STUDIES IN COMMUNICATION AND POLITICS 15

Urszula Doliwa

Pirate Waves

Polish Private Radio Broadcasting in the Period of Transformation 1989–1995

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This book reveals the value and significance of pirate radio, with a special focus on local radio stations that broadcast illegally in Poland in the early 90s. It shows that many of them, like in other countries from the region, began as non-commercial, community-oriented initiatives. Several sources of information were used to maximize the potential of the study, especially documents gathered from public institutions, press articles, interviews with radio representatives, and decision-makers who influenced the shape of the broadcasting system. The analysis of these sources supports the conclusion that, although the pirates left a lasting legacy, they lost out in the licensed regime driven by market logic.

„If I were to write that this is a solid work, that would be far too little. It is simply a masterpiece, a very ambitious book, which may be treated – I write this with full conviction – as a *reference book* for many researchers interested in scientific reflection and research on the process of emergence of the Third Sector of radio broadcasting in Poland during the political transformation."
Stanisław Jędrzejewski, Professor of Kozminski University, Warsaw, Poland

The Author
Urszula Doliwa is Associate Professor and Head of the Institute of Journalism and Social Communication at the University of Warmia and Mazury, Poland. Her research interests center on radio broadcasting and community media.

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To my dad, who got me hooked on radio,
and all the radio enthusiasts who started broadcasting in the 1990s.

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Introduction

At the beginning of the 1990s, there were over 100 local radio stations in Poland that could not legalize their operations, mainly due to the lack of appropriate legal framework. In this group, we should certainly include an incalculable number of radio ephemera and neighborhood projects with a very limited reach. Although this phenomenon was not on a scale corresponding to the emergence of pirate radio stations in the early 1970s in, for example, Italy, where according to various calculations, there were between 1,600 (García-Gil, Gómez García, Reguero Sanz, 2018) and 2,500 illegal radio stations (Mazzoleni, 1997: 129), it was significant in size in Poland as well. In the literature, as in the case of Italy, scholars sometimes call this process *wild deregulation* (Dobek-Ostrowska, 2006: 27; Dobek-Ostrowska, 2019: 120).

The nature of the emerging radio initiatives was unique and worthy of description – many of these stations began as non-commercial, pro-citizen initiatives. The creative potential of the teams involved in starting the stations, both at the organizational, technical and programming levels is also worth attention. No one has yet comprehensively analyzed their activities and role in the media system.[1] Almost everyone has heard of such radio giants as Radio Zet or Radio RMF FM, which are still leading in Polish radio broadcasting, but we know very little about small local radio stations. Most of them – even if they managed to obtain a broadcasting license in 1994 – disappeared from the Polish radio waves due to the processes of concentration and globalization. Meanwhile, the enthusiasm and exceptional commitment of the pioneers of Polish private radio broadcasting who, disregarding the lack of equipment, experience or penalties that could be imposed for such broadcasting, launched the first private radio stations, deserve description and scholarly reflection – for they were the essence of radio as a creative medium close to the audience. This is all the more important because most people who participated in those events are still alive, but with the passage of time, reconstructing the history of broadcasting from that period may prove more difficult. American researcher Jane Curry, who became interested in the Polish media system as early as the 1960s, rightly notes that many new publications and radio and television programs appeared at the beginning of

1 The media system is a set of structural and financial arrangements, limited by specific, legal, and institutional factors that include the problem of ownership, media access, media control, and political constraints (Dobek-Ostrowska, 1997: 78–79).

the transformation, and the changes were so rapid that no one had time to document them (Curry, 2006: 100). Therefore, it is worth filling this research gap, which concerns local radio stations established at the beginning of the transition period – to the extent possible after almost thirty years that have passed since those events. Thus, one of the important goals of this monograph is *to record the activities of the true radio enthusiasts who started their radio journey at that time*.

Noteworthy, at the beginning of the political transformation almost all private radio stations in Poland operated illegally to a greater or lesser extent. Even those that applied for a special broadcasting permit eventually had to face the fact that under the Broadcasting Act, adopted at the end of 1992, private broadcasters were subject to criminal sanctions after July 1, 1993, if they broadcast without a license. Meanwhile, the licensing process dragged on and the authorities issued their first permits only a year later. Thus, it meant that with the exception of some church entities which could legalize their activity under a special law on the relation between the State and the Church (Sejm, 1989), all private broadcasters of that period were broadcasting illegally. Therefore, I use the term *pirate stations* with reference to such broadcasters, although, as I will try to show, this type of activity was not always perceived in these terms. By the way, it is worth emphasizing that we should not treat this term as pejorative. On the contrary, pirate radio stations in Poland and around the world played a positive role in expanding the scope of freedom over the airwaves. They also tried to respond to social needs.

The name pirate radio stations originates from radio stations broadcasting from ships, which could not legally transmit from the territory of a given country and thus tried to circumvent the law. However, with time, people started using the term with reference to illegal broadcasters who were eager to refer to the tradition started by these pioneering radio initiatives. This is because they were accompanied by a number of positive connotations. If we can say that radio as a medium has a certain magic about it, that impression is heightened in the case of offshore radio stations that broadcast, when legal operations on the mainland were impossible in most countries in Europe. Paul Harris, a scholar of the history of pirate radio in Britain, writes: "There is something irresistibly romantic about a ship wallowing lazily in a light swell and a small team of technicians and disc jockeys defying state monopolies to take programs into the homes" (Harris, 2001: VII).

Along with the name pirate stations, illegal broadcasters have also taken over, more or less consciously, a certain philosophy of operating such stations. Is it possible to present it? It is certainly very difficult, but it is worth mentioning at least some of its components: the joy of creating a radio in harmony with oneself,

creativity, going against the beaten track, willingness to take big risks, the belief that in order to respond to social needs one sometimes has to go against the state and the law, a sense of social mission and a close relationship with the listeners who are ready to fight for their radio, and most importantly – a true passion for radio. This book is an attempt to show that this particular *philosophy of the pirate stations was also close to the pioneers of private broadcasting in Poland*, who after 1989 often decided not to wait for appropriate legal framework and started broadcasting.

Another very important aim of this book is to *show the policy pursued in Poland after the fall of communism with regard to private radio broadcasting* and its consequences for citizens. It is worth posing the question to what extent social interest was taken into account during the design of the new order in private radio broadcasting and whether it was the logic of social benefit or rather market logic that dominated this process. At this point, it is worth explaining that the market logic is characteristic of the commercial broadcasting sector, associated with *profitability* and *competition* (Croteau, Hoynes, 2006: 250) and does not fully respond to public needs. On the other hand, the social gain logic is connected with taking care of social interests also of those groups, which from the commercial point of view are not very attractive for broadcasters. It is expressed in an appropriate conduct of licensing policy to ensure the most pluralistic offer, which is connected with support for socially important broadcasters, such as, for example, public, community or local media in general.

The topic of proper attention to the public interest in designing the system of private radio broadcasting in Poland, especially in the area of the role and importance of local and community radio, is often overlooked in reporting on the history of Polish radio broadcasting, but it certainly deserves attention and scholarly reflection. As Denis McQuail rightly notes, groups, organizations and local communities should have their own media. In his opinion, communication is too important a field to be left only to professionals (McQuail, 1987: 123). However, this type of media needs support and special treatment when designing a media system. In this book, I would like to show *to what extent the decision-makers were aware of the special role of this type of media and whether they took proper care of the public interest in this regard when designing the radio broadcasting system in Poland*.

As Tomasz Mielczarek emphasizes, independent local radio stations, which remain outside the media networks operating under the wing of large media groups, perform important social functions as often they are the only medium distributing information about small towns and villages and providing this type of content to economically weaker groups of recipients (Mielczarek, 2006: 85).

The space in which civic activity can develop is in particular the locally based *third radio sector*, referred to as *community radio*. People often use expressions like *social benefit, social goals,* and *social gain* in the law definitions of the *third media sector*. As Stefania Milan underlines, *grassroots media,* which include community radio, make a very significant contribution to development processes and play an important role in social democratization (2009: 598).

Noteworthy, pirate radio stations in the world paved the way not only for the development of commercial radio, but also for the third radio sector – non-commercial community radio stations (Buckley, 2016). It is difficult to explain the term *community radio* for there are many definitions of this type of media, which is due to the diversity of the sector, local conditions and the history of this type of media in different regions of the world. However, Peter Lewis presents a list of basic conditions a radio should meet to be called community radio. In his opinion, these are entities operating not for profit, but for social benefit. They are the property of a given community and are accountable to the community they serve and create the possibility of participation of a given community in the production of the program and management of the station (Lewis, 2015: 179–188). *I will try to show that many local radio stations which started broadcasting after 1989 operated largely on the basis of principles similar to community radio.*

This is an important issue, because many radio initiatives emerged at that time for non-commercial and pro-social reasons. At the beginning of the 90s there was a very strong connection between local broadcasters and local communities, they were often the voice of this community. Ryszard Miazek, a member of the first National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji, later: KRRiT), admitted that in almost every city someone wanted to set up a private, non-commercial station (Modrzejewska, 1994a). The list of entities applying for broadcasting included several dozen of this kind of stations (KRRiT, 1996: 26). Foundations, associations, societies, community centers, universities, municipalities and other legal entities, such as the Polish Scouting and Guiding Association, wanted to set up their radio initiatives. Many stations established by private individuals also had a non-commercial, pro-social character. I will try to prove it by taking a closer look at the motivations of their creators, the organizational structure, the financing system and the diverse and community-oriented program.

Moreover, there was an interesting debate in Poland on how to care for the interests of citizens on the air, including how to regulate the operation of non-profit stations. Nevertheless, in the literature on the subject, it is a rarely discussed topic. It is not widely known that there were many voices in the country at that time about how disastrous the excessive commercialization in broadcast

media could be. More often than it might seem, people raised the problem that community-oriented stations should receive support. In this book, I will try to *reconstruct the debate* that was going on in Poland at that time, and indicate its main participants.

It is worth mentioning that especially in the initial stage, there were many positive opinions about the effects of the transformation of radio broadcasting in Poland. In an interview published in *Życie* in 1996, Stanisław Jędrzejewski referred to the radio market in Poland as "the best radio market east of the Elbe" (Biegluk, 1996: 6). Other researchers also noticed positive aspects of the transformation process of broadcast media in Poland in later publications. For example, Bogusława Dobek-Ostrowska points out that as a result of the reform, the Polish electronic media market has become "one of the most diverse and competitive in Central and Eastern Europe" (Dobek-Ostrowska, 2002: 22). Stanisław Piątek, one of the important architects of the new media order in the field of radio and television broadcasting in Poland after 1989, adopts a similar position: "I believe that radio and television broadcasting has developed very well in general. This reform was a success" (Piątek, 2020). Therefore, the aim of this work is also to *supplement the historical narrative* regarding the transformation of the broadcasting system in Poland and to show that, for example, when it comes to ensuring access to the airwaves for citizens, we cannot so unequivocally classify this process as successful.

Moreover, I would also like to show that *the transformation of the radio system in Poland followed a certain pattern of media transformation in other countries during the political transformation, especially in Central-Eastern Europe*. As indicated by researchers dealing with the transformation process in this region, in the initial period, we could observe the operation of the participatory democracy model in some countries, but it was soon followed by a period of strengthening the power of political parties and majority democracy (Hadjiiski, 2001: 43–46), which was accompanied by the remoteness of societies from the civic model (Skowera, 2006: 117). The lack of an appropriate state policy that would take into account the needs of citizens on the air, combined with the general market-oriented tendency prevailing in Central and Eastern Europe at that time, led to the collapse of many non-commercial initiatives close to local communities. Therefore, I will present the changes concerning radio broadcasters in Poland against the background of changes that took place in other countries of the region.

The previously described goals and tasks that I have set for myself in this book allow for the formulation of the following leading research questions.

RQ1: Was the operating model of local pirate stations established in Poland similar to that of other pirate stations in the world, and in particular in Europe?
RQ2: Was the operating model of local pirate stations established in Poland similar to the operating model of community radio stations?
RQ3: To what extent did the process of transformation of the media in Poland, and especially of private radio broadcasting, fit into the process of transformation of the media in other countries undergoing systemic transformation, especially in Central-Eastern Europe?
RQ4: When designing a new media order in the field of private radio broadcasting, were authorities guided by the logic of the market or the logic of social benefit?
RQ5: Was it possible to design a more citizen and local community-friendly private radio system in the early 1990s?

In my research, I have examined both primary and secondary data.

1. Primary Sources

These are transcribed interviews with witnesses of the events from the investigated period in the form of non-structured interviews:

- with the creators of radio stations, sometimes with their employees. I made efforts to ensure that these people were associated with broadcasting stations from various areas of Poland. The list of interviewees includes the creator of Radio Kormoran (from Węgorzewo) – Tomasz Zieleniewski, Radio Piotrków (from Piotrków Trybunalski) – Tomasz Stachaczyk, Radio Marconi (from Częstochowa) – Przemysław Kimla, Radio Obywatelskie (from Poznań) – Robert Gambel, Radio WaWa (from Warsaw) – Wojciech Reszczyński, Radio Alfa (from Węgrzce) – Wojciech Jaworski, Radio Joker (from Gdów) – Eryk Woźniak, Radio Alex (from Zakopane) – Piotr Sambor, Radio Wama (from Olsztyn) – Ireneusz Iwański, employee of Radio Pomoże (from Bydgoszcz) – Wiesław Wiśniewski. All these stations, except for Radio Wama, started operating before receiving their license. I included Radio Wama from Olsztyn in the list to show a different, more commercial path of starting a private activity at that time. The main areas of interest during the interviews were: the history of the station, motivations and reasons for involvement in radio activities, programs and actions that the station was particularly proud of, commercial / non-commercial approach to its activities, the situation of stations starting broadcasting before the entry into force of the Broadcasting Act and the first licenses, opinions on solutions for the shape and principles of operation of private radio stations in the early 1990s.
- with officials and other persons whose decisions had an impact on the operation of the broadcasting station at that time, including: Marek Rusin

(undersecretary and deputy minister in the Ministry of Communications and president of the State Radiocommunications Agency (Państwowa Agencja Radiokomunikacyjna, later: PAR); in the government of Jan Olszewski he headed the Ministry of Communications), Maciej Iłowiecki (deputy Chairman of the National Broadcasting Council – 1st term), and Stanisław Piątek (advisor to the Chairman of the Radio and Television Committee (also called Radiocommittee), member of the Commission for Radio and Television Reform and KRRiT consultant). The interviews aimed at determining the course of organizational and legal changes at that time, the role of individual state organs in shaping the media order, and collecting reflections on the decisions and actions taken at that time.

I want to stress that the reports obtained through direct meetings with witnesses of events were of significant importance. Many authors pay attention to the growing importance of oral history in historical research (Ong, 1992; Kurkowska, 1998; Thompson, 2000; Ritche, 2003; Kubiszyn, 2006; Lewandowska, 2009). Of course, such a research method also has some disadvantages. There is always the question of how faithfully the interlocutor has recreated a given story, whether he or she will not want to make it more interesting, more relevant (Yow, 2015: 18) or present himself in a more positive light than the truth might be. In turn, the passage of time causes many facts to be blurred. Therefore, as Alessandro Portelli remarks, the greatest advantage of oral history is not discovering new events from the past, but the fact that oral history enters the realm of imagination, symbolism, desires, perception, and interpretation. When looking at oral history research from this perspective, even some memory errors have research value (Portelli, 1991: 51).

Most of the interviews were carried out after the search for archival materials and the preliminary analysis of press articles and information provided in other publications on the transformation of the radio system in Poland in the early 1990s. Therefore, the facts collected in these sources were often verified during direct meetings with the creators of the station. Interestingly, it has often turned out that the information recorded in archival documents or published in press articles is not precise, and it was only during the conversation with witnesses of history that I could recreate the events. In this way, I tried to obtain the greatest possible credibility of the cited data. Noteworthy, the great advantage of the obtained reports was also information about motivations and emotions that accompanied the broadcasters' creators at that time and their opinions on the adopted system solutions.

I began collecting the interviews in July 2016 and completed it at the end of 2020.[2]

2. Analysis of Secondary Sources

- radio chronicles, which some of the stations were running at that time (the chronicle of Radio Piotrków, the chronicle of Radio Kormoran, the chronicle of Radio Alex[3]). The analysis aimed at enriching the data obtained from the creators of the stations, which were of interest during the interviews with them.
- acts of laws and regulations affecting the operation of radio stations at that time, especially the Communications Act, amended several times at that time, the Act on the Radio and Television Committee, the Broadcasting Act, regulations of the minister of communications, regulations of the National Broadcasting Council. In combination with other documents and interviews, they allowed for the reconstruction of the complicated legal situation of broadcasters starting their activities at the time.
- documents of State Radiocommunications Agency, which dealt with frequency management in the period under examination (documents of the National Board of this institution are stored in the Archive of New Files in Warsaw)
- documents of the State Radiocommunications Inspection (Państwowa Inspekcja Radiowa, later: PIR), particularly reports on the activities of PIR in the years 1988–1990, and annual analyses of the handling of complaints and requests in the years 1987–1990 (stored in the Archive of New Files in Warsaw)
- documents of the Committee for Radio and Television Broadcasting gathered in the resources of the Center for Documentation and Program Collections of TVP (Public TV Station)
- documents gathered in the National Broadcasting Council. I analyzed archival resources of two departments of this institution: the Presidium Department and the Regulatory Department from 1993–1995.

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2 I outlined the purpose of the interviews to each of the respondents. They agreed to participate in the study as part of the project "Transformation of the media system in Poland in the context of non-commercial radio," which received funding from the National Science Centre, and to process personal data as part of its implementation. However, I carried out part of the research before receiving funding for the project as well.

3 It was impossible to find the chronicles of other stations.

- documents of Polish section of Voice of America (VOA).[4]

Managers of TVP and National Broadcasting Council (KRRiT) granted access to their archives. I carried out the research of the archival resources in the KRRiT Archive in 2017–2018, and in the Center for Documentation and Program Collections of TVP in 2016–2020. The materials I collected in the archival resources of the respective institutions made it possible to gain knowledge about the policy pursued toward broadcasters, but also to supplement information about the radio stations that operated at the time.

- press materials. Thanks to them, I conducted a qualitative analysis of what the press wrote about the stations that were created at that time. The documentation of press clippings kept by the Polish Radio and Polish Television was extremely useful in this part of the research. This collection includes general materials related to private radio and television stations in Poland. However, I also collected articles concerning individual stations. The discussed collection comprises a dozen or so folders and several thousand articles from the years 1953–2009. Therefore, I have selected from it those which refer to the functioning of radio stations in 1989–1995, although they were not always published in this period – sometimes they appeared later.[5] I supplemented this research with an analysis of individual Internet reports and articles about private radio stations obtained from the online archives of *Gazeta Wyborcza* and *Rzeczpospolita*.

4 I obtained the documents related to the cooperation of Polish local radio stations with the VOA thanks to an e-mail contact with Ted (Tadeusz) Lipień, who in the early 1990s served as the director of the Polish section of the VOA.

5 Unfortunately, the retrieved collection of over 1000 articles required verification. The names of newspapers and dates of publication were handwritten on the clippings in the documentation of the Center for Documentation and Program Collections of TVP and some entries turned out to be incorrect. Newspaper numbers and pages on which the information was published were also missing. It was therefore necessary to verify the bibliographic data. This required a manual search of articles in the National Library and in the resources of other libraries; some data was obtained thanks to the cooperation of the Interlibrary Loan Service of the University of Warmia and Mazury in Olsztyn with other libraries. Checking the resources proved to be a laborious and lengthy process. However, it resulted in the creation of a database of articles on radio stations of the discussed period, which may be useful to other researchers interested in local radio broadcasting.

Another invaluable source of information about the history of Polish radio broadcasting, including the period covered by this book, was the Internet service RadioPolska.pl, run for several years by Krzysztof Sagan, a radio history enthusiast. Particularly noteworthy is the series *Radio w pamięci zapisane* [Radio in Memories], which presents memoirs of radio professionals and listeners on the most important events in the development of Polish radio broadcasting and the role of radio in Polish history. Because of similar interests, I decided to cooperate with the creator of this website. We exchanged retrieved materials and conducted some of the interviews with radio station founders and people who had an impact on media policy at the time together. Also thanks to Krzysztof Sagan's knowledge and sources I have supplemented the table of pirate broadcasters in some places (see Table 2). In the book, I also repeatedly refer to interviews and other Internet entries published on RadioPolska.pl.

Some information about the discussed period in the development of local radio broadcasting can also be found in publications of a scientific nature and in memoirs, but they are selective, scattered, and, which sometimes happens, there are distortions and inaccuracies, especially concerning the dates of establishment of specific stations. Nevertheless, I should mention a few items that I used in the course of creating this book. Particularly noteworthy are *Radio lokalne w Polsce* (Kowalczyk, 2007) and works on radio by Stanisław Jędrzejewski, such as *Radio renesans. Od monopolu do konkurencji* (1997) or chapter "Radio w Polsce w pięć lat po zniesieniu monopolu państwa" published in *Transformacja radia w Polsce i na świecie* (1996). The source of basic information about the discussed period in the history of radio are publications by Wiesława Kubaczewska and Marcin Hermanowski *Radio. Historia i współczesność* (2008) and an introduction to Magdalena Steciąg *Informacja, wywiad, felieton. Sposób istnienia tradycyjnych gatunków w radiu komercyjnym* (2006). The legal and political aspects of private stations have also been the focus of authors in books: *Regulacje prawne i polityka medialna w Polsce w latach 1989–2011* (Waniek, 2013), *Koncesja i koncesjonowanie w zakresie rozpowszechniania programów radiowych i telewizyjnych w Polsce* (Chludziński, 2006), *Krajowa Rada Radiofonii i Telewizji w systemie politycznym i konstytucyjnym* (Chruściak, 2007), *Między misją, rynkiem a polityką. X lat działalności Krajowej Rady Radiofonii i Telewizji* (Wrzeszcz, 2004) and books comprised of memories and reflections such as *Flaczki belwederskie* (Markiewicz, 1994), *Wojna o media. Kulisy Krajowej Rady RTV* (Łętowski, 1994).

Information on specific radio stations is contained in publications on the media in specific regions of Poland, e.g.: *Media w Zagłębiu Dąbrowskim. Tradycje i współczesność* (Kaczmarczyk, 2010), *Rozwój i działalność stacji radiowych w Łodzi* (Lenart, 2009), *Rynek współczesnych mediów lokalnych w Wielkopolsce*

(Kowalczyk, 2011b), *Rynek radiowy na Górnym Śląsku* (Lakomy, 2012), *Lokalne stacje radiowe we Włocławku* (Świderek, 2003).

The process of media transformation has been the subject of analysis by Polish media scholars. The most important studies on the subject include numerous analyses by Karol Jakubowicz, such as *Rude awakening: Social and media change in Central and Eastern Europe* (2007b), *Zabawa w krzesła? Trzy sfery publiczne w Polsce*, (2007c), *Tworzenie nowego systemu radia i telewizji w Polsce. Elementy nowej ustawy o radiofonii i telewizji* (Jakubowicz, 1992b), by Bogusława Dobek-Ostrowska, e.g.: *Media masowe i aktorzy polityczni w świetle studiów nad komunikowaniem politycznym* (2006), *Transformacja systemów medialnych w krajach Europy Środkowo-Wschodniej po 1989 roku* (2002), Tomasz Mielczarek, e.g.: *Monopol, pluralizm, koncentracja. Środki komunikowania masowego w Polsce w latach 1989–2006* (2007), and Tomasz Goban-Klas, e.g.: *Niepokorna orkiestra medialna. Dyrygenci i wykonawcy polityki informacyjnej w Polsce po 1944 roku* (Goban-Klas, 2004).

In this book, I also refer to publications about the formation process of private radio broadcasting in other countries. It is worth citing, for example, those on the development of offshore pirate radio *When Pirates Ruled the Waves* (Harris, 2001) and pirate radio and the search for citizen-friendly broadcasting solutions in the United Kingdom *Pirate Radio in Britain: A Programming Alternative* (Boyd, 1986) as well as *The Invisible Medium: Public, Commercial and Community Radio* (Lewis, Booth, 1989). In the case of Hungary, I used for example *Past, Present, and Future of the Hungarian Community Movement* (Gosztonyi, 2010) and *The Changing Situation of Hungarian Community Radio* (Velics, 2012). As for Spain, a very useful and interesting text was *Alternative spaces of freedom during Transition. Brief history of free radio stations in Spain (1976–1983)* (García-Gil, Gómez García, Reguero Sanz, 2018) and *Radios libres y radios piratas* (Aguilera Moyano, 1985: 36). Moreover, these studies present the typology of pirate broadcasters to which I refer in this book. A little more about the Greek case, which is very interesting due to the enormous scale of the development of illegal stations, can be found in the publication *Globalization and the Privatization of radio in Greece Negotiating Democracy* (Sims, 2007) and about the Irish case in the article *Irish Pirate Radio 1978–1988: How Political Stasis Allowed Unlicensed Radio to Flourish and Innovate* (Walsh, Greene, 2020). Austria is also a case worth analyzing, because it is an example of a country where the abolition of the monopoly of public radio came extremely late, due to the fact that – similarly to Poland – it happened in the 1990s. The source of information on the course of this process may be the study *Nichtkommerzieller Rundfunk in Österreich und Europa* (Purkarthofer, Pfisterer, Busch, Peissl, Tremetzberger, 2008).

The most important publications devoted to the issue of community media are: *Community Media. A Global Introduction* (Rennie, 2006), *Understanding Community Media* (Howley, 2010), *Community Media. People, Places, and Communication Technologies* (Howley, 2005), *Community Media in the Information Age* (Jankowski, 2002), *'It's Only Community Radio:' The British Campaign for Community Radio* (Lewis, 2012); *Understanding alternative media* (Bailey, Cammaert, Carpentier, 2007) and *Broadcasting, Voice, and Accountability: A Public Interest Approach to Policy, Law, and Regulation* (Buckley, Mendel, Raboy, Duer, Price, O'Siochrú, 2008). In the case of Poland, it is worth mentioning the book *Radio społeczne. Trzeci obok publicznego i komercyjnego sektor radiowy* (Doliwa, 2016).

An important context for the conducted research were also foreign publications devoted to local radio. Apart from the previously mentioned ones, it is worth paying attention especially to the publications *Local radio, Going Global* (Starkey, 2011) and *Local Radio and Regional Development in Europe* (Vittet-Philippe, Crookes, 1986).

The operation of private radio stations in Poland in the early 1990s was presented in the broader context of the transformation of the broadcast media system in Central-Eastern Europe after the fall of communism, which coincided with the process of progressive privatization of media in Western Europe (Dobek-Ostrowska, 2019: 14). Therefore, the extensive literature on this subject turned out to be useful. This refers especially to: *Communism, Capitalism and the Mass Media* (Sparks, Reading, 1998), *Media Beyond Socialism: Theory and Practice in East-Central Europe* (Splichal, 1994), *Finding the right place on the map. Central and Eastern European media change in a global perspective* (Jakubowicz, Sükösd, 2008b), *Transformacja systemów medialnych w krajach Europy Środkowo-Wschodniej po 1989 roku* (Dobek-Ostrowska, 2002), *Making Democracy in 20 years* (Dobek-Ostrowska, Głowacki, 2011). An in-depth analysis of the relationship between politics and the media in Poland and in other countries of the region presented in the book *Polish Media System in a Comparative Perspective. Media in Politics. Politics in Media* is also worth mentioning (Dobek-Ostrowska, 2019).

It is impossible to list all the important items concerning the contexts of the establishment of pirate radio stations in Poland in the early 1990s discussed in this book. For a complete list of the studies used, please see the bibliography.

The time frames of the presented research are set in 1989, when the process of systemic transformation in Poland began with the Round Table negotiations (from February 6 to April 5) and semi-free elections to Parliament in (June 4), and the beginning of 1995, when the first licensing process ended. On the basis

of an analysis of the political transformation processes in several countries, Beata Rozumiłowicz distinguishes four stages of the media transformation process: *initial, primary, secondary,* and *media maturity,* which correspond to the different phases of democracy development – *the preparatory phase, transition to democracy, consolidation of democracy* and *mature democracy* (Rozumiłowicz, 2002: 12–13). In this book, I focus on the basic stage of the ongoing transformation, i.e. *transition to democracy*. In the monograph, however, I sometimes refer to the *preparatory phase*, which was important in the context of the introduced system changes. Furthermore, the book includes references to the events following the first licensing process – the second licensing process, and subsequent years of radio broadcasting in Poland – i.e. decisions regarding this area of media activity made in the early 1990s for they had a significant impact on the shaping of the media landscape in the following years.

In the course of the research, I applied the inductive reasoning. On the basis of detailed data collected in individual sources, I attempted to formulate some general conclusions regarding the transformation process of radio in Poland in the early 1990s. I paid particular attention to local stations and their non-commercial nature, especially in the initial period of operation.

The book consists of six chapters. Chapter I presents the beginnings of illegal radio broadcasting in an international and national context. It highlights the main differences between the commercial and non-commercial trends in illegal broadcasting and the common features that both these types of broadcasting had in common. Moreover, we should also consider the activity of illegal stations established at the beginning of the transformation period in Poland in the context of earlier attempts to break the radio monopoly in the country, hence, they are also presented in this chapter.

Chapter II focuses on the problem of meeting social needs on air and citizens' access to the media, as important aspects that should be assessed when evaluating the media system. I paid particular attention to the role of local media and the third media sector, also known as community media. These aspects occupy an important place in the analysis of media systems. An example is the Media Pluralism Monitor, a tool for assessing threats to media pluralism in a given country, in which, in the area of social inclusion, the media access of various groups (national minorities, local communities, the disabled, women) is assessed, as well as legal and political conditions for the functioning of community and local media (CMPF, 2020). This chapter omits the issue of the role of public service media in this area as this topic has been the subject of analyzes in numerous studies on public service media (e.g. Lewis, Booth, 1989; Jakubowicz, 2007a; Jaskiernia, 2006; Jędrzejewski, 2010; Ociepka, 2003).

Chapter III is devoted to the analysis of the legal situation in which private broadcasters found themselves when they began operating before the license was granted. This is an important aspect of radio broadcasting at the time. Finding the right legal basis for their activities was difficult not only for broadcasters, but also for the state administration. There was a kind of legislative chaos, which I tried to analyze and describe in a possibly accessible way. I presented the regulations in force and those successively adopted before introducing the most important document for radio broadcasters, i.e. the Broadcasting Act, the course of work on the law, the adopted legal solutions and their consequences. I drew attention to the fact that under the Broadcasting Act, all private radio broadcasters that did not receive special permission granted under the Act on the Relationship between the State and the Church, acted illegally and after July 1, 1993 were subject to criminal sanctions by law, which put them in a difficult situation.

One of the important goals of this book is to characterize the activities of private stations that began operating after 1989, describing a kind of social phenomenon that has not lived up to a comprehensive analysis. I present this characteristic in Chapter IV, focusing both on their history, the reasons for their establishment, the specific nature of their programming, and the relationship between the emerging stations and local communities. As a complement to these characteristics, I include a list of stations established at the time in Table 2, located in the appendix.

It includes station's names and likely dates of their establishment. I supplemented this data with information on whether the station received a license in the first or second licensing process. Providing a complete list of stations from the 1989–1995 period is currently a very difficult task as the stations were not recorded and were even sometimes hidden from the state apparatus due to their illegal nature. Many of these stations were initiatives which only a small number of listeners could access and which broadcast only for a short period of time. However, I made every effort to compile such a list, based on collected materials: archival documents, academic publications and articles from the popular press, and information obtained during interviews. Noteworthy, this is definitely a more extensive list than those published so far.

What seems to be a characteristic feature of the stations established after 1989 is their non-commercial character. Their creation was usually accompanied by other motivations than profit generation. Combined with a very close relationship between these stations and local communities, we can say that their activity was very similar to the model of *community radio* and to the non-commercial current in the activity of pirate stations, which paved the way for the emergence of this legal *third radio sector*. I discuss this issue further in Chapter V,

in which I present the motivations of the creators of such entities. I note that many of the stations that were born at that time, but also the concepts of such radio stations that were presented during the first licensing process, were of non-commercial, pro-social character. Drawing on the typology of pirate stations created by Miguel de Aguilera Moyano in relation to Spanish broadcasters of this type (1985: 66–67), I give examples of such projects that can be classified as *sectorial* and *epicurean* stations distinguished by the author. Moreover, I analyze the public debate taking place in Poland at that time on what policy should be applied to non-commercial community-oriented projects in the airwaves. This issue was not as unknown in many circles as it might seem; however, scholars paid little attention to it in media studies.

In Chapters VI, I present the course of the first licensing process. In this chapter readers will find basic information on how the process was carried out. The applicable procedures for granting licenses to nationwide stations and the licensing process summary is presented. However, special attention is paid to the policy pursued by the National Council toward local and non-commercial radio entities. Starting from an analysis of the actions taken by this institution before the licensing process began, I also analyzed in detail the process itself – in particular the more than 1,000 pages of minutes from the hearings of representatives of local stations. This made it possible to reconstruct the main areas of interest and criteria that guided the National Council in making license decisions in relation to local broadcasters.

In the summary, I conclude on the results of the conducted research. Moreover, I try to answer the research questions formulated in the introduction.

Chapter I. The Beginnings of Pirate Broadcasting in Poland and Worldwide

Pirate Radio Stations and Their Role in Expanding Freedom on Air

When the radio was established, it aroused great enthusiasm not only among its audience, but also among citizens who wanted to start their own radio business. Noteworthy, by the end of 1924, American manufacturers had sold more than two million sets for broadcasting (Coll, 2011). It was only later that this activity began to be regulated. However, instead of putting at least some frequencies into the hands of citizens and local communities, a lot of states decided to give them to state-owned entities or private companies that dominated the airwaves. This has led to the emergence of numerous radio initiatives operating outside the law.

One of the oldest examples of unlicensed radio activity in Europe is the Arbeiter-Radio-Klub Deutschland, radio club established in 1924 in Germany (Dussel, 2004: 45–48). Initially, the radio broadcast a cultural program, but over time political issues related to the German labor movement began to dominate. Other illegal radio stations in Germany emerged during the reign of Adolf Hitler, who cut off political opponents from access to radio (Soley, 2019: 7–12). During this period, pirate radio stations began to broadcast in the Netherlands and the United States (Aguilera Moyano, 1985: 36).

There were also various broadcasting stations launched during the Second World War. An example of an underground radio station operating at that time is the Polish insurgent Radio Błyskawica (Wróbel, Doliwa, 2021). Many attempts to break the state monopoly on radio throughout the world happend after the war.[1] According to Lawrence Soley, by the 1970s, illegal radio stations had appeared in almost every country with repressive governments (Soley, 2019).

1 It is worth mentioning here the Voice of Free Indonesia, which protested against the European colonial policy. The desire to oppose the military dictatorship was in turn the reason for setting up a radio station in 1947 by miners in Bolivia, who offered their listeners an alternative view of the issues presented in the official media (Chignell, 2009: 120).

Their activity played a special role in Europe, where until the late 1970s and early 1980s a state maintained monopoly on broadcasting was a dominant model as it prohibited the activity of private stations. The state monopoly on broadcasting lasted even longer in countries in the Soviet zone of influence, where it remained in force until the 1990s. As for particular Western European countries, the admission of private operators to the airwaves came just as late, for example in Austria.

The ban on private stations resulted in a massive wave of uncontrolled and illegal radio initiatives. Initially, the name pirate radio stations was applied to stations broadcasting from ships sailing in international waters, especially in Europe, where the state monopoly on broadcasting lasted an exceptionally long time, this was a readily used way to break it. In 1958, Radio Mercur started transmitting programs to Denmark, and in 1961 also Danish Radio Veronica, as well as Belgian and Swedish stations of this type were launched (Harris, 1977: 11). In 1964, Radio Caroline, Radio Atlantic, Radio London, and Radio 390 began broadcasting to Great Britain from ships (Harris, 1977: 9). At that time, two pirates were already broadcasting for Europe from international waters. These were Radio Syd, off the Baltic cost of Sweden, and Radio Veronica, off Scheveningen on the Dutch cost. Two others, i.e. Radio Mecur and Radio Nord (broadcasting for Sweden) had been already silenced (Harris, 1977, 11). The now legendary Radio Caroline lasted the longest. It managed to survive until 1980, when the ship sank during a storm (Soley 1999: 53–70).

When illegal broadcasting began to be conducted primarily from the mainland, what remained was not only the name, which became synonymous with broadcasting without permission, but also a certain romanticism surrounding the brave broadcasters sailing the seas during this time. Initiatives such as Radio Caroline, as told in the popular film *The Boat that Rocked* (Curtis, 2009), shaped the image of pirate broadcasters for years to come and made the public ready to see such initiatives as far more than censurable acts of lawbreaking. The merits of such broadcasters were also undeniable – it was thanks to the persistence of their creators and determination that state monopolies were broken and the scope of freedom and diversity in the air was expanded (Boyd, 1986: 83–94).

The problem of pirate offshore radio stations became so serious that there were attempts to solve it at the international level. Although broadcasting was subject to the regulations of individual countries, due to the fact that radio signals often crossed borders, this problem also had a global dimension. The organization that dealt with it was the International Telegraph Union existing since 1865, later transformed into the International Telecommunication Union. In 1959, this institution took a stand on radio stations broadcasting from ships:

> The establishment and use of broadcasting stations (sound broadcasting and television broadcasting stations) on board ship, aircraft or any other floating or airborne objects outside national territories is prohibited (Fawcett, 1971: 510).

With regard to this position, the Council of Europe adopted the European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories in 1965, which affirmed the illegal nature of such practices and authorized signatory states to take action to punish those responsible for such activities (Council of Europe, 1965). The authorities confiscated the broadcasting equipment of, among others, Danish Radio Mercur (broadcasting from 1958 to 1962), Swedish Radio Nord and Radio Syd, Dutch Radio Veronica (1960), Irish Radio Nordsea (1964), British CNBC (Consumer News and Business Channel) (1960–61), and Radio Caroline (1964) (Stasiak-Jazukiewicz, Jas-Koziarkiewicz, 2011: 47).

Despite measures taken to combat independent broadcasting, in practice, pirate radio stations quickly won over a wide audience. There was a real battle for the airwaves and the hearts of listeners in Britain. According to research conducted by Radio Caroline in 1966, the two most popular stations at the time – Radio Caroline and Radio London – had eight million listeners (Robertson, 1982: 75).

The popularity of the radio stations in question was primarily due to the lack of responsive offerings from legitimate public broadcasters (Robertson, 1982: 71). Their traditional program was not primarily adapted to the needs of young audiences. In addition to stations broadcasting from countries that allowed commercial broadcasting – such as Radio Luxembourg, Radio Andorra, Radio Monte Carlo (Robertson, 1982: 72) – it was these radio stations that popularized a completely new style of broadcasting, hitherto rather characteristic of commercial American stations, and musical genres very rarely broadcast by public broadcasters, for example pop and rock (Van der Hoeven, 2018).

The goal of pirate stations was often to change restrictive radio licensing law. Most have acted in defiance of government licensing policies, which have often sought to limit the plurality of political views expressed over the radio. For example, because of the influence of pirate stations, the government in Belgium was forced to change this policy in 1981. The state legalized low-power stations that emerged in the late 1970s to protest against the government's broadcasting monopoly (Soley, 1999: 1–5).

The illegal broadcasting movement was diverse in nature. While some broadcasters concentrated on the possibility of presenting content in an independent way, bypassing official channels, others treated their activity as a source of

revenue. Some researchers even distinguish the commercial phenomenon called *pirate radio*, which was not ideologically oriented and not aimed at achieving specific social goals, from the so-called *free radio*, which had these characteristics (Jones, 1994: 395–396).

Noteworthy, radio stations broadcasting from ships in Europe were often of commercial nature. They broadcast popular music and tried to reach the largest possible audience in order to become the most attractive carrier of advertising content for those who wanted to pay for such a service. It was a response to the needs of the audience who did not find this kind of communication in public broadcasting.

The situation was different for pirate stations in the United States, which also began to emerge in the late 1960s and early 1970s. Given the large number of private stations operating in this country, these radio stations were mainly manifestations of alternative cultural currents, did not seek profit and sought to serve local communities without access to local radio broadcasts (Soley, 2019: 54–57). Over the years, this non-commercial undercurrent of illegal broadcasting also began to dominate in Europe.

For example, Italian and French radio stations were strongly associated with left-wing social movements. One of the main demands of these stations became the abolition of the public monopoly on broadcasting, which in France lasted until 1981 (Colectivo de Radios Libres, 1981: 13–14). In Italy, the activities of pirate stations led the highest court to grant the right to operate on the airwaves to all citizens in 1976. More than 1,600 private stations emerged there. The so-called *wild deregulation* contributed significantly to changing the media landscape in that country (García-Gil, Gómez García, Reguero Sanz, 2018).

In countries where there was a delay in allowing private broadcasters into the air, the trend of pirate broadcasting took hold. In Ireland, a country of only 3.5 million people, by 1988 there were about 100 pirate stations broadcasting on AM and FM (Walsh, Greene, 2020).

The case of Spain may be important from the Polish perspective because of some similarities in the history of those two countries. Spain was entering a democratic system after four decades of dictatorship. Private stations gained the right to broadcast uncensored transmissions by Royal Decree of 1977. In the late 1980s, new small pirate radio stations with community-focused programming began to appear in Spain, providing a counterbalance to local government-dependent radio stations. There were also stations inspired by countercultural movements observed in Italy and France. People referred to them as free radio. Radio La Voz del Pobre (Madrid), Radio Maduixa (Granollers), Ona Lliure

(Barcelona) and Osina Irratia (Rentería) are examples of the first such stations in Spain (García-Gil, Gómez García, Reguero Sanz, 2018).

Authors of "Alternative Spaces of Freedom during Transition. Brief History of Free Radio Stations in Spain (1976–1983)" point out that illegal non-commercial stations were a heterogeneous communication phenomenon, parallel to mainstream media, and they describe them as: participatory, activist, and operating not for profit (García-Gil, Gómez García, Reguero Sanz, 2018). The authors of an important study on pirate radio *Radio is my bomb* include in this non-commercial stream of radio stations: ethnic radio, women radio, tenants, unions, anarchists, community groups, old people, prisoners, pacifists, urban gorillas, local info, gays, straights, and every possible variety of musical entertainment (Waves; Soap, 1987: 1–2).

While some scholars focus on the differences between the commercial and non-commercial strands in illicit broadcasting, others point to some common characteristics that both types of broadcasting shared. José Emilio Pérez Martínez includes among these: the rebellious nature of the activity, the creation of messages in a less formalized manner and in contrast to the rigid rules of mainstream media (Pérez Martínez, 2009: 900), while Mario Carmona Hidalgo notes that this set should be complemented by the open contestation of dictatorship on air (Carmona Hidalgo, 1986: 14).

Aguilera Moyano classifies pirate radio into four types: *commercial, revolutionary, sectorial,* and *epicurean* stations. Revolutionary radio stations "mainly seek the radical transformation of the society they are addressing" and are similar to what is called by John Downing *radical* media format (2001); sectorial radio stations are "mainly committed to some activist social sector, such as ecologists, feminists, homosexual;" and epicurean radio stations "broadcast just out of the delight of doing so" (Aguilera Moyano, 1985: 66–67).

Lawrence Soley also distinguishes four types of stations operating illegally, but he lists slightly different characteristics of their functioning than Miguel de Aguilera Moyano. Soley points to forms of illegal broadcasting such as *clandestine radio, pirate, micropower,* or *ghost* stations. Clandestine – called also guerilla – radio in this classification is closest to the model of revolutionary radio described by Aguilera Moyano. These types of stations have revolutionary goals and work in opposition to those in power, often becoming active during civil wars, for example. On the other hand, according to Soley, pirate radio stations are oriented toward broadcasting programs that are missing on the airwaves; they often broadcast music, cultural, and entertainment programs. Micropower stations are oriented toward disseminating alternative information to that provided by the mainstream media to small communities and demand a change in

restrictive licensing policies. Whereas ghost radio stations broadcast on the frequencies of other stations, introducing an alternative message to the one usually presented on the air – an example are programs broadcast by the Allies during the Second World War, calculated to break the broadcasting monopoly of the German government (Soley, 1999: 2–3).

First Attempts to Break the State Monopoly on Broadcasting in Poland

The origins of the state monopoly in broadcasting go back to the interwar period. Already the Act of June 3, 1924 on Post, Telegraph, and Telephone stipulates that the state had the exclusive right to "establish, maintain, and operate postal, telegraphic, and telephonic (including radiotelephonic and radiotelegraphic) facilities on Polish territory" (Sejm, 1924). In 1926, an exclusive broadcasting license was granted to Polish Radio (Polskie Radio) a company – admittedly not state-owned, but selected to provide this service by the state and with state participation – which authorities nationalized in 1935.

We may track the beginnings of pirate broadcasting in Poland back to the interwar period. The first regular radio broadcasts were transmitted by the Polish Radiotechnical Society (Polskie Towarzystwo Radiotechniczne, later: PTR) from 1925. However, the authorities granted the first radio license in the same year to another company – Polish Radio, which began regular broadcasts a year later. It is rather difficult to talk about the illegal nature of the activity conducted by PTR, as it was a pioneering experiment. However, an interesting fact is that Father Maksymilian Kolbe, who conducted trial transmissions of Radio Niepokalanów in Teresin at the end of the interwar period, did not have the appropriate permission to broadcast. The development of the station was interrupted by the outbreak of the Second World War (Sotowski, 2009).

