



# Studies in European Integration, State and Society

Edited by Magdalena Góra,  
Zdzisław Mach and Katarzyna Zielińska

Elżbieta M. Mach /  
Grzegorz Pożarlik /  
Joanna Sondel-Cedarmas (eds.)

## Post-totalitarian Societies in Transformation

From Systemic Change  
into European Integration



PETER LANG

This study considers the multidimensional nature of the construction of the active civil society in the post-totalitarian reality of Central and Eastern Europe, covering the period of systemic transformations in the region in 1989 to the EU accession of 2004. The analysis was carried out using a multidisciplinary research perspective which incorporates historical, sociological, and legal insights, as well as those from political science. The volume illustrates the dynamic character of the process of constructing an active civil society process in a broader comparative perspective against the background of post-totalitarian societies, Germany and Italy, which underwent the process of democratic transformation in 1945 and went on to actively forge the European Community in the 1950s.

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## Introduction

The construction of active civil society at the European level in post-totalitarian societies is a subject that has not been elaborated in the literature, despite its individual elements having been widely discussed in the academic discourse for a long time.<sup>1</sup> This study tackles the multidimensional nature of this process in Central and Eastern Europe, covering the period from the systemic transformations of these countries in 1989 to their accession to the EU in 2004. It does so in a broader comparative perspective, against the background of the experiences of classic post-totalitarian societies in Western and Southern Europe (Germany and Italy), which already underwent a process of democratic transformation in 1945 and went on to actively forge the European Community in 1950s. Such an approach allows for an in-depth analysis of the evolution of post-totalitarian societies in the so-called transition period between the undemocratic system and democratic consolidation,<sup>2</sup> while emphasizing the common features and fundamental differences related to political transformations.

Unlike the aforementioned post-fascist countries, where the totalitarian systems collapsed rapidly as a result of the downfall of dictatorships and the end of World War II, the post-totalitarian societies in Central and Eastern Europe had

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- 1 The processes of the construction of active European citizenship certainly enjoyed a degree of attention, whilst systemic transformations in post-totalitarian societies have been discussed extensively. See: Juan J. Linz & Alfred Stepan, *Problems of Democratic Transition and consolidation. Southern Europe, South America, and Post-Comunist Europe* (Baltimore and London: The John Hopkins University Press, 1996); Juan J. Linz, *Totalitaryzm i autorytaryzm* in Jerzy Szczupaczyński, ed., *Władza i społeczeństwo* (Warszawa: Wyd. Scholar 1995), 306; Zdzisław Sadowski, 'Społeczeństwo posttotalitarne: zarys problematyki rozwoju Polski w latach dziewięćdziesiątych,' *Ekonomista*, 6 (1990), 806–809; Zdzisław Sadowski, ed., *Społeczeństwa posttotalitarne. Kierunki przemian* (Warszawa: Polskie Towarzystwo Współpracy z Klubem Rzymskim, 1991).
  - 2 Leonardo Morlino, 'Democratic Establishments: A Dimensional Analysis,' in Enrique A. Baloyra, *Comparing New Democracies. Transition and Consolidation in Mediterranean Europe and the Southern Cone* (New York: Routledge, 1987), 53.

a longer route from communist totalitarianism to authoritarianism and – as a consequence of the systemic transformations in 1989 – to democracy.<sup>3</sup>

The reconstruction of the democratic rule of law, the transition from a command economy to a market economy, the rebirth of a civil society based on social pluralism, combined with an attempt to reckon with the totalitarian (or authoritarian) past, are, however, a common denominator to post-fascist Italy, post-Nazi Germany and post-totalitarian authoritarian regimes in Central and Eastern Europe regardless of different historical context in which these transformations took place. Undoubtedly, the social developments in Poland, (Czecho)Slovakia and Hungary, which initiated the democratization process in Central and Eastern Europe, are interlinked by a number of factors, such as a relatively high level of advancement of democratization, a certain community of political traditions, geographical proximity, economic cooperation or the similarity of strategic political goals.<sup>4</sup>

Central European experiences, however, differ substantively from those of Italy or Germany, where the systemic transformation underwent in 1943–1945 and which, due to their constitutive role in European integration processes, need to be acknowledged as founding nations of the European Community. In contrast to the ‘young democracies’ from Central and Eastern Europe – which declared their aspirations to join the EU immediately after the formation of the new political system in 1989 that followed the end of communism<sup>5</sup> – in Italy and in Germany, the transition to democracy occurred almost simultaneously with the process of the laying down of the foundations of a common Europe in the 1950’s.

The contributors to this volume, drawing on case study analyses of their own countries and societies, discuss the changes that have taken place at two

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3 Juan J. Linz, *Totalitarian and Authoritarian Regimes* (Colorado, London: Lynne Rienner Publishers, 2000), 217.

4 Andrzej Antoszewski, ‘Wstęp,’ in Andrzej Antoszewski, Ryszard Herbut, *Demokracje Europy Środkowo-Wschodniej w perspektywie porównawczej* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1998), 10.

5 The actual process of integration of Poland, Hungary, the Czech Republic and Slovakia began in Athens on April 8, 1994, when the abovementioned countries submitted their application for membership in the European Union, which was confirmed by all the EU Member States during the Essen conference on December 9–10, 1994. See; Tomasz Grzegorz Grosse, *Embracing Europeanization: Selected Examples from Central and Eastern Europe* (Warsaw: Institute of Political Studies of the Polish Academy of Sciences, 2012), 157.

key historical moments: 1) after the systemic transformation and/or political revolutions following 1989 and 2) after the EU's Eastern enlargement. The analysis was carried out using a multidisciplinary research perspective, taking into account historical, sociological as well as political science and legal insights. This study draws on findings from the research and educational project entitled: 'Shaping of the European citizenship in the post – totalitarian societies Reflections after 15 years of EU enlargement'. The project focused on the analysis of data on the condition of European society in Poland, Slovakia, and Italy seventeen years after the EU's Eastern enlargement.

The volume is divided into three parts. The first part, introducing the conceptual matrix, presents and analyses – on the example of fascist Italy and the Third Reich – two different models of totalitarianism and totalitarian societies in Europe as well as discusses the models of political transformation in Central and Eastern Europe in 1989 after the fall of the Berlin Wall the the EU's Eastern enlargement.<sup>6</sup>

The monograph opens with the chapter by Joanna Sondel-Cedarmas and Witold Stankowski entitled 'Post-totalitarian societies in Western Europe: A comparative case study analysis of Italy and Germany'. In this chapter the process of the systemic transformation in Italy and Germany in 1945– 46 is examined. A special emphasis is given to difficulties associated with building the democratic rule of law and coping with the legacy left by the previous undemocratic system. As noted by Sondel-Cedarmas and Stankowski, the process of strengthening democracy in both Germany and Italy coincided with the pro-European choice of the governments of Konrad Adenauer and Alcide De Gasperi to support the project of a common Europe. The following chapter by Tadeusz Kopyś, entitled 'Models of systemic-economic transformation in Central and Eastern Europe,' is a comparative analysis of the various models of systemic transformations in the countries of Central and Eastern Europe in and after 1989. According to Kopyś, communist societies cannot be seen exclusively in terms of being oppressive and economically burdensome to maintain, but also as organisms that functioned and created specific legal and constitutional conditions. Assuming that the situation in the individual countries of Central and Eastern Europe was different, the author analyses the various communist systems, their social roots and genesis,

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6 See the project: 'Shaping of the European citizenship in the post-totalitarian societies. Reflection after 15 years of EU enlargement'. The project was project implemented within the framework of Europe of Citizens Programme; project website: [https://shar.eeu.europeistyka.uj.edu.pl/en\\_GB/](https://shar.eeu.europeistyka.uj.edu.pl/en_GB/).

distinguishing several models of transformation. The chapter by Elżbieta Mach and Zdzisław Mach is a panoramic analysis of the political and socio-cultural changes in Poland and Europe after 2004, i.e. at the time when the countries of Central and Eastern Europe acceded to the European Union. Perceiving one's own social identity through the prism of the European identity and the European community of values was hampered in this cultural setting due to a deficit of liberal institutional mechanisms, a limited adherence to the civic concept of the political community, and the refusal to accept European diversity and pluralism. An important limitation in this context was the understanding of the nation as an ethnic community and (often unconscious) acceptance of populism, nationalism and xenophobia in their various incarnations. Such constraints were especially visible in Poland, where national-conservative Catholicism and nationalist sentiment limited the perception of the European Union solely to that of a donor, whose duty should be to support a Polish nation that was harmed by history.

In the second part, the volume offers insights into various aspects of the transformation process itself in the above-mentioned post-totalitarian societies, taking into account the need to come to terms with the totalitarian past and the historical memory of that period. Consequently, Witold Kulesza, in his contribution entitled 'Denazification in the BRD/DDR: An outline of the legal aspects,' considers the process of 'denazification' which aimed at removing from public life all those who had been involved in the establishment and consolidation of the Nazi state. However, while the 'nazification' process had been successful, the 'denazification' process was quickly abandoned. This essentially led to the 'renazification' of the Federal Republic of Germany, especially with regard to lawyers, including officials, judges and prosecutors. Lawyers returning to the judiciary of the Federal Republic, who had been through the test and purge of 'nazification' in 1933 and proved that they were loyal followers of National Socialism, largely emerged unscathed from the 'denazification' proceedings, in what has been described in the literature as 'renazification' (*Renazifizierung*).

Similarly, Joanna Sondel-Cedarmas in her chapter entitled 'A difficult inheritance: On the defascistization of public space in Italy in 1946–2019' discusses the difficulties associated with breaking with the fascist heritage in Italy referring to de-fascisation of public space in Italy in the period of 1946–2019. Sondel-Cedarmas – emphasising the topical nature of this problem in contemporary Italy – analyses normative acts concerning the ban on the promotion of fascism, as well as initiatives undertaken to clear the territory of Italy of fascist remnants and covers the period from 1943–1946 to the present day.

Ewa Kozerska's and Tomasz Scheffler's chapters, discuss the complexity and turbulent character of institutional changes introduced during the process of

the systemic transformation in Poland. Kozerska, in her contribution entitled 'The legacy of the Polish People's Republic in the doctrine and constitutional law in the first years of the transformation period in Poland,' deals with selected problems of doctrine and constitutional law until the entry into force of the so-called Small Constitution of 1992. She highlights the fact that the direction of the changes initiated at that time related to the process of transforming the People's Republic of Poland into a democratic rule of law was determined essentially during the 'Round Table' meetings held by the ruling party with the Solidarity democratic opposition in Magdalenka. The chapter claims the temporary normative solutions developed at that time indicated a more-likely verbal transformation of Poland's systemic structures into the rule of law model than a genuine change.

As a consequence, the normative regulations developed made it impossible for the society to radically break with institutional relics and political ties of communist origin. They also inhibited the process of building the values and principles of the legal order of the Third Republic from scratch. Similarly, Tomasz Scheffler's chapter on 'The phantom revolution of 1989 in Poland' argues that although the elite of the Third Republic in the official narrative proclaimed the rejection of the legacy of communist rule and a desire to restore independent Polish statehood as a continuation of the interwar irredentism, the actual source of legitimacy for the Third Republic was a system which had been formed in the communist Polish People's Republic.

Tadeusz Kopyś and Krzysztof Koźbiał, on the other hand, take up the issue of historical memory and generational memory as a means of creating national identity after 1989. Tadeusz Kopyś in his chapter 'The Memory of a Difficult Past in Hungary (The Holocaust and the Treaty of Trianon)' draws attention to the events such as the peace treaty in Trianon, the extermination of Jews during the Second World War, and the evaluation of the activities of Miklós Horthy, János Kádár and Imre Nagy, which are pivotal, complex and subject to political instrumental treatment in Hungarian public debate of 20th century national history. Krzysztof Koźbiał in his contribution on 'The Czech memory of the most important figures and events of the communist period in Czechoslovakia (1945–1989)' argues insightfully that despite functioning in one state organism, the Czech memory of the communist period is unquestionably different from the Slovak memory of that time. It consists mainly of momentous events, including the Prague Spring of 1968, and the memory of important – symbolic figures such as Jan Palach and Milada Horáková. This is evidenced by the multitude of monuments, celebrations and other commemorations in public space, such as street names. Interestingly, this memory usually lacks references to the presence

and role of the Red Army in the history of post-war Czechoslovakia. Post-war Czechoslovakia was not a benchmark for the construction of an independent Czech state, with this role undoubtedly being played by the so-called First Republic which functioned in the years 1918–1938. For this reason, as indicated by public opinion polls, the vast majority of Czechs positively assess the changes that took place after the fall of communism in 1989.

The third part of the volume touches upon various manifestations of the creation of an active European civil society. There is no doubt that the transition from totalitarianism/authoritarianism to democracy took place on two levels in all of the analysed cases: 1) institutional – covering the issues of the processes of political and economic system reform, structural transformations, as well as their depth, scope, pace and manner changes and 2) social, concerning social, mental and psychological transformations, triggered by the above-mentioned institutional changes. In this part of the volume, while analysing the process of the construction of an active civil society at the European level, the contributors identify common features in all of the analysed post-totalitarian societies and draw attention to the national or regional differentiations of this process.

European values and ideas *par excellence* refer essentially to liberal views, attaching great importance to the diversity of values and multiculturalism, human rights, and the doctrine of the rule of law and free market principles.<sup>7</sup> These values, however, are contextualized through the diverse historical experience of other Central European societies in terms of the consequences of communist totalitarianism for the understanding of the national community, state community and civil society. In our analysis, we place a particular emphasis on explaining their distinctiveness, despite the similarities in the process of Europeanization of active civil society in Central and Eastern Europe compared to the experiences of Western and Southern European countries.

The symbolic anchor connecting the two parts of this volume is the contribution by Witold Stankowski, entitled ‘From a divided society to a united and European one: The reunification of Germany, the transformation in East Germany and Germany in Europe,’ showing the consequences of World War II for the German state and nation. This saw the emergence of the post-war bipolar division of the world, and at the same time an acceleration of integration tendencies in Western Europe. The fall of the Third Reich, who had been responsible for the outbreak of the armed conflict, led to questions about the future and shape

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7 Thomas Risse, *A Community of Europeans? Transnational Identities and Public Spheres* (New York: Cornell University Press, 2010).

of Germany being introduced into the fora of international politics. During the atmosphere of the Cold War, two German states emerged: West Germany, which functioned within the family of Western European democracies, and the GDR, a satellite of the Soviet Union and one of the countries of the so-called people's democracies. After the reunification of Germany, the social divisions which had been perpetuated by the Cold War partition persisted. This is perhaps most clearly discernible in the ascription to the inhabitants of the former East Germany of the nickname 'Ossis,' with Germans from the western part being known as 'Wessis.'

In a similar vein we find the contribution by Andrea Natalini, Antonella Nuzzaci, and Paola Rizzi. In their piece, entitled 'Citizenship skills: From the European to the Italian context,' they touch upon the role of education in building civic skills. The case study here is the experience of the Italian educational system in transmitting constitutive values related to active citizenship. The chapter covers developments in this area since the establishment of European citizenship under the terms of the Maastricht Treaty.

Paweł Kubicki, in his contribution on the 'Sociological vacuum in Poland: Reflections 30 years after the transformation' deals with the shifts in civil society in Poland from the political transformation of 1989–1990 to the accession of both countries to the EU in 2004. Kubicki addresses the issue of the sociological vacuum in the era of the Polish People's Republic, something which he considers a consequence of the anti-civic policy of the communist authorities and a typical feature of a society operating under an authoritarian and anti-civic regime. He then highlights the role of the systemic transformation at the social level, which he conceptualizes as 'the trauma of a great change.' The chapter refers to current developments in Polish civil society by outlining different forms of civic mobilization in social movements and NGO organizations in Poland.

The issue of the Europeanization of Polish civil society is also raised by Grzegorz Pożarlik in his work entitled 'Civil society in post-1989 Poland as a contentious society: Systemic transformation and the Europeanisation of civil society.' Civil society in post-1989 Poland as a (predominantly, although not exclusively) contentious society. A major assumption of his contribution is that contention has been within the DNA of Polish civil society during the communist period and it still appears to be a significant mobilizing force in the public sphere in Poland nowadays. Grzegorz Pożarlik claims that European values as expressed in the EU's constitutional framework and European civil society networking are referred to by civil society actors in

Poland, who challenge what Jacques Rupnik identifies as ‘democratic backsliding’ in Central Europe.<sup>8</sup>

Jana Pecníková and Daniela Mališová, in their piece on ‘The shaping of active European citizenship in the Slovak society,’ analyse various strategies and activities regarding active citizenship in Slovakia. Drawing on wide-ranging empirical evidence, the chapter offers an insightful picture of an active Slovak citizen taking all crucial sociological indicators into account. The chapter allows us to understand who is to be considered an active citizen and what it means in the reality of the Slovak public sphere.

In the chapter entitled ‘The social determinants of political change in Hungary and its perception of the European Union (1989–2018),’ Tadeusz Kopyś explores the social background and widespread resonance of the national populist rhetoric of Fidesz, the party which has ruled Hungary continuously since 2010. The nationalist rhetoric and critiques of the EU needs to be analysed in the context of the specific social structure and value systems of Hungarian society. Kopyś sees the sources of dissatisfaction of a large part of Hungarian society, which translates into electoral support for the extreme right in the unsuccessful political and economic transformation, as having resulted in an increase in social inequality and nostalgia for Kádár’s rule.

The volume is concluded by a chapter from Elżbieta Mach entitled: ‘Preparing students for life in a common Europe: Reflections 17 years after the expansion of the EU.’ This chapter discusses change and continuity in educational policy aiming at preparing Polish students to live and study in a common and diverse Europe. The chapter covers changes that took place in the Polish education system after the EU enlargement in 2004. More specifically, the author analyses curricula and educational content constituting the basis for shaping active civic attitudes, the acceptance of cultural pluralism, respect for human rights, understanding European cultural heritage, and building a European identity, all while respecting one’s national roots and national or religious traditions. Elżbieta Mach draws attention to the need to transmit social and cultural competences to constitute the basis for Polish students to be actively engaged equally in the European educational, cultural, economic and become active citizens in the future. Thus, according to Elżbieta Mach, not recognizing Europe as a homeland and placing European identity in opposition to the national one would probably make it difficult for Polish students to function freely, not only within

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8 See: Jacques Rupnik, ‘Is Central Europe Backsliding? From Democracy Fatigue to Populist Backlash,’ *Journal of Democracy*, 8/4 (2007).



the promoted European educational area but also within the European market economy and European cultural space.

To conclude, the volume analyses the course of the adaptation processes in countries affected by totalitarian regimes, the multiplicity of studies and views on the causes and effects of the EU enlargement in 2004. From this kaleidoscope of changes, a coherent conclusion emerges, one leading to a reflection on the importance of social and cultural factors in the process of building a united Europe. Political and economic factors are extremely important pillars in securing sustainable development and jobs for people, however, to be durable and stable, they must be supported by human activity, the acceptance of common values, acknowledging the European Union as a common good and a common place to live where no one is alien, and everyone is welcomed, as Europe is the place for the societies based on pluralism, non-discrimination and the rule of law.

Building an active civil society at the European level, internalizing common values and accepting the equality of rights and social pluralism, regardless of the factors that differentiate individuals and society, is a long-lasting generational process. The contributors to this volume have demonstrated the multidimensional and dynamic nature of this process from the perspective of the membership of the Central and Eastern countries of the EU against the background of the historical systemic transformation before and after 1989 in light of Western and Southern European political transformations.



## **Part One. From Systemic change to European integration**



Joanna Sondel-Cedarmas/Witold Stankowski

## Post-totalitarian societies in Western Europe: A comparative case study analysis of Italy and Germany

**Abstract:** This chapter analyses the process of the systemic transformation in Italy and in Germany after the end of World War II. After having compared the experiences of classic post-totalitarian countries in Western Europe, we will then consider the factors that played a pivotal role in the reconstruction of civil society and the democratic rule of law, namely 1) the nature of the fall of the dictatorships of Benito Mussolini and Adolf Hitler, 2) the division of Germany into West Germany and the GDR in 1949 and constitutional referendum in Italy in 1946 3) the policy of reckoning with the previous system legacy and 4) Alcide De Gasperi's and Konrad Adenauer's Atlantic and pro-European policy.

**Keywords:** systemic transformation, Germany, Italy, post-totalitarian societies, denazification, de-fascisation

### Introduction

Immediately after the fall of the dictatorships of Benito Mussolini and Adolf Hitler, Italy and Germany had to go through a difficult period of systemic transformation, rebuilding the structures of civil society, and restoring a multi-party system and ideational pluralism. The 'reworking of a difficult past' became equally important for building a new, democratic order as well as reckoning with the previous regime. As Zdzisław Sadowski correctly indicated, the transformation process not only assumes the elimination of external political and political forms of the old system, but it calls for removal of all of its psychological, structural, institutional, social and economic remnants.<sup>1</sup> In the case of post-war Germany and Italy, this was a far from easy task considering the fact that over 20 years of Mussolini's rule and 12 years of Hitler's had resulted in profound changes to the social structure of both countries, including the exchange of not only political elites, but practically the entire managerial class along with the administrative, economic and cultural layer.

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1 Zdzisław Sadowski, 'Społeczeństwo posttotalitarne: zarys problematyki rozwoju Polski w latach dziewięćdziesiątych,' *Ekonomista: czasopismo poświęcone nauce i potrzebom życia*, 6 (1990), 797–811.

The aim of this chapter is to discuss the dynamics of the transformation process from totalitarianism to democracy in the above-mentioned post-totalitarian societies in Western Europe in the years 1943–1945, i.e. after the collapse of the dictatorships of Mussolini and Hitler. By comparing the experiences of Italy and Germany, we will identify the factors that played a crucial role in the transformation process, with a particular emphasis given to the role of integration processes in strengthening democracy, and at the same time highlighting the difficulties that democratic rule of law encounters when confronted with an undemocratic system.

### **Typologizing totalitarianism: The Third Reich's extreme totalitarianism and fascist Italy's "incomplete totalitarianism"**

Totalitarianism could be considered the quintessence of an undemocratic system and its fullest application on both the ideological and political levels. It not only assumes the rejection of the principles of a democratic and constitutional system of government, defined as the rule of law, but also the imposition of a system in which social behaviour is controlled by arbitrary state power (charismatic tyranny), and the propagation of a bound ideological vision which is implemented by means of both physical and mental terror.

This concretized ideology is the official doctrinal system describing all the vital aspects of human existence to which all those living in the society must adapt. In totalitarian systems, in contrast to authoritarian ones, state power is not solely limited to political rule, but tries to extend total supervision over all manifestations of citizens' life related to the private sphere, including upbringing, worldview, family, morality and ethics.<sup>2</sup>

As a consequence, the boundaries between private and public law domains are blurred completely. The omnipotence of the fascist state, a 'new type of state',<sup>3</sup> introduces the complete subordination of the citizen to the state. Thus, totalitarian systems are characterized by extreme anti-individualism. Apart from rejecting democracy as the principle of creating a system of political power, the totalitarian state takes over control of the economic system and bans all non-fascist parties, organizations and trade unions. There is only a place and space

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2 The term totalitarian state was first used in fascist Italy a few months after the March on Rome by Giovanni Amendola and Luigi Salvatorelli, opponents of fascism, in May and June 1923 in *Il Mondo*.

3 Carl J. Friedrich, and Zbigniew Brzezinski, *Totalitarian Dictatorship and Autocracy* (Cambridge: Harvard University Press, 1956).

for a mass mono-party of a hierarchical nature and organized in an oligarchic manner led by 'the dictator.'

Contemporary researchers of totalitarianism have introduced various typologies of totalitarianism.<sup>4</sup> Apart from the classic division into left-wing (Soviet communism, which subjugated the countries of Central and Eastern Europe after 1945) and right-wing (which included Italian fascism and German Nazism)<sup>5</sup> totalitarianism, it was the Italian fascist state that triggered the greatest terminological confusion. Carl Friedrich and Zbigniew Brzeziński in their seminal *Totalitarian Dictatorship and Autocracy* published in 1956, although they placed Italian fascism among totalitarianisms, alongside National Socialism in Germany, Soviet Stalinism, communist regimes in Central and Eastern Europe and Maoism in China, pointed out that in Mussolini's Italy, the monarchy, the army and the Catholic Church retained some autonomy, which ultimately allowed the spectacular overthrow of the Duce in 1943.<sup>6</sup> The totalitarian nature of Italian fascism was challenged by Hannah Arendt, who considered the use of terror on a massive scale and the number of victims of the regime to be an essential feature of totalitarianism.<sup>7</sup> As a consequence, the author of *Roots of Totalitarianism* acknowledged Nazi Germany as totalitarian after 1938 and the Stalinist Soviet Union from 1930, while Mussolini's regime was, in her view, only a nationalist dictatorship, which was born out of the crisis of the democratic system, as did Franco's Spain and Salazar's Portugal. or even Piłsudski's Poland. Undoubtedly, Arendt's interpretation had a great influence on Italian historiography in the 1960s. Historians like Roberto Aquerone and Renzo De Felice have portrayed Mussolini's regime as 'a personal monocracy'<sup>8</sup> or 'an old traditionalist

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4 The concept of totalitarianism has enjoyed a dizzying career in political science after World War II. Classical studies of totalitarianism include works by Hannah Arendt, Carl J. Friedrich as well as Zbigniew Brzeziński, Richard Pipes and Juan Linz.

5 As noted by the Polish political scientist Marek Bankowicz, although both totalitarianisms were based on opposing ideological assumptions, they had identical results on political grounds, namely they created repressive states referring to terror and enslaving their societies. See: Marek Bankowicz, 'Autorytaryzm i totalitaryzm-analiza porównawcza,' in Wiesław Kozub-Ciembroniewicz, et al., eds, *Totalitaryzmy XX wieku. Idee, instytucje, interpretacje* (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2010), 39.

6 Adam Wielomski, 'Istota totalitaryzmu. Wokół teorii Zbigniewa Brzezińskiego i Carla Friedricha,' *Studia nad Autorytaryzmem i Totalitaryzmem*, 43/2 (2021), 171–199.

7 Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 1951).

8 Roberto Aquerone, *L'organizzazione dello Stato totalitario* (Torino: Einaudi, 1965).

regime that has undergone an authoritarian transformation.<sup>9</sup> It was De Felice himself who, although starting with the famous *Intervista sul fascismo* in 1975, no longer questioned the totalitarian nature of the Mussolini regime in 1925–43, but insisted on differentiating between Nazi Germany and fascist Italy by emphasizing the lack of an anti-Semitic ideology in Italian fascism and ascribed the introduction of racist laws in 1938 to the policy of rapprochement with Nazi Germany.

De Felice also disagreed with the qualification of Mussolini's dictatorship as a "full totalitarianism," which he identified with Nazism and Stalinism, claiming that fascism had some totalitarian features but that they were not fully implemented.<sup>10</sup> De Felice, remaining faithful to Arendt's conceptualization, emphasized the incomplete character of the Italian version of totalitarianism, due to the fact that it did not translate into the extensive use of terrorist measures, it did not create a network of concentration camps and failed to fully subordinate all social spheres – with the king, the clerical hierarchy, and considerable circles of intellectuals retaining at least some autonomy.<sup>11</sup> Juan Linz, the Spanish political scientist, follows the concept of an incomplete version of Italian totalitarianism, which – as he emphasized did not include terror among the elements that are constitutive for totalitarianism – still allows Mussolini's regime to be defined in terms of an 'arrested totalitarianism.'<sup>12</sup> The totalitarian nature of Mussolini's regime was acknowledged, however, by Emilio Gentile according to whom fascism was rather a totalitarian "experiment," developing gradually in the political culture of Italy in the interwar period, by assuming control of political institutions and supervising all aspects of the life of the fascist state. The process of the totalitarianization of Italian society was not achieved completely, but it was accelerated just before the outbreak of World War II than in the late 1920s. It manifested itself in the constant expansion of political power, the progressive intensification of the dictator's control and mono-party over society in order to

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9 Such an interpretation can be found in De Felice's early studies on fascism, esp. in *Storia degli ebrei italiani sotto il fascismo* from 1961 and in the first three volumes of Mussolini's biography, published between 1965 and 1968. See: Renzo De Felice, *Mussolini il rivoluzionario 1883–1920* (Torino: Einaudi, 1965); De Felice, *Mussolini il fascista. La conquista del potere 1921–1925* (Torino: Einaudi, 1966), and De Felice, *Mussolini il fascista. L'organizzazione dello Stato fascista 1925–1929* (Torino: Einaudi, 1968).

10 Renzo De Felice, *Mussolini il Duce: Lo stato totalitario 1936–1940* (Torino: Einaudi 1996).

11 Renzo De Felice, 'Il fenomeno fascista,' *Storia contemporanea*, 4 (1979), 627.

12 Juan J. Linz, *Totalitarian and Authoritarian Regimes* (Boulder: Lynne Rienner Publishers, 2000), 70–71.



subordinate the masses and integrate them within the realm of the fascist state. Gentile, like Juan Linz, does not consider terror as sufficient to characterize a totalitarian system, however he partially agrees with the interpretation of fascism in terms of an 'incomplete totalitarianism' or 'imperfect totalitarianism'.<sup>13</sup> He emphasizes, however, that in all totalitarianisms, both in the case of the Third Reich and the USSR, there were manifestations of resistance and obstacles. He claimed further that the dictatorial regime never exercised a full monopoly of power, just as the process of subjugating society was not fully implemented, the anthropological revolution did not lead to the creation of an ideal model of man in accordance with a specific ideological vision, and the secular political religion did not transform the 'community of society into a community of believers'.<sup>14</sup> Hence, according to Gentile, none of the totalitarian experiments in the twentieth century can be defined as 'complete' or 'perfect'.<sup>15</sup>

### **From totalitarian to democratic society: The challenges of transformation**

Clearly, the way in which the society perceived the totalitarian past was influenced by the nature of the fall of the Third Reich in Germany and fascism in Italy. In particular, the awareness of responsibility for the armed conflict caused and the magnitude of the crimes committed by the Third Reich forced the society in post-war Germany to answer the question about the future of Germany after the victory of the Allies. It was already during the war – at the conferences in Tehran and Yalta – that the United States and Great Britain came up with projects aiming at dividing a defeated Germany into two to five countries. The Western powers planned to create the Danube federation with its capital in Vienna. Henry Morgentau, the U.S finance secretary put forward a plan to deprive Germany of its industry completely. The new German state was to be typically agricultural, derived from certain territories that would be internationalized. Ultimately, the victorious allies: the United States, the Soviet Union, Great Britain, France divided the area of the former Third Reich state into occupational zones, which were the area of their influence. The implementation of the war plans became impossible in the long run in the absence of unanimity among the Allies. Ultimately, three positions on the German question

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13 Linz, *Totalitarian and Authoritarian Regimes*, 70–71.

14 Emilio Gentile, *Fascismo. Storia e interpretazioni* (Roma-Bari: Laterza 2005), 70–71.

15 Joanna Sondel-Cedarmas, 'Retroaktywna <defaszycyzacja faszycyzmu> w interpretacji Emilio Gentilego,' *Studia nad Autorytaryzmem i Totalitaryzmem*, 39/1 (2017), 130.

emerged: the Soviet, the Anglo-American and the French.<sup>16</sup> The Allied Control Council established after the end of World War II on August 20, 1945, which was to become the supreme authority in the divided Germany and the joint voice of the cooperating Allies, failed to fulfil its task due to political and economic divergences between the Western Allies and the Soviet Union. The borders between the zones hindered economic development and prevented the Germans from paying off all damages, liabilities, and debts that they had incurred. As a consequence, on January 1, 1947, the two zones, the American and the British ones, were merged into the so-called Bi-zone. At the end of 1948, the French zone joined the Bi-zone establishing the Three-zone. In the defeated West of Germany, a territorially integrated organism began to emerge, which on June 21, 1948, received its new currency under the name of Deutsche Mark (DM). In the East, all developments leading to establishment of a new state were fully dependent on the Soviet Union, which forced the idea that the only and the best solution was to establish a central German administration.

Centralization, following the Soviet pattern, was to be a prelude to assuming control of the entire territory of a divided Germany. Divisions between the Western Allies and the Soviet Union, as well as economic reconstruction in the interconnected zones of occupation, were received by West Germans as signal of an opportunity for the revival of the German state. Nobody knew exactly what the political system of this new state would be. One thing was certain: that it had to be a fully democratic system in order to prevent a return to history. In addition, it should be a decentralized state with a federal structure, similar to the American one. The Soviet Union was negatively predisposed to the idea of federalisation and saw the potential unification of Germany as a danger that would lead to a resurgence in both militarism and Nazism. The reconstruction of the German state, however, became a fact. Political parties began to revive and, in the Western part of the defeated Germany, the Christian Democrats – which united Catholics and conservative Protestants in their ranks – became a significant political force. Conservative Protestants were unable to form a separate party as they had been discredited by their cooperation with the Third Reich and due to the fact that their main political milieu were the areas that remained in the Soviet zone. In the Soviet zone, the Social Democrats and Communists merged into a single party called the German Socialist Unity Party (*Sozialistische Einheitspartei Deutschlands* or SED). This was not a grassroots movement, but rather one

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16 Jerzy Krasuski, *Historia Niemiec* (Wrocław-Warszawa-Kraków: Zakład Narodowy im. Ossolińskich, 1998), 493–495.

which operated under the influence of the Soviet authorities and communists. In the Western part of the defeated Germany, changes took place which brought the Germans closer to the emergence of a new, democratic state. At the same time, the country was undergoing an economic recovery from its post-war devastation. Overcoming stagnation was heavily influenced by the economic recovery plan granted to a part of Western Germany, later to the West German state, i.e. the Federal Republic of Germany, known as the Marshall Plan (European Recovery Program) after its creator George Marshall, the U.S. Secretary of State.<sup>17</sup> West Germany received nearly \$1.4 billion U.S. dollars in aid under this plan from a total amount of nearly \$13 billion. dollars.<sup>18</sup> The Marshall Plan was part of U.S. President Harry Truman's doctrine of containing communism. 1949 turned out to be a turning point in the history of post-war Germany, with its key events preceded by actions taken by the Western allies a year earlier. On July 1, 1948, in Frankfurt am Main, a meeting of the three governors of the Western occupation zones was held with the eleven prime ministers of individual German states (*Länder*). The governors produced the so-called Frankfurt documents, which called for the convening of a constitutional assembly by September 1, 1948, at the latest. They were also attached to the Occupation Statute that was to be effective from the moment that the Western German state was established. On September 1, the Parliamentary Council, composed of representatives and delegates of the 11 *Länder* parliaments, met. It was headed by the future chancellor of the new Germany, Konrad Adenauer. On May 8, 1949, the Parliamentary Council of various political groups met on the Rhine, in the city of Bonn. As a result of the deliberations on May 23, the Council adopted the draft Basic Law of the Federal Republic of Germany (FRG).<sup>19</sup> The support of the Western Allies for the establishment of the German state triggered reactions of the Soviet Union on the other side of the so-called Iron Curtain. With the support of the communist state for the remaining part of the German nation, an artificial state deprived of independence and democratic government was created, known as the *Deutsche Demokratische Republik* (DDR). The division of a defeated Germany into two states seemed to be the only solution in the atmosphere of the Cold War. Yet the German problem remained, along with the tensions focused on Berlin, a city

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17 Bogdan Koszel, Stanisław Żerko, *Słownik polityków XX wieku* (Poznań: Wydawnictwo Poznańskie, 1995), 203, 204.

18 Jerzy Krasuski, *Europa zachodnia po II wojnie światowej* (Poznań: Wydawnictwo Poznańskie, 1990), 116.

19 Jerzy Krasuski, *Historia RFN* (Warszawa: Książka i Wiedza, 1987), 145, 148.

divided into sectors. The so-called Berlin crisis had a powerful impact on the history of international relations in post-war Europe.

In post-war Italy, however, the situation was very different. On the one hand, the transition towards democracy in the southern part of the country began straight away after Benito Mussolini's dismissal by King Victor Emmanuel III on July 25, 1943, and the formation of the new government of Marshal Pietro Badoglio. Badoglio's ceasefire (*armistizio*) of September 8, 1943, was the formal end of the alliance with the Third Reich and marked the transfer of Italy to the side of the Allies. At the turn of 1942/1943, political parties which had been banned by the Duce in 1925, began to re-emerge. Among them were the Italian Communist Party (PCI), the Italian Socialist Party (PSI), which, right after the war, appeared under the name of *Partito Socialista di Unità Popolare*, (PSIUP) and Christian Democracy (DC). New groups – such as the *Partito d'Azione* (PdA), a party that played a significant role on the political scene during the transformation period of 1943–1946 – appeared as well. All of these political groups, regardless of their clear ideological differences, shared an anti-fascist character.<sup>20</sup>

On the other hand, in the northern part of the country, the rebuilding of a puppet state under the name of the Italian Social Republic (*Repubblica Sociale Italiana*, RSI) under German occupation and Mussolini's rule, resulted in the outbreak of a civil war between forces loyal to Mussolini (fascists-republicans) and the anti-fascist resistance movement (*Resistenza*). The resistance was coordinated by the Committee for National Liberation (*Comitato di liberazione nazionale*, CLN) established on September 9, 1943. The Governments of National Unity associated with CLN, composed of representatives of the six main anti-fascist parties (DC, PCI, PSIUP, PLI, PDL, PdA), began to create a new democratic order. Ivanoe Bonomi's government (June 18, 1944–19 June 1945) played a crucial role in the transition from fascism to democracy. Bonomi was the first prime minister to move away from the Mussolini dictatorship. The German capitulation, the liberation of the cities of the north, Turin and Milan, and the capture and execution of Mussolini on April 25, 1945, marked the symbolic end of fascism. On 10 March 1946 the first democratic administrative elections in more than twenty years were held. Women voted for the first time in Italy's history. On June 2, 1946, elections to the Constituent Assembly took place, in which

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20 As Danilo Breschi noted, the years 1943–1946 were marked by an extraordinary ideological revival. See: Danilo Breschi, *Quale democrazia per la Repubblica? Culture politiche nell'Italia della transizione 1943–1946* (Milano: Luni, 2020), 17.

the Christian Democrats received 36 %, the Socialists – almost 21 %, and the Communists – 19 %.<sup>21</sup> Neo-fascists gained 5 % of votes. In the simultaneous referendum on the political system of post-war Italy, the republican option (54 %) won over the monarchical option (46 %). The latter, however, obtained record-high support in the South.<sup>22</sup> The outcome of the referendum clearly indicated the Italians' reluctance towards the Savoy dynasty, which appeared discredited by the overly submissive attitude of King Victor Emmanuel III towards the fascist Duce during the March on Rome until the war in 1940, followed by Victor Emmanuel's and Badoglio's escape from Rome on September 9, 1943.<sup>23</sup> It can be assumed that the constitutional referendum on June 2, 1946 and the establishment of the republic on June 18, 1946 marked the symbolic beginning of a new, democratic state.

On June 25, 1946, for the first time in Italian history, the Constitutional Assembly gathered to elect the provisional head of state. This function was entrusted to Enrico De Nicola, the undisputed political and moral authority of the period. Immediately after the elections, the process of drafting the constitution of the new republic began, concluding after a year. The constitution entered into force on January 1, 1948, and was considered a rather interesting compromise between the political culture of the Christian Democrats and the left-wing forces (communists and socialists). It was also clear evidence of the break with the previous regime. The Constitutional Assembly decided to introduce paragraph XII in the transitional and final provisions, regulating the future relations between the republic and fascism: 'it is forbidden to associate in any form of a delegatized fascist party.' Simultaneously, temporary restrictions were introduced (as an exception to Art. 48) concerning the right to vote and stand in elections for the fascist regime leaders for a period of five years effective from the entry into force of the Constitution. Moreover, the provisions of Article XIII – which was only repealed in 2002 – banned all male descendants of the Savoy dynasty from entering Italy. As noted by Francesco Filippi, the Italian historian,

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21 See: Paul Ginsburg, *Storia d'Italia. Dal dopoguerra a oggi* (Torino: UTET, 1996), 78; Roberto Charini, *Alle origini di una strana Repubblica* (Venezia: Marsilio, 2013), 78, and Federico Fornaro, *2 Giugno 1946. Storia di un referendum* (Torino: Bollati Boringhieri, 2021), 139.

22 Guido Crainz, *L'Italia repubblicana* (Firenze: Giunti 2000), 17.

23 Federico Fornaro, *2 giugno 1946. Storia di un referendum*, 17.

the introduction of the above-mentioned regulations clearly proves that fascism in 1948 was still a genuine political problem and not a legacy of the past.<sup>24</sup>

### **Reckoning with German Nazism and Italian fascism: German Nuremberg and De Gasperi's "black line" policy**

Reckoning with the sins of the previous regime was a separate problem that both Italy and Germany had to face. In Germany, the trial of German criminals which took place in Hitler's favourite Bavarian city of Nuremberg (Nürnberg), was of great importance as a postscript to World War II. The leaders of the Third Reich were accused of crimes against peace, war crimes, crimes against humanity and participation in a conspiracy against peace. Ultimately, the International Military Tribunal in Nuremberg on September 30 and October 1, 1946, sentenced 12 people to death. They were: Martin Bormann – head of the Chancellery of the NSDAP Party (default sentence), Hans Frank – governor general of the Polish occupied territories of the General Province; Wilhelm Frick – governor of the Bohemia and Moravia Protectorate; Hermann Wilhelm Göring – Marshal of the Reich; Alfred Jodel – general, chief of the command staff at the Supreme Command of the Armed Forces; Ernst Kaltenbrunner – head of the Main Reich Security Office; Wilhelm Keitel – Chief of the Supreme Command of the Armed Forces; Joachim von Ribbentrop – Reich Minister of Foreign Affairs; Alfred Rosenberg – minister for the occupied eastern territories; Fritz Sauckel – General Plenipotentiary for Labour Affairs; Arthur Seyss-Inquardt – Commissioner of the Occupied Netherlands; and Julius Streicher – Gauleiter of Franconia and editor of the Nazi weekly *Der Stürmer*. The remaining dignitaries holding high positions in the Third Reich administration, as actively engaged and responsible for the criminal acts committed, were sentenced variously to life imprisonment (Walther Funk – economy minister; Rudolf Hess – Deputy Führer; Erich Raeder – Grand Admiral, navy inspector), 20 years imprisonment (Baldur von Schirach, Gauleiter of Vienna; Albert Speer, General Plenipotentiary for Armaments), 15 years in prison (Constantin von Neurath – Minister of Foreign Affairs, Protector of Bohemia and Moravia), 10 years in prison (Karl Dönitz – Grand Admiral, successor of Hitler). Three dignitaries were found not guilty, namely: (Hans Fritzsche – head of the Council and Press Department at the Ministry of Propaganda and Public Enlightenment,

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24 Francesco Filippi, *Ma perché siamo ancora fascisti. Un conto rimasto aperto* (Milano: Bollati Boringhieri, 2020), 85–86.

Franz von Papen – Ambassador to Ankara, and Hjalmar Schacht – Minister of Economy and President of the Reichsbank).<sup>25</sup> Although the leading tendency of the international community at that time was to bring the main representatives of the Third Reich – including ministers and party officials – to trial, including ministers and party officials, it turned out soon after the main Nuremberg trial which was concluded on October 1, 1946, that judging Nazi-Germany criminals would not become one of the main foundations of the construction of the new, post-war order. While further trials of Nazi-Germany leaders were held after the main trial in Nuremberg, the success of this whole undertaking turned out to be limited. This was due to the international situation, the division of the world into two poles and the internal situation of Germany itself. As Wolff-Powęska noted, German society regarded the prosecutors' efforts in terms of *Siegerjustiz* and the kind of winners' revenge over the defeated. The end of the war was not perceived by the Germans as liberation, because the victorious powers determined their post-war fate.<sup>26</sup> Hence, after the events of 1945, there was no acceptance of the new order in German society. As argued by Wolff Powęska, a phenomenon of 'democracy without democrats' emerged. For many Germans, Nuremberg even became a symbol of a criminal pathology, which in the minds of a large part of society did not apply to an ordinary citizen.<sup>27</sup> The awareness rapidly began to grow that the responsibility for the war rested solely with Hitler and the few war criminals who had already been sentenced. As a result, the lustration process encountered numerous difficulties and integrating those who had collaborated with the NSDAP state turned out to be more important for the political consolidation of society than the moral renewal which would have accompanied excluding this group from the rest of society.<sup>28</sup> West German society had started to build a new state and its policy of looking to the future rather than the past meant that the Germans did not want to bear the burden of responsibility for a war that had been caused by the Third Reich. It was only the next generation of Germans who were born after the war that began to pose uncomfortable questions about the war, including responsibility for it and the faults and crimes committed. Norbert Frei, a German historian, assessed post-war Germany turning its back on the past in the following manner:

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25 Witold Stankowski, *Szymon Wiesenthal. Biografia* (Warszawa: Książka i Wiedza, 2009), 161, 162.

26 Anna Wolff-Powęska, *Pamięć brzemię i uwolnienie. Niemcy wobec nazistowskiej przeszłości (1945–2010)* (Poznań: Zysk i S-ka, 2011), 326.

27 Wolff-Powęska, *Pamięć brzemię i uwolnienie*, 326.

28 Wolff-Powęska, *Pamięć brzemię i uwolnienie*, 326.

World War II was interpreted as a consequence of the World War One, demanding – partly out of ignorance, partly deliberately and despite precise knowledge – to recognize it as equally ‘normal,’ which, given the uniqueness of the German crimes, could not be recognized as such. The impulses for action came from the outside mainly: from Israel, which, as a country of victims, was looking after criminals living in exile and who were not prosecuted by the German authorities, and which in the spring of 1960 managed to capture Adolf Eichmann in Argentina.<sup>29</sup>

The issue of bringing those accused of war crimes before an international tribunal appeared in Italy after the end of the war as well. Due to the complex status of this country, from September 1943, Italy, unlike other Axis allies, managed to avoid the extradition of those guilty of war crimes.<sup>30</sup> It should be remembered that Italy – from the War in Ethiopia in 1936 until the end of World War II – was not only a power with its own colonies in Africa, but a power occupying a large part of the Balkans as well. The catalogue of war crimes that the Italian military was accused of was long. The most serious allegations included: 1) the use – contrary to the Hague Convention – of gas on the local populations in Ethiopia and Libya, 2) the creation of concentration camps in Libya, intended to subordinate population of Cyrenaica, as well as in Eritrea and Somalia 3) the brutal pacification of civilians in Yugoslavia and Greece, combined with executions of local resistance activists and mass deportations of thousands of civilians to concentration camps.<sup>31</sup> The number of victims of the Italian occupation in Libya was estimated at 100,000, in Ethiopia – about 200–250,000 were killed in the war years 1935–1936 and twice as many in the occupation years 1936–1941, while in the Balkans – 100,000 in Greece and 250,000 in Yugoslavia.<sup>32</sup> It should be emphasized

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29 Norbert Frei, *Polityka wobec przeszłości. Początki Republiki Federalnej i przeszłość nazistowska* (Warszawa: Wydawnictwo Trio 1999), 434.

30 On the one hand, Italy in September 1943 was partially under the Allied occupation as a ‘defeated enemy state’ and, as such, was subject to the conditions of the armistice, on the other hand, however, it retained its legal government, which, after declaring war on Germany in October 1943, was recognized by the Allies as an ally.

31 The largest Italian concentration camp for Slavs was established in 1942 on the island of Rab (Italian: Arbe), where about 10,000 civilians of Croats, Slovenes and Jews were interned. See: Marina Cattaruzza, *L’Italia e il confine orientale* (Bologna: Il Mulino, 2007); Gianni Oliva, *“Si ammazza troppo poco”* (Milano: Mondadori, 2006).

32 Angelo Del Boca, *I gas di Mussolini. Il fascismo e la guerra d’Etiopia* (Roma: Editori riuniti, 1996); Angelo Del Boca, *L’Africa nella coscienza degli italiani. Miti, memorie, errori, sconfitte*, (Roma-Bari: Laterza 1992), 113, and Matteo Dominioni, ‘Il sistema di occupazione politico-militare dell’Etiopia,’ *Annale Irsifar*, (2006), 57.



that Art. 29 of the ceasefire agreements (so-called *lungo armistizio*) – signed by Marshal Pietro Badoglio on August 29, 1943 – and Art. 45 of the peace treaty of February 10, 1947 explicitly referred to the transfer of those guilty of war crimes to the nations which had asked Italy for their extradition. According to Filippo Focardi, Yugoslavia named about 750 Italian war criminals, France had 30 on its list, with 12 wanted by the USSR, and 10 by Ethiopia (the names of Marshal Pietro Badoglio and Marshal Rodolfo Graziani were included in the extradition list). In addition to this list about 800 Italian military acknowledged both as direct perpetrators and eyewitnesses to the events should be taken into account. In fact, only a small group of those arrested after the ceasefire in September 1943 in the territory of Yugoslavia, Greece and Albania and those who fell into the hands of the Russians in the winter of 1942/1943 were brought to trial.<sup>33</sup>

The official position of the Italian government on the trial of ‘crimes against peace’ and ‘crimes against humanity’ – as adopted by the International Military Tribunal in Nuremberg – was already specified in the summer of 1945. According to experts from the Ministry of Foreign Affairs, the first category could not be applied to Italians, while the second one could be applied to Mussolini and his closest associates, who had already been punished by the Italian people. It is worth noting that the category of the accused included personalities from the closest circle of King Victor Emmanuel III, such as generals Vittorio Ambrosio and Mario Roatta, former commanders of the Italian Second Army in Yugoslavia. In order to avoid their extradition, the government of Marshal Badoglio tried to work out an appropriate *modus operandi* at the turn of October and November 1943. Officers of the Italian Ministry of War and Foreign Affairs, who in the spring of 1944 began to compile documentation aimed at clearing potential Italian war criminals for their activities in Yugoslavia. This documentation was to be sent to the governments of the United States, Great Britain and France, having indicated four reasons in particular that could have prevented potential war criminals from being held legally accountable: 1) the right to trial war criminals by Italian courts, 2) the ‘humanitarian nature’ of the Italian occupation and the contribution to the protection of local civilians, and 3) distinguishing Italian behaviour from the more brutal occupation on the part of their former

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33 Still the Allies conducted a series of trials against Italian military criminals in 1945–1946, several of whom were sentenced to death. The most famous case was the sentence to death of General Nicola Bellomo, who was accused of killing in November 1941 two captured British officers. Bollomo was shot on September 11, 1945.

See: Filippo Focardi, *Nel cantiere della memoria. Fascismo, Resistenza, Shoah, Foibe* (Roma: Viella, 2020), 95–114.

Nazi allies, as well as demonstrating the role of Italy in the fight against the Third Reich since the ceasefire on September 8, 1943, and 4) shifting the blame for introducing more brutal methods of occupation onto the resistance movement in occupied countries (primarily the Yugoslavs). As Focardi rightly pointed out, the aforementioned method of defence became part of the fascist narrative developed in the post-war period mainly by conservative circles, contributing to the creation of the myth of “good Italians” (*Italiani brava gente*) and the vision of a gentle Italian occupation in comparison with the Nazi version. Similarly, the de-fascization process, although already begun by the Allies in the southern parts of the country in 1943, was superficial and limited to only punishing those most closely associated with the Mussolini regime.

In Italy, as in Germany, the governments of the transformation period tried to reconcile the society and eliminate old divisions between anti-fascists and supporters of the Duce’s dictatorship rather than prosecuting those responsible for cooperation with the old regime. Admittedly, despite the decree *Norme contro il fascismo* of July 27, 1944, introducing a life sentence for members of the fascist government and fascist dignitaries (*gerarchi*), and even in special cases for the death penalty for the crime of collaboration with the authorities of the Italian Social Republic in 1943–45, a retreat from the repressive policy against fascists took place after the presidential decree on amnesty for crimes committed during the Nazi occupation in June 1946. Along with the aforementioned decree, the so-called “Togliatti amnesty” (*amnistia Togliatti*) was introduced. The bill was, prepared by Palmiro Togliatti – the Minister of Justice and the secretary of the Italian Communist Party – and on its basis most of the trials against ex-fascists were cancelled.

### **Adenauer and De Gasperi: The founders of a united Europe**

For Italy, a country that was economically and image-wise devastated after World War II, a priority was to take pro-European actions (*la scelta europea*). Rebuilding relations with the United States (*la scelta atlantica*) became essential as well. Both the aforementioned European and Atlantic pillars on which the Italian post-war foreign policy was based were to become instruments helping to rebuild their international position.<sup>34</sup>

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34 Antonio Varsori, *La Cenerentola d'Europa? l'Italia e l'integrazione europea dal 1947 a oggi* (Soveria Manelli: Rubettino, 2010).

The most significant contribution to the process of integrating a democratic Italy into the international community was made by Alcide De Gasperi, the prime minister in 1945–1953.<sup>35</sup> In the process of rebuilding peace in Europe, he attached particular importance to cooperation with the United States.<sup>36</sup> It should be remembered that the change of alliances in 1943 caused a rather troublesome status of Italy after the end of the war, being on the one hand a defeated and conquered country (as pointed out by Great Britain) and on the other an ally. In order to solve this problematic situation on the international arena, the Christian Democratic politician focused on developing friendly relations with the Americans, who for their part were interested in gaining an Italian ally as part of their own Cold War policy.

De Gasperi, in a speech in Cleveland during his official visit to the United States in January 1947, spoke about the United States as ‘a great moral, economic and political force’ and a role model for Europe, where the spirit of freedom and religion coexist ‘in a higher collective system, which reconciles and harmonizes the rights of the individual with the interests of each of the federated states.’ Washington, for its part, offered economic aid (Italy was included in the Marshall Plan) and the full support of the Truman administration in its political crackdown against the communists.<sup>37</sup> De Gasperi, with American support and under pressure from the Vatican, excluded the communists from his ruling coalition in May 1947, which marked the beginning of an ideological confrontation between the DC and the PCI. The elections, which took place in April 1948 and ultimately brought De Gasperi’s complete triumph (DC won 48.5 % of the vote), were closely watched by the United States, who feared it would lose its sphere of influence if the communists won. As Guido Crainz noted, the young Italian democracy was frozen (*congelata*) and protected (*sorvegliata*) by the US military and intelligence during the election campaign.<sup>38</sup> The crowning achievement of the incorporation of Italy as a full member into the community of the Western world, which De Gasperi was very keen on, was to establish them as a founding member of the Atlantic Pact on 4 April 1949.

In addition to the aforementioned pro-Atlantic policy, the Christian Democratic Prime Minister focused on the process of unifying Western Europe

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35 Alcide De Gasperi, *L'Europa. Scritti e discorsi* (Brescia: Morcelliana, 2004), 51.

36 Daniela Preda, *Alcide De Gasperi federalista europeo* (Bologna: Il Mulino, 2004)

37 The US backed up De Gasperi in difficult negotiations before the signing of the Treaty of Paris in February 1947, closing the question of Italy’s participation in World War II. See: Piero Craveri, *De Gasperi* (Bologna: Il Mulino, 2006), 273–277.

38 Crainz, *L'Italia repubblicana*, 30.

as well. Although some historians correlate De Gasperi's pro-integration conversion momentum to 1950 – i.e. with the outbreak of the Korean War and mobilization to defend Europe against the expected Soviet aggression<sup>39</sup> – in fact the issue of European integration appeared in his political concepts as early as 1943. De Gasperi's pro-Europeanism, like that of Adenauer and Schuman, came from the tradition of Catholic universalism, as well as from his personal experiences of being a “frontier man,” who had grown up in Austrian Trento, a territory which saw constant clashes between different nationalities. When De Gasperi had served as Italian foreign minister in September 1946, he had tried to solve the problem of the German linguistic minority in the following manner: ‘My hope is that Brenner will not be a symbol of past conflicts, but will become a bridge agreement and exchange of two civilizations.’<sup>40</sup>

As rightly pointed out by Sara Lorenzini, De Gasperi's idea of a common Europe is about a democratic Europe, one alien to any radicalism, being part of the great tradition of Christianity, and at the same time serving as a cultural bulwark against Soviet communism.<sup>41</sup> The fact is that De Gasperi repeatedly indicated in his speeches the need to build a European Union in the context of Atlantic solidarity as a defence against the ‘bolshevism’ of Europe. As he declared in his speech in Aachen on September 24, 1952, on the occasion of receiving the award of the Charlemagne medal, the unification of the continent was a great political goal which had to be progressively pursued, without discrediting the importance of nation states, actively cooperating with the United States to guarantee peace, progress, and social justice in Europe. It should be remembered, however, that in his ‘European geography’ he only took into account Western Europe, excluding the countries that were kept on the other side of the Iron Curtain. He did not challenge the need for close cooperation with Great Britain, stressing that its accession to the community would have opened up important prospects for Europe in the economic sphere in particular. He was also consistently in favour of including Germany in the European integration process, both because of his deep respect for German culture and his personal acquaintance with Adenauer from the time of his activity in the Centre Party.

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39 Gustavo Corni, and Paolo Pombeni, *La politica come esperienza della storia*, in Gustavo Corni, Eckart Conze, Paolo Pombeni, *Alcide De Gasperi: un percorso europeo* (Bologna: Il Mulino, 2006), 48.

40 Maria Romana De Gasperi, ed., *De Gasperi scrive* (Brescia: Morcelliana 1974), 21.

41 Sara Lorenzini, *Limpegno di De Gasperi per un'Europa unita*, in Gustavo Corni, Eckart Conze, Paolo Pombeni, eds, *Alcide De Gasperi: un percorso europeo*, 210.

He emphasized that it was necessary to avoid strategic mistakes made after World War I, which gave rise to sentiments of revenge and retaliation. Consequently, De Gasperi supported the integration processes for both economic and political reasons. Having realized that Italy in the second half of the 1940s was weak in terms of the soundness of its democratic system and its economic backwardness, he hoped that introducing Italy to the European economic market would help to solve its internal problems, which included a high demographic potential, a scarcity of natural resources and backward industry in particular.<sup>42</sup> It should be noted, however, that he did not share the vision of a European federation, emphasizing the gradual nature of the integration process and the need to find 'transitional solutions,' by which he understood gradual sector integration. Hence, he strongly supported the Schuman Plan, which, in his opinion, was the first step to establishing broader cooperation, not in exclusively economic matters but political affairs as well. Likewise, in 1951 he spoke positively about the Pleven Plan, the creation of a common European army under a joint defence minister. Although he initially feared that it would stand in the way of the Atlantic Pact, he nevertheless concluded that the European military would become 'a stable bridge between different nations.'

De Gasperi's pro-European and pro-Atlantic thought coincided with Konrad Adenauer's view of international politics. Adenauer was aware of the division of the world into two opposing blocs: the West with the United States and the East with the Soviet Union. This state of affairs was sealed with the creation of two German states, West Germany and East Germany. The chancellor of the Federal Republic of Germany has set himself some tasks and goals to be achieved in order to stabilize the position of the new state. They were the following: a revision of the occupation status and full regaining of sovereignty. Achieving these goals was only possible through a pro-Western, pro-European policy. On the other hand, he saw the security of the new state on the basis of the Atlantic alliance, guaranteed by the United States.<sup>43</sup>

In this case, international politics was combined with economic and economic affairs. Ludwig Erhard – the Minister of Economy in Adenauer's government – drew from the US model when building the foundations of the new market

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42 Umberto Morelli, *Storia dell'integrazione europea* (Milano: Edizioni Angelo Guerini e Associati SpA, 2011), 68.

43 Krzysztof Ruchniewicz, 'Stosunek Adenauera do Polski Polaków,' in: Hans Peter Mensing, Krzysztof Ruchniewicz, eds, *Konrad Adenauer. Człowiek, polityk i mąż stanu* (Warszawa: Fundacja Konrada Adenauera w Polsce, 2001), 81.

economy.<sup>44</sup> Konrad Adenauer believed that it was necessary to build a bridge of understanding with France, which was not favourably disposed towards the new West German state. It transpired that the process would not be easy, with the Saar Basin being a bone of contention between France and West Germany. The French hoped that this area, economically important in terms of its coal resources, would remain with France for good. Meanwhile, as a result of a plebiscite in 1955, the Saar Basin was returned to Germany. It was a success for Adenauer and a defeat for France. At the same time, attempts to create the first territory with a European community character par excellence, the Europeanization of Saar, failed.<sup>45</sup> The signing of the Franco-German treaty on friendship, which became known in history as the Elysée Treaty, had to be postponed until January 22, 1963. Adenauer's actions were part of the pro-European policy. They clearly indicated the willingness of the new Germany – West Germany – to cooperate with the countries of Western Europe. One of these goals, concerning the occupation status, was achieved in 1952. At that time, the three Allied ministers of foreign affairs and Adenauer, as the chancellor of the Federal Republic of Germany, signed the so-called general agreement (*Generalvertrag*). Its provisions provided for the abolition of the occupation status and the restoration of West German sovereignty, with the right for allied troops to remain on the territory of the new West German state.<sup>46</sup>

The culminating achievement of the Atlantic policy was the accession of the Federal Republic of Germany to NATO on 9 May 1955. Earlier, on May 5, 1955, a new armed force called the Bundeswehr was established. Konrad Adenauer, having rejected the hopes of a reunification of Germany as long as the Soviet Union remained a superpower, had focused his attention on rebuilding the sovereignty of Germany and anchoring the new German state in a rapidly integrating Europe. The inclusion of Germany in European integration was to be proof of a willingness to create a common, supra-national state and supranational community. This policy was backed by Western Europe and the United States. Prince Philip of Windsor described the work of Konrad Adenauer as follows: 'Germany

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44 Tadeusz Kaczmarek, *Cud gospodarczy Niemiec. Ludwiga Erharda koncepcja społecznej gospodarki rynkowej* (Warszawa: Fundacja Ludwiga Erharda w Bonn, 1997).

45 Aneta Pazik, *Działalność polityczna Johannesa Hoffmanna na rzecz europeizacji Saary w latach 1947–1955*, typescript of the doctoral dissertation defended at the Faculty of International and Political Studies of the Jagiellonian University, written under the supervision of prof. dr. hab. W. Stankowski (2017).

46 Jerzy Serczy, *Podzielone Niemcy. Przegląd dziejów niemieckich od kapitulacji Trzeciej Rzeszy do zjednoczenia obu państw niemieckich* (Toruń: Wydawnictwo Marszałek, 1996), 91.

and the whole of Europe owe a lot to Adenauer. Instead of returning to a policy that threatens the stability of Europe ... Germany has become an integral part of the process of Western European integration.<sup>47</sup>

## Conclusions

In the case of Italy and Germany – the two classic post-totalitarian countries in Western Europe – the process of rebuilding civil society and a democratic rule of law after the end of World War II displayed many similarities, although some fundamental differences should also be noted:

- 1) the course of the systemic transformation was influenced by the way in which the dictatorships of Mussolini and Hitler collapsed. In Germany, a new order was imposed by the victorious Allies in 1945. Initially, the construction of a democratic rule of law by legal measures encountered numerous difficulties. This was due to the fact that the end of the war was not perceived by a large part of German society as a liberation, because their post-war fate was to be determined by the victorious superpowers. In Italy, which shifted allegiance to the Allies as a result of the ceasefire in September 1943, and more specifically the foundations of a democratic state being built in the southern part of the country by anti-fascist parties, gathered in the *Comitato di Liberazione Nazionale*. A turning point in the history of post-war Germany was its division into two separate states: West Germany and East Germany in 1949. Meanwhile, in Italy, the constitutional referendum on June 2, 1946, which determined the republican form of the state, played a key role.
- 2) Unlike in Italy, war criminals in Germany were brought before the International War Tribunal in Nuremberg, but the lustration trials in both countries were carried out very superficially. Both post-war Germany and Italy could not afford a complete replacement of the elite due to the scale of society's involvement in the functioning of the previous regime. At the same time, the governments of the transformation period aimed at consolidating the society as quickly as possible and closing a troublesome chapter of the past.
- 3) In both cases, the consolidation of the democratic order was carried out with the support of the United States of America. Italy and West Germany played a key role in the Truman doctrine and the balance of power in the Cold War division of Europe. The Marshall Plan made the economic recovery of

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47 Cited after: Alan Watson, *Niemcy. Kim są teraz?* (Kraków: Zysk i S-ka Wydawnictwo, 1998), 248.

- both countries possible. The US support also enabled the ruling Christian Democratic parties to strengthen their position on the political scene and to eliminate the communist parties.
- 4) Support for the integration processes played an important role in the inclusion of new democratic states in the international sphere. The pro-European policies of Prime Minister Alcide De Gasperi and Chancellor Konrad Adenauer contributed to the recognition of both countries as full members of the Western European community.

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Tadeusz Kopyś

## Models of systemic-economic transformation in Central and Eastern Europe

**Abstract:** From the perspective of the several decades that have passed since 1989, a large body of literature has accumulated which summarizes observations made in the early stages of the post-communist transformation processes in Central and Eastern Europe. In order to understand post-communist transformations, it is necessary to understand the communist system itself, its social roots and genesis, but in doing so, one should regard communist society as not only oppressive and economically unsustainable, but also as functioning and creating specific legal and constitutional conditions in individual countries. The situation of individual post-communist countries was different and therefore it is becoming increasingly inappropriate to make broad generalizations about the post-communist development throughout the entire region of Central and Eastern Europe, but rather one should distinguish between certain models of transformation.

**Keywords:** models of systemic transformation, Central Europe, ethno-populism

### Introduction

The economic and systemic transformation in Central Europe is identified with the liberal-democratic revolution that restored democratic sovereignty and the beginning of the process of constitutionalism, and finally with the delayed 'bourgeois revolution' without the presence of a bourgeoisie. The fact that it took place is testament to the resilience and vitality of the Central European political culture, which survived the communist system and was reborn at precisely the right moment. This region 'culturally belonging to the West, politically tied to the East, and geographically placed in the centre'<sup>1</sup> reconciled elements of its politics, culture and geography in the creation of its identity in 1989. The longing to 'return' emerged with the dissident movements of the 1970s and 1980s (rebuilding the human rights movement and the ideas of civil society), which also resulted in a renaissance of Central Europe's cultural identity. The 1989 'Return to Europe' marked the parallelism of two simultaneous and complementary processes: the regaining of its Western identity and a return to liberalism. Influenced

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1 Milan Kundera, 'Un occident kidnappé ou la tragédie de l'Europe centrale,' *Le Débat*, 27 (1983), 7–9.

by international events, the changes in these countries represent a new and unknown political change in history, where not only totalitarian regimes were changed to more democratic ones, but centralized economic systems shifted to a market economy based on private property.

The assessment and significance of the transformations of 1989 is not what it used to be. We now treat it routinely, defining it as the great victory of liberal democracy over Soviet communism. However, in the early 1990s, participants and scholars reverently referred to these events as an *annus mirabilis*, or ‘the year of miracles.’ The splendor of these peaceful Central European transformations in 1989 was interrupted by the brutal events of Tiananmen Square in early June of the same year and the live-streamed execution of the Romanian dictator Nicolae Ceausescu in December 1989. The well-known book by Francis Fukuyama, *The End of History and the Last Man* (1992), sparked debates about the global triumph of liberalism over its political rivals, but globally its prophecies did not come to pass, given the atrocities in China and the civil war in the former Yugoslavia.<sup>2</sup> 1989, this year of miracles, was finally seen (especially in France) as the greatest glorification of the 200-year anniversary of the French Revolution, and the autumn of 1989 was seen as a newer version of the ‘spring-time of nations.’<sup>3</sup>

Transformation, seen as the process of the political and economic reform of the economic system, depended on the starting position of the country, i.e. the level of economic development of individual countries in 1989–1990. The reasons for the breakdown of the ‘communist order’ can be found in the legitimization crisis, the influence of Soviet policy under the leadership of Gorbachev, the crisis of socialist economies, and divisions among the ruling communist elite.<sup>4</sup> In the countries of south-eastern Europe, ethnic and national problems had accumulated for years. Even whilst still under the communist system, the elites saw the need to carry out a number of reforms in the following areas:

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- 2 Marzena Cichosz, ‘Transformacja demokratyczna – przyczyny, przebieg i efekty procesu’ in Andrzej Antoszewski ed., *Systemy polityczne Europy Środkowej i Wschodniej* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 2006), 43–45.
  - 3 Michael Howard, ‘The Springtime of Nations,’ *Foreign Affairs* (New York), 69/1, (1989), 17.
  - 4 Phillippe C. Schmitter, Terry L. Karl, ‘The Types of Democracy Emerging in Southern and Eastern Europe and South and Central America’ in Peter Volten, ed., *Bound to Change: Consolidating Democracy in East Central Europe* (New York: Institute for East West Studies, 1992) 64–67.

- Liberalization: opening up the market – setting prices for all goods and services and reducing trade barriers;
- Macroeconomic stabilization: achieving a stable economic system – a process by which inflation is controlled and lowered over time after an initial burst of high inflation in the wake of liberalization in many transition economies;
- Restructuring and privatization: the privatization of state-owned enterprises and the creation of healthy real estate and financial sectors;
- Legal and institutional reforms: building institutional infrastructure – were needed to redefine the role of the state in these economies, to establish the rule of law and introduce an appropriate competition policy.

The return of democracy in 1989 was inextricably linked with the resurrection of the concept of the nation. In this respect, 1989 followed in the footsteps of 1848 and 1918 – in line with the idea that the nation state is the natural and most advantageous structure of democracy. The collapse of federalism, the legacy of communism (Czechoslovakia, the Soviet Union, Yugoslavia) seemed to confirm this belief. Yet the link between national sovereignty and democracy can work both ways, as we saw in the former Yugoslavia. This is a classic dilemma that the Hungarian political thinker István Bibó described at the end of World War II in his essay ‘The Poverty of the Little Nations of Eastern Europe:’ ‘Fascism is in the bud wherever after a cataclysm or an illusion of a nation it separates from freedom’<sup>5</sup> The fear that freedom and democracy ‘threaten the cause of the nation’ were historically one of the reasons for the democratic transition being sidelined in the Balkans and Eastern Europe after 1989 (in the former Yugoslavia and the former Soviet Union; to a lesser extent in the break-up of Czechoslovakia, where there were no conflicts over the boundaries and the position of minorities). In the case of these regions, the belief that building the nation state takes precedence over democratic changes and the rule of law prevailed.

The correct functioning of the new institutions depended on the fulfilment of three elements: a democratic political culture, administrative culture and a new form of entrepreneurship. They were distorted in the times of ‘real socialism,’ so initially the countries of Central Europe found themselves at a stage of deeper or slight ‘civilization incompetence,’ as Piotr Sztompka has termed this ‘unpreparedness.’ The political changes of 1989 and the subsequent restructuring of institutions were accompanied, to a much lesser extent, by shifting patterns of behaviour, values and attitudes of people which had been formed in the relatively lengthy period of communism, which Józef Tischner described as the

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5 István Bibó, *Misère des petits États d'Europe de l'Est* (Paris: L'Harmattan, 1988), 128.

*homo sovieticus* mentality.<sup>6</sup> Although the state-socialist institutions had clearly failed to create a 'socialist man,' they generated a state of mind, a set of expectations and assumptions that proved hostile to the development of democratic and civic institutions. The undemocratic context and institutional structures nurtured these cognitive traditions during the communist era even in Hungary and Poland. In post-communist circles, these cognitive traditions may tempt social actors to confront new situations in an old, familiar way. With the transition to democracy, both the context and institutions in the transition countries are formally democratic, but the way they interact remains fundamentally undemocratic.

There were thus strong elements of continuity in the developments which took place after 1989. Post-communist development is co-determined by factors anchored in both the recent and distant past and has a much greater continuity in that development than is often admitted. Already at the beginning of the 1990s, Piotr Sztompka mentioned several social burdens that could have influenced the process of transformations in post-communist countries (the dilemma of the enslaved mind, the dilemma of difficult abdication, the dilemma of relative degradation, the dilemma of goals that do not justify the means).<sup>7</sup> Therefore, it is difficult to understand the social changes after 1989 without knowing the genesis and functioning of the 'real socialist' system and the political, social and economic development which preceded and resulted in the overthrow of communism.

After the initial success of transformation, the nationalist cause was taken over by anti-liberals and populists, who believe that multiculturalism was being imposed on the masses by elites and unelected Eurocrats. They reject civic or inclusive visions of a nation and instead only define 'nation' as its 'true members,' excluding all who criticize or do not look like, pray, or act as the 'right' members of the nation should. Finally, one might ask whether liberal nationalism requires a special historical and cultural environment to flourish. We must remember about the dualistic development of nationalism – the Western civic and the Eastern ethnic-cultural one – and the fact that liberal traditions in Central and Eastern Europe, although not completely absent, are weak. Our region also has a 'provincial' complex because it is made up of smaller countries carved out of older

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6 Józef Tischner, *Etyka solidarności oraz homo sovieticus* (Kraków: Wydawnictwo Znak, 1992) 144, 167.

7 Piotr Sztompka, 'Dylematy wielkiej transformacji a szanse socjotechniki,' *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 1 (1992), 124–126.

and larger empires. National identity is an important determinant of 'provincial' awareness, and cosmopolitanism is dismissed as being synonymous with the loss of one's own identity. Thus, history, and the political and economic uncertainties in the post-communist landscape, have become 'favourable soil for collective passions, fears and illusions' that minimize the rights of the individual in favour of an 'organic, supra-individual ethos.'<sup>8</sup> In other words, intolerant, exclusionary, and fear-driven nationalism emerges as a refuge for those afraid of both their own individual troubles and the larger political community. In this context, it is easy to imagine that 'thicker' attachments – rooted not only in language but also in religion, shared history, traditional ethnic norms and feelings – would have more emotional value and promises of loyalty, social solidarity and support, readily providing scapegoats and simplified answers to complex problems.

### **Different models of the socialist state: Different models of transformation**

The process of democratic consolidation produced a strong civil society that has helped create a sense of national solidarity within political circles while taming and marginalizing ethnic nationalism. The strength of civil society and national identity are therefore closely related. The nationalist mobilization against communism was greater in those regions where national identity was stronger (the three Baltic states, western Ukraine, Poland). Areas with weaker national identities (e.g. eastern Ukraine, Belarus) did not play a major role in the national democratic movement in the late Soviet period and subsequently became strongholds of support for Russian political parties. A violent break with the communist past was only possible in areas with strong national identities that usually saw the communist regime as 'foreign.' In the post-communist world, this was only attainable in Central and Eastern Europe, the three Baltic states and western Ukraine, where civic nationalism was strong; there was no decisive break in the rest of the former USSR, except in the form of ethnic nationalism that led to the imminent collapse of the state. A Ukrainian researcher, Taras Kuzio, has highlighted the ambiguity of the transformation process in post-communist countries, with it typically consisting of three to four steps. The countries that formed the Visegrad group during the political transformation were united in the goal of establishing democratic institutions or democratizing already existing

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8 Vladimir Tismaneanu, *Fantasies of Salvation: Democracy, Nationalism, and Myth in Post-Communist Europe* (Princeton (NJ): Princeton University Press, 1998), 6–8.

political organs. Moreover, the aim of these countries was to secure the reform of the economy and to establish a free market. Greater challenges (three-level) awaited the other countries of Central and Eastern Europe. In addition to the aforementioned systemic and economic reforms, they also had the challenge of shaping and establishing their statehood (this is mainly the case of the Baltic states (Lithuania, Latvia, Estonia). Four-level reforms took place in the countries of Eastern Europe that emerged from the ruins of the USSR, in the countries of the former Yugoslavia and in Slovakia. They strove to implement the same reforms mentioned in the case of the other countries, at securing their statehood but also often a national identity.<sup>9</sup> This 'four-step transformation' is a model of transition which does not combine statehood and nationality into one category. Addressing the national question separately helps us to understand why post-communist transformations failed in countries like Belarus, where the weakness of the national idea directly contributed to the consolidation of the authoritarian regime and a certain hostility to the idea of citizens and the institutions of civil society. The higher the degree of cultural, linguistic and religious pluralism in an immature state, the more complex the democratic transformation. Reducing the transformations to simple typologies, one may discern two main types: evolutionary (slow, often top-down processes) and revolutionary (frequently imposed upon the ruling elite). The revolutions of 1989 also have different conservative or liberal ideological overtones. They can also be classified as imitative (those focused on the West), or restorative (those obsessed with the past, especially elements of the past of their own nations) such as in the cases of Serbia and Hungary. In several countries, (Poland, Slovenia, Hungary) the transformation was akin to a contract between society and the pro-reform part of the elite. In the case of other countries, if there was a revolt, it was usually part of the 'domino' effect, i.e. it took other countries where changes had already taken place as an example.<sup>10</sup> The contrast between Central Europe and South East Europe can be clearly discerned here and can be summed up as the contrast between democratic consolidation and the rise of 'illiberal democracies.' Bulgaria, Romania, and Slovakia were in an intermediate position, but eventually joined the group of transition countries.<sup>11</sup> The process of the two-fold enlargement of the North Atlantic Treaty Organization (NATO) and the European Union (EU), structures

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9 Taras Kuzio, 'Post-Communist States: Triple or Quadruple?', *Politics*, 21/3 (2001), 174.

