Democratization

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Democratization and the Media in Poland 1989–97

FRANCES MILLARD

Poland constitutes a 'best case' example of post-communist media development. The emergence of a diverse media free of direct political interference can be analysed as both a cause and a characteristic of the democratization process. Although the media reflected and contributed to political turbulence, they performed significant functions of informing, investigating and agenda-setting. The diversity of the print media ensured pluralism of viewpoints, although the press remained generally partisan. The state broadcasting media did not fulfil their public service brief fully and they were subject to constant attempts at political manipulation and bitter controversy. Yet these developments did not work in the same direction; rather there were numerous crosscurrents and counter-tendencies.

Introduction

Dismantling the formal mechanisms of communist control of the media was the easy part for the New Democracies of Central and Eastern Europe after the 'revolutions' of 1989. Creating an institutional framework securing freedom of expression and responsible journalism proved a minefield of continuing political controversy everywhere. It could hardly have been otherwise. There is no universal template of press and broadcasting freedom to be stencilled mechanically on to different political-cultural configurations. Although freedom of expression is a universally acknowledged characteristic of liberal democracy, liberal democratic states offer different responses to conflicts between freedoms, and they employ varying mechanisms of formal and informal regulation of the media. In many respects debates in post-communist countries mirrored those in established democratic polities. In others they reflected the particular legacies of their own communist experience and the myriad objective difficulties of the process of transformation.

Poland, Hungary and the Czech Republic received the democratic seal of approval in July 1997 with the imprimatur of the North Atlantic Treaty Organization (NATO) and the European Union Commission's support for the inauguration of membership negotiations (along with Estonia and Slovenia); both these organizations had established certain general conditions for membership, including stable, democratic institutions.

Indeed, by 1997 few questioned the appropriateness of the 'democratic' label for these three of the four Visegrad states. Securing freedom of expression, including press and broadcasting freedom, was an important dimension of the democratization process. Free expression is both a prerequisite for and a characteristic of democratic, pluralist society. Without access to information, genuine debate, and the ability to disseminate different points of view other freedoms such as freedom of association and assembly and freedom of electoral choice cannot be realised. Representation itself and the deliberative processes of lawmaking require the exchange and sharing of information and opinion, while procedures for political accountability are negated or undermined by conditions and practices of secrecy.

In this context the Polish media represent a 'best case' example of the former communist states. Indeed Poland appears a paragon of virtue when contrasted with the scope of direct political control of the media in 'worst case' examples (Serbia, say, or Belarus). In terms of political manipulation and controversy the Polish case falls between the Hungarian, with its five-year 'media war',[1] and that of the Czech Republic.[2] This study examines how the media developed in Poland after 1989 and identifies the key political issues surrounding their de- and re-regulation. This also entails a brief examination of constraints on the media in the broad context of the development of civil liberties in post-communist states. Although not fully comparative, it does indicate the extent to which these developments have their counterparts elsewhere or alternatively should be understood as part of the specific Polish context. Its general thesis is that despite political turmoil and new commercial pressures, the mechanisms of authoritarian control were transformed after 1989 into a new hybrid media system which was both an index of and a contributing factor to the multi-faceted processes of democratization. Change occurred more rapidly in the print media than in broadcasting, but the media's imperfections, while manifold, were no more serious than those which may be identified in other democratic countries.

The broad context of media changes after 1989 was that of the multiple transition process experienced by post-communist states in their efforts to move to a liberal democratic system based on the market economy. The process of change in Poland was politically turbulent and punctuated by periodic crises and grave uncertainty. Poland was the first country in Eastern Europe to install a non-communist prime minister, the Solidarity intellectual Tadeusz Mazowiecki. This was a result of Solidarity's stunning performance in the partly competitive election of June 1989 and the defection of the satellite parties from the spurious Communist Party-led 'coalition' of the post-war period. The political consensus supporting Mazowiecki's government proved short-lived. The 'shock therapy' of

Finance Minister Leszek Balcerowicz traumatized the population with high inflation, deep recession and profound social dislocation. Solidarity began to fracture when its leader Lech Wałęsa launched his bid for the presidency in spring 1990 on a platform of painless acceleration of reform. Wałęsa's victory and Mazowiecki's defeat in the presidential election led to a minority government under Jan Krzysztof Bielecki from January 1991 up to the first fully competitive parliamentary election of October 1991. That election generated a highly fragmented parliament incapable of sustaining durable government. Jan Olszewski's clerically oriented coalition fell on a vote of no confidence in June 1992. The new prime minister Waldemar Pawlak, leader of the Polish Peasant Party (PSL), failed to form a government. Hanna Suchocka's seven-party coalition of 'Solidarity parties' survived for ten months but fell on a vote of no confidence in May 1993. The first period of Solidarity's tenure at the helm of Polish politics came to an end with the election of September 1993, when the Solidarity parties suffered a massive defeat.

From October 1993 to September 1997 the communist successor parties, the Social Democrats and the PSL, formed a majority coalition. Opposition was weak, not least because most self-styled right-wing parties and the Solidarity trade union were excluded from the *Sejm* (the lower house), having failed to cross the new electoral threshold. Yet the new coalition was beset with internal conflicts, magnified by President Wałęsa's hostile, obstructionist stance. Twice the coalition was reshaped under a new prime minister: Pawlak gave way to Józef Oleksy in March 1995 and after a spy scandal replete with accusations against the prime minister, Oleksy yielded to Włodzimierz Cimoszewicz in February 1996. The government found its position somewhat easier after the election of social democrat Aleksander Kwaśniewski to the presidency in December 1995, but severe tensions remained between the coalition partners. Kwaśniewski's election also marked a rapid polarization of Polish politics between the Left Democratic Alliance of the Social Democrats and Solidarity's new Solidarity Election Action (*Akcja Wyborcza Solidarność*, AWS). Although the Social Democrats increased their vote substantially in the 1997 election, AWS won a sweeping victory on an anti-communist platform stressing Catholic values and social doctrine. From November 1997 Solidarity Election Action led a coalition government with the Mazowiecki–Balcerowicz Freedom Union (*Unia Wolności*) under AWS premier Jerzy Buzek.

