

Peter Oliver Loew

A Tale about Poland – Introduction to the Situation in Poland

This is a tale about Poland. Poland is a great country for tales and one needs to relate a bit in order to explain what is happening in contemporary Poland, in a country where the rule of law is in danger, where politics and society are dramatically divided and where images of existent or invented enemies seem to dominate the political and cultural discourse.

The question is – where to begin? Well, I will not start with the *Wawel* dragon who got killed by a cunning young shoemaker back in the 13th century or even earlier, and neither will I start with the legendary *Wanda*, a Polish princess who refused to marry a German knight, even if one could try to explain Polish mentality by going back into legendary times.

The tale begins in the 17th century, when the leading Polish class, the petty and modest nobility, invented the concept of “sarmatism”. By inventing the descent of the Polish nobles from an ancient tribe of Sarmatians, they tried to explain Polish otherness, the growing cultural, social and economic distance between the Polish-Lithuanian Commonwealth and its Western neighbors. The overall message was, that only they themselves, the Polish nobility, could manage the country – conservatives and devoted Catholics defending the entire Latin Christianity against the dangers from the East.

Thus, a national character was born that heavily influenced Polish self-perception during the next centuries. So, on the one side of Polish intellectual history, there is this strong feeling of being a distinct people. On the other hand, there always have been “Westerners”, Poles attracted by a more liberal way of living, looking towards Paris, London, but also Berlin and Dresden. They clearly dominated the Age of the Enlightenment, and after a long battle and many clashes succeeded to introduce the famous Constitution of 3 May 1791 that is often thought to be the first written constitution in Europe (in fact the first one was the constitution of Corsica of 1755).

Confronted with the heavy resistance of the domestic, conservative opposition and the pressure of the mighty neighboring imperial powers, the 1791 Constitution had never had a chance to be implemented. Four years later, due to partitioning of Poland by its neighbors, there was no Poland anymore. So, the Polish constitutional history started with a failure. What was left was nothing more than a myth, a well-intentioned act without any actual relevance. This might carry some importance even nowadays, maybe it even influences some Poles, convincing them that constitutions are important, but you do not have to obey them if the “people’s will” occurs to be more important.

The conflict between the home-grown conservative intellectual traditions and the western-style modernizers was fought throughout the whole 19th century. Several times (once for each generation), a highly romantic, small group of young officers and

intellectuals would start a rebellion against the partitioning powers, especially against Russia and Prussia. The insurgents have succeeded in convincing a part of the Polish society of the necessity to fight against the oppressors. At the same time, their revolutionary impetus came along with a strong feeling of the Polish exceptionality, that it was the role of Poles to fight against the reactionary powers. Many intellectual leaders were convinced that the country fought not only a political, but also a spiritual battle for freedom and called Poland the “Christ of nations”. They thought that even a desperate fight is a good fight, that it is better to have heroes and to die for the nation than to collaborate with “the strangers”, with “the enemy”, in order to modernize and change the country. They were convinced that it is better to stay pure, clean, and patriotic than to be influenced by liberal or progressive ideas from the West.

It was the irony of history that when Poland came again into existence as a state in 1918, it did so without any battle won, without any heroes. Poland as a state reemerged, because all the partitioning powers lost the war and vanished. This victory without bloodshed in the name of Poland (there was in fact much Polish bloodshed in the name of Russia, Austria and Germany) gave birth to a new national state within Europe. A state with a pianist – *Ignacy Jan Paderewski* – as one of the main heroes, a state that had to fight for its borders with all its neighbors, not necessarily with Germany (some insurrections against Germany were of course initiated, partly because of the romantic myth), but with Ukraine and Soviet Russia and even tiny Lithuania.

In the economical, legal, and even partly in the social terms, the interwar period was a time of success. Politically, the country was torn apart, and from 1926 onwards governed by an autocratic regime. The regime intensively sought to find support by creating a patriotic atmosphere, an ethnically based identity where all those who were not catholic Poles and who did not support the regime’s policy were branded as unpatriotic, un-Polish, potentially dangerous – especially Jews, Germans and Ukrainians.

World War II heavily traumatized Poles and all the people living in the Polish territory. Nearly six million victims of German (and, partly, Soviet) aggression, among them three million Polish Jews, and the devastation of the country left Poland in 1945 in a state of complete shock and disbelief.

