resistance of employees and journalists toward the ensuing change.

#### **4.3.1 Strategic policy adjustments**

The government’s postponement of ownership transition was criticized in domestic and foreign circles. It was perceived as an attempt by political forces to preserve their influence over the media. The international representatives in the country, who have been strongly encouraging and monitoring the transformation of the media, found the situation troubling. The ambassador of the USA and Organization for Security and Co-operation in Europe (OSCE) representatives “expressed regret with the development” (“Round Table,” 2005).

In an attempt to bridge the situation the journalists association IJAS, in coordination with Ministry of Culture and Media, suggested changing the deadline (IJAS and Kojadinovic, 2005). As a result, the date for privatization for print media was extended until April 2006 and electronic media by the end of 2007. In order to expedite privatization, the Broadcasting Law foresees penalties for those not complying.

Broadcasting organizations that could not meet the deadline would forfeit their broadcasting licences. For print media, failing to honor a time line would lead to their closure.

In the meantime, journalists and media associations have engaged in a struggle to impact the terms of privatization of the local print media, whose survival relies on municipal coffers (Petric, 2005). The delay of privatization has been useful for the improvement and clarification of the rules and procedures, and this should allow journalists from local newspapers to navigate the entire process more easily or at least—less stress.

The core legislation, complementary regulations and documents have been the object of revisions. It is acknowledged, for instance, that the act that stipulates the shutting down of not-yet privatized public or state media may open the possibility of abuse on the part of local authorities. Thus, local politicians incensed by “unsatisfactory” editorial policy may simply delay the process, causing the media enterprise to fail to meet the deadline and thereby become the subject of termination (“IJAS and Kojadinovic,” 2005). In response to this and similar challenges, the Ministry of Culture and Media announced changes to the Guide on privatization of the print media which, so far, have been not brought to the light.

#### **4.3.2 In anticipation of privatization—local political powers**

In the field, local political powers expressed dissatisfaction with the rising independence of their protégés. News columns across the country almost daily carried reports about the skirmishes between local political powers and their respective media outlets. Local municipalities attempted to utilize controlling rights until the last moment,



and time was running out. In October 2005 the Serbian agency for privatization listed 17 print media enterprises ready to be sold at auction (“Soon on Auction,” 2005).

Local politicians try to adjust to the upcoming changes in ownership, foreseeing the loss of control over local public media. They are especially anguished by the loss of control over the electronic media. As noted earlier, the Broadcasting Law prohibited the formation of a public organization by the state, autonomous territory or other institution. As a result, media outlets cannot be owned by the state or financed through the budget. However, in an attempt to circumvent the law, some local authorities formed a special “informative branch” within the administration.

Local authorities in the Serbian Southern town of Novi Pazar formed an information branch that commenced with a 30-minute daily broadcast of the activities of the mayor and his administration. Daily *Politika* followed up the event, titling its article, “The municipal clerks wannabe journalists” (Bakracevic, 2005). In the article, the chief of the new information branch portrayed the formation of the branch as a necessary countermeasure against what were being termed lies coming from local public radio and television. Ironically, both the information branch and the local public media were financed from the municipal budget. Consequently, the budget was arbitrarily used for the building of a parallel information outlet, which bolstered the capabilities of the incumbent administration to battle criticism coming from the suddenly estranged local media preparing for privatization.

Politicians in local offices can still make things difficult for the departing media, since the municipalities are still in control of financing until the finalization of the process of privatization. As the case of Novi Pazar illustrates, the municipal

administration, besides forming its own alternative network, also imposed a sanction against local public media under its jurisdiction by withholding payment of journalists' salaries. Granted, some media outlets themselves, at the local level, engaged in a ruthless political struggle to impose their own political preferences. As a matter of fact, a director of the Novi Pazar's local public media was also member of the Mayor's rival party. In the highly politicized Serbian reality, hardly anyone is politically impartial.

The fear of losing authority over local media grows progressively as the process of privatization gains ground. Confrontations between journalists and local political powers are also on the uprise. For decades, a typical resolution of such a conflict would see the editor-in-chief leave his post. In most municipalities, however, the power to force people to resign is reduced due to the temporary nature of alliances between the factions forming the local administration. A considerable amount of energy has been expended on internal squabbles between the often half-dozen political parties that coalesce in uneasy and short-lived power coalitions.

But if not able to dictate the work of the local media, a specific party in the coalition still had recourse to intimidation. In September 2005, for instance, the Independent Journalist Association of Serbia (IJAS) demanded that "competent institutions" act to protect of *Radio OK* in Vranje from threats from the town's mayor. After national exposure of the issue, the mayor denied any involvement in delivering threats until confronted with an audio tape of the recorded phone calls provided by the Radio station. The knowledge of the taping of the conversations, nonetheless, did not prevent the mayor from threatening "pain, suffering and the visits from his friends" to the station's crew ("Concretize the Responsibility," 2005).

### **4.3.3 In anticipation of privatization—journalists**

Journalists and employees lacked information about the process of privatization and could only guess about their futures. Company workers' syndicates were equally underinformed about the outcome of privatization. They were, and continue to be, especially apprehensive with regard to the motivations and intentions of potential buyers. Does the new owner intend to retain the company's authentic line of activities in providing daily news? Will the company stay in the press industry?

The Agency for Privatization, in partnership with media associations, strives to forestall any future problems such as the above, but is limited in its ambition. A clause in the privatization contract binds the new owner to remaining in the field for at least five years after the ownership transaction. But what will happen after that time limit remains a grey area, and as such, is of great concern for journalists.

The basic controversy seems to arise from the fact that the conception of privatization, furnished by the privatization law and upheld by the privatization agency, equates media, put to auction, with any other profit-generating entrepreneurship. In this way, there is no presumption of the media's possible role in the empowerment of the citizen. The likely effect of this regimen opens the possibility for eradication of local public media after the designated period of five years.

Although journalists are generally positive with respect to privatization, its potential consequences have also produced some ambivalent feelings. There is a strong fear on the part of the journalists regarding the relationship of privatization and job termination. Due to the great emphasis on the social component in earlier times, most Yugoslav companies carried a surplus of employees. The media were no exception. As a consequence, journalists are torn between the minimal, but relatively consistent, flow of

payment from municipal budgets and the prospect of looming privatization with all its uncertainties. Municipalities have already made cuts to their budgets in anticipation of the expected transformation of ownership.

The local media could follow the fate of other state-owned organizations burdened with production inefficiencies, overstaffing and insolvency. The success of the privatization process in other industries varies from case to case and usually is measured by the ability of management and local authorities to act for the benefit of the company rather than egocentric short-term gains.

A brief review of the situation in two local print media enterprises suggests that a timely adaptability to new circumstances is key. Both companies, the daily *Pancevac* and *Ibarske Novosti*, were public institutions founded by municipalities with social capital. The regional newspaper *Pancevac* employed 26 workers and for the last eight years had not had any liabilities (Sasic, 2005). The daily began adopting market principles a decade ago by offering its pages for advertising to regional businesses. Each issue carries 15 pages of ads, which contribute to the newspaper's standing as one of the most profitable firms in the region. Growing revenue from advertising enabled the daily to successively distance itself from political influence. In 2007 the company did not find it necessary to receive any subsidy from the municipal budget. At this stage of its privatization, there is widespread interest in the company.

In contrast, *Ibarske Novosti*, an enterprise consisting of television, radio and newspaper branches, is on the verge of collapse (Dugalic, 2005). Some 130 workers, of whom 27 were recently hired, have not received their wages and company debts are accumulating. The workers syndicate accused its administration of "mismanagement,

irrational expenditure and suspicious dealings with private firms” (Dugalic, 2005). The journalists alleged that newly recruited employees had been members or sympathizers of the political party affiliated with the Director of the Enterprise. The assertions referred to a common practice in which a political appointee for a managerial position adds to their staff a number of ‘deserving individuals,’ often including family members. *Ibarske Novosti* is dependent on the municipal budget, whose control is in the hands of the political parties in power.

Again, as in the case of organizations in other industries with socially or state owned capital, there have been instances of deliberate deprecation in the value of the companies by its own managers with the hope of selling them back to themselves for far below their actual value. For instance, some of the sugar refineries in the post-revolutionary period were sold for one dollar. After just a few years, the same refineries are making a fortune. Some companies are bought not for their revitalization, but for the purpose of reselling the equipment and real estate. This will likely be the fate of some of local media companies which will go to auction or simply be snatched in haste by the disgruntled former employees or political and business bystanders. For that matter, even the daily *Pancevac* has purportedly been eyed by the new brand of business-savvy politicians. In the meantime, the journalists at *Pancevac* are gearing up to prevent the enterprise from ending up in the hands of Serbia’s new tycoons.

#### **4.4 An end in sight?**

The Serbian Privatization Agency expects most of the local media to be privatized during 2007 and 2008. As of April 2007, ten local print media have finalized a transition in ownership, yielding the first assessments of the process. The auctions of the print

media attracted substantial interest, but for all the wrong reasons. The competition among the bidders raised the prices for the media and prevented journalists and employees, interested in seeing their profession continue, from buying out their company. The price for the *Nedeljne novine* from Backa Palanka exceeded the assessed value of the company by 268 times (Remic, 2007). *Napred* from Valjevo was sold for a sum that was twice its initially set value. The impoverished employees and journalists had no chance to challenge such a development. Not surprisingly the new owners were part of the new bourgeoisie (composed of the hundreds of managers from the Socialist Party, and speculators, some with police records) who accumulated their wealth during the decade of the worst moral and economic crisis in Serbian history (Karadjis, 2005).

According to one respected journalist, even multinational companies such as the German *WAZ*, gave up the idea of pursuing the bidding competition on a few occasions because they saw no economic motivation for continuing in the process. After giving up its bid for *Sremske novine* in the town of Subotica, the *WAZ* preferred investing in building an entirely new enterprise. As a matter of fact, the *WAZ* founded competing print media in several Serbian towns. What then, motivates domestic buyers to acquire the mostly impoverished local media?

The new bourgeoisie's major incentive in acquiring the media lies in its members' quest for prestige and power. The class equates media ownership with the ownership of a designer car. It is, however, a different situation when their responsibility toward the media is brought to the fore. The new domestic owners are rather reluctant to uphold the provisions of collective contracts and social programs for journalists, which bring them into confrontation with employees and labour syndicates. The Republic's Privatization

Agency has at its disposal legal rights which, upon the verification of employees' grievances, revoke ownership rights, cancel the ownership contract and eventually put the company in question up for re-auction. It is unclear, however, whether a company in this situation could survive the repeated process without support from municipal budgets.

So far, the new caste of Serbian tycoons represents the profile of the new local media owners. Local business owners are often affiliated with local politicians. Most often they are former politicians who have entered business. The turnover has been a more than decade-long process initiated by the Milosevic socialists. They have pervaded all avenues of life since the new democratic government failed to provide adequate measures to distance them from the system.

Product of the past or not, the fusing of business and politics in Serbia has become an everyday practice. The new owners of *Svetlost*, from Kragujevac, are a group of the town's businessmen who also "practice politics," says their representative a delegate in the towns assembly ("Businessmen Purchase," 2007). The Ministry of Labour's special adviser for relations with the media, recently became the owner of *Narodne novine*. The other form of business owner are those who have police records and use the Serbian process of privatization as a effective means to launder the profits they accumulated during the period of the flourishing black market in Serbia.

Only recently did some journalists express a fear that privatization of the local media will also mean the end of the system of public information in Serbia. "Will money become the Editor in Chief," ask those sensing this future development (Radovanovic, 2007). For many in the field, privatization has become a mantra. Seasoned journalists, who have spent decades resisting political influence in the media, believe that

privatization alone could bring better times for Serbian journalism. The journalists' independent association, IJAS, has steadily supported privatization, proclaiming that the state should not possess the media ("Resistance to Privatization," 2007). The president of the association suggests that "for [some] (the journalists) it is more comfortable to enjoy budgetary sustenance than take their own destiny into their own hands" ("Resistance to Privatization," 2007).

It is a serious error, however, to perceive the resistance of some local journalists toward privatization as a mere reaction to change or loss of privileges given by state socialism. The current state administration, and for that matter, a considerable number of media practitioners, treat the media as a commodity, selling it to the bidder with the deepest pockets without regarding for future intentions. Those critiquing such an approach foresee this development as "an introduction of a new form of media darkness," like that experienced during the Milosevic reign, in Serbia's local municipalities (Radovanovic, 2007). According to this perspective, the local communities face the prospect of being left without timely and objective information about factual political, economic, communal and other events in their respective local communities. The obvious alternative is to transform some of the regional media into regional public services that would, to some extent, emulate the function and organization of their big sister, the Serbian Public Broadcasting Corporation.

The initiative has been rendered belated, expensive or 'unrealistic' by both 'pragmatic' journalists and the state administration. If the lack of concern on the part of journalists is surprising, the attitude of the state is less so. The state failed to regulate, through specific set of regulations, the privatization of the print media. It left the



Privatization Agency, labour syndicates and journalists to negotiate the contracts. However, the state is eager to finalize the privatization process in an attempt to fulfill the requirements and promises given to foreign auditors. The speedy finalization of privatization is a major reason why the Ministry of Culture and Media and the Privatization Agency will go forward with the introduction of guidelines for the privatization of the print media that will ease the already lax requirements put forward for those interested in purchasing these enterprises. Faced with such an attitude, an employee of the city of Pirot's *Sloboda*, founded 63 years ago, states: "If someone purchases the company for the real estate we will abandon the premises and form a weekly in its image, since the newspaper is our livelihood" ("Pirot: Media Anticipate," 2007). The next chapter details the attitudes of journalists themselves to contemporary changes in the media field.

## **5: LOST, DIVIDED, MISERABLE: THE JOURNALISM COMMUNITY IN A SEARCH OF A MISPLACED SPIRIT**

For Marx, Lenin and Tito, the press held a central place, not only in the struggle against bourgeois preconceptions of the organization of life, but also in the continuous reconstitution of the direction of development of a socialist society. In 1958, during the Seventh Congress of the Communist Alliance of Yugoslavia, Tito stated that the press and journalists have “a very important and complex mission to participate in the constitution of new social relations and partake in a role seeking new forms in the evolution of socialist society—which is not some inflexible, perfect formula, but embodies ceaseless progression” (Bjelica, p. 302). Generations of Serbian journalists refined their craft having the revolutionary character of the press in mind.

During the communist period, “immanently revolutionary and self-critical itself,” self-management offered considerable latitude for journalists (Selecl, 1994, p.206). Unless directly attacking the self-management system, journalists were expected to participate directly in the management of the media and constructively contribute to the elucidation of the system’s ills. In 1977, for example, Edvard Kardelj, the ideologue of the self-management system, critiqued the press for failing to take an active part in the democratic political system of self-management (Bjelica, pp. 308-309). The press, according to Kardelj, had gradually become a means of public communication within a system of democratic pluralism of self-managing interests.

Regardless of the liberal critique of self-management as misplaced within an

“inappropriate political system,” the system provided a sense of fundamental self-respect for journalists. They had been able to take considerable control of the functioning of their respective media without much interference from external powers. Much attention was placed on the craft of journalism. The University of Political Science in Belgrade offered a degree in journalism while the Serbian media outlets provided practical training for aspiring young journalists under the supervision of the most experienced journalists and editors-in-chief.

In addition, the system offered economic security to journalists. In most cases a journalist could count on a secure place in the media until retirement. Freelance journalists were able to maintain security and social status through trade organizations. Market imperatives were largely ignored due to a political system alien to capitalist doctrines, thereby eliminating the pressure upon the media and hence journalists to respond to ratings and other market forces. Moreover, the socialist welfare system provided luxury enjoyment in the lightness of being.

I argue that the sense of responsibility journalists acquired through their socialist upbringing allowed them to remain close to communities and people in general, permitting them to be just ‘one of us,’ while still serving the community and thus deserving respect. Socialist credos of egalitarianism, unity and fraternity, cultivated by the system’s schools and institutions, generated a sense of justice, a culture of resistance to injustice and a revolutionary character, which together contributed to a dominant culture of analytical journalism, as opposed to the information model of journalism developed in the United States (Hallin, 2000, p. 219).

The sense of journalism as the avant-garde of a society nourished by communism,

has, as well, some historical background in the tradition of Serbian nation-building. A sense of justice, culture of resistance and revolutionary character were fundamental in forging the nation. However, recent history suggests that these sentiments can be easily distorted into a destructive force. With the coming of Milosevic to power and the dissolution of the former Yugoslavia, a number of journalists fell into the trap of confusing patriotism and a sense of self-determination with ethnic nationalism, and participated in the propaganda war. As Kemal Kurspahic (2003) observed in his book "Prime Time Crime," the patriotic press, at the end of the 1980's, intensified its attack against Slovenes and Croats as part of the preparation for the implementation of Milosevic's project in which all Serbs would find themselves in a single state (p.51). On the premise of this 'obvious injustice' to the Serbian people, some journalists were beguiled by the regime into using their privileged position within the public sphere to generate hatred toward the other ethnic groups. Those who refused to fall for such a travesty of the meaning of self-determination were replaced with novices eager to climb up ladder in the state and at local media enterprises under the control of the ruling regime (Kurspahic, 2003, p.41). In an overheated context brimming with intolerance, journalists' subtle understanding of the nation as a complex formation of differences was classified as a sign of submissiveness bordering on treason.

The beginning of the 1990s witnessed not only division among the people of Serbia, but also saw a rupture in the journalism community that continues even now. The rift within the profession expanded with the advent of nationalism and the crisis of identity within the nation. The journalism community segmented into two camps—journalists who were aware of liberal ideas and sought democratization and the

development of civil society, and those who were pulled into the vortex of nationalism by the zeal of their beliefs or by the prospect of being in favour with the regime. The former were fired and socially marginalized, while the latter were installed as managing editors and journalists at core media institutions.

In addition to the growing alienation among journalists, the economic and political situation in the 1990s led to a number of consequences for the journalism profession. One of the most damaging was the impact of the crisis on the craft of journalism. In the shortage following the defection of experienced journalists to the opposition, the regime resorted to filling media positions with inexperienced journalists or persons with no relation to the field. These newcomers were eager to return the favour by serving as mouthpieces for the regime. For more than a decade the pro-government political orientation of journalists was a dominant feature of the trade, which devalued the profession's obligation to the norms of professionalism and to the ethic of public service.

The practice of the regime and its social and political crisis led to the breakdown of the apprenticeship system among journalists, and thus of the important traditional educational system situated in the media newsrooms. Throughout the Milosevic decade, there were no newsroom organized journalism schools, a feature that had been prevalent until his rise to power (M. Brkic, personal communications, October 10, 2003). Also because of the crisis, in a number of cases the poverty of job options rather than genuine preferences brought a new generation of journalists to the profession. With no previous practice or university degree in journalism, the new generation was installed into positions occupied previously by respected journalists.

The politics of the 1990s brought fragmentation within the journalism field.

