STUDIA POLITOLOGICZNE

POLITICAL SCIENCE STUDIES

POLISH POLITICS AFTER THE TRANSFORMATION. CONDITION AND PROSPECTS OF DEVELOPMENT

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Contents

Introduction

The present volume of *Studia Politologiczne* sets to explore Polish politics in the country's post-transformation period. It does not intend to provide a finite answer to the complex and persistently debated questions in the literature on the subject, that is whether the transformation process has now been completed in all its areas, so that we can truly speak of a post-transformation policy, or is it the case that, within the different areas of political relations, we are dealing with various dynamics of the transformation processes, and accordingly, different rates of progress of the transformation? Presented here is the outcome of continued research on the transformation pursued at the Institute of Political Science, University of Warsaw. In addition to publications analysing the various aspects of Polish transformation, the Institute has published books which provide a multi-dimensional study of the course and effects of political changes taking place in Poland since 1989. Three of them in particular must be mentioned here: *Poland: Government and Politics* (1997), *The Political System of Poland* (2007), and *Dylematy polskiej transformacji*, published in 2008, and its English version *Dilemmas of the Polish Transformation* published in 2010.

Even if we were to assume that Poland, Anno Domini 2013, is a country which has completed its transformation, questions remain as to the quality and permanence of the whole undertaking. Nevertheless, the transition process itself from the political system of real socialism to liberal democracy, in its current form, must be considered as done. The transformation of the Polish political system had its own peculiarity and dynamics, different to what the other post-communist states experienced. These issues were outlined in the last of the four books mentioned above and are again alluded to in some of the studies in the present volume. The landmark event which summed up the systemic metamorphoses underway, was the enactment of the new constitution in 1997, which took place at a later date than in the majority of the countries of the region and allowed it to benefit from their experience.

All the analyses which make up the present volume of the *Studia Politologiczne* have been written by the academic staff of the Institute of Political Science, University of Warsaw. The first group of papers investigates the various aspects of the changes occurring in Polish political relations. For instance, Polish politics is shown against the backdrop of the theory of democracy, or through the prism of building the country's position within the international environment. By portraying external points- or rather planes of reference, an analysis of the individual areas of internal relations was made possible. Another significant cluster of papers examines from a constitutional perspective (which defines the systemic framework of political relations) the conditioning of domestic political culture and the way it is manifested in the political participation of Poles. In yet another group of articles, specific areas of the activities engaged in by public authorities are examined, such as faith relations, the secret service, social and economic policies. The last group of papers discusses the didactic potential of our Institute. In addition to foreign-language studies (Master's Degree Studies in Political Science), study courses taught in Polish are discussed (political science, internal security and Euro-Asiatic studies), as well as the scope and nature of the international exchange of students and academics.

On presenting this volume of *Studia Politologiczne*, we are proud to say that the periodical can boast of some considerable history, having its first number published in 1996. Over the years the periodical steadily earned widespread recognition and a solid academic status. Our contributors, who hail from the best academic and R&D centres at home and abroad, regularly receive the highest number of points for their papers awarded under the Polish system of evaluation of academic papers. Their analyses and reviews cover fields such as the theory of politics, philosophy of politics, political systems, public administration, internal security, political sociology and political psychology. They are published in Polish, English and Russian. Contributions on any of the above subjects or a related topic are most welcome.

And, last but not least, this volume of *Studia Politologiczne* came into being as part of a research grant implemented in cooperation with the Ministry of Science and Higher Education. The project managers wish to express their gratitude to the Ministry for awarding the grant to the Institute of Political Science and the assistance they have provided.

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Dogma and Experience.
Notes on the Profile of Polish Democracy

STUDIA I ANALIZY

Dogma relates to faith, while experience speaks with its own, separate voice. This is, of course, a general and ambiguous statement; a symbolic abstract symbolising an important difference between the two. In the writing that follows 'dogmas' and 'experiences' will be juxtaposed as symbolic formulations. No mention will be made of specific forms of faith, nor will precisely understood empirical findings be discussed. Instead, we will make our way across a sphere of overgeneralisations, asking questions about Poland's hope pinned on democracy and the nature of the shifts that come to mind when we speak of a 'democratic transformation'. At this point the two terms, dogma and experience, which represent contrast and conflict, difference and dissonance, will become useful.

Let us then take a closer look at certain ideas, 'revealed truths' of sorts, notions which raise the most far-reaching hopes and have become the foundation of the reform program. At the same time, we will turn our attention to the realities, taking into account effects and experience, wondering what the 'earthly' life of great ideas was like. This confrontation will of course become quite schematic, but will hopefully allow us to grasp typical key tendencies, contribute to contemplation and facilitate an accurate assessment of the twenty years of change.

The catalogue of 'revealed truths' was not lengthy. Two ideas were of major importance: the idea of civil society and the concept of a free market. They made up the core of the triumphant message of victorious liberalism, which pushed communism to the margins. In 1989 everything appeared simple enough. As the enthusiasts of democratic reforms assumed, civil society would create the barriers to prevent the abuse of power – it is a remedy for curing all political ills. The free market, on the other hand, is a panacea, a true blessing, which safeguards universal welfare and auspiciousness, and secures prosperity and balance. Or so it was believed.

The lodestars clearly pointed in a specific direction, leaving little room for doubt. Both ideas were unrivalled. The restitution of civil society (as it was then portrayed) and the construction of the bedrock of a free market were supposed to shape the steadfast foundations of democracy. Political violence and the absurdities of a planned economy were to be replaced by the benefits of freedom and well-being.

Everything seemed so very simple; self-regulation entered Polish politics. It was concerned with the economy and politics: the free market and a self-governing republic. These catchwords sounded promising and convincing. Market self-regulation and the breath of freedom which would release the energy of civil activity were to become the vehicles of historic change. However, as it soon transpired, everything was much more complicated. Revolutionary zeal could not overcome the all-powerful scheming spinners of fate. History would have a say and it would not by any means be the echo of revealed truths.

Rash and far-reaching oversimplification was the original sin of Polish democracy. Let us start with the problem of *civil society*. At the heart of all discourse concerning historical regeneration facilitated by the fall of communism was the idea of civil society. So what was the simplification? Oddly enough, this idea (I mean its wider social and political resonance) has never been placed in its rightful, natural context. The frequently repeated view that the issue of civil society was for the first time 'thematised' by Hegel still lingers. Actually, this is not true; the term itself is a signpost of sorts. The notion of civil society was used by John Locke, and would take pride of place in the vocabulary of English Whigs in the discourse of the Scottish Enlightenment, before travelling over the Atlantic to play a key role in shaping the ethos of freedom in America[1]. It is tied to a specific view of history, society, customs and politics,

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[1] On this subject see the seminal work: B. Bailyn, *The Ideological Origins of the American Revolution*, Harvard University Press 1967.

which the idea of *civility* imposes. Civility, hence becoming *civilised* (the shortest dictionary definition of 'civility' is to have 'polished manners', courtesy or refinement), becomes more than a code of aesthetics and social convention; it also becomes an important political code. In other words, it becomes a template for freedom based on the rules of mutual recognition, kindness and sympathy. This is where the crux of the matter lies: this is the meaning of the idea of freedom and historical change related to the formula of civil society. Just slightly changing the terminology, without misusing it, we can say that the notion of 'civility' is equivalent to the notion of 'cultural capital' or 'social capital', both so fashionable nowadays[2]. The Hegelian abstraction, a dialectics allowing for the understanding of civil society as a 'middle term', a mediatisation formula, that is, a combination of that which is unitary with that which is general, dictates a totally different view. The intent of this short argument is not vindication, or a suggestion to 'reduce the value' of Hegel, so to speak. It is all about the unique understanding which we will not find in Hegel; the specifics, the flavour, a certain historical universe hardly ever perceived, based on the assumption (made possible by Hegel) that historical dialectics alone would guarantee inevitable change and mount civil society on a pedestal. Following in Hegel's footsteps we remain among ideas, which allow us to see the spontaneity of historical shifts with their intrinsic reason, in agreement with the unrelenting march of Reason and Freedom (this is, after all, the content of Hegel's dialectics of history). The Anglo-American model of civility, on the other hand, has focused on firmly understood historical practices, changing mores and conventions, the mutual intertwining of aesthetics, ethics and politics, thus creating a new and strong knot of social relationships. While still in Hegel's company we have learned to believe in the causative power of history, the logics of the historical process, accepting that on the strength of historical dialectics, the mere 'overthrow' of communism causes the values represented by the idea of civil society to take root. That was the alleged meaning of negation, the rejection of the *ancien regime*. Everything seemed so simple: the ousting of communism was to bring into existence the structures of civil society. However, it did not turn out like this. Civil society proved to be a phantasm leading to the deficit of 'social capital', so

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[2] See the important work: M. Becker, *The Emergence of Civil Society in the Eighteenth Century*, Indiana University Press, 1994 and R. Putnam, *Bowling Alone: The Collapse and Revival of American Community*, New York 2000.

commonly bemoaned these days. As it transpired, the models of civility do not develop when dialectics is approached abstractly.

Another issue remains. The narrative concerning civil society was seriously flawed from the very beginning. Firstly, it lacked precision and consistency. Different vocabularies intermixed. The 'construction', 'revival' and 'restitution' of civil society were used interchangeably, forgetting that each had a different meaning. Secondly, the crucial dilemma was never solved: is it evolution or diffusion? Put differently, does civil society arise owing to a process of internal changes feeding on its own energy and strength, or by embracing alien models shaped outside this process and adapting them to suit its needs? It seems that there was faith in both evolution and diffusion, mixing both planes and both schemes.

From afar, however, the awkwardness of the great improvisation was clearly evident, as stressed by John Gray who argued that trust in propagating the civil society model was groundless and the benefits rarely proven. Although the collapse of this trust failed to trigger a global earthquake it did, however, became symptomatic. In his *Enlightenment's Wake* Gray wrote:

In the post-communist world, where the disintegration of the Soviet state has inaugurated a period of upheaval and convulsion fully comparable with that which followed the fall of the Roman Empire, the collapse of the Enlightenment ideology and Marxism has not, as Western triumphalist conservatives and liberals supposed, issued in a globalisation of Western civil society, but instead in a recurrence to pre-communist traditions, with all their historic enmities, and in varieties of anarchy and tyranny[3].

How this relates to Poland, a country in the EU, a disconcerted and indignant person may well ask. Well, it does to no small extent. We could debate whether the rules of civility count more in Polish politics or the opposite, the peculiar rules of incivility, the lack of recognition, courtesy, trust and willingness to cooperate. Rules related to regression, and a return to patterns of quasi-tribal enmity. Thus, assessing the peculiarities of Polish democracy, it seems fitting to say we are dealing not so much with *post-politics*, as with *proto-politics*, but the issue needs further analysis.

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[3] J. Gray, *Enlightenment's Wake. Politics and Culture at the Close of the Modern Age*, London and New York 1977, p. 146.

Now let us turn to another major dogma, another 'revealed truth': the free market – the essence of capitalism. Democratic capitalism, to apply another axiom, builds on the foundations of liberalism. So far, no doubt, it seemed a ready formula, not to be undermined by anything or anybody. Liberalism, treated as the most obvious ('natural') form of negating communism, suggested very simple solutions. The absurdities of the order, with state property and planning at its heart, were to be overcome by going in the opposite direction reversing the existing order of things. As the eagerly-repeated adage said: standing the world back 'on its feet again' after it had been turned on its head. The notion of turning things upside-down was treated literally and, again, superficially. It produced the triumphant rhetoric of de-communisation, the rhetoric of a return to 'normality', paving the way for the whole reform-agenda, which facilitated regeneration. Communism is 'abnormal' and democracy, with free market principles as its centrepiece, is 'normal'. Symbolic arrangements have a very strong and unambiguous resonance leading to seemingly obvious solutions. *Privatisation* – this objective raises not the slightest doubt. This is the making of the agenda, which complies with the logic of reversal. Dogmatic and narrowly interpreted liberalism is, in fact, perceived as communism *a rebours*. Privatisation would replace collectivisation, and the obvious reversal of the historical order would be complete.

In terms of slogans everything seemed convincing, but syllogisms do not make history. Enthusiasts of the dogma of fast-tracked privatisation made the same mistake as that made by proponents of collectivisation. They oversimplified and believed in the magical powers of the doctrine, in the magical rule of ideological dogmas. It was expected that by introducing free-market mechanisms, privatisation would become a miraculous medicine with the power of curing all ills. It was assumed that the free market was a formula of a perfect union, which combined the economy, ethics and politics into a coherent entity, while at the same time opened the door to abundance, justice and effective governance. The symbolism of the 'invisible hand' tied to the idea of self-regulation sets the scene for the foundations of the new faith. Let's just privatise heedless of all the rest, which will take care of itself. Thus, the idea of metamorphosis turned into its own caricature. The concept of self-regulation was treated in exactly the same way as the idea of the Marxism-related 'inexorable laws of historical development' was once treated.

The anatomy of simplifications and illusions is presented insightfully by the sociologist Jerzy Szacki in his outstanding work, *Liberalism after*

Communism. 'One can say that in the countries of real socialism, liberalism appeared first as a sort of communism *a rebours*, that is, primarily a set of principles which argued against the official ideology and essentially were its reversal'[4]. This has of course provided the means to create an effective formula for legitimising the changes, but it did not assist in solving practical problems. The effective engineering of the massive project of change called for subtler instruments than dogmatically understood privatisation. Poland would be saddled with the consequences of these simplifications throughout the twenty-year period.

Actually, the very foundations of the entire concept were burdened with a major contradiction: the sin of constructivism. This free market metamorphosis, which guaranteed all the blessings of abundance, was to be the product of *actions taken up by the state* – contradicting the idea of self-regulation in the most glaring fashion. The state was to play the part of the great architect-revolutionary, laying down the basis of the new order. However, 'planned capitalism', as Jerzy Szacki rightly emphasises, 'is inevitably beginning to resemble other rationalist utopias, for which abstract *principles rather than practice* are the point of departure'[5]. It was just as well, let us add, that in the Polish reception of liberalism the starting point was essentially neo-liberalism, a dogmatic and stiff project, which enforced – together with the glorification of private ownership – a certain orthodoxy of the free market and an ideological coercion of sorts in all matters connected with privatisation. This was a case of intense radicalism. The sheer enthusiasm and zeal with which Polish recent converts to the free market constructed their plans for the Great Leap caused certain unease in the West, leading to fears that in a society which lacked a background of already existing broad structures of private ownership, privatisation, which was at once radical, sweeping and ideologically interpreted, would inevitably be very risky[6].

The transformation effort was beginning to gain momentum at the very instant that the neo-liberal, triumphalist narrative, which saw the free market as an all-mighty happiness-spawning machine, faced its first detractors. In actual fact, long before the embarrassing Wall Street banking crisis the very idea of self-regulation was beginning to fall apart. In 1998, John Gray's seminal work, *False Dawn: The Delusions of Global*

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[4] J. Szacki, *Liberalism after Communism*, Central European University Press, Budapest 1995, p. 74.

[5] Ibidem, p. 184.

[6] J.K. Galbraith, 'The Rise to Capitalism', *New York Review of Books*, 25 October, 1990.

Capitalism appeared. He was a one-time follower and (brief) adherent of Thatcherism and the attendant 'free market' mythology. The devastating criticism levelled at the concepts at the heart of a 'free market' mentality took into account experiences, which by the late 1990s were no longer debatable. The prophetically inspired promises made by the advocates of free-market orthodoxy have not materialised. Self-regulation as the steadfast guarantee of prosperity proved a delusion. Also, in practice, the effects contravened the neo-liberalist dogmas. 'In the United States free markets have contributed to social breakdown on a scale unknown in any other developed country […] Free markets, the desolation of families and communities and the use of the sanctions of criminal law as a last recourse against social collapse go in tandem'[7]. Thus, the neo-liberals' Good News has not been corroborated. Privatisation, unrestrained free competition and the easing of the tax burden have not brought about the wonderful effects expected. As was said before, and emphasised by Gray, the idea of the 'free market' and the concept of self-regulation are fiction. What was defined as the 'free market' was always brought about by specific legal regulations, so a spontaneous emergence of a free market, which would entitle us to speak of a historical miracle, is highly unlikely. The laissez-faire ideology conceals the truth about the system, which came into being on the back of rigorist legal instruments rather than spontaneous mechanisms of historical metamorphoses. This is the way the 'free market' was constructed in early-Victorian Britain, as transpired from Gray's analysis[8]. Ultimately, then, we can only acknowledge, as the author suggests, that the idea of the global 'free market' is a 'dangerous utopia'.

What conclusions could be drawn from this for Poland? Firstly, caution is required leaving little room for idolatrous adoration of the 'eternal truths' of laissez-faireism. Advocates of privatisation, dogmatically understood and treated as a tool of miraculous metamorphosis, have never taken into account that which is of fundamental importance to democracy. In one's objection to the 'free market' utopia, one should not ignore market mechanisms. The market does exist, but not as imagined by the doctrinaires and advocates of automatism who equated the idea of privatisation with the notion of humanity's universal happiness. The market is a complex system that embraces diverse practices and patterns of behaviour. Without culture it does not exist. It is determined by certain habits, customs, moral principles and effectively operating legal

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[7] J. Gray, *False Dawn*, Granta Books, London 2002, p. 2.
[8] Ibidem, pp. 7–10.

mechanisms. It is much more than the free flow of money and freedom of contacts. A debased, simplified ideology of the 'free market' is in effect a perilous political poison, which is not conducive to the creation of the basis for democracy. Unfortunately, it seems that the influence wielded by advocates of these beliefs in Poland was far too strong.

The dogmatic concept of change and the euphoria of privatisation overshadowed the problem of broader social reconstruction, which should shape the potential for development and secure the prospects for Polish democracy. Polish research (of which the most well-known are the findings of a research team led by Prof. Czapiński) has pinpointed the severe deficit of 'social capital' as the most significant impediment to growth and further change. This, incidentally, brings us back to the problem of civility. The false reading of social and historical change has taken its toll. An automatic generation of a new type of relationship based on mutual trust and will to cooperate thanks to unilaterally understood privatisation policy, just does not happen. Things are much more complex and concern a host of issues never considered by the architects of the Great Leap, for example, conventions, morality, a sense of justice, education and upbringing. This mistake must be corrected especially as such a measure would be in line with the message of the liberal tradition. Let us remember, liberalism is not limited to the Chicago school, but includes primarily a broad tradition not easily compatible with intrusive dogmatism. It is more John Stuart Mill than the 'monetarists'. Polish democracy should keep looking for the right point of reference and the right examples, rather than shutting itself away in the sphere of an obsolete doctrine; it should defy the power of inertia.

However, our quest should be more inclusive and not be limited to searching for the right examples and models. No doubt, the imposition of the idea of repeating, copying and adapting was one of the gravest dangers generated by the 'transformation'. By defining, (in line with the logic of transformation) in the broadest terms possible, the goal of all the shifts as a 'return to normality', one signifies the negation of one's own position and the need to adapt to a pattern. The thinking was: we must be like the 'others', those who are 'normal', thereby discarding the stigma of degradation and exclusion. Putting it succinctly: we must recognise our own inferiority. This is perilous reasoning at its worst, which complies with the depreciation mechanism, or 'orientalisation' a term used for this state of mind by Edward Said in his famous work[9]. It signifies the

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9   E. Said, *Orientalizm*, Polish edition, Poznań 2005.

development of formulas, which allow for the treatment of cultures different from our own, condescendingly placing them in the background and ascribing to them an inferior status. Today it is an anachronism, at least in terms of classical models of discourse where the 'Orient' was juxtaposed with the West as the embodiment of something worse. However, in its coded, paraphrased forms, we could say 'orientalism' is alive and kicking, emerging as the revived distrust and suspiciousness evident in the attitude of the 'old' European Union members (not in official policies but in social attitudes) towards the newcomers who are treated as *parvenus*. In the case of Poland, it was a way of thinking described as 'self-orientalisation' by Maria Janion. In other words, the mechanism of self-depreciation which had come to light so many times in the past and re-emerged under the transformation[10]. We represent the 'East', we are from the 'East', we simply seem to be saying that the 'East', in this self-deprecating narrative, has become a symbol of subservience and exclusion. This tendency to diminish ourselves came to the fore with great impetus and proved pivotal when the eyes of the reformers were looking West, in the opposite direction.

This mechanism was at the core of an attitude, which, according to critically minded observers, puts into doubt the entire output of the transformation. A case in point is the work of Zdzisław Krasnodębski who defines Polish democracy as the 'democracy of the peripheries', stressing the imitative nature of the whole concept of change[11]. As expected the architects of the changes, the politicians, distastefully reject the severe criticism as groundless insinuations. However, it should not be left unheeded. Even if we accept what the politicians eagerly suggest that Poland has become an important 'player' in the European sphere and has left the peripheries, doubts still linger. The reasoning behind the cult of 'accession' is still rampant. We have joined, thus all the fundamental problems have been solved: we are in the EU and NATO, so it follows that we are on the *right* side. This decision to join determined everything. Or did it really? Can all the changes introduced in Poland be interpreted without hesitation as a 'leap of civilisation'? EU accession seen as a cure-all is, regrettably, a blatant example of the persistence of this deeply rooted sense of inferiority tied to the 'self-orientalisation' mechanism. Accession itself can hardly be seen as an act of metamorphosis. Let us note, that the 'Great Leap' policy raises questions when analysed from

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[10] M. Janion, *Niesamowita słowiańszczyzna. Fantazmaty literatury*, Kraków 2007.

[11] Z. Krasnodębski, *Demokracja peryferii*, Gdańsk 2003.

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the perspective of specifics, for instance, the size of Polish investment in research and development. At a time when the whole world is revelling in the idea of knowledge-based society, Polish expenditure on research and development is embarrassingly small (in proportion to its share in GDP). The country's share of 0.4–0.5 percent of GDP places it at the bottom end of any statistics, outside the European mainstream. So perhaps we are still hiding in the peripheries, which no amount of boastful rhetoric about a 'leap of civilisation' can alter.

Politics is linked with these general questions and their historical meaning; politics seen in terms of specifics and practice, in terms of defining tasks and seeking specific solutions. This will not be a detailed analysis. Let us instead grasp the general tone and issues, which, as before, allow for the detection of a typical dissonance: the mismatch between the truth embedded in the 'founding myth' and in reality. In addition to the motifs already considered (the idea of civil society and the concept of the free market) the idea of 'solidarity' has also been at the centre of attention. As a matter of fact, this idea should be the starting point in our analysis of the style and nature of the practices involved in the everyday operation of Polish democracy.

The idea of 'solidarity' was a perfect match for the embracing of civil society, thus making it possible to interpret politics in terms of mutual recognition, trust and working together. But it didn't take long before it became apparent that these were mere illusions. At the inception of the transformation, already the imperative of Polish politics came to the fore – hostile confrontation symbolised by the slogan *wojna na górze*[12]. A squabble between differing positions, the clash between different interests, is a natural feature of democracy, but should it necessarily be seen in terms of *war*? This is the question which should be decided upon when embarking upon the peculiarities of Polish democracy.

It became known very quickly that Polish democracy had little in common with a consensual model of politics. No formulas of political communication were developed, which could have furthered agreement and cooperation. In fact, hostile confrontation became the norm. If we were to speak of Polish democracy in terms of 'development' then only growing mutual dislike and mistrust comes to mind. The ominous logic

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[12] Expression refers to the conflict (it uses the word *war*) between representatives of the Polish establishment.

of rejection as revealed by the sharp polarisation of the public in the wake of the Smolensk catastrophe illustrates this[13].

However, the symbolic capital of accord and understanding ran out much earlier. The language of consolidation formed by the tradition of a common struggle, which drew strength from dreams of democracy, became irrelevant and was replaced by the language of conflict. The dreams were not matched by the reality of the transformation. The good news was substituted by the politics of exclusion. The free market represents selection. Very soon the fateful influence it had on society was felt leading to drastic divisions, which before seemed unimaginable. Transformation would 'orphan' large parts of society untouched by the 'invisible hand of the market'. The hymn of solidarity would be replaced by bitterness, mistrust and rage.

Political players were perfectly aware of this. For those of them who sought confrontation, social discontent was a true blessing. They set about their task right away, furnishing the public's blind anger and discontent with optical instruments, which sharpened the ability to see. Narratives, which exacerbated the sense of disappointment, quickly followed; treason, false patriotism, servilism, the selling out of Polish interests, and all the mysterious conspiracies in which 'the just must fall'. Thus, Polish politics has become a politics of resentment. Friedrich Nietzsche pinpointed the secret of resentment is assigning blame. Resentment breeds on the 'evil' passion for depreciation and basks in the pleasure of discrediting[14]. It amounts to the continuous questioning of virtue and refusal to award recognition. Thanks to resentment we can bask in the limelight; WE are the better ones, better than those who are 'worse'. We must pursue this quest for singling out those who are 'worse', we must continue to defame and condemn. This is the sense of the rules of valuation imposed by resentment. Its logic works like poison; resentment truly becomes venom, which degrades the tissue of accord and understanding. But let us not ignore it; it is not a curio, a peculiarity found on the margins of life. Resentment, in the opinion of Nietzsche's contemporary commentator, is 'a way of creating the world'[15]. And as a political principle it ushers in destruction: it thwarts mutual trust, slights authorities and brings about a sense of menace.

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[13] Air crash that killed 96 passengers including the president, first lady and many members of the country's political elite near the city of Smolensk (Russia).

[14] See *F. Nietzsche, On the Genealogy of Morals*, Cambridge University Press 2006.

[15] P. Sloterdijk, *O ulepszaniu dobrej nowiny. Piąta 'ewangelia' Nietzschego*, Wrocław 2010, p. 31.

Frustrated politicians reject the politics of the status quo, dream of spreading shockwaves and settling scores, and therefore eagerly draw upon resentment as a resource. Pursuing this further, we can see that by despising the democratic logic of compromise they manifest revolutionary temperaments. In Poland, they have played a significant role by contributing considerably to the weakening of democracy; opposing the idea of the status quo with their project of the IV Republic. The potential of their influence was demonstrated by the intensity of emotions stirred up by the Smolensk plane crash. They pushed Polish politics onto the tracks of a psychodrama, a substitute war in the sphere of symbols and gestures. In spite of this, however, the real deficiency of Polish democracy is the lack of an authentic opposition. The current opposition, operating on the level of phantasms and symbols, distorts the rules of the political game, which secures the efficient operation of the democratic machine. So, instead of offering factual criticism, which at least requires some effort, the opposition provides moralising gestures and slogans. By discrediting and deprecating, it creates a world of mirages of contempt and stigma. Instead of a reasonable democratic play for power we are dealing with its substitute; the politics of inflated preaching.

The opposition in Poland has learned the style of resentment and anger. It is poised to undertake activities that could be associated with the revolutionary mobilisation of the masses and with 'anger management', in the words of Peter Sloterdijk[16], at the same time ignoring tasks, which constitute the pillar of the democratic 'agenda'. The opposition does not monitor government policies, or voice criticism beyond the moralising objections and patriotic slogans it cherishes so dearly. The important reform of the education system at all levels – an obvious priority – is ignored by the opposition. It seems, there are better vehicles for the voice of anger and resentment than the question of research and development; catastrophic tones and the aura of revolutionary protest are more suitable platforms. All these elements build up an atmosphere of anticipation for the justice of judgment day on which those who have wronged us will meet their fate.

The logic of conflict, condemnation, a war fought on the level of symbols, is related to the primacy of 'image politics', in which gestures and posturing replace democratic debate. Public opinion polls are used to measure the rate of success in this field. Instead of challenging discussions

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[16] P. Sloterdijk, *Rage and Time*, NY, Columbia University Press 2010.

and difficult decisions we are dealing with procedures, which resemble advertising campaigns following fashionable theories, which reduce the notion of politics to the level of 'political marketing'. The erosion of the 'founding myth' of Polish democracy has created a void filled entirely by the elements of political marketing and 'anger management' strategies. At the same time, the central source of support and stability of the time of hope, the idea of civil society, market self-regulation and solidarity, turned out to be quite fragile. Evidently, there is a dearth of symbolic capital. A strong and consistent narrative, which could set the tone of Polish politics, simply is not there. It came to a standstill somewhere between the extremes of resentment and 'accession' optimism. Not a single model of political communication emerged, which would overcome the inertia and schematism. All the formulas have become trivialised; the public is bored with all the 'revelations' and other inspired visions. The 'Green Island'[17] as well as the 'IV Republic' found their way into the antique auction. All exciting 'truths' were transformed into marketing banalities. Ideas have evaporated. Besides, they belong to the style of another era. What is left is daily administering and the politics of marketing.

ABSTRACT

Three fundamental ideas: civil society, the free market and solidarity lay at the root of the concept behind the changes defined as a democratic transformation. These ideas became the underpinning of the founding myth of Polish democracy, an underpinning which proved to be highly liable. Free market mechanisms and the political struggle for power were at the root of the erosion of values linked to the ideals of civil society and solidarity. The notions of mutual recognition and cooperation gave way to fierce competition. Disillusion and frustration plunged Polish democracy into a torrent of resentment. The idea itself of market self-regulation collapsed. Polish democracy found itself in a void, between the extremes of resentment and naïve accession-optimism, activated by the integration program. A deficit of symbolic capital thwarted the creation of a political communication model conducive to opening a genuine debate. Instead, an image-based politics emerged as a substitute of effective communication, representing a swing in activity away from debate and towards gestures and platitudes.

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[17] Poland was dubbed the 'green island' of Europe in reference to its initial success in weathering the economic crisis.

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Stanisław Sulowski

Polish Foreign Policy Since 1989

Tradition and breakthrough in Polish post-1989 foreign policy

1989 was a groundbreaking year in Polish history marking a new caesura in the country's domestic and foreign policy. Almost a quarter of a century has passed since essential changes were introduced in the sphere of internal politics, in consequence, entailing the necessary comprehensive revision of Poland's foreign-policy orientation. The reasons behind the reframing of foreign policy did not boil down to the country's adjustment to the critical changes wrought in the political system but also included Poland's response to the forging of a new order in international relations. Poland was not a newcomer in the international arena. However, not many academics are willing to admit that the success of the Polish transformation was possible in a relatively short time because in the international arena the country was not starting from scratch. As a country functioning up to 1989, with its limited sovereignty, Poland was able to win a degree of trust of the international community and make its unique presence felt. The peculiar nature of Poland's domestic policy is interestingly portrayed by Norman Davies: 'The Polish People's Republic displayed an unusual number of idiosyncrasies. It was the largest of the Soviet satellites, with an army larger than that of Great

Britain. Both structurally and psychologically it was the least sovietised'[1]. In terms of its international stature, on the other hand, one cannot but agree with the view voiced by Ryszard Frelek that, barring a few shameful episodes, the Polish People's Republic (PRL) gained wide recognition for its accomplishments[2]. Roman Kuźniar thinks similarly when he acknowledges that after 1956 the Polish People's Republic has achieved some degree of status and sovereignty in the international environment[3].

Nevertheless, all the positive factors in the period leading up to 1989 were insufficient to ensure a smooth progress. The choice of a new foreign policy orientation in the aftermath of 1989 was not an easy brief, if only because of the diversity of views around this issue. Polish émigré centres had alternative foreign policy conceptions, especially those ex-pats who clustered around the Polish *Kultura* literary-political magazine, based in Paris[4], and the political opposition at home had their own conceptions. Still Polish political elites were able to come up with a relatively rational and accurate orientation in foreign policy. This was a crucial move, since the choice of a definite course in foreign policy was a necessary precondition of a broader political and economic transformation and the push for independence[5]. The changes taking place in post-1989 Poland were closely associated with the shaping of the new political order in international relations.

The Polish transition had the effect of speeding up change in the post-Yalta order in international relations, which in turn was conducive to domestic shifts but at the same time generated new threats and challenges. The emergence of a united Germany – a European power, and Russia – a country beset with many problems and seeking to restore its neo-imperial policy – constituted a serious strategic challenge for Polish foreign policy. More than that, it revived the old geo-political dilemma of Poland's location between Germany and Russia. However, in the new order, there was definitely a favourable development in that

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[1] See N. Davies, *Europe. A History*, HarperPerennial, New York 1998.

[2] See R. Frelek, *PRL w świecie*, [in:] M.F. Rakowski (ed.), *Polska pod rządami PZPR*, Warszawa 2000, pp. 268–271. For more on the international role of the PRL compare N. Davis, *Boże igrzysko. Historia Polski*, Kraków 2002, p. 1064.

[3] CF. R. Kuźniar, *Polityka zagraniczna III Rzeczypospolitej*, Warszawa 2012, p. 25.

[4] See R. Habielski, *Die Pariser Kultura und das „unnachgiebiege London*, [in:] Ł Gałecki and B. Kerski (Hrsg.), *Die polnische Emigration in Europa 1945–1990*, Osnabruck 2000, pp. 59–71.

[5] See L. Vinton, *Domestic Politics and Foreign Policy, 1989–1993,* [in:] I. Prizel and A. Michta (eds.), *Polish Foreign Policy Reconsidered. Challenges of Independence*, London 1995, p. 31.

Poland's immediate environment changed to become more pluralist. For this reason, a speedy and clear definition of its foreign policy orientation was extremely important. Poland voiced its pro-western position in no unequivocal terms, opting for the key European (European Union) and transatlantic (NATO) components. From a geopolitical and military perspective, no other solution was on the cards[6]. There were no conditions for neutrality or a third way of any sort. In truth, such options were not even considered by experts or speculated about by politicians.

In addition to representing a breakthrough in Polish foreign policy, the year 1989 marks the starting date for the thorough transformation of the whole country. As a process it must be perceived and analysed in the context of past events as well as current internal and external conditioning. Domestic circumstances seem particularly important, among them the democratic political system, the economic, military and demographic potential as well as political culture and the discourse on the future. Even a cursory look at Polish history reveals that Poland did not have too many favourable experiences with the 'outside world', which is borne out especially in its relationship with its immediate neighbours. Following the partitions of the 18th century and the process of the formation of national identity, the long and tortuous road to independence was strewn with setbacks, betrayals, mistrust and, finally – bravery. This load of experiences used to determine the, often inconsistent, conceptions of Polish foreign policy in the past; and, as it seems today, it is still capable of affecting our diplomacy to a considerable degree and not always in the most favourable manner. While all the time it has to be remembered that the transformation of Polish foreign policy has been a complex and comprehensive process embracing strategic aims, directions, principles and mechanisms of policy-formulation and decision-making.

Clear strategic goals up to 2003

It needs stressing that Polish foreign policy decision-makers of the time made the grade by choosing strategic goals in a rational fashion. First of all, they managed to guarantee national security by applying to access NATO and integrate with Europe through EU membership. These strategic choices were made in extremely complex circumstances:

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6   Several proposals were put forward, such as NATO-Two and UE-Two – but as these were mostly elements of diplomatic game there were problems with their legitimisation.

the dynamics of change in the international system and internal conditions was substantial. The internal reforms were still incomplete while the process of transforming the entire socio-political and economic system was just being initiated. The process of making these strategic decisions can be evaluated either in terms of the rational actor[7] or from the perspective of political realism, both of which are not that common in Polish foreign policy making. The German author, Bianka Pietrow-Ennker furthers the view that Polish foreign policy can be analysed in a discursive way linking it to history, national identity and political culture wherein the notions of 'freedom', 'victim' and 'resistance movement' actually shape the conceptualisation of foreign policy[8]. This time, in the transformation after 1989, the complex intangibles had not determined the strategy, but this is not to say that they have been irrelevant.

For each and every foreign policy, the realisation of clearly defined strategic goals imposes the requirement of optimising all activities. Among other things, this signifies that tactical and operational measures taken in foreign policy should never hamper the realisation of strategic goals. This logic set the agenda for Polish diplomacy of the time, prioritising the highly difficult task of setling our relations with the evolving external environment. What is important to realise, in the formal sense, is that none of Poland's previously existing neighbours exists today – new countries have emerged, often as the outcome of violent and revolutionary events, with new and reformed, mostly, democratic regimes.

From the onset, Polish diplomacy sought to put bilateral relations with its neighbours in order. This was a crucial endeavour as Poland's access into NATO and the EU required the regulation of many internal-political issues in line with Western value-systems and standards and bringing normality to bilateral relations in the immediate neighbourhood. The first to be normalised were relations with the FRG, following the logic of the rational pursuit of strategic goals. Since 1989 Poland with its on-going democratisation has become a key and necessary partner for Germany. Similarly, for Poland, a country which had just launched its democratic reforms, normalising and intensifying relations with Western Germany seemed vital. For the first time since the Second World War, a Polish-German convergence of interests began to take shape. Poland

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[7] G.T. Allison, P.D. Zelikow, *Essence of Decisions. Explaining the Cuba Missile Crisis*, New York 1999, p. 18.

[8] Project implemented at University of Konstantz, https://scikon.uni-konstanz.de/per-sonen/bianka.pietrow-ennker.

changed its position on the question of German unity, from a negative attitude to one favouring reunification[9]. The fact that the German Chancellor, Helmut Kohl wasted no time in visiting Poland, is testament to this growing convergence of Polish-German interests. The visit issued in the Joint Mazowiecki-Kohl Statement, which was a 'stocktaking' of the hitherto contentious Polish-German relations and, at once, offered a spring-board for furthering these relations even in areas which until that time had been antagonistic.

The tearing down of the Berlin Wall, which occurred during Kohl's visit to Poland, diametrically changed the situation in Polish-German and European relations. The developing community of interests was sent off course by some of the Chancellor's steps taken in connection with the changes taking place in the German Democratic Republic following the collapse of the Wall and the factual unification of both German states. In the ten-point unification programme delivered during his Bundestag address on 28 November 1989, there was no mention of the foundation of Polish-German relations that is the inviolability and permanence of the Oder-Nyssa border between Poland and Germany.

In a certain sense, one can say that the pulling down of the Berlin Wall for some time changed German conduct towards Poland. From that time on, Poland, alerted, carefully watched the process of the two German states coming closer together and listened to the various statements made on the possibility of changing the Oder-Neisse border. The Mazowiecki government was keen to put a stop to this sort of speculation and proposed to sign a border treaty with both German states. This gave rise to a host of diplomatic manoeuvrings with Poland, both German states and the four powers as the principal actors. In the wake of a speedy diplomatic offensive, Poland gained the support of the four powers so that during the numerous troika meetings (Poland-FRG-GDR) a satisfying outcome was found in the form of two important treaties. The first to be signed by a sovereign Poland and a united Germany, on 14 November 1990, confirmed the existing border between the two countries. The treaty referred to all the hitherto international treaties covering this matter. The conclusion of the treaty confirming the border issued directly from the *Treaty on the Final Settlement with Respect to Germany of 12 September 1990*, commonly called the 'Two-Plus-Four Treaty' and ultimately ended the Polish-German conflict on the regulation in international law of the Oder-Neisse border. The second treaty dealt with the regulation of

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[9]   Statement made by B. Geremek for *Bild Zeitung* of 13 October 1989.

bilateral relations in the spirit of cooperation, good neighbourliness and reconciliation[10]. The latter treaty is unprecedented in the long history of bilateral relations, and the Polish-German cooperation it is based on is an important contribution to European geopolitical stability and security. The European dimension of this treaty, for instance, is highlighted by the FRG's commitment to support the Polish bid for EU membership.

In the discourse on the development of Polish-German relations of the early 1990s it was considered *de rigeur* to manifest over-optimism. There was almost nobody who wanted to share Karl Dedicius's feelings, when he described Polish-German relations as 'unequal, dangerous, weak, almost neurotic as history had impossibly burdened them'. Very soon, routine and the lack of a long-term conception for these relations came to the fore in the dialogue of the 1990s, giving way to critical voices and damning labels such as the 'kitsch of reconciliation'. Old problems re-emerged; it was no longer thought possible to count on solving them swiftly in the spirit of the euphoria typical of the early 1990s. Towards the late 1990s a 'new suspiciousness' and emotionality appeared in relations between Poland and Germany. The so called *Altlassen*, in other words, issues related to the past, including the problem of reparations and expulsions took centre stage, as politicians on both sides of the border began to treat these issues instrumentally in their election campaigns. The debate on the Centre against Expulsions is a most compelling case against using such dangerous measures in relations with other countries. It is an activity that politicians on both sides of the Oder-Neisse divide eagerly engaged in and not, as had been argued by some that the discourse on expellees is used only by Polish foreign policy[11]. It is, both, here in Poland and in Germany that a national way of seeing things, which arranges and interprets the past from the vantage point of a certain strategy, dominates the discourse on foreign relations.

Poland in the process of democratisation was keen to regulate ties with its Eastern neighbour, the USSR. In this case, however, the picture changed abruptly, putting Poland in an difficult situation of trying to settle relations with newly emerging states from the implosion of the USSR: Russia, Ukraine, Belarus and Latvia. There was no end to difficulties. The strife for independence in the wake of the disintegration

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[10] The treaty in question is the Treaty signed between the Republic of Poland and the Federal Republic on Good Neighbourly Relations and Friendly Cooperation on 17 June 1991.

[11] Cf. P. Ciołkiewicz, *Pamięć zbiorowa w dyskursie publicznym. Analiza polskiej debaty na temat wypędzeń Niemców po drugiej wojnie światowej*, Warszawa 2012, pp. 286–287.

of the USSR took place with the attendant euphoria and solidarity on the part of the nations achieving statehood. But already the traditions and ghosts of the past were re-emerging in a nationalist framework. The past could have easily stood in the way of the process of treaty regulation of relations with the four states. However, the early 1990s, still a time of pragmatism, saw the successful normalisation of relations between all five countries concerned.

In Moscow, Presidents Lech Wałęsa and Boris Yeltsin signed a *Treaty on Friendly and Good-Neighbourly Cooperation* between the Republic of Poland and the Russian Federation. It paved the way for Poland's broad cooperation with its largest neighbour and made an important contribution to stabilising Europe's peaceful order after the disintegration of the Eastern bloc. However, in the new international reality and altered political systems in both countries the treaty failed to provide a sufficient basis for good relations. First, the past – old scores never settled, second, Poland's Eastern policy waiting to be charted, then Russia's super-power stance on many difficult and delicate issues, coupled with prejudices on both sides, all worked to make mutual relations contentious.

In regard to the other eastern neighbours, Poland gave its support to Ukraine's and Belarus's pursuit of independence and Poland was the first country to recognise Ukraine's independence proclaimed on 1 December 1991. The Polish Ukrainian treaty, the *Treaty on Good Neighbourhood, Friendly Relations and Cooperation* was concluded on 18 May, 1992 in Warsaw. Soon afterwards, many new agreements were signed setting up a solid infrastructure for developing close and intense cooperation. However, real good neighbourly Polish-Ukrainian relations are not that easy to attain for several reasons. To start with, mutual resentments, injustices and the historical unsettled scores still affect ties between the two countries. Reconciliation requires much effort on both sides, on the part of political leadership, society, but mainly, representatives of the young generation.

On 23 June 1992 Poland signed a similar treaty with Belarus, following in the footsteps of many agreements on cooperation. Mutual relations suffered a setback following the rise to power of Alexander Lukaszenko. Poland tried to pursue a two pronged approach towards Belarus: on the one hand a dialogue on the political level, but this only made matters worse and currently mutual relations resemble an open conflict; on the other hand, Poland gave its backing to the country's democratic opposition and protested against the violation of human rights in Belarus. From Poland's perspective, a democratic and sovereign Belarus represents an opportunity for its Eastern foreign policy.

In the South, Poland's relations with the Czech and the Slovak Federal Republic were also provided with a new basis: in 1990–1991 many bilateral agreements were signed regulating trade, non-visa traffic and cultural cooperation. These numerous regulations were crowned with the signing in Kraków on 6 October 1991 of an *Agreement between the Republic of Poland and the Czech and Slovak Federal Republic on Good Neighbourhood, Solidarity and Friendly Cooperation*. The treaty annulled the Treaty between the Polish People's Republic and the Czechoslovak Socialist Republic of 1 March, 1967 on *Friendship, Cooperation and Mutual Assistance*. Following the dissolution of the Czech and Slovak Federal Republic, Poland and Slovakia concluded an agreement on the legal succession of Slovakia in respect of the treaties concluded between the Republic of Poland and Czechoslovakia.

The last country Poland signed a *Treaty on Friendly Relations and Good-Neighbourly Cooperation* was the one it signed with Lithuania on 24 April, 1994. The long delay was caused by the controversies surrounding the assessment of relations of the interwar years and legal regulations on minorities in both countries. This was a clear case of past events and national minority issues coming in the way of good relations.

Poland's bilateral relations with its neighbours were based on the formula of 'good neighbourliness and friendly cooperation', understandably, a somewhat ambiguous expression. It was Germany's idea to imbue its new treaty regulations with Central and Eastern European states with this ideological tone as it was keen to provide a treaty-based guarantee to the interests of the German minority in those countries[12]. This ideological underpinning of regulating bilateral relations had the backing of the European Union. It was used for the first time in the *Treaty on Good Neighbourhood, Partnership and Cooperation* concluded between the FRG and the USSR on 9 November 1990.

