

THE EFFECTS OF INTERNAL DYNAMICS ON THE DEMOCRATIC BACKSLIDING PROCESS IN EASTERN EUROPEAN COUNTRIES: THE CASE OF POLAND

Sümer Esin ŞENYURT¹

Abstract: Poland, a significant country in Eastern Europe, has traversed a notable journey of democratization, transitioning from socialism in a multi-phased process. Under socialist rule from 1945 to 1989, Poland transitioned peacefully to democracy. This research explores the key internal dynamics that have influenced Poland's path to democratization. These dynamics include the roles of political parties and civil society organizations, some of which have positively impacted the democratization process, while others have posed challenges. A critical aspect of this study is examining how a populist government, elected in 2015, could potentially undermine the foundations of democracy that Poland had been building since its departure from socialism. This scenario underscores the fragility of democratic systems and highlights the importance of understanding the various internal factors that can either strengthen or weaken the democratic process.

Keywords: *Poland, Democratization, PiS.*

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¹ Master degree, University of Wrocław.
Email: 334905@uwr.edu.pl.
ORCID: 0000-0002-0794-0869.

DOĞU AVRUPA ÜLKELERİNDE İÇ DİNAMİKLERİN DEMOKRATİK GERİLEME SÜRECİ ÜZERİNDEKİ ETKİLERİ: POLONYA ÖRNEĞİ

Öz: Doğu Avrupa'nın önemli ülkelerinden biri olan Polonya, sosyalizmden çok aşamalı bir süreçle geçiş yaparak kayda değer bir demokratikleşme yolculuğu geçirmiştir. Polonya, 1945'ten 1989'a kadar sosyalist yönetim altında barışçıl bir şekilde demokrasiye geçiş yapmıştır. Bu araştırma, Polonya'nın demokratikleşme sürecini etkileyen temel iç dinamikleri incelemeye odaklanmaktadır. Bu dinamikler arasında siyasi partilerin ve sivil toplum kuruluşlarının rolleri de yer almakta olup, bunlardan bazıları demokratikleşme sürecini olumlu yönde etkilerken, bazıları da bu sürece meydan okumuştur. Bu çalışmanın kritik bir yönü, 2015 yılında seçilen popülist bir hükümetin, Polonya'nın sosyalizmden ayrılmasından bu yana inşa ettiği demokrasinin temellerini nasıl zayıflatabileceğinin incelenmesidir. Bu senaryo, demokratik sistemlerin kırılabilirliğinin altını çizmekte ve demokratik süreci güçlendirebilecek ya da zayıflatabilecek çeşitli iç faktörleri anlamının önemini vurgulamaktadır.

Anahtar Kelimeler: *Polonya, Demokratikleşme, PiS.*

Introduction

The concept of democratization is defined as the process of transformation that begins with the transition from an authoritarian political system to a democratic system, where a limited democratic structure becomes a real democracy.² In other words, democratization, which includes indispensable elements such as human rights and the rule of law in addition to its political aspects, was a comprehensive process that mostly affected the political system and ensured the participation of the people in state administration.³

It can be argued that democratization is largely related to domestic political dynamics and that the role of international factors is negligible.⁴ On the other hand, the effects of international factors on democratization have become more pronounced, especially during the global rise of liberal democracy following the end of the Cold War.⁵

On the other hand, today, there is a worldwide process in which liberal democracy is being curbed and populist authoritarian rulers or administrations are on the rise. Leaders of these rising movements are often characterized by their anti-pluralist, xenophobic, patriarchal, and authoritarian styles. Populism, which can be defined as the opposition to economic and political elitism, is a concept that refers to a political way of thinking that bases itself on ordinary people and believes that virtue lies in ordinary people. Populism is the opposite of pluralist democracy and is seen as an authoritarian democracy.⁶ Populist movements have three main characteristics. First, they aim to capture the state, that is, power. Second, they resort to corruption and favoritism to protect their supporters. Third, they make a systematic effort to suppress civil society. Authoritarian leaders undoubtedly engage in similar practices. What distinguishes populists from them, however, is that they legitimize their rule by claiming that they are the true representatives of the people, hiding behind election results.⁷

With the end of the Cold War, Eastern European countries entered an important transformation process on the world political scene. Countries in this region have experienced radical changes in their political and economic structures by transitioning from socialist regimes to democratic

² Chull Doh Shin & Rollin F. Tusalem (2007), "The Cultural and Institutional Dynamics of Global Democratization", *Taiwan Journal of Democracy*, Vol. 3, No: 1, p. 3.

