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CRISIS OF DEMOCRACY IN POLAND – DOES IT AFFECT THE SUBNATIONAL LEVELS?

ABSTRACT

Most current studies on the democratic or de-democratic changes in Europe have concentrated so far on the national level, while they are also important at the local and regional levels. The article is aimed at investigating: 1) changes going in either democratic or autocratic direction within the subnational structures in a state as well as 2) their relationship with similar processes at the central level – focusing on the impact of the national tier on lower territorial levels. The case of Poland will be studied, focusing on the years 2015–2023 (the period of Law and Justice ruling in the country) but also taking into consideration previous years to identify a possible change concerning the investigated issues taking place since 2015. The article presents a part of the research within the pilot project. It takes mainly a qualitative approach and is based on the following data sources: local media materials, data from mini survey, in-depth semi-structured interviews of sub-national politicians and national experts as well as data from focus group interviews – local journalists and NGOs members.

KEYWORDS

(de-)democratization,
democratic enclave,
local democracy,
Poland, territorial
politics

Introduction

Most studies on democratic or, in recent years, de-democratic changes have concentrated so far on the national level, while they are also important at the local and regional levels. There are just single and not necessary comprehensive studies on the relationship between the territorial levels in this regard (e.g. Obydenkova and Libman 2013; Mera 2016; Tomini and Sandri 2018; Öktem 2021; Charron, Lapuente, Bauhr, and Annoni 2022, Fidalgo 2022, Polga-Hecimovich 2022; Buzogany and Spöri 2024). The article is aimed at investigating: 1) the changes going in either democratic or autocratic direction within the local and regional structures in a state as well as 2) their relationship with the similar processes at the national (central) level – focusing on the impact of the national tier on lower territorial levels.

The case of Poland will be studied, focusing mainly on the years 2015-2023 - the period of Law and Justice (PiS) ruling in the country, but also taking into consideration previous years to identify the possible changes concerning the investigated issues taking place since 2015. This state has been selected because it is an interesting case of an EU member having three subnational levels and a combination of centralized and decentralized model of administration. The reform from 1999 introduced three subnational territorial levels - municipality – *gmina*, district – *powiat* and province – voivodeship, *województwo* and led to the development of the process of decentralization and a relatively strong territorial self-government – with a high autonomy of local and regional authorities in terms of tasks and competences but limited financial autonomy-related, for example, to the presence in the administrative model at the level of provinces of voivodeship governors – representatives of the central administration (Regulski 2003). In Poland, there are also various political profiles of local and regional authorities (including politically non-aligned persons) and models of their political relationship with the central authorities, not to mention the process of de-democratization, observable particularly in the aforementioned period 2015-2023 (e.g. Grzymała-Busse 2017; Przybylski 2018; Sadurski 2018; Zamecki, Mieńkowska-Norkiene and Szymański 2023), after the time of democratic consolidation (e.g. Bernhard 1993; Taras 1996).

Moreover, Poland is an understudied case in terms of the deterioration of democracy at subnational levels. The works on this state (sometimes in comparative perspective – covering the first of all the case of Hungary) have focused mainly on single aspects of de-democratization at local and regional territorial tiers. There are, for instance, studies on the use of incumbency advantage in subnational elections (Mazurkiewicz 2021), problems of competitiveness of elections and political pluralism at the local level (Gendźwiłł, Żółtak and Rutkowski 2015), partocracy (O'Dwyer and Stenberg 2022), clientelism (Bartnicki 2019), executive aggrandizement (Rajca 2021), deficits of social consultations (Czopek and Żoźniarczyk 2017), participatory budget (Błaszak 2019), citizens panels (Podgórska-Rykała 2024) and citizens' initiatives (Banat 2020). The exceptions of more comprehensive studies are too general and out of date (e.g. Krysiak 2014). The impact of national level on subnational democracy has not been thoroughly studied. The single texts, which have been published in recent years, are rather on recentralization, i.e. the indirect impact on local and regional democracy (Sześciło 2019; Swianiewicz 2024) or how cities react to it (Aksztejn, Hajnal, Lanckowska and Kadar 2024; Aksztejn, Mikuła and Laczkowska 2024).

The article will present the first findings of the pilot project which covers selected five voivodeships (provinces) in Poland (Lublin, Lubusz, Masovian, Silesian and Subcarpathian) and several cities within these provinces, i.e. Lublin - Lublin, Zamość, Świdnik and Chełm; Lubusz - Zielona Góra, Gorzów Wielkopolski, Nowa Sól and Słubice; Masovian Warsaw – the capital city and Radom, Płock and Otwock; Silesian - Katowice, Częstochowa, Bielsko-Biała and Gliwice; Subcarpathian - Rzeszów, Przemyśl and Sanok. The selected

provinces are representative of the whole country because they cover main models of voivodeships in terms of size and number of population, location, and historical heritage as well variability and diversity of political constellations. The project stems from a general main hypothesis that decentralization processes constitute an opportunity for subnational authorities to become more democratic but also more autocratic, as they may enhance the divergence in democracy levels between different territorial tiers of governance.

The following questions are posed in the article (also in the project): What is the state of democracy in Poland at subnational levels? Can we observe any changes in this regard, particularly after 2015? Are there any patterns between the changes towards democracy or autocracy and those in the decentralized or centralized direction? Are the decentralized territorial structures, first of all cities, “democratic enclaves” in the case of de-democratization starting at a national level? What is the impact of the national level on the democratization/de-democratization at subnational levels? What other factors could influence the state of regional/local democracy? (in particular, what is the role of regional and local factors?)

