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AUTHORITARIAN TENDENCIES IN THE POLISH POLITICAL SYSTEM

■ **General Characteristic of the Polish Political System**

The Constitution of the Republic of Poland of 2 April 1997, which is a legal base for the contemporary Polish political system, is based upon several principles: sovereignty of the Nation; independence and sovereignty of the state; democratic state ruled by law; civil society; separation of powers; social market economy and inherent dignity of the person (Garlicki 1999: 51). Another classification of important principles of the Constitution has exposed: sovereignty of the Nation, democratic state ruled by law, separation of powers, political pluralism, freedom of the press and means of social communication, decentralization of public authority and social market economy (Tuleja 2009: 9). The final text of the Constitution was based on the concept of ideological and political pluralism. One can identify three main sources of axiological pluralism: liberal-democratic (socio-liberal), social-democratic and Christian-democratic (Winczorek 1999: 68).

The concept of sovereignty of the Nation corresponds with the political pluralism of Polish society, which is clearly expressed in and guaranteed by the Constitution. This is reflected mostly in securing freedom of the creation and functioning of political parties which bear the main responsibility for practical implementation of the principle of citizens' participation in the exercise of power (article 11). However, the Constitution prohibits parties of an undemocratic character (article 13), subjecting them in this respect to supervision exercised by the Constitutional Tribunal. Such a pluralism also finds reflection in freedom of creation of citizens' organizations other than

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political parties (e.g. trade unions, associations – articles 12, 58 and 59 of the Constitution) and the permissibility of functioning of an unlimited number of organizations of a given type (multiparty system, pluralism of the trade unions) as well as a freedom to disseminate opinions in means of social communications – article 14). The Constitution does not impose any substantial requirements for citizens wishing to form a new party; on the other hand, it confers a range of significant powers on political parties, including particularly their right to receive financial subsidies provided that they participate in general elections (Sarnecki 2000: 13–14).

The Polish political system is based on the idea of balancing powers. Balance in the system of state organs has to be sustained due to the elimination of the possibility of any conflict between them. Such threat is always real when areas of joint responsibility of various state organs are being created instead of institutions having the nature of checks (Pułło 1999: 127). It also means that the balance would be easier achieved when no party dominates the political scene. Such scenario was actual in 1989–2015 when no party has dominated the political scene and coalition governments have been created.

The 2015 parliamentary election resulted in victory of a single party, Law and Justice (Prawo i Sprawiedliwość, PiS) (Marcinkiewicz, Stegmaier 2016: 223). For the first time in the history of a democratic Poland, the victor was able to form a government without having to negotiate with coalition partners. This was due not so much to significant switches in the preference of voters, but rather as a result of a very high number of wasted votes (more than 16% of active votes) due to the threshold for parties (5%) and party coalitions (8%). As a consequence, Gallagher disproportionality index surged to 11%. It is interesting to note that in three of seven previous parliamentary elections, the victorious party attracted a higher percentage of active voters than that achieved by PiS in 2015 (37.6%), but was unable to form a single-party government. It should be born in mind that in 2015 on PiS party lists were also candidates from two other political parties, Poland Together (Polska Razem – PR) and Solidary Poland (Solidarna Polska – SP), and was in point of fact a three-party coalition (Markowski 2016: 1311).

The situation, which occurred in 2015, when the office of the President and both chambers of parliament were dominated by the same political force (Law and Justice – PiS), has raised the question whether it might bring about a risk of the authoritarian tendencies.

■ Sources of authoritarian tendencies in the contemporary Europe

Today, without getting too much into the nuances of the conceptual definition and theory of democracy, one can indicate two competing models: procedural and substantive (republican). The procedural model assumes that every human as a rational being has the right to formulate, seek and implement their own conception of “good”. The condition is to maintain the axiological neutrality by establishing state institutions upholding the equal and equitable treatment of all varying views that are expressed in society. The second model of democracy stands for a broader understanding of the function of politics not limiting its role to just follow the procedures; politics is the articulation of a deep-rooted vision of the moral life of the community, contained in the concept of common good. Democracy should produce and support mechanisms that will form the foundation for the functioning of good, well-meaning policies, and the existence of trust is crucial to it. A greater freedom in many areas can lead to engaging the greater responsibility of citizens, activating their potential ingenuity and commitment to common goals (Plecka 2013: 71–72).

A popular protest often leads to important changes in the personal composition and policies of elites, which considerably affect the structure and operation of authoritarian regimes, and at times produces regime change. Evidence is provided from authoritarianism in Poland and Yugoslavia, where sustained protests contributed to the fall of communism, and from competitive authoritarian regimes in the post-communist Serbia and Ukraine, which were repeatedly undermined by protest waves and brought to an end by pressure “from below” (Vladislajević 2014: 143).

