

The Main Goals of Law and Justice's Historical Policy Towards Germany

ABSTRACT

The article addresses the issue of the historical politics of the Law and Justice Party (PiS) towards Germany. This group pointed out that today in the mutual relations one could notice a growing “memory conflict” caused by a different perception of certain facts and events related to the World War II. Therefore, the leaders of this party emphasized that one of the key aspects of their actions towards Germany would be to pursue an active historical policy, which was aimed to achieve four fundamental goals: 1) counteract attempts to relativize the guilt of the Germans for the greatest crimes of World War II, 2) oppose the demands of the Prussian Trust and plans to build a Centre against Expulsions, 3) disseminate knowledge among the German society about Nazi terror against the Polish nation, 4) take up the topic of reparations for the destruction caused.

KEYWORDS: Poland; Germany; historical burdens; historical politics; Law and Justice Party

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INTRODUCTION

In the late 1980s, a peaceful revolution began to sweep through the countries of the Central and Eastern Europe, which led to the collapse of the communist system in this part of the world. One of the main catalysts driving the changes at that time was Poland. The events in the country at the Vistula River, initiated by the largest and the most determined political opposition movement in the region – Independent Self-Governing Trade Union “Solidarity”, fundamentally changed the previous ideas about what was possible, broadening the scope of political activities and accelerating the process of democratization within this country. By directing the reform process, the new political elites of the Third Polish Republic, as a part of the systemic transformation taking place at that time, also undertook the gradual elimination of existing bonds of former dependence on their eastern neighbor, striving for Warsaw to regain full sovereignty in the international relations. The breakthrough that occurred in Poland allowed other countries of the socialist camp to take similar actions aimed at regaining the freedom and independence they had lost several decades earlier. As a result, they were finally able to independently choose and shape the framework for their functioning – including foreign policy, which in this newly emerging reality required them to re-order mutual relations. Historical issues had a huge impact on bilateral relations, which – often tainted by communist ideology – often required re-evaluation and regulation.

The problems concerning the historical events and issues in question also affected the Polish-German relations taking shape in the early 1990s, which required reorganization after the unification of the Federal Republic of Germany and the GDR. The diplomacy of these countries faced a number of issues to resolve, including those related to areas of the shared memory. The most important issues here were those related to World War II, the most difficult period in the thousand-year history of contacts between

these two nations. In the minds of Poles, they were remembered as the years of the greatest martyrdom of the Polish state and its citizens. Also for a significant part of German society, the main burden in relations with the neighbor in the east was the past war. It left them with a trauma related to the evacuation and flight of millions of Germans from the approaching front at the end of World War II as well as the forced resettlements after it was over from the areas that were to be given to Poland after the great powers decided so, thus causing the loss of about a fifth of the German territory.

The article attempts to present the historical policy pursued by the Law and Justice Party (PiS) towards Germany. In analyzing this issue, it became extremely important here, firstly, to indicate the role that historical issues played in this party's policy. Secondly, I analyzed what significance PiS activists attributed to the historical issues in their international policy. Thanks to the information I have gathered, it became possible to precisely determine the essentials of the historical policy of this party towards Germany and what actions PiS took in this regard in connection with it. In order to properly approach this topic, the conducted research used methods and techniques appropriate for the political science approach to explaining phenomena and social processes, including the method of historical analysis and systemic analysis, as well as the institutional-legal method.

THE DEFINITION OF THE HISTORICAL POLICY

The concept of "historical policy" has long attracted the interest of many researchers around the world. Due to the complexity of the topic, this issue has begun to attract the attention of scientists from many disciplines: history, political science, sociology, anthropology, and even cultural studies. Reflection on the past, its interpretation and understanding, both in the political and

social dimension, has become one of the main elements of the ongoing discussion of this issue. The term “historical policy”, also called “memory policy”, has taken on a special meaning in Polish scientific discourse. Introduced into the general debate in Poland almost two decades ago, it was an almost literal transposition of the German *Geschichtspolitik*, a phrase first used in Trier in 1986 during a congress of German historians by Meier (1987). From that moment on, the term gained popularity when the local researchers began to analyse in detail the problem of the relationship between history and the policy of that country. A dozen or so years later, this issue was transferred to the field of Polish science by Marek Cichocki and Dariusz Gawin, who touched upon the topic of historical identity and issues related to memory and responsibility for the past. This initiated a broad polemic in Poland about the role of the state in the process of shaping historical awareness.

Because the issue of “historical policy” became a field of broad discussion, in which the opinions of its supporters and critics began to clash, it turned out to be extremely difficult to develop one specific definition of the term itself. Supporters of this concept, which found its advocates mainly among conservative circles, such as Krostó and Ujazdowski (2005), indicated that it plays an important role in process of awakening conscious patriotism of Poles and strengthening the national community, as well as creating a spirit of social solidarity. Therefore, according to Merta (2005), the state should actively engage in building active civic attitudes and promote those threads from history that could constitute an important point of reference and role models for the contemporary society. As Gawin (2005) pointed out, the vigorous cultivation of the historical achievements of one’s own nation significantly contributed to strengthening the ties of wide circles of citizens, both with the country and its structures, as well as together with small local homelands. Thus, according to these people, historical policy was the key tool for promoting modern

patriotism and arousing a sense of national pride. For them, it was – as Karłowicz (2005) said – one of the bases of the state's functioning, where, as in the case of implementing financial or social policy, specific sets of actions are implemented. As Kowal (2006) emphasized, there is no good citizen who is not proud of the achievements of his own nation or state community “who does not know the history of the country, town, village, the history of monuments in his town and the history of his family” (p. 7). According to the supporters, the pursuit of historical policy resulted not only from the obligations of those in power in this matter, but also from the natural state of affairs. Roszkowski (2009) pointed to this aspect: “Whether we like it or not, historical policy is a fact. All states pursue their own historical policy.... If all states pursue their own historical policy, and Germany and Russia are recent clear examples of this, then Poland's abdication from historical policy would be a catastrophic mistake. The problem is not whether we should pursue historical policy, but how” (p. 3).

