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# Civil Society in Illiberal Democracy: The Case of Poland

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## Abstract

The threats to democracy from populist political projects are more and more often commented on and analyzed around the world. The Polish case is not an exception as there are numerous scholarly papers on the changes in public discourse, politics, democratic institutions and the like. The case of civil society is, however, sometimes overlooked and downplayed in this stream of thought. This article looks at the recent reconfigurations within the sphere of civil society in Poland as well as in the ways this sector of activities is conceptualized and analyzed by scholars and commentators alike. This approach stems from understanding civil society in Poland as a political project, a process begun around the transition of 1989, but that also had political meaning during the years of consolidation of democracy. Only the recent reconfiguration and accumulation of power and consequent shift in politics and public discourse to the right has resulted – among other things – in higher levels of activism among citizens and politicization of numerous topics. The observed higher levels of citizen engagement have pushed some observers and scholars to re-define the concept of civil society in Poland and to include within it forms of activism previously excluded. With the numerous and often politicized collective actions of Poles – such as nationalist activism, urban activism, and participation in street protests – not only is the concept of civil society being stretched but also some previously used distinctions, such as the notion of ‘uncivil society’, are no longer in use.

*Keywords; civil society; illiberal democracy; Poland; third sector*

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## 1. Introduction

The outcome of the 2015 elections – both presidential and parliamentary – initiated processes that made Poland the topic of numerous analyses worldwide (Guerrot and Hunklinger 2019). The majority of these discussions revolved around issues of illiberal democracy, populism, and a (neo)conservative backlash. The Polish case – withdrawal from liberal democracy – is not unique, with similar trends being observed in Hungary, Russia

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and Turkey. Some observers started using the category of ‘illiberal democracy’, coined by Fareed Zakaria (1997), to label Poland and Hungary. What initially was meant to describe failed attempts of democratization of transitioning countries (e.g. in the Balkans) is now also used to describe countries with established democratic systems that – due to the electoral choices of their citizens – are withdrawing from the rule of law and other pillars of contemporary liberal democratic systems. In this sense, countries with illiberal democratic regimes still hold elections, have elements of democratic systems etc., but these elements are more and more often ‘empty’ – political changes are not a result of democratic procedures and/or choices. This is not a descriptive term any longer; some politicians (for instance Viktor Orbán) take pride in changing their countries’ regimes towards the illiberal category. In many cases, illiberal democracies are a result of populist politics and agendas. As per this understanding, populism is considered a particular political programme in which the political will of the ‘people’ (*populus*) is implemented directly by the party in power, even if it is against the current rule of law and/or legal system in a particular country. The dismantling of the judicial system, undermining the rule of law and the tri-partition of powers in Poland, undertaken as a reform of the courts, fits into this line of thinking. What is often overlooked in these campaigns is not their topic (i.e. dismantling of the judicial system in Poland), but peoples’ engagement in these campaigns.

This can be seen not only in Poland: researcher of social movements Cristina Flesher Fominaya (2017) indicates that mass protests, which occurred in recent years in the countries of southern and central Europe (such as Greece, Spain, Bulgaria and Romania), were based not only on economic concerns. These protests ‘also criticized the system of democratic representation, were a reaction to its crisis, and mobilization was possible thanks to demonstrating the identity of an “ordinary citizen” as a political subject’ (Korolczuk, 2017, p. 4).

While most arguments point to the weakening of democracy, which have solid grounds and are fully justified, particularly in Poland, one aspect of the post-2015 changes is often overlooked. The deep polarization of society and politics in Poland has sparked an unprecedented wave of protests and other forms of public engagement, such as an increase in voluntary engagement and a deeper involvement in politics, for example circulation of petitions and the like. This poses a serious challenge to the conceptualization and definition of civil society in Poland. The counter-actions to the illiberal trends, in particular the growth of civil engagement and a steep increase in protests on the streets, paint a picture of a vast democratization process in Tilly’s understanding of the term. This understanding stems from Charles Tilly’s (2007) processual concept of democracy that is understood as ‘a certain class of dependence between states and citizens’ regarding public policy. This perspective on democracy was derived by Tilly not from observing the development of democratic institutions, but from the perspective of civic engagement as well as popular reactions to powers and governments: uprisings, revolutions and rebellions. As Tilly writes: ‘The system is democratic to the extent that the political dependencies between the state and its citizens reflect a broad, equal, protected and mutually binding consultation.’ The last term – consultation – includes ‘all public means through which citizens express their collective preferences as to the staff and policy of the state.’ This shows a clear connection between the processes of democratization and democracy and the state of civil society.

Observation of how the political system is responding to grassroots claims allows us to not only characterize the changes within the democratic regime, but also the changes in public activities. The post-2015 changes in Poland are a good case for linking these two realms.

