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CONTENTS

LAW AND POLITICS IN CENTRAL EUROPE

Monika Forejtová

Achieving Equality by Shifting the Burden of Proof in Anti-Discrimination Cases

6

Branislav Fridrich

Slovak Constitutional Court: Ruling of the Constitutional Court in an Individual Complaint as a Source of Law for an Execution Performance in a Continental Legal System. Analysis of the Constitutional Court Judgement of 13 April 2010, Ruling No. III ÚS 322/2010–37

14

Joanna Marszałek-Kawa & Danuta Plecka

Political Culture and the Democratisation of a Political Regime. The Case of Poland after 1989

24

Matej Beránek & Mária Kočnerová

Milan Hodža – One of the Greatest Personalities of Slovak Policy

41

SOCIAL AND POLITICAL TRANSFORMATIONS FROM THE EASTERN EUROPEAN PERSPECTIVE

Ruizan Mekvabidze

Life in Transition: Problems and Solutions of Internationalization of Higher Education and its Promotion

50

Nana Akhalaia

Demographic Vector of Transformation: Spreading Small Families in Georgia

61

Anatoliy Kruglashov & Vitaliy Chebanyk

The Configuration of Chernivtsi and Zakarpatska Oblast Political Parties' Regional Branches and Their Impact on Regional Politics (2013-2014)

67

REVIEWS

Joanna Kamińska, *Siła zmiany – polska polityka zagraniczna po 2004 roku* [Influence of the new EU members on the Eastern Dimension of the EU's external relations: The case of Poland], Wydawnictwo ECE, Toruń 2014

(Zuzanna Osmólska)

78

Natalia Krzyżanowska (ed.), *Kobiety w (polskiej) sferze publicznej* [Women in the (Polish) public sphere], Wydawnictwo Adam Marszałek, Toruń 2012

(Olga Wadowska-Wróbel)

82

Danute Plecka (ed.), *Demokracja w Polsce po 2007 roku* [Democracy in Poland after 2007], Towarzystwo Inicjatyw Naukowych w Katowicach, Katowice 2014 **(Patrycja Rutkowska)**

84

LAW AND POLITICS IN CENTRAL EUROPE

ACHIEVING EQUALITY BY SHIFTING THE BURDEN OF PROOF IN ANTI-DISCRIMINATION CASES

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Abstract

Fighting discrimination by shifting the burden of proof is now integral to all European legal systems. Yet, a procedural rule, such as the reverse burden of proof, is just one step towards effectively addressing the issues of discriminatory motives and stereotypes, which as parts of human psyche produce discriminatory behaviour and cognitive bias in workplace and other areas of human interaction, including decision making in our courts of law. The EU Council directives, the judicial protection in the EU and ECHR's decisions form the important part of European protection against discrimination.

Key words: *equality, burden of proof, anti-discrimination, case-law*

INTRODUCTION

The fact that in discrimination cases plaintiffs have only very limited means to prove discrimination, and much less the motives of the discriminating person and thus the reasons for disparate treatment, is the fundamental problem in the application of the equal treatment principle. In addition, the factual circumstances and relations in which discrimination occurs are characterized by considerable asymmetries, resulting in more evidence ending up with those discriminating rather than in the hands of the party which may have been discriminated against.

For this reason, it has been established in the case law of the U.S. Supreme Court since 1970s that it is sufficient to prove only *prima facie* discrimination. In *Green v. McDonnell Douglas* (1973), and in *Texas Dept. Of Community Affairs v. Burdine* (1981), the U.S. Supreme Court ruled that the burden of proof of discriminatory behaviour will be shifted from the plaintiff to the defendant if the *prima facie* discrimination standard is met.¹ The facts of the case were that the candidate for the job, who was at the same time a member of an ethnic minority in the United

¹ OPPENHEIMER D.B., *Negligent discrimination*, Stanford Law rev. 317, 1987, p. 671.

States, had sufficient qualifications for the work, and yet she had not been offered the position, and that position remained vacant until it was offered to a person who was not a member of an ethnic minority. This shifting of the burden of proof rule was based on the following two premises:

1. Employers act rationally, and only they know or can explain the reasons for their decisions;
2. The most likely reason why an employer denied a qualified member of a minority the job offer was because he or she belonged to such a minority.

The new rule about shifting the burden of proof under the U.S. Supreme Court case law should not be a kind of an ultimate burden of persuasion, but rather an obligation to continue in the proceedings.² In proceedings involving so called *floating burden of proof*, the burden of proof shifts from plaintiff to the defendant, and *vice versa*, until the fact that, for example, the conduct of the employer in the employment dispute has not even been driven by a motive that could be considered discriminatory, is ultimately proven or refuted. Thus, the court often needs to examine whether the explanation submitted by the defendant is not concealing the actual reasons for disparate treatment of applicants for a job, or employees themselves, i.e. the reasons for discriminatory behaviour. Therefore, the term actual "discriminatory intent." is often used.³ However, it is always the allegedly discriminated person, i.e. the plaintiff, who needs to allege the discrimination first. What is then the most frequent way used by the employees or job applicants to prove their discrimination?

Plaintiffs usually rely on a combination of comparative methods (e.g. an Afro-American employee was dismissed on the grounds of misconduct, despite a white employee committing the same misconduct was not laid off; or a male job applicant was hired despite a female candidate with higher qualifications was not; or a younger employee was promoted, despite an older employee had more experience, etc.).

Various combinations of grounds for discriminatory behaviour may be usually demonstrated as follows:

- a) By proof of a fictitious reason (e.g., the employer alleges that the employee breached rules of conduct and therefore had to be dismissed);
- b) By proof of some bias of the employer or its superior employees against a certain group of people (e.g. the managing superior used, in public or private, allusions to persons of different race, gender, age, education, ethnicity, sexual orientation, etc.);
- c) By proof of discriminatory treatment of other persons (e.g., in the past the employer dismissed primarily persons of another ethnic minority or race in cases of difficult economic situation);⁴

² St. Mary's Honor Society v. Hicks, 509 U.S. 502 (1992), see SELMI, M.: *Proving Intentional Discrimination: The Reality of Supreme Court Rhetoric*, Georgetown Law Journal 279, 1997.

³ Reeves v. Sanderson Plumbing Products, Inc, 530 U.S. 133 (2000).

⁴ Judgment of the Court of Justice of the EU ("CJEU") (second chamber) of 10 July 2008, in case C-54/07, Centrum voor gelijkheid van kansen en voor racismebestrijding v Firma Feryn NV, the operative part: "The fact that an employer states publicly that it will not recruit employees of a certain ethnic or racial origin constitutes direct discrimination in respect of recruitment within the meaning of Article 2(2)(a) of Council Directive 2000/43/EC of 29 June

- d) By proof of the existence of stereotypes on the part of the employer in assessing applicants for the job or the existing employees (e.g., the human resources personnel has insulted women or persons of other ethnicity as people allegedly less able to carry out certain work);
- e) By proof by statistical data (in the context of the long-term development of case law in the field of discrimination, statistical data often serve as evidence, with the plaintiff submitting publicly available data or their own statistical data about existing or on-going discriminatory practices of the defendant).⁵

THE BURDEN OF PROOF IN THE LAW OF THE EU (DIRECTIVES AND CASES)

The European Union law provides for a principle according to which the burden of proof shifts only with regard to the facts that the plaintiff cannot have reasonable access to, or may not have them reasonably at his or her disposal. Therefore, if the plaintiff adduces a fact suggesting that there had been some direct or indirect discrimination, the burden of proof must be shifted and the defendant must prove that the breach of the principle of equal treatment did not occur. Discriminatory behaviour in the form of disparate treatment is also defined by the case law on Article 14 of the Council of Europe Convention on Human Rights,⁶ as a behaviour,

2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, such statements being likely strongly to dissuade certain candidates from submitting their candidature and, accordingly, to hinder their access to the labour market. Public statements by which an employer lets it be known that under its recruitment policy it will not recruit any employees of a certain ethnic or racial origin are sufficient for a presumption of the existence of a recruitment policy which is directly discriminatory within the meaning of Article 8(1) of Directive 2000/43. It is then for that employer to prove that there was no breach of the principle of equal treatment. It can do so by showing that the undertaking's actual recruitment practice does not correspond to those statements. It is for the national court to verify that the facts alleged are established and to assess the sufficiency of the evidence submitted in support of the employer's contentions that it has not breached the principle of equal treatment. Article 15 of Directive 2000/43 requires that rules on sanctions applicable to breaches of national provisions adopted in order to transpose that directive must be effective, proportionate and dissuasive, even where there is no identifiable victim."

⁵ Judgment of the European Court of Human Rights, dated February 7, 2006, in case No. 57325/00 D. H. and others v. the Czech Republic, where it was in point 38 of the judgment stated that: "*The applicants maintained that if prima facie evidence of discrimination was adduced by an applicant (for example, with the help of statistical data), or if, as in the present case, it came from recent reports by international organisations, the burden of proof shifted to the respondent Government, which had to prove that the difference in treatment was justified. In that connection, the applicants referred to an opinion expressed by the Court that, in certain circumstances: "the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation" (Anguelova v. Bulgaria, no. 38361/97, § 111, ECHR 2002-IV). Since, in the applicants' submission, neither an insufficient command of the Czech language, nor a difference in socio-economic status, nor parental consent could constitute reasonable and objective justification, the national authorities had not succeeded in furnishing such an explanation. Furthermore, even supposing that the applicants' placements in special schools pursued a legitimate aim – something they categorically denied – such a measure could under no circumstances be considered proportionate to that aim. "*" or see the CJEU judgment in case C-415/2010 Meister.

⁶ FMZV Communication No. 209/1992 Coll., on negotiation of the Convention on the protection of human rights and fundamental freedoms as amended by Protocols Nos. 3, 5 and 8.

which lacks objective and reasonable justification. This means any behaviour not pursuing some legitimate purpose, and for which there is no reasonable relationship between the means used and objectives pursued.

Council Directive 97/80/EC of 15 December 1997 provided for the allocation of burden of proof in cases of discrimination based on sex. This directive was in force until August 14, 2009, and was repealed by the follow-up EU legislation, which was the European Parliament and Council Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment for men and women in matters of employment and occupation. However, this directive has created room for wider protection of the rights of persons who believe their rights may have been affected by a discriminatory behaviour of, e.g., the employer.⁷ This directive is consistent with the Council Directive No. 75/117/EEC, Council Directive No. 76/207/EEC, insofar as discrimination based on gender is concerned, and Directive No. 92/85/EEC and 96/34/EC on discrimination related to pregnancy and parenthood. Article 4 (1) of the repealed Directive 97/80/EC provides for a reversed burden of proof.⁸ Although the defendant is required to prove the legitimacy and legality of how the plaintiff has been treated, the aggrieved party-plaintiff must submit some evidence as well. The Directive provides that: *"persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination"*.⁹

The rules for application of the so-called reverse the burden of proof are also laid down in Council Directives 2000/43/EC and 2000/78/EC. Article 8 of the Council Directive 2000/43/EC provides: *"Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment."*¹⁰

These rules of evidence do not apply in criminal proceedings, or in proceedings in which courts or public authorities do not adhere to adversarial principles. EU Member States are obliged to comply with the minimum standards for the protection of weaker parties, they may, however, offer even more protection by means of legislation.¹¹ This enhanced protection of the weaker party to the dispute

⁷ Council Directive 97/80/EC of 15 December 1997 on the burden of proof in the cases of discrimination based on sex.

⁸ *ibid.*, Article 4 (1): *"Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment."*

⁹ Council Directive 97/80/EC of 15 December 1997 on the burden of proof in the cases of discrimination based on sex, Article 4(1).

¹⁰ Article 10 of the Council Directive 2000/78/ES is completely identical.

¹¹ The CJEU judgment in case C- 303/206 Coleman.

is also complemented by allowing associations, organizations and other legal entities to become parties to the judicial proceedings. These bodies, as soon as they can prove a legitimate interest in anti-discrimination law compliance, are allowed to intervene in the proceedings (or they even initiate the proceedings themselves) normally in support of plaintiffs, or they may provide the plaintiffs with the necessary legal assistance (legal advice, coverage of the costs of proceedings, etc.) to defend their rights against employers. It is interesting that on the side of the employers are often large companies, their groups, and/or entities, which in the case they need to pay so-called non-material damages – financial satisfaction – are usually also able to meet the costs of these intervening parties.¹²

THE BURDEN OF PROOF IN CZECH LEGAL ORDER

In Czech law, the shifting of the burden of proof is embedded in the provisions of Section 133(a) of the Act No. 99/1963 Coll., Code of Civil Procedure, as amended (hereinafter referred to as CCP).¹³ This statute implements a significant part of the anti-discrimination legislation.¹⁴

The Constitutional Court of the Czech Republic in the application for annulment of Section 133 of CCP for its alleged unconstitutionality ruled that: *"In the Constitutional Court's opinion, one cannot conclude from interpretation of § 133a par. 2 of the CPC that it is enough for a person who felt racially discriminated against when purchasing services to simply claim that discriminatory conduct occurred. That person must, in court proceedings, not only claim, but also prove, that he was not treated in the usual, non-disadvantaging manner. If he does not prove this claim, he*

¹² For example, the European Roma Rights Centre (ERRC) is an organization based in Budapest, which deals with the issues of the Roma and Sinti people in Europe. Its main activities include lobbying and training in the field of human rights. ERRC was founded in 1996 and is managed by the International Commission-<http://www.errc.org/>.

¹³ Section 133 (a) of the CPR . *"When the plaintiff pleads the facts before the court, from which it can be inferred that he/she has been subjected to direct or indirect discrimination by the defendant a) based on sex, racial or ethnic origin, religion, faith, belief, disability, age or sexual orientation in the workplace or other dependent activities including access to them, occupation, business or other self-employed activities, including access to membership in an organization of workers or employers, and membership and activities in professional chambers, b) on the basis of racial or ethnic origin in the provision of health and social care, in access to education and training, access to public procurement, access to housing, memberships in associations and interest in the sale of goods in a shop, or the provision of services, or (c) on the basis of sex in the access to goods and services, the defendant must prove that there was no breach of the principle of equal treatment."*

¹⁴ Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to goods and services and their provision, Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex, Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2004/113/EC of 13 December 2004, implementing the principle of equal treatment between men and women in the access to goods and services and their provision.

cannot succeed in the proceedings. He must also claim that the disadvantaging treatment was motivated by discrimination on the basis of racial or ethnic origin. Of course, he does not have to prove that motivation; it is assumed in the event of proof of different treatment, but is rebuttable, if the contrary is proved (through evidence). In any case, the requirement that the plaintiff must prove that he was discriminated against precisely and exclusively because of his racial (ethnic) origin, and not for other reasons, is quite obviously impossible to meet, because proving the defendant's motivation (impetus) is ruled out by the nature of the matter.

Therefore, in the Constitutional Court's opinion the petitioner's opinion will not stand – the opinion being that in proceedings cited in the contested provision of the Civil Procedure Code “the plaintiff is given an advantage, because it does not have to prove what is alleged to have happened and why it is being complained of, whereas the defendant is disadvantaged, because it is supposed to prove something that did not happen.” In reality the burden of proof does not lie only and exclusively on the defendant. The plaintiff also bears a burden of claiming and a burden of proof. If the plaintiff successfully bears these burdens, which the court must decide in the individual case, it is then up to the defendant to prove his claim that discrimination on racial (ethnic) grounds did not occur. For the foregoing reasons the Constitutional Court concluded that § 133a par. 2 of the CPC is a proportionate means for achieving the aim pursued, or that – if it is applied in the abovementioned constitutional manner – a fair balance between the requirements of the public interest of society and the requirements of protection of individual fundamental rights will be preserved.”¹⁵

Thus, according to the ruling of the Constitutional Court, reversal of the burden of proof does not mean condemning the defendant to lose, but a requirement that the defendant is able to reasonably and convincingly explain the non-discriminatory nature of its decision. “The requirement that the plaintiff must prove that he was discriminated against precisely and exclusively because of his racial (ethnic) origin, and not for other reasons, is quite obviously impossible to meet, because proving the defendant's motivation (impetus) is ruled out by the nature of the matter.”¹⁶ It is not, therefore, a presumption of guilt. Both the Czech and European legislation work with shared (also known as *shifting or floating burden of proof*) burden of proof, because the true reversal of the burden of proof would be inequitable in its results, as it would lead to a non-proportional impact on the defendant. In discrimination cases, therefore, rules of evidence different than in other private law disputes apply. The Constitutional Court of the Czech Republic also dealt with cases, in which the ordinary courts did not sufficiently consider the alleged discriminatory behaviour, but it noted that the Constitutional Court may not decide generally on whether the behaviour at hand is discriminatory, because it always depends on the circumstances of the particular case. However, it is necessary that ordinary courts properly address the alleged objection of a disparate treatment and do not infringe the constitutionally guaranteed right to a fair trial. If the plaintiff alleges a discriminatory behaviour and substantiates that allegation in a way, which

¹⁵ Points 73, 75 of the justification of the Judgment of the Constitutional Court of the Czech Republic in case Pl. ÚS 37/04 in the matter of the motion for annulment of the law.

¹⁶ *ibid.* Point 73.

demonstrates the discrimination *prima facie*, the application of Section 133 (a) of the CPR and thus the reversal of the burden of proof is in order.¹⁷

However, the scope of issues in which the burden of proof shifts to the defendant, does not entirely match with the provisions of Act. No. 198/2009 Coll., on equal treatment and the legal means of protection against discrimination and on amendments to certain acts (the Anti-discrimination Act). The Anti-discrimination Act prohibits discrimination on grounds of race, ethnic origin, nationality, gender, sexual orientation, age, disability, religion, faith and belief in all the areas defined in Section 1 (1) of the Act. According to Section 132 (a), however, the burden of proof may be shifted on the basis of these grounds (with the exception of the ground of nationality) only within the context of discrimination in workplace or other dependent activity, profession, business or other self-employed activity, membership in the organizations of employees or employers and professional membership and the activities in the professional chambers. Furthermore, on the basis of ethnic origin, the burden of proof also shifts in the context of provision of health and social care, in access to education and training, access to public procurement, access to housing, memberships in interest associations and in the sale of the goods in the shop or the provision of services;¹⁸ and on the basis of sex, the burden of proof shifts in the field of access to goods and services.¹⁹

The rules of the administrative procedure governing the issues of evidence in discrimination cases, are set by Section 64 of Act No. 150/2002 Coll., the Code of Administrative Justice, as amended (hereinafter referred to as "CAJ"), which provided for *mutatis mutandis* application of relevant provisions of the Code of Civil Procedure, that means also Section 133 (a). The Act No. 500/2004, the Code of Administrative Procedure, as amended, however, does not explicitly provide for any reversal of the burden of proof. When the administrative procedure, however, is conducted on the basis of the inquisitorial principle, which, as a rule it is, it is up to the administrative body to choose a proper method of investigation. Therefore, administrative bodies should proceed in a way, which is effectively identical to the concept of shared burden of proof, and which will lead to discovery of all relevant facts of the case in the course of investigation. However, in the view of current public authorities' decisional practice, it may be reasonably doubted that the administrative bodies will conduct investigation in the manner described above.²⁰

In America, whence the idea of shifting the burden of proof came, it has been increasingly criticized over the last decades. Critical voices are based on the scepticism about whether the judges deciding on merit, being just human beings themselves, resorting to so-called subconscious discrimination.²¹ The so-called cognitive bias that explains discrimination as a natural part of the human psyche,

¹⁷ Judgment of the Constitutional Court of the CR in case II. ÚS 1609/08.

¹⁸ Letters (h) to (j) of the provisions of section 1 (1) of the Anti-discriminatory Act complemented by membership in special interest associations, access to public procurement and the area of social welfare, which represents a slice of the area under the letter (f).

¹⁹ Letter (j) of the provisions of section 1 (1) of the Anti-discriminatory Act.

²⁰ ČERMÁK M., KVASNICOVÁ, J.: *Několik poznámek k českému antidiskriminačnímu právu*, Bulletin advokacie 3/2010, str. 19 (*A few notes on Czech anti-discriminatory law*, Advocacy Newsletter 3/2010, p. 19).

²¹ LAWRENCE Ch.: *The ID, the Ego, The Equal Protection: Reckoning with Unconscious Racism*, Stanford Law Rev. 317(2007).

and in which there are embedded stereotypes that have influence on decision-making, not necessarily based on any intention, may negatively affect the decision-making process. I believe that in the Czech Republic, such a stereotype may exist in the context of persistent discrimination of Roma people, as indeed the Grand Chamber of the Strasbourg Court found in the case *D. H. and others v. the Czech Republic*, using the statistics as the decisive argument, an existing discriminatory motive behind some Czech legislation. The evidence of such systemic discrimination also follows, inter alia, from all the reports of the European Commission drafted at the time when the Czech Republic was negotiating its accession to the EU.

CONCLUSION

Overall, it can be concluded that fighting discrimination by shifting the burden of proof is now integral to all European legal systems. Yet, a procedural rule, such as the reverse burden of proof, is just one step towards effectively addressing the issues of discriminatory motives and stereotypes, which as parts of human psyche produce discriminatory behaviour and cognitive bias in workplace and other arenas of human interaction, including decision making in our courts of law.

REFERENCES

ČERMÁK M., KVASNICOVÁ, J.: *Několik poznámek k českému antidiskriminačnímu právu*, Bulletin advokacie 3/2010, str. 19 (*A few notes on Czech anti-discriminatory law*, Advocacy Newsletter 3/2010).

OPPENHEIMER D.B., *Negligent discrimination*, Stanford Law rev. 317, 1987.

SLOVAK CONSTITUTIONAL COURT: RULING OF THE CONSTITUTIONAL COURT IN AN INDIVIDUAL COMPLAINT AS A SOURCE OF LAW FOR AN EXECUTION PERFORMANCE IN A CONTINENTAL LEGAL SYSTEM

ANALYSIS OF THE CONSTITUTIONAL COURT JUDGEMENT OF 13 APRIL 2010, RULING NO. III ÚS 322/2010-37

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Abstract

This review deals with the Finding of the Constitutional Court of the Slovak Republic of 13 April 2010, file ref.: III ÚS 322/2010 – 37, and practice of general courts in the Slovak Republic which was evoked and which has been realised since. It is a key decision that a number of other decisions of general courts are based on, and even at the present time the given decision has been applied regardless of the development of the situation that has pointed to the incorrectness of the general courts' acts in the realised decision-making practice. Thus, the decision-making practice has diverged into various forms with various legal effects on the legal entities despite the fact that the highlighted Finding of the Constitutional Court has remained unchanged.

Key words: *constitutional court, Slovakia, legal system*

FACTS OF THE CASE

In the given case the Constitutional Court was deciding on the legal position of a Court Executor and his right to perform an execution based on the proposal of an entitled person (creditor). Under § 38 para1 of the Execution Code, an execution proceeding shall be started only upon the motion for which the entitled person (creditor) or a person who has proved that the right from execution title has been transferred (legal successor of the creditor) is procedurally legitimated.

One of the persons who voluntarily decided to use the Executor's services was a business company - POHOTOVOSTĚ, s.r.o. On 8 September 2008 POHOTOVOSTĚ, s.r.o. filed a motion to perform execution in the form of a record motion in order to enforce one of her financial claims which arose in accord with the loan provided to a

natural person V.K.. In the motion, the company asked the Executor as a Court Executor to enforce her financial claim using all the relevant legal ways of execution to make it settled as soon as possible.

The Court Executor was empowered by the general court to perform the execution. During the performance of the execution the debtor has raised an objection of prejudice against the Court Executor and addressed it in the letter written in person to the general court. As the only reason for his objection of prejudice it was given that the Court Executor had been for a short period of time, in the time before he became an Executor, the creditor's (company POHOTOVOSTĚ, s.r.o.) employee. On 4 June 2010, the general court – District Court in Žiar nad Hronom delivered to the Court Executor the decision written on 25 May 2010 by which it decided on the objection of prejudice as follows: the Executor “... *is not excluded from performance of the execution*“. The given decision of the court came into effect on 21 June 2010. After validity of the court's decision the Court Executor, bound by the court's authorisation and relevant provisions of the Execution Code, legally continued to perform the execution activity. The obliged person (debtor V.K.) came into view that the decision of the District Court in Žiar nad Hronom of 25 May 2010 presented an interference above the admissible extent into his fundamental rights, specifically to his right to judicial protection guaranteed by Art. 46 para 1 of the Constitution of the Slovak Republic and his right to a fair trial guaranteed by Art. 6 para 1 of the European Convention for the protection of human rights and fundamental freedoms (hereinafter as Convention). Therefore, the debtor - represented by his advocate, filed the constitutional complaint to the Constitutional Court of the Slovak Republic in accordance with Art. 127 para 1 of the Constitution of the Slovak Republic. After having accepted the complaint to the further proceeding by its decision of 21 June 2010, file ref.: III. ÚS 322/2010 - 14, the Constitutional Court discussed and decided the matter with no proceeding given and without any probation done.

