Title: Poland: fall of democracy

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Abstract: Poland likes to picture itself as a symbol of brave fight for freedom during the Second World War and the Communist Regime. But now its democracy is in danger of complete destruction by the right-wing party. Poland falls into, what now seems, word trend of nations being disappointed, angry and openly accepting xenophobia and racism.

Recently Europe has been experiencing political turmoil - right wing parties get a lot of support and win elections. It is the answer to immigration crisis which Europe now is forced to face, as well as, the economic downfall caused by the financial crisis of 2014. Whenever social and economic integrity seem to be threatened, the reaction of people is quite fast and radical. Nationalistic and anti-immigration groups become vocal and gradually pave their way to the mainstream political and social discourse.

In Germany the right wing, Eurosceptic party called Alternative for Germany (AfD) is represented in Bundestag. Angela Merkel had to struggle to introduce and justify Germany’s engagement in immigration crisis and readiness to accommodate arriving migrants. In France popularity of Marine Le Pen, leading the nationalist National Front, has recently been significant. In Hungary Victor Orban (from the party Fidesz) won for the second time the election in 2010 as the Prime Minister and he still is holding the office. Although recently his agenda against immigration is losing popular support among the Hungarians, his position is still quite strong. In addition, he has the support from Kreml, and recently Polish right - wing government was also ready to double up by creating political alliance between Poland and Hungary. Last but not least, and must be mentioned here, is the Great Britain, which in June
2016 in national referendum decided to leave European Union. Although this decision is controversial (only 51% of those who voted, was in favor of leaving EU), nevertheless its consequences are significant; not only politically but also socially. United Kingdom had experienced influx of the large number of migrants right after the 2004 enlargement when ten countries joined the European Union. One of the newcomers was Poland, and quickly Polish migrants became the issue in UK. Brexit, being the result of political and social frustration, turned many Brits against the largest groups of migrant.

Racist xenophobe in Europe is hidden behind nationalistic rhetoric. Presently, Europe is in the situation when nationalistic movements have added the concept of race and religion to their language. Depending on the social background, and historical conditioning, politicians pick and choose the argumentation best suiting their agenda. In Germany, since it offers vast social benefits, disapproval and disappointment of people often is tangled to the large number of foreigners applying for governmental financial support. France struggles with the reaction to former instances of terrorist attacks. The ideal concept of liberty in France is being threatened by the influx of religious Muslims. In case of Poland religion in terms of national integrity became a factor in debate about immigration.

In 2015, nationalistic, and Christian right-wing democratic party the Law and Justice (PiS) won Parliamentary elections in Poland. Andrzej Duda, candidate of the same party, became a President of the Republic of Poland. It gave PiS majority to push through many controversial reforms and bills. Support for the Law and Justice grew out of people’s frustration with former government led by the party called the Civil Platform (Presidency as well as Parliament). It held power for two terms (2007-2015), together with quite charismatic and widely respected in Europe Prime Minister Donald Tusk.
The Law and Justice, now in power, still holds up to the rhetoric typical rather only for the opposing party - **Law and Justice builds its legacy on the contrary to what the former government had accomplished (or not) in Poland.** The party does whatever it can to turn around or withdraw most (if not all) bills and reforms introduced by the previous government of the Civil Platform. Most of the changes are being done in hurry, although their consequences might be harmful in the future. For example, recently the Law and Justice drastically lowered the retirement age to 60 for women and 65 for men although ageing society and the national budget are the clear indicators that Poland economically is not ready to do so.

In addition, the Law and Justice’s leader, Jarosław Kaczyński, has managed to divide Polish society by **redefinition of the context for interpretation of some of the historical events.** President Duda refers to the former democratic government as being synonymous to totalitarian regime of the Soviet Union. Not only the members of, currently in opposition, Civil Platform are considered to be the traitors of Poland, but also its supporters and potential voters. The Ministry of Education has decided to revoke the successful reform of education of 1999. The Law and Justice needed an excuse in order to be able to introduce changes in the program of education which, later, can be used as one of the tools of propaganda. Quite quickly the Law and Justice has started reforms such subjects as history, society studies and religion where personal beliefs are mixed with very precise knowledge based of facts.