The reconfiguration and accumulation of power in the hands of one party resulted not only in a series of reforms, but also sparked large-scale protests against these reforms, such as the changes within the judicial system, plans to further restrict abortion, and big projects harming natural reserves. Current authorities in Poland have decided to subordinate numerous areas of the society and its institutions. One of such area is the functioning of the civil society. On one hand there are attempts to control this sphere by establishing a government-controlled agency that would distribute funds among NGOs (Narodowy Fundusz Rozwoju Społeczeństwa Obywatelskiego – the National Fund for the Development of Civil Society). Also, there are attempts to control external funding sources (such as the Norwegian Fund). At the same time, due to the involvement of state-owned companies, numerous NGOs and associations that are functioning within the party line (for instance, that are dealing with historical themes or reinforcing conservative values and beliefs) are experiencing a shower of cash.

All of these observations lead us to pose questions about the civil society in Poland. There is a dramatic need to redefine the borders of civil society, as current definitions seem to be far too exclusive, as a result of various pre- and misconceptions connected to the term. One particularly striking question is whether the spontaneous grassroots mobilizations that can be observed in Poland should be included in the category of civil society or not? Today's problem with conceptualizations of civil society in Poland is deeply rooted in the development of this sector in Poland before and after the 1989 transition. Connected to it, there is a question of politicization of civil society in Poland. On one hand, acknowledging the fact of the politicization of the civil society sphere enlarges the range of this concept. On the other hand, this reflects the politicization of specific topics currently under discussion in Poland. It also includes the discussion surrounding the 'original sin' of Polish civil society (the introduction of Western models) and the new functioning of the third sector, which provided auxiliary services to the state, becoming an element of neoliberal state formation.

The aim of this paper is to present recent discussions around the topic of civil society in Poland and the theoretical and academic reflections on the term itself. Recent political reconfigurations did not go unnoticed in the sphere of civil engagement. The majority of the issues raised – both at the level of functioning of the civil society and the theoretical analysis thereof – have their roots in the model of implementation of the civil society in Poland. Methodologically, this paper is based on secondary data depicting the state of the civil society in terms of its funding, structure and the like. The other source of data for this article is the analysis of the discourse describing the civil society sector in Poland, where particular attention is given to critical analyses of the sector where key weaknesses of the civil society are described and analyzed and presented vis-à-vis structural changes in the political realm and how they affect grassroots civic activism.

This article is constructed around periodization of the civil society in Poland, with three distinctive time frames: the transition period of 1989 and the paths that led to this process; the time of consolidation of democracy and the simultaneous de-politicization

of the civil society sector; and the recent changes in civil society. The paper opens with theoretical background, and then describes the history of the Polish civil society, with a particular focus on the 1989 transformation, where key elements of the current state of affairs are located. Later it moves to the changes in civil society and its depoliticization, which were identified by observers as the key issues within Polish civil society. The paper moves on to describe the political shift as the changing context for Polish civil society, which created new openings for the civil society sector. In all of these sub-sections two narratives are presented: the development of the civil society itself, and the development of the discourse around the concept.

## 2. Theoretical background

Civil society in CEE is nowadays recognized as an important part of the democratic order, filling the gap between the state, the market and the private sphere. In today's globalized world, civil society functioning as a third sector – as opposed to the state and the sphere of economic and business institutions (Žuk, 2001, p. 114) – became a key terrain of strategic action from which to construct 'an alternative social and world order'. Because of this, postmodern usage of the idea of civil society could be split into two main paths: as a political society on the one hand, and on the other hand as the third sector, more professionalized and politically neutral. Civil society in both areas is, however, often viewed in relation to the state, remaining a counterpart and complement rather than an alternative. With the growing importance of neoliberalism, civil society understood as the 'third sector'<sup>1</sup> began to be seen as a solution to the desired shrinking of the state and minimizing of its social functions. The understanding of the concept in Poland, however, is slightly different (which is the key point of this article), as one Polish sociologists writes: the concept of civil society, like most concepts in the social sciences, is blurred and ideologically entangled. All the more so because, as Dorota Pietrzyk-Reeves (2004) points out, it functions today in at least three different languages: the language of politics, the language of philosophy, and finally, the language of sociology. In the first two, the term 'civil society' has a normative character.

The working definition of the London School of Economics' Centre for Civil Society is illustrative:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups.<sup>2</sup>

The range of actors that might be included in the category is very wide, making it difficult to understand and cover. As Podemski expands the discussion:

for a politician it is a propaganda slogan, for a philosopher of politics it is a political model. Civil society understood as a political model is derived from two different political philosophies. On the one hand, the community-oriented republican tradition defining citizenship through rights and obligations, and on the other hand, the liberal tradition that emphasises the role of the individual, focusing primarily on civil rights (Podemski, 2014, p. 89).

As I will present in this paper, the understanding of the civil society in Poland has changed over the years, becoming a reaction to the changes in the civil society sector that might be linked to political transformation of the sector and other changes that are the result of the functioning of the sector itself.

### 3. History of Polish civil society

The early developments of civil society in Poland were connected either to pro-independence struggles or self-help services for local communities, often linking the issue of grassroots social involvement with politics. As Anna Domaradzka writes:

In a nutshell, Polish civil society tradition is rooted in the XIX century charity work (often faith-based) and elites' activism in the spheres of education, social support as well as culture and sports. Another part of this tradition was characteristic for rural areas, where specific forms of activism developed around folk culture as well as farmers' cooperatives. The development of a more widespread and democratic civil society structures was dramatically halted by the outbreak of the First World War (Domaradzka, 2016, p. 112).

