


# The Process of Acquiring Political Relevance of Law and Justice Elections

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## Abstract:

Political relevance is one of the most essential elements of political subjectivity. The process of its acquisition by political parties is not only a factor of their success, but also the foundation of their ability to influence the sphere of current politics. The political relevance of political parties combines both the institutional dimension of political processes and the practice of competition in three dimensions: electoral, parliamentary and cabinet. Only when parties are able to participate in all the three dimensions will they be able to perform the most important functions. The following article presents a specific dimension of acquiring political relevance, which is the management of political change.

**Keywords:** political relevance, political change, political competition, political subjectivity, political institutionalization

## *Introduction*

The presented studies are an attempt to explore the sources of the political subjectivity of Prawo i Sprawiedliwość (PiS; The Law and Justice party) and the leader of this party, Jarosław Kaczyński. It assumes the significance of the formation of the group, the first governance between 2005-2007, the loss of power and its regaining for building political relevance. The main thesis of the article assumes a fundamental role in the power structure of Jarosław Kaczyński and the impact of his experiences on the functioning of the party and, consequently, the entire state. In order to analyze the political relevance of Prawo i Sprawiedliwość (PiS), it is necessary to consider the history of the creation of the currently ruling party (Glajcar et al., 2017). In many areas, this had a diametrical impact on the currently shaped government policy.

PiS was officially established as a political party on May 29, 2001, as a direct continuation of the Porozumienie Centrum (PC; The Centre Agreement) established in the first half of the 1990s. PC was a party that was a part of a broad agreement of post-Solidarity circles, which was the Akcja

Wyborcza Solidarność (AWS; Solidarity Electoral Action). After the rule of the SLD (The Democratic Leftist Alliance), in 1997, power in Poland was taken over by the Akcja Wyborcza Solidarność coalition. After the turbulent rule of the coalition, carrying out four very difficult reforms (education, pension, local government, health), finally from the beginning of June 2000 until the end of the term, AWS was in minority government. A direct consequence of these events was the reconstruction of the government, where Lech Kaczyński was appointed for the post of the Minister of Justice as a member of the Council of Ministers. The appointment of the former president of the Supreme Audit Office (NIK) to the ministerial position turned out to be a decision with far-reaching consequences. Kaczyński strongly criticized the Penal Code, The Code of Criminal Procedure as well as the Executive Code introduced in 1997, which amounted to a general criticism of the entire state of the judiciary, especially the legal elite and the privileges they enjoyed. Kaczyński's ruthlessness met with increasing public approval. At that time, Lech Kaczyński, namely a 'sheriff', was the most highly rated minister of the AWS government, which took place at the same time as the ratings of the entire government of Jerzy Buzek were getting weaker and weaker. Ludwik Dorn, a close associate of the Kaczyński brothers, talked about the behind-the-scenes of Kaczyński's entry into the government in an interview with Robert Krasowski in the book 'Anatomia Słabości': *'After the presidential election (Aleksander Kwasniewski's second victory), when AWS began to crumble, we still had no idea for a party. All we knew was that Lech Kaczyński's tenure in the Ministry of Justice created some opportunities for us. (...) Kaczyński entered Buzek's government because it was a solidarity project. In addition, it was an opportunity to appear, to show the public a package of their own proposals. Lech Kaczyński's consent to take over the Ministry of Justice in Jerzy Buzek's government was based on the Napoleonic principle: we win the battle, and then we'll see. We were thinking quite vaguely about the future. We knew that being inside would make it easier for us to get along with the >>awuesian<< mainstream. (...) We felt that in the event of Lech Kaczyński's success, we would be able to negotiate from the position of an independent entity with strong assets. For Kaczyński knew that he was going to the government with a distinctive banner that the public might like.'* (Dorn, 2013, pp. 158–159).

Lech Kaczyński became the most popular minister in the then government. It was a time of growing weakness of the government, numerous accusations were leveled against it. In the final phase of the term of office 1998-2001, the breakdown of AWS became more and more visible. Taking advantage of his brother's popular status, the former leader of the Porozumienie Centrum

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(The Centre Agreement), Jarosław Kaczyński, decided to form the Prawo i Sprawiedliwość Party. As Zaremba points out, *'In the spring of 2001, Jarosław Kaczyński begins to understand that Lech's popularity may be an opportunity to return to great politics. The last catalyst is the surprise creation of the Civic Platform. For Jarosław, it is proof that the philosophy: now or never fits this declining time.'* (Zaremba, 2015, pp. 210–211). The time when finally independent from Krzaklewski, Kaczyński has a unique chance to return to the first league of Polish politics.

