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BULGARIA'S LAW ON PROFESSIONAL JOURNALISTS OF 1941: EFFECT AND AFTER-EFFECTS

Assoc. Prof. Vyara Angelova, DSc.
Sofia University "St. Kliment Ohridski"

Abstract. The article illuminates a little-known topic of the functioning of Bulgarian journalism as a regulated profession after the adoption of the Law on Professional Journalists in 1941. The paper traces the implementation of the law and the consequences of the multifaceted control of the newspaper industry through various state techniques. The findings are situated in the current conversation about possible new legal regulations of the media in Bulgaria.

Keywords: regulation of the journalistic profession; state intervention in the media

Introduction

The problems with freedom of speech in Bulgaria, reflected in weak positions in various international rankings of the level of the media¹, periodically raise the question whether it is time to make the journalistic profession regulated, like the medical, legal, etc. profession. Arguments in favor of this thesis are that the quality of those working as journalists, their education, and compliance with professional and ethical standards will increase; control of the entrance to the profession will be tightened; imposture and the use of journalism as a cover for other activities and interests will be eliminated; additional institutional support will be given to the media themselves, etc. An overview of some of these and other arguments is provided by Valery Dimitrov, who even proposed a draft of a possible law (Dimitrov 2019, pp. 24 – 25). On the other hand, it is quite clear that the digital world, in which political influencers, representatives of 'citizen journalism', bloggers, vloggers, etc. also work in the field of gathering, selecting and interpreting information (the core of journalistic work), requires further evidence of the appropriateness of closing the profession to new forms of (let's call it) 'non-media journalism' insofar as it is not practiced in traditional media.

The debate is not just Bulgarian. A review of the legal framework of the journalistic profession in the European Union reveals that Italy is the only Member

State where licensing of journalistic work exists to date. To be recognised as a journalist (professional journalist, publicist or practitioner), a practitioner must be registered with the Ordine dei Giornalisti (ODG). Elvira Drobinski-Weiss (Drobinski-Weiss 2017) provides a fuller overview of the topic. Compulsory membership of the organisation involves training and passing exams; paying a membership fee and last but not least recognition by the State, as Valery Dimitrov points out (Dimitrov 2019, p. 26).

To date, journalism in Bulgaria is not a regulated profession. “It does not have certain rules of action, nor precisely fixed theoretical knowledge” (Fileva et al. 2010, p. 10).

The case of Bulgaria

It is a largely unfamiliar fact that in Bulgaria there has already been a period in which the journalistic profession was regulated. Although the law has been in force for several years, the case provides an opportunity to interpret its meaning in several directions: relations with the State, freedom of speech and expression, covert and undisguised State intervention in the whole journalistic process.

On 7 March 1941, the 25th Ordinary National Assembly passed the Law on Professional Journalists on second reading. The text was adopted article by article, without discussion and without amendments (Stenographic Diary 2, 1941, pp. 1661 – 1663). Three days earlier, at a session of the Cabinet on 4 March, the bill's sponsor, Ivan Popov – Minister of Foreign Affairs and Public Worship, presented the motives for the proposed legislation. Among them, it is important to underline the stated commitment of the State: 'By stabilizing the official, social and financial situation of Bulgarian professional journalists and their organizations, a decisive step will be taken towards laying more solid foundations for the Bulgarian press, which, in view of its role in public life, is of essential interest to the State' (Stenographic Diary 1, 1941, p. 1608). The idea of passing the law was based on the fact that in other European countries this had already been done. Germany, France, Italy, Switzerland, Belgium, Hungary, Greece and Yugoslavia are listed by name – all countries (with the exception of neutral Switzerland, surrounded on all its borders by Axis allies) which by 1941 were either allied with or occupied by Nazi Germany and Fascist Italy. This fact is significant, considering that the Treaty of Accession of Bulgaria to the Tripartite Pact was signed on 1 March 1941. The choice of a model borrowed from the listed countries was apparently made solely out of concern to avoid “the temporary incorporation into professional journalism of occasional elements and facilitate the avoidance of abuses of the journalistic profession” (Stenographic Diary 1, 1941, p. 1608), rather than for political motives. Attention was shifted to collective agreements for journalists, rest and labour remuneration and other interests of the media workers. The subject of possible restrictions on freedom of expression or censorship bans is not touched upon.