After World War II, during the communist regime, all forms of social activism were controlled by the authorities, otherwise they were considered illegal and persecuted. However, despite the conditions, forms of civil society existed and bloomed during that time. On the one hand there were associations accepted by the state (and the accepted the state's supervising role). These included voluntary fire brigades (there are around 1 million people involved in this organization today) and Countryside Hostesses' Circles (Kości Gospodyń Wiejskich) and numerous forms of other organizations that gathered people with similar occupations (guilds) or hobbies (such as the League of Environmental Protection). On the other hand, informal or covert forms of grassroots social activism emerged, creating a space for civic engagement and freedom of thought. These were later labelled as 'illegal civil society', or to use a distinction coined by Michał Buchowski (1996), the civic and civil societies, with the latter being politicized. The term 'civil society' was introduced to the Polish language in 1949 in a translation of Marx by the communist propaganda apparatus. The term gained popularity in 1989 when it was used by communists to suppress demands for a fully-fledged and pluralistic political society and to legitimize the

neoliberal transformation (Załęski, 2007, 2012). Contrary to popular belief, the term ‘civil society’ was not known to the anti-communist opposition. During the times of the first ‘Solidarity’ movement, the term was not known or used, and instead members developed the concept of a ‘self-governing Republic’. Paweł Załęski (2012) developed the theory of restructuring the welfare system, according to which civil society is a neoliberal ideology legitimizing the dismantling of the welfare state in favour of the development of the third sector, and not an element of democratization processes.

Examples of the institutional foundations of the civil society project in Poland were the *Solidarność* trade union and the Catholic Church – institutions whose participation in civil society has been widely discussed to this day. Their call for the autonomy of civic activities was, in the context of the authoritarian regime, a call for freedom. This call still influences the debate over civil society in Poland, which is understood in terms of activities oriented towards the realization of the common good, rather than oriented towards protecting the interests of one’s own group. This assumption is important, since many of the actions taken in public are politicized, connected with economic struggle, or concerned with groups’ interests. As Krzysztof Podemski writes:

The program adopted by the *Solidarność* congress in 1981 to build the ‘Self-Governing Republic’ was a somewhat utopian vision of building a state based on civil society. This concept referred to the idea of the Polish philosopher, sociologist and psychologist Edward Abramowski, who at the end of the partitions called for ‘universal conspiracy against the government’ and opposed it to ‘cooperative society’ (Podemski, 2014, p. 94).

It is worth stressing of the ‘tearing’ of public space, associated with the long-term opposition of the sphere of social self-organization to the hostile state. This opposition began to take shape as early as in the nineteenth century, during the partitions, when association activity became an instrument of Polish national emancipation. In almost every field of social activity – whether it was self-help, educational or cultural activity, or religious activity – national identification and the contestation of an oppressive, hostile system became an important factor focusing people’s actions.

## 4. Transformation

After the explosion of citizen mobilization that brought about the collapse of communism, Polish society began showing disillusionment with the new capitalistic and democratic system. The disappointment also pointed to the fact that pro-market reforms limited the economic gains most citizens expected after dismantling the system of the planned economy. The decline in civic activism in Central and Eastern Europe is also explained in terms of the retreat to the private sphere, resulting from disappointment and disillusionment with the new elites. As Kubik writes, ‘many people during such unstable periods tend to retreat into their private or parochial worlds. It is well established that “the pattern of retreat into parochial institutions ... is a characteristic response for many people when

faced with a larger society that is culturally unfamiliar” [...]’ (2000, p. 112). Secondly, the retreat from the public sphere had economic foundations, since one of the biggest changes in people’s lives was the end of the feeling of security, in social terms at least. This loss of security went alongside a new ethos of success and hard work. The everyday battle for survival (for some), or for more goods and better positions (for others), left no time or energy for social activism and involvement in politics.

When it comes to academic insight on civil society, in particular during the 1990s numerous academics and observers presented CEE societies (Polish included) as demobilized, passive and depoliticized. For some scholars (e.g. Howard, 2003; see Grzyski, 2017 for an overview), the low levels of political and social engagement were a direct result of the experience of living under the communist regime. In this perspective, the people of Central and Eastern Europe were forced to join associations and groups under communist times, and, as a reaction, they moved towards family and friendship networks that allowed them to overcome the difficulties of living in communist countries. According to Krzysztof Podemski, ‘the “association vacuum” is filled by intensive and branched family contacts in Poland, which is a characteristic feature of traditional societies. They are largely nepotistic networks. In contrast to civic associations, one does not join them, but belongs by birth’ (2014, p. 108). As Kopecký summarized the debate:

compared to other regions in the world, including other (Western) democracies and the post-authoritarian states of Latin America and Southern Europe, membership in voluntary organizations in post-communist Eastern Europe is distinctly lower. Moreover, public trust in various civil and political institutions – another oft-used indicator of the vibrancy of civil society – is also remarkably low throughout the post-communist region [...] (Kopecký, 2003, pp. 5–6).