Privatization frameworks are ranged from those that primarily reward political and enterprise insiders to those that reward outsiders. Illiberal democracies tend to choose privatization programs that reward insiders. This cements insiders’ political influence and contributes to corrupt interaction between the public and private economic spheres. Subsequent poor economic performance combined with ongoing conflict over political institutions may produce a “break point” at which societies can decide to move in a democratic direction. Liberal democracies, by contrast, have no predisposition to an outsider- or an insider-based privatization framework. Insiders would have more resources to bring to the fight over privatization programs where reformist communists led or contributed to the “break-up” of communism. Nevertheless, the competitive processes inherent to liberal democracies prevent even poorly managed insider privatization from prolonging destructive rent-seeking practices. As a result, liberal democratic regimes are likely to perform

better than illiberal democratic and authoritarian regimes in implementing post-communist structural reforms (Gould 2003: 298).

Europe's multiple crises over the last decade seem to have slowed down but nevertheless convinced the governments of certain countries (Poland being the latest example, Hungary the most prominent and most resilient) that (neo) liberal reform is no longer an option. Building an "illiberal state" – whatever this may mean – is not only part of an ideological narrative placing the nation at the center of politics, but is being translated – in the worst case – into policies turned against basic European values such as the rule of law, freedom of the media or a system of checks and balances. In this regard, policies in countries that are members of the EU or that are pretending to be moving towards EU membership not only reveal deficits in their understanding of a modern liberal democracy, but also show that democracy is not the only game in town. The political elites in Hungary, Serbia, Macedonia, Bulgaria, until recently in Romania and now also in Poland – as some observers suggest – have developed particular skills and energies in implementing illiberal policies, calling into question the checks and balances of the liberal state or even transforming the original democratic project into an unfair game to be controlled by the incumbents in power. In some cases observers have described the national leaders as "Putin wannabes". This may be an exaggeration, since none of the Eastern or South-Eastern European political regimes came close to the type of autocracy realized by Putin and his followers. Still, there is an illiberal and even authoritarian "temptation", which may be temporary, an expression of crisis, of frustration directed against certain policies of the EU. It might also be the case that we are facing the beginning of a historic decline in democracy and the rise of a new authoritarianism (Džihić, Hayoz 2016: 4).

The rise of the new right must be seen as a reaction to the growth of cosmopolitan attitudes since the Second World War. The washed up catch-all parties and post-modernism have left an ideological vacuum that has been infiltrated by right-wing extremist parties. Yet it is not them that primarily profit from the present crisis of the EU but national conservative politicians such as Viktor Orbán in Hungary or Jarosław Kaczyński in Poland (Shekhovtsov 2016: 9).

In the literature the phenomenon of authoritarian reverse waves in Central and Eastern Europe is exposed. The analysts define potential factors and conditions of authoritarian reverse wave after the third wave of democratization, such as: reduction of legitimacy of democratic regimes, general economic crisis, appearance of "snowballing" effect after authoritarian transition of any democratic or democratizing state, transition of recently democratized countries to dictatorship, successful expansion by undemocratic state against

democracy, appearance of different forms of authoritarianism that respond to the needs of the momentum. The reason for strengthening authoritarian tendencies of a political system in new independent states are interpreted, above all, in improvement of mechanism of “ruling circles’ access” to the national heritage. However, the similarity of general trends in political developments of post-Soviet republics does not mean that the establishment of superstructural institutions generally occurs under one scenario and significant differences in national political processes primarily in pace and content of market transformation in new independent states are associated (Dziubenko 2015).

■ Sources, determinants and meaning of authoritarian tendencies in the Polish political system

The “winner takes all” scenario is likely to enhance the power monopoly of the dominant actor and the supremacy of informal institutions. The consequences of this scenario are the emergence of new political regimes with numerous aspects of authoritarian rule. These regimes could be relatively stable. The “elite settlement” scenario generally includes the sharing of powers between dominant and subordinate actors in order to limit public political contestation and establish the supremacy of informal, rather than formal, institutions. These regimes are fragile and dependent on changes in the political situation. The “struggle over the rules” scenario of outcome of uncertainty is likely to provide an institutional framework as a precondition to democratization in the sense of horizontal accountability through the institutional limitation on assertions of power. Until the institutionalization of the new regime, it still remains fragile. Democracy is not emerging from regime transition by default. Only if political competition among actors within the framework of formal institutions continues to develop, transitions to democracy may occur as a contingent outcome of conflict, or as the “lesser evil” for the actors (Adamski 1998: 12).

