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PROTESTS AGAINST JUDICIAL REFORM IN POLAND IN EVENING NEWS PROGRAMS: MEDIA CREATION OF EVENTS

Introduction

Many recipients of media messages regarding politics wish to face with the media content created in accordance to the principles of objectivity, impartiality and a clear separation of comments from facts, and even with the resignation from the formulation of journalistic assessments of the presented events. Media materials regarding politics, in line with such expectations, would be the most faithful picture of reality. However, media researchers point out that even fact-based journalism and with no commentary will never be a faithful reflection of the world of politics.

According to the constructivist view, the observation of the world depends on its construction and on the observer, therefore in the mass media it is not about reflecting reality, but about its construction, and therefore it is impossible to indicate how objective or partial it is because the reality itself is unavailable to the observer³. However, not all media researchers question the possibility of building media coverage reflecting to a certain degree the socio-political reality. However, they assume that even a sufficiently high level of journalistic professionalism enables only to a certain extent the creation of an impartial media message, and objectivity is only an seemingly possible achievement. On the one hand, the mere selection of material or topic presented in the media, the abbreviation of the statement or the presentation of

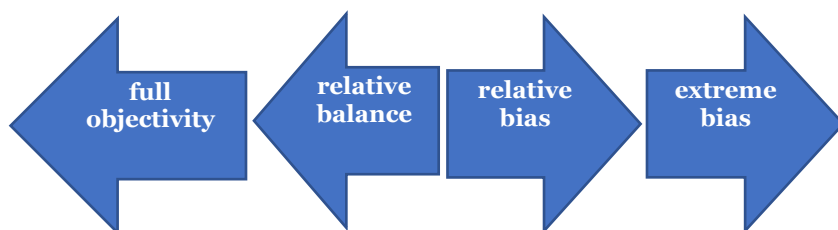
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³ M. Fleischer, *Media w perspektywie konstruktywizmu*, „2K – Kultura i Komunikacja” 2005, vol. 1–2; M. Fleischer, *Zarys ogólnej teorii komunikacji* [in:] *Mechanizmy perswazji i manipulacji*, G. Habrajska (ed.), Leksem, Łask 2007; S. Michalczyk, *Demokracja medialna*, Wyd. Adam Marszałek, Toruń 2010.

a specific, and no other quotation from the conversation with the politician, out of necessity is an unintentional departure from objectivity. On the other hand, political actors or the media themselves may have their own goals in a specific shaping of the created content⁴. Objectivity can be treated as a kind of idea in this situation, and every media message is located in the area of the continuum between full objectivity and extreme bias⁵. This assumption is illustrated in the diagram 1.

Diagram 1. The continuum between objectivity and political bias in media coverage



Source: own study.

Bearing in mind the previous considerations one can speak about two, often difficult to distinguish, forms of media bias. The first one, which should be described as unintentional political bias, to a large extent remains independent of the creators of the media message. It is a consequence of the fact that the media image of a phenomenon always remains a fragment and an abbreviation. Each journalist or editor, regardless of intentions, will select a different part of the speech, illustrate his statement with

⁴ D.N. Hopmann, P. Van Aelst, G. Legnante, *Political balance in the news: A review of concepts, operationalizations and key findings*, „Journalism” 2011, vol. 13, iss. 2; R. Klepka, *Obrazy polityki w mediach: podstawowe uwarunkowania* [in:] *Medialne obrazy świata. Wybrane problemy społeczno-polityczne w mediach*, R. Klepka (ed.), Wyd. Uniwersytetu Pedagogicznego, Kraków 2018; C.A. Toggle, *The bias toward finding bias in television news*, „Communication Reports” 1998, vol. 11, iss. 1.

⁵ P.E. Louw, *The Media and Political Process*, SAGE, London, Thousand Oaks, New Delhi 2005, p. 78 i n.; J. Curran, *Media and Power*, Routledge, London, New York 2002, p. 155; R. Klepka, *Relacjonowanie polityki w „Wiadomościach” TVP1 po wyborach parlamentarnych w 2015 roku: obiektywne czy stronnicze?*, „Political Preferences” 2017, iss. 17, p. 157.

another politician, because of the limited duration of the material or the volume of the article will omit the selected fragment. This kind of bias can be regarded to some degree as a natural consequence of media coverage of reality⁶.

