

*Bartłomiej Nowak**

15 Years of Polish Democracy and Civil Society. A Myth or Reality?

1. Preface

The process of Poland's transformation and integration with the European Union has had a significant influence not only upon development of economic and political structures in Poland, but – perhaps even more importantly – on consolidation of democratic standards as well as reconstruction and growth of civil society, so demolished and neglected under the former system and, at the same time, so essential for modern States, providing a basis for welfare and growth in many democratic countries of modern world.

Article 6 of the Small Constitution provides that “...*the Republic of Poland guarantees freedom of establishing and activities of trade unions, associations, citizen movements, foundations and other voluntary unions acting upon the fundament of law in order to pursue citizen interests and express their opinions...*”. One can conclude, therefore, that from an official point of view basic principles of building of civil society relying upon the ideas of freedom and pluralism in social forms of activity.

However, in practice, after almost fifteen years following the fall of real socialism,¹ there still have been plenty of problems regarding recreation and functioning of civil society and democratic institutions in Poland. As reasons that determined that situation are sought, in most cases long periods without independent State and a distortion of democratic institutions are mentioned, along with degeneration of Polish society caused by several dozens years under

* **Bartłomiej Nowak** – European University Institute, Florence.

¹ It is worthwhile to mention that Polish and Hungarian experience of the year 1956, Czechoslovakian of the year 1968 as well as one of Polish “Solidarity” movement of 1980-1981 have evidenced in a most explicit way that the Soviet Union – as long as it was powerful – was determined not to allow a single land breaking out of its control. Unity of the former socialist bloc had been a priority.

a communist system based upon centrally-planned economy and the so-called democratic centralism.²

In liberal democracies the State fills the peculiar role of organising its society. However, it has been based upon sovereign self-organisation of social groups living in a given territory and formed by a common cultural tradition. Such form of society functioning, combined with guarantees of human rights, enhances any society's chance for a good living.

A question thus arises whether Polish society actually grows up towards true civil society standards? Or, in other words, do we become gradually more and more sensitive to common welfare, do we organise ourselves more often recently in order to improve the world around us with our combined effort and – most importantly – to solve urgent social and economic problems.

This study attempts to present and analyse the present state of civil society and democracy in Poland as well as prospects for their future growth.

I should admit that this issue has been a field of a great deal of controversy in sociological, economic or legal debates for several years now. I have been well aware that it is not possible to give a single explicit answer to the question asked in the title. Moreover, development of democratic system and of civil society has been a complex and multi-faceted process going on in various dimensions in parallel. To consider that transformation only in a legal sense or in categories of political science or economy would in fact come down to its depreciation. Worse still, this would only be an analysis of a single dimension in the whole complex phenomenon. That's why it seems more relevant to attempt to address the problem at a multi-disciplinary level.

2. Democracy and civil society

The very idea of democracy has been closely related to that of civil society! A democratic State may be described as a form of society's sovereign self-organisation which is par before law, politically independent, self-governing and relies upon respect for individual freedom. As may be concluded from A. Seligman's observation: "*it's just the fact of existence of free, par citizens - autonomous, self-dependent individuals – that makes the very concept of civil society possible to come true*".³

² It was a system in which no place was left for almost any type of grassroots innovation. Everything went from the top: a central-level planner was supposed to know how much to produce and at which price to sell, while the party that pronounced itself "the nation's leading force", was supposed to know how to meet social needs of the society.

³ A.Seligman, *The idea of Civil Society*, New York 1992, p.5.

The above-mentioned self-organisation has been based on authority whose representatives are socially elected and controlled and enjoy socially delegated powers and measures to fill their functions, necessary for achievement of common goals and strategies. Accordingly, one can define a democratic State as one which provides an institutional fundament for existence of civil society.

Furthermore, the issue of a man as a citizen gains particular importance in democratic system, since it is in democratic system that – at least in theory - anybody can get to rule. This way, it's upon shaping of proper citizen attitudes in individuals that efficient ruling depends.

