

Politeja

No. 6(63), 2019, pp. 215-225

<https://doi.org/10.12797/Politeja.16.2019.63.14>Jessica SOFIZADE 

Jagiellonian University in Kraków

j.sofizade@hotmail.co.uk

THE “DEBATE” ABOUT POLAND

THE REPRESENTATION OF POLAND AND THE EU IN THE EUROPEAN PARLIAMENTARY DEBATE ON 15/11/17¹

ABSTRACT

This paper examines two speeches made by Janusz Lewandowski and Ryszard Antoni Legutko in the European Parliamentary debate entitled “The situation of the rule of law and democracy in Poland” on 15/11/2017. In particular, it analyses their representations of Poland and the EU, and aims to determine whether they can be considered as “populist” according to J.-W. Müller’s criteria of populism. It is suggested that Legutko’s speech can be labelled populist according to Müller’s criteria, whilst Lewandowski does not face this charge to the same extent, even though his speech uses similar linguistic methods.

Key words: populism, Legutko, Lewandowski, European Parliamentary debate, Müller

¹ The majority of the research for this paper was undertaken in 2017 and 2018. It has been updated to reflect the situation in 2019, however please note that it does not include the most up-to-date research.

INTRODUCTION

For the past few years, politics in Poland has been a controversial issue on the international stage. On November 15th 2017, when Poland was facing intense scrutiny, the European Parliament held a debate in Strasbourg regarding *the situation of the rule of law and democracy in Poland*, and discussed whether Article 7 should be triggered by the Council.² During this session, many speakers heatedly defended both sides of the debate. This paper examines in particular two speeches made early on in the debate, by Polish politicians Janusz Lewandowski and Ryszard Antoni Legutko,³ focusing on the ways in which these politicians represent Poland (and Polish national interests) and the EU.

In order to examine this question, the two speeches are critically analysed, and overall it will be demonstrated that the representations of the EU and Poland differ completely, even if parallels can be drawn between the use of moral, emotive and hyperbolic language. Overall, it will be suggested that Legutko's speech can be labelled populist according to Müller's criteria of populism, whilst Lewandowski does not face this charge to the same extent, even if his speech does use similar linguistic methods.

THE POLITICAL SCENE

Prawo i Sprawiedliwość, henceforth PiS, or the "Law and Justice" party in English, is the current government of Poland. When they were elected in 2015, they received a majority of seats in the Polish Parliament (the Sejm) and in the Senate, and were the first party since 1989 not forced to form a coalition.^{4 5} PiS retained its majority in the Sejm in the 2019 Polish elections, although they lost their majority in the Senate. Nonetheless, they received the highest percentage of votes since 1989, with a turnout

² Full debate can be found here: European Parliament, "Sitting of 2017-11-15: The Situation of the Rule of Law and Democracy in Poland (debate)", *Europarl*, 15 November 2017, at <<http://www.europarl.europa.eu/plenary/EN/vod.html?mode=chapter&vodLanguage=EN&startTime=20171115-09:02:43-211#>>>.

³ Speeches are available here, in their original languages: European Parliament, "Debates (provisional edition): Wednesday, 15 November 2017 – Strasbourg", *Europarl*, 24 January 2018, at <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20171115+ITEM-007+DOC+XML+V0//EN&language=EN>>. For the full English translations of the debates used in this paper, see the Annex: "Direct (live) EU translations of the speeches of Lewandowski and Legutko."

⁴ S. Jankovic, "Polish Democracy Under Threat? An Issue of Mere Politics or a Real Danger?", *Baltic Journal of Law & Politics*, vol. 9, no. 1 (2016), p. 64.

