LESZEK KOCZANOWICZ

THE POLISH CASE

Community and Democracy under the PiS

Sunday, 25 October 2015, proved a political turning point in Poland. In May 2015, the presidential election had already brought an unexpected upset when the incumbent, supported by the governing Civic Platform, was routed by the right-wing candidate, Andrzej Duda. It was obvious that a major turnover was on the cards. However few, if any, envisaged the magnitude of the bombshell. In the October 2015 parliamentary elections, the conservative-nationalist Prawo i Sprawiedliwość (Law and Justice) party won an absolute majority in the Sejm—an unprecedented result in Poland's post-communist history. The PiS also claimed 61 of the hundred seats in the Senate.[1] Meanwhile Civic Platform, the liberal-conservative formation that had dominated the political landscape since 2007, saw its vote plummet by 15 points to 24 per cent and lost a quarter of its seats. For the first time since 1990, no left or centre-left party managed to pass the 5 per cent threshold for entry to parliament. However, new political forces robustly asserted their presence. In third place came Kukiz'15, a novel formation centred round Paweł Kukiz, a 53-year-old punk rocker, which ran in alliance with the far-right National Movement, advocating a switch to first-past-the-post, single-member constituencies as a panacea for all the ills of Polish democracy.[2]

The first months of the PiS government have shown rather clearly the political direction in which the country is likely to be heading in the next few years. Wielding full political control—Sejm, Presidency, Senate—the party has proclaimed that, having obtained a mandate from the nation, it is determined to follow through on its electoral promises and implement a radical programme of 'good change'. Its leaders' statements

imply that this will transform Poland's model of democracy to make it an instrument of the national community. The key question, then, is how 'community' is actually comprehended here. Indeed, the relation between community and democracy is one of the most intractable, if also most intensely debated, points of contemporary political theory.

The difficulty lies in the fact that the two concepts—liberal democracy and community—have developed along separate lines, often not simply oblivious of but even overtly inimical to each other. Liberalism takes as its starting point an isolated, autonomous individual whose relations with others are harmonized in the public sphere by procedures of a largely legal nature. By contrast, 'community' highlights the role of 'the people'—of the national community—as a vehicle of values that materialize in social life. A problem inherent in this approach is the relation between the community and political power. While the community is 'live', 'warm' and 'all-embracing', political power is 'frigid' and 'distant', with the state as 'the coldest of all cold monsters', as Nietzsche famously put it. If the notion of liberal democracy is embedded in Enlightenment thinking, the notion of community draws rather on Romanticism, with its distrust of the overarching power of reason and, in particular, of its universalizing claims. The history of nineteenth- and twentieth-century political thought may be interpreted as an ongoing contest of the two

[1] The Polish Sejm, or lower chamber, is elected on a d'Hondt, multi-member, open-list system of proportional representation; Prawo i Sprawiedliwość [PiS] won 235 of its 460 seats, with 38 per cent of the vote. The 100-seat Senate is elected on a first-past-the-post basis. PiS was founded in 2001 by Lech and Jaroslaw Kaczynski, well-known figures of the Christian right. A former Justice Minister and Mayor of Warsaw, Lech Kaczynski served as President from 2005 until his death in the Smolensk air crash in 2010. The PiS formed a minority government in 2005 and a governing majority, in coalition with far-right groups, in 2006 before being defeated by Donald Tusk's Civic Platform in 2007. Tusk himself left Polish politics in 2014, his party's ratings already in free fall, to become president of the European Council.
[2] In fourth place, with 8 per cent of the vote, was another newcomer: Nowoczesna [Modern], led by former World Bank economist Ryszard Petru, promoting a liberal social and economic agenda. Nowoczesna's vote came largely from former Civic Platform supporters, disappointed with its failure to shake off its social conservatism. Those that failed to pass the threshold (5 per cent for parties, 8 per cent for coalitions) included the coalition led by the post-Communist centre-left Democratic Left Alliance (SLD), punished by voters ever since its scandal-ridden 2001–05 government; Razem [Together], a new left-liberal formation founded by young intellectuals and social activists despairing of the SLD; and the ultra-libertarian KorWin [Coalition for the Renewal of the Republic: Liberty and Hope].

concepts—although the dichotomy, of course, requires qualification. Democracy can neither arise nor develop without the people's support; and without the backing of the masses, democracy is reduced to a game between elites. Nevertheless, a key question is still to determine the conditions under which popular protest can be transformed into stable democratic institutions, or augment society's democratic potential.

The dispute over 'democracy' versus 'community' has resulted in a rather feeble compromise between the two competing perspectives. This does not mean that a new theoretical framework has emerged, but rather that the two sides to the debate have agreed to make some concessions. Some liberals have acknowledged that, even in the public sphere, people are not merely autonomous individuals without any prior history. Rather, they are immersed in certain traditions that shape their lives and form their political beliefs, which implies that in politics not only autonomous individuals but also groups and collective identities are at stake. And most communitarians no longer deny the validity of procedures, instead asserting that these must be filled with the live content of communal values. The question that still remains unresolved is how much community democracy actually needs, with the concomitant query as to at what critical point a strong community comes to be destructive of democratic society.