³ Bülent Tanör (1997), *Türkiye'de Demokratikleşme Perspektifleri*, İstanbul: TÜSİAD, p. 19.

⁴ Guillermo O'Donnell & Philippe C. Schmitter (1986), *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*, Baltimore: The Johns Hopkins University Press, p. 6.

⁵ Hans Peter Schmitz (2004), "Domestic and Transnational Perspectives on Democratization", *International Studies Review*, Vol. 6, No: 3, p. 419.

⁶ Andrew Heywood (2007), *Siyasi İdeolojiler* (Trans. Ahmet Kemal Bayram et al.), Ankara: Adres Publications, p. 362.

⁷ Jan-Werner Müller (2019), *Popülizm Nedir?* (Trans. Onur Yıldız), İstanbul: İletişim Publications, p. 16.

governments. This article aims to examine the internal dynamics affecting the democratization processes in Eastern Europe, with a particular focus on the case of Poland. Poland transitioned to a democratic regime after a peaceful transition from socialist rule from 1945 to 1989. This transition has had significant implications at both the regional and global levels and has revealed the complex nature of the democratization process.

This article aims to provide an in-depth analysis of the main internal dynamics shaping the democratization process in Poland. These dynamics include the activities of political parties, the role of civil society organizations, and public participation in political processes. It is also an important part of this study to show how the populist government that came to power in 2015 could undermine the democratization process that was being built step by step and how fragile democracy can be.

1. The Effects of Political Parties on Poland's Democratization Process

Since 1989, political parties have had positive or negative effects on the democratization process. In this context, the contributions of political activities to democratization until the Law and Justice Party (*Prawo i Sprawiedliwość*, PiS) government, which was the breaking point for the Polish democratization process, and the damages caused by the PiS government to democratization can be examined under different headings.

1.1. Pre-PiS Period

In 1989, following historic changes, Poland introduced a new system of government based on separation of powers, political pluralism, and a strong government cabinet. However, the establishment of a democratic political system within the framework of the democratization process has not been easy.

The European Union (EU) accession process has been the most important determining factor in the development of the political party system.⁸ This process has led to further discussion of fundamental dilemmas concerning national identity, religion, state sovereignty, or individual rights.⁹ There are three main reasons for public support for EU membership: Utilitarian expectations, the role of values and opinions, and class bias. Each of the issues specific to Poland, such as the role of the Catholic Church, populist political parties, and deep EU skepticism among farmers, has a different value despite several theoretical explanations. Since

⁸ Andrzej Antoszewski (2010), *Parties and Party Systems in the EU Member States at the Turn of the 20th and 21st Centuries*, Wrocław: Instytut Politologii Wydziału Nauk Społecznych Uniwersytetu Wrocławskiego, p. 25.

⁹ Krzysztof Zuba (2009), "Through the Looking Glass: the Attitudes of Polish Political Parties Towards the EU Before and After Accession", *Perspectives on European Politics and Society*, No: 3, p. 329.

values and identity issues are tied to economic prospects, economic prospects have been the most important source of support for EU membership.¹⁰ On the other hand, the idea of Europeanism has been successfully incorporated into the logic of Polish party politics in many ways and has been used as a propaganda tool.¹¹

Although political parties in new democracies have shown strong cohesion, in most Eastern European countries they are only partially institutionalized. At the beginning of democratic politics in Poland, the party system was unstable and far from institutionalized. In the following years, the system began to achieve structural stability and became semi-institutionalized. The transition from a one-party communist regime to democracy and pluralism led to the emergence of many new political parties in the early 1990s. In 1991, in the first free elections, the seats in the Parliament were distributed among more than twelve political parties. The presence of so many political parties in the Parliament hampered its effectiveness and made it difficult to form a stable government. Prime Minister Hanna Suchocka's government collapsed after failing to win a vote of confidence in the Parliament, forcing then-President Lech Walesa to dissolve the Parliament.¹²