The idea of 'good neighbourhood' was immensely useful in regulating the foundations of bilateral relations as without necessarily going into the details of historical complexities a certain state of things could be anticipated. To this expression 'friendly cooperation' was added, and in some cases the idea of 'reconciliation' as well[13]. The notion of 'good neighbourhood' is more widespread in the literature on the subject and

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[12] K. Gal, *Bilateral Agreements in Central and Eastern Europe: A New Inter-State Framework for Minority Protection?*, ECMI Working Paper 1999, no. 4, pp. 1–5.

[13] Cf. A. Przyborowska-Klimczak, W.Sz. Staszewski (eds.), *Traktaty o przyjaźni i współpracy zawarte przez Polskę. Wybór dokumentów*, Lublin 2005.

bears positive connotations. A reference can even be made to the 'good neighbourhood policy' espoused by the US towards the states of Latin America in the pre-war period. The notion of good neighbourhood is always linked to a favourable and harmonious arrangement of ties, taking account of the different conditionings and peculiar settings in which neighbours find themselves. In bilateral relations this could involve an attempt at defining the political goals and rules, as well as the principles set in international law governing the development of these relations. In as much as the notion of good neighbourhood could have been an appropriate element for re-structuring bilateral relations with Poland's new neighbours, the term 'friendly cooperation' is a semantic misnomer of sorts. The regulation of bilateral relations by means of a treaty was, no doubt, a necessary act but, it must be emphasised, regulating ties between states by means of law can never be a substitute for politics – let alone push the past away from our thoughts.

Polish foreign policy 2003–2007: attempting change

In a simplified analysis we can adopt the view that Polish foreign policy in the years 1989–2003 issued from a rational calculation of the inner capacity to act and international conditions and was based on a broad consensus between the main actors of the political system and public opinion[14]. Poland's unexpected support for the US in the Iraq conflict in 2003 signalled a certain shift in its foreign policy: Polish foreign policy went beyond the Euro-Atlantic zone and in doing so invited the astonishment and even irritation of France and Germany. It was considered an act of disloyalty towards its European allies just before Poland's formal accession to the EU. On key international issues, especially in regard to peace and security, Poland had the relevant treaty commitments with the FRG and France[15], which afforded opportunities for consultations, but Poland simply chose not to take this route. The decision to support the USA in the Iraq war was a sign for our European partners that in certain situations Polish foreign policy can be faced with the dilemma:

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[14] A. Smolar, *Wstęp*, [in:] *Ciągłość i zmiana w polskiej polityce zagranicznej*, Warszawa 2006, p. 7.

[15] Szerzej na ten temat: S. Sulowski, *A Critical View of the 1991 Treaty on Good Neighbourliness and Friendly Cooperation*, [in:] W.M. Góralski (ed.), *Breakthrough and Challenges. 20 Years of the Polish-German Treaty on Good Neighbourliness and Friendly Relations*, Warsaw 2011, pp. 275–277.

Should we choose the USA or the EU? The problem is, does Poland have the political, military and economic potential to even consider such a possibility? Providing an answer to this question is no easy task under any commonly known research approaches in the study of foreign relations[16]. Some academics are indubitably right in their judgement that such an approach results from thinking in geopolitical terms so typical for Eastern European states[17]. But geopolitics alone is insufficient in explaining this change of conduct. Following Poland's engagement in the Iraq war, Poland staged parliamentary and presidential elections in the wake of which a new course in the country's foreign policy was charted. Once the nationalist right wing party, Law and Justice (PiS), formed a new government it launched its fierce criticism of the foreign policy pursued up to 2005, escalating appeals to stop 'politics on one's knees', in its opinion pursued by all the hitherto governments of the Third Polish Republic. This was the undoing of a national consensus in the area of foreign relations. Specifically, the new foreign policy agenda was expanded to include 'historical diplomacy'. In the words of the then foreign minister, it was a set of ventures aimed at discerning any negative phenomena or tendencies appearing in other countries which could be detrimental to Poland's image or interests, and accordingly counteracting those[18]. Among other things, it implied the re-activation of problems, which for pragmatic reasons, have been partially ignored in bilateral relations.

It must be said, however, that our relations with Russia and Germany had deteriorated even before the inauguration of the PiS-led government, whereby, the previous pragmatism and political correctness of sorts – which required an ahistorical approach towards the neighbours, especially Germany and Russia, gave way to historical and geo-political motivation[19]. One of the causes of this return to historical aspects in relations with Germany was the previous un-critical optimism in bilateral relations, shrugged off by some with the words: 'the kitsch of reconciliation'[20].

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[16] Por. J. Wysakowski-Walters, *Between Europe and America: Polish Choices for the 21st Century*, available from http://www.scribd.com/doc/39688276/Between-Europe-and-America.

[17] See O. Krejci, *Geopolitics of Central European Region. The View from Prague and Bratislava*, Bratislava 2005, p. 12.

[18] See S. Meller, *Polityka ciągłości i zmiany*, [in:] *Ciągłość i zmiana…*, p. 14.

[19] Cf. N. Marek and P.-F. Weber, *Prädispositionen polnischer Außenpolitik*, DIAS-Anayse 2010, no. 44, p. 1.

[20] Cf. S. Sulowski, *Germany as a partner of Poland in the European Union – between a community of interests and a community of disputes*, [in:] S. Bieleń (ed.), *Poland's foreign policy in the 21 Century*, Warsaw 2011, pp. 262–263.

In the discourse on foreign policy, in the wake of Poland's official EU accession, a debate on the new 'Poland in the EU' strategy was undertaken. Towards the end of his second term President Kwasniewski initiated a strategic debate 'A strong Poland in a strong Europe'. However, the lack of consensus between the main political actors deprived Poland's European policy of its strategic aspect and, by the same token, became more opaque to our EU partners. Polish European policy was now being approached instrumentally, despite several constructive steps taken. For one, Poland started seeking EU support for its Eastern policy which paved the way to the Eastern Partnership.

With regard to security policy the pro-American option became the dominant one. The chief architects of Polish foreign policy of the time perceived the outside world through the prism of history and geopolitics. The dominant idea was that foreign policy is not just the efficient administering of foreign relations, but rather a task and a mission to represent the nation's interests and a venture for building national identity[21]. This sort of thinking was part and parcel of the discourse on the necessity of constructing the Fourth Republic in Poland. Through concrete foreign policy decisions, the interpretation of a specific national identity narrative was outlined, and by the same token a certain version of history defined. The change in foreign policy over the 2003–2005 period, leading up to the parliamentary/presidential elections, should be explained in discursive categories, because the internal capacity for action, material and non-material, and international determinants have not changed to the extent to warrant such a change.

The normalisation of foreign policy since 2007
with no clear strategy in sight

Polish post-2007 foreign policy has often been described as a policy of 'returning to normality' or the 'policy of optimisation'[22]. Indubitably, the new liberal-conservative government of the Civic Platform (PO) and Polish Peasant Party (PSL) dissociated itself from the style of foreign policy as pursued by its predecessors. The government found itself in an awkward situation as, given the views of the PiS President, a consensus in

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[21] See D. Campbell, *Writing Security: United States Foreign policy and the Politics of Identity*, Minneapolis 1992, pp. 69–75.

[22] R. Kuźniar, *Polityka zagraniczna…*, p. 333.

this area was out of the question. In Polish cohabitation following 2005, the president and the government, two competing centres mandated to shape foreign policy, differed starkly in their ideas on the content and style of pursuing foreign policy. This resulted in a number of serious conflicts between the two centres and mutual animosity. On the government's initiative the Constitutional Tribunal was asked to analyse the spats between the government and president.

The new (2007) government made its European policy a priority. However, contrary to its promises, it failed to break with the policy of the previous government. Despite its earlier criticism of the conduct of the PiS government on the Charter of Fundamental Rights, it agreed to sign the Lisbon Treaty including the British Protocol. Polish diplomacy was to have been guided by the adage: 'Poland's strength driven by a loyal European Union'. This way of putting things, in the context of the economic downturn swiftly overtaking Europe, was not conducive to the spirit of solidarity, instead it set the scene for a return to national egoisms on the part of EU members. This made conditions worse for Polish European policy.

A spot-on idea was the project of the Eastern partnership initiated by both Poland and Sweden. The Polish presidency of the EU Council in the second half of 2011 clearly demonstrated that under the new conditions of an economic and a financial crisis enveloping the Euro-zone it is not easy to pursue a European policy.

In the beginning of the democratisation process, more realism and pragmatism was demonstrated in Poland's policy towards the USA. The agreement on the American anti-missile base in Poland, signed on 20 August 2008, was approached on the merits of the case. With the looming US presidential elections, for tactical reasons the agreement was not ratified. As expected, Barack Obama's administration modified the agreement to a considerable degree, so accordingly, a protocol modifying this unratified agreement was signed on 3 July, 2010.

Another significant area of Polish diplomacy of that time was restoring contacts in bilateral relations with our neighbours, contacts which in the last couple of years were overburdened with controversies. Our relations with Germany saw the restoration of a good climate without, however, the necessary solution of outstanding problems. The 20th anniversary of the signing of the 1991 treaty was celebrated with much pomp and ceremony, but it failed to be used as an occasion for a genuine breakthrough, or a final closure of certain outstanding bilateral issues. Furthermore, Polish diplomats could hardly seem credible to their German colleagues, when

they either compared the actions of the German government to the Ribbentrop/Molotov pact, or at the other extreme, voiced their support for German leadership in Europe.

Some progress has been made in Poland's relations with Russia, although historical issues and prejudice leave little room for a new opening in relations with the Eastern neighbour. The appointment and operation of the Group for Difficult Issues was a symptom of normalisation[23]. In spite of this, since 2010 relations have been tainted by the Smolensk plane crash which killed the President and his entourage. The policy statements made by opposition politicians indicate that the Smolensk tragedy is going to be the dominant hurdle in developing Polish-Russian relations.

The conceptions which shaped Polish relations with Ukraine and Belarus have broken down. Relations with Lithuania are not at their best. Although settling and normalising relations with our neighbours should be a priority, Polish politics demonstrates a certain helplessness and a lack of strategic planning. In the years 1989–2003, clear strategic goals rationalised the acts and decisions taken in Polish foreign policy, but this no longer is the case. Clearly, Polish foreign policy was in need of an urgent return to normality, but above all it required a strategic plan.

The authors of Polish foreign policy after 1989 faced serious challenges. As the newly-achieved independence and freedom were being relished, bringing the promise of establishing a sovereign foreign policy, the prospects for 'curbing' this freedom or renouncing the recently found sovereignty in favour of the European Union were looming large. Since 1989 Polish foreign policy has made a breakthrough freeing itself from the discipline of the Eastern block and choosing the interdependence associated with Euro-Atlantic structures – which although impose their standards but do not restrict a state's domestic and foreign activity. So, thanks to Poland's membership in the EU and NATO it was possible to bring together sovereignty with a strategic westward orientation Yet, it must be added that the current discourse lacks common agreement in this regard.

Poland's internal ability to act and the international context preclude its ability to guarantee external security or create favourable conditions in which to develop on its own. To counteract this situation a stable, effective and responsible foreign policy must be pursued, in fact it

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[23] Cf. A.D. Rotfeld, A.W. Torkunow (eds.), *Białe plamy – czarne plamy. Sprawy trudne w polsko-rosyjskich stosunkach 1919–2008*, Warszawa 2010.

becomes imperative to do so. The appropriate implementation of foreign policy requires a number of conditions: political stability, an internal political consensus on strategic goals and direction, the safeguarding of appropriate funds for policy-realisation and tapping into the intellectual potential of Polish universities. Only by increasing the internal capacity to act (materially and ideologically) can Polish foreign policy become effective. The discourse on foreign affairs should serve this very purpose: it should provide a rational definition of the outside world and thus, determine the methods of action consistent with this. Polish diplomacy needs such a strategy for our EU membership that would harmonise the interests of the Community with those of Poland, and one that would strengthen our position in other areas of foreign policy, and in particular in the Eastern dimension. A good relationship with the USA is necessary; it could boost Poland's position in the EU and beyond. All this is possible under the assumption that the principal decision makers in Polish foreign policy avoid the competition between European and Atlantic loyalty and refrain from turning foreign policy into a platform for fighting over power.

ABSTRACT

The author discusses the interplay between what was traditional and new in Polish post-1989 foreign policy. He focuses on the goals pursued by principal foreign policy actors and the attempts of some of them at introducing change. He concludes on a rather pessimistic note as his research brings him no closer to finding evidence of a clear-cut common strategy underpinning Polish foreign policy as practiced by all post-1989 governments.

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Transformations in the Mechanisms of Government

KEY WORDS:
political transformation, system of government, Sejm and Senate, Council of Ministers

Changes in the system of the communist rule

In Poland, the year 1989 is the borderline year, a *sui generis* caesura of the transformation taking place in the process of building a democratic state of law based on the freedom of articulating and aggregating the political views, where the relations taking place between the organs of the public authority and an individual as well as the latter's relationships are described by law and executed within the frameworks of the legal regulations. It was then that the monopoly of the communist party (The Polish United Workers' Party – PZPR), including the supremacy of the communist party over the organs of the public power, in the state's political system was legally and factually broken. Breaking the domination of the communist party was neither a planned nor a singular event. It proceeded in a complex process spread over time which included transformations of inner dynamics and whose effect in the form of constitutional and other political changes that took place in 1989 was a surprise for the major participants in the political relations both from the spheres of the *ancien* régime and the political opposition. Instead of the planned process of cooptation a part of the opposition members[1]

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[1] Cf. A. Materska-Sosnowska, *Okrągły Stół po dwudziestu latach. Stan dyskusji politycznej,* [in:] A. Materska-Sosnowska, T. Słomka (eds.), *Czas próby. Polski przełom polityczny roku 1989,* „Studia Politologiczne" 2009, Vol. 15, p. 119.

to the ruling elite what was achieved was the effect of a political change, with an included, though not assumed and even undesired by the ruling elites, mechanism of alternation of power.

The break-up of the monopoly of the communist party in 1989 was preceded by a set of events and processes indicating a proceeding decomposition of the communist party and the loss of its control over the political, economic and social processes taking place in Poland. The economic crisis and mass strikes generated the social and political crisis. The challenge was to keep the power and simultaneously find the social justification for it. For this reason, the progressing economic collapse radiating onto the spheres of social and political relations was accompanied by the activities aimed at holding back this process and keeping, if not the monopoly (which was not prejudged), then the dominating and unquestionable role of the communist party in the relations between the authorities and the façade political participation of a part of the opposition that existed then. As a result, the program of necessary changes, planned, realized and controlled by the communist party, would be legitimized by a part of the then opposition[2] and thus accepted by big social groups. Involving the leaders of the opposition social forces would serve legitimization of the system and, what is more, would disintegrate the political opposition, depriving it of the leadership and would block the possibility of the opposition appearing as an alternative to the inefficient communist party.

Another concept analyzed by the communist authorities was to modify the party system and supplement it with a *quasi* opposition in the form of a concession Christian Democratic party which would work besides the Peasant Party[3], the concession craftsmen party[4] and equally façade organizations of lay Catholics. Because the hierarchs of the Catholic Church and the opposition circles did not show any interest

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[2] For example, with the aim of political neutralization of the opposition leader Lech Wałęsa, the latter was offered to become a member of the Consultative Council by the Chairman of the Council of State, General W. Jaruzelski. Through the political façade of the Consultative Council, the opposition elites, including the Catholic ones, were expected to join the state's decision-making organs and in this way support the activity of the authorities. It was for this reason that the great part of the invited persons (including Lech Wałęsa) refused to join the Council. More on this subject, see P. Kowal, *Koniec systemu władzy*, Warszawa 2012, pp. 95 ff.

[3] The United People's Party – ZSL.

[4] Democratic Party– SD.

in it, the concept fell. A similar failure was the work on creating new, pro-government trade unions and social organizations.

An important impact on the dynamics of changes taking place in Poland was exerted by the positive reactions of the Soviet authorities. They agreed to the proceeding transformations in the political system of the state on condition that they should serve the maintenance of the internal order and that they should not negate cooperation with the USSR. That is why, at least since 1988, the Russians started to seek contacts with various circles of the Polish opposition, seeing them as potential partners[5], and in the middle of 1989 they accepted the possibility of the opposition taking over the power.

In the period when the communist elites were seeking agreement with a part of the political opposition, the means of coercion or the measures to devalue the political opponent were applied, typical of the communist rule and making the foundation of the power. Invigilation activities were extended and intensified. Beginning with April 1988 plans to introduce martial law were developed and analyzed in the ministries of the Interior and the National Defense. Differences among the opposition leaders were created and strengthened, particular opposition circles were increasingly broken up, operational activities aimed at priests were started, financial penalties were applied, administrative measures were used, etc.

A characteristic feature of the process of programming, preparing, realizing and controlling the political change was subordination not to the inner groups of the communist party or the Sejm, but to the Minister of the Interior (general Czesław Kiszczak), who in this sphere closely cooperated with the First Secretary of the Central Committee of PZPR – general Wojciech Jaruzelski. He was the *spiritus movens* of the whole undertaking of legitimization of the political reform through coopting a part of the opposition elite to the ruling elite. The next important analytical body which developed the tactics towards the opposition (including the current activities during the Round Table Talks) was the so-called group of three. Its members included general Władysław Pożoga (head of the Intelligence Service of the Ministry of the Interior), Stanisław Ciosek (secretary of the Central Committee of PZPR, in the past responsible for contacts with the trade unions) and Jerzy Urban (the press spokesman of the government).

An important factor which determined the possibility of achieving consensus between the communist regime and a part of the political

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[5]   Cf. A. Dudek, *Historia polityczna Polski 1989–2005*, Kraków 2007, p. 13.

opposition (so-called constructive opposition[6] contrasted with the opposition acting for breaking up the supremacy of the communist party) was the choice made by the communist authorities of the partners in talks. He was selected by the Minster of the Interior and checked by the partners in talks. In this way, the problem itself of contracting an agreement was determined. The agreement was aimed at by all parties making the settlements and harmoniously acknowledging that it would be based on the solutions honoring the dominating role of the communist party in the state's political system, and rejecting competitive elections[7]. Within the frameworks of so outlined boundary conditions of the agreement, the issue that remained to be settled was its content. What is characteristic, in this sphere the opposition was significantly divided in respect of a number of problems, which made it easier for the government to conduct negotiations.

The Round Table

The talks of the Round Table, as a form of seeking agreement between the ruling powers and the so-called constructive opposition, were commenced on 6 February 1989 and closed on 5 April 1989. They were conducted in numerous groups and sub-groups, totally comprising 452 people. Nevertheless, the most important issues were settled at confidential meetings of the leaders of the negotiating sides, which took place in the centre of the Ministry of the Interior in Magdalenka. The talks of the Round Table resulted in far-reaching, multi-aspect decisions. Their axis was supposed to be holding partly competitive, but not confrontational elections to the parliament, which would introduce a part of the opposition into the system of government, without simultaneously undermining the dominating role of the communist party. An important consequence of the decisions of the Round Table was changing the relations existing between the communist party and the bodies of the state authority. They reduced the possibility of the party deciding on state matters, giving the decisive voice to the constitutional bodies of the state[8].

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[6]   At the end of the communist Poland the name of a constructive opposition was given to that part of the opposition which spoke for making an agreement with the communist party.

[7]   Cf. P. Kowal, *Koniec systemu…*, pp. 345–346.

[8]   Cf. ibid., p. 466.

Legal realization of the Round Table decisions

The decisions of the Round Table found their normative realization in the legal regulations passed by the Sejm. The first one was the law on amendments to the Constitution, which was accepted already 2 days after the talks of the Round Table were finished – on 7 April 1989[9]. One of the effects of the law from 7 April 1989 was that the term of office of the Sejm elected in 1985 was shortened. On that same day the Sejm passed the electoral law to the Sejm of the 10th term and the electoral law to the Senate.

It is characteristic that the reform of the political system was started with the changes in the mechanism of governing, and not with changing the political axiology of the state, i.e. the values the realization of which is supported, for example, by a given system of relations in the government. In other words, a new organization of the state authority corresponded to the system of political values specific for the communist state and that new organization was supposed to realize those values.

Concerning the personal composition of the future Sejm, in each constituency (108 constituencies, where 2 to 5 deputies were elected) a division of 425 mandates was made in advance into the government groups and independent candidates. The other 35 mandates were to be taken from the so-called national list where only prominent figures of the government side were found. The government side got guarantees for obtaining 65% of seats in the Sejm (including PZPR – 37.6%, ZSL – 16.5%, SD – 5.9%), while 35% of the seats in the Sejm were to be filled in free, competitive elections. The choice of 65% of deputies among the candidates presented by the *ancien* régime was supposed to be a guarantee to control the work of the Sejm. On the other hand, 35% of the seats in the Sejm filled in actual elections allowed to plant opposition in the Sejm and thus in the central system of the political power, opening the possibilities to extend the parliamentary opposition in the future.

The formation of the Senate (composed of 100 senators) was stipulated as the second chamber of the parliament, in whole elected in the way of free elections. Free elections to the Senate were expected to be a compensation for the opposition for the contract elections to the Sejm and the office of the president for General W. Jaruzelski. At the same time, however, no concept of the second chamber of parliament

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[9]   T. Mołdawa, *The Constitution of the Republic of Poland*, [in:] S. Sulowski (ed.), *The Political System of Poland*, Warsaw 2007, p. 29.

was worked out, which meant that it was (and still remains) an organ politically unfinished, which would affect the future. 100 senate mandates were divided among 49 constituencies, assigning 2 mandates to each of 49 provinces, with an exception of warszawskie and katowickie provinces, with 3 senators elected in each.

Both the Sejm and the Senate elections were according to the majority rule. A deputy (senator) was the person who in the first ballot obtained more than 50% of valid votes. If the first ballot did not bring any settlements, then those two candidates who obtained the biggest number of votes took part in the second ballot to the Sejm elections. At the same time in the Senate elections twice as many people as there were unfilled seats could run for elections in the second ballot. The winners to the Sejm and the Senate elections became, respectively, a deputy and a senator.

Free Senate elections, which were connected with some uncertainty about their results, correlated with the Senate's secondary competences towards the Sejm. Amendments proposed by the Senate to the bills passed by the Sejm could be approved of by the Sejm with an simple majority of votes or rejected with the majority of at least 2/3 of votes, which generated the risk of legislative stalemate, i.e. a situation could appear when the Sejm neither approved nor rejected the Senate's propositions. The Senate did not participate in appointing the government and nor did the government bear responsibility before the Senate.

The formation of the Senate was connected with the formation of the office of the President (partly, in the place of the Council of State as the so-called collective head of state), who was to become General Wojeciech Jaruzelski. The President was elected for a 6-years' term of office by the Sejm and the Senate, joined into the National Assembly, which – considering the parity of seats negotiated in the Sejm – guarantees the predictability of the choice and protected it from unforeseen events. Above all, for this reason general presidential elections were not possible. It was rationally estimated that – assuming the democratic character of elections – General W. Jaruzelski could not be elected president according to this procedure. On the other hand, his election was ensured by the political elites, both those that were in the government and the opposition.

The president's function was to see to it that the constitution was abided by, to safeguard the sovereignty and safety of the state, inviolability and integrity of its territory and, what was of key importance in the conditions of the concluded political agreement, the abidance of

international political and military alliances. That meant that above all the President had to be a warrantor of the alliance with the USSR and other socialist states within the frameworks of the Warsaw Treaty and the Council for Mutual Economic Assistance as well as a guarantor of the socialist system of the state. Directly in connection with the assigned political roles of the President, the political accountability of the Sejm to him was introduced. If the President should decide that the Sejm passed a law or a resolution making it impossible for him to perform any of the above functions, he could (after seeking the opinion of the Marshal of the Sejm and the Marshal of the Senate) dissolve the Sejm (which, by virtue of the regulations of law resulted in dissolving the Senate). Thus, General Wojciech Jaruzelski as the President was supposed to become a guarantor of the non-revolutionary character of the changes taking place in the state, their character and dynamics as well as fully control all decisions made in the parliament.

The President had the right of legislative initiative, the legislative veto, which the Sejm could break with the majority of at least 2/3 of votes in the presence of at least a half of the statutory number of deputies. Both before and after signing the bill he could make a motion in the Constitutional Tribunal to declare its incompatibility with the Constitution[10]. He appeared in the Sejm with a motion to nominate or remove the Chairman of the National Bank of Poland, which – in turn – allowed him to influence the monetary policy of the state.

By virtue of the amendment to the Constitution of 7 April 1989, the President dominated in the process of appointing the government and its work. He was the only subject to appear in the Sejm with a motion to appoint the President of the Council of Ministers. The Sejm had the right not to appoint the candidate indicated by the President (which did not happen), but it could not appoint a person who was not proposed by the President. In the process of appointing the cabinet, the President's motions concerning the composition of the government could not be presented to Sejm until they were agreed on with the President. This meant that the Sejm could not appoint the Council of Ministers without the President's acceptance. If the Sejm did not appoint the government for 3 months, then the President could dissolve the Sejm and the Senate and announce new elections. In case of an argument between the head of state and the first chamber of the parliament regarding the appointment

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[10] J. Zaleśny, *Partycypacja głowy państwa w ostatnich etapach procesu legislacyjnego*, Warszawa 1999, pp. 112ff.

of the government, the President, who was a party in this argument, stopped this argument himself by referring to the will of the sovereign.

In matters of special importance the head of state could call the sittings of the Council of Ministers and preside over them. In this way he could influence the choice of priorities established by the government, the dynamics of the ongoing work or the content of the decisions taken. Although that was not the decisive voice, the Council of Ministers could not disregard it.

Until the introduction of the local self-government in 1990, the President had control over the national councils, which were a form of realizing the central power locally.

The President was the head of the Military Forces; he presided over the Committee of the State's Defense, which was a body competent in matters of the state's defense and security. The President could introduce martial law in a part or the whole territory of the state if it was necessary due to the defensive capability or the exterior threat to the state's security. For the same reasons, he was competent to declare general or partial mobilization. For a period no longer than 3 months, he could introduce the state of emergency in a part or the whole territory of the state in case of a threat to the state's interior security or in case of a natural disaster.

The April amendment stipulated that it would be determined by virtue of a law which important legal acts of the President required the countersignature of the Prime Minister. It is a matter of significance that till autumn 1992 no such law was passed. Thus, in reality the President could act freely within the frameworks of the competences he possessed, without the necessity of seeking the Prime Minister's consent.

The Council of Ministers was accountable for its work before the Sejm, and between the terms of the Sejm – before the President.

The elections from June 1989

The landmark which changed the dynamics of the political transformation and which undermined the essence of the Round Table compromise was the result of elections to the Sejm and the Senate from 4 and 18 June 1989[11]. On 4 June, 62% of those entitled to vote participated

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[11] Security Services were actively involved in the election campaign to the Sejm and the Senate. They massively invigilated the Solidarity movement workers. They informed

in voting. The elections took the form of a plebiscite of support for Lech Wałęsa and his team[12]. It was for the first time during the last 50 years that Poles could not only vote but also could choose freely in the Sejm elections. As for the Senate elections, the choice was still limited. On 4 June 1989, in the first ballot to the Senate, 92 mandates were obtained by the opposition candidates, while 8 others entered the second ballot. The government side, on the other hand, did not fill any seat in the Senate in the first ballot. In the first ballot of the Sejm elections, due to the fact that the condition to appoint a candidate for the seat was to obtain at least 50% votes from the 65% of mandates for the government forces, only 3 deputies were elected, while from the 35% of mandates for free competition, 160 opposition deputies were elected (out of 161 possible to be elected). From the national list, from which the leaders of the communist party stood for election, 33 lost out of 35 candidates. That meant that – unexpectedly for the decision makers – in the act of voting the Poles unexpectedly rejected the candidates of the *ancien* régime, thus confirming that the latter did not have any democratic legitimization in shaping the behaviors of big social groups, and the compromise of the political elites established at the Round Table a few weeks before had lost its political authorization. In the procedures proper for direct democracy, the sovereign distinctly indicated that not so much a reform of the system was necessary but its change, based on the institutions characteristic of representative democracy. As a result of the June elections it became obvious that the political system of Poland binding so far ceased to be in force[13].

On 18 June 1989, only 25% of those entitled to vote took part in the second ballot, where practically only the candidates from the pool meant for the government groups were elected. Also, through absence in the voting the Poles showed that it did not matter to them which communist forces would sit in the Sejm.

The effect of elections to the Parliament and its recognition by the government provided the basis to develop and deepen the process of political transformation already in other boundary conditions than

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the communist authorities on the activity of the Solidarity candidates and blocked the initiatives that were unfavourable for the communist party and its allies.

[12] Cf. M. Mistygacz, *Okrągłostołowy kontrakt społeczny: założenia, cele, skutki*, [in:] *Czas próby. Polski przełom polityczny roku 1989*, „Studia Politologiczne" 2009, Vol. 15, A. Materska-Sosnowska, T. Słomka (eds.), p. 155.

[13] M. Kruk, *Parlament w dobie transformacji*, [in:] M. Kruk, J. Wawrzyniak (eds.), *Transformacja ustrojowa w Polsce 1989–2009*, Warszawa 2011, p. 59.

before. That happened because by way of voting (which was especially well visible in the Senate elections), the political change got politically legitimized by big social groups. The opposition leaders did not take advantage of that option. Their standpoint was to fulfill the decisions made at the Round Table, which was encouraged by the leaders of the *ancien* régime, who at the same time threatened with the possibility of annulling the elections and apply other repressions[14].

The defeat of the communist party and the satellite parties questioned the possibility of electing General W. Jaruzelski – a symbol of the repressive communist rule – to the office of the President. In that situation, the leaders of the communist party clearly emphasized that not electing general W. Jaruzelski to the president's office threatened with destabilization and would end the process of political changes. The "Solidarity" movement members of the Parliament were encouraged to choose General W. Jaruzelski by the "Solidarity" leaders, with L. Wałęsa, B. Geremek and A. Michnik at the head. On 17 July 1989 the National Assembly, with the majority of one vote, elected General W. Jaruzelski for the office of the President[15]. It was not only the very result of the voting that caused confusion of the communist party but also the distribution of votes. Due to the fact that the voting was open, it was possible to find out that a part of parliamentary members from the government side (6 from the United People's Party – ZSL, 4 from the Democratic Party – SD, 1 from PZPR) voted against General W. Jaruzelski, while 4 others (3 from ZSL and 1 from PZPR) did not take part. Thus, General W. Jaruzelski was elected owing to the support of a part of the opposition. The choice with the majority of one vote affected the way the President worked since he took advantage of his competences only moderately.

An important sign of the breakdown of the domination of the communist party in the state's political structures was the increasingly intense phenomenon (which had already appeared during the Round Table talks) of distinguishing the satellite political parties (ZSL and SD) from PZPR. The former started to articulate their own aspirations, different from the intentions of the communist party. Reasons of emotional nature were also significant, including the way they were subordinated to and dependent on PZPR. After the elections of June 1989, the satellite

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[14] A. Dudek, *Historia polityczna Polski 1989–2005*, Kraków 2007, pp. 38–39.
[15] 544 (out of 560) Sejm and Senate deputies took part in the voting. 270 among them voted „for, 233 „against", 34 „abstained", while 7 cast invalid votes.

parties saw the possibility of obtaining the political subjectivity and independence of action, which they took advantage of. Surprisingly for the leaders of PZPR, they rejected the alliance with PZPR and started to cooperate with "Solidarity", which resulted in the formation of a coalition government headed by one of "Solidarity" leaders, Tadeusz Mazowiecki – with a considerable participation of representatives of ZSL and SD, as well as with the participation of PZPR, whose members held the Ministry of the Interior and the Ministry of the National Defense[16].

For the first months of its functioning, the government headed by Tadeusz Mazowiecki enjoyed the support of all parliamentary fractions (including the communist party), which never happened to any government in the years to come. The feeling of the exceptional character of the historical moment caused that in the Parliament he had the full power to enforce his will. Adopting the strategy of self-limiting the scale of his victory, he used it only in part. For example, in 1990 communists still held the neuralgic places in the government administration, censorship still existed, while the secret services massively destroyed the documents confirming the criminal activity of the communist secret services and the agentural activity of some members of the political opposition.

Changing the state's axiology

What in spring of 1989 still had the features of a rational compromise, a few months later became something anachronistic and not adjusted to the expectations of big social groups and to the changes taking place in the international environment. As a result, on 29 December 1989 another amendment – as crucial as that of April – was made to the constitution of 22 July 1952. This time, it referred to the political and economic systems of the country and it adopted the values characteristic of a democratic state of law. On the symbolic level, the name of the state was changed from the Polish People's Republic to the traditional one, the Republic of Poland. Referring to the tradition, the state's emblem was made an image of a white eagle in a crown on the red background. A principle was introduced that the Republic of Poland was a democratic state of law, realizing the rules of social justice. The collective subject

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[16] It should be emphasized that a part of the Solidarity leaders (B. Geremek, A. Michnik) supported another coalition, namely between „Solidarity" and PZPR, with a marginal presence of ZSL and SD representatives in the government.

of the sovereign state power was the nation. Political pluralism, with the characteristic freedom of establishing political parties and their activity, was proclaimed in the place of the leading role of PZPR. Freedom of economic activity, regardless of its form of ownership, was guaranteed. This freedom could be limited only in a law. Protection of ownership, the right of inheritance as well as full protection of personal property were declared. Expropriation was allowed, but only for public purposes and for the fair compensation.

Modification of presidency

In the spirit of changes marked in 1989, legal transformations were effected in successive years. Their aim was to deepen and strengthen the processes started with the decisions of the Round Table. The fundamental change of the internal and external political conditions of the country undermined the political basis of the role performed by General W. Jaruzelski as President. He became the warrantor of the stability of something that proved to be anachronistic and what broke down. Although he did not fully use his competences, he was perceived as the symbol of the communist rule in its repressive form of martial law[17]. Considering the objective conditions, General W. Jaruzelski resigned from the office of the President.

The problem of a lack of adjustment of the procedure of electing the President and the tasks he realized was perceived parallel to the motive of the President's resignation. The President, who determined the architecture of the political order, was appointed by the National Assembly, which meant that the latter had political legitimization from the Parliament; however, it was inadequate to the tasks that he was entrusted with. The calculations of the candidates for the President's office were also of importance. Prime Minister T. Mazowiecki was convinced that in the parliamentary course, L. Wałęsa was unrivalled and he saw an increased chance for the victory in confronting him in general elections. As a result, on 27 September 1990, the procedure of electing the President was changed from parliamentary to general. The first President to be elected according to this procedure (1990) was L. Wałęsa.

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[17] W. Sokolewicz, *Polska droga ku demokratycznej konstytucji (1989–1997)*, „Zeszyty Naukowe Wyższej Szkoły Handlu i Prawa im. R. Łazarskiego, Seria: Prawo" 2003, No. 8, p. 15.

Unlike his predecessor, L. Wałęsa actively used the competences that were available to him as well as the competences that he attributed to himself, which resulted in generally visible, important tensions of competences in such areas of the political relations as control over the army or foreign policy. In the situation of prolonging work on passing a new constitution, on 17 October 1992 provisional solutions, in the form of the so-called Small Constitution – were accepted as a result of a compromise between the deputy fractions and the President. The aim of the Constitution was to temporarily settle the relations taking place between the Sejm, the Senate, the Council of Ministers and the President of the Republic of Poland.

Seeking *modus operandi*

The so-called Small Constitution of 1992 broke the principle of the unity of the state power, according with which the Sejm was the highest body of the state authority. To replace that principle, the Constitution proclaimed the principle of a division of power into the legislative, executive and judicial powers. The nation exercised its power through its representatives elected to the Parliament, i.e. the Sejm and the Senate. Like in the construction typical of the parliamentary-cabinet system, the President and the Council of Ministers were the state's executive bodies.

The function of the President, elected in general elections, was above all to stabilize the interior and foreign relations, to influence the functioning of other organs of public authority, including first of all the parliament and the government. In the so-called Small Constitution of 1992, the Parliament solved the question of the President's independence in a different way from the act of 7 April 1989 on changing the Constitution. In principle, the President's official acts to be valid required a counter-signature of the Prime Minister or the competent minister, with an exception of the acts enumerated in the so-called Small Constitution (prerogatives). Significantly, acts of arbitral character, for example the legislative veto or dissolving the Parliament, did not need it[18]. Within the frameworks of the solutions typical of the parliamentary-cabinet system, the President was not politically accountable. The Prime

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[18] T. Mołdawa, *Parlament w systemie władz naczelnych Rzeczypospolitej*, [in:] R. Chruściak, T. Mołdawa, K.A. Wojtaszczyk, E. Zieliński, *Polski system polityczny w okresie transformacji*, Warszawa 1995, p. 157.

Minister or the competent minister, respectively, was responsible for his official acts that needed a countersignature. In the field of prerogatives, on the other hand, constitutional accountability, which was realized before the Tribunal of State, was possible on the motion of the National Assembly.

The Prime Minister was obliged to inform the President on the basic problems that the Council of Ministers was concerned with. In matters of special importance to the state the President could call the sitting of the Council of Ministers and preside over it. Of special consequence proved to be the regulation according to which in the process of the government formation the Prime Minister put a motion concerning the appointment of the Ministers of Foreign Affairs, the National Defense and the Interior after having sought the President's opinion. In practice, the President changed this legally non-binding rule of giving opinion on the candidates for those three members of the cabinet into an obligation. That was a departure from the principles of the collective work of the government, the Prime Minister heading its activity and his supremacy over the members of the Council of Ministers. The three politically crucial departments besides (in fact, instead) being subordinated to the Prime Ministers, recognized the President's supremacy over their work and showed disloyalty towards the Prime Minister and the other members of the government. On the other hand, calling off the government depended on the President's will, which meant that the government included the ministers who were not approved of by the Prime Minister but enjoyed the support of the President. For example, the Minister of Foreign Affairs in the government of Prime Minister W. Pawlak pursued his own foreign policy, without settling it with the council of Ministers and the Prime Minister, who was inquired about, made it clear that there was the President's consent to it and the latter would not agree to call off the minister. The *casus* of the Minister of the Interior in the cabinet of Prime Minister J. Oleksy was even further reaching in its consequences. In December 1995, immediately after L. Wałęsa lost the presidential elections, the Minister accused his superior – Prime Minister J. Oleksy – of being a spy of the Soviet and then the Russian secret service, the consequence of which was the fall of J. Oleksy's cabinet[19].

The Council of Ministers pursued the interior and foreign policy of the state. It controlled the whole of the government administration. It

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[19] The investigation of the prosecutor's office concerning the spy activity did not provide any basis to declare J. Oleksy guilty of the alleged charges and as such was discontinued.

was competent to make decisions in all matters of the state's policy that were not by law reserved for the President or another body of the state administration or the local government. At the same time, however, the President of the Republic of Poland had general control in the sphere of the state's external and internal security and foreign relations, which caused conflicts between the president of the Republic of Poland and the Council of Ministers.

The procedure of calling the Council of Ministers was rationalized. The risk of a stalemate between the President and the Sejm was eliminated when the President designated a candidate for the office of Prime Minister who was not approved of by the Sejm, which – in turn – could not, on their own initiative, choose the Prime Minister. According to the so-called Small Constitution, the leading role in the process of calling the government was played by the President and the Sejm. When the Sejm did not give the vote of confidence to the Council of Ministers appointed by the President, then it could (with an absolute majority of votes) choose the Prime Minister and the composition of the Council of Ministers proposed by the latter. The President had to appoint the government elected in this way and administer the oath of office from him. In case the Sejm could not choose the Council of Ministers, the President appointed the Prime Minister, and on his motion – the Council of Ministers, given the confidence vote by the Sejm by a simple majority vote. If the government was not appointed according to this procedure, the initiative returned to the Sejm, which by a simple majority vote elected the Prime Minister and the composition of the government proposed by him. The President appointed the government chosen in this way and administered an oath of office from them. In case the four attempts to call the government (two initiated by the President and two initiated by the Sejm) failed, then the President either dissolved the Sejm (as incapable of fulfilling its key function of appointing the government majority) or, within 14 days, appointed the Prime Minister and the Council of Ministers for a period of 6 months. In case the Sejm did not give the confidence vote to the government or did not pass a constructive vote of no confidence within 6 months, then the President was obliged to dissolve the Sejm and call for new elections since the situation that arose in the Sejm meant that the latter was not able to appoint any (absolute or simple) government majority and as such lost the *raison d'etre* in a given personal composition.

Traditionally, the Council of Ministers was subordinated to the control of the Sejm (e.g. the deputies' interpellations and enquiries,

problem control, vote of acceptance) and was politically accountable
to it. Nevertheless, the political position of the Council of Ministers
got strengthened in its relations with the Sejm. The Sejm could grant
the Council of Ministers the vote of no confidence in two procedures.
It could grant a constructive vote of no confidence (by way of voting,
the deputies decided on calling off the Council of Ministers and
a simultaneous election of a new Prime Minister) or a simple vote of no
confidence resulting in the government's dismissal. The consequence
was the President's involvement in the argument between the Sejm
and the Council of Ministers. The President was then competent to
accept the government's dismissal or dissolve the Sejm and the Senate.
It was how in May 1993 the government headed by H. Suchocka fell (as
a result of a motion of no confidence filed by one of the fractions of the
government coalition) and how the elections to the Sejm and the Senate
were announced.

Individual accountability of the Council of Ministers members
before the Sejm was also provided for besides the joint parliamentary
accountability of the Council of Ministers.

The so-called Small Constitution of 1992 kept the two chambers
of the Parliament, with the Sejm dominating over the Senate, thus
maintaining the Parliament which lacked balance in competences. The
Sejm gave direction to the state's policy, it had exclusive control over
the government and determined its fate. It was superior to the Senate
in executive proceedings. The second amendment to the bill suggested
by the second chamber could be rejected by the Sejm with an absolute
majority of votes, while before it was the majority of at least 2/3 in the
presence of at least half of the statutory number of deputies. On the
other hand, if the Senate did not pass the bill within 30 days after the
bill was presented to it, then the bill was considered accepted. Like
before, the President participated in the final stages of the executive
proceedings. Within 30 days he signed each bill and administered its
announcement in the Journal of Laws. In that period he could refuse
to sign the bill and pass it to the Sejm with a substantiated motion to
be examined again. After the bill was passed by the Sejm again with
a majority of at least 2/3 of votes in the presence of least a half of
the statutory number of deputies, the President signed the bill within
7 days and administered its announcement in the Journal of Laws unless
he appealed to the Constitutional Tribunal with a motion to check its
compatibility with the constitution. The President could also lodge such
a motion to the Tribunal directly after getting the bill to be signed,

without passing it to the Sejm to be examined again. The President could not refuse to sign the bill which the Tribunal recognized as consistent with the Constitution.

In the context of the legislative function of the Sejm, the non-final character of the decisions of the Constitutional Tribunal in relation to the laws inconsistent with the Constitution was important. That remained after the principle of the Sejm's superiority in the political system of the state. When the Tribunal declared that a law was inconsistent with the Constitution, then the final decision in this matter was taken by the Sejm. It could state that the decision of the Tribunal was groundless and as such was not binding.

By way of a law the Sejm could authorize (in a substantially limited range) the Council of Ministers to issue statutory instruments. The law on authorizing the Council of Ministers to issue legislative acts was to determine the subject of regulation and the term of the authorization. When the authorization act was in force, the legislative initiative in matters concerning the authorization belonged exclusively to the Council of Ministers. The government's legislative acts did not require a consecutive confirmation by the parliament. In practice, the Sejm never authorized the government to issue regulations having the force of statute.

Towards the new constitution

A phenomenon typical of the political transformation in Poland concerned the perturbations connected with preparing and passing a new constitution. Initially, the optimistic estimates assumed that it would be passed even as early as 3 May 1991, i.e. on the 200th anniversary (3 May 1791) of passing the first constitution both in the Republic of Poland and in Europe. Thus, it would be symbolically stressed that the new authorities referred to the best traditions of the Republic of Poland, traditions that on the European scale changed the way of thinking about the nature of the state's political system. In the beginning, problems of legitimization were first of all considered: whether the Sejm elected in 1989 in contract elections, with a socially discredited majority of the communist formation, possessed political legitimization to establish a new political structure. Members of the communist party and the satellite parties themselves saw the political complexity of the situation and they did not apply any pressure on the Sejm dominated by them to

pass the new constitution. On the other hand, the Sejm of the 1st term of office (1991–1993), as appointed in free elections, had full political legitimization to pass the new constitution but it did not possess one important feature in this respect, namely the majority necessary to pass the constitution. It was politically too fragmented and too much in conflict to think about a total constitutional consensus. Therefore, on 17 October 1992, the so-called Small Constitution was passed, which was a partial constitutional act, regulating only a fragment of constitutional issues and which was necessary for the current activity and referred to the governing mechanisms. Political instability and fragmentation of the Sejm of the 1st term of office were so much developed that – because of problems with appointing a majority government – in 1993 the Sejm was dissolved.