For the problem of democracy lies in its volatile, elusive nature. This was perhaps best captured by Claude Lefort, who saw democracy as a system organized around 'an empty place'—previously occupied by the monarch—and with its central notion of 'the people' necessarily constructed and reconstructed all over again, constantly 'up for grabs'. Unsurprisingly, then, democracy is inherently susceptible to the temptations of both authoritarianism and anarchism. The former is related to a recurring tendency to fill in the 'empty place' with definite symbols, such as the nation or the proletariat. At the same time, democracy is also always at risk of dwindling into anarchy, when its precarious balance begins to crumble. In this perspective, democracy is framed as a grand call to boundary-crossing, to transgression of what is actually there.[3] As Cornelius Castoriadis insisted, the Athenians' momentous discovery was the realization that institutions are a human product rather than a divine work. In his monumental study, Castoriadis convincingly argues

[3] Bernard Flynn, *The Philosophy of Claude Lefort*, Evanston, IL 2005.

that institutions, including the essential one, i.e., 'the imaginary institution of society', create individuals, being created by them at the same time. This reciprocal relation between individuals and institutions presupposes individual autonomy as an essence of democracy.[4]

On this view, it is clear that democracy, as a system with the changeability of institutions and individual autonomy at its core, may quite easily find itself on a collision course with community—founded upon unity and tradition, and on a view of the individual as the expression of communal values. It may, but it does not have to; and any answer to the question of how much community democracy needs will largely be an empirical one, related to and predicated upon particular political and cultural circumstances. Democratic societies, as we know, emerged within national states in tandem with acceptance of their pluralistic character. Yet as democracy was consolidated, these very societies would be transformed, ushering in a growing approval of political and ethical pluralism. Consequently, the national community would become increasingly self-reflexive.

Everybody for themselves, only the nation for all?

To say that communal attitudes are pervasive in Poland is to state a banality. Despite the significant and, in many senses, pioneering accomplishments of the gentry-based democratic tradition, it was the loss of independent statehood that determined the trajectory of political and social thought in Poland. Nineteenth-century Polish intellectuals found themselves challenged to formulate a concept of the nation outside and beyond the national state—a concept that would help the national idea survive the times of partition and subjection. The titanic efforts of Polish intellectual elites sustained the continuity of national identity, but that success came at a price. The nation emerged as a projection of hopes and anxieties—or, to use a psychoanalytical term, as a phantasm that left a heavy imprint on the lives of multiple generations of Poles. At its heart lay a dream of absolute national unity and the appended belief that it was almost tangible, within reach. By definition, a phantasm not only resists reality but creates a symbolic sphere that holds sway over people's beliefs and effectively motivates human action. As a phantasm is, clearly, saturated with emotion, going beyond it or opposing it is an unusually

[4] Cornelius Castoriadis, *The Imaginary Institution of Society,* Oxford 1989.

painful process. No wonder that a loss of national unity, a consent to the pluralization of the nation and tolerance of divergent attitudes on fundamental issues, might seem a horrifying prospect.

The social rationale behind the persistence of such a national concept is not difficult to pinpoint. Its feudal provenance was highlighted in the debates of the early twentieth century. Although alternative ideas of the nation were put forward by the Polish bourgeoisie (with National Democracy as its political incarnation) and the developing popular and workers' movements, the feudal understanding of the nation dominated the political scene. As its radical critic, Julian Brun, asserted, it harboured an intrinsic self-contradiction.[5] On the one hand, the belief in the importance of national unity received a powerful confirmation from two miracles: the restoration of political independence granted by the Allies in 1918 and victory in the 1920 war against the Bolsheviks. On the other hand, the lived reality of Reborn Poland was haunted by social tensions—workers' uprising, military coup, hardening nationalism—and ridden with political frictions. As the contradiction seemed insoluble, the only thing to do was to await a 'third miracle'.

It seems, paradoxically, that the contradiction survived the Communist period and resurfaced nearly unchanged in the wake of 1989, when Poland regained its independence from the Soviet bloc. The catalogue of Polish miracles was augmented by two consecutive events: the rise of Solidarity in 1980 and the fall of Communism in 1989. It was easy to interpret them as a triumph for national unity in warding off external intervention. This concept of the nation became a cultural point of reference, while its simplified version came to serve as a basis of 'popular-media ideology'. How many times over the last twenty-five years have we heard journalists of various media passionately deliver inspired platitudes of national unity, urging us to end our disputes as we are, after all, one nation and should always stick together? This appeal did not appear out of nowhere. It was spawned by an odd ideological division of labour, pervasive in the first decade of the post-1989 transformation. This division involved the two dominant ideologies—liberalism and religious nationalism—splitting Poland, to some extent at least, between their two separate spheres of influence.