Political influence further dissolved the integrity of the practice of journalism when the regime replaced the seasoned journalists with obedient and inexperienced journalists. For their servitude they were compensated with secure positions and with financial rewards. Those who refused to follow Milosevic's agenda were left penniless. They then formed the core of the resistance to the regime; they found refuge in forming with their peers alternative print or electronic media, journalism associations, news agencies, or positions with NGO's whose intention was to contribute to the development of a democratic civil society. A number of media outlets such as *Nasa Borba*, *Vreme*, *Radio B-92*, the independent journalism association IJAS and the news agency *BETA* were formed by the rejects.

Despite this mid-1990s reframing of the activities of journalists rejected by the system, the journalism profession shared the same crises-ridden fate as the political, economic and moral aspects of Serbian society. The economy and the welfare system were in a shambles. Journalists also shared the destiny of other Serbian citizens; poverty was widespread and journalists were among the first to experience it. Especially affected were those who resisted the nationalist fervour. Meagre economic conditions coincided with a decline in both the integrity of the practice of journalism and the public's confidence in the media. The comfortable lifestyle of the journalist during Tito's era was long gone. The journalism community sensed the loss of a way of life. Fundamental self respect eroded with the loss of confidence.

Nationalist politics were not the sole reason for Serbia's political, economic and moral crisis, nor for that matter the decline of Serbian journalism in the last decade of the 20<sup>th</sup> century. Milosevic's introduction of a phony capitalism and privatization in name

only brought an entirely different dynamic to the workforce. The breakdown of the socialist system and self-management affected the welfare guarantee integrated into the system. While it had once been almost a certainty, the lifetime job positions disappeared along with socialist self-management.

The results of post-communist managerialism have been thoroughly described in the work of Eyal, Szelényi and Townsley (1997). One exception or addition, specific to the Serbian social context, is the criminalization of Serbian society that took place in background of ethnic conflict and international economic sanctions. Therefore, in addition to the authors' thesis that "The new power elite of post-communism is not composed of owners, but rather of the technocratic-managerial elite together with the new politocracy ..." (p. 61), I suggest that the new economic elite in Serbia have been, besides technocrats, the owners of privatized state and social capital.

As described in the previous chapter, the impact of the Milosevic capitalism and privatization had a heavy impact on the current phase of the Serbian transition to liberal democracy and capitalism. Since the change of regime in 2000, privatization has continued and is now entering the final stage. The legacies of the past and the current changes have considerably worsened the social status of journalists.

## **5.1 General view of the position of the journalist within the new Serbia**

According to the Media Center's research (2004), the social status of the journalist may be described as discouraging. Journalists in Serbia have been disfranchised, and are despondent, abused, and frequently without regular income or social and retirement benefits (p. 17). This grave situation has had an impact on

journalists' ability to subsist, and has created fertile ground for misconduct based on economic precariousness. In consequence we see a hard life, coupled with a broad trivialization of rudimentary societal values, leading to corruption.

Certainly, political conditions for those practicing journalism improved to some extent with the political change in 2000. At least, journalists can practice without fearing for their personal safety ("Journalists' Status," 2004). The political pressure journalists underwent to such a degree during the 1990s, it is suggested, is now a matter of the past. Nonetheless, the overall degradation and segmentation of a professional group caused by Serbia's permanent political, economic and moral crisis has indeed had a profound impact. Accordingly, the controversial heritage of the past caused the journalism profession to fall into a moral and material shambles.

Serbian journalists perceive their position as conditioned by the prevailing crisis of Serbian society. While this is a reasonable conclusion, the longevity of the crisis has also had a profound impact on people's spirits, creating a subculture of doom and gloom and a propensity among journalists to delegate a significant amount of responsibility for their predicament onto external social agents and institutions. Most journalists agree on a description of the situation as neurotic. There has been a pronounced apathy and dissatisfaction among journalists. Most of this feeling comes from disadvantages related to the social status of journalists in Serbian society. Financial compensation for work performed is meagre. Job insecurity is an acute problem. The country's overall economic decline affected the profession on a grand scale. The next section deals with some of the major issues encountered in journalism during the current transformation of the Serbian society.



## 5.2 New trends, old trends and journalistic integrity

The commercial aspect of news production came to prominence with the restoration of private ownership in Serbia. Expectations on the part of owners to accrue profit from publishing enterprises seemed fairly legitimate, and was far from being “a sinful” exercise, *Politika* writes (Petric, 2004, p. 9). Nonetheless, a problem arose when owners directly attempted to interfere with editorial policy, which nowadays is frequently the case (Petric, 2004, p. 9). At the end of 2007, recognizing this pattern, several NGO’s and Vojvodina’s Independent Society of Journalists warned the public to be cautious in regard to media content, noting the interconnectedness of interest among the tycoons, political clans and the media (“Link between the media,” 2007).

Some owners, however, showed a fair degree of sensitivity and understanding of the process of news production and refused to interfere, leaving it up to the editor-in-chief to formulate editorial policy. On the other hand, there has admittedly been an upsurge of cases where such sensitivity has been absent. The director and editor-in-chief of the daily *Novosti* was rather straightforward in saying that “a butcher, a cobbler or a criminal hardly fit the ideal picture of a suitable candidate for the position of a media owner” (Petric, 2004, p. 9).

The recomposition of social relations based on free-market concepts introduced an entirely new dynamic. Journalists in Serbia agree that money tops the influence of the politicians. Based on anonymous testimony, there are indications that some journalists and editors engage in PR placement within the news media (“Media Center,” 2004). Such a practice can be relatively benevolent, such as an exchange of private and petty favours. Some journalists and editors, however, take a more pragmatic approach by profiting from

demands for information placement.

Those with professional integrity confronted owners who showed a lack of understanding of the profession; such confrontations, however, sometimes met with grave consequences for the journalist. In the last fifteen years, *Novosti*'s present director and editor-in-chief, was dismissed three times from various media outlets due to confrontations with the owners, all related to the defense of the profession. It is not surprising, then, that although circumstances have changed, the integrity of the profession is still under siege. The pressure to concede to owners and managers has increased considerably; it varies in complexity due to the convulsion of politics and the economy. As a consequence, the integrity of the journalism profession is endangered from multiple fronts.

Shielding journalistic integrity is a tremendous achievement at the local level in communities where political pressure continues to be dominant. The recent recovery of the nationalistic parties in the elections brought change to the local executive level of government. As a result, pressure on the local media increased. Once again, a style of rhetoric familiar from the Milosevic era has risen up. Journalists who exposed the fallacies of the Serbian nationalist past have encountered animosity, texts full of profanities and calls for retribution ("Indictment from the speaker's booth," 2004). The recently appointed Vice President of the municipality of Pirot characterized one journalist who criticized nationalism as a "traitor and a madman." This reaction came after the local television station broadcast a set of documentaries on Serbian atrocities during the 1990s. This event is a prime example of the endurance of the old pressure on journalists to conform to the nationalist ideology.

The persistence of this sort of political view has been especially resilient in small local environments that have been depleted of resources for decades. Nationalist political parties fed with intolerance and hate the minds and souls of the people who had suffered the most during the Balkan wars. Further, these local communities are often inhabited by people who were displaced from areas previously engulfed in the civil war. The despair arising from their predicament can easily be channelled into intolerance seeking a target. Journalists tempted to expose nationalism often become the first to be blamed and exposed to humiliation. In addition, due to transitional ills, there has been as yet no systemic mechanism for the protection of professionals and their integrity. Thus, they have been doubly vulnerable. In most cases they have been left to wage their own local battles against recurring nationalist politics.

### **5.3 Ethno-nationalism faces “Lustration”**

The root of the problem in Serbian journalism is much deeper than the average media consumer may gather from the sensationalistic media. In this particular instance, democratization of the media is constrained by the very philosophies, practices, and attitudes of journalists still largely caught up in the prejudices of the past. One analysis of the media in Serbia (Biserko, Kupres, Stjepanovic, Kistic & Savic, 2004) confirms that even after the political change in 2000, old political views based on ethnocentrism and the unity of the Serbs’ lands still persist. Among numerous examples, this study shows, for example, that *Nacional*, *Centar*, *Glas Javnosti*, *Kurir* and others published highly volatile war-mongering content during the unrest in Kosovo on March 17, 2004, in which 19 people died (Eleven Albanians and eight Serbs)( p.15). On March 22, *Glas Javnosti* came out with the headline “Eight Serbs killed, the remaining dead unknown,”

intentionally, according to the study, downplaying the fact that Albanians were also among the dead (p. 24).

Journalists implicated in the upsurge of nationalism in Serbia during 1990s showed little or no interest in a critical assessment of the past and reevaluation of their own role in the manufacturing of political propaganda. According to some journalism practitioners, the Serbian media sphere today is an amalgam in which includes collaborators from the previous regime. Moreover, the old intelligence service network still remains in place, despite sporadic demands for it to cease operations. As a result, files on the collaborating journalists remain inaccessible to the public.

Lustration (purification by sacrifice, purging—as defined in Eyal, Szelényi & Towsley, 1997, p. 108) has been a common topic in post-communist countries. The act of ‘lustration’ considers the publication of the names of agents and collaborators who worked in secrecy for the communist governments. Since the transition of power in Serbia, lustration has frequently arisen as a topic of discussion; however, it has never been put into practice. The Law on Lustration (which is a common name for the *Law on Responsibility for the Violation of Human Rights*) aims to prevent those who violated human rights in the past from acquiring public positions. In order to be operational, the law has to be supported by a number of other regulations, such as, the law that enables disclosure of secret dossiers in the possession of the Serbian intelligence bureau. The new democratic government dropped the issue from its agenda, believing that the weakening of the Serbian intelligence service by the disclosure of its network would be counterproductive from the point of view of national security, one of the central aspects of a sovereign state and thus of its identity. The scores of journalists who felt betrayed by

the new political elite's decision roared out loud: the spies are still among us.

Unlike the intelligentsia in some post-communist societies, the Serbian intelligentsia fell short in compelling the media to repent its sins by sacrificing and purifying itself. Besides, the media and journalists critiquing the government failed to grasp the issue in consistent ways. Moreover, the new democratic elite quickly learned that they could benefit from the situation by utilizing for their own objectives those journalists who had demonstrated servility to the Milosevic regime. The same journalists proved adaptable to the new circumstances, and transferred their allegiance to the new wielders of power. Consequently, some media enterprises and journalists might have changed their editorial policy, personnel, and political dispositions, but not their obsequious spirit. Ironically, democratic political leaders have quickly forgotten past sins, trading their amnesia for favourable coverage.

The silent acquiescence came also as a result of an urgent need on the part of politicians, to seek sympathetic coverage. The politicians had learned this the hard way. During the frantic post-revolutionary period—which, in fact, lasted for two years—the press turned their critique toward the new political establishment. Journalist reformers began to critique those now in power, instead of supporting them. The disgruntled democratic politicians suddenly found themselves in the position of their predecessors. Moreover, some journalists, who were sympathetic to the previous regime, took the opportunity to end their voluntary disengagement from public life and join the barrage against the new administration. The “Law on Lustration,” if carried out, would, it is believed, prevent those implicated in the past from being reinstated.

## 5.4 Journalist as emissaries of change?

The republican idea of integration, in accordance with universalistic patterns, for Habermas (1998c), necessitate “the true functional requirements for democratic will-formation, namely, the communicative circuit of a political public sphere that developed out of bourgeois associations and through the medium of the mass media” (p.153). At the time of the change of the regime, journalists and the media wasted an opportunity to help democratic values become a pillar of Serbian society (M. Brkic, personal communications, October 10, 2003). Instead of taking a commanding position in the rebuilding of democracy in the country, the media turned to sensationalism and joined the politicians in name-calling campaigns. Serious debate about the future of the country was largely absent from the newspapers. Instead, journalists took the easy route by covering the vain bickering among political factions. The media and journalists made only sporadic attempts to create forums wherein the new elites could present their views and enlighten the public about the issues; they failed to create an open venue for public debate.

The public forums organized by journalists in some post-communist countries at the time contributed to the fulfillment of the press’s public service role. Poland’s social change was forged on the pages of Warsaw’s *Gazeta Wyborcza*. *Ludove Noviny* enabled Vaclav Klaus to keep the public informed about the pains of transition and offer a vision of a better society. No such counterpart was to be found in Serbia, despite the warnings of some journalists. Instead, the public was informed about the functioning of the major institutions based on the political affairs. The press trivialized even the assassination of the Serbian Prime minister, a resolute democratic reformist, by the smear campaign in

which his name was associated with assassins and the organized crime, which he himself had publicly vowed to challenge. By focusing on trivia, the press and journalists obscured the public's vision of what was of cardinal importance for society.

Reporters assigned to cover events fished for scandals and affairs rather than focusing on the issues at hand. Sometimes journalists had no knowledge or interest in the subject they were assigned to cover. Often reporters failed to acquaint themselves with the issues. Some editors-in-chief chose a reporter at random for the assignment, instructing this person to search for "some dirt" regardless of the issue (Lj. Smajlovic, personal communications, November 13, 2003).

Disrespect for the essentials of good reporting practices were (and continue to be) overwhelming. New cases of such a fault approach to the practice of journalism are widespread and perpetual. For example, the ongoing privatization of various state and socially owned enterprises particularly attracts journalists. As noted earlier, privatization has been at the centre of the current transition of Serbian society. The process of privatization, due to its centrality and complexity, requires intensive public exposure. Moreover, the incapacity of the administration to procure fundamental conditions for the transparent transfer of ownership of the enterprises has frequently spread suspicion about the regularity of the process. The existing weaknesses encapsulated into the system itself guarantee fertile ground for journalists looking for "exclusive" information. In most instances, however, apart from a number of insinuations, no factual evidence of scandal may be found in a story.

The Serbian press and journalists fail to contribute to the nation's basic understanding of the process of transition from state command to capitalist economy. On

the other hand, the public expects the press to familiarize itself with the process, which generates transitional victims. The lack of competent specialized journalists has been chronic. The last journalism graduates to be educated on economic issues were the class of 1992 and 1993 (M. Brkic, personal communications, October 10, 2003). Some of the fifteen privileged students tutored at the daily newspaper *Borba* at that time are today the media's best economic analysts. Since then, there have been no attempts to systematically address the issue of how to train journalists to report on specialized subjects.

The situation on the coverage of political issues is even more troublesome. The familiar faces from the old generation of journalists still provide the best of the available political analysis. The lack of competent specialized subject journalists explicitly counteracts the Western elitist idea of a socially responsible press that aids "the democratic process of opinion and will formation, in the public sphere" (Habermas, 1998b, p. xxviii). A lack of skill and integrity, in combination with market imperatives, not only limits the educational component of the media and for that matter its educational potential, but also confines the space for democratic dialogue around serious public issues (Golubovic , 2007).

The political discourse reflected in the media holds no delight for the media analyst seeking the realization of a socially responsible press, at least not in its function of a liberal democratic priming of Serbian citizenship. Foreign editors in Serbia, as much as domestic journalists seeking to replicate the liberal model of the press, find the situation worrying. Some of the features of Serbian journalistic praxis can be indeed qualified as controversial. A lack of verifiable quotes from sources, for example, is one of the properties of journalistic practice that considerably degrades the profession (Lj.



Smajlovic, personal communications, November 13, 2003). So does the obvious ambivalence on the part of journalists with regard to professional ethical standards such as truthfulness, accuracy, objectivity, impartiality, fairness and public accountability.

However, are these flaws in the journalists' conduct the result of the wider social context and structural circumstances? Similarly, how much is the situation in journalism and society in general, the result of faulty journalism? Although aware of the contradictory dynamics between the media and political society, one cannot dismiss the abject social conditions as having no effect on the development of sound journalism. As noted throughout the dissertation, the fragmentation of the existing context, the crisis of the Yugoslav and Serbian society, the destruction of its institutions, norms and values, account considerably for the decline of professionalism and responsibility in all spheres of life, including journalism. Finally, the journalists, either voluntarily or under pressure, become participants in the power struggle between the competing options of economic development and the identity of Serbian society.

In light of this notion, I agree with Robert A. White's thesis that the focus and criticism of the professional media ethics approach to media and media morality has to be redirected toward a broader approach to the norm of justice in the public construction of cultural truth (1995, p. 441). According to White, "media ethics must be seen as an integral part of the responsibility of all members of a given society for the quality of information available for collective decision-making in the society" (p. 442). He continues, "... the effectiveness of the journalists and editors is equally conditioned by the owners and administrators of media, by the legislators and policy-makers, by specialists in media ethics and communication theorists, and not least by the

communication values of the general public” (p. 422).

Laclau’s (1996, 2007) theorizing on the contradictory relationship between particularism and universalism, that is, the relationship between the context and agents of change seems to resonate with the Serbian transformation dynamic and the effects of such a transformation on both context and agents of change. Laclau states that “I cannot assert a differential identity without distinguishing it from a context, and, in the process of making the distinction, I am asserting the context at the same time. And the opposite is also true: I cannot destroy a context without destroying at the same time the identity of a particular subject who carries out the destruction” (p. 27).

Having Laclau’s argument in mind, it is hard to see Serbian journalists as subjects who pay allegiance to a prescribed set of social values. Due to the historical circumstances elaborated earlier and their far-reaching consequences, journalists at the current stage of transformation possess, for the most part, a fractured or multiple identities. Today’s journalist in Serbia was most likely born under communism, raised during nationalist conquests and matured amidst the rebirth of liberal democracy and capitalism. In the current hegemonic struggle about the ordering of society, Serbian journalists try to make sense of life based on their experience, knowledge and personal values.

The power struggle between competing concepts of development has been evident. The social responsibility theory of the press, with its emphasis on a common value denominator and thus a form of social status quo, aims to suppress the antagonistic struggle by installing differential relations among the particular options as mere particularities, in essence concealing the relations of power. A good number of Serbian

journalists, and their professional organizations, fail to account for this aspect of the social responsibility theory, which in practice (as theorized by critical schools) creates a situation that systematically ignores the relations of power and thus contributes to the exclusion and subordination of ideas and options.

As for the critique of the current state of Serbian journalism, one can distinguish in practice two thoroughly intertwined lines of analysis. One is a general lament on the state of journalistic professionalism, which is seen as failing to measure up to the socially responsible role of the press as encountered in most of the western hemisphere. The notion of the deficiency of the Serbian press to champion the economic and democratic transformation of Serbian society falls into this category. The second line of analysis, no less political according to critical communication scholars, relates to journalist' immediate practice. The next segment briefly addresses the most urgent problems facing the practice of journalism in Serbia, as accounted for by media analysts, media practitioners and journalists.

## **5.5 The language of the past, the misuse of democratic freedom and professional ethics**

Increasing political divisiveness during the 1990s split the journalism community into two camps, signifying the beginning of an era of what Podunavac (2003) terms, bellicose (belligerent) journalism, void of professional ethical concerns. Here, personal political affinity became the measurement for professional standards. Public discourse turned ugly and journalists hardened.

The consequences of this period are still evident. An analysis of recent conduct showed that the Serbian media and its editors pay little or no attention to discussing the

ethical aspects of their profession (“Spaic: Media in Serbia,” 2004). At the first session of the round table on “Journalism-business or profession,” only a few editors showed any interest by participating. Those discussing the problem came to the conclusion that in Serbia there is no developed consciousness with regard to ethical behaviour in the profession. Instead, journalists have been more concerned about ways of enlarging readership and viewership (“Circulation Imperative,” 2004), which may be taken as a sign that political journalism is giving way to market imperatives.