The Sejm of the 2nd term of office (1993–1997), elected in 1993, was politically stable but a problem of its political representativeness emerged. The point was that as a result of using an election threshold (together with D'Hondt method) in the Sejm elections for the first time in Poland, 34.4% of the voters voted for the candidates of election committees that did not cross the election threshold and as such could not participate in the division of seats in the Parliament. Following the motif of incomplete representativeness of the Parliament, in April 1994 the procedure of preparing and passing the constitution was changed, as a result of which, for example, the circle of entities competent to submit a draft constitution was supplemented with a citizens' initiative. At least 500,000 voters could submit a draft constitution to the Constitutional Committee of the National Assembly, which did take place in the form of one such project (supported by the "Solidarity" trade union). It was only solving the issues of legitimization that enabled concentration of work on a constitutional compromise and led to passing a new constitution on 2 April 1997. In a constitutional referendum on 25 May 1997, the constitution was supported with a small majority of votes. 42.86% of those entitled to vote took part in the referendum, out of whom 52.71% spoke for the constitution[20].

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[20] More on the course of constitutional work, cf. R. Chruściak, *Przygotowanie Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. – przebieg prac parlamentarnych*, Warszawa 1997.

The mechanism of government in the Constitution from 1997

The Constitution of 2 April 1997[21] is an outcome of political transformations. It sums up the changes that were effected in a fragmentary, successive and gradual manner since 1989 and that were actually preparing the total constitutional regulation from 1997[22].

The political system of bodies of the state power was based on the principle of division and balance of the legislative, executive and judicial powers and on cooperation of the powers[23]. The legislative is executed by the Sejm and the Senate, the executive – by the President of the Republic of Poland and the Council of Ministers, and the judiciary – by courts and tribunals. The governing system is based on the solutions typical of the parliamentary-cabinet system supplemented with the mechanisms of rationalization, first of all with a constructive vote of no confidence and a (facultative) possibility of shortening the term of the Parliament unable to pass the budget act. It contains the mechanisms preventing concentration of the state power. It is expected to guarantee governing according to the will of the nation and with respect for freedom and individual rights.

The constitution enacted the procedure of electing the President. Like before, they are elected in general elections, for a 5-years' term of office with the right of one re-election. Democratic legitimization granted to the President in general elections corresponds to their developed tasks, which are not typical of the parliamentary-cabinet systems but at the same time excluding the possibility of directing the work of the government. The President is the highest representative of the Republic of Poland and a guarantor of the continuity of the state power. They watch over the observance of the Constitution, safeguard the state's sovereignty and security as well as the inviolability and indivisibility of its territory. In connection with the political tensions that occurred within the application of the so-called Small Constitution of 17 October 1992, the President participates in the execution of the executive in a limited degree. Although in principle, their official acts to be a valid require the Prime Minister's countersignature, at the same time the legislator

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[21] Journal of Laws, No. 78, item 483 with amendments.

[22] W. Sokolewicz, *The Influence of External Factors on the Consolidation of Liberal Democracy in Poland. The Constitutional Dimension*, [in:] G. Mangott, H. Waldrauch, S. Day (eds.), *The International Dimension: Hungary, Poland, Spain*, Baden-Baden 2000, pp. 75 ff.

[23] More on this subject, cf. P. Sarnecki, A. Szmyt, Z. Witkowski (eds.), *The Principles of Basic Institutions of the System of Government in Poland*, Warsaw 1999.

provides for numerous exceptions from the principle of countersignature. The President bears only constitutional accountability for the official acts which are excluded from the countersignature[24].

The President's destructive right to give opinion on candidates for the office of the Ministers of the Interior, Foreign Affairs and National Defense was abolished. The majority with which the Sejm could override the President's veto was lowered from 2/3 to 3/5. The President lost the right to refer in a preventive procedure (before signing the bills) to the Constitutional Tribunal, putting forward a motion to control the consistency of the bill with the Constitution about which he had taken the legislative veto. In other words, in a situation when the Sejm broke the legislative veto, the head of state has to sign the bill and it is only then the head of state can apply to the Constitutional Tribunal to examine its consistency with the constitution[25].

The government is a collective body, separate in relation to the President[26]. Compared to the former situation, it grew in importance. It pursues both interior and foreign policy of the state. Its competences include matters of the state's policy that are not reserved for other bodies of the state and local governments. The Prime Minister is distinguished within the government. They are not the first among equals (*primus inter pares*), but they are the actual heads of the government. They direct the work of the Council of Ministers. They secure the policy of the Council of Ministers and determine the ways to exercise it. They coordinate and control the work of the Council of Ministers members. They act as the superior for all government administration workers. They control the work of local government. They have an exclusive right to provide countersignature to the President's acts.

In the process of appointing the Council of Ministers emphasis was laid on the formation of governments enjoying the support of the majority in the Sejm, the ones that would be stable and able to realize the assumed policies[27]. The President designates the Prime Minister, who

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[24] On constitutional accountability in contemporary Poland, cf. J. Zaleśny, *Odpowiedzialność konstytucyjna w prawie polskim okresu transformacji ustrojowej*, Toruń 2004.

[25] On the institution of President in contemporary Poland, cf. T. Słomka, *Prezydent Rzeczypospolitej po 1989 roku. Ujęcie porównawcze*, Warszawa 2005.

[26] M. Kruk, *System rządów w Konstytucji Rzeczypospolitej Polskiej z 2 kwietnia 1997 roku*, [in:] W. Skrzydło, R. Mojak (eds.), *Ustrój polityczny Rzeczypospolitej Polskiej w nowej konstytucji z 2 kwietnia 1997 roku*, Lublin 1998, p. 25.

[27] J. Jaskiernia, *Parlamentaryzm III RP: aksjologia konstytucyjna a dylematy polityki ustrojowej*, [in:] T. Mołdawa, J. Szymanek, M. Mistygacz (eds.), *Parlamentarny system rządów. Teoria*

proposes the composition of the Council of Ministers. The President appoints the Prime Minister together with the other members of the Council of Ministers within 14 days since the date of the first sitting of the Sejm or the resignation of the previous Council of Ministers. The Prime Minister appointed by the President must be granted the vote of confidence by the Sejm. It is expressed with an absolute majority of votes in the presence of at least half of the statutory number of deputies. In this way, the idea of parliamentary government is realized. In case of a lack of support from the Parliament, within 14 days the Sejm chooses the Prime Minister and the members of the Council of Ministers proposed by them with an absolute majority of votes in the presence of at least half of the statutory number of deputies. The President is obliged to appoint the government elected in this way because it has the acceptance of the parliamentary majority. In case the procedure of appointing the government on the initiative of parliamentary fractions fails, the initiative to form the government is taken by the President again. Within 14 days they appoint the Prime Ministers and – on the motion of the latter – the other members of the Council of Ministers. A simple majority of votes in the presence of at least half of the statutory number of deputies is sufficient for the government to be granted a vote of confidence by the Sejm. In case this attempt to form the cabinet fails, the President shortens the term of office of the Sejm and announces parliamentary elections. The impossibility of granting the government a vote confidence means that the Sejm is politically fragmented, unable to fulfill one of the key functions of the Parliament in the parliamentary-cabinet system, i.e. gives it the effective majority support, and as such it loses its *raison d'etre*. On the other hand, the President's role in the process of the government formation is above all limited to organization[28]. As long as there is a stable governmental majority in the Sejm, it determines the choice of the Prime Minister. Only in a situation when the structure of parliamentary forces is not clear, the President can acquire greater political importance and become the actual creator of the cabinet.

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i *praktyka*, Warszawa 2012, p. 109; J. Szymanek, *Elementy racjonalizacji w konstrukcji parlamentarnego systemu rządów: analiza rozwiązań zawartych w Konstytucji RP,* [in:] T. Mołdawa, J. Szymanek, M. Mistygacz (eds.), *Parlamentarny system rządów. Teoria i praktyka*, Warszawa 2012, p. 150.

[28] M. Kruk, *System rządów w Konstytucji Rzeczypospolitej Polskiej z 2 kwietnia 1997 roku*, [in:] W. Skrzydło, R. Mojak (eds.), *Ustrój polityczny Rzeczypospolitej Polskiej w nowej konstytucji z 2 kwietnia 1997 roku*, Lublin 1998, p. 35.

Searching for the mechanisms stabilizing the government's activity is also applicable to the procedure of a no confidence vote. The Sejm can grant the Council of Ministers a vote of no confidence only with a majority of the statutory number of deputies on the motion put by at least 46 deputies. In the motion, the deputies give the name of their candidate for the Prime Minister (a constructive vote of no confidence). If the resolution is accepted by the Sejm, the President accepts the resignation of the Council of Ministers and appoints the new Prime Minister chosen by the Sejm and – on the motion of the latter – the other members of the Council of Ministers. The motion on a constructive vote of no confidence cannot be submitted to vote earlier than 7 days after its submission. Another motion can be submitted only after 3 months since the former one was filed. It can be filed before this period elapses if at least 115 deputies lodge this motion.

Practice showed that the mechanisms of a constructive vote of no confidence stabilize the work of the government. Instability of the previous governments was significantly limited. The Council of Ministers does not have to fear that an accidental agreement (disagreement) of parliamentary fractions will lead to a governmental crisis and problems with forming a majority cabinet. Nevertheless, one can see certain phenomena which are politically undesirable, i.e. an ineffective minority government losing the voting in the Sejm but existing because the opposing fractions are incapable of choosing a common candidate for the Prime Minister. That was the status of Jerzy Buzek's government after the collapse of a coalition AWS[29]-UW[30] and decomposition of AWS. Likewise, the cabinet of Marek Belka, which was created after the collapse of a coalition SLD[31]-UP[32]-PSL[33], was also a minority government, which was politically drifting and had no actual ability to perform the function of governing.

Besides a constructive vote of no confidence granted to the whole Council of Ministers, a vote of no confidence granted by the Sejm to particular ministers was left. A motion for a vote of no confidence can be filed by at least 60 deputies. Like a motion for a vote of no confidence for the Council of Ministers, a motion for an individual vote of no confidence cannot be submitted to voting earlier than 7 days after it was submitted.

[29] AWS – Akcja Wyborcza Solidarność.
[30] UW – Unia Wolności.
[31] SLD – Sojusz Lewicy Demokratycznej.
[32] UP – Unia Pracy.
[33] PSL – Polskie Stronnictwo Ludowe.

Another motion can be submitted before the elapse of 3 months if at least 115 deputies file it. In practice, no minister was recalled according to that procedure despite the motions submitted.

The Prime Minister can refer to the Sejm for a vote of confidence for the Council of Ministers. It is granted with a majority of votes in the presence of at least a half of the statutory number of deputies. If the vote of confidence is not granted to the Council of Ministers, it results in the resignation of the Cabinet.

The government and particular ministers must enjoy the trust of the Sejm. Contrary to that, the President's attitude to them is of no importance, which means that they bear no political responsibility to him.

The function of the Parliament within the framework of the divided and balanced power is to pass bills as the basic source of law in the country, which affects the manner of creating all other sources of the state's law (except parliamentary regulations). With an exception of martial law, when the Sejm is not able to assemble for a sitting, the Parliament has a monopoly to pass legislative bills. Within the frameworks of the Parliament's autonomy, the bodies outside it are not competent to enforce the proceedings referring to a draft of a bill on the Parliament's Chambers. The exception concerns the budgetary proceedings and emergency proceedings. In a substantially limited scope, the Council of Ministers can recognize a draft of a bill passed by itself as urgent. The period to examine a draft of a bill which was considered as urgent is shortened to 14 days, and the period within which the President is obliged to sign the bill is shortened to 7 days. Differences in legislative proceedings concerning an urgent project are settled by the Parliament's Chambers themselves, which means for example that the government is not competent to enforce on them any definite manner of proceedings or any definite content of the bill enacted according to this procedure.

In the light of the binding legal regulations, the government does not dominate in the legislative proceedings. If the practice of recent years shows that it has acquired a special position, this is because of the political mechanisms – the strong party leadership of the Prime Minister, who fully subordinated to himself his own parliamentary club and is able to force his deputies to behave in the way he expects them to.

In relations with the government, only the Sejm has control over it[34]. The Senate does not have any controlling measures at its disposal, which

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[34] On the controlling function of the Sejm, cf. M. Kruk, *Funkcja kontrolna Sejmu RP*, Warszawa 2008; J. Zaleśny, *Dynamika procedur interpelacyjnych. Doświadczenia okresu trans-*

is one of the more important circumstances which define the Polish two-chamber model as asymmetric bicameralism, with the dominating role of the Sejm as the superior Chamber of the Parliament[35].

The system of government adopted in the Constitution of 1997 generally proved correct in the process of its application[36]. Only in the period 2007–2010 (cohabitation of President Lech Kaczyński from Law and Justice, and Prime Minister Donald Tusk – chairman of the Civic Platform) strong political tensions took place but they were not caused so much by the ambiguity of constitutional regulations as behavioral factors and polarization techniques of the party competition.

ABSTRACT

In Poland, the process of departing from concentrated state power typical of the communist countries began in 1989. It was triggered by the Round Table agreement. Unexpectedly, the collapse of the communist authorities was hastened by the results of June elections to the Sejm and the Senate. They pointed out the scale of the nation's disappointment in the communist rule, the effect of which was that in autumn of 1989 the government that was formed, for the first time in a few decades of years was dominated by the political opposition. The process of political, economic and social changes got deeper, including the change of the political axiology of a communist state in December 1989 into the one adequate for a democratic state of law.

Transformations in the political structures of citizens overlapped the transformations in the system of the state power. The opposition, originally united around the "Solidarity" trade union, split right after the breakthrough of 1989 into political parties typical of contemporary states, with the characteristic multitude of opposing views and ambitions, which blocked the possibility of working out a constitutional compromise by the main participants in political relations, with simultaneous existence of legal solutions that did not adjust the political reality. As a result of seeking a temporary *modus vivendi*, in 1992 the so-called Small

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formacji w wymiarze wertykalnym, [in:] M. Kruk, J. Wawrzyniak (eds.), *Transformacja ustrojowa w Polsce 1989–2009*, Warszawa 2011.

[35] J. Szymanek, *Parliament (the Sejm and the Senate): status, structure and organization, procedures, functions and powers*, [in:] S. Sulowski (eds.), *The Political System of Poland*, Warsaw 2007, p. 67.

[36] J. Jaskiernia, *Parlamentaryzm III RP: aksjologia konstytucyjna a dylematy polityki ustrojowej*, [in:] T. Mołdawa, J. Szymanek, M. Mistygacz (eds.), *Parlamentarny system rządów. Teoria i praktyka*, Warszawa 2012, p. 110.

Constitution was accepted. It was not until 1997 that a constitutional agreement was concluded in the Parliament, the effect of which was the passage of a new, now binding Constitution. The Constitution of 2 April 1997 provides for the mechanisms of government proper for a rationalized system of parliamentary-cabinet system, with a simultaneous emphasis on the special role of Prime Minister as the actual head of the government. As such, it works in the process of its application.

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STUDIA I ANALIZY

Jan Garlicki

Political Culture of Polish Society

Introduction

The concept "political culture" is defined in a variety of ways. The American sociologists of politics claim that thinking about the political reality in the manner that situates the centre of attention on the relations of the features of political institutions with the citizens' customs and the manner in which the society refers to political decisions and activities undertaken by the authorities is very important, and the beginnings of such an approach can already be sought in the concepts of ancient philosophers. In Poland, one of the first to use the concept *political culture* was Józef Siemieński. In 1916 he read a paper at the University of Warsaw on the 125th anniversary of the proclamation of the first European constitution. The paper was about the political orientations of the Polish society at the time of the Four-Years Sejm. In the paper entitled *The 3 May Constitution as a reflection of the Polish political culture*[1], J. Siemieński introduced the notion of "political

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[1] J. Siemieński, *Konstytucja 3 Maja 1791 jako wyraz polskiej kultury politycznej. Odczyt wygłoszony na uroczystym obchodzie rocznicy 3 Maja w UW*, published by „Koła Prawników" studentów UW, Warszawa 1916.

culture"[2]. Political culture all the time has been an important field of studying politics. The views of some sociologists and political scientists that since the category of "political culture" was scientifically defined and used in research by American scientists in the middle of the 1960s, it has not been applied in studies on political orientations and the public activity of the citizens proved wrong. Without referring to the category of political culture it is difficult to explain the political phenomena and the manner of functioning of democracy in the countries of Central and Eastern Europe. It is political culture and its traditions that constitute an important basis of transformations of the political systems in the countries that regain sovereignty and a possibility for self-determination after the fall of communist states. Consolidated democracy cannot be created without political culture, which enables pluralism, which is characterized by the involvement of at least a part of the citizens in public life and which forms democratic models of behaviour in the sphere of politics and the manner of conducting political disputes that are open but set within definite cultural frameworks. Democracy is not only a system of institutions but also a set of values, customs and mechanisms of functioning of the society which are accepted by the majority of citizens and which mark certain cultural models of behaviour and activity in the sphere of politics[3].

The character and course of the process of system reforms in Central and Eastern Europe, called the transformation of the system, were influenced by a number of factors. Some of them are certain "universal irreversible processes"[4]. Others include specific phenomena and processes which had a different course in different countries of the old block of communist countries. Scientists frequently showed and argued that the principal changes usually proceed on a few levels, which – on the one hand – gives them a deep and irreversible character, but – on the other – gives rise to a number of complications, leads to a social and cultural trauma and determines the strong differentiation of changes in particular countries. This differentiation is largely determined by the differences in the models of political culture in various countries. For this reason the

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[2] J. Garlicki, *The Political Culture of Polish Society*, [in:] S. Sulowski (ed.), *The Political System of Poland*, Warsaw 2007, p. 170.

[3] J. Garlicki, *Traditions and Dynamics in the Political Culture of Polish Society*, [in:] J. Błuszkowski, S. Sulowski (eds.), *Dillemas of Polish Transformation*, Warsaw 2010, p. 147.

[4] Cf. M. Ziółkowski, *Cztery funkcje pamięci społecznej (przypadek Polski)*, [in:] A. Kodera, K.Z. Sowa (ed.), *Los i wybór. Dziedzictwo i perspektywy społeczeństwa polskiego*. Pamiętnik XI Ogólnopolskiego Zjazdu Socjologicznego, Rzeszów 2003, pp. 444 ff.

cultural basis of changes is often not uniform in different societies and it contributes to more willing acceptance of certain changes or limitations or blocking other kinds of transformations. Claus Offe stated that the process of transformations is realized in Eastern and Central Europe on three levels, namely the political, economic and socio-cultural ones[5]. Robert Putnam, who analyzed the model and functioning of democracy in Italy, formulates a thesis that the shape of the system and its changes were defined by the three constituents, namely the state, or in other words, the political system, the market, or the economic system, and the society, or the political culture[6]. Therefore, different concepts contain a similar way of characterizing the elements important both for the implementation of system reforms itself and for the later functioning of the democratic system. It can be said that political culture usually constitutes the content of the process of creating and functioning of what sociologists and political scientists usually call the civic society.

It is worth pondering on what features of political culture understood as "(…) the whole of orientations of a society, a social group (…) towards politics (…) which are reflected in concrete and verbal behaviours"[7] can contribute to the creation of a mature civic society. It is also important if the very process of transformation of the political system introduces significant changes in the society's political culture, and if so, what the direction of these changes is. It also should be established if the political culture of the Polish society is pluralistic and if it has the features f a democratic culture characteristic of a civic society.

Traditions and historical basis of the political culture of Poles

No analysis of changes in the political culture of the Polish society in the course of transformations of the political system can be reliable without showing the traditions, which means the historical basis of the political culture in Poland. This is important since patterns of ideological values and political behaviours may have, and usually do have, a significant effect on the character and formation of the types of political culture in contemporary society.

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[5] Cf. C. Offe, *Drogi transformacji. Doświadczenia wschodnioeuropejskie i wschodnioniemieckie*, Warszawa–Kraków 1999, pp. 39 ff.

[6] Cf. R. Putnam, *Demokracja w działaniu*, Kraków 1996, p. 284.

[7] J. Garlicki, *Kultura polityczna młodzieży studenckiej*, Warszawa 1991, p. 26.

In Poland pluralistic traditions are centuries-long. For example, in the period of the "gentry democracy" (from the second half of the 16th c.) and Poland before the partitions (the end of the 18th c.) the country was differentiated on many levels. First of all, that was nationality pluralism because the 17th and 18th c. Republic of Poland was a home to a few nations, Besides the ethnically Polish population, there were Lithuanians, Ukrainians, Belorussians, and Jews. Cultural pluralism was also a fact. In addition, the society was differentiated in terms of religion. The Roman-Catholic religion dominated among the ethnically Polish population but there were also religious communities of Lutherans, Calvinists, Anabaptists, and even Muslims. The Greek-Catholic and Orthodox religions were also widely spread in the eastern parts. Nationality pluralism and cultural as well as religious pluralism were accompanied by the political system that had a lot of polycentric features. The continuity of the existence of independent and pluralist gentry in the Republic of Poland was definitely stopped by the 3rd partition of Poland (1795). However, the traditions of independent and rebellious spirit helped the Polish survive more than a hundred years of lack of independence and sovereign existence of the state. In the period of the partitions, an important weapon in the fight for independence was the national consciousness of Poles supported and created by outstanding literary works. The period of the partitions showed that the Poles were capable of rising for independence (November Uprising 1830-1831 and January Uprising 1863-1864). Those traditions created a culture of disobedience on the one hand, whereas on the other, the national integration. The picture of the social self-organization of Poles looked worse, although at the end of the 19th century the positivist models cultivating "work from basis" were popular with a part of the society. That was a model emphasizing the efforts for the benefit of local communities and for the development of entrepreneurship.

In the years 1944–1989, the times when a monocentric system existed in Poland within the frameworks of the state called the Polish People's Republic, the Polish society was not uniform in their convictions and attitudes. In the second part of the 1940s the society adopted a monistic form, which followed the change of borders and the creation of a new type of state. That monism, however, was in many respects only superficial. The political system under the communist rule certainly became a monocentric system. The national pluralism of the society disappeared because after the change of borders a great majority in the area of the whole country was composed by the ethically Polish population. Poland

was to become a country *of one nation, one ideology and one religion*, and it was to be governed in a centralistic manner. Nevertheless, the above assumption shows the illusive nature of this unification. The contradiction was, for example, in the sphere of ideological life. The communist ideology proved to be incompatible with the Roman Catholic religion. National minorities did not disappear although ethnic groups different from the Polish constituted a negligent part of our country's society. Cultural pluralism did not cease to exist. In the political life, a relative variety of organizations and orientation also still existed. That was shown both in attempts to create new organizations, especially after the social protests, and the activity of opposition groups, which in some periods was open though not legalized. However, the social consciousness and the political culture became the most important carriers of diversity besides the culture, and especially literature, striving to resist the totalitarian tendencies.

It was just in the consciousness of Poles that democratic values and plurality of political orientations were transferred to the monocentric system. Models of political culture from earlier periods were a basis of the formation of anti-establishment movements and programs of the political opposition. The task of preserving the values was a significant element of the *ethos* of the Polish intelligentsia. Models of organization of social life and the ideas that came up in that environment frequently contributed to changes and reforms of the country.

The country's political culture in the period of the Polish People's Republic was shaped under the effect of two groups of factors. Firstly, those were the models from the past, which – as mentioned above – contained a lot of deeply internalized pluralistic traditions. Secondly, the political culture was shaped and changed under the influence of the political system of *real socialism*, which was a monocentric system. The essence of that system was to eliminate, or at least limit, the existence of institutional alternative structures. This meant a policy of specific rationing of the possibilities of the existence of any organizational structures. It led to reduced possibilities of creating political parties, or other political organizations, or even *quasi* political ones, which would crate programs competitive to the dominating model. Social behaviours were regulated by one political decision-making centre, actually not subject to any social control. G. A. Almond analyzed the conditions of the creation of political culture within the countries of *real socialism* in Central and Eastern Europe and he found out that the governments and above all the leadership of the communist parties tried to *establish an organizational*

monopoly and a monopoly of mass media… ideological conformism [was] rewarded and deviation severely punished. Local and neighbourhood communities [were] subject to the control of party activists[8]. This brief characterization of the functioning of the monocentric systems of *real socialism* aptly shows the essence of their effect on the society. Attempts to transform political culture made within such a system are usually only partly effective. While studying the phenomenon of political culture it should be remembered that a significant role is played by historical experiences. The original, years-long system of orientations and attitudes will remain in some form and for a remarkable period of time in a certain degree it can resist attempts at transformations, or, possibly, it will succumb to them for a considerable period of time, either partly or superficially. *…However huge the attempts and the repressive structure will be* – as rightly noticed by G.A. Almond – *however monopolist and convincing the media and tempting the system of stimuli, political culture will set serious limitations to changes in the structures and behaviours due to the fact that the key attitudes will have a tendency to survive in a considerable degree and for a remarkable time*[9]. An adequate example confirming the validity of G.A. Almond's theses is the process of shaping the political culture of the society in Poland in the period of the Polish People's Republic. It is not possible to characterize the period of nearly 50 years (from 1945 to 1989) in just a few words, but we can point to a few specific features that are common to the political culture of different groups of the Polish society in the period of *real socialism*. One is dimorphism of political culture. It consists in adopting different norms and values regulating the sphere of public and private life. Models formed by the monocentric political system were adopted in the external, public and – as can be said – declarative sphere of collective life. On the other hand, the private, family and environmental spheres were governed by completely different rules as models of the political culture from the past were frequently preserved there[10]. The phenomenon of divergence between what one considers important in public life and what one is inclined to support in a declarative sense, on the one hand, and the practical models of behaviour in everyday life, on the other, does not only occur in monocentric systems and this has been frequently described by sociologists of politics. However, dimorphism of different

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[8] G.A. Almond, *Communism and Political Culture Theory*, "Comparative Politics" 1983, vol. 15, No. 2, p. 127.

[9] *Ibidem.*

[10] J. Garlicki, *The Political Culture of Polish Society…*, p. 175.

reactions of the same persons depending on whether they are in a *school* situation, whether they freely express their relation to a definite matter in the environment of their family or a circle of friends was petrified by the customs of public life in *real socialism*. That was based on what George Kennan, for example, aptly called the *culture of appearances*. This situation from the period preceding the collapse of the eastern block was emphatically characterized by Ralf Dahrendorf. He stated, for example, that few people in the 1970s believed in the state ideology but *it was still taught in schools and day by day millions of people were exposed to the acid rain of the ageing newspeak*"[11]. The real mechanisms of everyday life were usually more prosaic. Small collectivism, the impersonal concrete was developing under the ideological façade of large collectivism created by the monocentric system in Poland. In other words, realization of collectivism spread by the official party and state structures encountered a real barrier of personal relations, connections and a complicated tangle of informal dependencies. The phenomenon of microstructures bound by a strong direct and personal link occurred both in the groups of informal political opposition threatened by repressions and within the political elites themselves.

The attitude of a lot of citizens to socialism officially spread by the state was multi-dimensional and it was characterized by the following features:

– negative assessment of the practical functioning of *real socialism* in the state,
– pejorative reception of the concept of *socialism* and the terminology using the adjective *socialist* as a slogan,
– conviction about a need to rebuild socialism or to implement far-reaching system reforms,

and, at the same time, acceptance of a range of values introduced by the doctrine of socialism and spread in the monocentric political system[12].

In the course of the formation of a system of social organizations in the period of the Polish People's Republic, the monocentric model was disturbed in practice. In different periods a number of youth and social organization appeared which did not fully realize the principles of the monocentric system. They created the possibilities for those who did not identify themselves with the socialist system to, at least potentially, undertake some activity. Various organizations, clubs and associations

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[11] R. Dahrendorf, *Rozważania nad rewolucją w Europie*, Warszawa 1991, p. 22.
[12] J. Garlicki, *The Political Culture of Polish Society…*, p. 176.

connected with the Catholic Church worked all the time in a greater or smaller range. The Church structures themselves were active in social matters and, not infrequently, in political ones as well.

Then, it can be seen that in the time when Poland belonged to the Eastern block the models of political culture were dominated by the rules of activity and structures of the monocentric system only in a superficial way. The effect of models established in different earlier historical periods was still strong.

In the period of the monocentric system existing in Poland between 1945 and 1989, and especially in the 1970s and 1980s, a considerable part of the citizens represented the type of political culture reflected in subordination and participation. The barriers that limited active participation in political activity, and even made it impossible, had both objective and subjective character. The objective ones included no possibility of opposition work or a rationed possibility of creating different kinds of organizations. In addition, some citizens were not convinced about the sense of activity within the existing institutions of the system. Some consciously avoided any public activity and they closed themselves within the circles of their family and friends.

Transformation of the political system and the political culture of Poles

The period of the turn and the beginning of the system transformation in Poland is also an interesting moment of transformations in political culture. One of the most important events accelerating the system reforms in Poland was a wave of social protests in August 1980, and the formation of a trade union, or in fact a social movement, called *Solidarity*. The workers' strikes which took place at the beginning of the 1980s were another wave of protests in post-war Poland. A number of factors contributed to it. Those included lack of trust in communist governments and the society being tired with the system based on declarations of a better future and justice for all but ineffective in the economic sense. This lack of economic effectiveness was painfully felt by the citizens in the second half of the 1970s, when after a period of increased consumption at the beginning of the decade the development was checked and the chances to satisfy the growing aspirations decreased, which was enhanced by worse market conditions in Western Europe. Direct causes of protests were, on the one hand, worse material conditions of life and, on the other,

increasingly irritating limitations on the freedom of speech and expression as well as religious practices. The social protests, where different and numerous groups of society participated, were an expression of political culture. To a great extent, they had their basis in the models of the past. They expressed the feelings of a big part of the society, which did not want any more to bear that form of government which did not correspond to the social aspirations, needs and cultural patters solidified in the past.

It deserves to be mentioned at this point that political culture of the ruling elites was not a monolith. We can clearly notice the reformative inclinations of a part of them, which was shown, for example, in different attitudes of the government apparatus and the party apparatus to the protests. What can be regarded as a significant determinant of the views and political culture of groups connected with the monocentric government is the fact that every third member of the ruling party became a member of the reformative social movement of *Solidarity*.

The events from August 1981, besides sending a message of dignity in life, symbolized a moral protest against the restrictions and deviations of the monocentric system. They brought humanistic values into the traditions of the Polish political culture: *dignity and respect towards the partner, the feeling of subjectivity and trespassing the border of group claims*[13].

Transformations of the system and in political culture, initiated by the August protests, were checked by martial law introduced at the end of 1981. It can be said that those events *hibernated* the transformations which were started after some time again together with the positive transformations in the international environment of Poland, especially in Eastern Europe and in the Soviet Union.

At the turn of the years 1988 and 1989, a concept appeared within the ruling elites of Poland to lead to talks between the government and the groups of the political opposition, which were not legal but still active. As a result, after initial consultations at the beginning of 1989, the Round Table Talks were initiated between representatives of the ruling party and the government on the one hand, and representatives of the opposition groups, on the other, with *Solidarity* at the fore. The role of members of the Catholic Church hierarchy in Poland should be emphasized as they initiated and took part in the Round Table Talks. The active participation of the Church in public matters is also a characteristic feature of the Polish political culture. The Round Table Talks resulted in

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[13] K.B. Janowski, *Kultura polityczna Polaków u progu XXI wieku*, [in:] K.B. Janowski (ed.), *Kultura polityczna Polaków*, Toruń 2010, p. 22.

legalization of *Solidarity* again, the elections, where the opposition groups were allowed to take part, although in a limited degree, and in breaking up the monopoly of the party and the state in the media. Those events were certainly a breakthrough in the process of system reforms in Poland. The consensual style of political culture overweighed the confrontational one. The process of system transformation began.

Pluralism of political culture vs. changes in the models of behaviour and types of activity of the citizens of the Third Republic of Poland

Parliamentary elections in June 1989 determined the direction of further reforms in Poland. They led to the appointment of the first non-communist government in Poland after World War II. During those elections, civic committees were created, which were an emanation of political orientations that had no reflection and representation in the political parties that existed than – The Polish United Workers' Party (PZPR), The United Peasant Party (ZSL) or The Alliance of Democrats (SD). Later, new groups began to appear which were transformed into political parties. When the first free parliamentary elections were held in 1991, nearly sixty parties and groups announced their tickets. As a result, deputies from 29 tickets entered the Sejm of RP, who then established 17 parliamentary clubs in the first chamber of the Parliament. This is very expressive evidence of political pluralism of the Polish society. This is also a sign of political culture in Poland, which for many centuries has been characterized by fragmentation of the political scene.

Recreation of the pluralistic model of the Polish political scene led to an increase in the public activity of the citizens. It can be said that new models of participation in the political life of a democratic state started to get shaped. Wider circles of citizens adopted the attitudes that can be called the participant model of political culture. However, the activity of Poles increasingly began to focus on economic issues. For some, professional activity or their own economic activity became the main goal of their life, creating a chance for material advancement. Others – through the reform of the economic system and the changing economic conditions – were forced to defend their economic standard. The idea of economic growth became the central value determining the goals of collective activity. A part of the citizens did not even assimilate this idea fully. Problems associated with the sphere of the economic

standard of life and consumption, which was an extension of these spheres of activity, absorbed the citizens' energy. That caused limitation of their public activity. At the beginning of the 1990s, the views on what was important and valuable in life also started to evolve. Family is traditionally regarded important in Poland. However, such values as professional career, one's personal economic situation started to be ranked higher, while less attention was paid to the general social matters and political freedoms[14].

Interesting data on certain aspects of political culture of Poles are provided by the results of cyclical studies. Their source are e.g. surveys systematically conducted by the Foundation of the Public Opinion Research Centre (CBOS). Results concerning at least five key issues provoke thought and are important for the analysis of the dynamics of political culture of the Polish society, namely trust in political institutions, satisfaction with the functioning of democracy (evaluative-affective component of political culture)[15], attitude to democracy and political preferences (axiological component), as well as political participation (behavioral component).

An important determinant of the condition of political culture of the society, and especially the citizens' attitude to the system as a whole and to what is called the initiating objects, is the level of trust in political institutions in a given system. What is of importance is the degree of trust in institutions or, in other words, whether there exist the subjects that arouse more trust than doubts concerning their character and usefulness of their activities. The issues of trust may be viewed in symbolic categories. In the citizens' consciousness certain institutions become the symbols of the state's existence, independence or national identity.

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[14] J. Garlicki, A. Noga-Bogomilski, *Kultura polityczna w społeczeństwie demokratycznym*, Warszawa 2004, p. 177.

[15] According to the definition formulated by J. Garlicki, **four components of political culture** can be distinguished. *These are: 1) interest in politics, knowledge about it and knowledge about political facts* **(cognitive component)**; *2) values considered to be important and desired referring to the political system and mechanisms of functioning of its institutions* **(axiological component)**; *3) assessment of political phenomena and evaluative judgments about political institutions* **(evaluative-affective component)**; *4) acknowledged models of behaviour in the sphere of politics and tested types of political activities* **(behavioral component)**. The definition of political culture extending the approach represented by G.A. Almond and G.B. Powell with the axiological component (recognized values) and the behavioral component (political behaviours and activites) is published by the Author of the present article in*: J. Garlicki, *Kultura polityczna młodzieży studenckiej*, Warszawa 1991, pp. 26–30.

After 1989 changes began to take place in the Poles' trust in political institutions. In the first period of the process of system transformation, the trust in the Sejm increased, while trust in the Roman Catholic Church – an institution where a high level of trust was placed in the conditions of the monocentric system – decreased. One of the more important events was the establishment of the second chamber of the Polish Parliament, namely the Senate. Trust in the Senate was also high in the beginning. However, the years 1998–2001 bring a drop of the high evaluation of the activities of both houses of the Parliament.

Chart 1. Opinions on the activity of the Sejm
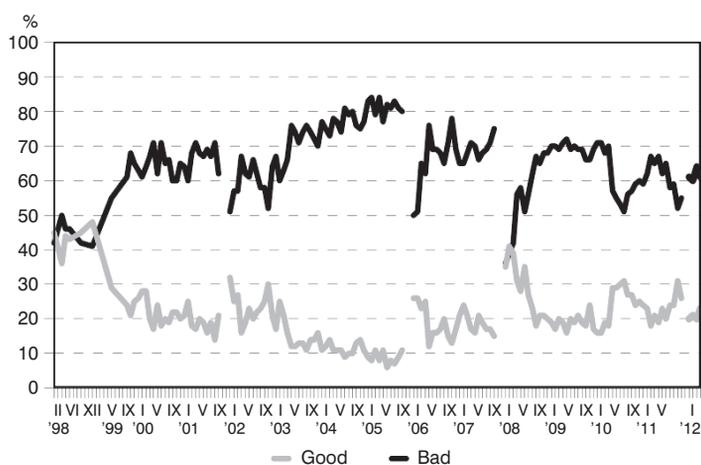
Chart 2. Opinions on the activity of the Senate
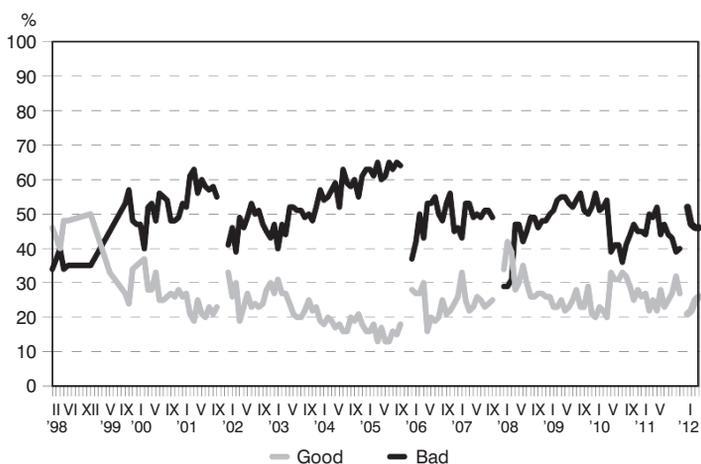
Source: *Oceny instytucji publicznych*, a communique by CBOS, Warsaw 2012.

At the end of 1989 the number of people who had good opinions about the Sejm exceeded 40% and was slightly bigger that the group of citizens with negative opinions. At the beginning of 2003 three times as many people assessed the Sejm negatively as those who had positive opinions. That tendency increased. A similar process takes place in the case of the Senate; however, the range between the negative and positive opinions is not that big. Observation of the phenomena concerning political culture in Poland shows, however, that this is not an irreversible process. It is rather the effect of the citizens being tired with the conflicts between different political groups that take place on the forum of the Parliament, as well as the conflicts and splits within the government coalitions. The citizens do not only assess the activity of both houses, especially the lower one, negatively, but they have a critical attitude to the deputies representing them. A lot of revealed abnormalities and affairs that took the form of scandals contributed to this. The citizens now have a possibility to watch the work of the Parliament members by means of the mass media and they have high requirements concerning the standards of that work. Both these phenomena are important and good elements of political culture that is being shaped in the conditions of system transformation. It can also be said that the critical assessment of the practical functioning of the Parliament was based on what can be called the defectiveness of certain mechanisms of the activity of representation organs, or – more broadly – the standards of political culture of a part of the ruling elite which did not correspond to the requirements of parliamentary democracy. This increase of negative opinions is a phenomenon of temporary character and it does not have to remain long. On the other hand, this tendency will not get reversed in a short time, especially without some clear signals testifying to a breakthrough in the very objects of politics that are subject to assessment. It should also be mentioned that the system reforms in Poland aroused personal aspirations but also high expectations towards the functionality of the system and transparency of democratic mechanisms. These are the next signs of changes that can have a positive impact on the development of civic political culture and on the reinforcement of the participant element in it. After the period of satisfaction with the free elections and the fact of having the pluralistic representation in the Parliament, now is the time to give opinions, and these are according to very rigorous principles. Bad opinions on the work of the Parliament are, on the other hand, not a good basis to build a social capital founded on trust. Especially, if we add the information that Poles rather do not trust each other, they do not have the feeling

of having any influence on public maters and they doubt if the state authorities are trying to realize the citizens' interests.

Criticism refers not only to both chamber of the Polish Parliament. Political parties, trade unions or the government also do not enjoy much trust.

Table 1. Trust in the institutions of public life

Institutions	Generally, do you trust the institutions enumerated below?						
	Decisively, I do	I rather trust them	Total trust	I rather don't	Deci-sively I don't	No trust totally	It is hard to say
	In percentage						
Great Orchestra of Christmas Charity	48	41	89	5	2	7	4
Polish Red Cross	22	59	81	7	3	10	10
Caritas	29	51	80	9	4	13	7
The army	17	56	74	11	4	15	11
Scout movement	16	54	70	7	2	9	21
Roman Catholic Church	24	46	69	17	9	26	5
Police	8	57	65	20	8	28	7
Ombudsman	10	49	60	11	5	16	24
City/ Commune local authorities	6	52	58	23	7	31	11
European Union	7	51	58	19	7	26	16
NATO	8	48	57	15	5	20	23
UNO	9	48	57	13	4	17	26
Institute of National Remembrance	12	43	55	15	7	22	23
Courts	5	40	45	31	13	44	11

Institutions	Generally, do you trust the institutions enumerated below?						
	Decisively, I do	I rather trust them	Total trust	I rather don't	Deci-sively I don't	No trust totally	It is hard to say
	In percentage						
Public administration officials	2	43	45	30	12	41	14
TV	3	41	44	38	11	49	8
Government	2	37	39	32	17	49	12
Big enterprises	2	33	35	26	9	35	30
Newspapers	2	32	34	40	15	55	11
Churches of other denominations	3	27	30	30	11	41	29
Trade unions	2	27	29	26	10	36	35
Sejm and Senate	1	28	29	37	19	55	15
Political parties	1	19	20	41	25	65	15

Source: *Zaufanie społeczne*, a communique CBOS, Warsaw 2012.

The data presented above allows for the statement that charity institutions enjoy almost universal trust. Most frequently, the Poles point to the Great Orchestra of Christmas Charity, which is not a formalized structure but a social movement that is revived once a year with the aim of raising money for important charitable goals. High in the hierarchy of social trust are the Polish Red Cross and Caritas, and next the army. The Roman Catholic Church also enjoys considerable trust but this is not the level of trust that this institution had within the monocentric system.

It is for quite a long time that the Poles have not been satisfied with the way that democracy functions in Poland. It was perceived in the relatively best manner in the years 1996–1998 but still there more people who feel dissatisfied.

In 2012 more than a half (53%) of the respondents stated that they were not satisfied with the way that democracy functions in Poland. A question should be asked whether these data are not an indicator of the actual, though concealed in some degree, lack of acceptance of the democratic order. Or maybe, they are rather "only" an indication of lack of satisfaction with the quality of the governments and political elites,

which is a phenomenon occurring in many European states. Declarations on whether life is better in the present system and above all, opinions on democracy as a system of governing are helpful in providing the answer.

Chart 3. Level of the Poles' satisfaction with the functioning of democracy

Generally, are you satisfied or dissatisfied with the way that democracy functions in our country?

All respondents totally

- Very satisfied
- Rather satisfied
- Rather dissatisfied
- Very dissatisfied
- Hard to say
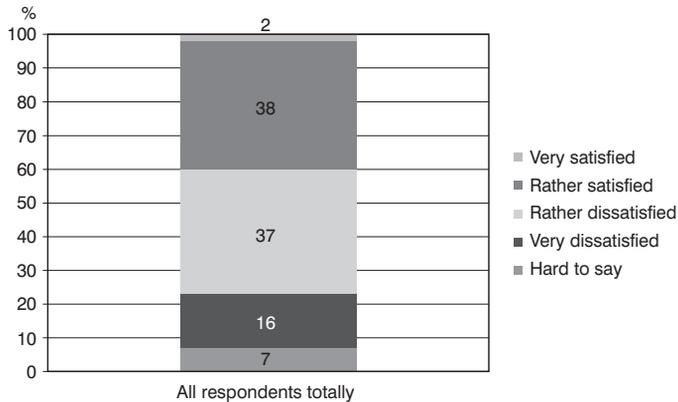
Source: *Afiliacje polityczne sprzed roku 1989 a stosunek do przemian ustrojowych i poczucie wpływu na sprawy publiczne*, a communique by CBOS, Warsaw 2012.

Two thirds of Poles are convinced that life is better in the Third Republic of Poland than in the previous system. Regarding, on the other hand, the fundamental issue of the attitude to democracy as a form of government, the opinions are changing in some degree but practically throughout the period of the democratic system in Poland the majority of its citizens are convinced about the superiority of democracy over other political systems.

Chart 4. Dynamics of opinions on democracy as a governing system.

Do you agree with the statement that democracy has superiority over any other forms of government?
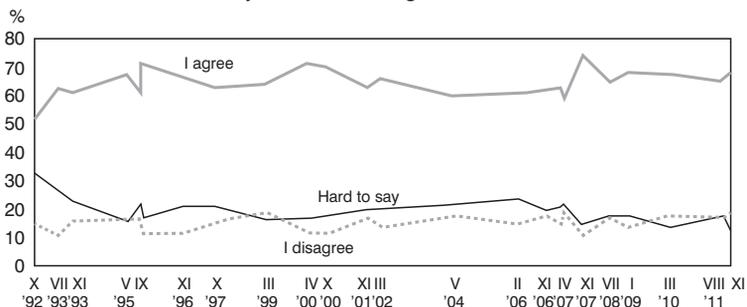
Source: *Opinie o demokracji po wyborach parlamentarnych*, a communique by CBOS, Warsaw 2011.

