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A few remarks on the mechanisms of censorship in the PRL¹ and the Third Republic of Poland

On 6 June 1990, an act which terminated the Chief Control Bureau for Press, Publications and Performances (hereinafter GUKPPiW) came into force.² One could say that it symbolically marked the final act in the dismantling of the totalitarian system, yet in society's eyes it has never acquired the status of an event which deserves commemorating during state anniversary celebrations, conferences, or symposia. It seems prudent to shortly discuss the reasons for that as I am of the opinion that they are connected with another important issue: I believe that the termination of GUKPPiW was not some radical rupture; I would rather propose that certain mechanisms of censorship (i.e. the complex system of factors influencing social communication) have continued to exist.

It seems that the dissolving of GUKPPiW did not make any considerable impression on the minds of Poles due to several reasons. First of all, it occurred at a time when, due to *faits accomplis*, the Bureau and its district branches had lost almost any control over social communication. Basically since the Round Table Talks (6 Feb – 4 Apr 1989), there had been a rapid and spontaneous bottom-up rebellion against institutional censorship: books, magazines, leaflets, and posters were independently printed and distributed regardless of the formal supervision of GUKPPiW; the distribution of VHS cassettes and the organisation of performances was also becoming uncontrolled. A significant factor in that process was the legalisation in late-1988 of private business activity.³ Also the attitudes of officials were inconsistent; some tried continuing their supervisory tasks, others – aware of the fact that their role had ended – only pretended to be performing their duties; that was the case, e.g. with Dariusz Fikus's book entitled *Foksal 81*, when

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¹ Commonly used abbreviation of the People's Republic of Poland.

² Act of 11 April 1990 on the repealing of the act on the control of publications and performances, removing the units of the control and on the change of the Press Law act (J. of L. of 7 May 1990).

³ More on the activities of GUKPPiW and its district branches in 1989–1990, vide K Kamińska, "Koniec cenzury w PRL (1989–1990)", *Studia Medioznawcze* 2014, issue 3(58), pp. 113–132.

in September 1989 Poznań censors tried to introduce as few changes as possible, and transfer the supervisory tasks onto law enforcement authorities, somewhat *converting* preventive censorship to – only potential by then – repressive censorship.⁴ The confusion intensified even further due to the policy of Tadeusz Mazowiecki's government, which formed on 12 September 1989, and which kept delaying the termination of GUKPPiW. Officially Mazowiecki's cabinet feared anti-Soviet provocations, yet retaining institutional supervision over the press, radio and television certainly facilitated the control of a country which was torn by a considerable crisis. At the same time, the statements of Deputy Secretary of State Jerzy Ciemniewski from January 1990 indicated that the years of captivity had twisted society's understanding of how in a democracy the social sphere should operate.⁵

At this point the second issue becomes evident, i.e. the special perception of the issue of freedom of speech in Poland. It seems that even the left and liberal post-Solidarity elite (i.e., theoretically, the most open people) considered (and, to some extent, continue to consider) freedom of expression as something of secondary importance, which is strictly regulated through the so-called harm principle, and which is severable. I shall discuss both issues briefly. According to its classical liberal understanding, the harm principle means that any freedom ought to be limited by the state if the use thereof violates justifiable interests of other entities. However, in contemporary liberal democracies, a preferential treatment of the harm principle is considered problematic; also bear in mind that for it to function, it is necessary to define what is considered harmful, what those justifiable interests might be, and what constitutes the basis for defining them.⁶ In Poland, due

⁴ Z. Bosacki, "Nowa rola cenzury", *Gazeta Wyborcza* 21.09.1989.

⁵ On 29 May 1989, based on the Round Table agreements, the authorities restored the more lenient version of the Publications and Performances Act of 31 July 1981 (J. of L. of 1981 No. 20 Item 99, and J. of L. of 1989 No. 34 Item 189). Ciemniewski presented on behalf of the government the planned changes to the act in force. Based on the project, upon printing the first two copies of a magazine, the publisher would be supposed to deliver them to the prosecutor's office, which in turn could suspend its distribution, and refer the matter to the court within 12 hours. Ciemniewski justified that solution with the need to "protect the state against press crimes" (L. Falandysz, "Prokurator cenzorem", *Gazeta Wyborcza*, 22.01.1990). In doing so, he referred to the invasive pre-WWII press law, i.e. a solution typical of authoritarian systems of power.