In 1993, several right-wing parties received a total of 35 % of the vote, but none of them passed the 5 % threshold and could not enter parliament. This led to the Democratic Left Alliance (*Sojusz Lewicy Demokratycznej*, SLD), founded by former communists, coming to power with 20.41 % of the vote. The leftist SLD succeeded in passing the 1997 Constitution, which was drafted following the criteria of democratization. Having learned from the previous election, the right-wing parties entered the 1997 elections under the umbrella of the Solidarity Electoral Action (*Akcja Wyborcza Solidarność*, AWS) and formed a coalition government with the Freedom Union (*Unia Wolności*, UW) with 33.83 % of the vote. Under this government, systemic reforms were undertaken in areas such as education, social security, administration, and health.¹³

¹⁰ Izabela Surwillo & Karen Henderson & Gabriella Lazaridis (2010), "Between Euroscepticism and Eurosupport: the Attitudes of Urban and Rural Populations in Poland 2000 – 2008", *Europa-Asia Studies*, Vol. 62, No: 8, p. 1522.

¹¹ Abdulaziz Asyalı (2019), "Doğu Avrupa Ülkelerinin Sosyalizmden Kopuşu ve Demokratikleşme Süreci: Polonya Örneği", Master's Thesis, Mardin Artuklu Üniversitesi, Sosyal Bilimler Enstitüsü, Mardin, Türkiye, p. 76.

¹² Krzysztof Jasiewicz (2000), "Dead Ends and New Beginnings: the Quest for a Procedural Republic of Poland", *Communist and Post-Communist Studies*, Vol. 33, No: 1, p. 116.

¹³ Jerzy Jaskiernia (2017), "The Development of the Polish Party System: A Perspective of the Parliamentary Elections Results", *Polish Political Science Yearbook*, Vol. 46, No: 2, p. 230.

In the run-up to the 2001 elections, the AWS-UW coalition changed the electoral system so that they got more seats in Parliament and the social democrats got fewer. In 2001, the SLD and UP (Labour Union) coalition won the elections, but because of the electoral system change, the social democrats were able to form a government with the PSL.¹⁴ In this way, the right-wing broke the influence of the left-wing in the new parliament through the system change but lost electoral support due to their failures. This made it easier for populist approaches to gain ground, which would cause great damage to Polish democracy in the following years. This election caused turmoil in the political party system. It resulted in the defeat of the previous right-wing government, the emergence of a new left-wing coalition government, and the entry of new parties into Parliament. The fragmentation of the center-right, fed by the Solidarity Movement, led to a sharper manifestation of right-wing views reflecting concerns about the transition to democracy in populist structures. The 2001 election results also marked the end of the historic split between the Communists and the Solidarity Movement.¹⁵ On the other hand, the 2005 elections, unlike other elections, marked the end of Polish politics, which since 1989 had been characterized by a division between the Solidarity Movement and the leftists. The different political parties had similar messages and issues related to the transition process were the main focus of the election campaign. The 2005 elections resulted in an unexpected victory for the PiS, founded in 2001, with its populist rhetoric, which was characterized by some commentators as a fundamental break with the post-communist development.

1.2. The Emergence of PiS

The Law and Justice Party (*Prawo i Sprawiedliwość*-PiS) was officially founded in June 2001, thanks to the efforts of brothers Jaroslaw and Lech Kaczynski. As Minister of Justice in the Buzek government, Lech Kaczynski's uncompromising stance against bribery and corruption made him popular on the political scene. Although the split of the AWS paved the way for the birth of the PiS, the *Porozumienie Centrum* (PC) formed by Jarosław Kaczynski formed the infrastructure of the PiS. When the PC ceased its activities, the PiS was founded and its pioneers moved to the new organization. The PiS elite was made up of politicians with years of parliamentary experience.¹⁶

¹⁴ Aleks Szczerbiak (2002), "Poland's Unexpected Political Earthquake: The September 2001 Parliamentary Elections", *Journal of Communist Studies and Transition Politics*, Vol. 18, No: 3, p. 74.

¹⁵ Frances Millard (2002), "The Parliamentary Elections in Poland, September 2001", *Electoral Studies*, Vol. 22, No: 2, p. 372.

¹⁶ Dominika Liszkowska (2019), "Effectiveness of Poland's Membership in the European Union in the Light of Liberal Intergovernmental Approach", Doctoral Thesis, Kocaeli Üniversitesi Sosyal Bilimler Enstitüsü, Kocaeli, Türkiye, p. 180.

