

How will Poland's Law and Justice party govern?

Poland's new right-wing government has prioritised implementation of the expensive social spending pledges that were critical to its election victory. However, its determination to radically reform the Polish state has drawn accusations of authoritarianism from the opposition while the new prime minister has yet to stamp her authority on the administration. [Aleks Szczerbiak](#) assesses all of the main players in the new government.



The October parliamentary election saw a stunning victory for the right-wing Law and Justice (PiS) party. It became the first political grouping in post-communist Poland to secure election to government with an outright parliamentary majority, winning 235 seats in the 460-member Sejm, the country's more powerful lower chamber. This month, the party's deputy leader Beata Szydło was sworn in as the new prime minister and her government received a parliamentary vote of confidence. In her inaugural address, Mrs Szydło devoted most attention to socio-economic issues, promising to introduce programmes aimed at spurring investment and innovation. She also promised to increase social spending and quickly implement Law and Justice's key election pledges, including: its flagship 500 zloties per child monthly subsidy for poorer households, and for second and subsequent children in all families; reversing the deeply unpopular increase in the retirement age to 67 (from 60 for women and 65 for men) introduced by the previous government, led by the centrist Civic Platform (PO) party; increasing tax-free income thresholds to 8,000 zloties; raising the hourly minimum wage to 12 zloties; and introducing free medicines for over-75s.

These policies were critical to the party's election victory so it is vital that the new government is seen to be implementing them as quickly as possible. However, they are also very costly: the monthly child subsidy programme alone is estimated at 15-16 billion zloties for 2016 and up to 21.5 billion in subsequent years. The new government, therefore, faces a significant fiscal challenge at a time when the Polish economy appears to be slowing down and state of the public finances deteriorating. So, as well as allowing a small increase in the budget deficit, to fund this additional social spending the Szydło government is planning to introduce a series of revenue raising measures, including: more dividend receipts from state-owned companies; improved tax collection; and new taxes on banks and larger retailers.

Moreover, in a bid to re-assure markets and investors who are worried that the party's expensive social promises could wreck Poland's public finances and damage the business environment, Mrs Szydło appointed a number of figures who are seen as fiscally prudent and pro-business to senior roles within the government. The most notable of these is Mateusz Morawiecki, the highly respected chief executive of Bank Zachodni WBK bank, Poland's third largest lender, who becomes deputy prime minister in charge of economic affairs. Mr Morawiecki will stand at the head of a new development ministry set up with broad competencies to co-ordinate the government's economic policy across a range of departments. In fact, the previous 2005-7 Law and Justice administration pursued fairly orthodox, pro-market economic policies: lowering income and payroll taxes, pushing through a tax relief package for families, and bearing down on the budget deficit and public debt. However, when Law and Justice was elected in 2005 its main priority was its 'Fourth Republic' programme of moral and political renewal of the Polish state, alongside a rather vague pledge to build a 'solidaristic' Poland in contrast to Civic Platform's economic liberalism. This time the party's electoral appeal was based more on 'bread-and-butter' socio-economic issues with very specific social spending pledges playing a prominent role in the campaign, so it will be under a lot of pressure to deliver on these.

Controversial appointments

Mrs Szydło's new cabinet also includes several controversial appointees who served in the previous Law and Justice-led government. The defence ministry will be headed by the hawkish party deputy leader Antoni Macierewicz, a

decision that contradicts Mrs Szydło's statement during the election campaign when, to distract media attention from controversial remarks made by Mr Macierewicz to Polish diaspora in Chicago, she said that she was 'likely' to appoint the more emollient Jarosław Gowin to this post. Law and Justice feels that it needs someone more experienced in the defence ministry at a time when Poland is spending large sums on contracts to modernise its military assets.

Mr Macierewicz, who was deputy defence minister in the previous Law and Justice government, has built up a powerful position within the party in recent years by heading up a commission investigating the causes of the April 2010 Smolensk tragedy in which the then Law and Justice-backed President Lech Kaczyński, twin brother of party leader Jarosław Kaczyński, and dozens of other senior officials died in a plane crash in Western Russia. However, Mr Macierewicz's commission has caused controversy by appearing to countenance Russian sabotage as a possible cause of the tragedy. Although increasing numbers of Poles have questioned the official version of events – which blames poor planning, pilot error and mistakes by Russian air traffic controllers in difficult weather

conditions – most continue to reject the idea that the crash was orchestrated by Moscow. For his part, Mr Gowin – who is leader of the small, liberal-conservative Poland Together (PR) party, one of Law and Justice's electoral allies – became higher education and science minister and one of the prime minister's three deputies.

The new justice minister is Zbigniew Ziobro, who returns to the post that he held in the 2005-7 government. Mr Ziobro was, at one time, a Law and Justice deputy leader but was expelled from the party in 2011 when he clashed with Mr Kaczyński over its future direction. However, he made his way back into office by heading up the small right-wing Solidaristic Poland (SP) party; another Law and Justice electoral ally which, along with Poland Together, Mr Kaczyński's party needs to maintain the government's parliamentary majority. Although critics argue that Mr Ziobro's eagerness to pursue high profile criminal cases meant that he engaged in politicised prosecutions that by-passed proper procedures, his supporters defend him as a fearless exponent of that government's law-and-order and anti-corruption crackdown.