RELEVANT PROVISIONS OF NATIONAL LEGISLATION

The Constitution of the Slovak Republic

Article 127

(1) The Constitutional Court decides on complaints by natural persons or legal persons objecting to violation of their basic rights and freedoms, or the basic rights and freedoms ensuing from an international treaty ratified by the Slovak Republic and promulgated in a manner laid down by law, unless other court makes decision on the protection of such rights and freedoms.

(2) If the Constitutional Court satisfies the complaint, it will state in its decision that a [disputed] final decision, measure, or other act violated the rights or freedoms pursuant to paragraph 1 and it will annul such decision, measure, or other act. If the violation of rights or freedoms pursuant to paragraph 1 has arisen due to inactivity, the Constitutional Court may order to the person that violated these rights or freedoms to act in that matter. The Constitutional Court may at the same time return the case for further proceeding, prohibit further violation of basic rights and freedoms or human rights and fundamental freedoms ensuing from an international treaty ratified by the Slovak Republic and promulgated in a

manner laid down by law or, if possible, order the person that violated the rights or freedoms pursuant to paragraph 1 to restore the state before the violation.

Act no. 233/1995 Coll. on Court Executors and Execution (Execution Code) and on Changes and Amendments to Some Acts as amended

§30

(1) The Executor is dismissed from performance of Execution Act, if, regarding to his attitude towards the thing, which represents the object of execution, towards the execution participants or their deputies, there are any doubts about his impartiality.

(2) Circumstances related to the Executor's procedure of Execution Act do not represent the reason for his dismissal. If the objection of prejudice corresponds only to these circumstances, it will not be taken into account by the Court.

(3) As far as the Executor is familiar with any facts related to his dismissal, he is due to notify the Court immediately. Until the declaration of the Decision pursuant to Article 7, the Executor is entitled to perform only such kind of execution procedures, which do not allow the stay; however, this is not applicable to the Execution performed under the Decision executable pursuant to § 26 of Act No. 231/1999 Coll. on the State Support as amended by later regulations.

(4) Participants of Execution Act are entitled to express their opinion on the entity of acting Executor.

(5) Participant can raise an objection related to the prejudice of Executor within five days outdated from the delivery date of notification on Execution Act commencement or within five days outdated from the date, when he could hear of reason for which the Executor has been dismissed. Objections of the Debtor towards the Executor do not refer to stay.

(6) The objection of prejudice must contain who is it raised to, the reason of eventual Executor's dismissal and the date on which the participant, raising the objection of prejudice, has been notified about this reason.

(7) The Executor will submit the case to the Court and the Court will make decision about the objection without an unnecessary stay. The Court will decide within ten days outdated from the date of submitting the case whether the Executor is being dismissed or not.

(8) The Executor will not take into account repetitively submitted objections of prejudice related to the same reason, if the Court has decided about them yet; the case will not be submitted to the Court in this case.

(9) The decision, whether the Executor has been dismissed or not, will be delivered to the Beneficiary, Debtor and the Executor.

(10) Pursuant to Art. 7 there is no rectification applicable against the Court decision.

(11) If the Executor has been dismissed by the Court from the performance of Execution, the Execution Act will be continuously processed by that Executor, who has been proposed by the Beneficiary and who has been authorized for such an Act by the Court.

Act No. 38/1993 Coll. On the organization of the Constitutional Court of the Slovak Republic, Proceedings before the Court and the Status of Its Judges

(3) If the Constitutional Court comply with the complaint, it may:

- a) order that the party, violating the fundamental right or freedom through omission, shall try the case under special regulations,
- b) revert the case to further proceedings
- c) prohibit continued violation of fundamental right or freedom
- d) order to that party which has violated fundamental right or freedom to recover the state, prior to the violation of fundamental right or freedom

...

(6) If the final judgement, measure or other intervention is being quashed or if the case is being reverted by the Constitutional Court for further proceedings, the party who has issued the decision, decided on the measure or caused other intervention shall be liable to rehear the case and to decide it again. In such proceedings or procedure the concerned authority shall be bound by the Constitutional Court's legal opinion.

(7) Whosoever has issued a decision in a case, decided on a measure or made other intervention, shall be bound by the decision under clause (3) which is enforceable on its delivery.

THE CONSTITUTIONAL COURT DECISION...

Finding of the Constitutional Court of 13 April 2010, file ref.: III ÚS 322/2010 – 37, contains the following merit decision: “1. *Fundamental right of V. K. to judicial protection in accordance with Article 46 para 1 of the Constitution and right to fair trial in accordance with Article 6 para 1 of the Convention by procedure and decision of the District Court in Žiar nad Hronom, file ref. 5 Er 934/2008 of 25th May 2010, was violated. 2. The decision of the District Court in Žiar nad Hronom, file ref. 5 Er 934/2008 of 25th May 2010, is then cancelled and the matter is re-introduce to the court for further proceeding. 3. The District Court in Žiar nad Hronom is obliged to concede compensation of court fees to V. K. amounting to 110.98 € (in words – one hundred and ten euro and ninety eight cents) to the account of his adovocate JUDr. I. Š., B., not later than two months from validity day of this decision. 4. It does not accommodate in the rest of the Complaint.*“

As the Constitutional Court cancelled the decision of the District Court in Žiar nad Hronom of 25 May 2010, the general court was obliged to issue a new decision in the matter of objection of prejudice of an Executor in execution proceeding recorded under file ref.: EX 7415/08. The District Court in Žiar nad Hronom decided the case through repeated decision of 18 July 2011 in a completely different manner so that this time it accommodated the objection of the Executor and excluded the Executor from the execution registered under file ref.: EX 7415/08. The General Court in the reasoning of its decision did not state at all where it found the prejudice of the Executor, it only referred to the conclusions taken by the Constitutional Court in the Finding of 13 April 2010, file ref.: III ÚS 322/2010 – 37. The Court Executor received the given decision on 26 July 2011 whilst he learnt only from the content of this decision that the debtor had raised a constitutional complaint against original decision of the District court which had not allow an

exclusion of the Executor from the execution performance, and at the same time he found out for the first time that the Constitutional Court had decided on constitutional complaint by a cassation decision. The decision of the District Court in Žiar nad Hronom of 18 July 2011 came into force and the Court Executor was therefore obliged to stop his performance of execution in accordance with § 30 of the Execution Code.

WHY THE DECISION IS IMPORTANT IN PRACTICE AND WHAT MAY FOLLOW?

The Finding of the Constitutional Court of 13 April 2010, file ref.: III ÚS 322/2010 – 37 significantly influenced the real and legal position of the Court Executor not only in relation to his performance of execution registered under file ref. EX 7415/08 but also in relation to performance of any other execution of the entitled person – business company – POHOTOVOSTĚ, s.r.o. regardless of the fact whether it concerns the execution in process or any future execution for performance of which the Executor has not been given a motion. It is also possible to consider whether the procedure of the Constitutional Court in the proceeding registered under file ref.: III ÚS 322/2010 as well as the Finding of the Constitutional Court itself did not in a significant manner non-legitimately limited the Executor's rights, mainly his right to a fair trial guaranteed by Art. 6 para 1 of the Convention as well as his right to peaceful enjoyment of property guaranteed by Art. 1 of Protocol 1 of the Convention. Such consideration is possible because the Constitutional Court:

- a) Without giving any notice to the Executor on a complaint filed and a proceeding in process in the course of which it was about to judge his prejudice against the entitled person – business company POHOTOVOSTĚ, s.r.o.;
- b) Without providing the Executor with the information (in writing or orally) about the content of the written motions of the parties to the proceeding on concrete control of constitutionality;
- c) Without challenging the Executor to express his position to all the claims that were introduced by the debtor via his lawyer before the Constitutional Court aimed at the Executor's exclusion from the execution performance;
- d) Disabling the Executor to express his opinion on matter of prejudice and matter of procedure of the District Court in Žiar nad Hronom with a view to influence the Constitutional Court's decision;

has decided with final validity (because under Art. 133 of the Constitution of the Slovak Republic there is no possibility of lodging an appeal against a decision of the Constitutional Court and thus no remedy is allowed against decision of general court on the substitution of the Executor) on the Executor's legal status whilst this decision has evoked legal effect pro futuro and definitely deprived the Executor from any possibility to perform, now and in the future, any execution made to enforce the debt of company POHOTOVOSTĚ, s.r.o.

Because of keeping the complexity of the analysis provided, it is necessary to state that in the constitutional complaint the debtor did object – as stated by the Constitutional Court at page 3 of the Finding – against the ruling of the District Court in Žiar nad Hronom of 25 May 2010, No.: 6408211025, stating that

“reasoning (of the District court) is at expense of the amenability of judicial review, and at expense of the procedural right to convincing reasoning in accordance with § 157 para 2 of the Code of Civil Procedure“ and therefore “the Applicant claimed that the Constitutional Court expresses in its Finding an opinion that due to the procedure and Ruling of the District Court file ref. 5 Er 934/2008 of 25 May 2010 there was a violation of his fundamental right to judicial protection in accordance with Article 46 para 1 of the Constitution and the right to a fair trial in accordance with Article 6 para 1 of the Convention and Article II-107 of the Charter, that the Court recalls the listed Ruling and concedes compensation of court fees to the Applicant.”

The debtor did not, before the Constitutional Court, find a fault with the District Court in Žiar nad Hronom in incorrect legal appreciation of the matter of the Executor's prejudice in relation to the entitled person – company POHOTOVOSTĽ, s.r.o. but he remained only at reservation of insufficient reasoning of the court decision. Insufficient reasoning of the court decision in the matter of the Executor's prejudice would indeed influence the debtor's rights, but only if the district court could really substantially deal with the matter of prejudice based on the debtor's motion. In the given case, the district court could not, in the proceeding which preceded the proceeding before the Constitutional Court, have come to substantial appraisal of the prejudice as no legal conditions were fulfilled to act so. The Constitutional Court dealt with this matter also without having met all legal conditions. Fundamental fact in the assessment of the Constitutional Court's procedure and its Finding aimed at evaluation of interference with the Executor's fundamental rights is the fact that the Constitutional Court without:

- a) being legitimated by V.K.'s motion to decide the matter of the Executor's prejudice in the execution proceeding (under § 20 para 3 of Act No. 38/1993 Coll. On the organization of the Constitutional Court of the Slovak Republic, Proceedings before the Court and the Status of Its Judges - the Constitutional Court is bound by the motion to start the proceeding except for the cases explicitly listed in this law whilst no exceptions from this rule have been provided for the proceeding on constitutional complaint of a natural person);
- b) being in communication with the Executor, prejudice of whom has been examined;
- c) having ordered an oral hearing in the matter in spite of the fact that other explanation of the matter could be objectively expected from this hearing;
- d) having performed probation to prove decisive facts from evaluation of which its evaluation of the Executor's prejudice against the business company POHOTOVOSTĽ, s.r.o. resulted from;
- e) having its legal opinion sufficiently reasoned in a convincing manner and pointed at the relevant evidential facts;

in the Finding of 13 April 2010, file ref.: III ÚS 322/2010 – 37 at page 7 of the reasoning it stated: *“The fact that the Court Executor was an employee of the participant of the execution proceeding (in the given case of entitled person) is the fact excluding him from the execution performance which he was obliged to notify the court with in accordance with § 30 para 1 of the Execution Code.”*

The sentence quoted above from the Finding of the Constitutional Court of 13 April 2010, file ref.: III ÚS 322/2010 – 37, was adopted by various general courts in the Slovak Republic in their decision-making practice under which execution

proceeding is taken against Court Executor based on the motion of the entitled person - business company POHOTOVOSTĚ, s.r.o. Without giving any concrete reasons in relation to the matter of prejudice they systematically started to exclude the Executor from performance of execution. This led to the precedence that **decision in individual constitutional complaint became illegitimate source of law in the national system**. Thus, the general courts started to act *ex offio* under existence of no objections from side of the participants of the execution proceeding. Based on the valid § 30 of the Execution Code, however, the execution courts in the Slovak Republic may act on objection of prejudice only based on the motion of a participant of the execution proceeding. Acting without any motion is not acceptable. Impact of the Finding of the Constitutional Court was exaggerated by the general courts to such extent that the general courts started to exclude the Executor already in the phase of proceeding when they were deciding on empowerment to perform the execution. Based on the Execution Code, however, the execution shall be started only after the authorisation is given and therefore no Court Executor may be excluded from the execution before it even starts. Impacts of the Finding of the Constitutional Court of 13 April 2010, file ref.: III ÚS 322/2010 – 37 are so significant that it influenced decision-making process of the general court also in cases when the execution based on the motion of the business company POHOTOVOSTĚ, s.r.o. was run duly in accordance with the law without any motives of the participants of the execution proceeding to object the Executor's prejudice. We may quote from a letter by the District Court in Dolný Kubín of 18 August 2011 by which the Court Executor was asked to give his position to *“whether because of the reasons in the Finding of the Constitutional Court of the Slovak Republic of 13 April 2011, file ref.: III. ÚS 322/2010-37 you propose your exclusion from the execution performance”*. The Finding of the Constitutional Court has been applied in more than five hundred cases when the execution for the business company was performed by this Court Executor.

Based on the above fact, it is possible to objectively consider that due to procedure of the Constitutional Court of the Slovak Republic in proceeding registered under file ref.: III ÚS 322/2010 – 37, as well as due to decision of 13 April 2010, file ref.: III ÚS 322/2010 – 37 –, the rule of “equality of arms” and rule of contradictory court proceeding as well as the right to reasoning of court decision occurred in this case at expense of the Executor. The rule of **“equality of arms”** is based on the idea that each party has got the same opportunity to file its motion and none of them should have any benefits in relation to his opponent. The rule of equality presents an idea that both parties are entitled to access the information concerning data and arguments of the opponent's party and they must be given an equal opportunity to raise objections against the opponent's argumentation.¹ The basic idea of this rule of equality is connected to the fact that Courts must set up a huge effort to assure the effective way of applicability as guaranteed by Article 6 of the Convention. In this particular case, the Constitutional Court based its reasoning on the motion filed by the natural person V.K. who was not known to the Executor and who he was never in contact with until the motion was filed and without any hearing of the Court Executor who may be considered to be a Party *de facto* it

¹ The Court's judgement in the case *Feldbrugge v. Holland* (1986).

decided on his exclusion from performance of execution of the debts of company POHOTOVOSTĚ, s.r.o. The Executor did not have any opportunity to react to any of V.K.'s claims nor to claims of the District Court in Žiar nad Hronom that was identified as a violator of his rights. The Executor was not given any opportunity to influence preparation of the content of Constitutional Court's decision, even though the given decision has influenced his legal status in a significant manner. Moreover, the procedure chosen by the Constitutional Court gave V.K. sufficient opportunity to enforce his motion with no fear of the Executor's reaction. The Executor in position of Court Executor forcibly recovered the claim of the entitled person against V.K. Therefore, it may be supposed that V.K.'s attitude against the Executor was of aversion and feelings of antipathy and hate. In such position it was more than required to hear the Executor in order to reach objective judgment of the case and to allow him to present his opinion on the case.

The conception of a fair trial includes also the right to contradictory proceeding, where the parties are entitled to submit not only evidence supporting their claim, but also to be notified with full submitted evidence or the standpoints and to express their point of view with an aim to change the judgement of the Court.²

The Executor was not informed that the Constitutional Court has open a proceeding in which it is to decide on his rights and legal position, he was not informed on the content of the evidence, he was not given any opportunity to express his position to the evidence submitted and moreover he was not given any chance to submit any evidence to support his position. Based on the constant case law of the Strasbourg Court, the national court may not base its decision on facts the Party of the proceeding was not familiar with. The contradictory proceeding, however, is not limited only to the right to express the standpoint related to the opponent's claim, but it also refers to the equal authorization for the evidence, acquired by the court on self-initiating, and the fact, if this evidence was familiar to the one Party or to none of them, is not essential. This principle is not limited to the type of the proceeding and it is guaranteed within the criminal process as well as the civil-law process and the proceeding before the Constitutional Court.³

It is necessary to state that the Constitutional Court did not test at all the objective nor subjective aspects of the Executor's prejudice in relation to the business company POHOTOVOSTĚ, s.r.o., and it decided on the Executor's prejudice in a general manner without any appraisal of the concrete facts and evidences.

The right to a fair trial generally requires reasoning of the Court's judgement. Reasoning of the judgement represents the Party's right for correlation by submitting the proposals and arguments, with the purpose to receive the answers. It also represents guarantee of the fact that performance of justice is not arbitral and it presents the presumption of applying for the right on correction procedures. Article 6 of the Convention obliges the Courts to present the reasons of their decisions. Obligation of general courts to reason their decision has been stressed also by the Constitutional Court itself in its constant case law.

² E.g. judgements *Nideröst-Huber v. Switzerland* of 18th February 1997, Para. 24 and *Mantovanelli v. France* of 18th March 1997, Para 33.

³ *Krčmár and others v. Czech republic*, judgement of 03.03.2000, application No. 35376/97.

The Constitutional Court of the Slovak Republic inter alia stated: *“The independence in decision-making of the general courts has been realised in constitutional and lawful procedural and substantive framework. The procedural framework is comprised mainly of the principles of due and fair trial; one of these principles, representing a part of the right to fair trial and excluding arbitrary behaviour at the decision-making, is an obligation of the court to reason their decisions (§ 157 para 1 of the Code of Civil Procedure) in the manner as anchored in § 157 para 2 f the Code of Civil Procedure. The relationship between the conclusion of facts and considerations concerning the assessment of evidence on one side and findings of law on the other side must result from the reasoning. The right to a fair trial may be violated by a situation when assessment of facts is lacking a particular part of facts that appeared in the proceeding but the court did not duly evaluate them in the total complex of the facts examined.”* (Finding of the Constitutional Court of the Slovak Republic, file ref.: III. ÚS 36/2010).

It is not clear from the Finding of the Constitutional Court of 13 April 2010, file ref.: III ÚS 322/2010 – 37, what was the consideration due to which the Constitutional Court had come expressly and with no doubts to the opinion that the fact that the Executor was an employee of the participant of the execution proceeding (in the given case of the entitled person) presents such a circumstance that it makes him excluded from the execution performance. The reasoning of the opinion on the Executor’s prejudice in the execution proceeding does not reveal any relation between the matters of fact and considerations concerning the assessment of evidence on one side and legal conclusions on the other side.

The Constitutional Court should not be incoherent in its argumentation contained in the reasoning, i.e. its decision must be consistent and its arguments must support the particular conclusion. At the same time, it must see to its overall cogency, in other words, to make the premises chosen in the decision as well as the conclusions it reached upon these premises acceptable and rational for wider legal public (as well as the wide public), and last but not least, also fair and convincing. In case the legal conclusions are in extreme disharmony with realised factual findings or the legal conclusions do not result from the findings in any possible interpretation of the court decision, such decision must be considered to be in contradiction with Article 6 para 1 of the Convention (mutatis mutandis the Finding of the Constitutional Court of the Slovak Republic file ref. I. ÚS 243/07 of 19 June 2008).

It should be underlined that considering the circumstances of the given case the Constitutional Court did not meet its duty to reason its decision as obliged by Article 6 of the Convention. Non-fulfilment of such duty established effects so significant that the Executor’s legal position was permanently changed with no remedy possible in the future due to the Constitutional Court’s opinion which comprised only one sentence of the reasoning quot.: *“The fact that the Court Executor was an employee of the participant of the execution proceeding is the fact excluding him from the execution performance in accordance with § 30 para 1 of the Execution Code which he was obliged to notify the court without any unreasonable delay based on § 30 para 3 of the Execution Code.”* Although this opinion was not reasoned, it was consequently taken into decision-making of general courts. The

Court did not correctly follow the wording of the Execution Code by not considering objectively the fact related to the prejudice.

Therefore, it is required to reflect on whether such proceeding taken before the Constitutional Court under file ref.: III ÚS 322/2010 – 37 was fair as a whole, and whether it is possible to speak about fair implementation of jurisdiction.

The considerations are more legitimate due to the fact that various general courts, evidently being of the same opinion, decided to ignore the analysed Finding of the Constitutional Court and refused to exclude the Court Executor from the execution performance. As an example we use quotation from the Ruling of the District Court in Nové Zámky of 16 December 2010, file ref.: 9 Er 1292/2007: *“The fact that the Executor was the entitled person’s employee the court does not consider to be a fact upon which one may have doubts on his impartiality when, in accordance with § 38 paras. 1 and 2 of the Execution Code, an execution may be performed only upon the entitled person’s proposal or upon a proposal of that who will prove that the right from decision has passed to him. The entitled person may file the motion to perform the execution in compliance with this law if the obliged person (debtor) voluntarily does not fulfil what is entailed to him by the valid decision. Selection of an Executor is the entitled person’s disposal right and it is upon his decision which Executor will be sent motions to perform the execution while such Executor follows, while performing the execution, in accordance with valid legal enactments.”*

In relation to the above quotation from the general court’s decision there may come a question whether the Constitutional Court’s activity does not prove to be in breach of rule of law, namely rule of proportionality and rule of legal certainty. If stabilized decision-making practise of the courts is established, other courts must respect such practice to keep the legal certainty. It should be valid though that the same matters are decided the same, in principle. If any deviation from stable decision-making practice occurs, the court, decision of which comprises such concerned deviation, must consistently and sufficiently reason its decision. In case of the contested decision of the Constitutional Court such reasoning is absent.

CONCLUSION

This finding was one of the first, on which the Constitutional Court still rely, when deciding constitutional complaints in areas of consumers protection in the Slovakia. It became relevant especially today, when the National Council of the Slovak republic, inspired by the reasoning of the finding, in connection to the time before parliamentary elections had adopted in very short time amendment to the Code of Civil Procedure, Executory Code, Bill of exchange and cheques. All of them miss the justification of the decision in relation to fundamental legal principles implementation and lead in practice to confusion between the law and political understanding of the topic, which is very sensitive especially in relation to consumers.

POLITICAL CULTURE AND THE DEMOCRATISATION OF A POLITICAL REGIME. THE CASE OF POLAND AFTER 1989

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Abstract

Regardless of the difficulties connected with the description or characteristics of democracy, it must be noted that – like in the case of other political systems – it has the capacity of both auto-regulation and auto-destruction. Thus, what is so important for the maintenance and quality of democracy is the degree of its consolidation, i.e. how strongly both citizens and political elites are attached to democracy itself as well as to its values, regulations and constraints it entails. It should be pointed out that the level of consolidation largely depends on the institutional, international, socio-political and cultural determinants. Institutional factors show that a high level of democratic consolidation is significantly determined by the existing model of a political system: societies in the countries with the parliamentary system display a higher degree of consolidation, while the degree is lower in the presidential system. The reason for this is the fact that the cooperation between different political actors is “forced”, which ensures that the balance between contrasting political views (institutionalized in the form of political parties) will be maintained. This results in politically extreme groups being blocked, and, finally, reflects socio-economic divisions, thus being conducive to the realization of civil rights.

Key words: *political culture, Poland, political transformation, democratization*

Regardless of the difficulties connected with the description or characteristics of democracy, it must be noted that – like in the case of other political systems – it has the capacity of both auto-regulation and auto-destruction. Thus, what is so important for the maintenance and quality of democracy is the degree of its consolidation, i.e. how strongly both citizens and political elites are attached to democracy itself as well as to its values, regulations and constraints it entails. It should be pointed out that the level of consolidation largely depends on the institutional, international, socio-political and cultural determinants [Sekula 2009: 21-77]. Institutional factors show that a high level of democratic consolidation is significantly determined by the existing model of a political system: societies in the countries with the parliamentary system display a higher degree of consolidation, while the degree is lower in the presidential system. The reason for this is the fact that the cooperation between different political actors is “forced”, which ensures that the balance between contrasting political views (institutionalised in the form of political parties) will be maintained. This results in politically extreme groups being blocked, and, finally, reflects socio-economic divisions, thus being conducive to the realisation of civil rights.

Institutional determinants are as important as the international environment, which decides whether a democracy is stable or not. It is observed that democratic regimes coexisting beyond the described political system to a large extent determine a high level of democratic consolidation. At the same time, it is a factor which co-exists with socio-political determinants within the system, such as the economic development, wellbeing, a degree of industrialisation, citizens’ level of education, and the reduction of disparities in their living standard.

One of the factors affecting a degree of the consolidation of democracy, which also determines its quality, is the political culture of its citizens.