⁵ To clarify, this is not just PiS but also The United Right, composed of PiS, Polska Razem (Poland Together – dissolved in 2017 to become Porozumienie (Agreement)) and Solidarna Polska (Solidary Poland), even though the politicians from these "satellite parties" were on PiS election lists, and they all belong to the PiS Sejm Parliamentary Club.

of over 60%.⁶ Since their election in 2015, there have been several controversial events in Poland which have raised concerns internationally. Although the scope of this paper makes it impossible to delve deeply into these issues, it is nonetheless important to outline them, because they form the context of the EU debate at hand. In particular, significant events leading up to the debate on November 15th, 2017 should be examined in order to contextualise the main issues at the time.

INTERNATIONAL CONCERNS

A significant concern has been the judicial reforms which PiS began implementing in 2015. First, PiS did not accept *the election of five judges on 8th October by the previous Sejm*,⁷ and subsequently replaced all five of them with their own candidates. S. Jankovic argues that *whilst there was uncertainty regarding the election of two of the judges, [...] it is inexplicable why the Sejm decided to elect five judges anew*.⁸ Furthermore, PiS has also refused to publish the Constitutional Tribunal judgements, which it is obliged to do under Article 190.2 of the Polish Constitution.⁹

PiS's actions have been severely criticised by the Venice Commission, who concluded that they *enable the legislative and executive powers to interfere in a severe and extensive manner in the administration of justice, and thereby pose a grave threat to the judicial independence as a key element of the rule of law*.¹⁰ There have moreover been other controversial events in Poland, such as xenophobic marches which took place on Poland's national holiday,¹¹ and new laws which mean that *the police and other services can obtain information from Internet providers without a court order or any obligation to inform the party concerned*.¹² Furthermore, the new Media Act means that *senior figures in public radio and television will no longer be hired through a selection process [...] They will be appointed – and can be fired – by the treasury minister*.¹³ These are issues which have

⁶ A. Easton, "A Party That Delivers", in "Poland Election: Ruling Law and Justice Party Win Poll", *BBC News*, 14 October 2019, at <<https://www.bbc.co.uk/news/world-europe-50037654>>.

⁷ S. Jankovic, "Polish Democracy Under Threat?...", p. 52.

⁸ *Ibid.*, p. 54.

⁹ *Ibid.*, p. 56.

¹⁰ European Commission for Democracy through Law (Venice Commission), "CDL-AD(2017)031-e: Poland – Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, adopted by the Commission at its 113th Plenary Session (Venice, 8-9 December 2017)", *Council of Europe: Venice Commission*, Strasbourg, 11 December 2017, at <[http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)031-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)031-e)>.

¹¹ Reported, for example, in the Guardian: M. Taylor, "'White Europe': 60,000 Nationalists March on Poland's Independence Day", *The Guardian*, 12 November 2017, at <<https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day>>.

¹² S. Jankovic, "Polish Democracy Under Threat?...", p. 58.

¹³ *Ibid.*, p. 59.

incited criticism both nationally and internationally. Nonetheless, Jankovic argues that PiS *has not thus far blatantly breached the law* and instead *the Polish political system is at fault and not the party that governs*.¹⁴

METHODOLOGY

The debate in question, therefore, discusses whether Poland has compromised one (or more) of the fundamental values of the EU outlined in Article 2, which it promised to uphold when joining the Union, and whether it should therefore face the sanctions outlined in Article 7.¹⁵ Regarding the methodology of this paper, the specific focus will be the EU parliamentary debate about Poland which took place on November 15th, 2017, and this issue will be approached through the analysis of two speeches delivered during the debate by Lewandowski and Legutko. Lewandowski is a member of Platforma Obywatelska (Civic Platform) in Poland, and as an MEP he is a member of the Group of the European People's Party (Christian Democrats).¹⁶ The Civic Platform's former party leader was Donald Tusk, who went on to become President of the European Council. Lewandowski was also a member of Solidarność (Solidarity) and has been involved in politics since 1980.¹⁷ Legutko is a member of PiS, and as an MEP is a member of the European Conservatives and Reformists Group.¹⁸ Since 1975 he has been a lecturer at the Jagiellonian University.¹⁹

These speeches have been specifically chosen because of their comparability. They were both made in the same debate, on the same date, concern the same issue, and they are of similar lengths. They are both made by Polish politicians who represent two contrasting sides of the debate, and who are likely to have similar knowledge of Poland and Polish politics. This will eliminate the problem of having an outside opinion regarding Polish affairs, and instead it will allow the possibility of examining Polish politics on the international stage through the viewpoints of Polish nationals. Finally, they both present their argument in the same language (they both speak in Polish).

