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ADDRESS FOR CORRESPONDENCE: „Athenaeum. Polish Political Science Studies", Faculty of Political Science and Security Studies Nicolaus Copernicus University, Batorego 39L, 87–100 Toruń, Poland (in Polish: „Athenaeum. Polskie Studia Politologiczne", Wydział Nauk o Polityce i Bezpieczeństwie UMK, ul. Batorego 39L, 87–100 Toruń); e-mail: athena@umk.pl; web: www.athenaeum.umk.pl

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LIBERTY IN EQUALITY: LORD ACTON'S TEACHING ON PARTICIPATORY DEMOCRACY*

WOLNOŚĆ W RÓWNOŚCI: POGLĄDY LORDA ACTONA A DEMOKRACJA UCZESTNICZĄCA

Krzysztof Łazarski

ABSTRACT

The historian of liberty Lord Acton is not ordinarily viewed as a supporter of equality and democracy. There is a strong evidence, however, that his best practical regime is a participatory democracy, his constant philippics against equality and democracy notwithstanding. He always stressed that political power originates in the people and that mature liberty implies equality and universal franchise, even if in certain circumstances freedom can exist without them. Further, Acton is also the author of an original idea how to build participatory democracy without resorting to social engineering. He maintained that political freedom and citizenship begin with self-rule on a local level. If local communities create higher levels of authority, starting from a village and county and ending with the national government, we then deal with a grassroots democracy, in which citizens (not elites) run the country.

ABSTRAKT

Historyk wolności Lord Acton nie jest zwykle postrzegany jako zwolennik równości i demokracji. Silne przesłanki wskazują jednak, że najlepszym praktycznym ustrojem byłaby – według niego – demokracja pomimo jego ponawianych ataków zarówno na równość, jak i demokrację. Acton zawsze utrzymywał, że władza pochodzi od ludu oraz że dojrzała wolność wymaga równości i powszechnych praw wyborczych, nawet jeśli w pewnych sytuacjach wolność może się bez nich obyć. Co więcej, Acton jest autorem oryginalnej koncepcji, jak zbudować demokrację uczestniczącą bez uciekania się do zabiegów socjotechnicznych. Zawsze twierdził, że wolność polityczna i obywatelskość powstają na szczeblu lokalnym. Jeśli lokalne wspólnoty potrafią stworzyć wyższe szczeble władzy, poczynając od gminy i powiatu, a kończąc na władzy państwowej, mamy wówczas do czynienia z demokracją oddolną, w której to obywatele (a nie elity) rządzą krajem.

* This an amended version of a paper presented in 2016 at the 24th IPSA Conference in Poznań, Poland.

** Lazarski University in Warsaw, Faculty of Economics and Management.

Keywords: civic liberty; classical liberalism; doctrinaire liberalism; the best practical regime; democracy

Słowa kluczowe: obywatelska wolność; klasyczny liberalizm; doktrynerski liberalizm; najlepszy z praktycznych ustrojów; demokracja

Lord Acton is not a well-known figure today. He seems out-of-date, passé, a Victorian historian, not in the same league as great thinkers and, therefore, without a message meaningful for our world. All remember his great maxim: "power tends to corrupt, absolute power corrupts absolutely", and some know that he was "liberal" and an unfulfilled "historian of liberty". However, his ubiquitous attacks on equality, democracy and doctrinaire liberalism, as well as his stress on the uniqueness of Western civilization, his appreciation for the role of Christianity in history, and his personal piety do not suit the dominant mood in today's Academia along with the prevailing narration served to the public. Acton is thus doomed to oblivion or, at best, dismissive remarks. Yet, Acton, an avid student of Burke and Tocqueville, had no less penetrating mind than his great teachers[1]. As they, he was able to go beneath the surface of things and see hidden currents that move society and politics. Liberty was his passion, of course, but his best practical regime – he used the term "mature liberty" that, if perfected, would be practically the best – has features that are strikingly democratic and, at the same time, preserves active citizens (cf. Lazarski, 2012, pp. 227–261). Moreover, it does not need artificial means to resuscitate citizenship – elements necessary in modern theories that aim at reestablishing participatory democracy. On the contrary, his best regime is either participatory by nature, or is democracy's deviation. Finally, Acton did not only design his ideal. He also supplied historical evidence that regimes close to his best had actually existed. This paper will thus try to show, first, that Acton's ideal regime was in fact a democracy (part I); second, that it required and promoted active citizenship; and third, that it did not need social engineering to establish it (part II). Finally, it will point out some limitations of Acton's theory (part III).

[1] Acton had yet another, third great mentor, a figure largely forgotten today, but one who supervised his studies, a liberal Church theologian and historian, Father Ignaz von Döllinger. As Acton's best biographies, I would recommend two positions: first, his intellectual biography – old but still actual – written by Gertrude Himmelfarb (1962), and second, a relatively new book by Roland Hill (2000), that provides a detailed account of Acton's life.

WAS ACTON AGAINST DEMOCRACY OR AGAINST ITS DEVIATION?

Let us start first from admitting that the message of Acton's writing is not unequivocal. Acton did not write a book on liberty (his lifelong dream), where he could present his views in a coherent and thorough fashion. What he did write – articles, reviews, lectures and letters – was produced over a span of nearly fifty years and, naturally, contains many inconsistences or outright contradictions. Furthermore, the style of his writing is at times abstruse, with obscure hints or unexplained gaps, i.e., suffers negative side-effects of his enormous erudition and his assumption that others know what he does. Interpretation of his views is thus a difficult task: it requires immerging into his writing, saturating oneself with it and grasping it in its entirety, for otherwise it is likely to be misunderstood. In one thing, however, Acton seems clear, judging by the number of his critical remarks on democracy, he must have hated it. How can one therefore claim that Acton's best practical regime was, in fact, a democracy?

Without going into a lengthy review that would weight evidence and interpret his statements, let us ponder a few general questions that could help us to properly frame our probe. First, what are the origins of authority and who is the ultimate sovereign according to Acton? Second, does he advocate representative government or not? Third, is he, or is he not for popular franchise? And fourth, does he support the rule of the majority?

There is no doubt that Acton always supported popular sovereignty. The ultimate source of law rests with the people and, since political community always involves a concrete people, the nation. Naturally, the people was variously defined in history. In Greco-Roman antiquity, it meant *demos*, all citizens; in the Middle Ages, it meant a very narrow group – the nobles, the clergy, and the elite of the commoners; only during and after the French Revolution, the people embraces all, though voting rights are still limited by property requirements. Acton fully adheres to such understanding and defining the people, and always indicates that it as the only source of legitimate authority[2]. Simultaneously, he objects to the notion of a singular sovereign and treats it as illegitimate. It is probably difficult

[2] Acton never deals directly with the issue of popular sovereignty but assumes it tacitly in everything he writes. However, there is no single passage in his writing in support of the sovereignty coming from above, except for God's ultimate sovereignty and the people being next (cf. Acton, 1863a, p. 145; 1877b, pp. 41–42; 1910, p. 25; see also: Lazarski, 2012, pp. 252–254).

to find another thinker who would condemn the claim of divine right and the majesty of absolute rulers so strongly and so unequivocally as Acton does[3].

Another important point Acton makes on this topic is that popular sovereignty is recognized throughout history of Western civilization, except for a brief aberration of absolutism. Even the despotic rule of Roman emperors had its origins in absolute power of the Roman people over the Empire, and in the delegation of this sovereign power to the emperor. Medieval monarchs – in spite of their claim to rule *Dei gratia* – did not question popular sovereignty: the prevalence of customary law in Europe throughout the Early and High Middle Ages illustrates well this rule (what changed, however, was the extremely exclusive notion of the people itself). Popular sovereignty is one of the unique features of Western civilization, distinguishing it from other civilizations. Acton judges it to be indispensable in his search for political liberty, but there is no doubt that it is indispensable for democracy, too (Acton, 1877a, p. 16; 1877b, p. 30; 1878, pp. 67–68; cf. Lazarski, 2012, pp. 46, 92–93).

People's sovereignty can be exercised directly or indirectly, through representation. The first form was typical in antiquity, since the ancients did not know the principle of representation[4]. This was a serious weakness of ancient government, since without the direct participation in people's assembly, one was in fact deprived of active citizenship. From this perspective, the Middle Ages brought positive change as they practiced representation. The methods of election were crude, as Acton says, yet the rulers could not change fundamental law or raise direct taxes without the consent of people's representatives. Representation in medieval and early modern regimes did not, however, imply representative government. It meant only limitations put on the government (Acton, 1877b, pp. 33–36). As Acton stresses, the honor of inventing modern representative government belonged to his homeland. England achieved it in a lengthy process. First, thanks to the Glorious Revolution, the people reasserted popular sovereignty and the supremacy of the Parliament. The king still, however, exercised the executive and judicial power. Then, gradually the royal cabinet became dependent on the support of the Parliament's majority and, finally, lost its judicial power, though in this respect America outrun England (Acton, 1967, pp. 250–261). In this way, the British achieved full separation of powers and fully representative govern-

[3] Absolutism for Acton was "a studied philosophy of crime" (Acton, 1877b, pp. 38, 43–44).

[4] Prof. Wiesław Bokajło maintains otherwise. Yet his notion of federalism is so large that it includes mere alliance (cf. Bokajło, 1998, pp. 25–37, 70–80).

ment. Because of its very limited franchise, this regime could not be deemed democratic, still it had features characteristic for a liberal democracy, such as representation, parliament and division of powers.

Acton was very proud of his country progress on the road to "mature liberty" in the seventeenth and eighteenth centuries and called its political order "freedom in inequality". Yet the highest appreciation he reserved for America. For it built a regime that secured "freedom in equality", i.e., citizenship for overwhelming majority of white colonists[5]. This process began immediately after the settlers came to the New World[6]. They enjoyed liberal charters and were left largely undisturbed by the distant government in London. Originally, citizenship was connected with membership in parishes. The Puritan settlers ran their churches and then quickly learned to run civil affairs as well, first in their towns, then in counties and finally in colonial assemblies. Thus, America had fairly common franchise even before establishing its Union. Acton fully approves of this arrangement and points out slavery as a fundamental weakness of the US Constitution (Acton, 1967, pp. 188–193, 292; 1910, p. 21; 1878, pp. 72–73; 1877b, p. 50; 1862a, pp. 183–186; 1866, p. 272). America outgrew slavery and should have abolished it at the moment of establishing the Union. In its threshold, mature liberty can tolerate inequality and the exclusion from citizenship of even overwhelming majority of the population – as was the case of England after the Glorious Revolution – but it naturally drifts toward inclusion of all. America achieved the stage of mature liberty and that is why slavery turned out to be a fatal mistake, costing Americans a bloody civil war (Acton, 1967, p. 295; 1866, p. 277; cf. Lazarski, 2012, pp. 238–239).

Wide-spread franchise in America could be linked to fairly wide-spread property ownership among Americans and their self-reliance, features essential for active citizenship. Acton, however, went further. In his mature age, he openly rejected a common belief among liberals, linking franchise with property. He then says: "Every class is unfit to govern", for it uses its power for its own advantage. Mass voters could be "utterly ignorant", but property owners voted laws that "were selfish and often inhuman". Furthermore, linking franchise with property

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[5] The exact quotation runs: "liberty founded on inequality" and "liberty founded on equality" (Acton, 1910, p. 97).

[6] One could say that this process began even earlier, if one takes into account the Mayflower Compact (1620). Before arriving to the New World, forty-one Pilgrims pledged to establish a regime based on equality and the rule of the majority, i.e., on democratic principles.

leads to double control of the workers by the wealthy, first as employers and second as lawmakers. And this amounts to tyranny. As a conclusion, we can quote the following: "Why Democracy? It means liberty given to the mass. Where there is no powerful democracy, freedom does not reign" (Paul, 1913, pp. 71–74; Paul, 1913, pp. 71–72; Add. Mss. 4945).

The will of majority, next to democracy, was the subject of Acton's most frequent attacks. He derogatively called it the "tyranny of numbers", the "supremacy of numbers", the "sovereignty of numbers", etc. Does this mean he was against the majority rule, as it is often assumed? Not at all. He merely condemns unlimited power of the majority. If majority can vote whatever it wishes and its will is not restrained by higher laws, it then tends to evolve into a collective tyranny. For "all governments in which one principle dominates, degenerate by its exaggeration […]. In pure Democracies the same course is followed, and the dominion of majority asserts itself more and more extensively and irresistibly" (Acton, 1866, p. 271). Such was the case of Athenian democracy that not only persecuted minorities but believed it could punish persons who did nothing wrong. People's assembly thus turned into a seat of good and evil, and left minorities with no other recourse but treason (Acton, 1877a, p. 13; 1878, pp. 60–61).

To prevent collective tyranny, higher laws must restrain the will of the majority. Acton considered this break on majority's will as an indispensable element of liberty. Freedom begins when government – regardless if it is a rule of one, of a few, or of the many – is under higher law. Originally of divine origin, higher law undergoes in early modern Europe gradual secularization and takes the shape of constitutional law, largely immune to sudden changes of public opinion. Modern liberal democracies cannot function without such a law. Acton accepted the process of secularization of higher law, even if he missed the divine sanction for it (Paul, 1913, pp. 71–74; Add. Mss. 4945).

ACTON'S PRESCRIPTIONS FOR PARTICIPATORY DEMOCRACY

If we agree that Acton was not against democracy as such, but against its absolute, virulent forms, let us move to our second and third tasks, i.e., to show how his best practical regime promoted active citizenship without resorting to sophisticated methods of galvanizing it. Acton naturally did not know the term participatory democracy, but his ideal achieves most aims, if not all, the theorists of participatory democracy set for this system. Let us first begin with

a few general remarks about the features of Acton's best practical regime (or mature liberty), then show the role he assigns for self-government and secondary (intermediate) institutions, and finally review his perspective on the relation between the state and society.

In the first of his two seminal essays on liberty, Acton presents his concept on the origins of liberty in Western civilization. On this occasion, he also issues essential elements of all political freedom.

The dawn of liberty, he claims, took place in ancient Israel at the time when the Israelites fought for the promised land, but before they established monarchy. For about three centuries, they formed a loose confederation of tribes and clans, linked by common ancestors and faith. Each tribe and clan enjoyed self-government and had leaders that were natural in each community, even if the methods of their selection were not democratic. The Israelites were equal and lived under divine law. Their emerging national tradition proved sufficiently strong to continue under monarchy. Hebrew kings had no legislative power – it belonged to God – and lived under the same law, as their subjects; their power was therefore limited. Finally, Hebrew tradition had its guardians, the prophets, who dared to challenge kings whenever they broke fundamental laws (Acton, 1877a, pp. 7–8; 1878, pp. 57–58; Add. Mss. 5392, p. 90).

It is in this context that Acton formulates three principles on which, in his view, political freedom rests. They are national tradition, higher law, and organic growth of political order, expanding "from a root, by process of development, and not of essential change". In other words, through an evolution, not revolution. These principles are indispensable for civic liberty, and remain to be so, regardless of time and place (Acton, 1877a, p. 8).

The meaning of "civic" liberty, as employed in this paper, should be explained, especially *vis-à-vis* 'civil liberty', a term commonly used in English. Civic liberty requires active citizens, not just persons who exercise their citizenship only at the voting booth, once every few years, and who enjoy civil rights and freedoms. Civic liberty may include the latter (in the past it not always did) but requires much more: citizens taking responsibility for their concentric communities, starting from their direct environment and ending state-wide, and having government that represents them on each level of authority. Acton's view on self-government is very helpful to fully comprehend this idea.

Self-rule plays an essential role in Acton's concept of liberty. Although liberty is "the highest political end" and ought to be "the end of government", but it is self-government that originates liberty itself and, therefore, it ought to be "the end

of all government"[7]. Citizens are born at the lowest level of communal life – in localities, villages and towns – when its inhabitants take charge in running their closest community, without waiting for central government to resolve their problems. This is how the settlers in American colonies began their lives in the New World. Distant London could not help, and they could either "make it or break it", i.e., either survive on their own or perish. As mentioned, their self-government took place, at first, in their parishes and towns and, then, spread to counties and colonial assemblies and ultimately, after establishing the Union, extended to national governments. Acton enthusiastically praises the role of federalism, as this principle limits the power of national government to specific areas, listed in the Constitution, and leaves local affairs in the hands of states. Federalism thus fosters active citizenship even at this most outer circle of self-government, one that is least friendly to it (Acton, 1967, pp. 189–193, 292, 295; 1910, pp. 21, 37; 1861d, p. 288; 1878, pp. 72–73; Figgis & Laurence, 1917, p. 277).

American example is unique because of the conditions in which self-government originated, the extension it achieved (from the local to state level), and the degree of maturity (meeting all Acton's requirement concerning mature liberty – equality, active citizens, and self-rule). Yet, it is by no means an exclusive example. On the contrary, Acton claims that self-governing communities were fairly common throughout centuries of Western civilization, beginning with ancient Israel. The most significant of them were the successors of the Greek *poleis*. Under Hellenistic monarchies they lost independence but survived as local self-governments. They continued under the Roman Republic and later the Empire, which on the local level was "like a vast confederation of municipal republics" (Acton, 1878, p. 68). In the Early Middle Ages such communities persisted in northern Italy and at the end of that period, they evolved into semi-independent republics and principalities. In the High Middle Ages, urban self-government spread from Italy to France and Germany and subsequently to the rest of Europe. Another example is fragmentation of medieval and early modern state that contributed to local particularism and separatism as well as provincial, urban and corporate rights and freedoms (Acton, 1877a, pp. 7–12; 1877b, pp. 30–36).

[7] Cf.: liberty is "the highest political end" (Acton, 1877a, p. 22); "self-government [is] the only secure basis of all freedom, whether political or religious" (Acton, 1862b, p. 85); liberty's "characteristic sign and manifestation is self-government" (Acton, 1863b, p. 188); "Liberty = self-government" (Add. Mss. 4870, p. 28); Acton, 1860, p. 497.

Acton always treats self-government, regardless of its form, as the bearer of civic freedom, sometimes constituting the last bastion of liberty against despotism. For even the most restrained self-rule fosters civic responsibility among inhabitants; therefore, it is better than the direct rule of central government over localities. It allows such communities to endure the worst of times and thrive in better times, when they have an occasion to fully recover their rights.

The role of self-government in fostering civic responsibility can be better grasped if we look at it as one of many – even if the most significant – intermediate institutions and organizations. Central government, although expressing the will of the sovereign, does not annul the legitimate authority of secondary organizations, starting from the family, through religious, social and business organizations and ending with self-governments of various levels. Each of them is independent in its own sphere and has its own authority. The state may and ought to check their conduct to make sure that they act within the limits of law. Otherwise, however, it may not interfere into their domain. Acton underlines that "the power of the State is supreme only in its own sphere", while legitimate powers of intermediate institutions "are protected by the State, none can be controlled by it. It is their right and their duty to restrain [the state's] action within its own definite limits. It is out of these several partial authorities that the State had grown" (Acton, 1860, pp. 496–497; 1861b, p. 345; 1862a, p. 180; 1861c, p. 260).

Keeping in mind Acton's emphasis on the significance of partial authorities, let us move to his view on the role of central government and state institutions as well as on the relationship between the state and the society. As mentioned, Acton underscores that liberty is the highest political end, therefore it should be also that end for the government and the state. Other aims, such as equality, happiness for the greatest number, power, prosperity, national interests and the likes can be either secondary (inferior) to liberty in the hierarchy of state goals or be entirely outside of its domain (Acton, 1910, p. 33; Add. Mss. 4944, p. 109).

In view of this supreme aim, the government and its institutions should, first of all, provide the people with the "security for freedom", i.e., create conditions in which the people can freely pursue their aims. The state achieves it by "set[ting] up a moral, objective law and pursu[ing] a common object distinct from the ends and purposes of society" (Acton, 1861a, p. 441; 1861c, p. 260; 1862, p. 180). In other words, what Acton is saying is that the state ought to be an impartial arbiter for the variety of interests and influences in society and it must not be one of the players among them. Central government and state in general are to play a role of a "skin", or a "glove" that protects society by enforcing fair play for the multitude

of interests that are oftentimes contradictory. If it does that, it not only enforces law, but also imposes moral obligation on the people. The nature of relationship between the people and the state then becomes "ethical", unlike attachment among relatives, requiring mutual support regardless of circumstances (Acton, 1861b, p. 345; 1862a, p. 180; 1862c, pp. 427–428).

If the state is "for the accomplishment of public ends, altogether distinct from and comparatively indifferent to the special interest of any individual, or class, or element", society is exactly the opposite: it is the place for pursuing such interests. "Society is an institution for realising private ends, and the greatest happiness of the greatest number" (Acton, 1862a, p. 180). If this statement is juxtaposed with Acton's view on self-government and intermediate institutions, society appears as a complex network of partnerships, businesses, associations, classes, churches, localities, minorities, nationalities (if the state is multinational) and all other possible interest groups. Each of these parties acts independently and autonomously in its own sphere and each pursues its own ends. Each, however, has to follow legal rules and regulations, and possibly ethical standards prevailing in the society, having the state as an impartial guardian of law and an arbiter in cases of conflict (Acton, 1861a, p. 441; 1860, pp. 496–497; 1862c, p. 424; 1862d, p. 463).

Society and state arranged in such a way is by nature participatory, encouraging and releasing social energy and activity, for otherwise the aims of each participating party cannot be realized: the state will not substitute for them.

The merits of Acton's concept of participatory democracy, or in his own terms, "mature liberty", can be better visible if compared to its opposite, i.e., when the state and the society do not work so harmoniously, because the government resorts to social engineering: "We often see it happen, that though society is an organism, the state is a mere machine; not fitted on to society like a glove, but rather compressing it like a thumbscrew; not growing out of society like its skin, but put upon it from without like a mould, into which society is forced to pour itself… The state could never grow out of society as its expression and fruit, unless society were organized and distributed into distinct classes and corporations, each enjoying social power in its own sphere. Where th[is] distribution is wanting, and the social mass […] [is] only physical unit, society is atomic; and the state cannot be […] an expression or organ of society, but is supreme and absolute, whatever its forms and constitutional pretences may be. Under these circumstances representative institutions are a delusion and a snare" (Acton, 1861b, p. 345).

Acton did not mean primarily absolute regimes that attempted to shape society according to their needs, but mainly liberal regimes in nineteenth-century Europe. As he claimed, they modeled their constitutional order after the first constitution of revolutionary France (1791). That constitution favored omnipotent central government (the emanation of the sovereign with unlimited power) and aimed at molding society according to the will of the sovereign, without regard for the extant traditions and intermediate institutions (Acton, 1861, p. 441; 1862d, p. 463).

LIMITATIONS OF ACTON'S THEORY

Let us move now to the last task of this paper, namely to pointing out some limitations of Acton's concept. One is general and theoretic, and could be phrased as a question: can democracy (or any regime) have a majority composed of active citizens? Another is specific and could run as follows: can Acton's scheme work in a post-communist space, or any corrupted society?

There no question that Acton's concept energizes society and creates excellent conditions for the development of intermediate institutions and free market economics. But would it work in the same way for self-government and politics in general?

Acton's scheme offers only opportunities for those who want to be active, who want to be true citizens, but it does not compel anyone to participate in politics. That active group seems small in any society, regardless of time. Acton noticed this himself when he commented on probably the most civic polity in history, i.e., the Athenian democracy. Athens had about 30,000 full citizens, but only about 3,000 participated in the people's assembly (Acton, 1878, p. 61).

Ten percent were active in spite of the incentives given to the poor, paid for taking part in the assembly. In late eighteenth and early nineteenth-century America and Europe, the number of people who participated in the "public sphere" – journals, literary salons, public meetings, open lectures, coffee houses with public debates, etc. – that was so admired by Habermas and other members of the Frankfurt School, certainly did not exceed that Athenian number. Consequently, one is faced with the old, Aristotelian conundrum, if *politeia* – a regime in which all rule and have virtues necessary for it – is possible at all?

Regardless of the answer given to this question in general, the Actonian concept of mature liberty certainly does not prove that it is. It can only activate

those who are open to participation in the public sphere. However, their number is not likely to exceed the percentage of active citizens in Athens.

Acton did not search for the best regime in theory but in practice. His concept of mature liberty is based on empirical material taken mainly from the history of England and America. He tried to perfect it, searching for a model that is better than the originals, but still achievable. That is why his mature liberty fits best for Anglo-American social state, to use Tocquevillean terms. However, can this scheme help in other cases, when the process of transformation from autocracy to democracy is to observe all principles of liberal democracy, but be applied to a society that lived for a long time under arbitrary government, with no genuine representation, and with demoralized elites that have little or no sense of public good, and care only for their private interest? For example, can it help post-communist states in East-Central Europe?

Communist regimes had a democratic façade behind which lurked odious dictatorship. Decades of its existence created a large group within the population connected with the regime through party membership, in Poland reaching nearly three million people. This opened access to higher positions in the economy, administration, culture and other areas that were reserved for the so-called nomenclature. The fall of communist regimes and the process of democratization that followed it left that group in a privileged position. On the one hand, the new care for civil rights and legal rules in post-communist regimes precluded bringing to justice the persons responsible for communist oppression. On the other, the nomenclature had the best opportunities to enrich itself through privatization or through holding the same high social and economic status[8]. When the initial fear of retribution evaporated, the former nomenclature that usually turned into "liberals", rejected any responsibility for the less privileged and focused exclusively on private gains. They and some newcomers who shared the same kind of "vulgar liberalism" built up a system that serves their privileged position. To use Habermas's term, they "colonized" the rest of the population; to use classical terms, they set up an oligarchy, the rule of the strongest, but hidden behind the façade of democratic institutions.

This process is more or less typical throughout East-Central Europe, with some countries that limited negative effects of post-communism, and some that

[8] For keen observers, this process was seen right from the beginning, soon after the collapse of communist regimes, cf. Bieńkowski, 1992, pp. 750–762.

did not. For the sake of clarity, let us now narrow down our remarks exclusively to Poland.

Application of Acton's prescription to the Third Republic of Poland would only aggravate the existing corruption. Various elites, entrenched in their positions in administration (especially on mid-level positions), courts (never really cleansed from communist *apparatchiks*), local government (a seat of great corruption), and intermediate institutions (many NGOs are not genuine), would use Acton's stress on the autonomy of such institutions to defend their interests and to prevent the cleansing off such a system. Acton's model would probably work only in the case of a new start, at the moment of forming a new order, a new constitution, and de-legitimizing most of previously existing institutions. Such a situation occurred a few years ago in Hungary but has not yet happened in Poland.

CONCLUSIONS

There is no doubt that Acton's best practical regime (mature liberty) is a participatory democracy. It requires active citizens and self-government at the grass root level, and their gradual extension toward ever larger civic communities. Each of these communities have plenty of intermediate institutions and organizations, and wide self-government. Their national government grows out of citizens, and respects national tradition and higher fundamental law. It does not aim to impose anything on the people or manipulate them into a predesigned policy. On the contrary, it aims to preserve and support liberty at each level of communal self-organization, while it guards enforcement of law and fair game for everyone. In brief, it does not know social engineering of any kind. As a result, liberty is the highest principle in such a polity, while active citizens and, therefore, participatory democracy are its side-effect, a collateral of civic liberty.

Acton's ideal creates opportunities for the rise of participatory democracy, but nothing more. It is likely to foster civic activity at the widest possible level, but it does not resort to force or manipulation to increase it. It will not therefore include all inhabitants, an aim that at any rate seems utopian rather than real. After all – as Benjamin Constant noted – unlike in antiquity, liberty of the moderns entails freedom from politics as well.

Another limitation of Acton's ideal is that it is not likely to work in a corrupted society, without a thorough shake up of the regime. It seems that the

old social state ought to be undermined in order to prepare ground for the development of participatory democracy of the Actonian kind.

Acton designed a political regime that was very far from the practice of liberal democracy, as it functioned in the nineteenth century (and as it still does today). This quintessential liberal sensed this because he knew that his ideas sounded odd for his fellow liberals. They and the radicals of all shades shaped democracy according to a different prescription. Starting from abstract principles (an echo of the state of nature concept), they pursued equality and individual freedom without regard for social reality. All traditions, social, legal and religious, were to be crushed, because they stood on the way of progress. In the process, civic communities were undermined, and citizens turned into passive subjects, while participatory democracy became a dream of disillusioned radicals.

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MINORITY GOVERNMENT AND LEGISLATIVE POLITICS IN POLAND, 1989–2007

RZĄD MNIEJSZOŚCIOWY I POLITYKA LEGISLACYJNA W POLSCE W LATACH 1989–2007

*Robert Radek**

ABSTRACT

One of the scientifically interesting questions is explaining the functioning and effectiveness of the minority government. An analysis of Polish governments (1989–2007) finds mixed support for the importance of parliamentary procedural mechanisms. Yet an analysis of the Polish government after the collapse of communism reveals that a governing party with a central position in the party system can indeed shift alliances and maintain quite effective governance. Additionally, the evidence indicates that minority governments may also rely on alliances across parliament deputies who want prolong the term of office as long as possible. The article concentrates also on duration and legislative effectiveness of Polish minority cabinets.

Keywords: minority government (cabinet); political parties; legislation; effectiveness

ABSTRAKT

Jednym z interesujących naukowo pytań jest wyjaśnienie funkcjonowania i efektywności rządów mniejszościowych. Analiza polskich rządów w latach 1989–2007 potwierdza wpływ parlamentarnych mechanizmów i procedur w tym względzie. Analiza funkcjonowania polskich gabinetów rządowych po upadku komunizmu pokazuje, że partia rządząca z centralną pozycją w systemie partyjnym może faktycznie zmienić sojusze i utrzymać całkiem skuteczne rządy. Dodatkowo wiele wskazuje na to, że rządy mniejszościowe mogą również polegać na sojuszach między posłami do parlamentu, którzy chcą jak najdłużej przedłużyć kadencję. Artykuł koncentruje się także na długości funkcjonowania i skuteczności legislacyjnej polskich gabinetów mniejszościowych.

Słowa kluczowe: rząd mniejszościowy; partia polityczna; legislacja; efektywność

* University of Silesia in Katowice, Faculty of Social Sciences.

INTRODUCTION

The comparative performance of distinct types of democratic government is at the heart of academic inquiry in political science. At one level, the discipline debates the advantages and disadvantages of parliamentary, presidential, and semi-presidential institutional structures. Within these macro-institutional categories, fundamental distinctions are made between single-party versus coalition governments and majority versus minority governments and their relative impact on government stability, legislative success and effectiveness, policy outcomes, and regime survival (Field, 2014, p. 298).

This article focuses on minority parliamentary government in Poland, which is often deemed to be the most problematic form of parliamentary government. An adequate understanding of the phenomena of minority governments in Poland must consider the fact that it was not an expected solution in the transforming state after the collapse of communism in 1989. As it is known, minority government comprises one or more parties that hold less than an absolute majority of the seats in the legislature. The frequency of minority government in Poland stands out in comparative perspective. Between the first not totally free post-communist elections in 1989 and the November 2007 elections, Poland had ten majority and eight minority governments (44,4 per cent). If we additionally assume the criterion of division between left and right axis, then six of these mentioned cabinets were nominal right-wing offices, which constituted ¾ of all minority governments. It is also characteristic that the most minority governments (six out of eight) appeared after the adoption of the new Polish constitution in 1997. This is undoubtedly favored by the constitutional structure introduced during the adoption of the new Basic Law, which is the so-called constructive vote of no confidence, which protects the duration of the government not having sufficient political backing in parliament.

After 1989 in Poland there has been established parliamentary-governmental system, where legislative majorities have instruments at their disposal (such as no-confidence votes and investiture votes) and control the composition of the government and government policy. However, it should be stressed that the application of the majority principle to parliamentary responsibility is not altogether straightforward. In Polish parliamentary regime, cabinets must at various junctures produce legislative majorities in order to perform their constitutional functions. Firstly, parliamentary governments ought to be able to win a vote of confidence. This type of vote can come in different forms according to their

Table 1. Governments (Cabinets) in Poland 1989–2007

No.	Prime Minister	Political Parties Responsible for Forming and Ruling the Cabinet	Period of Activeness	Durability of Cabinet in Months (Days)	Type of Cabinet	Time of Establishing the Cabinet
1	Tadeusz Mazowiecki	at the beginning: PZPR, ZSL, SD; at the end: UD, PSL, SD, ROAD, FPD	**12.09.1989**–04.01.1991	16 (430)	Cross-party Coalition	-
2	Jan Krzysztof Bielecki	KLD, PC, ZChN, SD	04.01.1991–06.12.1991	11 (330)	Cross-party Coalition	10
3	Jan Olszewski	PC, ZChN, PL, NSZZ „S"	**06.12.1991**–05.06.1992	6 (180)	Minority Coalition	17
4	Hanna Suchocka	UD, ZChN, KLD, PL, PCD, SLCh, PPG	10.07.1992–25.05.1993	10,5 (315)	Minority Coalition	10
5	Waldemar Pawlak	SLD, PSL	**26.10.1993**–07.03.1995	16 (480)	Majority Coalition	16
6	Józef Oleksy	SLD, PSL	07.03.1995–07.02.1996	11 (330)	Majority Coalition	5
7	Włodzimierz Cimoszewicz	SLD, PSL	07.02.1996–31.10.1997	21 (630)	Majority Coalition	6
8	Jerzy Buzek	AWS, UW	**31.10.1997**–07.06.2000	31 (930)	Majority Coalition	26
9	Jerzy Buzek	AWS	07.06.2000–19.10.2001	16,5 (495)	Single-party Minority	-
10	Leszek Miller	SLD-UP, PSL	**19.10.2001**–04.03.2003	16,5 (495)	Majority Coalition	8
11	Leszek Miller	SLD	04.03.2003–02.05.2004	14 (420)	Single-party Minority	-
12	Marek Belka	SLD	02.05.2004–31.10.2005	18 (540)	Single-party Minority	53
13	Kazimierz Marcinkiewicz	PiS	**31.10.2005**–27.04.2006	5,5 (165)	Single-party Minority	11
14	Kazimierz Marcinkiewicz	PiS, LPR, SRP	27.04.2006–14.07.2006	3 (90)	Majority Coalition	-
15	Jarosław Kaczyński	PiS, LPR, SRP	14.07.2006–21.09.2006	2 (60)	Majority Coalition	6
16	Jarosław Kaczyński	PiS, LPR	21.09.2006–15.10.2006	1 (30)	Minority Coalition	-
17	Jarosław Kaczyński	PiS, LPR, SRP	15.10.2006–11.08.2007	9,5 (285)	Majority Coalition	-
18	Jarosław Kaczyński	PiS	11.08.2007–16.11.2007	4,5 (135)	Single-party Minority	-

Source: own study based on information from official sites (www.premier.gov.pl, www.sejm.gov.pl). Party names: AWS = Electoral Action Solidarity of the Right; KLD = Liberal Democratic Congress; LPR = League of Polish Families; PC = Centre Alliance; PCD = Party of Christian Democrats; PiS = Law and Justice; PL = Peasant Alliance; PO = Civic Platform; PPG = Polish Economic Programme; PSL = Polish Peasant Party; SLD = Democratic Left Alliance; SDPL = Polish Social Democracy; SRP = Self-defence of the Republic of Poland; UD = Democratic Union; UP = Union of Labour; UW = Freedom Union; WAK = Catholic Election Action; NSZZ "S" = Trade Union Solidarity, SD = Democratic Party; ZSL = United Peasants Party; ZChN = Christian National Unity; PZPR = Polish United Workers Party

origins. Vote of confidence may be demanded by the government itself (usually any time the government requests it) or it may be required by the constitutional regulation (particularly at the time when a new government first presents itself to the legislature). This necessity of winning vote of confidence is very often called by experts a *viability* requirement, because if such voting ends negatively, the government simply vanishes (Strøm, 1990, p. 5).

Secondly, constitutional functions of government are also very often connected with *effectiveness*, so it is obvious the governments must be both viable and effective. Such conditions are fulfilled by legislative coalitions which consist of the political parties from which the members of the governments are drawn. In coalition-theoretic parlance, the assumption are that the coalitions over policy and office are identical and that they can be identified as the parties holding cabinet portfolios.

The term government (cabinet) in Poland is most frequently understood as executive body enjoying the trust of the legislature, which in the basic law is simply called the Council of Ministers. An additional condition clarifying such a government is its specific political configuration, in other words, a single party or party coalition that manages the most important executive offices – the position of the Prime Minister and ministers. In consequence we should remember that if there is a change in the Prime Minister position or a political configuration is being transformed by changing the coalition (e.g., leaving or joining a new party) – we then have a completely new cabinet. Such argumentation, although very popular among political scientists and lawyers, is not the only one and one can also find a different thesis, according to which the criterion of changing the cabinet is associated only with a change in the position of the Prime Minister. For the purposes of this study, however, the most-chosen version was adopted by the constitutional experts, that one Prime Minister may lead several cabinets with different party compositions, and within the same political base several cabinets may function when the change takes place only in the Prime Minister position (Radek, 2009, p. 208).

As it was mentioned above, minority government (cabinet) is most often characterized by experts as a cabinet formed in a parliamentary system when a political party or coalition of parties does not have a majority of overall seats in the parliament. It is sworn into office, with or without the formal support of other parties, to enable a government to be formed. Under such a government, legislation can only be passed with the support of enough other members of the legislature to provide a majority, encouraging multi-partisanship. However,

majority or minority governments do not altogether exhaust the set of possible cabinet solutions. A further possibility is non-partisan solution, such as a caretaker or business administration. It also must be stressed that governing capacity is defined as the government's ability to make significant, authoritative decisions regarding the country's public policies. In that case, a legislative success most intuitively taps into the definition of governing capacity because it directly measures decision-making on public policies that must pass through parliament (Field, 2016, p. 78).

It should be remembered that many minority and some majority governments are precisely caretaker governments, however such distinguishing characteristic is not as important as nonpartisanship position of such cabinet. In the literature, many authors very often concentrate on single-party and coalition governments, and claim that they form under distinct conditions: single-party government in majority situations, when one party controls a majority of the legislature, and coalition government in minority situations, when no party is in power to control a majority of the legislature.

In parliamentary democracies both minority and nonpartisan governments are treated as a kind of deviation. Nonpartisan governments violate the most fundamental norm, that of party government (Sartori, 1976; Rose, 1974). Minority governments violate the expectation that executive and legislative coalitions are the same coalitions and it is extremely difficult to say what would cause such distinction between them. Why would any party agree to support the government legislatively if it gets no portfolios in exchange? Also quite interesting scientifically is finding the answer to the question why the opposition, by definition a majority coalition in parliament in that case, does not create the government and take the spoils of office for itself. These facts indicate that minority government is a counterintuitive phenomenon in the world of parliamentary democracies, where the expectation of majority government is conventionally understood as an axiom. Any occurrence of minority government therefore seems to threaten the entire edifice of deductive coalition theory. Given the counterintuitive nature of minority governments, the question is whether they can be as easily dismissed as nonpartisan administration (Strøm, 1990, p. 8).

GOVERNMENT PERFORMANCE IN POLAND

This section provides an assessment of the performance of minority governments in Poland between 1989 and 2007. It employs two standard indicators of government performance: government duration and legislative success. There could be also analysed, as Strøm (1990) stresses, third important indicator, which is governing party's electoral performance in the subsequent election, but this element may broaden and extend the article too much, so the author resigns to unpack it. Two mentioned above indicators demonstrate that Polish minority governments outperform minority governments cross-nationally and that while Polish majority governments performed slightly better than minority ones between 1989 and 2007, as operationalised here, the differences are not great. If we eliminate first two governments of Tadeusz Mazowiecki and Jan Krzysztof Bielecki, there is little difference between minority and majority government performance. There are also good theoretical reasons to only consider the post-1991 period (this election was the first one fully democratic and free). Most experts claim that Polish democracy was not consolidated until 1997, and some of the crucial institutional arrangements were developed in the 1997 Constitution of the Republic of Poland. In fact, the establishment of new Polish Constitution and changes in the party system helped to stabilise governments which has been protected by the normative regulations.

Using a definition of government termination that includes changes in the partisan composition of the cabinet, the Prime Minister, coalition status, or new elections (Lijphart, 1999), the average duration of all Polish governments form 1989 till 2007 is not very long – 355 days or almost one year (see: Table 1). This does not exceed the cross-national average cabinet duration of 2.12 years found in Lijphart's study (1999, p. 137) of 36 democracies and is over two times lower. The average duration of Polish majority governments is 1,13 years (411 days) compared with 0,78 years (285 days) for minority ones. However, between 1989 and 2007, the distance in duration of minority and majority governments in Poland was 0,35 years (126 days), which is roughly half of the minority governments durability time at all. Both statistics for cross-national average of 1.64 years for single-party minority governments in Lijphart's research far exceed Polish minority governments (Lijphart, 1999, p. 137). Polish minority governments last far shorter than their Western counterparts (average of 601 days) (Gallagher, Laver, & Mair, 2006, p. 410). They also do not appear to have more difficulty in the formation process (see: Table 1). On average, government formation for all types

takes in Poland only 9,33 days. There must be stressed a really small difference between the time necessary to establish minority and majority governments. On the one hand, majority governments are obviously formed faster and easier and this process lasts 7,7 days. On the contrary, the minority ones are formed longer, i.e., 11,38 days, which is also not a symbol of crisis. It is even possible to claim that in Poland the minority or majority status of the government does not influence the time of establishing the government. In my opinion, this is probably caused by the underdeveloped party system in Poland and not the real political base in the parliament.

One of the main reasons that influenced the duration of minority governments in the analysed period 1989–2007 was the situation on the party scene and individual parliamentary members' fears of earlier elections. It is worth noticing that parliament's terms of office was shortened only once by the will of the parliamentary members, which happened in 2007. The decision was then enforced by the leader of Law and Justice – Jarosław Kaczyński. His strategy was obvious, i.e., he wanted to avoid the uncomfortable situation for the government attacked by the opposition. However, after earlier election in 2007, the control of government was lost by Law and Justice, but still, in the long run, Jarosław Kaczyński avoided weak electoral results and was able to control the party scene in Poland.

The second performance indicator is the legislative success of the governments, measured by the percentage of government bills presented that are approved. Overall, Polish governments perform quite well in this sphere (see: Tables 2 and 3).

The participation of the government in legislative proceedings has not only a practical dimension that influences the effectiveness of governance, but is also important from the point of view of the principle of legalism and other components of the democratic state ruled by law. In a state that wants to be treated not only seriously, but also perceived as adhering to the rule of law, a political program can only be implemented through laws, especially where there is no government delegated legislation. In accordance with the imperative of cooperation of the legislature and the executive in this system, the act should be a joint work of the government and parliament, in this way that the government prepares projects, while the parliament adopts them, thus enabling the government's key functions of ruling. In addition, the legislative aspect at the level of the European Union is an additional factor raising the rank of the legislative role of the government,

which is reflected in the construction of the EU decision-making process. The most characteristic feature of the EU legislative process is the conversion of the systemic roles of the legislature and the executive versus the classical division of power. This executive actually creates EU law with the participation of the parliament, and the member states' parliaments possibly carry them out, when it takes the form of directives and controlling government representatives in the EU decision-making structures, while controlling the legislative process is in the interest of the national sovereign (Patyra, 2011, p. 122).

Currently, the existing constitutional solutions in Poland dedicate only a few normative instruments through which the Council of Ministers is able to influence the legislative process. These instruments include, first of all, the right of legislative initiative, which is widely recognized as an irreducible principle in the parliamentary-cabinet system, and the experience of Polish constitutionalism so far indicates that the government has always been an entity equipped with this right. Past experience shows also that the Council of Ministers is the most active entity among five equipped by the Constitution in this law. All bills submitted by the government are subject to specific formal requirements, including the obligation to consult, the obligation to draw up socio-economic effects related to the entry into force of the act, and the drafting of implementing acts (Mistygacz, 2012b, pp. 117–118).

In the case of the government, it must be stressed that the President, as the second part of the executive branch, is extremely important. The personal right of the head of state in the field of legislative initiative may in fact destabilize and conflict the dual executive, which unfortunately, may affect the quality of governance. Leaving aside the intentions of both the government and the President himself, it may occur that both sides will compete with each other and even deliberately interfere with the achievement of political goals. It can generate two extremely interesting situations. The first of these is the cohabitation situation, and the second is the emergence of a minority cabinet. In both cases, and especially in the second one, presidential role in the political system and its impact on the legislative process can significantly increase. It is believed that some political elites in the destabilized parliament will strive to satisfy the alternative political centre, pursuing their particular interests.

