5 New conservatism in Poland

The discourse coalition around Law and Justice

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Introduction

With the victory of the Law and Justice party (*Prawo i Sprawiedliwość*, PiS) in both the presidential and parliamentary elections of 2015, Polish liberal media, among them *Gazeta Wyborcza*, turned their attention to the milieu of conservative intellectuals (Majcherek 2015; Czupryn 2016). These had discursively supported Jarosław Kaczyński's party during the election and provided it with some crucial concepts. Among them were: "subjectivity" (*podmiotowość*), meaning capability of the subject to act and develop and implying that the Polish nation should become a subject of its own history, "Fourth Republic," a conservative alternative to the post-communist Third Republic, or "pedagogy of shame" (*pedagogika wstydu*), denoting post-communist liberals' alleged policy to educate the society by imbuing it with shame for the nation's crimes and its backwardness. Until then, this milieu had attracted little interest in the mainstream media. The Law and Justice party and especially its chairman Jarosław Kaczyński were presented in it as a danger to democracy—not as a constructive political force with a set of ideas as to how to reform the Polish Third Republic, which was how Polish conservatives, the majority of whom supported Kaczyński politically, viewed themselves. Since the mid-1990s they were busy criticizing the form the Polish liberal democracy had taken and the particular kind of "political capitalism" and "post-communism" that had emerged in the early years of transformation. This initially small circle of intellectuals grew substantially during the 2000s, integrating a younger generation and developing a full-fledged political ideology of alternative conservative modernization that Poland should embrace, in their view. This ideology stood in opposition to the dominant narrative that Poland should catch up with the West by means of neoliberal reforms.

This chapter turns to questions of the role of discursive organizations of conservatism in post-1989 Poland, how they were connected to political parties, in particular to PiS, and how they contributed to political change under PiS, both in 2005–07 and after 2015. It describes its organizational infrastructure, introduces its main concepts and storylines, and connects the latter to actual political and economic developments of the 1990s and 2000s.

By pointing to the elaborate discursive strategies of Polish conservatives, I argue that conservative intellectuals paved the way for the "conservative

revolution" effected by Law and Justice. The former greatly contributed to recent political change by establishing a conservative discourse that was an alternative to the dominant neoliberalism in its post-communist variety. To enhance this argument, I elaborate on the conservatives' links to PiS and to Kaczyński himself, emphasizing however that the conservative milieu should not be equated with the intellectual base of PiS, because it was split over the question of the legitimacy of Kaczyński-led institutional change since 2015, and in particular the dismantling of the independent Constitutional Court. Nevertheless, there is substantial overlap between Kaczyński's political ideology and the broader discourse of Polish conservatives.

There is scant academic literature on the ideas behind the political change realized by PiS since 2015. The most popular explanation for the coming to power of PiS is populism and populist politics. Shields (2012, 2015) sees populism as a reaction to the neoliberalization of the Polish economy and society, a pattern that is common to all capitalist societies, and in particular peripheral ones. For Shields (2012, 360), Polish populism is based on the same rhetorical figure of thought as occurs elsewhere: a juxtaposition of the "corrupt elite" versus the "pure people." Furthermore, Shields (ibid., 363) argues that populism tends to contain contradictory ideas (conservative and revolutionary at the same time) because its actual content is less relevant than its function in a "neoliberalized" society. However, while Polish conservatives like to refer to the juxtaposition of "elite" versus "people" or "nation," this does not comprise their entire argument as to why an overwhelming political transformation of the post-1989 order is necessary. The conservatives' search for meaning and moral renewal encompasses more than a wish for replacing the post-communist elite and catering to the demands of the people (Kofta et al. 2016). Their ideational proposition is comprehensive, structured, and sufficiently well argued to be taken seriously. Below I explain the "added value" of the concept of conservatism vis-à-vis one of populism for enabling us to explain the radical change in Polish politics in more detail.

A further tentative explanation for the growing popularity of PiS and its electoral victory is in terms of an alternative or parallel civil society (Peto et al. 2016; Ekiert 2017). Accordingly, the Church, right-wing discursive agencies, and political organizations established a dense network of non-governmental organizations capable of mobilizing supporters of rightist politics. Until 2015 scholars of civil society tended to overlook those organizations and instead to focus on "liberal" civil society. The PiS electoral victory made them turn their attention to those overlooked structures. My explanation, in terms of conservative discourse and organizations producing it, relates to this tentative argument that could be framed as "an alternative civil society." Indeed, conservative think tanks and research institutes do constitute a pro-PiS civil society that challenges the liberal concept of it. However, the focus here is on discourse-producing organizations and their relations to structures of power and omits the Church on the one hand and nationalist and proto-fascist organizations on the other. While all of them share elements of a conservative discourse, the latter two kinds of organizations engage much less in intellectual production than think tanks and research institutes and are therefore outside of the scope of this chapter.

Bucholc (2016) and Bucholc and Komornik (2016) turn to ideas of Polish conservatives when explaining the crisis around the Polish Constitutional Court which has led to an exchange of judges and politicization of this institution. They refer to these ideas as "the conservative utopia" that wants to replace the society (the demos) by the nation. This nation—that the government claims to represent—rejects procedural democracy, behind which there is supposedly no substance. While Bucholc (2016) and Bucholc and Komornik (2016) describe well this utopia and its function in justifying the anti-democratic turn of the PiS government, they do not trace its discursive origins. The current chapter intends to fill this gap.

To explain the coming to power of PiS and its aftermath, this chapter argues that conservatism is the discourse informing politics and policymaking under PiS, and providing this party with a specific political ideology. Conservative discursive actors have been working on this ideology already since the

mid-1990s. This does not imply a teleological vision of the world, according to which conservatism *had* to become a dominant political ideology through the discursive efforts of conservatism. A change in politics and policymaking did not need to happen: conservatism could have stayed just an alternative discourse to neoliberalism and socialism, with its own believers and organizations, but without much affecting Polish politics. Nevertheless, the discursive efforts of conservatives contributed to the popularity of criticism of the Third Republic and with that, the notion of a "Fourth Republic" in 2005, making the electoral victory of Law and Justice more probable. In 2015 voters once again gave a chance to the set of ideas associated with conservatism, which was because of their disappointment with the performance of the liberal-conservative Civic Platform (*Platforma Obywatelska*, PO) that had been in power in 2007–15. Yet, here again, such a political development was contingent on many factors, not just on the production of conservative discourse.