In colloquial speech, political culture is equivalent to the ethics and morality of politicians and public officials. It is also sometimes associated with diplomatic culture. In political science, a more precise definition by G. Almond and G. Powell is adopted. According to them, political culture is „the pattern of individual attitudes and political orientations of the members of a political system. It is a subjective sphere, which underlies political actions, giving them meaning. These individual orientations have a few components, i.e.: a) cognitive orientation – real or false knowledge of political objects and ideas, b) affective orientation – a feeling of bond, involvement, objection to political objects, c) judging orientation – judgments and opinions about political objects” [Garlicki 2004: 42]. Thus, political cultures should be defined as a set of relations existing among specific political objects, i.e. politicians and political institutions [Kościelniak, Wiśniewski 2005: 34-35]. Jerzy Wiatr presents a similar – in terms of description and axiological neutrality – definition of political culture. He points out that it should be defined as a “set of attitudes, values and patterns of behaviour concerning the relations between the authorities and citizens of a country” [Wiatr 1980: 328; Janowski 2010]. He also indicates that the immanent components of political culture include: “knowledge of politics, knowledge of facts and being interested in them; the assessment of political phenomena, judgments concerning the way power should be exercised; the emotional side of political attitudes, e.g. love to one’s country or hatred towards its enemies,

as well as political behaviour patterns determining how one can and should act in the political life” [Sus 2015].

James Coleman points out that political culture is defined as a kind of political social potential of a group, which determines its “ability to act and defines its sphere of activities available for the main actors of the system. The power factors – as Coleman asserts – are the more important for a group, the weaker the citizens’ community and the poorer resource of cooperation patterns it has” [Coleman 2003: 41].

As it was indicated before, political culture is an interdisciplinary phenomenon and may be defined in a variety of ways, for example, through the functions it fulfils [Sus]. Wiktor Szewczak presents it in the form of a pattern of political behaviours created on the basis of social, political or cultural transformations. He assumes that every political behaviour/change of a political system is initiated by a certain stimulus, an impulse which stimulates the society/particular individuals to act. These stimuli may include actions considered to be political behaviours, which in turn determine political culture [Szewczak 2005: 69-84]. Such development manner of political culture may be observed especially during dramatic changes of a system, resulting from reforms or from important social events, and followed by a more gradual evolution in the period of stability.

Indicating political culture as the factor determining the growth in the consolidation of democracy, it must be pointed out that not every kind of political culture has a positive influence on the quality of democracy. Out of three commonly known ideal types of political culture - parochial, subject and participant (also referred to as democratic) - the first two negatively affect the level of democratic consolidation, and only the third one has significant importance for the quality of a democratic system.¹ Political scientists and sociologists distinguish a variety of the constituents of the participant political culture. For example, they point at the significance of social trust, solidarity and tolerance, as well as extensive cooperation structures, willingness to work for the common good, and respect to otherness [Putnam 2008:344]. Other important indicators include: participation in unconventional political activities, the freedom of speech, or a critical attitude to hierarchical institutions, instead of which individual autonomy and free expression are promoted. It should be pointed out here that not all components of the participant political culture are conducive to the growth of the level of democratic consolidation. The increase of individual autonomy at the expense of the authority of hierarchical institutions may lead to a serious crisis of the legitimacy of power, which may manifest itself in social dissatisfaction with the whole system (not only with particular decisions made within it) and in the questioning of its underlying values. If such phenomena occur sporadically, there is no threat of the legitimacy crisis. The threat appears only if the system is permanently criticised and such a critical attitude becomes well-rooted among socially and economically handicapped groups.

¹ What is important here is the fact that there are no societies in which political culture is a homogeneous formation. There is always a single dominant type of political culture in a given society. Moreover, a specific form of political culture does not have to be permanent, and it may be manifested in particular situations. Thus, there is a popular view that political culture models are variable.

However, regardless of the abovementioned factors and differences in their composition, political scientists and sociologists agree on the choice of the principal determinants of the participant (citizens') political culture. They include: the appreciation of one's own civil political competence, a sense of obligation to participate in the democratic process, and, finally, obedience to the law and loyalty towards political structures.

Thus, we may distinguish two levels of deliberations on the characteristics of the participant political culture. On the level of the features of the democratic system, the distinctive components include: support for democracy and its principles irrespective of emotions, the acceptance of pluralism, trust in democratic institutions, and a conviction that the state should contribute to the development of the space of citizens' activity. These attitudes are determined by the second level of features of the participant culture, i.e. the identification of the individual's role in the system through the knowledge of civil rights and obligations, and the willingness to put them into life. What is also relevant here is a sense of political competence, trust in citizens, or a belief that all efforts are made to pursue the common good.

Among the abovementioned features of the participant culture, as well as among the levels of deliberations on it, one view seems to be dominant, i.e. the belief that democratic culture must be based on citizens' competences. In other words, the essence of democracy should be identified and its mechanisms must be understood, which determines all decisions and actions.

The process of the construction of democratic political culture is complex and long. It means that principles of democracy have to be consistently followed and people have to be willing to participate in democratic procedures. For these capabilities and will to develop, time, practice and experience are needed [Rajca 2007: 125]. The transformation from an undemocratic system to a consolidated democracy is a multi-stage operation, initiated and determined by the processes of liberalisation, then democratisation, and finally consolidation. According to Samuel P. Huntington, liberalisation takes place within an undemocratic system and precedes the phase of the construction of democratic mechanisms [Szyja 2013: 166].

Scholars believe that in the period of system changes, some typical phenomena occur. They may be classified in four groups. First of all, all social groups show more interest in the social life and a socio-political situation. Moreover, people participate more in the political life, which at the same time reveals social divisions - the advocates of system changes are on one side, while their opponents, who are in favour of maintaining the old system, on the other. Finally, it becomes possible to establish new political parties or socio-political groups [Szyja 2013].

The 1980s marked the period of dramatic social and political changes in Poland. Those changes were the result of the increasing polarisation of the Polish society and its division into the supporters of the authorities and the followers of the Independent Self-governing Trade Union "Solidarity" (NSZZ - *Niezależny Samorządny Związek Zawodowy "Solidarność"*), who demanded, among other things, political pluralism, the sovereignty of the nation, the respect of the most important civil rights and liberties: equality, non-discrimination, freedom of speech, freedom of religion, the right to information, free elections, parliamentary democracy, reducing the influence of the Polish United Workers' Party (PZPR -

Polska Zjednoczona Partia Robotnicza), the right to fair trial, and equal access to public service. Both conflicting camps – the opposition and the government – stimulated millions of people [Łabędź 2006: 45].

What was the consequence of this division within the Polish society was the fact that its large part were convinced that they had no real influence on the decisions made by the bodies of state authority. Politics was perceived as the sphere of the reality which (usually assessed negatively) is the effect of the activity of other subjects – the state, parties, and elites. Some people also expressed their hostility towards the state, which was a remnant of the times of the People's Republic of Poland, when disobedience to the ruling class and to the law it made was seen as an act of heroism rather than something negative. At the same time, it must be remembered that the institutional transformation in Poland was accompanied by huge mobilisation and support of the society. However, common euphoria and acceptance of the reform of the system, including the establishment of new state institutions, did not last long. The transition from the “monocentric order of real socialism to the polycentric order and capitalism” appeared to be too costly for many Poles. Great hopes and expectations, which did not correspond to the positive evaluation of the efficiency and manner of operation of new public institutions led to the ostracism of the sphere of politics, which sociologists present in the form of the specific series of events: disappointment – frustration – dissatisfaction – alienation – apathy [Lubecki, Szczegółą 2007:87].

A popular view holds that attitudes based on traditional national and libertarian values were dominant in Poland – like in the Czech Republic and Slovakia – at the first stage of the transition. A. W. Jabłoński, in turn, tries to identify the scope of possible transformations of the system and democratic changes, as well as a degree of the sovietisation of the Russian political culture. He notes that the level of political culture represented by the elites which rule the state after the first democratic elections and oversee further reforms is important for the successful pursuit for democracy [Lubecki, Szczegółą 2007].

The first partially free elections in Poland, held on 4 June 1989, marked the beginning of the gradual process of the depoliticisation of the Polish society. Experts indicate the following causes of political alienation: a low level of trust in public institutions, electors' little knowledge of candidates and programmes of political parties, disappointment with political elites, bitterness resulting from the unsatisfactory effects of the ongoing reforms, etc. At the beginning of the 1990s, most Poles highly valued the democratic system. Public opinion surveys showed that this trend lasted until the end of the 20th century. With time, however, the increasingly worse image of politicians, parties and public institutions led to an increase in the number of people dissatisfied with the way the political system functioned and convinced that citizens had no real influence on the decisions made by the state authorities [Łabędź 2006].

The Polish society is distinguished by the significant dualism of attitudes towards democracy. This dualism has been shaped as an effect of historical experience and is determined by causes of a dual nature. According to some scholars, attitudes which approve of authoritarianism originate mainly from the dissonance between expectations and the actual state. Moreover, conflicts, antagonisms and quarrels among politicians may also contribute to the development of authoritarian

tendencies. This regime does not provide space for this kind of misunderstandings and dispute. It should also be noted that the degree to which Polish people are satisfied with the functioning of democracy may be associated with problems on the political scene. In pre-election periods, as Bartosz Szyja indicates, people tend to be more content, which is attributed to the new hopes and expectations revived by political parties and to the foreseen change of the government. If promises are not kept, citizens become disillusioned and criticise democracy [Szyja]. As early as in the mid-1990s, spectacular economic reforms, which harmed the interests of large social groups, led to the intensification of feelings of frustration and disorientation. High costs of the transformation and the shock it had entailed made a large part of the society feel alienated and retreat from the sphere of public life to the safer sphere of private life. Sociologists indicate that this phenomenon assumed a form of the “deviant level of political passivity” [Lubecki, Szczegółą 2007:74-75].

The process of democratisation in Poland involved first of all legal and institutional changes. It is estimated that the development of the foundations of the state’s new political system and of the construction of democratic institutions of authority was not accompanied by a change of attitudes towards the political system [Lubecki, Szczegółą 2007]. Consequently, citizens’ political stances were marginalised.

Scholars studying citizens’ political competence are becoming convinced that an average citizen “tends to be poorly informed”, and the “classic model of a well-informed citizen, who makes reasonable judgments and rational decisions, has become the model of a gentleman from the past era that is not going to return” [Godlewski 2008: 100]. There is no doubt that the state of knowledge of political matters is also influenced by traditional media, their tabloidization and being supplanted by electronic media, which affects the level of political culture. This situation leads to a competent, politically knowledgeable citizen being replaced by a citizen who uses patterns of thought and is subject to emotions – which makes him make decisions using little effort, depending on a situation [Raciborski 2010: 103-108].

What also plays a significant role here is the religiousness of Polish people, because the institution of the Catholic Church has become a part of public life and has a considerable influence on the way Poles think of politics [Jasińska-Kania 2007: 115-116]. It is first of all determined by the Polish history, the importance of the Catholic Church for democratic changes after 1989, as well as by the distinct presence of hierarchs in the public life of the last two decades [Karnowska 2008: 219]. Thus, religion significantly affects not only the way of thinking about politics, but also the principles according to which individual and collective actors participate in it. It may even be said that morality based on Catholic values (often treated selectively) is very important for the attitude of Poles towards democracy [Jasińska-Kania 2007: 36].

This remark is relevant to the extent that the understanding of democracy, or the conception of it, determines citizens’ political behaviour. It particularly refers to the degree of involvement in conventional and unconventional political behaviours. It should be noted that studies on Polish people’s attitude to democracy were carried

out by different groups of scholars after 1989.² The results of their research allow us to draw a few basic conclusions concerning both the definition of democracy and its significance, and the level of social acceptance in Poland. We may observe that democratic values were by and large fully approved of [Roguska 2008: 266]. This is reflected in the common belief that the democratic system prevails over all other forms of government. It should be stressed that it was at the beginning of the transformation period that this political system had the lowest level of support. It was attributed to the economic problems of the time. However, this trend has improved and approximately 60-70% of Polish citizens express their approval of democracy [Kolarska-Bobińska 2008: 266].

The general perception of democracy as the best form of government significantly differs from the way it is evaluated in Poland. We may observe periods of dissatisfaction with the democratic system and its quality in the country, which manifests itself both in the negation of its values – for example, rights of minorities [Sekula 2009: 133] – and in the fact that the support for democracy has not always been of an absolute character.

The reason for this is a view shared by the overwhelming majority of Poles, according to which “there are times when non-democratic rules are more desirable than democratic ones” [CBOS – *Centrum Badania Opinii Publicznej*, Centre for Public Opinion Research 2009]. This belief became reinforced in the period of 2005-2007, when the Law and Justice (PiS – *Prawo i Sprawiedliwość*) party was in power (in a coalition with other parties). Despite the recognition of democracy, authoritarian views gained popularity in the country then. The majority of citizens (52%) were convinced that undemocratic rules prevail over the democratic form of government. They backed the idea that a “strong person at the helm of the government may turn out to be better than democracy” [CBOS 2005]. These trends, however, did not last and at the beginning of 2007 the level of approval of the democratic system noticeably rose.

Poles associate the democratic system first of all with economic equality. People made frequent statements about “the need for the government’s supervision over banks”; they demanded that the government undertake action to reduce unemployment and that private enterprises be controlled [Sekula 2009: 145-166]. Thinking about democracy in terms of economy not only produces a false image of the democratic system, but it also determines popular views on this subject. At the same time, it may reflect longing and hope for the realisation of social justice in the system based on equality. This conviction may be quite dangerous, however, because, as Janusz Reykowski put it, “democratic institutions may be easily rejected if their functioning does not guarantee conformity to the vision of a good state” [Reykowski 1995: 123].

The economy-based view of the democratic system remained to be dominant at the turn of the 20th and 21st centuries. However, apart from economic values preferred by the society, references to axiology in the political sphere appeared, such as: equal justice under law, personal liberties, or the rule of law [CBOS 2000]. Other

² What is worth mentioning here are the teams of Janusz Reykowski, Mirosława Maroda or Lena Kolarska-Bobińska.

important values included: freedom of association, the competitiveness of political programmes, and freedom of speech [CBOS 2003].

The diagnosis of knowledge determines decisions that are made, and these in turn affect actions. After 1989, Polish people tended to act for the good of their closest surrounding, which led to the growth of populism and the dichotomous division into “us” and “them”. It was manifested in the elections of 2005, when the Self-Defence party gained a large number of parliamentary seats, and the PiS based its election campaign on the slogan of “solidarity Poland” fighting against “liberal Poland” and on contrasting the 4th Republic of Poland to the 3rd Republic. In this case, however, a low level of civil competence was the result of the lack of trust in the authorities, which had been definitely influenced by the lack of dialogue and agreement, and the society’s poor knowledge of politics.

Since the beginning of the 21st century, sociologists have observed a gradual decrease in citizens’ involvement. In 2002, as the results of the European Social Survey show, 12.4% of the respondents participated in or were members of socio-political organisations, while the figure in 2002 was only 9% [Lubecki, Szczegółą 2007]. The Polish society usually adopts anti-civil attitudes. It is quite surprising if we bear in mind that the political transformation in Poland was initiated by the protests of change-oriented “Solidarity”. Edmund Mokrzycki writes that “Poland<Self-governing Republic> did not outlast the system it had fought against. It was the specific circumstances of that battle that formed it and gave it hallmarks of a civil society.” As he accurately points out, the time of transformation was an enormous trauma for many social groups and caused the “rapid disintegration of the whole syndrome of the Polish civil society, in each of the fundamental meanings of this term” [Lubecki, Szczegółą 2007].

Yet it is hard to deny that in Poland after 1989 there was a tendency to establish all kinds of civil society institutions (political parties, trade unions, social movements, non-government organisations, etc.), but at the same time the number of people interested in real participation dropped. Thus, an increase in the number of civil society institutions was not proportionate to the growth of citizens’ activity.

It may be surprising in the light of what citizens themselves declared. In the 1990s, as many as 60% of them recognised the need for strengthening interpersonal solidarity [CBOS 2002]. It was a clear signal that the public sphere must be renewed through citizens’ involvement and their readiness to act. It was also a sign that democracy was becoming rooted in Polish people’s awareness [Kochanowicz 1998:13]. Despite this fact, however, the civil society in Poland during the transformation of the system was poor and was not a match for the political authorities. That was the main cause of the weakness of the Polish democracy. “Only a civil partner can control powerful structures of political and economic power and reduce the effects of various internal tensions in the society. It is only such a partner that is able to release social reserves even in the conditions of (...) hopeless political, social, cultural, or economic crises” [Gliński 2009: 234].

The civil society manifested itself mainly in two areas of activity: the first of them referred to as local communities, gathered around local government institutions, and the other one, through a high degree of citizens’ maturity - in non-government organisations. The civil society was also active in different forms of individual activity and less formalised social groups which were set up with the aim of the

accomplishment of a specific task. The manifestations of the presence of civil society are important from the perspective of the reception of communitarian ideas. What seems to be of the biggest importance here, however, are local communities, because their activity is to a large extent based on strong social bonds. The strength of these bonds is determined by the identification with the community and with the values it represents. It is obvious that the depth of such identification remains debatable as are the consequences of the adopted community model. There is no denial that social ties based on the identity of a community determine the establishment and development of social initiatives and activity [Dzwończyk 2010: 89].

Political parties also attached big importance to local communities. However, they often limited their scope of activity to the tasks of local government. Thus, local government institutions were not precisely separated from newly arising local communities. At the same time, political elites paid no attention to the fact that the activity of the civil society at the local level was very often determined by factors other than those associated with a community. The role of the leader (for example, in the form of local intelligentsia) was frequently ignored as was the significance of a parish in a community and the grass-root character of initiatives, often against the intentions and will of a local government.

The abovementioned facts reflect the specific nature of thinking about local government in Poland. It is often seen as “self-governance without participation”, which actually excludes the activity of local communities. Such a state of affairs has been determined by strongly decentralised and party-dependent levels of local government, which leads to the dominance of technocrats rather than community workers in its structures. Thus, local self-governance may display features of oligarchy [Kurczewski 2002: 255], which are in contradiction with the republican and democratic assumptions of the civil society. Such a premise leads to yet another observation, i.e. it indicates the clientelistic and paternalistic character of relations between local authorities and a citizen, which does not have a positive influence on the development of local communities and contributes to the weakness of democracy in Poland.

Balance may be achieved both thanks to informal social movements, and owing to citizens' individual initiatives. Informal collective behaviours, however, have an incidental and marginal character. The presented data do not reflect the essence and scope of influence of individual and collective informal activities. The reason for this is first of all the fact that the actions taken are determined by very diverse initiatives: from meetings at schools to hobby initiatives. It must also be noted that because of their diversity, initiatives are much more developed and present in the society than it is shown in surveys. What is the characteristic feature of individual and collective (not formal) activities is their broad democratisation: they involve the representatives of all social layers and groups. Finally, a degree of activity depends on the region of Poland and on the kind of political culture one represents [Gliński 2002: 46-48].

Individual and collective initiatives do not need to be positive actions taken for the benefit of a community. This mainly concerns “informal groups connected with a kind of ‘non-negotiable’ ideology with strong, but rigid identities, distinguished by the lack of tolerance for people with different views or by radical programmes”

[Gliński 2002]. Moreover, they may cause waves of uncontrolled protests, street demonstrations (for example, “defenders of the cross” in front of the Presidential Palace in Warsaw), which triggers civil activity but does not necessarily serve public good and may not be in conformity with the law.

What constitutes an important category in the analysis of the condition of civil society are definitely non-government organisations, which enjoy the greatest popularity out of all the forms of participation described. Since 1989, this sector has significantly developed, especially in the spheres supporting sport, culture, education, social welfare, local growth, and healthcare [Gumkowska, Herbst 2008: 19-21]. Studies on the scope of activity of non-government organisations show that they are rarely typically civil organisations, and the majority of them are organisations which fulfil functions other than civil ones. This is because citizens are more willing to get involved in personal development through sports, educational or cultural activity, at the same time taking little interest in “civil virtues.” It seems that it is caused by the mental legacy of the view of the protective tasks of the state, which was adopted by real socialism.

In the conditions of the system transformation, it first of all concerned socioeconomic issues. A tendency of two “contradictory passions” emerged: “someone had to lead people by the hand and at the same time they wanted to keep freedom” [Tocqueville 2000: 44]. Thus, citizens’ participation was replaced with the demand for supporting democracy, especially in the economic and social sphere. It was reflected in people’s disappointment expressed in the form of protests and strikes. However, it would be quite a simplification if we limited the causes of social dissatisfaction with the state’s activities to the sphere of economy. “Some demonstrations were purely political in nature, and they were organised by political parties and their followers. It was a contradiction between objectives, values, and strategies of their implementation that was a subject of the conflict triggering protests” [Mikołajczyk 2001:70]. Thus, political organisations took advantage of the weakness of the civil society, the main feature of which in the 1990s was the “claims-based rationality” [Mokrzycki 2001:184]. In that period, what was manifested to a larger degree than citizens’ participation was “learned passivity, parasitic innovativeness, spread of egalitarian and collectivist behaviours, and paternalistic attitudes to the state,” which led to the establishment of political parties distinguished by “extreme populism” [Dzwończyk 1999: 171]. The abovementioned problems did not serve the purpose of the development of civil society. On the contrary, they were conducive to the “fluctuation of civic mindness”, which was willingly used by political parties in electoral campaigns [Pałeczki 1992: 19].

What was also important for attitudes to the state and what contributed to the weakness of civil society in the 1990s was the fragmentation of political elites. It was not conducive to the development of civil behaviours. It is consensual elites, which are integrated around basic shared values that trigger the development of the civil society. Owing to this, the institutional order may be established. Such order provides stable framework within which conflicts arising from the presence of pluralism in politics may be settled. The fragmentation of political elites in Poland led, as it was mentioned before, to the deep polarisation of the society and to fundamental political divisions – into the “post-Solidarity” camp and “post-

communists” in the 1990s, and into two competing versions of a community after 2001.

While in the 1990s, the society perceived the state as first of all the initiator of economic and political reforms, the requirements concerning the institution of the state became quite specialised in the following decade. In the conditions of the system transformation, the citizens’ mentality and their dissatisfaction with the outcome of the reforms – especially in the context of high social costs – led to the intensification of the “defiance of the state.” It was not of a permanent character, and occurred periodically, but it was a clear sign that the society did not trust political elites.

As a result, the state was perceived as an institution which is unfriendly to citizens, which was largely affected by the paternalistic expectations of the society and its tendency to “circumvent” law regulations (which was in fact equivalent to deceiving the state and its society) [Sztompka 1992: 128]. Thus, the most frequent forms of civil participation were the ones which expressed disapproval for the activity of the state, but at the same time strengthened neither of the two sides: neither the state nor the civil society [Eckert 1994: 16].

Consequently, a barrier appeared in the form of the lack of social trust in political elites and state institutions. Thus, the development and activity of civil society was hampered. It was only at the turn of the 20th and 21st centuries that the significance of citizens’ participation was recognised, but still the expressions “social trust” and “social capital” were frequently treated in an instrumental manner. From the beginning of the transformation, the lack of social trust manifested itself mainly in the feeling of insecurity resulting from the emergence of threats that had not been known before, such as structural unemployment or increasing competitiveness among people. It was linked both with the lack of alternative choices, or insufficient knowledge of such choices, and with the attitude to political elites. Their negative image in the eyes of the society was the result of the inefficiency of state institutions and of big disappointment arising from high aspirations and expectations of the transformation era [Sztompka 1996: 34].

The increasing distrust in the state did not only lead to the weakness of the civil state, but it was also an expression of people’s expectations from their country at the beginning of the 21st century. Citizens generally approved a wide scope of the state’s obligations to its society [Bartkowski 2010: 52-64]. Almost 90% of the respondents recognised the need for the state to ensure access to healthcare, as many as 65% demanded that the state should “guarantee the minimum standard of living for the unemployed,” while 50% believed that it should “provide accommodation to those who cannot afford it”. Such claims as shown in the survey confirm the society’s assessment of changes. In 2002, more than 43% of the respondents expressed a view that the reforms of the system in Poland brought “more harm than benefit.” It should be noted that this figure marked an increase on previous years: in 1997, 22,3% of Polish citizens declared their dissatisfaction with changes, while in 1999 the number rose to almost 32% [Cichomski 2002: 54-55].

The evaluation of changes was closely connected with the assessment of the activity of state institutions and of democracy. As many as 93% of the respondents stressed that the “authorities do not take proper care of people” [Cichomski 2002]. Yet 82% of Poles still consider freedom to be the positive outcome of the reforms. The Polish

society has a strongly egalitarian bias and its attitude to reforms is rather negative, especially in the economic sphere. Such a view is popular with all social groups, but it is the most common among uneducated people with low income, living in small towns and villages.

What also seems to be important is Polish people's attitude to civil rights and obligations and their assessment of the activity of the civil society. It is often emphasised that the evaluation of the above spheres is often determined by the role one plays in the society, his or her individual and group interests, as well as the place of living, education, or age. Factors of outlook – such as political views (left or right wing) and religiousness of individuals – also play a significant part. Thus, the evaluation of both the state and the civil society, and of their rights and obligations to a community, is dependent on the same factors creating auto-identification.