It was said that this situation was a result of the communist legacy, or part of the more general trend of disillusionment and disappointment with politics, and, by extension, with everything that takes place in public. In a similar vein, Polish sociologist Anna Domaradzka writes:

One of the reasons for the current limited participation in civil society is a result of a widespread refusal to join the institutionalized system of civic engagement enforced during communism. After the time when public participation in state run or state-controlled organizations was often obligatory, many people today are still reluctant to participate in any social activity (Domaradzka, 2016, p. 126).

One of the reasons for this situation might be the feeling of distrust, not towards civil society groups and/or organizations, but of the structures that interact with civil society actors or are the target of those actions. Anna Giza wrote:

Public institutions are [...] more of a threat than a support for people. On the other hand, small social circles [...] of a private nature provide real and reliable support. There is no ‘society’ in television – social activists, social organizations, joint initiatives undertaken by



social networks. [...] The ability of Poles to organize themselves, which is revealed from time to time, is invariably an object of media amazement: it is enough to recall the known cases of protests against ACTA<sup>3</sup> or fans' behaviour during Euro 2012. The television world remains a 'federation of families', functioning in isolation from the 'system'. [...] At the same time, it should be stressed that the negative image of the public sphere provides an excellent excuse for evading commitments to the common good. [...] A society that does not know its public and social institutions and at the same time has a generalised negative attitude towards the most important of them cannot become more civic (Giza, 2013, pp. 277–278).

An increasing amount of literature is challenging these assumptions, pointing to the rich and dense activist networks and campaigns, often in previously overseen areas, such as family-related activism (Korolczuk & Hryciuk, 2016), urban activism (Polanska & Piotrowski, 2015, 2016; Domaradzka & Wijkstrom, 2016; Pluciński, 2012), and right-wing activism (Płatek & Plucienniczak, 2017). To some extent, the overlooking of these phenomena has been a result of Western-centred social movement theories (a trend criticized by Gagyí [2013]) and the use of categories and analytical tools developed while studying Western European and North American social movements and Western-generated concepts of politics, civil society and democracy.

Katarzyna Jezierska (2017, p. 105) points out that

Central and Eastern Europe was seen as a source of hope and a way to change the regime, but after 1989 the radical edge of this vision was blunted. When civil society turned into non-governmental organizations, its goals changed – it lost the critical potential of 'anti-political policy' (such as in the writings of Havel or Michnik), ceased to be a source of alternatives to the current political and socio-economic system and started to act as an auxiliary infrastructure legitimizing the system neoliberal. With the development of the Polish non-governmental sector, which also resulted in its gradual 'economization' and the development of its relations with the public administration, a certain evolution of positions on this issue can be observed. It has become clear (as Western theorists pointed out already in the early 1990s) that in modern democratic systems it is extremely difficult, if not impossible, to draw a clear demarcation line between what is civic and what is 'political', 'economic' or 'private'.

## 5. The inherent vice of implementation of civil society in Poland

Many attempts to create a civil society in the region after the transformation of 1989 were of a top-down nature, with many Western NGOs and foundations trying to implement the 'third sector' to make the democracy in the region a full one. Some authors also take into account that NGOs were beginning to be legalized in the mid-1980s, but it was after the changes of 1989 that this process accelerated. There was also the fear that the newly introduced democratic system might not be stable, and that the lack of ways to manage potentially disruptive tendencies within society might be a threat to the system itself. In

the early 1990s, Claus Offe (1992, pp. 26–32) suggested that in CEE there might be difficulties in creating civil society, mostly due to the lack of solid democratic institutions embedded in society at large. To Offe, most of the social groups active in the region were counter-institutional and anti-political – or at least that is their legacy today. In the early 1990s, this became an important if not dominant narrative for describing civil society reconfigurations, mostly in the context of transformation studies.

The product of the process of implementation of the civil society was regarded as something alien, and unsuited to local needs. Before these processes ‘Poland allowed an excellent example of an authoritarian regime that allowed for “negative freedom”, i.e. a (certain level of) freedom from repression of dissent [...]’ (Mudde, 2003, p. 162). This top-down process (the ‘top’ is implying external Western powers) was based on the transfer of know-how and finances: ‘In post-communist Europe, where Western states and private foundations have invested billions of dollars in both the building of (domestic) civil societies and the using of NGOs to develop and implement international aid programs, following similar practices in Africa and Latin America’ (Kopecký & Mudde, 2003, p. 158). In post-Soviet countries the whole process was much more clearly visible, as: ‘For the most part, the model was taken from the USA and Western Europe, with their proliferation of grassroots groups and clubs, environmental activists and an unregulated media’ (Mandel, 2002, p. 283). Because of this direct transfer of organizing structures, without respect to local context and without ‘translation’ with regard to the local environment, these models often failed. In CEE countries with some dissident traditions and a developed pro-democratic movement (consisting of various groups of human and women’s rights activists, environmentalists and so forth), the situation was not as obvious, but still the general experience of the constraints surrounding the implementation the civil society ideal seems to be similar.