⁶ In liberal theories it is stressed that increased protection of freedom of expression is necessary for the proper functioning of democracy and self-governance – in a democratic state, it is the citizens who should possess full access to information which could influence the choices made within the process of collective decision-making (the so-called notion of democratic self-governance). At the same time, researchers indicate that in democratic societies, the level of that protection in relation to public matters ought to be increased (while the harm principle ought to be "suspended") when compared to, e.g. the level of protection of statements leading to "private" defamation. Vide W. Sadurski, "Prawo do wolności słowa w państwie demokratycznym (zagadnienia teoretyczne)", *Państwo i Prawo* 1992, issue 10, p. 8.

to historical reasons, the social and political understanding of reality has been for many centuries subjected to binary pressures, totalising relations, if you will, e.g. the nation – partitioning powers, freedom – totalitarianism, the people – the state apparatus, Polish Catholicism – the Others, duties regarding the Motherland – detached aestheticism, collective good – the individual. That is why the features of the dominant attitude include attachment to grand narratives, Catholic values, historic myths, and strong identities, which must be defended at all cost. What is missing is a post-Enlightenment democratic tradition for which that which is constructive are pluralistic social divisions, antagonisms, critical thinking, and debating pre-established templates of one's existence⁷

The results can be found in, e.g. law, and art. One could say that in relation to the judicial regulations of freedom of speech, the 1990 division line is mainly symbolic because what is important is which actual values have filled the notion of liberal democracy grafted from the West, with its human rights guaranteed in a constitution, and specific legal solutions (therefore, the law is understood not as an independent regulator of social relations, but rather as a product of those, strengthening them in return). The number of regulations in the penal code (hereinafter k.k.) which normalise the area of discourse is considerable (e.g. Art. 133, Art. 135(2), 137, 196, 202, 212, 216, 226, 256, 257), some of which possess PRL provenance, while many of which are considered by law scholars as controversial, and remain contrary to the case-law of the European Court for Human Rights in Strasbourg (ECHR).⁸ Polish lawmakers seem to value esteem, including the esteem of state officials, religious beliefs, and state symbols more than the free flow of ideas. The judgements of the Constitutional Tribunal (hereinafter TK) rather seem to confirm those conservative tendencies.⁹ Similar phenomena of *mutatis*

⁷ More on the problems of Polish modernity, vide, e.g. J. Sowa, *Inna Rzeczpospolita jest możliwa. Widma przeszłości, wizje przyszłości*, Wydawnictwo: W.A.B., Warsaw 2015; P. Czapliński, *Resztki nowoczesności*, Wydawnictwo Literackie, Krakow 2011.

⁸ A criticism of the regulations limiting freedom of expression within the penal code, vide, e.g.: W. Mojski, "Prawnokarne ograniczenia wolności wypowiedzi w polskim porządku prawnym. Analiza wybranych przepisów", *Studia Iuridica Lublinensia* 2009, issue 12, pp. 177–196; W. Sadurski, "Wolność prasy w systemie praw człowieka (Wybrane zagadnienia)", in: *Obywatel – jego wolności i prawa. Zbiór studiów przygotowanych z okazji 10-lecia urzędu Rzecznika Praw Obywatelskich*, Biuro Rzecznika Praw Obywatelskich, Warsaw 1998, pp. 133–156. In ECHR case-law it has been stressed that, e.g. the dignity of politicians ought to be protected less rigorously than the dignity of ordinary citizens (vide, e.g. Lingens vs. Slovakia, judgment of 8 July 1986, petition 9815/82; Castellás vs. Spain, judgment of 23 April 1992, petition 11798/85; Colombani vs. France, judgment of 25 June 2002, petition 51279/99), while in Poland the feudal tradition of increased protection of the personal rights of state officials has been maintained.

⁹ Vide, e.g. judgments of TK: of 30 October 2006, file ref. no. P10/06 confirming the constitutional compliance of Art. 212(1) and (2) of k.k.; of 6 July 2011, file ref. no. P12/09 confirming the constitutional compliance of Art. 135(2) of k.k., and of 6 October 2016, file ref. no. SK 54/13 conforming the constitutional compliance of Art. 196 of k.k. The attitude of Poles to post-Enlight-

mutandis can be identified in the area of art. Polish artistic traditions clearly lack any emphatic critical, contestation, or transgression streams. When after 1989 there occurred a natural erosion of the homogeneous division according to two narratives: of the communist state, and the patriotic-independence movement, some artists tried shaking off the pathetic atmosphere of the 1980s, and began contesting that which in life and art was commonly considered natural: neutral, irrefutable, and obvious. That led to ideological conflicts, or even cultural wars, in which the left-liberal elite supported traditional values; instead of protecting the right to artistic provocation, they moralised, or, in more emphatic instances, they condemned and invalidated specific artistic projects.¹⁰ At the same time, there is a visible diversification of evaluations depending on the type of media and of art, which might indicate a special kind of severability of the notion of freedom. One could even talk about a special *paragone*, i.e. a comparison defining the hierarchy of the importance of arts. A position within the *paragone* translates into acceptance or rejection of possible transgressions; the more a given area is valued, the higher the acceptance of a violation, and *vice versa*.¹¹ Art historians stress that when compared to literature, theatre, music, and film, visual arts in Poland have never been highly esteemed. As noted by Piotr Piotrowski, an art historian: within critical reflection and media discourse, they were rather condemned to maintaining the traditions of Grand Topics à la Jan Matejko, or modernist values with first and foremost the autonomy of the form¹².

enment notions of liberal democracy, and a democratic state under the rule of law is yet another issue. The events following the elections in 2015 have indicated that they do not consider them as bearing fundamental significance.

