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“We, the Polish Nation”: Ethnic and civic visions of nationhood in Post-Communist constitutional debates

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Introduction

*Theoretical problem: Ethnic and civic models of nationhood and ideal types*¹

While studies on the nation and nationalism have thoroughly, even exhaustively mined the civic/ethnic opposition,² many have reified cases as falling into one or the other bounded type – most famously France or Germany, or as characterizing more broadly the distinction between nationalism in the “East” and in the “West.” The accentuation and naturalization of differences between ethnic and civic national understandings, and between “East” and “West,” ignores the diversity that exists within each region, as well as the tensions within each model. This misrepresents nationalism in the non-West by essentializing differences of *style*,³ of contextual expression,⁴ and by obscuring similarities between nationalism as manifested in distinct regions. The first problem is related to what Edward Said has termed “orientalism,”⁵ the second to the normativization of the categories, according to which nationalism in the West is “civic,” “liberal,” and “good,” whereas that of the East is “ethnic,” “populist,” and “bad.”

Moreover, contrary to what is often affirmed in everyday life discourses as well as in some academic works, the two models of nationhood are not as fundamentally opposed and mutually exclusive in *practice* as they are in *principle*.⁶ Given these two sources of confusion – one, the categories’ misuse, the other their abuse as ideological, normative models – some scholars have questioned their utility and suggested eliminating the ethnic/civic analytical distinction from our repertoire of heuristic devices.⁷ I agree with Brubaker and Cooper⁸

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that the use of analytical categories that are also categories of social and political practice and – like the nation – can be problematic, in that it may reproduce and reify them. Analysts too often confuse discourse, practice, and scientific analysis by conflating ideological representations, empirical reality, and conceptual constructions.

However, I argue that the ethnic/civic categories of analysis *can be* useful if used as ideal types following the Weberian method. Ideal types are value-free constructs that we compare with reality, looking at how and why a given empirical case differs from the ideal type. They do, in fact, constitute useful tools to understand the conceptions of the nation in various cultural, social, political, and economic settings. In the present essay, I offer a detailed empirical example that highlights why the ethnic/civic ideal types are key to the analysis of Eastern European societies, and how they can be used to interpret actors' practices of nationalism.

Contributions

Few works have attended to the historical contestation between the ideal models within a given case and even fewer have empirically investigated cases of nation-formation where both models have attracted powerful constituencies that seek to impose their vision of the nation. As post-communist Eastern European societies reconfigure their political régimes and their economic and social structures, redefine key cultural institutions, and their roles in trans-statal structures (EU, NATO, EEC), they provide fertile ground for investigating the tension between the two models of nationhood, the different types of articulation between nation and state, as well as the meaning of those articulations to speakers who advocate for them.

In light of the former, the present essay makes four contributions to the comparative study of nationalism: First, it offers a methodological guide and empirical example for how the civic and ethnic ideal types can and should be used to evaluate dense, complex cultural constructions of “the nation.” Second, it demonstrates that the relative success of a given model is historically constrained by specific narratives and “events”⁹ that frame the discursive field on the nation, as well as by specific historical and institutional arrangements. Third, it suggests that national sentiments of affinity become powerfully activated when relatively abstract discursive constructs are condensed and affixed in

symbolic texts, memorial sites, and other material loci of the nation's representation – in the case at hand, in the contested preamble of Poland's 1997 Constitution. Lastly, it offers empirical evidence that the nation is neither as fixed, stable, and primordial as nationalists or perennialist scholars argue, nor as free-floating and radically in flux as some "post-modern" constructivists suppose, but is rather contingently embedded in specific "eventful" histories and discursive répertoires.

The case and argument

This essay fills the lacunae of the literature on ethnic and civic nationalism by examining what the transition from communism to post-communism implies for the (re)definition of national identity and of key cultural institutions. I investigate the relationship between, on the one hand, structural, institutional and social transformations, and, on the other, the discursive reconstruction of national identity along civic or ethnic lines in post-communist Poland. To avoid the danger of reifying the nation as promoted by nationalists (and conflating ideal types with ideal models of nationhood), I take discursive representations as objects of study in themselves, specifying when possible the contexts in which one or another definition is advanced, "makes sense," and mobilizes support. I argue that the mobilizing potential of the civic and ethnic models is constrained by specific cultural and historical legacies that frame the discursive field on the nation, as well as by specific political and institutional arrangements. The argument will unfold on these three empirically related levels: historical-cultural, discursive and political-institutional:

1) I argue that we must turn our attention to the *meaning* of the transition from socialism to "post-socialism." The fall of state-socialism in Poland has not only meant the transition from a totalitarian to a democratic system, and from a state-controlled to a free-market economy. It has also been understood by Poles in terms of the recovery of a sovereign state and of national independence. As such, the post-socialist period is seen as a critical historical juncture, that of the (re)constitution of the Polish state, of a *national* state, a state "*genuinely* representing *Polish* interests," a state *of* and *for* Poles.¹⁰ This nationalist project, which aims at fusing the national and political units¹¹ requires the specification of what Polishness is and should be. If under communism the Catholic Church held a quasi-monopoly over the production and reproduction of national identity and could articulate the most

integrative, operative, and mobilizing discourse of the nation – because of the party-state’s perceived illegitimacy – the fall of communism and the building of a legitimate Polish state has reopened the discursive field on the “Nation.” What is the Polish nation? Is it defined by Catholicism, as its traditional motto *Polonia semper fidelis*¹² calls for, and therefore should the state be confessional, or should Polishness be understood in secular terms, with a state transcending religious membership through official religious neutrality? In this context, questions of identity have been central in Polish public life since 1989 and the “nation” has become the most significant idiom and symbol, invoked and contested by different social groups and political actors in search of power and legitimacy. Only when we have made this shift to the cultural logic of the transition – a shift made possible by first historicizing the transition – and look at the post-communist period in Poland as one defined by its nationalist project of matching the “state” and the “nation,” can we make sense of the debates that have punctuated the decade following the fall of communism in that country.

2) This project of national (re)definition¹³ obviously entails political fights for the control of the nation as a legitimizing symbol but, I argue, is constrained by historical and cultural factors. The discursive reconstruction of “Poland” is made especially difficult by discursive ambiguities making dialogue difficult – if not impossible – between different political factions. The opponents in the battle over the definition of “Poland” are engaged in a battle of words in which there are no clear winners. On the one hand, for historical and structural reasons that I explore in this article, the Church, with the advent of a legitimate state, can no longer offer a compelling narrative of the nation. On the other hand, however, liberal intellectuals of the Center and the Left face the enormous challenge of promoting a civic vision of the nation in a place where national identity is generally defined in ethnic terms, and of rehabilitating a “civic program” after fifty years of communist rhetoric and *langue de bois* about “citizens,” “civic rights and duties,” “social justice,” etc.

3) The institutionalization of the national project, through its formal embodiment in the Constitution, is moreover constrained by the political structure and the specific institutional arrangements prevailing at the moment of the drafting and ratification of the Constitution. More specifically, I argue that the immediate institutional position of the Catholic Church and the Right shaped the form of the constitutional debates, and that the peculiar configuration between the discursive

field and the political landscape partly explains the hybridity of the final version of the preamble on the one hand, and the lack of successful mobilization of the population (low turn-out at the constitutional referendum) on the other.

Nowhere have these three levels (historical-cultural, discursive, and political-institutional) been more tightly imbricated than in the debates surrounding the writing of the Constitution's preamble. The preamble became an arena where the terms of the opposition between visions of the nation and of the state were made even clearer, became the source of an even greater radicalization and polarization. The drafting of the preamble crystallized and intensified questions and debates that have been central in post-communist Poland: questions of identity and collective memory, the meaning of recent history within broader modern Polish history, and the historical place of the Catholic Church and its new role in post-communist Poland.

The preamble acts as the symbolic site *par excellence* where the nation is explicitly defined, providing the basis for the Constitution of a new Polish state. The document itself, as symbolic product, and the process by which it came into being, as "event," offer a unique window into the main axes that have structured the post-communist political field in Poland. Regardless of its legal value, or lack thereof,¹⁴ the preamble itself and the debates generated by its drafting are indicative of its central symbolic role in the reconstruction of "Poland." The fact that its status is primarily symbolic does not diminish its importance; to the contrary, from the cultural perspective, the preamble's perceived importance, in spite of any direct legal utility, and the complex layers of meaning behind its construction as a symbol make its interpretation all the more crucial. The Constitution's preamble is a privileged object of study because it is the textual representation of nationalists' aspirations and of what nationalists claim the nation to be. Because it is an attempt to reify and stabilize the nation's identity in the past and to fix it by extending it in the future in the most official way, the Constitution's preamble and the debates over what it should and should not include motivate powerful sentiments of affiliation and division that mobilize social action in domains far removed from the actual writing of Constitutions. By its very nature, therefore, the document and its crafting were contentious.¹⁵

Methods, data, and organization

This article specifically looks at the moment when discourse becomes symbol, and how this is worked out in specific speech acts, within a specific political field. Careful attention is paid to the types of arguments made, the rhetorical style used and their substantive details. To focus solely on utterances, speech acts, or political statements would, however, be insufficient. My analysis of political discourses thus takes into account the social-historical conditions of the production and reception of those discourses.¹⁶ The study is based on the in-depth analysis of the discourses surrounding the preamble and its production and reception. I analyze the debates in the Polish press from September 1996 to June 1997, the period from the resolution to add a preamble to the Constitution until the referendum held on the constitutional project. For that purpose, I reviewed primary documents and publications including Church publications, political pamphlets, and newspapers (dailies, weeklies)¹⁷ from diverse political and ideological orientations, covering a wide spectrum from Left to Right.¹⁸ The press in Poland provides a forum where different ideological positions are articulated and diverse political opinions are expressed and defended.¹⁹ Newspapers are thus not used here as a source of information, but rather as primary documents for the analysis of ideological debates. The focus of this study is thus primarily on intellectuals' articulation of the nation and of the state; on intellectual practice and production. This focus is justified by their central role in the ongoing project of national (re)definition in Poland. As Suny and Kennedy write,

[Intellectuals] have the greatest agency in the shaping of national understanding, propagating the values of the nation, disciplining the people internally and enforcing the rules and boundaries of the constituent people. . . . Intellectuals create different ideologies of national identity within a larger discursive universe of available materials. They do the imaginative labor that brings together disparate cultural elements, selected historical memories, and interpretations of experiences, all the while silencing the inconvenient, the unheroic, and the anomalous.²⁰

The essay is divided into three main parts. I first contextualize and historicize the debates over the preamble, by discussing what the document is and what it represents in the Polish post-communist context. The second part is devoted to the close investigation of contentious issues and their symbolic meaning. I examine the debates over the use of the concept of "citizens" instead of that of "nation," over the inclu-

sion or not of an *invocatio Dei*, and over the conception of law. Last, because ideological positions are not articulated in a vacuum, but are closely related to the social and political context in which they are created, I locate the writing and the ratification of the Constitution within institutional-political processes.

It bears recalling that the tension between ethnic and civic understandings of nationhood is not unique to Poland. The symbolism of the constituent entity and its naming in preambles (for those constitutions that do have preambles) have been contested in other states as well. The battles have been waged around a similar discursive opposition between terms representing the totality of citizens versus those denoting a core ethnocultural nation based on blood and descent.²¹ What is interesting about the Polish case is not only that these ideological debates have dominated the last stages of the constitutional process, but also that they occurred in a setting that one might expect to be unproblematic: an ethnically homogeneous country with no significant national minorities or border disputes. The investigation of such a case, therefore, is useful in revealing the internal dynamics of nationalism.

The preamble as symbol: Meaning, history, and visions of the Polish Nation

Having regard for the existence and future of our Homeland,
Which recovered, in 1989, the possibility of a sovereign and democratic determination of its fate,
We, the Polish Nation²² – all citizens of the Republic,
Both those who believe in God as the source of truth, justice, good and beauty,
As well as those not sharing such faith but respecting those universal values as arising from other sources,
Equal in rights and obligations towards the common good of Poland,
Beholden to our ancestors for their labours, their struggle for independence achieved at great sacrifice,
For our culture rooted in the Christian heritage of the Nation and in universal human values,
Recalling the best traditions of the First and the Second Republic,
Obliged to bequeath to future generations all that is valuable from our over one thousand years' heritage,
Bound in community with our compatriots dispersed throughout the world,
Aware of the need for cooperation with all countries for the good of the Human Family,
Mindful of the bitter experiences of the times when fundamental freedoms and human rights were violated in our Homeland,
Desiring to guarantee the rights of the citizens for all time, and to ensure diligence and efficiency in the work of public bodies,
Recognizing our responsibility before God or our own consciences,

Hereby establish this Constitution of the Republic of Poland as the basic law for the State, Based on respect for freedom and justice, cooperation between the public powers, social dialogue

as well as on the principle of aiding in the strengthening the powers of citizens and their communities.