The development of the media thus occurred in a highly charged political atmosphere. The media reflected and often enhanced political divisions. Unsurprisingly, politicians saw them as a potent political resource and a weapon against their opponents. Much of the press was highly partisan and successive governments strove to maximize their influence on

the broadcasting media. Yet overall the media fulfilled the functions of investigating, informing and educating both the elites and the attentive public.

The Media after 1989

The Press

Communist Party control of the Polish press weakened substantially in the 1970s after earlier bouts of periodic liberalization, with another hiatus of increased central direction during martial law (1981–83).[3] The gathering strength of the underground press provided alternative sources of information not only on current politics but also on key events in Polish history and access to literary works frowned on by the regime. Blatant propaganda diminished in the officially sanctioned press as did the obligatory nods in the direction of Marxism-Leninism. Specialist journals of limited circulation were more or less left alone by the censor and, equally important, the Press Department of the Party's Central Committee. Access to Western newspapers and journals also became easier in the large cities. In these respects Poland resembled Hungary. In both the pluralism of media expression and the scope of permitted debate created a qualitatively different situation from that in the Soviet Union and other members of the Warsaw Pact; from the mid-1980s Soviet *glasnost* enhanced and legitimized this liberalism.[4] The independent Catholic press in Poland, albeit constrained by censorship and the central allocation of paper, remained without parallel elsewhere. Television was more tightly controlled, especially its news and information programmes; but it attracted large audiences with high quality Polish drama and Western films, soaps and documentaries.

As a result of Round Table negotiations between government and Solidarity in 1989, the independent trade union regained its legal status and gained some limited access to radio and television. Mistrustful of the official press, Solidarity created its own; this was possible because restrictions on private economic activity had been relaxed, and it was sanctioned by explicit decisions of the Round Table. The first issue of Solidarity's newspaper *Gazeta Wyborcza* (*Election Gazette*) on 8 May 1989 under the editorship of the prominent dissident Adam Michnik assumed a symbolic importance of massive dimensions; *Gazeta* rapidly became (and remained) the most widely read of all Polish dailies. Following Solidarity's electoral victory in June and its assumption of a dominant role in a Grand Coalition under Tadeusz Mazowiecki, two sets of factors influenced developments, particularly of the print media.

First, prior censorship by the Central Bureau for the Control of the Press and Public Performances (*Główny Urząd Kontroli Prasy i Widowisk*) effectively ceased to operate. In its early months *Gazeta Wyborcza* had some battles with the censor, whose stamp was necessary for the printer to start the machines rolling; the Soviet Union and the other fraternal allies proved the most sensitive subject.[5] However, after the installation of the new government the Censor became increasingly irrelevant. By the time Parliament abolished the Bureau in April 1990, it was effectively moribund.

The changed political and economic environment facilitated the emergence of an avalanche of new publications, with over a thousand new titles registered, but no longer licensed by the state, between May and December 1989. The Communist Party's giant conglomerate RSW (*Robotnicza Spółdzielnia Wydawnicza*, Workers' Publishing Co-operative), which had controlled the production, distribution and retail sales of virtually the entire press, effectively lost its monopoly of publishing (the privatization of its distribution arm, Ruch, was announced in 1997). Some of the 'new' press came from the underground, but much was genuinely new. As elsewhere in Eastern Europe, every permutation of political stance found expression, but the new publications filled numerous other gaps in the market, with a proliferation of erotica and soft pornography, the appearance of publications for national minorities, gays and lesbians, vegetarians, computer enthusiasts and the like. Two political weeklies made a particular splash, the serious Poznan-based *Wprost* (*Directly*), modelled on the *Time/Newsweek* format, and the lewd, anti-clerical satirical *Nie* (*No*), edited by the notorious former communist press spokesman Jerzy Urban.

Secondly, the economics of publishing changed virtually overnight as the press now had to compete for readers. Despite economic reforms promoting 'self-financing' in the 1980s, the disappearance of subsidies and the introduction of market prices for paper (December 1989) sent prices up dramatically, while the rise in the general price level resulting from Balcerowicz's 'shock therapy' forced them still higher in the early months of 1990. The Ministry of Culture continued to subsidise certain literary and cultural journals and publications serving the tiny Belorussian and Ukrainian minorities. However, numerous publications folded, among the earliest of which were the Communist Party's own periodicals, including *Życie Partii* (*Party Life*) and *Myśl Marksistowski* (*Marxist Thought*) and finally, with the Party's dissolution, its major theoretical organ, *Nowe Drogi* (*New Roads*). Others transformed themselves more or less successfully, changing their format and layout and seeking advertising revenue, often for the first time. The day of the Communist Party's dissolution, 29 January 1990, saw the final appearance of the previously ubiquitous slogan 'Workers of the World Unite ...' emblazoned under the title of the Party's

national daily *Trybuna Ludu* (*The People's Tribune*, subsequently *The Tribune*) and many of its numerous provincial papers.

Amendments to the Press Law in June 1989 made foreign investment in the media possible, and major international corporations made their appearance. Foreign firms set up new publishing houses, established journals modelled on successes elsewhere, and purchased existing publications, sometimes with Polish partners. Foreign capital was welcome in view of the urgent need for modernization. Foreign ownership increased with the law on the liquidation of RSW in March 1990, followed by the establishment of the RSW Liquidation Commission to oversee the privatization of its remaining 176 newspapers and periodicals. Prime Minister Mazowiecki's critics cited slow progress in disbanding the communist media empire as evidence that he was 'soft on communism' and that a new de-communizing broom (that is, Solidarity leader Lech Wałęsa) was necessary to accelerate the transformation process.

