POLAND: TELEVISION: WHAT MIX OF CONTINUITY AND CHANGE?

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Introduction

It is now commonplace to say, as does Rychard (1993), that the paradigm of "transition to market and democracy" often applied to the process of transformation in Central and Eastern Europe, can at best be regarded as its ideological rationalisation rather than accurate description, with the actual process of change often leading in directions far removed from that normative state. Even where the general direction corresponds to it, progress is erratic and falls far short of what was (perhaps unrealistically) expected.

The process of fundamental, systemic transformation in Central and Eastern Europe has taken three main forms:

- a "top-down" revolution, decreed and managed from above;
- an implosion, involving a collapse of all or most institutions and general disintegration of the state;
- an evolutionary change, involving formal and symbolic continuity with the past while gradual change of the socio-political context gives old institutions new meaning and new patterns of functioning (Staniszkis 1994).

The Polish case can be described as one of a top-down revolution, with all the tensions this implies, especially since it is proving less effective and thorough-going than expected. Describing the situation in the early post-1989 period, Frączak writes:

> *Change is promoted in a top-down manner, without the assistance and sometimes even without the consent of social forces, while at the same time grassroots initiatives are blocked in a more or less overt fashion. [This] seems to be the worst way possible [as it] not only impedes the development of a required social infrastructure, and so provokes the tendency to adopt more and more undemocratic procedures on the part of the administration, but also generates a long-term conflict involving the state and its agencies (Frączak 1992, 36).*

There were a number of reasons for this. The Solidarity-led government which took over power in Poland in 1989 was the first

non-communist government in Central and Eastern Europe, surrounded by the entire Communist bloc which looked as if it would continue in existence for quite a long time yet. The government (which included in key positions the people who had introduced martial law) cohabited with General Wojciech Jaruzelski (the last Communist leader of Poland) as President of the country. It inherited from former times a civil service, army and police which — while they could be vetted so as to weed out people on whose loyalty the new government could not rely — had to remain largely unchanged (for lack of other, properly trained and qualified people who could replace them). And finally, it was preparing to administer shock therapy in the economy, which had to be very painful and provoke popular dissatisfaction.

Given these circumstances, it was perhaps inevitable that the government decided on that course of action. The very same dissident and opposition leaders who had insisted that Communist regimes accept, or reconcile themselves to, the development of civil society which "would populate the wilderness separating the individual from the [Communist] state" (Smolar 1991, 15), "now — after they had gained power — abandoned that language in favour of the classic concerns for the state and the market" (Smolar 1993, 40). They argued as early as in 1989 that the development of a full-fledged party system would be premature and that society should remain as united in facing the new challenges as it was in resisting the Communist system. Therefore, they hoped to maintain Solidarity as a mass social movement providing a focus for popular backing for the process of transformation and delay as much as possible the emergence of political parties, with all the political differentiation and power struggles that would bring in its wake. That policy involved effectively stifling some of the grassroots movements (such as the "civic committees" created to conduct the Solidarity election campaign of Spring 1989) which could have provided a foundation for the emergence of civil society.

That approach was less democratic than might have been hoped. It was also doomed to failure insofar as the preservation of unity was concerned. While society had been united in the face of the common enemy, that unity could not be sustained once that enemy was gone (Synak 1992). The differences which were once artificially suppressed both by the efforts of the Communist state to create an appearance of united support for the regime, and by the special circumstances of resistance to it, now exploded into an infinite variety of political parties (some 270 today). In response to these politics of artificial unity, Lech Wałęsa (who had meanwhile been left out in the cold as the leader of Solidarity which was committed to supporting "our" government) launched "war at the top" in order to accelerate the birth of new parties and put an end to the situation which was a product of "contractual" (rather than real) democracy (Wiatr 1993), resulting in the political contract between Solidarity and the Communist authorities arrived at during the Round Table Conference of Spring 1989.

All that set the stage for bitter political conflicts which continue to rage today and compounded the already acute ideological confusion of Polish society, seeking to redefine its political identity and to find answers to the intractable problems of the transition period. As a result, what emerged was not civil society but "a political society," where in 1993

a fractious parliament feuding with the president and with itself, finally forced the former to dissolve the assembly in June 1993; important pieces of legislation [are] neglected or postponed ... The population at large was being polarised by at least two major politically laden issues: "decommunisation" and policy concerning abortion and religious instruction in public schools" (Korbonski 1994, 225).

In another comment on the situation in Poland in 1993, Curry (1994, 239) points out that there has been

a confusion and collapse of ideological or programmatic lines ... there is no real common ground between or among groups. Workers oppose the current economic policy, the Church, and the communist party, for instance. Parties that oppose the current economic policy come from the religious right and from parts of the society associated with the former communist party. As a result, workers (and others) find themselves without a clear sense of who really represents their basic interests. Nationalism holds to the old "them vs. us" framework but does not satisfy the real policy needs of the population.

These comments largely retain their validity in 1995 which in any case is proving additionally divisive, given that it is the year of a presidential election. A long drawn-out campaign, which the incumbent President, Lech Wałęsa, and some right-wing candidates have invested with all the earmarks of an anti-Communist crusade, is serving to exacerbate the instability and volatility of the political system.