10 Timothy G. Ash, *Wiosna obywateli. Rewolucja 1989 widziana w Warszawie, Budapeszcie, Berlinie i Pradze* (Kraków: Wydawnictwo Znak, 1990), 130–132.

11 Fareed Zakaria, 'The Rise of Illiberal Democracies,' *Foreign Affairs*, 1 (1988), 33–35.



that emphasized democratic conditions, reflects the diversity and division of countries in terms of transition problems. The question thus arises as to whether we can talk about one single model of democratic transformation in Central and Eastern Europe, or rather several. After all, according to László Bruszt, there was no single model of a socialist state, hence different paths of transition to democracy.<sup>12</sup> The course of the democratization process depended on many factors, including the typology of the ruling elite (reformists or ‘hardliners’), the economic situation, the degree of organization of the opposition, and the existence of a democratic tradition. In countries where a group of reformers was formed within the ruling elite, the change of the system was the mildest (Poland, Slovenia, Hungary). The Czech Republic joined the ranks of countries, where the peaceful nature of the transformation was not so much due to the intention of the party reformers, but rather due to the pragmatism of the Czechs and the traditions of the interwar republic. On the other hand, Slovakia, which was perhaps not as developed and did not have such a rich tradition of independent statehood, endured a more difficult economic crisis and is an example of a stalled transformation.

In other words, the higher the degree of cultural, linguistic and religious pluralism in an immature state, the more complex the democratic changes will be. This does not exclude the creation of certain unified norms (guaranteeing appropriate treatment to national minorities), but it takes time and energy that could be spent on political and economic reforms.<sup>13</sup> Sometimes these disagreements led to civil wars (Kosovo, Bosnia), but in other non-conflict transformations, fears and suspicions prevailed and then the national regimes used exclusive ideologies, dividing societies into ‘us’ and ‘them’ (see, for example, the rule of Vladimir Mečiar in Slovakia in the 1990s).

Scholars have explained the tremendous divergence of the post-1989 political trajectories by identifying differences stemming from their legacy from the communist and pre-communist periods, highlighting how these factors determined which constellation of elites and institutions was the most powerful during the regime change and the decisive early transition years. In the book *Europe*

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12 László Bruszt, ‘1989: The negotiated revolution in Hungary,’ *Social Research*, 57/2, 1990, 370–372, András Bozóki, ‘Hungarian Transition in Comparative Perspective,’ in András Bozóki; András Körösenyi and George Schöpflin, eds, *Post-Communist Transition. Emerging Pluralism in Hungary* (London: Pinter Publisher; New York: St. Martin’s Press, 1992) 161–163.

13 John A. Hall, ‘In Search of Civil Society’ in John A. Hall, ed., *Civil Society. Theory, History, Comparison*, (Cambridge: Polity Press, 1996) 20–23.

*Undivided* Milada Vachudova emphasizes that the presence of a strong opposition during the communist era helps explain why Poland, Hungary and the Czech Republic were able to establish liberal democracy faster and more effectively in the 1990s.<sup>14</sup> Opposition groups chose leaders who shared their preferences for liberal democracy – and these leaders entered into negotiations and government already in 1989. In Slovakia, Romania, and Bulgaria, where there was no strong opposition, unreformed communists and other opportunists filled the political vacuum. They used ethnic nationalism to win elections and distorted reforms to amass political power and economic influence.<sup>15</sup>

### Origins of ethno-populism

Ethno-populism, like ethnic nationalism, was used by elites in many post-communist countries. Between 1994 and 1998 in Slovakia, for example, the party Movement for a Democratic Slovakia (HZDS) led by Vladimír Mečiar was in power. They ruled in a manner that threatened democratic institutions, promising to defend Slovaks against enemies of the Slovak nation, both external and internal (national minorities), in a manner similar to that of Prime Minister Viktor Orbán's Fidesz since 2010. Nationalism and populism are ideologies rooted in identity politics that can be used to mobilize voters but also to weaken democratization processes.<sup>16</sup>

Ethno-populism differs from ethnic nationalism in that it is much more flexible and is able to cast a much wider net to attract support. For ethno-populists, the 'people' need not be defined solely as a nation; this concept can also be very flexibly defined in terms of culture, ethnicity, religion and even civilization. In the post-communist areas of Europe, ethno-populists claim to defend traditional Christian national and family values. Ethno-populism is evidence of the superficiality of the transformation in some Central European countries, and ethno-populists themselves may 'discover enemies' depending on the current demand or the given crisis in Europe. This has allowed, for example, both Viktor Orbán and the Czech president Miloš Zeman to style themselves as defenders of traditional values and leaders of a Christian white nationalist crusade to save

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14 Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage, and Integration After Communism* (Oxford-New York: Oxford University Press, 2005).

15 Milada Anna Vachudova, 'From Competition to Polarization in Central Europe: How Populists Change Party Systems and the European Union,' *Polity*, 51/4, (2019), 689–706.

16 Sherrill Stroschein, 'Populism, Nationalism and Party Politics,' *Nationalities Papers*, 47/6, 2019, 923–935.

Europe from Muslims and ‘multiculturalism’ – and thus seek alliances with the leaders of other far-right parties across Europe. Prime Minister Orbán uses ethno-populistic discourse to combat any critique of his own politics which might stem from Western institutions.<sup>17</sup>

Such regional differences seem to be confirmed if we compare the level of independence of the society of Central Europe and the Balkan states. In this regard, some of the most severe and longest periods of totalitarian domination in the period after 1945 concerned the Balkan states – Albania, Bulgaria and Romania – while a greater degree of reform and adaptation characterized the regimes after 1956 in Hungary and Poland. However, the contrast between Central Europe and the Balkans is important as well when one considers the nature of the crisis of communist regimes. Communism in Central Europe experienced three major crises – the Hungarian Revolution and events in Poland in 1956, the Czechoslovak reform movement of 1968 and the Solidarity movement in 1980–81 in Poland – all of which posited different visions of democracy and civil society; it was only in the second phase (under increasing external pressure), that the issues of national independence arose. In contrast, the three major crises of the communist system in the Balkans (Tito’s break with Stalin in 1948, Albania’s breakaway from Moscow and proclamation of loyalty to Beijing in 1961, and Ceausescu’s pursuit of independence from 1968) emphasized the autonomy of the national communist apparatus towards Moscow, while strengthening the totalitarian features of the regime. The beginnings of the revival of civil society in Central Europe date back to these three aforementioned crises (1956, 1968, 1980–81), as well as to the dissident movements of the 1970s and 1980s. The legacy of Ceausescu, Hoxha and Tito were to be growing nationalist tendencies, while the emergence of alternative political elites in Central Europe immediately before 1989 led to the formation of organized democratic opposition movements, something which was clearly lacking in Southeast Europe (the Balkan countries).<sup>18</sup> It is no surprise, therefore, that in the first free elections, most seats were won by the former communist parties, which in the subsequently developed into social democratic parties.

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17 Zsolt Enyedi, ‘Populist Polarization and Party System Institutionalization: The Role of Party Politics in De-Democratization,’ *Problems of Post-Communism*, 63/4 (2016), 210–220.

18 Jacques Rupnik, ‘On Two Models of Exit from Communism: Central Europe and the Balkans,’ in Sorin Antohi, Vladimir Tismaneanu, eds, *Between Past and Future. The Revolutions of 1989 and their Aftermath* (Budapest: Central European University Press, 2000), 14–24.

Systemic changes in the countries of Central and Eastern Europe began, according to the famous American political scientist Samuel Huntington, as part of the third wave of democratization. This third wave began in the mid-1970s and ended during the period which saw the collapse of the USSR.<sup>19</sup> In addition to the waves of democratization, the American scientist paved the way for research into a new field of knowledge – transitology. He also foresaw waves of retreat from democracy and distinguished three phases of democratization (collapse of the authoritarian regime, establishment of a democratic regime, consolidation of the democratic system). Huntington listed various models (linear, cyclical, dialectical) and models of transformation of changes (replacement – replacement of the ruling elite, displacement – conciliation between part of the ruling camp and the opposition, and transformation – the top-down introduction of changes by the rulers).

The type of transformation reflects the balance of forces between the government and the opposition, as well as their internal differentiation, and essentially influences the course of the first stage of systemic changes. For example, Hungary and the former republics of the USSR (including Ukraine, Moldova, Russia and Belarus) belonged to the third type (transformation), characterized by a strong position of the ruling elite, one initiating and continuing the process of change. When assessing the results of the transformation from the perspective of three decades, we can see tremendous differences between the political regimes in these countries (also, putting Hungary in the same basket as Ukraine and Moldova seems unjustified). Some other findings are not commonly taken for granted, especially the classification of the Romanian transformation as an example of replacement. A more detailed analysis of the issues of the political transformation in Romania shows that there was a controlled seizure of power in this country by another wing of the communist party. Therefore, we are not dealing with a revolution in this case, but we can classify the democratization tendencies in Ukraine and the Maidan movement as revolutionary changes.

In the case of reforms in Poland, there is a consensus amongst researchers that an agreement was struck between reformers from the ranks of the ruling establishment and moderate opposition activists. This ‘round table’ model of transformation was also used in Hungary, where it took the form of a ‘triangular table.’<sup>20</sup>

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19 Samuel Huntington, *Trzecia fala demokratyzacji* (Warszawa: Wydawnictwo Naukowe PWN, 1995), 29–36.

20 Apart from communist and opposition activists, representatives of civil society also took part in the Hungarian talks.

The model of the Hungarian transformation is defined by some scholars as a combination of a 'pact' between the opposition and the rulers and an 'imposition' because the Hungarian regime did not actually yield to the opposition and implemented the thoughts of the reformers. Already from the mid-1980s, political changes took place along the Danube within the ruling party itself, in which a new generation of young, well-educated and pro-reform communist activists were pushing for power and began to develop a reform program in 1986. In June 1985, a meeting between opposition figures took place at a campsite in Monor near Budapest. In September 1987, during a meeting in Lakitelek, the first non-communist political party in Hungary was established – the Hungarian Democratic Forum. The talks in Lakitelek took place with the knowledge and tacit consent of the party, as evidenced by the participation of Imre Pozsgay general secretary of the Patriotic People's Front, in the meeting, an aspect which makes the Hungarian model unique.<sup>21</sup> The economic transformation in both Hungary and Poland was influenced by the fact that a significant part of domestic production was already being produced by the private sector in the 1980s. In Hungary, economic reforms had been launched in 1968, despite the reluctance of the Soviet leadership.

Naturally, analyzing transformation models is important because we assess how the past of a given society has influenced the type of transformation model, we are dealing with in a given case. Some legislators believe, for example, that after building appropriate institutions, social behaviour will automatically follow established formal channels. However, this approach is illusory. The emergence of new democratic institutions does not guarantee the proper functioning of the new political and economic order. This is rather a product of the current social and cultural conditions, social interests, and even political culture, all of which often have their roots in the past. Hence, the new order and its new institutions may stimulate the desired process of evolution, or on the contrary may hinder the transformation.<sup>22</sup>

A commonly made error when discussing a transformation is to overestimate the economic component, assuming a deterministic causal chain between the new economic relations and other aspects of the transformation. The changes in ownership structure, price liberalization, market reconstruction, and structural

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21 Eric Magnin, 'Path-Dependence and Initial Conditions in the Transition Process: The Cases of Hungary and Romania,' *Journal of Economics and Business*, 5/1 (2002), 70–71.

22 Piotr Sztompka, 'Civilizational Incompetence: The Trap of Post-Communist Societies,' *Zeitschrift für Soziologie*, 2 (1993), 85–95.

changes in the economy were naturally important, but for a holistic view of the changes it is necessary to look at social and cultural changes and look for new identities or rebuild old, dusty national identities, because the relationship between civil society and national identity is at the heart of the transformation process in post-communist countries. Without a common identity and group solidarity implying trust, social mobilization for the purposes of political and economic modernization is impossible. An atomized population which is regionally divided, cynical about its ability to bring about change, and lacking trust in other citizens in the same country, is unlikely to generate either a dynamic civil society or the requisite social mobilization to secure its goals.<sup>23</sup>

## Conclusion

The collapse of the communist regimes in Central and Eastern Europe and in the Soviet Union, between 1989 and 1991, represents a triumph of Western values, ideas, and democratic institutions. If, for triumphal conservatives, the events of late 1989 encompassed an endorsement of 'democratic capitalism' that augured 'the end of history,' for liberal and social democrats they could be understood as the repudiation by the peoples of the former Soviet bloc of Marxism-Leninism in all its varieties, and the reemergence of a humanist socialism that was free of Bolshevik deformation.

A transformation typically takes more time and involves more difficulties than a society expects, and often more than society is willing to tolerate. It has become clear that the early hopes for democratization in much of the world were too optimistic. Many authoritarian regimes have survived the 'third wave' of democratization. Thomas Carothers called it the 'transformation paradigm.'<sup>24</sup> In other cases, the collapse of one form of authoritarianism has not brought democracy, but a new form of undemocratic governance, which in recent studies have been referred to as hybrid regimes. The length and difficulties of the transformation have exhausted the patience of society, especially where the standard of living has drastically decreased and for a longer period, where unemployment is high and social mobility is stagnant. In addition to the deterioration of the material standard of living, they are accompanied by further changes – an unstable and anomalous social situation, which causes feelings of instability and anxiety, and

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23 Paul Kubicek, *Unbroken Ties. The State, Interest Associations, and Corporatism in Post-Soviet Ukraine* (University of Michigan Press 2000), 79–81.

24 Thomas Carothers, 'The End of the Transition Paradigm,' *Journal of Democracy*, 1 (2002), 8–9.

contributes to social discontent. The social legitimacy of the reforms resulting from the post-1989 transformation has been weakened, along with political support for the reform parties. Left-wing or populist turns may then occur in national elections, as was the case in several countries in the region (Belarus, Bulgaria, Hungary, Poland, Romania, Slovakia). Dissatisfaction with development can also be the result of a contradiction between society's expectations of reform and its perceived results.

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Elżbieta M. Mach/Zdzisław Mach

# European socio-political and cultural changes after 2004 in the context of the shaping of active citizenship

**Abstract:** The EU enlargement created a challenge to European integration, as the new members brought with them the legacy of communism. It included a concept of nation as an ethnic community, a low level of citizens' participation in democratic procedures, and limited development of civil society. It was difficult for the new members to build liberal, open societies. In Poland, the concept of a common European identity is rather abstract, and the distance to liberal values is connected with the view of a nation as a closed community, which makes it difficult to accept the idea of an open society, inclusive, mobile and individualistic. The EU is seen primarily as an external donor. The populist nationalistic governments in Poland and Hungary exploit this view by emphasizing national sovereignty and the need to transform the EU into just the common market. It seems that active, participatory citizenship is essential not only to prevent the 'democratic backsliding' and to construct the European demos, but also to build a European identity based on rule of law and human rights, inclusive and open.

**Keywords:** EU enlargement, active citizenship, European identity

## Introduction

The history of the construction of the European community of states and nations dates back to the early post-war years, when the implementation of the Schuman Plan began; however, the idea of a European power modelled on that of the United States of America and the Roman Empire was born in the minds of great leaders many years before the establishment of the European Coal and Steel Community and the Euratom. Jean Omer Marie Gabriel Monnet, Robert Schumann, Konrad Adenauer, Winston Churchill, Alcide de Gasperi and others,<sup>1</sup> all implemented and shaped these ideas into real cooperation and building a common sphere for the lives of Europeans. An association project focused on the recognition of common values, the acceptance and equal treatment of citizens, perceiving its

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1 'EU Pioneers, How do you know?', An official website of the European Union, < [https://europa.eu/european-union/about-eu/history/eu-pioneers\\_pl](https://europa.eu/european-union/about-eu/history/eu-pioneers_pl) > accessed 25 November 2020.

wealth to lie in the diversity of the cultural heritage of the member states. The intention was to build a stable economy without borders, common currency, the rule of law and democratic processes, and has been the main driving force behind the integration and construction of powerhouse which was the dream of its founding fathers for many years.<sup>2</sup>

Aside from standardization and common norms<sup>3</sup> in the field of law, economy, economy and security, the principle of subsidiarity was applied in the field of cultural, social, and educational policy, allowing each member state to pursue jointly agreed priorities on the EU level in a way that is characteristic of the cultural and social uniqueness of its states and nations. This diversity of paths, methods, forms, and content in attaining common goals implied certain discrepancies in the ultimate results of these policies. It is particularly clearly discernible in the field of education and cultural and social policy, in terms of the shaping of European identity,<sup>4</sup> responsible EU citizenship,<sup>5</sup> and the understanding and acceptance of the commonly adopted catalogue of rights<sup>6</sup> and values.<sup>7</sup>

The historical complexities of each of the EU countries, especially in the context of coping with the legacy of totalitarian systems and the consequences of functioning under specific geographical and political conditions, have resulted

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- 2 Pascal Fontaine, *Europe in 12 lessons* (Luksembourg: European Commission, Publications Office of the European Union, European Union, 2010), 5–9.
  - 3 Polski Komitet Normalizacyjny, 'Dyrektywy, Rozporządzenia i Normy,' <<https://www.pkn.pl/polskie-normy/dyrektywy-rozporzadzenia-i-normy>> accessed 10 November 2020.
  - 4 Markus J. Prutsch, *Badanie dla Komisji Kultury i Edukacji – Tożsamość Europejska* (Bruksela: Parlament Europejski, Departament Tematyczny d.s. Polityki Strukturalnej i Polityki Spójności, 2017)
  - 5 'EU citizenship. Your rights-and how to use them,' *An official website of the European Union*, <[https://europa.eu/european-union/about-eu/eu-citizenship\\_en](https://europa.eu/european-union/about-eu/eu-citizenship_en)> accessed 20 November 2020.
  - 6 'Karta Praw Podstawowych Unii Europejskiej,' *Dziennik Urzędowy Unii Europejskiej* z dn.26.10.2012 (2012/C 326/02), <[https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C\\_.2012.326.01.0391.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C_.2012.326.01.0391.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC)>, accessed 20 November 2020.
  - 7 'Wersje skonsolidowane Traktatu o Unii Europejskiej i Traktatu o Funkcjonowaniu Unii Europejskiej,' *Dziennik Urzędowy Unii Europejskiej* (2012/C 326/01), z dn. 26.10.2012, Tytuł 1, Art. II, <[https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C\\_.2012.326.01.0001.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC#C\\_2012326PL.01001301](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C_.2012.326.01.0001.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC#C_2012326PL.01001301)>, accessed 10 September 2020.

in the fact that their visions of Europe were perceived differently in the past<sup>8</sup> and also vary widely today.<sup>9</sup>

## Socio-political change following the expansion of the EU

The 1970's saw the expansion of the European Community to encompass Denmark, Ireland and the United Kingdom. Strengthening the European Community with strong countries that understood the idea of integration helped both economic and political cooperation flourish. The sense of community and shared responsibility for the fate of Europe enshrined in the treaties laid the foundations for the protection of Greenland, which left the EU in 1985. Based on the Council Decision of 2014,<sup>10</sup> the island was provided with close economic cooperation with the EU and financial support mechanisms. The next decade saw the expansion of the Community to include Greece (1981), Spain and Portugal (1986), Austria, Finland and Sweden (in 1995). The opening of borders based on the Schengen Agreement (1985) and the economic and monetary union supported by a common security policy and focused on social cohesion gave member states the tools to strengthen community and build a knowledge-based economy that would compete with Asian or American concerns. The intensive social and political changes that began in the east of Europe at the end of the 1980's, the opening of Central and Eastern European countries (the former Communist Bloc) and their drive to catch up with the countries of 'old Europe,' brought another wave of expansion in 2004. This time, it was the largest in the history of the Community, including Cyprus, the Czech Republic, Estonia, Lithuania, Latvia, Malta, Poland, Slovakia, Slovenia and Hungary. In the following years, not counting the overseas territories (e.g. Saint Martin or Mayotte), the Union was joined by Bulgaria and Romania (2007) and Croatia (2013).

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8 Stanisław Miklaszewski, 'Spór o kierunki rozwoju integracji europejskiej a zróżnicowanie regionalne Unii Europejskiej,' *Zeszyty Naukowe Uniwersytetu Ekonomicznego w Krakowie*, 805 (2009), 5–17, <<https://r.uek.krakow.pl/bitstream/123456789/1521/1/168020886.pdf>>, accessed 10 October 2020.

9 'A strategy for smart, sustainable and inclusive growth,' *European Commission Communication from the Commission*, Europe 2020, Brussels 3.3.2010, (COM 2010), <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC2020&from=EN>> accessed 2 November 2020.

10 'Decyzja Rady 2014/137/UE z dn.14 marca 2014 w sprawie stosunków między Unią Europejską, a Grenlandią i Królestwem Danii' (2014), *Dziennik Urzędowy UE* L76/1 z dn.15.03.2014, z drugiej strony <<https://eur-lex.europa.eu/legal-content/PL/TXT/PDF/?uri=CELEX:32014D0137&from=PL>>, accessed 25.11.2020.

The awakening of social awareness and the desire on the part of the countries of CEE to join the European Union, gave hope for political and social stabilization in this part of the continent and for the implementation or maintenance of the rule of law and democratic processes in the newly admitted, post-communist countries.<sup>11</sup>

However, such an extensive enlargement of the European Union had consequences for its smooth development,<sup>12</sup> even though the newly admitted states viewed this process somewhat positively.<sup>13</sup> The EU's management methods and internal decision-making procedures were no longer adequate when confronted by such a large number of members. The lack of acceptance for the planned EU constitution (rejected in two national referenda in 2005) led to the adoption of the Lisbon Treaty (2007),<sup>14</sup> which not only regulated administrative and procedural matters but also defined the assumptions of all EU policies, consolidating the previous treaty provisions into a coherent whole. The Charter of Fundamental Rights<sup>15</sup> was also adopted under the terms of the treaties, something which has become an extremely important factor in the context of considerations on shaping European active citizenship and European identity.

The great enlargement of 2004 was the result of many years of negotiations, the aim of which was to build a new, integrated Europe which would be able to overcome the legacy of communism and the post-World War II division of the continent. The post-communist CEE, which after the fall of the Iron Curtain expressed a desire to join Western European structures, underwent a profound

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11 'Prawo, praworządność, państwo prawa, Komunikat z badań BS/90/79/94,' (1994), Centrum Badania Opinii Społecznej, Warszawa, <[https://www.cbos.pl/SPISKOM.POL/1994/K\\_079\\_94.PDF](https://www.cbos.pl/SPISKOM.POL/1994/K_079_94.PDF)>, accessed 5 September 2020.

12 Tendara-Właszczuk, Helena, ed., *Bariery integracji Unii Europejskiej* (Kraków: Polskie Towarzystwo Ekonomiczne, 2009). <[http://www.krakow.pte.pl/pliki/Bariery%20integracji%20-%2000\\_Spis%20tre%C5%9Bci.pdf](http://www.krakow.pte.pl/pliki/Bariery%20integracji%20-%2000_Spis%20tre%C5%9Bci.pdf)> accessed 25 November 2020.

13 'Dylematy związane z funkcjonowaniem Unii Europejskiej, Komunikat z badań BS/105/2009,' Centrum Badania Opinii Społecznej, Warszawa 2009), <[https://www.cbos.pl/SPISKOM.POL/2009/K\\_105\\_09.PDF](https://www.cbos.pl/SPISKOM.POL/2009/K_105_09.PDF)>, accessed 16 October 2020.

14 'Traktat z Lizbony zmieniający Traktat o Unii Europejskiej i Traktat ustanawiający Wspólnotę Europejską podpisany w Lizbonie dnia 13 grudnia 2007 r.' <<https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX%3A12007L%2FTXT>>, accessed 28 November 2020.

15 'Karta Praw Podstawowych Unii Europejskiej,' (2012) Dziennik Urzędowy Unii Europejskiej z dn.26.10.2012 (2012/C 326/02), <[https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C\\_.2012.326.01.0391.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C_.2012.326.01.0391.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC)> accessed 20 November 2020.

and relatively rapid transformation of its economic, political and social systems. The countries of the region gradually met the basic standards of liberal democracy and market economy and modernized themselves according to the guidance of the European Commission and EU member states' governments. The very substantial financial assistance from the EU made it possible to build infrastructure and provide resources for the restructuring of their post-communist economies. Considerable effort was also made to develop skills and train the specialists who were to put the CEE countries on the path to becoming liberal civil societies.

Following Ralf Dahrendorf, the transformation was not so much a victory of the capitalist over the socialist system but of an 'open society' over a 'closed society.' However, Dahrendorf's famous suggestion that to change the political system into democracy may take six months, to transform the economy into a market system may be a matter of six years, but to build a civil society takes sixty years, proved to be particularly apt with regard to the CEE region. To create a pluralistic, tolerant, individualistic society, one which would recognize and practically implement liberal values, accept the principles of the rule of law, human rights and social dialogue, proved to be much more difficult than creating the material infrastructure and establishing institutions of liberal democracy and market economy.

In the centralized communist societies, with totalitarian regimes determined to control all aspects of social life, independent institutions of civil society were, with a few exceptions such as the Catholic church in Poland, practically non-existent. The space between individuals and families on the one hand and the government, on the other, was filled with various associations, trade unions and other organisations which were strictly controlled by the communist party and constituted a kind of a 'mock' civil society. Their citizens, who were not empowered to develop genuine civic initiatives and organize themselves without being instructed to do so, learned various strategies for survival and achieving individual success through legal, semi-legal and illegal activities to secure scarce goods and services, usually treating the law as an instrument of governmental power, something which could (and should) be bent and even broken. In Poland, a popular saying 'the law is here to be broken' illustrates this attitude, which has its roots in a power system without either traditional or democratic legitimacy.

It was necessary to change the mentality of citizens in CEE for the project of building a liberal, democratic open society to succeed, but it was by no means easy as it meant introducing the value of the rule of law as one of the main principles on which the EU was built. This need was recognised both by the new democratic governments of CEE and by European institutions, which invested a lot

of effort and money in projects aimed at the development of civil society in the post-communist, EU candidate countries. On the other hand, it seems that the liberal governments in new democracies assumed that if democratic and market institutions and legislation were established, then the expected changes in the mentalities and attitudes would follow. This did not happen to the expected extent, as one can see now, with the development of the so-called 'democratic backsliding' in at least some of the countries concerned, Hungary and Poland in the first place. And yet, the need to build a functioning civil society across the EU was, and remains, essential for the success of the integration project. Without this, it would be impossible to engage and activate citizens on the European level, and to build a kind of common European identity which is even more essential following the series of EU enlargements.

The question of a common European identity was among the most important issues and challenges in the process of European integration. This seems to be true especially since the European Community moved from its status as a mainly common market to become a political union after the Treaty of Maastricht. It was seen as essential that the economic union would become a truly political and social entity, with a common identity developing hand in hand with the European demos. The European citizenship was one of the main big projects in this direction, aiming at creating a sense of community all across Europe, with the feeling of belonging, engaging citizens in democratic participation in their places of residence, irrespective of their national status. Also, many EU projects, such as educational ones, Erasmus or joint degrees, were aiming at creating a European identity among young people who would not only have a cultural experience in different European countries but also their education would no longer be defined nationally but would be certified by European multi-national consortia of universities. There are many cultural projects which have the same goal of creating a European identity, a sense of belonging through the common interpretation of heritage and especially through the common participation in cultural events. The European capital of culture and European pilgrimage routes are among the best-known projects of this kind.

The main question behind these projects and in general behind the whole idea of the common European identity is: What do we all have in common in the EU? And, how are we different from non-Europeans? These are difficult questions. The common European heritage is a complicated matter, because of the cultural diversity among European countries and regions, languages and cultural traditions, but also because of the EU emblematic idea of 'united in diversity'. Europe recognises and celebrates its diversity, and there is neither the intention nor the possibility to create anything like European cultural homogeneity, of the

kind that was the guiding principle of the creation of European nations in the nineteenth century. Besides, to create a common European identity it would be necessary to define the European 'significant other' – a non-European partner of meaningful interactions who would be perceived by Europeans as situated on the other side of a significant symbolic boundary. It is far from easy, as the way in which Europeans are usually taught their history, and the way in which identity develops the narratives of some Europeans in relation to, and often against, other Europeans. The most obvious case of a joint 'significant other' for Europe, as it appears in the school version of history is Islam, presented as a long-term challenger and often an enemy of Europe or romanticized, exoticised oriental 'other.' However, to create a common European identity against Islam is certainly not a good idea, not only because of the global concerns but also because such an attempt would be in sharp contrast to the idea of open, tolerant and inclusive Europe. Nevertheless, as we can see, such an image of the Islamic other, one dangerous for European cultural identity, is frequently used by those actors, mainly nationalistic, who see the future of Europe as a closed fortress.

The Iron Curtain, with all its negative connotations as a symbol of division and legacy of the war, paradoxically played an important role in the process of building a common European identity among the founding members of the European Communities and later, among the members of the gradually enlarging Community. Despite all significant differences which existed between the member states, and the legacy of the conflicts between them, it was possible to create a common platform of values in contrast to the other Europe, on the other side of the Iron Curtain. The Community represented the democratic political system, individualism, openness, market economy and freedom, in opposition to the dictatorial system, collectivism and oppression of the East. Then after the fall of the Iron Curtain, the question arose: what do we all have in common now, both in the West and in the East, do we share the same values and the similar way of life? And another question: where should we establish the new border of the future EU?

The post-communist CEE countries, the aspiring future members of the EU, expressed the willingness and the desire to modernize and to adopt the values and principles on which the EU was founded. This was, in any case, a condition of accession, as formulated in the Copenhagen criteria. The candidate countries accepted a kind of dominance of the EU and its members in the process of negotiation of membership, as they saw it as part of the great project of modernisation. But then, it became clear that it was easier to establish institutions and to create a modern infrastructure, to change the law and the economy than to

transform people's mentality, attitudes and traditional way of thinking, as established during the long decades of communism.

Citizens of the 'new Europe,' as the post-communist countries which joined the EU are still called, are generally very Euro-enthusiastic. Their level of support for membership of the EU remains very high. This support is, however, mainly generated by the fact that the EU is perceived as a generous donor, transferring large amounts of money to the new members. This image of the EU often takes the extreme form of a 'cash machine,' which gives money and does not expect anything in return. As research carried out in Poland shows, EU funds are seen by many Poles as a donation which they deserve because of being poor and previously dominated by the Soviet empire, as a kind of compensation for their unfortunate past. The money is not seen, however, as a common European investment in the common European future, as it should be according to the principles of the EU policies. The money is accepted gladly, but there is little recognition of the need to use it in order to build a common Europe, to share the same goals based on the same values. The money is accepted but any expectations from the European Commission that it should be used for particular purposes, defined within the same European strategy of development based on the same values and the shared vision of Europe is treated with scepticism and often interpreted as unjustified interference in the internal affairs of the country concerned. This attitude may be described as 'give us the money, we deserve it and need it for our modernisation, but do not tell us what to do with it, we know better what is good for us.' The support for the membership in the EU is not connected with the sense of belonging to the European family of countries which have had the same history, participated in the same heritage, and have the same collective identity. There is little sense of a European community of values, and the EU is seen as an external entity, useful and generous but strange, alien, one to which the CEE countries do not really belong. The problem with identity is here strongly linked to the sense of community developed over several generations and having its roots in the nineteenth-century processes of nation-building. In the CEE region, the prevailing, historically developed model of the nation is based on culture and ethnicity. In such a view, the nation is a community of people who think alike, who share the same cultural traditions, religion, language and values, with special importance given to the traditional model of family. There is little recognition of values such as individualism, individual choice and pluralism, and identity is generally seen as inherited and imposed by tradition rather than chosen by people themselves and individually constructed.

From this point of view, the idea of a common European identity could only be seen as a European ethnos, based on common heritage and culture. This is



obviously not realistic, and impossible to construct. There can never be a kind of European nation understood as a community of people who think alike, speak one language and share one ethnic culture. Therefore, for those who believe that the only kind of a real community is that of an ethnic type, Europe can only be a rather loose organization of cooperation, like the Common Market, and not a real union of people based on shared values. It is very different for those for whom the European community may be based on future-oriented values of civil society, not an ethnic one, based on cultural tradition. This difference of interpretation of what makes a community is in the background of a split between the 'old' and 'new' Europe. Western European societies, in which the concept of a democratic civil society and European demos is well established find it easier to imagine Europe as one community of liberal values, building its own identity in which pluralism and cultural diversity can be accommodated. The societies of CEE still largely think in terms of the Europe of nations, sovereign not only in the political sense but also continuing their own, different social and cultural identity, while the only kind of unity among nations which they understand is economic cooperation. This approach may, of course, be explained partly through the history, with CEE nations largely constructed as communities of culture, without their own sovereign states, often dominated by multi-national empires, and without mental connection between nationality and citizenship. This is in contrast to the situation known from most Western European nations which were constructed with the active participation of their political organizations – sovereign states, thus connecting political with national identity in one integrated concept. In effect, today it is easier for citizens of Western countries to imagine a kind of Habermasian 'constitutional patriotism' applied to the European frame. The image of a nation as a political community based on citizenship, rather than an ethnic one, has also been strengthened by the recent decades of building the European Community with their pluralism, multiculturalism, cosmopolitanism and an openness to diversity.

However, those who promote a concept of Europe as nothing more than a common market, like the current leaders of Poland and Hungary, argue that the political union of Europe would result in the loss of national sovereignty and the tradition-based identity of the new member states. They also claim that the West of Europe no longer values the cultural tradition of Europe, that liberal societies of the 'old Europe' have lost their traditional sense of identity which was built on the European heritage in which Christianity played a crucial role. Ideas such as multiculturalism and a Europe open to immigrants are presented as suicidal, destructive, aiming at the destruction of the true European identity in the name of liberal, cosmopolitan view of society and guided by leftist political

programmes. Strong criticism has been directed at all of the European treaties since Maastricht, and especially at the Charter of Fundamental Rights which is accused of being devoid of any values. The core of the argument is that the values which should be emphasized in the European treaties are collective ones, such as the nation, the church, or the family, while the existing ones are individualistic and liberal, reflecting cosmopolitan and leftist ideology. Such a line of argumentation did not have much effect in CEE societies in the initial period of the process of their European accession, when the attraction of the EU as the paradise of freedom and prosperity prevailed. But with the change of generations, when young people who did not remember communism and took for granted values such as political and individual freedom came to the fore in public life, the populist argument gained a better response, especially the view that the rich and powerful old members wished to impose their ideology and values on the poorer and weaker East, reducing the new members of the EU to partners of a second category.

The construction of the common European identity seems to be an essential condition of successful integration of the Union. To build a European demos, a common democratic political space in which European citizens would participate in large numbers, a common identity is necessary. The link between democracy and identity is well known, especially from national contexts. It seems that for democracy to function, a collective identity on the same level, whether national, regional, or local is required, so that citizens are able to take part in democratic procedures in the name of the community. The same may be applied to the European level – a common European identity seems to be needed for democracy to function on the level of the Union. Therefore, it is a condition of the success of the process of European integration that citizens in all parts of Europe, in all the member states, have a similar understanding of what such a common European identity may be, in which way and on the basis of what it may be constructed. The difference mentioned above between those who see collective identity as based on a common cultural tradition, inherited after the previous generations, and those who see it more as belonging to a civic community based on future-oriented values of politics and citizenship, may be a real challenge for the future of European integration. Moreover, the ethnic type of tradition-based identity tends to be exclusive. For those who share such a view, it is difficult to accept those who come from a different cultural tradition as members of the community. These problems became especially clear during the refugee crisis, when some CEE countries, notably Hungary and Poland, firmly refused to accept refugees on the grounds that they represented a different culture and would not be likely to assimilate. This exclusiveness of an ethnic, culture based identity

is also a problem in a highly mobile society such as the EU. Citizens may find it problematic to freely choose a place of residence, as they are encouraged to do by the privileges of the European citizenship if they would feel unwelcome as strangers by closed, exclusive local and national communities. Therefore, it is very important for the future of the Union that collective identities on all levels gradually change from the ethnic to the civic type of identity. Nationalist and populist governments in CEE countries and elsewhere, create a challenge to the project of integration of the EU with their rhetoric of a closed society.

The processes of the construction of European identity and the European demos requires dialogue, for which the EU provides different platforms and which the European Parliament is one. Such platforms are important for debates and the exchange of views on matters which citizens consider significant for their identity and democratic participation. They discuss their past, their cultural heritage, their collective memory. In these debates, special attention is given to what may be called a struggle for recognition. Different actors, mainly nation-states but also regions and cities, try to convince others, partners of the dialogue in the European context, to their interpretation of the past. Naturally, there exists a great number of different interpretations of the past and different constructions of heritage, each from a different, specific point of view, reflecting particular interpretations and expressed as different narratives. Smaller, less powerful actors try to make their voices heard, often challenging the dominant narratives as those which reflect points of view of more powerful states, which in the past were in the position to impose their own point of view. In particular, CEE member states are active in this process, attempting to make others accept their views as equal. They do so not only to have their voices heard but also, they believe, to make Europe better, more equal, and multi-vocal, more balanced in the interpretations of the past as they function in the public sphere, including the media and education. The experience of communism, the atrocities committed by Stalinist regimes, are among the most prominent examples of such previously marginalized stories. This process may be seen as an attempt to create a new European heritage and a new European collective memory, essential for the new collective identity of Europeans to be constructed.

The EU provides a new, broad, pluralistic and inclusive frame of reference in which European identity is built. National and regional interpretations, mythologies, commemorations, memories and other symbolic expressions are reinterpreted and debated in the frame of Europe, and in this process, it is no longer possible to stick to the traditional, nation-centred narratives. One must take into account what others think and negotiate with them, to build mutual understanding, if not consensus. This may be seen as the way to create a new,

pluralistic and inclusive, dialogically constructed identity, a condition for the successful construction of European democracy. Such an identity will be more open to dialogue, giving more space for different, even individual interpretations and the recognition of different views.

## Conclusion

Confronted by the crises that the Union has faced in the last decade, with growing Euro-scepticism and a longing for a return to the nation-state system, especially discernible in the post-communist countries of Central and Eastern Europe, shaping European citizenship and building and maintaining the European identity of the inhabitants of the European Union are of even greater importance than ever. The epidemiological crisis triggered by the Covid-19 pandemic in 2020 has highlighted different approaches to the Union as the common home of Europeans. On the one hand, it showed the strength of solidarity, a readiness to provide support (both at the civic, national / European and institutional level), and on the other hand, it exposed the anti-EU policy of some countries and the constant lack of a sense of belonging to the European society of their social groups, documenting years of multigenerational educational and social inefficiency, the lack of a sense of community and the civilizational gap that separates them from countries which are focused on close integration.

Although EU citizenship does not replace national citizenship and is rather complementary to it,<sup>16</sup> its awareness is one of the important factors in building a genuine European identity. Promoting equality and accepting diversity, constituting the right to non-discrimination, provides all EU citizens with the opportunity to develop, be active and accepted.

Will Europeans be able to take advantage of this opportunity? What factors will influence such a significant polarization of the sense of Europeanness?

These questions in turn raise another: what is the purpose of the awareness of the internalisation of European citizenship and European identity, apart from the purely functional benefits of the freedom of movement, settlement, employment or the exercise of voting rights?

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16 "Wersje skonsolidowane Traktatu o Unii Europejskiej i Traktatu o Funkcjonowaniu Unii Europejskiej", Dziennik Urzędowy Unii Europejskiej (2012/C 326/01), z dn. 26.10.2012, Część II, Art. 20–24, < [https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C\\_.2012.326.01.0001.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC#C\\_2012326PL.01001301](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C_.2012.326.01.0001.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC#C_2012326PL.01001301)>, accessed 10 September 2020.

Posed in this way, the question directs our considerations towards the search for commonality and diversity in the cultural heritage of Europe, for the preparation of Europeans to function in a changing society, drawing strength from a sense of community, care and a sense of responsibility not only for one's own fate and that of one's family, but for the broadly understood European community, one transcending the barriers of national borders to fix it as the limits of the EU itself.

There is no doubt that the future of the European Union and its global position largely depends on the success of the process of integration – not only in the institutional sense, or in the further development of the European demos, but on active European citizenship. Civic participation, the active involvement of citizens not only in elections once every four years but in various democratic procedures and initiatives on different levels of social organization and in dialogue with other citizens and institutions constitute the essence of civil society. The EU has created a common European platform for such activities. If Europeans throughout the continent develop the sense of belonging to one European society based on civic values, participatory democracy and the rule of law, if a common European identity is established, constructed on the basis of a kind of European constitutional patriotism, then European demos will develop and consolidate. Much effort is needed to achieve this goal. Civic education, learning of active interpretation of the European cultural heritage, rich and diverse as it is, and the development of the European, supra-national civil society may lead to this end.

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‘Wersje skonsolidowane Traktatu o Unii Europejskiej i Traktatu o Funkcjonowaniu Unii Europejskiej,’ *Dziennik Urzędowy Unii Europejskiej* (2012/C 326/01), z dn. 26.10.2012, Część II, Art. 20–24, < [https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C\\_.2012.326.01.0001.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC#C\\_2012326PL.01001301](https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=uriserv%3AOJ.C_.2012.326.01.0001.01.POL&toc=OJ%3AC%3A2012%3A326%3ATOC#C_2012326PL.01001301)>, accessed 10 September 2020.





**Part Two. Models of political transformation,  
reconstruction of the rule of law  
and politics of memory**



Witold Kulesza

## Denazification in the BRD/DDR: An Outline of the Legal Aspects

**Abstract:** One of the first legal acts which had the objective of building the state after Adolf Hitler came to power was devoted to the 'Restoration of the Professional Civil Service.' It obliged a broad range of social groups to complete a comprehensive form, on the basis of which the public life was cleansed of those who did not show sufficient enthusiasm for the new government. This was one of the key elements of the 'Nazification' of the German state. After the fall of the Third Reich, the process of 'denazification' followed a similar path, with the aim of removing from public life those involved in the emergence, strengthening and endurance of the Nazi state. However, while the 'Nazification' process was successful, the 'denazification' process was quickly abandoned. This in fact led to the 'renazification' of the Federal Republic of Germany, especially with regard to lawyers, and included officials, judges and prosecutors.

**Keywords:** *Ermächtigungsgesetz, Berufsbeamtengesetz*, Third Reich, denazification

### Introduction

The legal source of the notion of 'denazification' were the framework provisions of the Potsdam Conference (17.07–02.08.1945) which stated that National Socialist institutions in occupied Germany were to be abolished, the laws behind this ideology were to be repealed, the NSDAP dissolved, and that its members were not be admitted to the newly created or restored democratic institutions. According to the declaration contained in chap. III 'on political principles,' each of the occupying powers were obliged to implement the jointly adopted rules, and thus conduct the process of denazification, i.e. 'the abolition of Nazism' (Declaration of 02.08.1945, Part 1. A).<sup>1</sup>

The implementation of the Potsdam provisions was furnished by the Acts issued by the Allied Control Council of Germany – No. 1 of 20 September 1945, on the Repealing of Nazi Laws and No. 2 of 10 October 1945, on the termination and liquidation of Nazi organizations and the confiscation of their property.

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1 Franciszek Ryszka, *U źródeł sukcesu i klęski. Szkice z dziejów hitleryzmu* (Warszawa: Czytelnik, 1975), 219.

In order to outline the legal aspects of denazification in each of the four occupation zones, and from which two German states were established in 1949, one needs to go back to 1933, to the origins of the legal ‘Nazification’ process in Germany. This seems to be crucial, since from the point of view of the legal and historical ‘dialectics,’ denazification was meant to lead to change in a state whose state institutions had been taken over by the National Socialists, becoming the tools of the NSDAP and devoted to implementing the will of the Führer, Adolf Hitler. Taking such an approach, from Nazification to denazification, will render a clearer understanding of the process and the complexity of legal procedures.

### **The rise to power of the National Socialists: The Nazification of Germany**

‘An expression of the victory of the national revolution,’ according to Carl Schmitt, ‘was the Act of 24 March 1933 on special powers for the Reich government and Hitler as chancellor (*Ermächtigungsgesetz*) to issue laws without the consent of the Reichstag. After two weeks of formally acting on its basis, he signed ‘Der Reichskanzler Adolf Hitler’ law (7 April 1933), proclaiming the Restoration of the Professional Civil Service (*Gesetz zur Wiederherstellung des Berufsbeamtentums – Berufsbeamtengesetz*).<sup>2</sup> In the commentary to this act, published as part of the series ‘The Law of the National Revolution,’<sup>3</sup> it was unambiguously stated that: ‘Only by cleansing a civil service partly composed of foreign elements is it possible to create a national civil service’<sup>4</sup> It was stressed that ‘the civil servant must join his nation and the largest movement in centuries that has taken over the German nation ... so that the nation and the government can rise together,’ and that this was the primary goal of the new law.<sup>5</sup>

In the justification of the solutions adopted in the *Berufsbeamtengesetz*, there are two tool available for purging civil servants. The first was the establishment of a universal and general possibility to retire any civil servant and, at the same time, communicating to the executive authorities to which specific persons this measure would be applied. The second was to identify groups of officials and to define the ‘ways and means’ of dealing with them in order to

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2 RGBl. 1933 I, 175.

3 Georg Kaisenberg, Franz Albrecht Medicus (Hrsg.), *Das Recht der nationalen Revolution. Schriftenreihe, Hefte 1–6* (Berlin: C. Heymann, 1933).

4 Hanns Seel, *Erneuerung des Berufsbeamtentums. Schriftenreihe: Das Recht der nationalen Revolution. Heft 4*, Hrsg. G. Kaisenberg, F. A. Medicus, (Berlin: C. Heymann 1933), 3.

5 Seel, *Erneuerung des Berufsbeamtentums*, 27–28.

‘avoid lawlessness’ on the part of the formulators of the Act. The second way of proceeding is contained in the indication that ‘The German professional civil service has the carrying out of purges (*Säuberung*) in its ranks amongst its highest interests.’<sup>6</sup>

According to the act, those who ‘in their political activities to date had not displayed a constant and consistent willingness to act for the national state’ were to be made redundant.<sup>7</sup>

It was stated that ‘any official would be fired if he hatefully opposed the National Socialist movement, insulted his Führer, or abused his official position to persecute national officials, by word or letter or otherwise.’<sup>8</sup>

It was categorically ordered to remove those who had previously been active in the Communist Party of Germany, in organizations supporting or replacing it, those engaged in Marxist activity or social democratic parties.<sup>9</sup> It was emphasized that the mere membership of an official in a political party (with the exception of the Communist Party) did not constitute the grounds to claim that he was ‘unworthy of national trust’ if, as a formal member, he had only ‘paid dues and participated in party meetings.’<sup>10</sup>

It was stated that ‘the law applies to all regular civil servants,’ including judges, teachers in public schools and university lecturers, including *ordentliche und außerordentliche professoren*.<sup>11</sup>

A separate category were Jewish officials, defined as ‘non-Aryans’ who would all be made redundant because of their ethnic origins.<sup>12</sup>

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6 Seel, *Erneuerung des Berufsbeamtentums*, 5.

7 ‘Gesetz zur Wiederherstellung des Berufsbeamtentums (Berufsbeamtengesetz)’, RGBl. 1933 I, S. 175, § 4.

8 ‘Dritte Verordnung zur Durchführung des Gesetzes zur Wiederherstellung des Berufsbeamtentums vom 6. Mai 1933’, RGBl. I, S. 245, regulation § 4 *Berufsbeamtengesetz*. Hanns Seel in his commentary to *Berufsbeamtengesetz* stressed the significance of this, After Seel, *Erneuerung des Berufsbeamtentums...*, 32.

9 ‘Erste Verordnung zur Durchführung des Gesetzes zur Wiederherstellung des Berufsbeamtentums vom 11. April 1933’, RGBl. I, S. 195, regulation § 2 *Berufsbeamtengesetz*; *Dritte Verordnung...*, regulation § 2 *Berufsbeamtengesetz*.

10 ‘Dritte Verordnung...’, regulation § 4 *Berufsbeamtengesetz*, emphasized in the commentary by H. Seel (Seel, *Erneuerung des Berufsbeamtentums...*, 31).

11 ‘Dritte Verordnung...’, regulation § 1 *Berufsbeamtengesetz*.

12 Those considered ‘non-Aryan’ were those who came from non-Aryan families, and who had ‘Jewish parents or grandparents in particular.’ *Berufsbeamtengesetz*, § 3; *Erste Verordnung...*, regulation § 3 *Berufsbeamtengesetz*.

The layoffs not only applied to white-collar workers (*Angestellte*), but also manual workers (*Arbeiter*) who worked in a professional capacity (*Dienstverpflichtete*). Those workers in this category who 'did not support for the nation-state for any reason,' were subject to unilateral, immediate dismissal.<sup>13</sup>

A model of a five-part questionnaire (*Fragebogen*) was attached to the act and which every official was obliged to complete. They needed to answer questions about whether they were of Aryan origin, about their parents and grandparents, about membership of political parties, as well as other organizations (e.g. among others, to unions of civil servants, republican judges and the League of Human Rights (*Liga für Menschenrechte*)).

Completed questionnaires were submitted to offices and institutions employing officials, where 'trusted personal representatives' checked whether these officials 'are of non-Aryan origin' or 'are untrustworthy.' The heads of these offices and institutions sent the official forms and documents attached to them to the relevant ministers who made decisions on the dismissal of non-Aryan or untrustworthy officials. The minister's decision closed the proceedings and was final.

The dismissed persons were only entitled to pecuniary benefits related to retirement when they had had a service period of at least 10 years.<sup>14</sup> Along with the dismissal, both ordinary and extraordinary professors lost the right to teach (*Lehrbefugnis*).<sup>15</sup>

In the practice of applying the law, in force until 1937, it was also used to transfer officials to the lowest positions and forcing them to submit applications for their own dismissal. Yet its goals – statistically speaking – were not achieved, as 30,000 dismissed officials only accounted for about 2 % of all employees in public service.<sup>16</sup> It should be noted that 45 % of professors were dismissed at universities, and this figure reached 60 % in legal faculties.<sup>17</sup>

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13 *Berufsbeamtengesetz*, § 1; *Zweite Verordnung zur Durchführung des Gesetzes zur Wiederherstellung des Berufsbeamtentums* vom 4 Mai 1933, RGBl. I, S. 233, regulation § 1 *Berufsbeamtengesetz*; *Dritte Verordnung...*, regulation § 1 *Berufsbeamtengesetz*.

14 Seel, *Erneuerung des Berufsbeamtentums...*, 34.

15 Seel, *Erneuerung des Berufsbeamtentums...*, 34.

16 Angelika Königseder, 'Gesetz zur Wiederherstellung des Berufsbeamtentums,' in Hrsg. H. Benz, H. Graml, H. Weiß, *Enzyklopädie des Nationalsozialismus* (München: Deutscher Taschenbuch Verlag, 1997), 489.

17 Ingo Müller, *Furchtbare Juristen. Die unbewältigte Vergangenheit unserer Justiz* (München: Droemer Knauer, 1989), 237.

The act, which gave broad grounds for dismissals, at the same time influenced the motives of all those who joined the ranks of the NSDAP en masse from 1933, guided by opportunism and the desire to safeguard their own careers.

## The Allied Occupation: The denazification of Germany

The power structure in the Third Reich resulted from the NSDAP's control and subordination of all central and local authorities, including the posts of mayors, who were usually tried and tested party comrades who also performed the functions of party district directors. It was not difficult to identify them as pillars of the local authority of the NSDAP and requiring immediate removal by the Allies when they entered German territory. In the first weeks of the occupation of Germany, mayors, *landrat* and regional presidents were replaced in the US occupation zone, leaving lower officials in the public service in positions of responsibility due to the need to ensure the functioning of the administration on an ongoing basis.

The selection of new personnel was often accidental, although 'white lists' had previously been drawn up by the US Civil Affairs Division, containing lists of trustworthy persons who could be used to replace the dismissed National Socialists. At the same time, there were 'automatic arrests' of those who had been placed on 'black lists,' which included members of the SS, SD and NSDAP, starting with the propaganda heads in offices and localities (*Amts- und Propagandaleitern der Orstgruppen*), as well as all officials with managerial functions (*alle leitenden Beamten der Verwaltung*).<sup>18</sup> By August 1945, about 70,000 individuals had been dismissed from German offices in the American zone, with party activists and the 'automatically arrested' another 80,000.<sup>19</sup>

The US Military Board already issued a directive on 7 July 1945, ordering all Germans, of both sexes and who were over 18, to complete a detailed questionnaire (*Fragebogen*) consisting of 131 questions, the answers to which were to show the 'extent of the fault and responsibility' of each individually surveyed

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18 In September 1944, the American Army received instructions in the form of the *Arrest Categories Handbook* which identified the officials who were to be immediately arrested. Paweł, Machcewicz, Andrzej Paczkowski, *Wina, kara, polityka. Rozliczenia ze zbrodniami II wojny światowej* (Kraków: Znak Horyzont 2021), 117.

19 This data is contained in the monumental, detailed and exact volume: Manfred Görtemaker, Christoph Safferling, *Die Akte Rosenberg: das Bundesministerium der Justiz und die NS-Zeit* (München: C.H. Beck, 2016), 66–67.

respondent, providing the basis for a 'just explanation of their behavior' during the period of National Socialism.

Among the fundamental questions were those concerning membership of the NSDAP and its associated organizations, one's function and activity in the party, any clerical positions held, and official roles performed. For many addressees of the questionnaire, the questions related to participation in the implementation of National Socialism perhaps appeared to be the political opposite of what they had completed twelve years earlier, when filling in the questionnaire established by the *Berufsbeamtenengesetz*. However, completing both *Fragebogen* had the same objective – to show whether one was 'worthy of the trust' of the authorities for clerical employment and work in Germany. A longtime concentration camp prisoner, Kurt Schumacher, remarked in the summer of 1945: 'When you listen to what is being said, you have to believe [*muß Man glauben*] that the only Nazi in Germany was Adolf Hitler.'<sup>20</sup>

In theory, the model questionnaire was meant to apply to the 40.7 million adult Germans in three Western occupation zones, however, after 8 months in the American zone with 17.3 million inhabitants, only 1.39 million had answered questions about their past in the Third Reich. Subsequently, 1.26 million of these questionnaires were analyzed by a special organizational unit of the authorities of this zone – Special Branch.<sup>21</sup> At the same time, the category of persons subject to dismissal was extended, as well as the list of positions and functions, the performance of which in the past justified the current dismissal, either absolute or recommended. In total, 336,892 people had been dismissed or barred from re-employment by the beginning of 1946 in the American zone – public servants employed in trade, enterprises, industry, economy, those returning from military service and former POWs.

The denazification procedure based on a Special Branch verified questionnaire – both in terms of its procedure and results – soon turned into a bureaucratic, institutional, and economic 'nightmare,' because redundancies in public

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20 After Jürgen Kocka, 1945: Neubeginn oder Restauration?'in: Carola Stern, Heinrich August Winkler (Hrsg.), *Wendepunkte deutscher Geschichte 1848–1990* (Frankfurt am Main: Fischer-Taschenbuch-Verlag, 1994), 165.

21 *Special Branch* was part of the *Office of Military Government for Germany – OMGUS*. Görtemaker, Safferling, *Die Akte Rosenberg...*, 65, 68. The mentioned authors cited General Eisenhower as claiming in October 1945 that it would take at least 50 years for the process of denazification to be completed. (67).



administration (nearly one-third of employees) resulted in a state close to its collapse, with a similar situation in trade, enterprises and industry.<sup>22</sup>

## Control Council Directive No. 24

The adoption by the Western Allies of the joint Directive No. 24 of 12 January 1946<sup>23</sup> on the removal of the National Socialists from their offices and positions, was to constitute the 'basic law' for denazification,<sup>24</sup> because it defined in detail the group of people subject to the regulations of the occupation authorities on compulsory and recommended dismissal. Because of the importance of this directive, attention should be paid to its essential provisions. At the outset, the directive stated:

The Tripartite Conference of Berlin [Potsdam – author] included among the purposes of the occupation of Germany: the removal from public and semi-public office and from positions of responsibility in important private undertakings all members of the Nazi Party who have been more than nominal participants in its activities, and all other persons hostile to Allied purposes.

Those who had been removed were to be replaced by those who 'by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany' (Art. 1). It subsequently outlined in general terms those that the directive applied to:

- held office and otherwise been active at any level from local to national in the Party and its subordinate organizations or in organizations which further militaristic doctrines,
- authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations,
- been avowed believers in Nazism or racial and militaristic creeds or,
- voluntarily given substantial moral or material support to political assistance of any kind to the Nazi Party or Nazi officials and leaders.

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22 Görtemaker, Safferling, *Die Akte Rosenberg...*, 68.

23 'Kontrollratsdirektive Nr. 24. Entfernung von Nationalisten und Personen, die den Bestrebungen der Alliierten feindlich gegenüberstehen, aus Ämtern und verantwortlichen Stellungen vom 12. Januar 1946', *Amtsblatt des Kontrollrats in Deutschland* 1946, 98.

24 The term of Franciszek Ryszka, *Norymberga. Prehistoria i ciąg dalszy* (Warszawa: Czytelnik, 1982), 288.

It was emphasized that the procedure was to apply to all state, municipal and public officials who will be 'as a minimum' investigated, unless they only performed 'ordinary labor,' not related to supervisory, managerial or organizational activities.

The proceedings were also to apply those in 'semi-public' offices and 'holding positions of responsibility in important private undertakings,' i.e. managers, including those in charge of personnel departments, and executive managers of civic, economic and labor organizations, corporations and other organizations in which the German government had major financial interests, and in important industrial, commercial, agricultural and financial institutions, as well as in the Press, publishing houses and other agencies disseminating news and propaganda.

In terms of the consequences to be faced by those covered by the denazification process, the directive states: 'the term <removal> as used herein shall mean to discharge the person forthwith and summarily and to terminate his influence and direct or indirect participation in the organization or concern with which he was associated.'

For those in a profession or trade, 'removal' meant that their right to exercise their profession was disqualified or restricted. It was stipulated that persons removed from public offices were not entitled to a pension or any other right enjoyed by an official.

Further on in the declaration, it was written that the term 'removal' meant they were also 'excluded' which meant that National Socialists could not be employed by any office or appointed to any position.

In Art. 4 – entitled 'Responsibility' – the directive stated that removal and exclusion of Nazis and other persons was the 'general' responsibility of the division or branch which employed them or was considering them for employment. The resulting decision should be carried out having obtained an opinion from the Public Safety Department or on its own actions. The decision of the Public Safety department, after consultation with C. I. was 'decisive and shall override considerations of administrative expediency, convenience or even necessity.' However, it was also foreseen that a reconsideration of the decision could be made if 'it is felt that a mistake has been made in the application of this directive' (Art. 5).

The general provisions of the directive in question detailed in its subsequent parts, are based on a distinction between two categories of persons subject to removal and exclusion: 'discretionary' and 'compulsory.' The directive described the first as group as the 'mass of Germans who find themselves between war criminals and declared National Socialists and those who have not participated

at all in any Nazi activity.’ Amongst those who were allowed to remain temporarily employed were members of the SA who had joined after 1 April 1933, those belonging to the *Hitler-Jugend* or the *Bund Deutscher Mädel* after 25 March 1939, those who joined the NSDAP as members or who were candidates for membership after 1 May 1937 and career officers in the Wehrmacht and former Reichswehr (Art. 6, 11, 12).

In the lengthy entry Art. 10 § 1 the directive outlines in detail those subject to compulsory removal and exclusion, categorizing the individuals and their positions. The list includes war criminals, those individuals who found themselves on the Allied lists of those suspected of perpetuating war crimes.

Next, in § 2, it excludes all those who belonged to the NSDAP, and who ‘had applied or joined the Nazi Party before 1. May 1937’ unless ‘they were only nominal members.’ It goes on over the next 29 points to name the institutions and party organizations which membership and management of would result in compulsory exclusion, ranging from the NSDAP office and ending with the Reich Legal Office (*Reichsrechtsamt*) and the Reich Leadership of German Students (*Reichsstudentenführung*).

The subsequent paragraphs detail the other groups to be made redundant and banned from further employment, including the officers and officials of the Waffen-SS and all members of the *Schutzstaffeln* (SS). Further on, all members of the *Schutzabteilung* (SA) are listed, ranging from officers and officials to all who had joined their ranks before 01 April 1933.

In the section entitled ‘affiliated organizations’ to the NSDAP, for redundancy and exclusion are mentioned ‘all those who at any time fulfilled a bureaucratic role’ in any National Socialist organizations: for civil servants, technicians, doctors, teachers, solicitors, women, families, old people, students, hunters etc.

Considering the fact that, following the introduction of the *Berufsbeamtengesetz*, only those who had the trust of the NSDAP remained following the numerous purges that had taken place, it was recommended that anyone who had been appointed to a higher position in the ministries, central inspectorates and commissariats of the Reich after 30 January 1933 should also be removed and excluded. Mentioned separately, but also included in the exclusion, were members of the German *Reichstag* and the *Preußischer Staatsrat* from 01 January 1934.

Also released and excluded were university rectors and the heads of university level institutions.

Other points mention presidents and mayors, *landrats*, police officers with a higher rank than lieutenant, all officers and employees of the Abwehr and the

Reich Security Office (RSHA), and the secret police who were subject to a previous order for their arrest, with the indication that they must be compulsorily dismissed from employment with the prohibition of their re-appointment.

In the section entitled 'Lawyers,' all senior judges of special and summary courts, as well as prosecutors at these courts, together with the judges and prosecutors of the National Tribunal and the Supreme Court of the Reich, were categorically indicated. Faced with the same consequences were the presidents of national courts and higher domestic courts, as well as senior prosecutors, and supervising superior judges of circuit courts, as well as lawyers who had benefited from the 'special trust' of the National Socialist authorities. In the Ministry of Justice, the denazification directive covered all those holding managerial positions separately.

At the end of the directive, it was mentioned that all persons who had denounced or contributed to the arrest of opponents of the Nazi regime were also subject to its provisions; these included those who had caused or committed acts of violence against the political or religious opponents of the National Socialist authorities and those who had disseminated National Socialist or fascist doctrines (Art. 10, pkt 95, 96, 97).

## **The creation of tribunals**

The recommendations contained in Directive No. 24 showed the scale of the task faced by the Allied occupation authorities and that the field of denazification extended to a wide group of Germans in terms of determining who was subject to compulsory and discretionary dismissal and the ban on employment in the future. This required the involvement of a significant number of functionaries in order to cope with this staggeringly wide-ranging task. The historical paradox, however, was that during this period, the US Congress reduced funding for the US Office of Military Government for Germany, which as a result led to a drastic reduction in the number of its personnel, including those responsible for following the Special Branch's denazification procedure. This state of affairs became the justification for a decision that a few months earlier had been 'unthinkable' – to hand over the denazification proceedings to the Germans themselves, including the responsibility of deciding who should be considered to have been involved in the Nazi regime.<sup>25</sup> As it was said at the time, the occupying 'American authorities have capitulated in the face of the insurmountable

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25 Görtemaker, Safferling, *Die Akte Rosenberg...*, 68.

difficulties of denazification.<sup>26</sup> The essence of the change that took place at that time can be described as the replacement of the American military administrative procedure in the process of denazification with a German civil one modeled on court proceedings.

In justifying the decision to hand over the task to Germany of cleansing itself of National Socialists and overcoming its past, the occupying authorities emphasized its positive aspect, as it was seen as something akin to a test of the Germans' ability to democratize, which was expressed in the preamble to the Act of 5 March 1946 on the Law for Liberation from National Socialism and Militarism, which was signed at the Munich City Hall by the presidents of the Länder in the American zone of occupation.<sup>27</sup> It said that 'If this law turns out to be a mistake, it would mean that the German nation is not ready cast off the shell of its past.'

Before it was signed by the presidents of the Länder, the content of the 'Law for the Liberation' Act was the subject of painstaking negotiations with the American military management, which resulted in the reduction of sanctions and the so-called penance measures envisaged against the National Socialists. Agreement was also reached that future denazification proceedings would not be conducted on the basis of the formal criteria indicated in Directive No. 24, with them not being used to determine the consequences of those whose past was to be investigated. The legal consequences of denazification proceedings were to be determined by 'juristically irrefutable arrangements and with the free discretion of the judges.' The ministries established by the governments of the individual Länder were to become responsible for carrying out denazification under the new rules. The denazification proceedings were handed over to tribunals (*Spruchkammern*) established for this purpose, which were quasi-judicial bodies, proceeding in two instances, with the right to appeal granted to a upper chamber (*Berufungskammer*). These chambers were to be staffed by lawyers who were not burdened by their past, who were returning to participation in public

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26 Around 8.5 million Germans belonged to the NSDAP, which represented approximately 10 % of the population, with 45 million being members of National Socialist organizations directly related to the party. Whilst it is true that the central records of the NSDAP in Munich had fallen into American hands, complete with 10.7 million names, exploiting this windfall was too complicated and time consuming. See: Görtemaker, Safferling, *Die Akte Rosenberg...*, 66, 68.

27 'Gesetz No.104 der amerikanischen Militärregierung in Deutschland vom 5. März 1946; GVBl. 1946, S. 146; *Regierungsblatt für Württemberg-Baden* 1946, 71.

life from the so-called internal emigration, and also recognized as only having been 'slightly entangled' in the workings of the National Socialist state.<sup>28</sup>

In the American zone of occupation, 545 *Spruchkammern* were created and staffed by 22,000 employees. Their task was to investigate and assess the 131 answers to the questionnaire mentioned above, with all adult Germans required to complete it, including those who were interned.

The investigations conducted by these chambers resulted in a person being classified as belonging to one of five categories: major offenders (*Hauptschuldige* – category I), offenders (*Belastete* – cat. II), lesser offenders (*Minderbelastete* – cat. III), sympathizers (*Mitläufer* – cat. IV), to those legally exonerated (*vom Gesetz nicht betroffene* – cat. V) of the charge of having cooperated with the authorities of the Third Reich.

If a given person was not judged to belong to category V, the legally exonerated, and thus found to bear some responsibility, the tribunal was required to categorize them as belonging to one of the other four categories and applying the relevant sanctions.

The sanctions were not punishments in the legal sense even though, having completed the requisite procedures and finding that someone belonged to the major offender category, the guilty party could be sent to a labor camp for a period of between two to 10 years and an offender (cat II) for up to five years. Sanctions could also be applied to the less serious categories to meet the requirement of 'restoration and compensation:' fines, confiscation, exclusion from public office, including legal offices, loss of trade or industry concessions, removal of pensions and benefits paid from public funds, removal of voting rights and a ban on participation in political parties. The sanctions were meant to be 'imposed in just selection and gradation, to accomplish the exclusion of National Socialism and Militarism from the life of our people and reparation of the damage caused.'

In the proceedings conducted by *Spruchkammern*, the burden of proof rested with the person who was the subject of the proceedings. Procedurally, the subject of the proceedings was allowed to provide, in their defense, 'cleansing' written statements from witnesses who were usually ascribed credibility.

It became common practice to appeal against the decisions of the first instance courts using such cleansing statements, a technique referred to as *Persilscheine* (after the popular Persil washing powder), and which usually resulted in a

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28 Niklas Frank, *Dunkle Seele, Feiges Maul. Wie skandalös und komisch sich die Deutschen beim Entnazifizieren reinwaschen* (Bonn: Dietz, 2017), 9.

judgment in the second instance which transferred people to lower categories and reduced the sanctions imposed.<sup>29</sup>

The ruling on sanctions did not exclude the possibility of further criminal proceedings, and conviction by a criminal court did not constitute an obstacle to further action by a *Spruchkammern*. As a result, the denazification proceedings and the criminal trials of National Socialist criminals continued in tandem. It can therefore be said that the court procedure and that of the tribunals created a two-track denazification process.<sup>30</sup>

In the British occupation zone, which included 22.3 million people, there was no registration obligation like there was in the American zone. Therefore, as a result of half a million personal questionnaires being checked by the end of 1945, only 43,288 people were dismissed from their place of employment and positions, and 41,486 were excluded from subsequent employment. However, many people were soon rehired to work in services important to the life of inhabitants, with the efficiency of public administration generally preferred to the process of denazification.<sup>31</sup> Taking into account Directive No. 24, the American model of denazification proceedings was adopted by the adjudicating chambers, introducing it by order 110.

In the French occupation zone, about a quarter of officials and employees were dismissed during the first months, which resulted in administrative failures. Therefore, in October 1945, the criteria for automatic dismissal from service and work were abandoned. Formal decisions based on the criteria of belonging to

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29 The reclassifications were influenced by numerous 'Persil testimonies' being submitted and uncritically accepted in denazification proceedings. The mild practices of the adjudication chambers meant that they began to be known as 'sympathizer factories' (*Mitläuferfabriken*). Dieter Schenk, *Die Post von Danzig. Geschichte eines deutschen Justizmords* (Reinbek bei Hamburg: Rowohlt, 1995), 216.

30 1814 people were found guilty by Allied military courts of war crimes and crimes against humanity in the American occupation zone (with 450 sentenced to death), in the British zone there were 1085 (death penalty – 240), and in the French 2107 (104 death sentences). Alfons Klafkowski, *Ściganie zbrodniarzy wojennych w Niemieckiej Republice Federalnej świetle prawa międzynarodowego* (Warszawa: Wydawnictwo Poznańskie 1968), 77. According to an encyclopedic source, the total number of those convicted by the Nuremberg trials and by military courts in the western occupation zones of Germany amounted to 5,025, of whom 806 were sentenced to death and with 486 sentences being carried out. Heinz Boberach, 'Nachkriegsprozesse,' in Hrsg. H. Benz. H. Graml, H. Weiß, *Enzyklopädie des Nationalsozialismus* (München: Deutscher Taschenbuch Verlag, 1997), 593.

31 Görtemaker, Safferling, *Die Akte Rosenberg...*, 70.

specific organizations were replaced by a case-by-case study. According to the report of the military management of this zone, submitted in November 1946 to the Allied Control Council, 34.6 % of people checked in accordance with Directive No. 24 lost their jobs. It is estimated, however, that denazification was carried out in this zone in an unsystematic and 'conciliatory' manner towards administrative officials who had declared their readiness to cooperate with the French authorities. The adjudicating chambers, introduced under pressure from the Americans and proceeding according to a modified model, were formally introduced in mid-June 1947, and in fact only began operations in the autumn of 1947, and they focused mainly on re-examining previously adjudicated cases.<sup>32</sup>

### Directive No. 38 of the Allied Control Council of Germany

The idea of harmonizing the rules of punishment by the Allied military courts throughout occupied Germany, as well as the sanctions imposed by the *Spruchkammern*, was the basis of Directive No. 38 of the Allied Control Council of Germany of 12 October 1946 'The punishment of war criminals, Nazis, Militarists and controlling and surveilling Germans considered to be dangerous to Allied purposes.'<sup>33</sup> At the outset, the representatives of the four powers unanimously declared:

The object of this paper is to establish a common policy for Germany covering: / (a) The punishment of war criminals, Nazis, Militarists, and industrialists who encouraged and supported the Nazi Regime. / (b) The complete and lasting destruction of Nazism and Militarism by imprisoning (*Gefangensetzung*) and restricting the activities (*Tätigkeitsbeschränkung*) of important participants or adherents to these creeds. / (c) The internment of Germans, who, though not guilty of specific crimes are considered to be dangerous to Allied purposes, and the control and surveillance of others considered potentially so dangerous. (Part I, 1. – Object).

After this declaration, the legal sources for the guidelines were listed: the declaration adopted at the end of the Potsdam Conference of 2 August 1945, the Act No. 10 of the Control Council of Germany of December 20, 1945, and the Council Directive No. 24 of 12 January 1946. Although the American Act 'On Liberation' of 5 March 1946, was not mentioned, it is obvious that the content

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32 Machcewicz, Paczkowski, *Wina, kara...*, 128.

33 'Kontrollratsdirektive No.38 betreffend Verhaftung und Bestrafung von Kriegsverbrechern, Nationalisten und Militaristen und Internierung, Kontrolle und Überwachung von möglicherweise gefährlichen Deutschen vom 12. Oktober 1946', *Amtsblatt des Kontrollrates in Deutschland*, 184.



of the Act was taken from its content and its five categories of persons subject to denazification proceedings and sanctions were included in Directive No. 38: 1. Major offenders – *Hauptschuldige*, 2. Offenders – *Belastete*, 3. Lesser offenders – *Minderbelastete*, 4. Followers – *Mitläufern*, 5. Persons exonerated – *Entlastete*. Each of the categories was defined in detail in a way that proved the perfect recognition of the realities prevailing in the Third Reich and the intention to include them in the description of legally relevant behavior. For example, ‘offenders’ also included those who ‘Anyone who, by way of his position or activity, substantially advanced the national socialistic tyranny’ (for which they risked being interned in a prison or labor camp for up to 10 years). On the other hand, those who, as members of the NSDAP, limited themselves only to ‘paying membership fees and compulsory participation in meetings,’ would be subjected to a far less burdensome obligation of registration and making payments to the compensation fund for victims of National Socialism.

### The practice of denazification

Contrary to its assumptions, the detailed recommendations of Directive No. 38 of the Control Council did not lead to the unification of the practice of prosecution, punishment and use of sanctions towards the categories of persons indicated in it, because its implementation required appropriate decisions of the occupation authorities in each of the four zones. However, these were not taken in zones administered by the Western Allies.<sup>34</sup>

Any attempt to characterize the denazification process in each of the three Western occupation zones must necessarily result in far-reaching simplifications. However, one cannot avoid a summary that indicates significant differences in the ways of implementing the idea of ‘liberating’ Germans from National Socialism.

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34 A detailed study of the problem of the denazification of Germany conducted by F. Ryszka, saw its author taking a critical perspective on Directive No. 38 ‘because the overly open formulation of its provisions made them inadmissible if the directive is judged in terms of substantive criminal law.’ The author argued that: ‘The Directive introduced, in parallel and as an alternative to punishment, other sanctions of an administrative type, including for crimes (punishable offenses!). It introduced the concept of ‘danger.’ Persons who posed a threat were also to face administrative sanctions, although in practice these were not very different to punishments. This was undoubtedly due to the American model, as was the (unfortunate) recommendation to create five classes of responsibility – as in the American law’. See: Franciszek Ryszka, ‘Prawnokarne wątki tzw. denazyfikacji (1946–1948)’, *Dzieje Najnowsze*, 13/1–2 (1981), 272–273.