No less than 90 titles were sold by auction to foreign owners or joint stock companies, 72 were given to journalists' co-operatives, and the ownership of the remainder passed to the State Treasury. The French press magnate Robert Hersant 'emerged as the clear victor', purchasing – in partnership with co-operatives and the Solidarity trade union – seven daily papers from RSW and also a share of the former government organ *Rzeczpospolita* (*Republic*)[6] which remained (and remains) the effective paper of record.

Although it aroused anxiety, foreign ownership of the media never reached Hungarian proportions: in Hungary by 1990 70 per cent of the national daily press was owned by foreign firms, leading the state publishing house to repurchase several dailies and weeklies.[7] In Poland the distinctive mechanism of transferring papers free of charge to co-operatives, coupled with the fact that Poland's large population could sustain a greater variety of publications than that of Hungary, allayed concerns of a wholesale foreign takeover. This did not prevent significant controversies over particular newspapers. It also fed anxieties of the xenophobic and clerical right-wing, not only for political reasons but also because of 'threats to national culture', including the 'moral pollution' of Western influence.

The transfer of ownership to labour co-operatives proved still more sensitive. Bearing the hallmarks of Solidarity's long-standing focus on self-management and in the absence of capital for management or labour buy-outs, the RSW law provided that the Liquidation Commission should give preference to co-operatives comprising at least half the staff of a given paper. The 50 per cent requirement paved the way for two competing co-operatives to seek control in a number of cases. Trade unions and the emerging small political parties battled for employee support and/or bid to

purchase the most popular papers. The Solidarity trade union, for example, bought the popular Warsaw evening paper *Express Wieczorny* (*Evening Express*) and *Gazeta Współczesna* (*The Contemporary Gazette*). The National Audit Committee (*Narodowa Izba Kontroli*, NIK) identified 'significant irregularities' in the work of the Commission and accused it of handing over assets to co-operatives lacking the financial resources to continue publication. Indeed, few co-operatives survived as such, some transforming themselves into limited companies immediately following the transfer of ownership, some selling out as financial problems overwhelmed them.[8] According to NIK 45 per cent of co-operatives sold out quickly to private firms.[9] Press ownership formed one aspect of wider allegations about the economic penetration of *'nomenklatura* capitalism', partly because groups of journalists often had links with the Communist Party. When firms associated with members of the old *nomenklatura* bought press titles, they were accused both of using economic power to seek political influence and of laundering ill-gotten gains.

The question of the political colouring of the press was often linked to its ownership. At the end of 1996 five firms controlled 71.6 per cent of the daily newspaper market in Poland.[10] The German Neue Passauer Presse, which bought out Robert Hersant, controlled 12 dailies, with minority holdings in others. The Norwegian firm Orkla Media controlled nine daily papers, including a 51 per cent stake in *Rzeczpospolita*; and the Swiss Jörg Marquard Group four. Tidnigs Marieberg, part of the Bonnier concern, owned 50 per cent of the Media Express Group which published *SuperExpress* and *Express Wieczorny*. The American firm Cox Enterprises had a small share (12.5 per cent) of Agora-Gazeta, publishers of *Gazeta Wyborcza*.

Interference with editorial policy was not reported frequently, but Polish firms were as, if not more likely, to stand accused as their foreign counterparts. Orkla-Media was criticised for political interference in the editorial line of *Słowo Polskie* (*The Polish Word*), the largest newspaper in Lower Silesia (40–50,000 issues daily), and indeed the paper's editor was removed in April 1997. During the 1997 election campaign its German owner was accused of successful pressure on *Dziennik Bałtycki* to withdraw allegations made against President Kwaśniewski. However, *Rzeczpospolita* retained its high reputation; it had early problems with governments rather than with its French or Norwegian owners. Its editor Dariusz Fikus commented that Olszewski's government (1991) thought that *Rzeczpospolita* was 'still a government organ' (as it had still been in 1989–90) whose editor could be carpeted for unfriendly articles,[11] while the Pawlak government (1993–95) made an abortive attempt to renationalize it, as well as exploiting the availability of a free 'government column' for polemics rather than information (as a result, the column was cancelled).[12]

Życie Warszawy (Warsaw Life), associated after 1989 with Mazowiecki and then with more right-wing elements of Solidarity, continued a conservative line after its purchase in 1993 by Sardinian businessman Nicola Grauso. Grauso appeared to lose interest in *ZW* after he failed to win a licence for his illegal television channel Polonia 1, and he aroused criticism on that score.[13] However, when he sold ZW in spring 1996 to Zbigniew Jakubas, head of the firm Multico and owner of *Kurier Lubelski* (*The Lublin Courier*), some 50 journalists left in protest claiming that its purchase was 'part of the government coalition's offensive against the media'.[14] They established a new conservative daily *Życie* (*Life*) which attracted a loyal readership in its early months.

Press ownership thus proved complex and fluid, as the print media changed hands rapidly. The diversity of the press was unquestionable, however. In 1995 despite a general fall in circulation, 63 daily newspapers remained, including strong regional and provincial papers. The major political weeklies survived (though heavily outranked by the popularity of the women's press). In the highly regarded Estymator survey of May 1997 the left-wing *Polityka* and the liberal-centrist *Wprost* jointly occupied eighth place with 5.4 per cent of respondents reading each of them over a six-week period. The scurrilous, gossipy *Nie* followed with five per cent.[15] Specialist publications proved more ephemeral, with large numbers of closures and ownership transfers. The economic press, for example, was far weaker in its penetration than in Hungary and the Czech Republic, both with much smaller populations. The Swiss-owned *CASH* ('the Weekly of the Polish Middle Class') folded in Poland in January 1997 while thriving in its Czech version.[16] The religious press was also in difficulties, with the editor of *Słowo – Dziennik Katolicki* (*The Word – the Catholic Daily*) attributing its closure to perverse Catholics reading *Nie* and *SuperExpress*. Yet the regional press remained strong, and there was a ferment of activity at local level, with vast numbers of small local papers and parish newsletters: in Katowice province in 1997 48 communes had their own papers.[17] By 1997 no organ of the press could be regarded as a government mouthpiece, and the political diversity of the press was unquestionable. Decline in circulation as overall readership fell in line with trends in other European countries was a greater problem than overt political interference.

