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It has been over a year since the conservative Law and Justice party (PiS) took over complete governmental control in Poland. The presidential election won by Andrzej Duda in May 2015 and the victory of PiS five months later, gave party's leader Jarosław Kaczyński almost total control of the state. Czesław Kulesza and Gavin Rae analyse the right's rise to power and describe how the left must take on the difficult task of formulating a coherent alternative to this takeover.

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## Imprint



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## Background

It has been over a year since the conservative Law and Justice party (PiS) took over complete governmental control in Poland. The presidential election won by Andrzej Duda in May 2015 and the victory of PiS five months later, gave party's leader Jarosław Kaczyński almost total control of the state.

Both election campaigns were based on the idea of rehabilitating the functioning of the state's institutions and politics. After the elections the governing party announced that it would be introducing a programme of 'good change' in the country.

The proponents of this 'good change' claim that the authorities are beginning to crack down on the pathologies and errors of the transformation period and the present Third Republic. They also emphasise that PM Beata Szydło's government has made the biggest social transfer for over three decades. Meanwhile, opponents point out that the PiS government is ruling without respect for the rule of law, nor concern for the condition of the economy. They claim that the attacks on the country's democratic institutions (Constitutional Court), restricting human rights and freedoms, and increasing the country's debt, will have the disastrous future consequences for Poland.

The government of PiS and its decisions are controversial, whilst the main opposition to the government is dominated by liberals. In order to understand contemporary Poland and the phenomenon of 'good change', it is necessary to analyse this PiS government in its historical perspective.

## Political Consensus and the Round-Table Talks

The course of the economic and political transition, from the end of the 1980s, was set at the negotiations between the government and the opposition movement known as the Round Table talks. The Polish Round Table has been presented as an example of a peaceful political transition. The provision contained in the framework of negotiations was approved by the majority of political forces, and these guided mainstream political activity for more than two and a half decades.

Although the Round Table was formally a means to begin the political transformation (partially free elections to the Law Chamber of Parliament, the creation of a freely elected Senate, the establishment of the

office of the President, reform of the judiciary and trade union pluralism) its actual influence on Poland was far greater. A fundamental feature of the Round Table talks was cementing a compromise and de-facto alliance between the former ruling authorities and opposition movement. Behind this alliance stood a number of assumptions:

- democratization and decentralization of power must be continued,
- the economy is inefficient and in order to cure this there should be a rapid shift to a free market capitalist economy with primacy given to private property,
- economic changes must involve sacrifices and austerity policies (it is necessary to fulfil the recommendations of the International Monetary Fund and World Bank),
- foreign policy priorities (good relations with the United States and the pursuit of integration into the European structures) and defence (membership in NATO) are immutable.

Various subsequent governments, despite coming from different political camps, were faithful to this general political and economic course. For twenty-five years after the start of the transformation, Poland was governed by 16 governments. Eight of them had a centre-right political orientation, five of them were centre-left and only three were right-wing. All of them were created after a long period of consultation related to the need to establish a coalition. From 1989 until the elections in 1997, governments were generally unstable and there were frequent changes of governments. None of them held power for a full term of parliament. Starting from the right-wing coalition government of Jerzy Buzek (1997), the governments became more stable. In 2015, PiS became the first party to win an overall majority in a parliamentary election and therefore became the first party to govern alone since the beginning of the transition.

In order to understand the political context in which the current PiS government was formed, we shall consider the previous governments in Poland starting with those from the centre-right.

## The Governments of the Centre-Right

The governments of the centre-right showed a dogmatic approach towards the issue of privatisation; the

selective liquidation of many industries; and a chaotic approach to the issue of re-privatization. They were uncritical of the guidelines set down by the World Bank and the International Monetary Fund and the neoliberal experts from the West (most notably Jeffrey Sachs). The first centre-right governments were formed at the beginning of the transition, termed the period of Shock Therapy, which was characterized as being one of intense and harsh economic reform. Great importance was attached to good relations with the Church (the signing of a Concordat with the Vatican, stricter regulation of abortion, etc.). These governments also began a policy of denying the achievements of the Polish People's Republic and the intention to introduce radical changes in the official interpretation of history.

In the later period (i.e. after 1997) they implemented a series of extreme and badly prepared reforms to the administrative system, health care, education and pensions. These moved Poland's public services and social policy in a more neo-liberal direction and severely worsened the socio-economic situation of millions of Poles. For example, one of the reforms brought in a compulsory private pension system, which subsequently has proved unworkable and severely worsened Poland's public finances. In 1999 Poland joined NATO, through the collaboration between the right-wing government and centre-left President (Aleksander Kwaśniewski), thus showing how the 'historical compromise' of the Round Table talks was still intact.