The intended political bias should be treated differently. It involves presenting political phenomena in such a way as to favor the selected side of a political conflict, a political party or supporters of a particular solution, while at the same time negatively assessing the opposite party, or omitting information about its existence altogether. David N. Hopmann, Peter Van Aelst and Guido Legnante point to three basic dimensions of the intended political bias⁷. The first one refers to the visibility of political actors, who can be given more or less attention, thereby rewarding or eliminating their points of view. The sound of materials presented in the media plays a significant role. Using an innumerable range of resources, it is possible to evaluate a particular political actor in an unambiguously beneficial or critical way. The role of journalistic commentary, narrative, confrontation with the past or other political actor will play a huge role here⁸. Finally, the third dimension concerns the selection of problems that will be addressed. Purposeful selection can lead to the elimination of selected points of view or over-representation of materials dedicated to a given issue.

An interesting research challenge remains analyzing the content of the media presenting exactly the same events at the same time. The valuable material in the case of Poland was provided by social protests that took place in July 2017. At that time, the Poles protested against changes in the judiciary, which the ruling party proposed. They concerned the amendment of three acts: on the National Council of the Judiciary, the Law on the System of Common Courts and the Law on the Supreme

⁶ B. Łódzki, *Medialny obraz rzeczywistości*, „Studia Socialia Cracoviensia” 2017, vol. 9, iss. 1, p. 123 i n.

⁷ D.N. Hopmann, P. Van Aelst, G. Legnante, *Political balance in the news: A review of concepts, operationalizations and key findings*, op. cit., p. 247 i n.

⁸ W. Donsbach, T.E. Patterson, *Political News Journalists: Partisanship, Professionalism, and Political Roles in Five Countries* [in:] *Comparing Political Communication: Theories, Cases, and Challenges*, F. Esser, B. Pfetsch (ed.), Cambridge University Press, Cambridge 2004, p. 251 i n.

Court. The general goal of the proposed solutions was to limit the role of the judiciary so that the rulers would influence the personal shape of selected institutions. The way in which media present protests is an example of how the media interprets a complex and multi-dimensional event, which mainly provided information TV programs with a lot of possibilities for presenting content in a biased way.

Methodology

The aim of the study was to compare the way the protests were reported by three leading television evening news programs. Classical and quantitative content analysis was applied⁹. In carrying out the research, the selection of the research period was a serious dilemma. The analysis was made on days in which numerous protests took place before the Supreme Court's law was signed by the President. The research selected news regarding in any way the proceedings on the adoption of the Supreme Court Act and the veto of two laws concerning the judiciary by the president from five subsequent programs broadcasted from 20 to 24 July 2017. Based on Nielsen Audience Measurement data, evening news programs were selected. In July 2017, the audience leader was the „Fakty” program broadcasted by TVN, followed by „Wiadomości” TVP and „Wydarzenia” broadcasted by Polsat. The releases of these three programs from the same five days of 2017

⁹ R. Klepka, *Analiza zawartości mediów: dlaczego i do czego można ją wykorzystać w nauce o bezpieczeństwie i politologii?*, „Annales Universitatis Paedagogicae Cracoviensis Studia de Securitate et Educatione Civili” 2016, vol. VI, iss. 224, p. 32 i n.; Wiele szczegółowych uwag na temat analizy zawartości i procedur jej stosowania, zob.: J.E. Richardson, *Analysing Newspapers: An Approach from Critical Discourse Analysis*, Palgrave Macmillan, Houndmills, Basingstoke, Hampshire, New York 2007; D. Riffe, S. Lacy, F.G. Fico, *Analyzing Media Messages: Using Quantitative Content Analysis in Research*, Lawrence Erlbaum Associates, Mahwah, New Jersey, London 2005; K. Krippendorff, *Content Analysis: An Introduction to Its Methodology*, Sage Publications, Thousand Oaks, London, New Delhi 2004; G. Shapiro, J. Markoff, *A Matter of Definition* [in:] *Text Analysis for the Social Sciences: Methods for Drawing Statistical Inferences From Texts and Transcripts*, C. W. Roberts (ed.), Lawrence Erlbaum Associates, Mahwah, New Jersey 1997; W. Pisarek, *Analiza zawartości prasy*, Ośrodek Badań Prasoznawczych, Kraków 1983; M. Lisowska-Magdziarz, *Analiza zawartości mediów. Przewodnik dla studentów: wersja 1.1*, Uniwersytet Jagielloński, Kraków 2004.

that was selected for comparison. Detailed data on „the audience of the main information programs is presented in the table below.