The PiS successfully appropriated the welfare logic of the discredited social democrats, while at the same time using traditional conservative and religious values. The PiS's political success was based on its subversive and totalitarian criticism of the then government's foreign and security policy actions. Some commentators have argued that social Poland defeated liberal Poland.¹⁷

While PiS was expected to form a coalition with PO, PiS preferred to form a coalition government with radical parties, namely League of Polish Families (*Liga Polskich Rodzin*, LPR) and Self-Defence of the Republic of Poland (*Samoobrona Rzeczypospolitej Polskiej*, SPR). After the coalition government between PiS, LPR, and SPR broke down and the Parliament was dissolved, early elections were called. Despite briefly coming to power in 2005, PiS lost to PO in the 2007 early elections. In the 2007 elections, the opposition PO was successful because it convinced the electorate that voting for the PO was the only way to remove the PiS government. These elections gave an important hint that the Polish party system was more entrenched. However, low voter turnout, the still incomplete institutionalization of political parties, and the lack of a strong link between parties and their supporters showed that the political system has not yet reached the criteria of an established democracy. The results of these elections showed that the political system is organized around two right-wing parties (PiS and PO), while the left-wing parties remain in the minority. This unusual situation was a consequence of the collapse of the left and liberal parties in Poland and the shift of the political axis towards the conservative right. As a result of many debates, the PO became the representative of liberal tendencies and the PiS the representative of conservative tendencies in Poland.

On April 10, 2010, a plane crash caused an earthquake in Polish politics. It killed 90 senior politicians, including President Lech Kaczyński, the twin brother of PiS leader Jarosław Kaczyński. The PiS leadership blamed the PO and the then-Prime Minister Donald Tusk for the crash, claiming that PO officials had organized the official visit that led to the crash. There were long debates and accusations between the parties, and the plane crash became a political controversy for a long time as the media kept it on the agenda. On the other hand, the 2011 elections were the first time that Poles gave their approval to the current ruling party for the second consecutive term, with the PO again defeating its rival PiS.¹⁸

¹⁷ Aleks Szczerbiak (2006), '*Social Poland*' Defeats '*Liberal Poland*'? *The September-October 2005 Polish Parliamentary and Presidential Elections*, Brighton: Sussex European Institute, p. 42.

¹⁸ Abdulaziz Asyalı (2019), "Doğu Avrupa Ülkelerinin Sosyalizmden Kopuşu ve Demokratikleşme Süreci: Polonya Örneği", p. 79.

PO promised that Poland would have a prosperous economy as in Western European countries, that it would be fully integrated into the EU, and that important steps would be taken to fully entrench democracy. These approaches were supported by all mainstream media, while PiS's rhetoric was vilified.¹⁹ The PO provoked public fears about what might happen if the PiS were to take power again, which is how it achieved electoral success. Although many of its supporters felt that it was slow to modernize the country, support for the PO was driven by concerns about stability and the opposition to PiS. These electoral results are important evidence that the party system is shaping around the PO and PiS split.²⁰

1.3. The Period of PiS in Power Alone

Before the 2015 elections, during the eight years of PO rule, Poland had become a country with free media, the highest economic growth rates in Europe, very low inflation, single-digit unemployment, reduced inequalities, and an improved health system. These improvements have been reflected in the welfare of households, bringing the country almost to the level of Western European countries. However, despite all this, the elections held in October 2015 resulted in the defeat of the PO and its partner PSL, which had been in power since 2007, at the hands of the PiS. PiS won the majority of seats in parliament, becoming the first political party to come to power alone in the post-1989 period. Moreover, the election of PiS candidate Andrzej Duda as President of the Republic reinforced this great success.

The Polish electorate showed a renewed tendency to unseat the incumbent ruling party, voters voted the PO out of power regardless of whether it had contributed economically to the country or not. One reason for this is that public trust in political parties is very low. In addition, although the overall economic indicators in the country were good, some parts of the country experienced economic difficulties, youth unemployment was twice as high as normal unemployment, there were fewer good jobs in the Eastern Polish region, many people were working in short-term jobs and lacked social security benefits, and the freezing of civil servant salary increases led to the loss of the support of young, well-educated and rural voters that had propelled the PO to victory in previous elections.