The next period of centre-right government was from 2007 to 2014, mainly under the governance of Donald Tusk. During this time, the government was able to use the large inflow of European Union funds to help drive economic growth, whilst restraining social spending.

### **The Governments of the Centre-Left**

The Democratic Left Alliance (SLD) twice came into power on the slogans of changing socio-economic policy (1993, 2001). In both cases, the SLD explained that the economic situation was worsening and that it would make some moderate reforms to protect people's living standards. After 1993, the centre-left government essentially continued the sale of national assets (complemented by the populist Mass Privatization Programme) although this was carried out at a slower speed. The other major controversial decision of the ruling coalition was adopting the law allowing

for the eviction of people from homes that were being reprivatized. Although in that period the economic situation was improving the government only made moderate attempts at introducing social transfers to help alleviate social inequalities and poverty.

It should be highlighted that the Polish left made a significant contribution to the creation and adoption of the country's new Constitution (1997). In art. 2 it states that the Republic of Poland is a democratic state ruled by law which implements the principle of social justice. However, this new constitution was essentially a compromise between different political currents in Poland, as it also included neo-liberal clauses that severely restrict the level of public debt and also recognises the prominence of the Church in public life.

In 2001 the SLD once again formed a government after capitalising on the economic turmoil and decline in living standards caused by the neo-liberal policies of the previous centre-right government. The Prime Minister Leszek Miller, did not reverse any of the neo-liberal reforms introduced by the previous government and in many cases deepened this course of reform (even proposing to introduce a flat-income tax in Poland). Priority was given to completing the accession negotiations with the European Union, which also demanded that the government continues with the programme of liberal economic reform. The government's economic policy openly prioritised the interests of business, introducing such things as a more flexible labour code and expanding mechanisms to support entrepreneurship. At the end of its term in office, the SLD was involved in a few corruption scandals, which helped to further weaken its support. Between the 2001 and 2005 parliamentary elections support for the SLD fell from over 40% to 15% and they have since remained on the margins of Polish politics, allowing space for the conservative right to grow.

### **The Governments of the Right**

The first right-wing government was created in the period of dynamic geopolitical changes at the end of 1991. During this period decisions were taken to begin the process of moving towards membership of NATO and integration with European structures. The government decided to slow down the course of privatisation, although the general course of the transition was continued. This first right-wing government fell

due to its attempt to disclose a list of politicians who they claimed had collaborated with the communist secret services. This would have broken the 'historical compromise' formed at the Round Table, between the former ruling authorities and opposition, that underpinned the new political order in Poland.

Once again, the right wing came to power in 2005, after PiS emerged as the largest party in the parliamentary elections. For a year, PiS governed as a minority government headed by Kazimierz Marcinkiewicz. The unstable political situation forced PiS to form a coalition government, under the Premiership of Jarosław Kaczyński, with two smaller nationalist and peasant populist despite their claims of wanting to improve the quality of governance in the country, no significant progress was made. There was also no major change made in socio-economic policy, with the liberal Zyta Gilowska appointed to the post of Minister of Finance. The period of hypertrophy of the powers of the special services and law enforcement agencies began. This situation also had a direct impact on the collapse of the government. The corruption prosecution of the populist peasant leader Andrzej Lepper led to his dismissal from the post of deputy prime minister and agriculture minister. It aroused considerable controversy in the coalition. The political crisis led to the collapse of the coalition and a decline in support for the parties that formed it.

### **Jarosław Kaczyński – from Marginalization to Full Power**

Before considering the present PiS government we should analyse the political history of its undisputed leader Jarosław Kaczyński. Although Kaczyński holds no governmental position (apart from being a Member of Parliament), it is widely considered that the leader of PiS is the most powerful individual within the party and the state during a period when PiS hold both governmental and presidential power.

Jarosław Kaczynski began his political activity in the late sixties as an opposition activist. He was seen more as an advisor / expert than political leader. He participated in the Round Table negotiations and he took part in the negotiations with the United Peasant Party and the Democratic Group (the small satellite parties connected to the Polish United Workers' Party during Communism) aimed at the establishment of the first non-communist government. After the election of Lech Wałęsa for President of Poland in 1990, Jarosław

Kaczyński was appointed Head of his Chancellery.