On the other hand, the critics of historical policy saw it as an expression of an affirmative approach towards the national past, excluding – as Nijakowski (2006) warned – any critical perspective, facilitating manipulation of history, and being a tool for realizing current party interests. These voices of opposition and resistance, coming primarily from the circles emphasizing the need for a liberal approach of the state to the issue of history, pointed out that in the sphere of managing social memory, it should be guided by the principle of impartiality and neutrality. According to Magierska (2008), the state's involvement in this process forces historians to enter the sphere of political influence, which would expose them to the risk of becoming a tool of indoctrination or propaganda for those in power. Moreover, as Traba (2010) emphasized, history is a science, and a critical science at that, based on disputes and discussions, enabling the existence of various trends of historical reflection. Meanwhile – as Osiński

(2012) pointed out – the state’s support for one or another vision of the country’s history could lead to the creation of a false image of the past in society, disregarding all the issues that the authorities would consider incompatible with the prevailing narrative. According to Kula (2022), this would result in the existence of only “one” acceptable form of history, which would directly serve the implementation of specific political goals of the government. As Ponczek (2013) pointed out, first of all maintaining power or participating in it. All these fears were articulated in details by Grinberg (“Czy państwo...,” 2006), who stated that “the past can be studied in two ways – with interest and without interest. So, we truly deal with history without interest – when even the worst truth will please us more than a pleasant lie. Any other dealing with history is selective and instrumental... Historical policy is necessarily manipulative and instrumental” (p. 18).

Such a great variety of characteristics of historical policy, differing depending on the way it is perceived, whether by supporters or opponents of this concept, as well as the emergence of certain discrepancies in both “camps” regarding the specification of the term itself, means that we still do not have one coherent definition of this category. In this context, taking into account the brief review of the positions of both sides presented above, it can be stated that historical policy is nothing more than a set of intentional, conscious and arbitrary actions undertaken by circles associated with state power (politicians, officials) serving to consolidate specific content in the historical consciousness of society, by means of which the nature and way of remembering the social community is shaped, in order to strengthen the identification of citizens with the state, in accordance with a specific political interest.

THE GOALS AND TASKS OF THE HISTORICAL POLICY OF LAW AND JUSTICE PARTY

Law and Justice, a party founded in 2001 by the brothers Lech and Jarosław Kaczyński, has stressed from its inception that pursuing an active historical policy would be an important aspect of its activities. This approach was reflected in the party's statute, which states that one of the main goals that the party set for itself was to "spread patriotic attitudes and strengthen the social and national solidarity of Poles" (*Statut Prawa i Sprawiedliwości*, 2001, p. 4). According to PiS activists, without building strong national ties, it is impossible to create a strong, efficient state (as well as democracy to function at all), therefore its existence and activity should be grounded deeply in both the sphere of values and history. Thus – as they pointed out – a well-constructed state required appropriate legitimization, both in the axiological dimension (related to its fulfillment of an ancillary function towards the nation) and historical (focused on cultivating tradition, a common history, which was to contribute to maintaining social cohesion, nurturing patriotic attitudes and an affirmative attitude towards the homeland) (*Polski model państwa...*, 2019). This last aspect was important for the representatives of this group, because it was in cultivating the historical achievements of their own nation and taking care of memory that they saw the basis for ensuring the civilizational development of the country and building the wealth of its inhabitants. This resulted from the fact that these issues, in the opinion of PiS representatives, were an important factor in supporting the process of forming values appropriate for civil society and – consequently – shaping in it the motivation to serve the common good. Underestimating this element and trying to replace it with other frames of reference was not only a mistake considered in moral and political categories, but also meant wasting great capital that should be used in the work of creating a modern state (*Nowoczesna, solidarna...*, 2009). Placing

issues related to historical identity and cultural community at the center of politics, which for the leaders of Law and Justice were the main determinant of creating prosperity and existence of the nation, showed how much importance they attached to the idea of memory and the past, which they very often expressed in their speeches (*Naprawa polskiego państwa...*, 2001). This subject was also quite strongly highlighted within the first election programs of this party, which stated, among other things, that the Polish state should be “deeply rooted in our historical experiences: the democratic traditions of the multicultural First Polish Republic, the patriotic traditions of the fight for independence, and finally, in the experiences of the ‘Polish August’ – the moral protest of the wronged and humiliated” (*IV Rzeczpospolita...*, 2005, p. 42).