Recent studies show that over two thirds of Poles are convinced that democracy is superior to other forms of government. Therefore, it can be stated that acceptance of the democratic system is fairly common within the frameworks of the component of political culture called the axiological one.

Political preferences – results of studies and the results of the last parliamentary elections indicate a shift in political orientations towards the right wing. However, that is what happens in the political sphere and in the sphere of political declarations, whereas regarding the function of the state, the orientations that can be called pro-social are still strong. The citizens want the social functions of the state to be preserved, or even developed, and they are attached to the state's welfare role. Hence, it is not certain if the shift to the right is permanent or rather declarative. While analyzing the citizens' opinions in various questions concerning the system solutions, and reviewing the programs of two right-wing or centre-right political parties that dominate the Polish scene (i.e. Civic Platform and Law and Justice) one can draw a conclusion that we have to do with a phenomenon of quite permanent incoherence in the orientations represented by both the citizens and the politicians, which is reflected in different attitudes to the ideological-political sphere and different ones in the socio-political sphere.

Political participation – a significant determinant of the behavioral component of the society's political culture – is shaped at rather a low level if we estimate it through the light of attendance in the elections (though a certain degree of mobilization on a part of the voters has been recently observed, for example in parliamentary elections in 2007). It follows from the studies that 60-70% of the respondents claim to participate in the elections, while a part does not do it systematically. This is a rotating model of participation, which deepens the episodic character of this form. However, there are a lot of forms of participation. A number of non-governmental organizations (NGOs) have been formed in Poland. Here, participation, which is important in creating a civic society, is growing. It can be concluded from research that from 20% to 25% of Poles usually declared to be working in civic organizations. In 2012 this percentage increased to 32%. It can be said basing on the presented data that the range of this activity is not very broad yet but it has a clear, though slight, increasing tendency.

Table 2. Participation of Poles in civic organizations

In Poland there are different possibilities of social activity.
Do you devote your time to the activity in any of these organizations, associations, movement, club or foundation? It is about work in (these) organizationsand not only the fact of belonging to them.

	Percentage of positive answers among the total number of respondents						
	II 1998	XII 1999	I 2002	I 2004	I 2006	I 2008	I 2010	I 2012
Organizations working for schooling and education, e.g. parent-teacher association, parent board, school association, university association, Social Educational Society	4.5	5.5	3.2	4.2	4.8	4.8	8.0	6.9
Charity organizations working to support children in need	1.2	2.9	1.0	2.4	3.5	2.4	5.1	5.6
Religious and church organizations and movements, parish communities	3.6	3.9	2.0	3.9	3.4	2.8	4.5	5.4
Charity organizations working to support people in need – old, poor, homeless, sick or disabled people, victims of disasters, war victims, etc.	1.5	2.8	1.3	2.4	2.1	2.4	4.0	4.8
Sport organizations (unions, associations, clubs)	2.2	3.1	2.7	4.8	3.5	2.8	5.8	4.0
Associations and unions of garden owners, breeders, anglers and hunters	2.4	3.1	1.8	2.9	2.5	1.6	3.3	4.0
Volunteer Fire Department, Mountain Volunteer Search and Rescue, etc.	3.0	2.0	3.0	2.2	3.4	1.4	2.7	3.2
Artistic organizations and associations, e.g. choir, orchestra, dancing group, theatre group	0.9	1.8	0.9	1.9	1.6	0.8	2.6	2.9

	Percentage of positive answers among the total number of respondents							
	II 1998	XII 1999	I 2002	I 2004	I 2006	I 2008	I 2010	I 2012
Trade unions	3.2	4.8	3.3	3.8	3.9	3.2	2.1	2.8
Youth organizations, e.g. scout movement, youth clubs, student unions and associations	1.5	2.0	2.1	2.3	2.3	1.8	3.2	2.7
Pensioners' organizations, senior clubs	1.4	1.4	1.2	1.8	1.8	1.2	1.8	2.6
Local self-governments of city districts and housing estates, e.g. residents' councils, house committees	1.0	1.2	0.3	1.0	1.2	0.9	1.6	2.3
Committees dealing with one specific case (e.g. a parking place), protest groups	0.5	1.2	0.3	0.4	1.0	0.4	1.3	1.7
Self-help organizations, e.g. associations of disabled people, single fathers, anonymous alcoholics or unemployed people	0.6	1.1	0.4	1.0	1.3	0.8	2.5	1.6
Organizations working for the natural environment	0.9	1.5	0.3	1.2	1.8	0.9	1.5	1.6
Occupational associations and self-governments	0.7	0.8	0.5	0.9	0.5	0.5	1.0	1.6
Societies of animal friends, animal welfare societies	1.1	1.1	0.7	0.8	1.6	0.3	2.3	1.5
Scientific societies	0.6	1.4	0.8	1.4	1.2	0.5	2.3	1.4
Commune self-governments	1.1	1.3	0.2	1.1	0.9	0.8	1.1	1.4
Organizations supporting health care centers	0.7	1.2	0.6	0.8	1.5	0.9	1.7	1.2
Organizations of veterans, war victims	1.4	1.3	0.9	1.4	1.2	1,0	0.6	1.2
Workers' self-governments (workers' councils)	0.4	0.3	0.2	0.8	1.1	0.4	0.6	1.2

	Percentage of positive answers among the total number of respondents						
	II 1998	**XII 1999**	**I 2002**	**I 2004**	**I 2006**	**I 2008**	**I 2010**	**I 2012**
Associations promoting friendship with other countries and nations	0.1	0.7	0.1	0.7	0.6	0.4	1.1	1.1
Political parties and associations	0.3	0.8	0.6	0.7	0.7	0.4	0.7	1.1
Tourist organizations and associations	1.6	2.0	0.6	1.3	0.9	1.1	1.7	1.0
Female organizations, e.g. rural women's circles	1.0	1.5	0.8	1.2	0.8	1.0	0.8	1.0
Associations of city or region lovers, e.g. dealing with monument protection, development of regional culture	0.7	0.8	0.4	0.6	0.8	1.0	1.9	0.9
Collectors' and hobbyists' associations and clubs	0.5	0.7	0.7	1.2	0.7	1.0	1.5	0.7
Province and province self-governments	-	0.4	0.1	0.5	0.2	0.7	0.7	0.5
Other organizations, association, movements, clubs or foundations	0.2	0.9	0.2	0.3	0.9	1.7	1.4	1.7

Source: *Aktywność społeczna w organizacjach obywatelskich*, a communique by CBOS, Warsaw 2012.

The greatest increase refers to participation in such forms of activity as organizations for education, charity organizations and religious organizations. Within the last four years the group of people who work in three or even more organizations has increased from four to eight people. If this tendency remains, it will prove the development of a civic society through the bottom-up movements, associations and organizations. This would also be the evidence of a wider spread of the participant type of political culture. It deserves to be added that the popularity of different non-governmental organizations (*NGOs*) among the youth has grown. Most frequently, these are organizations working in such fields as education (it is the same in case of results of research conducted on an adult sample), social welfare, health protection and ecology. This is

another symptom of the changes taking place in the political culture of the Polish society.

In general terms, during the system transformation the subject-participant model became again predominant in the Polish political culture. This does not mean that no changes have taken place as compared to the period of *real socialism*. A lot has changed. Today, the structure of the institution of the monocentric system does not make a barrier for active participation in political life. The political system is democratic and pluralistic. On the other hand, the barrier is an increase in the citizens' interest and involvement in the economic sphere of life. A part of the citizens have become disillusioned with the mechanisms of democracy. The feeling of having an influence on political decisions has increased only to a slight extent. The multitude of political parties caused difficulty for the Polish people, who are concerned with everyday matters, in recognizing their programs and making the choice. The effect of those phenomena is the liability of the voters, who shift their support from one party to another. Nevertheless, certain signs of the spread of the participant model of political culture can be noticed. This is shown in greater participation in civic organizations.

Political culture – tendencies and perspectives

In order to assess the perspectives for transformations in political culture it will be necessary to consider the development of the Internet and new possibilities of political communication, or even political participation by means of the mass media. It is also interesting to compare the political culture of the Internet users and the political culture of the whole society. Such an analysis is possible thanks to the results of many studies[16]. The collected data allow for a conclusion that the Polish Internet users are a group more active not only in different areas of everyday life but they are more interested in politics than the society in general. The level of this interest frequently changes

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[16] The source includes the research conducted by the Institute of Political Sciences of the University of Warsaw in the years 2010–2011. 1) A study *Political culture of Poles in the Internet in the presidential campaign in 2010 on-line* surveys (CAWI) between 10–14 June 2010 on a sample of 720 Polish Internet users of age. 2) A study *Political culture of Polish Internet users on-line* surveys were realized (CAWI). The measurement was conducted between 27 September – 5 October 2011 on a Polish sample of 757 individual respondents.

or fluctuates. Some animation is clearly visible during the electoral campaign. In the period between the campaigns the interest in politics decreases. Excessive stimuli from the new media cause weariness. The analyses show that the activity of political parties, election headquarters and particular candidates in the new media is growing; however, this does not mean improvement in the quality of communication. The election headquarters do not realize the convergence of communication channels. If any discussion, including in the Internet, on political matters does take place, it is often not about important matters but those that "sell" well. A specific autism of election headquarters can be noticed. Most of them lose the advantage of the Internet. Messages of political parties in the new medium resemble a monologue. These are the circumstances that do not facilitate engagement of the Internet users in politics or a discussion about it.

An important factor that could support the creation of consolidated democracy and the participant model of political culture is the capital of social and political trust. Actually, it is hard to speak about the capital of political trust. The majority of the Internet users, like most of the general society, do not trust political parties. The level of trust in most political parties is also low. What is more, a decreasing tendency can be observed. The group of people who trust the major institutions of the system is getting smaller. It can be argued whether the lack of trust in the state's organs is a bad phenomenon and a disturbing signal, like was stated for example by Piotr Sztompka[17], or – as claimed by such authors as Geert Bouckaert and Steven Van de Walle[18], a sign of a healthy civic reaction, which prevents authoritarian tendencies of the government and facilitates the functioning of social control. Nevertheless, there are no premises to claim – at least in the sphere of politics – that a capital of trust is being shaped. The tendency of decreasing trust testifies to the erosion of legitimization of the capital of trust. Satisfaction of all Poles, including the Polish Internet users, with the way democracy is functioning is going down as well. Sharp political conflicts, on the one hand, and the structural predictability of the Polish political scene, on the other, contribute to this

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[17] P. Sztompka, *Zaufanie, nieufność i dwa paradoksy demokracji*, [in:] P. Sztompka, P. Kucia (eds.), *Socjologia. Lektury*, Kraków 2005, pp. 401–402.

[18] G. Bouckaert and S. Van de Walle, *Comparing Measures of Citizen Trust and User Satisfaction as Indicators of Good Governance: Difficulties in Linking Trust and Satisfaction Indicators*, "International Review of Administrative Sciences" 2003, Vol. 69, No. 3, s. 329 ff. Those Authors stated, for example: *low trust is often regarded as a reflection of a healthy democratic attitude, while a high level of struct can facilitate the formation of a repressive government.*

situation. A decreasing percentage of people satisfied with the real shape of democracy does not necessarily indicate lack of legitimization of the political system in Poland, but it reflects the conviction that a lot of issues must be changed and improved.

Regarding the tendencies within the behavioral component of political culture, it has to be stated that the level of political participation in the environment of the Internet users is not growing. On the contrary, certain symptoms pointing to a drop in activity can be seen. Although a bigger group of the Internet surfers use this medium to find information on politics; however, they do it in a rather lukewarm way. The percentage of those who use a wider range of the Internet sources is decreasing. The number of people who become broadcasters and use the Internet to spread information of political issues is also decreasing. Increased criticism of the functioning of the system is accompanied by a tendency for more radical opinions on unconventional forms of participation. The number of people who are willing to accept various forms of protest is growing, both among the society in general and among the Internet users. It can be expected that an increased tendency to take part in those protests ensues as a result. A very clear and spectacular example was a wave of protests after Poland signed the ACTA treaty. Signing it aroused protests among a lot of the Internet users, and the debate that followed then was treated by a considerable part of the Internet users as insincere and as a propaganda trick rather than an attempt at a real dialogue[19].

While considering the perspectives of political culture and political communication, one should ascertain that the possibilities created by the new media are now enormous and they will be still growing. It can be argued whether the politicians and ordinary citizens are keeping pace with those possibilities. The analysis conducted on the use of the Internet in electoral campaigns, in holding a dialogue with various subjects and in participating in politics provokes the conclusion that the sphere of politics in Poland has not reached the level of development of the new media yet. Both the elites and the Internet users are now experimenting with the new media. Communication between the elites and the voters *via* the Internet in most cases lacks professionalism and this is not only in the technical dimension but in the content-related dimension as well. The majority of people using the Internet, on the

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[19] Cf. J. Garlicki, D. Mider, *Wykorzystanie Internetu w komunikowaniu politycznym elit z wyborcami*, „Studia Politologiczne" 2012, Vol. 25, pp. 203–204.

other hand, are not convinced that they can become the creators and broadcasters of political contents by means of the new medium. The Internet does not determine the results of elections in Poland. Politicians have understood that activity on its forum is necessary but it is not the predominant means in political communication. In our country it is treated as a supplement.

ABSTRACT

New phenomena have appeared in the political culture of the Polish society and they have both good and bad sides. Certain values and models of behaviour are the factors that stimulate the system reforms and promote the formation of consolidated democracy, while some have dysfunctional effects. It can be said on the example of trust in public institutions that changes in political culture have occurred within the axiological and evaluative-affective component. The citizens' demands towards politicians increased and criticism in assessing them grew. This can be a factor stimulating the quality of democracy. A certain temporary crisis in social trust in Polish parliament can be felt. This is the worse side of the ongoing processes. However, this does not mean that Polish society rejects pluralistic democracy and its mechanisms. On the other hand, a considerable part of the political elites are assessed negatively since – in the opinion of many citizens – they do not meet the standards required by developed parliamentary democracy.

The role of the new media in political communication is growing and this is going to be a factor affecting political culture. The new possibilities should potentially facilitate the processes of improving the way of the functioning of the democratic system, if only through stimulating the public debate. However, at present it is more likely that the growth of the Internet use in the sphere of politics and the development of political culture will proceed according to a scenario called *technorealism*[20]. It means that people who are active in various domains of social life, including the sphere of politics, and who use the Internet will have bigger and better chances to acquire and create information on political subjects. The possibilities of the Internet, on the other hand, will not make people who are not very active and who are not interested in politics get interested in this sphere of social life and participate in it. Besides, a considerable part of the citizens do not use the Internet. This group can be called a group of digital marginalization. For them, the possibilities of information and political participation created by the new media are still a utopia.

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[20] Cf. A.G. Wilhelm, *Democracy in the Digital Age. Challenges to Political Life in Cyberspace*, Nowy Jork–Londyn 2000, pp. 14 ff.

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Daniel Mider

Political Participation of Poles – Structure and Trends

The evaluation of the structure and trends of political participation of Poles requires a multidimensional approach that enables the assessment of as many aspects as possible, as well as a synthetic one – focusing on the key elements necessary for a democracy to function and develop. Such an analysis is made possible thanks to the most popular approach in the study of political participation called the *Political Action Approach*[1]. It emerged in the 1960s in American political science and is strongly associated with behaviourism, in particular with the works of Sidney Verba and his associates. The Political Action Approach – in the simplest terms – focuses on the observation and analysis of repetitive and characteristic patterns of activity of a particular political culture directed at influencing political processes. Typical activities under

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[1]   Apart from the *Political Action Approach*, political science also applies (although marginally) the *Institutional Approach* and the *Problems Approach*. *The Institutional Approach* focuses on studying the political activity of individuals in institutions, such as the workplace, trade union, religious and other voluntary organizations, as well as local community groups. *The Problems Approach*, on the other hand, focuses on the study of problems, issues and needs that motivate individuals to take up actions which influence policies. More on the topic: H.E. Brady, 'Political Participation', [in:] J.P. Robinson, P.R. Shaver and L.S. Wrightsman (eds.), *Measures of Social Psychological Attitudes*, Vol. 2, San Diego 1999, pp. 742–796.

analysis, called forms of political participation, include participation in elections and referendums, petition signing, political demonstrations, strikes and boycotts. The repertory of forms of participation as well as their frequency is highly diversified even in the 'old' democracies[2] and constitutes an important measure of the degree of the legitimacy of the democratic system and the condition of civic society. Moreover, it determines the idiosyncratic political culture of a given country.

The concept of political participation is multidimensional, which Jan W. Van Deth so aptly characterized as tending 'towards a theory of everything'[3]. Political participation is an umbrella-concept that embraces numerous and incomparable activities whose only common denominator is that they are intended to influence politics[4]. Paradoxically this is the analytical advantage of this concept – it legitimizes the arbitrary selection of activities considered by the researcher as political participation for the needs of solving a particular research problem. The analysis of structures and trends can be made by indicating those forms of political participation that are of key importance to the democratic system – both its consolidation and deconsolidation, in other words, those with the greatest potential to maintain social order or to contribute to its destruction. This is important in that the intensity and type of political participation chosen by citizens is currently considered in political science in the context of the legitimacy of the political system[5]. It is these key areas of political activity that are identified by Pippa Norris, the American political scientist and lecturer at Harvard University.

First on her list is voting turnout, which includes citizen participation in elections at different levels and in referendums. The second key area

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[2] The first to take up comparative studies on the differentiation of the range of forms of political participation were Samuel H. Barnes and Max Kaase in their seminal work: *Political Action. Mass Participation in Five Western Democracies*, S.H. Barnes and M. Kaase (eds.), London 1979. More recently Dieter Nohlen similarly drew attention to strong differences in the repertory and frequency of forms of political participation: D. Nohlen, *Political Participation in New and Old Democracies*, [in:] R.L. Pintor and M. Gratschew (eds.), *Voter Turnout Since 1945. A Global Report*, Stockholm 2002.

[3] J.W. van Deth, *Studying Political Participation: Towards Theory of Everything?*, paper prepared for the symposium organized by the European Consortium for Political Research, *Electronic Democracy: Mobilisation, Organization and Participation via new ICTs*, Grenoble, 6–11.04.2001.

[4] S.P. Huntington and J.M. Nelson, *No Easy Choice. Political Participation in Developing Countries*, Cambridge 1976, p. 14.

[5] J.A. Booth and M.A. Seligson, *Political Legitimacy and Participation in Costa Rica: Evidence in Arena Shopping*, "Political Science Quarterly" 2005, No. 58 (4), pp. 537–550.

of participation is, according to Norris, civic activism. Here, she includes membership in organizations of the third sector: ecological, charitable, artistic, music, educational, professional, sports, hobby and religious organizations as well as trade unions and political parties. The two types of activism are collectively referred to in the literature on the subject as *conventional political participation*, where 'conventional' means complying with the rules, laws and moral norms. The third area of activism is that which is linked with protest activism, which includes acts such as: participation in peaceful demonstrations, boycotts, illegal strikes, signing petitions, squatting and terrorism[6]. Actions of this sort are described in the literature on the subject as *unconventional political participation*. This concept was introduced into the political science discourse by Max Kaase and Alan Marsh who defined it as actions defying, both, legal and/or moral norms regulating political participation in a given political system[7]. Within the framework of protest-related activism, Norris distinguishes two major subtypes of action: non-violent forms of political participation and violent ones. This type of distinction is increasingly being used in the literature on the subject where such forms of action as terrorism, assassinations, kidnappings and bomb attacks are seen as having a major influence on politics[8]. The areas of activity identified by Norris, crucial in the context of maintaining democratic order, determined the structure of this article.

Structure and trends of conventional political participation of Poles

In the literature on the subject, the high levels of civic engagement in conventional forms of political participation are empirically linked with high levels of legitimacy of the democratic system[9]. Two key groups of forms of participation in politics have been analysed: electoral participation, including civic participation in elections and referendums,

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[6] P. Norris, *Democratic Phoenix. Reinventing Political Activism*, Cambridge 2002, pp. 188–212.

[7] M. Kaase and A. Marsh, *Political Action. A Theoretical Perspective*, [in:] *Political Action*, p. 41.

[8] P. Norris, *Democratic Phoenix...*, pp. 190–191. More on the topic: D. Mider, *Partycypacja polityczna w Internecie. Studium politologiczne*, Warszawa 2008, pp. 169–188.

[9] See: K. Newton, *Social and Political Trust in Established Democracies*, [in:] *Critical Citizens: Global Support For Democratic Government*, Oxford 1999, p. 185; P. Norris, *Conclusions: The Growth of Critical Citizens and its Consequences*, [in:] P. Norris (ed.), *Critical Citizens: Global Support for Democratic Government*, Oxford 1999, pp. 258–264.

and civic participation, within the framework of which we distinguish membership in third sector organizations and in political parties.

Electoral Participation

Participation in elections is considered a constitutive principle in a democratic system. It is particularly underscored in the, classic by now, procedural concept of democracy of Robert Alan Dahl[10]. Participation in general elections is the clearest indicator of the legitimacy of a political system: the lack of electoral participation on a mass scale or the support for anti-system groups is a clear sign of the reduced or declining legitimization of government.

The intensity of electoral turnout among Poles raises concern. About half or less of those entitled to vote turn out for parliamentary elections, and the levels of voter participation over two decades of the Third Polish Republic have slowly, but steadily, decreased. The 2007 parliamentary elections were an exception where voter turnout reached 53.9%, the best result since 1989. These elections, however, took place at a time of strong negative political polarization, which mainly resulted from the style in which the election campaign was run. It was a non-issue, negative campaign without important questions being raised. It focused on image building issues. Such negative election campaigns affect the way opinions are formed and deepen the awareness of existing sociological and political divisions, especially during a time when the political scene is dominated by two parties[11]. During the 2007 election campaign the media concentrated on the contest between the two potentially biggest beneficiaries and, as such, political rivals: the Civic Platform (PO) and the Law and Justice (PiS) parties[12]. As a result of the

[10] The recognition of elections as a defining feature of democracy is present in the earliest publications of R.A. Dahl (R.A. Dahl, *A Preface To Democratic Theory*, Chicago 1956). The author has consistently upheld his convictions throughout his academic career, presenting them also in his latest, most mature works (R.A. Dahl, *On Political Equality*, New Haven 2006).

[11] S. Trzeciak, *Kampania wyborcza. Strategia sukcesu*, Poznań 2005, p. 199; M. Żmigrodzki, Ł. Wojciechowski, *Polityczna reklama negatywna w Polsce*, „Zeszyty Naukowe WSEI" 2011, No. 1 (1), pp. 101–117.

[12] M. Borowicz, *Analiza negatywnej reklamy wyborczej na przykładzie kampanii PO przeciwko PiS w 2007 roku*, „Annales Universitatis Mariae Curie-Skłodowska" 2008, XVI (1), pp. 219–229. The atmosphere around the campaign is best illustrated by the election ads and slogans. For example, the Civic Platform emitted a series of spots 'You've

bitter campaign and election results, political columnists began talking of the existence of two Polish States, as it were, in reference to the division along social and political lines across all of Polish society: on the one hand, a conservative and traditional Poland identifying itself with PiS, and on the other, a liberal, modern and pro-European Poland identifying itself with PO[13]. A somewhat higher, yet still unsatisfactory participation was recorded in Polish presidential elections – voter turnout in the first three presidential elections was slightly above 60%, but declined significantly in the last two elections, reaching 49.8% in 2005, and 54.9% in 2010. Similarly, citizens took little notice of the opportunity to express themselves directly in referendums. The referendums on privatization and enfranchisement, which were held in 1996 drew the interest of less than one third of those entitled to vote. The 1997 referendum on the constitution, however, failed to draw even half of eligible voters to the ballot box – only 42.9% of citizens decided to express their will. The best results in terms of attendance were registered in the referendum on the accession to the European Union in 2003, when 58.9% of eligible voters cast their votes. It is not an impressive result when compared to other European democracies. Turnout levels in similar referendums were: 71% in Ireland, 89% in Norway, 90% in Denmark, 74% in Finland, 83% in Sweden, 82% in Austria, and a record 91% in the accession referendum in Malta. Poland's comparison with other countries of the former Eastern Bloc is not too favourable either. Poland was ahead of only three countries in the region: Hungary (45.5%), Slovakia (52%) and the Czech Republic (55%), but came behind Slovenia (60%), Lithuania (63%), Estonia (67%) and Latvia (72.5%). The situation at the local level was even worse where voter turnout was below the required minimum for the results to be binding. The press is full of reports about such cases. Low civic engagement is often accompanied by the low activity of those in office. Furthermore, there are no attempts at stimulating conventional political participation, especially when it comes to elections and referendums.

Been Conned', 'Contempt and Aggression', 'PiS in power brings shame to Poles', as well as parodies of election spots broadcast by PiS entitled 'Pact'. The smaller parties of the election campaign were well aware of the negative atmosphere and tried to use it to their benefit (for example, the Polish Peasants Party (PSL) used the slogan 'PSL = NORMALITY', 'Coalition serves the people', while the Left and the Democrats chanted 'Wise government instead of stupid wars').

[13] See for example: M. Janicki, W. Władyka, *Dwie Polski*, „Polityka" 2007.11.03, No. 2627, pp. 26–30.

Trends in Polish electoral participation are best visualized in a comparative perspective – against other democracies. Especially significant is the comparison of average values for electoral participation in countries of the European Union, countries of the former Eastern Bloc and countries of the so-called 'new' and 'old' EU Member States.

The comparison of Polish electoral participation levels with those in other countries is definitely to the disadvantage of Poland. The average electoral turnout in Poland after 1989 was a mere 49.3%, and is definitely small in comparison to the average of 70.9% for all the 27 EU Member States. Identical differences apply in elections to the European Parliament: in all of the EU nearly half of eligible voters (49.2%) cast their votes, whereas in Poland less than a quarter (22.7%). The differences become even more unfavourable when we compare the average voter turnout values in Poland with those for the countries of the 'old' EU. Electoral participation levels in Poland also leave much to be desired in comparison to the already low levels of the 'new' EU Member States, lagging much behind the others (49.3% versus 58.9%). Table 1, below, presents the average electoral turnout values systematically.

Table 1. Average electoral turnout values in parliamentary and presidential elections and to the European Union, in the years 1989–2012

	Parliamentary elections (in the years 1989–2012)	Presidential elections (in the years 1989–2012)	Elections to the European Parliament (in the years 1989–2012)
Average electoral turnout in Poland	49.3	57.7	22.7
Average electoral turnout in the 'old' EU Member States[a]	75.2	74.7	51.8
Average electoral turnout in the 'new' EU Member States[b]	58.9	59.0	28.3
Average electoral turnout in 27 European Union Member States	70.9	67.4	49.2
Average electoral turnout in former Eastern Bloc countries	62.3	69.9	27.5

[a] Austria, Belgium, Denmark, Finland, France, Greece, Spain, the Netherlands, Ireland, Luxemburg, Germany, Portugal, Sweden, United Kingdom and Italy.

[b] Bulgaria, Cyprus, the Czech Republic, Estonia, Lithuania, Latvia, Malta, Poland, Romania, Slovakia, Slovenia and Hungary.

Source: compiled by the author on the basis of data available from the International Institute for Democracy and Electoral Assistance (International IDEA) (http://www.idea.int/).

Poland also presents itself unfavourably in terms of electoral participation in comparison with former Eastern Bloc countries – with only Estonia (49.1%) and Lithuania (43.3%) lagging behind it. A somewhat comforting fact may be that the top positions on the electoral turnout scale are occupied by countries with strong autocratic tendencies where the high voter turnout may be more of a sign of a culture of political subordination than democratic participation. Table 2 depicts average electoral turnout by country in the former Eastern Bloc countries.

Table 2. Voter turnout in parliamentary elections in former Eastern Bloc countries (in the years 1989–2012)

Country	Average voter turnout in parliamentary elections in the years 1989–2013
Tadzhikistan	90.5
Uzbekistan	89.6
Turkmenistan	86.9
Slovakia	78.0
Czech Republic	75.3
Belarus	71.4
Latvia	71.4
Kazakhstan	68.9
Ukraine	67.6
Moldavia	67.2
Georgia	63.9
Russia	59.5
Romania	59.0
Armenia	56.9
Hungary	56.8
Azerbaijan	56.0
Kirgizstan	51.4
Poland	49.3
Estonia	49.1
Lithuania	43.4

Source: compiled by the author on the basis of data available from the International Institute for Democracy and Electoral Assistance (International IDEA) (http://www.idea.int/).

It is also worthwhile to take a closer look at the trends in political participation after 1989. Among the 27 EU Member States one can detect a slight, yet significant from the point of view of statistics, decline in levels of electoral participation over the last twenty-five year period, namely, since 1989 ($R^2 = 0.23$; $p < 0.05$)[14]. This decline applies to the 'old' EU Member States ($R^2 = 0.27$; $p < 0.05$) even to a slightly higher degree than to the 'new' EU Member States ($R^2 = 0.13$; $p < 0.05$). Poland has not been immune to this negative tendency (however, there was an insufficient number of elections to accurately apply the regression analysis in this case; nevertheless, for indicative purposes, I am providing an estimate result, $R^2 = 0.1$; $P < 0.05$). The declining trend is observable throughout the European Union and remedial measures are being taken up at that level[15].

Diagram 1. Regression line illustrating the voter turnout trend in 27 European Union Member States (in the years 1989–2012)
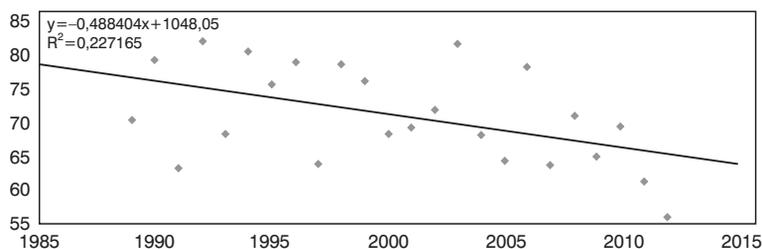
Source: compiled by the author on the basis of data available from the International Institute for Democracy and Electoral Assistance (International IDEA) (http://www.idea.int/).

An important issue when characterizing the voter participation structure is the stability of voter behaviour. The absence of fluctuations in the number and type of participants in elections guarantees democratic stability. Unfortunately, participation of Polish citizens leaves much to be desired in this respect. Data collected by the Polish National Election

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[14] Linear regression analysis was applied. Compiled by the author on the basis of data available from the International Institute for Democracy and Electoral Assistance (International IDEA) (http://www.idea.int/, 1.2.2013).

[15] For example, commissioned by the Council of Europe, Philippe C. Schmitter and Alexander H. Trechsel proposed changes in the functioning of modern democracies, which would, among other things, raise participation among voters. P.C. Schmitter and A.H. Trechsel, *The Future of Democracy in Europe. Trends, Analyses and Reforms, A Green Paper for the Council of Europe*, http://www.thefutureofrepresentativedemocracy.org/files/pdf/resources/schmitter_thefutureofDemocracyinEurope.pdf, 2004, pp. 86–118.

Study (PGSW) reveal serious labiality[16]. Polish citizens demonstrate considerable inconsistency when it comes to participation in elections: for nearly one third of them participation in national elections is irregular, they do not participate in all of them. Electoral stability in Poland is significantly lower than in the 'new' EU Member States, concludes Mikołaj Cześnik, on the basis of data collected in the Comparative Study of Electoral Systems Project[17]. Cześnik carried out a comparison of successive elections in Poland in the years 1997–2007 and found significant levels of instability in electoral participation. Around 25–30% of Poles chose to participate or to abstain or *vice versa*, from one election to another[18]. Electoral instability is a permanent feature of Polish political culture. An in-depth analysis by Mikołaj Cześnik, Paweł Grzelak and Michał Kotnarowski indicates that unstable voters are situated, in terms of socio-demographic and psycho-demographic profiles, 'midway' between citizens who regularly vote and those who abstain on a regular basis. The only (although not very strong) characteristic of this group and its correlatives are: centrism of political views, moderate populism in the economic sphere and – if they vote in elections – higher likelihood of casting their vote on the winner[19].

The socio-demographic structure of voters and non-voters as well as the determinants of participation are similar in Poland and in the EU Member States. Differences in electoral participation between sexes are analogous: men are more likely to vote than women, and the difference is significant in the sense that it exceeds the maximum standard margin of error. Poland also shows similarity to EU Member States in terms of the correlation between voters' age and participation in elections – younger and older generations are less likely to vote than the middle generations. In terms of electoral participation, Polish society also confirms the empirically well-grounded hypothesis of the socioeconomic status of the individual (SES – *socioeconomic status* or SERL – *socioeconomic resource status*) which indicates that the higher the education and income of the individual, the greater the likelihood of his or her involvement in politics, including participation in elections. Data collected by PGSW indicate

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[16] *Polskie Generalne Studium Wyborcze*, (PGSW), http://www.isppan.waw.pl/subpage/pgsw/index.html, 2013.

[17] M. Cześnik, *Partycypacja wyborcza Polaków*, Instytut Spraw Publicznych, [in:] http://www.isp.org.pl/files/20145849250174351001263374709.pdf, 2007, p. 10–12.

[18] Ibid., pp. 13–15.

[19] M. Cześnik, P. Grzelak, M. Kotnarowski, *Niestabilność uczestnictwa wyborczego w Polsce*, [in:] M. Cześnik, *Niestabilność wyborcza w Polsce*, Warszawa 2010, pp. 13–40.

statistically significant differences between persons with basic education, among whom electoral participation in general does not exceed 50%, and persons with higher education, among whom electoral participation remains above 75%. It should also be noted that electoral activity of Poles is diversified regionally – and replicates the 19th century map of partitioned Poland. The highest voter turnout is observed consistently in areas of the former Austrian partition, the lowest in areas formerly under Russian rule and in the territories recovered in 1945. The place of domicile also affects the electoral participation of Poles: considerably more people in urban areas participate in elections than those living in rural areas. The same phenomenon has been noted for a long time now in democracies all over the world[20].

The above data are clearly indicative of moderate political apathy in a key area of democratic life – elections and referendums. The lack of interest in participating in elections among more than half of Polish voters, the persistence of the largest Polish party – 'the non-voters' party' – can be explained by a number of factors. First of all, it reflects a strong anti-institutionalism rooted in Polish historical tradition. Patterns of the political engagement of Poles had already been shaped during the First Polish Republic. Broadly speaking, two contradictory forms of behaviour come from that period. On the one hand, it is a pattern of treating politics instrumentally, not for the good of the public, but for egoistic personal gains. It was then that negative labels used to this day in the sphere of public activity were coined to denote putting private interest ahead of the common weal, such as 'brawling', 'jobbery', 'treachery', 'Targowica' (referring to the Targowica Confederation and synonymous with 'an act of treason'). On the other hand, the First Polish Republic provided patterns of direct democracy culture; they took shape among the nobles as well as among the peasants, though strictly controlled by the landowners, and the burgher class. Similarly, Poland readily adopted elements of direct democracy from Western Europe, such as the institution of a confederation and 'hooded' assemblies. Also not without influence on the shape of political culture was the parliamentary practice of the Second Republic, which led to the depreciation of the institution of the *Sejm* and in effect the partial devaluation of the institution of elections. We can also find recent sources of negative influence which bred political apathy in the times of the Polish People's Republic (PRL). The national plebiscite of 1946 and the first parliamentary elections

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[20] P.A. Sorokin, C.C. Zimmerman, *Principles of rural-urban sociology*, New York 1929.

(to the Legislative *Sejm*) held a year later were rigged. The high voter turnout in elections to the *Sejm* in the PRL era also raises suspicions of manipulation, since between 1952 and1985 it averaged 94.4%[21]. The impact of certain modern-day phenomena cannot be discounted, for instance politics-fatigue caused by the low political culture of the Polish elites and the pauperization of a large part of Polish society, as well as the, as yet, low percentage of people with higher education.

Civic Engagement

Civic engagement is considered to be one of the key elements of democracy. Some researchers state bluntly that a small number of non-governmental organizations means little democracy, while higher numbers indicate more democracy[22]. These organizations form the 'soft' sphere of democracy, the indispensable complement to the 'hard' sphere – elections and referendums.

In the literature on the subject, there is a thesis regarding a crisis in non-governmental organizations in modern democracies that in consequence may even lead to the collapse of democratic systems. A third sector crisis and a possible negative fallout for democracy were aptly characterized in the mid-1970s by Michel J. Crozier, Samuel P. Huntington and Joji Watanuki in *The Crisis of Democracy*[23]. They point out that at the bottom of the crisis lies the lessening of inter-personal relations brought about by increased vertical and horizontal mobility of individuals and social groups. Similar concerns were raised by Richard Stivers when he introduced the concept of a culture of cynicism[24].

Levels of participation of Poles in third sector organizations for the years 2002–2010 are relatively low when compared with other EU Member States, according to data from the European Social Survey (ESS). Merely 5.8% of Poles declared working for third sector organizations, while the

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[21] According to estimates compiled by the Workers' Defense Committee (KOR), voter turnout in the 1980 elections came to approximately 75–85%.

[22] J. Paley, *Toward Anthropology of Democracy*, "Annual Review of Anthropology" 2002, No. 31, p. 482.

[23] M.J. Crozier, S.P. Huntington, J. Watanuki, *The Crisis of Democracy. Report on the Governability of Democracies to the Trilateral Commission*, New York 1975.

[24] R. Stivers, *The Culture of Cynicism*, Oxford 1994.

average for European countries is over twice that number (13%)[25]. In most cases, Poles engage in social work when it promises direct or immediate profit – in parent committees, parent councils and other organizations working in the area of school support and education. They participate on a much lesser scale in various associations, sports clubs and unions, charities and faith-based community work[26]. Levels of conventional, legal political participation are good indicators of citizens' political party affiliations. ESS provides quantitative data on this subject, although somewhat limited in terms of the time period (five rounds in the years 2002, 2004, 2006, 2008 and 2010). There is an observable and steady, although only minor (and only slightly above the maximum value of the margin of error), decline in the numbers active within the framework of the third sector. This trend appears not only in Poland, but also in the other European countries surveyed by ESS. In 2002, 1.7% of Polish respondents declared membership in a political party, but only 0.7% in 2010. During the subsequent survey rounds, a similar falling trend was noted in the other European countries taking part in the survey: in 2002 membership in political groups was declared by 5.7% of respondents, while in 2010 – only by 4.2%[27]. Poland clearly stands out when compared with the average for the other European countries surveyed by ESS. Karl Pearson's chi-squared test for one sample clearly indicates that the differences are statistically important[28]. Poles are also less likely than other Europeans to contact politicians. The declared average for Poles is barely 7.8% and for all those surveyed by ESS – 13.7%.

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[25] The ESS survey included a five round study of 22 to 30 surveys from the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Spain, the Netherlands, Ireland, Island, Israel, Lithuania, Luxemburg, Latvia, Germany, Norway, Poland, Portugal, Russia, Romania, Slovakia, Slovenia, Switzerland, Sweden, Turkey, Ukraine, Hungary, United Kingdom, Italy. ESS Round 1-5: European Social Survey Round 5 Data (2002–2010). Data file edition 3.0, 4.1, 3.4, 3.3, 6.3. Norwegian Social Science Data Services, Norway – Data Archive and distributor of ESS data.

[26] *Aktywność Polaków w organizacjach obywatelskich w latach 1998-2010*, BS/16/2010, http://www.cbos.pl/SPISKOM.POL/2010/K_016_10.PDF, 2010.

[27] It is worth noting that the decline in both cases – in Poland (difference calculated for 2002 and 2010: χ^2 (1, N = 1748) = 10.176; p ≤ 0.01), and all European countries (calculation for 2002 and 2010: χ^2 (1, N = 52339) = 250.527; p ≤ 0.01) is statistically important in accordance with Karl Pearson's chi-squared test for one sample.

[28] The test results were as follows: 2010 – χ^2 (1, N = 1748) = 53.832; p ≤ 0.01; 2008 – χ^2 (1, N = 1611) = 45.942; p ≤ 0.01; 2006 – χ^2 (1, N = 1721) = 63.526; p ≤ 0.01; 2004 – χ^2 (1, N = 1712) = 61.053; p ≤ 0.01; 2004 – χ^2 (1, N = 2106) = 66.693; p ≤ 0.01.

The above conclusions of sociologists and political scientists apply to Poland to a greater extent than to societies of Western Europe. In comparison to the times of the Solidarity opposition movement, the present period can only be perceived as a dramatic collapse of social cooperation and self-organization. Civic and social engagement in Poland is of a niche and short-term nature, involving only a minor part of society, as evidenced by the empirically acquired results. Polish activism is specific when compared with the countries of Western Europe; its patterns are different; it rests on formalized cooperation only to a small extent; there is a lack of will and skill for organized and stable cooperation[29]. When speaking about Polish society, the labels *social immobility, sociological vacuum* or *culture of distrust* are used to express a pathology in social ties which breeds widespread generalised suspicion of other individuals and institutions. This, in turn, demands constant monitoring and control of their activities for fear of fraud, misuse of power, deceit, dishonesty, scheming and conspiracy, which in effect leads to the disappearance and malfunctioning of social organizations at the supra-family level[30]. Especially noticeable is the lack of infrastructure, the institutions which could meet the human need for participation, as well as the lack of a sense of agency on the part of the citizens, empowered enough to wish to become engaged. This is most frequently attributed to Polish society having to live for a long time in an authoritarian society administered from above[31].

The structure and trends of the unconventional political participation of Poles

The intensity and range of unconventional political participation is vitally important for sustaining political order; it is a clear indicator of the obstruction of traditional channels of interest articulation on the part of the citizens. This assertion relates to the now-classic hypothesis of Maurice Duverger that the weaker the legitimacy of the political system and its components such as the government, parliament and other

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[29] P. Gliński, *Trzeci sektor w Polsce. Dylematy aktywności*, [in:] *Czy społeczny bezruch…*, p. 58; M. Nowak, M. Nowosielski, *Pytanie o społeczny bezruch*, [in:] *Czy społeczny bezruch…*, pp. 14, 18.

[30] P. Sztompka, *Socjologia. Analiza społeczeństwa*, Kraków 2002, pp. 316 and 326.

[31] J. Bartkowski, *Tradycje partycypacji w Polsce*, [in:] A. Olech (ed.), *Partycypacja publiczna. O uczestnictwie obywateli w życiu wspólnoty lokalnej*, Warszawa 2011, p. 44.

central offices, the more frequent the acts of disobedience by citizens who more readily resort to protest action, including acts of violence[32].

Unconventional non-violent political participation

Unconventional political participation results from the blockage of the formalized and institutionalized avenues of political participation in the political system. It consists of numerous and diverse forms of participation, including taking part in political demonstrations (demonstrations, pickets, marches, rallies, meetings, happenings, flash mobs, political theatre); communicating to express one's political views or to influence political choices; communicating one's beliefs or political demands by ridiculing the norms by which institutions function; organising or participating in boycotts of individual persons and political, economic and social institutions for political reasons; as well as disrupting or preventing the work of institutions or social processes in order to influence politics.

Empirical data from quantitative surveys on unconventional non-violent forms of political participation are rather meagre. ESS barely provides information about declarations of participation in legal demonstrations within the last 12-month period, as well as in boycotts. When it comes to participation in demonstrations, Poles present themselves much less favourably in comparison with other countries covered by the survey. Participation in demonstrations was declared by a mere 1.5% of respondents, whereas the average for European countries is over four times that and amounts to 6.5%. Similar proportions can be observed for the declared participation in boycotts: for Poland it is a mere 4.3% and for Europe – 14%. The unavailability of a larger number of empirical data from studies of unconventional political participation can be supplemented with case studies. For some parts of Polish society, periodically held demonstrations provide the means of expressing their opinions. One of the most important regularly held demonstrations since 2010 has been the annual Independence March on 11 November to commemorate Independence Day. It was first organized by nationalist groups, the All-Polish Youth and the National Radical Camp, which in 2011, formed the Independence Day Association. Since 2003 similar Independence Parades have been taking place in Gdańsk and Wrocław.

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[32] M. Duverger, *The Idea of Politics*, London 1966, p. 159.

