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The Commercialisation of Propaganda and the Independence of the Fourth Estate – a Contribution to the Discussion on Contemporary Threats to Media Freedom

Abstract: The article presents the phenomenon of the so-called privatisation of censorship and the commercialisation of propaganda and their impact on the independence of the fourth authority. The author intends to confirm or question the hypothesis according to which, in the 21st century, the new phenomenon of the so-called privatisation of censorship and the commercialisation of propaganda. To this end, he intends to use a descriptive method, situational analysis, and comparative analysis elements. The concept of the so-called “privatisation of censorship” was first described by J. Kurzlantick and P. Link based on observing components of the media policy of the People’s Republic of China towards Taiwan in the 21st century. According to these authors, a very worrying phenomenon can be seen in outsourcing content control to private sector representatives. This means that censorship is delegated to private media companies. This action is supposed to consist of exercising actual control over the circulation of content and messages, not by state bodies but by media owners or advertisers who exert direct or indirect pressure, usually economic, on journalists intending to publish critical texts. The concept of privatisation of censorship should be broadened to the idea of the so-called commercialisation of propaganda. This type of strategy seems to be observed in Hungary and Poland in recent years, the most apparent evidence of which is the remedial action taken recently by the European Union, particularly the European Media Freedom Act proposal. Based on the analysis of the described examples seen in Taiwan, Hungary and Poland, it has been demonstrated that the measures referred to as the privatisation of censorship and the commercialisation of propaganda can prove very effective and thus dangerous for the independence of the fourth estate. The current legal regulations guaranteeing freedom of speech and the media, although explicitly prohibiting, among other things, preventive censorship, turn out to be insufficient in ensuring the independence of the fourth authority in the case of actions termed “privatisation of censorship” and “commercialisation of propaganda”.

Key words: Freedom of expression and media, censorship, propaganda, commercialisation of propaganda, privatisation of censorship, the fourth estate

Introduction

Although it is common, especially in journalism, to push through the thesis of the role of the media as a fourth power, it is worth recalling that this allegation was initially used in a specific context. The authorship of the statement is attributed to Sir Edmund Burke, the Irish statesman, philosopher and member of the House of Commons, who observed in 1787 that “there are three states represented in parliament. Nevertheless, there, in the press box, sits a fourth state, far more important than all the others” (Adamowski, 2005, p. 5). In 1828, another British historian and politician, Thomas Babington Macaulay, asserted that “the journalists’ gallery in parliament has become the fourth state of the kingdom” (Ibid.). In the above account, one can seek to identify the essence and role that

the press plays in a democratic system. However, this is nevertheless a form of metaphor or a rhetorical figure. As mentioned above, the term is sometimes used today concerning the concept of the tri-partite government, i.e. the separation of legislative, executive and judicial powers and the systemic checks and balances of each of these powers.

And it is in this context the statement that the media play the role of the fourth power in a democracy alludes. Although it seems that, despite everything, the concept of the media as a fourth power is, again, only a specific rhetorical figure. The notion of power must not be confused with the possibility of exerting influence. In classical terms, power is defined as “the ability to achieve a desired goal also against the attitudes of the object of power” (Goban-Klas, 2005, p. 20). The media have no such attributes or capabilities.

Nevertheless, the impact of the media on its audience may be undeniable. Hence, the question is sometimes perversely posed in doctrine as to whether the media are a fourth power or a fifth column (Newton, 1995). However, some argue that “in equal measure, therefore, the fourth power can be both ‘myth’ and ‘reality’” (Palczewski, 2017, p. 358).

The European Court of Human Rights judicature has repeatedly emphasised how vital independent media is for the quality of democracy. The European Court pointed out several essential functions that the press fulfils in a democratic state, namely “performing a control function and playing the role of a public observer (‘public watchdog’), transmitting and thus enabling the receipt of information and views of public interest and concerning public affairs; warranting participation in the social debate and commenting on events that are important for the general public and troubling public opinion” (Zawadzka, 2013, p. 68; Sieńczyło-Chlabicz, 2006, p. 365; Sieńczyło-Chlabicz, 2007, p. 39). By providing society with reliable information on the functioning of the political system, the media give the voters a reliable basis for making choices between actors on the political scene. The media play a crucial role in democracy, performing a monitoring function concerning the three authorities, describing and condemning law and ethics violations by the authorities’ representatives. In this way, transparency of decisions taken, accountability and public scrutiny of the conclusions of political decision-makers are ensured, and abuses of power and possible cases of corruption are exposed. Only then is the principle of control and oversight, essential in a democratic system, fully realised. Hence, the doctrine formulates the view that “To the role of the media as a chained dog (public watchdog) of democracy, liberal doctrine attaches such great importance that it even grants them the status of a fourth power in the state. This authority is exercised on behalf of and in the interests of citizens and civil society [...]. In a narrower sense, the media as organs of the fourth power are supposed to control the legitimacy and ethics of the actions of state institutions and large corporations; in a broader sense, the media are also supposed to [...] arouse interest in public affairs [...]” (Mrozowski, 2001, p. 200; Torczyńska, 2008, p. 125).