The state monopoly on radio broadcasting in the People's Republic of Poland[2] was certainly to some extent related to the model of radio development adopted in Europe, based on the broadcasting monopoly of individual states, which dominated on the Old Continent until the 1980s. However, an even more important reason for its existence was the desire to control the flow of information in Poland, which was in the Soviet sphere of influence. This control covered not only radio and television, but also the press.

2 People's Republic of Poland [Polska Rzeczpospolita Ludowa, PRL] was the official name of Poland in the years 1947–1989.

Legislation confirming the state monopoly on broadcasting was among those most urgently needed in Poland at the end of the war. This is evidenced by the fact that even before the end of hostilities, on November 22, 1944, the Polish Committee of National Liberation issued a decree establishing the enterprise Polish Radio. Under the decree, the state enterprise Polish Radio was granted exclusive rights to "construct, organize, and operate ... radio stations, broadcasting centers and radio networks" (Polski Komitet Wyzwolenia Narodowego, 1944). However, in the opinion of the authorities of the time, ensuring state exclusivity in broadcasting was not a sufficient means of controlling the flow of information. A decree of 1946 created the Main Office of Press, Publication and Exhibition Control. Its competencies included censorship of all publications, including radio broadcasts (Rada Ministrów, 1946).

After the war, radio and later television were under control of institutions whose names kept changing: the Central Broadcasting Office, the Radio Committee for Polish Radio, the Radio and Television Committee. It is worth emphasizing, however, that each of them had the exclusive right to conduct radio and later also television activities (Chludziński, 2006: 32).

The state monopoly on broadcasting was also confirmed in subsequent decrees and laws on communications. Thus, Article 28 of the Decree of March 11, 1955 on communications emphasizes that "the establishment and use of telecommunications equipment (which included radio transmitters, author's note) is the exclusive right of the State" (Rada Państwa, 1955). Authorities introduced similar regulations in the Act of January 31, 1961 on Communications (Sejm, 1961). In the next Act of November 15, 1984, it was decided to separate radio and television activities from telecommunications activities. Article 1 of this law, in one of its subsections, explicitly affirmed the state's exclusivity in the "construction and use of radio stations and television centers and radio and television broadcasting stations, terrestrial and satellite" (Sejm, 1984). There was also an obligation to apply for a permit for the installation of satellite television antennas.

In summary, Poland entered 1989 in a legal situation in which the Communications Act decreed a state monopoly over broadcasting stations (carried out by the Polish state enterprise Polish Post, Telegraph and Telephone Company (Polska Poczta, Telegraf i Telefon, later: PPTiT), and the Radio and Television Committee Act ensured a monopoly of the Radiocommittee over the preparation of programs. Authorities controlled also other areas of media activity. The main bodies ensuring the state's monopolistic position in mass communication included, in addition to the Radiocommittee, censorship, the Workers' Publishing Cooperative (Robotnicza Spółdzielnia Wydawnicza) "Prasa-Książka-Ruch," which was a monopolist on the press market, and the Polish Press Agency

(Polska Agencja Prasowa), which exercised control over information (Goban-Klas, 1996: 165).

Importantly, despite many legal restrictions, the circulation of information inconvenient for the authorities of the time still existed. As Tomasz Goban-Klas points out, the Polish press, although controlled by the party, was the most subversive among the mass media in all of Eastern Europe and it was so from the early 1950s. Of great importance in this case was the attitude of journalists, who, as Jane L. Curry argues in her book *Poland's Journalism: Professionalism and Politics*, often showed more loyalty to themselves than to the system (Curry, 1990: 41).

In addition to what Goban-Klas calls unorthodox media, there were independent media in Poland, and the circulation of underground publications was almost mass since the late 1970s (Goban-Klas, 2004: 21). It is estimated that more than 100 independent periodicals appeared between 1976 and 1980, and some, such as *Robotnik*, ran in print tens of thousands of copies (Kamińska, 1988: 527–540).

Access to electronic media significantly expanded with the spread of VCRs, which made it possible to watch Western films. Moreover, people distributed so-called *magnizdats* – illegally produced cassettes with recordings (Goban-Klas, 2004: 212). In Poland, satellite television also became increasingly common (Goban-Klas, 2004: 262).

In the radio context, it is worth mentioning the shortwave radio movement that revived after the Second World War, which enabled communication with the inhabitants of other, often very distant countries. After the end of hostilities in Poland, a group of pre-war radio amateurs began activities to reactivate the Polish Amateur Radio Union. In the early months of 1949, radio amateurs received the first licenses. However, the authorities took away equipment and permits after the introduction of martial law in 1981. They began to verify shortwave radio operators – not all managed to regain the right to transmit (Reich, 2009). Many of the creators of radio stations of the 1990s had their roots in the shortwave radio movement.

Some form of breaking the state monopoly in radio broadcasting was the creation of the Rozgłośnia Harcerska on May 18, 1957. The Scout Shortwave Club began broadcasting from short messages to the troops. Later, Scouts began to prepare the first broadcasts (LUZ, 2002: 2). The radio station had an independent transmitter, but it was turned off after the introduction of the martial law (Rajpert, 1991: 5). Although this station remained outside the Radiocommittee structure until 1983 (Kalita, 1983: 2), it emerged with the approval and under the control of the authorities. Yet it is hard to deny its merits, for example

in promoting alternative music to that broadcast by Polish Radio (some even compared it to Radio Luxembourg). In the case of the Rozgłośnia Harcerska, the openness to the ideas of young people fascinated with the radio was also noteworthy. As Mieczysław Kasprzyk, who was the head of the radio station for over 20 years, emphasizes:

> We operate on the basis of willingness and enthusiasm. We try to create conditions encouraging young people to work with us, among other things, by being open to novelty and inventiveness. We accept every idea without prejudice, we are not afraid of amateurism, because we know that after some time masters grow out of amateurs (D. K., 1985: 2, 15).

However, the role of radio stations in expanding the scope of freedom of expression in topics such as political issues on the Polish airwaves was limited.

Closed-circuit student radio stations, of which there were several hundred throughout Poland operating in student hostels, also provided a space for freedom (Doliwa, 2008). Numerous centers were difficult to subject to strict censorship control. Student journalists often allowed themselves more freedom of expression than the journalists of the Polish Radio. There were cases of preparing double versions of the programs: one for censorship and the other for dissemination (Maśnicki, 2002: 150) and rebroadcasting Radio Free Europe (Guziński, 2002: 37; Biały, 2003: 5). Moreover, the reporter team of the Gdańsk Studencka Agencja Radiowa accompanied the strike in the Gdańsk Shipyard in 1980 (Maśnicki, 2002: 196).

While the aforementioned ventures were within a certain framework of activity, more or less accepted by the state, there were also those that tried to break the monopoly in a completely illegal manner. In 1957, a student, Ireneusz Haczewski, began broadcasting in Lublin. Haczewski built a medium wave radio transmitter of about twenty watts power and a practical range of twenty-five kilometers. Haczewski broadcast independent programs through it for over three months. He often rebroadcast the program of Radio Free Europe. The Security Service tracked down the station and arrested Haczewski during school classes at Stanisław Staszic High School (Haczewski, n.d.). An interesting initiative was Studio A, established in 1972 by Zbigniew Tymyk, an employee of the Legnica smelter. It was a small-scale radio station modelled on the legendary pirate station, Radio Caroline. The station's irregularly broadcast program was based on presenting music. Militia seized the broadcasting equipment in late 1973 (Sagan, n.d.c).

For some, the motivation to start illegal broadcasting was the introduction of martial law in Poland. It was then that Andrzej Cielecki activated a transmitter

in Warsaw. Beginning on December 14, 1981, Cielecki broadcast several dozen messages informing about the situation in the country. They were transmitted in Morse code. Later on, Andrzej Cielecki also constructed transmitters for Radio Solidarność (Surdy, 2004: 12).

Almost from the very beginning, Solidarity – a broad anti-Communist trade union and social movement – was interested in transmitting information via radio. During the Gdańsk Shipyard strikes in 1980, when Solidarity was founded, the strike committee quickly took over the plant's radio broadcasting system, which not only served to communicate with the strikers. Solidarity recorded messages and retransmitted them through external loudspeakers (Goban-Klas, 2004: 232).

It is worth adding that access to the airwaves was one of the important demands of Solidarity. They demanded both the possibility to create programs on Polish Radio and permission to launch their own radio station. In the program of the independent Self-Governing Trade Union Solidarity adopted at the First National Assembly in Gdansk on October 7, 1981, one of the points reads: "In accordance with Article 83(2) of the Constitution of the People's Republic of Poland, Solidarity demands to be allowed to establish its own radio station and to broadcast its own programs" (Goban-Klas, 2004: 239). Solidarity emphasized that the means of social communication are social property and must serve the whole society and be under its control (Miżejewski, 2005: 12). Moreover, the congress adopted a resolution that pointed out that "the union demands the abolition of the state administration's monopoly on radio and television as it is contrary to the Constitution of the Polish People's Republic" (Chruściak, 2007: 38). Solidarity did not manage to obtain such a change, but four months after the government declared the martial law, on April 12, 1982, Radio Solidarność aired its first program. It lasted less than ten minutes. With time, a variety of initiatives began to emerge across Poland under the name of Radio Solidarność. However, they operated independently. The creators of these stations had to be very inventive in order to avoid being traced. As Bogusław Bakuła notes, people installed transmitters in the most bizarre places: in apartments, trees, lamp posts, backpacks, baby carriages, shopping bags, balloons. The antenna was for example a leash of a dog walked by the owner of the transmitter, people also hid it in a vacuum cleaner pipe or in a fishing rod or telescope of a tent (Bakuła, 2008: 11–20). In the Mazovia region alone, people prepared several hundred broadcasts between 1982 and 1989.

Interestingly, Radio Solidarność benefited from the support of pirate stations in the UK. Edward Świtalski, a mathematics student at Cambridge, recalls that in an attempt to support the opposition emerging in Poland, which was interested in

radio communication, he used his contacts with pirate radio stations in Britain. Broadcasters from Great Britain sent radio equipment and conducted training in its use (Świtalski, 1993: 60–73). Moreover, Solidarity broadcast on the London-based pirate station Our Radio (Scifo, 2011: 86). It aired usually at 5 pm – half in Polish and half in English. The aim of the program was to support the opposition movement in the country and to provide information and contacts. It was very popular among Poles living in London (Scifo, 2011: 86).

Noteworthy, in 1989 Solidarity entered with a considerable broadcasting potential. In June 1989, it had over 200 radio transmitters of various types and powers (from 20 to 100 watts) (Buczek, 1990: 3). The union was also involved in the creation or co-creation of several radio stations in Poland (Wojtczak 2001: 1, 6). For example, in Radio ABC in Szczecin, the Regional Board of Solidarity held 53% of shares (Cieślak, 2008: 10–29).

Furthermore, there was the initiative of Stefan Bratkowski, chairman of the Association of Polish Journalists, which was dissolved after the introduction of martial law. Bratkowski published the so-called spoken newspaper on cassette tapes. These were weekly reviews of events compiled with music and jokes. Bratkowski distributed hundreds of these recordings (Goban-Klas, 2004: 253). Parisian Radio Solidarność – which was established a few days after the introduction of martial law in Poland and existed intermittently until 1987 – also prepared recordings on cassette tapes. The first tape contained the speech of Lech Wałęsa, read out in Oslo on the occasion of receiving the Nobel Peace Prize (Orzechowska-Chodurska, 2010: 185).

The state's monopoly on the transmission of information in audio form proved impossible to maintain for a long time also for another reason. Stations broadcasting from outside Poland, although often in Polish, enjoyed great popularity (Radio Free Europe, Voice of America, BBC, Deutche Welle, Radio France Internationale, Radio Canada International, Radio Vatican) (Jędrzejewski, 2007: 152). Authorities jammed their transmissions and turned off the so-called jammers only in January 1988 (Beliczyński, 2009: 21). According to surveys conducted by the Press Studies Center, during martial law up to 60% of Poles listened to foreign radio stations, despite their jamming (Mielczarek, 2014: 382).

The problem of the opposition's access to radio and television was the subject of important discussions during the Round Table talks, which lasted from February 6 to April 5, 1989. The media freedom was included in the scope of work of the Media Subcommittee, which met for the first time on February 17. The government side insisted on maintaining the monopoly on radio and television broadcasting. The opposition's proposals concerned increasing the pluralism of the media under the control of the Radiocommittee rather than allowing private

entities to broadcast. Under the agreement reached, Solidarity gained the right to broadcast a half-hour television program and an hour-long radio program once a week (Goban-Klas, 2004: 278). However, in its final stance on radio and television, it was clearly stated that it "stands firmly on the legal and organizational integrity of the Radio and Television Committee as a state institution under government administration." Formally, the state monopoly on broadcasting was still in force, but in practice a new chapter in the history of Poland, including the history of Polish radio broadcasting, began (Chruściak, 2007: 62).

Chapter II. Citizens' Access to the Airwaves and the Process of Systemic Transformation

Meeting Social Needs on the Air

To have an effective media policy, different interests have to be taken into account. Marc Raboy, Serge Proulx, and Peter Dahlgren (2003: 323–329) emphasize that in order to speak about the legitimacy of media policy, three important components must be taken into account: market demand, social demand, which accompany the official public policy carried out in the public interest. However, it is worth noting that the public policy is somehow a resultant of the other two components. In their view, market expectations conceptualize the public interest in that they offer what recipients are interested in but also ready to receive. In turn, social expectations help legitimize a more complex understanding of the public interest rooted in the realization of informed and democratic citizenship.

Thus, we may see a certain competition between market logic and social gain logic in media policy. As mentioned earlier, market logic is characteristic of the commercial broadcasting sector and is associated with profitability and competition (Croteau, Hoynes, 2006: 250). Profit-oriented media typically pursue the goal of owners and advertisers who seek to reach wealthier groups rather than serve all citizens (Sparks, 2018: 144–151). Whereas social gain logic is embedded in the theory of the social responsibility of the press and is connected with caring for the social interests of groups that are not very attractive to advertisers. Fred S. Siebert, Theodore Peterson, and Wilbur Schramm have already pointed out that concentration on the media market, encouraged by market logic, significantly limits pluralism and makes the media the voice of the upper class, often acting in agreement with the political elite (1963: 79). As Peter Bajomi-Lázár notes, the invisible hand of the market conceptualized by Adam Smith proved to be an extremely ineffective regulator after the advent of broadcast media (Bajomi-Lázár, 2017). A manifestation of following social gain logic in shaping the broadcast media sector is supporting socially relevant broadcasters. In addition to the public sector, these include local media in general, but community media, which also usually belong to local media sector, in particular.

As noted by the Polish researcher of local media Ryszard Kowalczyk, "on the one hand [local media] appears as an important element of social life, becomes the subject of socio-political and economic relations, and actively participates in

their reflection and co-shaping. On the other hand, it is an important forum for dialog, dispute, conflict, exchange of ideas, views, opinions. It is a center through which individuals and local entities can share their impressions, assessments, comments, and ideas with others. In this way, the subjective character of local media is expressed, which is a useful tool and a specific mechanism of information and communication as well as social influence and impact" (Kowalczyk, 2011a: 65). Therefore, local media constitute a space for the realization of civic activity. Stanisław Michalczyk also writes about the central role of local media in the local public sphere, emphasizing their role in informing citizens about current events, creating local public opinion and making local decisions (2000: 11). Moreover, Michalczyk notes the prevalence of the media mediated participation in local communication (2000: 45) and the multiple levels on which we should consider the special role of local media, i.e. political-democratic, economic, and cultural levels (2000: 45–59).

The emergence of local radio in Europe has had far-reaching consequences. It fostered regional development culturally (regional awareness, cultural and linguistic identity), but also economically (providing jobs, sensitizing the public to communication technologies, dynamizing local markets, etc.). Local radio sought to introduce a degree of horizontality into its operations – it sought to facilitate access to the airwaves for local communities (Vittet-Philippe and Crookes, 1986: 11). Patrick Vittet-Philippe and Philip Crookes even call local radio the *prime mover* of the communication system in the late 1970s and early 1980s in Europe (1986: 3). Defining local radio, like other types of local media, is difficult. However, based on the findings of other researchers, Stanisław Michalczyk points out that local radio "operates in a local area, separated from a larger whole, having specific socio-cultural features with the existing specific values and interests, which are carried by the people living there" (Michalczyk, 2020: 81).

The concept of community radio emerged as a result of growing disillusionment with the offer of public radio, but also of the processes of concentration and globalization of media corporations. Private local radio stations, operating on the basis of commercial licenses, began to be taken over by large media groups. To a large extent, they ceased to perform their original functions connected with serving local communities (Starkey, 2011). Commercial goals set by large media corporations make public discourse impoverished and, as a result, threaten individual freedom. One of the recipes for counteracting this phenomenon was to reject the market rules and create private radio stations, whose constitutive feature was to operate not for profit, within the community radio sector. Such stations began to emerge in many parts of the world. In Europe, the first licensed community stations appeared with the development of private radio in the

1980s, creating an opportunity for the development of public debate by groups marginalized in the mainstream media (Buckley, 2016). Pirate radio stations, especially those representing the non-commercial stream paved the paths for this media sector. According to Steve Buckley, the development of community radio in Western Europe was made possible by a combination of social, economic and political factors. Economic liberalization and the growth of private commercial media created pressure to reduce the dominance of state and public media, new technologies significantly reduced the cost of running such ventures, and movements emerged in energized civil societies to increase media pluralism (Buckley, 2016).

Community radio stations are generally small, non-profit radio stations that operate with significant volunteer support. However, they play an important role in the media systems and societies of many countries. This is emphasized in a study published by UNESCO by Martin Allard, who when defining community radio notes that it

> is not commercial and does not share what it would call the prescriptive and paternalistic attitude of public-service broadcasting… The key difference is that while the commercial and public service models both treat listeners as objects, to be captured for advertisers or to be improved and informed, community radio aspires to treat its listeners as subjects and participants (Allard, 1990).

This type of media is characterized by: operating on a non-profit basis to achieve goals that are important to the community; broadcasting a program aimed at local social groups or members of given cultural communities; participation of the local community or cultural community in creating the program and managing the station; and independence from government and commercial entities (Doliwa, 2016: 28).

Community radio stations are part of a broader phenomenon called community media. It plays an important role in promoting media literacy, cultural diversity and democratization of communication. What is more, it serves diverse communities and involve thousands of volunteers in media productions, provide training, and offer participation in the management of such stations even to those absent from mainstream media (CMFE, 2018).

The constitutive features of this sector include: non-commercial character, high level of social participation and responsibility toward local communities (Evens, Paulussen, 2012: 113). However, the community media phenomenon is so diverse that it is often difficult to create a more accurate and universal characterization for different types of media and regions of the world. According to noted scholar of this media sector Kevin Howley, the expression *community*

media "encompasses a range of community-based activities intended to supplement, challenge, or change the operating principles, structures, financing, and cultural forms and practices associated with dominant media" (Howley, 2010: 2).

Not only media experts, but also important European institutions considered the issue of defining community media. Among others, the European Parliament adopted the Resolution of September 25, 2008 on community media (European Parliament, 2008). Moreover, Council of Europe also addressed the issue of defining the role and importance of the community radio by adopting the Declaration of the Committee of Ministers of the Council of Europe on the role of community media in promoting social cohesion and intercultural dialog (Council of Europe, 2009). Both documents stress a very important role of this sector in the media system, the close relationship that community media has with their audience, and the fact that it "serves many societal needs and perform functions that neither commercial nor public service media can meet or undertake fully and adequately" (Council of Europe, 2009).

There are also important documents for community media, created by their creators, in case of radio, one of them is certainly Community Radio Charter for Europe adopted by World Association of Community Radio Broadcasters (AMARC, 1994). The Charter identifies objectives which community radio stations share and should strive to achieve. Among others it says that community radio should try to promote the right to communicate and provide access to training, production and distribution facilities. That would lead to programs for the benefit of its listeners. The stations should be established as organizations run not-for-profit and ensure their independence by being financed from a variety of sources. They should be also editorially independent of government, commercial and religious institutions and political parties, and provide the right of access to minorities and marginalized groups and offering them media training.

Expressions such as *social benefit*, *social goals*, and *social gain*, which are closely related to social benefit logic in media policy, are part of many definitions of community radio (Doliwa, 2016; Carpentier, 2014). The World Association of Community Radio Broadcasters notes that community radio is precisely a radio that is non-profit and pursues community-relevant goals (AMARC, 2003). One of the documents in which social gain appears as a constitutive element of the operation of community radio stations is the Community Radio Order, adopted in the United Kingdom (United Kingdom Parliament, 2004). In the document, we read:

> Social gain means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives:
>
> (a) the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
>
> (b) the facilitation of discussion and the expression of opinion,
>
> (c) the provision (whether by means of programs included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
>
> (d) the better understanding of the particular community and the strengthening of links within it.

Therefore, supporting the development of community radio is one form of responding to the social needs of citizens, increasing their access to the airwaves, and giving them a voice in important matters. It also serves to integrate local communities. Referring to the terminology proposed by Marc Raboy, Serge Proulx, and Peter Dahlgren, cited at the beginning of the subchapter, we may say that such activities are in the *public interest*.

However, we may consider the existence of local and community media and their role from many theoretical perspectives (Doliwa, 2016: 37–78). One of the most frequently cited is Jürgen Habermas' concept of the *public sphere* (Habermas, 1989). Habermas emphasizes that democratic public life cannot thrive where important issues are not discussed by citizens. For the public sphere to be considered healthy, there is a need for small community media whose main purpose is not profit (Habermas, 1989: 181–188). Furthermore, as Monroe Price points out, if the public sphere is essential to the development of democracy and broadcast media controls the quality of the public sphere, then the architecture of this kind of media is fundamental (Price, 1995: 27). Scholars also often draw attention to the role of this media sector in increasing *social capital*, which is a concept that Robert Putnam described in great detail (2000). Researchers have argued that community media, especially community radio, plays an important role in shaping socially positive behaviors, bonds that translate into a community's ability to act (Lewis, 2008).

Thus, the issue of citizens' access to the airwaves is an important issue to pay attention to when describing a given media system. It is also an issue present in the public debate almost from the very beginning of radio. The influence of citizens on the shape of the media system in various countries was different both because of their activity in this field and because of political factors which often determined the decisions. Looking at this issue from the perspective of the solutions adopted in other European countries, after the political transformation,

the countries of Central and Eastern Europe were hardly able to respond to the social needs of their citizens.

Citizens' Influence on the Shape of Radio Broadcasting in the Period of Systemic Transformation, with Special Reference to Central and Eastern Europe

The media certainly had an impact on the overthrow of communism in Central and Eastern Europe. It is widely credited with being the accelerator of change (Ociepka, 2003: 18). Television played an important role in this process, allowing citizens living behind the Iron Curtain to see what life was like on the other side of it and to create for themselves an idealized image of Western democracy. Radio stations broadcasting from the West, as well as the Voice of America, created a forum for public debate and were a source of information, thanks to which the monopoly of the ruling party on broadcasting was not so painful for the citizens.

The transformation of the system resulted in the emergence of new media centers, including broadcast media: radio stations and television stations, which began to play an important role in individual countries. As Andrej Skolkay argues, their role and power of influence are usually greater in the period of political change (Skolkay, 2011: 92), so it is worth paying special attention to them precisely in the period of transition.

After a brief period of exultation in the freedom and diversity of the media in Central and Eastern Europe, the media became subject to political and economic conflict. It was also rarely seen in terms of a set of clearly defined values they were supposed to serve (Sparks, Reading, 1998: 180). This was especially true for broadcast media.

On the basis of analysis of systemic transformation processes in countries such as Poland, Ukraine, Bosnia and Herzegovina, Uruguay, India, Uzbekistan, Indonesia, Jordan, Uganda, and China, Beata Rozumiłowicz distinguishes four stages of the media transformation process: *initial, primary, secondary,* and *media maturity,* which correspond to the different phases of democracy development – *the preparatory phase, transition to democracy, consolidation of democracy* and *mature democracy* (Rozumiłowicz, 2002: 12–13). As I mention in the introduction, in this monograph I focus on the *transition to democracy.*

As shown by the authors of the publication *Media Reform*, some aspects and phenomena characteristic for this period were typical for all the countries mentioned above. Therefore, it is worth pointing out the most important of them. A characteristic feature of the period in question was the lack of stability and high

levels of uncertainty caused by the absence of adequate legal framework. Often the forces that contributed to the collapse of the old regime did not have the necessary competencies to carry out the transformation process and often changed. One of the first decisions taken by the new elites was to abolish censorship and to free, at least formally, from state control. They also decided to open the market to new players. This happened much faster in the case of the press. Discussions on the shape of legal regulations concerning broadcast media lasted much longer, as authorities perceived it as a very attractive channel of communication with citizens and a tool for exercising influence (Price, Rozumiłowicz, Verhulst, 2002). The public felt overwhelmed by the influx of information but also by the rapid changes occurring in almost all spheres of life. The media began to play an important role as guides to the changing reality and gained public trust (Dobek-Ostrowska, 2004: 164–168).

As Karol Jakubowicz and Miklós Sükösd (2008a: 18) underline, media policy in all Central and Eastern European countries was a resultant of the components mentioned by Marc Raboy, Serge Proulx, and Peter Dahlgren and referred to previously mentioned market expectations, social expectations, which accompany official public policy, but in those countries public policy served party goals rather than the public interest. The attitude based on market expectations left a deep mark on the emerging media systems as well, resulting in their commercialization and globalization.

Much less enthusiastic than commercialization was the need for the media to fulfill social tasks, such as, for example, fulfilling a control function over the authorities. Analyzing the reforms of the media systems in Hungary, Slovakia, the Czech Republic, and Taiwan, Andrew Milton notes that we may find many common traits in them, including dependence on party decisions (Milton, 2001: 493–526). Peter Bajomi-Lázár adds that while a certain degree of state interventionism in the media market is advisable and necessary, in Central and Eastern Europe it is too often confused with the destructive interventionism of the ruling elites, which he places in the context of partisan media politics (Bajomi-Lázár, 2017).

Colin Sparks and Anna Reading point out that the Solidarity Trade Union, which was supported by millions of Polish citizens during the communist period and contribution of which to overthrow communism in Poland is considered to be of paramount importance, modified its goals after 1989 and the need for a radical democratization of the information flow became less important (Sparks, Reading, 1998: 125). Instead of strengthening the position of society in the media field, some Solidarity activists tried to gain as much control over the media system as possible. Similar processes were visible not only in Poland.

This was facilitated by a certain social demobilization – after the overthrow of communism, citizens of Central and Eastern European countries decided that they could focus more on individual development than on involvement in the creation of a new state order and were largely uninterested in politics (Hallin, Mancini, 2012: 27).

Peter Bajomi-Lázár, who contrasts the particularistic approach to state interventionism in politics often observed in Central and Eastern Europe with the desirable universalistic approach, defines the latter as follows:

> Universalistic media policies are applied by democratic states in order to provide equal access to the media for all in an effort to enhance a universalistic society. In this context, equality in the media can be translated into, and assessed in terms of, the universality of access to media resources, including decision-making positions, air time, broadcasting frequencies and various forms of funding distributed to outlets by the state, as a result of which the media content available meets the needs of all (Bajomi-Lázár, 2017).

Such a universalistic approach, oriented toward satisfying social expectations and based on direct communicative democracy, qualified by Karol Jakubowicz and Miklós Sükösd as *idealistic*, had its propagators mainly among intellectual, cultural, and political opponents of the communist system. These circles were close to the slogans of access, participation and social management in the media, which were related to the media theory based on values such as equality, justice and solidarity (McQuail, 1992: 66–67). Noteworthy, this attitude to the organization of the media corresponds very well with the values that guided the *samizdat* movement, which was widespread during the communist era and sought to break the party's monopoly on communication. This movement, motivated by the need for freedom, introduced democratic discourse into the public sphere, creating a framework for it and defining its themes. However, as Karol Jakubowicz and Miklós Sükösd underline, this discourse lacked proposals for institutional solutions that could be used after 1989.

Jane Curry notes that at the beginning of the transition, many new press titles as well as radio and television programs appeared in Central-Eastern Europe (Curry, 2006: 100). As researcher on this topic indicates, it became then possible to observe in some countries the operation of a participatory democracy model. Denis McQuail – who proposed to complement the classical classification of media systems created by Fred S. Siebert, Theodore B. Peterson, and Wilbur Schramm (authoritarian, liberal, social responsibility and communist models) with two additional components: development and participatory / democratic model – stresses that in the last model local information and the use of communication for social purposes in small communities are essential. The market is

not the overarching regulator of the media system and it is the participation and interrelationships that become important (McQuail, 1996: 131–132).

Stefania Milan emphasizes that it is non-commercial community media that makes a significant contribution to development processes, playing an important role in democratization (Milan, 2009: 598). Therefore, non-profit broadcasting based on grassroots civil initiatives can be an important tool for social development in the difficult process of transformation from a communist system to democracy. In many cases, the private broadcasters emerging in the early 1990s in Central and Eastern Europe, including Poland, were part of this trend. However, as Colin Sparks and Anna Reading underline, the issue of strengthening the position of civil society in the media field was not a subject of serious debate in the countries of this part of Europe (Sparks, Reading, 1998: 125), and the people of the region have failed to satisfactorily transform the rules on media organization (Sparks, Reading, 1998: 188). A period of rapid development of grassroots initiatives was followed by the consolidation of the power of political parties and majority democracy (Hadjiiski, 2001: 43–46), accompanied by a movement of societies away from the civic model (Skowera, 2006: 117). Those in power – the new elites who took over the state – were reluctant to the possibility of legislation that would limit their influence over the media (Dobreva, Pfetsch, Voltmer, 2011: 174). It was not in their interest to support completely independent grassroots initiatives (Ociepka, 2003: 17, Curry, 2006: 91). As Jane Curry rightly notes: "Even the most committed Democrats were not interested in protecting mass media freedom when that freedom meant that they themselves would become the target of criticism" (Curry, 2006: 91).

After the systemic transformation that swept through Central and Eastern Europe in 1989–1991, a *mimetic* orientation in media policy was also noticeable, i.e. an uncritical imitation of Western models without the necessary reflection that some solutions transferred to a completely different economic and social ground might not work. This orientation contained some desirable elements, such as ideas about the social responsibility of the press, the controlling role of the media or the mission of the journalistic profession. However, they overlapped with a very strong attachment to neoliberal arguments for the free market, also in the field of media (Jakubowicz, Sükösd, 2008a: 18).

What everyone agreed on was the need to commercialize the media market. As Kevin Williams notes, governments in Central and Eastern Europe were fascinated with the idea of a free market that would solve all the problems (Williams, 2008: 136). Karol Jakubowicz also describes the business nature of the changes experienced by the media in these parts of Europe (2001: 68). The development of the press, radio and television, also in local editions, was dynamic.

However, while the press was quickly privatized, the adoption of appropriate regulations concerning the audiovisual media was delayed. These delays were due to the ruling elite's desire to retain control over radio and television as the media that were believed to have the greatest impact on society and played an important role in the overthrow of communism (Williams, 2008: 134).

Slavko Splichal emphasizes that despite the commercialization of the media system in Central-Eastern Europe in the early 1990s, communist methods of control were evident (Splichal, 1994: 86), and even in the late 1990s there was "a surprising amount of the old order" (Sparks, Reading, 1998: 175). Bogusława Dobek-Ostrowska accurately diagnoses that we should associate the phenomenon of politicization of mass media with immaturity of political elites and with inheritance of certain habits developed during the communist period (Dobek-Ostrowska, 2002: 28). For new political parties that were little embedded in social movements, control of the media was extremely important (Hallin, Mancini, 2012: 21).

With regard to the competencies that Central-Eastern European societies had in shaping media systems, noteworthy, while there was obviously a lack of educated human resources in this field, there were also experts who were aware of the consequences of overconfidence in market mechanisms and of placing too many competencies in the media field in the hands of those in power. They drew attention to the need to take into account the interests of citizens in designing media systems. For example, based on the findings of James Curran (1991: 50), Slavko Splichal from Slovenia created a division of media systems according to the degree of pluralism. In a way, citizens' access to the media became the axis of his proposed classification, in which he distinguishes four models: a centrally controlled market economy (in which the number of private broadcasters is limited and the relationship between the public and private media is predetermined, with the former playing the leading role), a mandated market economy (where the right to broadcast in public media is also granted to various social groups), a regulated market economy (in which the media is protected from excessive commercialization) and a regulated mixed economy (in which three sectors are assumed to exist: public, civic and market) (Splichal, 1995: 54). The problem of media pluralism was also addressed by other scholars in the region, such as the Polish prominent media scholar, Karol Jakubowicz, who writes about the need to *autonomize the media*, that is, to free them from political, economic, social and technological influences (Jakubowicz, 1995: 74). Jakubowicz characterizes the different dimensions of autonomization as follows:

- political – the media becomes independent through the separation of powers in the process of the collapse of a totalitarian or authoritarian system;
- economical – the media breaks the bonds of economic dependence on institutions of political power;
- social – the media becomes dependent on their audiences (readers, listeners, viewers) who were previously passive recipients;
- technological – the media adapts new technologies;
- professional – the media separates fact from opinion, presents information without commentary, aiming at objective description of reality in mass media (Jakubowicz, 1995: 74).

As we may see, the issue of citizen access to the media was of interest to at least some Central-Eastern European media scholars. However, their influence on the developing system was not strong enough to put certain pro-citizen solutions into practice.

After the fall of communism, people assumed that the media in Central-Eastern Europe would quickly become similar to Western media (Williams, 2008: 134). In reality, these changes took place in different countries at different speeds and in ways that turned out to be somewhat different than expected, as the experience of communism had had too great an impact on the development of the media. In Czechoslovakia, the respective law on broadcasting was adopted at the end of 1991, in Romania and Poland at the end of 1992, and in Bulgaria and Hungary in 1995 and 1996 (Dobek-Ostrowska, 2002: 20). Discussions about the shape of the electronic media system took longer than expected, which encouraged the widespread development of unlicensed radio initiatives. Their originators did not want to wait for a new legal framework under which they could legally operate.

High interest in broadcasting was visible for example in Czechoslovakia. A boom in private radio initiatives occurred there already in 1990 (Kopplova, Jirak, 2011: 278). According to Beata Ociepka, by July 1990, there were thirty-one applications for radio and television licenses submitted, and some of them began broadcasting before those applications were considered (Ociepka, 2002: 93). Authorities decided to wait with the granting of licenses until the adoption of appropriate legal solutions, and these were being debated. The negotiations were even more difficult because of the fact that the Czechs and Slovaks had slightly different concepts of how to regulate the audiovisual market, and until 1992 they lived in the same country – Czechoslovakia (Pavlik, Shields, 1999: 12). The most famous pirate radio in Czechoslovakia was the Prague-based Radio Stalin,

broadcasting from 1990. It was established by students of Charles University (Prágrová, 2017).

Private radio stations also began to develop rapidly in Russia. According to Janusz Adamowski, the first entities of this kind were broadcasting in 1990, and in 1993 there were already twenty-three stations operating in the capital alone (authorities granted the first licenses to these broadcasters in 1994) (Adamowski, 2002: 48). Some researchers call the period from 1991 to 1995 in the history of radio in Russia a *romantic euphoria*, in which a wide variety of radio stations emerged (Sukhareva, 2018: 70–79).

In Hungary, by October 1991, there were seventy-four applications submitted for television licenses and sixty for radio licenses, which in Hungary with a population of about ten million indicates a very high interest (Gulyas, 1998: 128). Private radio in Bulgaria dates back to 1992 (Dobreva, Pfetsch, Voltmer, 2011: 179). In the Ukraine, there were 343 radio stations by March 1993, and although their reach was limited, these numbers are certainly impressive (Richter, 2011: 147). However, comprehensive regulation of the audiovisual market became possible in Ukraine only after the adoption of a legal act that established the National Television and Radio Council in 1998 (Richter, 2011: 150). Discussions on what shape the Broadcasting Act should take in Estonia lasted so long that authorities finally decided to grant licenses even before a comprehensive legal act regulating the discussed area of media activity was adopted. The first private radio stations in Estonia started broadcasting in 1990, and the authorities granted the first licenses in 1992 (Karatnytsky, Motyl, Schnetzer, 2001). However, Estonia has not decided to appoint a market regulator independent of the government – an equivalent of the Polish National Broadcasting Council (Loit, Harro-Loit, 2012: 88).

After an initial period of dynamic development of broadcast media, which stopped being restricted and tried to account for the communist period, they started to network and commercialize. The transition to an open market model in Central-Eastern Europe was not accompanied by appropriate forms of regulation (Molnar, 2001). Governments did not focus on developing pluralism and civil society. Rather, they were guided by free market ideology (Splichal, 1994: 34).

Even today, Central-Eastern Europe is characterized by a much more visible top-down role of state power in the media than in Western societies, with limited space for grassroots initiatives related to the region's history (Bognar, 2018: 228), and politicians in individual countries still use power and influence to exert pressure on unruly media (Williams, 2008: 149), although periods of some depoliticization are interspersed with periods of greater control. In this context, Karol

Jakubowicz's assertion that most post-communist media systems are "free but not independent" still seems surprisingly accurate (Jakubowicz, 2001: 59).

Poland, which was able to draw from the experience of underground opposition journalists, was, along with the Czech Republic and Hungary, among the leaders in the region in terms of the pace of media privatization and recognition of their independence (Curry, 2006: 92). However, Poland did not avoid problems typical of other countries in this part of Europe. Elites – both former communists and oppositionists – tried to force the media to act according to their expectations. The process of increasing media freedom was also not consistent – there were sometimes characteristic backward steps, which led to increased control over the media (Curry, 2006: 92).

Hungary was a country in Central-Eastern Europe that strongly supported the community media sector in the form of non-commercial radio broadcasting already at the beginning of the transition period. Even before the adoption of a comprehensive law regulating broadcasting, the country had made it possible to apply for permits for short-term non-commercial radio and television broadcasts related to local events. The first law regulating radio and television activity in Hungary was adopted relatively late, in 1996. However, it divided the broadcast media market into three sectors: public, commercial, and non-commercial. Moreover, Hungary created a special fund to support non-commercial broadcasters (Bajomi-Lázár, 2003: 108). The pirate broadcasters had been pushing hard for this. These solutions determined that for years Hungary was the regional leader in the development of non-commercial, community-oriented radio broadcasting.

Chapter III. Polish Private Broadcasting after 1989 – the Legal Context

Legal Situation before the Adoption of the Broadcasting Act

Already at the end of the People's Republic of Poland there were discussions about abolishing the state monopoly in broadcasting and expanding the limits of freedom of expression (Chruściak, 2007: 21–50). The conviction that the broadcasting system was not working well was common for media consumers and media scholars and also slowly reached the consciousness of decision-makers, who were ready to reform the system in some way. This readiness was visible not only in the work on the law on the relationship between the State and the Church, but also in the new draft media law, prepared on behalf of the Radio-committee by a group of experts consisting of: Stanisław Jędrzejewski, Karol Jakubowicz, Stanisław Piątek, announced in August 1988. The creation of National Broadcasting Council as a regulator of the audiovisual market was mentioned in this project for the first time. The creators of this draft, on the one hand, referred to the idea of freedom of speech and citizens' right to information, and on the other hand, postulated the "strengthening of the constitutional system of the People's Republic of Poland." Although the project was important and not devoid of interesting concepts, we can hardly consider it a breakthrough. First, it did not provide for opening the media system to private entities broadcasting on the airwaves. Second, it was not even subjected to a wider public debate. This was due to the rapidly changing socio-political situation and the growing demands of the opposition (Chruściak, 2007: 73–76). Though experts involved in the preparation of the project later took part in the work of the Commission for Radio and Television Reform, which used some of the concepts created in 1988.

However, it was not until 1989 that the process of real changes in the Polish media system began, with several significant turning points, such as the adoption of the 1989 Law on the State's Relations with the Church, repeal of the Law on the Press, Publication and Exhibition Control (April 11, 1990), the amendment to the Press Law, abandonment of the press licensing system, liquidation of the Workers' Publishing Cooperative "Prasa-Książka-Ruch," and finally the adoption of the Broadcasting Act, establishment of the National Broadcasting Council and granting of first licenses. These events had a significant impact on the development of Polish radio broadcasting.

The Act of May 17, 1989 on the Relationship between the State and the Church in the People's Republic of Poland (Sejm, 1989) symbolically broke the state monopoly on broadcasting. It granted the Church the right to establish and use radio-communications equipment intended for broadcasting radio and television programs. Discussions on its form were still ongoing during the communist period and the state agreed then that the Church would obtain the right to conduct broadcasting activities. However, the implementation of the Act of May 1989 became possible only as a result of an agreement between representatives of the Church and the Ministry of Communications concluded on October 15, 1990 (Beliczyński, 2009: 21).

There was a dual authority in the airwaves management – broadcasters had to take into account two main decision-making centers. One of them was the Radiocommittee, which had exclusive rights to broadcasting (Sejm, 1960). The Prosecutor's Office made it clear that radio and television broadcasting – excluding state broadcasting stations – was illegal (Prosecutor's Office, 1993b). The second decision-making center became the communications ministry, which was responsible for frequency management. The division of powers between the two was unclear, even to the representatives of these institutions themselves. Moreover, the broadcasters did not know who they should turn to in order to legalize their activity. Initially, people sought such approval mainly from the Chairman of the Radiocommittee, and later from the Minister of Communications (Kubaczewska, Hermanowski, 2008: 62; Kowalewska-Onaszkiewicz, 1999: 151).

The first non-communist chairman of the Radiocommittee was Andrzej Drawicz. This is how the founder of Radio Alex, Piotr Sambor, recalls his efforts to obtain permission from him in early 1990:

> I tried to involve the entire Zakopane community, whoever I could: the police, the fire department, all possible cultural institutions, the mayor of Zakopane, the theater. I collected signatures under a petition to the Radiocommittee to agree to use the frequency (Sambor, 2020).

However, Sambor did not obtain the approval. On the other hand, Radio 5 from Suwałki spread information that it had received such a permission for trial broadcasts from Andrzej Drawicz. The press reported on the permission issued in paper form (Sewastianowicz, 2001: 1; J.B., gram, 1992: 1–2). However, during the hearings in the first licensing process, Piotr Bajer, the founder of the radio station, admitted that the consent was "oral – there was no possibility for a written one" (KRRiT, 1994c).

The process of obtaining such a permit by Radio Zet, being now one of the most popular radio stations in Poland, was not much more formal. Andrzej Woyciechowski, the founder of the station, recalled that he prepared an appropriate letter to the Chairman of the Radiocommittee, which was submitted by one of the journalists, Andrzej Drawicz's former collaborator from the times of the opposition. Within a few minutes, she received a written annotation that said "I agree" (Jurczenko-Topolska, Dubiński, 2015: 77).

Stanisław Piątek, who was an advisor to the Chairman of the Polish Radio and Television Committee during the period in question, also mentions the informal nature of the permits issued:

> In my opinion, this took place on a political and social level, because this, of course, had no legal basis. It was a letter written so that the Radio and Television Committee had no objections, so that PAR would not simply come and close the station or cut off their power supply (Piątek, 2020).

The press reported that only four entities had permission from the president of the Radiocommittee to broadcast: Radio Małopolska Fun (Krakow), Radio Zet (Warsaw), Radio Solidarność (Warsaw) and Television "Echo" (Wrocław) (Knysz, 1991c).

The second decision-making center, the Ministry of Communications, was even more often the recipient of applications for broadcasting permits. Many applicants submitted them almost from the very beginning of the transformation process. One of the first entities which asked for such a permit was Radio Komunalne Iława – the broadcaster sent the relevant document in April 1989, and later repeated the requests (Bs, 1992: 3).[1] Despite this, the station never received a permit. On June 9, 1989, the activists gathered around the Krakow Solidarity Trade Union set up the Krakow Foundation for Social Communication, which would like to broadcast as Radio Małopolska Fun. The station's first application for a frequency was submitted to the Ministry as early as November 1989. However, the Ministry rejected it (RMF, 2015). At the end of 1989, Radio WaWa also applied for permission to broadcast – this application was also rejected (Łukasiak, 1992: 3). In 1990, there were already 240 such permit applicants (Kościelski, 1990: 1, 15).

1 Until December 20, 1989, the ministry was called the Ministry of Transport, Shipping, and Communications.

Despite these applications were not successful, the fact of applying for this permission in some cases had far-reaching effects, as mentioned by the founder of Radio Joker (later Radio Blue), Eryk Woźniak:

> We received an answer saying that they could not give such a permit, because the relevant legislation was being developed and if such a possibility emerged, the State Radio Inspection or the Minister of Communications – I don't remember exactly – would redirect the letter to this institution. And this later resulted in such a situation that in 1994, when there were public hearings to obtain the first license, we were told that there was absolutely no such possibility, because there were no free frequencies in this place in Gdów. There were no free frequencies in this area, because they did not know there was such a demand ... My colleague, who was the announcer of our motion, said that this was a misunderstanding, because we submitted such a document two years or one and a half year ago, we even had the answer to this in writing, so it wasn't true that you didn't know. You knew everything, you simply did not prepare for this, and at this point there was a slight consternation. Mr. Zarębski stood up, interrupted the meeting, said: please bring me this letter here. They started to look at it a bit differently at this hearing. Later, when I met him in the toilet, briefly at the urinal, he told me that we had a license in our pocket. This is the letter that saves your ass, so to speak (Woźniak, 2020).

