

REPORT

Monitoring results
of the “TOK FM - Pierwsze Radio Informacyjne” radio programme
with regard to a possible violation of Art. 18 par. 1 of the
Broadcasting Act in journalistic broadcasts
in connection with the so-called phenomenon of “hate speech”

(a 14-day sample based on the constructed week method)



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INTRODUCTION

Scope of the “hate speech” concept

Hate speech is a complex phenomenon which, because of its multifaceted nature, is sometimes defined in different ways. The literature on the subject emphasises, inter alia, the social dimension of hate speech. In this sphere, the aim of “hate speech” is to attack the collective, therefore, even if hate speech is directed at an individual, it usually remains only a representative of the group to which – by way of the attack – it is attributed, based on social (e.g. language) or biological criteria discriminating against this group.¹ In this view, “hate speech” therefore reduces a group or individual (rather than a typical representative of such a group) to a collective characteristic or stereotype that defines that person or group in a negative way and leads to a social perception of humiliation or degradation or devaluation, which in turn justifies unequal treatment and discrimination against those targeted.² In light of the above, it is often pointed out how dangerous “hate speech” can be for the democratic order or cultural cohesion or pluralism through insult, the degradation and humiliation of groups and individuals for reasons wholly or partly independent of them.

It is also worth noting the narrower, linguistic dimension of hate speech. Linguists stress that it refers to different types of aggressive linguistic behaviour, such as the discrediting of the addressee of a communication through insulting and degrading epithets, their stigmatisation (understood as social labelling), denigration. In the colloquial sense, hate speech can even be mockery, ridicule or blunt criticism.³ For this reason hate speech is such a broad and vague term that there have been proposals made to describe it as a so-called strategy of exclusion. In terms of linguistic ethics, then, hate speech is an intentionally chosen linguistic means (linguistic acts of violence) that are intended to arouse contempt for the person attacked, to deprive him or her of subjectivity, to create the belief that he or she is a threat to the social order. This is a classic example of communication aimed at weakening one’s own position, *with the overt, perverse aim of conveying the message that a group or one of its members do not deserve normal treatment because of the characteristics attributed to them.*⁴

¹ See: M. Trębacka, *Prawo europejskie wobec stereotypizacji i mowy nienawiści*, W: D. Kornobis-Romanowska (under the ed. of), *Folia Iuridica Wratislaviensis Vol. 11, No. 1* (s. 212-233), Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego, Wrocław 2022, p. 219.

² See: Ibid, pg. 220.

³ See: E. Rogalska, M. Urbańczyk, *Złożoność zjawiska mowy nienawiści w pozaprawnym aspekcie definicyjnym*, W: M. Maciejewski, T. Scheffler (under the ed.) of *Studia nad Autorytaryzmem i Totalitaryzmem 39, no. 2* (pp. 117-135).

⁴ A. Cegięła, *Na czym polega przemoc w języku komunikacji publicznej?*, in *Poradnik językowy, publ. nr 7* (pp. 7-20), Towarzystwo Kultury Języka i Dom Wydawniczy ELIPSA, Warsaw 2019, p. 10.

In considering the legal significance of nonviolent speech, however, it should be emphasised that one of its first definitions – and at the same time most common – definitions is that given in Recommendation No. R No. 97 (20) of the Committee of Ministers of the Council of Europe in 1997. According to the Recommendation, hate speech should be considered *as any form of expression that advocates, promotes or justifies racial hatred, xenophobia, anti-Semitism or other forms of intolerance, including racial intolerance in the form of aggressive nationalism or ethnocentrism, discrimination or hostility towards minorities, migrants or people from the migrant community*. Hate speech defined in such a manner, though focusing on the criteria of race/ethnicity or nationality, creates an open-ended catalogue of conditions that constitute grounds for a particular form of expression to be considered hate speech (e.g. *by using other forms of hatred based on intolerance in the definition*). Such a catalogue has been included, inter alia, in Article 21 of the Charter of Fundamental Rights of the European Union, which prohibits any form of discrimination, in particular on the basis of sex, colour, race, ethnic or social origin, genetic or social origin, genetic features, language, religion or belief, political or any other views or opinions membership in a national minority, property, birth, disability, age or sexual orientation, disability, age or sexual orientation.⁵

However, as far as the definition of “hate speech” in European law is concerned, there is no legal definition of this phenomenon in the Polish legal system. However, it is assumed that in a narrow sense, this category includes offences specified in the Penal Code, including, inter alia, offences of unlawful threats against a group of persons or an individual on the basis of his or her belonging to a defined group,⁶ offences of propagation of a fascist or other totalitarian system or incitement to hatred⁷ against a group of persons or an individual, disrespect for a group of persons or an individual because of their national, ethnic, racial or religious identity or because of their non-religiousness.⁸ In a broader sense, however, it is *any expression in the public sphere that is insulting, humiliating or which in its content incites to hatred against a person because of his or her membership to a particular group*.⁹

Content prohibited under Article 18(1) of the Broadcasting Act

Applying the above considerations to the Broadcasting Act it should be noted that Article 18 of the Act sets out general standards for content contained in broadcasts or other communications transmitted by radio and television programmes. These standards relate, inter alia, to respect for the rule of law, morality and social welfare. Therefore, in accordance with the wording of the standard contained in paragraph 1 of the said article of the Act:

⁵ See: Charter of Fundamental Rights of the EU (access: <http://eur-lex.europa.eu/legalcontent/PL/TXT/PDF/?uri=CELEX:12016P/TXT&from=DE>)

⁶ See: art.119 par.1 Act of 6 June 1997 Penal Code (JoL of 2002, item 1138).

⁷ See: art. 256 par.1 Act of 6 June 1997 Penal Code (JoL of 2002, item 1138).

⁸ See: art. 257 Act of 6 June 1997 Penal Code (JoL of 2002, item 1138).

⁹ E. Rogalska, M. Urbańczyk, *Złożoność zjawiska mowy nienawiści w pozaprawnym aspekcie definicyjnym*, W: M. Maciejewski, T. Scheffler (pod red.) *Studia nad Autorytaryzmem i Totalitaryzmem* 39, nr 2 (s. 117-135), Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 2017, s. 132.