¹⁰ Evidence for that is offered by the articles published in the left-liberal *Gazeta Wyborcza* daily, particularly those published in the 1990s and at the beginning of the 21st c.; more on that and on cultural wars, vide J. Dąbrowski, *Cenzura w sztuce polskiej po 1989 roku*, vol. 2 *Artyści, sztuka i polityka*, Fundacja Kultura Miejsca, Warsaw 2014.

¹¹ A good example are the disquisitions of Fr. Andrzej Draguła, who compared Krystyna Janda's play entitled *Porozmawiajmy o życiu i śmierci* to *Pasja* by Dorota Nieznańska (*Bluźnierstwo. Między grzechem a przestępstwem*, Towarzystwo „Więź”, Warsaw 2013 pp. 99–102). A polemic with his views: J. Dąbrowski, “Recenzja książki Andrzeja Draguły: ‘Bluźnierstwo. Między grzechem a przestępstwem’”, *Studia Litteraria Historica* 2014/2015, issue 3/4, pp. 42–53.

¹² Piotr Piotrowski often emphasised the feebleness of the traditions of the Enlightenment in Poland, cultural conservatism, the lack of Dada traditions, and the inferior position of visual arts excluding 19th-century historical paintings, vide, e.g. P. Piotrowski, “Pazurami i dziobem w obronie demokracji”, *Artmix* 20.03.2007, <http://www.obieg.pl/artmix/1729>; idem, *Znaczenia modernizmu. W stronę historii sztuki polskiej po 1945 roku*, Dom Wydawniczy Rebis, Poznan 1999, p. 222 etc.; idem, *Agorafilia. Sztuka i demokracja w postkomunistycznej Europie*, Dom Wydawniczy Rebis, Poznan 2010, pp. 263–287; idem, *Sztuka według polityki. Od Melancholii do Pasji*, Universitas, Poznan 2007, pp. 149–150, 204, 214–217, 227–244. The inferior position of plastic arts in Poland is historically rooted, and has been stressed since the 16th c. by Łukasz Górnicki (the famous passage: “Poles won't find art nor any discussion of it useful”), more on the subject, vide also: J. Klaczko, *Sztuka polska*, [s.n.], Paris 1858; K. Pomian, “W błysku reklam, w świetle laserów”, *Gazeta Wyborcza*, 20.03.2004.

Yet the spontaneous decomposition of institutional censorship, and a rather thoughtless acceptance by the society and its elite of the assumption that the formal termination of GUKPPiW was not only a necessary, but also a sufficient condition to ensure the democratic standards of freedom of the flow of ideas, constitute only a part of the issue in which I am interested. Within the juridical and symbolic dimensions, the change was, of course, significant. No longer was anyone required to submit their material to formal verification prior to its distribution, yet did that really mean a leap from captivity to freedom? To answer that question one should not only consider that which is obvious, i.e. what the changes that occurred were, but also approach the problem in reverse (as if in Foucault's *renversment*), and study that which remained. I have already mentioned the long history of the dispersed power relations which for decades or even centuries have been shaping society's view of the world, and, at the same time, which have informally defined the limits of freedom of expression. They emerged fully, and became analysable only after 1989 as in the People's Republic the problems of state power and freedom were mainly considered in relation to the abuses of the totalitarian state. The constancy of certain mechanisms which shaped social communication would be similarly significant in the discussed context. In other words, let us ask whether in the discursive reality within which GUKPPiW existed, and in the discursive reality without the Bureau, there were any points where those two intersected.

In every society, in every political system, there always exist forces and mechanisms which in a more or less formal way, in a precedent or subsequent manner exclude from the public sphere certain types of expression. The rather common conviction that in the PRL there existed a struggle between society (mainly journalists, scholars, and artists) and state officials who at the censors' HQ in Mysia St. cut out from their texts and works of literature improper fragments is a myth. Communist censorship was not, as we have grown to perceive it, a case-based preventive control of the flow of ideas but a complex and continuous system of relations which shaped desired social actions.¹³ Social communication was entwined in a network of relations within which all interested parties were responsible for the final shape of a message, and, at the same time, everyone monitored everyone else – starting with the Moscow-dependant PZPR's top echelon¹⁴, through authors, printers, distributors, vendors, and ending with GUKPPiW and its district branch

¹³ More on the subject, vide, e.g. Z. Romek, "System cenzury w PRL" and T. Strzyżewski, "Wstęp", in: T. Strzyżewski, *Wielka Księga Cenzury PRL w dokumentach*, Prohibita, Warsaw 2015, pp. 9–56; M. Łętowski, *Gdy łączyliśmy ustrój i godziliśmy w sojusz...*, Wydawnictwo KUL, Lublin 2010, pp. 41–46; B. Gogol, *Fabryka fałszywych tekstów. Z działalności Wojewódzkiego Urzędu Kontroli Prasy, Publikacji i Widowisk w Gdańsku w latach 1945–1958*, Neriton, Warsaw 2012, pp. 44–50.