The article (as well as the whole project) is based on the theoretical framework concerning two pillars: democracy/(de-)democratization and the territorial dimension of politics. Conceptually, it goes beyond the liberal model of democracy (as some democracy indexes such as V-dem) and takes into consideration also participatory and deliberative democracy. They are partially overlapping, but they are important from the angle of analysis of local democracy, referring to different democratic activities of inhabitants at this territorial tier and relevant mechanisms of local democracy. The theoretical and conceptual framework will be discussed in more detail in the next part of the text.

The article takes mainly a qualitative approach. There is a lack of sufficient detailed data on the state of local and regional democracy; the existing indexes, e.g. V-dem democracy index, have many deficits in this regard, i.e. a limited number of items, no consistency of data and deficits concerning particular countries (McMann 2018). It is difficult to use quantitative methods for this study. For analyzing links between territorial dimension and democratization/autocratization in Poland the following sources were selected within the multi-stage research process (apart from desk research): local and regional media materials – first of all the local branches of one of the biggest newspapers in Poland *Gazeta Wyborcza* (Bielsko-Biała, Częstochowa, Gliwice, Katowice, Lublin, Płock, Radom, Rzeszów, Warsaw and Zielona Góra) but also local and regional newspapers and online portals, useful to find the detailed data about examples of deficits in operation of democratic mechanisms, data from two focus group interviews – with local journalists and NGOs members (conducted in Autumn 2022) as well as from 32 in-depth semi-structured interviews with sub-national authorities (from cities and provinces and different political parties and local committees) and experts - in November 2022-June 2024 period.

In addition, a mini survey was conducted in June 2024 as part of a broader omnibus CATI survey organized by one of the biggest public opinion companies

in Poland – the Public Opinion Research Centre (*Centrum Badania Opinii Społecznej*, CBOS). This phone survey was carried out on a representative random sample of over one thousand adults living in Poland. It included two questions: one about the perceptions of city and municipality residents on their impact on local decision-making through the mechanisms of local democracy, and another about perceived changes in this regard over the last 10 years.

At the first stage, the multistage collection of data was aimed at collecting the factual data (from local media collected in a special data basis) to be used within the next stages aimed at collecting data from different groups – observers of local/regional life as members of specific professional groups (journalists, academicians, NGO members) as well as people directly involved in the work of local/regional self-government institutions and the decision-making process (local/regional authorities and inhabitants). The idea behind it was to have a collection of different perspectives on the same issues (Gonzalez-Ocantos and Masullo 2024: 12). It is obvious that people directly involved in the work of local and regional institutions will look at certain issues in a different way (often more subjectively and less critically) than people who observe this work from outside.

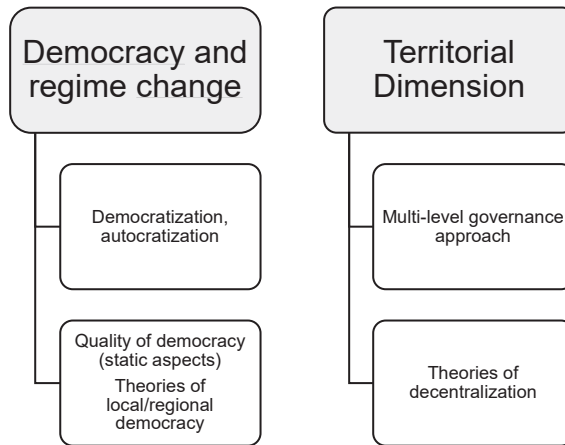
The following methods of analyzing data are used: content analysis (with the use of MAXQDA Plus software) – to find out if we can observe any non-democratic legislation and practices at subnational levels and to investigate local and regional groups' perception of the state of democracy in their cities or provinces; process-tracing of the paths through which the national level affects (directly or indirectly) the subnational structures – to investigate the causal chains leading to democratic or undemocratic changes. For the latter qualitative method a key role is played by interviews (Gonzalez-Ocantos and Masullo 2024).

The article consists of two main sections. The first is devoted to outlining the theoretical and conceptual framework of the article. In the second section, the author presents the first findings of the study.

Theoretical and Conceptual Framework

Two-pillar Theoretical Framework

The theoretical framework of the study is based on two main pillars. The first one refers to democracy and changes of political regimes (approaches to democratization/de-democratization and more static issues of the quality of democracy and local democracy), the second one – to territorial politics, accounting for multilevel governance as well as theories of decentralization (see Figure 1 below).

Figure 1: Two-pillar theoretical framework

Source: The author's work.

Middle-range theories of democratization, especially the concepts of consolidation of democracy (Linz and Stepan 1996) and the quality of democracy (Morlino 2011), can be used to study de-democratization changes at the national and subnational levels, provided that they are accompanied by the use of local democracy theories that take into account the specificities of democracy at these levels, e.g. specific forms and mechanisms of direct democracy (Hendriks et al. 2010) and such concepts as the aforementioned “democratic enclave”, which is useful to investigate the state of democracy at the subnational levels in the situation of democratic backsliding at the national level. The concept was developed, for example, by Gilley who defined it broadly as “an institution of the state or a well-defined regulatory space in society where the authoritarian regime’s writ is substantively limited and is replaced by an adherence to recognizably democratic norms and procedures.” (Gilley 2010: 390) We limit its meaning to territorial units – cities in particular and apply to de-democratizing political systems rather than authoritarian regimes, which was the main area of research by Gilley.

However, these theoretical approaches cannot provide a sufficient theoretical framework for analyzing democratization and de-democratization at subnational levels. They must be linked to approaches that also make it possible to study the interactions and links between the national, regional and local levels – in order to check whether, in the context of democratization or de-democratization, there is an impact of these processes at one level on their development at another level. For instance, it is important to analyze the impact of such important political phenomena at the national level as politicization, partocracy, corruption or clientelism on the local or regional level.