*Programmes or other broadcasts may not promote actions contrary to law and Poland's raison d'état or propagate attitudes and beliefs contrary to the moral values and social good; in particular, programmes or other broadcasts may not include contents inciting to hatred or violence or contents which are discriminatory on grounds of gender, race, colour of skin, ethnic or social origin, genetic features, language, religion or belief, political views or any other opinions, nationality, membership of a national minority, wealth, birth, disability, age or sexual orientation or incitement to commit a terrorist offence.*¹⁰ This provision is directive in nature and contains undefined terms (for example, it does not define the meaning of terms such as hatred or violence). It does, however, indicate that broadcasts and other broadcast transmissions should not only not promote certain types of acts (in the context of hate speech, e.g. the offences referred to in Articles 256 and 257 of the Criminal Code) and attitudes and views (e.g. not falling within the catalogue of moral norms accepted by the general public), but, in particular, should not contain content that incites hatred or violence or is discriminatory. It can therefore be assumed that, although Article 18(1) of the Broadcasting Act does not define the phenomenon of hate speech, it does formulate a prohibition on the presence in broadcasts and other radio and television transmissions of content that in fact contains elements constituting hate speech. This is particularly evident when we look at the set of criteria established in Article 18(1) of the Act on the prohibition of discrimination. This is because it is a literal repetition of the list of premises contained in the aforementioned Article 21 of the Charter of Fundamental Rights of the European Union, which in turn can be treated as a more detailed (though not closed) catalogue of criteria that provide grounds for recognising a given form of expression as hate speech, as defined in the aforementioned Council of Europe recommendation.

Simultaneously, it should be emphasised that, according to the Broadcasting Act, the promotion of actions, attitudes and views prohibited by the norm of Article 18(1) takes place when a given broadcast or transmission of content is supported by an appropriate form of expression that encourages the actions presented in the broadcast or causes such actions, attitudes and views to be considered by the viewer as appropriate and worthy of imitation (see the judgment of the Supreme Court of 2 July 2013, ref. III SK 42/12, Legalis). The decisive factor in determining whether there has been a dissemination is therefore the overall nature of the message contained in the programme and the form in which it is expressed, and not an assessment of whether the dissemination of specific content was a planned activity fully controlled by the radio or television broadcaster. This is because, in the context of the Broadcasting Act, the responsibility of the broadcaster for the promotion of the aforementioned actions, attitudes and views is an objective responsibility and stems from Article 13(1) of the Act, according to which the broadcaster shapes the programme independently and is responsible for the content of the programmes and other broadcasts that form its components, regardless of the responsibility and intentions of other persons, such as the creators of the programme in question (see the Provincial Court's (SO's) ruling of 14 August 2013, ref. no. XX GC 757/12 and the judgement of the Administrative Court (SA) of 20 August 2014, ref. VI ACa 1740/13). In addition, the doctrine also indicates that the criteria set out in the provisions of Article 18 of the Broadcasting Act constitute a restriction on the freedom of expression of the media.¹¹ Therefore, when assessing a possible violation of these

¹⁰ Art. 18 (1) Broadcasting Act of 29 December 1992 (JoL of 2002., item 1722 with amendments)

¹¹ See, inter alia: A. Niewęglowski (ed. scientific.), K. Chałubińska-Jentkiewicz, M. Chrzanowski, T. Demendecki, T. Drab, E. Duda-Staworko, M. Konstankiewicz, G. Koziół, W. Lis, G. Lubeńczuk, A. Niewęglowski, D. Ossowska-Salamonowicz, S. Patyra, M. Salamonowicz, J. Sobczak, G. Tylec, C. Zapala, Broadcasting Act, Commentary, Wolters Kluwer, Warsaw 2021, p. 276.

rights, the principle of proportionality¹² must always be applied to determine whether the good sacrificed (in this case, the restriction of freedom of expression by prohibiting the broadcasting of certain content) remains in proportion to the effect achieved, i.e. the safeguarding of the public interest, which the National Broadcasting Council (KRRiT) is obliged to protect as a constitutional body responsible for the audio-visual sector.

In keeping with the above, in the context of the discussed phenomenon of so-called “hate speech”, it should be assumed that a violation of Article 18(1) occurs when a broadcast or other communication praises actions that are contrary to the law, presents them in a positive light, or encourages the imitation of attitudes and views that are contrary to morality and the social good by containing content that incites hatred or violence, or discriminates on the basis of a number of biological or social criteria specified in the Act (for example, in the form of statements or gestures attacking, for example, a group of people on the basis of their race), which poses a threat to the public interest (for example, the aforementioned cultural cohesion, the security of the democratic order or pluralism).

Journalism and “hate speech”

According to media experts (among others, Prof. Kazimierz Wolny-Zmorzyński¹³), in terms of genre, journalistic programmes broadcast on radio and television can include those informing about socially important events, which is connected not only with interpreting reality, explaining it, expanding contexts, but also with presenting a subjective point of view on a given topic and, finally, forecasting on the basis of facts. Typical journalistic programmes include such journalistic genres as feature essays, commentary, review and, in the case of forms bordering on information and journalism, also interview, discussion and debate. On the other hand, an encyclopaedic approach to journalism suggests that statements on current affairs, which present clear views and opinions, often of a polemical, tendentious or even provocative nature, should be considered journalistic.¹⁴ On this last point, it is worth noting that so-called journalistic criticism (polemics) is considered by the representatives of the journalistic profession themselves to be, first and foremost, the presentation of the author's point of view on a given phenomenon or problem. At the same time, they admit that it can sometimes be politicised or aggressive.¹⁵

Researchers on the phenomenon of violence in the media note that journalism sometimes has the effect of brutalising language and promoting divisions in the socio-political sphere. At

¹² See: S. Piątek (ed.), W. Dziomdziora, K. Wojciechowski, *Ustawa o radiofonii i telewizji. Komentarz*, C.H. Beck, Warsaw 2014, p. 214.

¹³ See: K. Wolny-Zmorzyński, *Kryteria kwalifikowania audycji do poszczególnych gatunków. Cechy dystynktywne gatunków radiowych i telewizyjnych*, elab. For the Monitoring Dept. of the KRRiT, 2014.

¹⁴ See: Encyklopaedia PWN, access: <https://encyklopedia.pwn.pl/haslo/publicystyka;3964321.html>

¹⁵ See: O. Biątek-Szwed, *Brutalizacja języka we współczesnych mediach-krytyka czy mowa nienawiści?*, in: I. Hofman, D. Kępa-Figura (under the ed. of) *Współczesne media. Przemoc w mediach*. Vol. 1 (pp25-35), ed. Marii Curie-Skłodowska University, Lublin 2020, p. 26.

the same time, they emphasise the difficulty of drawing an impassable line between what is described as committed, even excessive, journalism and violent language, which would place a given journalistic statement on the side of so-called “hate speech”.¹⁶