¹⁴ PZPR – Polska Zjednoczona Partia Robotnicza (The Polish United Workers' Party) was the communist, totalitarian party which governed Poland from 1948 to 1989.

offices. PZPR's leaders were responsible for the coherence of the message; party secretaries were to be consulted by censors when the latter were not certain how to act in a specific case. According to the press law, any and all pieces of information were subject to the special "truth clause", i.e. one could utilise freedom of speech but only when it led to a true presentation of phenomena while ensuring the fulfilment of the interests of society and the socialist state, and the information to be provided was supposed to strengthen the constitutional system of the PRL.¹⁵ The provisions of the press law stipulated criminal liability for publishing unpermitted press releases or not registering copying equipment, evading the obligation to submit a publication for verification, and non-observance of any bans on its distribution. Criticism of the system was allowed, but only if it was, as the slogan went, constructive and responsible, i.e. resulting from one's care for the People's state, not a desire to condemn it. That limited permissivism was dictated by specific political goals, sometimes forced by domestic social and political tensions. Even censors conducting preventative control of the flow of ideas were verified within the repressive system, i.e. published material they had approved was verified on an on-going basis, which was called secondary censorship. The so-called oversights could influence their status at work, and, in extreme cases, could result in criminal liability. At the same time, the term *censorship* was meticulously hidden from sight. Any reference to it was absent from the name of GUKPPIW, while its employees were referred to as *counsellors*. Some censorship duties were distributed among other offices and institutions which were not associated with censorship, e.g. the Customs Office, the Chief Management of Publishing Houses (Naczelny Zarząd Wydawnictw), or the Chief Council of Television Film Programmes (Naczelna Rada Programów Filmowych Telewizji).¹⁶

The work system of GUKPPIW's counsellors was carefully developed and discreet. According to the guidelines, the interventions were supposed to be as minor and rare as possible, yet directing the meaning of a text towards the desired direction. Strzyżewski emphasised that the number of those had been gradually falling since the 1960s. Within the 19 months spent at the Krakow branch of GUKPPIW, he intervened 8–10 times in press releases, and his interventions consisted of removing fragments related to economic or military secrets (e.g. the production capacity of industrial plants).¹⁷ Though no extensive research in the topic exists, a similar phenomenon could also be identified in the visual arts. The letters

¹⁵ Vide, e.g. Art. 1 of the Press Law Act of 26 January 1984 (J. of L. 1984 No. 5 Item 24): "Press shall utilise [...] freedom of speech and print, [...] strengthen the constitutional political system of the People's Republic of Poland, in particular: shall disseminate information and express opinions in support of socialist social relations [...] Art. 6(1) [...] Press [...] aims to deliver a true presentation of the phenomena being discussed observing the interests of the society, and the socialist state [...]".

¹⁶ More on the subject Z. Romek, *System...*

¹⁷ T. Strzyżewski, op. cit.

exchanged between the management of Bunkier Sztuki Gallery in Krakow and the local branch of GUKPPiW (1977–1990 period) regarding permits for organising exhibitions, prints of invitations and posters, and catalogue texts retained in the archive of Bunkier Sztuki do not include any traces of censorship interventions, not to mention any instances of challenging entire texts or exhibition ideas.¹⁸ That was a result of the strategy utilised in the communist system of control of the flow of ideas and thoughts which, according to Zbigniew Romek, was based on the so-called delegation of censorship duties.¹⁹ In other words, the intention was to make sure that counsellors received only material which did not require any corrections. Therefore, they made sure to cooperate with institutions and discuss in time with appropriate people what was and what was not allowed. What is significant, though, is that the actions of counsellors were the final, but not necessarily the most important, element of the operations of the system of censorship. The stick was one method, while the carrot was the other: interesting, prestigious and lucrative positions, access to sources of financing, permits and concessions for specific activities, access to supplies from state-owned monopolies, and foreign trips were reserved for those who displayed potential for cooperation with the authorities.²⁰ Stanisław Barańczak thus described the situation: “it is common for literature to subdue and gag itself. A peculiar sight: a victim putting the gag into his own mouth even though it appears as if no one forced him to do it. That image only becomes clear if one knows that the seemingly voluntary act results from a compulsion more complicated than pure physical violence, compulsion which utilises fear, pusillanimity, the desire to further one’s career or gain privileges, or simply the necessity to earn money. The whole system of terror, lures, deceptions, and sophistic rationalisations ensures that a writer gags himself.”²¹

¹⁸ I wish to thank Magdalena Ziółkowska, the manager of Bunkier Sztuki Gallery in Krakow, for granting me access to the institution’s archive.

¹⁹ Z. Romek, *System...* Romek stressed that “the surviving censorship files [...] indicate that the Bureau fulfilled its task of ‘delegating censorship duties’ well. There are few deletions present in surviving typescripts, and where there are some, they are minor corrections.” Idem, *Cenzura a nauka historyczna w Polsce 1944–1970*, Wydawnictwo Neriton – Instytut Historii PAN, Warsaw 2010, p. 70. [English version translated from Polish].