In treating Kaczyński's political ideology as an undercurrent of general Polish post-1989 conservatism, I argue that the latter is a much larger discourse and that the two should not be equated. Nevertheless, PiS chairman Kaczyński integrated many elements of the conservative discourse into his political ideology; especially criticism of the democratic-liberal Third Republic—as benefiting former communists and a part of the Solidarność elite that allied with them—was an element common both to PiS and to the larger conservative movement. Furthermore, both the narrower ideology of Kaczyński and PiS, and the larger conservative discourse, have implied that the state should be strong, sovereign and capable of pursuing national interest, not least in terms of the economy. Accordingly, the legal structures of the state, social and economic policy, but also the "politics of memory," should all be subordinated to this interest, defined as if the nation were an all-encompassing entity.

Opting for the term "conservatism" and emphasizing conservatives' search for meaning and morality in the social order does not mean that I doubt there is an authoritarian dimension to Polish politics under PiS. Indeed, I recognize an illiberal and even authoritarian character of the political solutions that PiS has been implementing since its victory in late 2015. This authoritarian drive is not least based on a sense of moral superiority that the Kaczyński faction feels vis-à-vis the remaining political elite. The conservative revolution à la Kaczyński does aim in essence at moral renewal and that is why its representatives feel entitled to an authoritarian turn. Those dimensions of Kaczyński's rule not only do not contradict each other, they constitute two sides of the same coin.

In this chapter, I follow the theoretical-methodological approach of discourse analysis proposed by Hajer (2006). His clear and practical concepts help to structure Polish political debates of the 1990s and 2000s around a few main issues and to examine both debates and organizations at the same time. Thus, to follow Hajer (2006, 71), Polish conservatism can be defined as a discourse coalition. This term implies not only actors sharing a certain discourse, but also the discourse itself—a set of "ideas, categories and concepts," as well as the social practices and institutions sustaining it. After Eggertsson (1990, 70), institutions are sets of "political and organizational" practices that are guided by cognitive schemata. Hajer's definition of discourse coalition implies that there are competing coalitions representing different discourses. Since this is a chapter on Polish conservatism, other coalitions are mentioned only indirectly. The discourse itself is organized around "emblematic issues" that represent larger problems, but also "narratives" or "storylines" having a beginning, middle and an end, though these are not always formulated at length in a conversation or in a text, but sometimes just hinted at. Using cues instead of full story lines may risk actors' being unaware that they are not always understanding them the way they are intended to be. Because of a variety of discourses in a certain society, an emblematic issue may mean different things to different actors. Even within the same speech, different discourses may come up. The following only deals with conservatives' responses to "emblematic issues" discussed in Polish society in the 1990s and 2000s and the story-

lines they came up with, while paying little attention to other discourse coalitions. Related to this are instances of "discourse structuration"—identifiable moments when a particular discourse becomes dominant in the society. There occasionally also follows "discourse institutionalization" when discourses become ingrained in social practices and institutions and thus even more powerful (Hajer 2006, 70).

As concerns conservatism as such, it is discourse containing both universal and nationally specific elements. This means that Russian, Hungarian, and Polish conservatism should share a number of features but differ with respect to specific national traditions and values. The general features of conservatism (Freeden 1996) understands as not just glorifying tradition and rejecting change, but as accepting only a particular kind of change: one re-establishing the "natural order" that at the same time is a moral one. As if echoing Freeden's specifications, Polish conservatives extensively discuss their attitude toward change in their internal debates. Having faced first the communist system and then the post-communist Third Republic, they obviously demand changes, even major ones. As historical reference points they use the First Polish Republic (1454–1795), a romantic epoch extending from the late eighteenth to the mid-nineteenth century, during which Poland was divided between Prussia, Austria, and Russia, as well as the early Solidarność period (1980–81). Referring to those periods in Polish history as well as to the national tradition in general, they construct a modern conservative order to be established in place of the post-communist one. Therefore, Polish conservatives' attitude to change is a counter-intuitive one. When the contemporary epoch is structured by institutions that conservatives deem unnatural and running counter to relevant traditions, a change or even a revolution in the name of conservatism is legitimate, in their worldview. And Polish conservatives certainly view communism and post-communism as unnatural and detrimental to the nation.

Development of conservatism as an alternative to liberalism and social democracy

The following shows how conservatism developed as a discursive alternative to liberalism and socialism over the last two decades of communism and in the post-communist period in Poland. This continuity of an intellectual and political current of conservatism strengthens the main argument of this book: that the dominating political alternative to neoliberalism in Poland, Hungary, and Russia is not populism or nationalism, but conservatism. Conservative actors in Poland, beginning in the late 1970s and acting with much more resolve in the 1990s and 2000s, developed an intellectual and political infrastructure featuring cultural magazines, publishing houses, political clubs, and parties, and vigorously engaging in major political debates. These organizations existed parallel to liberal, liberal-conservative and social-democratic ones and were part of the organizational landscape of the Polish democracy. Conservative organizations intermingled to some degree with structures of the state as well as with those of the Church, but constituted at the same time a certain niche, since they promoted storylines about the post-1989 political and social order that were not reflected in mainstream media. This order was constituted by neoliberal political and economic ideology, and remnants of communist institutions and practices, therefore, conservative discursive organizations and their storylines were not much known to the general public. Polish conservatism was largely an intellectual phenomenon, and only gained larger attention in Polish society thanks to its occasional links with politics and the Church. Its impact on Polish politics was a discursive one. The following describes the intellectual infrastructure of conservatism in Poland and how it responded to major political developments of the 1990s and 2000s.