However, if one were to take the concept of the “media as a fourth power” literally, regarding Montesquieu’s concept of the tri-partite government (Montesquieu, 1927), one would have to consider how the principle of checks and balances should operate in this case. While the influence of the media on other authorities is highlighted in the guarantees of media freedom, it is necessary to consider what effect can be exerted on the media. The former is expressed in the colloquial statement that “you can kill more than just a fly with a newspaper”. The latter appears to be modelled in Article 10 of the European Convention on Human Rights (Kaminski, 2010, pp. 43–44).

As mentioned above, a prerequisite for performing the abovementioned tasks is the guarantee of media freedom and pluralism. In the international system of guarantees of freedom of expression (Sobczak, 2008, p. 35; Sadurski, 1998, p. 137; idem, 1992, pp. 3–19), a key role is played by such documents and regulations of international law as those adopted by the United Nations in the 20th century, i.e. the Universal Declaration of Human Rights (Bieńczyk-Missała, 2008, pp. 21–26) and the International Covenant on Civil and Political Rights (International Covenant). On the European continent, the European Convention for the Protection of Human Rights and Fundamental Freedoms adopted by the Council of Europe (European Convention) is undoubtedly of exceptional importance (Sobczak, 2005, pp. 167–172; Jaskiernia, 2005, pp. 90–104). Thus, according to Article 10(1) of the European Convention: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This provision does not exclude the right of States to subject radio, television or cinematographic undertakings to a licencing procedure”. Paragraph 2 of this provision states that “The exercise of these freedoms entailing duties and responsibilities may be subject to such formal requirements, conditions, restrictions and sanctions as are prescribed by law and necessary in a democratic society in the interests of state security, territorial integrity or public safety for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation and rights of others, and for the prevention of the disclosure of confidential information or to guarantee the solemnity and impartiality of the judiciary”.

In the case of the European Union, reference should be made to Article 11 of the Charter of Fundamental Rights of the European Union, which guarantees precisely media freedom. According to this provision: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers. The freedom of the media and its pluralism shall be respected”.

As seen from the above, the international law norms mentioned earlier guarantee freedom of expression on the one hand and prohibit preventive censorship on the other. This means that “the state can neither create a law enabling preventive censorship nor has the power to appoint bodies to carry it out” (Sobczak, 2000, p. 168). Although in particularly justified situations, it is permissible to introduce such measures (e.g. in states of emergency or war – Coliver, 1995, pp. 3–4; D’Souza, 1993, p. 63). Fortunately, over the last 30 years in Europe, the introduction of restrictions justified by the need to protect state security, territorial integrity or public safety has only been considered hypothetical cases and circumstances. Recent events such as the COVID-19 pandemic, but especially the Russian Federation’s assault on Ukraine, have meant that such cases should be examined very seriously.

In the Polish legal order, freedom of expression and the press is guaranteed by the Constitution of the Republic of Poland. According to Article 14 of the Constitution, “The Republic of Poland shall ensure freedom of the press and other means of social communication”, and Article 54(1), complementary to this norm, guarantees everyone the freedom to express their views and obtain and disseminate information. On the other hand, paragraph 2 of the latter provision prohibits *expressis verbis* preventive censor-

ship of social media and the licencing of the press (Winczorek, 2000, pp. 76–77; Banaszak, 1997, p. 64; Frąckiewicz, 2002, pp. 366–367; Skrzydło, 1998, p. 52; Sobczak, 2008, pp. 70–84; Dobosz, 2011, pp. 55–56; Ferenc-Szydełko, pp. 23–24; Sarnecki, 2005, pp. 15–32).

