The Enemy Within

Cracks and Fractures in Poland's Governing Coalition

Pawel Marcisz

09.02.2021 doi: 10.17176/20210209-235919-0

1. Considerations on the Government of Poland

It is an oft-forgotten fact that Poland has a coalition government. And it is oft-forgotten for a good reason: the largest of the coalition partners, PiS (Law & Justice, led by Jarosław Kaczyński), carries a plurality of votes in the Parliament as well as the strongest popular support. For most of the time this allows them to suppress or ignore any dissenting voices within the coalition (called *Zjednoczona Prawica*, United Right).

There are two other governing parties: *Solidarna Polska* (Solidarity Poland), led by Zbigniew Ziobro, the Minister of Justice, and *Porozumienie* (Agreement) led by Jarosław Gowin. Solidarity Poland is the right wing of the coalition, advocating further 'reforms' of the judiciary, standing up to the European Commission, further disadvantaging the LGBTQAI communities, and the like. The Agreement is the liberal wing, which supported a compromise on the conditionality mechanism, and generally adopting a more accommodating rhetoric.

The United Right as whole has 235 in the 460-seat Sejm (the lower house). This means that the Law & Justice would not have the majority of votes without either of the minor partners. On the other hand, it seems unlikely that these partners would be able to win any seats in the general elections on their own.

2. Conflict within the coalition

The coalition arrangement causes constant tensions. The Law & Justice tries to subordinate the partners, and they struggle to differentiate themselves from their bigger brother. Most of these clashes are minor; however, in May 2020 Gowin rebelled against the Law & Justice plan to hold a mid-pandemic presidential election by postal voting. This threatened Andrzej Duda's chances for re-election, caused a crisis in the coalition and, finally, forced the Law & Justice to concede and postpone the election. Rumour has it that behind the scenes Gowin negotiated with opposition parties and they almost succeeded in gathering the votes necessary to replace the government.

The reaction from the Law & Justice came in Summer 2020, when they attempted a hostile takeover of Gowin's Agreement. They won support of Jadwiga Emiliewicz, one of the Agreement's MPs who they made a deputy prime minister. She failed, however, to sway other party members, and finally Law & Justice had to reconcile with Gowin.

3. The intrigue

It came therefore as a surprise when, few days ago, another conflict in the Agreement erupted. It has been started by Adam Bielan, a member of the Agreement but a staunch Kaczyński's supporter. He attacked Gowin on three fronts. To this end, he enjoys some support within the Agreement, most notably of Kamil Bortniczuk, MP.

First, he claimed that Gowin was not re-elected for the leader of the party at the last Agreement congress. Therefore, his term in office ended in 2018 and, according to the Agreement's charter, Bielan is the one performing leader's duties *pro tempore*. Apparently, this argument holds some water, as it indeed seems that the leader's re-election has somehow been omitted. Meanwhile, Gowin's supporters claim that his term in office has been extended till 2021 based on the rules adopted by the party to deal with the consequences with the pandemic.

Second, Bielan claimed that Gowin unlawfully appointed a number of persons to the party leadership. He challenged these appointments to the party's inter-

nal tribunal and obtained the ruling that the appointments were indeed null and void. The Agreement's managing body, however, has since cancelled the ruling and declared the tribunal itself illegitimate.

Third, Bielan accuses Gowin of renewed negotiations with the parliamentary oppositions, including a meeting with Donald Tusk in Berlin. This, though, seems more like a rhetorical device intended at weakening Gowin's standing within the right-wing electorate and in the eyes of Kaczyński, always wary of German influences.

The reaction by Gowin was swift. On 4 February Bielan was suspended as a party member and on 5 February he was expelled, together with Bortniczuk. They claim that both measures are illegal – as undertaken by unlawful authorities – and hence of no effect. Gowin's wing in the party is convinced the whole affair was orchestrated by Kaczyński, or at very least has his blessing.

4. Operetta's finale

So what will happen now? The majority of Agreement's MPs express their loyalty to Gowin and he seems to enjoy the overwhelming support of the party rank and file. It seems unlikely then that Gowin would lose his position. For the moment, he has been cut from the access to public television (tightly controlled by PiS) and in retaliation he refused to participate in the United Right board meeting. While Kaczyński is clearly trying to weaken Gowin's position, a split between the two does not seem to be an option, at least for now. Therefore, instead of any seismic change in the political landscape in Poland, we should rather expect some barely visible movements in the distribution of power between the major figures in the coalition.

As to the legal disputes in the Agreement, they will probably be resolved by the Regional Court in Warsaw, which keeps the register of political parties. It is very difficult to foresee the outcome of these cases as we do not know all the party internal documents. What is likely, however, is that any formal dispute resolution will be unable to challenge Gowin's leadership who currently seems perfectly capable to stay in power, even if this requires summoning a party congress and formally re-electing him.

ABOUT THE AUTHOR

Pawel Marcisz

Paweł Marcisz is an assistant professor at the University of Warsaw (Chair in European Law) and an attorney at law

SUGGESTED CITATION

Marcisz, Pawel: The Enemy Within: Cracks and Fractures in Poland's Governing Coalition, Verfassungsblog, 09.02.2021, doi: 10.17176/20210209-235919-0.

Licensed under CC BY-SA 4.0.

Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20210209-235919-0.