All the Parliament members who had previously signed up to debate on the bill waived speaking and the majority voted it through on first reading (Stenographic diary 1, 1941, p. 1610).

The law was published in issue 56 of 13 March 1941 of the *State Gazette* by Decree No 10 of Tsar Boris III. The law remained in force probably no later than 1951, when an Act to Repeal All Laws Issued Prior to 9 September 1944, consisting of a sole article, was published in *State Gazette* No. 93: "All laws and legislative acts issued before 9 September 1944 are repealed as being contrary to the Dimitrov Constitution and to the socialist legislation established in Bulgaria after 9 September 1944 and all laws and legislative acts issued before 9 September 1944 are considered null and void". In practice, however, the Act ceased to operate soon after the change of the regime in 1944.

The Union of the Technical and Periodical Press in Bulgaria also joined the discussion of the text of the law in February 1941. In an address to the Prime Minister, the Union took a position which seemed odd: they commented on a text which they did not know, a text which 'has neither hitherto been considered in our Union, nor have we been able to get hold of it through private channels'. It is about the "Statute on the Situation of Journalists in Bulgaria", which had been drafted by the Association of Capital City Journalists. Although they were unfamiliar with the Statute and requested to receive it through official channels so as to send their remarks on it, the Union was upset "to assume that the 'statute', as drafted, probably addresses the crucial issue about the situation of journalists rather selfishly, limiting itself to the daily press and neglecting or deliberately segregating the members of the periodical press." (Letter to the Honourable Minister of Foreign Affairs and Public Worship from the Union of the Technical and Periodical Press in Bulgaria 1941, p. 82).

And further: "The life of the existing journalist associations so far shows us that they have never been concerned about standing up for the interests of the entire Bulgarian press." (Letter to the Honourable Minister of Foreign Affairs and Public Worship from the Union of the Technical and Periodical Press in Bulgaria 1941, p. 83). Probably this internal rift between the organizations is one reason why the law addressed this issue, as will become evident below.

The Union represented about 400 editors of magazines and weeklies, and "the members of the periodical press are editors of scientific, literary, governmental, artistic, religious and technical journals - the soundest and most popular print publications in our country, and creators of genuine culture" (Letter to the Honourable Minister of Foreign Affairs and Public Worship from the Union of the Technical and Periodical Press in Bulgaria 1941, l. 83 verso).

What does the law stipulate?

In the first place it answers the question – who can be a professional journalist, namely 'any person whose main permanent source of livelihood is the hired

mental labour of journalism' and who meets one of two conditions: a) to have been working in a daily newspaper for at least two years or b) "to have been working at a weekly newspaper which does not specialize in a particular sphere of public life for at least four years, preceded by work at a daily newspaper for at least two years. The two-year work experience at a daily newspaper is not required for provincial journalists" (Article 1 of the Law). Article 2 also defines who is engaged in journalistic work: 'a director involved in the writing of the newspaper, an editor-in-chief, an editor, a regular contributor, a reporter, a press photographer (who is also involved in the writing of the newspaper and is not engaged in trade of photographs), a sports writer, newspaper artist, cartoonist, and proofreader'. Also listed as professional journalists are: "the clerks serving as journalists at the Press Directorate, including the secretaries and press attachés at the Bulgarian legations abroad"; the owner-editors of provincial newspapers who conform to the requirements under Littera (b) of Article 1 (Article 3), as well as the persons who were members of the Association of Capital City Journalists (ACCSJ) and the Union of Professional Provincial Journalists (UPPJ) prior to the adoption of the Act, regardless of whether they satisfy the conditions (Article 4). We cannot fail to mention that both the Act and, later on, the Regulations for its application completely omit provisions about the radio, which at that time was already an important source of information in Bulgaria and which employed journalists. It is unlikely that this omission was an oversight. Moreover, from 1941 began what Philip Panayotov aptly called the "on air duel" between the "subversive radio stations" and the pro-government Radio Sofia. Rather, it seems to me that the explanation can be sought in the fact that radio at that time was a State monopoly institution, while newspapers were the product of private initiative. That is why they needed external regulation to curb their impact. It is no coincidence that in Nazi Germany a similar law (the *Schriftleitergesetz*, where the word journalist was replaced by the preferred word *Schriftleiter*-editor) was passed as early as 1933.