Since changing the constitution of Poland could attract much of attention of foreign politicians, PiS has decided to take different course of action - it **has blocked the Constitutional Tribunal.** In 2015 the Civil Platform, then still in power, appointed two judges who would remain in the Tribunal after the earlier predicted possibility of the Civil
Platform losing the next Parliamentary elections. This decision would give the Platform majority among the judges. After PiS won the same year, it stated that the appointment of the judges by the former party in power, was unconstitutional. President Duda refused to swear the appointed judges although in 2016 the Constitutional Tribunal issued the verdict that the Platform’s appointees are legitimate. Parliament ruled by the Law and Justice prepared the amendment to the existing law and appointed five new judges. President signed it but the amendment was challenged by the Constitutional Tribunal itself. This still has not ended the crisis, because the Law and Justice still pushed through the reform which re-organized the Constitutional Tribunal. This would easily make the pretests of the Tribunal simply invalid. Polish Constitution says that any decision made by the Tribunal has to be supported by majority of votes. PiS introduced new and unconstitutional rule that at least 13 judges out of 15 have to agree in votes to pass the decision. This has completely blocked the Tribunal because the judges are not able to make any decision since none of the parties has the necessary number of 13 judges in the Constitutional Tribunal.¹

In order to get people’s support the Law and Justice uses to most basic and popular rhetoric referring to economic and social aspects of life. During the elections, its campaign was full of promises which are now hard to keep without simply ruining the national budget of Poland. Recently in Europe total fertility rates are falling, and many young people already have, or are planning to migrate abroad in order to search for better job opportunities. One of the Law and Justice’s idea to change this situation was the programme The Family 500+ which offers 500 Polish zloty (around 120 USD) of social support for the family for each but first baby.² Nevertheless, there is not enough money in the budget to cover up all the expenses promised

by PiS. The realization of the programme is going to cost 22 billion PLN annually. The government is going to obtain the money mainly through raising taxes on small and private retailers. Unfortunately, although it might be considered to be noble initiative, it is just a populist talk. The country is not financially ready to carry out the programme without too overwhelming and far reaching costs in the future. In addition, quite controversial is the fact that the financial assistance from The Family 500+ programme is not available to the families with only one child, and single parents, although it was promised equally to everyone with children. The Family 500+ programme offers some financial support to the families with very low income as to those who can easily support their children without the subsidies from the government.

Recently, one of the most talked-about controversy in Poland had been about newly proposed abortion law. In November 2016 people in Poland protested on the city streets in order to show their disapproval for new abortion law. The party opted to change, already quite restrictive abortion law of 1993, and limit even more women’s right to terminate pregnancy. The Law and Justice threatened with prison sentences those women who terminated pregnancy and doctors who performed the abortion. PiS considered abortion in case of rape victims and in case of genetic disorders and birth defects to be against the law. The protest (#CzarnyProtest) against new abortion laws has led to the compromise and the Law and Justice gave up on this bill. However, it is said that it had actually never supposed to be introduced, but only the Law and Justice needed the public attention to focus on something other than important debate on CETA - Comprehensive Economic and Trade Agreement. This is a free trade agreement between European Union and Canada, signed on October 30th,

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2016. It is supposed to eliminate 98% tariffs between EU and Canada. Controversy about it mainly concerns the fact that European countries may be forced to compromise on standards of food production and its acceptable by law quality. Most of the agreement will take effect on provisional basis, and the remaining parts are to be ratified individually by the parliaments of the member states of the European Union. The Law and Justice used controversy over the abortion laws to buffer any potential discussion over CETA.

Another quite alarming example of the Law and Justice’s decisions is the creation of Territorial Defence Forces (Wojska Obrony Terytorialnej - WOT) in Poland. It is still in the process of forming and training. Once fully active, it is supposed to consist of 35,000 soldiers selected among volunteers. Its creation was announced in 2015 as the reaction to the military conflict in neighbouring Ukraine. Poland’s army was said to be unprepared in case of the arm attack. The Law and Justice has proposed to create the contingent of WOT which is going to be subjected directly to the Ministry of Defence - Antoni Macierewicz. Polish Constitution states that the army in Poland needs to be politically neutral, what also considers the soldiers of WOT contingent. However, Territorial Defence Forces fall directly under the supervision of the Ministry of Defence himself, therefore is not politically neutral. Also the priority among the volunteers have the members of pro-military associations, like for example Falanga - connected with pre-war nationalistic and anti-Semitic rhetoric.\(^5\)

The Law and Justice’s charismatic leader is Jarosław Kaczyński, who currently is a member of Parliament but does not officially hold any position in the party. Nevertheless, he has built his public image in the reference to his tragically killed in the plane crash in 2010 twin-brother Lech. Lech Kaczyński and many other members of Polish government died when

flying to official visit to Smoleńsk in Russia to pay respect to the war victims of 1940 Katyn Massacre by the Soviet NKVD. Jarosław Kaczyński and his party later has stated that the crash was caused by the Russians, and PiS created potential conspiracy theories. Eventually, they put the blame for the crash on then current political party in power - the Civil Platform. The basic argument for PiS was that current Polish Prime Minister Donald Tusk (the Civil Platform) had visited Smoleńsk one week earlier, and eventually was not on the tragic plane and consciously did not put himself in danger.