According to representatives of Law and Justice, the issues related to the historical memory were pushed to the margins of social life in the Third Polish Republic and placed on the altar of modernization. In their opinion, after the period of transformation, the new political elites in Poland showed little interest in this issue, adopting a neutral attitude towards the management of social memory and passing these matters on to other entities (publicists, media, etc.). Meanwhile, in the opinion of PiS, history (historical memory) played too significant a role in socio-political life to leave its shaping to the free play of the market. As Mateusz Morawiecki pointed out: “Historical policy is an important element of every state. Having one of the most beautiful histories among the countries of Europe, and even the world, for over 25 years after 1989 we practiced micromania... The lack of appropriate actions in the area of historical policy is one of the main sins of the elites of the Third Polish Republic” (*To była...*, 2018). Without this strong moral and historical legitimacy – as they reported – the state could not properly carry out its tasks. For this reason, after the victorious parliamentary elections in 2005, the party leaders announced that one of the basic aspects of their work would be to “restore historical memory”, which was to be

served by initiating a “new historical policy” assuming strong state involvement in this sphere.

For Law and Justice, pursuing an active historical policy was extremely important, especially in the context of international relations. For them, it was “an extremely important dimension of foreign policy and the existence of our country in the world”, thus fulfilling the role of “one of the main tools of the country’s positive presence in the consciousness of countries and societies around the world” (*Program Prawa i Sprawiedliwości*, 2014, p. 142). The implementation of the historical policy within the external aspect should therefore, in their opinion, focus primarily on popularizing the historical achievements of the Polish nation in the development of Western civilization. What is also important, it should also recall Poland’s merits for freedom in the fight against Nazi and communist totalitarianism (*Program Prawa i Sprawiedliwości*, 2001, p. 3). This last point in particular became extremely important for the PiS leaders. This was due to the fact that – as they warned – in the international arena, one could increasingly notice the appearance of “defective codes of memory” and various types of stereotypes and lies presenting an unfair image of Poland and its nation, especially in relation to the times of World War II. These distortions were mainly related to attempts to relativize the guilt for starting that conflict and the crimes committed during it. Therefore, members of this party believed that the authorities of the Third Polish Republic should firmly and actively oppose such actions. For PiS politicians, the most important value was and still is historical truth: “In the name of the memory of the victims and in the name of our common future, we must take care of the truth” (Kancelaria Prezesa Rady Ministrów, 2019). The preservation of “Polish memory” was one of the main goals of their foreign policy. The implementation of these intentions was to be served by a dynamic, sometimes even sharp, often confrontational historical policy, which was to show – as reported by Anna Fotyga, among others – that this group would firmly oppose any

“glaring violations of elementary historical truth” (*Sprawozdanie stenograficzne z 41. Posiedzenia...*, 2007, p. 372).

In the opinion of PiS, the occurrence of various types of distortions and falsifications in the historical discourse about the Polish state, a striking example of which was the existence of unauthorized phrases such as “Polish concentration camps” or “Polish ghettos”, caused irreparable suffering not only to its nation, but also had a negative impact on the perception of Poland in many areas: reputational, social, economic and political. According to its leaders, such statements not only warped history, but were also “deadly from the point of view of the interests of our state” (“W Izraelu...,” 2008, p. A10). Therefore, pursuing an active historical policy became extremely important for them, both because of their declared aspirations to preserve the truth and historical memory, and because they saw it as an important tool that could serve to strengthen the significance of the Third Polish Republic in global politics. As Morawiecki pointed out: “Poland, whose citizens suffered greatly during World War II, which fought for the freedom of other nations, has an obligation to use its historical policy to strengthen its position in the international arena” (*To była kampania...*, 2018).

ASSUMPTIONS AND IMPLEMENTATION OF THE HISTORICAL POLICY OF LAW AND JUSTICE IN POLISH-GERMAN RELATIONS

According to members of Law and Justice, historical policy played an extremely important role, especially in the relations between Warsaw and Berlin. In their view, in contemporary mutual contacts, one could observe a growing “conflict of memory” caused by the different perceptions of certain facts and events concerning World War II. According to Chairman Jarosław Kaczyński, it was supposed to result from the increasingly frequent tendencies

in Germany to diminish the responsibility of this country for the crimes it committed in the years 1933–1945 and its attempts to equate the suffering of the German nation with the suffering of other nations affected by Nazi aggression. He also pointed out that these actions were accompanied by a gradual decline in the sense of collective guilt towards the Polish nation among the western neighbors and a consolidation of attitudes indicating that violence and lawlessness were on both sides, which resulted in the touting of a narrative that Poles appeared not only as a “victim” of the Third Reich, but also as the cause of many “misfortunes” plagued the German nation. This message, in the opinion of PiS representatives, resulted from the growing expectations of a significant part of the German political class and society, who wanted to be perceived not as a “nation of perpetrators”, but as a nation that had also suffered many wrongs during World War II. This was reflected in their support for some – in PiS’s opinion, detrimental to the Polish *raison d’état* – undertakings going on in that country. For this reason, the leaders of Law and Justice believed that the Polish state should take vigorous steps towards its western neighbor in the field of historical policy, in order to effectively oppose those actions that – as they argued – were unjust and hurt the feelings of Poles (*Sprawozdanie stenograficzne z 55. posiedzenia...*, 2003, p. 407).

The representatives of Law and Justice gave a clear signal that one of the key aspects of their actions towards Germany would be to pursue an active historical policy. Analyzing the program documents of this party and the statements of its leaders, it should be stated that it was primarily focused on achieving four fundamental goals: (1) to counteract the attempts to relativize the guilt of the Germans for the starkest crimes of World War II and attempts to blame the Polish nation for them (“Polish concentration camps”, “Polish SS units”, etc.); (2) to oppose the demands of the

Prussian Trust¹ and plans of the Federation of Expellees to build the Centre against Expulsions²; (3) to disseminate knowledge among the German society about the Nazi terror against the Polish nation and the resistance it put up against the Nazi occupiers in the years 1939–1945; (4) to take up the subject of reparations, compensation and redress for the destruction inflicted on Poland by the Third Reich.