Governance theories (limited to structural aspects) may be a starting point in this context. They enable the presentation of a network of connections

between different actors at the national, regional and local levels. Multi-level governance must be mentioned in this regard (Kohler-Koch and Larat 2009; Piattoni 2010). The theoretical framework for analyzing democratization and de-democratization at subnational levels should also include more specific approaches in order to analyze a very important democratic relationship between central and local/regional authorities – primarily from the point of view of the separation of powers and competences. In this connection, there are very useful theories of decentralization, including its conceptualization, causes, effects and the relationship with democracy and (de-) democratization (Saito 2001; Falleti 2014; Antwi-Boasiako and Csanyi 2015; Mbate 2017; Kuhlmann, Wollman and Reiter 2025). They cover both the processes of decentralization and recentralization – important for the main research question.

A summary of the usefulness of the components of the adopted theoretical framework is provided in Table 1 below.

Table 1 – Usefulness of components of the theoretical framework in brief

Research agenda	Useful in investigating
Democratization and de-democratization	Dynamic change
Quality of democracy Local democracy	Static dimension + regime dimensions More static approach – components and mechanisms of local democracy; concepts such as “democratic enclave”
Multilevel-governance approach	Relations between different national, regional and local actors and institutions – structural (i.e. not functional) aspect
Theories of decentralization	Causes, modalities, and consequences of the process of decentralization (and re-centralization)

Source: The author's work.

Two-stage Conceptualization

The conceptual framework worked out within the study consists of two main components, being a result of the two stages of conceptualization (Jaakkola 2020). The first one is the identification of models of democracy and their main elements. The second component is a set of items that can be studied on different levels – from national to local, while investigating democratization and de-democratization.

In order to analyze democratization and de-democratization trends in a multi-level democracy, it is first necessary to precisely define what kind of democracy we mean and identify the models of democracy that will come into play, along with their basic elements.

Firstly, *electoral democracy* and *liberal democracy* – the two main components of the V-dem liberal democracy index – should be taken into consideration. Electoral democracy is identical with Robert Dahl's polyarchy (Dahl

2000) and includes such elements as: elected representatives, fair and competitive elections; freedom of speech and freedom of the media as well as freedom of association. In order to talk about liberal democracy, such issues should be added to the list as guaranteeing the rights of individuals and minorities, ensuring the rule of law, the functioning of the checks and balances mechanisms, first of all to control the executive power, and ensuring the independence and impartiality of the public administration (Antoszewski 2016).

However, in order to investigate democratization and de-democratization at the subnational levels, two other models must be taken into consideration. As mentioned in the Introduction, they are partially overlapping with the model of liberal democracy, but they enable a researcher to distinguish between particular democratic activities at the subnational levels – related to participation and deliberation as well as to relevant democratic mechanisms. As a result, they help to assess more precisely the state of local and regional democracy. It has been recognized by some democracy indexes, such as V-dem Institute's indexes. The first one is *participatory democracy*, reflected among others in the V-dem participatory democracy index (Uziębło 2009). It includes such important elements as: functioning of direct democracy mechanisms – referendums, functioning of semi-indirect democracy mechanisms – citizens' legislative initiative, right to petition, public hearings (as well as elements specific to subnational levels – e.g. participatory budgets and panels), participation and representation of citizens in local and regional authorities; taking part in civil society organizations.

The second important model of democracy which should be taken into consideration is *deliberative democracy*, reflected among others by the V-dem deliberative democracy index (Bachtiger et al. 2018). It covers such issues as the presence of citizens in decision-making processes and public management, mechanisms and forums of dialogue, consultation mechanisms and institutions (e.g. youth, women or senior councils) as well as forms of e-democracy.

After identifying the models of democracy and indicating the elements in these models, which is important from the point of view of the main research questions, it is necessary to reflect on the elements within these models that can be subjected to de-democratization not only at the central level, but also at the subnational levels in Poland (taking into consideration some differences at these levels).

When it comes to electoral democracy, while investigating democratization and de-democratization in terms of elections at the national and subnational levels (Johansson, Ronblömm and Öjehag-Pettersson 2021) - taking into consideration the differences between these levels, such as different parties holding power as well as more non-affiliated candidates and local electoral committees at the subnational levels (Gendźwiłł, Żółtak i Rutkowski 2015), the elements to be investigated are particularly: integrity and competitiveness of elections, including the questions of presence of electoral malpractices, using incumbent advantage by governing parties and authorities or role of clientelism in elections (Gendźwiłł 2020).

And in the case of freedom of speech, the focus must be on the operation of local and regional media, i.e. if we observe media bias and their excessive politicization/partisanship (influence of parties and local/regional authorities), restriction of media pluralism, censorship/self-censorship, fake news and hate speech, use of regional and local media by local politicians to develop populist rhetoric (Krysiak 2014). As far as the freedom of association is concerned, the following questions must be posed: Are pluralism and the activity of political groups or civil society organizations restricted by local and regional authorities? Do NGOs have the equal support of these authorities? How is the party system shaped? - whether we are dealing with its increasing concentration or even domination of some parties; whether the ruling party at the national level, also in power at the subnational levels, does not apply similar (legal) measures limiting the ability of opposition parties to act at the national level (e.g. limiting the possibility of debating, proposing legislation or taking part in decision-making) (Jakli and Stenberg 2020).

In the case of ensuring freedoms of citizens and rights of minorities, researchers investigating the model of liberal democracy (Tomini and Sandri 2018) must ask whether at regional and local levels the exercise of civil rights and freedoms is increasingly restricted and whether there is a growing intensity of activities of state and local authorities raising doubts in terms of respecting the rights of minorities – religious, ethnic or LGBT+.