Meanwhile, fundamental ideological and political choices still have to be made by society at large. Seeking to analyse the political identities of the parties which contested the 1991 general election, Wiatr (1993) has pointed out that they existed in a "three-dimensional space" in which differences among them could be measured by their placement on three continua:

Figure I: Major Policy Continua During the 1991 General Election

Strongly monetarist	———	Anti-monetarist, pro-state interventionism
Secularism	———	Religious and moral fundamentalism
Against	De-communisation [1] ———	For

By the time of the 1993 general election, the list of ideological and political orientations represented by parties contesting the election and therefore of choices faced by the voters was more extensive. Five sets of issues were particularly important:

1. Attitudes to the Communist legacy, now being redefined as attitudes for or against de-communisation;
2. Attitudes to market reforms, privatisation and an inegalitarian social and welfare policy;
3. The issue of the role of the Church in society (with the Church itself and Catholic-oriented parties growing in importance);

4. The issue of a strong vs. a weak presidency, revolving around the role of Lech Wałęsa in the country's public life;
5. The issue of integration with Europe vs. the defence of traditional values.

Żukowski (1993) offers an extended catalogue of the range of choices facing Polish voters after 1989. When combined with Wiatr's continua, it could be shown as in Figure 2.

Figure 2: Polish Election Dilemmas in 1993

ACCEPT COMMUNIST PAST (LUSTRATION: NO)	SUPPORT SOLIDARITY (GOVERNMENTS)
ANTI-MONETARISM MARKET (LUSTRATION: YES [2])	MONETARISM REJECT FREE PRO-FREE MARKET
DEFEND TRADITIONAL&RELIGIOUS (FUNDAMENTALISM)	SUPPORT EUROPEAN VALUES INTEGRATION (SECULARISM)

All this shows that society and its political representations were and remain divided on some fundamental issues (for an account of political choices facing the Polish electorate in successive general and presidential elections between 1989 and 1993 see Jakubowicz, forthcoming a) which need to be resolved before some degree of social consensus can be achieved. The polarisation of society, lending particular intensity, bitterness and rancour to debates and conflicts concerning the directions of political change, was reflected also in the fact that changes in social consciousness in the early 1990s among certain social strata (the uneducated, unemployed, elderly, etc.) ran counter to changes of the social system, foreshadowing "the velvet restoration" of post-Communist parties in consequence of the 1993 general election:

Figure 3: Directions of Change in Social Consciousness 1991-1992

Views and Attitudes Required by *Social Change*	**Views and Attitudes Gaining in *Popularity***
Right-wing views	Left-wing views
Individualism	Collectivism
Democracy	Authoritarian views

Source: Reykowski 1993.

From our point of view, the three most important characteristics of the situation in such a political society are:

- the fundamental instability of the political system whereby practically every party has a weak and unstable constituency and no branch of government or State power enjoys the authority and credibility needed to get on with its work with long-term vision and in conditions of relative stability; both are concerned above all with the

results of an incessant power struggle they are involved in to carve out a secure place for themselves in the new order of things which is still taking shape;
- the tendency of all forces in power to seek to dominate all institutions of public life in order to consolidate their position;
- the resulting immediate and intense politicisation of every issue and practically every actor of public life (either voluntary, or involuntary, imposed by other actors).

Such circumstances are hardly propitious for the emergence of an independent public sphere or indeed a civil society — a social space relatively free from the encroachments of the state and political power struggles in which the media could operate without being subordinated to the political interests of one social force or another. In this connection, Splichal (1994, 30) notes that the revitalisation of civil society is again blocked in Central and Eastern Europe because

> *having overthrown the old undemocratic regimes, (civil society) lost its own autonomy ... Decisions of public consequence are, as they were in the former system, removed from the public, and citizens lose their ability to participate in political processes. The access of oppositional parties and autonomous groups from civil society to national broadcast media and mainstream print media is being limited ... parliamentary mechanisms of party pluralism and formal democracy are considered the only legitimate way to articulate the interests and opinions in "society," while noninstitutional arrangements of civil society are ignore*d.

It must be said in addition that both kinds of politicisation are quite common also in the media; many media owners, publishers, executives and journalists seek to pursue political goals and promote political interests.

Policy Objectives in Media Transformation

Observers of developments in Central and Eastern Europe often hold former dissident leaders, today members of the political elite in their countries, to account for failing to remain true to the noble ideas they proclaimed while in the opposition. Analyses are often conducted to arrive at before-and-after comparisons from this point of views. That is not a very promising path to take, if only because political platforms and principles formulated while in opposition to an authoritarian regime always involve an element of idealism which is difficult to translate into workable action programmes. This idealism is partly a matter of tactics, and partly of the quite understandable conviction that, as Adam Michnik, once a leading Polish dissident, has put it, "it is only in defence of pure ideals that you are prepared to put at risk your life, freedom, health and the happiness of your loved ones" (Michnik *et al.* 1995, 436). In any case, the idealistic programme of democratising the media developed in sketchy form in the 1980s (Jakubowicz 1990), and involving a considerable degree of public regulation and interventionism into media operation to secure that goal, was practically forgotten immediately after the collapse of Communism (Jakubowicz 1994). Other schools of thought regarding media reform appeared, including:
- fear and distrust of all forms of public regulation and interventionism into social life, especially in an area so sensitive as mass communication;

- a free market orientation, arguing that such interventionism is unnecessary since the market mechanism can be relied upon to regulate the media system;
- government unwillingness to yield control of broadcast media.

The emerging shape of the media system shows sings of the influence of all of these forces at work.