Relativization of the guilt of the Germans for World War II crimes

Law and Justice politicians have consistently and consequently repeated that in the face of the correction of German historical policy, which according to its leaders questioned historical truth and undermined Germany's responsibility for World War II and the crimes it committed during that period, an unambiguous and decidedly negative stance should be adopted. This was clearly expressed in one of her parliamentary speeches in 2006 by Fotyga, who held the position of Minister of Foreign Affairs after this formation took power in Poland in 2005, stating that they were "an obvious attempt to distort history, to disturb a certain balance in the understanding and perception of who is the victim and who is the executioner" (*Sprawozdanie stenograficzne z 30. posiedzenia...*, 2006, p. 229). Similarly, several years earlier, Jarosław Kaczyński also spoke in the Polish parliament:

¹ The Prussian Trust is a German company established in Düsseldorf in 2000 by a group of displaced Germans seeking the return of property left behind by Germans forcibly displaced after World War II from the territories of Poland and the Czech Republic.

² The Centre against Expulsions, planned on the initiative of the Federation of Expellees (active since 1957), as an institution documenting the forced displacement of people in the 20th century, especially the displacement of Germans after World War II from the countries of Central and Eastern Europe.

In Europe, there is, unfortunately ... a tendency to, on the one hand, equate the guilt and merits from that period, also from the period of World War II,... it is about, shall I say, treating everyone equally – everyone suffered losses, everyone committed crimes, and on the other hand there is a well-known defamation campaign concerning our nation, in terms of its ‘involvement’, here I use large quotation marks, in the Holocaust, its alleged complicity in the most terrible crime of that war. Well, here our counteraction is definitely too weak... We must be unambiguous and decisive here, we must take all possible actions to oppose this. (*Sprawozdanie stenograficzne z 40. posiedzenia...*, 2003, p. 109)

Despite the fact that the government in Berlin constantly and unquestionably signaled that the Germans were to blame for World War II, the atrocities and destruction that occurred at that time, the terms “Polish concentration camps”, “Polish Holocaust” or “Polish ghettos” that cropped up from time to time in the local media. Such journalistic and even academic coverage was perceived by PiS members as a conscious attempt to rewrite history. According to its leaders, these phrases constituted “an open insult to historical truth”, against which the Polish state had every right to defend itself, because, as they declared: “it was the fault of the German state and the fault of the German nation, which supported this state, which supported the rule of Adolf Hitler.... We have to talk about it because it is a warning to all of humanity.... But we also have to talk about it so that the responsibility is properly addressed, so that the responsibility is not, as is being attempted today, divided” (75. *Rocznica spalania...*, 2016). Thus, the group tried to emphasize that the basic goal of its this way historical policy was and is the pursuit of historical law – in this way emphasizing the axiological dimension of its actions – and expected the same from the authorities in Berlin. The accompanying sharp narrative, often focused on confrontation as a method

of implementing historical policy, was also intended to inform that Law and Justice would resolutely oppose any attempts by Germany to blur its guilt for the atrocities of World War II.

According to PiS, the cases of relativization and extending responsibility for Nazi crimes to Poland that appeared in the public sphere not only distorted history, but were also – which greatly alarmed this party – fatal for building a strong international entity – the Third Polish Republic. These actions, as they believed, could be particularly dangerous for the concept of foreign policy they had adopted, assuming the strongest possible cooperation with the United States. For them, this country was a guarantor of Poland's security, both in the military and energy aspects, as well as a basis for achieving rapid economic development. Meanwhile, the formation of various types of false historical narratives, relating chiefly to the issue of the alleged responsibility of the Polish nation for the Holocaust, in the opinion of the leaders of this grouping caused the emergence of a negative attitude towards Poland among Jewish circles in the USA. Considering the position of this community in America, PiS members feared that this could negatively impact the party's plans to establish closer political ties with Washington.

In order to prevent such a scenario, the representatives of Law and Justice, during their governments in 2005–2007 and 2015–2023, decided to initiate certain actions to make Poland immune not only to such manipulation of the past on the part of Germany, but also those appearing in the international arena. For this reason, at the request of this party in 2007, representatives of UNESCO agreed to change, in accordance with the presented proposal, the official name of the Auschwitz camp to “German Nazi concentration and extermination camp”, which was intended – as its leaders argued – to faithfully reflect the historical truth about the actual nature of the camp and precisely indicate who was responsible for its establishment and administration. This was clearly signalled by the then Minister of Culture, Kazimierz

Michał Ujazdowski, who stated: "The change of name is to prevent false information appearing from time to time in the world media, including even in German newspapers, where Auschwitz was referred to as a 'Polish concentration camp'.... No one will be able to talk about Polish extermination camps with impunity. This is a success for Poland, which is receiving an instrument in the fight against lies" (*Będzie zmiana nazwy...*, 2006). For the same reasons, the PiS authorities decided to amend the Act on the Institute of National Remembrance in 2018, which introduced fines or imprisonment for attributing responsibility to Poles or the Polish state, among others, for Nazi crimes committed by the Third Reich. The steps taken were to be – as they emphasized – a response to the "problem of accusing our nation of complicity in the Holocaust", because "one of the basic or most important reasons why this is happening ... is the passivity of the Polish state.... Hence our initiative, which will give the state new tools to protect itself against these mendacious formulations" (*Pełny zapis przebiegu...*, 2016, p. 28). The introduction of the aforementioned provisions was, however, received quite critically by international opinion and became the cause of a crisis in Polish-Israeli relations. Ultimately, the PiS authorities decided to make appropriate modifications to the said Act and repeal controversial penal provisions that assumed sanctions for blaming Poles for Nazi crimes.