### ***A personal model of the political relevance of Law and Justice***

The increase in popularity of one of the Kaczyński brothers turned out to be beneficial for the entire environment. J. Buzek got stuck in the internal contradictions of the group and was unable to identify new goals. Around the Kaczyński brothers, a growing circle of politicians associated with the post-Solidarity right wing began to gather, forming the core of the new grouping. They were former politicians of the Porozumienie Centrum, led by chairman Adam Lipiński, Lech Kaczyński's associates from NIK (The Supreme Audit Office), and people who had not been involved in politics before. The development of the structures of Prawo i Sprawiedliwość met with increasing nervousness among the AWS leaders' circle. The apogee of the growing conflict turned out to be a dispute between the minister-coordinator of the Polish secret services, Janusz Pałubicki, and the Minister of Justice, Lech Kaczyński. The background to the dispute was the rivalry between the prosecutor's office (managed by Kaczyński) and the secret service, against which the Kaczyński brothers had a particular grudge, e.g. since the publication of the instruction of the State Protection Office No. 0015/92 - regarding the so-called Lesiak's file cabinet. The instruction issued in 1992 concerned the surveillance of particular circles on the right and left political sides, considered by the then authorities to be 'extreme'. The party of Jarosław Kaczyński was supposed to be among the circles under surveillance.

In 2001, Kaczyński accused the Prime Minister, J. Buzek, of interfering and undermining the correctness of the prosecutor's decision to detain the head of the UOP (Office for State Protection) delegation in Katowice. The head of the UOP, Colonel Zbigniew Nowak, spoke out against the decision to detain his subordinate, which met with Buzek's approval. After a public letter from the Minister of Justice criticizing the Prime Minister's decision, Jerzy Buzek decided to dismiss Lech Kaczyński from the ministerial chair. In protest against the removal of Kaczyński, the Minister of Culture, Kazimierz Michał Ujazdowski, also resigned. The dynamics of these

events ultimately constituted Prawo i Sprawiedliwość as an independent entity on the Polish political scene. Former Justice Minister Lech Kaczyński became the face of the new group, but Jarosław Kaczyński was the most important figure in the newly formed party. The core of Prawo i Sprawiedliwość was composed of former politicians of Porozumienie Centrum, including: Ludwik Dorn, Adam Lipiński, Przemysław Gosiewski, but also new figures on the political scene of the time, such as: Zbigniew Ziobro and Zbigniew Wassermann. Wojciech Jasiński became an equally important politician in the newly formed party. He was a friend from Kaczyński's studies and also the president of the Srebrna Ltd for several years. *'Kaczyński does not care about the fact that he had been in the PZPR (The Polish United Workers' Party) for years or that he lacks state experience. He is appointed an economic expert of the party, such experts are usually at a shortage. Other people recommended by Lech Kaczyński also appear - for example, his associates from the Supreme Audit Office.'* (Zaremba, 2015, p. 211).

Prawo i Sprawiedliwość in the fourth term of the Sejm with the support of 9.5% (44 seats) became the fourth political force on the Polish political scene, right behind the victorious SLD, Samoobrona (The Self-Defence of the Republic of Poland party) and Platforma Obywatelska (PO; The Civic Platform). In turn, in the elections to the upper house of the parliament (the senate), Prawo i Sprawiedliwość fielded their candidates in a joint bloc - Blok Senat 2001, which included representatives of: AWSP, PiS, PO and UW (The Freedom Union). The list ultimately won 15 out of 100 possible seats, with a firm 40 victory of the SLD (Dudek, 2002, p. 504). It was the first of two situations in which the candidates of Prawo i Sprawiedliwość and Platforma Obywatelska were included on one nationwide electoral list. The second time such a situation took place during the local government elections in 2002.