Mention should also be made here of Article 1 of the Polish Press Law, guaranteeing the press the possibility to exercise freedom of expression and to realise citizens' right to reliable information, the openness of public life and social control and criticism (Sobczak, 2008, pp. 25–172; Nowińska, 2008, p. 150). Indeed, according to Article 5 of the Press Law, "Every citizen, under the principle of freedom of speech and the right to criticism, may provide information to the press. No one shall be subjected to prejudice or reproach for giving information to the press if he has acted within the limits of the law". The doctrine states that press criticism is "a public assessment based on the confrontation of some actual state of affairs with accepted assumptions. The task of criticism is to enrich knowledge and awareness, not to administer justice" (Sobczak, 2008, p. 271). Although the term is given an unambiguously pejorative meaning in the Polish language, criticism is nevertheless an analysis and assessment that can take the form of both disapproval and praise. At the same time, the subject of criticism may be any manifestation of social life. Press criticism is essential in developing and shaping social, political and economic relations. Its particular task is to eliminate negative phenomena occurring in the social and economic life of the country (Sobczak, 2008, p. 271). According to Article 43 Polish Press Law, whoever uses violence or unlawful threats to force a journalist to publish or omit to publish press material or to take or omit to take press intervention shall be subject to the penalty of deprivation of liberty for up to 3 years. According to Article 44 Polish Press Law, whoever obstructs or suppresses press criticism shall be subject to a fine or the penalty of restriction of liberty. The same punishment is imposed on anyone who, abusing their position or function, acts to the detriment of another person because of press criticism published in a socially justifiable interest.

1. Defining censorship and propaganda

In the context of the issues addressed here, the notions of censorship and propaganda require clarification. The former term is defined as "control of statements (including artistic statements) from the point of view of their conformity with the policy of state authorities and the values promoted by them" (*Leksykon politologii*, 2004, p. 47). According to another source, censorship activities thus consist of "the control of a text or image before publication or broadcast, resulting in a total or partial ban on the dissemination of information or its withholding" (Sobczak, 2000, p. 168). As seen above, censorship has two distinct forms: preventive and repressive (Glensk, 2005, p. 209). The former, also referred to as precautionary censorship, means "any preliminary assessment and qualification for publication of press materials [...] by a body acting under the authority of the state or other public authority, regardless of whether it is a body specialised in this type of activity or whether it carries it out incidentally, alongside the fulfilment of other functions, to prevent the dissemination of certain information and ideas" (Sokolewicz, 2011, p. 102). "Preventive censorship and press licencing are characteristic methods of media

control in an authoritarian system” (*Leksykon politologii*, 2004, p. 47). Such practices are usually associated with the activities of state authorities or another institution with public authority, e.g. the Catholic Church (Dobosz, 2011, pp. 15–22; Sobczak, 2009). It is accentuated that the source of preventive censorship may sometimes be other entities than the public authority, which would be evidenced by such institutions of the press law as the prohibition to sabotage the printing and distribution of the press (Article 3 pr.pr. [?]) the protection of press informers (Article 5(2) Polish Press Law) or the prohibition to suppress press criticism (Article 6(4) and 43–44 Polish Press Law – Kosmus, Kuczyński, 2011, p. 34). However, these are rare cases. The Polish Constitution, in Article 54(2), prohibits *expressis verbis* a preventive *caesura*, i.e. “the control of press material by a public authority before publication, ending with a decision to allow or refuse to allow dissemination” (Kosmus, Kuczyński, 2011, p. 33). The doctrine emphasises that there can be only one interpretation of this constitutional norm, namely, “the prohibition of preventive censorship formulated in the Constitution is a prohibition existing *erga omnes*, and thus not only the state but also no other organisations may carry out preventive censorship and create any bodies to carry it out in you, including social ones” (Sobczak, 2000, p. 168). It is difficult to disagree with this view. However, the same author rightly states that “the prohibition of preventive censorship does not exclude the so-called intra-editorial control (censorship), which is extra-legal. If the latter objection were to be rejected, it would have to be assumed that any material prepared by a journalist and intended for publication must be issued by the editors” (Ibid., pp. 168–169).

Repressive (post-publication) censorship, on the other hand, is the possibility to control press materials after publication or dissemination (Sobczak, 2000, p. 169), or in other words, “the actions of a public authority limiting or excluding the further availability of already published material” (Kosmus, Kuczynski, 2011, p. 33; Sokolewicz, 2011, p. 107).

The term “propaganda”, on the other hand, means “a deliberate action aimed at gaining power over a given individual or community carried out by means and methods of communication” (Qualter, 1965, p. 27). According to Harold Lasswell, the term should be understood as “the creation of a unified attitude through the manipulation of important symbols” (Thomson, 2001, p. 10). According to another definition proposed by the Institute of Propaganda Analysis, it is “the expression of opinions and actions by individuals or groups of people to form opinions and take actions by other individuals and groups to achieve a specific goal” (Thomson, 2001, p. 10). According to another view, it is “the systematic efforts of individuals or groups to control the attitudes of other individuals or groups by making suggestions, with the consequent control of their behaviour” (Ibid.). As seen from the above, propaganda will always be characterised as a deliberate influence on the audience to instil specific beliefs desired by the sender of such a message, although not necessarily linked to the activities of state bodies. Usually, however, these will be public entities or organisations (Lasswell, Blumenstock, 1939).