In the last few years only a few of major journalism, print and electronic media associations have developed a members’ code of procedural ethics. No such attempt has been made individually on the part of the press and broadcast institutions (“Circulation Imperatives,” 2004). In addition, the absence of, or shortcomings found in, existing media regulations, as well as the lack of control mechanisms, also contributes to the erratic behaviour of the media and journalists. For instance, journalists routinely neglect some of the basic codes of behaviour, such as the question of privacy in the practice of obtaining information. Known cases involve the publication of the confidential health or criminal information (Petric, 2005). The most unsettling instances include public disclosure of the identities of minors (Milivojevic, 2004).

Apart from those who benefit by intentionally resorting to ‘distorted communication’ the core misunderstanding comes from a somewhat skewed understanding of the meaning of the concept of democracy. In the reading of some media practitioners, the term itself stands for unconstrained behaviour. Thus, Serbian journalists have a propensity to enjoy their new freedom to an unusual extent. The concept of democratic freedom, in this case, usually refers to unrestrained behaviour with little or no

regard for the obligations and duties prescribed by the international conventions (The United Nation's Universal Declaration of Human Rights, its European counterpart, the Convention on Human Rights, and The European Declaration of Rights and Obligations of Journalist).

The question is where the limits of journalistic freedom are. This has been the main concern and subject of debate over the past few years among professional journalists. For Smajlovic, for example, the interest of the public defines this freedom ("Precise Gauging," 2004). Freedom exceeds its limits when it loses sight of the public interest. Therefore, journalists and the media are responsible for being at the service of and standing up for the interests of the public.

The above view corresponds to both the European declaration and most of the normative theories that perceive the media as "dominant institutions of the public sphere" (Dahlgren & Sparks, 1991, p. 1). However, its philosophical subtlety eludes the scores of Serbian journalists who tolerate and resort to insult and hate speech. Those in the minority are aware of the problem; they advocate specific socialization for journalists, a process which would, in a sense, correspond to the solidifying the core democratic values within the psyche of journalists.

The weekly NIN's long-time editor-in-chief perceives the problem from a wider perspective, beyond the limits suggested by the mere application of ethical guidelines. Somewhat in the line of C.G. Christians and P. Lee, he argues that ethical journalism should not exist as such (referring here to the procedural ethics), because journalism as a profession is ad hoc ethical or it is not journalism at all (obviously referring here to the universal imperative of truth telling) ("Spaic: Media in Serbia," 2004). In his view,

promotion of some universal norms is thus a precondition for reliable information; without them, the news becomes the product of various propagandists and pamphleteers, or simply a tool for defamation.

In response to the growing lack of concern around the state of professional journalism in Serbia, considerable attention has been placed on education, at least at the rhetorical level. It is recognized that the lack of professionalism inflicts serious damage on the credibility of the profession. Most of the public has been cynical about the journalists' performance. The baggage acquired during the Milosevic era is still fresh in the minds of the people. In addition, the recently won freedom evolved into free mud-slinging, which only intensified people's already widespread negative feelings about the press. Despite some understanding of the problem with education, not much has been done to improve it. There are dozens of schools aimed at educating journalists, matching the proliferation of media outlets, which entirely neglect the ethical component of the profession in their syllabi.

Still, journalists carry their own burden of responsibility with respect to their strained relationship with politicians and other public personalities. The abuse of freedom of expression appears permanent. Often a journalist puts herself/himself in the position of indicting, trying and punishing a person indicated as a target. Some journalists now choose to exploit their position as a mediator between the politicians and the public. This is especially true in situations where public personalities try to prevent exposure of their secrets in the press. In that case, a journalist might withhold the information from the public in exchange for some compensation.

Journalists compare this practice to an old military joke: "Shoot first and ask

questions later,” and they sometimes go so far as to release unreliable information concerning matters of state security. In the context of the profound national crisis and fragile institutions, such journalism could have dire consequences. One mindful journalist argues that in an unstable society such as Serbia, it is a cry for coup d'état. In his opinion, the pursuit of legal punishment is necessary – at least through a hefty fine, as practiced in “normal” societies.

## **5.6 Self-regulation and journalism associations**

Slovenian journalist Gojko Bervar (2002) observed that the coming of multi-pluralism in Slovenia introduced the “first restrictions into that world of infinite freedom” (p. 9). The world that he referred to was the former Yugoslavia during its final decade of the 1980s. “Infinite freedom” here coincided with the decreasing power of the Yugoslav League of Communists to control all segments of society, including the mass media. During this period “almost anything could appear in the press unsanctioned – substantive criticism alongside groundless criticism, a lie alongside the truth, an assertion based on facts and fabrication,” says Bervar (p. 9). The democratization of Slovenian society that ensued at the beginning of the 1990s encompassed not only the restriction of state powers and the restraint of political parties to assert pressure on the media, but also the re-evaluation of journalists’ performance with respect to internationally established professional normative requirements.

In Serbia, however, the highjacking of political power by Milosevic at the end of 1980s led to postponement of the reforms found in a number of other post-communist countries. The Socialist Party used its social and political dominance to coerce some of the media and journalists to propagate its nationalist goals. Some mass media and

journalists voluntarily took part in the recreation of the Greater Serbia, smitten by the universal components of emancipation and freedom commonly found in Milosevic's particularism. Some found motivation in supporting the cause in exchange for better economic or social status. Finally, journalists and media producers who had been, since the transition of power, implicated in the belated reform of the journalism profession, opted to engage against the regime, seeking to gain democratization of the society and mass media. The existing dynamics in the 1990s institutionalized the split between the two groups.

The divide within the press corpus was institutionalized in 1994 with the formation of the alternative journalists' organization, the Independent Association of Journalists of Serbia (IAJS/NUNS). In fact, the fissure among the journalists had escalated two years earlier, during the Association of Journalists of Serbia (AJS/UNS) Annual Conference in 1992 (IJAS). During the conference, in a typical politicized manner reminiscent of the Communist era, journalists close to the regime attempted to install the Association's new leadership based on the longstanding standardized model for such an occasion, by awarding the post to the "proven cadre." In achieving this end, the same group compromised the established procedure. Journalists who opposed this development tried to remedy the situation, first through dialogue and then by moving the case to court, but with no result. Two years later the IJAS was created.

The new organization's role was to offer everything that its older sister, the Association of Journalists of Serbia, failed to provide—most importantly, a voice against the growing harassment of journalists by the regime. For example, prior to the foundation of the IJAS, the AJS neglected the attack of the regime on *Politika*, the mass dismissal of



journalists and technicians from *Radio Television Serbia* and the abduction of the journalists from the weekly *Vreme*—it is believed, by the military counter-intelligence agency (KOS).

The formation of IJAS presented an important step in the revitalization of Serbian civil society. In addition to IJAS, several other professional alternative associations came into being during the 1990s. Among the most prominent were the Association of the Independent Electronic Media - ANEM (1993), the Association of Local Independent Media - “Local Press” (1995), the Association for the Development of Private Radio Broadcasting - “Spektar” (1997) and the Media Centre, the institution created by the IJAS in 1993. The period of the 1990s was also the time of the creation of a number of key nongovernmental organizations that shared an interest in freeing the media from oppression while championing democratization of the media.

In the given circumstances at the time, the central goal of the IJAS, as for the other media trade associations constituted in the 1990s, was to free journalism from the harassment of the ruling political force and to create a pluralistic media. Indeed, the foundation of the IJAS was a logical outcome of government’s harsh policies toward journalists. Most of the journalists behind these self-organizational activities were those who have been stripped from their jobs at the beginning of 1990s. Accordingly, the task of the IJAS was to offer protection to the journalists’ rights and interests through legal aid, the help of the trade unions or by bringing the crises or conflicts to the attention of the EU’s administration.

The common business of politics, at the time, was not conducive to a more substantial influence of the peripheral forces of the public sphere, such as journalism, on

political institutions. The IJAS's attempts to influence legislation were simply ignored by the impermeable administration at the top. The exclusion of the IJAS from the political process was the result of the general attitude of the ruling oligarchy toward the growing number of dissenting voices now institutionally organized into various interest groups. Despite promises and the potential for self-organizing, nothing was done. The limited success that the IJAS and other media associations achieved in some areas prompted some critics to describe them as the "short swords" of journalism activists (Ivanovic, 1999, p. 106).

### **5.6.1 Changing context and the rise of the question of accountability**

Under conditions of permanent humiliation during the 1990s, journalists, as much as their associations, paid less attention to the matters of civility and ethics. The change in political order in 2000 also meant a change in the political attitude toward the mass media in Serbia. The government and Assembly, through its legislative activities, began to establish principles and norms that guaranteed the media a more meaningful position within society. However, as pointed out by Bervar in his elaboration of the Slovenian case, the political actors, as much as the public, expected the media to assume some self-regulatory steps with the emphasis on ethics. In response, most of the professional associations and organizations gave some additional attention to ethical standards and norms of the profession.

After the political change the IJAS heightened its commitments toward the professionalization of the press by increasing its activities in the direction of ethical monitoring. One of its major contributions was the publication of the first post-Milosevic journalist codex. The Codex sets the professional ethical norms in accordance with the

standards promoted by the European convention on human rights. Its final decree obligates new prospective members to follow the principles as laid down in the Codex. The IJAS statute prescribed punitive measures and sanctions against journalists whose conduct was deemed contrary to the new standards of behaviour.

The Codex covers the standards tested in democratic societies. There are a set of principles and codes that encapsulate journalists' duties, such as the defense of freedom of speech, the right to know and the free flow of information. The journalists are bound to speak the truth and publish valid information. From the point of inadequate behaviour, journalists thus should not bend the truth and should abstain from fraudulently acquiring information. Respect for the privacy of the citizen as much as in regard to religion, ethnicity, and race is also required by the Codex.

The journalism Codex further specifies a journalist's commitment toward presenting facts in reporting, pursuing ethical relations with the government, following ethical conduct in outstanding situations that coincide with violence, terrorism, criminal activities and armed conflicts, avoiding manipulative stereotyping and handling of indecent materials confidentially. The rest of the Codex treats matters of personal ethics such as corruption, donations, presents, personal promotions and advertising, propaganda and violations of authorship. Finally, the Codex gives some insight into the proper conduct regarding interpersonal relationships with owners of the media, editors and among journalists themselves.

The IJAS itself consists of a body, the Court of Honour, whose pivotal function is to observe the extent to which the media honour professional and ethical standards. The Court was also active during the Milosevic era. The most prominent contribution of the

Court during this difficult period was the publication of a report analyzing the conduct of certain media institutions. The analysis, entitled “The right to inform and professional and ethical standards in journalism” (1998), presented one of the first documents to critique (in essence, self-critique) anti-regime media enterprises for failing to live up to professional standards. According to the document, the alternative media contributes “to an overall societal confusion and entrenchment of the citizens’ cynicism toward the media, instead of presenting reliable information from similarly valid sources...” (p. 8).

Since the year 2000, IJAS’s Court frequently went public by issuing communiqués on the matter of media and journalism practices. The journalists’ Codex served as the basis for the Court’s actions. Frequently, rulings necessitated a reference to important International conventions such as the UN’s Convention on Children Rights. Recently, the Court was invited to issue a reprimand to *Blic*, *Courier* and *Glas Javnosti* for their treatment of an event in which a child was involved (“IJAS: Blic, Kurir,” 2005). These newspapers were found to be overstepping ethical norms by directly soliciting picture of the young victim from the grieving family. Counter to prescribed measures when those of minor age are in question, the picture was released accompanied by the victim’s full name.

Beside its monitoring function, the IJAS provides a gamut of services to its members. One of its central goals is to work as an accessory in the improvement of social and working conditions for journalists. A survey conducted for the association reveals that one-third of journalists have neither health nor social insurance (Working program and Strategic Marketing Agency, 2002, p. 1). The salaries of journalists are unsatisfactory. In 2002, monthly income for those engaged in journalism ranged

approximately somewhere between 48-380 Canadian dollars (2,000 - 16,000 Serbian dinars, €30-235, \$36-286 U.S.).

In an attempt to confront the problems related to health insurance and retirement benefits, the IJAS proposed the creation of a fund that would be coordinated in association with the government. The fund would rely on contributions from various domestic and foreign sponsors and the money would be used for further investments. The already grave situation escalated with the gradual withdrawal of the international sponsors who, after the political change in year 2000, decided that they had fulfilled their commitment to aid the media in Serbia. The drying up of sponsorship profoundly affected the emergency fund created to deal with sudden situations such as medical treatment, family crises, job terminations and other needs.

Journalists are organizationally subdivided and for the most part not members of any trade union or other association. In an attempt to organizationally buttress the journalism trade, the IJAS proposed the creation of an “influential and strong” Association of Trade Unions of Journalists and Media Workers of Serbia (ASNIMRS). The objectives of the union would be to consolidate the joint front and empower the profession. As such, the union would be able to confront major issues, among which the most urgent is the negotiation of collective agreements with employers.

One of the major obstacles for the formation of a strong negotiating position seems to be the lack of a unionist conscience and a convincing level of solidarity. In an attempt to enhance the feeling of solidarity among the journalists, IJAS organized media campaigns with the logo “We are stronger together.” Work on the statutes of the new union is also underway while the search for activists and resources is ongoing.

The IJAS coordinates its activities with other associations and organizations. In a number of instances, they have issued communiqués as a joint effort of various media associations and non-governmental organizations whose interests lay in the development of civil rights, including the right to communicate. Occasionally, the IJAS works in association with some trade unions, of which the most prominent are the “former pro-governmental” Autonomous (Samostalni) Trade Union and the Association of Professional Unions – “The Independence” (Nezavisnost). Most unionized journalists and media employees are members of these two unions (Independent Journalists, 2002, p. 4). A survey presented by the Strategic Marketing Agency however, showed that 73 per cent of journalists are not members of any professional association (p. 5).

The most dependable partners in the struggle for democratization of the mass media have been the media associations: the IJAS, Spektar and the Local Press. In 2002, ANEM released its Ethical Codex for the Electronic Media. The Codex has been verified and approved by IJAS and Spektar. The document was scrutinized through public debate and organized workshops prior to publication. The Council of Europe financially supported the publication of the document. As the document stipulates, the final draft represented the ideas and comments of the many people involved in the creation of the codex and, therefore, further improvements will be appreciated and expected from all electronic outlets. The document consists of provisions concerning accuracy, righteousness, personal ethics, independence and integrity in relation to government, politics and interest groups, reporting on ethnic groups and other societal communes, issues concerning the public interest, and finally, supplies the standards of behaviour for cases related to violence and terrorism.

The IJAS is also active in lobbying the government to provide the necessary regulatory framework in a timely fashion for the privatization of the electronic media. It is active in removing the obstacles in the functioning of the Broadcasting Council whose existence directly affects the distribution of frequencies. The association also takes part in the creation of regulatory documents and monitors any activities concerning mass media legislation. All these assignments are regularly carried out in support of other media associations, non-governmental organizations and the institutions of the European Union such as OSCE, the Council of Europe and international diplomatic missions.

### **5.6.2 Old divisions, new circumstances**

Despite the fair degree of coordination and homogeneity among the media associations, the two journalism associations, IJAS and AJS, remain apart. Antagonism between the “pro-regime” AJS and the “independent” IJAS still lurks in the background. Disputes that began in the past continue to constrain prospects for reconciliation and eventual reintegration. While much of the resentment emanates from old ideological disagreements, some concerns unresolved issues regarding the possession of properties both lay claim to. There has been a legal struggle around the ownership of the “House of Journalism,” a pre-World War II legacy building endowed by a private donor to Serbian journalists. The building was nationalized by the communists after the Second World War, but returned to the possession of the Serbian Journalists’ Association during the 1990s. After the change of regime, the IJAS claimed half of the building from the new government. For the time being, until the court’s final decision, the IJAS only managed to reclaim one floor for its own use. The AJS has also used only one floor for its activities, and the rest is rented and serves as a source of income. Of course, for the IJAS,

the AJS control of the majority of the building is another reason to feel unappreciated and neglected after the change despite being driving force behind the civil movement against the Milosevic regime.

In the case of a favourable court ruling, in which half of the building's 600 square metres would be turned over to the IJAS, the spare space would be rented in order to provide additional financial support to the association and journalists. The Working Program (Independent Journalists, 2002) specifies the use of any profit collected from this arrangement. According to the program, the money is to be distributed to journalists whose salaries are below the Republic's average income, and to retired journalists whose pensions are below the Republic's average (p. 1). An almost identical plan for a scheme to alleviate poverty among journalists was successfully carried out in Croatia by its journalism association.

Another blow to the IJAS's imagined privileged revolutionary status was the AJS's acceptance into the International Federation of Journalists (IFJ) at the end of 2003. According to the IJAS's supporters and representatives, there is nothing in the history of the AJS to warrant this privilege. Both the IJAS and the trade union Independence denounced the decision of the IFJ.

The AJS itself conducts its own activities to promote the improvement of the practice of professional journalism in the country, as though nothing had happened during the Milosevic era. In 2005, it carried out its own initiative for the unification of journalists' ethical codes. That same year, during its convention, the AJS announced a number of aims. Some of its goals were the finalization of the transformation of the RTS into a public service institution, a strengthening of the commitment to organizing unions



for private media, ensuring the signing of National Collective agreements for full-time and interning media employees, ending political appointments in the not yet privatized media (especially those founded by local municipal governments and persons with a conflict of interest), decriminalizing of libel and defamation, improving legal aid, blocking the spread of media monopoly, and urging the authorities to locate those responsible for the assassination of several journalists during the 1990s (Petric, 2005, p. 9).

A third significant organization is the media Centre through which the core of the IJAS's activities have been carried out. The Media Centre serves as a hub for various events, press conferences and presentations. Although founded in 1993, its more notable activities took place in 1997 upon its relocation to more adequate premises. The Centre offers a media library and services for international and domestic journalists, organizes journalism workshops, press conferences, video-projects, independent productions, and ongoing media analysis and media monitoring. A pool of lawyers at the Centre offers their participation in designing media laws and providing legal help for journalists. After 2000, the lawyer pool offered professional assistance in the creation of a pending privacy law. Until the change in October of 2000, the Media Centre's activities were mainly supported through foreign aid. In recent times, however, as the assistance subsided after the change, the Centre has been compelled to commercialize some of its activities. The founding documents are clear about the utilization of any accumulated profit, only allowing it to be reinvested in future projects ("Set for the Great Leap," 2003, p. 19).

### 5.6.3 Monitoring

In the last several years, there have been various initiatives in the direction of the improvement of journalistic professionalism in Serbia. Yet, the journalism profession and professionalism have been conditioned by the redefinition, not only of the identity of the trade, but most significantly, by the consolidation of the identity of Serbian society. Despite the higher-order influences that impact the behaviour of media practitioners and the media, there have been attempts to consolidate the profession by paying attention to the universal behavioural framework. The aforementioned Media Centre, for example, through its Council of Journalists offers assessments of journalists' performance in the press. Respected journalists whose intention is to pinpoint shortcomings in the performance of the mass media and journalists constitute the Council.