Increasingly often, they serve not only to symbolically commemorate the regaining of independence, but they are also instrumental in voicing dissatisfaction with those currently in office. Moreover, there is also a wide media coverage of regularly held demonstrations of sexual minorities. Since 2005, an event called the Equal Rights Parade has taken place each year in Warsaw. The Equal Rights March has been held in Poznań since 2004, as part of the celebrations of the Days for Equal Rights and Tolerance. A similar march has been held in Cracow since 2004, called the March for Tolerance (from 2010 under the name of Equal Rights March). Various anti-discriminatory slogans were raised on the occasion. Invariably, these events have been accompanied by counterdemonstrations in the form of Marches for Life and Family (since 2006), which in 2012 were staged in 40 Polish towns and cities, as a manifestation of the commitment to traditional family values. In Poznań, in turn, in 2005 a mocking counterdemonstration was held called the March of Onanists, its participants demanding – in a sarcastic and mocking tone – the right to adopt children by onanists, and financial support from the authorities for a 'Campaign Against Ignorance', to raise awareness among the public that onanism is a sexual orientation just like any other. Cyclists regularly stage their demonstrations to remind everyone of their presence on the roads, their rights and their needs. They also try to force specific changes in the local organisation of traffic or investment in the infrastructure for cycling. Their demonstrations are held mainly in Warsaw and Łódź. They are called Critical Mass (and take on various names, such as: Night Critical Mass, Tourist Mass and Rebellious Mass) and take the form of cycling through public roads along a pre-planned route. They usually assemble from several hundred to several thousand participants. Since 2009 there have been 43 such events in Łódź and since 2002 several hundred in Warsaw. Similar events take place in other Polish towns and cities: Opole, Gorzów Wielkopolski, Lublin, Szczecin, Wrocław, Radom and several others. Regularly occurring in different parts of Poland (such as Warsaw, Olsztyn, Wrocław, Łódź, Cracow and Poznań) ever since 2000 has been a feminist demonstration called the Manifa, held on Women's Day, 8 March. The Manifas (as in 'manifestation'), generally calling for an end to the discrimination of women, have taken place under such banners as: 'Democracy without women is half a democracy' (2001), 'Our bodies, our lives, our rights' (2003), 'We want freedom' (2008), 'Governments change, nothing else changes' (2009), or 'Crèches, not stadiums' (2010). A separatist movement called the Movement for the Autonomy of Silesia is also worth noting. Since 2007, the group

has organised annual Marches in Katowice calling for the Autonomy of Silesia, gathering from hundreds to thousands of participants. They have demanded autonomy for Upper Silesia along similar lines as provided in Germany or Spain. Of significant importance is the considerable potential for spontaneous, bottom up protest in Poland. It came to light in 2012 when Poles reacted sharply against the *Anti-Counterfeiting Trade Agreement*, ACTA. Protests were held in several towns and cities all over Poland: Cracow, Wrocław, Tarnów and Bydgoszcz, to name but a few. In total, tens of thousands people took part in the protests.

On the side-lines of Polish participation in politics, there are also unconventional actions, which take on the form of specific political jokes or aim at ridiculing political ills afflicting Polish politics. The first Polish satirical party during the Third Polish Republic was the Polish Beer-Lovers' Party founded in the 1990s. In the 1991 parliamentary elections, the party won 16 seats in the Sejm (the lower house), joining the line of similar humorous enterprises that spring up in most democracies. At present, two similar groups are still active. The Orange Alternative, which operated in the 1980s and was reactivated in 2002, when its founder ran in elections for President of Warsaw within the framework of 'The Merrier and Competent Warsaw' election committee, and has been active politically ever since. In its actions, the Orange Alternative uses 'soft' forms of protest: happenings, parodies, pastiches and travesties. A typical example of its activity is the happening it organized during the 2007 parliamentary elections by registering as the 'Bumpkins and Dwarfs' election committee. A March of the Educatees (a derogatory term used to describe members of the so–called intelligentsia) was organized under the slogan 'We want to be terrorized'. During the march, passers-by were handed out metal hooks. This was the symbolic criticism of the 'dirty' election campaign aimed at discrediting political opponents by finding and using 'hooks' (or compromising materials) on them. The Alternative Action 'Naszość' is a right-wing group founded in the late 1980s, which takes up extremely unconventional political actions and is known for its organization of happenings; since 2000 it has organized 16 of them. Among the most famous happenings were: 'Czarzasty Stop'; detaching (the unwilling) Prime Minister Leszek Miller from his stool with a saw; and a May 1 happening 'Rescuers'. This happening was organized, as explained by the leader of the organization Piotr Lisiewicz, to help rescue the sinking Democratic Left Alliance in order to protect the big, fat fish, the small fish and the little fish that make up the party. The happening included an attempt to thrust lifebuoys on left-wing activists laying

wreaths at a monument, and offering them flippers. The organizers also shouted catchy slogans, such as: 'Hey, Łybacka, where's your swimming card?!' (using the name of a left-wing politician whose name happens to rhyme with 'swimming card' in Polish), or: 'It suits us to kiss commies on their lips', 'Place a red swimming cap on your commie's little head' (always rhymed in Polish).

Political participation on the Internet is a particular and fully acceptable case of participation in politics. Polish society presents a different profile from those of Western societies, and as an area of study it has been quite well investigated in Poland. The limited scope of this paper prevents me from citing the research findings. In short, political participation of Poles on the Internet is described as supersaturated with strong verbal aggression and indicates political polarization. Indeed, people with extreme views engage in various forms of political activity on the Internet more often than those holding more moderate opinions[33].

Such forms of unconventional political participation as analysed above have been occurring increasingly often in most democracies, which gives reason enough to use such labels as *demonstration democracy* or *protest society* in order to characterize these political systems. In the case of Poland, to this more or less general trend, we need to add a Polish specificity resulting from its history. Poland carries the burden of a strong tradition of anti-institutionalism, which is manifested by a strong negative attitude and suspicion towards all legitimate authority; a preference for disagreement over dialogue. An attitude of defiance towards authority can be traced back to as early as the First Republic. It transpired in the works of writers hailing from the nobility and burgher class; the institution of the medieval carnival; or the specific moderate contestation of Polish politics, the so-called Babin Republic: an informal social and literary organization of Polish nobles who used sarcasm to criticise the shortcomings of Polish politics, a prototype of a *watchdog organisation*. The traditions of underground activity and conspiracy which evolved at the time when Poland was partitioned played a decisive role in the shaping of the attitudes of Polish society. Numerous independence organizations functioning outside the imposed political system had their roots in that period, among them the National Patriotic Association,

[33] More on the subject: J. Garlicki (ed.), *Kultura polityczna internautów w Polsce*, „Studia Politologiczne" 2011, Vol. 21; D. Mider, *Cyberentuzjaści, cybermaruderzy czy cybermalkontenci? Badanie postaw polskich internautów wobec zastosowań Internetu w polityce*, [in:] J. Garlicki, D. Mider (eds.), *Elity polityczne a internauci*, „Studia Politologiczne" 2012, Vol. 26, pp. 41–80.

the Kosynierzy (Scythemen) Union and the Union of Free Poles. This 'tradition' of unconventional, outside-the-system or even anti-systemic political participation was continued by some organisations during the Second Polish Republic – such as the communists, among others. The period of the Polish Peoples' Republic made a significant contribution to the preservation of the protest potential, as from the time of its inception until 1989 it saw the emergence of at least fifty opposition organisations.

Unconventional violent political participation

It seems that the entrenched patterns of activities which use violence are particularly incriminating to Polish political culture. The history of Poland's partitions and the German occupation provide some legitimacy or justification, even glorification, to such activity, as the authorities then were synonymous with the enemy. The time of the Second Polish Republic left its legacy as well. To name a few examples: the assassination of President Gabriel Narutowicz in 1922; the terrorist attack in the Warsaw Citadel in 1923; the coup d'état of 1926; the activities of the 'unknown perpetrators' dealing out 'justice' to opposition activists; the unresolved (to this day) disappearance of general Włodzimierz Zagórski in 1927; the Brest trials and imprisonment in the Brest Fortress; the detention camp in Bereza Kartuska; the assassination of interior minister Bronisław Pieracki; numerous excesses of ultra-left and right-wing groups. The authorities of the Polish Peoples' Republic had no objections to the use of violence, considering it a convenient summary measure of fighting the opposition. The list of acts of violence is unfortunately long, including acts of collective violence (such as the use of force in the 1956 Poznań revolt and the 1970 December revolt, the effects of which were in both cases dozens of protesters killed and hundreds wounded), and acts of violence against individuals (particularly infamous were the tragic deaths of Emil Barchański, Piotr Bartoszcze, Tadeusz Frąś, Jerzy Popiełuszko and Stanisław Pyjas, not to mention the numerous kidnappings and torture, repression and political court murders in the years 1944–1956). These acts in a particular way socialized Polish society to violence. We can attempt to explain and justify each and every act of political violence as the consequence of political and social tension, defects in the political system or flawed patterns of political culture, a historical necessity, a tragic incident or the effect of individual pathology. Regardless of the motives and rationale of these acts, their consequences cannot be avoided – they

leave a lasting impression, a permanent imprint on society, become an element of its collective identity. In the light of historical experience that moulded Polish collective identity, each and every act or signal of the use of violence must raise serious concern in the new Polish democracy, as it cannot be considered as a chance and separate accident, but a phenomenon with its roots in political culture, a manifestation of an existing pattern in that culture. Such phenomena have occurred during the Third Polish Republic. In that category were the assassinations of politicians, which in all likelihood were politically motivated: first of all, that of Marek Rosiak, assistant to Janusz Wojciechowski, member of the European Parliament from the Law and Justice (PiS) party; or the knife attack on Paweł Kowalski, assistant to Jarosław Jagiełło, PiS MP, by Ryszard C.; as well as the assassinations of Marek Papała, Chief of Police in 1998 and of Jacek Dębski in 2001; or – as reported by the media – the planned bomb attack by Brunon K., a scientist and teaching staff member at one of the universities. Collective acts of violence also occur, especially during Independence Day celebrations or the various demonstrations held by sexual minorities.

It is worth recalling the quantitative study results regarding attitudes of Poles towards violence[34]. They seem to provide an accurate picture of the feelings among the Polish public about violence in politics. In the survey, respondents were asked about their opinion on the act of which Brunon K. was accused of, namely, making preparations for a bomb attack targeting the highest authorities of the Republic of Poland. Respondents had an eleven-point rating scale on which to mark their response, where: -5 meant that the respondent had a decidedly negative attitude towards the planned act (according to media reports), 0 (zero) meant a neutral attitude and +5 meant a decidedly positive attitude. Nearly half of the respondents condemned the act of which Brunon K. was accused (49%) and nearly one-third (28.6%) of them did so unequivocally (selecting – 5 on the scale). The next two groups stand out and raise concern: those remaining neutral (33%) and ... those sympathetic to the idea of a bomb attack (18%). These results may be interpreted in the category of a research artefact or as a negative (and more precisely – hostile)

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[34] The study was conducted by the Centre for Marketing Research 'Indicator' on 23–25 November 2012 using the *online* questionnaire method (CAWI) on a sample of 245 mature Internet users. Despite the small number of respondents and their specificity (as Internet surfers differ – although not as much nowadays – from the general Polish population) the results provide an interesting and, it seems, accurate material for consideration when discussing Polish society.

attitude towards the authorities. However, when asked directly about the admissibility of violence in politics, the vast majority of Poles condemn it. Over three-fourths of them, that is, 78.8%, have declared that its use is unacceptable from the ethical point of view. Moreover, one in four of the respondents (26.1%) claimed that the use of violence has no justification in any circumstances whatever. Almost three-fourths of respondents (73.9%) do not believe that violence could be an effective means of influencing politics. Condemnation of violence, although clear, is not unambiguous. One in ten respondents (11.6%) believes that violence can be an effective instrument in the sphere of politics. There is also a small group of those who are undecided: 14.3% hesitate between the approval and condemnation of violence. However, in a very few cases, Internet surfers admit that the use of violence is an acceptable form of behaviour, namely when it involves striking against one of the following: an occupying force (58.8), extremists responsible for acts of violence (48.2%), and anyone who uses violence (42.4). The survey results do not indicate revolutionary or radical moods, nevertheless, the uncertain condemnation of violence may raise concerns, especially when combined with low levels of involvement in conventional forms of political participation.

Conclusions. The spectre of political apathy?

The above observations allow us to identify the following four determinants of the low intensity of political participation among Poles. Firstly, we are dealing with a tendency which is similar to that which occurs in Western democracies, that is, the waning interest in engaging in conventional, formal, electoral political participation, and in its place, engaging – although only by the very few – in unconventional participation. Attempts to explain this phenomenon are being made using the conceptual category of post-politics understood as the definite end of all ideological disputes in favour of ad hoc politics aimed at winning elections, and transforming politics into a pop-culture game and a happening, while transforming the citizens into consumers. In consequence, the political process is treated as a sphere of entertainment designed to deliver an exciting spectacle. In effect, citizens become passive observers, of their own accord, rather than active subjects who share responsibility for the common good. Entertainment is, after all, voluntary in nature and so precludes a sense of duty or obligation.

Secondly, levels of participation in politics are as low as in the countries of the former Eastern Bloc, which can be explained as the authoritarian legacy which shaped the culture of strong political subordination. Thirdly, levels of political participation are conditioned by typically indigenous factors, resulting from earlier historical circumstances, especially the partitions of Poland, followed by the interwar twenty-year period and the Second World War. And fourthly, we can finally attribute the reluctance to participate in politics to the current condition of Polish democracy, especially the growing disappointment of Polish society with the way political elites function. There is a growing number of people who perceive the Polish political system as being in a state of complete chaos and disarray, while the number of those who associate it primarily with human freedom is falling[35]. Objective outside surveys confirm this presumption: Polish democracy is an immature democracy. According to the democracy index of 'The Economist', Poland is in a group of the so-called *flawed democracies* and ranks behind countries such as Lithuania, Chile, Botswana, Jamaica and Brazil[36].

The synergistic effect of the four factors may lead to the realisation of a scenario of a deepening political apathy on a mass scale. It could be triggered by the vast majority of people withdrawing from the sphere of politics, leaving it to the political elites and treating it, at the most, as part of entertainment. This form of political apathy, called *the fatalism of the multitude*, is understood as mass-scale social attitudes, which are not anti-democratic or anti-systemic, but the sporadic participation which does take place is not transformed into stable functioning in a democratic system and the monitoring of those in power[37]. In the Polish context, this could even inhibit the process of democratic consolidation and leave Poland in the company of the flawed, and even façade, democracies should the asymmetry deepen between the more advanced dimension of institutional consolidation and its less advanced social dimension.

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[35] *Stosunek Polaków do demokracji. Komunikat z badań*, Centrum Badań Opinii Społecznej, BS/194/2005, 12.2005.

[36] *Democracy index 2010. Democracy in retreat. A report from the Economist Intelligence Unit*, 'The Economist', http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf, 2010.

[37] J. Bryce, *The American Commonwealth*, Vol. II, Indianapolis 1888, Chapters 84–85 (unnumbered pages).

ABSTRACT

The analysis of the structure and trends in Polish political participation was conducted in four dimensions, vital to the functioning of the democratic system: conventional political participation, which includes electoral participation and civic engagement, as well as unconventional political participation – both violent and non-violent (protest, boycott, demonstration and happening). The analysis took into account elements which determine the functioning of democracy: the aspect of the consolidation and legitimisation of the political system, as well as the historical dimension.

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Jarosław Szymanek

Constitutional Determinants of the State's Policy Towards the Church in Poland After 1989

The problem of religious relations generally, and particularly the relations between the state and the church in their institutional dimension is traditionally a delicate constitutional matter. The question about how, one the one hand, the state should refer to religious organizations and, on the other, to a much broader problem of world outlooks (and similar issues) is – looking at it from the historical perspective – one of the most important questions to be answered by the legislator. What is more, this is the question which – at least for some time – has been answered with radically different answers, which effectively generates disputes and conflicts. The consequence is that the Parliament's decision – whatever it was – about the final shape of the religious order in the state, especially including the state-church relations, was usually burdened with exceptionally large risk of confrontationality. The plurality of ideas about how the state is to refer to the religious issue, the weight of this matter and, finally, the subjective opinions of the authors of the basic law in the field caused (and still do) that in the constitutional area this is a matter particularly exposed to polemics. The religious matter is, first of all, treated as obligatorily constitutional, which means that placing it outside the basic law makes the constitution incomplete and only fragmentary, Secondly, for obvious reasons, this is a controversial matter, which gives

rise to different, sometimes diametrically different opinions. If we add the historical and political contexts of the so-called historical moment, which means the time when the basic law was created, it becomes clear that the issue of favouring a definite, and especially a fairly clear concept of the religious order, is a real melting pot of conflicts and a clash (at times very sharp) of different opinions and views.

The fact that the religious issue is an element causing extremely large tensions and controversies in the process of establishing the constitution is confirmed by the case of Poland, both from the period when the Constitution from 17 March 1921 was created and in modern times of the constitutional debate preceding the proclamation of the Constitution from 2 April 1997[1]. The case of Poland is a very good illustration of the "constitutional religious dispute" because before 1921, and before 1997, there could be seen two alternative approaches to the way of regulating the state-church relations. The first, traditional one wanted a constitutional confirmation of the model of a confessional state where the spheres of *sacrum* and *profanum* adjoin and even – in the propositions leaning towards the orthodox – overlap and permeate each other. The other extreme attitude advocated the idea of a completely secular state, where the state and the church are fully independent and separate, and the worldview expressed in the essential act faithfully respects the principle of secularity, and hence religious non-involvement[2]. Those two extreme standpoints were supplemented with a variety of in-between projects, which were less explicit and which contained only certain solutions treated as the extremes of the model solutions[3]. In the case of the March Constitution it finally brought a completely eclectic concept which – using different mutations and peculiarities together with completely opposing viewpoints – ultimately created a vision of the state much closer to the variant of a confessional state than its secular opposite. It should be added that such a friendly vision of the state-church relations was wholly confirmed by the political practice interpreting the regulations of the basic law favourably to the idea of a religious state. It is generally known that after the war the series of political events caused that continuing the model of the corrected form of a religious

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[1] More on this subject, see: P. Borecki, *Koncepcje stosunków między państwem a związkami wyznaniowymi w projektach i postulatach konstytucyjnych*, Warszawa 2002; P. Leszczyński, *Zagadnienia wyznaniowe w Konstytucji RP*, Warszawa 2001.

[2] Cf. P. Borecki, *Geneza modelu stosunków państwo-kościół w Konstytucji RP*, Warszawa 2008, pp. 122 ff.

[3] More on this subject, see: M. Pietrzak, *Prawo wyznaniowe*, Warszawa 2010.

state was impossible. The Constitution of the Polish People's Republic from 22 July 1952 clearly spoke for the variant of a secular state, directly declaring that the state and the church were separate entities. The principle of separation, together with the principle of individual freedom of conscience and religion *prima facie* referred to the democratic concept of a secular (lay) state. The ideal of a secular state could not be fully realized as a result of the state's ideological involvement in the atheist worldview. Thus, the principle of the ideological neutrality typical of the secular state was rejected and the Polish People's Republic (PRL), although proclaiming a clear-cult separation of the state and the church, became the state very strongly involved on the side of the atheist ideology. It was not accidentally then said that the People's Poland was actually a confessional state à *rebours*, where religion was replaced by the communist ideology and the corresponding attitude was clearly hostile towards religion[4], in a great degree referring to religious prosecutions.

Hence, it should be acknowledged that the experiment that we had to deal with on the ground of Polish constitutionalism did not favor the promotion of a true, authentic concept of a secular state. All constitutions either directly declared the ideal of a religiously engaged state (May Constitution from 1791) or a partly religious state, where the ideas typical of a religious state clearly dominated over the secular trends (March Constitution from 1921), or – finally – an à *rebours* confessional state, which means a state where the principle of separation was established but it was rejected at the starting point as a result of deviating from the rule of equal distance from all kinds religions, ideologies and worldviews. In the latter case, the principle of the ideological neutrality of the state was missing, which is basic for the authentic idea of secularity. As long as the state is not truly neutral and impartial in its worldview, the attitude of the state to the church – regardless of the set of formulas to express this attitude – becomes distorted again when it promotes clearly religious ideas or – on the contrary – those that are hostile towards the Church and the phenomenon of religiosity as such[5].

Constitutional experiences could not, therefore, provide a distinct indication about what attitude the constituting power should take

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4   Cf. A. Mezglewski, H. Misztal, P. Stanisz, *Prawo wyznaniowe*, Warszawa 2008, pp. 18–19. Cf. M. Winiarczyk-Kossakowska, *Konstytucyjna regulacja problematyki wyznaniowej w Polsce Ludowej*, [in:] J. Szymanek, J. Zaleśny (eds.), *Problemy polityki wyznaniowej*, „Studia Politologiczne" 2012, Vol. 23.

5   More on this subject, see: P. Borecki, *Państwo neutralne światopoglądowo: ujęcie komparatystyczne*, „Studia z Prawa Wyznaniowego" 2006, vol. IX, pp. 75 ff.

in relation to the problem of state-church relations. The answer was not provided, either, by the complex political-social conditions, which constituted a relatively strong position of one of the religious organizations and, in general, the religious factor in public life. On the one hand, there was an unquestionable domination of the followers of one religion, who – additionally – belonged to one religious organization. On the other hand, however, the place of this organization in history made it exceptionally strong and gave the social authority. Finally, the political practice, later on legalized, at least partly, after 1989 clearly preferred the concept of "loose" *separationis ecclesiae et status*. One more factor should be added, which ultimately determined first, the very tone of the constitutional discussion and later the adopted shape of the constitutional regulation between the state and the church. This is a certain kind of conviction that he dominating religious organization, which in the Polish conditions is the Catholic Church, should obtain a specific compensation due to the hostile policy of the communist authorities[6]. Moreover, the policy of the People's Republic towards a broadly viewed issue of worldviews has been some kind of a negative point of reference since the beginnings of the Third Republic of Poland. That means that a lot of the existing solutions were implemented because they were treated (whether rightly or not, is another matter) as oppositional towards *ancien* régime. The paradox of the whole situation was that those solutions, which stood in opposition towards the communist ones, at the same time characterized the religious state. In consequence, when a new constitution of democratic Poland was to be created, it turned out that the constituting power faced an alternative of choosing between the promotion of an idea of a secular state, which was discredited in the times of the Polish People's Republic, and a wish to establish a religious state. The latter solution was certainly supported by the continuation of the solutions from before the war (largely viewed as authentically Polish ones), a quantitative domination of the followers of one religious organization, the historical role of the Catholic Church and its political importance, and – finally – the open wish to break with the times of PRL, which distorted the idea of a secular state by identifying it with fighting anti-clericalism[7]. Of importance was also the wish to compensate for the losses that religious organizations,

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[6] This conviction was frequently expressed not only by politicians but by the hierarchs of the Catholic Church. More on this subject, see: J. Gowin, *Kościół w czasach wolności 1989–1999*, Kraków 1999, pp. 72 ff.

[7] Which was one of the major arguments presented by representatives of the Church during the work on the constitution. Cf. J. Krukowski, *Państwo a kościoły i związki wyzna-*

especially the biggest one, suffered in the former epoch, which was generally estimated as an anti-church and anti-religious attitude. Hence a reconstruction of the religious order conducted after 1989 resulting in replacing the constitutional idea of division with a practical idea of combining *sacrum* and *profanum*. It should be remembered, however, that from the formal point of view the regulation of the Constitution of PRL, according to which the state and the church were separated, was in force until 1997. First, till the "Small Constitution" was passed in 1992, it was binding in its original form, as art. 82 of the Constitution of PRL, and after changing the Constitution on 29 December 1989 – as an article of the constitution of democratic Poland. Later on, when the regulations of the "Small Constitution" entered into force, art. 82 was upheld. However, as was rightly indicated, the norm according to which the state and the church were separated structures lost its axiological base, openly negated by the new system of values promoted by the "Small Constitution"[8]. As a result, nobody really treated seriously the regulation saying about the separation, which was best confirmed in practice clearly clashing with the idea of a secular state. Therefore, *desuetudo of* the constitutional rule of separation was mentioned. In the political reality that rule was replaced by the principle of cooperation between the state and the church and the interpenetration of state and religious matters[9]. It should also be mentioned that in those times, when formally the rule establishing the separation between the state and the church was in force, the most important solutions were implemented which were later on to confirm the incompatibility of the pure model of separation with the Polish conditions. Religious instruction in public schools, financing the educational activity of religious organizations from the state resources, far-reaching tax preferences for religious organizations, an institution of chaplains widely used in educational institutions and uniformed services and an obligation to respect Christian values in the public radio and TV broadcasting – all these appeared in law and in practice when the constitutional clause concerning separation between the state and the church was binding *de iure*. It turned out that the model of institutional relations between the state and religious

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niowe w projekcie konstytucji RP, [in:] J. Krukowski (ed.), *Ocena projektu konstytucji RP*, Lublin 1996, pp. 141ff.

8 Cf. K. Działocha, *Trybunał Konstytucyjny wobec zmiany Konstytucji*, „Państwo i Prawo" 1990, No. 4, pp. 5 ff.

9 J. Brożyniak, *Konstytucyjne dylematy regulacji stosunków wyznaniowych we współczesnej Polsce*, Warszawa 1996, p. 48.

organizations shaped in the 1990's was an open contradiction to what was univocally settled by constitutional decisions. In practice, especially during the constitutional debate, it was a pressure to include the actual relations of state and church in the constitution. Secondly, it was an argument for the advocates of the existing religious relations that it was simply so and it should remain so since it is a "natural" and "obvious" state. Finally, the advocates of the concept of a secular state were moved to a position of defenders of the constitutional *status quo*, commonly seen as a communist re-sentiment, which *notabene* caused that it was all the more willingly negated in practice. A difficult thing for the latter group was a lack of one clear vision of the religious order. Certain radical versions appeared that suggested introducing the principle of a restrictive separation and hence a secular state according to the French scheme. There were also more conciliatory ideas, which respected the historical and socio-political conditions and spoke for a *soft* version of separation. It should be remembered that there is no one scheme of a religious state and, likewise, the model of separation includes different variants. Thus, the whole problem of settling the state-church relations is a *continuum* of solutions, where the extremes are the classical forms of a secular state, on the one hand, and a religious state, on the other, whereas most systems are found somewhere in the middle[10]. Therefore, it should not be surprising that the group of advocates of closer relations between the state and the church did not have just one idea about how to articulate it in the constitution. There were both, more traditional concepts referring to the classical model of a confessional state and the concepts breaking this model but still remaining within the frameworks of a state friendly to the church.

As it could be expected, the political debate that took place when the Constitution from 1997 was being prepared and accepted, numerous arguments appeared concerning the model of the state-church relations. Those arguments lasted alongside the polemics on such important but socially and politically delicate issues related to worldviews as abortion or ratification of the Concordat signed in 1993. The first one involved advocates and opponents of abortion, who lavished arguments referring to the model of the state-church relations. The former assumed that the separation between the state and the church also meant the state's *désintéressement* concerning the worldviews and morality; therefore, the

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[10] Cf. H. Misztal, *Systemy relacji państwo – kościół*, [in:] H. Misztal (ed.), *Prawo wyznaniowe*, Lublin 2003, pp. 37 ff.

statutory prohibition of abortion would strike the very basis of secularity, where the state could not favour any side of the religious orientation. The other group took the standpoint according to which the state could definitely not present an agnostic attitude and that it should be ideologically and morally involved in the protection of the conceived life. According to that opinion, abortion made the state axiologically shallow, which stands in contrast to the tradition of a thousand years of Christianity, when human dignity was protected. A similar set of arguments caused a dispute about ratifying the Concordat[11]. For some, its ratification meant returning to the traditional relations between the state and the church and a natural state in a society dominated by Catholics. It was also pointed out that the Concordat was a certain comeback to the traditionally Polish ways of settling the relations with the church, and even more, a specific gift of the church for Poland[12]. An argument not to be ignored was the person of Pope John Paul II, who was expected to guarantee that the decisions of the Concordat would not in any way aim at the state's interests and that the negotiated agreement was the best of the possible ones. A wide array of arguments indicating the validity, or even necessity, of rarifying the Concordat included – quite wrongly – the fact of having no regulation of the state-church relations[13]. The Constitution of PRL was no longer in force and its art. 82, which was kept in the "Small Constitution", was not seriously treated by anybody. Consequently, it was believed that in the constitutional area the state-church relations were not determined in any manner and they required some kind of regulation. Additionally, for the advocates of the Concordat its ratification, preceding the adoption and implementation of the new constitution, was a guarantee that in the future the relations between the state and the church on the constitutional level would not change, which was supposed to be a certain warranty against the "fighting anticlericalists", demanding a secular state. For the other group, the Concordat was an attempt to establish "the Taliban", a sign of crawling confessionalization and, above all, an open violation of the constitutional decision, according

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[11] Cf. R.M. Małajny, *Konkordat polski z 1993 r. – altera pars*, [in:] B. Górowska (ed.), *Konkordat polski 1993. Wybór materiałów źródłowych z lat 1993–1996*, Warszawa 1997, pp. 639 ff.

[12] Cf. J. Krukowski, *Realizacja konkordatu z 1993 r. w prawie polskim*, „Studia Prawnicze" 1999, No. 3, pp. 5 ff.

[13] On legal complexities connected with ratification of the concordat, see: J. Szymanek, *Tryb ratyfikacji konkordatu z 1993 roku – główne problemy*, [in:] Cz. Janik, P. Borecki (eds.), *Dziesięć lat polskiego konkordatu*, Warszawa 2009, pp. 48 ff.

to which the state and the church were two separated structures. The *stricte* constitutional arguments indicated that the existing legal situation did not provide for any contractual form of establishing the state-church relations, and only a statute was a constitutionally determined manner of the state referring to the legal situation of the church. It is in this point that the ratification of the Concordat was incompatible with the binding art. 82 of the constitution of PRL (later Republic of Poland, RP) because the only form of agreement that it allowed between the state and the church was a statute and not a concordat, which is an international agreement, which – in turn – corresponded to the existing principle of unilaterality in regulating the legal situation of religious organizations.

It was also pointed out that a concordat – as a tool in settling the relations of the state with the church – had lost its value and the relation of a modern democratic state to the church should be determined in another form, not a traditional concordat. Finally, it was claimed that ratification of the concordat had to be preceded by passing a new constitution because otherwise, it would determine the shape of constitutional regulations, and the constituting power would be forced into a corner, to use a colloquial expression. That argument was significant as it touched the crux of the matter. The constitutional debate on the postulated shape of the state-church relations was continued and, actually, nobody knew which variant would be ultimately adopted. The extreme solutions (e.g. a classical confessional state, or secularity à la *française*) were decisively rejected as absolutely inadequate in the Polish conditions, while all the others were taken into consideration and in fact it was not known which side (i.e. the more confessional or the more secular one) the final version would take. Hence, the possible ratification of the concordat before the adoption of the new constitution was considered to be a missed solution because it would determine the state-church relations and would in fact leave no choice to the constituting power. In consequence, it was argued that if this chronology was adopted, i.e. if the constitution – at least in its fragment concerning the state-church relations – was an act issued after the ratification of the concordat, then it would question the status of the constitution as the law of the highest rank. Hence, it was believed that the ratification had to wait until the new constitution was passed and whether it could be ratified at all and participate in legal transactions was to be made dependent on whether its decisions would not contradict the adopted regulations of the basic law as fundamental to determine the most important basis of the confessional order in the state. The hierarchical subordination towards

the constitution then meant refraining from implementing the concordat so that the state-church relations would not be determined too hastily. The logic of putting the legal transactions in order in all spheres of life required that first the constitutional framework be created and only then was it to be filled with the statutory content, or – more broadly – the law of sub-constitutional character (which also includes the concordat).

The constitutional debate proceeded in a tense atmosphere but it was not as heated as had been initially thought. It turned out that the issues concerning the worldviews aroused emotions but these were cooled by other, more earthly problems, or they were consciously hushed in the new of the expected constitutional compromise. Awaiting the constitution and the successful completion of the many years constitutional work was common, which caused that a number of controversial issues were minimalized – thus agreeing for far-reaching compromises, settled only partially in a way that satisfied nobody, or completely ignored in the belief that they could be definitely solved at the statutory level, which could be even more comfortable as it would not restrict the direction of future solutions. It is obvious that ideological issues, including the state-church relations, were exposed – due to their controversial nature – to compromises, in this case meaning oscillating between the extremes and a lack of definite, unambiguous choice. Other factors also contributed to this distinctly eclectic attitude, for example the atmosphere in which the constitutional discussion took place and, on the one hand, enforcing the confirmation of the *status quo*, which had already fixed a network of relations between the state and churches, especially the biggest one, and – on the other – generating no conflicts in the sphere of worldviews summed up with a catchy slogan of a "fight with the church". In addition, an extremely important matter, especially from the perspective of successful completion of constitutional work, was a friendly, or at least neutral, attitude of the Catholic Church, whose social resonance was perceived as an almost priceless value in the face of the adoption of the final text of the basic law in the national referendum.

All this tangle of historical, situational, political and – *last but not least* – legal factors caused that the issue of the character of the state-church relations (and the whole religious policy) in the new constitution was in the highest degree ambiguous. The proposed projects presented an array of solutions, with the parties of the constitutional coalition (SLD, PSL, UW and UP) aiming towards an idea of a secular state (although most frequently understood in different ways, but first of all not going towards the French solutions). On the other hand, the very atmosphere

of the debate and its political pragmatics demanded at least a favourable attitude to those ideas which softened secularity, reconciling elements of the separation with elements of religiosity.

As a result, the constitutional compromise, which is often a key to evaluate the solutions adopted in the constitution, also included – for understandable reasons – a block of religious matters. It is clear that the compromise did not go – contrary to the March constitution from 1921 – towards clearly eclectic solutions, uniting *fifty fifty* two antagonistic ideas, i.e. the idea of a secular state and – on the other end – a confessional state. Indeed, it had to reconcile two opposing ideas and two opposing tendencies marked in the constitutional work, but it could not do it as ostentatiously as it had been done in the inter-war period. On the other hand, for a number of reasons enumerated above, there was no possibility of establishing a pure idea of a secular state, openly stipulating an institution of a separation between the state and the church. The constituting power had to combine the idea eliminating the extremes in such way that the idea of secularity should not be ostentatiously promoted but, still, it should be expressed. Therefore, a general idea can be drawn from the decisions included in the Constitution of RP adopted on 2 April 1997. This idea is the state referring to a broad concept of separation. However, it should be emphasized that this idea is not established *explicite* and, secondly – which is a completely different matter – it is not always respected in practice. Hence, it is pointed out that in the area of the state-church relations, or even broad worldviews, a clear discrepancy can be seen between the letter of the constitution and its practice.

The model of the state-church relations established in the Constitution from 1997, regardless of its final shape, acquired an exceptionally high importance. This is attested by the fact that institutional rules determining the state's relation to religious organizations was included at the very beginning of the basic law, in its first chapter[14]. Entitled "The Republic", the chapter enumerates those solutions which in the opinion of the constituting power are especially important since they compose the principal rules of the constitution, thus axiologically defining the state[15]. Consequently, such fundamental rules as the common good, the

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[14] J. Osuchowski, *Religia i Konstytucja*, [in:] T. Mołdawa (ed.), *Państwo. Demokracja. Samorząd. Księga pamiątkowa na sześćdziesięciopięciolecie Profesora Eugeniusza Zielińskiego*, Warszawa 1999, pp. 91 ff.

[15] Cf. S. Gebethner, *Rzeczpospolita w świetle postanowień rozdziału pierwszego Konstytucji z 1997 roku*, [in:] E. Zwierzchowski (ed.), *Podstawowe pojęcia pierwszego rozdziału Konstytucji RP*, Katowice 2000, pp. 13 ff.

nation's sovereignty, a democratic state ruled by law, division of powers or political pluralism were placed together with the rules determining the state's relation to religious organizations and other issues that, directly or indirectly, followed from the former ones. At the same time, it is emphasized that this kind of approach, independently of the model of institutional relations between the state and the church, *prima facie* testifies to a relatively big importance of the religious issue and to the fact that the problem of the ideological order is treated by the constitutional legislator with special attention. As a result, it should be indicated that including the "religious" decisions in art. 25 of the Constitution of RP (Republic of Poland) caused that he constitutional concept of the religious order had a very high rank, thus becoming one of the basis of the political system of RP[16]. It should also be added that because the religious issue was included in the first chapter of the Constitution, and considering the fact that the procedure of amending the text of the Constitution was provided in art. 235, this problem was made immune to the possible attempts to change it in the future. The regulations of the first chapter of the basic law are subject to special protection and their modification (like changing the regulations of chapters two and twelve of the Constitution) takes place according to other, more difficult, principles than the other fragments of the Constitution.

The state-church relations, finally determined in the disposition of the regulation of art. 25 of the Constitution of RP, cannot be viewed in the form of one definition or rule. Art. 25 of the constitution does not say about one concrete principle but a few, which taken *en bloc* make it possible to define the model of the state's reference to religious organizations. It should be emphasized at the same time that the way of interpreting this model also requires referring to other parts of the basic law, especially the Preamble, which contains important religious and ideological aspects, and to the decisions of the second chapter, where the issue of individual freedom of conscience and religion was regulated. For understandable reasons, the idea of the constituting power to regulate the religious order does not only establish the relations between the state and churches, but it contains a whole array of ideological issues, through the light of which the other regulations should be interpreted, including those that refer only to institutional relations.

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[16] Cf. R.M. Małajny, *Państwo a Kościół w Konstytucji III RP (refleksje aksjologiczne)*, „Państwo i Prawo" 1995, No. 8, pp. 79 ff.

The rules concerning institutional relations between the state and the church include those that are enumerated in art. 25. In the sequence adopted by the constitution, these are: equality of rights of churches and other religious organizations (art. 25 item 1); the principle of impartiality of public authorities in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life (art. 25 item 2); the principle of autonomy and the mutual independence between the state and churches (art. 25 item 3); the principle of cooperation (art. 25 item 3) and, finally, the principle of bilateral relations of both entities (art. 25 items 4 and 5). It is worth pointing out that the constitution power does not make any hierarchy or any other indication – except the very place of particular rules in art. 25 – about which if these is treated as, for example, the most important and which are to perform a complementary role. However, it is clear that although all these rules together establish the relations of the state to religious organizations, the key ones include the principles of equality and impartiality. It is them which ultimately determine the secular character of the state where the spheres of *sacrum* and *profanum* are separated. The other principles are only a logical consequence, stipulating, firstly, the mutual independence between the state and the church; secondly, cooperation of both entities and, thirdly, the regulation of the relations between the state and particular religious organizations by virtue of a statute, thus protecting the latter from one-sided, and hence arbitrary, actions of the state.

Although not directly called so, those principles make the canon of the secular state, where there is a clear demarcation line between the spheres of *sacrum* and *profanum*. For this reason, in the constitutional sense, Poland meets the standards of a secular state, all the more so because the block of institutional rules (from art. 25) is complemented with one, very important principle, namely that of individual freedom of conscience and religion (art. 53 items 1 and 2), additionally protected by the so-called right of silence (art. 53 item 7). In consequence, the norms of the basic law determining the ideological character of the state, including its relation to religious organizations on the one hand, and to individual religious freedom, on the other, fully correspond to the concept of a secular state, where the state and the church are separated and an individual has a guarantee of religious freedom (both individual and collective, private and public). Nevertheless, it is interesting to note that the idea of a secular state which respects the separation between the state (public) sphere and the ecclesiastical one was not established *expressis verbis*. Because of the necessity of making a constitutional

compromise, the Polish constituting power had to give up explicit expressions, which – without any understatements or substitute decisions – would proclaim a secular state. That is why the Polish constitution is characterized by a lack of decisions which would – like in France – define the state as a secular (lay) one, or which – after the example of Russia – would clearly proclaim the separation between the state and the church, or which – referring to the German model – would prohibit the establishment of a state church, official or privileged in any other manner[17]. It can be deduced that a lack of decisive and unambiguous expressions in the Constitution and, instead, using equivalent ones is a sign of a constitutional compromise and, above all, a wish to introduce the rules corresponding to a secular state but without an ostentatiously expressed idea of *separationis ecclesiae et status*. On the other hand, although the Polish basic law includes certain expressions determining the secular character of the state, its distinguishing feature is that the text of the Constitution is full of religious or ideological formulas, which occur in a disproportionately high degree considering the needs and expectations of the constitution. As a result, the constitutional compromise in its confessional area is characterized, on the one hand, by no clear proclamation of the principle of separation or the idea of a secular state, and – one the other – by a remarkable load of religious or ideological expressions in the Constitution. This is only seemingly without any importance. The religious contents of the Preamble enforce such interpretation of the articulated part of the Constitution that would satisfy those contents (naturally, if is possible). Sometimes, the consequence is that controversial matters are interpreted, for example, in the spirit of the "Christian heritage of the nation", which weakens the secular character of the state already at the starting point. This is not a merely hypothetical matter, which is shown by the decision of the Constitutional Tribunal from 2 December 2009, where a clearly pro-confessional attitude of the Tribunal was grounded in the religious formulations of the Preamble. As a result, it turns out that what was supposed to be a kind of courtesy towards the religious constitutional postulates, without interfering into the *meritum* of the state-church relations, could be an important element of such an interpretation of the decisions of the basic law which would curb the secular status of the state. The religious elements of the Preamble are not, then, only

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[17] On the possible variants in this respect, cf. J. Szymanek, *Formy prawnej instytucjonalizacji rozdziału państwa i kościoła*, „Studia z Prawa Wyznaniowego" 2008, vol. XI, pp. 47 ff.

a nice stylistic figure or a rhetorical expression having no effect on the normative layer of the constitutional decisions. Where it is possible – frequently referring to the religiously inclined expressions from the introduction to the basic law – such a train of thought is attempted which goes in the direction of making the state *softly* religious or para-religious. It appears that the constitutional compromise made in the past is not only of historical character but it still affects the way and direction of interpreting detailed decisions of the basic law[18]. It should be added that in the area of the state-church relations as well as in the sphere of more general ideological questions, such an interpretation, which means a continuous clash of opposing tendencies, does take place, which – as can be easily guessed – is transferred into practice, which clearly diverts from the state of *de lege lata.*

This practice mainly means approving certain behaviours that openly break, or at least get round the constitutional norms in the state-church relations, and trying to apply other, sometimes alternative solutions. An example is the practice of hanging religious symbols in public buildings (the Sejm of RP, central offices, schools, local government buildings); or a developed practice of maintaining (at the state's cost) an institution of different kinds of chaplains (in the army and other uniformed services); the presence of church hierarchs during different state celebrations; linking those celebrations with religious ones; or teaching religion in public schools. The examples can be multiplied but one more should be added, namely no moderation on the part of the state and its organs in getting involved in religious issues. A shameful example refers to different kinds of resolutions passed by the Sejm and the Senate. The more interesting ones include, for instance, the resolution of the Sejm of RP commemorating the 350th anniversary of the lifting of the siege of Jasna Góra monastery in Częstochowa, the resolution of the Sejm of RP commemorating the 350th anniversary of the Lviv vows taken by King Jan Kazimierz, the resolution of the Sejm of RP on the 30th anniversary of the beginning of John Paul II's pontificate; the resolution of the Sejm of RP on the 10th anniversary of the message addressed by John Paul II in the Sejm, the resolution of the Sejm of RP on cases of prosecutions of Christians in India. The second chamber of the Parliament, i.e. the Senate, is equally ready to get its authority involved in supporting clearly

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[18] On the specific character of interpreting the religious issues included in the Constitution, cf. J. Szymanek, *Interpretacja przepisów wyznaniowych w konstytucji*, „Studia z Prawa Wyznaniowego" 2006, vol. IX, pp. 101 ff.

religious drafts of resolutions, thus also relativizing the constitutional order of impartiality of public authorities in matters referring to religious and ideological issues. The more interesting resolutions to be mentioned include the resolution from 2008 on honouring the person of blessed Father Honorat Koźmiński and his achievements, the resolution passed in the same year on commemorating the anniversary of Holy Father John Paul II's death, the resolution passed in 2008 on commemorating the 30th anniversary of the election of Cardinal Karol Wojtyła to the Holy See, or – finally – the resolution adopted a year later on commemorating the 70th anniversary of the death of St. Urszula Ledóchowska and recognizing her as a model patriot[19].

The aforementioned examples, selected out of many, confirm that most frequently we have to do with rather ambivalent treatment of the rule of ideological impartiality of the state[20]. The state, or – more strictly – the public authorities of RP, does not present an indifferent attitude to various convictions and different views, especially towards different religions. Usually, we have examples of a completely different approach of the public authorities, i.e. an attitude of strong involvement in promoting one religion and one worldview. This can be seen in symbols (e.g. religious symbols in public buildings, or referring to the religious ceremony on each occasion) but also in the legislative activity, where we can clearly see preference given to one religious attitude (e.g. the legislation connected with IVF, registered partnerships, abortion, Christian values, which are institutionally ordered as necessary to be respected by the mass media, establishing bank holidays, *etc.* A caricature of the lack of impartiality or just moderation in supporting one religion is also frequent promotion of a definite religion during elections and the electoral campaign. We remember the pictures of the left-wing prime minister kneeling in the chapel in Jasna Góra, prayers of the Protestant prime minister in the Roman Catholic Church or particular candidates for President participating in almost all religious ceremonies. Another example is the marriage of one of the party leaders, which had been an informal relationship for nearly 30 years, formally contracted immediately

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[19] More on this subject, see: P. Borecki, *Elementy konfesjonalizacji państwa we współczesnej Polsce*, [in:] J. Szymanek (ed.), *Państwo wyznaniowe. Doktryna, prawo i praktyka*, Warszawa 2011, pp. 148 ff.

[20] More on this subject, see: R.M. Małajny, *Neutralność a bezstronność światopoglądowa państwa (uwagi na tle polskiej praktyki konstytucyjnej po 1989 r.)*, [in:] T.J. Zieliński (ed.), *Bezstronność religijna, światopoglądowa i filozoficzna władz Rzeczypospolitej Polskiej*, Warszawa 2009, pp. 71 ff.

before the elections. As a result, a statement can be ventured that a political norm is a lack of ideological impartiality of public authorities or even more, manifesting the attachment to a definite church and its religion, followed by promoting the attitudes adequate to the faith thus popularized.