Further, the law stipulated that at least half of the editorial staff of daily newspapers must be composed of professional journalists, and the editor-in-chief must be a professional journalist except in cases where the ACSJ and the UPPJ determine that a person befitting the position is not available among the professionals.

The requirements for acquiring the status of "professional journalist" include: being a Bulgarian citizen; being of legal age; not having been convicted of treachery, espionage or treason, or of non-political offences, all of which are accompanied by deprivation of civil and political rights (an exception applies to a "criminal offence committed by means of or in connection with the press without intent to procure economic benefit"); having completed secondary education or having a "proven public journalistic vocation"; having a good reputation (Article 6).

An important corollary to the application of the law was the entry of professional

journalists in a list compiled by the ACSJ and the UPPJ and kept at the Press Directorate with the Ministry of Foreign Affairs and Public Worship. This list was published in the *State Gazette* (as intended by the law, at the beginning of each year). The Act lays down detailed rules on the cases in which a person loses the “capacity of professional journalist”, as well as appeal procedures when a person is not recognized by or is stricken from the lists.

The Law on Professional Journalists lent a new status to the pre-existent two organizations, the ACSJ and the UPPJ (these two sister organizations were brought together into a Federation of Bulgarian Journalists). Implicit membership in them became mandatory for journalists even though the law presupposed joining the organization by voluntary desire. They were also entrusted with a sort of licensing journalists on behalf of the State. They were mandated to sign collective agreements with the employers, which became binding.

Apart from closely cooperating with the Press Directorate, whose representatives are part of various commissions provided for by the law, the ACSJ and the UPPJ also report to the Ministry of Foreign Affairs and Public Worship, which is responsible for endorsing the Statutes of the two organizations’ pension funds. The manner of financing of the two associations is yet another solution that apparently binds them to the State. The rules set forth in Article 23 *inter alia* provide that part of their budgets are based on the announcements published in the press by any public institutions that are subject to an express statutory ordinance on announcements and advertisements.

In February 1942, issue 45 of the *State Gazette* published the Regulations for the Application of the Law on Professional Journalists, which set out the details of how to acquire (and restore) the rights, examinations and qualities of a journalist, defined journalistic work, specified the types of penalties, etc.

The first list of professional journalists was published in *State Gazette* No. 118 in June 1942. It contained the names of 207 journalists in the capital city of Sofia and 111 in the countryside. The second list of 1 April 1943 (*State Gazette* No. 78) showed a slight variation in the numbers: those in Sofia had increased to 217, and those in the provinces to 114. This implies that the law was effective. However, getting on and off the list proved problematic for a number of people who had collaborated in the press for years. Some were members of professional associations, others were not, some retain their status but were not members of the organizations. The correspondence of individuals with the institutions leaves the impression that the professional regulation mechanisms can be used on a purely ad hoc basis to resolve interpersonal conflicts, with most rigorous rules being applied to some journalists while a more lenient approach was taken to others. Thus, for example, the ACSJ Secretary Ivan Volniy himself continued trouble-free to combine his functions of a professional journalist and a lawyer even though this was inadmissible under the law.

The professional associations welcomed the adopted law. Moreover, it was “drafted with the participation of the Union and the Association of Capital City Journalists and, therefore, it propounds principles on which the Bulgarian press is founded and built” (Circular letter to the Union members and the editor-publishers of newspapers in the provinces, UPPJ 1941). The 1941 report of the UPPJ says: “During the past year, we can congratulate ourselves on a great moral success: the adoption of a Law on Professional Journalists ... This law may not be perfect but, being the first in this field, it is a major achievement for Bulgarian journalists and their profession, and its beneficial influence will soon be felt” (1941 Report, UPPJ 1942). This position was consistent: back in 1938 the UPPJ issued a resolution on the proposed Press Act, taking a stand against that law and finding that “if it is imperative to establish a Press Act, it must above all regulate the newspaper profession so that random, unprepared and irresponsible people cannot venture as newspapermen and harm both the profession and our public” (Resolution on the Press Act, UPPJ 1938). Incidentally, the Georgi Kyoseivanov cabinet then dropped that bill (Panayotov 2011).