Marek Rusin, who in 1990 became Deputy Minister of Communications and in 1991–1992 headed this department, admitted in the newspaper *Życie Warszawy* that he had issued two broadcasting permits, while his predecessors issued the other two under the old Communications Act (Łuz, 1991: 2). Radio Solidarność, for example, received the permission under the old law. The Scout radio station still had the right to broadcast on shortwave, on the basis of old permits, issued during the communist period. However, the station's broadcasts on the popular VHF (Very High Frequency) in the 1990s were already illegal (Ska, 1992b). Radio Małopolska Fun (later RMF FM) and Radio Gazeta (later Radio Zet), as well as Private Television Echo also received temporary permits from the Minister of Communications (Sagan, 2014b).

However, obtaining permission from the Minister of Communications was difficult. Andrzej Woyciechowski, founder of Radio Zet, recalled that free frequencies were then treated as "a treasury of state gold reserves" (Kolenda, 1992: 3; Jurczenko-Topolska, Dubiński, 2015: 28). Radio Zet managed to obtain the appropriate allocation only after a long struggle with Marek Rusin, and only for experimental broadcasting – for three months. This decision was controversial. Woyciechowski's radio station was granted the right to broadcast, even though at the end of 1989 other stations applied for such a permit, also from Warsaw (Radio WaWa), but they did not obtain the necessary permission (Łukasiak, 1992: 3). Radio RMF received a similar permission using a kind of trick.

When the minister refused to grant permission, they asked for the possibility of retransmitting the program of the local French station FUN Radio, citing other cases of retransmitting programs from abroad, such as Rai Uno and TV Moscow. Later on, they gradually began broadcasting their own program on the allocated frequency (Gajewski, 1993: 7).

The press speculated that those who "turned good contacts from the underground into good relations with the authorities" received the permits (Grodzicka, 1992: 15). Ministry of Communications renewed them automatically every three months (Knysz, 1991a). The last time Communications Minister Jerzy Slezak extended temporary permits at the end of 1991, and that was until the National Broadcasting Council – which did not yet exist at that time – reviewed the applications. However, everyone hoped that it would be quickly established under the so-called Small Media Act. However, President Lech Wałęsa vetoed it (Knysz, 1991a).

The Minister of Communications granted a special temporary permit also to a local station from Zakopane – Radio Alex. The pretext for applying for it in this case was the planned visit of President Lech Wałęsa to Zakopane on February 1, 1991. On this occasion, the station intended to broadcast a special program. The Ministry of Communications gave its permission, although only for three days – from February 1 to 3, 1991. In the end, Lech Wałęsa did not come to Zakopane on the aforementioned date, but the transmitter was activated and the broadcast continued in the following months. However, the fact that even such a short-term permission was granted meant that Radio Alex did not appear on various lists of stations operating illegally.

In the 1993 report of the Supreme Audit Office (Najwyższa Izba Kontroli, later: NIK) on frequency management, the approval by the Minister of Communications and the Chairman of the Radio and Television Committee in 1990 for the temporary operation of three radio stations (Fun Radio in Krakow, Radio Gazeta – later Radio Zet and Radio Solidarność in Warsaw) and a television station (Telewizja Echo in Wrocław) was called outright a mistake. It resulted in other applicants taking advantage of the practice initiated by the issuance of permits and launching their own transmitters arbitrarily (NIK, 1993a). Lawyers pointed out the unequal treatment of applicants – some received temporary permits, others did not. As attorney Robert Smoktunowicz emphasized in *Rzeczpospolita*, "this is a reprehensible violation of the constitutional principle of equality, access to culture and free expression of thought. And that is why two weeks ago I submitted a request to the authorized institutions to initiate proceedings before the Constitutional Court" (Modrzejewska, 1992b). Based on similar observations, in 1992 the Confederation of Independent Poland (Konfederacja

Polski Niepodległej) filed a motion to appeal to the government to abandon *anti-piracy* restrictions. However, the parliamentary Culture Committee and Legislative Committee rejected it (Stempień, 1992a: 1).

Prior to the new Communications Act, with these few above mentioned exceptions, broadcasters received a one-sentence justification from the Ministry:

> Responding to the letter on launching a radio (or television) station to broadcast its own program, the Ministry of Communications informs that the current law of November 15, 1984 (Journal of Laws No. 54 pos. 275 as amended) does not provide the ability to authorize such an issuance. According to Article 1(1), the broadcasting of programs for universal reception is the exclusive right of the state (Kościelski, 1990: 1–5).

Authorities treated broadcasting without a permit as a misdemeanor. According to Article 63(2) of the Petty Offenses Code, a broadcaster who "without the required permit or approval establishes or uses telecommunications equipment, lines or networks, radio transmitting and transmitting and receiving equipment, or uses a frequency without the required allocation" was subject to punishment. Moreover, Article 63(3) indicates that a radio or television broadcaster operating without a license or registration could be liable (Sejm, 1971).

The draft of the new communications law, like the draft law on broadcasting, was submitted to the Parliament in May 1990. While the government quickly and without major problems adopted the Communications Act, the work on the Broadcasting Act to complement it dragged on. The newly adopted Communications Act of November 23, 1990 (Sejm, 1990b), which did not come into force until January 14, 1991, repealed the previous law of 1984, gave the Ministry of Communications new powers to manage frequencies, and abolished the state monopoly on broadcasting. According to Danuta Waniek, it created formal conditions for pluralism in the broadcast media market (Waniek, 2013: 40). Moreover, initially its adoption gave hope for the ordering of the airwaves – there were claims that the ministry would consider broadcasters' applications. In early 1991, authorities even sent special forms to broadcasters asking them to fill them out. State requested that the applications be sent by March 30, 1991 (Majcher, 1993b: 1, 11). The Minister of Communications was to consider them in consultation with the Minister of Culture and Arts. The press speculated that permits for broadcasters could be issued as early as April 1991 (Szcześniak, 1991: 4).

Thus, from a technical point of view, the allocation of frequencies by the Minister of Communications was possible, but there were still no regulations that would allow for the selection of applications submitted on their merits. This raised the question of how the minister should behave in such a situation. Marek Rusin, who was a vice-secretary of state in the Ministry of Communications and

served as head of that department from 1991 to 1992, recalls that period in the following way: "formally, I could not refuse to grant the frequency, and on the other hand, I had no grounds to issue it, because I had no right to assess the merits" (Rusin, 2017).

At the beginning of 1991, the Minister of Communications had 270 applications for frequency assignments on his desk (including 200 for radio broadcasting and seventy for television). Most of them concerned the capital (fifty for radio and eight for television). In the second place was Wrocław (sixteen for radio and four for television) and in third place Krakow (fourteen for radio and two for television) (Szcześniak, 1991: 4). Anna Kowalewska-Onaszkiewicz reports that by the end of 1991, the Ministry had received almost six-hundred applications from very different entities, among others from Executive Committees of Social Democracy of the Republic of Poland, KGHM, Wanda Tymińska (presidential candidate's sisters),[2] and Jacek Snopkiewicz, the head of Television News at the time (Kowalewska-Onaszkiewicz, 1999: 151). *Gazeta Robotnicza* reported that in May 1992 the number of applications exceeded 1000 (N.d., 1992b: 2). However, the Supreme Audit Office data shows that by March 30, 1993, 729 entities wished to obtain a radio broadcasting license and 205 a television one (NIK, 1993a). This interest is hardly surprising, especially since the draft Broadcasting Act, published in the quarterly *Przekazy i Opinie* (1991, No. 1), states in Article 72 that "Broadcasters operating on the effective date of the Act shall retain their existing rights to use the radio frequencies actually used for broadcasting" (KRRiT 1991: 82). The Ministry of Communications seemed to be the most appropriate recipient of such applications. This was partly because of the statements of Marek Rusin, who even informed the press what the submitted applications should contain (N.d., 1991: 3), thus giving the broadcasters hope that obtaining permission was possible. Marek Markiewicz, the Chairman of the National Broadcasting Council, complained to the Minister about this very issue, which he expresses in his book *Flaczki belwederskie*:

> There was no law yet, and the minister started accepting applications from broadcasters, even though it was known that the law would entrust their consideration to the Council, whatever it might be. The Prime Minister forbade the Minister to collect applications, but the minister did it anyway. In March, there were about 1,000 of them (Markiewicz, 1994: 48).

2 Moreover, Stanisław Tymiński tried to buy Radio Zet, which Andrzej Woyciechowski mentions in an interview with Iwona Jurczenko-Topolska (Jurczenko-Topolska, Dubiński, 2015: 77).

The Ministry of Communications began to design a network of frequencies that could be made available to private broadcasters, taking into account previous international agreements. The creation of an optimal frequency grid in the lower VHF band was undoubtedly made more difficult by the fact that state-owned radio stations were already broadcasting there, along many church stations, which received frequency assignments under the act on the relation of the State to the Church. Therefore, the number of available frequencies in Poland was limited and the grid of bands available in particular regions had to be adjusted to the international agreements adopted many years before, especially those made in Geneva during the Conference of FM Radio (Grodzicka, 2002: 31–33).

The work began with providing frequencies to nationwide stations. This required precise planning activities, meanwhile, as Marek Rusin recalls, even access to a computer was a problem at the Ministry (Rusin, 2017). When planning the grid, it used the help of the Communications Institutes in Warsaw and Wrocław. The Ministry decided that due to the lack of free frequencies in the low VHF band, new stations should rather operate in the upper VHF band, and treat the lower bands only as a supplement (Kowalewska-Onaszkiewicz, 1999: 151). The upper VHF band was empty, so frequency grid planning became much easier than in the lower bands. Eventually, an airwaves management plan was drawn up, indicating specific frequencies in appropriate locations. As Marek Rusin emphasizes, it did not include all the frequencies that were available at that time, but only those, which were certain that their use would not interfere with the activity of other stations.

The replenishment of the grid was to begin when the transmitters were put into operation and their propagation could be tested. Providing frequencies to local stations was of secondary importance. Marek Rusin recalls that "it was like Christ sharing the food in the desert at Capernaum – a few thousand people with one fish ... Once we had the nets, now from the leftovers that could be counted, some more local stations emerged" (Rusin, 2017). This demonstrates that local stations were treated as secondary entities from the beginning of network design.

However, authorities decided to wait for a new Broadcasting Act to grant the frequencies. Influenced by an avalanche of requests addressed to the Minister of Communications, on June 28, 1991, Article 93 of the Communications Act was supplemented with paragraph 2: "Applications for permission to use radiocommunications equipment intended for broadcasting radio and television programs are subject to consideration after the entry into force of the law regulating the functioning of radio and television broadcasting" (Sejm, 1991b). Formally, it became impossible for the Ministry of Communications to issue a broadcasting permit. However, this does not mean that the applicants abandoned

their attempts to obtain it. Many of them relied, among other things, on the oral consent of the Minister of Communications (Kowalewska-Onaszkiewicz, 1999: 152). The fact of the existence of such permits is not only preserved in the memory of the applicants. Oral broadcasting authorizations issued by the Undersecretary of State of the Ministry of Communications were, for example, the object of criticism in the Information on the results of the audit of frequency management of the Supreme Audit Office (NIK, 1993a). For many years, Marek Rusin – connected with the Ministry of Communications as undersecretary of state, but also head of this department, and director of PAR, whose verbal consent people often quoted – recalls talks on this subject with broadcasters in the following way: "They would come to me and ask if they could pirate on these frequencies ... I said, you know, if you start broadcasting here, you won't be disturbed." As he explains, there was social consent for the operation of such stations: "Nobody had anything against these stations going on the air" (Rusin, 2017). A confirmation of the fact that broadcaster obtained oral permission from the Minister of Communications came, for example, in an interview by one of the founders of Radio Kormoran, Tomasz Zieleniewski (Zieleniewski, 2016). Radio Delta and Radio S from Poznań referred to the same permission of Marek Rusin (Modrzejewska, 1992a: 3). Interestingly, Fryderyk Olearczyk, the founder of Radio Delta, obtained the message about the permission in writing. In mid-April 1991, Olearczyk received a letter in which Bielsko Governor Mirosław Styczeń confirmed that in a telephone conversation, Minister Rusin had informed him that Delta had been granted permission to broadcast experimentally until the end of June 1991 (Najsztub, 1991). Minister Jerzy Slezak cancelled this oral permission also in writing on November 16, 1991. The document demanded the cessation of illegal broadcasting (Najsztub, 1991).

Noteworthy, even permits issued by the Minister of Communications did not make it possible to broadcast a radio program fully legally. This is because the Ministry of Communications only had the right to grant permission for the use of frequencies but had no regulatory authority over the program to be broadcast. As Minister Marek Rusin admitted, legally such stations could only broadcast noise (Łuz, 1991: 2). The right to prepare and distribute programs could only be held by the Radiocommittee, later, National Broadcasting Council (KRRiT) could decide about it.

Hence, people attempted to legitimize the station's activities in other ways. For example, Piotr Sambor from Radio Alex decided to cooperate with Polish Radio Kraków:

> I applied to the editor-in-chief of Radio Kraków (Zbigniew Guzowski, author's note) for permission to use Radio Kraków's frequency in Zakopane. Radio Kraków ended its broadcast at midnight. So I came up with the idea that we would broadcast for one hour from midnight to one o'clock. I went to the editorial office of Radio Kraków and said, "We need to get access to your frequency, because you end your broadcast at midnight. We had already sent a letter to the chairman of Radiocommittee Andrzej Drawicz on this matter" and the secretary, I remember the exact moment, informed him that there was an important phone call for him. He, wanting to have the matter settled with me as soon as possible, said, "Yes, give me that piece of paper." He signed it, went to his office, I left and only after some time did I find out that during this phone call the editor-in-chief was dismissed from his post (Sambor, 2020).

Since the permission was granted, Radio Alex broadcast from Gubałówka via the Polish Radio transmitters, taking advantage of the fact that Radio Kraków ended its broadcasting at midnight (Radio Alex broadcast from 12.00 to 1.00 am), and later also of the fact that Radio Kraków could be heard in Zakopane at certain times on two different frequencies and could afford to broadcast a different program on one of them (Radio Alex broadcast program blocks from 8.00 to 10.00 am, sometimes also from 4.00 to 6.00 pm). The first broadcast of Radio Alex was to be launched on the anniversary of Witkacy Theatre in Zakopane, which was the day of the anniversary of Witkacy's birthday – February 24, 1990. From the very beginning, Piotr Sambor, an actor of this theater, was involved in its creation. In practice, Radio Alex transmitted the first broadcast from Gubałówka on the night of March 9/10, 1990 (Sambor, 2020).

Other stations also benefited from the cooperation with Polish Radio stations. Gdańsk Radio Infoserwis bought five and a half hours of airtime from Radio Gdańsk in 1990. Gdańsk Radio Infoserwis used both the transmitter and the studio of Radio Gdańsk (Kubiak, 1990: 1–2). Broadcasts were carried live from 8.20 am to 1.20 pm on Sundays. Radio Fama operated from May to November 1991, leasing advertising time from the public radio station in Lublin (KRRiT, 1994o).

There were also efforts made to legitimize radio activities in other ways. On November 20, 1992 Radio Toruń began broadcasting and tried to gain credibility by being run by a company in which public entities held shares. This company consisted of Zjednoczone Przedsiębiorstwa Rozrywkowe, Zakłady Aparatury Radiowo-Telewizyjnej (United Entertainment Enterprises, Radio and Television Apparatus Works), a journalistic and publishing company – Oficyna Toruńska and the Ecological Foundation (Ama, 1992: 3). Technically it was the Polish Post, Telegraph and Telephone Company that had a monopoly on broadcasting until the liquidation of this institution on December 4, 1991. Some broadcasters also

tried to make use of this fact. Department of Radio and Telecommunications (Zakład Radiokomunikacji i Teletransmisji, later: ZRiT), subordinate to PPTiT, owned the broadcasting equipment. In 1991, the company Radio Telewizja Ślęża (RTS, later known as Radio Frank – Radio Serc) from Wrocław began broadcasting using the equipment provided by ZRiT (Sondej, 1993a: 4).

Piotr Sambor, the founder of the already mentioned, one of the first local radio stations in Poland – Radio Alex – also applied to the Krakow branch of the ZRiT for permission to broadcast. Since the new editor-in-chief of Radio Kraków, Bronisław Wildstein, intended to remove Radio Alex from the frequency of Radio Kraków and expand its Krakow program, he started making efforts to obtain his own frequency. The broadcasting was to be handled by the ZRiT at Gubałówka:

> I went to the Department of Radio and Telecommunications in Krakow. It was still the Polish Post Office Telegraph and Telephone at the time; part of that office, with its headquarters in Krakow. It was the Department of Radio and Telecommunications, which supervised a military facility, the broadcasting center in Gubałówka (Sambor, 2020).

There were also attempts to use other ways of legalizing broadcasting. For example, Radio ABACABAB from Toruń broadcast on a cable TV channel. Some circumvented the law by leasing frequencies from the Church, such as Radio As from Szczecin (Klas, 1994: 2), Radio Go from Gorzów Wielkopolski or Radio Legnica (Jabłoński, 2006). In May 1992, *Gazeta Robotnicza* reported that "resourceful Poles manage to get the support of the bishop for a proposal to set up a private radio station in exchange for a commitment to broadcast a fifteen-minute Catholic program daily" (N.d., 1992b: 2). Others tried to duplicate the model of the first pirate stations transmitting from a ship and began broadcasting from outside Polish territorial waters (Aza, 1993: 1).

The stations sought to legitimize their activities by all available means. First of all, they registered it in court, sought permission to install the equipment by the provincial offices examining the impact of transmitters on the environment (NIK, 1993a). They also used, for example, the services of communications institutes throughout Poland, which, interestingly enough, were willing to do customized expert reports on the frequencies that could be used. According to Marek Rusin (Rusin, 2017), the broadcasters obtained data on planned frequencies from communication institutes. This was convenient both for the broadcasters and the Ministry, which was anxious not to violate the plans for frequency management. In order to legitimize their activities, the stations also tried to obtain certificates that radio waves do not harm people living in the vicinity of transmitting antennas (W, 1992: 4). Tomasz Stachaczyk mentioned that some

broadcasters also sought sanitary approval to operate (Stachaczyk, 2016). On the other hand, Fryderyk Olearczyk paid fees for the use of the frequency he was using, even though he did not have the proper permission to do so (M/DAM, 1992: 1, 3).

An important authority in the broadcasting market, reporting to the Ministry of Communications, was State Radiocommunications Agency (PAR), which replaced the State Radio Inspection (PIR) that had a similar scope of competence. The agency was established on April 15, 1991 under the Communications Act of November 23, 1990. Its tasks were to control radio communication networks, lines and equipment and the use of frequencies, to collect fees for them, and to register and analyze the needs reported by users concerning radio frequencies. If irregularities in frequency usage were found, State Radiocommunications Agency issued an administrative decision specifying the scope of violations and the deadline for their removal. This institution was primarily responsible for prosecuting the so-called pirates. Its first president was Marek Rusin.

The competencies of the various state bodies in the area of radio and television broadcasting were not clearly divided, which effectively hindered the enforcement of the law. This was confirmed in the NIK report on radio frequency management in 1991–1992 and in the first half of 1993. According to the NIK, the Ministry of Communications failed to make rational use of the frequencies. Many allegations concerned also the failure to fulfil control obligations; this area of activity was mainly the responsibility of a special unit within the Ministry – the aforementioned State Radiocommunications Agency. Among other things, authorities insufficiently controlled broadcasters due to poor equipment and staff shortages (PAR, 1995).[3] According to the NIK, the frequency usage fees were allowed to fall into arrears and the resulting losses were estimated at 20 billion zlotys. Moreover, authorities often turned a blind eye to the activities of radio and TV pirates (NIK, 1993a).

The director of the Radio and Television Department at PAR, Marian Kisło, countered the attacks on PAR, stressing that:

> With the exception of State Radiocommunications Agency, no one wanted to take part in eliminating the pirates, because state bodies supported them. The Ministry of Justice would issue an ordinance to shut down stations, and then suspend its execution.

3 Information in the 1995 PAR report shows that the agency's field divisions had only one car each capable of conducting inspections. PAR's interventions were thus generally limited to cases of disturbances reported by listeners.

State Radiocommunications Agency could not enforce the law, because cases against the pirates were discontinued due to little social harm (PAR, 1995).

Broadcasters themselves did not facilitate the control and enforcement tasks either. They immediately connected elsewhere the frequently disconnected and sealed transmitters. State Radiocommunications Agency usually did not dismantle them because of its responsibility for possible damage to the transmitting equipment (Frey, 1994a). Moreover, the inspections of the State Radiocommunications Agency often resembled a game of cat and mouse. For example, Zofia Misztal from Radio Pcim recalls that during one of them she hid the transmitter… under her skirt. As a result, she managed to avoid having it sealed (Duda, 1993: 30). On the other hand, the NIK information notes that on the day of the inspection – June 2, 1993 – she managed to take the transmitter out of the Cultural Center in a shopping bag (NIK, 1993a). Radio Piotrków, expecting a visit from PAR, stopped broadcasting on that day (Major, 1991: 12–13). Moreover, many broadcasters appealed PAR's decision to the Supreme Administrative Court (Naczelny Sąd Administracyjny – NSA). Although the Supreme Administrative Court usually upheld Radiocommunications Agency's decision, the broadcasters gained time (Suchodolska, Szymborski, 1992: 6).

As we read in the National Broadcasting Council's report, although the State Radiocommunications Agency initiated administrative proceedings against illegal broadcasters and filed motions for their punishment under Article 63 (2) and (3) of the Petty Offenses Code, in 71% of the cases the authorities waved the penalty altogether and in many cases awarded a symbolic fine. Although the Communications Act allowed for such a possibility, the forfeiture of broadcasting equipment did not occur even once (KRRiT, 1994t). Its disassembly was very expensive and required certain skills – so the colleges did not impose such a penalty. It was also important to note that, according to Marian Kisło, director of the Radio and Television Department at PAR, the loss of the transmitter and antenna could cost the broadcaster about 600 million zlotys (Łazarkiewicz, Szczypiorska, 1993). Often, the fine was only 1 million zlotys, which, as Marek Markiewicz mentions, could be compared to the price of a cab that broadcasters would have to spend to get to the college if it was far away (Markiewicz, 1994: 38). As rightly emphasized in the information prepared by the NIK: "the severity of penalties imposed for illegal use of frequencies (resulting from liability for petty offenses, i.e. fines or reprimands) was too low to constitute a disciplinary and deterrent factor" (NIK, 1993a). By the end of April 1993, PAR submitted motions to the colleges of petty crimes to punish the owners of 59 radio and 23 television stations. The colleges waived punishment against the owners of 42 radio stations;

in the remaining cases, it imposed fines ranging from 100,000 zlotys to 5 million zlotys (NIK, 1993a).[4]

The authorities did not pursue all pirates with equal zeal. In Warsaw, for example, PAR's actions were swift with regard to some broadcasters. The crackdown on illegal radio stations began with the closure of Radio WaWa led by Wojciech Reszczyński in early November 1991. The station broadcast only for two days (Wiel., l., Cz., 1991). Then it went silent for a few weeks. Authorities tracked Radio Mozart as well, also broadcasting illegally in Warsaw, after just one week of operation and issued a summons to cease broadcasting. The court persecuted its creators on February 26, 1993, less than two months after the station started operating. One of the first private radio stations operating in Poland was the student-run Radio Afera from Poznań. It began broadcasting in September 1990, and in November, it received a call to shut down the transmitter. The students complied with this decision and suspended operations. In January 1991, however, they returned to the airwaves again (Ciechanowski, 1991: 13). The employees of PAR in Białystok also intervened very quickly. Just a few days after Radio Akadera started broadcasting, the rector of Białystok University of Technology received a call to close it down. The radio station stopped broadcasting for a few months (Smółko, 1992). Among others, Radio Winogrady from Poznań, Radio Pirat from Złotów, Radio Jelenia Góra decided to switch off their transmitters for some time (Kłykow, 1993: 22). In November 1991, the radio stations Fiat from Częstochowa, Plus from Dąbrowa Górnicza and Delta from Bielsko Biała also received an order to close down (Wiel., l., Cz., 1991). The founders of Radio Jutrzenka, Rozgłośnia Harcerska, and Radio Kolor had to stand trial.

In October 1992, the authorities ordered all Warsaw radio stations broadcasting without permission to stop transmitting on the illegally occupied frequencies (Tabor, 1992: 14). However, the Minister of Communications defended these radio broadcasters. For example, he granted Radio WaWa's request and withheld the order to immediately turn off the transmitter, arguing that this radio station does not interfere with other stations, and that the entry into force of the new Broadcasting Act is only a matter of a few months (Stempień, 1992b: 1). The authorities also did not prosecute – at least initially – the creators of Radio Zet (Skawrońska, 1993b:), although even PAR admitted that Radio Eska and Radio

4 All amounts concerning Poland before 1995 are the amounts before the denomination of Polish zloty carried out in 1995. During the currency reform it was established that one new zloty corresponds to 10,000 old zlotys.

Zet were broadcasting completely illegally on the so-called western frequencies (Ast, 1993: 5). However, after PAR intervened in November 1992, Eska gave up broadcasting on the upper band (Oksień, 1992: 1).

As Karol Jakubowicz wrote in *Życie Warszawy*, with time, pirates began to be divided into the better ones – the pioneers of Polish radio broadcasting, and the worse ones – who not only broadcast without a license, but also broke other regulations (for example, did not pay for the use of copyright, jammed other broadcasters, harmed the environment or monopolized the market) (Jakubowicz, 1993: 5). Pirates who started their activity after the entry into force of the Broadcasting Act, i.e. after March 1, 1993, were also judged more harshly. And there were many of them. The data available to the National Broadcasting Council indicated that after March 1, 1993 twenty-nine stations started broadcasting without authorization, including eighteen Radio Maryja stations (KRRiT, 1993e).

Work on the Broadcasting Act

Work on the key piece of legislation for broadcasters, i.e. the Broadcasting Act, took a long time and stirred up a lot of emotion. Ryszard Chruściak describes this process in his monograph *Krajowa Rada Radiofonii i Telewizji w systemie politycznym i konstytucyjnym* (2007). Another book on this topic is e.g. Maciej Miżejewski's *Transformacja telewizji w Polsce po roku 1989 na tle zmian politycznych* (2005). However, it is worth mentioning its most important stages.

Before the authorities passed the act, there were at least several projects that aimed at regulating the audiovisual market in Poland. As early as on October 9, 1989, Andrzej Drawicz – the first non-communist chairman of the Radiocommittee – appointed a Commission for Radio and Television Reform, with Karol Jakubowicz as chairman and Stanisław Jędrzejewski as deputy. The team also included: Eliza Bojarska, Stanisław Goliszewski, Janina Jankowska, Tadeusz Kowalski, Stanisław Piątek, Miron Szydłowski, and Elżbieta Sieczkowska as secretary. It was a competent team that developed numerous ideas and expertise, and used services of foreign experts. As Stanisław Piątek recalls, while designing the new media order, the commission was inspired by various foreign solutions, especially the French, but also those from other countries:

> I was on a foreign scholarship a few years earlier, and I was collecting information on television and radio systems, and I proposed my colleagues whatever was suitable. Some things worked, others did not and it was a compilation of various solutions: English, German, Austrian, Swiss (Piątek, 2020).

The result of the work became a draft and assumptions to the law published in *Przekazy i Opinie* as Materials of the Commission for Radio and Television Reform "Nowy ład w eterze" (Komisja ds. Reformy Radia i Telewizji, 1991). The work of the commission was interrupted in 1990 as the members of the Council of Ministers did not like its direction, especially the concept of transforming state media into public service media (Jakubowicz, 1992a). However, later, the team cooperated with the parliament in drafting successive versions of the law and had a significant impact on its final shape, which its member Stanisław Piątek emphasizes.

> I would say that compared to what we proposed there, these were minor changes. At the beginning nobody knew what was going on in the Parliament, but slowly they started to recognize what the political interests were and what the business interests were. There were several approaches to the adoption of the bill, but I would say – I even tried to compare it once – that the impact of what we did was, if not very large, then large, because at that time there was still no such common knowledge, so those MPs still listened to the experts and voted more or less in accordance with such rational argumentation (Piątek, 2020).

At the same time, there were also other drafts of legal acts regulating the activity of radio and television broadcasting, which, however, had little chance of gaining parliamentary approval. One such initiative was the draft press law prepared by the Social Legislative Council of the Center for Legislative Initiatives of the Solidarity Trade Union, the team working on it included: Andrzej Kopff, Janusz Barta, Izabela Dobosz, Jerzy Serda, and Janina Zamorska. The authorities promulgated it on June 30, 1990. In the draft, the press was defined as "daily newspapers, magazines, other similar periodical prints, and radio, television and other similar audiovisual transmissions." So, it referred not only to the printed press, but also to the audiovisual media. Next, the draft went to the Parliament, but the authorities did not use it (Chruściak, 2007: 81). As in the draft of the Commission for Radio and Television Reform, the National Broadcasting Council (KRRiT) was introduced in this project to guarantee the freedom of speech on the air.

In the spring of 1990, the government also began working on a draft, which was submitted to the Parliament on July 20, 1990 (Bielecki, 1993). It was very similar to the one prepared by the Commission for Radio and Television Reform, however, the National Broadcasting Council was to be mainly an advisory body in this project. After auto-amendments, the Parliament once again received the draft on October 26, 1990 (Sejm, 1990a).

MPs also worked on new drafts. The first parliamentary draft was submitted to the Parliament on June 21, 1990, and another on September 11, 1990

(Miżejewski, 2005: 100). The Parliament continued work on the uniform bill in the Culture and Media Committee and the Legislative Committee. The political situation influenced their course. Jan Krzysztof Bielecki replaced Tadeusz Mazowiecki as Prime Minister. Bielecki decided to withdraw from the Parliament government projects regulating the functioning of radio and television. The basis for the work became the parliamentary projects. The Sejm (the lower house of the Parliament) passed the bill on September 13, 1991 and sent it to the Senate (the upper house of the Parliament). The Senate tabled amendments to the proposed bill. When one of the amendments was voted on, concerning respect for universal ethical principles in connection with the Christian system of values, a so-called legislative stalemate occurred on October 16, 1991. The Sejm neither rejected the amendment nor accepted it, which led to the rejection of the entire bill (Chruściak, 2007: 100). However, at the same session of the Sejm, the deputies submitted another draft of the Broadcasting Act, based on the draft rejected a few days earlier, with the most controversial provisions concerning television and public broadcasting omitted (Sejm, 1991a). The Parliament passed the so-called Small Media Act. However, President Lech Wałęsa effectively vetoed the bill (Barański, 1992: 7).

The Parliament of the first term – the composition of which was determined in fully democratic elections in the fall of 1991 – had to regulate the functioning of broadcasting. In May 1992, the so-called Markiewicz project (Sejm, 1992e) and the Confederation of Independent Poland project were presented (Sejm, 1992a; N.d., 1992a: 4). Jan Olszewski's government also prepared its own project and sent it to the Parliament in May 1992 (Sejm, 1992c). The Culture and Media Committee and the Legislative Committee worked on the final draft. First of all, a project of incorporating the institution of the National Broadcasting Council into the Constitution of the Republic of Poland was adopted (Sejm, 1992b) – MP's criticized the lack of such authorization in earlier debates. Moreover, the authorities prepared the final draft of the Broadcasting Act (Sejm, 1992d). The Sejm passed the Broadcasting Act of December 29, 1992 taking into account some of the Senate's amendments (Sejm, 1992f). At that point, the Act finally made it possible for private entities to apply for broadcasting licenses.

Adopted Statutory Solutions and Their Consequences

The government did not publish the law until January 29, 1993. It entered into force later than expected – on March 1, 1993, and on that day all radio and television stations, except for church and public stations, began to be classified as operating in violation of the Act. The situation for broadcasters became even more

precarious and complicated than before. Section 52 of the Broadcasting Act made distributing a program without a license an offense punishable by imprisonment of up to two years, restriction of liberty, or a fine. In addition, forfeiture of instruments or other objects used or intended to be used in the commission of the offense could be imposed. The sanctions were to take effect on July 1, 1993. In addition, Article 63(2) of the Petty Offenses Code made it a misdemeanor to establish or use, without the required permit or approval, a telecommunication device, line or network, radio transmitting or transmitting/receiving device, or to use a frequency without the required allocation. The penalty for the offense was a fine or reprimand (KRRiT, 1994z). Some broadcasters also faced a serious charge of broadcasting on military frequencies because the Ministry of Defense delayed in transferring the frequencies for civilian purposes. This was an offense under Article 137 § 1 of the Criminal Code, which referred to the threat of air disaster. This was punishable by six months to eight years in prison (Olbrot, 1995b). The National Broadcasting Council and the State Radiocommunications Agency were made the bodies charged with controlling the activities of radio and television broadcasters.

The Broadcasting Act replaced the Radio and Television Committee with the National Broadcasting Council (KRRiT) and entrusted it with shaping the new democratic order on the airwaves. It received the following powers: to design, in consultation with the Prime Minister, the directions of state policy in the field of radio and television broadcasting; to determine, within the limits of statutory authorization, the conditions under which broadcasters may operate; to make decisions, within the scope of the Act, on licenses to distribute and disseminate programs; to exercise, within the limits of the Act, control over the activities of broadcasters; to organize research into the content and reception of radio and television programs; to set subscription fees, fees for granting licenses, and fees for entry in the register; to issue opinions on draft legislative acts and international agreements concerning broadcasting; to initiate radio and technical progress and staff training in the field of broadcasting; to organize and initiate cooperation with foreign broadcasting companies and to cooperate with relevant organizations and institutions in the field of copyright and related rights protection.

The Act specified that the allocation of frequencies for broadcasting is to be indicated in the license issued by the National Broadcasting Council's chairman, based on a resolution of the Council. Detailed conditions and procedure were characterized in Chapter V of the Act. It was further specified that both State Radiocommunications Agency and National Broadcasting Council should cooperate in frequency management with the Minister of Communications.

The National Broadcasting Council, which was to "guard the freedom of speech in radio and television, the independence of broadcasters and the interests of the audience" and ensure "an open and pluralistic character of radio broadcasting," was successfully established as early as March 1993. However, the creation of the National Broadcasting Council was associated with numerous adversities, such as the lack of a seat or a separate budget for its creation (Markiewicz, 1993e), but also, for example, with the fact of questioning the legality of the president's choice of members. Already at the very beginning objections were raised to the act of appointing Marek Markiewicz as Chairman of the Council, even before the designation of members by other state bodies – the Sejm and the Senate (Chruściak, 2007: 297). However, in the end, the first composition of the National Council was completed relatively quickly. It consisted of the following members appointed by the President: Marek Markiewicz (chairman), Maciej Iłowiecki (deputy chairman), Ryszard Bender, on behalf of the Sejm: Lech Dymarski, Marek Siwiec, Bolesław Sulik, Andrzej Zarębski (secretary), on behalf of the Senate: Ryszard Miazek and Jan Szafraniec. They represented various political environments. The first National Broadcasting Council's meeting was held on April 28, 1993.

The uncontrolled growth of private radio and television stations in the early 1990s made it one of the primary tasks of the Council to eradicate "the phenomenon of pirate radio and television broadcasters operating without permission and out of control" (KRRiT, 1994t). But both listeners and broadcasters had to wait a bit longer to get the airwaves in order. When the law was drafted, the Council planned that broadcasting licenses would be distributed by July 1, 1993. However, the preparation of the license application was delayed. In a letter to Prime Minister Hanna Suchocka, prosecutor general Jan Piątkowski appealed for acceleration of work:

> I address my request to Madam Prime Minister to consider the possibility of accelerating the work of the National Broadcasting Council through the intermediary of the Minister of Communications and the Minister of Finance, who – in accordance with Article 26(5), Article 34(1), Article 37(3), Article 42(2) – have a number of powers related to the procedure of granting licenses and registration of programs distribution (Piątkowski, 1993).

Piątkowski emphasized that the problem of illegal activities also concerns large Warsaw radio stations, such as Radio Zet, and Radio WaWa (Piątkowski, 1993).

Moreover, in a letter dated March 5, 1993, the Chairman of the National Broadcasting Council Marek Markiewicz informed Prime Minister Hanna Suchocka about the threat of launching criminal sanctions for broadcasting

without a license even before any broadcasting licenses had been issued (Markiewicz, 1993f). In response, the Prime Minister called a meeting on March 9, 1993, attended by Communications Minister Krzysztof Kilian, Finance Minister Jerzy Osiatyński, Prime Minister Jan Maria Rokita, Prosecutor General Stanisław Iwanicki, and Marek Markiewicz, the Chairman-designate of the National Broadcasting Council (PAP, 1993). At the meeting, authorities agreed that state bodies should intensify their work to control compliance with the law. Hanna Suchocka obliged the prosecutor general and the minister of communications "to take energetic measures to restore order on the air" (Szwed, Zaremba, RD, PAP, 1993: 1, 2, 4). At the beginning of 1993, there were petty offenses pending against forty-seven radio stations and twenty-two television stations (Szwed, Zaremba, RD, PAP, 1993: 1, 2, 4).

On April 2, 1993, the Prosecutor's Office drew up a memo from which it became clear that "Since March 1, 1993, all non-public and non-church radio and television broadcasting stations, including such well-known ones as Radio Zet, Radio S, Radio WaWa, TV TOP CANAL, NTW, have been acting in clear violation of the Broadcasting Act of December 29, 1992, because they distribute radio or television programs without the license required by the Act – Article 33 (1) of the Act" (Prokuratura, 1993a).

Another meeting on this issue was held on June 16, 1993 at the initiative of the National Broadcasting Council. It was attended, apart from members of the National Council, by Minister of Justice and at the same time Prosecutor General Jan Piątkowski, Vice Minister of Communications Marek Rusin, Director of PAR Benedykt Wojtyński, and the Director of the Office of the Minister of Communications Waldemar Budzyński. The authorities established a common policy toward illegal broadcasters and the following formulated principles:

> (1) After July 1 of this year, all radio and television broadcasters, with the exception of PRiTV and Catholic Church stations with valid authorizations from the Ministry of Communications, will fulfill the elements of the act specified in Section 52 of the Broadcasting Act, which deals with criminal liability for broadcasting a radio or television program without a license.
> (2) The procedures for criminal prosecution to be instituted under the supervision of the Prosecutor General shall be the same for all illegal broadcasters.
> (3) The Prosecutor General as the supervisor of the proceedings shall consult with the KRRiT and PAR (KRRiT, 1993c).

However, the Prosecutor General warned against perceiving these findings in terms of a binding procedure because, in his opinion, the National Broadcasting Council "does not have any competence in criminal proceedings, as these rules are governed by the Criminal Procedure Code." Moreover, the Prosecutor

General threatened the Chairman of the National Council with prosecution for failing to fulfil his statutory duties due to the broadcasters' inability to obtain licenses before criminal penalties for illegal broadcasting came into force (Piątkowski, 1993).

The possibility to apply for a license was not announced in the daily newspaper *Rzeczpospolita* until June 28, 1993, and the statutorily guaranteed minimum time for submitting license applications was three months. Thus, it became clear that the previous plan to put the airwaves in order by July 1, 1993 was impossible to fulfill (Modrzejewska, 1993b). On June 29, 1993, the Broadcasting Council began to distribute license application forms in its new headquarters at Sobieskiego Street (KRRiT, 1993a: 13).

The fact that on July 1, 1993 criminal sanctions for broadcasting without a license came into force stirred up huge emotions, especially because it was not fully known what position the state authorities would take on the matter. The Chairman of the National Broadcasting Council Marek Markiewicz spoke on the issue, seriously scaring the pirates who were broadcasting at that time. Markiewicz emphasized that on July 1, 1993, all previous permissions would have expired and only public and church stations would have operated legally (Modrzejewska, 1993c). Moreover, Markiewicz warned that in the application for a license, broadcasters would have to answer whether they had broken the law in the past and whether there were any court proceedings against them. However, the Council's attitude evolved. Initially, the statements regarding illegal broadcasters were much harsher than the later ones. Noteworthy, the National Council tried to cooperate with illegal broadcasters on some issues. One such example was the elections to the Parliament, ordered by President Lech Wałęsa on September 19, 1993, before which the Chairman of the National Broadcasting Council appealed to illegal broadcasters not to get involved in the election campaign (Usidus, 1993).[5]

Spokesman for the Minister of Justice Andrzej Niewielski admitted in the *Rzeczpospolita* that after July 1, 1993, broadcasting will become a crime punishable by up to two years in prison. Nevertheless, Niewielski tried not to heat up emotions and explained that "the Prosecutor's Office will consider the case of each pirate individually. What option we will adopt will become clear after our first decisions" (Modrzejewska, 1993d). The Minister of Justice himself,

5 However, some stations decided to broadcast paid election broadcasts, one of such stations was Radio Delta from Białystok (Kor, 1994). Similar programs were also broadcast on Radio Top from Katowice or Radio Plesino (Culak, 1994: 1–2).

Prosecutor General Jan Piątkowski, also spoke publicly on the matter again, defending illegal broadcasters. Piątkowski stated that a citizen cannot bear the consequences of violating a law if a state body prevents him from complying with its requirements:

> It should therefore be anticipated that after July 1, 1993, prosecutors, when evaluating the behavior of entities distributing radio and television programs without the required licenses, will take into account the circumstances under which they violated the law (K.F., 1993: 3).

The Ombudsman Tadeusz Zieliński also spoke in defense of the broadcasters, sending a letter to the National Broadcasting Council (KRRiT) in which he emphasized that "delays on the part of the legislator and the subsequent sluggishness in establishing executive procedures and issuing implementing regulations should not affect such important social issues as discontinuation of broadcasting by private radio and television stations." Zieliński pointed out that the fact that state and church broadcasters retain their broadcasting rights and that private entities cannot obtain them violates civic equality before the law, because such stations lose the opportunity to participate "in the pluralistic system of radio broadcasting" (Modrzejewska, 1993e: 3). In Zieliński's view, this would be contrary to the principle of openness of radio broadcasting and its pluralistic nature, as expressed in the law, and consequently to the principle of freedom of expression on the air.

Moreover, also President Lech Wałęsa defended private radio stations. In his statement for the *Rzeczpospolita* daily, Wałęsa took the following position on the so-called pirates: "We did not make it in time with the law, life was quicker than us, but entrepreneurs cannot be punished for this" (Modrzejewska, 1993c). Another time, at a meeting with journalists, Wałęsa admitted that "if it were not for this piracy, I would not be in Belvedere (would not be a President, author's note)" (Leończuk, 1992: 2, 4).

The Ministry of Communications, which had previously been active on the issue of frequency allocation, decided not to take a position, stressing that it was only responsible for the technical side of the whole process, and that PAR, which reports to it, only locates broadcasters, verifies their eligibility to transmit, and draws up a report (Leończuk, 1992: 2, 4).

When handling specific cases involving broadcasting by radio and television stations after July 1, 1993, the prosecution took into account voices in defense of illegal private broadcasters. An example may be *Postanowienie o odmowie wszczęcia postępowania przygotowawczego z dnia 4 lipca 1994 r. sprawie emisji programów bez koncesji przez Prywatną TV Łódź "Tele 24"* [Decision to refuse

to initiate preparatory proceedings of July 4, 1994 concerning emission of programs without a license by Private TV Łódź "Tele 24"] issued by District Prosecutor's Office Łódź Śródmieście. In the justification of the order, prosecutor Jolanta Skowrońska emphasizes that:

> On September 30, 1993, "Tele 24" filed a license application. Therefore, the station is participating in the licensing process and is awaiting a decision. At the same time, the highest state authorities in the person of the President, the Minister of Justice and the Ombudsman took the position that the stations which were active in the licensing process should participate in it in the normal way, without ceasing their operations. Taking the above into consideration, in particular, the fact that the licensing proceedings in relation to "Tele 24" have not been completed, as well as the views of the highest level state authorities, given the complicated legal and factual situation, it should be stated that the actions of "Tele 24" as having a negligible degree of social danger cannot be considered a crime under Article 52.1 of the Broadcasting Act (Skowrońska, 1994).

Thanks to such provisions, pirate radio broadcasters who applied for a license could also feel less threatened by the criminal sanctions enshrined in the Act.

Initially, however, broadcasters took the issue of broadcasting after July 1, 1993 and the sanctions for doing so very seriously. Wojciech Reszczyński, the head of Warsaw's Radio WaWa, stressed how important it was to him that all broadcasters would be treated equally from then on:

> The law is finally starting to be equal, and the big stations are being put on an equal footing with the small ones – a big step forward. Those who had temporary permits were convinced that they would be able to play for up to a year after the Radio Act came into effect. If private stations are going to be closed, it would be better if all of them were closed. Then public radio will benefit, not one or two private stations, which will grab the whole advertising market.

However, Paweł Piszczek from Radio Eska pointed out that he cannot imagine such a scenario coming true: "Closing the radio is death for it, clinical death at best – it is not known whether the patient will wake up afterwards" (Skowrońska, 1994).

Due to the lack of possibility to obtain the license immediately, a significant part of the broadcasters continued their activities. However, there were also those, such as Radio Kormoran from Węgorzewo, Radio Rezonans from Sosnowiec or Radio Hit from Mielec, which stopped broadcasting and waited for the license hoping that such attitude would result in a positive decision on the application for a license. Radio Akadera also stopped broadcasting for several months (Ciszewska, 1993: 2). Radio Rezonans bid farewell to its listeners with the following message: "Patience is said to pay off. So we will treat our muting as a life test for the radio and for the listeners. Time will tell, whether we will come

out of it with a shield or on the shield. We wish ourselves a quick come-back" (Żbikowska, 1994).

