Freedom of the press, as was once remarked, is not an end in itself but a means to the end of a free society. After 123 years of partition a Polish state did, in many respects, axiomatically entail a free Polish society, yet its rulers were continually inclined to limit press freedoms in an increasingly authoritarian manner whenever they perceived either the security of the state or their own position (which they sometimes saw as synonymous) to be under attack. Press liberty, like civil liberties, whilst in theory greatly to be desired, proved in practise to be so inconvenient to those running the country that they often seemed to treat them as dispensable. The benchmark of a truly democratic society is perhaps the ability to countenance dissent – whether in the form of social protest or press criticism – but it is practised, not inherent. The psychological legacy of living under a partitionist regime left an impact on the society and its rulers whose magnitude was revealed only in the fledgling democracy.

Up to 1989, most post-war accounts of the suppression of newspapers in inter-war Poland had of necessity to give pride of place to the privations suffered by the radical left-wing and particularly the Communist press. This was both a reflection of the fact that these papers were indeed stringently repressed by the authorities and also indicative of a degree of tendentiousness imposed by the Communist authorities, who frequently contrasted the ‘success’ of the postwar state with the alleged failings of interwar Poland. It is certainly true that the only spell of complete publishing freedom which the Communist press enjoyed occurred in the first few weeks following the liberation. By early 1919, if not sooner, the new authorities began to contemplate a clampdown on the Communist press which was to last until the demise of the Second Republic. However, if it is remembered that one of the principal and unchanging tenets of institutional control is to
defend the existing political system, this is not altogether surprising: the inter-war authorities could hardly fail to zealously confiscate, ban and censor the publications of an organization which at times openly called for and schemed their destruction. Privileging the left-wing press in this way is rather to overlook the repression to which the centre and right-wing press were subjected, especially after the *coup d'état* of May 1926.

The behaviour of the Polish authorities between 1918 and 1939, and increasingly from 1927 onwards, often showed a blatant disregard for law. For instance, the 1938 Press Decree may justifiably be viewed as an fairly draconian piece of legislation. But even it does not tell the complete story: although it made no mention of preventive censorship, this was quite widely practised. The legislative or constitutional statement of press freedoms needs to be confronted with the real official procedure of any political system at every point.

The question of the reversion to previously existent legislation is especially intriguing and confusing in the context of independent Poland after 1918. Since inter-war Poland had to be carved out of the three empires of Prussia, Russia and Austria-Hungary, provisions for press freedoms over tracts of the country could prove significantly different. Reversion to Russian clauses in the area of the old Congress Kingdom inevitably meant a serious regression from liberal-democratic ideals. By contrast, the old German (Prussian) legislation was frequently much preferable to Polish bills and, indeed, served to bolster the independence of the oppositionist National Democratic (*Endecja*) press in the west of Poland against government incursions. Austrian legislation was poised midway between the two, more vague in its provisions than German, but certainly less restrictive than Russian legislation.

The present paper is concerned, first, with the provisions made in legislation regarding freedoms of, primarily, the political press and, second, with the efficacy of these various laws in the light of official practice. Third, press controls as a system are also considered.

THE DEVELOPMENT OF LEGISLATION IN THE SECOND REPUBLIC

The development of legislation concerning press freedoms became one of the most contentious political issues in the history of the Second Republic. As with all other areas of public life, the situation prevailing at the end of the First World War might be aptly described as chaotic. Just as