It can safely be said that in Poland (as indeed in other Central and Eastern European countries) there is no master plan of media transformation, no overarching vision of future development in the media field, seen in the context of a general social, cultural, economic and technological policy involved in developing Information Society. While there may be awareness of the need to develop such a vision, this has been prevented by:

1. a rear-view mirror syndrome of approaching the media primarily as political institutions;
2. the need to overcome the legacy of the past before a forward-looking approach can be adopted;
3. a traditional approach on the part of the government to economic and technological development;
4. compartmentalisation of media and technological policy between various government and regulatory authorities;
5. lack of sufficiently developed and capitalised private concerns interested in promoting technological development in the media and able to bring pressure to bear on the authorities to develop policies in this area.

Part of the reason for the lack of a general master plan and of confidence that if drawn up, it could be implemented, is the conviction of many social actors that not all the social and political prerequisites for a fully democratic system of broadcasting yet exist in Poland. They know that politicians are not really capable of self-restraint in dealing with the media and will therefore actively seek to control and influence them, which makes mockery of any long-term plans to proceed according to a rationally drawn-up blueprint. In broader terms, these prerequisites include a mature and stable democracy; the existence of a civil society and an independent public sphere; some accepted notion of the public interest and belief that there are institutions, organisations and individuals capable of being guided by it, rather than be narrow party or sectoral interests; based on this belief, trust in, and acceptance of, public regulation of broadcasting to serve the public interest; the emergence of journalistic professionalism based on a notion of public service. Not one of these conditions has been met in Poland, or indeed in other post-Communist countries, and it will take a very long time before they are (Jakubowicz, forthcoming b).

In order to examine media transformation, however, we need at least a minimum set of criteria allowing us to judge what direction it is taking and what progress has been made. One way of developing those criteria in the Central and Eastern European situation (though it unavoidably smacks of the rear-view mirror syndrome mentioned above) is to begin with an analysis of the old media system and to determine what processes of its transformation would produce such qualitative change in terms media liberalisation and democratisation that the old system can safely be pronounced dead.

There is no need here, of course, to belabour the point that in the past the media in

Central and Eastern Europe formed a centralised command system, serving as an extension of the political apparatus and subordinated to its goals. If we accept this, then the minimum set of criteria required to chart progress in media transformation concerns policy objectives to be pursued in eliminating that system.

Manaev (1994) notes that the fundamental process of transition from the totalitarian to a democratic socio-political system should lead from **unity** to **diversity** as the main organising principle of society. Accordingly, genuine transformation of the media's place and role in the social systems of post-Communist countries should, in his opinion, lead to their emancipation or "autonomisation" and redefinition from an instrument of power to a form of interaction of different social groups, turning them into an element of civil society and participatory democracy. He views this process as having the following dimensions:

- **political**: the media become independent thanks to the separation of powers in the process of dismantling the totalitarian/authoritarian system;
- **economic**: the media cut their ties of economic dependence on institutions of power;
- **social**: the media become dependent on their audiences which evolve from passive objects to active subjects of communication;
- **technological**: the media incorporate and apply all the new technologies;
- **professional**: separation of fact and opinion, news and comment, leading to objective depiction of reality in the media.

Policy objectives could be deduced from a description of these trends recognised by the author as necessary for desired change to take place. However, media transformation in many Central and Eastern European countries by no means proceeds in these directions alone. It is perhaps better to apply somewhat different language in defining those policy goals, e.g. that which describes the various, sometimes quite contradictory directions of media change in Western countries in recent decades.

If we leave aside processes such as commercialisation, concentration, globalisation which are promoted by the operation of the market mechanism in the media (and which may not necessarily enhance prospects for media autonomy and a democratic manner of their operation; Sparks and Reading 1994), we must recognise the following processes as fundamental prerequisites of media change in Central and Eastern Europe, leading to the development of a qualitatively new media system:

- **demonopolisation** (which quite naturally also involves elements of decentralisation, specialisation and commercialisation),
- **deregulation and re-regulation** (i.e. withdrawal of the state from managing the media and creation of a proper body of legislation and a regulatory framework),
- **differentiation**, the process whereby the media become "structurally free of directly inhibiting economic, political, solidary, and cultural entanglements" (Alexander 1981, 33), and are no longer "adjuncts to parties, classes, regions, and religious groups" (Alexander 1981, 27). In the sense of disengantlement from state and political structures, differentiation can be both primary (from the Communist political and media system) and secondary, after the collapse of the Communist system (from identification with the new authorities, parties and movements which in many cases sought to subordinate the media to their political aims and use them

instrumentally in a way similar to that which prevailed under the old system);

- **professionalisation** of journalists [3], a corresponding process combining:
  1. "psychological differentiation" (a process by which journalists redefine themselves from propaganda tools or voluntary spokesmen for political interests into media professionals);
  2. raising of professional skills, so that journalists would become providers of competently collected and written information and non-partisan, impartial and neutral interpreters of social reality;
  3. "collective professionalisation" understood as process in which a profession develops a service ideal and develops a code of conduct, a professional organisation dedicated to enforcing it and implementing the service ideal, as well as to protecting the autonomy and standing of the members of the profession (Windahl and Rosengren 1976);
- and a degree of **democratisation**, i.e. all the measures necessary to ensure fair and representative reflection in media content of the full range of views prevalent in society.