**Table 1. Audience (number of viewers)
of evening TV news programs in July 2017**

Title and time of emission	July 2017
„Fakty” TVN (19.00)	2 255 369
„Wiadomości” TVP1 (19.30)	1 944 303
„Wydarzenia” Polsat (18.50)	1 379 722
„Panorama” TVP2 (18:00)	991 233

Source: own study based on Nielsen Audience Measurement data for the site www.wirtualnemedi.pl, M. Kurdupski, „Fakty” na czele oglądalności dzienników. „Wiadomości” straciły ponad 400 tys. widzów, <http://www.wirtualnemedi.pl/artykul/ogladalnosc-programow-informacyjnych-lipiec-2017-wszystkie-serwisy-zanotowaly-spadki>, [access: 01.07.2018].

A valuable model for testing the content of TV news programs was proposed by scholars from the Network of European Political Communication Scholars. Their aim was to be able to compare the results of news content analysis carried out by different researchers in different countries¹⁰. The study used the concept of measuring the balance of news (political balance in the news) understood as the opposition of bias (partisan media bias), i.e. privileges in the presentation of a specific party or politician¹¹. In the proposed categorization key scheme, it was proposed to code the presence of politicians in news in one of four ways: when he/she was mentioned, cited, shown or when he/she was saying something. In view of the fact that almost always a politician in any form appeared in the news, he/she also said something, it was decided to measure visibility only by analyzing the statements of politicians, and to measure not the number of occurrences, but

¹⁰ F. Esser, J. Strömbäck, C.H. De Vreese, *Reviewing key concepts in research on political news journalism: Conceptualizations, operationalizations, and propositions for future research*, „Journalism” 2011, vol. 13, iss. 2, p. 139.

¹¹ D.N. Hopmann, P. Van Aelst, G. Legnante, *Political balance in the news: A review of concepts, operationalizations and key findings*, op. cit., p. 241.

their time, measured in seconds. The second aspect of measuring the balance of news, in other words, the tone of the manner in which politicians were presented was carried out in full in accordance with the proposed concept. The coding scheme is presented in the table below.

**Table 2. Categorization key,
part about the overtone of news**

Category	Coding instructions
Favorability	<p>The study encodes all the news on the analyzed topics. The variable can be encoded in one of four ways:</p> <p>(F) favorable – news have a clear positive connotation for a political actor;</p> <p>(UF) unfavorable – news has a clearly negative connotation for a political actor;</p> <p>(A) ambivalent – news can be understood both positively and negatively;</p> <p>(Ne) neutral – news contains neither positive nor negative meanings or connotations.</p>

Source: own study based on: D.N. Hopmann, P. Van Aelst, G. Legnante, *Political balance in the news: A review of concepts, operationalizations and key findings*, „Journalism” 2011, vol. 13, iss. 2, p. 257.

The conducted studies compared the visibility and favorability of coverage of political actors associated with the rulers and the opposition. In addition, the analysis of news topics and their narrative as well as the selection of experts in the programs was included in the categorization key. In total, 5 editions of „Fakty” „Wiadomości”, and „Wydarzenia” from July 20-24, 2017 were registered. As a unit of registration, a single information (news) was accepted, and the measurement unit was 1 second.

Results

All news regarding the procedure of passing the law on the Supreme Court and vetoing two laws concerning the judiciary by the president and protests against these changes, shown in „Fakty” „Wiadomości”, and „Wydarzenia” in five program editions in July 2017, were qualified for the study. In total, 27 news

from „Fakty”, 18 news from „Wiadomości”, and 32 news from „Wydarzenia” were analyzed. Detailed data on the number and duration of news are summarized in the table below.

**Table 3. Quantitative analysis
and total duration of the news covered by the survey**

„Fakty”	„Wiadomości”	„Wydarzenia”
27 news 1h 23 m 35 s	18 news 1h 13 m 39 s	32 news 1h 41 m 49 s

Source: own study

Evening news programs broadcasted by commercial stations: „Fakty” and „Wydarzenia” to a greater extent than „Wiadomości” focused on events related to the reform of the judiciary as well as numerous protests accompanying the work on the bill, devoting more time to this problem.