These speeches will initially be examined to show the main issues and representations which are highlighted in the discourse, and to compare their most significant

¹⁴ Ibid., p. 60.

¹⁵ European Union, "Consolidated version of the Treaty on European Union", *EUR-Lex*, 7 June 2016, at <<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1517232267804&uri=CELEX:12016M/TXT>>.

¹⁶ European Parliament MEPs, "Janusz Lewandowski", *Europarl*, at <http://www.europarl.europa.eu/meps/en/23781/JANUSZ_LEWANDOWSKI_home.html>.

¹⁷ European Parliament MEPs, "Janusz Lewandowski: Curriculum Vitae", *Europarl*, 28 May 2015, at <http://www.europarl.europa.eu/meps/en/23781/JANUSZ_LEWANDOWSKI_cv.html>.

¹⁸ European Parliament MEPs, "Ryszard Antoni Legutko" *Europarl*, At <http://www.europarl.europa.eu/meps/en/96796/RYSZARD+ANTONI_LEGUTKO_home.html>.

¹⁹ European Parliament MEPs, "Ryszard Antoni Legutko: Curriculum Vitae", *Europarl*, 3 July 2015, at <http://www.europarl.europa.eu/meps/en/96796/RYSZARD+ANTONI_LEGUTKO_cv.html>.

similarities and differences. They will then undergo further analysis according to Müller’s criteria of populism, in order to conclude whether or not these speeches can be considered “populist”.

INITIAL ANALYSIS²⁰

On the most general level, we can say that this debate illustrates – following O’Neal’s observation – that *the modest, flawed, secular-liberal Poland, securely embedded in the EU needs to answer the challenge of an injured, wronged, swindled and humiliated Poland, destined by history to be great and exceptional*.²¹

Both speakers use the notions of pride, shame and embarrassment, but these emotions are directed very differently. Lewandowski suggests that Poland should be ashamed of the recent developments in the country, saying *we want the world to be proud of Poland and we don’t want to be embarrassed for who we are*. He outlines many of the criticisms Poland is facing internationally, and implies that these developments are disappointing because *we could be proud of Poland, there are Poles in the highest of office in the European Union*. Thus, pride is equated with having a prominent role in the European Union, and turning against the EU is presented as shameful. Lewandowski portrays Poland as making terrible errors, and so *the rest of the world is reminding Poland of certain principles*, suggesting that they are right, or have the moral high ground.

Legutko takes a very different approach. At the very beginning of his speech, he claims that it is Lewandowski himself who has *plunged new depths that were hitherto unimaginable*, and should be ashamed, not Poland or the Polish people. He portrays an image of defiance in the face of these accusations, saying *Eastern Europe has now found its way, and it’s not going to ask permission each time*. Legutko depicts Poland as victimised and wronged, and he in particular identifies the criticisms of the EU as anti-Polish and anti-Poland. He talks about an *anti-Polish European campaign*, an *anti-Polish crusade*, and even an *anti-Polish orgy*. Thus in Legutko’s speech, the EU is shown as thoroughly hostile towards Poland, whilst Poland is portrayed as strong, independent, and not ashamed of its actions.

An important theme in both speeches is that of strength or power, and who possesses it. Significantly, for both Lewandowski and Legutko this issue is also tied closely with Poland’s history. Lewandowski places the safety of Poland firmly within the EU, saying that they *should have learnt the lessons of history*, referring to the many years of oppressive foreign regimes in Poland. He claims that *a free, democratic Poland has friends in*

²⁰ All references from the speeches of Lewandowski and Legutko in this section can be found in the video of the debate: European Parliament, “Sitting of 2017-11-15...” or by consulting the speeches in their original language, available here: European Parliament, “Debates...” The annex can also be consulted, which includes a full transcript of the two speeches, translated live via the EU Parliament direct translation.