The denazification carried out in the American zone can be described as ‘missionary’ in the sense that it was supposed to make ordinary Germans who had not directly participated in the crimes, realize that it did not mean that they were released from all responsibility for what had been done by *im Namen des Deutschen Volkes*. It was a very difficult mission, as indicated by the American diplomatic report of May 1945, reporting from Germany:

The Germans show no regret but only an incomprehensible ignorance towards the deeds of their Führer and the hatred with which they are treated in Europe. Only a few admit that they knew about the concentration camps and the atrocities of the SS and dismiss any of their own responsibility for them. In their eyes, the only crime Germany has committed is that it has lost the war.<sup>35</sup>

In the British zone, a rather more ‘pragmatic’ approach to implementing the assumptions of denazification was adopted, putting the need to maintain an efficient administration to the fore, a task which required the involvement of the inhabitants of the occupied country as an extension of the arm of the occupying power. It has been suggested that this might have stemmed from the British experience of managing large colonial areas, where they needed to use the local elite given the lack of their own staff. This explains the fact that out of more than two million Germans subjected to denazification proceedings, 58.4 % were classified as exonerated and 10.9 % as *Mitläufer*, which, together with the lesser offenders, comprised 70.6 % of those tested as being fit for their positions and work. With half a million other people, no proceedings were initiated at all, leaving them ‘exonerated,’ and 87,668 proceedings were discontinued without a formal ruling qualifying them for any of the categories.<sup>36</sup>

In the French zone, denazification was ‘opportunistic and conciliatory,’ and the differences in the way it was carried out in relation to the American model, as well as its results, were even greater than in the British zone. It has been claimed

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35 Görtemaker, Safferling, *Die Akte Rosenberg...*, 66.

36 Görtemaker, Safferling, *Die Akte Rosenberg...*, 71. In November 1946, referring to the costs of the occupation of Germany, Winston Churchill stated that ‘the proper course is, as I said before we separated, to make the Germans earn their own living’ and ‘there must be an end to vengeance and retribution.’ He highlighted the fact that ‘in a country which is handled as Germany was, the ordinary people have very little choice about what to do.’ <https://api.parliament.uk/historic-hansard/commons/1946/nov/12/debate-on-the-address-After-Holger-Schlüter>, ‘... für die Menschlichkeit im Strafmaß bekannt’ *Das Sondergericht Litzmannstadt und sein Vorsitzender Richter*, *Juristische Zeitgeschichte Nordrhein – Westfalen. Band 14*, (Recklinhausen: Justizministerium des Landes Nordrhein-Westfalen, 2005), 153.

that the political interests of the French authorities in carrying out denazification largely evaporated, giving it unique features. It is particularly telling that almost all of the investigations ended with the rehabilitation of the people involved. In 669,068 cases examined, the adjudicating chambers determined that only 13 people were the 'major offenders,' and a further 938 were offenders, which gives a total of 0.14 % of those assessed who bore the consequences of their conduct during the Third Reich. The largest group, however, were those who were considered inactive party members – *Mitläufer* (44.7 %), so they were actually left outside the circle of people responsible for the implementation of the National Socialist ideology.

We should outline the denazification process carried out in the Soviet zone of occupation separately. This zone was said to be 'based on economic and social foundations',<sup>37</sup> although it seems that it would be more appropriate to call it 'Stalinist,' which meant the introduction of a new political, economic and social order as the basis for establishing a communist system.<sup>38</sup> It was proclaimed that neither the working or middle classes had been the bearers of fascist ideology in Germany, but it was the rulers of companies, banks and landed estates who had needed fascism to consolidate their power and to exploit and oppress other nations. The reforms deprived the 'bearers of fascism' of their economic power, nationalizing land and industries in the process. The financial and banking system, savings banks, culture, education and universities were reorganized following the Soviet pattern. It is also believed that, unlike in the western zones, former members of the NSDAP and those with a National Socialist past were consistently removed from the authorities, and their employment in politically sensitive institutions, in particular in education, administration, police, etc. state

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37 Ryszka, *Norymberga. Prehistoria i ciąg dalszy...*, 291–292.

38 As F. Ryszka noted: 'the Soviet authorities assumed that it was not enough to remove compromised persons: officials in the state administration and industrial managers, but that entire structures had to be radically changed. Denazification in the Soviet zone of occupation was based on economic and social foundations. First, it consisted in the liquidation of large landowners through agrarian reform, the nationalization of large-scale trade and banking. ... The action of purging public services of former leading figures or mere activists took place in their own way.' The author, quoted further, formulates an assessment: 'The framework provisions of Directive No. 24 have been preserved, but the repressive and preventive actions have not been formalized to such an extent as in the western zones – especially in the American. Denazification was less spectacular here, hence it was less discussed in the literature and not so precisely recorded in the numerical results.' Ryszka, *Prawnokarne wątki tzw. denazyfikacji...*, 264–265.

services. However, due to organizational needs, only 1.6 % of the 828,300 registered former members of the NSDAP were unemployed in August 1947. The opportunity of employment was created by joining the communist party.

While it did not implement the other acts in the western occupation zones, Directive No. 38 was introduced by the Soviet Military Administration of Germany by order No. 201 and was treated as a criminal law, applied not only to the prosecution of national socialist crimes, but also to punish protests against the Soviet occupation and the subsequent establishment of communist power in eastern Germany. Directive No. 38, referring to the Act No. 10 of the Allied Control Council of Germany, served as a substantive criminal law for the collective sentencing in the Waldheim trials in 1950. This trial, conducted in violation of the fundamental principles of the administration of justice, saw 3424 prisoners of war handed over to the GDR authorities by the Soviet administration military.<sup>39</sup>

## Conclusions

The chambers adjudicating in denazification proceedings examined the cases of 3,660,648 people, of whom 1667 were considered 'major offenders' (cat. I), 23,060 were described as 'offenders' (cat. II), 150,425 were classified as 'lesser offenders' (cat. III). Being included in category I or II could mean, in real terms, being detained in a labor camp, prohibition of employment in public service, and the confiscation of all or a percentage of a certain part of one's property. Many of the major offenders were imprisoned in labor camps, usually for up to four years before – as Frank writes – they were 'reassigned,' as a result of appeals, to lower categories – particularly that of followers (IV – *Mitläufer*) which included 1,005,874 people.<sup>40</sup> During 1947, amnesties for 'lesser offenders' and 'followers'

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39 For more on this, see: Witold Kulesza, *Crimen laesae iustitiae. Odpowiedzialność karna sędziów i prokuratorów za zbrodnie sądowe według prawa norymberskiego, niemieckiego, austriackiego i polskiego* (Łódź: Wydawnictwo Uniwersytetu Łódzkiego 2013), 52. According to official figures, from May 1945 to December 1964, a total of 12,807 individuals were found guilty of crimes against humanity and war crimes were sentenced in the Soviet zone and the GDR, including 118 to death, 231 to life imprisonment, and 5,088 to imprisonment terms of more than 3 years. 'Braunbuch. Kriegs- und Naziverbrecher in der Bundesrepublik. Staat. Wirtschaft. Verwaltung. Armee. Justiz. Wissenschaft', Hrsg. Nationalrat der Nationalen Front des Demokratischen Deutschland. Dokumentationszentrum der Staatlichen Archivverwaltung der DDR (Berlin: Staatsverlag der DDR 1965), 7–8.

40 Frank, *Dunkle Seele...*, 10. Between 1949–1954, the denazification process ceased in all of the districts of the BRD.

began to be extended in individual federal states, with the denazification process finally ending at the beginning of 1951, and those previously dismissed returning to clerical work.

In general, the verdict is that denazification failed because it was not understood by or cause the repentance of those who were to be embraced by it, but rather it stimulated internal resistance to the Allied occupation authorities and the contradictory stubbornness stemming from the resentment after the defeat of National Socialism. In any case, it evoked a hidden resistance to settling accounts with the past.<sup>41</sup> The in-depth study of denazification mentioned in the introduction, led its authors to the conclusion that it did not result in the political and ideological cleansing of German society, or its moral ennoblement, and did not even achieve its minimum goals.<sup>42</sup> During the debates in the Bundestag on the draft law of 23 February 1950, on ending denazification, it was variously described as a 'national misfortune,' 'a crime,' 'a cancer on the body of the German nation,' 'a modern witch hunt,' called for its complete 'liquidation as it stems from foreign sources of law.'<sup>43</sup>

Among the various professions who defended themselves most effectively against denazification and criminal liability are the legal specialists who collaborated in the Third Reich in the creation and implementation of a baseless statutory system, and who were also guilty of committing crimes in the form of legal murders.<sup>44</sup>

The results of the research conducted by an independent commission appointed by the German Ministry of Justice were published in 2016 by its chairs, Görtemaker and Safferling, showing that the Ministry of Justice of the Federal Republic established in 1949 was based on the structure of the *Justizministerium* of the Third Reich, with some officials of the new ministry performing their duties even before 1933, and many of them having had careers in the National Socialist justice service.<sup>45</sup> For several years, much more than 50 % of managerial

41 Dieter Schenk, *Auf dem rechten Auge blind: die braunen Wurzeln des BKA* (Köln: Kiepenheuer und Witsch 2001), 128.

42 Görtemaker, Safferling, *Die Akte Rosenberg...*, p. 72. Machcewicz and Paczkowski concluded: 'If the main goal of denazification was to punish and remove from public life the people responsible for National Socialism, it was only achieved to a very limited extent and was only temporary.' Machcewicz, Paczkowski, *Wina, kara...*, 132.

43 Frei, *Vergangenheitspolitik...*, 55, 59.

44 Witold Kulesza, 'Odpowiedzialność karna za zbrodnie sądowe prokuratorów III Rzeszy w Niemczech Zachodnich i Wschodnich,' *Czasopismo Prawno-Historyczne*, 73/1 (2021), 75.

45 Görtemaker, Safferling, *Die Akte Rosenberg...*, 451–452.

positions, filled by appointment, were held by former members of the NSDAP or SA, and in some ministerial organizational units they constituted 70 % of the staff. However, the cited authors wrote:

More important than belonging to the NSDAP or SA was the fact that many of those holding leadership positions in the National Socialist State Ministry before 1945 participated directly in the implementation of the 'Führer's will'. On the other hand, others, through their activities in the judiciary, including in special courts of the Third Reich, as well as in courts in the 'occupied territories', as well as in the military judiciary, were personally guilty of the implementation and application of criminal laws prepared in the *Reichsjustizministerium*.<sup>46</sup>

Jurists who had gone through the trials and purge of Nazification in 1933, proving in the process that they were loyal followers of National Socialism, emerged unscathed from denazification proceedings after the war and were returned to the judiciary of the Federal Republic. This has been described in the literature as a case of renazification (*Renazifizierung*).<sup>47</sup> Thus the title of this article could just as well be: 'Nazification – denazification – renazification.'

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46 Görtemaker, Safferling, *Die Akte Rosenberg...*, 452.

47 Klaus-Detlev Godau-Schüttke, 'Entnazifizierung', in *Zwischen Recht und Unrecht. Lebensläufe deutsche Juristen*, Hrsg. Justizministerium des Landes Nordrhein-Westfalen (Recklinghausen: Justizministerium des Landes Nordrhein-Westfalen 2004), 100.

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Joanna Sondel-Cedarmas

## ‘A difficult inheritance:’ On the defascistization of public space in Italy in 1946–2019

**Abstract:** The chapter aims to analyse the defascistization of public space in Italy during the First and Second Republics. The process of removing Benito Mussolini’s symbols was very long and problematic in Italy. It was not limited to the so-called political transformation of 1945–1946 but continues to this day. The subject of the analysis will be both normative acts dealing with the ban on the promotion of fascism, ranging from the earliest laws of 1945–46 to the Fiano Act of 2017, as well as other actions aimed at removing fascist symbols from the public space in Italy such as renaming streets, squares, and buildings, and removing other forms of commemorating the fascist regime.

**Keywords:** Fascist symbols, the Italian Republic, defascistization of public space, renaming streets, normative acts

### Introduction

The problem of coming to terms with its fascist past is still an open problem in contemporary Italy. It not only concerns the issue of legal regulations, conducting a particular historical policy or the way in which Mussolini’s dictatorship is perceived in society, but is also reflected in the public space. It is associated with the use of buildings erected during the Fascist period, in the approach to modernist architecture, the denomination of streets and squares, as well as maintaining (or even creating new) places of memory, symbolically related to the Mussolini regime. Ruth Ben-Ghiat, professor of History and Italian Studies at New York University, has recently raised the topical nature of this problem. In an article that appeared on 5 October 2017 in the *New Yorker*, the American scientist, analysing the history of two controversial projects in recent years, namely the disputes over the creation of the Museum of Fascism in Predappio and the construction of a mausoleum dedicated to the fascist dignitary Rodolfo Graziani in Affile, asked the provocative question ‘So why is it that ... Italy has allowed its Fascist monuments to survive unquestioned?’<sup>1</sup>

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1 Ruth Ben-Ghiat, ‘Why Are So Many Fascist Monuments Still Standing in Italy?’ *The New Yorker* (5 October 2017), <<https://www.newyorker.com/culture/culture-desk/why-are-so-many-fascist-monuments-still-standing-in-italy>>, accessed 1 December 2020.

Referring to the question raised by Ben-Ghiat about the lenient policy of the governments of the First and Second Republics with regard to places and buildings from the Mussolini dictatorship in comparison, for example with the policy of the Federal Republic of Germany, in this article I will try to answer two fundamental questions: 1) how were the relations between Italian society and the material heritage of Fascism shaped (and are currently being shaped) and 2) what is the relationship between the approach to this ‘difficult inheritance’ and the policy of remembrance conducted in Italy over the years. Based on the analysis of normative acts regarding the prohibition of the promotion of fascism, as well as the initiatives taken to cleanse the territory of Italy of its Fascist remains, I will present the policy of defascizing public space carried out in Italy in the years 1944–2019. On the example of selected case-studies, I will try to illustrate the most important debates and polemics around issues related to the approach to buildings from the Fascist era, toponomics, and projects to create memorial sites. In addition to the academic literature and newspaper articles on the subject, the text will also use the results of research carried out under the project ‘Shaping of the European citizenship in the post-totalitarian societies project: Reflections after 15 years of EU enlargement’.

### **‘A past that does not want to leave:’ Coming to terms with the fascist legacy in Italy**

The assumption of power by the National Liberation Committee on 25 April 1945, and the creation of the Republic on 2 June 1946, marked the symbolic end of Benito Mussolini’s dictatorship that had lasted for over twenty years. However, it rapidly transpired that fascism was not a completely closed chapter in Italy’s social and political life. Already in June 1946, after the presidential decree on amnesty for crimes committed during the Nazi occupation in 1943–1945, there was a withdrawal from the repressive policy against fascists. Similarly, the policy of national reconciliation pursued by the governments of Alcide De Gasperi in the second half of the 1940s, aimed at pacifying the nation and rebuilding state institutions as quickly as possible, contributed to the development of an ambivalent attitude towards the Mussolini regime in society.

On the one hand, Italy consistently tried to build its institutional and political order in a strong opposition to fascism, something which was reflected, *inter alia*, in the provision in the Constitution of 1947 prohibiting the creation of any form of fascist parties and the law of 20 June 1952 introducing the crime of making an

apology for fascism (*legge Scelba*).<sup>2</sup> On the other hand, the tendency to present fascism as a ‘closed chapter in its history,’ one imposed by anti-fascist circles, already in the 1950s led to the establishment, mainly in conservative circles, of a vision of a relatively mild dictatorship, devoid of totalitarian features and fundamentally different from the regimes of Hitler or Stalin.<sup>3</sup> The statement of the then leader of the Italian Communist Party, Palmiro Togliatti, who said that ‘fascism could not corrupt the spirit of Italian society because Mussolini’s dictatorship was contrary to the deeply entrenched civic tradition of Italy’ was very significant for this tendency.<sup>4</sup> Other significant representatives of the anti-fascist opposition spoke about fascism in a similar way, such as the liberal senator, philosopher, and cultural historian Benedetto Croce, who described Mussolini’s dictatorship as an ‘accident of history,’ or the outstanding political philosopher, Norberto Bobbio, who is often associated with the Action Party, and who emphasized that fascism had not developed any political culture and was merely an ‘ideology of negation.’<sup>5</sup> As a consequence, the first groups which more or less openly referred to fascist tradition and ideology began to emerge on the political scene quite quickly, led by the Fronte dell’Uomo Qualunque group operating in 1945–48 and the group founded in 1946 on the initiative of former Italian activists Giorgio Almirante, Pino Romualdi, Arturo Michelini and Augusto De Marsanich, party of the Italian Social Movement (*Movimento Sociale Italiano*). The symbol of this group was the three-color Italian flag in the shape of a flame above a catafalque,

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- 2 In Article XII of the Final Provisions of the Constitution of the Italian Republic, adopted by the Constitutional Assembly on 22 December 1947, and in force since 1 January 1948, it states that it is forbidden to create any form of a disbanded fascist party in any form and provides for the penalty of the deprivation of active and passive electoral rights for a period of five years for the upper echelons of former fascist parties.
  - 3 Such an interpretation was initiated, inter alia, by the journalist and one of the most prominent representatives of the world of fascist culture, Indro Montanelli. In his 1947 book, *Buonuomo Mussolini*, he stated ‘that the Duce police state limited itself to expelling several hundred anti-fascists,’ an idea reinforced by Hannah Arendt in her study *Roots of Totalitarianism* in 1951. For more on this topic See: Aram Mattioli, <Viva Mussolini> *La guerra della memoria nell’Italia di Berlusconi, Bossi, Fini* (Milano: Garzanti 2011), 46–47.
  - 4 After: Filippo Focardi, ‘Italy’s fascist past. A difficult reckoning,’ *Studia nad Autorytaryzmem i Totalitaryzmem*, 40/3 (2018), 25–27.
  - 5 In the opinion of the Italian historian Cristina Baldassini, this policy led to the creation in the 1950’s of a so-called indulgent memory (*memoria indulgente*). See: Cristina Baldassini, *L’ombra di Mussolini. L’Italia moderata e la memoria del fascismo (1945–1960)* (Soveria Mannelli: Rubbettino, 2008).

personifying the Phoenix rising from the ashes of Mussolini. An external expression of explicit references to the fascist tradition was the organization of rallies each year on 28 October to commemorate the March on Rome, the use of the typically fascist phrase *camerata*, the Roman salute and the singing of fascist songs. On an ideological level, the Italian Social Movement referred to the program of the Fascist Republican Party, adopted at the Verona congress in November 1943, which tried to restore fascism in its original form as a republican revolutionary movement and was ideologically extremely anti-communist. This 'largest party with a nostalgia for fascism in Europe,'<sup>6</sup> which functioned legally on the Italian political scene throughout the so-called First Republic (1946–1994) was quite a complex phenomenon. On the one hand, it can be considered an example of the extremely tolerant policy of Republican governments towards the fascist past. On the other hand, its declared and emphatic support for the policies of the Mussolini regime (in particular in its declining period in 1943–45), was the source of its identity and served as its internal bonding element, ultimately leading to the isolation of this party on the political scene.<sup>7</sup> As noted by Marco Tarchi,<sup>8</sup> 'MSI's contamination with the memory of fascism, the deserved opinion of nostalgia surrounding this group, acted as a brake, effectively blocking any possible more permanent coalitions.'<sup>9</sup> A turning point in the history of MSI was the period of student protests in 1968 and the terrorism of the Years of Lead. In the 1970s, the party's identity crisis clearly manifested itself in the clash of its two opposing factions: 1) one that was radical, revolutionary, anti-capitalist, hostile to

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6 Marco Tarchi, *Esuli in patria. I fascisti nell'Italia repubblicana* (Parma: Ugo Guanda Editore, 1995), 5.

7 MSI remained in complete political isolation until the very end of the 1970's, even though attempts had been made since the 1950's, by its secretaries Augusto De Mersanich and Arturo Michelini, to secure its legitimization, to 'join the system,' above all by allying with other right wing groups such as the Christian Democrats to stem the influence of the communists and to prevent them from coming to power in Italy (of which the clearest example would be the so-called Sturzo operation in 1952). For more on this subject See: Piero Ignazi, *Il polo escluso. Profilo storico del Movimento Sociale Italiano* (Bologna: Il Mulino, 1989), Ignazi, *Postfascisti. Dal Movimento sociale italiano ad Alleanza Nazionale* (Bologna: Il Mulino 1994) Giuseppe Parlato, *Fascisti senza Mussolini. Le origini del neofascismo in Italia, 1943–1948* (Bologna: Il Mulino, 2006).

8 The Italian political scientist and the main ideologist of the New Right, he was an active member of MSI in the 1970s.

9 Marco Tarchi, 'L'eredità del fascismo e la demolizione dell'avversario,' in Angelo Ventrone, ed., *L'ossessione del nemico. Memorie divise nella storia della Repubblica* (Roma: Donzelli ed., 2006), 119.

the West, supporting attempts at armed coup, as well as terrorism with a far-right matrix, and 2) another centred around the new secretary (since 1969) Giorgio Almirante, moderate, national-conservative, presenting itself as a conservative party attached to traditional values, and at the same time a 'movement of force and order,' condemning organized crime, in particular the mafia. At the beginning of the 1980s, thanks to the consistent policy of Giorgio Almirante, MSI gained political legitimacy. In 1983, the leader of the Italian Socialist Party, Bettino Craxi, was the first prime minister in the history of post-war Italy to include representatives of MSI in discussions on the formation of his government and publicly condemned the isolation of this group on the Italian political scene. Similarly, in May 1985, the president, Sandro Pertini, met with Giorgio Almirante to discuss the political problems confronting Italy at the time. A further example of the increasingly open policy towards MSI which characterized the Italian Socialist Party was the 1986 dedication of one of the sections of the historical museum in the town of Frosinone – despite vociferous protests in anti-fascist circles – to Marshal Rodolfo Graziani, the former Governor-General and Viceroy of Ethiopia, who was notorious for the brutal pacification of the indigenous tribes under his rule, combined with the use of chemical weapons and the creation of concentration camps in Libya, Cyrenaica and Ethiopia. This change in the perception of fascism in Italy was not only influenced by the shifting political climate in the 1980s, but also by a new interpretation of fascism in historiography, inaugurated in the second half of the 1960s by historians such as Renzo De Felice, Roberto Aquarone and Piero Melograni. These authors, clearly influenced by Hannah Arendt's interpretations, denied the totalitarian nature of Mussolini's regime. In particular, the studies of De Felice, who tried to emphasize the differences between Nazi Germany and fascist Italy, highlighted the absence of an anti-Semitic ideology in Italian fascism and regarded the introduction of racist laws in 1938 as being purely part of the policy of rapprochement with Nazi Germany. All of this contributed to the development of a distinct strain of historical revisionism in Italy in the 1980s<sup>10</sup> and a consequence of this tendency

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10 Although from 1975 onwards Renzo De Felice did not question the existence of a totalitarian system in Italy between 1925–45, his interpretation of fascism was criticized by anti-fascist circles for 'trying to rehabilitate fascism.' As stated by the Turin historian Brunello Mantelli, De Felice's interpretation of fascism was 'an attempt to mitigate the phenomenon of fascism through comparison.' Similarly, according to the Swiss historian Aram Mattioli, De Felice, presenting the dictatorship of Mussolini as a not particularly repressive regime, and one hardly comparable to the Third Reich, completely ignored the realities of the brutal colonial war in Ethiopia and the bloody

in historiography were the numerous biographical studies of fascist dignitaries such as Giuseppe Bottai, Italo Balbo, Galeazzo Ciano, Luigi Bolli, Alessandro Pavolini, Achile Starace, etc., which were published on the occasion of the 100th anniversary of the Duce's birth in 1983. Similarly, at the turn of the 1980s and 1990s, numerous documentaries devoted to Mussolini and various fascist dignitaries were made, aimed at showing their 'human face' and primarily as caring family figures and exemplary citizens. In 1982, the second TV public channel, Rai Due, aired a documentary by Nicola Caracciolo entitled *Tutti gli uomini del duce*, dedicated to Galeazzo Ciano, Italo Balbo and Dino Grandi, and in 1985 Rai Uno showed the series *Io e il duce* directed by Alberto Nigrin. However, the film entitled *Claretta*, directed by Pasquale Squitieri, starring Claudia Cardinale and dedicated to Claretta Petacci, sparked a scandal and a protest by the jury when it was presented at the Venice Festival in 1984.<sup>11</sup>

The interpretation of fascism as a relatively benign dictatorship spread to an even greater extent in Italian society during the Second Republic, in particular after the incorporation of the National Alliance (*Alleanza Nazionale*), the group formed after the split in MSI, into the centre-right government coalition of Prime Minister Silvio Berlusconi in 1994. At the close of the twentieth century, the vision of fascism as an 'operetta dictatorship', bloodless, essentially different from the regimes of Stalin and Hitler, was not only adopted in neo-fascist and post-fascist circles, but also among supporters of Silvio Berlusconi's party. On the 80th anniversary of the March on Rome in 2002, the deputy prime minister and leader of AN, Gianfranco Fini, stated during his visit to Israel that fascism had never used terror to secure mass public support, and the Senate Deputy Marshal from the same party, Domenico Fisichella, classed Mussolini's dictatorship as an authoritarian system. As the English historian Paul Ginsborg noted, at

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occupation of Libya, Ethiopia and the Balkans, as well as the fact that Italy became Hitler's most faithful ally in the second half of the 1930s were, and after the creation of the Italian Social Republic in the autumn of 1943, they actively participated and facilitated the Holocaust, sending over 8,500 Italian Jews to Nazi extermination camps. See: Brunello Mantelli, 'Fascismus, Geschichte Italiens, Selbstverständnis der Republik. Kritische Anmerkungen zur jüngsten Debatte über die Beziehung von Geschichte und Gegenwart,' in Christof Dipper, and Jens Petersen, eds, *Faschismus und Faschismen im Vergleich. Wolfgang Schieder zum 60. Geburtstag* (Köln: SH- Verlag, 1998), 99 and Mattioli, <Viva Mussolini> *La guerra della memoria nell'Italia di Berlusconi, Bossi, Fini*, op.cit.

11 Nicola Tranfaglia, 'Fascismo e mass media: dall'intervista di De Felice agli sceneggiati televisivi', *Passato e presente*, 3 (1983), 142 -143.

the beginning of the new century, fascism was no longer presented in a negative light in the political discourse of the Italian centre-right. A clear manifestation of this phenomenon was the statement of Prime Minister Silvio Berlusconi, who in 2003 claimed that fascism was ‘a moderate dictatorship that did not kill anyone.’ According to this interpretation, the great majority of Italians believed that ‘Mussolini was misled by Hitler and that fascism only took the wrong course in 1938 when he introduced racist laws.’<sup>12</sup> A survey conducted in 2001 also testifies to this perception of fascism in society at the beginning of the twenty-first century. As shown by the political scientist Piero Ignazi, in response to the question of whether the Fascist regime could be considered totalitarian, as many as 22.4 % classed it as an authoritarian system, 5 % considered it a reaction to the threat of communism, while only 38.1 % of respondents defined Mussolini’s dictatorship as having been somewhat brutal.<sup>13</sup> Emilio Gentile, an outstanding researcher of totalitarian systems, and professor emeritus of the La Sapienza University in Rome, called this phenomenon the ‘trivialization of fascism’ and a case of the ‘retrospective defascization of the Mussolini regime.’<sup>14</sup> Following the fall of the First Republic, under the influence of the historical narrative developed by the Italian right, the slogans of repacification and reconciliation between the two traditionally opposing parts of Italian society – fascists and anti-fascists – appeared in the public debate in order to build a ‘common memory.’<sup>15</sup> Between 1993–1995, centre-right politicians tried to put pressure on the then President of the Republic, Oscar Luigi Scalfaro, to support the postulate to ‘end the dramatic divisions in Italian society’ stemming from the 1943–1945 civil war. The main promoter of this policy of reconciliation was the leader of AN, Gianfranco Fini, who in 1994 condemned all totalitarian systems in the daily newspaper *Corriere della Sera* and expressed his wish that on April 25, celebrated as the holiday of Italy’s liberation from fascism (*Festa della liberazione*), it should take on an ‘anti-totalitarian’ character, and not merely anti-fascist. An expression of this tendency was the establishment of two new national holidays: the Day of

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12 Paul Ginsborg, *Berlusconi, Ambizioni patrimoniali in una democrazia mediatica* (Torino: Einaudi, 2003), 137–138.

13 Piero Ignazi, *Extreme Right Parties in Western Europe* (Oxford: Oxford University Press 2003), 51.

14 Emilio Gentile, *Fascismo. Storia e interpretazione* (Roma-Bari: Laterza, 2002), 8.

15 Filippo Focardi, ‘Il passato conteso. Transizione politica e guerra della memoria in Italia dalla crisi della prima Repubblica ad oggi,’ in Filippo Focardi, and Bruno Groppo, eds, *L’Europa e le sue memorie. Politiche e culture del ricordo dopo il 1989* (Roma: Viella, 2013), 60–61.

Remembrance (*Giorno del Ricordo*), celebrated on 10 February to commemorate the victims of the *foibe* and Italians expelled from Istria and Dalmatia (Law No. 92 prepared by AN) and the Day of Freedom (*Giorno della libertà*), established by parliament, according to a draft by Forza Italia, on November 9 on the anniversary of the fall of the Berlin Wall to commemorate the ‘tragic consequences of all totalitarianisms.’<sup>16</sup> In 2003, AN senators also prepared a bill aimed at equalizing the status of the former fighters of the Italian Social Republic with the partisans fighting for the liberation of Italy, but this was not adopted by the parliament. Nor was the proposal put forward by the People of Freedom (*Popolo della Libertà*) in 2008 to create a new decoration (*Ordine del Tricolore*), for all Italians involved in World War II.

In the last decade, right-wing circles have seen a tendency to present fascism as a closed chapter in Italian history, a move frequently combined with attempts to rehabilitate it. The narrative developed by the Brothers of Italy (*Fratelli d'Italia*) group, which appeared on the Italian political scene in December 2012, clearly contributed to this.<sup>17</sup> The party, initially using the name *Fratelli d'Italia-Alleanza Nazionale*, from the very beginning emphasized its historical ties with the *Movimento Sociale Italiano-Destra Nazionale* and *Alleanza Nazionale* parties.<sup>18</sup> As noted by Piero Ignazi, the main policy points of this party, such as national pride which often takes a nationalist character, the active role of the state in the economy, being sensitized to the problems of the South of Italy and social rights, all refer to this political culture.<sup>19</sup> The party's logo also refers to neo-fascist traditions, with a three-color flame reminiscent of the historical symbol of *Movimento Sociale Italiano*.<sup>20</sup> The current leader of the

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16 Focardi, ‘Il passato conteso,’ 62.

17 Many of the leading figures in this party, including its leader Giorgia Meloni, had been activists in MSI's neo-fascist youth wing *Fronte della Gioventù*. See: Francesco Boezi, ‘Così la Meloni ha evitato la scomparsa della destra italiana,’ *Il Giornale* (26 June 2020), <<https://www.ilgiornale.it/news/cos-meloni-ha-evitato-scomparsa-destra-italiana-1872897.html>>, accessed 15 September 2020.

18 Roberto Chiarini, ‘La Destra italiana. Il paradosso di un'identità illegittima,’ *Storia contemporanea*, 185 (1991), 584–585.

19 Piero Ignazi, ‘Qualcosa di nuovo, a destra. Dal declino di Berlusconi all'ascesa di Meloni,’ *La Repubblica* (8 January 2020), 34.

20 From February 2014 to 3 December 2017, the party officially bore the name *Fratelli d'Italia – Alleanza Nazionale*. At its second congress in 2017, the symbols of the party were also modified: whilst the white-red-green flame with the letters MSI remained, all traces and references to AN were removed. See: Massimo Rebotti, ‘Meloni cancella AN dal simbolo. <Non siamo più solo il partito della destra>. Ma resta la fiamma missina’



party, Giorgia Meloni (born in 1977), although, as she has repeatedly declared, ‘she was never a fascist for anagraphic reasons’<sup>21</sup> she readily quotes the words of Giorgio Almirante during her speeches, and also, referring to the postulates of Gianfranco Fini from 1994, proposes replacing the April 25 holiday with another anniversary, one which was ‘less divisive for Italians.’<sup>22</sup> In 2017, Meloni sharply criticized the bill that was supposed to introduce a new article into the Italian penal code regulating the crime of promoting fascism (*legge Fiano*). Her speech also aroused considerable controversy, seeing her comparing Mussolini to Fidel Castro, emphasizing that the fascist Duce also did ‘good things,’ and only the introduction of an authoritarian system and some measures, such as racist laws and involving Italy in the war, could be condemned.<sup>23</sup>

### Legislation against the apology of fascism in Italy

As is common knowledge, the defascistization process, already initiated by the Allies in the southern parts of the country in 1943, was rather chaotic and superficial in Italy. It limited itself to only removing external traces of Mussolini’s dictatorship, without attempting to introduce fundamental changes to the state structure.<sup>24</sup> It is perhaps easy to agree with the statement of Francesco Filippi, that the more than twenty years of the regime changed the social structure of

Corriere della sera (4 December 2017), <[https://www.corriere.it/politica/cards/fiamma-disegno-almirante-nuovo-logo-fratelli-d-italia/via-an-piu-fiamma-simbolo-fratelli-d-italia\\_principale.shtml](https://www.corriere.it/politica/cards/fiamma-disegno-almirante-nuovo-logo-fratelli-d-italia/via-an-piu-fiamma-simbolo-fratelli-d-italia_principale.shtml)>, accessed 12 July 2020.

- 21 Pierluigi Battista, ‘Lavacri e nostalgie gli Msi e i conti con il passato mai fatto del tutto’, Corriere della sera (22 March 2016), <[https://www.corriere.it/politica/16\\_marzo\\_22/lavacri-nostalgie-ex-msi-conti-mai-fatti-tutto-il-fascismo-168974dc-efa6-11e5-9957-88f22239b898.shtml](https://www.corriere.it/politica/16_marzo_22/lavacri-nostalgie-ex-msi-conti-mai-fatti-tutto-il-fascismo-168974dc-efa6-11e5-9957-88f22239b898.shtml)>, accessed 2 July 2020.
- 22 On the anniversary of 25 April in 2020, Meloni proposed that it should be rebranded as a national holiday commemorating the victims of all wars and the Covid-19 pandemic. See: ‘E’ polemica sul 25 aprile. Fratelli d’Italia propone di trasformare la festa di Liberazione nella giornata per ricordare i caduti di tutte le guerre e del Covid 19 con la canzone del Piave al posto di Bella ciao’, La Repubblica (18 April 2020), <[https://www.repubblica.it/politica/2020/04/18/news/fratelli\\_d\\_italia\\_sul\\_25\\_aprile\\_ricordiamo\\_i\\_caduti\\_di\\_tutte\\_le\\_guerre\\_e\\_del\\_covid\\_la\\_canzone\\_del\\_piave\\_al\\_posto\\_di\\_bella-254391375/](https://www.repubblica.it/politica/2020/04/18/news/fratelli_d_italia_sul_25_aprile_ricordiamo_i_caduti_di_tutte_le_guerre_e_del_covid_la_canzone_del_piave_al_posto_di_bella-254391375/)>, accessed 2 July 2020
- 23 ‘Meloni(AN): <Mussolini come Castro> E i giovani di Polo e Unione si dividono’, Corriere della sera (9 December 2008), <<https://www.pressreader.com/italy/corriere-della-sera/20061209/281930243491674>>, accessed 2 July 2020.
- 24 Claudio Pavone, ‘Negazionismi, rimozioni, revisionismi: storia o politica’ in *Fascismo e antifascismo* (Roma: Laterza 2000), 15–42.

Italy, not only replacing the political elite but practically the entire managerial class within the administrative, economic and cultural apparatus. All state institutions were subjected to the policy of compulsory fascistization: education, universities, the judiciary, and even private enterprises, trade unions and sports. As Filippi notes:

With the fall of fascism in 1943, the work of [fascization – add. JSC] was practically complete: all public officials had been enrolled in the Fascist Party (PNF), teachers swore allegiance to the party-state, trade unions were replaced by fascist corporations, associations dedicated to the organization of free time had been absorbed by fascist organizations, even the footballers had become accustomed to giving the Roman salute before the start of matches.<sup>25</sup>

The first normative act under the so-called cleansing action (*epurazione*) was the act of Marshal Badoglio of 6 August 1943, which ordered the liquidation of the Fascist Party (PNF).<sup>26</sup> Earlier, the decree of 2 August 1943 (Article 3) ordered the removal of the word ‘fascist’ from the names of all public institutions. Lictor rods, a symbol of the Fascist regime, were removed from uniforms, old stamps, headed paper and Mussolini’s portraits were taken from offices; paradoxically, however, no legal action was taken against persons cooperating with the former system. Virtually all of the personnel making up the apparatus of the fascist state were absorbed into the structures of the Republican state. According to Filippi, the process of purging state institutions of their fascist functionaries and officials was carried out very superficially, even in relation to those who played a leading role in bolstering the regime.<sup>27</sup> Most of the prefects, mayors and quaestors remained in their positions.

The first legal regulation to publicly condemn fascism was Decree No. 159–44 of 27 July 1944, entitled *Norme contro il fascismo*. The decree, introducing the crime of collaborationism, primarily related to cooperation during the period of the Italian Social Republic (1943–45), sentencing members of the Fascist government and fascist leaders (*gerarchi*) to life imprisonment, and in special cases to death. Under this regulation, fascism was treated as a crime for the first time in the Italian legal system. The High Commissioner for Cleansing (*Alto*

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25 Francesco Filippi, *Ma perché siamo ancora fascisti. Un conto rimasto aperto* (Milano: Bollati Boringhieri, 2020), 54.

26 Decree no 704 of August, 2, 1943, ‘Regio Decreto legge’ (*Soppressione del Partito nazionale fascista*, Gazzetta Ufficiale No. 108 z 5 sierpnia 1943). See: Hans Woller, *I conti con il fascismo. L’epurazione in Italia 1943–1948* (Bologna: Il Mulino, 1997), and Roy Palmer Domenico, *Processo ai fascisti* (Milano: Rizzoli, 1961).

27 Filippi, *Ma perché siamo ancora fascisti*. 43.

*Commissario per l’Epurazione*) was meant to deal with punishing the guilty, a position entrusted to the liberal, former Minister of Foreign Affairs and member of the National Liberation Committee, Carlo Sforza. This normative act, however, had a very limited effect. According to Gabriele Fornasari, by the end of 1945, only about 6000 people had been found guilty of collaborating with the fascist regime by decree No. 159–44, and 250 of them had been given a death sentence (of which only 91 were carried out). In total, over 40,000 citizens were accused of collaborating with the Government of the Republic of Salò (RSI).<sup>28</sup> A year later, following the presidential decree of June 22, 1946, the so-called ‘Togliatti amnesty’ (*amnistia Togliatti*) was introduced, named after its author – Minister of Justice and secretary of the Italian Communist Party, Palmiro Togliatti. On the basis of this decree, most trials against former fascists were cancelled. As Filippi stated, although in the northern part of the country, which was particularly affected by the oppression and acts of violence by the Nazis in 1943–45, this legal regulation aroused outrage, in much of Italy it was received with indifference or even relief as it was seen as marking a return to normality and closing a painful chapter in the nation’s history. In certain situations, especially in southern Italy, the decision not to prosecute fascist criminals saved large sections of the local political and administrative elite from legal consequences.<sup>29</sup> As a consequence, Togliatti’s amnesty became an emblematic example of the failure to settle accounts with the fascist past in Italy.

In 1948, the government introduced an additional amnesty to normalize the situation in the public administration. As a result, by decree 48–48, officials who had been removed from their functions following sentences for collaborationism were reinstated. In addition, in February 1948, the President of the Republic, Enrico De Nicola, issued a decree which extended the amnesty to those sentenced to up to three years’ imprisonment for political crimes. As a consequence, Filippi noted, very few in Italy were serving sentences in the early 1950s for the crime of collaboration, and even those were subject to a general amnesty in 1953, under another Presidential Decree, No. 922–53, this time from Luigi Einaudi.<sup>30</sup> The criminal nature of fascism was regulated by the Act of 1952, the so-called *legge Scelba*, named after the Minister of the Interior, Mario Scelba,

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28 Gabriele Fornasari, *Giustizia di transizione e diritto penale* (Torino: Giappichelli 2013), 21.

29 Filippi, *Ma perche’ siamo ancora fascisti*, 52.

30 Decree no 922–53 applied to all who had been sentenced for ‘any kind of offence, excluding military and financial crimes.’ See: Filippi, ‘Ma perche’ siamo ancora fascisti,’ 88–89.

which banned the promotion of fascism in public. The key assumption of this law was to counteract the phenomenon of neo-fascism in Italy by introducing penalties for all forms of apology for the Mussolini regime, in particular against people who publicly praised fascists, as well as the ideology's representatives, principles, methods and activities, and anti-democratic goals. According to this law, 'anyone who referred to the tradition of the dissolved Fascist party with words, gestures or other actions was punishable by up to three months imprisonment or a fine of up to 50 lira.'<sup>31</sup>

At the beginning of the 1990s, a discussion developed in Italy about the need to strengthen the punishment system for so-called hate crimes. With the end of the First Republic and the collapse of the system of traditional political parties, and the first migration wave from Eastern Europe, the Mancino law (*legge Mancino*) was passed, aimed at combating all forms of discrimination. It provided for stricter penalties (including imprisonment from six months to four years) for all those found guilty of inciting hatred on the basis of national, ethnic, racial or religious differences. The *legge Mancino* also introduced the crime of belonging to associations or organizations spreading slogans of racial or ethnic discrimination, and the use of symbols referring to ideologies or regimes promoting similar ideas. As Filippi noted, it was not intended to limit the spread of fascist ideology, although by introducing legal regulations punishing the use of slogans and symbols, the display of symbols and other forms of visual reference to the Mussolini dictatorship, it indirectly impacted neo-fascist groups. One of the first consequences of the introduction of the *legge Mancino* was the dissolution of the far-right Rome-based organization, *Movimento politico occidentale*.

The final regulation against the promotion of fascism was the bill known as *legge Fiano*, prepared by an MP from the Democratic Party, Emanuele Fiano. This introduced a new article into the Italian penal code (article 293-bis) which was intended to punish all forms of 'promoting the images and content proper to the Fascist party and the NSDAP'. The plan of the bill provided for sentences ranging from six months to two years imprisonment for all apologies for undemocratic regimes, including the use of symbols referring to National Socialism and Italian fascism. These ranged from the fascist salute (*saluto romano*), slogans and the sale of trinkets promoting fascism and fascists (such as portraits of dictators). It was adopted by the Chamber of Deputies in September 2017, but due to the

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31 Filippi, 'Ma perché siamo ancora fascisti?', 91.

dissolution of the parliament in December 2017 and the early elections in February 2018, it has not yet been voted into law by the Senate.<sup>32</sup>

### **Fascism of stone: On the buildings of the regime in public space**

There is no doubt that Mussolini’s 20-years-long dictatorship fundamentally altered the appearance of Italian cities. As Emilio Gentile has noted, fascism was the first regime to show genuine architectural ambition and sought to develop innovative urban designs. It strove not only to modernize the outdated infrastructure of the country, but also to erect buildings according to the latest technical standards, intended to laud the achievements of the ‘fascist revolution.’ As listed under the entry ‘architecture’ in *Dizionario di politica*, published by PNF in 1940, fascist civilization wanted to promote ‘long-lasting architecture with a monumental function’ because ‘monumental architecture that would last for centuries’ was to be ‘a symbol of the durability of the fascist state.’ Gentile described this phenomenon as *fascismo di pietra*, one in which the myths of fascist religion were rendered material.<sup>33</sup>

Mussolini’s regime used architecture as an instrument of its politics and propaganda.<sup>34</sup> It was to play a monumental role and this character was clearly discernible even in public buildings (such as post offices, schools and kindergartens, state institutions, etc.).<sup>35</sup> As Aram Mattioli rightly notes, these ‘stone messages’ were meant to show the whole world that everything in Italy had changed, and for the better.<sup>36</sup> Fascist architecture was a syncretic combination of modernism and classicism, with neoclassical buildings in particular being erected after the victorious colonial war with Ethiopia. In line with the Duce’s predilection for Ancient Rome, the regime’s chief architects, such as Marcello Piacentini, Enrico Del Debbio and Armando Brasini, designed monumental buildings in the neoclassical style, the best examples of which are the *Foro Italico* (originally

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32 Members of the Northern League, the Five Star Movement and Forza Italia all voted against the bill. See: ‘Cosa dice la legge contro l’apologia del fascismo,’ *Il Post* (13 September 2017), <<https://www.ilpost.it/2017/09/13/camera-approvato-apologia-fascismo/>>, accessed 10 November 2020.

33 Emilio Gentile, *Fascismo di pietra* (Roma-Bari: Laterza, 2007), 6.

34 Already in 1923, architects were forced to register with the *Sindacato Nazionale Architetti*, controlled by the state. After 1925, only those who had registered were eligible for public contracts and, after 1932, one had to be a member of the Fascist party (PNF) to take part in public tenders or architectural competitions.

35 Vittorio Vidotto, *Roma contemporanea* (Roma-Bari: Laterza, 2001), 7.

36 Mattioli, <*Viva Mussolini*>, 100.

known as *the Foro Mussolini*) or the *Palazzo della Civiltà Italiana* building in the EUR district (also known as the Square Colosseum).

Above all, fascism changed the physical appearance of Rome's public spaces. It is hard not to agree with the statement of Vittorio Vidotto that the special role of Italy's capital in the fascist state was influenced by the myth of Ancient Rome.<sup>37</sup> Emilio Gentile highlights that the fascist myth of Rome was not just a celebration of a glorious past, since the movement was primarily oriented towards the future, towards building a great new Italy, the work of a new race of Italians who would become the Romans of modernity. For Mussolini, Rome was synonymous with Italy, empire, and fascist civilization.<sup>38</sup> He expressed this most clearly by making the birth of Rome into a fascist festival in 1923:

celebrating *Natale di Roma* means celebrating our civilization, praising our history and our race, leaning on the past to set out for the future ... Rome is our starting point and reference point; it is our symbol and our myth. We dream of Roman Italians, that is, wise and strong, disciplined, and imperial. Much of Rome's immortal spirit is reborn in fascism: the Lictors rod is Roman, our way of fighting is Roman, our spirit and our courage are Roman.<sup>39</sup>

Mussolini's regime also exploited the symbolic significance of Roman buildings for propaganda purposes, in particular the Altar of the Fatherland (*Vittoriano*) as a place that symbolized the unity of the homeland, the martyrdom of the fallen in World War I, and at the same time national and patriotic forces against socialists and Bolsheviks. It is no coincidence that the march of the black shirts to Rome ended just in front of the Altar of the Fatherland. Another point on the map of Rome that was taken over by fascism was the Capitoline Hill (*Campidoglio*), where a memorial to fascist martyrs (*Ara dei caduti fascisti*) was placed in *Giardino della Vittoria* in 1926. The main role in the symbolism and liturgy of the regime, however, was played by the Venetian Square, along with the *Palazzo Venezia*, Mussolini's official workplace from 1929. It was here that the Duce gave his famous speeches from a balcony to the crowds gathered below. As Gentile noted, *Piazza Venezia* took on the character of the 'holy centre' of fascist religion, where rituals of the cult of fascism were performed. Similarly, from 1932, *Via dell'Impero* became the main place for parades by the army, the militia and the other organizations of the Fascist party, while the representative

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37 Vittorio Vidotto, 'I luoghi del fascismo a Roma', *Dimensioni e problemi della ricerca storica*, 2 (2005), 39–54.

38 Gentile, *Fascismo di pietra*, 8.

39 Gentile, *Fascismo di pietra*, 8.

function was taken over by *Foro Mussolini*, a gargantuan sports complex erected in 1928–38 by Enrico Del Debbio and Luigi Moretti.

After the fall of Mussolini, no comprehensive policy of defascistization public space was carried out to eliminate traces of dictatorship from cities in Italy. Although the Minister of Education proposed the creation of a special commission to remove the buildings of the old regime in July 1944, this idea was never implemented. In the absence of top-down government guidelines, local authorities conducted more heterogeneous activities in this regard. As Hannah Malone noted, these essentially fell into three types: 1) deliberate destruction, 2) neglect, or 3) re-use.<sup>40</sup> The first option was mainly used immediately after Mussolini's arrest on 25 July 1943, and after the fall of fascism on 25 April 1945, and was limited to destroying the regime's most obvious symbols, particularly likenesses of the Duce. The second solution, namely leaving the buildings of the former regime to fall into disrepair (neglect) was not always related to ideological considerations but was often due to economic reasons given that post-war Italy often lacked the funds for their restoration. The most popular option was the third, namely changing their original function. A typical example of this approach would be the building of the Ministry of East Africa, which now houses the Food and Agriculture Organization of the United Nations (FAO). Often the buildings were only cleansed of the external attributes of the old regime, such as lictor rods. As noted by Emilio Gentile, in this way their defascistization took on a quasi-religious character of 'purification' and being consecrated as part of a new 'religion.'<sup>41</sup> It should be noted, however, that some urban projects initiated during the fascist period, such as EUR, *via della Conciliazione*, the seat of the Ministry of Foreign Affairs (*Farnesina*) or the *Palazzo del Littorio* designed in 1936, were only completed in the 1950s.<sup>42</sup> It also transpired that some fascist buildings remained virtually unchanged in the post-war period, both physically and in terms of their functions. An example of this is the *Foro Mussolini*

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40 Joshua Arthurs, 'Fascism as 'heritage' in contemporary Italy,' in Andrea Mammone, and Giuseppe A. Veltri, eds, *Italy Today: The Sick Man of Europe* (London: Routledge 2010), 120.

41 Gentile, *Fascismo di pietra*, 257.

42 As Aram Mattioli noted, the careers of many architects and urban planners connected with the regime did not falter after the fall of fascism, much like with the representatives of the cultural and financial elite of Italy. Marcello Piacentini, Giorgio Calza Bini and Enrico Del Debbio retained their university posts at the Faculty of Architecture in Rome and in the 1950's completed many of their projects which had been launched during the fascist era. See: Mattioli, <*Viva Mussolini*>, 94.

sports complex, which, although renamed *Foro Italico*, has retained its function as the main sports center and home of the Italian Olympic Committee (CONI) to this day. In 1960, just before the Olympics in Rome, it was modernized, and CONI also renovated mosaics and murals with original inscriptions from the Fascist era on this occasion. However, this move aroused opposition from left-wing circles, with politicians from the communist party (PCI) pointing out that the fascist monuments and inscriptions which remained in the city space were evidence of the fall of the Republic, based on anti-fascist values, as well as the ambiguous policy of the Christian Democracy (DC) rule towards the fascist past. At the same time, the communist periodical from Naples *Vie Nuove* started cataloguing the remnants of the regime under the title *L'Italia da cancellare* (The Italy to Erase).<sup>43</sup>

Generally, however, architecture from the fascist era, although still present in urban space, remained largely ignored for ideological reasons until the end of the 1970s. At the beginning of the 1980s, a young generation of researchers who had been born in Republican Italy and had no direct experience with the regime, such as Ezio Godoli, Giorgio Ciucci, Francesco Del Co and Giorgio Muratore, 'rejecting doctrinal antifascism,' attempted to formulate a new assessment of the architectural achievements from the Mussolini era. This is clearly evidenced by the statement of the leftist architect and architecture critic Giorgio Muratore, who stated in 1990 that fascism was one of the most fruitful periods for Italian architectural culture and 'should be maintained for historical reasons, due to its documentary and aesthetic value.' Also in 2001, the historian Giorgio Cucci emphasized that as the time space between contemporaries and fascism lengthened, the architecture of this period became part of the Italian cultural heritage.<sup>44</sup> During the Second Republic, thanks to the activities of the aforementioned researchers and the wave of the policy of national reconciliation, an increasing proportion of society began to perceive modernist architecture as part of the Italian cultural identity that had to be protected from collapse. In line with this tendency, fascist architectural complexes such as *Mostra d'Oltremare* in Naples, EUR and *Foro Italico (Mussolini)* in Rome, or cities founded during the fascist period such as Portolago and Asmara were recognized as monuments of modernist architecture, and organizations such as Italia Nostra or Domocomo

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43 Aldo Natoli, 'Vecchi vizi e occasioni perdute,' *Vie Nuove*, 30 (1960).

44 Mattioli, <*Viva Mussolini*>, 105.



International (founded in 1995) set themselves the goal of documenting, protecting, and maintaining them.<sup>45</sup>

As Joshua Arthurs notes, beginning in the 1990s, the extreme right’s narrative tended to depoliticize monuments from the Fascist period by taking them out of the historical context in which they had been erected. This is evidenced by the statement from 2008 of the AN mayor, Gianni Alemanno, who emphasized that the positive aspect of fascism in historical terms was ‘the expansion of national infrastructure, drainage of areas and the construction of innovative buildings.’ Arthurs considered this practice to be symptomatic of a deeper crisis that afflicted contemporary Italian society.<sup>46</sup> As he rightly emphasized, the acritical aestheticization and legitimization of monuments from the Fascist era inevitably led to the valorisation of this painful period in the history of 1922–1945, while simultaneously deepening the internal divisions which existed in Italian society. The depoliticization of what was a clearly political project also created the space for the development of anti-liberal, xenophobic, and nihilistic trends in society, providing room in the public discourse for Mussolini apologists.<sup>47</sup> This was expressed, for example, in relation to the Mussolini obelisk, which began to be perceived by neo-fascist circles as a kind of reliquary to the Duce and the martyrs of the Italian Social Republic, and the entire *Foro Italico* was taken as proof of the power of the Fascist state. The fact is that the display of fascist symbols on this flagship object of the old regime continues to be controversial in Italian society. Not all Italians agree that they should be treated as part of their history and national heritage. This is clearly evidenced by the polemic that followed the proposal of April 2015, presented in the Italian Parliament by the Speaker of the Chamber of Deputies Laura Boldrini, to remove the still visible inscription

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45 The positive sentiment in Italian society towards the fascist era is also born out in the in-depth interviews carried out in 2020 by Prof. Paola Rizzi as part of the project entitled *Shaping of the European Citizenship in the Post-Totalitarian Societies. Reflection after 15 years of EU Enlargement*. Over 80 % of respondents considered modernist buildings to be part of Italian history, testimony to a certain period in Italian history, and cultural heritage to be protected. Almost half of them pointed to their educational and informative value about the past, and about 40 % emphasized their aesthetic value as buildings designed by outstanding architects and architectural monuments. On the other hand, the vast majority of respondents negatively responded to attempts to rename streets or squares which had been dedicated to fascist dignitaries, paying attention to the ideological and political structuring of this action. See: *Report on the project’s website [www.heritage.europeistyka.uj.edu.pl](http://www.heritage.europeistyka.uj.edu.pl)*.

46 Arthurs, ‘Fascism as ‘heritage’ in contemporary Italy’, 114.

47 Arthurs, ‘Fascism as ‘heritage’ in contemporary Italy’, 121.

Mussolini Dux from the obelisk. Boldrini's postulate quite unexpectedly met with resistance not only from far-right and right-wing circles, who accused her of 'absurd historical obscurantism,' but even from politicians associated with the centre-left PD party. Matteo Orfini, who belonged to this group, states that 'Italy is an anti-fascist country ... There is no need to erase the memory, even of one so dramatic.'<sup>48</sup>

## The defascistization of public space on the example of toponyms

The most frequently used method for the defascistization of public space in post-war Italy was the renaming of streets and squares. It should be mentioned that fascism strongly influenced toponomics. This phenomenon concerned all larger and smaller towns and villages on the Apennine Peninsula,<sup>49</sup> but it was particularly discernible in Rome, where the Duce christened many new streets between 1922–1943. The great majority of them received names related to personalities or events significant in the history of the fascist regime. The process of the toponomic defascistization began immediately after the entry of the Allied forces into Rome on 4 June 1944, and mainly occurred in the years 1945–1946. Based on two decisions of the City Council of 2 February 1945 and then of 27 December 1945, it was decided to change the names of streets with a fascist connotation or associated with the Mussolini regime, and to rededicate them to the heroes of the Resistance movement. Thus, the avenue dedicated to fascist martyrs, *Viale dei Martiri Fascisti* was dedicated to the anti-fascist syndicalist Bruno Buozzi, *Via dei Legionari* was named *Via Antonio Gramsci* – secretary of the Communist Party (PCI) who had been sentenced to a long prison term by the Fascist Special Court. *Ponte Littorio* was renamed to *Ponte Giacomo Matteotti*, in honor of the socialist parliamentarian murdered in 1924, *Via XXIII Marzo* which commemorated the creation of *Fasci di Combattimento* was renamed *Via Leonida Bissolati*, *Piazza Costanzo Ciano* was renamed *Piazza Montecitorio* and the square and avenue in front of Ostiense station, which was named after

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48 'Boldrini: «Cancellare la scritta Dux dall'obelisco di Mussolini» Bufera sulla presidente della Camera,' *Corriere della sera* (17 April 2015), <[https://roma.corriere.it/notizie/politica/15\\_aprile\\_17/ripulire-l-obelisco-mussolini-bufera-parole-boldrini-079c8ae4-e50d-11e4-845e-5bcd794907be.shtml](https://roma.corriere.it/notizie/politica/15_aprile_17/ripulire-l-obelisco-mussolini-bufera-parole-boldrini-079c8ae4-e50d-11e4-845e-5bcd794907be.shtml)>, accessed 2 January 2021.

49 The matter of renaming places also extended to entire towns which had been founded during the fascist era. An exemplary case is that of the city of Littoria which was renamed Latina after World War II.

Adolf Hitler, were renamed *Piazzale dei Partigiani* and *viale delle Cave Ardeatine* immediately after the war. This, in turn, was then renamed *via Fosse Ardeatine*, to commemorate the place where the Nazis murdered 335 Italians on 24 March 1944, in retaliation for the partisan attacks on *Via Rasella*.<sup>50</sup> The names of such streets as *Via dell'Impero*, which received the name *Via dei Fori Imperiali*, were also changed, and *Foro dell'Impero Fascista* was divided into *Piazza San Marco* and *Piazza Santa Maria di Loreto*. Similarly, *Clivo dell'Ara Littoria* was renamed *Via San Pietro in Carcere*, *Via del Mare* became *Via del Teatro Marcello* and *Piazza Gabriele d'Annunzio* christened *Piazza del Parlamento*. The avenue dedicated to the fascist dignitary who died in Libya in 1940, *Viale Italo Balbo* was in turn called *Viale Pretoriano*, and *viale Alfredo Rocco*, from the name of the author of the famous criminal code (*Codice Rocco*), became *Viale Ippocrate*. Some streets and squares reverted to their original name: *Piazza Costanzo Ciano* became *Piazza di Monte Citorio* again, and the Avenue *Viale Michele Bianchi*, dedicated to the former leader of *Partito Nazionale Fascista* (PNF), was once more known as *Viale del Policlinico*. Significant changes in the nomenclature were also introduced in the vicinity of the university town of La Sapienza, where streets dedicated to the leading lights of the fascist world were renamed: *Via Libro e Moschetto* was called *Via Piero Gobetti*, and *Via dei Battaglioni Universitari* was dedicated to the philologist who signed the anti-fascist Manifesto written by Benedetto Croce (*Manifesto degli intellettuali antifascisti*), receiving the name *Via Cesare De Lollis*. A separate issue was the removal of names associated with the royal family. It should be remembered that the first changes in the names of streets dedicated to the representatives of the Savoy dynasty were made as a result of the decision of the Governor of Rome of 19 May 1944, because after the events of 25 July 1943, the attitude of fascism towards the Monarchy changed. Ultimately, the toponyms related to the Savoy dynasty were removed in 1946, following a constitutional referendum.<sup>51</sup>

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50 'Le strade che hanno cambiato nome dopo il Fascismo,' *Rerum Romanarum* (October 2015), <<https://www.rerumromanarum.com/2015/10/roma-strade-che-hanno-cambiato-nome-dopo-il-fascismo.html>>, accessed 15 September 2020.

51 *Viale del Re*, renamed in 1944 as *Viale del Lavoro*, finally became known as *Viale Trastevere*, *Corso Umberto I*, rebranded as *Corso del Popolo*, ultimately became *Via del Corso*, and *Viale Principe di Piemonte* which changed to *Viale della Costituente*, from 1945 bore the name *Via Giovanni Giolitti*. Meanwhile, whilst *Corso Vittorio Emanuele* was provisionally called *Corso della Costituente*, it finally returned to its original name of *Corso Vittorio Emanuele II*.

Beginning in the 1990s, in line with the policy of national reconciliation and attempts to create a common memory, right-wing administrations also launched initiatives to restore the memory of the fascist past in toponomics. After 2000, mayors associated with AN began renaming streets, squares and public buildings in many cities, dedicating them to people associated with fascism or the so-called 'foibe martyrs' (*martiri delle foibe*). This problem was highlighted by Michele Sartori in an article published in *L'Unità* in October 2001, where he cited a number of examples of this policy, including the proposal made by the mayor of Trieste to consecrate Giorgio Almirante Street or to dedicate one of the streets in Cagliari to the former *podestà* Enrico Endrich. However, the attempt to name one of the streets *Via Benito Mussolini* in the small town of Tramestieri Etneo near Catania, turned out to be a special case of this policy.<sup>52</sup> In recent years, this problem has again become relevant. In 2018, city councilors from the Fratelli d'Italia party presented a project to dedicate one of the streets in Rome to Giorgio Almirante. The idea of naming the street after the secretary and one of the founders of MSI, as well as the editorial secretary of the racist magazine *La Difesa della razza* in 1938–432, provoked an outcry from the organization of former partisans (ANPI) and Jewish circles. It also met with opposition from the mayor of the capital, Virginia Raggi, associated with the Five Star Movement (*Movimento5Stelle*), who managed to block the project.<sup>53</sup> In order to avoid similar situations, on June 26, 2019, the City Council in Rome adopted a resolution in which it undertook not to dedicate toponyms or public places and structures to personalities associated with the fascist regime or advocating anti-Semitic and racist ideas. The city authorities in the capital also began work on completing the operation to rename streets which still referred to the fascist past. One expression of this campaign was changing the name of *Via Arturo Donaggio* (a biologist and one of the editors of the 1938 Manifesto of Race) to *Via Mario Carrara*, in honour of one of the founders of forensics and one of the few university professors who refused to swear allegiance to fascism. Another example would be the dedication of the former *Via Edoardo Zavattari* (one of the main theorists of biological racism in fascist Italy) to *Via Enrica Calabresi*, in honour

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52 Michele Sartori, 'In Italia torna il fascismo,' *L'Unità* (27 October 2001) 1, 13, < [https://archivio.unita.news/assets/derived/2001/10/27/issue\\_full.pdf](https://archivio.unita.news/assets/derived/2001/10/27/issue_full.pdf)>, accessed 30 December 2020.

53 'Via Giorgio Almirante, Raggi: 'A Roma niente strade intitolate al segretario del Movimento Sociale,' *Il Fatto Quotidiano* (15 June 2018), < <https://www.ilfattoquotidiano.it/2018/06/15/via-almirante-raggi-a-roma-niente-strade-intitolate-al-segretario-del-movimento-sociale/4428551/>>, accessed 10 November 2020.

of the entomologist and zoologist of Jewish origin who committed suicide rather than face deportation to Auschwitz.

### **The controversy surrounding the planned opening of a museum of fascism in Predappio**

One project that has generated an extremely lively public debate in Italy in recent years has been the idea of creating a museum of the history of fascism in Predappio.<sup>54</sup> The idea to create a museum in the former *Casa del Fascio* in Benito Mussolini's hometown, and also the place of his burial, was presented in February 2014 by the then mayor of the centre-left PD party, Giorgio Frassinetti. It should be noted that the plan to create a research centre in Predappio was far from new. The idea first appeared at the end of the 1980s, when the City Council planned to restore Mussolini's family home and use it as a historical archive and archaeological museum. Likewise, the former *Casa del Fascio* was to become a research center that would collaborate with universities, the Istituti storici della Resistenza and regional and provincial administrations. Ultimately, however, the plan to restore *Casa del Fascio* was only approved by the Predappio City Council on 30 November 2015. It provided for the creation of a permanent exhibition devoted to the history of fascism, entitled *L'Italia totalitaria. Stato e società in epoca fascista* with an international scientific committee chaired by Marcello Flores. The project prepared by the Municipal Council of Predappio and Istituto Storico Parri in Bologna states its intention to open a museum and scientific centre of an international character, aimed at supporting a critical analysis of the phenomenon of the totalitarianism of the 20th century, with a particular emphasis on the history of fascism, as well as strengthening Italian and European identity.

The controversy aroused by the project was mainly related to the fact that the Duce's burial site had been a regular destination for pilgrimages by those nostalgic for the regime since 1957.<sup>55</sup> The growth of nostalgic tourism in Predappio

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54 Simonetta Fiori, 'La sfida di Predappio alla nostalgia del Duce,' *La Repubblica* (29 March 2016), < <https://ricerca.repubblica.it/repubblica/archivio/repubblica/2016/03/29/la-sfida-di-predappio-alla-nostalgia-del-duce42.html> >, accessed 30 October 2020.

55 It is important to remember that the birthplace of the Duce became a pilgrimage site already during the fascist era. The phenomenon became so powerful that the secretary of the PNF, Achile Starace, decided to open a propaganda office there in 1940, an institution designed to organize guided tours, provide photographic services and sell memorabilia and gadgets. From 1946–1957, Mussolini was interred in the monastery of Cerro Maggiore. On 31 August 1957, the body of the dictator was moved to his

came in particular after the celebration of the centenary of Mussolini's birth in 1983, when it developed in tandem with the trade in commercial gadgets related to the Duce. As Simona Storchi has rightly indicated, Predappio is considered a 'symbolic site of the divided memory of the Fascist regime.' The mayor, Giorgio Frassinetti, even called it 'the Chernobyl of history.'<sup>56</sup>

A public debate on the planned construction of the museum arose after an interview by the mayor of Frassinetti in *Il Giornale* on April 19, 2014. It was attended by the most prominent Italian researchers such as Francesco Perfetti, Guido Sabbatucci, Carlo Ginzburg, Mario Isnenghi, Filippo Focardi, Enzo Collotti, Simon Levis Sullam, and Pier Paolo Tamburelli. In particular, Mario Isnenghi and Carlo Ginzburg expressed concern that the choice of a museum in Predappio could lead to the creation of a celebratory institution, a place of Duce worship, thus contributing to the promotion of a one-sided vision of fascism.<sup>57</sup> Likewise, the historians Filippo Focardi, Enzo Collotti, Simon Levis Sullam and Pier Paolo Tamburelli suggested that a different place be chosen, one less closely associated with the figure of Mussolini. Instead, they proposed Milan, the place where fascism was born as a movement, or Rome, where it had come to power. Another potential location was also considered, the Fossoli di Carpi, where the first concentration camp for Jews in Italy was located. On the other hand, the researchers involved in the project, in particular Marcello Flores and Alberto De Bernardi, rejected this preventive censorship of the site, stressing that it would be possible to create a museum in Predappio devoted to what fascism was in the history of Italy and its significance for the Italian nation, provided an extensive cultural operation were conducted and also by ensuring full scientific rigor was maintained. On 16 February 2016, Flores issued a call to support the idea of creating a museum of fascism in Predappio to researchers in Italy and abroad. It was signed by 54 Italian and foreign historians and published on 18 February 2016, on *progettoredappio.it*. Ultimately, however, due to the resistance of the current mayor associated with the League (*Lega*), Roberto Canali, the project, which was

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family grave in the cemetery of San Cassiano di Predappio. From that moment on, the grave of the Duce became a place of ritual and cult for fascists. See: Mattioli, <*Viva Mussolini*>, 108.

56 After Simona Storchi, 'The ex-Casa del Fascio in Predappio and the question of the 'difficult heritage' of Fascism in contemporary Italy,' *Modern Italy*, 24/2 (2019), 141.

57 Carlo Ginzburg, and Sergio Luzzatto, 'Museo del fascismo a Predappio: perché sì, perché no o perché forse?,' *Doppiozero* (9 March 2016), <<https://www.doppiozero.com/materiali/storia-e-memoria/predappio-si-o-no>>, accessed 30 October 2020.

planned to open in 2019, has been temporarily suspended. Canali announced that he did not share the idea of creating a centre with an international dimension, opting rather for a local remembrance site.<sup>58</sup>

## Conclusions

Even though 75 years have passed since the fall of Mussolini, the process of defascizing Italian public space cannot be considered complete. Controversies related to the idea of creating the Museum of Fascism in Predappio, the adoption of the Fiano Act, and the inscription of *Mussolini Dux* on the obelisk in *Foro Italico* clearly show that Italian society is still divided in both its assessment of the Mussolini regime and in the approach to the material heritage of this era. Beginning in the 1990s, along with the policy of historical revisionism promoted by far-right circles aimed at rehabilitating the Mussolini regime,<sup>59</sup> the tendency to perceive fascist buildings in aesthetic and architectural categories, as an element of Italian identity and an integral part of Italian history, began to grow. While on the one hand, monumental buildings erected in the interwar period have become a permanent element of the landscape of Italian cities, dedicating the names of streets or squares to people associated with the fascist regime, however, arouses a strong degree of resistance among a large part of society, remaining solely the preserve of the extreme right. There is no doubt that the most controversial issue is the creation of places of memory symbolically referring to the period of Mussolini's dictatorship. This is evidenced by the polemics and discussions around the project to build a mausoleum for the fascist dignitary Rodolfo Graziani in Affile near Rome in 2012,<sup>60</sup> as well as doubts related

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58 Franco Giubilei, 'Predappio cancella il museo sul fascismo: 'Sarà un centro dedicato alla storia locale'', *La Stampa* (16 January 2020), <<https://www.lastampa.it/topnews/primo-piano/2020/01/16/news/predappio-cancella-il-museo-sul-fascismo-sara-un-centro-dedicato-alla-storia-locale-1.38334210>>, accessed 26 November 2020.

59 Malone, 'Legacies of Fascism,' 446.

60 The plan for the monument, launched in the summer of 2012, was originally meant to be made using funds from the Lazio Region, but they withdrew their funding in 2015. The project caused considerable outrage in anti-fascist circles, led by the organization of former ANPI partisans. The mayor Ercole Viri and two members of the City Council, Giampiero Frosioni and Lorenzo Peperoni, were accused of apologising for fascism and ultimately sentenced in March 2019 to 8 and 6 months' imprisonment respectively. In May 2019, a cassation court in Rome overturned the conviction of the mayor of Affile. See: 'Il mausoleo fascista non è apologia del fascismo: la Cassazione annulla la

to the creation of the Museum of Fascism in Predappio. There is no doubt that we are still dealing with a clash of two different memories in Italy: 1) that of the extreme right, which perceives the remnants of fascism as a symbol of the splendour of the old regime, and 2) anti-fascist circles with a centre-leftist provenance. The latter, although they agree that there is a need to preserve fascist buildings, emphasize the importance of retaining the memory of what Mussolini's dictatorship really meant in the history of Italy, and they certainly do not consent to the display of fascist symbols in the urban space.

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Tomasz Scheffler

# The phantom revolution of 1989 in Poland

**Abstract:** In 1989, a peaceful transition of power took place in Poland as a result of the communist Regime's agreement with some representatives of the democratic opposition. In this manner, the elite proclaimed in the official narrative the formation of the Third Republic, the rejection of the legacy of communist rule and the desire to restore independent Polish statehood as a continuation of the independent tradition that had developed in the interwar period. In the conclusion, it is highlighted that one of the hallmarks of the contemporary Polish state is its apparent roots in the axiological and legal order derived from the Second Republic, while the actual source of the legitimization of the Third Republic is in the system formed in the communist Polish People's Republic.

**Keywords:** totalitarianism, authoritarianism, national law, communism, rule of law, political transformation, revolution

## Introduction

The elite (including the legal elite) which was created in 1989, in the so-called Third Republic of Poland, proclaimed in their declarations that they rejected the legacy of communist rule and a desire to restore independent Polish statehood as a continuation of the independent tradition developed in the interwar period. A clear example of this method of official self-identification were two episodes from the beginning and the end of the 1990's: the handover of the presidential insignia from Ryszard Kaczorowski to Lech Wałęsa on 22 December 1990 and the resolution of the Senate of the Republic of Poland of 16 April 1998 on the legal continuity between the Second and the Third Republic of Poland.<sup>1</sup> Both facts, despite their different nature (in the first case we had to deal with a certain sequence of events from the physical world appearing to be conventional acts, and in the second with the content of a normative act resulting from a conventional act), were similar in both their symbolic structure and their legally irrelevant consequences. Thus, they well reflect the ironic face of the changes that have taken place since 1989.<sup>2</sup> In my opinion, one of the hallmarks of the modern

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1 'Uchwała Senatu Rzeczypospolitej Polskiej z dnia 16 kwietnia 1998 r. o ciągłości prawnej między II a III Rzeczpospolitą Polską, M.P. z 1998 r., Nr 12, poz. 200.

2 We refer here to the origins of the notion, namely the Ancient Greek word εἰρωνεία which means masking, concealing the word εἶρων which means a hypocritical

Polish state is the notion that it is apparently rooted in the axiological and legal order derived from the Second Polish Republic, while the actual source of legitimation for the Third Republic is a system which was formed in the communist Polish People's Republic. In order to prove this thesis, in the article I will briefly analyse both of the above-mentioned episodes, and then discuss selected court decisions. It should be noted that it is not my intention to specify in detail what and to what extent the normative acts of both periods were adopted by the Third Republic of Poland. In this respect, I am only interested in whether the official declarations of continuity between the Second and Third Polish Republic have any significant impact on the legal system functioning in Poland after 1989.

### **The question of the handover of the presidential insignia**

The first of the above-mentioned symbolic events from the 1990's (the handing over of the insignia) was related to the change of the person holding the office of the President of the Republic of Poland, and this was the result of the internal tensions within the Solidarity movement and the resulting reconstruction of the Polish political scene. Clear symptoms of these changes appeared in January 1990 and, with the passage of the following months, they led to the crystallization of two opposing camps in the post-Solidarity movement: one coalesced around the government of Tadeusz Mazowiecki and Adam Michnik's newspaper, *Gazeta Wyborcza*, while the other grouped around the President of the Republic of Poland, Lech Wałęsa, supported at that time by most of the local structures of the Citizens' Committees and the Solidarity trade union.<sup>3</sup> Ultimately, after numerous skirmishes (sometimes to an embarrassing degree),<sup>4</sup> and with the consent of General Wojciech Jaruzelski (who was also the President

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person. See: Giovanni Reale, *Historia filozofii starożytnej. Od początków do Sokratesa*, I (Lublin: Wydawnictwo Katolickiego Uniwersytetu Lubelskiego, 1994), 375.

- 3 As we know, this division, despite numerous mutations and sometimes very significant fluctuations in personnel (including the transfer of Lech Wałęsa himself to the camp that he had previously fought) has survived to this day and still determines the main axis of current political disputes (the conflict between *Platforma Obywatelska – Prawo i Sprawiedliwość*).
- 4 Perhaps the clearest example of this were the words of Adam Michnik: 'If I'm a left-wing atheist and crypto-communist, then you my dear adversaries are simply pigs.' After Wojciech Roszkowski, *Najnowsza historia Polski 1989–2011* (Warszawa: Świat Książki, 2011), 37. Here we can clearly discern 'political' labels being replaced by dehumanizing epithets. As we may recall, this method of argumentation (e.g. the famous 'zoological anti-communism') would become the basic tool of political conflict.

of the Republic of Poland at the time), the parties agreed on a position that required legislative changes to be made to enable presidential elections to be held.<sup>5</sup> The first round of elections, which took place on 25 November 1990, brought surprising results: although the best result – as predicted – was obtained by Wałęsa (39.96 % of votes), yet another high result was attained by ‘a candidate from nowhere,’ Stanisław Tymiński (23.1 % of votes); T. Mazowiecki was only in third place, despite being favoured by the majority of the intellectual elite (18.08 % of votes).<sup>6</sup> The shockwaves this caused among the ‘educated’ by the disclosure of the considerable anti-establishment potential existing in society led to a tactical alliance among the ‘Round Table’ camps (and even encompassing the Confederation of Independent Poland which was firmly opposed to the Magdalenka arrangements) and to a radical attack by all the major mass media outlets on the person of Tymiński (including on his family life). As a result, in the second round of the elections (December 9, 1990), Wałęsa was the winner, gaining 74.25 % of the valid votes.<sup>7</sup>

The election victory and the imminent prospect of the office of President of the Republic of Poland being taken by the legend of August 1980, Lech Wałęsa, was considered by many as a turning point. It was assumed that by peacefully removing from power the last high representative of the communist regime, Wojciech Jaruzelski, he would somehow symbolically break with the communist past and open up a new, independent chapter in Polish history. In this spirit, the decree of the last President of the Republic of Poland (in Exile)

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5 ‘The fruit of this was the act passed on the 27 September 1990 on the election of the President of the Polish Republic (Dz. U. z 1990 r. Nr 67 poz. 398 oraz Nr 79 poz. 465)’.