The ACSJ also acknowledged the positive aspects of the Act: “Profession-wise, we journalists gained an important achievement in 1942. The National Assembly adopted a Law on Professional Journalists. Until then, any person without a profession and with dubious sources of livelihood could pass for a ‘journalist’. The law deprived all sorts of adventurers and rascals of the opportunity to use this title. In general, the journalist profession became regulated. The law made provisions regarding newspaper publishers, which was another significant achievement for the profession. The circumstances of salaried journalists were consolidated through an compulsory employment contract with hirelings in the enterprise that was mandatory for publishers, and this contract provided for rather substantial pay rises” (ACSJ 1942, p. 1).

And yet, not everybody in the journalists’ guild were pleased with the adoption of the Law. The ACSJ also dwell in detail on one of the opponents to the regulation: *Zora* publisher and Editor-in-chief Danail Krapchev, an influential figure in the newspaper market at that time (in a comment by ACSJ): “The collective agreement provided for smaller salaries for our colleagues than the salaries that Krapchev paid to his intellectual workers, and to the physical ones, too. When a question was raised about drafting a collective agreement for the *ZORA* enterprise, Krapchev reportedly told his staff:

‘I am paying you larger salaries than those that were provided for in a collective agreement which the law would oblige me to accept. You have an alternative: either to force a collective agreement on me and draw lower salaries than the ones I have been paying you of my own good will, or to receive your current wages, but on condition that, in respect of my enterprise, you will voluntarily renounce any labour agreement’.

Needless to say, the contributors to the ZORA newspaper abandoned all thoughts about asking for a conclusion of an employment contract with the owner of the newspaper. Danail Krapchev had the upper hand with his vain desire to be regarded as a 'benefactor' by his hirelings. That was a demonstration of upstart arrogance." (ACSJ 1942, p. 3)

Krapchev's resistance was entirely prompted by the way he managed his business and probably had nothing to do with his political views which he upheld in his professional career as a journalist.

The Commission for Settlement of Disputes over Recognition of Professional Journalist Capacity and Sanctioning Violations of Professional Ethics started to take shape in August 1942 as a precondition for commencement of the application of the Law. The Sofia Appellate Court appointed Judge Zahari Zahov as its representative and head of the Commission (Sofia Appellate Court 1942, p. 3). He remained in office for just a year and was replaced by Vasil Panchev. The Secretary of the UPPJ, I. A. Volniy, was designated representative of the organization on the Commission. He withdrew from the Commission in December 1942 and was succeeded by Luka Govedarov, editor-in-chief of the *Yug* newspaper in Plovdiv. Petar Karchev represented the ACSJ, and the member for the Press Directorate was Vladimir Danev, chief of division.

In February 1943 the Commission reported its work to date with a list of the cases it had handled and their current status. The subject-matter of the nine cases was: reinstatement of the editor-in-chief and the deputy editor of the *Sekretar-Birnik* newspaper of Stara Zagora to the rights of a professional journalist (the Commission did not grant the request); a query from the Union of Disabled Persons as to whether being a professional journalist is obligatory for the editor-in-chief of the *Invalid* newspaper (the Commission recommended the matter to be settled by personal negotiations of the stakeholders with Mr Danev); reinstatement of Todor Novakov of Kilifarevo to the rights of a professional journalist (the Administrative Court overruled the refusal of the Commission); complaint by Rangel Ognyanov, left without consideration because the Commission was approached incorrectly. Meanwhile he appeared before the Commission in person and stated that months earlier the UPPJ had recognized his capacity but he forgot to report it; the Commission reinstated Lyuben Dr Branekov to his capacity, but the UPPJ appealed the decision (the case was not referred to the court because Govedarov did not sign the minutes of the meeting of the Commission); the case of Nikola Ustalkov – "Complete analogy with the previous one"; the case of Nikola Bonev of *Papagal* (the Commission upheld the refusal of the ACSJ. Bonev appealed. Govedarov did not sign the minutes); the case of Dimitar Radev of Shumen: pending until the submission of additional documents; any other case files (List of the cases... 1943, p. 8).