²¹ M. O’Neal, “The European ‘Other’ in Poland’s Conservative Identity Project”, *The International Spectator*, vol. 52, no. 1 (2017), p. 30.

the free democratic community of the European Union, and even goes so far as to say that *it is as though the Polish curse is back*.

Legutko on the other hand says that *this is again a show of force addressed to the Poles and the Polish government [...] it's about raw power and who possesses it*. He describes the actions of the EU as *colonial habits* and compares them to actions of the Soviets towards their satellite countries. He says that Poland is being given an *ultimatum*, with the threat of punishment. Yet Legutko ends on a defiant tone, saying *but don't worry, Poland will cope*, highlighting Poland's exceptionalism and strength. Poland is victimised, as *the Commission has the unfortunate habit of ignoring what Poland says*, but nonetheless it will retain its national power against this larger threat from the EU, as it did under the communists.

The question of legality in this debate is also pertinent. For Lewandowski, *there is no new iron curtain*: The world can clearly see that the actions of the Polish government are wrong and are tarnishing Poland's image in the international arena. The EU enshrines the values of justice and the rule of law, and is a friend of Poland. Yet for Legutko, *what the Commission is doing is illegal*. The EU is seen as tyrannical, trying to influence national affairs and control the country beyond its mandate.

Thus, it is clear that the portrayal of Poland and of the EU differs significantly depending on which side of the debate one is looking at. In fact, one might say that the two speeches are totally opposite. For Lewandowski, Poland is acting wrongly, shamefully, and should be following the advice of the EU in order to be *part of the free world* and *part of the family*. For Legutko, it is the EU which is acting illegally, as an anti-Polish entity using its power against Poland.

MÜLLER'S CRITERIA OF POPULISM

The next issue which will be addressed is whether Lewandowski's or Legutko's speech can be labelled "populist", according to conditions outlined by Jan-Werner Müller which distinguish between what can be considered populist or not. First, Müller claims that populists are *critical of elites*²² who *are deemed corrupt or in some other way morally inferior*.²³ In his speech Lewandowski, does not label PiS as "elite", although he does suggest that they are corrupt, saying that *the Polish government has committed abuses of power*.²⁴ It is easier to infer from Legutko's speech that the EU is elitist, as he suggests that they are superior in terms of power, are anti-Polish, and victimise Poland. Furthermore, he also charges the EU with corruption, saying that their actions have been illegal.

For Müller, populists must also use a *pars pro toto argument and a claim to exclusive representation [...] in a moral, as opposed to empirical, sense*,²⁵ meaning *only some of the*

²² J.-W. Müller, *What is Populism?*, London 2017, p. 2.

²³ Ibid., p. 20.

²⁴ See: European Parliament, "Sitting of 2017-11-15..."; European Parliament, "Debates..." or the Annex.

²⁵ J.-W. Müller, *What is Populism?*, p. 20.

*people are really the people.*²⁶ Lewandowski does not argue that PiS and their actions represent Poland and Polish people, as *people did not know they were voting for politicians* who would commit such offences.²⁷ He also avoids any reference to the "true" people or to exclusive representation in his speech. Legutko, however, always argues that the EU is not just against the Polish government, but is anti-Polish and anti-Poland in general. He uses phrases such as an *anti-Polish European campaign*, *anti-Polish crusade* and even *anti-Polish orgy*.²⁸ He therefore conflates the actions and position of PiS with the entire country, even if this is not the case. He makes a claim of exclusive representation, suggesting that rather than opposing the Polish government, the EU is criticising the entire Polish people.

