

<https://dx.doi.org/10.16926/gea.2024.01.02.30>

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## **Phases of systemic changes in Poland and the Czech Republic and their impact on social life – the period of change, present and future**

### **Introduction**

The subject of this study are the systemic transformations in Poland and the Czech Republic initiated by the political breakthrough of 1989. In principle, the study is directed to a collection of constitutional issues relating to the systemic reforms of both countries. Nevertheless, the author considered, from the point of view of the theory and philosophy of law, that it was worthwhile to show a broader perspective of this type of transformation, i.e. systemic transformation, of which the state's political and government system transformation was a component part. This is because it is difficult to ignore the fact that the systemic changes were accompanied by dynamic changes of a global nature: 1) the resurgence of economic liberalism in the world and in Europe, 2) criticism of the traditional role of the state, 3) recognition of the special role of the so-called "open society" (democratic), 4) recognition of the role and position of human rights in national law systems, 5) intellectual and cultural changes in the form of the emergence of a postmodern attitude. These are just some of the global factors that should be taken into account when talking about the political transformation of the two countries. Indeed, they are not without echoes in the Constitutions of the two countries, as well as the sphere of economic, political, social and intellectual-cultural transformations.

The author's thesis is that the systemic changes that affected the political transformation and the sphere of social life can be described in three phases:

1) the first decade, which I define as the effort to build an "open society"; 2) the second decade, in which, after the introduction of systemic changes, a new situation of citizens emerges, seeking their own development in the so-called "society of risk and uncertainty"; 3) the third period, now open to the future, in which the perspective of "trust and credibility" in the relations of the state and citizens should be developed.

## 1. Systemic changes in Poland and the Czech Republic - towards an "open society"

In Poland, the "round table" negotiations conducted from 6 February to 5 April 1989, by representatives of the Polish People's Republic authorities and the democratic opposition, while in Czechoslovakia the events of the "velvet revolution" of November 1989 are undoubtedly the turning points and the beginning of the political transformation of both countries. It is worth recalling that the Czechs and Slovaks liked to say at the time that Poland took 10 years to overthrow communism, counting from the early 1980s, while Czechoslovakia took only 10 days. However, as the literature emphasizes in relation to the transition process in Poland, Hungary and the GDR, Czechoslovakia was somewhat behind schedule at the time<sup>1</sup>. It should also be added that in Czechoslovakia, despite, on the one hand, a high level of social acceptance of the changes being made, a process was set in motion that cast doubt on the existence of a common state, the Czech Republic and Slovakia. This refers to the controversy relating to the adoption by the parliament of the official name of the state "Czechoslovakia"<sup>2</sup>.

German sociologist R. Dahrendorf, describing the changes in Central and Eastern Europe in the 1990s, used the so-called metaphor of three clocks. According to Dahrendorf, the clock of political and legal changes runs fastest. Changes based on legal regulations can be made quickly. Relatively slower runs the clock of economic and social transformations. Economic changes, even more so if they are radical, presuppose the introduction of new institutions that implement changes in the law, and require many years of learning new mecha-

<sup>1</sup> M. Bankowicz, *Dekada nietatwej wolności: przemiany polityczne w Czechach i na Słowacji w latach 1989-1999*, „Państwo i Społeczeństwo” 2001, no. 1, p. 1; further see: J. F. N. Bradley, *Czechoslovakia's Velvet Revolution. A Political Analysis*, New York 1992.

<sup>2</sup> The first sign of the separation of the two states was the so-called "war of the hyphen" in 1990. It concerned the controversy relating to the parliament's adoption of the official name of the state "Czechoslovakia". The Czechs proposed the name 'Czechoslovak Republic', while the Slovaks proposed the name 'Federation of the Czech Republic and Slovakia'. The new common name was to be an expression of the equal status of the two republics and nations. In the end, a double name was agreed, which was something unprecedented in the world. In Czech, the name "Czechoslovak Federative Republic" was used, while in Slovak, the name with a hyphen "Czecho-Slovak Federative Republic"; see in more detail, M. Bankowicz, *Dekada nietatwej...*, pp. 25-27.

nisms of economic turnover. However, the slowest runs the clock of the formation of human attitudes in civil society<sup>3</sup>. The cited metaphor can be applied to the above-mentioned relationship between Poland's and the Czech Republic's political and systemic transformations.