We have to think about the causes of the rise of the right-wing forces, not only in Poland but in Europe in general, in order to analyze the situation with a cold blood and rethink values on which politicians, philosophers and civic activists based the European polity. For the right-wing, the lack of a conservative voice and the lack of political pluralism in the European Union are the main problems. A liberal speech praising Europe seems to uproot today the opposition in politics. In Poland, this split between the right and the liberal camps is increasing tensions between PiS and PO followers. That is why it is essential for the Polish people to rethink their situation and move

towards rationality. The Polish people were able to fight for their freedom for 123 years since 1795, they were able to fight with the German occupying forces during the Second World War and to break free of the Soviet domination in 1989. However, as some observers suggest, current events seem to show that they do not take advantage of this freedom, and that the creation of a coherent community is only possible in front of a common enemy.

The paradox with the result of 2015 parliamentary election is connected with an observation that for the past few years Poland has been enjoying good press, having become something of a poster child for economic success in the post-communist region. Poland's real GDP growth has been among the highest in Europe; it has minimal inflation, single-digit unemployment, declining inequality ratio (at a level about the average for European countries) and healthy public finances with a budget deficit below 3 percent of GDP. The country has outpaced not only such regional neighbors as Hungary, but also some countries in "old" Europe. And it's not only the macro-level statistics: much the same positive story emerges from surveys of individuals and households, which show across-the-board improvements in a variety of economic and human development indicators. And yet in the elections of Oct. 25, 2015 the ruling coalition of the centrist Civic Platform (PO) and the agrarian Polish People's Party (PSL), in power since 2007, suffered a resounding defeat. The new government was formed by an electoral alliance headed by the right-wing populist Law and Justice (PiS), the first since 1989 to win the majority of seats in the lower chamber of parliament. PiS also won 61 of the 100 seats in the Senate. And its candidate, Andrzej Duda, won the presidency in 2015. So does this mean that the Poles are turning away from liberal democracy? Analysts suggest that it's a mixed picture. PiS has won the majority of seats and unquestionably gained the mandate to form the next government. But its 37.6 percent of votes, when only about a half (51 percent) of voters actually went to the polls, means it received the active support of only about 1 in 5 (19 percent) of all eligible voters, which does not add up to a mandate for overturning the constitutional order (Tworzecki, Markowski 2015).

Law and Justice (PiS), Poland's main opposition party until 2015, not only regained power but its electoral committee, composed of three other minor parties (i.e. Solidary Poland, Poland Together, and the Right Wing of the Republic), obtained an absolute majority of parliamentary seats. This, coupled with PiS' candidate Andrzej Duda's victory in presidential election, gave Jarosław Kaczyński's party unprecedented power in the country. Since then much has been said about the overnight redrawing of Poland's political landscape, the causes of PiS' "stunning victory" and the governing Civic Platform's humiliation despite its incomparable economic record, as

well as the implications of PiS' victory for democracy in Poland or in Europe (Bertoa 2015).

Party	Votes	Votes (%)	Seats	Seats (%)	Seat change since 2011
Law and Justice (PiS)	5,711,687	37.58	235	51.09	+78
Civic Platform (PO)	3,661,474	24.09	138	30.00	-69
Kukiz'15	1,339,094	8.81	42	9.13	
Nowoczesna	1,155,370	7.60	28	6.09	
United Left	1,147,102	7.55			-67
Polish People's Party (PSL)	779,875	5.13	16	3.48	-12
Korwin	722,999	4.76			
Razem	550,349	3.62			
German Minority	27,530	0.18	1	0.22	no change
Other parties	105,191	0.68			
Total	15,200,671	100.00	460	100.00	

Total electorate: 30,629,150; turnout: 50.92%
 United Left did not win seats because, as a coalition, it needed to clear a higher threshold (8% rather than 5%)
 Threshold rules do not apply to parties of national minorities
 Source: Państwowa Komisja Wyborcza (www.pkw.gov.pl)

Table No. 1: Results of the October 25, 2015 elections to the lower house of parliament (the Sejm)
 Source: State Election Commission.

A half of Polish voters have preferred staying at home to participating in the electoral process. Thus, even though the last parliament has been the third most supported in Polish history after 1989, only 51 percent of the electorate went to the polls and cast their votes.