When identifying the determinants of the activity of an individual in the field of civil rights and obligations, we must stress the importance of social integration. An obligation to work actively for the good of a community and to “fulfil one's civil duty” originates first of all from the fundamental sense of participation in the political system [Lipset 1998: 123]. In practice, it means that among people who get involved in this sphere are the ones who have not been pushed onto the margin of society due to the loss of work and having nothing to live on. Requiring citizens' involvement, a community should ensure that they have a basic standard of living in the name of social solidarity. Only then will an individual become a full participant of the system. Thus, a “person's rights and obligations are not only a consequence of his or her status, but they are also confirmation of it”. The lack of a sense of solidarity as regards economic issues breeds alienation, which may directly lead to attitudes that negate any political involvement. They manifest themselves in low voter turnout, a passive attitude to those in power, or clearly expressed distrust in political elites, which may trigger the development of populist or even undemocratic movements. [Dziubka 2008: 34-45].

Social integration, which to a large degree constitutes the foundation of citizens' participation, should be supported by the so-called citizen ethics [Dziubka 1998: 121]. Its basic assumptions include norms of conduct of both citizens and the elites that represent them, which belong to commonly shared and accepted ethical standards. They determine behaviour in the public sphere and are a point of reference for civil activity. They form the basis for one of the key elements of participation, i.e. social trust. Therefore it seems that norms of conduct followed by politicians in the public sphere are vital for an increase of social activity. However, as the research of 2009 shows, acts violating public ethics are still relatively little condemned. What is much more negatively perceived is the littering of the natural environment (81.3%), unduly received benefits (55.5%), or using means of public transport without a valid ticket (39.3%). Polish people also express disapproval of member of parliaments who prefer dealing with private matters to service for the society (73.1%) [Bratkowski 2010: 58].

Moreover, the evaluation of the activity of state officials and the assessment of the same behaviours among “ordinary” citizens quite differ from the adopted standards. We may observe specific dualism of views here. Finding a job through acquaintances, avoiding taxes or paying money to have an operation in a public hospital at an earlier date are not seen as reprehensible acts when done by citizens,

but are considered to be so when politicians behave in this way. Thus, the need arises for a clear distinction between social morality and public morality, which reflects the state of citizens' political competence and has an undoubted influence on the activity undertaken by the society.

All of the abovementioned determinants of the development of the civil society in Poland were not very strong in Poland after 1989. Thus, it is justifiable to claim that while civil society was one of the principal assumptions of the system transformation, it "was not accomplished in a satisfactory degree" [Gliński 2002]. That is why the civil society is often criticised for "defectiveness" or "enclave-type activities and institutions" [Gliński 2009]. Its fundamental feature is the fact that it displays qualities which constitute a community, but are contradictory to the values represented by the state [Szacki 1997: 36]. Before 1989, it was based on the dual distinction between "them" and "us", and in the 1990s it assumed a form of the ethical evaluation of the state's activity, especially in the process of economic changes.

This was mainly manifested in the "non-participative support," expressed as dissatisfaction with the efforts the state makes. [Kurczewski 2008: 237]. What distinguished such forms of activity was first of all their negative dimension – dissatisfaction devoid of any positive initiative at the grass-root level. Thus, the civil society had an enclave-like nature, because "the citizens, who wanted to solve problems which are important for them do not wait for any top-down initiatives and the distribution of resources, but take action themselves" [Szacki 1997: 38].

In the first decade of the 21st century, we witnessed a significant reduction in civil participation, which was the result of the increasing party dependency of local governments, as well as of the low level of citizens' political competence. Other factors included Polish people's mentality, political culture, which was not participation-oriented, and political elites' evident aversion to citizens' involvement. The weakness of the civil society in Poland was conducive to the occurrence of the waves of populism, exclusivism and elitism of those in power.

As Krzysztof Łabędź pointed out, the components of political culture which are functional in the democratic system were developed in the period of no democracy. They in turn triggered the process of the development of democratic institutions. Moreover, the abovementioned scholar notes that as the result, among other things, "the actual mode of implementation of democratic principles, these elements have become weaker, the support for the democratic system is not increasing at the level of behaviour and is decreasing at the level of beliefs. This, in turn, may cause problems in the sphere of the social legitimisation of power" [Łabędź 2006: 53-54]. As Robert Dahl accurately remarked, there is no democracy without citizens' involvement and participation in the public life [Dahl 1995: 319]. Feelings of alienation, rejection, and a low level of participation – resulting from the negative evaluation of political parties for not keeping election promises and for having unreal and incoherent political programmes aimed at short-term election success – pose a real threat to the development of democratic political culture in Poland and impede the process of changes of the system. David Beetham presents a similar view, indicating that the concurrence of rules, values and objectives adopted by the ruling with the opinions and aspirations expressed by citizens constitutes the factor legitimising the activity of state authorities. The discouragement of the Polish

society, which is the consequence of the modern view of the political class as shown by the media, favours the promotion of undemocratic attitudes, thus threatening the processes of democracy stabilisation. The democratic political culture, as R. A. Dahl points out, constitutes a real barrier protecting the society against crises and guarantees that if such problems occur, they will be overcome without the destabilisation of the democratic order and with no need to reject democratic institutions and mechanisms [Szyja 2013: 175].

In his deliberations on consolidated democracy, Bartosz Szyja presents the results of Ronald Inglehart's studies. They clearly show that „the fact that material needs (such as the need for economic and physical safety) have been satisfied owing to the social and economic development caused the emergence of higher-level needs (such as human rights, political liberties) the fulfilment of which is possible only in democracy” [Szyja 2015]. The democratic legal culture is reflected in citizens' general conviction that fundamental rights and freedoms must be respected, that all people are equal before the law, and that they are willing to participate in democratic decision-making procedures [Kulesza, Winczorek 1992].

According to Lipset, the economic development in the country supports democracy. Some scholars are of the opinion that political culture safeguards democracy even in the times of economic slowdown. What is more, it is assumed that the country will remain democratic only if it enjoys citizens' political support based on democratic values. As the abovementioned scholar claims, political culture is the outcome of shared history and forms an integral part of the social identity of a given person that is resistant to changes. Thus, it may take decades for cultural values to be noticeably modified.

The Polish society of the transformation era, just like other post-communist societies of Eastern Europe, was subject to rapid, euphoric and deep changes, which were a manifestation of “negative solidarity” [Lubecki, Szczegółą 2007: 89]. Attitudes, principles and behaviours which had formed the socialist pattern developed through education were suddenly disposed of. This rapid transformation process soon appeared to be hard to accept for many people. Moreover, it was not conducive to the establishment of forms of cooperative activity and to the perception of shared values and ideas. Hence, some circles express opinions that are full of nostalgia for the “relatively peaceful” times of the People's Republic of Poland [Markowski 2007: 147]. There is a dominant view in the literature according to which passivity, mass resignation, withdrawal and apathy were all the immanent features of the Polish political culture in the period of the 3rd Republic [Markowski 2007]. Mikołaj Cześnik has coined the expression of “the culture of an election boycott” – the expression of defiance being the outcome of a “historically rooted method” of conduct in an illegitimate system. According to some scholars, a high degree of absence – as it was mentioned earlier – is of historical origin and results from “the indifference and the lack of interest and crystallized political views” of a large part of the society. Polish people's political activity manifests itself in the use of symbolic or rhetorical forms and has a character of protests and articulating needs and demands to the authorities. It does not have a potential for grass-root change initiatives [Lubecki, Szczegółą 2007].

To sum up, political culture is of the key importance for the functioning of democracy. This relation is vital here as only a part of the public reality is defined

by the law. Thus, democracy is developed not only by means of legal regulations, but also through traditional customs. The quality of democracy is obviously affected by the way a discourse on important state matters is conducted. Aggression, impetuosity, unwillingness to seek compromise, and the antagonisation of debate not only have a negative impact on citizens' trust in the political class, but they also – which has more dangerous implications – weaken the legitimacy of decisions made by those in power [Rajca 2007: 122]. There is no doubt that the attitude of approval for the transformation of the system is dominant in Poland, and the majority of the society deems democracy as the best possible system. The results of surveys conducted by public opinion research centres show that the consent for the establishment of undemocratic rules is given only in the times of particularly serious political conflicts and respondents justify it with a difficult situation in the country [Szyja 2015]. The Polish society is still strongly politicised. The fact that it has a negative opinion on the realm of politics contributes to people's passivity and makes them withdraw into the private sphere. Thus, the requirements posed by a democratic society and its cultural norms cannot be met. Change is still possible, but it requires a "process of long persistence" [Lubecki, Szczegół: 90].

REFERENCES

- Antoszewski A. (2009), *Postrzeganie demokracji w Polsce*, [in:] K.A. Wojtaszczyk, A. Mirska (eds.), *Demokratyczna Polska w globalizującym się świecie*, Warsaw 2009.
- Antoszewski A., Herbut R. (2010), *Demokracje zachodnioeuropejskie. Analiza porównawcza*, Wrocław.
- Bartkowski J. (2010), *Państwo, prawa i obowiązki obywatelskie w świadomości społecznej*, [in:] J. Raciborski (ed.) *Praktyki obywatelskie Polaków*, Warsaw.
- Cichomski B., Jerzyński T., Zieliński M., (2002) *Polskie Generalne Sondaże Społeczne*, Warsaw.
- Dziubka K. (1998), *Spółeczeństwo obywatelskie: wybrane aspekty ewolucji pojęcia*, [in:] A. Jabłoński, L. Sobkowiak (eds.) *Studia z teorii polityki*, Wrocław.
- Dzwończyk J. (1999), *Populistyczne tendencje w społeczeństwie postsocjalistycznym (na przykładzie Polski)*, Toruń.
- Eckert G. (1994), *Protest jako forma życia publicznego w Polsce postkomunistycznej w latach 1989-1992*, „Studia Socjologiczne”, no. 2.
- Garlicki J., Noga-Bogomilski A. (2004), *Kultura polityczna w społeczeństwie demokratycznym*, Warsaw.
- Gawin D. (1997), *O kłopotach liberalnej demokracji z moralnością*, „Znak”, no. 7.
- Gliński P. (2002), *O pewnych aspektach obywatelskości*, [in:] H. Domański, A. Ostrowska, A. Rychar, *Jak żyją Polacy?*, Warsaw.

- Gliński P. (2009), *Spółeczeństwo obywatelskie w Polsce – dwadzieścia lat przemian*, [in:] W. Wojtasik, R. Głajcar (eds.) *Transformacja systemowa w Polsce 1989-2009*, Katowice.
- Godlewski T. (2008), *Obywatelskie kompetencje polityczne*, [in:] D. Karnowska (ed.) *Demokracja w Polsce po 2005 roku*, Toruń.
- Gray J. (2003), *Koniec ery liberalizmu?* [in:] B. Polanowska-Sygulska (ed.) *Oblicza liberalizmu*, Kraków.
- Gumkowska M., Herbst J. (2008), *Organizacje pozarządowe*, [in:] J. Dąbrowska (ed.), *Od trzeciego sektora do przedsiębiorczości społecznej*, Warsaw: Wydawnictwo „Scholar”.
- Hudzik J. (1996), *Wykłady z filozofii polityki*, Lublin.
- Janowski K. (2010), *Kultura polityczna Polaków. Przemiany, diagnozy, perspektywy*, Toruń.
- Jasińska-Kania A. (2007), *Orientacje aksjologiczne Polaków na tle europejskim*, [in:] A. Kojder (ed.) *Jedna Polska? Dawne i nowe różnicowania społeczne*, Kraków.
- Karnowska D. (2008), *Religia i polityka. O mariażu sacrum i profanum na przykładzie Polski w latach 2005-2008*, [in:] D. Karnowska (ed.) *Demokracja w Polsce po 2005 roku*, Toruń.
- Kolarska-Bobińska L. (2008), *Aktywność obywatelska i protesty społeczne*, [in:] L. Kolarska-Bobińska, J. Kucharczyk, J. Zbieranek (eds.), *Demokracja w Polsce 2005-2007*, Warsaw.
- Kościelniak C., Wisniewski J. (2005), *Kultura polityczna w perspektywie filozofii politycznej*, [in:] Z. Blok (ed.) *teoretyczne i metodologiczne problemy badań nad kulturą polityczną*, Poznań.
- Kulesza W.T., Winczorek P. (1992) *Demokracje u schyłku XX wieku*, Warsaw.
- Kurczewski J. (2002), *Lokalne społeczeństwo obywatelskie*, [in:] J. Kurczewski (ed.) *Lokalne społeczności obywatelskie*, Warsaw.
- Lipset S. M. (1998), *Homo politicus. Społeczne podstawy polityki*, Warsaw.
- Lubecki J., Szczegółła L. (2007), *O źródłach apatii politycznej w transformującym się społeczeństwie*, [in:] J. Garlicki (ed.) *Społeczne uwarunkowania transformacji systemowej w Polsce*, Warsaw.
- Łabędź K., (2006) *Proces kształtowania się demokratycznej kultury politycznej w Polsce*, „Polityka i Społeczeństwo”.
- Łoś-Tomiak A. (2006) *Społeczeństwo obywatelskie, państwo, rynek jako siły równoważne*, [in:] S. Kilian (ed.) *Społeczeństwo obywatelskie – historyczne źródła i współczesny obraz*, Kraków.
- Magoska M. (2000), *Obywatelstwo europejskie – czy nowa jakość?* [in:] *Prawo i ład społeczny. Księga jubileuszowa dedykowana Profesor Annie Turskiej*, Warsaw.
- Mandes S. (2004) *Demokracja w małym mieście*, [in:] M. Marody (ed.) *Zmiana czy stagnacja*, Warsaw 2004.

Marshall T. H. (1997), *Class, citizenship and social development*, [in:] K. W. Frieske, P. Poławski, *Welfare state. Historia, kryzys i przyszłość państwa opiekuńczego*, Warsaw.

Mikołajczyk M. (2001), *Formy politycznej ekspresji i obywatelskiego nieposłuszeństwa w III Rzeczypospolitej*, [in:] M. Strzelecki, A. Wojtas (eds.), *Konflikty społeczno-polityczne w III Rzeczypospolitej*, Bydgoszcz: Wydawnictwo Akademii Bydgoskiej.

Mokrzycki E. (2001), *Bilans niesentymentalny*, Warsaw: Wydawnictwo IFiS PAN.

Pałęcki K. (1992), *Dynamika zmiany społecznej, czyli o potrzebie nowego wyjaśniania paradygmatu*, „Studia Socjologiczne”, no. 1.

Putnam R.D. (2008), *Stamina gars w kręgle. Upadek i odrodzenie wspólnot lokalnych w Stanach zjednoczonych*, Warsaw.

Raciborski J. (2010), *Obywatel jako wyborca*, [in:] J. Raciborski (ed.) *Praktyki obywatelskie Polaków*, Warsaw.

Rajca L., [2007] *Demokracja*, Toruń.

Sekuła P. (2009), *Kultura polityczna a konsolidacja demokracji*, Kraków.

Sus M. (2015), *Kultura polityczna w Polsce i w Niemczech*, [http:// www.polska-niemcy-interakcje.pl](http://www.polska-niemcy-interakcje.pl) [access 13.10.2015]

Szacki J. (1997), *Powrót idei społeczeństwa obywatelskiego*, [in:] J. Szacki (ed.) *Ani książkę, ani kupiec: obywatel*, Kraków.

Szewczak W. (2005), *Funkcjonalne ujęcie kultury politycznej i jego konsekwencje teoretyczno-metodologiczne*, [in:] Z. Blok (ed.) *Teoretyczne i metodologiczne problemy badań nad kulturą polityczną*, Poznań.

Sztompka P. (1996), *Teorie zmian społecznych, a doświadczenia polskiej transformacji*, „Studia Socjologiczne”, no. 1.

Szyja B. (2013) *Demokracja skonsolidowana jako efekt tranzycji. Analiza podstawowych ujęć i poglądów*, Wrocławskie Studia Politolologiczne, no. 14.

Szyja B. (2015) *Zjawiska niepokojące na obszarze konsolidacji polskiej demokracji u schyłku pierwszej dekady XXI wieku – wybrane aspekty*, <http://oapuw.pl> [access 15.10.2015].

Tocqueville A. (2000), *O demokracji w Ameryce*, Warsaw.

Wiatr J. (1980) *Socjologia stosunków politycznych*, Warsaw.

Wnuk-Lipiński E. (2005), *Socjologia życia publicznego*, Warsaw.

MILAN HODŽA – ONE OF THE GREATEST PERSONALITIES OF SLOVAK POLICY

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Abstract

In submitted article the authors will present one of the most important Slovak politician – Milan Hodža. Even if we describe him as an excellent statesman we will focus mainly on his strategic and geopolitical thinking. His idea of Central Europe federation is one of the most influential theories of Slavonian geopolitics. In our analysis of his political career and thinking we present Milan Hodža as politician who saw the necessity of creation an independent state of Czechs and Slovaks. On the other side, under the influence of German expansion in Europe he was free to the idea of a state federation in Central Europe as better defense against this influence. Although he was in first line pretender of an independent national state, from the international relations point of view he was realist and preferred to lose some part of sovereignty in name of stability and peace in Europe.

Key words: *Hodža, Slovak policy, Central Europe, federation, movement Hlas, Agrarian Party*

INTRODUCTION

The Slovak politics remained less active in the late 19th century. The Austro-Hungarian Empire was created as a result of Compromise between Austria and Hungary in 1867. There were specific problems, especially in the Hungarian part of Monarchy. Hodža realized the situation and he wanted to change it. His political career begun in the movement called Hlasist¹. The movement showed the basic

¹ The movement was named for the newspaper Hlas. It has been published since 1898 till 1904. The first publisher was Pavol Blaho. The ideological background of the movement came from T. G. Masaryk, he was

problems of the Austro-Hungarian Compromise. They also did not agree with the conditions of minorities in the Monarchy. Milan Hodža was strongly supporting the idea of the Monarchy reform. The idea came from the Archduke of the Austro-Hungarian Empire Franz Ferdinand de' Este. It was planned to give more rights to the minorities and Franz Ferdinand realized difficulty of the situation. The plans were broken up by the First World War.

After the First World War, Hodža started to present his own conception of foreign policy. The Republic of Czechoslovakia gave him the place to fulfill his ambitions in field of foreign policy. The main contribution was situated in the field of Central Europe. Hodža knew the importance of this geographical unit and he was also beware of economic benefits including Central Europe. The Central Europe should have been transformed to the strong economic unit which would be capable to compete with states of the West Europe. The most specific character of the unit should be the strongest in exporting of agricultural products. Hodža tried to make the planes real when he was a prime minister of the Republic of Czechoslovakia from November 1935 till September 1938. He made some visits around the neighbouring countries, in which he wanted to introduce the plan of integration of Central Europe. The plans ended with escalating fear coming from Germany in September 1938. Definitely, the attempts were failed by signing the Munich treaty. After that, Hodža escaped to the emigration to United States where he wrote his book – Federation in the Central Europe.

THE BEGINS OF MILAN HODŽA'S POLITICAL CAREER

Milan Hodža was one of the greatest personalities of Slovak politics. Vladimír Zuberec describes his character and his political behavior. *“During the longtime political career he stepped as “a strong man”. With his political erudition, great meaning of every possibilities of political fight – for compromise, lobby also tactical back offs”* (Zuberec, 2003, p. 215). In the time of the Austro-Hungarian Empire began his long political career. In Hlasist movement he belonged to younger members. Matej Beránek described this movement as *“movement influenced by the idea of czechoslovakism, works of T. G. Masaryk and L. N. Tolstoj, and ideas of agrarianism. They had very critic position against situation in the Hungarian part of the Monarchy. They didn't agree with pressure of Magyarization, and the election passivity of the Slovak National Party.”* (Beránek, 2013, p. 474) In 1898, he wrote: *“The time is ticking and with our passivity we haven't done nothing. We didn't achieve only a small attempt of the national activity. Nowadays, the political thing of ours is abandon as it was before years and years. We didn't try only a small excitement of thoughts...”* (Hodža, 1898, p. 227) During this time his first thoughts about international policy appeared. Hodža wanted to reform dualistic system of the Austro-Hungarian Empire. In Hungarian part of Monarchy was not ideal environment for others minorities. Fukuda Hiroshi says: *“The Magyar elite preferred*

given to it a basic view on politics. Many of Hlas members stayed active in Czechoslovak politics during the Republic of Czechoslovakia. The most of them became the members of the Agrarian Party. To Hlas movement (or Hlasist) belonged such personalities like Vavro Šrobár and also Milan Hodža. – authors note.

the Magyarization of all citizens in Hungary, rather than respect for the individuality of each nationality. Also in Slovak areas, three Slovak-language gymnasia and the Slovak Foundation (Matica slovenská), an institution championing Slovak culture, were forcibly abolished in the 1870s. Magyar leaders felt that the modern Hungarian nation should have a Magyar character.” (Hiroshi, 2012 p. 38)

A resistance against the old system was formed around Archduke Franz Ferdinand de´ Este. The Belvedere Circle, as the Archduke and his followers came to be known, was deeply convinced that the Habsburg Monarchy would go down and in Hungarian political elite and its nationalism posed the biggest threat to the Monarchy’s existence according to them. Although we could not describe Franz Ferdinand as a Slavs protector, his conception had a strong support from Non-Hungarian nations and Milan Hodža also supported it. (Zuberec, 1991, p. 173–174) Franz Ferdinand had said about this topic: *“I realize that Non-Hungarian nations are in bad position in Hungary. I also realize that the time of their rule will come.”* (Hodža, 1997, p. 72) The Archduke had three possibilities of reforming an old Empire. The first was to give more representation for Non-Hungarian nationalities. The second was to cancel the dualism and create the Great Austria. The last possibility was to establish instead of the Dual Monarchy the Triple Monarchy (for example Austria-Bohemian-Hungary), in which Non-Hungarian nationalities should have more rights than before. Franz Ferdinand supported the second choice. (Hiroshi, 2012, p. 39) After assassination of the Archduke all plans of federalization were ruined. The Belvedere Circle had a great influence on Hodža’s thinking that he put in the ideas of integration of the Central Europe.

The realization of plans including foreign policy was difficult in the Monarchy environment. His activities escalated during the First World War (WW1). The contact with the Czech resistance movement – Maffia became important and he started to call for the ideas of the Czechs and Slovaks unification. (Zuberec, 1991, p. 175 – 177) The origin of the Czechoslovak republic is connected with activities of the international Czechoslovak resistance group. We could not forget the activities of home resistance. During WW1 Milan Hodža became a part of the Slovak Vienna Group. Miroslav Pekník claims that Hodža had been part of this group since August 1915. He worked in Croatian censorship department in Vienna. The group put strong emphasis on the implementation of framework of Slovak policy, building contacts and cooperation with other nations. After 1917, Hodža and others members were attending a conference of Czech’s politics in Vienna. (Pekník, 2010, p. 51 – 53)

The First World War meant the end of integration attempts. The members of Czechoslovak resistance movement started to talk about disintegration of the Austro-Hungarian Empire. The main personality of the Czechoslovak International resistance movement, Tomáš Garrique Masaryk spoke about future of this state. According to him: *“Austria, being an aggregate of nine small nations, is quite an artificial State, as it was called by an Austrian politician (Plener, the younger), no nation in Austria is so populous that it would have the ruling majority. The dynasty, therefore, tries to maintain its absolutistic position by the principle of divide etsend*impera, by little concessions now to one nation, now to another, the Germans (the dynasty is German) and Magyars are the favorites.”* (Masaryk, 1915) The same or similar imagination was also represented by Milan Hodža. He understood that

monarchy had to divide. At the place of Monarchy new states should come, one of which the Republic of Czechoslovakia. The Slovak politicians in Vienna managed breaking up monarchy. The Czechoslovak Republic (ČSR) was established by effective, successful activities and cooperation of home and international resistance groups. The new state provided new possibilities for Milan Hodža. He started to build an Agrarian Party and think about next integration of the Central Europe.

FIRST'S ISSUES FOR MILAN HODŽA

Immediately after establishing the Republic, he started to realize foreign policy of ČSR. He stayed as emissary of Czechoslovak government in Budapest. New Hungarian government sent the troops for a military intervention to Czechoslovakia. In Budapest, he was between the end of November 1918 and the end of 1919. The subject of negotiation was a deal about withdrawing Hungarian troops and fixing some financial and administrative matters of the break-up of a monarchy. The main point concerned building the Southern boundary of ČSR which was not established at that time. (Hronský, 2006, p. 58 – 60)

During the negotiation, Hodža had to face lots of problems. One of them came after building the Hungarian Republic Rad. The head of this Bolshevik Republic was Bela Kun. The government of Republic Rad stopped negotiations between ČSR and Budapest. (Hronský, 2006, p. 58 – 61) Marián Hronský points, that Hodža appeared in the situation in two ways of appearance, first, as a member of elimination committee, second, as an emissary of Czechoslovak military mission. In the second case, there was a need to gain information about situation in Hungary. This information was needed for politicians and army. Evidently, the Czechoslovak government saw the complications and changes of political system. (Hronský, 2006, p. 62) Moreover, they knew Milan Hodža was the best candidate for negotiation. He did not realize his vision about reorganization of Central Europe yet. There was no place and no time for that. The new Republic had to clear up the issues associated with administration, finance, and of course, own territory after dividing the Austro-Hungarian Empire.