It can be assumed that the constitutional changes that have taken place in Poland and the Czech Republic have the character of a certain starting point. They were primarily embodied in the constitutions of both countries. The Constitution of the Czech Republic was adopted by the Czech National Council on 16 December 1992, while Czechoslovakia was still a federation of two nations. The Constitution of the Republic of Poland was passed by the National Assembly on 2 April 1997, and has been amended twice (2006, 2009)<sup>4</sup>. Nonetheless, I propose that the legal and constitutional transformations cited above be interpreted in the context of a broader project of systemic change, both internal and external.

In the first mentioned case, it will be about the processes of systemic change in Poland and the Czech Republic, while in the second case, one should take into account the then undoubtedly dynamic external processes taking place in Europe and the world, such as the promotion of the market economy, free trade, entrepreneurship, the emphasis on the role of foreign investment, a new view of the role and position of the state, or more precisely, the reduction of its role in relation to the free-market private sector. In addition, among the general but powerful external factors, one should also take into account the cultural changes commonly referred to as "postmodernity" (J. F. Lyotard) or the period of "late modernity" (A. Giddens, U. Beck), which were conducive to promoting democracy, freedom, equality and critical pluralism<sup>5</sup>. At the same time, it should be stressed that in Poland and the Czech Republic the influence of this kind, i.e. cultural change, is not uniform, and this dimension would require a separate detailed, e.g. sociological study of the extent to which our societies have become postmodern.

Taking into account the conditions indicated above, I propose that the first phase of the uneasy transition in Poland and the Czech Republic should be framed in terms of the beginnings of building the so-called "open society." It seems that the juxtaposition of alternative categories: "closed society" (authoritarian, totalitarian) and "open society" (democratic, civil society), best reflects the most general character of the systemic changes of the so-called Eastern Bloc countries. Moreover, it can be said that it is precisely this paradigm of thinking, the transition from a closed (totalitarian) society to an open (democratic) soci-

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<sup>3</sup> R. Dahrendorf, *Life Chance. Approaches to Social and Political Theory*, Chicago, 1990, pp. 10–11.

<sup>4</sup> Ústava České Republiky ze dne 16 prosince 1992 r. (Sbírka zákonů České Republiky, č 1/1993); Konstytucja Rzeczypospolitej z 2 kwietnia 1997 r. (consolidated text Journal of Laws of 2009 No. 114, item 946).

<sup>5</sup> See M. Błachut (ed.), *Z zagadnień teorii i filozofii prawa. Ponowoczesność*, Wrocław 2007; See also J. Stelmach (ed.), *Filozofia prawa wobec globalizmu*, Kraków 2003.

ety, that is the fundamental factor in the systemic changes undertaken, subsequently expressed in the constitutions of both countries.

The category of open society entered the intellectual circulation of Western thought through the work of K. R. Popper *Open Society and Its Enemies* (1945), in which the author lays the foundations of the so-called critical pluralism of socio-political life in the state, i.e. a society based on the free and critical exchange of ideas, which is the basic assumption and at the same time a way of existence that secures society and the state from authoritarianism and totalitarianism<sup>6</sup>.

K.R. Popper, invited by F. Hayek to join him at *The London School of Economics* after World War II, gave the resurgent thought of political and economic liberalism, due to the latter, a strong epistemological and methodological foundation. Indeed, the critical pluralism proposed reflected, on the ground of liberal thought, his position of critical rationalism in the philosophy of science. According to Popper, classical philosophy, derived from Plato and Aristotle, built a conception of human cognition based on apodictic judgments. Descartes and Kant built a similar position in the philosophy of science. Meanwhile, Popper argues, knowledge is only hypothetical in nature, based on a process of constant approximation to the truth by disproving some claims and establishing new ones. The same, Popper assumes, is true in the life of a social group organized into a state. In the so-called open society, the collective life of citizens is based not on the ruler's imposition of "ideal" solutions, but is the domain of constant critical exchange of ideas and improvement of social and public institutions<sup>7</sup>. This is an important point, because at present political and social disputes, especially in Poland, tend to take on a polarizing and emotional character, leading not to the strengthening of social ties and the building of more perfect institutions, but to social divisions.