Demonopolisation

Broadcasting monopoly was a thing of the past and the private sector was already thriving even before the passage of the Broadcasting Act, due to the emergence of a considerable number of pirate stations.[4] According to available data, in June 1993 there were 55 pirate radio stations and 19 pirate television stations in the country, of which 12 formed "Polonia 1," a network, owned by Nicola Grauso, an Italian media entrepreneur. The stations had originally been local ones, established by a variety of Polish interests. Once Grauso bought them out, he joined them into a network which for most of the day broadcast a mix of old foreign films and series, with little local content. It was served on the advertising market by Publipolska, a subsidiary of Publitalia, a Finivest company, and as the only alternative to Polish Television began after a time to bring in considerable advertising revenues.

In addition, POLSAT, a satellite channel owned by a Polish company but uplinked from Holland, was gaining in popularity among cable television subscribers.

The first licensing process was launched by the National Broadcasting Council (the newly created broadcasting regulatory authority) in June 1993. The Council initially thought in terms of promoting the growth of regional and local television, to assist the systemic change after decades of central television, but eventually decided to begin by licensing a national commercial channel to provide competition for Polish Television.

Poland being practically the last relatively large European television market without a national commercial television channel, the list of applicants for that licence included an illustrious roster of global and European media corporations.[5] That in itself made the choice very difficult. But what greatly compounded the difficulty were the political implications of the fact that because of a frequency shortage[6] it was to be the only national commercial television licence to be awarded in the foreseeable future. That raised the stakes for everyone involved. Polish politicians had their preferences as to which bidder should get the licence. In addition, some foreign investors sought to hedge their bets by choosing for their partners[7] Polish companies and individuals with connections to various political forces.

In the event, the licence went to POLSAT, a company owned and managed by people with some connections to left-wing parties then in power. POLSAT was at that time the only legal Polish television broadcaster which has demonstrated the ability to put together a television service. Its choice was also explained by reference to its purely Polish ownership, as a way of promoting Polish capital. However, one can assume that though the National Broadcasting Council was determinedly neutral and apolitical at that time, part of the reason for that choice was that it needed political allies because it was already under pressure from the President. But having chosen an applicant other than that favoured by the President, if found itself in even greater difficulty, with consequences which largely wrecked its chances of doing its work properly and undermined its credibility (see below).

As if to complement the choice of POLSAT, the Council announced at the same time that it would licence Polska Korporacja Telewizyjna, the company involving Canal Plus. This was meant as a signal that the Council was not unfavourably predisposed to foreign capital. The company, known as Kana[3] Plus Polska, was awarded 14 frequencies in major Polish cities to operate a service set up along the same lines as the original Canal Plus in France.

Because of the way politics interfered with its work, it was only in early 1995 that the Council completed the first round of licensing. It awarded another licence to a supraregional terrestrial network (Telewizja Wisła, with nine frequencies spread across the south of Poland) and 11 licences for local television stations

Meanwhile, the Polonia 1 network was liquidated. Its application for a licence was turned down in part because it violated the provision that foreign capital must not account for more than 33 per cent of the stock (the ownership and capital structure of the network was dominated by its Italian owner). In August 1994, the stations were closed down for violating the ban on pirate broadcasting.

POLSAT, Kanał Plus Polska and a few other stations are already broadcasting. As for the other stations, lack of capital, transmitting capacity and staff, combined with the inexperience of the new owners and unrealistic expectations of quick profits, have either prolonged the start-up period or brought some stations to near-bankruptcy in a very short time (Hendler 1995).

In May 1995, a new licensing process was launched. Out of the 233 applicants, 50 have applied for television licences. The National Broadcasting Council will probably licence two more supraregional television networks in Central and Northern Poland (and may allow them to co-operate in some areas, such as advertising, with a view to their potential merger). It will consider applications from existing television stations for more frequencies and may additionally licence some more local stations, though only if there is any realistic chance that they can survive in a competitive marketplace.

So, formally speaking, demonopolisation is a fact of life. However, because of the frequency shortage even POLSAT still does not have national reach. It needs to receive more frequencies and install new transmitters before it can challenge Polish Television in terms of geographical reach. So, in real terms, six years after the collapse of the Communist system, the television scene is still dominated by Polish Television.[8] While in 1989-1990 it was suffering from a severe financial crisis (even taking out bank loans to meet the payroll), with the take-off of advertising it was uniquely placed to provide

the only true vehicle for national advertising (most of the advertising money came in from foreign companies seeking to become established on the Polish market and interested only in reaching the whole population). The delay in passing the Broadcasting Act, the elimination of Polonia 1 as a competitor for advertising and the relatively slow emergence of POLSAT as a national broadcaster has given Polish Television time to reap an enormous advertising harvest.

Deregulation and Re-regulation

The first Solidarity governments of 1989-1992 generally adopted a reserved attitude to the idea of the withdrawal of the state from broadcasting. Having liberalised (and therefore "lost") the print media, they felt they needed Polish Radio and Television (the state broadcasting organisation still operating under the 1960 Broadcasting Act, defining it as a monopolistic government-controlled broadcaster) as a channel for communicating with the population. Opposition parties protested against lack of deregulation and paid lip service to the need to turn PRTV into a public-service broadcaster, but in fact hoped to inherit control of it once they got into power.