FOREIGN POLICY OF THE REPUBLIC OF CZECHOSLOVAKIA

Foreign policy represented important part of First Czechoslovak Republic. According to Richard Vašek *“foreign policy became Alfa and Omega in Czechoslovakia's life between two world wars.”* (Vašek, 2008, p. 52) Foreign policy of ČSR was divide in two geographical aspects, first, was the Western Europe, second, was the Central Europe. According to a former minister of Foreign Affairs ČSR Edvard Beneš, the Western Europe was the most important. He remained in a position of minister of Foreign affairs for 17 years. (Vašek, 2008, p. 52) Edvard Beneš did not reject the second conception, but at first place placed the cooperation with Western Europe. (Dejmek, 2002, s. 246) Beneš put strong emphasis on unification of ČSR foreign policy. *“Our foreign policy can be the only one. Czechoslovakian, there is no place for other. Our relation to foreign countries is the most specificity manifestation of state*

sovereignty and unity. We can only talk about Slovak participation in foreign policy." (Beneš, 1928, p. 244) The evolution of ČSR was influenced by a conflict between czechoslovakism and autonomism. Hodža stood between these two ideas.

After WW1, Czechoslovak foreign policy had strong inclination to cooperate with France and Great Britain. Beneš belonged to main supporters of this inclination in the field of foreign policy. France should be a strategic partner of ČSR. Jiří Dejmek claims that orientation of ČSR toward France was established after Paris peace conference. (Dejmek, 2002, p. 16) The cooperation of the Central Europe states was the second possibility in foreign policy. Hodža saw a great potential in this area. He used his ideas about agrarian democracy, which were formed during hlasistic's era. After the birth of ČSR, the visions got the international character. (Holec, 2008, p. 32 – 51)

According to Ferenčuhová, Hodža was building his own opinion about foreign policy. *"According to him, it shouldn't be only about diplomacy, Hodža was at first place economist. He was interesting himself in prices, tariffs, international business and influence of home economic on living standard of people."* (Ferenčuhová, 2006, p. 67) We could understand the diplomacy as building cultural, economic or political relations. For Hodža the most important was economy. Before WW1, he saw an importance of agrarian ideology and it was also important in realizing their political program. The members of the Czechoslovak Agrarian Party gave agrarian ideology the international context. Hodža with Antonín Švehla started to build the International Agrarian Bureau. There were the United States of Central and Southeastern Europe. The main aim of the Bureau was to create strong agrarian policy across all the members of the Bureau. Milan Hodža was considered to be a new successor of Antonín Švehla. He put emphasis on agrarian demands in his conception of foreign policy. His conception wasn't better alternative to Beneš's conception supported by the president Masaryk. (Kubů – Šouša, 2006, p. 37 – 38) The International Agrarian Bureau was called as Green International. The membership was among agrarian parties of Central Europe. It was established in Prague in 1921. At the end, the Bureau was wide to 18 agrarian parties from 14 countries of Europe. (Hiroshi, 2012, p. 44)

According to Hodža, Central Europe area was stretched from Balt to Jadran, where should be agrarian production at first place. A typical sign of Central Europe was the number of nation and nationalities located there in this area. He didn't agree with Mitteleurope of Fridrich Neumann. (Ferenčuhová, 2006, p. 69) Peter Lukáč reflects a birth of ideas about Central Europe in thinking of Milan Hodža. Central Europe began appearing in his mind at the end of WW1. Neuman's conception gave him a fundament of Central Europe in his thinking. But, he did not admit some things in Mitteleuropa. According to Hodža it should be only a tool for German military ambitions in Central Europe. (Lukáč, 2005, s. 27 – 29) Because of that, there was still a potential fear of German military invasion. It should not be good for creating a new federation in this area.

The first plan was called a Donau federation. *"A new Central Europe is in Czechoslovakian treaties with Yugoslavia, Romania, Poland, and Austria. After end of Yugoslavian-Bulgarian misunderstanding, it will include Bulgaria, maybe Greece."* (Hodža, 1922, p. 227) The origin of Federation should be made in three steps. The first step was in creation of trade treaties, the second step was represented by

political agreements. At the end, it should be created a custom union. (Hodža, 1922, p. 227) Hodža claims that: *“Recalling international agreements, it will be created a new International unit based on trade, infrastructure and monetary policy from Gdansk to Split and Constance.”* (Ferenčuhová, 2006, p. 71)

LITTLE ENTENTE

The creation of Little Entente was the first step of Hodža's integration aspiration. The treaty was signed by Czechoslovak Republic, Kingdom of Serbs, Romania, Croats and Slovenes on 14. August 1920. Little Entente protected these states against potential enemies. It was built with agreement of France and its interests in Central Europe. The members of treaty feared of Hungarian military invasion and territorial right of Germany and Italy. (Letz, 2002, p. 262 – 263) This international unit became one of origins of Hodža's Federation in Central Europe. Although, the treaty had a military-political character, Hodža promoted an agrarian character of the unit. According to Hodža: *“Little Entente was only the defensive answer to Hungarian revisionist claims. Political activities of treaty weren't successful done, but its economic activities were strengthen. The basic sing of economic cooperation was development in way of agrarian products.”* (Hodža, 1997, p. 184 – 185)

The states of Little Entente wanted to make the treaty wider. There should be states of Donau basin. Hodža had ambitions to cooperate with Austria and Hungary. The main Aims of plan had seven points. Firstly, Hodža talked about cooperation of these states. The conception had its advantage in economic benefit, primarily in agrarian production. The plan counted with transformation to custom union. After the transformation, Central Europe should be a strong economical unit. Other states stood against attempts of unification, the main opponent was Germany. Germany considered it as a step against itself. (Hodža, 1997, p. 190 – 192) Hodža talked about Central Europe as unstable unit since 1922. Against these unit stood strong USA and Japan. According to him, it could be dangerous for Europe. His vision of Central Europe unification falls during the 30th. (Goněc, 2005, p. 55) The Central Europe became unstable, the main reason were in Versailles Treaties. Germany never agreed with condition in Versailles treaty. This was only a little reason of unstable Central Europe.

THE GOVERNMENTS OF MILAN HODŽA

Milan Hodža became first Slovak who was the prime minister of ČSR. His first steps were not easy; he was the prime minister during the tough time. For Czechoslovak Society it was tough time during the late thirties. The Parliament election took place in 1935; the winner was the Party of Sudet Germans. It was a possible danger for the Czechoslovak political and party system. (Výsledky voleb, 1935) The party of Sudet Germans called for interest of Germans minorities living in the Czechoslovak Republic. They made a strong pressure toward Czechoslovak government. A new government had to cooperate with this party. The members of government had no choice and they found themselves in crises.

In program statement of government Hodža told: *"I am standing as the prime minister before decision of president republic from 5. November 1935. I am coming to you, ladies and gentleman, in the name of the government and also in my name, with request for the support. The support of parliament is the main condition and the source of executive power of the democratic state. Previous government didn't deliver its resignation, its continuity didn't stop. The new prime minister will keep on with previous program from 18. June 1935. It means the coordination with current interest of domestic policy and foreign policy."* (Hodža, 1935) As the Prime Minister, Hodža made up three governments from 5. November 1935 till 22. September 1938. He was also the Minister of foreign policy and Minister of agriculture in short time. During the prime minister period, he did not forget the integration of Central Europe. The integration was very important during the rising of German aggression, which feared other states near its borders. In 1936, it strove to persuade Austria of the Centraleuropean cooperation. Negotiations with Austrian Prime Minister Suschnigg planned to show him importance of the cooperation with ČSR, also with Little Entente. They were only patrolling situation. The cooperation between Central Europe states had its enemies such as Italy and Germany. Hodža visited the Great Britain in May 1937, where he had a meeting with Minister of Foreign Office Anthony Eden. The Great Britain had own attitude to situation in the ČSR, after meeting, Hodža came back to ČSR with optimism, that the Great Britain will help. He strongly believed that his work could be successful and he was going to make a strong unit in Central Europe, in which should be also Hungary and Austria, and it would be made with agreement of Germany and Italy. At the beginning of 1938, the first charges from Germany came. The Sudet crisis escalated in September 1938, it meant also fall of Hodža's cabinet. (Dejmek, 2002, p. 245 – 256) Milan Hodža realized the unstable situation in Central Europe and he build up his conception against that German. The German geopolitical conception had aim to rule in Europe. In the works of Fridrich Ratzel and Karl Haushoffer the term Lebensraum appeared, it meant the living space for Germans. They also included the space of Central Europe in the living space. The cooperation of Central Europe states was more peaceful than German vision.

According to Hiroshi: *"Hodža tried to disseminate the notion of peasant democracy to other countries in the region, and to forge strong partnership with them for both political and economic cooperation. To do this, he utilized his own international network of connections built up during the Habsburg era or through forums such as the International Agrarian Bureau based in Prague.... He attempted to realize long-awaited "Hodža plan" in short bursts. However, it was too late, even members of the Little Entente like Yugoslavia and Romania were already under the influence of Nazi Germany, and the "Hodža plan" did not have a good chance of success."* (Hiroshi, 2012, p. 50 – 51) This meant the end for Hodža's attempts in the field of integration Central Europe. He had to move himself to a foreign exile to the United States and there he wrote a book – Federation in Central Europe. All his ideas about integrations and experience were published in this book.

CONCLUSIONS

The authors presented Milan Hodža as one of the greatest Slovak politicians in the history of our independent state sovereignty. For our analyses his positions and functions in the government of Czechoslovak Republic were not important, even if they also influenced his political thinking and visions. From our point of view Milan Hodža is very important because of his geopolitical perceptions of movements in Europe. His conception of Central Europe federation is considered as a realistic one, built up on rational analyses of German strengthening and threat before world wars. His rationality was based on economic reasons; major states community is stronger and could better oppose the German influence in this area. The vision of economic union in Central Europe was very modern and progressive in those years and prognosticated the best way how to manage the relations in Europe. On the other side, we think he was also idealist in some ways of thinking, for example in his reliance on the help from side of Great Britain.

The Central Europe federation is from some points of view very up-to-date also these days and could be applied to forms of cooperation between the states within the European Union, first of all the states from Central European region. These states may cooperate more intensively within the European Union in promoting their specific interests resulting from their geographical, historical, cultural position. Only with cooperation and common policy could these states adequately fulfil their interests.

REFERENCES

- BENEŠ, E. E. Beneš o vzťahu Slovákov a zahraničnej politiky ČSR. In *Slováci pri budovaní základov Československej republiky. Pramene k dejinám Slovenska a Slovákov*. XII a. Bratislava, 2013. ISBN 978-80-8119-072-8. s. 244 – 245.
- BERÁNEK, M. Ideové zázemie hlasistov. In *Sborník z II. mezinárodní vědecké konference studentů doktorských studijních programů v oblasti společenských věd*. Praha : EPOCH, 2013. ISBN 978-80-7425-211-2. s. 473-482.
- DEJMEK, J. *Československo, jeho sousedé a velmoci ve XX. Století (1918 – 1992)*. Praha: Centrum pro ekonomiku a politiku, 2002, 384 s., ISBN 80-86547-07-8
- FERENČUHOVÁ, B. Integračné predstavy Milana Hodžu v dvadsiatych rokoch 20. storočia. In *Milan Hodža a integrácie strednej Európy*. Bratislava: VEDA 2006. ISBN 80-224-0913-8. s. 66 – 92
- FERENČUHOVÁ, B. *Slovensko a svet v 20. storočí*. Bratislava: Historický ústav SAV, 2006, 271 s., ISBN 80-969614-3-8
- GONĚC, V. Milan Hodža v pohľadu disciplíny „dějiny evropské integrace“. In *Milan Hodža a integrácie strednej Európy*. Bratislava: VEDA, 2006. ISBN 80-224-0913-8. s. 149 – 172
- HIROSHI, F. Central Europe between Empires: Milan Hodža and His Strategy for “Small” Nations. In *Empire and After: Essays in Comparative Imperial and Decolonization Studies*. Slavic Research Center, Hokkaido University: 2012, Sapporo. p. 35 – 51

HODŽA, M. Dunajský plán. In *Slováci pri budovaní základov Československej republiky. Pramene k dejinám Slovenska a Slovákov*. XII a. Bratislava, 2013. ISBN 978-80-8119-072-8. s. 227 – 228

HODŽA, M. *Federácia v strednej Európe a iné štúdie*. Bratislava: Kalligram, 1997. 359 s. ISBN 80-7149-161-6.

HODŽA, M. Milan Hodža ako predstaviteľ mladej generácie proti politickej pasivite. 26. Júl 1898. In *Slováci po rakúsko-uhorskom vyrovnaní. Pramene k dejinám Slovenska a Slovákov*. XI a. Bratislava, 2012. s.227 – 228

HOLEC, R. Milan Hodža a počiatky slovenského agrarizmu. In *Milan Hodža a agrárne hnutie*. Bratislava: VEDA, 2008. ISBN 978-80-224-1016-8. s. 32 – 51

HRONSKÝ, M. Milan Hodža v procese dezintegrácie a integrácie strednej Európy (1918 – 1919). In *Milan Hodža a integrácie strednej Európy*. Bratislava: VEDA, 2006. ISBN 80-224-0913-8. s. 53 – 65

Kolektív autorov. *Lexikon der Slowakischen Gesichte*. Media Trade. Bratislava: 2002, 388 s., ISBN 80-08-02035-0

KUBŮ, E. – ŠOUŠA, J. Sen o slovanskej agrárnej spolupráci (Antonín Švehla – ideový a organizačný tvorca Mezinárodného agrárneho bureau) In RAŠTICOVÁ, BLANKA (ed.). *Agrárni strany ve vládních a samosprávních strukturách mezi světovými válkami*. Uherské Hradiště: Slováké muzeum, 2008. ISBN 978-80-86185-72-9. s. 35 - 42

MASARYK, G. T. Memorandum of Conversations between Professor T. G. Masaryk and R. W. Seton-Watson. at Rotterdam, on October 24 – 25, 1914. In *Watson, Seton Richard. Documents 1906 – 1951*. Praha: Ústav T. G. Masaryka, Martin: Matica slovenská, 1995. ISBN 80-901478-9-5, ISBN 80-7090-348-1. s. 209 – 215

PEKNÍK, M. Dr. Ivan Dérer – osobnosť slovenskej a československej politiky. In *Dr. Ivan Dérer politik, právnik a publicista*. Bratislava: VEDA, 2010. ISBN 978-80-224-1168-4. s. 15 – 81

VAŠEK, R. (ed.). *Prezident Beneš v letech 1935 – 1938*. Masarykův ústav a Archiv AV ČR. Praha: 2008, 248 s., ISBN 978-80-86495-42-2

ZUBEREC, V. Milan Hodža. Politik európskeho formátu. s. 215 In *Do pamäti národa. Osobnosti slovenských dejín prvej polovice 20. storočia*. Bratislava: VEDA, 2003. ISBN 80-224-0771-2. s. 215 – 218

SOCIAL AND POLITICAL TRANSFORMATIONS FROM THE EASTERN EUROPEAN PERSPECTIVE

LIFE IN TRANSITION: PROBLEMS AND SOLUTIONS OF INTERNATIONALIZATION OF HIGHER EDUCATION AND ITS PROMOTION

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Abstract

The paper covers the issues of studying trends in the educational programs for internationalization of education through analyzing of teaching and learning process and identifies the main trends of the development of the new educational environment in prospect, in Georgia taking into consideration the research questions: What do we have and what do we need? what do we teach, how do we teach and how will it be done? Are the curricula of internationalization perspectives satisfactory? Specific objectives suggested in prospect, are: 1) Compatibility of the curricula between the Higher Educational Institutions in the frame of Bologna Process; 2) Development of a multi-regional network and promotion of multi-lateral cooperation in Higher Education.

Key words: *Higher education, internationalization, curricula, network*

THE CONTRIBUTION OF EUROPEAN COMMISSION

The project (516663-TEMPUS-1-2011-1-ES-TEMPUS-SMGR), Internationalization cooperation in countries of Eastern Neighboring Area and Central Asia (ICAEN) is the basis of the current research. Two universities of Georgia – Tbilisi State university and Gori State University were involved as participants in the project together with the European universities, from Central Asia (Tajikistan) and Belorussia.

ICAEN aimed at strengthening capacities for international cooperation in order to contribute to a better international networking & exploitation of institutional & national internationalization potentials in the involved regions. Specifically, the project aims were: analysis of potentials and for boosting internationalization of

Teaching, Learning & Research in Belarus, Georgia & Tajikistan; the development of an international network as a platform for regular dialogue & exploitation of synergies in internationalization in a multi-regional context in the three Partner Countries. The partnership comprises 14 institutions including four EU universities with varied and extensive experience in internationalization, 6 partner country universities representing various challenges in the process of shaping internationalization strategies, students organizations & Ministries of Education.

The project provided:

- 1) Supporting reform through policy evidence, analysis and transparency;
- 2) Promoting mobility;
- 3) Putting higher education at the centre of innovation, job creation and employability;
- 4) Supporting the internationalization of European higher education:
 - Strengthening quality through international mobility of students, researchers and staff , internationalization of higher education and cross-border co-operation;
 - Eliminating unnecessary barriers to switching institutions between bachelor and master levels;
 - Ensuring efficient recognition of credits gained abroad

MOTIVATION

In the following, I shall argue that developers of Higher Education (HE) need to consider internationalization from a curriculum perspective. Not enough research has been conducted. Empirically grounded knowledge fields are crucial to develop a research based understanding of internationalization of HE for the 21st century. A question is how it is possible to develop good progression and integration of knowledge and competencies between general educational science and subject knowledge on one hand, and good progression and integration of knowledge and competencies between teacher education and practice on the other. The alignment in an educational context ought to be good e.g. regarding syllabuses, curricula and teaching, to be an effective instrument for development of learning and knowledge. This means that the different documents, steering the education, need to be aligned in a meaningful way so that the most general document will show general learning outcomes guiding formulation of more concrete syllabus and learning outcomes [Mekvabidze, 2008; 2011; 2013]. Course descriptions should as well be a fruitful for curricula and syllabuses, but also for teachers' experience and students. The knowledge of the learning outcomes is the most powerful way for the teachers to plan and direct the course and for the students to learn.

Often, students claimed that the practice teachers not seemed to be familiar with the content in the syllabuses. This is a problem for many universities not only for Universities of Georgia. As an example of trying to reduce the lack of alignment in teacher education and school practice, there are three critical aspects lifted forward in the syllabuses in educational sciences [Nelson, 2008]: learning, professional leadership, and research. The aspects are formulated in a broad way, not to firm to hinder changes in politics of education and other changes in society. The aim is to

discuss a research project with learning study as an approach useful for alignment between teacher education and student teachers' practice, and as consequence an instrument for distribution of power and leadership in teacher education and also between teacher education and practice.

Learning study is an approach for developing lessons, using a theory of variation, the later described in. The expected result of learning and for teacher education, systematic scientifically knowledge, developed in a way possible for teachers and students to apply and distribute. In the conduction of a learning study there are similarities to action research, and action research also is a way of distributing leadership and power in an involving democratic way. Research about integration of general teacher knowledge and subject knowledge, have different perspectives regarding what knowledge that is most important in the integration.

We consider higher education system as a bridge between Teaching and learning, research, critical thinking and final knowledge [Svensson, L. & Kjellberg, Y. 2001]. HE system must be as a supporter for the state of teaching discipline with the components above.

INTRODUCTION

„The world of higher education is changing and the world in which higher education plays a significant role is changing... It is therefore timely to reexamine and update the conceptual frameworks underpinning the notion of internationalization in light of today's changes and challenges“ [Jane Knight, 2004]. “Higher Education in Turmoil: The Changing World of Internationalization” [Jane Knight, 2008]

When considering the processes in the human resource development, it seems obvious that promotional education methods are not suitable to meet all the new requirements [Mekvabidze, 2013]. Therefore, substantial changes are needed, towards more accessible, open, flexible, professional education, which can meet the special needs of learning and internationalization of Higher Education (HE) that is a modern theme in research on HE [Bartell, 2003]. At the national and institutional levels this theme is stated as an educational goal. The dominant discourse on Internationalization of HE is based and framed by political, economic and organizational perspectives [DE WIT, Hans, 2011], but research does not give much basis for the internationalization without discourses of Teaching- Learning (T/L) and curriculum development [Leask, 2004]. We are far from the idea that today we can create a real modern learning environment in HE schools as this is the problem with the number one, but we can change some of characteristics in to the positive direction inside it if we consider the main tasks for achieving some of the success for implementation them and for this purpose we state our demands for the curent situation:

- 1) Increasing student's motivation in education;
- 2) Increasing student's competitiveness according to demands of the labor market;
- 3) Clearly formulate our aspirations: What we demand from the modern university, what are the requirements of the universities and what is the basis

of the contingent striving to the universities and how it corresponds to the university level.

We have descriptions of approaches to internationalisation focussed on the preparation of graduates for participation in an globalised society [Wells, A., Carnochan, S., Slayton, J., Allen, R. & Vasudeva, A. 1998], but the connections and relationships between internationalisation and higher education are complex and this complexity is reflected in the ways in which internationalisation have to construct it, because: 1) It is not self-evident that the knowledge society will become an inclusive and empowering society, but we know that education is vital for the economic and social progress and for guaranteeing equal opportunities in our society. 2) If we consider T/L together with research and innovation as an engine for change, we need to undertake much more specific research and promote innovation Teaching&Learning on a modern scale as a more practical and understanding subject for improving and managing the changes of HE process [Wimpenny, Gault, MacLennan, Boast-Bowen, Shepherd, 2005].

Indeed, given the increasing globalization of our social, cultural, economic and political environment and the quality of higher education depends not only on sustaining its heterogeneity, but also on the strength and vitality of institutions of higher education elsewhere, which have their own distinctive approaches [Urry, 2005]. We must decisively divorce the realm of education from the others, most of all from the realm of public, political life, in order to apply to it alone a concept of authority and an attitude toward the past which are appropriate to it but have no general validity and must not claim a general validity in the world of grown-ups. In practice the first consequence of this would be a clear understanding that the function of the school is to teach students what the world is like and not to instruct them in the art of living. [Wihlborg, 2005]. A competitive advantages for modernization of the country and its potential are directly related to the size of accumulated intellectual capital (human capital). Individuals with their education, skills and professional experience determine a new changes of the country and 21st century education with its requirements will become increasingly important [Mekvabidze, 2013].

Besides that, the current situation in Georgia labor market is characterized by a large discrepancy between the available educational capital and the market demand for skills. Public investment is low according to standards of the developing countries for developing international relations although for public policy of Georgian government it must be the central direction with the main factors determining the quantity and quality of educational output because **for the Internationalization of Education process an underpin lies in transformation** of curricula, programs compatibility and mobility process in the frame of Bologna Process [Barnett, 2004; Barnett,& Coate,2005], [Svensson, L & Wihlborg, 2007]

Into the direction a suggestion of the key point is a compatibility of curricula for solving of this problem [Das, 2005]. On one side it is very important issue for students' exchange of the modern universities based on the fact that we all share the Bologna Process and curricula is the basis of exchange process between universities and result of T/L obtains an important decision as well as on external and internal levels on studying.

What are Internationalization Outcomes?

- The debates and research about this question are very wide but it is clear that the Internationalization of the curriculum in terms of key skills and indicators such as the complex and interacting factors that contributes to notions of culture and cultural relationships and skills and knowledge are very important but the other side the concretization of these factors in T/L is not easy [Van der Wende, 1996].
- The character of the learning outcomes that are aimed and expected would have to be more clearly delimited. It is essential to recall that the Teaching-Learning outcome depends on the learner's attitude and approach and the extent to which these enable understanding and competencies aims are directed but **How to realize the intentions of Internationalising HE in terms T/L is an important question.**

Internationalization study in educational content

In the following, we will argue that these limitations in the conceptualisation of internationalisation lead to far-reaching consequences for students in teaching and learning situations, as well as in terms of students' learning outcomes [Bowden, 2004]. Existing literature in the field suggests that the results from the study of the Georgia education are relevant to the whole field of higher education when it comes to the main characteristics described, although much specific variation is to be expected. Curricula objectives concerning internationalisation in higher education are vague and ambiguous. The internationalisation of higher education is to a large extent accidental, rather than clearly intended when it comes to educational content. But, how to realize the intentions of internationalising higher education in terms of teaching and learning [Knight, 2003]?

Education is, at the level of organising activities of students and teachers, a matter of creating learning environments. The creation of learning environments is both a genuine creation, as when students and teachers do something together, and a creation of access to already existing facilities, such as a university site, with its departments, libraries etc. Much of what is covered by the term 'internationalisation' in higher education, concerns giving access to new learning environments [Bartell, 2003]. In the discussion the following questions were arisen:

- What tend to be focused are very general values and attitudes, expressed in acting in intercultural situations and other situations.
- Which extent the general sense of the notion of intercultural competencies is relevant and productive.