In conclusion, it should be strongly emphasized that the open society, contrasted with the closed society, was a fundamental systemic factor in the transformation of Poland and the Czech Republic, which determined the fundamental direction of the systemic transformations, oriented towards: protection of individual rights, freedom of speech, freedom of assembly, pluralism and citizen participation in the exercise of power through debates and free elections. A society understood in this way is at the same time open to permanent modification. The fathers of economic and political liberalism, such as: F. von Hayek, K. Popper, I. Berlin, as well as politicians influential in this period (M. Thatcher and R. Reagan), held the belief that the so-called open society and economic liberalism, would provide new and useful instruments for governance and public policy. We should also add that in the US, the public management reform program was officially announced by President B. Clinton in 1993.

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<sup>6</sup> K.R. Popper, *The Open Society and Its Enemies*, London 1945 (*Spółeczeństwo otwarte i jego wrogowie*, tłum. H. Kraheńska, J. Witold, Warszawa 1993). According to The Modern Library Board, Popper's book was ranked among the 100 best books of the 20th century.

<sup>7</sup> See more in this subject: K. R. Popper, *Spółeczeństwo otwarte...*, vol. 2.

## 2. A society of "risk and uncertainty"

We have assumed that one of the interesting attempts to describe the era of systemic change in Poland and the Czech Republic after 1989 is the category of "open society," which combines the idea of democratizing social life and promoting a market economy. During the period of the socialist state, authoritarian power, violations of individual freedoms and rights in social life, the thought of democratic opposition, directed towards a society other than the so-called "closed society" was an understandable and widely socially shared thing. Nevertheless, from the point of view of recent history, it can be noted that the so-called "open society" also brings with it questions about the consequences of this kind of method of collective life<sup>8</sup>. In a social life in which one of the basic values is individual freedom and constancy of change, the young democracies of Poland and the Czech Republic faced at the same time a wider area of possible individual and collective choices than before.

Development in an open society is no longer linear, but the accepted constancy of change becomes a condition for the possibility of many different directions of development. Moreover, in view of the freedom of action of individuals, the public authority without full information needed to make appropriate decisions loses the ability to effectively manage the whole. A kind of dysfunctionality appears in the management of the state, which by its nature should respond to various internal and external threats<sup>9</sup>.

The second general category I propose as a way of describing further phases of systemic change in Poland and the Czech Republic is the so-called "risk and uncertainty society." This kind of category was introduced into the intellectual circulation of Western thought by German sociologist U. Beck in his work *Risikogesellschaft - Auf dem Weg in eine andere Moderne* (1986) thus popularizing the category of risk in the analysis of developed, democratic Western societies in its many facets<sup>10</sup>. Poland and the Czech Republic, through the political transformations made in the first phase, are at the same time inscribed in the Western paradigm of freedom, social, political and economic life, becoming at the same time a society with the kind of condition that U. Beck describes, as *risikogesellschaft*. It is also worth adding that U. Beck in *Riskante Freiheiten: Individualisierung in modernen Gesellschaften* (1994, 2020), which is a collective study of authors who share his view, reiterated and elaborated on his original theses in the first chapter by presenting the various forms of individual freedom

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<sup>8</sup> See extensively on this topic M. J. Chodakiewicz, J. Radziwiłowski, D. Tołczyk (eds), *Poland's Transformation. A Work in Progress*, Routledge 2017.

<sup>9</sup> Cf. J. Hausner, *Zarządzanie publiczne*, Warszawa 2008, pp. 18, 59–61.

