

Introduction

1. Context of the study

Freedom of speech, as a guiding principle in democratic systems (usually constitutionalized), is also functionally linked to each individual's right of access to information. Guarantees of freedom of expression are greatly reduced if members of a given community are deprived of access to sources of information from which they might learn about past and current socio-political (arti)facts.

In Central and Eastern Europe, the post-1989 political changes have also affected the media and media systems. Monopolies of state-owned radio and television stations (party- and government managed public media) have given way to pluralistic systems in which, in addition to public broadcasters, social and commercial broadcasters can also obtain a license to air radio and TV programs. Consequently, of the many possible models of media systems, a dual public-market model was chosen¹ in Poland, whereby the public and commercial sectors should be geared toward earning profits from their business activity, while public service broadcasters receive additional support through subscription fees paid by owners of radio and television sets.²

Public service media have also been part of the pluralistic information market since 1989. For a long time, the view remained unquestioned that the guiding principle for a public service broadcaster to participate in this market should be pluralism, manifested as broadcasting such content which

1 For more on the dual model and the market model: Mrozowski 2001, pp. 117 ff.

2 See Skoczek 2009, pp. 69–82; Świątkowska 2014, pp. 153–163.

reflects the diverse social opinions held by the citizenry. As Ociepka points out, “media pluralism in relation to public service media has been linked to the idea of political independence and the principle of journalistic objectivity. The presentation of diverse viewpoints cannot lead in the direction toward the dominance of only one of them.”³

This view is also reflected in the Polish legal system. In addition to international agreements under which Poland has committed itself to guarantee freedom of expression and access to information (the Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights),⁴ such guarantees were also provided in the Polish Constitution of 1997 and in lower-level laws, including in particular the Broadcasting Act, the Press Law Act and internal regulations and codes of ethics. That Polish legislators attached great importance to the idea of media pluralism is also confirmed by their provision for the body regulating the media market, i.e. the National Broadcasting Council (KRRiTV), in the Polish Constitution.

A wide range of criteria to be met by programming offered by public broadcasters was listed in the Broadcasting Act of 29 December 1992 (Journal of Laws of 2017, items 1414, 2111; of 2018, items 650, 915). Section 21 (1) specifies that public radio and television is to pursue a public mission, offering, in accordance with the principles set out in the Act, to the entire society and its individual parts, diversified programs and other services in the areas of information, journalism, culture, entertainment, education and sports, characterized by pluralism, impartiality, balance and independence, and innovation, along with high quality and integrity in communication.

Additional directives are listed in Section 21(2) of the Act. According to Section 21(2), programs broadcast by a public service broadcaster should:

- show responsibility for the words they use and respect the good name of the public service broadcaster;
- reliably depict the entire variety of events and phenomena at home and abroad;
- foster free development of citizens’ views and formation of public opinion;

3 Ociepka 2003, pp. 174–175.

4 Under Sections 9 and 91 (1) of the Polish Constitution on direct application of international law in internal relations, international agreements must play an important role “both in interpretation of constitutional provisions and in application of the law by adjudicating bodies” (Barta et al. 2001, p. 17).

- enable individual citizens and their organizations to participate in civic life by presenting diverse views and positions and exercising their right to social scrutiny and criticism;
- serve the development of culture, science and education, with particular emphasis on Polish intellectual and artistic achievements;
- respect the Christian system of values, assuming universal ethical principles as a foundation;
- serve to strengthen the family;
- serve to promote attitudes that foster health;
- serve to promote and popularize sports;
- combat social pathologies, and
- serve media education.

In view of these provisions, it should be recognized that programs broadcast by a public service broadcaster must jointly fulfill several conditions, although some of these conditions remain difficult to interpret unambiguously. The principle of ‘balancing’ information can serve as an example of such difficulties. The dispute remains whether balancing should relate to the principle of proportionality (in news programs, the time for presenting political views should reflect the level of electoral support for certain actors, consequently, large parties should be presented more frequently and small parties less frequently) or to the principle of equality (in news programs, the time for presenting views should be the same for all significant political actors – as is the case, for example, in pre-election debates involving all candidates, regardless of their estimated support in polls).