In these circumstances, work on the new Broadcasting Act proceeded slowly. Governments sought to retain as much control of the proposed new public service broadcasting system as they could.[9] At the same time, there was a running battle between both chambers of Parliament and the President for control of the new regulatory body, the National Broadcasting Council. It was to be composed of nine members (originally, both chambers of parliament and the President were to appoint three members each, but later that was changed somewhat), with the Chairman to be appointed by the President. While it was accepted that the Cabinet should not appoint any members, one of the post-1989 governments did seek to enlarge the proposed Council to 12 members, with an additional three members to be appointed by the Cabinet. With relations between the two chambers of parliament and between them and the President still unresolved, the battle between them for relative degrees of direct or indirect influence over the Council continued for a few years. In the event, the President retained his power to appoint the Chairman (though it was also proposed that the Chairman should be elected from among the members), but a proposed clause that the Council should generally remain within "the care of the President" was removed from the final version of the Act.

When the Broadcasting Act was finally adopted in December 1992, it advanced the process of deregulation considerably. It abolished state monopoly of broadcasting, turned the former state broadcasting organisation into a number of public-service broadcasting companies and provided for the creation of the National Broadcasting Council.

The National Broadcasting Council is composed of nine members (with four appointed by the lower house of parliament; two by the upper house; and three by the President of the country who also appoints the Chairman . They are appointed for six year terms (with the terms staggered every two years), with no possibility of serving for a second term. The Council is under an obligation to present an annual report to both houses of Parliament and the President. If the report is rejected by both houses of parliament and this is upheld by the President, then the term of office of the current

Council ends and a new Council is appointed.

As in all post-Communist countries, the Council came under strong political pressure. The POLSAT licence caused a fall from grace so far as the President was concerned. As a result, he dismissed the first chairman (in a way which was later found by the Constitutional Tribunal to be without a legal foundation) and later recalled him and another member from the Council. The President's subsequent moves (appointment of three further chairmen and two new members of the Council) were all designed to subvert its work and subordinate it to his control.

In June 1995 Parliament amended the Broadcasting Act to strip the President of the power to appoint the Council's chairman, and later rejected the President's veto. The President then sent it to the Constitutional Tribunal (ostensibly to test the constitutionality of some other amendments but in reality to delay matters for as long as possible and retain his appointee as chairman during the time of the presidential election campaign preceding the election in late autumn 1995). At the time of writing in August 1995, the matter is still unresolved.

As for Polish Radio and Television, the Act provided for its liquidation as a "state organisational unit" and transformation into 19 wholly state-owned companies (Polish Television, Plc. with its 11 subsidiaries,[10] Polish Radio Plc.. as the company responsible for national public service channels, and 17 regional public service radio companies). Within Polish Television, each of the subsidiaries has been allocated a separate frequency to broadcast a regional service.

Polish Television is a wholly state-owned joint stock company (operating under both the Broadcasting Act and company law). In order to adjust the legal form of the joint stock company to the requirements of public service television, several modifications were introduced into it in the Broadcasting Act. First of all, the "owner," i.e. the State Treasury represented by the Minister of Finance (who legally performs the function of the general meeting of shareholders) has no right to interfere into programming matters. Secondly, "the owner" is not entitled to any dividend or any part of whatever profit the companies may have at the end of the year. The Supervisory Board of nine members is appointed by the National Broadcasting Council, with only 1 member being appointed by the Minister of Finance as his representative on the board. It is the Supervisory Board which in turn appoints the board of management. In this way, public service broadcasters were to be insulated from political pressures and direct political interference. Additionally, the Broadcasting Act provides for the creation within public broadcasting organisations of Programme Councils serving as consultative and advisory bodies whose members are to "represent parliamentary parties and social interests and expectations in regard of programming." The idea was to provide a forum for a debate on programming matters for, among others, representatives of political parties, in the hope of channelling any possible politically-motivated controversies and pressures into those bodies, rather than to have these debates conducted in the public arena.

In Article 21, the Broadcasting Act defines the tasks of public service broadcasters in the following way:

1. The tasks of public radio and television shall include, in particular:

1) production and transmission of national and regional radio and television

programme services,

2) construction and operation of radio and television transmitters and relay stations,

3) transmission of text communications,

4) conducting work on new technologies of production and transmission of radio and television programme services,

5) conducting production, services and commercial activities involved in audio-visual production, including exports and imports,

6) encouragement of artistic, literary, scientific and educational activity,

7) production of educational programmes for people of Polish descent and Poles living abroad.

2. Programme services of public radio and television should:

1) be guided by a sense of responsibility and the need to protect the good name and reputation of public broadcasting,

2) provide reliable information about the whole diversity of developments and processes in Poland and abroad,

3) promote the free formation of citizens' views and of public opinion,

4) enable citizens and their organisations to take part in public life by expressing diversified views and orientations and exercising the right to supervision and social criticism,

5) serve the development of culture, science and education, with special emphasis on Polish intellectual and artistic achievement,

6) respect the Christian system of values, adopting as the basis the universal principles of ethics,

7) serve the strengthening of the family,

8) serve the combating of social pathologies.

As can be seen, these provisions (and especially items 2, 3, 4 of par. 2) seek to situate public service broadcasting in the middle of, and at an equal distance from, all institutions of public life and all segments of society.