²⁰ Zbigniew Romek described a situation from 1965 when the Central Committee of PZPR expressed its discontent with “the Chief Editorial Office [of the State Academic Publishing House – note by JD] not securing a completely appropriate academic policy of our party in the publishing house.” As a result, editorial teams and the heads of the publishing house’s divisions were replaced with people who ensured the desired ideological direction. Research in the West was available only to those who not only met factual criteria, but also political requirements defined by the party: *Cenzura...*, pp. 69, 94–103. The informal extra-legal pressure (mainly of an economic nature) exerted by communists on journalists, artists, directors, scholars, etc., and the related moral dilemmas are the leitmotif of Leopold Tyrmand’s *Dziennik 1954*.

²¹ S. Barańczak, *Knebel i słowo. O literaturze krajowej w latach siedemdziesiątych*, Niezależna Oficyna Wydawnicza NOWA, Warsaw 1980, pp. 2–3. [English version translated from Polish].

Barańczak described the situation which existed among writers, yet the problem of conformity was also stressed by Polish art historians: from the 1980s visual artists, basically passive towards the regime, were tamed by it. Exhibitions, symposia, en plein air, allotment of workshops, positions at universities, special shops with art supplies, and the ability to exhibit or even sell works abroad sufficed to subdue the Polish art world. After the thaw period and the rejection of the doctrine of Socialist realism (1956), the authorities allowed plastic artists to engage in formal experiments as long as their works did not raise political issues. Artists could, of course, justify to themselves the choice of the modernist autonomy of form as a rebellious attitude traversing the ideologised reality, but that “rebellion” was, in reality, used by communists to consolidate and increase the credibility of the regime; it was supposed to prove the modern, open and westernist nature of the post-totalitarian state.²²

Therefore, institutional censorship only ensured the coordination of the coherence of messages produced by self-censoring culture outlets: representatives of the media, scholars, writers, and artists. One could say that the most important feature of communist censorship was the principle stating that “good censorship is one which cannot be seen” (or in a more emphatic version: “is no longer necessary”). That applied not only to hiding the existence of institutional control from society, but most of all to delegating censorship duties, which resulted in, as Michel Foucault could have said, culture outlets’ self-gagging (*assujettissement*).²³ The authorities applied that principle through establishing and maintaining co-

²² One indication of the passivity of the plastic arts community could be the protests against the changes to the Constitution of the PRL planned by Edward Gierek in 1975. When compared to the engagement of the literary and academic communities, what was puzzling was the lack of any anti-communist acts devised by plastic artists, as well as a lack of their support for existing initiatives. The so-called *Letter of 59* submitted to the Sejm on 5 December 1975 was not signed by a single plastic artist. It was only on 21 January 1976 that E. Lipski sent to the Marshal of the Sejm a supplementary list of people, which included B. Zbrożyna, H. Błachnio and H. Rudzka-Cybisowa. The so-called *Letter of 14* of 21 January 1976 was not signed by a single plastic artist. The so-called *Letter of 101* sent to the Sejm on 31 January 1976 by J. Andrzejewski with a protest against the limitations to freedom of speech planned in the Constitution was signed by J. Sempoliński and again by H. Błachnio and B. Zbrożyna; the letter’s signatories who belonged to the plastic arts community also included M. and J. Boguckis. In the letter with the protest against the changes to the Constitution of the PRL signed by 25 intellectuals, and sent in January to the Sejm’s Constitutional Commission, plastic artists were represented by K. Maślanka-Braun and B. Pniewska-Krasińska (non-dated letter). The contents and signatories of the letters: *Kultura* 1976, issue 1–2, and 1976, issue 3.

More on the strategy of the authorities of the PRL in relation to the community of plastic artists, and the conformity of the latter, vide e.g.: P. Piotrowski, *Dekada: o syndromie lat siedemdziesiątych, kulturze artystycznej, krytyce, sztuce – wybiórczo i subiektywnie*, Obserwator, Poznań 1991; idem, *Awangarda w cieniu Jaltę. Sztuka w Europie Środkowo-Wschodniej w latach 1945–1989*, Dom Wydawniczy Rebis, Poznań 2005, pp. 309–315.

²³ M. Foucault, *Nadzorować i karać. Narodziny więzienia*, Aletheia, Warsaw 2009, pp. 196–198.

operation with them, which was amplified by the widely promoted system of rewards, the system of repression lurking in the background, and (only as the final stage) verification of the results. The aim was to feed society with manipulated material in order to shape its awareness according to the regime's needs. Due to those activities, certain aspects of life became unimaginable, thus they could not become the object of reflection and desire. Also the conformity of culture outlets was meant to eventually evolve towards complete internalisation of the solely just ideology, and desired attitudes.