<sup>10</sup> See U. Beck, *Spółczesność ryzyka. W drodze do innej nowoczesności*, translated by S. Cieśla, Warszawa 2002, pp. 30-31; See also A. Giddens, *Socjologia...*, pp. 87–91.

and the associated various forms of individual and social risk of developed Western democracies<sup>11</sup>.

According to U. Beck, Germany is a society of risk and uncertainty. However, in the preface to the Polish edition of *Risk Society. On the road to another modernity* (2002), U. Beck poses the questions: is Poland a risk society, and what risks and opportunities apply to Polish society<sup>12</sup>. U. Beck's book with an appropriate preface was also translated into Czech and found its way with similar questions into the intellectual circulation of political and sociological thought in that country<sup>13</sup>.

However, it should be clarified that risk and uncertainty are not, according to U. Beck's negative character and do not undermine the basic idea of an open society and its development. For, on the one hand, we can talk about uncertainty, unpredictability, the risk of life of individuals in a complex, dynamic open society, while, on the other hand, we should emphasize the positive moment of transition from the "authoritarian" to the "open" shape of life of Western societies, which were joined by the countries of Central and Eastern Europe through political transformations. In this context, it should also be emphasized that the multiplicity of possibilities provides the opportunity for one's own and flexible development, both individual and community. U. Beck emphasizes the existence of a positive complex social order, in which a significant role is played by cooperation, constant control and management of risks by multiple actors. Public authorities, but also organizations, entrepreneurs and each individual, when making decisions, should take into account the purpose and efficiency of action, but also constant calculation, due to the different areas and degrees of risk.

In such a society, risk management by public authorities will play an important role. These authorities, performing the public tasks entrusted to them, in the face of many different opinions, will have to take into account not one "ideal" project, but conduct a calculation of various projects and strategies (A, B, C), in view of specific risks: health, economic, ecological, demographic. In this new method of public management, the constant monitoring of social activities, the collection of information, but also the protection of freedom of speech, the opinions of experts, or the conduct of scientific research aimed at so-called innovation become fundamental. It is a matter of constant calculation of benefits and risks, and guided by various possible plans to preserve security<sup>14</sup>.

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<sup>11</sup> U. Beck, E. Beck-Gernsheim (ed.), *Riskante Freiheiten: Individualisierung in modernen Gesellschaften*, Suhrkamp Verlag 1994.

<sup>12</sup> *Ibid.*, p. 10.

<sup>13</sup> U. Beck, *Riziková společnost. Na cestě k jiné moderně*, tłum. O. Vochoč, Praha 2004 (2011, 2018); see <https://docplayer.cz/348593-Ulrich-beck-rizikova-spolecnost.html> [do: 27.09.2023].

<sup>14</sup> See more in this subject: D. Wróblewski (ed.), *Zarządzanie ryzykiem – przegląd wybranych metodyk*, Józefów 2015.

In the comparative context of Poland and the Czech Republic, it can be noted that both countries have become societies of risk and uncertainty, just like other developed democracies of Western Europe before them. Let us only mention, due to the limited framework of the study, some areas of risk.

First of all, in both countries the introduction of the free market system and the process of economic transformation was not without problems. Due to the liquidation of inefficient enterprises of the centrally controlled economy, the problem of unemployment quickly appeared in both countries, there was a decline in the standard of living, this also became the cause of dynamic labour emigration. Both countries struggled with high inflation, which negatively affected the economic stability of citizens. Stabilization in the process continued until they were integrated into the European and global markets. Also linked to work in the free market system is the so-called education risk, which is the lack of a strong link between employment consistent with educational and professional preparation<sup>15</sup>.

The uncertainty of political power has also become a new situation in the countries of Central and Eastern Europe, due to their tenure. In addition, election cycles can introduce additional instability in the management of the public sphere. This raises the problem of areas related to long-term state policy, which, due to the tenure of power, is sometimes replaced by short-term tasks or only current problems, the so-called "fighting the fires"<sup>16</sup>. Politicians, especially in the pre-election period, are trying to win public support, while the need to respond to real risks can lead to unpopular decisions and loss of power.

