

Radicalism, Populism or Nationalism? All Three in One



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TOMASZ
KAMIŃSKI

The new Polish right-wing government is often labeled as nationalistic, populist and radical. However it tries to reject these epithets, they are all true.

The “good change” is a political slogan of the Law and Justice government that marks the major shift that has recently been introduced in Poland.

Figuratively put, it is sometimes described as an attempt to “bite a sleeping bison’s butt”. In this metaphor of Jarosław Rymkiewicz, a controversial Polish poet, Poland is a sluggish bison and Jarosław Kaczyński, the leader of the ruling Law and Justice party and the grey eminence of the government, a hero capable of waking the majestic animal up and forcing it to run in a much desired direction. It takes a man to bite a bison and this deed is obviously an example of radical, showy and nationalistic behavior (the bison is one of Poland’s national symbols). The presented article is an attempt to prove that the same diagnosis applies to the infamous “good change” currently being introduced in Poland – a change which shall be deemed as a mix of radicalism, populism and nationalism, accompanied by wishful-thinking and conspiracy theories spread by the ruling party. Sounds like a lethal mixture? It sure does!

RADICALISM

The most radical move of the current Polish government so far was an attempt to change the constitutional foundation of the state. Law and Justice does not have such a large majority in the Polish Parliament (*Sejm*) that would allow the party to

enact a new constitution or modify the current one without striking a deal with the opposition that would enable doing so. In theory, they may have had attempted to trick the opposition and convene the voting by surprise, when many of the opposing MPs were outside of the parliament, but this way would be both risky and difficult. This is precisely why Law and Justice decided to paralyze the Constitutional Tribunal instead – as it is the only institution in the Polish system that can block any unconstitutional laws.

The previous government, right before the parliamentary election of October 2015 decided to appoint to Polish Constitutional Tribunal more judges that they were actually allowed according to the legislation. Unfortunately, this move served as a pretext for the new government to start introducing the infamous “good change”. First, President Andrzej Duda unprecedentedly refused to administer the oath of three judges nominated by the former parliament. Instead, he swore in five judges elected by the new parliament during the “blitzkrieg” procedure, implemented regardless of the negative opinions of lawyers, with neither a proper consultation process, nor a possibility of interviewing the new candidates. Secondly, when the Constitutional Tribunal confirmed that the three judges elected by the former parliament are full members of the Tribunal even without presidential per-

mission, Andrzej Duda simply ignored the verdict and his party started another express parliamentary procedure to change the law that regulates the way the Constitutional Tribunal operates.

The new law aims to paralyze the Tribunal (it for example requires adjudicating cases in chronological order, which gives the government a possibility to fill the court's agenda with hundreds of trivial cases and delay important cases which will have to wait in the queue even in the case of a radical attack on the constitutional order and rule of law) and refused the right to assess its legality. That escalated the constitutional conflict and forced the Polish government to explain itself before the European Union and the Council of Europe. Despite all this, the law was implemented with no delay. In the end, the conflict with the Constitutional Tribunal prepared the groundwork for other radical and possibly unconstitutional changes.

Law and Justice decided to conduct a staffing revolution in all public institutions and state-owned enterprises (even public thoroughbred horses!). Apart from typical replacement of senior level officials, they dismissed all of the senior civil servants, *de facto* ending the short history of building non-political civil service in Poland. Even if there are some arguments for such a change, the government has not presented any. The same goes for the reform of general public prosecutor's office or giving the secret service and police rights to invigilate citizens – radical changes, such as taking over the responsibilities of general prosecutor by the Minister of Justice, were not preceded by any proper public discussion. It is becoming a rule that in a majority of these cases, public consultations of the proposed legislation acts are avoided. New regulations must be passed swiftly and with no obstacles. The paralyzed Consti-



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tutional Tribunal is no longer able to block any such changes even if they proved unconstitutional.

Radicalism is visible in governmental plans in almost every sphere. As regards foreign policy, Law and Justice has already resigned from close cooperation with Germany and intends to build the position of regional leader in opposition to Berlin. The education system is to be changed "completely", according to Minister of Education Anna Zalewska. The government has already raised the age at which children enter the school system, and is now planning to rewrite curricula or even liquidate middle schools (*gimnazjum*). Radical changes are also implemented in the public media, where the staff reshuffling is accompanied by the propagandist news and journalistic reports.