We call upon all those who will apply this Constitution for the good of the Third Republic to do so paying respect to the inherent dignity of the person, his or her right to freedom, the obligation of solidarity with others, and respect for these principles as the unshakable foundation of the Republic of Poland.

(Official translation of the preamble, Third Republic of Poland)²³

The above text is the final version of the preamble that opens the Third Republic's Constitution, adopted by the National Assembly²⁴ on April 2 1997 and accepted by popular referendum on May 25 of the same year. It is a hybrid fusion, a collage juxtaposing two opposed visions of Poland and of the constitutional order²⁵: it identifies different sources of values – religious and secular – and it links Polish culture both to Christianity and to the Enlightenment's "universal human values"; it stresses the specifically Polish historical past, while underlining Poland's participation in the greater "human family," and, finally, it refers to the civic and ethnic conceptions of the nation.²⁶ This might be the most ambiguous aspect of the preamble. The third line of the preamble ("We, the Polish Nation – all citizens of the Republic") contains, in condensed form, the tension between civic and ethnic understandings: it juxtaposes an ethnocultural entity, "the Polish Nation," with a community of citizens in an attempt to redefine the nation in civic terms (the Polish Nation is composed of *all* the citizens of the Republic as opposed to only *ethnic* Poles). The remainder of the text refers to the ethnic conception by emphasizing genealogical aspects ("ancestors" and "future generations") and referring to communal ties with the Polish community abroad, the "Polonia" ("bound in community with our compatriots dispersed throughout the world"). The final version of the preamble is thus a peculiar overlap of values, traditions, and goals with an ambiguous if not contradictory definition of the nation. The preamble encapsulates the tension between the civic and the ethnic visions and it renders it most acutely in the naming of the constituent entity.

Why has the preamble captured so much of the attention in the constitutional debates and in the press? To answer this question, we must first look at the cultural and historical logic behind the establishment of the Polish Constitution and at the nature of the document.

Defining Poles to build a “national” state

Since the newly independent state is meant to be a state of and for Poles, and the Constitution is the foundation on which the state is built, the document must specify the nature of Polish national identity. In other words, specifying who Poles are and should be is the first step toward the establishment of a “proper” constitutional order and a “proper” (i.e., “genuinely Polish”) state. This is precisely the preamble’s main function: it symbolically defines who empowers the state, and whom the state represents. Although rhetorical in form, the preamble can also serve an interpretive function. The preamble is an axiologic document: it specifies the values underlying the Constitution and, as such, reference to it could be made to clarify articles in the main body of the Constitution.²⁷ But defining the Constitution’s value system is especially problematic in the Polish post-communist context: Poland’s population is denominationally and ethnically highly homogeneous,²⁸ but ideologically quite heterogeneous – even, to take the term of Danuta Waniek, “overpluralist,”²⁹ referring to the proliferation of political parties and ideological positions represented in the public sphere.³⁰ This peculiar situation provides the grounds to legitimize two positions concerning what defines Polish national identity and what the shape of the state should be. The first, whose proponents are the Catholic Right and the official hierarchy of the Catholic Church, emphasizes the “objective” homogeneity of Poland’s population, and therefore suggests a concrete set of values, associated with the nation’s Christian heritage, which can be best protected in a confessional state.

The other position, mainly represented by the intellectuals and politicians of the Left, the Center, and liberal Catholics, stresses the nation’s ideological heterogeneity, and therefore argues that it cannot support any concrete value system. In a plural society, religion is *one* among many value systems. They therefore demand the confessional neutrality of the state in order to protect the rights of minorities, atheists, or non-practicing Catholics, and to ensure citizens’ equality *de jure* and *de facto*. The preamble should thus be broadly defined around basic human values around which there exists a wide consensus, and that transcend particular allegiances. Instead of defining Poles by their religious affiliation, the ceremonial opening to the Constitution should acknowledge the fact that “with regard to faith and world view, Poland is not a uniform state” according to Marek Borowski.³¹ Polishness should not be defined ethno-religiously, but by political-legal principles. Such a position is incomprehensible – and even dangerous – for

those who emphasize Poland's ethnic and denominational homogeneity, such as Bishop Jozef Michalik, chairman of the Episcopate's Commission on Constitutional Affairs:

If the great majority of citizens has a clear Polish national consciousness, and refers to it in its life as a precious value, and the parliament considers that it is not necessary to include it in the preamble because it would offend a small group of another nationality or descent, we have to ask the question: do we live in a democratic country, or in democratic totalitarianism? Analyzing the preamble, one gets the impression of an unjustified fear. It seems as if the authors would want to dilute the feeling of a national tie and its identity built among others on the basis of faith, replacing it by a right to the minority. So the Christian, national majority should be hostage of the minority. This would be unfair, and conflict generating.³²

Historicizing the nation

Bishop's Michalik's reaction to an earlier version of the preamble, which opened with the words "We, Polish citizens," needs to be contextualized. The nation, in Poland, is primarily understood in ethnic terms.³³ Because Poland was deprived of a state (or of a sovereign state) for most of her modern history,³⁴ "nation" and "state" have historically been understood as distinct if not antagonistic there.³⁵ The nation is conceived as a community of history and culture, whereas the state (and "society"-*spoleczenstwo*) proceed from an associational-political relation. "Nationality" and "citizenship" are thus distinct: the first has a clear ethnic and cultural connotation, referring to someone's tie with a historical and cultural community, a community of descent, "Poland," whereas the second strictly reflects the legal-political relationship between the individual and the state.³⁶

Moreover, the Polish ethno-national identity is based at least partly on religious affiliation. Polish national identity has been constituted and reconstituted in opposition to religious "Others": Protestant Germans and Scandinavians in the west and north, Orthodox Russians and atheist Soviets in the east and Muslims in the south.³⁷ The initial impetus for this oppositional identity is thus rooted in cultural and political geography,³⁸ but was also reinforced through colonial domination by some of these external religious "Others."³⁹ For more than two centuries, "Poles" (itself a constructed entity) endured foreign domination and religious repression, which contributed to linking together, in the dominant national narrative, national consciousness and religious identity,⁴⁰ as well as to strengthening the ties between civil society and the Church.⁴¹

The symbiosis between Catholicism and Polishness, like national identity itself, is thus obviously constructed, though much more recently than is usually assumed in everyday and even in academic discourses.⁴² The “catholicization” of the national tie and the subsequent equation between ethnicity and faith – exemplified by the “Polak-katolik” stereotype⁴³ – was only accentuated and generalized after the Second World War, through two main processes: 1) the ethnic reconfiguration due to the Holocaust and populations’ forced relocation subsequent to state borders’ shift to the West, and 2) the Catholic Church’s opposition to the communist party-state.⁴⁴ The association between Polishness and Catholicism, under communism, was moreover strengthened by the state’s failure to stimulate loyalty to its principles and its inability to create a socialist Polish identity.⁴⁵ Catholicism and the Catholic Church were portrayed by the opposition as the basis of a moral community fighting an “evil” totalitarian régime imposed from outside and from above, and succeeded in providing the most powerful narrative of the nation, one able to mobilize support against the party-state. The narrative evoked a glorious past and carried emotionally loaded analogies between present misery and the painful experience of the Partitions (1795–1918). It was built around Poland’s historical suffering and the Church’s role in the nation’s survival, the notion of Poland as chosen people (*lud polski ludem Bozym* – the Polish people is God’s people) and of Poland as *Antemurale Christianitatis*, defending Europe against the “Infidel” (Islam in the seventeenth century, atheist Soviets in the twentieth). It also emphasized religious icons famous for their association with the nation: The Black Madonna of Czestochowa who miraculously saved Poland from the Swedish invasion in 1653 and martyr Saint Stanislaw, Patron saint of Poland, bishop of Cracow killed and dismembered by King Boleslaw the Brave in 1079 for competing with the secular power.⁴⁶ The Church also provided an infrastructure for the resistance to the régime and drew support from the West, often through Catholic organizations. Religion and the Church, in other words, were the site of resistance, and served as an alternative legitimate system assuming symbolic, organizational, and institutional functions.

1989: Redefining the nation

The Polish Catholic church played a crucial role in legitimating the emergence of a civil society. The question is whether the church is willing to give up completely its historical identity as a state church manqué and to become disestablished from the nation. In Poland the tension is that between nation and civil society.⁴⁷

José Casanova

Since the “recovery of national independence”⁴⁸ and the construction of a legitimate, national and democratic state, however, Polish national identity and the association between Polishness and Catholicism have been questioned.⁴⁹ The new institutional pluralism resulting from the fall of state-socialism and the demise of the party-state has had important implications: it has changed people’s expectations toward the Church and ended its “moral and social monopoly.” With the advent of a legitimate state, the Catholic Church lost its traditional role as the “nation’s keeper,” or at least has gained a legitimate competitor in that sphere. The transition from communism to “post-communism” has thus provoked the rupture of the model of relations among the state, the Church, and Polish society,⁵⁰ and brought back to the surface old cleavages that the necessity of unity in adversity had put aside.

The fall of communist party-rule changed the balance of social forces and dynamics, and so the nation’s meaning is being redefined within a new context: that of an order characterized by a plurality of institutions, political groups and associations, within the framework of a legitimate, national and democratic state. This new situation not only allows, but *calls for* a broadening of national identity. As Adam Michnik pointed out:

The most important debate now concerns the question asked by Renan in the title of his famous work *Qu’est-ce qu’une nation?* If we define the nation simply by the belonging to a group, one will be able to find everyday another criterion such as race, blood or the arbitrary criteria chauvinists only allow themselves to define. How to know if someone is Polish, Ukrainian, Jewish or German? – In this context, the problem of national, religious etc.... minorities constitute a vital test for the nascent democracies in post-communist Europe.⁵¹

There has thus been an attempt by liberal intellectuals to renegotiate the Church-society relationship and to reorient Polish national identity along civic terms.⁵² This attempt is characterized by the presentation and promotion of the principles of the civic nation and the condemnation of a narrow ethno-religious vision of the nation in speeches, essays, and editorials. However, not only does that vision of the nation run counter to the general understanding of the nation in Poland, but its discourse is sometimes *heard* as echoes of Communist rhetoric of the after-war period, as I show in the discourse analysis. Intellectuals have thus tried to sell this vision to the public by reconstructing a distinctively *Polish* civic narrative emphasizing the civic heritage of the nation in Poland, by, for example, going back to sixteenth-century

religious tolerance, to the 1st Republic's multi-ethnic state, to the Democracy of Nobles and the elective monarchy, to the Constitution of the Third of May (1791), to the Polish legions, fighting "for our freedom and yours" and to the end of nineteenth-century Warsaw positivism. A few things are worth noting here: first, the attempt at "indigenizing" a vision of the nation that seems "foreign" by appealing to various (glorious) historical precedents, and second, the deliberate effort to bypass the period most clearly associated with the civic discourse in contemporary social consciousness, namely communism. The civic vision must be made legitimate and desirable by showing it to be firmly rooted in Polish history. This strategy aims at replacing an abstract notion of civic nationhood that is often understood and rejected by national-Catholic milieus as an anti-national (internationalist, cosmopolitan) and therefore anti-Polish and anti-Catholic (Jewish, Masonic, atheist) ideology, with its more concrete, historicized, and "genuinely Polish" civic version.