This difficulty may be due, on the one hand, to the fact that participants in the public debate often use extreme terms under the influence of emotion, but sometimes also consciously. At the same time, as the jurisprudence of the Constitutional Tribunal shows: *“There can be no free, unfettered, democratic debate in a situation in which the level of emotion and the ‘juiciness’ of the language used are to be a pre-established standard, defined in a formalised and bureaucratic manner by public authorities (see Constitutional Tribunal ruling of 11 October 2006, ref. P 3/06). Secondly, the boundaries of what is acceptable in public debate are shifting: (...) on the one hand, there is a clear increase in the awareness of media professionals that so-called hate speech, hate or verbal violence is harmful and morally reprehensible, and on the other hand, we see an increase in the number of behaviours that have the character of communicative violence.*¹⁷ The brutalisation of the language of public debate seems to be linked to the process of the formation of the so-called identity media: *With the formation of identity media and the change in their mission (from reporting facts to explaining and interpreting them), the nature of competition between media centres has also changed. It has become their task to create and consolidate circles with not only common political views, but above all a common vision of the world and of man, of social order and ethics.*¹⁸

The purpose of monitoring

The primary objective of the monitoring of the *TOK FM - Pierwsze Radio Informacyjne* radio programme carried out by the Monitoring Department of the KRRiT was to verify whether the broadcaster of the aforementioned programme was complying with the prohibition formulated in Article 18(1) of the Broadcasting Act, and, in particular, to check whether the content disseminated in journalistic programmes did not constitute a crossing of the line between committed journalism and “hate speech” (see Contents prohibited under Article 18(1) of the Broadcasting Act, page 5 in connection with the heading “Journalism and Hate Speech”, found on page 6. In the following pages of this Report, the selection of the monitoring sample, its material scope and the main conclusions from the monitoring results are discussed.

Monitoring results

Research sample

The monitoring sample consisted of two broadcast weeks of the radio programme entitled *“TOK FM - Pierwsze Radio Informacyjne”* (hereinafter also referred to as: Radio TOK FM or radio), i.e. 14 days selected using the method of a constructed week. Therefore, each analysed

¹⁶ See: Ibid, pp 29 and 33.

¹⁷ A. Cegięła, *Czemu służy przemoc w mediach?*, I. Hofman, D.Kepa-Figura (under the ed. of) *Współczesna media. Przemoc w mediach. Vol. 1* (pp.25-35), ed. Marii Curie Skłodowska University, Lublin 2020, p. 61.

¹⁸ Ibid, p. 62.

day of programme emission came from a different week of its broadcast, according to the scheme presented below:

First broadcast week	Second broadcast week
Monday (16 January 2023)	Monday (6 March 2023)
Tuesday (23 January 2023)	Tuesday (14 March 2023)
Wednesday (1 February 2023)	Wednesday (22 March 2023)
Thursday (9 February 2023)	Thursday (30 March 2023)
Friday (17 February 2023)	Friday (7 April 2023)
Saturday (25 February 2023)	Saturday (15 April 2023)
Sunday (5 March 2023)	Sunday (23 April 2023)

This means that although the monitored sample covered a period of 14 days, the selection method used made it possible to analyse the programme over the four months of its broadcast (from the penultimate week of January to the penultimate week of April of this year).

Scope of coverage

A total of 336 hours of broadcasting time were monitored (one full day of broadcasting was analysed each day). As a result of the analysis, and in accordance with the purpose of the monitoring, news programmes, in particular interviews and debates, which were most frequently broadcast as part of the morning show blocks (the so-called morning show, which is broadcast from 5:00 to 9:00 a.m. and includes, in addition to the news programmes mentioned above, information services, weather forecasts or music pieces), were separated out from the programme. Call-in programmes, i.e. early morning or evening programmes in which listeners have the opportunity to comment on a given topic, were also analysed. In addition, press reviews were included in the group of programmes analysed, which, due to their genre, belong to information, but an analysis of their content showed that they often contain commentaries and opinions of the presenters on current political and social issues, which seem to be the essence of journalism.

At the same time, it should be stressed that although news services were not the subject of the study, the analysis did look at what kind of statements they contained. Most of them were short pieces of information read out by newsreaders or presented by reporters. On the other hand, it was relatively rare for statements made by others to be quoted directly (through so-called 'hundreds' (Pol.: 'setki'). When such quotations were used, they were usually extracts from statements made by TOK FM guests on the daily news programmes.

It should also be noted that the purpose of the study was not to check whether the station's programming was specialised within the terms of its licence. Therefore, the share of certain programme genres in the duration of Radio TOK FM was not verified. On the other hand, the classification of a particular form of reporting as journalism was interpreted in a broader sense, as illustrated by the qualification of press reviews as journalistic content discussed above.

Analysis and conclusions

As a result of the analysis of the monitored radio programme – Radio TOK FM, 5 (in words: five) programmes were recorded in which statements were made which, due to the terms, comparisons or metaphors used, could bear the hallmarks of a brutalisation of the language of public debate and lead to a blurring of the boundaries between committed journalism and so-called “hate speech”. At the same time, it should be emphasised that, given the extent of the material analysed, the above statements appeared relatively infrequently on radio. In none of the cases did they dominate the programmes analysed, either in terms of duration or in terms of the form in which they were expressed. With regard to the latter aspect, it is worth mentioning that, with regard to the analysed radio programmes, it is difficult to speak of their form as decisive in terms of presenting the content prohibited under Article 18(1) of the Broadcasting Act in a positive light, e.g. as a form which, due to the formal procedures applied, would encourage listeners to adopt certain views as their own or to take certain actions, thus promoting, through its form, the content prohibited under Article 18(1) of the Broadcasting Act. In fact, the form of the programmes examined was, for obvious reasons, minimalist and limited to the expression of opinions and comments by the journalists themselves or their guests during the programme. In only one of the five cases described below were the opinions expressed capable of providing the audience with any kind of incentive to take action.

The recorded programmes are not presented below in chronological order (i.e. according to the dates of their broadcast), but according to the potential of the statements contained in the programmes to create negative perceptions and dislike of the characters or environments described:

Programme entitled ***This is a rerun - TOK FM Morning Radio (Pol.: To jest powtórka – Poranek Radia TOK FM)***

Date of broadcast: 25 February 2023, at 1:18:39-1:40:12

The programme was presented by editor Jacek Żakowski with the participation of Professor Wiesław Władnyko and Agnieszka Wiśniewska, editor-in-chief of *Krytyka polityczna*. The commentators discussed the anniversary of Russia's aggression against Ukraine and, in the context of this invasion, referred to the course of US President Joe Biden's visit to Poland and assessed President Andrzej Duda's behaviour.