This radical political program is a logical consequence of the election campaign in which Law and Justice used very radical

language to describe the situation in Poland, softened only at the end of the campaign to lure centrist voters. They claimed that the state “was in ruin”, the right-wing media have not published any positive news whatsoever for months (!) and political leaders have been promising radical changes. Obviously, such moves are much needed in some spheres of Polish public policies– the health care system is just one of these examples. However, introducing radical changes in so many areas is politically unfeasible due to the hard resistance of the civil society and groups of interests from sectors affected by the “good change” such as: media, justice or education. Thousands of people have taken part in demonstrations organized by the Committee for the Defense of Democracy (KOD; a spontaneous, rank-and-file movement of the Polish intelligentsia aimed at defending the rule of law) despite bad winter weather. Due to this fact, the government has already softened on some reforms’ plans (e.g. in the education sector) and will probably have to ease them even more in the future. Political radicalism looks good on the banners but it tends to provoke strong social resistance when it is actually being introduced.

Key Points

- radical language
- radical policy proposal
- radical attack on the foundations of the Polish legal system

POPULISM

Populism has been rising for years in Europe. From the Golden Dawn in Greece to the Front National in France or UKIP in Britain, the populist parties have recently turned out to be significant political players. They do their utmost to challenge the “liberal mainstream”. According to Kenan Malik, “What unities this disparate group is



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that all define themselves through a hostility to the mainstream and to what has come to be regarded as the dominant liberal consensus. Most of the populist parties combine a visceral hatred of immigration with an acerbic loathing of the EU, a virulent nationalism and deeply conservative views on social issues such as same-sex marriages and women's rights"¹ Law and Justice is just another example of this phenomenon. To be frank, the party fits the abovementioned description perfectly.

During the eight long years in the opposition Law and Justice has been building its position on constant allegations that the "mainstream media" (acting hand in hand with the then ruling Civic Platform), deceive Poles. Members of the party and its supporters created a conspiracy theory surrounding the tragic accident of the presidential plane in April 2010, with the late President Lech Kaczyński on board, claiming that the government of that time tried to conceal the truth. They actually succeeded in persuading many Poles that the official investigation did not do justice to the case and that evidence that either the plane was destroyed by an explosion, or that in some miraculous way three people actually survived the crash still remains to be discovered. This political action was a response to the growing level of political paranoia in the Polish society that results in widespread belief that there are some forces which operate behind the scenes and that their intention is to harm Poland. According to the Center of Public Opinion Research (CBOS), in 2015 this social phenomenon was at the highest level since 1996 (when the regular surveys began)². The level of political paranoia is

relatively the biggest among the supporters of Law and Justice, hence the story of the "assassination ordered and conducted by Russians in cooperation with the Civic Platform" found favorable conditions to flourish.

Law and Justice also tried to play in the election campaign with the immigration card. This was a pure populist move because Poland remains almost homogeneous ethnically and the current number of immigrants is low. However, like other populist parties in Europe, they managed to raise concerns about the inflow of foreigners and the potential consequences of this fact. Several thousand refugees from the Middle East that the former Polish government promised to host were presented as a "prelude of Muslim invasion". Obviously, all the well-known stereotypes of Muslims were played as well, so the right-wing media linked with Law and Justice were featuring Muslims as terrorists, rapists and idlers that come to Europe only to feed off the system. Jarostaw Kaczyński even mentioned the threat of diseases that can come to Poland together with refugees from Syria and other countries.

The populism of the Polish government is also clearly visible in their economic plans. The electoral campaign's rhetoric was focused on several promises: introducing a child benefit in the form of PLN 500 (about EUR 110) monthly benefit for each second and next child in a family, increasing personal tax relief, free of charge medicines for seniors over 75 years of age as well as lowering retirement age (only recently increased by the former government). They did not present any calculations regarding the budgetary consequences but the vast majority of economists voiced their doubts as regards whether any of these is even feasible. "Yes, we can" was the only answer

¹ K. Maili, Preface, in: *European Populism and Winning the Immigration Debate*, ed. C. Sandelind, European Liberal Forum 2014, p. XIII.

² CBOS, *Psychologiczne charakterystyki elektoratów partyjnych*, komunikat z badań nr 138/2015.

to any raised doubts during the campaign. Still, many voters actually believe in these promises.

As usual, when it comes to populist promises, after the landslide victory in the elections, the newly formed government finds it hard to deliver on them. The flagship promise of a PLN 500 monthly benefit per child turned out to be not for all children (as it seemed during the campaign) but only for families with two or more children. This means that 45% of Polish children will not be covered by the program. Increasing personal tax relief is not going to be as generous and obviously not going to be introduced this year, if at all. The free medicines for the elderly program is going to be limited to probably a rather short list of chosen pharmaceuticals. The most disastrous proposal of lowering the retirement age may never be delivered at all. Therefore, most of the “look good on paper” economic promises (which they are actually not) are never going to be fully implemented. It is not bad that the government is withdrawing from some costly electoral promises, however many voters can feel deceived and manipulated.

