

Constitutional coup in Poland

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1 December 2015

The right-wing Law and Justice Party (PiS) has wasted no time since its election victory on October 25. In a constitutional coup, it is attempting to concentrate all the levers of state power in its hands. Like the Fidesz party of Viktor Orban in Hungary, PiS is seeking to consolidate its power with the support of the judiciary, intelligence agencies and a co-opted media.

Only two days after the swearing-in of Prime Minister Beata Szydło, the heads of the four intelligence agencies were ordered to a meeting. Also present was Jarosław Kaczyński, the strongman of the PiS who leads the party autocratically. On the same evening, the four generals resigned “voluntarily”.

The new major figure in the intelligence agencies is Mariusz Kamiński, a close ally of Kaczyński. In the new government he is the minister responsible for coordinating the two civil and two military intelligence agencies.

When Kaczyński headed the government from 2006 to 2007, Kamiński expanded the anti-corruption agency CBA into a fifth intelligence agency. He acted so blatantly in violation of the law that in March 2015 he received a three-year prison sentence and was barred from holding public office for 10 years.

Although the confirmation of the ruling is outstanding, President Andrzej Duda issued him a pardon so he could take up his new post. Duda, also a PiS member, was elected president in May. Duda is seen as a puppet of Kaczyński and, according to media reports, the two men meet nightly for a briefing.

According to the former president of the Constitutional Court, Andrzej Zoll, the pardon for Duda represented an overstepping of constitutional competencies. The pardon was a humanitarian instrument and did not permit the protection of party colleagues from punishment, Zoll said. Duda justified the pardon by claiming his prosecution had been politically motivated.

In a further step, PiS has excluded the opposition parties from control over the intelligence services by reducing the parliamentary committee from nine to seven members and abolishing the rotating chairmanship between the government and opposition. In this way, only trusted figures from PiS will lead and control the intelligence services.

At the same time, PiS is attempting to bring the Constitutional Court, which reviews laws to determine their constitutionality, under its control. In a parliamentary sitting, PiS rushed a law through which declared the election of five justices by the previous parliament to be invalid. They have thus created the groundwork for the filling of the 15-person court with a pro-PiS majority.

According to leading judges, this approach is illegal. According to Zoll’s former colleague Jerzy Stępień, the first reading of the legislation did not take place before a full sitting of parliament as required, but only in one of the PiS-dominated committees. In addition, only the Constitutional Court is permitted to overturn elections by a previous parliament.

Control over the court serves the purpose of preparing the way for constitutional changes long announced by the PiS. Among other things, the party intends to eliminate the balance of powers between executive, legislative and judicial branches and create the basis of authoritarian forms of rule by weakening parliament. PiS also opposes the right to abortion and the separation of church and state.

PiS is also attempting to muzzle the media and cultural scene. New cultural minister Piotr Gliński sought to block the performance of the play *Der Tod und das Mädchen* by Austrian Nobel Prize winner Elfriede Jelinek at a theatre in Breslau. He called upon the chief of the regional administration in a letter to ban the play due to alleged pornographic scenes.

After journalist Karolina Lewicka then repeatedly

asked the minister on public television TVP if his actions contradicted the freedom of art proclaimed in the constitution, the head of the station, Janusz Daszczyński, temporarily suspended her from the programme. The journalist had not observed the standards of public television, it was claimed.

Prior to this, Gliński explicitly warned of state intervention against the broadcaster's programme, which he accused of manipulating and spreading propaganda for years. The broadcaster's ethics committee will now decide whether the journalist should be fired.

Gliński bluntly declared that in state-funded cultural institutions and publications there is no artistic freedom, and announced a spate of new appointments to publicly-funded media. History lessons are to be altered in order that children are raised to embrace more Polish patriotism.

In foreign policy, the PiS government has struck an even more aggressive tone towards Moscow than its predecessors of the Citizens Platform (PO), demonstratively distancing itself from the European Union. Already, at the outset of his period in office, President Duda urged less Brussels and more NATO in Polish foreign policy.

At the first regular weekly government press conference, Prime Minister Szydło did not appear in front of Polish and EU flags as has been the norm, but only with a Polish flag. The new government intends to accept no refugees from the Middle East. The previous government, in a concession to Berlin and Brussels, agreed to accept the symbolic number of 7,000 refugees over the coming two years.

At the same time, the PiS government is seeking to position NATO even more strongly in opposition to Russia. Foreign Minister Witold Waszczykowski, a bitter anti-Russian hardliner, demanded the abandonment of the NATO-Russia agreement of 1997, in which NATO agreed not to station troops in central Europe, after the shooting down of a Russian jet by Turkey.

An element of panic is evident in the tempo and ruthlessness with which PiS is seeking to secure its power. Kaczyński realises he only has a small window of opportunity to consolidate his power. When his government fell apart in 2007 following just a year in office over differences with coalition partners, and his

twin Lech Kaczyński died in a plane crash in 2010, the PiS era was seemingly over. Its base exists above all in backward, rural regions and in the Catholic Church.

But PO's pro-EU stance, based on more liberal sections of the urban population, polarised Polish society. While privileged sections of the middle class became wealthy through their access to EU funding, wages remained low and unemployment high. Social services were destroyed. Millions of pensioners, rural residents and people in need of support live in indescribable poverty.

Under these conditions, PiS secured a comeback with a mixture of nationalist agitation and social demagoguery. The votes of around one-fifth of the electorate, 37 percent of the vote on a turnout of 51 percent, secured it a majority in parliament.

This weak social base is not strong enough to sustain PiS through major social conflicts and the party is therefore trying to secure its rule by dictatorial means.



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