The way in which the provisions of the Broadcasting Act should be interpreted was set out by the Constitutional Tribunal in its decision of 13 December 1995.⁵ Reconstructing the *ratio legis*, the judges stated in their decision that “the primary purpose of the solutions contained in the Broadcasting Act was securing the political neutrality and independence of public

5 Resolution of the Constitutional Tribunal of 13 December 1995 on determining the universally binding interpretation of Section 26 (4) and Section 28 (1) (sentence two) of the Act of 29 December 1992 on radio and television broadcasting (Journal of Laws of 1996 no. 2, item 15). This legal act was *de facto* repealed in view of the approval of the new Polish Constitution of 1997 (resolutions of the Constitutional Tribunal regarding determining the binding interpretation were stripped of their legal power as of 17 October 1997); it was, however, quoted multiple times in the doctrine as a justification of the necessity of functional autonomy of public media and state authorities.

broadcasting.”⁶ The justification went on to emphasize that “the principle of independence of public broadcasting takes on a much clearer form when its position towards the Government and its subordinate structures is considered. The Constitutional Tribunal underscored once more that the essence of the reform of 1992 was to transform government radio and television broadcasting into public radio and television. It was primarily meant to separate radio and television broadcasting from the government and the associated parliamentary majority so as to prevent these media from being treated as political instruments of the government. Public radio and television programs should, among other things, reliably show the entire variety of events and phenomena and encourage free development of views in shaping public opinion (Sections 21 (2/2,3) of the Broadcasting Act). This directive to maintain internal pluralism in public radio and television programs can only be implemented if these institutions are kept at a clear distance from the current political masters.”⁷ Obligations to maintain standards of objectivity and independence are also contained in internal documents and codes of ethics adopted by professional associations of journalists.

Doubts as to the impartiality and objectivity of the public media have been raised regularly since the early 1990s, both by journalists and experts. However, it was only in January 2016, after the parliamentary elections in which the Law and Justice party was victorious, that a precedent was set in which a politician became chairman of the Board of Directors of Polish Television who was also involved in the activities of the ruling coalition. Chairman Jacek Kurski not only held previous parliamentary functions and actively participated in public debate, but also co-directed election campaigns. This raised concerns among commentators and opposition parties about the intentions of such a nomination.

Regrettably, the study of media content confirms the impact of this nomination on the substantial change in the public media information policy after 2015 in both the thematic information channel TVP Info and the news services of public radio and television. Comparing the main news service on public television, *Wiadomości*, with *Fakty*, a news program of the privately owned news organization TVN, Rafał Klepka demonstrated that the narrative of *Wiadomości* is clearly pro-government; experts featured in the program are there to justify the government’s reasoning, while the level of bias in the me-

6 *Ibidem.*

7 *Ibidem.*

dia after 2015 has increased significantly (Klepka 2017, pp. 169–170). Similar comparative empirical studies by Aleksandra Seklecka showed in turn that TVN's *Fakty* devoted less time to informing viewers about the actions taken by the Polish government, often criticizing the actions of the government or the president instead. Further, almost every news service on TVP provided information on the policy of the Polish authorities from only a positive perspective, while the opposition was often presented in a bad light (as 'corrupt and divided'), with the main emphasis on the largest opposition party – Civic Platform (Seklecka 2017, p. 149). Similar conclusions were reached by other media researchers (Sobczak 2017; Dopierala, Ossowski 2018; Koncur 2017).

2. Purpose of the study

Considering the currently available research on the subject, we have set ourselves the goal of investigating whether the lower third (information strips) shown by the Polish public broadcaster Telewizja Polska S.A. in the main news service *Wiadomości TVP* comply with the directives set out by the legislator not only in the Broadcasting Act, but also in the Polish Language Act.⁸ In particular, we wondered whether the messages in the form of strips on *Wiadomości TVP* create conditions conducive for the proper development of language as a means of interpersonal communication, which, according to the intention of the legislator, is among the responsibilities of Telewizja Polska S.A. (TVP) as a public institution of the Republic of Poland.⁹

8 Article 3 of the Polish Language Act:

Protection of the Polish language consists in particular in:

- 1) ensuring correct usage of the language, improving the linguistic skills of its users, and creating conditions for the **proper development of the language as a means of interpersonal communication**;
- 2) preventing its vulgarization;
- 3) promoting knowledge about the language, including its role in culture;
- 4) fostering respect for regionalisms and dialects, and preventing their disappearance;
- 5) promoting the Polish language worldwide;
- 6) supporting the teaching of Polish in Poland and abroad.