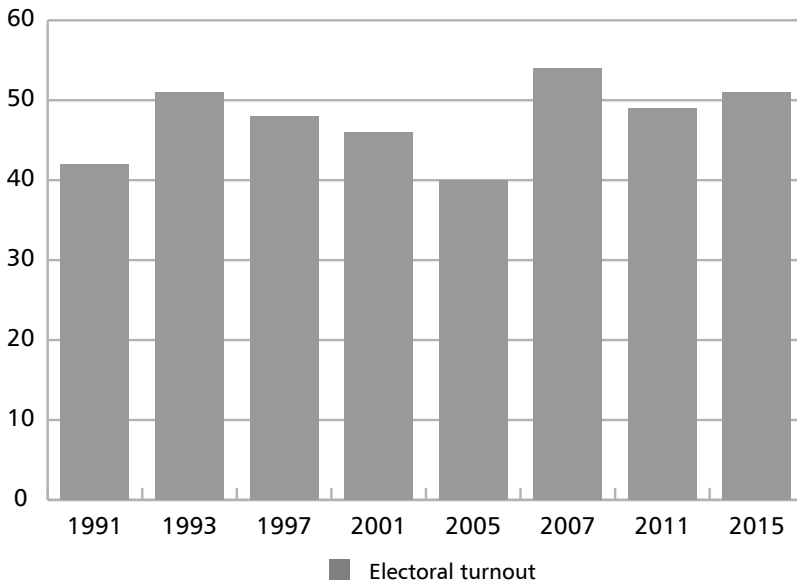


Table No. 2: Participation in the electoral process in Poland 1991–2015
 Source: IDEA.

This makes Poland, with an average turnout of 48 percent, the most apathetic democracy not only in the post-communist Europe but in the European Union. And even if, as explained elsewhere, such low levels of electoral participation are not enough to question the legitimacy of the Polish democracy per se, it certainly confirms a tendency observed in most European countries: namely, the growing distance between citizens and their representatives. Moreover, it questions the extent to which a party system in which barely half of the citizens regularly exert their voting rights can be considered consolidated (Bertoa 2015).

The last parliamentary elections with a turnout of 51% showed that the most frequent choice in Poland is electoral abstention. As a result, the PiS could achieve an absolute majority with only 19% of votes of the eligible electorate. This would appear far from sufficient for a party to speak and act on behalf of the whole nation. Nonetheless, the party presents itself as the only true representative and protector of the common good. In its dominant narrative, the PiS creates an artificial division between “liberal post-communism” and a “truly free Poland of solidarity with the poorest” while reducing the term “liberalism” to radical economic reforms and individual freedom. However, opposing liberalism and social solidarity is misleading, because the democratic order needs both (Solska 2016: 14).

Civic Platform had all power with the coalition partner Polish People's Party (PSL), a full mainstream media support, and a broad social support. They successfully created a narrative according to which they were the forces of modernization, the only party coalition able to turn Poland into a prosperous and respected country. On the other hand, they presented Law and Justice as crazy kooks who would blow everything up and ruin things for everyone. Civic Platform also presented their time in power as the period of Poland's greatest prosperity, with the construction of highways, roads, stadiums, and big international investments in the country. Law and Justice seemed to be banished from the mainstream forever. However, they started creating their own channels of information: they revived small conservative newspapers, founded new magazines, created internet TV and YouTube channels, Facebook profiles, etc. Most importantly, these were not directly linked to the party but to so-called “independent” journalists with clear conservative dispositions. Every time there was a breach in the mainstream narrative, any time an actor, a performer, a journalist, or a writer has voiced a pro-Law and Justice opinion, he or she would immediately become a star of this alternative, conservative media. These media outlets began, of course, with crazy conspiracies about the Smoleńsk disaster. But with time they changed their strategy. They started showing the mistakes and plot-holes of the lengthy Russian and Polish

investigations of the disaster. They blew the whistle every time there was an instance of corruption in the ruling party. They have emphasized every instance of hatred towards traditional Polish society among the mainstream media. They started presenting Civic Platform's "modernized Poland" as a lie and claimed that Poland was becoming a neo-colony of the West, from which only the politicians of the ruling parties could profit (Ostrognew 2015).

There were several attempts to explain results of the 2015 parliamentary election in Poland (Tworzecki, Markowski 2015: 2, Markowski 2016: 1315, Jaskiernia 2016: 27, Marcinkiewicz, Stegmaier 2016: 224). While Poland's overall economic health was strong, some groups and some parts of the country were suffering. Youth unemployment was twice the national average. Good jobs were scarce in small towns and rural regions, especially in the eastern Poland. Many people were working under short-term contracts that carry few protections or benefits. And although Poland was the only country in the EU to avoid a recession after the post-2008 global crisis (Prime Minister Donald Tusk often exposed himself in front of the map of the European Union where Poland was the only one "green island" without recession), that came at a cost. The government imposed austerity measures (including pay freezes for the public sector), while private businesses often imposed pay cuts while simultaneously demanding higher productivity. That's why, in elections, the incumbent PO party lost support even among younger, well-educated, urban voters who pushed it to its first victory back in 2007. It's also why PiS was able to garner so much support beyond its religious, socially conservative strongholds in small towns and rural areas of the eastern Poland, winning the plurality of votes in almost all regions and demographic categories.