Broadcasting

The position of the broadcasting media was slower to change and still more controversial. A few commercial radio stations, including the popular Radio Zet, obtained permission to broadcast before June 1991, when Parliament suspended the issuing of broadcasting frequencies pending new legislation. Several draft bills fell foul of the breakdown in the broad parliamentary

consensus after Wałęsa's election to the presidency. From autumn 1991 the Catholic hierarchy also began to express concern about the media, perceived as lacking objectivity and deeply imbued with anti-clericalism. The Church achieved a major success with the broadcasting law of December 1992:[18] after its difficult passage through the *Sejm*, the Senate succeeded in restoring a controversial clause requiring broadcasters to 'respect the religious feelings of their audience and especially to respect the Christian value system' (Art.18, §2).

The law's main thrust was the transformation of state radio and television into public service broadcasting agencies. This was also the case in the Czech Republic (1991), Slovakia (1991) and Hungary (1995), and all four drew on their admiration for the BBC as the epitome of public service broadcasting. The new Polish institutions were also similar to those of their neighbours. The law provided for a National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji*, KRRiTV) of nine persons 'outstandingly knowledgeable and experienced in the sphere of mass communications' (Art.7 §1): four appointed by the *Sejm*, three by the President and two by the Senate for six-year terms, with one-third of the membership renewed every two years. Members were to resign from political parties and from positions of authority in national associations, trade unions, employers' associations or religious organizations. The Council's main task was 'to guard freedom of speech in radio and television, to secure the independence of broadcasters and protect the interests of their audience, and to ensure the open and pluralistic character of broadcasting' (Art.6). The Council controlled the licensing of private radio and television stations on the basis of commitments regarding programming, finance and technical preparedness.

The Council had oversight over the Supervisory Boards of Polish Television and Polish Radio, which each assumed the status of a trading company excluded from certain provisions of commercial law. The rights of their owner, represented by the Finance Minister, were limited to receiving the companies' balance sheets, allocating profits and appointing one member of the Supervisory Boards (the others appointed by the Broadcasting Council).

Immediately, there were strong positive and negative reactions to the law, with many civil libertarians deploring the possibility of any return to censorship.[19] However, the Broadcasting Council did not become 'in effect a censoring agency'.[20] The 'Christian values' clause appeared increasingly irrelevant. Although with the clerical bent of the new 1997 coalition it could assume some political importance, the requirement that the Council's decisions be taken by absolute majority reduced the likelihood of moral intervention.

The Broadcasting Council however remained the object of ceaseless political controversy, as did the arrangements for managing Polish Television. Despite attempts to ensure the expert, non-partisan composition of the Council and to secure its independence, it did not achieve this status in the first years of its operation. In many respects little seemed to have changed. Andrzej Drawicz, a celebrated scholar of Russian literature and Solidarity activist, had assumed the chairmanship of the old State Radio and Television Committee in 1989. Drawicz reported few problems with the Communist Party or its associated trade union but 'the honeymoon with Solidarity was brief': Solidarity tried to assume the former Party role, to behave as 'a sort of political police' and it demanded a voice in the appointment of key personnel.[21] Drawicz's close association with Prime Minister Mazowiecki led to accusations of broadcasting bias and behaviour 'worse than that of the communists' as Solidarity's 'war at the top' intensified between Mazowiecki and Lech Wałęsa. According to Drawicz supporters of Wałęsa's presidential candidacy were not slow to register their discontent and made persistent 'demands for special treatment in reporting the appearances of the accelerator' (that is, Wałęsa).[22]

Successive governments brought frequent changes to the Committee's personnel; but battles to place partisan sympathizers in positions of influence equally characterised the new Broadcasting Council and the Supervisory Board for Polish Television. Between 1993 and 1997 the Council had five chairpersons. President Wałęsa in particular demonstrated his continued determination to secure favourable reportage. The first major upheaval concerned the president's nomination of Solidarity journalist Marek Markiewicz as Chairman in March 1993 and his even more controversial, illegal dismissal of Markiewicz as Chair in 1994. This was only the first instance of dubious presidential actions *vis-à-vis* the Broadcasting Council. Later that year Wałęsa (unsuccessfully) ordered Markiewicz's dismissal (he had remained a Council member) and that of another of his own nominees.[23] In May 1995 in nominating a leading Christian nationalist as Chairman of the Council, Wałęsa refused to obtain the prime minister's counter-signature (required by the Little Constitution of December 1992). Wałęsa's interference never matched the intensity of conflict between president and government of Hungary's 'media war'; but it constituted one element of his relentless search for political resources, especially after the victory of the successor parties in 1993. Yet in October 1994 it was not the government but the opposition Freedom Union (UW) which sponsored a parliamentary 'appeal' to the President, arguing (*inter alia*) that his violation of the Broadcasting Council's independence constituted a source of destabilisation and a danger to Polish democracy.[24]

The Council was contentious in its own right too. Its supposed political

balance led to stalemate rather than efficient dynamism. Its licensing decisions were seen as dubious and lacking transparency. The Council compounded its award of a satellite licence to the controversial firm PolSat in October 1993 by issuing PolSat a terrestrial franchise in January 1994. It stood accused of insufficient research of PolSat's financial position and of relying on Zygmunt Solorz's personal assurances without supporting documentation. For many Solorz, PolSat's owner, was doubly suspect: at the time of the second concession he was wanted by the Austrian police[25] and he enjoyed close links with the Social Democrats.[26] A consortium of other firms complained unsuccessfully to the Supreme Administrative Court over the creation of PolSat's 'new private monopoly', but the Court upheld the legality of the licensing decision. A licence to the elite pay channel CanalPlus (November 1994) also aroused condemnation because expert consultants had advised against the decision. If the Council was damned by its decisions, it was also damned by its indecision and delay.

