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Ordo Iuris of Neoliberalism in Poland – Controversies or Solutions to the Challenges of Modernity

ABSTRACT

An attempt of explaining the formulation of laws as a mechanism for shaping social relations in Poland are presented in the paper.

The causes of divisions to liberal and civic (social) Poland are revealed, indicating that politics can divide people into groups according to the ideology based on tradition and modernity.

KEYWORDS: neoliberalism, social relationships, paradigm of unity, politics, Poland.

INTRODUCTION

Contemporary times are distinguished by the abrupt transformations in the social, political, economic and cultural sphere. They have a global dimension. New standards are being spread and promoted without encountering any kind of social, democratic or ethical resistance.

The ongoing processes lead to the development of a new paradigm, so called holistic process, that is the transformation

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of a great unity into a new quality. The pursuit of an endorsed cultural revolution is supported by the revolution of rights based on a recent conception of social order (ordo), often isolated from specific and objective reality.

The transition from existing to contemporary age is accompanied by consensus building which is a complex and multistage process. The global-ranged transition has turned into a technique of social engineering. The social engineering enables two paths: one of them is adaptive, which in view of the powerlessness and the invalidity of introducing normative orders, accepts to exist in a badly appointed world. The other path is contestatory and leads to radical protests, at the same time recognizing the impossibility of recovery. In the contemporary Polish society all the efforts are aimed at providing material living conditions, and that is the reason why social engineering is based on economic and national politics.

This type of politics is dominated by the subordination of respective countries to the international norms and regulations, parties which are distinct from social realities of member states. Therefore, the aim of the article is to present the mechanisms of defining social, economic and political (cultural) relations by the law (act) as a state institution, for the law creates a specific kind of social ties between the citizens and the authorities.

FACTORS THAT INFLUENCE THE LEGISLATION
OF A LIBERAL COUNTRY

The key factor in creating the new state laws was the ordo-liberal conception of politics of shaping socio-economic order, based on the functioning of free market, which fosters the implementation of social interests according to a liberal country. According to this conception, free market contributes to changes, entrepreneurship and efficiency, both on a microeconomic and macroeconomic

level. Neoliberals in Poland have been defending the thesis that society must be subjugated to the imposed established laws, otherwise it "might be at risk" (Mises 2005).

According to the liberal laissez-faire doctrine, it is the state that generates the legal principles of social and economic life. From this prerequisite of liberalism, that is neoliberalism, arises the tendency to create a strong country above society and its groups of interests.

The actions of the state have been oriented at introducing acts according to the global legislation, especially the European Union, emphasizing the changes in the traditional social model in Poland after 1989, putting to the test the traditional socio-economic and cultural system. The changes concerned the weakening of social functions, valued by the majority of citizens, which intensified political conflicts in Poland, dividing society into liberal Poland and united – civic Poland.

THE ACCELERATION OF PROCESSES IN SOCIETY AFTER THE INTRODUCTION OF LAWS (ACTS) BY LIBERAL PARLIAMENT

Introduction of an act is a set of new paradigms, expressed by the means of new language. New language reflects the transition of the paradigm of modernity to postmodernity. The scope of changes crosses national boundaries, touches on the area of politics, development, human rights, health, education and religion.

These are a few acts introduced in Poland:

– global ethics, postmodernist – based on modernist values – absolutization of will, faith in progress, individualism, liberal democracy, arbitrary choice, diversity.
– different forms of family – couples in partnerships, homosexual couples, etc.

- gender equality between males and females, gender ideology. Feminist fight for equality is a top priority of international development policy.
- multi-culturalism – leads to the disintegration of national identity.
- culture of peace – tolerance, solidarity, education, the appearance of coercion in discordant situations
- absolute freedom of an individual – a new form of dictatorship
- weakening of social functions in favor of economic ones, that is efficiency functions, which involves the retirement act and the extension of employment period.

All of the acts were introduced during accelerated parliament procedures. The above mentioned acts were introduced in an authoritarian manner, without an open debate, without a referendum, despite social pressure of the nation as the sovereign of the state.

The result of this process was severing the connection in which the network of social relations and the available public goods were reduced to a minimum. Public confidence in the parliament and the ruling authorities decreased because social communication between the citizens and the state had been hindered, restricted to a thin network of interactions. The loss of the sense of subjectivity by the majority of the society was expressed by multiple protests, manifestations and strikes of many occupational groups. Unfortunately they were not effective, instead increased the competences of the state which drew upon sources other than national dialogue, public mediation, or meetings and discussions. The state proceeded with the use of abuse through instigation, promises, punishment, threats, finally forcing people to obedience and absolute subordination to the state power.

The objectives of the above mentioned acts proposed by mass-media were not implemented, for the humiliated society, defying the actions of authorities, did not want to passively surrender to authoritarianism, objectification, through restrictions of freedom

and expanding inequality in their treatment. This situation deprived the citizens of the right to participate in creating values, as well as choosing together the right path to its development. Meanwhile, instead of empowerment, objectification of human development occurred, objectification of spirituality for the sake of an incomprehensible, abstract ideology contrary to the laws of natural development.