While investigating the question of rule of law, it is important to ask whether decision-making and adopting regulations are based on legal provisions and are consistent with the constitution and laws; whether we are dealing with an increasing number of cases of illegality or doubts in this matter; whether the transparency of the decision-making process is not decreasing; whether the number and scope of consultations with relevant regional and local institutions is not decreasing; whether practices from the national level (night sessions, etc.) are not duplicated at subnational levels; whether the problem of acting in accordance with the law of regional and local authorities and being responsible for its violation is intensified.

The checks and balances system is analyzed in terms of democratization/de-democratization by asking whether decision-making (legislative) and controlling bodies at subnational levels retain their position, competences and tools vis-à-vis the local and regional executive bodies; what is the position of decision-making and controlling bodies of local/regional government in relation to state administration bodies (provincial governors in Poland); whether mechanisms and institutions of control over the executive, including media, courts and civil society organizations, are not undermined; whether the problem of accountability (political and legal) for the actions of regional and local authorities is growing (Krysiak 2014).

In the case of the last component of the liberal model of democracy, i.e. ensuring transparent, citizen-friendly, independent and impartial administration researchers ask questions about growing problems in maintaining the so-called good administration and in enabling wide access to public information as well

as in ensuring the impartiality of local government administration bodies (lack of political or party influence) and independence from state administration bodies (Grzyb and Gendźwiłł 2019). They also investigate the development of clientelistic structures and nepotism in this regard (Krysiak 2041).

Since participatory and deliberative democracies are taken into consideration, elements of these models should be also the research subject in the context of democratization/de-democratization, recognizing at the same time the relatively early stage of consolidation of local democracy in Poland.

In the case of the former model, researchers investigate first of all the functioning of the mechanisms of direct and semi-indirect democracy and ask whether they are not limited (if they have existed so far); whether the importance of such instruments of citizen participation as participatory budgets is not weakened, e.g. through politicization, partisanship and excessive influence of the political authorities; whether the actual functioning is not replaced by a fake one as a result of the use of slogans of reinforcement of direct democracy by populist political forces (Paxton 2020). Moreover, they analyze other forms of citizens participation, in order to find out whether the participation of citizens in different types of civil society organizations and partnerships is decreasing.

The analysis of deliberative democracy at subnational levels in Poland requires, in turn, posing questions about the presence of social consultation mechanisms in decision-making processes and public management, i.e. whether there are growing problems of local government units in fulfilling obligatory consultations, whether optional public consultations on important issues (concerning local laws, financial matters, investment and infrastructure projects, etc.) are not limited; whether certain groups of residents are not omitted from public consultations; whether consultations are becoming more and more superficial and ostensible (Czopek and Żołnierczyk 2017).

Preliminary Findings

After the desk research as well as after the advanced phase of local/regional media analysis, focus group interviews with local journalists and NGOs representatives, in-depth interviews and mini-survey, several important preliminary findings can be presented in this part of the article.

The main observation is that there are problems with respecting the relevant models of electoral, liberal, participatory and deliberative democracy at the local and regional level in Poland. These problems are an outcome of both not sufficiently high quality of Polish local/regional democracy – both before and after 2015 (but with increasing improvement in the case of large cities) and de-democratic changes at the national level after 2015, which strengthened many undemocratic tendencies at the subnational levels.

The democratic deficits at the level of the Polish cities and provinces were observed before 2015, i.e. before Law and Justice (PiS) won presidential and parliamentary elections. It shows that irrespective of the party holding power

at the central level (Civil Platform – PO, since 2018 running as Civic Coalition – KO or PiS), there are problems with local/regional democracy which is still at not sufficiently advanced stage of democratic consolidation. However, many undemocratic tendencies at the subnational levels in Poland, having their source at the national level, have been developed since 2015. The following parts, based mainly (but not only) on the investigation of the local territorial level (the level of provinces was still investigated at the stage of writing of this article), will present arguments to support these observations. Since the preliminary findings will be outlined, not all detailed items of the previously discussed conceptual framework will be addressed. The presented items will serve rather as examples of observed phenomena and processes.

Unconsolidated Local Democracy

Many components of the aforementioned four models of democracy look quite often even worse in terms of quality of democracy at the subnational levels than at the central level, including the period of Law and Justice ruling after 2015. It makes it sometimes difficult to find out which territorial levels influence mutually one another within multilevel governance in terms of de-democratization and who is copying whose undemocratic measures.

The unconsolidated local democracy is noticeable both before and after 2015. However, we see the difference between large cities (in which the state of local democracy is improving – also according to interviewed local authorities, irrespective of political affiliation) and medium/small towns, determined to a large extent by legal obligations for big cities to organize such democratic mechanisms as e.g. participatory budgets. The amendments to the self-government laws introduced by the Act of 11 January 2018 established an obligation for all cities with district rights to implement a participatory budget as part of the city budget, amounting to a minimum of 0.5% of the expenditure reported in the most recent financial statement (Kancelaria Sejmu 2018).