This discourse also often stresses that Poland can only "make it to Europe" as a modern, civic nation.⁵³ "Europe" signifies, in Poland and elsewhere in the region, civilization and progress. As stated in the program of the Democratic Union (now Freedom Union – UW) in 1993, "Belonging to Europe is to belong to a world of democracy, peace and economic progress." Although there does exist some skepticism about Europe and Poland's so-called "return" to it in certain milieus of the Catholic Right, and the emergence of a new Polish messianism that aims at bringing back to Europe the human values she has lost to "secularism, liberalism, and capitalism,"⁵⁴ there is widespread belief that Poland rightfully belongs to Europe and should therefore join the European Union. Discourses of the nation are thus not only addressed to national audiences: they also communicate and forward claims intended for international audiences. In a historical context of international institutional reorganization, such as aspirations for NATO and EU memberships, and in a decade where ethnic nationalism has been widely and loudly denounced in response to bloody ethnonationalist conflicts that have afflicted many countries of the region, the representation of one's nation and nationalism as the "good," "Western," and "civic" kind of nationalism has been crucial, and notable in the Constitutional symbolism of many post-communist states.⁵⁵

The civic discourse, or "counter-discourse" since it is trying to establish itself against the dominant, commonsensical ethnic discourse of the nation, is met with especially harsh resistance by the Church⁵⁶ and

those who define themselves in national-Catholic terms.⁵⁷ The Church supports the preservation of an organic nation, in which Catholicism would still be the principal feature of Polishness, and in which the family, tradition, and history would constitute the hallmark of the nation. Cardinal Glemp, the Primate of Poland, repeated many times that the “nation” (i.e., community of culture) prevails over “society” (i.e., political community of citizens). According to John Paul II, the nation and the family indeed constitute the most significant elements of human identity.⁵⁸ Moreover, the late Cardinal Wyszyński (1901–1981) long reflected on the nation, and even developed a theology of the nation, characterized by a religious and historical perspective, and influenced by the biblical notion of the “elected people” and of nineteenth-century Polish messianism.⁵⁹ For Wyszyński, the nation is an “organic community which has a determined model of life, conscience and spirit, and whose concrete tradition, common fate and the traces of the historical existence give a unifying force.”⁶⁰ The nation is biological and historical, for it is a living organism constituted of families and common land, which has a common fate and tradition, a common language, culture, and spirit.⁶¹ “The nation,” stated Wyszyński, “is a lasting phenomenon just as the family from which the nation originates.”⁶²

Catholic political groups also clearly advocate an ethno-religious definition of the nation, and consequently have been promoting, since 1990, the creation of a confessional state. Wiesław Chrzanowski, politician of the Catholic Right ZchN (Christian National Union), declared that: “The nation is constituted of the people among whom certain values are formed, a certain culture which is the heritage of the past.” And he added: “This is why I do not believe in the denominational neutrality of the state.”⁶³

With the fall of communism and the recovery of national independence, the vision of an organic nation preserving its Catholicism and defended by the Catholic Church, as well as the essentialist distinction “us/them,”⁶⁴ the master frame that prevailed in the 1980s, no longer make sense and therefore are no longer operational or mobilizing. The Polish discursive field has been reopened and has been shaped by the opposition between two main visions of the nation and of what the place of the Church should be, supported by different social actors and political groups. These different visions also inform the conception of the constitutional order. Put simply, the Church and the Catholic Right defend an ethno-religious vision of the nation and a Constitu-

tion based on traditional values, whereas the Center and the liberal Left's position should be understood as an effort to craft a civic national identity based on the political community of citizens.

The mobilizing power of both discourses, however, is constrained. The ethnic discourse of the nation, although the dominant one, is seriously challenged for several reasons: first, the disappearance of the villain, the common enemy – the party-state – has meant the introduction of a “legitimate” counter-discourse. Second, it can no longer benefit from the uncontested authority of the Church, since the Church can no longer successfully claim to be “the sole moral arbiter for society and the nation.”⁶⁵ And third, the ethno-religious discourse, which has tended to radicalize itself when challenged, has lost some of its sanctity. It has been discredited by its association with the very vocal far-Right. As for the civic discourse, despite their efforts at “indigenizing” it, by emphasizing the civic heritage of the Polish past, liberal intellectuals do not fully succeed at bypassing the state-socialist legacy and overcoming the association of that discourse with the perverse one of the communist party-state.⁶⁶

Representations of the nation, the state, and law: Debates over words and worlds

“Citizens” or “nation”? Debating the nature of the Polish community

In light of the above contextualization and historicization of the category “nation,” it is not difficult to understand that Tadeusz Mazowiecki's⁶⁷ first version of the preamble, opening with the words “We, Polish Citizens” was interpreted as too bold a move. It defined Poles as citizens, bypassing the idiom of nationhood altogether. The Catholic Church issued an official statement, in which it declared:

We do not see any reason, not in the norms of international law, nor in the European Union's legislation, why the Constitution of the Polish Republic would omit the concept of the Polish nation, whose identity is expressed in her history and culture. In the name of what should we resign from values dear to all Poles? In the name of what values do we have to replace them with the concept of citizen?⁶⁸

Solidarity also demanded that the word “citizens” be replaced by that of “nation.” “Recognizing the Polish Nation as the creator of the Constitution,” according to *Solidarity*'s leader, Marian Krzaklewski,

“underlines the state’s sovereignty.”⁶⁹ In a poll conducted earlier that month, 70 percent of Poles agreed that the Constitution should open with the words “We, the Polish Nation,” against 20 percent who thought it should start with “We, Polish citizens.”⁷⁰

For supporters of the civic vision of the nation, however, the concept of “citizen” is better than that of “nation” because “it includes everyone regardless of ethnicity.”⁷¹ The Constitutional Commission consented to include the concept of “nation,” but refused to exclude that of “citizens.” Wiktor Osiatynski clarified the commission’s intention: “if the concept of nation is to be included, it can only be in its civic version, not the ethnic.”⁷² The final version of the preamble thus juxtaposed “citizens” to “Polish nation,” thereby giving a civic meaning to the concept of nation, a resolution positively welcomed by Michnik’s *Gazeta Wyborcza*, which reported the final formulation with the title “A Nation of Citizens.”⁷³

The Church initially characterized the addition of the term “nation” as “satisfying,” but described the preamble as “sterile in its conception of the national character.”⁷⁴ The far-Right treated the project with less diplomacy. The formula “We, the Polish Nation, all citizens of the Republic,” was perceived by traditional conservative milieus of the Right as reducing a quasi-sacred community of descent and culture, the Nation, to a “meaningless” political association. This is simply a nonsensical position that offends the nation; no less than a rape, according to one commentator:

In the Left’s preamble to the Constitution, we read: ... “We, the Polish Nation, all the citizens of the Republic.” ... Tadeusz Mazowiecki said ... that the term nation appears here in the political sense (sic!). The formulation of the “nation in the political sense” in reference to the Polish situation, reminds one of the expression “loving differently” when referring to rape. I do not want, God forbid, to compare the Polish nation to a rapist. If someone here is a rapist, it is rather Tadeusz Mazowiecki...⁷⁵

According to the opinion expressed in nationalist newspapers of the far-Right,⁷⁶ such as *Gazeta Polska* and *Nasza Polska*, giving a political flavor to the concept of nation dangerously opens the door to non-Poles. The civic project is thus unfair to “real” Poles:

The NATION is obviously a community of blood, history, language, religion, traditions, territory etc..., and it is impossible to become a member of a nation by being granted, by administrative decision, the citizenship of a

certain state.... The inscription, in the parliamentary constitutional project, of the principle that “the Nation, it is all the citizens of the Republic” will cause that every citizen from the administrative point of view will have the right to decide about Polish national affairs. A foreigner, who not long ago settled in Poland and received Polish citizenship, will have identical rights in the affairs of our Nation, as the descendants of Tadeusz Kosciuszko.... How is it possible, that none of the deputies present at the enactment of the preamble, cried TREASON?⁷⁷

The preamble’s civic definition of the nation is thus seen as not only antithetical to the Polish nation; it threatens the nation’s very existence:

This project hurts Polishness ... [Citizens] are all those who possess the passport of a given state.... But it is the Polish nation, as the democratic majority in its country, that decides about the state’s shape, and not all the citizens. All the Polish citizens, regardless of nationality, religion or color of skin, do have, of course, equal rights, profit from the traditional Polish tolerance, but they cannot significantly influence the shape of Poland, like the sons of the nation who created this state. It is worth here repeating the words of Primate Stefan Cardinal Wyszynski from 21 years ago: “the state is not a lasting phenomenon.... What is a lasting phenomenon is the family and the Nation. That is why the Church always builds on the family and the Nation.” The Left’s Constitution is anti-national and anti-Polish. In it is inscribed not only a new totalitarianism, but also a new de-nationalization.⁷⁸

These quotes are representative of a discourse of exclusion that emphasizes the sharp dichotomy between citizenship and nationality, and stresses the fact that the newly sovereign state should be a state for ethnic Poles, and not for citizens at large (i.e., the remaining 3 percent of the population). This discourse appeals to tradition, and even to some of the Polish Church’s teaching associated with Cardinal Wyszynski. This is precisely the discourse of exclusion Adam Michnik was worried about in 1991.

“In the name of Almighty God”: Natural law vs. positive law

It is in this context of historically defined visions of the nation and of the constitutional order, legitimized by Polish reality’s apparent homogeneity or heterogeneity, that we should also understand the conflict over the *invocatio Dei*. Given the fact that the overwhelming majority of Poles are Catholics (at least nominally), the preamble should include, according to the advocates of the national-Catholic vision, an *invocatio Dei*, or reference to God. The following comment by Senator Alicja Grzeskowiak (*Solidarity*) is representative of this position:

A preamble characterizes the identity of the nation, indicates that what is instituted on earth is not perfect. Referring to God confirms human dignity; indicates that the true guarantee of human rights and dignity is God Himself. For believers, such a preamble has an additional value. It motivates them to live not only in compliance with the Constitution, with the law, but also with certain values. A preamble referring to God expresses the face of the nation. If the majority of the nation is Catholic, the Constitution cannot negate this aspect. The formula “in the name of Almighty God” is an ecumenical formula that can be accepted by all believers. In Poland, 98 percent of the people are believers, and the Constitution should be written for the believers, which does not reduce the role of non-believers nor does it discriminate against them. For non-believers it will only be a linguistic expression deprived of content. For believers, it is an important issue, that allows them to feel in Poland like in their own home. A Constitution without a preamble referring to God will be, in fact, the Constitution of another nation.⁷⁹

As the quotation indicates, the reference to God as the ultimate source of dignity and justice not only specifies the Catholic identity of Poles – thereby breaking from an officially atheist People’s Republic of Poland – but also implies the predominance of natural law over positive law.⁸⁰ It was argued that this could potentially have concrete legal consequences,⁸¹ which have been hotly debated during the preparation of the Constitution. It could entail, for example, the absolute interdiction of abortion, one of the most salient social and political issues in post-communist Poland. The Church many times declared that the *invocatio Dei* and the primacy of natural over positive law would ensure the constitutional ban on abortion. It also officially demanded that the “life of each creature be protected by law,” and insisted that the legal article specify “from conception to natural death.”

Since the Constitution is instituted as the highest law of the Republic, placing natural law above positive law by referring to God as the legislator, would, according to the Left and the Center, as well as according to liberal Catholics, run counter to the establishment of the *Rechtsstaat*, and would imply the granting to religious authorities of a privileged position as “subsidiary of truth,” a situation incompatible with the principles of a secular state. “It is the Constitution, not the Decalogue,” wrote a journalist in *Polityka*, protesting against the Church and the Catholic Right’s demand.⁸² Izabella Sierakowska, from SLD, insisted that the *invocatio Dei* should not be included, since “believers look for God at church, not in the Constitution.”⁸³ President Kwasniewski clearly stated that “in no secular country with a neutral worldview does natural law stand above positive law.”⁸⁴ According to the Left and liberal-democrats, a strict *invocatio Dei* would open the door for the establishment of a confessional state.