Jacek Żakowski, 1:27:29: (...) but I wanted to ask you how you observe President Andrzej Duda.... because it is indeed very, very interesting. As someone who noticed that in the Royal Castle he didn't mention the EU – he talked about various things, but not very much about the EU. But at the same time he's blocking these Supreme Court solutions for some reason At the same time he's taking these jabs from President Biden, quite serious ones. He doesn't have a joint conference, he doesn't listen to his speech in the castle boroughs (Pol.: *Podzamcze*), etc. Well, ostentatious, you could say. Where is he on his journey? Because he is a key figure if there is a change of government in Poland in the autumn. What do you think?

Agnieszka Wiśniewska: Well, it seems to me that it's just such a self-indulgence (...)

Jacek Żakowski: And this is his psychotherapist's problem. And I'll ask you a little bit about politics....

Agnieszka Wiśniewska: But this then results in a decision. You don't have to mention the EU because you're so important. You don't have to get along with the EU because the EU will

want to get along with you because you are so important. **Jacek Żakowski**: Oh, you think so? But do you think that this Adrian is now starting to think for himself? And that in case of a change of power in Poland, for example, you can count on his rational reaction? Will it still be such 'Adrian-like reactions'? (...) **Wiesław Władyka**: He is using the wave that is flowing, just right for him, and trying to ride it. Because it's not just that he's pushing himself to the speaking rostrum, right? He delivered the address again yesterday. Every now and then he speaks to the nation. In front of Biden, he gave such a speech that it just made your skin crawl. He shouted terribly. **Jacek Żakowski**: He looked like Louis de Funés, to be honest. **Wiesław Władyka**: Yes. It was even dramatically ridiculous. But it is true that he is probably trying to empower himself. As much as he can afford to. Because this behaviour of his with the Constitutional Tribunal (TK), with such gestures of a certain independence towards the camp that elected him, towards Jarosław Kaczyński, is probably an attempt to outline such an opportunity for himself... that if the elections are won by the opposition, that he will be a serious partner for this opposition (...) and that from now on he is no longer a slave of Jarosław Kaczyński (...).

In the above-mentioned conversation, a procedure of ridicule was used. First, by calling President Andrzej Duda 'Adrian' and attributing to him 'Adrian-like' reactions, identifying him with a character from the satirical series *Ucho prezesa* [The President's Ear], and then by comparing Andrzej Duda, who was making a speech, with the French comedy actor Louis de Funés, whose *emploi* was created by the nervousness characteristic of the characters he played, close to the spirit of cartoons. In this performance, President Andrzej Duda not only becomes an impassive character (Adrian), but his behaviour (*Adrian's reactions, he pushes himself to speak out; he delivers the message again; he shouts terribly; it was simply painful*) is as funny as Louis de Funés. In this case, the interviewees did not call for action. It can even be assumed that for some listeners their opinions were a humorous comment. It should be noted, however, that the comparisons used in the programme could be interpreted in a colloquial sense as mockery, which, according to the online version of the Polish Dictionary (Pol.: *Słownik Języka Polskiego PWN*), expresses a *mocking attitude towards someone or something that is also marked by disrespect or contempt*.¹⁹ Mockery, on the other hand, is an expression of disrespect or contempt. Mockery, on the other hand, can be classified as a linguistic device used in public debate to weaken the subjectivity of the persons or groups described and to create the conviction that such persons or groups deserve to be disrespected.

Programme entitled *Przegląd prasy* as part of: **To jest powtórka – TOK Morning Radio (Poranek Radia TOK FM)** Broadcast date: 15 April 2023, from 0:12:11 to 0:16:33

The programme was presented by Jacek Żakowski. During the programme, he discussed the exposé of Polish Foreign Minister Zbigniew Rau, which he delivered in the Sejm on 13 April of this year.

¹⁹ See.: *Słownik Języka Polskiego PWN* (PWN Polish dictionary) online; access: <https://sjp.pwn.pl/sjp/szyderstwo;2527507.html>

Jacek Żakowski, 00:14:12: One of the most interesting things is, of course, Minister Rau's exposé yesterday. Mr Minister, my expressions of respect, so many hours to stand up and speak, not everyone can do that. Fidel Castro, for example, could do it and was even better, but more than two hours is a real tribute to fitness. Opera singers, for example, can sometimes manage it, but at least they have an interlude. As for the content of the speech, I have to say that it was really really curmudgeonly and a few theses of course... an oceanful of banalities. But some of the theses were really disturbing. For example, the thesis about (...) where we will have support for Poland's international policy. France - OK, fine. France - good. Germany - not good. Well, as it happens, Mr Minister, the facts are a little different. France is trying to make a deal with the Chinese against the Americans, behind the backs of the Europeans. And Germany has reduced its economic cooperation with Russia by 90%. 90%! (...) So when we talk about a political community, a community of interests, of policies, in practice, as you can see, it's easier to get along with the awful Germans than with the wonderful French. I'm not Francophobic, no, no. Just an observation of reality. And if you read the interview with Ms Le Pen that was recently published in *Gazeta Wyborcza*, I have to say that it is really hard to be surprised by the musings and follies that Mr Rau tells us about regarding the system of Polish alliances in Europe.

The above statement was a typical exercise in irony: a rebuke in the form of praise (*Mr Minister, respect, so many hours standing up and talking, not everyone can really do it. Fidel Castro, for example, could do it and was even better, but more than two hours is already a real tribute to fitness*). Like the comment about President Andrzej Duda described above, this treatment seems to be aimed at ridiculing the politician, this time by invoking – in the context of the minister's speech – the figure of the Cuban dictator, whose long speeches have become the subject of widespread jokes. Both this and the previous statement disown the politicians in question – they can undermine confidence in their speeches and repudiate their authority.

Press review programme as part of the *Pierwsze śniadanie w TOK-u* (First breakfast on TOK FM)

Broadcast date: 1 February 2023, at 5:53:24-5:55:12

The programme was presented by the editor, Piotr Maślak. During the programme, he discussed an article published on page 3 of the *Gazeta Wyborcza* newspaper about grants awarded by the Ministry of Education and Science, headed by Minister Przemysław Czarnek, to various foundations.

Piotr Maślak, 5:53:24: Minister Czarnek is not even pretending. He says outright that there will be no money for harmful and left-wing organisations. This is Czarnek fascism. Yes. I am not afraid to call it that. Minister Czarnek likes this kind of language, you can see that it doesn't bother him, so I'm sure he won't get angry. Minister Czarnek is obviously a manipulator. Not to say that he lies. Yesterday, full of indignation, he said: These are foundations that are there to save health, lives and so on. They help level the playing field. That is not true. I mean, they are. But, Mr Minister, does every organisation that does this, perhaps on a larger scale, get a villa as a gift from you? Of course not! It's not about what these foundations do, it's about the fact that you want to enfranchise your cronies. And I say this in such straightforward terms

because the others will probably not reach you. Neither will these. This is extreme manipulation. There has never been such cronyism and nepotism in this country as you have introduced. The fund does not serve young people, it does not serve children. It serves your cronies. Because these foundations, later on, when you finally lose power – and I believe that democracy in Poland and the wisdom of society will prevail – these foundations will no longer have to give away these properties. Maybe they will cash them in and use the profits to pay their directors. Well, no. This is unacceptable. This nepotism and cronyism of Minister Czarnek (...).