Demands of the Prussian Trust and the building of the Centre against Expulsions

The Law and Justice representatives took the position that the Third Polish Republic should also firmly oppose all demands of the Prussian Trust (and more broadly all property claims of Germans, including individual ones, made against Poland) and plans to build the Centre against Expulsions. In the case of the Trust's claims concerning compensation (or return) for property abandoned by German citizens in the former eastern territories of the Third Reich, activists of this party believed that a situation

in which “our country would be forced to pay or give anything back” could not be allowed. They emphasized that such actions were nothing more than a desire to “shift the responsibility and financial consequences for World War II onto the victims of this war, onto Poles and onto Poland” (*Sprawozdanie stenograficzne z 82. posiedzenia...*, 2004, p. 81). In their opinion, they were another manifestation of the increasingly growing expectations of the German population, which wanted to reassess its social awareness – primarily historical awareness – from the fact that it was perceived by other countries as a “nation of perpetrators” to be identified in the categories of “a nation that was also affected by the misfortunes and wrongs of World War II”. According to PiS, this was to be achieved by the tendency, reinforced by this society, to treat the displacement of the German population as one of the most tragic consequences of that conflict (*Sprawozdanie stenograficzne z 86. posiedzenia...*, 2004, p. 59). Although the leaders of the Federal Republic of Germany (Gerhard Schröder, Angela Merkel) have repeatedly stated that Germany as a state does not make any property claims against Poland, and that claims made, either by the Trust or personally by German citizens, do not have the support of their governments. However, the fact that they said that the federal authorities of the Federal Republic of Germany cannot prohibit their citizens from taking such steps was treated by the PiS leaders as a deliberate game by Berlin aimed, on the one hand, at shifting responsibility for the costs of claims and compensation made by German displaced people to Poland. On the other hand, at creating a narrative aimed at equating the suffering of the German nation with the suffering of other nations (*Sprawozdanie stenograficzne z 16. posiedzenia...*, 2006, p. 211).

Despite their critical stance on the issue of German property claims, PiS activists, after taking power in Poland in 2005, have been repeatedly expressing their readiness to start a political dialogue upon this issue in order to solve the existing problem. During Merkel’s visit to Warsaw in December 2005, President-Elect Lech

Kaczyński suggested to the German Chancellor that they jointly resign from all claims related to World War II that had appeared in mutual relations. Jarosław Kaczyński also spoke in a similar tone, appealing just before arriving in Berlin in October 2006 to "close the problem of claims: this applies to both officially and unofficially. It is a matter of political will on both sides. In any case, Poland is ready to do so" ("Kaczyński do Niemców...", 2006, p. 1). A few months later, this view was also reiterated in her exposé by the then Minister of Foreign Affairs, Fotyga, who announced that "The government of Prime Minister Jarosław Kaczyński supports the definitive resolution of matters related to World War II and its consequences", adding that any property claims by German citizens – in the opinion of her cabinet – "had no and have no legal basis, both in Polish law and international law" (*Sprawozdanie stenograficzne z 40. posiedzenia...*, 2007, p. 359).

The non-acceptance of this idea by the government of Merkel, who did not express the will to conclude a joint agreement on this issue, gave rise to fears among PiS leaders that reaching a consensus might turn out to be impossible. This led to an increase in confrontational moods among members of this party, which was reflected, for example, in their firm reactions to the fact that the Prussian Trust filed a complaint against Poland with the European Court of Human Rights in Strasbourg. Jarosław Kaczyński announced at the time that these actions would be met with an appropriate reaction from the Polish parliament: "There must be a resolution, an act on the original nature of acquisition and a clear declaration must be made that Poland will not recognize any judgments that will undermine Polish law in this respect" (*Premier: pozwы Powiernictwa Pruskiego...*, 2006). Fotyga spoke in a similar tone, stipulating that if the Federal Government of the Federal Republic of Germany does not address the demands of the displaced persons, her cabinet will consider renegotiating the treaty on good neighbourliness of 17 June 1991. A certain way out of this situation, which in the opinion of PiS would effectively

secure the interests of both the Third Polish Republic and Germany, was the concept of adopting a joint declaration proposed by them in mid-2007, in which both countries would state that the property claims of the displaced persons have no basis in "Polish, German and international legislation" ("Tę pracę trzeba wykonać...", 2007, p. 16). In this way – as PiS intended – each of these countries would be legally protected from potential lawsuits by the displaced persons. However, this proposal did not meet with a response from the German side due to the change of power in Poland a few months later.