The Constitutional Commission's final resolution was to include a general reference to God and to religious values, but *juxtaposed* with that of the Enlightenment's humanist tradition. This compromise, however, could not satisfy the Church, which fiercely criticized the preamble's "pagan conception of God": "God is not a kind of philosophical, Masonic idea, or a vague New Age god," said Bishop Michalik. "The point is to recognize Him as invariable, the highest Being who is the Creator of the moral and legal order."⁸⁵ Cardinal Glemp expressed himself in similar terms in a sermon:

What we have here is atheism enriched by Masonic ideology. That is why we cannot be surprised that those people reject the *invocatio Dei*. . . . As Catholics, we will decidedly stand for the presence of a reference to God in the [preamble]. We want in the Constitution the real God. . . .⁸⁶

The God evoked in the preamble did not meet the standards of the Church, and the ecclesiastical institution soon resorted to nationalist arguments by advocating that the Polish nation had the right to her Christian God:

The formulation "we, Polish citizens, who believe in God as the source of truth, justice, beauty and goodness, as well as those who do not share this faith. . ." is not a classical *invocatio Dei*, but at most a substitute which informs that in Poland there are people believing in "some kind" of God. Showing off God as a source of only those values, with the omission that He is the Creator, the living God, Legislator before Whom, according to one's conscience, one has to settle accounts, is dangerous. . . . Such a god can . . . only be an intellectual construction of philosophers. Meanwhile, in a Christian nation, we have the right to hear that it is a living God, creating and saving. This is the God of our faith and only such a God we call upon in the *invocatio Dei*. . . . We must clearly say, that a Constitution with no perspective should not be ratified, and that a nation with a Christian tradition of over thousand years must, on the basis of its roots, order thoughts, law and actions, and that is why it has a right to the *invocatio Dei*.⁸⁷

The preamble as political product: Institutional arrangements, political landscape, and discourse

Nationalism is not engendered by nations. It is produced – or better, it is induced – by *political fields* of particular kinds. Its dynamics are governed by the properties of political fields, not by the properties of collectivities.⁸⁸

Rogers Brubaker

Discourse and representations

The analysis of public discourses surrounding the preamble highlights significant differences between the languages used by each camp, constituting coherent “sub-fields” within the discursive field on “the Nation.” The Center-Left speaks of citizens, civil society and the civic nation, and aims at creating a modern Poland open to Europe, oriented towards the future and based on universal human values. The conservative Center and the Right speak, rather, of Poles and their ancestors, and reach back to the past, to Poland’s thousand years of history. It aims at preserving a national tradition, emphasizing the national-Christian heritage and values. The first is legitimized according to rational-legal principles, the other by the weight of tradition. These two schemes of thought make dialogue difficult, and the different discursive sub-fields make the misunderstandings abundant.

For example, in circles of the Left and Center, “citizen” is a neutral term that avoids the exclusion of those who are not ethnically Polish. For the Right, however, it echoes jargon from the communist period. Similarly, “civil society” is treated neutrally by liberal intellectuals, whereas for Catholics it is understood as an ideological project aiming at depreciating “natural” forms of community such as the family and the nation.⁸⁹ Proponents of the state’s religious neutrality see the Catholic Right’s efforts to include the *invocatio Dei* as an instrument serving to divide and exclude rather than to unite and include, whereas Catholics actually see it as a means to unity. Other examples: “religious neutrality,” “tolerance,” and “plurality” are understood by the Catholic Right and by the Church as “atheism,” as an “extreme moral relativism,” a dangerous “moral nihilism” that “does not respect the nation.”⁹⁰ Cardinal Glemp frequently declared that the preamble had no soul, and Bishop Michalik stated that it was “a bad project because it has no ethical values.”⁹¹

Similarly, the Constitutional Commission stressed the democratic spirit of the preamble and of the democratic process surrounding the drafting of the document, while the Church called it a “democratic totalitarianism.” Whereas the Constitution’s authors spoke of the ratification of the document as the “great consensus,” the establishment of a “social contract,” the result of a “historical compromise,” the editorialists of newspapers from the Right called it a “treason,” a “conspiracy against the nation”:

They shout with a great voice about the great compromise, the national agreement, the Polish *raison-d'état* etc.... It is an anti-Constitution, a Constitution against Poland, the nation, man, the family, God and democracy; an encore to the People's Republic of Poland, a Constitution of targowica.... On May 25, we, the Polish nation, will reject the bad, pagan and non-Polish Constitution of the Left!!!⁹²

The ideals of the civic nation and universal values are understood positively by some, and as “ideological,” “cosmopolitan,” and ultimately “anti-Polish” elements by others.⁹³ Of course, the Right is not the only group demonizing the opponent's position. Some circles associated with the Left characterize the Right's emphasis on the nation as a “provincial chauvinism,” qualify religion as “superstition,” call tradition “ignorance,” and so on.⁹⁴

These discourses are not only the result of different views of the nation and of the state: they also result from the logic of the political field itself.⁹⁵ The actors compete with each other for symbolic power by formulating their position *vis-à-vis* the other camp. The sub-fields are thus relational: actors engage, speak, react, reply to the other group, which in this case slowly led to an escalation in the accusatory tone of discourse, especially from the Right campaigning against the ratification of the Constitution. Not surprisingly, the language used to describe opponents became more bitter, and the polarization sharper, from March to May, i.e. from the final works on the project and its submission to the National Assembly, to the Referendum held on the Constitution on May 25.

Institutional arrangements and political landscape

So far, I have argued that the discursive reconstruction of Poland was historically and culturally constrained. I have shown, through the analysis of discourses surrounding the drafting of the Constitution's preamble, that the project of national redefinition prompted by the fall of communism and the institution of a legitimate, *national* state, was complicated by discursive ambiguities that made dialogue between different political factions difficult. But these discourses, or discursive “sub-fields,” are also tightly related to institutional arrangements and to the political landscape in which they are articulated and are meaningful. In this section, I analyze how the specific political-institutional arrangements affected the discursive field of “the Nation.” I examine the immediate institutional position of the Church and of the Right –

at the margins of the political process – and argue that it was determinant in the shaping of the issues debated and on the form the debates would take. I show that the Right's and the Church's uses of ethno-national and religious arguments is part of a political strategy aiming at the (re)gaining of their centrality in Polish society.

For example, the Church's position on the *invocatio Dei* has not always been the same. In June 1993, the Church's position on this exact question was quite different:

... the Constitution's preamble should not contain a religious invocation. The Constitution is a normative legal act referring to all citizens regardless of religion, denomination or its absence. Each citizen should have the possibility to recognize that it is the Constitution of his state, and this is why it is necessary to avoid any formulation that will not be a legal norm, but conducive to controversies or restrictions.⁹⁶

If the Church's position was so rigid during the last stages of the constitutional process, i.e. the drafting of the preamble, that rigidity did not derive from the substance of Catholic dogmas, but rather from the Bishops' evaluation of the situation at that moment, and from their conviction that, in the given situation, the Church should take such a position.⁹⁷ Why would the Church's position change so radically?

One could argue that part of the answer is to be found in the institutional arrangements and the political configuration prevailing at the moment of the Constitution's drafting and ratification. The amendments to the electoral law of June 1991, passed in 1993, were designed to change the pure proportional system that had resulted, in the 1991 elections, in a *Sejm* formed by over thirty parties (about one hundred participated in the race). To limit political fragmentation (and improve the functioning of the parliament), the amended electoral law included a threshold of 5 percent for parties and 8 percent for coalitions. A few months after the Church made the above declaration, in September 1993, the parliamentary elections were won by the post-communist coalition, SLD, with only two parties from the fragmented Right (KPN and BBWR) making it to the *Sejm*, the others falling below the thresholds (see Table 1).

Two years later, in the fall of 1995, Lech Walesa was defeated at the presidency by SLD's leader, Aleksander Kwasniewski. With Walesa's defeat, the Church lost its last powerful ally. This concretely meant that the Church or the defeated Right could no longer count on Walesa to

Table 1. Party representation in the *Sejm*, 1993–1997

	% Votes	Seats	% Seats
SLD	20.4	171	37.2
PSL	15.4	132	28.7
UD	10.6	74	16.0
UP	7.3	41	8.9
KPN	5.8	22	4.8
BBWR	5.4	6	3.5
German Minority ^a	0.7	4	0.9

Source: Millard 1999: 88.

^aThresholds did not apply to minorities.

include some of their postulates via the President's special power to make corrections to the Constitution's project. By 1995, the Church had no allies in power anymore, because both the parliament and the presidency were controlled by the post-communist Left. The argument can be made that in such a situation, the Church felt it needed to secure its position by insisting that religious postulates be included in the Constitution. In the political sphere, then, the Church's position is less contingent upon religious dogmas than upon the social and political contexts' exigencies. The Church becomes more than a significant actor; it becomes an important political player, defining the strategy that best serves its interests, and supporting the political formations that most closely share its views. This, however, does not mean that the Right, the clergy, and the Episcopal hierarchy do not subscribe to the ideals of the ethnic nation. It means that their use of an ethno-religious discourse is also about the immediate requirements of regaining and maintaining a measure of power (see Table 2).

Whose constitution? The political field and strategies of delegitimation

The immediate political situation of the Right and the insecure position of the Church shaped the form of the debates and set the tone of the interventions. Since parties of the extra-parliamentary Right were not participating in the formal constitutional process, one of the most significant debates has been "whose" Constitution it would be, an issue separate from its content (see Table 3).

As a result of the electoral "rules of the game," although Right-wing parties gained 44.7 percent of the total vote, they gained only 8.3

Table 2. Vote for Right-wing parties in 1993

Parties	% votes
In the Sejm	
KPN	5.8
BBWR	5.4
Total in Sejm	11.2
Excluded from the Sejm	
Coalition Fatherland	6.4
Solidarity	4.9
Center Alliance	4.4
Liberal Democratic Congress (KLD)	4.0
Union of Political Realism (UPR)	3.2
Self-Defense	2.8
Party X	2.7
Coalition for the Republic (KDR)	2.7
Peasant Alliance (PL)	2.4
Total outside Sejm	33.5
Total vote for the Right	44.7

Sources: Millard 1999; Jasiewicz 2000a.

Table 3. Total vote for the Left and the Right and representation in the Sejm

% Total vote	% of seats in Sejm
Left 43.1	74.8
Right 44.7	8.3

Sources: Millard 1999.

percent of seats in the *Sejm*. The Left-wing (SLD, PSL, and UP), with 43.1 percent of the vote, gained 74.8 percent of the seats in the *Sejm*. With 33.5 percent of the vote for the Right falling outside the *Sejm*, the defeated parties questioned the legitimacy of the parliament.⁹⁸ As a result, one of their strategies was to de-legitimize the élite in power by attempting to usurp power symbolically. The AWS⁹⁹ and newspapers associated with the coalition tried to push the parties that authored the Constitution to the periphery of the political field by claiming to speak in the name of the “Polish Nation”: “*We* represent the nation, we are the only *true* Poles. *They* are the nation’s enemies, the nation’s traitors, people of doubtful ethnic or ideological origins: atheist communists, cosmopolitan Jews and Masons selling out Poland to dangerous for-

eigners.” The losing parties (by then in coalition) attempted to replicate the “us/them” master frame that had effectively mobilized masses under communism. It is not fortuitous that the AWS’s leader Marian Krzaklewski declared, in a highly symbolic intervention – “*Non Possumus*” – that the Nation (in the name of whom he claimed his party to be speaking) could not accept the parliamentary constitutional project. *Non Possumus* is one of the most famous statements of the Episcopate of Poland, when in 1953, it explicitly told the government that it would not permit the stripping of its rights or the means to fulfill its obligations toward the (Catholic) Nation. The letter powerfully ended with the words “What belongs to God we cannot render unto Caesar. Non Possumus.”¹⁰⁰ Krzaklewski’s use of the formulation is a strong example of the attempt to delegitimize political rivals through the appropriation of authoritative speech and symbolic association with the past. By using sacred discourse – both because of its genre, as a papal formulation usually reserved to the ecclesiastical hierarchy, and because of its historical association – Krzaklewski built a symbolic link between the moral position of his coalition and that of the Catholic Church in 1953. It attempted to recreate, discursively, the “us/them” divide, “the Nation” against an illegitimate atheist government. By evoking the *Non Possumus*, Krzaklewski was putting the Right’s position on an equal plane with that of the Church during Stalinism, thereby defining its own position as the “Nation’s Defender.” The argument of AWS during the referendum campaign was that because the parties constituting the coalition could not have participated in the formal constitutional process and their electorate’s interests were not being represented, the Constitution was not the Constitution of all Poles. And since, moreover, only the Right truly represents Polishness, the Constitution was not the Constitution of the Polish nation at all. It was rather the “Left’s Constitution,” “theirs,” not the nation’s. If it was not a Constitution *of* Poles, it could not possibly be a Constitution (and a state) *for* Poles, hence the absolute necessity to reject vehemently the “non-Polish,” “anti-Polish” Constitution (sometimes also referred to as the “anti-Constitution”). Despite these strategies of delegitimation, on May 25, 1997, Poles voted for the final ratification of the constitutional project (52.7 percent for, 45.9 percent against, 1.4 percent invalid votes). Voter turn-out, however, was very low,¹⁰¹ which seems to indicate that the debates that fascinated the élites did not resonate as strongly below. It should be noted, however, that the Right’s slight defeat in the Referendum did not prevent it from winning the parliamentary elections in the fall of 1997. One might argue that the debates over the preamble gave the Right the opportunity to solidify its

coalition and mobilize constituencies that contributed to the power of AWS in establishing a base to counter effectively SLD in the elections.