The first action of PiS in the new parliamentary term of 2001-2005 was the consolidation of the parliamentary club. In the composition of the 44-person club, 18 members came from the Przymierze Prawicy (The Right Alliance). From the beginning, Jarosław Kaczyński wanted to bring about the leadership style of the leader of the party. This task to be performed in the initial phase of PiS's functioning in the new parliament was not easy. For the first year of the new term, the chairman of the united club was Jarosław Kaczyński. *'Mr. Kaczyński does not like the Sejm as a building, working with the club was tedious for him and took away the time he needed to build the party, which in turn he loves to do. Mr. Jarosław Kaczyński reshuffled the presidium of the club from time to time, but nothing came of it: he was still burdened with work with the club, and the*

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*club worked badly.*' (Dorn, 2013, p. 162). Eventually, the author of the above words, Ludwik Dorn, became the new chairman of the club. He was supported by all members of the club, except for 18 deputies from the Przymierze Prawicy. The skillful policy of the smaller partner successfully led to its members being introduced to the PiS political committee and finally to being absorbed into the structures of the larger partner. Not as a hostile takeover, but as an equal partner. Relations between Kaczyński's closest associates and the newly arrived supporters from the Przymierze had a very large impact on PiS's policy in later years, especially during the 2005-2007 coalition government. *'From the beginning, Jarosław looked at these allies in two ways. He always treated the party as his greatest work, an instrument for changing Poland. At the same time, he had traumatic memories of 1991-1992, when, following the chaos in the PC leadership, he was tried with all seriousness before a party court. In addition, there was regular club work, along the way, the union with the Przymierze Prawicy was important for us (...) it was a very well-functioning club.'* (Zaremba, 2015, p. 218). The experience of difficult leadership in the times of the Porozumienie Centrum as well as the specificity of the constant striving for compromise with the members of the Przymierze, undoubtedly influenced the current model of running the party by Kaczyński. This style was often based on the use of the position of power, the aura of internal conflict and rivalry, which could be observed much later, while compiling lists of candidates in the European elections in 2019.

The first electoral test for Prawo i Sprawiedliwość after the successful parliamentary elections in 2001 were the local government elections in 2002. A novelty introduced during these elections was the direct election of commune heads, mayors and city presidents. The ratings of the Kaczynski parties were at least good at that time. It was e.g. thanks to the great support for PiS among the so-called liberal circles. Effective media communication (conducted mainly thanks to Adam Bielan – already at that time growing into the main spin doctor of the party), an efficiently operating parliamentary club, or labeling Samoobrona and LPR (The League of Polish Families) as populist parties, made Prawo i Sprawiedliwość almost an establishment party at that time. The decision to take part in the elections to provincial assemblies turned out to be crucial for the group's fate. Despite many program differences and past events, a decision was made to create a coalition of Platforma Obywatelska – Prawo i Sprawiedliwość. The coalition of the former post-Solidarity camp seemed to be the most obvious alternative to the ruling post-communist Sojusz Lewicy Demokratycznej (the Democratic Left Alliance). *'Kaczyński broke down on this matter, gave*

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*advice dozens of times, listened to the opinions of others, had thousands of doubts. It was the position of his brother, who exclusively came to a meeting of the political committee, which he usually did not attend, to force the party into this coalition - almost threatening to leave politics, if it doesn't happen.'* (Zaremba, 2015, p. 225).

The election result turned out to be harsh for the authorities of both parties. The combined POPiS lists achieved a nationwide result of 12%, well below expectations, at a comparable level of support for the self-starting Civic Platform from the 2001 parliamentary elections (Wojtasik, 2012). This situation was very clearly described by the already quoted chairman of the PiS parliamentary club, Ludwik Dorn: *'Together, we gained as much as the PO itself collected a year earlier. It was an experience that prevented us from forming an electoral coalition in the future. The local government elections also revealed another phenomenon, even more dangerous for us - the unprecedented success of the protest party. Samoobrona collected 16%, LPR 14%. The two main parties of the protest had 30%, and together with ROP, UPR and KPN 36%. We, as well as PO, lost our dominance in the opposition camp. It turned out that the growing power of SLD and the merging of PiS with PO resulted in an increase in the importance of the protest party. Imperceptibly, we have lost our social basis. We were hit so hard that we felt we were standing on the edge of the abyss. So we decided not to do it again. This experience complicated our further relationship with the Platforma. We already knew that we could not go to the parliamentary elections together with the PO. We understood that, under the threat of annihilation, we had to find points of clash with the PO, so that our voters could clearly see that we were not them. At the same time, we were clear that we had to present a vision of our participation in an acceptable coalition that could replace the SLD.'* (Dorn, 2013, p. 171).