What has followed is well known: while Poland was geographically shifted westwards, politically it rushed eastwards and became a part of the communist bloc. The communist regime has tried to find support from the population by combining socialist and nationalist narratives, what came to a high in 1968. The social and economic problems, combined with a forming political opposition let the regime to accuse the “evil West”, liberal elements and the Jews and, of course, the revanchist Western Germany, of provoking the students’ unrest.

The social-nationalist master narrative suppressed the publicly uttered alternative concepts of Polish identity, but it could not prevent their bursting out in the 1970’s. The strikes in the Gdańsk shipyards, the formation of *Solidarność* and the introduction of martial law in 1981 – all these were steps leading towards the end of the communist rule.

This end was not abrupt; it was the effect of a compromise, the effect of the “round table” of 1989. The liberal part of the communist regime together with the liberal opposition decided to change the system without bloodshed.

More than 28 years ago, Poland entered a new era. It was to be a time free of forced rule, free of fears and full of possibilities. On 4 June 1989, a new parliament was elected; the first time since the after-war period in a partly free elections. In August 1989, the Sejm elected *Tadeusz Mazowiecki* as prime minister, the first non-communist prime minister for more than 40 years.

For the next 20 years or so it seemed, as if Poland would follow a given path, the path of continuous improvement, of development, of becoming more and more “normal”, “western”, “European”, “civilized”, “market oriented”, and leaving more and more behind what was “communist”, “nationalist”, “Eastern”, “backward”.

When observing the situation in Poland from within, it might look somehow more difficult, but from an outside perspective the process that Poland went through during the transformation period looks pretty impressive. The retreat of the Soviet Army was followed in just few years with the accession to the NATO, and just a few more years after that Poland even became a member of the European Union. Looking more closely, however, the large break of 1989 was not that large of a caesura, as it seemed to be. The Third Polish Republic was not an entirely new system, it had more in common with the old regime than many observers wanted to see or to remember. Even the Constitutional Court was a remnant of the old system.

These continuities are part of the recent problems in Poland, with a clash of cultures, a clash of memories and a fundamental disagreement within the society and the political elites about the role of history, about the interpretation of history and about the functioning of the state and its systems. In spite of all Polish Pro-Europeaness and Pro-Westerness, in spite of all the liberality and modernization, there remained large stocks of conservative thinking, of the sarmatism, of the irrational romantic ethos.

The right wing politicians have started to demand a radical purification of the political life, administration and judicature already in the early 1990's. They requested to cleanse it from the post-communist staff and traditions. This discourse was at the time not the dominating one, but it remained important and provided orientation as well as identity for large conservative groups of the society. The mainstream politicians of the time, even if they declared to be liberal, democratic, pro-Western and anti-nationalistic always felt to be slightly under the pressure, mostly emotional, constantly being accused by the right wing media outlets, or from pulpits in some churches, of being traitors, anti-Catholic, anti-traditional, and so on. They felt the breath of the other Poland, the breath of the national history and its phantoms.

The adversaries of the western-style modernization became more influential at the beginning of the new millennium, when Poland negotiated joining the EU. The “*Nieca albo śmierć*” – the voting principles of the Nizza Treaty or death, that is what a member of the liberal party shouted in the Polish Parliament,¹ and that sounded like a proper right wing politician's statement.

The nationalist-catholic party *Prawo i Sprawiedliwość* – “*Law and Justice*” – first came to power in 2005. Their mastermind was – and is – *Jarosław Kaczyński*. Already in 2005, he pleaded for “healing” Poland via a fundamental political reform, a fight against the post-communist networks, but also via a juridical reform and a fight against the foreign agents of influence in Poland. His ideal is an unblemished Poland,

1 <https://wiadomosci.wp.pl/nieca-albo-smierc-6037779297690753.a>.

an unblemished national collective. This first attempt to change Poland failed after two years, and his party went into opposition.

During the following eight years, Poland was governed by the liberal conservatives. They tried to manage the country in accordance with the main requirements of the liberal democracy, but evidently, they were not able to carry out many reforms. In fact, they changed Polish transport infrastructure and clearly improved Polish standing in the world, but they failed to modernize many other sectors of the state, especially those related to granting more social security to the citizens. It is sufficient to mention, that according to sociologists (and the European Social Survey) the Polish population is among those in Europe with the least trust in each other.² Distrust in neighbors, the political leaders, and a lack of moral authorities characterize Polish society. This might well be a result of the fact that the society as a whole misses a convincing larger master-narrative, which would give Poles more trust for the state as well as for the society. The liberal promise of a potential wealth and possibilities for all seems more and more irrelevant in a situation of a more and more inequitable distribution of wealth.