PiS politicians were equally critical of the issue of the construction of the Centre against Expulsions (and its later emanations) in Berlin by the Federation of Expellees, whose task – as indicated by the initiator of this undertaking, Chairperson Erika Steinbach – was to commemorate the Germans forcibly displaced after World War II from the countries of Central and Eastern Europe. In the opinion of the representatives of this formation, this project was a manifestation of historical revisionism aimed at imposing on the world the German vision of the past, where the aim was to demonstrate the "lawlessness" of the displacements and create a tendency to treat them as the greatest evil of this war, while at the same time morally condemning other nations that fell victim to the genocide of the Third Reich. This view was clearly articulated by Ujazdowski, who indicated that the mission of this institution would be nothing other than to "change the historical image of the 20th century, change the responsibility for the crimes committed during World War II" (*Sprawozdanie stenograficzne z 60. sprawozdania...*, 2003, p. 246). According to Law and Justice, the idea of organizing the Center was part of a broader context of a certain trial that was taking place in Germany, the aim of which was to apportion responsibility for the outbreak of World War II. As Jarosław Kaczyński pointed out: "the point was to convince people that there were two victims of the war – Jews and Germans" (*Sygnaty Dnia...*, 2003).

Representatives of this formation have repeatedly appealed to the German side to stop the implementation of this idea. Lech Kaczyński mentioned this, among others, in a conversation with the German Chancellor, while visiting Berlin in March 2006. Activists of this group considered the fact that Merkel's cabinet supported Steinbach's actions to be extremely worrying. In the opinion of PiS, such an approach of the federal authorities contributed significantly to the deterioration of Polish-German relations and made it difficult to find a common consensus on this matter ("Merkel: Treffen mit Kaczynski...", 2006). They were not reassured by the assurances of the government in Berlin that within the framework of this planned commemoration of the "expellees", Germany would not seek to reinterpret history. These concerns were expressed in an interview for the weekly *Der Spiegel* by President Lech Kaczyński, who stated: "The Centre is a very bad proposal, although I do not want to deny Ms. Merkel's good intentions. The fact is that such a centre would certainly lead to the relativization of guilt – especially since in the last five or six years we have felt a new intellectual climate in Germany, which worries us: there are currents that relativize what happened in the years 1939–1945" (Neef & Puhl, 2006, p. 92).

For these reasons, PiS activists also reacted very sharply to the exhibition entitled "Forced Paths. Escape and Expulsion in 20th Century Europe", which was opened in mid-August 2006 and prepared by Steinbach. According to them, it blurred the historical truth and led to relativizing the responsibility for the outbreak of World War II. Paweł Kowal, then an MP for this party, pointed out that it was nothing more than an attempt to reduce the history of this conflict "only to the problem of resettlements" (Kowal: *Polska przeciwna próbom...*, 2006). Within the entire context, PiS members also considered the very use of the term "expulsion" by the German side to be inappropriate, arguing that this term does not have a neutral, purely descriptive character, but is strongly marked by negative emotions and allegedly indicates that the expulsions

were of an illegal nature, thus shaping the face of this event as a great wrong done by Poles to millions of people. This view was clearly expressed by another PiS member Marek Jurek, who during his visit to Berlin in August 2006 appealed to German circles to use the term “expulsions” and not “expulsions”, because, as he emphasized: “After everything that happened during World War II, I do not think that such language of condemnation of Poland is admissible” (“Wie die ‘Umsiedlung’ ablief,” 2006, p. 5). What is also important, in the opinion of PiS leaders, the use of such terminology – apart from moral aspirations – was also intended to create appropriate conditions for German displaced citizens to demand material compensation for the property losses they had suffered.

The strategy of the historical policy of Law and Justice in the aspect of the plans undertaken by the Federation of Expellees to build the Centre against Expulsions, but also more broadly and other initiatives of this organisation (as well as in relation to the claims of the Prussian Trust, or the attempts appearing in Germany to relativize the guilt of this country for Nazi crimes), became the reference to the category of “historical truth”. In these disputes over memory, which became evident in Polish-German relations, they tried to emphasise the role played during World War II by Germany (the aggressor), which during this conflict was to inflict horrendous damage (material and population) on Poland and other countries (victims). Even if they suffered losses, it was as an aggressor and for this reason their victims should not be treated equally with the victims of Poles or other countries attacked by the Third Reich. Any actions that could disturb or distort this image were treated by them as “falsification of historical truth” (*Sprawozdanie stenograficzne z 16. posiedzenia...*, 2006, p. 211).

For the leaders of Law and Justice, the actions of Steinbach and the Federation of Expellees were another manifestation of the changes taking place in German social consciousness and their historical memory, consisting in the desire to relativize the

country's guilt for the outbreak of World War II and the recognition that they were also victims of that conflict. In their opinion, these changes constituted a threat to the Polish national interest, hence their position that they should be firmly opposed and that they should be met with an adequate response from the Polish state, and not by conducting discussions on these matters or "pretending that there is no problem" (*Sprawozdanie stenograficzne z 82. posiedzenia...*, 2004, p. 81). For this reason, the overarching goal of PiS was not to achieve a compromise, which by definition assumes concessions on both sides, but to fight for the undisputed "historical truth", which explained their sharp, if not downright brutal, language of narration. They treated dialogue and readiness to compromise with Germany on these topics as a sign of weakness and a betrayal of the Polish *raison d'état*. According to the representatives of this party, in the past Poland had too often yielded to its western neighbour in this matter (which is why they condemned the previous historical policy of the Third Polish Republic towards Berlin, which in their opinion was too submissive and conducted on its "knees") (*Sprawozdanie stenograficzne z 41. posiedzenia...*, 2007, p. 359).