An important area of risk is the area of health care. And it's not just about natural health risks, but man-made risks in modern society through genetic experimentation and new medical technologies. In addition, the global exchange of goods and dynamic movement can lead to the rapid spread of diseases on a large scale. One recent example is the pandemic associated with the spread of the COVID-19 virus. In the face of such risks, modern states must create appropriate public health systems. Environmental protection, which has been strongly emphasized recently, also plays a significant role among various risk areas. Societies focused on continuous dynamic development and economic interest, cause degradation of air, water, soil and ecosystems<sup>17</sup>. E.g. the Turów Mine,

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<sup>15</sup> I. Šujan, M Šujanova, *The Macroeconomic Situation in the Czech Republic*, w: J. Svejnar (eds), *The Czech Republic and Economic Transition in Eastern Europe*, Pittsburgh 1995, pp. 119-145; See further: A. Cerami, P. Vanhuysse (eds), *Post-Comunist Welfare Pathways: Theorizing Social Policy Transformation in Central and Eastern Europe*, Palgrave Macmillan 2009.

<sup>16</sup> For more on the contemporary Polish political situation, see A. Dudek, *Historia Polski 1989-2012*, Kraków 2013. The author attempts to present the Polish political situation. He presents the actions of successive governments, as well as the circumstances of the presidential term of: L. Wałęsa, A. Kwaśniewski, L. Kaczyński and B. Komorowski. He discusses the political conflicts of the last two decades, as well as tackles the most current political and social problems.

<sup>17</sup> T. Ślipko, Bioetyka. *Najważniejsze problemy*, Kraków 2021, pp. 22-33.

which is an open-pit lignite plant and is located on the border of the two countries and Germany, has recently caused much controversy in Polish-Czech relations. The Turów dispute has become the subject of proceedings before the Court of Justice of the European Union (CJEU).

Yet another area of risk created in modern societies, which include Poland and the Czech Republic, is the crisis of family ties and the uncertainty (risk) of marital relations. Above all, the so-called open society has changed traditional hierarchies of values. In Poland and the Czech Republic, values related to the family and the family home were of great cultural importance. After the political transformation in the era of systemic change, family ties became less stable, due to the increase in the individual value of life, its goals and development<sup>18</sup>. Traditional marital roles also changed. The number of divorces systematically increased. The previously mentioned labour migration also led to the separation of families<sup>19</sup>. Thus, one can speak of a crisis in the institution of marriage. However, it is worth mentioning that many families in both countries still maintain strong relationships, adapting to new systemic, economic and cultural conditions.

Another area of risk and uncertainty identified by U. Beck is the future. Future risk is inherent in developed Western societies, manifesting itself in many important areas of life. In particular, the risks associated with technological progress are highlighted. At the same time, society today is characterized by the fact that risk is not associated with lack, but with excess (of information, opportunities, new technologies). In this regard, unequal social access to modern technologies can also be noted, due to, for example, people's financial resources, age and the associated varying digital competencies<sup>20</sup>. Poland and the Czech Republic are not among the highly advanced countries in the use of information and communication technologies. The Scandinavian countries are still leading in this area<sup>21</sup>. Important dimensions of future risks include climate change and the need to change approaches to environmental protection, water resources, reducing greenhouse gases, investing in renewable energy, public transportation. Poland and the Czech Republic similarly face strong challenges in terms of climate change and nature conservation.

And finally, attention should be paid to the economic risks of the future. Poland and the Czech Republic have had a good history of economic growth in recent decades. The economic risk here is a global and regional economic slowdown. Poland is known for its high labour productivity, nevertheless there is

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<sup>18</sup> M. Lux, *Změny ve spotřebních vzorcích českých domácností 1990–1999*, in: Z. Mansfeldová, M. Tuček (eds.), *Současná česká společnost. Sociologické studie*, Praha 2002, pp. 67-87.