In reality, it was the local government elections in 2002 that buried the chances of creating a reformist, post-Solidarity PO-PiS coalition. In addition to the defeat in the parliamentary elections, the unexpected victory in the vote for the president of Warsaw, Lech Kaczyński, contributed to this paradoxically. In the first round of elections, Kaczyński defeated e.g. Andrzej Olechowski, the candidate put forward by the Platforma Obywatelska, to face Marek Balicki, supported by the Sojusz Lewicy Demokratycznej, in the second round. This victory was interesting because the former Minister of Justice, associated with a ruthless policy towards criminals, was able to win in the capital of Poland with such a large margin, which seems impossible in the contemporary realities of the Polish political scene. As in the case of the PO-PiS parliamentary list,

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also this time the Kaczyński brothers were not sure about the start of one of them in the elections for the mayor of Warsaw (Turska-Kawa, 2015).

*'We were afraid of the victory and domination of Olechowski, who in the next opening would be imposed on the right as a candidate for the president of the country. We were afraid of repeating the maneuver of creating part of the right-wing elite from among people from the special services. There was also great hope that it would be possible to show in Warsaw that Poland could be governed in a different way. Smarter and fairer.'* (Karnowski & Zaremba, 2006, p. 267). This influenced the further political strategy of Prawo i Sprawiedliwość before the electoral triathlon in 2004-2005 (European parliamentary elections, presidential elections, parliamentary elections). The gradual change of the fundamental political division into post-Solidarity and post-communist forces, and the emerging new line of dispute between the post-Solidarity forces, impregnated the Polish political scene for the next dozen or so, and perhaps even several decades. Paradoxically, until the 2005 elections, the scenario of a joint coalition of Platforma Obywatelska and Prawo i Sprawiedliwość was quite realistic. Especially that in the media layer, drawing this scenario was very beneficial for the main opposition forces to the ruling Sojusz Lewicy Demokratycznej.

The time of turbulent coalitions and the difficult beginnings of parliamentary work meant that PiS eventually became the leading party. Looking at the very structure of the functioning of Prawo i Sprawiedliwość, the operation of the organizational structure meets the characteristics of a mass, professional and electoral party. From the very beginning, PiS was a party focused on participation in the exercise of power, as evidenced by the significant role of experts in the daily functioning of the party. Undoubtedly, from the start of the functioning of PiS, the president of the party as the highest executive authority of the party played a superior role in its functioning. *'(...) he has a decisive influence on the composition of the Political Council and the Political Committee. He grants authorization to represent parties in political agreements, including election agreements.'* (Głajcar et al., 2017, p. 434). In the classical division into left and right, PiS is easiest to classify as a center-right party that also implements social, free-market and conservative postulates (respect for the Social Teaching of the Catholic Church, tradition) (Turska-Kawa & Wojtasik, 2014). The strong position of the president in the very functioning of the party is reflected in the policy of shaping the state, where one of the decision-making centers after 2015 is a body not constitutionally empowered - the leader of the parliamentary majority, President of Prawo i Sprawiedliwość Jarosław Kaczyński.

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*Political practice of the rule of Prawo i Sprawiedliwość in 2005-2007*

The time of SLD rule in 2001-2005 was remembered by many Poles as: the period of Poland's entry into the structures of the European Union, the so-called rough friendship between Prime Minister Leszek Miller and President Aleksander Kwaśniewski, and the period of numerous scandals, led by the Rywin Affair. It seems that it was the outbreak of this scandal that marked the beginning of the end of the power of the SLD, the power of the party which won a record support in the history of the Third Polish Republic in the elections to the Sejm of the 4th term. A quote by Prime Minister Leszek Miller to one of the three most inquisitive members of the commission, Zbigniew Ziobro, the later Minister of Justice, has entered the annals of Polish politics. 'You are zero, Mr. Ziobro', Miller replied, referring to the MP's question about the Prime Minister's connection with the murder of former police chief Marek Papala. Ziobro (PiS), next to Jan Rokita (PO) and, paradoxically, Tomasz Nałęcz (Unia Pracy - The Union of Labor), were politically the biggest winners of the first investigative commission after 1989. Shortly afterwards, Zbigniew Ziobro became the Minister of Justice, while Jan Rokita was given the never-fulfilled role of 'the Prime Minister from Krakow'. The political career of the third of the mentioned MPs, Tomasz Nałęcz, was equally interesting. This politician may not have had such great political ambitions as those mentioned above, but short time later he was one of the closest associates of Bronisław Komorowski, the President of Poland in the years 2010-2015. It could be maliciously said that Nałęcz openly contributed to the victories of the right wing on the Polish political scene, through the Rywin Affair in 2005, or participation in the lost campaign of President Komorowski in 2015. As the following months showed, the political careers of Zbigniew Ziobro and Jan Rokita, thanks to Rywin's participation in the commission, gained a lot of momentum.