Polish post-war conservatism has its origins in the late 1970s and is partly connected with the opposition movement. The best-known conservative organization of that time was the Young Poland Movement (*Ruch Młodej Polski*) led by Aleksander Hall, who later became an important Polish politician. Hall tried to politically resurrect the concept of the nation and rethink the state, not as opposing the nation, but as realizing national interest, referring thereby to the non-radical part of the legacy of Roman Dmowski (1864–1939), a Polish nationalist thinker and politician of the interwar period (Matyja 2015, 207). Such political ideas were ahead of their time; however, they were to some degree realized in the early Solidarność movement, which had a strong Christian and national component. In post-1989 Poland, the traditionalist legacy of the early Solidarity was one of the motives conservatives referred to in their discourse.

After the transition to liberal democracy, the intellectual milieu of conservatives began to form itself in the mid-1990s. This period of time was not accidental. The election of a post-communist candidate to the presidency in 1995, following the victory of post-communists in the parliamentary election of 1993, deeply troubled conservative-minded Poles. This double victory can count as emblematic for the society's disappointment with liberal democracy and with the liberal and conservative politicians that were responsible for the shape this democracy took. In particular, economic decisions of the former Solidarność camp led to high unemployment and institutionalized insecurity.

Following the shock of the victory of post-communists, conservatives decided to engage in discursive work to elaborate Polish conservatism as a full-fledged alternative to liberalism and socialism, and to promote their values in Polish society. The circle of the Warsaw Club of Political Critique organized regular readings of the classics of Western conservatism as well as of Greek philosophers, in order to refine its political philosophy. Conservatives from this circle wanted to "educate the children of those who took over the banks" in order to engender a change in the dominant cultural and political discourse in the future (Janek 2007, quoted in Stefanek 2013, 22). The circle met in the apartment of Marek Cichocki, who later became a consultant to President Lech Kaczyński. Tomasz Merta also belonged, a future undersecretary in the Ministry of Culture (2005–10) and consultant to PiS in cultural affairs and the project of the Fourth Republic. *Kwartalnik Polityczny* (Political Quarterly) was their main publication.

Another conservative milieu that emerged in 1993 in Cracow had ambitions similar to those of the Warsaw Club of Political Critique. It set out to offer an intellectual alternative to post-communism and liberalism and to mobilize those "25 percent of Polish society" representing conservative values who were outraged over the political comeback of the post-communists (Nowak [1996] 2005). Conservatives related to *Arcana*, a cultural magazine founded by Ryszard Legutko, perceived it as a strategic task to change the dominant political ideology in Poland and to imbue the new Polish democracy with their values (ibid.). The Center of Political Thought (*Ośrodek Myśli Politycznej*) that had been established in 1992, supported *Arcana* in this goal, attracting not only Andrzej Nowak and Ryszard Legutko, but also Rafał Matyja, Kazimierz Ujazdowski, Bronisław Wildstein, and Zdzisław Krasnodębski, all of whom were important figures in orchestrating the conservative-populist turns in Polish politics in 2005 and 2015.

Next to *Arcana*, a publication of younger conservatives with the title *Fronda*, represented by a generation of conservatives born in the 1950s and 1960s, emerged in 1994. *Fronda* was published by two charismatic editors-in-chief, Rafał Smoczyński and Grzegorz Górny, who made it a place of vigorous debate. According to conservative insiders such as Filip Memches, the years 1994–2001 represented a golden age in the history of *Fronda*, during which young Polish conservatism was still in the process of defining itself (Memches 2013). After 2001, when Smoczyński left its editorship, *Fronda* turned to the fight with "the civilization of death," waging a campaign against abortion, homosexuality, and left-liberalism and losing its intellectual niveau, according to

Memches.

Another milieu within the conservative discourse coalition that emerged in reaction to political and economic developments of the 1990s was related to the magazine *Debata*, published by Waldemar Gasper, in which the concept of "political capitalism" was formulated for the first time as a diagnosis of the malaise of the post-1989 political-economic system. The concept referred to elaborate links between business and politics in Poland and in particular to the post-communist political elite's prominent role in the post-1989 economy. A local Warsaw newspaper, *Życie Warszawy*, employing many journalists with conservative views, described those links in 1995 as a "red cobweb" (Zaremba 2010, 182).

Criticism of "political capitalism" led conservative thinkers to propose a strategy for the renewal of the Polish state. A conservative magazine, *The New State*, which emerged in 1997, published shortly thereafter an analysis by Rafał Matyja in which the author demanded a break with the post-communist order and the introduction of a new one that he proposed to call the "Fourth Republic." This discourse criticizing the post-communist elites for misusing their political position to take control of state enterprises and to establish companies likely to receive public contracts also appeared in the mainstream media. *Gazeta Wyborcza* still legitimized the "grey" system of post-communism, but the newly established conservative newspaper *Życie* published a series of articles in 1997 criticizing both the post-communist elite's excessive involvement in big business and the lack of will on the part of the more general political elite, including the conservative milieu, to correct this state of affairs (ibid., 182–3). A similar turn to the right took place in public television, which employed in the mid-1990s several young journalists with conservative views, the so-called *pampersy* ("pampers wearers"). This changed the media discourse and paved the way for the victory of the Solidarność political elites unified in the party AWS (*Akcja Wyborcza Solidarność*, "Solidarity Electoral Action") under the leadership of Marian Krzaklewski.

A further push was given to the discursive coalition of Polish conservatives by the Rywin affair in 2002. It related to an offer made by the Polish film producer Lew Rywin to the editor-in-chief of *Gazeta Wyborcza*, Adam Michnik. The offer concerned a potential adjustment to the law on public television in the interest of the publishing house behind *Gazeta Wyborcza*, if the latter paid a bribe to the SLD (*Sojusz Lewicy Demokratycznej*, "Democratic Left Alliance"), the post-communist party in power. The affair was an emblematic issue in the Polish political debate as it exposed connections between business, politics, and media in Poland and hinted at the existence of a "group holding power," an expression that Rywin used in his conversation with Michnik. Conservative politicians have subsequently long tried to identify members of this group. The affair popularized conservative criticism of the Third Republic, making the period 2003–05 an apogee of conservative influence, according to one notable conservative, Rafał Matyja (2015). During this period, the Jagielloński Club (*Klub Jagielloński*) from Cracow, established already in 1994, became known for its fresh political perspectives in the style of an "avant-garde" or "revolutionary" conservatism (Rojek 2016). Most members of the Club were in their twenties and thirties. Since 2002 the Club has been publishing a magazine, *Pressje*, that offers deep and thorough analyses of the topics dear to Polish conservatives, such as Catholic political thought, Catholic social ethic, nationalism, the politics of submission and subjectivity, and others.