Firstly, while the problem with competitiveness of elections emerged at the central level several years ago (see first of all the 2020 presidential elections), it has been clearly seen for many years at the subnational levels. When it comes to small towns and local communities (villages), there is often no other candidate for the elected posts (Gendźwiłł, Żółtak and Rutkowski 2015). The situation looks better in bigger towns and cities, but the problem here boils down to limited competition on equal foot (present also in smaller towns). The heads of local executives there – mayors or presidents (the latter in cities usually with more than 50,000 inhabitants) use the so-called incumbency advantage (Schedler 2002) and many resources are just at their disposal: their offices – all official events and ceremonies, e.g. opening a new football stadium, are used for electoral purposes, money – public (related to the office) and private – coming from the local business, spent for buying votes in different forms, human resources (use of administration and council members), knowledge of new planned investments not available to other candidates, a huge PR machine and media (very

often local authorities have their own free of charge media, published by town halls, e.g. in Zielona Góra or Bielsko-Biała) (Transcript of FGI I 2022a). In the last case, they began to use also the social media – many local authorities hire a team of Internet trolls to use new media for their own advantage (Turska-Kawa and Wojtasik 2020; Mazurkiewicz 2021). Furthermore, the incumbency advantage is exercised by the incumbents from the central level to support local or regional candidates. Although this occurred under all governments between till 2023, the PiS rule from 2015 to 2023 was often described as more “pushy” in terms of the use of non-democratic methods, as one local journalist put it (Transcript of FGI I 2022a). For instance, during the early presidential election in Rzeszów in 2021, public funds from special central government programmes were used for campaign purposes while central government ministers provided direct support. One journalist described these malpractices as follows: “Mrs. Ewa Leniart, who was a candidate for president [in Rzeszów], was also the voivode of the Subcarpathian voivodeship at the time. She could count on the support of government ministers, the prime minister and Kaczyński, and these promises [for example cheques] were flying like crazy in our country. Minister Warchoł did not even need to bring his colleagues with him, because he could bring money from the Justice Fund himself.” (Transcript of FGI I 2022a)

Sometimes, in the case of big cities, the advantage is used by big parties – at the cost of smaller competitors (including the capital city – Warsaw), showing that although the quality of democracy seems to look better there than in smaller towns, large cities have their own problems – in this case related to the democratic deficits present at the national level, i.e. politicization, partocracy and political polarization (Transcript of in-depth interview no. 11 2024a). It is often supported by legal regulations. As one of the capital city’s authorities said with reference to the electoral law, “as a result of the fact that almost everywhere in local elections we have five-mandate constituencies, in fact in most places mainly PiS and the Platform are represented, which greatly distorts the overview, I would say, of our society.” (Transcript of in-depth interview no. 13 2024b) A similar situation is often observable at the level of provinces, at which the impact of political parties and their central structures is much stronger than at the local level, leading to the use of resources from the central level, particularly by incumbents to support the election campaigns in provinces.

Thus, we observe an uneven playing field in local/regional elections, possible also due to the long term development of clientelistic networks (e.g. Aspinnall and Berenschot 2023), being another component even more conspicuous at subnational levels than at the national level. These clientelistic networks work not only in the triangle politics-media-business (in this case the local developers play a leading role at the subnational level) but cover the whole territorial communities – people receive posts or good jobs for no criticism in the election campaign and voting in elections for a particular candidate (Transcript of FGI II 2022b).

Another field in which democracy looks often even worse at subnational levels than in the center is the executive aggrandizement (Bermeo 2016), first

of all reflected in the excessive strengthening of the executive power, for example, at the cost of the legislative power, leading to the weakening of the checks and balance system and control over the executive. While its development can be observed at the national level since 2015, it has been present also at the subnational levels – as a result of the long-term process of strengthening of the local and regional executives.

The introduction of direct elections of village and town mayors as well as presidents in 2002 belonged to the pro-democratic reforms of local government conducted in Poland (Regulski 2003). However, at the same time, it enabled to build the dominating position of the village and town mayors as well as presidents, including different resources at their disposal. Even though the heads of executives at the level of districts and provinces (in Polish *starosta* and *marszałek* respectively) were not elected directly by citizens (it is so till today), they also were able to play a key role in the decision-making process. It happened first of all at the cost of councils, which often became useful instruments in the hands of executive bodies (e.g. Rajca 2021).

The “power of majority” (one of the interviewed journalists called it “majority violence”) is clearly reflected when heads of local and regional executives have the majority in the legislative bodies (Transcript of FGI I 2022a). The work of the latter is then often limited to acceptance of new laws proposed by the executive, with limited discussion. The legislative process leaves also a lot to be desired – draft laws are often not available to council members or changed half an hour before the session. Particularly at the local level, it happens that members of councils are treated instrumentally by heads of executives, receiving many benefits (money, posts in local companies) for absolute subordination. The control function of councils is limited to several instruments (related to the control of finances and activities of executives in a particular year). As a local journalist said, “in fact the power is held by one person, and three times a year councillors vote on important matters.” (Transcript of FGI I 2022a) There are audit committees chaired by representatives of the opposition, but they do not play any role due to the fact that the majority of members of these committees belong to the incumbents. The oppositional political forces in the legislative bodies have then often a weak position (Transcript of in-depth interview no. 10 2023g). They participate in discussions but with a limited impact on the final version of legal acts. Moreover, their draft regulations are often rejected by the majority and, interestingly, sometimes adopted later as proposals of the governing majority and the heads of executives (Transcript of FGI I 2022a). There are some exceptions in this regard, e.g. in the Subcarpathian voivodeship. For instance, in Sanok, it was also possible for the opposition to reach consensus with the committees forming the majority, as their representatives did not always support the mayor’s initiatives (Transcript of in-depth interview no. 7 2023e). In the Subcarpathian *Sejmik*, everything depended on the mobilization of opposition councillors – it was sometimes possible to push through specific issues, such as the project for a road leading to the airport (Transcript of in-depth interview no. 8 2023f).

Even in the situation of lack of having a majority in the council by a head of executive, the council control function is limited, even though it has some impact on the executive's local or regional policy, depending also on the will to reach some consensus between the executive and the council (there are also cases of presence of consensual culture, e.g. in Rzeszów in Subcarpathian province or Otwock in Masovian province) (Transcript of in-depth interview no. 5 2023c).

