



## The Four Pillars Of Power. How Poland's Ruling Party Undermines Freedom & Democracy

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Opposition media across Poland has accused the ruling Law and Justice Party of proposing a new tax to undermine a free press – but attacks on democratic norms go much deeper

Newspapers and media outlets across Poland have published an open letter in defiance of the ruling Law and Justice (PiS) Party's attempts to introduce an advertising tax which they say will be a "powerful blow to free media". The move is accused of taking away income and journalists' jobs, all while state-owned media can benefit from Government support.

In a powerful editorial, the *Gazeta Wyborcza* newspaper wrote: "The Government aims to liquidate free public opinion in Poland. And that means abolishing a free society and replacing it with 'subjects' of dictatorship fed with official lies."

Independent media organisations wrote in the letter that the tax would lead to the "weakening or even liquidation of some of the media operating in Poland, which will significantly limit the society's ability to choose the content that interests them".

The proposed tax is one of many moves accused of weakening press freedom and comes after a state-controlled oil company, Orlen, bought up the Polska Press media group. The purchase gives the fuel company control of 20 daily newspapers, 120 weeklies and 500 news portals. *Gazeta Wyborcza* referred to the move as "Orlen takes the press".

Orlen's purchase of the press group is accused of undermining the country's free press. Borys Budka, leader of the opposition Civic Platform Party, tweeted that the Government was "using the money of Poles to build another propaganda machine", although Orlen claimed that the purchase was a financial decision.

### Orlen Takes The Press

Alongside buying up Polska Press, Orlen and other state-owned firms took control of media distributor Ruch in December. This makes a state-controlled oil company one of most powerful media companies in Poland – despite having no experience in running a press.

Journalists in Poland have called the deal "a powerful propaganda tool to consolidate the power of PiS and its partners" due to Orlen's status as a state-controlled oil company.

The company's move from oil barons to media magnates was supported by the leader of Poland's Law and Justice Party (PiS), Jaroslaw Kaczynski.

Journalists this month expressed their fears to the magazine *Balkan Insight* that soon editors-in-chief and editors in the *Polska Press* group will be replaced, followed by the journalists themselves. Some said that they were considering leaving the profession rather than be forced to produce "an unreadable, propaganda newspaper".

This undermining of the free press in Poland is one of four attacks by PiS on democratic norms since 2015. It forms part of an alleged plan to take over the 'Four Pillars of Power' – rumoured to have been devised by PiS following its 2007 electoral defeat, after which it decided "never again".

Those four pillars are: the media, courts, finance and security.

### **Controlling the Courts**

In October, the Constitutional Tribunal declared part of the abortion law unconstitutional, tightening an existing ban by removing the legal exception which allowed women to terminate a pregnancy in cases of foetal defect. Despite mass protests, this ruling came into effect in January.

The Government was able to push through this change thanks in part to a five-year assault on the Polish judiciary. After coming to power, PiS started replacing judges on the Constitutional Court to pack it with members more amenable to the Government's agenda. These included Stanislaw Piotrowicz, once a state prosecutor during the Communist era.

This was stepped up in 2017 with an attempt to retire Supreme Court judges except those appointed by PiS's Minister of Justice and the President. The move was met with widespread protests and vetoed by President Andrzej Duda, who later tried to retire all judges aged over 65 in defiance of EU law.

Today, PiS enjoys direct control over the Constitutional Tribunal and the National Council of the Judiciary, which appoints Polish judges.

### **Follow The Money**

It is not just Poland's oil and media companies that fall under state control. In 2015, PZU – a state-controlled insurance firm – bought control of Alior Bank, which in turn acquired the core business of Bank BPH and Meritum Bank, bringing them all closer to the ruling party. Then, in 2016, PZU and the Polish Development Fund bought 32.5% of another of Poland's largest banks, Pekao.

The Idea Bank, owned by billionaire Leszek Czarnecki, was this year also taken over by Pekao in a forced restructuring that, Czarnecki said, he greeted with "shock and anger". The move was precipitated by the "very bad capital situation of Idea Bank", something which Czarnecki denies. He says that the bank was a success and he had told the authorities it was not for sale.

Back in 2018, Czarnecki was involved in a corruption scandal that led to the arrest of Marek Chrzanowski, the former head of the Polish Financial Supervision Authority, who allegedly tried to bribe him to protect the independence of his bank. He told *Newsweek* that, under PiS rule, "social trust has been destroyed. Ordinary people see that success in life again depends on party activity and what the authorities give them. Even if there is a change of power, we are exactly in '89 and trust in power will not return until the next generation".

## Security

The final pillar of power is security, which has been undermined by the weakening of the independent judiciary.

It was this which allowed the return of Mariusz Kamiński to politics after he was jailed for abuse of power. The former head of Poland's Central Anti-Corruption Bureau was pardoned by PiS President Duda, but the Supreme Court rebelled and claimed that the pardon was ineffective.

The pincer movement of PiS wanting to put its men in the room and a weakened judiciary meant that the now PiS-favouring Constitutional Tribunal abolished the case against him.

Today, Kamiński is a minister.

## Scapegoating

As well as the Four Pillars of Power, PiS has been using the populist tool of scapegoating minority groups in order to sow division and bolster its support.

During the 2015 migrant crisis, those scapegoats were refugees and migrants from the Middle East. PiS used fiery anti-migrant rhetoric. For instance, Kaczyński said that “refugees” would “bring in all kinds of parasites, which are not dangerous in their own countries, but which could prove dangerous for the local populations”.

Another scapegoat is the LGBTIQ community. During the 2020 Presidential Election campaign, the winning candidate Duda promoted policies such as a ban on same-sex couples adopting, while towns declared themselves to be LGBT-free zones. Today, LGBTIQ activists are facing jail for painting a rainbow halo on an icon of the Virgin Mary while the Government has proposed a freedom of speech law because it claims that traditional Roman Catholic values are under threat from LGBT rights.

Rafal Pankowski, a Polish sociologist who leads the anti-racist organisation Never Again, has described the backlash, observing that “the targets vary and are interchangeable: in 2015, different right-wing and far-right groups were competing over who is more radical in anti-migrant, anti-Muslim and anti-refugee positions. In 2018, it was about the Jews. Now, it is about LGBT people”.

EU politicians have condemned the anti-human rights actions of Poland's Government. But opposition activists and media are concerned about what the future holds for freedom and democracy in the country.

As journalists at *Gazeta Wyborcza* have said: “There will be no democracy without free media. There will be no more free elections or free citizens.”

*Additional reporting by John Piercy (name changed to protect identity) and Kerry Pearson.*

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