Law and Justice, criticizing the project of building the Centre against Expulsions, emphasized the need to take into account the "true" knowledge about the past, and treated any actions that could threaten this as an attempt to "rewrite history" (*Sprawozdanie stenograficzne z 86. posiedzenia...*, 2004, p. 59). The confrontational style of politics that followed, based on questioning the principle of translatability of perspectives – in this case simply not engaging in discussion on certain topics (for example, the issue of suffering and losses sustained by the German nation at the end of the war and afterwards), was intended to show that the party did not agree with German depictions of the past and would firmly defend the Polish perspective on historical issues. Therefore, in a similar vein, PiS representatives also expressed themselves in relation to the project of a "visible symbol" promoted in later

years by the federal authorities (which was the response of the German government to the idea of building the Centre against Expulsions by the Union), which was to commemorate German resettlers. Importantly, in articulating their position on this matter, PiS members used the “representative argumentation strategy”, signalling that they were speaking not on behalf of their own party, but on behalf of the entire nation or those harmed by the war or those who felt threatened by the Federation of Expellees (or the Prussian Trust). By trying to emphasise that they were presenting the position of average people, they tried to prove that their argument was not the result of the unrealistic imagination of this political elite, but took into account the expectations of “ordinary Poles”, which was supposed to give greater legitimacy to their actions.

Dissemination of knowledge in the German society about the Nazi terror against the Polish nation

PiS politicians also attached a lot of importance to the issue of popularizing knowledge among German society about Hitler’s terror against the Polish nation and the resistance it put up against the Nazi occupiers in the years 1939–1945. As Lech Kaczyński pointed out in one of his interviews: “Our concept of historical policy ... is the need to remind the West that Poland took part in World War II at all, which is sometimes questioned. The September Campaign, then divisions in France, the Polish army in the Middle East, Great Britain, Italy, and also Polish armies in the East – even though they were commanded by communists. For us, participation in this war is obvious, but this awareness is not so widespread outside” (*“Historia stosowana...”* 2006, p. 13). For PiS, this was particularly important in the context of the relations between Warsaw and Berlin, where – as they pointed out – attempts are being made on the German side to relativize the guilt for World War II. According to them, these actions resulted, on the one hand, from the decreasing moral responsibility for

provoking this conflict among the society of this country, which resulted in Germany's desire to blame other nations, including Poles, for the crimes of the Third Reich. On the other hand, they were the result of a lack of information about the nature and scale of the terror that was inflicted on Polish citizens at the hands of this country, which resulted in the emergence of a conviction among them that in reality nothing terrible happened to Poles during the war.

All of these – in the opinion of PiS – contributed, firstly, to the creation of “defective codes of memory”, which transferred the blame for the Nazi genocide from the perpetrators to their victims. Secondly, it meant that in the German memory of the Nazi murders, due to their low awareness of the fate of the Republic of Poland during World War II, Poles were perceived as second-class victims. This ignorance of the Western neighbours (or the reluctance to deepen it) resulted, in the opinion of this party, from the fact that they increasingly wanted to be perceived in modern times as a “normal nation”, and not as a “nation of perpetrators”, which influenced their growing reluctance to recall (apart from the Holocaust) the crimes that the Third Reich committed against Poland and other nations at that time. As a result, according to Law and Justice, the Germans became indifferent and had difficulty understanding the Polish perspective on some of the issues related to World War II that divided these countries. Thirdly, and finally, such a situation was also supposed to have contributed to the strengthening of the tendency in the German culture of memory to show that the greatest victims of this conflict were the citizens of that country, which in their opinion could be a prelude to attempts to redefine German (and consequently Polish) collective memory.

Hence, in the opinion of this political party, appropriate steps should be taken to bring our history closer to the world, especially the one illustrating Poland's merits in the fight against Nazi and communist totalitarianism, which was to help combat various

types of false historical narratives and bring the Polish point of view on World War II closer to the Germans. According to this formation, these goals should be implemented primarily by Polish educational and cultural institutions operating abroad. Because, as Jarosław Sellin emphasized, “a solid and systemic historical policy can be built through the existence of permanent institutions” (*J. Sellin: mądrą politykę...*, 2017). The realization of this approach was the establishment of the Historical Research Center of the Polish Academy of Sciences in Berlin. Its tasks included initiating scientific projects on the history and contemporary Polish-German relations. Another important undertaking implemented at the initiative of this party was the organization of the first foreign branch of the Witold Pilecki Institute of Solidarity and Courage in the capital of Germany in 2019. Its main mission was to spread knowledge about totalitarianism in Poland, both German and Soviet. PiS members also placed great hopes in promoting the history of Poland in Germany in the Polish Institutes operating there. Because, as the leaders of this party pointed out, “the key role in the promotion of Polish culture in Europe and the world is played by Polish Institutes.... It is through these cultural institutes that we want to present the Polish position, Polish history, but above all build a positive image of Poland” (*MKiDN i MSZ podpisały...*, 2018).