Law and Justice Contribution

However, the intensification of undemocratic tendencies at subnational levels took place in Poland in 2015–2023 and was observed in two dimensions. On the one hand, there were de-democratization symptoms related to the central United Right's (PiS and much smaller coalition parties) government activities towards local and regional governments limiting the fruits of de-centralization. On the other hand, we could clearly notice the indirect process of "copying" undemocratic changes from the national level to subnational levels after 2015.

In 2015–2023, the central governments were trying to reverse the process of decentralization (Sześciło 2018; 2019). We can talk about the "creeping re-centralization" in this period (Skorut and Stawarz 2020: 49) – the process either not recognized or justified with unconvincing arguments such as security by the PiS local and regional authorities (Transcript of in-depth interview no. 6 2023d). It was reflected in limiting competences of local and regional governments which were taken over by either central authorities or central administration bodies in provinces (voivodeships) – e.g. strengthening chief education officers, taking over jurisdiction over some places in cities (such as Piłsudski Square in Warsaw) or deciding about fares for water and sewage disposal; limiting financial resources and competences for their distribution (also EU funds) of the local and regional authorities as well as "multilevel clientelism" – limiting expenditure autonomy of self-government and arbitrary transfer of money from the central budget, mainly to the regions, cities and municipalities ruled by PiS (Flis and Swianiewicz 2022). At the same time the central government was giving new tasks to local and regional authorities, which, if could not be fulfilled, were a fertile breeding ground for discrediting the institution of self-government (important element of checks and balances system) – particularly in the situation when it criticized the governing party or acted against the central government's interests (Transcript of in-depth interview no. 3 2023a).

The process of indirect "copying" de-democratic changes took place at subnational levels very often in territorial units, in which PiS held power in the local or regional bodies or has substantial influence on these units, e.g. representatives of central administration (voivodes) being very often in conflict with local or regional self-government authorities belonging both to oppositional parties or non-affiliated politicians representing local electoral committees and governing party (Transcript of in-depth interview no. 6 2023d) or ignoring these authorities, e.g. not attending the sessions of bodies after invitation;

prosecutors being under the control of the Chief Prosecutor Zbigniew Ziobro, at the same time Minister of Justice; the police; conservative organizations and the local Catholic Church priests; regional branches of the TVP public television and media under the control of the governing party (thanks to purchasing in 2021 by the Polish state-run oil company, PKN *Orlen* the *Polska Press* media organization) (Szacki 2021).

This “copying” concerned many components of the liberal model of democracy and was reflected mainly in limiting the rights and freedoms of individuals, certain social groups and minorities. There were many examples in this regard often presented broadly in media, e.g. limiting the freedom of speech through censorship (e.g. banning cultural events or dismissing persons responsible for their organization) or freedom of media (critical journalists were ignored by local authorities, accused of hate speech or had court cases for defamation) (Karpieszuk 2022; Transcript of FGI II 2022b). Very often the rights of LGBT+ communities were not respected – they did not receive from local authorities any financial support (only patronage for their events was possible) and had difficulties with their organization (e.g. equality parades) because the local authorities did not share their beliefs. Some regions and municipalities were officially declared LGBT+-free zones to counteract the spread of “LGBT+ ideology”. Although many councils called it off, they did it not because of respect for democracy but being afraid of losing EU funds (e.g. Skomra 2023). Persons belonging to women’s organizations also had difficulties to act, being accused of spreading the “gender ideology”. For instance, their right to protest was limited – when they organized some protests in front of PiS local offices, they had problems with police and courts cases were opened against them (Sulowski 2021). Generally, some basic civic rights of inhabitants were limited, e.g. the right to public information, the right to take part in sessions of local or regional councils (Transcript of FGI II 2022b).

However, no matter if PiS, Civic Platform/Coalition, the Left or (theoretically) non-affiliated representatives held power in particular regions or local communities – a similar type of democratic deficit could be often observed before and after 2015. The difference between PiS and other parties was in the scope of undemocratic changes and how conspicuous they were. Law and Justice took over many provinces in 2018. Particularly from that time the non-democratic activities of PiS were more aggressive (as one of interviewed local journalists put it) (Transcript of FGI I 2022a). It was reflected in different areas of local democratic life. For instance, according to Warsaw councillors, PiS adopted an increasingly aggressive and polarizing style of debate in the city council after 2015. One of them (not from PO/KO) highlighted the “degradation of language, degradation of political culture, a full infection with the virus of a certain political populism.” (Transcript of in-depth interview no. 13 2024b) However, where the Civic Platform/Coalition or other political forces officials who were in the opposition at the central level till December 2023, held power at the local or regional level (including the capital city), they were taking quite often similar non-democratic measures reflecting first of all politicization,

partocracy, nepotism and clientelism at the subnational levels. This point of view was shared by the representatives of local journalists and NGOs within the focus group interviews (Transcript of FGI I 2022a; Transcript of FGI II 2022b) but, obviously, not necessary by local authorities during the in-depth interviews (e.g. Transcript of in-depth interview no. 3 2023a). The latter group representing till December 2023 the oppositional parties at the national level usually did not recognize the aforementioned deficits of local democracy before 2015 (interviewed persons from PiS in turn did not see the key deficits after this year; Transcript of in-depth interview no. 5 2023b).

Cities as “Democratic Enclaves” or Examples of “Sham Democracy”?