An individual's life in Central and Eastern European States before 1989 was entirely subordinated to benefit and interest of the State. Under a totalitarian system the State, as a source of law, positions itself above law. It becomes a creature that is based upon power rather than upon a legal deal developed by its society. In a totalitarian State doctrine the State owns and controls any rights, including fundamental human rights. A totalitarian State, as observed by A.Zoll,⁴ is a source of right, while not being subject to rights and, in particular, to obligations since it puts itself above the legal order. Democratic State, on the contrary, is subject to rights and obligations alike. The fundamental principle of democratic State is freedom of any human actions, except for those forbidden by law. This way, it is freely acting and freely thinking, well-organised civil society that forms a social basis for democratic State.

One is, therefore, tempted to ask the question whether Poland, as a new European Union Member State, has been democratic State of law today, in which civil society exists? The answer to the question is not easy and far from unambiguous. The real problem is that the question is really about reality in today's Poland rather than about any sort of legal standard. The answer is the more difficult that there is in fact no single genuine pattern of civil society. According to B.Misztal,⁵ there have been three such models: a pluralist (which provides citizens with the right to make decisions on their participation in political elections), a liberal (conceding to them freedoms implied by the principle of tolerance and equal respect) and, finally, a republican one (expecting from citizens to meet a set of obligations towards the community as well as eagerness to sacrifice their own interests for the sake of common welfare). It happens in many cases that a civil society in a given country is a combination of all the three models. Therefore, it is really not easy to indicate a single model of an ideal civil society.

⁴ A.Zoll, *Państwo Prawa (The State and the Rule of Law)*, "Forum Philosophicum", vol. 2/1997, pp.7-13.

⁵ B.Misztal, *Logika kacyka i czas oligarchii*, "Rzeczpospolita", 2004.

It seems that at the core of a civil society there is a human aspiration to develop public life so that it expresses true individual needs while, at the same time, being independent from the State authority. This is only possible in democracy – in a system which guarantees citizens' participation in political decision-making and the rights to elect and to control those at rule. Additionally – when necessary – it also grants them the right to replace rulers with new ones in a peaceful way.⁶

In fact, the notion of civil society includes a broad circle of citizens' organisations, groups and initiatives. At the same time, either vitality or apathy of civil society may also be interpreted as an important measure of a degree of political culture in a country. It indicates a level of maturity of cultural fundamentals of democracy and market economy in a given country or their present stage of development. This, however, is not meant to suggest that citizen societies are very different in terms of their form or intensity from one country to another; they just reflect a country's social structure, cultural composition, history, political traditions or economic development. It is obvious, therefore, that citizen societies are not just the same in different countries, regions and on different continents.

However, as observed by W.Kymlicka, modern democracies are based on sovereignty of their citizens – that's to say individuals who make individual decisions. Seen this way, stability of democracy is not only determined by the system and its institutional efficacy, but by the quality and attitudes of its citizens as well.⁷

3. A democracy and civil society concept in Poland after 1989

The year 1989 brought the decline of communism and of totalitarian system, on the ruins of which new democracies and citizen societies began to emerge in the Central and Eastern Europe.

Poland also faced an urgent task of building new democratic order. It declared itself, at that time, in favour of democracy understood as parliamentary, multi-party system. At the very outset the new legal deal had some characteristics of liberalism (a very immature, to be sure, and interpreted rather differently from one political trend or circle to another). Polish democracy, as described by a Hungarian political expert Attila Agh, gained at that time a status of a party-dependent democracy, in which political parties practically keep any

⁶ John Paul II – *Centesimus annus*, 46, (http://www.knp.gower.pl/jan_pawel_ii/centesimup.htm#1 and <http://kinga.cyf-kr.edu.pl/~zykalino/CA.htm>).

⁷ W.Kymlicka, *Multicultural Citizenship: A liberal Theory of Minority Rights*, Oxford 1995, p.175.

other actors, including civil society or representatives of interests of various social groups, away from political life. In other words, in such form of democracy universal involvement in political life has been problematic at the very least.⁸

Therefore, in the case of Poland we have to deal with democracy that has been very immature, still under development and suffering mainly from a low level of social participation in political life.