Various social processes which are the consequence of changes outvoted in the parliaments of the world, as well as in Poland, herald the end of the old civilization, the end of universal values, the end of democracy, freedom of human rights – in a word – modernity draws widespread praise and becomes the ultimate goal of humanity. A well-known researcher of global civilization, Francis Fukuyama, defined these phenomena as "the end of history" and the advent of postmodernism with a neoliberal system (Fukuyama 2008). The author claims that the hazards for humans do not come from a dangerous, perhaps for human life, the operation of machines and technological progress [...], in fact, these risks already affected human beings [...] for "the introduction of source exploration [...] experiencing the truth" (Fukuyama 1996) has been denied to humans. All of humanity problems are treated as practical issues, therefore poverty, degradation of humanity, inequalities between sexes, or rejecting human rights, their dignity, in the light of the new ideology, actually counter-ideology, do not require a discussion, a debate of substantive solutions, because their implementation depends mainly on propagators and experts, managing the matters of the world (Peeters 2010).

The logic of this reasoning was based on "the myth of neutrality" – scientific, blind faith in expertise and experience, the myth of new global ethics, absolutization of freedom, the principle of ambivalence"(Peeters 2010, p.42).

New paradigms of society management are interdependent and interactive, reinforce each other, creating a system in which everything is connected, e.g. a good management of matters is

a commitment to consensus building, implementation of sustainable development by the achievement of gender equality, an access to demographic reproduction, and when necessary based on the right to choose abortion.

The new ideology, based on the new paradigms, expressed by a new language has a holistic character, all its principles and acts refer to common global ethics.

On grounds of Polish society various social processes appeared, which were the consequence of changes as a result of the introduced acts. New, adverse manifestations of the disorder of social ties between the ruling authorities and the ruled appeared, which led to the disintegration of social environment.

The symptoms of labor marginalization, social exclusion of certain groups, the use of violence and stigmatization, e.g. unlawful taking of children from parents due to poverty, began to occur more and more frequently.

Growing social inequalities started to become the most noticeable after the introduction of the extension (Kiełczewski 2010) of employment period act, also referred to as the retirement act. It was viewed by society as a liberal law, „unwelcome" and unfair, deemed pathology, creating dissonance between the supporters of solidarity-based civic state model and the ruling liberals, constituting a dangerous explosive. According to D. Kiełczewski, the law can "deeply shape the economic system and very precisely the character of socio-economic political relations in the society" (Szmatka 2008, p.54-55).

These phenomena have been translated into the psycho-social living and work conditions that influence the increase in stress, triggering risky behaviors caused by bad relationships in shared environments, due to exposure to factors that are destabilizing and devastating to relationships, due to subordination to changes stemming from the new laws which have not yet been known or accepted by the society. Nonconformist behaviors, involving non-compliance with the principles arising from promoted rights,

appeared as an anomy leading individuals to acting in violation of all existing standards implemented to the community (Nozicki 1999, p.21). The actions determined by the law meant for the society restricted freedom of choice due to prohibitions and orders of the state. Therefore, it is understood that the established objectives of this reform (of liberal law) could not be fulfilled since the situation contributed to developing a sense of humiliation and disability among Polish citizens, and caused the occurrence of a sense of anti-statehood since it has been noted that the majority of the state directives were not acceptable, and in result were broken and omitted.

The society contested the liberal order, since the overall efforts and socio-economic undertakings which were aimed at providing material living conditions and allowing the positive contribution of the citizens, did not include them, on the other hand, all the decisions fell to national policies, economic activity, which solved the problems without any participation of the nation and society. Ideological driving force for neoliberalism was an anti-constructivist philosophy of political correctness which was supposed to lead to a new cultural quality by a rapid development of the means of social communication especially internet-based communication.

In the context of Ordo Iuris, that is "the rule of law, not people" it can be read as protecting the interest of the establishment and the justification of order (Nowak 1982, p.77).

By contesting the introduction of a new promoted cultural order act, the majority of the society wanted to not only contribute to the decision making, that is managing common matters and taking the responsibility for them, but most of all to protest against the ideology contrary to Polish tradition, culture and religion. Meanwhile the neoliberal establishment, promoting the idea of adaptation through constructing these acts, led to a powerless contestation. The exclusion of society from managing their common matters and political-socio-economic order was a contradiction of a democratic country. This limited conception of "democracy was

objected by John Paul II who demanded an adjustment to liberal democracy, drawing the attention to the natural fundaments of social life: free human initiative and the charter of social rights" (John Paul II 1991, n.49).

According to V. Havel, the vision of a democratic state being achieved by a peaceful revolution should be of civic society nature. He considered the civic society to be the prospect of the ethic involvement in building an authentic democracy project. The author proclaimed the rehabilitation of values significant for the reality of a community that is open, dynamic and oriented toward taking action and responsibility in accordance with strong and independent national and international organizations.