Conclusions

The sole focus on institutional-structural factors of most “transitology” studies cannot explain the public debates that have punctuated post-Communist Poland. To gain a more complete understanding of the transition, we must include in our investigations an analysis of what the transition means for people of these societies, and what the consequences of that understanding, or framing of the transition, has on systemic transformations. A shift toward a historical and cultural analysis of the years following the fall of communism in Poland usefully illuminates, for example, the constitutional debates, which would otherwise remain incomprehensible to observers. I have shown that questions of identity have become salient social and political issues because of the way in which the transition from communism is understood by Poles: it is not merely a political and economic one, but also the recovery of national independence and the construction of a sovereign, “national” state.

The current situation is peculiar: the discursive field on the nation has been reopened and is being shaped by two opposed visions of the nation (civic and ethnic), but neither seems able to mobilize a dominant constituency successfully. The terms of the debates are constrained by the structure of the discursive field, and the associative links forged by certain words and ideas. Instead of reifying the civic and ethnic categories, the Polish case shows how they both compete and coexist within the broader discursive field on the nation. Nationalism is not defined on ethnic or civic terms alone, but involves a contest among different sensibilities not only across nations – as most famously expressed in the contrast between the French and the German understandings of the nation – but also *within* nations and across moments in their history – as the Polish case demonstrates.

I have shown how closely related ideological positions are to the social and political-institutional context in which they exist and make sense. As such, then, the ideological debates concerning Polish national identity and the shape of the Polish state are obviously socially constructed and contingent upon the historical, social, and political-institutional context. It was when the political opportunity structure was most

effectively closed – under the communist régime – that the ethno-religious discourse of the Polish nation, carried by the Catholic Church, was most effective. With the fall of communism, however, this discourse has less saliency in the social and political arenas even as it remains the dominant, “commonsensical,” paradigm. The institution of a new régime, perceived by the population as legitimate, allows for the opening of the discursive field to entertain civic discourses. I suggest, moreover, that the end product, the final version of the preamble, not only is the result of opposed visions of the nation, political fights, and compromises, but also results from the *peculiar configuration between the discursive structure and the political opportunity structure*. No political constituency succeeded in establishing one discourse, one vision of Poland as the dominant one in the preamble, because those pushing for the dominant discourse of the nation, the ethno-Catholic vision of Poland, were political “outsiders,” while the élites in power promoted a legitimate counter-discourse, but one that still has little resonance. The Polish case therefore shows that *a given discourse of the nation does not have the same symbolic weight, political salience, and mobilizing potential in all contexts*.

What the final text also tells us is that even though the Church and the Right were marginal to the formal constitutional process, as political outsiders and challengers they still succeeded, through highly vocal interventions, in orienting the direction of the debates and exerting a measure of influence on the final product. This suggests that despite the questioning of the Church’s role and position in postcommunist Poland, the Church remains a significant social institution. This study, ultimately, is significant in what it tells us about discourse and power: outsiders to formal institutional power may still carry discursive force that can “seep” back into institutional symbology – like the preamble – by controlling mobilizing language.

Finally, to step back again from the case of Poland to the methodological issue of ideal types, I have endeavored to show that the ethnic and civic categories still maintain their analytical purchase, when carefully used in the restrained Weberian sense.

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Notes

1. Following Max Weber, I use the term "model" to talk about ideological representations and normative judgements; "model types" of what "ought" to exist (according to nationalist thinkers or engaged social scientists). The terms "model," "conception," "vision," "representation," and "understanding" of the nation are thus used to describe the ideological sphere, the discursive space of nationalism. This is to be distinguished from the ideal type, which is only "ideal," Weber points out, in the strictly logical sense of the term. The civic/ethnic ideal types are categories of analysis, analytical constructs. See Max Weber, "'Objectivity' in Social Science" in Edward Shils, editor, *The Methodology of the Social Sciences* (New York: Free Press, 1949), 92.
2. The ethnic/civic distinction has most famously been analyzed in Brubaker's subtle comparison of France and Germany. Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992). It is, however, most of the time used in much simpler and more problematic terms, as a stereotypical and normative dichotomy – as in the works of Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background* (New York: McMillan Co., 1946); John Plamenatz, "Two Types of Nationalism," in E. Kamenka, editor, *Nationalism. The Nature and Evolution of an Idea* (Canberra: Australian National University Press, 1973), 22–37; Peter Sugar, "External and Domestic Roots of Eastern European Nationalism," in P. Sugar and J. Lederer, editors, *Nationalism in Eastern Europe* (Seattle/London: University of Washington Press, 1994), 3–54; and to a certain extent in Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge: Harvard University Press, 1992); Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (New York: Farrar, Strauss and Giroux, 1993); and Dominique Schnapper, *La communauté des citoyens. Sur l'idée moderne de la nation* (Paris: Gallimard, 1994). A substantial critique of that usage can be found in Rogers Brubaker, *Nationalism Reframed: Nationhood and the national question in the New Europe* (New York: Cambridge University Press, 1996); Alain Dieckhoff, "La déconstruction d'une illusion. L'introuvable opposition entre nationalisme politique et nationalisme culturel," *L'année sociologique*, 46/1 (1996); Jeffrey Friedman, "Nationalism in Theory and Reality," *Critical Review*, 10/2 (1996):155–167; Tom Nairn, "Demonising Nationalism," *London Review of Books*, 25 February 1993; Kai Nielsen, "Cultural Nationalism, Neither Ethnic nor Civic," *The Philosophical Forum: A Quarterly*, 28/1–2 (1996): 42–52; Nicholas Xenos, "Civic Nationalism: Oxymoron?" *Critical Review*, 10/2 (1996): 213–231; Bernard Yack, "The Myth of the Civic Nation," *Critical Review* 10/2, (1996): 193–

- 211; and Paul Zawadzki, "Le nationalisme contre la citoyenneté," *L'année sociologique*, 46/1 (1996): 169–185.
3. Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London, New York: Verso, 1991).
 4. Rogers Brubaker, *Citizenship and Nationhood in France and Germany*.
 5. Edward Said, *Orientalism* (New York: Vintage Books, 1978).
 6. Yack, "The Myth of the Civic Nation"; Nielsen, "Cultural Nationalism, Neither Ethnic nor Civic."
 7. Dieckhoff, "La déconstruction d'une illusion"; Yack, "The Myth of the Civic Nation"; Rogers Brubaker, "Myths and misconceptions in the study of nationalism," in John A. Hall, editor, *The State of the Nation: Ernest Gellner and the Theory of Nationalism* (New York: Cambridge University Press, 1998).
 8. Rogers Brubaker and Frederick Cooper, "Beyond 'Identity,'" *Theory and Society*, 29/1 (2000): 1–47.
 9. William H. Sewell, Jr., "Historical Events as Transformations of Structures: Inventing Revolution at the Bastille," *Theory and Society*, 25/6 (1996): 841–881.
 10. I borrow this formulation from Rogers Brubaker's analysis of nationalizing states in *Nationalism Reframed*.
 11. Ernest Gellner, *Nations and Nationalism* (New York: Cornell University Press, 1983).
 12. [Poland Always Faithful]. *Polonia semper fidelis* is Poland's traditional motto, and most probably originates from King Jan Kazimierz's vows of faithfulness to the Virgin Mary (1653) after Poland's miraculous victory over Sweden. Jan Kazimierz offered Poland to the Virgin Mary and consecrated the icon of the Black Madonna in Czestochowa "Queen of Poland." Late Cardinal Wyszynski reiterated these vows of faithfulness to Catholicism and to the Virgin in 1956 (*sluby jasnogorskie*, Jasna Gora's vows), and welcomed the Pope with those words at the Pope's first visit in Poland in June 1979. John Paul II also uses this phrase to qualify Poland's "profoundly Christian legacy."
 13. So-called transitology studies have mostly focused on structural and institutional transformations in the political and economic spheres. Noted exceptions include the works of Susan Gal, "Bartok's funeral: Representations of Europe in Hungarian Political Rhetoric," *American Ethnologist*, 18/3 (1991):440-458; Michael Kennedy and Nicolae Harsanyi, "Between Utopia and Dystopia: The Labilities of Nationalism in Eastern Europe," in M.D. Kennedy, editor, *Envisioning Eastern Europe: Postcommunist Cultural Studies* (Ann Arbor: University of Michigan Press, 1994); Grzegorz Ekiert and Jan Kubik, *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland, 1989–1993* (Ann Arbor, University of Michigan Press, 1999); on the nation as symbol, see Katherine Verdery, "Beyond the Nation in Eastern Europe," *Social Text*, 38 (1994); Katherine Verdery, "Whither 'Nation' and 'Nationalism?,'" *Daedalus*, 122/3 (1993); Katherine Verdery, *What Was Socialism and What Comes Next?* (Princeton: Princeton University Press, 1996). Also see Andreas Glaeser, *Divided in Unity: Identity, Germany, and the Berlin Police* (Chicago: University of Chicago Press, 2000). On the cultural turn in the study of state-formation, see George Steinmetz, *State/Culture: State-Formation after the Cultural Turn* (Ithaca: Cornell University Press, 1999) and in the social sciences more generally, see Victoria E. Bonnell and Lynn Hunt, editors, *Beyond the Cultural Turn: New Directions in the Study of Society and Culture* (Berkeley: University of California Press, 1999).
 14. It is unclear here if the content of the preamble would indeed have legal force.

- Preambles do not generally have legal significance, since they are not part of Constitutions *per se*. The preamble is an axiologic document of symbolic nature and celebratory tone, placed *before* the actual articles of law. Some legal scholars, however, argue that preambles can serve an *interpretive* function: reference to the preamble could be made to clarify an ambiguous article of law by identifying the values on which the Constitution is based. E.g., Mark Brzezinski, *The Struggle for Constitutionalism in Poland* (New York: St-Martin's Press, 1998).
15. For works specifically devoted to the analysis of preambles as political, legal, and symbolic texts, see on France, Geneviève Koubi, editor, *Le Préambule de la Constitution de 1946: Antinomies juridiques et contradictions politiques* (Paris: Presses Universitaires de France, 1996) and on India, K. C. Markandan, *The Preamble: Key to the Mind of the Makers of the Indian Constitution* (New Delhi: National, 1984). On constitutionalism and constitution-making in Poland and in East and Central Europe, see Brzezinski, *The Struggle for Constitutionalism in Poland*; Roman Graczyk, *Konstytucja dla Polski: Tradycje, doświadczenia, spory* (Cracow: Znak, 1997); Constance Grewe and Henri Oberdoff, *Les Constitutions des États de l'Union européenne* (1999); Irena Grudzinska-Gross, editor, *Constitutionalism in East Central Europe: Discussions in Warsaw, Budapest, Prague, Bratislava* (Bratislava: Czecho-Slovak Committee of the European Cultural Foundation, 1994); International Institute for Democracy, editor, *The Rebirth of Democracy: 12 Constitutions of Central and Eastern Europe* (Strasbourg: Council of Europe Publishing, 1996); Irena Grudzinska-Gross, "Introduction: When Polish Constitutionalism Began," *East European Constitutional Review*, 6/2–3 (1997): 64–76; Ewa Letowska, "A Constitution of Possibilities," *East European Constitutional Review*, 6/2–3 (1997): 76–81; Ewa Letowska, "La Constitution, oeuvre de la société?" in R. Bieber and P. Widmer, editors, *L'espace constitutionnel européen* (Zurich: Publications de l'Institut suisse de droit comparé, 1995), 117–131; Rett R. Ludwikowski, *Constitution-Making in the Region of Former Soviet Dominance* (Durham: Duke University Press, 1996); Katarina Mathernova, "Czecho? Slovakia: Constitutional Disappointments," in A. E. Dick Howard, editor, *Constitution Making in Eastern Europe* (Washington: The Woodrow Wilson Center Press, 1993), 57–92; Wiktor Osiatynski, "The Referendum, Popular Initiative and the Issue of Legitimacy in Constitution-Making in Poland," in R. Bieber and P. Widmer, editors, *L'espace constitutionnel européen*, 345–358; Ulrich Preuss, "Constitutionalism – Meaning, Endangerment, Sustainability," in S. Saberwal and H. Sievers, editors, *Rules, Laws, Constitutions* (London: Sage Publications, 1998), 172–187; Andrzej Rapaczynski, "Constitutional Politics in Poland: A Report on the Constitutional Committee of the Polish Parliament," in A. E. Dick Howard, editor, *Constitution Making in Eastern Europe*, 93–131; Herman Schwartz, *The Struggle for Constitutional Justice in Post-Communist Europe* (Chicago: The University of Chicago Press, 2000); Wojciech Sokolewicz, "The Relevance of Western Models for Constitution-Building in Poland," in J. J. Hesse and N. Johnson, editors, *Constitutional Policy and Change in Europe* (New York: Oxford University Press, 1995), 243–277; Pawel Spiewak, "The Battle for a Constitution," *East European Constitutional Review*, 6/2–3 (1997): 89–96; Ulrich K. Preuss, "Patterns of Constitutional Evolution and Change in Eastern Europe," in J. J. Hesse and N. Johnson, editors, *Constitutional Policy and Change in Europe*, 95–126; Wiktor Osiatynski, *Twoja konstytucja* (Warsaw: Wydawnictwa Szkolne i Pedagogiczne, 1997).
 16. Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Harvard University Press, 1991); Bruce Lincoln, *Discourse and the Construction of Society: Compara-*