As Table 2 shows, the dominance of the government over the President in the field of initiating legal acts is enormous and confirms the existence of a parliamentary-cabinet system in Poland. The role of the President is marginal here, which is indeed not surprising.

Table 2. Number of Bills Submitted in the Parliament (Lower Chamber)

Term of Office	Number of submitted bills (legislative initiative)		
	Council of Ministers	President	Government projects among executive projects in per cent (%)
X (1989–1991)	144	6	96
I (1991–1993)	80	5	94,1
II (1993–1997)	334	15	95,9
III (1997–2001)	553	16	97,2
IV (2001–2005)	808	21	97,5
V (2005–2007)	377	23	94,3
Average	**383**	**14**	**95,8**

Source: own study based on information from official site – www.sejm.gov.pl, and Mistygacz, 2012a, p. 285.

The issue of legislative effectiveness of minority governments seems to be more interesting. In order to find and confirm the links between legislative effectiveness and the functioning of minority cabinets, it is first necessary to provide aggregated data on this topic, presented in Table 3. The reader will also find there some data presenting the legislative effectiveness of other entities entitled to submit bills in the Polish parliament. The list of entities itself illustrates the dominance of government projects.

Table 3. Legislative Effectiveness of the Government in the Light of the Effectiveness of Other Entities

Term of Office	Legislative Effectiveness in per cent %						
	Council of Ministers	Parliamentary Members	Sejm's Committees	Senate	President	Citizens	Average
X (1989–1991)	60	55	52	58	50	48	53,83
I (1991–1993)	55	24	31	20	20	15	28
II (1993–1997)	92	42	70	60	33	55	58,67
III (1997–2001)	81	41	78	41	31	40	52
IV (2001–2005)	91	51	82	64	71	38	66,17
V (2005–2007)	77	44	27	19	74	12	42,17
Average	76	42,83	56,67	43,67	46,67	34,67	-

Source: own study based on information from official site – www.sejm.gov.pl, and Mistygacz, 2012a, pp. 292–294; Dudzińska, 2015, p. 71.

According to the Table 1 and Table 3, we can see a correlation that in the terms of parliaments I, III, IV and V, in which there were minority governments, the effectiveness of government legislation was smaller than in the second term in which the coalition majority government operated. Although in the fourth term of office, the success rate in adopting governmental projects was at a decent high level despite the existence of the government without the support of the majority, however, this condition was caused by the specific political situation strongly connected with the process of Poland's accession to the European Union. During this period, legislative work aimed at adapting Polish law to the EU's was intensified and the government as the participant of the process led the way in creating proposals and modifying normative solutions. It was a natural situation because governments are usually best-informed and substantively prepared in these matters. It should also be noted that in the period when only minority governments dominated (parliamentary terms 1991–1993 and 2005–2007), legislative effectiveness was definitely lower. The parliamentary term from 1997 till 2001 was not only the time of preparations for Poland's accession to the European Union but also numerous reforms of the political system, when the Prime Minister was Jerzy Buzek.

It should also be noted that minority governments were not able to push-through any significant bills and the thesis about the administrative nature of such offices without a strategic vision of governance was confirmed. In the periods when the minority government was dominating in the executive, no major laws or projects were noted, so logically the existing solutions were not fundamentally remodelled. There was also a visible situation that number of projects approved by the cabinets were decreased especially at this time and in consequence there was a drop of average result for the whole parliament. One of the reasons for this situation was also the failure of the minority government to take such initiatives, which are often controversial in assumptions and for their success there is necessary the majority in the lower chamber of the parliament (Sejm). There is no impact of normative solution here, which is the same as in the case of a government with a majority or only a minority background.

CONCLUSIONS

In conclusion, based on the Polish experience, it is possible to confirm the hypothesis assumed in the introduction that the functioning of minority offices is not conducive to the legislative effectiveness of governments without a solid support in the parliament. In Poland, majority governments are a little bit more successful legislatively than minority ones. However, there was no big difference between majority and minority governments between 1989–2007 in durability and time necessary to establish a new cabinet. Not only the lack of the majority to pass laws, but also other internal factors may ultimately lead to the fall of the government and the shortening of the term of office, which results in the principle of discontinuation of parliamentary work. A separate issue requires further research to find an answer to the following question: who is the real author of realised projects? Finding an answer to the mentioned question is not an easy task.

In Poland, minority governments are also not legislatively less productive, as measured by the number of government-initiated laws passed. The difference largely occurs if we underline the accession to the European Union, which caused a higher number of laws, because parliament was engaged in building a new legal standardised system in Poland.

To sum up, Polish minority governments perform as well as single-party and coalition majority governments in the post-1989 period. Even if we include the 1989–1991 (not fully democratic parliament) data, minority governments do not significantly underperform compared with majority ones in Poland.

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SYSTEMIC PRECONDITIONS OF CENTRALIZED PERSONALIZATION OF THE ELECTION CAMPAIGN TO THE POLISH SEJM

SYSTEMOWE UWARUNKOWANIA PERSONALIZACJI SCENTRALIZOWANEJ KAMPANII WYBORCZYCH DO SEJMU RP

*Wojciech Peszyński**

ABSTRACT

The aim of this article is to assess the susceptibility of chosen components of Polish political system on centralized personalization of the election to the Sejm. The method applied in this process is the qualitative-quantitative content analysis. The construction of the tool that could objectively measure this influence in any democratic country poses an extremely difficult task. For this reason, the author proposed his own catalog of variables, based on the criterion of the relevance of their impact on the process of personalization. This list includes the following determinants: the position of Prime Minister, the electoral system, competencies and the manner of creating the position of the President, the financing of political parties and the role of the mass media. Out of the above-mentioned variables, especially the Prime Minister's competences and the election system are the key factors that influence the level of centralized personalization, due to which

ABSTRAKT

Celem artykułu jest ocena podatności wybranych komponentów polskiego systemu politycznego na personalizację scentralizowaną wyborów do Sejmu. Metodą zastosowaną w tym procesie badawczym jest ilościowo-jakościowa analiza treści. Stworzenie narzędzia, dzięki któremu można byłoby obiektywie zmierzyć ten wpływ w każdym państwie demokratycznym, jest zadaniem niezwykle trudnym. Dlatego też autor zaproponował katalog zmiennych, w których doborze bazował na kryterium istotności ich wpływu na proces personalizacji. Na tej liście znalazły się następujące determinanty: pozycja premiera, system wyborczy, kompetencje i sposób kreowania stanowiska prezydenta RP, finansowanie partii politycznych, reklama wyborcza oraz rola mass mediów. Spośród wymienionych zmiennych kompetencje premiera oraz system wyborczy w sposób kluczowy oddziałują na poziom personalizacji scentralizowanej, co prze-

* Nicolaus Copernicus University in Toruń, Faculty of Political Science and Security Studies.

they were graded higher in the assessment of susceptibility.

Keywords: personalization; presidentialization; Prime Ministerialization; political system; electoral system

łożyło się na nadanie tym czynnikom większej rangi w ocenie podatności.

Słowa kluczowe: personalizacja; prezydencjalizacja; *Prime Ministerialization*; system polityczny; system wyborczy

INTRODUCTION

Political personalization (including personalization of electoral campaigns) has become a popular area of scientific investigation in the recent decade. It seems, however, that the attempts to specify the importance of certain determinants in this process are made too rarely. In Poland, this subject was approached by Marek Mazur (2014), who still did not pose it as the main point of his investigation. As regards world literature, what is particularly worth attention are the texts included in the second chapter of a book by Marina Costa Lobo and John Curtice (2015), devoted to different aspects of personalization. Among older but still actual positions one should pay attention to the articles by John Curtice and Sarider Hunjan (2011), Soren Holmberg and Henrik Oscarsson (2011) and, last but not least, John Downey and James Stanyer (2010). The last of the mentioned articles presents the results of comparative studies concerning the power of personalization in 20 democracies. Its authors focused mostly on communicative factors, rather than on systemic determinants. While the content of this catalog does not cause any objections, the fact the political markets under analysis are under-recognized is highly controversial. Here one can include Poland, where common and direct election for the head of state let us classify the regime as the presidential one (Downey & Stanyer, 2010).

Taking into consideration all the aforesaid deficiencies, the indicators of assessment applied in particular areas of research as well as the effort that researchers put into their studies deserve special praise. This inspired the author of this article to construct the tool for investigating the level of countries' susceptibility to personalization and to test it on the Polish ground.

CENTRALIZED PERSONALIZATION AS THE MAIN THEORETICAL CATEGORY

Generally speaking, the personalization of campaign ought to be understood as a certain trend in which society, the mass media and the subjects of political rivalry focus on the person rather than on the party or its program. This is connected with the phenomenon of privatization that is growing importance of the politician's personal attributes which are not necessarily politically relevant (Mazur, 2017). The literature devoted to this subject, according to Gideon Rahat and Tamir Sheafer (2007), distinguishes three types of personalization: institutional, personalization in the media and in politicians' behavior.

The analysis presented in this article concentrates on the last of the aforesaid types, and to be more specific, on centralized personalization. The core for this concept are the leaders of election (Balmas, Rahat, Sheafer, & Shenhav, 2014; Mazur, 2014), that is, those figures who in German political discourse are referred to as *spitzenkandidaten* (Brettschneider, 2002)[1]. Due to the fact that the domination of the political leaders over the forms of organization increases the signification of the rivalry for the position of the head of government, or even gives the impression of certain similarity between parliamentary and presidential election, the author of this article uses the terms *Prime Ministerialization* (Dowding, 2013) and *presidentialization* (Poguntke & Webb, 2005) as synonyms of centralized personalization.

METHODOLOGY

The aim of this article is to investigate the degree of susceptibility of certain components of Polish political regime on centralized personalization in the election to the Sejm[2]. To achieve this goal, the following two questions must be answered:

[1] The categories of "election leader" or *spitzenkandidaten* are semantically wider than "party leader". They include not only party leaders but also other politicians who act as candidates for the Prime Minister during the election.

[2] The subject of this analysis was not parliamentary election as a whole, but only the election for the Sejm. Polish Constitution does not ascribe to the Senate such powers as introducing the vote of confidence or non-confidence towards the Council of Ministers (Art. 154–160).

1) What is the impact of certain components of political regime on centralized personalization in the election to the Sejm?
2) To what degree the political system of Poland as a whole is susceptible to centralized personalization in the election to the Sejm?

The analysis will be conducted in units, representing different components of the political system of Poland (Table 1). The six variables were chosen intentionally and classified according to the criterion of their impact on the process of presidentialization. Such a catalog was worked out on the basis of both the research conducted in numerous democratic countries and the specificity of Polish regime. This lead to the conclusion that two out of six variables, that is, the constitutional position of the Prime Minister and the election system, mainly influence the level of personalization, and as a result, they were placed high in the scale of the systemic determinants as a whole. First of all, *Prime Ministerialization* applies to the rivalry of *spitzenkandidaten*, in which the highest prize for the leader of the winning party is the Prime Minister's office. Therefore, there is a direct relationship between the range of actual authority of the head of the government and the level of presidentialization of the parliamentary election. Secondly, the election system makes a key determinant for the party system. Providing the regulations are directed towards the creation of two-party settlement, the level of centralized personalization is likely to be higher.

Table 1. The Conceptualization of Certain Components of Political System

Components of the political system in Poland	Indicators	Scale
1. The position of Prime Minister	1.1. Prime Minister as a separate executive subject 1.2. The dominant position in the government	0 – 2
2. Electoral system	2.1. The method of determining the result of election favorable for big parties 2.2. Small constituencies 2.3. Model list – focus on the leader during the campaign	0 – 2
3. The competence and creation of the head of state	3.1. Representative competence 3.2. Indirect voting, through the parliament	0 – 1
4. The financing of political parties	4.1. Financing the parties from the national budget	0 – 1
5. Electoral advertisement	5.1. Paid commercials 5.2. Billboards	0 – 1
6. The role of the mass media	6.1. Strong position of the mass media 6.2. Weak position of the mass media	0 – 1

Source: author's own work.

The measurement of particular indicators was based on the scale proposed by Downey and Stanyer (2010), to which one additional point was added. The values were presented in the 0–1 scale, where 0 indicated lowest level (no adherence) and 1 – full membership to the set. When fewer arguments spoke for the affiliation of a given indicator, it gained 0,3 points. In an opposite case, the value ascribed was 0,7. In case of balance, the assessment was 0,5. Due to the key significance of the factors relating to the Prime Minister's position in the political system and the preconditions of the latter, the value of the indicators in this subject are doubled (Table 1), which is particularly relevant for the second question posed in this study.

All the systemic factors subjected to the analysis were assessed in the scale from 0 to 8. To clearly present the level of susceptibility of systemic preconditions to centralized personalization, five-degree gradation was introduced. The level of susceptibility will be determined by the achieved value of quantitative indicator (Table 2).

Table 2. Operationalization of the Level of Systemic Preconditions on Centralized Personalization

Value of all the indicators	Degree of susceptibility
0 – 1.7	Very weak
1,8 – 3.5	Weak
3,6 – 5,3	Average
5,4 – 6,3	High
6,4 – 8,0	Very high

Source: author's own work.

The method applied in this research process is the quantitative-qualitative content analysis. It is worth highlighting that the concept of content here concerns three different areas. The first one are normative acts. What was investigated here were the acts whose norms significantly influence the level of centralized personalization. These include the Polish Constitution (2 April 1997), the Election Code (5 January 1997), and the Broadcasting Act (29 December 1992). Also, the jurisdiction of the Constitutional Tribunal was mentioned. The second include the results of the research reports of both the National Broadcasting Council and the Stefan Batory Foundation, which present the results of quantitative analysis concerning the content of television programs as well as the timing and expenses on television advertisement. Thirdly, there are the results of and conclusions from the studies published in chosen monographs and scientific articles.

THE POSITION OF THE PRIME MINISTER IN POLISH POLITICAL SYSTEM

The political system of Poland cannot be unequivocally classified as one specific model, since the solutions provided by the Constitution derive from three different models: parliamentary-cabinet, chancellor, or semipresidential (Glajcar, 2015). Despite its hybrid character, there are no doubts that Polish political system should be regarded as parliamentary one. First of all, the government is a collective body. Secondly, the cabinet is given the vote of confidence by the more important house of parliament. Thirdly, the position of government depends on the distribution of forces in the Sejm (Lijphart, 1994).

What is important for the competences of the Prime Minister and, in consequence, for the level of presidentialization of parliamentary campaign, is the dualistic character of the executive. According to Art. 2 paragraph 10 of the Constitution, the subjects responsible for the executive power in Poland are the President and the Council of Ministers. The Prime Minister, then, is not regarded as a separate subject of executive, but rather as a component of the government, which is confirmed by Art. 147 para. 1 of the Constitution.

Nevertheless, the position of the Prime Minister is dominant. This is mostly due to five factors. First of all, Art. 148 of the Polish Constitution is entirely devoted to the function of the Prime Minister. This particular article enumerates the competences reserved for the head of the cabinet, including representing the cabinet, controlling its work, performing and specifying the manner of performing the government policy[3], that is, coordination and control of the governmental activity. Secondly, the Prime Minister decides of the composition of the government. Thirdly, the dismissal of the Prime Minister causes the dismissal of the entire cabinet, regardless of the cause mentioned in Art. 162 para. 2 of the Constitution. Furthermore, the vote of non-confidence in Poland is constructive, which means that at the moment such a motion is submitted, the name of the

[3] At this point it is worth to mention the competence disagreement between the Prime Minister Donald Tusk and President Lech Kaczyński. The battleground was the assignation of the subject that establishes the side and represents Poland during the sessions of the Council of Europe. The disagreement was arbitrated by the Constitutional Court on 20 May 2009. The fourth point of its decision stated that the Council of Ministers establishes the side of the Republic of Poland on the session of the Council of Europe and the Prime Minister represents the country during the session and presents its side. The third point says that the participation of the President in the session of the Council of Europe requires cooperation with the Prime Minister and a proper minister.

new candidate for the office must be publicly known. Provided that the vote of non-confidence is given (that is, the half of the members of parliament support the motion), the candidate is automatically appointed the Prime Minister (Art. 158). As regards the chancellor system, the legislator implemented only part of the typical solutions. This can be exemplified by the fact that according to Art. 65 of the German Constitution, only the chancellor has the right to dismiss the head of a resort. Polish Constitution, however, allows the Sejm to give the vote of non-confidence to a minister (Art. 159), which is still unlikely taking into consideration stable majority in the government.

To summarize, the office of Prime Minister is filled indirectly, and his or her position depends most of all on the distribution of seats in the Sejm. It does not constitute a separate subject of executive, but rather a component of the Council of Ministers. Nevertheless, its importance in the structure of government in unquestionably dominant. This leads to the conclusion that one of the analyzed factors is observed in Polish constitutional ground. It is worth reminding, however, that due to the significance of the systemic regulations, the measurement of the position of the Prime Minister are double counted. For this reason, the total value of the indicators relating to the position of the Prime Minister in Polish regime amounts to 1.

ELECTORAL SYSTEM IN THE ELECTION TO POLISH SEJM

The rules governing political rivalry are key for the phenomenon of presidentialization of electoral campaign. The closer the system is to the two-party one, the higher is the level of centralized presidentialization. What favors such patterns of interaction between parties are strong electoral systems, that is, majority and "proportional contaminated" (Nohlen, 2004) systems. In such conditions the winning party is more likely to get the absolute majority and it is easier for its leader to become the Prime Minister. For this reason, a higher level of polarization implicates the growing concentration on the rivalry of *spitzenkandidaten* for the head of government office.

Polish legislation does not provide such institution as a "candidate for the Prime Minister" and parliamentary elections aim mostly at choosing the members of the Sejm and Senate. The election to the Sejm, that is the only house of parliament that participates in the creation of the government, are proportional,

which is specified by Art. 96 para. 2 of the Constitution. Neither the Ordination to Sejm and Senate of 23 April 2001 nor the Election Code of 5 January 2011 does not significantly "contaminate" the rule of proportionality, due to which the electoral system in Poland ought to be classified as weak.

The analysis of the provisions of the Election Code leads to the conclusion that the only factors that contribute to the effective reduction in the number of parties are electoral threshold (5% for political parties and 8% for coalition committees; Art. 196) as well as the application of d'Hondt method, which favors the subjects that can boast the higher support (Art. 232 para. 1).

Other components of the electoral system promote the shaping of a moderate multi-party system. This thesis most of all applies to the issue of relatively big constituencies. According to the attachment 1 to the Election Code, the country is divided into 41 constituencies, in which the mandates are divided among the authorized committees. This means that in an average constituency 11,2 members of parliament are elected, and the natural threshold in such a constituency amounts to 8,33. In this manner, the committees with average support can win a relatively large number of mandates. In none of the elections investigated in this article the national list of candidates was used. What is worth highlighting, the presence of this institution in elections in the 1990^{s} had a little contribution in the reduction in the number of parties.

One of the factors that reduce the level of presidentialization is the character of electoral lists. In all the elections under analysis the lists were "semi-open" (Nohlen, 2004). As a result, individual candidates focus on the parliamentary mandate rather than on supporting the party leader (Mazur, 2014).

The impact of the rules that govern the system of elections to the Sejm on the decrease in the effective number of political parties is minimal, which gives the effective ground for the moderate multi-party system. What can support this thesis are such factors as the lack of "candidate for the Prime Minister" institution, proportional electoral formula based on relatively large constituencies, and the type of electoral lists. As regards the factor that may increase the level of centralized presidentialization, they include the method of calculating the outcome of elections and the statutory election threshold for parties and coalitions. This leads to the conclusion that the structure of Polish election system does not promote the phenomenon of *Prime Ministerialization*. Therefore, the implication of the electoral system on presidentialization ought to be counted as 0,3. Due to the key significance, the final grade of this group amounts to 0,6.

COMPETENCES AND CREATION OF THE HEAD OF STATE OFFICE

The hybrid character of Polish parliamentarism seems to be determined by the model of presidency proposed by the Constitution. It combines the features of the head of state typical of the parliamentary-cabinet system and the semi-presidential one. Therefore, for certain competencies of the President go far beyond his or her representative duties, the character of presidency in Poland can be described as "corrective" (Wojtasik, 2012). The strongest of the presidential authorities include the legislative veto (Art. 122 para. 5), which can be overridden only by the qualified majority of three fifths of votes in the presence of at least half of the members of Sejm. This prerogative can put limits on the political plans of the Prime Minister and his or her cabinet.

In Poland, the role of the President correlates with the position of the Prime Minister. It is also liable to other contextual factors, including the situation in the Sejm. It increases in case of certain fragmentation in this house of parliament and decreases when the majority in the Sejm is stable. The President's position is stronger in periods of cohabitation, and weakens when the Prime Minister derives from the same political camp. Furthermore, the President's activity on the political scene grows in the second term of office, as due to the impossibility of another reelection, his or her behavior becomes more independent from the public preferences.

What is important for the level of centralized presidentialization of the elections to the Sejm are the regulations concerning the choice of the head of state (Art. 126). Common and indirect character of the presidential elections results in their greater social popularity. First of all, the vote for the office of the President is by definition more personalized and, for this reason, more attractive for the public opinion. Secondly, there are usually several candidates running for this office, while in parliamentary election participate thousands of people. As a result, the voters have a bigger chance to remember the names of candidates, which is particularly visible in the second turn, where there are only two candidates. Thirdly, the process of choosing the winner is far less complicated in case of the presidential election.

The manner of creation of the head of state present in Poland limits the level of centralized presidentialization. What is worth highlighting is that a certain social and medial need to make parliamentary election more presidential-like increases in the regimes that lack common and direct election for the head of

state. Taking into consideration also the fact that the competencies of the Polish President clearly exceed representative functions, the conclusion is that these factors negatively influence the level of presidentialization of the election to the Sejm, and the grade here is 0.

THE FINANCING OF POLITICAL PARTIES

The regulations present in the Polish electoral system favor the creation of multi-party relations. What limits the chances of organizations that are beyond the parliament to introduce their representatives into the Sejm are the rules of political parties financing. The means deriving from election subsidies constitute the main source of financing of Polish political parties (Skotnicki, 2016). After the novelization of the Act on Political Parties in 2001, the subsidies form the national budget are dedicated to those parties and coalitions whose support amounts to 3% and 6%, respectively (Art. 28 para. 1), which causes certain stability of the party system, as the subjects that get this kind of support are more likely to achieve their political goals. Obviously, the budget amount has a large impact on the performance during the election. Therefore, the major parties can afford more expensive campaigns, which contributes to the polarization of the spectrum of political rivalry.

Paradoxically, the possibility for the parties to get budget subsidies increased the position of their leaders. What is worth highlighting, the statuses of political organizations predominantly entrust the tasks related to the elections to collective bodies. These same documents, however, place the leaders in the main position within the organization. Therefore, in practice the decision-making competences are usually ascribed to the leaders or the elite gathered around the leaders (Matyja, 2018).

In conclusion, Polish parties are forbidden to obtain financial means from legal persons, which could be beneficial for the majority of political organizations. The budget subsidies strongly influenced the increase in the level of institutionalization of the Polish party system. Simultaneously, they strengthened the role of political leaders within their own parties. For these reasons, the impact of parties financing system on centralized personalization ought to be measured as 1.

ELECTION ADVERTISING

The possibility to broadcast paid television advertisement is one of the factors that increase the level of presidentialization. Campaign committees can apply this technique due to the regulations of the Electoral Code (Art. 119) and the Broadcasting Act of 29 December 1992 (Art. 16–20). In numerous European countries, including France, Belgium or Great Britain, the law forbids the use of paid advertisement by political subject (Holtz-Bacha, 2017). In Poland such restrictions were regarded as unconstitutional by the Constitutional Court on 20 July 2011.

Since television advertisement is a relatively short message, it frequently uses personal symbols. The costs of producing and broadcasting often exceed the possibilities of the minor parties, which may increase the polarized character of the election. This thesis is confirmed by the data of the National Broadcasting Council (2011; 2015), which clearly show that the two major parties spent the largest amount of money on the airtime.

A similar conclusion can be also drawn in the aspect of applying billboards in the election campaigns. First of all, due to large costs, only the richest political subjects can afford this kind of promotion. Secondly, certain communication restrictions forces the senders of such a message to use symbolic forms, out of which personal symbols are the most common.

The above-mentioned issues allow to conclude that the use of paid television advertisement as well as billboards increase "more presidential image" of parliamentary campaigns. For this reason, the influence of these two components on centralized presidentialization are given the value 1.

THE ROLE OF THE MASS MEDIA

Another important aspect that needs to be paid attention to is the strong position of the public broadcasters, the Polish Radio and the Polish Television, on the radio and television market. The activity of the public media is largely financed from the subscription. Both the Polish Radio and the Polish Television, by the regulation of the Election Code (Art. 225), are obliged to broadcast free electoral programs. This form of message can be used by political subjects who registered their candidate in at least half of the constituencies (Art. 252 para. 1). As regards

the rivalry between the party leaders, they participate in national debates that need to be organized by the public broadcaster (Election Code, Art. 120 para. 1)[4].

What is particularly important for the level of presidentialization of electoral campaign are the regulations concerning the reporting of the course of campaign in the information services, especially by the public broadcasters. The fact that the public, not private, stations are legally obliged to "treat equally all the participants of the electoral rivalry" derives from Art. 23 para. 1 of the Broadcasting Act. However, the minimal amount of the airtime that should be devoted to a particular committee is not specified. The statistics presented by the Stefan Batory Foundation (2011) and the National Broadcasting Council (2015) show that the public media devoted more space to minor political subjects than the private broadcasters.

This allows a statement that the level of presidentialization in media reports is higher in the public media than in the private ones. It is worth reminding that the latter need to take into account commercial criteria in their work, which determines particular care for viewership. For that reason, often the message focus on the two major parties and, in consequence, exposes the presidential aspect of the parliamentary campaign.

Therefore, it seems legitimate to state that the relation between public (TVP) and private sectors (TVN and Polsat) of the Polish media market is relatively balanced. What is worth highlighting, the public broadcasters ought to be considered as strong subjects, mostly due to the regulations of certain normative acts and the subsidies. In the context of the impact of the general situation on presidentialization, it is marked as 0,5.

CONCLUSIONS

The aim of this research was to answer two questions: (1) What is the impact of certain components of political regime on centralized personalization in the election to the Sejm? (2) To what degree the political system of Poland as a whole is susceptible to centralized personalization in the election to the Sejm?

[4] What is interesting, in 2015 the debate was attended by the leaders of all eight committees and its course had a large impact on the result of the election (Klepka, 2018). However, it is difficult to predict whether participation of leaders in such events would become a tradition, or, more likely, whether it would be determined by the context of particular election.

The investigation of the susceptibility of Polish systemic preconditions to centralized presidentialization lead to the conclusion that the power of the Prime Minister in Poland is weaker than in primeministerial or presidential models. This is caused not only by the regulations of the Constitution, but also by the rules governing the parliamentary and presidential elections as well as the prerogatives of the head of state. There is a strong possibility of a multi-party arrangement in the Sejm and the necessity of coalition of two or more parties. What follows is that the scope of the Prime Minister's authority is likely to be limited by the collegiate form of government, opposite fractions within its own party, the coalition's business and the threat of presidential veto, which is probable in such a cohabitation situation. The head of state, having the tool of veto, can informally influence not only the shape of the cabinet's policy implementation, but also its content. It must be remembered that due to common and direct character of presidential election in Poland, the legitimization of the head of state is much stronger than that of the Prime Minister, which in turn has a strong impact on the level of centralized personalization of the election to the Sejm. The fact that the President is chosen in direct voting, decreases the social anticipation of making parliamentary election more "presidential-like".

Table 3. The Outcome of the Research Process

Factor	Indicator	*WW	Grade	Weight	Final grade
1. The position of the Prime Minister in the political system	1.1. Prime Minister as a separate subject of executive	No	0,5	2	1,0
	1.2. Dominant position in the government	Yes			
2. Electoral system to the Sejm	2.1. The method of determining the result of the election beneficial for major parties	Yes	0,3	2	0,6
	2.2. Small constituencies	No			
	2.3. Model of electoral lists – focus on the leader during the campaign	No			
3. Competences and election of the head of state	3.1. Representative competences	No	0	1	0,0
	3.2. Indirect election, by parliament	No			
4. Financing of political parties	4.1. Financing from the budget	Yes	1	1	1,0

Factor	Indicator	*WW	Grade	Weight	Final grade
5. Electoral advertisement	5.1. Paid television spots	Yes	1	1	1,0
	5.2. Billboards	Yes			
6. The role of the mass media	6.1 Strong position of commercial media	Yes	0,5	1	0,5
	6.2 Weak position of the public media	No			
Final grade:					4,1

***WW** – indicator occurrence [Polish: występowanie wskaźnika]

Source: author's own work.

As results from the content of the above table, the level of the susceptibility of Polish systemic preconditions to centralized personalization can be increased by such factors as financing the political parties and the possibility to use of paid electoral advertisement. Also the regulations present in the Broadcasting Act may positively influence the level of presidentialization. All the aforesaid contributors effected in the final grade 4,1, which lets to assess the systemic preconditions of the Polish system as moderately susceptible to presidentialization of the parliamentary election (Table 2).

Last but not least, it is good to mention that the position of the Prime Minister strongly depends on his or her personality, in particular the ability to dominate the President and coalition partner or partners, as well as reducing the competition within the party. The case of Donald Tusk in the years 2010–2014 shows that the scope of power of the Polish Prime Minister can be "chancellorship-like indeed" (Matyja, 2013). His supremacy within the party as well as in the government and unquestionable domination over Jarosław Kaczyński as the leader of the main opposing party resulted in the "highly presidential" character of the 2011 parliamentary campaign (FB Report, 2011). Still, the personal attributes and statutory position of the *spitzenkandidaten* can be qualified as systemic regulations, and for this reason they could not be taken into consideration in this study.

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NEW PARTIES IN THE PARTY SYSTEMS OF CENTRAL AND EASTERN EUROPEAN COUNTRIES: THE FACTORS OF ELECTORAL SUCCESS

NOWE PARTIE W SYSTEMACH PARTYJNYCH PAŃSTW EUROPY ŚRODKOWEJ I WSCHODNIEJ: CZYNNIKI WYBORCZEGO SUKCESU

*Maciej Marmola**

ABSTRACT

The aim of the presented analysis is to identify factors correlated with the proportion of seats obtained by new political parties in party systems of Central and Eastern European countries. The study provides an original approach to success of new parties, offering factors divided into in four groups (political, social, institutional and economic factors). The study results confirmed that a higher proportion of seats obtained by new parties in the investigated area correlated with lower trust in the European Union, lower institutional trust (index based on trust in the parliament, government and political parties), poorer evaluations of the future of the country (illustrated with the *prospective voting* variable), lower income inequalities in the society (illustrated with the Gini coefficient value), and a higher effective number of parties. No significant relationships were observed in

ABSTRAKT

Prezentowana analiza ma na celu zidentyfikowanie czynników wykazujących związek z odsetkiem mandatów dla nowych partii politycznych w warunkach systemów partyjnych państw Europy Środkowej i Wschodniej. W trakcie badań zaproponowano autorskie zestawienie czynników mogących współwystępować z wyższym wynikiem mandatowym nowych partii, skategoryzowanych w obrębie czterech grup (czynników politycznych, społecznych, instytucjonalnych oraz ekonomicznych). Uzyskane rezultaty potwierdziły, że wyższy odsetek mandatów zdobytych przez nowe ugrupowania na badanym obszarze współwystępował z niższym poziomem zaufania do Unii Europejskiej, niższym zaufaniem instytucjonalnym (wskaźnik stworzony na podstawie zaufania do parlamentu, rządu oraz partii politycznych), gorszymi ocenami co do przyszłości państwa (zobrazowanymi zmienną *prospective voting*), mniejszym

* University of Silesia in Katowice, Faculty of Social Sciences.

the case of institutional factors (including the electoral system).

rozwarstwieniem dochodowym społeczeństwa (ukazanym wartością współczynnika Giniego) oraz wyższą efektywną liczbą partii. Brak istotnych statystycznie związków odnotowano natomiast w przypadku czynników instytucjonalnych (w tym systemu wyborczego).

Keywords: new parties; party system; party system change; Central and Eastern Europe

Słowa kluczowe: nowe partie; system partyjny; zmiany w systemie partyjnym; Europa Środkowa i Wschodnia

INTRODUCTION

Within the last decade, support for new political initiatives has been growing, which is reflected in the shape of party systems of European countries, especially in Central and Eastern Europe. Many new parties, representing diverse political potential, have entered the parliaments in this area. In most cases, those formations proved to be "political meteorites", disappearing from the political scene as quickly as they appeared. Sometimes, however, they went all the phases of party institutionalization and became established entities on the political competition arena (e.g., TOP 09, Movement for a Better Hungary, Freedom and Solidarity, or Most–Híd), or even major political parties in the respective countries (e.g., ANO in the Czech Republic, or Citizens for European Development of Bulgaria). Apart from the fact that obtaining parliamentary seats by new parties has caused a reconfiguration in party systems of CEE countries (the loss of relevance of some parties in favor of others), it has also affected different aspects of political competition (determining the key topics of the election campaigns and the inclusion of new issues, neglected in the political sphere before).

The aim of this article is to indicate the factors of electoral success of new parties in the party systems of 11 CEE countries (Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia) in the years 2004–2018. The analysis involved the investigation of relationships between the proportion of seats obtained by new parties within this area and variables divided into four groups of factors: political, social, institutional, and economic.

WHAT CONSTITUTES A NEW PARTY IN CENTRAL AND EASTERN EUROPE?

The basic problem faced by the scholars dealing with new parties (both their emergence and electoral success) is the conceptualization of the object of research. The obscurity of the conceptual framework may not only lead to methodological difficulties, but also to distorted research results. The inability to produce a clear definition may cause either rejection or confirmation of the verified hypotheses using the same data. Thus, "concept definitions have a direct impact on the quality of knowledge produced by research studies" (Buttolph Johnson, Reynolds, & Mycoff, 2015, p. 123). As Shlomit Barnea and Gideon Rahat (2010, p. 305) rightly point out, the way of defining new parties also affects diagnoses concerning many political phenomena and processes (i.a., the nature of a specific election, the consolidation of the party system and the patterns of voter–party relationships).

Taking into consideration political determinants, using the origin criterion we can identify four ways of creating new parties: *transformation*, *merger*, *split*, and *birth* (Krouwel & Lucardie, 2008, p. 279)[1]. Formations created in the latter way, totally from scratch, do not have any ties to established parties and are also called genuinely new parties (Sikk, 2005)[2]. In the case of transformation, merger or split, the parties are formed by internal emergence and they have personal or organisational ties to the established parties in the party system. Party emergence from scratch may occur in one of the three following ways:

1) *branching* – creating a party by an international social movement or an international political organization as its "branch" in a particular country[3];

[1] A similar but more metaphoric typology of new parties with consideration of their origin is presented by Peter Mair (1999, pp. 216–217), who identifies parties created by: *marriage* (corresponding to a merger), *divorce* (identical to split), *transformation*, and *birth*.

[2] Researchers also refer to this group of political entities as *new parties formed 'naturally'* (Harmel, 1985, p. 408).

[3] An example of this way of party formation is so-called Pirate Parties, originating from an international socio-political movement promoting free access to cultural goods and free Internet (*Pirate Party International*). The most successful in Central and Eastern Europe is Czech Pirate Party (*Česká pirátská strana*), which obtained 10.79% votes in the 2017 parliamentary election, which gave it 22 seats in the Chamber of Deputies. Other branches of international political organizations are, e.g., Libertas, created before the European Parliament election in 2009 on the basis of a pan-European association established by Irish businessman Declan Ganley, or the European Federalist Party – Poland, formed in March 1991 as a branch of the pan-European party bearing the same name, po-

2) *realignment* – social movements or lobby groups transforming into political parties and putting up their candidates in elections;
3) *political entrepreneurship* – forming a party by an individual from out of the world of politics[4] (Krouwel & Lucardie, 2008, p. 281).

Due to the adaptive character of political parties, which develop, renew, and sometimes even completely change the organizational formula depending on the social, political or electoral reality, there is no universally accepted definition of new parties. Some of political scientists adopt the most restrictive definition, treating entities formed as a result of transformations, splits and mergers as continuations of established parties (Sikk, 2005; Bakke & Sitter, 2005; Marmola, 2014, 2017a). For others, new parties are only the ones created from scratch and those formed as a result of split (Ignazi, 1996; Tavits, 2006; Hug, 2000, 2001). Still others, e.g., Peter Mair (1999), are against classifying in this category the formations that result from transformation of existing political entities. In some studies, the authors analyze in detail the formation of the party, regarding the entity formed through a merger as the continuation of the biggest of the merging parties (Mainwaring & Zoco, 2007).

This problem is much more serious in unstable party systems of Central and Eastern European countries. Due to short democratic tradition, there are frequent changes of party names in these countries, which implicates high volatility of political preferences. In addition, the party systems in CEE followed a specific pattern of emerging of new political parties based on the genetic criteria, different from the typical in consolidated democracies (Wojtasik, 2014, p. 110). It involved, on the one hand, the development of parties being the heirs of

stulating the creation of Europe without borders, with one currency and common political institutions.

[4] The term *entrepreneurial parties* erroneously suggests that such formations are created and led by people from the world of business, which is not only rare in political practice but first of all distorts the original sense of this concept. The constitutive characteristic of such a party is that it is formed on the initiative of an entrepreneurial individual from out of the politics (Sobolewska-Myślik & Kosowska-Gąstoł, 2017). Vít Hloušek and Lubomír Kopeček try to adapt the concept of *entrepreneurial parties* to the conditions of Central and Eastern European party systems. In their view: (1) the party is a private initiative of its leader, who plays a central role in it; (2) the party is treated by the founder and originator as a *personal vehicle* serving their own interests; (3) the founder has a decisive influence on the *political project* (at least in its initial phase), the party is related to an issue that is the priority for its founder and the message created by that person is important to ensure voters' and supporters' identification with the party; (4) the party is not a "product" of the promoter's/sponsor's organization or a social movement, so it has no social roots; (5) the party's origin is not connected with the parliament (Hloušek & Kopeček, 2017, pp. 87–88).

formation existing in communist system (Old Regime Parties), and on the other hand, formations descending from anti-communist opposition (New Regime Parties) (Marmola, 2017b, p. 332).

Therefore, I propose to use the following definition of new political parties with reference to CEE countries: parties which are not the successors of parties formed as a result of the first fully competitive election (which means that they do not have connections with Old and New Regime parties), have novel name and do not have in their structure any important political actors from the past. In the case of the latter condition, I assume that the lack of important political actors means the absence of presidents, prime ministers and a significant proportion of ministers or members of parliament in the party structure (not more than half of party deputies have ministerial or parliamentary experience). It is a combination of the *genuinely new parties* concept (Sikk, 2005) and the organizational criterion of novelty (Barnea & Rahat, 2010, p. 311). In presented analysis, I also depart from the normative approach to political parties in favor of the functional approach. This allows me to include in the study political entities which are not formally registered as political parties (e.g., Kukiz'15 association) but because of the functions they serve they can be analyzed using the conceptual apparatus and methods applied in research on political parties.

THEORETICAL FRAMEWORK

Political success of new parties is usually defined as exceeding the threshold of parliamentary representation and receiving seats in central legislative bodies. According to Robert Harmel and John D. Robertson (1985), the creation of new parties and their success in the first election can be explained by three groups of factors: social (new cleavages or issues); political (behavior of existing parties, attitude of voters toward new party, availability of effective leadership, ideological orientation, nature of competition in party systems, positions of trade unions, salience of new issues); and structural (type of electoral system, centralization of government, freedom to organize). With regard to the latter group of factors, scholars agree that in the electoral systems with high disproportionality voters avoid to vote for smaller and new political parties (Gallagher, Laver, & Mair, 2001, p. 323). This is confirmed by empirical studies showing that a proportional system, low election thresholds and large electoral districts are favorable for new initiatives, both in consolidated (Willey, 1998) and new democracies (Tavits,

2008). The possibility that new parties will appear on the parliamentary arena is also lower in the case of budgetary financing for established parties. On the other hand, new parties' chances grow if a limit of expenditure on election campaign is introduced (Bolin, 2007).

Paul Lucardie (2000, p. 175) presents different mechanism of obtaining attributes of relevance by new parties, pointing to the following factors of their success: 1) *political project*, whose essence is highlighting new issues or previously ignored demands, regarded as significant by a large part of the electorate; 2) broadly understood *party resources* (not only finances and material goods but also the member structure, leadership, management and mass media exposure); 3) *political opportunity structure* (institutional, socio-economic and cultural conditions and ideological distance between established parties).

The chances of new parties' success can also be influenced by the social structure of the country. Ethnic, linguistic, religious or economic diversity determines the number of social divisions, which are subject to politization through the activity of political parties. Thus, heterogeneity of the society should result in higher fragmentation of the party system, in accordance with the principle that the number of existing formations should reflect all the dimensions of political conflict in the society. A positive impact of heterogeneity of the society and many social divisions on the proportion of seats obtained by new parties is confirmed by some studies carried out in Western democracies (Harmel & Robertson, 1985) as well as in CEE countries (Tavits, 2008). However, there are also analyses showing the limited importance of linguistic and religious diversity on the fates of new political parties in Central and Eastern Europe (Hug, 2001, pp. 94–95; Marmola, 2015).

In some cases, the factor that enables a new party to achieve a parliamentary success may be the very fact of "novelty" (no personal and organizational ties to the existing parties), especially in the situation of deep social dissatisfaction with the existing parties, standards of political activity and the nature of political competition (Sikk, 2012). New political formations of this kind are attributed to the category of *'antiparty' parties* or, more broadly, *'anti-establishment' parties*[5]. They are created so as to canalize social dissatisfaction and offer the voters an alternative form of political representation from the outside of the

[5] The strategy of emphasizing the lack of ties to the existing configuration in the party system is even reflected in the names of new formations. Their originators at all cost avoid the word "party" in the names of the formations, assuming that their potential voters are totally bored with the party logic of competition and therefore feel aversion to political parties themselves.

party system (Lago & Martínez, 2011, p. 7). The increasing importance of such parties in Central and Eastern Europe is observed by Seán Hanley and Allan Sikk (2012, p. 52), who point out that voters from this region more and more often turn to new parties, which combine anti-establishment, populist rhetoric with pro-market attitude, liberal views on social issues and call for political reforms.

In this article, a slight modification of the approach presented by Harmel and Robertson (1985) was proposed. Unlike their concept, four groups of factors influencing the success of new parties were offered. The presented research approach involves the effect of *political factors* (the level of corruption, ideological distance between parliamentary formations, the effective number of parties), *social factors* (voter turnout, trust in the EU, trust in the judiciary and the legal system, institutional trust, propensity to retrospective and prospective voting, satisfaction with national democracy, satisfaction with democracy in the EU, as well as ethnic, linguistic and religious diversity), *institutional factors* (the electoral system and the state of democracy), and *economic factors* (GDP per capita, GDP growth rate, inflation rate, unemployment rate, and income inequalities) on share of parliamentary seats achieved by new political parties.

METHODS

The aim of the presented analysis is to check which of political, social, institutional and economic factors are related to the parliamentary success of new parties within the party systems of CEE countries. This aim was achieved through the analysis of correlations between the number of seats received by new parties and each of the factors. Since not all variables had the distribution close to normal, two tailed Spearman's rank correlation coefficients were calculated. Due to the difficulty with obtaining comparable empirical data for the investigated countries, the analysis was limited to elections carried out after their accession to EU structures. Thus, 45 parliamentary elections from the years 2004–2018 were involved in the research process.

The dependent variable in the analysis was the proportion of seats obtained by the new party in the specific election (the parties that were included in the analysis are listed in the Appendix). In the case of bicameral parliaments, the results concerning seats in the first chamber were taken into consideration. Explanatory variables were divided into four groups of factors: political, social,

Table 1. List of the Analyzed Elections

Country	Analyzed elections
Bulgaria	2005, 2009, 2013, 2014, 2017
Croatia	2007, 2011, 2015, 2016
Czech Republic	2006, 2010, 2013, 2017
Estonia	2007, 2011, 2015
Hungary	2006, 2010, 2014, 2018
Latvia	2006, 2010, 2011, 2014, 2018
Lithuania	2004, 2008, 2012, 2016
Poland	2007, 2011, 2015
Romania	2004, 2008, 2012, 2016
Slovakia	2006, 2010, 2012, 2016
Slovenia	2004, 2008, 2011, 2014, 2018

Source: author's own elaboration.

institutional, and economic. The way of operationalization of independent variables is presented in Table 2.