In their first report the Council used the term unlimited freedom to emphasize routine breaches of ethical and professional norms in the Serbian press ("Journalists' Council," 2005). An analysis of the press in February of 2005, for example, showed that journalists and the press have been manipulated to participate in various political contests. Also, "some agencies" tendentiously exploit the press to circulate messages conducive to their agendas. There has been an evident propensity on the part of journalists to place their trust in persons who are their source of information without further corroborating the data so gathered. Finally, the Council found that, apart from rampant tabloidization of the press, there is a growing trend that seeks to damage personal reputation, the prestige of institutions and the credibility of ideas.

Only the traditionally recognized more studious newspapers engage in further investigation. The crucial factor that distinguishes, for instance, the daily *Danas* from its tabloid counterparts is its adherence to the set of standards laid down by the IJAS's

journalists' Code published in 2003 (B. Andrejic, personal communication, November 5, 2003). Despite the fact that *Danas* obtains most of its information from sources available to other competing newspapers, its editorial staff uses a self-restraint policy in order to investigate the veracity of the information. Although the delay may give some advantage to its competition, the thoroughness of *Danas* eventually bears fruit, at least in terms of the quality and depth of the coverage.

Among the seven dailies and four weeklies under examination, the Council of Journalists found the daily *Danas* and *Politika* to be the most dedicated to ethical prescriptions. Four articles in both dailies were considered controversial. On the opposite side of the scale were *(Inter)National* and *Kurir*, which amassed thirty-seven and thirty-one texts respectively that were in violation of the codes of ethics (also analyzed; daily *Glas javnosti* 13, *Vecernje novosti* 10, *Blic* 9; weekly *NIN* 3; *Daily Telegraph* 2). According to the Council, the survey was motivated by the evident deterioration of the press's performance and by concern of the Council members for the consequences of this trend on public dialogue and the further entropy of Serbian society.

## **6: EXTERNAL FORCES AND SERBIAN CIVIL SOCIETY: THE SHAPING OF THE MASS MEDIA'S NEW IDENTITY**

We [the American government] expect that you [Serbian NGOs], will articulate the wishes of the Serbian people in helping them to materialize their vision, especially from the aspect of the relationship with my country and the modes of engagement through which the US may facilitate your realization of this vision. (Excerpt from the address of the Ambassador of the United States of America in Belgrade in a meeting with the representatives of the most prestigious Serbian NGOs on 15 May, 2007). (“Michael Polt: The Key,” 2007)

Since 1991, the European Union has been extensively involved in the stabilization of democracy, civil society and the media in the Western Balkans (the south-east region of Europe, which includes Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro). By 2003, the European Union had donated €20 billion to the region [approximately €900 per capita, based on the 1981 Yugoslav census (22,427,000) less the Slovenian population (1,753,571), and with population of Albania (3.6 million) added] for promoting the free movement of goods, creating efficient institutions, developing a market economy, reducing crime and corruption, advancing higher education reform, improving the region's transport infrastructure and developing democracy, human rights, and an independent media, including a provision for humanitarian and bilateral aid in the region (European Commission, 2003). In 2000, to improve the efficiency of distributing support to the region, the European Commission created the Community Assistance for Reconstruction, Development and Stabilization (CARDS), a body whose major role is to represent the EU's political aspirations in the area and to maintain stability and growth. CARDS'

assistance for Serbia and Montenegro is managed by the regional European Agency for Reconstruction (EAR), which oversees and delivers assistance. After the fall of Milosevic, the EU quickly restored its relationship with Serbia and during 2001-2003, CARDS provided € 602.5 million for various projects in the country including the development of civil society and the media. Between 1998 and 2004, the EU secured €21 million to support the development of a civil society and media in Serbia alone. In the last 12 years the EU has dedicated approximately €15 million for the maintenance and development of the media.

The beginning of this chapter aims to describe and position in the Serbian context the role and objectives of the segment of civil society—non-governmental institutions (NGOs), media associations and intellectuals—who took part in the democratization of the mass media upon the change of regime in 2000. The narrative then proceeds to describe the pragmatic contribution of the European Union and the United States of America in aiding the democratization of Serbia. Finally, the discussion continues with a description of the dynamics involving three groups of actors—the Western segment of the international community, the representatives of the civil society and the legislators—in modelling and institutionalizing the broadcasting legislative framework. This chapter's intent is to offer a glimpse into the actual practice of deliberation, decision making and the activities related to the creation of the Broadcasting Law and the Public Information Law and to demonstrate limits of building of an elitist notion of democracy under the tutelage of transnational powers.

The following discussion pays particular attention to the social forces involved in the construction of the new identity “that redefine their position in society and, by so

doing, seek the transformation of the overall social structure” (Castells, 1997, 2004, p. 8). Castells uses the term “project identity” to describe an orientation that seeks to reconstruct a society, in this case the Serbian identity based on new forms of democratic social integration (as opposed to those more rooted in the cultural traditions). This chapter, as much as the previous one, scrutinizes the status, role, and contribution of some of the major actors engaged in the reconstruction of their position in Serbian society as much as, as Castells might suggest, the society itself.

## **6.1 Serbian civil society: globalization, the nation, the citizens**

It is fair to say that unlike their post-communist counterparts in Poland or Czechoslovakia, Serbian representatives of the civil society, various NGOs, media associations and intellectuals after the political change were not inclined to consider the possibility of installing control of the media in radical terms through the institution of direct democracy. For the civil sector, direct public control of the media resembled the League of Communists “farce of self-management.” However, heavily indoctrinated by “the classical interpretation of the civil society as equivalent to private capitalism” (Sparks, 2005, p. 41), and subsidized by foreign funds, civil institutions nevertheless felt responsible for fulfilling the expectations of foreign donors.

A certain lack of contact with the masses did not remain unnoticed. After the change of the regime in 2000, the civil sector in general has been criticized for turning into an ideological apparatus, disassociating itself from society’s real needs and thus resembling the notorious Socialist League. This perspective maintains that the breakdown of state-socialist capitalism opened the door for colonial quasi-civil regimes of conduct to take hold, with little or no respect for authentic needs (Radovic, 2005).

Sociologist Slobodan Antonic claims that some NGOs have transformed into a relatively small but socially powerful group, whose strength comes from financial backing from abroad and not from its “base,” portraying these NGOs a social agency alienated from the real life (Milosavljevic, 2005, p. 20). The NGOs’ legitimacy is hence put in question. Under current circumstances, NGOs have transformed themselves into “trans-governmental” or even “supra-governmental organizations” (p. 20). Hence, the central problem seems to be, to what degree do certain NGOs really serve public concerns and to what degree do they serve foreign interests?

Arriving from the sociologist, the above critique might have been considered as friendly self-referential criticism aimed at reforming the reformists. On the other hand, the much disenfranchised base found consolation in supporting the traditional forces led by Milosevic’s Socialist Party and Seselj’s Radical Party, whose political line of duty involved expressions of utmost contempt for the NGOs. NGOs were regularly regarded as Western mercenaries who were betraying the Serbian nation. Approximately 40 % of Serbian citizens continued to vote in support of such views. The Radical Party alone regularly mustered 30 to 32 % of the votes during the Serbian elections in 2003 and 2007 (“Confidence Goes,” 2004).

The central cause of the NGOs’ unpopularity emerged from their anti-nationalist and antiwar campaigns during the 1990s. On a theoretical level, the institutions of civil society may be seen as an incarnation of the democratic form of integration that popularizes a citizenship with no particular national or ethnical attribute. In some circles, this stance was regarded as anti-Serbian, and for that reason was open to public harassment through the regime-controlled media. The confrontation between “two

Serbias” continued in the years after the change of regime. In March 2007, the four most influential NGOs for the protection of human rights attempted to prevent the European Union from reopening negotiations for the admittance of Serbia into the Union, demanding that the EU persist in sanctioning Serbia for its failure to fulfill its obligations to the Hague Tribunal, a failure which had been the cause of the original suspension of talks in May 2006 (“There will be no bargaining,” 2007). Granted, this act drew critique not only from nationalists who disapproved of the very process of integration, but also from liberal-minded citizens who had been anticipating the expected integration with the European Union.

The underlying aspect of intolerance toward the institutions of civil society in a global context, and toward those individuals who subscribe to its tenets, comes from the fact that ‘these new creations’ have been innately elitist and urban projects funded from the West and, as such, had raised suspicion among Serbia’s rural inhabitants. The elitist character of democratic agency in Serbia is not unique. According to one group of authors (Elster, Offe & Preuss, 1998), “The introduction of democracy in the CEE (Central East European) countries was an elite’s project and preceded the integration of democratic values and culture among the masses” (p. 110). Obviously, the authors suggest a certain tension between the model of integration offered by elites and the form of integration maintained by the “masses.”

In her article “Nationalism and the ‘Idiocy’ of the Countryside: the Case of Serbia,” Ramet (1996) explores the tension between the concepts of integration in Serbia, exploring the urban-rural dichotomy and its relation to nationalism. Ramet centers her assessment on the rural base in Serbia which, although experiencing a decline in the



period between 1948 (72.3%) and 1981 (25.4) due to the rapid industrialization in the country, retained a strong cultural power as the source of a system of values. For Ramet, “the 1987 coup by Milosevic represented, among other things, the triumph of the countryside over the city in Serbia” (p. 70). In Marx’s terms (as cited in Ramet, p. 71) this encapsulates the victory of the reactionary, traditional values of association inscribed in patriarchal rural society, over progressive values that are linked to the urban proletariat and the urban radical intelligentsia. By mobilizing the countryside through populist rhetoric that equated the nation with the simple people, Milosevic betrayed the entire logic of communist proletarian culture. Ramet rightly notices that “Titoist politics [were] hostile to the political aspects of traditional culture, and made strong efforts to overcome traditional rural prejudice against women, to erode the political authority of the Church (always strongest in the countryside), and to anathematize all manifestations of nationalist sentiment, especially when translated into political programmes or demands” (p. 76). Significant rural organizing, ethnic mobilization, and a religious revival from the late 1980s into the early 1990s seriously damaged the capabilities of the weak democratic agencies, situated mostly in the cities, to counteract the spreading nationalist paranoia and to obviate the subsequent violence.

Although not without merit, Ramet’s analysis fails to give full credit to the circumstances in which the dwindling rural population struggled to maintain their livelihood. In their quest to quickly industrialize Yugoslavia and Serbia, Tito’s communists encouraged rural inhabitants to leave their land and sell their labor power for a wage thus engaging in the modernization of the country. Rather than simply placing the blame for the revival of ethnic nationalism on the rural inhabitants, whose numbers

continued to fall rapidly in 1990s and the first decade of 21st century (Ahel, 2008), we may acknowledge the condition of poverty springing from the continued decline of the Yugoslav economy in 1980s and systemic negligence of the rural sector by the regime. When the poverty of the already depleted rural sector spilled into the industrial sector, those who were beguiled by the League of Socialists to abandon their property and become dependent on wage labour felt the burden of that decision. Milosevic's manipulation of the dispossessed and poverty-stricken only augmented the economic, political and social crises in the country. The isolation of Serbia by the EU and the USA through the economic sanctions and NATO bombing made the poverty in the country even more dramatic. In 2001, with population in Serbia at some seven and half million people, the percentage of those with a daily income of less than a dollar stood at 35.7 ("Millennium development," 2002). In 2006, according to the government's assessment, 8.8 % of population (600,000 people) was considered below the poverty line. Twenty per cent of population has been regarded as poor ("Approximately twenty," 2008). Still, the majority of the poor are rural inhabitants.

Additional problems which both add to the poverty issue and also increase the inclination of the population to demand a radical approach in dealing with questions of ethnical integrity and national sovereignty, relate to the refugees and the displaced in Serbia. The ethnic conflict in Croatia, Bosnia and Herzegovina and Kosovo drove hundreds of thousands of Serbs to flee to Serbia. The census in 1996 showed that 537,937 refugees lived in Serbia and that 79,791 of those directly were endangered by the war (Korac-Mandic, et al., 2006). In 2005, 106,931 people still possess a refugee status while 208,391 persons had been internally displaced from Kosovo (Korac-Mandic, et al., 2006).

Throughout the years a number of refugees acquired Serbian citizenship and returned to their original place of residence in Croatia or Bosnia and Herzegovina, or chose to immigrate to foreign countries.

All from the above suggests the formidable task in which the EU institutions and the agents of democracy find themselves as they attempt to reconcile the differences, deal with the traumas, campaign for more tolerance among nations, ethnic groups and people in general and concomitantly, and during the 1990s, mobilize the people to fight Milosevic's uncompromising policies.

During the 1990s most of the support went to independent media who had suffered greatly under the oppressive measures of the Milosevic regime. With Milosevic's departure from power in 2000, aid to the impoverished media increased. EAR's office in Belgrade designed programs oriented to secure professional development and enhance the technological abilities of the financially depleted press, radio and television outlets.

Despite difficulties, the NGOs, journalism associations, and journalists have shown a considerable amount of consistency in unearthing cases of violence and criminal acts during the ethnic conflicts, demanding that those responsible pay their dues in accordance with the law. This is, of course, quite a challenge in a society in which most of the population want to put away their past; some because of their incriminating role in it, and some because of their own suffering and harsh experiences. A factor in society's collective denial of past injustice expresses itself in the defensive posture taken against the EU and USA pressures and their insistence on bringing those responsible for war crimes to the Hague Tribunal. As prominent journalist Ljiljana Smajlovic observes,

“there has been widespread conviction, among the general public, that one segment of the NGOs almost function as a division of the U.S. Sixth Fleet and, therefore, their moral propositions and political steps are always suspiciously identical to the interests of our enemies” (“Srebrenica as a Destiny,” 2005, p. 17). Moreover, Carla del Ponte (2006), previous Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia, remains convinced that the Serbian intelligence service, still not purged of its old personnel, influences public opinion by planting stories against the Tribunal, its activities, and all those involved in the bringing to justice individuals accused of their crimes (p.2).

On the other side, the “moral crusading” of some NGOs, journalism associations and journalists compensates in some form for the absence of political will and the failed judicial system to process ethnic crimes. To the public, the same agents have been perceived as sole pursuers of the truth pertaining to the atrocities against members of different ethnic groups. According to the Human Law Center, this pattern has much to say about the condition of public consciousness that has not yet succeeded in remedying itself from the impact of the Milosevic propaganda (“NGOs and Journalists,” 2005).

Attention once again turns to the existing social context. During a debate on civil society and democracy in April 2005, Serbian scholars asked whether the reconstruction of civil society was possible when almost all the Serbian political parties have been noticeably nationalist in character (“Institutions have been smothered,” 2005). In an attempt to find the causes for the recovery of the extreme right in Serbia, Pavlovic (“Institutions have been smothered,” 2005) indicates several possibilities. First, the democratic bloc failed to adequately neutralize the populism of the right. With

democratic parties occupying the central position and with the tarnished legitimacy of the Socialist Party, there was no available authentic party of the left to respond to the needs of those most severely struck by the economic transition. Therefore, the extreme right has appropriated leftist phraseology and has successfully regained prominence over the past few years. The traditional ethos of a community once again serves as an integrative blueprint for the Serbian collective imagination.

Second, there was an absence of adequate institutional support for the organizations of the civil society. In conjunction with the civil sector, the current administration failed to expedite the passage of regulations that would guarantee, among other things, partial funding of citizens' associations. At this point, the government made no financial contribution to the NGOs' activities, or to be more specific, there were no precise criteria as to the circumstances and extent the state could be involved in the activities of civic institutions (through transparent competition or otherwise). Evident economic hardship has impeded citizens from financially supporting organizations serving the civil sector. At the present time, the EU's and the USA's funds provide essential backing for civil institutions.

Third, Serbian society was traumatized through its past experiences, isolation and destitution and was not able to provide an adequate environment for the growth of effective democratic institutions. Therefore, civic political culture as a form of societal oxygen had to surpass the current trend mired in intolerance, vulgarity and superficiality. The revival of civic/democratic political culture and a reformulation of its standards is possible, Pavlovic claims, only within the sphere of civil society. Without the development of a civil society, there will be no healthy institutions and consequently no

prosperous political life. The final claim supports the notion that there has been an overdetermination of the process of democratization, specifically with respect to the dynamics between the structural recomposition of the society and its existing values. The development of a civil society and its institutions will lead, through a parallel transformation of the political culture of resistance, into a civic political culture.

What should we make of this development? The current reforms at various levels are profoundly influenced by the dynamics of the reformulation of the Serbian identity. The forces propagating democratization of society have distanced themselves from the vast majority of the population, who conceptualize the Serbian identity in a traditional manner. Moreover, civil society, nurturing its elitist status, has also distanced itself from the body of citizens who favour democratization, but not at the expense of the loss of identity and dignity due to the expansion of global capitalism. This segment of civil society behaves as the agency who knows something that the base does not, positioning this very sector in a privileged position that is sanctioned and heavily supported by the EU's and the USA's administrations. The aloofness of civil society, with regard to the public, is the result of the voluntary abandonment on the part of intellectuals the empowerment of the population through the institution of direct democracy. The consequence of the elites' assimilation of the interpretation of the civil society as equivalent to that of private capitalism resonates in the currently unfolding trend of privatization of the state and socially owned media. As Colin Sparks (2005) maintains, with regard to other post-communist societies, "the shift in the meaning and social context of the concept of civil society had implications for the kinds of policies proposed for the media" (p. 40). What is certainly clear from the current transformation of the

Serbian mass media legislative activities and the current selling off the media to private owners is that both the public and ethnic groups continue to be disfranchised with respect to the control and availability of the mass media.

## **6.2 The foreign factor and the conceptualization of the identity of Serbian civil society and the reform of the media**

The involvement of foreign agents in the reconstruction of the Serbian media dates back to the Milosevic period. The European government had decided to financially and logistically aid some newspapers and radio stations “as an unmediated effort by one set of the states to alter the information space of another country” (Price, 2002, p. 23). Simultaneously, support was given to help form a number of non-governmental organizations that would serve as hubs for the middle-class intelligentsia to formulate their counterhegemonic strategies against the regime.

Why were the NGOs so important for the democratization of the media? Since their inception in the 1990s, the NGOs have been a force behind the democratization of the media. Not until 2004, years after the beginning of foreign aid coming into the country, did a donor grant a media institution rights to actually administer financial aid for the media development. Foreign aid to the media came through the NGOs. During the 1990s, the NGOs engaged in the democratization of Serbian society; it was integrated into their programs and resulted in the democratization of the mass media. Besides several media associations (mentioned in the previous chapter), the NGOs contributed significantly to the struggle of the alternative mass media against the Milosevic regime. Many journalists from the important newspapers and magazines such as *Nasa Borba*, *Blic*, *Danas* and *Vreme* were closely associated with the NGOs, often closely associated

with their leaders.