In the above-mentioned statement, the term "*Czarnek fascism*" was used as an epithet with an obvious pejorative connotation, referring to the politician's previous statements, including the one published on 24 January this year in an interview with the Onet web portal (*harmful and left-wing individuals will not receive any money from the Ministry of Culture and National Heritage*). In this context, the statement in question can be treated as a form of stigmatisation, describing the words and actions of the person described as a peculiar variety of totalitarian system (*Czarnek fascism*). It seems, therefore, that this statement – in contrast to the two described above – has a greater potential for exclusion and is an example of how terms previously reserved for the description of a criminal system are penetrating and at the same time brutalising the language of contemporary journalism. The term *fascism* in public discourse now seems to function as a kind of universal insult, aimed at stigmatising a particular type of person or even to destroy someone's reputation. In the context of the programme in question, the term used by the journalist seems to be a variant of the rhetorical trick called *argumentum ad Hitlerum*, i.e. an extra-substantive form of argumentation which, in the case under analysis, consists in discrediting a person by associating his/her words and actions with a totalitarian regime with an extremely nationalistic and racist ideology (see the meaning of the term *fascism* in the online edition of the PWN Dictionary of the Polish Language).²⁰ It also seems that the brutality of this formulation (*This is Czarnek fascism*) and the lack of responsibility for the use of the word should not be justified by the use of stigmatising or even brutal terms by politicians themselves (*Minister Czarnek likes such language, it does not seem to bother him, so he certainly will not be angry*), especially when describing their views or actions in the role of a journalist responsible for the shape and tone of public debate, whom the audience (in this case radio listeners) may treat as an opinion forming leader.

Broadcast entitled Press review programme as part of the *Pierwsze śniadanie w TOK-u* (First breakfast on TOK FM)

Broadcast date: 24 January 2023, at 5:53:48-5:56:36

The programme was hosted by editor Piotr Maślak. He discussed articles published in *Gazeta Wyborcza* and *Rzeczpospolita*, among others. The first was an interview in *Gazeta Wyborcza* with Ilya Yashin, a Russian dissident serving an 8-1/2-year prison sentence,

²⁰ PWN Dictionary of the Polish Language (Słownik Języka Polskiego PWN), online version; access: <https://sjp.pwn.pl/sjp/faszyzm;2557573.html>

reprinted from the Italian daily *La Repubblica*. The second, which appeared on the pages of *Rzeczpospolita*, is the Sejm's work on the so-called Wind Power Station Law.

Piotr Maślak, 5:53:48 (quoting Yashin's statement): ... Is it possible to change Russia from a prison? I don't know. But I believe that a word against the war sent from a Russian jail cell weighs more than one spoken from a cosy Parisian café. I have shown that I am ready to answer for my words and my deeds. And I believe that this gives me a strong moral argument in a discussion with Putin about war and peace. Another **interjection from the journalist**, 5:54:09: And here a note, again as a warning, because there are still lessons that we Poles can learn from the Russian lesson. Even though our current government is very faithfully following the path set by Putin. **Back to the quote from the interview**: You were found guilty of spreading fake news because you told the truth. **Transition to the commentary**: This is another element that the current ruling party is trying to introduce in Poland. That is, Samuel Pereira from TVP INFO gives training on how to prevent disinformation. Well, I don't think I need to develop anything more here. Am I right? **Back to the interview quote**, 5:54:37: Back to the interview with Ilya Yashin.... (quotes an extract from Yashin's statement): During my 6 months of imprisonment I was in 5 prisons, 11 jail cells. In each place I found Orwell's "1984". This book really captured the minds of the Russians. We prepared an edition for distribution in universities. We used a portrait of Putin as Big Brother on the cover. In the preface, I drew parallels between Orwell's invented totalitarian state and the Putin regime that was unravelling. Even then it seemed obvious where the country was heading. All the trends were obvious: omnipotence, total surveillance of citizens, hate on television, state hypocrisy, aggression, militarism. Further a **comment from the journalist**, 5:55:23: Do you still need more parallels? For those doubters? Then a **discussion of the article found in *Rzeczpospolita***, 5:55:27: Let's leave the *Gazeta Wyborcza* (GW) aside. I would like to recommend an important and optimistic text by Bartłomiej Sawicki on the front page of *Rzeczpospolita*.

After years of fighting with wind farms, the Law and Justice Party is ready for a policy change. Work is underway in the Sejm. No fewer than eight amendments to the Wind Power Station law are being considered by the Parliamentary Committee on Energy, Climate and State Property. Only one, the government bill, has a chance. The parliamentary and senate bills are obviously doomed. It took six months to work out a compromise within the Law and Justice Party. It is one of the milestones of the KPO. As you know, the Kremlin collaborator Zbigniew Ziobro is against it – traditionally against everything European, Western, modern. I say Kremlin collaborator, because if Mr Zbigniew Ziobro does not think there is anything inelegant about such a name in his case, as there is no information so far that he officially collaborates with the Kremlin, but if he himself uses such terms, it means that he does not mind. In any case, he objects very strongly.

The journalist's discussion of excerpts from the interview with the Russian dissident, in which he refers to an Orwellian metaphor and points out the features of the Putin regime that prove the totalitarian character of the Russian state (*including total surveillance of citizens, hate on television, state hypocrisy, aggression, militarism*), is concluded twice by the journalist with a rhetorical question to the listeners, which is supposed to draw their attention to the situation in Poland. First, when Yashin's conviction for telling the truth is mentioned, the journalist concludes: *Well, I don't think I need to explain anything here. Right?* Then he gives

the impression that he has already provided enough evidence: *Do you need more parallels? For those doubters?*

It seems that the beginning of the statement, constructed in this way, sets up an interpretative scheme within which the listener should read the later description of the actions of Minister Zbigniew Ziobro, whom the journalist discredits by calling him a *Kremlin collaborator*. On the one hand, the journalist thus legitimises – within the framework of the analysed statement – the strongly pejorative term he used for the politician (suggesting that he was describing a political reality close to, or even identical with, the Russian one), on the other hand – he quickly disavows the term himself, thus slightly weakening its negative overtones: *I say collaborator of the Kremlin, because if Mr Zbigniew Ziobro does not think there is anything inelegant in such a name in his case....After all, there is no information that he is officially collaborating with the Kremlin, but if he himself uses such terms, it means that he does not mind*. Nevertheless, as in the case of the statements about Minister Czarnek, it seems that we are dealing with an insult which, because of its defamatory potential (*Czarnek fascism, Kremlin collaborator*), could be considered in the context of civil law and which touches on the inner honour of the persons described. On the other hand, it is difficult to speak in the above-mentioned cases of a violation of honour in a collective sense, i.e. in relation to a specific social group (since both politicians are not presented as typical representatives of their group). Notwithstanding these considerations, it should be noted that this is yet another example of the brutalisation of journalistic criticism, which journalists, as opinion leaders, should be particularly wary of.