The European elections in 2004 were already a harbinger of the coming change on the Polish political scene. Almost with 10% p.p. Platforma Obywatelska won the majority, interestingly not over the SLD or PiS, but the LPR which gathered around itself the most anti-European electorate. The result of the European elections did not inspire optimism among politicians from Kaczyński's party, especially ahead of the 2005 election biathlon. Initially, Platforma Obywatelska gained the advantage in the polls, but once again the attitude of Lech Kaczyński turned out to be crucial for the fate of PiS. The previous Mayor of Warsaw began his campaign with the postulate of building the Fourth Republic, which became the main motto of the first PiS government. The final clash for the presidency after Aleksander Kwasniewski was to be

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between Lech Kaczyński and Donald Tusk. Raised in the circles of the Warsaw intelligentsia, Kaczyński and the liberal Tusk, contrary to appearances, had a lot in common. *'Relations with the historic milieu of Gdańsk liberals were characterized by a certain ambivalence. Donald Tusk and Lech Kaczyński really knew and liked each other well in the 80s. The outsider position that Tusk had in the years 1995-2000, when he seemed destined to drop out of politics after losing the position of deputy head of the Unia Wolności, also allowed him to get along well with the Kaczyńskis, who also for years teetered on the brink of defeat.'* (Zaremba, 2015, p. 241). Due to the short election calendar, the parliamentary campaign and the presidential campaign ran in parallel. The main faces of the first PO-PiS election campaign were the Kaczyński brothers and Donald Tusk. After the withdrawal of Włodzimierz Cimoszewicz's candidacy, Tusk became the main contender for the post of President of Poland. This also translated into an increase in support for Platforma Obywatelska. The PiS staff, seeing the party's dwindling support, decided to directly attack the PO's program proposals. The proposal to introduce a flat tax was sharply criticized. In the spot showing the refrigerator, it was suggested that the new tax, together with the increase in VAT on food, would lead to a drastic price increase. The division into liberal and social Poland outlined the axis of the 2005 campaign and allowed PiS to take the initiative. Brutal rhetoric on both sides gradually led to the final abandonment of the concept of joint PO-PiS rule. The result of the parliamentary elections also contributed to this, where with a record-low turnout of 40%, the Kaczyński brothers' party turned out to be an unexpected winner, winning 27% of support against 24% of Platforma Obywatelska. The Sejm of the 5th term also entered: SLD 11%, PSL 7%, Samoobrona 11% and LPR 8%. As it turned out later, the result of the last two parties turned out to be crucial for the shape of the 2005-2007 term.

The minimal victory of PiS over PO was a particular surprise for the politicians of the losing party. For the management of the PO, headed by Donald Tusk, approaching possible coalition games from the perspective of a loser was unacceptable. The events that followed in the coming weeks also contributed to this. The most brutal blow in the 2005 campaign turned out to be the case of the so-called grandfather from the Wehrmacht. This matter came to light after Tusk's victory in the first round of elections, where he received 36% of support against Lech Kaczyński's 33%. Pomeranian PiS politician, co-author of the book entitled *'Lewy Czerwcowy'*, the current chairman of Telewizja Polska - Jacek Kurski, revealed in an interview for the "Agora" weekly *'Agora'* that Donald Tusk's grandfather had allegedly been a Wehrmacht soldier in the past (Wojtasik, 2019).