**Table 4. The total time devoted to the problem
in relation to the total duration of the program**

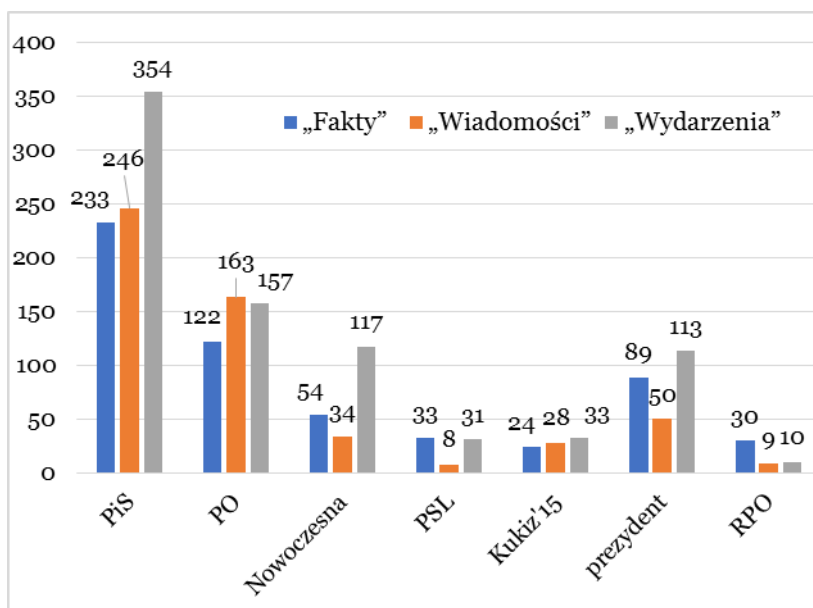
	total duration of the program	time devoted to the problem	percentage of time devoted to the problem
„Fakty”	02:02:18	01:23:35	68,34
„Wiadomości”	02:34:42	01:13:39	47,61
„Wydarzenia”	02:12:35	01:41:49	76,79

Source: own study

The total time devoted to the problem in relation to the total duration of the program in this period amounted to less than 48% in the case of „Wiadomości”, and 68% in the case of „Fakty” and as much as 77% of the duration of „Wydarzenia”. This perfectly illustrates the level of involvement of a given information program in the issues of judicial reform and protests associated with it.

As already indicated in the part referring to the methodology as a measure of the visibility of politicians in both programs was the time of their speech measured in seconds.

Chart 1. Visibility of the rulers and the opposition in media reports (measured in seconds) news in the „Fakty”, „Wiadomości” and „Wydarzenia” about the work on the law on the Supreme Court, social protests and the President’s veto



Source: own study.

The „Wydarzenia” almost the same time presented the statements of PiS politicians, what the opposition’s point of view. The „Fakty” were less time presented by both PiS and PO politicians, but they devoted more time to the statements of politicians from the opposition parties, Modern (Nowoczesna) and PSL, and the similar positions of the president, presidential ministers and the ombudsman, who expressed criticism of the government’s opinions on judiciary laws.

In the further part of the study, each news related to the analyzed problems was evaluated in terms of its overtone in relation to the government and the ruling party. The results are presented in the table below.

Table 5. Favorability of coverage of rulers (expressed in numbers) in news regarding work on the law on the Supreme Court, social protests and the president's veto

Information service / Category	Favorable for the rulers	Unfavorable for the rulers	Neutral for the rulers	Ambivalent
„Fakty”	0	12	9	5
„Wiadomości”	15	0	0	0
„Wydarzenia”	0	9	8	15

Source: own study

The tone of the news in the examined editions of „Wiadomości” „Fakty”, and „Wydarzenia” clearly differed. In „Wiadomości” all news were favorable for the rulers. The program broadcasted by public television has never indicated any critical comments about the government. The programs of commercial televisions had a different character. In „Fakty” and „Wydarzenia”, no news favorable for ruling party was found. This does not mean, however, that all materials presented on Polsat and TVN televisions were unambiguously critical. In both cases, ambivalent news as well as neutral news appeared. However, it should be emphasized that program „Wydarzenia” was the most balanced. Neutral and ambivalent news for rulers dominated.

The events of July 2017 in „Wiadomości” most often presented the reform of the judiciary as an interruption of impunity of the „judges caste”, further it was pointed out that social protests of opponents of reforms serve the revolutionary takeover of power, and the third thematic axis in terms of frequency was the general injustice of the courts. In turn, the „Fakty” all focused on two themes: reform of the judiciary seen as the appropriation of

the state and politicization of its structures and social manifestations perceived through the prism of the elemental, grass-roots reaction of society. „Wydarzenia” presented mainly facts and journalists and reporters tried not to comment the events and use only neutral words.