The reconstruction of civil society unfolded during the Milosevic reign in the 1990s. According to Carothers (2001a), Milosevic was a “semiauthoritarian leader” who “pressured, harassed, and disadvantaged [various actors] to varying degrees” but still “permitted some real political space for the opposition parties, independent NGOs, and media” to function “openly and actively” (p. 7).

The formation of the NGOs in Serbia has been perceived as crucial, for two general reasons: one was the torpedoing of the Milosevic regime and the second, the creation of conditions for the development of a civil society and the public sphere, furthering the democratization of Serbian society. During the 1990s, foreign aid contributed to the formation of the civil society through the network of civic and trade associations and NGOs.

The foreign aid campaign, which varied in intensity throughout the 1990s and culminated around the 2000 elections, was to facilitate change, not to be the “engine” of it (Carother, 2001, p. 4). The replacement of the previous regime enabled some of the aid to be channelled into activities tied to the transformation of the state in accordance to the current trend of internationalization of the national states, defined as denationalization of the state (or better, statehood), destatization of the political system, and internationalization of policy regimes (Jessop, 2002, pp. 206-208).

During the 1990s most of the support went to independent media who had suffered greatly under the oppressive measures of the Milosevic regime. With Milosevic’s departure from power in 2000, the aid to the impoverished media enlarged. EAR’s office in Belgrade designed programs oriented to secure professional development



and enhance the technological abilities of the financially depleted press, radio and television outlets.

The Council of Europe, EAR and the Organization for Security and Co-operation in Europe (OSCE) engaged in providing counseling assistance throughout the work on the formulation of the mass media's legislative framework (the Act on Broadcasting, the Act on Telecommunications, the Act on Public Information, the Act to Free Access to Information, and the laws that concern advertising and media-related provisions in the Civil and Penal codes). The same institutions provided various assistance to specific media outlets; examples include the improvement of the functioning of *B 92*, laying the groundwork for the complete reform of *Radio Television Serbia* into a public service, and providing financial, educative and technological help for the Serbian Broadcasting Council. The Agency also assisted the Media Centre in establishing the Media Training Centre whose line of work would be to provide advanced training to journalists. Other aid also went to the enhancement of the first media archive, and the foundation of a Media Fund, which would stimulate the development of quality programs and investigative reporting in the local media (European Agency for Reconstruction, 2004).

The EAR donations for the improvement of professional standards in the media reached €2 million in the period of 2003-2004 ("Support to Professional," 2004). In 2004, 83 media outlets (national, local, print, electronic, ethnic, online, and so on) competed for this financial support. Nineteen got the opportunity to participate in the program for professional development of media in Serbia, and were awarded between €50,000 and €150,000 each. The purpose of the program was to improve the development of civil society by increasing the standards of media professionalism. The Media Centre, itself

founded through foreign help (Fund for an Open Society, the European Union and USAID), was put in charge of implementing the program.

The Media Centre was the first domestic media institution to have the opportunity to execute international aid (Vasic, 2005, p. 26). In previous years, all financial help was carried out by NGOs: Helsinki's Committee of Human Rights and Pres Nau of the Netherlands. It is not surprising, then that the major activities concerning the alternative media—its functioning and the publication of important media analysis and documents—revolved within and around the NGOs, whose central mission has been the protection of human rights in Serbia.

As an expression of the importance of the NGOs in the consolidation of Serbian civil society and the media, the EU intensified its help to the NGOs, especially those situated in local areas in the eastern and western regions of Serbia. Support included the training of new NGO leaders, financial aid for various programs and technical sponsorship. In 2004, the EU dedicated €1 million to various projects concerning the strengthening of democracy, human rights and the rule of law in SCG (Million Euros, 2004). In the previous two years, the Delegation of the European Commission (ECD) distributed 45 grants, earmarked from the European Initiative for Democracy and Human Rights (EIDHR), whose Micro-Grants program was valued at €1.15 million. All the grants went to local non-governmental organizations, media, and advocacy group. (European Commission's Delegation, 2005). The list of activities supported the concern about the promotion of human rights and the rule of law, anti-discrimination (including ethnic minorities, anti-racism), women's rights, civic education, NGO development and training, parliamentary practices, measures to combat human trafficking and children's

rights. Such support was first distributed in August 2000 with 18 projects worth €280,000, and followed with six extensive and long-term undertakings valued at €3.6 million.

The process of distribution of financial help was not entirely without problems. In 2005, the European Agency for Reconstruction (EAR) had pledged around €2 million for the NGOs through the intermediary Serbian Government's Centre for Development of the Nonprofit Sector ("Money Only Goes," 2005). The involvement of the government as an intermediary in this process immediately raised doubts among competing recipients about the credibility of the process. Some NGOs simply dropped out of the race and complained about the process's lack of transparency and other relevant procedures. There was a prevailing sentiment among some NGOs, especially among those promoting the issue of civil rights, that they had been consistently and intentionally excluded from the government's consideration. According to the same camp, the allegedly open competition had been compromised from the very beginning, since the recipients of the grants were known before the initiation of the contest. The NGOs forwarding complaints expressed more confidence in support of the international funds. Again, the entire issue took a familiar turn in which the NGOs were segregated on the basis of their integrative preferences, that is, whether these were "patriotic" or "pro-European" NGOs. While the former were financed from local budgets, the latter were supported by the state elites.

The United States joined the other European countries in the reconstruction of Serbian civil society and the strengthening of the public sphere. Public and private groups from the USA spent \$US 40 million during the critical period between 1999 and late 2000. The most prominent supplier of financial support in this campaign was the U.S.

government, through the U.S. Agency for International Development (USAID) and the State Department (Carothers, 2001b, pp. 2-3). In November 2004, USAID estimated the total aid for democratization of SCG to be worth \$US 621 million. Carothers (2001b) describes USAID activities as “based on a model of democratization as a long-term developmental process consisting of the gradual reform of major state institutions matched by the slow building up of civil society, often with an emphasis on NGO development at the local level” (p. 1). He also made a distinction between the strategy prescribed by the approach of the two leading providers of aid, the U.S. Agency for International Development (USAID) and the State Department: the latter’s approach is more robust (p. 1). Some elucidation is necessary here in regard to the tendency to conflate the two, when in fact their divergent aid policies, in actuality and described by Carothers, often cause mutual antagonism.

In contrast to USAID, which takes a more subtle and time-consuming developmental approach, the State Department focuses on politicians and political events, intending to influence the constellations of power and political elites within a targeted society. USAID, nonetheless, aims to “bolster independent media, encourage nongovernmental organizations involved in civic advocacy, advance judicial reform, strengthen local government, etc.” (p. 1). Cynics would argue that the two policies, although distinct in approach, serve the same hegemonic goals. However, it is worth remarking that the State Department’s more straightforward approach to the promotion of democracy abroad includes actions that collide with the traditional meaning of democratic assistance. The State Department is responsible for the introduction of the so-called “new military humanism” which is, according to Noam Chomsky (1999), guided

by power interests. Therefore, the bombing of Serbia by the NATO alliance in 1999 was presented as a humanitarian intervention, though it was carried out without the approval of the United Nations. The goal was to crush Milosevic's unyielding political regime and replace it with one more responsive to global integration. During the process, it seems, no consideration was given to the fact that such an action would incense the entire Serbian population, create an even stronger nationalist front, and compromise the very concept of the democratization of Serbian society. In conclusion, one comes to consider that the eventual dichotomy between USAID's and the State Department's approach to providing overseas aid is quite like bickering parents who disagree about the means of transporting their son to Harvard but never question Harvard as the destination.

The initiation of USAID in Serbia coincided with the success of the opposition parties in the local 1997 election when the oppositional coalition DOS took power in a number of municipalities. According to USAID's portfolio at the time, its activities "focused on an effort to aid 13 DOS-controlled municipalities and to support non-governmental organizations, independent trade unions, democratic political parties and coalitions, and independent media so that they could better defend their human, civil and political rights, advance the cause of non-violent democratic change and lay the essential foundation for their nation's democratic and economic transition" (USAID's Interim Strategy, 2005, p. 14).

The implementation of these programs was secured through the partnership and grants given to NGOs from the United States of America. Among the most active in providing developmental aid for the civil society and media were Freedom House and International Research & Exchanges Board (IREX Pro Media). The IREX almost

exclusively serves in “providing critical support to independent journalists, print and electronic media, making it possible for the voice of democratic Serbia and professional journalism to be heard” (Implementing partners).

### **6.3 Shaping of mass media policies**

The intention in chapter five and the first segment of chapter six is to identify the major agents engaged in the articulation of the new democratic form of Serbian social identity and to describe the role and conditions under which they conduct their reciprocal relations. This segment deals with the dynamics that describe the participation of the same actors in a constitution of core communications and media regulations. The laws themselves, however, are not the centre of interest at this point (these are discussed in more detail in chapter three). Rather, attention is focused on the process within the public sphere in which the various actors meet and articulate their own expectations and issues around a specific project—the project that will shape and give a new identity to the Serbian mass media.

#### **6.3.1 The expectations**

The International Conference on Media for a Democratic Europe, organized jointly by the Serbian Association of the Independent Electronic Media and the Council of Europe in December 2000 (“Media Conference,” 2000) showed the expectations of those involved in the reconstruction of the Serbian media. At the conference, the participants agreed on several pressing issues that necessitated active cooperation from the new government and legislators. The new legislation, in this case the broadcasting law, would enable the redistribution of frequencies under the supervision of legally

bound members of the regulatory body (the Broadcasting Council) composed of respected experts and representatives of civil society. Those present at the conference also urged the transformation of the *RTS* into a public service and suggested the rescinding of controversial contracts with private broadcasting outlets (*Pink, Palma, and BK Telecom*) because of their ties to the previous regime.

Subsequently, the Vilton Park conference, held in Belgrade in February 2002, laid out a dozen concrete aims for the metamorphosis of the Serbian media sector. The transformation needed to take place in conformity with European standards, and relatively quickly, if the media wished to be a major player in the democratization of the society. The process, however, would entail an inclusive collaboration between media organizations, government and corresponding ministries and institutions, the National Assembly, public experts, and NGOs. The future sets of legal frameworks were expected to create adequate conditions for the mass media, with an emphasis on transparency in investments and the development of sound market competition.

The new regulatory framework was expected to secure media pluralism, prevent cross-ownership and allow for the revision of contracts endorsed in the past. The new legislation would also set the criteria for the distribution of frequencies based on quality of programming, financial capability and production capacities. Constituted through a transparent procedure, an autonomous and independent body was expected to bring order to the broadcasting media by enabling and monitoring the process of issuing and reissuing broadcasting licences.

The reformers came across a number of issues that required immediate attention. The taxation system was detrimental to some media, especially taxes relating to unsold

print copies. The abolition of quotas on imported printing paper was also required. The property and the means of production confiscated by the previous regime had to be returned to the owners, including fines aggregated during administrative proceedings against the media and prescribed by the repressive 1998 Public Information Law. It was argued that a larger tax exemption would remedy the situation. Also found necessary was a review of past performance and a reaffirmation of professional standards. Most of those involved in media transformation and democratization concurred that finding aid from the EU and the USA was indispensable, for both financial and organizational purposes.

### **6.3.2 Initial steps**

The government left media transformation entirely in the hands of the expert group (R. Veljanovski, personal communication, October 9, 2003). Therefore, a mere few days after the “democratic revolution in Serbia” (Stojanovic, 2003), the Media Centre formed a working group composed of media experts—lawyers and journalists (Vasic, 2005, p. 26). Three separate groups were formed to accompany the legal team. One group of experts confined their attention to the state-funded federal media. A second group concentrated on questions of the professionalization of the media, with attention to ethical issues such as the development of guiding principles, the expansion of journalists’ awareness of the responsibilities and morals of the profession, the assessment and resolution of issues related to hate speech in the media and the development of initial steps toward reconciliation. The third working group focused on providing drafts for the three most pressing media laws—the Broadcasting Law, the Public Information Law and the Law on Advertising Standards. Further discussions were almost entirely devoted to the development of the Broadcasting Law, which sets the guiding principles for the



process of the transformation of the *RTS* in the National Public Broadcasting Corporation.

In 2001, the experts engaged in the transformation of the *RTS* into a public service media institution detailed the range of their activities in a progress report (Media Centre, 2001). The report stipulated that the organization of roundtable discussions about the transition of the mass media and journalism would bring together the most seasoned and experienced media practitioners. The members of the project had had an opportunity to gather information on the experiences of other countries, including Slovenia and Germany. Literature and regulations detailing the subject of public broadcasting in these countries served as a guide to the development of the law. Knowledge acquired from abroad was supplemented by data collected through domestic surveys generated by institutions and agencies, domestic and foreign NGOs and donors. This fruitful exchange of information has been sustained with the establishment of representatives of the European missions and institutions in Belgrade—OSCE, Council of Europe, Stability Pact, IREX, European Broadcasting Union (EBU) and others. The Group also established a working relationship with the members of the *RTS* Council and its newly appointed General Director.

While working on the regulatory framework for the transformation of the *RTS*, the media experts faced the realities of the *RTS*'s situation. Like other state institutions, and as a ramification of the socialist welfare ideology, the *RTS* possessed an excessive number of employees on its payroll. In addition, there had been a crisis in financing of the *RTS*, which came about with the post-revolutionary abolition of the widely unpopular broadcasting fee tied to the power bill. Finally, for more than a decade, no investment had

been made in catching up to the global technological revolution and digitalization.

For all these reasons, the progress report detailed the parameters for reaching the final goal of transformation, specifying a timetable for implementation, a developmental strategy and a methodology. According to the plan, after initial preparation, the project would enter its full application in the period from July to September 2001. The implementation was to have been carried out with the close supervision of OSCE's Belgrade office. The activities were planned to revolve around five specific areas (project modules): financial, technical, organizational, personnel and programming. The section on strategy development is given here in its entirety:

November and December 2001 should be used to verify the project, offer solutions on the reference groups, with the participation of decision-makers, politicians and state officials, prominent personalities in the field of culture, information and broadcasting and others. The objectives of the activity include an appropriate adjustment of the proposed project and its critical acceptance by the public. The overall project should be completed by the end of December 2001. From January until March 2002, decision-makers in the legislative and executive branch of government should carry out their part of the job by securing the assets, space, technical conditions and staff required for project implementation. The promotion of project solutions for the general public as well as for professional and business circles in Serbia are also scheduled for this time. April and May 2002 would be devoted to the implementation of the project as a whole and the start of the PBS. (p. 7)

### **6.3.3 Transformation of broadcasting, between the real and ideal**

Having the government distanced from the formulation of laws can be beneficial from the perspective of autonomy, but detrimental because it may mean losing touch with the government's intentions (R. Veljanovski, personal communication, October 9, 2003). It was soon clear that the government's aloofness came, not from its distrust of the civil

society's capacity to participate in lawmaking, but also from its understanding of control of the legislative process. To put it simply, whatever the media experts provided as a solution was scrutinized politically in the Assembly's chambers.

Similarly, the application of the strategy on transformation of the electronic media and reorganization of the *RTS* in the Serbian context has been an entirely different thing. Contrary to expectations, conditions under which the *RTS* performed actually deteriorated after the political change (J. Matic, personal communication, December 3, 2003). There were reoccurring signs of political pressure on *RTS*. The establishment of its Management Board was delayed for seven months. When eventually finalized, the Board was composed of government appointees. And not until a few months later was *RTS*'s General Director appointed.

In the meantime, the Editor of news programming resigned, citing a return of political pressure. The public competition for the position of Editor-in-Chief for the same program was mired in controversy. According to an esteemed journalist, the president of IJAS and, at the time, a candidate for the position, there was interference in the competition from one of the top political democratic leaders. At the same time, a member of the Management Board resigned and in his resignation, addressed the government's attempt to instrumentalize the Board for its own purpose. In a public statement, the government was denounced for interfering with the process of selection of the managerial and editorial personnel through ultimatums, blackmail and outright disqualification of particular candidates ("Government responsible," 2005). Amid the quarrels, the *RTS*'s most pressing problems stayed unresolved. The institution's line of credit was nonexistent. The *RTS* was on the brink of collapse, owing \$20 million to its lenders and

with a workforce of up to 8,000 employees.

#### **6.3.4 In the meantime: The public information law**

The Media Center's four working groups, along with the legal team continued to work on the completion of the Public Information Law. The preliminary work on this document, previously separated across the groups, was now brought together, coordinated and presented to the public. The Act originated from two sources—first, a draft proposed by Belgrade's Center for Human Rights, and second, one introduced by the Media Center and IJAS (Cirovic, 2005). As was the case for the Broadcasting Law, the experience of other transitional countries, as much as suggestions from the OSCE, UNESCO, European Union and Council of Europe, were taken into consideration in drafting the Act.

In August 2001, the draft was handed over to the executive branch of the state for inspection with the expectation it would pass by the end of the year. According to the director of Radio Belgrade (the organizational segment of the *RTS*) and the president of the legal team at the time, the submitted draft “was essentially a law on the freedom of information, that stipulates a gamut of solutions related to journalism and journalists, defines their meaning, as much as delineates meaning and the function of the public media outlets and mass communication” (“How the work,” 2001).

Certainly one of the key debates about the work on the Public Information Law was its very *raison d'être*. The dispute, although soon to be shown as ephemeral, came from the realization that a number of countries, instead of having a distinctive act, regulate the same issues through the penal and constitutional laws. Eventually, most experts agreed that the transitional period necessitated an autonomous law on public

information.

The work on the refinement of the first draft continued at the demand of the mass media outlets, which were attentive to all the specifics intended to be incorporated into the Public Information Law. This caution was justified, in light of the experiences with the previous law enacted in 1998. On the other hand, the inclusion of all the ideas and suggestions posed quite a challenge for the final goal of achieving a comprehensive but concisely stated law. Finally, the continuing enlargement of the draft, which at the time reached some 160 articles, compelled the representatives of the European Union to intervene (Petric, 2002).

It would take an additional year for the media practitioners to bring the work on the draft to a conclusion. In April 2003 the law passed. According to one media expert, the draft took such a long time to create because of the difficulties in harmonizing journalists' idealizing demands with the legal and pragmatic conception of media development ("Government not inclined," 2003). Also, the participants' differing perceptions of the optimal approach to the protection of media freedom slowed down the drafting process ("Government not inclined," 2003). However, the move to the legislative stage would also prove to be painstaking, and according to some, frustrating and with disappointing consequences.

### **6.3.5 Media laws and the formal legislative process**

By entering the formal legislative process "the ideal content of law clashes with the functional imperatives of the market economy and bureaucratic administration" (Habermas, 1998a, p. 42). The Serbian media experts who formulated the media laws experienced with full force the uneasy coexistence between their rational-

universalistic proposals and the reality of the limiting Serbian context.

The major disappointment came with the attempt of the Serbian administration to manipulate a number of Council members in order to establish dominance within the Council. The draft of the Broadcasting law proposed by the media experts anticipated fifteen Council members. Also, the proposed structure of the Council implicitly favoured the civil sector. However, a political decision was made to reduce the number to nine. The government's decision to cut the Council to nine members might have been a justifiable act for pragmatic operational reasons; however, the government not only reduced the number of councillors but also, most importantly, changed its entire structure.