Together with the missing trust, the Polish people lack a proper “we-feeling”. After the country’s “return to Europe”, as it has been called, the return achieved with joining the EU in 2004, the concept of an open society and liberal, market-oriented economy was not a convincing vision anymore for an increasing part of the Polish society. So, the right-wing ideas got more support:

- nation and patriotism instead of the civil society,
- conservative, catholic values instead of the liberalism or leftist convictions,
- authoritarian rule rather than the liberal democracy.

Nevertheless, it was quite a surprise, when the political party “*Law and Justice*” in 2015 won not only the presidential, but also the parliamentary elections. They succeeded to gain the absolute majority of deputies, although they got just about 19 percent of all eligible voters and 37.6 percent of votes cast. “*Law and Justice*” won due to the social promises, fears evoked by the refugee crisis and seemingly simple answers to complex problems. Their classically populist campaign simply divided the country into the “good” camp of the “solidary Poland” and the “bad” camp of the “liberal Poland”.

Since autumn 2015, this right-wing government has been quite successful in terms of popularity – for a long time, the opinion polls predicted between 40 and 50 percent for “*Law and Justice*”, so that it could even hope to gain a constitutional majority in the next parliamentary elections. This might be a surprise considering the revolutionary steps taken by the new government and its massive action against the rule of law since the end of 2015. Even in spring 2019 about 35 to 40 percent of potential voters declare to give them their vote.

One of the first steps was the attack on the Constitutional Court and its subsequent “take-over” by the government. The public media have also been taken over and transformed into a state media doing propaganda for the government in the last

2 74 percent adult Poles is of the opinion that one should not trust other people, according to a survey published in 2016 https://www.cbos.pl/SPISKOM.POL/2016/K_018_16.PDF.

two years. The Parliament and its committees have been degraded to a more and more superficial role, open parliamentary debates have gotten more and more restricted, and the Parliament functions partly just as a machine for voting in accordance with the intentions of the government. Thus, the Polish parliamentarianism is seriously harmed, as well as the liberal democracy is in peril. A statement by a right wing deputy can be seen representatively for those changes. Quite at the beginning of the new legislative term, he shouted in the Sejm (25 November 2015): “above the law is the good of the Nation”.³ It was *Kornel Morawiecki*, the father of the current Prime Minister *Mateusz Morawiecki*. *Mateusz Morawiecki* himself stated something similar in an interview with the German broadcast-station “*Deutsche Welle*”, in February 2017: “Of course the law is not the most important. The life of people and security is”.⁴

In 2017 the government suddenly, and just before the summer holidays, tried to change the legislation concerning the functioning of courts and the National Judiciary Council. In spite of massive protests and a veto exercised by the President, the government succeeded to implement the laws after introducing some minor changes in January 2018. There also were attempts for a “polonization” of private mass media and for far-reaching changes of the electoral legislation, as well as for a complete prohibition of abortion. This is no more and no less than a kind of “conservative revolution”, aiming at creating a rather authoritarian political system.

All this came along with massively nationalist rhetoric, openly referring to the traditional patterns. Poland was finally to rise from its knees, to gain pride and self-confidence, to be able to pursue its own interests against the will of the “bad” European Union and the “leftist” governments in the West, fighting against the “neo-colonialism” and arrogance. So the anti-European and anti-German discourse, which until then had just been a minority discourse of the far-right movements, became the official government line. It got even more important, when in summer 2017 the mastermind of the movement, the party-leader *Jarosław Kaczyński*, declared that Germany owes Poland billions of euros of reparations.⁵

Given the traumatic Polish experiences with Germany in history, this is for Poles an utmost emotional issue. It is also one of the government’s strategies to address the emotions of Poles, to activate all imaginable emotional fields in order to give Poles a positive identification with the populist government. The strategy is to cynically divide Poles into two camps, its own camp, focusing on the “national identity” and the other, hostile camp, attached to the “European identity”. The own camp is described as the camp of the “real Poles”, all others are not real Poles – they are, as the famous-infamous saying by *Kaczyński* goes, the “worse specimen”, they are the “traitors” or the “creatures of Brussels ... of Berlin” and so on.

This brings us back to history, because in several aspects this modern collective narcissism reminds the early modern sarmatism. The unblemished nobleman fighting

3 <http://wyborcza.pl/1,75968,19248677,prawo-nie-swiete-nad-prawem-jest-narod-a-wole-narodu-wyraza.html>.