To respond to the widely felt hardships and anxieties, PiS ran a campaign that called for vastly expanded public spending. It promised to increase the minimum wage and the personal income tax exemption; to offer new child support payments (program Family 500+), housing subsidies (program Housing+), and free prescription drugs for seniors; and to lower the retirement age from the current 67 to 65 for men and 65 to 60 for women. In doing so – positioning itself as a culturally rightist but economically leftist party – PiS was able to attract voters who in the past may well have voted for the left. In this election the United Left (the latest incarnation of the former communists and assorted allies) failed to win any seats in parliament (not reaching 8% threshold for the coalitions). PiS backed its economic promises by a radical critique of the status quo: rather than simply poking a few holes in the positive economic statistics, it went with the hyperbolic message of "Poland in ruins", through which it achieved its main goal of demobilizing the ruling parties' supporters, leading many of them to stay home on election day.

PiS also exploited the European migrant crisis which was especially acute in 2015. While the government dithered, PiS argued adamantly against the EU proposal for a quota system that would deliver a certain percentage of migrants to each country. PiS stoked fears that the refugees and migrants would threaten Poland's national security, religious and cultural identity, economic well-being and even public health. After World War II Poland became one of Europe's most ethnically and religiously homogeneous countries (87.5 percent of Poles identify themselves as Roman Catholic), which has meant that it has not had to confront the challenges of multiculturalism — although it did receive nearly 100,000 war refugees from Chechnya and, more recently, nearly half a million economic migrants from Ukraine with hardly anyone noticing. But the refugee crisis has dominated the news for much of the summer of 2015. Nevertheless, conditions were ripe for xenophobic appeals.

Law and Justice are usually denounced as nutty Catholic reactionary right-wingers by the chattering classes within Poland and around Europe. In fact they are a *sui generis* movement of truculent, carefully Eurosceptic étatist-patriots. They urge a “strong Poland”, by which they mainly mean robust and sternly honest state institutions, and a square deal for state employees and pensioners. Latterly Law and Justice has successfully broadened their appeal towards small businesses and younger voters. But they are instinctively suspicious of big business and banks, and loath to do anything radical to reform state processes or advance privatization and deregulation. They are comfortable playing to conservative Catholic instincts of older Polish voters, but they see the Catholic Church as a patriotic force: they are not religious zealots (Crawford 2015).

The Law and Justice Party, though considered “far-right” by many political scientists and experts, is hard to define with a straight-forward ideological label. The party calls for an increase in social spending, higher taxes on the wealthy, and re-nationalization of key sectors of the economy. The party leader, Jarosław Kaczyński, also expressed that the Law and Justice party was opposed to immigrants, gays, feminists, liberals, and most foreigners. In addition, he has expressed that his goal is to create a Poland in which lives only one Polish nation, and not diverse nations. He has admitted that his goal has been to remain in power for life. This combination of liberal and conservative sentiments can be seen in other European countries, like Hungary for example. According to the Hungarian Prime Minister Viktor Orbán, “the era of liberal democracy is over”. Simultaneously, he has worked to increase taxes on larger businesses and establish price controls on electricity. In addition to domestic contributors, aspects of the international stage have also contributed to the rise of the rightist Law and Justice party in Poland. This category of issues is more complex, as it involves neighboring countries and other members of the

European Union. The most fascinating is that the EU, a body which touts a set of conditions cemented in democratic gains for its member states, is actually acting as a hindrance to the development of Poland as a democracy that ensures basic liberties. Over time however the reputation of the EU as a powerhouse of democracy and strong socioeconomic gains for its member states has greatly diminished. It has been tarnished by the failure of the EU to manage conflicts, like the influx of refugees recently (Arntson 2016: 10–11).

■ **Developing tendencies of the Polish political system after the 2015 Law and Justice victory**

What do these elections mean for democracy in Poland? Political science has long held that rising prosperity would inoculate countries against the risk of authoritarian backsliding. But in its draft constitution and various other pronouncements PiS has made it clear that its ambition is to transform Poland's political institutions in ways similar in their illiberal spirit to those seen recently in Hungary under Prime Minister Viktor Orbán. Although PiS did not get the 2/3 parliamentary majority required for making constitutional changes, it has won majorities in both chambers of parliament. With the presidency also in hand, PiS may be able to put many of its proposals into effect through a combination of ordinary legislation and determined political practice. A version of the Hungarian scenario is therefore possible. Going by the results of these elections, it is impossible to tell now whether Poland is experiencing illiberal backlash. At this point analysts suggest that Polish voters are reexamining the two fundamental democratic values: freedom and equality. Since the fall of Communism a quarter-century ago, the Poles have enjoyed an unprecedented expansion of liberties, not only of the political kind but also in social mores and lifestyles. Indeed, for the more traditionally inclined, the pace of cultural change has become threatening. At the same time the demand for economic equality hasn't been met. PiS achieved its victory by responding to this combination of fears and needs with promises to do both: increase economic redistribution toward the less well-off and protect traditional cultural values (Tworzecki, Markowski 2015: 2).