Also in 2002 the conservative St. Nicholas Foundation (*Fundacja Świętego Mikołaja*) emerged, establishing the magazine *Teologia Polityczna* (Political Theology). While Polish conservatism as a whole is devoted to the promotion of Christian values, a few publishing initiatives have been particularly close to the Polish Catholic Church and have engaged in the elaboration of a Polish political theology and a Polish version of messianism. Among these, *Teologia Polityczna*, *Christianitas*, and *44/Czterdzieści i Cztery* (44/Forty and Four) stand out as the most important and ambitious. *Christianitas* was established

in 1999 and was published initially by the Club of the Catholic Book and from 2005 by the St. Benedict Foundation. *44/Czterdzieści i Cztery* was initiated almost a decade later (2008) by journalists related previously to *Fronda*. All these cultural magazines are devoted to political and religious philosophers such as Nikolai Berdyaev (1874–1948), Eric Voegelin (1901–85), Gilbert Keith Chesterton (1874–1936), and to elaborating the spiritual foundations of a new political and social order for Poland.

Conservative discursive organizations did not cease to emerge after 2005. With the coming to power of PiS following the 2005 election, conservative think tanks, discussion clubs, and other organizations mobilized to accompany the emerging Fourth Republic. The Sobieski Institute (*Instytut Sobieskiego*) was established to advise the government on political and economic matters. While initially striving to unite conservatism and liberalism, this institute was more and more inspired by ideas of a strong and efficient state, and effective and elaborate social and economic policies, and turned away from the idea of deregulation. Its director, Paweł Szałamacha, wrote four years later a book called *The Fourth Republic* and in 2015 took a post in the PiS government. But even after the re-election in 2007 of the opposition party PO, conservative discursive organizations continued to develop and refine their arguments. In 2007 the discussion platform Ronin's Club" (*Klub Ronina*) was established, and in 2009 the Republican Foundation (*Fundacja Republikańska*).

The following are the main tenets of the conservative discourse, which show how Polish conservatives have reflected real experience of the post-1989 transformation, and what positive vision of Polish modernization they have since had in mind, also with reference to Christianity.

The conservative discourse

Polish conservatives felt unease with respect to the emerging Third Republic from 1989 onward. According to them, the democratic-liberal order was not based on values and tradition, but instead, selected elements of tradition were used in it instrumentally with the purpose of legitimating the status quo (Cichocki 2013, 9; Gawin 2013, 18). There was no grand project behind the Third Republic that would draw on the Polish tradition of "Sarmatian Republicanism," romanticism, and the early Solidarność movement, references that conservatives would have wished for (Mazur and Rojek 2012; Stefanek 2013, 54). The Sarmatian Republic, sometimes called the "First Polish Republic," was a Polish-Lithuanian Commonwealth featuring proto-democratic institutions governed by nobility. For conservatives, all those periods in Polish history were characterized by a strong value-orientation that they missed in post-1989 Poland. Instead, in their view, the new order was "post-communist" above all. Here follow the main weaknesses of the post-1989 order according to Polish conservatives.

Criticism of the Third Republic

The conservatives' main criticism of the Third Republic is the continuity they see between the elites of the old and the new system. The new elites were to a large degree people who had already held high positions in political, military, and secret service structures in communist times. This new-old elite entered a pact with a part of Solidarność elites to keep an order in place that served their interests. Jarosław Kaczyński often uses the catchword *układ*, meaning an arrangement between former communists and left-liberal Solidarność elites that covers politics and business. This arrangement served in reality as a

sort of political strategy on the part of selected Solidarność members to persuade communists to share power with the opposition. The policy of drawing a line under the communist period by renouncing on the prosecution of communist political elites was considered a realist strategy to be able to transition to democracy at all. This strategy was discussed in Solidarność circles already in the early 1980s and found its expression in the roundtable negotiations from 6 February to 5 April 1989, as well as in the first democratic election on 4 June 1989, followed by the second round on 18 June 1989. According to the conservative historian Andrzej Nowak ([1996] 2005), both the communists themselves as well as the part of the Solidarność elite that was in favor of the arrangement were surprised by the smashing victory of the Solidarność camp, which they saw as a certain break with the arrangement. For Nowak and other conservatives, the non-communist part of the emerging political elite ignored the voice of the nation as expressed in the election on 4 June on the grounds that it did not fit the arrangement. That is why they decided in favor of a second round of elections designed in a way to assure the communists of more seats in the Parliament than they would have had following the first round (ibid.).

While the *układ* argument resembles the populist juxtaposition of "corrupt elite" versus "pure people," it refers to a very particular kind of corruption—a supposedly morally doubtful collusion between a part of the Solidarność elite and communists/post-communists that inhibited a true de-communization of the Polish society and politics in supposedly free Poland. This failed de-communization had consequences for the quality of the system that was built after 1989, transforming what was thought to be a new order of liberal democracy into "post-communism."

The essence of this collusion was—according to the conservative narrative—the choice of a procedural legal structure that supposedly inhibited the effectiveness of the state and comprehensive political action. "Procedural" means in this context that democracy is defined by procedures making up a system of checks and balances and separation of powers between the parliament, government, and courts. The preference of the post-communist elite for procedural structures of checks and balances in a liberal democracy was explained by Kaczyński as being in this elite's alleged interest in weakening the state. The inefficiency of the post-communist state was thus regarded by this political formation not just as a structural problem inherited from communism, but as the result of a lack of political will on the part of the post-communist elite to reform it, which was related to this elite's interest in keeping both political and economic power in the new order. That is why conservatives demanded a break with the Third Republic and the establishment of the Fourth Republic. They criticize the (present) 1997 constitution, which was approved as a compromise between the dominant political forces of that period, with the post-communist president Aleksander Kwaśniewski setting the conciliatory tone of this highest state document. Kwaśniewski was (and is) one of the figures most hated by the conservative milieu. He represented for conservatives a lack of values and an exclusive interest orientation that they saw as typical of post-communist politicians. Anyone who pursued a political career during communism becoming a liberal democrat after 1989 was for conservatives highly suspicious. Consequently, a constitution that is made in the spirit of the post-communist period would not be of any value to conservatives. From the early 1990s they called for a moral renewal and rejection of post-communist values and practices, which would culminate later in their notion of the Fourth Republic.