By appealing to the national and moral sentiments of these groups, who were economically resentful of the PO, PiS was able to win their support. To address their concerns, PiS promised

¹⁹ Jarosław Ostrogńiew (2015), "The Polish Parliamentary Elections of 2015", Jarosław Ostrogńiew, "The Polish Parliamentary Elections of 2015" | Counter-Currents, Date of Accession: 28.01.2024 from <https://counter-currents.com/2015/10/the-polish-parliamentary-elections-of-2015/>.

²⁰ Aleks Szczerbiak (2013), "Poland (Mainly) Chooses Stability and Continuity: The October 2011 Polish Parliamentary Election", *Perspectives on European Politics and Society*, Vol. 14, No: 4, p. 502.

to increase public spending, raise the minimum wage, introduce new child support payments, and lower the retirement age. With such promises, PiS attracted the attention of voters who had voted for left-wing parties in the past, and the party defined itself as culturally right-wing and economically left-wing.²¹

The 2015 elections have many implications for the process of democratization in Poland. Political Science has generally argued that if a country's income level increases, it becomes immune to authoritarian tendencies. However, despite Poland's rising prosperity, since 2015, the PiS has led the country down an illiberal, even authoritarian path. Although the 2/3 majority to amend the Constitution was not reached, the PiS dominance in both the Parliament and the Presidency led to the enactment of populist regulations. These regulations did great damage to the democratic structure of the state, which was just beginning to become a democracy. In other words, while PiS has made many socioeconomic advances, such as raising the minimum wage and lowering the retirement age, it has also sought to build “a state model that is different from that of Western democracies, an authoritarian system that would marginalize legal institutions”, undermining the democratization process.²²

1.4. Polarizing and Enmity-Based Approaches of the PiS

PiS can be defined as a national conservative and Christian democratic party. The keywords for PiS policies are “tradition”, “family values”, “Catholic Church” and “strong state”. In the economic sphere, PiS rejected neoliberalism in favor of solidarity and accepted the free market, but supported state interventionism. Its leader's dogmatic, highly skeptical, authoritarian, non-transparent, and uncompromising characteristics play a major role in the PiS's political approaches.²³

By adopting a style of governance similar to that of the past, where the First Secretary of the Communist Party was more important than the head of government, the PiS leader was able to dominate both the legislature and the executive.²⁴ PiS tries to justify its actions, which destroy the separation of powers, one of the most important criteria of established democracy, with the rhetoric of “sovereign democracy” or “national will”. According to this rhetoric, the political

²¹ Jerzy Jaskiernia (2017), “The Development of the Polish Party System: A Perspective of the Parliamentary Elections Results”, p. 237.

²² Abdulaziz Asyali (2019), “Doğu Avrupa Ülkelerinin Sosyalizmden Kopuşu ve Demokratikleşme Süreci: Polonya Örneği”, p. 81.

²³ Arkadiusz Modrzejewski (2017), “Catholic and Nationalist Populism in the Current Poland”, *Perspective Politice*, Vol. 10, No: 1, pp. 23-26.

²⁴ Wojciech Przybylski (2018), “Can Poland's Backsliding Be Stopped?”, *Journal of Democracy*, Vol. 29, No: 3, p. 58.

party with a parliamentary majority represents the sovereign will of Poland and therefore, can do whatever it wants in the country.

This approach has made the PiS more and more hard-line, and the party has even shifted to the extreme right of the LPR and SPR, which has made the party's policies “*Eurosceptic*”. Within the framework of these polarizing and divisive approaches based on enmity, people are constantly labeled as traitors, terrorists, or enemies, both internal and external. Former Prime Minister Donald Tusk, the PO, civil society organizations, liberals, and post-communists are seen as internal enemies, while EU bodies and immigrants are seen as external enemies.²⁵ For example, measures against the 2015 migrant crisis were characterized by the government as a “*duty to protect Christianity*” and migrants were portrayed as an “*Islamic army*” that wanted to invade Poland.²⁶

PiS has also made efforts to erase former political rivals such as Walesa from official history. The legislative amendments to Poland's historical memory, which came into force in February 2018, criminalize publicly referring to the Polish nation and state as complicit with the Nazis, punishable by imprisonment. In this way, the “*defamation of the Polish nation*” became an open-ended pretext for sanctioning dissent.²⁷