2. “Commercialisation of propaganda” versus “privatisation of censorship”

The term “privatisation of censorship” can be found in the literature. It was first proposed by J. Kurzlantzick and P. Link (Kurlantzick, Link 2009). However, it must

be acknowledged that various cases of “soft measures of influence” on the press, usually resulting from diverse economic and ownership pressures, have been noticed and described before (Sokolewicz, 2011, pp. 108–109). The phenomenon dubbed the “privatisation of censorship” was perceived based on observing some aspects of the People’s Republic of China’s media policy and strategy towards Taiwan. According to Kurzlantick and Link, the phenomenon of outsourcing media control to private sector representatives is identified. This means that censorship is delegated to private media companies. This outsourcing consists of exercising effective control over the circulation of content and messages, not by state bodies but by media owners or advertisers who exert direct or indirect pressure, usually economic, on journalists intending to publish critical texts. Such a phenomenon is due to varied conditions. These are now two independent states in the case of the People’s Republic of China and the Republic of China in Taiwan. Chinese companies and, even more so, public institutions have certain restrictions on access to the Taiwanese market. In this way, an attempt is made to circumvent these barriers while at the same time getting the right intended message across to media audiences on the island, historically referred to as Formosa. Secondly, censorship can be carried out this way, so to speak, with “white velvet gloves”. This can be particularly relevant in the case of countries where there is a crisis of democracy on the one hand and attempts to maintain some semblance of implementation of democratic standards on the other. As a result, journalists often tend to self-censor topics that might be considered sensitive or unfavourable to a particular authority. A certain conspiracy of silence is then established. It is inappropriate to raise specific issues or write critically about certain themes, as this may not be to the liking of the publishers or advertisers, and especially their political backers, who may in future divert the flow of money to another periodical. Such a manufactured mechanism of opportunism among journalists stems from a simple fear of jobs (Jaw-Nian, 2017, pp. 27–36; Skrzypczak, 2019, pp. 353–361).

Today, however, the term can be understood in yet another way. Sometimes, privatisation of censorship is interpreted as social media administrators’ actions to block specific posts or even certain accounts or individuals. Hence, for some time, there has been a relevant debate on the need and necessity of regulating the functioning of social media (Tully, 2014, pp. 53–172; Paslawsky, 2017, p. 1486; Khan, 2021; Tan 2021; Barrett, 2021; Brannon, 2021; Kayode-Adedeji, Oyero, Aririguzoh, 2018, pp. 393–439; Scaife, 2021). The discussion has recently heated up, particularly concerning the events in the USA in early 2021. Let us recall that on 6 January 2021, supporters of outgoing President Donald Trump stormed the Capitol in Washington. Twitter had already blocked his two tweets deemed “potentially misleading” (Wall, Mooppan et al., 2021; Varis, 2021; Garcia, Hoffmeister, 2017). An American politician accused the platform of interfering in a political campaign. This did not solve the problem; on the contrary, the service blocked the official presidential account, which had a not inconsiderable number of followers of 88 million (Kreft, 2021, p. 13). Similar decisions were also taken by other platforms (Facebook, Instagram) during this period (Ohlheiser, Guo, 2021). In addition to the bans covering Trump’s addresses, Twitter implemented additional measures, including blocking over 70,000 accounts linked to the conspiracy theory group QAnon. At the same time, Facebook began blocking posts with the slogan “Stop stealing”. Other platforms

implemented content removals and internal reforms, such as YouTube removing videos inciting violence from Trump's account and instituting a one-week ban on uploading new content to his address; Snapchat, which blocked Trump's account; Stripe stopped processing payments for Trump's campaign page. This has led to a robust debate about the right of different types of digital platforms to censor public debate, in essence without any court decision, but only based on their own rules or decisions, and consequently, their ability to influence the outcome of the general election (Palmer, 2021). Although Twitter chief Jack Dorsey stated at one point ambiguously that he was not proud that D. Trump's accounts had been blocked, at the same time, he added that it was a good decision for the platform (Diaz, 2021; Kreft, 2021, p. 16). The whole situation was widely viewed negatively, however, also making severe accusations against the platforms, such as in the statement that they are characterised by the fact that there is "Extremism, disinformation, sociopaths managing profit-motivated algorithms: all viruses. What we witnessed on Wednesday afternoon – and have seen since at least 4 November – is an epidemic. Record-breaking deaths with COVID-19 and the US Capitol overrun by a mob on the same day" (Kreft, 2021, p. 16). For many, the bans imposed by Facebook and Twitter were long overdue.