Participation in NGOs became more and more popular as the system became more and more stable, with many young people of activist, countercultural and dissident backgrounds becoming involved. The situation of auto-colonization of grassroots activism is slowly being recognized by the members of the third sector themselves. In an interview, Kuba Wygnański in 2014 stated: ‘we wanted to have a civil society, but we ended up with having NGOs in Poland’ (Domaradzka, 2016, p. 115). Some NGOs become workplaces for the people involved, which corresponds with the observation of Kopecký and Mudde, who say:

Most NGOs in post-communist Europe are cadre organizations with no grassroots support whatsoever. Their members are generally full-time employees, for whom their work is a job rather than a calling. In sharp contrast, many of the ‘uncivil’ movements do represent and involve parts of society, though in a more fluid and ad hoc manner (Kopecký & Mudde, 2003, p. 167).

In a critical assessment of the regime transition process, Agnes Gagyí and Maryia Ivancheva wrote: ‘Civil society – a term associated with the specific organising practices of this time – became the buzzword of the democratic transition [...]’ (2019, p. 56). They stress that the whole process of the formation of civil society was designed to channel grassroots energy in a formalized and controlled manner, and that this process can be traced back to the biographies of the creators of the whole sector:

The majority of prominent dissidents were humanistic intellectuals, who were either civil servants or people placed in precarious, underpaid low-skilled jobs as ideological punishment. By the 1980s many were receiving funding under informal arrangements or through academic institutions, publishing houses, grants and international peace awards/scholarships. These forms of funding and recognition did not so much valorise grassroots activity, but rather enhanced a particular intellectual's eminence within certain networks based on their visibility in the West (Gagyi & Ivancheva, 2019, p. 58).

This seems to be the 'original sin' of the civil society in Poland and the source of numerous problems and transformations that the whole sector is undergoing today.

## 6. Changes in civil society and its depoliticization

The gradual depoliticization of the civil society sector in Poland is evidenced by data on the structure of the sector, as some observers point to structural reasons for this process. According to the Central Statistical Office survey (GUS 2014), there were 83,500 active third sector organizations in 2012 in Poland. More than 83% of them held the formal status of associations and similar civic organizations; 11% were foundations, professional and business associations, and employer's organizations; and civic religious organizations constituted the remaining part. Around 10% of the organizations had the status of 'public benefit organization' (Organizacja Pożytku Publicznego – OPP) that allows individuals to donate 1% of their income tax to a selected organization on the annual tax form.

After the turbulent times of early 1990s, with the widespread enthusiasm for the new reforms and transitions, some level of stabilization within the sector took place. Around a quarter of existing organizations are more than 15 years old, while 10 years ago only one in ten organizations were that old (Przewłocka, Adamiak, & Zajac, 2012). This shows the processes of stabilization, consolidation and petrification of the civil society sector in Poland.

The authors of the report entitled 'Everyday life of non-governmental organizations in Poland' (Przewłocka, Adamiak, & Zajac, 2012) placed Polish civil society organizations into four categories, depending on their modes of functioning and relations with the social context. These are:

- 'Spontaneous activists': flexible organizations whose activism is based on spontaneous ad hoc mobilization, mainly based on voluntary commitment.
- 'NGO companies' are the exact opposite; these are large professional organizations with big budgets and paid staff, creating formal plans and strategies.
- 'Hierarchical activists': organizations that, despite having only a small team of workers and volunteers, adopt a formal structure and hierarchy, often organized around a charismatic leader.
- Task-oriented democratic organizations, with a less hierarchical leadership style; despite limited facilities, these are focused on professional budget planning or creating long-term strategies (based on Domaradzka, 2016, pp. 138–139).

When analyzing the most prominent issues raised by civil society groups, Anna Domaradzka (2016, p. 135) distinguishes two general themes. As she writes:

One is a bit self-serving claim for further development of civil society, through both creating better legal environment and financial opportunities as well as introducing new ways of engaging citizens in different forms of social activities to overcome social apathy and low levels of trust. Another theme concerns quality of democracy and relations between the state and the citizens, underlining the need for introducing more transparent and participatory mechanisms to both involve people in decision-making processes as well as hold public officials accountable for their decisions.

This suggests that the NGO sector in Poland is mostly busy with itself, creating an isolated, self-centred system. Other themes the NGO sector deals with are connected with environmental protection that became more visible after Polish accession to EU, when issues connected with road infrastructure development emerged and entered public debates. Moreover, these new topics not only gave a new source for funding the NGO sector, but also allowed for new channels of activism, in particular connected to litigation. This reinforces Kopecky and Mudge's argument on the creation of new elites within civil society circles, with numerous consequences such as limited access to the groups and resources, for instance by activists coming from small towns (cf. Muszel & Piotrowski, 2018).

## 7. Issues within the Polish civil society

The majority of analyses of the third sector acknowledge that the

problem of the sector is the lack of openness and stagnation in some of the third sector organizations. This is indicated [...] by lack of initiatives focused on recruiting new members, lack of new members in one quarter of organizations [...], but also small changes in the leadership of the organizations. The board of directors did not change during last three years in about 50% of organizations. The scope of this stagnation leads to questions about the connectedness of the organizations with their members, or even more so with their community 'base' (Domaradzka, 2016, p. 119).