- tive Studies of Myth, Ritual, and Classification* (New York: Oxford University Press, 1989).
17. From Left to Right: *Nie, Polityka, Gazeta Wyborcza, Tygodnik Powszechny, Gazeta Polska, Nasza Polska*. Each is loosely associated with a party. *Nie* with SLD, *Polityka* with SLD and UW, *Gazeta Wyborcza* with UW, *Tygodnik Powszechny* with the conservative wing of UW, *Gazeta Polska* with AWS and ROP, and *Nasza Polska* with AWS, ROP, and National Catholic parties (a list of acronyms is provided in the appendix). I also reviewed the Catholic Church's weekly, *Katolicka Agencja Informacyjna*, in which official statements by the Primate and the Episcopate, Pastoral letters, sermons, and interviews with the Church's hierarchy are published. Note that *Gazeta Wyborcza*, a daily of the Center-Left edited by Adam Michnik, is by far the most popular newspaper in Poland, with the largest circulation. Its circulation is actually higher than any other paper in Eastern Europe, according to Ekiert and Kubik (*Rebellious Civil Society*, 15); *Gazeta Polska* and *Nasza Polska*, on the other hand, are far-Right weeklies with much smaller readerships. Very graphic in their language and strident in the tone of their interventions, they should not be considered "mainstream." They remain relatively marginal in Polish society although they do not go unnoticed, especially when authorities of the Church or politicians give them interviews. For a useful characterization of the radical Right in Poland and its relative weakness, see David Ost, "The Radical Right in Poland: Rationality of the Irrational," in S. Ramet, editor, *The Radical Right in Central and Eastern Europe since 1989* (University Park: The Pennsylvania State University Press, 1999), 85–107.
 18. It is important to note that the Left-Right cleavage is defined in ideological terms, not in socioeconomic ones (although they may sometimes overlap). The Left-Right opposition should thus not be understood as one between support for state intervention in the economy vs. neoliberal free-market economy, but one between secular and confessional conceptions of the social order and between a civic and ethnic vision of the nation. Moreover, values and beliefs have a greater impact on voting behavior than does socioeconomic status. See Krzysztof Jasiewicz, "Dead Ends and New Beginnings: the Quest for a Procedural Republic in Poland," *Communist and Post-Communist Studies*, 33 (2000): 101–122, and Radoslaw Markowski, "Political Parties and Ideological Spaces in East Central Europe," *Communist and Post-Communist Studies*, 33 (1997).
 19. The Polish word, for this literary genre is "*publicystyka*" (German: *publizistik*). It is translated in English as "journalism," but its meaning is actually quite different. "*Publicystyka*" is "a type of writing that presents important current problems of social, political, economical, cultural life etc., from a definite point of view, aiming at the shaping of public opinion" (*Mala Encyklopedia Powszechna*, Warsaw: Panstwowe Wydanie Naukowe, 1997). It is thus not mere description of an event, but partisan analysis. It is comparable to the op-ed pages in American newspapers.
 20. Ronald Grigor Suny and Michael D. Kennedy, editors, *Intellectuals and the Articulation of the Nation* (Ann Arbor: The University of Michigan Press, 2000), 2.
 21. For preambles and full Constitutional texts, see The International Institute for Democracy, editor, *The Rebirth of Democracy*; for an analysis of the process of Constitution-making in Eastern Europe and in the successor states of the former Soviet Union, see A. E. Dick Howard, editor, *Constitution Making in Eastern Europe* and Rett R. Ludwikowski, *Constitution-Making in the Region of Former Soviet Dominance*. Consult the *East European Constitutional Review* for country by country accounts of constitutional developments and analyses of specific cases.

22. The Polish original is: *My, Naród polski*.... This fragment is sometimes wrongly translated as “We, the Polish People.” In Polish, the word “*naród*” has a clear ethnic and cultural connotation, referring to a historical and cultural community. I discuss the meaning of “*naród*” (nation), “*społeczeństwo*” (society) and “*obywatel/stwo*” (citizen, citizenship) below.
23. All translations are those of the author, unless otherwise noted.
24. The National Assembly is constituted by the *Sejm* (parliament) and the Senate, with a total of 560 elected members (460 deputies and 100 senators).
25. This opposition has been analyzed in different terms: on the dichotomy between liberal and traditional conservative democracy, see Danuta Waniek, editor, *Problemy socjologii konstytucji* (Warsaw: Instytut Studiów Politycznych Polskiej Akademii Nauk, 1991) and Osiatynski, *Twoja Konstytucja*; on humanist and national-Catholic traditions, see Jarosław Gowin, *Kościół po Komunizmie* (Cracow: Znak, 1995); on legal-rational and traditional schemes of thought, see Wojciech Pawlik, “The Church and its Critics: The Spell of the Polish Ombudsman,” *Polish Sociological Review*, 1 (1995): 31–45; and on ethnic and a civic understandings of the nation, see Geneviève Zubrzycki, “De la nation ethnique à la nation civique: enjeux pour l’Église catholique polonaise,” *Social Compass*, 44/1 (1997): 37–51; and Joanna Kurczewska, “Patriotyzm społeczeństwa polskiego lat 90: Miedzy wspólnota kultury a wspólnota obywateli,” in Henryk Domanski and Andrzej Rychard, editors, *Elementy nowego ładu* (Warsaw: IfiS Pan, 1997).
26. Following Bernard Yack, I use “civic” and “ethnic” categories to contrast nations whose distinctive cultural inheritance centers on *political symbols* and *political stories*, with nations whose cultural inheritance centers on *language* and *stories about ethnic origins* (Yack, “The Myth of the Civic Nation,” 197). Such an emphasis on discursive representations allows us to highlight the differences between the civic and ethnic understandings of the nation, while preventing us from reifying the nation in practice with a reification of nations in theory (Brubaker, *Nationalism Reframed*, 13–22).
27. Brzezinski, *The Struggle for Constitutionalism in Poland*, 250.
28. Poland’s post-World War II population is 95 percent nominally Catholic and 97 percent ethnically Polish, according to the 1988 census data published by the Central Office of Statistics, *Kościół katolicki w Polsce, 1918-1990, Rocznik Statystyczny* (Warsaw: Główny Urząd Statystyczny, 1991), and a 1990 estimate published by the Foreign Affairs of the Republic of Poland in 1993. This (high) homogeneity was and is obviously constructed. It is the result of Polonization of populations in the eastern territories (e.g., Brubaker, *Nationalism Reframed*), of the Holocaust, and of the border shift to the West after World War II. As a result of the Second World War and the Peace agreements, Poland ceded to the USSR 170,000 km² of her Eastern territory, divided up between the Ukrainian and Bielorussian Socialist Republics. Poland received in exchange 100,000 km² in the West, amputating Germany from Silesia, Eastern Pomerania as well as a part of Brandenburg. German populations were deported. Poland thereby became one of the most homogeneous nation-states in the world. While in 1931 Catholics composed 65 percent of Poland’s population, by 1946 the proportion of Catholics had increased to 96.6 percent of the population within the new Poland, according to data in J. Casanova, *Public Religions in the Modern World* (Chicago: U. of Chicago Press, 1994, 90, 26). In addition to the “physical-geographical” construction of the post-war nation-state’s homogeneity, “Polishness” is, of course, constructed and maintained through a myriad of cultural forms (myths, commemorations, traditions, litera-

- ture, and music) and institutional settings (museums, schools, the army, etc.), as well as through the annihilation of other potential identities. On the processes of such construction, see E. Hobsbawm, *Nations and Nationalism* (N.Y.: Cambridge U. Press, 1995); Anderson, *Imagined Communities*; J. Gillis, *Commemorations* (Princeton: Princeton U. Press, 1994); E. Weber, *Peasants into Frenchmen* (Stanford: Stanford U. Press, 1976); P. Duara, *Rescuing History from the Nation* (Chicago: U. of Chicago Press, 1995).
29. Waniek, editor, *Problemy socjologii konstytucji*, 14.
 30. Giovanni Sartori's concept of "polarized pluralism" has also been used in the Polish context. See Anna Seleny, "Old Political Rationalities and New Democracies: Compromise and Confrontation in Hungary and Poland," *World Politics*, 51 (1999): 484–519, and Jasiewicz, "Dead Ends and New Beginnings."
 31. *Gazeta Wyborcza*, 26 February 1997. Deputy in the *Sejm* since 1991, member of the post-communist coalition SLD, he has been actively involved in the writing of the preamble, making many suggestions to Tadeusz Mazowiecki, the preamble's main author.
 32. *Nasza Polska*, 19 February 1997.
 33. It is important to point out that although the ethnic conception has been the dominant one since the nineteenth century, the discursive field on the "nation" in Poland has historically been shaped by a tension and sometimes an opposition between civic and ethnic conceptions of the nation. The eighteenth century Polish "nation" (or proto-nation) was constructed by a political relation between nobles, the *szlachta*, who elected the King (Democracy of Nobles). With the disappearance of the Polish state in 1795, the nation was slowly re-imagined along ethno-cultural and religious lines at the critical period of the national sentiment's democratization, a process referred to, by Rogers Brubaker, as the "ethnic narrowing and the social deepening" of Polish national identity. (Brubaker, *Nationalism Reframed*, 84–86). Tensions between the visions of Poland, however, remained, carried by different groups and associations involved in the independence movement (the romantics and the positivists, for example). (For an excellent analysis of the moment when the nation is being redefined in ethnic terms, through a thoroughly detailed analysis of political discourse of the 19th century, see Brian Porter, *When Nationalism Began to Hate: Imagining Modern Politics in Nineteenth-Century Poland* (New York: Oxford University Press, 2000). These tensions are especially significant in periods of transition to state formation (1918–1939, 1989–), which suggests relations among structural, institutional, and social transformations and the re-orientation of national identity along civic or ethnic lines.
 34. First partitioned among Prussia, the Russian, and the Austro-Hungarian empires from 1795 to 1918, German occupation and the Soviet take-over of Eastern Europe after World War II again meant the (indirect) submission of Poland to a foreign power.
 35. Jerzy Szacki, "Polish Sociology and Problems of Nation-Building," in R. Breton, G. Houle, G. Caldwell, E. Mokrzycki, and E. Wnuk-Lipinski, editors, *National Survival in Dependent Societies, Social Change in Canada and Poland* (Ottawa: Carleton University Press, 1990), 71–81; Jerzy Topolski, "Formation de la nation et du nationalisme polonais: des partages à la première guerre mondiale," in B. Jewsiewicki and J. Létourneau, editors, *Constructions identitaires: questionnements théoriques et études de cas*, Québec: Actes du Célet, 1992), 99–111; Stanislaw Ossowski, *O ojczyźnie i narodzie* (Warsaw: Państwowe Wydanie Naukowe, 1984); Zdzislaw Mach, *Symbols, Conflict and Identity, Essays in Political Anthropology*