6 For more information, See: ‘Obwieszczenie Państwowej Komisji Wyborczej z dnia 26 listopada 1990 r. o wynikach głosowania i wyniku wyborów Prezydenta Rzeczypospolitej Polskiej, zarządzonych na dzień 25 listopada 1990 r. (Dz. U. z 1990 r. Nr 83 poz. 483)’.

7 25.75 % of the valid votes were cast for Tymiński. For more information, See: the ‘Obwieszczenie Państwowej Komisji Wyborczej z dnia 10 grudnia 1990 r. o wynikach ponownego głosowania i wyniku wyborów Prezydenta Rzeczypospolitej Polskiej (Dz. U. z 1990 r. Nr 85 poz. 499)’. On the course of the events of 1990, see more broadly: Roszkowski, *Najnowsza historia Polski 1989–2011*, 32–39 and 45–47 and Antoni Dudek, *Reglamentowana rewolucja. Rozkład dyktatury komunistycznej w Polsce 1988–1990* (Kraków: Arcana, 2014), 423–432. Among the interesting phenomena which were recorded for the first time were, on the one hand, a significant decrease in the turnout between the first and second rounds of elections (in absolute numbers, participation decreased by 2,396,206 people entitled to vote) and a simultaneous increase (compared to the first round) of almost 100,000 invalid votes.

Ryszard Kaczorowski on the termination of his activities and the dissolution of the Government of the Republic in Exile was presented. Let us recall the two basic provisions of this act since they reflect this attitude well: 'Art. 1. In general elections, the nation elected Lech Wałęsa as the President of the Republic of Poland, who will assume the office of the President of the Republic of Poland on 22 December 1990. Art. 2. The mission of the President of the Republic in Exile has been fulfilled and completed, and on 22 December he will hand over the presidential insignia to President Lech Wałęsa as a symbol of the Second Republic of Poland.'<sup>8</sup> In the justification of this Proclamation of 21 December 1990,<sup>9</sup> President Kaczorowski further strengthened this conviction, as he referred to President Władysław Raczkiewicz's declaration of 29 June 1945 (later repeated by subsequent Presidents, including Kaczorowski himself), which committed to the transfer of the office to a successor selected by the nation 'in free and unfettered elections.' The elections of 9 December 1990 and their consequences, i.e. the election by the nation by a 'vast majority of votes ... of Lech Wałęsa, the leader of the legendary Solidarity' to the office of the President of the Republic of Poland, were considered such. Therefore, as President Kaczorowski emphasized: 'By handing over at the Royal Castle in Warsaw, the office of the President of the Republic of Poland and the insignia connected with it to Lech Wałęsa tomorrow, I am entrusting him with the protection for the whole, independent, free, democratic and just Poland for which the soldiers of September 1939, the Polish Armed Forces in the West and the heroic Home Army fought.'<sup>10</sup> It is worth noting here that the content of the cited Proclamation might imply something more than the provisions of the Decree on the Termination of Activities itself: namely that for President Kaczorowski (and probably also those in his circles) the act of handing over the insignia was not only meant to equate symbolically but also legally (although in a constitutionally questionable procedure) with the handover of the office of the President of the Republic. The entire event that took place the day after (i.e. on 22 December 1990) was therefore conceived from the point of view of the legal heirs of the Second Polish Republic as an act of transferring state authority and establishing continuity between the Second

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8 'Dekret Prezydenta Rzeczypospolitej z dnia 20 grudnia 1990 r. o zakończeniu działalności i rozwiązaniu Rządu Rzeczypospolitej na Uchodźctwie,' Dz. U. RP Nr 5 z 1990 r. poz. 55.

9 'Orędzie Prezydenta Rzeczypospolitej Ryszarda Kaczorowskiego wydane w Londynie 21 grudnia 1990 roku,' Dz. U. RP Nr 5 z 1990 r., 126–127.

10 'Orędzie Prezydenta Rzeczypospolitej Ryszarda Kaczorowskiego wydane w Londynie 21 grudnia 1990 roku,' Dz. U. RP Nr 5 z 1990 r., 126.



and Third Polish Republic.<sup>11</sup> Importantly, at least some of the national luminaries wanted to see the act of the handover the insignia in these categories. For this reason, Prof. Andrzej Stelmachowski, the Marshal of the Senate, the only still democratically constituted state organ, (in consultation 'with the mission delegated' by President Kaczorowski)<sup>12</sup> presented a draft protocol of the course of the ceremony, which, if it were to be fulfilled, could be the basis for its interpretation as a conventional (legally significant) act. The organization of the ceremony was meant to emphasize the equality and succession of people holding the office of the President. This was marked by several diplomatic gestures (the setting of the arrival and reception of President Kaczorowski at the airport in Warsaw or the analogy of the ceremony in relation to both Presidents at the Royal Castle) and the priest-like role of the Marshal of the Senate of the Republic of Poland intermediating 'between the old and the younger generations,' the repository of an old Polish tradition in a younger, democratic version. However, from a symbolic and legal point of view, the most important moment of the ceremony was the signature by both Presidents of the protocol handing over the insignia, as this event was to reflect the fact of the succession of power. As we know, the climax of the ceremony was questioned by Lech Wałęsa at the last minute. The mutual signing of the protocol did not take place, and the document confirming the acceptance of the insignia was only signed by the Marshal of the Senate of the Republic of Poland in the presence of both Presidents. In this way, Andrzej Stelmachowski fell from the rank of a celebrant to the role of a notary confirming the handover of noble souvenirs, but already destined for the museum.<sup>13</sup>

This deviation from the previously agreed procedure may be considered a minor event, but nevertheless it destroyed any possibility of imposing a cliché of a conventional event on the ceremony, thanks to which it could be assumed

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- 11 This intention is also indicated by other fragments of the Proclamation, such as: 'I wish our distinguished successor ... in this crucial period in the history of our nation;' 'I will give President Lech Wałęsa the authority over the independent emigres;' or the most emphatic: 'Handing over the office of the President of the Republic of Poland from London to Warsaw;' 'Orędzie Prezydenta Rzeczypospolitej Ryszarda Kaczorowskiego wydane w Londynie 21 grudnia 1990 roku,' Dz. U. RP Nr 5 z 1990 r., 126–127.
  - 12 See further the 18.12.1990 'Zaproszenie do Warszawy Prezydenta Rzeczypospolitej Ryszard Kaczorowskiego dla przekazania insygniów i urzędu prezydenckiego na Zamku Królewskim w Warszawie w dniu 22 grudnia 1990 roku,' Dz. U. RP Nr 5 z 1990 r., 127–128.
  - 13 This was also the fate of the presidential insignia: they became part of a museum collection.

that there had been a transfer of power from Ryszard Kaczorowski (the office of the President of the Republic of Poland in Exile), representing the legal and state order of the Second Polish Republic, to Lech Wałęsa (the office of the President of the Republic of Poland) representing the authorities formed on the lands between the Oder and Bug after 1989. In this case, the event that was supposed to justify the thesis of the alleged state continuity between the Second and Third Polish Republics, thanks to a minor change in the symbolic sphere, confirmed that the new authorities, despite different verbal messages, would seek the justification and legalization of their power in the normative mass generated by the ancien régime, i.e. the communist one.

### **The resolution of the Senate of the Republic of Poland of 16 April 1998**

The second of the aforementioned symbolic events from the 1990's, i.e. the adoption of a resolution on the legal continuity between the Second and Third Republic of Poland by the Senate, had a similar overtone. In the second point of this act, the Senate declared the recognition of the legal continuity of the Second and Third Republic of Poland expressed 'in their sovereign and independent existence' and stated at the same time that 'the constitution of a non-sovereign state imposed on 22 July 1952 did not legally challenge the legal force of the Constitutional Act of the Republic of Poland. Poland of 23 April 1935, and the legal order based on it.' Then, in point three of the resolution, the Senate expressed its 'gratitude to the authorities of the Polish state in exile, which, acting on the basis of the April Constitution of 1935, made it possible to maintain legal continuity between the Second and Third Republic of Poland, as well as to all those who contributed to their struggle in the country and abroad. to restore the independence and sovereignty of the Republic of Poland.' If the resolution was limited to these two fragments, the question of the senators' approach to 'continuity' would seem relatively simple, and potential interpretative or ideological disputes would probably focus on the issue of the legality of the introduction of the April Constitution and, consequently, the appropriateness of the Senate's position with regard to the reference to the Basic Law of 1935

However, a moment's reflection suffices to arouse some doubts as to the actual meaning of the statements cited above. Indeed, the senators did not claim that the 'imposed constitution' of 1952 had not been a legal regulation which was binding for the organs of state and citizens, but only that it 'did not legally undermine the legal force' of the April Constitution. It is worth recalling that neither

the Polish People's Republic constitution<sup>14</sup> nor the constitutional law introducing it<sup>15</sup> derogated from the April Constitution; this was done by means of the Manifesto of the Polish Committee of National Liberation of 1944, and therefore not even some act adopting at least the appearance of a legal act, but an openly political act describing the Constitution of 1935 as 'illegal' and 'fascist'.<sup>16</sup> Thus, the resolution of the Senate could be interpreted in this respect (contrary to first impressions) not so much as a call to restore the legal order built on the normative system of the Second Republic, but rather as a confirmation of a certain state of affairs that had been consolidated in the communist period. This was all the more so, given that the constitution of the Polish People's Republic (and the aforementioned constitutional act containing introductory regulations) only repealed the so-called Small Constitution of 1947<sup>17</sup> and indirectly (in the mind of the communists – the authors of this act) the March 1921<sup>18</sup> Constitution to the extent to which the Manifesto of the Polish Committee of National Liberation and other decisions of the new regime declared that it would be complied with. Can we assume that while processing the resolution the senators were unaware of all these circumstances? Or should we rather assume that behind the formula that the communist constitution does not question the 'legal force' of the 1935

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- 14 'Konstytucja Polskiej Rzeczypospolitej Ludowej uchwalona przez Sejm Ustawodawczy w dniu 22 lipca 1952 r.', Dz. U. z 1952 r. Nr 33 poz. 232 (z późn. zm.).
- 15 'Ustawa Konstytucyjna z dnia 22 lipca 1952 r. – Przepisy wprowadzające Konstytucję Polskiej Rzeczypospolitej Ludowej', Dz. U. z 1952 r. Nr 33 poz. 233.
- 16 For more, See: Marian Kallas, Adam Lityński, *Historia ustroju i prawa Polski Ludowej* (Warszawa: Wydawnictwo Prawnicze PWN, 2003), 42–43. A separate issue which deserves thorough research is the attitude of representatives of the legal academic community, especially the so-called constitutionalists, to the issue of the impact of the Manifesto of the Polish Committee of National Liberation on the legal order functioning in Poland, and especially on the validity of the April Constitution. It is possible that it would be possible to verify Franciszek Ryszka's Schmittian thesis, presented in the context of disputes over the legality of the imposition of martial law on December 13, 1981, that only a political decision plays an important role in public life; once it has been made, irrespective of its content, there will always be learned jurists willing to justify it. See: Tomasz Scheffler, 'Prawne aspekty wprowadzenia stanu wojennego w Polsce w dniu 13 grudnia 1981 r.', in Lech Dubel, ed., *Idee jako źródło instytucji politycznych i prawnych* (Lublin: Wydawnictwo UMCS, 2003), 383–403.
- 17 'Ustawa Konstytucyjna z dnia 19 lutego 1947 r. o ustroju i zakresie działania najwyższych organów Rzeczypospolitej Polskiej', Dz. U. z 1947 r. Nr 18 poz. 71 (z późn. zm.).
- 18 'Ustawa z dnia 17 marca 1921 r. – Konstytucja Rzeczypospolitej Polskiej', Dz. U. z 1921 r. Nr 44 poz. 267 (z późn. zm.).

constitution, there is a masked meaning? The impression of the existence of a hidden sense, other than one obtained *prima facie*, is deepened by two additional points included in the said resolution. In the first of them, the Senate recognized 'the state created as a result of World War II in Poland and functioning in the years 1944–1989 as an undemocratic state with a totalitarian system of power, being an element of the global communist system, deprived of sovereignty and not implementing the principle of national supremacy' (point 1 resolutions). In the second (in the resolution it is the fourth point), the Senate stated that 'the normative acts made by the non-sovereign legislator in the years 1944–1989 are devoid of legal force if they harm the sovereign existence of the Polish state or are contrary to the principles of law recognized by civilized nations, which are expressed in the Universal Declaration of Human Rights.' This applies in particular to normative acts that violate fundamental civil rights and freedoms. These include acts depriving people of Polish citizenship, making criminal law a tool for persecuting those fighting for independence or who differ in terms of their philosophical beliefs, as well as acts on the basis of which an unfair deprivation of property was made. In these two quoted fragments, we can clearly discern the basic problem that is the subject of this chapter: is the declaration of the existence of a continuity between the Second and Third Republic an expression of certain normative reality, or is merely a kind of veil, behind which the face of another protoplast of the modern Polish state is hidden? For if the senators wanted to emphasize the need to exclude the communist heritage from the legal order of the Republic of Poland, it was incomprehensible to name the structures that govern part of the population, lands, and tangible and intangible goods owned by the Republic of Poland, to the state that emerged and functioned after 1943 at the behest of Moscow. In particular, they thus fell into a serious terminological problem, calling the state an organization which, as they themselves emphasized, was by definition non-sovereign. The consequence of denying a given corporate body the attribute of sovereignty is, after all, not only idly thinking about abstractions, but above all questioning one of the pillars of the positivist (i.e. the predominant one in Poland) understanding of law. On the other hand, such an approach on the part of the senators (i.e. recognizing communist Poland as defective, but still a state) allows us to see the true appearance of the earlier declaration of invalidity 'legally binding the legal force of the Constitutional Act of the Republic of Poland of April 23, 1935 and the legal order based on it,' because it requires that the regulations created by the communists be considered imperfect, but nevertheless a law that is binding on its contemporaries and effectively replacing the earlier and parallel legal order rooted in the April Constitution. As it follows, the Senate, while shaping the content of the resolution, did not in fact

assume any potential to restore a state sanctioned by the normative system created by the authorities of the Second Polish Republic (pre-September and emigration) to a greater extent than was previously allowed by 'an undemocratic state with a totalitarian system of power.'<sup>19</sup> Nor did it envisage in any way suggesting to other state organs, but even imposing on itself the recognition of the binding force of the April Constitution. In our opinion, this was the sense of the categorical formulation that 'that the normative acts established by the non-sovereign legislator in the years 1944–1989 are deprived of legal force,' as it was at the same time provided with a reservation that it only applies to such acts that 'harmed the sovereign existence of the state Polish or are contrary to the principles of law recognized by civilized nations.' But even such a narrow questioning of the legal power of some of the normative activities of communist rulers was additionally weakened by the remark that 'the invalidity of the above-mentioned normative acts of statutory rank requires a statutory declaration, and other normative acts – decisions of the competent organs of state authority.' Thus, the principle of the presumption of the binding force of normative acts issued by 'an undemocratic state with a totalitarian system of power' was indirectly confirmed, and thus it was implicitly admitted that the Third Republic was legally a descendant of the regime established by the Soviet Union, and not – as the resolution officially suggested – the Second Republic. The irony of the resolution of the Senate of the Republic of Poland under discussion, and through it the rhetoric of continuity itself, manifests itself clearly in the quoted formulations. It should also be mentioned here that the Senate's resolution did not in any way become an indication for a change in the lines of interpretation in judicial decisions, and in particular it did not give any impulse to work out a Polish version of the Radbruch formula.

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19 Particularly significant in this context is the database of Polish legal acts on the website of the *Sejm* of the Republic of Poland, known as the Internet System of Legal Acts (Internetowy System Aktów Prawnych ISAP, <http://isap.sejm.gov.pl/>). No legal acts published between 1940 and 1943 are to be found here. Acts issued in the Second Republic are mainly listed as 'pre-war and non-binding' (together with the April Constitution Dz. U. z 1935 r. Nr 30 poz. 227). Only those acts which the communist regime previously considered useful for its operations have the status of having been repealed or even binding today (e.g. this refers to the check and bill of exchange law issued under the April Constitution). Thus, even the structure of this database (created and administered under the control of the *Sejm* of the Republic of Poland) clearly shows the complete mental and ideological dependence on the changes introduced by the communist regime. Even today, theoretically, in a state that rejects its totalitarian heritage, it turns out that the decisions taken by totalitarians determine the thinking about law.

This lack of consistency in the sphere of public resolutions is also testament to its ironic character.

## Court judgments

While the rhetoric of continuity tried to impose the mask of the continuator of pre-war Poland on the authorities of the Third Republic in both of the above-mentioned cases, after looking at the statements of the courts and the Constitutional Tribunal, it can be clearly stated that at the level of the judiciary there was no (and still is no) intention of creating the appearance of such a continuity. On the contrary, there is complete acceptance of the assumption that the Third Republic legally continues in the legacy of communist Poland, honouring the strategic decisions made by the totalitarian regime as to the acceptability of the tradition of the Second Republic. This was most succinctly expressed by the Court of Appeal in Warsaw in its judgment of 4 April 2013 (file reference number I ACa 815/12): 'Decree of 26 October 1945 on the ownership and use of land in the area of the capital city of Warsaw (Dz.U. No. 50, item 279) is a binding legal act, and ownership changes made on its basis have become an element of legal relations between private law entities' (Legalis Publication: Number 1048869). In this case, the court did not even attempt to justify this thesis more broadly: it is legal because practically all of the other courts and the Constitutional Tribunal have no doubts about it in the case of other nationalization acts. And to a certain extent, that Court of Appeal was correct: neither the Constitutional Tribunal, the Supreme Court, nor the Supreme Administrative Court has ever dared to question – as the Senate of the Republic of Poland put it – the legislative powers of a totalitarian, non-sovereign and constituent part of the global system of communism. In a ruling issued in another case almost three weeks later (24 April 2013; file reference number I ACa 1350/12), the same court decided, however, on a few additional words of explanations, which are worth quoting word for word:

Without diminishing the meaning of constitutional law are raised in relation to the powers of the State Committee of National Liberation regarding law-making, it should be noted that legal acts, including decrees issued in the 1940's by the body indicated, actually formed the basis for the shaping of the legal system in force in Poland after World War II, including in the sphere of ownership relations. The nationalization of agricultural and forest real estate, which was carried out by the decree of the Polish Committee of National Liberation of September 6, 1944 on the implementation of the land reform and which deprived pre-war owners of their property, created the legal status that was the basis for the functioning of participants in legal transactions in the period preceding the changes introduced to the Civil Code by the July amendment 1990 and until now it is an element of the legal system in force in Poland, as it is the only

basis for recognizing that the State Treasury is now the owner of all properties that were covered by the relevant decree ... [T]he legislative activity of the Polish Committee of National Liberation is not subject to verification by the current instruments of constitutional control, and the effects caused by the decree on the implementation of the land reform cannot at present be considered unlawful (Legalis Publication: No. 1049001).

The cited short fragment of the justification of one of the decisions of the Court of Appeal in Warsaw contains a number of interesting observations and formulations. Above all, this court, using an appropriate eristic technique ('without diminishing,' juxtaposes some kind of 'theory' with our own actions – it implicitly makes us right because we refer to genuine activity and not theory) to reject as irrelevant (without explaining the grounds for its rejection) the doubts raised by 'constitutional law theory' towards the Polish Committee of National Liberation.<sup>20</sup> As a result, it was indisputable that the Polish Committee of National Liberation had legislative power, and the changes introduced from 1944 had both factual and legal effects, which must, as a rule, be regarded as unquestionable as a source of law. Thus, it confirmed that the acts of the communist regime were also binding for the courts of the Third Republic, and that the current judicial authorities do not have the requisite competence to examine the legality of these acts, both in formal and material terms. Summing up, it can be said that the cited fragment is important precisely because it allows for the reconstruction of the four basic premises of the uniform (as it will soon turn out) position of the judicature on the issue of the legal continuity between the Third Republic, communist Poland and the Second Republic: 1. Reservations as to the legality of the authorities introduced, controlled and protected by Moscow (and thus with reservations as to their legislative powers) are purely academic deliberations, without any impact on the binding force of the normative acts they enact; 2. Legal acts, including the April Constitution, of the legal authorities of the Second Republic have no significance for the normative system sanctioned by the courts of the Third Republic, unless the communist regime adopted them and thus gave them the attribute of law; 3. The legislative activity of the communist regime cannot be 'verified' using the tools available in the rule of law; 4. In order to state that the given normative acts are legal acts, the legality of their source, the lawfulness of their procedure, or even the fairness and correctness of their content, is not important, because the only measure of their legal character

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20 As an aside, one should note that in the published version of the justification, an error is made with the acronym: the letter P is taken to stand for *Państwo*, or state, whilst it should be *Polski*, Poland.

is their prior sanction by force. In other words, in the opinion of Polish courts, concrete order precedes and conditions normative order, provided, however, that it was introduced by the communist authorities.

This Schmittian, decisionist approach (it is difficult to say whether they were aware of it) was not unique to the Court of Appeal in Warsaw. For example, the Provincial Administrative Court in Warsaw, in the justification of the judgment of March 17, 2015 (file reference number I SA / Wa 2915/14), stated:

The contemporary interpretation of the provisions of this decree [i.e. Decree of the Polish Committee of National Liberation of September 6, 1944 on the land reform (i.e. Journal of Laws of 1945, No. 3, item 13, as amended) – author's note] ... cannot be ... detached from the legal and systemic realities existing in 1944, and especially from the axiology of the legal system at that time, the decree of which was one of the main elements of the land reform. In particular, it is impossible to interpret the provisions of the decree on carrying out the land reform, to apply contemporary constitutional standards of the rule of law and law-making to achieve goals which, in the legal sphere, primarily stem from the currently binding Polish Constitution (Legalis Publication No. 1245038).

First of all, let us note that the issue of legislative powers and the issue of the legality of the nationalization decree did not play any role for the judges of the Provincial Administrative Court in this case: both issues were implicitly considered to have been positively settled. In the cited judgment, the court was therefore only interested in establishing the rules for interpreting the content of the act in question and the potential to assess the compliance of that content with the principles of the rule of law. We should also note that the judges' response to the two issues mentioned may only seem curious at first glance: a court of the Third Republic is not only incapable of using the requisite exegetical tools to protect the rights of citizens in a state of law when interpreting acts created by a totalitarian regime, but it is even forced to take into account (or even accept) the communist, totalitarian 'axiology of the legal system.' This view, however, will no longer be surprising when, on the one hand, there is an awareness of the underlying assumption that it is not explicitly articulated about the normative continuity between communist Poland and the Third Republic, and on the other, that Polish courts only in – let us call them – safe cases, i.e. not demanding deeper reflection on the nature of law, they seem to represent the idea of the rule of law (and in a positivist rather than *ius naturale* version), while in extreme situations, we are forced to make existential decisions and thus revealing – according to the thesis of Søren Kierkegaard<sup>21</sup> – the true face of ordinary things, then these

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21 See: Scheffler, 'Prawne aspekty wprowadzenia stanu wojennego w Polsce w dniu 13 grudnia 1981 r.', in Lech Dubel, ed., *Idee jako źródło instytucji politycznych i prawnych* (Lublin: Wydawnictwo UMCS, 2003), 383–384.



courts turn out to be admirers of the concept of the Schmittian system. Only this position, in my opinion, is not only able to explain the denial of the possibility of examining the legality of the acts of the totalitarian regime or the possibility of their interpretation from the point of view of the standards of the rule of law, but above all the view that it is necessary to take into account the 'axiology' of the communist system in the course of contemporary court proceedings. In this context, it is worth noting the opinion of Karol Dobrzeniecki and Marcin Romanowski, who, referring to the cited position of the judges of the Warsaw Provincial Administrative Court, noted that 'German courts, using the Radbruch formula, also rejected the ex-post interpretation of grossly unfair provisions in the spirit of the rule of law. This conclusion was followed by another step, in the form of denying the legal nature of these regulations. Without it, we remain in the realm of argumentation proper to positivism in its most primitive form.'<sup>22</sup> It is hard to disagree with this statement.

This decisionistic way of understanding the law was not an invention of the Provincial Administrative Court in Warsaw but was preceded by important decisions taken by the Supreme Court and the Constitutional Tribunal. An important example of such an approach (and notable for its peculiar bluntness) can be found in the justification of the judgment of the Supreme Court – Civil Chamber of 16 November 2004 (file reference number III CK 322/04). This was made in response to an objection raised as to whether the decree on agricultural reform, due to the unconstitutional nature of the Polish Committee of National Liberation (PKWN), could be considered a source of law. The justification reads as follows:

The issue of whether the decree on land reform is the source of universally binding laws of the Republic of Poland cannot be limited solely to the issue of the legitimacy of the Polish Committee of National Liberation and the decrees issued by it. The effects of this legal act are also important. Therefore, the axiological assessment of the land reform decree, or its formal legitimacy, most often today cannot lead to questioning its effects. The decree on land reform, which entered into force on 13 September 1944, brought about fundamental changes in the structure of land ownership. The passage of time, legally indifferent, made them permanent and now they constitute the basis of the economic and social existence of a large part of society. ... For the reasons presented, the

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22 Karol Dobrzeniecki, Marcin Romanowski, *Reprywatyzacja. Problemy tworzenia i stosowania prawa* (Warszawa: Wydawnictwo Uniwersytetu Kardynała Stefana Wyszyńskiego, 2015), 197.

complainant's view that the land reform decree does not have the force of law cannot be shared, since it has caused effects that run deep in the sphere of today's property relations and the sphere of the protection of legally-vested rights' (Legalis Publication No. 83658).<sup>23</sup>

As we can read, it was obvious for the Supreme Court that law is perceived as a phenomenon which is derived from force, because behind the declaration that the discussion could not be limited solely to the issue of the legitimization of the PKWN itself, there was a rejection of any consideration of the issue of 'legitimization of the PKWN' or an axiological assessment of the decree on the agricultural reform.

Note that we were dealing with another example here of an interesting eristic approach. When interpreted literally, the Supreme Court's statement suggested that it was necessary to introduce factors into the discussion on the binding force of communist era decrees other than the identity of the issuing authority. However, these different premises would have to be found alongside, and not instead of, the issue of legality. However, as we can even see from the next sentence, the actual intention of the Supreme Court was different, since the issue of legality was completely rejected as an element relevant to the case, and it was replaced only with a matter of *q fait accompli*: that changes to ownership had taken place and, according to the court, were irreversible if they had been carried out correctly (i.e. in accordance with the literal wording of the decree). In other words, the Supreme Court took the position that the legality of a normative act was its compliance with the standards of the contemporary rule of law to which that Court was subject (or even with the March 1921 Constitution which had allegedly been honoured by the communists). After all, it was in order to ensure

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23 Apart from the cited arguments, the Supreme Court raised two others. The first is the well-established, consistent line of judgments (it supported this with reference to nine judgments of the Constitutional Tribunal, the Supreme Court and the Supreme Administrative Court). The second argument is the thesis that 'The effects of the land reform decree were respected by the legislator. This is evidenced by the amendments to this decree and the law referring to its regulations. For example, one can point to Art. 4 and art. 7 of the Act of 13 July 1957 on the handover of agricultural real estate (Journal of Laws No. 39, item 172, as amended), Art. 5 of the Act of 17 May 1990 on the division of tasks and competences specified in specific acts between municipal authorities and government administration bodies and amending certain acts (Journal of Laws No. 34, item 198, as amended), or Art. 216a of the Act of 21 August 1997 on real estate management (consolidated text: Journal of Laws of 2000, No. 46, item 543, as amended)'. Particularly intriguing in the context of our continuity thesis is the reference to the changes introduced in 1957, along with the changes introduced after 1989.

compliance with this that the court had been created. Therefore, the only binding factor for the Court should be the concrete order, which was introduced after 1943, because it was this that determined the normative order.

The cited position of the Supreme Court was fully consistent with the view presented earlier by the Constitutional Tribunal. In the decision of 28 November 2001 (sign. SK 5/01, *Orzecznictwo Trybunału Konstytucyjnego* 8.266/2001), the judges of the Constitutional Tribunal stated:

The lack of the constitutional legitimacy of such bodies as PKWN, KRN, or the Provisional Government, as well as the questionable legitimacy of later organs, must not lead us to ignore the fact that they effectively exercised state power. The normative acts of these bodies were the basis for individual decisions, which, *inter alia*, shaped the ownership structure in the arena of agricultural property, as well as legal relations in other areas of social life. The passage of time, which from the legal point of view is not an indifferent phenomenon, made these relations permanent and today they are the basis for the economic and social existence of a significant part of Polish society.

The Tribunal – as we then read further – took the Schmittian position that the ‘effective exercise of state power’ determines whether we are dealing with a law or not. Again, we see a decisionist approach to law, which was clearly expressed in the Polish tradition in the pre-war period during the May coup of 1926. From this point of view, one could even speak of an ideological continuity between the Second and Third Republic, nevertheless it does not seem that this convergence was realized, because there were no references to it in the judiciary’s statements which, even allusively, might positively refer to other elements of the legacy of Piłsudski’s political and legal thought or which would indicate a conscious reference to the Piłsudski camp in the sphere of politics and law. Rather, this parallelism resulted from – as we can only guess – from an intuitive, pre-rational approach to the nature of law, which is then overlaid with post-rationalizing argumentation, which is to suggest that the decision of a court or tribunal is still within the tradition of the rule of law. It was from here that the verbal formulas appeared in the justifications, suggesting that the issue of legality had allegedly been considered and that, as a last resort, the resolution was based on a verbal level, solely on the premise of the passage of time, which would result in the impossibility of questioning the effects of ownership changes introduced by the communist regime. And yet it is precisely in this aspect that we can discern the dubious nature of this argument: debt collection claims, if they relate to real estate (also in regulations created by communists: cf. Art. 223 § 1 of the Civil Code in the original version of 1964), is not subject to the statute of limitations. Although there is the institution of acquisitive prescription, in order to produce the effects envisaged by it, however, a specific procedure must be carried out

leading to one of the forms of legal 'expropriation.' At least this indicates that the mere passage of time alone is not a sufficient condition to establish the transfer of ownership. This raises doubts as to whether the cited judgments of the courts and the Constitutional Tribunal are not ironic as well, with the reservation, however, that the relationship between the normative and ideological inheritance of the communist regime would be masked in this case (the protection of 'well vested' rights, taking into account the axiology of the previous system) and the system of the Third Republic of Poland. This ironic nature of the judiciary's decisions would also explain the total rejection of the legal inheritance of the authorities of the Second Polish Republic, except for those elements that had received the prior approval of the communist regime.

## Conclusion

After analysing the symbolic events mentioned at the beginning of the chapter, alongside the selected, albeit representative, jurisprudence, and after discussing the statements of some representatives of the legal establishment, we can consider that the initial thesis has been confirmed: that behind the mask of continuing the traditions of the independent Polish state established in 1918, in reality we can discern a continuity with the normative system created by the regime that had been imposed on Polish territory by the Soviet Union.<sup>24</sup> For the sake of clarity, we want to emphasize that our thesis is a description that it is a statement of a certain real phenomenon and that it should not be framed in terms of a value judgment. Facts can be unwelcome, however in the case of scientific research, they must be discovered and taken into account in secondary attempts to evaluate social phenomena. The finding of the actual lack of a legal continuity between the Polish state that was reborn in 1918 and the modern Polish state, and especially the analysis of what is considered a law and why or for what reason it and not something else is seen as a law, makes it possible to separate genuine political breakthroughs from their imitations. As Waldemar J. Wołpiuk

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24 An interesting example of a certain continuity of legal thinking between the times before 1989 and the present day is provided by the statements of the doctrine and judiciary against the background of Art. 256 of the Criminal Code, which indirectly allow for the application of an extensive interpretation or even analogy under criminal law. For more, see: Tomasz Scheffler, 'Przestępstwo publicznego propagowania faszystowskiego lub innego totalitarnego ustroju państwa (art. 256 k.k.). Analiza doktrynologiczna wybranych wypowiedzi piśmiennictwa i judykatury. Część Ogólna,' *Studia nad Autorytaryzmem i Totalitaryzmem*, 34/3 (2012), 97–117.

rightly noted in the context of the formation of the Second Republic: ‘the times of a historical breakthrough, regaining independence, building a new state, as a rule, render the former legal regulations ineffective in new circumstances.’<sup>25</sup> A comparison of what happened after 1943 with what officially began at the turn of 1988 and 1989 in the approach to law helps to understand the nature of both breakthroughs and shows the breakthrough that was supposed to have taken place in 1989 to be illusory.<sup>26</sup>

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25 Waldemar Jan Wołpiuk, ‘Naczelnik Państwa 1918–1922. Przedprezydencka forma władzy państwowej,’ *Przegląd Sejmowy*, 5 (2005), 26.

26 Another intriguing clue confirming the existence of the rhetoric of continuity can be found in the article by Hanna Duszka-Jakimko, and Ewa Kozerska, ‘Civil society in Poland in the nineties of the twentieth century. Ideas and their reflection in the Constitution and in jurisprudence,’ *Studia nad Autorytaryzmem i Totalitaryzmem* 35/1 (2013), 27–43. The authors advance the thesis that civil society, despite numerous official references to it, has not actually been reflected in the jurisprudence and the Polish Constitution.

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Ewa Kozerska

# **The legacy of the Polish People's Republic in the doctrine and constitutional law in the first years of Poland's transformation**

**Abstract:** The following paper is devoted to the analysis and evaluation of the selected issues concerning doctrine and constitutional law during the first years of the political transformation (until the entry into force of the so-called small constitution of 1992) in Poland. As it is well known, during the period of 1989–1992, political and legal transformations took place in our country, which are of symbolic meaning and closely related to the breakdown of the communism in Central and Eastern Europe. It is almost universally accepted that they are associated with the revolutionary systemic changes of the country, which were to negate the compromised political-legal tradition of the People's Republic of Poland. In fact, the continuity of the constitutional order established in 1952 was preserved, and thus the necessary comprehensive systemic and legal reforms of the country were abandoned. The compromise established at that time and sealed later was justified by the need to guarantee stability and legal security for the country and its citizens. In fact, the normative norms and jurisprudence practice in the period in question prevented the society and the government from separation from institutional relics and political connections of the communist origin.

**Keywords:** legal doctrine, constitutional law, totalitarianism, systemic change, national law

## **Introduction**

The considerations presented below are devoted to the analysis and evaluation of selected problems of the doctrine and constitutional law in the first years of the systemic transformation (until the entry into force of the so-called Small Constitution of 1992) in Poland. Tremendous political and legal changes took place in the period 1989–1992 in Poland, and these are often afforded a symbolic meaning which is closely related to the dismantling of communism in Central and Eastern Europe. In an almost universally accepted narrative, they are associated with groundbreaking systemic transformations of the state, which were intended to lead to the negation of the discredited political and legal tradition of the Polish People's Republic. This was essentially determined during the 'Round Table' sessions held between the ruling communist party and the political

opposition which took place in Magdalenka.<sup>1</sup> An important role was played in this process by influential and authoritative intellectual circles (including in the legal sphere) and, whilst varied, these were typically left-leaning. The ideological preferences revealed at that time, discussions being held, and formal actions taken with regard to the political, legal, and economic shape of the state, did not, in principle, lead to a radical break with the system and legislation that was already in force. In fact, the continuity of the constitutional order established in 1952 was largely maintained, and thus the necessary comprehensive systemic and legal reforms of the state were abandoned, justifying this move with the claim that it ensured stability and legal security.

As already intimated, favourable circumstances emerged at the turn of the 1980's and 1990's in Poland (as in other former satellite states of the Soviet Union) for the transformation of its socialist form of government into a modern democratic state. The weighty considerations and activities in this area which were undertaken in Poland at that time manifested themselves in various projects, many of which were often underdeveloped. One of the many influential circles that participated in the political and legal 'dispute' regarding the shape of the future Republic of Poland were representatives of science and legal practice. Their views were typically expressed in specialized magazines, thematic publications, as well as in conference speeches or during the meetings of general assemblies of individual legal branches. In the statements of this group (and which shows the considerable heterogeneity in terms of their worldviews), a justified interest in the normative legacy of the Polish People's Republic can be clearly discerned. In this context, their inquiries were focused on an important dilemma: should the Polish state reject the legacy of the communist regime and continue the pre-war political tradition of the Second Polish Republic, including the constitutional regulations of 17 March 1921 (to a lesser extent, the reference to the Sanacja constitution of April 23, 1935 was considered), or could a modified version of the Polish People's Republic be created that would be in line with the new political and economic circumstances, or should the existing legal order be dismantled completely, and new legislation introduced that would not be burdened with the legacy of the socialist past? Also worth noting in this context is that they were not able to use the provisions of the 'Round Table' negotiations to help resolve this complex problem, since

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1 Antoni Dudek, *Reglamentowana rewolucja. Rozkład dyktatury komunistycznej w Polsce 1988–1990* (Kraków: Arcana, 2014).

they did not contain any constructive conclusions on the subject.<sup>2</sup> Ultimately, the journalistic activity of the representatives of the legal science did not take a firm and unified view with regards either the conscious recognition of the continuation of the pre-war legal tradition, or clearly negating the normative achievements established after 1944. Despite the fact that many clearly stated the need for a clean break with the traditions of the Polish People's Republic, this was not accompanied by specific and systemic proposals for political and economic solutions.<sup>3</sup> In fact, the commonly accepted narrative reads that the symbolic handover of the insignia of state by the president-in-exile to his counterpart who had been elected in free elections in Poland in December 1990, was a sufficient break with the political and legal legacy of the Polish People's Republic.<sup>4</sup>

Moreover, voices were also raised in support of making the new post-communist reality into the Third Republic of Poland. Rather than deriving its model from the experiences of the Second Polish Republic or the post-war period, this conception sought to implement proven European standards that would transform Poland into a democratic state governed by the rule of law.<sup>5</sup> It should also be emphasized that despite the declared need to negate the communist regime, it was accompanied by the acceptance of legislative actions which would consist of the temporary modification of the legal system from that period. It was not felt that the system-normative 'modifications' would be inadequate for the 'radically' changed socio-political and economic conditions. In fact, most of the considerations of the doctrine of law focused rather on amendments to the legal order of the Polish People's Republic that had been proposed and implemented by legislators. In this respect, it was open to sanctioning compromise and temporary normative solutions.

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- 2 Wojciech Roszkowski, *Najnowsza historia Polski 1980–1989* (Warszawa: Świat Książki, 2011), 195–197; Dudek, *Reglamentowana rewolucja. Rozkład dyktatury komunistycznej w Polsce 1988–1990*, 223–225.
  - 3 Janina Zakrzewska, 'Nowa Konstytucja Rzeczpospolitej', *Państwo i Prawo* [here-after *PiP*], 4 (1990), 4; Ludwik Dembiński, 'Uwagi o ustroju III Rzeczpospolitej', *Tygodnik Powszechny*, 28 (1990), 1; Karol Marian Pospieszalski, Zygmunt Ziemiński, 'Konstytucja rocznicowa czy konstytucja wiekopomna?', *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 1(1991), 20–24.
  - 4 Pospieszalski, Ziemiński, 'Konstytucja rocznicowa czy konstytucja wiekopomna?', 20.
  - 5 Dembiński, 'Uwagi o ustroju III Rzeczpospolitej', 1.

Therefore, support was expressed only for such changes to the legal order that would not be violent and would be implemented gradually and ad hoc. Admittedly, it was realized that such legislative practice is often accompanied by the occurrence of numerous (and sometimes glaring) inconsistencies and contradictions at the level of the applicable law, something which is especially inconvenient when it comes to the process of applying the law. However, in order to adopt a more favourable attitude towards the concept of the evolutionary transformation of law, justification was sought in the need to sanction the formal principles of 'relative continuity' of the normative order and the 'protection of trust' in it. These principles were to be a measure and guarantee of the predictability and clarity of actions taken by state bodies. In the assumptions adopted by the doctrine and sanctioned regulations, it was recognized that certainty and trust in the majesty of the law justify maintaining the current state of affairs in certain situations and legal relationships. It was also emphasized that allowing (legislative and enforcement) actions due to 'exceptional' circumstances dictated by extraordinary needs would not violate the requirements of the general principles of the legal system. Recognized lawyers, as well as lawmakers, by opting for such a complex yet fairly imprecise solution, referred to the unquestionable importance of the said principles of the legal order. These principles, however, were not sufficiently well defined and grounded in the science of law and jurisprudence for the new conditions. What is more, it was also necessary to consider the legitimacy of maintaining legal regulations in force from the communist era, which by definition ignored these principles yet were important for the state and citizens.<sup>6</sup> Although the doctrine and practice of the so-called system transformation delineated the existence of tensions between the compulsion for 'continuity' and the need for 'changes' in the law, it seems that it failed to develop constructive and effective regulations that might bring Poland closer to the standards of the rule of law.

### First amendments to the 1952 constitution

The lack of an unequivocal attitude towards the communist normative order thus influenced the perception of the constitution of 1952 that was still in force. Outstanding Polish lawyers rightly sought to make the constitution a rudimentary legislative act that would organize the internal structure of the state and the

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6 For a broader consideration: Andrzej Wasilewski, 'Aktualizacja porządku prawnego – potrzeby i rygory', *PiP*, 5 (1992), 4 and Tadeusz Zieliński, 'Ochrona praw nabytych – zasada państwa prawnego', *PiP*, 3 (1992), 3–11.

laws that would be in force within it. They particularly emphasized the need to redefine the systemic status of the state, its organs, and individual citizens. At the same time, they postulated constitutional transformations that would help to eliminate the inconveniences of the transformation period. Therefore, they generally expressed the conviction that it was necessary to transform the constitutionally sanctioned concept of a 'socialist' state into a model of a 'democratic state ruled by law,' making citizens independent of the arbitrary actions of state authority.<sup>7</sup> They also highlighted the fact that the systemic solutions developed in the two laws amending the constitution (adopted on 7 April and 29 December) of 1989 were only temporary and transitional in nature.<sup>8</sup> It may be surprising, however, that the reorganization that was taking place at that time, and which gradually allowed the introduction of a pluralistic system of state management in Poland, was treated in terms of being the 'deepest' and most 'radical' of systemic reforms.<sup>9</sup> It is certainly true that elements of the phraseology in the content of the modified constitution, as well as institutional relics of the previous regime, would rather testify to the maintenance of the systemic continuity of the Polish People's Republic.<sup>10</sup> Nevertheless, there was no serious reflection, also after the June 1989 elections, on the legality of the constitution of the Polish People's Republic, despite the fact that it had been modelled on Stalinist

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7 Marek Zirk-Sadowski, 'Instytucjonalny i kulturowy wymiar integracji prawnej,' in Leszek Leszczyński, ed., *Zmiany społeczne a zmiany w prawie. Aksjologia, konstytucja, integracja europejska* (Lublin: Wydawnictwo UMCS, 1999), 35.

8 Zakrzewska, 'Nowa Konstytucja Rzeczypospolitej,' 3; Wojciech Sokolewicz, 'Rzeczpospolita Polska – demokratyczne państwo prawne (Uwagi na tle ustawy z 29 XII 1989 o zmianie Konstytucji),' *PiP*, 4 (1990), 12; Zdzisław Czeszejko-Sochacki, 'Projekty nowej konstytucji (Przegląd zagadnień węzłowych),' *PiP*, 7 (1991), 3; Mirosław Wyrzykowski, 'Legislacja – demokratyczne państwo prawa, radykalne reformy polityczne i gospodarcze,' *PiP* 5 (1991), 17–20; Kazimierz Działocha, 'Państwo prawne w warunkach zmian zasadniczych systemu prawa RP,' *PiP*, 1 (1992), 13.

9 Wojciech Sokolewicz, 'Kwietniowa zmiana konstytucji,' *PiP*, 6 (1989), 3; and Sokolewicz, 'Rzeczpospolita Polska – demokratyczne państwo prawne (Uwagi na tle ustawy z 29 XII 1989 o zmianie Konstytucji),' 12.

10 Marek Smolak, 'Wykładnia prawa a zmiana społeczno-polityczna,' in Jerzy Stelmach, ed., *Studia z filozofii prawa* (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2001), 163. It is also worth noting that during the Third World Congress of Constitutional Law organized on September 2–5, 1991 in Warsaw, Polish scientists convinced foreign specialists of this sub-discipline that Poland was currently a continuation, an 'improved version' of the Polish People's Republic Poland in Adam Strzembosz, 'Rzeczpospolita Polska państwem prawnym – czy na prawdę?,' *Rzeczpospolita*, 234 (7 October 1991).

solutions from 1936. Perhaps even more so, given its far from accidental date of adoption – 22 July – which is reminiscent of the ‘infamous’ anniversary of the July Manifesto imposed by the USSR authorities in 1944 and the beginnings of the self-proclaimed communist rule.<sup>11</sup> Meanwhile, the legislators in the above-mentioned amendments (of April and December 1989) essentially focused on introducing significant, but selective changes to the basic communist law. What is also significant is that the content of the act amended in April showed that the organs of the state (the President, the Sejm, the Senate) continued to terminologically at least represent the Polish People’s Republic.<sup>12</sup> The maintenance of such official terms in constitutional force may, therefore, suggest that the Polish People’s Republic was still treated by parliamentarians and opinion-forming circles at the mental and normative level as having been a sovereign state. Thus, the legislation, headed by the constitution, from the period of the people’s democracy, was formally still regarded as lawful. MPs and Senators, the so-called contract parliament elected on 4 June 1989 also consistently failed to respond to the legitimacy of those voices arguing for a formal or material banning of the constitution of the Polish People’s Republic, or even a declaration of its false character. Therefore, in the process of systemic changes in Poland, the legislative process of amending the constitution adopted (‘imposed’) in 1952 was deemed the only legitimate and satisfactory solution.<sup>13</sup>

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- 11 We should recall that the July Manifesto from 22 July 1944, regarded the Polish legislation from April 1935 as ‘unlawful’ and in a rather enigmatic way referred to the ‘basic assumptions’ of the constitution of 1921. In practice, the illegally established communist authority created and applied a normative order (and more often even used non-legal methods of operation), which clearly broke with the legal tradition of the Second Polish Republic. The normative acts of the Second Polish Republic were sanctioned and applied selectively, maintaining the liquidity of international relations or economic transactions that were necessary for the functioning in the socialist post-war reality, e.g. bill of exchange law, check law. See: Marian Kallas, Adam Lityński, *Historia ustroju i prawa Polski Ludowej* (Warszawa: Wydawnictwo Prawnicze PWN, 2003).
  - 12 See: ‘Porozumienia okrągłego stołu,’ in Tadeusz Mołdawa’s work, *Konstytucje Polskie 1918–1998* (Warszawa: Elipsa, 1999), 285–291.
  - 13 Zbigniew Wawak noted that even the repeal of the constitution of 1952, which took place in the constitutional act of 17 October 1992, but without stating its illegality (*ab initio*) or recognizing the fact that it was imposed by Stalin, can be read as a kind of continuation of the former legal system. The lack of such formal actions will additionally ensure that this act has a place in Polish constitutionalism, alongside those of May (1791), March (1921) or April (1935): in ‘Legitymacja prawna KRN,’ *Ruch prawniczy, ekonomiczny i socjologiczny*, 55/4 (1993), 60–61.

In the context of the constitutional changes initiated in 1989, it is also worth noting that the then strongly declared radical reconstruction of the structures and functions of state organs was not fully reflected in practice. For example, the postulated transformation of the rule of the uniformity of the state's constitutional organs into the classic division of powers into legislative, executive and judicial, did not receive a constitutional sanction. What is also significant was that the representative power was to rest in the hands of the Sejm and the restored second chamber – the Senate, with the Sejm being given the status of 'the supreme representative of the will of the Nation.' In this respect, the role of the Senate (at that time composed of senators, except for one, representing the current political opposition) was reduced. This systemic solution led to numerous legislative stalemates (e.g. with regard to amendments to the Act on the State Tribunal, the penal code, the Executive Penal Code).<sup>14</sup> In the case of the powers of the president, he was granted the prerogatives that had previously belonged to the Council of State. At this point, it should be recalled that the author of martial law, the first secretary of the Central Committee of the Polish United Workers' Party, General Wojciech Jaruzelski, was also elected the first president (by the members of both chambers of parliament). At the same time, the constitution gave him quite critical and contextually important prerogatives, including the right to award orders, decorations and honorary titles, the right to issue pardons, supremacy over the armed forces and guarding the security of the state, but also the right to dissolve the Sejm (e.g. should a law be adopted that violates the president's constitutional prerogatives) or supervision over national councils. At the same time, the constitution did not explicitly indicate any instruments that would enable the president to be controlled by the representative power.<sup>15</sup> Although the State Tribunal was constitutionally entitled to do so, no relevant normative act was adopted to regulate in detail the issue of a president found to be violating the constitution and its laws.<sup>16</sup>

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14 For more on the ruling of the State Tribunal of 23 November 1993, (K. 5/93): <https://prawo.money.pl/orzecznictwo/trybunal-konstytucyjny/orzeczenie;z/dnia;1993-11-23,k,5,93,180,orzeczenie.html?szukaj=terytorialnym>, accessed 26 August 2018.

15 See: Dz.U. 1989, nr 19, poz. 101 and Dz. U. 1989, nr 75, poz. 444.

16 The act amending the act on the State Tribunal was only passed on December 12, 1992 (Dz. U. 1993, No. 5, item 22). Prior to the amendment, the Act on the State Tribunal of 26 March 1982 was in force from the period of martial law, regulating the responsibility of the Council of State and not the President of the Republic of Poland.

## Doctrinal interpretations

The analysis of both amendments to the constitution also shows a significant lack of regulations in the field of basic human and civil rights. Undoubtedly, in the conditions of building the foundations of the rule of law, this issue was of great importance and required a systemic solution. This was all the more so because the legislation of the Polish People's Republic heavily restricted or made it impossible for citizens to exercise their personal, political or economic freedoms. Despite its significant normative flaws, a position was adopted and consolidated in the doctrine and jurisprudence, which was not conducive to repairing and compensating for the damage caused in the previous regime to masses of citizens and individual social groups. It was found that even the constitutional norms enacted in 1989 could not be given retroactive effect or authorized to assess the constitutionality of non-binding legal acts. The idea of allowing the issuance of retroactive legal acts was even treated with disapproval. This negative view was translated as a breach of trust in the legislator, which only for serious reasons, including the expectations of interested parties, could exceptionally use the principle of retroactivity in creating standards. This position, of course, had a strong justification due to the numerous abuses in the use of the said principle by totalitarian states (including the authorities of post-war Poland). At the same time, in this context, the importance of preserving and protecting acquired rights as resulting from the idea of the rule of law was perceived. Accurately drawing attention to the sanctioning of the principle of acquired rights (undoubtedly coupled with the principle of the equality of every citizen before the law), however, required a balanced and well-thought-out attitude of the doctrine of law, legislation and jurisprudence, as has already been mentioned above. It obligated theoreticians and practitioners to define clear axiological as well as a formal and substantive framework for the validity of this principle. This would restore the credibility of the state and its organs but – more importantly – would reliably verify the legitimacy of the rights acquired by individual Polish citizens (important especially in the context of e.g. social rights, the right to retirement benefits, the right to property or rights to repressed and aggrieved people under the communist regime). The said complex dilemma considered by the science and practice of law against the background of the irrefutable *rebus sic stantibus* clause, but also the admissibility of verifying acquired subjective rights, was not finally resolved and comprehensively normatively resolved.<sup>17</sup> This meant that the restoration of dignity

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17 For more, see: Tadeusz Zieliński, 'Ochrona praw nabytych – zasada państwa prawnego', *PiP*, 3 (1992), 10–11.



and effectiveness of rights (including equality before the law) to citizens was not treated as a priority by the new political reality. All the more so, given that the aforementioned significant legislative shortage could be supplemented with the respective competences of the Constitutional Tribunal (CT) and the Supreme Court (Supreme Court). As suggested by Prof. Adam Strzembosz, it was enough to authorize the Constitutional Tribunal to review the constitutionality of all statutes and acts of a lower level, regardless of the date of their issuance. In the case of the Supreme Court, its judges could be empowered to adjudicate on the inappropriateness or non-binding nature of provisions that clearly violated the rights of an individual, or to authorize them to apply an interpretation adequate to the prevailing realities of the regulations of the old system that was still in force. Adopting even such a practice might favour the adjudicating bodies referring to the spirit of equity and justice rather than to the letter of the law itself.<sup>18</sup> In this context, however, it is worth mentioning an additional weakness of the systemic reorganization of the state, which to some extent influenced the judicial quality of the said courts. It was the personal composition of both bodies. What is significant, in the new 57-person team of judges of the Supreme Court appointed on 4 June 1990, there were 22 from the previous regime. And with regard to the Constitutional Tribunal, despite the systemic changes, the Sejm did not decide to shorten the term of office of this body or to appoint a new team. Meanwhile, members of this bench (nominated in December 1985, September 1986 and December 1989, respectively), appointed by the founding of this institution to adjudicate on the constitutionality of normative acts, often had an ideological relationship with the former regime.<sup>19</sup> The realities of the period, therefore, indicated that, above all, the entities interpreting the law could

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18 Strzembosz, 'Rzeczpospolita Polska państwem prawnym – czy naprawdę?,' Zygmunt Ziemiński, 'Lex' a 'ius' w okresie przemian,' *PiP*, 6 (1991), 3–5.

19 <http://www.sn.pl/osadzienajwyzszym/SitePages/Historia.aspx>, accessed 22 September 2018; <<http://trybunal.gov.pl/informacja-publiczna-media/archiwum/czlonkowietk-w-latach-1985-1997>>, accessed 22 September 2017. Strzembosz, 'Rzeczpospolita Polska państwem prawnym – czy naprawdę?.' As this eminent professor of law rightly emphasized, the slogan about the rule of law was sometimes used consciously to justify the need to use a Polish People's Republic era law, no matter how shameful, due to its formal and continuous application. Hence, many normative acts from the period before and after the introduction of martial law, often illegally enacted, found their sanction in the jurisprudence of the Constitutional Tribunal, e.g. in connection with introducing religion lessons to schools, with the penalisation of crimes committed during martial law or with systemically unfinished crimes until today issues of ownership relations and carrying out the re-privatization process.

and did play a special role in the transformation process. It seems that their political commitment was aimed at maintaining the continuity of the law, often they did not successfully adapt the applicable law to the requirements of the rule of law, and not always set the right direction and dynamics of social and political changes. The interpretation of the law began to be treated in a mainly instrumentally fashion, only being used to solve pressing and selected political and social aspects that were closely related to the political transformation of the state.<sup>20</sup> The changes in 1989–1990 were therefore focused not so much on the rejection of the existing axiological foundations of the Polish legal order, but on the not always skilful adaptation of theory and practice to the declared principles of the functioning of the new legal and political system (e.g. visible in censorship violating freedom of speech, in provisions of the Act on Citizenship and the Act on Population and Identity Cards limiting the freedom of movement and choice of place of residence, the Act on badges and uniforms and the new law on associations (April 7, 1989) violating freedom and organizational pluralism in public life or in housing law undermining the protection of property). There were also noticeable shortcomings in the scope of legal instruments enabling their implementation (no right to strike, no judicial control of the legality of normative acts, no (or limitations) of guarantees of the participation of local government in exercising power and freedom of activity of other forms of local government, no control of the compliance of statutes with international agreements).<sup>21</sup>

The selectively indicated problems related to the implementation of basic human and civil rights, closely connected with numerous legislative deficiencies and dysfunctions of state organs, were to a large extent the result of the validity and implementation of legislation constituting the legacy of the totalitarian system. Therefore, they required, above all, the legislative mobilization of the legislator, but also the appropriate activity of adjudicating bodies. Undoubtedly, the legislator was not able to develop a normative state in a short period of time that would comprehensively regulate important aspects of new socio-political and economic conditions.

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20 Smolak, 'Wykładnia prawa a zmiana społeczno-polityczna', 162–163.

21 Wiesław Lang, 'Aksjologia polskiego systemu prawa w okresie transformacji ustrojowej' in Leszek Leszczyński, ed., *Zmiany społeczne a zmiany w prawie. Aksjologia, konstytucja, integracja europejska* (Lublin: Wydawnictwo UMCS, 1999), 52. See: Wasilewski, 'Aktualizacja porządku prawnego – potrzeby i rygory,' 5–10; Hanna Duszka-Jakimko, Ewa Kozerska, 'Continuing or Breaking with the Constitutional System of Polish People's Republic? Legal Considerations in the Context of the 1989 Transformation,' in Bronisław Sitek, Jakub J. Szczerbowski and Aleksander Witold Bauknecht, eds, *Comparative Law in Eastern and Central Europe* (Cambridge: Cambridge Scholars Publishing 2013), 210.

Thus, a key role in this matter could be played by the law enforcement authorities – government (state) administration, local government and the judiciary. However, the proposed solutions regarding the application of the law in practice were associated with numerous difficult choices. For example, the often proposed by the doctrine departure from the application of gross norms (*desuetudo*), in some legal relations could cause a collision with the imperative of taking action by state bodies at all levels, resulting from the rule of law. Another suggested idea regarding judicial activity referred to the adoption of an interpretation of regulations (especially systemic or functional) conducive to the implementation of the axiology of the rule of law. In this context, however, the fundamental problem was the fact, as we have already mentioned, that the content resulting from the idea of the rule of law in the Polish legal system at that time had not yet been normatively defined or developed by jurisprudence. They were treated rather in terms of political achievements that had been intellectually borrowed from Western Europe. Thus, the judicial activity of the Constitutional Tribunal, the Supreme Court and the Supreme Administrative Court (NSA), which should substantively and formally reliably ‘settle accounts with the past’ in order to sanction the foundations of the rule of law for the ‘future,’ was rightly pointed out. The adoption of such a solution, in turn, forced a redefinition of the positions and competences of the Constitutional Tribunal, the Supreme Court and the Supreme Administrative Court, entrusting them with the function of constitutional control over normative acts binding on citizens.<sup>22</sup> It also required the mental skills of the members of the said organs to adjudicate in accordance with the spirit of the rule of law.

The indicated important dilemmas of the doctrine and the shortcomings of the legal order (discernible in the process of the creation and application of the law) were not the only complex problem of the contemporary reality. This process was accompanied by an understandable awkwardness, but also often carelessness on the part of Polish society, including in political circles. The above-mentioned factors were not conducive to finding a political and normative consensus satisfying the majority of citizens to a large extent. Undoubtedly, as rightly noticed by Prof. Zygmunt Ziemiński, the socialist political and economic system which had been in place continuously since 1944 had led to the destruction of attitudes proper to a democratic society. It also disrupted the process of the emergence of elites capable of developing a detailed and real political program. The changes of that time, as he also stated, unfortunately justified the truth of the thesis that the process of the totalitarization of the system turned out to be much easier to carry

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22 Wasilewski, ‘Aktualizacja porządku prawnego – potrzeby i rygory,’ 4–14.

out than its detotalitarization.<sup>23</sup> A similar analysis was made by the sociologist Jerzy Szacki, who argued that the almost half-century dictates of the communist regime imposed in all spheres of life, had unfortunately clearly left their mark on the process of decay and disorganization of society.<sup>24</sup>

The development of a truly democratic political system, therefore, forced the elites of the Polish state (including lawyers), as rightly argued by the eminent legal theorist Z. Ziemiński, to primarily take steps to outline the general axiological assumptions that would designate the character of the current legal system.<sup>25</sup> Its proper functioning in the post-communist socio-political system required internal consistency in terms of content and a clearly defined legitimization of norms, guaranteed by validation and rules of exegesis. As a result of this in-depth reflection on the values implemented in the legal system, it was necessary to find a balance between *lex* and *ius*, that is, the 'letter' and the 'spirit of the law.' It was also noticed that the postulated value system should be sanctioned to a large extent in the form of catalogued and hierarchical constitutional principles, including the rule of a democratic state ruled by law, already formulated in Art. 1 December amendment to the constitution.<sup>26</sup> The ideal of the rule of law (especially formal), the legality of the state in the creation and application of law, and the controlling role of the constitution in relation to normative acts binding citizens were identified with the aforementioned guiding principle (derived from the nineteenth-century German doctrine of *Rechtsstaat*).<sup>27</sup> As a result of intellectual deliberations and practice implemented, the opinion was accepted that the considerations of state security and trust in the law enforced the dominance of the letter of law, even inherited from the current political regime (except for extremely unfair decisions), over its spirit identified with justice and equity or with the ideas of a specific system moral law.<sup>28</sup> This belief

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23 Ziemiński, 'Lex' a 'ius' w okresie przemian,' 3–4. See also: Wasilewski, 'Aktualizacja porządku prawnego – potrzeby i rygory,' 3.

24 Jerzy Szacki, 'Marzenia i rzeczywistość polskiej demokracji,' *Res Publica*, 5 (1991), 16–17.

25 For more: Zygmunt Ziemiński, *Wstęp do aksjologii dla prawników* (Warszawa: Wydawnictwo Prawnicze, 1990).

26 Ziemiński, 'Lex' a 'ius' w okresie przemian,' 4–5; Wasilewski, 'Aktualizacja porządku prawnego – potrzeby i rygory,' 3.

27 For more: Karol Jonca, 'Ewolucja pojęcia 'państwa prawnego' w niemieckiej doktrynie prawnej,' *Przegląd Państwa i Prawa* 7 (1976), 213–228 and Adam Bosiacki, *Wstęp*, in Robert von Mohl, *Encyklopedia umiejętności politycznych* (Warszawa: Liber, 2003), VII-LI.

28 Jerzy Wróblewski, 'Z zagadnień pojęcia i ideologii demokratycznego państwa prawnego (analiza teoretyczna),' *PiP* 6 (1990), 3 et seq.

was justified by referring to lofty legal rules, such as: legal certainty, its predictability, non-retroactivity, which were to guarantee the credibility and prestige of the legal order.<sup>29</sup> It was not always remembered in this argument that respecting these rules did not apply to all citizens equally, especially those wronged (or even cast out beyond the legal margins) by the system at play in the Polish People's Republic due to their social status, property or political orientation (e.g. dispossessed by decrees). from the 1940's, repressed after World War II or during and after martial law). What is also significant, despite these noble postulates in the period of the so-called system transformation, was that certain social organizations, political parties or employees – mainly security authorities – of the state were consciously privileged (but also restrained to a certain extent).<sup>30</sup> In

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29 Tadeusz Zieliński, 'W poszukiwaniu nowego sensu prawa,' *Rzeczpospolita*, 157 (6 June 1991); Sławomira Wronkowska, 'Zmiany w systemie prawnym (Z zagadnień techniki i polityki legislacyjnej),' *PiP*, 8 (1991), 3.

30 In more detail, it is worth recalling certain political behaviours that contributed to the conscious impairment of the anti-communist opposition at the dawn of the new reality. It had already been established at the 'Round Table' meetings that people repressed for opposition activities during the martial law period and after its end would only be able to apply individually for rehabilitation under an extraordinary revision procedure, as it was concluded that the sanctioning of a general rehabilitation act would ultimately condemn the legality of martial law. Legal regulations regarding anti-communist activity during the martial law period were not introduced until 2015 and 2017 (Dz. U. 2015, poz. 693; Dz. U. 2017, poz. 1386). Moreover, fearing the potential for the legitimacy of the decisions of the PRL government during the martial law period being undermined, the issue of the delegation of NSZZ 'Solidarność' was resolved in a very satisfactory manner. It was agreed with the opposition that in 1989, NSZZ 'Solidarity' would be legalized, not relegalized or unbanned. The effect of such a deliberate court decision was that the trade union was deprived of the opportunity to bring recovery claims for the return of confiscated property and was obliged to remove the right to strike from its statute (contrary to the 1982 Act). Another glaring manifestation of the abuse of the rule of law in the 'new' reality was the legal enfranchisement of the party which was the heir to the Polish United Workers' Party (PZPR) and its party activists. This was successfully done by blocking the bill prepared by MP Jan Łopuszański on the annulment of all legal actions taken after 4 June 1989 with regard to the property of this party. The lack of legal regulations after the dissolution of the PZPR in 1990 was also used to take over a large part of real estate, movable property and finance by its successor, the Social Democracy of the Republic of Poland (SdRP). Significantly, the legality of this process was confirmed by the ruling of the Constitutional Tribunal of 25 February 1992, and it was only in 1996 that the authority found that the use of these goods by the SdRP was unconstitutional. Dudek, *Reglamentowana rewolucja. Rozkład dyktatury komunistycznej w Polsce 1988–1990*, 175–176; Marek Żmigrodzki, Wojciech

this context, it is worth noting that in the years 1989–1991, from the perspective of the radical reconstruction of the state, some very important issues were not regulated. These include re-privatization, decommunization and lustration, the civil service and the depoliticization of public media. Moreover, not very effective regulations were applied in the secret services.<sup>31</sup> These perhaps deliberate legislative and enforcement actions or omissions unfortunately served to legalize the expropriation of state property (including RSW ‘Prasa-Książka-Ruch’) by former members of the nomenclature and their continued control over high-level officials; privileging the officers of the Police and the State Protection Office, and in the case of former members of the infamous civil militia – ORMÓ – to obtain lucrative concessions or licenses (e.g. the law of arms trade, establishing security and detective companies).<sup>32</sup> Thus, the legislative activity and jurisprudence of the first years of transformation did not always correspond correctly with the popularized ideals of the rule of law. It also showed that the political instrumentalization of law dominated the axiology postulated by the doctrine and the sanctioned normative order. As it seems, it only seemed to have broken with the communist past.

## Conclusion

By way of both a summary and conclusion, it should be stated that in the era of the systemic transformation in Poland, the initiatives taken both on the theoretical and practical levels to develop the axiology, normative content and interpretation of the legal order were supposed to meet the challenges of new political, economic and social conditions. In both dimensions, it was considered justified to shape the new system in the spirit of a democratic state governed by the rule of law. This need to refer to the aforementioned formula (and the constitutional principles resulting from it, such as the legality and rule of law, protection of acquired rights, non-retroactivity of law, the right to a trial) was supposed to foster the denial of the negative experiences of the communist regime. At the

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Sokół, ‘Instytucjonalizacja Socjaldemokracji Rzeczypospolitej Polskiej. Pomiedzy izolacją a relewancją polityczną,’ *Annales. Universitatis Mariae Curie-Skłodowska* 7 (2000), 77–78. Arnošt Bečka, Jacek Molesta, *Sprawozdanie z majątku byłej Polskiej Zjednoczonej Partii Robotniczej* (Sopot-Warszawa: Ministerstwo Spraw Wewnętrznych i Administracji, 2001).

31 Antoni Dudek, *Ślady PeeReLu. Ludzie, wydarzenia, mechanizmy* (Kraków: Arcana, 2001), 311.

32 Roszkowski, *Najnowsza historia Polski 1980–1989*, 12–14.

same time, it was supposed to help eliminate the inconveniences of Poland's transitional state. The legal doctrine, like the political decision-makers, did not, however, decide to completely reject the normative legacy of the communist era. Rather, they postulated the need for evolutionary changes to be made in the law and rather the application of the old and still binding legal order to the new reality. This practice was to reduce the contradictions resulting from the inconsistency of the promoted axiology and the law being enacted while the order of the communist regime was still in force. The disputed matter required legislative activity in various spheres of private and public life, especially with regard to the judiciary. This resulted in the need to redefine the position and powers of the Constitutional Tribunal, the Supreme Court and the Supreme Administrative Court, and to develop a relevant doctrine of jurisprudence in terms of the application of the law. The positions developed at that time, both in legal doctrine and practice, usually revealed tendencies towards moderate and gradual normative changes, but not ones that were always appropriate compromises. Unfortunately, the political conditions of the time influenced reflections on the law. Despite the rather consistent narrative of the negation of the political and legal order of the communist regime, no firm proposals (or actions) appeared to break with this doctrine and normative system. The justification for this position was sought in the need to guarantee both legal stability and the security of the state. In fact, the normative regulations and jurisprudence developed in the period of interest to us made it impossible for the society and holders of power to radically sever their links with the institutional relics and political ties of communism. They also inhibited the process of the authentic construction of the values and principles of the legal order of the Third Republic from scratch.

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Krzysztof Koźbiał

# The Czech memory of the most important figures and events of the communist period in Czechoslovakia (1945–1989)

**Abstract:** Despite functioning as a unified state entity, the Czech memory of the communist period is unquestionably different from the Slovak memory of that time. It mainly consists of momentous events, including the Prague Spring of 1968, and the memory of important symbolic figures such as Jan Palach and Milada Horáková. This is evidenced by the multitude of monuments, celebrations, and other commemorations to be found in public spaces, including street names. Interestingly, this memory usually lacks references to the presence and role of the Red Army in the history of post-war Czechoslovakia.

**Keywords:** Czech Republic, memory of communism, Czechoslovakia, Prague Spring, Jan Palach, Milada Horáková

## Introduction

Any discussion of the common state shared by the Czechs and Slovaks during the communist period is far from easy.<sup>1</sup> This is due to, inter alia, the fact that there is no unified memory of that period for both of these nations. Moreover, there is no single narrative or memory in Czech society, as evidenced, for example, in studies relating to the preferences of voters of individual political parties.<sup>2</sup> In fact, it was only the break-up of Czechoslovakia, which disappeared from the political map of Europe at the end of 1992, which made it possible for both countries to fully develop their ‘stories’ about their not-so-distant past. According to some,

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- 1 When thinking about the communist period in Czechoslovakia, the years 1945–1989 are typically considered, although it should be noted that the Communist Party only attained its full power in February 1948 (as a result of the so-called February coup). As a consequence, the Communist Party of Czechoslovakia ruled the state freely until the turn of November and December 1989, when, as a result of the velvet revolution, the communists were forced to abandon their influence on the affairs of the state.
  - 2 A particular phenomenon on the Czech political scene is the Communist Party of Bohemia and Moravia, which invariably enjoys the support of over 18 % of voters (in 2002). Undoubtedly, its voters are characterized by a sentiment for the communist period in Czechoslovakia and have a relatively negative opinion of the transformational changes which ensued after 1989.

this narrative was already one of the factors contributing to their division into the Czech and Slovak Republics.

The goal of these considerations is, first and foremost, to examine how the communist period in the Czech Republic is remembered (and possibly commemorated). To address this problem, the following popular political science research methods were employed: the historical method, the method of system analysis, the analysis of statistical data on public opinion polls, as well as the author's own observations resulting from numerous stays in the country in question.

By introducing the subject of the memory of the aforementioned period in the history of Czechoslovakia, the author decided to select figures and events that can be considered the most representative and important, as well as dominant, in Czech memory. However, this remains very much a choice and a selection because it would be difficult to address all of the problems in a chapter of this length. Therefore, this has necessarily led to the omission of perhaps some no less important personalities and events.

### **Determinants of the communist period in Czechoslovakia: Remembrance and reconciliation**

Most political scientists are inclined to agree that the post-war regimes in Central and Eastern Europe should be classified using various theoretical models. Depending on the country, these would be more or less totalitarian or authoritarian models. Based on numerous approaches, Daniel Kunštát uses the term 'quasi totalitarian system' or 'post-totalitarian system' with regard to Czechoslovakia.<sup>3</sup>

Undoubtedly, these were undemocratic regimes which featured varying degrees of severity in terms of their experience of a communist dictatorship. In every Central and Eastern European country, this intensity depended on many factors, and it also had turning points, often determining the direction of development. However, it should be remembered that it was most often carried out under the supervision of the Soviet Union, which was keen to prevent any changes that would lead to an exit from the Soviet sphere of influence. The Czechs and Slovaks experienced this in 1968.

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3 Daniel Kunštát, *Za rudou oponou. Komunisté a jej ich voliči po roce 1989* (Praha: Sociologické Nakladatelství, 2013), 72–83.

In the case of Czechoslovakia, these events were part of what some refer to as 'magic eights' or the 'magic of the figure eight' (*osudové osmičky*): 1948–1968–1989 (not to mention earlier dates, from times even more distant).<sup>4</sup> Each of these dates features the number '8,' and each can in some sense be considered unlucky. These three dates seem to be the most important for understanding the history of post-war Czechoslovakia, the last of which marked the collapse of the communist system in this part of the continent and the beginning of the systemic transition.

Historical memory cannot merely be taken as a reminder of the past by those living today. It should be viewed more broadly: as an attempt at a specific reconstruction and interpretation of past events. We can also talk about collective memory – as presented by members of a community who share a common conception of past events and processes. However, when we refer to the reconstruction and interpretation of the past, we must not forget that some events, even seemingly obvious ones, are omitted by some members of the community for specific reasons.<sup>5</sup>

Political elites strive to co-create and reconstruct certain memories related to the past by adopting various strategies and discourses.<sup>6</sup> Yet they do not seem to be effective in this regard. In this context, it is reasonable to ask if there is a collective memory of the communist period in the Czech Republic. On the one hand, there are facts and events which are undisputed and assessed unequivocally.<sup>7</sup> On the other hand, the varying assessment of this period can be discerned, among others, through the prism of who particular people vote for in parliamentary elections, particularly – as research shows – the electorate of the communist party. For example, in a 2010 survey, 39 % of those who voted for the Communist

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4 Here one could mention the end of the Thirty Years War in 1648, The Springtime of Nations in 1848 or the events of the 20th century which took place in 1918 – the end of WWI and the creation of Czechoslovakia – and 1938 – the Munich Conference and the occupation of part of Czechoslovakia by the Third Reich.

5 Krzysztof Kozbiał, 'Collective memory about the past and multiculturalism,' in Zdzisław Mach, ed., *Local Community, Power and European Integration* (Frankfurt/M: Peter Lang, 2017), 64–67.

6 Stefan Troebst, 'Geschichtspolitik. Politikfeld, Analyserahmen, Streitobjekt,' in Etienne Francois, Kornelia Kończal, Robert Traba, Stefan Troebst, eds, *Geschichtspolitik in Europa seit 1989. Deutschland, Frankreich und Polen im internationalen Vergleich* (Göttingen: Wallstein Verlag, 2013), 19.

7 Examples include political persecution, dependence on the Soviet Union or a top-down economic model.

Party of Bohemia and Moravia assessed the events of the Prague Spring positively, and only 18 % negatively.<sup>8</sup>

As in other countries in the region, the communist period was also subject to a certain settling of accounts in Czechoslovakia. The liquidation of the documentation of the security service at the turn of 1989/1990 made it difficult to fully account and deal with the old system, and an important point of public debate was, among others, the question of lustration. People important from the point of view of the future of the state were also involved in this dispute. An example is Vladimír Mečiar, the future Prime Minister of Slovakia, whose efforts for Slovak independence were supported by the former communist apparatus. Mečiar was also most likely a collaborator of the security service. Lustration problems also affected the Czech political elite, albeit not at such a high level. The Lustration Act was adopted by the parliament at the beginning of October 1991, with background checks for persons performing the most important functions in the state permitted on its basis – especially the issue of their potential cooperation with the security authorities. De facto, it was not implemented in Slovakia, which was one of the factors contributing to the disintegration of the common state.<sup>9</sup>

The prosecution of crimes committed during the communist period was meant to be ensured by the Act on Communist Lawlessness of November 1991, and the prosecution of the perpetrators was to be dealt with by the Office for Documentation and Prosecution of Crimes of Communism (*ÚDV-Úřad pro dokumentaci a vyšetřování zločinů komunizmu*) functioning since the end of February 2015. However, it only instigated 121 investigations involving almost 220 people, of whom only 47 were sentenced. Finally, in 2007, an institution was established which was modelled on the Polish Institute of National Remembrance. This was meant to deal with archives and act as an educational and research centre and was known as the Institute for the Study of Totalitarian Regimes (*ÚSTR-Ústav pro studium totalitních režimů*).<sup>10</sup>

All these institutional attempts to settle accounts with the communist system and those responsible for it in Czechoslovakia proved to be ineffective. The efforts to judge those responsible for the crimes of the period 1945–1989 should certainly be considered a fiasco. Only a dozen or so people, and not necessarily

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8 Kunštát, *Za rudou oponou. Komunisté a jej ich voliči po roce 1989*, 136.