In addition, another constitutional norm which is frequently overlooked is the principle of equality of churches and other religious organizations. Here, the examples are not so extreme but also striking. It is best seen if we look, for instance, at differentiated legislative guarantees for religious organizations in the sphere of the pastoral service in the military forces. As a consequence, three churches, namely Catholic Church, Orthodox Church and Evangelical Church of the Augsburg Confession, have organized structures of pastoral service operating within the military forces. Clergymen of seven churches have ensured rights to organize pastoral care in the army. They are appointed by the superior authorities of those churches in agreement with the Ministry of National Defense but they are not professional soldiers. They have the right of entry to the area of military units. They perform their service at the dates settled with the commanders of those units. The Polish Reformed Church and the Union of Jewish Religious Communities in Poland got guarantees for the organization of pastoral care for the soldiers outside the military units if a church, a chapel, a synagogue or a house of prayer is found in the place where the armed forces are stationed and if it does not interfere with important duties of the soldiers. Regarding the religious communities entered in a register of churches and other religious organizations, the legislator generally guarantees a possibility for them to perform their functions in relation to the people doing the military service. Corresponding agreements can be made with religious organizations which have a settled legal status concerning the pastoral functions performed by the clergymen of those religions[21].

Still another example of infringing, or – more delicately speaking – going round the principles in the state-church relations is the principle of bilateralism in settling the relation of the state to particular religious organizations. In reference to the largest of religious organizations, i.e. the Catholic Church, this rule is fully respected since its fulfillment is found in the Concordat. However, in the case of other religious organizations

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[21] On other signs of the practice interfering with the constitutional regulations, cf. J. Szymanek, *Prawo wyznaniowe w praktyce III RP (zagadnienia wybrane)*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2006, fasc. 1, pp. 93 ff.

their legal situation has been, so far, regulated only one-sidedly, by way of a statute passed, however, without a previous agreement on the basis of which the act establishing the relations between the state and a given church would be passed. Requests of religious organizations for a corresponding agreement have been so far ignored by the Council of Ministers, which – in accordance with art. 25 item 5 of the Constitution – is obliged to negotiate agreements in the name of the state which are then transformed into the law properly regulating the situation of a given religious organization. As a result, no positive reaction of the Council of Ministers to the demands presented by the authorities of particular religious organizations concerning a corresponding agreement should be assessed as disregarding the constitutional principle of bilateralism in the relations of the state with the church[22].

Numerous cases of how the constitutional determinants of the state-church relations are ignored show that despite a relatively simple possibility of deriving the idea of a secular state from the basic law, the state becomes at least semi-religious. The next example is the Church Fund, which is still functioning but which has lost its reason to exist. It should be remembered that the Fund was established in 1950 when the state took over the church property. In its assumption the Fund was to be a *sui generic* compensation for the nationalized church property. However, since 1989 the nationalized church property has been successively returned. In the case of the Catholic Church this procedure is almost completed in whole. Nevertheless, this has not liquidated the Church Fund. It has been *de facto* transformed into an item of the state's budget or, actually, a subsidy from the budget administered by the Ministry of Interior and Administration. 80%–100% of the social and health insurance premiums for the clergy are mainly financed from the Fund. The height of the Church Fund in recent years was from about 90 million to approximately 1000 million PLN annually. Its existence can be treated as a form of the state openly financing religious organizations, which is known to be one of the features of a confessional state.

A general look at the practical signs of a disrespectful attitude to particular rules establishing the institutional relations between the state and churches allows for the conclusions that the *de iure* and *de facto* states in the sphere of the religious order do not overlap and the real model of the state-church relations resembles – at the very best – a very friendly

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[22] Cf. T.J. Zieliński, *Regulacja stosunków między państwem a związkami wyznaniowymi w trybie art. 25 ust. 5 Konstytucji RP*, „Państwo i Prawo" 2003, No. 7, pp. 51 ff.

separationis ecclesiae et status. Speaking of the state-church relations more straightforwardly, the expressions that are used include a semi-religious state, a religiously involved state, an indifferent state, a *de facto* religious state, or – finally – a state oscillating around religiosity[23]. Nevertheless, it needs to be explained that all these expressions refer to the practice of religious relations. On the level of constitutional decisions, Poland corresponds to the standards of a secular state, respecting – in the area of institutional relations – equality of all religious associations, their autonomy and independence and a contractual way of settling their relations with the state, which is, additionally, impartial in the sphere of religious and ideological beliefs. In the individual dimension, on the other hand, the freedoms of conscience and religion are guaranteed, which is the *minimum minimorum* of a democratic separation identifying the secular form of the state. Of key importance for the ideological identification of the character of the state is certainly the principle proclaiming the equality of churches and other religious organizations as well as the norm defining the state as impartial. The former can be treated in the Polish conditions as a substitute form of the separation between the state and the church, while the other should be perceived as the most important (besides the principle of individual and collective religious freedom) element of a secular state. The *de lege fundamentali lata* secular form is slightly broken or – to use more delicate words – infringed by the religious expressions in the Preamble but the direction of the state-church relations, which clearly goes towards religiosity, is ultimately settled by the practice, which disturbingly deviates from the state postulated by the constituting power.

ABSTRACT

The text is about the constitutional foundations of the State's policy towards the Church in Poland after 1989. It analyses the political and social determinants of the currently binding legal regulations indicating the State-Church relationship, their content and the way constitutional regulations referring to the issue of religion are applied. All the reflections are presented in the context of the question about the secularity of the relationship between the State and the Church.

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[23] It can be noticed that besides the indicated principles, the principle of autonomy and independence of the state and churches is also infringed. Cf. M. Pietrzak, *Prawo kanoniczne w polskim systemie prawnym*, „Państwo i Prawo" 2006, No. 8, pp. 16 ff.

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STUDIA I ANALIZY

Zbigniew Siemiątkowski

Directions of Changes Taking Place in the Polish Secret Service After 1989

Introduction

Secret services are an important element of national security. They are a significant part of the system of bodies of internal and external security as well as the protection of the constitutional order in the state. The activity of secret services is related to the institutions of the executive. This is a relation of continuous nature characterized by permanent relations of secret services with the decision-making circles which, as the only ones, are the administrators of the services. They are the nerve of the system of government. The aim of the services is to obtain or protect the information that is used by the decision-makers to take decisions in the sphere of protecting the national interests, especially those that are aimed at ensuring the state's sovereignty, inviolability and integrity of its territory, creating the proper conditions for active defense and protecting the order described in the Constitution. The importance of secret services in the state always acquires greater importance in case of international conflicts, struggle for power in the state and in other crisis situations[1].

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[1]   S. Zalewski, *Służby specjalne w państwie demokratycznym*, Warszawa 2005, pp. 20–22.

Obtaining information on dangers, analyzing it and then handing it on to the decision centers belong to the main tasks of secret services. The essence of this process is its secret character and poor transparency, even for the agencies designed to control it. The confidential character of obtaining information on dangers is the basis of the methods applied by secret services, which distinguishes them from other public services. Methods and forms of their work, their organizational structure, the staffs employed, directions of their work and a detailed scope of their operational interests are all secret. Secret services make use of the methods of work that are inaccessible to others since they go deeply into the range of civil freedoms and human rights, which requires special control of the state's bodies and the public opinion. In this respect, they are exceptional compared to other state services and they show a permanent tendency to alienate themselves and avoid control of political agencies. This is a universal phenomenon concerning all services. The services in young democracies, which carry the burden of the past, are especially prone to this disease.

The concept of "secret service"

Although the history of secret services is as old as the institution of the state is and their existence testifies to the state's sovereignty, it is considerably hard to precisely define them on the ground of legal sciences and studies of the state. A number of researchers draw attention to this problem, emphasizing that "legislations of a great majority of states avoid not only strict definitions but even using the concept of secret service. Despite this concept being deeply grounded in colloquial language and used in professional terminology, it does not exist in legal language, that is in the formulation of normative acts"[2].

The first legal act in the Polish conditions where this concept was used were the Rules and Regulations of the Sejm of the Republic of Poland, which was a minor legal act where by virtue of the resolution of the Sejm from 27 April 1995 the scope and competences of the newly appointed body of the Sejm, which is the Special Services Committee, were determined[3].

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[2] Z. Galicki, *Status prawny służb specjalnych w wybranych państwach zachodnich*, Warszawa 1996, p. 3.

[3] It is composed of nine members chosen according to a special procedure. As the only ones in the Sejm, they have access to the materials holding security classification.

Defining the concept of "secret services" in a precise manner and giving them a universal character are made difficult by the fact that their competences and powers have been shifted onto the police services, which has already become a permanent tendency. What characterizes secret services of the state and what distinguished them from the police services in the past was and still is the fact that they have operational and reconnaissance competences, which give them the right to use such operational techniques as secret surveillance, secret eavesdropping and secret monitoring aimed at finding the perpetrators of crimes against the state's security. In the past, those were exclusive rights of secret services. Nowadays, the competences of this kind in Polish conditions are granted to eleven public services, both the police and parapolice ones. Hence, besides the following state protection services: Internal Security Agency, Foreign Intelligence Agency, Military Counterintelligence Service, Military Intelligence Service and Central Anti-Corruption Bureau, the operational and reconnaissance competences are already possessed by numerous police and protection services, including Police, Border Guard, Government Protection Bureau, Military Gendarmerie, Fiscal and Customs Police. State protection services use their competences to obtain evidence of crimes aimed at the state's security and information which is significant from the point of view of the state's security, which fact principally distinguishes them from other protection services entitled only to use operational techniques to pursue perpetrators of crimes against people's security and public order.

In the broadest meaning, secret services are all intelligence services, both civil and military ones, as well as other security services whose work is different from the traditional police practice. These are, for example, intelligence agencies and counterintelligence services, both civil and military, special anti-terrorist units and those that fight against drugs, security services concerned with protecting representatives of states, important buildings, economic interests, and special units within the frameworks of the police which combat organized crime[4].

For the sake of the present paper, we will use a narrower concept of security services, which means those public entities that perform the tasks including only intelligence and counterintelligence. Due to the elite nature of those services and the need to distinguish them from police services, they are usually called secret services.

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[4] *Encyklopedia szpiegostwa*, Warszawa 1995, p. 224.

Intelligence is usually called an organization separated from other bodies of state administration which is specialized in secret collecting of information on other states, analyzing it with the aim of using it in the political, economic or military spheres of their own country. The specific nature of intelligence is directing their activities outside their own country. Thus, intelligence, together with the armed forces and diplomacy, from which it derives, serves to ensure the external security of the state[5].

Contrary to intelligence, the work of counterintelligence is aimed at protecting their own country from penetration by foreign intelligence. It is an important element of the system of internal security and its task is to combat illegal activity threatening the state's security, mainly by other countries and their secret services. In the "cold war" period the domain of the work of counterintelligence services included classical tasks of combating cases of espionage. At present, though that task is not given up, counterintelligence services are used to fight against the hardest category of international organized crime, especially money laundering, people and weapon smuggling, and the proliferation of weapons of mass destruction, which remains in relation with professionalization of the world of crime which increasingly often makes use of the methods so far applied by secret services.

Secret services in communist Poland

Their task in the conditions of a non-democratic, communist system was to defend the system based on the government of a mono-party. They did not protect the state but the rule of the party. They performed the role of a political police and focused on protecting the political system from internal opponents, which was the society, and they were – besides the communist party, the bureaucratic nomenclature of the state and the army – a political factor of holding the power and a guarantor of the functioning of the autocratic system based on the domination of one political party. They kept the society under surveillance, fought the opposition, took part in suppressing social protests and they bore responsibility for political murders.

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[5] S. Hoc, *Zagadnienia odpowiedzialności karnej za szpiegostwo*, Warszawa 1985; Z. Siemiątkowski, *Wywiad a władza. Wywiad cywilny w systemie sprawowania władzy PRL*, Warszawa 2009.

Challenges of 1989

In the Polish conditions, both the structure of secret services, determined by ideological and political tasks performed within the autocratic system, and their location in the structures of the power as well as the resulting relations with those in power could not be adapted to the new political conditions that appeared in Poland after 1989. The first non-communist government of Tadeusz Mazowiecki faced the problem or whether to reform the services or liquidate them. His government also had to build from the very beginning the non-existent system of civil control over security services, fit secret services into the governmental decision-making system and, what is more, make them an instrument serving the national and not the party goals. In the field of reforming the services and nationalizing them there were no experiences to refer to. There were only general settlements concerning the formal and legal regulations and the practice situating secret services in democratic countries. The decision was to take advantage of them[6].

While building new structures of the services basing on old staffs and reinforcing them only in a small degree with new people of the opposition origin, a lot of dilemmas had to be solved which the practice of democratic countries had already coped with. Placing secret services in the state's structures had to involve a compromise between two opposing tendencies, namely on the one hand, securing the continuity and independence of the work in relation to the political factors and on the other, striving to guarantee the political control over those services. Subordinating the services to the executive power, the President, the Prime Minister, the competent ministers and securing the proper influence of those bodies on the work of the services had at the same time to guarantee full freedom for them making it possible to show initiative and responsibility. Distinguishing between military and civil secret services as well as distinguishing between intelligence and counterintelligence as separate services subordinated directly to the head of government meant creating the bodies that would coordinate their activity. That enforced the necessity to create all kinds of inter-departmental structures whose task is management and coordination of the work of secret services on the central level. Finally, parliamentary control over secret services

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[6] Cf. „Przegląd Bezpieczeństwa Wewnętrznego", Wydanie Specjalne. 20-lecie UOP/ABW, 6 April 2009.

had to be established[7]. All those changes had to be effected as fast as possible, at the same time avoiding too radical moves which could cause "rebellion" in law enforcement agencies. The way of consistent actions changing the face of secret services and the mildest possible form of implementing them were chosen, which corresponded very well with the philosophy of reforms presented by Tadeusz Mazowiecki's government.

A dispute about the model of secret services in a democratic state

In the first period of a discussion that took place in the Sejm in spring 1990 on projects concerning the changes in secret services, the so-called "zero option" postulate in the services was rejected which was supported by the most radical groups in "Solidarity". It consisted in complete liquidation of the services of PRL (Polish People's Republic), dismissing all functionaries employed there and introducing a statutory ban for people of the old regime on working in the new institutions of the state's protection and public order. Those postulates were connected with the program of general vetting and decommunization. The "Solidarity" radicals remained faithful to this program throughout the 1990's and after the elections won by Law and Justice in 2005, attempts were made to implement some of its elements in the Military Information Services and in constructing the tasks of the new Central Anti-Corruption Bureau.

Mazowiecki's government decided to introduce an intermediate option. According to that option, Secret Services were liquidated, the functionaries employed there were dismissed, after having been secured pension entitlements, and new services of the state's protection were created basing on a part of the old staffs verified by the new authorities and on their organizational and operational resources. It was assumed that a new democratic state needed institutions to protect it and to ensure defense against foreign intelligence penetration and that professional intelligence was necessary to pursue effective foreign policy, which was only possible using the old staffs[8]. Is deserves to be mentioned that this

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7 Z. Galicki, *Status prawny…*, pp. 42–43.
8 From among about 24,000 functionaries of Secret Services, 14,000 submitted themselves to verification which was successfully passed by 10,439 people. 3,595 former functionaries were rejected. 4,500 out of those that were successfully verified were employed in the new services. P. Piotrowski, *Przemiany w MSW w latach 1989–1990*, Biuletyn IPN 2006, No. 3, p. 53.

way was chosen by the majority of the countries of the old Eastern block, with the only exception of Czechoslovakia.

The authors of the reforms of secret services faced the problem of choosing an organizational model as well as the tasks and competences of the new services[9]. It was decided that the Office for State Protection (UOP) called by a law from April 1990 could not be – to use the words of Jerzy Zimowski, the floor manager in maters of the so-called police laws – "redyed" Secret Service, the political police, the police of thought meant to fight against the opposition. It was supposed to be an office to recognize, detect and prevent external dangers and threats to the state's security and independence. Its competences were to refer to the crimes enumerated in the penal code as crimes against the state. It was expected to perform the tasks from the sphere of threats to the state and democracy[10]. Therefore, it was to be an operational and information service.

It was also decided that UOP would be an investigation service with procedural powers. The arguments cited by deputy Jerzy Zimowski for leaving procedural powers to the new secret service did not lose any of their topicality as the problem of procedural powers of secret services returns in all discussions on reforming them. According to the advocates of granting procedural powers to UOP, the new services should not only recognize dangers and inform the competent authorities about them, but their tasks should also include pursuing the perpetrators. It was argued that otherwise confusions of responsibilities would ensue. "A certain confusion", said deputy Jerzy Zimowski, "will ensue and responsibility will get blurred. He who discovered a crime and revealed it should be responsible for the effect of their work; it shouldn't be so that he who held an inquiry in a wrong manner will say that it wasn't their fault but the fault of the office that wrongly started the case. On the other hand, the office that started that case can say: we did it right but it is them who were not able to close the case. In this way, the border of responsibility for the essential result of activities would get blurred, too. Hence, we assumed that the Office for State Protection should also be equipped with the possibility of conducting proceedings"[11]. After a discussion it

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[9] The reform was prepared in the government by a team headed by the „Solidarity" vice-minister of the interior Krzysztof Kozłowski, whereas in the Sejm it was a sub-committee for the so-called package of police laws with the leading roles played by two deputies: Jerzy Zimowski (OKP) and Stanisław Gabrielski (PKLD).

[10] A speech by deputy Jerzy Zimowski, „Przegląd Bezpieczeństwa Wewnętrznego". Wydanie Specjalne. 20-lecie UOP/ABW, 6 April 2009, p. 29.

[11] Ibid., p. 29.

was settled that the new service would jointly perform both intelligence and counter-intelligence actions although there were some advocates of the idea of separating intelligence into an independent agency[12].

Another issue that was settled pertained to the subordination of UOP. There were ideas to subordinate it to the Minister of National Defense. It was postulated to resign from intelligence and counterintelligence. Their functions were to be taken over by military intelligence and counterintelligence. The discussion also exposed the advocates of subordinating intelligence to the Minister of Foreign Affairs. There were a lot of advocates of the view that it should be subordinated to the Prime Minister and, after Lech Wałęsa won the elections in December 1990, to the President of the Republic of Poland.

Opponents of those ideas argued that this type of offices in the majority of democratic state was placed in the structure of the ministry of the interior. The idea of subordinating UOP to the Prime Minister seemed risky to the authors of the reform. "The possible subordination of the Office for State Protection to the Prime Minister", deputy Zimowski argued, "gives rise to certain political dangers. These are the services of risk and they are exposed to provocation. Each disaster in this kind of bodies would cause a deep political crisis. Hence, in other countries they avoid subordinating institutions similar to the Office for State Protection directly to the Prime Minister's control"[13]. That view prevailed and until 1 October 1996 UOP functioned within the structures of Ministry of the Interior. Then, it was subordinated directly to the Prime Minister, who supervised them through the agency of minister without portfolio called minister-coordinator[14]. Since then, the Minister of the Interior is the central organ of the state competent in matters concerning the protection of public order in the state supervising the Police, Border Guard, State Fire Service and Government Protection Bureau (BOR). Matters related to the state's security became the sole responsibility of the Prime Minister and the Head of UOP.

UOP, created by virtue of a law from 6 April 1990, joined the traditional functions of secret service, including the tasks from the field of intelligence and counterintelligence, and additionally was intended

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[12] J. Widacki, *Prehistoria UOP*, „Przegląd Bezpieczeństwa Wewnętrznego", Wydanie Specjalne. 20-lecie UOP/ABW, 6 April 2009, p. 21.

[13] Ibid., p. 28.

[14] The minister-coordinator was appointed by the governments of coalition SLD–PSL 1996–1997, AWS–UW 1997–2001, PiS 2005–2007. The government of SLD 2001–2005 and the government of PO–PSL formed in 2007 did not include this position.

to detect and pursue crimes against the state's security and, after the amendment from 1995, its economic basis as well. Moreover, the new service was imposed an obligation to safeguard the state secret, provide cryptographic protection of information which is state secret and which is transmitted by technological means by the state administration. Matters pertaining to UOP responsibility for the protection of state secrets were specified after in January 1999 the Sejm passed the Classified Information Protection Act, which made this service a national security authority in the understanding of the regulations binding to NATO members.

The decision on subordinating the Head of UOP directly to the Prime Minister was a part of a broader reform of the administrative centre of the state which included liquidation of the Office of the Council of Ministers, creation of the Chancellery of the Prime Minister, subordination of voivodes to the Minister of the Interior and formation of the Ministry of the Interior and Administration. Within that reform, Collegium for Secret Services was established in the structures of the Chancellery of the Prime Minister as a competent advisory and consultative body of the Council of Ministers competent in programming, supervising and coordinating the work of secret services, including UOP[15]. The chairman of the Collegium was the Prime Minister and the secretary – the minister-coordinator. That was supposed to be, besides the Sejm Commission for Secret Services, an important element of the democratic system of control over secret services. The tasks of the Collegium include marking the directions of work for the services, providing opinion on their budget and legal acts regulating their work, and examining their annual work schedules. Its composition is of pluralistic character as it includes some members of the government, representatives of the President of RP and the Sejm.

The reform of 2002

The system of democratic control and coordination built since the middle of the 1990's encounters numerous barriers that have a negative effect on its efficiency. One of them is the resistance of the services themselves as they are unwilling to submit themselves to external control and they have a tendency to autonomization and alienation. Other barriers that experts of the problem mention include the requirement of tightness of the services which means protecting the information and

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[15] Cf. *Służby specjalne – programowanie, nadzór, koordynacja*, Warszawa 2003.

staff resources at their possession confronted against the requirement of cooperating with other partners existing outside the services. Another problem concerns the statutory responsibility of the bodies supervising the services in the situation of overlapping competences and coinciding tasks performed by various services. This is accompanied by the problem of the workers of coordination and supervision centers who usually descend from secret services or are directly delegated by them and hence they cannot always identify with the tasks of those centers[16]. The situation is aggravated by the reluctant attitude of the highest political decision-makers themselves who are distrustful of secret services, the inability to make use of the result of their work, avoidance of dealing with them and attempts to shift the responsibility for supervising the services.

The events connected with the terrorist attack on 11 September 2001 set new tasks before secret services. In particular, this concerned intelligence organizations which provided the decision-making centers with the information preceding the threats. In the Polish conditions, intelligence functioning in an organizational symbiosis with counterintelligence could not fully perform those tasks. It was too distant from the major governmental holders of its information. Besides, their entanglements in political games during the presidential campaigns of 1995 and 2000 overshadowed the perception of secret services by political decision-makers and the public opinion. All this hastened the process of reforming them. The 2002 reform of secret services was the second complex restructuring in their short history. Its main task was to free the services from political entanglements, make them truly state services, truly secret, without any leakage, with the corporation culture free from the communist heritage and transparent to the public opinion. Their structure and tasks were to be compatible in relation to the allied foreign services. A special problem was the fact that UOP possesses the intelligence component, which eliminated the office from the European Union system of exchange of information on organized crime, including cross-border crime and fiscal offences.

The reform from 2002 was based on the assumption which was not unfamiliar to the founders of UOP and according to which it was necessary to return to the concept of separating the services, break with the Soviet model of secret services and establish an independent intelligence agency.

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[16] S. Zalewski, *Funkcja informacyjna służb specjalnych w systemie bezpieczeństwa RP*, Warszawa 2005, p. 86.

On this occasion, an attempt was made, for the first time in the history of the 3rd RP, to upset the military segment of the services, namely the military Information Services, which – after slight cosmetic changes – were the remnants of the military intelligence and counterintelligence of PRL. The new intelligence agency was to join the goals of civil intelligence with the tasks of military intelligence realized by means of operational methods exclusively outside the country. A general assumption, familiar to all secret services, was made that counterintelligence worked within the country, and intelligence outside its borders. Nevertheless, the activity of intelligence in the area of Poland had to be closely connected with its work outside its borders. The use of operational techniques by intelligence within the country could only proceed by means of counterintelligence agencies. This principle, which was not fully observed in UOP, was the reason for numerous pathologies based in the political entanglements of the Directorate for Intelligence of UOP.

The Foreign Intelligence Agency (AW), established by virtue of a law from 29 June 2002, is the legal successor of the Directorate for Intelligence of UOP realizing the tasks of strategic intelligence. The intention of the authors of the reform, AW was to realize, on the model of the German BND, the tasks of both civil and military intelligence. To this aim, a military component from the Military Information Services (WSI) was to be included in its structures. To carry this operation out, the necessary projects of legal acts were prepared and all the necessary activities concerning the staffs and the organization were made. The idea was not carried into effect. The obstacle was conservatism of the military circles, resistance on the part of WSI supported by the Minister of National Defense, who got the backing of the President of RP. Thus, AW remains an exclusively civil intelligence agency.

The armed forces had two intelligence services at their disposal and they competed with each other fiercely. One, placed within the structures of the General Staff of the Polish Armed Forces in the form of the Directorate P-2, realizes the tasks of tactic-operational intelligence, the other, remaining at the disposal of the Minister of National Defense, was situated within the WSI structures. The reform carried out in 2006 by PiS led to a break-up of WSI. Next, after their staffs were verified, two independent services subordinated to the Minister of National Defense were established: the Military Counterintelligence Service and the Military Intelligence Service. The reform did not solve the problem of overlapping competences and tasks realized by the two section of military intelligence.

The specific tasks of AW include those that till the reform had been within the competences of UOP, like cryptographic protection of the connection with diplomatic and consular posts, handling courier post, recognizing and analyzing the dangers in the regions, international conflicts and crises affecting Poland's security, and undertaking activities aimed at eliminating these threats. In other words, AW can undertake and conduct special operations. AW also has the competences to conduct electronic intelligence and contract agreements with other intelligence services of the international intelligence community. It has a separate operational budget deposited on a separate secret NBP (National Bank of Poland) account.

The majority of competences and operational assets of UOP were taken over by the Internal Security Agency. Like it predecessor, it performs operational-reconnaissance, information-analytical and protective-controlling tasks. After a discussion, it kept procedural powers. Its task is still to recognize and counteract the threats endangering the state's security, defensibility, sovereignty and international position, but also to pursue the perpetrators of those crimes. The functionaries of the investigation section have police competences and on the order of the prosecutor's office they conduct preparatory proceedings.

The Internal Security Agency, despite attempts made after 2005 to limit its competences, remains the leading service in the system of national security. Central records of operational interests of secret services as well as coordination of anti-terrorist activities remain within its exclusive competences. Despite the creation of the Central Anti-Corruption Bureau, it still has the right to pursue the crimes of influence peddling. An important entitlement which raises its status is holding the competences of the national security power, within which verifying proceedings are conducted towards people and institutions applying for access to classified information. It issues certificates of security and certifies the devices producing, transmitting and recording classified information. It has supervision over the whole national system of protecting state secrets.

An important element of the reform of 2002 was an attempt to adapt in the Polish ground the British solutions connected with a broad circle of subjects preparing a periodical, agreed upon intelligence analysis on the state's security and prognoses concerning the threats to the external security and the international position of RP. Brought into being for this purpose, the Government Intelligence Community, a consultative-advisory body of the Council of Ministers and headed by the Head

of the Intelligence Agency was meant to prepare for the President of RP and the Prime Minister an intelligence summary agreed upon with the Ministry of Foreign Affairs (MSZ), Ministry of National Defense (MON), WSI and ABW and confronted with the conclusions prepared by other units of state administration outside intelligence. After in April 2004 the Constitutional Tribunal questioned a part of the regulations of the law on ABW and AW, including those referring to the activity of the Community, its work was limited, and after the 2005 elections the successive governments gave up using its analyses and prognoses.

With the aim of strengthening the civil control over the services, the heads of ABW and AW were granted the status of heads of central offices of governmental administration with the rank of secretaries of state. It was decided that they had to be persons from outside the world of secret services who would not be constrained in their decisions by corporation bonds and who would be directly subordinated to the Prime Minister thus bearing political responsibility for their actions. This rule was abandoned after 2005. Functionaries of secret services were made heads of the agency.

Changes of 2005

The process of transformations in the Polish secret services is far from being finished. The changes got hastened after 2005. Dissolution of WSI, creation of CBA and "earthquakes" in the staffs introduced and element of "trembling" within the services, which – according to the government of PiS – seemed too independent and thus uncertain.

Between administering and managing secret services

After 2007 the new PO-PSL coalition began with an attempt to hush the atmosphere surrounding the services. In part, they succeeded in stabilizing the internal situation in the services and soothe the public opinion. Despite the undertaken attempts, the situation in CBA and in military secret services is far from stabilization and normalization. The problem does not refer to the services but the political world and politicians of various options who wish to influence them and who believe that using them they will suppress their opponents. A leakage detected by the media or a contrived accusation are the politicians' favourite

ammunition, unfortunately provided by the services. The problem does not concern wrong organizational conditions in which secret services work; they are not very different from those in which the services of older democracies work, but the mentality and the political culture of the transition period when the services have to work in Poland.

Since the very beginning, the Prime Minister of the PO-PSL government did not conceal his distrust of the world of secret service; he did not understand them and could not make use of their knowledge. He gave up a possibility of appointing a minister coordinator of secret services. He decided to control them himself. With time, overburdened with the duties of Prime Minister, he transferred this task to the secretary of the Collegium for Secret Services, who, however, he did not appoint as a member of the government, giving him only the rank of secretary of state in the Chancellery of the Prime Minister. Lowering his rank, he weakened his official authority in the eyes of the heads of secret services. At the same time, he announced changing the subordination of the services in such a way that ABW was to be subordinated, like before the reform of 1996, to MSW (Ministry of the Interior). Without waiting for legal regulations, the Prime Minister – by way of an ordinance – charged the Minister of the Interior with current supervision over the Heads of ABW and AW. A variant was also supposed to be considered where AW would be subordinated to the Minister of Foreign Affairs or it would be incorporated, with the rights of a department, directly into MSZ.

After the next elections in 2011, a discussion on reforming the services was resumed. The presidential National Security Bureau joined in. The proposed solutions are not new. They were frequently discussed in the course of previous reforms. They can be reduced to the following questions: Who should secret services be subordinated to? What rights should they possess? Should they be operational or information services? Should they be granted procedural powers, or should they be deprived of them? Who should conduct preparatory proceedings based on the materials in possession of the services?

The discussion on the planned changes shows that a decision was made to return to the solutions that had been earlier rejected, both by the founders of the new services in 1990 and the authors of the reform from 2002. The greatest changes are expected in ABW, which is so far the leading service in the system of the institution of the state's security. Both the government representatives and the President announced deep changes in ABW which are expected to change their character and the area of operational interests. According to those concepts, ABW will lose

some of its competences and it will be directly subordinated to MSW. A part of these tasks will be taken over by the services subordinated to MSW: Central Bureau of Investigation and CBA. ABW is to lose its procedural powers and will not be concerned with organized and economic crime or corruption. It will evolve towards the information-analytic service monitoring terrorist threats and political, ideological and religious extremisms. It is to deal with counterintelligence activity and the protection of state secrets. It is supposed to inform other services in advance on dangers and leave them the task of combating those threats.

Changes are also expected in the Foreign intelligence Agency. A variant based on the British model of subordinating intelligence to the Minister of Foreign Affairs is discussed again. The idea, which was not realized in 2002, of including AW within the military component of the dismantled Military Intelligence Service now returns. A debate is also going on about joining the Military Counterintelligence Service (SKW) with the Military Gendamerie. There are also some advocates of uniting ABW counterintelligence with SKW.

Finally, the lack of any common, agreed upon intelligence analysis became visible. The President's representatives complain about a flow of information from the services in which policy makers have to break though being left with the necessity of free interpretation and confrontation with other sources. The system lacks a professional center unifying scattered information. It is planned to change the procedure of supervising the services. Plans are also made to appoint, besides the Collegium, a unit composed, like in Great Britain, of professional judges who will safeguard the observance of standards of the state of law by the services and who will control their use of operational procedures. The nearest future will show which of these solutions will be implemented.

ABSTRACT

Secret services inherited from the former system were not in any way adjusted to the conditions of a free, open society or to the created standards of a democratic state of law. The new authorities of the democratic country faced the problem of building their own secret services subordinated to the rules of a sovereign state. It was necessary to choose the way to create them as well as establish their organizational shape, competences and tasks. The idea of a revolution in the services was given up and the intermediate variant was chosen. It was radical in its content but gentle in

form. The model shaped in 1990 was based on dividing secret services into civil and military ones. The former were subordinated to the Minister of the Interior, then to the Prime Minister, whereas the latter – to the Minister of National Defense. The Office for State Protection (UOP) was the service performing the tasks of civil intelligence and counterintelligence. With time, it was granted the competences from the field of combating organized crime aimed at the economic basis of the state. UOP was the leading service in the system of institutions of the state's security. The Military Information Services (WSI) were the old internal services of the armed forces modified only in a slight degree. In the second stage of the reform of 2002, UOP was divided into two separate agencies. Internal Security Agency took over the majority of competences and tasks of UOP. The Foreign Intelligence Agency is responsible for foreign intelligence. Liquidation of WSI realized in 2006 in a rapid manner introduced chaos and disorganization in military services, which till today feel the consequences of the operation performed then. According to the declarations of the government, new reforms await secret services in 2013.

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Determinants and Challenges of Social Policy

KEY WORDS:
transformation, liberalization, commercialization, economic crisis, labour market, demographic processes, pension reform, social dialogue

STUDIA I ANALIZY

Socio-economic transformation

In 1990 the process of transformation of the socio-economic system in Poland began. Its goal was to change the central planning of the economic system into the market system. In the social sphere it meant changing from the domination of the collective (social) interest to the individual (private) one[1]. In the socialist society, the social interest dominated over the individual interest. Three features of this domination can be distinguished. The first one refers to the priorities of the social policy concerning differentiation of incomes or privileges of some social groups. Because the priorities were of group character, the superior rule of the social policy was its egalitarianism. Secondly, the priorities were established by the political and state apparatus, without any participation of the society. Thirdly, the state organized the social services (e.g. education, health protection).

In the conditions of the transformation, the model of the social policy characteristic of socialist states was changed. Its basis was the state's responsibility for satisfying its citizens' needs. The literature calls it

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[1] Cf. J. Kleer, *Drogi do gospodarki rynkowej na marginesie doświadczeń transformacyjnych w Niemczech Wschodnich, Polsce i Rosji*, Warszawa 2003, pp. 143 and 144.

a *state-collectivist* model. It was founded on the following three elements: 1) full employment – security of work and pay, 2) high subsidies of the state to the prices of basic goods and services, common access to free or low-paid social services, 3) a developed system of social benefits. The social policy in a socialist state was of total character, which meant that the authorities controlled and steered the social processes and a job security system was developed. Removing social pluralism and introducing repressions caused that a monopoly of the state for satisfying social needs appeared. This was manifested in a tendency for fair division of incomes, nationalization of property, a policy of full employment or wage egalitarianism. Those solutions were not bad "in themselves" but they were undertaken regardless of the economic reality. That socio-economic model could not function in an effective way since the socialist economy of shortage did not keep pace with the growing social needs, the effect of which were numerous social and political crises.

Entering the path of socio-economic transformations, Poland chose the radical variant of reforms, which was characterized by fast implementation of market mechanisms in economy but at the same time its consequence was a collapse in production, hyperinflation, unemployment and an unprecedented decrease of life standard. One of the elements of economic transformations was the reform of the social sphere. Liberalization, commercialization and decentralization began. Liberalization meant the state's withdrawal from the position of a monopolist as the only source of satisfying the social needs. Commercialization was connected with paid services (education, health protection), while decentralization consisted in transferring the tasks concerning the social policy to the local self-government and its basic unit – a commune. Implementation of the reform in the social sphere had to face the duality of social and economic objectives. On the one hand, the social policy was to be adjusted to the changing economic reality, while on the other, especially in the initial period, the standard of life was to be maintained. However, that was impossible to accomplish.

Changes in the system of the social policy went in two directions. On the one hand, activities were undertaken that adjusted the social policy to the implemented economic reforms. On the other, reforms were begun that introduced institutional changes which served modernizing and improving the effectiveness of the social policy. Activities undertaken in the field of the social policy in Poland in the 1990s can be divided into three groups. The first concerned those that aimed at creating an effective system of social protection and income guarantees. The second

group included the activities aimed to limit unemployment and, above all, to secure social benefits to the unemployed. The third group were the activities intended to adjust the social policy to market economy and to the decreasing financial possibilities of the state[2]. Political, economic, demographic, psycho-social and integrative factors have played a significant role in realization of the social policy in the last twenty years. At the same time, they became a challenge that the successive governments in our country have to face.

Political consensus in searching for a new model

At the beginning of transformations, all major political groups agreed that the socialist model of social policy, adjusted to the planned model of allocation of economic resources, had to be changed. At the same time, they realized that the choice of a liberal model of social policy was unacceptable due to its axiology directed towards individualism, entrepreneurship, competition, etc. The so-called Scandinavian model, oriented at budgetary financing of the social policy, was also impossible. On the one hand, it was associated with socialism and on the other, it could not survive in the conditions of recession. That was why a social market economy was chosen, a model that had functioned in the German Federal Republic since 1940s and which was an attempt to make a compromise between economic effectiveness and the social protection of the population ("as much state as necessary, as much market as possible"), an attempt to build *sustainable social and economic development*.

The reforms and institutional changes in the social policy do not clearly indicate that this very model of the social policy was chosen. The Constitution of the Republic of Poland from 1997 and a number of political declarations stated that social market economy is the basis of Poland's economic system. However, our state has a long way to go to achieve this goal[3]. For example, we do not have a developed and complex system of social insurances, including the majority of social risks. A social dialogue, which is the basis of establishing salaries on

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[2] Cf. M. Księżopolski, *Polityka społeczna. Wybrane problemy porównań międzynarodowych*, Katowice 1999, pp. 124–127.

[3] Art. 20 of the Constitution of the Republic of Poland: "A social market economy, based on the freedom of economic activity, private ownership, and solidarity, dialogue and cooperation between social partners, shall be the basis of the economic system of the Republic of Poland".

the level of the trade, leaves much to be desired and is entangled in the current politics. The present term of office of the Sejm is exceptional because there is no division into pro-governmental and opposition trade unions, which was the case before.

At the present stage, the social policy in Poland can hardly be described as a model solution. The model of the social policy that will be shaped in Poland in the future will be, at least for a certain period, a hybrid of the socialist model with some elements of the liberal and corporation (motivational) model[4]. This follows from three factors. Firstly, although the social function of the state has been considerably limited, it will still remain the main subject responsible for the life standard and social security of its citizens. Secondly, acceptance of democracy and market economy fostered "liberalization" of the social policy and questioning of its system of values. The values professed so far – solidarity, social security and equality are replaced by competition, uncertainty and inequalities[5]. Thirdly, the undertaken reforms resulted in increasing the insurance element in the system of social security. Besides, a neocorporationalist system of employment relations was introduced, which is typical of the corporation model (social market economy)[6].

The victory of the Civic Platform, a party of liberal orientation, in parliamentary elections in 2007 directed the social policy towards stronger commercialization. Unfortunately, in the consciousness of politicians but also intellectual elites, it is common to identify the social policy exclusively with the material sphere of the standard of life, i.e. *the social policy*. It certainly determines their way of thinking and acting, resulting in underestimating the institutional and system changes of pro-developmental character and limiting the solutions to those from the sphere of social welfare.

Economic crisis and its consequences

At the beginning of transformations the social policy had first of all to face the effects of recession caused by the activities undertaken

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[4] Cf. M. Księżopolski, *Polityka społeczna w krajach transformacji. Jaki model się kształtuje?*, „Polityka Społeczna" 2000, No. 9.

[5] M. Księżopolski, *Polityka społeczna w krajach...*

[6] Introducing insurance elements includes the reform of social insurances and health insurances, while a sign of establishing neocorporationalist employment relations is the creation of the Trilateral Commission as an institution of a social dialogue.

in the economic sphere. In the social sphere, recession brought about unemployment and lowered the life standard.

The essential social and economic problem which remains an up-to-date challenge for economic and social policy is *professional deactivation* shown in the form of unemployment and a low level of employment.

Table 1. The rate of unemployment registered in Poland in the years 1990–2012 (the situation at the end of the year)

Year	Number of the unemployed in thousands	Unemployment rate
1990	1126.1	6.5
1991	2155.6	12.2
1992	2509.3	14.3
1993	2890.0	16.4
1994	2838.0	16.0
1995	2629.0	14.9
1996	2359.5	13.2
1997	1826.4	10.3
1998	1831.4	10.4
1999	2349.8	13.1
2000	2702.6	15.1
2001	3115.1	17.5
2002	3217.0	20.0
2003	3175.7	20.0
2004	2999.6	19.0
2005	2773.0	17.6
2006	2309.4	14.8
2007	1746.6	11.2
2008	1473.8	9.5
2009	1892.7	12.1
2010	1954.7	12.4
2011	2105.0	12.5
2012	2136.8	13.4

Source: www.stat.gov.pl (05.04. 2013).

In the years 2003–2004 the rate of unemployment reached even 20% and now it stays at the level of over 13.4%. If a more restrictive

method used in the quarterly Research on the Economic Activity of the Population (based on the methodology of the International Labour Organization) is applied, it is over 10%. Unemployment in Poland results first of all from: 1) the economic situation (the cyclical factor appearing periodically); 2) lack of adjustment of the structure of demand for labour and supply of labour (the structural factor, a dominating one, which causes that combating unemployment is especially difficult and time-consuming, structural unemployment is characteristic mainly of the northern and north-western areas – so-called post-state farm environments); 3) demographic processes (a particularly important factor till the middle of the first decade of the 21st c.).

Special categories of people on the labour market are created by long-term unemployment (people staying without a job more than 12 months constituted 50.2% of all registered unemployed persons in 2012); the youth (people over 25 years of age constituted 19.8% of the unemployed); the unemployed without professional qualifications (29.2% of the total number). Only 17% of the unemployed have the right to an unemployment benefit.

The problems of the labour market are not limited only to unemployment and its consequences, which are typical of market economy. The low level of employment is maybe a more serious problem. The employment rate (calculated in relation to the whole population) according to the same methodology of Research on the Economic Activity of the Population hardly exceeds 50% and is one of the lowest rates in the European Union. This means that the number of professionally passive people[7] (after taking pensioners into account) at the production age reaches about 8 million. This is especially disturbing in the context of demographic changes. Hence, a challenge for the legislative and executive powers should be to pay special attention to this category on the labour market which is often disregarded. This is even more important because counteracting unemployment, leading to a statistical change of the level of the unemployed, does not have to lead to an increase in employment – *lowering unemployment is not identical with an increase of employment.*

Unemployment has become one of the causes of poverty, besides lowering the purchasing capacity, in connection with a restrictive program of economic reforms. A special kind of poverty was so-called *new poverty*, which has been so far unknown in our country. It concerned

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[7] The professionally passive are a category of people on the labour market aged 15 and more who were not classified as employed or unemployed.

the people who in the 1980s still had a stable professional and material situation. Income polarization is also a feature of the material situation of the Polish society. The Gini coefficient[8], which in Poland is equal to 31.1 with the mean value in the EU scale of 30.7[9], is one of the measures of differentiated incomes. This locates Poland in the group of countries between Sweden, with the lowest level of 24.4 and Latvia, with the highest one of 35.4[10].

The problem of the highest importance is spatial differentiation and transmission of poverty. The eastern areas of the country, which are the weakest in their socio-economic development (the so-called eastern wall) and the north-western ones (the so-called post-state farm environments) are most threatened by poverty[11]. Transmission of poverty has two dimensions. The first is the material one, which makes the lifestart of children and even grandchildren difficult, and the psycho-social one, which causes that an individual does not feel a need to change their life situation and gets increasingly marginalized. Progress in marginalization is manifested in a lack or limitation of access to education, health protection, culture, social security and justice. This means that a part of the population has access to the goods and services of worse quality.

The social, or – more exactly – financial, crisis, which appeared in the world economy at the end of the first decade of the 21st c. and which comprised – to a greater or lesser degree – the whole world, can facilitate the tendencies to limit the state's responsibility for the social sphere. The neo-liberal orientation, which questions the justification of the state's interference into the social policy both from the economic perspective (social expenditures burden the economy) and the social

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[8] The Gini coefficient (index of income concentration) measures the degree in which distribution of incomes or consumption expenditures between individuals, households or social groups diverts from a completely uniform distribution. It can range from 0 to 1 (100), where 0 means that all members of a given society participate in a uniform distribution of income, while 1 (100) means that one person receives the whole income. The higher the coefficient is, the higher the difference between the incomes of the rich and the poor is.

[9] *Gini coefficient of equivalised disposable income (source: SILC)* [ilc_di12], europa.eu (29.03.2013).

[10] In the all-European scale the lowest stratification is found in Norway – 22.9, while the highest in Russia and Georgia – 40.