However, many stations were still broadcasting. The list compiled by PAR showed that on July 1, 1993, 161 stations were using broadcasting equipment, of which only 69 had permission to broadcast (Abd, 1993: 3). Such broadcasting was connected with high risk and stress. Piotr Sambor, the founder of Radio Alex in Zakopane, seriously considered the possibility that he might end up in prison for his radio activities. Therefore, using his previous contacts with the director of the Polish section of Voice of America Ted Lipień, Sambor decided to go to America: "I have decided that I am not going to go to prison, I am taking my wife and child and we are emigrating from Poland. I don't care a hang about such democracy" (Sambor, 2020). Sambor was planning to rent air time in a Chicago station and broadcast a program for the Polish community. However, after two weeks in America, Piotr Sambor decided to return to Poland. Radio Alex, which his wife took care of during his stay in the U.S., was to be visited by PAR, and her husband did not want to leave her alone with this problem. However, at the time of the visit, the station was not closed down, as Radio Alex continued to use the transmitter at Gubałówka, rented from the Department of Radio and Telecommunications, and was formally not a broadcaster but a provider of programs. At the same time, the tone of public statements regarding the need to punish stations continuing to broadcast after July 1, 1993 also softened. Thus, Piotr Sambor decided to continue his activities in Poland (Sambor, 2020).

However, it is a fact that after the passage of the Broadcasting Act there was an increase in control and intervention activities, but this also did not happen immediately. In December 1993, the Department of Justice demanded that full records of illegal broadcasters be turned over, with priority given to those who:

- broadcast programs in the situation when, despite the expiry of the deadline for submitting an application for the license, they have not submitted such an application;
- broadcast programs on a frequency not intended for radio or television distribution to the general public in accordance with the list of frequencies allocated in *Ogłoszenie o możliwości uzyskania koncesji na rozpowszechnianie programów radiowych i telewizyjnych* [Announcement on the possibility of obtaining license for the broadcasting of radio and television programs] (Smardzewski, 1993).

People preparing the first licensing process stumbled on some difficulties not only because of the activities of pirate stations. For example, the National Broadcasting Council was critical of the PAR in terms of the transfer of frequencies

and the deadline for sending technical agreements to the licenses prepared by the National Council. Authorities emphasized that broadcasters frequently disavowed the frequencies (Zieliński, 1994). The Supreme Audit Office's allegations formulated in the context of frequency management also concerned institutions other than State Radiocommunications Agency. For example, the Audit Office drew attention to the fact that the Ministry of National Defense and the Ministry of Interior are reluctant to submit to the decisions of the Ministry of Communications (Frey, 1994b). The Vice President of the Supreme Audit Office wrote about this in a letter to the Chairman of the National Broadcasting Council summarizing the report's findings. The Vice President noted that "the Armed Forces use frequencies reserved by international agreements ratified by Poland for other users. This state of affairs inhibits the development of domestic telecommunications and commercial radio and television stations" (NIK, 1993a).

Chapter IV. Activity of Private Stations after 1989

Establishing Local Private Stations

The first private radio initiatives emerged almost at the very beginning of the transformation process. Two stations from Warsaw and Krakow, which later gained the status of national radio stations played a special role in the development of Polish private radio. Radio RMF FM, initially as Radio Małopolska Fun, started broadcasting on January 15, 1990, retransmitting the program of the French Fun Radio. Radio Zet, initially as Radio Gazeta, started broadcasting on September 28, 1990 (Jurczenko-Topolska, Dubiński, 2015: 33). However, we should not forget about smaller stations, which launched transmitters all over Poland. Apart from Catholic stations,[1] among the pioneers of post-transformation broadcasting, there were numerous local radio stations. At the beginning of February 1990, in Opatów, Wojciech Płódowski began test broadcasting (Radio Opatów, 2012). The history of Radio Dawinczi from Bydgoszcz began in a similar period (Sagan, n.d.a). One of the pioneers of local broadcasting was certainly Radio Alex from Zakopane, which was established in March 1990, as well as Radio Kormoran from Węgorzewo, which appeared on the air a month later (Zieleniewski, 2016). In September, the student-run Radio Afera in Poznań began broadcasting, and in October Radio Pcim (Jasiewicz, 2011). In November, Radio Jelenia Góra started operating at the City House of Culture (Szpak, 1990: 2). Pioneers of Polish private radio broadcasting as early as 1990 also included Radio DJ from Chojna, Studio A from Legnica, Radio Lubań (Sagan, 2019) and Radio Fan from Ostrowiec (Nowak, 1995b). There was also certainly a number of smaller, neighborhood radio projects that it is impossible to note.

In the following months, new radio stations emerged. Many of them were grassroots initiatives created by local communities. The first private stations in Poland were the initiative of different people and groups for many reasons. Some of its creators included for example radio enthusiasts previously involved in ham radio. Thus, the constructor of the first Radio Weekend broadcasting equipment was a keen ham radio operator Edmund Pobłocki (Ostropolska, 1993: 8). The same happened in the case of Radio Piotrków that at first used the transmitter

1 I will characterize their activities more broadly in the next subsection.

made by a former ham radio operator Tomasz Stachaczyk. The program of Radio Opatów was in turn initiated by Wojciech Płódowski who ran the amateur radio club in this town (Radio Opatów, 2012). The founders of Radio Piekary were also associated with the ham radio section operating at the City House of Culture in Piekary, which dates back to 1968 – the radio began experimental broadcasting in June 1994 (Culak, 1996: 9). Dariusz Kowalski, the founder of Radio Ino, was also a ham radio operator, as well as Eryk Woźniak, who describes the influence that this activity had on the founding of the radio station by him (Radio Joker) and Marek Jasiewicz (the founder of Radio Pcim):

> We attended the same electronics technical school in Dobczyce and there was a radio club. There were also additional classes for people who lived in the boarding school. There was simply an amateur radio club and various people met there. They had a passion for radio communication ... I wasn't really into it, but I was always fascinated by RMF radio. My friend Marek Jasiewicz was also interested in such media things. He set up a radio transmitter at home. When I found out about it, I asked him how it should look like. From which side, how to set it up and so on, and that's how it started. I mean, I had an idea to do something like that in my small town where I lived. So I thought of doing such a radio in my house (Woźniak, 2020).

This is the founding story of Radio Joker, which gave rise to Radio Blue, an almost cult and largely non-commercial station, which used to be very popular in Krakow in the 1990s.

Other radio stations founders were the first local businessmen (Radio Sud, Kępno, Jerzy Stępień) (Jaśniak, 1993: 5), local activists (Radio Legnica, Stanisław Obertaniec – dental technician, Solidarity activist, co-founder of the Civic Committee and senator of the first term) (Zarzycka, 1995: 17), secondary school students (Radio Marconi, Częstochowa, Przemysław Kimla (Kimla, 2016), Radio Joker, Gdów, Eryk Woźniak (Woźniak, 2020)), and even elementary school students (Radio Hit from Warsaw) (Wilhelmi, Szaciłło, 1993: 3). The driving force behind the actions taken was the dream of running one's own radio station, which seemed unrealistic to many. This is how Eryk Woźniak, who started his own radio at the age of sixteen, recalls that period:

> My family looked at it as if it was a bit of a weird thing that didn't stand a chance. I always said I would have a dream to do a radio station. Everyone asked me what was I even talking about (Woźniak, 2020).

Student journalists who had experience in working in school and especially university radio stations proved to be supportive of the emerging stations as well. One of the people who gained such experience was, for example, Edward Małek, who founded Radio Hit in Mielec:

> The First High School in Mielec. Well, those were the beginnings of those broadcasts. We did them in the third or fourth grade, and then we went to the Krakow University of Technology to study, and as soon as we heard on the radio that the Nowinki Studio was recruiting new radio adepts, we went there right away ... It was a cool radio station and sometimes we were given rector's leaves because there was no time to study. I myself studied for seven years, so I know something about it (Małek, 2020).

Wojciech Jaworski, the founder of Radio Alfa from Węgrzce near Krakow also gained his first radio experience in the student radio station Brzęczek operating at the AGH University of Science and Technology. Jaworski created the radio together with his colleagues from the student radio center:

> The first team consisted of people I worked with in the student radio – they were my friends. Some of these people ended up in other media and have been working in them ever since (Jaworski, 2020).

People with experience gained in student radio stations were also employed, for example, in Radio ABC from Szczecin (Akademickie Radio Pomorze) (E. S., 1993: 3), in Radio Piotrków (Stachaczyk, 2016), and in many other stations.

Interestingly, some pirate stations started operating using an address system or combined broadcasting with address system activity. For example, the beginnings of Radio Hit from Mielec are connected with starting cooperation with address system of Polish Aviation Works Mielec (Polskie Zakłady Lotnicze Mielec), which reached twenty thousand employees of this plant. Another stage of station creation was launching a radio center at the stadium of Stal Mielec, where there was a bazaar.

> We had speakers hung up, everything was wired. It was called Radio Bazar. We were trying to earn money to get this frequency radio started ... We decided that if others were playing, why not us? (Małek, 2020).

Moreover, for two months, Alex Radio journalists used the address system, operating thanks to loudspeakers hung in the main street of Zakopane – Krupówki Street (Sambor, 2020).

Most radio creators did not have adequate funds to launch their operations on the air in a professional manner. Many stations emerged in very modest, makeshift conditions. For example, Radio Legnica began broadcasting in a rented hotel room. However, often this first location of a radio station was simply a basement – this was the case of Radio Kormoran (Zieleniewski, 2016), Radio Dawinczi (Sagan, 2020a), Radio Marconi (Kimla, 2016) and Radio Joker (Woźniak, 2020). It was not uncommon for stations to be established in private apartments or homes – this was the case, for example, of Radio Weekend

(Ostropolska, Pruss, 1993: 8), Radio Delta (Najsztub, 1991), Studio A, Radio 13 (Zielińska, 1994: 12), and Radio Alfa (Jaworski, 2020).

Sometimes, cultural centers took care of radio stations – this was the case of Radio Komunalne Iława (Bs, 1992: 3), Radio Pcim (Duda, 1993: 30), and Radio Joker – its second location (Woźniak, 2020). Sometimes the town hall also provided support – the third location of Radio Alex may serve as an example (Sambor, 2020).

There was no shortage of people in local communities who wanted to support such activities. In the case of Radio Joker, it was Tadeusz Prusak, the director of the Gdów cultural center at that time.

> I met Tadeusz Prusak, who won the competition for the director of the cultural center in Gdów and started to gather various people around him, all positively twisted. He treated radio as an opportunity to act in culture. And he gave us his manager's offices. The offices were in a very secluded place, and he wanted to be with people, so he moved to a completely different place in the house of culture. He gave us two rooms and said: do it guys, act (Woźniak, 2020).

Radio broadcasting amateurs were willing to make great sacrifices to be able to broadcast. The local press reported on the activities of the Radio 13 studio in Przemyśl as follows:

> The bigger room in a small apartment in one of the housing estates in Przemyśl is for people and dogs ... The second smaller room was converted into a radio studio. From this studio, four times a week, the inhabitants of Przemyśl can listen to the first private, pirate community radio in this city (Zielińska, 1994: 12).

The equipment of the local radio studio also did not escape the attention of journalists from Przemyśl:

> Andrzej Winiarski had no money. So he bought some equipment from the liquidated plant radio station. He exchanged a small color TV set for a Blaupunkt tape recorder, and got microphones for a penny from traders in the East. A car seat was lying somewhere in the basement, but it had to be assembled on a tripod found… in a dumpster and so a rotating chair for the presenter was created. (Zielińska, 1994: 12).

This is how the founder of Radio Alfa, Wojciech Jaworski, recalls the beginnings of the radio:

> It was all done hastily. In one room of my apartment, very provisional. Just to check if people would like it at all. Well, they did (Jaworski, 2020).

Eryk Woźniak, founder of Radio Joker, has very similar memories:

> As far as I remember, there were two stages. The first stage is what was going on at my house. I organized some equipment in the basement. I borrowed some from my friends. I had some of my own stuff. And somewhere there was a transmitter made by some man who was active in the ham radio club at that time (Woźniak, 2020).

The creators of Radio Alex from Zakopane, who – as already mentioned – decided to start operations on the basis of a broadcasting station at the top of Gubałówka Mountain, had to be prepared for an even bigger sacrifice. It was possible to get there by the last train, which entered Gubałówka at 9.15 pm. The program ended at 1.00 am and there was no way back down. The equipment had to be set up again each time. Piotr Sambor recalls: "We had to collect everything and then we slid down from Gubałówka on our asses" (2020).

This was not the only inconvenience faced by the creators of one of the first local radio stations in Poland. To broadcast, one had to connect directly to the VHF transmitter. However, on Gubałówka, there was also a medium wave transmitter. It posed a threat to the health of radio workers. However, the period of such broadcasting did not last long in the case of Radio Alex, because having not received permission for further direct broadcasting from Gubałówka, in the spring of 1991 the radio station moved to the headquarters of the Podhale Association, from where they sent signal by cable to the transmitter.

Local radio stations often emerged almost from nothing, relying on the private equipment of their creators. Most often the money to start the activity came from private funds of the founders. However, the ideas on how to finance the creation of a radio station varied. One of the most interesting was the concept of Radio Prima from Grudziądz, which ultimately failed to start, and for which the purchase of an approved transmitter was to be financed from contributions-coupons of citizens – in return they were to receive the right to broadcast a song or an advertisement on the station, when it starts operating (Rzeszut, 1991: 1, 2; Marz, 1991: 2).

Few stations started their operations thanks to the support of foreign investors – for example, the shares in Radio S from Poznań belonged to the British (Skawrońska, Klincewicz, Bienias, 1993), and RMF FM and Radio Zet started with the financial help of partners from France (Gajewski, 1993: 12, 16).

As already mentioned, local stations emerged in different environments and on the initiative of different people. This was reflected in the variety of names that were given to the stations. They often came from the names of cities or towns: Radio Piotrków, Radio Toruń, Radio Pcim, Radio Bełchatów, Radio Konin, Radio Jelenia Góra, Radio Opatów, Radio Krosno (RMF Krosno), emphasizing their local character. Some tried to associate the names of the stations with

the founders. This was the case of Radio Reja, which was named after the first letters of the first names of its founders Regina and Janusz Mostowski, or Radio Dawinczi, which was created by Dariusz (Da), Wiesław (Wi), and Czesław (Cz) (Sagan, 2020a). Admittedly, Wiesław withdrew from the founding group while the station was still preparing to launch, but the name remained. Piotr Sambor, the founder of Radio Alex, admits that the name of the station was an expression of his love for his wife Alexandra (Sambor, 2020).

Others took a more philosophical approach to the subject of naming a station. This was the case of Radio Kolor [eng. color]. Wojciech Mann, one of its founders, interprets the name as follows:

> Radio does not have a video channel, so we thought it was a combination of paradox and intriguing mystery. And at the same time, you can attach this little philosophy to it that if this radio is attractive to different listeners through different shades of its activity, then this word will not be meaningless (Świątkowska, 1993: 2).

Wiesław Wiśniewski, who worked at Radio Pomoże [eng. Radio Will Help] from June 1993 to May 1994, recalls that the station's name was suggested by one of the employees: "People often accused that there was a mistake in the name, failing to see that the radio wanted to help and that's where the name came from, not the region of Poland where it was founded [i.e. Pomorze, eng. Pommerania]" (Wiśniewski, 2019).

Some of them decided to follow the spirit of the times and used universal names, understandable not only for the Poles. They sought inspiration in English (Radio Top, Radio One, Radio Live, Radio Flash, Radio Arnet, Radio Hit-FM, Radio City) or reached for international classics (Radio Delta, Radio Vigor). Radio Weekend was called this way, because initially it broadcast only on weekends (Erdman, 1994: 14). Sometimes, the names repeated. There were, for example, as many as four El radios: in Bydgoszcz, Elbląg and Leszno, and on the basis of a permit for church stations also in Legnica, and two Radio City – from Częstochowa and Słupsk.

The radio stations tried to choose starting dates which were either special for their creators or on which holidays fell. For example, Radio Reja from Szczecinek started broadcasting on April Fool's Day, Radio Północ on Valentine's Day, Radio Mozart on New Year's Eve, and Radio Piotrków on Children's Day.

Private stations, those with the minister's temporary consent, which is sometimes called *bumaga* [a funny way to call a written permission], a permission from the president of Radiocommittee, and especially those with only verbal consent from the minister and operating without any permits, were quite commonly called pirate stations, especially in the period between the enactment of

the Broadcasting Act and granting of the first licenses. However, it is hard not to get the impression that authorities turned a blind eye to them. Anna Kowalewska-Onaszkiewicz points out that broadcasters had no problems registering their activity in courts, paying social insurance contributions for their employees and taxes (Kowalewska-Onaszkiewicz, 1999). Local authorities and even the police supported their activities, which is often mentioned in the memoirs of the station's creators. This is illustrated by the example of the relationship between these services and Radio Kormoran. As Tomasz Zieleniewski, the founder of the station recalls, at the time when Radio Kormoran was established, it was very difficult to get permission to set up a telephone. Hence the local police department supported the newly formed station and allowed the use of its own switchboard and switched calls to the radio until it proved so popular and calls were so numerous that they made it difficult to call the police (Zieleniewski, 2016).

Moreover, we know about the support of local authorities as well as military and church structures also from the memoirs of the founder of Radio Alfa, established in Węgrzce, in the Zielonka commune near Krakow:

> The local authorities were supportive from the beginning. It was not financial help, but still a substantial one. They invited us to participate in all municipal undertakings. Later on we needed arrangements with the military unit and the airport for the license. There were no problems. They stated that they did not mind the neighborhood, so from this point of view it was all very positive and friendly. But, as it happens in villages, some people were against it. However, the priest, who was probably the highest moral authority in the commune, said at a mass on Sunday that this was a radio that people should listen to and from that time there were no opponents. This is a bit of an anecdote. But it was really like that (Jaworski, 2020).

Another example of the radio station that received significant support from the authorities despite being illegal was the Młodzieżowe Radio Jelenia Góra.[2] It received funding for its start-up from the Ministry of Health, which was in 1992, when the first licensing process had not even begun (Gomzar, 1994: 1–2). As Wiesław Wiśniewski, who worked with Radio Pomoże, admited, in its first year of operation, there were also never any problems with getting the information needed: "Officials told us that we were operating outside the law for the time being, but they did not refuse to give us interviews" (Wiśniewski, 2019).

These examples show how great was the need for local stations and how much trust local communities and the authorities placed in them.

2 A similar team started in Jelenia Góra Radio Jowisz June 1, 1995.

The approach of the broadcasters themselves to the problem of piracy is well illustrated by the statement of Marian Miszczuk, founder of Warsaw's classical music Radio Mozart:

> A pirate is a person who breaks the law. I am breaking something that does not exist. There is no institution that can give permission to broadcast a program. There is no one to charge for the use of certain frequencies. For a long time, the state has been losing fat money that it could raise for the budget by issuing temporary permits for experimental broadcasting. Similarly, no one in the country, including public radio, pays for broadcasting music from records, because Poland has not signed the relevant international conventions. So who is a pirate and who isn't? If I believed that soon there would be order on the airwaves, I would wait. But the whole procedure will take several more months, in the best case – half a year. And we have already lost three years… (Szaciłło, 1993b: 1–2).

The founder of Radio 13, Andrzej Winiarski, was of similar opinion: "What kind of a pirate am I? Who do we harm? We make people's lives as pleasant as we can, without taking a penny for it" (Zielińska, 1994: 12).

However, it is hard to resist the impression that this not entirely legal broadcasting had a certain charm of the forbidden fruit and was hoped to win rather than lose the sympathy of listeners. Suffice it to say that the aforementioned Radio Mozart advertised itself on the air as "Pirate Radio Mozart." The positive connotations associated with pirate stations were in part due to the previously discussed history of pirate broadcasting in Poland and around the world. Not without significance was also the growing social conviction that the time had come for freedom on the airwaves and that such initiatives should receive support.

In *Rzeczpospolita* of October 14, 1992 Beata Modrzejewska reported that the following pirate radio stations were operating on the airwaves at that time: Radio Akadera (Białystok), Radio Delta (Bielsko-Biała), Radio El (Elbląg), Radio Arnet (Gdańsk), Radio Iława (Iława), Centrum Kultury i Sztuki Kalisz (Kalisz), Radio Piotrków (Piotrków Trybunalski), Radio Afera, Radio S, Radio Z, Radio Jack, Radio Obywatelskie (all from Poznań), Radio 5 (Suwałki), Radio WaWa, Radio Jutrzenka (Warsaw), Niezależne Prywatne Radio Kormoran (Węgorzewo), Radio Frank (Wroclaw), Radio Alex (Zakopane), Radio Pirat (Złotów) (Modrzejewska, 1992c). In November, *Trybuna Śląska* published a similar list. It included all the stations mentioned in *Rzeczpospolita* (although the names of some of them were twisted). Additionally, the list included Radio Opatów run by the Municipal Office of Opatów and radio initiative of Przemysław Kimla from Częstochowa – Radio Marconi, although incorrectly named Radio Arnet, as well as a radio station run by the Municipal Cultural Center from Jelenia Góra. Among

the stations broadcasting legally, the list included Radio Solidarność, Radio Zet (Warsaw), Radio Fun (Krakow), and Radio Mazury (Ostróda) (Suchodolska, Szymborski 1992: 6), but they were not fully legal either. Most stations emerged at the turn of 1992 and 1993.

On the airwaves there was a fight for frequencies, as it was believed that those who did not reserve a frequency in their region in time, might not receive it later, when the Broadcasting Act came into force (Kowalewska-Onaszkiewicz, 1999: 152). However, there were also those who decided to use the opposite strategy. They waited for the license to go on the air, preparing a program without any audience for a few months. This was especially true in markets where there was not much competition at the time. Among the stations that adopted this strategy were for example Radio Wama from Olsztyn (Iwański, 2016), and Radio Wibor from Nowy Sącz (MM, 1994: 1). After two years of waiting for the creation of a legal framework for broadcasters, and in the face of growing competition on the capital's market, Radio Kolor decided to interrupt the preparatory period and broadcast without a relevant permit (MS, 1992: 9).

Reconstructing a complete list of stations broadcasting between 1989 and 1995 without a license seems impossible today. Often these were neighborhood initiatives, reaching a handful of listeners. The fact that their activities were never recorded or even concealed from the state apparatus, and that more than a quarter often a quarter of a century has passed since their inception, makes it very difficult to present the history of the stations. However, it is certainly worth estimating the number of pirate broadcasters from this period and at least attempting to compile a list of them. Some researchers have provided approximate numbers of such broadcasters in their studies. However, the differences in the presented data show how difficult a task it is to provide correct numbers. Magdalena Steciąg writes that in the fall of 1992 there were twenty-two commercial stations and nine church stations (Steciąg, 2006: 52). In its first report, the National Broadcasting Council estimated that on June 2, 1993 there were fifty-five illegal radio broadcasters operating in the country without a license (KRRiT, 1994t: 3); Tomasz Mielczarek gives the same number in his book (Mielczarek, 1998: 65). On the other hand, Ryszard Kowalczyk informs that by the end of February 1993 there were about 60 broadcasters (Kowalczyk, 2011b: 234). In the light of my research, all these numbers seem to be underestimated. The list of radio projects broadcasting without a legitimate license (in practice, it includes all private stations that broadcast without a license, except for authorized church stations), includes more than one hundred such broadcasters (see Table 2).

In its first report, the newly established National Broadcasting Council emphasized that these broadcasters used radio frequencies "allocated contrary

to the principles of the Communications Act and beyond the real control of the Ministry of Communications and other State authorities." Even those that received permission for religious broadcasting under the May 1989 law did not always act in accordance with the law. For example, as many as nineteen radio stations of Radio Maryja operated on frequencies that were not permitted (KRRiT, 1994t: 23). Thus, there was chaos on the airwaves, even compared by some to the situation in Italy in the 1980s, when there was no longer any concern about who had the right to broadcast and who did not.

Creation of Catholic Stations

Noteworthy, Catholic stations were among the pioneers in broadcasting outside the state radio system. Leaving aside the inter-war period and Maksymilian Kolbe's experiments with broadcasting, and returning to the beginning of the transformation period, we should mention Father Czesław Sadłowski's intitiative, who started a radio station in Zbrosza Duża already in November 1989 (Sagan, 2014a). Sadłowski also inspired Father Tadeusz Łakomiec, a parish priest from Miedzeszyn, who created his own parish radio station at the turn of 1989 and 1990 (Figarski, 2001: 32). As Łakomiec recalls: "with difficulty I scrounged 100 dollars to buy the necessary components and an engineer friend installed the transmitter ... The transmitter was placed in my room" (Figarski, 2001: 32). Noteworthy, it was this station, created thanks to Father Łakomiec's determination and true passion for radio, that paved the way for Catholic broadcasting in Poland. Other representatives of the Church followed him and applied for frequency assignments even before the Episcopate and the Ministry of Communications signed an agreement, which granted permits for most of the church stations (Biały, 1991: 42). Some of them began broadcasting without such permission, for example the stations in Skomielna Czarna and Ząbkowice Śląskie (Sagan, 2014b).

However, Catholic broadcasters received special treatment in the transformation period: as the only ones, apart from public stations, they had the chance to legalize their activity even before the adoption of the Broadcasting Act. This was possible under the aforementioned Act on the Relationship between the State and the Church of May 17, 1989 (Sejm, 1989) and the agreement between representatives of the Church and the Ministry of Communications concluded on October 15, 1990 (Beliczyński, 2009: 21). The creation of such a special legal path allowed many of them to avoid the stressful situations of illegal broadcasting that the other broadcasters had to face, and to reserve attractive frequencies in the first place.

A joint commission of the Ministry of Communications and the Episcopate was established, which included one of the authors of the State-Church Act, Bishop Alojzy Orszulik. This commission made a preliminary assessment of the incoming applications and recommended the granting of permits to specific stations. Each diocese was to be allocated two frequencies. Initially, it was the Minister of Communications who issued the permits. As Marek Rusin states, "the Ministry of Communications limited its participation in this process to bidding for available frequencies" (Rusin, 2017). The first broadcasting permits were issued in 1991. The letters sent to broadcasters with the decision to allocate frequencies referred to the content of the aforementioned agreement of October 15, 1990 (Rusin, 1991). The first station established on the basis of the State-Church Act was Katolickie Radio Płock, which received the relevant permission to broadcast on May 14, 1991.

According to Jan Beliczyński, by March 1993 there were twenty-four diocesan stations, three parish stations and thirty-one stations under the Radio Maryja license (Beliczyński, 2009: 22). These figures do not quite match the information provided in the first report by the National Broadcasting Council, which stated that between May 14, 1991 and February 28, 1993, the Ministry of Communications issued licenses to sixty-three radio stations to legal entities representing the Church. They later received licenses under a simplified procedure and did not have to pay for them (KRRiT, 1994a: 34). The broadcasters could obtain permission even if the transmitter used to broadcast the program did not have a certificate of authorization to operate (approval), which later the Supreme Audit Office pointed out to the Minister of Communications (NIK, 1993a). Individual stations were also granted various types of permits – either with or without a time limit (KRRiT, 1993d). Discussions held at a meeting of the National Broadcasting Council with representatives of the Polish Episcopal Conference and the Ministry of Communications of the Republic of Poland on September 14, 1993 indicate that the first thirteen permits issued to church stations were of an unlimited duration, which was "an oversight by the Ministry's legal services" (KRRiT, 1993f).

Moreover, there was no legal definition of Catholic radio. However, during the meetings of the Episcopate with the National Broadcasting Council, the representatives managed to create the following characteristics of such entities:

- owner of the frequency – a church legal person;
- different nature of programming than public and commercial broadcasters;
- limited share of advertising allowing only for maintenance and development of the radio station / non-profit radio (KRRiT, 1995e).

However, the possibility of obtaining a broadcasting permit did not cause all church stations to stick to the agreed-upon arrangements. In *Informacje NIK na temat gospodarki częstotliwościami* [Supreme Audit Office's Information on Frequency Economy] we read that fifteen church stations of Radio Maryja did not comply with the regulations included in licenses issued by the Minister of Communications. Despite being granted frequencies in the upper VHF band, the station broadcast their programs in the then more popular lower band. Moreover, in the first half of 1993, forty-two church stations (out of fifty-eight broadcasters) did not pay full fees for frequency use (NIK, 1993a) despite the fact that preferential rates – three times lower than the standard – dedicated to public service television and radio applied also to them.

In his letter to the Chairman of the National Broadcasting Council Marek Markiewicz, the Secretary General of the Polish Episcopal Conference Bishop Tadeusz Pieronek included a list of stations that were already operating under the current State-Church law (Pieronek, 1993).

Table 1. List of religious stations* operating on the basis of permission from the Minister of Communications (excluding Radio Maryja stations and those retransmitting Radio Maryja)

	City/Town	Station	Frequency	Permission	Decision Number
1.	Częstochowa	RADIO FIAT	67.01 MHz	No. 14 dated February 10, 1992	PAR DRT-372/92
2.	Gdańsk	RADIO PLUS	67.07 MHz; 101.7 MHz	No. 57 dated February 23, 1993	PAR DRT-299/93
3.	Gorzów/Zielona Góra	RADIO GORZÓW (Radio Go)	70.52 MHz	No. 35 dated February 26, 1993	PAR DRT-1571/92
4.	Gliwice	RADIO PULS	71.03 MHz	No. 25 dated December 23, 1992	PAR DRT-1210/92

5.	Kielce	RADIO JEDNOŚĆ	71.93 MHz	dated October 10, 1991	PAR DRT-390/91
6.	Koszalin/Kołobrzeg	partly under the name Radio Maryja		No. 16 dated September 10, 1992	PAR DRT-10/92
7.	Krakow	RADIO MARIACKIE	70.76 MHz	dated November 19, 1991	PAR DRT-529/91
8.	Legnica	RADIO L	67.82 MHz	dated September 25, 1991	PAR DRT-532/ 326/91
9.	Lublin		87.9 MHz	No. 37 dated February 18, 1993	PAR DRT-1855/92
10.	Łódź		66.68 MHz	No. 60 dated February 26, 1993	PAR DRT-339/91
11.	Opole		107,9 MHz	No. 33 dated January 21, 1993	PAR DRT-438/91
12.	Płock	KATOLICKIE RADIO PŁOCK	65.99 MHz, 104.3 MHz	dated May 14, 1991 and No. 45 dated February 18, 1993	PAR DRT-552/ 325/91 PAR DRT-297/93
13.	Płock-Ciechanów		103,9 MHz	No. 62 dated February 26, 1993	PAR DRT-358/93

14.	Radom-Jasieniec		70,80 MHz	dated October 30, 1991	PAR DRT/ 486/91
15.	Radom		71,99 MHz	No. 61 dated February 26, 1993	PAR DRT- 688/91
16.	Rzeszów		102,4 MHz	No. 21 dated November 10, 1992	PAR DRT- 1670/92
17.	Siedlce-Łosice	KATOLICKIE RADIO PODLASIE	101,7 MHz	dated October 21, 1991	PAR DRT- 374/91
18.	Szczecin	RADIO AS	65.96 MHz	dated October 29, 1991 and February 3, 1993	PAR DRT- 427/91 i PAR DRT- 1312/92
19.		LIPIANY	72.65 MHz 88,90 MHz	dated July 24, 1991	PAR DRT- 532/90/ 91
20.	Tarnów/Nowy Sącz		101,20 MHz	No. 63 dated February 26, 1993	PAR DRT- 394/93
21.	Tarnów/Zawada		69.65 MHz	No. 22 dated December 23, 1992	PAR DRT- 862/92
22.	Warsaw-Praga		66.17 MHz	dated August 23, 1991	PAR DRT- 532/ 214/91

23.	Warsaw-Archidiecezja		96,5 MHz	No. 58 dated February 23, 1993	PAR DRT-349/93
24.	Wrocław	KATOLICKIE RADIO RODZINA	92.0 MHz	No. 15 dated September 10, 1992	PAR DRT-933/92

* Radio stations with their own programs

Source: Letter of the Secretary General of the Polish Episcopal Conference, Bishop Tadeusz Pieronek to Marek Markiewicz, Chairman of the National Broadcasting Council, November 29, 1993 and December 10, 1993, KRRiT archives, Warsaw, 194–26 (Pieronek, 1993).

In addition to the stations listed in Table 1, twenty stations retransmitted Radio Maryja's program. These were stations in Białystok, Bielsko-Biała, Drohiczyn, Elbląg, Ełk, Gniezno, Kalisz, Katowice, Koszalin-Kołobrzeg, Łomża, Łowicz, Pelplin, Poznań, Przemyśl, Sandomierz, Sosnowiec, Toruń, Olsztyn, Włocławek, and Zamość-Lubaczów. Moreover, even before Radio Maryja received the license, it had its own nineteen broadcasting stations in Bydgoszcz, Dolsk, Czersk, Wydartowo, Olkusz, Drawsko Pomorskie, Złotów, Kolno, Ostrów Mazowiecki, Krosno, Nowy Sącz, Wysoka Wieś, Piła, Lębork, Suwałki, Toruń, Szpetal Górny, Letnica, and Żagań.

The Church cooperated with the National Broadcasting Council also on further stages of shaping the order on the airwaves – there appeared the need to convert permits into licenses and to issue new ones. The Secretary General of the Polish Episcopal Conference Bishop Tadeusz Pieronek sent the recommendations in this matter to Marek Markiewicz, the Chairman of the National Broadcasting Council (NIK, 1993a).

The statistical statement prepared by the National Broadcasting Council on December 15, 1993 shows that sixty-two church stations already operating (including twenty-six diocesan stations, fifteen diocesan stations retransmitting Radio Maryja's program and Radio Maryja stations) applied for a license. Applications for new stations or frequencies, supported by the Episcopate, were submitted by twenty-two diocesan stations and thirty stations belonging to Radio Maryja. Interestingly, not all church stations could count on the Episcopate's support. It was a serious obstacle for them, because – as the deputy chairman of the National Broadcasting Council Maciej Iłowiecki stressed – the radio "must have the bishop's permission to be called Catholic" (KRRiT, 1994i). For example, seven independent religious stations and additionally fifty-nine Radio Maryja

stations expressed their interest in obtaining a license, but they did not receive the necessary support (Wrzeszcz, 1993).

The National Broadcasting Council, acceding to the request of the Secretary General of the Polish Episcopate, decided to initiate licensing procedures with respect to the sixty-two Catholic Church stations operating at the time, which had previously operated only on the basis of a telecommunications permit from the Minister of Communications under the May 1989 law. The supervision of the special license procedure concerning Catholic stations was entrusted to Jan Szafraniec (KRRiT, 1993j). The conversion of permits into license documents eventually covered thirty-nine diocesan stations, two parish stations, and seventeen Radio Maryja stations (Wrzeszcz, 2004: 51).

Church-related persons who intended to apply for new licenses or for extensions of licenses to include new frequencies were subject to the general licensing fee provisions. However, there were no longer restrictions on the number of such broadcasters in a given area. In the first licensing process, church entities received six new stations and some stations could from then on broadcast in the lower VHF band. Finally, National Broadcasting Council granted forty-three licenses to diocesan stations (on fifty-six frequencies), two to parish stations and two to religious orders. Radio Maryja created a nationwide network (Wrzeszcz, 2004: 51; KRRiT, 1994x). Noteworthy, not only the Catholic Church but also the Protestant Church – Evangelical-Augsburg Parish in Kalisz – applied for the license to broadcast a religious program. During the hearings, the applicant emphasized that:

> The radio is supposed to have a Christian and ecumenical character. It should serve to spread optimism of spirit and getting to know religious cultures ... It is to act as the only non-Catholic radio station. The Catholic Church will stop being accused of monopoly (KRRiT, 1994f).

Noteworthy, the Catholic Church tried to cooperate with the state authorities not only in the matter of granting space to Catholic stations on the air, but also in shaping the media policy of the state in general. The meeting of the National Broadcasting Council on January 24, 1995, to which the representatives of the Episcopate were invited, can serve as an example. Apart from current issues, related to the summary of the first licensing process, Bishop Tadeusz Pieronek outlined the issues concerning the broadcasting business, in which the Church would like to be an active partner in talks. Among them, Pieronek mentioned:

- the role of public media in the context of commercial media development. The need to ensure the conditions necessary for public media to fulfil their social

mission, in the context of the issue of media independence defended by the National Broadcasting Council;
- the issue of the threat to the public interest of a democratic state from a latent financial monopoly in the commercial media sector / press, radio, television;
- the need to take steps to ensure an adequate level of education for critical reception of the media, which is particularly necessary in view of the changes following the accelerated technological progress (digital technology, virtual television, etc.) (KRRiT, 1995e).

Many of the stations that received permission to broadcast from a special church pool tried to work with local communities, offering them a comprehensive, locally-informed program and becoming a local platform for exchanging ideas and opinions. Such were also the expectations toward these radio stations, which Jarosław Szwarkowski, who was responsible for promotion in Radio Gorzów, admitted:

> Above all, people wanted local radio, and local patriotism emerged. *Gazeta Lubuska* and Radio Zachód have their headquarters in Zielona Góra, Teleskop is a program of Poznań-based television. And here it is about something of our own. After the weekly *Ziemia Gorzowska* and the TV station Vigor we were next (Haczek, 1996: 30–31).

Henryk Witczyk, the head of Radio Jedność from Kielce pointed to similar goals:

> Radio Jedność is not a devotional radio. It broadly shows life in its everyday life and local color. There is a mass, but also good music, also for the youth, there is a place for seekers and doubters who have free access to the radio to express their views (Waluś, 1993: 3).

Moreover, the press reported on the comprehensive nature of the program of Katolickie Radio Podlasie:

> The program has room for literally everything. Religion, education, culture, health, sport, music, poetry, advice for farmers and drivers, youth issues, alcoholism and drug addiction, language courses – these are just some examples from the rich offer of Katolickie Radio Podlasie, which – as you can see (or rather hear) – is not unfamiliar with anything that is human (Kuliński, 1993: 24).

Many Catholic stations have given a chance to different communities – often those overlooked by the mainstream media – to appear on the air. For example, in 1993, Catholic Radio Rodzina began broadcasting a program led by a person in a wheelchair. The program *Motyle* [Butterflies] was devoted to the problems of people with disabilities and gave them a chance to speak on the air (Bondarewicz, 1995: 3).

Despite a certain privileged position given to the Catholic stations by the State-Church Act and the possibility of prior approval for broadcasting, the beginnings of their creation were not the easiest. There was often not enough money. The enthusiasm and commitment of the people who most often created them as volunteers made their functioning possible. Buying even basic equipment was a real challenge. Father Mirosław Drzewiecki, the founder of Radio Rodzina in Wrocław, has the following memory from the times of building the radio station: "I visited some people I knew from the times of martial law. Some just could not refuse. We managed to collect some money" (Bondarewicz, 1994: 1–2).

Program of Local Private Stations

The emerging private stations offered a completely new way of presenting program, which the audience accepted almost enthusiastically. The stations offered mainly music and entertainment in a formula which had been missing from the Polish airwaves so far. The presenters and journalists spoke on air with enthusiasm and in a way that was far from formalized. Additionally, they often came from the local community and talked about the issues which concerned that community. As it turned out, there was a great demand for such an offer.[3]

Music is certainly an important element of the radio stations' program. In the programs of private stations the share of music was much higher than in the Polish Radio – this was deliberate. This is how the founder of Radio WaWa Wojciech Reszczyński sums up this aspect of the activity: "We used to have a state radio and it was all just a big chatter. With us, the presenter speaks only when he really has something to say. The purpose of stereo is to play music. For words there are medium and long waves" (Prange, 1992: 9).

Robert Błaszczyk, a journalist at several stations established in the early 1990s and the author of one of the few studies on that period in the history of private radio broadcasting, points to other aspects of the program which made it different from what Polish Radio and contemporary private radio stations in Poland had to offer. Live hosts chose the music and the corresponding on-air entries were the result of their creative invention rather than an expression of a communication strategy carefully worked out and adapted to the format of a given

3 I have partly presented the program offered by the emerging stations in my publication "Pirates on Air – the Programme of the First Private Radio Stations in Poland from the Early 90s" (Doliwa, 2018a). However, I would like to deepen and expand that analysis in this chapter.

station. There were no defined formats. What was allowed and what was not allowed on air was often solely up to the presenter (Błaszczyk, 2011: 239–253). This was the case, for example, in the pirate Radio Fan Ostrowiec, which never applied for a license due to the lack of financial and organizational possibilities (as the station was run by high school students), everyone played the music they liked. Rock and roll from the 1960s played alongside instrumental and disco music (Nowak, 1995a). Songs previously absent from the airwaves appeared on the air. In particular, stations that grew out of student radio stations made sure that there was no shortage of recordings rarely presented on the radio. This was particularly evident in Radio Afera – the first student station on the air, which began broadcasting in 1990.

Many bands gathered around the radio or had friends in radio stations. Tomasz Stachaczyk, the founder of Radio Piotrków, recalls that:

> Some popular bands, like Lady Pank or Big Cyc, were such good friends of ours that they would just drop in and talk about stuff or go home and drink vodka together. And that's why people from artistically sensitive local circles gathered here. In general, the radio was like a leaven of cultural and spiritual life, it communicated these people with each other (Stachaczyk, 2016).

The musicians themselves were also eagerly involved in creating music broadcasts. For example, Grzegorz Skawiński, the leader of Kombi band, hosted a program *Gitarmania* [Guitarmania] on Radio Plus in Gdańsk (Panasiuk, 1994: 15).

The most controversial song in the early 1990s, which became a part of the history of the radio stations emerging at that time, was a song by the band Piersi – *ZChN zbliża się*. The song was based on the melody of the church song *Pan Jezus już się zbliża* and was anti-church in its tone. It turned out to be a kind of litmus test in the context of defining the nature of the radio station. Two journalists lost their jobs at Radio Legnica because of playing this song on air, which broadcast on the church band (Landzberg, 1993: 10). When asked about the program profile of a station, Catholic radio stations usually declared that they would broadcast a variety of music, but this variety has its limits and the song in question is outside these limits. Wojciech Reszczyński from Radio WaWa also informed about the impossibility of broadcasting it (Janikowska, 1992: 1–7). Representatives of other private stations, such as Wojciech Mann and Krzysztof Materna, founders of Radio Kolor, also struggled with answering questions about the possibility of broadcasting this song (Świątkowska, 1993: 2).

Apart from musical eclecticism, there were also ideas for thematic music radio stations, such as Radio Mozart – playing classical music or Radio Jazz. The founder of the latter initiative, Mariusz Adamiak, admitted that he was not

counting on "staggering popularity." "Western experience shows that in a large city there is room for two dominant all-theme stations, and the rest are specialized radios, attracting up to 8% of listeners" (KRRiT, 1994). The station was located in Akwarium jazz club. Radio WaWa, a popular station in Warsaw, defined itself as a rock radio.

Moreover, in addition to music, the emerging stations offered quite a different style of broadcasting than the one known from Polish Radio. New stations were informal and youthful (Doliwa, 2018a). In *Express Wieczorny*, Stanisław Bukowski raved about the program of Warsaw's Radio Kolor:

> Without the unbearable stiffness of "Trójka" not to mention "Jedynka" [both being stations of Polish Radio] the program is fresh thanks to the enthusiasm of people who are young in age and sometimes in spirit, who have ideas and who do not treat their work in radio as a historic mission. There are some linguistic slip-ups e.g. emphatically stressed "włanczać" (pronunciation/spelling mistake) ... But there are also real gems of good taste, like the Sunday jazz program at 9 pm hosted by Cezary Gumiński. Wonderful music, intelligent and witty commentary. It's not enough to be a smooth-talking, gold-mouthed expert. You have to really like what you do and convey your musical passions with sincere yet not exaggerated fervor. In a word – keep it up (Bukowski, 1993: 7).

However, not everyone liked this program formula. Jolanta Dzierżyńska-Mielczarek notices that:

> The program carried out by young people on a social basis was generally filled with music. The verbal broadcasts were limited to competitions and happenings organized for the listeners, as well as to information services edited on the basis of press reviews (Dzierżyńska-Mielczarek, 2012a: 31).

However, the aforementioned Robert Błaszczyk strongly disagrees with such a harsh opinion on the programming of pirate stations. Błaszczyk points out that local information dominated news services as many editors approached its acquisition with great commitment (Błaszczyk, 2011: 239–253). Despite the lack of access to the Internet and the greater effort that had to be made to obtain it, information was often more comprehensive than today.

Journalists sought new, non-standard sources of information. In the case of Radio WaWa it was, for example, cab drivers (Modrzejewska, 1994c: 2). The services focused on the problems of local communities. Radio Kormoran broadcast information "from across the border" (Katarzyński, 1992: 3). *Gazeta Poznańska* emphasized that the students liked their student radio very much because it was so close – "from behind the wall" (Hc, 1992: 9). Many stations perceived the mission of their operation in this way. Radio Sud in Kępno even turned it into a promotional slogan "There's a lot going on here, but hardly anyone knows about

it" (Gajdzińska, 1994a). The founder of Radio Kormoran, Tomasz Zieleniewski, also stressed the importance of local information:

> The radio was very deeply rooted in the realities of Węgorzewo and its district, and the surrounding area, so we spoke a lot, invited many guests. The people here heard things they hadn't heard elsewhere, about themselves, about their own backyard, about what was going on, because the radio stations didn't talk about it. The big ones focused on Warsaw politics and national or world politics, while ignoring Węgorzewo or other towns, unless something extraordinary happened (Zieleniewski, 2016).

The need for local information was the main reason for establishing Radio El in Elbląg. Wiktor Werner left his job in Radio Gdańsk to start a station in the city. In *Gazeta Gdańska*, Werner explains it as follows:

> It was difficult for the news from Elblag to get through to the airwaves in Gdańsk. Stations aired important political or economic events without any obstacles. However, management did not understand ordinary events from the life of our city. And yet a local radio has to inform even about trifles, which are often very important for the city residents (Templin, 1992: 2).