Finally, Müller says that populists make a *distinction between the morally pure people and their opponents*.²⁹ This is something which both Lewandowski and Legutko do in their speeches, as they clearly demarcate what is right and wrong, and *who* has acted improperly or not. For Lewandowski, for example, the EU represents the moral high ground, whilst for Legutko, the EU acts wrongly and unlawfully.

Thus, according to Müller's criteria for populism, it appears that Lewandowski's discourse, whilst using strong language and some of these methods, does not entirely take this form and thus cannot be charged as populist. Legutko, however, falls much more easily into the category of populist discourse, and following Müller's criteria can be labelled as such. Nonetheless, it is important to note that Lewandowski's speech still uses some methods which can be considered populist. Like Legutko, Lewandowski uses moral, emotive and hyperbolic language. It is therefore interesting to note that populist methods are also being appropriated by politicians who would normally not consider themselves as falling under the category of "populist".

CONCLUSION

This paper has examined how Poland and the EU were represented in two very different speeches made at the same debate regarding the situation in Poland. It has been demonstrated that their portrayal differs completely depending on the positions they take. The EU is a friend for Lewandowski, but a corrupt foe according to Legutko. Poland, to Legutko, has been victimised, but for Lewandowski the country has *tarnished its own image on the international arena*.³⁰ The EU is compared to a colonial power and the Soviet regime in Legutko's speech, whilst for Lewandowski it is a democratic community which ensures freedom in Poland. Finally, it has been suggested that Legutko can be charged with giving a populist speech, whilst Lewandowski does not face this

²⁶ Ibid., p. 21.

²⁷ See: European Parliament, "Sitting of 2017-11-15..."; European Parliament, "Debates..." or the Annex.

²⁸ Ibid.

²⁹ J.-W. Müller, *What is Populism?*, p. 25.

³⁰ See: European Parliament, "Sitting of 2017-11-15..."; European Parliament, "Debates..." or the Annex.

objection to the same extent. Nonetheless, both politicians use language which is hyperbolic, emotive, and has a clear demarcation between right and wrong, which demonstrates that certain methods of their discourse are similar.

It should be noted that this issue is ongoing, and the larger implication of these conclusions is that the situation in Poland presents a substantial threat for the future of European unity and stability. If Poland follows Legutko's representation of the EU, this could even lead to disintegration, and a possible future "Polexit".

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ANNEX

Direct (live) EU translations of the speeches of Lewandowski and Legutko

Janusz Lewandowski, on behalf of the PPE Group. – Thank you. This is the fifth time the European Parliament is reacting to abuse of power in Poland, abuse of power is what it's all about. Recently in the centre of Warsaw, there was a case of self-immolation by somebody who said he had to explain to foreigners that Poland is not the same thing as the Polish government. Following democratic elections, the Polish government has committed abuses of power. People did not know they were voting for politicians who were going to erode the independence of the judiciary, pull the country into debt, harass peaceful demonstrators, and tolerate racism, xenophobia and neo-fascism on Poland's streets. This can all be very clearly seen, it cannot be hidden. There is no new iron curtain. The media have also been appropriated and serve the government. It has never happened before that a country has so quickly tarnished its own image on the international arena. We could be proud of Poland. There are poles in the highest office in the European Union. Poland has taken a lead in the Eastern partnership and the Energy Union. But this isn't just about Poland's image about money and influence, the trouble with Poland's isolation, Poland's self-exclusion is not in Poland's interest. We should have learnt the lessons of history. It is as though the Polish curse is back. A free, democratic Poland has friends in the free democratic community of the European Union, not in Turkey or Belarus. The free world considers Poland as part of the family.