As Podemski argues in a similar way:

There are many organisations and associations that fill in both traditional and new civic fields, often the same as in countries with large civic traditions. The problem lies in the fact that, unlike those societies, they have only a personnel character and are poorly rooted in society. In the surveys they are therefore unnoticeable. However, thanks to the media, they have a much greater impact on public life than their size would indicate (Podemski, 2014, p. 107).

The reasons for that are not clear, however, Podemski points out to two factors:

[f]irst of all, the neoliberal narrative of 1989–2008 and the propaganda of economic individualism quickly displaced from public discourse the idea of civil society developed in the concept of the Self-Governing Republic of the First Congress of the Solidarity Trade Union, in the views of Jacek Kuroń and Stefan Bratkowski and in the practice of Citizens' Committees.

Secondly, grassroots civic initiatives (such as local civic movements, local media, educational associations, etc.) that emerged at the beginning of the transformation very often lost out to the state or the market (Podemski, 2014, p. 107).

While analyzing the situation of Polish civil society, Polish political scientist Radosław Markowski (2012) labelled it as an 'empty shell': as consisting of organizations that are not rooted in grassroots activism, are not backed up by social trust and are experiencing financial instability. As indicated by reports of the Klon/Jawor Association, the main income for NGOs was money from local governments and government programmes. Although raising money was indicated as the biggest problem of organizations, not many of them had ideas on how to diversify sources of income: in 2015, only less than 30% of the organizations examined by Klon/Jawor used three or more different sources of financing. Few organizations also used support from individuals. As Elżbieta Korolczuk observed:

between 2003 and 2014 the share of income from payments from private persons increased slightly (from 3% to 9%) and from transferring 1% from tax (to 5%), the percentage of income from membership fees (from 8% to 3%). In recent years, there has been a growing tendency for organizations to use mainly public, domestic and foreign funds, which in 2014 accounted for 55% of all inflows (Korolczuk, 2017, p. 6).

This backs the argument that the structure of income of the third sector in Poland is not only an explanation for its depoliticization (as mentioned often by social activists; see Piotrowski, 2015), but also makes the sector more vulnerable to political manipulation, as can be observed in the recent years.

## 8. The political shift as the changing context for Polish civil society

The increases in protests and the numbers of people participating in them are not an illusion. After the breaking point in autumn 2015 (after the electoral victory of the Law and Justice Party and the first controversial reforms of the new government), the number of protest events registered at the Warsaw City Council doubled compared to the previous year from around 50–100 per month to 180–250.<sup>4</sup> The increase in numbers of protesters on the streets corresponds with big protest campaigns between late 2015 and 2018, with protests against reform of the judicial system, schooling system, plans to restrict abortion,

harvesting trees in Białowieża national reserve and numerous other issues. Although still in power and with high support in polls, Law and Justice seemed to respond to some of the campaigns, withdrawing some of the most controversial political plans, thus reinforcing the argument of Charles Tilly on democratization and mutually binding negotiations. Examples of this include the cancelling of further restrictions on the law on abortions after the big Black Monday protests in October 2016 (see Kowalska et.al., 2019 for an overview); large-scale tree harvesting in Białowieża National Park in 2017 (however, in this case mass protests were only a peer impulse for withdrawal; environmental activists used their connections and expertise – i.e. content of transactions in the understanding of transactional activism – to induce litigation on EU level); and the Supreme Court law amended a couple of times. What is interesting is not only the scale of the protests (some of which reached up to 100,000 participants, with a huge public visibility and recognition of the main claims), but also their distribution. The Black Protests (Black Monday in 2016 and further rounds in 2017 and 2018) took place not only in large cities – the usual arena of the struggles, as was seen as one of the characteristics of Central and Eastern European social movements (Piotrowski, 2015) – but, as the webpage of one of the organizing groups states, for the Ogólnopolski Strajk Kobiet (All-Polish Womens' Strike), 90% of the protests took place in cities with less than 50,000 inhabitants (see Muszel & Piotrowski, 2018 for elaboration).

The new political context of elevated and heated political debate and deep changes within the state creates an interesting opening for grassroots activities, civil society actions, and conceptualization of these terms. This is particularly striking, as reforms introduced by the Law and Justice Party also affected one of the vital foundations of civil society in Poland, namely funding opportunities. On one hand, the National Fund for Development of Civil Society was created, collecting budgets from numerous ministries that were spent on civil society actors through a grant system and placing them into one – politically controlled – fund. While this has been heavily criticized by NGOs<sup>5</sup>, the newly invented agency has begun to function as designed. Secondly, there was an attempt to control external funding (namely Norway Grants<sup>6</sup>) and to whom it shall be given; this attempt failed to succeed, but left many NGOs uncertain of their financial resources in the future. Both controversial issues around the funding of the NGO sector can be identified as a structural challenge for the civil society organizations combined with other challenges.