[11] Cf. *Dochody i warunki życia ludności Polski (raport z badania EU-SILC 2011). Incomes and living conditions of the population in Poland (report from the EU-SILC survey of 2011)*, Warszawa/Warsaw 2012, p. 149.

one (weakening individuals' activity and resourcefulness), grows in importance in such conditions.

The factor that exacerbates the possibility of satisfying the citizens' basic needs such as work, income, access to social security benefits due to old age is also the unfavourable demographic situation consisting in gradually progressing demographic ageing of the society.

The social policy towards demographic challenges

Development and realization of programs of the social policy are increasingly determined by demographic processes whose consequences affect such domains of the social policy as labour market, social security protection, health protection, education, housing or social welfare. It could be seen at the beginning of the transformation process, when the appearance and increase of unemployment were largely determined by a greater supply of labour in the 1990s. The age-groups of the demographic bulge from the 1970s entered the market. In the period 1986–1990 the increase of labour resources was about 150,000 people, whereas in the successive periods (1991–1995, 1996–2000, 2001–2005) it was 780,000–900,000 people. In the second half of the first decade of the 21st c. the demographic pressure on the labour market clearly diminished. This means that about 2.5 million people entered the market within the period of 15 years. Therefore, to manage only those resources (disregarding the people who lost their jobs as a result of dismissals), as many workplaces would have had to be created, which was impossible in those conditions.

A special effect of demographic changes is felt in the field of social security protection. Practically, all Europe starts to feel, or already does, the consequences of the "second demographic transition", the result of which is demographic ageing of societies and depopulation. This process creates a danger for the functioning of pension schemes. Nevertheless, we should agree with British researchers who believe that the warnings against the "apocalyptic demography" are largely determined by ideological issues. The neo-liberal rightist option is trying to dismantle the model of the state of welfare in this way[12]. Nonetheless, leaving

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[12] S. Cunnigham, *"Demographic Time Bomb" or "Apocaliptic Demography": The Great Pensions Debate*, [in:] M. Lavalette, A. Pratt (eds.), *Social Policy. Theories, Concepts and Issues*, London 2006 (Polish edition – *Polityka społeczna. Teorie, pojęcia, problemy*, Warszawa 2010, pp. 278–279); M. Hill, *Social Policy in the Modern World. A Comparative Context*,

the ideological activity aside, there is no doubt that the aforementioned tendencies will enforce the governments of the European states to change their present, uniformly PAYG pension systems. These tendencies will not pass by Poland. Demographic prognoses till 2050 clearly point out that there will be increasingly fewer members of the productive age population, with a greater number of people of the post-productive age and a simultaneous drop of the total population (tab. 3).

Table 2. Population in the years 1990-2010

Year	1990	1995	2000	2005	2006	2007	2008	2009	2010
Total population in thousands	38073	38284	38254	38157	38125	38116	38136	38167	38200
Total population growth in thousands %	85 0.22	19 0.05	−9 −0.02	−17 −0.04	−32 −0.08	−10 −0.03	20 0.05	31 0.08	33 0.09
Birth rate in thousands per 1,000 people	157.4 4.1	47.0 1.2	10.3 0.3	−3.9 −0.1	4.5 0.1	10.7 0.3	35.1 0.9	32.7 0.9	34.8 0.9

Source: *Podstawowe informacje o sytuacji demograficznej Polski w 2011 roku*, www.gov.stat.pl (05.04.2013)

Table 3. Population prospects according to age till 2050 (%)

Population	2010	2020	2030	2040	2050
Pre-productive age	18.0	16.3	14.9	12.3	11.6
Productive age	65.0	60.8	58.2	56.0	50.3
Post-productive age	17.0	22.9	26.9	31.7	38.1
Totally	100.0	100.0	100.0	100.0	100.0

Source: *Prognoza wpływów i wydatków Funduszu Emerytalnego do 2050 roku*, Warszawa, December 2006, p. 10.

Therefore, the Polish society is now at the stage of advanced demographic old age and already now it is reaching this threshold (percentage of people over 60 years of age > 18%). This is a challenge for the government to find a way to prepare the social policy for the hard times when the number of recipients of services is growing and the

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London 2006 (Polish edition – *Polityka społeczna we współczesnym świecie. Analiza porów-nawcza*, Warszawa 2010, pp. 279–285).

number of the employed – tax and superannuation payers is decreasing. The first way to counteract depopulation was then the reform of the pension scheme in 1999. Regardless of the assessment of the course of the reform itself, the conviction about the necessity of undertaking it raises no doubts.

Reform of the pension system

The economic aim of the reform from 1999 was to decrease the subsidies to the Social Insurance Institution. Preserving the present PAYG pension system, without reducing the pension benefits, would mean the risk of increasing the contributions and thus greater costs of labour. The crisis of social insurance was also caused by the fact that large state-owned enterprises did not pay the contributions, which disturbed the functioning of the Social Insurance Institution. Implementation of the new pension scheme was made difficult by contradictory interests of the expectations of pensioners, who expected increased benefits after the reform, and the state aiming to lower the expenditures on social insurance from the state's budget.

The reform from 1999 introduced a multi-stage pension system, which is a solution typical of developed countries and which results from the demographic ageing of the societies of those countries. The future pension benefits in this system are to consist of three elements, namely 1) basic pension, guaranteed by the state to all citizens and financed from the contributions or from the state's budget; 2) occupational pension, depending on the salaries and, consequently, the contributions, the part decisive of the height of the benefit; 3) top-up pension, depending on individual prudence and financial possibilities of the future recipient of services. In the construction of the Polish reformed pension system, the first pillar refers to the basic pension, the second – to the occupational pension, and the third – to the top-up pension.

The first pillar, which is compulsory and guaranteed by the state, preserved the PAYG scheme, existing in the uniform pension system (financing from the current contributions on the basis of inter-generation solidarity). The other two pillars – II and III – are of capital character, i.e. they are based on individual capitalization of contributions. The second pillar, like the first one, is compulsory but contrary to III is supervised by the state. The contribution for the pension benefit is 19.52% of the contribution assessment basis.

Implementing the multi-pillar pension system aimed to reduce the state's responsibility for the future pension benefits and transfer a part of responsibility to the citizens themselves. The state's task in the new system is to guarantee the minimum level of the benefit, with a possibility of developing pension programs organized by employers or programs of individual saving. The reformed pension system in Poland refers to the concept of the World Bank based on the Anglo-Saxon tradition. The propositions of the World Bank assumed the creation of three pillars of pension insurance, namely two compulsory ones – the state and capital ones, supplemented by the third, based on voluntary savings. The three-pillar system is supposed to guarantee security as it differentiates the financial risk[13]. A deviation from the theoretical assumptions of the pension systems is that the first pillar is to determine the height of the future benefit. Only a small part of the pension contribution paid by the employee goes to the second pillar, as a result of which open pension funds, created to capitalize our contributions and affect the height of the benefit, have limited possibilities in this respect. The adopted solution was aimed to keep a major part of the assets in the budget. Thus, the real attempt to transfer the burden of financing the future pension benefit from the Social Insurance Institution failed. And that was one of the goals of the reform. Social expectations connected with changes in this socially important sphere were not satisfied.

The reform liquidated the retirement pension provision (giving the right to the benefits by virtue of the law and financed from the state's budget) for some socio-occupational groups and introduced some insurance elements making the right to the benefits dependent on paying the insurance contributions. However, the former solutions referring to provisions were maintained for a few of those groups, including the farmers. The farmers' benefits are in 90% financed from the state's budget. Their contributions finance only 10% of those benefits. This is a very difficult problem. On the one hand, the farmers' benefits belong to the lowest ones and they often maintain multi-generation agricultural farms. On the other hand, this is disproportional in relation to other socio-occupational groups. The farmers' pension scheme is politically a very delicate issue. The coalition agrarian political party (The Polish Peasant Party) speaks for maintaining the status quo. As long as this party has some influence on the legislative and decision process on the

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[13] Cf. M. Rymsza, *Urynkowienie państwa czy uspołecznienie rynku? Kwestia socjalna w Trzeciej Rzeczypospolitej na przykładzie ubezpieczeń społecznych*, Warszawa 1998, pp. 84–89.

government level, changes in this sphere are not likely to happen. The key problem of the organization of the social insurance systems is the retirement age. By virtue of the law passed in 2012, beginning with 2013 the retirement age will be gradually increased for men and women to 67. It will include women born after 31 December 1952 and men born after 31 December 1947. Increasing the retirement age is a solution applied in case of depopulation demographic tendencies and these are beginning to appear in Poland. In accordance with economic argumentation, this is supposed to increase the level of professional activity, which in our country belongs to the lowest, and to increase the height of the future pensions. Increasing the retirement age practically refers to all EU countries. The need to raise the pensions is said to be an argument for equalizing the retirement age of men and women since with a lower work experience and lower salaries they have lower benefits.

In 1997, changes were made in the system of pensions and expert decisions concerning retirement. Those changes were caused by the necessity to rationalize that system and to raise a very low level of professional activity. First of all, the three disability groups were replaced by new categories, which were not connected so much with the degree of disability but the ability to work. According to the new rules, these are complete incapacity for work accompanied by inability to independent existence, complete incapacity to work, and partial incapacity to work. Secondly, commissions for employment and disability, which decided in matters pertaining to retirement, were replaced by the institution of an expert doctor subordinated to the Social Insurance Institution. From the point of view of the Social Insurance Institution, that change was expected to foster greater rationalization of expert decisions, and, as a result, public finances. Totally, in 2011 a retirement pension due to inability to work or a family pension was received by 2.56 million people, including 1.21 million – due to inability to work. In 2000, however, retirement benefits were received by nearly 4 million people, including 2.7 million – due to incapacity to work, which was twice as many as now. This proves that rationalization of the pension system brings positive results.

Migration policy

Integration with the European Union and opening the borders caused that about 1.8 million of Polish citizens stay abroad for longer than 3 months, including more than a half – for at least a year. Although this

removed the burden from the labour market, in a longer perspective – if those people do not decide to return – this means a considerable loss of labour resources. In the context of depopulation, it will have a negative effect on the national labour potential. Therefore, one of the directions of the migration policy is to encourage the Polish labour migrants to return home.

The government began to realize the inevitability of foreign migration although at present Poland in not such an attractive country for foreigners as West-European countries. The inflow of migrants will only supplement the shortage of labour resources, without having a decisive character if the negative depopulation tendencies increase.

Considering the experience of other countries connected with the social and cultural adaptation of foreigners and their acceptance by the local population, the government undertakes activities aimed at controlling the migration flow to Poland. The desired categories of migrants include, for example, people of Polish origin, students, scientists, graduates of Polish universities, foreigners pursuing economic activity, labour immigrants with the qualifications desired on the Polish labour market, EU citizens and members of their families, family members of the citizens of the Republic of Poland, foreigners settled in Poland. A corresponding government document[14] draws attention to the cultural closeness of potential migrants, which refers to the citizens of our eastern neighbors (Belarus, Ukraine, Russia), who find it easier to learn the Polish language and who are not different in their anthropological type. This is a matter of importance, especially in local environments.

Changes in the systems of health protection and education were supposed to meet the new economic and demographic challenges.

Reform of health protection

The basic assumption of the reform of the health protection system was adjusting this kind of social services directed and financed by the state to the rules of market economy. That was supposed to improve the quality of health services. The system of heath protection existing before the reform had a lot of faults, including excessive centralization, lack of rational criteria for the division of the financial means and register

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[14] *Polityka migracyjna Polski – stan obecny i postulowane działania*, Zespół do Spraw Migracji, MSWiA, Warszawa, April 2011.

of costs, unequal allocation of the means between the units of the local self-government resulting in unequal access to medical services. The necessity for changes in the manner of organizing and financing health protection followed from a number of factors, resulting from the lack of balance between the state's obligations in the field of health care and the possibilities of realizing them, discrepancies between the society's expectations and the possibilities of the units of health protection as well as between the expectations of the health care workers concerning the conditions of work and remuneration and the real possibilities of their realization. Changes in financing health protection were also the effect of the predicted growth of a demand for health services, connected with the demographic ageing of the society and a low level of the society's health. Maintaining the existing system would be a hazard to its efficiency and possibilities of financing.

The reform from 1999 introduced a new institution, namely universal and compulsory health insurance (the contribution is 9% of the contribution assessment basis) and Sickness Funds. That meant transfer to the insurance model of health protection. Sickness Funds were subordinated to the voivodeship self-government (16 regional funds and one occupational fund for so-called uniformed services), which referred to the German solutions and was supposed to decentralize the health protection system and make it independent. Because of very low effectiveness of the functioning of Healthcare Funds, in 2003 they were replaced by the National Health Fund. However, health insurances were not liquidated. The solutions used together with the reform did not satisfy anybody. The citizens felt that accessibility and quality of health services radically decreased. The material status of the health care workers, especially the so-called middle-level medical personnel did not improve considerably either.

The problem of the health protection system still refers to the fact that it is underfunded. The way out was to be commercialization of hospitals proposed by the government. They were to be transformed into partnerships operating on the basis of the market mechanism. This solution raises a lot of controversies and emotions. The opponents of commercialization argue that health care cannot be subordinated to the criteria of profit maximization. Commercialization is usually associated with paid services. The element of commercialization which was introduced at the very beginning of the reform is also contracting the health services, which means that private entities get contracts for rendering health services from the public means. This is so-called

concealed commercialization. The effect is not felt by the citizens since health services rendered by private entities within the system of the public health protection system remain free of charge.

Reform of education

The new social and economic reality, including the situation on the labour market, together with the advancing globalization process, increases the importance of education and knowledge in human development. The issue of education may be viewed in the quantitative and qualitative dimensions. *The quantitative dimension* concentrates on the impossibility of ensuring education to all who want to study at a given level. *The qualitative dimension* refers to the contents of the curricula and their usefulness in definite social and economic conditions.

A problem which is important for the functioning of the system of education is the adjustment of its curriculum to the requirements of market economy. The point is to reduce or completely give up recruitment to the schools teaching the jobs or specializations for which the demand on the labour market dropped radically. The reform of education implemented since 1999 and consisting in changing the structure of schooling was supposed to ensure realization of a few goals, such as popularization of secondary education, high professional qualifications adjusted to the requirements of the labour market, or differentiated educational paths[15]. A special importance was attached to the reform of vocational education in addition to emphasizing the necessity of cooperation between the education system and the employers in order that the practical occupational training could proceed according to their expectations and requirements. The effectiveness of the reform was supposed to link it with the reform of administration. Financing the primary and secondary schools was made the task of communes, while the post-secondary schools were to be financed by a new unit of the local self-government, namely districts.

From the perspective of several years it seems that the goals set for the reform have not been achieved. Introducing 3-years' secondary schools after primary school was expected to make up curricular

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[15] After 6 years of primary school and 3 years of secondary school, the student who puts in some effort has a choice of four educational paths, which are supposed to lead them to high school final exam and next to university studies (Master's or vocational). These are the following paths: 3-years' high school, 3-years' specialized high schools (now wound up), 4-years' technical high school and 2-years' vocational school.

differences that existed after primary school. Nevertheless, a division was also made of those schools into "better" and "worse". The new system of education was supposed to be better suited to the labour market. Secondary education was to be spread and it was expected to be the basis for further education. That followed from the right belief based on unemployment statistics that vocational schools "produced" the unemployed. Therefore, recruitment to those schools was limited to 20% of secondary schools graduates. Such a scale of vocational education linked with mass labour migration to the EU countries led to deficits on the labour market concerning the jobs which are taught at that level.

The system of education also began to feel the consequences of demographic changes, the result of which is a smaller number of classes or even closing the schools and dismissing the teachers.

Graduates still belong to so-called risk-groups on the labour market. Nearly every third one is unemployed. High and vocational schools graduates are most threatened by unemployment, while the least – university graduates (tab. 4). The unemployment rate among the youth, i.e. people up to 24 years of age, was 27.4% in 2012.

Table 4. Unemployment rate among graduates according to the level of education in 2012

Level of education	Unemployment rate%
Totally	30.2
University	20.1
College of further education and secondary vocational	37.8
Secondary vocational	46.9
Vocational	47.3

Source: *Kwartalna informacja o aktywności ekonomicznej ludności*, www.stat.gov.pl (03.05.2013).

Institutionalization of the social dialogue

Institutionalization of the social dialogue was also an element of institutional changes in the social policy. The economic reform, which first of all combated inflation, and the accompanying privatization caused an increasing wave of social and economic conflicts. Continuing the changes that began in 1990 was practically impossible without the acceptance of trade unions. By virtue of the Pact on State-Owned Enterprise from 1992, a Trilateral Commission for Social and Economic Affairs was established

in 1994. It makes a forum of social dialogue to reconcile the interests of employees and employers. The purpose of this institution is to achieve and maintain the social peace. The pluralistic system of employment relations, characteristic of the Anglo-Saxon countries and functioning in Poland at the beginning of the 1990s, was thus replaced by the neocorporationalist system, typical of the continental West-European countries. Its main feature is the trilateral character based on negotiations of social partners with the government. This is a kind of a social agreement. The weak point of the Trilateral Commission in the early period was the poor legal basis since it was created by virtue of a resolution of the Council of Ministers. Since 2001 the functioning of the Trilateral Commission has been regulated by a corresponding act. An obvious success of this institution was alleviating the social tension caused by the consequences of transformations in the social sphere (above all, in the field of employment and remuneration conditions and the life standards of the workers).

The major competences of the Trilateral Commission for Social and Economic Affairs are of consultative and advisory character but there are also those of regulatory nature. If all parties participating in the work of the Commission reach consensus, the decisions taken are a universally binding law but a proper act must be issued by the competent state body. This concerns negotiations on the average salaries paid by entrepreneurs, salaries in the state budget sphere, the minimum remuneration for work, pensions from the Fund of Social Insurance and family benefits.

The Trilateral Commission has a special role during the economic and financial crisis. It becomes a forum for propositions to limit the crisis and counteract its economic and social effects. The workers aim at preventing the situation in which the consequences of the crisis will be shifted to the employees. Therefore, they demand that the interests of enterprises and employees should be secured.

Europeanization of the social policy

It was clear since the beginning of the social and economic changes that the social policy in Poland would be subject to *Europeanization*, which means adjusting its legislation, norms and institutions to those existing in other European countries. Europeanization had a broader character than that following from the accession to the European Union. The first issue was to refer to the solutions adopted by the Council of Europe, such as the European Social Charter from 1961, ratified by Poland in

1997. That was important because all EU countries ratified the European Social Charter. Although it is a convention of the Council of Europe and not an act of the European Communities, it marked the basic objectives and directions of the social policy in the present European Union.

An example of direct reference of the Polish legislator to the norms of the Council of Europe in the sphere of broadly understood social policy is the Act on National and Ethnic Minorities and on the Regional Language from 2005, which was enforced as a result of Poland ratifying the Framework Convention for the Protection of National Minorities from 1995.

Europeanization of the Polish social policy had a two-way course. On the one hand, in the pre-accession stage the point was to implement the solutions referring, for example, to the individual and collective labour law (regulatory competences of the Trilateral Commission indicate Europeanization of the Polish social policy), social security or equality of men and women. That raised fears concerning the costs borne to carry out the undertaking. On the other hand, in the pre-accession phase, assistance programs, and after the accession – structural programs (European Social Fund, European Regional Development Fund) were started which made it possible to realize a number of tasks of infrastructural and institutional character.

Closing the reflections on the social policy in the period of transformations, I would like to recall the statement of one of the most authoritative experts on the social policy in our country – Antoni Rajkiewicz. He said that history in Poland "came full circle", which means that the scale and severity of contemporary social issues resemble those from the period between the wars, and the social policy, whose major subject is the state, is not always able to counteract them. It should be realized that the state's activity in the social sphere is nowadays one of the main levels of legitimization of the state authority[16]. This especially refers to Poland, where many social groups kept their awakened expectations in relation to the state's functions. Now we are in a slightly better situation than in the period between the wars since we get additional support from the European Union. Thanks to the membership in this organization, we feel economically and socially more secure. Nonetheless, the increasing economic and financial crisis, accompanied by demographic changes, is a real challenge.

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[16] Cf. L. Dziewięcka-Bokun, *O roli i miejscu polityki społecznej w nowoczesnych systemach politycznych*, [in:] J. Auleytner (ed.), *O roztropną politykę społeczną. Księga pamiątkowa na jubileusz 80-lecia prof. dr hab. Antoniego Rajkiewicza*, Katowice 2002, p. 92.

ABSTRACT

The present article deals with the most important conditions and challenges of social policy in Poland. These include the social and economic transformations, the economic crisis, demographic changes and Europeanization. They enforce rationalization of expenditures, adjustment of the solutions to the existing economic and financial possibilities of the country and considering the present and future age structure of the population. On the one hand, Europeanization enabled Poland to make use of the European Union means intended for the development of the social infrastructure. On the other hand, a real challenge is to avoid the negative consequences of the economic crisis and depopulation.

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Robert Staniszewski

Structure and Directions of Change in Economic Policy

Introduction

One of the fundamental elements of the structural economic policy aimed at increased economic competitiveness of the country, i.e. the highest possible development and a high rate of long-term economic growth, is the policy of ownership transformations, without which the transformation of the political system in Poland after 1989 would not have been possible. The most important process of the policy of ownership transformations is privatization of the public sector, especially state-owned enterprises.

Two meanings of privatization can be found in the literature of the subject. It the broad (structural) meaning, it includes the activities that are aimed at changing the ownership structure in a given country for the benefit of private ownership with simultaneously reduced involvement of the state in the economy, which leads to a greater role of the market and competition. Privatization in a narrow sense, which is called the proper one, means transfer of state-owned enterprises to the private sector and the techniques and procedures involved in this kind of ownership transformations.

In the conditions of the Polish economic transformation, privatization in a broad (structural) sense comes down to four basic processes[1]: 1) bottom-up (founding) privatization, which means establishing new private economic entities; 2) privatization (payable or gratuitous) of non-economic public (state-owned and communal) property, including land privatization, transfer of buildings, constructions to private hands; 3) direct privatization, which means that the state owner sells (or gives away) small and medium-sized enterprises to concrete purchasers, usually to physical persons; 4) capital privatization, referring to selling, also in a public offer, or giving away the shares of state-owned joint-stock companies, both production companies as well as public utility companies and natural monopolists.

Privatization in the narrow sense (proper one) comes down to two latter processes, namely direct privatization and capital privatization.

Looking at the goals of ownership transformations in the context of two contemporary economic doctrines, we can formulate them in the following manner. According to neoclassical economy, the basic goal is increasing the efficiency of the functioning of transformed enterprises, followed by a better use of the existing resources. In the understanding of institutional economy, transforming the enterprises is a necessary condition for the process of desirable institutional changes characteristic of developed capitalist economy. In both cases, ownership transformations free the government from the supervising functions towards state-owned enterprises, in addition to causing general economic consequences such as increased competitiveness of the economy and the development of the capital market.

The basic effect of this process is changing the structure of the economy, which above all comes down to its denationalization, which means allocation of the property of state-owned enterprises in private economic entities.

It is worth mentioning here that the socialized sector of the Polish economy at the end of the 1980's produced more than 80.0% of the national income, including about 70.0% produced by the state sector, where approximately 70.0% of professionally active people were employed. The economy of the so-called real socialism at the end of the 1980's was characterized by strong concentration of production. Over two fifths of industrial production (44.0%) was produced by 7.1% of the major

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[1] M. Bałtowski, *Przekształcenia własnościowe przedsiębiorstw państwowych w Polsce*, Warszawa 2002.

production enterprises, which employed about 45.0% of all workers. The average employment rate in this type of enterprises exceeded 2,000 people. The analysis of the data from that period shows that more than 40.0% of total production was the "production superfluous on the market"[2]. Thus, the Polish economy faced a historical challenge connected with the change of its ownership structure, increased economic effectiveness and the development of new markets such as the capital market.

While analyzing the structure and directions of changes in the economic policy in Poland after 1989, special attention should be paid to the fact that privatization changed the ownership structure of the economy in addition to influencing a number of phenomena and macro-economic processes such as the rate of economic growth, the dynamics of investment outlays, the balance of trade on the current account of Poland's balance of payments, or the level of unemployment. These phenomena and processes affect the material situation of Polish households. Thus, the economic aspect of the system transformation is closely connected with the social one. On the one hand, looking at the directions of changes in the economic policy one can speak about the advantages of this process, which are reflected, for example, in increased effectiveness of enterprises or a better quality of goods and services. On the other hand, this process is followed by a lot of social consequences, the most important ones including such occurrence as changes of the social structure and the employment structure, changes in the division of incomes, or, finally, socially the most painful phenomenon, which is unemployment. Adopting the above assumption makes it possible to conclude most generally that the system transformation is not only of economic-political character but above all the process of changes in the social consciousness, the most important determinant of which is that a considerable part of the society interiorizes a different system of values characteristic of the individualist-competitive (neo-liberal) concept.

Evolution of the concept concerning ownership transformations of the Polish economy can be divided into a few stages:

I.   The beginnings of the concept of privatization of the Polish economy.

II.   Limiting the role of the state in the economy, which is the first step towards privatization (adopting the laws on state-owned enterprises and the self-government of the staff of a state enterprise).

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[2]   A. Lipowski (ed.), *Struktura gospodarki transformującej się. Polska 1990–1998 i projekcja do roku 2010*, Warszawa 2000.

Beginnings of privatization concepts

The beginnings of privatization concepts of the Polish economy go back to the 1970's. The first to notice a need to reform the economic system were individual opposition politicians – S. Kisielewski, J. Korwin-Mikke and M. Dzielski. Thinking along these terms in the period under discussion was a marginal phenomenon both within the society and in the intellectual elites. It should be mentioned that the dominating doctrine in Poland in that period was the so-called real socialism, which assumed, inter alia, the leading role of state ownership in the economy, above all in the sphere of production, and planning on the social scale, which was a logical consequence of nationalization of the economy.

Limiting the role of the state in the economy
– the first step towards privatization

The views on limiting the state's role in the Polish economy did not begin to take a concrete form of legal solutions until the beginning of the 1980's, in the period of the so-called "first Solidarity". The economic elites of the "Solidarity" trade union did not formulate any privatization postulates but they set requirements aimed at limiting the scope of centralist management of the economy and leading to partial socialization of ownership and extended participation of employees in managing the enterprises. Those views were reflected in two acts from 25 September 1981 on state enterprises and on self-government body of the staff of state enterprises[3]. Those acts replaced a decree from

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[3] Journal of Laws No. 24, item 122 and item 123.

26 October 1950 on state enterprises and the law from 20 December 1958 on employee self-management. In practice, as a result of passing the laws on state enterprises and self-government body of the staff of state enterprises, the directions of evolution of Polish state enterprises were established for 10 years. The law on state enterprises legalized independent, self-governing and self-financing enterprises which had a possibility of managing a separate property assigned to them by the state, with a considerable role of the workers' representation and the staff self-government body. Practically, the principle of independence was identified as a partial leave away from centralized economy. The principle of self-government was understood as the workers' participation in managing the enterprise, while the principle of self-financing introduced the economic calculation and resulted in separating the enterprise from the state's budget. The other crucial legal regulations made it possible to liquidate enterprises for economic reasons or in a situation when "the social demand for the kind of activity for which the enterprise was called ceased or considerably decreased"[4]. The act on state enterprises and the auxiliary act on self-government body of the staff of state enterprises were the first step before later privatization of enterprises. As a result of an increasingly worse economic situation, i.e. the macroeconomic destabilization and the constantly growing inflation, the second half of the 1980's can be characterized as the final break-up of the economy of real socialism. In 1987 the "governmental" side presented "Theses on the second stage of economic reform". That was the first official document in the history of post-war Poland which dealt with equal plurality of economic ownership forms. Its assumptions said about the possibility of transforming state enterprises into the partnerships of the State Treasury and introduced the rule of contribution of capital, which meant replacing the founding bodies of state enterprises by commercial banks. The response of the "Solidarity" movement to the second stage of the reform was the economic program, which assumed equation of the sectors, enfranchisement of the staffs of state enterprises, free access to the market and increased participation of the private sector in the economy.

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[4]   Journal of Laws No. 31, item 170.

Nomenclature privatization

Parallel to the changes in the opinion-forming sphere, changes in the sphere of economy took place. In February 1988 a possibility arose to create private companies on the basis of the property of state enterprises. In practice, the motif to form this type of companies was to avoid paying the tax on overtime pay in state enterprises. That phenomenon was called nomenclature or controlled privatization.

New economic order

A breakthrough in the creation of market economy in Poland, including the conditions for the development of privatization, was adoption by the Parliament the Act on economic activity in 1988, which was in the period when M. Rakowski hold the position of Prime Minister. The principles of the new economic order sanctioned by that act stood in opposition to the doctrine of economic law which was then binding. The act, which was a specific kind of declaration of economic freedom, formulates three rules of the new economic order: 1) the rule of economic freedom, which enabled free access to all economic entities, excluding the few areas subject to licensing; 2) the rule of equality of economic entities, on the basis of which law treated economic entities from various ownership sectors in the same way; 3) the rule of legalism, according to which all economic activity should be based on universally binding regulations of statutory acts.

The act on economic activity was the first real sign of thinking about free market economy. As a consequence, a very strong demand for investment and production goods arose, which resulted in the appearance of a market for assets of falling or liquidated enterprises. Another, very important effect of the act on economic activity was beginning the mass process of bottom-up privatization.

Privatization during the "Round Table Talks"

In 1988, after an "outbreak" of another wave of protests, the government started to realize that they had exhausted the system of governing, the consequence of which were the "Round Table Talks" between the political powers wielding the power then and a part of the

opposition. The talks were commenced on 6 February 1989 in Warsaw. Groups were formed for the matters concerning political reforms, reforms of the economy, social policy and trade union pluralism. Within those groups, subgroups were established. The effect of their work was signing the "Round Table" documents on 5 April. The main decisions taken by the government and the opposition referred to political issues. During the debates of the "Round Table" the problem of privatization was not particularly exposed although a need for ownership and institutional transformations was noticed. The main goal in the economic dimension was to improve the management of the state property, and not a radical change of the ownership structure. Problems that appeared then concerned above all macroeconomic balance, whose major threat was the growing inflation. Signing the "Round Table" documents began the peaceful process of moving on to democracy and free market economy.

The first privatization plan

As a result of the decisions included in the "Round Table" documents from 7 April 1989, the Sejm passed a new electoral law, and then changed the Constitution introducing two new institutions, i.e. President and Senate.

The next step to create a democratic system were the first in the post-war history of Poland elections, partly free, which were held on 4 June 1989. Despite the fact that a little less than 62% of those entitled to vote participated in the voting, the elections proved to be a huge success of the "Solidarity" movement. Out of 161 seats in the Sejm intended for independent candidates, 160 won in the first ballot, while in the Senate 92 candidates won out of 100. The coalition of PRON[5] to the Sejm managed to introduce only 3 candidates. In the second ballot, with very low turnout of only 25%, the "Solidarity" side obtained one missing mandate in the Sejm and 7 out of 8 seats in the Senate.

The greatest disagreements in the Sejm concerned filling the posts of President and Prime Minister. Finally, W. Jaruzelski[6], with a majority of one vote, was elected for the presidential office by the National

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[5] PRON – Patriotic Movement for National Rebirth or National Renaissance Patriotic was a form of a communist people's front, joining the communist party and political organizations cooperating with it.

[6] For a long time, the first secretary of the communist party.

Assembly. After an unsuccessful attempt made by Cz. Kiszczak[7] to form the government, T. Mazowiecki[8] was appointed the Prime Minister on 24 August 1989.

In his exposé, T. Mazowiecki spoke for the policy of a so-called „thick line", which was supposed to prevent collective responsibility of former communist activists. One of the fundamental goals of Mazowiecki's government was to stop the degradation of the economy. The challenges facing the government were unprecedented on the world scale. Such a unfavorable phenomena as hyper-inflation should be mentioned, also enfranchisement of the state property by the political nomenclature, unclear ownership relations, huge debts or a lack of financial instruments that were commonly used in free market economy.

The problem of privatization, although not the foremost issue in the course of preparing the assumptions of reforming the economic system of Poland, was closely connected with the dilemmas of the economic policy faced at the end of 1989 by the government headed by T. Mazowiecki. Those dilemmas came down to the following choice: a shock or evolutionary transformation. L. Balcerowicz's[9] plan submitted to the Sejm in October 1989, and next accepted in the form of a law at the end of the year, assumed that the crucial actions should include "coping with such macroeconomic problems as the budget deficit, inflation, currency reserves and foreign debts, and then the basic, difficult and time-consuming issue of microeconomic inefficiency"[10]. Macroeconomic issues and microeconomic liberalization were to be resolved by way of shock transformation whereas the problems related to ownership transformation were to be dealt with gradually.

The most important reforms that were implemented by T. Mazowiecki's government and that were aimed at healing the economy include: 1) progressive taxation of excessive rise of salaries in state enterprises; 2) limiting subsidies from NBP (National Bank of Poland); 3) increasing the interest rate on credits to the level of the expected inflation rate; 4) unification of the exchange rate of the zloty in relation to the dollar; 5) limiting subsidies for coal and fuels. The effect of those reforms was decreasing the rate of inflation with a simultaneous decrease

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[7] Minister of the Interior, for many years the head of the communist political police.

[8] One of the leaders of the anti-communist opposition.

[9] Minister of finances in T. Mazowiecki's government.

[10] E. Łukawer, *Poglądy polskich ekonomistów na ogólne założenia transformacji systemowej*, „Ekonomista" 1994, No. 6.

of the macroeconomic rates concerning the level of economic activity, life standard and unemployment.

A breakthrough in a complex approach to the problems concerning privatization of the Polish economy was the so-called plan of Professor J. Beksiak's[11] group. The plan was prepared for the Civic Parliamentary Club in the period of August–September 1989. It defined three principal premises of system changes in the Polish economy, namely: 1) liberalization of economic relations; 2) establishing institutions of market economy, and 3) privatization. According to the authors of the plan, privatization was to be a fast and singular process, i.e. it was to include a big group of enterprises and it was to be correlated with broad enfranchisement of the staffs. The plan of Beksiak's group differentiated the manner of privatization of state enterprises depending on the number of workers employed. The program did not include state enterprises of the national range such as the Polish State Railways, the Polish Post or armaments plants.

The act on privatization of state enterprises

In October 1989 the Office of the Plenipotentiary of the Government for ownership transformation started to function. K. Lis became the Ombudsman in the rank of under-secretary of state. The goal set for the Office of the Plenipotentiary was to prepare a concept of privatization of the Polish economy, and next prepare the adequate normative acts, including above all a draft of the privatization act and a draft of the act on trading in securities ownership. The additional goal for the Office of the Plenipotentiary was to regulate the processes of ownership transformations in state enterprises.

The views represented by K. Lis and experts cooperating with him were subject to considerable evolution. Ultimately, under a considerable influence of foreign advisors, they set about preparing a draft of a separate act on privatization. That concept referred to the categories of the capital market. Its essence was to make a possibly wide use of the tested models of privatization from Western countries with a simultaneous emphasis on increased efficiency.

On the basis of the adopted assumptions, at the beginning of 1990 K. Lis's team presented initial projects of three documents that were

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[11] M. Bałtowski, *Przekształcenia własnościowe...*

aimed at regulating the problems of privatization of the Polish economy. Those documents were[12]:

- Assumptions of the program of privatization of state enterprises.
- A draft of the act on privatization of state enterprises.
- A project of changes to the act on privatization of state enterprises.

The solutions adopted by the Ombudsman assumed the priority of commercialization over privatization, i.e. transforming state enterprises into commercial law companies before selling them to the final investor.

The final version of the act on privatization of state enterprises was passed by the Sejm on 13 July 1990[13]. 328 deputies voted for, and 2 voted against. The Senate did not introduce any amendments to the act.

The act from 13 July 1990 on privatization of state enterprises was the basic normative act which regulated the process of ownership transformations for more than six years. Looking from today's perspective, a thesis can be suggested that the act had historical significance because it enabled to change the ownership structure of state enterprises on a mass scale.

The law for the first time precisely defined the principles and standards of privatization. The purpose of transformations, as defined in the title of the normative act, was to be privatization, understood as transfer of ownership titles to third parties. Another, very important issue raised in the act was a precise definition of the principles and course of transferring state enterprises into sole traders of the State Treasury as well as the rules of acquiring stocks and shares in those companies. The act made an assumption that as a result of ownership transformations, the sole traders of the State Treasury were only a transitory stage. They could remain the property of the State Treasury for a period of up to two years, and then their privatization was to take place. The enterprises that were subject to transformation into partnerships had an obligation to determine the financial situation, present plans of restructuring and explain the legal state of the property ownership.

In accordance with the act from 13 July 1990, state enterprises, regardless of their size, position on the market or profitability, were to be submitted to ownership transformations. The regulations of the act, however, were not applicable to budgetary enterprises or cooperatives; in addition, they excluded coal mines, energetic enterprises and military

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[12] Ibid.

[13] The act from 13 July 1990 on privatization of state enterprises, Journal of Laws from 1990, No. 51, item 298.

enterprises from the process of privatization. The act established various methods of privatization in the case of big enterprises of good standing as well as small and medium-sized enterprises. It allowed for the following procedures of privatization, so-called privatization paths: indirect (capital) and direct (liquidation) ones. The act also provided for a possibility to realize the Program of Mass Privatization.

Together with the act on privatization of state enterprises the Parliament passed a normative act[14], by virtue of which all matters connected with ownership transformations were passed on to the specially established body of the state administration – the Ministry for Ownership Transformations. The basic task that was set for the newly established ministry was to stimulate and supervise the process of ownership transformations.

The act in the shape that was accepted was to secure the so-called "top-down" privatization. It was assumed that annually about 100 companies will be privatized by way of capital (indirect) privatization, while about 200–300 companies – by way of direct privatization. An additional path of privatization was to be the Program of Mass Privatization, which was supposed to include about 2,000 state enterprises. Long-term goals assumed privatization of over half of the enterprises from the state sector within 5–10 years.

The period of more than six years when the act on privatization of state enterprises functioned enables to assess its real advantages and deficiencies. The main advantage was the very concept, which provided the basis for specially established bodies of state administration to control privatization. The act very precisely defined capital privatization, which was fundamental for the ownership transformations of state enterprises. The basic flaw of the act was an imprecise description of the procedures related to direct privatization and vagueness of the concepts used there. The imperfect character of the law was not corrected until a new act on commercialization and privatization of state enterprises was passed on 30 August 1996.

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[14] The act from 13 July 1990 on the Establishment of the Office of the Minister for Ownership Transformations Journal of Laws from 1990, No. 51, item 299.

The Law on the National Investment Funds

Programs of mass privatization began to appear at the end of the 1980s and at the beginning of the 1990s. The basis of those ideas was an assumption that a necessary condition to conduct economic, social and political reforms was to transfer in a non-equivalent manner the ownership titles of the state property onto a possibly the widest group of citizens.

The first legal regulations concerning mass privatization appeared as early as in 1990 in the act on privatization of state enterprises. It included a regulation according to which on the motion of the Council of Ministers the Sejm can pass a law on introducing financial instruments (e.g. privatization vouchers) enabling the third parties to participate in privatization[15]. The basic rule in the issue of vouchers was to be universality and equality, i.e. everybody was to obtain the vouchers of the same value.

The first official version of the Program of Mass Privatization was publicly presented on 27 June 1991 after J.K. Bielecki took the office of Prime Minister. The program assumed that those citizens who would express their willingness to take part in the program would have a special entry in their ID car, which would entitle them to receive a participation certificate after a period of about two years. The certificate was to enable the purchase of shares in the institutions possessing blocks of shares. Those institutions were to be established by the authorities, and foreign managerial companies were to manage them. It was planned that the program would comprise about 400 large state enterprises which were in good economic condition.

As a result of a political compromise, on 30 April 1993 the Sejm passed a law on the national investment funds and their privatization[16], which came into force on 16 June 1993.

The new law first of all determined the rules of establishment, operation and privatization of the national investment funds in addition to defining the role of the companies managing the funds and the principles of remunerating them.

The major assumption of the law was an indirect way of privatization of sole traders of the State Treasury participating in the program. The

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[15] The act on privatization…, art. 25, 26.
[16] The law on the national investment funds and their privatization, "Journal of Laws", No. 44, item 202.

link between the citizens and the enterprises was made by 15 National Investment Funds (NIF), which managed 512 sole traders of the State Treasury.

The goal of the funds was to multiply their property, especially by increasing the value of the stocks of the companies whose stockholder were the funds.

The citizens of Poland who turned 18 could participate in the program of the National Investment Funds. The first step was to purchase a share certificate for an equivalent of 10% of the average salary. 25,880 people, which was 96% of those entitled, received the certificates. An acquired certificate was then to be sold in public trading or OTC, or exchanged for the shares in the National Investment Funds via brokerage offices. One stock of each fund fell for one share certificate. In June 1996, the first stage began which was introducing the certificates to exchange trading, so-called dematerialization, and in July 1996 universal share certificates appeared for the first time on Warsaw Stock Exchange. A separate market of the National Investment Funds was established for them. The next step of the program was to allow all National Investment Funds in the public exchange trading.

The introduction of the stocks of the National Investment Funds in the Warsaw Stock Exchange practically closed the stage of administrative management of NIF program. Since then the market operation of the funds aimed at finding ownership.

The analysis of the functioning of the National Investment Funds leads to the conclusion that expectations concerning their role in the process of economic transformation were not satisfied. The phenomenon was an effect of little efficiency of the managing companies and a vague ownership structure, the effect of which was that at the moment the program was closed the value of the managed property was lower than at the beginning of the NIF program. On 1 January 2013 the Law on the National Investment Funds and their privatization ceased to exist.

The Act on Commercialization and Privatization of State Enterprises

Issuing the act on commercialization and privatization of state enterprises was preceded by two events that determined the final shape of the privatization process in Poland. The first one was initialing of the Enterprise Pact in 1993. Its assumptions included, for example, new

reductions for the workers of state enterprises privatized via the capital path, a greater role of employees in supervisory boards and giving the state enterprises that due to their size could not be privatized only via the capital path the right to choose the manner of privatization independently. The other important event was the adoption of the governmental program "Strategy for Poland"[17] in 1994. The program declared, for instance, "acceleration of leasing small and medium-sized enterprises to employee-owned companies through simplifying the procedures and softening the leasing conditions". Thus, the direction of further changes was determined which increased the workers' participation in the process of ownership transformations and extended the privileges for employees.

In 1995, five years after the Parliament issued the law on privatization of state enterprises, J. Oleksy's government proposed to the Sejm a project of the act on commercialization and privatization of state enterprises[18]. On 30 June 1995 the project was passed with the votes of the SLD-PSL coalition. The act in the form accepted by the Parliament was vetoed by President L. Wałęsa and directed to the Sejm again. At the Sejm sitting on 21 July 1995 the veto was rejected with the required majority of 2/3 votes. President L. Wałęsa questioned the compatibility of some articles of the act with the Constitution so he directed it to be examined by the Constitutional Tribunal. On 22 November 1995 the Constitutional Tribunal agreed with the President's opinion, acknowledging the act as incompatible with the Constitution.

After the questioned articles of the act on commercialization and privatization of state enterprises were removed, the government directed the project to be re-examined by the Parliament. On 28 June 1996 it was accepted by the Sejm and three days later, when the Senate's amendments were examined, the act[19] was signed by President A. Kwaśniewski, who had been elected a year earlier. Initially, the act was to be binding from 8 January 1997; however, after the amendment from 20 December 1996[20] it entered into force on 8 April 1997.

According to most economists and lawyers, the act on commercialization and privatization of state enterprises extended the privatization law from 1990. Like in that normative act, two basic privatization paths

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[17] *Strategia dla Polski*, Rada Ministrów RP, Warszawa 1994.

[18] A governmental project of the act on commercialization and privatization of state enterprises, „Rzeczpospolita" 1995, No. 131.

[19] The act on commercialization and privatization of state enterprises, Journal of Laws from 1996, No. 118, item 561.

[20] Journal of Laws, No. 156, item 775.

were preserved here, i.e. indirect (capital) privatization and direct (liquidation) privatization. Within the former, three techniques of privatization were defined (just like it was in 1990), namely: 1) sale of an enterprise; 2) contribution of an enterprise to a company, and 3) giving of an enterprise to a company to be used for consideration. The act did away with a number of legislative errors, especially terminological ones that occurred in the previous law.

The act was adopted during the reform of the state's administrative centre. One of the elements of this reform was closing the Ministry for Ownership Transformations and replacing it with the Ministry of Treasury, which was to supervise the processes connected with ownership transformation of the state sector in the economy. The Privatization Agency, which was to facilitate the process of privatization in Poland, was subordinated to the Ministry of Treasury.

A new solution adopted by the Parliament, and next accepted by the President, was giving the Minister of Treasury the privatization initiative in the sphere of capital and direct privatization. The Minister of Treasury could since then on their own initiative commercialize enterprises to privatize them. According to the law from 1990 that initiative belonged to the enterprises themselves and their founding bodies.

Another important change was increasing the privileges for employees within the framework of all possible privatization paths.

The act on commercialization and privatization of state enterprises defined the concept of commercialization for the first time in the Polish law. Commercialization was defined as transforming a state enterprise into a partnership which enters into all legal relations the subject of which was the state enterprise.