In this discussion of intercultural learning processes, in this perspective, intercultural meetings involve a flow of culture, where culture is seen as knowledge, rather than an external or marginal manifestation (intercultural competencies) surrounding basic knowledge construction (subject matter) [Woods, 2006].

One very central issue in higher education is language. There are two main aspects of this issue: language as *content* of education, and language as *medium* of education. In both respects, the relation between internationalisation and knowledge of language is problematic [De Vita & Case, 2003]. If internationalisation

is seen as a part of globalisation, it would probably be contrary to multilingualism [Waks, 2003].

More and more people learn and use the English language and this has been a part of the development within higher education in most non English speaking countries for many years now. This development represents an internationalisation of the content of higher education studies, but in a somewhat one-sided and restricted sense when it comes to which cultural flows are realised and encouraged, compared to possible flows. However, there is also an increase in the study of certain other foreign languages, such as Chinese for example, that is, languages mainly talked by a large number of people. The language plays an important role in the internationalisation of knowledge content in higher education, where language is a medium of expressing and communicating knowledge [Wihlborg, 2008]. The question then becomes one about the use of language as a condition for students' development of knowledge.

PROBLEM IDEA: THE GENERAL QUESTIONS REGARDING RAISING STANDARDS OF INTERNATIONALIZATION

Many studies have been conducted and will be continued on the process on the internationalization of higher education in many directions: internationalization&T/L, internationalization & Curricula development, internationalization& New trends, New trends& learning environment, Education& Research&Teaching& Learning, Educational reforms& internationalization, Internationalization Plans&Higher Education, Remodeling of Internationalization, Integration teaching, learning and research and so on [Mekvabidze, Tsotniashvili, 2008]. But can the developing countries forecast the outcomes and answer the general questions?

- 1) What skills (practical, cognitive, affective) and areas of internationalization should be sought to develop and how?
- 2) What curricula and learning/teaching/research process are required to deliver T/L/R internationalization?
- 3) What best practice is apparent in T/L/R delivered in developing Universities and how can we reach the need point of internationalization through T/L/R management?
 - a) Consideration and provision of conditions of the current teaching-learning-research at the universities;
 - b) Main principles of implementation strategy of the modern achievements for integration teaching – learning- research design through ICT and the research questions:
 - a. What do we teach, how do we teach and how will it be done?
 - b. Is the curriculum for employability and competitive labor market compatible?
 - c. What are students' learning interests and how they can be increased?

RESEARCH OBJECTIVES

The main objectives are to enhance teaching and learning process of the Internationalization of HE through investigation its design and analysis, as an act of inquiry and invention as a research.

The main aims were:

- to introduce teaching approaches using the course portfolio method for promote and delivery high quality, student centred university teaching with academic research;
- to investigate and create opportunities for innovation teaching on the level of course design and implementation, teaching and assessment techniques;
- To consider exchange process as compatibility of curricula of host and receiving universities.
- The production of learning outcome of the host and receiving universities;
- To set the guidelines for higher education internationalisation strategy on the consideration level of The Ministry of Education and Science of Georgia.

RESEARCH METHODOLOGY

In 2012-2015, a system was introduced for providing: the sustainability and regeneration of the academic community in Georgia, ensuring the competitiveness of Georgian higher education in Georgia, European area and in the rest of the world by improving exchanges of students, guest lectures, visiting fellows; the integration of lecturers and students international professional networks; the development of new modules aimed at foreign students and delivered wholly or partly in English will be supported; the study of students preparing for internationalization aspects by questionnaire in 2015.

THE FINDINGS AND ANALYSIS

What are Internationalization Outcomes for Georgia

The debates and research concerning this question are very wide but it is clear that the Internationalization of the curriculum in terms of key skills and indicators such as the complex and interacting factors that contributes to notions of culture and cultural relationships and skills and knowledge are very important but the other side the concretization of these factors in T/L is not easy.

The character of the learning outcomes that are aimed and expected would have to be more clearly delimited. It is essential to recall that the Teaching-Learning outcome depends on the learner's attitude and approach and the extent to which these enable understanding and competencies aims are directed. To realize the intentions of Internationalising HE in terms T/L is an important question, but one of the important indicator is an exchange process of students, staff, PhD. This indicator - the contingent of incoming and outgoing students - in the period 2012-

2015 increased. For Gori State Teaching University it is more than 14%. It is an important indicator of internationalization development.

The thinking to focus an internationalization of the curriculum includes not only international students movement side, but also domestic students who bring their own international experiences, unique identities, culture and/or language that enrich the classroom and campus, as well as providing valuable links to the community;

- Increasing mobility of students, teachers and researchers that enhances T/L understanding of international conditions;
- Considering internationalization from a curriculum perspective. Not enough research has been conducted as the grounded knowledge is crucial to develop a research based understanding of internationalization of HE for 21st century;
- Educational contents: What to learn and how to learn (approaches to T/L) as aspects of internationalization that is generally lacking in research about internationalization in HE.

The vision of the students and teachers

The aspects of internationalization that are interpreted by students and teachers in terms of a relation to the internationalization problems is given in the Table 1. below. These are the date and results by survey (2015, January). It was prepared for students and teachers for the assessment of project results achievements. There are given their approaches on recognizing of the moments of internationalization of education, especially about idea: “what they think and what they want to do”. Students and teachers responded to the same questions.

As we see, the answers on the questions #2, #6, #9, by the ratio, indicate that the essential of internationalization of education is understood. Students and teachers are ready for the internationalization process and we know that, this process is not reversible and will be continuing.

Table 1. Students and Academics regarding Internationalization of Higher Education

# Question	Positions of answers	Answers of Students	Positions of answers	Answers of Teachers
1. From your point of view, is the language knowledge the first step for the development of Internationalization of Higher Education ?	1.1-High	46(47.92%)	1.1- High	21(60.00%)
	1.2-average	35(36.46%)	1.2- average	9(25.72%)
	1.3-less	3(3.12%)	1.3- less	5((14.28%)
	1.4 – other	12(12.5%)	1.4- Other	0
2. From your perspective, how important is it to engage the students in the exchange programs?	2.1- Very important	56(58.33%)	2.1- Very important	28(80.00%)
	2.2-important	18(18.75%)	2.2-important	5(14.28%)
	2.3-less important	20(20.83%)	2.3-less important	2(5.71%)
	2.4- other	2(2.08%)	2.4-Other	0
3 Did you have an attempt to the participation in the exchange programs?	3.1-yes	37(38.5%)	3.1 -yes	14(40.00%)
	3.2-no	16(15.6%)	3.2 -no	13(37.14%)
	3.3-do not necessary	39(41%)	3.3 -do not necessary	3(8.57%)
	3.4- other	4 (4.17%)	3.4 Other	5(14.28%)

4. From your perspective to what degree there is a need of student's participation in the exchange programs?	4.1 - first year	3(3.12%)	4.1 - first year	1(2.85%)
	4.2 - 2nd year	61(63.5%)	4.2 - 2nd year	18(51.43%)
	4.3 - 3rd year	4(4.17%)	4.3 - 3rd year	16(45.71%)
	4.4. - 4th year	28(29.17)	4.4 4th year	0
5 From your perspective, to what degree the Student Union have to help students participation in the exchange programs?	5.1 –actively	84(87.5%)	5.1–actively	5(14.28%)
	5.2- partly	12(12.5%)	5.2 - partly	30(85.71%)
	5.3-do not know	0	5.3-do not know	0
6 How would you rate the level of students participation in the exchange programs??	6.1- Positively	32(33.3%)	6.1- Positively	18(51.43%)
	6.2- Somewhat positively	38(39.6%)	6.2- Somewhat positively	12(34.28%)
	6.3- Negatively	10(10.4%)	6.3 - Negatively	3 (8.57%)
	6.4- Do not know	16(16.17%)	6.4 - Do not know	2(5.71%)
7 From your perspective, to what extent is the information about the exchange programs accessible for the students?	7.1- It is accessible	41(42.70%)	7.1 - It is accessible	17(48.57%)
	7.2- It is relatively accessible	29(30.2%)	7.2 - It is relatively accessible	14(40.00%)
	7.3- It is not accessible	6(6.25%)	7.3 - It is not accessible	1(2.85%)
	7.4 - Do not know	10(10.4%)	7.4 - Do not know	3(8.57%)
8 Can you assess your English language knowledge ?	8.1- poor	20(20.8%)	8.1- poor	18(51.43%)
	8.2- good	33(34.4%)	8.2 - good	10(28.57%)
	8.3- fluent	12(33.3%)	8.3 – fluent	2(5.71%)
	8.4- Do not know	31(32.3%)	8.4- Do not know	5(14.28%)
9 Do you think that students' participation in the exchange programs help them for creating of knowledge?	9.1- yes	81(81.4%)	9.1- yes	27(77.14%)
	9.2 –no	11(11.4%)	9.2–no	2(5.71%)
	9.3 – other	4 (4.17%)	9.3- other	6(17.14%)
10 Are students enabled to set their own learning goals appropriate to their own learning and development needs?	10.1 – yes	49(51.0%)	10.1– yes	30(85.71%)
	10.2 –no	7(7.3%)	10.2–no	0
	10.3--no answer	39(41%)	10.3-no answer	5(14.28%)
	10.4 - other	1(1.04%)	10.4-other	0
11 Can you explain, why students' are interesting to participate in the exchange programs?	1.1 –yes	78 (81.3%)	1.1 –yes	25(71.43%)
	1.2 –no	18 (18.7%)	1.2 –no	10(28.57%)

CONCLUSIONS

- 1) Internationalized Curriculum provides international and intercultural knowledge, skills, and abilities, aimed at preparing students (both domestic and international) for performing in an international and multicultural context. The internationalization of the curriculum is an ongoing, multifaceted process that requires the collaboration and support of faculty members, students, academic departments, the institutional administration, and international offices. The transformation approach of curricula encourages new ways of thinking, new methodologies. Conceptualism of Internationalising lead to far-reaching consequences for students in T/L, as well as in terms of students' learning outcomes.
- 2) Special attention is to knowledge and innovation related to the learning of languages:

Fostering language learning among university students
The International Office will encourage language learning.

REFERENCES

Barnett, R., 2004. The Purposes of Higher Education and the Changing Face of Academia. *London Review of Education*, 2, 1, pp. 61-73.

Barnett, R. & Coate, K., 2005. *Engaging the Curriculum in Higher Education*. SRHE & Open University Press: Berkshire.

Bartell, M., 2003. 'Internationalisation of universities: A university culture-based framework', *Higher Education*, 45, 1, pp. 43-70.

Bowden, J. A., 2004. Capabilities-driven curriculum design. In C. Baillie & I. Moore (Eds.), *Effective learning and teaching in engineering*. London: Routledge.

Das, R., 2005. Internationalisation Of The Curriculum: Putting Theory Into Practice In A Physiotherapy Program. *Journal University Teaching and Learning Practice*, 2, 1, pp. 25-35.

De Vita, G & Case, P., 2003. Rethinking the internationalisation agenda in UK higher education. *Journal of Further and Higher Education*, 27, 4, pp. 383-398

DE WIT, H., 2011. "Globalisation and Internationalisation of Higher Education" [introduction to online monograph]. *Revista de Universidad y Sociedad del Conocimiento (RUSC)*. Vol. 8, No 2, pp. 241-248.

Knight, J., 2003. Updating the definition of internationalisation. *International Higher Education*:
http://www.bc.edu/bc_org/avp/soe/cihe/newsletter/News33/text001.htm
Retrieved, March 30, 2008.

Knight J. 2004. Internationalization Remodeled: Definition, Approaches, and Rationales. *Journal of Studies in International Education*:
<http://jsi.sagepub.com/content/8/1/5>

Knight J., 2008. Higher Education in Turmoil The Changing World of Internationalization. Available at: www.sensepublishers.com/media/475-higher-education-in-turmoil.pdf

Leask, B., 2004. Internationalisation outcomes for All Students using Information and Communication Technologies (ICTs). *Journal of Studies in International Education*, 4, 4, pp. 336-351.

Mekvabidze R., 2008. For Modern Curricula Design of Transformation in Economic Education. Following educational reforms in Georgia: For Supporting of Higher Economic and Professional Education. Workshop by financial support of US Embassy in Georgia. Publisher: "Universal", Gori State University, 25-27 June, 2008.

Mekvabidze R. Tsojniashvili Z., 2008. To A New World of Education. "Transformation of Education in the Condition of the Development of Information and Communication Technology as the Basis of the transformation Economics of

Education. Work paper of the International conference of University of Georgia, 2008

Mekvabidze R., 2011. The Aspects of Education and Research for Knowledge Creation in the Frame of the Modern Higher Educational Reforms The Case of Georgia). International Congress on Knowledge, Economy & Management. October 28-31, 2011, Istanbul, Turkey.

Mekvabidze R., 2013. Responding tomorrows world – following educational reforms in Georgia: Studying trends of transformation of economic education. 5th International conference on education and new learning technologies. Barcelona, 1-3 July, 2013. Pp. 10A4.

Mekvabidze R., 2013. Thinking about learning environment of the 21st century. 5th International conference on education and new learning technologies. Barcelona, 1-3 July, 2013. Pp. 9A4.

Nelson I., 2008. Alignment to teacher education and distribution of leadership: An example concerning leaning study. Halmstad University. Oxford Round Table.

Svensson, L. & Kjellberg, Y. 2001. Learning environments: What are they? In C. Velde (red.) *International Perspectives on Competence in the Workplace. Research, Policy and Practice*. London: Kluwer Academic Publishers.

Svensson, L & Wihlborg, M., 2007. Internationalisation in The Swedish Nurse education from the perspective of teachers involved. An interview study. *Higher Education*. 53, 279-305

Urry, J., 2005. The Complexities of the Global. *Theory, Culture & Society*, 22, 5, pp. 235-254.

Van der Wende, M., 1996. Quality assurance in internationalisation. In U. De Winter (Ed.), *Internationalisation and quality assurance: Goals, strategies and instruments*, EAIE Occasional paper No. 10, EAIE, Amsterdam.

Waks, L. J., 2003. How globalization can cause fundamental curricula change: An American perspective. *Journal of Educational Change*, 4, 4, 383-418.

Wells, A., Carnochan, S., Slayton, J., Allen, R. & Vasudeva, A., 1998. Globalization and educational change. In A. Hargreaves (Ed.), *International handbook of educational change* (pp. 322-384). Dordrecht: Kluwer.

Wihlborg, M., 2005. A Pedagogical Stance on Internationalizing Education. An empirical study of Swedish nurse education from the perspectives of students and teachers. [Academic Thesis] Lund University: Department of Education.

Wihlborg, M., 2008. Quality in internationalising higher education – A challenging pedagogical & didactical issue for the 21st century. SJER.

Wimpenny, P., Gault, B., MacLennan, V., Boast-Bowen, L. & Shepherd, P., 2005. Teaching and learning about culture: A European journey. *Nurse Education Today*, 25, pp. 398-404.

Woods, C., 2006. Researching and developing interdisciplinary teaching: towards a conceptual framework for classroom communication. *Higher Education*, 54, pp. 853-866.

DEMOGRAPHIC VECTOR OF TRANSFORMATION: SPREADING SMALL FAMILIES IN GEORGIA

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Abstract

Transformation of post social countries proceeded with a different path after the collapse of the Soviet Union. Transformation period of Georgia is interesting with lots of aspects, including the analysis of ongoing demographic processes in the country. Nowadays, demographic situation in our country is problematic. Severe economic conditions and unstable circumstances, created in the country, reduced birth-rate to critical limit and increased death-rate. Certain concepts, explaining reasons of small families, were formed on the grounds of numerous researches on reproductive behavior, held in our country and many others. These reasons are stipulated with changes of family function and part of children in family. Sooner or later, all population of the earth will stop growing and move to a stationary position. Such small nations as Georgians should be stop decrease of population. Are such small nations threatened to disappear physically during a globalization process?

Key words: *Georgian population, demographic processes, birth-rate reduction, small families*

INTRODUCTION

Transformation of post social countries proceeded with different path after collapse of the Soviet Union. From such initial conditions, affected by various outer and inner factors, these countries reached different level of development.

Transformation period of Georgia is interesting with lots of aspects, including the analysis of ongoing demographic processes in the country. In the presented work, we want to attract attention to a demographic vector of transformation and its characteristics. [*Economic Transformation: 20 Years of Independence*. European Initiative - Liberal Academy Tbilisi 2010: 7]

Nowadays, demographic situation in our country is problematic. Severe economic conditions and unstable circumstances, created in the country, reduced birth-rate to critical limit and increased death-rate. In the 1980s, the average birth-rate in Georgia was 94 000 children a year. At present, a number of new-born children has changed considerably [www.geostat.ge].

Fewer children are born compared with quantity that is necessary to change parent's generation. Outer migration processes became frequent because million people left the country lately and moved to other countries to earn their living as a result of hard economic situation. Consequently, the rate of young age class reduced while the number of 60 years old people increased, i.e. population becomes demographically older. These processes have been significantly highlighted in recent years and appeared in Georgian population. Considering the present conditions, it is too difficult to improve the situation even in case of economic progress.

According to the official survey, in Georgia, 104 000 children were born in 1961 and that that has been the biggest number. In 1960-1990, on average 93 000 children a year were born. Steep decrease of birth-rate started in 1992. In 2005, 46 000 children were born in Georgia and birth-rate became twice less. In 2010, birth-rate reached 62 000 and in 2014 decreased to 60 000. As a result of that natural growth of population has decreased in recent years [Totadze 2013: 12-14].

Small families are becoming mass in the country. The number of families having three and less children gradually reduces. Notably, in Georgia, birth of third and next child was 36.5 % of all born children in 1960. In 2005 this rate became 10,8 %, in 2010 – 11,3 %, in 2014 – 14,1 %. Among all born children, number of first child is the highest. The rate of first child for a mother was 34,7 % in 1960, in 2005 – 10,8%, in 2010 – 50%, in 2014 – 44 %. Thus, a low level of birth in Georgia is related to the upbringing of only-child families in Georgia and consequently, connected to extremely high birth-rate of first child among total number of births. Georgia outstripped economically developed countries with this point [www.geostat.ge].

As a result of all abovementioned problems population of the country decreases year by year: according to 2002 statistical survey Georgian population was 5,4 million people while in 2014 it reduced to 4,4 million.

Generally, as a result of decrease of birth-rate during worse economic conditions, a number of born females was also reduced and consequently, the country will not be able to prevent further reduction of population even in case of improvement of economic conditions. Hereby, learning the issue is compulsory not necessary.

THE REASONS FOR GROWING THE NUMBER OF SMALL FAMILIES

Certain concepts, explaining reasons of small families, were formed on the grounds of numerous researches on reproductive behavior, held in our country and many others.

These reasons are stipulated with changes of family function and part of children in family [Borisovi 2001: 341-344].

High birth-rate and having multiple children in family was necessary for securing old age for parents. Economic function of family played an important role in high birth-rate. In such families, children whose work was widely used in agricultural economy had certain economic importance. The use of child labor frequently took place later at manufacture and moreover, child labor appeared as a severe exploitation of power at the beginning of capitalism development. On the next stage,

the use of unqualified children's labor was restricted and child became a customer instead producers. Therewith, in the 1900s in the European countries, children labor under the age of 14 was prohibited as a result of progressive public pressure. Restriction of child labor had economic excuse among other advantages.

Public progress, development of social distribution system minimized the role of children as guarantee for their parents in their old age and made it unnecessary in many countries.

After industrial revolution in the 18th century, on the path of industrial development, all abovementioned roles gradually moved from family to other social institutions. Family and outer-family interests with life providing facilities were polarized. Step by step children's profitability for parents fell to 1-2. That is the optimum which enables parents to agree satisfaction of parent's requirements with satisfaction of other requirements (with the purpose of getting salary for work done, for social advance, relaxation, i.e. all – out of family).

Then, obstacles are aroused between reproductive interests of family and society. The society is not able to exist (physically) lastingly without a part of families with three and more children when most families do not have requirements for such a number. Only "social support" for family and economic assistance for individual families: aids, privileges, etc. are not enough to overcome these obstacles. Such actions can only influence the birth-rate by increasing the sufficient number of children in families. But if this number of children reduces then it is not enough for a simple reproduction of population, only such economic supports will become scant. The whole culture and lifestyle must be changed so that children's beneficial role for parents in quantitative aspect grows till a socially essential level. In this case reproductive interests of family and society will coincide with each other [Khmaladze 2009: 344-346].

We would never find out about a belief which became mass superstition that we need to live in good material conditions to have several children. Long time before establishing statistics and demography, scientists' observation gave ground for an opposite opinion. A great economist Adam Smith marked feedback between the quantity of born children and social condition of mothers but this link was explained by a difference between the productivity and not difference in desire for having children. It is not random, those times, number of children was considered to be God's will and interference in godhead affairs that was regarded as profanity.

France was the first country where birth-rate started decreasing at the end of the 18th century on interfamily restriction. It was the first country where public figures and scientists expressed concern about the danger of depopulation and attempted to learn the reasons of decrease of birth-rate. Though, scientific research of birth-rate factors were expanded on the bounds of the 19th – 20th centuries when improvement of surveys of population, statistics of their natural movement and birth and marriage rates, prepared informational base for researches where differential birth-rate was discussed, i.e. system differences between birth-rate levels of social groups [Borisovi 2001: 346-349].

AFFECTING FACTORS ON BIRTH-RATE

As stated in demographic literature, changing a large family with a medium family is a natural phenomenon after demographic development but actually, most countries of the world transferred to smaller families (1 or 2 children), that exposes the danger of depopulation. The change is caused by plenty of factors influencing the birth-rate, some of which is defined with vague and contradictory character. Though, it looks simple enough to explicate.

First of all, it regards to the interrelation the level of birth-rate and material welfare. In accordance with the Soviet demographic literature, socialism provides a steady growth of welfare of population compared with capitalism that for its part stipulates a high birth-rate. This theory failed as a result of systematic reduction of birth-rate from the 1960s. Herewith, after the researches in the Soviet Union and foreign countries it turned out that the better is the material welfare of families fewer children they have. As demographers call, this is “a paradox of inverse relationship”. Indeed, what can explain the fact that when people are dressed well, fed well, better living conditions, they should have fewer children?

The Soviet demographers tried to explain the “paradox” in the following way: it is the truth that material welfare grows but requirements do it faster. Consequently, a difference between requirements and their satisfaction also grows that causes the reduction of birth-rate. We would agree with this concept if not following circumstance: why do we face a low birth-rate in advanced develop countries where practically all requirements are satisfied?

Reasons for a birth-rate reduction are also considered when influencing factors on a birth-rate are analyzed. At present, we do not have any established theory about increasing factors of birth-rate.

Women’s emancipation and involving in social activities greatly affected the reduction of a birth-rate. It is established that a rate of natality is in a proportional relationship towards the level of women’s employment. A birth-rate is differentiated in accordance with social groups and the level of education. National and religious possession also has influence on the birth-rate.

Generally, affecting factors on natality operate at the same time. They are interlaced and can be discussed separately by using abstract-analytical methods.

We should highlight that today the reduction of natality is conditioned by the complex of factors affecting it. “Requirement of having children” is not reduced but the number of them. One or two children in a family are enough to satisfy the “requirement of having children”. Here we meet an obstacle between the family and society as far as it is essential to have more than two children in a family for wide survey of population [Khmaladze 2009: 406-409].

DEMOGRAPHIC AND SOCIAL RESULTS OF SMALL FAMILIES PROLONGED IN GEORGIA

Though, demographic results of small families are quite transparent, their social results have never been designed and discussed in our society. Such an outlook

has been considered impossible for a long time. That is why, the beginning of depopulation looked like a snowy hurricane in a cloudless summer.

Let's try to imagine possible results of small families in a Georgian society:

Even if a birth-rate is not reduced, which is not serious to suppose, considering the present conditions of demographic education in the country and non-existence of any social movement for saving the nation from extinction, depopulation will prolong for a long time, probably till the total disappearance of Georgia from political map. The country can collapse when population is so little and some big neighboring country will annex it.

We should add aging of population which accompanies depopulation and interrelates to it. Aging certainly happens on defined stage of growth of life expectancy but according to correlation between a birth-rate and a death-rate, discussion can be carried out regarding various scales and speed of aging population.

Therefore, joint labor power will also grow old in the country. A lower birth-rate and a higher death-rate, oppressed renewal of generation and their degradation can lead us to intense problems of manpower resources and reproduction of military-selectee contingent. All these are contemporary problems. This is not a problem for only our country but for those countries having a low natality, especially a problem mostly for countries with a high productivity of labor. In due time, during discussions about issues of our demographic future, some economists claim that small families can be compensated with a growth of labor productivity and reduction of the requirements of economy for working power. Great Britain, Germany, France, and Scandinavian countries, as well as the USA have to attract foreign labor power, so-called "Gastarbeite", to compensate the shortage of native labors. Later, in these countries, relations between the nations strained and reached serious conflict.