In less than a year the political movement around Jarosław Kaczyński (concentrated in the Centre Alliance Party) came into conflict with Lech Wałęsa. This led to his dismissal from his post in the Office of the President. Jarosław Kaczyński sat at this time in parliament (first in the higher and then lower chamber of Parliament) and became very critical towards the President. During this time, Kaczyński and his followers began to openly accuse Wałęsa and others from the liberal wing of the former opposition movement as having collaborated with the Communist system. They also became very critical of the compromise made at the Round Table talks claiming that the former authorities and secret services had maintained their control of parts of the state.

After being out of politics during the previous parliamentary term, Jarosław Kaczyński returned to the parliament after the new centre-right coalition government was created in 1997. His party became known as being the main advocates of introducing a new programme of historical vetting and de-communisation. However, Kaczyński and his party failed to exert much influence on this centre-right coalition. The failures of this government led to the break-up of the right-wing coalition and a splintering of the right-wing in to different factions. The two main parties to emerge from this were the liberal Civic Platform (PO) and the conservative PiS. The latter became the main party of the conservative right and has been competing for political dominance with PO ever since. The formation of PiS and its hegemony on the conservative right can be considered as a major success of Jarosław Kaczyński and his late twin brother Lech Kaczyński.

In 2005 Lech Kaczyński was elected President of Poland, and in 2006 Jarosław Kaczyński became Prime Minister. However, in 2007 PiS lost the parliamentary elections, with PO then governing for two successive terms (the first time any party had managed this since the end of Communism). In 2007, President Lech Kaczyński was killed along with 98 other prominent members of the Polish state in the Smoleńsk air crash. This opened up a new divide in Polish politics, with many within PiS claiming that this was the result of a deliberate attack, possibly organised by Russia in connection with sections of the Polish secret services. This has provided a new discourse for those seeking to deepen historical revisionism, de-communisation

and pursue a more confrontational relationship with Russia. Jarosław Kaczyński's personal connection to this tragedy, has deepened his emotional attachment to a section of the conservative right's electorate.

## Poland 2015 – Time for a Change

As part of a general right-wing drift in European politics, PiS was able to win the Presidential and Parliamentary elections in 2015. Starting with the 2015 Presidential campaign, the party of Jarosław Kaczyński built an emotional bond with voters. As well as capitalising on the consequences of the Smoleńsk tragedy and promising to cleanse the state of a corrupt elite, PiS politicians were better able to recognise the fears of the electorate and offer them some solutions. PiS fought these elections on a programme of:

- reconstruction of the role of the state, the elimination of the pathology of the transition period, and repairing failing state institutions,
- change in economic policy consisting of economic patriotism, through weakening the position of the banks and multinational companies,
- introducing the highest social transfer since 1989 (announcement of lowering the retirement age, financial support for families with more than one child called the 500+ program, increasing the threshold before which people have to pay tax; the introduction of a minimum hourly wage, etc.);
- on moral issues PiS strongly advocated against the bill on the compatibility of gender, in vitro, the legalization of same-sex relations;
- in international politics they expressed opposition to the EU refugee policy and the policy of multi-culturalism, postulated strengthening the role of nation states in the European Union and for an increase in the influence of Christian values;
- they proposed a different interpretation of historical events, and in some cases writing a new evaluation of the past. This has included a policy of de-communisation, including changing the names of streets that have a connection not only to Communism but to Poland's socialist traditions.

The shift of PO towards more centrist positions (visible on moral issues and compliance with the EU's foreign policy) created a new chance for Polish conservatives. The crisis of the left and inability to formulate its

programme during the failure of neoliberalism also helped PiS gain power.

## The Government of Law and Justice

The 'good change' is often portrayed as an attempt to restore the rule of society and as a revolt against the privileged establishment.

After winning the 2015 parliamentary elections, the PiS government began to implement its electoral programme. According to the electoral promises the government has introduced some of its social transfers (including 500+), which is in stark contrast to its more liberal record when it governed previously. However, the nature of these social transfer is enshrined in a conservative ideology that seeks to strengthen the role of the family in public life. They have not implemented a programme of investment in the country's essential public services (such as health and education) that are chronically underfunded and their social benefits are of a selective nature (e.g. a single mother with one child will receive no new child benefits) which undermine the principle of a universal welfare state. Moreover, the government's overall economic strategy remains unclear and its attempts to pursue a 'national capitalist' line are proving difficult. The major challenge facing the government will be to maintain stable economic growth and raise living standards at a time when the European economy is facing a downturn and when European Union funds will significantly reduce in a few years time.