Programme entitled *Pierwsze śniadanie w TOK-u* (First breakfast on TOK FM)

Interview with Dr Mirosław Oczkoś

Broadcast date: 17 February 2023, from 6:43:36-6:59:23

The programme was hosted by editor Piotr Maślak, who spoke with image and political marketing expert Dr Mirosław Oczkoś as part of the so-called political weekly round-up. A transcript of the conversation is presented below.

Piotr Maślak, 6:43:36: (...) as usual at this time, or almost, Dr Mirosław Oczkoś, expert in image and political marketing. Good morning, hello and hello. **Dr Mirosław Oczkoś**: Good morning, Mr Editor. Cheers to you all. **Piotr Maślak**: Of course, it's a new tradition for the doctor to greet you like this. Well, and so... We have a Law on the Supreme Court, which President Andrzej Duda, together with the Law and Justice... **Dr Mirosław Oczkoś**: He who has it, has it. **Piotr Maślak**: Well, exactly... With the agreement of *Solidarna Polska* and *Porozumienie Jarosław Gowin*, first of all destroyed the Supreme Court. He stripped it of any constitutional power. And then he tried to fix the Sejm what they themselves had messed up before. Well, and then the president, instead of signing it, referred it to the Constitutional Tribunal, which does not function. And it doesn't work because in its own there are some wars going on there, so it probably won't decide the case concerning the law on ... fixing what was previously spoiled by the same milieu ... about the Supreme Court, which anyway - even if it would be signed by the president – won't change much... Let me tell you, this will probably develop even better than "Isaura: Slave Girl". **Dr Mirosław Oczkoś**, 6:44:49: Well, certainly faster [laughs]. On the other hand. **Piotr Maślak**: Faster? **Dr Mirosław Oczkoś**: Well, faster than the development of "Isaura". That's why - anyway, I don't remember much about it, to be honest. Mmm... well,

I'm waiting to see who beats up who, because it's also... there was one with that slave girl, yeah... who was covering there... **Piotr Maślak**: Leoncio. **Dr Mirosław Oczkoś**: Oh, oh, something like that. Leoncio it was. **Piotr Maślak**: Who is Leoncio here? **Dr Mirosław Oczkoś**: But it's... it's really... it's already the blind leading the lame, which is hardly saying much. It's already a madhouse, we said. Well... fishing with hand grenades, we said. The chaos theory. Because President Kaczyński, right from the start of his party's second er... later third term in office, has made it clear, not only with his words – i.e. verbally – but also with his deeds, that he wants to leave no stone unturned. That's how it looks. In a little while, no stone will be left unturned. If he wins or steals a third term, it will be a very different country. It's a different country now – we're being made fools of. Mmm... here, this morning's discussion about the *frankowicze* (transl. note: people with Swiss franc denominated loans-JCz)... is a good example. Especially those who don't have these credits should listen to it. And let them not envy the people who have these loans. Let them just think about what was at the root of it. The impertinence of these banks, precisely because of the inaction of the FSC (Financial Supervision Authority), because that is the key. And later, the statements that, after all, well, they've seen what they've taken.... Only that the eyes were taken from the thief - as it turned out. Because the thief had a third hand, a fourth or fifth ace up his sleeve.... and that, unfortunately, is how our state works. Every step of the way... has now ceased to hide behind any curtain at all. Because Czarnek's villas, Gliński's insolence, everything is out in the open now. They steal. Well, so far they don't share, I mean in the sense of sharing with someone else. **Piotr Maślak**: Well, but not even with their own, because here are Dariusz Joński and Michał Szczerba complaining, I mean they tell how one of the MPs complained to them that he was so disadvantaged by the 'Villa plus' programme, because he had no idea that there were such opportunities out there and he felt left out. **Dr Mirosław Oczkoś**: Well, but if you steal the bottom – then there is no bottom, and then you really well, and every bag ends at some point... er... every stick has two ends... well, you can't steal forever [a journalist is heard laughing]. Because eventually something has to work somewhere. Unfortunately, we all get hit on the head. Mmm... it seems, from an image point of view, that we don't get hit on the head enough. Because if we don't win, then mmm... somehow we... we... er... it doesn't hurt us. In France, in England... mmm... people are protesting in the streets. Well, the French are protesting because Macron has extended their retirement age by two years, hypothetically in 30 years' time, and there are crowds of people in the streets. And with us the paradox is that the state that was created after communism, with the hands of Solidarity – there was once a movement, supposedly 10 million of them, that is the Solidarity trade union. It led to the annihilation of all the trade unions that are out there. And the ones that are there are just hanging on, they're not breaking through. That's really all we can do. **Piotr Maślak**: But we are mocking each other here, and with the KPO.... **Dr Mirosław Oczkoś**: Or at least one of us. **Piotr Maślak**: ... one billion two hundred million will already have been spent, and that's money that's going into the KPO account that's not there, and most likely we're just not going to get that money. And someone will have to pay for it. **Dr Mirosław Oczkoś**: Spending the money you have is not an art. The trick is to spend the money you don't have. And because ... it's all about the same thing it's the arrogance of power, it's the arrogance of the Prime Minister. Mmm... the government spokesman is playing with some silliness on social media and the rest are already preparing where to bury the bags of money – whether under the pear tree or the apple tree. Er... mmm... because they know it's going to collapse. Well, and the next ones who come along, whoever they may be, well, they'll be screwed, and of course we come first