One of the first clear effects of the last parliamentary elections in Poland has been the end of the so-called "post-communist cleavage" which pitted post-communist parties (mainly SLD and PSL) against post-Solidarity parties (including PO and PiS) and characterized Polish politics for most of its democratic history. For the first time this end was claimed after 2005 elections but 2015 elections bring additional arguments to this theory. Indeed, SLD's failure to gain any parliamentary seats in the new parliament constitutes

the last strike to a political divide that started to fade away with the electoral and government coalition between SLD and UP in 2001, PSL parliamentary support to Kazimierz Marcinkiewicz's (PiS) cabinet in 2005, and the PO and PSL coalition government in 2007. PiS' victory in almost all regions and across different socio-demographic groups (e.g. age, place of residence, education, gender) questions another feature of Polish politics which has so far been constant: the awareness of Poland's past. There seemed to be a clear cultural, economic and political division between the northwestern part of Poland, consisting of the territories that belonged to Germany before 1945, which were culturally more cosmopolitan, economically more developed and politically more liberal, and the south-eastern part of the country, which was culturally more traditional, but also poorer and politically conservative. Indeed, from the first presidential election in 1990 until the last presidential contest in May 2015, throughout every single electoral contest – local, legislative, for the European Parliament – social-democratic (SLD until 2001) or liberal (PO from 2005) parties received more votes in the west than in the east, which is more inclined to support rightist (Solidarity and AWS until 1997; PiS from 2001) parties (Bertoa 2015: 1).

The current composition of the parliament in Poland reflects a crisis of traditional political forces in the country. The disappearance of entire sections of the Polish political spectrum (specifically, post-communist left-wing forces, as the Democratic Left Alliance) from the parliament is a sign of distrust in the political structures (the poor performance of another long-standing party, the Polish People's Party, which mustered just 3 per cent of the votes, is a further proof of this). At the same time, parties that have built their rhetoric primarily around non-participation in the political system (Paweł Kukiz's union for example) have enjoyed a huge success. It is worth noting here that 25 per cent of the people who voted for Paweł Kukiz in 2015 voted for Janusz Palikot in 2011. This is particularly interesting because, judging by his views, Janusz Palikot has little in common with Paweł Kukiz, a left-leaning liberal. The only thing uniting these parties and their leaders is the tendency towards scandalous behaviour and their anti-system stance. This means that a part of the Polish electorate (both Kukiz in 2015 and Palikot in 2011 appealed to the youth) is prepared to cast their vote as an act of protest, as they are dissatisfied with the state of Polish politics in principle and are ready to support any party that offers a clear alternative (Kuvaldin, Guschin 2016). If this trend will continue in the next elections, it will have an important impact on the functioning of the Polish political parties' system.

Post-communist Poland, an example of a very successful democratic transition so far, began to move away from Western European democratic

ideals. This manifests itself in a serious constitutional crisis. The crisis started after President Andrzej Duda declined to appoint three judges elected to the Constitutional Court by the former Parliament (dominated by the PO), but instead appointed three other judges. In addition, the new law passed by PiS members of Parliament severely limits the independence of the Constitutional Court, though this body is one of the most important safeguards of the rule of law in Poland. From now on, it will be easier for MPs to dismiss the judges of the Court. It will also be a new competence for the President and the Minister of Justice. In addition, the decisions of the Court will need to be passed by a qualified majority of 2/3 of the votes instead of a simple majority. This law was deemed unconstitutional by the Constitutional Court, however the sentence was not published by the Government. The worsening constitutional crisis which currently affects the Polish state is the source of many doubts about the existence of the separation of powers, and of the rule of law in Poland (Lechaise 2017).

Moreover, the PiS government seems to no longer respect the independence of the public media. As a result of the management changes of public media, many journalists have been fired and replaced by others who are more favorable to the government's policy. Polish public media adopted an explicitly pro-government speech, particularly by neglecting the demonstrations organized by the KOD². It is clear that public media resort to blatant manipulation, showing images that suggest a smaller number of demonstrators. Generally, any criticism of the actions of PiS politicians is ignored by the public channels. The latter contributes to the historicization of the current issues propagated by the government (Lechaise 2017).