Societies burdened with real socialism period experience seem to have entered that new era unprepared (in either theoretic, mental or psychical terms), having no real plan to go along. Only as the situation unfolded, people began to attempt to explain what they were faced with and to put some order to the new reality. It seems that at the initial stage of transformation the main focus was upon getting free of communism rather than on laying out fundamentals for a new system. Emotional reaction came first, followed by an impulse to square up, psychologically and mentally, with a complex and painful experience of the former autocratic system. A kind of a “where do we go from here?” reflection was the last to come. Which future are we going to build, then? Which model of State shall we choose?

Democracy or civil society cannot be built in one go. They have to develop and take shape gradually and it takes more than a year or two. The post-communist transformation has been a large-scale and long-term project to implement.

As the process went on, basic institutional, constitutional and legal fundamentals of democracy and the rule of law found their way to political and public awareness of Polish society. A new feeling of belonging to universal human community emerged that's bound together above the State borders and strives to solve global political, economic and social problems. When, for instance, Poles have found it natural to lend a helping hand to Ukrainians in their fight for democracy, it should be seen as an effect of transformation.

Market reforms made, rejection of monopoly (of rule, economy, management), prompt (sometimes too prompt) setting of new democratic institutions and market mechanisms, liberalisation (in economic, social or even moral terms), a growth of pluralism (political, economic, notional) – all this required a set of values wholly different than those prevalent under real socialism. New developments were based upon a totally different concept of man and citizen as an active individual taking advantage of his sovereign status.

A fast pace of change, so enthusiastically welcomed by Polish society during an early stage, later on made people fear unstable, insecure, living day to day

⁸ A.Agh, *The politics of Central Europe*, London 1998, p.10-13.

and uncertain of their future,⁹ as competition was rapidly growing more intense, taking the totally unprepared society by surprise (the deeper it remains rooted in the former system, the longer dependence thereon, the more elderly and less educated a person – the bigger the problem). In other words The longer a nation was under coercion, the longer it takes to replace the former system with the new one.

More than a hundred years with no independent State and then a real socialism State with which hardly anybody identified themselves have been circumstances that taught Polish people to disregard good law, sound organisation and social order. However, at present, as Poland has already been a State of law, a European Union Member State, such traits should be seen as flaws (Poles should get rid of as soon as they can) rather than virtues.

The fall of communism and totalitarian system and the later transformation have been a process that included and really still does include the following issues:

- Bringing on democracy (understood as "translation of freedom into proper institutions necessary for the system to operate" and an emphasis put upon the aspect of human and citizen's rights protection, along with construction of pillars of Western-style liberal democracy *i.e.* individual autonomy and civil society).

- Bringing on free market, that is introduction of any mechanism consistent with the principle of free market in which price is determined by a play and interrelations of supply and demand rather than being fixed by decree. Economic reforms and privatisation soon managed to render economy market-driven. However, such an achievement has to go in pair with creation of social fundamentals for democracy and for market economy. Institutional structures cannot operate in a smooth and efficient way unless they are well anchored in a proper social and cultural climate through which some sound patterns of behaviours and attitudes are taught.

- Building of identity (both in citizen and State categories) – that is creation of civil society and, at the same time, of national identity on an international arena – something that cannot happen without requirements of the State of law being set forth and met.

- Changes in social awareness and mentality that have to come along with such a thorough political, social and economic change as brought by systemic transformation. That's where citizen culture is of particular importance, understood as a set of broadly shared values, beliefs, attitudes and behavioural patterns necessary for the civil society to work effectively. This regards, among

⁹ See: *Samopoczucie Polaków w latach 1989-2004 (Mood of Poles in 1989-2004)*, January 2005, CBOS (Polish Public Opinion Research Center).

other things, eagerness and ability to co-operate with other people; a respect for law and an awareness of how important it is to have social life properly regulated by legal standards; an esteem for work; a sense of responsibility and thorough performance of one's duties. What civil society requires in particular, is citizen's political culture: being ready to involve in a dialogue and being able to negotiate, to seek and find a form of consensus. Consequently, it is to that area that the concept of open society, so often mentioned nowadays, is most relevant.