---

[5] Julian Brun (1886–1942) was a radical literary critic and activist. In his *Stefana Żeromskiego tragedia pomyłek* [Stefan Żeromski's Tragedy of Errors] (1925), Brun put forward a very interesting Marxist conception of the nation.

In this context, it is perhaps worth noting that the liberal and centre-left media were scathingly critical of any attempts to protect employees' rights, pouncing on them with the derogatory moniker of 'post-Communist entitlement'. On the other hand, pro-employee policies received strong backing from the nationalistically oriented media that lingered on the margins of the mainstream and were often closely linked to the Catholic Church. Saturated with nationalist ideology, their message was, however, that social injustice resulted from a conspiracy of liberals and 'lefties'. The impact of this media fraction grew rapidly at the start of the twenty-first century, in tandem with the decline of the centre-left SLD. Radio Maryja, a Catholic broadcaster, became a popular and prominent platform for the dissemination of nationalist and ultra-conservative views.

Liberalism in Poland, insofar as it functioned as a 'life ideology'—that is, as part of the social imaginary—pertained primarily to the economic sphere. Additionally, it was known first in its most radical variety, linked to the Chicago School. Its popularity was boosted by the hard anti-Communist line taken by Reagan and Thatcher, as well as by the belief that structural changes in the economy were essential. The two things lacking under Communism—capitalism and democracy—were thought to be so patently intertwined that few entertained any doubts about their inseparability. Consequently, a deep conviction spread that the rise of capitalism would lead directly to liberal democracy. Admittedly, such thinking dovetailed with the worldwide *Zeitgeist*; it was an era that saw Fukuyama's celebrated article on the 'end of history' as the ultimate triumph of liberal democracy coupled with the free market. It was also a time when traditional social critique was commonly deemed a lamentable expression of 'the sense of entitlement', a thing of the past fit to be shelved once and for all. This impeded the development of any left, or at least left-liberal, social alternative—especially since the official left, the SLD, had itself embraced neoliberal talk. Debates focused on 'alleviating the effects of the transformation' rather than on constructing a socially responsible model of the state. Individualist, if not egoistic, attitudes were consistently disseminated, and the belief trickled down that one could count only on oneself.

Of course, such atomization could not but incline people to look for a footing in ideologies capable of furnishing strongly grounded collective

identities. The one powerful, available—and practically uncontested—worldview was the established set of national-cum-religious values. Moreover, its relevance received powerful backing from 1990s policy-makers and legislators, who made religious instruction a regular school subject, introduced rigid restrictions on access to abortion and signed a concordat with the Vatican. It is difficult to assess how far such policies resulted from the political power-play of the moment, and how far they were deliberate concessions made by liberal reformers in an attempt to secure what they saw as more important changes in the economy. Be that as it may, their actions converged with an offensive launched by the rightists, who increasingly dominated ever vaster domains of social awareness, without actually encountering much resistance. Ultimately, such processes produced a bipolar system, in which economically enforced egoism coexisted with an abstract notion of the nation, defined strictly—and ever-more restrictively—in terms of traditional values and behaviour patterns. The Catholic Church played an essential role in the process. Using the social capital accumulated in the Communist period, the Church hierarchy felt free to make considerable claims on successive governments, of whatever political ilk. No Polish Cabinets were able to reject these demands, which helped the Church obtain an exceptionally influential position in cultural and social life. This only deepened the dichotomous split in society, as the religious leadership grew ever-more conservative, while Catholic intellectuals of a more liberal mindset were consigned to the margins and proved inconsequential in Church policy vis-à-vis the government.

The rise of the dichotomous system sheds some light on the puzzle of why the Romantic paradigm has endured despite the belief, widespread in the 1990s, that its end was near. Magisterially voiced in Maria Janion's essay, 'Twilight of the Paradigm', expectations of the impending demise of Polish Romanticism were by no means unfounded. Its literary tropes had served to build national awareness during the long era of partitions by highlighting what seemed central to the survival of the nation—which boiled down, as it were, to making suffering meaningful.[6] Founded on celebrated martyrdom, the idea of national

[6] Maria Janion, 'Zmierzch paradygmatu' [Twilight of the Paradigm], in Maria Janion, *Czy będziesz wiedział, co przeżyłeś?* [Will You Grasp What You Have Been Through?], Warsaw 1996.

unity helped people to carry on under oppression, fuelling, at the same time, an elaborate mythology. If, after 1989, Poland was becoming a 'normal' country, there was no reason why it should abide by these myths. Yet such reasoning did not take hold, while the Romantic tropes, on the contrary, were not only consolidated but powerfully channelled the experience of momentous events, with the Smolensk tragedy as a prime example.[7]