Different ways of taking up the analyzed topics in evening news programs were also created by appropriate narratives. The tables below contain quotes from presenters and reporters illustrating the narrative being built and explaining the media exposition and interpreting the events.

Table 6. Statements of the „Fakty”, „Wiadomości” and „Wydarzenia” journalists as examples of how to build a narrative around the Supreme Court act, social protests and President's veto

„Fakty”	„how parliament eradicated the independent court” – „Krzysztof Skórzyński.” „Crowds with the Constitution in their hands, old and young, short and tall, with Poland in hearts, freedom on the lips and solidarity in memory.”
„Wiadomości”	„Borys Budka attacked” „the total opposition has not only threatened” about Donald Tusk: „was supposed to mitigate the arguments, now he has become their face” about Krzysztof Mieszkowski „Hysterics or provocation?” The next representative of the total opposition has failed to calm down.” „The first president of the Supreme Court decided on postal pressure on the president”
„Wydarzenia”	“President Andrzej Duda faces a difficult decision. The signing of three bills including Act on the Supreme Court means the implementation of a document with errors when the street is strongly opposed. Filing a veto means conflict with the ruling party and its leader. Passing the bill to the tribunal, which the PiS has taken over, means signing all the acts.”

Source: own study.

In the news, apart from information and journalistic commentaries, there were also expert opinions. In total, as many as 14 expert opinions appeared in the programs related to the issue of acts related to the functioning of the judiciary, social protests and the President's veto in the „Wiadomości” materials. All but two of them were sympathetic to the rulers or critical of the opposition, or they combined the positive assessment of the government and criticism of the opposition. Quoting the only statement unfavorable for the rulers took place only so that journalists would then give it a critical tone, and after that they presented several opposing opinions. In analogous programs broadcasted by TVN, only two opinions were presented, one of them was ambivalent towards the rulers and presented substantive remarks about the reforms themselves, another statement carried a positive tone towards the opposition, suggesting that by the actions of opposition they are trying to save independent courts. In „Wydarzenia” the opinions were the most balanced. Of the 16 comments, half were negative, one positive, the other ambivalent and neutral.

The selection of experts also draws attention. In the case of „Fakty” and „Wydarzenia” they were specialists in the discussed subject, generals, as well as academics and scholars. The „Wiadomości” experts, on the other hand, were most often the journalists of right-wing portals and opinion weeklies, namely Stanisław Janecki, Michał Karnowski and Jacek Karnowski (wSieci), Paweł Lisiecki and Rafał Ziemkiewicz (Do Rzeczy) or Marzena Nykiel (wPolityce.pl). In contrast to programs of commercial broadcasters, in „Wiadomości”, the percentage of experts' opinions was significantly lower than in the opinion of scientists.

Discussion

The results of the study show that the analyzed information programs of the commercial stations presented the opposition's arguments more broadly, it was less likely to directly evaluate and assess who is right, more often only reported, and less frequently reviewed the actions of political actors. In the TVP program, some of the events that the government was in a bad light were not presented at all. In addition, the narrative in „Wiadomości” TVP

was clearly pro-government, and the experts referred to in the program were to justify it. In conclusion, the same events are presented in a completely different way in analyzed evening news programs. TVP „Wiadomości” favors the ruling party, is anti-opposition, often extremely manipulative, uses strong means of persuasion, which may lead to government propaganda. On the other hand, TVN’s „Fakty” use a similar mechanism in the opposite direction, they are definitely anti-government, they favor the opposition, they are biased, it all brings them to the path of anti-government rhetoric. The viewer who watches only one of these two programs sees only one of the viewpoints – one of the two existing parallel worlds. The most neutral program was „Wydarzenia”, which tried to present the facts in the most balanced way.

Summing up, it should be pointed out that none of the information programs, not only among the respondents in this study, can be attributed to full neutrality, but based on the results presented here, „Wiadomości” in the analyzed period was the least balanced, while „Wydarzenia” was the most balanced.

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Trendy przestrzeni międzynarodowej w wymiarze globalnym i regionalnym

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ТРЕНДИ МІЖНАРОДНОГО СЕРЕДОВИЩА: ГЛОБАЛЬНИЙ ТА РЕГІОНАЛЬНИЙ ВИМІР

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