A new social deal resulting from the transformation has been safeguarded by liberal values, including, in particular, respect for human freedom.

The concept of civil society, based upon freedom of a man - a citizen, has been paid much attention to in the European Union. This gives not only an evidence of the EU's institutions for citizens of the whole European integration, but of an evolution of attitudes and views of many different groups upon a role of that society in the process of integration of international community.

In any country where democracy is fully developed, there is, along with Parliament, executive and judicial authorities, a broad range of associations, organisations, social movements and pressure groups, whose role is one of an intermediary link between individuals and the State.

This involves, development of a sense of self-governance at a local level, independence of social organisations structures set up as citizens grassroots initiatives and efficient operation of non-governmental organisations dealing with the country's problems.

Non-governmental organisations, playing a key role in the concept of civil society, are the most sensitive among public bodies to a level of social justice. That's why the right of free association, education, mass media, public opinion or the institution of ombudsman have been such important, essential elements of any real and sound democracy and – at the same time – of civil society.

The right of free association

As new political powers began to gain importance in Poland after the year 1989, with support from the EU Member States, from the Pope John Paul II and from the USA, restoration of fundamental citizen rights to associate and unite was among fundamental aims of democratic opposition in Poland. As a result, this actually became one of the earliest attainments of the reform process.

Reintroduction of such bodies provided a renewed basis for development of an unrestricted and legally and institutionally free civil society in Poland and subsequently in other Central and Eastern Europe countries.

The right of free association (after 1989) should be seen as fulfilment of the principle of social solidarity. Its independence and autonomy in relation to any political conditions has been a guarantee of citizen's freedom.

The first decade of democracy in Poland saw an unprecedented rise of citizen initiatives that yielded an enormous number of officially registered organisations.

It should be mentioned that a special significance of civil society to democracy also stems from a broad scope of roles that citizens organisations play and through which they can positively influence democracy. The roles in question may shortly be described as control over the State and political authority, representation of interests and mediation, social integration, political socialisation. In that sense a civil society provides organisational structures that supplement the State, political and market institutions. In any country their position as well as strengths and weaknesses are an indication as to which degree democracy may rely upon structures of social organisations.¹⁰

Processes of development in Poland resulted in significant differentiation of civil society in terms of a broad scope of various organisations. At least the following types of organisations may distinguished in post-1989 Poland:

- foundations,
- associations,
- trade unions,
- industry organisation,
- religious organisations,
- non-profit organisations.

In Poland an organisational sphere developed over quite a short time, to a point that in terms of a number of bodies registered it can even compare to certain well-rooted Western-European democracies.¹¹ It seems, at the same time, that a growth of pluralism in Poland (an undisputed result of integration with Western countries) coupled with a broad variety of types of organisations present made Polish civil society better suited to various roles that should be filled in democratic systems.

Education

An efficient operation of democratic system and of free market economy as well as a challenge to keep pace with countries that are wealthier and more advanced in terms of civil society development require a dynamic growth of education as their basic precondition. This is indispensable, both in quantitative and qualitative categories.

¹⁰ http://www.csm.org.pl/pl/files/rap_i_an_0602.pdf

¹¹ *Ibidem.*

It seems that the transformation and the integration with the EU have had a strong influence upon development of education in Poland. Nevertheless, ensuring that kind of development is extremely difficult in our reality, due to the following reasons:

- firstly, we have to make up for our huge backwardness inherited from the “communism” period (although in theory education was always a priority, in fact it was seen as an undesirable area);
- secondly, we have to aspire to stand up to new challenges resulting from development of a new type of civil society – namely, of information society;
- thirdly, education has been just one of several important areas that had been badly neglected under the former system that should be cured, cared for and developed nowadays.