On January 13, 2016 in an unprecedented move, Frans Timmermans, the first vice president of the European Commission, announced the Commission would start a process aimed at protecting Poland from internal threats to its rule of law. Poland, the good kid of Europe, suddenly found itself out of favor. "How did this happen?" was the question heard following recent controversial actions by Law and Justice, Poland's new conservative government. How was it possible that a long period of cooperation between Warsaw and Brussels had hit a crisis point? The end of the myth of the West means that verbal warnings from politicians such as Timmermans will unfortunately not result in any meaningful change of attitudes. The only difference to Central European

² Komitet Obrony Demokracji (Committee of the Defence of Democracy) is a new civil society initiative which was created after PiS (Law and Justice) has assumed power in 2015. See: Karolewski (2016).

policies can be effected by EU institutions taking a firm stance—toward not just Poland but also Hungary (Kuisz 2016).

The current crisis unfolded over the appointment of judges to the Constitutional Court. The traditional division of powers in any constitutional order warrants separation in its executive, legislative and judicial branches, while preserving their independence from each other. According to the furiously critical coverage by “Washington Post”, AP, “New York Times” and others, Poland has destroying its image as a *good and democratic partner* of the West (Monroe 2016).

Andrzej Duda’s election as president and the victory of the Law and Justice party (PiS) in Poland have been universally reported in the international media as “a lurch to the right”. This is – as Adam Zamoyski suggests – highly misleading. The leadership of PiS is in fact deeply marked by the political culture of the communist era. The late night shenanigans surrounding the nomination of new judges to the Constitutional Tribunal and the determination to muzzle the media are pure Soviet-style politics. In a throwback to the old days, the ministry of culture will decide which plays are staged by the Kraków prestigious Strykowski Teatr (Old Theater). The PiS core is not inherent capitalist: they are hostile to free-market economics, regard businessmen as “speculators” and believe in government control of everything, including property rights. They have promised to crack down on banks, lower the retirement age and give massive monthly cash handouts to parents for each child. They are conservative only in that they view the liberal center ground of Western politics – and the modern world in general – with suspicion. Their conservatism is essentially provincialism, their politics populist. They beat the drum of patriotism and talk of preserving national sovereignty, but their idea of patriotism is to wallow in the martyrology of the Second World War and the talk of sovereignty is mostly an expression of xenophobia (Zamoyski 2016).

With the court unable to act as a check on the ruling party’s power, lawmakers followed with other controversial laws that have centralized the government’s power further. These include a law giving the government greater control of the state broadcast media and one increasing police powers of surveillance. An international human rights commission weighed in on Poland’s constitutional crisis with a deeply critical report. “As long as the situation of constitutional crisis related to the Constitutional Tribunal remains unsettled and as long as the Constitutional Tribunal cannot carry out its work in an efficient manner, not only is the rule of law in danger, but so is democracy and human rights”, said the report by the Venice Commission (Gera 2016).

The conflict around the Constitutional Court involves two major political forces in Poland that both created a vicious circle, also involving

the European scene. This conflict has prompted other parties to rethink the crisis; and that is why, for instance, the Kukiz 15' opposition party wants to create a compromise between these two camps. This is also the decision of the Venice Commission. This recommendation seems to go against the will of a daily newspaper, "Gazeta Wyborcza", which counted on the support of its arguments by an overwhelming democracy and an arriving dictatorship. The Venice Commission's decision does not find that the conflict crippling the Constitutional Court was created by this power-hungry PiS. It considers the current and precedent powers, who started this political quarrel, to be at fault. In addition, the Commission does not claim the obligation to enforce the Court's judgement and accept the appointment of three judges of the other parliamentary cadence, but rather encourages the finding of a compromise. This compromise also seems to be sought after by the Polish society. However it turns out that neither the Civic Platform or Nowoczesna nor the KOD intend to seek a compromise and find reconciliation (Hachoud 2017).

In the case of Poland, anti-government demonstrations in 2016 and 2017 consisted of not only the parliamentary opposition but also a wide range of independent movements that do not want the state to encroach on their daily lives. It was women, after all, who forced Polish Prime Minister Beata Szydło to back down on her plans to make the country's tight abortion laws even more restrictive. She was bombarded with criticism and sarcasm via social media (Dempsey 2016). Poland's PiS government suffered its first blow since coming to power nearly a year ago. In what amounted to a complete U-turn following a dramatic parliamentary session in the wake of the Black Monday protest, PiS MPs struck down a proposed bill to ban abortion. Domestic and international media were quick to hail this as a victory for the anti-government protest movement. More so, PiS became divided over the issue as 32 MPs defied party discipline to vote against the bill. In Poland, the striking down of the proposed abortion bill was a first blow to the government, but PiS will most likely try again to tamper with the abortion legislation if only to appease the ultra-Catholic part of its support base. Furthermore, PiS still aims to continue with its political project of "good change" – it has for instance not backed down in the conflict surrounding the Constitutional Court. The Black Protest movement in 2016 demonstrated that PiS can be successfully challenged from the grassroots level. Even though Black Monday (3 October 2016) was not the biggest manifestation of protest since PiS came to power, it successfully divided the governing camp forcing it to retreat. Additionally, it mobilised and politicised segments of society that had thus far not been engaged in anti-government protest. Nevertheless, the situation is not as dire as it might seem. Though PiS clearly favours an authoritarian state based upon a majoritarian

interpretation of democracy, the likelihood that Poland could ultimately succumb to “orbánisation” is rather slim (Junes 2016: 1).