In the construction of the program journalists often followed intuition, trial and error method to test various ideas. The emerging stations became the emanation of freedom and democratic Poland, the breath of a new, better world. No wonder that Poles were so enthusiastic about their activity. This enthusiasm also accompanied the creators of the programs. They had a strong sense of mission, they felt that they played an important role in the transformation process. Thus, they were credible in what they did. Among people emphasizing this were the founders of Radio Ino, Dariusz Kowalski and Mirosław Amonowicz:

> Noteworthy, we – those who hosted the programs on Radio Ino at that time – were people from the street, they were just like those here, sitting next to us somewhere, and we talked about things that concerned these people. We didn't pretend to be celebrities, we didn't put on some kind of a total show about how cool we were and how cool we could apply the principle – how can I know what I think before I hear what I say, right? On the other hand, none of us were in love with our own voice either. It just wasn't the case. I call it so-called audio onanism, i.e. DJ sitting and being like the lower I say, the cooler I am, after all, that's probably not the point (Sagan, n.d.b).

Close contact with the listeners turned out to be very important in the program of the newly created stations. One of the first permanent programs introduced in Radio Marconi in Czestochowa was a program with the participation of listeners by telephone. The founder of the station Przemyslaw Kimla recalls it as follows: "I came up with the idea to create such a program, which was basically a

Hyde Park, people called and you could talk about any topic. Basically, everyone said whatever they wanted" (Kimla, 2016).

Radio Obywatelskie from Poznań was also one big Hyde Park. Poles could talk there about anything, including things that had been forbidden for many years (Gamble, 2017). The program based on conversations with listeners was especially *W każdej sprawie* [In Any Matter] – aired from 2 pm to 6 pm, in which Pastor Robert Gamble – station's founder – proposed topics for conversations. Gamble designated sixteen issues for discussion every day, and listeners could also submit them, but the choice was decided by the program's hosts – one designated by the station and the other invited to co-host. They were not always very serious. Janusz Weiss, who was invited to co-host the program in 1992, gave the following set of topics:

- Do your flowers feel the approaching winter? How do you take care of them?
- Do you remember your favorite childhood games? Why have children forgotten them today?
- If you met Mrs. Suchocka (the Prime Minister) or Mr. Wałęsa (the President), what advice would you give them?
- Should you have children earlier or at a more mature age? When did you have your first child? How do children grow up when there is a big age difference between them?
- Did you ever want to be a priest or did you want to be a nun? Why did you change your intention?
- Do you think smoking a pipe is less harmful? (Weiss, 1992).

Listeners knew that they could call the radio station about almost any issue regardless of what political party they represented, their age, what they believed, or where they lived. Local press noted some examples of the phone calls:

> The railroad problem needs to be addressed! Why is there no access to Osowa Góra? There is only one ticket office at the station in Gostynin. When I was picking mushrooms in the forest, I saw rusty tracks (Weiss, 1992).

> Our children became completely different people since they got land and everything. After my husband died, they kicked me out of the house. Such a beautiful, brick, big house. It took me and dad twenty years to build it. Now I'm just hanging around pigs (Bogomilska, 1993: 9).

Radio El from Elbląg also relied on telephone contact with its listeners. In *Gazeta Gdańska*, Wiktor Werner admits:

> During the day we have a few "contact" hours, but the citizens of Elbląg call us almost round the clock, sharing their thoughts with us. They also inform us about many irregularities (Templin, 1992: 3).

You could always come to a local station and announce something. When describing the activities of Radio EL from Elbląg, the *Solidarność* weekly reported that "crowds of people come to the third floor every day. For a small amount of money loving Jarek can greet his Joasia, the owner of a wholesale store can offer washing powder and Krystyna K. can announce to everyone that she is not responsible for her husband's debts" (Leonczak-Szulc, 1992: 18–19).

The listeners in those first radio stations played a role that is difficult to overestimate. Robert Błaszczyk emphasizes this fact and notes that programs were constructed in such a way that the audience had a chance to be an important part of them. What's more, the listeners' voices were not just an enrichment of the program as journalists listened to what they had to say and often modified the station's activities under their influence. They could call the radio, express an opinion, comment on a situation, provide information or even just say hello or order a song (Błaszczyk, 2011: 239–253).

Collaboration with listeners was the element often highlighted during the hearings in the first licensing process. For example, Piotr Gackowski, the founder of Radio Vigor, emphasizes that an important link in the program was "constant contact with listeners participating in live broadcasts" (KRRiT, 1994d). Representatives of Radio Arnet declared that the radio station wanted to maintain its "lively character through constant contact with listeners" (KRRiT, 1994d).

The newly created stations rarely discussed political issues, especially those concerning national events – both the journalists creating the stations and their listeners tried to avoid politics. Tomasz Zieleniewski, one of the founders of Radio Kormoran emphasizes the importance of apolitical attitude:

> From the very beginning, I assumed that the radio is independent, without any political pressure, without any political side. Whoever wants, whoever has something to say, go ahead – the listeners verify it, we do not interfere. Of course, if there were situations bordering on violating the law, that would be a different matter, but that is how it was all the time. And that is why I still receive letters from Europe, addressed: "the first independent radio station Radio Kormoran in Węgorzewo" (Zieleniewski, 2016).

The founder of Radio Marconi from Czestochowa has similar memories of call-in programs:

> There were life themes there, there was no politics. Although everyone could say something, there were no political topics. Why not? I don't know, there simply weren't any ... We talked about parties, about life, about career, we could talk endlessly. Of course, it

> was interrupted by some music ... There were also a lot of mature people who were fascinated by the fact that they could finally hear something without censorship, something natural, something created live, without all the pompousness of, let's say, the institution of public service broadcasting (Kimla, 2016).

The founders of other stations also insisted on apoliticality. One example is the founder of Municipal Radio from Iława, Jerzy Kalisz, who declared during his hearing in the first licensing process that he "wanted to be free from politics" (KRRiT, 1994c). Other broadcasters made similar promises.

Local radio stations could also count on support across political divisions. For example, this is how the founder of Radio Alfa in Krakow recalls the first stage of the station's activity:

> In the 1990s, it was such a phenomenon. Actually, everyone supported these stations. Even people from different backgrounds, often political ones, got involved so that the stations could somehow come into being and operate. The stations were not aggressively aiming at critique but rather at reporting life. Of course, if something bad happened, we would stigmatize it, but it was not forced aggression aiming at selling the bad news (Jaworski, 2020).

However, over time, deals with local politicians cooled, especially when stations began to fulfill a control function. Tomasz Zieleniewski, founder of Radio Kormoran mentioned it in a conversation (Zieleniewski, 2016). Radio Alex, which for some time broadcast from premises provided by the Zakopane City Hall, also experienced similar problems: "The mayor of Zakopane, Maciej Krakowski, called me to the office. He said 'if you criticize the work of the office, we will say goodbye'" (Sambor, 2020). Consequently, Piotr Sambor decided to move the radio station's headquarters to a building near the Sanctuary of Our Lady of Fatima in Krzeptówki.

The Voice of America (VOA) also reached out to local broadcasters, agreeing to retransmit its program through them and helping to install special antennas to receive the program. This was a great help for local broadcasters who could not fill their entire programming schedule with their own programs and who had difficulty accessing foreign recordings. Thanks to the cooperation with the VOA, the stations began to broadcast, for example, the Top 40 hit list, as well as programs provided by the Polish section of the radio station. VOA and Radio Alex from Zakopane established their pioneering cooperation (Sambor, 2020) just like Radio Kormoran from Węgorzewo (Zieleniewski, 2016). Other radio stations followed. The list of stations that cooperated with the VOA until 1992, found in the private archives of Ted Lipień, former director of the Polish section of the VOA, includes, apart from some public radio stations, such entities as

Radio Delta from Bielsko-Biała, Radio S Poznań, Radio S Warsaw (VOA, 1992a). In the course of time, others joined this group – an example is Radio Piotrków (Stachaczyk, 2016).

The benefits of such broadcasting were mutual. As the VOA report notes, the station hoped to achieve the highest ratings in Poland in its fifty-year history, thanks to its contacts with Polish radio stations that retransmitted the VOA program. To achieve this, the station decided not only to invest in transmission equipment, but also to modify its programming to best meet the needs of its new audience (VOA, 1992b).

Some stations also managed to establish cooperation with other foreign broadcasters. Radio RFI, apart from the cooperation with Radio Zet, which was not entirely satisfactory for the French side, established an agreement for the retransmission of the Polish section's program with Radio Alex (Sambor, 2020).

However, private local stations also broadcast many original programs, invented by their creators. And since there were no ready-made models to draw from, these ideas were often very original. Robert Błaszczyk from one of the first pirate stations in Poland, RTF-Radio Serc, mentions the program *Muzyka serc* [Music of the Heart] that consisted in reading poetry to atmospheric songs. The participants were listeners who wanted to meet someone through the radio. The station also broadcast a youth program *Redakcja młodzieżowa na fali* [Youth Section on Air] with news from schools and contests. The hosts were teenagers (Błaszczyk, 2011: 239–253). In turn, Radio Kolor offered listeners a program called *Igła nasza, płyta wasza* [Our Needle, Your Record] in which well-known actors, directors, politicians and sportsmen presented their favorite songs (Modrzejewska, 1994c: 2). In *Sprawy Warszawy* [Warsaw Issues], journalists reported on who had opened a new store, where the opening would be held, etc. (Modrzejewska, 1994c: 2). There was no shortage of broadcasts about culture. Ryszard Rodzik created a program *Każdy rodzi się poetą* [Everyone is Born a Poet] on Radio Alfa, which he continued for many years. The aim of the program was to promote poetry created not only by well-known artists, but also amateurs – even disabled people, alcoholics or prisoners. Rodzik emphasizes in the local press: I am interested not only in this nice, pampered poetry, but also in this dark poetry, of which the average bread-eater has no idea, and which reaches me even from the prison in Montelupich Street" (Czar, 2001: 6). The best poets who sent in their works received the Radio Alfa Laurel (Kurska, 1993: 18). The program *Szewski Poniedziałek* [Bad Monday], hosted by Wacław Drohobycki, was also very popular. It enabled people to confide their problems (Dudda, 1997: 20).

One of the most famous satirical programs was the one invented by Marcin Szewczyk and initially broadcast on Radio Parada. It featured a fictional

character of Stefan Bąk. This is what Szewczyk said about the reasons for introducing the character of Bąk into the show: "We were trying to provoke people, because nobody wanted to call. There had to be someone who would call first and get others to do so" (Duda, 1997: 4). The journalist himself, modulating his voice appropriately, called the radio and introduced himself as Stefan Bąk from Żabiczki. Later joined Stefania Wiadro, who dedicated disco polo songs to him. The journalists humorously commented on their lyrics.

There was also no shortage of programs with a community orientation. For example, Radio Alfa broadcast the program *Pół godziny dla bezrobotnych* [Half an Hour for the Unemployed] three times a week that presented job advertisements free of charge (FEL, 1994: 3). This kind of activity was important at that time, given the fact that at the beginning of the transformation in Poland the unemployment rate was very high. Moreover, the station aired programs aimed at helping local communities.

> We thought about the local market, but understood through the perspective of the resident. We were thinking about information needs. We knew that large radio stations, such as RMF or the public radio, did not have the time to appear with a microphone in every housing estate to listen to the problems of the residents, to talk to them, not to be present in the staircase of some block of flats. We hoped that as a local radio station, a small local radio station, we would be able to be close to these problems and close to our listeners, and it really worked. We produced a program like *Sprawa dla Reportera* [Case for a Reporter]. We already had a broadcasting truck. If there were any heated meetings in a housing estate, in front of some block of flats, then Radio Alfa would be there (Jaworski, 2020).

The radio stations at that time competed with each other for the best ideas for programs and sometimes even stole them from each other. This was the case with Radio Parada and Radio Classic from Łódź. To a large extent, people behind Radio Classic were former employees of Radio Parada, who transferred the most popular programs to this station: morning *Gimnastyka na wesoło* [Happy Gymnastics] to the rhythm of soldiers' marches, *Kącik szkolnych wiadomości* [School News Corner], *Przegląd prasy na wesoło* [Comedy Newspaper Review] or the already mentioned programs hosted by fictional characters Stefan Bąk from Żabiczki and Stefania Wiadro from Poniatowa. Radio Parada accused the new station of theft and sent appropriate reports to court and to the National Broadcasting Council (Kraskowski, 1994a: 7).

At the beginning, the program of pirate radio stations was not professional. Especially in the case of local stations, journalists usually reached a certain level of professionalism through making mistakes, and as we may imagine, creating a program in the era before computers and the Internet was a real challenge.

Anna Szpajchel of Radio O'le described how journalists prepared newscasts in 1994: "We are pirates, so we use everything we can. We eavesdrop on other radios, we read newspapers. The information from the teletext was typed up on a typewriter at the station (Świdrak, 1994: 1).

On the radio, the hosts were people who did not have adequate qualifications, which journalists of Polish Radio often judged harshly. An example is the statement of Władysław Sondej:

> The first flights of commercial stations do not shock with height. There are no frames and the trainees learn in front of our eyes (or rather ears). This learning in front of an open curtain causes stress. Hopefully on both sides of the loudspeaker. And yet these new radios have very many listeners (Sondej, 1993b: 9).

Small sub-local radio stations in particular did not have a well-educated journalistic staff. For example Paweł Słowik, who prepared information services for Radio Pcim, was a locksmith by profession and Zbigniew Kimara, another employee of the station, was an indoor painter. Despite this, Radio Pcim gained a lot of sympathy of the inhabitants of Pcim and turned out to be also needed by its creators. Unemployed young people felt valuable and gained popularity (Konarski, 1993: 7). Lack of relevant education was not an obstacle for other radio journalists either. As people could read in the *Solidarność*, for example in Radio El from Elbląg: "in addition to lawyers, a political scientist and a construction technician, the perfect presenter is a cook and a bartender who has abandoned mixing drinks in favor of a microphone" (Leonczak-Szulc, 1992: 18–19).

The stations usually made up for the lack of professionalism by the commitment of their creators. In an interview with *Gazeta Wyborcza*, the deputy editor-in-chief of Radio Flash from Katowice Monika Szymborska admitted: "We are not professional enough. But people have great enthusiasm to work. Generally we are all crazy about radio" (Kortko, 1994: 3). Journalists of those first radio stations did their work with dedication, they spent many hours at the stations.

Even though listeners perceived that the stations were not fully professional, they preferred their local character over professionalism. Just like student Kasia, a listener of Radio I from Inowrocław, who expressed her opinion about its program in the pages of *Dziennik Wieczorny*: "I am not delighted, this radio lacks something. I think it lacks professionalism. I am also annoyed by the excessive infantilism of the programs but I listen to it. How can I not listen to it if it is our own radio" (Ronge, 1993: 3).

To sum up, many of the programs of the stations emerging at that time were original, eclectic, lively, and had a youthful way of conducting programs, but also

lacked professionalism. However, both the creators and listeners were enthusiastic about the programs.

Critical evaluations of the program created by emerging private stations by Polish Radio journalists did not change the fact that public radio could learn a lot from pirate stations and modified its program under their influence. In order to meet the competition, it could not operate in its form any longer. Since 1991, Polish Radio responded to the visible changes by more and more determinedly formatting its national programs (Szniak, 1991: 5).

The Relationship between Private Stations and Local Communities

The bond that radio stations of the time built with their listeners was very close. This was certainly influenced by their local or even sub-local character. Radio presenters were often schoolmates, neighbors or family members. It was no longer a distant and aloof state radio but *our* radio. The listeners were an important link in the transformation of the airwaves.

The local community often perceived the emerging stations not as an enterprise created by a particular group of people, but as a kind of emanation of the community's activity. A proof of it is the fact that many times people defended the radio stations when there was a threat of their closure. *Czas Krakowski* reported that when the director of Radio Delta from Bielsko-Biała received the decision to close the radio station, the reaction of the audience was outstanding.

> Private persons and institutions, the disabled and professional athletes, life outsiders, and councilmen headed by the governor, agencies of the Confederation of Independent Poland and the Democratic Left Alliance, Christian National Union, the organist Jerzy Kukla and the kitsch lover Franciszek Kukioła, the former deputy Janusz Okrzesik and his opponent from the courtroom Antoni Jodkiewicz, police chiefs and a private detective all sent letters to the Ministry (Picheta, 1992: 15).

Therefore, local radio stations could count on broad support from across the divide in that initial period. This surprised the National Broadcasting Council (KRRiT), which, during a meeting with license applicants, asked Stanislaw Obertaniec of Radio Legnica, for example, "What kind of program philosophy do you use that there is such a convergence of positive evaluations by politicians representing extremely different political orientations?" (KRRiT, 1994i).

The local community also decided to defend Radio Kormoran when State Radiocommunications Agency representatives visited the station on February 25, 1991. Alerted by radio listeners, they rushed to help the station. As Tomasz Zieleniewski recalls, they blocked streets and threw snowballs at officials

(Zieleniewski, 2016). Letters were also sent to the Minister of Communications signed by residents, the chairman of the Solidarity Civic Committee, the mayor, the president of the City Council, and even the deputy district police chief (Sagan, 2020b). In turn, cab drivers were ready to help Radio Alfa in case of problems with authorities:

> There were some voices saying that State Radiocommunications Agency might appear. At that time, Prime Minister Suchocka threatened a little that she would take care of the radio pirates and cab drivers said that if something happened, just give them a signal and they would drive all the cars out of Krakow and block the access so that the authorities could not get to the radio (Jaworski, 2020).

Warsaw's Radio Mozart also gained a circle of loyal listeners. They also fought to keep the radio on the air when it was threatened with closure. The press reported exceptionally high ratings for the radio in its last days of broadcasting. Many people called the station, sent letters or even visited the station. A famous songwriter Agnieszka Osiecka, an actress Anna Seniuk, and Professor Aleksander Bardini supported the station (Bu, 1994: 6). Unfortunately, the authorities closed down the radio.

Noteworthy, local radio stations were important animators of cultural and social life in the regions. They organized social actions, fund-raising, concerts, and other cultural events. Examples of such events include the pierogi competition organized by Radio O'le, the Radio As suitcase concert (A.S., 1993: 5) or the Piotrków Days organized by Radio Piotrków (Stachaczyk, 2016). Almost every local station had similar initiatives. This is how radio's founder Eryk Woźniak recalls the activity of Radio Joker in this area:

> We took part in various actions that were organized with the Culture Center, in some fund-raising, for example with the Sacred Heart Fathers. We invited musicians, for example, we broadcast concerts that were held at the Culture Center. Bands like Sztywny Pal Azji and Chłopcy z Placu Broni performed with us. First they gave concerts, we broadcast some of them on the air, then they came to our studio for an interview (Woźniak, 2020).

Edward Małek, founder of Radio Hit in Mielec, also mentions the extraordinary power of radio's influence at that time:

> A very spectacular example for us was a vacation at the resort in Rzemień. There was an artificial reservoir made on a small river, a place for recreation. We organized several outdoor events there. We initiated discos and it occurred that it was impossible to enter. People were coming from ten kilometers away. That was the influence. This was when we learned the power of radio (Małek, 2020).

Direct contact with listeners also became very important to the founder of Radio Obywatelskie, Pastor Robert Gamble. Gamble created a radio garden, where his radio organized exhibitions of children's illustrations and invited the youngest. A very important initiative was the Christmas Eve at Kaponiera Roundabout. It was inspired by a novel *Noelka* by Małgorzata Musierowicz, a friend of the pastor (Musierowicz, 1992). All kind of Poznań residents attended the Christmas Eve gatherings: the homeless, the lonely, and those living a prosperous life surrounded by family. Moreover, Radio Obywatelskie invited other radio stations in Poznań to collaborate on the event.

Local radio stations gained immense popularity in their communities and recognition from listeners. Already at the beginning of 1992, *Trybuna Śląska* reported on the growing popularity of Radio Delta from Bielsko-Biala, that "one can leave home, take a bus, do a variety of shopping in many stores, 'visit' a hair salon or a doctor's office and not miss the point of the Delta broadcast" (Then, 1992: 3). In the local press, Radio Legnica boasted a 78% listenership rate in Legnica (Landzberg, 1993: 4). In the Demoskop study cited by Anna Kowalewska-Onaszkiewicz and commissioned by the *Rzeczpospolita* newspaper in 1993, 49% of respondents found the activity of the stations without a license useful and only 23% found it harmful (Kowalewska-Onaszkiewicz, 1999). There was also a demand to legalize these stations without any consequences for illegal broadcasting (Kuczyński, 1993: 1–2) despite the fact that the chaos on the airwaves at that time was great. One radio station was jamming the other, and sometimes also the television broadcasting.

The stations that emerged in Poland at that time were illegal but widely accepted. Not only local politicians but also those from the central level were invited to the studio. Prosecution pointed it out in a memo on illegal broadcasters:

> We must note that despite the notorious non-compliance with the Act, the activities of the above broadcasters are affirmed by representatives of the highest state authorities, including government representatives, political party authorities, and almost all of their leaders, who participate in the programs distributed by these broadcasters (Prokuratura, 1993a).

However, there were exceptions to this rule. For example, on April 12, 1994, the spokesman for the Poznań Provincial Police Józef Śmiglak issued a statement that police officers would not appear in unlicensed media. However, the press speculated that this had more to do with journalists uncovering an affair in the Poznań police force than with a desire to obey the law (Szafrańska, 1994).

Cooperation between Broadcasters

Faced with the uncertain situation of broadcasting before receiving a license, radio and television stations began to join forces. The first nationwide meeting of independent radio initiatives took place in November 1989 under the aegis of the Solidarity Committee. According to its co-organizer, several dozen radio stations and over 100 radio people attended it. The result of this meeting was the preparation of a draft amendment to the Law on Communications and the Law on the Radio and Television Committee. However, it did not become the subject of a broader discussion among the state authorities (Buczek, 1990: 3).

Since 1991, the Association of Polish Private Broadcasting (Stowarzyszenie Polskiej Prywatnej Radiofonii) was also active under the leadership of Wojciech Reszczyński. It brought together forty broadcasters in August 1994 (Trusewicz, 1995; Modrzejewska, 1995). The first General Assembly of the Association was held from May 13 to 14, 1993 in Warsaw. At that time, the Association elected the authorities: Wojciech Reszczyński became President of the Board, Waldemar Marczyk – Secretary, Jacek Tarnowski – Treasurer, and Marek Matejczuk, Robert Kozyra, Fryderyk Olearczyk, and Jacek Rusiecki became members of the Board. After the meeting the delegates made public a resolution in which they expressed their concern about the announced application of penalties to broadcasters without a license after July 1, 1993. The meeting also defined the goals of the association, which included:

- seeking respect by its members for the legal order in the field of radio broadcasting;
- appointment of a working team to develop a draft Code of Journalistic Ethics applicable to members of the association;
- contributing to the improvement of private radio stations through the mutual exchange of information, programs, technology and advertising;
- requesting the relevant Parliamentary Committee to accelerate the work on copyright law;
- requesting the National Broadcasting Council to take into account the achievements to date when considering license applications;
- requesting the Minister of Communications to reconsider the amount of fees for frequency use;
- taking actions to influence decisions on the distribution of license fees so that this source takes into account Polish private radio broadcasting, efforts to ensure that license fees take into account the specific nature of a given radio

station and the market on which it operates (Stowarzyszenie Polskiej Prywatnej Radiofonii, 1993).

In June 1993, the association sent an open letter to the National Broadcasting Council pointing out that "the issuance of earlier and only some 'permits' was a flagrant violation of the constitutional principle of equality of citizens before the law." It also appealed to the National Council to "use all constitutional possibilities and cause the suspension of the repressive action of the law from July 1" (Kobiałko, 1993).

The Association was also active after the first licenses were granted – it drew attention to the difficult situation of local stations. The Association noted, for example, that granting permission to RMF to broadcast commercials in the local bands had a very negative impact on local radio stations' budgets. It also claimed that the fact that RMF was the first to be granted a broadcasting license disadvantaged local stations. Moreover, the Association complained that the power of the transmitters offered to local stations was too low. It was emphasized that frequency fees for private broadcasters are twice as high as for public radio stations (Stowarzyszenie Polskiej Prywatnej Radiofonii, 1994).

In 1994, the association sought, among others, the possibility to manage copyrights of works presented on radio stations. At the beginning of 1995, members of the association filed a motion to the National Broadcasting Council (KRRiT) to invalidate the license granted to RMF FM, questioning the legitimacy of granting the station the right to split programs.

There emerged also other organizations to support local broadcasters. In 1991, the Federation in Support of Private Radio and Television Stations (Federacja Wspierania Prywatnych Stacji Radiowych i Telewizyjnych) was established, based in Wrocław. Ireneusz Orzechowski, co-owner of the well-known at the beginning of the 1990s private television Echo, became president of the association. In 1991, the members called for "the President not to sign the law passed by the Parliament and to give the Minister of Communications the right to issue permits for the operation of radio and television stations." Their appeal was related to the fact that in June 1991 the Sejm took this right away from the Ministry until the new law on radio and television came into force (Wiel, 1991: 5). They suggested that the president should come up with his own bill as well (EŁ, 1991: 4). The federation also spoke out after the Broadcasting Act had already taken effect, when the tendency to clean up the airwaves again took hold and more stations received calls to cease broadcasting. Radio and television broadcasters forming the federation appealed to be allowed to operate until the National Broadcasting Council decided on their license applications (Wróblewski,

1993b: 6). The federation included forty radio stations of which only four had any licenses (Kowalewska-Onaszkiewicz, 1999).

Moreover, authorities established the Association of Regional and Local Radio (Pawlas, 1992: 7). One of the important reasons for cooperation between the stations in this association was the problem of fees for the use of copyright, which were often too high for the emerging entities, especially since ZAIKS charged fees on the turnover and not on the revenue of the station. Stanisław Obertaniec, founder of Radio L, complained in the pages of *Gazeta Wyborcza*: "I was demanded to pay a six percent fee on turnover in the first year after signing a contract with Polish Association of Authors and Composers (Związek Autorów i Kompozytorów Scenicznych, later: ZAIKS), four percent the following year. I cannot bear such rates" (Bach, 1993: 3). For many, the fees proposed by ZAIKS were difficult to accept. Even in the middle of 1994, the ZAIKS complained that radio stations, including for example RMF FM, did not fulfill their obligation to pay fees for the use of copyright (ZAIKS, 1994). Problems with the payment of fees were one of the reasons Stanisław Obertaniec established Syndicate of Intellectual Property "Vox," which was to compete with ZAIKS in this area (Bach, 1993: 3).

On the other hand, in June 1993, the Association of Legal Radio and Television Broadcasters (Stowarzyszenie Legalnych Nadawców Radiowych i Telewizyjnych) emerged in Wrocław and it was in opposition to Association of Regional and Local Radio (Modrzejewska, 1993a). It brought together entities that had not started broadcasting without a license and fought for preferences for such broadcasters. The head of the association was attorney Aleksander Myszka. The association protested against the leniency toward illegal broadcasters when the punitive provisions of the Broadcasting Act came into effect on July 1, 1993. At the first convention of the association on November 9, 1993 in Warsaw, the authorities passed a resolution, which decided to:

- request the Minister of Justice to inform the public what specific steps will he take through his authorities to enforce the provisions of the Broadcasting Act,
- request the National Broadcasting Council to admit the Association of Legal Radio and Television Broadcasters as a party to the licensing proceedings if the illegal broadcaster's application is the subject of the proceedings,
- appeal to the Constitutional Court the provision of the Decree of the Minister of Communications of May 21, 1991, which states that in all cases the frequency fees charged to private radio and television broadcasters are three times higher than those charged to public radio and television stations,

- apply to all organizations and institutions in the country dealing with the protection of intellectual property rights to cooperate with the Association in counteracting infringements of rights,
- appeal to advertising agencies, production companies, artistic institutions, professional and creative associations to refuse to cooperate with pirates (Stowarzyszenie Legalnych Nadawców Radiowych i Telewizyjnych, 1993).

The Association of Legal Radio and Television Broadcasters sent a special letter to the Chairman of the National Broadcasting Council asking: "Will those entities that are waiting for license, incurring huge losses in the advertising market, be equated with entities bearing the stigma of a criminal? Is this the equality before the law that the executive has in mind?" (N.d., 1993: 2). When asked to respond to this issue, the KRRiT, by the Speaker of the Sejm, Józef Oleksy, admitted that the activity of illegal broadcasters is a serious problem. However, it dashed the hopes of the association, which had hoped to act as a party in the process of granting licenses (Markiewicz, 1993a).

Conflicts between Institutions, Broadcasters, and Audiences

The lack of a regulated legal situation in the airwaves and certain norms or customs regarding airwaves management, which usually take years to form, inevitably led to conflicts. They were present in various fields. One of them was at the party level – different political forces had different views on shaping the order in the airwaves, which – as described when discussing the legal aspects of broadcasting at that time – led to prolonged work on the Broadcasting Act. Moreover, there were competence disputes between various state bodies, for example between the Radiocommittee, National Broadcasting Council, Ministry of Communications, State Radiocommunications Agency, and Prosecutor's Office. It concerned not only who had the authority to grant permission for broadcasting in different periods of time and to what extent, but also, for example, who should prosecute the so-called pirates. Conflicts also arose between the President, the National Broadcasting Council and the Parliament, when the President successfully led to the dismissal of the Chairman of KRRiT and his deputy. Finally, disputes arose among the broadcasters themselves. They concerned the most frequently used frequencies, the power of transmitters and interference with other stations' programs, and personnel and programming issues.

Competition for the airwaves led to antagonism especially in cities, where those willing to broadcast were exceptionally numerous. *Wojna w eterze* [War in

the Airwaves] (Ant, 1994: 3), *Mozart ogłuszony* [Mozart Stunned] (Skawrońska, 1993) are just a few of the titles reflecting the emotions associated with the appearance of Radio Mozart on the Warsaw airwaves. This classical-music-oriented station decided to start broadcasting on a frequency very similar to the one already chosen by the founders of Radio Kolor. They invested in promoting the station on this band and the founders of Radio Mozart, supported by Radio Zet founder Andrzej Woyciechowski, gave them a head start. The situation described above prompted Radio Kolor to begin broadcasting earlier than planned. The greater power of Radio Kolor's transmitters meant that Radio Mozart was forced to move a little further on the radio scale (B.M., 1993: 4).

The competition for listeners was particularly fierce in Łódź. Some of the staff left Radio Parada to found Radio Classic. Not only the greatest personalities of Radio Parada moved to the new station, but also the most popular programs. The founders of Radio Parada filed a report to the court and the National Broadcasting Council in this matter. It led to unpleasant situations. Kazimierz Kowalski from Radio Classic managed to record a phone conversation with Krzysztof Kubasiewicz from Radio Parada, in which Kubasiewicz threatens to "beat his face" and turn him into a "minced meat chop." The recording was handed over to the police (Kraskowski, 1994a: 7). It sometimes happened that the activities of competing stations were also fought on air. Radio Classic, for example, provided false information about its competitors, citing fictitious audience figures for the Łódź stations (Ant, 1994: 18). Disputes were also evident in other stations broadcasting in the Łódź region. For example, Radio Manhattan began broadcasting on the frequency previously occupied by the irregularly broadcasting Radio Dni from Pabianice (Pawłowski, 1993: 10). It was also jamming Radio Piotrków, which forced this radio station to adjust its frequency (Stachaczyk, 2016).

The airwaves war, this time over advertising slogans, continued also in Katowice between Radio Top [meaning "top" or "drown"] and Radio Flash. Flash broadcast the slogan "Nie top się, słuchaj radia Flash" [Do not drown yourself, listen to Flash Radio]. Top took its revenge against Flash – it organized a contest for a holiday photo "without flesh" (Pustułka, 1994: 2). Ideas for other promotional campaigns also caused conflicts. Radio Flash accused rival Radio Top of stealing a promotional idea of sending postcards that participated in a prize drawing.

There were also numerous animosities within the radio stations themselves. Radio Konin is a good example. The owner of the controlling stake of the station Paweł Kotlarski (deputy of Ruch dla Rzeczypospolitej) and the founder of the radio Sławomir Papiera had a dispute over it. The reason for the conflict was political preferences. Even before receiving the license, the majority of the

team, under the direction of Papiera, created a new radio station Radio 66 (S.P., 1994: 3).

There was also a dispute between the Fundacja Obywatelska, which formally ran Radio Obywatelskie, and its originator and founder Robert Gamble. In June 1991, Robert Gamble and the foundation made an agreement. In the Gamble's eyes, it represented an extension of the Solidarity civic uprising that fascinated him. It therefore seemed an ideal partner to run the radio station. The pastor donated $40,000 to the foundation for Radio Obywatelskie (Skworz, 1993: 12). The condition of sponsoring the radio station was to make Gamble the program director. However, it soon turned out that people from the board of the foundation began to claim the right to manage both the property and the program of the station, disregarding the fact that the pastor pays for everything. Although – as it was reported in the press – Gamble was sometimes called "crazy Bob" by the members of the foundation, during this conflict he tried to keep a cool head and not to get carried away by emotions. Gamble financed the radio for five years. As Gamble admits, he invested a lot in it, but he did it consciously and he does not think he lost this money. In Gamble's view, radio "had its time" (2017). The success of the station exceeded the imaginations of its founders. Surveys conducted by OBOP indicated that an average of 9.5% of Poznań residents listened to the radio in 1997. After Robert Gamble's funding ceased, Oficyna Wydawnicza Głos Wielkopolski took over a majority stake in Radio Obywatelskie with the consent of its formal owner, Fundacja Obywatelska. Next, Oficyna commercialized the station, and the originator and longtime sponsor learned through the press that "If Mr. Gamble wants to have a program that fits the new profile of the radio station, we can talk to him about it" (Doliwa, 2018b).

A large part of the editorial team also left Radio Rytm in Lublin. The reason was the controversial figure of the station's founder Marek Podraza, who was subject to court proceedings, including for racketeering. This was the direct reason why the station did not receive a license. The employees wanted to take over the station from the founder and create an employee cooperative. However, the owner of the radio did not agree to this (To, 1994: 3). Due to a conflict with a partner, its founder Przemyslaw Kimla left Radio Marconi (Kimla, 2016), and founder Edward Małek left Radio Hit (Małek, 2020).

Sometimes, though relatively rarely, conflicts occurred between the broadcaster and the listeners. Many transmitters were made by the station's creators themselves, hence, they were often very primitive. As you can read in *Gazeta Lubuska*, the one used for example by Radio Sulęcin was the size of a matchbox. It was powered by a 9-volt battery (Borek, 1994: 5). Such devices were not approved and often caused interference, especially that many people had old receivers, not

adapted to high selectivity of reception of individual bands. The activity of Radio Północ from Koszalin was extremely burdensome for the inhabitants, especially in the initial phase as by installing transmitters in the city center, the Radio made it impossible for many residents to receive any other station (Wam, 1993: 1). At times, the activity of the radio station also interfered with the operation of air service equipment (Alu, 1993: 12).

Chapter V. Not for Profit, but to Serve Local Communities – Characteristics of Emerging Private Stations

Non-commercial Organizational Formula and Goals of Private Stations

Very often, private stations began as grassroots, spontaneous initiatives with the primary goal of having fun, self-realization, serving local communities, and not making a profit. People very rarely treated local stations as a business venture in this initial period of activity. This theme recurs in conversations with representatives of these stations and in the statements of people associated with them, noted by journalists.

For example, in the conversation conducted after many years by Krzysztof Sagan, the employees of Radio Ino, Dariusz Kowalski and Mirosław Amonowicz emphasized the non-commercial character of their activity:

> There were about twenty, twenty-something people and there was somebody to do this program, right. They were all people with passion. None of us thought about money, there was no such thing there – pennies – what money, why money. No. We were happy that we were changing the world, that we were creating some new value. And that was unique for this radio at the time. And that was the fundamental difference between us and the competition, which was from the beginning focused solely on a commercial venture. For them, money was first and radio second. The radio was supposed to be used only to make money. In our case the proportions were probably the other way round (Sagan, b.r.d).

Piotr Kaźmierczak, an employee of Radio Marconi, City and Live from Częstochowa, talks about this approach with nostalgia: "Back then, money didn't matter as much as it does now. Radio was above all a passion, a style and a way of life, a break from reality, a search for adventure and rather an additional job. I, for example, was able to reconcile radio with my job as a railway man" (Cz. LifeStyle, 2010).

Robert Błaszczyk from Radio RTS in Wrocław has similar memories:

> It must be said that the radio station made no profit because it had no settled legal situation. Before it closed down, it was taken over for almost a year by a group of young enthusiasts who, despite not being paid, broadcast a 24-hour program and introduced

> new methods of framing programming for a local, private station and, difficult to prove due to lack of research, were also a strong and noticeable medium in the city (Błaszczyk, 2011).

People also worked for free at Radio Opatów. Irena Szczepańska, associated with the radio station, recalls: "It was something great that there was a radio station in Opatów. If someone gave us a few pennies for an advertisement, we could afford coffee and cakes" (Kędracki, 2000).

Local stations often emerged thanks to the commitment of volunteers. At the beginning they did not pay their employees, which did not limit their enthusiasm for creating the station. Wojciech Jaworski, the founder of Radio Alfa, admitted in the local press that in the first year of its activity the station operated thanks to people who loved radio and were ready to work for free (FEL, 1994: 3). Jaworski confirmed this in an interview 25 years later:

> Back then, nobody thought about money, it was born as an idea, a realization of dreams, student concepts. All those who came to the radio at that time were fascinated, passionate people who wanted to have access to the airwaves and to listeners. To realize their vision, their concept for the program (Jaworski, 2020).

As Jaworski pointed out, without the enormous involvement of enthusiasts it would be impossible to create this radio station:

> The radio guys often didn't leave the radio station for two or three days in a row. That was their approach to the job. They slept at my place. And they used the kitchen to cook food at my place and it worked quite well – I didn't mind. It was convenient for them. I was also very close to them through the wicket door, to host the morning program you just had to get up in the morning, put on a robe and walk through one door and you were on the radio. But of course we immediately started thinking about rebuilding it, that there had to be completely different conditions. By the way, there was a group of fascinated people who wanted to open some kind of program there and they came up with the idea that they were the ones who knew how to do construction work. So we thought to ourselves "we will do everything ourselves, we will rebuild it." Someone there had some connections in Warsaw, where there was better or cheaper access to the equipment. We didn't sleep for three or four nights because we were rebuilding a room which was supposed to be a garage. We built some walls there, a director's room, studio, then we converted another room from a different part of the house. All this was done by people who came to the radio, who wanted to create it. They did it on their own. They not only did not take money, they invested, bought goods. We wanted to make it work. All we had to do was synchronize the work and you could feel that the radio was alive (Jaworski, 2020).

For example, Fryderyk Olearczyk, founder of Radio Delta from Bielsko-Biała, mentioned the non-profit aspect of his business: "Local radio is not made for

money. My investment outlays so far have amounted to 3 billion zlotys. If it weren't for the advertising of nationwide agencies, we would have disappeared long ago. We are just starting to turn a profit" (Trusewicz, 1996).

Quickly, however, most local radio stations became extremely popular. In its wake, the stations began to get more and more money from the advertising market. Already at the beginning of 1992 Radio Zet, which at that time broadcast only in the capital, declared monthly income of 200 thousand dollars a month (Barański, 1992: 7). The founder of Radio El from Elbląg admitted that after three months of activity he was able to make a living solely from advertising:

> Apart from advertising, we have no other sources of funding. Nevertheless, we are financially independent. We have even managed to pay off part of our bank loan. There is enough money for benefits, and the earnings of our radio employees are certainly above the national average (Kasperczyk, 1992: 3).

Among the founders of local stations there were two dominant tendencies – one was associated with local activists whose main goal was not to make a profit, but they had no objection to transforming their venture into a business when such an opportunity arose. The other one concerned those who always put pro-social goals in the first place and they were the main reason for their activity. This does not change the fact, however, that representatives of both groups were involved in creating radio stations not to make money but to do something that seemed important and worth the energy and commitment.

In a 1996 report, National Broadcasting Council published a list of entities interested in typically non-commercial broadcasting, with a strong pro-social goals, which applied for a license in the first licensing process. It included many entities.

Houses of Culture – Radio Applications

1. Culture and Arts Center, Kalisz, Radio Centrum
2. Choszczno House of Culture, Choszczno, Radio Choszczno
3. Zacisze House of Culture, Warsaw
4. Łódź House of Culture, Łódź
5. House of Culture, Ełk, Radio Ełk
6. House of Culture, Piekary Śląskie, Radio Piekary
7. House of Culture, Skierniewice, Radio RSC
8. House of Culture, Nakło nad Notecią, Radio Nakło

Associations and Societies – Radio Applications

1. Students' Club of Warsaw University Branch without Premises, Białystok

2. Citizens' Committee of the City of Krakow, Krakow
3. Polish Association for Health Education and Support to People with Disabilities, Bydgoszcz
4. Inter Media Association, Słubice, Radio Odra
5. Jowisz Association, Jelenia Góra, Radio Jowisz
6. Nasz Żyrardów Association, Żyrardów, Radio Len
7. Association of Polish Television Artists – Television Creative Agency, Warsaw, Radio Eko
8. Rumian Association, Rumia
9. Tarnogóra Radio Association, Tarnowskie Góry
10. Society of Muszyna Region Lovers, Muszyna, Radio Muszyna
11. Society for the Development of Radio Broadcasting in Elbląg, Elbląg, Radio EL
12. Socio-Cultural Society of Germans in Opole Silesia, Gogolin

Foundations – Radio Applications

1. Upbringing Foundation, Podkowa Leśna
2. Ecological Education Foundation "Eko-Radio," Warsaw
3. Civic Foundation in Warsaw, Warsaw, Radio Obywatelskie Poznań
4. Karolina Zamojska's Health Care Foundation, Warsaw
5. Foundation for the Development of Independent Media, Warsaw
6. Foundation for Cultural Development of Gdów Region, Gdów, Radio Blue
7. SOS Foundation for the Defense of Conceived Life, Warsaw
8. Christian Mutual Aid Foundation, Łomianki-Dąbrowa, Radio Mazury
9. Christian Mutual Aid Foundation, Warsaw
10. Voice - Foundation for the Preservation of Polish Heritage, Warsaw
11. World Foundation International Help Foundation, Łódź

Universities – Radio Applications

1. AGH University of Science and Technology, Krakow, Radio Akademickie Kraków
2. Agricultural Academy, Poznań, Akademickie Radio Winogrady
3. The Academy of Agriculture and Technology in Olsztyn, Olsztyn
4. Student Radio Center of the Silesian University of Technology in Gliwice, Gliwice, ORS Ośrodek Radia Studenckiego
5. Białystok University of Technology, Radio Akadera
6. Łódź University of Technology, Studenckie Radio Żak Łódź University of Technology

7. Poznań University of Technology, Radio Afera
8. Rzeszów University of Technology, Studenckie Radio Rzeszów
9. Adam Mickiewicz University, Poznań, UNI FM
10. Maria Curie-Skłodowska University, Lublin, Radio Centrum
11. College of Engineering, Zielona Góra, Akademickie Radio Index

Municipalities – Radio Applications

1. Municipality Lipnica Wielka, Lipnica Wielka
2. Municipality Łomianki, Łomianki, Radio Mazowsze
3. Municipality of the City of Knurów, Knurów
4. Municipality of the City of Lębork, Lębork
5. Municipality of the City of Opatów, Opatów, Radio Opatów
6. Municipality of the City of Piwniczna, Piwniczna
7. Municipality of the City of Proszowice, Proszowice, Radio Łan
8. Municipality of the City of Radomia, Radom, Radio Radom
9. Municipality of the City of Żywiec, Żywiec
10. Municipality of the City of Przytoczna, Przytoczna
11. Kraśnik City Councill, Kraśnik, Wena Kraśnickie Radio
12. Knurów Town Board, Knurów, Radio Fan Rozgłośnia Lokalna
13. Association of Jurajskie Municipalities, Ogrodzieniec
14. Jurand – Association of Mazury Municipalities, Szczytno
15. Association of Wieluń Municipalities, Wieluń, Radio Ziemi Wieluńskiej

Other Legal Entities – Radio Applications

1. Baltic Artistic Agency BART, Sopot, Radio Sopot
2. Power Equipment Modernization Company Remak S.A., Opole, Radio O'le
3. Radio France Internationale, Paris
4. Radio Łan Proszowice, Proszowice,
5. Socio-Political Movement Alliance Poland, Poznań
6. Jantar Cooperative of the Disabled Jantar, Słupsk
7. Provincial Sports and Entertainment Company, Katowice
8. Polish Scouting and Guiding Association, Warsaw, Rozgłośnia Harcerska (KRRiT, 1996).

As National Council admitted itself, most of these projects had no chance of being licensed.

In his description of the phenomenon of pirate stations in Spain, Miguel de Aguilera Moyano proposes dividing them into four main types: *commercial*,

revolutionary, *sectorial*, and *epicurean*. Let us recall that the commercial ones operate for profit; revolutionary are defined as those "which purpose of action is to radically transform the society they address;" sectorial are mainly "involved with certain sectors of society, such as environmentalists, feminists, homosexuals;" and finally, epicurean are those "that broadcast only because of the joy of making radio" (Aguilera Moyano, 1985: 66–67). Attempting to apply the classification proposed by the researcher to the pirate broadcasters of the 1990s, we may conclude that the vast majority of them emerged as epicurean stations, i.e. stations that were born "because of the joy of making radio." Many of them were also sectorial – they were addressed to specific social groups. Only a small number of projects were planned as commercial ventures from the beginning. However, it is difficult to see any stations that Miguel de Aguilera Moyano would classify as revolutionary or anti-system stations. In Poland, private stations in the early 1990s wanted to support the transformation rather than undermine the legitimacy of the nascent democracy, which does not mean that they were uncritical of some of the proposed solutions.