At the beginning of its term in office the government began to take control of some important institutions of the state. This led particular to an open conflict with the Constitutional Court. It should be recalled that this conflict began during the previous PO led parliament, when at the end of its term it elected more constitutional judges than necessary (two of them could be elected by the members of the next term of parliament) and the subsequent refusal to swear them in by the new President Andrzej Duda. The next PiS dominated Parliament decided to choose new constitutional judges, who were urgently sworn in by the President. Despite social pressure (large protests), the government has steadfastly paralyzed the work of the Court and the government selectively responds to the recommendations of international institutions. The Paralysis of that institution does not cumber Beata Szydło's government, because a poorly

functioning Constitutional Court means that it does not interfere in the government's activities. Despite the large protests, this issue remains one that is largely abstract and incomprehensible to most citizens. Also, opposition to the actions of the government are somewhat muted due to the memory that the Constitutional Court had previously taken many controversial and socially painful decisions throughout the transition period. This dispute around the Constitutional Court has also brought Poland into conflict for the first time over the past three decades with the European Union. The Polish government has been heavily criticised by the EU authorities, which possibly point to further ruptures between Poland and the European Union in the future. The Polish and Hungarian governments are now attempting to build a Central Eastern European conservative bloc that is seeking to move the EU in a more conservative and nationalist direction (whilst paradoxically continuing to be dependent upon the inflow of EU funds and benefiting from the free movement of labour).

During the year of PiS being in power, there have been many large demonstrations and protests. After the mass demonstrations in defence of the constitutional order, growing social tensions led to new protests. The issue that brought the largest protests in Poland for years, was the unprecedented attack on the rights of women, through the drafting of a law that proposed the complete ban on abortion (this was a private citizens' bill, which originally was backed by PiS). *The huge nationwide protests* have led to the government at least temporarily withdrawing its support for this proposal and thus defeating the bill. In response to these protests the government has proposed providing benefits to women that decide to have a child even when it will be born with disabilities, thus once again using social spending as a means to further its conservative agenda. Protests by various labour groups have also taken place. In particular, teachers have taken to the streets a few times to protest against changes to the education system.

The new government is opening up a new wave of measures that potentially move Poland in a more authoritarian direction. Representatives of the ruling party have been discussing proposals to further restrict the right to assemble and demonstrate. Also, the public television and radio have been heavily politicised and made openly conservative, launching an attack

on some non-governmental organizations. A general atmosphere of political suspicion and drift towards authoritarianism is being built. This was shown starkly when the left-wing politician and former opposition activist, Józef Pinior, was arrested under charges of corruption (which were later thrown out of court).

A new vision of history is being promoted by the state authorities and right-wing extremism is presented as civilized patriotism. This has been accompanied by a process of militarisation, with the government creating a new National Guard ostensibly to defend the country's borders. Worryingly, the extreme right is encouraging its supporters to join the Guard – raising the possibility that they will have access to some weapons. The government is pursuing a policy of increasing military spending (although Poland has one of the highest levels of military spending in Europe).