The main hypothesis formulated in the presented research assumed that the strongest relationship with the share of parliamentary seats for the new parties should have social factors. Presumably, lower trust in political institutions (both at the national and supranational level) and poor evaluation of political performance of existing parties should evoke positive effect on the success of new parties. A lesser importance for new political formations in condition of CEE countries should be economic, political and institutional factors.

Table 2. Independent Variables, Ways of Operationalization and Data Sources

	Variable	Way of operationalization	Data source
political factors	level of corruption	rank in the *Corruption Perceptions Index* prepared by the Transparency International (it was chosen due to the change in the methodology of calculating the index in 2012 and the impossibility to compare the index values for the years 2004–2011)	Transparency International
	ideological distance between established parties	polarization index developed by Russell J. Dalton (2008, p. 906)	ParlGov database
	effective number of parties	effective number of parties (parliamentary level)	Gallagher (2018)

	Variable	Way of operationalization	Data source
social factors	voter turnout	proportion of people with voting rights taking part in the election	official election results
	trust in the European Union	proportion of people declaring trust in the European Union	Eurobarometer
	institutional trust	Institutional trust index is the sum of values of three factors: trust in the national parliament, trust in the government, and trust in political parties. I decided to combine these factors, because they displayed a strong positive correlation (Spearman's rho > .70; p < .001). The index was calculated on the basis of the last Eurobarometer survey carried out before each parliamentary election.	Eurobarometer
	retrospective voting	The index is the sum of three factors: evaluation of the current economic situation of the country, evaluation of the current situation of the household, and evaluation of the current situation on the labor market. Just like in the case of institutional trust, these factors were highly correlated.	Eurobarometer*
	prospective voting	The index was calculated in the same way as the propensity to retrospective voting. In this case, I took into consideration the last Eurobarometer survey carried out before the election, referring to voters' prognoses connected with: future evaluation of the country's economic situation, future evaluation of the household's situation, and future evaluation of the situation on the labor market. The good construction of the index is proved by the high fit of above mentioned factors (Spearman's rho > .85; p < .001).	Eurobarometer*
	satisfaction with national democracy	proportion of people declaring satisfaction with the national democracy	Eurobarometer**
	satisfaction with EU democracy	proportion of people declaring satisfaction with democracy in the EU	Eurobarometer**
	ethnic diversity	ethnic fractionalization index	Alesina et al. (2003)
	linguistic diversity	linguistic fractionalization index	Alesina et al. (2003)
	religious diversity	religious fractionalization index	Alesina et al. (2003)

	Variable	Way of operationalization	Data source
institutional factors	electoral system	disproportionality index (Gallagher index)	Gallagher (2018)
	state of democracy	Democracy Index value (the weighted arithmetic mean of 60 indicators grouped in five different categories: electoral process and pluralism, functioning of government, political participation, political culture, and civil liberties)	The Economist Intelligence Unit
economic factors	GDP per capita	gross domestic product per capita, constant prices	World Economic Outlook (WEO)
	GDP growth rate	annual percentages of constant price gross domestic product are year-on-year changes	World Economic Outlook (WEO)
	inflation	inflation rate	World Economic Outlook (WEO)
	unemployment	unemployment rate	World Economic Outlook (WEO)
	income distribution	Gini coefficient	World Bank

* In Eurobarometer surveys the respondents can evaluate the current economic situation, current situation of their household and current situation on the labor market using a Likert scale with the following response variants: very bad, rather bad, I don't know, rather good, very good. In order to produce the index, these values were attributed weights from 1 to 5 (1 referring to very bad, and 5 to very good). Then, percentage values obtained by each response in the particular survey were referred to these weights. The index was obtained by summing up the values of indices calculated for the economic situation of the country, economic situation of the household, and situation on the labor market.

** In this case, the responses on the Likert scale were attributed the following weights: not at all satisfied (1), not very satisfied (2), I don't know (3), fairly satisfied (4), very satisfied (5).

Source: author's own elaboration.

RESULTS

The analysis showed that a higher proportion of seats obtained by new parties in CEE countries correlated with a lower level of trust in the European Union, lower institutional trust, poorer evaluations of the future of the country (illustrated by the *prospective voting* variable), lower income stratification of the society (illustrated by the Gini coefficient value) and higher effective number of

parties at the parliament level. The relationships between these variables were moderate (Spearman's rho approx. 0.3). The other variables (including all the institutional factors) did not display any statistically significant correlations with the proportion of seats obtained by new parties.

The obtained results may suggest that social factors are decisive for obtaining the attributes of relevance by new parties. It is worth noting that the social variables correlated with a higher proportion of seats for new parties are largely connected with the sphere of politics. Two of them refer to the level of trust in political institutions, both at the national level (the *institutional trust* variable, made up of the level of trust in the parliament, government and political parties) and the supranational level (trust in the European Union). The third one refers to the country's policy connected with the sphere of economy and negative prognoses related to future events in this regard. This may mean that the future of new parties is mostly determined by the evaluation of the performance of established parties and political institutions.

With regard to political factors, the only variable correlated with a higher proportion of seats obtained by new formations was the effective number of parties. This relationship shows that the emergence of a new formation usually causes the increase in the number of entities which have a real influence on the decision-making process in the parliament. This may suggest that new parties gaining relevance does not automatically mean a considerable decrease in the political position of the established parties.

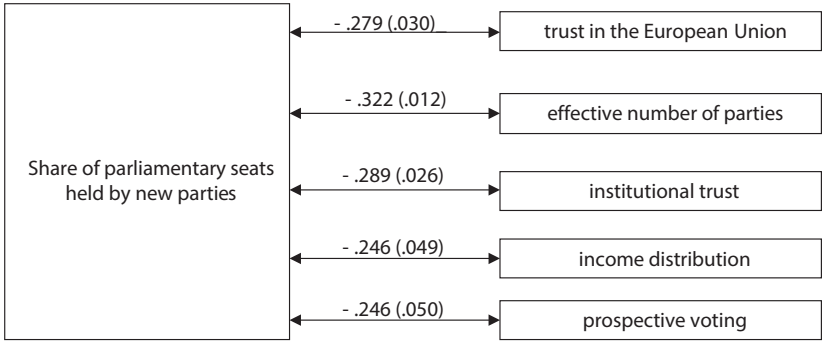

Diagram 1. Significance of Correlations between Seats Obtained by New Parties and the Independent Variables

Source: author's own elaboration based on conducted research. Only correlations significant at the level of $p \leq .05$ are presented. The level of statistical significance is presented in brackets.

The analysis also shows that in the studied period macroeconomic indices had a limited effect on the situation of new parties in CEE parliaments. Insignificant associations were diagnosed for variables based on GDP, inflation rate and unemployment rate. The only statistically significant relationship with seats obtained by new parties was the Gini coefficient, illustrating inequalities in income distribution. Interestingly, lower levels of social inequalities correlated with higher seat proportions for new political initiatives.

Finally, no significant correlations were identified between the proportion of seats for new parties and institutional factors (including the electoral system). New political parties were successful both in the case of elections with high and low disproportionality levels.

DISCUSSION AND CONCLUSIONS

The aim of the presented analysis was to identify factors correlated with the proportion of seats obtained by new party formations in 11 CEE countries. Conclusions from the study are compatible with the findings of other researchers, showing that social factors have the greatest impact on new parties' potential success (e.g., Tavits, 2008, pp. 126–128; Marmola, 2017b, pp. 341–342). Contrary to the common opinion shared by citizens, the proportion of seats in the parliament taken by new parties was not related to the level of disproportionality of the electoral system, which confirms that even restrictive legal regulations do not make it impossible for new parties to enter the parliament, and extremely proportional systems do not guarantee their automatic success (Krouwel & Lucardie, 2008).

The conducted study has a number of limitations, which should be mentioned in the context of interpretation of the obtained relationships. First of all, the correlations revealed in the article only mean the significant associations of the variables; they cannot be interpreted to imply causation. In addition, weak and moderate relationships between variables were identified in the analysis.

Spearman's rank correlation used in the analysis also requires some comment. This non-parametric method allows to evaluate the monotonic (not only linear) relationship between two variables without normal distribution. Hence, it is more resistant to the effects of outliers than Pearson correlation. On the other hand, these attributes can substantially affect the strength of identified associations between variables.

Another limitation may be connected with the selection of factors or even indices that illustrate them. The proposed social, economic, political or institutional factors presented in the article obviously do not exhaust the list of variables that could affect new parties' chances of gaining parliamentary representation. Their selection was largely determined by the existence of comparable empirical data (developed within the same methodology for all the countries), especially as regards social factors. An interesting direction of analysis would be to include other variables (mainly concerning internal party resources), which can have an effect on the parliamentary success of new parties, especially in the conditions of party systems of the whole Central and Eastern Europe. One of such factors could be the "leader effect" understood as social demand for a specific kind of party leadership. Undoubtedly, in the case of many analyzed formations, the central role in the process of creating and functioning of the party was played by the political leader[6]. However, it is hard to produce a comparable index that would allow to unquestionably quantify the impact of the leader (their popularity, psychological traits, etc.) on the chances of electoral success of a new political formation. The possibility of new parties emerging on the political scene is also influenced by representing issues not previously highlighted by established parties. But also in this case, it is very difficult to present such issues in a measurable, quantitative way, especially that they are often characteristic of a particular country or even specific for a particular election.

These limitations mean that it is worth continuing research on new parties, including some new variables in the analysis or testing the variables presented here with regard to future elections, also in other countries of the former Eastern Bloc.

[6] The significant role of the leader in the process of new parties gaining relevance can be proved by stressing the names of party leaders in the names of new formations which obtained parliamentary seats in the last few electoral cycles. This strategy is typical, e.g., for political initiatives developed in Poland (Palikot Movement, Kukiz'15, and Modern of Ryszard Petru), the Czech Republic (Tomio Okamura's Dawn of Direct Democracy), Slovakia (Kotleba – People's Party Our Slovakia, We Are Family – Boris Kollár), or Slovenia (Zoran Janković's List – Positive Slovenia, Gregor Virant's Civic List, Party of Miro Cerar, List of Marjan Šarec). In many cases, the party leader was the main motivation for voting for the specific party.

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Appendix

Table 3. New Parties in Conducted Research

Country	New parties
Bulgaria	ATAKA (2005), Bulgarian People's Union (2005), Citizens for European Development of Bulgaria, GERB (2009), Order, Law and Justice (2009), Bulgaria without Censorship (2014), Alternative for Bulgarian Revival (2014), Volya (2017)
Croatia	Croatian Democratic Alliance of Slavonia and Baranja (2007), Croatian Labourists – Labour Party (2011), Bridge of Independent Lists (2015), Bandić Milan 365 – Labour and Solidarity Party (2015), Human Shield (2015), Successful Croatia (2015)
Czech Republic	TOP 09 (2010), Public Affairs (2010), Tomio Okamura's Dawn of Direct Democracy (2013), ANO 2011 (2013), Czech Pirate Party (2017)
Estonia	Estonian Greens (2007), Estonian Free Party (2015)
Hungary	Movement for a Better Hungary (2010), Politics Can Be Different (2010)
Latvia	Zatlers' Reform Party (2011), For Latvia from the Heart (2014), Latvian Association of Regions (2014), Who Owns the State? (2018), New Conservative Party (2018), Development/For! (2018)
Lithuania	Labour Party (2004), Order and Justice (2004), National Resurrection Party (2008), Liberal Movement (2008), The Way of Courage (2012)
Poland	Palikot Movement (2011), Modern (2015), Kukiz'15 (2015)
Romania	People's Party – Dan Diaconescu (2012), Save Romania Union (2016), People's Movement Party (2016)
Slovakia	Freedom and Solidarity (2010), Most–Híd (2010), Ordinary People and Independent Personalities (2012), Kotleba – People's Party Our Slovakia (2016), We Are Family – Boris Kollár (2016), Network (2016)
Slovenia	Zares – New Politics (2008), Zoran Janković's List – Positive Slovenia (2011), Gregor Virant's Civic List (2011), Party of Miro Cerar (2014), United Left (2014), List of Marjan Šarec (2018)

Source: author's own elaboration.

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ELECTORAL OFFICIALS' CORPS: A NEW ELECTORAL APPARATUS

KORPUS URZĘDNIKÓW WYBORCZYCH – NOWY APARAT WYBORCZY

*Magdalena Wrzalik**

ABSTRACT

The subject of the analysis in the article is a new auxiliary apparatus – the corps of electoral officials. Implemented by the Act of 11 January 2018 on amending certain acts to increase the participation of citizens in the process of selecting, operating and controlling certain public bodies, amendment of the Act of 5 January 2011 – the Electoral Code, introduces this institution. The experience of the local government elections held on October 21, 2018 allows for an initial assessment of the introduced code regulation regarding the new apparatus – the electoral corps. The use of this institution, as a kind of novelty, also allows for the formulation of many detailed proposals of recommendations aimed at eliminating or minimizing the problems and irregularities in the operation of this apparatus, which is the purpose of this scientific article.

Keywords: electoral officer; electoral code; electoral apparatus; electoral administration

ABSTRAKT

Przedmiotem analizy przedstawionej w artykule jest nowy aparat pomocniczy – korpus urzędników wyborczych. Dokonana ustawą z dnia 11 stycznia 2018 roku o zmianie niektórych ustaw w celu zwiększenia udziału obywateli w procesie wybierania, funkcjonowania i kontrolowania niektórych organów publicznych nowelizacja ustawy z dnia 5 stycznia 2011 r. – Kodeks wyborczy wprowadza tę instytucję. Doświadczenia z przeprowadzonych 21 października 2018 roku wyborów samorządowych w Polsce pozwalają na wstępną ocenę wprowadzonej regulacji kodeksowej dotyczącej nowego aparatu – korpusu urzędników wyborczych. Zastosowanie tej instytucji, jako swego rodzaju *novum*, pozwala również na sformułowanie wielu szczegółowych propozycji rekomendacji mających na celu wyeliminowanie bądź zminimalizowanie dostrzeżonych problemów i nieprawidłowości w działaniu pracy tego aparatu, co stanowi cel tego artykułu naukowego.

Słowa kluczowe: urzędnik wyborczy; kodeks wyborczy; aparat wyborczy; administracja wyborcza

* Jan Długosz University in Częstochowa, Faculty of Law and Economics.

Effectuated by the act of 11 January 2018 on amending certain acts to increase the participation of citizens in the process of selecting, operating and controlling individual public bodies (Dz.U. [Journal of Laws] of 2018 item 130), amendment to the Act of 5 January 2011 – The Electoral Code (consolidated text: Dz.U. [Journal of Laws] of 2018, items 754, 1000, and 1349) introduces a new auxiliary apparatus – the corps of electoral officials. The use of this institution, as a kind of novelty, also allows for the formulation of many detailed proposals for recommendations aimed at eliminating or minimizing the perceived problems and irregularities in the operation of this apparatus. Analyzing this institution, I would like to draw attention to three problems that arose along with its functioning, i.e., recruitment to an electoral officer, insufficient substantive preparation during the training and preparation of electoral logistic officials, and the resulting poor organization of work. It is also worth emphasizing that this solution is not common in other countries, and was introduced in Poland for the first time.

Until January 31, 2018 (in the wording of Article 181 of the Electoral Code), an essential function in the context of ensuring organizational and technical conditions was exercised by electoral officers – proxies for the elections, who were appointed in connection with the tasks of the commune head (mayor, president of city), starost, province marshal (i.e., they concern the preparation of polling stations, including those adapted to the needs of the disabled persons) (Zbieranek, 2018). They were mostly the officials (e.g., municipal offices, cities) who coordinated the implementation of actions related to the election (with a group of other officials to cooperate with) (Zbieranek, 2018). It was also indicated that they should be people who could make decisions, "and hence, are highly placed in the hierarchy of a given office, that they would have a real and not just theoretical impact on the implementation of electoral tasks" (Skotnicki, 2016). Despite the fact that the appointment of an election commissioner was not mandatory, it was, however, a common practice in the activities of local government units. Therefore, this group of several thousand people implemented electoral tasks for many years, having organizational competences in this matter (Sokala, 2010).

Despite fears that were formulated in the course of the Commission's work, the position of an electoral officer was set, as I indicated, in the amendment to the Electoral Code accomplished on January 11, 2018. A new Chapter 9, "Electoral Officials", was introduced in the Code (Art. 191ª – 191h). Electoral officials are devoted to Art. 191a, wherein § 1 of this article it is advisable that electoral officers operate in each commune, which is appointed by the Head of the National

Electoral Office, while § 2 regulates their position as a corps of electoral officials, in subsequent regulations issues regarding appointment, expiration of functions and scope duties assigned to them. What is more, appointing an office employee as an electoral officer will not be the same as establishing an employment relationship or a civil law contract. According to Art. 154 of the Electoral Code, electoral officials use the legal protection provided for public officials and bear responsibility as public officials. Due to the fact that they are appointed to ensure the proper and smooth functioning of the electoral commissions, it might be worth considering whether it would be correct to call them officers, in this case – electoral, ensuring, besides the proper functioning of the electoral commissions, efficient and correct preparation of election process.

PROBLEMS REGARDING THE RECRUITMENT OF ELECTORAL OFFICER

Election officials following Art. 191c § 1 of the Electoral Code shall be specified for the area of a given commune in order to ensure correct and efficient functioning of the electoral commissions, giving its listing immediately to the public in a customary manner (Art. 191c § 3 of the Electoral Code), i.e., by the Delegation Director of the National Electoral Office on the website. In this respect, the resolution of the National Electoral Commission from February 19, 2018 on determining the number, procedure, and conditions for appointing electoral officials, in which the identification number of electoral officers is crucial, accepting as a general rule a conversion rate related to the size – number of occupants. As a consequence to recruitment problems, this ratio has been subject to changes by amending this resolution with subsequent resolutions of the National Electoral Commission of March 12, 2018, March 26, 2018, April 26, 2018. Under the last resolution, it was established that electoral officers were appointed in the number of communes up to 50 000 inhabitants – one; up to 200 000 inhabitants – two; over 200 000 inhabitants – three. About the first case, it may seem incompatible with the literal wording of the provision of Art. 191[a] § 1 of the Electoral Code, in which the plural was indicated by the following statement: "Election officials operate in every municipality". In the subsequent resolutions of the National Electoral Commission of July 23, 2018, as well as the current, on August 13, 2018, determining the number, procedure, and conditions for appointing electoral officials (§ 1 sections 1 and 2 of National Electoral

Commission Resolution of August 13, 2018, on the determination of the number, procedure and conditions for the appointment of electoral officials), the above principles were maintained (Read more: Czaplicki, Dauter, Jaworski, Kisielewicz, Rymarz, Zbieranek, 2018).

Members of the Corps must meet different types of criteria. In order to become an electoral officer, one cannot live or work in a commune in which duties will be carried out – an exception is cities with district rights. This function may not be exercised by a person convicted of an intentional offense prosecuted by public indictment or a fiscal offense belonging to a political party or conducting irreconcilable business activity. A candidate applying for the electoral officer position should submit a report to the delegation director competent for the commune in which one applies for a vacancy. The submission must contain: – name(s) and surname, – social security number (PESEL), – address of residence, which is on the electoral register, – information on education and the place of work, – the name of the commune in which the candidate wishes to act as an electoral officer. Persons who have already worked on the organization of elections or have performed other tasks related to the election should include information about their experience in the application. The submission must contain a copy of the diploma confirming the university degree held and the employer confirming the fact of employment in one of the appropriate offices. In practice, however, there is a situation where the fulfilment of so many criteria affects the exclusion of the majority of current, experienced electoral officials. It also affects the efficiency of implementing tasks entrusted to members of the Corps, especially in the context of the coordination of the work of various offices. Observation of the past local elections in 2018 and elections to the European Parliament in May 2019 showed that the most significant organizational problems having a direct impact on work efficiency appeared in the activities related to conducting training for members of the electoral commissions, preparing electoral stations adapted to the needs of disabled voters, printing voting cards and bringing them to individual committees, information activities, performing tasks related to correspondence voting, or information flow between the bodies of the local government unit and the competent delegation.

In the beginning, much controversies and legislative issues arose over already retired electoral officials who, though interested in work on elections, cannot apply for it. The chairman of the National Electoral Commission responded to the allegations raised, arguing that this group of people was deprived of the possibility of performing their functions due to leaving work. He argued that if

the legislator withdrew from the strict requirement to appoint electoral officers only among the staff of offices servicing government and self-government administration bodies, the corps of elected officials would be considerably larger. Retirees and people derived from, e.g., professional self-government (advocate, counsel applicants), court assistants, etc., would come on board (Śliwińska & Jaworski, 2018). This aspect, in the subsequent course of the work, was a postulate of legislative changes in the law submitted in the letter of the National Electoral Commission Chairman to the chairman of the local parliamentary committee and regional policy, which was partially reflected in the draft amendment to the marshal's lodge on June 6, 2018. The postulate directly indicated that an electoral official might be not only a person working in the office servicing government bodies, local government bodies or their subordinate or supervised entities, but also one who has at least a five-year seniority in such a place. This allows for interpreting that an electoral officer may be a former administrative employee, including, for example, a pensioner. However, the project promoters did not agree with the previous proposal of the National Electoral Commission Chairman to enable the function of electoral officers to be persons with legal education but without work experience in local government structures.

An electoral official may not run for the electoral district, which includes a commune competent for its area of activity. However, from the regulation, it appears, that an electoral officer can stand as a candidate for election in another district. Article 153 § 3 of the Electoral Code explicitly states that "Electoral officials may not conduct electoral agitation for individual candidates, except for their candidacy". This matter raises major objections and concerns, what is more, it is not a valid solution because it is in an apparent contradiction with the principle of full impartiality of the electoral apparatus.

PROBLEMS ARISING FROM INSUFFICIENT SUBSTANTIVE PREPARATION

As previously indicated, an electoral officer for the area of a given commune can only be an employee of offices servicing government administration, self-government bodies or subservient units or units supervised by them. A candidate for an electoral officer must also have a university degree. Inherently, this should not raise any interpretation doubts, let alone implementation in electoral practice. The practice of training conducted before the local elections in 2018 and

the elections to the European Parliament in May 2019, lasting only a few hours (which is worth emphasizing), showed a problem related to the very broadness of the Codex regulation[1], with which all the officials had to be consulted. During the training, the basic principles of electoral law were also presented, as well as the division into electoral districts or permanent voting circuits. An important conclusion is that for a large group among the training participants, it was a completely new matter because earlier they did not gain experience in organizing and conducting elections/referendums. It showed that the electoral practice[2], with the implementation of acquired knowledge, appeared even at the roster on the day of the vote, during which doubts arose as to the answers to questions asked by members of individual electoral commissions.

Ignorance of the Code regulations, guidelines of the PKW [National Electoral Commission] directly affects the way work is organized throughout the electoral process at all its stages, which may later cause the need to repeat certain activities and ultimately lead to chaos, affecting the smooth functioning of the electoral commissions. The absence of any substantive requirements about electoral officers themselves, the action-based nature of the measures taken, which is the election and the ineffective training system, affects the quality of the implementation of the duties entrusted. An attempt to minimize such situations could become any changes leading to the introduction of an effective training system. The current regulation that shapes the ongoing social body of electoral officers could, therefore, seem optimal and constitute a sensible solution if the corps were subject to systematic and periodic training (not just directly before the election itself) in the field of electoral law and procedures and the management and organization of committee work. Such training should take place using professional tools and training materials such as e-learning platforms, guidebooks, training videos, interactive exercises, etc. It would be worth considering, whether the training themselves should not be carried out not only by persons with competence in the field of electoral law and procedures but also by social communication. The training system would have to contain a built-in mechanism to check the acquired knowledge, which would help to assess at what level the electoral corps

[1] Information obtained from Delegations of the National Electoral Office in cities (Gdańsk, Katowice, Kielce), in which the author of the text conducted training for social observers under the Action. We observe the elections organized by the Stefan Batory Foundation.

[2] Conclusions and recommendations taken from the report, which was created thanks to the 2018 social observation carried out during the local government elections, in which over 600 social observers took part, see: Haman, 2018.

member is ready and what else needs to be improved, what one needs to learn in order to perform its duties effectively, competently and, above all, in accordance with the law. Perhaps it would be worth considering whether or not to make the electoral officer conditional upon obtaining a certain level of knowledge. Unfortunately, such requirements put before electoral officers would have to result in providing a fixed salary, independent of the amount of work performed, which would motivate them to maintain their knowledge at a high substantive level. In contrast, in order to ensure the correctness of the implementation of the duties entrusted during all electoral activities, it would be worth equipping the corps members with transparent and convenient to use checklists or instructors that would work as a "guide" after subsequent tasks, not allowing something to be omitted or made in the wrong order. The current form of the quite extensive guidelines written in a rather difficult language, moreover, not very comfortable to use and not encouraging to get acquainted earlier, certainly does not fulfill this role optimally.

Although the work of an electoral officer means an additional source of income, in practice before the local elections in 2018 and elections to the European Parliament in May 2019, no candidates were willing to perform this function. The deadline for accepting applications for the post of electoral officer in 2018 local elections was shifted twice (read more: Rudziński, 2018). Everything is due to restrictions related to the place of residence, and the code regulation does not provide for reimbursement of travel costs to the commune in which the electoral officer is to operate. The electoral officer for the implementation of statutory tasks is entitled to a remuneration proportional to the time of their implementation, assuming that the remuneration for one month is based on the amount to determine the remuneration of persons holding managerial positions with using a multiplier of 2,5 (Art. 191^{e} § 3 of the Electoral Code). The base amount to determine the remuneration of persons holding managerial positions equals 1 789,42 PLN. In this case, the amount of remuneration for an employee's election month should amount to 4 473,55 PLN, but only on the assumption that one will perform its tasks on a full monthly basis. It is worth noting that the remuneration is due to the electoral officer for the day on which one performed its tasks, $^{1}/_{20}$ of the amount determined by Art. 191^{e} § 3 of the Electoral Code, with the reservation that the amount of remuneration may not exceed 4 473,55 PLN per one month of work. An official does not have a salary paid for being an official, but one has to account for specific hours (e.g., 4 hours a day) and only receive remuneration for such hours. After the work, the electoral officer should

present a list which will go to the electoral commissioner who decides whether to approve or reject the said statement. Only the approved statement will result in the payment of appropriate funds to the elector's officer's account.

In duly substantiated cases, due to the scope of the task performed, the election commissioner may decide to increase or decrease the amount determined proportionally, with the reservation that the amount of remuneration may not exceed 4 473,55 PLN per one month's work. However, it should be noted that there may be a situation where the remuneration received will be lower than the remuneration received in the essential place of work. The current regulation does not provide for a mechanism to compensate for this difference, which may also discourage experienced civil servants. The disadvantage of this solution is also the fact that during the period of performing the tasks of an election officer, a given person is not entitled to remuneration in the primary place of work.

The problem which may arise is, how their current employer will accept the additional responsibilities of the members of the corps and how they should adequately combine the electoral officer's function with work in their home office. The Electoral Code stipulates that they will perform their duties periodically, i.e., from the date of ordering the elections until the possible election protests and in other situations where it is necessary. Therefore, the employer is obliged to release an official from work for the duration of his function in the election, but the official should inform him in writing 3 days in advance. Only in emergencies can it be done by phone or email. Unfortunately, the legislator did not conclude explicit employment guarantees in the necessary place of work for a person appointed as an electoral official. In turn, this may result in the fact that, e.g., a local government employee who was on a fixed-term contract during the term of office cannot return afterward. Moreover, there is a concern that no one wants to hire a person who is appointed to an electoral officer, in another office, because it is associated with a lack of availability. Apart from the period, the electoral official performs its duties as a worker in an essential place of work, in which the status is regulated, e.g., by the Act on employees of state offices (consolidated text: Dz.U. [Journal of Laws] of 2017, item 2142, as amended), or the Act on local government employees (consolidated text: Dz.U. [Journal of Laws] of 2016, item 902, as amended). As regards to electoral officers, we are dealing with the case of a temporary secondment of an employee to perform other tasks – on its initiative.

It is also worth considering whether the National Electoral Commission is competent to determine, by way of a resolution, the principle of dismissal from

work for the duration of the duties of an electoral officer (Czaplicki et al., 2018). It is indicated that all interventions in the legal-worker relationship should be made by way of law or executive regulations. Solely in the law and executive ordinances can one interfere in the rights and freedoms of the citizen, including in legal and employee relations. Therefore, there may be doubts on the side of the employer whether one is obliged to release such a person on principles not regulated in the act or the regulation only by a certificate issued by the election commissioner under the resolution of the National Electoral Commission (Czaplicki et al., 2018).

The last but one concern, which in my opinion should be paid attention to, and whose codex regulation is rather laconic, is the issue of introducing disciplinary provisions. In my estimation, only the practice of these and subsequent elections will be able to show what should be done if the official fails to fulfill its duties. This gives rise to the question of, who should be held responsible for such an electoral officer. In this situation, will the original employer be competent to draw the consequences, considering that he behaved in a disrespectful way to its position. Perhaps disciplinary proceedings and drawing appropriate consequences would not be problematic if these people in the essential place of work would have additional activities related to the organization of elections included in their responsibilities. It should be taken into account that the same person occupying the office of the commune, and electoral officer has two different superiors. According to Art. 191^{d} § 2 of the Electoral Code, the head of the National Electoral Office has been entitled to dismiss the electoral officer before the expiration of its term in the event of non-performance or improper performance of its duties. Hence, it is possible to derive the obligation of the head of the National Electoral Office to determine the rules of disciplinary proceedings against electoral officers and the right to issue a code of ethics for an electoral officer.

The problem may also arise when the electoral officer gets sick. In this case, considering the need to ensure proper organization of the election, it is necessary to consider who could perform the crucial activities. In the present situation, it could be considered that the National Electoral Commission would entrust the execution of these activities to an electoral officer from another district. Nevertheless, such a possibility should be explicitly provided in the Electoral Code.

The final concern that arouses intensive discussions are the agreements under the authority of the head of the National Electoral Office, which are signed by the directors of the delegations. This process lasted for a relatively long time and raised many doubts about its form. According to the head of the National Elec-

toral Office, the best solution was to prepare one agreement with such a degree of generality that it could apply to every municipality. Since the head of the National Electoral Office is a one-person apparatus, it would be unrealistic to expect that one will be able to negotiate with each mayor and president in the country-specific terms of agreement. This issue was not taken into account by a rational legislator. Hence it would not be feasible to conclude all agreements, not only for the local elections but also for the upcoming May 2019 election to the European Parliament. According to the head of the National Electoral Bureau (read more: Żółciak, 2018), each municipality is different, and each one implements electoral tasks in a different way. This authority should allow the execution of tasks. At this point, it should be emphasized that cooperation among them is necessary. The wording of Art. 191g of the Election Code clearly shows that the agreements are to concern the technical and organizational-administrative servicing of electoral officers, hence in the agreements, there is no mandatory obligation to divide in detail the tasks of an electoral officer and a commune. Determining the detailed course of action of individual entities that take part in the preparation of the election belongs to the National Electoral Commission, and it is the statutory authority to issue resolutions in this respect. It is worth emphasizing that in the law on the system of education, in Art. 8 Sec. 1 of the Act on municipal self-government (consolidated text: Dz.U. [Journal of Laws] of 2018, item 994), there is a provision that explicitly lists tasks in the organization of preparations and holding general elections and referendums as a state task, distinguishing them from communal tasks entrusted to municipalities.

SUMMATION

Assessing the institution of the electoral corps is not easy. From a formal point of view, it can be stated that its establishment in 2018 met the expectations of many national environments, that it is the implementation of numerous recommendations and the so-called soft law. It is also undoubtedly a manifestation of the desire to increase the involvement of employees of offices servicing government, self-government administration, and subordinate units and supervised by them in administration control and expressing concern for ensuring fairness and integrity of election procedures and proper implementation of the constitutional principles of this procedure. These are undoubtedly positives proving the needs of the existence of this institution. However, many critical remarks can already be

made to the regulations in the Electoral Code as regards their precision. One may also wonder whether the criteria for the electoral officer must be appropriately defined and whether it is correct that the electoral officer who is appointed by the head of the National Electoral Office, whose superior is the electoral commissioner, should engage in actions of any electoral committee, let alone stand for election and lead electoral agitation.

However, when assessing the electoral corps, a lot will depend on the practice, and above all on the effectiveness of their work, whether they contribute to the fair conduct of electoral procedures, and most of all the reliability of electoral commission work, which can reduce the possibility of making mistakes or conscious violations of law.

Finally, it is possible to think about whether to properly perform the tasks entrusted to them by the representatives of this corps, at present, it is better to focus on works aimed at creating new training formulas and instructional materials. So that already before the parliamentary elections coming in 2019, more effective care should be taken for better preparation of polling stations for all voters, including, first of all, people with disabilities, implementation of tasks related to correspondence voting, and finally, more efficient functioning of the electoral commissions. Maybe the introduction of improved legal, technical and organizational solutions will contribute to distinguishing among the principles of electoral law the principle of honesty of elections, which the corps of electoral officials can become an extraordinary guarantee.

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STRATEGIC USE OF EARLY ELECTIONS IN JAPAN: COMPARISON OF THE KOIZUMI AND ABE CABINETS*

STRATEGICZNE UŻYCIE PRZEDTERMINOWYCH WYBORÓW W JAPONII: PORÓWNANIE GABINETÓW KOIZUMIEGO I ABE

*Karol Żakowski***

ABSTRACT

The aim of this article is to analyze political objectives and repercussions of the dissolutions of the House of Representatives by Prime Ministers Koizumi Jun'ichirō in 2005 and Abe Shinzō in 2014. In both cases dissolutions took place less than two years after the previous elections. The paper argues that the strengthened power of the heads of government after electoral and administrative reforms facilitated them to take advantage of Diet dissolution to overcome opposition by veto players. By appealing to the public Koizumi planned to privatize the Japan Post and Abe intended to postpone the consumption tax hike. In both cases the prime ministers used early elections to enhance their position in the ruling party. As a result, Koizumi managed to overcome pressure from postal employees and Abe gained leverage over Ministry of Finance (MOF) bureaucrats.

ABSTRAKT

Celem niniejszego artykułu jest analiza politycznych celów i następstw rozwiązania parlamentu przez premierów Koizumiego Jun'ichirō w 2005 roku i Abe Shinzō w 2014 roku. W obu przypadkach rozwiązanie Izby Reprezentantów miało miejsce mniej niż dwa lata po poprzednich wyborach. Artykuł opisuje, na ile zwiększone uprawnienia szefów rządu po reformach systemu wyborczego i administracyjnej ułatwiły im skorzystanie z możliwości rozwiązania parlamentu w celu przezwyciężenia sprzeciwu graczy weto. Apelując do elektoratu, Koizumi planował sprywatyzować Pocztę Japońską, zaś Abe przełożyć podwyżkę podatku konsumpcyjnego. W obu przypadkach premierzy posłużyli się przedterminowymi wyborami do parlamentu w celu wzmocnienia własnej pozycji w partii rządzącej. W rezultacie Koizumi zdołał przezwyciężyć naciski ze strony pracowników poczty, zaś Abe uzyskał lepszy wpływ na biurokratów z Ministerstwa Finansów.

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** University of Łódź, Faculty of International and Political Studies.

Keywords: Japan; Diet dissolution; Koizumi Jun'ichirō; Abe Shinzō; Liberal Democratic Party

Słowa kluczowe: Japonia; rozwiązanie parlamentu; Koizumi Jun'ichirō; Abe Shinzō; Partia Liberalno-Demokratyczna

INTRODUCTION

The purpose of this article is to explain the institutional reforms in Japan with special emphasis on the use of prime ministers' competence to dissolve the Diet. Due to existence of strong veto players[1], in the past Japanese prime ministers could not easily exercise their right to call early elections. Yet, despite the risk associated with such political decision, Prime Ministers Koizumi Jun'ichirō in 2005 and Abe Shinzō in 2014 surprisingly dissolved the lower houses (House of Representatives) more than two years before the end of their terms. This article argues that the tactical usage of early elections by the heads of government in Japan was facilitated by electoral and administrative reforms. Due to the weakening of veto players, instead of being limited in the exercise of their right to dissolve the lower house, Japanese prime ministers started taking advantage of the very same right to bring into line ministers and backbenchers, just as in the Westminster model.

The competences of Japanese prime ministers have been analyzed by many researchers. As stressed by Hayao (1993, pp. 184–210), the prime ministers rarely set forth policy agendas, as they rather focused on the enactment of issues that had been submitted to them by the subgovernments. Being reactive leaders, they usually did not fully use their competences. According to Shinoda (2000, pp. 202–203), "the prime minister's effectiveness in pursuing his policies depends in part on various informal sources of power", such as a strong base of support in the ruling party. As described by Takenaka (2006, pp. 4–7), due to electoral and administrative reforms, at the beginning of the 21st century the prime minister gained new competences to rule in a top-down manner. However, the indirect impact of institutional reforms on prime minister's ability to call early election has remained an understudied subject. Relying on the case studies and comparative methods, the following sections examine how in 2005 and 2014 the enhanced power of prime ministers vis-à-vis the members of their cabinets and

[1] Veto player can be defined as "an individual or collective actor whose agreement is required for a policy decision" (Tsebelis, 1995, p. 293).

influential politicians of the LDP facilitated orchestrating sudden Diet dissolutions despite the risk accompanying such bold moves. It is argued that contrary to situation in the pre-reform period, ministers and ruling party backbenchers lacked institutional instruments for discouraging the head of government from calling early elections.

HOUSE OF REPRESENTATIVES DISSOLUTION AS A PRIME MINISTER'S COMPETENCE IN JAPAN

Japanese prime minister's right to dissolve the House of Representatives is implicitly derived from Article 7 of Constitution, according to which the cabinet has the authority to advise the emperor on matters of state, including dissolution of the lower house. As pointed out by Shinoda (2000, p. 64), "At times, the LDP administration has dissolved the lower house to pursue more stable support in the lower house. Some prime ministers have taken this action to strengthen their power bases within the party". Unlike the House of Representatives, the House of Councilors, which is the upper house of the Japanese Diet, cannot be dissolved by the prime minister. Elections to the House of Councilors are held every three years when half of members are chosen for six-year long terms.

It has not been uncommon in the world for prime ministers to strategically choose the moment of dissolution of the parliament in order to gain advantage over the opposition parties. In addition, in such countries as the UK (at least until the passage of the Fixed-term Parliaments Act in 2011), the threat of calling early election has served as a convenient tool for bringing into line rebellious ministers and backbenchers (Schleiter & Issar, 2014, p. 181). As it was emphasized by Shinoda (2000, p. 71), while the right to dissolve the House of Representatives is a powerful tool that helps Japanese prime ministers to shape political landscape and prepare the ground for strategic policy initiatives, this authority cannot be exercised easily. In order to call early election, the head of government has to persuade to this drastic move the members of his/her cabinet and other influential ruling party members, as well as demonstrate to the public a credible reason for the dissolution. If not well prepared, instead of enhancing the prime minister's position, the dissolution of Diet may weaken the ruling party or even offer to the opposition parties an opportunity to grasp power.

In the post-war Japan all but one Houses of Representatives were dissolved. Only Prime Minister Miki Takeo failed to call early election in 1976 due to the

fact that majority of factions in the Liberal Democratic Party (LDP) openly challenged his authority and he lacked sufficient power base in the party to resort to this drastic move. As shown in Table 1, there have been different direct reasons for dissolving the Diet in Japan. In 1948 and 1955, it was a way of amending the state of minority government, in 1953, 1980, and 1993 – a choice of prime ministers who refused to resign after passage of no-confidence motions, in 1952, 1979, or 2005 – a method for changing balance of power in favor of the mainstream faction in the ruling party, and in 1990, 2000, or 2009 – simply a necessity due to upcoming end of term of the House of Representatives. As the head of government who does not dissolve the lower house can be perceived as weak, even Prime Minister Asō Tarō, who was very unpopular, called early election in July 2009, despite the fact that it was only two months before the end of the House of Representatives' term. The ruling party managed to improve its position in the Diet to the greatest extent due to dissolutions in 1955 (thanks to Prime Minister Hatoyama's popularity after ousting Yoshida Shigeru's Liberal Party from power), 1980 (as a result of "votes of compassion" after Prime Minister Ōhira's sudden death during the electoral campaign), 1986 (owing to Prime Minister Nakasone's popularity and high voter turnout during double elections to both houses), and 2005 (as a result of Koizumi's successful appeal to unaffiliated voters regarding privatization of Japan Post).

Without counting the dissolution of Diet forced upon Prime Minister Ōhira Masayoshi by no-confidence motion in 1980, the terms of lower houses in 2003–2005 and 2012–2014 were the shortest since establishment of the LDP in 1955. Both in 2005 and 2014, the dissolutions were intentionally decided by surprise to maximize the performance of the LDP in elections. They were also strategically applied by Prime Ministers Koizumi and Abe to strengthen their positions in the ruling party and thus enable pushing forward their policy agendas. For these reasons, the abovementioned two dissolutions can be used as case studies to examine to what extent electoral and administrative reforms facilitated prime ministers to take advantage of their right to call early elections in order to discipline veto players.

The new electoral law from 1994 introduced a mixed system based mostly on single-seat constituencies and state subventions for political parties. These changes weakened factionalism[2] and enhanced party leader's position in the LDP for two

[2] Traditionally, factions in the LDP have been unofficial intra-party groups centered around a leader who aspired for the post of party president. Faction boss could count on loyalty of faction

reasons. Firstly, as LDP candidates no longer competed each other in middle-sized constituencies, the electoral function of factions lost in importance. Secondly, as electoral funds were now distributed by central party organs, LDP president's and secretary general's influence on LDP parliament members increased immensely (Krauss & Pekkanen, 2011, pp. 130–131). Politicians whose careers no longer depended on factional bosses started being more loyal towards the party leader.

Table 1. Dissolutions of the House of Representatives in Post-War Japan

Date of dissolution	Prime Minister	Reason of dissolution	Ruling party result
12.1948	Yoshida Shigeru	Minority government	
08.1952	Yoshida Shigeru	Intra-party struggles	-24
03.1953	Yoshida Shigeru	No-confidence motion	-41
01.1955	Hatoyama Ichirō	Minority government	+65
04.1958	Kishi Nobusuke		-12
10.1960	Ikeda Hayato		+9
10.1963	Ikeda Hayato		-13
12.1966	Satō Eisaku		-6
12.1969	Satō Eisaku		+11
11.1972	Tanaka Kakuei		-17
09.1979	Ōhira Masayoshi	Intra-party struggles	-1
05.1980	Ōhira Masayoshi	No-confidence motion	+36
11.1983	Nakasone Yasuhiro		-34
06.1986	Nakasone Yasuhiro		+50
01.1990	Kaifu Toshiki	Approaching end of term	-25
06.1993	Miyazawa Kiichi	No-confidence motion	-52
09.1996	Hashimoto Ryūtarō		+16
06.2000	Mori Yoshirō	Approaching end of term	-6
10.2003	Koizumi Jun'ichirō		+4
08.2005	Koizumi Jun'ichirō	Intra-party struggles	+59
07.2009	Asō Tarō	Approaching end of term	-117
11.2012	Noda Yoshihiko	Agreement with opposition	-251
11.2014	Abe Shinzō		-3
09.2017	Abe Shinzō		-7

Ruling party results in comparison with the results of previous elections, not situation immediately before dissolutions.

Source: Author's own elaboration.

members in exchange for financial and electoral support as well as assistance in their political careers (Satō & Matsuzaki, 1986, pp. 56–66).

The administrative reforms that entered into force in 2001, in turn, enhanced the position of prime ministers and their institutional backing. As a result of the central government reform, the Cabinet Office (Naikaku-fu), staffed by a larger number of civil servants, was established instead of the Prime Minister's Office and several agencies. The new organ gained a status superior to all ministries and was accorded the power to order them to provide the head of government with information (Neary, 2002, p. 127; Woodall, 2014, p. 176). Moreover, Article 4 of the revised Cabinet Law clarified that the prime minister held the right to propose new policies during cabinet meetings, while Article 12 enabled the Cabinet Secretariat to take the lead in preparing and coordinating "important policies" (*jūyō seisaku*). In addition, posts of ministers of state for special missions (*tokumei tantō daijin*) were established in the Cabinet Office, and the maximum number of prime minister's special advisors (*naikaku sōri daijin hosakan*) was raised from three to five (Żakowski, Bochorodycz, & Socha, 2018, pp. 19–20).