Nevertheless, many others condemned the decisions as examples of violations of free speech. The question arose about when and how private companies can "deplatform" people – especially well-known public figures with a significant role in the political and electoral system, such as D. Trump. In this case, the social media platforms have taken appropriate blocking action, which, according to some, is supposed to prove that the industry's self-regulation is sufficient (Garcia, Hoffmeister, 2017). However, it is essential to note the view that social media, once a developmental agent, is now, in fact, a demolisher of public policy, commonly proposing a divide in "us vs them" thinking. It is certainly no coincidence that political actors, especially those promoting populist slogans based on creating divisions between people, are precisely the ones who do best on social media. As one of these platforms, i.e. Facebook, points out, it is now the world's largest distributor of messages, only that these are lies laced with anger and hatred. Such missives spread faster and better than boring, neutral facts. This all leads to the conclusion that if "you repeat a lie a million times, it becomes a fact. Without facts, there is no truth. Without truth, there can be no trust. Without them, democracy as we know it is dead" (Ressa, 2021). As you can see, in such cases, actions that are, in fact, the activities of private actors, and therefore not state bodies, are also called privatisation of censorship.

However, it seems advisable to carry out the necessary ordering of terminology. All the more so as the previously described practices and actions involving commissioning by state entities to commercial players, not so much the prior control of press materials (although this may also take place in such cases in such a way that specific theses or authors may not be published in this type of media because their owner does not allow it), but rather the promotion of certain content (commissioned by state bodies and political institutions to private entities), are a different category of activities. In this way, the intended effect of influencing the audience to instil specific beliefs desired by the actual principal (e.g. the ruling party) – is achieved. The author proposes to call such practice the commercialisation of propaganda (Skrzypczak, 2019, pp. 353–361).

3. The case of Taiwan

As mentioned above, the authors discussed before used the example of the People's Republic of China's influence on its neighbour, which it regards not as an independent state but as a rogue province, to create the concept of the so-called "privatisation of censorship". The geopolitical situation causes a constant tension between the two countries. It seems the only deterrent to a Chinese invasion is the political and military umbrella of the USA, which in turn continues to treat Taiwan as a permanent USA aircraft carrier in this part of the world.

We are dealing with two countries whose political and media systems are fundamentally different (authoritarian on the mainland and democratic on the island of Formosa, as the Portuguese called the country). Regarding the state of respect for freedom of expression, according to the World Press Freedom Index, Taiwan 2022 ranked a high 38th out of 180 countries listed in the tally. The year before, it was rated 43rd. The People's Republic of China, on the other hand, according to the same collation, lines up almost at the bottom of the Index, ranking 175 in 2022 and 177 in 2021.

Instead of a military invasion, mainland China is taking what the quoted authors describe precisely as the "privatisation of censorship". It should be emphasised here that this is all the more straightforward because, although we are dealing with two states – the same language, Mandarin – is used as the dominant one in both territories. According to its alleged creators, the trend in question here would have the effect of warming the image of the PRC, creating a belief among Taiwanese citizens that the only right move would be to annex the territory to its mainland neighbour. Thus, instead of a military invasion, the strategy aims to persuade the Taiwanese people, for example, to opt for peaceful annexation to the PRC through a future referendum.

The Want Group (旺旺) case is a flagship example of this approach. The owner of this group, Tsai Eng-meng, began investing in mainland China in 1989 at the time of the Tiananmen Square massacre and the then-announced global boycott of the PRC. Since then, this entrepreneur has been considered to represent Beijing's interests. After the takeover of The China Times Group of newspapers, a change in the editorial line is perceived. The media outlets belonging to this group have stopped publishing any material or statements critical of the authorities in Beijing. The China Times Group comprises The China Times, China Times Express (Zhongshi wanbao), and Commercial Times (Gongshang shibao). In addition, in 2002, China Times absorbed CTi TV (Zhongtian Bianchi).

Further acquisitions followed in 2005 when China TV (Zhongshi) and the Broadcasting Corporation of China (Zhongguang, BCC) were bought out. The result was a creation of a vast holding company with a presence in the press, television, radio and online media. In 2008, the group was renamed the Want Want China Times Group (萬華). There were also suspicions that the authorities in Beijing were behind the whole financial operation of taking over more editorial offices, among other financial contributions. Another example is the case of FTV and ERA Communications (Niandai dianshitai – Jaw-Nian, 2017, p. 1). According to the authors cited above, another manifestation of this strategy is exemplified by placing advertisements and sponsored articles in Taiwanese media by various types and sorts of organisations directly or indirectly dependent on the

PRC. According to a report prepared by the Foundation for Advancement of Media Excellence, there were 269 instances of this type of publication in two years. As indicated above, this type of action should be called the commercialisation of propaganda rather than privatising censorship (Skrzypczak, 2019, pp. 353–361). In this case, there is no prior control of the texts. However, we are dealing with a “deliberate action aimed at gaining power over a given individual or community carried out by means and methods of communication” (Qualter, 1965, p. 27).