The "life" of the law should also be discussed within the broader context of the State taking the media under control. Alongside the regulation of journalistic

activity, the Directorate of National Propaganda determined the newspapers whose continued publication was relevant and, accordingly, allowed them to purchase paper, the price of which had skyrocketed. This is not insignificant because it indicates the full State commitment to, and control over, the newspaper production process, from the editing to the printing. A restrictive Periodical Press Act was adopted at the end of 1943. It tightened further the authorization system for newspaper and magazine publishing. This entailed yet another obligation for the journalist associations: to control the process and act as a sort of intermediaries with the Directorate of National Propaganda. At times, the two laws came into contact in specific instances. Thus, for example, four editors from Varna submitted an application, care of the UPPJ, to the Director of National Propaganda in Sofia, for permission to publish a *Novo Vreme* newspaper. Their purpose was “to create employment for two jobless professional journalists and raise the pay of the rest of the hired journalists involved”. The editors assured the authorities that the publication “will serve the truth and the idea of a great and powerful Bulgaria” (Application from Tonyu Berbatov... 1943, p. 20). In this case, the UPPJ argued in favour of the applicants. In other cases, however, the association reported to the National Propaganda the publication of newspapers (their lists, too, were published in the *State Gazette*) which employed people who were neither professional journalists nor members of the Union, i.e. the association treated them as entirely irregular, e.g. *Narodna Tribuna* in Pleven and *Naroden Glas* in Lovech, where “one Nikola Stoev is listed as editor” (To the Honourable Director of National Propaganda... 1943, p. 21).

The State intervened into yet another, seemingly minor element of journalistic work: the dress code of journalists during their work. In June 1943, the UPPJ approached the Minister of Trade, Industry and Labour with a request “to allocate the same clothing fabrics ration” to provincial journalists as to their counterparts in the capital city and, “if possible, shoes as well”. Such additional material support was needed for no other reason than because “whenever local ceremonies, meetings etc. take place, whenever ministers, public figures, senior public officials and others visit the provinces, they are always welcomed and accompanied by the local provincial journalists. Therefore, they, too, need better clothing so as to give themselves a more presentable appearance” (Letter to the Honourable Minister of Trade, Industry and Labour from Ivan Volniy 1943, l. 36).

The functioning of the Law on Professional Journalists was extended to the newly annexed territories in 1941. In connection with “the incorporation into the Motherland of [Vardar] Macedonia, [Aegean] Thrace and the Morava Valley”, the professional associations expressed their readiness and willingness to help the publication of weekly newspapers in the “newly liberated lands” which “will be the link between the authorities and the citizenry, and the best conduits for all initiatives and actions of the authorities, as well as for the cause of the respectful Directorate of National Propaganda”. The associations found that making this

happen required the future publications to be entrusted to tested professional journalists recommended by them – “good patriots and devoted servants of Bulgarianness”, who should be assisted by the government authorities in their endeavour. It was assumed that at a later stage, local people, too, would be promoted as good newsmen, “but in order to avoid the mistakes of the past - the indiscriminate sprouting of minor newspapers which, instead of bringing benefit, gushed out poison, caution needs to be exercised whenever authorizing the publishing of a newspaper, and the journalist organizations need to be consulted, which is in the spirit of the Professional Journalists Act” (Letter to the Directorate of National Propaganda from Ivan Volniy 1941, pp. 1 – 2).

In practice, the motives for professionalizing journalistic activity remain highly questionable at the expense of closer proximity to the State in every aspect. This process would persist well beyond the abolition of the law under the change of political regime. In this sense, the “purging” of the journalistic ranks of non-professionals appears to be a possible repressive mechanism actuated circumstantially and against particular targets by interested parties. Such legal regulation cannot be implemented and is inconceivable without a comprehensive reflection of public and legal sentiments. In other words, the question here is not solely and exclusively about a single profession, be it crucial for moulding public opinion, but about an overall structuring of State power. Overregulation as a solution to any social problem is a sign of taking away the self-regulatory role of the profession and making it subservient to State power.

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NOTES

1. The 2024 World Media Freedom Index produced by Reporters Without Borders (RSF) ranked Bulgaria 59th, whereas the 2023 Media Pluralism Monitoring of the Media Democracy Foundation found that media pluralism is exposed to high levels of risk.

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✉ **Vyara Angelova, DSc., Assoc. Prof.**

ORCID iD: 0000-0001-8509-0815

WoS Researcher ID: ABP-1642-2022

Sofia University,

Bulgaria

E-mail: v.angelova@uni-sofia.bg