as as a society. **Piotr Maślak**, 6:49:31: Well, but somebody's going to have to pay for it and that's what scares me the most about this prospect, unfortunately. That this money will be spent and it seems that they will be to Poland, i.e. the funds will simply not flow. I would like to ask you another question. Yesterday I had the pleasure of talking to an Israeli journalist who described the situation in Poland in order to – excuse me for laughing – to warn the Israelis [laughter]. **Dr Mirosław Oczkoś** [laughter]: Good one, don't you think? **Piotr Maślak**: Yes. He asked with such childlike sincerity on his face [you can hear the journalist saying in a confidential whisper] – “I, I noticed that your Prime Minister lied. How is it possible that you do not react?” Well, I asked that question because I didn't really know what to answer. **Dr Mirosław Oczkoś**: Well, so... when I was out walking... [interviewee laughs] with the dog... **Piotr Maślak**: “Really, how is that possible? Your Prime Minister?” – and in such a conspiratorial whisper... I told him... that he had caught our Prime Minister in a lie and that he was shocked that hundreds of thousands of people in Poland did not take to the streets. **Dr Mirosław Oczkoś**: And you told an Israeli colleague that there is nothing to brag about because six-year-olds catch the Prime Minister in a lie and they are not employees of the Israeli media. That, too, is really media competence. **Piotr Maślak**: Well, but you know, it's a surprise for someone from the outside who comes here and just observes. Well, of course I acted like a real Pole and said: “Well, don't say that your Netanyahu is such an emanation of sincerity” [laughs]. **Dr Mirosław Oczkoś**: Your Netanyahu is a sincere ... sincere communicator. Yes. No. Well, of course... And they also beat Jews in your country. Yes... **Piotr Maślak**: What is behind this question? Have we lost our vigilance? Have we lost our sensitivity? Or have we crossed the line and we shouldn't have? **Dr Mirosław Oczkoś**, 6:51:23: Dear Piotr, editor of a respected radio station I don't know if you remember... a few, unfortunately, years ago I told you about my theory of political Lyme disease. That we have been stung by this tick of Law and Justice, which has let in this kind of anaesthetic, and behind the anaesthetic has let in the poison. We are a poisoned society. We need a detox. We need detoxification in more and more areas – starting with the health care system and ending with everything from the rule of law to whatever you choose. We laugh at the fact that we won't be able to breathe for a while. We sneer at people who care about the environment. We tell ourselves blanket stories about flat earths and elephants walking on it and their trunks digging coal....really, these are...these are things that don't normally work, on this scale of course. Because.... well it's just - like I said - not enough of us are being affected by it. Not enough people are noticing it. Or maybe when they do notice, they are afraid to come out. There is a kind of internal paralysis. We as a society really in need of a healthy detox, I don't know, a disinfection, a deratisation, s++t, an enema. Maybe we need... **Piotr Maślak**: Don't get too excited.... **Dr Mirosław Oczkoś**: A traditional method of treatment like in the days of Szwejk, i.e. a wet sheet and big batons. And a few huge..... A few huge nurses... I don't know... er... mmm... It can't go on like this. **Piotr Maślak**: Maybe the blood needs to be drained **Dr Mirosław Oczkoś**: Maybe leeches.... No, but there are too many leeches. **Piotr Maślak**: 35% of Polish men and women say: maybe and so be it. **Dr Mirosław Oczkoś**: Well, and now the question is, what will the rest of the Poles do, who think: maybe and so be it. Mmm ... then ... maybe you should reject with disgust this disgust that people feel, that politics is not for me. Well, whether you like it or not - whether we like it or not - politics affects us and politics is the way the world is constructed... it is either a driving force or a millstone around our necks. In our case, at the moment, it is a millstone around our necks. **Piotr Maślak**, 6:53:38: This *à propos* the lies. To stick to specifics. Well, because we have the narrative of Law and Justice, and here let me reach for it: Radosław

Sikorski – it's just an affair! No Qatar Gate there. Well (...) he dared ... dared to advise a foundation that was organising a major international conference in the Middle East. What's more! He brazenly paid taxes for it in Poland, even though he probably didn't have to. A scandal. **Dr Mirosław Oczkoś:** Well, yes. It's just that thieves who say that someone may have appropriated something ... are unreliable. **Piotr Maślak:** But here there is no...I wonder...here no one has appropriated anything. There is no affair here. **Dr Mirosław Oczkoś:** But... I'm speaking hypothetically. Well, well, well, that's why we hear from those who have driven a wrecked convertible on the Jasło-Krosno-Paris route. In winter, in February, no. I... and that's the sort of thing, no. These mileage payments, sleeping in the office, hiring all sorts of assistants, afterthoughts, and at the end the icing on the cake – being sold for a handful of plums or a capful of plums.... Well, excuse me. Well, why discuss it then? Well, well... well... there's somebody standing there, they've got their pockets full, their cheeks, I don't know - a rucksack, they're pulling out a bag and saying: "Well, you must have done something in there! It's a waste of time. The ruling party is looking for something they can sink their teeth into like that because it's going to be this campaign, if it gets to the election at all this year, that's really going to have a slogan: "Money and fear'. And now it's being tested where that fear might be, yes...well, because Tusk has the capacity – we've already talked about it. No more horns and tails can be attached and ... me ... and more fire from the nostrils. So we look for where there is more to threaten with. And that's such a classic reaction to that very thief who says: but ... aaa.... that too, I think, I think ... he may have stolen something, yes ... well, and that's the point. I am not in favour of thieves getting away with stealing from honest people, from the rule of law, from truthfulness, etc. Well, a thief is a thief. A liar is a liar. And if liars and thieves rule, well, that's how it is, well. **Piotr Maślak:** Mhm. President Joe Biden is coming to Poland for the second time this year and the message is open and direct and says: "We don't come here to meet politicians, we come to meet Poles because they are the ones who opened their hearts and homes to the refugees from Ukraine". But there are still such attempts by the ruling camp to claim success. Who has the stronger voice? **Dr Mirosław Oczkoś:** Well, I mean, if it weren't for Polish society, if it weren't for us, because I absolutely stand by it, because I know what I've done, then this whole bunch of gentlemen in new suits, who don't distinguish between the law ... and an article of a regulation, would continue to sit and think like this. Such a classic of the genre of how it shouldn't have been done was Mr Radziwiłł, who was governor (Voivode) - I don't know if he's still governor. **Piotr Maślak:** He is. **Dr Mirosław Oczkoś:** So he obstructed NGOs. Well, unfortunately he is. Probably something else... he'll become someone. Um... mmm... Yes, the heart reflex is what....apparently this emotion had to go that way. Well, and now, of course, the politicians - mainly Law and Justice, but also Solidarna Polska, well, with whom would you agree? Well, there is certainly a political gain for Mr Andrzej, who is the president. Because he's totally addicted to it. I'm surprised that everyone is happy that a man who is the president of Poland has lapped it up perfectly. I'm surprised at all that everyone is delighted that some guy who is in the position of president of Poland has behaved decently. Well... or... how was he supposed to behave? [A journalist is heard laughing] I mean, we expected him to do what? Shoot those refugees at the border? **Piotr Maślak:** And he could, he could! Because we know what's going on. **Dr Mirosław Oczkoś:** It means that we are already really ... Mr Editor... **Piotr Maślak,** 6:57:33: Going back to the border matter.... **Dr Mirosław Oczkoś:** Well, we can't be in a situation where we praise those punks in the lanes who stopped kicking an old lady and saved her in this way, well.... **Piotr Maślak:** Leave the punks alone, punks don't kick old ladies. Punks help old ladies to cross the