In addition to the public and commercial sectors of broadcasting, the Act also contains one or two provisions hinting at the need to make possible the emergence of a third, civic, sector. The need for it was not really acknowledged by legislation, but the emergence Church-owned non-commercial radio stations has helped create an awareness of the need to regulate for the existence of such a sector. The Roman Catholic Church has actually asked the National Broadcasting Council to consider creating a category of "social" (civic) stations operated by denominational and other organisations or communities. This would, however, require amending the Broadcasting Act.

The body of new legislation concerning broadcasting includes, in addition to the new Broadcasting Act, a new telecommunications law (adopted in 1990 and already considerably amended and revised to adjust it to new market and technological realities), and a new copyright law. Re-regulation also consisted in abolishing censorship and its legal underpinnings, as well as in revising the press law to eliminate provisions typical of the Communist media system. There is still no new press law, or a new Constitution which would provide more than the basic definition and

safeguards of freedom of speech and of the press that are available in the revised old Constitution.

Differentiation

Deregulation involves the State's voluntary or enforced withdrawal from owning, operating and managing the media. Differentiation may be a consequence of that process, but it can also mean a medium's own efforts to win autonomy by rejecting the ownership and control by the state or some other non-media structure, as well as by severing links to political forces and adopting a stance of impartiality and non-partisanship.

Public-service broadcasting should be an paragon of differentiation in this meaning. As can be seen from Article 21 of the Broadcasting Act above, that is certainly what is expected of Polish Television plc. Its mission statement (***Misja Telewizji Polskiej jako nadawcy publicznego,*** 1994) reiterates that and explains in detail what pursuit of this task involves in practice by saying in part:

> *Polish Television presents diversified views and standpoints in a balanced way (...) It safeguards its own autonomy and independence. As an institution, it does not take sides, formulate or express its own views on political issues. It does not favour or promote any orientation, but creates within the entirety of its programming facilities for the expression of all views within the law. (...) Employment in Polish Television is incompatible with political activity, holding an office in a political party, serving as an MP or Senator, working for a political action or election committee during local government, general or presidential election, or employment in public administration (...) Employees of Polish Television may not engage in political agitation or propaganda. Only in exceptional cases may they take a personal stand on social and political issues on the air. In such cases they are obliged to explain that they are expressing a personal view and take necessary care not to undermine the objectivity and impartiality of the station and their own credibility as journalists.*

Whether these principles are applied in Polish Television is a matter of dispute. Its supporters, mainly representing social and political forces with right-wing views and stressing national and religious values, rise to its defence when it is attacked, claiming that it speaks for true Polish interests and should enjoy the freedom to do that. They oppose all criticism of Polish Television as an attack on freedom of speech and of the press. Critics of Polish Television, mainly representing left-wing forces maintain that its top management, appointed soon after the September 1993 election which was won by left-wing parties, pays lip service to objectivity and impartiality but is quietly determined to provide a right-wing alternative to the left-wing government. The grand design behind this, they say, resulting from a sense of „historic mission" which the top management reportedly has assumed, is to prevent such a „relapse of Communism" from happening again. This is said to be reflected in much of the news and current affairs programming which is described as committing all the sins of partiality: taking sides, editorialising, reflecting the political commitment and views of its producers, engaging in politics and "clearly pointing out what is good and what is evil, who is right and who is wrong" (Bogucka 1995, 7).

At the time of writing in the summer of 1995, a presidential election campaign is under way in Poland. Polish Television's critics maintain that in order to promote its overall objective, it is pursuing a strategy of: portraying the election as a historic showdown between the forces of the right and of the left, with a clear suggestion as to what the outcome should be. To do that, programming it seeks in part to discredit centrist candidates in order to convince viewers that they have no other option but to choose between right and left. Karol Modzelewski, once a long-time dissident and now seeking to promote Jacek Kuroñ, the leading centrist candidate, has charged Polish Television with "using Communist methods to conduct anti-Communist propaganda, which is proving counterproductive" (***Telewizyjny stan wojenny***, 1995).

If these accusations are correct, there is clearly a problem insofar as differentiation is concerned, because the top management and some of the staff may have deliberately renounced it in order to promote the political causes and forces they support.

Professionalisation

And if so, then there is clearly a problem as far as the "psychological differentiation" mentioned above is concerned, at least in the case of some journalists, reporters and commentators.

As for professional skills, political instability and the resulting frequent changes of top management since 1989 have led to a constant turnover of staff, with new, unskilled people (some of whom are immediately appointed to senior positions) coming in all the time. That has led a depreciation of training and experience, all the more so that in the last two years there has been a large influx of young people. Many of the newcomers feel justified in rejecting the advice and guidance of older staff, whom they regard as hold-overs from the Communist era and therefore by definition tainted and untrustworthy.

The top management of Polish Television has adopted a policy of promoting training, but it will take a very long time for that policy to bear fruit.

So far as "collective professionalisation" is concerned, Polish journalists are shaking off resentments of the past (born out of the bitter divisions and differences among them dating back to martial law, and to the profoundly different experience of those who had worked for official and underground media under the Communist system) and are beginning to realise that they need to constitute a united force in dealing both with employers and with the authorities. They are also beginning to appreciate the merits of self-regulation as a way of preventing external regulation. Moreover, there is now, for the first time since the ending of martial law in Poland, some form of dialogue and co-operation among all journalistic associations and unions. Their number has grown considerably and also within Polish Television not only journalists but also representatives of many other creative professions (directors, cameramen, etc.) now have their own associations or trade unions. While still relatively powerless in dealing with the management, they are seeking to develop ways of representing and defending the interests of their members.