1.4.1. Weakening Judicial Independence

As a strong guardian of the democratization process, limiting the powers of the legislature and the executive within the framework of democratic criteria, the Constitutional Court (CC) has acted as an important factor contributing to the protection of human rights and EU integration. The PiS was uncomfortable with this role of the Constitutional Court and tried to limit its power to weaken the independence of the judiciary.²⁸

In 2015, PiS came to power alone and first tried to paralyze the Constitutional Court, i.e. to strip it of its power. In this context, in December 2015, a legislative amendment came into force, granting the right to choose a replacement for five judges of the Constitutional Court. The President of the Constitutional Court stated that the legislative amendment was unlawful, whereupon the PiS introduced legal provisions allowing for the impeachment of the President of the Constitutional Court. However, the Constitutional Court ruled that these regulations were

²⁵ Arkadiusz Modrzejewski (2017), “Catholic and Nationalist Populism in the Current Poland”, p. 29.

²⁶ Hakan Ozan (2018), “Seçimsel Otoriteryanizm Bağlamında Polonya’daki Hukuk ve Adalet Partisi (PiS)’nin Bir İncelemesi”, *International Social Sciences Studies Journal*, Vol. 4, No: 24, p. 4998.

²⁷ Wojciech Przybylski (2018), “Can Poland’s Backsliding Be Stopped?”, p. 61.

²⁸ Wojciech Sadurski (2018), “Polish Constitutional Tribunal Under PiS: From an Activist Court, to a Paralysed Tribunal, to a Governmental Enabler”, *Hague Journal on the Rule of Law*, Vol. 11, No: 2, p. 2.

unconstitutional. In response, the President of the Republic signed legislation requiring the five judges elected by the PiS-controlled parliament to be approved by the President of the Constitutional Court. Subsequently, in January 2016, the EU launched an inquiry to investigate whether the Polish government violated the EU's democratic criteria by exerting pressure on the judiciary and the media.

In March 2016, the functions of the Minister of Justice, which is part of the executive, and the Prosecutor General, which is part of the judiciary, were merged, placing all prosecutors under the direct supervision of the Minister of Justice, thus, dealing another blow to the principle of separation of powers, one of the main indicators of democratization. In December 2016, the term of office of the Constitutional Court President Andrzej Rzeplinski expired and President Duda appointed PiS candidate Judge Julia Przylebska as the new Constitutional Court President. By the end of 2016, the PiS had succeeded in its strategy of paralyzing the Constitutional Court and now focused on using it against the opposition.

In July 2017, Duda vetoed the government's legislative proposal to revise the Supreme Court and the National Council of the Judiciary, while on the other hand, he approved a bill empowering the Minister of Justice to appoint and dismiss the heads of civil courts. The European Commission subsequently initiated infringement proceedings against Poland, citing these provisions as nullifying the independence of the judiciary. In December 2017, Mateusz Morawiecki took office as the new Prime Minister to compromise with the EU on judicial independence. Meanwhile, President Duda approved legislation to overhaul the Supreme Court. The EU initiated proceedings against Poland under Article 7 of the Lisbon Treaty of 2009. In October 2018, the European Commission referred Poland to the European Court of Justice, the EU's highest judicial body, for violating one of the most fundamental principles of the rule of law: the independence of the judiciary.²⁹

The European Commission also asked the Court of Justice to urgently suspend the implementation of the new Polish higher judiciary law with a provisional provision until a final ruling from the court. The legislation, which the European Commission considered to be a “*violation of the independence of the judiciary*” and “*political interference in the judiciary*”,

²⁹ Abdulaziz Asyalı (2019), “Doğu Avrupa Ülkelerinin Sosyalizmden Kopuşu ve Demokratikleşme Süreci: Polonya Örneği”, p. 83.

came into force, with judges who could previously serve until the age of 70 being allowed to serve until the age of 65 for men and 60 for women.³⁰

1.4.2. Spread of Nepotism

Nepotism represents an approach incompatible with the rule of law, meritocracy, and democratization. With the PiS in sole power, the meritocratic customs of the state have been overturned and political favoritism has become widespread. For example, an institution that should be staffed by specialists, such as the Information Bureau, was emptied of specialists in 2017, with the appointment of PiS-aligned non-specialists.³¹ Thanks to the PiS parliamentary majority, the boards of directors of public companies have been used as recruitment grounds for party supporters, so that unqualified people have been appointed to these positions simply because they belong to the PiS.