The most salient aspect of the storyline about elite continuity between communist and post-communist times that supposedly resulted in the moral decay of the early post-communist period was the alleged crucial role of secret services in orchestrating the political and economic transformation and in securing the (post-)communist elites' interests in the new order. One of the most important conservative intellectuals—Andrzej Zybertowicz—wrote already in 1993 a book suggesting that a major role was being played by these secret services in realizing the transition to democracy and capitalism

(Zybertowicz 1993). Zybertowicz works today as a consultant to President Andrzej Duda and discursively accompanies the PiS-made "good change" agenda with his commentaries in the media. According to Zybertowicz, there was a conspiracy among the ruling elite of communist times—including a consensus with a part of the Solidarność elite—to share the spoils gained with the new economic system. This argument captured a feeling of frustration with the results of economic reforms of the early 1990s that stole the promise of prosperity that democratic capitalism had supposedly offered.

The narrative of post-communism as affected by the disease of communism because of the continuity of the elite between two epochs was told not only by the political scientist Zybertowicz, but also by the sociologist Jadwiga Staniszkis, who also initially supported the rise of Law and Justice in becoming a major political force, but dared to criticize its authoritarian style in the post-2015 period. Staniszkis's theory of post-communism equally implied that employees of the communist secret services had anticipated a system change in the 1980s, and were clever enough to materially secure their survival in the new system (Staniszkis 1999). With their institutional privileges, they could gain the most profitable assets of the state enterprises that underwent first spontaneous, and then regulated privatization. While this theory is based on some evidence, it can nevertheless be challenged. The argument of the excessive role of former secret service members in the early transformation can be weakened by pointing to the fact that the Ministry of Domestic Affairs had only 24,000 employees on the eve of transformation. These were just a drop in the sea of newly emerged Polish entrepreneurs and owners and could have hardly collected all the rents generated by the economy of that time.

Rejection of post-communism was not just based on economic frustration and envy. Jarosław and Lech Kaczyński were a part of a milieu that offered a moral perspective on communism. They fought it on moral grounds and could not tolerate remnants of it being incarnated into a new system that was supposed to be more just and free. In their narrative, widely shared in Polish society and even in milieus not related to PiS, communism is on the one hand responsible for Poland's backwardness.[1] On the other hand, as in Andrzej Nowak's account, conservatives treat communism as a disease that is deteriorating social life and undermining civilization. Communism implies the absence of respect for private property and is driven by anarchic and destructive forces, as Nowak and colleagues argue. They would never forgive a Polish intellectual who flirted with communism in the interwar period or in the 1940s and 1950s. Such intellectuals' contribution to Polish culture after their defection from communism is not valued by conservatives, as they perceive such intellectuals' oeuvre as irreversibly contaminated by communism. For the Kaczyńskis and their supporters, only an authentic moral renewal would bring the communist epoch to an actual end.

Yet, these conservatives criticized not only remnants of communism in the new political and socio-economic system. They were equally against the neoliberal model of the economy. As Andrzej Nowak ([1996] 2005, 35) put it in his programmatic text "Our principles, our nation":

> Poland is not [...] a barbaric community, on which socio-economic reforms following models elaborated at the interface between the 'Institute for Basic Problems of Marxism Leninism' and the 'Harvard University School of Economics' should be tried out. Poland is grounded in a mature national culture, with particular principles of social life that are anchored in history, tradition, culture and prejudices.

This quotation summarizes conservatives' perspective on an appropriate political, social, and economic order. Such an order should emerge from within a nation and be consistent with this nation's values and not be imposed from above with reference to supposedly universal principles and procedures. Thus,

a neoliberal approach to economics ignores the essential needs and potential of the Polish economy.

A neoliberal model of economic policy, as was dominant in the 1990s and 2000s, implied for instance that capital has no nationality. In line with this model, a specific industrial policy in support of the national economy was not necessary. Such a policy would only have inhibited the dynamics of the market that yield the most efficient allocation of resources. As the Polish Minister of Industry in the years 1989–91, Tadeusz Syryjczyk, said, "the best industrial policy is none at all." Accordingly, no government support was given to numerous state enterprises, including shipyards, the workers in which particularly opposed communism and participated in strikes and in the Solidarność movement of the 1970s and 1980s. Even relatively prosperous enterprises were denied preferential credit and subsidies in the early 1990s, which would have given them necessary time to adjust to market conditions (Wójcik 2015). Big enterprises of the early transition period were either forced to go bankrupt or taken over by foreign investors, many of whom forced those companies to produce minor elements in their production chain or go bankrupt (ibid.). Thus, economic foundations of the new Polish democracy were politically highly controversial, a fact that especially young conservatives used to their advantage by capitalizing on discontent with neoliberal reforms in Polish society.

On the whole, within Polish conservatism there was an equally strong pro-market and anti-state current that, however, gradually faded away in the aftermath of the global financial crisis (2008–09), even though the Polish economy proved surprisingly resilient in the face of that crisis. Polish conservatives were not against liberalism as such, since they value private property and economic freedom, but grew disappointed with the economic model that offered countries on the economic periphery or semi-periphery little room for bending the rules of the market, supporting national companies and redistributing national wealth. Growing to value the market and the state simultaneously, conservatives of both the younger and the older generations increasingly turned to heterodox economic theories. For older conservatives, however, non-economic topics such as state reform or the "politics of memory" have always had ideological priority.