In the final version passed by the Assembly, four members of the Broadcasting Council were to be nominated by the two governments, the Government of the Republic of Serbia and the Executive Council of the Autonomous Province of Vojvodina and two Assemblies. The remaining five appointments were distributed among a person with a residence in Kosovo (the candidate from Kosovo was voted in by the eight appointed members of the Council, upon their inauguration), a representative of the Church, and three positions to be filled by the universities, NGOs and media respectively.

The government's reshuffling of the original suggestion did not sit well with the draft's creators. One media expert involved in making the original version of the Broadcasting Act declared, "We didn't like it but we could not do anything about it – they just informed us about the decision."

Although all the alterations caused a wave of skepticism and suspicion, the Law as it stood did not offer any real rationale for outright condemnation. After all, the

administration asserted its commitment to elect only candidates with integrity who were acceptable to the mass media community. The list of candidates presented at the time gave credence to that claim. A certain uneasiness, however, unfolded around the questions of where the loyalties of the Church stood, since this institution had not been perceived as representative of the “same” civil society. Again, the purported *clergification* of the state apparatus and the Church’s lasting commitment to the preservation of Serbian nationhood gave critics grounds for doubting the Church’s impartiality. The Church and the State found many issues in common for the current struggle for the preservation and reconstruction of Serbian nationhood. Also, pragmatic and economic reasons put the Church in a position of having to maintain a harmonious relationship with the State. Since article 32 stipulates that any decision of the Council has to be passed by a majority vote, the eventual siding of the Church with the State was found to be decisive in the selection of the ninth councillor, the representative from Kosovo.

For the Serbian media community, the new law’s bias seemed to come true upon the Assembly’s appointment of the two Council members in April 2003. Two factors instigated the community’s displeasure. First, the legal procedure in selecting the members of the Council was compromised. Second, one of the two appointed members was found to be in conflict of interest since he was still registered at the Trade Court as working in the capacity of editor-in-chief of the popular Belgrade radio station *Radio-Index*. Moreover, the same nominee had a history of a strained relationship with the director of *B-92*, whom he accused in the alleged embezzlement of foreign donations designated for the support the independent media.

The answer to the procedural problem rested on one of the provisions of article 24. The provision on the Procedure for Nominating Council Members states that “the Assembly shall, in an appropriate manner, make public all valid nominee lists submitted by the authorized nominators together with the nominees’ brief curricula vitae at least 30 days before the decision on the appointment of Council members is taken.” In respect to two appointed members, the Assembly failed to follow through with the procedure.

Some media workers, including the previously appropriately elected members of the Council, protested, emphasizing the importance of the procedure with regard to responsibilities and integrity of the Council. They felt that the procedural problems discredited the Council from the outset. The subsequent developments pertaining to the problem of the constitution of the Council, according to witnesses and participants during the process, seemed to, in Foucault’s sense, show the potency of the “multiple microtechnologies of power” scattered around and away from the state, a social structure which oftentimes has been referred to as “the main location of political domination” (Foucault in Kalyvas, 2002, p. 106).

In a response to the procedural irregularities, the two members declined to participate in the Council and abandoned their posts. Despite the shortfall created by the two resignations, the Council retained the decision-making quorum and hence proceeded according to Broadcasting Law with the selection of the ninth councillor from Kosovo. The Council selected a person originally from Kosovo, but with a residence in Montenegro. The blunder of the Broadcasting Council was soon followed with the realization that the same person had maintained a business relationship with the owner of the *Pink Broadcasting Company*—a contender for a national frequency.



As a side note, the *Pink* enjoyed something of a renaissance at the time despite its bad reputation acquired through its close collaboration with the previous regime. Although the public and media professionals found its revival surprising, it came as the result of the entrepreneurial connection of *Pink*'s owner with the government's administration and technocrats. As in previous times, *Pink* drew its strength through its pragmatic business acumen rather than through open ideological subscribing.

Another detail that threatened to change the entire idea of having an independent and autonomous civic authority supervising the electronic media was found in Article 32 of the Broadcasting Law. According to the provision, at least one of the two councillors recruited by the Vojvodina Parliament is required to be present at all voting on issues concerning the Autonomous Province. For the original creators of the legislation, such a political intervention clashed with the concept of the Council, whose members, although nominated by the political organs, are expected to serve society, not political interests. As a matter of fact, Article 26 specifies that Council members may not represent the organizations that elect them "but shall fulfill their duties independently, to the best of their knowledge and conscience, in keeping with this Law."

All of these reasons, including the considerable delay in the passing of the Laws in the Assembly, created a rupture in the trust of the media workers toward their former political partners. The politicians were now seen as not keeping their promise. The delay was perceived as an unwillingness of the politicians to relinquish authority over the electronic media. Events surrounding the election of the Broadcasting Council seemed to give credence to this claim. The authorities first tried to stall the passage of the Broadcasting Law through the Assembly and then, after its final adoption, they persisted

in their unethical approach to the appointment of the Council.

The government was denounced for its failure to regulate the media and its general mishandling of media issues in the past. However, the critique also went to the institutions of the civil society. According to one analyst, “one fully worn-out and chaotic (media) realm was forgone to take care of itself and handed over to NGOs who—with all the respect for their role and endeavour—created the laws one by one according to their interest and without coordination” (“Government not inclined,” 2003). The analyst also observed that the government seemed to allow Strasbourg (EU headquarters) to take care of such an important segment of society.

Accusations swirled in all directions. Although no party had been left unscathed from the critique, the first to be blamed were the politicians and the newly elected democratic administration. The government was thus seen as unwilling to participate in the transformation of the media, as incapable of dealing with such issues, as the sole generator of the misunderstanding with the media, as showing signs of a systemic built-in reaction to the potential loss of control over important segments of society, and as deliberately trying to sabotage the process which, nonetheless, cannot be stopped.

On top of this, the timing chosen for the appointment of the Council and the passage of the Public Information Law in April 2003 was deemed controversial, since it took place during a period of a proclaimed state of emergency (lasting 42 days) in response to Premier Djindjic’s assassination. Since both the Council’s appointment and the law’s passage were subject to revisions before and during the Parliamentary procession, the timing was regarded as a deliberate use of the situation in a direct attempt by political agents to avoid what would have taken place in normal circumstances: a

response on the part of the media and public. The government was also chastised for dropping the Free Access to Information Law from its agenda altogether. This piece of legislation had been perceived as an essential supplement to the Public Information Law. Procedural irregularities found during the appointment of members to the Council ended in a scandal which would stall the beginning of the reconstruction of the electronic media sphere for another few years.

### **6.3.6 Divisions among the media experts**

The two councillors who, due to a procedural failure faced a revocation of the election, ironically also perceived the situation to be more than just another undertaking of the state power to expand its political influence. They critiqued their colleagues under whose supervision the regulations had been conceived. From their point of view, the attacks on their appointments in the Council came as a sign of the withering away of the integrative social ethos among the media workers due to their growing orientation toward personal success and strategic interests (V. Cvetkovic, personal communication, October 29, 2003).

Such sentiments came from the fact that pressure from the NGOs and professional journalism organizations for the reappointment of the Council continued even after the Assembly's re-evaluation of the candidates' biographies, and the confirmation of the disputed posts. Indeed, the suspension of the normatively recognized procedure was acknowledged by all concerned. Also, institutional measures had been taken to remedy the situation. Further, most of the critics from the civil society acknowledged the expertise of the two disputed councillors. After all, no reasonable material evidence had been brought forward to corroborate the purported conflicts of interest or compromised

pasts in the case of these two councillors. It was logical to ask why this segment of the civil society, initially a contributor to the creation of the Broadcasting Law, was now suppressing its implementation by discrediting the Broadcasting Agency's Council.

One of the disputed councillors, Vladimir Cvetkovic, believes that the answer lies in the interests of the media and the NGOs—the very ones that had for years engaged in the preparation of the reconstruction of the media – in controlling the personal composition of the Council (Kalinic, 2003, pp. 3-5). Failure to achieve this may have driven them instead to consider a barrier to the reconstruction of the mass media. The best way to do this would have been to hamper the realization of the timetable prescribed by the media legislation. Their public exclamations urging the protection of procedures on moral grounds served in this case to obscure the struggle for privileged positions within the civil and media sector reign. As it happens the disappearance of political coercion on the media and the lack of genuine interest from politicians about media problems—except for occasional personal and party promotions during and outside news conferences—unveiled the world of civil society micro-politics and personal interests. This leads us to Koltsova's (2001) suggestion that a system of interactions, or micro power practices, between individuals or groups, influence to some extent macro social patterns, in this case the reconstruction of the Serbian media.

Apart from the influence of micro politics on the functioning of the Council, widespread public rhetoric on the obligatory improvement of the electronic media sphere masked the struggle for status and economic positioning for both individuals and media. It might not be true for *RTS* as a future public/national television organization, but for a number of media outlets the absence of regulations opened up great possibilities for

financial gain. The moment it appeared, the Council's rigid procedural framework for the allotment of frequencies sent shivers up the spines of most broadcasters who applied for licences.

As envisioned by the law, during a public hearing any potential candidates for a frequency were required to disclose their financial details including sources of profits, donations, and sponsorships. In the current phase of the consolidation of the electronic media, most owners of private electronic media showed a degree of reluctance about exposing their financial portfolio.

Up until 2005, inquiries about the financial foundation of most of the mass media remained unanswered. For example, donations, a popular source of financing for the independent media in the 1990s, has been also remembered by the mass media community as a rather obscure activity. It is known that the independent media received donations in support of their activities during the 1990s and also as a means of the EU and the USA institutions to maintain the channels of communication opened for democratic political opposition. There has been some indication that some still continue to receive donated financial support from abroad. Financial aid also served to pay for the enormous fees adjudicated by the courts under the provision of the notorious Public Information Law of 1999. As of 2007, there is no legal framework that regulates the domain of donations. In the past, in an attempt to prevent the seizure of money by the regime, the distribution of cash was made in an "unconventional" way, from hand to hand. There have been expressions of some reasonable doubt that the handling of the donations in this manner facilitated the trading of various political and other favours. Some profited, some did not. In the small Serbian context, micro politics sometimes

worked small miracles.

### **6.3.7 International dimensions of the dispute**

A number of domestic politicians and media workers took a pragmatic approach to the situation, acknowledging the procedural flaws. They saw a greater good in having the Council operational and ready to tackle the series of problems in the ether. There was nothing reprehensible in the councillors' biographies. Even the OSCE's (Organization for Security and Co-operation in Europe) initial appraisal of the situation suggested the same pragmatic route. The idea was to avoid a formality-based crisis and remain focused on the paramount goal: media transformation in which the Council had a pivotal role.

However, two other councillors reacted to the controversial appointments of their two colleagues in July 2003 and resigned, basing their decision on moral grounds. The OSCE changed its point of view. In August, the OSCE's representative for media freedom "emphasized the concerns of politicians, media and lobby groups about the legitimacy of the selection procedures in the case of some councillors"; as a consequence, "given the level of criticism, both locally and abroad, ... [the representative] believed the best solution would be to repeat the selection procedure for the three (including the member from Kosovo) disputed members of the Council and the two who had resigned in the meantime" ("Serbia should hold," 2003).

A month later, the Head of the Media Department of the OSCE's Mission in Belgrade submitted his resignation in an act signifying his disagreement with the suggested revision of the process. In the view of this international official, the proposal came as a result of blatant pressure from diplomats, international factors and powerful lobby groups on the Serbian government to reverse the process of media restructuring –

all in an attempt by these groups to advance financial and private interests. He denounced the interest groups who intentionally hampered the establishment of the Broadcast Council and thus the reform of the electronic media and the transition of *RTS* into a public service institution.

According to this view, the goal achieved by the obstruction was twofold. First, it allowed some private broadcasting outlets to strengthen their status and their impact on the media sphere. Second, with the Council out of the picture, the unreformed RTS remained susceptible to political influence. In his address to the public, the Head of the Media Department also implicated some of his co-workers in Belgrade's OSCE mission of being the propagators of double standards, that is, showing an explicit degree of favouritism toward some groups while disadvantaging others ("Some Diplomats," 2003).

The domestic agents involved in active partnership with OSCE during this entire process gauged the event in various ways. Nonetheless, the overwhelming perception was that OSCE's media representative was a victim of "court intrigues," or the various "power microtechnologists" with a keen interest in the makeup of the Council (R. Veljanovski, personal communication, October 9, 2003). In Veljanovski's account, a safeguarding of the procedural legalism in the Assembly served as a smokescreen for the settlement of old disputes between the members of the Council. According to the same domestic partners in the project of media transformation, the European media representative was impressed by this important historical moment and the potentials ascribed to the new democratic government.

## **7: CONCLUSION: A POLARIZED PLURALIST MODEL**

When the communists took power in Yugoslavia in 1945 they owed their popular legitimacy to their staunch support of the values encapsulated in the heart of the democratic tradition—the credos that promote equality (with an emphasis on workers' solidarity) and popular sovereignty. The system of self-management was put in place in order to give the people the power to control the process of reproduction. But the enlargement of the workers' stakes and responsibility in the process of production of the goods was more than just an economic dimension in the people's lives. It also had a cultural and integrative dimension that, for a large portion of people, gave a sense of meaning and a feeling of membership in a larger community with a common goal—progress. The solidarity among the working class in achieving this common goal was the glue that kept Yugoslav/Serbia's ethnically diversified society together for decades.

Clearly, the forgoing statement risks oversimplifying the situation and idealizing a regime that used authoritarian methods to settle political differences or to repress outbreak of politics grounded in chauvinism and ethnonationalism. In fact, those who opposed the realization of the Yugoslav democratic undertaking faced the wrath of the vanguard Communist Party. As a consequence, much of the liberal tradition based on such values as individual liberty, human rights, private ownership, and contract and exchange, occasionally suffered in the name of the protection of the peoples' genuine interests. Throughout the period, multicultural stability depended on success of the system of self- management itself and the ability of the regime to facilitate conditions for



the system and doctrines to successfully economically and ideologically appeal to the people. As we have seen in chapter two, the mass media was deeply implicated in the system being itself an organizational representation of the model of the political-economic system, as well as the carrier of discourses surrounding debates about and strategies for the system's failures and successes.

The unique economic and political system, and also the drive for national self-determination, led to an exhaustion of the country's resources, despite initial economic success. In typical contradictory fashion, in order to preserve its self-sufficiency Yugoslavia needed cash. In receiving financial help from the International Monetary Fund, foreign banks and other western lenders, Yugoslavia became a dependent nation compelled to enter the process of economic liberalization. When viewed from the perspective of a liberalized society, gradually Tito's system of market socialism and further bureaucratic decentralization slowly rendered "workers' self-management less meaningful, giving more power to entrepreneurial enterprise managers" (Karadjis, 2004). Despite rhetorical acclamations, the party apparatchiks abandoned active promotion of self-government, forming a new managerial class. By the end of the 1980s, social differentiation hit its highest level. From 1965 to 1980, Yugoslavia amassed enormous debt. During the 1980s Yugoslavia entered a period of rampant neo-liberal transformation (Taucsch & Herrmann, 2001, p. 81).

When Milosevic came to power, economic liberalization and pro-capitalist changes accelerated. Milosevic picked up the idea of the moving the left toward the centre, informed by the zeitgeist of European social democratic parties. The workers' state was in a shambles as workers found themselves in dire circumstances, facing

unemployment and a loss of dignity. Decentralized Yugoslavia fell apart while Milosevic's use of populist rhetoric steered people in their accumulated anguish, to turn against each other. Suddenly, with the faltering of the integrative power of class affiliation and solidarity in the grand program of incessant progress, ethnicity and national identity became the compelling issue. The democratic urge for self-determination transformed into brutish ethnonationalism, which led to ethnic war.

After the political change in 2000, we witness attempts to ground more substantially the tradition of political liberalism in Serbia, with an accent on the rule of law, individual liberty and human rights, at the expense of the tradition of democracy with its core values, equality and popular sovereignty. The long-term process of shifting the centrality of the democratic tradition toward the centrality of the liberal tradition reached its crescendo with the institutional fortification of neo-liberalism in Serbia backed by international capital. The recapturing of the Serbian state apparatus by the liberally oriented parties in 2000 permitted the thrust toward the sweeping reconstruction of the society's institutions, including the sphere of communication and the media, confirming Robert A. White's (1995) observation that "a new paradigm of public communication inevitably implies a redistribution of social power" (p. 448).

## **7.1 The state and the institutionalization of the new democratic form of social integration**

The state has been a vital factor in defining the context of the media. The role of the state in shaping the societal context has been evident throughout my analysis of the Serbian media. The historical overview shows how the vanguard Communist Party established political domination of the proletarian class by acquiring state power and

conversely, how the party, through the legal system and extralegal measures, conditioned the mass media's status and performance. Subsequently, Milosevic utilized the media in his scheme to prevent the social change being experienced throughout post-communist Eastern Europe by channeling the traumas inflicted by the deep crisis of the workers' state into an ethnonationalist awakening, while institutionally endorsing crony capitalism and a further strengthening of the managerial class. Chapters three and four show the current reconstruction of the Serbian state, institutions and structure of the media after the takeover of the state administration by the liberal opposition starting in the autumn of 2000.

Considering the state's pivotal place in influencing the conditions for the media in society, I assess its own complex transition with regard to mediating external and internal pressures. Following Krastev's (2002) avenue of thought, I also argue that the joint venture of the Serbian state and the part of the international community in the reproduction of liberal democracy in Serbia shaped the "democracy without politics" scenario in which "the truly representative character of democracy is hollowed out from within, behind a shell of institutions" (p. 44). This pattern coincides with the general trend of a "westernization of political order" as depicted by Bertrand Badie (1992, 2000), which has caused "the weakening of internal political abilities proper to the developing political system," leading to various forms of dependency (p. 86). The westernization of the mass media that concurrently followed seems to serve the same goal. The change has been steered from above rather than from below. Lacking full legitimacy, the process of democratization (more "liberalization" than democratization) has been an elitist hegemonic process that forcefully tried to integrated policies alien to the traditional forms

of integrity and identity. Self-government (through communist working councils) has become a long-forgotten form of organizing a society.

The above patterns are evident throughout my thesis. First, with the sweeping overhaul of the country's regulatory and institutional system, the new Serbian liberal-democratic state is becoming (although, the process of transition is far from being over) a part and extension of the global political and economic network. Second, this transition is being carried out by the new liberal elites and intellectuals who, during their dissident days, matured along with the strengthening of the civil society which itself, because of the significant western involvement in its conceptualization and financing, may be understood as a synonym for capitalism. The implications for such an understanding of civil society have a profound impact on the understanding of the role and duties of the mass media in any given society and hence on the content of the prescribed media policies (Sparks, 2005; Baker, 2002).