The new institutional tools indirectly facilitated strategic usage by the prime minister of his/her right to dissolve the House of Representatives. Being confident in their powers, Koizumi Jun'ichirō in 2005 and Abe Shinzō in 2014 unexpectedly called early elections to further enhance prime minister's position against veto players.

STRATEGIC USE OF THE 2005 ELECTION

Koizumi Jun'ichirō (2001–2006) can be considered as one of the most popular, longest-serving, and strongest prime ministers in post-war history of Japan. He not only took a full advantage of the new instruments of power introduced by the electoral and administrative reforms, but also maintained high popularity among the public, which helped him to strengthen his position in the ruling party. Koizumi knew how to approach the media – in order for his thoughts to be conveyed directly to the public, he made short statements full of catchy slogans (Uchiyama, 2007, p. 9). He announced that he would reform the LDP even if he had to destroy it (Iijima, 2006, p. 8). Koizumi used his enhanced power to further neoliberal policy and cut budget expenses for public works projects. Nevertheless, his most important goal was to privatize Japan Post.

In order to achieve this aim, Koizumi had to deal with two types of powerful veto players in the ruling party – factions (*habatsu*) and postal parliamentary

tribe (*yūsei zoku*)[3]. The LDP traditionally possessed strong connections with the Postal Services Agency (renamed Japan Post in 2003). In return for protection of the privileges of postal employees, the politicians of the dominant party received electoral support. Koizumi was aware of the fact that in some constituencies postal workers could provide as many as 10 thousand organizational votes (Koizumi & Matsuzawa, 1999, p. 211). In addition, Japan Post supervised the largest personal savings system in the world, which provided generous funds for big infrastructural projects.

Another veto player were LDP factions, particularly those who gathered a lot of members of the postal tribe. The factions' role in electoral campaigns and provision of funds to individual politicians had been already eroded as a result of the electoral reform. To weaken these intra-party groups even further, Koizumi ignored faction bosses' recommendations during formation of his cabinet. Instead, he appointed as ministers a relatively large number of women, unaffiliated LDP parliamentarians, and private-sector specialists. Moreover, he gave ministerial portfolios to many young politicians, thus ignoring the seniority system (Uchiyama, 2007, p. 15).

Koizumi wanted to privatize the Japan Post and establish separate companies for different types of its services (savings, insurance, post offices, and postal services). The prime minister patiently waited to realize his plans until he had strengthened his position in the government and ruling party after the third LDP presidential election victory in September 2003. The draft of the reform was prepared independently of the bureaucrats and parliamentary tribes by the Council on Economic and Fiscal Policy – an important decision-making body that was established as a result of the administrative reform. Koizumi had to make minor concessions to the postal parliamentary tribe, but at the end of June 2005, the Japan Post privatization bill was eventually authorized by the LDP General Council (Takenaka, 2006, pp. 204–226). The decision was made by a majority vote, which was against the unwritten tradition of unanimity.

While the privatization bill was passed in the House of Representatives in July 2005, one month later it was rejected by the House of Councilors. In order to discipline ruling party members, Koizumi dissolved the lower house. This move was aimed at gaining two-thirds of seats necessary to overrule the veto of the

[3] Parliamentary tribes (*zoku giin*) signify unofficial groups of members of parliament who specialize in a given legislative field. They often represent the interests of a distinctive economy sector (Yuasa, 1986, pp. 10–16).

upper house that cannot be dissolved. The decision on early election surprised both Koizumi's opponents in the LDP and the opposition parties. As stressed by the prime minister: "This dissolution is, so to speak, a 'Postal Dissolution'. I want to clearly ask all the people (through the election) whether (they are) for or against postal privatization" (Kajimoto, 2005).

Koizumi expelled from the party all of the parliamentarians who had voted against the bill, and he endorsed in their constituencies competing candidates. Historically, internal divisions in the LDP weakened that party. This time, however, Koizumi skillfully imposed on the media the main topic of electoral campaign. The election became a referendum on Japan Post privatization, and media's attention focused on reporting duels between pro-reform candidates and anti-reform conservative politicians in separate constituencies. Under these circumstances, the voice of LDP's main opponent, the Democratic Party of Japan (DPJ), could be hardly heard by voters.

Koizumi's strategy proved successful. Unaffiliated voters, who usually preferred to choose the DPJ, were persuaded by the prime minister's appeal for neoliberal reforms. The LDP gained as many as 296 out of 480 seats in the House of Representatives, which together with the votes of its coalition partner Kōmeitō sufficed to pass the privatization bill (Uchiyama, 2007, pp. 94–102). The dissolution of the House of Representatives was strategically used by Koizumi to undermine the position of traditional veto players and change the balance of power in the LDP. The electoral victory strengthened Koizumi's position *vis-à-vis* both the postal tribe and factions. About 80 first-term LDP lawmakers entered the Diet. They were baptized by the media as "Koizumi children", as many of them would not have been able to gain parliamentary seats without the support from the popular prime minister. This group of first-term politicians who in majority remained loyal towards the head of government further diluted the influence of faction bosses and parliamentary tribes on decision-making process.

Koizumi's decision to dissolve the lower house was exceptional in several ways. Traditionally, intra-party splits weakened the LDP, and prime ministers tried to avoid early elections unless they were forced to dissolve the Diet due to passage of no-confidence motions or the upcoming end of the term of House of Representatives. This time, however, Koizumi made his bold decision despite the fact that he did not really have to do that in order to remain in power. It is the new institutional tools provided by the electoral and administrative reforms that enabled him to challenge the power of veto players by appealing to the public.

STRATEGIC USE OF THE 2014 ELECTION

Just as Koizumi, also Prime Minister Abe Shinzō used his power to call early election in order to improve his position in the LDP and further his policy agenda. It is postponement of VAT hike that was used by Abe as a pretext for dissolving the lower house, but in reality reasons for this move were more complex. Most likely, the head of Japanese government wanted to conduct a "preemptive strike" against the opposition parties while they were still divided, and while the public still believed in the effectiveness of the government's economic policy.

Prime Minister Abe supplemented earlier administrative reforms with new institutional changes that further enhanced his position *vis-à-vis* veto players. In December 2013, he established the National Security Council (Kokka Anzen Hoshō Kaigi), and in May 2014, the Cabinet Bureau of Personnel Affairs (Naikaku Jinji Kyoku). The former, composed of the prime minister as chairperson, the chief cabinet secretary, as well as ministers of foreign affairs and defense, was to establish basic policies on foreign and security matters (Sunohara, 2014). The latter, in turn, enabled the prime minister and his direct entourage to grasp control over distribution of as many as 600 high-ranking posts in civil service (Makihara, 2016, pp. 101–109). The new institutions improved the Cabinet Office's policy coordination capacities, thus strengthening the head of government's position towards other cabinet members. As a result, it became even easier for the prime minister to impose his policy agenda on ruling party politicians than during the Koizumi era.

The bill on VAT hike had been passed by the House of Representatives in June 2012 and by the House of Councilors in August 2012. The consumption tax was to be increased in two stages: to 8% (from 5%) in April 2014, and to 10% in October 2015. The bill was a fruit of a compromise between the DPJ, that was the ruling party at that time, as well as two opposition parties – the LDP and Kōmeitō – whose agreement was necessary due to lack of governing coalition's majority in the upper house. In exchange, Prime Minister Noda Yoshihiko promised to dissolve the lower house, which he indeed did in November 2012, thus paving the way for LDP's return to power. What is important, the VAT hike bill contained a clause according to which sufficient economic growth rate should be attained to proceed with the reform. While it was only a non-binding condition, the clause left a possibility of postponing the tax increase in case of sudden deterioration of economic situation (Żakowski, 2015, pp. 175–185).

While Koizumi was a member of the financial parliamentary tribe (*zaisei zoku*) in the LDP, Abe's decision to postpone VAT hike met with strong dissatisfaction from this influential group. VAT hike had been long promoted by the MOF which perceived it as a tool for balancing the budget in the face of a record-high public debt that exceeded 200% of GDP. On the other side was the Ministry of Economy, Trade and Industry (METI), which favored achieving high economic growth rate rather than maximizing tax revenues. Both ministries boasted strong connections with influential LDP politicians from the financial as well as commerce and industry parliamentary tribes, respectively.

As the LDP voted for the VAT hike bill, it was natural that after returning to power at the end of 2012, Prime Minister Abe confirmed that the first stage of tax increase would proceed as scheduled. However, the problem resurfaced after two years, when the government was to judge whether to implement the increase to 10% in October 2015 as planned. Immediately after returning to power, Abe announced his economic policy – so-called "Abenomics" – that relied on three "arrows": monetary easing, fiscal stimulus, and reforms aimed at invigorating Japanese economy. As Abe prioritized achieving high GDP growth rate and overcoming deflation over balancing budget expenses, his agenda fitted the goals of METI rather than MOF. Under these circumstances, it is easy to understand why he decided to postpone the second stage of consumption tax increase until April 2017 as soon as in November 2014 it became evident that Japan's GDP contracted the second quarter in a row. What was less understandable for the public, however, was the fact that at the same time Abe called early election. After all, on the contrary to situation in 2005, thanks to the economic growth clause from the 2012 bill, the prime minister had been already authorized to make such decision at his discretion. As such, he was not forced to dissolve the Diet by any rebellious backbenchers who refused to cooperate during legislative process. The prime minister simply stated: "This is the 'Abenomics' dissolution […]. I'd like to ask the public whether my economics policies are wrong or right, or if there is any other choice" (Aoki, 2014).

In fact, opposite to situation in 2005, the head of government chose for the main electoral campaign topic a policy over which the public and opposition parties were not excessively polarized. After all, people usually do not like tax hikes, and consumption tax increase had been particularly unpopular ever since introduction of VAT in 1988. As a result, instead of proposing alternatives for Abenomics, the opposition focused rather on analyzing seriousness of Japan's economic situation (Noble, 2016, pp. 159–160). As indicated by Pekkanen, Reed,

and Scheiner (2016, pp. 265–278), the Diet dissolution ended in a "bait-and-switch" election that was framed as a referendum on a much more convenient topic for Abe than his controversial nationalist agenda on security policy or constitutional revision. In addition, the snap election was a method for renewing the mandate for the Abe cabinet after a scandal with two female ministers. In October 2014, Justice Minister Matsushima Midori and Minister of Economy, Trade and Industry Obuchi Yūko had to resign due to accusations over violation of election campaign law in the first case and misuse of political funds in the latter (Aoki & Yoshida, 2014). Despite minor decrease in government's popularity, Abe knew that the LDP could not lose election due to lack of cooperation between opposition parties.

To ensure unanimity of the cabinet and party leadership, before postponing VAT hike Abe first persuaded to his policy two prominent members of the LDP financial tribe – Vice Premier and Minister of Finance Asō Tarō (former prime minister) as well as LDP Secretary General Tanigaki Sadakazu (who as LDP president in 2012 had been one of the main authors of the agreement on VAT hike bill with the DPJ). The former tried to persuade Abe not to cite consumption tax increase postponement as the reason for Diet dissolution, and the latter publicly expressed his opinion that such decision would cause the risk of losing the ability to cover the costs of social security system (Yamaguchi, 2017, pp. 139–174). A crucial supporter of VAT hike postponement, in turn, was Chief Cabinet Secretary Suga Yoshihide who together with Abe ensured that bureaucrats from MOF in the Kantei would be counterbalanced with METI staffers. For example, Prime Minister's Secretary Imai Takaya, Special Adviser to the Prime Minister Hasegawa Eiichi, or Chief Cabinet Secretary's Secretary Kadomatsu Takashi originated from METI (Shimizu, 2014, p. 22). Thanks to the enhanced powers of the Kantei and the Cabinet Secretariat, Abe could effectively play METI off against MOF as well as ensure unanimity of cabinet members. Eventually, none of influential LDP politicians overtly objected the government's policy agenda.

The parliamentary election ended in a landslide victory of the LDP that gained 291 seats. It was two seats less than before dissolution (and three seats less than in 2012), but as the total number of seats was lowered from 480 to 475, it could be said that the ruling party performed even better than in 2012. Moreover, LDP's coalition partner Kōmeitō managed to increase the number of seats from 31 to 35. While the main opposition party, DPJ, also increased its number of seats (from 62 to 73), it was far too little to endanger the dominant position of

the LDP. As a result, any voices of discontent in the ruling party against Abe's leadership were effectively nipped in the bud. The prime minister even replaced House of Representatives Speaker Ibuki Bunmei, who expressed doubts about the need for dissolving the lower house, with Machimura Nobutaka – Abe's former factional boss (Makihara, 2016, pp. 201–208). Just as Koizumi, Abe thus managed to enhance his support base in the LDP.

CONCLUSIONS

Both in 2005 and 2014, the electoral campaigns were dominated by policy agendas imposed by the prime ministers who decided about sudden dissolutions of the House of Representatives. Electoral and administrative reforms provided the heads of government with the tools for containing opposition against their plans from within the cabinet or the ruling party. Institutional changes not only made backbenchers more dependent on central party leadership in terms of finances and electoral support, but also enhanced policy-drafting abilities of prime ministers.

On the other hand, the reforms did not make significant changes to the legislative process that was still largely under the control of backbenchers. In order to discipline traditional veto players – parliamentary tribes and factions – prime ministers have to rely on such indirect methods as dissolution of the House of Representatives. As the example of privatization of Japan Post has shown, this prerogative of the head of government could be successfully used even to blackmail members of the House of Councilors that cannot be dissolved. Thanks to stronger control over ministers and factions, the prime ministers gained a freer hand in deciding about strategic use of Diet dissolution. Learning from Koizumi, Abe applied the same strategy despite lack of as evident reason for dissolution as his predecessor. Backed by a powerful Cabinet Secretariat led by Chief Cabinet Secretary Suga, the prime minister easily overcame opposition from MOF and influential members of the financial tribe. As such, the less constrained usage of Diet dissolution supplemented other new instruments of power possessed by the head of government. Nevertheless, the easiness of relying on this method still depends on prime minister's popularity among the public and his/her skills in exercising top-down leadership.

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DO ENTREPRENEURIAL PARTIES MAKE ANY DIFFERENCE FOR POLISH POLITICS? THE CASE OF THE PALIKOT MOVEMENT AND KUKIZ'15*

CZY PARTIE PRZEDSIĘBIORCÓW WNIOSŁY COŚ NOWEGO DO POLSKIEJ POLITYKI? RUCH PALIKOTA I KUKIZ'15

*Beata Kosowska-Gąstoł***, Katarzyna Sobolewska-Myślik****

ABSTRACT

Economic crisis together with the overall crisis of liberal democracy have caused social discontent and disappointment with existing mainstream parties, which have been blamed for not being able to cope with emerging problems. At the same time new parties, which have presented themselves as an alternative, have appeared and entered parliaments. Some of them can be regarded as entrepreneurial ones. In the case of Poland this is the Palikot Movement, which managed to overcome the electoral threshold in 2011, and Kukiz'15, which did the same four years later. Both organizations have criticized the mainstream parties (especially limiting competition to PO and PiS) and political elites and have also proposed some alternatives. The aim of the paper is to address the questions of

ABSTRAKT

Kryzys gospodarczy wraz z ogólnym kryzysem liberalnej demokracji wywołały niezadowolenie społeczne i rozczarowanie istniejącymi partiami głównego nurtu, które obwinia się o to, że nie są w stanie poradzić sobie z pojawiającymi się problemami. W tym samym czasie powstały i zdołały wejść do parlamentów nowe ugrupowania, które przedstawiają się jako alternatywa wobec istniejących partii. Niektóre z nich można uznać za partie politycznych przedsiębiorców. W przypadku Polski należy wymienić Ruch Palikota, któremu udało się pokonać próg wyborczy w 2011 roku, i Kukiz'15, który zrobił to samo cztery lata później. Obie organizacje krytykowały partie głównego nurtu (zwłaszcza ograniczenie rywalizacji do PO i PiS) oraz elity polityczne, a także wysuwały alternatywne rozwiązania.

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** Jagiellonian University in Kraków, Faculty of International and Political Studies.
*** Pedagogical University in Kraków, Faculty of Political Science.

what the "new quality" proposed within the programmes of these entities is and of whether these parties really practise what they have preached, particularly whether they use innovations related to alternative forms of democracy in their own structures and after entering parliament try to put their postulates on the state agenda.

Celem artykułu jest odpowiedź na pytania, na czym polega „nowa jakość" proponowana w programach tych podmiotów oraz czy głoszone przez nie postulaty są realizowane w praktyce, w szczególności czy wykorzystują innowacje związane z alternatywnymi formami demokracji we własnych strukturach oraz czy po wejściu do parlamentu starają się uczynić swoje postulaty częścią agendy państwowej.

Keywords: party programmes; Polish parties; entrepreneurial parties; new parties

Słowa kluczowe: programy partyjne; polskie partie; partie przedsiębiorców; nowe partie

1. INTRODUCTION

The subject literature has for many years produced discussion on the crisis experienced by political parties. The most frequently advanced arguments to illustrate this very crisis are the decreasing citizen participation, resulting in diminishing party membership numbers, a growing electoral volatility as well as a declining turnout (Whiteley, 2011; van Biezen, Mair, & Poguntke, 2012; Scarrow, 2015). Another aspect of this problem has been the growing link between parties and state institutions, something that can be especially clearly seen in the cartel party model of Richard Katz and Peter Mair (1995). It is worth emphasising that these phenomena impact significantly on the way in which a party realises its functions and particularly on the function of representing interests (Enyedi, 2014, p. 194).

On the one hand, all the critical remarks made above relate to political parties as such, while on the other, it does somewhat appear that in practice they are concentrated first and foremost on mainstream parties. The consequence of such a situation is, among other things, an extremely clear tendency, one observed as equally in stabilised as in new democracies, for the creation of new groupings which in assumption may be alternative in relation to the poorly functioning "old" parties (Hartleb, 2015; Deegan-Krause & Haughton, 2015). The expression "new groupings" is used on purpose, because apart from new political parties there is a growing activity of actors who negate the party organizational formula, but still perform functions characteristic for parties such as taking part in elections or creating governments. Good example may be the Italian Five Star Movement (Della Porta et al., 2017; Natale & Ballatore, 2014).

The subject of analysis are two entities on the Polish political scene, namely, the Palikot Movement (Ruch Palikota, RP), which attained enough votes to enter parliament in 2011, and Kukiz'15, which managed the same four years later. Both have been deemed by us to constitute entrepreneurial political parties (Kosowska-Gąstoł & Sobolewska-Myślik, 2017). Their creation and activity will be examined within the context of the above mentioned phenomena connected with the deficiencies in the functioning of mainstream parties. Both analysed subjects at the moment of their inception declared their intention to create a new political quality, clearly distancing themselves from political parties hitherto functioning in Poland. It is important to add that Kukiz'15 expresses its separateness equally in its organisational formula, deciding not to adopt the form of a political party itself. Hence the article's aim is to answer the questions as to on what the new quality proposed within the programmes of these entities is based, as well as whether they manage to implement the solutions they actually propose, in particular within their own structures and parliamentary operations, and with the same whether they actually make any difference for Polish politics. The hypothesis we put here is that even if those actors strive to be perceived in Polish politics as new quality, in fact they present weak alternatives to mainstream parties both in terms of specific issues they put forward as well as organizational innovations.

The article has been divided into four parts. In the first, the Polish party system has been sketched out, showing the place taken within it by the parties under examination. The second characterises the political programmes of the Palikot Movement and the Kukiz'15 formation in relation to their criticism against mainstream parties as well as the whole politics in Poland. Presented equally are the proposed innovations and alternative solutions. The subsequent part analyses the statutes as well as the candidate selection process in order to check whether there are reflected the proposed innovations. While the final part constitutes an attempt to answer the question as to whether, following entry into parliament, the parties have tried to realise the solutions earlier postulated. This matter is analysed on the basis of parliamentary addresses made by members of both parties during Polish parliamentary sessions (at the Polish Sejm) as well as the legislative initiatives advanced by them.

The fundamental method employed in the writing of the article was a qualitative content analysis. The programmes and statutes of the parties were subject to examination as were the parliament addresses and speeches made by their members along with the legislative initiatives advanced by them. Analysed were

the transcripts of parliamentary sessions accessed on the Polish Sejm's website (www.sejm.gov.pl). In the case of the Palikot Movement, the entirety of the 7th parliamentary term was taken into consideration (2011–2015), while for Kukiz'15, the period from the beginning of the 8th parliamentary term in 2015, when the organization was elected to parliament, to the end of March 2018, when research was brought to a close. Given the large number of speeches and addresses, a 10% sample of the said, randomly selected, was chosen utilising Research Randomizer for this aim (www.randomizer.org). After the data had been compiled, all the texts were analysed in relation to the appearance within them of references to key concepts and notions such as: representative democracy as well as alternative forms of democracy, rule of law (including the idea of legalism and the principle of decent legislation), elections, organs of state power, rights and the freedoms of the individual, state-church relations, political elites, bureaucracy, particracy, corruption, nepotism. The subjects present in the documents analysed were ordered into two groups: in the first were placed criticism in relation to mainstream parties and Polish politics itself, while in the second – the propositions for the changes postulated. The analyses – illustrated by quotes and their interpretation – allowed us to identify the main trends occurring within each party and to answer the research questions.

2. ENTREPRENEURIAL POLITICAL PARTIES AND THEIR PLACE WITHIN THE POLISH PARTY SYSTEM

The Polish party system started to stabilise midway through the first decade of the 21st century. Following the elections of 2005 the Sejm was for the first time to be comprised of the same six political parties that had held seats during the previous parliamentary term, though there was an obvious marked shift in electoral support when compared to the year 2001 (van Kessel, 2015, p. 127). The hitherto political cleavage between post-communist parties and those representing the Solidarity movement was to be replaced by a rivalry between two political groupings from the Solidarity camp – the Law and Justice (Prawo i Sprawiedliwość, PiS), and the Civic Platform (Platforma Obywatelska, PO; Markowski, 2006). The early election of 2007 was to bring about further stabilisation in terms of both the number of parties and the types of electoral competition. Only four political groupings managed to poll enough votes to enter parliament with the main rivalry still being between PiS and PO (Markowski, 2008). The party system at the

parliamentary level was viewed as closed to small and new parties, which were not able to compete with those political groupings who possessed sizeable budgets.

In the general election of 2011, for the first time since 2001, a new political party – the Palikot Movement – was to enter parliament (Szczerbiak, 2013, p. 480). The political grouping had come into being just before the election and had built up its political capital through attacking the elites and criticising the election competition between PO and PiS (Stanley & Cześnik, 2016, p. 706). The Palikot Movement constituted the third largest parliamentary grouping, behind PO and PiS, but ahead of the Democratic Left Alliance (Sojusz Lewicy Demokratycznej, SLD) and the Polish Peasant Party (Polskie Stronnictwo Ludowe, PSL). In 2015, the main axis along which competition ran was again that of PO and PiS. PiS won the election and was able to form a single party government with a parliamentary majority enabling it to rule without the need to create a coalition (Markowski, 2016, p. 1311). The Palikot Movement ran within the auspices of a wider coalition, which was unable to gain sufficient votes to cross the election threshold resulting in the party finding itself outside of parliament. However, two new political formations – Kukiz'15 and the Modern Party (Nowoczesna) – were to take up parliamentary seats.

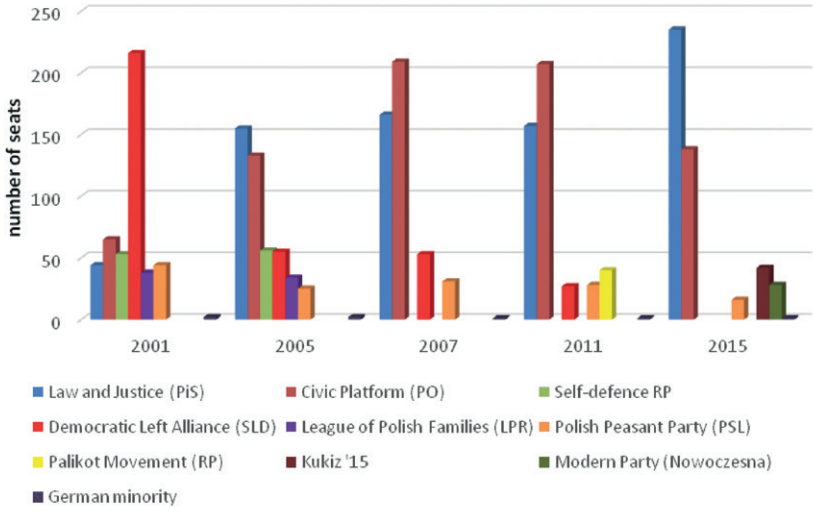

Figure 1. The Numbers of Seats Obtained by Polish Parties in Parliamentary Elections 2001–2015

Source: developed by the authors based on www.pkw.pl.

The common feature of all the new groupings that managed to enter parliament in 2011 (the Palikot Movement) and 2015 (Kukiz'15, Nowoczesna) is that they came into being only a short time before the election and quickly were able to gain electoral support. Besides, they were formed by more or less charismatic leaders, who, on the one hand, represented the crux of the formations' electoral appeal while on the other, treated their parties as a "personal vehicle" (Lucardie, 2000) to achieve their own political goals (Hopkin & Paolucci, 1999; Krouwel, 2006). Equally in common was the fact that these groupings arose from nothing, for they are not party splinters as well as not basing themselves on social movements or sponsoring organisations, which would have provided them with resources and electoral support. All of this meant that in the research conducted in 2016 (Kosowska-Gąstoł & Sobolewska-Myślik, 2017), the aforementioned parties were deemed to fulfil the criteria for the minimal conceptualisation of entrepreneurial parties as defined by Hloušek and Kopeček (2017). Ryszard Petru's political party Nowoczesna was also considered to be an entrepreneurial party in the work cited, yet this has been omitted from the study as a result of the changes occurring within it; changes that simply did not allow for its continued inclusion within the category of entrepreneurial parties. Hence only the Palikot Movement and Kukiz'15 are the subject of analysis for the sake of this article.

The Palikot Movement was formed by the businessman Janusz Palikot, who had begun his political activities in 2005 while a parliamentary deputy for PO. In 2010 he left the party, creating the Palikot Support Movement, and subsequently the Palikot Movement, which since 2013 has borne the name Your Move(ment) – Twój Ruch, TR[1]. The party's founder was, on entering politics, one of the richest men in Poland, hence he announced that the aim set for his activities was not enrichment but a fixing of the state. While a deputy for PO he had headed the "Friendly state" parliamentary commission, in which he strove to implement changes aimed at reducing bureaucracy and building up trust between the state and citizens. He was better remembered for his press conferences during which – utilising controversial props such as a toy pistol, vibrator, a pig's snout – he attempted to draw attention to the problems of the day. However, the approach adopted was to turn out to be inappropriate, as was borne out by the defeats in the European Parliament and local government elections of 2014 and the

[1] In the current article these names will be used interchangeably. The Polish word "ruch" means both 'move' and 'movement', hence the party name can be translated differently, both Your Move and Your Movement.

presidential and parliamentary elections that took place in 2015 (Kosowska-Gąstoł, 2018).

Kukiz'15 is formally known as the Association for a New Constitution Kukiz'15 (Stowarzyszenie na rzecz Nowej Konstytucji Kukiz'15), which came into being four months before the parliamentary election of 2015. The association formula was deliberately adopted as this differentiated the formation from political parties as such. The creation of the association and its participation in the parliamentary election was inspired by the electoral success enjoyed by Paweł Kukiz in the presidential election of May 2015, in which he took third place. Paweł Kukiz's career is fundamentally connected with rock music. He started his political activity in 2007 with involvement in support for electoral reform and the creation of single-member constituencies. Initially, he engaged in the action taken by PO, only later to take up independent political initiatives: the aim of which has remained chiefly campaigning for single-member electoral districts, as well as a protest campaign against the political establishment and mainstream political parties (Kosowska-Gąstoł & Sobolewska-Myślik, 2017).

3. WHAT DOES NOT WORK AND HOW TO FIX IT? A DIAGNOSIS ON THE BASIS OF THE POLITICAL PROGRAMMES OF ENTREPRENEURIAL PARTIES

The Palikot Movement and Kukiz'15 are markedly different from each other. While the former makes recourse to leftist-liberal values, the latter combines conservative principles in social behaviour with economic nationalism (Markowski, 2016, p. 1316). For both groupings, however, common is the fact that their electoral appeal is based on criticism of establishment political parties and their presentation as new political forces dissatisfied with the current situation of the Polish state as well as with the political elites in power since 1989; and as movements intent on carrying out qualitative changes within Polish politics. This was not, however, to mean the dismantling of liberal democracy based on the principle of representation but rather its reform.

The analysis of the programmes of the Palikot Movement and Kukiz'15 was to show the deficiencies reviled by them and the social pathology inherent within Polish political life as well as the changes they propose to rectify the situation. Janusz Palikot's proposals are based on the party programme comprising three parts: *A Modern State. A Secular State, A Friendly State* (RP/TR, 2011), the par-

liamentary election programme of 2011 (*RP – 2011*, 2013), as well as the draft *A Plan for Changes 2014–2019* (TR, 2014). Given that the Kukiz'15 association has been in existence for a much shorter period of time what it offers as a political programme is more modest, hence the analysis is based on the programme adopted in 2015: *A Strategy for Changes. You Can Do It, Poland! Kukiz'15* (Kukiz, 2015).

3.1. Criticism of the existing regime

In both groupings the fundamental issues deemed to take on the magnitude of problems are: the incompetency of political elites and mainstream parties, as well as particracy. The Palikot Movement disapprovingly relates to the narrowing in the electoral alternative between PO and PiS. It draws attention to the fact that the existing institutional solutions hamper the entrance onto the political scene of new parties, meaning that existing political groupings and their elites do not have to take public opinion into consideration. The parties are accused of having no political programmes, a will for change and new people. They are defined as "the leaders' private retirement funds", while the whole party system as "sick and non-democratic" (*RP – 2011*, 2013, pp. 338–339). In the case of Kukiz'15, the negative attitude towards political parties is already expressed within the organisation's name, and formal status of an association announcing that "For twenty five years politicians of all parties have consistently destroyed our national community […]. The parties con the people". The parliamentary electoral system is also a brunt for criticism, one favouring the election of representatives connected with parties rather than with voters. As a consequence: "[…] deputies are not the representatives of the people but merely the stooges of their party leader" (Kukiz, 2015). The examples given do not exhaust the criticism of political parties. This motif constantly returns, for Your Move(ment) and Kukiz'15 are prone to blame the establishment parties for various unsolved problems and the pathologies of political life.

An important element within this criticism is the state's inappropriate functioning and the consequent lack of trust on the part of citizens. The state is viewed as an extremely repressive institution in its dealings with citizens, not the one serving them. In the programme this is clearly connected with the lack of citizen control over particular institutions and spheres of activity. The state is criticised for, among other things, a lack of transparency in public finance and decision-making processes, something that is linked to the waste of public

monies and corruption; the growing national debt; an overly complicated and unfavourable taxation system for citizens; and an excessive growth in public administration. Despite the fact that the formations in question differ on socio-economic matters, both perceive and stigmatise the privileges enjoyed by huge corporations transferring profits abroad at the cost of small and medium-sized businesses, whose interests are not properly taken into consideration by Polish competition law. As far as Your Move(ment) sets out to relatively equal up the chances of Polish business and huge corporations, Kukiz'15 goes further in its criticism. It raises the issue of the excessive role played by foreign firms and investment as well as the preference given to the interests of banks over those of ordinary citizens. This picture of Poland's excessive dependence on the international community is presented not only in the context of economic policy but also finds reflection in the criticism of the Euro as a currency and the climate packet which does not allow Poland to implement an independent energy policy (Kukiz, 2015, pp. 17, 28, 30).

Both parties criticise the way the court system and the police operate. The Your Move(ment) programme shows the low level of trust amongst ordinary citizens in the justice system resulting from a conviction in the existence of "local cliques" that incorporate public prosecutors and judges (RP/TR, 2011). In turn, Kukiz'15 criticises the lengthiness of court cases and the inappropriate practical preparation of judges, yet sees the greatest problem being "the absence of citizen control over the judiciary" (Kukiz, 2015, p. 8). Your Move(ment) is critical of the functioning of the police, who "[in] a democracy […] should be the spokesman of the ordinary citizen over being an instrument for the defence of the authorities and the state apparatus" (RP/TR, 2011).

Your Move(ment) enumerates amongst the irregularities in the functioning of the current political system the ailing legislative process as well as excessive bureaucracy; Kukiz'15 draws attention to corruption and nepotism. The legislative process is criticised for being too lengthy, this resulting from the bicameral parliament, an absence of planning for legislative work, the passing of acts in response to current happenings, and using formal devices that allow to avoid any public consultations (RP/TR, 2011). An answer to the question of bureaucracy, criticised within Your Move(ment) programme, is the creation of new institutions in response to the appearance of some challenge or other, rather than attempting to deal with the issue through existing structures (RP/TR, 2011). Equally, in the opinion of Kukiz'15, we are dealing with an excessive increase in administrative positions, an overcomplication in the working of institutions

and a distancing of these from the ordinary citizen (Kukiz, 2015, p. 22). In the association's programme, the problems mentioned are most often connected with a criticism of establishment parties accused of creating the social pathology now in existence. According to the Kukiz'15 association: "The level of nepotism and corruption in state and local government administration long ago exceeded any bounds of social tolerance" (Kukiz, 2015, p. 23).

The Your Move(ment) programme also contains criticism absent from the Kukiz'15 programme, this being of the relations between the Polish state and the Roman Catholic Church. The party, in emphasising that it is not hostile to the Church itself, fights with the privileged position the Catholic Church enjoys in public life. The subject of the criticism is the funding of the Church from the state budget, the teaching of the Catholic faith in state schools, as well as the presence of the Catholic clergy during state ceremonies and the display of Catholic religious symbolism in public buildings and institutions (RP/TR, 2011).

Table 1. Main Directions of the Criticism Towards the Existing Regime

political elites and parties	• particracy • narrowing the electoral competition to PO and PiS • the parties have no political programmes, new people and a will for change
electoral system	• serves the parties not the citizens
functioning of the state	• the state is a repressive institution for citizens, not one serving them • lack of citizens control and transparency • unfavourable taxation system for citizens • provileges for huge corporations transfering profits abroad at the costs of small and medium business
legeslative and administration	• ailing legislative process and axcessive bureaucracy • corruptions and nepotism
court system and police	• lengthiness of court casses, inappriopriate practical prepartaion of judges • police does not serve the citizens but the state authorities
relations between state and church	• privileged position of the Catholic Church in public life (Your Move(ment) only)

Source: developed by the authors based on party programmes

3.2. The propositions for change

The criticism presented above of the existing regime and establishment parties as reflected in the programmes of the two parties herein under analysis is supplemented by their proposals for reforms which are to cure the situation. The cure-all for the omnipresent particracy is to be a change in the way parliamentary deputies are elected as well as the way in which political parties are financed. The Palikot Movement proposed in their 2011 election programme a mixed electoral law, whereby political parties would influence only a half of the seats in parliament. The original proposal was also to introduce a limit on the number of parliamentary terms as well as connecting the number of deputies voted in with the electoral turnout, whereby regions where the turnout was higher would have more deputies to represent them in parliament. Actual change within the electoral law is, however, not particularly highlighted within the Your Move(ment) programmes, and that being in stark contrast to the Kukiz'15 association, which made it the axis of its 2015 election appeal to voters. Election law reform is to involve the creation of individual election constituencies which – as may be read in the programme – "[…] are a guarantee for an ethical renewal and a return to standards within Polish politics" (Kukiz, 2015, p. 7). On the matter of party financing, Kukiz'15 – not being a party in the formal sense – advocates the ending of state funding for political activities, claiming that "honest politics is politics financed by citizens" (Kukiz, 2015, p. 13). In turn, the Palikot Move(ment) proposes a change in the form of financing whereby citizens themselves decide which party they want to support. This was to take the form of deeds of covenant for party needs taken out as part of the annual income tax declaration (*RP – 2011*, 2013, p. 334). An important proposal to curb the power of party leaders and the forcing of a generational change is the proposal to limit the number of terms of office that may be served to a maximum of two (*RP – 2011*, 2013, p. 334).

Proposals for changes in state structures are put forward as ways in which the functioning of the Polish state could be improved. Your Move(ment) proposes the eradication of the second chamber of the Polish parliament, the Senate, whose existence unnecessarily extends the legislative process while not resulting in any qualitative improvement for any law in question (RP/TR, 2011). Another proposal involves the introduction of a limit of two terms of office for all representatives selected by means of public election: parliamentary deputies, local government councillors, mayors and other elected urban leaders (RP/TR, 2011). In turn, Kukiz'15 has proposed the transformation of the political order into

a state based on presidential system, where the president elected in the general election was to hold "total executive power" (Kukiz, 2015, p. 7). The president was to stand at the head of government, without the right to legislative initiative, which should lie with parliamentary deputies and ordinary citizens.

An important element of constitutional reform allowing for greater citizen control over the functioning on state institutions was to be the increase in the importance of direct democracy. Your Move(ment) proposes the strengthening of citizen influence on the functioning of the state through local and national referendums as well as social consultation at both local and national levels, including a participatory budget. The development of information technology is to serve to create free public debate, not monitored by the media. While in Kukiz'15's programme we find the idea of introducing an obligatory referendum, the validity of which would not be determined by election thresholds. Once a year there should be a "referendum day", on which all problems and issues would be voted on that had been proposed and submitted by a minimum of half a million citizens (Kukiz, 2015, p. 7).

The cure-all for the lack of transparency in matters of public expenditure would be – according to Your Move(ment) – placing the relevant information on the Internet and presenting it in a way accessible to the average citizen. The 2011 election programme announced a reduction in the national budget deficit by a half in the course of two years through reducing spending on the armed forces, the Catholic Church, and political parties. Tax reform should involve the very same rate, 18%, for all the CIT, PIT and VAT types of taxation, which would make Poland more competitive with those countries where linear tax applies (*RP – 2011*, 2013, pp. 340–341). Your Move(ment) also proposes that foreign investors who have made use of tax incentives and benefits should be subject to an "exit tax" if they were to decide to suspend operations in Poland (RP/TR, 2011). In addition, proposed was an easing in the procedure for setting up new enterprises ("a company on a trial period" programme), advanced were proposals for changes in the act on public services contracts whereby price valuation alone would not to be the only deciding factor (TR, 2014).

According to the Kukiz'15 association, a broadening of the right to access to public information would aid the transparency and control of public spending (Kukiz, 2015, p. 11). Excessive state debt should be countered by the inclusion in the Constitution of the need to pass balanced fiscal budgets, both at central and local government level (Kukiz, 2015, p. 16). Tax reform should, in turn, lead to a greater level of taxation on large and foreign enterprises, including

banks and an easing in proceedings for Polish investors. An important aspect of the programme is the increase in the tax-free allowance for PIT taxation over transitional period, with the eventual abolishment of this tax, as well as to initiate reforms of VAT and CIT (Kukiz, 2015, p. 21). The defence of Polish interests internationally was to involve, among other things, concerted action to limit the intervention of EU institutions in the functioning of sovereign member states. A most clear declaration on terminating the EU's climate package was also made (Kukiz, 2015, p. 30).

Both groupings also advance interesting proposals for increasing the effectiveness of state institutions, including reform of the judiciary. Your Move(ment) wishes for changes in the career path for judges so that the position of judge would not be held by someone only at the beginning of their legal career and consequently by someone of limited and therein insufficient life experience, but would be held by individuals who had already worked in other legal fields, with becoming a judge representing the pinnacle of one's legal career. Also postulated is the inclusion within sentence passing procedure of judges elected by citizens in general elections as well as a speeding up of court procedures whereby processes are dealt with on a day-by-day basis (TR, 2014). Similar proposals are presented by the Kukiz'15 association, which equally wants the position of judge to constitute the crowning of a legal career, with cases being dealt with on a continuous basis. However, a fundamental change would see judges chosen by citizens as well as the introduction of an institution termed "a judge of the peace" (JP), one who would be universally elected and would deal with offences as well as "minor neighbourhood civil matters" (Kukiz, 2015, p. 9). The Your Move(ment) programme proposes the monitoring and evaluation of the work of the police, who should concentrate on arresting serious criminals and not lying in wait to catch ordinary citizens for minor offences. Kukiz'15 places greater score on the armed forces and postulates, among other things, the creation of a "citizen component" for the armed forces in the form of a territorial defence unit (Kukiz, 2015, p. 25).

Your Move(ment) and Kukiz'15 also want to counter excessive bureaucracy. The wish of Your Move(ment) is for the revitalisation of state administration through the introduction of "principles of silent agreement" as well as of "declarations in place of certificates" (*RP – 2011*, 2013, p. 337). The former means that if a government office does not issue a decision within the timeframe given then any decision taken will be beneficial to the applicant. The latter requires government offices not to demand certificates from other government departments,

these should be replaced by citizens' own statements relating their marital status, no criminal record, etc. This would reduce administration costs while at the same time increase the mutual sense of trust and responsibility for citizens. Your Move(ment)'s programme also envisages responsible conduct on the part of government employees for decisions wrongly taken, with fines for any delay in their realisation. Kukiz'15 similarly proposes the eradication of various administrative requirements: licences, permissions and limitations in economic activity as part of the fight against excessive bureaucracy (Kukiz, 2015, p. 22).

Your Move(ment) places great importance on the need for reform in Church-State relations, which are to annul the financial privileges enjoyed by the former as well as to lead to the termination of the concordat (RP/TR, 2011). It demands the total neutrality of state authorities in matters of religious convictions and views. As a result they propose: liberalisation of the law on abortion, state-sponsored financing of *in vitro* fertility methods, free access to contraceptives, as well as the legalisation of heterosexual and homosexual civil unions together with a legalisation of soft drugs. The party also places great emphasis on equal rights for women and men in all spheres of life (*RP – 2011*, 2013, pp. 335–336).

4. LET US START WITH OURSELVES, THAT IS, NEW SOLUTIONS WITHIN ENTREPRENEURIAL PARTY STRUCTURES

The parties herein discussed went into the elections with programmes proclaiming that they wanted to implement political change in Poland. In criticising the existing establishment parties they presented themselves as an alternative to them, "a movement of people that wish to regain their country" (*RP – 2011*, 2013, p. 337) or a formation whose aim was "the return of control to the citizens over the state itself" (Kukiz, 2015). This appears to enter well into contemporary trends advocating increased internal party democracy, a strengthening of the role played by party members and the involvement in party activities of individuals from outside of the party (Scarrow, 2015). Political parties operating within stabilised western democracies increasingly introduce to their structures solutions that involve: the election of the leader on the basis of a OMOV rule, sometimes including also party sympathisers; the introduction of primaries as a means to select candidates for election to public bodies, the involvement of members and sympathisers in discussions over programmes, and here increasingly utilised are Internet platforms. It is therefore worth recalling in this context that both

of the formations discussed here included in their programmes the demand for increased use of referendums. Your Move(ment) equally drew attention to the need for large scale social consultation as well as the possibility for citizens to engage in political debate by means of the Internet. The Kukiz'15 association also made direct recourse to democracy in its statute, declaring the desire to guarantee the precedence of referendum over other forms of public authority decisions, as well as the promoting and support of popular initiative and the propagation of the idea of a civil society (Kukiz, 2015).

In accordance with the idea of introducing changes starting from oneself, the question to be analysed was whether the said entrepreneurial parties implemented into their structures and activities the solutions postulated in their programmes. And in this way the party statutes and means by which election lists were drawn up for the Sejm parliamentary election were analysed. In the case of Kukiz'15 the association's statute: *Statut Stowarzyszenia na rzecz Nowej Konstytucji Kukiz'15* (*Statut Kukiz*, 2015) was taken into consideration, while for Your Move(ment) three statute documents were examined: the statute adopted at the moment the party was formed in 2011 (Statut RP, 2011), the document sanctioned when the party's name was changed in 2013 (Statut TR, 2013), as well as the present statute in force since 2015 (Statut TR, 2015). The mentioned documents are fairly similar though certain corrections may be observed in them which are significant with regard to the solutions implemented.