Focusing on non-commercial motives, which were the driving force behind many of the stations emerging in Poland at that time, and at the same time taking into account the division proposed by the Spanish researcher, we may give examples of radio stations fitting into the model of sectorial and epicurean stations, in which generating profits was certainly not the primary goal. Interestingly, some of the projects that did not decide to start broadcasting before receiving the license, but which nevertheless worked on the station concept at the time the pirate stations were established and decided to apply for the license in the first licensing process, can also be assigned to the categories cited above. This is indicated by an analysis of the minutes of the hearings conducted by the National Council during the first licensing process.

Sectorial Stations

Although sectorial stations did not dominate among the emerging private radio stations in Poland, there was no shortage of ideas for profiled stations with clearly defined target groups and missions. This was partly illustrated by the list of entities interested in typically non-commercial broadcasting published by KRRiT mentioned above. Let us take a closer look at some of them.

Radio Mazury from Ostróda is an interesting case. In the minutes of the hearings organized by the National Broadcasting Council (KRRiT) with the applicants for the license in the first licensing process, there is a record, which

presents the specific mission of this radio station. The representative of Radio Mazury at the meeting was Ewa Bryćko, who explained that:

> The foundation does not care about commercialism and financial success, but only about listeners – people. The chairman of the foundation that runs the station stressed that the radio contributed to establishing good relations in the society, people help each other. The program proclaims the joy of life, lack of criticism of anyone, encourages the development of small business, promotes the ethos of work (KRRiT, 1994e).

Sectorial stations also included Radio Jowisz, which aimed to reach "pathological environments to establish contact with them," and Radio SBB Rodło from Bytom, which aimed to "cultivate Silesian traditions in Bytom" and based its activities on volunteer work (KRRiT, 1994n).

Radio Pomoże also had a pro-social orientation and, to some extent, a profiled character. In the minutes of the hearings of the first licensing process we read:

> The main goal of Radio Pomoże is to help people. These people are both young and old, there are charity programs in the application, these broadcasts have many supporters and listeners. Poor people come forward and tell us what they need, the reactions are immediate. In the evening block, the permanent program is devoted to conversations with a psychologist about difficult issues. We reach out to the youth, where young people have the opportunity to learn about all types of schools, the regulars on our programs are employees of educational institutions. There is a Radio Pomoże item in the frame when the reporter on duty takes calls directly from people. In part, we help people off the air. We put emphasis on the local community. Every day there are programs inspired by listeners. We often undertake interventions that are explained on air (KRRiT, 1994d).

The owner declared that he was able to support such a non-commercial radio station from his commercial activity – the Tele-Top company dealing in electronic equipment. Wiesław Wiśniewski, one of the station's journalists, confirmed the pro-social profile of the station's activities:

> We were supposed to go out to the people and we really did. We organized various contests with prizes. People came to us, visited us at any time of day or night, because we also had night broadcasts – until 2–3 in the morning. I also hosted such a night program. They called us with problems and we tried to solve them. The radio was supposed to be community-oriented, different from the typical commercial station I later worked for. I liked the station's programming very much. We did neighborhood meetings, organized games for kids and other outdoor events. Often, we would go into the backyards to the young people and children, we would make up two or three hours of games, and we would report on them. I remember that at one point we had better ratings than the regional public radio. It's a great pity that the owner of the radio station was financially unable to continue operating the radio station in this format in the long term. I still

> keep in touch with the people I met at Radio Pomoże. Those were really cool times (Wiśniewski, 2019).

Radio Obywatelskie, which began broadcasting in Poznań on 70.34 MHz at the end of 1992, stood out even from the diverse offer of pirate stations broadcasting on the air at that time and we may treat it as a radio station which was a hybrid of a sectorial station and an epicurean one. The basic target group, to which the station addressed its program, were people who were not in the center of interest of other stations emerging at that time: the elderly, the poor, the sick, but also the youth. The listeners appreciated this formula of the program, noticing its sectorial character: "Mr. Robert, thanks to your radio I came back to life ... This radio is for us, for the poor and needy. The rich and the happy switch to noisy commercial stations" (Szymkowiak, 1993: 1–2).

The motto of the radio station was "Radio that listens to you." It was launched under the aegis of the Fundacja Obywatelska established in 1989. Robert Gamble who was filled with the need to help the inhabitants of Poznań financed the project. Gamble stressed the community character of the radio station at every step. When asked by a journalist from the *Nowy Świat* newspaper why he claimed that this station was different from others, he replied:

> And have you heard of a radio that doesn't act like a know-all, doesn't overload listeners with information, or dumb down with music, but simply listens to those who call? It could be anyone who wants to share their worries and joys, or just their thoughts on something. Anyone who finds themselves in a seemingly hopeless situation, who is overwhelmed by problems (Bogomilska, 1992: 5).

The important role of the listeners in the radio was also visible in the fact that Robert Gamble asked them for support and opinions in difficult moments for the radio – he preferred the community character of the station. The conflict between the pastor and the foundation authorities, which took place before the radio station received its license, was certainly one of those difficult moments. In a letter addressed to radio listeners, which the pastor paid for to be published in the local press, he explained: "Over the past months we have learned that Radio Obywatelskie does not depend on any individual, not even me. This idea is stronger than any of us" (Bogomilska, 1992: 5).

The sectorial initiatives also included Radio Orzeł Biały, which intended to "build a great community of culture, creating brotherhood with Ukraine, which is close to Poland," and whose representatives informed the National Broadcasting Council during the hearings that "many people volunteered to share their knowledge, even free of charge, through cooperation with Radio Orzeł Biały" (KRRiT, 1994e). Radio Armii Krajowej Jutrzenka [Radio of the Home Army],

which began broadcasting in October 1991 and applied for a license in the first licensing process, also had a decidedly non-commercial and sectorial profile. Classical music lovers were to be addressed by Radio Mozart, which emerged out of love for this type of music rather than a desire to generate profits from its broadcast.

We may also consider some initiatives that were yet to be launched after receiving the license as non-commercial and sectorial. During the hearings in the first licensing process, representatives of the Rumian Association asserted that they planned to create "a low-power radio station, broadcasting only for a few hours a day, based on the social work of the people employed" (KRRiT, 1994d). On the other hand, the Jantar Cooperative of the Disabled intended to set up a radio station "oriented toward the issues of disabled people" (KRRiT, 1994d). Przemyslaw Tomaszewski wanted to create a "community radio for women" in Ursynów (KRRiT, 1994). Profit generation was not the goal of those who applied for the license for Eko Radio as well. During the hearings, the creators of this concept stressed that they "do not treat the radio solely as a profit-making institution as their primary goal is environmental protection" (KRRiT, 1994n).

What is more, in Warsaw, there were plans to launch a radio station for people with disabilities (Radio Karolina) and for the blind (Radio Fonon) (KRRiT, 1994). In 1992, three blind people Sylwester Peryt, secretary general of the Polish Association of the Blind, Witold Kondracki, mathematician, and Marek Kalbarczyk, computer scientist founded the company Fonon. In an interview with *Życie Warszawy*, Sylwester Peryt declared:

> We're not counting on it to be commercial radio. It'll be great if we don't have to pay for it. I don't expect us to make money on it. We want to satisfy the informational needs of our community, because no one has done that yet (Tomala, 1993: 5).

Moreover, Peryt explained for *Słowo* that:

> Fonon will be a radio for the disabled, especially the blind. The company is formed by three shareholders. We are all blind. It is to be a politically independent radio station. Our goal is to spread the idea of humanism and humanitarianism, to fight against all manifestations of intolerance, hatred and contempt for others, to protect the weak, those in need of support and care, to broaden their world view and to strengthen their sense of full social and professional value. We also want to provide them with information, artistic experience, and entertainment. The radio station will provide blind and other disabled people with access to current political, economic, and local news, and more. We would like it to fulfill the role of a daily newspaper. Radio Fonon also intends to bring works of Polish and world literature to the disabled. As a result of the commercialization of radio broadcasting, private radio stations do not broadcast radio plays and literary prose, and current affairs programs, limit the number of literary and artistic broadcasts.

> Our task is also to support social initiatives and actions for the disabled community. Many undertakings, as we know, require an extensive advertising campaign or promotion. Our radio will naturally fulfill this role. We will provide information about job vacancies for the disabled and broadcast programs addressing the specific problems of people with disabilities (Kalbarczyk, 1994: 5).

Radio Karolina run by the Karolina Zamojska Health Care Foundation was also supposed to take care of the sick and the disabled. The eventual profits from the radio were to be used to launch an orthopedic and traumatology clinic in Warsaw. The Radio of the Educational Foundation Varsovia intended to broadcast an educational program for young people. Whereas the Voice – Foundation for the Preservation of Polish Heritage wanted to promote "active civic attitudes, traditional national and Christian values" (KRRiT, 1994r). The creators of the concept of Radio Art argued that their station "is not a purely commercial radio." They intended to promote broadly defined cultural projects on the air (KRRiT, 1994l).

In turn, the Foundation for the Development of Independent Media was to create a network of student stations, with the Radio Akademickie in Warsaw at the forefront. Due to the non-commercial character of the project, it was intended to apply for exemption from the license fee. Other student stations were also non-commercial and community-oriented in nature. The following universities applied for the right to broadcast in the first licensing process: Rzeszów University of Technology, Białystok University of Technology, AGH University of Science and Technology in Krakow, Maria Curie-Skłodowska University in Lublin, Poznań University of Technology, Adam Mickiewicz University in Poznań, Poznań Agricultural University and Agricultural University in Olsztyn (Mirecka-Pawłowska, 1995: 16).

Church-related initiatives are also worth mentioning in this context. Apart from those recommended for license by the Episcopate, which I have already discussed, there were others which applied for a license in the normal way, similarly to other local broadcasters. Radio Lumem, Radio Kurii Diecezji Warszawsko-Praskiej, Radio Niepokalanów of the Franciscan Fathers, Katolickie Radio Ciechanów, Radio Fiat from Częstochowa may serve as examples. Radio Fiat, for example, wanted to pay special attention "to broadcasts for the disabled and lonely," and its owners declared that they were able to fully cover the costs of the radio station's operation and did not count on quick profit (KRRiT, 1994k). In the first licensing process, the Seventh-day Adventists also submitted a proposal to launch their own Warsaw-based station, Radio Głos Nadziei.

These are only some of the ideas for sectorial radio that were born in Poland during the period under review. The National Broadcasting Council did not look

favorably upon the proposals of such stations, perhaps except for church stations for which a special path was created to convert the permits obtained under the Act on the Relationship between the State and the Church into the license. They did not fit into the vision of a professional radio station that would be able to pay for the license and stay on the market for a longer period of time without additional support.

In an interview with Maciej Łętowski, Ryszard Bender, a member of the National Council from the very beginning and later its chairman even classified some of the applications coming from sectorial stations as "projects not of this earth." "For example, in Ciechocinek there was an intention to set up a radio exclusively for patients, and in one of the Pomeranian towns a radio broadcasting from and for the prison" (Łętowski, 1994: 73).

Epicurean Stations Oriented at Local Communities

Many local stations emerged out of love for radio. Often they were created, as mentioned earlier, by enthusiasts of this medium – short-wave radio operators, co-workers of closed-circuit radio stations. As the founder of Radio Hit from Mielec notes in an interview: "radio is a disease, once you get infected with it, you are in it for the rest of your life" (Małek, 2020). Also characteristic of such initiatives emerging in Poland at the time was the strongly emphasized need to serve local communities. These two motivations were inextricably linked, and examples of such stations are endless.

One of these may be Radio Joker, creators of which later applied for a broadcasting license as Radio Blue:

> Let me put it this way, we were enthusiasts. We were a group of people who wanted to fulfill themselves in a certain way, to show their true selves, to exist in a group, to show that we can do something and that we want to achieve something. Everyone worked for free. It was a moment of youthful rebellion. In some circles it may manifest itself in some antics. Well, I managed to convince people to do something like that (Woźniak, 2020).

The station operated very close to Gdów inhabitants, it was created for them and with them. The range of the radio station did not exceed several kilometers.

The founders of Radio Hit from Mielec set themselves similar goals:

> We wanted to make a radio that people would love. We weren't really motivated by any financial goals at the time. We were poor, to tell you the truth, we just wanted to get the radio going by any means possible. Everybody devoted every spare moment they had to the radio. It was unbelievable. For me it was a kind of transfer of what we did in student radio because you didn't take any money there either, after all you dropped out of school just to be on the radio (Małek, 2020).

Radio Fan Ostrowiec was similar in its character. Its founder Paweł Wyrębkiewicz declared in the press:

> I can't live without radio. It is my element, my joy. Anyone who has ever stood behind a microphone will understand me. You are here, and you can be heard tens of kilometers away. No ban can scare me. Search warrants? Terrible for cowards. A pirate studio? That's an even greater adventure (Nowak, 1995a).

One of the volunteers cooperating with the radio station, Magda, explained that "It's not about money. We are far from being in business. Radio is our hobby" (Nowak, 1995a). Noteworthy, due to the lack of financial resources, the radio station never applied for a license.

However, the Society for the Development of Radio Broadcasting in Elbląg (Radio El) requested one, as the applicants saw their station as "a means of integrating society and shaping new thinking among young people in the city" (KRRiT, 1994d).

Jerzy Kalisz, the editor-in-chief of Radio Komunalne Iława, spoke in a similar tone, stressing that it has the character of low-budget neighborhood radio. The applicant emphasized that the goal is to create a radio "for the community" and that he started the municipal radio because "he likes to do it" and that the radio was run without remuneration (KRRiT, 1994c).

The representatives of Radio W from Włocławek also emphasized their community orientation during the meeting with the National Broadcasting Council. When asked if investing in radio was the right investment, they replied that "money is not the only thing that matters, radio is a position which has not been present on the Włocławek market so far." They declared that Radio W follows the example of public service radio and is supposed to be "a radio for society, not only commercial" (KRRiT, 1994e).

Another station, for which generating profits was not a goal in itself, was Radio RMS Złotów, created – as its founders themselves emphasized – by "young people, enthusiasts." When asked to interpret the projected capital increase they disarmingly admitted that they did not know the market and the amount given in the form was made up (KRRiT, 1994f).

In turn, this is how the founder of Radio Alex from Zakopane described his motives: "I'm not planning on making a fortune. I want to do as much as possible for my Podtatrze region. If I think about money, I would like the money earned in Radio Alex to serve the local residents" (KRRiT, 1994l).

Jacek Woleński, editor-in-chief of Radio Piekary defined his radio's mission in a similar way:

> This radio station does not want to be professional and, in fact, it should not. Piekary should be a local radio station that lives for the issues of the city, promotes itself to its residents and to the outside world. It provides comprehensive information about everything that is happening and at the same time reflects the preferences of its listeners. The radio is created with almost amateurish forces, based on the employees who are just learning and growing together with the radio (Bartnik, 1997: 5).

The founder of Radio 13, Andrzej Winiarski, also declared its community, non-commercial character. As Winiarski recalls:

> We set up the studio by ourselves (in my apartment), I installed the first transmitter ... We did it all very spontaneously, focusing primarily on contact with simple, sometimes lost and lonely people. We promoted actions aimed at protecting the environment, we organized help for homeless cats and dogs, we made reports from various events taking place in Przemyśl ... We helped people and made their lives more pleasant without taking any money for it. We did not hurt anyone (Hryńkiw, 1995: 2).

Maria Zielińska, the author of the article about Radio 13, eloquently summarizes the idea and the need for such a station in Przemyśl: "A commercial, private radio station will be focused on making money and nobody will play records with Anna German songs for old ladies. No one is going to ask old ladies to play records of songs by Anna German, nor to convince them that in hard times we have to help each other" (Zielińska, 1994: 14). Everyone at the radio station worked for free.

Many of these stations emphasized community activities from the very beginning. Initially, this was the case with Radio Solidarność, which explicitly referred to the heritage of the underground radio of the 1980s. The radio began broadcasting on VHF in May 1990. It initially broadcast from 1 pm to 2 am from the headquarters of the Polish Association of the Blind and had a wide range – up to 100 km from Warsaw (Kubiak, 1990: 1–2). This was possible, because the signal was transmitted using a leased transmitter in Raszyn. Jerzy Farner, the then head of the station, emphasized that the station was neither political, nor unionist, nor dependent on foreign countries, and its motto became "No one can take your voice away from here." In June 1992, however, the station changed its name to Radio Eska and significant program changes followed – the commercial race for listeners began and the main competitor was Radio Zet from Warsaw.

Typical commercial radio was certainly not Radio Opatów, operating at the House of Culture in Opatów (it was to be co-financed from the municipal funds for culture), or Społeczne Radio Regionalne Leliwa from Tarnobrzeg (KRRiT, 1994p). Radio Bełchatów wanted to be a "civic radio" as well, sharing people's problems (KRRiT, 1994h).

We may also consider some initiatives that were not broadcasting before the first licensing process as non-commercial and epicurean concepts, whose creators would like to serve local communities.

The founders of Radio Gama, who declared to create a community radio for the Krakow districts of Podgórze and Kazimierz, were definitely not focused on making money. At a meeting, the National Broadcasting Council asked: "why the undertaking is so modest" and they were surprised that the station wants to make a living from "listeners' donations" (KRRiT, 1994l). The Zacisze House of Culture in Warsaw also applied for a license; its broadcasting range was to be limited to six kilometers and its operation was to be based on the voluntary work of the radio's creators (KRRiT, 1994r). Czesław Fliśnik, who wanted to broadcast in Nowa Huta, asserted that he "did not want to make money, it was enough for the radio to be self-financing" (KRRiT, 1994l).

Also, the creators of the concept of Społeczne Radio Wrocław [Community Radio Wrocław] were not interested in "maximizing income." They declared that they would try to "use part of the advertising time." They wanted their radio to address mature audience (i.e. people over 40) and children (KRRiT, 1994i).

Radio Ton may serve as another example. The creators of this concept wanted to be a citizen friendly radio station, intending to broadcast on medium wave, but also on VHF band in Radom (KRRiT, 1994o). The representatives of Radio Rekord from Radom also declared that there were no financial motivations to launch a radio station – they were rather interested in "reviving the region" (KRRiT, 1994o). Radio Oko team from Ostrołęka, whose establishment was preceded by the creation of the Society of Friends of Local Broadcasting (Z, 1994: 6), informed that it intended to base its work largely on volunteers.

In turn, Urszula and Andrzej Morawski, who intended to create a small station in Warsaw also indicated their non-commercial motivation. During the hearings, Andrzej Morawski emphasized that he "does not want to make a commercial radio." The radio was to be financed by the applicant (KRRiT, 1994o). When asked by the National Broadcasting Council about financial issues, the team of Radio Galicia, which wanted to broadcast in Rzeszów and Krosno, explained that their goal was not to "make money on radio" (KRRiT, 1994p).

It quickly became apparent that small local stations and those with a clear non-commercial sectorial profile had significant financial problems. Within three months of receiving their licenses, broadcasters were required to pay license and frequency fees for five years in advance, invest in equipment and promotion. This stage has already proved critical for some radio initiatives. Many licensed broadcasters were in arrears with their fees. In 1996, National Broadcasting Council's member Andrzej Zarębski admitted that the average debt of

over 100 operating radio stations amounted to one billion old Polish zloty each, and that more than half of them existed thanks to the additional economic activity of their owners (Modrzejewska, 1996b). Some stations – although they received licenses and began broadcasting – quickly ceased operations. This was the case, for example, with Radio BIT from Białystok (Frey, 1996a). Andrzej Zarębski recalled that the National Broadcasting Council received pleas to quickly revoke the license, because the applicants were subject to bailiff action (Rożyński, 1996).

The Issue of Non-commercial Broadcasters in the Public Debate

As I mentioned earlier, people who started broadcasting in the early 1990s rarely set up radio stations to make money from it. However, in the first Broadcasting Act, there was no place for the non-commercial, community radio sector, and no specific regulations were introduced to support local radio (Sejm, 1992f). Years later, Maciej Wrzeszcz, an author of a publication on the activities of the National Broadcasting Council, called this decision explicitly a mistake:

> Despite various proposals put forward at the time, the authors of the first Polish Broadcasting Act did not decide to include a third type of broadcaster: a community broadcaster, guided in its programming policy, like the public service broadcaster, by certain priorities of its social mission and refraining from advertising. Life later forced people to fill this gap (Wrzeszcz, 2004: 54).

Thus, already at the stage of designing the media system there occurred mistakes for which non-commercial, sectorial but also typically local, small stations had to pay a high price: either immediately – they were not granted the license to broadcast, or later – when they were not able to maintain their position on the market. We may ask the question whether it was possible to avoid this mistake already in the 1990s. There are many indications that it was. Some seeds of awareness of what the commercialization of the airwaves might lead to existed already at the beginning of the transformation period (Doliwa, 2019). There were plenty of people warning against the unreflective application of market logic to broadcast media. In the public debate some circles openly supported the idea of creating three sectors of broadcasting: public, commercial, and community. Journalists, often with work experience gained abroad, Polish and foreign media experts, as well as church representatives spoke out on this issue. Therefore, it is worth taking a closer look at the discussion that took place at that time.[1]

1 It is partially discussed in the article "Market logic versus social gain logic: Polish

The Problem of Non-commercial Broadcasters in the Work of the Commission for Radio and Television Reform and Other Media Bills

On October 9, 1989, the Commission for Radio and Television Reform was established. It's chairman was the well-known Polish media expert Karol Jakubowicz. It was a competent team, which consulted with Polish and foreign experts (Komisja do spraw Reformy Radia i Telewizji, 1991).

Some of the members of this team and invited experts pointed out the dangerous consequences of overconfidence in market mechanisms in the field of media.

In the archives of the Radiocommittee, for example, one can find a study commissioned by the committee and prepared by Professor Peter Bruck of Carleton University in Ottawa, who also represented the University of Salzburg, under the significant title *Bye, bye Wajda, czyli sprzeczność interesów rynku i kultury w radiu i telewizji* [Bye, bye Wajda, or the Contradiction of Market and Cultural Interests in Radio and Television]. In it, we read:

> However, the market does not only bring freedom. It can also cause enslavement. In the field of radio and television, it counteracts the fulfillment of the hope for freedom that it itself stimulates. It conquers entire broadcasting systems and subordinates them to the goal of audience maximization. The market philosophy severely restricts the culture-creating role of radio and television and their freedom to produce comprehensive and varied programming ... Wrong and imprudent are the societies that leave radio and television in the hands of the free market. Market mechanisms allow efficient investment of money, but their functioning must be strictly controlled from the point of view of their influence on the range and diversity of cultural production (Bruck, 1990).

One of the first documents produced by the Commission for Radio and Television Reform under the supervision of Karol Jakubowicz was z broadcast media strategy entitled *Nowy ład w eterze* [New Order on the Airwaves] (Komisja ds. Reformy Radia i Telewizji, 1991). On the first page of the document we may read that the broadcast media system in Poland should consist of three sectors: public, community, and commercial. The public one is defined as "the only one with an obligation to be apolitical, impartial, objective and pluralistic, to strive to offer a program that fully reflects the life of the country and the world, and to meet all the needs of audiences throughout the country." On the other hand, the

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government policy towards community oriented radio stations in the early 1990s" (Doliwa, 2019). However, I would like to expand on this theme in the next subsection.

community sector includes stations created "by and on behalf of various parties, groups, organizations, minorities and local and regional communities." Since this sector "is an essential element of a democratic broadcasting system, there is a need to create forms – at central level and on the ground – to support initiatives for the establishment of this sector and to co-finance existing stations." Despite the fact that tying the existence of community stations to parties in light of contemporary definitions of community media seems difficult to accept,[2] it was a visible and important step in the discussion of the third sector broadcasting problem. The document emphasized that for financial reasons these entities were generally community oriented and that they were hyper-local radio stations.

The complementation of the community and public sector was to be the commercial sector

> composed of private stations financed by advertising and subordinating their programming activities to the goal of profit maximization. The aim of this activity is thus to create an audience for advertising of appropriate size and composition, ensuring that advertisements for particular goods and services will actually be seen by groups that are potential buyers.

Unfortunately, the division of broadcast media into public, community, and commercial sectors is one of the most important proposals of the team, which authorities did not use when creating the final bill.

The head of this committee, Karol Jakubowicz, was convinced of the need to support such non-commercial broadcasters. As Jakubowicz argues in his later publications, the approach to media freedom as "empowerment," the exercise of the right and satisfaction of the need to communicate "in one's own voice," without intermediaries or spokesmen, had already emerged during the design of the new media order in Poland in 1989. It was an integral part of "communicative democracy" and the basis of democracy as a system. At the same time, it

2 Independence from political parties is an important element in almost every definition of community media – for example, in the Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialog, adopted on February 11, 2009 by the Council of Europe, stations run by political parties are explicitly excluded from the definition of community media. The characteristics of community media are identified in this document as follows: independence from government, commercial and religious institutions and political parties; a not-for-profit nature; voluntary participation of members of civil society in the devising and management of programs; activities aiming at social gain and community benefit; ownership by and accountability to the communities of place and/or of interest which they serve; commitment to inclusive and intercultural practices (Council of Europe, 2009).

was opposed to the media model in which power is vested in the representatives and not in those whom it represents (Jakubowicz, 2007c: 174). Karol Jakubowicz notes that this was the model of the media system that the workers fought for in August 1980. Solidarity sought to transform Poland into a self-determining community. Jakubowicz emphasizes that participatory communication satisfies a basic social need and is a prerequisite for the emergence of democracy and self-governance (Jakubowicz, 2007c: 174–175).

Stanisław Piątek, one of the committee members confirms the fact that it was Karol Jakubowicz who was most interested in introducing into the law solutions friendly to non-profit broadcasters:

> It was certainly Jakubowicz's idea, because he was, so to speak, the most interested in these things, but, to be honest, I did not really want to do it, because, of course, there is such thing in the world, but generally in this European legal culture in the field of broadcasting there was the public sector and the commercial sector ... I don't think anyone was particularly keen on this. I have the impression that the members of parliament approached it in the following way: public television – well, you know, it has to be transformed somehow, commercial television – it has to come in, and the third one is a lame creature with which we do not know what to do. It certainly fell out very quickly – I mean at the initial stage of work. I don't remember any project which would be more advanced, so that the third sector would break through there (Piątek, 2020).

Karol Jakubowicz was also active during the drafting of subsequent versions of the law, when the committee he was in charge of had already finished its work and the topic of non-commercial media kept appearing in his statements. For example, in 1992 he was invited as an expert on the media reform by the upper house of Parliament and in the opinion prepared for the Senate he argued that some private broadcasters had goals that could not be financed by advertising. Jakubowicz stressed that:

> Financing them solely from advertising revenue is first – very difficult, and second – ends up commercializing them and losing their community character. Creating the conditions for the survival of these stations therefore requires a conscious decision on the part of the legislator and the state administration to support initiatives of this kind and, first of all, a deliberate policy of assigning authorizations to create and distribute programs. Support for these stations could also consist in charging smaller fees for frequency assignments and granting authorizations, smaller annual fees paid to the State Treasury or fee exemptions and tax relief, or even forms of subsidies (Jakubowicz, 1992b: 7–8).

The joint project of Marek Markiewicz and Confederation of Independent Poland also wanted to favor non-commercial broadcasters. They proposed that church broadcasters, associations, and local governments should be exempt

from the license fee, taking into account the nature of the broadcaster and the program it distributed (Miżejewski, 2005: 119).

During the debate on this project in the Parliament, the Democratic Left Alliance (SLD) also presented an interesting proposal. They pointed out that the collection of fees for the license could result in the elimination of bidders by the National Broadcasting Council, and advocated limiting the fees for the license to the necessary stamp duty, as in the case of press (Miżejewski, 2005: 119).

However, discussions over successive drafts of laws regulating radio and television in Poland focused primarily on the shape and manner of operation of the public service media. This was probably partly the result of the belief in the *invisible hand of the market*, which would best regulate the activities of private stations.

Public Debate with the Participation of Journalists

The dangers resulting from the commercialization of the airwaves was the subject of public debate in the press of the time. Journalists not only warned against treating broadcast media as ordinary businesses, but also postulated support for local stations, and even noted the need to create the third, non-commercial media sector.

For example, in a text for *Gazeta Robotnicza*, journalist Ilias Wrazas warned against the excitement of allowing private entities to broadcast:

> In the discussions preceding the enactment of the law on private mass media, the dominant belief is that subjecting radio broadcasting to the forces of the free market will automatically democratize our information space and thus bring in a polyphony of views, options and axiological preferences. Also in this case, the debaters cannot free themselves from the illusion reigning in Poland today that private property and the free market are thinking entities that know perfectly well what serves the common good ... A private radio station is a commercial enterprise, like every such enterprise it is profit-oriented. It is known that the biggest income of private radio stations comes from advertisement. The greater the number of listeners, the greater the revenue from advertising. Thus, the goal of a commercial radio station is not to produce programs but to produce listeners. It is already a proven fact that the free market of mass media is not synonymous with the polyphony of views and opinions. The experience of other countries (France, Italy, Germany, the USA, etc.) has shown that the free play of market forces will lead to the stagnation of most private broadcasting stations. In their place, several stations are created, very often bringing together other media (press, video, cinema). So instead of the promised polyphonic chorus, what remains is a few voices singing in unison. None of these stations will care about changing the status quo. The idea of private radio broadcasting, which was supposed to break the information monopoly of state stations, will turn into its caricature. These stations will produce a citizen without

> conflicts with the state. So why not include in the discussion of private broadcasting a topic of how to limit their extreme commercialization? Perhaps, we should create social committees made up of professionals who would oblige individual radio stations to devote several hours a day to non-commercial activities, without (brain) washing powders (Wrazas, 1992: 5).

At that point, some people had already highlighted the difficult situation of local stations, which should be an important part of the media system. An appeal for their support appeared, for example, in an article published in the daily *Nowy Świat* entitled "Your Mayor Speaking:"

> Local radio stations have no subscribers. They have to earn money on their own. So they try to cut costs. They broadcast music and commercials, they duplicate world news agencies. Local information would require the development of a network of correspondents, including social scientists penetrating local environments. The threat of commercialization may be multiplied by the planned act on radio broadcasting (if it is finally passed). The legislators envisage high fees for obtaining licenses, using frequencies, etc. Meanwhile, it should be the other way around. There should be an incentive to set up local stations that would perform a kind of public and pro-government service. This is how it is in Western countries, where local radio serves to establish local contacts, organize neighborhood self-help, and support social action. Legislators do not seem to notice the advantages of local radio; what is more, by introducing high fees, they make it difficult for it to fulfil its public function (Pawlas, 1992: 7).

Moreover, there were many voices directly claiming the need to create the third, non-commercial radio sector. One example of discussing the problem of the need to take care of the interests of local communities, supported by interesting examples of how non-profit radio initiatives work in the world, is the text from *Kurier Polski* by Maria Wronkowska:

> In the new information order, ensuring a fully open and pluralistic information policy, the so-called community sector should be guaranteed some financial relief. There are many voices warning about the danger of the television system being dominated by private commercial stations – created, of course, with foreign capital (Wronkowska, 1990: 3).

An interesting article on this issue appeared also in *Tygodnik Solidarność* in 1991. It recalled not only the history of European pirate broadcasters broadcasting from ships, but also interesting solutions, in force at the time of writing, to protect non-commercial local broadcasters, applied in the Netherlands, Scandinavian countries, the United States, Australia, and Canada (Wojciechowski, 1991: 8).

In the early 1990s, some experienced journalists involved in the creation of new media entities also realized that having only two sectors – public and

commercial – was not enough to respond to social needs. One of them was Radio Zet founder Andrzej Woyciechowski, who had previously worked for Agence France Presse and was also associated with Radio France Internationale, the Polish section of the BBC, Radio Free Europe, and the newspapers *Libération* and *Le Monde*. Woyciechowski was critical of the adopted assumptions of the media law and raised the issue of the need to support non-commercial entities, even though his station was evolving into a commercial project. In the *Cash* weekly, Woyciechowski explains his position as follows:

> We have become one of the few, who knows if not the only country where radio broadcasting is divided differently than in most other countries in the world. Around the world radio stations are divided into public, private, and community ones. The latter, which also include church stations, are financed by budgets, a special tax paid by the owners of private stations and partly by subscription fees. In no way can community radio stations compete with commercial radio stations in terms of gaining profits from advertising (Jórczak, 1994: 8–9).

Woyciechowski also addressed this topic during a confidential meeting between National Broadcasting Council's representatives and applicants for nationwide broadcasting licenses. This time, however, Woyciechowski refered to the third radio sector as "local government stations." However, it is clear from the context that he was talking about small local non-profit, community stations. The minutes of this meeting stated:

> Woyciechowski ... pointed out that the Polish legislator ignored the important problem of local self-government radio stations, which, contrary to commercial and public radio stations, should be governed by different laws. In France, for example, there is a pool designated for local government broadcasters, for the maintenance of which private broadcasters pay appropriate fees (KRRiT, 1994s).

American pastor Robert Gamble, the founder of the non-commercial, non-profit Radio Obywatelskie in Poznań, also spoke about community radio sector. Gamble argued, for example, that there is a need to have more than two – public and commercial – broadcasting sectors. Gamble maintained that every city should have four types of broadcasters, public, commercial, community, and religious stations (Ciechanowski, 1993: 5).

Public Debate with the Participation of Church Representatives

The Polish Catholic Church was also interested in the recognition of the non-commercial, third sector of broadcast media in Polish law. It was rightly perceived that the inclusion of Catholic stations in the commercial sector and the obligation to abide by the rules applicable to commercial stations could be

difficult for religious broadcasters. Therefore, its representatives saw the need to establish the third radio sector, of which religious broadcasters could become a part. In 1994, Bishop Jan Chrapek expressed his opinion on this subject in the weekly *Cash*:

> We are opposed to the term commercial radio stations being used to describe all those radio stations that have been established to perform social functions. I think that a more accurate definition would be to call them commercial radio stations with social goals. I think that it concerns not only the Catholic radio but all other radio stations with similar philosophy. We would like Catholic radio stations to broadcast commercials only to the extent that is necessary. We do not want Catholic radio to aim at profit but to fulfil its social function. Therefore, it should be treated differently from the commercial ones and we try to fight for such a status, because we think that it is extremely important for the good of the whole system of communication in Poland (Jórczak, 1994: 8–9).

The Polish Episcopate returned to the issue of the lack of a separate third radio sector – community radio – during meetings with the National Broadcasting Council. For example, one of them was held on January 24, 1995 (KRRiT, 1995e). It was devoted to a summary of the first licensing process in the context of church applications. Bishop Tadeusz Pieronek pointed out that:

> The experience of the past months indicates that the lack of the category of *community radio* has resulted in the lack of adequate forms of describing the reality of Polish radio broadcasting, which negatively affects the conditions of local stations performing a particular social role. The introduced dichotomous division into public and commercial broadcasters leaves radios fulfilling a specific social mission (radios for the disabled, scouting stations, national minority radios, Catholic radios and radios of churches gathered in the Polish Ecumenical Council) etc. on the margins. It is in the social interest to separate these stations, to think about the possibility of their cooperation with the public radio for social purposes and to take into account the financial and legal conditions ensuring their operation under different conditions than commercial stations (the amount of fees for licenses and frequencies, taking into account the social nature of radio and different economic situation than in commercial stations) (KRRiT, 1995e).

Chapter VI. Tidying up the Airwaves

The First Broadcast License Application Process

The first licensing process began with the publication in the daily newspaper *Rzeczpospolita* of "Ogłoszenie o możliwości uzyskania koncesji na rozpowszechnianie programów radiowych i telewizyjnych z dnia 28 czerwca 1993 roku" [Announcement on the Possibility of Obtaining a License for the Distribution of Radio and Television Programs Dated June 28, 1993] (KRRiT, 1993a). Along with it, the authorities published *Wykaz stacji nadawczych radiofonicznych i telewizyjnych możliwych do uruchomienia na terenie kraju* [List of Radio and Television Broadcasting Stations Possible to Launch in the Country] with the caveat that the announcement indicated the current status of available frequencies and that the list was subject to minor changes. There was also a reference to Section 35 of the Broadcasting Act, which limits the permissible shareholding of foreign entities in a company receiving a license to 33% and on terms allowing for control of its activities by the Polish side. The frequencies allocated to church stations under the State-Church Act were not included in the offer. These stations were subject to the same licensing process, but its procedure was simplified. In addition, Catholic broadcasters applied for new frequencies from the offer on the same terms as other broadcasters.

As for radio, the list identified 92 frequencies in the medium wave in 29 provinces. For low-power stations up to 1 kW – 109 frequencies in the so-called lower VHF band (66–74 MHz) and 214 frequencies in the so-called upper VHF band (87.5–108 MHz). For high-power broadcasting stations, above 1 kW – 2 frequencies in Krakow and Warsaw in the lower VHF and 124 frequencies in the upper VHF (Wrzeszcz, 2004: 37–38). In the case of ultra-short waves, it was stipulated that the 104–108 MHz sub-band is reserved for the development of DAB (Digital Audio Broadcasting) radio, and for this reason these frequencies can only be allocated to broadcasters for three years. The description that the State Radiocommunications Agency sent to the National Broadcasting Council stipulates that:

> The selection of frequencies in both bands was based on the technical basis adopted at the Regional Conference on VHF Radio in Geneva. Moreover, the principle of maximizing the number of stations (frequencies) was adopted, even at the expense of reducing their ranges, mainly by lowering the radiated power (PAR, 1993).

Due to the poor quality of Polish receivers and their low resistance to interference, the minimum frequency difference was assumed to be 600 kHz for stations located in the same city. Both the National Broadcasting Council and the Ministry of Telecommunications were convinced that the basis of radio broadcasting in Poland should be built on the upper VHF band, as it corresponded to European standards and had not yet been developed (Jórczak, 1994: 8–9). Therefore, authorities assumed that new stations would operate mainly in the upper band, and the lower bands would be treated only as a supplement (Kowalewska-Onaszkiewicz, 1999: 151).

However, the policy pursued in the area of frequencies aroused a lot of controversy. According to media experts, the National Broadcasting Council did not avoid mistakes (Mielczarek, 2007: 51). Of the 437 radio transmitter locations proposed by the National Broadcasting Council in consultation with the Ministry of Communications, as many as 2/3 were in the upper VHF band. In this band, it was definitely easier to get a high-power transmitter (KL, 1993: 1–2). However, the broadcasters applying for a license tried hard to get also a frequency allocation in the so-called lower VHF band regularly used by the listeners.

Eventually, the National Broadcasting Council accepted the broadcasters' arguments and granted many licenses in both the upper and lower bands. However, in some cities, such as Poznań, local stations had to settle for the upper band (Kac, 1995: 2). Trouble with frequency allocation in the lower band also occurred in the coastal belt due to the possibility of interference with Danish and Swedish emergency services (Szubstarski, 1993: 5). However, in practice, the stations that in the first licensing process received initial frequency assignments only in the upper VHF band – definitely less popular – often also broadcast in the lower band – 66–74 MHz (PAR, 1995).[1]

The founder of Radio Alfa recalls the story behind the application for the lower frequency as follows:

> Before we got the license, we had received frequency agreements and we knew that it was only the upper VHF and we immediately applied for the lower frequency. But it wasn't that easy, because it turned out that the frequency interfered with the Gubałówka transmitter. It was very difficult to convince the National Council. Only after Marek Jurek (a right-wing politician, author's note) visited the radio station we succeeded – they gave us the frequency (Jaworski, 2020).

1 An example of such a station is Radio Radom (Miękus, 1994: 1).

The reason for little interest in broadcasting in the upper band was prosaic. Poles did not have receivers adjusted to higher frequencies. There was a real danger that people would not listen to stations broadcasting in the upper bands. Andrzej Woyciechowski, the founder of Radio Zet, remarked that if he were to broadcast only in the upper band, it would be as if he started broadcasting to the moon – no one would be able to hear it (Szubstarski, 1994: 5).

Those who were given frequencies only in the upper band tried to do everything to popularize these higher frequencies. For example, the Kalisz Cultural Center, which had been broadcasting on the upper frequencies since November 1991, came up with an interesting idea of promoting this band. It began to install free converters in the receivers of its listeners (Gajdzińska, 1994b; KRRiT, 1994f). However, Poles themselves also invested in new equipment. For example, the press reported that:

> For several months, the inhabitants of Siedlce and its vicinity have been searching in all stores for a certain type of radio receiver ... The desire to own this type of radio receiver results from its special feature – it has the *Western* band enabling reception of programs on the frequency of 101.7 MHz. Katolickie Radio Podlasie broadcasts its programs in this band (Janikowska, 1992: 2).

Applications for a license for local programs could be submitted until September 30, 1993, and for national, supra-regional, and regional programs the deadline was set for the end of November 1993. The procedure of examining the applications included three phases: preparatory, explanatory, and decision-making. Each of these phases is described in detail in *Uchwała nr 26 KRRiT z dnia 27 lipca 1993 roku w sprawie określenia trybu postępowania przy rozpatrywaniu wniosków o koncesję* [Resolution No. 26 of the National Broadcasting Council of July 27, 1993 on Determining the Procedure for Considering Applications for the License] (KRRiT, 1993i). *Rozporządzenie Krajowej Rady Radiofonii i Telewizji z dnia 2 czerwca 1993 roku w sprawie zawartości wniosku oraz szczegółowego trybu postępowania w sprawach udzielania i cofania koncesji na rozpowszechnianie programów radiofonicznych i telewizyjnych* [Ordinance of the National Broadcasting Council of June 2, 1993 on the Content of the Application and Detailed Procedure in Matters of Granting and Withdrawing Licenses for the Distribution of Radio and Television Programs] stipulates the requirements for a license application (KRRiT, 1993g).

In December 1993, the Ministry of Justice sent a letter to the National Council. It indicated that immediately after the licensing decisions are issued, the National Broadcasting Council and State Radiocommunications Agency are

obliged to file a notice of broadcasters who carry out broadcasting activities even though their applications for licenses have been rejected (Smardzewski, 1993).

On the first deadline, the National Broadcasting Council received 235 radio applications and on the second deadline, there were twenty-four applications submitted. The authorities published lists of applicants in the daily newspaper *Rzeczpospolita* on October 22, 1993 (Markiewicz, 1993d) with an addendum of November 8 (Markiewicz, 1993b) and December 16, 1993 (Markiewicz, 1993c), respectively. It was agreed that the candidates for broadcasters would meet with the National Council and present their offer.

At the February 1, 1994 meeting of the National Broadcasting Council, the representatives developed rules for discussions with applicants called hearings by the National Council. There are discrepancies in the literature concerning who was the originator of these meetings. According to Ryszard Bender it was the Chairman of the National Broadcasting Council Marek Markiewicz (Łętowski, 1994: 58), according to Jarosław Kilias – Bolesław Sulik (Kilias, 2000: 364). It was agreed that each tour group should consist of at least three National Broadcasting Council members, including at least one person performing managerial functions, i.e. the chairman or his deputy or the secretary or the director of the Technology Department. The interviews were to take place in the premises of a selected local public radio station or TV station. Representatives of the voivode and local authorities were invited to the meetings, as well as local branches of State Radiocommunications Agency.

The Chairman of the National Broadcasting Council Marek Markiewicz explained the idea of the hearings with the applicants during the meeting of the National Council in Opole on March 24, 1994:

> The National Council is particularly keen for the applicants to demonstrate to viewers and local communities their readiness to broadcast modern, pluralistic, democratic radio and television programming, so that these undertakings have a real technical basis. This is the essence of these hearings ... We expect answers to the questions: do you have the technical resources to run the program, what specifically do you want to offer in a local program aimed at specific target groups. The hearing procedure is very simple. A designated Council's member presents the main outlines of the application. The applicant is supposed to present their project in an uninhibited, full manner so as to encourage both the National Council and the listeners and viewers of this hearing to believe that this is the best possible proposal. We then reserve the right to ask questions, which is also the right of our guests and experts. We think that the hearing should last no longer than forty-five minutes. This is based on the allocation of time and the number of requests (KRRiT, 1994m).

The Chairman enjoyed great respect both among the members of the National Council and the broadcasters themselves. This is admitted by Edward Małek, founder of Radio Hit from Mielec, who participated in meetings with the National Council during the first licensing process: "Markiewicz at that time seemed like a guru. He knew everything" (Małek, 2020).

The archives of the National Council preserve minutes of the hearings of applicants for local radio frequency assignments, which allows us to take a closer look at the basic areas of interest of the National Broadcasting Council when considering such applications and the course of the meetings. They usually started with the presentation of the National Broadcasting Council members who came to a given meeting. Usually, it was three representatives of the National Council accompanied by several experts. The experts were also available to the applicants if they had any questions. A representative of State Radiocommunications Agency was also usually present at the meetings. After the presentation of the persons and the procedure, the presentation of the application proceeded. This was usually done by a representative of the National Council to whom the application was assigned by drawing lots. This was followed by the presentation of persons representing the applicant, who briefly supplemented the application under discussion. After the presentation, the National Broadcasting Council questioned the applicants.