The issue of war reparations

Conducting an active historical policy towards Germany for PiS was also extremely important in the context of the issue of reparations raised by this party in connection with the destruction suffered by Poland during World War II. Jarosław Kaczyński spoke about the need to obtain compensation from the government in Berlin as early as 2004, pointing out “that there is no reconciliation without compensation” (*Sprawozdanie stenograficzne z 82. posiedzenia...*, 2004, p. 69). Interestingly, after taking power in 2005, the leaders of this party were ready to give up demanding

compensation from the ill-fated government of the Federal Republic of Germany in exchange for the German displaced people giving up their property demands against Poland (the so-called zero option). The leaders of Law and Justice returned to the subject of reparations after taking power again, when in July 2017, during the party's convention in Szydłowiec, its chairman stated that the Polish state had not yet received payment for the losses it had suffered as a result of the aggression of the Third Reich in 1939 "and it has never renounced them" ("Jarosław Kaczyński...", 2017, p. 3). According to the leaders of this group, demanding reparations was nothing more than demanding justice and what was due to Poland as a victim of World War II. This was indicated, among others, by the then Prime Minister Beata Szydło, who stated: "In fact, one could say that Poland is demanding justice, Poland is demanding today what should be done to it. We are victims of World War II, the wrong has not been redressed in any way, quite the opposite" (*Zdecydowane słowa...*, 2017). At the same time, PiS leaders did not agree with the arguments of those who pointed out that the issue of public-law compensation for World War II from the Federal Republic of Germany was legally closed.

Apart from financial issues, the issue of reparations, was also one of the important ways for the Law and Justice Party to implement national interests undertaken at the international level. This national interest was to strengthen and secure Poland's subjectivity in global politics, as well as in the field of external security. PiS's raising the issue of compensation reminded us of the scale of Poland's tragedy during World War II, and thus emphasized its status as a victim, which in modern times ensured prestige and moral superiority and gave a stronger negotiating position in international contacts. Taking up these issues by activists of this party also resulted from the very assumptions of PiS's historical policy, consisting in referring to the axiological dimension in foreign policy, emphasizing that foreign policy "should promote such values as justice, solidarity and truth" (Sprawozdanie z 11.

posiedzenia..., 2012, p. 179). The truth, which in their opinion required not only words but also specifics. Hence, Polish-German reconciliation – as they pointed out – should take place not only in the spiritual dimension, but also in the material dimension (paying for the damage done).

Soon, the topic of compensation from Berlin for the losses suffered by Poland during World War II became one of the main topics of PiS political discourse towards its western neighbour. The leaders of this party did not agree with the position of the German government, which considered the issue closed. With their initiative, in September 2017, a parliamentary team for war compensation was established, headed by a member of parliament from this group, Arkadiusz Mularczyk, who, speaking in the context of reparations, announced that these matters, in the opinion of Law and Justice, “have never been effectively and finally regulated” (*Sprawozdanie z 60. posiedzenia...*, 2018, p. 131). On 1 September 2022, this team presented a report on the losses suffered by Poland as a result of German aggression and occupation, which were estimated at PLN 6.2 trillion. Its announcement gave PiS members the opportunity to continue raising this issue politically, although until the end of their rule they did not decide to engage in any specific talks on compensation with representatives of the German government.

CONCLUSION

From the very beginning of its existence, Law and Justice emphasized that one of their main goals would be to conduct an active historical policy. For the members of this formation, the issues of patriotism and national memory were among the key elements of maintaining the national cohesion of Poles, raising the level of civilization and the quality of life of societies. Pursuing an active historical policy was particularly important for this

grouping in the foreign dimension. In their opinion, it played an extremely important role, especially in relations with Germany, which, as they pointed out, were quite heavily burdened with historical events. Analysing the historical policy of PiS towards Berlin, it should be noted that it came down to four fundamental points. The first of them was to counteract the attempts by Germany to relativize its guilt for the crimes of World War II and attempts to extend responsibility for them (the Holocaust) to the Polish state. Politicians of this party treated these issues in terms of *raison d'état*. They believed that the Polish state had every right to defend historical truth and thus to take various steps that would effectively protect against such cases of manipulating the past. Articulating their position on this matter, they tried to prove that they were the main defender of Polish national interests against the actions of the Germans. At the same time, PiS politicians appeared here as ardent supporters of the politicization of history, in order to use it to build a strong foreign position of the country and increase the legitimacy of Poland's subjectivity in the international arena. The second goal of PiS's historical policy was to oppose the demands of the Prussian Trust and the plans to build the Centre against Expulsions. According to this party, these actions were part of a broader process, which was the gradual re-evaluation of the social consciousness of the Germans, consisting in demonstrating that this nation was also a victim of the war, and as a result had the right to present its account of wrongs to some countries (Poland, the Czech Republic). For this reason, PiS members took the position that it was necessary to adopt an unequivocal and negative position here and defend the Polish point of view. The resulting language of the narrative, very often sharp, focused on confrontation, was intended to show that this party did not agree with the German view of that past. Importantly, history also served the leaders of this grouping to consolidate the conservative electorate and build political capital. The third aspect of the party's historical policy was to disseminate

knowledge among German society about Hitler's terror against the Polish nation and the resistance it put up against the Nazi occupiers in the years 1939–1945. According to PiS, negligence in this matter contributed, among other things, to the creation of an untrue and distorted image of the Polish state. Conducting active activities in this field became necessary because, as they emphasized, German society could see that its knowledge of the crimes committed on Polish lands by the Third Reich during the occupation was small, which was to result in indifference, lack of empathy and the emergence of an empty space in the German culture of memory about the fate of Poland during World War II. The active historical policy towards Germany for PiS was also extremely important in terms of the party's addressing the issue of compensation for the destruction that the Third Reich had done to Poland. History also became an important instrument for the leaders of this party to stigmatize political opponents, as evidenced by the accusation of submissiveness and clientelism towards Berlin of all those politicians who did not support PiS's position in this respect. These actions reveal a certain dissonance between the noble goals of historical policy proclaimed by this formation and its use for current political struggle.

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