The management of Polish Television was another area of unceasing criticism, both of the Broadcasting Council and PTV's Supervisory Board. Television audiences were growing rapidly; by 1997 virtually all Poles (99 per cent of households) had access to at least four channels, the two state-owned channels (TVP1 and TVP2), one regional channel and Polsat. About 35 per cent had access to numerous others via cable or satellite, with PolSat 2 and the Luxembourg-based entertainment channel RTL-7 proving the most popular. Poles watched some 3.5 to four hours a day on average (five hours during the Pope's visit in June 1997[27]), mostly concentrated from five o'clock in the evening to ten o'clock.

Modern techniques for monitoring television audiences provided the basis of competition for viewers. After the discovery of 'prime time', programmers vied to provide the most attractive programmes, notably feature films, serials, and light entertainment. News programmes, documentaries, and political speeches and debates also attracted quite large audiences. Viewing figures for May 1997 showed most people watching TVP1 (82.8 per cent had watched it), PolSat (70 per cent) and TVP2 (66.2 per cent).TVP1 still attracted the largest share of evening audiences (7:30 p.m.to 11:00) with 35.8 per cent (spring 1997), but PolSat gained 31.2 per cent and TVP2 17.1 per cent.[28]

Criticisms of Polish Television escalated in 1996 and 1997 as the parliamentary elections of September 1997 approached. They centred on the absence of a coherent strategy for public television, incompetence and financial mismanagement, and undue politicization. *Wprost* referred to the situation as a 'telecatastrophe' and media correspondents and politicians alike spoke freely of the 'crisis' of public television. Although political to its core, the crisis could not be linked straightforwardly to conflicts between

president and government (during Wałeşa's tenure to December 1995) or between government and opposition. We have already seen that Wałeşa was critical of his own appointees to the Broadcasting Council, and his persistent criticism often focused on television coverage of his office.[29] This in turn was partly a reflection of the president's battle on two fronts: against the anti-Wałeşa wing of Solidarity and the equally hostile followers of former prime minister Jan Olszewski and against the Social Democrat-Peasant coalition (from autumn 1993).

Without doubt the arrival of Wiesław Walendziak as head of Polish Television led to huge changes in personnel (the youth and brash confidence of the young arrivals earned them the sobriquet 'pampers' after a brand of disposable nappy) and a visible presence of journalists closely associated with the political right. Jacek Kurski, for example, became a familiar figure to viewers. As spokesman for Olszewski's Movement for Rebuilding Poland (ROP), Kurski was noted for his attacks on the Freedom Union and for suggesting that Solidarity trade union leader Marian Krzaklewski might be aptly described as a 'floppy dame' (*rozlazła baba*) hanging on Wałeşa's lapel.[30] He had also co-edited a diatribe against Waleşa following the fall of Olszewski's government in June 1992.[31] Elżbieta Isakiewicz provided another example; known for her rabid Catholic nationalism, she was a highly partial television presenter. Whether this mattered much is extremely doubtful in one sense: the public was certainly used to political tendentiousness and was quite capable of making their own judgment on the performances.

However, Walendziak came under unrelenting pressure, as politicians monitored their television coverage down to the last second and complained vociferously about inadequate access. He also stood accused of managerial incompetence. Walendziak submitted his resignation at the end of February 1996 on the grounds that he was exhausted by political infighting. The divided Television Supervisory Board did not accept his resignation; but nor did it accede to his demand for the removal of two managers involved in dubious financial arrangements. After Walendziak finally departed, the Audit Commission's report for 1994–96 revealed at best a catalogue of inefficiency and waste, at worst extensive corruption in the awarding of unprofitable contracts, failure to observe internal procedures, losses on sales of films and videos, an incoherent remuneration system, and inconsistencies in financial documentation.[32] If Walendziak had not caused all these failures, neither had he remedied them. Yet the Commission (NIK) itself was regarded as deeply politicized, and *Wprost* attacked *Polityka* for its 'inexcusable attacks' on Walendziak and for publishing a 'wholly uncritical' series of extracts from the draft NIK report.[33]

Walendziak's successor Ryszard Miazek fared little better, though controversy over the political bias of television veered to the left as the more

controversial figures of the right departed. Indeed, by August 1997 the Television Supervisory Board was dominated by members identified with one or other coalition partner, as the two 'opposition fig leaves' resigned in protest. Miazek himself was a politically inspired appointment (associated with the Peasant Party, PSL) and he was not up to the job either. Miazek even lost the support of the PSL, furious at the lack of coverage of Firefighters' Day and the Peasants' Holiday (*Święto Ludowe*) on the evening television News.[34] Even the Broadcasting Council criticised the 'chaos' and 'crisis' in TVP 1.

Allegations of overt political bias continued unabated, with accusations and denials flying fast and furious from all directions. Solidarity's electoral arm AWS threatened to rewrite the broadcasting law to undermine the security of tenure of PTV's 'supervisors' and to require the public media to propagate 'pro-family values' as well as Christian ones. In fact the official figures issued by PTV's management to rebut claims of unfair access did not confirm either set of allegations, though they conveyed nothing of the content of news coverage. In news reporting in May 1997 the Social Democrats (including government ministers) got five minutes 20 seconds, AWS four minutes four seconds, the Freedom Union three minutes 52 seconds, the PSL two minutes 58 seconds, ROP one minute 15 seconds, and the Labour Union (UP) one minute ten seconds.[35]