<sup>19</sup> J. Grabarczyk (ed.), *Problem rodziny 2007-2016*, Warszawa 2017, pp. 91-98.

<sup>20</sup> A. Giddens, *Socjologia*, Warszawa 2008, pp. 87-95.

<sup>21</sup> J.T. Hryniewicz, *Společnostv rzyka. Teoria, model, analiza krytyczna*, „Przegląd Socjologiczny” 2014, nr 2, s. 9-33; The level of digital competences in Poland and the Czech Republic is steadily increasing, but still, against the background of the European Union, the two countries are ranked further apart (Poland 25, and the Czech Republic 20); see, for example, <https://digital-strategy.ec.europa.eu/pl/policies/desi> [doa: 5.10.2023].



an increasing shortage of workers<sup>22</sup>. The regional risk caused by Russia's aggression against Ukraine has recently become important, which is also a potential risk for Poland. The Czech Republic, on the other hand, is considered in Europe as one of the most economically stable countries in Central Europe, but global market disruptions are also affecting the Czech market, especially in terms of product exports. The Czech Republic, like Poland, is currently experiencing a labour shortage and demographic changes, such as an aging population and declining population<sup>23</sup>. We have already mentioned above the area of social risk, the family and the weakening of traditional social ties, combined with the individualization of life. In this area in Poland and the Czech Republic, too, these changes must be accompanied by the adaptation of social institutions to new challenges, including the processes of globalization, which are now taking different forms and calling into question previous directions. There is also increasing and more explicit talk of actions and trends that can be described as processes of "deglobalization" or "localization" undertaken by countries that emphasize their sovereignty, history and culture<sup>24</sup>.

Lastly, let's add what relates to social and constitutional change, namely, individual political parties and governments, despite their tenure, should demonstrate the ability for continuous social dialogue, in accordance with the accepted principle of an open, democratic society, based on social communication and citizen participation in governance. Public consultations, open public debates, but also discussions with various social actors and experts, help take into account different perspectives, experiences and detailed scientific research. Particularly noteworthy is the problem of long-term thinking, the so-called strategic thinking of the state. Political power should take into account not only current needs, but also care about sustainable or staggered solutions. In addition, institutions for permanent monitoring, supervision and control of the actions of political power must also be in place.

### 3. The future - a state of public trust and credibility

In the world of developed democracies of Western culture, societies are not condemned, as we emphasized earlier following U. Beck, to uncertainty, risk and loss of control over their own future. The answer to the situation of the "open

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<sup>22</sup> S. Krajewski, *Polska transformacja gospodarcza 1989-2022. Przesłanki, dylematy, przebieg i skutki*, Warszawa 2022, pp. 64-72.

<sup>23</sup> *Ibid.*, p. 169.

<sup>24</sup> See more: D. Brooks, *Globalization is over. The global culture wars have begun*, „The New York Times”, 8 April 2022, <https://www.nytimes.com/2022/04/08/opinion/globalization-global-culture-war.html> [doa: 20.09.2022]. According to D. Brooks, Russia's aggression against Ukraine reveals in a deeper sense the differences between the values of the democratic Western world and the values of other cultures, and this process will deepen.

society", which naturally gives rise to risk and uncertainty, is the rediscovery in the free action of subjects of the phenomenon of social trust and the legal and constitutional protection of this trust. Thus, the question arises not only of mutual social trust (horizontal trust), but also, and this should be strongly emphasized, the trust of citizens in the state and the credibility of political power (vertical trust)<sup>25</sup>. In the following section of the paper, I will provide a perspective on the possibilities for the development of a "risk and uncertainty society" to which Poland and the Czech Republic have been included in their political and systemic transformations. This can also be a proposal for conducting broader scientific research in this area, diagnosing Polish and Czech successes and troubles with socio-institutional credibility (citizens' trust in public authority).