If reactions to grand, traumatic events were all that was at stake, this response would be understandable. In such cases, it is hardly possible to shake off the language in which these emotions have been expressed for over two centuries. However, it seems that the Romantic notion of the nation, or rather its shrivelled and simplified variety, has permeated wider areas of everyday life and politics. For it is undeniable that there is a continuity between the commemoration of great events, the cult of the 'cursed soldiers' and the Warsaw Uprising, on the one hand, and the ubiquitous online 'slurs' or slogans roared by fans in football stadiums.[8] Of course, one might argue that the Romantic notion of the nation was different; that, in contrast to today's nationalism, it was extraordinarily inclusive. There is, certainly, a lot of truth in that, and the content of contemporary Polish national ideology is a matter for sociologists and anthropologists to explore; yet a brief glance suffices to ascertain that this is an amalgam of Romantic elements with modern nationalism, planted in Poland during the inter-war period by the National Democrats.[9] Still,

---

[7] On 10 April 2010, the plane carrying President Kaczyński to a commemoration at Katyń, where some 20,000 Polish officers and others had been killed on Stalin's orders in WWII, crashed near the airport at Smolensk. The President and all others aboard the plane died in the catastrophe. The disaster remains one of the most incendiary points of dispute in Poland. The PiS, led by the late President's twin brother, contends that the crash was a result of negligence by the governing Civic Platform, if not premeditated murder, possibly with Russian complicity. In power, the PiS launched a sweeping investigation that aims to repudiate the findings of an inquiry instituted by the Civic Platform government, which concluded that the causes of the crash were the pilots' error and dereliction of duty by Russian air-traffic controllers.

[8] 'Cursed soldiers' is a name the Polish right gives to those who took up arms against Communism in the 1940s and even 50s. They are portrayed as the righteous ones, in contrast to those who accepted or came to terms with the Communist regime.

[9] National Democracy: Polish nationalist party that emerged after the defeat of the 1863 uprising and moved to the right under the Second Polish Republic, 1918–39, adopting virulently anti-Semitic policies.

the key question is what function this ideology, or mythology, fulfils in contemporary Polish society and the reasons for its popularity.

Corrosives

Undoubtedly, many of the 7 million or so Poles who voted for PiS and Kukiz'15 in October 2015 were spurred on by the parties' pro-national orientation. However, the popularity of this ideology cannot be explained only by a recourse to consciousness-related factors; it must also answer to social problems, one way or another. In my view, the source of nationalism's popularity in Poland today lies in the fact that it provides a framework of reference for social critique—it helps to combine and generalize perceptions and expressions of gross injustices which, though dispersed, pervade everyday life. Without exaggerating greatly, the Polish transition may be considered a success, in the sense that it has produced a functioning system of democratic institutions and a tolerably effective free-market economy. This success, however, came at an enormous social cost. The socio-economic aspects of the transition have invited multiple studies, focusing particularly on extensive spheres of exclusion from many basic forms of social participation.[10] Less attention, however, has been paid to what might be called socio-political damage. Admittedly, mass protests that could have undermined the foundations of the system have been avoided, but the transition period has caused irreparable damage to the relations between power-holders and society, thereby undercutting an important pillar of the democratic system. A comprehensive analysis of this process falls outside the scope of this paper, but we can list its major aspects.

First, the bipolar model of social awareness, discussed above, has obstructed the functioning of democracy. People forced to act egoistically in the economic sphere are not to be expected to act solidaristically in politics. A more likely outcome is what has happened in Poland: people either withdraw from politics (turnout is always low) or they embrace abstract values, seeing politics as a battle for non-negotiable principles—'politics-as-religion', in Avishai Margalit's coinage, as opposed to 'politics-as-economy', where agreement and mutual understanding are achievable. Polish politics has headed, steadily and

[10] David Ost, *The Defeat of Solidarity: Anger and Politics in Postcommunist Europe*, Ithaca, NY 2005.

dangerously, towards politics-as-religion, with the current PiS government perhaps best seen as a culmination of this tendency. Under the bipolar model, the same trend has occurred in economic policy, where an extremist free-market ideology has long been touted as the justification for all the costs of transition. (The PiS is bent on rescinding this tacit agreement in the name of national solidarity—for example, it plans to raise taxes on big corporations, banks and retail chains. Its flagship programme is a monthly handout of 500 złotys [$120] per child to all families with two or more children. Undoubtedly a help to large families, this comes at the cost of collective measures such as developing daycare facilities or improving schools, and as such is likely to boost economic egoism.)