4. The case of Hungary

While the example of Taiwan shows how, through the commercialisation of propaganda, one state can carry out interference or even propaganda aggression against another, one can point to at least a few cases where such a strategy is undertaken within a single state. From this point of view, an interesting case study is the example of Hungary (Polyak, 2015).

As emphasised in the literature on the subject, the ruling Fidesz party in power in Hungary for successive terms of office has, step by step, transformed most of the independent media into purely propaganda instruments (Zgut, 2020, pp. 4–7). This strategy proceeded here in multiple ways. Firstly, it was evident by directing public money through advertising commissions from state entities exclusively to editorial offices politically and ideologically close to the ruling party or even linked to the ruling camp. The pressure was also exerted on potentially unconstrained commercial principals to cut off independent media editors from the source of commercial funding. Secondly, there was the takeover of the public media and the state news agency by persons close to the government option. Another step was the actions taken by diverse state institutions in Hungary, such as the Competition Protection Office there and the Media Council, which, with the help of anti-trust arguments, forced some entities to sell titles to entrepreneurs linked to the power camp. Another different mechanism was the successful attempt to consolidate the regional press market. This was followed by introducing a unified editorial line, thus eliminating journalistic independence. A slightly different case, although one that fits in with this strategy, was that of the newspaper *Népszabadság*, whose owners, associated with Prime Minister Viktor Orbán’s entourage, suddenly decided in 2016 to close the title (Zgut, Przybylski, 2020, pp. 10–22).

However, the most significant element of this strategy was, from 2018 onwards, the acquisition process by the Central European Press and Media Foundation (Hungarian KESMA) of more than 470 media titles (Batorfy, 2019). What is extremely interesting is that the process of acquiring more titles and editorial offices followed a similar scenario. The existing owners of each media company voluntarily transferred the rights to their titles to the Foundation. Surprisingly, practically at the same time, a significant proportion of private media owners decided to take such a step. It must be stated here that the main objective of the KESMA Foundation is to “strengthen the system of values and Hungarian national consciousness and to provide the media in the Carpathian Basin and beyond with conditions for educating ‘in the spirit of national values’”. Hence, the rationale for such a transaction has always been similar – to give away a newspaper title or a radio or

television station for society's benefit and interest. Formally, the Foundation is not a state entity but a social one, independent of government structures. However, by staffing decision-making positions with persons in power, it *de facto* carries out propaganda activities. As government representative Zoltán Kovács put it bluntly in one public statement, "their main task is to 'toe the government line'" (Zgut, Przybylski, 2020, pp. 10–22). One points out that a narrative close to the Fidesz party's position dominates the media discourse. The media belonging to KESMA, for example, accentuate various kinds of Eurosceptic conspiracy theories and, in turn, journalists of the increasingly sparse free media are described as "political activists, haters of Hungary, foreign agents, traitors, 'Soros propagandists'" (Zgut, Przybylski, 2020, pp. 10–22; Batorfy, 2019; Bognár, Bátorfy, Dragomir, 2018; Tófalvy, 2017).

To illustrate the seriousness of the situation and the condition of both Hungarian democracy and the state of pluralism and media freedom in the country, it is worth noting that the Global Media Agency financed by the US Congress has decided to relaunch Radio Free Europe (Zgut, Przybylski, 2020, pp. 10–22). Furthermore, according to the cited World Press Freedom Index, a steady, severe decline in Hungary's position in this ranking has been observed for several years. Thus, in 2010, the country was rated 23rd; in 2021, it was ranked 92nd (*World Press Freedom Index*, 2022).