Politicians may have placed undue stress on the importance of television, but it was easy to see why they were so obsessive about questions of access. Given their general impoverishment, the provision of free access to the media only at election time, and an exaggerated belief in the power of television as a medium of political influence, they saw it as their main means of reaching the public. Their concern was also closely linked to the character of much Polish news reportage, which consisted largely of giving politicians airtime to express their own convictions. The major news programmes included little which could pass for analysis. Indeed, a monitoring exercise by the Broadcasting Council (4–10 September 1996) found 'errors' in ten per cent of TVP's reports in its three major news programmes. The most complex issues were handled worst and the viewer received insufficient information to enable independent judgements 'on vital political issues'. Failing to ask pertinent questions was 'passive journalism' and public television risked becoming 'the mouthpiece of politicians'; selecting 'witty or coquettish sound bites' served merely to 'sensationalize and dramatize political events'.[36]

Not surprisingly, television coverage of elections was particularly controversial. Yet even in this sensitive arena a marked improvement was evident. In 1991 journalists shied away completely from election comment, leaving the voters to the mercies of the parties' own rather dreadful

propaganda efforts. In 1993 television was similarly unadventurous, with relatively little analysis or debate. One commentator viewed the campaign on state television as 'so sluggish as to be almost invisible'.[37] By the presidential election of 1995 however the situation had changed, with far greater provision of opportunities for debate and hard searching of candidates. Partisan questioning by biased journalists was evident, but by and large the respective sympathizers had similar opportunities to grill opposing candidates. Ironically perhaps private channels displayed less tendentiousness than the public sector. Progress was not linear, however. The referendum campaign was a television disaster. However, state television did quite well during the 1997 parliamentary election, when journalists facing politicians appeared rather more successful in curbing their partisan zeal. None the less, political parties submitted bitter complaints to the Broadcasting Council; at least some of which, it must be acknowledged, were well founded.[38]

If Polish Television was in a state of permanent flux and the subject of bitter polemics and acrimonious conflict, Polish Radio escaped largely unscathed. Partly this was because it adhered seriously to its complex public service brief, partly because of the diversity of alternative radio. The first commercial station, Radio Zet, offered a combination of serious political broadcasting, popular music and middlebrow entertainment. It grew rapidly, leading the radio rankings with 28.7 per cent in mid-1997 (Polish Radio's First Programme had 27.4 per cent, RMF FM 26.2 per cent and the Catholic Radio Maryja nine per cent).[39] Polish Radio retained considerable cultural importance for its associated orchestras and its long-standing support of concerts, music festivals and competitions. The main bone of contention was the Broadcasting Council's failure to provide frequencies enabling it to reach the entire country, while handing out desirable frequencies willy-nilly to commercial firms with few public service obligations.

The most interesting development in the field of radio was the rise of Radio Maryja, a specifically Polish cultural, spiritual, social and political phenomenon. Initiated in 1991 and financed mainly by listeners' donations, Radio Maryja reached about 40 per cent of the population by 1997 and had a faithful audience of some five million.[40] Its listeners were distinctive in listening longer each day than other radio listeners and only to Radio Maryja. Its diet of religious homily and nationalist rhetoric not only inspired committed listeners but also mobilized political and social activism. Its guiding force, Father Rydzyk, was a controversial figure and a frequent source of embarrassment to the Church hierarchy, not least because of his anti-Semitism – the Episcopate had 'considerable reservations, especially over the use of ... unChristian and dishonest language'[41] – but his ability to inspire his audience was not in doubt. Radio Maryja generated a deep

response in the traditional Catholic element of society. Its strident calls to political action met with massive enthusiasm and it took a stand on key political events: urging listeners to vote for Lech Wałęsa, to protest to the State Election Committee over Kwaśniewski's electoral victory, to join anti-pornography campaigns, to picket parliamentary deputies who supported liberalization of the abortion law, to contribute funds to save the Gdańsk Shipyard from liquidation, to vote 'no' in the constitutional referendum, to vote for Christian candidates in the 1997 election, and to support RM itself: Radio Maryja mobilized some 600,000 letters to the National Broadcasting Council demanding the allocation of a frequency to reach Silesia; it also persuaded many listeners to transfer their privatization shares to its coffers. Its social arm was 'Families of Radio Maryja', a loose social movement based on the parish. 200,000 people took part in a 'pilgrimage of the Families' in August 1996 and despite its lack of formal organization, membership or statute, 600 bureaux functioned in almost half the parishes reached by RM.[42] In September 1997 20 deputies entered parliament with the endorsement of Radio Maryja.

Civil Liberties and Media Regulation

If the broadcasting law was the key piece of legislation in the period 1989–97, numerous other statutes (or their absence) were also relevant to the media's role in the democratization process. Freedom of the press requires safeguards for journalists but also constraints on their actions. Constraints are always controversial; they may result from broader issues of freedom of expression (the question of a right to reply, prohibition of incitement to ethnic hatred); personal liberties (privacy, redress for defamation, the naming of defendants); or the physical security or moral fabric of society and its state. The 1997 Constitution did not include a specific clause securing press freedom but rather subsumed it under the general right to free expression (though Article 54 explicitly prohibited prior censorship of the media). This is unusual; but rarely outside the United States is the concept of press freedom so libertarian as to equate it with virtual absence of restraint.[43]

There is no 'right to reply' in Poland, although the issue of protecting people from intrusive journalism surfaced in such fora as the Centre for Monitoring Press Freedom. Various proposals were mooted – a British-style Press Council or a Media Ombudsman[44] found favour in some circles – but no consensus emerged. Suits for defamation of character became common, but they were used largely by politicians and journalists themselves rather than by 'ordinary', non-political citizens. It is difficult to judge the impact on investigative journalism, since most cases appeared to involve insulting

epithets rather than matters of serious public interest. However, the editors of *Gazeta Wyborcza* were vindicated from accusations that they had set it up with Solidarity's money and then lined their own pockets with the proceeds, and litigants against *GW* lost a case involving allegations of police corruption in Pozna. However, Polish libel law is explicitly biased against the media, with a view 'more sensitive to reputation than to freedom of speech ...'.[45] Since the police do not automatically follow up implications of wrong-doing suggested by media reports, the two factors together could discourage investigative reporting.