Research has shown that contrary to what had been said these entrepreneurial parties did not implement any form of direct democracy whatsoever to their organisational structures, in the form of: internal party referendums, primary elections, or consulting with the membership. In the statute of the Palikot Movement/Your Move(ment) envisaged had been the possibility of only the National Political Council taking resolutions on membership consultation. In the first two versions of the statute noted was also the possibility for the District Board – in consultation with the National Board – to allow for primary elections. In the 2015 version of the statute this regulation has been removed (Statut TR, 2015). In the statute regulations of Kukiz'15, there are also no formulations allowing for any individuals outside of its ranks to join in the decision-making process, for example, those classified as sympathisers. This was also not envisaged in the first statute of the Palikot Movement, with it being introduced only following the change in party name and statute in 2013. There, however, the position and role of sympathisers was not precisely defined, recourse being made in this matter to the resolution of the National Board.

The organisational structures of both formations are based first and foremost on the traditional models adopted for representative democracy, though in those organs at the lower levels there is the possibility for the participation of all the members from a given area. The leaders are selected by the central resolution-making organs, in the case of Kukiz'15 this is the National Assembly of Delegates, while in the Palikot Movement – the National Congress. A certain novelty in Your Move(ment) – introduced into the statute in 2015 – is the election of two leaders of the Movement which – in connection with the principle of parity for men and women within the Movement's organs at all levels – means that one of the two joint leaders has to be a woman. The above solution is clearly the result of the realisation of the programme adopted by Your Move(ment) in which men and women are seen as being equal in all spheres of life. Additionally, in each of the three statute versions can be found a regulation stating that the same person may perform the same function for a maximum of two terms of office, which equally may be seen as the realisation of one of the proposals from the party's programme. In Kukiz'15, the leader has been, since the moment the association was formed, Paweł Kukiz, and in Your Move(ment) – Janusz Palikot. Following the introduction of two leaders in 2015 the co-leader was Barbara Nowacka.

The formations, in proclaiming a new quality in politics and through criticising the existing parties, have not made recourse to new methods of activity that involve the inclusion of ordinary citizens but rather have adopted organisational solutions that recall in their form those used by traditional parties. The only area which displays any innovations is the way in which the election list was drawn up. As entrepreneurial parties, both groupings started their activities without any support from social movement or sponsor organisations (Hloušek & Kopeček, 2017), at the moment of election commencement they equally did not have a grassroots party structure, consequently they had to be open to individuals who were not their members. Both groupings – the Palikot Movement in 2011, and Kukiz'15 in 2015 – recruited candidates through Internet sites (Kosowska-Gąstoł & Sobolewska-Myślik, 2017, pp. 141, 147). In the Kukiz'15 Statute the matter of creating an election list of candidates takes up very little space, though one needs to remember that formally this is not a political party, and therefore activity of this type may be treated far less rigorously than in the case of an actual political party. In Your Move(ment), various organs are involved in the creation of the election list – the regulations and principles under which it is drawn up are determined by the National Policy Council, its compilation is the job of the District Board, opinionated to the District Policy Council, while the final say

belongs to the National Board (Statut TR, 2015). A significant novelty is the regulation contained in the statute on the alternation of sex in the creation of election candidate lists. This was adopted in the election of 2011. Though one can observe a certain inconsistency. In certain districts the lists contained the alternation of men and women, while in others – two men then two women. In addition, for 41 election districts, women only found themselves in first place four times (*Kandydaci RP – 2011*, 2013, 2011).

5. LET US CHANGE POLITICS, OR THE PROPOSALS OF ENTREPRENEURIAL PARTIES WITHIN PARLIAMENTARY PRACTICE

The parties herein under consideration took no part in governing for they merely managed to pass the electoral threshold needed to enter parliament and for their representatives to take their seats in the Polish Sejm. Thus they gave themselves a platform to promote their ideas within the parliamentary arena and to implement with the same their "modern change" as proclaimed in their political programmes. The analysis conducted of the parliamentary addresses and debate contributions made by the deputies of both groupings as well as a review of the legislative initiatives advanced by them enables us to evaluate whether they took advantage of the opportunity given them by voters and if they did attempt to put into practice their political programmes. It is worth, given this context, to draw attention to how deputies of Your Move(ment) as often criticised in their addresses existing institutions and activities as they presented their own proposals for their rectification; while the representatives of Kukiz'15 restricted themselves chiefly to criticism itself. Consequently, any proposals for changes advanced by the association can be found mainly in the legislative initiatives proposed by its parliamentary group.

The parliamentary speeches of MPs from both formations abound with criticism of political and party elites. According to a representative of Your Move(ment), "it would follow to call for a vote of no confidence in the entire Polish political class", while Kukiz'15 emphasises that: "For years the Polish parliament has involved itself in internal fighting, not troubling itself with matters important for the ordinary citizen". A point of reference is equally not limiting political rivalry on the Polish scene to the struggle between PiS and PO, which was to find reflection in an utterance by a Kukiz'15 deputy: "I most kindly ask that the right to stand for election be not taken away from citizens when the

matter concerns local government, and make the appeal […] that you do not create a two-party system in Poland, that is, a formal division between PO and PiS". These parties criticise the domination of political life by the establishment parties. A deputy from the Your Move(ment) asked: "Prime Minister, […] will you put an end to the practice where party affiliation is a prerequisite to the obtainment of positions?". This view was echoed by a Kukiz'15 deputy who said: "[…] this is life in a state subordinated to a single party, etatism and centralism. I am not prepared to accept a Poland of such a hue". Equally pointed out was that party domination results in abuse and corruption, as is borne out by the following remarks of a Kukiz'15 deputy: "Give back the money which you have earmarked for 10,000-złoty suits, for octopuses, and various party dos", "to me it appears to be some little act with the bailiffs of all the parliamentary clubs. […] I hasten to emphasise «of all»".

It results from what has been said by the Kukiz'15 deputies, that the source of the negative phenomena connected with party functioning lies in a voting system that results in parties being shut off from contact with ordinary citizens: "If all of you had been elected in single election districts then you would go about this act quite differently". In turn, Palikot Move(ment) deputies are rather inclined to blame the way that parties are financed for the existence of party bipolarity along with all the manifestations of political ills, which they describe as "a bank job in the light of the law", hence the large number of comments criticising this state of affairs and the introduction of new solutions to rectify this pathological state of affairs. Attention is drawn that "the Polish state has started to transfer funds for the activities of selected political parties with no recourse to the principle of freedom of choice. […] The taking of such a decision is one of the most important in cementing the Polish political scene". While the reform proposed is to involve "the voter obtaining an instrument that allows him to evaluate political groupings annually".

The parliamentary criticism emanating from both groupings was also directed against the poor functioning of the state and its institutions. A Your Move(ment) deputy has encapsulated the said as follows: "If that is what a modern state friendly to its citizens is to look like, that on x-number of pages a verification system is elaborated, a system of control, and then as if this is not enough more pages are incorporated as sanctions, ones that threaten, then in my opinion this act is not worthy of support". In turn, a representative of Kukiz'15 noted that "we are indeed merely a fictitious state, one existing in theory only". The Palikot Movement proposed a series of issues that were to change this, e.g., the limitation

of parliamentary terms for deputies, the dissolving of the Senat (the Polish upper house of parliament) and restrictions on the number of terms that city mayors can be in office.

The judiciary come in for especial criticism by both parties. This finds expression in the wording of one Kukiz'15 parliamentarian: "[…] if the state […] becomes the main enemy of the people, then where are these people to go? To the courts? They can go to court but I don't know whether you know that a case in court lasts 2–3 years and costs on average 15 to 20,000 złoty, while families are struggling for enough money for bread and a bus ticket, struggling just to survive". According to a Your Move(ment) deputy: "Today a civil servant is still able to do with a citizen whatever he likes and then this citizen can go to court and try to prove his innocence for years. While at court it's all on the toss of a coin: either the judge shows interest or he doesn't, anyway there will always be a problem". The said party advocated reform of the judiciary: "Our main goal is to introduce the judicial factor into preparatory proceedings and to end a certain fictitious state that exists. […] We equally want these changes to result in a speeding up of proceedings. If we are to talk of costs then we should equally remember that the Polish state will incur these and does incur the costs of drawn-out proceedings. And it is for us to answer the question as to whether we want to continue to live in such a state".

Both parties have often criticised the poor functioning of the legislative process, hastily conducted, without due diligence, resulting in the passing of laws that first and foremost support political interests. This is borne out by the words of a Palikot Movement deputy: "[…] Why does the legislative chamber produce, draw up, and pass acts of such poor quality, in a word, legal pieces of trash", "in the name of what are we to once again rescue a flawed law and correct the mistakes of our predecessors or our very own? I think that we should think long and hard over any new acts, so that such situations do not occur for this really is an enormous waste of our time". As well as statements made by the Kukiz'15 association: "Gentlemen, out of slovenliness you forgot about normal legislation", "Why do we allow ourselves to continue in such an agitated manner, not thought-through? Then legal acts have to be rectified, ones only recently passed, so that they don't actually cause harm to concrete individuals. Given this state of affairs, I would propose we remember this and that in future we concentrate on the quality of law, and not on its politicization". The Kukiz'15 association also criticised the lack of social consultation in the process of law creation: "There is, unfortunately, no consultation as this is the proposal of parliamentary deputies,

and not governmental, there is no need to present the effect of an act and – summing up – there is an absence of depoliticization".

Deputies from both formations have devoted a lot of room in their addresses to a criticism of bureaucracy and nepotism. The first was to become particularly the domain of the Palikot Movement, which not only criticised the poor functioning of bureaucratic structures, but also proposed changes: "[…] the most important thing is to arrive at administrative responsibility. If a government employee is responsible for […] what they say then this means that they will surely try to get the applicant to come to them and that they are there for the applicant and not the other way around, the applicant for the bureaucrat". Proposed in Sejm addresses was the Palikot Movement initiative that in place of submitting for government offices of certificates issued by other government departments there should be introduced citizen declarations (statements) which would not only result in a decrease in bureaucracy but would also "be a breakthrough by being a hitherto untried practice in building faith in the honesty of Poles".

One may find examples in the statements of deputies from both parties of nepotism, something the largest political parties in Poland are accused of. A Your Move(ment) deputy pointed out that: "The only thing proved […] was that the buying of positions, jobs on the side, lucrative contracts is for many members of the Civic Platform their daily bread". In turn Kukiz'15 raised the questions: "And maybe those district councils that were […] simply the price one had to pay Chairman […] in exchange for the family sinecure of one of the Law and Justice party's ministers in municipal firms?" According to the Palikot Movement, the cure-all for corruption at the local level could be the limiting of the terms of office that mayors and city presidents can serve to two periods in office which would "make it difficult for the creation and functioning of corrupt cliques within local circles. […] We know this from life itself – there are 30 candidates and one of them has long ago already been selected".

An extremely important issue, one often raised in addresses made by representatives of the Palikot Movement, is the question of the separation of the Catholic Church from the Polish state: "We shall finally bring to an end the diktat of the Catholic Church in Poland". Many times Palikot deputies demanded the ending of financial breaks for the Catholic Church: "is the government for the eradication of the Catholic Church Fund […] if its removal is to mean that for subsequent years we are going to an even greater degree finance the Catholic Church than has hitherto been the case, then please explain this to the entire

Polish nation", as well as the dropping of religion as a subject at school and the removal of religious symbols from public institutions. They also raised social issues like the legalisation of civil unions: "civil unions were, are, and will be. It is our role, the role of the authorities, to merely provide them with protection, to give them freedom and to ensure equality, equality in the face of the law", the legalisation of abortion and the financing by the state of *in vitro* methods of fertility treatment: "Prime Minister, will we finally be told whether the government intends to pass a bill on *in vitro* or not?". They also devoted a lot of time to the question of equal rights for men and women: "equal rights, equal laws, a half of government, as well as the very same pay".

The deputies of Your Move(ment) and Kukiz'15, besides presenting in the parliamentary addresses their critical stance towards the existing elites and political institutions, also attempted to impact on the state's agenda through the introduction of legislative initiatives. Their draft bill proposals were often rejected at the introductory stage of legislative work or even before this was commenced. This was noted by one of the deputies addressing parliament: "Honourable members of the house, it is most sad for me to learn that this package of bills was condemned to failure and rejection on the part of the governing coalition simply because it had been tabled by the Palikot Movement". A similar fate was to befall those bills tabled by Kukiz'15 deputies. This explains the small number of bills which were passed at the initiative of deputies from both parliamentary groups. Amongst the legislative successes of Your Move(ment) are, first and foremost: the amendment to the Code of Criminal Proceedings involving the introduction of the institution of a judge to preparatory proceedings as well as amendments to the act on public tenders and bidding, to which was included the criterion of innovativeness. The main success of Kukiz'15 was a change to the act on local government employees which involved the eradication of so-called "political cabinets" functioning at the level of local government, that is, *de facto* posts of advisers and assistants of municipal and provincial officers such as town mayors or city presidents.

In the case of Your Move(ment), it is worth drawing attention to the fact that certain legislative concepts that were rejected by parliament were subsequently to be made use of by the government and incorporated into their own projects (the amount exempt from tax, the payment of VAT only after the recipient has paid the invoice). However, the flagship proposals promoted by Your Move(ment) were never to see realisation: these concerning changes to the code for administrative procedure involving fines for administrative organs failing to meet deadlines, as

well as a simplification of the documentation requirements (declarations replacing certifications). There was equally no implementation of changes to the act on the financing of political parties. The project for change in party financing that was tabled by Kukiz'15, and which envisaged the eradication of budget subventions, equally never saw realisation. Other projects tabled by Kukiz'15, and which may be considered key, concerned single-member electoral districts for local government elections; changes to make local referendums easier to conduct including the removal of a participation threshold for referendum validity, as well as the introduction of an obligatory public registration of orders placed by units from publically financed sectors.

The question of amendments to the electoral code with the aim of reducing the terms of office that could be held by the heads of local government elected tiers including the position of mayor, one important to both parties, was to finally be passed by the Sejm in January 2018 when there were no longer any representatives of Your Move(ment) elected to parliament. In addition, this change was incorporated within a broader packet of reforms on the way local government organs were to function, as well as changes to the election law and consequently the act was not supported in the parliamentary vote by Kukiz'15 deputies. Another group of the Your Move(ment)'s legislative proposals that was to end up forgotten concerned civil unions, easing the procedures for sole-trader registration (first and foremost "a company on a trial period"), or the eradication of the Church Fund. Kukiz'15 still has a parliamentary representation and consequently still has an opportunity to promote its political proposals.

6. CONCLUSIONS: MUCH ADO ABOUT NOTHING

Polish entrepreneurial parties, despite taking a concrete position in relation to the policies of subsequent governments as well as relations between citizens and the state, are not viewed as factors that can change Polish politics. In this point, it is worth returning to the question posed in the title as to whether entrepreneurial parties make any difference for politics in Poland. The Palikot Movement and Kukiz'15 entered into it by having convinced the electorate that they differed from traditional political parties and that their desire was to create a new quality within Polish politics. However, in all elements analysed in the article: party statutes and programmes, parliamentary speeches and legislative initiatives, we did not find any issues that bear potential for significant change.

Both formations drew attention to similar maladies in Polish politics. Their programmes contained much criticism of existing political elites and establishment parties as well as criticism of the weak nature of the Polish state and the lack of trust it generated in the public at large. Both parties saw the poor working of the judiciary, the ineffective legislative process, excessive bureaucracy, as well as corruption and nepotism to be amongst the greatest of the ills threatening Poland. In criticising the faulty workings of certain institutions of the Polish state, these entrepreneurial parties did not intend to bring about their deconstruction, but merely to implement certain innovations and improvements. Both formations proposed a series of reforms that were to rectify the situation. Among those propositions one can find a few issues which could be seen as specific for the discussed parties and in the same time could be interpreted as their ideas to change the quality of Polish politics. In case of Kukiz'15, it was the proposition of the reform of the electoral system, aiming at creation of the single member districts. In case of Your Move(ment), it was the question of change in the privileged position of the Catholic Church in Poland.

Both groupings fared no better in promoting their ideas within the parliamentary forum, although certain differences may be perceived between them. As far as Kukiz'15 deputies concentrate in their addresses on criticism of the existing regime, those from Your Move(ment) often connected this with the presentation of their own proposals for change. Both formations utilised the right for deputies to initiate legislative motions attempting in this way to implement the changes they proposed. However, their initiatives did not meet with the approval of the parliamentary majority, and consequently they did not manage to impact on Polish reality. As far as organizational structures are concerned, both formations duplicated in their statutes the solutions characteristic for traditional political parties, they did not implement any forms of direct or deliberative democracy, and consequently here one cannot speak of the invoking of any new quality whatsoever. An exception is, however, within the structures of Your Move(ment) where the parity principle for sex found its reflection in both the drawing up of election candidate lists as well as in the personal appointments for all party structures including the two-person leadership.

In effect, it follows to state that despite the faith shown them by the electorate they equally were unable to instigate any of the significant changes they had proclaimed in their political appeals.

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LOCAL GOVERNMENT POLICY IN THE FIELD OF EDUCATION AND HEALTH IN POLAND AFTER 2015

POLITYKA SAMORZĄDU TERYTORIALNEGO W SFERZE EDUKACJI I ZDROWIA W POLSCE PO 2015 ROKU

Paweł Grzywna, Natalia Stępień-Lampa***

ABSTRACT

The considerations in the article focus on the role of territorial local government in two important spheres of welfare state – in providing access to education, and health care. The authors characterize the situation in Poland after the parliamentary elections won in 2015 by the Law and Justice (PiS). The first part of the study analyses the reforms undertaken in the education system and their consequences for territorial local government, in particular increasing the compulsory education age as well as changing the school system. The second part contains a description of planned and implemented changes in health care.

Keywords: education; health; local government; reform

ABSTRAKT

Rozważania prowadzone w artykule koncentrują się wokół roli samorządu terytorialnego w dwóch istotnych sferach działania państwa typu *welfare state* – w zapewnieniu dostępu do edukacji oraz w ochronie zdrowia. Autorzy charakteryzują sytuację w Polsce po wygranych w 2015 roku przez Prawo i Sprawiedliwość wyborach parlamentarnych. W pierwszej części opracowania analizie poddano reformy podjęte w systemie oświaty i ich konsekwencje dla samorządu terytorialnego, w tym przede wszystkim podwyższenie wieku obowiązkowej edukacji, a także zmianę ustroju szkolnego. Druga część zawiera natomiast opis planowanych oraz wdrożonych zmian w ochronie zdrowia.

Słowa kluczowe: edukacja; zdrowie; samorząd terytorialny; reforma

* University of Silesia in Katowice, Faculty of Social Sciences.
** University of Silesia in Katowice, Faculty of Social Sciences.

Ensuring access to health care and education financed from public funds is one of the guarantees of social security. These obligations in Poland – in accordance with the principle of decentralisation of state power – are largely implemented by local government. Therefore, attaining citizens' state of security in the social dimension will depend, *inter alia*, on the condition of the local government. In this study, the policy of local government in the sphere of health care and education was analysed – in the period after taking over the central power by the Law and Justice Party. The purpose of this study is to analyse the policy of local government in the field of education and health after the assumption of central authority by Law and Justice. This will make it possible to formulate proposals primarily addressed to local authorities in these two dimensions of public policy. This intention was possible to implement thanks to the method of document analysis. It was subjected to content posted by state institutions in official documents (including those of strategic importance), legal acts, as well as on websites. Literature studies have also been made in the study.

THE ROLE OF LOCAL GOVERNMENT IN THE FIELD OF EDUCATION

Education in a welfare state is one of the areas of activity of public authority – both in the central and local dimensions. In Poland, a significant part of the tasks in this field lies with the local government, in particular, the municipality and county. What is more, the characteristic feature of the Polish education system is that it is subject to numerous transformations. As a consequence, the local government is obliged to implement the reforms planned by the subsequent ministries of education.

In 2015, as a result of winning the parliamentary elections, the Law and Justice Party came to power in Poland. On 16 November 2015, Beata Szydło's cabinet was sworn in, and on 11 December 2017, Mateusz Morawiecki became the Prime Minister. Both in the first as well as in the second PiS government, Anna Zalewska was the Minister of Education. In accordance with the announcements made during the election campaign in 2015, the Ministry of Education almost immediately started to work on a thorough change of the education system, whose face became Minister A. Zalewska.

The change in the education system initiated in 2016–2017 by the ministry led by A. Zalewska can be described as a counter-reform. As a result, a structure of education similar to that before the reform undertaken by the Ministry of

Education, headed by Mirosław Handke, would be established. As a result of changes initiated in 1998–1999, among others, education in primary school was shortened to 6 years, 3-year junior high schools, 3-year general secondary schools and specialised secondary schools, 4-year technical schools, 2- and 3-year basic vocational schools, as well as 2-year secondary schools for general education and 3-year technical complementary schools, and post-secondary schools were created. This school structure was then subject to further transformations, as a result of which, *inter alia*, specialised secondary schools as well as complementary schools were closed (Dyrda, Koczoń-Zurek, & Przybylska, 2008, pp. 48–55).

The first reform in the education system taken up by PiS was the restoration of the compulsory schooling for 7-year-old children and obligatory pre-school education for 6-year-olds from 2016/2017. On 29 December 2015, the Act amending the Act on the education system and certain other Acts was passed. This was one of the first legislative acts adopted by the Sejm of the 8th term. The law also confirmed the right of children aged 3 to 5 to pre-school education and the municipalities were obliged to provide conditions for the implementation of this right for 4- and 5-year-olds (from the 2017/2018 school year this obligation applies to 3-year-old children). At the same time, children born in 2008 who started school as 6-year-olds were guaranteed the possibility of repeating the second grade, and children born in 2009, who also went to school at the age of 6 – the first grade. The decision in this regard belonged to parents or legal guardians of children and had to be taken by 31 March. In addition, the Act ensures that in the school year 2016/2017, a branch of the first grade will be opened if 7 students gather in rural areas or in cities up to 5,000 inhabitants, and 11 in larger cities. The last of the indicated provisions was based on a threat that in many schools it will not be possible to create a single unit, and therefore children will have to attend establishments located far away from their place of residence.

Increasing the age of compulsory education forced local governments to take action aimed at adapting to the new regulations. The centrally implemented change caused many negative consequences at the local level. Parents' decision to leave 6-year-olds in the zero grade (which are now usually organized in pre-school establishments) was associated with the risk of not being able to open branches in kindergartens for 3-year-olds, which could result from the lack of sufficient places. In addition, there were difficulties connected with the organisation of primary school education. As indicated by the estimates of the Ministry of Education, 80% of 6-year-olds were left in kindergartens and, therefore, fewer first-grade units were launched than in previous years (Ministerstwo Edukacji

Narodowej, 2016a). This, in turn, could cause problems with ensuring working hours for teachers of early school education and forcing local governments to reduce their posts. Increasing the compulsory education age had also adverse financial consequences for municipalities, namely the depletion of funds from the central budget for the implementation of educational tasks by the local government. In order to co-finance the organisation by the municipalities, pre-school education received a targeted subsidy, while for the implementation of other tasks in the field of education, the leading authorities received and are receiving the educational part of the general subsidy. After the measures taken by the Ministry of Education aimed at increasing the subsidy, it amounted to PLN 1,370, in turn, the amount of the so-called educational subsidy is about PLN 5,300 (Ministerstwo Edukacji Narodowej, 2016b; Serwis Samorządowy PAP, 2016). The indicated sums were transferred for the whole calendar year, the subsidy was increased from September, so the increased amount received by the local government was proportionally calculated for a period of four months (Regulation, 2015). In order to compensate for this loss, a decision was made according to which in the next budget year – from 1 January 2017 – the educational part of the general subsidy is calculated for 6-year-old children regardless of whether they receive education in the first grade or are subject to mandatory pre-school education (Regulation, 2016).

Less than a year after raising the compulsory school education age – on 14 December 2016, a new law regulating issues related to education was passed – the Education Law Act (Journal of Laws of 2017, item 59). Undertaking the process of reforming education was argued by the Ministry of Education of not meeting the assumptions made before the junior high school (in the view of ministry), which was primarily the equalisation of educational opportunities and the improvement of the results and quality of teaching. In addition, it was pointed that these schools were to be programmatically connected with upper secondary schools, while they often functioned in an organisational form with primary schools. The Ministry of Education also pointed to the fact that due to the demographic decline in the future there will be problems with financing junior high schools, which will be experienced by local governments (Ministerstwo Edukacji Narodowej, 2018).

After the reform, the structure of the education system will be determined by: 8-year primary schools, 4-year general secondary schools, 5-year technical schools, 3-year first-level trade schools, 2-year second-level trade schools. The assumptions of the change are being implemented gradually – according to its

schedule, as of 1 September 2017, students of the 6-year primary school became students of the 8-year school, and sixth grade graduates began education in the seventh grade. On the 1st of September 2018, the eighth grade was created. In addition, gradual phasing out of junior high schools was initiated, and basic vocational schools will be transformed into 3-year first-level trade schools (2-year second-level trade schools will be established on 1 September 2020). Eventually, the junior high school will cease to function from 1 September 2019, and the entire reform will end in 2023 (then the last year of junior high school graduates will complete 4-year technical schools).

The assumptions of the reform caused a lot of controversy. The intentions of the Ministry of Education were criticised by some of the teachers gathered around the Polish Teachers' Union (the largest union of representatives of this professional group). On 31 March 2017, the PTU organised a strike of education professionals, and the strikers' demands concerned the maintenance of jobs and pay rises (similar demands were also made in 2019). Teachers were primarily afraid that as a result of the reform a significant number of them would lose their jobs (although Minister A. Zalewska consistently denied this). Contrary to the announcements of the Ministry of Education, some local government officials also pointed that the change would inevitably involve teachers' dismissals.

As a result of the implementation of the reforms, until 31 March 2017 local government units were obliged to adopt resolutions on the adjustment of the school network to the new education system. However, these projects had to get a positive opinion of the competent school superintendent in terms of territorial coverage, and the latter had 21 days to issue it. Thus, in the first quarter of 2017, at the local government level, decisions were made about which schools will operate, and what will happen to premises after former junior high schools. For local government units, the initial years of implementing the reforms of education are particularly difficult. The critical moment will be the school year 2019/2020, because in the first grade of high school, technical school and trade school, graduates of 6-year primary and 3-year junior high schools and graduates of 8-year-old primary schools will learn, which may cause difficulties for the local government with ensuring appropriate number of places in these establishments.

An important change from the point of local government responsibilities, indirectly related to the education system, was introduced by the ruling party in 2018. The Good Start programme was launched, under which, in relation to the start of the school year, one can receive a benefit on the same name (Regulation, 2018). The entitlement to the benefit is provided in connection with the

beginning of the school year for parents, actual guardians, legal guardians, foster families, people running foster family homes, directors of childcare centres, directors of regional care and therapy centres – once a year for a child; as well as for adult and non-dependent learners – once a year. They can be received by a child or a person studying at the age of 20 or by a child or a learner of the age of 24 – in the case of children or learners with a certificate of disability. A Good Start benefit is also granted if a child or a learner is 20 years of age before the start of the school year in the calendar year in which the child or learner turns 20, or reaches the age of 24 by a child or learner before the start of the school year in the calendar year in which the child or learner turns 24 – in the case of children or learners with a disability certificate. The amount of Good Start benefit is PLN 300 and, what is important, regardless of the income earned. In case the child – in accordance with the court decision – is under alternate custody of both divorced parents who are separated or separated in comparable and recurring periods, the amount of Good Start is determined for each parent in the amount of half of benefit entitlement.

The main burden of responsibility for the organisation of the payment of the benefit was assigned to the municipal government and – to a lesser extent – the county. Pursuant to the regulation that governs the Good Start benefit, the proceedings concerning the benefit are carried out in the municipal organisational unit in which matters concerning the payment of parental benefit (i.e., the so-called 500+) or in the county's organisational unit in the case of children placed in foster care or learners who are persons in independent living (the latter category includes, *inter alia*, persons leaving – after reaching the age of maturity – foster families, family orphanages, care and educational centres). In order to familiarise the local governments with detailed programme guidelines, the website of the Ministry of Family, Labour and Social Policy launched a special information service, where a guide for municipalities and counties has been included. Applications for payment of money under the Good Start programme can be submitted to the competent authority from 1 August of a given year to 30 November of a given year. However, in case of applications submitted electronically, this deadline is longer and starts on 1 July and ends on 30 November (Regulation, 2018).

As estimated by MFLSP, support under the Good Start programme will cover 4.6 million students in 2018. Importantly, before the end of the summer holidays, 2.33 million applications were filed (Ministerstwo Rodziny, Pracy i Polityki Społecznej, 2019). Implementation of the benefit forced the necessity

of intensive work in organisational units of municipalities and counties, which were burdened with running it. In many local governments there were problems with the staff, which also overlapped with the holiday period. In response to these problems, the Ministry provided additional funds to the local government units to cover the costs of servicing the task, to enable additional employment. However, despite these activities, many municipal and county offices experienced problems, and civil servant officials worked on weekends and over-working hours (Topolewska, 2018).

Poland's education policy – in accordance with the constitutional principle of decentralisation – is largely implemented by local government. For this reason, local government units are responsible for any changes introduced at the central level in the education system. After winning the 2015 parliamentary elections, the Law and Justice Party began to implement fundamental reforms in education. The biggest of them – which will end in 2023 – is the change of the education system. All measures carried out by PiS were implemented and are being implemented by local government. It often causes resistance and reluctance of local government officials, as well as the necessity of undertaking additional and new tasks by officials.

Interestingly, a completely different model of education management occurs in Finland (Sahlberg, 2011). In this Scandinavian country, the last major reform of education took place in 1970 and was preceded by several years of research and consultations. This approach to education policy brings about very good results of young Finns in the PISA (Programme for International Student Assessment), and solutions adopted in Finland are a source of inspiration for many experts in education (Zahorska, 2017). Meanwhile, in the Polish context, as long as education is a bargaining chip in the hands of politicians and there is no consensus across party lines, education reforms will continue to be carried out extremely frequently. Their direct implementation will in turn be the responsibility of the local government and will force continuous shaping of new local and regional education policies by local government.

LOCAL GOVERNMENT ROLE IN THE FIELD OF HEALTH CARE

As has already been mentioned, as a result of the parliamentary elections won in 2015, the power in Poland was *de facto* taken over by the Law and Justice Party. In the appointed cabinet of Beata Szydło, the function of Minister of Health was

held by Konstanty Radziwiłł – until 9 January 2018, when the Prime Minister Mateusz Morawiecki reconstructed the government and entrusted this function to Łukasz Szumowski.

During the election campaign, the Law and Justice Party in its election programme *Health. Work. Family* (*Zdrowie. Praca. Rodzina*, 2014) had already proposed deep changes in the area of social infrastructure, also in the field of health policy. The proposals for the reform of the healthcare system covered mainly the liquidation of the National Health Fund (NHF) and a shift towards planning expenditure from the state budget, to which the health insurance premium was also to be brought back (transition from the insurance model to the procurement-budget model). With the expenditure on the system raised to 6% of GDP, the Ministry of Health was in fact the only entity responsible for preparing a plan for financing benefits, including a plan for allocating funds to individual regions, and regional governors were to be accountable for benefit funding at the regional level.

The PiS Party also emphasized the importance of primary health care (PHC) in the healthcare system, which was to guarantee a provision of funds from the state budget for investments and modernisation of healthcare establishments. A targeted Fund for Construction, Modernisation and Maintenance of Public Healthcare Establishments was to be created.

The basic instrument for organizing medical activities was meant be a network of public hospitals arranged according to the needs of the population.

The rules of reimbursement for medication by the state budget were also to be changed – the price of the reimbursed medication in a pharmacy, regardless of its market price, should not exceed PLN 8.00–9.00 (around €2). Setting the upper annual limit of expenses incurred by a patient with low incomes will constitute the second pillar of changes to the provisions on reimbursement of medication, and the limit will be set in the Budget Act.

PiS proposed to improve patients' access to medical services and to shorten queues to specialist clinics by increasing the number of people studying (increasing admissions to medical schools and studies) and employing more specialists. Hospital services were to be financed according to the *pay for service* rules, for health benefits actually performed, without any limits.

The party's programme also included a provision on the appointment of a nursing insurance covering the costs of care over dependent persons, the establishment of a school medicine system covering the monitoring of children's

health, prevention, health promotion and early therapy, including reinstatement of dental surgeries and nursing care in schools.

It should be emphasised, however, that often the content of official programmes and declarations of political parties remains only in the sphere of theoretically set objectives, without further practical consequences and implementations. These documents constitute a kind of information about general directions of political change, being an element of the process of making political choices and creating public policies, the final shape of the actually pursued and implemented health policy is influenced by various factors, including socio-political and economic situation, emerging problems or *ad hoc* political compromises.

Following the announcements made in 2015, the Ministry of Health began working on changing the model of the healthcare system. Due to the fact that a significant part of the tasks in the field of health protection rests with the local government: municipality, county and region, it caused that mainly the local government was forced to implement the reform measures.

At the end of July 2016, Minister Konstanty Radziwiłł presented the assumptions of the reform of the healthcare system and outlined the schedule of their implementation. The main part of the healthcare reform was to start as early as January 2018 – health care was to be provided by the National Health Service which, funded from the state budget, was to be available to all residents. The fundamental premise of the reform was to be a gradual increase in public expenditure on health, while the proposed changes regarded six main areas (Table 1):

1. system of management and financing of health care,
2. organisation of hospital treatment,
3. increasing spending on health protection,
4. primary health care,
5. public health,
6. remuneration in health care (Monitor Zmian w Systemie Ochrony Zdrowia, 2017).

The priorities were subordinated to specific objectives, which, on the one hand, indicated elements for improvement and, on the other, the reform mechanism. The assumptions also seem to fill in the health policy dimensions – the main and fundamental issues related to the implementation of the goals of a viable and effective healthcare system.

Table 1. Priorities and Strategic Goals of Changes in the Health Care System in Poland in 2016–2018. The Concept of the National Health Service

Priority I	**Creation of an efficient management system of universally available health care**
Goal 1	NHF liquidation and universal access to benefits
Goal 2	Reform of heath care management at the regional level
Goal 3	Transfer of health care funds to the budget
Priority II	**Hospital network**
Goal 1	New contract system for hospitals
Goal 2	Combining hospital operations with outpatient care
Goal 3	Creating three stages of hospital activities
Priority III	**Increasing spending on health care**
Goal	Map of increasing spending on health care to 6% of GDP in 2025
Priority IV	**New Primary Health Care**
Goal 1	Creating a primary health care team
Goal 2	Coordination of care through PHC
Goal 3	Funding for the new primary health care and budget entrusted
Priority V	**Public Health Authority**
Goal 1	Integration of the public health system
Goal 2	Increasing the effectiveness of pro-health activities and health promotion
Priority VI	**Salary adjustments in health care**
Goal	Minimum wages for health care

Source: own elaboration based on Ministerstwo Zdrowia, 2016.

There were to be implemented system changes announced beforehand, including the replacement of principle of universal health insurance by the principle of universal provision of benefits to all residents in need, which is a manifestation of the implementation of Article 68 of the Constitution of the Republic of Poland. The adoption of such a rule meant that the merit in the continuation of the eligibility verification system for benefits (eWUŚ) was no longer justified.

Funds for the functioning of the healthcare system were to be secured by establishing a new form of the public finance sector of the National Special Purpose Fund, under the name "Health", which, being part of the state budget, would also be provisioned with part of personal income tax receipts in the amount corresponding to today's health insurance premium. The fund was also

to be supplied with a gradually increasing subsidy from the state budget, and its resources were to be at the discretion of the Minister of Health.

There was also announced a systematic increase in financial contributions to health care – up to the level of 6% of GDP in 2025. The assumptions of the reform included a map of gradual increase of funds for health care, however postponing the changes in contributions by 10 years allows for the speculation that they will not be implemented. This fact is reinforced by the situation in which, already in 2015, the average spending on health in the European Union was 9.9% of GDP. The phased postponement of the decision "till later" may therefore cause that Poland will still be last in line of the OECD ranking in 2025.

However, the gradual increase in financing of health care was somewhat accelerated, because under the pressure of several months of protests by resident doctors, Minister Łukasz Szumowski granted his approval for one of the financial demands, which in the legal sphere resulted in the fact that on 5 July 2018, the Sejm passed an amendment to the Act on the Act on healthcare services financed from public funds, according to which public health expenditure is to reach 6% of GDP already in 2024, and in 2018–2023 it cannot be lower than:

- 4.78% of GDP in 2018,
- 4.86% of GDP in 2019,
- 5.03% of GDP in 2020,
- 5.30% of GDP in 2021,
- 5.55% of GDP in 2022,
- 5.80% of GDP in 2023 (Ustawa, 2018).

The new method of financing also intended to include hospitals, which instead of the previous financing of individual hospitalisations and medical procedures, were to receive an annual lump sum for the treatment of patients in specific areas. This solution was considered as optimal one from the point of the sickness risk selection phenomenon. The existing system of valuation of medical procedures applied by the National Health Fund generated a situation in which some procedures were valued higher, others lower, and the result was the division of patients into two categories, more desirable by the institution and those whose treatment is economically unprofitable for a given entity.

Hospitals were to be divided into three stages of activity, creating the so-called network of establishments with three levels of reference (local, regional, provincial) and three specialist levels: specialist-pediatrics, specialist-oncology, and institutes. The network was created on the basis of existing entities and their significance for health safety. The first-degree hospital corresponds to the several

ward hospital (county), the second level of reference, where the hospital consists of 8 to 10 wards, and the third stage consists of clinical hospitals and former specialist regional hospitals. Hospital treatment reform also assumes a coordinated and effective treatment of patients after a stay in a hospital by guaranteeing continuation of treatment and rehabilitation in a hospital outpatient clinic. In the presented concept of creating three stages of hospital operations, one specialist level – geriatrics – is a noticeable absence, the more so because this absence is strengthened by the context of the rapid aging process of Polish society.

After liquidation of the National Health Fund, a significant part of its competences was to be transferred to the Minister of Health. Regional tasks related to the financing of health services were to be carried out by the appointed Regional Health Authority (RHA), vertically subordinated to the Minister of Health, and horizontally – the regional governor, therefore contrary to what was said in the pre-election declarations of PiS, the regional governors will not take over the competences of NHF branches, and regional health authorities reporting to the ministry. They retained some of the competences of the former NHF (e.g., selecting service providers, overseeing the performance of tasks by medical facilities, controlling the issuing of prescriptions and sick leaves). The division of funds between regions was to be made by the Minister of Health based, *inter alia*, on information on the number and age structure of the population, morbidity and data from the health needs maps. Therefore, the Regional Health Authorities were to coordinate the implementation of a specific central system of the planned health service.

As a result of implementing the reform assumptions, the Minister, taking over part of the fund's tasks, would also take over all responsibility for the functioning of the healthcare system in Poland, and thus any attempts to avoid responsibility will be made more difficult.

One of the main elements of the reform was the establishment of the Public Health Authority, which had to integrate the whole currently dispersed public health management system in Poland. It was to be made up of institutions such as the State Sanitary Inspection, the State Agency for the Prevention of Alcohol Related Problems and the National Bureau for Drug Prevention. The Public Health Authority would also be responsible for the implementation of the National Health Program for 2016–2020. The danger connected with the fact that the Authority was to be directly subordinated to the Minister of Health was the temptation to centrally manage financial resources, which may also result in the loss of local government units' influence on health services.

Changes were also to take place in the field of primary health care. There were to be established PHC teams, within which the doctor, nurse, midwife, school nurse, and dietician would cooperate with each other. The introduction of the latter should be considered particularly important in the context of counteracting obesity. However, in order for PHCs to realistically coordinate prevention, health education and treatment of the patient, a physiotherapist or psychologist should be included in the indicated team in order to ensure comprehensive action in the field of patients' health at the PHC level.

PHC teams were also to coordinate and navigate the patient in the healthcare system, e.g., by collecting information on the history of treatment of patients who received help in hospitals or in specialised care rooms. In the assumptions, the general practitioner would receive appropriations for the salaries of specialist doctors, but thereby the GP would become responsible for providing genuine access to them. The existing referral from the general practitioner to the specialist doctor does not guarantee the patient that in the sense of time availability and treatment effectiveness their health need will be satisfied. As a result, many patients decide on treatment by specialists for private money, which results in inequality in access to benefits.

The announced changes have been prepared for gradual implementation, so that at least in the assumptions, to guarantee patients health safety and stable functioning of health system entities.

The first phase of the reform, including Priority II and Priority IV (financing of hospitals and primary health care), was to be implemented from July 2017 – the hospital network started to operate only from 1 October 2017. At the declarative level, the network was presented as a panacea for the problems of the healthcare system, and its main advantage was to become a change in the method of financing – from paying for the procedures performed to a fixed lump sum. The proposed change was supposed to make doctors focus on treating the patient, not bureaucratic procedures. An important assumption was also limiting the phenomenon of patient selection. In many cases, however, the change carries the features of the pretence. It can still be observed that hospitals make a kind of calculation: it is more beneficial to hospitalise a patient who is "slightly ill" than a long-term patient or a seriously ill one, for whom in a lump sum they will not receive additional funds. Thus, the previous system problem has reappeared.

The introduction of a lump sum system did not also solve another important problem of the hospital treatment system – extending patients' hospitalisation for no apparent medical reason. The previous practice meant that longer hos-

pitalisation was more advantageously valued, so it was more profitable for the institutions to keep the patient in the hospital for a few days longer. After the introduction of the reform, the above phenomenon continues to exist, although it is caused by slightly different factors – it results from the necessity to prove the expenditure of the institution. Hospitals receiving a lump sum still have to account for its implementation under the unchanged rules, which translates into a "safe" occupancy with a "slightly ill" patient, who does not require high financial expenses at the same time.

From 1 January 2018, the next phase of the reform was to take place – the NHF was to be liquidated, and the health service was to be financed from the state budget. However, by the decision of leader of the ruling party Jarosław Kaczyński, the NHF liquidation was postponed, without indicating the date (Watoła, 2017). The reform has therefore been suspended.

All the changes proposed by the PiS government, and regarding the division of competences, their definition, indicated, at least in the declarative layer, the fact of implementing the program assumptions changing the model of the healthcare system from insurance to budget system. Most of the changes, however, have been presented at such a level of generality that they are closer to the documents characteristic of the election campaign than to the strategy of changing the model of health protection. The most important, and so far the only completed, appear to be changes in the area of the hospital network or a separate mechanism for financing fixed and direct costs of hospitals. The solutions adopted call to mind, to some extent, solutions typical of the British system – *National Health Service*.

However, taking into account the more pragmatic approach in the analysis, it seems that incurring such large reorganisation costs, with a change that bears many features of facades (and a superficial change) is at least a wasteful activity that will not improve the quality of services and shorten the queues of patients.

Therefore, the Polish health care system is still undergoing constant transformation, and the characteristic feature of these changes is the prevailing temporariness, the play of political interests, subjection to pressure groups or the so-called inheritance of recurring goals. An important problem of Polish health policy is also the lack of continuity of reforms. The above phenomena make it difficult to show structural reform and financing health protection in terms of the gradual process, which would undoubtedly contribute to the more effective achievement of the intended goals, especially the development of a rational model of health policy ensuring a uniform standard of health security for patients.

CONCLUSIONS

Poland's educational and health policies are largely implemented by local government units, therefore the responsibility for implementing reforms in the education and healthcare system programmed at the central level is borne by local governments. After winning the parliamentary elections in 2015, the Law and Justice Party began to implement fundamental reforms in education and health care, and if the former ends in 2023, the latter has been ceased, without indicating any further direction of change. The actions carried out so far in this respect cannot be described as a reform, but only as a change in the way services are provided, and only by hospitals. All measures carried out by PiS were therefore entrusted to the implementation of local government units, which results in increased burdens for local governments and officials themselves who have to implement further tasks assigned at the central level.

The reform of the education system implemented by the government of Law and Justice is associated with numerous obligations for local authorities. How self-government officials deal with its implementation will largely determine the future assessment of educational change in terms of success or failure. The crucial year in the reform calendar is the 2019/2020 school year, in which two youths will start secondary school education. It is particularly difficult for teachers, principals and, finally, local education authorities.

In the sphere of education and health, territorial self-government in Poland is only the executor of the decision of the central authority (Sześciło, 2016). For this reason, it has no real impact on the shape or frequency of education or health reforms. From the point of view of local government officials, this may be a drawback. Therefore, it is important for local authorities to recognize well the conditions of the local education and health system, opportunities and threats, as well as its strengths and weaknesses. This will certainly facilitate adaptation to potential changes in the sphere of education and health.

Structural educational reforms are a special challenge for local authorities. They are associated with decisions to close or open school facilities, and thus involve staff changes and directly affect students and their parents. This type of change is the reform implemented by the PiS government and therefore it requires local government to make a special effort to implement it.