9 Andrzej Grajewski, 'Balast po komunizmie. Instytucjonalne rozliczenie komunizmu w krajach Europy Środkowej – opis struktur oraz okoliczności ich powstania,' *Pamięć i sprawiedliwość*, 2/22 (2013), 164–165.

10 Piotr Ukielski, 'Czeskie rozliczenia z komunizmem po 1989 roku. Rozwiązania prawne i instytucjonalne,' *Rocznik Instytutu Europy Środkowo-Wschodniej*, 18/2 (2020), 150–151.

those occupying prominent positions in the government apparatus, were found guilty.<sup>11</sup> This leads to the conclusion that the degree to which accounts with communism were settled in both the Czech Republic and Slovakia was weak.<sup>12</sup>

Perhaps this was due to the fact that the authorities in the Czech Republic did not (and do not) pursue any defined historical policy. This concept does not even appear in official government documents.<sup>13</sup> It is impossible to ignore the fact that Václav Havel, later the president, announced at the end of 1989 the need to bring people guilty of crimes to justice, but at the same time ruled out revenge. Dialogue with communists was promoted and actually took place.<sup>14</sup>

## Milada Horáková

The first years after the complete seizure of power by the communists were characterized by the elimination from public life of people who had a different view of the future than those at the heart of power. Opponents were rooted out, especially in intellectual and scientific circles, and with time also among party members, with purges being carried out. This process was typical of other communist countries at the time (e.g. the trial of Rajk in Hungary, Kostov in Bulgaria or Gomułka in Poland). As part of this purging process, show trials were carried out with the accused convicted on fabricated charges and evidence.

In Czechoslovakia, one of the first trials of this kind took place at the turn of May and June 1950. An important role was played by 'advisers' from the USSR, who were sent to 'brother states' to prepare such events.

Milada Horáková, born in 1901, was a politician and member of the Czech National Socialist Party. During World War II, she had been a member of the resistance movement and arrested by the Gestapo, being sent to the concentration camp in Terezin. As a result of her trial in 1944, she was sentenced to eight years in prison and taken to Munich, where she survived to see the end of

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11 An example would be the sentencing of prosecutor Ludmila Brožová-Polednová, who convicted a number of figures including Milada Horáková, to six years in prison. As a result of a presidential pardon, she was released early from her sentence.

12 Michael Kraus, 'Dvacet pět let tranziční spravedlnosti a vyrovnávání se s minulostí ve střední a východní Evropě,' in Radka Šustrová, Lubomíra Hédlová, eds, *Česká paměť. Národ, dějiny a místapaměti* (Praha: Academia 2014), 128.

13 Ukielski, 'Czeskie rozliczenia z komunizmem po 1989 roku. Rozwiązania prawne i instytucjonalne,' 4.

14 Jerzy Tomaszewski, *Czechosłowacja* (Warszawa: Trio 1997), 253.

the war. However, after 1948 she criticized the undemocratic tendencies of the Communist Party and found herself in trouble with another totalitarian regime.

During her 1950 show trial, 12 people were tried alongside her. Four of them, including Milada Horáková as the main accused, were sentenced to death on charges of participating in a terrorist plot against the Republic. The condemned woman did not ask the president for a pardon, and the protests of globally renowned figures were also to no avail (Albert Einstein, Bertrand Russell and Winston Churchill, among others, appealed for clemency).<sup>15</sup>

Horáková was executed by hanging on 27 June 1950 and was the only woman sentenced to death during the communist period. The date 27 June is celebrated as the Day of Remembrance for the Victims of the Communist Regime.<sup>16</sup> The court's verdict was overturned in 1958 as part of the post-Stalinist thaw; she was rehabilitated in 1990, after the fall of communism. Horáková is undoubtedly one of the most famous symbols of the struggle against the communist regime, and the commemoration of the day of her death also became symbolic throughout the entire period spanning 1945–1989.

These commemorations also took place in public spaces. One of the main streets in Prague, located on the left bank of the Vltava River, leading over the Letná hill and adjacent to Hradčany, is named after her. The commemoration of her memory can also be seen in many other places. The Horáková monument is located in Prague's Pětikostelní Square, alongside the House of Deputies, the lower chamber of parliament. Such forms of remembering and commemoration have been going on since the mid-1990s. In 2017, she was the subject of the film 'Milada,' directed by David Mrnka and a symbolic grave for Horáková is located in the Vyšehrad cemetery in Prague, as her burnt remains were never found.

During the period in Czechoslovakia between 1948–1960, 240 people were sentenced to death for political reasons, with 90 % of them taking place before 1953. The number of people imprisoned for these reasons is estimated at between 200,000–250,000.<sup>17</sup> people.

## The Prague Spring

The Prague Spring (*Pražské jaro*) was a delayed reaction to the version of communism that had been in force in Czechoslovakia in the 1950s and 1960s. In

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15 Jan Rychlík, *Československo v období socialismu 1945–1989* (Praha: Vyšehrad 2020), 127.

16 27. 6. 1950 poprava Milady Horákové, <<https://icv.vlada.cz/cz/tema/27-6-1950-poprava-milady-horakove-73945/tmplid-560/>>, accessed 22 July 2021.

17 Rychlík, *Československo v období socialismu 1945–1989*, 131.





**Figure 1.** The symbolic grave of Milada Horáková in the Vyšehrad cemetery in Prague.  
Source: Author's Own Photo

contrast to other socialist countries, the group of politicians in power after the death of Gottwald in 1953 had managed to avoid a crisis related to the criticism of the cult of the individual and the party's conduct in the period after 1948 (one marked by intensified political trials). There were also no expressive figures (such as Gomułka in Poland in 1956) who were able to lead the party and give it a new face. Antonín Novotný, the First Secretary of the Communist Party of Czechoslovakia, was certainly not such a figure.

This state of affairs could not last forever, and the changes took place at the turn of 1967 and 1968, when Novotny was succeeded by a Slovak, Aleksander Dubček, and the party started working on a new program. The thaw in science and literature became discernible, and books that could not be printed before due to censorship saw the light of day.

The thaw, the political 'spring,' was focused on, inter alia, reviewing the earlier political trials and the rehabilitation of innocent convicts. On the other hand, thinking about the future, it also presented a program for the democratization of political, social and economic life – known as socialism with a human face. While it might have been possible inside the country, external factors and parties

became increasingly concerned about it. On the night of 20–21 August 1968, as part of Operation Danube, the armed forces of the USSR, Poland, East Germany, Hungary and Bulgaria crossed the borders of Czechoslovakia in order to – as it was referred to – prevent a counter-revolution in the socialist camp. As a consequence of these events, Gustav Husák became the leader of the Communist Party, the announced reforms did not take place, and Czechoslovakia plunged into the stagnation of the so-called standardization period, supervised by the presence of the Soviet Army. The intervention resulted in over 70 deaths and around 700 Czechoslovak civilians being injured.<sup>18</sup>

The Prague Spring also infiltrated the world of culture and sport, as it was referred to in this field as well. One of Milan Kundera's most famous novels, 'The Unbearable Lightness of Being,' tells the story of Prague intellectuals after the Prague Spring. In turn, Jaromír Jágr, a most famous Czech hockey player and five-time participant of the Olympic Games, made no secret of the fact that it was no coincidence that he wore a shirt with the number 68 during his club career, even when playing for the Russian club Avangard Omsk. Can one imagine better references to these tragic events in the extra-political sphere?

The Prague Spring is primarily commemorated in the Czech Republic as an uprising aimed at reforming the political system; a drive which failed mainly due to outside intervention. The memory of this event is still alive, as public opinion polls seem to prove. Forty years after August 1968, the CVVM Public Opinion Research Center conducted a survey on the event. In 2008, almost half of the respondents felt well informed about this event, although the younger the respondents, the worse was their knowledge in this regard, which might indicate a deficit of this topic, at least at the level of school education. Three-fourths of the respondents agreed with the statement that these events were aimed at the democratization of the system and for 55 % the lifting of censorship was of key importance. For 81 % of respondents, the highest authorities of the Soviet Union had the greatest impact on the intervention of the Warsaw Pact troops in Czechoslovakia, while three-fifths indicated the authorities of the Communist Party and neighbouring countries in this regard. Interestingly, almost 60 % of the respondents believed that the media of the time had the greatest impact on initiating changes to democratize the system. This may indicate that people actually believed that there had been a genuine chance to change the system. According

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18 Rychlík, *Československo v období socialismu 1945–1989*, 234.

to the respondents, the need to remember 1968 stems mainly from the fact that it was an important event in the life of the Czech nation.<sup>19</sup>

A consequence of this memory are also the numerous forms of its commemoration, not only in the Czech Republic, but also those to be found abroad.<sup>20</sup> In the public space of Prague, an example can be found in the numerous plaques commemorating the specific events that happened in certain places in the capital. This is the case, for example, of the Czech Radio building (Figure 2),<sup>21</sup> which played an important role in the ‘fight for information’ in August 1968.<sup>22</sup>

## Jan Palach

An emblematic figure of the events of 1968 is Jan Palach. In January 1969, as a student at Charles University in Prague, he set himself on fire in Wenceslas Square in protest against the Soviet intervention. He died after three days in hospital, and his funeral at the Olszański cemetery was attended by thousands, becoming a powerful symbol of protest against the presence of Soviet troops in Czechoslovakia.<sup>23</sup> He has subsequently occupied a prominent place in Czech historical politics, with his sacrifice being remembered in the form of numerous monuments and commemorative plaques – this is very much an ongoing process. One of the most recent steps in this respect was the opening of a memorial site dedicated to him in Všetaty near Prague in October 2019. The site is located in his family home which was bought by the National Museum. It contains an exhibition which presents the broader context of the events, and its aim is to construct a narrative about the fate of both Palach and Czechoslovakia during the

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19 CVVM (2008). *Občané o Pražském jaru a srpnu 1968*, <<https://cvvm.soc.cas.cz/tiskove-zpravy/politicke/politicke-ostatni/797-obane-o-praskem-jaru-a-srpnu-1968>>, accessed 20 July 2021.

20 Markéta Devátá, ‘Paměť pražského jara v českém veřejném prostoru podest let poté’ *Soudobé dějiny*, 4/26 (2019).

21 *Vinohradská třída v srpnu '68 a boj o vysílání rozhlasu. Cizí vojáci měli ovládnout informační kanály*, <<https://radiozurnal.rozhlas.cz/vinohradska-trida-v-srpnu-68-a-boj-o-vysilani-rozhlasu-cizi-vojaci-meli-7584803>>, accessed 25 June 2021.

22 The so-called battle for the radio, which took place on August 21, 1968, became a symbol of the resistance of the inhabitants of Prague against their occupiers. As a result of the clashes which took place near the radio building, after six Soviet tanks had been sent to seize control of the station, 17 unarmed residents of Prague perished.

23 As a result, the body of Palach was exhumed and moved to his family home of Všetaty, to avoid it becoming a site of memory. His body was returned to the Olšany cemetery in 1990.



**Figure 2.** Plaque commemorating the events of the Prague Spring on the Czech Radio Building, Vinohradská Street.

Source: Author's Own Photo

period.<sup>24</sup> Another memorial site – the building of the National Museum where Palach set fire to himself – is the official place used to mark and commemorate this event, with annual ceremonies held with the participation of the authorities at various levels.

Naturally, all of these examples of commemoration took place after the fall of communism since it had been impossible earlier. However, after his tragic death, the residents of Prague began to call the square near the Faculty of Philosophy (where he had studied) after Palach, despite it officially being called Red Army Square. Linking places to the figure of Palach is common in the Czech Republic,<sup>25</sup> not only in the capital city, but also in many other places, including those with which he had no relationship.<sup>26</sup>

24 Agata Tatarenko, 'Jan Palach w czeskiej polityce historycznej: miejsce pamięci we Všetatech,' *Komentarze IEŚ*, 72 (2019).

25 Sites of memory devoted to Palach can be found in Bohumín, Brno, Břeclav, Hradec Králové, Chomutov, Liberec and Most.

26 Agata Tatarenko, 'Relikty komunizmu: polityka historyczna wobec materialnego dziedzictwa sowieckiego w Republice Czeskiej,' *Prace Instytutu Europy Środkowej*, 1 (2019), 25–26.

It would be difficult to formulate the thesis that the Prague student's act epitomized the general attitude of Czech society towards communism. Rather, it was a single act of despair that became a symbol. Not for the first time, and probably not for the last, every historical event needs one person, the hero it is associated with, and it was no different in the case of Jan Palach.

## The memory of a shared state and its downfall

Czechoslovakia, as mentioned earlier, disappeared from the European political map at the end of 1992. Was it inevitable? This is a thorny and difficult question to answer. Undoubtedly, however, the memory of the common state of the Czechs and Slovaks remains a source of dispute to this day. This was not only the case in Czech society, given that it has also been a controversial topic among various political actors since the fall of communism. Paradoxically, there was a consensus that the future society should be defined and shaped by the rejection of communism, yet at the same time communists were invited to the talks about the future of the Czech state.<sup>27</sup>

Almost 30 years have passed since the common state was carved up, and it is difficult to recognize that this remains the most important topic for Czech society. There was never a referendum on a possible split, although President Havel certainly put forward such a proposal.<sup>28</sup> If it had taken place, the division would not have come about, since it was considered an idea of the political elite rather than 'ordinary people.' The fact that a referendum was not held on this subject is viewed negatively by the public and, from the perspective of the past 25 years, the respondents were strongly divided in the assessment of whether the creation of an independent Czech Republic was a good move. Almost half believed that there were good and bad consequences stemming from this decision.<sup>29</sup> Interestingly, the Czechs recognize that the Slovaks (38 to 11 %

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27 Michal Kopeček, 'Von der Geschichtspolitik zur Erinnerung als politischer Sprache. Der tschechische Umgang mit der kommunistischen Vergangenheit nach 1989,' in Etienne Francois, Kornelia Kończal, Robert Traba, Stefan Troebst, eds, *Geschichtspolitik in Europa seit 1989. Deutschland, Frankreich und Polen im internationalen Vergleich*, (Göttingen: WallsteinVerlag, 2013), 356–358.

28 Marek Bankowicz, *Zlikwidowane państwo. Ze studiów nad polityką Czechosłowacji*, (Kraków: Wydawnictwo UJ, 2003), 107.

29 CVVM (2017). *Rozdělení Československa: 25 let od vzniku samostatné ČR a SR*, <<https://cvvm.soc.cas.cz/cz/tiskove-zpravy/politicke/politicke-ostatni/4468-rozdeleni-ceskoslovenska-25-let-od-vzniku-samostatne-cr-a-sr>>, accessed 27 July 2021.

of respondents) contributed to the disintegration of the state to a greater extent, and that they themselves contributed economically to the Slovak part of the state – such an opinion was expressed by 41 % of people.<sup>30</sup>

The latter opinion is the most often quoted because this is how the Czechs understand the functioning of Czechoslovakia in the post-war period. This was due to the fact that the Czech part was undoubtedly more economically developed, in contrast to the Slovak part. Many public opinion polls indicate that, according to the respondents, the desire for division by Slovaks is classified as one of the main reasons for the disintegration, next to the behaviour of politicians, and that, in fact, from both parts of the common state entity.

Referring to the memory of the functioning of Czechoslovakia in the years 1945–1992, it is worth bearing in mind that for the Czechs it was never a point of reference when it comes to building their state independence after the partition, which is hardly surprising. This point was the so-called The First Republic which was established as a result of World War I. Its creation is considered to be the most important event in Czech history during the twentieth and twenty-first centuries.

## Other examples

The public sphere was (and still is) an area which also shows the attitude of the public towards the recent past. Both the central and local authorities take part in the process of creating references to communism or decommunizing it. Bottom-up, spontaneous, social initiatives are also important.

One of the first examples of grassroots decommunization, clearly showing a negative memory of communist rule, was the reference to the monument to Lenin and Stalin in Olomouc. It was built in the years 1949–1955. In February 1989, before the system of real socialism collapsed, the monument was splashed with red paint. During a student happening, Stalin's hands were painted in this colour. Finally, in January 1990, the monument was removed, and the city authorities handed it over to the local museum as a donation years later. Currently, there is a parking lot in its place and the whole square has been renamed after... Jan Palach.<sup>31</sup>

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30 CVVM (2012). *Rozdělení Československa: 20 let od vzniku samostatné ČR a SR*, <[https://cvvm.soc.cas.cz/media/com\\_form2content/documents/c2/a4464/f9/po171205.pdf](https://cvvm.soc.cas.cz/media/com_form2content/documents/c2/a4464/f9/po171205.pdf)>, accessed 27 July 2021.

31 Agata Tatarenko, 'Relikty komunizmu: polityka historyczna wobec materialnego dziedzictwa sowieckiego w Republice Czeskiej,' 19–22.

The monument of Stalin in Prague on Letná hill, unveiled in 1955, was removed much faster. Stalin, surrounded by figures representing Soviet and Czechoslovak workers, intellectuals and soldiers, only survived until 1962, when the monument was blown up. It was a late expression of the changes taking place in the eastern camp after the criticism of the cult of personality of the Stalinist period during the 20th Congress of the Communist Party of the Soviet Union in February 1956.<sup>32</sup> For years, it was unclear how this space should be developed. It was only in 1991 that a gigantic metronome was set up on the site of the former monument, the pendulum of which indicates the passing of time. The object has a clearly neutral character, which was the goal of the originators, and the metronome has become one of the new symbols of the Czech capital.

Finally, mention should be made of the presence of the Red Army in Czechoslovakia and the role played by the Soviet Union in the history of the post-war state of the Czechs and Slovaks. Even a cursory glance at this issue, stemming from the author's personal observations, is at least two-fold. Firstly, unlike Poland, there were no major changes to the names of streets and squares after the fall of communism in the Czech Republic, no demolition or removal of monuments of the Soviet Army in its cemeteries or city outskirts. As a consequence, the names of these objects are still in use, clearly associated with the communist period, reminding about it, a phenomenon discernible in many places of the Republic. One can still see the streets of the Red Army (*Rudéarmády*): for example, in the villages of Karviná, Velké Losiny, Kostelec nad Orlicí, Rýmařov, Rousínov and many others, with monuments to the Red Army in Prague, Brno, Zábřeh, Šošůvka and others.<sup>33</sup> It is a widespread phenomenon, with many Czech towns being home to streets named after the 1 May (*1. května*) and the Czechoslovakian Army (*Československé armády*), and also being home to monuments dedicated to the memory of the latter.

An example of still discernible disputes over the interpretation of the past was the dismantling of the monument to Marshal Koniev, who commanded during the final stages of the struggle for the liberation of Prague from German occupation in the spring of 1945. The monument, erected in 1980, survived four decades, was moved to the museum in 2020, which sparked protests from both the Russian authorities and the President of the Republic, Miloš Zeman, who was considered a Russophile. The decision to remove the monument was made

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32 Tatarenko, 'Relikty komunizmu: polityka historyczna wobec materialnego dziedzictwa sowieckiego w Republice Czeskiej,' 44–47.

33 [www.mapy.cz](http://www.mapy.cz), accessed 26 July 2021.

by the local authorities, which indicates that local government factors are trying to play an increasingly active role in the struggle for the memory of the communist period in Czechoslovakia.

Referring to the above-mentioned examples of the policy of 'de-sovietization' of public space in the Czech Republic, it is noteworthy that this process is probably still an ongoing one, and the assertion can even be ventured that the presence of certain monuments, street names and squares is not a major problem for Czech society as a whole.

## Conclusion

Undoubtedly, the Czechs have retained their memory of the communist period. After all, as in other Central European countries, it had a significant impact on the functioning of both the state and society. Legal and institutional settlements with the communist past were largely ineffective in the Czech Republic and quite limited due to the negative perception of this period in the history of the Czech Republic.

The memory of that period manifests itself primarily in relation to the most important events and those who took part in them. The Prague Spring, the most tragic event of the 1945–1968 period in Czechoslovakia, and the figures of Jan Palach and Milada Horáková come to the fore. The commemoration of these figures and events of 1968 is still very visible, and they often feature as reference points in Czech memory. The existence of names and symbols associated with the presence of the Soviet Army in Czechoslovakia, on the other hand, does not arouse any major negative emotions (except in individual cases immediately after the overthrow of communism and locally in more recent years). In practice, there is no record in the Czech Republic of a collective decree to rename all streets, squares, streets, etc and this practice is very different than, for example, the case in Poland.

Czechoslovakia has a special place in Czech memory – as a common state with the Slovak nation. Public opinion polls indicate that the Czech society has a negative opinion of the lack of a referendum on this matter and believes that the split itself – as a consequence of the emergence of two independent states – brought about as many gains as losses. It is worth remembering, however, that the point of reference after 1993 was the First Czechoslovak Republic, which had existed between 1918–1938.

To conclude, the Czechs regard their situation as being much better now than before November 1989. It should be noted, however, that these proportions have changed somewhat since 2009, and to the detriment of more modern times.



Respondents first and foremost appreciate the opportunity to move abroad for work, study, or travel and free access to information.<sup>34</sup> Only a very small minority of those questioned would be able to imagine the return of the communist system. It is undoubtedly the memory of post-war Czechoslovakia, passed down in a sense from generation to generation, which allows for the comparison of these two periods and their evaluation.

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Tadeusz Kopyś

# Memory of a difficult past in Hungary: The Holocaust and the Treaty of Trianon

**Abstract:** Historical memory has been an important tool in the creation of Hungarian national identity. Hungary, which underwent radical political and political changes several times in the twentieth century, was forced to redefine its policy of remembrance. After 1989, and upon becoming an independent country, it tried to come to terms with the difficult history of the twentieth century. This was no easy task, since two main political trends developed after 1989: the liberal-socialist and the conservative-national. It is the representatives of these two currents who have shaped the current politics of memory. There are a few difficult stains in the history of Hungary in the twentieth century, which are judged differently according to the person interpreting them. The most difficult events to interpret include the Treaty of Trianon, the extermination of the Jews during World War II, and the evaluation of the activities of Miklós Horthy, János Kádár and Imre Nagy.

**Keywords:** politics of memory, the Holocaust, the Treaty of Trianon (1920), museums in Hungary

*Who controls the past controls the future;  
who controls the present controls the past.*

– George Orwell, 1984

*Memoria est thesaurus omnium rerum et custos*

– Ciceron

## Introduction

Historical memory in Hungary is often associated with national upheavals and atrocities suffered by the Hungarian people. From the Battle of Mohács until the beginning of the 20th century, or even until 1989, Hungarian lands were under foreign occupation or were to some extent dependent on foreign powers. Consequently, after 1989, Hungarians constructed their own image, at the heart of which was the notion that the nation has been a victim of oppression for many decades. At the same time, the myths of the heroes played an important role in building Hungarian national identity. Hungarian resistance to the forcibly imposed rule of powers such as Turkey in the sixteenth century, Habsburg Austria, Germany and the USSR in the following centuries is also remembered.

Heroes and martyrs such as Ferenc Rákóczi, János Hunyadi, Miklós Zrínyi and Lajos Kossuth are of particular importance in the national memory of Hungary.<sup>1</sup> In the twentieth century, Hungary survived the brutality of two totalitarian regimes and the historical memory acquired a new meaning after the political transformation in 1989. Quite simply, after the forced absence of the politics of memory under communism, the memory of the nation's past exploded like a bomb in 1989.<sup>2</sup> A special place in the national memory of Hungarians in the twentieth century is the Treaty of Trianon, the suppressed revolution in 1956, the extermination of Jews and the period of communist dictatorship. These four major events are related to other minor events and require a new evaluation and new (post-1989) interpretation. In Hungary, historical memory is also an element of the legitimacy of the authorities. As early as 1989, the revolution of 1956 became the source of the legitimacy of the new, emerging system. In 1989, Imre Pozsgay, Hungarian Minister of State mentioned the revolution of 1956, describing it as a 'universal uprising' and not as a 'counter-revolution' as the communists had so far described these events. As a consequence of an ambiguous interpretation of various facts and events, from the mid-1980s to the present day, we are essentially faced with at least two visions of Hungarian history after 1920. The opposition figure István Eörsi described the period of the Kadarist dictatorship as 'the twentieth-century period of the Bach regime.'<sup>3</sup> The reasons for the Treaty of Trianon, Hungary's participation in the war on the side of the Third Reich and its participation in the extermination of Jews are also interpreted ambiguously.

During the anniversary of the revolution in October 1992, Árpád Göncz (a participant in the 1956 revolution) was described by socialists and liberals as a right-wing extremist. Ideological disputes also arose at the funeral of Miklós Horthy on 4 September 1993. The Horthy period was gradually 'reclaimed,' especially since the first government of Viktor Orbán. On 23 October 2002, as the

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- 1 Arpad von Klimo, 'Die Bedeutung von 1848/49 für die politische Kultur Ungarns' in Helgard Frohlich, Margarete Grandner, Michael Weinzierl, eds, *1848 im europäischen Kontext* (Wien: Turia und Kant Verlag, 1999), 212–214.
  - 2 Andrea Pető, 'Hungary 70. Nonremembering the Holocaust in Hungary,' *Culture & History Digital Journal*, 3 (2)/2012, <<http://dx.doi.org/10.3989/chdj.2014.016>>, accessed 3 June 2020.
  - 3 The absolutist phase of Austrian rule in Hungary following the suppression of the revolution in 1848. For more, See: András Bozóki, 'The Independent Historical Memory of the Hungarian Democratic Opposition,' Peter Jašek ed., *Anti-Communist Resistance in Central and Eastern Europe* (Bratislava: Ústav pamäti národa, 2012), 220–262.

leader of the opposition, he criticized socialist ideology and stated that Hungary in the interwar period, with its problems, was a decent Central European country.

The purpose of this text is to define the policy of memory of Hungarian governments in relation to the greatest events in the twentieth century history of this country: the Treaty of Trianon, the memory of communism and the 1956 revolution, but above all the memory of the extermination of the Jews. The Hungarian chapter of the Holocaust is not only the greatest tragedy in the history of Hungarian Jews, but also the darkest chapter in Hungarian history. The most glorious period in the history of Hungarian Jews is the second half of the nineteenth century. However, as a result of the nationalist policy of the Hungarian government, hundreds of thousands of people were murdered in the final phase of World War II. They were all Hungarian citizens, attached to the country in which they lived, and they proudly defined themselves as ‘Hungarians of the faith of Moses.’

### Memory of national trauma

As early as the mid-1980s, under the communist dictatorship, discussions about Hungarian society and the landmark events in the country’s history sprang up in opposition circles. At a meeting of dissidents in Monor in 1985, the opposition figure István Csurka assessed them as follows: ‘Today’s Hungarian society is bad, one-sided, intuitive, but at the same time it is an effective and pragmatic society in many respects.’<sup>4</sup> Forced to comply with the authorities (a compromise with the authorities), society and the state were known as the happiest barracks in the Eastern Bloc. However, if we evaluate the attitude of Hungarian communists towards the Hungarian revolution, the memory – as István Csurka said – of this event was sentenced to death. National memory after 1956 resembled a vessel into which everything was thrown: blood, heroic death, workers’ councils, the one-week-long ecstasy of revolutionary freedom, the humiliation of the imprisoned. However, all of this was chained up in a fetter called: forget and listen!<sup>5</sup> After 1990, apart from Csurka, another politician (before 1989, an opposition activist), Sándor Csoóri, believed that liberal Hungarian Jewry wanted to ‘assimilate’ Hungarians who were attached to tradition to their values and social order. Csoóri recalled that the anti-Jewish campaign of the Horthy era was caused by the threat posed by the Jews to the Christian community in Hungary. Thus,

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4 István Csurka, ‘Új magyar önépítés’ in János M. Rainer, ed., *A monori tanácskozás jegyzőkönyve, 1985. június 14–16*, (Budapest: Magyar Fórum, 2005), 25.

5 Csurka, ‘Új magyar önépítés,’ 28.

the debate on the Jewish question in the early 1990s was shallow and limited to raising the role played by the secretary of the Swedish embassy in Budapest, Raoul Wallenberg, in saving Jews in Hungary.

In 1998, Fidesz came to power for the first time, and this 'marked a major shift in memory policy.'<sup>6</sup> The party was very keen to present itself as a staunchly anti-communist and pro-European conservative party. The party placed great emphasis on the claim that the communist period was a painful past that should be rejected as a whole. The remnants of this past had to be completely erased, both in terms of ideological values and specific symbols such as monuments, buildings, and street names. There was a new social need to end quickly this long period of 'collective amnesia' with respect to 1956, mainly because after 1989 the revolution served the authorities as an element of legitimacy and therefore could not be erased from history. After 2010, the significance of the regime's systemic transformation has been relativized in order to combine the 2010 elections won by Fidesz with the rebuilding of the national history, thus restoring the nation to its true destiny and giving the history of Hungary its true historical direction.

The problem of the Treaty of Trianon also continues to divide Hungarian politicians. Of course, most of the Hungarian political scene has long ago come to terms with the loss of the historic state in the pre-1920 borders. Yet discussions on Trianon emerge in Hungary very often in the context of current inter-party struggles, mainly between Fidesz and left-wing and liberal parties. In October 2011, one of the Hungarian deputy ministers stated that the country would only defeat its external enemies if it removed itself of the enemies and traitors operating inside the country. We should not allow the country to be headed by personalities such as Mihály Károlyi and Béla Linder (in 1919, they handed over power to socialists and communists).<sup>7</sup> Does Trianon still have a chance to appear in Hungarian politics? Certainly, this will only be a political fuel for extreme parties such as the Hungarian Justice and Life Party in the 1990s and Jobbik in recent years. But some opposition to the ruling Fidesz believes that granting Magyar citizenship to Hungarians in neighbouring countries effectively undermines the foundations of the 1920 treaty. Moreover, the aforementioned act and the reconstruction of Freedom Square in Budapest are obvious proof

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6 'Constructing a new past in Hungary,' <<https://neweasterneurope.eu/2017/07/12/constructing-a-new-past-in-hungary-2/>>, accessed 8 June 2020.

7 Gábor Gyáni, 'A magyar 'emlékezet helyei' és a traumatikus múlt,' Gyáni's presented his paper at the conference entitled *Loci Memoriae Hungaricae* in November 2011 in Debreczyn.

of the coexistence of two concepts of memory and the fact that the country was divided into liberal Budapest and a national-people's province.<sup>8</sup> This does not mean that historical memory was not manipulated during the socialist rule after 1989 (they were in power between 1994–1998 and 2002–2010). Under Gyula Horn's government, numerous laws and government regulations made it practically impossible to research Holocaust-related archives. Provisions on the protection of personal data, partially protecting the families of those responsible for crimes against Jews, also had the additional effect of limiting research related to the Holocaust, the activities of academics in general, and of foreigners in particular (e.g. Government Decree No. 118 of 1998). In the international arena, however, the left-wing governments were somehow able to deal with a difficult past. In 1994, Gyula Horn stated that the Holocaust was only possible thanks to the cooperation of many Hungarians and Hungarian institutions with Hungarian fascists. In May 2005, during a ceremony in Oświęcim, the Hungarian Prime Minister Ferenc Gyurcsány apologized for the crimes committed against Jews during the war.<sup>9</sup>

Left-liberal discourse predominated in Hungary until practically 2010, except for a brief episode of right-wing rule in the early 1990s and center-right rule during Orbán's first government. On 13 June 2000 (during the rule of the right-wing-centre coalition led by Fidesz), the Hungarian parliament declared 25 February as a day of remembrance for the victims of the communist dictatorship. After 2010, one can observe a consistent rejection of the left-liberal narrative by the Fidesz party. It should be noted that Fidesz, which started out as a party with a clearly anti-communist narrative, in 1989–93 combined radical anti-communism with a liberal-democratic vision of politics. In 1998, when Viktor Orbán became prime minister for the first time, the liberal-democratic narrative was minimized, and the concept of the 'citizen' found an important place in Fidesz's rhetoric for the first time. The concept functioned not so much in the sense of a citizen aware of her civil rights, but as a counterpoint to socialism and liberalism. Hence the leaders of Fidesz are supporters of communitarianism, which emphasizes the importance and value of communities in human social life. The 'citizen' in this discourse is obviously understood as a

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8 Kristian Gerner, 'Between the Holocaust and Trianon — Historical Culture in Hungary,' in Martin L. Davies, Claus-Christian W. Szejnmann, eds, *How the Holocaust Looks Now: International Perspectives* (New York: Palgrave Macmillan, 2007), 101–102.

9 XIV Marsz Żywych, <<http://auschwitz.org/muzeum/aktualnosci/xiv-marsz-zywych,81.html>>, accessed 2 June 2020.

counterpoint to the 'subject' of the communist regime. The Hungarian version of communitarianism entailed the rejection of the recent past and had a limited historical scope (although it sought to legitimise the Horthy period).<sup>10</sup> Orbán's party, however, needed a 'new memory' upon which it could build a historical community. This is clearly indicated by the number of anniversaries it has introduced: for example, the celebration of the millennium of Hungarian statehood in 2000, the anniversary of the Treaty of Trianon in 2010 and in 2020.<sup>11</sup>

### **The Holocaust and the Treaty of Trianon: The policy of national memory**

In recent years, the memory of the Treaty of Trianon has competed with that of the Holocaust, although most prefer the narrative that Hungary was primarily a victim of Nazism. This 'collective neurosis' does not allow the country to settle accounts with its past and nor does lead to the establishment of a permanent, relatively coherent national identity. This, in turn, creates a polarization of Hungarian society, with a significant advantage in favour of the vision of history advocated by those in Prime Minister Orbán's milieu. However, Orbán's rule does not have a coherent ideology and is rather based on aggressive propaganda directed against adversaries (e.g. in the case of Soros). Moreover, the regime's pompous ethno-nationalism seems unusual in the European Union, the core values of which the Prime Minister is now blatantly ignoring. This ethno-nationalism seeks to rebuild national pride and unity while confronting its difficult historical memory. The Hungarian right wing wishes to present the provisions of the Treaty of Trianon as a national trauma, one fuelling an enduring

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- 10 A fundamental issue related to the Holocaust is the question of the responsibility of individual Hungarian governments and there is an ongoing debate among the general public and historians about the role of the Hungarian regent, Miklós Horthy. The regent's assessment changed after 1989. The first Horthy monument, unveiled in 2012 in the provinces of the country, was covered with red paint a few days later and the guilty party was sentenced to 180 days of community service. On the 75th anniversary of the first Vienna arbitration (autumn 1938), a bust of Horthy was unveiled in Budapest. Opponents came to the unveiling in clothes marked with a yellow star. They were greeted with shouts of 'Get out to Israel, Brussels or get lost in the Danube!' (the latter was an allusion to the execution of Jews in January 1945 and their bodies being thrown into the Danube). See: Zsuzsanna Agora, *Holocaust Remembrance in Hungary after the Fall of Communism* (Liverpool: Liverpool University Press, 2019), 431–436.
- 11 Balázs Trencsényi, 'Beyond Liminality? The Kulturkampf of the Early 2000s in East Central Europe,' *Boundary*, 2/1 (2014), 142–144.



longing for the lost unity of the border Hungarian community. In addition, pro-Fidesz research institutes are trying to present the collapse of the historic state as the greatest tragedy in Hungary's history (more severe than the Holocaust) and to focus on answering the question: did Hungarians defend themselves against the totalitarian regimes of the twentieth century?

The building at ul. Andrássy No. 60 in Budapest occupies a unique place in the historical memory of Hungarians. It is a tenement house which has had significance for Hungarian of different generations, since it was there that the Arrow Cross Party was based at the end of World War II, and from 1948 it was the seat of the secret security police (ÁVH). Until 1989, it also housed the communist secret police. In 2002, the Orbán government established a museum in the house known as the House of Terror (Terror Háza). Liberal and socialist circles criticized the idea of the creation of this museum because the exhibitions at the House of Terror focused on the 'double occupation' of Hungary (the German occupation in 1944–45 and the Soviet occupation after 1945) and the 1956 revolution, devoting little space to the Holocaust.<sup>12</sup> The fact is that after 1945 those directly responsible for the extermination of the Jews were punished, but the thousands of nameless participants in the genocide were not publicly condemned. There were even voices from critics who referred to the House of Terror as the House of Reconciliation because they believed that the museum not only fails to present historical truth, but also tries to reconcile several levels of memory, which could lead to serious imbalances and discrepancies in the assessment of Hungarian history on the international and domestic levels. The House of Terror was seen as an attempt to create the impression that the Jews and Hungarians were united by sympathy and love. Hungarian intellectuals, historians and representatives of Jewish organizations involved in the creation of this museum were to serve as supporting but important actors, legitimizing the policy of memory created for the government. Scientific research after 2010 is also distorted in such a way as to fulfil the mission that the Hungarian government has set for them. In early 2014, one of the biggest scandals occurred when Sándor Szákaly, the director of the government's Veritas Historical Institute (Veritas Történetkutató Intézet és Levéltár), stated that the deportation of 10,000 Jews from Hungary to Transcarpathian Ruthenia in 1941 was a 'police action

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12 It was only after 1989 that the first documentary films appeared in Hungary on this topic, publishing the accounts and stories of the Jewish experiences of the Holocaust in Hungary.

against foreigners' because only people who did not have Hungarian citizenship were deported.

In 1998–2002, i.e. during the rule of Fidesz, Horthy's role in the atrocities endured by the Hungarian people before and during World War II was minimized, with the Hungarian fascist party blamed to a large extent, and crimes committed during the communist period were presented as being equal, if not greater, than the crimes committed during the Holocaust.<sup>13</sup> At the same time, especially in right-wing politics, there was a tendency to rehabilitate Horthy and his rule, to externalize responsibility for the crimes against Jews, and to 'heroize' and highlight the persecution of the Hungarian population.<sup>14</sup>

The assessment of the tragedy of Hungarian Jews did not change even after 1989. Prime Minister József Antall, in his speech during the unveiling of the monument dedicated to the victims of the Holocaust in the former ghetto in Budapest, referred to the extermination, but at the same time emphasized that 'it is not everyone's fault [the Holocaust in Hungary]'. Antall stated that Hungary was 'an oasis into which hundreds of thousands of Jews were arriving' and that they were able to live there in peace until the German invasion of Hungary. He did not want to blame the extermination of the Jews on the Catholic elite of Hungary before 1945, because he wanted Catholicism to be the main pillar of the new, democratic political order. Prime Minister Antall's reasoning was based on the fact that until March 1944 the large Jewish community in Hungary was able to live in relative safety. Antall not only ignored the various laws and regulations that gradually marginalized people of Jewish origin in Hungarian social life after 1920, and the fact that they were subject to persecution and deportation even before 1944.<sup>15</sup> The House of Terror was established as a museum in the face of the upcoming parliamentary elections to mobilize voters. The advisor

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13 Kristian Gerner, 'Between the Holocaust and Trianon: Historical Culture in Hungary,' in Martin L. Davies, and Claus-Christian W. Szejnmann, eds, *How the Holocaust Looks Now: International Perspectives*, (New York: Palgrave Macmillan, 2007), 102–104.

14 Regina Fritz, 'Gesplattene Erinnerung. Museale Darstellungen des Holocaust in Ungarn,' in Regina Fritz, Carola Sachse, Edgar Wolfrum, eds, *Nationen und ihre Selbstbilder. Postdiktatorische Gesellschaften in Europa*, 'Postdictatorial Societies in Europe' (Göttingen: Wallstein Verlag, 2008), 128–148.

15 During one of his appearances on the 5 April 1994, Gézy Jeszenszky compared the Holocaust with the repression of Hungarian society between 1848–1961, which led to his speech being cut short by the audience. See: Gerhard Seewann, Éva Kovács, 'Juden und Holocaust in der ungarischen Erinnerungskultur seit 1945,' *Südosteuropa*, 1 (2006), 54.

to Prime Minister Orbán, Maria Schmidt, responsible for the substantive side of the museum, was criticized for the museum's policy of memory. In one statement for the *New York Times*, she said that everything in history is related to politics.<sup>16</sup> Relativization and generalization of the extermination of Jews can be noticed in comparisons to the tragic events in the history of Hungary in the twentieth century, for example to the tragic Treaty of Trianon and the extermination of the Second Hungarian Army on the Don in Russia, which fought against the Red Army. Most importantly, after 1989, for many years in the textbooks used in junior high schools, there was no mention of Hungarians participating in the Holocaust. The textbook for junior high school students briefly mentioned Stalinist and Japanese crimes, without referring to what happened in Hungary in 1944.<sup>17</sup>

In 2008, the historian Gábor Gyáni made a number of critical remarks on the state of Holocaust research. He claimed that such studies were practically non-existent, and this thesis met with a retort and sparked a debate. Researchers disagreeing with Gyáni claimed that several important studies had been published since 2010, including the very important English monograph *The Holocaust in Hungary: Evolution of a Genocide*.<sup>18</sup> A monograph by Krisztián Ungváry, one of the most famous Hungarian historians, on Hungarian anti-Semitism, had also been published, and a generation of Holocaust researchers, such as István Pál Ádám, Ádám Gellért and Izabella Sulyok, had been produced. The celebration of the anniversary of the extermination of Hungarian Jews in 2014 showed that an attempt was made to commemorate the victims, however, without putting historical responsibility to the fore. Government circles established the Civic Fund in 2014, the purpose of which was to support research initiatives, but the fund itself, due to the fact that its separation depends on political institutions, is a tool shaping the national memory from the government level, and not from the scientific community. For this reason, some historians refused to use this support and launched the alternative and independent *Memento 70* platform on April 17, 2014, but the process of collecting funds for research by this initiative did not bring the desired amounts.

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16 Julia Creet, 'The House of Terror and the Holocaust Memorial Centre: Resentment and Melancholia in Post-89 Hungary,' *European Studies*, 30 (2013), 34.

17 Seewann, Kovács, 'Juden und Holocaust,' 56.

18 Zoltán Vági, László Csösz, and Gábor Kádár, eds, *The Holocaust in Hungary: Evolution of a Genocide* (Lanham: AltaMira Press, 2013), 67.

Tamás Ungvári recently explained that the forgetting of the Holocaust – or rather the relativization of the Holocaust as a possible national topos of memory – is closely linked to the concrete fate of the memory of the coexistence of Jews and Hungary. A controversial move undertaken by Viktor Orbán to shape this memory was the erection of a monument to the victims of the German invasion, unveiled in 2014 on the anniversary of the occupation of Hungary by the Wehrmacht (March 1944). It was an attempt to divert attention from the Holocaust and its focus on the Hungarian people as victims. Today, in Budapest's Liberty Square, a giant dark German bronze eagle can be seen attacking the archangel Gabriel, symbolizing Hungary.<sup>19</sup> This monument was erected on the seventieth anniversary of the deportation of Jews and was unveiled in 2014 (known as the Monument to the Victims of the German Occupation in 1944). It does not pay tribute to the Jewish population in the country or express regret for the complicity of the Hungarian government in the deportations. At the entrance to a nearby Calvinist church there is a bust of Horthy, whose reign before 1944 is clearly associated not only with the Holocaust, but also with the period of national sovereignty, which continues to impress centre-right politicians in power today. The installation in question led to an extensive, emotionally charged polemic. Critics of the Monument to the Victims of German Occupation saw this initiative as an attempt to visually present the thesis of the preamble to the new Hungarian basic law, according to which Hungary's sovereignty was said to have been interrupted on March 19, 1944, thus largely averting the Hungarian guilt for mass deportations and extermination. On the other hand, a small minority of intellectual supporters of this installation sought to force its interpretation as a monument dedicated to all Hungarian victims of the last, catastrophic year of World War II, which, while not only focusing on Jewish victims, would take them into account.<sup>20</sup>

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19 The monument was placed in Liberty Square under the cover of night. For the first few days it was protected by the police. In the next stage of protests against its installation, left-wing and liberal organizations set up a large mirror in front of it, symbolizing the need for Hungarians to engage in more self-reflection. Before the memorial was unveiled, only left-wing governments had been willing to make statements of responsibility. Prime Minister Orbán in 2014 (formerly Gyula Horn in 1994; Ferenc Gyurcsány in 2004) expressed the opinion that the state and political leaders of the Horthy era should 'be held accountable for cooperation both before human and divine judgment.'

20 Ferenc Laczó, 'Integrating Victims, Externalizing Guilt? Commemorating the Holocaust in Hungary in 2014,' *Cultures of History Forum*, <<https://digital.herder-institut.de/publications/frontdoor/index/index/searchtype/collection/id/16274/start/21/rows/100/docId/77>>, accessed 3 June 2020.

Following the criticism of the Hungarian policy of memory implemented through monuments and museums, the authorities of one of the universities in Budapest took an interesting initiative. This was launched in November 2014 and consisted of a monument being unveiled of a one-centimetre wide and 200-metres long tape. On it are recorded the 199 names of professors and students of the Loránd Eötvös University who lost their lives as a result of racist laws and repression against the Jewish community. This monument also does not define responsibility for the crimes, mentioning only the victims. Another initiative was taken by the Catholic University of Péter Pázmány, which introduced a compulsory subject for every student entitled *The Holocaust and its Commemoration*. The decision of the university authorities was met with protests from some students, who believed that the subject of the course did not correspond with the Catholic profile of the university.

There are two different Holocaust memorials in Budapest. In 2002, during the election campaign, the aforementioned House of Terror was opened, which, according to some researchers, was to serve as a centre that would prove that the Hungarian nation had experienced Nazism as painfully as the Jewish nation. The House of Terror equated left and right-wing totalitarianism,<sup>21</sup> placing the blame for the crimes at the end of the war on Szálasi's Arrow Cross party. As emphasized by Maria Schmidt, the director of the House of Terror, the institution tries to show terror in all its aspects. The House of Terror creates a historical narrative that portrays Hungarians as victims of both Nazism and communism. In this narrative, the communist terror lasts long after the fall of communism – one might even get the impression that it continues to this day.

The Holocaust Memorial Center (*Holocaust Emlékközpont*) was established in 2004 as a competing centre, but in a less prestigious part of the capital (compared to the House of Terror) on Páva Street. This officially proclaimed dichotomy of Holocaust memory follows the Orbán government's view that the suffering of Hungarians under communism should be equated with the suffering of Jews during the Holocaust.<sup>22</sup> Due to its peripheral location, the Holocaust Memorial Center has even been dubbed the 'underground garage of the Holocaust'<sup>23</sup> or

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21 The Hungarian Arrow Cross Party was in power from October 1944 until April 1945 while the communist regime lasted from 1948–1989.

22 Seewann, 'Juden und der Holocaust in der ungarischen Erinnerungskultur seit 1945,' 24–59.

23 Katja Köhr, *Die vielen Gesichter des Holocaust: Museale Repräsentationen* (Göttingen: V&R Press, 2012), 73.

an attempt to ghettoize the memory of the Holocaust in Hungary.<sup>24</sup> There were criticisms that the Hungarian authorities had nationalized the memory of the Holocaust by establishing the centre. The establishment of the above-mentioned institution in 2004 was also not accidental, as it was a gesture towards international organizations at the time of the country's accession to the European Union (the first permanent exhibition was organized there only a year later). According to its critics, Hungary was presented at the centre's exhibitions as a double victim of two totalitarian regimes, an isolated country that lost its independence and significant territories after 1920. The exhibitions in the centre build a narrative in which only the German Nazis should be blamed for the Holocaust.

The Holocaust Memorial Centre did not fulfil its mission due to its boycott by Jewish communities around the world and the same was true of the House of Terror. After the victorious elections in 2010, Fidesz politicians came up with the idea of establishing another museum called the House of Fates (*Sorsok Háza*). The leader of Fidesz tried not to confront various versions of national memory and to inhibit the escalation of anti-Semitic slogans. This alone was the success of the emerging new concept of historical memory. According to it, some Hungarian responsibility for Nazi crimes was acceptable, but only if it were formulated as follows: 'the Hungarian state is only responsible for not protecting its citizens,' but not for participating in the extermination itself. In addition to this, an important message of the concept was that Jews and Hungarians had all been in the same boat, shared the same fate, and were truly partners in all of this.<sup>25</sup>

Slomó Köves, one of the leading figures of the Congregation of Hungarian Jews, was won over by Orbán's policy of historical memory and the idea of building the House of Fates. According to some opinions, the leader of Fidesz 'nationalized' anti-Semitism, but he still used anti-Semitic slogans, e.g. in his campaign against Soros. The idea of building the House of Fate, which appeared in 2015, found many opponents in the world, e.g. in the leadership of the World Jewish Congress and just a few supporters (mainly in Hungarian Jewish circles). The misunderstanding was caused by the fact that the issue of responsibility for the murder of the Jews was not mentioned, and a large amount of space was given over to the extermination of innocent Jewish children. Were the adult victims of the

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24 From the article of Krisztián Ungváry in *Magyar Hírlap* from the 4 April 2004. See: Seewann, 'Juden und der Holocaust,' 57.

25 János Gadó, 'The Splendour and the Misery of the House of Fates,' <<https://www.cultures-of-history.uni-jena.de/debates/hungary/the-splendour-and-the-misery-of-the-house-of-fates/>>, accessed 3 June 2020.

Holocaust less innocent? – asked the opponents of the construction of the House of Fates.<sup>26</sup> Hence, the construction of the House of Fate stalled. Even the global contacts of Slomó Köves did not help. Köves himself and the Jewish community in Budapest even obtained very strong support from the Hungarian government, arguably as an attempt to balance its own campaign against Soros. Jewish media outlets around the world refused to attend the opening of the House of Fate as it had been proposed by the Hungarian government, and renowned Hungarian experts on the Holocaust refused to publicly endorse the project.

### The Treaty of Trianon in public memory

Since the loss at the Battle of Mohacs, the Hungarian nation has been perceived as a victim of oppression by various foreign powers. Tragedies can be perpetuated in national memory, thus building the strength of the identity and awareness of the victim, who must be kept alive in order to legitimize national resistance (such as resistance to the European Union in the twenty-first century).<sup>27</sup> The idea of the victimization of the nation revived in Hungary, especially in the early 1990s. In the story of collective suffering, the Jewish people were recognized as at most one victim group among many, and the victims of communism were brought to the fore. Immediately after the fall of communism, the Soviet occupation and the unsuccessful revolution of 1956 were considered to be the greatest traumas. The memory of the Treaty of Trianon also overshadowed the memory of World War I and became a metaphor for Hungarian suffering, at the same time overshadowing the extermination of the Jews. And suffering and trauma are important for shaping national memory, because trauma – according to Gábor Egry, a historian from the Hungarian Academy of Sciences – is the best tool for social and national mobilization.<sup>28</sup>

In 2012, the eminent historian Gábor Gyáni published an essay entitled *Trianon versus the Holocaust*.<sup>29</sup> In it, he concluded that the construction of the

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26 János Gadó, 'The Splendour and the Misery.'

27 Nicolas Pethes, Jens Ruchatz, *Gedächtnis und Erinnerung. Ein interdisziplinäres Lexikon* (Reinbek bei Hamburg: Rowohlt Verlag, 2001), 124.

28 Simone Benazzo, 'Not All the Past Needs To Be Used: Features of Fidesz's Politics of Memory,' <[https://content.sciendo.com/configurable/contentpage/journals\\$002fjnmplp\\$002f11\\$002f2\\$002farticle-p198.xml#j\\_jnmlp-2017-0009\\_fn\\_020\\_w2aab2b8c10b1b7b1ab1b3b5b1Aa](https://content.sciendo.com/configurable/contentpage/journals$002fjnmplp$002f11$002f2$002farticle-p198.xml#j_jnmlp-2017-0009_fn_020_w2aab2b8c10b1b7b1ab1b3b5b1Aa), 208–212>, accessed 14 June 2020.

29 Gábor Gyáni, 'Trianon versus holokausz,' *Élet és Irodalom* 32 (2012), <[es.hu/gyani\\_gabor;trianon\\_versus\\_holokausz;2012-08-09.html](http://es.hu/gyani_gabor;trianon_versus_holokausz;2012-08-09.html)>, accessed 8 June 2020.

Trianon trauma currently occupies a hegemonic position in Hungarian social memory and at the same time overshadows other themes of memory, including the memory of the Holocaust. Another researcher, Péter György, also turned against the ethnocentric, nationalist approach to the politics of memory.<sup>30</sup> The right-wing media ostentatiously welcomed the international successes of the Hungarian film *Son of Saul*, despite fearing that the publicity surrounding the film might cause Hungary to be associated with the responsibility for the extermination of the Jews.<sup>31</sup> This film shows the last stage of the extermination of Hungarian Jews, i.e. the work of a group of Jewish prisoners selected by the Germans to unload transports and burn the bodies. In this situation it is very difficult to answer the question of who was the perpetrator and who was the victim. The action takes place in KL Auschwitz, not in Hungary, the film presents the epilogue of the Hungarian Holocaust, which took place far away from Hungary, and thus, in a way, removes the responsibility for the extermination of the Jews.

In academic research after 1989, communism is gradually being pushed out of Hungary's memory. Several state-funded research institutions were established: for example, the Committee of National Remembrance and the Veritas Institute, where research is conducted on developing the narrative of this period in the sense of classical totalitarianism. This institution can be considered the quintessence of Fidesz's memory policy. There is also an element of relativism in this research. The People's Tribunals after 1945 are shown as part of the history of communist show trials in order to demonstrate that they were the forerunners of the communist trials for which Hungarian Jews were also responsible. Current historical memory seems to draw a lot from right-wing nationalism with a social face, striving for social reform. The basic premise of this program was that the nation is an organic being. Many ideological elements, but also some political elements of the present government, resemble the reforms that were adopted in the 1930s, for example in social policy, education, or the dominant corporatism.<sup>32</sup> This reflects the positive perception of the policy of the Hungarian governments

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30 Péter György, 'Trianon és holokauszt – A múlt jövője,' *Élet és Irodalom* (34) 2012, <[es.hu/gyorgy\\_peter;trianon\\_es\\_holokauszt\\_8211;\\_a\\_mult\\_jovoje;2012-08-23.html](https://es.hu/gyorgy_peter;trianon_es_holokauszt_8211;_a_mult_jovoje;2012-08-23.html)>, accessed 8 June 2020.

31 Dominik Héjj, 'Traktat z Trianon, czyli sto lat żalu i wykluczenia Węgiei. Zdrada Zachodu?' <<https://wiadomosci.dziennik.pl/historia/aktualnosc/artykuly/7732806,wegrytraktat-z-trianon-i-wojna-swiatowa-wykluczenie-zdrada-zachod.html>>, accessed 8 June 2020.

32 'Constructing a new past in Hungary,' <<https://neweasterneurope.eu/2017/07/12/constructing-a-new-past-in-hungary-2/>>, accessed 8 June 2020.



in the 1930s (including Gyula Gömbös, Pál Teleki). Another problem is the interpretation of the revolution (uprising) of the fall of 1956. The image presented by the institute of itself on the Internet makes it very clear that it is necessary to establish the historical truth. The government founded the institute with the 'clear aim of studying and reassessing historical research in the last 150 years, especially those historical events which have sparked much debate and never have been disputed over them.' The institute favours four main research topics: 1) Hungary as a dual state (1867–1918); 2) the Treaty of Trianon, 3) the interwar period and post-war history after 1945, and 4) research on resistance and opposition to the communist regime.<sup>33</sup>

The practical significance of Trianon in the life of modern Hungarians today is very dubious, but its effects are also being debated by historians.<sup>34</sup> It is certainly true the Treaty of Trianon influences the public discourse on nationality and democracy, and this was reflected in political gestures towards the Hungarian communities in Slovakia, Romania and Ukraine, as well as in Orbán's defiant approach to the EU. This way of thinking resulted in the introduction of the 2011 law granting citizenship to Hungarian-speaking descendants of citizens who lived in the area of the historic Crown of Hungarian before 1920. In one of his speeches in 2012, Prime Minister Orbán regarded the granting of Hungarian citizenship to representatives of the diaspora: 'Yes, now, more than 90 years after the Treaty of Trianon, we are able to return their nationality to hundreds of thousands of Hungarians through the cross-border consolidation of the nation.'<sup>35</sup> The psychological wounds caused by the Treaty of Trianon are also mentioned annually on National Unity Day. In state media, curricula or anniversary commemorations, Fidesz is portrayed as a representative of true Hungarians, the redeemer of the persecuted Magyars, and as a force capable of repairing the wrongs done to the nation.<sup>36</sup>

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33 Simone Benazzo, 'Not All the Past Needs To Be Used...', 216.

34 Gábor Egrý, 'A kisebbségi magyar identitás változásai a 20. Században,' *Múltunk*, 62/4 (2017), 78–108.

35 Viktor Orbán, 'Prime Minister Viktor Orbán's Speech in Budapest 23 October 2012,' <<http://accessibility.government.hu/en/prime-minister-s-office/the-prime-ministers-speeches/prime-minister-viktor-orban-s-speech-in-budapest-on-october-23>>, accessed 18 June 2020.

36 Michael Toomey, 'History, Nationalism and Democracy: Myth and Narrative in Viktor Orbán's 'Illiberal Hungary,' *New Perspectives. Interdisciplinary Journal of Central & East European Politics and International Relations*, 1 (2018), 97–99.

In Hungary, after the controversial and tremendously difficult to interpret events of the twentieth century, there was a need to highlight the bright spots in its history. A stain on the country's history was the executions of Serbs in Vojvodina in early 1942 and the disposal of the bodies of Jews in the Danube. The Hungarian Revolution became the first event in the twentieth century to confirm the attachment of the Hungarian society to the liberal values of the Western world. 1956 is also used as a narrative confirming Hungarians' love of freedom and liberty. After 2010, some researchers from the right-wing camp have refused to admit that Hungarians in 1956 supported the idea of giving socialism a human face. According to the historian Gábor Egrý, Fidesz and Jobbik are trying to create their own version of history, also striving to unite various far-right historians. Egrý describes this action as creating an alternative history and memory, a hybrid of conspiracy theory, eugenics, and nationalism.<sup>37</sup>

Elements of the national memory may distract us from more fundamental issues – corruption, for example – but, as Michael Toomey has pointed out, it also forms the basis of the 'myth' of Orbán. He appears in it as a national healer and saviour from economic and political instability, one who dares to challenge an external enemy, seeking liberation from the trauma of the Treaty of Trianon. This narrative also leads to social divisions in Hungary: into the national camp and the liberal-left-wing camp. The latter has its electorate mainly rooted in the capital and large cities. Meanwhile, as Toomey points out, the international pressure on the discourse of national resistance is making the critics of the Hungarian authorities in the EU *no lens volens* a reality of Fidesz myths, something which only serves to strengthen the party's grip on Hungarian society.<sup>38</sup>

In recent years (mainly after 2010), national memory has been thoroughly transformed. In the last few years, the more prestigious parts of Budapest have been restored to their pre-World War II appearance, and statues of figures related to socialist or communist ideology have been removed. The victim myth excludes any perspective of the perpetrator in relation to one's own nation – where everyone is treated as victims, and it is difficult to identify perpetrators. And since little Hungary has always been subject to the control of stronger powers, the ideologies proclaimed by those powers and their Hungarian supporters, it is difficult to hold anyone accountable for what happened during the German and Soviet occupations. The political authorities are largely responsible for shaping such a model of memory of the Holocaust because they set the tone for the entire

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37 Benazzo, 'Not All the Past Needs to Be Used', 201–203.

38 Benazzo, 'Not All the Past Needs to Be Used', 67.

politics of memory. At the House of Terror in Budapest, the role of the victim is extended to the whole of Hungarian society. The presentation of terror in this museum is a deliberate procedure aimed at selecting periods in the twentieth-century history of Hungary which prove that Jews also behaved inappropriately at some points in history.<sup>39</sup> Of course, this is presented as being because of acting in bad faith in order to avoid spiritual purification and emphasizing self-guilt.

Moreover, the current policy of remembrance in Hungary aims at creating a sense of historical continuity from 1944, when the sovereign Hungarian state ceased to exist as a result of the German occupation. Historians and journalists close to the current government equate the occupation of Hungary by their German ally during World War II with the occupation of the Red Army and the following decades of Soviet domination. By suggesting that the Hungarian people suffered at the hands of the Germans, like the Jews, these researchers develop a nationalist narrative that portrays Hungary as a persecuted 'Christian' nation. The politics of remembrance seems to relativize the importance of the regime change in 1989/1990 in order to build a bridge between the interwar period and the 2010 elections, in an attempt to create a kind of national continuum.

## Conclusions

The treatment of national memory in political circles in Hungary teaches us that history is a serious weapon. It is especially harmful and dangerous in the hands of the nationalist politicians who distort it. If such actions are not revealed and condemned, the history of the Holocaust will be obscured, or the memory of this event will even be destroyed or silenced. We currently have several levels of the falsification of history in Hungary. Some interpretations show a correlation between the tragedy of the Jews and the trauma of the Hungarians caused by the Treaty of Trianon. Others, by weakening the truth and significance of the German-Hungarian alliance between 1936–1945, argue that the country was, in fact, the last victim of Nazi Germany, not their last ally. In this rewritten history, the Hungarians themselves are victims because they suffered at least as much, if not more, than the Jews. The political circles that are trying to 'rehabilitate'

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39 There exist opinions that Hungarian Jews were persecuted in revenge for the 'Red Terror' of 1919 and 'Judeo-Bolshevik' government after 1948, and may be compared to the text of Prof. Tomasz Strzembosz *Przemilczana kolaboracja*, where the author attempts to explain the actions of people towards Jews in the Kresy and Podlasie regions of Poland in June 1941.

Horthy are now ignoring historical facts that prove that Hungarian Jews were exterminated with the consent and in the presence of a legitimate government.

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**Part Three. Rebuilding social ties and shaping  
active European citizenship  
in post-totalitarian societies**





Witold Stankowski

# From a divided society to a united and European one: The reunification of Germany, the transformation in East Germany and Germany in Europe

**Abstract:** The article attempts to show the consequences of World War II for German statehood and the German nation. A consequence of World War II was the post-war bipolar division of the world, and at the same time an increase in integration tendencies in Western Europe. The fall of the Third Reich, responsible for the outbreak of the conflict, led to questions about the future and shape of Germany being raised in the salons of international politics. In the Cold War atmosphere, two German states emerged: West Germany, which functioned within the family of Western European democracies and the GDR, a satellite of the Soviet Union and one of the so-called people's democracies. After the reunification of Germany, the social divisions perpetuated by the divisions of the Cold War persisted, an expression of which was inhabitants of the former East Germany being called 'Ossis,' and Germans from the western part 'Wessis.'

**Keywords:** post-totalitarian societies, German Federal Republic, German Democratic Republic, unified Germany, the transformation of East Germany, Wessis, Ossis

## Introduction

The year 1992 saw the publication of Alan Watson's meaningfully entitled book *The Germans: Who Are They Now?*<sup>1</sup> This work prompted the search for answers as to the position and role of Germany as a state at the dawn of the twenty-first century. It can be concluded that the twentieth century ended successfully for the Federal Republic of Germany, since it saw a divided nation which had been living under two different political systems ultimately united. However, as it transpired, in the context of internal conditions the reunification of Germany is still an ongoing process. In turn, the unification of its territory and population, raises the question of its place and role in international politics and international relations.

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1 First published 1992 by Methuen, an imprint of Reed Consumer Books Limited Michelin House, 81 Fulham Road, London SW36RB.

## What is the goal of Germany?

As a state, Germany has been present in the history of Europe from the medieval period to the present day, a role closely related to the formation of German statehood and German society. The origins of German statehood date back to the period between the years 962–1806, commonly known as the First German Reich (Erstes Reich). Following the establishment of the German state, a national consciousness also began to take shape. With a break between 1807 and 1870, the German Empire, known as the Second German Reich (Zweites Reich), was proclaimed in 1871. The downfall of the empire together with the Hohenzollern dynasty as a result of World War I, led to a complete change of the political system and the emergence of a republican system on the ruins of the monarchy. The years 1919–1933 are the period which saw the existence of the state commonly identified with the Weimar Republic (Weimarer Republik), due to the adoption of its constitution in the city of Weimar. With Adolf Hitler's rise to power, the dream of another great Reich appeared. This is how the state known as the German Third Reich arose, one also referred to in geopolitics as the Greater German Reich (Großdeutsches Reich). The Third Reich period has cast a long shadow over the history of Germany, due to the criminal, extermination ideas that were implemented against the conquered nations during World War II (including the Holocaust of the Jews). The results of the expansive policy of the Third Reich were both territorial transformations on the map of Europe and political transformations on a global scale (the subsequent bipolar division of the world).

In the history of the formation of German statehood, the idea of a political, universalist political organism emerged as a guiding element. In turn, it became important to create a German community defined as a nation. In Germany's political history, the idea of the empire became dominant. However, it was difficult to ignore the national community and hence the period of the First German Reich was a time of the existence of a political and then a national community. First, it was the Holy Roman Empire, known in Latin as the *Sacrum Imperium Romanum*, and in German as the *Heiliges Römisches Reich*. This was the first name to appear, in 1157 during the reign of Frederick Barbarossa. In turn, a state was constituted under the name of the Holy Roman Empire of the German Nation (*Heiliges Römisches Reich Deutscher Nation*). However, this name was never an official one and it only appeared for the first time in 1486 and did not become popular until the eighteenth century. It was a title that was indebted to the prevailing notion of the time of the German state being the heir to the Roman Empire. This belief held that Germany was the continuation of the

idea of the existence of a united Europe under the name of the Roman Empire. Furthermore, it was an expression of opposition to papal claims to sovereignty. The general concept of Germany gave way to a vision of building a great state referring to the greatness and tradition of Rome. Yet a considerable problem for the Germans was how to reconcile the national consciousness with the Christian tradition of transnational universalism contained in the notion of an empire, which created the possibility of exercising power and sovereignty over the whole world.<sup>2</sup> Hence throughout its history Germany has been faced with the dilemma of how to combine the concept of the nation with the universal, integrating nature of the state.

## Postwar Germany

World War II (1939–1945) was the greatest armed conflict of the twentieth century. The country responsible for its outbreak was the Third Reich and 61 countries participated in World War II. The population and material losses as a result of this armed conflict are still difficult to precisely and unambiguously define. About 40 million people died on the European continent. The greatest population losses were suffered by the Soviet Union – 20 million people (13 million soldiers and 7 million civilians), constituting 10 % of the total population. Polish losses amounted to 6,123,000 citizens, or 17.2 % of the total population. The aggressor, i.e. the Third Reich, also suffered tremendous losses. They amounted to 6,850,000 citizens, 3,600,000 civilians and 3,250,000 soldiers. The material losses were both huge and severe. For example, the Soviet Union lost 25 % of its national wealth and the Germans also faced the difficulties of reconstruction. Stig Dagerman, a Swedish writer and journalist, lived in a defeated Germany in the 1940s which had been divided into zones. A collection of reportage was created from this stay and in one of them we find a particularly poignant description of the defeated Third Reich:

Berlin has amputated church towers and endless rows of shattered government palaces, Greek profiles of truncated Prussian colonnades rest on sidewalks. In front of the Hanover railway station, King Ernest August is seated on the last fat horse in all of Germany, practically the only one left in the city where four hundred and fifty thousand people once lived. Essen is haunted by a ghostly sight of naked, freezing iron structures and torn factory walls. ... In Cologne, three bridges on the Rhine have collapsed ... and the cathedral stands glum and alone in the middle of a mound of ruins with a wound

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2 Jerzy Krasuski, *Polska-Niemcy. Stosunki polityczne od zarania po czasy nowożytnie* (Wrocław: Zakład Narodowy im. Ossolińskich-Wydawnictwo, 2009), 22.

of fresh brick in the side that at dusk looks as if it is bleeding. Small, sinister, medieval towers have collapsed into the moats of Nuremberg, and in the towns of the Rhineland there are ribs of bombed half-timbered houses ... Besides, everything is the worst – well, almost. For someone who likes records, who wants to be an expert on ruins, they can obtain a sample of everything to offer in this respect, a city razed to the ground, but for one wants to not only see a city of ruins but a landscape more deserted than a desert, wilder than mountains and as unreal as a nightmare, they would probably only find it in one city – Hamburg.<sup>3</sup>

The wartime devastation was the cause of a widespread housing shortage not only for local residents, but also for the displaced persons coming from former German lands in the East, a group later referred to as the expelled (*Vertriebene*). They constituted one-fifth of German society. After losing the war, there was an intergenerational conflict, the apogee of which took place in the 1960s in the form of the rebellion of German youth. The depth of the frustrations of the young generation is shown in an excerpt from another of Stig Dagerman reportages:

The strangest thing about the ongoing generational clash is that the older generation is so old, and the younger generation is often not so young anymore. In trade unions we can witness fruitless clashes between thirty-five-year-olds and sixty-year-olds. Men who were radical youths before 1933 and who did not change their minds during the Nazi era are just as hard to get through to as young people who have never experienced anything but Nazism. Thus, it is not entirely wrong to say that there was a crisis of parties and trade unions in some parts of Germany, and one of the main causes of this crisis is that the people who contributed to the disaster in 1933 placed the helm too quickly into the shaking senile hands. ... the youth of Germany are in a tragic situation. They attend schools where the window openings are covered with blackboards, there is nothing to write on or learn from. They will be the most ignorant in the world, says a young doctor from Essen. From the school yards, they have a view of an endless number of ruins that, at worst, serve as school toilets. Teachers preach daily that black market trading is immoral, and when young people return home, hunger plagues them and their parents force them to scour the streets for food. This leads to a dramatic conflict that is not conducive to bridging the gap between the generations. *Only an incorrigible optimist could look for the organizations of a nascent democracy among this youth.* You have to face the truth and admit that German youths have their own organizations: robberies and black-market centers.<sup>4</sup>

The founding of the Federal Republic of Germany, the assistance provided to it and other European countries by the United States under the Marshall Plan

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3 Stig Dagerman, *Niemiecka jesień. Reportaż z podróży po Niemczech* (Wołowiec: Wydawnictwo Czarne, 2012), 23, 24.

4 Dagerman, *Niemiecka jesień*, 61,62; emphasis by the author.

(the program was officially known as the European Recovery Program) were milestones in the emergence of a stable and strong new European state.

## One nation, two German states

The Federal Republic of Germany was founded in 1949. On May 8 of that year, the Parliamentary Council, composed of delegates from 11 German regional parliaments and representing various political factions, met in the city of Bonn on the Rhine. On that day, the council with its chairman adopted the draft Basic Law of the Federal Republic of Germany (FRG). Yet this was not a classic, overarching piece of legislation that fully reflected the German word for a constitution, a *Verfassung*. Instead, this legal act was termed a *Grundgesetz*, a discrepancy in nomenclature that is explained in its final 146<sup>th</sup> article. This article indicates that the adopted law is of a transitional nature, as a result of the reservations that were held about the validity of the contents contained therein. The *Grundgesetz* was to remain in force until the relevant constitution was adopted, one stemming from the will of the whole German nation. Grundgesetz für Bundesrepublik Deutschland was officially proclaimed on 23 May undoubtedly a historic date in the history of German statehood.<sup>5</sup> After the terrible events of World War II and the post-war suspension of the country's future, the Federal Republic of Germany was established on the ruins of the totalitarian political system of the Third Reich, with its capital in Bonn. Its sole choice was to build both democracy and ties with the West during the ongoing Cold War. Yet the German nation gained the opportunity to define itself and the future direction of its existential development. The support of the Western Allies for the creation of the German state led to moves from the Soviet Union on the other side of the Iron Curtain. With the support of the USSR, an artificial state deprived of independence and democracy was created for the rest of the German nation, called the Deutsche Demokratische Republik (DDR), i.e. the German Democratic Republic (7 October 1949) with its capital in East Berlin. As the 40-year history of this country is testament, its existence was only possible thanks to the support of the Soviet Union. In this way, the global Cold War division of the world led to the division of the German nation and its functioning in two different states: the democratic (BRD) and the communist (DDR). The terms West Germany and East Germany came into circulation during this period.

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5 Jerzy Krasuski, *Historia RFN* (Warszawa: Książka i Wiedza, 1987), 145, 148.

## Between East and West: What about a unified Germany?

The Iron Curtain which divided the German nation had far-reaching consequences for the states in which its people lived and functioned. The Federal Republic of Germany based its future on an existence within the West, links with Western European organizations, the United States, and an alliance with France. This was the rationale held by the first chancellor of West Germany, Konrad Adenauer, who held office for 14 years (1949–1963). His lengthy stay in the chancellor's office went down in German history as a turbulent and difficult time and became a point of reference for successive chancellors of the Federal Republic of Germany. Konrad Adenauer, a Catholic associated with the current Christian Democratic Party (CDU / Christlich-Demokratische Union) rejected the concept of Germany as a power in Central Europe. Born in Cologne (Köln) in the Rhineland and thus the western part of Germany, he saw his country as firmly belonging in the Western sphere of influence. He was hostile to the part of Germany that lay east of the Elbe, allegedly claiming that the Asian part of the world already began there.<sup>6</sup> This focus on the western part of Germany gave Adenauer both social and political support. He believed that the reunification of Germany under the political situation of the time was impossible as long as the Soviet Union existed. As one can now say in retrospect, he was both a visionary and a realist. The German Social Democrats associated with the Social Democratic Party (SPD/Sozialdemokratische Partei Deutschlands) and adherents of Protestantism represented a different perspective to the first post-war chancellor of Germany. Their chief representative was Kurt Schumacher, who had been born in Poland, in the city of Chełmno on the Vistula River, and who had run against Konrad Adenauer in the elections for chancellor. One might venture the claim that Schumacher could not allow the German people to look at the eastern part of Germany in the same manner as Adenauer, at least in part, because of his own place of birth. The German Social Democrats, like the Christian Democrats, supported the building and functioning of a political system in the new German state based on parliamentary democracy, but on other issues their views were divergent. They emphasized that the most important thing was to preserve the unity of Germany within the 1937 borders and rejected the line drawn on the basis of the Oder and Neisse rivers. They believed that independence from the West, a sense of neutrality, should be preserved. Towards the Soviet Union and Poland, they put forward demands for the

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6 Dieter Bingen, *Polityka Republiki Bońskiej wobec Polski. Od Adenauera do Kohla 1949–1991* (Kraków: Kwadrat, 1997), 27.

liquidation of the East German state (DDR) and for Poland to abandon former German territories (known as the *deutsche Ostgebiete*). The program of German social democracy was undoubtedly impossible to implement in the post-war reality. However, one could risk the claim that if Kurt Schumacher and his party had taken power in 1949, Germany's Western integration would have been suspended or delayed, and the remaining demands would remain a political creed.<sup>7</sup> On the other hand, if we assume the foresight of the SPD's political program in the matter of maintaining and preserving the unity of Germany, it seems that this point was absolutely correct. The effects of the division of the German nation as a result of geopolitical conditions turned out to be extremely far-reaching, and difficult to overcome in the short time after reunification at the end of the twentieth century.

### The road to West German prosperity

Following the founding of their state, West Germans had no other option than to start by constructing a welfare state. American assistance in the form of an expansive aid program for Europe (the Marshall Plan) became the impulse for dynamic development. Everything American, an overseas economic model based on liberalism, was implemented in Germany. The creator of the German economic miracle (*Wirtschaftswunder*) and the man responsible for the stabilization of the new currency, the West German mark, was Ludwig Erhard. Minister of Finance from 1949–1963, and Chancellor in 1963–1966, he was fascinated by American economic patterns and once said: 'if I were not born German, I would like to be an American.'<sup>8</sup> The boom in the Federal Republic of Germany was fostered by many factors: that they took the side of Western democracies, the willingness to cooperate with the integration processes taking place in Europe (European Coal and Steel Community, European Economic Community), overcoming its initial reluctance to cooperate with its closest neighbors, in particular with France which led to an understanding and Franco-German reconciliation (the Elysée Treaty in 1963). The development of democracy in Germany helped keep nationalism in check. As time passed, the threat of a third World War gradually faded to the status of a myth. The German *Wirtschaftswunder* helped Germany rebuild its position in Europe and the world. It also caused the de-pressurization of German society in relation to its social structure. One of the effects

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7 Jerzy Krasuski, *Historia Niemiec*, (Wrocław-Warszawa-Kraków: Zakład Narodowy im. Ossolińskich, 1998), 526–528.