- (Albany: State University of New York Press, 1993); Jan Kubik, *The Power of Symbols Against the Symbols of Power: The Rise of Solidarity and the Fall of Communism in Poland* (University Park: Pennsylvania State University Press, 1994); Porter, *When Nationalism Began to Hate*.
36. The predominance of the ethnic understanding of the nation, the dichotomy between “nation” and “state,” and the distinction between nationality and citizenship are not unique to Poland, but are rather characteristic of most of Central and Eastern Europe.
 37. Identity is obviously not only constructed in opposition to “external others.” “Internal others” play a crucial role in that process, and in Poland, they are also defined along religious lines. Jews have been the “internal other” *par excellence*, but since 1989 “bad Catholics,” “cosmopolitan secularists,” and Freemasons (the last two categories, however, working as codewords for “Jews”) have also been categories of symbolic exclusion from the nation in ethno-catholic milieus. It is important to note that the last decade has witnessed a significant rise in anti-Semitism, despite the virtual absence of Jews in that country. This phenomenon could be explained by the fact that Jews, in Poland, serve as the prime “symbolic other.” Adam Michnik calls this peculiar phenomenon “magical anti-Semitism”: “The logic of normal, correct and healthy anti-Semitism is the following: Adam Michnik is a Jew, therefore he is a hooligan, a thief, a traitor, a bandit etc.... Magical anti-Semitism however works this way: Adam Michnik is a thief, therefore he is most probably a Jew.” (Adam Michnik, “Wystapienie,” in Bohdan Oppenheim, editor, *Kosciol polski wobec antysemityzmu, 1989–1999: Rachunek sumienia* (Cracow: WAM, 1999, 73.) Any opponent to the ethnic vision of the nation, therefore, is accused, through a series of associations and double-entendres, of being a Jew. This comes up in various quotations used below.
 38. Brubaker, *Citizenship and Nationhood in France and Germany*; Brubaker, *Nationalism Reframed*.
 39. Geneviève Zubrzycki, “Changement social et construction identitaire: État, Église et identité nationale au Québec et en Pologne,” in G. Bouchard and Y. Lamonde, editors, *La nation dans tous ses états: Le Québec en comparaison* (Paris: L’Harmattan, 1997), 221–250.
 40. Casanova, *Public Religions in the Modern World*; Hobsbawm, *Nations and Nationalism Since 1780*, 67–68.
 41. Patrick Michel, *La société retrouvée. Politique et religion dans l’Europe soviétisée* (Paris: Fayard, 1988); Ewa Morawska, “Civil Religion vs. State Power in Poland,” *Society*, 21/4 (1984): 29–34; Topolski, “Formation de la nation et du nationalisme polonais”; Casanova, *Public Religions in the Modern World*.
 42. The constructed association between Polishness and Catholicism has been so successfully “naturalized” that the tension between nationalism and the supra-national Catholicism has vanished. The accession of Karol Wojtyła to the papacy has helped in diminishing this tension: the Pope is seen as a national hero and national spiritual guide. The Catholic narrative of the nation has been very successful in retrospectively building the identity of Poles as intrinsically related to their Catholicism and their national aspirations defended by the Catholic Church. This is, however, not historically accurate. If the members of the lower clergy were often actively involved in the insurrectional movements of 1830 and 1863, the episcopate, following the Vatican’s line, preferred to limit its interventions. Rome had recognized the Partitions of Poland and consequently disapproved of insurrectional movements. The Holy See dreaded more generally the growing national

- agitation in Eastern Europe at the beginning of the nineteenth century, and advocated the maintenance of the European map of the Congress of Vienna (1812). Krzysztof Pomian, *Pologne: défi à l'impossible? De la révolte de Poznan à Solidarité* (Paris: Les éditions ouvrières, 1982), 120–121. The symbiosis between Catholicism and ethnonationalism is thus constructed through a long process of nationalization, in which national identity was “catholicized.” This is primarily a twentieth-century process, accelerated in its second half, as described above.
43. See Stefan Czarnowski, “La culture religieuse des paysans polonais,” *Archives des Sciences sociales des Religions*, 65/1 (1988 [1934]): 7–23 for a classical ethnography of this association; Zawadzki, “Le nationalisme contre la citoyenneté” for an analysis of the process, which was accentuated and generalized only under socialism; and Ewa Nowicka, *Religia a obcosc* (Cracow: Nomos, 1991) for an analysis of the contemporary significance of the “Polak-Katolik” stereotype in processes of inclusion and exclusion.
 44. Zawadzki, “Le nationalisme contre la citoyenneté,” 169–185; Casanova, *Public Religions in the Modern World*.
 45. Grzegorz Babinski, “Religia i nacjonalizm w srodkowej i wschodniej Europie. Zarys problematyki,” in I. Borowik and A. Szyjewski, editors, *Religie i Koscioly w spoleczenstwach postkomunistycznych* (Cracow: Nomos, 1993), 193–198; Nowicka, *Religia a obcosc*; Kubik, *The Power of Symbols Against the Symbols of Power*; Ewa Morawska, “The Polish Roman Catholic Church Unbound: Change of Face or Change of Context?” in S.E. Hanson and W. Spohn, editors, *Can Europe Work? Germany and the Reconstruction of Postcommunist Societies* (Seattle: University of Washington Press, 1995), 47–75; Maryjane Osa, “Pastoral Mobilization and Contentment: The Religious Foundations of the Solidarity Movement in Poland” in C. Smith, editor, *Disruptive Religion: The Force of Faith in Social-Movement Activism* (New York: Routledge, 1996), 67–85.
 46. For an analysis of the discourse of Polish Catholicism, see Kubik, *The Power of Symbols Against the Symbols of Power*.
 47. Casanova, *Public Religions in the Modern World*, 74.
 48. This is how 1989 is often referred to in everyday life and public discourses.
 49. Morawska, “The Polish Roman Catholic Church Unbound: Change of Face or Change of Context?”; Zubrzycki, “De la nation ethnique à la nation civique”; Zubrzycki “Changement social et construction identitaire”; and Irena Borowik, *Procesy instytucjonalizacji i prywatyzacji Religii w powojennej Polsce* (Cracow: Wydawnictwo Uniwersytetu Jagiellonskiego, 1997).
 50. Casanova, *Public Religions in the Modern World*, Zubrzycki “Changement social et construction identitaire.”
 51. Adam Michnik, “Le nouvel évolutionisme vingt ans après,” in M. Molnar, G. Nivat, and A. Reszler, editors, *Vers une mutation de société. La marche de l'Europe de l'Est vers la démocratie* (Paris: Presses universitaires de France, 1991), 46. Michnik is one of the most influent intellectuals and activists of post-war Poland. He co-founded KOR (*Komitet Obrony Robotnikow* – Committee of Workers’ Defense) in 1976, was advisor to *Solidarity* in 1980–1981, and since 1989 has been the chief editor of Poland’s most important daily, *Gazeta Wyborcza*.
 52. I am referring to the intellectuals associated with *Polityka*, Adam Michnik’s *Gazeta Wyborcza*, and to some extent with the liberal Catholic weekly *Tygodnik Powszechny* and *Znak*, its publishing house. Examples of their efforts can be found in the Press, but also in discussion forums, seminars, and workshops which they participate in and sometimes sponsor.

53. On the meaning of “Europe” in post-communist Poland, see Mary Kaldor, “Cosmopolitanism Versus Nationalism: The New Divide?,” in R. Capland and J. Feffer, editors, *Europe’s New Nationalism* (New York: Oxford University Press, 1996), 42–58; Krystyna A. Paszkiewicz, “Koncepcje ‘Powrotu do Europy’ we współczesnej polskiej myśli politycznej” in B. Pasierb and K. A. Paszkiewicz, editors, *Współczesna polska myśl polityczna* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1996), 15–38; Lesław Kocwin, “‘Narodowcy’ i ‘Europejczycy’ wobec problemu jedności Europejskiej,” in B. Pasierb and K. A. Paszkiewicz, editors, *Współczesna polska myśl polityczna*, 39–64; and Geneviève Zubrzycki, “Poland’s Return to Europe: Reconstructing National Identity in a Global World,” unpublished manuscript presented at the 14th World Congress of Sociology, Montréal, 1998. For Hungary and Romania respectively, see the analyses of Gal, “Bartok’s Funeral” and Verdery, “Civil Society or Nation? ‘Europe’ in the Symbolism of Romania’s Postsocialist Politics,” in *What Was Socialism* (reprinted in Suny and Kennedy, editors, *Intellectuals*, 301–340).
54. As articulated by the Pope in *Veritatis Splendor*. Jean-Paul II, *La splendeur de la Vérité – l’enseignement moral de l’Église, lettre encyclique Veritatis splendor* (Paris: Editions du Cerf, 1993), 326–327, and in *Tygodnik Powszechny* on 22 February 1998. Cardinal Glemp also argues that Poland should enter the European community, but bring to it what defines Poles: faith (in *Gazeta Polska*, 15 March 1998). For an analysis of the debates over Poland’s return to Europe and how they are related to civic, ethnic and Catholic understandings of the nation, see Elżbieta Skotnicka-Illasiewicz and Włodzimierz Wesolowski, “The Significance of Preconceptions: Europe of Civil Societies and Europe of Nationalities” in S. Periwal, editor, *Notions of Nationalism* (Budapest-New York: Central University Press, 1995); Zubrzycki, “Poland’s Return to Europe.”
55. The International Institute for Democracy, for example, states that the “the rights of national minorities have ... been enshrined in the constitutions, *albeit in response to urgent requests from European organisations and notably from the Council of Europe*” (*The Rebirth of Democracy*, 6, emphasis mine), which testifies to the influence of supranational organizations in the design of the Constitutions of Central and Eastern European states and the symbolism included in preambles. See The International Institute for Democracy, *The Rebirth of Democracy* for preambles and full Constitutional texts, and for a comparison with the Constitutions of the states of the European Union, see Constance Grewe and Henri Oberdoff, *Les Constitutions des États de l’Union européenne* (1999). I thank an anonymous reviewer of this article for pressing me to emphasize the international dimension of constitutional symbolism.
56. I do not mean here the community of Catholics, but more narrowly the institutional Church, the Episcopate, and the clergy. There are of course different tendencies within the Church itself, and within the active Catholic community at large. The most obvious orientations are that of a “closed” Catholicism and Church, and that of a more “open” Church, conscious of the necessity of a greater flexibility and adaptability, but, most of all, of the need and urgency to go back to the essence of its role, religion. One of the Church’s most daring characters, priest and philosopher Józef Tischner (1931–2000), even warned against the integrist tendencies of the institution and has publicly promoted a rapprochement with intellectual élites of the Center-Left, most notably through his association and collaborative work with Adam Michnik. Adam Michnik, Jozef Tischner and Jacek Zakowski, *Miedzy Panem a Plebanem* (Cracow: Znak, 1995). The goal of “open”