There are also observable changes in the structure of the sector. As the most recent report by Klon/Jawor (2018) portrays, funding sources and percentages of use of funding for NGOs are: national public funding 65%; membership dues 63%; personal/institutional philanthropy 63%; owned assets 25%; 1% tax deduction 15%; support from other NGOs 23%; commercial/business operations 11%. When it comes to employment structure, 36% of organizations rely solely on volunteers in their operations; 37% of organizations employ at least one person (on a long term/regular basis); 27% of organizations contract a variety of work irregularly, rarely or on a one-off basis. The authors of the report also present the key challenges that stem from the research done by Klon/Jawor:

Challenges to financial sustainability have been the single biggest concern for organisations for years. However, there is a growing challenge of ensuring human capital. Non-govern-

mental organisations have suffered from not enough people committed to engage (68%), staff retention issues (52%) and leadership burnout (47%) (Charycka & Gumkowska, 2018).

## 9. New openings for the civil society sector

In recent years Poland has witnessed the emergence of new topics, as ‘demonstrations, publications and social media activity accompanying the discussions around equal rights as well as reproductive rights, mainly connected with repeating attempts to introduce more strict laws concerning abortion and in vitro’ (Domaradzka, 2016, p. 135). A newly emerging wave of the women’s movement in Poland also addresses economic issues, connecting them to gender issues, calling for better protection of workers and more friendly labour policies. There are also organizations that are more focused and specialized on particular topics, as well as providing services to more specific groups within the society, working in the areas of education, animal welfare, or helping people with disabilities.

Today, there are more and more voices saying that sticking to the principle of apolitical civil society is a mistake. Jan Mencwel from Miasto Jest Nasze association (‘the City is Ours’, an organization that deals with urban issues such as public transportation and ‘wild reprivatization’ of communal housing stock; more on the process can be found in Polanska & Piotrowski, 2015) recently argued on an online NGO portal that it is time to abandon the conviction that social and political activities are divided by a ‘distinct ethical barrier – the former is pure, spotless and selfless, while the latter is a dirty game in which it’s all about the so-called “political interest”’ (2017). In a similar vein, Agnieszka Wiśniewska (2017) pointed out that ‘the time of a civil society operating side by side, sometimes even separated from politics, is coming to an end’ because apoliticality does not fit the spirit of the times, and the ‘virtue of apoliticalness’, i.e. the principle that NGOs should avoid institutional policy, means that they do not affect reality. This proves the argument of increased politicization of the society, and – consequently – growing politicization of the civil society sector. Another observer points out the fact that:

In recent years, many publicists have been drawing attention to a certain civic awakening. After years in which mass demonstrations and protests were a rarity in our cities, in which we were reluctant to organize ourselves and spent our free time most willingly, dealing with family, home and pleasure, something has changed in us as a society, something has finally burst. There are manifestations of various things going on through big cities, and sometimes also through towns, city movements take an active part in local government elections, charities often accumulate large amounts of money and can really help those in need, and local authorities often lack the hands to handle projects submitted to a participatory budget (Gajewski, 2019).

Observing the recent changes in Polish civil society and social activism, Elżbieta Koralczuk (2017, pp. 3–4) lists three main challenges, not only to the sector of civil society but also to our understanding and conceptualizations of it, being:



- Changing the orientation of part of the third sector towards a greater commitment to current policies;
- Growing political involvement of the society, including people who have not been involved in such activities so far; and
- Attempts to enter institutional policy by activists, especially urban movements.

Korolczuk (2017, p. 4) also writes: ‘the current situation can bring good results, because it makes us finally question the fiction of the existence of civil society, which operates in isolation from politics, has no political agenda and is ideologically homogeneous.’ In previous analyses, the majority of politically-oriented actions were excluded from the civil society discourse as being actions of social movements, advocacy groups and the like. However, with the politicization of more and more areas of life and activities (such as the education system, environmental issues, and topics connected to identity), this juxtaposition fails to accurately describe the current state of affairs.

Korolczuk’s text is not only analytical, but also a kind of political manifesto. As she continues:

First of all, it is necessary to change the function of civil society, both in the sphere of imaginations as well as discourses and practices. For over 20 years, it has been pushed as a state helper [...]. In accordance with the principle of subsidiarity, as many state tasks should be carried out at the lowest level of state administration, but in practice many important tasks have been de facto pushed outside of the state, in addition mainly to do something cheaper, not better. The effect was to burden non-governmental organizations with a number of tasks that should be carried out by the health service, social welfare or education (Korolczuk, 2017, pp. 5–6).

This vision is in line with the critical analysis of Gagyi and Ivancheva, who note that ‘[b]y the early 1990s, programmes that aimed to “build civil society” through humanitarian assistance were replaced with programmes aimed at introducing market institutions that would replace the social function of the state in order to fit a more competitive model of free-market society [...]’ (Gagyi & Ivancheva, 2019, p. 59), showing the clear path-dependency of today’s discussions about civil activism. With the growing criticism towards neoliberal democracy, including by the proponents of ‘illiberal democracy’, the description of the civil society sphere as depoliticized and separated from political activism seems to be less and less valid.

As a last caesura on the development of civil society, there are tendencies to include more and more groups in the analysis of the sector. As Podemski observes:

there is a revival of the nationalist movement that is being intertwined with the supporters’ community and its leaders are giving new meanings to national anniversaries, especially the Independence Day. In both cases (the Smolensk movement, the nationalist-football fan movement), however, we are rather dealing not so much with a self-organising civil society to solve some problems, but rather to refer to the already quoted Norwid, with a rebel ‘national flag’ oriented towards the past. A similar character is also found in some collective



actions coordinated by Radio Maryja. Still more people in Poland can be mobilised to take to the streets under the national slogan *God, Honour, Homeland* than under the civic slogan *Liberté, Egalité, Fraternité* or countercultural *It is forbidden to forbid* (Podemski, 2014, p. 105).