Mass media

Mass media, also referred to as the fourth authority, have been an extremely important element of any democratic system and of its logical consequence in the form of well organised and fit civil society. Due to their enormous impact upon human attitudes and choices mass media have been a powerful instrument of rule – highly desirable and hence sometimes dangerous. In democratic State mass media have always monitored rulers’ behaviours. As a result of the transformation, of European integration and introduction of democratic system, the presence of independent media the freedom of which cannot be restricted, unless by Constitutional rules, has become reality soon after 1989. Only free and responsible media are capable to create a proper image of Polish democracy

Public opinion

The collapse of communism and Poland’s integration with the European Union also provided conditions for development of free public opinion which was another necessary element for the civil society to grow. In countries where democracy is well-rooted public opinion has been an expression of freedom, an instrument of citizen education and – to adduce Tocqueville’s words – “*it allows one to learn where a true intellectual authority can be found*”.¹²

It cannot be denied that citizen societies in Western countries have relied upon very firm fundamentals: democratic republicanism, individual rights, including, in particular, individual citizen rights and the property right.

Basing on such fundamentals, public opinion can act as a safeguard of civil society values, can develop its concept, seek and find new solutions for

¹² <http://www.propublicobono.pl/art.php?a=1>

individual-community relationship and give it a meaning that stems from social and cultural dynamism making any progress (including economic) possible.

The Commissioner for Civil Rights Protection

In 1987 – that's actually before the real fall of the communist system – Polish Parliament established, under the Act of 15 July, the institution of the Ombudsman (The Commissioner for Civil Rights Protection). What it brought was a brand new procedure giving people an opportunity to complain about the way the State administration and the administration of justice operated in cases of infringement of citizen's rights or freedoms. The appointment of the Ombudsman should be seen as a supplement to important institutions established earlier: the High Administrative Court (1980) and the Constitutional Tribunal (1985). Establishment of all those institutions marked a big step forward in democratic process in Poland.

4. Effects of transformation

The American "Freedom House" proposed a very apt way of analysing transformation taking place in post-communist States, considering situation of such countries in three following areas: developments in terms of democracy, of State of law and of economic liberalisation. In the first category such issues as a level of development of civil society, independent media, public administration and nature of political processes taking place were taken into account, while in the third: privatisation as well as both macro- and micro-economic policy. On that basis scores were awarded and countries ranked on a scale ranging from 1 (optimal) up to 7 (worst). The following table presents results of the analysis from the years 2001 and 2002.

Since these studies have been repeated annually for a number of years now since early Nineties, a certain deal of comparison and conclusions already seems legitimate. It can be concluded from the Freedom House's analyses and studies that between 1998-2002 democracy in Central European countries was constantly improving (an average level grew up from 3.12 to 2.73). However, in post-Soviet States quite an opposite trend was evident, except for Baltic States (a deterioration from 5.23 to 5.41), a good example of which were recent presidential elections in the Ukraine and Moscow's attempts to influence their outcome. In terms of reaching market economy standards both regions have revealed a growing trend – mild overall, but much slower in post-Soviet States.