Although quite absurd and misleading is that kind of argumentation, people were willing to listen to Jarosław Kaczyński anyway. Kaczyński and the Law and Justice party tend to promise simple solutions to the most complex and complicated social problems. Currently, people experience downfalls in economy after the world crisis of 2014, and are disappointed with slow speed of the reforms introduced (or not) by the Civil Platform, and their doubtful results. Jarosław Kaczyński’s triumph is almost undeniable, because he pretends to listen and understand Polish people, who think that have been neglected by the politician for years. The Law and Justice offers more freedom to express and openly support nationalistic movements with xenophobic and anti-Semitic narratives. It has simply led to the situation when it is publicly acceptable to be politically incorrect. Racist slurs seem to be perceived as something almost noble, justified and completely understandable. Any kind of political culture and any kind of reliable and factual journalism is denied, and embittered by PiS.

The Law and Justice, together with Jarosław Kaczyński, perfectly fits into the current trend in world politics - constantly growing popularity of right-wing movements, leaders and parties. The absurd concept of “the real Pole” has been established long time ago when PiS was the

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6 In a plane crash in Smolensk in 2010 died altogether 96 people - besides the President also were killed the First Lady, deputy speaker of Sejm and Senat, the army commanders, the president of the National Bank of Poland, many government officials, members of Polish Parliament, and many others.
party in opposition to the Civil Platform. Unfortunately, as it was stated at the beginning of the article, the Law and Justice’s narrative has not changed although now it holds power. In Poland political rhetoric hardly ever refers to the concept of race as it is understood in the United States. It rather connects with religious (Christian Catholic) identity and links it to the concepts of nation and national identity. Therefore, whoever speaks for religious freedom, personal freedom of sexual identity (seen as being against Christian religion) can easily be defined as a traitor. The Law and Justice preaches horrific slogans about “destroying the elites” of well-educated, openly speaking up their mind critics of their politics.

According to the regulations of the European Union, Poland, as a member state, is supposed to welcome 6,1 thousands of immigrants. Right now Poland temporizes the application process which migrants have to go through in order to receive the legal status of a refugee. For example in 2016 almost seven thousands people sought refuge in Poland, but only 121 claims were accepted. Although the religious aspects play important role in politics and social life in Poland, mass media turn the blind eye on the fact that many escapees from Syria are actually Christian. The public narrative on migration crisis is specific in case of its dynamics and the usage of negative terminology. As a result of it, there is no willingness to push the debate further and explore other ways of assisting Syrian migrants. Migrants are presented by the media and politicians as outsiders, strangers, “the others” who can be dangerous to Polish national, social unity and integration. This debate is full of harmful misconceptions, and it is shameful and very disturbing. The Law and Justice avoids honest discussion about it since it does not follow the narrative the party prefers to follow. Surely Christian values which PiS refers to as much as possible, would call for humanitarian assistance. On the other hand, politically it does not correspond with the Law and Justice’s agenda.
This selectiveness of morality, double standards, shaky and misleading argumentation are only the shortcut towards very primitive manipulation. The Law and Justice has attacked the basic elements of democracy such as autonomy of the court system and freedom of media. It is planning to reform the system of education so it can indoctrinate future generations by shaping what people know and believe in. The party keeps on bribing those who are in need - the promise of money instead of the actual opportunities to help people to become financially independent and more self-assured is not going to be effective in a long run. It seems quite shocking to see Poland falling under such a regime so quickly. If there is not obvious approval of the changes, there is at least general ignorance among majority of people in Poland. Personally I think that people’s inaction simply means a total disbelief to the fact what has taken thirty years to build after the collapse of the Communist regime, can actually be destroyed within a few months. Or is it just the ordinary expectation of something better, more effective, just different to happen in Polish politics? Poles, the nation, which took active role in overthrowing the communist regime in Europe, live in contradictory self-assurance mixed with self-pity, when democracy Poles had fought for and hoped for, is dying today.