The act on state enterprises and bankruptcy law

Ownership transformations of state enterprises are possible on the basis of Act from 13th of June 1990 on privatization of state enterprises and the regulations of the act from 25 September 1981 on state enterprises. In the latter case we speak of so-called little privatization. Transformations based on the law on state enterprises consist in selling, transferring the enterprise for paid use or transforming the state enterprise into a partnership.

The second privatization path is so-called privatization through liquidation. This procedure eliminates ineffective state enterprise that

lost their economic capacity of further functioning. Liquidation of an enterprise results in canceling it in the register of state enterprises, after which transfer of the property left after the enterprise takes place.

Privatization through liquidation achieved considerable dimensions. The causes of this phenomenon are found in the lack of the proper supervision by the state owner.

Conclusions – assessment and prognoses concerning the future direction and dynamics

In order to assess the economic policy in the aspect of system transformations in Poland after 1989 one should refer to the objectives of privatization that were formulated in the Economic Program of the Council of Ministers[21] in October 1989. It establishes the essence of ownership changes as "introducing the institutions of market economy tested by developed Western countries". Privatization was treated in the government's program as a "way to raise the economic effectiveness and production and to absorb unemployment". The economic program of the government made an assumption that domination of private property in the economy is conducive to competitiveness and thus it enforces effectiveness, flexibility and pro-innovativeness of the actions of all entities (also those belonging to the public sector) on the market. The document accepted by the government treated privatization as an essential and decisive change of the system. The major objectives of privatization formulated by the government in October 1989 remained practically unchanged throughout the period of system transformation in Poland.

The priority of privatization is, therefore, an increase in the effectiveness of the functioning of enterprises and thus the economy. During the system transformation an assumption was made that a private owner controlling the enterprise has a positive influence on its effectiveness. Nevertheless, realization of this goal is not automatic but it is conditioned by the rate of development of the private sector and the development of the economic system. It is these conditions that ensure increased competitiveness and capital movement.

In reference to the aforementioned objectives in the context of their realization, the following indexes should be verified: participation of the

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[21] Council of Ministers, *Program gospodarczy. Główne założenia i kierunki*, Warszawa 1989.

private sector in GDP, the number and size of private economic subjects as well as the international competitiveness rankings and reports analyzing the perspectives of investments connected to the capital movement.

In the period of transformations fundamental changes took place in the ownership structure of the economy. The role of the private sector significantly increased. Already in 1997 its share in the creation of GDP was 60.0%[22], while at the end of 2012 it increased to about 80.0%[23]. In the years 1990 – 2012 a remarkable decrease of the number of registered state enterprises was observed. Out of 8,453 enterprises that remained within the state's domain and that functioned on 31 December 1990[24], more than 70%, i.e. 5,995 were submitted to ownership transformations by 31 December 2012[25]. At the same time, there were only 70 state enterprises at the end of 2012, including 23 that pursued activity.

Throughout the period of ownership transformations, i.e. between 1 August 1990 and 31 December 2012[26]:

- 1,753 state enterprises were commercialized (29.2% of all transformed enterprises), as a result of which the following appeared:
    - 1,736 sole traders of the State's Treasury
    - 17 partnerships with the share of creditors on the basis of Section III of the act of commercialization with the conversion of debt;
- 2,308 applications for direct privatization were accepted (38.5% of all transformed enterprises);
- no objections were made concerning 1,934 applications for liquidation due to a bad financial situation (32.2% of all transformed enterprises); Moreover:
- stocks/shares were made available in 1,276 sole traders of the Treasury that were established as a result of commercialization, including:
    512 – by contribution of stocks/shares to NIF,
    527 – through indirect privatization,
    128 – by exchanging of debt for stocks/shares through bank settlement procedure (BPU),
    67 – by gratuitous transfer of shares to local governmental units,

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[22] J. Gardawski, L. Gilejko, R. Towalski, *Oceny i oczekiwania różnych grup społecznych wobec polityki właścicielskiej Skarbu Państwa*, Warszawa 1999.

[23] *Polska 2012 Raport o stanie gospodarki*, Ministerstwo Gospodarki, Warszawa 2012.

[24] *Biuletyn statystyczny*, Główny Urząd Statystyczny, Warszawa 1991, No. 11.

[25] *Przebieg procesów przekształceń własnościowych wg stanu na dzień 31.12.2012 r.*, Ministry of Treasury.

[26] Ibid.

    14 – by subscription of shares in the increased capital of sole shareholder companies of the Treasury by entities other than the Treasury and state legal persons,

    28 – according to another procedure;

- 2,222 state enterprises that were directly privatized were cancelled from the register of entrepreneurs;
- 1,159 state enterprises were cancelled from the register of entrepreneurs after liquidation finished.

Privatization projects realized in the years 1991–2011 brought profits from privatization in the amount of approximately 138 billion PLN[27].

As was shown above, changes in the ownership structure of the economy were supposed to be the basic measure that – within the structural economic policy – was to lead to Poland's greater competitiveness. The analysis of international competitiveness (the situation for 2012) clearly shows that the Polish economy is not included within highly competitive economies despite the domination of the private sector. The following rankings are evidence of this:

- The World Bank Report and IFC (Doing business 2012): 62nd place/183 assessed countries.
- Index of Economic Freedom 2012 Heritage Foundation and Wall Street Journal: 64th place/179 assessed countries.
- The Global Competitiveness Report 2011–2012: 41st place/142 assessed countries.
- The World Competitiveness Scoreboard 2012 International Institute for Management Development: 34th place/59 assessed countries.

Nevertheless, attention should be brought to the fact that despite relatively low competitiveness of its economy, Poland is enumerated among the most attractive localizations for direct foreign investments in Europe and in the world. The accumulated value of direct foreign investments at the end of 2010 exceeded 150 billion EURO[28]. Thus, competitiveness is not the only factor affecting cross-border capital flow. According to foreign investors, Poland's advantages include a big potential of the market generating high purchasing capacity, stabile macroeconomic situation and professional managerial staffs. This is evidenced in the following reports:

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[27] *Raport o ekonomicznych, finansowych i społecznych skutkach prywatyzacji w roku 2011*, Ministry of Treasury, Warszawa 2012.

[28] *Polska 2012 Raport o stanie gospodarki…*

- UNCTAD's World Investment Prospects Survey 2010–2012: 12th place in the world and 3rd in Europe.
- Ernst & Young European Attractiveness Survey 2012: 2nd place.

The capital movement is also connected with direct foreign investments realized by Polish enterprises abroad. The accumulated value of Polish direct foreign investments is estimated at almost 30 billion EURO[29]. For the last few years Polish investments located abroad have shown a distinct increasing tendency despite the global financial crisis. Nevertheless, despite an increase in the value of Polish foreign investments it is hardly likely that in the nearest years Poland will change from an importer of the capital into its exporter. The basic barrier for Polish direct foreign investments is difficult access to the sources of financing, which if the global financial crisis should get deeper, may become the fundamental factor limiting the development of enterprises not only abroad but in Poland as well.

While formulating prognoses concerning the directions of ownership transformation in Poland in the coming years, one should refer to the document prepared by the Ministry of Treasury "Privatization Plan for the years 2012–2013"[30]. According to this document, about 300 companies are supposed to be included within privatization activity in the analyzed period. At the same time, the Minister of Treasury plans to completely exit the shareholding in 85% of supervised companies included in the Plan. In other companies, from the so-called strategic sectors (energy, finance and defense), majority shareholdings or stakes ensuring corporate governance will be retained. The objectives in the field of ownership transformation for the coming years focus on: 1) modernization of the economy and formation of better conditions for Poland's economic growth, 2) support of public policies, 3) development of the capital markets. The key task in the economic sphere and one of the main goals of privatization is modernization of economic entities, increase of their innovation potential and competitiveness.

The issue of competitiveness of the Polish economy has already been mentioned; therefore, we should refer to its innovativeness. The analysis of the document Innovation Union Scoreboard 2011 prepared for the European Commission shows that Poland score for the Summary Innovation Index (SII) is lower than the average value for the European

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[29] Ibid.

[30] *Plan prywatyzacji na lata 2012–2013*, Ministry of Treasury, Warszawa 2012.

Union countries. Poland fell into the group of so-called "moderate innovators", occupying the 23rd place among 27 assessed countries.

While analyzing the problems of innovativeness, attention should be drawn to the fact that nearly all member states of the European Union increased their innovativeness in 2011[31]. However, the dynamics of EU innovativeness is decreasing and it is not able to match the world leaders in this category, such as USA, Japan or South Korea. The European leaders of innovativeness include: Sweden, Denmark, Germany and Finland. It is surprising to find out that the greatest delays in the field of innovativeness in EU are seen in the private sector.

The tendency concerning prevalence of the public sector in innovative activity is also confirmed in Poland, where in the period between 2009 and 2011, respectively, 26.1% of industrial enterprises and 20.1% enterprises from the sector of services belonged to the public sector in relation to 15.6% and 11.4% of enterprises belonging to the private sector[32]. Therefore, one of the main objectives of ownership transformations in Poland seems to be divergent from reality because the public sector can also be innovative, which is shown in research. It is also confirmed by the diagnosis of the factors which are the source of the success of leaders of innovativeness. These factors include the national systems of research and innovation, economic activity and cooperation of the public and private sectors. It seems justified then that in accordance with the Europe 2020 strategy adopted during the summit of the European Union in 2010 stimulating research and innovation should affect greater competitiveness of the Polish economy, new work places, and thus the economic growth.

The final element of "Privatization Plan for the years 2012–2013" which is worth analyzing is the development of Civic Shareholding. An important social objective is to increase informed, public participation in ownership changes. Referring to the Program of Mass Privatization realized in the period of system transformation and to the National Investment Funds[33], this activity in relation to a wide group of society does not seem justified and – in the long term – ineffective. It should

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[31] European Commission – A press release, *Przedsiębiorstwa muszą zwiększyć swoją innowacyjność, gdyż światowa konkurencja staje się coraz silniejsza*, Reference: IP/12/2012, 07.02.2012.

[32] *Działalność innowacyjna przedsiębiorstw w latach 2009–2011*, Główny Urząd Statystyczny, Warszawa 2012.

[33] On 1 January 2013 the act from 30 April 1993 on National Investment Funds and their privatization ceased to bind.

be remembered that in the case of PPP and NIF expectations concerning the effectiveness and role in the process of economic transformation did not bring the assumed results either, and the program is frequently called the "most expensive failure of the Third Republic of Poland".

Summing up the reflections on the effect of the ownership structure of the economy on the increase of competitiveness, it should be stated that transformation itself of the ownership rights from the level of the state to the level of the private entity is insufficient. Barriers should be eliminated within the structural and macroeconomic economic policy that counteract improved competitiveness of the Polish economy and that are not connected with the ownership structure, namely high budget deficit, unstable system of law and taxes, high corruption, high level of corruption, ineffective economic courts, the low level of innovation, barriers resulting from employment relationships, barriers in using structural funds, barriers in environmental protection, or barriers connected with starting economic activity.

Perspectives for the growth of the Polish economy in the coming years do not seem very optimistic despite the constant growth of GDP throughout the period of the global financial crisis. Barriers of development will first of all include fiscal consolidation, the aim of which is to achieve deficit at the level of 3% (in accordance with the requirements of European Union pacts) and decreased export to the markets of the Euro zone. It should be also remembered that Poland as a member of the European Union has neither introduced the Euro nor determined the date of introducing this currency or entering ERM2 mechanism. A chance for Poland's sustainable development is to eliminate the aforementioned barriers and pursue an active policy aimed to stimulate innovation and competitiveness, which should be realized within cooperation between private and public entities.

The state's policy referring to the strategic sectors of the economy will also be very important in the coming years. As shown by the experiences of the years 2008-2012 connected with the global financial crisis, ownership transformations can radically change the direction of "state-owned – private" into "private – state-owned". This phenomenon is especially well visible in the United States, which nationalized the institutions of the financial sectors, including banks, which were practically going bankrupt.

ABSTRACT

The author of the present article analyzes the most important processes of economic policy in Poland in the period of system transformation, i.e. ownership transformations, without which transformation of the political system after 1989 would not have been possible. The author describes particular stages of shaping the way of thinking about market economy and characterizes them against the background of the most important socio-political events that took place in Poland in the period of transformation. The author also refers to the formal and legal aspects of ownership transformations, with a special regard to the basic normative acts that regulated the process of economic transformation in the years 1990–2012. Reflections on the structure and directions of economic policy in the dimension of ownership transformations are closed with presenting an assessment of the process and the indications concerning the directions of its development in the future, particularly considering such factors as competitiveness and innovativeness of the economy, which in the contemporary world determine the state's position on the international arena.

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Bartłomiej Zdaniuk

Student and Staff Mobility under the Erasmus-LLP Programme at the Institute of Political Science, University of Warsaw

STUDIA I ANALIZY

The task of universities is to conduct research and, in equal measure, provide instruction to their students. There are many methods of realising the latter mission. The Erasmus-LLP programme allows for imbuing the teaching process with a practical, and at the same time, international element. To start with, it is noteworthy that the popular Erasmus programme has been incorporated into a wider project, namely, the Lifelong Learning Programme (LLP)[1], informed by the assumption that a couple of years after one's graduation either from school or university, one's knowledge needs upgrading and complementing. Nowadays, technology becomes morally outdated in no time at all, and the knowledge acquired in one's youth simply becomes obsolete. Looking at this from another perspective – the perspective of one's entire life – another reflection comes to mind: one can say that the modern labour market enforces horizontal mobility on its participants. Increasingly often, one not only changes the place of work and one's employer, but the whole sector as well. Thus, the need to retrain arises. In addition, new jobs are created at the point where different sectors meet, such as: management, accounting, sociology, law, psychology, media studies, etc. Therefore it has become increasingly common to complement one's

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[1] Since 2014, a new programme will be implemented: „Erasmus+".

education not in the area in which one has received the first diploma, a BA or MA, but in a related area. This allows for greater flexibility and increases one's competitiveness on the labour market. Keeping this very important practical aspect aside, however, it is equally important that through life-long learning one is obliged to continuously develop one's own knowledge, personality and experience.

The assumption behind the Erasmus programme is international mobility by means of the partial studies abroad scheme, designed to enrich the human capital of the whole European Union[2]. During the course of their studies, students may move abroad for one or two semesters to a partner institution, where they are to attend classes, sit for exams and finally receive their grade sheet. The biggest advantage for the students consists in the fact that they are not required to ask for the dean's leave from their original university and upon return are not required to catch-up and make up for the course work they had missed. The 'pass' marks and grades they received are directly transposed to their original studies and time spent abroad computed as if they had been studying here. For several years already the Erasmus-LLP has also facilitated going abroad for professional internships.

The second aspect of the Erasmus-LLP involves university staff, both academics and administrative employees. The former are allowed short stays, up to a week, in which they conduct classes. The latter can take the internships or training at a foreign institution. It is also possible to apply for funds from the Erasmus programme for, the so-called, intensive programmes, for instance, for organising summer schools. In a word, the Erasmus-LLP programme typically serves teaching purposes rather than being research oriented.

The Erasmus-LLP should not be confused with the Erasmus Mundus (EM) programme established in 2003 and intended to further cooperation with 'third country' institutions, that is from outside of the EU, EFTA/ EEA as well as EU candidate countries. Erasmus Mundus is divided into three actions, as they are called. EM Action 1 provides for the creation of joint second degree studies and doctoral studies by the university consortia. Graduates receive a diploma of at least two universities, or a double diploma, depending on the legal groundwork. The EM Action 2 (formerly the Erasmus Mundus External Cooperation Window) provides for the exchange of students, lecturers and administrative staff between

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[2] P. Paillet, *Erasmus: un* échange *de compétences*, "Informations sociales" 2006, No. 1 (129), p. 135.

'European' and 'third country' universities. Finally, EM Action 3 is designed to improve the competitiveness and attractiveness of higher education in Europe[3].

The original version of the Erasmus-LLP programme was launched more than 25 years ago[4] on the strength of the EEC Council of Ministers' decision, on June 15, 1987. The name 'Erasmus' refers to Erasmus of Rotterdam, the 15/16th century Dutch thinker, and at the same time it is the acronym of the English name for 'European Community Action Scheme for the Mobility of University Students'. In the years 1995–2007 Erasmus was part of the wider Socrates and Socrates II programmes, and as of 2007 has been part of the 'lifelong learning' programme. Poland joined the programme in 1998 and initially it could cooperate only with the universities of the 'fifteen' and the EFTA/EEA area. Only when Poland joined the EU in 2004 could it work together with Turkey, with other 'new' member states, and Romania and Bulgaria. To date, the Erasmus-LLP has involved about four thousand higher education institutions from 33 countries: 28 EU member states, Turkey, Norway, Island, Switzerland and Lichtenstein. In some areas of the programme universities from Macedonia (the Former Yugoslavian Republic of Macedonia) could also take part. From the Polish perspective it seems that incorporating universities from the post-Soviet area would be particularly useful.

In parallel with the growth of the Erasmus programme the foundations of the Bologna Process were being laid[5]. The name takes after the document signed by 29 countries in Bologna in June of 1999. In a certain sense, the Bologna process is a consequence of the experiences gained during the Erasmus programme since it transpired then that many European countries follow different university traditions in terms of the status of diplomas they award, the duration of study, division into semesters, forms of passing courses, and so on. The full mobility of students and staff was obstructed by the lack of compatibility between

3   See http://erasmusmundus.org.pl/node/91 accessed 18 March 2013.
4   See http://www.erasmus.org.pl/sites/erasmus.org.pl/files/Krotka%20historia%20pro-gramu%20Erasmus.pdf accessed 18 March 2013.
5   J.-É. Charlier and S. Croché, *Le processus de Bologne, ses acteurs et leurs complices*, "Éducation et société" 2003, no. 2(12), p. 13. See also: Б. Зданюк, „Мобильность студентов и преподавателей в измерении Болонского процесса: опыт Варшавского Университета", *Болонский образовательный процесс: теория, опыт, проблемы и перспективы*, Издательство Российского государственного социального университета, Москва 2011, pp. 60–61.

the organisation of the teaching process in the countries involved. Thus, the Bologna process was devised in order to tackle this very problem and harmonise the process of education across Europe. Three principle areas were targeted. First, the study period was to be divided into three stages: a (usually) three-year long BA period, two-year long MA period and three-/four-year long doctoral studies. Secondly, studies, subjects and course load were made comparable through the European Credit Transfer System, ECTS[6]. Finally, universities were obliged to provide, so-called, diploma supplements, wherein the education process, the names of the courses taken and grades were to be all included.

The Institute of Political Science, University of Warsaw, got involved in the Erasmus programme already in the 1990s. The first academics to realise the international exchange programmes were Prof. Grażyna Ulicka and Prof. Konstanty Adam Wojtaszczyk. Later on, at different stages of its development, other scholars contributed to the Erasmus programme, such as Prof. Stanisław Sulowski, Dr Marta Witkowska, Dr Anna Wierzchowska, Dr Andżelika Mirska, Dr Justyna Miecznikowska, Dr Urszula Kurcewicz, Dr Małgorzata Kaczorowska, Dr Anna Sroka and Dr Bartłomiej Zdaniuk.

The IPS started its international cooperation under the Erasmus programme by signing agreements with German universities: the Free University of Berlin, Ludwig-Maximilians-Universität (LMU) in Munich, Johannes Gutenberg University of Mainz, University of Potsdam, and the University of Konstanz. Altogether fifteen agreements were signed with higher education institutions in Germany and two in Austria, which include among others, the prestigious University of Tuebingen and the European University Viadrina in Frankfurt on the Oder River.

Next came educational institutions in French-speaking countries. The first IPS partner in this area was the Lyon Institute of Political Studies in 1999. This was followed by agreements with high ranking institutions such as the Free University of Brussels or Europe's largest political science academic centre, the Sciences Po, the Paris Institute of Political Science, and others, amounting to seven institutions in France and two in Belgium.

In terms of English-language universities in Western and Northern Europe, the IPS signed agreements on cooperation with Scandinavian universities based in Oslo, Stockholm, Copenhagen, Gothenburg and

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6   M. Harfi and C. Mathieu, *Mobilité internationale et attractivité des* étudiants *et des cherch-eurs*, "Horizons stratégiques" 2006, no. 1(1), p. 36.

Tampere. Among British universities, the University of Sussex in Brighton is the one that works most closely with the IPS. Looking South, five universities in Italy – including the oldest university in Europe, the Bologna University – have been collaborating with the IPS, and nine in Spain, for instance, the Complutense University of Madrid and the University of Barcelona.

Poland's accession into the EU expanded the group of potential partners, adding new EU-members as well as new candidate states to the list. Very soon agreements were signed with the following: University of Bucharest, Sofia University St. Kliment Ohridski, Charles University in Prague, Eötvös Loránd University of Budapest (ELTE), Istanbul University and University of Latvia. IPS's partner institutions: University of Ljubljana and University of Malta have recently gained enormous popularity among the students.

Up to the year 2013 the IPS signed cooperation agreements with 68 universities from 29 countries which has made its study abroad offer particularly rich, while at the same time allowing for the hosting of students from the most diverse cultural environments. The number of IPS students participating in the Erasmus-LLP programme continued to increase up to the 2009/2010 academic year. In the early years of the operation of the programme several – up to a dozen or so students participated; in 2009/2010 – 70 students were qualified to study abroad. The number of students joining foreign universities for internships has been on the rise since 2007. The beginning of another trend has drawn our attention, namely the dwindling number of those interested in the Erasmus programme: in 2010 it dropped to 40. This is no doubt a sign of the global economic crisis affecting the financial status of today's young population.

There is a steady annual flow of about 50 students from the IPS partner institutions to study at the Institute of Political Science, a group made up of mostly Spanish, Germans and students from Central, Southern and Eastern Europe.

There has been a systematic rise in the number of IPS employees going to foreign universities for teaching assignments. Each year a dozen or so academics leave for Spain, Turkey, France, the Netherlands, Austria, the Czech Republic, Germany and Romania. The Institute receives annually around ten foreign lecturers, mainly from France, Spain, the Czech Republic, the Netherlands, as well as Turkey and Malta.

The biggest challenge for students and lecturers alike in developing cooperation of any sort between universities of the participating countries

is the command of foreign languages. This challenge is particularly acute for the University of Warsaw as Polish is not a language spoken internationally. While universities in major West European countries, such as Great Britain, France, Germany, Spain or Italy, are in a much better situation as they are entitled to expect that any incoming student or researcher is well versed in the language spoken in the country. The same is true for universities in Russia. This implies, therefore, that the effort of acquiring a foreign language must be made by the Polish side – which is what indeed has been happening. Since, no other foreign partner university offers courses in Polish, apart from the European University Viadrina, Polish students and academics had to adjust to existing conditions.

Both, European and world trends point to English being the first foreign language of choice for students. Accordingly, year after year the majority of all students opt for studying at universities where English is the language of instruction: the British Isles, Scandinavia or Malta. In the last couple of years growing numbers of students and staff have been more inclined to study in Central and Eastern Europe, while at the same time the numbers wishing to visit Scandinavia or even the UK started falling. Currently, more young people wish to study in the Czech Republic, Turkey than in Sweden or Finland.

The exchange of students and teaching staff with Germany, France, Italy and Spain, that is countries where English is less common or not spoken at all, even at institutions of higher learning, is a 'challenge within a challenge' of sorts. As already mentioned, any student mobility to speak of to those universities is possible only with the knowledge of the local language, which typically happens to be the second or third foreign language spoken by Polish students. For many potential candidates this is a hurdle hard to overcome, making universities based in these four 'major' countries less attractive to Polish students. But even here, new tendencies seem to be appearing. By the early 2000s, a dozen or so students annually would apply to study in Berlin, Munich or Vienna, thereby manifesting their command of German. Soon after, this number began to wane. For a short time Italian universities were the most 'popular'. By the end of the 2000s the number of Polish students learning Spanish as a second language has gone up and, accordingly, the number of students applying to study in Spain went up. At the same time, the number of students with a good command of French remained stable throughout this period, roughly ten students, and the same number applied to study in France and Belgium each year.

An alarming trend has been noted since 2010, not confined to the Institute of Political Science, University of Warsaw, namely the falling numbers of young people declaring languages other than English (German, French or Spanish, and still less – Italian) as their second language. This is, possibly, prompted by a trend spreading among today's youth, namely, the uniformisation of cultural patterns, which de facto leaves no place for the richness of Europe's languages and leads to the erroneous conviction that it is totally sufficient to move in and about freely in Europe knowing one language alone – English.

It is important to note that the students coming to the IPS for their study-abroad programme at times find their language skills not up to scratch. They are expected to be fluent in English, but this is not always the case, especially amongst students from Mediterranean countries. At the same time, however, each year a steady number of students under the Erasmus programme come to the IPS with a knowledge of Polish. Most often than not, these are students of Polish descent; there are also some who have started learning Polish from the beginning and have achieved a relative mastery of the language. This group is comprised mostly of German students, for whom a good command of Polish can become useful in their prospective careers in corporations, foundations, lobby groups or working in an advisory capacity with German political personnel.

In no way do the problems explained above exhaust the topic of challenges facing the management of IPS and that of many other universities in Poland, as for instance, the internationalisation of the teaching offer. Student and staff mobility within the EU reveals a certain pattern. Following the initial surge of interest in the possibilities opened up by the mobility generated by the Erasmus programme, there followed a time of sober calculation. It transpired that universities began to fall into two groups: those which had more incoming students than outgoing ones, and those which experienced the opposite trend. As a result, higher education institutions began to behave in a more restrained manner in choosing their partners for cooperation. In this respect the main criterion became the usefulness of a given institution for mutual exchange rather than one-way mobility.

Continuing to attract new foreign partner institutions would never have been possible had the Institute of Political Science itself not become an attractive partner for foreign educational institutions. In other words, in order to be able to receive Polish IPS students, from the University of Warsaw, its potential partners had to gain confidence that they would be

able to send their students to the IPS, and that their sojourn would be considered highly valuable. This is a seminal contention in the context of the overcoming of barriers between the 'old' and the 'new' EU member states since students hailing from the 'new' member-states are decidedly more eager to visit an 'old' member-state than the other way round.

Two initiatives served the goal of enhancing the appeal of IPS: a short-term one, and a strategic one. The former was the annual convention of Erasmus-Programme coordinators in political science, international relations, public administration and management held in 2007[7] at the University of Warsaw. This was a joint enterprise taken by the Institute of Political Science and Institute of International Relations, University of Warsaw. The invitation was accepted by more than 30 foreign universities, mostly from the 'old' member-states which had little understanding of the academic and organisational potential of the University of Warsaw. Their stay in Warsaw and being able to see the university for themselves made a favourable impression on them. In the wake of this meeting a rapid influx of cooperation agreements were signed with numerous renowned academic institutions. This was reflected in the statistics: growing numbers of Polish students were able to take up studies abroad.

Along with these promotional activities it was necessary to undertake strategic measures. The key decision in this respect was the introduction of courses taught in foreign languages into the teaching programme especially English. This was a reaction to the question often phrased by our foreign associates about the possibility of sending English-speaking students to Warsaw with no knowledge of Polish. Consequently, the teaching offer in foreign languages began growing steadily with currently roughly 200 class/lecture hours on offer per academic year.

In developing its didactic offer the management of the IPS took every effort to maintain its complementary nature in terms of the profile and subject matter of the courses. For this reason the IPS, apart from its own employees, also asked lecturers from other institutions, representatives of the state administration or foreign academics to teach at the institute. For many years, for instance, a seminar on Middle Eastern issues ('The Middle Eastern Scene') conducted by Professor Janusz Danecki has been very popular among students. Subjects focusing on Polish issues are taught by Dr Sławomir Józefowicz ('Polish Society and Politics – Main Issues and Controversies') and by Dr Małgorzata Kaczorowska ('Polish Politics since 1989'). An important problematic of political thought,

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7   http://www.erasmus-network.eu/meeting.html, accessed 30 march 2013.

'Liberalism and the Challenges of Late Modernity', is discussed by Prof. Stanislaw Filipowicz, corresponding member of the Polish Academy of Sciences. The course taught by Prof. Agnieszka Rothert 'Networks in Politics' addresses new research areas in the study of politics. Courses taught by representatives of the Polish public administration examine what lies at the heart of Polish foreign policy and related matters, such as 'Does Poland have a National Security Policy?' a course conducted by Ambassador Adam Kobieracki, or Dr Jarosław **Ćwiek-Karpowicz** ('Politics in Russia. A Central European Perspective').

Amongst foreign academics who delivered lectures in foreign languages were the following academics: Dr Hans Wassmund ('Globalisation – Democratisation – Global Governance'), Prof. Wei Lichun ('Ancient Chinese Culture and Modern China Framework'), Dr Christopher Korten ('European Religious History since Napoleon') or Dr Jérôme Heurtaux ('Sociologie de la vie politique française'). Mention must also be made of foreign lecturers who come to the IPS for short visits under the Erasmus Lifelong Learning Programme and conduct courses in international languages. In this category is a group of staff members from the Institute of Political Studies in Lyon (Prof. Vincent Michelot, Dr Michel Boyer and others) and lecturers from the Universities in Prague, Nijmegen, Malta, Bern, Banská Bystrica, Madrid and Brussels. Research workers and lecturers from Ivano-Frankovsk and Donetsk visit the IPS under bilateral agreements.

With a view to increasing the appeal of the IPS among foreign students one course is taught in German (by Prof. Stanisław Sulowski and Prof. Krzysztof Miszczak: 'Deutsch-Polnische Beziehungen nach dem II Weltkrieg: Konflikt – Verstaendigung – Zusammenarbeit') and one in Spanish (Dr Anna Sroka: 'Los paises de Europa Central y Oriental en el proceso de la integración europea'). The choice of language and subject was intentional since the majority of incoming Erasmus students to study at the IPS come from Spain and Germany.

The mobility of teaching staff into and from the IPS remains at a relatively stable figure of a dozen or so. In an analysis of the barriers preventing growth in that area we come across structural conditioning. According to the rules laid down in the Erasmus programme lecturers' visits to foreign universities can take place only with the objective of delivering lectures for a short duration, usually a couple of days. The basic difficulty involves funds. The grants teachers receive, especially for travelling do not always cover all the costs they have to incur. Furthermore, a several-days' absence from the University of Warsaw at a time when

regular course-work is taking place is another major disadvantage. Again, partner institutions admit that they would be in favour of accepting lecturers for a longer spat of time, a month for instance, which would allow for running a full-time 30 hour course ending with an exam and grade in the student's documents. Thus, it seems necessary to modify the rules governing this matter on the Community level. Raising the expenditure on costs of travel and stay and extending the length of stay up to four weeks surely would increase the mobility of academic staff.

Attention must be drawn here to the numerous advantages that the Erasmus programme affords students, lecturers and the universities themselves. The key advantage from the students' perspective is the opportunity of interacting with another cultural environment[8]. Not only can they improve their skills in the language of the host country, but also, or even above all else, during a stay at a foreign institution they are confronted with different methods of work, instruction and grading system. They are forced to think in a new reality, confront different ways of thinking manifested not only by the local population of the host country but also by all the other foreigners studying at the host university. Studying abroad promotes the students' interest in the world; makes them aware that a richer palette of cause-and-effect unions is possible than the one they have grown used to[9]. All these factors put together increase the students' ability to work in an international environment, their flexibility and ability to consider a wider range of factors. In other words, the Erasmus programme increases the students' employability and job prospects[10]. It transpired in practice that only when studying abroad do students become aware of the need of studying foreign languages, other than English. A foreign language is not only a vehicle for communicating which – in the upper circles of European societies – can be served by the common knowledge of English. A language is a conveyor of a specific culture; the phrasal constructions – often beyond

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[8] В. Борисов and Б. Зданюк, *Проблеми модернізації вищої освіти та її вплив на ідентичність*, [in:] *Інтеграція системи вищої освіти України до загальноєвропейського освітнього простору*, Рівне 2006, p. 54.

[9] I. Wilson, *What Should We Expect of 'Erasmus Generations?*, "JCMS: Journal of Common Market Studies" 2011, no. 49, pp. 1113–1140.

[10] M. Parey and F. Waldinger, *Studying Abroad and the Effect on International Labour Market Mobility: Evidence from the Introduction of ERASMUS*, "The Economic Journal" 2011, no. 121, pp. 194–222. C. Guillaume and S. Pochic, *Mobilité internationale et carrières des cadres: figure imposée ou pari risqué?*, "Formation emploi" 2010, no. 112, octobre–décembre, p. 40.

translation – reflect social phenomena typical for that society alone. Acquiring this language, this local tongue, allows for freely engaging with the local population on all levels and forging new inter-personal bonds[11].

The same can be said of the teaching staff. Visiting academic institutions in other countries which participate in the programme allows for upgrading their professional skills and qualifications. Teaching students who have a different knowledge load, archetypes and ways of thinking, teaching in a different language to one's own, is for the instructor some challenge, indeed. Engaging in an exchange of views and ideas with the students of the host institution often broadens the intellectual horizons of the lecturers thus enriching their teaching experience, often inducing them to employ new teaching methods at their own institution on return. This experience can be used for other educational or research projects. Opportunities of working together on joint publications, conferences and other means of disseminating knowledge naturally spring up.

The exchange of staff and students between universities benefits the institutions themselves. Firstly, as was explained already, by accepting foreigners the host institution is obliged to internationalise its own teaching offer. It has to organise the smooth servicing of incoming and outgoing students. It must ensure that there are lecturers familiar with the international environment, as well as back up facilities and well-stocked libraries. These are all factors which contribute to the improvement of the quality of teaching at universities – so important in the context of the Bologna process and new conditions affecting higher education.

Staff and student mobility leads to the growing prestige of the university and all its individual units, thus generating 'an added value' in the short- and long-term. Incoming students witness the methods of work of the host country and then share their insights at their universities. The 'snow-ball' effect was noted many times when satisfied students not only encouraged their colleagues to visit Warsaw but also pointed to the high level of the classes, lectures, teaching expertise, facilities, libraries and the like. Information of this sort generates new interest among foreign partners in the host university, the IPS in this case, which easily translates into new joint teaching or research ventures[12]. A favourable impression gained during a student's visit lingers on for

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[11] A. de Federico, *Amitiés européennes. Les réseaux transnationaux des* étudiants *Erasmus*, "Informations sociales" 2008, no. 3(147), p. 121.

[12] С.В. Борисова and Б. Зданюк, *Визначення шляхів розвитку вищої професійної освіти в Україні*, „Проблеми освіти. Науково-методичний збірник", випуск 2007/52, p. 23.

many years, thus even in a long-term perspective when students become part of political, economic and cultural elites of their countries the host-country's reputation is bound to spread far and wide. Considering Poland's demographic crisis this makes attracting students from other countries not only a possibility but a necessity as well.

In conclusion one might say that participating in the Erasmus Lifelong Learning Programme is for all its participants, students, lecturers and academic institutions alike, an important investment for the future. The experience accumulated by the Institute of Political Science over a dozen or so years demonstrates that it is a profitable investment. The ability to take advantage of the rich study abroad offer under the Erasmus programme is for some high-school graduates a key incentive to take up studies at the IPS, at the University of Warsaw. IPS staff benefit from their experience gained at foreign universities while foreign students have learnt to see the Institute of Political Science as a major academic centre in Europe.

ABSTRACT

Participating in the Erasmus Lifelong Learning Programme is for all its participants, students, lecturers and academic institutions alike, an important investment for the future. The experience accumulated by the Institute of Political Science over a dozen or so years demonstrates that it is a profitable investment. The ability to take advantage of the rich study abroad offer under the Erasmus programme is for some high-school graduates a key incentive to take up studies at the IPS, at the University of Warsaw. IPS staff benefit from their experience gained at foreign universities while foreign students have learnt to see the Institute of Political Science as a major academic centre in Europe.

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Adam Szymański

The Institute of Political Science, University of Warsaw: Courses Taught in Foreign Languages

KEY WORDS:
English-language studies, political science, Institute of Political Science, University of Warsaw, internationalisation

STUDIA I ANALIZY

Over the years the University of Warsaw has been going through numerous changes caused by circumstances such as the end of the cold war, political transformation or the process of Poland's entry into NATO and the European Union. The same can be said of the Institute of Political Science (IPS), founded in 1967 – Poland's oldest and largest academic centre of learning in political science. The IPS has launched the process of opening up to foreign students and the internationalisation of its teaching offer by developing courses in foreign languages. It teaches future political scientists to meet Poland's domestic demand in this field as well as internationally, thus becoming a centre of excellence whose importance in terms of the teaching potential goes far beyond its borders.

The beginnings of the teaching programme for international students go back to the courses organised (from 1999) in English and other languages for students following the EU Erasmus Student Exchange Programme. At the same time, the IPS started introducing courses taught in foreign languages into its regular programme of political science studies taught in Polish, first as optional courses and later also as obligatory ones. Pursuing this further, the IPS organized 'summer schools' for students, first, from Germany, then Ukraine and Russia with the goal of increasing their knowledge of Polish history, culture and politics.

Nevertheless, what really increased the international scope of teaching at the IPS was the decision to organise in 2009/2010 a graduate two-year degree programme taught in English (from 2012/2013 these became full-time studies) – *Master's Degree Studies in Political Science*[1]. This programme targets Polish and foreign graduate students, BA or MA degree-holders (with a stipulation that students participating in the Erasmus and other scholarship programmes as well as students enrolled in courses taught in Polish may take part in some of its classes).

The original study programme consisted of 20 subjects (increased to 24 in 2012/2013) focusing on Europe, the European Union and the region of Central and Eastern Europe. A broad range of subjects allows for an in-depth study of the standard issues of political science with a selection of the following subjects: History of Political Institutions, Theory of Politics, Methods in Political Research, Political Thought, Sociology and Psychology of Politics, Social Movements and International Relations. However, the curriculum goes beyond this, offering a chance of conducting rigorous regional analysis in courses such as European Political Systems, Historical Politics in Europe, Political Institutions of the EU, European Law, Transformation in Central and Eastern Europe, Russian Politics, Polish and General Contemporary History and Poland's Foreign Policy. This offer is especially meaningful for foreign students keen on pursuing their interest in Poland as well as other countries of this region. The numbers of such students are growing annually, including those who come from distant parts of the world, the Far East, for instance.

These studies offer the chance to develop one's knowledge, skills and social competences by providing various forms of theoretical and practical courses (for instance Political Decision-Making, Political Communication or the Art of Negotiation). One can attend first of all tutorials which allow for discussions in which multiple perspectives on the same issue are explored by students from different countries and cultural backgrounds, an asset in its own right. The ability to see the way these issues are perceived by representatives of different nationalities is very important when analysing political conflicts. A large number of the courses are optional allowing the students to develop their own individual path of study.

There are many additional activities to enrich the study programme in English, among them lectures delivered by guest professors, or seminars

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[1] www.inp.uw.edu.pl/mdsie

and conferences organized at the Institute of Political Science and other venues. Students are encouraged to actively participate in conferences and present their papers. This provides them with an opportunity to develop their interests and scholarly passions. In addition to this, meetings are organized for them at key institutions of Polish political life, the Sejm (lower house of the Polish Parliament), or the Senate; and with leading figures of the Polish political, social and cultural scene.

Students may also link their Master's Degree Studies in Political Science at the IPS with a stay in other countries for a short period of study. The best second-year students can study for one semester at a university of their choice within the European Union (or Turkey) under the Erasmus programme. The IPS offers a wide selection of higher learning institutions across the European Union to choose from (a lot of agreements in this regard, a dozen or so, have been concluded with German universities). Since the University of Warsaw has been involved in other new EU programmes, mostly within the Erasmus Mundus programme, there are more universities to choose from. On top of this, it is also possible to study under the double-diploma programme, where students typically spend the whole second year of study abroad (for more see below).

The study programmes taught at the IPS in English and other foreign languages are run with the aid of cutting edge technology, including different media, facilities, teaching aids and electronic versions of teaching material handed out to students or posted on the web site. Some courses are conducted in the e-learning system using the potential of the Centre for Open and Multimedia Education, University of Warsaw (COME UW).

The teachers involved in this study programme are drawn from academics employed at the IPS and other institutes of the Department of Journalism and Political Science (the Institute of European Studies, Institute of International Relations and Institute of Social Policy). Many of them had long-term teaching stints at higher learning institutions across a wide spectrum of countries, mainly in Europe and the USA. Lectures are also delivered by scholars employed at other departments of the University of Warsaw and guest speakers not involved with this University, or practitioners, such as the former Polish foreign minister, Włodzimierz Cimoszewicz. This furthers the practical aspect of studying at the IPS, which is quite meaningful from the perspective of job-seeking university graduates. Some courses in the English language MA Degree programme are taught by foreign academics residing in Poland as well as those who live abroad. In that number are lecturers from Germany

(Jens Boysen, German Historical Institute), the USA (Clifford Bates, American Studies Centre, University of Warsaw), and China (Wei Lichun, CEE Research Centre, Jilin).

The high quality of the English language Master's programme taught at the Institute of Political Science at the University of Warsaw, is borne out by the achievements of its students. During the second year of the programme's operation an IPS Japanese student, Anna Sugiyama, was awarded the top prize for the best foreign student studying in Poland in the category of MA studies in the INTERSTUDENT competition run by the *Perspektywy* Education Foundation[2].

Students are not the only ones receiving awards and achieving success. The same can be said of the IPS alumni who are typically highly successful in their professional and academic fields. A diploma awarded by this institution opens the door to a career in Polish institutions, from banking to government ministries, and foreign ones, such as international organisations. Employers have recognized the merits and value of these studies, and the fact that in addition they develop a graduate's language skills, international contacts and the ability to work in an international team and an international environment. A degree in this course is a ticket to an academic career, starting with PhD studies – in Poland or at other major universities abroad, such as the Central European University in Budapest, as has been the case of the award-winning student from Japan.

The interest generated by these English language studies taught at the IPS is hardly surprising in the light of these facts. There are many inquiries during the annual recruitment process. The courses are attended by Poles and students from the following countries (given in alphabetical order): Afghanistan, Azerbaijan, Belarus, Bhutan, Canada, China, Denmark, France, Georgia, Germany, Greece, Hungary, India, Iran, Iraq, Israel, Japan, Moldova, the Netherlands, Pakistan, Qatar, Russia, Syria, Turkey, Ukraine, United Arab Emirates, United Kingdom and Yemen. In this group are grant holders of the Polish Government, numerous programmes of the EU (Erasmus Mundus) and regional institutions (International Visegrad Fund or the scholarship of the Council of the Baltic Sea States). Such a diverse study environment enriches the teaching process and enhances the intercultural and inter-religious dialogue on all levels.

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[2] For more see *Japonka, Białorusin, Ukrainiec i Włoch – laureatami konkursu INTERSTUDENT*. www.perspektywy.pl/index.php?option=com_content&task=view&id=3568&Itemid=1, 16.02.2013.

The Institute of Political Science is not relying on these achievements. It is committed to improving its study programme on a regular basis in order to make it more interesting to the students, develop their interests, prepare them for the challenges of the labour market and help them find fulfilment in their new jobs. The IPS uses different methods of bettering the organisation and programme of studies. Questionnaires in which students are asked to assess the subjects as well as direct consultations with the students are some of these methods. Also, the Institute takes part in an exchange of experience and information with institutions in Poland and abroad, which run study courses in foreign languages, at special conferences devoted to English language studies[3] or education fairs. This also helps to improve the recruitment process, the running of the studies, the course-content and teaching methods.

The provision of the English language study course by the IPS has the additional indirect benefit of developing the internationalisation of the University of Warsaw, providing the groundwork for developing international cooperation. It facilitates the organisation of other international study programmes at the IPS, for instance the double diploma, an undertaking made possible by the sheer volume of the teaching offered in English under the Master's Degree Studies in Political Science. This programme was launched with the German University of Konstanz in 2011. It will be soon a case of the Autonomous University of Madrid.

To conclude, one can say that the English language Master's Degree in Political Science at the IPS reflects the changes that have been taking place in higher education in the aftermath of 1989. The study programme has been designed to meet the challenges faced by the education sector from the modern, globalized world where knowledge is the foundation for the economic development of any country. These studies provide the chance to gain theoretical knowledge and practical expertise indispensible for functioning on the labour market and furthering a graduate's professional career. It enables the University, and the Institute, to function in the international environment by enhancing their teaching potential. At the same time, these studies meet the goals of European Union education policy and economic strategy – Europa 2020[4].

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[3] A case in point is the Conference on *Foreign Students in Poland, 2011*, organised in Łódź, 23–25 February, 2011, in which representatives of the IPS participated and the author of this paper presented a paper *The Introduction of the Second-Cycle Studies in the English Language*, based on the work of the Institute of Political Science, University of Warsaw.

[4] More on this subject in http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri= COM:2010:2020:FIN:EN:PDF

ABSTRACT

Since 2009 the Institute of Political Science, University of Warsaw, has organized second degree (Master's) studies in political science taught in English. This is an example of the Institute's growing international teaching potential. The paper aims at profiling this original venture and pin-pointing the vast opportunities it offers in teaching Polish and foreign students of political science. It also highlights the benefits this study programme brings to the international stature of the University of Warsaw in terms of, both, teaching and scholarship.

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