Table 1. Post-communist transformation by “Freedom House”, 2001-2002

State	Democracy		State of law		Market economy	
	2001	2002	2001	2002	2001	2002
Albania	4.13	3.94	5.00	4.88	4.17	3.75
Armenia	4.56	4.56	5.38	5.38	3.58	3.58
Azerbaijan	5.56	5.44	5.75	5.75	4.92	4.42
Belarus	6.56	6.56	6.00	6.00	6.25	6.25
Bosnia and Herzegovina	4.94	4.56	5.63	5.38	5.50	5.33
Bulgaria	3.06	3.00	4.13	4.00	3.50	3.25
Croatia	3.25	3.25	4.13	4.13	3.58	3.50
Czech Republic	1.81	2.13	3.13	3.13	2.00	2.08
Estonia	2.00	1.94	2.38	2.13	1.92	1.92
Georgia	4.19	4.44	4.63	4.88	3.75	3.75
Hungary	1.94	1.94	2.50	2.50	1.92	2.00
Kazakhstan	5.56	5.88	6.00	6.13	4.50	4.25
Latvia	1.94	1.94	2.75	2.88	2.50	2.33
Lithuania	1.94	1.88	2.75	2.88	2.75	2.42
Macedonia	3.75	4.13	4.63	5.13	4.58	4.67
Moldova	3.94	4.19	5.00	5.13	4.00	4.25
Poland	1.44	1.50	1.88	1.88	1.67	1.92
Romania	3.31	3.31	4.38	4.50	4.00	3.92
Russia	4.63	4.81	5.38	5.38	4.17	3.92
Serbia and Montenegro	4.63	3.63	5.88	4.75	5.33	5.00
Slovakia	2.25	1.94	3.00	2.63	3.25	2.33
Slovenia	1.94	1.81	1.75	1.88	2.08	2.17
Ukraine	4.44	4.69	5.25	5.38	4.33	4.42
Uzbekistan	6.50	6.56	6.25	6.25	6.17	6.00

Source: *Nations in transit. Civil Society, Democracy and Markets in East Central Europe and the Newly Independent States*, “Freedom House”, 2001, p.25, (2002, p.21); B.Góralczyk, *Hungary post-communistic transformation 1990-2003*, Warsaw 2003, p.26.

Poland’s case – the most interesting for use here – suggests that the process of transformation, in spite of a boom on an early stage and a later stagnation, went in a right direction as Poland leads in all three categories in the Central and Eastern Europe countries group.

On the basis of studies and data published by Freedom House the following conclusions may be drawn:

– The most serious problem post-communist countries (including Poland) have experienced has been corruption and - in general - implementation of State of law rules;

– Political systems in countries marked in the table in bold characters can be seen as relatively stabilised, with democratic institutions working reasonably well, although still having to cope with a number of barriers and hindrances, probably mainly resulting from human behaviours and actions within democratic structures. One has to remember that most people have still revealed habits and mentality inherited from the old system. Such a bad inheritance of mentality typical of the former system will be very difficult to overcome – this is beyond doubt. It is not an overestimation to say that nothing short of time, education and hard work is going to cure the disease. Basically it seems that for things to significantly improve a new, well-educated generation has to take over;

– The table also indicates a hiatus existing between Eastern and Central Europe, with respect to both political and economic reality.

As evident in the above analysis, Poland entered the post-communist era as one of transformation leaders among Central and Eastern Europe countries and a truly promising candidate to join up with the West quite soon. It was expected, both domestically and abroad, that Poland would have coped relatively well with tasks and challenges it was faced with on its way. However, one should have also reckoned with a great deal of difficulty throughout the process as it was quite clear that the transformation was going to be all but prompt and painless for most people in Poland. Had such reasonable expectation of quite a hard period been shared by most people, it could have saved Poles much stress and frustration they experience today.

As a result of the transformation democratic State institutions and civil society have developed quite dynamically in Poland, even if not quite up to the level of our needs and ambitions. Their development has also been far from uniform having its ups and down depending on an area and a particular region of the country.

5. What else? What the 15 years of transformation failed to achieve yet?

Civil society is more than just an open, democratic (as important as it is) society, featuring a high level of social mobilisation understood as people being ready to take advantage of their civil and political rights in the public life area. A true civil society also implies having an efficient institutional system in place.

Post-socialist countries, including Poland, have still been seen by many experts as closed societies where people seem not to appreciate significance of the society grassroots articulation and mobilisation. Poland under transformation, despite any positive aspects regarding civil society to have appeared as a result of changes and the European integration, has still been short of the following factors:

- a modern political parties system,
- political liberalism,
- political culture,
- rational administrative solutions and loyalty of administration officers,
- properly functioning judicial system.