- Catholics is to reform the institution along the spirit of Vatican II, and help it to adjust to the new situation and to understand the criticisms it increasingly faces. Advocates for an open Church (*Kosciol otwarty*) are members of the editorial board of the liberal Catholic *Tygodnik Powszechny*, and lay journalists from Michnik's *Gazeta Wyborcza*. On those divisions, consult the subtle analysis of Gowin, *Kosciol po komunizmie*.
57. This position is most clearly associated with AWS and ROP party members and with *Gazeta Polska* and *Nasza Polska*. It is also the position of the controversial Catholic radio station, *Radio Maryja*, and more recently with a group of intellectuals from the Right, the club "Mysl dla Polski" (Thought for Poland) associated with Krakow's *Nasz Dziennik*. On *Radio Maryja*'s social and political ramifications, see Krzysztof Jasiewicz, "Democratic Transition and Social Movements in Poland: From *Solidarnosc* to *Rodzina Radia Maryja*," paper presented at the 31st National Convention of the American Association for the Advancement of Slavic Studies, St. Louis, Missouri, 2000.
 58. Bernard Lecomte, "Le Pape et l'après-communisme européen," in G. Mink and J.-C. Szurek, editors, *Cet étrange post-communisme. Rupture et transitions en Europe centrale et orientale* (Paris: La découverte, 1992), 115–124.
 59. Czeslaw Bartnik, *Chrzescijanska nauka o narodzie wedlug Prymasa Stefana Wyszynskiego* (London: Odnova, 1982); Jan Lewandowski, *Narod w nauczaniu kardynala Stefana Wyszynskiego* (Warsaw : Wydawnictwa Uniwersytetu Warszawskiego, 1989).
 60. Lewandowski, *Narod w nauczaniu kardynala Stefana Wyszynskiego*, 153.
 61. Bartnik, *Chrzescijanska nauka o narodzie*, 9–10
 62. Cardinal Wyszynski quoted in Gilles Houle, Piotr Lukaszewicz, and Andrzej Sicinski, "Social and National Consciousness Transformations in Dependent Societies," in R. Breton, G. Houle, G. Caldwell, E. Mokrzycki, and E. Wnuk-Lipinski, editors, *National Survival in Dependent Societies*, 153.
 63. Wieslaw Chrzanoski, *Tygodnik Powszechny* 1992/17.
 64. "Us" was the nation, united behind *Solidarity* and the Catholic Church, and "them" the élite in power, perceived as serving the interests of the Soviet Union rather than those of Poland. There existed, of course, a plurality of opinions and diversity in political orientations. But for the sake of unity in the fight against the totalitarian régime, these differences were pushed aside. This has important repercussions now. It gives the false impression that Communist Poland was unified, and wrongly identifies the fall of communism as the *source* of a chaotic pluralism that had been present but minimized. On master frames, see David A. Snow and Robert D. Benford, "Master Frames and Cycles of Protest," in A. D. Morris and C. McClurg Mueller, editors, *Frontiers in Social Movement Theory* (New Haven: Yale University Press, 1992), 133–155; on Poland more specifically, see Maryjane Osa, "Pastoral Mobilization and Contention: The Religious Foundations of the Solidarity Movement in Poland."
 65. Frances Millard, *Polish Politics and Society* (New York: Routledge, 1999), 142. For data on the social authority of the Catholic Church in post-communist Poland, see Morawska, "The Polish Roman Catholic Church Unbound," and Borowik, *Procesy instytucjonalizacji i prywatyzacji Religii*.
 66. Katherine Verdery found something similar in Romania, where the discourse of civil society fails to resonate below because, she argues, liberal intellectuals did not do enough to translate it positively into the life terms of everyone else. Verdery, *What Was Socialism*.

67. T. Mazowiecki (1927–), principal author of the preamble, intellectual and politician, deputy at the *Sejm*. Co-founder, in 1957, of the Warsaw KIK (*Klub Inteligencji Katolickiej* – Catholic Intelligentsia’s Club) and in 1958 of the Catholic monthly *Wież* (Tie). Advisor to Lech Walesa during the August 1980 strikes, he was one of the co-authors of the Agreements of the Round Table (1989). In 1989–1990, he was Poland’s Prime Minister. He co-founded one of the most important parties of post-communist Poland, *Unia Demokratyczna* (Democratic Union), now *Unia Wolności* (Freedom Union).
68. Rada Stala Episkopatu Polski, “Komunikat,” 13 February 1997 in *Katolicka Agencja Informacyjna* 13: 42. Note how Bishop Michalik grounds his response by referring to the institutions that, according to the Right, control the civic project: international law and the European Union’s legislation. Proponents of the civic discourse are often accused of privileging international or supra-national (i.e., anti-national) interests. This rhetoric attempts to link symbolically the Center-Left’s project to that of the People’s Republic of Poland’s communist régime, which “also” privileged foreign interests (the Soviet Union’s and the Communist Bloc’s structures, the Warsaw Pact and the Comecon) over national ones. In the discourse on Poland’s so-called “return to Europe,” subtle comparisons between the Soviet Union and the European Union are frequently made: both are potential threats to Polish sovereignty and Polish cultural (i.e., Catholic) specificity.
69. *Non Possumus*, text addressed to the *Sejm* on 28 February 1997, printed in *Gazeta Wyborcza* on 3 March 1997. *Non Possumus* (“We Cannot”): Latin formula for the Papacy’s negative response to expectations from the secular power that the Church deems impossible to fulfill. *Non Possumus*, in the Polish context, refers to a memorandum of the Conference of the Episcopate of Poland to the government in May 1953, reacting to the increasing pressure from the state to reduce the autonomy of the Church. The phrase was again invoked during the constitutional debates in March 1997 in a quite different discursive and historical context, a point to which I return in the last section of this article.
70. Osrodek Badań Opinii Publicznej, *Treść przyszłej konstytucji w opinii Polaków* (1997), 23. N = 1116 of Poland’s inhabitants over 16 years of age.
71. *Gazeta Wyborcza*, 26 February 1997.
72. *Gazeta Wyborcza*, 3 March 1997. From 1990 to 1996, Osiatynski was an advisor to the Constitutional Commission, a fervent supporter of the Constitution.
73. *Gazeta Wyborcza*, 27 February 1997.
74. BP Tadeusz Pieronek, *Katolicka Agencja Informacyjna*, 8, 28 February 1997.
75. Stanisław Krajski in *Nasza Polska*, 23 April 1997.
76. For works on Right-wing politics and the far-Right in Central and Eastern Europe, see Stephen Fischer-Galati, “The Political Right in Eastern Europe in Historical Perspective,” in J. Held, editor, *Democracy and Right-Wing Politics in Eastern Europe in the 1990’s* (Boulder: East European Monographs, 1993), 1–12; Sabrina Ramet, editor, *The Radical Right in Central and Eastern Europe since 1989*. On Poland more specifically, see Andrzej Korbonski, “The Revival of the Political Right in Post-Communist Poland: Historical Roots,” in J. Held, editor, *Democracy and Right-Wing Politics*, 13–31; Sarah M. Terry, “What’s Right, What’s Left, and What’s Wrong in Polish Politics?” in J. Held, editor, *Democracy and Right-Wing Politics*, 33–60; and Ost, “The Radical Right in Poland.” For an analysis of the relationship between conceptions of the nation and the success of Right-wing movements, see Ruud Koopmans and Paul Statham, “Ethnic and Civic Conceptions of Nationhood and the Differential Success of the Extreme Right in Ger-

- many and Italy” in M. Giugni, D. McAdam, and C. Tilly, editors, *How Social Movements Matter* (Minneapolis: University of Minneapolis Press, 1999), 225–251.
77. Wojciech Cejrowski in *Gazeta Polska* (1997), 16.
 78. Wieslaw Magiera, in *Nasza Polska*, 30 April 1997. Note that the term “de-nationalization” – *wynarodowienie* – has very strong connotations in Polish. It refers to attempts to annihilate the sentiment of belonging to the Polish nation in the nineteenth century by Prussia and Russia. The standard Polish dictionary (*Maly slownik jezyka polskiego*) defines the verb *wynaradawiac* (denationalize) as follows: *deprive someone of his or her national traits, of his or her national distinctiveness, deprive someone of the consciousness of belonging to some nation.*
 79. *Zycie Warszawy*, 19 September 1996.
 80. Natural law refers to “principles of law and morality, supposedly universal in scope and binding on human conduct.” *Oxford Dictionary of Sociology* (London: Oxford University Press, 1994), 348. Following St. Thomas Aquinas, it was believed to be God-given, but from the Reformation onward, natural law was given secular foundations in human nature and reason. Natural law stipulates that there is a normative system given in nature; that norms are not subject to change in time or place. The logic of positive law is different: it is the law that defines the normative system; norms are a human creation and therefore are subject to change and interpretation. The law could then define norms that are against natural law or humanity. (Nazi Germany is often given as an example of the dangers of a strict positive law.) This is why it is often insisted that positive law be based on natural law. The Polish case is complex in that regard. The Church insisted that the Constitution be *directly* based on the first version of natural law (as God-given), when the Constitution actually was founded on positive law based on natural law’s secular version (human nature and reason). The members of the Constitutional Commission thus argued that even without the *invocatio Dei*, the Constitution was still ultimately – although indirectly – founded on natural law.
 81. Whether preambles do have legal consequences or not is beside the point here: what is important is that those involved in the debate on the *invocatio Dei* treated the preamble as though it could. See also note 14.
 82. *Polityka* (1996), no. 20.
 83. *Zycie Warszawy*, 19 September 1996.
 84. *Gazeta Wyborcza*, 25 February 1997.
 85. BP Michalik, *Katolicka Agencja Informacyjna*, no. 10, 1997.
 86. Cardinal Glemp, “Kazanie pasyjne,” *Katolicka Agencja Informacyjna*, no. 20, 1997
 87. BP. Michalik in *Nasza Polska*, no. 5
 88. Brubaker, *Nationalism Reframed*, 17.
 89. Gowin, *Kosciol po Komunizmie*.
 90. Senator Grzeskowiak in *Gazeta Wyborcza*, 25 February 1997.
 91. *Polityka*, no. 20, 18 May 1997.
 92. *Nasza Polska*, 23 April 1997. Targowica is a town in Ukraine where in 1792–1793 some Polish magnates conspired against Poland to abolish the Constitution of the Third of May (1791). They sought the protection of Catherine II, which gave the pretext for the second partition of Poland (1793). The term “Targowica” since then has been synonymous with high treason and conspiracy against the country.
 93. The editor of *Nasza Polska* declared that the civic nation is an invention of Jews: “Not everyone knows that one of the inventors of this new ‘meaning’ of the word ‘nation’ is Tomasz Wolek, editor-in-chief of the daily *Zycie*. Who is Tomasz Wolek,

and what is *Zycie*? To this question, we can answer indirectly by noting that his substitute is a certain Bronislaw Wildstein..." (Stanislaw Krajski in *Nasza Polska*, 23 April 1997). What is interesting to note, here, besides the blatant anti-semitism and the association Jews = civic nation = cosmopolitan = anti-Polish, is that the newspaper *Zycie* is itself on the conservative Right in the political ideological landscape. This shows how far on the Right *Nasza Polska* (and *Gazeta Polska*) are. I thank Krzysztof Jasiewicz for pointing this out.

94. This is especially true of Jerzy Urban's weekly, *Nie*. Urban describes his paper as "a satirico-critical newspaper, attacking nationalism, clericalism, parties from the Right, parties issued from Solidarity and Walesa." *Nie* is on the extreme-Left, not so much in terms of the content of its interventions, but in its form. The weekly is famous for its satire, its hostility toward the Church, and its vulgar caricatures. It is comparable to the *National Lampoon*. Urban was General Jaruzelski's spokesman in the 1980s.
95. Bourdieu, *Language and Symbolic Power*.
96. In Graczyk, *Konstytucja dla Polski*, 206.
97. Graczyk, *Konstytucja dla Polski*, 206.
98. Jasiewicz, "Dead Ends and New Beginnings," 101–122.
99. The AWS is a coalition of parties of the Right, formed after the 1993 elections.
100. In Jerzy Kloczowski, *Chrzescijanstwo w Polsce: Zarys przemian 966–1979* (Lublin: Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, 1992), 615.
101. 42.86 percent, which means that about 23 percent of those eligible to vote voted for, and about 17 percent voted against. (Official numbers reported in *Gazeta Wyborcza*, 26 May 1997).

Appendix

Acronyms

SLD	<i>Sojusz Lewicy Demokratycznej</i> – Alliance of the Democratic Left
AWS	<i>Akcja Wyborcza "Solidarnosc"</i> – Electoral Action "Solidarity"
UW	<i>Unia Wolnosci</i> – Freedom Union (formerly UD <i>Unia Demokratyczna</i> – Democratic Union)
ROP	<i>Ruch Odbudowy Polski</i> – Movement for Poland's Reconstruction
PSL	<i>Polskie Stronnictwo Ludowe</i> – Peasant Party
KPN	<i>Konfederacja Polski Niepodleglej</i> – Confederation of Independent Poland
BBWR	<i>Bezpartyjny Blok Wspolpracy z Rzadem</i> – Non Partisan Bloc for the Collaboration with the Government