All public authorities, institutions and organizations participating in public life are obliged to protect the Polish language [all emphasis introduced by the authors of this book].

- 9 Recognition of the protection of the Polish language as an obligation of all public authorities and institutions of the Republic of Poland and the duty of its citizens – fifth recital, indent 5 of the preamble to the Polish Language Act.

The motivation to undertake the present study came not only from the recent controversies in public debate caused by the communication practices of the editors and writers of *Wiadomości TVP* since 2015 (i.e. since the ruling coalition of Law and Justice took control of the information aired by TVP), but also from the rapid changes in the model and practices of public communication over the last dozen or so years that have occurred globally.

The most important of these changes include:

- a. the expansion of new media, resulting in the dispersion of sources of political information, followed by a crisis of trust in those centers that had thus far been legitimized by the authority of the state, concurrent with the emergence of *filter bubbles*, i.e. information circuits closed through the use of algorithms which record and process the communication activities of new media users, including political information, as a result of which each user primarily receives information consistent with their views and/or expectations;
- b. the emergence of such phenomena as *fake news* and the concept of *post-truth*;
- c. the creation of political facts, e.g. affecting outcomes of elections through dissemination of deliberately created memes and through targeted trolling practices;
- d. changes in the way politics is understood and practiced (a shift in emphasis from concern about the common good to gaining or retaining power, along with the electoral success of populist actors on the political scene, and the development of the phenomenon of post-politics).

Thus, in the face of the socio-cultural factors outlined above, we decided to look closely at the linguistic practices used by the most important public broadcaster in Poland, Telewizja Polska S.A., in informing the public about the most important political issues.

3. Procedures and methodology

The object of our analysis were the *information strips*, i.e. short messages signaling and announcing more elaborate pieces of journalistic content displayed by the editors of TVP 1's *Wiadomości* in the lower third of the screen, separated graphically from the piece proper and shown prior to broadcasting it, specifically in the form of a horizontal strip containing

fixed text (as opposed to the news ticker, which is a horizontal strip with moving text).

To select the research material, the authors surveyed all broadcasts of TVP's main news program *Wiadomości* from 2016 and 2017, which appears daily at 7:30 PM on Polish Television Channel One (TVP 1). Since each edition of *Wiadomości* features about ten to twelve different information strips, of which only half (or less) are directly related to political events, with the remainder accompanying items related to the economy, history, customs, lifestyles, etc., the authors decided that only the strips announcing the most important political events in Poland in the 2016 and 2017 would be excerpted for the study.

For this reason, we decided to conduct a deliberate and principled selection of a representative sample of the information strips. This means that we included those strips that were used in announcing the most important events in Poland in 2016 and 2017 as representative of the full corpus of *Wiadomości TVP* strips devoted to political events in Poland in 2016 and 2017. The significance of each event was not subjective. An objective assessment rating was based on the following criteria of importance:

1. coverage for more than seven days;
2. prominent placement (the so-called cover issue) in the daily print press in at least two national newspapers with the broadest reach (according to the data from the Press Distribution Control Association, these are *Fakt Gazeta Codzienna*, *Super Express*, *Gazeta Wyborcza*, *Rzeczpospolita*, and *Dziennik Gazeta Prawna*);
3. a survey directly related to the event conducted by at least one reputable nationwide social research agency;
4. high placement of the event on the agenda of competing news programs of private stations: TVN's *Fakty* and Polsat's *Wydarzenia*.

The following thirteen events met the objective validity criteria¹⁰:

1. Events related to acts or amendments to acts on the Constitutional Tribunal, the Supreme Court, the National Council of the Judiciary and the Law on the System of Common Courts (henceforth: The Judicial Acts) - 61 strips.
2. Events related to the actions of EU institutions related to control of the rule of law in Poland (henceforth: The EU on the rule of law) – 32 strips.