Out of this dialogue among journalistic organisations has emerged a document known as the ***Ethical Charter of the Media***. Intended to be applied by both owners, publishers and working journalists (Polish Television as a whole has acceded to the

Charter), this short document proclaims that in the pursuit of their professional duties they will be guided by the principles of truth, objectivity, separation of information and comment, integrity, respect and tolerance, primacy of the good of the audience and freedom and responsibility

Also, a new journalistic code of conduct is being developed — again with the participation of representatives of Polish Television staff. It is a more extensive document, seeking to redefine the profession of journalism in the light of changes unfolding in Poland generally and on the media scene in particular.

The draft of this new code consists of five chapters: General Principles, The Ethical and Professional Obligations of Journalists, The Journalist and His/Her Employer, The Journalist and His/Her Colleagues, and Final Provisions.[11] This draft code which is to be adopted by all journalistic organisations, reinforces the tendency towards a return to a fairly classical view of the journalistic profession.

Polish Television is developing its own, somewhat shorter, version of the ***BBC Producers' Guidelines.*** The standards it will lay down will be enforced by a special commission which in the case of serious violations will be empowered to recommend penalties or even the dismissal of staff members.

Democratisation

Measures to promote democratisation of communication usually refer primarily to public service broadcasters since they alone can be required to fulfil programme obligations of such nature. As could be seen from the regulations quoted above, the idea that Polish Television should offer in its content a fair and representative reflection of the full range of views prevalent in society lies at the foundation of its mission.

One way of ensuring democratisation is to regulate a medium's role during election campaigns. In Poland, there have been quite a few elections since 1989 and a considerable body of regulation has been developed with regard to coverage of elections in public media. While electoral broadcasts have proceeded according to the rules, coverage of election issues in other programming has aroused criticism (Jakubowicz, forthcoming c).

The Broadcasting Act puts public service broadcasters under an obligation to present in their programming the standpoints on crucial public issues of political parties and national organisations of trade unions and of employers. The National Broadcasting Council has issued a special regulation obliging them to "reliably present, analyse and discuss" these standpoints, inform about the work of the headquarters of those organisations, and produce and transmit weekly programme items enabling those organisations to present their standpoints (***Regulation of the National Broadcasting Council,*** 1944). Participation in those programme items is guaranteed for parties which won at least 400,000 votes in the last general election, with air time divided among them proportionately to the number of votes obtained.

In addition to that, the regulation obliges public service broadcasters to "produce and transmit a periodical current affairs programme dedicated to political events in the country," as well as to "provide current information regarding the work of the Diet and the Senate."

There are few complaints regarding the way Polish Television fulfils those obligations, but at the same time it is charged, as has been said, with bias in its general coverage of public and political life and seeking to influence fundamental trends of public opinion as regards the choice of what political orientation to support.

Polish Television has developed no policy as regards public access and reflecting the views of the general public in its programming. A content analysis of current affairs programmes shown by Polish Television between September 15 and October 31, 1994, shows that the following categories of guests were invited to participate in them:

politicians	—	98
experts	—	81
representatives of society	—	52
civil servants	—	16
"the great and the good"	—	3

As can be seen, "representatives of society" accounted for just 20 per cent of the total. Closer analysis shows that in most cases those were people cast in that role. 29 of them were journalists who in the particular programme were given the task of „spokesmen of society".

In short, democratisation is limited and serves primarily to gives access to the air to politicians rather than to the public at large.

Conclusion

As can be seen from the foregoing, Poland has made considerable progress in seeking to implement all the policy objectives involved in transforming the electronic media system inherited from Communist times. In radio, change is even more thorough-going, with Polish Radio facing serious competition from two national commercial television networks and over a hundred local radio stations. Among Central and Eastern European countries, few have been able to pursue all of these objectives successfully. From a formal and structural point of view, in Poland change has crossed the point of no return.

However, as far as Polish Television is concerned, a question mark hangs over the depth of change actually achieved. The fact that its programme and information policy of is, if its critics are to be believed, partly subordinated to a political goal, and that democratisation has made little progress, means that change may be more superficial than real. Fascination with Poland's robust and chaotic political life, pursuit of political goals in programming and a tendency, resulting from a reliance on advertising revenue, to show as much foreign and preferably American fiction and entertainment programming as possible has meant that during the evening Polish Television is a politics- and entertainment-oriented medium. That is not really different from the situation in the past, e.g. in the 1970s, when the Communist rulers sought both to propagandise the population and to offer American entertainment in order to create a sense of well-being and buy social peace (Jakubowicz 1989).

So, perhaps, while everything else may change, there is not much one can do about the way a leading national television, whether government or public, really operates?

Notes:

1. De-communisation is a term for some form of vetting (also known as "lustration"; cf. *Truth and Justice*, 1993) which would remove former ranking Communist cadres from political and public life. Strong supporters of de-communisation form a group of parties and groupings which oppose the "contract" arrived at during the Round Table Conference and accuse post-1989 Solidarity governments and the parties which formed them of "selling out" to former Communists and ensuring their continued, and increasingly important role in the country's political and economic life.

2. The pro-lustration movement may seem to be strangely placed, but it combines its virulent opposition to the continued presence of former Communists in public life, to the "Round Table Conference sell-out" and the Solidarity forces which negotiated it, with a pro-Church orientation and an economic stance which sees a role for state interventionism and distrusts the monetarist policies of the Solidarity governments.