Certainly, we could continue this list but it is established mainly on suppositions. In any case, the suppositions should become the subject of discussions and researches, probably with a supportive modeling [Borisovi 2001: 305-307].

CONCLUSION

In order to abandon a zone of demographic disaster, increase in a birth-rate should be much more than size 2,12, calculated per one woman. We need to have influence on reproductive requirement of millions of families of Georgia and to raise up to size 2,8-3,0 children for which we need to popularize 3-4 children families and we should not forget to pay attention to large families.

Considering all above-mentioned, policy, oriented to the growth of birth-rate and affecting reproductive behavior of population, consists of two directions: 1) Regulating the living conditions for families for the purpose of satisfying their requirements for number of children. 2) Regulating the living conditions so that increase the number of children till that size that will save our community from demographic disaster.

First direction totally agrees with the tasks of traditional social policy. They should not include support and privilege system. On the contrary, we need such a social

policy that would decrease the number of the families who need state charity. In other words, we should increase the number of those families who are able to live on their own.

Second direction of pro natal policy of work of state and social organizations means growing advantages and attractions of family life, making family institution more firm and encouraging families to have more children.

Sooner or later, all population of the earth will stop growing and move into a stationary position. Such small nations as Georgians should be stop decrease of population. Are such small nations threatened to disappear physically during globalization process?

Eventually, we need to accomplish special operations to improve demographic conditions of the country: on the one hand required material and financial resources should be mobilized and on the other hand we should form such reproductive vein that is desirable for the community.

REFERENCES

Borisovi V.A., (2001), *Demographics*, Moscow.

Economic Transformation: 20 Years of Independence. (2012) 'European Initiative - Liberal Academy Tbilisi' EI-LAT – Report.

Khmaladze M. (2009), *Demographics*, Tbilisi.

Totadze A., (2013), The nation's death rate is a catastrophic scale scope. *Sakartvelo da msoplio* (Newspaper), no. 3.

THE CONFIGURATION OF CHERNIVTSI AND ZAKARPATSKA OBLAST POLITICAL PARTIES' REGIONAL BRANCHES AND THEIR IMPACT ON REGIONAL POLITICS (2013-2014)

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Abstract

This article aims to analyze the public activity of the most influential political parties of Chernivtsi and Zakarpatska oblast (regions) between 2013 and 2014. The authors consider the configuration of the leading regional political forces and characterize the level of their impact on regional politics. The main attention is paid to communications of political parties' with their voters. It has been outlined that the mobility of organizational structures of opposition to once pro-governmental "Party of Regions" has provided growth of their electoral support and increasing influence on regional processes. These parties emerged like victors of the turbulent situation in Ukraine but their popularity and future are highly dependent on the prospect of peace and reforms in Ukraine.

Key words: *political parties, Zakarpattya, Bukovyna, the regional policy, political parties regional and local organizations*

Ukraine has been placed into a focus of the international attention since the crisis of 2013 revealed some profound weakness of the country and its certain vulnerability towards aggressive foreign pressure. While geopolitical reasons of the crisis and war in Eastern Ukraine remain in a focus of public and academic discourse, the regional dimension of Ukrainian policy and politics have been less attended by researchers and analysts till now. However, those regional peculiarities

of Ukraine, key aspects of its political system functioning (and malfunctioning) still require more research and academic scrutiny. Amidst some other factors the contemporaneous political reality is characterized by the activity of the various political parties, which are the product of socio-economic and socio-political processes. After all, they are one of the main tools to compete for power and public control upon society resources. Their great spectrum remains a characteristic feature of the political sphere in every region of present Ukraine. No exception is pretty similar western regions of Ukraine - Chernivtsi (Bukovyna) and Zakarpattya oblast. Both of them are the tiniest ones in the country, situated on the state borders of Ukraine, which are of crucial importance for their economic and social evolution. They are multicultural regional societies, where the proportion of the titular nation is respectively 75% and 80, 5% [Huitor 2007: 137-145], and therefore the presence of ethnic minorities and diversity of confessions are traits of the local specificity going deeply in past ages. The latter circumstance makes both regions predictable targets for foreign interferences and some local tensions and discontent. And last year's events prove that they are in a position of certain trouble and uncertainty.

Over the years 2013-2014 configuration of political party space of Bukovyna and Zakarpattya has undergone some considerable changes. Accordingly, such reformatting of the regional political landscape is greatly influencing the development of politics pertinent to these borderland and poly-ethnic territories. Taking into account the impact of those changes the article compares post-election political processes and the alignment of political forces in Bukovyna and Zakarpattya between 2013 and 2014, and analyzes the influence of regional party organizations on regional policy.

First of all, we have to state that research on key regional features of Zakarpattya and Chernivtsi regions' party space structuring, their inhabitants' electoral orientations has been launched by Ukrainian political scientists: Anatoliy Kruglashov, Vira Burdyak, Mykola Guytor, Yuriy Ostapets, Marian Tokar, and some others. However, political analysis of the influence of regional party organizations on the policy of respected territories up to the present time is left behind Ukrainian researchers' concerns (surely, foreign too). Facing with fact of this lacuna of academic outcome, the authors of the article are going to analyze the configuration of the leading political forces of Zakarpattya and Chernivtsi regions and determine the level of their public activity between 2013 and 2014.

The topic of this case study seems to be important both in theoretical and practical dimensions. In particular, it allows to consider the level of influence of regional party organizations on the regional policy and revealing the most stable relations between regional organizations of political parties and electorates throughout comparison of political processes and post-election composition of the political forces in Bukovyna and Zakarpattya between 2013 and 2014. The above mentioned determines the relevance of the topic, since it gives a chance not only to monitor the current trend and effectiveness of the activities of the most influential party branches of Bukovyna and Zakarpattya, and see the regularities of influence of the political parties of Ukraine in general on the regional political processes. Having it done one is able of making some cautious prediction on their future ability to realize their potential. Taking into account the above goals and objectives of the

article, the authors make an accent on some primary sources because the lack of relevant academic research papers on the subject. These sources include electronic resources, web-sites of the Department of Justice in Zakarpattya and Chernivtsi oblasts, data from regional councils and regional organizations of the most influential political parties ("Front Zmin", "Svoboda", "Udar", "Narodna Partiya" and "Partiya Regioniv"), as well as the results of the elections and electoral sociology.

Following the article goals, first of all, we are to describe these key political parties regional organizations public activities between 2013 and 2014, then analyze the party spaces composition and changes before and after Euromaydan and, finally, evaluate their impact on regional policy.

The object of study in this article is the regional party branches of Bukovina and Zakarpattya. The subject of the study includes the results of the most influential political parties' organizations public activity in Chernivtsi and Zakarpattya oblasts. The chronological framework of the study is limited to the period of January 2013 - September 2014.

At the present stage of the Ukrainian political system evolution the true placement and role of the political parties is an important but highly controversial issue. We have to agree with the opinion of a Ukrainian political analyst Volodymyr Fesenko -, that Ukrainian voters tend to perceive political parties as an element of power and as a part of the rules of game in electoral democracy [Tsentr Razumkova 2010: 34-37]. At the same time, contemporary political parties of Ukraine do not have a clear position on regional development, as well as they lack a regular support from certain social groups. That is why, the new realities put forward some urgent problems in front of Ukrainian political parties, and amid them the task of reconstructing regional political space, as well as a challenge of proper articulation and aggregation of interests of related local communities [Bekeshkina 2001: 41-56]. Influenced by the dramatic political changes in Ukraine a significant reshaping of the regional party organizations' balance in Bukovina and Zakarpattya over the period of 2013 and 2014 occurred. We emphasize that in the Chernivtsi and Zakarpattya societies key tendencies, which are inherent in all-national political process were reflected and at the same time, regional peculiarities manifested.

After the parliamentary elections of 2012 Zakarpatska and Chernivtsi oblast entered the "zone of expansion" of "*Party of Regions*" (*PR*). While in a previous period this party never enjoyed a mass support of voters, now a political situation seems triumphant for the party. Activities of regional organizations of that pro-governing party during the period of studies were aimed according to the leaders' words (Oleksandr Ledida and Mykhailo Papiev - then the Heads of the Regional State Administrations) to create the necessary conditions for the implementation of the President Viktor Janukovych's social initiatives.

At the meetings of the regional party conferences, where the outcomes of the election campaign in 2012 were wrapped up, it was noted that the party's local organizations had to become the promoters and the implementers of urgent economic reform [Papiev 2011: 1]. In order to increase their supporters in the Zakarpattya and Chernivtsi regional societies, "*PR*" pretended to represent its interest as the true interest of a wider range of citizens. Local party leaders do not hesitate to reiterate the statement that they are true representatives of the party of power on the public meetings and relays. And it means that their deeds are the

same as words. However, despite such loud and populist statements, the “*Party of Regions*” regional headquarters in fact distanced themselves from the regional community, as they did not undertake real measures to implement effective social programs, as well as they did not try to develop alternative objectives for improving the regional policy for Bukovina and Zakarpattya. And, the lack of broader support of the local voters does not provide the possibility of party’s organizations to influence the political process either on the regional level, or on the national one.

The representatives of the faction “*Party of Regions*” in Chernivtsi oblast Council (which consisted of one-third of the total number of Regional Council) basically just stated that they had the intention to support the government, civil society and business initiatives in various fields of social and economic activity. However, the deputies from “*Party of Regions*” are usually involved only in some specific activities. For instance, during January 2013 Matviy Kutsak and Mykhailo Dralyuk took part in the sports’ festival, which was organized by the Sport complex “Olympia” and top athletes of oblast. Those deputies while having greeting speeches there stressed that the pro-governing party would support any business initiatives in the sports sector to attract investment in the Ukrainian sport [Fedaka, Ilnytskyi 2011: 1 - 3]. It seemed quite obvious that such bold statement have not always been realistic and by and large propagandistic one. Similar activities of rhetoric promises are typical for the Zakarpattya regional branch of “*Party of Regions*”. The regional party leader A. Ledida has publicly said that the balance of political forces is secured and there is an open dialogue between the government and society in the region, but at the same time ordered to suppress peaceful protest in Narodna Square of the regional center Uzhgorod [Romanchuk 2013: 1 - 2].

However, the tactics of so-called “tushkuvannya” (from a Ukrainian word “dead body” – wide spread practice of attracting by threats or temptation deputies from other parties and factions into the faction of Part of Regions) did not succeed completely in a case of the Zakarpattya regional council and the majority for that party has not been established there. As a result the representatives of the pro-governing party had to constantly negotiate with the opposition deputies, in particular, with “Edynyi Tsentr” party (United Center) [Romanchuk 2013: 1].

Such tactics of the local political leadership of “PR” led to the situation that between January and March of 2013 Zakarpattya and Chernivtsi regions got the 20-th and 24-th places in the all-Ukrainian ranking of regional key areas of the social and economic development. It means that everyday life priorities of those regions and their inhabitants remained ignored by the pro-governing party. Basic problems of the regions were not outlined and no solutions were proposed. In fact, these circumstances as some local political analysts pointed out confirmed that “PR” is not an ideological party, rather a mere political project of Victor Yanukovych team [Babyuk 2012: 11].

Contrary to the “PR” activities in those two regions the influence of the opposition forces has been increasing that time. In fact, a resonant echo in the political space of Bukovina and Zakarpattya has got public activities of “Front Zmin” (Front for Changes) regional organizations. For example, since the beginning of 2013 Zakarpattya and Chernivtsi party activists, with their leaders respectively Myroslav Biletsky and Maksym Bourbak, openly requested to put an immediate end to the political repression, torture and fraud in connection with the events around the

Julia Tymoshenko suit case [Lunchenko, Biletskiy 2012: 1]. The leaders of Chernivtsi "*Front Zmin*" had been emphasizing at numerous press-conferences that while the State budget considerably cut off social benefits of the ordinary citizens, however, the spending on governmental bureaucracy increased. The Head of the "*Front Zmin*" faction in the City Council Oleksiy Kaspruk branded such governmental projects of budget as a criminal one [Kaspruk 2012: 1 - 2].

It is worth noting that the regional organization of "*Front zmin*" took an active part in opposition meetings and other public campaigns. The party's local leaders regularly organized briefings for mass-media where openly shared some critical conclusions regarding the unsatisfactory public policy of the regional authorities. For instance, Zakarpattya regional centre of this party together with the regional organizations of political parties "*Bat'kivschyna*" (*Mortheland*), "*Udar*" (*The Strike*), and "*Svoboda*" (*Freedom*) partook in a joint rally dedicated to the commemoration of Unification Day (*Den' Sobornosti*) of Ukraine in January 2013. During the rally the leader of "*Front Zmin*" M. Beletskii proclaimed that only united opposition is able to resist the Janukovych regime. Yuriy Fekete representative of the party "*Bat'kivschyna*" clarified there that "*Party of Regions*" might be stopped only by a powerful opposition force, which would have met with the irresistible support of society. Despite some growing discontent with V. Janukovych policy those public events as usually went out with limited number of their participants that proves to be a symptom of both public apathy and deficit of those oppositional political parties' mobilization resources.

Nonetheless, a relatively considerable splash of the public activity could be observed in the regional party organization of "*Udar*." They tried to implement active political communication with the electorate concerning some issues of the regional policy in 2013. The leaders of the party exploit numerous press-conferences, briefings, and other public meetings while they have been emphasizing that among the main goals of their party's activity is to destroy the all-penetrating systematic corruption, establish the public control over governmental bodies, and to transfer the real power to local communities etc. These slogans have been perceived with some hope of local inhabitants.

Additionally, during the mass cultural and patriotic actions they have promoted the European integration course of Ukraine. In January 2013, Chernovtsy activists of "*Udar*" launched a rally under the key slogan "*Chernivtsi is not a political battlefield*", "*European choice for Ukraine*". The leader of Bukovyna party's organization of "*Udar*" Roman Vanzuryak explains that the action had to draw up attention of the society to the fact that a rejection of the European integration course by V. Janukovych government does not only mean ignoring the will of Ukrainians, but it is a violation of the Constitution.

At the same time, Chernivtsi party members launched "a tent movement", where they had been educating general public telling them about Ukrainian foreign policy perspectives. When "Euromaydan" movement started in late November of 2013, "*Udar*" Chernivtsi regional organization sponsored the sociological pool, which dealt with citizens' attitudes to the EU and the Customs Union. It argued that local inhabitants support European course of Ukraine by the vast majority. Simultaneously the party unit in Zakarpattya advocated the implementation of European standards of living and brought this question up to the high priority of

their communication strategy [Kvyach 2013: 3]. Those political actions are being conveyed with some social initiatives of "Udar" party organizations, likewise a proposal of granting zero tax rates for newly formed companies for a period of 3 - 5 years, which faced with a great support of Transcarpathia's society [Kvyach 2013: 1 - 2]. No doubt, this symbolic step towards actual expectations of local voters seems to be a success story of political party's political communication.

Certain social initiatives were proposed by the regional headquarters of "Svoboda" political party in the same period too. For example, Chernivtsi City fraction of "Svoboda" has initiated the proposal to listen to the annual reports of the local Companies who are at City's property to the City Council in February of 2013. According to the Chairman of the regional organization Vitaliy Melnychuk because of this innovation anybody in the City would be able to identify negative trends for all related local companies, and in particular, of the largest donor of the City budget "Kalinovsky market", and later on undertake appropriate preventive measures to resolve existing problems of them.

The period of June-December 2013 is characterized with the public appearance of some new political actors, namely recently established political parties. Thus, there were three regional organizations of new political parties established in Chernivtsi oblast. In case of Transcarpathia there were four of them, e.g. "Samopomich" (Self-aid), the organizations of political parties "International'na" (International) and "My Mayemo Metu" (We have a goal). New political units seemed to be a kind of 'frozen structures' with the chance of being wake up and used in a political process somehow later.

The turning point in the public space of Bukovyna and Zakarpattya directly corresponds with the changes influenced by Euromaydan movement on all of Ukraine. The most crucial and obvious change is the "Party of Regions" in Bukovyna and Zakarpattya crisis and collapse. The clearest proof of this is that local and regional public servants and officials began to leave off this party excessively in the first week of March, 2014. Moreover, at the same time the pro-governing party's organization has decided to disband itself in Zakarpattya. The situation with this party organization happened to be slightly different in Bukovina. After the tragic bloodshed in February 2014 in Kyiv, only the Chairman of the Regional Council of Chernivtsi Oblast Mykhailo Hainicheru got away from the sinking down party's sheep. However, despite the significant mitigation of "PR" in the region, its chief representatives continued to be very influential and they did not lose their jobs instantly. So, for example 8 heads of Chernivtsi regional state administrations were members of "Party of Regions". At the same time 3 heads of Zakarpattya regional councils represented the former pro-governmental party, 6 heads were the members of the "Yedynyi Centr" and two - "Bat'kivschyna" for a while.

Soon after some radical changes in the regional political elite came into force, Valeriy Lunchenko (earlier – MP, member "Bat'kivschyna" faction in Ukrainian Parliament) got appointment as the new Head of the Zakarpattya Regional State Administration. Roman Vanzuryak (MP, faction of "Udar" in the Parliament) has been appointed as the Head of Chernivtsi Regional State Administration. Former heads M. Papiev (Bukovina) and O. Ledida (Zakarpattya) were dismissed and they

maintained “anti-Maydan” political position. Moreover, O. Ledida remained the leader of the regional organization of “PR”.

Table 1. Composition of Zakarpatska and Chernivtsi oblast Councils (2010 – 2014)

No	Name of the political party	2010- 2012		2014	
		Number of party's representative in Chernivtsi Oblast Council	Number of party's representatives in Zakarpatska Oblast Council	Number of party's representative in Chernivtsi Oblast Council	Number of party's representatives in Zakarpatska Oblast Council
1	Electoral coalition “For the Motherland” (“Za Batkivshchynu”)	-	-	5	0
2	“People’s Front” (Narodnyi Front”)	23	5	15	3
3	«Our Ukraine» (Nasha Ukraina)	9	-	9	-
4	«Motherland” “Batkivshchyna”	17	7	6	9
5	“Freedom” «Svoboda»	4	-	3	-
6	“United Center” «Edynyi Tsentr”	-	44	-	45
7	“Democratic Party of Hungarians” “Demokratychna Partia Uhortsiv”	-	4	-	3
8	KMKS KMKC	-	3	-	3
9	“Transcarpathia” “Zakarpattia”	-	-	-	20

Sources: Vidomchy arkhhiv Zakarpatskoi oblasti. – F.195.Op.23,ark.1 - 2; Predstavnytstvo raioniv I mist Chernivtsiv ta m. Novodnistrovska v Chernivetskyi oblsniy radi. – [Elektronnyi resurs. – Rezhym dostupu: www.cv.net.ua/bycovyna.php?event=predstav. Politychna karta Zakarpas'koi oblasti - [Elektronnyi resurs] – Rdezhy dostupu: [//map.oporaua.org/content/allresults/34](http://map.oporaua.org/content/allresults/34); Politychna karta Chernivstkoii oblasti - [Elektronnyi resurs] – Rezhym dostupu: oporaua.org/books/article/1672 –polytychna – zakarpatskai – oblasti.

As a result of a new political situation, the support of voters was reoriented towards some political forces like Petro Poroshenko Block, “People’s Front”, and

“Fatherland” in 2014. Sociological polls had shown their public support before the election took place in 2014. At the same time the polls proved certain popularity of Oleh Liashko Radical Party, “Samopomich” and “Svoboda” as well. . Despite sympathies of voters before the Parliamentary election, the final results did not favor some of the latter. Most radical and populist parties did not get support of the voters finally; first of all it concerns “Svoboda” electoral results in the both regions. Radical and flavored with ethno-nationalism tones rhetoric of “Svoboda” has not been supported in both poly-ethnic regions where the interethnic relations are highly valued with locals. Another factor which affects the results of that electoral campaign is a strong influence of Ukrainian Orthodox Church (Moscow Patriarchate), whose priesthood agitation went hostile towards some Ukrainian parties.

Radical changes in the country have affected local Councils too, while there remained the same corps of deputies. So, in both regions Oblast Councils most numerous factions were of Peoples Front and Motherland parties respectively. At the same time, Zakarpatska oblast remained the only one in Ukraine where “United Center” got 45 deputies’ seats.

The comparison of the factions configuration provided in the Table one demonstrates the changes which occurred in the regional Council of two regions from 2010 till 2014 years. As far as the Party of regions collapsed, both Councils dismissed the representatives of that party. Simultaneously Peoples Front and Motherland factions recruited more members into their factions. Hardly possible to regard such a transformation of some deputies as their ideological preference rather a mere pragmatic choice made in order to secure their status and local influence.

The process of reformatting regional political party system has opened a new prospect for those political forces that previously had some influence on the political life of the regions after Euromaydan. The parties of the former opposition to “PR” got a chance of exercising real power both nationally and/or regionally. So, new chances have been opened for Viktor Baloha led “*Yedynyi Centr*” in Transcarpathia. Accordingly the representatives of “*Yedynyi Centr*” has been elected Mayors of three cities of the regional significance. The rotation of a leadership strengthened the position of “*Bat’kivschyna*”, “*Svoboda*”, “*Udar*”, “*Front Zmin*” and “*Narodna Partiya*” (the weakest party from this list). As for the general political standpoints for all of them, their political organizations actively denounced calls for federalization and split of Ukraine and made a statement on the definition of priorities for the stabilization of the political situation in the country and regions. These political parties initiated the signing of the Memorandum of understanding between political parties and civil society organizations named “For the development, enhancement of well-being and calm of citizens”.

The representatives of the abovementioned political forces performed activity in emerging new institutional initiatives like “*Narodna Rada*” (Peoples Council), “*Rada Maydanu*” (Maydan Council), “*Narodna Samooborona*” (Peoples Self-defense), “*Hromads’kyi Convent*” (Civic Convent). They seemed to be launched as the alternative to Janukovych “vertical of power” bodies structures, uniting opposition and civic society. Despite the very idea of their foundation and certain impact on the regional political process they did not emerge as a true center of the stable political influence in the regions of Chernivtsi oblast and Transcarpathia, and

probably all over Ukraine too. In addition, those regional political parties' organizations (their provincial, municipal and district branches) gave a support to an active volunteer movement from Bukovyna aiming to aid fighters in the Eastern Ukraine zone of military conflict (so-called Anti-terrorist operation - ATO). It is necessary to emphasize that the most systematic coordination of the civic activity in this area has been performed by the organization "*Rukh Oporu*", comprised of members of "*Bat'kivschyna*" and "*Svoboda*" who dealt with battalions of volunteers [Starosilskiy 2014 : 2] in early September, 2014. Chernivtsi regional organization of "*Svoboda*" made an appeal to local authorities with a request of making all comprehensive support to the defenders of Ukraine in Donbas region. There are a lot of facts confirming the large scale of volunteers movement moved to Eastern Ukraine with transports of humanitarian aids, gathering of financial assistance to families of killed soldiers etc. It could hardly be attributed to regional organizations of political parties only, but they played a certain role in volunteers movement also. Of course, these parties try to use their public activity in order to get more political sympathy from compatriots in both regions. The reputе and symbolic capital they earned from volunteers movement has to be transformed into voters' ballots as far as Parliamentary elections of 2014 and local elections of 2015 are concerned.

Summing up the trends of political parties' regional organizations activities, we have to emphasize that the socio-political processes in Ukrainian society between 2013 and 2014 paved a way to some important changes into Zakarpattya and Chernivtsi oblast political space. At the beginning of the period under consideration, despite the obvious lack of broader electoral support "*Party of Regions*" played a leading role in these regions as well as nationwide. It happened because many reasons, including widespread manipulations with local elections, active propaganda, intimidation of political opponents and betrayal of some opposition parties' activists and leaders. Despite the tough grasp of power bodies with this party, ostensibly large number of party local organizations and numerous numbers of many new adherents, substantial majority in the local councils and executive bodies, the party did not provide social and political integration of two regions. A lack of stable public support and trust to "PR" was caused by an ineffective resolution of key regional problems, inconsistent political course of regional authorities, crucial growth of corruptions and other disgusting events attributed to party's leadership. The failure of widely advertized "pro-European course of President V. Janukovych" resumed with a final disillusionment with political leaders of "*Party of Regions*". Logically, after bloody clashes over Euromaydan this process has been concluded with a final neutralization of its influence on the political processes in these regions and in Ukraine at all. This political situation has been used by some political parties of opposition. They mobilized their organizational structures aiming at establishment of some stable political relations with their regional voters. Accordingly, because of active participation of oppositional parties' regional and local organizations public actions of supporting Euromaydan and later defenders of Ukraine, their effective communication have been contributed to growing influence of them on the regional political processes.

A relatively better image of political parties from oppositional camp enjoyed some more advancement also from popular and sometimes mere populist social

initiatives, widely advertised by those parties alongside with their attempt at reflecting and resolving some social problems of Chernivtsi oblast and Transcarpathia. However, the leadership of the former oppositional parties as well as their political behavior remained to a greater extent under threat of reminding some mistakes and failures that once happened in Ukraine after the Orange Revolution. But now those shortages are even more dangerous as they are being strengthened with current condition of Russia's aggression and expansionism and systematic socio-economic crisis in Ukraine intertwined.