■ Final remarks

The success of Law and Justice in 2015 parliamentary election in Poland seems to be a result of the combination of several factors. It would be mistaken to portray an emerging situation as a simple rightist win. PiS to some extent represents social attitudes typical for the socialist (social-democratic) parties, with some part of program including a populist message, but with the combination of conservative approach to several issues and nationalistic stand on perception of patriotic mood. An important meaning plays the support for PiS by the Catholic Church, especially in the grass-roots level. The ideological importance of nationalism in Poland makes it a vivid example of the interaction between conflicts of definition of political community, on the one hand, and parties' European attitudes, on the other (Pontes Meyer Resonde 2005: 12).

The 2015 election results might be also treated as a proof of a growing illiberal order in the contemporary world (Boyle 2016: 49). Populist tendencies are present in Poland as well as in another Central and East European countries (Lang 2005: 6) and their credibility must be analyzed together with the responsiveness of established parties to peoples' expectations (van Kessel 2013: 186). Major resources of political knowledge were changed and political knowledge leads to changes in political interest, alienation, democratic attitudes and voting behavior (Kunovich 2013: 75). Growing importance, as shown by the Standard Eurobarometer 84 Survey (EB84), conducted between 7 and 17 November 2015, had a refugee crisis (*Public Opinion...* 2015: 12).

The victory of PiS in 2015 election and forming of the majority government have an important meaning for the functioning of the political parties' system in Poland. The opposition parties in parliament must offer a new strategy of behavior in such circumstances, specifically when PiS' policy is aimed at compromising the democratic system based on the 1997 constitution principles, e.g. division of power, position of the Constitutional Tribunal and functioning of the judiciary.

The political situation occurred after 2015 election has also open the way to a new civil society initiatives, such as the Committee for the Defense of Democracy (Komitet Obrony Demokracji – KOD). It could influence further development of political parties' system in Poland.

It is too early to claim that the authoritarian tendencies, observed after 2015 elections, will dominate the Polish political system for a longer time. Surely, controlling of the office of the President of the Republic of Poland and

parliamentary scene by one party (Law and Justice) did not help to execute political pluralism and balance of power in Poland, as has been stipulated in the constitution of the Republic of Poland and as has been the practice and the philosophy of the Polish political system since democratic changes in 1989 and then adopted in the 1997 constitution. Nevertheless an important counterbalance is still offered by the political opposition and mechanisms of the civil society. The Polish fundamental law still brings about the criteria to analyze the political practice and instruments to protect to some extent the balance of power and pluralistic values. The open question remains what tendency would bring about the constitutional referendum proposed by President Andrzej Duda for 11 November 2018, on the day of the 100th anniversary of independence of Poland. It might answer the question whether some autocratic tendencies would create the mood to change the constitution in that direction.

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Jerzy Jaskiernia

AUTHORITARIAN TENDENCIES IN THE POLISH POLITICAL SYSTEM

The author analyses some authoritarian tendencies which occur in the Polish political system after 2015 elections since one party (Law and Justice – PiS) has started to control the office of the President and both houses of parliament and has introduced changes in functioning of the Constitutional Tribunal and the judiciary. To some extent PiS represents social attitudes typical for the socialist (social-democratic) parties, with some populist message, but with the combination of a conservative approach to several issues and a nationalistic stand on perception of patriotic mood. To respond to the widely felt hardships and anxieties, PiS ran a campaign that called for vastly expanded public spending. It promised to increase the minimum wage and the personal income tax exemption; to offer a new child support payments (program Family 500+), housing subsidies (program Housing+), and free prescription drugs for seniors; and to lower the retirement age from the current 67 to 65 for men and 65 to 60 for women. PiS also exploited the European migrant crisis. It is too early to claim that the authoritarian tendencies, observed after 2015 elections, have dominated the Polish political system for a longer time. Still an important counterbalance offer the political opposition and mechanisms of the civil society. The Polish fundamental law still brings about the criteria to analyze a political practice and instruments to protect to some extent the balance of power and pluralistic values. The open question is what tendency would bring about the constitutional referendum proposed by President Andrzej Duda for 11 November 2018, on the 100th anniversary of independence of Poland. It might answer the question whether some autocratic tendencies would create the mood to change the constitution in that direction.

Keywords: Poland, constitution, political system, 2015 elections, Law and Justice, authoritarian tendencies