Second, the *cursus* of Poland's young democracy has progressed through a series of scandals, which have left their mark upon it.[11] While hardly a novelty—see, for example, the history of French politics from the late nineteenth century through to the 1930s—'scandal politics' signals a disease afflicting the democratic system, indicating that normal procedures are failing, giving way to chaotic events. This inevitably results in a distrust of the governing elites and, worse, cynicism about the rules of democratic society. Such factors may of course help to 'clear the air'; but, equally, their confluence may herald a turn toward authoritarianism.

A third source of socio-political damage flows from the growing sense that the state administration has been ineffective in securing a minimum of social security for all. Paradoxically, this has become more pronounced in the latest stages of the transition, perhaps because the anaesthetizing effect of neoliberal ideology has run out of steam. What is more, though the dismantling of the public healthcare system, the raising of the retirement age and the widespread recognition of the state's administrative failures would all seem to require an urgent discussion on the role of the state in social life, the bipolar nationalist-neoliberal

[11] Among the most notorious scandals of the past fifteen years have been the 2002–03 Rywin affair, entangling leading figures in the Miller government and the media, including film producer Lew Rywin and, more ambiguously, Adam Michnik, editor of *Gazeta Wyborcza*, Poland's largest daily; the 2004 Orlen affair, involving SLD government figures and energy-company executives; the 2006 Oleksy tapes, in which the former SLD prime minister discussed the shady dealings of his colleagues; and the 2014 tapes of Civic Platform ministers denigrating their government's policies.

system would preclude any solution, even if such a debate came to pass. For some, the state is a hypostatized entity above and beyond all social conjunctures, and an earthly incarnation of the idealized nation. For others, it is an 'infrastructure manager'—*vide* the famed motorways, a constant fixture in all Polish election campaigns over the last twenty-five years—accountable only for its efficiency in 'modernizing' these assets. The two visions of the state are so divergent and, in their own ways, so abstract, that engagement between them seems impossible.

Finally, the most acute and bitter feelings were probably induced not so much by the economic as the social inequalities of the transition, which have been—and still are—far more aggravating. The sense of injustice as a denial of equal opportunity, a deep-running conviction that one is deprived of equal access to socially available goods is, as Luc Boltanski has noted, a powerful mechanism triggering social critique.[12] The first step of such critique involves recognizing reality as unacceptable, whereby 'the reality of reality', to use Boltanski's coinage, is undercut. Observably, this is how things indeed developed during the last stages of the Civic Platform government, in the run-up to 2015. This explains both why the PiS electorate multiplied, generally, and why, individually, many well-known personages shockingly declared that despite disagreeing with the PiS agenda, they were going to vote for the party anyway. Such attitudes also seem to have fuelled the rise of the Kukiz'15 movement.

However, if criticism bred by everyday disappointment is to be reformulated into a programme of change, it needs to be expressed in universal categories. In 'negative' terms, this was provided by social-scientific and political-theoretical analyses of pathologies in the operations of power and business. They confirmed the daily sense of social inequities, but framed it in a political form ('breaking the pact'). At the same time, the critique yielded the postulate that Poland should give up imitating Western social and political institutions and look instead for original solutions fully expressive of the nation's historically and culturally distinct experience. Of course, negative diagnoses of the situation in Poland did not in themselves determine the direction that the quest for 'positive' solutions should take. But the bipolar division of social

[12] Luc Boltanski, *On Critique: A Sociology of Emancipation*, Cambridge 1990.

awareness, based as it was on the obliteration of any viable leftist alternative, reinforced the impetus to head in a particular direction—towards re-creating or rather, for that matter, creating a national community.

Kneading a community

Many have suggested that the changes unfolding in Poland with the victory of the PiS reflect a pan-European shift back to the haven of the nation-state, which is tantamount to abandoning a commitment to the supra-national institutions of the European Union, even if it does not preclude engagement with international organizations like NATO. Similarly, Trump's campaign was built on the appeal of 'America First'. Still, such comparisons should be qualified, for there is no single definition of what makes a national community. As noted, the concept of the nation in Poland evolved after the loss of statehood, making it an exception among countries that produced national identities within tolerably stable state borders. Nation-making processes took different courses under these varied conditions, with different focal points and notions of community emerging therein. The nation then, far from being a ready-made community incarnated in a nation-state, is a construct built in and through complicated historical developments.

Such insights do not seem to bother PiS leaders. Their tacit assumption is that the national community is 'transparent' and that its interests do not need to be negotiated through debate—they are evident enough for immediate implementation. Yet, to realize these interests, democracy must be re-defined. Liberal democracy is, as Chantal Mouffe has suggested, a hybrid project which involves two independent components: sovereignty of the people and individual rights. The lines dividing them are fluid and defined, typically, in negotiations between diverse political forces; still, the two must co-exist. Mouffe traces this principle back to Benjamin Constant, who, at the dawn of liberal democracy, explored the difference between freedom as understood by the Ancients and by the Moderns. If, for the former, it entailed a capacity to influence political dealings, for the latter the separation of the private from the public was an essential dimension of freedom, with the implication that ever larger areas should be exempt from the state's interference.[13]

[13] Chantal Mouffe, *The Democratic Paradox*, New York 2000.