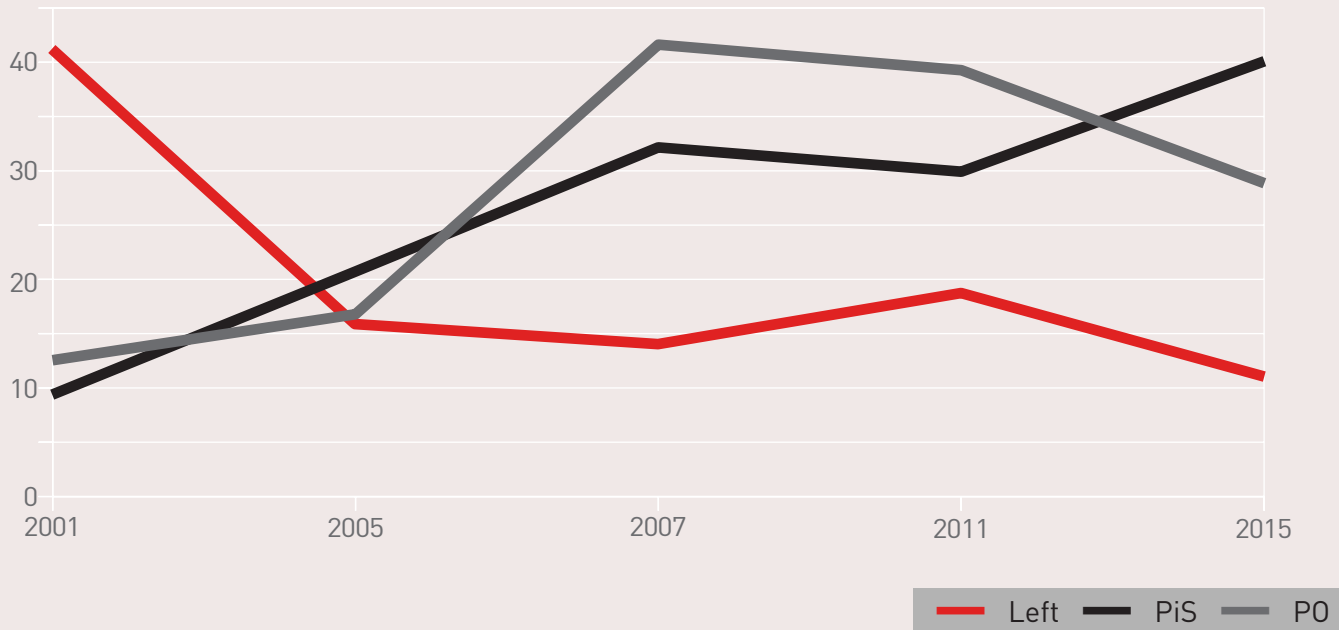
The activities of most opposition groups are limited to the defence of the existing status quo. The left remains weak in Poland and has been unable as yet to offer a coherent alternative to the PiS government. In these conditions leaders from the liberal centre have been most prominent in the opposition movement to PiS. This has provided a comfortable position for PiS as it can claim that the opposition movement represents the elite and the establishment and that it wishes to reverse the pro-social policies introduced by the present government.

### Support for PiS and Its Future Prospects

The rise and dominance of the right in Poland, over the past decade and a half, has coincided with a sharp fall in support for the left. The graph below shows that when PiS and PO first stood in parliamentary elections in 2001, the combined vote for the left was over 40%. However, the left vote then fell to just 15% in the 2005 elections with PiS emerging as the largest party above PO. Whilst the left vote has continued to decline, PO and PiS have dominated Polish politics. In 2007 and 2011 PO won the major share of the vote and were able to form a government. This result was reversed in 2015, with PiS winning almost 40% of the vote (see chart on p. 8).

The prospect has now emerged of PiS becoming the established party of government in Poland. It is possible that Kaczyński and his party could repeat the experience of Hungary, whereby a conservative right-wing

## Support for PiS in Comparison to the Left and PO in Parliamentary Elections (2001 - 2015)



party is able to marginalise the liberal opposition and weak left, whilst successively gaining more power over the levers of the state and creating a more authoritarian form of government in the country. What is different in Poland is that the government is in alliance with and is partly reliant upon the Catholic Church. This institution holds huge power and sway over a section of the electorate and is seeking to entrench Poland's conservative shift.

After a year in power, the government remains ahead in the opinion polls. The centre-right is now divided into two main parties, with the two largest parties of the left struggling to cross the 5% threshold that would be necessary to enter parliament. This has provided a possibility for PiS to entrench its hold on power and introduce a radical programme of reform. This seeks to finally break the consensus formed at the Round Table talks. This includes:

- > prioritising domestic capital over international capital,
- > moving cultural policies in a more conservative and religious direction,

- > gaining political control of some of the major institutions of the state,
- > politicising and controlling the state media,
- > pursuing a policy of de-communisation and policy of historical revisionism including in education policy,
- > militarising society through creating a national guard.

The success of this project will largely depend on its ability to satisfy the social needs of the population and thus retaining its electoral support. Whilst the programme of 500+ has been welcomed by large sections of society, some major economic challenges face the government. We expect that the government will be able to retain its position as the major political party in Poland beyond the next round of elections in four years time. However, the Polish economy will then face severe difficulties as EU funds come to an end, which has been the major driver of economic growth over the past decade. The challenge for the left is to find an organisational structure and programme that can provide a coherent alternative to both PiS and the centre-right opposition that oppose it from a neo-liberal position.

### Abbreviations used in this paper:

PiS - Law and Justice Party  
 SLD - Democratic Left Alliance  
 PO - Civic Platform