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This fake piece of information was quickly denied, but it resonated until the end of the election campaign. The election results were mainly determined by the electorates of Andrzej Lepper, third in the first round (he supported Kaczyński) and Marek Borowski (he supported Tusk). Finally, after Aleksander Kwaśniewski's two-term presidency, Lech Kaczyński became the new President of Poland, gaining 54% of support. After the winning election battle for PiS, mock coalition talks began, after Kazimierz Marcinkiewicz was appointed Prime Minister. Interestingly, Jarosław Kaczyński himself considered this move to be right in the face of coalition talks. *'Marcinkiewicz was calm and easy to swallow for the PO, and we, contrary to what is said, really wanted this coalition. Before making a decision, I talked to Rokita. He reacted positively. Anyway, Marcinkiewicz was also digestible for our whole party (...)'* (Karnowski & Zaremba, 2006, p. 10). The main negotiator of the coalition talks on the part of Platforma Obywatelska was Jan Rokita. It would seem that the negotiations in the program layer went smoothly, while the selection of potential personal details for both sides was unacceptable. Clearly, Jarosław Kaczyński treated the interlocutors from the PO from a position of strength, but the impression that the PO was undoubtedly a party striving for a coalition would be wrong. Rokita himself was not the most important figure in the platformer puzzle. Despite this, Kaczyński has repeatedly appreciated his competence and talent. From the very beginning of the negotiations, Kaczyński believed that the PO was unable to accept PiS's victory and Kaczyński's will to take over the power ministries, in particular the Ministry of Interior and Administration. The entry of a person not associated with the hard core of the party into Marcinkiewicz's government was, from a political point of view, directed against the PO. This was to lead to the implementation of the plan of the Fourth Republic of Poland, with supra-party consent, without obtaining a parliamentary majority. The mere lack of support for the vote of confidence by the PO (the SLD was also against it) further complicated the idea of an almost buried coalition. Even last-ditch talks between Tusk and Kaczyński did not help in the last straight of the negotiations. They were held under the auspices of Archbishop Tadeusz Gocłowski. In the end, they did not lead to the expected breakthrough. The failure of the PO-PiS coalition was the moment when the chance to build a strong Republic was lost. This moment was aptly described in the book *'Wyjście awaryjne'* by Rafał Matyja, the author of the slogan of the Fourth Republic of Poland: *'The era of transformation could be crowned by an important act of systemic correction made by the parties triumphant in the 2005 elections, which grew out of criticism of the weaknesses of the Third Republic. In the years of the political crisis of 2003-2005,*

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*many programs for repairing the state were formulated, which could constitute the agenda of the joint government of the Platforma Obywatelska (The Civic Platform) and Prawo i Sprawiedliwość (The Law and Justice). However, very little of what PO and PiS announced when removing the post-communists from power in 2005 has come true during their rule. The declared will to repair the state was quickly abandoned.'* (Matyja, 2018, p. 10). Simply put, pride won out. The pride of winners unwilling to compromise and losers unable to accept defeat.

The government of Kazimierz Marcinkiewicz in the initial phase of its formation had the potential for reforms. The appointment of several non-partisan ministers to the government and the appointment of Prime Minister Marcinkiewicz himself, a man open to compromise and dialogue, did not herald the coming atmosphere of conflict, which ultimately accompanied the period of government in 2005-2007. Looking for a parallel, Marcinkiewicz enjoyed greater autonomy in choosing the composition of the cabinet than the first prime minister of the second PiS government in the 2015-2019 term, Beata Szydło. The premiership and the very election of Marcinkiewicz was quite an unprecedented practice in Polish politics. While the election of Beata Szydło as Prime Minister was justified, as she was the face of Andrzej Duda's victorious campaign, Marcinkiewicz, becoming the head of the government, took this position with a kind of *carte blanche*. The main goals set for the new cabinet were as follows: reform of the judiciary, liquidation of the WSI (Military Information Services), establishment of the CBA (Central Anticorruption Bureau), reform of public finances, diversification of gas supplies and construction of a gas terminal in Świnoujście. To carry out any of these reforms, PiS needed an appropriate majority of votes, which involved finding a coalition partner. Then the game of Jarosław Kaczyński began, striving to introduce his vision of the Fourth Republic and at the same time absorb his future coalition partners - LPR and Samoobrona. Kaczyński himself wanted to build a Christian Democratic party modeled on the CDU-CSU in four years.

PiS decided to carry out the most difficult reforms from its point of view. Studies of the structure of the electorate (Waldemar Paruch referred to them in numerous interviews) indicated that a large part of the new PiS voters, guaranteeing this party support of over 40%, were the voters won in the first half of the government (Ochermiak & Osiecki, 2019). Deputy Prime Minister Jarosław Gowin colorfully described this period as the period of the 'romantic revolution'. It was in the first half of the passing term that the Sejm stormed through the project introducing 500+, lowering the retirement age and numerous amendments related to the functioning of the judiciary.