Neither Poland nor Central and Eastern Europe as the whole ever had a State of law together with civil society well-rooted and consolidated. Poland's experience is particularly complex considering that the nation had no independent State for almost a century and a half. Accordingly, a model of a citizen anchored in our culture is one of a patriot who fights for independence. This favoured development of a conspirator's rather than citizen's virtues.¹³

After a long real socialism period when the State acted as political instrument and a tool for destruction of citizen and human order, Poland - even after 15 years of transformation - has still been perceived by many as a State that is inequitable in various areas, no matter which political elite is at rule at a particular moment. Those in top political positions have given people, day after day, reasons to believe the elite is corrupted, plodding in all sorts of conflicts and have excessive links not only with business circles but with organised crime world as well.

Threat to Polish democracy, besides corrupted elites, is also decrease in efficiency of judicial system, what could be described by the lack of financial resources adequate to conduct work on the one side. On the other concerns persist with regard to perceptions of corruption among the judiciary. The existing penal immunity of judges, however make it difficult to determine the real level of corruption within the judiciary.

Such regrettable practices have prevailed throughout the Nineties. Sound, consistent social and economic programmes are badly missing as is responsible political elite.

The present one has bitterly disappointed – it is divided, fragmented and where politicians get together, they just do it to form coteries and gain personal or party-wise profits. No wonder trust they enjoy from people is null – to adduce B.Misztal. After all, it's mutual trust that forms a fundament for reins in civil society. Trust of citizens to public institutions has been both an expression of

¹³ <http://mos.pl.webpark.pl/artykul1.html>

people's appreciation for their proper functioning and for an adequate proportion in power distribution. Moreover, it is an evidence of a certain level of political culture of a society that aspires to be a true civil society, especially where people are not only aware of a need of power distribution but of that to control it as well. Another issue related to citizens' trust in public institutions is their trust in political parties that can be seen as a measure of a basic level of a society's political participation. As shown by recent opinion polls, this doesn't look promising in Poland either.¹⁴

However, the very presence of trust in public or political institutions and in political parties is not enough to assess that a real, consummate civil society exists in a country. This also requires a universal feeling of trust in a society, barring which no valid relationships can be bound in a public sphere.

It is in that context that a problem of bureaucracy becomes of relevance – bureaucracy that, in historic terms, meant an efficacious office apparatus (a Hegel's concept as well as Weber's ideal type of bureaucracy) while today it is associated with inhumanity of officers, lack of trust, excessive formalisation of law and control, a loss of time and, last but not least, pathologies including corruption.

This results in a lack of trust in public institutions, general dissatisfaction and, more and more often, frustration of people who refuse to be involved in public or political life if it looks like that. They are resigned and no longer expect things to change for the better in the future. In fact they just give up their involvement in public life and participation in elections.

At the same time, however, the area of politics becomes more and more complex and requires professional skills and thus naturally restricts a role of a citizen as a political body and a participant of political life.

6. Conclusion

Poland, as other countries of the region, regained freedom when the former system declined and began to establish democratic structures not only on the basis of heritage of past generations but mainly on the ruins inherited from the communism period. As a result, the system of values prevalent during the period of grand transformation after 1989 is marked with both relics of real socialism and innovations implemented.

As argued above, there is not a single model type of civil society. Existing democracies have been shaped each at a particular time and under particular historic circumstances. However, although no ideal model can be indicated, any civil society requires some sort of structure and well-rooted fundamentals. Whilst

¹⁴ See: "Polityka", 01.01.2005, p.13.

such fundamentals (rule of law, division of power, independent judicial system, free media, respect for human rights, *etc.*) have already been laid in Poland, they need further elaboration.

What we experience in Poland nowadays is a society that is poor, featuring a low cultural level and undereducated despite a large number of academic level schools. It is preoccupied with everyday living problems, it has to learn how to develop local level governments rather than look up to central level government for rule. And as far as citizen initiatives are concerned, they are still scarce in spite of the early-Nineties boom.

Despite democratic procedures being in place in Poland, people know little about their rights. A common attitude is demanding protection of one's interests and aspirations, regardless of which actual legal regulations apply. As observed by M.Magoska, the State, on the one hand, is perceived as a hostile institution while, on the other hand, expectations regarding the State's role as a guarantor of welfare and caring intervention are still predominant.¹⁵ But citizen should not perceive democracy as a system, which should fulfil all his needs. Democracy should not be recognized in social consciousness only as a battle for power. Democracy should be identified with such form of authority, where institutions act in public interest.