The issue of civic (united) society plays a valuable role in expressing and satisfying the needs of the citizens. It is a way to empower the citizens and the right path to their development (Havel 1985).

Among societies based on people the motivation to act is a mission, an inducement flowing from internal values of providing care, joint effort to build reciprocity, solidarity and gratuitousness. The essential feature of open society refers to the value of civic and solidarity-based economy; based on justice, solidarity, cohesion, responsibility and participation.

These aspects were what was missing in the management of liberal society. And even though the problem of civic society had been the subject of the European Union debate in the '90s and was reflected in the European Commission paper "White Paper on European Governance" adopted in 2001, unfortunately in the light of the criteria set out to evaluate the implementation of civic society in the EU, it moved from an open society process to bureaucratic states, adapting to the principles applying in the EU institutions.

As a result, citing K.A. Armstrong "civic entities [...] have been losing the features of a civic society: spontaneity and authenticity [...] and in the process inducing the conflict with the rules of

representativeness" (Armstrong 2007). Instead of empowerment of the citizens, objectification is what occurs.

It therefore comes as no surprise that the majority of Polish society during the last parliamentary elections voted in favor of solidarity-based Poland, since a certain level of "critical mass" had been exceeded, which allowed to change the paradigm of management according to the needs of the society. Thus, a dichotomous division to liberal Poland and solidarity-based Poland occurred, which is nowadays a political issue in dispute after the change of political orientation: on the one hand, there are protests to maintain the status quo of liberalism which deprives the citizens of the chance "to be free and active in the functioning of community", and on the other hand the respect-based dimension of free and united society is opposed the liberalization.

The acceptance of liberalism in its unlimited freedom destabilizes the whole social life, which is reflected by political and economic crises. There is a close correlation between freedom, respect and democracy on the one hand, and authoritarianism and dictatorship on the other.

In this situation the considerations of researches in terms of managing seem to be conductive to searching for ways out from the existing division and the stagnation in conflict. The point is to ensure the development of an interdisciplinary paradigm in accordance with transformations which would include social behaviors in disintegrated reality. Such a paradigm has been developed by A. Biela, who defined it as the paradigm of unity (Biela 2005). In the light of his statement the paradigm refers to the objective, it is a theological instrument which discovers social mechanisms assisting in the actions undertaken towards common and solidarity-based endeavors. It is based on building of a relationship with the other person through dialogue, which turns a new page regarding society facing the challenges of cultural and civilizational crisis. The modern crisis of culture is further referred to as post-industrialism and post-modernism which results from

secularization, globalization and multiculturalism (hence the political correctness) (Grochmal 2013, p. 239).

The paradigm resolves itself to searching for axiology – the values in social relations, to searching for what unites, to integrate common features stemming from common heritage. This idea is perfectly described by the Ex-president of European Commission, R. Prodi, "building together our home, one that we want, a home which is not surrounded with walls and barbed wires. It is a home which welcomes dialogue and socio-national references" (Prodi 2001).

The category of relationships as values in the paradigm of unity draws attention to the dimension of social relations, so far omitted, especially relations influencing the rational choice, bringing the parties closer to desired cooperation.

In accordance with the characterized paradigm of unity, the strategies of human development, positive relations and the creation of common good for the social, economic and political integration can be built. Therefore, it has a universal value since it inspires the transformation of crisis and extreme situations into a team work, inspiring trust and new climate among the society.

It can be concluded, that the new reality based on agreements, negotiations must be created in order to take care of common good. The conflict between liberal Poland and civic (solidarity-based) Poland might be mitigated and even removed through the integrity of both spheres of social life, for moving towards a better world, the guarantors of which may become social partners, should be the objective of this action.

CONCLUSION

In the contemporary world everything becomes depreciated, all the processes need restauration. The main cause of this situation is the lack of the creator of universal socio-political-economic

order. Humanity is divided to hostile nations, and Poland to opposing camps. The sense of life, action and purpose are what modern man needs the most, allowing to prevent the chaos, for there is something wrong with the current way of living. Taking the example of the situation in Poland, it allows concluding that the idea of the state and its recovery instigates a fear of changes, of collapse, of foreign and unknown, disrupts interdependences which the civic society is founded on. It creates distrust towards politicians, parliamentarians, opposition leaders who fight for their own selfish interests only.

This type of situation raises aggression, expressed by demonstrations during which the objectives, respect and sense of community are being lost in the fight.

What is necessary are the people, new people, who will be able to piece together all of the problems into unity acceptable by the society. The challenges that the new authorities must face are connected to the end of a certain post-communist reality and propose to the citizens positive alternatives. The main signs are the synergy between the members of society, an honest, active participation of every citizen in social life, an integral humanistic development of a person, involvement in the matters of the state and society towards the new leadership in accordance with the paradigm if unity. May the present authorities in Poland accomplish this enormous task which would be an anticipated success.

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