These undeliverable promises have only fueled anger among citizens that was initially provoked by the radical attack on the Constitutional Tribunal and the rule of law introduced during the first months after the elections of October 2015. Thousands of people are regularly taking to the streets of Polish cities, the Committee for the Defense of Democracy has been established, the government is being widely criticized online. Such activism among the liberal voters, usually portrayed by the right-wing media as “lazy lemmings”, surprised the Law and Justice’s government. In response to this, the government started to employ

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even more populism to mobilize its supporters and redirect people's attention from the unpopular decisions.

And thus, the ruling party firstly presents their opponents as "communists and thieves" who try to defend their privileges acquired during the eight year rule of the Civic Platform. This is obviously not true because the KOD movement is really a grass roots civic movement, based on massive anger among liberals and centrists rather than a political organization inspired by the opposition parties. However, the accusations are an effective way to mobilize supporters of the government.

Secondly, the Law and Justice leadership tries to present themselves as "sheriffs" ready to be tough on crime. On the one hand, they promise to introduce harsh law against pedophiles, on the other claim that they are able to solve the problem of VAT avoidance (which, in fact, costs Poland billions of PLN every year). Although this is very much in line with expectations of many people, there are no easy solutions for such complex problems. For instance, effective combatting of tax crimes is possible only in close cooperation with other EU member states. Poland alone is not able to limit this phenomenon significantly but it does not restrain Law and Justice, which continues to promise immediate results.

Populism in hands of Law and Justice seems to be a powerful political tool. Empty promises and the exploitation of xenophobic attitudes of many Poles helped the party win the election. Now, oversimplified or simply untrue claims are being used to harm the growing opposition and mobilize pro-government supporters. In this manner, it seems that Law and Justice intends to take over many similar populist slogans often featured by smaller nationalist parties to limit the political strength of the latter.

Key Points

- attack on mainstream media
- exploitation of xenophobic attitudes in the society
- promise of generous redistribution

NATIONALISM

Nationalism has a long standing tradition in the political rhetoric of Law and Justice even if the party tries to cover it with "stateism" and by referring to the tradition of Marshall Józef Piłsudski, a great Polish statesman who was the political leader after World War I. Piłsudski was truly anti-nationalistic but after his death in 1936 and contrary to his will, his political successors started to flirt with Polish nationalists. Law and Justice does exactly the same – it is mixing the cult of Piłsudski with close cooperation with nationalists and with nationalistic rhetoric.

The government is often supported in the parliament by MPs from the populist Kukiz'15 party, in which nationalists play a very significant role. This indicates that there is an informal coalition (or at least an alliance) between this party and Law and Justice. Both sides discarded such claims but there is plenty of evidence to support it. Firstly, apart from the parliamentary cooperation between the two, Kukiz'15 nominated several people to the boards of state-owned companies. One of them is Marcin Palade, Vice-president of the Polish Radio, who used to be a journalist of the far-right and pro-Russian *Warszawska Gazeta* weekly. He openly criticized the Polish alliance with Ukraine and Polish military cooperation with Lithuania on the grounds of strong nationalistic resentment towards those countries. Due to this fact, his nomination was shocking for many, because close anti-Russian cooperation with neighbors is a foundation of Law and Jus-

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tice's foreign policy. Moreover, Kaczyński and his acolytes feel strong antipathy towards Russia. Anything Russian is *eo ipso* barbarian, devious and disdainful. As a result of this fact, collaboration with Kukiz'15 and people of the likes of Marcin Palade is difficult to accept for the anti-Russian majority among the supporters of the ruling party, but on the other hand defends the party from a potential attack from the far-right part of the political scene.

Links between Kukiz'15 and the government also have a personal dimension. The Minister of Development is the son of Kor-

nel Morawiecki, a senior leader of Kukiz'15. He is an author of an infamous statement in the parliament that "the will of the nation is above the rule of law". His speech was very much acclaimed by Law and Justice (even though it brings to mind the times of Nazi Germany). The became a symbol of changes introduced by the government because the subjective understanding of the "will of the nation" seems to be often the only reason behind those changes (the pseudo-reform of education is a good example in favor of this diagnosis).

However, the collaboration with the nationalists does not mean that Law and Justice promotes all ideas typical for nationalistic parties of Central and Eastern Europe – it is neither anti-Semitic nor Russophilic. Jarosław Kaczyński is far from Polish nationalists whose anti-Jewish sentiments are covered up by the euphemism "Judeo-skepticism". He is also a declared enemy of Putin's imperialistic Russia. On the other hand, however, he and his party are very much anti-Western and instinctively anti-German. Even if they do not openly question the process of European integration, they are very skeptical about the future of the EU. The liberal Western world, "obsessed" with the environment, minority rights and political correctness, is perceived as decadent. Germany, an old foe, is treated with reluctance.