8 Watson, *Niemcy. Kim są teraz?*, 250.

of the German economic miracle was a sharp increase in the demand for labor, a need which became apparent as early as the end of the 1950s. The dynamic economic development in Germany made it necessary to look further afield for willing hands to work, with 'guest workers' (*Gastarbeiter*) encouraged to immigrate. They came mainly from Italy, Yugoslavia, Greece, Spain, and Portugal. In 1964, a 37-year-old Portuguese man, Amando Sá Rodrigues, became the millionth 'Gastarbeiter.' On the platform of the Cologne-Deutz station, he received a moped as a welcome gift. In total, 2.5 million foreign workers had been employed in Germany by 1973.<sup>9</sup> The term 'Gastarbeiter' became a positive term in the German economy, and people who came to work from outside Germany realized that they were partially co-creators of an economic miracle. The Turks were a particularly large community that came to work in Germany. While there were few Turks in Germany in 1960, in 1973 there were 700,000. Turks began to come to Germany with whole families or helped them to immigrate later. Hence, at the beginning of the 1970's, attempts were made to stop the influx of Turks to Germany, and various financial programs were launched to encourage them to return to their homeland. Another wave of influx of Turks as political refugees to Germany took place at the turn of the 1970s and 1980s. As a result of the Turkish migration to the land of the economic miracle, they became the largest community in German society, yet one which later proved difficult to assimilate. Some Turks in Germany have only German citizenship but there are also those who retained their native citizenship while adopting German, hence they have dual citizenship. However, in 2006, about 1,800,000 Turks and Kurds with only Turkish citizenship lived in Germany. It is estimated that the Turks in Germany constitute a population of approximately three million.<sup>10</sup> In the 1970s and 1980s, the Federal Republic of Germany also became a place of political asylum for the inhabitants of the so-called people's democracies which were dominated by the Soviet Union. As their destination they frequently chose the Federal Republic of

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9 Małgorzata Dubrowska, 'Od integracji do dezintegracji, od Heimatu do wielu Ojczyzn. Aktualna debata o społeczeństwie mniejszościowym w Niemczech. Studium przypadku,' *Archiwum Emigracji. Studia-Szkice-Dokumenty*, 2020/28, 276; 'Galeria. 60 lat RFN: Druga dekada,' *DW. Made for minds*, <<https://www.dw.com/pl/galeria-60-lat-rfn-druga-dekada/a-4644797-0>>, accessed 10 August 2021.

10 Arkadiusz Pięta, 'Turcy jako gastarbeiterzy w Niemczech w latach 1961–2000,' *Dzieje Najnowsze*, 37/1 (2005), 191–194; 'Niemiecka prasa o tureckich szkołach w Niemczech: zwycięstwo bezczelności,' *DW. Made for minds* <https://www.dw.com/pl/niemiecka-prasa-o-tureckich-szko%C5%82ach-w-niemczech-zwyci%C4%99stwo-bezczelno%C5%Bci/a-51959974>>, accessed 10 August 2021.



Germany, quickly assimilating there. The economic development of Germany and its readiness to provide shelter and asylum to people from countries where democracy did not exist or where democracy was threatened, turned German society from a monoculture to a multicultural community.

### **The phantom state: German Democratic Republic**

The East German state was fully dependent on the Soviet Union, not only in ideological and political terms but also economic issues. Like other socialist states, the GDR belonged to the Council for Mutual Economic Assistance, an economic organization which was completely dependent on the Soviet Union. It was also a member of the military organization of the Warsaw Pact. This turn to the East, within the influence of communism and the Soviet Union, influenced the mentality, culture and education. GDR society was the most surveilled in the entire Soviet bloc, with the operations conducted by the state security service – the Stasi (*Staatssicherheitsdienst*).<sup>11</sup>

The economy of the GDR was energy-intensive and very material and, as with the entire Soviet bloc, the economy was centrally controlled. It was based on successive long-term economic plans that were linked to those of the Soviet Union. Deliveries to the Soviet Union were a priority.<sup>12</sup> The economic development of East Germany was hampered by a massive exodus of people to the West, especially specialists in many industries. In the years 1949–1989, three million Germans escaped from the East German state.<sup>13</sup> This led to a situation where it was necessary to bring in qualified workers from other countries of the socialist bloc. The East German economy tried to be self-sufficient, but this was especially difficult due to the lack of its own raw materials. Nevertheless, attempts were made, for example, to develop their own automobile industry and, in addition to the Wartburg passenger car, it was a car made of plastic, known as the Trabant, which became the symbol of East Germany.

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11 Jens Gieseke, *STASI. Historia* (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2010).

12 Andrzej Skrzypek, *Historia społeczna Europy XIX i XX wieku* (Poznań: Wydawnictwo Poznańskie, 2009), 190.

13 Joachim Gauck, *Wspomnienia. Zima latem-wiosna jesienią* (Warszawa: Świat Książki, 2014), 99.

## Transformation in East Germany

The events in East Germany in 1989 that led to the reunification of Germany were very dynamic and spontaneous. The collapse of the East German economy was both clearly discernible and unstoppable. The German Democratic Republic could not count on the support of the Soviet Union, which was struggling with its own problems and the changes taking place as a result of Mikhail Gorbachev's ascent to power. East Germany had been devastated as a result of the mass exodus of citizens from that country. Germans most frequently traveled to Poland, Czechoslovakia, and Hungary in their cars, where they then headed to embassies and consulates of the Federal Republic of Germany, asking for shelter and asylum. They left their cars, adorned with the Trabant or Wartburg logo, in different places. Their material fortune, so difficult to obtain in a socialist state, was no longer of any value to them. The most important thing was to leave the GDR and look for opportunities to get through the embassies and consulates of the Federal Republic of Germany to a democratic, West German state.

It was not only West German politicians, but also the inhabitants of the country that were surprised by the pace of change in the Central and Eastern Europe in 1989. Among the inhabitants of the Federal Republic of Germany, in their minds, the division of Germany seemed historically permanent and insurmountable. This is confirmed by the memory of a woman from Nuremberg, a city in the federal state of Bavaria, in Franconia, that 'the GDR was a distant country for me' ('Die DDR war für mich ein fernes Land').<sup>14</sup> It is difficult to understand in retrospect, especially since Bavaria bordered the southern part of the German Democratic Republic. It shows, however, that in the minds of the Germans, not only those from the west, but also from the east, that the division of Germany into two countries was an enduring and powerful one.

Significant financial resources began to flow into eastern Germany during the first period of the transformation. The first of these were funds under the program called the German Unity Fund (*Fonds Deutsche Einheit*), granted in the years 1990–1994. This fund was established in order to fulfill the obligations of Germany resulting from the state agreement with East Germany of 18 May 1990. The funds released for the eastern part of Germany were purposeful, intended for the development of its infrastructure and the modernization of its economy. They consisted of federal and EU funds since 1991. The created federal funding

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14 Isabel Lauer, '30 Jahre Mauerfall: Schreiben ohne Mauer im Kopf,' *Nordbayern* (7 November 2019) <https://www.nordbayern.de/region/nuernberg/30-jahre-mauerfall-als-schreiben-ohne-mauer-im-kopf-1.3997493>, accessed 10 August 2021.

consisted of two sources. The first were the so-called solidarity packages, and the second were financial aid from the wealthy federal states in western Germany, aimed at reducing the differences between these administrative units. The main financial support was provided by the federal budget as part of the program for the reconstruction of the east of Germany (*Aufbau Ost*). In 2021, there entered fundamental changes to the so-called solidarity tax created in 1991, which amounted to 5.5 % of income tax. This tax was aimed at supporting changes and systemic transformations in Central and Eastern Europe, including the reunification of Germany, and Germans shouldered the burden. As a result of changes to this tax, 95 % of Germans will be exempt from it.

The allocation of huge financial resources to the eastern part of Germany was expected to have a rapid effect. It was assumed that within twenty years the East German economy would catch up with the West German one. The government of the united Germany believed that quick actions such as the introduction of currency reform, privatization and modernization of the economy would be measurable. Great hopes were seen in the fact that the economy in the eastern part of Germany, created from scratch, would become competitive and effective enough to lead to the elimination of economic differences within the state. However, this did not transpire. Another scenario envisaged that two decades after reunification, by 2019, the economy of eastern Germany would reach 80 % of the industrial production level of the federal states in the west of the country. However, it seems that the effects of the division of the German nation and the creation of two separate political systems is something extremely difficult to overcome at the economic level. It is expected that the balancing of the two economies of the western and eastern parts of Germany will not take place until 50 years after reunification.<sup>15</sup>

‘Ossis’ and ‘Wessis;’ one nation, two faces; a return of the spectre of war?

As a result of the provisions of the Versailles Treaty of June 28, 1919, which introduced many significant territorial changes in Europe, the German minority found itself within a number of newly created states. The return to the pre-World War I borders and the connection with Germany remaining outside the borders of the native German state was one of the reasons for the outbreak of the Second

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15 Marta Zawiślak-Florczuk, Artur Ciechanowicz, *Jeden kraj, dwa społeczeństwa. Niemcy 20 lat po zjednoczeniu* (Warszawa: Ośrodek Studiów Wschodnich im. M. Karpią, 2011), 54; ‘Niemcy nie będą już płacić podatku solidarnościowego. Nie dotyczy najbogatszych,’ *Forbes* (12 August 2019) <<https://www.forbes.pl/prawo-i-podatki/koniec-podatku-solidarnosciowego-w-niemczech/sn76nk9>> accessed 10 August 2021.

World War. The policy of the Third Reich during this terrible war led to the inclusion and incorporation of many lands, including those of the Polish state, by the aggressor. In fact, the Germans who remained outside their country returned to their motherland, to their countrymen. However, they were treated differently. Various functions in the administrative and party apparatus were primarily filled by Germans who came from the depths of the Third Reich, the so-called old Reich (Altreich). These Germans were referred to as the Reich-Reichsdeutsch Germans. On the other hand, Germans who had remained outside the German state within another state after World War I, had the status of belonging to the German nation (*Volk*) and were referred to as 'Volksdeutsch.' These Germans were approached with caution, held at a distance, with the suspicion that they had lost their Germanness through assimilation with the local, non-German population. These differences were highlighted as a result of the German national list (*Deutsche Volksliste*) being introduced in the lands annexed by the Third Reich. The aforementioned divisions from the time of the war appear in the memories of those times, are the subject of analyzes in historical literature, and they also resurface today in many debates, e.g. between Poles and Germans.<sup>16</sup>

It was thought that on 3 October 1990, the day of the subsequent German Unity Day (*Tag der Einheit*), a symbiosis of the hitherto divided German community would take place. The joy of this event was overshadowed by the reciprocal calculations made by the Germans from the west and the east. In German society, there appeared the terms 'Wessis,' meaning a German from the West Germany, and 'Ossis' – a German from the East Germany. We use these terms in quotation marks. Over time, these words, apart from the division of society, acquired a negative meaning in the course of the ongoing reunification. 'Wessis' and 'Ossis' have become a symbol of mutual prejudices and aversion, with both terms still in use today. While initially they functioned in German society, over time they entered formal, official circulation. On 3 October 2010, information appeared in the media that a job application for a German woman from East Berlin, who lived in the western part of Germany after reunification, had been rejected. On the job application, the employer included a telling annotation that read 'keine Ossis,' i.e. no people from the East (Easterners). The German woman applied to the labor court. However, the court ruled that this was not

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16 A discussion between the author of this chapter with Dr. G Bekker, former resident of Elsterwerda. From the author's own archive.

discrimination. As an explanation, the court stated that 'Ossis' are not a recognized national or ethnic minority.<sup>17</sup>

The intra-German divisions gradually grew. In 1990, 61 % of East Germans declared that they felt German, not East Germany. Four years later, however, this ratio had fallen to 35 %. It was then that Germans from the East were accused of nostalgia for the East, or *Ostalgie* in German. The reasons for this development were the former political and economic elites referring to the alleged stability in the times of the East German state, as well as the desire to emphasize their own identity and the ubiquitous expansion of West German capital, products and goods. Opinions began to emerge that the former DDR / East Germany had become an area for colonization. The Germans from the West were accused of not wanting to share their great wealth with their compatriots, and they treated the eastern part as a market for their goods. They believed that the Germans in the West wanted to maintain their material status as if unification had not taken place. These voices reached West German ears and they, in turn, argued that former GDR citizens wanted to live like in the west and while working in the east, which was related to their perceived low labor productivity.<sup>18</sup>

The division into 'Wessis' and 'Ossis' became the basis for shaping self-esteem and self-stereotypes. West Germans, bearing in mind their past in the context of building a welfare state and encountering the legacy of the German East, perceived themselves as hard-working, following a materialistic and bureaucratic lifestyle. East Germans viewed their compatriots as arrogant, wanting to dominate, with a lack of sensitivity. 'Ossis' described themselves as empathetic, sociable and pro-social people. In turn, 'Wessis' saw 'Ossis' as complaining, dissatisfied, distrustful and greedy people.<sup>19</sup>

After a decade of German reunification, the inhabitants of were asked about their system of values. Among the questions were those concerning freedom, equality, social justice and what they regarded as the most important. 51 % of East Germans answered that equality took primacy over freedom, while 36 % accorded primacy to freedom. In the case of West Germans, it was quite the opposite. 53 % of Germans mentioned the primacy of freedom and 37 % of equality. The rationale for these responses is that former GDR citizens profess the

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17 Ewa Bojenko-Izdebska, 'Ossi i Wessi-bliscy czy dalecy sobie,' *Kultura i Polityka*, 8 (2010), 22.

18 Werner Weidenfeld, Karl-Rudolf Korte, *Handbuch zur deutschen Einheit 1949-1989-1999* (Frankfurt/Main-New-York: Campus Verlag, 1990), 460.

19 Bojenko-Izdebska, 'Ossi i Wessi-bliscy czy dalecy sobie', 25.

existence of a welfare state, one which takes priority over the economy. On the other hand, West Germans are supporters of liberalism and liberal democracy.<sup>20</sup>

Twenty years after the fall of the Berlin Wall, discussions on German society emphasized that the social division into the West and East of Germany still existed. There was a visible asymmetry, for example, in the appointment of more important public functions, management boards of companies and other institutions. This is a source of discontent in eastern Germany, contributing to the radicalization of this part of the community and the emergence of extreme and populist views.

In 2019, the German historian Frank Bösch drew attention to the still existing differences between the west and east of Germany. The former East Germany manifested itself in the attitudes and memories of people from the eastern part of Germany. In his opinion 'East Germany has different taste in music and media, they travel differently and make different political decisions.' The Berlin Wall and other things related to the division of Germany are omnipresent icons that are difficult to remain silent about or forget. Bösch believes that at the earliest the former GDR will become a closed chapter in German history in 70 or 80 years.<sup>21</sup> The changes taking place in the society in the western and eastern parts of Germany are optimistic. Amongst the younger German generation, divisions are blurred. However, for this process to be successful in the minds of the Germans, it is necessary to ensure 'mutual respect, empathy and refraining from complaining about those 'other people.'<sup>22</sup>

## Germany: An attempt at recapitulation

In the light of the available analyzes of public opinion, Alan Watson wrote that Germans want to be liked and they also want to like themselves. Their unpopularity outside their own country has its historical background in the legacy of Adolf Hitler and the Third Reich. A survey carried out among young people in the 1960s and 1970s showed that more than a third of Germans indicated Nazism as the basis for the negative, unfavorable attitude of others towards Germans. The Germans themselves included their arrogance, self-confidence, pride and the willingness to show off in front of others as reasons for this perception. This

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20 Bojenko-Izdebska, 'Ossi i Wessi-bliscy czy dalecy sobie', 27, 28.

21 Marcel Fürstenau, 'NRD. Nieudany eksperyment z dyktaturą,' DW. Made for minds (8 October 2019) <<https://www.dw.com/pl/nrd-nieudany-eksperyment-z-dykta-tur%C4%85/a-50729463>>, accessed 10 August 2021.

22 Bojenko-Izdebska, 'Ossi i Wessi-bliscy czy dalecy sobie,' 30.

was undoubtedly due to the position and role of Germany as an economically developing country and one that was increasingly visible in world politics.

It is hard to deny the fact that Germans in the former Federal Republic of Germany have achieved some degree of success. This statement applies to the post-war period, after the Second World War, when they rebuilt their state, created new international relations, and constructed a far-reaching foreign policy. This influenced the development of a positive image of Germans, among whom in the first place were such advantages as diligence, accuracy, reliability, efficiency, honesty and order. The result was the German economic miracle (*Wirtschaftswunder*), so discernible in the 1970s. In the light of subsequent studies on the characteristics and behavior of Germans, it can be said that they are becoming a stereotype. A survey conducted in 1982 showed that only 42 % of Germans are willing to devote themselves unreservedly to work, which, with 68 % of Americans, 56 % of Swedes and 66 % of Britons, is a low result, and perhaps even a surprising one. In terms of the approach to the work performed, a feeling of pride in performing it was only indicated by 53 % of Germans, while in the United States it was 96 % of respondents, in Ireland 97 %, Spain 83 %, Belgium 77 %, and Italy 72 %. Since the reunification of Germany, the ethos and willingness to work took on a new dimension, meaning. Lack of work in the east of Germany, the flow of people to new positions from the west of Germany, higher salaries, and wages for Germans from the west caused frustration among the Germans remaining in the east.<sup>23</sup>

Such comments on the approach to work do not change the fact that there is still high labor productivity in Germany. This is due to the high level of skills and professional qualifications of the German workforce. This is possible thanks to a properly constructed education system. At the very beginning of secondary education, the student selects whether to hone their skills in the field of general or professional knowledge. The vocational education system at secondary level (*Berufsschule*) is based on practical training. Apart from the acquired theory, apprenticeships are also important. They are held directly in enterprises, in the business area, in the workshop. This apprenticeship is strictly regulated by federal law. The potential future employer cooperates with vocational schools. He determines his employment needs, but most of all, through his apprenticeship, he gets to know a given person during practical apprenticeship. By providing a workshop for vocational training, an entrepreneur may choose and try to keep the best apprentices. In turn, the apprentice gets to know his possible workplace,

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23 Alan Watson, *Niemcy. Kim są teraz?*, 327, 328.

organizational structure and place of work. During practical training at the school stage, students receive a specific salary for their internship. It is not high, but thus it does not burden entrepreneurs and potential future employers. The system of secondary vocational education in Germany so constructed ensures constant access to various professions in business, industry and trade. This apprenticeship in a craft allows one to become associated with a given profession, to become a specialist in it, recognized in the use of an old term originating from the Middle Ages: a master. Practical preparation for the profession combined with the acquired knowledge enables further education already at the stage of higher education. Higher vocational schools (*Hochschule*), which were previously referred to in German as *Fachhochschule*, are dedicated to people who want to obtain higher practical education. This name reflected their goal, which in fact remained unchanged, i.e. to deepen knowledge in a given profession (*Fach*) from the perspective of the level of higher education. Higher vocational schools in the German system of higher education differ from universities in the rank of university or polytechnic university of technology. They only educate students on a practical profile. This means that in the curriculum, apart from theoretical subjects, internships are an integral part. This obliges such universities to cooperate with the broadly understood external environment, such as business, enterprises, schools. Equally throughout Germany, in every federal state, there are vocational colleges and universities in larger cities. In some cities, such as in Düsseldorf, next to the University of Heinrich Heine is located at the *Hochschule* (Higher Vocational School). Higher vocational schools are developing very dynamically in Germany. They have an extensive laboratory infrastructure, often created in cooperation with the support of companies, factories and business. This causes them to transform into universities of applied sciences. The higher education system created in this way, existing in connection with the external environment, allows many stakeholders to quickly and properly use the potential of graduates completing their studies. This also influences the fact that foreigners choose the Federal Republic of Germany as their place of study. As a result, they remain in this country, find their place of residence next to their place of work, create a new social structure and a middle class. It should also be emphasized that technical innovations resulting from investing in science and companies' trust in technological progress are a characteristic source of the economic power of the German state.<sup>24</sup>

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24 *Niemcy w świetle faktów i liczb*, <<http://www.tatsachen-ueber-deutschland.de>>, accessed 10 August 2021.



Germany is trying to maintain its leading position in the European Union. They support integration within the already existing European Union, in which there are some divisions into the 'old' and 'new' union. Certain crises have taken center stage in Germany's foreign policy, one of which was the migration crisis of 2015 which was triggered by the influx of refugees from North Africa to not only the German state, but generally to Western Europe. Another was triggered by the cooling of relations between Germany and the USA during the presidency of Donald Trump, and in turn by the souring of relations with Russia (Chancellor Angela Merkel-President of Russia W. Putin). By developing international cooperation, Germany is looking for a workforce for its economy. One potential source which they are seeking to exploit is, among others, the continent of Africa, as it is inhabited by many young people.

According to A. Watson, in the united Germany there are no priorities from the years 1914 and 1939. Among them he mentions the disappearance and absence of 'aggressive nationalism. Patriotism has become a suspect word. The country's strong leadership in the form of the *Führerstaat* is suspect and disgusting. Stakhanovite diligence as a means of creating economic imperialism is rejected<sup>25</sup>

The German political elite emphasize that they are alien to thinking in terms of a nation-state from the nineteenth and twentieth centuries. They believe that the fate of Germany is closely related to a united Europe. This is how the father of the unification of the German states put it, Chancellor Helmut Kohl:

whoever is now returning to nationalist thinking in the style of the first half of this century [20th century – author], does not understand that the great problems of our time can now only be solved in a united Europe, as a German, they do not understand that we can never again fall into a special role, one doomed to fail the test of history.<sup>26</sup>

This shows that Germany is actually fated to European thinking, supporting a united Europe.

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Andrea Natalini, Antonella Nuzzaci, Paola Rizzi

## Citizenship skills: A historical perspective in the European and Italian context

**Abstract:** The contribution focuses on citizenship competences from the perspective of historical analysis, as well as their cultural and social values assumed over time in the Italian context. The attention that Italy has gradually paid to this kind of competences intertwines with democratic principles and the socio-political strategies that represent the foundations of those societies where solidarity, participation and collaboration become vital elements of the individual's well-being. The contribution starts from the Maastricht Treaty of 1992, then follows the development of the concept of European citizenship as a common value of the member countries and its relevance at the educational level.

**Keywords:** European citizenship, democratic values in Europe, European identity, Italian historical context, education, citizenship competences, civic education.

### Introduction

The affirmation of democratic citizenship is intended as a response to the profound changes taking place in our societies and also to the not always functional political structures. In the volume entitled *Citizenship, Inequality, and Difference: Historical Perspectives*<sup>1</sup> Frederick Cooper states that imperial models of citizenship were claimed, discussed, and often abandoned during the twentieth century, pointing out how the colonial reformers of the first half of that century frequently fought for the recognition of full citizenship rights for marginalized individuals (such as migration rights, suffrage, full citizenship status, etc.) before moving on to campaigns for independence from those empires. Cooper invites scholars to recognize that citizenship in a territorially defined state has become the global reference point in the post-colonial era to better understand the inclusive rights to belong to increasingly numerous nation-states and to identify the challenges posed from the inequality between these policies.

Cooper's analysis of the close relationship between citizenship, inequalities, and differences and the history of citizenship on a global level, starting an exploratory path of this concept from ancient times to today, shows how important it

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1 Frederick Cooper, *Citizenship, Inequality, and Difference: Historical Perspectives* (Princeton: Princeton University Press, 2018).

is to define it in a divisible whole, and the flexibility of rights and duties in relation to a political entity. This is the most interesting aspect of his work, which focuses on distinct types of policies, including cities, nation-states, and empires in particular which have 'exercised and contested' the access and rights of citizenship, explaining how this has worked as an interpretative framework for the debate on differences and inequalities within and between these policies.<sup>2</sup> This historical path highlights how the problem of inequalities has been placed at the heart of the contemporary international debate on citizenship in both the social and educational fields. The democratization process has also favoured the emergence of social and cultural movements in Europe whose needs have sometimes been repressed in the past by military regimes. Over time, the consolidation of democracy has given rise to important social and cultural changes, placing models of social equality at their heart which have accompanied European societies as a whole. Thus, after decades of international interventions, it is not surprising that the idea of democracy and political freedom in Europe has catalyzed energies towards social upheavals of enormous magnitude. Together with a strong social and trade union movement and an overall renewal of the framework of rights, it is possible to explain how the struggle for democratization has above all emphasized the value of civil rights. On the other hand, although the differentiated range of new movements has adapted well to the peculiarities of European society, as an international scenario characterized by the crises of the welfare state regimes and the emergence of neoliberalism, it is not surprising that the problem of empowerment citizenship on the part of the citizens of a state has gradually become linked to the problem of social equality.

At different levels studies now agree on the fact that societies are transforming and with them also the concept of citizenship, a notion which is increasingly expanding and diversifying in its nature and in the modalities of relations it maintains with other aspects of society and culture.

In particular, the nation-state is no longer seen as legitimized to provide a model for coexistence and to represent the common good of all citizens in a world divided into clearly delimited territories and legitimate in representing the common good of such citizens.

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2 Cooper, *Citizenship, Inequality, and Difference: Historical Perspectives*, 4–5.

## Being a citizen of the European Union

In an increasingly complex and unequal global landscape,<sup>3</sup> one in which people try to develop mutual understanding and responsible behaviour, the world, divided by social and economic inequalities at the local, national and global levels,<sup>4</sup> contributes to fuelling the debate around the understanding of democracy.<sup>5</sup> Suffice to say that, following the Maastricht Treaty, which introduced the concept of ‘citizenship of the European Union,’ with the aim of creating a common identity for the citizens of the member states, disputes involving people belonging to third parties who have been residing in the EU for a long time and who, before specific courts, have requested the recognition of their rights, benefits and freedoms. To do this, they invoked the general principles governing European citizenship, following the provisions introduced by the *Charter of Fundamental Rights of the European Union* (2016 / C 202/02), by the *Charter of the values of citizenship and integration*, adopted in Italy in June 2007, which recognizes the general value of the principles of the Italian Constitution which regulate collective life, both of citizens and immigrants, and of the main European and international charters of human rights that focus on the problems related to integration. Such requests by third-country nationals and their interpretation of the rights enjoyed by Union citizens bear witness to the maturity of the concept of European citizenship.

This calls into question the relationship between citizenship of the Union and citizenship of the Member State, which are inextricably linked to each other because the former cannot be acquired without obtaining the latter. The development of an EU integration policy for third country nationals began with the entry into force of the Maastricht Treaty of the European Union in 1992 which provided for the possibility of coordination on immigration and asylum, identifying certain areas of ‘common interest.’ The national policy of citizenship is, however, deeply rooted in the sovereignty of the States and is based on nationality, while the status and implicit identity of the European one introduced by

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3 Tobias Troll, and Johannes Krause, ‘The future of development education: transformational learning for a world citizens movement,’ in Amy Skinner, Matt Baillie Smith, Eleanor Brown, Tobias Troll, eds, *Education, Learning and the Transformation of Development* (London: Routledge, 2016), 143–157.

4 Thomas W. Pogge, *Politics as Usual: What lies Behind the Pro-poor Rhetoric* (Cambridge: Polity Press, 2010).

5 Helen Underhill, ‘Learning in revolution: perspectives on democracy from Egypt’s UK-based diaspora activists,’ *Contemporary Levant*, 1/1 (2016), 25–37.

the Maastricht Treaty provides that ‘every person holding the nationality of a member state must be a citizen of the Union’ (CEC, 1992: article 8.1). But then we must ask ourselves who is the European citizen. Since the mid-1970s, an increasing number of young people define themselves as ‘Europeans’ rather than describing themselves as ‘European citizens.’ This has been analyzed by Lutz et al.,<sup>6</sup> who observe that people born more recently are less likely to adopt a purely national identity and more likely to express multiple identities (including European ones). The conclusions of this study showed that there is a strong and highly significant positive cohort effect, which represents long-term ‘tectonic changes’ in identity that could have important and lasting consequences,<sup>7</sup> leading to think that the cohort acts, and will continue to act, in the same way as we age. It would therefore be true what Fulbrook<sup>8</sup> affirms, who, using qualitative historical data, regarding young Germans, shows how these seemed to form a series of cohorts, each of which constitutes a collective identity on the basis of common experiences defined generationally. In fact, identities have been built in every generation as a consequence of political fractures and dissonances in national societies; and the age in which people live key historical moments, such as, for example, the transitions within Italian society that involved fascism, can be said to be a critical explanatory factor of the political motivations behind the ‘readiness to mobilize’ as individuals or groups. Over time, these issues have required reflection on human rights, especially on the distinctive character of what can be called ‘European.’

This also fits the context of identifying the ‘eight specific risks threatening the values of the Council of Europe,’<sup>9</sup> specified by a working group set up in response to the concerns of European governments about real and perceived threats to social cohesion in Europe and the principles of the European Convention on Human Rights (4 November 1950), in particular individual freedom and equality

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- 6 Wolfgang Lutz, Vegard Skirbekk, and Maria Rita Testa, ‘The Low Fertility Trap Hypothesis. Forces that May Lead to Further Postponement and Fewer Births in Europe,’ *Vienna Yearbook of Population Research, Vienna Institute of Demography (VID) of the Austrian Academy of Sciences in Vienna*, 4/1, 167–192.
  - 7 Lutz Wolfgang, Sylvia Kritzinger, and Vegard Skirbekk, ‘Population. The demography of growing European identity,’ *Science* 314 (5798) (2006), 425.
  - 8 Paul Fulbrook, *Dissonant lives: generations and violence through the German dictatorships* (Oxford: Oxford University Press, 2011), 11.
  - 9 Council of Europe, *Living together: combining diversity and freedom in 21st century Europe* (Report of the Group of Eminent Persons of the Council of Europe. Strasbourg: Council of Europe Publishing, Strasbourg, 2011).



before the law, in terms of growing intolerance, support for xenophobic and populist parties, discrimination, of a population practically deprived of rights, existence of parallel societies, Islamic extremism, loss of democratic freedoms, and a possible clash between religious freedom and freedom of expression. The working group notes that these threats are governed by insecurity deriving from Europe's economic difficulties and the sense of apparent decline, the phenomenon of large-scale immigration (both experienced and perceived), distorted images and harmful stereotypes of minorities in the media and public opinion and the lack of leaders who can inspire confidence.<sup>10</sup> The data collected also suggests that, for many young people, these are equally worrying problems, but they reflect attitudes that some of them reject and that others perceive as mainly assumed by the elderly.

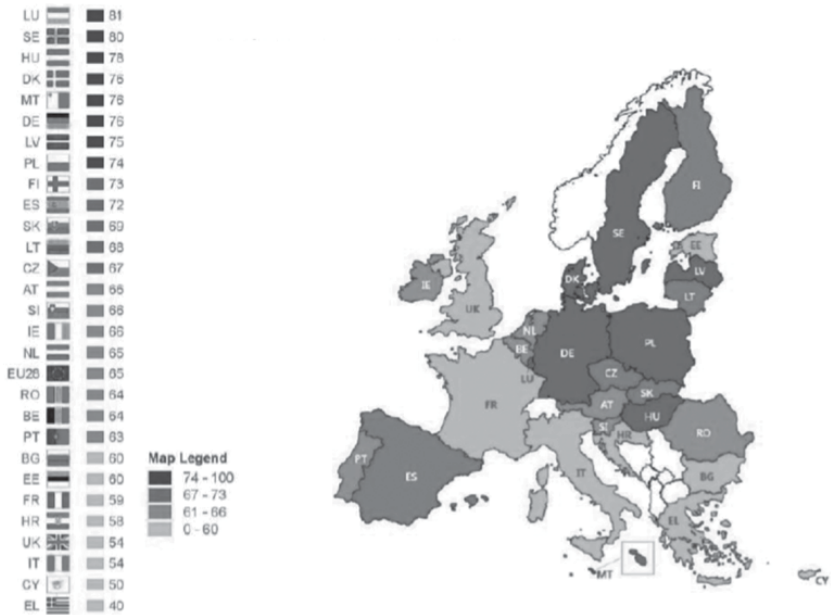
In this direction, the latest six-monthly Eurobarometer survey, conducted in 2019 by the European Commission in each member state of the Union and in the candidate countries through individual interviews, reveals a sense of attachment to the European Union (Graph 1 and 2),<sup>11</sup> shared by the majority of respondents in 22 member states, albeit with a lower result than in the spring 2019 survey (23 States). More than seven out of ten respondents feel this sense of attachment to the EU, including Luxembourg (76 %), Latvia (73 %) and Poland (71 %), while it is less widespread in Italy (50 %) versus 49 %), Denmark (53 % versus 46 %) and France (53 % versus 45 %). In general, almost six out of ten Europeans feel a constant attachment to the EU (57 %, -3 %), 16 % (-2 %) feel 'very attached' and four out of ten (41 %, +3 %) say they do not feel connected to it, while 2 % (=) say they do not know.

However, two thirds of respondents (67 %, -1 %) think they want to know more about their rights as an EU citizen, of which almost three out of ten (28 %, unchanged) answer 'yes, definitely,' to on the contrary, less than a third of Europeans (31 %, +1) do not want to know more about these rights, 2 % (=) say they do not know. More than four out of ten Europeans (45 %, +3) feel they are not aware of their rights and 1 % (unchanged) say they do not know. Compared to the 2019 survey, the average desired speed to build Europe has increased in nine member states, mainly Cyprus (5.9 %, + 0.4 %) and Luxembourg (4.7 %, + 0.4 %), although it decreased slightly in four countries.

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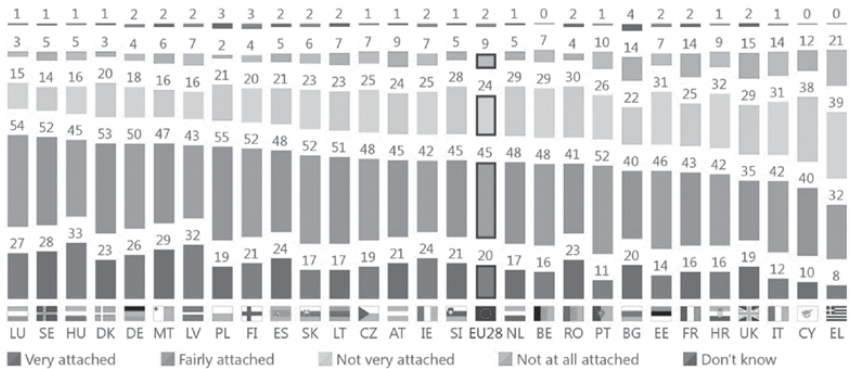
10 Council of Europe, *European Convention on Human Rights*, 4 November 1950 (Strasbourg: Council of Europe), 5.

11 European Commission, *Standard Eurobarometer 92. Autumn 2019. Report* (Brussels: European Union, 2020).



**Graph 1.** Attached to the European Union (Europe – % Average: total ‘Attached’)

Source: Standard Eurobarometer (2020).



**Graph 2.** Please tell me how attached you feel to Europe (%)

Note: EU27 average ‘very attached’ 20%; ‘quite attached’ 46%; ‘not very attached’ 24%; ‘not at all attached’ 8%; ‘do not know’ 2%.

Source: Standard Eurobarometer (2020).

## Citizenship in Italy and in European policies

In the Annual Report of the Council of Europe<sup>12</sup> it is stated that member states continue to argue that education for democracy and human rights should be a vital part of educational activities in the European area and a fundamental component of any measures adopted to address discrimination, prejudice and intolerance. The policy of education for citizenship and human rights in Europe<sup>13</sup> has produced numerous results over time. This is the case in Italy, where the Law of 30 October 2008, No. 169 – Art. 1. ‘Citizenship and Constitution’ focused on the acquisition, in the first and second cycle of education of knowledge and skills relating to citizenship and the constitution in the historical-geographical and historical-social areas and of the total number of hours foreseen for the same, laying the foundations for regulating civic and citizenship education in the Italian school system. It was subsequently integrated with the Guidance Document for the experimentation of the Citizenship and Constitution teaching, followed by the Ministerial Circular 86/2010, which provided interdisciplinary topics of ‘Citizenship and Constitution’ and a series of objectives concerning social and civic competence, also involving the topics of conflict management, respect for oneself and others, and respect for social rules. The subsequent *Indicazioni nazionali per il curricolo* (National guidelines for the curriculum) (2012) then placed active, participatory, and aware citizenship at the centre of the new cultural perspective, which presupposes responsible action, as well as precise knowledge and skills. The arrival of Law 107 of 2015 (so-called ‘Good School’), which provided for references to education for active citizenship, and of Law 92 of 2019, which introduced the teaching of civic education in schools, then helped broaden perspectives.

The growth of interest in Italy and Europe for citizenship education can, however, be linked to the international recognition of the need to address injustices and inequalities through education. Moreover, the process of globalization and the consequent migrations have led to the promotion of an idea of democratic citizenship as the foundation of multicultural societies<sup>14</sup> and as a way

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12 Council of Europe, *Learning to live together. Council of Europe Report on the State of citizenship and human rights education in Europe* (Strasbourg: Council of Europe, 2017).

13 Council of Europe, *Learning to live together*, 2017.

14 Audrey Osler, and Hugh Starkey Hugh, ‘Education for cosmopolitan citizenship: a framework for language learning,’ *Argentinian Journal of Applied Linguistics*, 3/2 (2015), 30–39.

to ‘manage diversity.’<sup>15</sup> This is evident as it has been carried forward over the years by European education policies. Since the 1990s, the Council of Europe has shown its commitment to human rights education until, on 11 May 2010, the Committee of Ministers of the 47 member states of the Council of Europe adopted the European Charter on Education for Democratic Citizenship and Human Rights Education (EDC / HRE), with Recommendation CM / Rec (2010).<sup>16</sup> By adopting this Charter, member states committed themselves to offering every person in their territory the opportunity to educate themselves about citizenship and human rights in an effort to promote democratic values. This Charter had the strength to be further strengthened by later documents for the development of policies and practical tools to support democracy, human rights, and the rule of law through education.

The definition of *Education for Democratic Citizenship* (EDC) of the Council of Europe means citizenship as a set of practices and principles aimed at making young people and adults better equipped to actively participate in democratic life, assuming and exercising their rights and responsibilities in society.<sup>17</sup> This vision had already been anticipated by John Dewey,<sup>18</sup> who suggested looking at education within a democratic society as an ‘associated living,’ where citizens actively and voluntarily participate in civic life to solve their problems. together with mutual collaboration.

As Olga Bombardelli and Marta Codato<sup>19</sup> correctly note, the Italian school system over time has acknowledged and continues to incorporate European dictates, from the *European year of citizenship through education* (2005) to the promotion of citizenship and the values of freedom, tolerance and non-discrimination through education. It has thus happened that in many

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15 Tibbitts Felisa, and William R. Fernekes ‘Human rights education,’ in Samuel Totten, Jon E. Pederson, eds, *Teaching and studying social issues: major programs and approaches* (Charlotte, Information Age Publishing, 2011), 87–117.

16 Council of Europe, *Council for Europe Charter on education for democratic citizenship and human rights education. Recommendation CM/Rec (2010)* (Strasbourg: Council of Europe Publishing, 2010).

17 Cezar Birzea, ‘Part I. EDC policies in Europe – a synthesis,’ in Cezar Birzea, David Kerr, Rolf Mikkelsen, Milan Pol, Isak Froumin, Bruno Losito, and Mitja Sardoc, *All-European study on education for democratic citizenship policies* (Strasbourg: Council of Europe, 2004), 18.

18 John Dewey, *The school and society* (Chicago Il: University of Chicago Press, 1900).

19 Olga Bombardelli, and Marta Codato, ‘Country Report: civic and citizenship education in Italy: thousands of fragmented activities looking for a systematization,’ *Journal of Social Education, Science* 16/2 (2017), 73–85.

international contexts, including Italy, momentum for citizenship education has gradually grown since the beginning of the 21st century. This is particularly true for those scholars<sup>20</sup> who have argued for the importance of citizens being prepared to assume their future responsibilities in democratic contexts and who have contributed to founding and fuelling an active debate that continues until today. However, citizenship education in Italy has undergone a number of transformations within political systems that have sought to cope with broader educational reforms which have been profoundly influenced by the actions of the European Commission (for example, through the Europe for Citizens Program 2014–2020) and the Council of Europe,<sup>21</sup> which have played an influential role in shaping national citizenship education policies and practices, with an emphasis on how it is actually supported.<sup>22</sup>

To this day, democracies in Europe are very active in defining citizenship programs and even those emerging in Eastern Europe are particularly present in the debates on education in post-communist nation states. However, the various challenges related to the development of citizenship education through the construction of a specific curriculum must take into account many factors, leading to vital questions about how education could better prepare young people to face a global world, one which governs the uncertainty of the future and where the problem of respect for human rights, social justice, and equity arises. It is about helping them to feel that sense of ‘global justice’ that Amartya Sen speaks of, one which focuses on overcoming national and international borders.<sup>23</sup>

Therefore, it seems appropriate to ask what are the fundamental questions that should be taught and how citizenship education can be placed at the centre of education, as well as what types of knowledge, skills and dispositions teachers need to do it effectively. Yet, above all, we need to ask ourselves how young people

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20 Losito Bruno, and Mintrop H., ‘The teaching of civic education,’ in Judith Torney-Purta, Rainer Lehmann, Hans Oswald, eds, *Citizenship education in twenty-eight countries: civic knowledge and engagement at age fourteen* (Amsterdam: The International Association for the Evaluation of Educational Achievement, 2001), 157–174.

21 Audrey Osler, ‘Citizenship education in Europe,’ in James A. Banks, ed., *Encyclopedia of diversity in education* (London and Los Angeles: Sage, Vol. 1, 2012), 375–378.

22 Peter Brett, Pascale Mompoin-Gaillard, and Maria Helena Salema, *How all teachers can support citizenship and human rights education: A framework for the development of competences* (Strasbourg: Council of Europe, 2009).

23 Amartya Sen, ‘Justice across Borders,’ in Pablo De Greiff, Ciaran Cronin, eds, *Global justice and transnational politics: essays on the moral and political challenges of globalization* (Cambridge, MA/London: The MIT Press, 2002).

can be better taught to be responsible for change and ready to support the complex issues that concern democratic citizenship. Widely recognized is the role of spaces offered to young people to engage in open dialogue practices and explore complex ideas about the world in ways that enable them to act responsibly<sup>24</sup> and in engagement practices, typical of active orientations, not on what the world is like, but on how it should be and how to change it.<sup>25</sup>

Conceptualizing citizenship education is therefore one of the challenges of the future. European education studies concerning democratic citizenship policies have largely concluded that teacher training models are still limited and sporadic in this sector, raising serious questions about their current capacity and effectiveness to promote more active and participatory approaches in students who have been prompted by civic education reforms in many countries.<sup>26</sup> In Italy, the term 'civic education' is used widely within the school system, especially in reference to the exercise of specific rights and responsibilities, which have shaped an idea of civic education and citizenship as education for democracy and democratic coexistence, in full respect of social and cultural differences.<sup>27</sup> Where guidance and support materials have been made available in the area of citizenship education, guidance indications are also provided on the national curriculum that offer

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- 24 Lynn Davies, 'Global citizenship: abstraction or framework for action?' *Educational Review*, 58/1, 5–25. Vanessa Andreotti, 'Postcolonial and post-critical global citizenship education,' in Geoffrey Elliot, Chahid Fourali, and Sally Issler, eds, *Education and social change: connecting local and global perspectives* (London: Continuum International Publishing Group, 2010), 233–245; Kathy Bickmore, and Cristina Parker, 'Constructive conflict talk in classrooms: divergent approaches to addressing divergent perspectives,' *Theory and Research in Social Education*, 42/3 (2014), 291–335; Douglas Bourn, *The Theory and Practice of Global Learning* (London: Development Education Research Centre Institute of Education, London International Development Centre, 2014); Tobias Troll, and Johannes Krause, 'The future of development education: transformational learning for a world citizens movement,' in Amy Skinner, Matt Baillie Smith, Eleanor Brown, and Tobias Troll, eds, *Education, Learning and the transformation of development* (London: Routledge, 2016), 143–157.
- 25 April R. Biccum, 'Editorial: global citizenship education and the politics of conceptualization,' *International Journal of Development Education and Global Learning*, 10/2 (2018), 119–124.
- 26 David Kerr, *Regional Report on the Western Europe region in the framework of the All-European Study on EDC Policies* (Strasbourg: Council of Europe, 2003), 38.
- 27 Olga Bombardelli, and Marta Codato, 'Country Report: civic and citizenship education in Italy: thousands of fragmented activities looking for a systematization,' *Journal of Social Education, Science* 16/2 (2017), 73–85.

information on practices and learning resources appropriate to develop it. In this regard, legislative sources such as ministerial decrees, circulars or documents produced, together with the developments that took place in 2012 and 2015, have contributed to making the range of guidance materials for schools more complete.<sup>28</sup> National guidelines were developed in 2012 to emphasize skills-based citizenship education, while a more comprehensive and integrated school approach was supported in 2015 through a major reform of the national education and training system. Law No. 107 of 2015 then provided schools with principles and guidelines, assigning objectives to schools for the acquisition of social, civic and intercultural skills and knowledge for all levels of education and Law 92 of 2019 abolished some previous rules focused on civic education.

A problem emerging in the surveys conducted on civic education in Europe was, and remains, that of the inadequate preparation of teachers in managing citizenship education in a certain number of countries and of the development of approaches capable of clearly identifying the conceptual issues connected with such teaching. Interestingly, in the non-European context, the Australian approach sees citizenship brought back within the framework of three components: civil (rights and responsibilities), political (participation and representation) and social (social values, identity and community involvement).<sup>29</sup>

However, as polarizations have deepened, the most urgent challenge for teachers and educators today appears to be that of looking at their own training with a view to adopting ethical, responsible and reactive ways of seeing, knowing and relating to others in context.<sup>30</sup> The assumption and proximity of terms such as development and globalization<sup>31</sup> help to explain the absence of a unifying definition in terms of citizenship education, whose connotations refer more commonly to awareness, understanding, to the global connection to the

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28 Euridyce, *Citizenship Education at School in Europe* (Luxembourg: European Commission/EACEA/Eurydice, Publications Office of the European Union, 2017).

29 Australian Curriculum Assessment and Reporting Authority, *The shape of the Australian curriculum: civics and citizenship* (Sydney: ACARA, 2012).

30 Vanessa Andreotti, 'Postcolonial and post- critical 'global citizenship education,' in Geoffrey Elliot, Chahid Fourali, and Sally Issler, eds, *Education and social change: connecting local and global perspectives*, 239.

31 Derek B. Heater, *A brief history of citizenship* (Edinburgh: Edinburgh University Press, 2004); April R. Biccum, 'Editorial: global citizenship education and the politics of conceptualization,' *International Journal of Development Education and Global Learning*, 10/2 (2018), 119–124.

change of civic practices,<sup>32</sup> but which are insufficient to give them a didactic transposition.

### **Citizenship and citizenship education: Two evolving concepts**

Education for democratic citizenship includes training, awareness, information, practices, and activities that aim to provide students with knowledge, skills and understanding, developing attitudes and behaviours capable of giving them the power to exercise and defend their rights and responsibilities in society, value diversity and play an active role in democratic life, in order to promote and protect democracy and the rule of law. The awareness and information practices and activities that aim, providing students with knowledge, skills and understanding, and developing behaviours to enable students to contribute to the construction and defines of their rights and duties, ones that reinforce the general idea of citizenship, but do not exhaust it.

The studies highlight that one of the primary responsibilities of public education is to guide students to acquire knowledge, attitudes and skills that prepare them to take advantage of social, economic, and political opportunities at the local, national and global levels. However, the traditional notion of citizenship as a legal status conferred by individual nations to those who reside within their borders, has shifted to changing conceptions of citizenship which are broader, in response to events that occur anywhere, often beyond national borders. If the notion of citizenship is changing, then it follows that the traditional definitions of civics and citizenship are also undergoing changes. Even though different countries have placed greater emphasis on civic education and citizenship in school curricula in recent years, there is still no common approach at the international level that helps to represent it clearly.

It is also necessary to underline how citizenship and civic curricula have been described, with the necessary awareness at the national and international level, in twenty-first century education<sup>33</sup> and how they are grafted into education as an

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32 Hans Schattle, *The practices of global citizenship* (Lanham: Rowman and Littlefield, 2008); Sharon Stein, 'Mapping global citizenship,' *Journal of College and Character*, 16/4, 242–252; Tobias Troll, and Johannes Krause, 'The future of development education: transformational learning for a world citizens movement,' in Amy Skinner, Matt Baillie Smith, Eleanor Brown, Tobias Troll, eds, *Education, Learning and the transformation of development* (London: Routledge, 2016), 143–157.

33 Wolfram Schulz, John Ainley, Julian Fraillon, David Kerr, and Bruno Losito, *ICCS 2009 International Report: Civic knowledge, attitudes, and engagement among*



opportunity for students to acquire skills, knowledge and the requisite mindset<sup>34</sup> to understand global interdependence, cultural diversity, multiple perspectives, and access to resources.<sup>35</sup> The study of civic education and citizenship varies from country to country, as school curricula have focused on local histories, social characteristics and cultural contexts, eventually defining civic education as the study of history, traditions and culture together with the national form of government processes.<sup>36</sup> Citizenship education, on the other hand, includes skills, attitudes, beliefs, and values that foster a willingness amongst students to participate and engage in their communities, nation, and world, and embodies civic knowledge, based on opportunities to exercise civic competences.<sup>37</sup>

Including citizenship and civic education as a standalone or integrated course in school curricula can help promote global perspectives,<sup>38</sup> providing a clear context for addressing 'global dilemmas.'<sup>39</sup> Civic and citizenship education are interdependent and provide for alignment with training objectives, equipping students with basic knowledge, attitudes, values, experiences, and practices defined by social goals and values.<sup>40</sup>

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*lower-secondary school students in 38 countries* (Amsterdam: International Association for the Evaluation of Educational Achievement – IEA).

- 34 Lynn Davies, 'Global citizenship: abstraction or framework for action?', *Educational Review*, 58/1 (2006), 5–25.
- 35 Judy Bruce, Chris North, and Jessica Fitz Patrick, 'Preservice teachers' views of global citizenship and implications for global citizenship education,' *Globalisation, Societies and Education*, 17/2 (2019), 161–176.
- 36 Amitai Etzioni, Marvin Berkowitz, and Bradford W. Wilcox, *Character building for a democratic, civil society* (Alexandria: Character Education Partnership, 1994).
- 37 Carole L. Hahn, *Becoming political: comparative perspectives on citizenship education* (Albany: State University of New York Press, 1998); Wolfram Schulz, John Ainley, Julian Fraillon, David Kerr, and Bruno Losito, *ICCS 2009 International Report: Civic knowledge, attitudes, and engagement among lower-secondary school students in 38 countries* (Amsterdam: International Association for the Evaluation of Educational Achievement – IEA).
- 38 David Held, and Anthony G. McGrew, eds, *The global transformations reader: an introduction to the globalization debate* (Cambridge: Polity Press, 2003).
- 39 James A. Banks, Cherry Banks, Carlos E. Cortes, Carole L. Hahn, Merry M. Merryfield, Kogila A. Moodley, Stephen Murphy-Shigematsu, Audrey Osler, Caryn Park, and Walter C. Parker, *Democracy and diversity: principles and concepts for educating citizens in a global age* (Seattle: University of Washington, Center for Multicultural Education, 2005).
- 40 James A. Banks, *Educating citizens in a multicultural society* (New York: Teachers College Press, 2007).

Kennedy<sup>41</sup> outlined four approaches to including civic education in school curricula, considering it as: autonomous discipline; integrated with specific subjects such as history and geography; incorporated into all fundamental disciplines; inserted as an extracurricular activity. Empirically, Fairbrother and Kennedy<sup>42</sup> then showed how civics courses linked to a single subject produce the highest results in terms of student achievement (statistically more significant) than other approaches. Interest in civic education and citizenship in European countries is witnessed by the ICCS (International Civic and Citizenship Education Study) surveys promoted by the IEA (International Association for the Evaluation of Educational Achievement), in 2009 and 2016, aimed at detecting the ways in which the younger generations are prepared to undertake their role as citizens in democratic societies, can be traced back to the line of large-scale research dedicated to civic education. Italy also participated in the 2016 survey with about 3500 students in the third grade of lower secondary school.

The IEA has conducted in-depth studies,<sup>43</sup> which have also attempted to explain how civics is based on students' interactions with colleagues, family members, teachers and socialization processes, such as the media, aimed at building social, political and economic meanings. Over time, the surveys have highlighted several aspects: from how most participating states have identified national civics topics, while a small group has selected global founding themes; from teachers' perceptions of the goals of civic education, in which in all

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41 Kerr Kennedy, 'The citizenship curriculum: ideology, content and organization,' in James Arthur, Ian Davies, Carole Hahnj, *The handbook of education for citizenship and democracy* (Los Angeles: SAGE, 2008), 482–491.

42 Gregory Fairbrother, and Kerr Kennedy, 'Civic education curriculum reform in Hong Kong: what should be the direction under Chinese sovereignty?,' *Cambridge Journal of Education*, 41/4 (2012), 425–443.

43 Judith Torney-Purta, Rainer Lehmann, Hans Oswald, and Wolfram Schulz, *Citizenship and education in twenty-eight countries* (Amsterdam: The Netherlands: International Association for the Evaluation of Educational Achievement – IEA, 2001), 38; Judith Torney-Purta, and Britt Wilkenfeld, *Paths to 21st Century competencies through civic education classrooms: an analysis of survey results from ninth-graders* (Chicago: American Bar Association Division for Public Education, 2009); Judith Torney-Purta, and Carolyn Barber, *Democratic school engagement and civic participation among European adolescents IEA*, (Amsterdam: IEA); Judith Torney-Purta, Wolfram Schulz, John Ainley, Julian Fraillon, David Kerr, and Bruno Losito, *ICCS 2009 International Report: Civic knowledge, attitudes, and engagement among lower-secondary school students in 38 countries* (Amsterdam: International Association for the Evaluation of Educational Achievement – IEA, 2010).

countries it was noted that students should value knowledge of national history and respect the laws,<sup>44</sup> to full agreement about how it was absent in civic education, especially in school curricula. The predominantly emphasized aspect was, and remains, the call to train teachers<sup>45</sup> to enable them to address current issues and dilemmas along with the ability to provide students with opportunities for engagement<sup>46</sup> for the development of global citizenship education practices.

It is a question here of pursuing an operational definition of citizenship that goes in the direction of a critical citizenship,<sup>47</sup> based on the promotion of a set of shared values such as tolerance, diversity, human rights, and democracy, where reflection turns to revisit the past and the imagination of a future governed by social justice, inclusion, and harmony. In this direction, pedagogical knowledge can be considered one of the necessary resources for a successful critical education in citizenship. If the primary role of citizenship in nation-states was historically to facilitate the process of state formation and build a common identity, today it is much more, that is, a goal that largely reflects the changing conceptions of what it means to be 'good citizen.' At the meeting point between critics and citizenship education are interconnected principles and educational practices recalled from freeriana pedagogy,<sup>48</sup> which encourages teachers and trainers to develop educational strategies to put the dialogue at the heart of a critical consciousness that involves many issues. The Freirean idea of critical conscience<sup>49</sup> should encourage the way in which knowledge and education are constructed to re-establish the meaning of citizenship itself and to make debate

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44 Bruno Losito, and Heinrich Mintrop, 'The teaching of civic education,' in Judith Torney-Purta, Rainer Lehmann, Rainer, Hans Oswald, Wolfram Schulz, *Citizenship and education in twenty-eight countries*, ch. 9. (Amsterdam: International Association for the Evaluation of Educational Achievement, 2001).

45 Zong Yi-zhong, *Measurement of the properties of oil-water two-phase flow in inclined and horizontal pipes* (Tianjin: Tianjin University, 2009).

46 Rebecca Duckworth, Lynn Walker Levy, and Jack Levy, 'Present and future teachers of the world's children: how Internationally-minded are they?,' *Journal of Research in International Education*, 4/3 (2005), 279–311; Hiromi Yamashita, 'Global citizenship education and war: the needs of teachers and learners,' *Educational Review*, 27/13 (2006), 27–39; Theresa Alviar-Martin, 'Reconciling multiple conceptions of citizenship: international school teachers' beliefs and practice,' *Journal of Education*, 191/3 (2010), 49–59.

47 Johnson Laura, and Paul Morris, 'Towards a framework for critical citizenship education,' *The Curriculum Journal*, 21/1 (2010), 77–96.

48 Freire Paulo, *La pedagogia degli oppressi* (Torino, Edizioni Gruppo Abele, 2011).

49 Freire Paulo, *La pedagogia degli oppressi*.

an indispensable tool for making men ‘critically aware,<sup>50</sup> capable of engaging in alternative points of view.

Citizenship is therefore a challenge for democratic education and for understanding the role that civic rights play in society and social justice. The latter can be spread across, as Fraser<sup>51</sup> states, three dimensions (distribution of resources, recognition policy and politics of representation and belonging), where it is taken as an integral guiding principle in the planning and implementation of education and in its transformation. The teaching ‘for social justice’ stems from the idea that every human being has the same value and has the right to adequate standards of justice and that the violation of these standards must be recognized and fought.<sup>52</sup> The importance not only lies in what is taught, but also in the way it is taught and in the results of teaching and learning. Social justice education includes what is included in the curriculum and how the teacher practices it.

The concept of citizenship is linked to the bond that the state establishes precisely thanks to the rules of law, the bond of individuals with it and the compatibility of individuals with the society in which they live. Over time, families and schools have become the educational agencies responsible for the formation of individuals and the result of the official ideology where it is modelled. Therefore, interventions on education can be interpreted as a reflection of the understanding of democratic societies, in which political involvement remains one of the ways to give rise to ‘positive citizenship’ and social participation is considered central to national, European identity and global and for the configuration of a ‘good citizen.’ Political involvement is expressed through participation, which becomes a tool for the construction of active citizenship. How can the school contribute to fostering democratic participation?

As society becomes more democratic and evolved, the more political participation is guided by common interests that unite us. The fact that education cultivates civic commitments that encourage political participation as a virtue of a

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50 Deirdre Nansen McCloskey, ‘Measured, unmeasured, mismeasured, and unjustified pessimism: A review essay of Thomas Piketty’s *Capital in the twenty-first century*,’ *Erasmus Journal for Philosophy and Economics*, 7/2 (2014), 73–115.

51 Fraser Nancy, *Scales of justice. Reimagining political space in a globalized world* (New York: Columbia University Press, 2009), 95.

52 William Ayers, *Teaching the personal and the political: essays on hope and justice* (New York: Teachers College Press, 2004a); William Ayers, *Teaching toward freedom: moral commitment and ethical action in the classroom* (Boston: Beacon Press, 2004b); William Ayers, Therese Quinn, David Stovall, *Handbook for social justice in education* (New York: Routledge, 2007).

democratic society prompts us to look at 'citizenship' as a dimension of universal understanding of collective belonging, which can fully and equally apply to any individual, where rights appear as its constituents and where belonging cannot be said to be only 'national.' This is because democratic citizenship is a concept based on democratic principles and values such as pluralism, respect for human dignity, and the rule of law, which starts from the idea that every individual has the right to freely participate in the cultural life of the community, enjoy the arts and share scientific progress and its benefits. Participation in political and cultural life is, therefore, a fundamental human right recognized in a series of international human rights treaties, starting with the *Universal Declaration of Human Rights*, which provides for the right to participate in government and in free elections and to live cultural community. As a fundamental principle of human rights, it is also a necessary condition for exercising effective democratic citizenship. Citizenship joins the principle of freedom and freedom of choice which is fully expressed in Article 15 of the *Universal Declaration of Human Rights*, one which recognizes the right to have a nationality, to change it and not be deprived of it, a right confirmed by many other international instruments, including the European Convention on Nationality of the Council of Europe.<sup>53</sup>

## Conclusions

In the international regulatory context, 'nationality' and 'citizenship' have generally been used as synonyms referring to the legal relationship between an individual and the state, as well as for the important value of nationality and the implications it assumes in the daily life of people in each country. Being a recognized citizen of a country in fact has many benefits, ranging from the right to vote to that of benefiting from various services (social security, health, education, etc.), from holding public office to taking up work. Although each country can determine who its citizens are and what are their rights and obligations, international human rights instruments place some limitations on state sovereignty in terms of the regulation of citizenship by orienting it towards a global perspective. In this direction, with the growing interest in studies on education policy, schools and teachers take on a central role in interpreting it and translating it into daily practices, leveraging quality citizenship education to carry out specific actions and precise educational interventions that make explicit the relationships between rights, equity, and democracy.

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53 Council of Europe, *European Convention on Nationality*, 6 November 1997.

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Paweł Kubicki

## The sociological vacuum in Poland: Reflections 30 years after the transformation

**Abstract:** The article discusses the history and reception of the concept of a sociological vacuum in Poland. In the first part of the article, the author analyses the basic assumptions of the concept of a sociological vacuum and its historical conditions. In the second part, according to the research project ‘Shaping of the European citizenship in the post-totalitarian societies: Reflections after 15 years of EU enlargement,’ the author analyses the contemporary condition of Polish civil society and civil engagement in social movements and NGO organizations in Poland.

**Keywords:** sociological vacuum, civic society, the transformation of Polish policy system, Europeanization, Poland

### Introduction

The concept of a sociological vacuum is undoubtedly one of the best known theories by which the condition of Polish civil society may be explained. Initially described by Stefan Nowak in the late 1970s, it remains an up-to-date and vividly discussed concept, one which has become the dominant frame of reference used to explain the uniqueness of Polish society. The concept, constituting a diagnosis of a society functioning under the authoritarian and anti-civic regime in the communist period, also turned out to be valid in the following decades of the democratic Third Republic of Poland. For this reason, 30 years after the systemic transformation and 40 years after its identification, the issue of the sociological vacuum is still one of the most discussed topics in Polish sociology. A contemporary researcher of this phenomenon, Mikołaj Pawlak, wrote in this context that: ‘the thesis about the existence of a sociological vacuum in Polish society is one of the best-known statements in our sociological practice.’<sup>1</sup>

In this chapter, I will present the basic assumptions of the concept of a sociological vacuum and its historical conditions in the first part. In the second part, however, I will attempt to answer the question of whether the sociological vacuum is still a characteristic feature of Polish society. For this purpose, I will

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1 Mikołaj Pawlak, ‘Jak przemieszcza się próżnia? Wędrowki tezy Stefana Nowaka między obszarami i kontekstami,’ *Stan Rzeczy*, 1/10 (2016), 316.

refer to the studies carried out under the project ‘Shaping of the European citizenship in the post-totalitarian societies project: Reflections after 15 years of EU enlargement,’ mainly based on the analysis of existing data on the condition of Polish civil society and my own research on contemporary civic involvement in public affairs.

### The sociological vacuum

In the declining period of the Polish People’s Republic, an article by Stefan Nowak entitled ‘System wartości społeczeństwa polskiego’ (The Value System of Polish Society; 1979) appeared in the scientific journal *Studia Socjologiczne*. The author presented a diagnosis of Polish society on the basis of a survey carried out in 1972–1974 in Kielce and Warsaw. This diagnosis demonstrated the existence of a sociological vacuum between the level of primary groups (family) and the level of the national community in terms of people’s identification and emotional involvement.<sup>2</sup> In other words, between the narrowly understood private sphere (family) and the symbolic imaginary community (nation), there were no forms of socialization. The presented conclusions and the concept of a sociological vacuum constructed on their basis gained a great deal of resonance, for many years becoming the dominant framework within which scholars explored the uniqueness of Polish society. One such example is the contemporary diagnosis of Polish society by Andrzej Zdybała, according to whom: ‘For a large part of society, social life is a kind of abstraction. Extra-family relationships are at best in the background in the life of the average citizen. The ties outside the family are weak, they do not give rise to a high sense of responsibility for actions taken collectively.’<sup>3</sup> Mikołaj Pawlak,<sup>4</sup> however, pointed out that Western researchers conducting research in Poland in the declining period of the Polish People’s Republic did not share this thesis about a complete sociological vacuum in Polish society. In this regard he cites, inter alia, the works of Janine R. Wedel, an American anthropologist who conducted research on everyday life in Poland

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2 Stefan Nowak, ‘System wartości społeczeństwa polskiego,’ *Studia Socjologiczne*, 4 (1979), 55–173.

3 Andrzej Zdybała, ‘Polityka publiczna w warunkach socjologicznej próżni,’ *Kultura i Społeczeństwo*, 4 (2015), 48–49..

4 A detailed, critical analysis of the reception of the concept of a sociological vacuum is presented by this author in his book: *Tying micro and macro: What fills up the sociological vacuum* (Berlin: Peter Lang, 2018).

in the 1980s. One book which she edited, *The Unplanned Society*,<sup>5</sup> is, as Wedel herself declares in the introduction, an attempt to disprove Nowak's thesis. Wedel demonstrated that the vacuum in the Poland of the 1980s was in fact filled with an enormity of social activities that could not be captured by questionnaire research techniques which were grounded in the positivist paradigm of social sciences. Wedel cites numerous examples of collective activity of a network nature. Of these, she considered the activity of *communities* to be the most important – informal social groups based on mutual trust and with a broader range than a family or a group of friends, which enabled the exchange of goods and information.<sup>6</sup> Criticism of the concept of a sociological vacuum turned out to be justified, given that the largest social movement in Polish history, Solidarity, developed a year after the term was coined. Such a mass social movement could not have arisen in a complete vacuum, it had to be based on already developed social capital and trust. For this reason, there was considerable criticism of the concept of a sociological vacuum, and also from voices in Polish sociology. Pawlak, examining the reception of the concept of a sociological vacuum in Polish sociology, presented some of the most strident of these voices. In his opinion, Antoni Z. Kamiński<sup>7</sup> pointed to the omission of the role of the Catholic Church as an organization which maintained the bonds of trust and community. Witold Morawski<sup>8</sup> and Andrzej Rychard<sup>9</sup> highlighted the insufficient consideration of the importance of workplaces. Other authors, including Nowak's own student, Ireneusz Krzemiński,<sup>10</sup> stressed that there was a need to take into

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5 Janine R. Wedel, 'Introduction,' in Janine Wedel ed., *The Unplanned Society. Poland During and After Communism*, (New York: Columbia University Press, 1992), 1–20.

6 Pawlak, 'Jak przemieszcza się próżnia?', 321–322.

7 Antoni Z., Kamiński, *An Institutional Theory of Communist Regimes* (San Francisco: Design, Function, and Breakdown, ICS Press, 1992), 253.

8 Witold Morawski, 'Prometeusz spętany?' in Witold Morawski, ed., *Modernizacja Polski. Struktury, agencje, instytucje*, (Warszawa: Wydawnictwo Akademickie i Profesjonalne, 2010), 90–123.

9 Andrzej Rychard, 'System instytucjonalny komunizmu. Jak działał, zmieniał się i upadł,' in Witold Morawski, ed., *Modernizacja Polski. Struktury, agencje, instytucje* (Warszawa: Wydawnictwo Akademickie i Profesjonalne, 2010), 435–460.

10 Ireneusz Krzemiński, 'Latentne wzory kultury a dynamika postaw społeczeństwa polskiego,' in Antoni Sulek, ed., *Dziedzictwo Stefana Nowaka* (Warszawa: Uniwersytet Warszawski – Instytut Socjologii, Polskie Towarzystwo Socjologiczne, 1992), 105–123; Ireneusz Krzemiński, 'Świat zakorzeniony,' in Ireneusz Krzemiński, ed., *Solidarność. Niespełniony projekt polskiej demokracji* (Gdańsk: Europejskie Centrum Solidarności, 2013) 209–241.

account additional, deeper subjective structures (such as meta-attitudes or the desire to implement moral values).<sup>11</sup> A particularly interesting study conducted by Lucjan Adamczuk,<sup>12</sup> which sadly did not make it into the mainstream, concerned the role played by the self-organization of workers in the 1970s and was based on the example of Szczecin. Even so, irrespective of these critical voices, it seems hard to deny that the health and condition of Polish civil society was indeed very poor, and that this was influenced by many factors. I will present a few of the most significant of these below, ones which play a significant role in determining the uniqueness of Polish civil society and continue to do so to this day.

### **Longue durée and the condition of Polish civil society**

The role of the *longue durée* process in the shaping of civil society and social capital was described in sociology above all by Robert Putnam. In his research on civil society in Italy, the American sociologist pointed out that the differences between northern and southern Italy result from long-term processes. In his opinion, the most developed regions of northern Italy, thanks to their status as merchant cities included in a broader trade network from the early Middle Ages, became a breeding ground for republican and civic ideas, which today translates into, among other things, the characteristic innovations of the region. The south of Italy, on the other hand, was dominated by a feudal system of dependencies and therefore developed different cultural patterns. In the North, the feudal bonds of personal subordination were weakened, while in the South they were strengthened. In the North, people were citizens, in the South, they were subjects.<sup>13</sup> This was also the case with Poland, where the urban and feudalism issues were both of fundamental importance in the formation of a specific cultural pattern that still determines the health and condition of Polish civil society to this day. The combination of historical factors prevented the urban culture and the bourgeoisie from playing a major role in shaping the Polish national identity,<sup>14</sup> which

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11 Pawlak, 'Jak przemieszcza się próżnia?', 326–327.

12 Lucjan Adamczuk, 'Rewolucja szczecińska. Analiza historyczno-socjologiczna' in Piotr Marciniak, and Wojciech Modzelewski, eds, *Studia nad ruchami społecznymi* (Warszawa: Wydawnictwo UW, 1989), 43–112.

13 Robert Putman, *Demokracja w działaniu. Tradycje obywatelskie we współczesnych Włoszech* (Kraków: Wydawnictwo Znak, 1995).

14 Paweł Kubicki, *Wynajdywanie miejskości. Polska kwestia miejska z perspektywy długiego trwania* (Kraków: Wydawnictwo NOMOS, 2016).

translated into a weakness of civic traditions and the absence of cultural patterns which would be characteristic of an urban *Gesellschaft* that would be based on ties and bonds of association. Furthermore, the feudal system of dependencies endured almost until the end of the 19th century, with serfdom still present in some parts of Poland. As such, these did not constitute favourable or fertile conditions for the development of independence and a sense of citizenship. As a result, Polish society was dominated for centuries by social ties characteristic of the *Gemeinschaft* type societies, and it was one of the most important factors that influenced the underdevelopment of civil society. When analysing the issue of the sociological vacuum from a historical perspective, Zdybała highlighted that many publications devoted to this issue were convinced that: 'in the past, Poland was considered more a federation of neighbourhoods (implicitly family neighbourhoods) than a structurally homogeneous state.'<sup>15</sup> Due to the lack of historical traditions in creating associative ties, in Karl Popper's classic terms Poland had more of a closed model of society than an open one. Such a society is characterized by a lack of rational political debate, state interventionism in social life, thinking in terms of authoritarian dogmas, xenophobia, lack of autotelic relationships, and especially a lack of healthy competition for places and roles in the social structure.<sup>16</sup> Such a model of society is the antithesis of civil society, which is based on the values characteristic of an open society, where the most important are those such as: openness, activity, creativity, autotelicity, tolerance, and democratic attitudes.

### **The anti-civic policies of the Polish People's Republic**

World War II and its consequences had a significant impact on the condition of Polish civil society. Poland suffered one of the largest personal losses of all participating countries. However, what is particularly important in the context of the discussed issue, the population losses mainly concerned the intelligentsia and the urban middle class, key groups for the development of civil society. Additionally, the post-war shifts and changes to the borders and delayed industrialization resulted in mass migrations from the countryside to the cities. As a result of the decisions of the great powers, Poland lost territories in the east, inhabited mainly by rural people, and in return gained heavily urbanized post-German territories in the west and north. The cities abandoned by the German

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15 Zdybała, 'Polityka publiczna w warunkach socjologicznej próżni,' 48–50.

16 Karl Popper, *Spółczeństwo otwarte i jego wrogowie* (Warszawa: PWN, 1993).

population were inhabited by Polish people, mainly from the countryside.<sup>17</sup> The scale of this phenomenon was described by Georg Thum, who noted that the settlement plan assumed that cities in the Recovered Lands could accommodate over 4 million people. At the same time, there was a settlement potential in the form of 1.8 million inhabitants of Polish cities. However, the plans did not take into account the fact that this potential would be spread across Poland. Since the political and economic future of the western territories was questionable, a large part of the *city folk* chose to remain in central Poland.<sup>18</sup> The result of all these events was, inter alia, that the new inhabitants of the cities treated them as ‘unwanted cities’<sup>19</sup> and were unable to build strong social ties for a long time, which obviously hindered the development of civil society. Similar processes, although on a smaller scale, also took place in other areas of the country. The accelerated industrialization that took place in Poland after World War II also stimulated mass migrations from the countryside to the city. However, due to the lack of a native bourgeoisie, the mechanism of socialization to urban cultural patterns did not come into play. As a result, it was possible to observe the ruralisation phenomenon at play in Polish cities,<sup>20</sup> one of the consequences of which was new city residents becoming sealed in family circles and a lack of understanding and respect for the common good, something which is the core of any civil society.

The anti-civic policy pursued throughout the entire period of the Polish People’s Republic<sup>21</sup> not only failed to eliminate the above-mentioned problems, but rather it deepened them. Barbara Lewenstein characterized the anti-civic policy of the Polish People’s Republic in the following way:

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- 17 Paweł Kubicki, ‘Polish Nationalism in 21<sup>st</sup> century: between a ‘manor house’ and a ‘city’ in Michal Vašečka ed, *Nation Über Alles. Processes of redefinition and reconstruction of the term nation in Central Europe* (Bratislava: Centrum pre Výskum Etnicity a Kultúry, 2008), 13–33.
- 18 Gregor Thum, *Obce miasto. Wrocław 1945 i potem* (Wrocław: Wydawnictwo Via Nova, 2005), 133–134.
- 19 Zdzisław Mach, *Niechciane miasta. Migracja i tożsamość społeczna*, (Kraków: Universitas, 1998)
- 20 Andrzej Sadowski, *Procesy ruralizacji. Ludność wiejska w mieście* (Kraków: Wydawnictwo Ekonomia i Środowisko, 1994).
- 21 Formally, the Polish People’s Republic existed from 1952–1989, whilst this case refers to the period between 1944–1952, when a non-sovereign Poland existed under the name of the Republic of Poland



Political and economic centralism led to the fact that at the local level no real social communities were formed, which would be based on real problems in the place of residence. Due to their centralized and nationalized nature, the existing local government institutions did not pursue important local interests, and therefore local ties were not formed around them, on the basis of which collective action among the inhabitants usually arises. It is mainly about territorial bonds, neighbourhood communities and communities of interests.<sup>22</sup>

In Lewenstein's opinion, one of the consequences of this situation was that: 'In the 1980s, the place of residence, especially in large cities, was still an *empty zone*.'<sup>23</sup> Thus, the quantitatively dynamically developing cities were even model examples of a sociological vacuum.