Despite formal guarantees of freedom of expression, and a formal ban on the existence of institutional preventive censorship, democratic states feature an on-going struggle for the symbolic rule and, in turn, the exclusion of various ideologies, world-views, levels of knowledge, and messages from the sphere of discourse. Of course, that also has applied to Poland since 1989. Even the liberal rhetoric regarding the termination of censorship, so dominant in the Third Polish Republic, or the placement of censorship only within legal bans of the subsequent nature can support the thesis because that voids the informal non-obvious mechanisms which form the sphere of discourse. For many years Polish humanist studies lacked critical studies of censorship, i.e. going beyond the concept which stated that its source lay in some seat of power, which on an exception basis executed case-based interventions within the continuum of the free public sphere. The basis for a re-assessment of traditional assumptions as being too narrow, and basically obscuring the core of the problem was offered by the theories by Pierre Bourdieu and Michel Foucault. Both French scholars radically reformulated the notion of power, which also resulted in a radical change in the understanding of censorship.²⁴ Thus, researchers stressed that censorship is not actually reflected in the control or bans originating from a state institution but, first of all, it is a result of dispersed relations of non-personal power within a society; secondly, just like that power, it operates overtly and covertly yet continuously, and emerges from everywhere, and, thirdly, it not as much bans as produces reality, the Truth and the Subject.²⁵ Based on such assumptions the term censorship becomes current

²⁴ Vide, e.g. P. Bourdieu, *Language and Symbolic Power*, Harvard University Press, Cambridge – Mass. 1992; idem, H. Haacke, *Free Exchange*, Polity Press, Cambridge 1995; P. Bourdieu, *O telewizji. Panowanie dziennikarstwa*, trans. K. Sztandar-Sztanderska, A. Ziołkowska, Wydawnictwo Naukowe PWN, Warsaw 2009; M. Foucault, *Nadzorować...*; idem, *Historia seksualności*, vol. 1 *Wola wiedzy*, trans. B. Banasiak, T. Komendant, K. Matuszewski, słowo/obraz terytoria, Gdansk 2010.

²⁵ More on the subject, vide e.g.: R. Burt, "Introduction. The 'New' Censorship", in: *Administration of Aesthetics*, R. Burt (ed.), University of Minnesota Press, Minneapolis – London 1994; R.C. Post, "Censorship and Silencing", in: *Censorship and Silencing: Practices of Cultural Regulation*, R.C. Post (ed.), The Getty Research Institute for the History of Art and Humanities, Los Angeles 1998; M. Holquist, "Corrupt Originals: *The Paradox of Censorship*", *PMLA*, 109:1 (1994); J. Butler, *Excitable Speech: A Politics of the Performative*, Routledge, New York – London 1997.

also in relation to the less formalised mechanisms of shaping the sphere of discourse within systems of liberal democracy.

Since 1989, within the areas of culture and art alone one could indicate hundreds of examples of censorship or attempted censorship.²⁶ Their analysis indicates that even though institutional control over the sphere of discourse was lifted in 1990, many informal relations of power (influencing what we think, say, create, and view) have remained. One of the lead examples is the age-old dominance of the Catholic world-view, and the resulting understanding of social relations (the roles of women and marriage, same-sex relationships, sexual education, abortion, contraception, protection of religious feelings, the secular nature of the state, the notions of morality, normality, freedom, or even the notion of art)²⁷, though, evidently, there has existed a gradual reconfiguring of the gagging relations of power (e.g. the introduction into public debate of feminist and gay emancipation stipulations, or the progressing secularisation of the society – phenomena which during the PRL seemed suspended). One could also discuss continuity in regard to certain specific mechanisms shaping the discourse; evolution only applies to their intensity, and the related rhetoric. The process of delegating censorship duties, and the principle of “good censorship is one which cannot be seen/is no longer necessary” remain valid. In their application, there are still used such stimuli as *sanctions* and *rewards* of various provenances, though usually of an economic nature.²⁸ Let us examine the phenomena using examples.

In March 2015, Jacek Jaśkowiak, who had recently been elected president of Poznan as a candidate of Civic Platform, and who, prior to the election, appeared as an opponent of the conservative cultural policy of his predecessor Ryszard Grobelny, caused considerable confusion among his constituents. He stated that he sent a letter to Poznan’s archbishop Stanisław Gądecki to urge him to prevent the illegal placement of a Statue of Christ in Adam Mickiewicz Square planned by the committee for the reconstruction of the Monument of Gratitude of the Sacred Heart of Jesus Christ. He also made a similar request, i.e. to avoid any controversial spectacles during the soon to come 1050th anniversary of the Baptism of Poland, with Michał Merczyński, the director of the Malta Festival Poznan. “Let us refrain from doing something which is only intended to cause a row,” con-

²⁶ Vide “Spis wypadków cenzorskich 1989–2010” in: J. Dąbrowski, *Cenzura...*, pp. 690–736.

²⁷ Out of over 250 recorded interventions in freedom of art within the period 1989–2010, 35% were justified with religious reasons, and 45% with moral reasons, the majority of which referred to Catholic morality as their point of reference: J. Dąbrowski and A. Demenko, *Cenzura w sztuce polskiej. Aspekty prawne*, vol. 2, Fundacja Kultura Miejsca, Warsaw 2014, p. 34.