The rest of the world is reminding Poland of certain principles, principles based on wisdom, for how to create a free society and how to protect that society from dictatorship, how to organize an economy for the sake of future generations, these are all principles enshrined in our constitution and Union treaties. When those are breached, those who breach those principles take peoples' freedom away but ultimately they also take peoples' future away. It is inconvenient for the present government when we remind them how they behaved in opposition. When in opposition, they organized all sorts of hearings and events based on lies and half-truths. In December 2014, the leader of PiS said that it was good that there were public hearings in the European Parliament on the threat to democracy. We're in the Union, and this is our parliament. Indeed, that's absolutely right! This is the European Union, this is our Union, this is our Parliament, but we don't want to have to have these debates, we want the world to be proud of Poland and we don't want to be embarrassed for who we are.

Ryszard Antoni Legutko, on behalf of the ECR Group. – Thank you very much, Ladies and Gentlemen. I'm quite experienced in politics and I would have thought that there are limits, but having heard Mr Lewandowski I understand that he has now plunged new depths that were hitherto unimaginable. I'm afraid he seems to have lost control of his senses, it's absolutely shocking.

With regard to the matter in hand, reform of the justice system in Poland and contacts between the Polish government and the European Commission, you have all received very detailed information on the subject, which I have circulated, anybody who wants to come and discuss the matter with me I'm ready to engage. In this chamber this is not about dialogue, this isn't debate, let's not pull the wool over our eyes, this is again a show of force addressed to the Poles and the Polish government. This isn't about the rule of law, it's about raw power and who possesses it. Just a few hours after the publication of the bills on the judiciary, Mr Weber and other MEPs launched an anti-Polish European campaign, despite the fact that none of them know Polish, they don't know what's in these draft pieces of legislation, and yet there he was Mr Weber, he knew everything, and he had to push the button and set this new anti-Polish crusade moving. The socialists are the same, the liberals are the same. This isn't an invitation to debate, let's not kid ourselves. This is just a merry-go-round. This is just a ride, we're going round and round having a go at Poland each time. I don't know how to describe what's being said about Poland in the German media, it's an anti-Polish orgy! I'm afraid the stuff that is in there is absolute twaddle. I need more than six and a half minutes, I need six and a half months to explain to you why that is just a back full of twaddle. And then there's the disgraceful behaviour by the German defence minister. I mean I remember there were times when Soviet diplomats declared their willingness to help in their satellite countries. These are colonial habits, you know, Eastern Europe is suddenly ready to act, to do something, to be independent. And I think it's time the rest of you understood that Eastern Europe has now found its way, and it's not going to ask permission each time. I think I've said enough in past debates, I don't think we need to hear about how the Commission represents the Rule of Law and values, I'm afraid what the Commission is doing is illegal, it's in breach of the European Treaties, the fact that you get applause in this house doesn't make it more legal. You people have a majority but you still can't make two and two equal five. The fact is what you are doing is illegal. I've said this many times before. This is a case of double standards, double standards which the Polish people equate with the name Timmermans. I'm afraid we've seen this before. When you, sir, referred to Spain, nobody really understood what you were trying to say. But I'm afraid that if the same thing happened in Poland as happened in Spain you would be like St George fighting the dragon in your attitude to Poland. The Commission has the unfortunate habit of ignoring what Poland says. The Commission refers to dialogue and invitation to talks. This is neither dialogue nor an invitation to talks, it's an ultimatum. What you're doing is you're saying this has to be done and if it isn't done, you shall be punished. This is a funny kind of dialogue, that's dialogue Commission style. Shakespeare called this the insolence of office, insolence of office, you can get away with whatever you like. You think you can get away with it. But don't worry,

Poland will cope. This is not going to harm Poland, it will harm the Union. If you consider the anti-EU diatribes that have been heard in this house, they do less harm to the European Union than the first vice-president of the Commission, who does more damage than Nigel Farage and Marine Le Pen together.

Jessica SOFIZADE – MA in Euroculture (*Cum Laude*) and BA in Philosophy (First-Class honours). She is currently project manager at Kairos Europe Ltd in London, where she manages several international Erasmus+ projects, and is involved in setting up a research group. She is specialised in issues related to disinformation and social media, and regularly runs trainings on these topics.