In the view of a younger generation of conservatives associated with *Pressje* and *Nowa Konfederacja*, the absence of support to the domestic economy during the years of economic transformation—and reliance on foreign investors instead—led to the Polish economy's "neo-colonial" dependence on the West. This argument significantly grew in force during the 2000s, when Poland entered the EU, as the dependent status of the Polish economy became more visible after accession, though it was present in the debate already before. Polish conservatives bemoaned the lack of sovereignty of the Polish economy, which they saw as subordinated to foreign companies, many of which used price transfers, which is when enterprises manipulate prices in transactions between companies belonging to the same holding, and other accounting tricks to evade Polish taxes (Wójcik 2015). As concerns the level of Polish salaries, they were kept artificially low and did not reflect the dynamics of productivity gains, which conservatives also interpreted as characteristic for a neo-colonial economic arrangement (ibid.).

Conservatives equally criticized the general model behind liberal economics, according to which Poland should "catch up with the West" (Nowak [1996] 2005). In their perception, the main neoliberal storyline of the 1990s and 2000s was that Poland should compete with Western economies by keeping its labor costs low in order to create economic growth and eventually catch up with the West. Conservatives treated this exclusive orientation to the West as unworthy of Polish culture, which they considered rich enough to deliver its own political and economic templates. Furthermore, conservatives saw the idea of having to catch up as humiliating and preferred instead a value-orientation for the economy. In their narrative, the economy is moral, too, alongside the state and the law, and so should be subordinated to considerations of what is just.

The post-communist period was, according to conservatives, based on a wrong political and economic model and suffered from the persistence of morally doubtful, "communist" practices such as corruption and collusion between political and business elites. Those features were not the only ones criticized by conservative intellectuals, who were equally concerned with the symbolic dimension of the post-1989 order. In their view, the politics of memory chosen by the post-communists amounted to the propagation of shame and guilt over Polish crimes and Poland's supposed backwardness, while it denied Poles the right to national pride. In particular the debate over events in the town of Jedwabne in northeast Poland, where Poles killed Jews during the last world war, led to a discursive division over the question of remembering Polish war crimes. Jedwabne became a further emblematic issue in the Polish debate. Conservatives have shown a tendency to see uncovering such historical truth as an anti-Polish act, since it challenges the representation of Second World War Polish victimhood. In his 2001 essay "Westerplatte or Jedwabne" in the conservative newspaper *Rzeczpospolita*, Andrzej Nowak criticizes the preoccupation of the Institute of National Remembrance of that time with Polish crimes during the Second World War, such as Jedwabne, and argues for a policy of promoting Poles' heroism, such as at the battle of Westerplatte or in the Warsaw Uprising. Nowak's and his supporters' storyline is that highlighting heroic parts of Polish history gives the society a sense of pride in belonging to the Polish nation. In the supposed emphasis on deeds of the other kind, Nowak sees a political choice intended to instill in Poles a "culture of shame" that is overall consistent with the pitiful social order that emerged under post-communism. In the domain of historical memory, as in other policy areas, a reorientation toward the moral education of the nation is needed, in the conservatives' view.

The positive political theology of the new conservatism

Having examined conservatives' main storylines with respect to the Polish Third Republic, I now turn to their positive vision of the social order. This vision has been constructed not only in response to existing problems of the post-1989 political and socio-economic system, but also with reference to the Polish and international classics of conservative thought. At the bottom of it is the concept of "conservative modernization," understood as a project to liberate the Polish nation and to enable its self-determination and capability of action. Psychological vocabulary, in particular terms such as "subjectivity" (*podmiotowość*) and "agency" (*sprawczość*), intermingles in descriptions of this modernization with references to Christianity. Christianity is proposed to be considered the actual source of agency of the Polish nation, as in the philosophy of the Russian philosopher Nikolai Berdyaev or in the late work of the Polish philosopher Stanislaw Brzozowski (1878–1911), who turned from humanism to religiosity. The reference to Berdyaev and representatives of Russian messianism is not as surprising as it seems—Polish conservatives actually share with their Russian counterparts a number of values and a desire to proselytize other nations (Herman 2014). Besides, as an author of the conservative magazine *Pressje*, Jan Maciejewski (2015) points out, Berdyaev was popular among Polish nationalists of Christian and messianic orientation in the interwar period as well. According to this worldview, the social order and the state need to be constructed on Christian values and resemble thereby the "Christianitas" order of the Middle Ages. At the same time, the new order should include freedom and not oppose modernization but foster a specific form of modernization that serves Christian values and does not challenge them.

An emancipated nation that is able to modernize the state and the economy on its own terms is at the center of the conservative construction of the social world. It is the nation that determines the law and institutions of the state, so that they best serve its interest. The procedural understanding of the

law is to be replaced with a substantive one. In the conservatives' view, a procedural order of democracy can by definition not be a carrier of values that are dear to the nation. Democracy is defined, in their worldview, by its orientation to the public good, and not by a system of checks and balances.

The draft of the constitution of the Fourth Republic is a surprisingly close realization of principles dear to Polish conservatives. First formulated as a concept in 1997 by a moderate conservative writer, Rafał Matyja, it was extensively discussed within the conservative, but also the liberal-conservative, milieu following the Rywin affair in 2002. Jarosław Kaczyński was not the first who reacted enthusiastically to it, yet he managed to appropriate the concept and the idea behind it shortly before the election in 2005. Pushed by Kaczyński, an actual project for the constitution of the Fourth Republic was worked out in 2004 by the Polish conservative politician Kazimierz Ujazdowski (Zaremba 2010, 230). This actually existing constitution project was not per se anti-democratic, as pointed out by the Polish journalist Piotr Zaremba, an author of Kaczyński's political biography, but it might well have heralded such a turn. First of all, this constitution project invoked God in its preamble. Second, it contained stipulations concerning lustration and de-communization, for which the state Institute of National Remembrance would have been responsible. Third, it intended to establish a "Commission for Truth and Justice," a peculiar invention in a presumably secular and pluralist state. The intention to set up such an institution shows thus the Kaczyński camp's opposition to democratic values of secularism and pluralism. The constitution project conveyed this camp's disdain for procedural democracy and its preference for a "value-based" order, supposedly better catering to the needs of the nation.