²⁸ As noted by Svetlana Mintcheva, a researcher of the issue of censorship in democratic systems: *The ultimate dream of censorship is to do away with the censor*, vide “The Censor within”, in: *Censoring Culture. Contemporary Threats to Free Expression*, R. Atkins, S. Mintcheva (eds.), The New Press, New York 2006, p. 299.

cluded Jaškowiak.²⁹ In his statement, Jaškowiak referred, on the one hand, to the conflict regarding the monument of Gratitude of the Sacred Heart of Jesus Christ, which, according to some, should be restored in its original form and placed in Adam Mickiewicz square it having been demolished in 1939 by the Nazis³⁰, and, on the other, to the spectacle entitled *Golgota Picnic* from June 2014, which was cancelled by director Merczyński pressured by conservative politicians, associations, and the football fans of Lech Poznań.³¹

Formally speaking, Jaškowiak's statement lacks any threat of censorship, or of sanctions; it only includes a conciliatory (seemingly) symmetrically distributed appeal to the representatives of both ideological sides to refrain from provoking any social conflicts. Yet the resulting situation raises the question: how Jaškowiak's suggestion was supposed to be interpreted by the director of Malta Festival Poznań when 50% of its budget (nearly 3 million PLN) came from local government funding. In reality, the inclusion of spectacles which would contradict the president's intentions could result in the termination of the acclaimed event, while a cut in funding would be viewed by society as even more justified since the artists had been warned against "causing a row" (the number of informal sanctions on the part of the city's authorities could be much higher because without the authorities' good will the organisation of such a big festival is virtually impossible). In order to mitigate possible horizontal disputes, Jaškowiak shifted the problem vertically one level upwards – (through the wallets) to the minds of the festival's organisers and artists. In doing so, the authorities not so much intended to block the propagation of undesired content as to induce a self-gagging blockage of ideas, and any plans for propagating those (thus, there existed a type of delegation of censorship duties). Furthermore, bear in mind that even if the organisers of the festival and artists had acted against the will of the president, there would still have come the penal code to the rescue, Art. 196 of k.k. in particular, which criminalises instances of offending religious feelings. Regardless of the outcome of a resulting case, the fact of becoming a suspect or even a defendant is a considerable inconvenience, which could be considered as a sanction.

A somewhat different strategy of delegating censorship duties was applied by Piotr Gliński, the Minister of Culture and National Heritage in the government of the Law and Justice party, when through his subordinate officer from the Financial Department of the Ministry he wrote a letter to the Marshal of Lower Silesia Province regarding a morally controversial spectacle entitled "Smierć

²⁹ T. Cylka, S. Lipoński, "Jaškowiak chce spokoju w 2016 r.", *Gazeta Wyborcza* Poznań, 21.03.2015.

³⁰ Vide <http://www.pomnikwdzicznosci.pl/> (accessed: 20.03.2017).

³¹ More on the subject, vide *Piknik Golgota Polska. Sztuka – religia – demokracja*, A. Adamiecka-Sitek, I. Kurz (eds.), Wydawnictwo Krytyki Politycznej, Warsaw 2015.

i dziewczyna.” The play, based on Elfriede Jelinek’s texts, was to be staged by Polski Theatre in Wrocław. The final section of the letter dated 20 November 2015 ran as follows:

MKiDN [Ministry of Culture and National Heritage] does not intend to intervene in freedom of artistic expression. Nor does it intend to pursue the introduction of any forms of censorship. However, the activities of an institution which receives public, including central government, funding, cannot violate norms commonly applicable within our society. [...] Therefore, the Minister of Culture and National Heritage expects Mr. Marshal to immediately order the suspension of the preparations for the première in the announced form which violates the generally accepted principles of social relations.³²

In fact, the letter included an assurance that there is no such thing as censorship, which was followed by strict conditions. The officer clearly stated: “the theatre cannot”, “the minister expects the marshal to immediately order the suspension.” Nonetheless, the minister appears in it as a tolerant person by stressing twice that “the issue applies to an institution which receives public funding”, which enables an *a contrario* conclusion that the violation of “generally accepted principles of social relations” in art cannot occur when funded with tax money, but it can occur when funded from private sources. Since the introduction in Poland of a neo-liberal economic system *argumenta ad “taxum”* in disputes regarding art have appeared frequently, and there are specific reasons for that. The hypostatic figure of an ordinary taxpayer who is forced to pay for obscene/blasphemous/offensive art, first of all, suggests that there exists a universal model of social taste which defines what can be and what is not befitting to be financed through public funding. Secondly, that relates an emotional usually religion-based attack to the rational sphere of financial choices, which also helps gain the support of non-believers who do not care much about art or who are attached to its traditional paradigms. Considering the complexity of many contemporary works of art, and the poor education in terms of reading it prevalent in Poland, highlighting economic considerations is an efficient method of ousting controversial works from the public sphere. And thirdly, due to the economic argument, a censor stops being a censor (stops being visible). That is because she/he dissolves within the abstract mass of taxpayers, and just as abstract a notion of common good, and because her/his argument, in terms of its message, is permissive (“one can exhibit the works by Garcia, Jelinek, Nieznalska, etc.”) – the problem, of course, lies in its conditional nature (“but not using my tax money”). Based on previous experience it seems clear