road. **Dr Mirosław Oczkoś**: Hooligans... hooligans... hooligans... hooligans... that's what it looks like! **Piotr Maślak**: That's right. And are you talking about the border guards now? No. I don't know, I'm asking now, because yes.... On the one hand there are roundups and deportations, or human rights violations. On the other hand, cigarette smuggling on a gigantic scale. It's getting ... it's getting more and more interesting around the border guards in Podlasie [with a laugh]. **Dr Mirosław Oczkoś**: Well, but they are trained ... they are trained, because there was just a roundup and deportation, just of their own colleagues... From the flats, too... mmm.... Good thing they didn't take them abroad. No? Uh... whereas I saw... I saw the raid. Well, well, well. While we're on the subject, grenade launchers and policemen beating women most scandals. In fact, all the scandals uncovered by Law and Justice were uncovered in their security services, in their ministries. Now, and this is why I say ... I don't want anyone lecturing me on such matters when they themselves are unclean. Therefore Friday, Friday, Friday. I wonder what the scandals will be from Monday? **Piotr Maślak**: Something funny... something funny... I could end by quoting Mr Glapiński, but enough of these jokes for today. **Dr Mirosław Oczkoś**: Yes. Let's leave this plateau and let it lie quietly until next time. **Piotr Maślak**: May it continue to climb this plateau *ad infinitum*. Thank you very much. Dr Mirosław Oczkoś, for you and my guest. **Dr Mirosław Oczkoś**, 6:59:12: Thank you very much.

The conversation between the journalist and the guest is sometimes conducted with a so-called tongue in cheek, and the description of political reality has clear characteristics of exaggeration, reducing the events described to absurdity, which occurs right at the beginning with the comparison of the work on the Supreme Court (SN) law with a soap opera about a slave girl Isaura. It is also clear that the interviewees feel comfortable in each other's company and are happy to "exchange" associations, which may not always be clear to the listener. In this atmosphere, the guest evokes what he calls the theory of political Lyme disease, which he believes is based on the fact that society has been anaesthetised and then poisoned by a tick poison injected into the social fabric – *we have been bitten by this Law and Justice tick*.

Regardless of the form of the above conversation, it should be noted that the guest of the programme, metaphorising reality, used the so-called zoo invective against one of the political environments (ergo a social group), i.e. a linguistic device that animates the described collective and presents it as a highly harmful parasite (*we were bitten by the Law and Justice tick*). According to the guest, the fact that society has been poisoned in so many areas and to such a depth that it needs detoxification is supposed to testify to the high degree of harmfulness of the group thus presented. The guest also mentions other forms of cleansing the social fabric, each time referring to the need to get rid of pests (*disinsectisation, deratisation*) or even the need to remove residual faeces (*enemas*). It seems that the statement in question, regardless of the convention adopted by the interviewee, has a strong degrading potential towards the described environment, presenting it in an extremely negative light as parasitic and therefore undeserving of normal treatment. Moreover, during the interview, the guest proposes a way to solve the problem, although the unclear sequence of associations accompanying his statement and its high degree of metaphorisation make it impossible to decide whether the proposed methods of fumigation and parasite removal refer to the poisoned society as a whole or directly to the perpetrator(s) of the poisoning. On the one hand, the journalist reacts to this statement with laughter and thus acquiescence; on the other hand, he tries to draw a line under the interviewee by telling his listeners about methods

of controlling Lyme disease (*Don't get worked up*). In the end, however, they both propose a solution to the situation, using literary analogies (*treatment methods as in Szwejk's time, i.e. a wet sheet and big clubs. And a few huge ... huge nurses*) or medical means (*Blood must be let, perhaps*).

It should also be noted that the 'theory' evoked by the guest is also embedded in the broader context of the ongoing conversation about the actions of people from the ruling party, whom the journalist's interlocutor calls liars and thieves (*Well, a thief is a thief. A liar is a liar. And when liars and thieves are in power, well, that's the way it is, well.*) The interviewee's statement is not challenged by the journalist and the term liars and thieves seems to be accepted (*Mhm*).

In view of the above, it should be noted that both the suggestions made by the guest and the lack of reaction on the part of the programme's host could constitute a form of encouragement, or at least approval, for taking action to purge society of elements that threaten it. At the same time, doubts arise as to whether it is possible to speak in formal legal terms of incitement to violence or hatred in this case. As a subsidiary point, it should be noted that, according to the Supreme Court (see Supreme Court ruling of 1 September 2011, ref. no. V KK 98/11), incitement to hatred does not mean arousing feelings of disapproval, antipathy, prejudice or aversion. Incitement also requires a desire to arouse in others the strongest negative feelings towards the object of the statement. The public expression of one's own opinion (e.g. dislike or hostility towards a particular social group), even if that opinion is unacceptable or controversial, does not constitute "hate speech". The offender's attitude in this regard must be characterised by the strongest negative emotion, even hostility. Applying the conclusions of this Supreme Court ruling to the present programme, it seems that it is not accompanied by such extreme emotions, but only by a desire to arouse resentment combined with criticism of a society that does not want to get involved in politics.

At the same time, it should be emphasised that the interviewees do not only present a negative image of a certain political environment (*the Law and Justice Party ticks; the ruling party...*), but also of the state services, in particular the border guards, whose actions are described by the journalist in charge of the programme as *roundups and deportations*, i.e. violations of human rights. In this excerpt, the journalist omits the context of the protection of the state's borders and its security, and the phrase he uses about roundups and deportations (picked up by the guest, who relates it to tracking down alleged crimes by officers within their own ranks): *Well, but they are trained they are trained, because a roundup and deportation has just taken place, only of their own colleagues yyy... From the flats, too... mmm.... It's a good thing they didn't send them abroad. No?*) may evoke in the listener associations with the activities – in the colloquial and original sense of the term "roundups and deportations" – of the German occupiers during the Second World War, who carried out the broadly understood extermination of the occupied population in the lands of the conquered countries.

It should also be pointed out that the threads of journalistic content that brutalise the language of public debate, as in the case of the programmes described above, were not dominant in this conversation – they did not cover the entire programme. The theory of so-called political Lyme disease and the suggestion of remedies took up less than two minutes of

the more than 15 minutes of the conversation, and the share of this thread was about 14% of the total duration of the programme. In contrast, the thread related to the activities of the border guards took up about 1 minute, or 7% of the conversation.

Prepared by:

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