3. The term is used here in a general sense, reflecting the somewhat haphazard way in which Central and Eastern European media practitioners are becoming aware of their own shortcomings and seeking a new identity.

4. The new governments found themselves in a quandary as regards pirate broadcasting. Legally speaking, pirate stations were banned, but the laws were still old Communist ones, and to close them down the authorities would have had to invoke the same laws as had been used to prosecute the people behind Solidarity radio under martial law. It was difficult to find the political will to go after pirate broadcasters before the new Broadcasting Act had been passed.

5. The ten applicants are listed here, with their main Polish and foreign shareholders in brackets: **Antena 1** ("Studio Video", Brabork an electronics manufacturer, Grabek Industries a food producer, and Time Warner, Turner Broadcasting System); **TV-7** (22 Polish investors joined by ITI, a Polish-Irish company), CLT, Reuters); **Niezależna Telewizja Polska Plus** (a number of Polish partners joined by the Central European Development Corporation, US, Henley Group, UK and SOFIRAD, France); **Top Canal Media Ltd.** (Top Canal, a pirate Warsaw TV station joined by Kinnevik, Sweden); **Polsat** (a 100%-Polish owned company); **Prywatna Telewizja Polska S.A.** (12 local TV stations belonging to the Polonia 1 network formed by Nicola Grauso's STEI, a Sardinian company, and 6 other incipient local television stations); **Ogólnopolska Telewizja Prywatna** (banks, insurance companies etc., joined by Bertelsmann, Germany); **Polska Korporacja Telewizyjna** (Polish investors together with Canal Plus, France); **Telewizja Niepokalanów** (the Franciscan monastic order); **Zjednoczone Przedsiębiorstwa Rozrywkowe** (a Polish company active in the entertainment business).

6. Because there was no demand for frequencies while thebroadcasting monopoly was still in force, Poland did not have a frequency allocation plan once demonopolisation had begun. It began to be developed as the licensing process began. As a result, the Council did not, and still does not, know how many stations it can ultimately licence and has to proceed in a piecemeal fashion as new frequencies become available.

7. The law says that foreign capital can account for only 33% of the stock of any broadcasting establishment, so foreign companies seeking to operate on the Polish television market needed to find Polish partners who could contribute the remaining 67%.

8. Polish Television employs some 6500 people and broadcasts two national services, "TV Polonia" (a satellite channel for viewers abroad) and 11 local services (the regional stations have mostly been given low-power transmitting capacity, with restricted territorial coverage). These local services are devoted for several hours a day to re-transmitting TV Polonia programming. For four hours a day, the local services join into a network to broadcast joint programming (this is a way of boosting advertising rates to a level commensurate with the reach of the . In addition, the regional stations opt out of the second national channel every day to broadcast on its frequency regional services of extensive territorial coverage. The total air time of Polish Television in all its services amounts to around 80 000 hours a year. Polish Television obtains its revenues from licence fees (40 per cent) and advertising (60 per cent).

In the first quarter of 1995, the structure of its programming on national channels was as follows:

Genre	Channel 1	Channel 2
news	6.7%	14.9
current affairs	10.0%	10.1
fiction	26.3%	22.2
documentaries	9.0%	13.3
TV theatre	1.8%	3.0
entertainment	13.6%	19.5
classical musci	1.7%	3.2
sports	2.5%	6.2
education	20.9%	2.8
religious programs	8%	4
advertising	3.3%	1.4
continuity	3.4%	3.0

Domestic programming accounts for over 60 per cent of total air time. However, foreign programmes (with American ones accounting for 50 per cent) predominate in some of the main programme genres, particularly films (90%), live sports (89%), and series (88%).

9. For example, the first Solidarity government sought to subordinate public broadcasters ultimately to the Prime Minister and wrote a provision into the draft Act which would enable the Council of Ministers to turn any part of a public broadcaster (e.g. a radio or television channel) into a state enterprise.

10. The National Broadcasting Council has adopted a resolution pointing to the need for one more additional regional station to be created in Białystok in the North-East of the country to fill a gap in the network of regional stations.

11. "General Principles" are phrased so as to assist the process of professionalisation of journalists. To this end, they define journalism as a **profession** in the service of society at large - the idea being to set journalists apart from the owners and publishers and to point to potentially different goals pursued by two groups: profit, self-interest and/or political goals on the part of at least some owners and public service on the part of journalists. Defining journalists as a profession also implies that they should be guided by their own service ideal and professional ethics, even if this should sometimes put them on a collision course with their employers.

The journalists' basic right is defined as searching for the truth, and his main obligation as enabling everyone to take advantage of their right to receive true, full and impartial information, to gain understanding of the situation around them so as to be able to form their own judgements, as well as to take part in public debate. Journalists are put under an obligation to protect the independence and credibility of their profession as well as freedom of speech and media pluralism.

Journalists' ethical and professional obligations are defined in much the same terms as in all codes of conduct. The chapter on relations with employers stresses the journalist's obligation consciously to choose and accept the editorial line of the medium he works for, while retaining the right to voice his/her own views, as well as to refuse to carry out assignments which run counter to his/her fundamental convictions, norms of professional ethics or the law.

The chapter on relations with colleagues stresses, in part, the journalist's obligation to protect the good name of the profession, observe professional solidarity and assist colleagues in need.

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