³² W. Mrozek, “Jak zabić świetny teatr”, *Gazeta Wyborcza*, 24.08.2016. Polish Theatre in Wrocław is financed through subject and purpose subsidies from the central budget, and the budgets of local government entities. Its financial reports are approved by the Management of Lower Silesia Province.

that private sponsors indicated as alternative sources of financing are unwilling to support controversial, transgressive, and avant-garde (i.e. non-canonised within the process of state education) art projects as usually they possess a niche nature, which means that in terms of marketing they do not guarantee a return on investment. If they, however, exceed the small circle of viewers, that is usually due to a media scandal, which can negatively influence the image of the sponsor (which is also measured based on specific market value). As noted by Naomi Klein, the image-based policies of corporations possess officially strong legalistic and pro-family nature, which means that potential private sponsors will rather dissociate themselves from works of art which violate “norms commonly applicable within our society.”³³ The opponents of transgressive art are perfectly aware of the fact that in reality creators have very few options, and without state patronage they will not cope – that is a typical example of delegating censorship duties which consists of making people associated with culture choose: either to act in line with the expectations of the authorities, or withdraw from their preferred artistic activities. Officially, there is no censor there, and yet one knows that some areas of art will become severely limited or will cease to exist altogether as a result of self-censorship, i.e. that form of censorship which is the most difficult to objectify, and the most treacherous.

After 1989 one could indicate many similar examples of delegating censorship duties; some mechanisms of limiting freedom of expression correspond to those which had been present in the communist regime. Though there is no final supervisor in the form of GUKPPiW, the system still works so that inconvenient expressions are excluded permanently. Not legal sanctions but a meditated distribution of economic and symbolic privileges (positions, subsidies, grants, assignments, publishing or staging options, etc.) is the most efficient method; thus desired behaviour is rewarded, and undesired behaviour is condemned, while the receivers themselves decide what is more beneficial to them.³⁴ Bear in mind that what has also remained is the dispersed relations of power which for generations have shaped the minds and attitudes of Poles. I believe that the analysis of the issues related to censorship before and after 6 June 1990 (or, more broadly, before

³³ Strategies of corporate sales, vide N. Klein, *No Logo*, trans. M. Halaba, H. Jankowska, K. Makaruk, Wydawnictwo MUZA S.A., Izabelin 2004, pp. 90–95, 183–186, 202–205. Private sponsors can easily turn from benefactors to enemies (that applied in the case of the legal blackmail used in 1997 by Lego towards Zbigniew Libera and his work *Lego. Concentration Camp*); they can terminate the cooperation (as was done in 2003 by AMS and Cityboard Media in relation to the project entitled *Niech nas zobacz* by Karolina Breguła), or censor a work (as was done by AMS with Katarzyna Kozyra’s project entitled *Więzy krwi*).

³⁴ E.g. after charges were pressed against Dorota Nieznalska in 2002 for offending religious feelings of others with her installation entitled *Pasja*, for several years the artist was not offered a single exhibition in any valued Polish exhibition centre. Institutions, fearing repercussions on the part of politicians, were afraid to cooperate with her.

and after 1989), not within the categories of a termination but as a kind of a continuum, could help better understand the nuances of the functioning of the sphere of discourse in the PRL. At the same time that approach enables one to diagnose in a more nuanced and critical manner the issue of freedom of expression in today's Poland.

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Jakub Dąbrowski

**A few remarks on the mechanisms of censorship in the PRL³⁵
and the Third Republic of Poland**

(Summary)

The purpose of the paper is to discuss the mechanism of censorship before and after 1990 when the mission of the communist Chief Control Bureau for Press, Publications and Performances (GUKPPiW) was terminated. Communist censorship was not, as we have grown to perceive it, a case-based preventive control of the flow of ideas but a complex and continuous system of relations which shaped desired social actions. Institutional censorship only ensured the coherence of messages produced by self-censoring culture outlets: representatives of the media, scholars, writers, and artists. In my opinion the abolition of GUKPPiW was not some radical rupture, it seems that some of the mechanisms of censorship have a rather permanent nature, regardless of the political system. Moreover, even though institutional control over the discursive sphere was lifted, many informal relations of power have remained untouched. These dispersed power relations have been shaping Polish society's view of the world for centuries deciding what is good or bad, nice or ugly, decent or indecent, Polish or non-Polish, and last but not least – expressible or inexpressible.

Keywords: censorship in communist countries, censorship in democratic states, freedom of expression

³⁵ Commonly used abbreviation of the People's Republic of Poland.