4 *Mateusz Morawiecki*, EU 'completely misunderstood the situation', <http://www.dw.com/en/mateusz-morawiecki-eu-completely-misunderstood-the-situation/a-37547967> (30.3.2018).

5 <https://www.tvn24.pl/wiadomosci-z-kraju,3/kaczynski-o-reparacjach-wojennych-to-calkowicie-powazne-zadanie,789376.html>.

for Christianity is a relative of the modern catholic-nationalist politician fighting not only for Poland but – in his or her own conviction – fulfilling a mission of saving decadent Europe from demise. The romantic ideal of an uprising is another ideal of the modern conservative thinking: “Uprising against all odds, just go out and fight.”

The problem is that most of Europe does not see Poland as its savior, so the Polish government is trying hard to convince them of the moral superiority of Poles, passing an act at the end of January, 2018,⁶ which threatens all those who accuse the Polish nation of shared responsibility for the Nazi crimes during WW II with a punishment. The worldwide protest provoked by this bill confirms the governmental and right-wing circles even more in their paranoid conviction of being the all-time victims.⁷ The endangered Polishness, the fight for the good fame of Poland and the conviction of the absolute purity and integrity of Poles throughout the times is a kind of a new nationalist ideology (which even provides the government to trigger a quasi-anti-Jewish campaign ...).⁸

In the light of this ideology, all the different measures of the PiS government that sometimes seem to be rather chaotic and destructive, gain some sense. But the ideology is just one side. On the other side is the wish to stay in power as long as possible, to hamper the oppositional forces in their efforts to regain power with all possible means. Because one thing is obvious: the evident constitutional breach by the government and many political actors, the evident overstraining of law must be prosecuted after another government will be elected maybe in the year 2019, maybe much later. However, the further the system is changed, the more difficult will it be to reset the system and to punish the culprits.

“Rubicon has been crossed”, says the European Association of Judges with regard to Poland.⁹ This is the situation, in which Poland is in these days. It is a situation in progress, driven partly by the ideologically convinced people, partly by the people, who just want to stay in power, regardless of what it costs. The costs are high, and they will rise even more, the further Poland is drifting away from the European liberal mainstream.

There are several possible scenarios for Poland. One is a progressing radicalization, which seems to be even quite plausible, taking into consideration the nationalistic and xenophobe rhetoric of some government members in early 2018. A second one is a maneuvering of the government in order to satisfy the EU as well as the domestic national-Catholics. A third one is the slow auto destruction of the government camp and the return of a majority of the electorate towards pro-European, liberal politics. In each case, Europe has to comment and react, even if it provokes anger of the Polish right-wing politicians. Among many others, the renowned Polish sociologist *Ireneusz*

6 <http://www.sejm.gov.pl/sejm8.nsf/PrzebiegProc.xsp?nr=806>, <https://www.tvn24.pl/wiadomo-sci-z-kraju,3/nowelizacja-ustawy-o-ipn-weszla-w-zycie,818841.html>.

7 <https://www.euractiv.com/section/central-europe/news/polish-president-signs-anti-defamation-bill-causing-international-protests/>.

8 <https://www.bbc.com/news/world-europe-43108116>. – Most of the bill was reversed during the following months after protest from Washington, Israel and different European institutions.

9 List Otwarty Europejskiego Stowarzyszenia Sędziów. <http://www.rp.pl/Sedziowie-i-sady/180119691-List-Otwarty-Europejskiego-Stowarzyszenia-Sedziow.html> (30.3.2018).

Krzemiński requests from the domestic opposition to finally convince Europe of engaging more in Poland and counteracting the state propaganda ...¹⁰

Many questions remain open: is there a way back – or maybe a way forward towards a Poland where the rule of law is respected once again, where politicians do not just create images of enemies, but try to find some compromises? Looking back into Polish history, there are not many examples of successful political or social compromises. And even the fruits of the most famous one, the Round Table in 1989, are in danger to be gambled away.

Concluding – my tale of Poland is not finished, because if I would finish it just now, it would end badly. But at least Polish legends tend to have good endings. The shoemaker, who defeated the dragon in Cracow, married the king's daughter. And *Princess Wanda*, who refused the German knight, in fact stayed a maiden and had a long and happy live.

10 *Prof. Ireneusz Krzemiński*, Polacy uwierzyli w perfidne kłamstwo, <https://wiadomo.co/prof-ireneusz-krzeminski-polacy-uwierzyli-w-perfidne-klamstwo/> (30.3.2018).