Interestingly, this approach is very deeply rooted in Poland. Juliusz Mieroszewski, a liberal Polish journalist, wrote in 1973 about the attitude of Poles living in exile in Britain towards the West:

Our attitude to the West is astonishing. We treat Britons or French nonchalantly and our newspapers are full of pieces on the decline and decadence of Europe. Only President Nixon can count on the full sup-

*port of Poles, because among the Western leaders he is the closest to Polish ideal of an anti-liberal, right-wing patron*³.

If we change Britons to Germans and Nixon to Orbán, the above mentioned quotation fits the current situation like a glove. This means that the way of thinking of Law and Justice is simply a continuation of anti-Western and anti-liberal mentality of a big part of the Polish society, a part which has been always present on the political scene. *Nihil novi sub sole*.

Predilection for nationalism is also visible when we analyze links with the Catholic Church. Law and Justice enjoys the support of the most nationalistic and conservative part of the Church. As Stanisław Obirek, Polish scholar and thinker, noticed that the equation "Pole = Catholic" is very popular among political leaders of the ruling party⁴. They think that Polish national interests are the same as interests of the Catholic Church. As Jarosław Kaczyński said during the celebrations of 25th anniversary of Radio Maryja, a very popular Catholic radio station: "Who raises a hand against the Church, raises it against Poland"⁵. Such an assumption leads to wiping out the border between the state and the Church which is fundamental for liberal democracies.

Finally, nationalism is visible when analyzing the discourse typical for politicians of the ruling party. Referring to Polish citizens they tend to say: "nation" instead of "society". The public media, after reorganization are referred to as the "national media". In Polish schools teachers should promote

³ J. Mieroszewski, Polska Westpolitik, Kultura nr 9/312, 1973.

⁴ S. Obirek, Nie jest przesadą mówienie o iranizacji Polski – interview, *Gazeta Wyborcza*, June 18, 2015.

⁵ Urodziny Radia Maryja. Kaczyński: Każda ręka podniesiona na Kościół to ręka podniesiona na Polskę, *Gazeta Wyborcza*, December 5, 2015.



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"national values". The word "national" has become a key term to describe various elements of the "good change".

Key Points

- collaboration with nationalists
- "the will of the nation" as the highest point of reference
- alliance with nationalist part of the Catholic Church

CONCLUSIONS

The Law and Justice government tries to present itself as a victim of haters, both from within Poland and from abroad. According to party's way of thinking, no "ordinary", democratically elected government, with support of (still) more than 30% of Poles, should be a subject of international scrutiny from the Council of Europe and the European Union, which is perceived as a "political attack". The party's leaders strongly disagree when somebody calls them "radicals", "populists" or "nationalists". Nevertheless, all the three terms used to describe the political ideas and undertaken actions of the party make perfect sense.

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Jarosław Kaczyński is clearly trying to push Poland onto the path towards the Hungarian style of “illiberal democracy”. Populist slogans, flirting with nationalism and introducing a change of constitutional foundations of the state are to allow him to redirect Poland from a liberal course towards much more traditionalist tendencies. Although to say that this is “Iranization” or “Putinization” would be a clear exaggeration, the political mixture that Kaczyński is serving to Poland is bitter and dangerous. As Wacław Zbyszewski, Polish writer, has noted: the rule of law results from examples and empirical implementation. If the government gave examples of outlawed actions (lies, broken promises, etc.), the authority of law will eventually decline.

The rule of law has to be guaranteed by independent courts, therefore any political attacks on them are harmful for the entire legal system of the state. Jarosław Kaczyński, however, perceives rule of law as an obstacle rather than a fundamental value. He seems to truly believe that introducing his ideas is necessary to rescue Poland. This is the same kind of unconstrained delusional self-confidence and egocentrism that makes dictators popular. Fortunately, there are powerful forces in Poland that are going to fight in defense of the rule of law and other values fundamental for liberal democracy. The history of Poland teaches us that radicalism, populism and nationalism is not a mouth-watering mixture for all. •



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TOMASZ
KAMIŃSKI

PhD in humanities, assistant professor at the Faculty of International and Political Studies, University of Lodz. His research activities focus mainly on various aspects of the EU-China relations, the Sovereign Wealth Funds and regional/local authorities who develop paradiplomatic relations with foreign partners. He is also an active blogger and regular contributor to the *Liberté!* magazine, leading Polish political quarterly.