The subjectivity of the Polish nation that the new legal order should secure is to be realized in the economic realm as well. Thus the Polish economy should not be a mere colony of Western countries, but be able to develop independently. Mistakes that were made during the privatization period cannot be easily corrected, but a well-conceived economic policy could make a difference in the Polish economy in the course of one or two decades. Support for both producing and financial capital is a part of the program, as well as the readjustment of social and housing policy to the actual needs of the nation. In general, the economic part of the conservative political vision is the least developed, and conservative thinkers still discuss which economic institutions and instruments are in the spirit of "Christianitas" (Kędzierski 2012). Rafał Łętocha recalls, in his contributions to *Teologia Polityczna* as well as the progressive *Nowy Obywatel* (New Citizen), some of the forgotten classics of Catholic social teaching, in particular, works by Leopold Caro (1864–1939), a founder of the economic school of "solidarism" (Łętocha 2010, 2012). Kędzierski and Łętocha's arguments partly intersect with progressive ones, for instance where they see social cooperatives as an embodiment of a just economic order. In sum, economic reflection is an emerging part of conservatives' philosophy and theology. However, given that the Catholic religion has an extensive tradition of social ethics, conservatives have a lot of material to refer to.

The psychology of subjectivity finds its expression not least on the level of meanings and sense-making. Conservatives reject the supposed discourse of the left-liberal elites, who are ashamed of Poland's institutional and economic backwardness and traditional Polish mentality (Nowak [1996] 2005; Nowicka 2015). Furthermore, those elites present their shame over Poland and disdain for the Polish people as a sign of good taste—in the perception of conservatives (Nowicka 2015). The latter call it the "pedagogy of shame" and prefer instead to be proud of Poland and its traditions. Conservative thinkers emphasize instead Poland's heroic deeds and the achievements of its culture as a more effective type of patriotic education, than the critical approach to Polish history espoused by the camp close to *Gazeta Wyborcza*. Conservatives perceive their approach not least as more consistent with promoting the sense of Poland as acting in history (Nowak 2014). Conservatives strive to eliminate the supposed Polish tendency to subordinate itself to more mighty neighbors, to the EU, the US, or the West. The Cracow magazine *Pressje* devoted a whole issue (number 43) to this Polish "sin" of "submission" and promoted

"subjectivity" and "agency" instead. A discourse on this theme in the media took form just before the 2015 election (an example of Hajer's "discourse structuration"), making the PiS political message more convincing.

Conservatism and the rise of Law and Justice

Having presented the main tenets of the new Polish conservatism, I now turn to the question of the relation between brothers Kaczyński and the political parties set up by them, first the Center Agreement (*Porozumienie Centrum*, PC), 1990–2001, and Law and Justice from 2001 on the one hand, and the broader discourse coalition of conservatism on the other hand. Related to this is whether and how discursive efforts of conservative actors paved the way for the PiS victory in both 2005 and 2015.

During the 1990s, when Jarosław and Lech Kaczyński were the leaders of the Center Agreement party, they represented a peculiar position within Polish conservatism, and did not yet even identify with a particularly virulent conservative political current (Matyja 2015). At that time, they avoided nationalist and Christian rhetoric, and their main political idea was a rejection of post-communism and reform of the state. Already then, they identified with the "sanation" (*sanacja*) tradition of the interwar period, as represented by Józef Piłsudski (1867–1935), a Polish field marshal and statesman who staged a coup-d'état in 1926, introducing an authoritarian regime to supposedly morally heal the Polish state. Among the multiple right-wing parties of the 1990s, PC did not have a strong position. However, the message of Jarosław Kaczyński was always recognizable and sometimes included by other parties in their programs. Both Jarosław and Lech Kaczyński were known politicians; however, Jarosław had a reputation as a difficult person, both among colleagues and the electorate. Both belonged to the conservative milieu, but were somehow at the fringes of it. They contributed to the establishment of the magazine *The New State* and tried to popularize the idea of a moral renewal of the state, but the Polish Right was initially too fragmented and conflictual to pay heed to it. Later, the political formation of the Kaczyński brothers played a minor role in the unified rightist party AWS. The decline of AWS after four years of rule (1997–2001) gave the Kaczyński brothers a chance to reconstitute their political project under the designation of PiS.

Both PiS and PO—the other party that emerged in the wake of the AWS demise—represented the conservative milieu. They had many programmatic similarities in the initial period of their existence. As already outlined in the section on the organization of conservatism, both parties became popular following the Rywin affair in 2002. To investigate that affair, a parliamentary commission was set up in which representatives of both PiS and PO played an important role, in particular Zbigniew Ziobro from PiS and Jan Maria Rokita from PO. In the years 2001–05, a period of the rule of the post-communist party SLD, the idea of a moral renewal of the state order, framed as the establishment of a Fourth Republic, became relevant yet again. However, the debates in the election runup were less about intellectual issues than carrying on the political fight between PiS and PO. It is true that the catchword "Fourth Republic" might have had some influence on the election campaign, but so did mutual accusations and PR tricks on the part of both parties. Nevertheless, it was clearly PiS that emerged as an idea-driven party, in spite of its populism, and not PO. A further difference between these parties was that PO clearly embraced economic liberalism, whereas PiS—having however liberal members in its ranks as well—began to experiment discursively with the idea of solidarity as the opposite of liberalism.

During its period of rule in 2005–07, PiS implemented a few policy solutions related to their idea of the renewal of the state, especially as concerned anti-corruption policies and institutions. During that period, PiS was supported by conservative intellectuals such as Ryszard Legutko, Jadwiga Staniszkis, Jarosław Rymkiewicz, Andrzej Nowak, Zdzisław Krasnodębski, and others, who believed that PiS was introducing an authentic "change of climate" in Polish politics (Krasnodębski 2006). However, its coalition with the populist parties *Samoobrona* ("Self-Defense") and the League of Polish Families (*Liga Polskich Rodzin*) led this party away from conservatism and in the direction of nationalist populism. It was equally during that time that Jarosław Kaczyński allied PiS with the Catholic cleric Tadeusz Rydzyk, who runs an influential Catholic media empire including the infamous ultra-Catholic radio station "Radio Maryja." This political turn by PiS made it easier for liberals in the media and politics to mobilize against the party, which led to the electoral victory of PO in 2007. There followed eight years of PO rule during which PiS, and conservative think tanks supporting it (out of the lack of another conservative party but also their opposition to PO, and because PiS genuinely represented some conservative ideas), had time to elaborate fresh policy programs.