1.4.3. Controlling the Media

In December 2015, a controversial law authorized the Minister of the Treasury to directly appoint the heads of public television and radio stations. In 2016, PiS also created a new institution, the National Media Council. This institution has a say in the management of public television and radio stations. In addition to these powers, the PiS government seems to be pursuing a policy of strengthening its hand by exerting pressure on private media organizations. Jacek Kurski, a prominent PiS politician, was appointed by Jaroslaw Kaczynski in 2016 to head *TVP*, the most important state broadcaster. Kurski is known in Polish public opinion for his smear campaigns against PiS opponents. So much so that Polish courts even ruled against him due to these smear campaigns. However, even these negative decisions did not prevent Kurski from entering the Sejm in 2007 and the European Parliament in 2009.

Through public institutions with the authority to regulate the media, the PiS government pursues policies that restrict opposition media outlets. For example, *TVN*, one of the country's leading television channels, was sentenced to pay a fine in 2017 for taking a biased stance regarding the legal regulations on the Polish judiciary introduced by PiS in 2016 and for not broadcasting impartially. The fine was criticized by both the EU and the United States. As a result of international reactions and pressure, the National Media Council was forced to cancel the fine.³²

³⁰ Tarık Demirkan (2018), "AB Komisyonu Polonya'yı Avrupa Adalet Divanı'na şikayet etti: 'Yargı bağımsızlığı ihlal ediliyor'", *BBC Türkçe*, 24.09.2018, Date of Accession: 29.01.2024 from <https://www.bbc.com/turkce/haberler-dunya-45628347>.

³¹ Wojciech Przybylski (2018), "Can Poland's Backsliding Be Stopped?", p. 58.

³² Mert Gevrek (2020), "Avrupa'da Artan Popülizm: Macaristan ve Polonya Örnekleri", Niğde Ömer Halisdemir Üniversitesi, Sosyal Bilimler Enstitüsü Kamu Yönetimi Anabilim Dalı, Niğde, Türkiye, p. 69.

Nevertheless, it can be argued that the Polish media still presents an independent outlook. This is because scandals involving members of the government, increases in their assets, or corruption are often reported in the media.

1.4.4. Banning Abortion

The PiS government also wanted to violate women's rights to undermine the democratization process. In this context, in 2016 the government attempted to ban abortion completely. Exceptions were made only in cases of serious and irreversible damage to the fetus, a serious threat to the mother's health, or if the pregnancy was the result of rape or incest. When the government, with the support of the Catholic Church and conservative circles opposed to abortion, tried to pass this legislation, it was met with a massive backlash.³³

2. Role of Civil Society Organizations

In 1989, the most important factor in Poland's transition to democracy was the Solidarity Movement, a civil society organization that emerged during the communist regime. The Solidarity Movement reflected society's demand for democracy and thus, became the pioneer of the great transformation. After 1989, many civil society organizations have been active in Poland in the context of the Solidarity Movement and have contributed significantly to the EU accession process.

As the new political climate after the 2015 elections began to harm the democratization process, civil society organizations, which had been working to deepen democracy in the country, took action to protect the democratic structure. The Committee for the Defense of Democracy (KOD) is one of the leading organizations operating in this context. The KOD was established after PiS won the 2015 elections. The first action of the KOD took place on November 26, 2015, on the election of five judges to the Constitutional Court. Since then, it has reacted to all governmental or presidential acts that are considered unlawful, undermine democracy, limit individual rights and freedoms, or contradict EU principles.³⁴

The PiS has tended to undermine the activities of human rights defenders and civil society organizations. Unconstitutional regulations have jeopardized the rule of law and democracy, in particular the principle of separation of powers. For example, the government subjugated and

³³ *BBC Türkçe* (2021), "Polonya'da kürtaj yasağı protestoları üçüncü gününde", 28.01.2021, Date of Accession: 29.01.2024 from <https://www.bbc.com/turkce/haberler-dunya-55839716>.

³⁴ Ireneusz Pawel Karolewski (2016), "Protest and Participation in Post-Transformation Poland: The Case of the Committee for the Defense of Democracy (KOD)", *Communist and Post-Communist Studies*, Vol. 49, No: 3, p. 265.

subordinated the Constitutional Court. In reaction, many civil society organizations organized peaceful and mass protests to defend the Constitution, the rule of law, and the independence of the judiciary.