5. The case of Poland

Some similarities to the Hungarian situation can also be found in the actions of the Law and Justice party, which has been in power in Poland since 2015. The resemblance can be seen not only in the significant decline in the position of both countries in the World Press Freedom ranking (according to the World Press Freedom Index, the country was rated 32nd in 2010 and 66th in 2022 – *World Press Freedom Index*, 2022). Some see the actions on the media market in Poland as the same scenario as in Hungary. These include actions such as the transformation of public media into so-called national media (Skrzypczak, 2015; Węglińska, Szurmiński, Wąsicka-Sroczyńska, 2021; Gajlewicz-Korab, Szurmiński, 2022; Skrzypczak, Iwasiuta, 2021), the announcement of new taxes on digital advertising in 2021 (Wojtas, 2021) – which resulted in a solidarity protest of all private media, the attempt to enact the so-called "Lex TVN" (Skrzypczak, 2021, pp. 3–30), and finally the purchase by the state-owned oil company Orlen of the Polska Press media group, comprising more than 20 regional dailies,¹ the free daily *Naszemiasto.pl* and around 500 local websites, *Naszemiasto.pl* and the portals of individual press titles. As argued by the oil company's authorities, through the acquisition of its assets from the German publisher Verlagsgruppe Passau, "among other things, access to 17.4 million internet users was gained and the possibility to acquire new customers,

¹ "Dziennik Bałtycki", "Dziennik Łódzki", "Dziennik Zachodni", "Gazeta Krakowska", "Głos Wielkopolski", "Kurier Lubelski", "Polska Metropolia Warszawska", "Express Ilustrowany", "Gazeta Krakowska", "Dziennik Polski", "Gazeta Lubuska", "Gazeta Pomorska", "Kurier Poranny", "Gazeta Współczesna", "Nowa Trybuna Opolska", "Echo Dnia", "Gazeta Codzienna Nowiny", "Głos Dziennik Pomorza", "Express Bydgoski" and "Nowości Toruńskie", about 150 local weeklies (among others "Nasza Historia", "Moto Salon", "Moto Salon Classic", "Strefa Biznesu", "Strefa Agro").

optimise marketing costs incurred and develop big data tools within the group” (Kowalski, 2021). Reflecting on the economic rationale behind the transaction, it is noted that the Polska Press capital group in 2019 recorded a 6.5 per cent reduction in sales revenue to PLN 398.44 million and a decrease in net profit from PLN 9.64 million to PLN 8.59 million. In February 2021, to the surprise of many, the President of the Office of Competition and Consumer Protection approved such a transaction. Following an appeal by the Ombudsman, the Court of Competition and Consumer Protection in Warsaw initially withheld the approval of the President of the Office of Competition and Consumer Protection for purchasing the publishing house Polska Press by PKN Orlen. In June 2022, the same Court dismissed the Ombudsman’s appeal, thus finally allowing the transaction. It was argued that no criteria other than economic ones could be considered under consumer protection law (Krupa-Dąbrowska, 2022).

The ownership changes resulted almost immediately in staff remodelling in the editorial line-up of the newspapers owned by the Polska Press publishing house. While it was still understandable that Dorota Stanek, who had been in charge of the company since 2004, resigned from the post of President of the Group, and in April 2021, the editor-in-chief Paweł Fałara was dismissed and replaced by Dorota Kania, who had come from Telewizja Republika and Gazeta Polska – the personnel changes at the lower levels of the editorial structure must have aroused surprise and even concern. Several editors-in-chief of regional newspapers that are part of the Polska Press group were dismissed. Reporters Without Borders (RSF) called for reinstating those dismissed (Pawlik, 2021). It has come to the point that the Warsaw Journalism Society has appealed to members of the editorial boards of regional newspapers to “resist” and monitor those dismissed from Polska Press after Orlen’s takeover of the concern (Drabik, 2021).

6. Action taken by the European Union

Worrying trends in Hungary and Poland, among others, have led the European Union to take several measures to counter such dangerous phenomena that violate the basic rules and values of the community, for example, by issuing recommendations on the safety of journalists and actions to combat such hazardous phenomena as the SLAPP (“strategic lawsuit against public participation”) and the Digital Single Act. These are just examples of measures to protect democracy, counter disinformation and support media freedom and pluralism. The draft European Media Freedom Act, published in September 2022, which aims to safeguard media pluralism and independence in the EU, remains in this vein. As Věra Jourová (EC Vice-President for Values and Transparency) stressed, “We have seen various forms of pressure on the media over the past years. It is high time to act. We need to set clear rules: no journalist should be spied on because of their work; no public media should become a propaganda channel. This is what we are proposing today for the first time: common safeguards to protect media freedom and pluralism in the EU” (European Media Freedom Act, 2022). For his part, Thierry Breton (Internal Market Commissioner) pointed out that “the EU is the world’s largest single democratic market. Media companies play an important role but face declining reve-

nues, threats to media freedom and pluralism, the emergence of huge online platforms and a patchwork of different national rules. The European Media Freedom Act provides common safeguards at the EU level to guarantee a plurality of voices and that our media can operate without private or public interference. The new European supervisory authority will promote the effective application of these new principles of media freedom and screen media concentration so that pluralism is not hampered” (European Media Freedom Act, 2022).