However, it should be emphasized that during the Polish People's Republic there were certain enclaves in cities where forms of socialization based on social capital and trust developed. They were mainly to be found in large industrial plants and it was thanks to such enclaves that a tremendous social movement such as Solidarity was able to emerge. As Lewenstein noted, however, the problem is that:

Participation in Solidarity was the basis for authentic social identifications, but they were made on the basis of symbolic participation in a world of shared values and the creation of an alternative to *their* world in *ours*. Participation in Solidarity had an associative dimension to a much lesser extent ..., apart from a temporary increase in local government aspirations, as a rule, no new and significant social ties were created at the local level ... Due to the fact that housing estates were outside the mainstream of changes in the country, during the period of Solidarity's operation, integration at this level only had a symbolic dimension – consisting in belonging to a broad solidarity community, and did not result in any new communities, as was the case in workplaces, where apart from the symbolic community of values, a community of people of Solidarity was also created – based on bonds of friendship and camaraderie.<sup>24</sup>

This situation meant that even though the 'Program of the Self-Governing Republic,' inspired by the thought of the socialist Edward Abramowski, played an important role within Solidarity, in practice it contributed little to filling the sociological vacuum. This happened for two main reasons. First, the development of Solidarity, which was established at the end of August 1980, was brutally

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22 Barbara Lewenstein, *Wspólnota lokalna w uczestnictwo lokalne. Monografia procesów uczestnictwa w samorządzie terytorialnym w pierwszych latach transformacji w Polsce* (Warszawa: ISNS UW, 1999), 55

23 Lewenstein, *Wspólnota lokalna w uczestnictwo lokalne*, 60.

24 Lewenstein, *Wspólnota lokalna w uczestnictwo lokalne*, 57–58.

halted by the imposition of martial law on December 13, 1981. Under a year of the 'Solidarity carnival' was too short a period to build a solid foundation for civil society. Secondly, the systemic transformation *de facto* brought about by Solidarity made little reference to the program of the 'Program of the Self-Governing Republic:'

Over 35 years after the Polish August of 1980 which was created by the masses, of the self-governing, grassroots social movement with a strong syndicalist tinge, Solidarity, no trace remains. Similarly, there is no trace of the turmoil and democratic revival that took place at the turn of the 1980s and 1990s in Central and Eastern Europe ... A huge desert stretches between the state and the privatized individual, with no strong social movements, no mass trade unions, no associations or civic organizations.<sup>25</sup>

The situation described by Żuk was a consequence of the uniqueness of the Polish transformation, which, although it referred to the postulates of a democratic civil society, in practice it did not always stimulate its development.

### **The systemic transformation of 1989: The trauma of great change**

The systemic transformation of 1989, although eagerly awaited by Polish society, in practice turned out to be a very painful experience. This was mainly due to the fact that the systemic change concerned almost all aspects of social life, thus creating favourable conditions for the occurrence of a phenomenon called the trauma of great change. According to Piotr Sztompka, who studied the social consequences of the great change, it influenced: 'the expansion of the sphere of uncertainty, risk and threats, the opacity of structures and organizations increases, normative anomy, chaos and incoherence of old and new regulations appear.'<sup>26</sup> One of the effects of the trauma of the great change was apathy and social withdrawal. This was particularly noticeable in a situation in which a significant consequence of the transformation was de-industrialization, which resulted in the closure of large industrial plants. As already noted, such large industrial plants were enclaves of social capital and trust in the Polish People's Republic, and thus it was not only jobs but social capital that disappeared along

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25 Piotr Żuk, *Spółczesność w działaniu. Ekolodzy, feministki, skłotersi. Socjologiczna analiza nowych ruchów społecznych w Polsce* (Warszawa: Wydawnictwo Naukowe SCHOLAR, 2001), 83.

26 Piotr Sztompka, 'Kulturowe imponderabilia szybkich zmian społecznych: zaufanie, lojalność, solidarność,' in Piotr Sztompka, ed., *Imponderabilia wielkiej zmiany* (Warszawa-Kraków: PWN, 1999).

with their closure, something which contributed strongly to the deepening of the sociological vacuum. Therefore, the first post-transformational decade in Poland was often described by sociologists as one of ‘social non-engagement’,<sup>27</sup> emphasizing the lack of civic arrangements at that time. From the sociological research conducted in this period, a picture of a genuine sociological vacuum emerged. For example, Piotr Matczak summing up his research on civic involvement in local communities wrote: ‘social passivity at the local level is common.’<sup>28</sup>

A particular paradox developed in this situation. The newly established Third Republic of Poland, unlike the Polish People’s Republic, tried to support the development of civil society institutionally. However, as a result of the described dependencies, they could not fully develop, a good example of which is the condition of the third sector after a decade of systemic transformation and when Poland was on the threshold of its accession to the EU. Piotr Gliński, analysing the condition of the Polish NGO sector, described it as follows: ‘there is an enormous distance that separates Polish society in terms of its civic activity (measured by participation and/or membership in organizations) from other European societies. Poles declare the lowest civic participation of all 21 nationalities included in the European Social Survey; we are at the bottom of the group of European countries with very low social activity.’<sup>29</sup> Particularly worth emphasizing is the fact that the weakness of civic involvement in the activities of the third sector is indicated by even more detailed data provided by Gliński, who wrote: ‘it relatively rarely manifests itself in Poland. Trade unions, sports clubs, churches, or voluntary fire brigades are not the mainstay of Polish civil society.’<sup>30</sup>

### The EU accession: Filling the sociological vacuum

In recent years, there has been a marked increase in civic involvement in Poland, both in terms of the activity of formal NGOs, as well as informal activities undertaken within social movements and grassroots initiatives. The formation of a

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27 Marek Nowak, ‘Społeczeństwo obywatelski w Polsce. Poprzez ‘Solidarność’ do społecznego bezruchu,’ in Marek Nowak, Michał Nowosielski, eds, *Czy społeczny bezruch? O społeczeństwie obywatelskim i aktywności we współczesnej Polsce* (Poznań: Instytut Zachodni, 2006).

28 Piotr Matczak, *Rad osiedli: w poszukiwaniu sensu lokalnego działania* (Poznań: Wydawnictwo UAM, 2008), 109.

29 Piotr Gliński, *Polscy Zieloni. Ruch społeczny w okresie przemian* (Warszawa: Wydawnictwo IFiS PAN, 1996), 29.

30 Gliński *Polscy Zieloni*, 27.

civil society is a process which is necessarily spread over time, so it is difficult to indicate a single landmark event that can be considered a turning point in this respect. Nevertheless, certainly a significant one here would be Poland's accession to the EU, which launched a number of processes which have stimulated the development of civil society. The progressive Europeanization of Polish society<sup>31</sup> has become an important factor stimulating civic engagement. This change can be illustrated by the results of cyclical research carried out by the Public Opinion Research Center. When asked if the respondents believed that 'people like them do not currently have an influence on the affairs of the country,' in 1992 as many as (91 %) answered no, only (7 %) believed that they had such an influence. In 2020, however, the majority (58 %) of the respondents believed that they had no influence on the affairs of the country, but already (39 %) declared a sense of agency.<sup>32</sup>

The analysis of the condition of civil society is far from easy and is something which is conditioned by the available data. On the one hand, traditional indicators of the condition of civil society, such as involvement in the activities of non-governmental organizations or participation in elections, in practice do not always translate into actual civic involvement. Additionally, as emphasized by Grzegorz Makowski: 'the legal definition of non-governmental organizations has an impact on what kind of knowledge about the third sector we have. This is because specific surveys, statistical or official data refer to it, on the basis of which we later try to outline the situation of the third sector.'<sup>33</sup> On the other hand, a whole range of informal civic activities is often overlooked in questionnaire surveys. In practice, therefore, it is difficult to accept the available figures as the only indicator of the condition of civil society. Nevertheless, the quantitative development of the NGO sector in recent years undoubtedly points to the dynamics of civic engagement that followed the 'social non-engagement' of the transformation period. Analysing these dynamics, Makowski cites the following

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31 See: Paweł Kubicki, Bożena Gierat-Bieroń, Joanna Orzechowska Waclawska, *The European Capital of Culture 2016 effect: how the ECOC competition changed Polish cities* (Berlin: Peter Lang, 2020); Magdalena Góra, Katarzyna Zielińska, *State and society: European integration in Central and Eastern Europe*, (Kraków: Jagiellonian University Press, 2011), Magdalena Góra, Zdzisław Mach, eds, *Collective Identity and Democracy in Enlarging Europe*, (Frankfurt am Main: Peter Lang Publishing House, 2012).

32 CBOS, 'Poczucie wpływu na sprawy publiczne, Komunikat z badań', 27 (2020).

33 Grzegorz Makowski, 'Rozwój sektora organizacji pozarządowych w Polsce po 1989 r.', *Studia BAS*, 4/44 (2015), 65–66.

data from the Central Statistical Office: while in 1992 there were 2,282 registered associations in Poland, in 2014 there were already 107,876.<sup>34</sup> According to the latest research conducted by Klon/Jawor: in 2018 117,000 associations (including 17,000 volunteer fire brigades) and 26,000 foundations, i.e. a total of about 143,000 organization were registered (according to REGON, their official operating licence number). However, not all registered organizations actually operate, and according to Klon/Jawor estimates, only about 65 % of the registered organizations are active. An average association has 30 people and of these, 10 members are actually active, i.e. they are actually involved in the life of the organization.<sup>35</sup> Formal involvement in civic activity is also measured by the Public Opinion Research Center, which has been asking Poles every two years since 1998 whether they devote their free time to active social activity in civic organizations. The latest research from March 2020 shows, however, that the majority of Poles, i.e. as many as (57 %), do not work in any civic organization. (18 %) declares that they devote their free time to social activities in one such organization, (9 %) work in two organizations, and (16 %) in three or more.<sup>36</sup> Characteristically, according to this survey, Poles most often devote their time, as in previous years, to social work in charity organizations – the highest percentage is observed among organizations helping children (15 %), but also adults, including the sick, the disabled, the old, the poor, and the homeless (11.2 %). Every tenth respondent (10.8 %) actively works for the parents ‘committee, parents’ council, school or university foundation, or another organization working for the benefit of education and training. As emphasized in the conclusions of the research, the declared participation in the work of charitable organizations is significantly increasing – from about (1 %) in 2002 to over (11 %) now.<sup>37</sup>

However, it should be emphasized that formal involvement in NGO activities cannot always be treated as an indicator of civil society. Moreover, it can be an example of its antithesis, the growth of clientelistic dependencies and the development of the so-called GONGOs (Government Non-Governmental

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34 Makowski, ‘Rozwój sektora..’ 67.

35 Stowarzyszenie Klon/Jawor, *Kondycja Organizacji pozarządowych*, 2018.

36 CBOS, ‘Aktywność Polaków w organizacjach obywatelskich. Komunikat z badań’, 37 (2020).

37 CBOS, ‘Aktywność Polaków w organizacjach obywatelskich. Komunikat z badań’, 37 (2020).

Organizations).<sup>38</sup> This problem was pointed out by Elżbieta Karolczuk, who claims:

Currently, the negative effects of financial dependence on the state are visible even more clearly than just a few years ago. A serious crisis has already begun related to cutting funding by the administration, which is redirecting resources to supporting more GONGOs, i.e. organizations created and controlled by the authorities that pretend to be grassroots. ... So far, as indicated by, for example, subsequent reports of the Klon/Jawor Association, the main driving force for NGOs has been money from local governments and government programs. Although fundraising was identified as the organization's biggest problem, few of them had an idea of how to diversify their sources of income: in 2015, fewer than 1/3 of the organizations surveyed by Klon/Jawor used three or more different sources of funding. Few organizations also benefited from support from individuals. It is also worth noting that while between 2003 and 2014 the share of income from contributions from individuals increased slightly (from 3% to 9%) and from the transfer of 1% from tax (to 5%), at the same time the share of income from membership fees (from 8% to 3%).<sup>39</sup>

On the basis of the available data, it is difficult to unequivocally determine this matter. According to the data presented by the latest Klon/Jawor report on the Polish non-governmental sector, in the category of 'percentage of organizations using particular sources of income' we can find data confirming the increase in clientelistic dependencies. For example, the percentage of organizations using local government sources in their NGO income was (49 %) in 2011, while in 2017 it was already (61 %), and in the case of government sources, in the same period, an increase from (12 %) to (20 %) was recorded. The same data, however, indicate a different tendency, widening the field of financial independence of NGOs. For example, in the case of donations from private persons, there was an increase from (28 %) in 2011 to (50 %) in 2017, while in the case of 1 % tax, this percentage in the same period increased from (17 %) to (25 %).<sup>40</sup>

Regardless of the problems described, and thus the question about the actual role of the third sector in shaping civil society, in the last decade we could observe a dynamic development of grassroots social movements and informal civic initiatives. This applies to both those that can be described as

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38 This involves situations where an NGO is founded by the public sector (local government, municipal authorities, political parties) in order to access funds reserved for NGOs.

39 Elżbieta Karolczuk, 'Społeczeństwo obywatelskie w Polsce – kryzys czy nowe otwarcie?', *Instytut Studiów Zaawansowanych*, Warszawa, seria i analizy, December 2017, 6.

40 Stowarzyszenie Klon/Jawor, *Kondycja Organizacji pozarządowych*, 2018.

progressive: urban movements, LGBT+ movements, women's movements, new ecological movements, etc., and backlash movements such as: organizations of football fans, pro-life movements, nationalist groups, etc.

Perhaps the most spectacular example of the grassroots formation of civil society in the last decade has been played by urban movements.<sup>41</sup> Urban movements began to develop in Poland in 2007–2008 and since then have become an important actor in the processes of the democratization of Polish cities. Initially scattered, grassroots organizations began to integrate relatively quickly and to create a nationwide social movement. The first meeting integrating urban movements was held in 2011, which resulted in the establishment of the Congress of Urban Movements – a network structure integrating dozens of urban movements from all over Poland. In the last decade, urban movements have had a significant impact on stimulating civic activity at various levels, involving thousands of the inhabitants of Polish cities in social activities. In many cities, they were also more or less successful in terms of elections, by introducing their representatives to city councils and thus breaking the monopoly of political parties on exercising power in cities and helping to make them more civic.<sup>42</sup> The development and activity of urban movements has become one of the key impulses to fill the sociological vacuum in Polish cities, and is something which is reflected in the polls. According to CBOS research, the sense of individual's having an influence on the local situation has grown significantly among Poles over the past thirty years. In 1992, as many as (79 %) respondents claimed that they had no influence on the affairs of their community, and only (16 %) declared that they had such an influence. However, in annual surveys since 2010, the percentage of people declaring an influence on the affairs of their community has already exceeded (50 %), and in recent years this percentage has fluctuated around (59–58 %).<sup>43</sup> A crucial factor influencing the dynamics of social involvement is the growing sense of pride and local identity and this is reflected in cyclical surveys that correlate with qualitative research.<sup>44</sup> This is also confirmed by research devoted to the analysis of the Europeanization processes

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41 A detailed analysis of Polish urban movements can be found in the following book: Paweł Kubicki, *Ruchy miejskie w Polsce* (Kraków: ZW NOMOS, 2020) and the articles: Paweł Kubicki, 'Ruchy miejskie w Polsce. Dekada doświadczeń,' *Studia Socjologiczne*, 3/234 (2019), 5–30, Paweł Kubicki, 'Inventing Urbanity: Urban Movements In Poland,' *Society Register*, 4(4), 87–104.

42 Kubicki, *Ruchy miejskie w Polsce. Dekada doświadczeń*.

43 CBOS, 'Poczucie wpływu na sprawy publiczne, Komunikat z badań', 27 (2020).

44 Kubicki, *Ruchy miejskie w Polsce*.

in local Poland, which was particularly painfully experienced by the trauma of a great change. For local Poland, the time of transformation also meant a deep crisis, which translated into the issues of aesthetic and infrastructure values. This situation radically changed after the accession to the EU. The accession to the EU, related to the absorption of funds, increased both the aesthetic value of these towns, which significantly contributed to strengthening the local identity and pride, and launched many grassroots civic initiatives.<sup>45</sup>

Women's rights movements have a particularly rich tradition dating back to the end of the nineteenth century and are often classified in sociology as so-called old social movements characteristic of industrial society. Apart from a detailed analysis of the history of these movements, from the point of view of the discussed topic, the essence is that women's rights movements have gained completely new dynamics and meanings in Poland in recent years. This was mainly due to the National Women's Strike (Ogólnopolski Strajk Kobiet), launched in 2016, which arose on the wave of protests against the draft 'Stop Abortion' bill. Agnieszka Ziętek has written about the role of this movement as follows:

'The Polish Women's Strike, as well as the so-called Black Protests (*Czarne Protesty*) were a reaction to the announcement of the Sejm of the Republic of Poland taking up work on the draft law on a complete ban on abortion and the simultaneous rejection of the so-called a social project to ease the anti-abortion law. Therefore, it was a mass, grassroots and social protest, which was a voice of opposition to the real prospect of tightening the law in this area.'<sup>46</sup>

A detailed analysis of the protests themselves, as well as the process of their transformation into a social movement, has been described in the collective work *Bunt kobiet. Czarne Protesty i Strajki Kobiet*.<sup>47</sup> The National Women's Strike has played an important role in the social activation of women in recent years and has become the basis for the largest mass protests in the 30-year history of the Third Republic, which broke out at the end of October 2020 in protest against the

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45 Paweł Kubicki, 'Social Memory in Local Poland Following Accession to the European Union,' in Zdzisław Mach, ed., *Local Community Power and European Integration* (Frankfurt am Main: Peter Lang 2017), 9.

46 Agnieszka Ziętek, 'Ruchy protestu jako przykład asertywnej kultury obywatelskiej. Przypadek Ogólnopolskiego Strajku Kobiet,' *Athenaeum. Polskie Studia Politologiczne*, 65/1 (2020), 165–166.

47 Elżbieta Korolczuk, Beata Kowalska, Jennifer Ramme, Claudia Snochowska-Gonzalez, eds, *Bunt kobiet. Czarne Protesty i Strajki Kobiet* (Gdańsk: Europejskie Centrum Solidarności, 2019).



ruling of the Constitutional Tribunal, which tightened the already very restrictive abortion law in Poland.

LGBT movements began to develop their activities in Poland in the early twenty-first century. It is then that the main institutions representing this community were established, such as: Campaign Against Homophobia (Kampania Przeciw Homofobii; 2001) with several dozen branches in Polish cities, Lambda Association (2002), Equality Foundation (Fundacja Równości; 2005), and the ‘Tolerado’ Association for LGBT people (Stowarzyszenie na rzecz osób LGBT ‘Tolerado;’ 2012). At that time, and for the first time, equality marches were organized, being an important element in shaping the identity of the movement, as well as its political representation. The first equality marches started in 2004–2005 in Warsaw, Krakow and Poznań. For a long time, these marches only took place in the largest metropolises, and even there, as in the case of Poznań in 2005, they were banned by local authorities and brutally pacified by the police as illegal. With time, equality marches were organized in more and more cities. We can talk about a breakthrough as of 2017, when equality marches also began to be organized in medium and small towns. In 2019, the equality march went through several dozen Polish cities, indicating the growing civic involvement of the LGBT community, as well as the increasing number of heterosexual supporters supporting this movement. Reactions to such marches still vary, from violent riots in cities where they are taking place for the first time, to the atmosphere of a festival, such as in metropolises such as Warsaw and Krakow, where they have been held continuously for over 15 years and have already become part of the urban folklore. A separate problem in this context, however, are local resolutions of ‘LGBT-free zones’ adopted by rural and small-town local governments dominated by politicians from the Law and Justice party.

Environmental movements in Poland have a relatively long tradition, and their dynamic development took place at the turn of the 1980s and 1990s and has been described, among others, by Gliński in the book *Polscy Zieloni. Ruch społeczny w okresie przemian*.<sup>48</sup> These movements, due to the previously described social immobility of the transformation period, lost their dynamics significantly. In recent years, however, there has been a clear renaissance of civic involvement in environmental movements. On the one hand, these are urban movements responding to air pollution in Polish cities, which have been among the most polluted in this respect for many years. However, for a long time this problem was ‘unnoticed’ and neglected. It was only when a grassroots urban

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48 Piotr Gliński, *Polscy Zieloni*.

movement was established in Krakow at the turn of 2012/13, the Krakow Smog Alert (Krakowski Alarm Smogowy), that mass social mobilization was triggered. Relatively quickly, the Krakow example spread throughout the country, which led to the creation of the nationwide network of the Polish Smog Alert in 2015, bringing together over 40 organizations and activating many of the inhabitants of Polish cities. On the other hand, these are also local branches of global social movements fighting climate change, such as the Youth Climate Strike or Extinction Rebellion, which activate the citizenship, especially of the younger generations.

At the other extreme to such progressive movements, backlash movements have also developed very intensively. The discussion as to the extent to which such movements can also be treated as an indicator of civil society, and to what extent they constitute its antithesis, would require a separate study. At this point, however, it should be emphasized that also in this case strong processes of social self-organization can be seen. One example of such would be the activities of football fan groups. Most often they are described in terms of hooligan subcultures, where attention is paid to the issue of anomie and dysfunction. Nevertheless, they are also an example of well-organized social movements, as argued by Rafał Chwedoruk, who has claimed: 'You can find many historical elements of social movements in fan movements. Appealing to mass support, traditionally understood manifestations, community axiology, and the evolution from the spontaneous behaviour of informal organizations to protests of legal associations.'<sup>49</sup> Researchers have also emphasized the important role of football fan movements in shaping local identities, as Jacek Burski indicated: 'Thanks to football it was possible to satisfy the need to take root in a new place and build the foundations of local identity. Football turned out to be a specific element of urban and working class culture, allowing for the representation of the newly built collective 'us.' It has become a framework for a community created in an urban environment.'<sup>50</sup> Another type of backlash would be the emerging 'urban backlash.' I use the term in quotation marks here deliberately, as it is difficult to

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49 Rafał, Chwedoruk, 'Protesty kibiców piłkarskich w Polsce w XXI wieku. Analiza ruchu społecznego,' *Przegląd Socjologii Jakościowej* 11/2 (2015), 84-114, accessed 3 November 2020, 105. Htm: [http://bazhum.muzhp.pl/media//files/Przegląd\\_Socjologii\\_Jakosciowej/Przegląd\\_Socjologii\\_Jakosciowej-r2015-t11-n2/Przegląd\\_Socjologii\\_Jakosciowej-r2015-t11-n2-s84-114/Przegląd\\_Socjologii\\_Jakosciowej-r2015-t11-n2-s84-114.pdf](http://bazhum.muzhp.pl/media//files/Przegląd_Socjologii_Jakosciowej/Przegląd_Socjologii_Jakosciowej-r2015-t11-n2/Przegląd_Socjologii_Jakosciowej-r2015-t11-n2-s84-114/Przegląd_Socjologii_Jakosciowej-r2015-t11-n2-s84-114.pdf).

50 Jacek Burski, 'Proces strukturyzacji i instytucjonalizacji świata społecznego kibiców piłkarskich i jego konsekwencje,' *Kultura i Społeczeństwo*, 2/31 (2017).

clearly describe it in terms of an 'urban movement'.<sup>51</sup> Most often these are grass-roots initiatives brought about by city dwellers protesting against the progressive urban policies being implemented in cities, mainly in relation to transport issues that result in restrictions being placed on cars. In some cities, their activities are already taking the form of structured social movements and are also associated with a protest against global capital which is seen to threaten the development of local services and commerce in cities.

The dynamics of civic involvement and the development of social movements was significantly influenced by the rise to power in 2015 of the Law and Justice party. The actions of this party, which is perceived as anti-democratic, keen to undermine the foundations of liberal democracy and to limit personal freedoms, fuelled mass civil protest movements. The most spectacular actions included the protests organized by the Committee for the Defense of Democracy (Komitet Obrony Demokracji) and the Chains of Light (Łańcuchy Światła) initiative to defend the independence of the judiciary in Poland. These initiatives mobilized thousands of inhabitants in dozens of cities to act in public spaces, but most of all, they launched a great public debate on the essence of democracy, becoming for many an 'accelerated course' in knowledge about civil society.

## Conclusions

Analysing the condition of civil society is no easy task since we are confronted by a phenomenon that is difficult to measure with objective indicators. Moreover, due to cultural differences and the dynamics of social life, the same indicators can be interpreted very differently. Additionally, traditional indicators measuring the condition of civil society often do not reflect its actual condition. This is due to the fact that many social activities are now mediated via the Internet, a good example of which is the phenomenon of the so-called e-neighbourhood. In large cities, mobility and the short-term rental of apartments have strongly undermined traditional neighbourly ties, but this does not mean, however, that they have completely disappeared, but now they mainly function on internet forums or social networks. In addition, the development of the so-called new tribes in the sense given by the term Michel Maffesoli,<sup>52</sup> as temporary empathic communities connected, inter alia, by a common hobby, makes it increasingly difficult to 'perceive' social commitment oriented towards the common good,

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51 I tackle this particular subject in Kubicki, *Ruchy miejskie w Polsce*, 206–217.

52 Michel Maffesoli, *Czas plemion* (Warszawa: Państwowe Wydawnictwo Naukowe, 2008).

despite the fact that social capital and civic involvement in informal ‘new tribes’ is often greater than in formalized and bureaucratic NGOs.

Nevertheless, despite the above-mentioned difficulties, it can be stated that 30 years after the transformation, the sociological vacuum is increasingly being filled with civic activity and social involvement. This is especially true of informal activities, social movements, ‘new tribes,’ neighbourhood initiatives and much more. A particularly interesting indicator in this context is the growing involvement of young people, something which has long been overlooked. For a decade, social movements in Poland, mainly animating and powered by young people, have been developing intensively. On the progressive side, there were urban movements, LGBT+ groups, women’s rights organizations, and new ecological movements. On the other hand, they have also taken the form of backlash movements such as football fan groups or the movement created around the Independence March. Thus, it is perhaps no coincidence that the largest street demonstrations in the history of the Third Republic of Poland were animated mainly by young people in October 2020, people who had developed extensive network relationships which had eluded previous studies. We will not be able to observe the effects of this peculiar generational revolution until some time later, but there is no doubt that it has become an important generational experience, thanks to which the young generation is constructing and developing their civic awareness.

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Grzegorz Pożarlik

## Civil society in post-1989 Poland as a contentious society: Systemic transformation and the Europeanisation of civil society

**Abstract:** In this chapter I argue that the recent wave of social protests in Poland illustrate *par excellence* the contentious character of Polish civil society, something already discernible prior to 1989. Drawing on Grzegorz Ekiert's and Jan Kubik's research on rebellious society, popular protest, and populist counterrevolution in Poland,<sup>1</sup> I examine the determining factors of the continuity and discontinuity of rationale and methods of civil society engagement in social protest against the erosion of democratic standards in public life.

**Keywords:** civil society, post-1989 Poland, contentious society, populist authoritarianism, Europeanisation

### The broader Central European background: From velvet revolution to velvet authoritarianism

Paul Betts,<sup>2</sup> reflecting on 1989 at the age of thirty, urged us to overcome our 'transfixation with the exceptional velvet revolution aspect of it.' I find this of considerable relevance in any research on the continuity and discontinuity of Central European civil society actions and reactions towards the state and its policy of monopolising the systemic transformation and European Union membership *finalité*. Betts – referring to Tony Judt's seminal study on 1989 as a terminal phase in modern European history, one marking the ultimate end of the key narratives of modernity such as the Enlightenment or two world wars – calls

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1 Grzegorz Ekiert, and Jan Kubik, *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland, 1989–1993* (Michigan: University of Michigan Press, 2001); Grzegorz Ekiert, and Jan Kubik, 'The Study of Protest Politics in Eastern Europe in the Search of Theory,' in Adam Fagan, and Petr Kopecký, eds, *The Rutledge Handbook of East European Politics* (London: Rutledge, 2018), 197–207; Grzegorz Ekiert, 'Civil Society as a Threat to Democracy: Organizational Bases of the Populist Counterrevolution in Poland,' *Minda de Gunzburg Center for European Studies Harvard* (5 March 2020).

2 Paul Betts, '1989 At Thirty: A Recast Legacy,' *Past & Present*, 244/1 (2019), 305.

for more emphasis to be given on the question of ‘not just which European Era 1989 has ended, but rather what European Era 1989 has started.’<sup>3</sup>

Part of the answer to the question of why we see the ongoing ‘velvet counter-revolution’ in contemporary Central Europe is to be found in the underestimation of the revolt of the masses syndrome, to use José Ortega y Gasset’s<sup>4</sup> evergreen metaphor.

Jan Zielonka and Jacques Rupnik insightfully explain the decisive role of the illiberal segment of post-1989 civil society in Central Europe in fostering the ‘velvet counter-revolution.’<sup>5</sup> As they diagnose:

At the helm of this ‘counter-revolution’ against the fruits of the liberal revolutions of 1989 are not old communists trying to regain power but people who were among those who initiated the region’s ‘return to Europe’ three decades earlier ... The revolutions of 1989 progressed through mass mobilisation and negotiation; the counter-revolution currently taking place is being forged through the ballot box. Populist politicians do not organise strikes or build barricades: they simply win elections. The revolutions of 1989 caused disruption and economic pain, whilst the current counter-revolution can pride itself on enjoying economic growth. The revolutions of 1989 were about ‘catching up’ with Europe, sometimes in demeaning conditions. The current counter-revolution is about restoring local pride and giving confused Europe a new sense of direction. Liberals are outraged, but illiberal measures (sometimes unconstitutional) are being adopted quite openly by some of the regions’ parliaments with public acquiescence.<sup>6</sup>

At this point it should be emphasised that the contemporary illiberal counter-revolution in Poland, and more generally elsewhere in Central Europe, has its historical and societal roots in a particular kind of cult of civic and national freedom. The cult of civic and national freedom has been attributive to the persisting appetite for societal contestation leading to popular rebellions, something which became canon in any understanding of modern Polish history. Poles – at least since the Partition era in the eighteenth century – have displayed strong tendencies for civil disobedience as a vehicle for the construction of

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3 Betts, ‘1989 At Thirty: A Recast Legacy,’ 305, in conjunction with: Tony Judt, ‘Nineteen Eighty-Nine: The End of Which European Era?’ *Daedalus*, 123/3, After Communism: What? (Summer 1994), 1–19.

4 Jose Ortega y Gasset, *The Revolt of the Masses*, (New York: W. W. Norton Company, 1994 [1930]).

5 Jan Zielonka, and Jacques Rupnik, ‘From Revolution to ‘Counter Revolution:’ Democracy in Central and Eastern Europe 30 Years On,’ *Europe-Asia Studies*, 72/6 (2020), 1073–1099.

6 Zielonka and Rupnik, ‘From Revolution to ‘Counter Revolution,’ 1073–1074.

collective political identity. It is precisely in this spirit of societal resistance that we can find the roots of contemporary civil society in Poland being predominantly – although not exclusively – a contentious civil society. Civil disobedience towards the state – as an outcome of the historical trauma of an imposed statehood syndrome – has been constitutive of what has frequently been attributed as the heart and soul of the Polish national character since the eighteenth century.

The national spirit of resistance petrified formal and informal practices which Stanisław Ossowski<sup>7</sup> depicted in terms of drawing boundaries between a ‘private’ and an ‘ideological’ homeland, with it being a constitutive feature of the state-society relationship in modern Polish history. Interestingly enough, Tímea Drinóczi and Agnieszka Bień-Kacała<sup>8</sup> refer to ‘emotional trajectories’ when explaining the phenomenon of an alternative public sphere through the conceptual lens of undemocratization and illiberal constitutionalism in Poland and Hungary. They clearly indicate that:

Poles are characterized as a traumatized nation because of the loss of statehood and independence, a nation that has a controversial attitude towards liberty, and a nation with has a firm Catholic belief, resulting in a lack of pluralism. Another strong feeling is messianism combined with megalomania. Parochialism and a folwark-like societal structure are also existing phenomena. As a result, Poles organize themselves by creating a hierarchy with a strong leader on the top, and thus, a democratic method of decision making is almost impossible.<sup>9</sup>

The social background of current democratic backsliding, illiberal revolution or authoritarian populist sentiment has been conditioned by a twofold process. Firstly, the state again became the moral and institutional compass for civil society.<sup>10</sup> Secondly, we can see the rise of a national-conservative civil society segment sponsored by the state.<sup>11</sup> The institutional context for civil societies in the Czech Republic, Hungary, Poland, Slovakia, and Slovenia, as Meyer, Moder, Neumayr, Vandor<sup>12</sup> claim:

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7 Stanisław Ossowski, *O ojczyźnie i narodzie. Stanisław Ossowski Dzieła* [Works], Vol. III (Warszawa: PWN, 1967).

8 Tímea Drinóczi, and Agnieszka Bień-Kacała, ‘Illiberal Constitutionalism: The Case of Hungary and Poland,’ *German Law Journal*, 20 (2019), 1144.

9 Drinóczi, and Bień-Kacała, ‘Illiberal Constitutionalism: The Case of Hungary and Poland,’ 1144.

10 Michael Meyer, Clara Moder, Michaela Neumayr, and Peter Vandor, ‘Civil Society and Its Institutional Context in CEE,’ *Voluntas*, 31 (2020), 820.

11 Richard Youngs, ed., ‘Mobilization of Conservative Civil Society,’ *Carnegie* (2018).

12 Meyer, Moder, Neumayr, Vandor, ‘Civil Society and Its Institutional Context in CEE,’ 820.

has been undergoing fundamental changes over the last few years, especially as regards the role of central governments in C[ivil]S[ociety] and their attitudes toward it. After a period of Europeanization and stabilization, CSOs are now operating in contexts in which central governments are increasingly becoming the ‘center of gravity’ (again). This change has coincided with increasingly hostile attitudes toward, and limited funding for CSOs that self-identify, or are label as ‘liberal.’ The result has been to create expectations of further political change, with uncertain prospects for CS.<sup>13</sup>

Complimentary to this institutional dimension of the state–driven monopolisation of civil society in Central Europe, we have witnessed the mutually reinforcing endogenous as well as exogenous growth of the national–conservative strand of it.<sup>14</sup> An empirical illustration of this development would be the policy of ‘special relationship’ between the state and national–conservative segment of civil society advocated by Law and Justice (Prawo i Sprawiedliwość, PiS), currently the ruling party in Poland. Paweł Marczewski<sup>15</sup> provides a particularly striking example of this special kind of partnership. As he explains:

The PiS government has created a new political context designed to favor certain civil society organizations (CSOs). The main institutional framework for this change is the creation of a National Institute of Freedom – the Center for the Development of Civil Society (NIW), affiliated with the office of the prime minister. This organization has replaced the Fund for Civic Initiatives, which was managed by the Ministry of Social Policy and previously served as the main body distributing public money to Polish CSOs. The change is not purely organizational; it is a symbolic gesture stressing the importance of civil society to the new government. It also signals that the PiS government wants to wield the power of civil society to advance its policy goals and conservative values—all under the guise of broadening access to public funding and government support for CSOs.<sup>16</sup>

The ideology of national rejuvenation has been a common denominator for the state and national–conservative civil society under PiS rule. Challenging the axiological and normative supremacy of the *ancienne régime* of liberal democracy has been identified as the operational mode for the policy of a new patriotism which has assumed the form of anti–liberal, anti–mainstream, counter-hegemonic

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13 Moder Meyer, Vador Neumayr, ‘Civil Society and Its Institutional Context in CEE,’ 820.

14 Richard Youngs, ed., ‘Mobilization of Conservative Civil Society.’

15 Paweł Marczewski, ‘Freedom to Exclude: Conservative CSOs in Law and Justice Poland,’ in Richard Youngs, ed., ‘Mobilization of Conservative Civil Society,’ *Carnegie* (2018), 51.

16 Paweł Marczewski, ‘Freedom to Exclude: Conservative CSOs in Law and Justice Poland,’ 51.

narrative in Poland and elsewhere in Central Europe. As clearly evidenced by Francesco Melito,<sup>17</sup> who follows Jan Kubik:<sup>18</sup>

The articulation of conservative counter-hegemonic discourses, which finds its roots in the cultural project theorised by the gramscisme de droite, is today largely visible in Europe. The contemporary Polish neo-traditionalist discourse makes an exemplary case for two main reasons: first, the 1989 disruption has certainly provoked in the Central-Eastern European Countries (CEECs) a more extensive redefinition of what was considered 'normal' (Kubik, 2018); second, some of the Polish neo-traditionalist discourse-makers, namely the conservative party Law and Justice (Prawo i Sprawiedliwość (PiS)), have been among the most successful in Europe in terms of electoral support and currently hold political power.<sup>19</sup>

Set against the background of this counter-hegemonic national narrative analysis we would need to provide for a broader civilisational perspective. In post-1989 Poland, interestingly enough, Western Europe was perceived as an 'imagined community'<sup>20</sup> by liberal civil society and as a 'generalised other'<sup>21</sup> by its national-conservative counterpart. This resulted in civilisational polarisation across Polish society after 1989: 'progressive' or 'modern' or *par excellence* 'European' civil society vs. traditional and 'national-conservative' civil society. The recently observed challenge to authoritarian tendencies is a continuation of this civilisational tug-of-war.

To wrap up the argument about the paradoxical nature of the velvet revolution and its current alternative, let us refer to Attila Ágh's<sup>22</sup> insight on the endemic character of populism in Central European party politics:

Populism has been a megatrend in eastern central Europe since the onset of systemic changes in the region in 1989. Populism has been, to some extent, an endemic feature of

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17 Francesco Melito, 'Finding the roots of neo-traditionalist populism in Poland: 'Cultural displacement' and European integration,' *New Perspectives*, XX (X) (2020), 2 in reference to: Jan Kubik, 'Conclusion: ambiguities of accommodation, resistance and rebellion,' in Alena Ledeneva et al., eds, *The Global Encyclopedia of Informality. Volume 1* (London: UCL Press, 2018), 374–8.

18 Jan Kubik, 'Conclusion: ambiguities of accommodation, resistance and rebellion' (London: UCL Press, 2018), 374–8.

19 Francesco Melito, 'Finding the roots of neo-traditionalist populism in Poland,' 2.

20 Benedict Anderson, *Imagined Communities: Reflections on the Origin and the Spread of Nationalism* (London and New York: Verso, 1991 [1983]).

21 George H. Mead, *Mind, Self, and Society* (Chicago: University of Chicago Press, 1934).

22 Attila Ágh, 'Increasing EUPopulism as a Megatrend in East Central Europe: From Facade Democracies to Velvet Dictatorships,' *Baltic Journal of Political Science*, 5 (2016), 22.

all parties in the region—including the mainstream parties—and reached its peak in the populism from-above of the currently ruling parties. ... the main reason behind ECE's populism is the region's failure to catch up to the West and 'return to Europe.'<sup>23</sup>

## **Poland in 2020: *In Europe we trust!* Civil society resisting the authoritarian populism of the state**

The current rise of contentious civil society in Poland has been particularly visible in reaction to the illiberal turn of the Law and Justice government after 2015. Challenging the coercive moral superiority of the ruling elite, contesting the ideologization of the apparatus of public administration, containing the authoritarian appetite of the ruling elite by providing for alternative channels of democratic accountability and safeguarding democratic rule of law by defending the constitutional separation of powers – with a little help from Europe – all have become the leitmotifs of the mission of liberal civil society. This particular kind of social contestation has been conceptualised by Michael Bernhard<sup>24</sup> in terms of a 'firewall society'. According to Bernhard, 'firewall civil society refers to the potential role of civil society as the last layer of accountability when antidemocratic political actors have undermined the traditional pathways of vertical (electoral) and horizontal (separation of powers) accountability that make democracy a self-enforcing form of political rule.'<sup>25</sup>

The widespread public protests against the politicisation of the judiciary in Poland after 2015 has been clear evidence of the relevant character of the concept. The defence of the principle of the separation of powers as the supreme constitutional norm, as well as the defence of independent judiciary – more specifically, a defence of independence of judges against political filter put on by the executive and legislative acting together – became the most visible manifestations of civil society challenging the authoritarian drift of the state's ruling elite. Importantly, a European reference was made the legitimising factor of the protest. As Claudia-Yvette Matthes<sup>26</sup> who refers to Magdalena Nowicka-

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23 Atilla Ágh, 'Increasing EUPopulism as a Megatrend in East Central Europe,' 22.

24 Michael Bernhard, 'What do we know about civil society and regime change thirty years after 1989?' *East European Politics*, 36 (2020), 3.

25 Bernhard, 'What do we know about civil society and regime change thirty years after 1989?', 341.

26 Claudia-Yvette Matthes, 'Safeguarding Democracy and the Rule of Law by Civil Society Actors? The Case of Poland' in Astrid Lorenz, and Lisa H. Anders, eds, *Illiberal Trends and Anti-EU Politics in East Central Europe. Palgrave Studies in European Union Politics* (London: Palgrave Macmillan, 2021) in reference to: Magdalena Nowicka-Franczak,

Franczak<sup>27</sup> noticed:

At the demonstrations, direct references to the EU were made and people held European flags as well as symbols of the Polish Constitution, showing posters in defence of the latter. Nowicka-Franczak (2016, pp. 2–3) distinguished four different types of slogans: (1) liberal and democratic slogans, referring to democratic principles such as rule of law or free media; (2) historical and symbolic slogans that refer back to the opposition movement in socialist times; (3) anti-government slogans; and (4) slogans that have an ironic, pop-cultural connotation and again aim to create a bond with liberal, European values.<sup>28</sup>

From yet another perspective, Bernhard's firewall society corresponds to Grzegorz Ekiert's and Jan Kubik's take on the historical roots of rebellious society in Poland after 1989.<sup>29</sup> The early stage of the systemic transformation in Poland after 1989 was marked by a massive explosion of social protests against the new political elite that emerged out of the conflicted 'Solidarity' leadership, which formed the first non-communist governments. Social mobilisation against the harsh economic policy of the 'shock therapy'<sup>30</sup> approach to the market economy transition – which led to a deepening of economic and social inequalities – emerged within the sphere of civil society becoming a predominantly 'contentious society.'

The recent revival of 'contentious society' could, therefore, be explained in terms of the historical continuity of a general societal distrust towards the post-1989 political elite in Poland. Thus, civil society assumed the role of an alternative channel of democratic accountability for the ruling elite. As rightly observed by Bernhard, Hicken, Reenock, and Lindberg 'civil society is essential to checking

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'Committee for the Defense of Democracy in Poland: Rebellion of the 'Beneficiaries of the Transformation?,' *Transit Online* (2016), <[https://www.iwm.at/transit-online/committee-for-the-defense-of-democracy-in-poland-rebellion-of-the-beneficiaries-of-the-transformation/#\\_ftn2](https://www.iwm.at/transit-online/committee-for-the-defense-of-democracy-in-poland-rebellion-of-the-beneficiaries-of-the-transformation/#_ftn2)> accessed 13 January 2021.

27 Nowicka-Franczak, 'Committee for the Defense of Democracy in Poland.,'

28 Claudia-Yvette Matthes, *Safeguarding Democracy and the Rule of Law by Civil Society Actors?* (London: Palgrave Macmillan, 2021), 282.

29 Grzegorz Ekiert, and Jan Kubik, *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland, 1989–1993* (Michigan: University of Michigan Press, 2001).

30 Leszek Balcerowicz, Barbara Blaszczyk, and Marek Dabrowski, eds, 'The Polish Way to the Market Economy 1989–1995' in W. T. Woo, S. Parker, and J. D. Sachs, eds, *Economies in Transition: Comparing Asia and Europe* (Cambridge: MIT Press, 1997), 131–160. See also: Marangos, John, 'Was Shock Therapy Really a Shock?' *Journal of Economic Issues*, 37/4 (2003) <[https://www.researchgate.net/publication/265533644\\_Was\\_Shock\\_Therapy\\_Really\\_a\\_Shock](https://www.researchgate.net/publication/265533644_Was_Shock_Therapy_Really_a_Shock)>, accessed 11 January 2021

prerogative state power and keeping politicians accountable to social constituencies, especially between elections.<sup>31</sup>

In performing the role of the guardian of the democratic rule of law, civil society recently adopted a set of three closely interwoven strategies of popular protest.<sup>32</sup> As evidenced by Giada Negri: ‘The detailed empirical evidence reveals three types of emerging strategies employed by civil society: efforts to build wider coalitions to defend against government restrictions, cooperation at the European level, and ad hoc forms of democratic grassroots activism.’<sup>33</sup>

Let us examine these strategies as they have been adopted in the case of the civil society protests in Poland after 2015.

Networking and expertise sharing in the field of human rights and democratic rule of law monitoring became one of the dominant strategies adopted by Polish non-governmental organizations in reaction to Law and Justice’s changes to the Polish judiciary system.<sup>34</sup> A case in point here might be the anchor role of the Helsinki Foundation for Human Rights in facilitating the mobilisation of human rights and democratic rule of law watchdogs and NGOs (ibid.). This networking has been explained clearly by Małgorzata Szuleka:

NGOs which used to work focusing on their field of expertise started to unite and build multidisciplinary networks and coalitions. For example, in July 2017, Polish NGOs started to build a coalition calling for joining the protests against the planned reform of the judiciary – the call was supported by a wide range of NGOs of different backgrounds. These calls were repeated in November 2017 when NGOs joined forces in a wide coalition protesting against the new proposal for judiciary reform.<sup>35</sup>

Coalition-building and expertise sharing at the national level has been complemented by European networking. Gianluca Sgueo<sup>36</sup> provides for the

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31 Michael Bernhard, Allen Hicken, Christopher Reenock, Staffan Lindberg, ‘Parties, Civil Society, and the Deterrence of Democratic Defection’, *Studies in Comparative International Development*, 55 (2020), 4–5.

32 Giada Negri, ‘How European Civil Society Is Pushing Back Against Democratic Erosion,’ *Reshaping European Democracy, Carnegie*, (2020).

33 Giada Negri, ‘How European Civil Society Is Pushing Back Against Democratic Erosion,’ 1.

34 Małgorzata Szuleka, ‘First victims or last guardians? The consequences of rule of law backsliding for NGOs: Case studies of Hungary and Poland’, *CEPS*, 06 (2018), <MSzuleka\_RoLandNGOs.pdf (ceps.eu)>, accessed 10 January 2021.

35 Szuleka, ‘First victims or last guardians?’, 21.

36 Gianluca Sgueo, *Beyond Networks – Interlocutory Coalitions, the European and Global Legal Orders* (New York City: Springer, 2016).



in-depth analysis of ‘interlocutory coalitions’ – one of the two most vibrant forms of civil society transnational networking in the area of the defence of the rule of law. The constitutive elements of interlocutory coalitions are – among others – ‘formal membership, resource-mobilisation, strategy elaboration, voicing civil society values through advocacy.’<sup>37</sup>

The Citizens for Europe European Democracy Network (EDN)<sup>38</sup> represents a particularly relevant case of such interlocutory coalition-building. Acting as ‘a network of civil society self-defense’ by ‘organizing a series of international ‘Citizen Dialogues’ in the participating countries to bring together a European public, the media and politics in civil dialogues, in order to enlighten, understand and influence society broadly’ is the backbone of the EDN’s activities.<sup>39</sup> The ultimate goal of such an agenda is to empower NGO’s in the participating countries to develop their skills in countering the erosion of the democratic rule of law, fundamental freedoms and civic rights ‘to experience the European dimension of their own engagement and battle as well as to exchange perspectives, opinions and visions on European topics.’<sup>40</sup> The Polish contribution to EDN activities has been through ‘Obywatele RP’ (Citizens of the Republic of Poland) ‘who practice civil disobedience in government decisions that threaten the rule of law.’<sup>41</sup>

Last, but certainly not least, one needs to emphasise the mass mobilisation of *ad hoc* grassroots initiatives. Spontaneous, popular protests turning into social movements stand as the historically clearest example of the contestation of a ‘rebellious’ civil society in Poland, at least since the ‘Solidarity’ era. The birth and early stages of the ‘Solidarity’ story might serve as case in point here. In its heyday – it was formerly a trade union – ‘Solidarity’ became a vehicle for a spontaneous nationwide social movement, one which attracted almost ten million people from different social, cultural and political backgrounds, all united by a demand for freedom, pluralism and independence in public sphere.

The post-2016 wave of *ad hoc* grassroots social protests against the draft abortion ban legislation, in conjunction with respective Constitutional Tribunal

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37 Sgueo, *Beyond Networks – Interlocutory Coalitions*, 76.

38 Citizens for Europe, European Democracy Network, <[https://citizensforeurope.org/european-democracy\\_network/](https://citizensforeurope.org/european-democracy_network/)>, accessed 10 January 2021.

39 Citizens for Europe, European Democracy Network, <[https://citizensforeurope.org/european-democracy\\_network/](https://citizensforeurope.org/european-democracy_network/)>, accessed 10 January 2021, 1.

40 Citizens for Europe, European Democracy Network, <[https://citizensforeurope.org/european-democracy\\_network/](https://citizensforeurope.org/european-democracy_network/)>, accessed 10 January 2021, 1.

41 Citizens for Europe, European Democracy Network, <[https://citizensforeurope.org/european-democracy\\_network/](https://citizensforeurope.org/european-democracy_network/)>, accessed 10 January 2021, 1.

judgment, represent both a continuity and a discontinuity of the traditional model of social movement in Poland.

On the one hand, we have observed the *ad hoc* mass mobilisation of Polish women – under the auspices of ‘Black March Protest’ (‘Czarny Marsz’)<sup>42</sup> – in the form of classic street protests and popular non-institutionalised strikes, which otherwise is a standard and constitutive feature of any social movement. This understanding of a social movement has been reflected in Jacquélien van Stekelenburg’s and Bert Klandermans’ study– who follow Della Porta, D., and M. Diani– assuming that ‘social movements are interlocking networks of groups, social networks and individuals and the connection between them with a shared collective identity who try to prevent or promote societal change by non-institutionalized tactics.’<sup>43</sup>

On the other hand, it was the ‘connectivity factor’ of the mass protests against abortion ban in Poland that became a new dimension of the contentious identity of this social movement.<sup>44</sup> The unprecedented scale of the protest was insightfully explained by Elżbieta Korolczuk, who argues that its successful mobilization through online community-building ‘should be seen in the context of recent changes in political opportunity structure and the rise of mass-scale opposition to the regime shift implemented by the ruling Peace and Justice party. Of key importance for ‘scaling up’ of protests was the fact that the mobilization followed the logic of connective action based on personalized engagement, in which communication became an important element of organizational structure.’<sup>45</sup>

Summarising the arguments made so far, we could assume that the conventional and non-conventional dimensions of the contentious identity of civil society merge and infuse one another. One key element, however, persists and

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42 Elżbieta Korolczuk, ‘Explaining ‘black protests’ against abortion ban in Poland: the power of connective action,’ (2017),

<[https://www.researchgate.net/publication/314232114\\_Explaining\\_black\\_protests\\_against\\_abortion\\_ban\\_in\\_Poland\\_the\\_power\\_of\\_connective\\_action](https://www.researchgate.net/publication/314232114_Explaining_black_protests_against_abortion_ban_in_Poland_the_power_of_connective_action)>, accessed 9 January 2021.

43 Stekelenburg van Jacquélien, Klandermans, Bert, ‘Social movement theory: Past, present and prospect,’ <[https://www.researchgate.net/publication/254828894\\_Social\\_movement\\_theory\\_Past\\_present\\_and\\_prospect](https://www.researchgate.net/publication/254828894_Social_movement_theory_Past_present_and_prospect), (2009), 4> accessed 9 January 2021 in reference to Donatella, Della Porta, and Mario Diani, eds, *Social Movements: An introduction* (Oxford: Basil Blackwell, 1999).

44 Korolczuk, ‘Explaining ‘black protests’ against abortion ban in Poland’

45 Korolczuk, ‘Explaining ‘black protests’ against abortion ban in Poland’, 94.

that is an aversion towards institutionalised and ritualised party politics which is always tempted to increase its visibility by ‘supervising’ the protests.

### **In lieu of a conclusion: The post-1989 (un)surprisingly paradoxical process**

More than thirty years after 1989’s *annus mirabilis*,<sup>46</sup> it is evident that the decisive role played by civil society in overthrowing Soviet-style authoritarian communism needs to be seen – as Ekiert and Ziblatt put it convincingly – in terms of a particular kind of emanation of Braudel’s *longue durée* of flowing mentalities, reconstructed and transformed across generations.<sup>47</sup> In order to fully grasp the legacy of pre-1989 rebellious society for the consolidation of today’s contentious civil society in Poland, it is essential to adopt a historical perspective on the continuity and discontinuity in the rationale, structure, and agency of civil society in the protests. Challenging the state oppression under communism and contesting current authoritarian practices involve the same critical components. As Thomas Osborne rightly observes:

At any event, the concept of civil society came to designate a combination of relations of trust and community combined with the virtues of independence from given institutions of power and control ... It is as such the domain of a regulated freedom, but a freedom that is not simply reducible to individualisation and atomisation, but which is ‘normed,’ socialised, dynamic and, as it were, interactive and indeed constitutive of mutuality and trust.<sup>48</sup>

The bitter irony and simultaneous paradox of the contentious rationale and agency of post-1989 civil society has been a return and petrification of the ‘us’ vs. ‘them’ divide, which led to emergence of what Grzegorz Ekiert identifies as ‘pillarised civil society.’<sup>49</sup> Pillarised civil society may be considered one of the

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46 Timothy Ash, *The Magic Lantern: The Revolution of ‘89 Witnessed in Warsaw, Budapest, Berlin, and Prague* (New York: Vintage Books, 1993). See also: Bogdan Iacob, ‘History’s debris. The many pasts in the post-1989 present,’ *Comparative Southeast European Studies*, 64/2 (2016), 119–141.

47 Grzegorz Ekiert, and Daniel Ziblatt, ‘Democracy in Central and Eastern Europe One Hundred Years On,’ *East European Politics, Societies and Cultures*, 27/1 (2013).

48 Thomas Osborne, ‘Civil Society, Populism and Liberalism,’ *International Journal of Politics, Culture, and Society* (3 September 2020), 4.

49 Grzegorz Ekiert, ‘Civil Society as a Threat to Democracy: Organizational Bases of the Populist Counterrevolution in Poland,’ *Minda de Gunzburg Center for European Studies*

symptoms of Durkheimian societal anomie<sup>50</sup> – a state of the disintegration of the very essence and meaning of the axiological and normative ties of any kind of national, social, cultural and civilisational community. Pillarised civil society could also be the factor explaining societal support for the authoritarian turn in Poland after 2015. Again, as argued by Grzegorz Ekiert, of late we can discern a strong correlation between pillarised civil society and the rise of authoritarian populism not only in Poland, but in a much wider European and global context.<sup>51</sup> As put forward by Ekiert:

One of discernible organizational forms of civil society that may endanger democracy is a ‘pillarized civil society ... [which] has emerged in Poland since country’s transition to democracy in 1989. This vertically divided civil society has enabled the extreme cultural and political polarization of Polish society, facilitated the mobilization of far-right, nationalist and conservative religious movements and recently provided support for the anti-liberal and anti-European policies of the Polish government dominated by the Law and Justice Party. While my analysis points to the crucial role of the associational sphere and its specific organizational characteristics in the U-turn toward authoritarianism unfolding in Poland, I also suggest that this is a more general phenomenon in contemporary societies both democratic and authoritarian.<sup>52</sup>

Indeed, the recent US Capitol riots seems yet further telling evidence of the social radicalisation which is part of a widespread global ‘U-turn’ of a significant segment of civil society toward authoritarian populism.

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50 Émile Durkheim, *The Division of Labour in Society* (New York: Free Press, 1964).

51 Grzegorz Ekiert, ‘Civil Society as a Threat to Democracy,’ 2.

52 Ekiert, ‘Civil Society as a Threat to Democracy,’ 2.

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Jana Pecníková/Daniela Mališová

## The shaping of active european citizenship in the Slovak society

**Abstract:** Active European citizenship is a concept that has been developed in Slovak society for 15 years since Slovakia's accession as a member state of the European Union. It has not been comprehensively researched to this day. The aim of the paper is to interpret the results of a research survey conducted in the project #ShareEU. The main goal is to find out the answer to the question of whether we can consider Slovak citizens to be active in the European context. We consider the formation of active European citizenship in Slovakia to be the subject of the research and its object is Slovak society as represented by the respondents. A questionnaire survey conducted on 100 respondents is the main method of work. The results of the survey will be part of an international comparison in the future. We also address the results to the public which is interested in participating and developing of active European citizenship (not only) in Slovakia.

**Keywords:** active European citizenship, shaping, Slovak society, survey

### Introduction

From a global perspective, the European integration process consists of two important factors. On the one hand, there is a deepening of cooperation among member states, on the other hand, the membership base is being expanded to include new European countries.<sup>1</sup> However, both factors affect the quality of relations and cooperation of all participating member states. However, European integration has not yet resulted in the kind of social integration which would lead to the creation of a common political community and the development of a cosmopolitan identity.<sup>2</sup> By this statement we understand that the consequence of European integration is not the loss of national resp. local identity and the acceptance of only transnational resp. European identity, but the creation of a kind of extension to the already acquired identity of the state's inhabitants. European integration facilitates the creation of diverse national identities, but not the convergence around a single homogeneous identity of the European Union.

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1 Petr Konig et al., *Učebnice evropské integrace* (Brno: Barrister & Principal, 2006), 123.

2 Jana Pecníková, *Aktívne občianstvo: európske či lokálne?* (Banská Bystrica: Dali BB, 2017), 24.

In this context, we consider it important to clarify the difference between identity and citizenship. In the concept of T. H. Marshall,<sup>3</sup> we perceive citizenship through the dimensions that define the legal, political, and social relationship to the society in which the population lives. However, we do not consider access to citizenship to be universal, as it is subject not only to the influence of legislation, but also to the ability of the individual to mobilize his or her own resources and opportunities. This moves us from citizenship in the general meaning to active citizenship.

Active citizenship is viewed by Kearns<sup>4</sup> through two perspectives, since he divides citizens into a small group of professionally active citizens who choose to professionally perform management and control functions in local government structures and a larger group of 'ordinary' citizens, who will be given more and more opportunities to participate in various activities such as social activities or the provision of services in the local community, for instance in the form of informal local activities. An active citizen is thus a functional part of society at the local level, in which he/she can use the potential of his/her human capital. However, this is not the only option for the citizen, because if we consider European identity to be an extension of national identity, we can consider active European citizenship as another option when understanding what it is to be an active citizen.

## Theoretical background

The concept of citizenship at the European level has been strongly linked to the legal and economic principles since the creation of the European Union. The Maastricht Treaty plays the greatest role, extending the validity of citizenship to the European area, which is also associated with the free mobility of people inside the EU.<sup>5</sup> However, active European citizenship is not just a theoretical and flexible concept used in international conventions. We can assume that it is active European citizenship that gives dynamism to the people of the member

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3 Ladislav Macháček, 'Občianska participácia a výchova k európskemu občianstvu,' *Sociológia*, 34/5 (2002), 472.

4 Ade Kearns, 'Active Citizenship and Local Governance: Political and Geographical Dimensions,' *Political Geography*, 4/2 (1995), 163.

5 Marcella Milana, 'Is the European (Active) Citizenship Ideal Fostering Inclusion within the Union? A Critical Review,' *European Journal of Education Research, Development and Policy*, 43/2 (2008), 210.

states and motivates them to develop their activity and develop their human potential.

We also see active European citizenship as one of the ways of decision making at the individual level, but also at community and state level, in the place where we live. Active European citizenship needs to be discussed, citizens are motivated to take an interest in what is happening around them in terms of social challenges and community investment, thus we observe a change in the civic attitude from the passive to active.<sup>6</sup> The social impact of active citizenship as democratic cooperation, which is based on the adoption of universal human rights and the rule of law, takes care of diversity, and involves the whole community.<sup>7</sup> Active citizenship plays a crucial role in this context, as it enables citizens to demand real solutions to problems and to step directly into their creation. Thus, all residents have the same opportunity to participate in society. Citizen participation in public affairs can be considered a manifestation of civic engagement.

Civic engagement is a term that expresses the dependence of the citizen and the state.<sup>8</sup> Civic engagement matters for three reasons: it is about building communities, developing democratic virtues, and protecting the interests of public life. We find that the most common form of civic engagement is participation in elections, followed by meetings at the local government level. On the contrary, participation in activities organized by politicians and political parties has become the least frequent. In terms of age, citizens aged 45–54 are usually the most civic, while citizens aged 18–24 are the least involved. Education is a strong determinant of civic engagement. There is a need to teach younger generations how to be active and to educate them for active citizenship and civic engagement, to increase the quality of life of local communities.

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6 Alena Ondrášková, 'Aktívne občianstvo je jeden zo spôsobov ako rozhodovať o lepšej budúcnosti nie len pre seba!', European Commission: EPALE – Elektronická platforma vzdelávania dospelých v Európe (2017), <<https://epale.ec.europa.eu/sk/blog/aktivne-obcianstvo-je-jeden-zo-sposobov-ako-rozhodovat-o-lepsej-buducnosti-nie-len-pre-seba>>, accessed 9 September 2020.

7 Andrej Nosko, and Kataklin Széger, 'Active Citizenship Can Change Your Country for the Better', Open Society Foundation (2013), <<https://www.opensocietyfoundations.org/voices/active-citizenship-can-change-your-country-better>>, accessed 9 September 2020.

8 Adriana Vasilková, 'Občianska angažovanosť na Slovensku – minulosť a súčasnosť', *Security, Economy & Law*, 20/03 (2018), 91.

Manifestations of active European citizenship according to Simmel's<sup>9</sup> concept can be understood in the European area as the cooperation of citizens of different European countries, while mobility has been an important factor. In this context, in the national dimension, the most important manifestation is the cooperation of the citizens of the country in a local community.

Civic participation can be a means of tackling social inequality represented by poverty, on the other hand, civic engagement can help to overcome prejudices against the citizens of marginalized groups. We looked at the civic participation at the European level through interviews with active citizens working with the European Citizens' Initiative.<sup>10</sup> Despite the well-established goal and mission of the European Citizens' Initiative Institute, the impact is relatively weak, mainly because activities depend largely on organized civil society as well as the mediation of citizens' needs through official institutions, resulting in delays in providing solutions for demanded needs.

We can also consider volunteering as one of the manifestations of active European citizenship. Volunteering<sup>11</sup> is perceived as a tool of direct form of the activation of people within the framework of community development and the support of civil society and democracy. Likewise, volunteering promotes active citizenship through the sharing of social priorities in the European area. It is the context of volunteering and the role of the active citizen that we examine in the survey by mapping the involvement of citizens in the activities of non-governmental organizations and informal local activities.

From a terminological point of view, the term active European citizen perceives a person who can think critically, ask questions, defend, and present himself, as well as obtain relevant information and act accordingly. These characteristic attitudes include interest in socio-political events, cultural awareness, responsibility, and openness to active participation in society. It is a multidimensional concept that encompasses a wide variety of manifestations. However, in examining the formation of active European citizenship in Slovak society, we focus on participation in political life, which is characterized by participation in

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9 Jana Plichtová, *Občianstvo, participácia a deliberalizácia na Slovensku: teória a realita* (Bratislava: VEDA, 2010), 236.

10 Marián Sekerák, *Európska iniciatíva občanov zo slovenskej a českej perspektívy*, *The Czech Political Science Review*, 1/23 (2017), 83.

11 Svidroňová, Mária, and Štefan Hronec, 'Dobrovoľníctvo ako nástroj sociálnej inklúzie a formovania občianskej spoločnosti', *Volunteering* (2013), <[https://www.ef.umb.sk/dsr\\_2013/pdf/Svidro%C5%88ov%C3%A1,%20Hronec.pdf](https://www.ef.umb.sk/dsr_2013/pdf/Svidro%C5%88ov%C3%A1,%20Hronec.pdf)>, accessed 9 September 2020.

elections and the payment of taxes, as well as the dimension focused on participation in community life and collective cooperation.

## Research methods

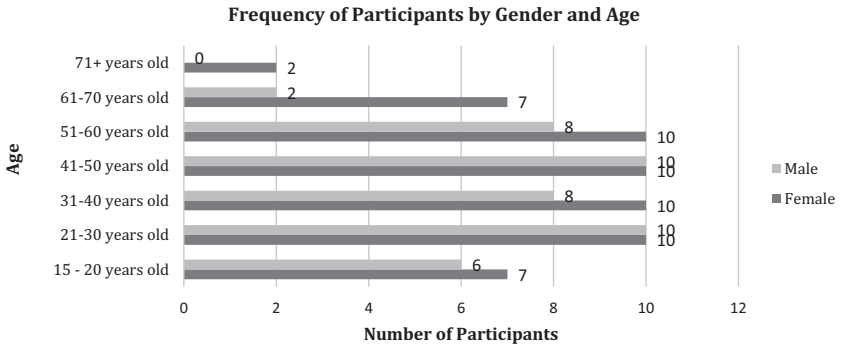
The aim of the paper is to verify whether we can consider Slovak society to be an active one in the European context. The main scientific premise is to verify the definition of an active European citizen in Slovak society through its selected method.

To monitor the current development of society and civic activism, we studied and analyzed the already realized research of domestic and foreign authors. We collected the data needed to evaluate the survey using the questionnaire survey method. It is a qualitative method that allows to obtain a relatively wide range of opinions, attitudes, preferences, motivations, etc. Another advantage of this method is the preservation of the anonymity of the respondents.

The first stage of the preparation of the questionnaire survey took place in the period of November–December 2019 and included a proposal for appropriate questions. The draft questions were consulted in collaboration with researchers at foreign universities in Krakow, L'Aquila and the training center in Kielce, in order to continue the research, which will be a comparison of the results obtained among three European countries. The second stage of implementation in the period from January to April 2020 included the distribution of questionnaires to the public. In the period May – August 2020, the third stage was implemented, the aim of which was to evaluate the answers obtained and interpret the results.

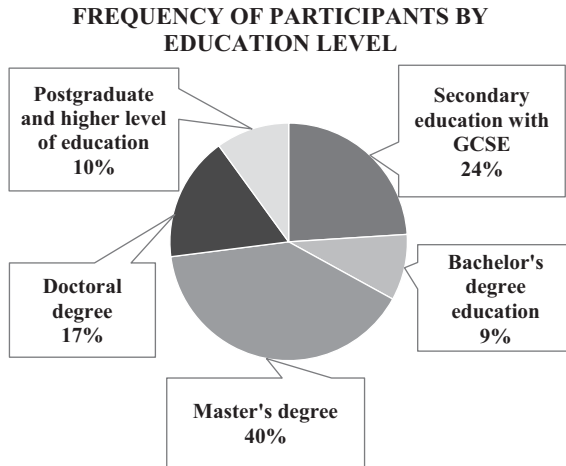
A total of 160 respondents took part in the questionnaire survey. When evaluating the empirical analysis, we evaluated and interpreted the data obtained from the respondents numerically and as a percentage using graphs. Data evaluated numerically are always given in the number (*n*) and percentage ratio (%) to the whole group of answers, for better comparison. Questions with the possibility of multiple answers of one respondent are evaluated as a percentage of the total number of answers.

In terms of the data relevance and maintaining a normal distribution by age, we adjusted the data for the answers of 100 respondents (56 women and 44 men), which we evaluate and generalize the results. Graph 1 shows the distribution of respondents according to gender and age. According to the basic classification of respondents' answers, we state that that 76 % of respondents are of working age, 13 % are people under 20 years of age and 11 % of respondents of retirement age. The average age of the respondents varies 37.8 years (statistical deviation 1.78 years). We consider especially valuable the information which was



**Graph 1.** Frequency of participants by gender and age (n=100)

Source: own elaboration (2020).



**Graph 2.** Educational level of participants (in %).

Source: own elaboration (2020).

obtained from a group of people over 71 years of age, which was represented in the research by 2 women.

The education of the population plays an important role in building active citizenship. Awareness-raising on the European or national citizenship and human rights can be promoted through the education system. University educated

respondents (up to 76 %) formed the largest part of the survey (Graph 2). This result reflects the fact that the survey was conducted on academic grounds and had the greatest impact in this educational group. However, as we find out from the national statistics of the educational structure, the most frequently achieved education of the population of Slovakia is secondary education (approximately 60 % of Slovaks have only completed secondary education). In our survey, this part of the population is represented by 24 respondents, groups of inhabitants with basic education or without education were left without representation.

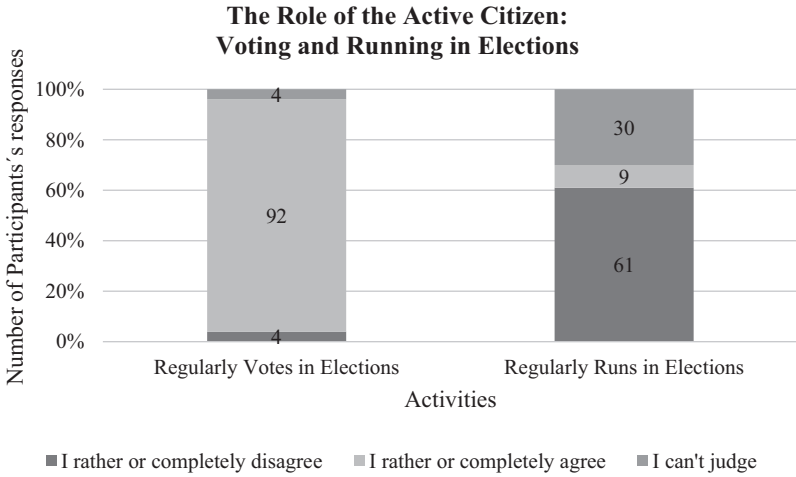
## Results and discussion

The results of the survey show that up to 92 % of respondents agree or strongly agree with the statement that an active citizen regularly votes in elections (Graph 3). It is proved that the most common form of civic engagement is participation in elections. However, only 9 % of respondents indicated the possibility that the role of an active citizen is also to candidate regularly in elections. According to the respondents, 90 % of respondents did not candidate and are not going to candidate in the elections in the future. Only 5 % of respondents are preparing to candidate in the future, especially in the younger productive age of 21–40 years. As the results showed, one woman and four men (all aged 41–60) have experience of being nominated in both municipal and parliamentary elections.

Civic engagement is also linked to participation in community life, and to the needs of society, responsibility and building trust with citizens. Civic participation is considered to be a basic manifestation of active citizenship.<sup>12</sup> At present, the third sector provides a lot of space for the civic participation. The third sector is characterized by private ownership and non-profit character. The third sector provides a formal, institutionalized, non-profit and voluntary space for the operation of institutions as well as for the activities of citizens (e.g. the Red Cross). It is the formal and institutionalized nature that makes the difference with the involvement in informal local activities. Informal local activities are often related to the needs of a particular community (e.g. garbage collection in a housing estate) and the impetus for their performance comes from community members. In both cases, however, we encounter volunteering, which is a manifestation of active citizenship.

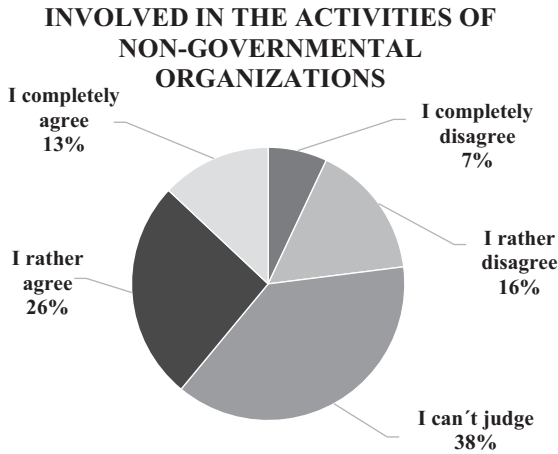
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12 Martin Bútora et al., *Aktívne občianstvo a mimovládny sektor. Trendy a perspektívy* (Bratislava: Včelí dom, 2012), 45.



**Graph 3.** The Role of the active citizen: voting and running in elections

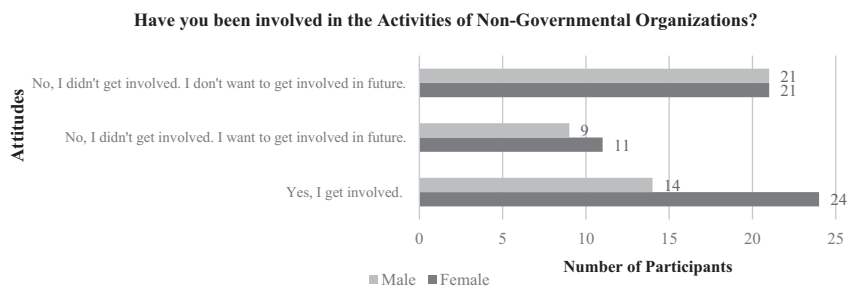
Source: own elaboration (2020).



**Graph 4.** The role of the active citizen: involved in the activities of non-governmental organizations

Source: own elaboration (2020).





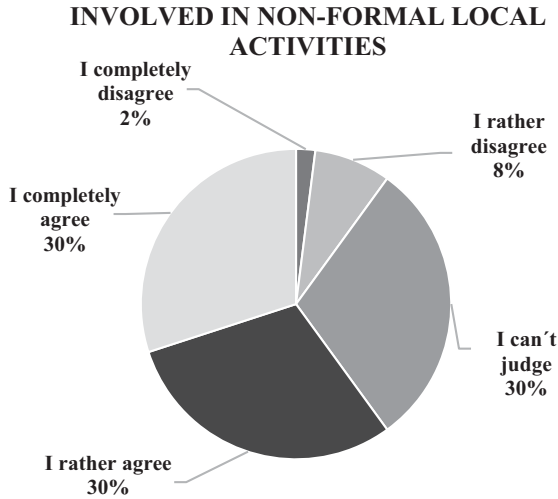
**Graph 5.** Respondents' attitudes towards involvement in the activities of non-governmental organizations

Source: own elaboration (2020).

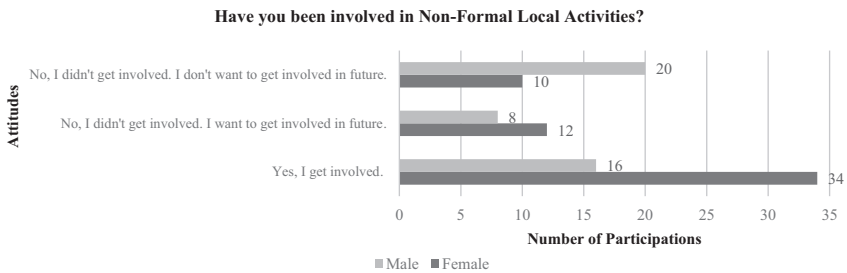
We also took this division into account when creating the survey. From the results (Graph 4) we found that 38 % of respondents, mostly men aged 31–50 years, could not directly express whether they consider involvement in NGOs as an expression of active citizenship and 23 % of respondents do not consider resp. strongly disagrees with the view that this activity is a manifestation of active citizenship. This result was also reflected in the evaluation of the attitude (Graph 5), where 42 % of respondents do not participate in or plan to participate in non-governmental activities. We state that this result reflects the attitude of Slovak society towards non-governmental organizations, which are often denigrated by politicians and the media.

However, we evaluate positively that 20 % of respondents are interested in participating in the activities of the third sector in the future and 24 women and 14 men already have experience working for non-governmental organizations, most of them in older productive age (41–50 years). In a deeper analysis, we find that it is most often work for civic associations, participation in foundations and collections as well as work for the selected community (e.g. children's camp leader, work for a young Roma association, volunteering in an international student organization, organization of an environmental event, participation in city council meetings, etc.).

In the case of involvement in informal local activities (Graph 6), we noted that 60 % of respondents, especially aged 41–60, consider this form as a manifestation of active citizenship, 30 % of respondents could not express themselves clearly and only 10 % (mostly men aged 21–40) do not consider participating in these activities as a manifestation of active citizenship.



**Graph 6.** The role of the active citizen: involved in non-formal local activities  
 Source: own elaboration (2020).



**Graph 7.** Respondents' attitudes towards involvement in non-formal local activities.  
 Source: own elaboration (2020).

From the evaluation of the attitude (Graph 7) we can state that 39 % of respondents in productive and senior age and only 11 % of respondents under 30 years of age have real experience with informal local activities, which include, for example, neighborhood brigades, cleaning parks and the surrounding area, church activities, babysitting, signing a petition against the closure of a kindergarten, etc. These results lead us to the conclusion that respondents prefer to



**Figure 1.** Profile of a Slovak active citizen compiled from respondents' answers  
Source: own elaboration (2020).

engage in local informal activities that lead to meeting the needs of their local community, which is close to the citizen.