The editors of the volume *Civil Society Revisited: Lessons from Poland* (2017) go in the same direction, incorporating more and more aspects of collective action into the narrative of civil society action, thus transforming the analytical understanding of the sector.

## 10. Conclusion

The civil society in Poland – as in other post-Soviet countries – was designed with a particular role to fulfil. It was supposed to be one of the pillars of the newly emerging democracy. Robert D. Putnam argued that non-political organizations in civil society are vital for democracy and its sustainability. They are supposed to build social capital, trust and shared values, which are transferred into the political sphere and help to hold society together. Civil society actors, by involving many people in their actions, play an informational role and also increase the trust in democracy (but not in politics) by creating a common polis (Putnam et al., 1994). Through political or non-political actions they also create a common space and responsibility for preserving the system. Over the years, the original design and function have eroded and became the source of numerous problems within the civil society sphere. As Gagyi and Ivancheva wrote: ‘[i]ts emergence and use as a paradigmatic concept for denoting civic activism and self-organization happened within a specific historical process – the so called democratic transitions – in which local institutions, organizations and movements were expected to serve the reintegration of the region into global markets’ (Gagyi & Ivancheva, 2019, pp. 55–56). The recent political shift observed in Poland and in other countries has resulted in reinvigoration of the civil society sphere, with new organizations and groups emerging and many more people becoming more and more active.

The question of linking this issue with the story of the creation of the sector after the 1989 transition remains open, and there are two parallel and possible explanations. One of them being, that the current observed and described crisis within the third sector is a result of its inherent vice linked to the context of its foundation. That is to say, professionalization is at the heart of one of the major accusations levelled at the NGO sector: that it is unrepresentative of civil society. As Cas Mudde summarizes it:

In many ways ‘uncivil movements’ [...] are more authentic representatives of civil society in post-communist Europe. Not only do they indeed fill the space between the household and the (national) state; they also play an important role in the process of democratization, be it directly or indirectly (by provoking ‘civil’ movements to respond their challenge). Moreover, unlike many prominent ‘civil’ organizations in Eastern Europe, which are elite-driven NGOs detached from society, many ‘uncivil’ organizations are true social movements, i.e. involved in grassroots supported contentious politics (Mudde, 2003, p. 164).

The dismantling of democratic institutions and the aforementioned reinvigoration of grassroots civil activism have together led to unexpected conclusions. With the growing criticisms of the civil society sector and growing presumption of its weakness, democratic institutions came to be perceived as the main pillar of democracy.

The arguments supporting this claim can be found in several areas of civil society activism and in academic discourse about it, and can be summarized in the following points:

- Civil society actors themselves – in recent years – tend to politicize their claims; this is a major change, as previously they played a much more supporting and ideologically neutral role;
- For civil society actors, historically the majority of their funds came from states, supra-national organizations (usually from the EU), but nowadays it is more ‘grassroots’ oriented, relying on benefit actions (like concerts) and raising money among participants or supporters but avoiding institutionalized actors. A huge change happened with the introduction of crowdfunding platforms, allowing organizations and networks to make themselves more independent from the state and its agencies;
- Today’s social activities are more confrontational than before and present their lists of demands, whereas NGOs often cooperate with governments and authorities, criticizing them occasionally but not getting confrontational;
- The lack of or weak collective identity of civil society actors in the past – and the fact that motivations for participation are not rooted in ideology or counterculture, but result from other reasons – is also changing. Professionalization is often one of the major accusations made against the NGO sector as being unrepresentative of the civil society.

The recent developments within the civil society sphere, with the shift towards more politicized, more confrontational campaigns together with changes in the structure of the sector and its financing, result in a new landscape of civil activities in Poland. This is not only a challenge for the sector itself, but also a challenge for academics and observers, which might lead to re-defining the conceptual borders of the term, creating a break from the previous narrative, deeply rooted in the origins of the sector in the region.

## Endnotes:

1. The term ‘third sector’ is used in contrast to the first sector (public administration) and the second (the market). It then includes all associations, organizations etc., which are also referred to by two other names: non-governmental (NGO) and non-profit (Podemski, 2014, p. 90).
2. “What is civil society?” (2004).
3. ACTA was an Anti-Counterfeiting Trade Agreement discussed in late 2010 until early 2012 that aimed at establishing international standards on intellectual property rights protection. According to its critics the Agreement posed the risk of Internet censorship, which sparked a big protest wave in late 2011 and early 2012 that was particularly intense in Poland.
4. “Zgromadzenia w Warszawie” (2017).
5. “Opinia Klon/Jawor o NCRSO. Centrum niepotrzebne” (2017).
6. “Ostry spór o 120 mln zł. Fundusze norweskie kością niezgody, negocjacje nie przyniosły rezultatów” (2018).

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