Upholders of republican democracy, a version of which informs the PiS, would like to reverse this trend. They believe that participation in politics should be predicated upon a set of moral values which, in Poland, must ensue from national and religious norms. Political, social and educational institutions should be constructed so as to foster and serve the community. Such statements are usually articulated in a language of values, but they must inevitably be translated into specific decisions on the shape of these institutions, whereby the representative and executive ones are given precedence as embodiments of 'the will of the people'. Hence the political aims of the PiS seem different to those of the populist rightist parties in Western Europe. While the latter tend to pursue one goal—focused now, as a rule, on curbing immigration—the PiS seeks a wholesale transformation not only of the political scene, but also of the principles that underpin it. In the language of contemporary political philosophy, the change targets the political rather than merely politics.

Republican democracy may be a reaction to ideological disengagement and a lack of values—that is, inherent features of liberal democracy—which, however, does not prevent it from lapsing into self-contradictions of its own. The fundamental problem it faces is whether the same hand of cards can be played successfully the second time around; whether, in contemporary societies, which cherish the 'freedom of the Moderns', it is still feasible to establish a democracy based on civic virtues and the direct engagement of citizens in politics. This general question, pertaining as it does to political philosophy, could be followed by more detailed ones about cultural differences, the size of the state, the viability of direct democracy and the material grounding for the common political involvement of citizens.

If answered in the affirmative, the question leads to two problems. First, the nation must be clearly defined, delimiting who does and who does not belong. Second, political instruments must be forged to put this ideological division into practice. In republican democracy, or at least in the species of it that seems to underpin PiS strategy, the nation is defined as a collective of those particular people who endorse a particular set of values—ones that could be called authentically Polish. As the definition is rather tautological, it needs further specification. One possibility involves identifying a historical socio-cultural formation that would distinctly embody Polishness—hence the emphasis on

the sixteenth-century Sarmatian tradition, the culture of the somewhat orientalized Polish-Lithuanian gentry, as the purest source of national identity in rightist thinking.[14] This tradition is supposed to provide a unique model, combining social and political engagement with the citizens' individual virtues. The ideal presupposes, however, that those who do not endorse its national and religious values should be excluded from the Polish nation's democratic community.

Another possible definition of authentic Polish values entails celebrating national tragedies in ways that ardently convey moral role models. Of course, nobody ventures to claim that our times call for the same forms of conduct, but historical examples (or, shall we say, *exempla*) emphatically imply that to ensure the survival of the nation, its integral identity must be guarded. Currently, this necessitates resistance to external influences in all spheres of culture, politics and social life. Additionally, the concept of the nation must explain why the community comprises part of the nation rather than its entirety. Explanations, again, must draw on historical politics, which can demonstrate that society—the community—suffered an extensive degeneration under the Communist regime and in the first stages of the transition. This argument has a considerable power of political mobilization as it results directly from the bipolar division of social awareness, in which communitarian thinking ensues nearly exclusively from national values. Consequently, a sharp dichotomization is urged between those who 'stand up for Poland' and those who are 'against' it. Moreover, the aggressive rhetoric drives the latter onto the defensive, forcing them to 'prove' that they too are committed to the good of the country.

Practising politics in terms of national unity may thus be very successful in the short run, especially if such politics can be intertwined with social criticism. Nevertheless, such strategies may be self-defeating in the long run, as the political measures needed to make and maintain the division between true Poles and others may undermine the very foundations of the democratic order. For this politics is ridden with a paradox: namely,

[14] 'Polish Sarmatism, the characteristic style of the Saxon era, wallowed sentimentally in the Republic's alleged glories and achievements, and is generally thought to have little literary or artistic merit. Allied to the fashion for oriental dress and decoration, it reinforced the conservative tendencies of the *Szlachta* [nobility and gentry] and the belief in the superiority of their "Golden Freedom" and their noble culture': Norman Davies, *Heart of Europe: The Past in Poland's Present*, Oxford 2001, p. 263.

rather than being an incarnation of the community, the state it envisions must create this community. The state, however, is a political institution, and not a communitarian one, which implicitly demonstrates that it is politics, or, strictly speaking, politicians, who impose their version of the community. This demands that the state be recognized as a decisive, community-making institution, which casts the authenticity of the community in doubt.

Democracy for no-one, or for our own?