REFERENCES

Babyuk I. (2012), Polityka peretvoriuetsia na shou // Molody bukovynets'.

Bekeshkina I. Partiini identyfikatsiy ta partiini preferentsii iak kharakterystyky politychnoi svidomosti // Sotsial'ni vymiry suspil'stva. – Vyp. 5. – Kyiv: KNANU, 2001.

Evoliutsia, suchasny stan i maibutne politychnykh partii v Ukraini: pozytsii fakhivtsiv // Tsentr Razumkova. Nacional'na bezpeka i oborona. - 2010. N 5.

Huitor M. (2007), Politolohichniy analiz istoryko-kul'turnykh peredumov formuvannia elektoral'noi spetsyfiky Chernivets'koi ta Zakarpats'koi oblastei // Naukovy visnyk Uzhgorods'kogo universytetu. Seriya: Politolohiia. Sociolohiia. Filosofiia. – Uzhgorod: Uzh NU «Hoverla». – Vypusk 7 - 8.

INTERNET SOURCES:

Chernivets'ka oblasna rada. Sklad rady. - <http://oblrada.cv.ua/structure/deputies/> [accessed 23 July 2015].

Fedaka S., Il'nytsky V. (2013) Hubernatory Zakarpattia. Oleksandr Ledyda. – [http://uzgorod.in.ua/statti/_rokyevykonanykh obicyanok](http://uzgorod.in.ua/statti/_rokyevykonanykh_obicyanok) [accessed 27 July 2015].

Fut-zal (2013) 'Rehionaly Bukovyny pidtrimaly «Novorichny festival' z fut-zalu». - <http://www.opr.com.ua>. [accessed 15 June 2015].

Holovne upravlinnia iustyttsii u Chernivets'kiy oblasti. Reestr oblasnykh orhanizatsii politychnykh partii zareiestrovanykh Holovnym upravlinniam iustyttsii u Chernivets'kiy oblasti. - http://minjust.cv.ua/index.php?page_1234427133/1234427722/123565 [accessed 12 June 2015].

Holovne upravlinnya iustyttsii u Zakarpats'kiy oblasti. Statystychna informatsiia za osnovnymy napryamkamy diial'nosti Holovnoho upravlinnia iustyttsii u Zakarpats'kiy oblasti ta terytorial'nykh orhaniv iustyttsii Zakarpats'koi oblasti z pytan' lehalizatsii obednan' hromadian. Derzhavnoi reestratsii drukovanykh zasobiv masovoi informatsii 2013 r. - <http://www.zakjust.gov.ua/main/ua/publication/content/1709.htm?Lighturds=reystestr%20> [accessed 15 July 2015].

Kaspruk O (2012) Zminy maibutne. Uryadovy proekt biudzhetu na 2012 rik – zlochynnyy.- <http://propertoir/tog:frontzmin.ua/component/Mista%20Ukrayiny>. – Chernivci: html?start=90 [accessed 10 August 2015].

Kvysh A. (2012). U zakarpats'komu Udari rozpovily pro spysky i prohramu. - <http://zakarpattyia.net.ua/Partyyi/99303/zakarpatskoma>. – UDAR [accessed 8 June 2015].

Lunchenko V. ta Bilets'ky M. (2013) Vlada nakhabno demonstrue povnu znevahu do prav lyudyny. - <http://frontzmin.ua/party/regional> [accessed 15 July 2015].

Narodna Partia: Pres-sluzhba Zakarpats'koi rehional'noi orhanizatsii. - <http://narodna.uz.ua/archive.php> [accessed 18 July 2015].

Narodna Partiiia Zakarpats'koi regional'noi organizatsii (2014). Zaiava Zakarpats'koi oblasnoi organizatsii Narodnoi partii vid 28.02.2014. - <http://narodna.uz.ua/archive.php.id=703> [accessed 23 July 2015].

Papiev M. Bukovyna mozhe staty vzirtsem rozbudovy regional'noy skladovoi evropejs'koi intehtatsii. - <http://www.opr.com.ua>. [accessed 14 June 2015].

Partiia rehioniv. V Chernovtsakh proshla XVI Konferentsiia oblasnoi orhanyzatsii Partii rehionov. - <http://www.opr.com.ua> [accessed 18 June 2015].

Partiya «Udar» Vitaliya Klychka (2013) Chernivets'ki udarivtsi udaryly avtoprobihom po Mytnomu Soiuzu. - <http://udabuk.cv.ua/news/html?start=8>. [accessed 22 June 2015].

Polity'chna karta Chernivetskoii oblasti (2014). - <http://opora.ua.org/en/news/4430> – politychna-karta-chernivetckoi-oblasti [accessed 19 July 2015].

Polity'chna karta Zakarpats'koyi oblasti (2014). - <http://oporaua.org/vybory/vybory-prezydenta-2014/article/4438> – politychna-karta-zarpatskoje-oblasti [accessed 19 July 2015].

Robota (2013) 'Vseukrayins'ke obednannia «Svoboda». Z initsiatyvy chernivets'kykh deputativ – svobodivtsiv kerivniky komunal'nykh pidpryemstv mista zvituvatymut' pro svoiu robotu. - <http://svoboda.org.ua/diyalist/novyny/039620> [accessed 10 June 2015].

Romanchuk I. (2012) Social'no-ekonomichne luzerstvo ta kryminohenne liderstvo Ledydy.- <http://mukachevo.net/ua/News/vien/81656>. [accessed 30 July 2015].

Starosils'kiy M. (2014) Ternopils'ka i chernivets'ka «Bat'kivshhyny» – dvi velyki riznytsi. - <http://blogs.korespondent.net/blog/politics/34113171> [accessed 20 July 2015].

Sobornist (2013) Zminy maibutne. Zakarpats'ka opozytsia provela urochysti zakhody na chest' Dnia Sobornosti. - <http://frontzmin.ua/party/regional> [accessed 17 July 2015].

VO «Svoboda» (2014) Ofitsiina storinka. Chernivets'ki svobodivtsi vymahaiut' vid mistsevoi vlady real'noi pidtry'mky biitsiam ATO. - <http://svoboda.org.ua/diynist/nayny/036920> [accessed 20 July 2015].

REVIEWS

Joanna Kamińska, *Siła zmiany – polska polityka zagraniczna po 2004 roku* (original title: *Influence of the new EU members on the Eastern Dimension of the EU's external relations: The case of Poland*), **Wydawnictwo ECE, Toruń 2014, pp. 321** (Zuzanna Osmólska*)

International relations and foreign policy researchers usually look forward to every publication in this field. It is a fact that in books published for over the last 10 years, a description of Polish foreign policy ends at the Polish accession to the European Union. Moreover, the majority of books related to the European Union focuses on history, institutions and law, fewer of them on specific political instruments. Meanwhile, the book written by Joanna Kamińska concerns European foreign policy, exactly – rarely discussed subject – eastern dimension of the EU's external relations.

Importantly, the author of the book – Joanna Kamińska is not only a theoretician. After receiving her PhD at the University of London, she worked at the University of Cambridge and at the General Secretariat of the European Commission. She is currently working as a consultant in the field of foreign policy in the European Parliament Committee of Foreign Affairs. She is also an Associate Researcher at the Institute for European Studies at the Vrije Universiteit (VUB) in Brussels. She specializes in issues of European foreign policy, especially in the relations between the EU and its eastern partners.

The author's main purpose is verification how Polish membership in the European Union and in Common Foreign and Security Policy (CFSP) influenced the Europeanization of foreign policy. Kamińska also attempts to answer whether the changes at the national level in the field of foreign policy would have ever been possible without the factor of the European Union [Kamińska 2014: 10]. The author formulates a thesis that the EU has played a significant role in the transformation of Polish foreign policy and Polish institutional structures transformation related to the EU [Kamińska 2014: 10]. She argues that although internal conditions limit the ability of the impact of the national government, national ambitions of being a major European player allowed the Polish foreign policy transformed from passive state (policy-taker) to an active state (policy-maker). This transformation was possible because of indolence policy at the EU level in the field of relations with its eastern neighbours. Therefore, the author focuses on both CFSP and the New European Neighbourhood Policy (ENP). It gave Poland an opportunity to participate

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in shaping the evolving the EU policy towards its eastern neighbours [Kamińska 2014: 10-11].

The book's content is divided into seven chapters. First – entitled *Introduction to Polish foreign policy* relates to the idea of Europeanization and its mechanisms. In this part author presents concepts of “downloading” and “uploading”¹, which she consequently uses through entire book. Those concepts are very important because in next chapters Kamińska uses them to evaluation of different solutions and politics.

Second chapter – *Cooperation in the field of Polish and European foreign policy* refers to some problems connected with system transformation in Poland. The author suggests that *inter alia*, due to the transformation, Polish foreign policy is vitiated by a lack of administrative capacity for the implementation of the Polish influence after accession to the EU. Kamińska also draws attention to the issues of developing Poland's image as a regional leader, having an influence on the relations between the countries of Central and Eastern Europe. In this chapter, the author presents the EU's impact on the national administrative structures and decision-making processes, taking before and after integration.

The third chapter – entitled *Between Europeanization and national commitments: negotiating a new cooperation framework between EU and Ukraine* presents the negotiation process between Ukraine and the European Union on visa facilitation agreement (signed in 2007) and the Association Agreement (signed in 2014). Kamińska perfectly describes the situation when the European Neighbourhood Policy vision stood in opposition to the Polish order to realize the promise of Ukraine's accession to the EU. Poland had, according to the author, faced with strong pressure from EU eastern policy, while being an effective advocate of the EU membership for Ukraine.

The next chapter – *Directing EU policy towards Russia? Veto case* discusses the negotiation on a new Partnership Cooperation Agreement (PCA) with Russia. In the years 2006-2008 it was highly located on the European political agenda. It has gained Polish and European media attention due to the Polish veto on the European Commission mandate. In this part the author describes consequences of enlargement for EU–Russia relations, the context of the PCA and the EU negotiation mandate and internal and external pressures in Polish policy. Kaminska also describes the whole process of PCA negotiations. She refers to her “uploading” concept to explain alliances mechanisms in this veto case.

In the next part, entitled *Directing EU policy towards the East? Polish role in the creation of the Eastern Dimension of the European Neighbourhood Policy*, Kamińska focuses on the developing a new initiative – the Eastern Partnership, which has been an important element of the Polish agenda since 2003. The author describes and explains the consequences of enlargement on the EU's external relations, pressures within the EU, departure of European players to the Eastern Dimension. The author also pays attention to the objectives of Polish foreign policy and internal

¹ According to the author's concept, the Europeanization has two directions: *downloading*, which represents adaptation solutions from EU to national politics and *uploading* – a transfer of institutional model to the EU level, which can reduce costs adaptation [Kamińska 2014: 11]

and external adaptive pressures on Poland. In this chapter Kamińska uses the “uploading” concept to study the feasibility of various governments in 2003-2009 to gain influence in the EU and examine used and missed opportunities of the governments of Miller (2001-2004), Belka (2004-2005), Marcinkiewicz (2005-2006), Kaczynski (2006-2007) and Tusk (since 2007).

The sixth chapter refers to the Polish Presidency of the Council of the European Union. Kaminska evaluates this period positively. She argues that “Poland has made not only the good use of its opportunity in foreign policy and reaffirmed the strong position of the EU countries, but it has also gained the opinion of the »premier player« on the European stage” [Kamińska 2014: 262]. The success of Polish diplomacy, according to the author, includes focusing on the the Ukrainian issues and the institutionalization and strengthening of the Eastern Partnership place in the European Union’s foreign policy.

In the last chapter the author presents conclusion of her research. She describes the Polish contribution to the CFSP and evaluates “downloading” and “uploading” issues. Kamińska concludes, that during the ten years Poland’s presence in EU, it has made significant progress, both in the “uploading” and “downloading” processes. The author believes that Poland is able to influence the EU external relations agenda at a very high level.

Although probably many authors would disagree with the Kamińska’s conclusions, it should be noted that reviewed book was prepared with the enormous solicitude. The evidence of this is well prepared and very rich bibliography and well thought-out book construction. Such details will facilitate the publication’s reception.

But most importantly, the Joanna Kamińska’s book concerns very innovative issues on Polish book space. In fact, most books relates to the European Union in Polish language focuses on the history of the European integration idea and EU and its institutions development in the period to the Treaty of Lisbon. Meanwhile, not Kaminska only describes issues until 2012, but her interest also includes issues which have not yet moved into Polish publications.

Subject taken in the book is a major asset. Kaminska’s publication is one of few which refers to so important issues as the process of development of the Eastern Partnership. The author presents them in a concise and synthetic way, but without neglecting important problems such as the Poland’s presence in the Weimar Triangle and the Visegrad Group.

A big advantage is also an interesting research perspective used by the author. Kamińska applied her “uploading” and “downloading” concept consequently in whole book. It represents an innovative theoretical contribution to the presented issues and can be certainly used in other publications related to the states’ presence in international organizations.

A reviewed book, what is important, is not a typical “textbook” on the EU. The author formulates very difficult problems and chapters are further steps to solve them. In addition, Kamińska is not afraid of evaluation. She attempts to describe the advantages and disadvantages of different types of solutions and processes. She manages to keep her with the relative political neutrality.

All of these arguments make the book *Siła zmiany – polska polityka zagraniczna po 2004 roku* is an excellent elaboration of the very important, though rarely undertaken, problems of the Polish foreign policy, Poland’s presence in the

European Union and its consequences for the Polish and the EU's eastern policy. The book is certainly worth recommending for students, politicians and journalists. It perfectly shows the complicated mechanisms of diplomacy and foreign policy in intricate socio-political reality.

Natalia Krzyżanowska (ed.), *Kobiety w (polskiej) sferze publicznej*
(English translation: *Women in the (Polish) public sphere*), **Wydawnictwo**
Adam Marszałek, Toruń 2012, pp. 324 (Olga Wadowska-Wróbel*)

The presence of women in a public life in Poland is determined by patriarchal society, gender stereotypes and socialization as well as the influence of the Roman Catholic Church. These factors collide with both “a Polish mother” archetype and economic reality. Polish women are trapped between precept of being a perfect wife and mother and successful at work. *Kobiety w (polskiej) sferze publicznej* by Natalia Krzyżanowska is not only an interesting analysis of this topic, but also a very needed one.

The conceptual framework of the book provides considered and clear structure of the analysis. It is divided into four parts and nine chapters, consisting of classic conceptions of public sphere and women presence in this sphere; history of three waves of feminism; history of women’s public activities in Poland and analysis of gender discourse in Polish public sphere. The author starts with describing three most important and most influential ideas of public sphere – provided respectively by Aristotle, Hannah Arendt and Jürgen Habermas – and compare them with traditional and modern notions about citizenship and women participation in this citizenship. She also discusses changes in the understanding of what is political activity and how to define it in the name of feminism.

Feminism is also the center of the second part of the book – the author delivers an overview of three waves of feminism. In the first one the most important was equality, the second – difference, and the third is focused on deconstruction, referred to as trying to explore how the difference between men and women is made and how it affects their social and public activities. The author emphasizes that the third wave of feminism is currently ongoing, so our opinions and conclusions about it could be changed in time, as well as the importance of connection the theory of feminism with history of suffrage and women’s right movement.

The third part starts with a history of Polish women’s public visibility – as well before 1989 and after. The author analyses how Polish women were trying to get their part in freedom movement such as Solidarność. She also emphasizes that transformation from socialism to democracy did not bring along either awaited enlargement participation of women in public sphere or raising the awareness for their main causes. Inequality in fields of power is prevailing and common at all levels although is changing, also because of actions taken by Polish feminist movement – which is analyzed by the author likewise.

Critical discourse analysis, research method used in the book, is the main issue in the fourth part. This interdisciplinary approach to the study of discourse which assumes that language is a social practice is the most suitable research method that could be use in the field of women’s representation in public sphere. Author underlines the gender and social features of CDA and its appliance mentioned specifics of polish society. She also emphasizes that critical discourse analysis is

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trying to explain how women act in politics, in work place or medias, why there are still minority and why it is so important how we talk, write and think about it.

Empirical part of the book is focused on analyzing what and why happened in Polish politics and media during the “sex-affair in Samoobrona” – a scandal that shocked Polish society in late 2006 and 2007. Press reportage from “Gazeta Wyborcza” revealed that the prominent politicians from Samoobrona party (Self-Defence party), then parliamentary, were forcing their female subordinates to sexual intercours in exchange for work offers or with a threat to lose one. The author analyzes how Polish press media were covering this story and how females were depicted back then. She also describes ways of constructing and communicating place and role for women; then concludes that double standards in such a responsive field. Pierre’s Bourdieu’s symbolic powers is the main explanation – common practice in sex-affair discourse was judging involved women by other women, often more severely than men. The problem of sexual harassment – as well in politics as in general society – was described in a sarcastic, acute way, suggesting that all the women were not really victims but beneficiaries of the affair. Bourdieu explains symbolic power as the main tool for socialization which is common in Polish society and is exemplified in cases like this.

In conclusion, Krzyżanowska’s book is an interesting, original and revealing analysis of one of the most known media-scandal in recent Poland’s history which says a lot about Polish society and women’s representation in public sphere. Critical discourse analysis is getting more attention from scholars in Poland and this work is an example of a creative use of this research method. The Analysis of how gender stereotypes, socialization or symbolic power are affecting gender-related social issues is always needed although the author’s approach is innovative and earnest whichs make *Kobiety w (polskiej) sferze publicznej* a must read for every researcher interested in contemporary Polish society condition.

Danute Plecka (ed.), *Demokracja w Polsce po 2007 roku* (English translation: *Democracy in Poland after 2007*), **Towarzystwo Inicjatyw Naukowych w Katowicach, Katowice 2014, pp. 279** (Patrycja Rutkowska*)

The period after 1989 is undoubtedly important for Polish history, with democracy in Poland taking its shape and developing. From that year on the authorities, as well as the citizens, have been learning how and on what conditions a democratic state should function. On the publishing market, a number of books regarding the development of democracy in Poland has appeared, for example *Demokracja Polska 1989-2003* ("Polish Democracy 1989-2003"), the authors of which have tried to explain how democracy developed, how the country was governed, and what influence the citizens had on political decisions. However, on the market there is a lack of publications which would concentrate on the later period, which for Polish democracy is just as important as the initial phase of its development was. The period in which the democratic system in Poland was in development can be described as a training ground for politicians, as well as for Polish citizens themselves. Despite that, the quality of democracy in Poland still leaves much to be desired. However, in order to fairly evaluate these years, the way democracy functioned in that period has to be thoroughly analysed.

The year 2007 has become a crucial moment for the Polish democratic system, given that in the early election held that year, citizens decided to give power and trust to then opposition party Platforma Obywatelska (PO, Civic Platform), which formed a coalition government with Polskie Stronnictwo Ludowe (PSL, Polish People's Party) and have remained in power to this day.

An attempt at summarising and evaluating the situation in Poland after 2007 was made by a group of political scientists who, following the initiative of the editor of *Demokracja w Polsce po 2007 roku*, Nicolaus Copernicus University Professor Danuta Plecka, Dr Habil., have analysed the issues that have been the most important for democracy after 2007. It is a collection of publications by political science researchers who have decided to study the quality of Polish democracy after 2007. This book is a continuation of the previous work edited by Nicolaus Copernicus University Professor Danuta Plecka, Dr Habil., entitled *Demokracja w Polsce po 2005 roku* ("Democracy in Poland after 2005"), published in 2005. At the very beginning, in the introduction, the editor of the book underlines the importance of the quality of democracy in the set time period, chosen by the author not by chance, as it saw early elections won by an opposition party, but also noticeable social divisions created in Poland after 2007, as well as such events as the global economic crisis, or the tragedy that struck Poland in 2010, namely, the Smolensk plane crash.

The array of topics discussed in the publications is vast, but they focus on political activity and events after 2007. The authors have attempted to analyse issues connected with the political elite (Jarosław Nocoń, *Między teorią a praktyką instytucjonalizacji naboru elit* ("Between theory and practice of institutionalisation of elite recruitment")), or relations between the government and the opposition (Andrzej Antoszewski, *Rządzący a opozycja parlamentarna po 2007 roku* ("The government and the parliamentary opposition after 2007")). An interesting topic is that of the leadership of Jarosław Kaczyński in Prawo i Sprawiedliwość (PiS, Law and Justice) party, discussed by Agnieszka Turska-Kawa in her article, entitled

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Fenomen przywództwa Jarosława Kaczyńskiego w kontekście specyfiki elektoratu Prawa i Sprawiedliwości ("The phenomenon of Jarosław Kaczyński's leadership in the context of specific features of the electorate of Prawo i Sprawiedliwość"). In the initial part of the article, the author presents features specific for the electorate of Prawo i Sprawiedliwość. Subsequently, she analyses typical characteristics of a leader and compares them with the characteristics of Jarosław Kaczyński. Another noteworthy article regards the participation and image of women in Polish politics on the basis of the 2011 parliamentary election, focusing on women politically connected with Jarosław Kaczyński (Olga Wadowska, *"Aniołki prezesa" odleciały, czyli dlaczego kobiety w PiS nie ocieplily (wizerunku) Jarosława Kaczyńskiego* ("«The leader's angels» have flown away: why women in PiS have not softened (the image of) Jarosław Kaczyński")). The analysis of the author can be described as very thorough. Starting with a detailed analysis of "Kaczyński's angels", she tries to explain the reasons of the defeat of "the leader's angels" in the election.

Much attention in the book was also devoted to matters connected with the national security. The articles that have appeared in the collection regard issues related to social security (Danuta Plecka, *Kapitał społeczny w budowaniu bezpieczeństwa społecznego w koncepcjach Platformy Obywatelskiej w latach 2007-2013* ("Social capital in the construction of social security in the concepts of Platforma Obywatelska in the years 2007-2013")), economic security (Maria Szatlach, *Wybrane aspekty polityki gospodarczej rządu koalicji PO-PSL w latach 2008-2013* ("Selected aspects of the economic policy of the PO-PSL coalition government in the years 2008-2013")), as well as the security of the Polish state in view of the threat of terrorist attacks (Adam Hołub, Beata Tomaszewska-Hołub, *Wizja bezpieczeństwa narodowego Polski a zmiana układu władzy w 2007 roku – walka z terroryzmem* ("The vision of Polish national security in the face of transition of power in 2007: the fight against terrorism")).

The work also contains an analysis of participatory budgeting in the Polish context (Zuzanna Osmólska, *Budżet partycypacyjny po polsku* ("Participatory budgeting on the Polish ground")), as well as political relations between Poland and Ukraine and the aspirations of the latter to become a member of the European Union (Liana Hurska-Kowalczyk, *Polityka Polski wobec Ukrainy w kontekście integracji z Unią Europejską w latach 2007-2013* ("The Polish policy towards Ukraine in the context of its integration with the European Union in the years 2007-2013")). That publication excellently describes the foreign policy pursued by the Polish government of the day towards Ukraine. Undoubtedly, it is an article worth reading, presenting relations between Poland and Ukraine before the events that took place right after the publication of the book, namely, Russian aggression in the eastern regions of Ukraine.

Another merit of *Demokracja w Polsce po 2007 roku* is the fact it discusses issues pertaining to different areas, from the characteristics of power to security, or economic and image-related aspects. All publications included in the collection were based on a variety of source materials, from scientific studies to primary sources, including reports published by different research centres. Each of the articles attempts to deal with a given issue in a clear way. Authors also provide a base for individual reflection and decision on a particular phenomenon or event on the part of the reader. The wide scope of issues covered by the authors allows for a global understanding of the processes that occurred after 2007, which should be beneficial to the reader.

In my view, what has negatively influenced the work is a lack of division in distinct parts that would enable the reader to easily and swiftly access the section dealing with the issues that are of particular interest to them, especially since articles are devoted to given distinct issues.

Not to be found are also publications regarding the electoral campaign before the 2010 presidential election, and the campaign before the parliamentary election in 2011. Undoubtedly, they were significant for Polish democracy, taking into account the events that took place in Poland in 2010. Elaborating the book with publications regarding that issues would allow the reader to gain a wider perspective on the discussed topics.

To sum up, the work edited by Danuta Plecka, *Demokracja w Polsce po 2007 roku*, is an ideal summary of Polish politics after 2007. The publications included are well selected by the editor and ideally suit the subject of the book, which makes it interesting for the reader. The variety of sources and research methods employed by the authors has allowed them to objectively evaluate the political activity and events that took place after 2007. It should be underlined that in the work, almost all spheres that have been crucial for the functioning of the Polish state and its citizens after 2007 have been touched upon. The book is definitely recommendable for all who wish to enhance their knowledge of democracy in Poland after 2007 and to learn about the processes that undoubtedly influenced the whole political situation in the country.