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Kaczyński approached the issue of legislation in the aforementioned first term of office of his party in a very similar way. In the current term of office, a certain change took place with the appointment of Mateusz Morawiecki as the Prime Minister. The second half of PiS's rule, with the face of the technocratic Prime Minister Mateusz Morawiecki, was supposed to be a time of extinguishing numerous conflicts and disputes and laying the foundations for the construction of a kind of Polish CDU. Looking at the slogans from the election campaign, it can be concluded that few of the announced promises have been fulfilled. It is worth noting that what Kaczyński had failed to implement during his first government, he tried to implement with great consistency during the second PiS government, with more or less successful results.

Returning to the puzzle of the Polish political scene between 2005-2007, Jarosław Kaczyński realized more and more that he needed additional deputies to implement even a substitute of the Fourth Republic. The game began, which ultimately led to early elections, the loss of power for many years and the burying of Jarosław Kaczyński's vision of building a state. The consequence of numerous events, including: the failed vote on early elections, the fiasco of the 'stabilization pact', led PiS to conclude a coalition agreement with Samoobrona. This alliance did not give the PiS government a parliamentary majority, which led to the creation of a coalition of PiS, Samoobrona and Liga Polskich Rodzin. After a six-month parliamentary crisis, the ruling camp launched a legislative offensive. As a result, i.a. the CBA was created and the WSI was terminated. The machinery of the PiS revolution undoubtedly collided with the influences of numerous circles that functioned in the government's backroom and within it. This phenomenon was referred to by the Kaczyński brothers and other right-wing politicians as *imposibilizm*. Having experienced difficulties in introducing numerous legislative proposals, Kaczyński decided that in order to gain full control over the actions of the Council of Ministers, he would have to take the helm of the head of government himself. From the image point of view, it was a very controversial decision. A politician who enjoys great social trust had been removed from the shadows, replaced by a man who is at the other end of the scale in the same studies (Wojtasik, 2022). From then on, Poland was ruled by two twins, Lech as the president and Jarosław as the prime minister. It was an unprecedented situation in the world politics.

Initially, one of the key decisions of Prime Minister Kaczyński's cabinet was a strong turn in foreign policy. Poland began to present a much tougher attitude towards the European Union, especially during treaty negotiations. The very decision to pursue a more subjective foreign policy

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should be assessed positively in retrospect. However, the manner in which certain demands were implemented was limited to rhetoric only. In domestic politics, the biggest obstacle to implementing ambitious reforms was the difficult cooperation with the coalition partners. In order to tame difficult partners, Kaczyński used the power apparatus he controlled. Numerous skirmishes and games aimed directly at their coalition partners were commonplace. Even then it was noticeable that Kaczyński placed political will as the foundation of any legislative changes. The technology of power understood in this way was the basis for how much time the right-wing camp devoted to changes and personnel games, including the consistent marginalization of the aforementioned coalition partners. Internal instability, the lack of attempts to win over the circles to which the reforms were to apply, ultimately led to the end of the Fourth Republic project. Ambitious modernization plans in the structure of the Ministry of the Interior and Administration (Dorn), a tough attitude towards lustration, interesting ideas in the Ministry of Justice overshadowed by the fight over, among others, with Samoobrona (Ziobro), the right but unfinished tax reform (Gilowska), got bogged down in a maze of disputes and a sense of universal chaos. One can speculate how the 5th term of the Sejm would have turned out had Marcinkiewicz's government, which enjoyed great social trust and sought a consensus above party lines, been retained. Kaczyński's reformist drive could not be denied, while ruling against 'everyone' turned out to be a very risky and unsuccessful strategy. In the minds of many Poles, the Fourth Republic remained a time of unfulfilled hope for building a strong state and a time of political turmoil. Finally, in autumn 2007, after two years of the first rule of Prawo i Sprawiedliwość, the Sejm decided to shorten the term of office. The immediate reason for this decision was the breakup of the coalition between PiS, Samoobrona and LPR, and the rejection of PiS's financial statements for 2006 by the PKW (National Electoral Commission).