The concepts of democracy advanced by Lefort and Castoriadis, though differing in a number of ways, share the view that democracy is not reducible to a set of institutions and procedures, but represents a certain anthropological and social project. For John Dewey, democracy is the idea of community life itself.[15] To apply this perspective to the first year of the PiS government suggests that institutional moves should be scrutinized in terms of the model of democracy they enact. In this light, the dispute over the Constitutional Tribunal—the hottest of all the debates stirred up in Poland since October 2015—might have a certain positive impact, in that it has exposed the contingent nature of law and its enmeshment in cultural, social and, in a way, political circumstances.[16] Furthermore, it has illuminated the relevance of judges' worldviews, which cannot but affect the verdicts they pronounce. Similarly, the clamour around amendments to the Media Act might offer an opportunity for a comprehensive examination of the operations of the media in Poland.[17] It is hardly a

[15] John Dewey, *The Public and its Problems,* New York 1927.

[16] In October 2015, on the basis of legislation passed three months before, the outgoing Civic Platform government appointed five new judges to the fifteen-strong Constitutional Tribunal, including replacements for two judges whose terms would not expire until after the October 2015 election; in total, fourteen of the Tribunal's judges would then have been Civic Platform appointees. In late 2015 the new PiS-dominated Sejm appointed five different judges, also passing legislation to introduce new term limits for the Constitutional Tribunal and amend its functioning to require the participation of thirteen judges, rather than nine. Amid street protests and counter-protests, the Tribunal then ruled the new law unconstitutional. In July 2016 the European Commission intervened to decry 'a systemic threat to the rule of law in Poland' and threatened sanctions against the country if the Civic Platform's three legitimate appointments were not respected.

[17] The PiS government has introduced legislation to bring the Polish Press Agency and public TV and radio broadcasters under the supervision of a National Media Council, appointed by the Sejm, and to finance them through a licence fee tied to the electricity bill.

secret that impartial, reliable journalism is practically non-existent in Poland, with journalists more entrenched in their political positions than politicians themselves. This does not help foster sound public debate, an indispensable element of democracy as such. On the contrary, such entanglements have largely contributed to the current conjuncture, in which two opposed fractions seek to eradicate each other, foregoing any attempts at mutual understanding.

Still, it cannot be said that either of these disputes—nor others, for example the one around the new law on the civil service, which might have served to trigger a debate on where politics ends and administration begins—have fostered a better understanding of democratic mechanisms, or not yet at least. There are two reasons for that failure. Firstly, there is no sign that the PiS is interested in such debates, being rather bent on perpetuating, if not legitimizing, the *status quo* and reaping quick and tangible benefits from it. The fact that certain things have been openly articulated is an advantage in itself, but this should be just a step toward changing the law or political customs, which does not seem to be in the making now. Secondly, the haste of the PiS government and its nearly complete neglect of the minority's opinions affect the quality of the debate which, after all, concerns issues fundamental to the democratic order.

This is where we reach the key issue of democracy, that is, the attitude to minorities. Theories of democracy do not seem to offer a good solution to this problem. If we assume that the sovereignty of the people is expressed in their vote and is to be represented by the majority, the government of the majority, which may be overthrown in the next vote, logically follows. In such a version of democracy, there is no room in governance for the minority, but democratic institutions should still provide the minority with opportunities to express its opinions. As Adam Przeworski has insisted, the essence of the democratic system in such a model lies in the possibility to change the people in power through elections.[18] The flaws of such a doctrine are rather evident, and multiple attempts have been made to correct them, with Rousseau's concept of the general will serving as an eminent example. In our times, of course, the constitutionally established system of checks activated when matters of fundamental import are decided generally includes the principle of

[18] Adam Przeworski, *Democracy and the Limits of Self-Government*, New York 2010.

two-thirds of votes cast. In my view, however, recognition of the minority is more a matter of political culture or democratic habits than a law-regulated issue. The ideal of democracy has been likened to that of sportsmanship: just as the losing team does not have its rights denied, so the political minority should not be stripped of its rights. The attitude to the minority is one of the most important benchmarks by which the enactment of the democratic ideal is measured.

In Poland, the transition period failed to foster democratic habits, such as a proper recognition of the minority. This was likely a result of envisaging democracy as a system of procedures and institutions, which tended to veil and serve sectional vested interests, rather than of habits. Hence, I would argue, the disappointment expressed, for example, in low voter turnouts, varying between 41 and 54 per cent. Democracy was becoming a democracy 'for no-one', an empty form devoid of any social content. What the PiS and Kukiz'15 offered proved appealing because it heralded a tectonic change. Democracy was to become an expression of the nation's will, a path toward the nation's agency. Yet, as pointed out above, the problem is that the very concept of the national community is a particular political construct. Consequently, we spiral in a vicious circle of a democracy expressing a community which is, in turn, produced by political institutions. In Lefort's categories, the 'empty place' is being filled by a politically constituted community. In other words, identity politics radically overrides community and democracy. And critical reflection, the core of democracy, is being replaced by an ensemble of symbols capable of mobilizing emotions.

What next?