Polish journalists came into conflict with the state over the issues of official secrets and protection of their sources. Only one, the notorious Jerzy Urban, was convicted (February 1996), for publishing in *Nie* in 1992 copies of documents dating from 1958; they confirmed the collaboration with the security services of the former director of the Polish section of Radio Free Europe.[46] In September 1994 the *Sejm* passed a draconian law listing more wide-ranging categories of secrecy than those adopted during martial law[47] and providing penalties of up to ten-years imprisonment for journalists, even when revealing matters of public interest. The ensuing storm of protest led to a sudden about-face by the Social Democrats, and the Senate roundly rejected the law.[48] Thus at the beginning of 1998 this important area was still subject to 'communist law'. Nor had progress been made on a new Press Law.

The ruling coalition proceeded cautiously during the Oleksy Affair, which saw its own then prime minister (inconclusively) accused of spying for Russia. From December 1995 the press rushed to provide further details on the basis of an avalanche of confidential leaks which further called into question the role and political orientation of the security services. The media appeared to be not at all intimidated even after Urban's conviction and a series of unexplained attacks on *Wprost* journalist Jerzy Mac. Indeed, the Procuracy dropped charges against two *Życie Warszawy* journalists for publishing a secret 'Oleksy' document after they refused to testify. This was clearly a political decision: the (1984) Press Law broadly guaranteed confidentiality of journalists' sources, but not for spying, treason or homicide.

The new Penal Code reached the end of its long legislative process in mid-1997. It contained two relevant sections: first, the Court may release journalists from the requirements of professional secrecy 'when that is essential in the cause of justice'; the second specifies imprisonment from three months to five years for revelation of official secrets (still undefined by new legislation). The need for a new Press Law, Law on Official Secrecy, and Code of Criminal Procedure (expected to incorporate qualified privilege for doctors, lawyers and journalists)[49] was keenly felt by

journalists who saw the existing situation as a serious potential threat to their independence.[50] On the other hand, the overt party-political activities of many journalists and/or their association with highly partisan papers or television programmes made it more difficult for the profession to escape its communist legacy of (partial) subservience and redefine itself as genuinely independent.

Public Order and Morals

The 1977 Constitution envisaged the circumscribing of civil liberties in the democratic state 'when and only when necessary for its security or public order, whether for the protection of the environment, health or public morals or for securing the rights and freedoms of other persons' (Art.31 §3). There were no signs after 1989 of precedents for such restrictions in relation to the media. Urban's 1991 acquittal for disseminating 'pornography' demonstrated the reluctance of the courts to venture into this charged area. No prosecution of pornography was successful up to 1997, despite church-inspired campaigns to force the procuracy to take action.[51] This seemed unlikely to change, since the new Penal Code removed almost all anti-pornography provisions.[52] Nor were media organs prosecuted for incitement to racial or ethnic hatred, despite potential candidates among the fringe press (comparable to the Czech Republic's anti-Semitic *Politika,* which was banned in 1994) and Radio Maryja with its vituperative anti-Semitism. The political fallout clearly did not seem worth the candle.

Democratization and the Media

Many developments reported here have their counterparts in other post-communist countries. Appointment and dismissal of media personnel provided a spectacle of political infighting almost everywhere. Privatization was difficult and links between politicians and media owners were commonplace. Allocation of radio and television frequencies caused political storms. No country escaped allegations of political bias of state broadcasting media. Foreign investment generated anxiety. The process of legal regulation remained incomplete. Yet in Poland, as in Hungary and the Czech Republic, these developments showed crosscurrents and counter-tendencies; they did not all work in the same direction, whether to generate a cohesive political economy of the media[53] or a consistent pattern of neo-authoritarianism. Governments sought advantage in their continuing domination of the broadcast media, but governments changed hands in Poland and Hungary and were bound to do so again. Indirect methods of influence replaced direct political control. By contrast in the fourth Visegrad country, Slovakia, Vladimir Mečiar effectively dominated the political

scene for most of the period from 1989–97 and his government 'increasingly sought to stifle and control the media'.[54] While not wholly lacking tendencies to media diversification and pluralisation, Slovakia saw a more persistent and uni-directional authoritarianism, in regard to the media and more generally. Meciar dismissed 17 of the 18 members of the state broadcasting councils (November 1994) and over six years Slovak state television (STV) had nine directors and six senior editors of the main news programmes in quick succession.[55] Programming became more pro-government, more 'Slovak', and less accessible to the opposition to the point where STV could be described as 'a government mouthpiece'.[56]

Mečiar's party, the Movement for Democratic Slovakia (HZDS), owned and subsidised part of the press, such as the nationalist pro-government Slovak daily *Slovenská Republica*, while TV Dolina and TV Markíza and the national cable channel VTV were also said to have strong links to the party.[57] Journalists assumed political functions such that the 'overlap between state functions and media functions has in some instances become extreme, and is not limited to the state-run media'.[58] It was the cumulative effect of such developments and the wider political context in which they operated that distinguished Slovakia from its close neighbours. Yet even in Slovakia one would be hard pressed to deny the extent of media transformation; the fact that Mečiar's actions have not gone uncontested is itself an indicator of profound change.

Unsurprisingly then, media developments in the first post-communist decade displayed both strong similarities and culturally specific particularities. In Poland the print media from 1954 onwards were a significant indicator of liberalization and provided a mirror of change as well as constituting an agent of change, whether above or below ground. After 1989 the process intensified and extended to the broadcasting media. The media's role in democratization is impossible to disentangle from other factors working in the same direction, but their atmospheric qualities, agenda-setting potential, ability to call government to account, and provision of opportunities for multi-faceted debate make their role considerable. At its best the Polish press fosters democratic ideals, informs, analyses and reveals corruption and undemocratic practices; is interesting, erudite and enlightening. At its worst the press undermines democratic ideals by preaching intolerance and conformity, attacking or supporting government regardless of merit; it is tendentious, intolerant, parochial, ill informed and distasteful. Television by contrast remained less diverse. State television largely failed to come to terms with its public service remit and its political coverage was uninspiring, though election coverage improved significantly. Some commercial stations provided some counterbalance (often as controversial, as when PolSat showed a film favourable to

Kwaśniewski during the 1995 presidential election). The notion of an independent expert Council overseeing the broadcasting media also seemed utopian, especially given the polarization of the political scene after 1995. With both highly imperfect, a continuing state sector enabled resistance to some of the pressures of commercialisation, while the commercial sector mitigated the pressures of political bias of state broadcasting.