The process of further development of conservative thought went in parallel with the radicalization of the Polish political debate, which soon became known as the "Polish-Polish war." From the perspective of the left-liberal camp, Kaczyński's party represented right-wing populism, Catholic fundamentalism, and had authoritarian tendencies. While PiS surely had its radical aspects and forged alliances with radicals during its brief period of rule, those diagnoses missed the constructive part of the PiS political ideology, inspired by the wider conservative current of thought. However, the PiS milieu radicalized even further after 2010, when in the Smoleńsk jet catastrophe many renowned conservatives, including then-president Lech Kaczyński and Tomasz Merta, died, profoundly shocking the conservative milieu and especially people closer to PiS. The air crash became a sort of tipping point that led to a political and discursive mobilization of both supporters of PiS and representatives of the conservative discourse coalition, who had often stood behind the party. However, even in the polarized political situation that followed, conservatism was still a variegated phenomenon in Polish society that could not be unequivocally equated with nationalism or populism and was not in its entirety radical.

Conservatism and the post-2015 "good change"

After the parliamentary victory in 2015, PiS set out to implement the conservatives' positive vision of the social order. This does not mean that conservative think tanks provided PiS with elaborate policy programs. Rather, writings of conservative intellectuals provided PiS with grand narratives on which this party could structure its approach to policy. Some of those intellectuals, such as Prof. Andrzej Zybertowicz from the Adam Mickiewicz University in Poznań or Krzysztof Mazur from the Jagielloński Club, became consultants to the new political team and legitimated PiS politics with their very presence in those consultative bodies. Others, such as Paweł Szałamacha, author of the book on the Fourth Republic, even temporarily entered the government. Having ideologically paved the way for the victory of Law and Justice in the 2015 elections, think tank conservatives have since then engaged in legitimating the PiS government's actions.

Even though they do not unequivocally support the anti-democratic posture of PiS, in particular its measures affecting the Constitutional Court and the judiciary, a large number of conservative ideologues nevertheless provide justifications for such policies. In line with the general ideology of Polish

conservatives, Krzysztof Mazur of the Jagielloński Club justifies the PiS policy of reducing the power of the Constitutional Court by pointing to the Court's role in consolidating the post-communist Third Republic (Mazur and Puchejda 2017). For Mazur, judges secured the interests of the post-communist elites, and if one wants to break with post-communism, "post-communist" judges should be replaced by new ones. At the same time, he criticizes the policy of completely disempowering the Court. In the same vein, conservatives comment on other policy measures in support of the PiS government.

Some conservatives of the older and younger generation, however, do criticize PiS politics, and even substantially. The famous conservative politician and thinker Aleksander Hall published a book entitled *A Bad Change*, referring to the PiS election slogan (Hall 2016a). In that, as well as in his journalistic contributions, Hall describes the PiS political stance as "national-revolutionary" and criticizes in particular the dismantlement of democratic institutions (Hall 2016b). Hall represents an undercurrent within Polish conservatism that does value procedural democracy, perceiving the political order that PiS strives to establish as illiberal. Similarly, Staniszkis, who in the past strongly approved Kaczyński's political arguments, shows herself disappointed with the style of post-2015 political change. Being in favor of PiS in principle, she stresses that democracy not only requires a system of checks and balances, but also a certain style of political culture that PiS does not represent (Staniszkis 2016). Younger conservatives from *Nowa Konfederacja* have dared to criticize Kaczyński as well, losing in this way their budget support (Grzesiczak and Nurek 2017). Similarly, conservatives from *Klub Jagielloński* criticize selected aspects of PiS policy or discourse, or the discourse of its supporters. In particular, *Jagielloński* members have condemned hate speeches directed at refugees (Mazur and Puchejda 2017). Even with the change in the dominant political ideology following the election of PiS and its candidate for president, Andrzej Duda, and the subsequent opportunity to realize a conservative program of reforms, the conservative milieu is divided.

Conclusion

This chapter traces the development of the conservative discourse coalition in Poland after 1989, and how the Kaczyńskis' political party Law and Justice relates to it. My argument is that the main theoretical tenet of Polish conservatism is criticism of the phenomena of post-communism and political capitalism.[2] Major events of the Polish transformation such as the political victories of post-communists of 1993 and 1995, or the Rywin affair in 2002, which exposed corrupt connections between Polish politics, business, and media, led to reinforced conservative criticism of the Polish Third Republic. Demonstrating the development of the conservative discourse, I have shown how changes in the organizational infrastructure of conservatism have affected it, and in two subsequent sections, elaborated on conservative criticism of the post-communist order and analyzed what positive vision of a social order emerges from the writings of Polish conservatives. Those intellectuals propose a fairly consistent vision of an order based on Christian values, in which both the market and the state assume important roles. Though this serves as an inspiration for Law and Justice and the government, both of these are also eagerly integrating nationalist and illiberal elements into their policies and political actions, and challenging by the same token the worldview of those conservatives who still value freedom. Importantly, conservative think tanks are still "allowed" to criticize the current positions of the government under PiS rule, and emphasize that they are not just serving as an "intellectual back office" for PiS (Trudnowski 2015).

Notes

1 What is omitted is that Poland used to be a peripheral country before communism and that the latter significantly modernized Polish society and the economy. Contrary to the evidence, the interwar period is constructed in this narrative as a golden epoch, which ignores the grave socio-economic problems of that time.

2 It is still a major element of the political agenda of PiS, justifying dismantling the independent Constitutional Court on the grounds that it has served post-communist interests.

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