The new security service co-ordinator is Mariusz Kamiński, another controversial figure who, in a non-binding verdict which he appealed, was sentenced by a Warsaw court in March to three years imprisonment and a ten-year ban on holding public office. Mr Kamiński was accused of abusing his powers while head of the elite central anti-corruption bureau (CBA), which he ran from 2007-9, during the investigation of the so-called 'land affair' in the agriculture ministry. According to the court, Mr Kamiński, along with three other bureau officials, initiated an operation that involved forging documents and 'phone tapping in spite of the fact that there was no reliable information on infringements to the law. His supporters argue that the judgement was politically motivated and followed several earlier court rulings that the bureau's action was lawful. Indeed, in a controversial move Law and Justice-backed President Andrzej Duda pardoned Mr Kamiński immediately before the new minister took office.

Reconstructing the Polish state

Critics argue that these appointments contradict the moderate, centrist image that Law and Justice cultivated during the election campaign; exemplified by the decision to nominate Mrs Szydło, rather than the more combative Mr Kaczynski, as the party's prime ministerial nominee. However, they also suggest that the party is committed to the radical reconstruction of the Polish state and, although it did not give a very high profile to this issue during the election, this remains at the core of Law and Justice's programme and ideology. The party continues to believe that



Law and Justice's deputy party leader and newly-appointed Defence Minister, Antoni Macierewicz. Credit: Silar / Wikimedia Commons (CC BY-SA 3.0)

many Polish state institutions have been expropriated by an extremely well entrenched, and often deeply corrupt, post-communist elite and that the new government needs to have hawkish and determined individuals in charge of these key ministries in order to cleanse the political system.

These appointments, together with a series of decisive early government actions in this sphere, have already led to charges from the party's political opponents and the liberal-left media that it is repeating the allegedly confrontational and authoritarian style of politics that they argue characterised the previous Law and Justice administration. For example, the government was criticised for replacing the four heads of the civilian and military intelligence services, and forcing the resignation of the anti-corruption bureau chief (after an investigation was launched into his security certificate), all of whom were appointed by the previous Civic Platform-led administration. It also scrapped the six-month rotational chairmanship of parliamentary security services commission which gave the opposition an opportunity to scrutinise their conduct more effectively. Law and Justice argued that: changes at the top of the security services were common when a new administration took office; an urgent re-structuring was necessary as their functioning was distorted by pathologies; and Civic Platform had also prevented the opposition chairing the security services commission in the previous parliament.

However, the greatest controversy surrounded the Law and Justice-dominated parliament's decision to annul the appointment of five judges nominated by the previous Civic Platform government to Poland's 15-member constitutional tribunal, a powerful body that rules on the constitutionality of laws. The move met with widespread criticism from both opposition parties and elements of the Polish legal establishment, who accused the government of violating the constitutional division of powers by interfering in the independence of the judiciary. The tribunal's critics, however, see it as a highly politicised body that struck down key elements of the previous Law and Justice-led government's legislative programme. Mr Kaczyński's party also argues that Civic Platform provoked the situation because two of five outgoing judges' terms of office were not due to expire until December but the then ruling party still forced through their replacement in October, just before it was due to lose power, in order to complicate the new government's work.

How secure is Mrs Szydło?

Implementing a programme of radical reconstruction of the Polish state was always going to bring the new government into conflict with the post-communist establishment. Nonetheless, Law and Justice has a number of political assets that should help ensure its stability and longevity. Together with an unprecedented single-party parliamentary majority, it also enjoys the support of the 41-member 'Kukiz '15' parliamentary caucus on some constitutional issues. This is an ideologically eclectic and unstable 'anti-system' right-wing grouping clustered around the charismatic rock star and social activist Pawel Kukiz, some of whose deputies may even end up defecting to the ruling party. The government's position is also buttressed by the strong backing of President Duda who has already shown that he will facilitate rather than obstruct the government's programme. Moreover, Civic Platform, now the main opposition grouping, is severely weakened and faces a protracted period of soul-searching and internal divisions as it is engulfed in a party leadership election.

However, some commentators have raised concerns that competing power centres could emerge in the prime minister and Mr Kaczyński's offices with the Law and Justice leader trying to steer Mrs Szydło from behind-the-scenes. Indeed, there was speculation, fuelled by the party's rather chaotic public relations in the post-election period, that the government was being chosen for her by Mr Kaczyński and better-placed party insiders. Mrs Szydło is certainly surrounded by powerful ministers whom she had only a limited say in choosing. Although having a direct electoral mandate should put her in a strong position, analogies have been drawn with the situation following the 2005 election when Mr Kaczyński, whose brother was elected President at the same time, appointed a second-rank politician, Kazimierz Marcinkiewicz, as prime minister to avoid the controversy of twins filling Poland's two highest state offices, only to replace him a few months later. We will soon find out if Mrs Szydło can stamp her authority on the new administration or, as many commentators have predicted, proves to be a weak prime minister who will be pushed aside quickly if the government starts to encounter serious difficulties.

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