NOTES

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2. See, for example, Steve Kettle, 'The Development of the Czech Media since the Fall of Communism', *The Journal of Communist Politics and Transition Studies*, Vol.12, No.4 (1996), pp.42–60; Frank Kaplan, 'Changes in the Czechoslovak and Czech Mass Media since 1989: An U.S. Perspective', *East European Quarterly*, Vol.XXX, No.1 (1996), pp.115–29.
3. A. Remmer, 'A Note on Post-Publication Censorship in Poland', *Soviet Studies*, Vol.XLI, No.3 (1989), pp.415–25.
4. Kovats and Whiting, 'Hungary', pp.103–6; Karol Jakubowicz, 'Poland', in D. Paletz, K. Jakubowicz and P. Novosel (eds.), *Glasnost and After: Media and Change in Central and Eastern Europe* (New York: Hampton Press, 1995), pp.133–4.
5. Ernest Skalski, 'Pięciolecie Gazety Wyborczej', in Alina Słomkowska (ed.), *Pięciolecie Transformacji Mediów (1989–1994)* (Warsaw: Dom Wydawniczy Elipsa, 1995), p.340.
6. Zbigniew Bajka, 'Kapital zagraniczny w polskich mediach', in Alina Słomkowska (ed.), *Pięciolecie Transformacji Mediów (1989–1994)* (Warsaw: Dom Wydawniczy Elipsa, 1995), p.97.
7. Agnes Gulyás, 'Media and Politics in the Transformation Period: the Case of Hungary', paper presented to the Political Studies Association Specialist Conference, South Bank University, 8 Feb. 1997, pp.9–10.
8. Elżbieta Ciborska, 'Pięciolecie transformacji prasy postpezetpeerowskiej (1989–1994)', in Alina Słomkowska (ed.), *Pięciolecie Transformacji Mediów (1989–1994)* (Warsaw: Dom Wydawniczy Elipsa, 1995), p.197.
9. *Rzeczpospolita* No.182, 3 Aug. 1992; Piotr Skórzynski, 'Smutna twarz mediów', *Lad*, No.4 (23 Jan. 1994).
10. Mieczyslaw Prószyński, '50 milionów czytelników czasopism', *Rzeczpospolita* No.296 (20 Dec. 1996); this is comparable to the 70 per cent cited by Tomasz Goban-Klas, 'Politics versus the Media in Poland: A Game without Rules', *The Journal of Communist Studies and Transition Politics*, Vol.12, No.4 (1996), p.27.
11. Dariusz Fikus, 'Od Sztandaru Młodych do Rzeczpospolitej', in Alina Słomkowska (ed.), *Pięciolecie Transformacji Mediów (1989–1994)* (Warsaw: Dom Wydawniczy Elipsa, 1995), p.157.
12. Dariusz Fikus, 'Dlaczego nie chcemy kolumny rządowej', *Rzeczpospolita*, No.37 (13 Feb. 1995).
13. Joanna Kraszewska-Ey and Mariusz Janicki, 'W papierowym walcu', *Polityka*, No.5 (4 Feb. 1995).
14. Grzegorz Sieczkowski and Anita Blaszczak, 'Przeciek sterowany', *Rzeczpospolita*, No.207 (5 Sept. 1996).
15. Jerzy Baczynski, 'Co się czyta', *Polityka*, No.24 (14 June 1997).
16. Adam Grzeszak, 'Tytuły na straty', *Polityka*, No.5 (1 Feb. 1997).
17. Barbara Cieszewska, 'Jeden przeciw wszystkim', *Rzeczpospolita*, No.278 (29 Nov. 1996).

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19. Father Adam Boniecki, 'O Katolickiej cenzurze i wartościach chrzescijańskich', *Tygodnik Powszechny*, No.4 (24 Jan. 1993); see also M. Pęczak, 'Swoboda i dyktat', *Polityka*, No.7 (13 Feb. 1993).
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21. Andrzej Drawicz, 'Byłem prezesem TVP', *Polityka*, No.19 (13 May 1995).
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24. *Rzeczpospolita*, No. 239 (13 Oct. 1994).
25. Beata Modrzejewska and Anna Wielopolska, 'Organ pod własnym nadzorem', *Rzeczpospolita*, No.97 (25 April 1995).
26. Sieczkowski and Blaszczak.
27. *Rzeczpospolita*, No.140 (18 June 1997).
28. Mirosław Pęczak, 'Polak przed ekranem', *Polityka*, No.25 (21 June 1997).
29. Mirosław Pęczak, 'Czyja telewizja?' *Polityka*, No.21 (21 May 1994).
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34. *Gazeta Wyborcza*, No.135 (12 June 1997).
35. Ibid.
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37. J. Mac, 'Telewizja wyborcza', *Wprost*, No.37 (12 Sept. 1993).
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39. Baczyński, op. cit.
40. Bogusław Mazur, 'Polska Partia Rydzyka', *Wprost*, No.19 (11 May 1997).
41. Bishop Tadeusz Pieronek, quoted in Maciej Luczak, 'Holding Maryja', *Wprost*, No.14 (6 April 1997).
42. Małgorzata Subotic, 'Alleluja! - i do przodu', *Rzeczpospolita*, No.113 (16 May 1997).
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44. Grzegorz Sieczkowski, 'Inicjatywa w rękach dziennikarzy', *Rzeczpospolita*, No.276 (27 Nov. 1996).
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58. Školkay, p.77.