### *Conclusions*

Looking at the history of politics, the behavior of the rulers against the logic of management often led to the ineffectiveness of building their own subjectivity. Putting one's own interests ahead of the state's interest, often manifested by appointing people according to the party key, often ended in failure of the introduced policies or reforms. Since ancient times, humanity has been looking for an ideal structure that would ensure the inseparable existence of a specific community. Initially, people formed into tribes, settlement groups or all sorts of groups. As a result of the tests carried

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out, the so-called polis, i.e. city-states. This involved the establishment of a specific structure, with an established system and legislation. This led to the creation of the perspective of Greek democracy, whose perception of the state was supplemented by the understanding of the state by Roman civilization. According to the Romans, the state was associated with the concept of ‘res publica’ - literally translated as a public thing, or ‘civitas’ - the state of Roman citizens. Both concepts were built on the foundation of political subjectivity as a necessary element of effective and relevant power.

The revolution of political subjectivity was the main reason for PiS's initial success in building political relevance. On the foundation of the governments of 2005-2007, a force capable of introducing systemic changes has grown. This process was very aptly described by Paweł Musiałek (2018), in the text ‘Koniec polskiej transformacji’, published immediately after PiS won the elections to the European Parliament: *‘Are Prawo i Sprawiedliwość voters blind or stupid? This is the main question that has been echoing in the liberal salons for two days. The answer is trivially simple. They are not. They support PiS not because all the reforms are great, public television is good, and ethical standards are high. They voted for PiS not for these reasons, but in spite of them. It is therefore reasonable to ask what motivation causes that the balance of profits and losses is still positive. What power allows you to play the biggest fouls of the United Right camp? It is a farewell to Poles with the awareness of being a developing country which, in its pursuit of the West, has to put in more effort than others. Unfortunately, it happened way too early.’* One of the significant factors of the change described by Musiałek was the acquisition of political relevance by PiS.

It is worth dwelling here on the sad statement ending the above quote. Unfortunately, these areas were relegated to second and even tertiary tracks. The sources of such a political strategy, numerous social transfers, at the expense of real successes in the implementation of public policies, should be sought in social realities. Profit is still put on the pedestal in the first place, not the good of some imaginary community - a society of which we ourselves are an immanent part. Kaczyński perfectly understood these moods, he perfectly diagnosed the state of the human soul. Often complexed, longing for a sense of pride and subjectivity. Jarosław Kaczyński won power, but he did not win it for the sake of reigning. One can have many accusations against PiS, Kaczyński, but we cannot deny that this party and its leader are effective.



**References:**

- Dorn, L. (2013). *Anatomia słabości. Rozmowa z Robertem Krasowskim*. Czerwone i Czarne.
- Dudek, A. (2002). *Pierwsze lata III Rzeczypospolitej 1989-2001*. Wyd. Arcana.
- Głajcar, R., Turska-Kawa, A., & Wojtasik, W. (2017). *Leksykon polskich partii politycznych*. Wydawnictwo Adam Marszałek.
- Karnowski, M., & Zaremba, P. (2006). *O dwóch takich... Alfabet braci Kaczyńskich*. Wydawnictwo M.
- Matyja, R. (2018). *Wyjście awaryjne O zmianie wyobraźni politycznej*. Karakter.
- Musiałek, P. (2018, May 5). Koniec polskiej transformacji. *Klub Jagielloński*. <https://klubjagiellonski.pl/2019/05/28/koniec-polskiej-transformacji/>
- Ochermiak, A., & Osiecki, G. (2019, January 10). PiS wie, co zrobić, żeby wygrać wybory [WYWIAD]. *Dziennik Gazeta Prawna*. <https://www.gazetaprawna.pl/wiadomosci/artykuly/1391375,waldemar-paruch-o-wyborach-parlamentarnych.html>
- Turska-Kawa, A. (2015). *Determinanty chwiejności wyborczej*. Wydawnictwo Uniwersytetu Śląskiego.
- Turska-Kawa, A., & Wojtasik, W. (2014). Religiosity and electoral participation. The case of Poland. *Studia Methodologica*, 38, 6–23.
- Wojtasik, W. (2012). *Funkcje wyborów w III Rzeczypospolitej. Teoria i praktyka*. Wydawnictwo Uniwersytetu Śląskiego.
- Wojtasik, W. (2019). Electoral Manipulation via Media: Theory and Evidence. *Communication Today*, 10(2), 28–40.
- Wojtasik, W. (2022). *Manipulacje wyborcze*. Studio NOA.
- Zaremba, P. (2015). *O jednym takim. Biografia Jarosława Kaczyńskiego*. Czerwone i Czarne.