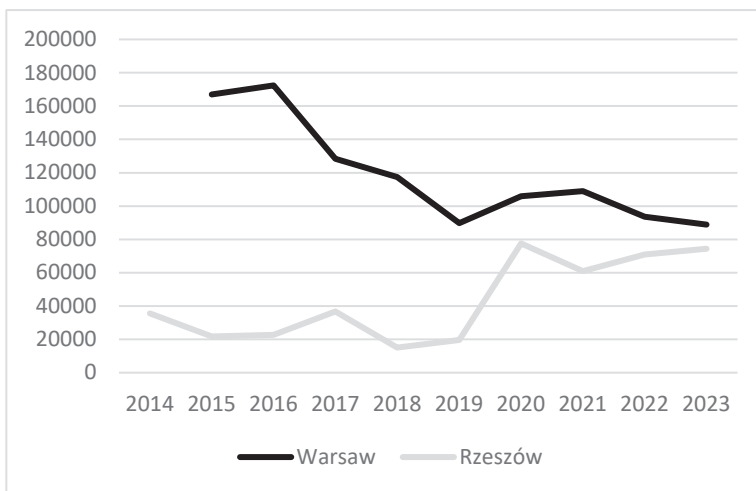
At the same time, at certain levels – first of all in big cities (in the analyzed provinces, e.g. in Warsaw, Lublin or Rzeszów) – attempts to consolidate the “democratic enclaves” (Gilley 2010) have been made. It refers to cities with presidents in opposition to PiS (from oppositional parties or local electoral committees – until 2023). A very good example is Rzeszów in the Subcarpathian Voivodeship (ruled by PiS) in southeastern Poland. Konrad Fijołek has been the President there since 2021 – local politician, representative of local committee “Development of Rzeszów 2.0” but supported in early elections by many oppositional parties. He was behind the project of smart city in Rzeszów beforehand. After the elections, he kept the promise to develop participatory and deliberative democracy mechanisms. He developed the institution of participatory budgets, social consultations, councils with representatives of citizens (e.g. women council) and the so-called urban lab to discuss important city issues with inhabitants. He was organizing outdoor meetings and city walks. He also strengthened communication with citizens in social media (first of all Facebook) and elements of e-democracy (Transcript of in-depth interview no. 4 2023b).

On the other hand, the citizens themselves – individually and as members of local organizations, city movements and media – show that the consolidation of local democracy in Rzeszów is in progress. The number of groups active in public life is increasing (e.g. youth). Certain NGOs are increasingly influential, e.g. ecological organizations (Transcript of FGI II 2022b). Citizens and local activists are taking part in protests against the de-democratization tendencies – in Poland but also abroad. The same can be said about other analyzed cities such as Warsaw, Płock or to some extent Lublin (e.g. Diduszko-Zyglewska 2017).

However, a closer look at the present mechanisms of local democracy in these cities allows us to take a more critical approach. There are still some democratic deficits that justify the claim expressed by many interviewed local journalists or NGOs members that actually “sham democracy” has been developed at the level of cities (Transcript of FGI I 2022a; Transcript of FGI II 2022b). The mechanisms of participatory or deliberative democracy have been developed, but they are often ostensible and ineffective (i.e. do not give the city residents a real power).

The participatory budgets do not work properly. They are bureaucratized, schematic (similar type of projects were proposed in subsequent editions) and politicized, serving the interests of parties and local authorities - they are used for implementation of their statutory tasks (Transcript of in-depth interview no. 11 2024a; Błaszak 2019). We can also observe the “participation fatigue” – there are often fewer applications and voters in subsequent years. However, there are also opposite examples. For instance, while in Warsaw fewer and fewer inhabitants voted for the participatory budget projects (with the exception of 2019-2021), in Rzeszów, an increasing number of people were active in this regard (with the exception of 2020 - the COVID-19 year). The figure below shows this clearly.

Figure 2: The number of votes for participatory budget projects in Warsaw and Rzeszów



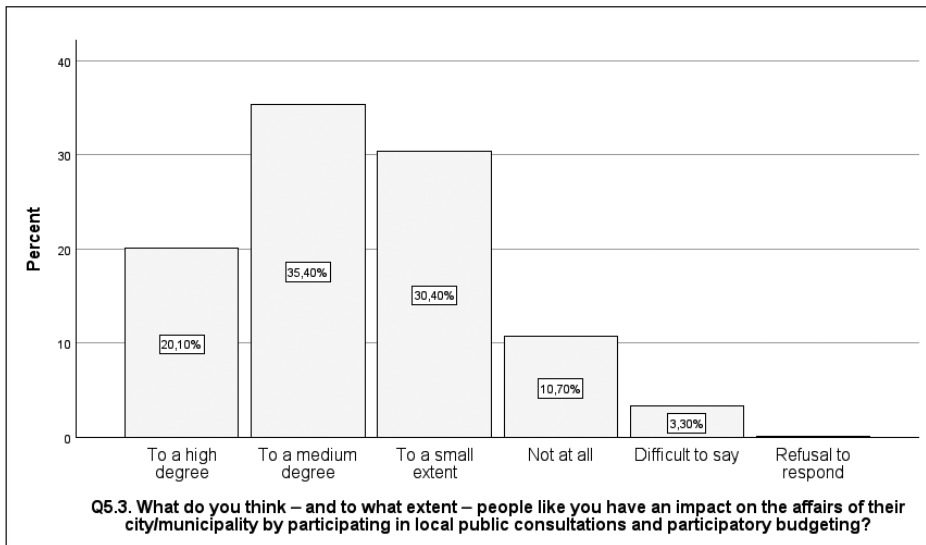
Source: <https://um.warszawa.pl/waw/bo/popzednie-edycje>;
<https://erzeszow.pl/pl/3108-rbo/78599-wyniki-popzednich-edycji.html>

This fatigue also concerns social consultations. They have been in most cases significantly developed. Long experience seems to have in this regard e.g. Warsaw. In the capital city a rising number of consultation mechanisms in different form - online and paper surveys, consultation online and on-site meetings or workshops and e.g. “consultation walks” – took place. The city inhabitants are asked about various initiatives, projects and investments of local authorities – from single streets or parks to big investments (such as a new metro line) and general city plans (e.g. Bartnicka 2017). However, there is less and less interest in consultations, which is affected by the approach of local authorities who often treat them as an unpleasant obligation required by regulations, the PR tool or way to delay a decision on a particular issue (Transcript of in-depth interview no. 13 2024b). According to the laws on self-government in

municipalities (1990), districts and voivodeships (1998), the local and regional authorities can organize consultations with citizens in the cases provided for in the law or on issues important for local/regional communities. In the former case, the consultations are often obligatory, e.g. with reference to area development plans, investments in sectors impacting the environment or projects of development strategy (Regulski 2003).