The current political situation in Poland may be viewed as a huge social experiment, testing the hypothesis as to whether it is possible to create a strong national community in the context of a diversified, post-conventional society. The starting tenet is provided by the belief that it *is* possible to play the same cards again—that the symbols and values which mobilized Poles and organized their social—and, in many respects, personal—lives in the era of enslavement can still prove functional in an entirely different conjuncture. In the coming years, we will have an opportunity to witness how this idea is implemented and what compromises it entails. We will also learn how far a diversified society is a value and to what extent it is a burden. We will find out how politics impacts social—and

even everyday—life under a democratic system. The scope and pace of changes in the first period of the PiS government imply that the aim is not simply to facilitate governance but to undertake a fundamental social transformation, reaching a point of no return, even if political trends were to change. It is, admittedly, a huge challenge, but a similar feat was accomplished by Thatcher, who effected such permanent economic and social changes that long years of the Labour government failed to reverse them. It seems, however, that the goals set by the PiS are even more ambitious, as the party aims not only to transform certain external conditions, but also to accomplish a comprehensive re-invention of mentality and radically re-direct the trajectory of social thinking.

Social resistance seems surprisingly feeble vis-à-vis the extent and panache of attempted change. As yet the strongest, the pursuits of the Committee for the Defence of Democracy (KOD), are rather reactive, which is obviously determined by the organization's aims and nature.[19] What is really surprising as things unfold is the posture of the opposition, with no party capable so far of offering a meaningful alternative. It is both necessary and urgent to do so since, as we have seen, the victory of the PiS was an outcome of the persistent social and cultural negligence of previous governments. Consequently, if we want to invalidate the social experiment it is now implementing, there can be no return to the *status quo ante* the election. Democratic politics cannot be reduced to agendas developed by political professionals. Ultimately, political alternatives emerge in and from spontaneous mass movements, which, to a degree, reflect society's consciousness. The only thing we can hope for is that the energies awakened will be crystallized in a political and social programme.

Coda

In its first eleven months, the machinery of change set in motion by the PiS victory seemed unstoppable. Marches of the opposition, heated debates in the Sejm, interventions by the European Commission and the disapprobation of the European Parliament all failed to persuade the PiS to modify its agenda. The machinery, however, experienced a major

[19] The Komitet Obrony Demokracji (KOD) was founded by social-media activists in November 2015 to oppose the PiS changes to the Constitutional Tribunal. It has since organized a series of events and demonstrations.

blockage caused by protests organized by women. In September 2016, two citizen-initiative draft abortion laws were submitted to the Polish Parliament. One of them, developed by Ordo Juris, an ultra-Catholic lawyers' association, penalized all abortion and stipulated incarceration for women who had terminated a pregnancy. The other, developed by the Ratujmy kobiety [Saving women] coalition, sought to liberalize the existing Abortion Act by making socio-economic hardship a legitimate reason for abortion. Both draft laws aimed to abolish what has come to be known as the 'abortion compromise', an early-1990s bill that repealed the Communist-era right to abortion, in force in Poland since 1956, and prohibited terminations unless the mother's life was threatened, the foetus was severely impaired or the pregnancy was the result of a criminal act. The Church had managed to accomplish this much without, however, finding the Act's provisions fully satisfactory, and it continued to strive for an even stricter ban. The PiS victory offered the chance to push for more since, of course, the party's strong position was to a large extent the Church's doing. At the same time, the PiS's reiterated electoral pledge was that each citizen-initiative draft law would be admitted to legislative procedures rather than being immediately dismissed, as had sometimes been the case before.

Yet when the day came for the Sejm's vote, only the conservative draft law was sent for further processing while the liberal proposal was instantly discarded. The decision was pushed through by PiS votes, but some of the other parties' MPs also supported the solution, which attests to the exceptional impact of the Catholic Church on politics in Poland. The Sejm's decision triggered well-founded concerns that the right to abortion would be radically restricted. In response to this, a spontaneous wave of protest swept across the country, orchestrated by social media and supported by the Razem party. It reached its pinnacle on Monday 3 October, when thousands of women dressed in black took to the streets to voice their outrage against the changes being made and to demand that the existing law be liberalized (the action was fittingly dubbed Black Monday). It seems particularly poignant that the protest demonstrations were held not only in big cities, which have traditionally been rather hostile to the governing party, but also in several smaller towns whose populations are largely PiS voters.

A few days later, the Sejm overwhelmingly dismissed the Ordo Juris abortion ban, with the majority of PiS MPs voting against the proposal

despite the support lent to it by the right and the Church. Of course, this may well have been a purely tactical decision, and the proposal may yet resurface in a slightly less drastic form. Be that as it may, the ruling party has suffered its first clear defeat. To estimate the long-term consequences of this situation now would be premature. Black Monday may not enter history as a breakthrough day, but it will certainly be remembered as a day of reflection, when the PiS and the entire Polish right were forced to confront difficult questions. Answers are bound to come sooner or later . . .

3 October 2016