The difficult financial situation of these self-governments, especially of small rural communes and poviats, has become an important challenge for the health policy implemented at the level of local government. An additional source of

problems for local governments, especially poviats, is the situation of hospitals, which is evident in their increasing debt. As a result, for example, small amounts are allocated to health policy programs. Under these conditions, it is increasingly difficult for local governments to finance various forms of prevention or health promotion. Only some of them develop and implement local health policies or implement health policy programs.

Financial obligations and political responsibility of local governments also have no instruments for influencing local and regional health policy, moreover, local governments have no impact on the scale of income of their medical entities.

An equally significant threat to the implementation of health care tasks by local governments is a kind of systemic conflict originating at the border of social systems, e.g., long-term medical care and social assistance activities; education and spa treatment for children; social welfare benefits and care and treatment institutions; environmental forms of social assistance and psychiatric treatment.

An important recommendation should be the implementation of the obligation to create local government health policies, followed by their implementation and monitoring, especially in the field of comprehensive preventive programs. Local governments should also develop and implement strategies to reduce the negative effects of demographic change, which constitute the basic challenge facing the healthcare system in Poland.

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AUTOCEPHALIZATION OF THE CHURCH IN UKRAINE AS AN ELEMENT OF COMPETITION BETWEEN THE PATRIARCHATES OF CONSTANTINOPLE AND MOSCOW FOR THE LEADERSHIP IN THE ORTHODOX WORLD

AUTOKEFALIZACJA CERKWI NA UKRAINIE JAKO ELEMENT RYWALIZACJI PATRIARCHATÓW KONSTANTYNOPOLITAŃSKIEGO I MOSKIEWSKIEGO O PRZYWÓDZTWO W PRAWOSŁAWNYM ŚWIECIE

*Stefan Dudra**

ABSTRACT

After regaining independence, the state authorities of Ukraine undertook actions aimed at obtaining the autocephaly by the local Orthodox Church. This process was difficult due to the existing divisions in Ukrainian Orthodoxy. The most numerous Ukrainian Orthodox Church of the Moscow Patriarchate, with autonomous status, did not show any aspirations for independence from the Russian Orthodox Church. The political activities undertaken in 2018, supported by the Ukrainian Orthodox Church of the Kiev Patriarchate, led to the acquisition of the *tomos* from the Patriarchate of Constantinople and the creation of the Orthodox Church of Ukraine.

Keywords: autocephaly; patriarch; Orthodox Church; Ukrainian Orthodox Church

ABSTRAKT

Po odzyskaniu niepodległości władze państwowe Ukrainy podjęły działania mające na celu uzyskanie przez lokalną Cerkiew prawosławną autokefalii. Proces ten był trudny ze względu na istniejące podziały w ukraińskim prawosławiu. Najliczniejsza Ukraińska Cerkiew Prawosławna Patriarchatu Moskiewskiego, mająca status autonomicznej, nie wykazywała dążeń do niezależności od Rosyjskiej Cerkwi Prawosławnej. Podjęte w 2018 roku działania polityczne wsparte przez Ukraińską Cerkiew Prawosławną Patriarchatu Kijowskiego doprowadziły do uzyskania *tomosu* od Patriarchatu Konstantynopolitańskiego i utworzenia Prawosławnej Cerkwi Ukrainy.

Słowa kluczowe: autokefalia; patriarcha; Cerkiew prawosławna; Ukraińska Cerkiew Prawosławna

* University of Zielona Góra, Faculty of Humanities.

INTRODUCTION

The process of regaining independence by Ukraine affected the divisions in the Orthodox Church. The basis was both historical and political conditions. As a result, the Ukrainian Orthodox Church of the Moscow Patriarchate (hereinafter referred to as the UOC MP), the Ukrainian Autocephalous Orthodox Church (hereinafter UAOC), and the Ukrainian Orthodox Church of the Kyiv Patriarchate (hereinafter the UOC KP) were distinguished[1]. All communities consider themselves as continuators of the tradition of the Kiev metropolis created after the baptism of Kievan Rus in 988. However, they refer to the different historical identity of Ukraine. The above division did not result from doctrinal-theological differences. Despite significant differences in the number of the faithful, all three communities can aspire to the status of a "national state" Church (Wawrzonek, 2014; Krawchuk & Bremer, 2017).

The administrative structure of the Orthodox Church in Ukraine was formed within the framework of the Kiev Metropolis established between 976 and 998. Its metropolitans recognized the authority of the patriarch of Constantinople. As a result of the breakup of Kievan Rus and its conquest by Poland, Lithuania and Moscow in the 14th century, the Kiev metropolis broke down into three centers: Kiev, Halych, and Lithuanian. In 1686, the Kiev metropolis, part of the Patriarchate of Constantinople, was subordinated to Moscow (Mironowicz, 2006, pp. 24–26; Bendza, 2006a, pp. 106–107). At the beginning of the 19th century, Kiev lost its metropolitan status and became the eparchy of the Russian Orthodox Church. There was also a process of unification of liturgical differences and rituals according to the Moscow model (Mokry, 1994, p. 85; Ćwikła, 2006, p. 252).

In 1921, as a result of the bottom-up activities of the lower clergy demanding the Ukrainianization of the structures of the Russian Orthodox Church in the Ukrainian territories, the Ukrainian Exarchate was created. Its composition included parishes functioning in the territory of the Ukrainian SSR. In the period of the USSR, after the liquidation of movements for the autocephalization of the Orthodox Church in Ukraine, the Ukrainian Exarchate was the only legal Orthodox religious union in Ukraine. In 1946, after the so-called Council of Lviv, it was also composed of the structures of the Greek Catholic Church (Ramet,

[1] UOC MP has about 12,000 parishes and over 9,600 clergy; UOC KP – 4,300 parishes and about 10 million believers, UAOC – 1,200 parishes and 700 clergy. In addition, the Greek Catholic Church can also apply for such status: 3,600 parishes and over 2,400 clergy (Strutyński, 2014, pp. 255–256).

1984, p. 63; Wilson, 2002, p. 249). This situation has generally survived until the early 1990s.

The aim of the paper is to analyze the growing process of rivalry between Moscow and Constantinople's patriarchates (outlined at the beginning of the 20th century and particularly visible in Western Europe) in the context of changes taking place in Orthodoxy in Ukraine. The fundamental area of the dispute is a different understanding (both in the canonical and historical aspects) of autocephaly (motifs and mode of its transmission). In the past, this concerned, for example, the situation of the Orthodox Church in Poland, which was being reborn after 1918, or the events in Estonian Orthodoxy in the 1990s. The conflict in Orthodoxy in Ukraine (which has a strong political context – Russia's powerful aspirations towards the Ukrainian state) is at the same time an element of a broader competition for leadership in the entire Orthodox world. The main question is whether the Orthodox Church's autocephaly in Ukraine may become a factor that will lead to its unity in Ukraine, or whether it will become an additional element of conflict in the future.

The issue of Orthodoxy in Ukraine, its structural disintegration and the functioning of individual administrative communities is the subject of interest of many researchers. This topic has been the subject of research carried out, among others, by Jurij Czornomoreć, Łesia Kovalenko, Robert Kuśnierz, Tadeusz Andrzej Olszański, Włodzimierz Pawluczuk, Serhii Plokhy and Frank Sysyn, Sabrina Ramet, Maciej Strutyński, Andrzej Szeptycki, Laurent Tatarenko, Myroslav Tataryn, Michał Wawrzonek, and Andrew Wilson. Their inquiries concern theological, historical and political aspects. Against the background of regaining independence by Ukraine and the political transformations taking place there later on, they show the origins of the current problems of the Orthodox Church in this country. They are part of the research related to the new sub-discipline of political sciences – the political science of religion. It is exemplified by, among others, relations between states and religions/Churches, and in a broader perspective of the implemented religious policy. In Ryszard Michalak's view, the state's religious policy consists of "a set of conceptual, programmatic and executive activities undertaken by a homogenous entity of administrative authority or a complex entity of authority (e.g., party and state) in relation to entities representing and creating religious life (religious associations and people)" (Michalak, 2014, p. 5).

ORTHODOXY IN INDEPENDENT UKRAINE

In order to understand the situation of Orthodoxy in contemporary Ukraine and to analyze the changes taking place in the context of the research problem, it is necessary to explain the notion of autocephaly and to present the main actors of the Orthodox religious scene.

The Orthodox Church does not have central authority in its organizational structure. Its organization is based on autocephaly, which is one of the basic forms of the system and at the same time constitutes its external foundation. The very concept of autocephaly is defined as the independence of the national (local) church and independence from the superior spiritual authorities abroad, while maintaining the unity of faith (religion, confession), sacraments and canonical principles (Znosko, 1971, pp. 42–44; Sokołowski, 2013). A characteristic feature of every Orthodox Church is independent solving all intra-church problems and the right to set up bishops, including its superior (Łotocki, 1932, pp. 16–17; Bogolepow, 1961, p. 11; Kałużny, 2008, p. 60). The autocephalous church does not break dogmatic and canonical unions with other Orthodox Churches, which together form the Universal Orthodox Church, and recognize the priority of the honorary Patriarch of Constantinople[2].

The local Churches are independent, but this independence cannot exceed certain specific boundaries. None of them can introduce new dogmas and violate the legal principles of the Universal Church. Unjustified rejection of ancient church traditions and customs is prohibited. In addition, each national Church should respect the local privileges of other Churches (Znosko, 1973, pp. 172–173). The essence of autocephaly is in the fact that the autocephalous Church is an independent source of power and has equal rights with other Churches[3].

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[2] According to Fr. Aleksei Znosko, autocephaly is "the independence of the national (local) church as a separate unit recognized in the Universal Church, combined with the other Churches with unity of faith and canonical principles" (Znosko, 1973, p. 172; Papierzyńska-Turek, 1989, p. 15). On the canonical factors, the importance and conditions of obtaining autocephaly, see: Zyzykin, 1931; Sokołowski, 2013; Mossakowski, 2012.

[3] Currently, 14 Orthodox Churches according to the diptych of the Patriarchate of Constantinople are considered autocephalous (4 ancient Eastern patriarchies: Constantinople, Alexandria, Antioch, and Jerusalem, 5 patriarchs established later: Russia, Serbia, Romania, Bulgaria, Georgia; 5 autocephalous churches not having the rank of patriarchy: Cyprus, Greece, Albania, Poland, and the Czech Republic and Slovakia). In diptychs of the Moscow Patriarchate, the Orthodox Church in America is additionally mentioned (its status of autocephaly obtained for the Moscow Patriarchate is not recognized by some Orthodox churches). The priority of the Patriarchate of Constantinople is seen as

A necessary condition for the separation of the Church's component and the receipt of autocephaly is the possession of, among others, the required number of bishops: minimum 4 active hierarchs[4]. This isolation depends on the special circumstances created (e.g., changes in the state division of the territory). In addition, obtaining the consent of all autocephalous Churches, including the mother church. The proclamation of autocephaly in order to satisfy national aspirations is rejected. The principle of the unity of the Universal Church requires that the newly-created autocephalous Church establishes communication and a canonical community with all autocephalous Churches. There are no separate canons for its establishment. The procedures were based on canon law and legal awareness of individual Churches. In practice, three basic elements were considered: motivations for the establishment of autocephaly, canonical conditions necessary for its functioning, and legal factors creating autocephaly (Znosko, 1973, p. 174; Kałużny, 2008, p. 361). An important motive in the pursuit of the Church for autocephaly was independence for a given country (including the case of Poland after 1918). In the past, the Orthodox churches obtained the status of autocephaly after the influence of various factors, often due to political conditions and changes in the political system (e.g., the Patriarchate of Constantinople did not recognize the autocephaly of the Polish Autocephalous Orthodox Church from 1948, it accepted the state of affairs only in 1959)[5]. Currently, there are two methods of establishing autocephaly: granting by the mother church or the Patriarchate of Constantinople, which in this respect recognizes its special competence. The indefiniteness of its establishment gives rise to conflicts in Orthodoxy. Nevertheless, in both cases it is necessary to confirm such a decision by the other autocephalous Churches (Zyzykin, 1931, pp. 36–37; Przekop, 1978, pp. 207–208).

the honorary primacy of *primus inter pares* (Kałużny, 2008, pp. 60–61). The characteristics of autocephalous churches are presented in: Mińko, 2009, pp. 201–218.

[4] Autocephaly is built and conferred on the principle of territorial unity (a departure from the principle of territorial unity is diaspora). In addition, the condition for the local Church to apply for autocephaly status is: church organization, centers of monastic life (male and female monasteries), having a seminary or academy for future priests (about the conditions for giving the local autocephaly to the local churches, see: Tofiluk, 2006, pp. 18–20).

[5] Among other things, the Bulgarian Church in 1872, violating the canons, declared itself autocephalous (it was recognized only in 1945); the Moscow Patriarchy did not recognize the autocephaly of the Orthodox Church in Poland in 1925 (see more: Langrod, 1931, p. 62 et seq.; Roberson, 1995, pp. 55–101; Bendza, 2006; Dudra, 2014, pp. 59–70; Borkowski, 2015).

The controversy over the method of obtaining and conferring autocephaly was reflected in the preparatory work for the All-Orthodox Council[6]. The preliminary text on the "Autocephaly and the way it was announced" was adopted by the Inter-Orthodox Preparatory Commission at its 1993 session in Chambésy. It was proposed that all autocephalous Orthodox churches represented by their superiors should give it and that they would announce it jointly and solemnly. Discussions are underway regarding the issue of signatures by supervisors under the *tomos* autocephaly (e.g., the discrepancies concern whether only the signature of the Ecumenical Patriarch is sufficient). Ultimately, in the absence of an agreement and the adoption of a common position, it was decided that the topic: "Autocephaly in the Orthodox Church and the procedure for its announcement" was to be considered further in the preparatory committee and was not finally referred to the debate of the General Orthodox Council[7].

At the dawn of independence at the All-Ukrainian Religious Forum, state authorities with the voice of Leonid Kravchuk (chairman of the Verkhovna Rada of Ukraine) stated that "All religions, churches and religious associations are equal. Therefore, no state, no privileged, no prevailing religion, no Church [is in Ukraine] – ours or not. All religions that the citizens of Ukraine profess are ours because our people believe in them […]. The appeals for the creation of one national Church […] were born of the romanticism of national revival" (quoted after Wilson, 2002, p. 248).

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[6] Already in 1956, the Greek Church proposed the inclusion of this issue in the list of topics of the future Council. In 1961, after the arrangements in Rhodes, the issue was clarified and it was specified that it was mainly about the "announcement of autocephaly": who announces the conditions and restrictions and the manner in which it is announced. In 1976, the whole issue was entitled "Autocephaly and the way it is announced" (these issues are discussed in greater detail by Kałużny, 2008, pp. 367–372). At the global level, the universal (ecumenical) council is the highest expression of the Church's conciliar structure. The goal of the meeting of bishops is to solve problems of universal importance. It is worth emphasizing that the first ecumenical council was the Council of Nice (325), and the last was the Second Council of Nice of 787. Since then, despite the attempts made, the Orthodox council has not been convened. Today, the genesis of the Council's convocation should be seen in the activities of Ecumenical Patriarch Joachim III at the beginning of the 20th century. Despite several conferences (including Constantinople – 1923, Mount Athos – 1930, Athens – 1936, Moscow – 1948), the acceleration of works did not take place until the 1960s. After the preparation of the most important topics, the date of convening the Council was set for 2016 (see more: Paprocki, 1999, pp. 203–208; Kuźma, 2016, pp. 151–168).

[7] For more on the discussion and discrepancies about autocephaly between the Churches, see: "Wiadomości PAKP", 2014, pp. 7–9; "Wiadomości PAKP", 2016, p. 5.

In January 1990, according to the decision of the Synod of Bishops of the Russian Orthodox Church, the Ukrainian Exarchate was liquidated. Despite the announcement of Patriarch Alexey II about giving the Orthodox Church in Ukraine autocephaly, only the autonomous Ukrainian Orthodox Church of the Moscow Patriarchate was established (Plokhy & Sysyn, 2003, pp. 91–92). The Moscow Patriarchy feared the autocephalization of the Orthodox Church and the loss of a significant part of the church structures and the faithful. Proponents of independence were accused of "politicizing religion" and the pursuit of schism[8]. In spite of this, some of the hierarchs of the UOC MP, with metropolitan Philaret (Denysenko) at the head, began to emphasize that it is not a Russian-oriented church. The exemplification of this was, among others, participation in Ukrainian patriotic celebrations, and in the seminary in Odessa Ukrainian language was introduced as a language of instruction (Pawluczuk, 1998, p. 130). Supporters of autocephaly, mostly with support in the western dioceses of Ukraine, also received support from some Ukrainian Orthodox intelligentsia (Ramet, 1984, pp. 64–65; Plokhy & Sysyn, 2003, pp. 95–96).

After the declaration of independence by Ukraine, metropolitan Philaret convened in November 1991 the Council of Bishops of the Ukrainian Orthodox Church, which issued an official request to the Moscow Patriarchate for autocephaly (this decision was not supported by four hierarchs). However, the Russian Orthodox Church did not agree. Probably this was due to the fear of losing the important, both in terms of material and the number of the faithful, the Orthodox center. At the same time, contacts were established with the Patriarchate of Constantinople (Plokhy & Sysyn, 2003, pp. 117–121).

The autocephaly case was discussed at the Council of Bishops of the Russian Orthodox Church (April 1–3, 1992). Despite the assurances of metropolitan Philaret, the Orthodox Church in Ukraine meets all the conditions of autocephalization, moreover, as a body independent of Moscow could compete more effectively with the Greek Catholic Church and UAOC; the Council gave support to the opponents of autocephaly (metropolitan Philaret was also requested to resign). In the absence of the subordination of metropolitan Philaret to the deci-

[8] At the beginning of 1991, the Ukrainian Orthodox Church of the Moscow Patriarchate had officially 5031 pastoral institutions (as late as 1988–1991, the communist authorities handed over the previously closed churches to the Moscow Patriarchate, so that they would not be taken over by Greek Catholics or supporters of autocephaly). According to data from January 1, 1992, the jurisdiction of the Moscow Patriarchate was recognized in Ukraine by 5473 parishes (see: Plokhy & Sysyn, 2003, pp. 104–105).

sions of the Council of Bishops of the Russian Orthodox Church, the Ukrainian hierarchs were released from obedience to the metropolitan (Plokhy & Sysyn, 2003, p. 123; Pawluczuk, 1998, pp. 131–132).

Following the aforementioned decisions, on May 27, 1992 in Kharkov, Nicodemus (Rusnak) (without metropolitan Philaret) led a synod of bishops UOC MP, who announced that he would deprive Philaret of the office and elect a metropolitan Volodymir (Sabodan). Despite the negative position of the Ukrainian authorities, which recognized the synod as illegal, the dismissed metropolitan practically lost the support of the entire clergy of the Church[9].

Metropolitan Philaret considered this decision void. At the same time, he began talks about unification with UAOC[10]. They ended with success and the UOC KP was established at the All-Ukrainian Orthodox Council (June 25–26, 1992)[11]. From the beginning of its existence, the church tried to play the role of the "patriotic and state" Church. Its separation was favorably received by the then

[9] Therefore, he asked the UAOC to join his episcopate, breaking the link with the Moscow Patriarchate. The metropolitan Philaret, on May 27, 1992, was removed from Kiev Cathedral by a decision of the Council of Bishops of the Ukrainian Orthodox Church and suspended in the performance of his duties; on June 11, 1992, the Council of Bishops of the Russian Orthodox Church confirmed this decision and excluded him from the clergy, depriving him of all priestly degrees; in 1997, he was excommunicated. These decisions were recognized by all local Orthodox churches, including the Patriarchate of Constantinople (see: Plokhy & Sysyn, 2003, pp. 118–133; Czykwin, 2018d, p. 18).

[10] UAOC is a community based on the faithful from the Ukrainian Diaspora in the United States, Western Europe and the western part of modern Ukraine. It refers to the autocephaly which was announced in January 1919 by the Directorate of the Ukrainian People's Republic. In 1921, the All-Ukrainian Orthodox Council also proclaimed autocephaly, which was initially recognized by the Council of the Russian Orthodox Church under the influence of the Soviet authorities. However, in 1930 it was decided to dissolve the Ukrainian Autocephalous Orthodox Church, and in 1934, the Russian Orthodox Church revoked the autocephaly previously granted. During the German occupation, the structures of the Ukrainian Autocephalous Orthodox Church were renewed, and after the defeat of Germany, most of the hierarchy emigrated, mainly to Canada and the USA. Events connected with the baptismal millennium of St. Vladimir in Ukraine influenced the formation of the committee for the rebirth of Ukrainian autocephaly. Since 1988, there has also been a movement for autocephalization. Finally, in August 1989, the restitution of the Ukrainian Autocephalous Orthodox Church was announced in St. Peter and Paul's Church in Lviv. Despite the crisis (e.g., in 1992 some of the faithful joined the UOC KP), its administrative structures were renewed. It took on a national and independence face. Since 2015, the head of the Church is the metropolitan Makary (Maletych) (see: Ramet, 1984, pp. 63–65; Plokhy & Sysyn, 2003, pp. 89–90; Kuśnierz, 2006, pp. 107–113; Borkowicz, 2014).

[11] The current head of UAOC, Mstyslav (Skrypnyk), was elected the Kiev and All-Ukrainian Patriarch. After his death in 1993, the group of his supporters made secession and the revival of the Ukrainian Autocephalous Orthodox Church came into being.

Ukrainian authorities (Strutyński, 2014, p. 260; Wilson, 2002, p. 249). In view of the negative position of the Moscow Patriarchate, the Ukrainian authorities ceased their efforts to build an autocephalous Ukrainian church in accordance with canon law and supported the former metropolitan Philaret in these activities (Plokhy & Sysyn, 2003, p. 140).

The internal Orthodox split (*roskol*) led in the first half of the 1990s to the emergence of unapproved by the world Orthodox structures: UOC KP and UAOC. Both competed with the Ukrainian Orthodox Church with the jurisdiction of the Moscow Patriarchate[12]. The problem is also the Greek Catholic Church. As a result of its creation in 1596, "a civilizational split occurred in Ukraine. The ethnically and ethnoculturally homogeneous nation was divided and found itself in two differently civilizational systems – the greater part of Ukraine remained in the Orthodox-Byzantine, the smaller part – later Galicia – in the western – Catholic one. This event has left a deep mark on the entire subsequent history of the Ukrainian nation"[13]. In addition, it also complicated the religious situation in Ukraine.

THE WAY TO AUTOCEPHALY

Since the 1990s, the existing Orthodox churches have been treated instrumentally by Ukrainian politicians. They were used for specific political purposes and were involved in the current party struggle (often the issue of unification of all Orthodox communities and the issue of autocephaly was an argument) (Tataryn, 2001, pp. 161–165; Strutyński, 2014, pp. 260–261; Tatarenko, 2017, pp. 25–30). In fact, this was contrary to the law in force. The basic act guaranteeing freedom of conscience and religion in Ukraine is the Constitution (passed on June 28, 1996). Article 35 states that "Everyone has the right to choose his or her worldview and religion freely. This right includes the freedom to profess any religion or not to profess any religion, to participate without hindrance individually or in groups

[12] It has full financial and administrative autonomy and independence (including the election of bishops) from the Moscow Patriarchate. Since the 1990s, the number of UOC MP parishes has been steadily growing (in 1993, there were 5449 pastoral institutions in its structure, in 1997–6882, and in 1999–8168). At the same time, the Ukrainian state authorities handed over sacral facilities to non-canonical Orthodox churches and supported their activities (Wilson, 2002, pp. 250–251).

[13] More on the historical conditions of the activities and development of the Greek Catholic Church in Ukraine, see: Wilson, 2002, pp. 261–263.

in religious practices and rites, to conduct religious activities […]. The Church and religious organizations in Ukraine are separated from the state, and the school from the Church. No religion can be recognized by the state as ruling"[14]. Actions taken at a later stage by the state authorities interfering in the religious life of Orthodox churches (including support for non-canonical churches) were contrary to constitutional provisions.

Today, the Orthodox religious conflict in Ukraine is intensified by the conflict with Russia, the socio-political and economic crisis (Olszański, 2014; Tatarenko, 2017). It is worth emphasizing that Ukraine in the plans of the Moscow Patriarchate is included, together with Russia and Belarus, in the concept of the "Russian world". Its propagator is Patriarch Cyril, who expresses his belief in the religious unity of Russia, Ukraine and Belarus (Szeptycki, 2011, pp. 64–75; Wawrzonek, 2016, pp. 37–70). A propaganda campaign launched in 2009 for the idea of the "Russian world" as an integral "geopolitical space, whose specific character is constituted by three elements: the Russian type of Orthodoxy, traditions of Russian statehood and social life, and the Russian language" (Czornomoreć, 2014). For most Orthodox Churches in Ukraine, this concept is identified with the imperial aspirations of the Russian Orthodox Church (Strutyński, 2014, p. 267).

The aim of the Ukrainian authorities is to create one Orthodox Church, independent from Moscow. UOC KP and UAOC have become an ally in these activities. In fact, after Ukraine's independence, the Orthodox Church there meets all but one of the conditions necessary to be an autocephalous Orthodox Church. This condition is the acceptance by most clergy and faithful hierarchies of the change in the current status (Czykwin, 2018a, p. 40). Nevertheless, the existing religious divisions resulted from the political actions of the Ukrainian authorities and, to some extent, from the personal ambitions of the Orthodox hierarchy. It should be understood that an independent Ukraine needed a church whose center of power would be within its borders. It would foster the development of state and national self-awareness. It would become an important element of national revival and be the basis for building Ukrainian statehood.

On February 24, 2014, the UOC MP took steps towards the creation of a single Orthodox Church jurisdiction. A special commission for talks with

[14] Freedom of conscience and religion was also guaranteed in the Act on Freedom of Conscience and Religious Organizations of 23 April 1991, more broadly on religious regulations, main principles of state and church relations and the status of religious organizations (see: Strutyński, 2014, pp. 257–258; Kovalenko, 2002, pp. 79–109).

the UOC KP was established. Initial consent of the parties was obtained that unification will take place on the basis of canonical law. During the talks, the main problem was the question of the authority of the united Orthodox Church (the head of the UOC KP patriarch Philaret saw only his own person in the role of the superior)[15]. On June 24, 2015, the Synod of UOC MP also decided to continue the dialogue with UAOC. However, these initiatives did not bring positive results. Generally, the problem is the unification model. UOC MP expects the "return of the disconnected", while UOC KP and UAOC prefer the model of unification of "all with each other" (Olszański, 2014, p. 6). The question of overcoming Orthodox divisions in Ukraine and giving them the status of a single and indivisible autocephalous Orthodox Church is one of the key problems for modern Orthodoxy. It was also a topic of discussion during the session of the All-Orthodox Council, which met in Crete in June 2016 (however, this topic was considered outside the agenda) (Przeciszewski, 2018).

By 2018, UOC MP was the only Orthodox administration in the territory of Ukraine whose canonicity was recognized by other local Orthodox Churches. The main problem was its perception of a part of the political scene as a political instrument of Russia, "the view is imposed that it is a foreign, even hostile element in the life of the nation". It is accused by Ukrainian nationalist organizations of "lack of patriotism" and "the use of an aggressor" (Czykwin, 2017, pp. 27–29). It became an element of the political game. As a result, a group of deputies from the Petro Poroshenko Bloc and the People's Front filed two bills (No. 4128 and 4511[16]) in the Verkhovna Rada of Ukraine, the adoption of which would give the anti-Orthodox radicals unlimited possibilities of interference in the internal affairs of UOC MP, including its legal liquidation[17].

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[15] On the part of the UOC MP on unification, three principles were proposed: the superior from the UOC MP, the Holy Synod will act on the parity basis, minority rights will be guaranteed by making decisions by the majority vote (see: Czornomoreć, 2014).

[16] Project 4128 provided for the procedure of taking over the temples by changing the "self-identification of the religious community", Project No. 4511 "on the special statute of religious organizations whose head offices are in the countries recognized by the Verkhovna Rada of Ukraine as the aggressor state" (see: Tatarenko, 2017, p. 27).

[17] Both UPC and the Churches and religious associations associated in the All-Ukrainian Council protested against the adoption of laws that violated the Ukrainian constitution guaranteeing religious freedom (apart from UOC KP), the Roman Catholic bishops and the Holy See, the World Council of Churches and the heads of the autocephalous Orthodox Church also took a firm stance (see: Czykwin, 2017, p. 29).

The above actions also met with the international reaction. The Secretary General of the World Council of Churches pastor Olav Fykse Tveit in the letter addressed to the Ukrainian authorities expressed "deep concern" with the perspective of accepting "actions that are in conflict with the activities undertaken in Ukraine, supporting the development of democracy […]. The World Council of Churches believes that the adoption of these laws will be a threat to the principle of religious freedom, the principle of equality before the law of churches and religious associations existing in Ukraine, and may provoke a new wave of tension in Ukrainian society" (quoted in Czykwin, 2017, p. 31). In view of the protests, the projects were withdrawn on May 18, 2017.

The Ukrainian authorities took up the matter of autocephaly. The whole process was additionally strengthened by earlier events: the Orange Revolution in 2004, Euromaidan in 2013, and finally the annexation of Crimea by Russia and Russian aggression towards eastern Ukraine (Szostkiewicz, 2018). On April 17, 2018, President Petro Poroshenko, at an extraordinary meeting with the leaders of the political parties represented in the parliament, announced that he had handed Patriarch of Constantinople Bartholomew I to the request concerning the autocephaly of the Ukrainian Orthodox Church. On April 19, the Verkhovna Rada of Ukraine made a similar declaration[18].

On 21 April 2018, the official statement of UOC MP appeared, in which it was clearly stated that it remained "in communion with world Orthodoxy, did not ask Patriarch Bartholomew I to give autocephaly to the Orthodox Church of Ukraine and did not grant any powers in this matter nor the president or the Verkhovna Rada"[19]. In addition, a statement adopted on June 15, 2018 by the bishops stated that: "The current canonical status completely provides opportunities for the Ukrainian Orthodox Church to successfully carry out its mission among the Ukrainian people. Attempts to change this status will limit the rights and freedoms of our Church. Attempts to change the current status will not heal, and will deepen the wounds of the current race in both Ukrainian Orthodoxy and in Ukrainian society" (quoted in Czykwin, 2018b, p. 41). *De facto*,

[18] The request was also supported by representatives of the non-canonical UAOC (Czykwin, 2018a, p. 40; Przeciszewski, 2018; Romanowski, 2018).

[19] On May 9, 2018, in the face of the events in Ukraine, the Council of Bishops of the Polish Autocephalous Orthodox Church also expressed its opinion. In its adopted position, it stressed that "the Orthodox Church's church-canonical life should be based on the principles based on the dogmatic-canonical science of the Orthodox Church. Violation of this principle brings chaos to the life of the Orthodox Church" (see: "Wiadomości PAKP", 2018, p. 9).

UOC MP found itself in a difficult position. It retains a canonical bond with the Moscow Patriarchate, while the Russian Federation in Ukraine was proclaimed an aggressor.

At the beginning of September 2018, the envoys of the Constantinople's Patriarch of Ukraine were sent to Ukraine: Archbishop of Panphilia Daniel from the Ukrainian Orthodox Church in the USA and Bishop Hilarion from the Ukrainian Greek Orthodox Church of Canada. The Hierarchs as exarchs of Patriarch Bartholomew I during their visit to President Petro Poroshenko declared that they had come "with an extraordinary mission to continue the work on the decision already taken to start the autocephaly process of the Ukrainian Orthodox Church" (Czykwin, 2018c, p. 21; Sterlingow, 2018). These actions were critically received by the Russian Orthodox Church. Constantinople was accused of violating canon law.

On October 11, 2018, the Ecumenical Patriarchate began the process of "proceeding" to obtain autocephaly for the Church in Ukraine. However, it was not determined which jurisdictional structure of the Ukrainian Orthodox Church is to achieve autocephaly: UOC MP, UOC KP, or UAOC. Representatives of the Ecumenical Patriarchate informed about the annulment of the provisions of the Moscow Patriarchate from 1686. Thus, Ukraine again became the canonical territory of Constantinople. At the same time, the Patriarchate of Constantinople proclaimed the removal of anathema from the head of Kiev's Patriarchate Philaret. This was tantamount to recognizing the entire structure as legally operating in the light of church canons (Vassiliadis, 2018; Kobeszko, 2018). The metropolitan Makary (Maletych) was also considered a canonical bishop of the Orthodox Church. Thus, the entire UAOC was legalized[20]. The next

[20] The bishops of the Russian Orthodox Church expressed their position on the situation. On October 15, 2018, after the Synod meeting in Minsk, the hierarchy assessed the recent decisions of Constantinople as "non-canonical", adopted "unilaterally, ignoring the appeals of the Ukrainian Orthodox Church and the whole Russian Orthodox Church, as well as the sister local Orthodox Church, their superiors and archbishops for a pan-Orthodox discussion of the problem". It was decided to break the Eucharistic unity with the Ecumenical Patriarchate (it broke relations and forbade his faithful and clerical liturgical contacts with the clergy subordinate to the Constantinople patriarchy). The other 13 Autocephalous Churches were also appealed to take the same steps. The hierarchy of other Orthodox Churches also expressed their position. Serbian Patriarch Hieronymus said: "Our first hierarchy, the ecumenical patriarch, has succumbed to the temptation to make decisions that may prove disastrous for the Orthodox Church – the temptation to do what he has no right to do – to recognize the structures of the *raskol* as an Orthodox church, and even to give them autocephaly". The Council of Bishops of the Polish Autocephalous Orthodox Church in the face of the events in Ukraine maintained the position expressed in the resolution of May 9, 2018. It called for a meeting

scenario was to call a council where the UOC KP and UAOC would be merged and its superior would be elected. The finale was to be handed over by patriarch Bartholomew I the *tomos* on autocephaly. The auto-deployment process initiated by the Ukrainian state authorities received additional international support. The US has been involved in this issue. The Secretary of State Mike Pompeo on the official website of the department posted an entry addressed to Ukrainians: "We urge the Church and state authorities to continue the process of creating the Ukrainian autocephalous Church. The US reiterates its declaration on the promotion of religious freedom and the freedom of religious communities, including the Orthodox ones in Ukraine" (quoted in Czykwin, 2018d, p. 20).

Eventually, the unification council of Orthodox Churches in Ukraine took place on December 15, 2018. Bishop Epiphanius (from the UOC KP) was elected the head of the autocephalous Orthodox Church of Ukraine[21]. Tadeusz A. Olszański rightly observes that "The conduct of the Council and the election of the head of the unified Church are not tantamount to the end of the split in the Ukrainian Orthodox Church. This is only the beginning of a complicated process, which may cause a number of conflicts within Ukraine and in Ukrainian-Russian relations […]. In Ukraine there will be two equal and similarly strong structures (in terms of the number of dioceses, although in terms of the number of parishes the UPC prevails), with a hostile attitude towards each other. The PCU and the UPC will enjoy strong support from Russia and Ukraine, respectively, which only makes their instrumentalization for political purposes possible" (Olszański, 2018).

The Council's succession was the *tomos* of the Patriarchate of Constantinople on January 6, 2019, to the Metropolitan of Kiev, Epiphanius: "We unanimously define and announce that the entire Orthodox Church within the boundaries

of all superiors of the Orthodox Churches. At the same time, it forbade PAOC priests to enter into liturgical and praying contacts with "clergy" of the so-called "Kiev Patriarchate" and the so-called "Autocephalous Orthodox Church". Metropolitan Rostislav, the head of the Orthodox Church of the Czech Lands and Slovakia, also supported the UOC MP (see: „Przegląd Prawosławny", 2018a, pp. 17–20; Kobeszko, 2018a).

[21] The Council was attended by only 2 hierarchs from UOC MP: Metropolitans Symeon (Shostatsky) and Aleksander (Drabinko). For their participation in the Council, they were released from the leadership of the eparchies and suspended from their duties. On the day of the Council, President Poroshenko stated that this was the day of Ukraine's final independence from Russia. It is gaining spiritual independence, which can be compared to gaining political independence. It cuts off the ties that linked Ukraine with the Russian Empire. The autocephaly of the Ukrainian Orthodox Church itself is a question of Ukraine's national security (see: Czykwin, 2019, pp. 12–13; Olszański, 2018).

of a politically formed and completely independent Ukrainian state […] is now a canonical autocephaly, independent and self-governing" (Łomanowski, 2019). It can be assumed that the autocephaly model (being the theological aspect) is included and used for political reasons in a concept aimed at promoting local churches that are to be a factor in the consolidation of emerging or regenerating countries, e.g., the case of Poland already referred to after 1918 (Dudra, 2014). The finalization of the auto-deployment process is the political and diplomatic success of President Petro Poroshenko (however, it did not strengthen, as it was assumed, its position in the presidential elections, which were a failure). He believed that independent Ukraine needs a sovereign Church. He rightly stated that Russia through UOC MP is rebuilding its influence (political and ideological) in Ukraine. Receiving the *tomos* in 2019 is strengthening the foundation of independent Ukraine.

CONCLUSIONS

The cooperation of the Ukrainian authorities with the Patriarchate of Constantinople, giving autocephaly, will not lead to the unity of Orthodoxy in Ukraine. It will create new divisions in the state and in the Orthodox world. It will contribute to the revival of the missionary activity of other Churches (including Roman Catholic, Protestant and Greek Catholic structures). At the same time, the unification of the three Ukrainian Orthodox Churches would give one of the largest Orthodox Churches in the world and an opportunity to build a national identity that would undoubtedly contribute to the strengthening of Ukrainian statehood. Moreover, it would significantly weaken both materially and prestigiously the Moscow Patriarchate: UOC MP today has 12,348 parishes – only 4694 fewer than the Patriarchs of Moscow have in all of Russia (Radziwinowicz, 2018).

As a result of autocephaly in Ukraine, there may be a split in the Orthodox world and a possible uprising, as highlighted by metropolitan Hilarion describing "two families of Orthodox churches" (recognizing the primacy of Constantinople and supporting the position of the Moscow Patriarchate)[22]. At the same time, the religious conflict in Ukraine is part of a wider jurisdictional dispute between the

[22] For more on the consequences of autocephaly in Ukraine, see: *Mamy nadzieję, że Moskwa się opamięta. Z arcybiskupem Telmissos Hiobem (Gecza) z jurysdykcji patriarchatu konstantynopolitańskiego rozmawiają dziennikarze BBC* („Przegląd Prawosławny", 2018b, p. 20).

Patriarchates of Constantinople and Moscow for the presidency of the Orthodox world. Its exemplification is, among others, the church situation in Estonia (Dudra, Król-Mazur, & Maj, 2018, pp. 117–122). They are factors that divide and weaken contemporary Orthodoxy. It seems that in the future the creation of one church structure in Ukraine will be extremely difficult. This is due to: political factors (Ukrainian-Russian relations, the problem of "self-proclaimed republics" of the Donetsk People's Republic and Luhansk People's Republic) and organizational ones (perception of creating one local church only by absorbing one structure by another and the importance of individual structures) (Tatarenko, 2017, pp. 28–29).

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THE INFLUENCE OF CATHOLIC INTEREST GROUPS IN POLAND ON DRAFT LEGISLATION CONCERNING CIVIL UNIONS (2011–2014)

WPŁYW KATOLICKICH GRUP INTERESU W POLSCE NA PROJEKTY USTAW DOTYCZĄCE ZWIĄZKÓW PARTNERSKICH (2011–2014)

*Krzysztof Kowalczyk**

ABSTRACT

The main purpose of this article is to demarcate the influence of Catholic interest groups in Poland on the attempts to introduce legislation that would regulate the legal status of civil unions. Catholic interest groups are defined as an association of individuals, organisations or institutions which articulate postulates of the Catholic Church. In order to fulfil their agendas, these groups, especially pro-life groups, apply various methods of lobbying, persuasion or moral sanction. The article includes the author's own typology of influence of these groups on political institutions and their environment. Selected methods of influence were applied during debates in the Sejm on the draft bills concerning legalization of civil unions, including those between people of the same sex. Catholic interest groups opposed those regulations.

Keywords: Catholic interest groups; civil unions; legislation; Poland

ABSTRAKT

Głównym celem artykułu jest określenie wpływu katolickich grup interesu w Polsce na próby wprowadzenia ustawodawstwa regulującego status związków partnerskich. Katolickie grupy interesów są definiowane jako zrzeszenia jednostek, organizacje lub instytucje artykułujące postulaty Kościoła katolickiego. W celu realizacji swoich zamierzeń grupy te, zwłaszcza *pro-life*, stosują różnorodne metody lobbingu, zabiegi perswazyjne i sankcje moralne. W artykule zawarto autorską typologię oddziaływania tych grup na instytucje polityczne i ich otoczenie. Wybrane formy działania zastosowano podczas debat w Sejmie na temat projektów ustaw legalizujących związki partnerskie, także osób tej samej płci. Katolickie grupy interesu opowiadały się przeciwko wprowadzeniu tych regulacji.

Słowa kluczowe: katolickie grupy interesu; związki partnerskie; legislacja; Polska

* University of Szczecin, Faculty of Humanities.

INTRODUCTION

The primary objective of this article is to analyse the influence of Catholic interest groups in Poland on the attempts to introduce legislation that would regulate the legal status of civil unions. Therefore, the following secondary objectives were established: to specify the role of the Catholic Church in Poland and its impact on the political process; to define the concept of a Catholic interest group and the ways they influence political institutions; to offer a synthesis of the issue of the legalization of civil unions in 2011–2014; to present the attitude of the Catholic Church to this issue and to analyse the way Catholic interest groups influenced the attempts to block the draft legislation concerning civil unions.

A civil union is defined as a legally recognized civil relationship of two people of any sex. For this reason, a civil union may be created by two people of the same sex. The term "Catholic Church", in a general sense, represents the community of believers – a group of believers who commit to live according to the teachings of the religion. In a strict sense, the Church is an institution whose mission is mostly of a spiritual and religious character. However, institutional Church, by its ideological teachings, has an impact on human life and public order. The mission of the Church is inevitably a political action (Böckenförde, 1992, pp. 92–93). Thereby, the Church participates in political process. The institutional Church is in this text also synonymously called the "hierarchical Church". The hierarchical structure of the Church, resulting from ordination, is made of bishops, priests (presbyters), and deacons. Bishops shape Catholic Social Teaching by issuing pastoral letters, giving homilies and interviews. On the Polish territory, the bishops are gathered in the Episcopal Conference of Poland. This organization issues documents which complement Catholic Social Teaching in a form of pastoral letters, statements or announcements and undertakes a dialogue with political authorities (Delong, 2016, pp. 17–43).

Systems analysis methods were used to describe the influence of the typology of the Catholic Church and related interest groups. Institutional and legal method was used to analyse the draft legislation submitted to the Sejm. Case study method has been applied to illustrate the impact of the Catholic interest groups on the legislation process concerning the aforementioned issue. The timeframe of this study was established by the period of intense work on the draft legislation concerning civil unions in the Sejm (2011–2014). The issue of legalization of civil partnerships in Poland has not been of interest to the scholars of political studies. So far, what has been studied is the influence of

religious beliefs and of the Catholic Church on the attempts to introduce the laws concerning civil unions (Hennig, 2010, 2012, pp. 303–307; Kowalczyk, 2015) and the attitude of the political parties towards this issue (Tomczak, 2012; Zawadzka, 2016; Zawadzka & Tomczak, 2018).

THE ROLE OF THE CATHOLIC CHURCH AND ITS INFLUENCE ON THE POLITICAL PROCESS

After 1989, the Catholic Church has played a crucial role in the public life in Poland. The Church, articulating its perspective on specific political and social issues, has participated in the political process. The Church joined the sphere of politics, legitimizing particular political parties, supporting them in implementation of specific draft bills (Lipiński, 2016, pp. 52–55). The position of the Catholic Church results from historical and political factors, the accepted model of religious relations and almost homogenous religious structure

The Catholic Church in Poland is undoubtedly a subject influencing the political process. In political studies, it is also described as an institutional group of interests, an untypical political actor. In order to meet its political postulates, resulting from Catholic Social Teaching, the Church influences political institutions (political parties or authorities), the media and society. The forms of influence applied by the Catholic Church are typical for lobbying and may be of persuasive character (a public prayer) or that of a moral sanction (positive ones, e.g., praising a politician, or negative ones, e.g., threatening a policy-maker with excommunication). In case of classic advocacy, the methods used are direct and indirect. In the former, bishops influence policy-makers directly (via, e.g., meetings, conversations, letters, statements), in the latter, however, they use particular subjects as intermediaries. Institutional Church articulates its postulates through the agency of its specialized bodies, the media, trade unions of a Catholic provenience (e.g., the Independent Self-Governing Trade Union "Solidarność"), common Church and state bodies (the Common Committee of the Polish State and Polish Bishops' Conference), experts, appeal to the public opinion (in forms of demonstrations or petitions), and interest groups (Kowalczyk, 2015, pp. 62–67).