A similar procedure was introduced in the process of granting of nationwide licenses, which aroused greater interest and emotions. The matter was so important that the Chairman of the National Broadcasting Council informed the then Prime Minister Waldemar Pawlak about the progress of work and the applicants for such licenses. Entities already active on the radio airwaves applied for a nationwide radio license: Radio Eska, Radio Zet, and Radio RMF; the authorities examined the application of the Warsaw Province of the Redemptorist Fathers for a license for Radio Maryja in the same category. Other entities that applied were: Stanley Malinowski Elite Telecomunication Sp. Z.o.o., Polstudio Władysław Kotaba (it applied for the right to broadcast on medium wave), and Radio Info – Alberto Sp. z o.o. Many of them declared foreign capital participation in their undertakings. In case of Radio Eska these were such entities as ABT Trust, Radio Trust and L. Lasocki – holding British passport. When it comes to shares, 20% of Polstudio belonged to Polamed, an American company run by Władysław Kotaba, who applied for the license. The French company B-com Sarl was involved in Radio Info project (KRRiT, 1994b). As we may see from the above list, there were more applicants than available frequencies – it was even difficult to find space for three non-public national stations, which finally got

the license with the proviso that reaching the assumed minimum 80% national population coverage would be achieved gradually.

Applicants for a license for a nationwide radio program were interviewed on January 30–31, 1994, and it was an important event, with an appropriate setting. This is how Maciej Wrzeszcz recounts it:

> It was difficult to direct a better spectacle: the stakes were high, the candidates knew how to praise their goods, but were also nervous, the questions from the Council were inquisitive, often inconvenient, in the hall there were representatives of the President, the Minister of Culture, the Minister of Communications, television and press journalists, cameras – a large audience. Individual candidates, wanting to strengthen their position, appeared accompanied by eminent personalities from the world of science and culture (famous actors, directors) (Wrzeszcz, 2004: 54).

The issue of selecting the broadcasters seeking the greatest broadcasting coverage was so important that the Council decided to meet with the applicants additionally – after the public hearings. During this meeting on February 9, 1994, authorities collected the additions to the application, applicants presented new arguments, and clarified issues already raised. TV and radio applicants for national, supra-regional and regional broadcasting were invited to attend. The minutes of the meeting were classified as confidential. During the discussions, the applicants presented a vision for the development of the station, which varied for each entity. For example, Radio Eska aimed to create "a homogenous network of regional radio stations, complementary and competitive with other commercial radio stations and public radio." Uniformity was to be based on "a uniform format (usefulness, information, entertainment), a uniform addressee (the 30–40 year old generation) and a similar climate of the radio station (cheerful, non-aggressive), as well as on the application of the same principles and procedures of program creation" (KRRiT, 1994s). Information was to emerge on a national and local level. Radio Zet, represented by Andrzej Woyciechowski, declared that it would broadcast a uniform program for the whole Poland, while warning against allowing local splitting of the program and profiting from local advertising by national broadcasters. The founder of Radio Zet warned that this would resemble the situation that existed in France during the first three years of the law. It led to the ruin of local radio stations and the same could happen in Poland,

> because a national broadcaster, whose program costs are covered by national advertising, is able to offer local advertisers virtually any price without incurring any expenses, whereas a local broadcaster must cover the entire cost of the program, which means that for the same advertising time it must set a price that is up to ten times higher (KRRiT, 1994s).

Stanley Malinowski presented the concept of gradual implementation of nationwide coverage. Malinowski declared that the transmitters would initially cover one fourth of the country, and only after three years would they cover the whole Poland. Malinowski wanted to transmit local information. Stanisław Tyczyński, one of the founders of RMF FM, had similar aspirations. However, Tyczyński cared very much about "the possibility of broadcasting events from the given region," apart from the national program (KRRiT, 1994s).

The National Broadcasting Council was interested in political independence of the radio stations applying for licenses. In the case of Radio Eska, the most interest was aroused by the station's relations with Solidarity, and in particular with the Mazovia Region Board. However, during the meeting the representatives of the station strongly distanced themselves from these connections. The Council also asked about the local stations in which Radio Eska had shares, such as the radio stations from Wrocław, Szczecin, and Eska Nord from Gdynia.

In the case of Radio Zet, many questions concerned the radio's relations with Agora, publishing a very popular newspaper *Gazeta Wyborcza*, which originally had a 100% stake in Radio Zet, but which was later reduced to 12%. During the meeting Andrzej Woyciechowski strongly distanced himself from the newspaper's program line and declared independence of the station. Moreover, Woyciechowski also assured that the 29% share of the French radio Europa 1 in the venture would allow for faster development of the station, as it guaranteed the possibility of purchasing equipment at lower prices and the use of modern methods of financial management. Woyciechowski declared that foreign capital will not influence the program.

Additionally, the Council asked all applicants about their minimum expectations regarding the coverage of the station and whether they would be able to accept the allocation of frequencies only in the so-called upper VHF band (KRRiT, 1994s).

First, the Council passed resolutions on granting licenses to nationwide stations. On February 17, authorities decided that Radio RMF FM, Radio Maryja, and Radio Zet will receive licenses to broadcast throughout Poland (KRRiT, 1994w). In the case of Radio Zet and RMF, the nationwide network was to be based on high-power transmitters and in the case of Radio Maryja, whose nationwide coverage was not initially considered, on low-power transmitters.

One of the more controversial decisions of the National Broadcasting Council was to grant RMF FM the right to split its programming into local bands – up to 5% of the time (15% of this time could be commercials). Noteworthy, the station already had some experience in cooperating with local radio stations. For example, a station in Zamość, first called Radio Infobank, then Radio Info,

and finally VOX FM had already retransmitted RMF's program (Jawor, 1996: 6). However, there are numerous examples of cooperation between RMF FM and other local stations before obtaining the license. I will discuss this issue in the next section.

The fact that RMF was granted the right to local program and advertising splitting certainly did not help the development of local radio stations. This is because they had to compete with this radio not only for listeners, but also for local advertising. It was an uneven fight. Using the effect of scale of operations, RMF FM could have offered much lower prices for advertising to local companies. Moreover, the National Broadcasting Council did not decide to limit advertising time for regional public radio stations of the Polish Radio which, despite the fact that most of their operating costs are financed from the license fee, could and still can broadcast the same number of commercials as local stations, which also makes it difficult for such entities to survive.

The authorities interviewed candidates for local broadcasters in the first quarter of 1994 in the following cities: Białystok (February 12–13), Gdańsk (February 12–13), Bydgoszcz (February 18–19), Szczecin (February 24–25), Poznań (February, 24–25), Łódź (March 13–14), Zielona Góra (March 14-15), Wrocław (March 15–16), Częstochowa (March 24–25), Krakow (March 24–25), Opole (March 24–25), Katowice (March 28–30), Rzeszów (April 7–8), Lublin (April 7–8), and Warsaw (April 13–14).[2]

The first information about the National Broadcasting Council's positive decisions on granting the right to broadcast, called promises, started to come to the local radio stations in the following months. For example, on March 31, 1994, such information reached: Kuria Zielonogórsko-Gorzowska and Radio Go from Gorzów Wielkopolski, Tomasz Drobnik from Kołobrzeg, Radio Północ from Koszalin, Janusz Mostowski from Szczecinek, Zbigniew Łazarewicz from Darłowo, Wibor from Nowy Sącz, Tomasz Stachaczyk from Piotrków Trybunalski, Radio Toruń and Radio Gra from Toruń, Andrzej Tauer from Dzierżoniów, Radio Włocławek from Włocławek, Janusz Ceglewski from Ciechocinek, Piotr Gackowski from Kobylica, Municipality of Lębork and Elbląg Radio Broadcasting Development Society (Modrzejewska, 1994b: 2). However, the broadcasters had to wait for the license document. Some did not receive it at all – as it turned out, the promise was not tantamount to a license.

2 I present a detailed analysis of the conduct of these meetings in the next part of this chapter.

The list of licenses granted until March 10, 1995 is included in the National Broadcasting Council's report for 1994. An analysis of that document shows that in the first licensing process, three nationwide stations, two supra-regional networks, and 132 local broadcasters were allowed to broadcast. According to State Radiocommunications Agency, in 1995, before the second licensing process, private broadcasters had 299 frequencies at their disposal, while Polish Radio operated on 152 frequencies (PAR, 1995). In addition, under the Broadcasting Act, Polish Radio was transformed into eighteen State Treasury companies – Polish Radio S.A. in Warsaw and seventeen regional radio stations.

Licenses granted to local radio stations for up to seven years allowed them to run universal or music programming. Local commercial stations generally opted for universal character. The Council recommended that in the verbal layer, which constituted between 10 and 12% of the daily broadcasting time depending on the number of inhabitants covered by the station, half of this time had to be made up of information and journalistic programs on local issues (Mielczarek, 2006: 80).

The comparison shows that among the private stations on the list of active unlicensed broadcasters (excluding those under the State-Church Act, see Table 2), which includes 110 broadcasters, 52 of them received a license in the first licensing process (not all positive licensing decisions resulted in a license) and another ten in the second process. However, not all stations applied for a license. Some disappeared from the airwaves before the first licensing process even began and did not apply for a license due to high costs. An example is Radio Dawinczi from Bydgoszcz (Sagan, 2020a).

Analysis of the National Broadcasting Council's Policy toward Applicants for Local Broadcasting Licenses

Before the First Broadcast License Application Process

The National Broadcasting Council, a new regulatory body established in 1993, was rather not interested in promoting non-commercial projects – on the contrary, during the licensing process, it first took into consideration a good business plan. This was despite the fact that from the very beginning the institution tried to be open to the world and cooperated with European organizations, e.g. on the issue of protecting media pluralism, which is closely related to the departure from the logic based on seeing the free market as the most important regulator. For example, a meeting of the National Council organized by Stanisław Jędrzejewski, the then Director of the Program Office of the Polish Radio, with the

representatives of the American Federal Communication Commission in May 1993, was supposed to broaden the knowledge about the organization of media systems (Mts, 1993: 2). A sign of openness to new ideas in the field of shaping the media system was also the fact that the National Broadcasting Council's expert Karol Jakubowicz was sent to a meeting of the Council of Europe's group of experts on media concentration and pluralism, which took place in Strasburg on September 26–28, 1994 (Jakubowicz, 1994).

However, we have to admit that even in the National Council there were voices that not only commercial but also non-commercial, sub-local entities are a valuable element of the Polish airwaves. "This is the dilemma: whether to accept only commercially oriented professionals or to grant a license to an enthusiast" – these were the thoughts of Maciej Iłowiecki, the first Deputy Chairman of the National Broadcasting Council (Kalbarczyk, 1994: 5).

Unfortunately, neither the Broadcasting Act nor the policy of the National Broadcasting Council envisaged any special formula for dealing with such broadcasters and when considering license applications the main focus was on analyzing the financial standing of the applicants. Ryszard Miazek, a member of the Council at that time, openly admitted it in *Rzeczpospolita*:

> We have not yet considered how to treat "non-commercial" stations ... We haven't had to. We will define the rules with the first decisions on local stations. However, the analysis of the applications shows that they are not very professional, without adequate financial security, so it is difficult to say whether a given radio station makes sense. Should it really push a commercial rival out of the market for a license that is better secured financially? One should follow the principle of professionalism (Modrzejewska, 1994a).

It is hardly surprising that non-commercial broadcasters were anxious about the upcoming licensing process. "We won't be able to afford to buy the right to broadcast. Apparently there will be a new band designated for radio next year. But it will be taken by whoever pays more. Certainly not us." Marcin and Jacek, the founders of Radio Plus from Dąbrowa Górnicza, complained in the newspaper *Gazeta Katowicka* that they decided to close the station after the inspectors from State Radiocommunications Agency visited it in 1991 (Drąg, 1991). "We're afraid of it," the Radio Afera journalists admitted. "We are not professionals and we treat radio as great fun. Others can easily outbid us" (Ciechanowski, 1991: 2). Some of the stations immediately gave up because of the difficulties associated with the need to operate on a commercial basis. This was the case of Radio VIS from Żywiec, created by a group of enthusiasts:

> Our group did not apply for such a license due to the modest financial resources of the participants in this initiative, the unreasonableness of operating two parallel radio

> stations for a relatively small number of listeners, and the limited financial resources of local businesses, potential candidates for radio advertising, and thus sources of radio funding (Zwierzyna, 2008).

Many stations were trying to find an investor who could support a community radio station run on a cottage industry formula:

> It turned out that you need to be professionally prepared for this, you cannot play on just anything. All the equipment has to be homologated. The transmitter we had didn't work, so we started calculating how much it would cost. We concluded that no matter what we did, we would still not be able to afford it. So we started looking for a strategic investor, as it is now called, and we found one. Zenon Błażej Dołbniak was from Warsaw. At that time, he came to Mielec and created a company called Gepard, which produced retro-style cars (Małek, 2020).

Unfortunately, the introduction of an investor into a radio station often resulted in the change of the station's formula. It became a business venture, in which profit and loss account came to the fore. In the case of Radio Hit, the investor even led to the removal of the station's founder.

The applicants attached great importance to how to present themselves before the National Broadcasting Council and promised themselves a lot after the results of these meetings. They certainly played a significant role in the licensing process. Many decisions were made directly during the meetings. Eryk Woźniak from Radio Joker (later Radio Blue) recalls that he learned unofficially that the radio station would receive a license during the meeting with the National Broadcasting Council (Woźniak, 2020).

The Course of Meetings with Local Broadcasters as Part of the First Licensing Process

To conduct an in-depth characterization of the first licensing process and to answer the question, what was particularly important for the National Broadcasting Council in the context of granting licenses to local stations, especially those of a non-commercial nature, I analyzed in detail 1,000 pages of minutes of the hearings of applicants.[3]

Noteworthy, despite outlining certain general frameworks, the hearings before the National Broadcasting Council did not follow one set pattern, which

3 I have already partly discussed the results of considerations on this topic in the article "Transformacja systemu radiofonii w Polsce w kontekście zmian w Europie Wschodniej. Analiza pierwszego procesu koncesyjnego" (Doliwa, 2021).

was certainly influenced by the different composition of the teams conducting the meetings. The authorities asked many questions. However, it is hard to resist the impression that they were often random and depended largely on the invention of the participants. In the case of some broadcasters, the Council had no questions at all (for example in relation to Andrzej Budacki, who submitted a project of creating Radio Relax). Moreover, the Council did not question all of them equally inquisitively. Nevertheless, the analysis of the questions gives an insight into the main areas of interest of the National Council during the licensing process of local stations.

Authorities recorded all questions posed to the local broadcasters in the minutes. I have transcribed them and then counted (there were 948 of them). Moreover, I categorized some affirmative or negative sentences to which authorities expected an appropriate comment as questions.[4] I assigned the questions to three main thematic categories, covering financial, organizational, and programming matters (some concerned several areas of these activities at the same time and were included in several categories). The analysis of the minutes of the hearings makes it possible to present the policy pursued toward local broadcasters at that time and to determine the nature of the broadcasters participating in the first licensing process (they have already been used in part to discuss the concept of operation of some non-commercial entities). In this part of the book, my aim is to analyze the questions addressed to the candidates for local broadcasters.

Financial Matters

The analysis revealed that financial matters were a very important aspect assessed and analyzed by the National Council – it asked about them 349 times. However, we cannot conclude that they dominated the organizational and program aspects as the Council asked about these issues 377 and 416 times respectively. However, the lesser importance of organizational and program issues in the final assessment can be proved by the statement of the Chairman of the National Broadcasting Council Marek Markiewicz, who, during the hearings held in Opole, admitted that the National Broadcasting Council first expected the answer to the question: "do the broadcasters have the resources for technical preparation to run the program?" and only later inquired: "what specifically do they want to offer in a local program addressed to specific people?" (KRRiT, 1994m). Other participants in the radio spectrum management process also perceived

4 Sometimes, one question was woven into another, so a different methodology for counting questions might lead to slightly different results.

the National Broadcasting Council's role in this way. Filomena Grodzicka from the Ministry of Communications, who initially received requests for frequency assignments, mentions this. In Grodzicka's opinion, the National Broadcasting Council was established primarily to assess "who has the money to maintain either a network or a particular station" (Sagan, 2015).

The primary importance of the financial dimension of the activity may also be evidenced by the fact that, during the hearings of the first licensing process, National Broadcasting Council members often quoted passages from the Broadcasting Act stating that, throughout the licensing process, the National Council should primarily take into account "the likelihood that the applicant will make the necessary investments and whether it is able to finance the program" (Sejm, 1992f). As the then Deputy Chairman of the National Broadcasting Council, Maciej Iłowiecki, admitted, the members of the National Council took this matter very seriously and, for practical reasons, the applicant's financial situation was of great importance in the evaluation process (Iłowiecki, 2016).

Thus, the National Council was particularly interested in the possibility of meeting long-term requirements, such as purchasing an approved transmitter, paying the frequency and license fees, signing agreements with collecting societies, and paying employees. The discussion also covered the applicants' advertising plans and assessment of the local advertising market, budget assumptions, including in particular financial revenues, also from abroad. The Council asked: "is the applicant ready to invest his private assets in the development of the radio?" (Radio Kołobrzeg), "are the financial resources sufficient to sustain the venture?" (Zbigniew Łazarewicz, Darłowo), "is the community of the region able to bear the cost of radio broadcasting?" (Radio Jarocin), "will the radio station be able to afford to pay for the license?" (Radio Delta from Bielsko-Biala), "keeping commercial, ambitious radio on the market. What would it look like?" (Radio Fama, Opole) and about "money from which the applicant intends to finance the activity of the future radio station" (Radio Nysa).

Even in relation to typically non-commercial initiatives, the National Broadcasting Council suggested that it expected such conditions from the broadcasters. The meeting with Zbigniew Tymyk, who worked in a copper smelter and after work broadcast radio programs without politics and commercials in the evenings, serving the citizens of Legnica intermittently since 1972, seems symptomatic in this context (Salamon, 1994: 3). Tymyk made small investments using his own funds. Noteworthy, the citizens of the city really appreciated the activities carried out in this formula. Here is an excerpt from a letter sent to the editorial office of one of the local newspapers:

> I admire you for your perseverance and dedication, I don't think there's another person like you who would have gotten to run and fund a radio station on their own without being involved in politics and on-air advertisements. It would be an injustice if you were not given a license. Don't people get rewarded for sacrificing for others in a good cause? (Salamon, 1994: 3).

When discussing the station's finances in an interview with the Council, Zbigniew Tymyk candidly admitted: "There is no data in the application in the financial balance sheet, but I ask the National Council for understanding. Since I don't have any income, I believe that I am able to maintain this radio station with my own hands" (KRRiT, 1994i). In addition, Tymyk declared his total lack of interest in broadcasting commercials, which the representatives of the National Broadcasting Council were not able to fully understand. Maciej Iłowiecki asked: "Broadcasting commercials is not something reprehensible, so this is just a declaration that you want it that way. Do you consider broadcasting commercials as something bad?" However, the Council asked not only why Studio A was not interested in broadcasting commercials, but also whether it had the money for a license, copyright, an approved transmitter instead of a self-made one, etc. (KRRiT, 1994i). It is true that Maciej Iłowiecki counted Studio A among the group of *noble enthusiasts*, but during the meeting he did not give its creator any hope of receiving a license. The argument of many years of non-commercial activity and a small outlay of resources proved insufficient. Andrzej Zarębski admitted that the radio station had no chance from the beginning: "In Legnica, there is a radio station covering five streets. The transmitter is home-built and will never receive approval, so it is impossible to grant a license" (Modrzejewska, 1994c).

However, there were exceptions to this kind of assessment. Eryk Woźniak, who applied for a license for Radio Blue, recalls that despite the amateur character and poor financial security of the station, he felt that the National Council wanted to grant it a license:

> They wanted to give us this license. We typed the application for a license using a typewriter borrowed from a friend, on such thin paper that I bought in a paper shop, just twenty sheets. In the evening a letter came saying that we must first complete this, that and the other. So we just sat down. We wrote what the frame would look like, what the editors would look like. How we wanted to broadcast it. What hours and so on. It was just, looking back now from today's professional perspective, kindergarten. But we felt that they just wanted to give us the license, they were pulling our ears. We just made a good impression at the audition. We showed a certain need and we were authentic in that (Woźniak, 2020).

Although some stations felt clear sympathy from the Council, it tried to position broadcasters with non-commercial goals as commercial stations and urge them to transform their business model in that direction. Evidence of this can be seen in the question posed to Rozgłośnia Harcerska: "How prepared is the union to secure what is involved in a commercial venture, and how prepared is the staff for that as well?" (KRRiT, 1994r). In turn, representatives of the student-run Radio Akadera from Białystok had to face the question "is the radio station able to change its organizational structure, to adapt to commercialism?," Radio Jowisz, which wanted to broadcast in Jelenia Góra and Wałbrzych, "do they have a commercial radio station in mind?," Radio Kormoran from Węgorzewo "can Kormoran be profitable in the future?," and Radio Blue from Gdów "what do the financial matters look like?"

The lack of a commercial approach to the discussed radio projects aroused surprise and concern. Representatives of Radio Gama in Krakow were asked "why is the project so modest, do you consider it a starting point," and Radio Mozart from Warsaw was asked "how did the radio function for the past year without income?"

During the hearings, the members of the National Council did not hide the fact that community oriented radio projects have little chance to survive on the market. Andrzej Zarębski expressed this during a meeting with the radio of the Educational Foundation Varsovia S.A., which planned to broadcast an educational program. Zarębski noted that "the confrontation with reality may turn out to be unpleasant for applicants if the ideological assumptions are not reflected in an attractive program."

The analysis of the financial situation, checking whether the station will be able to survive on the market, is the most recurrent element of the interviews conducted with the applicants. In practice, almost everyone taking part in the hearings, despite having already submitted relevant explanations in the license application, had to discuss their financial condition additionally.

Also of interest to the Council was the question of the origin of the funds the stations intended to use. Particular interest was aroused by possible funds coming from abroad. Among stations and people asked about it were the Christian Mutual Aid Foundation that operated a radio station in Ostróda, Mariusz Bartelik from Olsztyn, the Rumian Association from Rumia, the Association for the Development of Radio Broadcasting in Elbląg, the Uniphone Company from Bydgoszcz, Radio Obywatelskie from Poznań. Despite the fact that good financial standing of the applicants was very important from the point of view of the National Council, having a foreign investor was not likely to work in favor of the applicants. This resulted, on the one hand, from the legal restrictions on the

maximum share of foreign capital in such projects and, on the other hand, from the deep conviction of the Council about the need to support domestic entities (Kilias, 2000: 382–383).

Program Issues

The analysis of the minutes of the meetings with the candidates for broadcasters allows us to conclude that the program issues were of great importance for the National Council, as they asked about it more often than about other aspects of activity, i.e. 416 times. However, the program, although it was often discussed, was not as important for the National Council as financial issues. The proof of it is the above quoted statements of the National Council's members, and Marek Siwiec's position, who during the meeting summing up the first licensing process called for significant reduction of the documentation concerning the program part. In Siwiec's view, it had "the least influence on the decisions made in the first licensing process – detailed questions about programming, which are impossible to verify both before and after the start of broadcasting, constitute a fiction whose maintenance is questionable" (KRRiT, 1995g). An interesting and often socially relevant program offer was rather an additional asset than a basis for granting the license. Therefore, without adequate resources, *noble enthusiasts*, as the National Broadcasting Council sometimes called them, could hardly count on the license being granted.

An issue related to the broadcasting of the program, which the Council frequently raised during the hearings, was the political affiliation of the applicants. As Deputy Chairman of the National Broadcasting Council Maciej Iłowiecki emphasized during the meeting with applicants organized in Wrocław: "The Council prefers – and does not hide it – when they (the applicants, author's note) declare objectivity, because in this sense it is apolitical in our understanding. Objectivity in presenting all positions of existing political currents and forces in the country" (KRRiT, 1994i). Thus, for example, the Broadcasting Council asked about "the political activities of Piotr Bajer" (founder of the radio station, Radio 5 from Suwałki; author's note;), "is the Piła province threatened by Mr. Stokłosa's information monopoly?" (Pilskie Radio 100 Ltd.), "is there any temptation to associate with political forces from your side or theirs?" (Radio Jarocin), "do you feel associated with any political force?" (Radio WaWa). The National Council was interested in "independence of stations" (Tomasz Drobnik, Kołobrzeg, the Union of Municipalities of Wieluń Land from Wieluń, Radio Mazowsze from Łomianki, Dom Kultury Zacisze from Warsaw, Rzeszów University of Technology, Radio Opatów), "politicization of stations" (Radio Konin), "political

inclinations of stations" (Radio Jarocin, Radio Konin), "political options" (Radio Jura from Ogrodzieniec, Radio SBB Rodło from Bytom, Radio Leta from Wodzisław Śląski, Radio Park from Kędzierzyn-Koźle, Radio Tan-Tan from Bytom, Radio Tarnogórskie Stowarzyszenie Radiowe from Tarnowskie Góry, Janusz Gibek from Chrzanów, Regionalne Towarzystwo Radiowe-Telewizyjne "Emisja" from Katowice, Gerald Hluchnik from Racibórz), "political location" (Radio Oko from Ostrołęka, Radio Rekord from Radom, Radio Boss from Płock) and "pressure on radio" (University of Silesia, Katowice). The National Council also asked "what are the guarantees of independence of this radio?" (Rzeszów University of Technology).

The catalog of ideas on how to find out something about the relations of candidates for broadcasters with politics was even larger. Other questions that addressed these issues were as follows: "how is it with political placement? Would the gentlemen like to declare something or the opposite?" (Społeczne Radio Wrocław Sp. z o.o.), "what is the station's plan when it comes to politics?" (Radio Nysa), "what is the attitude of the local authorities toward the radio station?" (Radio Go from Gorzow Wielkopolski), "will they be independent?" (Radio Bełchatów), "how do you intend to use radio in relation to local politics?" (Radio Skawina), "would you be willing, upon receiving your license, to make an on-air statement that you have no ties to the Solidarity Trade Union?," "can you publicly state that you have no ties to other parties or interest groups?" (Eska Wrocław) and "do you declare or have any particular sympathies with a political camp?" (KKK FM S.A. of Wroclaw). Additionally, the Council asked Stanisław Obertaniec from Radio Legnica "What is your relationship with the local government, with political forces?" (Stanisław Obertaniec, Radio Legnica).

The lack of entanglement in politics was certainly an advantage when considering applications. This is how Eryk Woźniak, who applied for a license for Radio Blue, recalls it:

> I have the impression, of course it is only my impression, that in Krakow, there were many people willing to take frequencies who had various political connections. We didn't come from any system at all. Nobody was behind us. This was our advantage (Woźniak, 2020).

Furthermore, the Council asked about particular programs, especially those that the National Council members found interesting or dangerous. Thus, the representatives of Radio 5 from Suwałki had to answer a question about the program *Na wagary* [Playing Truant], and Radio Pomoże about the program block *Co każdy mężczyzna powinien wiedzieć* [What Every Man Should Know]. The representatives of Radio Ino from Inowrocław had to face the question whether

the name *Nocnik*[5] concerning the night program is a proper one, and the representatives of Radio B from Bydgoszcz had to answer "what is hidden under the heading *Salonowiec. Pół godzinki dla słoninki*" [Saloon Potato. Dinner Siesta]? The Council also asked what is the nature of the show featuring the artist Attractive Casimir *Absurdy i wystawka* [Absurdities and Exposition] broadcast on Radio Gra from Toruń, what is the formula of *Telefoniczne zabawy ze słuchaczami* [Telephone Games with Listeners] aired by Radio W from Włocławek, *Ryzyk Fizyk* [Risky Business] broadcast by Radio Jarocin, *Radio z Amorem* [Cupid Radio] on Radio Elita from Bydgoszcz, *Co mi się śniło* [Whad Did I Dream] by Radio Dzień i Noc from Legnica, *Co słychać u sąsiadów*, *Co mnie drażni – opinie słuchaczy* [How Are Your Neighbors, What Irritates Me – Listener's Opinions] proposed by Janusz Gibek who wanted to broadcast from Chrzanowo, *Dzwonię z mercedesa* [I am Calling from a Mercedes] in Regionalne Towarzystwo Radiowo-Telewizyjne Emisja from Katowice or program *Karabin maszynowy* [Machine Gun] by Radio Puls from Płock.

The National Broadcasting Council was also interested in the notion of a feminist program radio contained in one of the applications (Art. Press SP. z o.o. Lublin), whereas the representatives of the Polish Scouting Association had to explain: "how could an alumnus of the Scouts' Broadcasting Station come up with the slogan 'róbta, co chceta' [do what you want]?"

Others had to answer questions about an important aspect of the program, such as information (Jerzy Kalisz, Iława, Uniphone Company from Bydgoszcz, Radio S Poznań, Radio MRFM from Jeżów Sudecki, Radio Puls from Lublin, Radio Styl from Warsaw), an offer for marginalized groups such as minorities (Mariusz Bartelik, Olsztyn, Radio Kormoran, Węgorzewo, Radio Wama, Olsztyn) and the unemployed (Mariusz Bartelik, Olsztyn). During the Szczecin hearings, the Council attempted to find out what was the share of Polish songs in the program offer.

The National Council was also interested in the competencies of the people who create the program.

Organizational Issues

One of the formal criteria for evaluating applications was the applicant's compliance with the "regulations on radio communication and mass media." In practice, the fact of broadcasting without a license was of secondary importance

5 Literally: potty. Used because the Polish word "noc" means "night."

when assessing the applications, although some broadcasters had to explain this issue. One such station was Radio 5 from Suwałki, which representatives were asked, "why did the radio resume broadcasting in July 1993, even though it was illegal?" The journalists from Radio El from Bydgoszcz had to answer a similar question. Additionally, the Council asked the representatives of Radio Toruń "why did the radio station decide to broadcast without a license?," City Radio Częstochowa about "responsibility for illegal broadcasting," and the representatives of Radio Puls "is your radio on the blacklist?" However, many applicants who also continued broadcasting after the criminal sanctions for broadcasting without a license came into force did not have to explain it.

Some questions concerned technical issues. The Council asked in particular about the readiness to broadcast in the upper VHF band or the possibility of sharing the frequency with another station. There were also frequent questions about the interference generated by some of the stations, the location and power of transmitters, frequencies used, and the issue of paying copyrights.

It seems that an important issue for the Council was the independence of the stations.[6] There were recurrent questions not only about political independence, but also about independence from other broadcasters, foreign capital and larger media groups. Moreover, the Council investigated cases related to the so-called cross concentration – for example plans to combine radio activity with publishing of a press title.

The hearings also showed how active some large stations with national ambitions were in the local broadcasting market. This was probably due to the fact that they feared that they would not receive a license to broadcast over a sufficiently large area of the country and sought to expand their reach by entering into cooperation with local broadcasters.

RMF FM was particularly active in this field. During meetings with local broadcasters, the following entities had to clarify their relationship with the station: Radio El from Bydgoszcz, Radio Elita from Bydgoszcz, Kuria Szczecińsko-Kamieńska, applying for broadcasting in Lipiany and Gryfice, Radio Reja from Szczecinek, Radio Sud from Kępno, Radio Jarocin, Radio Gorzów Wielkopolski, Studio A from Legnica, Radio RMF FM from Częstochowa, Radio Leta from Wodzisław Śląski, Maks from Jasło, Dariusz Pietruszka from Sandomierz, Janusz Pawlak from Stalowa Wola, Infobank from Zamość, Wifon Studio Promotion and Advertising Agency from Kielce. Whereas stations asked about the cooperation with Radio Zet were Agrex Market from Białystok, Radio Rytm from Lublin,

6 I discussed this issue in the section on program issues.

and Radio Mozart from Warsaw. Radio Zet also tried to cooperate with other local stations – for example on July 30, 1992 Radio Zet Poznań was established.[7]

After the Meetings with Broadcasters

Although at the time of the applicants' hearings, non-commercial broadcasters and small, underfunded local entities were not likely to get any favorable treatment, with time the Council's approach to such entities began to change.

We may see that the National Council had some awareness of the need for a separate sector for community broadcasters in the annual activity report published by the Council in March 1995:

> The Church submitted a request to the National Council to consider the possibility of introducing the concept of a *community radio station* – which woul be non-commercial, fulfilling certain general social tasks, analogous to public radio and television (e.g. stations belonging to charitable foundations, scouting radio stations or belonging to churches of various denominations, etc.). In the opinion of the Church, this should have consequences in the amount of fees collected from this category of stations (license and radio communication fees) and enable the establishment and operation of stations which purpose is not profit but a specific social, educational and moral mission. The Council recognizes the legitimacy of such qualification of *community stations*. However, a solution to this problem would require amendments to the Broadcasting Act (KRRiT, 1995h).

During a meeting between the National Broadcasting Council and representatives of the Episcopate on January 24, 1995, Chairman Andrzej Zarębski declared that the National Broadcasting Council was "open to this problem (of creating a category of community radio, author's note), because other entities – besides the Catholic Church – signaled the need for a community radio (KRRiT, 1995e).

This theme continued in a subsequent report. National Broadcasting Council notes that:

> In the vast majority of cases, applicants from this group do not have the financial means necessary to implement the planned investments, to launch the station and to ensure its existence – which most often leads to the refusal to grant the license. In the Council's opinion, the status of this group of radio stations requires separate regulations from

7 It began broadcasting on 68.4MHz and 95.2MHz. The station had to stop broadcasting on the basis of the State Radiocommunication Agencies order. From November 4, 1992, it was already operating under the name Radio Muzyczno-Informacyjne Poznań, and then RMI (Kowalczyk, 2011b: 270).

> the point of view of their independence and the possibility of using the support of legal and natural persons. Therefore, we should consider introducing solutions, either in the course of amending the Broadcasting Act or in some other way that would establish a category of community broadcasters and a system for supporting their activity (KRRiT, 1996).

An ordinance adopted on May 19, 1994 was in favor of such broadcasters. It amended the earlier Rozporządzenie z dnia 3 czerwca 1993 roku w sprawie opłat za udzielenie koncesji na rozpowszechnianie programów radiofonicznych i telewizyjnych [Regulation of June 3, 1993 on Fees for Granting Licenses for the Distribution of Radio and Television Programs] (KRRiT, 1993h). It introduced the possibility of partial exemption from license fees. From then on, entities whose programs did not include commercials and sponsored programs could pay only 20% of the due amount, and those whose commercials did not exceed 2% of the daily broadcasting time and no more than 1.5 minutes per hour – 50%. In the minutes of the National Council, we may find an annotation that already earlier there were thoughts of introducing a provision even more outgoing to the non-commercial entities in the regulation that reads: "Exempted from the fee are entities that demonstrate that their broadcasting activity is not aimed at profit" (KRRiT, 1993b). However, it was not included in the regulation of June 3, 1993 (KRRiT, 1993h).

The Catholic Church was the institution that requested provisions (Pieronek, 1993) and it was Church stations that the Council had in mind when introducing reductions. This is evidenced by the information contained in the report of the National Broadcasting Council of 1995, in which the necessity of adopting such solutions was motivated by:

> Recognition of the special character of Catholic stations as non-commercial private broadcasters and the need to set the fees at a level adapted to the capabilities of broadcasters who, fully or partially give up advertising revenue, and are not able to pay the full amount (KRRiT, 1995h).

The license fee reductions were an important – but far from sufficient – step toward protecting non-profit stations.

Situation after the First Broadcast License Application Process

The work of the National Broadcasting Council was evaluated in various ways. President Lech Wałęsa, who had closely cooperated with the National Broadcasting Council, became increasingly skeptical of its actions. Wałęsa criticized

the National Broadcasting Council for recommending Wiesław Walendziak for the position of President of the Board of Directors of the public service television, and for awarding a nationwide television broadcasting license to Polsat (Mielczarek, 1997). In order to express his dissatisfaction with the proceedings of the National Broadcasting Council, the President even decided to dismiss its previously appointed members – Chairman Marek Markiewicz and his deputy Maciej Iłowiecki – before the end of the first licensing process. Ryszard Bender replaced Marek Markiewicz as the Chairman by the decision of the President, and after his resignation Janusz Zaorski stepped in.

However, the President was not the only one among those holding the highest office who found it difficult to accept the independence of this state body. This can be seen in the debate on the first National Broadcasting Council report, which took place in the Senate on July 1, 1994. MPs made the following statements:

> In a democratic state, parliament and government have the legitimacy of the people to exercise power, including power over radio and television. The complete alienation of the media from state power cannot be tolerated by any government or government coalition.

Similar statements appeared in the Sejm during the discussion the next day (Chruściak, 2007: 352–353). This proves how many problems there were with the creation of a pluralistic media system in Poland and shows the lack of full transformation of politicians' views on the role of the media in society. However, we may conclude that the first composition of the National Broadcasting Council performed relatively well the task of being an independent body. Despite political differences its members were able to cooperate with each other. It does not mean, however, that the Council managed to avoid mistakes.

Among the most important tasks of the National Council was the granting of licenses. The actions in this respect were often subject to justified criticism. The Supreme Administrative Court of Poland criticized the National Broadcasting Council for not using clear criteria and expert assessments when awarding licenses. It also questioned the practice of the National Broadcasting Council to promise to grant licenses to individual stations (promises) before the licenses were actually granted (Modrzejewska, 1996a). Applicants from Radio Sopot recall that on April 22, 1994 they received a fax informing them that "the National Council intends to grant a license." As mentioned before, it happened that some stations, despite the promised approval, eventually did not receive the license. This was the case, for example, with Radio Marconi in Czestochowa. Radio Parada from Łódź also received information that its application was accepted (KRRiT, 1994u), however, authorities later refused to give the license. The

justification for the refusal in the case of the Łódź station was that it distorted the listening figures used to promote the station and broadcast alcohol commercials. Radio Parada decided to fight for the right to broadcast in court. The Supreme Administrative Court of Poland found that "the licensing authority made incorrect findings" (Anko, 1996: 5). Radio Info (Baczyński, 1994: 1) and Radio Eko-Biznes (the refusal was justified by a change of partners) were in a similar situation. They also won their cases in the Supreme Administrative Court (Frey, 1996b; Frey, 1996c). In the judgments, the authorities emphasized that one cannot issue a negative resolution without repealing the previous positive one.

On the other hand, the Association of Polish Private Broadcasting filed a complaint against the decision to grant a license to RMF FM, which included a promise to make more frequencies available in subsequent years. As admitted by the member of the National Council Andrzej Zarębski, similar provisions were also included in the license of Radio ZET, Radio Maryja and Polsat, which raised legal doubts (KRRiT, 1995c).

Both broadcasters and listeners as well as journalists also expressed their dissatisfaction with the policy pursued by the National Broadcasting Council. This was particularly true in the case of valuable programs that were not oriented only toward generating profits, whose applications were rejected. For example, in the pages of the *Trybuna,* one could read:

> Last Wednesday, Radio Mozart went silent because it did not receive a license from the National Broadcasting Council. Supposedly, it was too elitist, because it only broadcast classical music. For me this means silence on the air and a feeling of helplessness. Should we go on strike to defend ourselves from the invasion of intrusive chatter, lecturing, and musical chaff (Nel, za-ga, 1994: 3)?

The analysis of the first licensing process was also of interest to the National Broadcasting Council itself, especially in the context of the upcoming second process. This was reflected in a special meeting of the National Broadcasting Council enlarged by experts and representatives of the National Council Office in Jabłonna, which took place on January 5, 1995. According to the representatives of this institution, during the first licensing process the National Council tried to perform protective functions, it consulted with broadcasters on many issues related to the broadcasting network, and in case of deficiencies in documentation it called upon broadcasters to supplement it rather than reject the application. Moreover, the Council pointed out that one of the applicants that caused most problems for the National Broadcasting Council was Catholic Radio Maryja, because it often changed its mind about the need for capacity and

location of transmitters, which made it difficult to meet the station's expectations (KRRiT, 1995g).

The first licensing process formally ended on December 22, 1994 (Zaorski, 1994). In practice, the Council still issued the licenses at the beginning of 1995. The deadline for submitting applications in the second licensing process was May 26, 1995 (KRRiT, 1995b). On the same day, Janusz Zaorski, the Chairman of the National Broadcasting Council took a stance in which he emphasized that "Broadcasters may only launch stations listed in the license in accordance with the given parameters. Deviation from this rule is a crime prosecuted by law" (Zaorski, 1994). This declaration resulted from the fact that on many occasions broadcasters exceeded their rights despite being granted specific frequencies, power and transmitter locations. Some of them broadcast on frequencies promised in the so-called promissory notes and later unconfirmed in the license (e.g. Radio Zet in Białystok, Gdańsk, and Katowice, Radio Radom) or broadcast in the lower band even though they had not applied for such a possibility (Radio RMS in Piła, Radio El in Bydgoszcz, Radio Pomoże in Bydgoszcz) (KRRiT, 1994y). Sometimes competitors informed the National Broadcasting Council about the fact of broadcasting on inappropriate frequencies, as was the case with Radio VOX from Bydgoszcz (Krupa, 1994). The Scout radio station did not receive any frequency in Warsaw in the first licensing process. Despite this, it continued to broadcast in the capital, knowing that the National Council intended to grant it such a frequency in the next licensing process (KRRiT, 1995f). Thus, the ordering of the airwaves did not end with the completion of the first licensing process.

There was still chaos in some areas. Some broadcasters were still transmitting illegally. Actions aimed at putting the situation on the airwaves in order were taken into consideration again after the first license decisions. On August 19, 1994, Deputy Prime Minister and Minister of Justice Włodzimierz Cimoszewicz convened a special meeting on illegal broadcasters with the participation and representatives of the ministries: National Defense, Communications and Internal Affairs, and with members of the National Broadcasting Council as well as State Radiocommunications Agency (KRRiT, 1994a). At this meeting, the Ministry of Communications pledged to submit an official crime notice to the prosecutor's office for all illegal stations known to it that were broadcasting on military frequencies, which it believed posed a significant threat to state security.

The National Broadcasting Council successively submitted requests for closure of illegally operating stations and the Public Prosecutor's Office intervened. This happened in April 1995 to RRM Radio and Radio 66 from Konin (D.P., 1995). However, Radio 66 did not lose the sympathy of their listeners. For example, a letter requesting

that Radio 66 not be closed was signed by all political groups and 1.5 thousand private individuals (Olbrot, 1995a).

Interestingly, the fact that the relevant broadcasting regulations were adopted did not discourage radio artists from launching new stations without the appropriate permit. Some decided to start broadcasting after the law came into force, but before the licensing process began – for example Warsaw's Radio Jazz. Such broadcasters were treated extremely harshly. In April 1993, Radio Jazz broadcast only two hours in Warsaw (Wróblewski, 1993a: 5). Others, unable to wait for a formally signed license, started broadcasting before they received the license, but after the National Broadcasting Council had made a positive decision in their case.

All the while, new stations emerged, that did not even apply for licenses in the first licensing process. For example, Radio Problem from Łódź began broadcasting in September 1994 (WES, 1994: 1). Between the first and the second licensing process Radio Sulęcin also launched its operations.[8]

Noteworthy, the pirate past continued for some of the broadcasters even after the licenses were granted. The verdict of NSA, issued on April 4, 1996, emphasized that the National Broadcasting Council violated the Broadcasting Act by granting a license to Radio Manhattan (Łódź), which had previously been punished for pirate broadcasting and unauthorized advertising of alcohol; the penalties were imposed at the request of Marek Markiewicz, the then Chairman of the National Council. Despite this, the National Broadcasting Council "finds no contraindications" to granting the station a license. NSA revoked license decisions not only for Radio Mahattan, but also for other stations in Łódź (Modrzejewska, 1996a).

A certain problem was posed by the stations that – although they received the license – did not start broadcasting. This was the case, for example, with Radio Classic and Radio Wieliczka from Krakow (Sadecki, 1996), Mariusz Bartelik's station from Olsztyn (Frey, 1996a) or Radio Jura, allocated with only 30-watt transmitter power, which made it impossible to reach the intended audience (MFK, 1994: 8).

In the minutes of the National Broadcasting Council's meeting of April 19, 1995, we may read that eight illegal radio stations were still operating out of a total of 150 radio and 14 television broadcasters (KRRiT, 1995d). However, the situation in radio and television broadcasting was generally described as good, emphasizing that during the two years of Council's activity, it had mostly succeeded in achieving its intended goals.

8 Preparations to launch the station took two years. The station was finally launched on February 13, 1994 (Borek, 1994: 5).

Noteworthy, the broadcasting license was not the only document the broadcasters had to apply for. It was also necessary to have a location recommendation for the station together with the relevant amendment to the zoning plan, a permit to build a facility harmful to the environment (together with an environmental impact assessment), the consent of the Provincial Sanitary Inspector to launch the station and a telecommunications permit to use broadcasting equipment. The broadcasting legalization process was thus time-consuming and complicated.

Information about the start of the second licensing process was given at a press conference of the KRRiT on February 23, 1995. The relevant announcement was published in the press on February 25 (KRRiT, 1995a). The deadline for submitting applications for the second process was May 26, 1995. Until then, 50 television applications and over 180 radio applications were submitted to the National Broadcasting Council (P., 1995).

Conclusions

In the early 1990s, pirate stations played an important role in the process of expanding the scope of freedom on the air, shaping audience tastes, educating human resources, and integrating local communities. They were also an emanation of the civic initiative of these communities. Their emergence posed a real challenge to Polish Radio, which had been a monopolist for years. Under the influence of the newly emerging stations it was forced to introduce significant changes in the programming formula and to adapt to functioning in the competitive environment. Moreover, pirate stations created pressure to adopt solutions aimed at regulating the broadcasting situation as soon as possible.

Newly emerging private radio stations had a significant impact on the shape of the radio offer. Despite the lack of trained staff, good equipment, broadcasting licenses, and adequate financial resources, private radio stations tried to prepare ambitious programs, aimed at local communities, often with very extensive news about them, which could be envied by many existing local stations. As in the case of the first pirate radio stations both in the UK and in other countries, their style was radically different from that offered by public broadcasters (Scifo, 2011: 96). The radio stations' programming was characterized by originality, eclecticism, spontaneity, and a youthful manner.