Democracy without proficient judicial system, without proficient police, without well functioning public institutions is exposed to very great dangers, that's why the process of European integration and Poland's membership in the EU as a result thereof, provide a historic opportunity to make an essential step forward, to make up for a long overdue technological, economic, social and organisational underdevelopment. Areas for improvement include modernisation of social structure and political institutions, upgrading the level of human relationships, more efficient changes towards market economy and democracy, establishment of new fundamentals for the country security.

Summing up, the transformation has already proven of a huge advantage, yet a lot remains to be done. Then there is a subsequent stage in the lengthy process of reconstruction to attain: that of reaching true European standards in any area of life. Admittedly, this is not going to happen on its own, it takes Poles and their work to give momentum to the process of further changes implied by Poland's EU membership. European Union may provide Poles with some guidance and advice, but it really depends on Poles rather than anybody else where they shall be in twenty or thirty years from now. In other words, Polish society must not look up to the State and its administration to do the job: we the people have to take on responsibility for Poland and for its smooth growth.

¹⁵ M.Magoska, *Obywatel w procesie zmian (A Citizen in the Process of Transformation)*, Kraków 2001.

Bibliography

- Agh A., *The politics of Central Europe*, London 1998
- Christodoulidis E., *Law and the Framing of Postnational Civil society*, “European Law Journal”, no. 9/2003 (Part of the reading materials for the seminar Constitutional Theory)
- Czarnota A., *Post-communist Rule of Law in post-democratic European Union: A sceptical lawyer’s reflection on eastern enlargement and the draft of the constitutional treaty*, EUI materials, 2002
(http://www.iue.it/LAW/Events/WSWorkshopNov2003/Czarnota_paper.pdf)
- John Paul II, *Centesimus annus*, 46,
(http://www.kns.gower.pl/jan_pawel_ii/centesimus.htm
and <http://kinga.cyf-kr.edu.pl/~zykalino/CA.htm>)
- Kymlicka W., *Multicultural Citizenship: A liberal Theory of Minority Right*, Oxford 1995
- Magoska M., *Obywatel w procesie zmian (A Citizen in the Process of Transformation)*, Kraków 2001
- Mair P., *Popular Democracy and EU Enlargement*, “East European Politics and Societies”, no. 17/2003
- Misztal B., *Logika kacyka i czas oligarchii*, “Rzeczpospolita”, 2004
- *Nations in transit. Civil Society, Democracy and Markets in East Central Europe and the Newly Independent States*, “Freedom House”, 2001, 2002
- Neumann I.B., *Regionalization and Democratic Consolidation in: Democratic Consolidation in Eastern Europe (vol. 2: International and Transnational Factors)*, eds. J.Zielonka, A.Pravda, Oxford 2001
- “Polityka”, 01.01.2005
- Sadurski W., *Decommunisation, Lustration, and Constitutional Continuity: Dilemmas of Transitional Justice in Central Europe*, EUI Working papers, 2003
- Sadurski W., *Accession’s Democracy Dividend: From Conditionality to Post-Accession*, Wojciech Sadurski Workshop, EUI 2003
(http://www.iue.it/LAW/Events/WSWorkshopNov2003/Sadurski_paper.pdf)
- *Samopoczucie Polaków w latach 1989-2004 (Mood of Poles in 1989-2004)*, January 2004, CBOS (Polish Public Opinion Research Center)
- Seligman A., *The idea of Civil Society*, New York 1992
- Zoll A., *Państwo prawa (The State and the Rule of Law)*, “Forum Philosophicum”, vol. 2/1997
- Zirk-Sadowski M. *Transformation and Integration of Legal Cultures and Discourses – Poland*, EUI materials, 2002
(http://www.iue.it/LAW/Events/WSWorkshopNov2003/Zirk-Sadowski_paper.pdf)