

# Poland's new "lustration" law—a profound attack on democratic rights

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18 April 2007

In what has been described by the *International Herald Tribune* as a "mad" law that "makes the McCarthyites of the US in the 1950s look like amateurs at the practice of anti-Communism," the Polish government has enacted legislation obliging 700,000 Poles to declare whether they collaborated with the secret police between 1945 and the resignation of Poland's last Stalinist leader, Wojciech Jaruzelski, in 1989.

The legislation—known in Poland as the "lustration law"—a term associated with the religious rite of purification—was designed by the identical twin brothers Lech and Jaroslaw Kaczynski of the right-wing Law and Justice (PiS) party, who respectively fill the post of President and Prime Minister. It requires that Poles of all professional stripes—from journalists, to lawyers, to CEOs—who were born before August 1, 1972, fill in a form and answer the question: "Did you secretly and knowingly collaborate with the former Communist security services?" Those who fail to do so risk being banned from their professions for up to a decade.

Significantly, the law does not require that the clergy participate, even though, according to conservative estimates, one in ten Polish priests collaborated with the Stalinist regime. This issue recently surfaced with the resignation of Stanislaw Wielgus from the post of archbishop of Warsaw in January. (See Wielgus collaborated with Stalinist secret service Poland: Archbishop's resignation exposes crisis of Catholic Church)

Declarations are to be submitted by May 15 to the notoriously right-wing National Remembrance Institute (IPN), a governmental body founded in 1998, whose main purpose is investigating crimes committed by the Stalinist authorities before 1989. There they will then be examined and compared with the mountains of files on private individuals compiled by the Stalinist secret police between 1945 and 1989, a process that could take ten years or more.

"Poland needs this law," said IPN chief Janusz Kurtyka. "The country is still in the process of leaving the communist period behind and tackling the long-term social and political effects of the dictatorship."

In response to this anti-democratic law, some journalists from the liberal Polish newspaper *Gazeta Wyborcza* announced on March 13 that they would not obey the new regulations. A special section published in the paper even informed its readers of methods to evade the law. Poland's largest academic institution, Warsaw University, also called on March 22 for the suspension of the new law.

Polish Radio quoted Prime Minister Kaczynski as retorting, "A group of people who consider themselves the elite want to be exempt from the law. In this situation, there is a need to introduce sanctions to abide by the new transparency rules. Public opinion will automatically condemn those...who think the rules do not apply to them."

That "public opinion" is running overwhelmingly against the totalitarian nature of the new "rules," as well as against Kaczynski's government itself, the Premier didn't care to mention.

Aside from the bureaucratic red tape associated with examining mountains of files (many of which are ambiguous or even fabricated) and determining what "collaboration" with the Stalinist secret police exactly entailed, there is the openly anti-democratic nature of this new law that is causing much criticism from both official and unofficial quarters.

Critics indicate that the law will punish many unlucky men and women who may have been blackmailed into collaborating. A law which mandates that Polish citizens essentially prove that they did *not* do something has already been criticized for its unconstitutionality.

The more substantial criticism, however, concerns the fact that this new law functions as an instrument which is being used to destroy the government's political rivals. In their quest for unfettered power, the Kaczynski brothers are not only seeking to eliminate the influence of anyone not in their immediate circle, they are more fundamentally attacking the democratic rights of the working class itself.

Polish political analyst Wiktor Osiatynski wrote in *The New York Times* on January 22 that the law might be motivated by revenge on the part of the Kaczynski brothers. Their "higher-stature colleagues in [the anti-Stalinist trade

union] Solidarity” alienated both Kaczynskis in the early 1990s, he says. “So when the twins decided to create the Law and Justice party [in 2001], they turned to young people on the far right. Now, driven by resentment against an entire generation of older politicians, the Kaczynskis are happy to see them purged from offices and replaced by their own loyalists.”

Such subjective explanations, however, obscure the perfidious role of both the Stalinists and the leading representatives of the Solidarity trade union as they were jockeying for power in Poland from 1981 onwards, ultimately culminating in the liquidation of the Stalinist state and the reintroduction of capitalist property relations in 1989.

The relationship between what were to become the two main wings of the Polish ruling class began assuming more incestuous forms from 1981, as leaders of both wings collaborated in quelling the revolutionary strivings of millions of workers in Poland against their Stalinist oppressors. In the end, the one fundamental goal upon which these two formations agreed was the reinstatement of capitalism.

The Polish economy was already showing signs of distress in the 1960s, when Stalinist Premier Edward Gierek initiated the policy of taking conditional loans from Western banks, which were salivating at the market prospects of once again reaping profits in Eastern Europe.

The launching of martial law some time later (in 1981) by Premier Jaruzelski was aimed at breaking the influence of the working class on Polish political life. Thousands of workers were interned and approximately 100 were slaughtered in what was to be a crucial step towards 1989, when millions were instantly impoverished due to the evisceration of social protections that already had been gradually undermined by the Stalinists themselves.

At the Round-Table discussions on the eve of the restoration of capitalism in 1989, the “oppositional” Solidarity trade union agreed with the Stalinists to forget the pre-1989 past. What ensued afterwards was a battle for influence amongst the two wings of the new corrupt ruling class in Poland. The post-Stalinist “red managers” scrambled to fill important posts in the state and privatized industry at the expense of the Solidarity wing of the ruling class, from which the Kaczynski brothers hail.

The pattern of electoral politics in Poland has been a dismal one. Not one government has been reelected to power since 1989. Elections are characterized by ballots with parties that are so unfamiliar that many have not even heard of them, nor have the faintest clue about their platforms and ideas.

As for those which have had some form of political

stability over the years, namely the post-Stalinist Alliance of the Democratic Left (SLD), which is the principal target of the new “lustration” law, elections have often swept them from power after they had proven their anti-working class credentials through social spending cuts or toadying support for American militarism. They are then replaced by the conniving representatives of the Solidarity wing, as in 2005, when the newly-created Law and Justice Party (PiS) of the Kaczynski brothers won the elections with barely a majority, and amid a record low voter turnout.

The Kaczynski brothers now want to change the political pattern in Poland permanently by excluding their rivals from the political arena and packing the government with unconditional loyalists. The replacement of both defense minister Radoslaw Sikorski and the board chairman of Polish state television channel TVP Bronislaw Wildstein must be seen in this regard, as both were seen as too “independent” and were subsequently replaced by slavish followers of the Kaczynski brothers.

The nominal “opposition” in Poland, centered around the rabidly pro-big business Citizens’ Platform (PO) and the SLD, has joined hands in an empty show of force. Both formations now describe themselves as “liberals,” and are now more united than ever in terms of selling Poland to international investment capital. The PiS and its coalition partners Farmers’ Self Defense and the League of Polish Families (LPR), on the other hand, are slightly more nationalistic. However, as their favorable policies toward the international banks and corporations show, this is also a government committed to the interests of international capital and the Polish rich, despite all its nationalist bombast to the contrary.

Capitalist “democracy” has failed in Poland. Instead of the promises of freedom and prosperity pumped out by all the representatives of the new order in 1989, the working class in Poland has only seen a degradation of its social position, while the increasingly isolated Polish ruling elite is now putting into law openly dictatorial measures to safeguard its position.



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