All this made the activity of such radio stations a source of pride for local communities. As a rule, there was a consensus across political and economic divides that such stations should receive support. For this reason, the fight against so-called piracy, which the relevant services, such as PIR and later PAR, tried to conduct, was not easy. They could not count on support in this process from local authorities, who often defended local pirates. Listeners of radio stations were also involved in this kind of support. Returning to the subject of similarities between the activity of pirate stations in Poland in the early 1990s and the activity of pirate broadcasters from other countries (RQ1), we may say that these stations *were part of a specific philosophy of pirate stations*, which I attempted to define in the introduction. Let me remind that the elements of this *philosophy* were: the joy of creating a radio in harmony with oneself, creativity, going against the established patterns, readiness to take big risks, the belief that in order to respond to social needs one sometimes has to go against the state and the law, the sense of social mission, a close relationship with the listeners who are ready to fight for their radio, and the real passion for radio. Innovation, creativity, creating messages in a less formalized way and contrasting with the rigid

rules of the public media are characteristics of almost all pirate stations emerging around the world. I tried to show that it is difficult to deny these qualities to Polish broadcasters as well.

Comparing the activities of Polish local radio stations in the early 1990s, which by necessity rather than choice broadcast illegally, for example, with the activities of Spanish pirate stations, we may see numerous similarities. Authors of the article "Alternative Spaces of Freedom during Transition. Brief History of Free Radio Stations in Spain (1976–1983)" (García-Gil, Gómez García, Reguero Sanz, 2018: 1179–1210), state, for example, that the pirate stations set up in Spain during the period indicated in the title were participatory, activist, and non-commercial in character. As I have tried to show in this book, we may sum up the activity of Polish pirate stations from 1989–1995 in a similar way, with one difference: the stations did not have such a strong activist specificity and tried to support the process of political transformation in Poland rather than contest the system. This was understandable, because while in most cases pirate broadcasters around the world could not count on sympathy from the authorities due to the fact that they operated on the edge of the law or in blatant violation of the law, in Poland there was quite a large degree of social acceptance for their existence, even from decision-makers, especially the local ones. People treated the pirate character of the stations as a temporary state of affairs.

Given the close relationships that pirate stations were able to establish with local communities, it is also worth noting the similarities that linked Polish broadcasters of this type with similar initiatives in the UK, particularly from the so-called *second wave* of pirate broadcasts of the early 1980s, which were largely associated with programs aimed at local communities and enabling them to access and participate (Scifo, 2011: 96).

Due to their non-commercial character, close relations with local communities, and involvement of volunteers, *these stations were also close to the model of community radio* (RQ2), in which emergence in Europe and worldwide pirate stations also played a significant role. By operating mainly on a local or regional level and with local audiences in mind, they created a close relationship with listeners, which was beneficial to both sides. Residents of cities and towns gained access to the airwaves and a chance to publicize various initiatives. Moreover, such stations often became centers around which social or cultural life revolved, not only on the air – pirate radio stations were organizers of various events: concerts, meetings, sports competitions, charity actions, etc. By virtue of the fact that one of the important functions performed by the media is the status-conferral function (Lazarsfeld, Merton, 1948), these communities, thanks to local radio, were given a chance to speak out on issues important to them, to

gain subjectivity and self-esteem. *Large* Polish Radio rarely, if ever, reached out to these communities. The newly created local stations also provided opportunities for the community to participate in the production of programming and to influence its form. They also created new jobs in a difficult period when unemployment in Poland began to rise rapidly.

As I tried to illustrate, the fact that it was very rarely for people to create these stations for purely commercial reasons added to such initiatives credibility and sympathy. Many radio station creators did not think about making money of it at the beginning. Frequently, the support came from volunteers who offered their commitment and often invested their own money and equipment in such ventures. It is true that the enormous passion of the pioneers of private broadcasting was usually accompanied by a lack of professionalism. However, this also had positive effects, as the stations were open to imaginative amateurs who could try their hand at radio and bring to life innovative ideas that had not yet had a chance to exist in the radio space. Thus, they operated more for social benefit. Although we can hardly say that they were owned by a given community, they often felt accountable to the community they served, and that community was willing to support them and even fight for the survival of such a radio station when the need arose.

One of the aims of this book was also to show to what extent the transformation of the radio system in Poland was part of a certain pattern of media transformation in other countries during the systemic transformation period, especially in Central-Eastern Europe (RQ3). When discussing the problem of the development of private radio initiatives in the early 1990s, it is worth asking ourselves what theoretical framework this phenomenon fits into. In his book *Mass Communication Theory*, Denis McQuail proposes to complement the classification of media systems created by Fred S. Siebert, Theodore B. Peterson, and Wilbur Schramm (authoritarian, liberal, social responsibility, and communist models) with two additional models: development and participatory democracy. *We may find elements of both of these models in the post-1989 media system in Poland*. The transformation of the broadcast media certainly showed some features of the development model created for developing countries, colonies regaining their independence. Denis McQuail lists the following characteristics of it: poor infrastructure development, lack of capital, skills, knowledge, and audiences needed to sustain media institutions. The similarities relate to the problem of lack of both capital to develop media and the knowledge and skills to create it. However, if we take a closer look at the development of independent radio stations in the early 1990s, we come to the conclusion that they also fit very well into the participatory democracy model. Let us recall that McQuail underlines that in this

model, local information is extremely important, and communication is used for social purposes in small communities. The market is not the overarching regulator of the media system, and participation and interaction become essential (McQuail, 1996: 131–132). Local radio stations of the early 1990s in Poland tried to be as close as possible to their communities and to function in concert with them. The situation was similar in other countries of the region. The end of the 1980s and the beginning of the 1990s in Central-Eastern Europe is often referred to as the *golden age* of media freedom.

However, over time, following the blossoming of grassroots media initiatives in Central-Eastern Europe, including Poland, we could observe a process of political instrumentalization of the media, especially the broadcast media (Bajomi-Lázár, Balčytienė, Dobreva, Klimkiewicz, 2019: 294). As Karol Jakubowicz points out, the new rulers believed that they deserved support and had the right to use radio and television to promote the reforms they were introducing (Paletz, Jakubowicz, Novosel, 1995: 40).

This phenomenon was compounded by another – an overreliance on the free market as the appropriate regulator of the media space. Jane Curry notes that this led, for example, to many new newspapers, created for ideas, not being able to compete with Western formats, not gaining enough readership to make money for themselves, and going bankrupt. The media market began to decline as quickly as it had emerged (Curry, 2006: 105). This problem also affected radio and television stations.

According to Karol Jakubowicz, there was a painful clash with the new reality. It quickly became clear that the systemic transformation was not a recipe for all problems.

> The first [problem] was the anticlimax of the early post-1989 years when it was discovered that the removal of the Communist system not only did not solve all problems, but in fact created a host of new ones; when the leaders of the opposition were found to be squabbling politicians, no necessarily averse to corruption and arrogance ... The second [one] came when the ideas and ideals that had kept the opposition alive and served as an inspiration to rise up against the Communist system had to be discarded overnight as impractical and useless. The third [one] was when the true nature of the capitalist system became apparent (Jakubowicz, 2007a: 370).

An important goal that I set for this book was also to show the media policy conducted in Poland after the fall of communism in relation to private radio broadcasting and to answer the question whether designing a new media order in the field of private radio broadcasting was guided rather by market logic or the logic of social benefit? (RQ4). When answering this question, it is worth pointing out that the institutions that were established to regulate the situation

of broadcasters did not prioritize the activities of community stations and the protection of independent local stations in general. Jarosław Kilias notes that the National Broadcasting Council was primarily focused on ensuring an appropriate position for public television and supporting church initiatives in the airwaves (Kilias, 2000: 384). The issues of granting nationwide private TV licenses were also at the center of interest; to some extent, the contenders for nationwide radio licenses could also count on attention. The fact that Marek Markiewicz, the first Chairman of the National Broadcasting Council, who describes the initial period of the National Broadcasting Council's functioning in his book *Flaczki belwederskie*, almost ignored this area of the institution's activity may attest to the low importance of the issue of granting licenses to local stations (Markiewicz, 1994).

However, from the analysis of hundreds of pages documenting meetings and discussions with applicants during the first licensing process, done for this publication, a picture emerges of an ideal local station from the National Council's point of view, applying for a local license. It is a radio station that has adequate financial resources to start and run its operations, financed by Polish capital, ready to broadcast only on high frequency, politically independent, obeying the law, and having an interesting and well-thought-out program concept. We may ask which of these elements played the most important role. *It is hard to resist the impression that the financial standing of the applicant and a good business plan were the first factors taken into account when granting the license, which indicates that the Council followed market logic*. This problem did not only concern this sector of the economy. Rafał Woś, who describes the process of systemic transformation in Poland, even mentions the *free-market orthodoxy*, dominant at the time among the Polish political and opinion-forming elites. In his opinion, its clearest expression was the *shock therapy* implemented by Leszek Balcerowicz, who in the summer of 1989 received an offer from Tadeusz Mazowiecki to become Deputy Prime Minister responsible for economic reforms (Woś, 2019: 31–32).

The Broadcasting Act, which did not give preference to local or noncommercial stations, obliged the National Broadcasting Council to a certain extent to take a market-oriented approach to the granting of licenses. Therefore, the National Broadcasting Council checked whether applicants could afford to pay the license fee, the frequency fee, and launch, and maintain the station for seven years. It was the selection of broadcasters, taking into account mainly the financial criterion, that was called *professional* selection. We may argue that the commercial character of many local stations was in a way forced by the selection of criteria for evaluation of license applications.

Poland dealt harshly with the first private stations so enthusiastically created in local communities in the early 1990s. You could say that pirate radio – like, for example, in Ireland, as described in the article "Irish Pirate Radio 1978–1988: How Political Stasis Allowed Unlicensed Radio to Flourish and Innovate" (Walsh, Greene, 2020) – has become a victim of regulation rather than its beneficiary. Those stations that emerged as non-commercial initiatives tried to conform to the regulator's expectations in the broadcasting market. However, many home-grown pirates were unable to live up to expectations. Small community-oriented stations tended to remain underinvested and were often run by volunteers, which greatly reduced their chances of obtaining licenses.

Therefore, it seems reasonable to ask, whether it was possible to design a more citizen- and community-friendly media system, especially in the context of private local broadcasting in the early 1990s (RQ5)? As Karol Jakubowicz and Miklós Sükösd point out, we should see the process of transformation of the media system as an element of the transformation of the entire social system and should proceed on both cultural (cognitive, conceptual) and structural (political, economic, institutional) levels (Jakubowicz, Sükösd, 2008a: 9–41). In their considerations, Jakubowicz and Sükösd refer to the publication of Michael Gurevitch and Jay Blumler (1990: 269–289), who formulated eight key expectations concerning media policy in a democratic system. According to Karol Jakubowicz and Miklós Sükösd, some of them *were not fulfilled in the process of radio broadcasting transformation in Poland* but also in many other countries of the region. These are the incentives for citizens to learn, choose and become involved in the creation of media and not just to cheer on the processes that are taking place.

An opportunity for such activity is provided, for example, by the existence of non-commercial community stations, since their primary purpose is not to generate profit but to serve the targeted communities.[1] Unfortunately, although many stations operating under this model were established at the beginning of the transformation and many others applied for broadcasting licenses, no adequate strategy for dealing with such entities was created and they were not provided with adequate conditions for development. Nor were independent local stations given sufficient protection, which resulted in a significant reduction in their number and local character. Therefore, radio began to drift away from the local communities with which it had been so closely associated in the early 1990s.

Could authorities avoid certain mistakes appearing in the process of media transformation in Poland, especially in the local private radio broadcasting

1 I characterized their activity in Chapter II.

discussed in this book? Karol Jakubowicz provides an interesting answer to this question. Jakubowicz notes that in Central-Eastern Europe, by copying certain institutions and models from Western Europe, we were in a way condemned to reproduce, in an accelerated formula, certain mistakes, which with time led the West to develop a media system close to the desired version. One such mistake is precisely the excessive trust in the market as the regulator of the broadcast media. Jakubowicz compares the process of media system formation to ontogenesis and notes how time-consuming and challenging it is. Jakubowicz suggests that phenomena such as a pro-market approach to media regulation should be viewed as a developmental stage that is necessary to create a more mature system in the future (Jakubowicz, Sükösd, 2008a). The fact that building a radio broadcasting system better tailored to social needs, designed in dialog with society from the very beginning of the transformation, was a difficult task, is also indicated by the experience of other countries in the region, where social gain logic often had to give way to market logic.

While reflecting on the relationship between civil society and the media in Central-Eastern Europe in the early 1990s, Beata Ociepka refers to the ideas of complementing the media system with a civic component and increasing the role of citizens in shaping the media offer somewhat indulgently – calling those ideas too idealistic (Ociepka, 2003: 28). According to Ociepka, the proposals for transformation of the media, which assume a certain weakening of the state in favor of strengthening civil society, put forward in this part of Europe, for example by Slavko Splichal and Karol Jakubowicz, are part of the *poetic trend* – too utopian to be implemented (Ociepka, 2003: 53). Looking at this problem from a 30-year perspective, it is hard not to admit that she was right to some extent. These considerations were largely responsible for the fact that the Broadcasting Act contained only two paths for the development of broadcasting: commercial and public one.

However, since one of the goals of this book is to complement the historical narrative concerning this period of media transformation, especially in the context of non-commercial radio broadcasting, it is worth emphasizing that already in the early 1990s in Poland, *there were premises that gave a chance to create a more citizen-friendly order on the air.*

I tried to show in this book that the factors that could have made it possible for not only the two radio sectors, public and commercial, but also the third sector, the community sector, to be introduced into the legal system at the very beginning of the transition include:

- a long history of independent stations, dating back to the communist period – there was a tradition that authorities could refer to when introducing the so-called *third radio sector* into Polish legislation;
- large number of people interested in this form of broadcasting after 1989 – many private stations in Poland in the early 90s were born as non-commercial ventures;
- the public debate about such stations since the early 1990s, which I have tried to reconstruct in this book – that would involve Polish and foreign media experts and also broadcasters themselves, journalists and representatives of the Catholic Church.

In contrast to Beata Ociepka, the author of *Dla kogo telewizja? Model publiczny w postkomunistycznej Europie Środkowo-Wschodniej* [For Whom is Television? The Public Model in Post-Communist Central and Eastern Europe], I believe that we should deem these voices, which contributed to the aforementioned debate, as important, mature and ahead of their time, rather than utopian.

The fact that it was possible to introduce the so-called *third media sector* into the media system in Poland already at the beginning of the transformation is also indicated by the example of Hungary, where the first media law guaranteed a special place for such entities. This comprehensive law regulating radio and television activity in Hungary was adopted relatively late, in 1996. However, it divided the broadcast media market into three sectors: public, commercial, and non-commercial. Moreover, the authorities created a special fund to support non-commercial broadcasters (Velics, 2012). By 2010, Hungary was considered one of the European leaders in the development of this form of broadcasting, with dozens of stations of this type operating in the country.

Thus, there was an opportunity to create a legally recognized third radio sector in Poland already in the early 1990s, but Poland missed it. This left its mark on Polish radio broadcasting in later years. The community radio sector – successfully developing in many Western European countries – exists in Poland in a residual form, and the model of broadcasting according to such formula is not widely known (Doliwa, 2016). In *Radio społeczne – trzeci obok publicznego i komercyjnego sektor radiowy* (Doliwa, 2016), I discuss in more detail the possibility of applying for *social broadcaster* status introduced into the Broadcasting Act in 2001 and how it has not lived up to expectations – only seven radio stations are granted this status and these are exclusively religious entities (KRRiT, 2020). As Karol Jakubowicz points out:

> The institution of the community broadcaster was introduced at the insistence of the Catholic Church and defined in a way that – which can be easily proven – is in fact a

violation of the constitutional principles of equality of subjects before the law and non-discrimination. A debate on this subject still awaits us (Jakubowicz, 2007b: 35).

Local commercial stations also found themselves in a difficult situation. Even those broadcasters that did receive a license (as Table 2 shows, almost half of the former pirates did) had to fight an uneven fight for survival for many years. This meant cutting costs, limiting the ambitious programming formula and, in the end, often allowing the stations to be taken over by large media networks. Radio stations had little chance of survival, especially in the ambitious, community-oriented format seen at the beginning of the transformation period. In a sense, this was a natural process, as amateur private radio stations underwent a phase of professionalization and commercialization. However, it is hard to resist the impression that even those who wanted to operate in a non-commercial, pro-social formula were forced to fit into the commercial framework, which still did not guarantee that many local radio stations could stay on the market. Sometimes, it meant bringing in an investor, who had adequate funds at his disposal, but with time got rid of the radio station's creators and sought to maximize profits from such a venture – this was, for example, the case of Radio Hit from Mielec, described earlier in this book.

Was the gradual disappearance of independent local stations the fault of their creators or perhaps of the policy pursued toward such entities? Apart from the failure to introduce a community radio component to the media system, which drove many stations into the commercial formula or eliminated them from the media landscape, a significant negative impact was exerted by, for example, granting RMF the right to local program splitting and advertising bands. With such a competitor, local broadcasters were unable to compete, especially since RMF FM could offer a much lower price for local advertising, due to the low cost of producing a local program that was broadcast in a very limited capacity. There was also widespread criticism of the high copyright costs imposed on local broadcasters, frequency fees and licensing fees. In the long run, the growth of large commercial radio networks, which began to take over local stations, especially in larger cities, proved to be a threat to them (Michalczyk, 2000: 218–220; Szynol, 2012–2013). This process also requires an in-depth analysis by media researchers.

Despite meticulous attention to the issue of local stations' ties to stronger market players and taking them into account when awarding license, it must be said that in this area, the government policy has failed in the long run. Most of the local entities that were granted licenses in the first licensing process were in the long or short term taken over by large media groups and foreign capital.

It became all the easier by the changes in provisions on the maximum foreign ownership percentage in radio and television after Poland joined the European Union in 2004.

The broadcasters, my interlocutors, point to the facilitations, which the authorities could have offered to the local stations already at the beginning of the 90's. For example, Eryk Woźniak, the founder of Radio Joker and later Radio Blue, emphasizes that the functioning of small, non-profit radio stations on the same principles as large commercial stations made it very difficult for them to function:

> The same rules applied to all radio stations. Authorities imposed exactly the same financial and tax obligations on the big ones and the small ones, reporting obligations, program registration obligations, copyright royalty obligations. All of that could have been simplified. Make some lump sum. You have to know that such small communities are not willing to pay for the maintenance of such media. At some point, the enthusiasm of these young people burns out. It happens when they have to face the reality. For example, you have to buy a console. Even if someone once had it, because he put his money, his savings, made a drop, it will break down one day. At some point, I don't know, lightning strikes, for example in Łazany, at the beginning of this legal radio station we were struck by lightning, it burned all our equipment. And despair came, that's it. Well, because where could we get more funds for it? (Woźniak, 2020).

The founder of Radio Alfa talks about the destructive influence of radio networks on strictly local stations:

> There was no protection and the most disastrous thing was the creation of radio networks that were uncontrolled competition for local markets. Big money came in. These networks had a lot of support from the National Council as well and sold advertising at dumped prices (Jaworski, 2020).

Piotr Sambor from Radio Alex echoes him, although he is one of the few local broadcasters who started broadcasting in the early 1990s, received a license in the first licensing process and managed to survive:

> Above all, these local initiatives were destroyed economically. Please also take into account the fact that here, in Podhale, we were lucky that all people have the initiative. So you can always find a niche somewhere. However, there are places where these economic activities do not exist and practically the only support may be, I don't know, a mayor or a village head (Sambor, 2020).

We may argue that the effects of the *professional* approach, as National Broadcasting Council's members called it, which relied mainly on evaluating the financial standing of applicants for licenses and the lack of protective mechanisms for small local stations is still noticeable in the Polish airwaves today – in the form of

a significant predominance of purely profit-making, commercial initiatives. The only exceptions are religious stations, which number and range indicate exceptional treatment of this non-commercial radio sector. However, the authorities created no protective mechanisms to facilitate the survival of stations with other socially important goals. Forced to compete with large commercial groups on market terms, most of them did not survive in the Polish airwaves. The price of too much trust in market mechanisms is, on the one hand, the lack of at least one truly local radio station in many cities, which would not be a part of some large media group, and on the other hand – maybe even the loss of faith in the sense of pro-civic local activities. Independent local radio stations began to disappear, mainly due to financial problems. The Polish radio market was dominated by standardized formats, in which there was not much room for creativity, localness, and freedom.

Quickly, the enthusiasm for the development of private radio turned to disappointment. Already at the beginning of the new century, journalists noted:

> Radio is now just another money-making machine, an increasingly undistinguished component of the commercial world. It has ceased to be a transmitter of some kind of content and has become a producer of background music which is not supposed to disturb and make life more pleasant. Not to irritate, not to make you think, not to express any content (Bugajski, 2001: 7).

Journalists who created local radio stations at the beginning of the transformation speak critically about the contemporary radio offer. For example, Piotr Kaźmierczak, an employee of Radio Marconi, City and Live from Częstochowa in the early 1990s, can be an example of a statement which, although it relates to Częstochowa, can be translated to the situation in many Polish cities:

> Unfortunately, things have changed for the worse. There are no more local radio stations. There are no original programs and no information from the regions. As for me it is now playing from the so called can. Big corporations, that is radio stations serving us with homogenized mush, musically formatted to the limit. These stations have about 300 imposed songs that are played over and over again. Often there is only one journalist and Częstochowa's stations are dependent on Warsaw or Krakow. In Częstochowa, there are only local Catholic stations left (Cz.LifeStyle, 2010).

Robert Błaszczyk, who was a journalist for several stations in Wrocław established in the early 1990s, speaks in a similar tone: "Original radio has become similar to products from a supermarket, every town has the same, homogenized musical wallpaper. It is easy to get accustomed to them, but they are not very intriguing" (Błaszczyk, 2011: 239–253).

Although the number of stations is growing, the number of types of programs and their genre diversity is decreasing – programs are becoming more similar to each other and more distant from local communities. All this makes us think back with fondness to the times when pirate radio stations were on the air.

As Guy Starkey points out, the existence of independent local stations without special protection and support leads to their disappearance:

> Stimulating localness may ultimately depend entirely on the will of legislators and regulators to keep it alive, wherever in the world it may be found. Distinctiveness may cost disproportionate amounts of money, and the preservation of heritage – both cultural and radiophonic – may require effort and expenditure as well as political will. The big prize remains the expression and stimulation of cultural difference, yet it may just slip from our hands. Regulation of both ownership and content, as well as provision of support funding, may be essential to stem the tide of local radio going global (Starkey, 2011).

However, as Beata Rozumiłowicz notes, one cannot talk about the stage of media maturity if their structure does not include those that are free from interference by the government, business and domination of any social groups. What is more, Rozumiłowicz finds participation to be the key element of democracy. Free and independent media support the social goals of democracy and provide a forum where citizens can express their opinions. They also consider various aspects of socially relevant decisions. A manifestation of the maturity of the democratic media system, influencing the assessment of the media transformation process as closed, is the inclusion the less privileged social groups into the public debate (Rozumiłowicz, 2002: 12–13). These considerations correspond to the proposals of John Keane, a classic in the field of analyzing the relationship between democracy and the media, who urges the maximum possible decommercialization and the re-rooting of the media in the life of civil society, thus freeing the media from state and business censorship (Keane, 1992). Hence, it is worth adding this criterion of evaluation to the historical narrative of the transformation period and noting that, as far as citizens' access to the airwaves is concerned, the process was not successful, especially since there were, as I tried to show in this monograph, indications that Poland had a chance to design its media system with more care for the civic component, understood in this context as the creation of a third radio sector, but also more care for the existence of independent local stations in general.

In the process of pursuing the increasing empowerment of civil society in the media system and supporting local broadcasters, it is worthwhile to draw on the experience of the early years of transition, when Poland witnessed a veritable flood of grassroots media initiatives, especially radio ones as described in this

book. These were often pro-citizen projects carried out by more active members of society. Contemporary radio professionals and decision-makers who influence the shape of the media system can also learn a lot from their experiences. I believe, as did John Anderson who conducted research on the development of pirate radio in the United States, that the experience of pirate stations can "teach us about alternative conceptions of what *the public airwaves* and *the public interest* might mean" (Anderson, 2016: 246).

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Annexe

The starting point for the creation of Table 2 was the annex to the *Informacja o wynikach kontroli gospodarki częstotliwościami* [Information on the Results of the Audit of Frequency Management] of the Supreme Audit Office, containing a list of illegally operating broadcasting stations, as of June 2, 1993, which was prepared in cooperation with State Radiocommunications Agency (NIK, 1993b). During the meeting with applicants in Warsaw, the Deputy Chairman of the National Broadcasting Council Maciej Iłowiecki called it the *black list* (KRRiT, 1994: 14). There are many indications that this census was far from perfect. Many stations were not included in the census and the dates of establishment of radio stations, which are included in the table, are not reliable. Moreover, some of the stations, which began operating in the early 1990s, no longer existed or had temporarily suspended their operations at the time the register was prepared, while many were created after the list was compiled. The list included fifty-five radio stations broadcasting illegally. According to my research, there were many more. Hence, I gradually supplemented and verified the created register. The dates of establishment of radio stations given in the annex to the Supreme Audit Office's report are included in the table in column five. However, as a rule, they are accompanied by other dates (given in column six), which seem to be more reliable, coming from various sources: press articles, source materials published on the Internet, scientific publications, minutes of meetings with the applicants during the first licensing process and direct interviews with the station's creators. Each time a date is given, the source from which it came is included. Often these sources were numerous, and data appearing in various materials sometimes proved to be contradictory. In such cases, I attempted to give the most reliable dates or to include information that they differed according to the source used. Moreover, I have rewritten the information contained in the report of the Supreme Audit Office regarding the person or entity operating the station. In case such data was missing or station was not included in the Supreme Audit Office's document, I completed it based on similar sources to those used for dates. However, we must take into account that in some stations the entities operating them also changed over time.

The table omits stations operating under the State-Church Act. The list of stations that gained the support of the Polish Episcopate to carry out such activities and were legalized is presented in Table 1 and in the notes immediately below it. Noteworthy, some church stations also broke the law by not adhering to the

parameters specified in the permits or by operating transmitters without proper authorization, so they are included in Table 2.

Thus, I created a new, (also imperfect), list of pirate radios from the early 1990s. Certainly, some projects are missing from this list, but it is definitely more complete than the one included in the 1993 report by the Supreme Audit Office, which counted only 55 pirate radio stations. I deliberately omitted some stations because they were small, neighborhood initiatives, whose creators were sometimes called *pajęczarze* [spiders]. A particularly large number of such initiatives emerged, for example, in and around Krakow, where since 1989 broadcasting stations such as Radio Gaga, Radio Klin (later Radio Czad), Radio Al, Radio 13, Radio Debil, Radio MAXX, Radio Yellow, N-Joy radio, and (W)ariackie Adi Krzemionki began operating. Their functioning is commemorated on http://www.radiomalopolska.pl/ukf/ (Radio Małopolska, 2010). In Piotrków Trybunalski, before there was Radio Piotrków, there were also spider initiatives, for example Radio Young Flower, Radio 178 (Doliwa, 2020). In Gdynia, on the other hand, there was Radio Wilkołak. There is plenty of similar examples.

Table 2: Stations Operating without a License from 1989 to 1994.

	Name	City/Town	Owner	Date of creation / Supreme Audit Office's Appendix	Other date	Licenses in the First Licensing Process	Licenses in the Second Licensing Process
1	Radio ABC	Szczecin	Radio ABC Sp. z o.o.	–	June 13, 1993 (Cieszkowska, 1999)	+	
2	Radio Afera	Poznań	Politechnika Poznańska	January 14, 1992	September 30, 1990 (Doliwa, 2008: 160)	+	
3	Radio Alex	Zakopane	Piotr Sambor	–	March 10, 1990 (KRRiT, 1994l)	+	
4	Radio Akadera	Białystok	Politechnika Białostocka	June 2, 1992	May 29, 1992 (Ciszewska, 1993: 2)	+	
5	Radio Alphaa/Alfa	Węgrzce	Wojciech Jaworski	June 26, 1993	January 28, 1993 (Beliczyński 2003: 175)	+	

(*continued*)

Table 2: Continued

6	Radio Arnet	Gdańsk	Radio Arnet Sp. z o.o.	September 8, 1992	July 30, 1992 (Qba, 1994: 6)	+	
7	Radio Bełchatów	Bełchatów	Promotor Sp. z o.o.	January 1, 1993	December 12, 1992 (KRRiT, 1994h)	+	
8	Radio Centrum	Kalisz	Centrum Kultury i Sztuki	June 8, 1992	March 12, 1992 (Kowalczyk, 2011b: 234)	+	
9	Radio Cezar	Gdańsk		–	April 1992 (Mętlewicz, 1992: 7)		
10	Radio City	Częstochowa	Mariusz Herman / Sp. z o.o. Częstochowa	December 22, 1992	December 6, 1992 (Cz.Life-Style, 2010)	+	
11	Radio City	Słupsk	Przemysław Kowalski	December 23, 1992	December 22, 1992 (Mb, 1992: 2)	+	

12	Radio Classic	Łódź	Mirosław Korkosz, Kazimierz Kowalski, Sławomir Komorowski	–	June 12, 1994 (Kraskowski, 1994b: 2)	+ repealed by Supreme Administrative Office	+
13	Radio Dawinczi	Bydgoszcz	Czesław Wiewióra	–	February/ March 1990 (Sagan, n.d.a)		
14	Radio Delta	Bielsko-Biała	Fryderyk Olearczyk	May 20, 1991	April 13, 1991 (KRRiT,1994m)	+	
15	Radio Denat	Malbork	Jacek Łoziński	March 24, 1993			
16	Radio DJ	Chojna	Marek Chwalewski	–	1990 (Sagan, 2019)		
17	Radio Dni (Radio Pabianice)	Pabianice	Rafał Rosiński, Paweł Maj	–	December, 1992 (Pawłowski, 1993: 10)		
18	Radio El	Bydgoszcz	Video Sp. z o.o.	January 2, 1993	December 31, 1992 (TO, 1993: 4-5)	+	

(*continued*)

Table 2: Continued

19	Radio El	Elbląg	Towarzystwo Rozwoju Rozgłośni Radiowej	June 11, 1992	June 10, 1992 (Md, 1992: 1)	+	
20	Radio El/Elka	Leszno	Roman Tabaka/ Michał Konieczny	March 23, 1993		+	
21	Radio Eska	Wrocław	Radio Eska Sp. z o.o.	February 24, 1993	February 22, 1993 (Kłykow, 1993: 22) test signal, March 21, 1993 full program Radio Eska Wrocław (Gmerek-Reichel, 2002: 204)	+	
22	Radio Fama	Sochaczew	Bogumił Czubacki	–	March 6, 1993 (Burz, 1994: 9)	+	
23	Radio Fan	Ostrowiec Świętokrzyski	Paweł Wyrębkiewicz		1990 (Nowak, 1995b)		

24	Radio Flash (Radio Silesia)	Gliwice	PUH HITT	December 23, 1992	December 22, 1992 (TB, 1994: 2) December 23, 1992 (KRRiT, 1994n)	+	
25	Radio Gazeta (Radio Zet)	Warsaw	Radio Gazeta Sp. z o.o.	December 23, 1992	September 28, 1990 (Jurczenko-Topolska, Dubiński, 2015: 35)	+	
26	Radio Gra	Toruń	Spółka z o.o. Radio Gra	–	October 1, 1993 (KRRiT, 1994e)	+	
27	Radio Hit Młodzieżowa Rozgłośnia Mokotowa	Warsaw	Krzysztof Szczepaniak	–	February 26, 1993 (Wilhelmi, Szaciłło, 1993: 3)		
28	Radio I	Inowrocław	Sp. z o.o. (Radio I)	–	August 1993 (Ronge, 1994: 4)		

(*continued*)

Table 2: Continued

29	Inforadio (Harcówka)	Wałbrzych	Inforadio Sp. z o.o.	–	June 1992 (KRRiT, 1994j)	+	
30	Radio Infoserwis	Gdańsk	On the airwaves of Polskie Radio Gdańsk	–	August 1990 (Kubiak, 1990: 1–2)		
31	Radio Ino	Inowrocław	Dariusz Kowalski	–	October 1993 (Z, 1993: 8)		
32	Radio Jack	Poznań	–	–	1992 (Modrzejewska, 1992c: 1)		
33		Częstochowa	–	March 16, 1993			
34	Radio Jazz	Warsaw	Mariusz Adamiak	–	April 12, 1993 (Wróblewski, 1993a: 5)		+
35	Radio Jelenia Góra	Jelenia Góra	Miejski Ośrodek Kultury	–	November 21, 1990 (Szpak, 1990: 2).		

36	Radio Joker (Radio Blue)	Gdów	Eryk Woźniak / Fundacja Rozwoju Kultury Ziemi Gdowskiej	–	1992 (Woźniak, 2020)	+	
37	Radio Jutrzenka	Warsaw	Andrzej Cielecki	–	October 1991 (Wrób, 1991: 1), Earlier December 14, 1981 (Radio Jutrzenka, 2001)		
38	Radio Kolor	Warsaw	MFM Sp. z o.o.	January 9, 1993	January 23, 1993 (Jzv, 1993: 3)	+	
39	Radio Komunalne Iława	Iława	Municipal House of Culture	–	December 24, 1991 (Bs, 1992: 3; KRRiT, 1994c)		
40	Radio Konin	Konin	Agencja Reklamowa Eks Sp. z o.o.	August 18, 1992	August 15, 1992 (Kowalczyk, 2011b: 268)	+ Repelled by the Supreme Administrative Court	+

(*continued*)

Table 2: Continued

41	Radio Kormoran	Węgorzewo	Joanna Zieleniewska	February 20, 1991	April 13, 1990 (Zieleniewski, 2016)		
42	Radio Krzyż Południa	Luborzyce	Ks. Kazimierz Jancarz	–	June 21, 1991 (Rodziewicz, 2020)		
43	Radio Leliwa	Tarnobrzeg	Leliwa Sp. z o.o.	November 11, 1993	October 16, 1992 (Pyrkosz, 1999: 6)	+	
44	Radio Leta	Wodzisław Śląski	WOPUCH Leta	–	April 4, 1993 (Jak, 1994: 2) (two weeks of retransmissions of Radio RMF FM)	+	
45	Radio Life	Krakow	–	–	February 1993 (Gluza, 1993: 1)		
46	Radio Live	Częstochowa	PU Live S.C. Grzegorz Tkacz	February 8, 1993	January 28, 1993 (KRRiT, 1994m)		

47	Radio Lubań	Lubań	Robert Berger, Sławomir Siembida	–	May 28, 1987 (Sagan, 2021a)		
48	Radio Łan	Proszowice	Artur Sumera	–	August 1993 (KRRiT, 1994m) May 22, 1994 (Beliczyński, 1998, 2003; Gmerek-Reichel, 2002: 205)		
49	Radio Małopolska Fun (RMF FM)	Krakow	Krakowska Fundacja Komunikacji Społecznej	–	January 15, 1990 (Kubaczewska, Hermanowski, 2008: 61)	+	

(*continued*)

Table 2: Continued

50	Radio Manhattan	Łódź	RTP	February1, 1993	February, 1993 (first musical messages) March 1993 (first verbal messages) (Lenart, 2009: 103)	+ Repelled by the Supreme Administrative Court	+
51	Radio Maraska	Krakow	S.C., Krzysztof Dadak	February 2, 1993	February 8, 1993 (Fel, 1993: 2)		
52	Radio Marconi	Częstochowa	Przemysław Kimla / Dariusz Bergiel	February 15, 1993	June, 1992 (KRRiT, 1994m)		
53	Radio Mazury	Ostróda	Fundacja Wzajemnej Pomocy Chrześcijańskiej	–	July 2, 1992 (on the basis of the permission of the Minister of Communications on medium wave) (Sagan, 2013b)		+

54	Radio Międzychód	–	–	–	February 22, 1993 Sagan (2021b)		
55	Radio Mielec, (Radio Hit)	Mielec	Edward Małek/ Społeczny Komitet Budowy Rozgłośni Regionalnej	January 14, 1993	March 1992, from December 1992 – Radio Hit (Warzocha, 1993: 6)	+ as Radio Hit	
56	Radio Mozart	Warsaw	Fundacja Mozart	January 4, 1993	December 31, 1992 (Szaciłło, 1993a: 1–2)		
57	Radio MRFM (Muzyczne Radio Góra Szybowcowa) Szybowcowa	Jelenia Góra/ Jeżów Sudecki/	Ryszard Pragłowski i Janusz Malik	December 21, 1992	November 1992 (RadioPolska, 2015a; Kłykow, 1993: 22; sam, m.t.s, eka, mt 1993) February 1992 (KRRiT, 1994j)	+	
58	Radio Obywatelskie	Poznań	Fundacja Obywatelska	October 3, 1992	October 19, 1992 (Zag, 1992: 2)	+	

(*continued*)

Table 2: Continued

59	Radio Oko	Ostrołęka	Company "Radio Oko"/ Tomasz Rybacki	–	December 18, 1993 (Z, 1994: 6)	+	
60	Radio O'le	Opole	Przedsiębiorstwo Rekonstrukcji i Modernizacji Urządzeń Energetycznych REMAK	February 15, 1993	February 5, 1993 (Majcher, 1993a: 15)	+	
61	Radio One	Częstochowa	Przemysław Kimla	–	In the middle of 1993 (Dzierżyńska-Mielczarek, 2012b: 96)		
62	Radio Opatów	Opatów	Urząd Miasta i Gminy Opatów	–	February, 1990 (Radio Opatów, 2012)	+	
63	Radio Orzeł Biały	Pawłówko/ Bydgoszcz	Fundacja "Pro familia"	–	May 20, 1992 (Wos, 1992)		

64	Radio (Rock) Parada	Łódź	Ewa and Krzysztof Kubasiewicz	–	June 26, 1993 (Kraskowski, 1994b: 5)	+ (negative decision repelled by the Supreme Administrative Court)	
65	Radio Parafialne Zbrosza Duża	Zbrosza Duża	Czesław Sadłowski	–	November, 1989 (Sagan, 2014a)		
66	Radio Parafii Nawiedzenia Najświętszej Maryi Panny w Skomielnej Czarnej (Ain Karim)	Skomielna Czarna	Parafia Nawiedzenia Najświętszej Maryi Panny	–	1992 (Sagan, 2013a)		

(*continued*)

Table 2: Continued

67	Radio Park	Kędzierzyn Koźle	Promaren	March 13.1993	February 27, 1993 (Lakomy, 2012: 91; Waw, 1993: 22)	+	
68	Radio Pcim	Pcim	Gminny Ośrodek Kultury	September, 1992	September 21, 1990 (Jasiewicz, 2011)		
69	Radio Piekary	Piekary Śląskie	Miejski Dom Kultury w Piekarach Śląskich	–	June/July 1994 – experimental program for two weeks (Culak, 1996: 9).		+
70	Radio Piotrków	Piotrków Trybunalski	Tomasz Stachaczyk	July 28, 1992	June 1, 1992 (Płomiński, 1992: 4)	+	
71	Radio Plesino	Pszczyna	Szymon Tomczykiewicz	February 15, 1993	February 13, 1993 (Bienias, 1994: 3)	+	
72	Radio Plus	Dąbrowa Górnicza	–	–	1991 (Drąg, 1991)		

73	Radio Problem	Łódź	–	–	September 1994 (WES, 1994: 1).		
74	Radio Północ	Koszalin	Leszek Malinowski / Radio Północ Sp. z o.o.	February 14, 1993	February 14, 1993 (Redakcja Radia Północ, 2003)	+	
75	Radio Puls	Lublin	Lechea Sp. z o.o.	December 18, 1992	December 18, 1992 (KRRiT, 1994o)		
76	Radio Puls	Płock	Elżbieta Czeremańska-Gocławska	–	March 15, 1993 (KRRiT, 1994r)	+	
77	Radio Reja	Szczecinek	Janusz Mostowski	April 1, 1993	April 1, 1993 (Rob, 2003: 7)	+	
78	Radio Rezonans	Sosnowiec	Rezonans Sp. z o.o.	–	February 20, 1993 (Kaczmarczyk, 2010)	+	
79	RMF Częstochowa	Częstochowa	Jerzy Tobiański	–	March 3, 1993 (RMF, 2019a)		
80	Radio RMF	Katowice	KFKS Krakow	December 23, 1992	January, 1993 (RMF, 2019b)		

(*continued*)

Table 2: Continued

81	RMF Krosno (Radio Krosno)	Jasło	Maks Sp. z o.o.	January 15, 1993	January 20, 1993 (KRRiT, 1994p)		
82	RMF Zamość, Radio Infobank (Radio Info, Radio VOX)	Zamość	Infobank Zbigniew Gumuliński	–	August 29, 1993 with local inserts from September 23, 1993 (Kedziora, 2013; Jawor, M., 1996: 6) first transmission attempts from Zamość June, 1992 (Was, 1992: 11)	-(negative decision challenged by Supreme Administrative Court)	+ as Radio Vox
83	Radio Piła (Radio, Radio Pirat, Muzyka, Stereofonia, RMS)	Złotów	Paweł Gacka	October 14, 1992	May 27, 1992 (until March 9, 1995) (Dęga, 1995: 5)	+ (did not receive the promised license)	+

84	Radio Regionalne Radio RRM	Konin	Maciej Sypniewski	–	June 23, 1993 (S.P., 1994: 3)		+
85	Radio RTS (RTF, Radio Frank)	Wrocław	Radio-Tele Frank RFT	December 25, 1992	December 15, 1990 (Sagan, 2013c)		
86	Radio Rytm	Lublin	Dysk. Stud, Rytm. M. Podraza	December 14, 1992	December 1992 (KRRiT, 1994o)		
87	Radio S (Radio Eska)	Poznań	Radio "S" Poznań Sp. z o.o.	January 29, 1993	February 11, 1991 (Mazur, 2001)	+	
88	Radio SBB Rodło	Bytom	Solidarity Broadcasting	March 16, 1993	February 2, 1993 (KRRiT, 1994n)	+	
89	Radio Solidarność, Radio S (Radio Eska)	Warsaw	Radio Solidarność S.A	October 16, 1992	May 26, 1990 (W, 1990)	+	

(*continued*)

Table 2: Continued

90	Radiostacja Parafii MB Dobrej Rady (Katolicckie Radio Warszawa)	Warsaw Miedzeszyn	Parafii MB Dobrej Rady	–	1989/1990 (Figarski, 2001: 32)		
91	Studio A (Muzyczne Radio Legnica)	Legnica	Zbigniew Tymyk	–	1972; July, 1990 (Salamon, 1994: 3; Sagan, b.r.c)		
92	Radio Sud	Kępno	Jerzy Stempin	January 11, 1993	December 31, 1992 (Kowalczyk, 2011b: 269)	+	
93	Radio Sulęcin	Sulęcin	–	–	February 13, 1994 (Borek, 1994: 5).		
94	Radio Top (Radio Pomoże)	Bydgoszcz	Spółka TeleTop	–	July 12, 1993 (Ostrowski, 1993: 2)	+ (license for Radio Pomoże)	

95	Radio Top	Katowice	RPZ Sp. z o.o.	January 9, 1993	February 20, 1993 (Paczkowski, 1993: 2)		
96	Radio Toruń	Toruń	Toruń Sp. z o.o.	December 2, 1992	November 11, 1992 (Ama, 1992: 3)		
97	Uni Radio	Poznań	–	–	1992 (Kowalczyk, 2011b)		
98	Radio W (Radio Włocławek)	Włocławek	Radio Włocławek Sp. z o. o.	May 15, 1993	April 1, 1993 (KRRiT, 1994e; Świderek, 2003: 130)	+	
99	Radio Wanda	Krakow	Fliśnik Czesław	–	January 29, 1993 (Beliczyński, 2003: 175)	+	
100	Radio WaWa	Warsaw	Operator Sp. z o.o.	February 3, 1992	November 11, 1991 (first broadcast for two days) (Wielopolan, 1991)	+	

(*continued*)

Table 1. Continued

101	Radio Weekend	Chojnice	Piotr Granowski	–	September, 1992 (Erdman, 1994: 14)	+	
102	Radio Wspólnota Serc	Ząbkowice Śląskie	–	–	February 9, 1991 (Parafia Najświętsze Serca Pana Jezusa in Ząbkowice Śląskie, 1991)		
103	Radio Winogrady Poznań	–	Agricultural Academy	–	May 12, 1992 (Mak, 1992)	+	
104	Radio Vigor	Słupsk	Agencja Reklamowa Vigor	January 28, 1993	February 19, 1993 (Sagan, 2006)		
105	Radio VIS	Żywiec	–	–	July, 1993 (Zwierzyna, 2008)		
106	Radio Zet Poznań (Radio RMI)	Poznań	Media Sp. z o.o.	June 9, 1992	July 30, 1992 (P., 1993: 4)	+	
107	Radio 5	Suwałki	Piotr Bajer	April 4, 1992	March 1, 1991 (Sewastianowicz, 2001)	+	

108	Radio 13	Przemyśl	Andrzej Winiarski	–	June 30, 1994–August 31, 1994 (Krupa, 1996: 12)		
109	Radio 66	Konin	Paweł Kotlarski	–	March 25, 1994 (S.P., 1994: 3)		+
110	Rozgłośnia Harcerska	Warsaw	Główna Kwatera ZHP	March 23, 1992	March 17, 1957, from March, 1992, VHF band (Ska, 1992a)	+	

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