According to the terms of this draft, the planned regulation will oblige Member States to respect the effective editorial freedom of media service providers and improve the protection of journalistic sources. It also proposes the introduction of so-called media pluralism tests. Member States must periodically assess the impact of media market concentration on media pluralism and editorial independence. This also means that any legislative, executive or administrative measures taken by Member States that may affect the media must be duly justified and proportionate. Another issue is ensuring transparent mechanisms for distributing and commissioning advertising from state bodies. The forthcoming EU regulation is also expected to increase the transparency and objectivity of audience measurement systems that affect advertising revenues in the media, particularly online. In addition, media service providers must ensure ownership transparency through public disclosure of such information and take measures to guarantee the independence of individual editorial decisions. In addition, the European Commission has proposed the creation of a new independent European Media Services Council composed of national media authorities. The task of this body is to promote an effective and coherent EU media law framework, in particular by assisting the Commission in preparing guidelines on media regulatory issues. The Council will also be able to issue opinions on measures and decisions of national authorities affecting the media market.

8. Conclusions

Currently, various strategies for the use of “soft measures of influence” on the media by different political regimes, involving diverse economic and ownership pressures, are gaining popularity. The phenomenon dubbed “privatisation of censorship” applies outsourcing control of media content to private sector representatives. The idea is to ensure that content unfavourable to the authorities does not appear in the public space. On the other hand, the “commercialisation of propaganda” can manifest itself in outsourcing to commercial entities the promotion of certain content close to or favourable to specific political groupings in power in a given country. In this way, an intended effect is achieved by influencing recipients to instil particular beliefs desired by the actual principal and not by the sender of such a message (press office), acting only as a contractor or intermediary. It would appear that this type of activity may constitute an equally serious, if not greater, threat to the independence of the fourth estate than the classic forms of these phenomena, i.e. full-scale censorship and classic propaganda. The former is, after all, expressly forbidden under the Polish Constitution, and the latter is usually so visible that it achieves the opposite of the intended effect.

Author Contributions

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Komercjalizacja propagandy a niezależność czwartej władzy – przyczynek do dyskusji o współczesnych zagrożeniach dla wolności mediów

Streszczenie

Celem artykułu jest przedstawienie zjawiska tzw. komercjalizacji propagandy i jego możliwego wpływu na niezależność czwartej władzy. Autor zamierza potwierdzić względnie zakwestionować hipotezę, według której w XXI w. obserwuje się nowe zjawisko tzw. komercjalizacji propagandy. W tym celu zamierza wykorzystać metodę opisową wraz z elementami analizy porównawczej. Koncepcja tzw. „prywatyzacji cenzury” została po raz pierwszy opisana przez J.Kurzlanticka i P. Linka w oparciu o obserwację elementów polityki medialnej Chińskiej Republiki Ludowej wobec Tajwanu w XXI w. Według tych autorów, można dostrzec bardzo niepokojące zjawisko polegające na zleceniu kontroli treści przedstawicielom sektora prywatnego. Oznacza to, że cenzura jest przekazywana prywatnym przedsiębiorstwom medialnym. Owo zlecenie ma polegać na sprawowaniu faktycznej kontroli nad obiegiem treści i komunikatów nie przez organy państwowe, a przez właścicieli mediów bądź reklamodawców, którzy wywierają bezpośredni lub pośredni nacisk, najczęściej ekonomiczny, na dziennikarzy zamierzających opublikować krytyczne teksty. Koncepcję prywatyzacji cenzury należy rozszerzyć o koncepcję tzw. komercjalizacji propagandy. Wydaje się, że tego typu strategię można w ostatnich latach dostrzec także na Węgrzech i Polsce czego najdobitniejszym dowodem są działania naprawcze podejmowane w ostatnim okresie przez Unię Europejską, w szczególności zaproponowanie European Media Freedom Act. Dowiedziono, w oparciu o analizę opisanych przykładów dostrzeżonych na Tajwanie, Węgrzech i Polsce, że działania określane mianem prywatyzacji cenzury i komercjalizacji propagandy mogą okazać się bardzo skuteczne, a tym samym niebezpieczne dla niezależności czwartej władzy. Obecne regulacje prawne gwarantujące wolność słowa i mediów zakazujące wprawdzie w sposób wyraźny m. in. cenzury prewencyjnej, okazują się niewystarczające w zapewnieniu niezależności czwartej władzy w przypadku działań określanych jako „komercjalizacji propagandy”.

Słowa kluczowe: wolność słowa i mediów, cenzura, propaganda, komercjalizacja propagandy, prywatyzacja cenzury, czwarta władza