Thanks to this mobilization of civil society, President Duda was forced to veto two of the three government bills undermining the independence of the judiciary, temporarily preserving the independence of the Supreme Court and the National Judicial Council. However, the President approved a law extending the Minister of Justice's control over the courts of first instance, thus, dealing a blow to judicial independence. In December 2017, the government resubmitted the draft law to the Supreme Court of Cassation and the National Judicial Council to the President, slightly amended, and the President approved the draft law, dealing another blow to judicial independence.

Civil society organizations participating in peaceful protests were restricted by the government and civil initiatives were targeted. Civil society organizations such as Solidarity Citizens Action (OSA), Citizens of the Republic of Poland (ORP), the Foundation for Open Dialogue (FOD), the Committee for the Defense of Democracy (KOD), Action for Democracy (AD), the Center for Women's Rights (CPK) and the Union for the Protection of Women's Rights (SOPK) have been subjected to unprecedented repression for criticizing the government. Some of these organizations have been subjected to unfair inspections, investigations, and lawsuits, and their officials have been interrogated. Foreigners linked to these organizations faced the possibility of being denied the right to live in Poland. LGBT members, on the other hand, have been prosecuted and physically attacked, and organizations, especially those advocating for women's rights, have been cut off from state support and replaced by nationalist and conservative organizations that are close to government policies.

In addition, manipulative, mostly false news reports were made about civil society organizations by media close to the government. They were accused of manipulating public opinion and receiving funding from “foreign powers”, and their officials were labeled as traitors and pawns of foreign powers. The government's targeting of these organizations in this way meant that even prominent figures such as Krzysztof Pieczyński, who was active in defending the secular state, could not escape being beaten on the streets of Warsaw.³⁵

³⁵ Abdulaziz Asyalı (2019), “Doğu Avrupa Ülkelerinin Sosyalizmden Kopuşu ve Demokratikleşme Süreci: Polonya Örneği”, p. 87.

Conclusion

The tendency of Eastern European countries to change regimes has led to an intensification of the debate on democratization. The process of democratization is the process of transformation that begins with the transition from an authoritarian political system to a democratic system, where a limited democratic structure becomes a real democracy. The process of transition to democracy constitutes an important stage for the establishment of a democratic regime. It marks the beginning of the liquidation of an authoritarian regime and the establishment of any version of democracy.

Internal dynamics, such as the activities of political parties and civil society organizations, have also played a role in Poland's democratization process. When the effects of internal dynamics on democratization are analyzed, political parties of different stripes have a significant weight in this field. Since 1989, both right-wing and left-wing parties have made significant contributions to the democratization process, and this process continued successfully until 2015, when PiS, with its populist discourse, came to power alone. However, Poland's democratization process has been and continues to be severely damaged in the process that started with the election of the PiS to power in 2015 and the election of the PiS candidate Duda as the President of the Republic.

PiS's polarizing and hostility-based approaches have undermined the fundamental elements of democracy, such as fundamental rights and freedoms and the separation of powers. Political opponents have been consistently labeled as traitors, terrorists, or enemies. On the other hand, attacks on the independence of the judiciary are among PiS's most damaging undermines to democracy. It has increased its control over the Constitutional Court and the Supreme Court, using them as instruments of repression against opponents. The replacement of merit in governance by political favoritism has undermined democratic values, such as the filling of state administrations with people close to the PiS and the rise of nepotism and corruption. Attacks on media independence are characterized by PiS's control of public broadcasting institutions and pressure on private media. This has led to the media becoming the voice of power. Violations of women's rights and crackdowns on civil society organizations are other important factors undermining the democratization process. Civil society organizations have been important domestic actors reflecting the demand for democracy, but have faced intense pressure and manipulation by the government.

Overall, the EU's capacity to respond to the Polish government's attacks on democracy appears to be limited. Despite the PiS government's open attacks on democratic processes and the EU's

criticism, the government has persisted with its policies and gained support from other candidates and member states with similar ideologies. This suggests that the spread of national conservative ideologies is part of efforts to build an authoritarian regime in Poland. Such populism-driven ideologies are not only a problem for Poland, but also a general problem that threatens democratic processes and can undermine global peace. Therefore, it is important to develop an effective strategy to combat such approaches at the global level.

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