10 A shortened description of these events can be found in Appendix 2.

3. Events related to the actions of the Commission of Inquiry to investigate the correctness and legality of the actions of public authorities and institutions against the entities comprising the Amber Gold Group (henceforth: Amber Gold) – 44 strips.
4. Events related to the actions of authorities and citizens in connection with laws concerning abortion and related matters (henceforth: Abortion) – 8 strips.
5. Events related to the commemoration and explanation of the causes of the Smolensk air crash on April 10, 2010 (henceforth: Smolensk) – 26 strips.
6. Crisis in the Polish parliament (Sejm) related to moving the proceedings to the Column Hall (henceforth: Sejm crisis) – 50 strips.
7. Actions related to the Act of 16 December 2016 amending the Act on the Conservation of Nature and the Act on Forests, as well as the Act of 11 May 2017 amending the Act on the Conservation of Nature, in relation to the felling of trees in the Białowieża Primeval Forest (henceforth: Forests) – a total of 5 strips.
8. Events in connection with the Act of 16 December 2016 amending the Act on Retirement Pensions for Police, Internal Security Agency, Intelligence Agency, Military Counterintelligence Service, Military Intelligence Service, Central Anti-Corruption Bureau, Border Guard, Government Protection Bureau, State Fire Service, Prison Service and their families (henceforth: *Ustawa dezubekizacyjna*) – 6 strips.
9. National Independence Day (henceforth: Independence Day) – 15 strips.
10. Renewal of the term of office of Donald Tusk as President of the European Council (henceforth: Tusk) – 15 strips.
11. Actions of the Commission for the removal of the legal effects of reprivatization decisions issued in violation of the law, in relation to certain Warsaw properties (henceforth: Reprivatization) – 28 strips.
12. Events in connection with the Act of Feb. 11, 2016 on State Aid in Raising Children (henceforth: 500+) – 4 strips.
13. Resident physicians' protest (henceforth: Protest of resident physicians) – 12 strips.

In sum, a corpus of 306 strips excerpted for further investigation¹¹ was subjected to a qualitative analysis in regard to the linguistic expression of

11 For their full listing and topical categorization, see Appendix 1.

reality (i.e. the thirteen selected events and their respective course of development):

- a. presence of author-dependent and author-independent words and other linguistic elements in the message;
- b. presence of systemically valuating words and other linguistic elements in the message;
- c. presence of sentence-level valuating words and other linguistic elements in the message;
- d. presence of words and other linguistic elements which convey valuation through reference to the message's extra-linguistic context (i.e. knowledge of the world common to the sender and recipient of the message, expressed through the use of connotation, implicature and presupposition);
- e. presence of all of these expressions of value together in the message.

As the material under examination came from the news aired by a public broadcaster, an organization obliged to respect the legal norms mentioned above and, on the other hand, an entity participating in public life under Section 3 (2) of the Polish Language Act, we assumed that **the desired model of informing the public about current political events by this broadcaster should involve avoidance of evaluating these events at the level of linguistic expressions used in the message.** For this reason, in the first part of the study, we focused on isolating expressions conveying value in one of the above ways and determined the degree of saturation of the analyzed corpus with means of assigning value. In the course of the study, we also assumed that systemic evaluative expressions, which do not distort the image of the described event,¹² would be treated as axiologically neutral (because, according to the theory of social evaluation,¹³ the values shared by both parties to the relation of a transmission cannot be the basis of effective persuasion¹⁴), unless the spoken context (i.e. the content of the news) or extra-linguistic context (especially discourse-related) licenses other readings.

In the second part of the study, we focused on showing a dozen or so of the evaluative techniques most frequently used by the authors of the text

12 These are primarily words systemically describing states commonly regarded as good or bad (such as *reform*, *opportunity*, *compromise*, *guilty*, *victim*, *humility*).

13 See Tokarz 2006, pp. 322–323.

14 Galasiński believes the act of evaluation is a *sine qua non* of the act of persuasion (Galasiński 1992, pp. 14–29, in particular pp. 24–25).

displayed in the information strips, so as to model the direction of persuasion and to evaluate the way the content of this persuasion is presented from the point of view of the principles of ethics of the word and Grice's rules governing successful communication.¹⁵

15 These are the maxim of quantity (say as much as is needed in a given situation, i.e. neither too much nor too little), the maxim of quality (say things that are true or that of which you have proof), the maxim of relevance (say what is relevant for the course of communication at a given moment, or in other words "be relevant"); the maxim of manner (speak in such a way as to be understood in a given situation). For more, cf. Grice 1977; Tokarz 2006, pp. 74–82.