CATHOLIC INTEREST GROUPS AND THEIR IMPACT ON THE POLITICAL INSTITUTIONS

As it has been mentioned, the Catholic Church articulates its postulates also by means of related interest groups. Konrad Oświecimski describes an interest group as an association of individuals or institutions that are subject to the public authority which, on the basis of internally shared values, attempts to actively influence the shape of public politics, although it does not aim to formally wield power (Oświecimski, 2012, pp. 43–44). Interest groups, by endorsing their postulates, have an impact on political institutions (authorities or political parties). In Italy, the preferred term is "pressure groups", as they are subjects with influence on political life. The Italian Catholic Action belongs to the category of the pressure group of the Church (La Palombara, 2015, pp. 6–9). The term "interest groups" is undoubtedly narrower than religious interest groups or political subjects referring to values. According to Caelesta Braun-Poppelaars and Marcel Hanegraaff, the term "religious interest groups" refers to various organisations which are focused on cooperation with policy-makers; they represent a group of norms and values imposed by preternatural and abstract beings whose existence is treated as a given (Braun-Poppelaars & Hanegraaff, 2011, p. 153). In this article, I refer to the concept of Catholic interest groups, that is, associations of individuals, organisations or institutions which articulate the postulates of the Catholic Church. These groups are natural allies of the hierarchical Church in their actions to implement preferred norms and values, resulting from Catholic Social Teaching, into the state legislation. In this regard, these groups are engaged in religious advocacy, lobbying for the Catholic Church (Knutson, 2015, pp. 3585–3599). However, Catholic groups are dependent on the Church to varying extents. Some of the interest groups mentioned above may work within the structures of the Church –ecclesial groups, and some may be outside of it – non-ecclesial groups. The ecclesial groups in Poland include Catholic non-governmental organisations (e.g., the Catholic Association of Polish Doctors), Church institutions (the National Council of Lay Catholics), religious movements (the Light-Life Movement), and groups of believers. Ecclesiastical groups are established with the consent of the relevant Church authority and they have an appointed ecclesiastical assistant. The non-ecclesiastical groups comprise of non-governmental organisations *sensu stricto* – associations and foundations (e.g., the Polish Association of the Guardians of Human Life, the "Voice for Life" Foundation), trade unions (the Independent Self-Governing

Trade Union "Solidarność"), or informal associations. In this connection, it should be stressed that the Catholic interest groups, also called "pro-Church" groups, are very diverse in terms of their dependence on the Catholic Church, their formal and legal organisation, types of memberships, territorial scope or their goals (Kowalczyk, 2017).

The purpose of Catholic interest groups is to promote the doctrine and teaching of the Catholic Church. An important role among those subjects is played by the pro-life groups. Pro-life groups are engaged in activities which promote a Catholic model of marriage and family and implement the rules of Catholic Social Teaching in state legislation. The objectives of pro-life groups are, in particular, to introduce a complete human embryo protection (stricter anti-abortion laws); supporting pregnant mothers and families (especially single mothers and multi-child families); dissemination of natural family planning methods; criticism and postulating a total ban on contraceptive measures (especially morning-after pill); objecting to the in vitro procedures of artificial insemination and to the legalization of civil unions and same-sex marriages.

In order to realise their postulates, pro-life groups – like the hierarchical Church – use various methods of advocacy. Some of them are typical lobbying, while others exceed the classic concept of advocacy (see: Jasiecki, Molęda-Zdziech, & Kurczewska, 2006). An analysis of the activities of pro-lifers since 1989 shows that the characteristic direct methods of lobbying were conversations with representatives of public authorities (Members of the Parliament, the government members, judges) on the necessity to introduce specific regulations. Pro-life activists made their position heard during press conference or works of the parliamentary committees (Cymanow-Sosin, 2015). They also used a wide spectrum of advertisement and visual, audio-visual or Internet promotion. In regard of the direct lobbying, demonstrations in front of the Sejm and picquets were most often used. An example of a happening aimed to increase public awareness in terms of protection of human life from its conception was to give away figurines representing an embryo (a child in a mother's womb). Petitions and letters were also written and sent to policy-makers, asking to support specific postulates. Since 2006, a March for Life is organised in many cities. As a result of the 293rd resolution of the Plenary Meeting of the Polish Bishops' Conference, 25 March is celebrated in the Catholic Church as the Day of the Holiness of Life. On the other hand, since 2004, 24 March is celebrated in Poland as a National Day of Life, as proclaimed by the Sejm. The standard form of operation of the pro-life groups is their media presence, referring to experts (medical professionals,

psychologists, or lawyers). These organizations also use methods which exceed classic lobbying. The persuasive methods include, in this respect, public prayers led by the pro-lifers. Moral sanctions are to encourage people to behave in ways that are accepted according to the values shared by pro-life groups. Moral sanctions may be positive – praising those politicians and citizens who vote according to the regulations of the Catholic Social Teaching, or negative – for those who opt against this teaching (e.g., support liberalization of the anti-abortions laws). A comparison of methods used by pro-life groups in Poland is depicted in Table 1. Some of the methods mentioned there have been used during the debate on legalization of civil partnerships in Poland.

Table 1. Methods Used by Pro-Church Interest Groups Engaged in Pro-Life Activism

Direct lobbying		Indirect lobbying	Persuasion	Sanctions
oral	written			
– meetings with policy-makers; – public appearances; – press conferences; – participating in the work of parliamentary committees.	– statements; – letters; – emails; – academic texts; – booklets; – photographs; – leaflets; – posters; – billboard advertise-ments; – films; – video clips.	– manifestations and picquets in front of the Parliament; – pro-life happenings; – petitions; – sending letters to politicians and authorities; – a March for Life and Family; – the Day of the Holiness of Life; – interviews in the media; – academic conferences; – referring to experts.	– public prayer.	Positive: – Praising politicians who opt for regula-tions in accordance to the Catholic Social Teaching; Negative: – Stigmatising politicians.

Source: author's own elaboration.

DRAFT LEGISLATIONS ON CIVIL UNIONS

Draft legislations on civil unions were submitted to the Sejm several times since 2003. In 2011, a draft bill on civil unions was submitted by the politicians from the Democratic Polish Alliance (SLD) and the Campaign Against Homophobia. It concerned both heterosexual and homosexual couples. In this draft bill,

a civil union was understood to be an agreement of two legal persons, effectively cohabitating, who establish their mutual financial and personal obligations in order to organise their life together. A civil union would be established in the Registrar's Office and could be dissolved by a statement of intent. It was assumed that a civil union would be equal to marriage in terms of tax, inheritance, housing and pension laws. The draft bill was not considered in the Sejm of the 4th term.

After the parliamentary elections in 2011, the Democratic Polish Alliance, Palikot's Movement/Your Movement and a group of MPs from the Civic Platform each submitted their own draft bills. All three draft bills submitted in 2012 referred to couples of both sexual orientations. They postulated that civil union agreements would be made in the presence of the Director of the Registrar's Office (according to the Democratic Polish Alliance), a notary (Palikot's Movement) or, alternatively, both (the Civic Platform). Generally speaking, each of them stipulated the right to inherit property and alimony obligation to support the partner living in poverty. During the meeting of the Sejm on 24 January 2013, a division within the Civic Platform became evident: the Minister of Justice, Jarosław Gowin, deemed all three draft bills as contrary to Article 18 of the Constitution. The Prime Minister Donald Tusk stated that Minister Gowin was expressing his own private opinion. A day later, all three draft bills were rejected.

In 2013, more draft bills were submitted by the MPs from the Democratic Polish Alliance and Your Movement, and they concerned both heterosexual and homosexual couples. In both draft bills it was stipulated that a couple would express a statement of intent in front of the Director of the Registrar's Office. Establishing a community property was also possible. During the Sejm meeting on 17 December 2014, it was decided that the draft bill submitted by Your Movement would not be included into the agenda of the meeting, while on 26 May 2015, the same was done regarding the draft bill proposed by the Democratic Polish Alliance.

During parliamentary debates, the proponents of legalization of civil unions (the Democratic Polish Alliance, Palikot's Movement/Your Movement, the liberal branch of the Civic Platform, Labour Union) were referring to the ideals of human rights, equality and European legislation. The opponents (Law and Justice, United Poland, Polish People's Party and the conservative branch of the Civic Platform) considered homosexual relationships as a threat to the stability of a traditional family and moral order. The activities of conservative politicians were legitimized and supported by the Catholic Church (Kowalczyk, 2015, pp. 67–71).

THE POSITION OF THE CATHOLIC CHURCH

The Catholic Church has consistently opposed legalization of civil unions, in particular those of same-sex couples (Delong, 2016, pp. 339–343). The Catholic Church has seen marriage as a sacramental union of a woman and a man. Sexual activity between people of the same sex is viewed as a sin. In the document issued in 2003 by the Congregation for the Doctrine of the Faith, titled "Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons", it has been stated that "[t]here are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family. Marriage is holy, while homosexual acts go against the natural moral law" (Kongregacja…, 2003). Polish bishops also stressed that the draft legislation concerning legalization of civil unions are incompatible with the Article 18 of the Constitution, which stipulates that marriage is a relationship of a woman and a man, and states that, along a family, motherhood and parenthood, marriage is under protection and preservation by the Republic of Poland. The Church hierarchs appealed for society to resist "deconstruction of the family". Their argument was that, according to public opinion, the majority of Poles was against legalisation of civil partnerships (Kowalczyk, 2015, pp. 73–74).

As a result, the Church hierarchs appealed to political policy-makers in attempt to stop legalisation of civil unions. During the 335th Plenary Meeting of the Polish Bishops' Conference on 16 June 2011, the bishops addressed politicians, asking them not to give in to the pressures of the groups aiming at equalling marriage between a woman and a man to civil partnerships of people of the same sex (*Komunikat…*, 2011). In January 2013, the Head of the Episcopal Council of the Family, bishop Kazimierz Górny, in his letter to the Marshal of the Sejm, Ewa Kopacz, expressed his gratitude and appreciation to those MPs who voted against draft legislation concerning this issue (*Rada KEP…*, 2013). The bishops, aiming at blocking draft bills regulating civil partnerships, used various method to influence political institutions, including the mediation of interest groups that are linked to the Church.

CATHOLIC INTEREST GROUPS AND ATTEMPTS TO INSTITUTIONALISE CIVIL UNIONS

Catholic interest groups, as natural allies of the Church, used selected forms of lobbying, persuasion and moral sanction in order to articulate their negative attitude and to reject the draft legislation on civil unions. Among the advocacy activities were appeals to politicians, sending letters, giving away leaflets, manifestations, referring to reports and authorities.

In August 2011, members of the Family Issues Team in the Common Committee of the Polish State and the Polish Bishops' Conference, linked to the Polish Federation of Pro-Life Movements (Joanna Krupska, Antoni Szymański, Paweł Wosicki), in their letter Sławomir Piechota, the head of the Family and Social Policy Committee in the Sejm, stressed that the draft bill on the civil unions "goes against constitutional guarantee to protect marriage, family, motherhood and parenthood", included in the Article 18 (*Projekt ustawy…*, 2011). In December 2011, the Mum and Dad Foundation called to send a letter to the Prime Minister Donald Tusk (the Civic Platform) in light of the announcement made in his expose in the Sejm that laws equalizing marriages and civil partnerships need to be introduced (*Wyślij list…*, 2011). In January and February 2013, an appeal to the MPs of the Sejm asking them to reject the draft bills submitted by the Democratic Polish Alliance, Your Movement and the Civic Platform was made by the Polish Federation of Pro-Life Movements, the Association of Catholic Women, the Catholic Intelligentsia Club in Warsaw, and the Catholic Action. In a statement made by the Federation, it was said that draft legislations aiming at awarding a similar status to every adult couple, including a same-sex one, will destroy marriage. Halina Szydełko, the Head of the National Board of the Catholic Action, stated that all three draft bills are "part of the same ideological project which aims at destroying the heritage and identity of Europe as founded on Christian values, among which the family has been the foundation of social life" ("*Związki…*", 2013).

In February and March 2013, the Father Piotr Skarga Association of Christian Culture organized an event of collecting signatures under a petition for the Prime Minister Donald Tusk against draft legislation concerning civil unions, submitted by the Democratic Polish Alliance and Your Movement. In the letter to the Prime Minister, it was stated that "such draft bills are discriminating against Polish families and marriage, as they make them equal to deviant forms of behaviour, which by no means can become a foundation for the one basic

social cell, a family" ("*NIE dla…*", 2013). This event took place on the Internet, as well as in "door-to-door" method, when leaflets were given away to the citizens of Warsaw. The information and protest campaign against legalisation of civil partnerships was also held in December 2012 by the Crusade of the Youth. Members of this Catholic organisation handed out leaflets in Wrocław, Łódź, Piotrków Trybunalski, and Warsaw. An integral part of this event was a rosary prayer said "to apologise for the public manifestation of the sin of homosexuality" (*Krucjata Młodych…*, 2013) The actions undertaken by the Crusade crossed the lines of traditional lobbying, as the persuasive measure of prayer was applied.

In 2012, the activists from the Polish Federation of Pro-Life Movements called the public to take part in the March "Wake up, Poland!", to defend, among other things, the Polish family. The draft bill on civil unions, submitted by a group of MPs from the Civic Platform, was given an example of governmental policies against marriage and family. On 10 March 2013 in Gdańsk, a confrontation between the proponents and opponents of legalisation of civil partnerships took place. Nationalist organisations, the National Radical Camp and the All-Polish Youth, were among the organisers of this march. The banners included such phrases as: "A normal family is a girl and a boy", or: "Marriage – Life – Family – YES!!!" (*OBUDŹ SIĘ POLSKO…*, 2012). Another march took place in Gdańsk on 5 May 2013. After a mass said by archbishop Sławoj Leszek-Głódź in St. Bridget Church, a crowd marched to the monument of Jan Sobieski; among them were, e.g., politicians from the Law and Justice party, activists from "Solidarność", diocese groups of "Radio Maryja", members of the Rosary Crusade and the Catholic Association "Civitas Christiana". At the head of the march, a banner said, "Stop homodictate. A girl and a boy make a family" (*Marsz…*, 2013).

An important element of the campaign against legalisation of civic partnerships were statements by bishops and scholars made in the press: priest prof. Piotr Mazurkiewicz, Father Józef Augustyn, prof. Urszula Dudziak. Father Augustyn suggested that the next step will be to postulate that children may be adopted by same-sex couples, and added: "one may proclaim anything if they have the majority in the Parliament, but it is not a parliament that decides who can have children and what gender would a mother and a father be".

A letter of thanks, written for the 228 MPs who voted against the draft bills on civil unions on 25 January 2013, was a form of support for the politicians opposing legalization of civil partnerships (*Rada KEP…*, 2013). This form is part of the category of a positive moral sanction.

CONCLUSIONS

The Catholic Church in Poland, in order to articulate its postulates, refers to the mediation of associated interest groups described as pro-Church or Catholic. Institutional Church is for those subjects somewhat of an external, sponsoring institution. This means that, 1) these groups may be created by direct inspiration from the Holy See, the Episcopal Conference of Poland, bishops in dioceses (Church interest groups); 2) their activity is usually legitimised by the Catholic clergy.

Catholic interest groups are in Poland political actors, affecting political institutions. Pro-life groups are an important category among them. At the centre of their attention is the so-called protection of life, including restrictive anti-abortion laws, promoting Catholic, traditional model of marriage as a sacramental union of a woman and a man. Their influence on the political process is characteristic for typical lobbying, is of a persuasive character or has a form of moral sanctions. An example of this claim is their influence on the attempts to legalise civil unions. Pro-life groups, contesting initiatives that aimed at legal sanctioning of homosexual and heterosexual couples, referred to selected forms of influencing political actors, the media and society, while the main power of their protest was aimed at institutionalization of same-sex partnerships. Pro-life groups were, to some extent, a transmission of the institutional Church in the realization of its doctrine.

The main purpose of this article was to demarcate the influence of Catholic interest groups in Poland on the attempts to introduce legislation that would regulate the legal status of civil unions. Catholic interest groups are defined as an association of individuals, organisations or institutions which articulate postulates of the Catholic Church. In order to fulfil their agendas, these groups, especially pro-life groups, apply various methods of lobbying, persuasion or moral sanction. The article included the author's own typology of influence of these groups on political institutions and their environment. Selected methods of influence were applied during debates in the Sejm on the draft bills concerning legalization of civil unions, including those between people of the same sex. Catholic interest groups opposed those regulations.

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THE STATE OF SOCIAL INVESTMENT AS A DERIVATION OF THE WELFARE STATE

PAŃSTWO INWESTYCJI SPOŁECZNYCH JAKO DERYWACJA PAŃSTWA DOBROBYTU

*Agnieszka Makarewicz-Marcinkiewicz**

ABSTRACT

According to Anthony Giddens, the state of social investment was to be the third way between neoliberalism and the post-war welfare state, the quintessence of a future-oriented approach in which the state becomes an entrepreneur. In this concept, state expenditures are perceived as a form of investment in human capital and understood as positive prosperity. The implementation of the state of social investment entails the phenomenon of citizenship of responsible risk recipients. In the literature on social investments, the reflection is repeated that this model is the result of the need to respond to the radically changed economic and social order, including the challenges of a globalized knowledge-based economy. The model encourages active participation in the search for solutions for social structural changes, such as aging population, changing the family model or the labour market. Despite the fact that the social investment model is based on the free market perceived as the most suitable for the organisation of societies, this

ABSTRAKT

Według Anthony'ego Giddensa państwo inwestycji społecznych miało być trzecią drogą między neoliberalizmem a powojennym państwem opiekuńczym, kwintesencją podejścia zorientowanego na przyszłość, w którym państwo staje się przedsiębiorcą. Wydatki państwa są w tej koncepcji postrzegane jako forma inwestycji w kapitał ludzki i rozumiane jako dobrobyt pozytywny. Implementacja państwa inwestycji społecznych pociąga za sobą zjawisko obywatelstwa odpowiedzialnych odbiorców ryzyka. W literaturze dotyczącej inwestycji społecznych powtarza się refleksja, że model ten jest wynikiem potrzeby reagowania na radykalnie zmieniony porządek gospodarczy i społeczny, w tym wyzwania zglobalizowanej gospodarki opartej na wiedzy. Model zachęca do aktywnego uczestnictwa w poszukiwaniu rozwiązań dla społecznych zmian strukturalnych, takich jak: starzenie się społeczeństwa, zmiana modelu rodziny czy rynku pracy. Pomimo faktu, że model inwestycji społecznych oparty jest na

* University of Wrocław, Faculty of Social Sciences.

is no longer the so-called inexorable market. It emphasizes the need for government intervention and targeting market forces to improve both economic and social performance. The aim of the article is to verify the thesis about the investment paradigm of social policy between free-market mechanisms and the welfare state, two extremely different interpretations of contemporary socio-economic reality.

wolnym rynku, postrzeganym jako najbardziej odpowiedni dla organizacji społeczeństw, to nie jest to już tak zwany nieubłagany rynek. Podkreśla się bowiem potrzebę interwencji rządu i ukierunkowania sił rynkowych w celu poprawy zarówno wyników gospodarczych, jak i społecznych. Celem artykułu jest weryfikacja tezy o usytuowaniu paradygmatu inwestycyjnej polityki społecznej pomiędzy mechanizmami wolnorynkowymi a państwem dobrobytu, dwiema skrajnie różnymi interpretacjami współczesnej rzeczywistości społeczno-gospodarczej.

Keywords: state of social investment; investment social policy; welfare state; social justice; social inclusion

Słowa kluczowe: państwo inwestycji społecznych; inwestycyjna polityka społeczna; państwo dobrobytu; sprawiedliwość społeczna; inkluzja społeczna

INTRODUCTION

Social investments are defined as a set of policies and ideas that emerged in the mid 1990s as a reaction to profound and fundamental changes in the labour market and the demographic structure of societies, as well as the emergence of new threats and social needs (Hemerijck, 2013).

The concept of the state of social investment appeared in debates on the reform of the welfare state in the late 1990s (Esping-Andersen, 2002; Jenson & Saint-Martin, 2003). Supporters of this kind of reforms claim that they want to change the orientation of social policy from strictly compensatory to a preventive one, implementation of which should primarily focus on the investment in the potential of people. The centre of such preventive strategies are activation policies (Bonoli, 2011). The expected return on investment is an increase in the share of population in the labour market and higher productivity of its participants.

The Social Investment Package proposed by the European Commission in 2013 provides guidance to Member States on more efficient and effective social policy in response to the major currently facing challenges: high level of financial hardship, rising poverty and social exclusion, as well as record unemployment, especially among young people, and the aging of societies (European Commission, 2013).

Under the influence of the social investment model, there has been a change in the perception of the role of social policy, which in the new paradigm should not focus on passive protection of people from the threat of the free market through financial transfers and benefits, but prepare and equip them with tools that allow for maximal integration with the market (Jenson & Saint-Martin, 2003).

The aim of this article is to analyse the investment paradigm in the context of the welfare state's assumptions and traditions. The assumed hypothesis refers critically to the added value of the social investment regime in social policy. The state of social investment is just another hybrid of the expanding economic liberalism and welfare state, invented to justify the cuts in public spending. The new kind of redistribution governed by free market laws.

The fundamental research question to be asked is whether the idea and the so far achievements of welfare state are compatible with the new investment approach and whether we are dealing with a welfare state model adapted to reality or with a completely new, definitely liberal quality?

Helpful in achieving the research goal, verifying of the hypothesis and answering the research questions will be the usage of: descriptive method, which can be characterised as an attempt to determine, describe or identify processes and phenomena (Ethridge, 2004, p. 24); secondary analysis of research, defined as "the re-analysis of either qualitative or quantitative data already collected in a previous study, by a different researcher wishing to address a new research question" (Payne & Payne, 2004); and comparative studies, which are perceived as fundamental tool of analysis that "sharpens the power of description and plays a central role in concept-formation by bringing into focus suggestive similarities and contrasts among cases" (Collier, 1993, p. 105).

THE STATE OF SOCIAL INVESTMENT: A LITERATURE REVIEW

In the last decade, social investments have been recognized as a strategy not only promoting equal opportunities, but also social integration by preparing people to function in the changing labour markets. The social investment strategy corresponds to the key dimensions indicated by the President of the Commission, José Manuel Barroso, when in 2005 he defined the vision of the European social model in terms of equal opportunities and social inclusion. The difference between Barroso's vision and the concept of social investment consisted only in

the fact that Barroso defined his version of the European social model in the context of the assumed goals without focusing on specific policy instruments, while the investment approach mainly oscillates around such instruments.

The EU 2020 strategy differs from the Barroso's European Social Model, since it combines political and instrumental elements. Skills and other elements of human capital development are regarded today as a component of inclusive growth and are to be compatible not only with intelligent growth, but also with sustainable (green) growth. This dimension of social investment paradigm was highlighted in June 2010. It became clear then that unilateral focus on expenditure control is not consistent with the investment agenda that should be based on real expenditure (investments) in the short and medium term. This approach to social investment focuses on the supply side, coherent with neoliberalism, and on the trust in state intervention in combination with Keynesianism (Palme & Cronert, 2015, p. 5). Just after the conceptual clump one can tell that we are dealing with a developmental hybrid, which is impossible to implement. This means that some elements will be omitted in the implementation process.

According to Anthony Giddens, it is a mistake to separate the economic dimension of the European Union from its social dimension. Much of what is happening in the social policy system is important for economic efficiency. This applies, for example, to education or public health. The author coined the term "state of social investment" to describe the reality in which the social welfare system can and should survive in the version of the state of social investment. Giddens explained the new approach on the example of a health care system that should be activated not only when people are already ill, but a lot earlier, through investments in health prevention and preventing inequities in health. This vision of development is different from the current model of welfare state, however in Giddens' opinion, the only way to defend and maintain the European Social Model. The author postulates the introduction of investments in human capital wherever it is possible, instead of directly providing services aimed at economic sustainability. At the same time, Giddens claims he cannot imagine a state without effective aid institutions (Giddens, 2013).

In the new paradigm, the government spending on services such as health, education, social security and the like should not be seen as expenditure on consumption or as part of redistribution. These should be conceptualized and justified as investments that will bring a return in the form of a larger share in the labour market, greater employee productivity, higher personal income and greater economic growth. At this point, the deliberations on whether the state

of social investment is still a welfare state, only that using other instruments or experiencing the next phase of the progressive liberalization of the state, could be finished. If only the issue of stimulating economic growth is raised, it is certainly a neoliberal discourse.

The concept of the welfare state, in Giddens' opinion, usually suggests something reactive, which protects the citizen when things go wrong. A modern welfare state, or a modern state of social investment should be more based on assets that people have, regardless of whether it is an education or other form of quality. According to the author, the old welfare state was reactive, trying to overcome gigantic evils, as specified by William Beveridge: misery, ignorance, desire, idleness, and disease. Giddens points to the need for a model that he calls positive welfare, not just a reactive social welfare system. He proposes to introduce an investment system that develops people's capabilities. Instead of talking negatively about the evil we have to face, we need to pay attention to the values that can be created. Therefore, as he claims, one should not focus on inactivity, unemployment, but on positive aspects such as: happiness, complacency, self-esteem. Changing the way of thinking is to help create a positive model of the state of social investment based on assets, because the state provides infrastructure for an effective market economy. Describing the paradigm of social investments, Giddens also searches for a conceptual reconstruction of the welfare state (Giddens, 2004, p. 3).

The state of social investment is a holistic development paradigm that involves political changes in three interrelated dimensions: the transition from old to new social risks, from cash benefits to social services and from *ex-post* remedies to preventing – *ex-ante* (De Deken, 2014, p. 262). The investment approach can also be seen as one of many attempts to justify social policy as a productive factor, not simply draining the economy. This idea also finds application in the concept of varieties of capitalism. The expected return on investment is the increase in the share of population in the labour market and higher productivity of participants in this market (Hall & Soskice, 2001).

Social investment is also perceived as an alternative to neo-liberal retorts focusing on retrenchment in social spending, and what is more, as a key element in responding to the macroeconomic situation in Europe (Morel, Palier, & Palme, 2011; Hemerijck, 2013; Diamond & Lodge, 2014).

Social investments are also to contribute to deepening integration within EU and creating a vision for social Europe. Since social investment framework can be used to stimulate welfare reforms, dealing with the aftershocks of the financial

crisis and improve Member States' resilience to social risks (Wilson, 2014; Ostner & Stolberg, 2015). In this approach, it is claimed that an instrument used to quasi-market redistribution of generated wealth can itself cause an integration of European social orders. The initial level of development, and so the possibilities of the instrument's efficient usage, has not been taken into consideration.

Functional perspective concentrates on social investment as fiscal and legal regulations, political and cultural determinants for activities stimulating social changes and solving major social problems. Such an attitude is known as modernisation of social policy from distributive and based on consumption towards oriented on the improvement of the position on labour market (Peeters & de Tavernier, 2015; Haberkern, Schmid, & Szydlik, 2015).

A social investment, like any investment, should be designed and implemented with a view to profit. It is expected that the social benefits will be expressed in monetary terms in order to show financial investment returns. Hence the need to create measures that take into account social values. The most widespread are:

- SIMPLE (*Social IMPact Measurement for Local Economic*) – a general organisational management model aimed at analysing social effects;
- *Social Accounting and Audit* – monitoring of non-profit organisations activities;
- GRI (*Global Reporting Initiative Guidelines*) – institution supporting organisations in estimating their social value.

The most common method is the Social Return on Investments (SROI), which was established in the 1990s in the United States. In Europe, the British Economists from the New Economic Foundation (www.neweconomics.org) became interested in the idea of calculating SROI. The European Social Return on Investment Network – ESRoIN – has also been established as an informal group whose members come from the Netherlands, Belgium, Germany, Scotland and England, working on creating new standards in managing the organisation.

SROI allows for reporting different types of values created by an organisation (economic, social, environmental). The main task of this gauge is to identify and measure social value while using monetary values. The SROI calculation method is based on the reporting methods used in financial accounting, mainly in the profit and loss accounts. The SROI calculation is based on the economic value (enterprise value) and socio-economic value, i.e., the social effects that can be quantified (Social Purpose Value). The combination of these two values gives a mixed value (Gair, 2009). This gauge has got evaluative and prognostic dimension. The evaluation is based on the analysis of the observed effects of the

organization's activity, while the prognosis allows to indicate the estimated return on investment in the perspective of several years.

In the process of social value analysis, the most difficult is the identification and monetization of effects, and in the prognostic dimension of SROI, the additional difficulty is to discount the future value to the current period and identify the risk of achieving the expected results. In the context of social cost-benefit analysis, some inputs are difficult to estimate using the market price system, since such prices do not exist or do not express marginal benefits and social costs (Stiglitz, 2004). The thread of this measurement method, in the context of the consequences resulting from its application, will be continued in the next section.

SOCIAL INVESTMENT AS A FOUNDATION OF THE THIRD WAY. THE WELFARE STATE'S PRIVATISATION

The state of social investment was to be the third way between neoliberalism and the post-war welfare state, the quintessence of a future-oriented approach in which the state becomes an entrepreneur (Giddens, 1998). However, even among supporters of the privatization of the welfare state, seeing in this process the chance of survival of the paradigm, there are different approaches towards the scope of privatisation. Anthony Giddens and Gøsta Esping-Andersen differ in their understanding of what constitutes productive and unproductive social spending, the perception of the role that they attach to social policy and how to strike a balance between the rights and obligations of citizens. Giddens emphasizes the moral risks and unproductive nature of unemployment benefits and similar programs, whereas Esping-Andersen recognizes their productive values, for example, in the context of mitigating the cyclical fluctuations in employment. Giddens appreciates the incentives created by inequality, while Esping-Andersen points to problems generated by inequality (Morel et al., 2011).

The state of social investment concept is not the first widely discussed, introduced into development strategies, and implemented derivation of the welfare state. It was preceded, for example, by the concept of active labour market policy (ALMP). However, ALMP was limited to specific programs of the labour market. It was not an overall development strategy and that was why it was possible to fully unite the citizens with the market.

Giuliano Bonoli identifies various types of active labour market policy that has been implemented in Europe since the 1950s from the perspective of social

investment. He argues that active labour market policy is too broad category to be used without further specification and develops the typology of four different types of active labour market policies focusing on: strengthening motivation, employment and occupation assistance, and investing in human capital. Changes in the approach to ALMP result from the general economic and labour market context (Bonoli, 2011).

Emma Dowling sees in the social investment paradigm the continuation and implementation of the David Cameron Big Society concept from 2009. The discourse of the Big Society aimed to mobilize the affective ability of citizens to empathize and care for their fellow brothers, and thus to take on the responsibility for health care, care for children and care for the elderly, to run local libraries, deal with unemployment, to fight poverty and inequality. Such mobilization was to contribute to an increase of general well-being in the context of further limiting and privatizing the welfare state. By encoding these affective skills, seen as restoring civic virtues, the state could withdraw from the management, financing and provision of public services, relying on volunteering and local communities (Dowling & Harvie, 2014, p. 4).

Capital provided by social investors (in anticipation of profit) is to enable social enterprises (responding to social needs), to function, while a competitive environment in which such social investments and social enterprises appear, is to ensure innovation and efficiency in the delivery of public services. From the perspective of the state, the political economy of the Big Society promised to solve three crises: the capitalist crisis of accumulation, the crisis of social reproduction, and the state's financial crisis (Dowling & Harvie, 2014, pp. 2–3).

The crisis of capital accumulation, described as: "the crisis of capital reproduction and the relationship between capital and global work, which characterizes the neoliberal period" (McNally, 2009, pp. 40–44), is mainly caused by the loss of national control over flows of transnational capital, where and how the funds generated in one country are reinvested elsewhere or take the form of speculation.

The crisis of social reproduction refers to the whole of interwoven processes, within which self-reproduction of the socio-economic system takes place and through which people living in this system (individuals, communities, generations) reproduce themselves, their cultures and social relations (Dowling & Harvie, 2014, p. 8).

In the context of the financial crisis of the state and the political reaction to this state of affairs in the form of savings and deep cuts in public spending,

there was a clear political appeal to attract private investors to provide capital to finance projects that used to be financed with public funds. This action is an attempt to transfer risk to the private sector. In this context, the concept of ethical investments emerged. As in the case of Corporate Social Responsibility (CSR), this type of activity is voluntary, the private sector is still not obliged, but only encouraged to take responsibility for social development. To a large extent, the financing of social investments is the provision of loans that will increase borrowers' financial capacities, but also change their behaviour and teach social risk management (Nicholls, 2010).

Research conducted by Dowling show that social investments are not a progressive counterbalance to predatory neoliberal capitalism. The paradigm is rather a part of an ongoing neoliberal project. Social investments are aimed at generating and then using profits to create wealth. In addition, the pursuit of social investments consists in subordinating these activities to objective, usually economic, measures. The author argues that social investment paradigm is the new limit of capitalist accumulation (Dowling & Harvie, 2014).

These studies also refer to the consequences of using the most popular method of measuring profit from social investments – Social Return on Investments (SROI). Thanks to the social value method, governments hope to estimate the broader benefits of the service in a situation when these benefits cannot easily be quantified in standard monetary categories, e.g., a local library to stimulate creative and cognitive opportunities for young and old people, or a community centre offering workshops on saving water or isolating homes. The value of such ventures is difficult to estimate: their effects or impact are not comparable to the performance of washing machines or cars, which can be relatively easily collected and counted. The problem is that without a measure no value can be determined, and therefore the sense of determining social value is to develop indicators that can quantify the units of social return from investment in financial terms. Social enterprises and social organisations have got the social motive at the centre of their actions, and not the profit. For this reason, the government declares that it wants to provide these organisations with better access to the procurement process and an advantage over the company's service providers. While the corporation has a tendency to perceive its social obligations in terms of keeping the balance between the negative externalities of environmental pollution or social inequalities, a social enterprise, that not only provides but also measures social return on investment, provides the government with exactly what it expects – the cost efficiency (Dowling & Harvie, 2014, pp. 12–13).

Whereas the estimation of cost effectiveness does not cause major difficulties, regardless of the measurement method used, the calculation of the profit rate remains a problem. The state of social investments puts multi-sectoral social policy entities in front of dilemmas that did not arise in a traditional welfare state.

INVESTMENT OR REDISTRIBUTION?

It has been suggested that the consumption of social services provided in accordance with the paradigm of social investments is usually related to work and earnings. These services therefore have a less redistributive profile than traditional money transfers, which can lead to the effect of St. Matthew – increasing economic and social inequalities in countries oriented towards social investments (Cantillon, 2011).

The emergence of this phenomenon is all the more likely that, as argued, although at the aggregate level, with effective policy, the efficiency of social investments in the labour market would be theoretically possible, the results indicate that the percentage of people living in the European Union in households without employment, practically did not decrease, despite the increase in general employment rates. This fact raised doubts as to the complementarity of the objectives: to increase employment and reduce poverty underlying the social investment paradigm (Corluy & Vandenbroucke, 2014).

What is more, the example of the Futurebuilders organisation proves that social investment of even easily available public money can be inefficient. Futurebuilders was an initiative of the Labour Government founded in 2004 to promote and implement loan financing for the third sector in Great Britain. Futurebuilders is an organisation perceived as one of the largest government interventions in the field of social investments. The program was closed for new applicants in 2010. Eight years seems to be a long enough period in modern public policy, especially in a field such as social investments. It is worth noting that the payments from the Futurebuilders fund were slower than expected, the most investments were made in 2008–2010. This state of affairs is a reflection of many factors, including the time that has passed since the opening of orders for the third sector, especially at the local level, the availability of other funds, but also the reluctance to take loans by third sector organisations. Of the 171,000 third sector organisations operating at that time in the United Kingdom, loans were granted to 215 organisations. In total, 745 organisations

have prepared business plans for financing, and more than 2,000 organisations have been inquiring about the possibility of financing. The greatest difficulties were the implementation of often complicated investments, which required a significant growth of the organisation, which could not be met by small subsidies. Although the social investor, Futurebuilders, correctly identified the problem and provided the appropriate tool, the initiative was not successful (Wells, 2012).

In the investment approach, citizens are expected to assume full responsibility for their well-being. As a consequence, governments implement political tools to shape the responsibilities. Citizens are directed to the correct behaviour by the stick and carrot method. The incentives offered are, e.g., remuneration for work, while the penalty may be the limit of entitlements to social benefits for taking up a job (Gilbert & Van Voorhis, 2001).

Building a development paradigm on individual responsibility has been confronted with criticism due to the fact that it is not a good basis for establishing a just social policy. In this context, particular attention is paid to the process of implementing disciplinary policies guided by the concept of individual responsibility, without the possibility of taking into account the circumstances of making the choices, which entails the risk of deepening existing inequalities. The exemplification of disciplinary policy are the restrictions in the provision of assistance to parents of children who are in a difficult financial situation. Parents lose the financial support (toll relief) when the child has got unjustified absences at school. The support from the state in return for the sole responsibility of the child completely abolishes the responsibility of the school (Cantillon & Van Lancker, 2012).

The rhetoric of the individual's responsibility is part of a popular neo-liberal discourse, in which people are responsible for their own (unsuccessful) decisions, as well as the consequences of their own actions or choices. Such a narrow vision of responsibility denies the context of these decisions, the circumstances of the action, which often boils down to an unequal distribution of choices that determine the choices. In this context, it is recognized that disciplinary policies dependent on responsible behaviour reinforce existing inequalities. Firstly, attention is paid to the need to maintain a balance between rights and obligations on the labour market. Secondly, caution is recommended when implementing policies based on a narrow concept of individual responsibility. This involves the danger of blaming the victim and strengthening existing inequalities and behavioural patterns. Although modern societies – according to neoliberal

propaganda – are liberated from social classes and transformed into places where everyone has the opportunity of forging one's own destiny, studies show that well-being and opportunities are as much defined by origin as it used to be a half century ago (Erikson & Goldthorpe, 1992).

Although many supporters of an active welfare state demand both social investments and stronger incentives to encourage people to work, in fact governments supporting the so-called new social welfare agreement seem to focus more on deregulation of the labour market, reducing employment protection, limiting access to social insurance and relying more on solutions that bring measurable, easy to demonstrate benefits than pursuing policies to increase human capital and facilitate labour mobility (Taylor-Gooby, 2004).

The Swedish prototype of the investment approach looked different. In Sweden, the beginnings of the social investment program date back to the 1930s, and its implementation was an antidote to the effects of the Great Depression and what was later referred to as the population crisis (decreasing birth rates). During these crises, Alva and Gunnar Myrdal developed an approach to social policy aimed at easing production and reproduction, which opened up to an investment perspective in the field of social policy. The Myrdals were in favour of a policy that would combine direct economic support for families with children with indirect housing support, as well as opportunities for women's participation in the labour market. The issue of population concerned not only the quantity, but above all the quality of the population in terms of social conditions for human capital creation. The fight against poverty consisted in increasing the productivity and employment of the population, and the countercyclical policy boiled down to combating poverty and inequality. Redistribution was perceived in this model as a kind of irrigation system (Korpi, 1985).

The main objective of the Swedish model was equality, not just poverty reduction. Equality in the category of social classes and gender equality. The model, which was finally appreciated for the victorious fight against poverty, was controversial in the post-war period. Doubts were related to the direction of policies to combat inequality and not directly poverty. The fight against inequalities was part of a wider strategy to create an open society with high mobility and liquidity. The model retains the idea of full employment. Moreover, full employment should be perceived as the basic assumption of the model and the strategy to prevent poverty. In particular, social insurance related to earnings is recommended as an effective instrument for reducing poverty or even eradicating poverty (Palme & Cronert, 2015, pp. 7–8).

Nonetheless, in the investment social policy, there is no question of combating inequalities, on the contrary, it assumes the competition of human resources on the free market (Palme & Cronert, 2015, p. 10). Since the question of social inequality is not treated as a priority in this model, there are still significant gender inequalities in developed democracies, even though many of them have experienced an increase in the employment rate of women. Such inequalities include: the gender gap in unpaid care and domestic work, segregation in the labour market, feminized part-time work, the pay gap between women and men, and the "glass ceiling effect" experienced by women (Morel et al., 2011).

The persistence of these inequalities makes scientists adopt an attitude of limited expectations in relation to this phenomenon. There is a lack of faith in the possibilities of social investment policy in the context of mitigating gender inequality. Effective handling of these issues would require the implementation of new programs, such as paid parental leave, available and compulsory for both women and men, equal rights to work part-time and full-time, or other measures that allow or encourage men to take on more household responsibilities. There are various ideas for implementation of programs aimed at gender equality. So-called dual model of a paid carer occurs in different versions, while the most often implemented ones still impair women in the labour market, such as part-time women work combined with unequal distribution of unpaid care work in private sphere of life. In this case, the social investment approach seems to be useful in explaining the individual and social losses of the untapped potential of women.

CONCLUSION

The paradigm of social investments emphasizes the importance of individual investments in human capital, which are to enable people to take care of themselves in a liberalized labour market and in the conditions of a reduced social policy regime that transfers the responsibility for well-being to the citizens.

The social investment perspective will not guarantee social progress, which includes everyone, unless it is complemented by a strong commitment to traditional forms of social protection. Social investment assumes competing for funds and not everyone is winning out of this competition. That is why an investment cannot be the only form of intervention if the organisation of societies in the form of a welfare state is to be continued.

The redistributive and compensatory nature of the welfare state has caused that Sweden has got the best results in fighting inequality and poverty, with which the state of social investment is still struggling. Proponents of social investment paradigm emphasize that the welfare state has dealt with problems thanks to exorbitant expenditures and it is difficult to disagree with this argument, but it should be also taken into consideration that welfare state regime is based on the assumption that the government (and not the individual, corporation or local community) is responsible for well-being of its citizens, ensuring a minimum standard of living. This commitment, however, must be associated with the provision of expensive social services.

The aim of the article was not to evaluate these two, in the author's opinion, contradictory, developmental paradigms. Therefore, the issue of the superiority of the state's social investment regime in the post-industrial reality over the imposing regime of the welfare state straight from the industrial era has not found its resolution here. However, the argumentation quoted above enables to make a statement that the state of social investments is not a welfare state (unless we adopt the Esping-Andersen typology and recognize welfare state in every contemporary socio-economic regime that is based on democracy). In terms of both, the analysis and implementation, the state of social investment is an unsuccessful derivation (if not deviation) of the welfare state.

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THE OBJECTIVES AND TASKS OF THE INTERNAL HISTORICAL POLITICS IMPOSED BY THE LAW AND JUSTICE PARTY IN THE YEARS 2005–2007

CELE I ZADANIA WEWNĘTRZNEJ POLITYKI HISTORYCZNEJ PRAWA I SPRAWIEDLIWOŚCI W LATACH 2005–2007

*Konrad Słowiński**

ABSTRACT

The article deals with the issue of the internal historical politics of Law and Justice party (PiS) during their years of power in 2005–2007. From the very beginning, the party put an extreme importance to the issue of patriotism and national memory, making them one of their main objectives. With the inception of power in 2005, the leaders of this group clearly declared that the important goal of their actions would be to restore historical memory, which was to be initiated by the "new historical politics". When analyzing the historical policy pursued by Law and Justice in the internal dimension, it should be noted that it focused on several key elements. The first of them was building patriotic attitudes among the Polish society. The historical settlement of the communist times became the second goal of the party's historical politics. The past has begun to be used by the leaders of this formation also to stigmatize political opponents. Moreover, it served as an effective tool to both

ABSTRAKT

Artykuł podejmuje zagadnienie wewnętrznej polityki historycznej Prawa i Sprawiedliwości (PiS) w okresie sprawowania przez tę partię władzy w Polsce w latach 2005–2007. Już od samego początku swej działalności ugrupowanie to przywiązywało niezwykle istotną wagę do kwestii patriotyzmu i pamięci narodowej, czyniąc z nich jeden z głównych filarów swej polityki. Z chwilą objęcia władzy w 2005 r. jej przywódcy wyraźnie zadeklarowali, że ważnym celem ich działań stanie się przywrócenie pamięci historycznej, czemu służyć miało zainicjowanie „nowej polityki historycznej". Analizując politykę historyczną prowadzoną przez PiS w wymiarze wewnętrznym, należy stwierdzić, że koncentrowała się ona na kilku zasadniczych elementach. Pierwszym z nich było budowanie wśród społeczeństwa postaw patriotycznych. Drugim celem polityki historycznej PiS stało się historyczne rozliczenie czasów komunistycznych. Przeszłość zaczęła być wykorzystywana przez liderów tej formacji także

* The John Paul II Catholic University of Lublin, Faculty of Social Sciences.