When examining the perception of an active citizen in the eyes of Slovak society, we also focus on value principles. In a broader context, the term active citizen means a person who inspires confidence, is reliable for members of the community and represents positive societal values. As the results of the survey show, up to 32 % of respondents fully agree and 21 % agree that an active citizen should represent these qualities and be trustworthy for other members of society.

According to the above findings, we state that the scientific assumption has been confirmed, the definition of a European active citizen has been verified in Slovak society. By synthesizing the results obtained from the answers of the respondents, it is possible to create a profile of a Slovak active citizen, which is presented in Figure 1.

Based on the answers, the Slovak active citizen is regarded as a trustworthy female citizen of productive age (31–60 years), who is interested in socio-political events, as evidenced by participation in elections, but does not personally participate in political events with her candidacy. If she moves before choosing whether to carry out his activity in an NGO or by supporting informal local activities, she is likely not to remain inactive, but to choose a job for a close (local) community that she knows. Based on the most frequent answers of the respondents, we state that she would be most likely to carry out her activities in the environmental field, such as the preparation and cleaning of green spaces, since it would be involved in the development of community life or in the public interest.

## Conclusion

The main scientific premise that we verify in the article is the question of whether Slovak society meets the definition of an active European citizen. We perceive the concept of active European citizenship as multidimensional. In this paper, we map the manifestations of active European citizenship through a dimension focused on participation in political life and a dimension focused on participation in community life. From the point of view of the evaluation of the first dimension, we learned that Slovak citizens are interested in socio-political events mainly in terms of their participation in elections, but not by their personal candidacy for public administration bodies. When evaluating the second dimension, we notice that Slovak citizens prefer activities for the local community in the form of informal local activities over activities in non-governmental organizations. Based on the processed results from the respondents of the questionnaire survey, at the end of the article we created a profile of a Slovak active citizen. This profile agrees with the definition of an active European citizen in the dimensions examined. The profile of a Slovak active citizen created by us will serve as a part of further research, the aim of which is to compare with the profiles of citizens of other European countries. The aim of this comparison will be to find out how the content of the concept of active European citizenship is fulfilled in the countries of Europe, what activities this performance consists of, and whether there are differences between the active citizens of Europe.

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Tadeusz Kopyś

# The social determinants of political change in Hungary and its perception of the European Union (1989–2018)

**Abstract:** A right-wing coalition has been in power in Hungary since 2010. It has successfully used nationalist rhetoric, changed the current system and legal structure of the state, hindered the functioning of non-governmental organizations and criticized the policy of the European Union. The sources of the current popularity of populist trends in Hungary can be found in the social structure and value system of Hungarian society. Data from social surveys show that Hungarians do not attach importance to the institutions of a democratic state, and they care more about governments ensuring their own prosperity and security. In terms of social political preferences, two visions dominate: conservative-right-wing and a now somewhat weaker liberal-socialist one.

**Keywords:** Hungary, populism, democracy, non-governmental organizations, anti-EU sentiment

## Introduction

Already by the end of the 1960's, communist Hungary was showing a desire to improve relations with the countries of Western Europe, simultaneously wishing to open up to the West while remaining faithful to socialist ideology. Hungarian economic interests were articulated independently by Budapest in 1965, when the Ministry of Foreign Trade argued that Hungary should build its own contacts with the Common Market independently of Comecon. In 1968, Hungary carried out a comprehensive economic reform and the energy crisis of 1974 became an additional challenge for the Hungarian leadership. The contentious matter of concluding an agreement with the EEC became a battlefield between the so-called 'hawks' and 'doves' of the political leadership at the turn of the 1970s and 1980s. The hawks were reluctant to cooperate more closely with the West and remained steadfastly loyal to the Soviet position towards the EEC, while the doves in the Hungarian camp, including activists such as Rezső Nyers, Gyula Horn and Miklós Németh, believed in inter-bloc cooperation and wanted to obtain external support for their domestic political and economic reforms. Ultimately, Hungarian politicians, after analyzing the short-term financial benefits of rapprochement with the West, as well as the long-term threat of a

confrontation with the Soviets, decided that it would be safer to wait for the right moment to apply for accession.<sup>1</sup>

Prior to the institutional unification of Hungary with the European Union, Budapest made several gestures that demonstrated that they had serious Euro-Atlantic aspirations. The first was the symbolic dismantling of parts of the Iron Curtain on the Austro-Hungarian border in June 1989 by two foreign ministers, Alois Mock and Gyula Horn. In the fall of 1989, Hungary, unilaterally violating the agreements concluded with the GDR and other Warsaw Pact countries, allowed hundreds of refugees from the GDR to remain in their territory and apply for political asylum at the diplomatic mission of the Federal Republic of Germany in Budapest. During the debate on refugees from the GDR on 14 September 1989 and in the next resolution of the European Parliament it was recognized that in the light of the events of 1956, Hungary took a serious risk in helping asylum seekers, for which it was expressed thanks to Hungary and Austria for the courageous provision of humanitarian aid. It was emphasized that with this act of courage, Hungary 'left the eastern bloc and returned to the common European homeland.'<sup>2</sup>

After years of 'EU-phoria' in the 1990s, and in the first decade of this century since around 2010, a process of the hybridization of the political system and a stagnation of the transformation process has been observed in Hungary. On the Danube, we can witness a slowdown or a partial stoppage of democratization processes, i.e. the hybridization of the political system. Hungary is the first, and currently the only, fully developed hybrid regime in the EU. This fact deserves attention not only because the EU sees itself as a multilevel state made up of liberal democracies united by mutual respect for a democratic system of values. Researchers see the Hungarian political system as a 'populist democracy'.<sup>3</sup> On the other hand, others see the combined influence of 'paternalistic populism' and 'illiberal elitism' or assess the regime as personalistic and ethnocratic than populist. Such features of the distortion of the democratic system and hybridization are already known and described phenomena. Noteworthy, however, is how an environment which has fostered the political forces of illiberal actors has not

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- 1 Pál Germuska, 'Balancing between the COMECON and the EEC: Hungarian elite debates on European integration during the long 1970s', *Cold War History*, 19/3 (2019), 417–418.
  - 2 Speech by Giuseppe Rauti, European Parliament debates of 14 September 1989, No 2-380/220 (<https://www.europarl.europa.eu/historicalarchives/en/home.html>).
  - 3 András Bozóki, Dániel Hegedűs, 'An Externally Constrained Hybrid Regime: Hungary in the European Union,' *Democratization*, 25/7 (2018), 1181–1184.



only allowed the elimination of the institutional safeguards of liberal constitutionalism through a politically one-sided process of constitutional engineering, which to date is unique for Hungary, but that the premises for 'exporting' such a system have appeared in several other Central and Eastern European countries.

The purpose of this chapter is to assess the position of political elites and various social circles towards the process of European integration in Hungary. It will try to answer the question of why this country, traditionally considered to be friendly to democratic institutions and supporting the processes of European integration, has adopted a populist and critical course towards European Union affairs.

### **Combatting the role of non-governmental organizations**

Hungarian society has developed in an atmosphere dominated by two extreme emotions: national pride and superstition. Despite the low assessment of their economic performance, the results of the 1990s European Values Survey (EVS) showed that Hungarian respondents were far prouder of their nationality, history and national achievements than most of their European counterparts. The image of a civilized, talented, and hardworking nation with a long history was taking shape in the public opinion, but also that it was a country that still had a long way to go. Social research from 2008 shows a great deal of pessimism related to the national transformations after 1989. This pessimism was even too intense in comparison with the statistical results concerning the issues and areas on which Hungarians excel among other nations of the European Union, since Hungarians indicated that they did not believe that they were better at anything as a community.<sup>4</sup>

Hungarian researchers agree that the relatively low propensity of Hungarians to participate in civic initiatives can be easily explained by the legacy of communism, which has taught people to resort to the pursuit of individual interests instead of making futile collective efforts. The philosopher Istvan Bobó also spoke pessimistically about the legacy of being a country in Central Europe, believing that the development of Hungary was determined by both looking at the West and an experience of distance from the West. Thus, Hungarian society has inherited a high level of individualization, perhaps even social anomie, which is not conducive to participation in public affairs. Already in the 1980s,

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4 Blanka Dencső, 'Negatív önképből: jeles!', (2008), <<https://www.tarki.hu/hu/news/2008/kitekint/20080220.html>>, accessed 20 May 2021.

researchers indicated a high level of isolation in Hungarian society. In 2006, 41 % of Hungarians had contact with only one to four people every day. In Western countries this indicator was very low (in France 12 %, 18 % in Germany), but also in the post-communist countries of Central Europe it was lower than in Hungary (in the Czech Republic – 18 %, in Poland 32 %). This state of affairs was not conducive to building a healthy society in Hungary, because the weakness of contacts did not lead to an increase in tolerance, the acceptance of differences and the peaceful coexistence of people with different cultural and political beliefs. Trust can, therefore, also strengthen the sense of belonging of an individual to a community, whilst its absence often goes hand in hand with the exclusion of other groups, building ‘walls’ of thought between different groups, and consequently leading to the erosion of social capital, isolation, atomization, disintegration of various social structures that existed earlier, blocking communication channels and resulting in the collapse of interpersonal relationships in general. As a consequence, it leads to the perpetuation of harmful stereotypes, prejudices and the intensification of xenophobia.<sup>5</sup>

As a consequence, Fidesz mobilized its supporters during the crisis period after 2010 by organizing numerous propaganda campaigns directed against opponents. At the same time, the party essentially ran a campaign to demobilize the public. In Hungarian political life there are no wider discussions and debates, leading to the passivity of the electorate and even apathy. Fidesz naturally mobilizes society during election campaigns, but when there is no need to do so, it depoliticizes it. Paradoxically, the European sphere has contributed to the demobilization of the opposition, because the general social anomy has led to depoliticization and the emigration of thousands of educated young people. In the political sphere, the ‘vision of the nation’ as a united body implies an impatience with party politics and infighting, encouraging support for a strong leadership and charismatic individuals who usurp the interests of the nation. As precisely such a charismatic leader, Orbán has demanded full sovereignty over the political process and used populism as a shortcut to achieving his political goals.

Whilst 1989–1994 witnessed a rapid increase in the number of non-governmental organizations, from the mid-1990s a slowdown was clearly

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5 Albert Fruzsina, Beáta Dávid, ‘Az interperszonális kapcsolathálózati struktúra átrendeződése Magyarországon’ in Imre Kovách, Csaby Dupcsik, Tamás P. Tóth, Judit Takács, eds, *Társadalmi integráció a jelenkori Magyarországon. Tanulmányok* (Budapest: MTA Társadalomtudományi Kutatóközpont, 2012), 344–346.

discernible followed by slow growth again after a few years. Current estimates make for very depressing reading. Several years after Hungary's accession to the EU, this country, along with Romania and Bulgaria, is one of the countries with the lowest NGO activity. While the proportion of volunteer work in some EU countries was 28 % at the beginning of the millennium, the proportion in Hungary was only 4 %.<sup>6</sup> After losing the 2002 elections, Orbán even encouraged the activity of civic structures, but after taking power again in 2010, they fell into his sights once again, with Orbán accusing the NGOs of representing foreign influences. In a speech in 2014, Orbán claimed that the state must be supervised and directed by someone, i.e. by leaders who were elected and mandated to do so. Yet non-governmental organizations always appear on the periphery of the country's life, and their activists are paid by certain foreign interest groups and want to use their available means to influence Hungarian political life. As Orbán stated, 'We [Fidesz] want to organize our nation-state to replace the liberal state, it is very important that we make it clear that we are not opposed to NGOs and that it is not NGOs that are against us, but rather the paid political activists who are trying to pursue foreign interests in Hungary.'<sup>7</sup>

Moreover, the concept of civic organizations seems not solely to be associated in Hungary with pressure groups, think tanks or policy-making NGOs, but with charitable associations helping the poor, the homeless, Roma or sheltering abandoned animals.<sup>8</sup> Successive governments, however, have taken steps to incorporate non-governmental organizations in their sphere of influence. This was especially discernible after 2010, when Fidesz incorporated such organizations into its structures (e.g. veterans' unions from 1956) or created so-called umbrella organizations. The authorities created and generously supported the so-called Civic Unity Forum (CÖF) as a huge pro-government and civic organization. As the central 'civic' body of Orbán's government, the forum took significant control over other civil society organizations and sponsored almost exclusively only those which were pro-government: 'In Hungary, the analytical capacity of non-economic actors of the association has suffered from governmental control of

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6 Johanna Giczi, Endre Sik, 'Bizalom, társadalmi tőke, intézményi kötődés' in György István Tóth, ed., *Tárki Európai Társadalmi Jelentés* (Budapest: TÁRKI, 2009), 67–80.

7 <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp>, accessed 25 May 2021.

8 Renata Uitz, 'Hungary' in Grigorij Mesežnikov, Oľga Gyárfášová, Daniel Smilov, eds, *Populist Politics and Liberal Democracy in Central and Eastern Europe* (Bratislava: Institute for Public Affairs, 2008), 49.

the sector. The National Civic Fund (NCA), the body responsible for monitoring and supporting civil and non-governmental organizations, was taken over by the Orbán government and transformed into the National Cooperation Fund (NEA).<sup>9</sup>

Ultimately, NGOs are drawn into the games played out between political parties.<sup>10</sup> According to independent observers, the government fosters a sense of danger to make it easier to subjugate the society and deprive it of its relationship with non-governmental organizations. In 2017, a law was passed that hinders the activities of NGOs supported from abroad and the act resulted in the closure of around 130 different organizations. Some of these organizations did not comply with the new law (e.g. Magyar Társaság a Szabadságjogokért, Hungarian Civil Liberties Union)<sup>11</sup> and sought to fight for their existence before the European Court of Justice.<sup>12</sup> Such actions, undertaken by the central government after 2010, are described as creating a Potemkin democracy, which is not only a facade at the level of large formal institutions, but also at the level of civil society, characterized as an attempt to ‘domesticate’ civil society.<sup>13</sup>

The government favors Christian organizations and those that support the Hungarian diaspora, while attacking NGOs that focus on issues the government considers ‘non-national,’ such as those connected with immigration and LGBT matters. According to the law planned for 2018, all non-governmental organizations that conduct any activities related to immigration must apply for consent directly to the Ministry of the Interior. In the perception of the government, all non-governmental organizations whose activities are related to migration pose a threat to state security, and therefore must obtain a permit from the Ministry of the Interior for their activities. Since the government announced a thorough control of the distribution of the inflow of funds from abroad, the Norwegian government, previously a key supporter of the activities of non-governmental organizations, has suspended its activities in Hungary. In June 2018, representatives of the Fidesz youth organization began placing stickers on the doors of

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9 Attila Ágh, ‘Redemocratization efforts in Hungary as a second try: civil society organizations and mass movements,’ *Problems of Social Policy*, 31/4 (2015), 9–36, 11–12.

10 Márton Vay, *Ökológia, politika és társadalmi mozgalom a Zengő–Konfliktusban*, (Budapest: Független Media Kiadó, 2005).

11 They collected data and documented the antidemocratic activity of Orbán’s government.

12 Claudia Patricolo, ‘Silencing Hungary’s NGOs,’ (14 June 2019 r.), <<https://emerging-europe.com/intelligence/silencing-hungarys-ngos/>>, accessed 20 May 2021.

13 Ádám Nagy, ‘A civil társadalom domesztikálása’ in Bálint Magyar, ed., *A posztkommunista maffiaállam*, Vol. 2 (Budapest: Noran Libro, 2015), 129–142.

non-governmental organizations that they believed act to the detriment of the Hungarian government and Hungarian national interest and support the so-called the Soros plan. In 2018, the government even proposed imposing a 25 % tax on all foreign funds in order to limit their activities on the Danube.<sup>14</sup>

Perhaps the most profound research results from the 1990s was how helpless and vulnerable the people felt. The percentage of those who believed that something could be done against their interests at the national level was as high as 18 %. Comparing these Hungarian rates with other countries, they are higher than in other CEE countries, moreover, they are close to the level of ‘third world’ countries and well below the 40–70 % average in ‘stable democracies.’ According to the available data – based on 11 national studies from 1985–2010 – the percentage of people who feel helpless and vulnerable at the national level has always exceeded 80 %.<sup>15</sup> As a result, the percentage of people who feel excluded has increased. Most Hungarians do not expect the system to become more open, like most other participants in democratic transitions, but expect the system to become more closed and exclusive by the end of the process. There was a growing interest in domestic affairs: in 1989, fewer than half of citizens (46 %) were interested in what was happening in the country, in 2001 it was 75 % and in 2010 -87 %. Over two decades of political and economic transformation, the society did not become more open (or more democratic), but even more closed and elitist, a trend which further increased the exclusion of ordinary people.

In August 2014, writing in *Foreign Policy*, Amy Brouillette described Orbán as having ‘a unique ability to read and respond to the public’s mood and political culture.’<sup>16</sup> Fidesz took advantage of the growing anti-establishment sentiment, directing it first against the socialist government. Later, the party managed to shift the antagonism to the international level (the 2008 crisis and the later perceived threat of an influx of migrants) and divert attention away from the national debate. Bringing national conflict narratives to the international level has proved to be a successful political maneuver as the electorate knows local issues and has less direct experience with international affairs. As Amy Brouillette

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14 ‘Civil organizations in Hungary brace for government Crackdown on NGOs,’ <<https://www.euractiv.com/section/future-eu/news/civil-organisations-in-hungary-brace-for-government-crackdown-on-ngos/>>, accessed 12 June 2021.

15 János Simon, *A demokratikus politikai kultúra pillére Magyarországon – avagy közvélemény a magyar demokrácia 20 évéről. Codebook* (Budapest- Józsefváros: CEPoliti Kiadó 2013), 28–30.

16 Amy Brouillette, ‘The Autocrat Inside the EU,’ (21 August 2014), <<https://foreignpolicy.com/2014/08/21/the-autocrat-inside-the-eu/>>, accessed 12 June 2021.

notes, according to Andras Bozoki, 'Orban is very successful at identifying all of Hungary's social problems and political complaints and pledging responses to them — 'while not actually solving any of them. He is not building hospitals and schools. He is building football stadiums.'<sup>17</sup> Above all, the prime minister is a political pragmatist. In the late 1980s, he was at the forefront of democratic movements, but by the mid-1990s, he took advantage of his native society's growing disenchantment with democracy, largely as a result of unexpected difficulties: for example, unemployment, the split of economic growth and inflation. Since then, Orbán has successfully exploited society's weariness with democracy by offering his party as the remedy.

Prior to the migration crisis, it was reported that 8–10 % of the Hungarian population was pro-immigrant. However, by January 2016, the rate had dropped to just 1 %, <sup>18</sup> and the percentage of people who had xenophobic attitudes had risen to levels never seen before in the 25 years since they began tracking this number, exceeding 50 % for the first time (53 %). It is extremely interesting, however, that the use of the anti-immigration discourse took place in the face of a significant drop in the confidence of Fidesz voters towards the government in the second half of 2014 (Fidesz suffered a number of failures in by-elections; in November 2014 in the Újpest district of Budapest, then in February 2015), in Veszprém, and finally in Tapolca in April 2015). Various research institutes indicate that Fidesz had been criticized in Brussels and by the USA as a result of unpopular measures, which meant that as many as 650–900,000 voters had turned their backs on the party by 2014. The ruling elite therefore needed tools to mobilize the electorate and cynically used the migration crisis to this end.<sup>19</sup> The government also initiated the so-called national consultations on the attitude of society to the migration problem, combining the issue of migration with terrorism, aroused social and religious concerns and presented the discussed problem as an element of its ongoing skirmishes with the European Union. Fidesz's support began to grow again from the summer of 2015, and by the autumn two-thirds of the 1 million voters lost earlier had returned to fold of the ruling party.

During the next election campaign in 2018, Fidesz and its leadership once again turned to populist slogans to mobilize the electorate. Launching the slogan

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17 Amy Brouillette, 'The Autocrat Inside the EU.'

18 Endre Sík, Bori Simonovits, Blanka Szeitl, 'Az idegenellenesség alakulása és a bevándorlással kapcsolatos félelmek Magyarországon és a visegrádi országokban,' *Regio*, 24/2 (2016), 83–85.

19 András Bíró-Nagy, 'Orbán's political jackpot: migration and the Hungarian electorate,' *Journal of Ethnic and Migration Studies*, 1/20 (2021), 5–7.

‘Let’s stop Brussels,’ a number of conspiracy theories and elements such as ‘combatting the international left,’ ‘fighting for freedom’ or two opposing narratives, ‘a country of Hungarians’ versus ‘an immigrant country,’ were combined. A campaign against George Soros was launched, crediting him with actions against the government in Budapest, including directing waves of migrants towards Central Europe. The Orban government’s campaigns against migration dovetail with the narrative of a struggle for sovereignty, in which the enemies are the European Union, Soros, and non-governmental organizations dealing with migration issues.

With the development of the democratic system in 1990–1999, the distance between politicians and citizens did not decrease but rather in many respects increased. Fears and prejudices remained relatively high: 41 % in 1990, 40 % in 1994, agreed that ‘It is better if people do not do politics because sooner or later they go bad.’ At the beginning of the regime change, as well as in 1999, 80 % of them said that ‘politicians can never be trusted’ and the same 80 % said that ‘only those in trouble are interested in politicians’ opinions.’ Over time, the number of people who noticed a greater distance between themselves and politics increased in the late nineties compared to the beginning of the decade. Between 1990 and 1999, the percentage of people who believed that ‘in Hungary everyone has a say in the country’s affairs’ dropped from 43 % to 31 %, while the number of people who said that ‘in Hungary, politics is only done by those who are looking for a platform for their social and political advancement’ increased from 45 % to 64 %. The percentage of those who said that ‘politicians do everything to get to know the opinion of the people’ fell from 36 % to 26 %.

Political parties failed to bring politics closer to the people, and their perception has worsened over the past two decades. In 2010, only 75 % of respondents stated that ‘it is important in a democracy to set up political parties,’ while 10 years earlier this opinion had been expressed by 94 % of the society. In 1989, the majority of respondents believed that it was possible to participate in politics through political parties, but by 2010 their number had dropped by half (to 46 %). At the same time, the number of respondents who believed that parties only served the interests of their leaders continued to increase. The only positive change in democracy that should be mentioned is the shift in the perception of differences between parties, since in 1990 55 % of respondents said they did not see any difference.

While there is a more general consensus when it comes to evaluating democracy, Hungarians are clearly dissatisfied with the results. Both the right and the left have a positive opinion on the change of the political regime, with 77.9 % of left-wing and 87.5 % of right-wing respondents considering the birth of multiparty

democracy to have been an important stage, although they are not completely satisfied with its functioning so far. In 2013, Tárka's study revealed that the credibility of politicians has improved by 10 points since 1995, but still only 20 % believe they can trust politicians. In turn, about 50 % of respondents agree that people in politics do not care about citizens, and that they are all exposed to corruption. In the years 1999–2015, the number dissatisfied with the quality of democracy in Hungary invariably ranged from 50 to 60 %, meaning that this stance constitutes a solid majority in society.<sup>20</sup>

### **Trust in the institutions of a democratic state**

The question arises as to why such deep divisions and social problems developed in Hungary. In the late 1980s, the country was perceived as the leader of change in the region due to its openness and competitiveness. When Hungary began the process of systemic transformation, it enjoyed relative prosperity and took pride in its good position. This state of affairs lasted practically until the 1990s. It can therefore be concluded that the economic reforms of the central planning period were more effective in Hungary than in Poland and, as a result, the Hungarians began the transformation at a higher level than Poland. In other words, the Hungarian economy, a country much smaller than Poland, attained greater economic potential per capita than the Polish economy (it was only in 2014 that Poland reached the level of Hungary in terms of GDP per capita according to the purchasing power parity index (PPP)). This development took place in an artificial atmosphere and led to complacency on the part of Hungarians, since the techniques, methods, institutional behavior patterns or decision-making mechanisms and communication methods on the Danube had not changed following the downfall of the communist system. It can be said that the Hungarians did little during the political transformation, basking in the glory of their past and more recent history, and remained a small, self-centered, provincial, monolingual country. The school system was not reformed after 1989, and the country did not become competitive. Higher education institutions remain very much relics of former times. Hungary has become, and remains, a country of misguided

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20 György István Tóth, 'Értékek 2013. Bizalom, normakövetés, az állam szerepéről és a demokráciáról alkotott vélemények alakulása Magyarországon,' <[https://www.tarki.hu/hu/research/gazdkult/2013/2013\\_zarotanutmany\\_gazd\\_kultura.pdf](https://www.tarki.hu/hu/research/gazdkult/2013/2013_zarotanutmany_gazd_kultura.pdf)>, accessed 12 June 2021.



decisions, hasty, recklessly introduced and then stopped reforms, accompanied by groups and lobbying based on impartial or personal interests.<sup>21</sup>

The democratic state institutions are mired in crisis and increasingly citizens of the Hungarian Republic believe that democratic institutions do not act in their interest and thus they do not trust them. This leads to a social anomie where the average citizen does not participate (nor has the inclination to) in debates and public movements. It is believed that most members of the political class are guided by their own logic and material interests, and that the citizen has neither the tools nor the ability to influence them. Citizens of the Republic of Hungary are increasingly afraid of the present form of democracy or are unable to identify with it. This is how the feeling of emptiness arises, the fear of freedom and poverty can be called a syndrome of freedom and poverty, and this fear means that political parties increasingly speak to voters in simple and 'understandable' language: populist parties. In the early 1990s, the concept of democracy in Hungarian society was associated with material well-being much more than in the other countries of Central and Eastern Europe. At the turn of the 1980s and 1990s, there was a strong desire to catch up with Western standards of living and enrich oneself with loans. The failure to meet these expectations later led to disappointment, a loss of faith in the institutions of a democratic state, and widespread mistrust.<sup>22</sup>

Most Hungarians associate democracy with an improvement in their financial situation and existential security. The reality crushed these attitudes, as the transformation resulted in greater social inequalities, left entire regions behind, and widened the gap between the rural and urban populations. Therefore, disappointment arose already during the transformation, which does not mean, however, that dissatisfaction with capitalism and democracy did not lead to people to desire a dictatorship. In 2010, as many as a third of the population did not care whether the country was ruled in an authoritarian style or in accordance with democratic principles. Hungarians do not believe that democracy will bring real changes in their lives, and it is this indifference that has made it easier for Fidesz to take power after 2010, weaken the judiciary and independent media, change the electoral law in their favor and obstruct the activities of

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21 Ferenc Miszlivetz, 'Mi lett veled, Magyarország?' <<https://iask.hu/hu/mi-lett-veled-magyarorszag/>>, accessed 15 June 2021.

22 György Csepeli, Antal Örkény, Maria Székelyi, Ildikó Barna, 'Bizalom és gyanakvás. Szociálpszichológiai akadályok a piacgazdasághoz vezető úton Kelet-Európában,' *Szociológiai Szemle*, 1 (2004), 3–35.

non-governmental organizations. Hungarian society is characterized by a general distrust that affects not only institutions but also interpersonal relationships. The omnipresent lack of trust both undermines the quality and legitimacy of democracy, but also inhibits economic development and negatively affects social cohesion in interpersonal relations. Hungarians expect the state to provide them with financial security and prosperity. They see poverty, unemployment, and the shortcomings of the welfare state as the most pressing problems and they must serve in the future as the basis for rebuilding public confidence in democracy in Hungary.<sup>23</sup> The new populism after 2010 is to some extent a response to a renewed marginalization in global capitalism. Much of the population does not support Fidesz, not least because they consider themselves nationalists. They vote for Orbán because no other party has made a comparable effort to address their concerns, after a generation of post-socialist insecurity in which they have been systematically marginalized at the expense of the new national bourgeoisie which profited from unfair privatization.<sup>24</sup>

Soon after Hungary's accession to the European Union, introversion and sometimes xenophobic phenomena also increased in the democracies of the 'old Union,' while interest in and sympathy for the 'new democracies' decreased. Soon after 2004, the manifestations of European solidarity began to fade away, and with the first effects of being in a global world (the crisis of 2008), the East-West division not only failed to disappear in social and socio-psychological terms, but even deepened. The Hungarian elite, and to a certain extent society, found a remedy for this solitude in the form of growing ties with the peoples of Asia. The feeling of alienation in society – a process undoubtedly fueled by the current political elite in Hungary – led to the idea that the new EU states, including Hungary, would succeed but only when they accept external conditions, that they must adapt to these conditions not only in a slavish manner, but they had to change themselves too. This kind of discourse was not welcomed in Hungary, perhaps because Hungarians, like Poles, have fought against imposed socio-political orders and foreign value systems for many centuries.<sup>25</sup>

Communist rule did tremendous harm to Hungarian society. Admittedly, the country was held in relatively high regard in the West and was considered a

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23 András Bíró-Nagy, *Demokratie als Enttäuschung. Transformationserfahrungen in Ungarn*, (Berlin, Budapest: Politikanalyse der Friedrich Ebert Stiftung, 2017), 6–8.

24 Gábor Scheiring, *The Retreat of Liberal Democracy. Authoritarian Capitalism and the Accumulative State in Hungary* (London: Palgrave Macmillan, 2020), 220–222.

25 Ferenc Miszlivetz, 'Mi lett veled, Magyarország?,' <<https://iask.hu/hu/mi-lett-veled-magyarorszag/>>, accessed 15 June 2021.

relatively liberal totalitarian regime in terms of its economic reforms. This liberalization of the economy led to the creation of the so-called the second economic zone (private) and the 'second society.' Alongside this economic development, social life and societal changes may be observed which are completely separate from 'official society,' and Hankiss has termed this the 'second society.' The two economies and societies were intertwined in many ways, since they really could not function without one another. Furthermore, while in some cases they complemented each other, in others they became obstacles. The governments of 1949–1989 atomized and divided a large part of Hungarian society, leading to a 'retreat' to the private and internal world. The ruling elite used stigma to strip people of their identities. Class identities that were a particularly important source of self-respect and autonomy were replaced by guilt. The pride in the original national identity was also taken away, with Hungarians uncritically called 'a nation of fascists' or 'Hitler's last allied state.' Instinctively protesting against what the authorities proclaimed before 1989, people chose silent protest and self-defense, withdrew into internal emigration, privatization, consumerism, and political indifference. As Hankiss noted: 'People need a sense of social identity to act. Deprived of this identity, they will become handicapped or paralyzed; they will be less able to act consciously and responsibly.'<sup>26</sup> Therefore, the societies that were perceived at the beginning of the systemic transformation as an atomized mass, the antithesis of bourgeois civil society.

One area for escape and the easier expression of identity was the family. The extreme individualization of Hungarian society is well illustrated by the European Values Study, which was conducted in 1985 in thirteen countries. For example, when asked: 'Is there anything which you would devote yourself to outside the family?' – 85 % of Hungarians answered 'No.' When the same question was asked in Great Britain, France, Spain, Denmark or Belgium, negative responses ranged from 38 % to 64 %. To the question: 'Would you raise your children to respect other people?' the European average of the positive responses ranged from 43 % to 62 %, while the corresponding figure for Hungary was only 31 %. To the question 'How do you prefer to spend your free time?' 72 % of Hungarians chose with their family. In other European countries, 39–53 % chose family as their preferred leisure activity.<sup>27</sup> Has this had an impact on the characteristics

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26 Elemér Hankiss, *East European Alternatives* (Oxford: Clarendon Press, 1990), 36–37.

27 Illes Katalin, and Rees Bronwen, 'Developing competent managers: the 'shadow' of Hungarian history,' *Journal for East European Management Studies*, 6(4) (2001), 421–443.

of contemporary Hungarian society? The 'average' Hungarian citizen is a hard-working person who values the observance of the principles and rules of fair play in economic life. At the same time, it is noted that while Hungarian respondents accept the importance of these values, they also believe that the elite does not do so. According to respondents, most members of the public are dissatisfied with the capitalist conditions created by the regime change in Hungary, and especially with the results of the elite. As the survey shows, contemporary Hungarian capitalism cannot provide security and material well-being, which are of great importance according to Hungarian preferences. Besides the family, peace is also important for Hungarian respondents.<sup>28</sup>

The value preferences of Hungarian society correspond in many respects to the values of good capitalism adopted in an ideal world. At the same time, according to Inglehart's model, the Hungarian way of thinking and system of values is far from the core of Western culture, while it is close to the Orthodox culture. On the basic map of cultural values, Hungary is closer to Bulgaria, Moldova, Ukraine, and Russia, and further away from Slovenia or the countries of Western Europe. Such results could have been influenced by the delayed process of bourgeois reforms in Hungary, and from the fact that it has been under foreign influence since the 16th century.<sup>29</sup> Moreover, the absence of its own organically developed democratic institutional system, or at least its ambiguity, may have contributed to a weak internal identification with state institutions and, consequently, to the weakness of the political community.

A 2015 study by the Hungarian Academy of Sciences on attitudes towards democracy shows that Hungarians still believe and trust in the democratic order, but at the same time there is disappointment with democracy. For almost half of the respondents (49 %) democracy is better than any other political system, and only 7 % of those polled would choose a dictatorial regime. Based on the results of empirical research, it can be concluded that economic prosperity and financial security for Hungarians are as integral to democracy as free elections, the institution of a referendum or various civil liberties. According to academics, this results in a significant decline in trust in state institutions and democracy during periods of worse economic results and crises. Hence, in times of economic downturns, the values of the democratic order are under threat.

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28 <[http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_278\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_278_en.pdf)>, accessed 12 June 2021.

29 Elemér Hankiss, *Csapdák és egerek. Magyarország 2009-ben és tovább* (Budapest: Manager Könyvkiadó Médiavilág, 2009).

According to the results of the Eurobarometer survey in the autumn of 2015, the most important values for Hungarians are peace (45 %), respect for human life (41 %), individual freedom (33 %) and human rights (32 %).<sup>30</sup> At the same time, values such as democracy and equality, solidarity (15 %), tolerance (14 %) were less important for Hungarians, and respect for the rule of law (9 %) and other cultures (4 %) were perceived as the least important. On the basis of the above survey results, Hungarians consider existential and individual values as the most decisive, they are less attached to democracy, and especially to the rule of law, which is accompanied by a low level of preference for social reinforcement values. The Hungarian public is more concerned about rising costs of living (27 %), the financial situation of their households (24 %), health and social security (20 %), as well as pensions (17 %) and unemployment (15 %) and is therefore more worried about existential security because these problems determine the subjective map of the problems of Hungarians. Perhaps it is a mental remnant of the pre-1989 'goulash communism,' when the average citizen was not concerned with systemic issues, but more concerned with the matters of everyday life, the availability of products in shops and working a few jobs to get rich.

Reforming the internal structure of Hungary is a serious task. Bottom-up campaigns are needed to activate civil society, since two false, socially harmful and dangerous worldviews are currently fighting each other in the form of ideological slogans and election promises, with campaigns using various fears and prejudices. Two main political camps in Hungary are to blame for the current state of Hungarian society and politics. One of them preaches a neo-liberal program that generally meets with reluctance on the part of Hungarian society. In the opinion of the former, aggressive market laws will solve all national problems, but they tend to gloss over the fact that a side effect will be the pauperization of at least part of society. The alternative to the socialist-liberal option is an archaic, disenfranchised, historically false, politically destructive vision of the Hungarian people, which is now linked to a further misunderstanding, namely that there is one genuine, homogeneous European value system that focuses on family communities.

Scholars believe that the political and economic transformation in Hungary has not been completely successful. According to polls, Hungary is one of the unhappiest countries in Europe. We know from the results of Tárki agency

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30 András Bíró-Nagy, Dalma Dobszai, Tibor Kadlót, Annamária König, *Rendszerváltás, demokrácia és a magyar társadalom* (Budapest: Friedrich-Ebert-Stiftung, 2016), 12–14.

surveys that Hungary was the third ‘unhappiest’ country in 2007 after Bulgaria and Russia.<sup>31</sup> The cause of the present ‘unhappiness’ and dissatisfaction is partially the non-fulfillment – or only partial – fulfillment of expectations and hopes for income growth after 1989. This misfortune strengthens the nostalgia for the Kádár period, which intensified especially in the years 2001–2008. Research by the GfK Hungária agency shows that in 2001 and 2008, the majority of respondents said they had their best life before the regime change in Hungary.<sup>32</sup> While 53 percent of the respondents in 2001 thought this was the case, this view was shared by 62 percent seven years later. In 2008, three out of five Hungarian respondents believed that Hungary had experienced the least fortunate period in their country’s history following the regime change (in 2001, fewer than half of respondents expressed this view).<sup>33</sup>

Therefore, it is particularly significant that, 30 years after the systemic change, 52 % of Hungarian society believed that life was better during the Kádár period, while only a third of respondents (31 %) believed that the standard of living was worse than after 1990. From the above, it is clear that voting preferences are dictated by the potential to ensure prosperity and predictability. Even among supporters of Fidesz, the overall perception of the Kádár regime is balanced: almost exactly the same number (43 %) believe that the government provided a better life and more stability before 1989 as those who believe that the quality of life in Hungary improved after 1990 – (41 %).<sup>34</sup> Fidesz supporters are also not impressed by the political changes after 1989. When respondents were asked which of the above-mentioned issues had been secured in the decades after the regime change, the following were mentioned: a private market economy (54 %), freedom of speech (51 %) and the growing labor market (50 %). Political issues, such as free elections, were placed at a lower level. According to Hungarian society, the increase in social inequality and the spread of corruption

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31 Mária Kopp, Árpád Skrabski, ‘Kik boldogok a mai magyar társadalomban?’ in Mária Kopp ed., *Magyar lelkiállapot* (Budapest: Semmelweis Kiadó, 2008).

32 János Kornai, ‘Közép-Kelet-Európa nagy átalakulása – siker és csalódás,’ *Közgazdasági Szemle*, 52/12 (2005), 907–936.

33 Gábor Hajdu, ‘Bizalom, normakövetés és társadalmi részvétel Magyarországon a rendszerváltás után’ in Imre Kovách, Csaby Dupcsik, Tamás P.Tóth, Judit Takács, eds, *Társadalmi integráció a jelenkori Magyarországon. Tanulmányok* (Budapest: MTA Társadalomtudományi Kutatóközpont, 2012), 41.

34 Andras Biró-Nagy, *Rendszerváltás 30 – A rendszerváltás társadalmi megítélése 30 év után* (Budapest: Friedrich-Ebert-Stiftung-Policy Solutions, 2020), 36–37.

are the two greatest shortcomings of the transformation process.<sup>35</sup> According to Fidesz voters, the creation of a market economy based on private property was the main accomplishment after 1990. Among Fidesz voters, support is the highest for the opinion that anyone can express their opinion without negative consequences following the regime change in Hungary (69 %) and only every fifth pro-government sympathizer (20 %) was against this view. On the opposition side, however, we can meet with much more negative opinions.<sup>36</sup>

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35 In Hungary, support for government intervention in reducing inequalities is the highest among the surveyed countries after Greece. More than half of society believe that income inequalities in Hungary are 'too great' and even the idea that inequality can have a positive economic effect (in terms of aiding the growth of the economy), is one which is not commonly accepted. For more, See: Orsolya Lelkes, 'Az egyenlőtlenség nagyságának megítélése' in Tóth István György, ed., *Európai Társadalmi Jelentés 2009* (Budapest: TÁRKI, 2009), 14–15.

36 Andras Bíró-Nagy, *Rendszerváltás 30 – A rendszerváltás társadalmi megítélése 30 év után* (Budapest: Ebert-Stiftung-Policy Solutions, 2020), 13–15, 42–43.

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Elżbieta M. Mach

# Preparing students for life in a common Europe: Reflections from Poland 17 years after the expansion of the EU

**Abstract:** The article tackles the issues connected with preparing Polish students for life in a common, diverse Europe. It conducts a review of the relevant educational content, social changes, and construction of the European identity of students in relation to the shaping of their national identity. It discusses three pillars of European education and how they could be implemented in Polish schools. The author draws on her own teaching experience, her cooperation with educational institutions and the results of an international European project which was carried out in her workplace.

**Keywords:** European education, national identity, European identity, EU education policy

## Introduction

2019, which marked the fifteenth anniversary of the largest enlargement of the European Union by ten new countries and mainly located in Central and Eastern Europe, was an excellent opportunity to reflect on the changes that have taken place in the Community and in the newly admitted countries under the influence of European integration.<sup>1</sup> Poland was one of the countries that joined the EU in 2004, ten years after signing the association act.<sup>2</sup> In the pre-accession period, like other candidate countries, Poland had to adapt its laws and elements of social life to the principles of the rule of law, freedom, democracy, respect for human rights and meet the Copenhagen criteria with regard to economic and political life.<sup>3</sup> An analysis of changes and processes can be carried out in relation

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- 1 On the 1 May 2004, the European Union admitted Cyprus, Czech Republic, Estonia, Lithuania, Latvia, Malta, Poland, Slovakia, Slovenia and Hungary.
  - 2 'Układ Europejski ustanawiający stowarzyszenie między Rzeczpospolitą Polską, z jednej strony, a Wspólnotami Europejskimi i ich Państwami Członkowskimi, z drugiej strony, sporządzony w Brukseli dnia 16 grudnia 1991,' Dz.U.19943 nr 11, poz. 38, (1994), <<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19940110038>> accessed 26 January 2021.
  - 3 Rozszerzenie 2004: podjęte wyzwanie – UE 25,' <<https://eur-lex.europa.eu/legal-content/PL/TXT/HTML/?uri=LEGISSUM:e50017&from=CS>>, accessed 25 January 2021.

to various aspects of social, economic and political life. This article will consider the evolution of Polish education and the guidelines of the Ministry of National Education since Poland's accession to the EU in 2004.

When one considers the growth in Euroscepticism and the strengthening of nationalist<sup>4</sup> and xenophobic<sup>5</sup> attitudes in recent years, the question arises as to whether schools, as institutions educating entire generations of Poles, have fulfilled their task of preparing students to live in a common, diverse and open Europe, in a changing and mobile society. Furthermore, and in a broader perspective, have they ensured that the shaping of Polish national identity and the building of patriotic attitudes was supplemented and enriched with a European component?

Already at the beginning of the century, the National Education Council emphasized that in preparing for accession to the EU, Polish education should take into account the needs stemming from the socio-cultural changes that were taking place in Europe. Although the main task of the education system was to modernize schools, equip them with multimedia tools and change educational strategies to prepare graduates for the European labour market in this pre-accession period,<sup>6</sup> from the 1990's until 2004, initiatives were also launched to introduce Poles to learning and implementing European priorities and directions of social and cultural development, informing them about civic rights and obligations related to Poland's membership of the EU,<sup>7</sup> including the free movement of people.<sup>8</sup> Successive reports from the European Commission, which monitored the course and adherence to the accession requirements, indicated areas that needed improvement and supplementation.<sup>9</sup> In this period of pre-accession preparations, the first European educational programs appeared,

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4 CBOS, 'Między patriotyzmem a nacjonalizmem. Komunikat z badań', 151 (2016), <[https://www.cbos.pl/SPISKOM.POL/2016/K\\_151\\_16.PDF](https://www.cbos.pl/SPISKOM.POL/2016/K_151_16.PDF)>, accessed 26 January 2021.

5 CBOS, 'Stosunek do innych narodów. Komunikat z badań', 31 (2020), <[https://www.cbos.pl/SPISKOM.POL/2020/K\\_031\\_20.PDF](https://www.cbos.pl/SPISKOM.POL/2020/K_031_20.PDF)>, accessed 26 January 2021.

6 Biuro Rzecznika Praw Obywatelskich, *Obywatelska odpowiedzialność za edukację narodową*. <[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiMn63fuPvtAhWBk4sKHfF\\_DS4QFjABegQIAhAC&url=https%3A%2F%2Fwww.rpo.gov.pl%2Fpliki%2F1139860491.DOC&usq=AOvVaw3qbEBdxLQ4hsx7CIH8XVqD](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiMn63fuPvtAhWBk4sKHfF_DS4QFjABegQIAhAC&url=https%3A%2F%2Fwww.rpo.gov.pl%2Fpliki%2F1139860491.DOC&usq=AOvVaw3qbEBdxLQ4hsx7CIH8XVqD)>, accessed 1 January 2021.

7 *Polska w Unii Europejskiej. Nasze warunki członkostwa* (Warszawa: Biuro ds. Referendum Europejskiego KPRM, 2003).

8 *Swobodny przepływ osób – praktyczny przewodnik po rozszerzonej Europie* (Bruksela: Komisja Europejska. Dyrekcja Generalna ds. rozszerzenia, 2003).

9 *Okresowy Raport 2002 Komisji Europejskiej o postępach Polski na drodze do członkostwa w Unii Europejskiej. Strategia rozszerzenia. Raport Komisji Europejskiej o postępach*

including: Tempus<sup>10</sup> (aimed at building cooperation in the field of higher education between the European Union and partner countries), Socrates and Socrates II (being EU educational programs supporting education from kindergarten level to higher and vocational education and extra-school adult education),<sup>11</sup> EQUAL<sup>12</sup> (anti-discrimination strategy, social exclusion and building partnerships for innovation and international cooperation and reintegration in the labour markets), as well as subsequent editions of the EU Framework Programs,<sup>13</sup> which supported the beginning of social and educational changes.

## The genesis of an educational change in Poland

At the end of the 1990's, although the ministerial guidelines did not pay heed to the need to introduce European content into school curricula, the demand and interest in new educational content grew among teachers and school principals, which led to the creation of teaching and information materials,<sup>14</sup> and also strengthened the European dimension of education and upbringing. Universities introduced European studies programs, along with courses and training for all target groups, including the staff of educational institutions.<sup>15</sup>

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*krajów kandydujących na drodze do członkostwa w Unii Europejskiej, Wydanie specjalne*No.57/2002, (Warszawa: Urząd Komitetu Integracji Europejskiej, 2002).

- 10 *Tempus*, Fundacja Rozwoju Systemu Edukacji, Warszawa, < <https://www.frse.org.pl/program/tempus/> >, accessed 20 January 2021.
- 11 *Socrates. Community action programme in the field of education (2000–2006) Guidelines for applicants*, (European Commission, 2000).
- 12 *Komunikat Komisji do Rady, Parlamentu Europejskiego, Europejskiego Komitetu Gospodarczego i Społecznego oraz Komitetu Regionów ustanawiający wytyczne dla drugiej rundy Inicjatywy Wspólnotowej EQUAL dotyczące współpracy ponadnarodowej na rzecz promowania nowych sposobów zwalczania wszelkich form dyskryminacji i nierówności na rynku pracy. 'Swobodny przepływ dobrych pomysłów'*, Komisja Wspólnot Europejskich, COM (2003) 840 final, Bruksela 30.12.2003 (Bruksela: Komisja Wspólnot Europejskich, 2003 oraz *Program Inicjatywy Wspólnotowej EQUAL dla Polski* (Warszawa: IW-EQUAL, 2004)
- 13 European Parliament in action. Highlights 1999–2004, <<https://www.europarl.europa.eu/highlights/pl/1207.html>>, accessed 26 January 2021.
- 14 *Edukacja Europejska, Biuletyn nr.4, kwiecień 1993* (Warszawa: Centrum Europejskie Uniwersytetu Warszawskiego. Ośrodek Informacji i Dokumentacji Rady Europy, 1993).
- 15 *Edukacja Europejska. Materiały szkoleniowe*, (Kraków: Ośrodek Konsultacji Europejskich Katedry Europeistyki Uniwersytetu Jagiellońskiego).

Even though teachers perhaps did not yet have a full range European skills, and communication in foreign languages was not their strong point, schools were open to new things. The promise of a better future gave wings and creativity to teachers, NGOs, the creators of school programs,<sup>16</sup> and teaching assistants. Thanks to them, promotional materials of the European Commission<sup>17</sup> and the Polish Ministry of Education<sup>18</sup> were disseminated in local communities, innovative films about Europe and the European Union were made, and information packages, etc. were created. In schools, much like the proverbial mushrooms after rain, various types of 'European clubs' sprang up, offering extracurricular forms of education which brought together Euro-enthusiasts, both students and teachers alike. The latter, as part of their pedagogical innovations, sought to weave European threads into their daily activities and practice. School principals allocated additional funds to increase the number of teaching hours for foreign languages, subjects which were increasingly taught from the first grade of primary school. The Central Teacher Training Center, among many educational materials, published a guidebook supporting the activities of European clubs,<sup>19</sup> and an educational package which sought to enrich the state of knowledge of Poland in the EU.<sup>20</sup> Textbooks were created which introduced knowledge about Europe at both the primary level<sup>21</sup> and with older children.<sup>22</sup> Thanks to a number of European projects that were implemented in schools with the support of EU programs, numerous international cooperation initiatives and the increased mobility of students and teachers meant that stereotypes were broken, and immersive teaching was conducted. The latter meant that participants were

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16 Krzysztof Ruchniewicz, *Edukacja europejska. Europa bliska czy daleka? Ścieżka edukacyjna. Gimnazjum. Program nauczania* (Warszawa-Wrocław: Wydawnictwo Książnica-Atlas, 2002).

17 *Edukacja w Europie. Różne systemy kształcenia i szkolenia – wspólne cele do roku 2010* (Warszawa: Komisja Europejska, Fundacja Rozwoju Systemu Edukacji, 2003).

18 *Strategia rozwoju kształcenia ustawicznego do roku 2010* (Warszawa: Ministerstwo Edukacji Narodowej i Sportu, 2003).

19 *Szkolny Klub Europejski. Poradnik* (Warszawa: Wydawnictwa CODN, 2003).

20 Joanna Gospodarczyk, Mirosław Sielatycki, eds, *Polska w Unii Europejskiej. Pakiet edukacyjny* (Warszawa: Wydawnictwa CODN, 2003).

21 Katarzyna Walkowska, *Kształcenie zintegrowane. Edukacja regionalna i europejska.. Jestem Polakiem, jestem Europejczykiem. Ćwiczenia dla klas I-III* (Łódź: RES POLONIA, 2004).

22 Maciej St. Zięba, Jarosław Korba, Zbigniew Smutek, eds, *Edukacja europejska. Międzyprzedmiotowa ścieżka edukacyjna. Podręcznik dla liceum ogólnokształcącego, liceum profilowanego i technikum* (Gdynia: Operon, 2004).

immersed in European culture and the everyday life of Europeans. The year 2007 opened up further perspectives for these activities. ‘Scholarships, training courses, internships, apprenticeships, study visits, youth meetings, seminars, volunteering, local activities, international networks of organizations’<sup>23</sup> are just some of the forms of Europeanization of education, building a platform for institutional and personal cooperation, implementing human rights in everyday life, etc. Of the three-pronged rallying cry for European education – ‘about Europe,’ ‘in Europe’ and ‘for Europe,’ it was the latter aspect which turned out to be the most difficult to implement.

### **The challenge faced by education ‘for Europe’**

Education ‘for Europe’ was, and remains, something more than just the transfer of knowledge about European countries, their inhabitants or EU institutions, the genesis of their creation or the great names of the founding fathers. It is rather a continuous educational process that helps to shape more enlightened citizens, taking into account the continuous, multi-faceted changes taking place in the European reality; searching for a community of culture, building an identity thanks to which the word Europe sounds familiar. ‘Education for Europe’ prepares its students to function in a world whose shape and future cannot be predicted, it means equipping the student with competences which will enable them to adapt to changing living conditions in an innovative and artistic way, to accept diversity and find their own roots based on a shared cultural heritage. ‘Education for Europe’ means educating an EU citizen who is aware of her rights and obligations, proud of her roots and possessing a defined local or national identity, but at the same time open to enriching this identity with European components, where patriotism is not synonymous with nationalism; she is ready to accept cultural transmission, not afraid of mobility or the effects of migration, and is able to find a place to live amid this wealth of diversity. Looking from the perspective of a dozen or so years at the challenges faced by Polish education, a catalogue of eight key competences comes to mind, which, although established and described in 2006, have been present in the European dimension of education ‘since forever’ and, as their definition says, allow their bearers to adapt plastically to changes and they are ‘the main element of Europe’s action in the face

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23 Wawrzyniec Pater, *Szkoła wyobraźni. Ruszyła kolejna edycja programów wspólnotowych, Europa dla młodzieży. Cztery oblicza edukacji. Ucz się przez całe życie. Dodatek specjalny do dwumiesięcznika Twój Eurodesk* (Warszawa: FRSE, 2004).

of globalization and the transition to the knowledge-based economy model.<sup>24</sup> The eight key competences include: being able to communicate in one's mother tongue; communication in foreign languages; mathematical competences, together with basic scientific and technical competences; digital competences; learning to learn; social and civic competences; a sense of initiative and entrepreneurship; and cultural awareness and expression. Still valid, they are a combination of knowledge, skills, attitudes necessary for personal development, active citizenship, social integration and free functioning in the conditions of a market economy. Analysing them in the context of education 'for Europe,' one can indicate their wider than defined value and impact on the daily functioning of Europeans and building a cohesive European community. Communication in the mother tongue is the ability to understand, interpret and express thoughts and messages in speech and in writing, coding and decoding messages, stimulating creativity and individual approach to the analysed issues. It is the fundamental competence for the exchange of thoughts and communication between people. Thanks to this competence, it is possible to understand cultural and social codes, conduct dialogue and social interactions. Teaching a mother tongue not only involves teaching reading, writing, grammar and spelling. It is connected with a whole package of cultural education, the shaping of patriotic attitudes and fostering a national or local identity. Depending on our linguistic community, we belong to a specific nation or social, ethnic, or professional group, and this means that social recognition and categorization are made in relation to 'our own' and those of 'strangers.' In turn, communication in foreign languages, is based on 'the ability to understand, express and interpret concepts, thoughts, feelings, facts and opinions in speech and writing (listening, speaking, reading and writing) in the appropriate range of social contexts and cultural (in education and training, work, home and free time) depending on the will or needs of a given person.'<sup>25</sup> Apart from being a passport to international and intercultural interpersonal travel, it gives a sense of security and being rooted in the European reality. Their acquisition creates a transnational view (also of one's own national/

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24 'Recommendation of the European Parliament and Council of the 18 December 2006 on key competences for lifelong learning, 2006/962/WE,' *Dziennik Urzędowy UE*, L394/10, PL, 30.12.2006, <<https://eur-lex.europa.eu/legal-content/pl/TXT/PDF/?uri=CELEX:32006H0962>>, accessed 26 January 2021.

25 'Recommendation of the European Parliament and Council of the 18 December 2006 on key competences for lifelong learning, 2006/962/WE,' *Dziennik Urzędowy UE*, L394/10, PL, 30.12.2006, (5), <<https://eur-lex.europa.eu/legal-content/pl/TXT/PDF/?uri=CELEX:32006H0962>>, accessed 26 January 2021



local issues), which transcends the mental and physical boundaries of national communities.

Learning to learn is a competence that is not only useful in school life. In addition to the ability to consistently acquire knowledge and skills independently and maintain self-discipline, it serves to foster effective time management, information selection and conscious and creative management, self-awareness and a recognition of one's own weaknesses and strengths, as well as encouraging our determination to pursue goals. Learning to learn allows for innovative use of previously acquired competences to apply them in new situations and contexts. It is also a critical perception of successes and failures, self-evaluation, and the ability to improve the quality of self-education.

Social and civic competences are of particular importance in the context of the Europeanization of education. In the catalogue of key competences, they can be considered the most complex and multi-faceted. The recommendation of the EU Parliament and the Council defines them as:

personal, interpersonal and intercultural competence and cover all forms of behaviour that equip individuals to participate in an effective and constructive way in social and working life, and particularly in increasingly diverse societies, and to resolve conflict where necessary. Civic competence equips individuals to fully participate in civic life, based on knowledge of social and political concepts and structures and a commitment to active and democratic participation.<sup>26</sup>

In the context of shaping such competences, the special role should be emphasized of awareness of the multicultural structure of European society, understanding and interiorization of the catalogue of human rights and fundamental freedoms, presenting the attitudes of empathy, tolerance, non-discrimination, altruism and openness to diversity and 'otherness;' knowledge and understanding of social processes taking place in Europe, rights and obligations arising from international declarations, agreements, treaties and other documents, knowledge about individual EU and national policies, and the process of integration.

The basic concepts involved in shaping these competences are democracy, justice, equality, civil rights, commitment and active participation. They are also linked to the issues of constructing a European identity without bringing it into conflict with local or national identity; the goal being to seek unity in diversity.

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26 'Recommendation of the European Parliament and Council of the 18 December 2006 on key competences for lifelong learning, 2006/962/WE,' *Dziennik Urzędowy UE*, L394/10, PL, 30.12.2006, (8), <<https://eur-lex.europa.eu/legal-content/pl/TXT/PDF/?uri=CELEX:32006H0962>>, accessed 26 January 2021.

The sense of initiative and entrepreneurship, although originally aimed at preparing people/students to function effectively on the European labour market, develop features that are also extremely useful in the broader understanding of education 'for Europe,' where it is impossible to predict its future shape and functioning. These competences include such features as: creativity, innovation, and a readiness to take risks, persistent pursuit of goals, flexibility in terms of actions and the interpretation of events, as well as unconventional problem solving, building self-esteem and the ability to negotiate positions and defend one's own arguments.

In education 'for Europe,' cultural awareness and expression are the foundations on which the other competences are also formed. The awareness of a common European cultural heritage, a common history, even if seen from different national perspectives, allows one to find 'your own place on earth,' regardless of where one actually lives. It is the basis for shaping a European identity alongside national and ethnic identities. The awareness of the common civilizational roots of Europe allows us to see it as coherent and homogeneous despite its cultural and linguistic diversity by placing it against the backdrop of non-European civilizations. Cultural expression allows for an individual analysis of a cultural work, affirmation of feelings and emotions, and building a sense of unity. Therefore, one should ask whether the implementation of these competences in schools has been limited to their basic understanding, were teachers ready to implement them broadly and contextually for the benefit of education 'for Europe?' Did these competences find a place in school curricula and textbooks?

## **Changes in educational content in the context of an integrating Europe**

The analysis of the documents of the Ministry of National Education, which constitute the formal guidelines for teachers, authors of curricula and school textbooks, shows the directions of educational changes that have taken place in Polish education as a result of European integration. The functioning of the education system is determined by the Act on the Education System,<sup>27</sup> and the educational objectives, the scope of the subject content, and the competences

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27 'Ustawa z dnia 7 września 1991r. o systemie oświaty,' Dz.U.1991 nr 95 poz.425, (1991), <<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19910950425> > wraz z późniejszymi zmianami: <<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19910950425>>, <<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20200002029>>, <<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19981170759>>.

developed are determined by the regulations of the Ministry of National Education (announced and amended in the following years: 2002,<sup>28</sup> 2012,<sup>29</sup> and 2017<sup>30</sup>), which define the so-called core curriculum for general education. There is no doubt that over the years, competences related to teaching the mother tongue and cultural education have been the most robustly implemented. The core curriculum from 2002 indicates that the overriding goal of school education is 'getting to know the heritage of national culture perceived from the perspective of European culture.'<sup>31</sup> At the level of primary education, care was taken to shape national, historical, and ethnic identity. The stage of early childhood education at that time mainly oscillated around patriotic and pro-Polish education, and in relation to cultural education, references were made to the diversity of heritage and the exploration of a diverse cultural landscape. As part of the familiarization with Europe, students learned fun facts about the Christmas customs in the EU and the lifestyles of their peers in other countries. The second stage of education (grades IV-VI) of primary school introduced European content and the integration of various cultural aspects. The reading list recommended

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<<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU2020000910>>, accessed 25 January 2021.

- 28 'Rozporządzenie Ministra Edukacji Narodowej i Sportu z dnia 26 lutego 2002 r. w sprawie podstawy programowej wychowania przedszkolnego oraz kształcenia ogólnego w poszczególnych typach szkół,' Dz.U.2002 nr 51 poz. 458, <<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20020510458>>, accessed 25 January 2021.
- 29 'Rozporządzenie Ministra Edukacji Narodowej z dnia 27 sierpnia 2012 w sprawie podstawy programowej wychowania przedszkolnego oraz kształcenia ogólnego w poszczególnych typach szkół,' Dz.U. Rzeczypospolitej Polskiej, Warszawa dn.30 sierpnia 2012, poz. 977, <<http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU2012000977/O/D20120977.pdf>> accessed 27 January 2021.
- 30 'Rozporządzenie Ministra Edukacji Narodowej z dnia 14 lutego 2017 r. w sprawie podstawy programowej wychowania przedszkolnego oraz podstawy programowej kształcenia ogólnego dla szkoły podstawowej, w tym dla uczniów z niepełnosprawnością intelektualną w stopniu umiarkowanym lub znacznym, kształcenia ogólnego dla branżowej szkoły I stopnia, kształcenia ogólnego dla szkoły specjalnej przysposabiającej do pracy oraz kształcenia ogólnego dla szkoły policealnej,' Dz.U Rzeczypospolitej Polskiej, Warszawa dn.24 lutego 2017, poz. 365, <<https://podstawaprogramowa.pl/files/D2017000035601.pdf>> accessed 25 January 2021.
- 31 'Rozporządzenie Ministra Edukacji Narodowej i Sportu z dnia 26 lutego 2002r. w sprawie podstawy programowej wychowania przedszkolnego oraz kształcenia ogólnego w poszczególnych typach szkół,' Dz.U.2002 nr 51 poz. 458, <<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20020510458>> accessed 25 January 2021.

‘texts representative of the sources of European culture.’<sup>32</sup> At this stage of education, the division into subjects of education allowed during history lessons, in addition to shaping patriotic attitudes, also developing a sense of belonging to the European and world community, learning about elements of European history and its values. Education for understanding civil rights and obligations, the difference between pro-social and anti-social attitudes was clearly emphasized. Topics related to European civilization and its cultural milieu, the Mediterranean roots of selected elements of Polish culture, the slogan of Poland in Europe, together with directions of cooperation and integration processes were all widely discussed. It was during this period that the activity of the already mentioned European school clubs developed and thematic textbooks were created for the implementation of a cross-curricular path for education.

School textbooks prepared students to identify with the European Union. However, these messages were dominated by the ‘education about Europe’ component, covering calculations made in Euros, the names of European capitals and individual countries, and familiarized students with the history of the Union and the life stories of its founding fathers. Teaching foreign languages, mainly English, naturally implied the transfer of cultural knowledge typical for linguistic circles. The teaching included cultural and social content, and textbooks abounded in photographic materials. Teaching nature and geography, although it could be naturally associated with the Europeanization of the educational process, did not make such references in a special way.

Poland’s accession to the European Union triggered and strengthened the mechanisms of the free market economy, the formation of non-governmental organizations, and gave Poles a taste of freedom that they were perhaps not prepared for. Taught over the years to live in a top-down state, they were unable to set new goals, unable to strike a balance between freedom and responsibility, and felt lost in this situation. This tendency was also discernible in education, where there were no new guidelines or new textbooks and teachers who had been educated in the spirit of the socialist state did not understand the idea of being European, hastily replacing the adjective ‘socialist’ with ‘European,’ trying to place the new content into the old educational framework. Regardless of this confusion on the part of teachers, ministerial guidelines administratively

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32 ‘Rozporządzenie Ministra Edukacji Narodowej i Sportu z dnia 26 lutego 2002r. w sprawie podstawy programowej wychowania przedszkolnego oraz kształcenia ogólnego w poszczególnych typach szkół, Dz.U.2002 nr 51 poz. 458’, <<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20020510458>>, accessed 25 January 2021.

incorporated new teaching content, and in the context of common education policy and shared educational priorities, indicated a new model of the 'teacher ideal' and defined requirements for the qualification and Europeanization of the teaching profession.<sup>33</sup> Textbook publishers were obliged to update them in line with the ministry's guidelines.

The educational reform of 2012, and the accompanying new core curriculum, strengthened the European elements in teaching.<sup>34</sup> In preschool education, as part of family, patriotic and patriotic education, a slogan appeared regarding the ability to recognize the Polish emblem, flag and anthem, along with the awareness that Poland belongs to the European Union, as well as shaping the awareness that people have equal rights. In primary school, the main priority has become the digitization of education, strengthening language education (both in terms of the mother tongue and foreign languages), and the ability to use modern technologies. These seemingly distant competences were, however, a tool for communicating with partner institutions in projects, searching for information and locating oneself in the European reality. The cited document emphasized the importance of anti-discrimination and inclusive education. Polish educational documents took into account the *acquis communautaire* and the guidelines of Community resolutions and assumptions, bringing Polish education in line with the European standards. As part of social education, at the level of early childhood education, it was ensured that the student could identify herself in national terms (the Polish anthem, flag, emblem, the name of her place of residence) and also European (she knows that Poland is in Europe and can recognize the EU flag and anthem).

The textbooks also introduced the requirement to be able to recognise EU countries on the map of Europe, their characteristic landscapes, monuments, and regional costumes. An excellent element of European education at this

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33 'Rozporządzenie Ministra Edukacji Narodowej i Sportu z dnia 12 marca 2009r. w sprawie szczegółowych kwalifikacji wymaganych od nauczycieli oraz określenia szkół i wypadków, w których można zatrudnić nauczycieli niemających wyższego wykształcenia lub ukończonego zakładu kształcenia nauczycieli,' Dz.U. 2009 nr 50 poz.400, < <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20090500400> >, accessed 20 January 2021.

34 'Rozporządzenie Ministra Edukacji Narodowej z dnia 27 sierpnia 2012 w sprawie podstawy programowej wychowania przedszkolnego oraz kształcenia ogólnego w poszczególnych typach szkół,' Dz.U. Rzeczypospolitej Polskiej, Warszawa dn.30 sierpnia 2012, poz. 977, <<http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU2012000977/O/D20120977.pdf>>, accessed 27 January 2021.

educational level was the occasional incorporation of interesting facts and examples of similar cultural elements (International Children's Day, the anniversary of Poland's accession to the EU, Easter or Christmas, customs and traditions, popular regional songs, etc.). Unfortunately, neither the teachers nor the authors of the textbooks used the subject content (e.g. in the field of nature, ecology, art, music) to demonstrate the community of cultural, natural and social heritage in order to build pro-European attitudes. European lessons (or rather lessons 'about Europe') appeared occasionally, and Europeanness was not an everyday 'normal' attribute of school education. The same was true for the senior grades of primary school and secondary school. Individual topics containing a European component, even if they were focused on various aspects of Europe and the European Union, were only a vehicle for information on a given topic but did not build pro-European attitudes. They did not give students the chance to internalize the content and values that it conveyed, they did not succeed in shaping a European identity without bringing it into conflict with national identity. Civic education lessons, even if they contained information about the composition of the Sejm and the Senate, the balance of power in the European Parliament, civil rights, EU institutions, appeal procedures, etc., only constituted 'school material' and did not translate into fostering active civic attitudes among students, or an awareness civic causative actions, both at national and European level. It was later evident in the adult lives of students who did not experience the internal compulsion to participate in local,<sup>35</sup> parliamentary<sup>36</sup> or presidential elections, nor did they feel the need to be interested in politics.<sup>37</sup> Despite all these shortcomings, it should be stated that between 2004 and 2015, European education and the Europeanization of education gained momentum and rolled up new areas of school life into it like a snowball. Teachers were trained in European competences, students, thanks to their mobility and international projects, incorporated Europe into their everyday world.

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35 CBOS, 'Polacy o swoim udziale w ostatnich wyborach samorządowych, Komunikat z badań', 177 (2014), <[https://www.cbos.pl/SPISKOM.POL/2014/K\\_177\\_14.PDF](https://www.cbos.pl/SPISKOM.POL/2014/K_177_14.PDF)>, accessed 25 January 2021.

36 CBOS, 'In the EU Parliamentary Elections of 2014, 23.82 % of Poles took part Wybory do Parlamentu Europejskiego w powyborczych deklaracjach Polaków, Komunikat z badań', 96 (2014), <[https://www.cbos.pl/SPISKOM.POL/2014/K\\_096\\_14.PDF](https://www.cbos.pl/SPISKOM.POL/2014/K_096_14.PDF)>, accessed 24 January 2021.

37 CBOS, 'Zainteresowanie polityką i preferencje polityczne w latach 1989–2015. Deklaracje ludzi młodych na tle ogółu badanych, Komunikat z badań', 135 (2015), <[https://www.cbos.pl/SPISKOM.POL/2015/K\\_135\\_15.PDF](https://www.cbos.pl/SPISKOM.POL/2015/K_135_15.PDF)>, accessed 20 January 2021.

The educational reform that took place in 2017 not only disrupted the structure of the educational system by liquidating lower secondary schools and introducing an eight-grade primary education, it also changed the teaching content that had been indicated in the core curriculum. In terms of the educational activities of the school, it was emphasized that:

The upbringing of the younger generation is the task of the family and school, which in its activities must take into account the will of parents, but also the will of the state, whose duties include creating appropriate conditions for upbringing. The task of the school is to direct the educational process to the values that set the goals of education and the criteria for its evaluation. Education focused on values assumes, first of all, the subjective treatment of a student, and that values prompt a person to make the right choices or decisions. In the educational and teaching process, the school undertakes activities related to places important for national memory, forms of commemorating figures and events from the past, the most important national holidays and state symbols.<sup>38</sup>

In preschool education, information about the European Union was linked to the idea of a more profound patriotic education, where the results of teaching indicated that as a result of teaching, the student could 'name his country and its capital, recognizes national symbols (emblem, flag, anthem), name selected symbols related to regions Poland hidden in tales, proverbs, legends, fairy tales, e.g. about the Wawel dragon, realize that Poland is one of the countries of the European Union.'<sup>39</sup> The program was dominated by national issues and patriotic education, while European education was seen as being of little importance. Poland and its national traditions were the reference point for creating a catalogue of

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38 'Rozporządzenie Ministra Edukacji Narodowej z dnia 14 lutego 2017 r. w sprawie podstawy programowej wychowania przedszkolnego oraz podstawy programowej kształcenia ogólnego dla szkoły podstawowej, w tym dla uczniów z niepełnosprawnością intelektualną w stopniu umiarkowanym lub znacznym, kształcenia ogólnego dla branżowej szkoły I stopnia, kształcenia ogólnego dla szkoły specjalnej przysposabiającej do pracy oraz kształcenia ogólnego dla szkoły policealnej,' < <https://podstawaprogramowa.pl/Szkola-podstawowa-IV-VIII>> oraz < <http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000356/O/D20170356.pdf>>, accessed 1 January 2021.

39 'Rozporządzenie Ministra Edukacji Narodowej z dnia 14 lutego 2017 r. w sprawie podstawy programowej wychowania przedszkolnego oraz podstawy programowej kształcenia ogólnego dla szkoły podstawowej, w tym dla uczniów z niepełnosprawnością intelektualną w stopniu umiarkowanym lub znacznym, kształcenia ogólnego dla branżowej szkoły I stopnia, kształcenia ogólnego dla szkoły specjalnej przysposabiającej do pracy oraz kształcenia ogólnego dla szkoły policealnej, Dz.U Rzeczypospolitej Polskiej, Warszawa dn.24 lutego 2017, poz. 365,' <<https://podstawaprogramowa.pl/files/D2017000035601.pdf>>, accessed 25 January 2021.

values and civic duties. The only truly European aspect of Polish education in this period was the intensification of teaching foreign languages, mainly English, German, Spanish, French and Italian (taking into account the guidelines of the Common European Framework of Reference for Languages<sup>40</sup>) and the extremely high degree of activity of schools within European educational programs, something which did not stem from ministerial recommendations. The teaching of 'history,' described in the core curriculum as 'a treasury of collective memory,' was dominated by emotionally marked patriotic content, contrasted with emotionless information about the history of Europe and the world. The history of 'the little fatherland' of Poland was learned through the prism of a catalogue of wars, uprisings and national liberation struggles which ultimately led to the desired freedom. It was emphasized that

the history of the homeland – filled with the heroism and daily toil of ancestors, full of heroism and glory, but also tragedy, doubt and even wickedness – we should all become familiar with the burden of bygone times. ... During the subject of history, such values are naturally shaped as: homeland, nation, state, national and state symbols, patriotism, historical memory, truth, justice, good, beauty, freedom, solidarity, responsibility, courage, criticism, tolerance, identity, culture.<sup>41</sup>

The implementation of this conception of the subject was meant to foster pride in being a Pole, a sense of love, respect and attachment to the homeland, tradition and history of one's own nation. And there is probably nothing wrong with this approach to patriotic education, however, in the face of Poland's participation in the European Union, the lack of a similar dimension in shaping the awareness of the historical and cultural community of Poland and Europe and the lack of building an emotional relationship between Poles and Europeans resulted in an identity and emotional dissonance.<sup>42</sup> In school education after 2017, the adjective

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40 'Opis poziomów biegłości językowej według Europejskiego Systemu Opisu Kształcenia Językowego (ESKOJ),' <<http://www.sjo.agh.edu.pl/dane/ESOKJ.pdf>>, accessed 26 January 2021.

41 'Rozporządzenie Ministra Edukacji Narodowej z dnia 14 lutego 2017 r. w sprawie podstawy programowej wychowania przedszkolnego oraz podstawy programowej kształcenia ogólnego dla szkoły podstawowej, w tym dla uczniów z niepełnosprawnością intelektualną w stopniu umiarkowanym lub znacznym, kształcenia ogólnego dla branżowej szkoły I stopnia, kształcenia ogólnego dla szkoły specjalnej przysposabiającej do pracy oraz kształcenia ogólnego dla szkoły policealnej, Dz.U Rzeczypospolitej Polskiej, Warszawa dn.24 lutego 2017, poz. 365,' <<https://podstawaprogramowa.pl/files/D2017000035601.pdf>>, accessed 25 January 2021.

42 Perhaps this why Poles living abroad, despite doing well for themselves economically, feel othered, alienated, lost, and threatened by a multicultural Europe. Author's own



‘European’ was replaced with the adjective ‘national,’ with the emphasis firmly on shaping patriotic attitudes, a sense of national identity, attachment to national history and tradition. The European Union appeared in the eyes of students and teachers as a culturally alien entity, serving only to finance international projects and mobility. Not only was there a lack of knowledge about the cultural diversity of Europeans, but also the lack of acceptance and openness to this diversity was a side effect. While perhaps unplanned in ministerial documents, it nevertheless has produced xenophobic and Poland-centric attitudes. To this day, the lack of a vision of commonality and internalisation of European values does not make it easier for Poles to function fully and equally in European societies.

## Conclusion

In such a brief chapter it is impossible to discuss all of the relevant aspects of European education in the context of preparing Polish students to live in a common Europe. The reflections that emerge lead to something akin to cognitive dissonance: on the one hand, one can discern the remarkable, pro-European, yet ultimately extracurricular activity of schools and teachers, attempts to create modern textbooks and teaching aids, the tremendous and growing interest in participating in European projects and mobility; on the other hand, we find ossified ministerial documents that do not keep up with the needs of time and the ongoing social changes with the evolution of EU educational policy.<sup>43</sup> The Polish school, without breaking any signed conventions or documents of EU law, exploited the principle of subsidiarity and the self-determination of the member states on the architecture of educational systems, educational goals and content, to silently omit some educational content and ignore the shaping of certain attitudes. It has not only neglected the genuine preparation of Polish students for their full and conscious participation in EU society, but as a ‘side effect’ it has also produced xenophobic, intolerant citizens, closed to multiculturalism. Preparing students for active citizenship and consciously being European requires a balance between the components of education ‘about Europe,’ ‘in Europe’ and ‘for Europe’ mentioned at the beginning of the article. Polish schools have failed to strike this balance, and its absence is sorely felt.

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research, conducted online with a sample of 55 people (aged 18–65, in the UK, Austria, Belgium, Germany, Italy and France) between January – June 2018.

43 Elżbieta M. Mach, Beata Jurkiewicz, *Edukacja europejska w polskiej szkole* (Warszawa: Przedstawicielstwo Komisji Europejskiej w Polsce, 2020), < [https://ec.europa.eu/poland/news/200522\\_education\\_pl](https://ec.europa.eu/poland/news/200522_education_pl) >, accessed 27 January 2021.

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