IPS

OPINION 07.08.2017 | Markus Ziener

Pole position

Why EU threats won't faze Poland's authoritarian ruling party

An attempt by Poland's government to take control of the judiciary has stalled – for now. Last week, Poland's president Andrzej Duda struck down two bills that would have replaced the country's Supreme Court judges and given government-appointed members power of veto in the National Council of the Judiciary, which selects judicial candidates. It's a blow for the ruling Law and Justice Party (PiS), whose nationalist agenda the president has up to now supported unflinchingly. The party is treating the veto as a small hiccough. Prime minister Beata Szydlo admits it has "slowed down reform proceedings" but has promised "not to back down" on overhauling the judiciary.

If party chairman Jarosław Kaczyński – who holds the real power in Poland – needed any encouragement to press ahead with judicial reforms, he found it in US president Donald Trump, who in early July delivered a pathos-ridden speech in Warsaw that recalled Polish virtues, the valour of the insurgents, the Polish nation's will for self-determination, and its unshakeable faith in God. His robust defence of "Western civilisation" as rooted in ethnicity, culture and religion was music to the ears of Kaczyński and PiS cronies. It also issued a clear signal to step up the pace in overhauling the Polish state.

That, at least, is how it's interpreted by the right-wing nationalist government in Warsaw, which seems intent on razing the final ring of defence around its democracy. Having stuffed Poland's public media with yes-men and taken control of the police and army, only the judiciary remains (partially) independent. As it is Duda's vetoes represent only a partial victory. He has approved a third law that gives the justice minister the right to nominate the heads of local courts, and ordered a mere rewrite of the two bills he rejected.

The weight of history

There are several reasons why the PiS regime has attacked judicial independence so viciously. Presumed American support is one factor.

Donald Trump set an example by what he said in Warsaw, what he left out (references to democracy, liberty and respect for human rights, for example), and his disdain for the US media and judicial system. However, the roots of Polish resentment run much deeper. The Kaczyński brothers (Jarosław Kaczyński's twin Lech died in a plane crash in 2010) always resented the way their contribution to the fall of communism in the 1980s gained less publicity that that of their left-wing counterparts in the Solidarity trade union. Lech Kaczyński, who later became president, fought alongside Solidarity's co-founder Lech Wałęsa in the Lenin shipyards of Gdańsk for greater civil liberties.

Wałęsa, who once challenged the repressive state apparatus with a lion's courage, has since become a pariah in the eyes of PiS. When Wałęsa, himself president from 1990 to 1995, appeared on-stage with Trump in Warsaw, Kaczyński's followers booed him. The former electrician is accused of having cooperated with the Communist secret police. Some also resent his role in transforming Poland into a free-market economy.

West and east, rich and poor

Indeed, among countries in the former Eastern Bloc Poland has been remarkably successful in its move from a planned to a market economy. Against a background of hyperinflation, high foreign debt and persistent strikes in the early 1990s, then finance minister Leszek Balcerowicz and his advisors came up with a package of reforms which would provide a form of "shock therapy" to Poland's troubled economy. Under the Balcerowicz plan, consumer prices began to fall to levels determined by the market, the black market dried up and goods reappeared in shops. Poland soon saw significant economic growth and indeed became the leading economic player in Eastern Europe.

The social cost of this process was considerable. As inefficient state-run companies went bankrupt under the reforms, unemployment shot up. Rural communities, which were previously collectivised by the Communists into state-owned farms, felt the changes most acutely. For them, the transformation was nothing less than a betrayal of the original ideals of Solidarity: to build a society that is equal, united, patriotic and Catholic. And they were not far off in their assessment: Eurostat data shows Poland is one of the most unequal countries in the EU.

PiS promises to restore this historical imbalance. So though it is politically aligned with the nationalist right, economically the party's plans are downright socialist. It is increasing child benefits, lowering the retirement age, providing for free medicines for citizens over 75, refusing to do away with employment contracts covered by social insurance,

raising taxes for banks and squeezing money out of foreign investors. Politically it is cutting itself off from both Germany and Russia and forcefully battling Germany's refugee policy. In so doing, PiS is making up for the "betrayals" of the first 25 years of capitalist rule, or so it believes.

This is why Kaczyński sees not just a political rival but an enemy in Donald Tusk – president of the European Council and former Polish prime minister – and his centre-right Civic Platform. Kaczyński's self-image is that of a knight in shining armour, come to safeguard Poland from its own destruction. His consolidation of power, and rejection of democratic principles, actually strengthens him in his saviour role.

But there's more to the picture. From 2005 to 2007, when the Kaczyńskis were first in power, it was the judiciary that blocked many of their then-radical proposals. PiS want to avoid a repeat of this period – which is why they are prepared to subjugate the judicial system at all costs.

EU between a rock and a hard place

The European Union has expressed its concern over Poland's current slide into autocracy in no uncertain terms. In July, European Commission vice-president Frans Timmermans warned Poland was getting "very close" to having its voting rights stripped at EU summits – an unprecedented move. But PiS knows the Commission's powers are limited. A suspension of voting rights requires unanimity from member states, and Hungary's prime minister, Viktor Orbán, would almost certainly veto the move.

Moreover, any move by the EU to place limits on Poland could actually play into PiS's hands. Despite the blue and white flags that strew the Polish landscape, indicating the country's position as the top recipient of EU structural funds, EU-bashing is a popular sport. For many Polish traditionalists, the Union is a German-run enterprise that aims to gain from Poland economically, while propagating liberal, "anti-Polish" policies such as same-sex marriage and the immigration of Muslims. The resistance to this alleged attack on Polish culture is well received in "Poland B", as the rural, eastern half of the country is commonly referred to. In polls, PiS regularly receives a solid 36 to 40 percent of the vote. It therefore has a good chance of renewing its mandate to govern in 2019.

Poland, a country that once so courageously fought for its freedom, risks falling back into authoritarianism. Its neighbours need to find ways to prevent this, and quickly.



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