## **7.2 Internal challenges to liberalization**

The likelihood of Serbia becoming a modern liberal democracy has, however, been a contested issue. Challenges arose in respect of the Serbian states' ability to apply the prefigured paradigm of development. The acquisition of power in 2000 was achieved, for the most part, in a peaceful manner. The peaceful transition of power meant the substitution of the upper level bureaucracy without affecting its core. As a result, the new democratic government displayed weaknesses articulating its expectations of integrity within some branches of the state apparatus. For example, the government's authority over the police and army has been dubious due to their traditional rigidity with respect to social change. Resistance to change, democratization and the current process of

transformation are central in the cultural dimensions in which an old understanding of the way of life and its organization encounters the introduction of new parameters. Krastev (2002) is aware of the power of the culture of resistance when he notes that “The dissolution of Yugoslavia showed that when a society feels it must choose between democratization and self-determination, it will prefer the latter” (p. 43).

This statement merits a brief digression since its analysis also provides the grounds for critique of the failure of most western media democratization models to account for the power struggle and subordinate relations in a given social formation. Thus, although true for a specific historical period and context, Krastev’s statement seems also to imply a definitive incompatibility between democratization and self-determination, or even the exclusion of self-deterministic politics within a democratic regime. It seems that he shows here an element of the typical “liberal illusion,” elaborated in works of Chantal Mouffe (2000), which perceives democracy as pluralism without antagonism, and hence neglects the power struggle and relations of subordination within it (p. 20). According to Mouffe, “in a liberal democracy limits are always put on the exercise of the sovereignty of the people” (p. 4). Here, one might argue, lie the origins of Krastev’s distancing of (liberal) democracy from the essential democratic values such as popular sovereignty and equality. Another dimension to this issue is that in the current crisis of the left globally, and with the atrophying effect of the Milosevic reign on socialism and the idea of popular sovereignty in Serbia, right-wing populists such as the Radical party in Serbia more able to mobilize around the questions of self-determination, equality and anti-globalism.

The reoccurrence and hegemony of populist rhetoric on the Serbian political

scene also presents a challenge to liberalism. Since the election in 2003 and the return of the Socialist Party into an executive level of the government, the capacity of liberal democratic forces to propel democratic reform and reintroduce capitalist methods of production at the economic level has been considerably strained. The support of the Socialist Party was fundamental for the longevity of the minority government until 2007. The existing alliance with the class rival at the executive level of the state complicated the reintroduction of preferred social relations by the Serbian Democratic Party and its political allies. In essence, the partnership with the Socialists compromised their power over the Serbian state as well as its ability to follow through with policies adequate with their preferences and the preferences of the EU and the USA. Such a development demonstrates Marx's distinction between the social classes who possess *real* and *nominal* power. As Codato and Perissinotto (2002) put it, "a particular class (or class fraction) can hold the helm of the state in its hands—that is, the 'government' per se—without being the *ruling class*, and vice versa" (p. 59).

The Serbian political context corresponds to this dynamic, showing that the faction of the liberal democratic political force, although possessing nominal power, still lacks the ability to fully "control and influence the branch of the state apparatus that holds the *real power*" (p. 59). The new ruling elites are encountering the challenge of how to extend sovereignty over an apparatus put in place by those with an entirely different conception of state organization in mind. What we witness in Serbia at the state level is the hegemonic clash between the forces of bourgeois restoration and the disoriented (due to their own historic role in initiating neo-liberalism and nationalist war-mongering) but active representatives of the working class. This struggle defines the legal

framework and the direction of structural transformation.

The market liberal model of democracy, as much as European Union transitional paradigms, neglect the power of internal politics. Moreover, because this is the case, the strategies “create ‘democratic deficits’ which, given the central role played by the idea of popular sovereignty in the democratic imagery, can have a very dangerous effect on the allegiance with the democratic institutions” (Mouffe, 2000, p. 4). As Krastev (2002) observes, the European Union strategy “ignores the internal logic of politics and the ways in which citizens view their government in new democracies” (p. 43). The new form of life offered here, then, is not the result of a wider deliberation within the internal public sphere, but of an alienated process lacking legitimacy.

Emphasis has also been put on the level of institutionalization and the inauguration of a legal and bureaucratic system that would be commensurate with the European standard. The success of this effort depends on the ability of experts to steer the transition within the prefigured parameters offered from above. Instead of being a channel for resolving conflicts, the lawmaking has become a repackaged version of European standards (p. 45). Instead of there being negotiation and deliberation about the form of life within the public sphere of society, the form of life has been imposed by the European Union and mediated by the Serbian state.

### **7.3 Media democratic theories and concepts in the Serbian context: structural implications**

Friction between the imported (ideal) paradigms of development and internal politics directly condition the context in which the transformation is taking place. The European Union’s transitional paradigms had a logical impact on the legislation that

structures the direction and identity of the Serbian mass media. The new democratic elites do not doubt that the road to liberal democracy leads through the appropriation of the established frameworks offered by the EU and the USA institutions. Media scholars, workers and associations also followed this lead by scrutinizing a system of references embodied in the legal media frameworks of the developed European democracies. There were obvious intentions to westernize the Serbian media. Hence, we may ask, what models of media democratization did both external and internal reformers have in mind?

In Chapter one I briefly outlined three models of democracy: the classical market liberal model, the liberal public sphere model and the radical (complex, participatory). Relevant to the present discussion, the classical liberal model assumes that the free market and the private ownership safeguard the integrity of the media by distancing it from political influence. More important for our purpose is to emphasize the tendency of media organized around this model serve, through the regime of objectivity and a mostly imagined impartiality, elites in their desire to preserve the status quo. In contrast, the liberal public sphere model suggests increased civic involvement at the level of decision making and hence the media as a mediator of the political options. The radical model stands as a critique to the ingrained elitism of both these models, manifested as a lack of reflective critique regarding the political and economic system or the prefigured public good. According to the radical pluralist model these systems pay inadequate attention to differences, alternatives, variety of goods, it rather requires media which would acknowledge the unequal distribution of power in a society. To address this problem, the model suggests a mass media that is participatory and self-managed by the members of a community.



At this point we may ask how relevant each of the three models has been on the democratic reconstruction of the mass media after 2000.

As was shown in this dissertation, the Serbian media reformists opted to follow the path of a number of post-communist societies who had recently joined the European Union and organized their media by melding the market liberal and the public sphere models (to create, for example, a public broadcasting system). The new elites, as much as the major NGOs, journalism and mass media associations, analysts, scholars and media practitioners, put their faith in liberal free market principles for the structural and ideological reorganization of the media, disregarding (due to widespread ignorance combined with the hegemonic power of the prefigured option) corrosive aspects of the market on the journalism profession and the media (Hallin, 2000). As Murdock and Golding (1989) stress, the market orientation of the mass media is a dominant process “within liberal democracies being sold to the general public on the promise that it will enlarge people’s choices and increase their control over their lives, that it will be both liberating and empowering” (p. 180). However, it is obvious, at least in the Serbian case, that the “selling” had to be performed first to the new elites before it reached the general public. As we have seen in chapter five, some liberal journalists think the media need to “provide the essential social and ideological context in which these changes are being developed and promoted” (Murdock and Golding’s, 1989, p. 180).

In Chapter four I turned to the process of mass media privatization which also, as in Murdock and Golding, presented a major aspect of the “emerging order”—the marketization of the media, and its consequence, market-driven journalism. The privatization of the mass media in Serbia is a prime example of the administrated process

of transformation. Only recently have local journalists anticipating the privatization of the socially-owned mass media raised their concerns about their loss of control over these public institutions. Journalists have certainly begun to experience the impact of private ownership on the status of the media and the journalism profession. The new media policies, rightfully concerned with the impact of politics on the mass media, envision, in accordance with liberal media theorizing, privatization as the fundamental measure for the maintenance of the mass media's integrity and impartiality. The analysis of privatization in chapter four, however, shows otherwise. The new owners, especially of local media, have little or no understanding of the profession, no previous experience with regard to the media field, and usually purchase media enterprises as tools to increase their social status and further their private interests.

The new ownership constellation also tends to devalue the profession. A journalist is seen as replaceable, and his or her status is directly conditioned by the whims of the owner. While witnessing a decline of their influence on society, journalists also observe, precisely as Murdock and Golding suggest, the actual loss of public influence on the privatized media, or conversely, the loss of an important means of communication so fundamental for the local public sphere. The current privatization of the socially-owned mass media, instituted by the liberal government and supported by the elite groups of civil society, has been a serious blow for public participation in Serbia, and considering the force and consistency with which it has been conducted, could likely propel Serbia to become a neo-liberal success story.

### **7.3.1 Relevance of the radical media model in Serbian context**

The first few years of the initial post 2000 development made the development of a direct democracy appear possible. This could have been because of a revolutionary comradeship between the democratic political opposition and members and institutions of civil society interested in the democratization of the media. Instead, as noted in chapter six, the work on the formulation of the legal framework was turned over to the latter, to the representatives of the media community made up of media scholars, experts and journalists. This manoeuvre merely established the sort of “representative democracy” in which “[i]nstead of the people themselves being empowered to control the media,” representatives of social groups interested in media reform compete in the public realm with their argumentations (Sparks, 2005, p. 41).

One of the major characteristics of this dynamic was that no consideration, had been given by either the media reformists or their political opponent, to the radical option of media democratization. As was the case in most post-communist countries that entered the process more than a decade ago, there was “a deep distrust of popular mobilization” (Sparks, p. 40). The notion of giving the people the media as a means for gaining communicative power was, reminiscent for some of past experiences with the communist self-management of direct democracy, whose ideological imperviousness, accompanied by nationalism, had been perceived as the reason for “Yugoslavia’s pause in the demolition of socialism” (Salecl, 1994, p. 205). Therefore, the radical form of democracy, which celebrates a wider participation of citizens in the formulation of basic laws and regulations, has been eliminated from consideration on the basis of its association with the socialist political system. As a consequence, no effectual attention has been devoted to the critical theoretical contribution—developed in the West in

previous decades—that exposes the myth about the democratic potentials of the market. The radical model of democracy, with its emphasis on a pluralism, which accounts for differences and political antagonism, favours the deconstruction of established myths, such as that of the adequacy of the market to solve the problem of the dominance of the state or vice versa, while ignoring the range of its self-induced forms of exclusion and subordination.

The radical model of media democracy, which approaches the issues at ground level, could have offered an alternative to political parties' habitual insensitivity to society's most urgent problems. Even the image of Serbia as deeply split on the question of which direction development should take would show more variety with a return to community-based self-government. The role of the media should be to participate in the reconstruction of a community's lost importance by promoting the process of self-government. According to critical thought, the media make this endeavour "by organizing the public diffusion of issues of common concern and by promoting consensus building" (Hackett & Zhao, 1996, p. 10). In the minds of Serbian media reformers, the state remained the sole threat to media freedom, and privatization alone seemed to be the answer to that threat.

This limited perception is understandable due to experience, but shows a lack of vision. This seems to have been a missed opportunity to set up at this important historical juncture a more elaborate legal framework that would account for the inadequacies of the market in providing democratic communication. Orientation to the classical liberal organization of the mass media, in the long run, will undermine the future status of the media and those interested in the enduring freedom of the media.

This lost opportunity is clear due to the fact that in the initial stages, after the change of political order, the democratic opposition responded to the demands coming from the media sphere. In the end, the alternative media and their associations, NGOs and the political opposition had the same aim in replacing the Milosevic regime, and with it, both the lingering spirit of communism and ethnonationalism. Also, the DOS alliance felt obliged to accommodate the wishes of those who served to mediate their ideas to the public. This peaceful co-existence lasted until the first critique of the new elites reached the newsstands. The government also harboured other interests and a separate agenda, growing farther and farther away from their former comrades.

Recently, the legislative branch showed a disposition to block the very participation of civil society in deliberations on media policies. In July 2006 the passage of the amendments to the Broadcasting Law in the Assembly were met with protest by media associations and even the OEBS, as there had been no previous public deliberation about the changes. The changes and amendments to the Law were initiated by Parliamentary representatives of the ruling coalition, and the members of the Board for Culture and Information.

The government itself felt stifled by its commitment to the liberal credo of reduced involvement in the market. But this does not absolve the Serbian media reformists for not initiating a debate on welfare-advancing interventionist policies of the state that would try to comprehensively compensate for the inadequacies of the market. As Baker (2002) affirms, the democratic deficiency might be incurred by “an individual owner’s or the ownership class’s manipulative and ideological control” or “predictable distortions resulting from the normal functioning of economic markets” (p. 195).

Although in the developing stage, the Serbian market clearly showed these patterns that would eventually take a more serious toll on the media sphere.

Earlier traumatic experiences seemed to solidify the stance toward the state and guide the actions of the media reformers. The journalists and media associations saw interventionism on the part of the state, and feared their motivation. But it is also true that the fulfillment of the democratic dream is not going to be achieved simply through change of ownership, which is currently coming about through the privatization of the socially owned press and broadcasting companies in Serbia. The private media, functioning in Serbia since the mid 1990s, felt themselves compelled to aggressively increase their readership and viewing numbers by indulging in sensationalism. A recent analysis shows that the critically acclaimed *B-92*, by including cheap TV serials and films into their programming, steadily veered in the direction taken by the commercialized television *Pink* (“RTS Dreams Pink,” 2006). Recently reconstituted as a public corporation, the *RTS* also attempted to keep pace with *Pink* by lowering the quality of its programming (“RTS Dreams Pink,” 2006). An increasing number of media organizations who longed to establish themselves in the market favoured a “3S” formula (sex, sports, and sensationalism).

Therefore, the crux of responsibility lies with all those involved in the current reorganization of the media. The “hollowing” argued by Krastev has eroded the labouriously attained but still fragile autonomy of the mass media. Serbian journalists ought to develop the ability to critically estimate the hazards posed by the Janus-like consequences of trends such as internationalization, privatization, commercialization and liberalization and act to prevent them. However, there have not yet been any tangible

reactions to the dangers of “a less visible and more subtle” market censorship (Keane, 1991, p. 91).

From a structural point of view, one most inspiring reactions to this trend comes from James Curran and his alternative working model, which aims to preserve and support the media’s democratic functions by first, giving “the public access to a diversity of values and perspectives in entertainment as well as public affairs coverage”; second, acting “as an agency of representation,” that is, enabling “diverse social groups and organizations to express alternative view-points”; and third, assisting in “the realization of the objectives of society through agreement or compromise between opposed groups” by way of “facilitating democratic procedure for resolving conflicts and defining collectively agreed aims (Curran, 1996, pp. 103-104).

To achieve this goal of media democracy Curran envisions a “highly differentiated media system” such is not the case at this time in Serbia, where the only distinction is between distinguishes public service broadcasting, on one side, and multiple commercial media enterprises (what Curran refers to as the *private enterprise sector*) on the other. Curran’s media system incorporates three additional sectors: a *social market sector*, a *professional sector* and a *civic sector*. Without getting into a more detailed elaboration of these sectors as explicitly explained by Curran, it might be interesting to mention that the *social market sector* anticipates “Innovatory forms of media organization—such as self-managing enterprises, cooperatives and organizations with consumer or community representation” (p. 112).

An historical overview of the 1990s suggests that the entire liberal movement hinged on the newspapers whose founders were journalists. These were self-managing

cooperatives with a clearly defined liberal political consciousness. A few are still articulating the state of the nation and all its shortcomings, but they are also the ones whose readership is limited to more elite and educated members of society. Moreover, these are the outlets whose survival is jeopardized because of low readership. According to my conversations with journalists working for these newspapers, all of them hope to find a “somewhat reliable” financier.

At this stage, privatization has been lauded as the saviour of the Serbian media’s autonomy. Very few voices have expressed concern about the commercialization of the Serbian media. The Serbian Broadcasting Corporation, including the Province of Vojvodina’s equivalent system, remains an institution with the ability to compensate for market deficiencies. Public confidence in these institutions is, however, low. As a result, the Serbian public is reluctant to pay the monthly fee to receive its programming. Facing the introduction of the fees, the public responded by organizing boycotts. Three interconnected reasons were seen as justifying such a reaction. One is a material reason, as most of the population has been financially drained due to the economic crisis. Another lies in the widespread disbelief in the autonomy of such an institution. And finally, much of this reaction may be attributed to the public’s imperfect understanding of the democratic functions of a public broadcasting system.

Again, there has been tension between the normative prescriptions for the media and any widespread public agreement about them. The tension comes from the fact that a newly introduced system of references challenges the existing cultural tradition. However, it seems obvious that the current legislative actions, as a set of objective frameworks for social action, reconfigure, or rather, aim to create the conditions under



which traditions historically change (Habermas, 1979, p. xii). With this, the fundamental relationship between structure and values comes to the fore. The next section locates the problem of ‘identity as values’ as one of the prime determining factors in conditioning the further development of the Serbian mass media and society.

#### **7.4 Bringing national identity, the state and democracy together**

Serbian society has been caught up in a spiral of multiple and contradictory processes in the parallel building of state sovereignty (control of boundaries and spatial control), consolidation of the state’s apparatus, and democratization. Calhoun (1994) points to some important interdependencies among the three processes: “Nationalism remains important in part because claims to state sovereignty do matter—not least of all because states remain the central organizational frameworks within which democracy can be pursued” (p. 320). However, the nationalism that Calhoun takes into consideration differs from the “nationalism in power,” of the Milosevic regime, referring rather to nationalism as a resistance to alien rule (p. 325). Historically, the modern Serbian state resulted from a number of struggles against foreign rule. On other hand, the ethnonationalism pursued by Milosevic presented the cultivation of what Calhoun would describe as a “pseudo-democracy of sameness instead of the recognition and respect of difference” (p. 325). As noted earlier, the Serbian media figured very largely in this cultivation process.

Despite the change of regime, the basic elements related to identity remain to condition the Serbian context—until the national question reaches a final solution. Indicative of this pattern has been the continuous failure of the political parties to agree on the character of the Serbian state in the new Constitution (“Constitution: Without,”

2006). For six years no agreement has been made on the form of the constitutional arrangement of the Serbian state. Although the objects of disagreements have varied, the major issue has revolved around the question of the makeup of the Serbian nation-state—is it composed of Serbian people and others (nations/ethnic groups), or citizens. Another dispute has concerned the supremacy of international jurisprudence over local law, the manner in which the extradition of the citizens of Serbia to foreign countries would be regulated and the formulation of the status of nontraditional religious communities. Both of these questions were challenged on the grounds of loss of sovereignty.

Despite personal and institutional preferences (of the EU and the USA), the hegemonic struggle at the helm of the state has been part and parcel of the legitimate democratic process also affecting the discourses within civil society, the public sphere and the mass media. Complementarily, the subject of the nation, its identity and its evolutionary direction has conditioned the very performance of all those involved in the public debate.

The Serbian public sphere itself reflects contextual ambiguities of identity and, as a result, is itself subject to re-identification. The traditional conception of the public sphere perceived it as “national,” in which the discourse serves in “the marking out of the national cultural terrain, in the public domain, materially underpinned by a range of institutions, political, economic, and communicative (Schlesinger, 1999, p. 265). Historical circumstances have contributed to a situation in which the contemporary Serbian public sphere is fragmented along the lines of two contrasting forms of integration or identity. One approach professes integrative politics and

internationalization, which coincides with the current, although strained, organization of the state; the other is more deeply concerned with the traditional conception of “national” sovereignty and relative power sharing. In the latter case, the evolving “supranationalization” of the state, the public sphere and the media have been perceived as detrimental to genuine Serbian nationhood.