It happens that there is a lack of sufficient information on consultations or their duration is limited. The way of conducting consultations also leaves a lot to be desired. They are often limited to a collection of questions and then very selective replies (Transcript of FGI II 2022b). Sometimes, there is no discussion at all within these consultations – citizens just write questions. Moreover, they are often not effective – people are not heard by local authorities. The latter often think that they know better. For instance, the Warsaw authorities organize consultations at different levels but later implement their own projects – as in the case of Krasiński Garden or one of the fitness area projects in the Wola quarter (Żelazowska 2013). It is not surprising then that in the mini-survey conducted for the presented project by CBOS in June 2024 just 20.1% of respondents see both participatory budgeting and public consultations as mechanisms giving them “to a large extent” a real power in their cities or municipalities (see Figure 3 below). However, sometimes the position of local authorities is justified by a low quality of opinions and proposals being often unfeasible or irrational (Transcript of in-depth interview no. 3 2023a).

Figure 3: Attitudes of Poles towards public consultations and participatory budgeting in their cities/municipalities in 2024 (sense of impact)



Source: CBOS omnibus survey, CATI (N=1000), 24 June 2024.

The investigation of work of the local authorities in cities, based on interviews and media analysis, reveals also that there is a problem with obtaining the necessary information by citizens but also journalists from the city bodies. Petitions are often ignored (but, as mentioned above, this approach is often justified by their low quality) (Transcript of FGI II 2022b). Urban movements compete for funding and are transformed from citizens movements to corporate groups. The work of different local NGOs is not hindered by the local authorities, but they either do not support these organizations or the support is limited to such issues as patronage over events. The exception is the situation where a particular organization is very popular in a local community. However, there is often no assistance which would make, e.g., the equality organizations more effective (particularly when local authorities do not share the ideas of these NGOs or the latter are critical of the authorities). The situation concerning unequal treatment of NGOs by local authorities was summarized well by a member of one of Rzeszów's city movements. He said that "the city treats social and civic organizations as one in the food chain, there are institutions and movements that are more important, which the city supports, and we are one of them only if there is something left, then we will get it." (Transcript of FGI II 2022b) Last but not least – although local councils gathering different groups of inhabitants have been developed in recent years (e.g. youth, senior or women councils, with many deficits concerning particularly the last group), some of them have difficulties to work regularly (e.g. housing estate councils) (Transcript of FGI I 2022a; Transcript of FGI II 2022b).

Conclusion

Even this preliminary research proves that the key question of the relationship between democratic and undemocratic changes at the national level and subnational levels in Poland is very complex. The answers to all questions posed in the Introduction are difficult and can be at best considered implicit. Already, this early stage of the research verifies negatively some initial assumptions about the state of multilevel democracy in Poland, made in the preparatory phase of the project. Although the year 2015 was without any doubt crucial for the undemocratic changes at subnational levels in the next years, taking over power by PiS is not the only explanatory factor of these changes. Similar (not necessarily the same) practices often observed in the case of other political parties holding power at subnational levels force us to consider also the state of local and regional democracy in the whole analyzed period. Identifying alternative explanations (here: other than the impact of national changes) is necessary to fulfil the requirements of correct process-tracing, one of the main research methods employed in this study (Bennet and Checkel 2015).

In consequence, we should be cautious about firm claims concerning the impact of one territorial level on the other in terms of de-democratization in Poland. The same appeal refers to the identification of local territorial units as

“democratic enclaves”, even if local authorities coming from oppositional parties at the national level do not have doubts about this role played by their cities.

However, further studies are needed to draw concrete and more decisive conclusions in this regard. The answers to the posed research questions require, obviously, a continuation of the project, i.e. a thorough analysis of all collected data.

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Adam Šimanski

Kriza demokratije u Poljskoj—da li ona utiče na subnacionalne nivoe?

Apstrakt

Većina aktuelnih istraživanja o demokratskim i de-demokratskim promenama u Evropi do sada se fokusirala na nacionalni nivo, iako su ovi procesi važni i na lokalnom i na regionalnom nivou. Cilj ovog članka je da ispita: 1) promene koje se dešavaju u demokratskom ili autokratskom pravcu unutar subnacionalnih struktura u jednoj državi, kao i 2) njihov odnos sa sličnim procesima na centralnom nivou – sa fokusom na uticaj nacionalnog nivoa na niže teritorijalne nivoe. Analiziran je slučaj Poljske, sa fokusom na period od 2015. do 2023. godine (period vlasti partije Pravo i pravda), ali se uzimaju u obzir i prethodne godine kako bi se identifikovale moguće promene u vezi sa pitanjima ovog istraživanja, a koje se događaju od 2015. godine.

Članak predstavlja deo istraživanja sprovedenog u okviru pilot projekta. Pretežno koristi kvalitativni pristup i zasnovan je na sledećim izvorima podataka: materijalima lokalnih medija, podacima iz dubinskih polustrukturiranih intervju sa subnacionalnim političarima i nacionalnim ekspertima, kao i podacima iz intervju u fokus grupama sa lokalnim novinarima i članovima nevladinih organizacija.

Ključne reči: (de-)demokratizacija, demokratska enklava, lokalna demokratija, Poljska, teritorijalna politika