

Conflict between Polish government and opposition escalates over Supreme Court

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The past week witnessed an escalation of the conflict between the right-wing Law and Justice (PiS) government in Poland and the pro-European Union (EU) liberal opposition over attempts by the PiS to fully bring the Supreme Court under its control.

The PiS majority in the Polish parliament [*Sejm*] voted on the forced, immediate retirement of all Supreme Court judges, which was to take effect July 4. Only current judges who receive a special permission from President Andrzej Duda will be permitted to stay on. This measure would enable the PiS-dominated parliament to set up a Supreme Court of its liking.

Several thousand people protested against this blatant attempt to subordinate the judiciary the government. The protests were organized by the pro-EU opposition, to which many of the current Supreme Court judges are close.

The head of the Court, Małgorzata Gersdorf, defied her dismissal by the government and showed up for work on Wednesday, arguing she had been appointed until 2020 and that the PiS's moves were in defiance of the country's constitution. Gersdorf described the new legislation as a "purge."

One commentator for the conservative *Rzeczpospolita* warned that PiS overhaul of the judiciary would result in a situation in which political opponents of the government could be put on trial before judges handpicked by the same government.

Much about the situation remains unclear. Polish news reports have speculated that Gersdorf might have reached a "secret agreement" with Duda since the latter did not formally complete her dismissal. Gersdorf is now leaving for a vacation after having appointed as her replacement the same judge that the PiS wants to appoint as her successor.

European Union politicians denounced the reform as

an assault on judicial independence. Guy Verhofstadt, a Belgian Member of the European Parliament and leader of the Alliance of Liberals and Democrats for Europe, described the Polish government's action as "a question of principles, of our common community." Last year, the EU launched an investigation into Poland's legal situation, the first-ever investigation into the legal affairs of a member country, a process that could result in the country leaving the EU.

The EU's talk about "principles" and "values" is hypocritical nonsense that seeks to cover up both the political issues involved in the dispute in Poland and the right-wing character of the EU itself.

The rightward shift of the European Union, pushed for above all by its leading imperialist powers, Germany and France, over the question of refugees, has no doubt encouraged the PiS to press ahead with the establishment of a full-blown authoritarian regime.

The appeal of the Polish liberal opposition to the EU as the supposed guarantor of democratic rights has no credibility whatsoever.

Underlying the conflict between PiS and the liberal opposition, led by the Civic Platform (PO), are sharp divisions over both how to suppress and divert social and political opposition in the working class and the overall direction of Polish foreign policy.

Speaking for a section of the Polish bourgeoisie and layers of the upper middle class, the liberal opposition is concerned not with the democratic rights of the working class, but with its own ability to determine and co-direct Polish domestic and foreign policy. The subordination of the Supreme Court to the government, following moves to weaken parliament in 2015-16, create a paramilitary unit under the supervision of the ministry of defense and establish direct government control over the intelligence services, would make this

all but impossible.

The liberal opposition also fears that reckless moves toward dictatorial forms of rule will trigger uncontrollable opposition within the working class, and destabilize the political situation.

Krzysztof Brejza, a PO member of parliament, criticized the reform as “Chaos, dilettantism, sloppiness, a botch-up, a makeshift decision, anti-statism.” The liberal opposition’s fear of any mobilization of Polish workers against the PiS has been underscored by its stubborn insistence not to appeal to the considerable social or political discontent within broader layers of the population. On the contrary, the PO has consistently attacked PiS from the right on social issues such as the payment of child support. In attacking the PiS, PO supporters and representatives regularly describe it as employing “Communist” methods.

Equally, if not more significant, are the sharp divisions over foreign policy. The official bourgeois opposition, unlike the PiS, considers European Union membership of Poland, and a maintenance of the EU as it is, vital to the country’s economic and strategic interests. It, therefore, insists on close cooperation with Germany, which is still by far Poland’s most important economic partner.

The PiS, by contrast, speaks for a section of the Polish elite deeply concerned about Germany’s dominance of the EU and the recent escalating drive to revive German militarism. The PiS government has also bitterly opposed the formation of European army now being pushed for above all by France and Germany. The latter proposal is an attempt to build a military force to advance those two nations’ interests independent of the US-led NATO alliance. (See also: European defence ministers sign on to European Intervention Initiative)

To counter the influence of Germany, the PiS banks on a close alliance with American imperialism, and a revival of the so-called Intermarium alliance, a union of right-wing regimes in Eastern Europe and the Caucasus, under Polish leadership and with US support.

Given the escalating conflicts between the European Union—and especially Germany—and the Trump administration, the rifts over foreign policy within the Polish bourgeoisie have become ever sharper.

Earlier this year, the PiS government offered the US

\$2 billion for the stationing of a US armored division on Polish soil in preparation for a potential military conflict with Russia. The Center for Strategic and International Studies (CSIS), an influential Washington think tank, commented June 7 on the proposal in a piece headlined “Has Poland Cracked the Trump Code, and Will That Put Cracks in the NATO Alliance?”

The CSIS effectively endorsed the proposal to station troops in Poland, but argued that the \$2 billion offered by the PiS government was “simply insufficiently attractive for the United States to place division-sized base infrastructure in Poland.” Pointing out that much in the Polish proposal remained unclear logistically, the CSIS suggested that proposal might actually envision “relocation of U.S. forces in Germany and Italy (neither of which spends 2 percent of GDP on defense) to Poland.” The CSIS concluded by warning that the Polish proposal, while fundamentally correct, would in this form threaten to erode “NATO’s cohesion and solidarity.”

Very little information has emerged as to whether and in what way the White House and Pentagon have been discussing the Polish proposal. However, earlier this week, President Trump announced that he was considering the withdrawal of the 35,000 American troops still stationed in Germany.

Over the past year, the Trump administration has increased the already considerable US military cooperation with Poland. During his visit in Warsaw one year ago, Trump publicly endorsed the PiS’s Intermarium strategy and its far-right policies.

In May this year, the US Air Force began flying MQ-Reaper drones from Poland’s Miroslawiec Air Base. As of now, the drones are used primarily for surveillance, intelligence and reconnaissance, but they can also fly equipped with armed missiles. Explaining why Poland had been chosen as an air base, Auburn Davis from the US Air Forces in Europe, praised the country for its “strategic location” in Europe and its role as “a pillar of stability in the region.”



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