The segmented Serbian public sphere offers support to the theoretical perception that challenges Habermas’ classical formulation of the public sphere as culturally homogeneous (Schlesinger, p. 265). Nancy Fraser (1994, p.126) argues “that the ideal equal participation in public debate is better served by imagining a *plurality* of competing publics” (as cited in Schlesinger, p. 265; emphasis in original). The deposition of a national differentiated public sphere resumed in the 1990s through emergence of the NGOs, associations and media that attempted to expose the single-mindedness of Milosevic populism—and continue to do so even now.

Although the over-riding issue of identity does much to define politics, the overall public discourse and the media in Serbia, democratized mass media models remain silent on the topic. Normative democratic media frameworks and developmental paradigms serve as guiding principles for the transformation of Serbian society and the media, but neglect the issues related to nationalism and national identity-building. For the most part, this results from the fact that these normative democratic media frameworks and development paradigms come from the long-standing democratic regimes of the post-industrial West, where the issues of state sovereignty were solidified a long time ago. In contrast, the Serbian case shows that the actual parallel development of state sovereignty, state organization and democratization contribute to the complex context in which the

values inscribed in two forms of integration (cultural/traditional and republican) stage hegemonic contest.

Being an important mediator in political and public life, the mass media in Serbia embrace whichever particular option is close to individual or group preferences (be they journalists, editors, owners or political parties), rather than adhering to established professional norms of conduct. Media freedom thus becomes the freedom to side with either of these two options rather than to nourish an original and autonomous point of view. Therefore, the manifest freedom gained for the mass media after the departure of the previous regime has not healed the split caused by the two contesting identities or the direction of development, but has instead intensified it while these two modes of integration, republican and traditional, try to legitimize themselves in the eyes of the population. The questions of the identity of the nation and the form of its integration have permeated all segments of life, including the state apparatus, mass media and the very process of democratization. At this point, the new political elite, in spite of its weakness and lack of control over the state apparatus and institutions has been attempting to, use policies, laws and the reconstruction of the social structure and media to also reformulate the identity of the Serbian nation.

#### **7.4.1 Serbian mass media: responsible to what kind of society and what kind of values?**

The effect of the clash between the two principal forms of integration seeps through the state apparatus and the entire social context, including the journalists' profession. At the same time, most professional media associations, as core reformists of the media sphere, act as catalysts for the journalistic ideals pertaining to the liberal

democratic and republican paradox. In effect, they serve as a mediator between the foreign NGOs and the European and U.S institutions interested in the democratization of Serbian society and the profession of journalism. Accordingly, social responsibility theory (SRT), as the most influential set of mass media democratic guiding principles, serves as a reference point for the transformation and improvement of the profession in Serbia.

Historically speaking, the essential idea of those who introduced the SRT was to create a more socially conscious press, one that would support the common good of society rather than partial interests and thus biased information. Inscribed in this premise is the freedom of the press and mass media to inform and publish without interference. In 1947, at the time the SRT was first articulated, the United States was an established democracy with an authenticated national identity. Serbia, on the other hand, was caught up in a hegemonic struggle between two conceptions of integration, one based on universal democratic principles of citizenship and the other tied to the cultural and traditional aspect of ethnic unity.

It is obvious that allegiance to a specific form of integration preconditions the understanding of one's obligation and responsibilities in a society. In the Serbian case, there has been present an ambivalence in society with respect to the choice of set values. In developed democracies, by way of contrast, there has been an established allegiance to widely agreed principles of democratic association for citizens. Accordingly, the role of the press has been to provide support to a prefigured set of values. Once again, there is an indication that democratic theories and concepts possess abstractions that fail to "include the pre-conditions in the notion of the desired order, and operate with something realistic,

rather than with something absurdly abstract” (Gellner, 1994, p. 189).

The SRT’s ingrained exclusiveness with regard to values and media conduct, not only fails to account for the preconditions in the notions of desired order, but also, for the same reason, has been a primary culprit in causing a democratic deficit in the very place of its origin. This deficit is materialized through the fact that in developed democratic societies “rather than having the press be a centre of a societywide discussion of values, social values need to be ‘presented’ to, and ‘clarified’ for, the public. Thus, the media’s role is primarily as an educator, to enlighten the public” (Baker, 2002, p. 155).

A number of Serbian media reformists have fallen into the trap of ascribing the Serbian media an educational role, as spelled out in the SRT paradigm. The question is, whether they also unwittingly endanger the media’s hard-won autonomy by ascribing to the media the role of disseminating a categorical set of values. By doing so, further we may inquire whether do they essentially participate in the uncritical adoption of liberal democratic ideas and the construction of public cultural truth as promulgated by the new Serbian elites.

A similar problem has arisen with respect to “the limitations of the professional media ethics approach to media ethics and media morality” in the Serbian context (White, 1995, p. 441). In the last few years, a significant effort has been placed on organizing roundtables and media monitoring projects in search of a better self-understanding and professionalization of the trade. Specific attention has been given to providing and popularizing the set of publications and booklets that serve to guide journalists’ performance with regard to ethical standards. Since an initial lack of coordination has produced a number of ethical manuals across the field, recent activities involved a joint

effort to come up with a universally binding ethical manual for all those involved with the media in Serbia.

Although commendable and necessary, especially at this stage of development where the reform of media institutions is taking place, one has to be aware of the number of critical assessments that claim “that the definitions of ethics in terms of adherence to professional codes has limited and distorted the conception of media morality” (White, 1995, p. 441). Hackett and Zhao (1998), for example, observe that the “regime of objectivity” tends to entrench an ethos among journalists that “informally pulls the media in the direction of the state, in part by helping to *define and manage the symbiotic relationship between news media and politicians*”(p.77, emphasis in original). As a result, a tedious routine can stultify the media’s important interpretative role in favour of mere information production.

Though an admittedly simplistic comparison, the daily *Politika* may serve, within the Serbian media milieu, as an example. Since its acquisition by the German WAZ, *Politika*, once the mouthpiece of the Milosevic regime, reformed to align itself with a set of professional standards such as truth-telling, objectivity, accuracy and fairness to sources. Despite its proclaimed neutrality, overall public perception of *Politika* is permeated with cynicism, especially due to *Politika*’s docility with regard to state administration. In contrast, the daily *Danas* and weekly *Vreme*, owned and handled by seasoned journalists from their inception, retain an interpretative and analytical punch that satisfies a similarly analytically inclined readership.

At least two important comments may be derived from the foregoing. One question pertains to the lasting dualism between the two conceptions of journalism, the

fact-based as opposed to debate-based (participatory). These two conceptions of journalism are intimately tied to corresponding alternative normative views of democracy (as discussed in chapter one). Often, media and communication analysts and scholars from the West, and also from post-communist countries, use the basic informative and/or participatory perception of the role of journalism to assess the state of mass media affairs in post-communist countries. Those advocating an informative paradigm of journalism customarily find the media in transitional countries to be inadequate and failing to follow prefigured standards. At the same time they denounce interpretative journalism as too “opinionated” and as such, damaging for the constitution of public truth.

Nonetheless, the Serbian opinionated press (the leading independent media in Serbia) effected the decline of Milosevic’s ‘public truth,’ introducing to Serbian journalism the notion of justice as fairness, while promoting to citizenship a sense of liberal individual rights and the rights of political participation. Indeed, sporadic concern has been placed on the formal standards of journalism ethics in achieving this social change. There can be little doubt that the utilitarian treatment of the independent media was instrumental in dismantling the previous regime. Expecting the independent media to suddenly assimilate the “correct” approach in line with normative standards would have been a more-than-optimistic goal.

There is, however, no intention to deny the importance of the code of ethics for journalists’ behaviour. As the creation of functional Serbian community needed the creation of a liberal state and rule of law, likewise the media and journalists need a coherent behavioural manual, which more than anything, must affirm the positive aspects of a liberal constitutionalist state, such as human and civil rights. According to Robert A.



White (1995), all segments of society, but especially public communicators, have been perceived as contributors to the social construction of public truth based on an inherently neutral criterion of justice, “that is, respect for the sense of human dignity and the dignity of all other forms of existence” (p. 444).

If the current Serbian transition wants to be democratic, it needs to entail a recovery of the principle of justice as fairness in Serbian public life and media. This recovery can also be equated with McQuail’s (1996) notion of identifying the basic values for communication and media performance in a society, such as freedom, and the balancing of justice with equality, and order with solidarity (p. 70). Civil society and the public sphere have been the place for the recovery of these preconditions, which, in the last instance, affect the further pace and success of the transition and democratization in Serbia.

The emphasis on social justice in the code of ethics has been plausible with regard to specific historical moments in which the tension between nationalism and republicanism in Serbia took place. Habermas’s insight regarding this tension, if generalized, might serve well for observations of the Serbian context. What we witness here is “a nation-state in its emergent phase” that “scarcely has (had) sufficient strength to establish a new, more abstract level of social integration through the legal implementation of democratic citizenship” (Habermas, 1998b, p. 113). Although “a long, drawn-out process” (as the development of some now- modern states attests), a “civil religion” has been manifesting itself in the majority Serbian culture (p. 113). In the meantime, the EU and the USA institutions and the current Serbian administration struggle to institutionally assert private liberties and political autonomy of a nation and its

citizens that will “construe the freedom of the nation—following Kant—in cosmopolitan terms, namely, as the authorization and obligation to enter into cooperative agreements or establish a balance of interests with other nations within the framework of a peaceful federation” (p. 114). This challenge, “the naturalistic conception of the nation as a prepolitical entity ..., according to which the freedom of the nation consists essentially in its ability to assert its independence by military means if necessary” will continue to resonate strongly in Serbian culture (p.114).

## **7.5 The polarized pluralist model and the Serbian mass media**

More than a decade ago, Slavko Splichal (1994) suggested that the transition of the mass media in East-Central Europe will assume an ‘Italian turn.’ What Splichal was then alluding to was the weakened legitimacy of Italian democracy, based on its perplexing junction of politics, economy, business and media. Recent developments in the Italian media sphere illustrate this point. In December 2003, Italy was denounced by the OEBS for the adoption of legislation that would increase Prime Minister Silvio Berlusconi’s notorious political and economic influence on the mass media. By the time the law passed, Berlusconi was managing 95 % of Italian television outlets. From 2009 on, the new legislation would allow Berlusconi to extend his influence to radio stations and the daily press (“Strengthening,” 2003, p. 13). The partial sell-out of ownership of the Italian public sector broadcaster (RAI) in 2004 allowed increasing governmental influence in the newsroom (“State-Run RAI,” 2004, p. 4).

Hallin and Mancini’s (2004) analysis of media systems reveals a similar perplexing junction of politics, economy, business and media not only in Italy but in a number of countries—France, Greece, Portugal and Spain—grouped around the

Mediterranean basin. The authors refer to this common pattern as a Polarized Pluralist Model (PPM) because of their belief that the patterns they observed “are rooted to a large extent in the high degree of ideological diversity and conflict that characterizes these Southern European countries” (pp.73-74). Hallin and Mancini specify a number of distinctive features that are subsumed under the concept of PPM; beginning with a press that is:

Elite-oriented... with relatively small circulation ... often economically marginal and in need of subsidy... There has been strong tendency of the press to focus on political life, external pluralism, and a tradition of commentary-oriented or advocacy journalism... Instrumentalization of the media by the government, by political parties, and by industrialist with political ties is common... Public broadcasting tends to follow government and or parliamentary models... Professionalization of journalism is not as strongly developed... Journalism is not as strongly differentiated from political activism and the autonomy of journalism is often limited ... [but] explicit conflict over autonomy of journalists—power and authority within news organizations has been more openly contested in PP system... The state capacity to regulate the media is weak ... [and, there has been] rapid and uncontrolled transition from state controlled to commercial broadcasting. (p.73)

This polarized pluralist model lends itself to application to the mass media system in the Serbian social context. My belief is that this is a case because of a shared mentality and shared elements of culture among the countries located in the South and South East of Europe which in effect make less straightforward of the “transplantation of the generalized Western media system democratization along the Western standards with a free press and a dual broadcasting system” (Jakubowicz, 2007, p.2). I argue that PPM has strong analytical relevance for diagnosing the direction and the form of democracy taking place in Serbia (to some extent more than the liberal, public sphere and radical mass

media models). The socio-historical analysis of media and democratization in Serbia in this dissertation shows all the signs emphasized by Hallin and Mancini. Complementing their analysis, the strong ideological division along the question of the forms of integration of the Serbian society gives a unique touch to the both nature of democracy and the media in post Milosevic Serbia. For Serbia as for the countries of the Mediterranean basin, the cultural dimension strongly imprints future development, no matter how full of contradictions such development may be.

However, as I indicated in the Introduction influenced by the Mouffe's (2000) theorizing I do not see as entirely negative the eventual development in Serbia of characteristics found in the Polarized Pluralist Model. The PPM reveals tensions and frictions which, according to Mouffe, acknowledge hegemonic struggle and hence the constitutive nature of power. As we see in the above discussion, a privileged social responsibility theory tends to erode the political. "Coming to terms with the constitutive nature of power," Mouffe says, "implies relinquishing the ideal of a democratic society as the realization a perfect harmony and transparency," the pursuit of which has brought to the West a democratic deficit (p.100). Mouffe continues:

A well-functioning democracy calls for a vibrant clash of democratic political positions. If this is missing there is the danger that this democratic confrontation will be replaced by confrontation among other forms of collective identification, as is the case with identity politics. Too much consensus and the refusal of confrontation lead to apathy and dissatisfaction with political participation. Worse still, the result can be the crystallization of collective passions around issues which cannot be managed by the democratic process and an explosion of antagonisms that can tear up the very basis of civility. (p.104)

Indeed, the containment of pluralism in former Yugoslavia precisely resulted in

such a development.

On the other hand, a mimicking of the market liberal model of organizing media leaves its own decisive imprint as was seen throughout the dissertation. Evidence suggests that in the not yet fully regulated Serbian media sphere, various interests furnished with a fair understanding of the media's capabilities in promoting political and economical agendas strive for their own piece of media turf. A recent survey published by Belgrade's Media Centre reveals a rapidly changing media landscape in which the withdrawal of Milosevic's "direct and brutal attacks on the freedom of the media" has been superseded by increasing pressures from domestic and international capital (Djokovic, 2004, pp. 9-10).

Stepped-up privatization and market liberalization, routinely recommended by the IMF for post-communist countries, has mostly been carried out without the appropriately reformed institutions (Stiglitz, 2003, p. 181). Regulatory support for the critical transformation of ownership has been nonexistent or hastily pushed through the Assembly, and is hence riddled with contradictions. The ultimate result from a democratic standpoint means the loss of people's control over the concentration of capital. From an institutional point of view, it means the weakening of the rule of law and the corruption of political life.

The failure of institutional mechanisms to control capital has led to murky links between and among private interest groups and politicians. Journalists mostly agree that two largely diametrical tendencies have occurred in recent years. First, there has been a widespread acknowledgment that the state's chronic grip on the mass media has been substantially reduced. The long struggle for mass media independence that peaked with

the establishment of democratic rule in 2000 seemed to provide reasons for optimism. However, numerous problems of a more subtle nature appear to be infesting mass media institutions and the journalism profession: a lack of institutional regulations, ownership uncertainties, financial independence, and material insecurities (“More Freedom,” 2004).

The ground formerly occupied by one-party rule has been taken over by a financial oligarchy. Through the process of privatization, the media has become a useful toy in the hands of the new bourgeois managerial class. Members of this class have been steadily filling the void caused by the state’s abrupt withdrawal, a void in which the new democratic rules of the game have been either feeble or nonexistent. In the absence of clear normative standards, various tycoons strive to monopolize information and force their direct influence on editorial policy in order instrumentalize democratic politics in the direction of interest-group pluralism (Mouffe, 2000). Drawing on the experiences of the developed world, some foreign officials observing the situation have cautioned about the appearance of wealthy individuals with a problematic past in Serbia; their interest in media ownership may rest in the promulgation of their own economic and political agendas (“Public Voice,” 2004).

While the political change in 2000 established a sort of restraining order on the political elite’s meddling with the media, the unsatisfactory regulated free market opened up a hunting season for profit seekers. This development has caused concern among mass media professionals and analysts since 2004, but, as the current privatization of the local socially owned media shows, nothing has been done to prevent the loss that the public faces.

\*

To sum up, it is quite clear that the liberal and elitist notion of democracy has served to provide the guiding principles for the transformation of the mass media in Serbia. Regrettably, both the political elites and the media reformers have considered the participatory option out of the question. However, development of political pluralism in the country, along with unresolved identity questions and a culture of dissent have created a context with specific features which may be more adequately described by the polarized pluralist media system found in Southern Europe. This statement is not intended to conflate the three western normative models of the mass media with the existing polarised pluralist media system found in the southern part of Europe. Rather, it is set forth to highlight the contradictory relations between intentions and reality, between the real and the ideal—in this case, an ideal which has itself been limited in the scope of its ability to address the crucial questions of power and inequality and of national identity. Moreover, although polarised pluralist system seems to have much in common with the Mouffe's 'agonistic' conception of democracy, it remains unclear, in terms of the extent of popular participation, how radical the polarised pluralist system has been. Bearing all this in mind, it is hence more productive to think of the Serbian transformations as a contradictory development in which the structural, organizational and legal imitation of western paradigms adopted unevenly and take another form through their interaction with Serbian social and cultural formations. Though it is impossible to replicate the western system completely, seeing this as some kind of failure is utterly misplaced and it is the result of a misunderstanding of the dynamics and character of historical and social development within the complex whole. Not

surprisingly, as a result of this misconception, those most urgently supporting both liberalization and particularism share the same disappointment with the current Serbian social and mass media transformation.



## **APPENDIX: LIST OF FORMAL INTERVIEWS**

Interviews are listed in chronological order.

Veljanovski Rade, head of Radio Belgrade (RTS Radio Televizija Srbija),  
October 9, 2003.

Brkic Misa, journalist, *Vreme*, October 10, 2003.

Naumovic Kosta, camera operator, head of the Independent Union, Televizija  
Beograd, October 15, 2003.

Djoric Slobodan, Association for Development and Improvement of Private Radio  
Diffusion (SPECTAR), acting general secretary of the Agency for Radio Diffusion–  
Republic of Serbia, October 16, 2003.

Lucic Cavic Milica, journalist, head of the Independent Journalist Association of  
Serbia (IJAS), October 28, 2003.

Cvetkovic Vladimir, Ph.D; Member of the Serbian Broadcasting Agency Council,  
October 29, 2003.

Andrejic Bozidar, journalist, deputy editor-in-chief of *Danas*, November 5, 2003.

Smajlovic Ljiljana, journalist, *NIN*, November 13, 2003.

Matic Jovanka, M.A.; media analysts, Institute of Sociology, December 3, 2003.

Kalinic Mirjana, journalist, Secretary of the Independent Journalist Association of  
Serbia (IJAS), December 5, 2003.

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