Kaczyński brothers for mobilizing their own supporters.

do piętnowania politycznych oponentów. Posłużyła ona także braciom Kaczyńskim jako skuteczne narzędzie mobilizacji własnych sympatyków.

Keywords: Historical politics; Law and Justice Party; Poland; political parties

Słowa kluczowe: polityka historyczna; Prawo i Sprawiedliwość; Polska; partie polityczne

INTRODUCTION

The issue of historical politics has recently raised the interest of the scholars in many scientific disciplines like history, political science, sociology, anthropology, pedagogy or culture studies. The issue has been broadly discussed in the public debate gaining the attention of the publicists. It has also become one of the main topics for the majority of the society. The very term "historical politics" has been used for the first time in Trewir (*Geschichtspolitik*) in 1986, during the German historians. From that moment on, it has been gaining popularity as the local scholars began to analyze the matter of the relationship between the history and the Germanpolitics. In Poland, the term has appeared recently and it is constantly gaining popularity.

Due to the fact that the "historical politics" has become of interest of many scholars from various backgrounds, it is very difficult to establish one definition for this term. A well-known researcher of the history of ideas, Marek Cichocki, who was one of the first to introduce this concept to the public debate in Poland, claimed that the historical politics is: "enhancing the public discourse about the past, both inside and outside the country, throughout the various forms of institutionalizing this discourse. Such institutionalizing occurs at the level of central and governmental institutions as well as at the level of regional ones" (*Polityka historyczna – za i przeciw*, 2006). The author also highlights the fact that conducting the historical politics should be seen as one of the governmental duties. Thus, engaging the governmental institution is crucial for creating the process as well as for passing on the historical knowledge (Cichocki, 2005b). On the other hand, Anna Wolff-Powęska defines the "historical politics" as the "political class conscious action which aims at shaping the extent and the character of the historical collective memory" (Wolff-Powęska, 2007). As the author notices, due to the various subjects influencing the way the society understands, systematizes and sees the past, the political influence over the interpretation of the past often leads to some quarrels and tension with others involved (institutions, organiza-

tions, scholars). Thus, it is necessary to include such crucial factors as family, school, and local tradition. Simultaneously, according to the author, carrying out the historical politics requires a public legitimation (Wolff-Powęska, 2007). During the debate on this subject conducted within the *Bulletin of the Institute of National Remembrance* (*Biuletyn Instytutu Pamięci Narodowej*), Janusz Kurtyka described the historical politics as "certain actions which we undertake as a state to assimilate society with what we consider important" (*Polska polityka historyczna*, 2006). Furthermore, Kurtyka included an important message regarding how to shape "good" historical politics. According to him, historical politics should strive to "the huge space created by the independent research". This independence – as Kurtyka claimed – enabled the opportunity to carry out the scientific disputes, debates, and it pointed out the existence of various streams of historical reflection (*Polska polityka historyczna*, 2006). Furthermore, the concept has been differently described by Lech Nijakowski – although in this particular case the author uses the name "the politics of memory" – who sees it as "all intentional actions carried out by politicians and administration that aim at preservation, deletion and redefining the particular content within the national memory. These actions can be both of innovative character as well as routinized practices" (Nijakowski, 2006).

Taking under consideration the given views, it can be stated that currently there is no consistent definition that would enable to cover entire phenomenon. One of the attempts to conceptualize the said term was made by Anna Wójcik, who claimed that historical politics is "the category of history that serves to create the historical consciousness of society, in particular the awareness of territorial affiliation and the strengthening of the discourse over the past in order to nurture permanent national ties regardless of the current, changing state policy" (Wójcik, 2016).

THE CONCEPT OF THE HISTORICAL POLITICS IN POLAND AFTER 1989

As it was noticed by Antoni Dudek, two separate trends – liberal and conservative – have emerged in Poland after 1989 (Dudek, 2011). The former assumes full neutrality of the state in the sphere of social memory management. According to this concept, the state should not engage its institutions into this process accepting the total impartiality in this matter and focusing its attention primarily on

other areas of activity (e.g., military, economic, foreign). In other words, according to the supporters of such attitude, it can become the tool for propaganda or indoctrination. The supporters of the liberal trend point out that promoting any historical values by the state can lead to creating the fake picture of the past that neglects the threads in opposition to the presented narration. Such imposition of a certain thinking direction – in their opinion – will result in a selective treatment of the memory of the past, which "will make it impossible to understand anything from our history" (Janowski, 2006).

Conservative attitude emphasizes the need for the state to actively engage in propagating patriotic attitudes, emphasizing the positive image of its history and cultivating the historical achievements of its own nation. According to the supporters of this idea, history (and historical memory) plays too great a role in a socio-political sphere to leave it to shape a free market game (Tokarz, 2011). As Marek Cichocki stated, "the memory needs to remain as a life substance of very politics" (Cichocki, 2005a). For this reason, the conservatives considered it necessary to involve state institutions in building active civic attitudes, promoting those threads from the history which could serve as reference points and formulas for contemporary Poles (Merta, 2005). In their opinion, the historical politics should be the tool for strengthening the national community. Thus, it was necessary to promote the modern patriotism and enhance the feeling of national pride, however, it could not exclude the omission of those issues from the past that would put the nation or its part in a bad light (Olszewski, 2013).

The collapse of the communist regime in Poland, which began at the turn of the 80^{s} and 90^{s} of the 20th century, initiated a profound change in the political system in our country. During the process of transformation of political, cultural and social life that took place at that time, the dominant role towards the historical politics was played by the liberal trend (Dudek, 2011). Thus, the state adopted the principle of neutrality and impartiality in the sphere of social memory management. The famous electoral slogan of Aleksander Kwaśniewski "choose the future", that he threw during the presidential campaign in 1995, which symbolized the total *désintéressement* for the area, became a tangible testimony to this approach. Thus, the democratic order – according to liberal circles – had to be built without referring to the sphere of symbols, historical memory, that should be sacrificed for the sake of progress and modernization.

THE MAIN ELEMENTS OF THE INTERNAL HISTORICAL POLICY OF THE LAW AND JUSTICE PARTY

From the very beginning, Law and Justice main goal was "to strengthen the independent existence of the Republic of Poland and the international position of Our Country" as well as "to spread the patriotic attitudes and enhancing social and national solidarity among the Poles" (*Statut Prawa i Sprawiedliwości*, 2006). This political party definitely rejected the liberal approach to historical politics, instead approaching the conservatives' position in this matter. For the members of Law and Justice, the matters related to patriotism, national memory, constituted one of the key elements of maintaining the national cohesion of the Polish society, raising the level of civilization and the quality of life of the Poles. Therefore, the subject of historical policy has found a fairly strong reflection in the statutes and programs of this party. What is more, the members of the party often give a lot of space to the matter in their political speeches. Already in one of the first program conventions from 2001, the leaders of this party pointed out that "the center of our thinking and political feeling occurs within the nation, as a community of history, a community of culture" (*Naprawa polskiego państwa…*, 2001). Defining a nation in such categories indicates a huge role that Law and Justice members ascribed in their politics to the issue of remembrance, past and national identity. As it was mentioned by Kazimierz Ujazdowski: "our life needs to be unambiguously embedded in the tradition of the First Polish Republic, the fight for independence during the partitions, the struggle against German and Soviet occupants during World War II, as well as in the tradition of struggle against the communist regimes in Poland" (*Naprawa polskiego państwa…*, 2001). According to the party leaders, without a strong moral and historical legitimation, the state cannot function and fulfill its role well.

Joining the elections in 2005, the party leaders clearly declared that one of their main objectives would be to restore historical memory. The implementation of the task was initiated by introducing the "new historical policy" which assumed a strong activation of the state in this particular sphere. Before the Polish governmental campaign, Jarosław Kaczyński declared the need to undertake vigorous actions in the field of historical politics, which should be directed to both external and internal recipients. The importance of the matter is highlighted by the fact that in the amendment of the constitution proposed by the party, this topic was to play an extremely important role: "It is very important in this constitution to clearly define the historical identity […] it is necessary to confirm

the identity that clearly refers to the independence tradition, to the First and Second Polish Republic. At the same time, the identity […] should be clearly anti-communist" (*Wykład Prezesa Jarosława Kaczyńskiego…*, 2005).

In their electoral program named *IV Rzeczpospolita. Sprawiedliwość dla wszystkich*, Law and Justice gave unambiguous signal of the renascent Polish historical politics: "We will conduct deliberate historical politics, both the internal and external one. The internal historical policy assumes constant care about the quality of historical education at schools and in the media, as well as constant efforts to not only commemorate the history of our state and nation, but also to maintain their lively presence in the minds of citizens. It is crucial to support research programs and educational projects disseminating knowledge about our past, as well as any institutions documenting and popularizing history" (*IV Rzeczpospolita. Sprawiedliwość dla wszystkich…*, 2005). Historical politics has become one of the flagship objectives for this party. For their supporters, it aimed at serving as the foundation of modern politics. It was highlighted by both Prime Ministers – Kazimierz Marcinkiewicz as well as Jarosław Kaczyński.

As it was pointed out by Joanna Sanecka, the Law and Justice historical politics, carried out in the internal aspect (concerning its role in establishing the national education and creating the identity) focuses on three prime elements: 1) the development of the historical-patriotic education in schools, shaping the civic and pro-state attitudes, instilling a sense of national dignity, 2) rebuilding the national community, and 3) strengthening the state by firmly embedding it in the national tradition (Sanecka, 2008). One additional point should also be added to this list. It was a historical account of the times of the regime, "showing what was the essence of communism and the Polish People's Republic" (*IV Rzeczpospolita. Sprawiedliwość dla wszystkich…*, 2005). The realization of these goals was to be undertaken by a number of initiatives whose implementations were announced by the activists of this party. The most important ones include plans for creating the Museum of Polish History as well as the Museum of the History of Polish Jews (POLIN), the Józef Piłsudski and the Second Polish Republic Museum in Sulejówek, the Museum of Freedom and Solidarity in Bydgoszcz, the Museum of Westerplatte in Gdańsk, as well as the Museum of Western Territories in Wrocław.

At that time, the key role was ascribed to the creation of the Museum of Polish History, which, according to the Law and Justice activists, was believed to become the most significant element of the "new historical politics". As is was pointed out by Kazimierz Ujazdowski, "our main project is to establish the Museum of Polish History, a place that is going to be a modern institution show-

ing our entire historical experience in a communicative way since Poland […] should have institutions that continuously show the uniqueness of our historical experience and the contribution of Poland in the history of Europe and the world" (*Kazimierz Ujazdowski…*, 2006). The decision of establishing the Museum was made in 2006 but its opening, due to the lack of permanent financing, was postponed to the next years[1]. The main objective of the Museum is to show the main threads of the Polish history – both the state and the nation – concentrating mainly on the subject of freedom, i.e., parliamentary traditions, institutions and civic movements, and the fight for freedom and independence. According to its originators, it should shape a modern patriotic sensitivity, contribute to shaping the society that is aware of its traditions and open to the world. Furthermore, another important aspect of it is also to build the international picture of Poland actively, so that Polish history and culture are understandable and attractive to foreigners. Jarosław Kaczyński confirmed how important the project is for all the Law and Justice activists saying that: "The Museum of Polish History will be built – a powerful institution that will influence the Polish national awareness in the future" (*Premier podsumował prace rządu*, 2007). It can be assumed that the main aim of this place – according to the party leaders – was to play an equally great role in shaping the Poles' national identity as the Warsaw Uprising Museum.

Another important element of the party's active historical politics is the establishment of the Museum of Freedom and Solidarity. The need of establishing such a place was highlighted long before the election campaign as the leaders pointed out the necessity of organizing "modern museum – educational and research institution, presenting the history of Poland (especially the twentieth century) through the idea of freedom which is so crucial for contemporary Poles" (*Apel o polską politykę historyczną*, 2004). The Museum of Freedom and Solidarity was established in 2006. Its aim was to display historical memorabilia, present archives, documentary films and works of art related to the activities of the opposition movements in Poland during the 1970s and 1980s[2].

The Law and Justice leaders, as part of their historical politics, have also been actively engaged in the construction of the Museum of the History of Polish Jews, that was established in January 2005, actively supporting the establishment of

[1] Currently, the Museum is planned to be opened in 2020. It is going to be situated in Cytadela Warszawska, which is situated near the future headquarters of the Polish Army Museum.

[2] Due to financial and housing issues, the institution was closed after 4 years of its activity. Currently, there are initiatives to reactivate the Museum.

this institution. The necessity of creating such a place was highlighted by the then President of Warsaw – Lech Kaczyński, who saw it as one of the major challenges that the capital authorities must be faced with (*Warszawo, daj się lubić*, 2003). During the solemn establishment of the foundation act in 2007, he pointed out that "The history of Polish Jews is part of the history of my country, part of the history of my nation, which requires remembrance and commemoration" (*Prezydent podpisał akt erekcyjny…*, 2007). Additionally, as he pointed out, "This museum is a great opportunity to overcome the mutual lack of knowledge about each other and the chance for deeper and deeper reconciliations" (*Prezydent podpisał akt erekcyjny…*, 2007). The Museum was established to commemorate the long tradition of the Polish Jews and to rise the young generation in a spirit of mutual tolerance and respect for the Jewish culture. As it was emphasized by the Law and Justice representatives, it was seen as an element of creating good relations with both Israel and the Jewish diaspora around the world. As it was highlighted by the party leaders, "in Israel, there are some false stereotypes about Poland and these are really very unfavorable for us. I am referring to the alleged co-responsibility for the Holocaust. Such stereotypes are not only false, but simply deadly from the point of view of the interests of our state" (*W Izraelu czuję się jak w domu*, 2008). According to the leaders of Law and Justice, the Museum could be a kind of a bridge that can help to build a better relationship between the two sides by referring to the common tradition of co-existence of the two nations (*Przesłanie Prezydenta RP…*, 2006).

One of the main points in the internal historical politics by Law and Justice has been the question of the patriotic education and upbringing of young Poles. In fact, according to the leaders, the education of young people leads to a crisis in the sense of national identity of our society and weakens its cohesion. They think that it is crucial to 1) develop the quality of the historical education, 2) setting the programs for patriotic education in schools. The first step in improving the quality of historical education was to introduce a consistent concept of historical knowledge in schools as it was listed within the election program from 2001. This would make it possible to familiarize the student with "the basic canon of national culture and knowledge about the history of the country" as well as "elementary knowledge in the field of universal history, especially the European one" (*Program Prawa i Sprawiedliwości*, 2001). Secondly, this could have been achieved by increasing the hours of history teaching in schools. According to the leaders, the dissemination of historical knowledge was an important element of the civic education. The Law and Justice activists believed that the current role

of school was limited only to the practical preparation of young people to live in the realities of the market economy. They claimed that: "Every student finishing school must have a basic knowledge of the history and culture of our country that allows him to function as a mature Pole who is fully aware of his identity" (*Apel o polską politykę historyczną*, 2004). The Law and Justice task was also to introduce the patriotic education in schools in order to shape the national community. As they highlighted: "The school educational program of must include a specially dedicated part of the patriotic education program. This program's elements must involve conducting relevant subjects in Polish language and the history of extra-curricular activities, celebrating national and local patron and school holidays, as well as the participation in external patriotic celebrations" (*Apel o polską politykę historyczną*, 2004). In this context, the actions of this party that postulate the position of a greater emphasis on the development of historical education may be considered as right. However, concretizing this idea, especially with regard to the idea of creating a consistent concept of historical knowledge, may be seen as doubtful. As a result, we may get the creation of a false image of the past that omits threads that are incompatible with the existing narrative.

The next matter undertaken by the Law and Justice in the field of internal historical politics was to support programs, institutions and associations whose aim was to popularize Polish history and culture. As it was declared by the members of the party, "The state should initiate and support the educational and social programs that are implemented jointly with non-governmental organizations pursuing educational goals (scouts, veterans, youth, student, educational and other organizations)" (*Apel o polską politykę historyczną*, 2004). The key role here was ascribed to the National Centre for Culture. According to its statute, it was to deal with maintaining and popularizing national and state tradition, promoting Polish national heritage, cultural education or inspiring and supporting social movements and non-governmental organizations functioning in the sphere of culture and national heritage. The Centre initiated many research programs, such as the "Patriotism of Tomorrow" program, consisting in supporting valuable educational, or educational and artistic initiatives which promote patriotic attitudes and tell about the Polish history in an interesting way. Another, no less interesting, project implemented by the Center was the program "Witnesses of History", aimed at collecting the accounts of forgotten heroes of the twentieth century and memories of the participants, or even observers of important events from World War II and the Polish People's Republic and archiving them on websites. What is important, under the Centre's auspices, "The Memory and

the Future" institution has been established. It deals with the presentation of the after war history and the cultural heritage of the Poles from the western parts of the country. Kazimierz Ujazdowski highlighted that "The Polish success at the western lands should be one of the showcases that we can present to the world. Establishing in Wrocław 'The Memory and the Future' Centre means creating the institutional conditions for presenting the Polish civilizational and cultural heritage of these lands. The main tasks of this institutions are narrative exhibitions, educational activities, systematic documentary works" (*Powołanie ośrodka "Pamięć i Przyszłość"*, 2007). An important mission of the institutions was also undertaking initiatives aimed at creating the Museum of Western Territories[3].

The issue of the historical settlement of the times of the Polish People's Republic was of great importance in the internal historical policy of the Law and Justice party. The implementation of this objective was President Lech Kaczyński's policy of honors, whose goal was to honor "silent heroes" – people who rendered merit to the Polish freedom and independence and were so far ignored by the state authorities (Jarzynka, 2015). The awards were given to those involved in the fight for independence immediately after World War II, to the participants in social protests in the Polish People's Republic, and those active in the anti-communist movement of the 1970s and 1980s. Lech Kaczyński's activities aiming at honoring the Solidarity people should be especially brought to attention. The President called them the "third conspiracy". Thus, the Solidarity was given a special character of the symbol added to the pantheon of other important events in the last 100 years of our nation's history: "The history does not know many examples – maybe apart from 'Solidarity' it does not know any at all – when almost entire society organized itself against the totalitarian regime. It was the 'Solidarity' that was this organized movement during the years 1980–1981. After martial law, it became a large underground organization" (Kaczyński, 2007). It is worth mentioning that another great success of Lech Kaczyński was honoring all those people who after 1989 were often forgotten and often pushed to the margins of political and social life, and introduce them to the official state memory about the Union[4]. In his internal historical politics, Kaczyński also awarded many others, so far neglected by the government, anti-communist oppositional activists as well as

[3] The official opening of the Depot History Centre took place in 2016.

[4] In 2006, the most important Polish distinction – the Order of the White Eagle – was given to Andrzej Gwiazda and Anna Walentynowicz. Apart from them, other members of the "Solidarity" were honored with different kind of distinctions by Lech Kaczyński.

the participants of strikes and civic protests in the Polish People's Republic. The special place in Lech Kaczyński's "award policy" occupied the participants of the Polish independence underground after the Second World War, whose activities he called the "second conspiracy" (Chmielecki, 2017).

The subject of the historical politics played an important role for the Law and Justice party. The Kaczyński brothers[5] thought that it is an important element of citizens' consolidation, maintaining the national identity and building patriotism. In this respect, it should be considered legitimate to say that for its leaders, it is not enough to just run market mechanisms to create an efficiently functioning state. This view was expressed in the Law and Justice program declaration: "The state can not only limit itself to the economic functions, acting as a limited liability company. In the face of the weakness of contemporary authorities and the crisis of confidence in political solutions, it is worth referring to a wider perspective that allows one to see more and better, allows to see sense in places where current disputes make it blurred" (*Apel o polską politykę historyczną*, 2004). One need to agree with the view of the Law and Justice leaders that after the period of the political transformation, the subject of the historical identity and collective memory were thrown out of the public sphere. Meanwhile, as it was noticed by Dariusz Gawin, the issues related to shaping the collective memory of society, scientific conflicts regarding the interpretation of the past, using historical arguments in current international disputes require the necessity of discussing the historical policy (Gawin, 2005). What is also crucial, according to the leaders, this should not be seen as an unnecessary burden, which needs be rejected for the sake of progress and modernization. According to Lech Kaczyński: "[…] there is no contradiction between the fact that we want to have a certain historical policy (which, when rooted in the state, it strengthens its internal structure, otherwise it is built somewhat on the sands) and look into the future. Of course, the main task of the politicians, not only the President, is related to the future, not to the past, since there is nothing one can do about the past. However, there is still a need to talk about the past, refer to certain tradition that is right and to try to root our state in some tradition, which in the first dozen or so years did not exist in the

[5] Under the term "Kaczyński brothers", the author understands the broader subjectivity of the Law and Justice political environment in which an important role was played by Lech Kaczyński. Although during his presidency he was no longer a member of the formation, however, together with Jarosław Kaczyński, he was one of the main creators of the "historical politics" carried out by the party.

Third Polish Republic, as it was, but not to such extent" (*Wywiad z kandydatem na Prezydenta RP…*, 2005).

CONCLUSIONS

The politics pursued by the Law and Justice party was limited in its internal dimension to the several key tasks. The first one was spreading of the patriotic attitudes, building a sense of community on the basis of family and the spirit of social solidarity, dissemination of national, patriotic and state traditions, popularizing the history of our country. According to the members of this party, Polish society was going through a crisis of national identity: "[…] and nothing has been done in terms of independence attitude and to prevent another, even more deeply embedded and dangerous phenomenon, which is the crisis of Polonism – the attitude of rejecting, or at least being deeply skeptical, about the values associated with the Polish nationality" (*Kongres założycielski Prawa i Sprawiedliwości*, 2001). According to Law and Justice, this leads to the weakening of cohesion of the Polish society and to putting its own interests over public good. The second objective of the historical politics of the party was to reckon the communism: "[…] unraveling the next elements of contemporary history, telling the truth about times of the Polish People's Republic and the martial law" (*Spotkanie z historią bez fałszu*, 2005). This process was accompanied by the actions taken in the field of lustration and de-communization. At the same time, the history in this case has become the element of the political game oriented at pillorying the political opponents of the post-communist origins: "We will reveal the mechanisms of entanglement and continuation in SLD – very few already remember that the successor to the PZPR and at the same time the SLD predecessor, i.e., SdRP, was against our membership in NATO" (*IV Rzeczpospolita. Sprawiedliwość dla wszystkich…*, 2005). Here the first aspect of the historical politics occurs. This is the one that plays the crucial role not only as a mean of strengthening the national identity but also as a good tool for their supporters' mobilization. On the one hand, it served to build ties between the supporters of this party, creating a common identification based on the reference to the idea of patriotism and a sense of national pride. On the other hand, it was an instrument used for ongoing political struggle, an example of which was seen during the 2005 Presidential campaign when Jacek Kurski addressed Donald Tusk on concealing the fact about the service of his grandfather in Wehrmacht,

that was to serve as an argument which accused Tusk of having pro-German views. The Law and Justice leaders used the past to attack the political opponents. The Kaczyński brothers described their party as a continuator of the ideas and views of the great figures of our history (Piłsudski, Dmowski) and referred to the tradition of heroic deeds and fights of the Poles, and saw the critics of their party as the heirs of the communist past ("departmental children", in Polish: *resortowe dzieci*). These actions show a certain dissonance between the noble goals of historical politics proclaimed by the leaders of Law and Justice, which was the patriotism resurrection and bringing the national pride back, and using it to the contemporary political fights.

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CONSERVING THE PAST FOR TODAY: POLITICS OF GEORGIAN GOVERNMENT TOWARDS CULTURAL HERITAGE PROTECTION IN THE CONTEXT OF POLITICAL UNCERTAINTY

ZACHOWANIE PRZESZŁOŚCI NA DZIŚ: POLITYKA RZĄDU GRUZJI W ZAKRESIE OCHRONY DZIEDZICTWA KULTUROWEGO W KONTEKŚCIE NIEPEWNOŚCI POLITYCZNEJ

*Nikoloz Kavelashvili**

ABSTRACT

The protection of cultural heritage does not only have social but political and economic consequences as well. While the contents of a national and personal identity are closely tied to inherited cultural heritage, this heritage, as far as material culture is concerned, requires political support often beyond the means of the countries concerned. International support is rendered by organizations such as UNESCO with its World Heritage List, which includes World Cultural treasures as well as Natural Monuments. Politically, cultural heritage can be either a cohesive force or a divisive one when exploited for political purposes directed towards political hegemony. Economically, the cost of preserving cultural heritage can be a lucrative source of income as a result of the global promotion of cultural tourism. By this research, we can come to the idea that

ABSTRAKT

Ochrona dziedzictwa kulturowego ma nie tylko konsekwencje społeczne, ale także polityczne i ekonomiczne. Podczas gdy zawartość tożsamości narodowej i osobistej jest ściśle powiązana z dziedzictwem kulturowym, dziedzictwo to, jeśli chodzi o kulturę materialną, wymaga wsparcia politycznego często poza zasięgiem zainteresowanego kraju. Międzynarodowe wsparcie udzielane jest przez organizacje światowe takie jak UNESCO – z jego listą światowego dziedzictwa, która obejmuje skarby kultury światowej oraz pomniki przyrody. Politycznie dziedzictwo kulturowe może być pojmowane jako spójna siła, albo i podział, gdy wykorzystywane jest do celów skierowanych na hegemonię polityczną. Z ekonomicznego punktu widzenia istota zachowania dziedzictwa kulturowego może być intratnym źródłem dochodów w wyniku globalnej pro-

* University of Wrocław, Faculty of Social Sciences.

the State should facilitate the community empowerment through preservation and development of the cultural heritage – its organic environment, because without protection of the cultural environment and misusing the opportunities offered by it we cannot achieve the proper – i.e., feasible, sustainable – social and economic development of a country.

mocji turystyki kulturowej. Dzięki niniejszym badaniom możemy dojść do przekonania, że dane państwo powinno ułatwiać wzmocnienie pozycji społeczności przez zachowanie i rozwój dziedzictwa kulturowego, a więc naturalnego otoczenia owej społeczności, ponieważ bez ochrony środowiska kulturowego i przez nadużywanie oferowanych przez nie możliwości nie możemy osiągnąć właściwego – tj. realnego, zrównoważonego – rozwoju społecznego i gospodarczego kraju.

Keywords: cultural heritage; Georgia; conservation; protection politics; education; European Union

Słowa kluczowe: dziedzictwo kulturowe; Gruzja; zachowanie; polityka ochrony; edukacja; Unia Europejska

INTRODUCTION

The issue of legal and physical protection of cultural heritage in a global, national, regional and local sense is gradually becoming an important field of knowledge and various legislative regulations and studies, both for professional researchers and for hobbyists striving to pick up the matters important for local communities. The myriad publications have been established on cultural heritage having to do with its different aspects, with varying chronological and territorial presentation – some of them cohesive, others continuous and synthesizing or contributory.

The author of the present article has decided to point out, classify and characterise different dilemmas regarding the protection of Georgian cultural heritage. Therefore, the goal of the paper is not a characterization of fixed properties, movable and immovable, classified as cultural heritage or of historical artefacts comprising the ingredients of the Georgian or regional structure – or the local structure, which is often the case of cultural identity. The reasoning applied by the author deals with unsettled and ambiguous matters in the protection of Georgian cultural heritage.

The understanding of the lack of many legislative regulations, socio-political solutions and chemical technologies respecting to the preservation by reason of the future of many cultural goods, both movable and immovable, can become inspiration for research and a reason for decision-makers to search for optimal solutions or to design smart programmes for universal regional education. Such was indeed the principal goal of the author as he initiated his attempt to name

that the regions, at whose level the institutional governing role connects the central and local government, do their tasks in the territory. Territories should definitely provide incentives by the various expressions of territorial context in the local cultural structure.

EDUCATION FACTOR ON CULTURAL HERITAGE AND PUBLIC AWARENESS

Cultural heritage is a group of resources inherited from the past which people identify, regardless of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and transitions. It includes all aspects of the environment resulting from the interaction between people and places through time (Council of Europe, 2005).

Cultural heritage, in general, should be regarded as a key area in today's Knowledge Society, where the "key factors are knowledge and creativity" and where the most "valuable asset is investment in intangible human and social capital"[4]. As a matter of fact, the relevance of education in the field of cultural heritage has already been underlined in 1998 by the Committee of Ministers of the Council of Europe who, through the Recommendation No. R (98) 5 to Member States, asserted that "educational activities in the heritage field are an ideal way of giving meaning to the future by providing a better understanding of the past"[5].

One of the most serious challenges faced by the sector of cultural heritage in Georgia is the lack of qualified and professional staff. This is caused by the lack of higher education institutions and Vocational Education and Training (VET) colleges that would offer programmes in different disciplines of heritage conservation and management.

In accordance with the Culture Strategy of Georgia[6], policymakers, cultural professionals, key stakeholders, representatives of other sectors and the general

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[4] European Department for Employment and Social Affairs. Retrieved from: http://ec.europa.eu/employment_social/knowledge_society/index_en.htm.

[5] Recommendation No. R (98) 5 of the Committee of Ministers to Member States Concerning Heritage Education (1998). Retrieved from: http://www.kultura.ejgv.euskadi.net/r46–4874/es/contenidos/informacion/manifiestos_patrimonio/es_8658/adjuntos/DOC56.pdf.

[6] The Ministry of Culture and Monument Protection of Georgia (2016). Retrieved from: http://www.georgianmuseums.ge/ckfinder/userfiles/files/kulturis-strategia-2025-bolo.pdf.

public fully acknowledge the importance of cultural heritage and its role to the country's sustainable development and social well-being. As a Georgian field expert states, it is necessary to plan public communication strategy and create appropriate instruments for its implementation in order to raise public awareness regarding the innovative interpretation and representation of the role of culture and in order to develop necessary awareness-raising programmes (Tsintsabadze, 2003).

Today, higher and vocational educational institutions in Georgia do not produce highly qualified professionals for culture and other related fields, do not create effective interdisciplinary programmes for students studying culture and other areas and do not develop academic research in collaboration with research institutions (Tevzadze, Tsintsabadze, & Chachkhunashvili, 2014). Consequently, it is needed to carry out the legislative reform of the system of cultural education, including arts education, and therefore, update legal and regulatory framework of higher and vocational education systems, taking the specificities of the sector into consideration.

The above-mentioned problems illustrate that professional programmes are fragmented and insufficient. The existing educational programmes are not fully developed so far, because of lack of specific researches and publications at national level. As the previously referred field expert (Tsintsabadze, 2003) continues, a solution in the given reality could be sought through international doctrines, however, most of those doctrines are not translated into Georgian. The number one priority in heritage protection field in terms of knowledge improvement and raising awareness about the heritage values is development of curricula on cultural heritage protection and management.

In order to effectively maintain Georgia's diverse cultural heritage it is necessary to inform wider society and keep them aware of the heritage preservation issues. One of the functions of political, executive and professional institutions of cultural heritage should be dissemination of knowledge regarding the national heritage and inspiring interest toward it among the wider public. It will be useful to use different media to inform public regarding the benefits of heritage conservation and the threats facing the heritage.

To conclude, we should never forget that both education and cultural heritage is about human beings. By its very nature we are a mixture of emotions and reasons. The role of heritage and education is to discover how to reach both. For that reason, we should never forget that behind each element of the cultural heritage there is a human being with his/her own existence and story. Generally

speaking, that human being belongs to the past, and so do the objects he/she has produced; but it can also be skills or traditions one wants to pass on to future generations.

INTERNATIONALIZATION OF GEORGIAN CULTURE AND HERITAGE PROTECTION

Georgia is an active participant of international cultural processes; it is a subject of interest for the rest of the world with its rich cultural heritage, vibrant cultural life and arts. The internationalization of the cultural sector will help the development of culture, increase the nation's export capacity and empower its image.

In 2014, Georgia signed an Association Agreement with EU, which also provides for cooperation in the area of cultural heritage (Chapter 17). According to the Agreement, cooperation between the parties will foster intercultural dialogue, including through the participation of the culture sector and civil society from the EU and Georgia (Article 362); the parties shall concentrate their cooperation in a number of fields (Article 363)[7]:

- cultural cooperation and cultural exchanges;
- mobility of art and artists and strengthening of the capacity of the cultural sector;
- intercultural dialogue;
- dialogue on cultural policy, and
- cooperation in international fora such as UNESCO and the Council of Europe, inter alia, in order to foster cultural diversity, and preserve and valorize cultural and historical heritage.

Georgia has joined the following international conventions so far in the area of culture:

- the Council of Europe, Framework Convention on the Value of Cultural Heritage for Society (2005);
- European Convention on the Protection of the Archaeological Heritage (Revised 1992);
- The Council of Europe, Convention for the Protection of the Architectural Heritage of Europe (1985);

[7] Retrieved from: https://cdn1-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/VjycjKJ-ii28659I8FYZ-8Phir2Qqs0f2jZUoh4un5IE/mtime:1473773763/sites/eeas/files/association_agreement.pdf.

- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005);
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003);
- UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972);
- UNESCO Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954).

Based on several sources (Judy, 2008; The Ministry of Culture and Monument Protection of Georgia, 2016), due to some long-lasting problems related with implementation of the World Heritage Convention, the National Agency for Cultural Heritage Preservation of Georgia has been working on a Georgian State Programme of World Heritage, established on a recommendation of UNESCO World Heritage Committee to develop a World Heritage National Programme. However, Georgia is still unable to overcome a complex of incompatibility of heritage and economics and to take into account the specific character and interests of the cultural heritage when devising economic policies; and ensure that these policies respect the integrity of the cultural heritage without compromising its inherent values (ICOMOS Georgia, 2014).

The European Commission and Georgia's partner countries support the development of the cultural sphere and its harmonization with European standards[8]. In partnership with the Council of Europe some management development projects are being piloted in urban heritage as a social economic development facilitating factor. Moreover, the embassies of Georgia's partner countries have different cultural projects. For example, the British Council, Goethe Institute and other centers set the bar high for cultural projects' quality in Georgia.

In Georgia, the development of heritage sector depends on how much the programmes implemented in the frame of the above large-scale cooperation are integrated into the National Policy and strategic goals of Heritage Sector. It is vital that international organizations and partner countries would intensify their monitoring of outcomes of the assistance and cooperation provided in heritage sector as well as the compliance with international commitments.

[8] Faro Convention (2005). Retrieved from: https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680083746.

THE PLACE OF GEORGIAN HERITAGE IN THE CULTURAL WORLD

Georgia preserves the evidence in all areas of the human activity: in agriculture, we can see the archaeological evidence indicating the origination of this practice, in particular, the earliest stages of husbandry and viticulture; in metallurgy, there are unique monuments revealing that the secrets of mining were known here; in medicine, Medea and the myth of Golden Fleece inevitably comes to one's mind, and also the sophisticated art of trepanation preserved in Khevsureti to our days and handcrafted medical tools kept in Barisakho museum. Observing lofty monuments of medieval Georgian architecture one will be enchanted by their creative upsurge and exquisite masonry. One can also easily find in Georgia reliable physical, oral, musical or written evidence pointing out developed engineering, scientific, and educational practices. Despite its turbulent history, the country not only has not stayed behind the global trends but also contributed to the human development.

Georgia's heritage is marked with the nation's creative gene and its continuity; intellectual, academic, industrial knowledge and talent; a prehistoric identity still unexplored, the richest culture of husbandry; traditional dwellings that are about to extinct; the warrior past making people to be proud of it: brilliant victories and tragic losses; the skill of accepting and digesting its conquerors' culture, which can be even called adaptability, even very indecent looking at times, but still the only way of self-defense and survival; and lastly, this is the Georgian language, a denominator of the Georgians national and spiritual identity – all these make a precondition to the uniqueness of the Georgian cultural heritage.

And finally, the diversity of the heritage, a live cultural environment is a fertile soil, where the most daring and the most innovative modern art can flourish, whether it be architecture or street art. This is the soil offering a limitless space to an artist, inspiring and setting high creative standards, refining taste, developing a broad outlook, and thus laying the bridge to creative latitude. The link of Cultural Heritage with other arts, however invisible it may be, is still deep and organic. This interaction creates a strong impulse, which needs to be exploited. There is no heritage without a broader context of *socium* and culture.

Being situated at the crossing point of Europe and Asia, inter-cultural communication represents an important source for the enforcement of Georgia's national identity. Such communication benefits in strengthening of trust and

contacts between the government and the society and stimulated dialogue, tolerance and mutual understanding. A capable cultural sector, with the result that cultural heritage is understood and protected and the capacity of arts and creativity is fully employed, can exercise an important influence on all areas of sustainable development. International recognition of Georgia's cultural heritage and artistic possibility and successful illustration of Georgia's creative industries on an international stage will effectively establish its role as a regional cultural centre and will demonstrate its place on the world's cultural map.

CONCLUSION

Cultural Heritage is an inexhaustible resource for Georgia's economic and social development; identification, protection, interpretation and usage of this valuable resource are necessary preconditions for the country's social and economic progress. Cultural Heritage is an essential part of the environmental policy without which the country's viability becomes questionable.

The state shall facilitate the community empowerment through preservation and development of the cultural heritage – its organic environment, because without protection of the cultural environment and misusing the opportunities offered by it we cannot achieve the right – i.e., viable, sustainable – social and economic development of our country. This approach shall be clearly pronounced in our cultural heritage policies, legislation, management and administration systems, and clear delimitation of public agencies' competences.

The heritage protection quality and principles determined by its typological diversity have a vital importance. The diversity of the heritage is leading to diversification of the ways of its protection through creation of an evaluation system, which is built on appropriate values, and identification of its historic, social and cultural features. This diversity deserves to be appropriately studied and reflected in our legislation and conservation methodology, which demands the relevant reformatory process.

It is important to maintain balance between the rights and interests of the both, the state and the owner, whenever there is an issue of protection or usage of the cultural heritage, and at the same time observe the community's title to this heritage. The government shall try to make the owners its allies in the heritage protection, and care for improvement of their conditions. This brings us to the necessity of facilitation of cooperation between public agencies and the owners.

The public agencies shall set an example by stewardship and care of the cultural heritage properties being in the private ownership. This will be decisive for bringing this area under the rule of law.

Sharing the international experience, empowering and shaping out the community's role in cultural heritage management, restoring the volunteering institution and using it for daily stewardship and protection – these altogether will lay a viable road to the heritage protection, creating a culture of conservation.

Future research paths first of all may extend the proposed suggestions and test it in several different contexts when it comes to cultural heritage protection and management. We are referring to not just "traditional" tangible heritage, but even to intangible heritage. Furthermore, future research may detail the role played by different kinds of local stakeholders in promotion and support, offering comprehensive strategies for better governing mechanisms, setting up institutions for collaborations, public-public and public-private partnerships and initiatives.

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REVIEWS

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Leonardo Morlino, *Comparison: a Methodological Introduction for the Social Sciences*. Opladen, Berlin, Toronto: Barbara Budrich Publishers 2018, pp. 128

*Michał Dahl**

The ability to properly formulate methodological assumptions is seen as a key skill for every social sciences researcher. The use of research methods and techniques that are applicable to research problems not only forms the basis of each study, but also serves as its inherent element that often decides about the success of the undertaken project. Delivering the high quality of methodological education for young scholars is one of the biggest challenges for the system of graduate schools around the world. Being able to write papers for peer-reviewed scientific journals requires thorough knowledge that cannot be derived only from classic methodological textbooks (leaving the substantive issues aside), often devoid of the practical context of the phenomena and processes described. A book entitled *Comparison: A Methodological Introduction for the Social Sciences*, written by Leonardo Morlino, serves as a perfect example of a modern methodological textbook that satisfies all the standards imposed by contemporary social sciences.

The reviewed publication has been divided into nine chapters preceded by a short preface. The first chapter of the work serves as an introduction, where the author specifies the main objectives of every research conducted within the discipline of social sciences. Morlino also presents his attitude towards methodology, conscious analysis of which he calls "[a] preliminary part of any research purporting to be 'scientific', even in a broad sense" (p. 9).

Implied by the preface, the main aim of the work is to deliver a simple introduction about the comparative method, dedicated mostly to students interested in understanding its characteristics and practical use (p. 7). The arrangement of subsequent chapters reflects the abovementioned purpose.

* Nicolaus Copernicus University in Toruń, Faculty of Political Science and Security Studies.

By dividing the book into somewhat short parts devoted to practicality, the author refers to the convention of the textbook. Rather than a detail-oriented and descriptive form, associated with a classic academic textbook, Morlino's project adopts practical dimension. Perhaps the greatest strength of the book is the manner in which it presents issues perceived as difficult and complex. Unlike many other methodological textbooks, *Comparison…* is written in accessible language, its structure is logical and consistent. The titles and order of the chapters allow the reader to find requested aspects of the use of comparative method in social sciences quickly. Starting particular titles of the chapter with key words for every scientific discipline, such as: "why" (p. 20), "what" (pp. 35, 46), and "how" (pp. 61, 86), creates a causative sequence desired by the reader. Highlighting the most important issues by putting them into boxes (e.g., pp. 14, 40, 66, 99), placing control questions at the end of every chapter, as well as the use of tables (e.g., pp. 40, 53, 75, 94) and figures (e.g., pp. 41, 58, 74, 100) not only helps the reader to acquire the presented knowledge, but also enables them to summarize and easily analyze the presented content. Moreover, what accounts for the uniqueness of Morlino's work is replacing purely theoretical argument with numerous examples and case studies (e.g., pp. 10, 39, 70). However, it does not mean that the author refrains from explaining theoretical concepts useful in proper adoption of the comparative method. On the contrary, the description of theories such as, for example, "the Ogden and Richards' triangle" (p. 61), or the "Tree of Porphyry" (p. 69), is followed by the information of its practical adoption, what – partially due to the use of contemporary examples – makes the theory more applicable and easier to process. The author's focus on the practical aspects did not lead to a complete elimination of historical references. Morlino provides a brief historical background in particular subsections where he finds it necessary and beneficial for the reader. The sections which include a relatively long reference are divided into subsections numbered "2.2", etc. (pp. 14–18), where the author discusses the most significant theorists who contributed to the understanding of comparison as a scientific method. At the same time, the lack of footnotes and Morlino's concern not to distract the reader from the content deserve the highest recognition. The only references made by the author are placed in-text, redirecting the reader to the bibliography, containing well-known books from the canon, as well as the latest works published by methodological authorities from all over the world.

The fact that the analyzed book is practical and concise, which was pointed out as its main strength, may also be perceived as its main weakness. The structure of the work, shaping it as a guidebook or even a manual, allows for questioning the scientific character of *Comparison…* It is hard to resist the impression that the author could have provided more basic knowledge

about the comparative method and increase the reader's understanding of the issues being subject of the analysis (e.g., by indicating interesting facts in footnotes). Moreover, if the author wanted to create an easily accessible introduction about the comparative method dedicated mostly for students (which he explicitly confirms), he could have considered adding an additional section at the end of every chapter in which he would mention a few books whose reading – in his opinion – would increase students' knowledge about the notion of comparison. Furthermore, choosing a "guidebook" formula instead of the classic one should be reflected in its graphical layer. Morlino's work might benefit from being re-edited, from having the layout of the text changed, and from additional graphic elements added. That would help the reader to acquire knowledge and it would make the process of reading significantly more pleasant and effective. Those remarks, however, do not affect the unambiguously positive reception of the monograph.

Taking everything into consideration, the book *Comparison: A Methodological Introduction for the Social Sciences* written by Leonardo Morlino is undoubtedly worth reading. The reviewed work is a valuable and current source of information on the use of comparative method for social sciences. The structure of the book is logical and compact, and the division into chapters and subsections is clear. What makes Morlino's book unique and important are: the manner of presenting issues generally perceived as difficult and complex, accessible language, reader-friendly graphic layout, and – most importantly – focus on practical aspects and providing references to well-selected works included in bibliography. Since *Comparison…* is a valuable publication that fully fulfills its role and fills an important gap in the literature on the subject, I definitely recommend reading it, not only to students interested in the use of comparative method in social sciences. Hopefully, more books will be written in a similar practical mode, contributing to the knowledge and development of the practical skills of young scholars around the world.