Today, social trust and credibility are intensively dealt with by sociologists, political scientists, legal theorists, representatives of professional ethics (professions of public trust and public service), as well as business ethics. Polish sociologist P. Sztompka defines the issue of social and institutional trust in the context of the emergence of a "society of risk and uncertainty" after the systemic transformations as follows: "we have passed the way from societies based on fate to societies based on human subjectivity. In order to actively and constructively face the future, we need to show trust."<sup>26</sup> Thus, in the context of contemporary sociological analysis, one can pose a theoretical and legal question: why is the credibility of power so important and what do citizens expect in the operation of, admittedly still young, but already developed system of open society and democratic state of law, such as Poland and the Czech Republic?

First of all, in this part of the study, when talking about trust, we mean the so-called vertical trust, i.e. the public's trust in the apparatus of power, rather than the natural trust arising from social relations (horizontal trust). In the most general terms, the citizens of a democratic society, moreover, based on the rule of law, expect the political authority to implement systemic standards of action. The realization of such standards, on the part of the political authority, cannot be apparent, while on the part of citizens it is not assigned "blindly". Trust in the state and the credibility of public authority in the institutional sense should be revealed in actual contacts with citizens. It is different in systems with authoritarian power, when the cult of the leader and those around him are emphasized, which is based on an unreflective, emotional attitude and is more like the dimension of religious worship. In a democratic state, the political position of those in public power is legitimized by the choice of citizens, hence an important indicator of credibility will be the fulfilment of real expectations and decision-making within the framework of the existing legal order<sup>27</sup>.

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<sup>25</sup> P. Sztompka, *Wiarygodność. Sekret dobrych relacji*, Kraków 2023, pp. 235-240.

<sup>26</sup> P. Sztompka, *Zaufanie fundament społeczeństwa*, Kraków 2007, p. 45; see further: R. Warren (ed.), *Democracy and Trust*, Cambridge 1999.

<sup>27</sup> A. Korybski, L. Grzonka, *Wiedza o państwie i prawie*, Warszawa 2014, p. 49.

Confirmed by facts, the credibility of public authority, in turn, generates social trust, provides opportunities for interaction, dialogue and participation of citizens, which creates the so-called "value added" in the overall social development, moreover, creates in sociological terms the so-called "social capital" (P. Sztompka). When political power enjoys credibility it can count on socio-economic development and the effective and efficient operation of the law itself. On the other hand, if citizens feel lied to and manipulated, a process of acting with circumvention of the law (*praeter legem*) or an attitude of acting against the law (*contra legem*) emerges. When citizens violate the law, they easily justify their own behaviour by the conduct of the power elite. A kind of "culture of distrust" emerges with all its social consequences<sup>28</sup>. In the Czech Republic, events contesting the credibility of the government included, for example, numerous demonstrations in connection with the controversy surrounding Prime Minister Andrej Babiš (2017-2021). Resignations have been demanded over allegations of corruption, misappropriation of EU funds, and use of the media in political activities<sup>29</sup>. What's more, Andrej Babiš himself founded the ANO party, preaching against the corruption of power and with a program to heal the Czech political system.

An important dimension of trust and credibility of democratic authority is openness and transparency in decision-making. In the sphere of public life, it is impossible to rely on the anonymity of the decisions of those who head institutions, organizations and have an impact on our daily life situation. The standard of public life in a "risk society" is the principle of openness and transparency of the actions of public authorities. Citizens of young democracies like Poland and the Czech Republic expect the authorities to act not only in accordance with the law, but also in a transparent and honest manner. This indicates that decision-making processes should be transparent, which is anti-corruption and counteracts nepotism.

In the above context, it is worth recalling that in Poland, as of 11 April 2011, Article 8 of the Code of Administrative Procedure received a new wording: "Public administration bodies shall conduct proceedings in a manner that inspires confidence of its participants in public authority"<sup>30</sup>. As explained in the justification for the amendment, the purpose of the change was to bring the rules of administrative procedure in line with the democratic system of state power of

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<sup>28</sup> D. Konopka, *Społeczny wymiar patologii w administracji publicznej*, in: B. Kudrycka, B. G. Peters, P. J. Suwaj, *Nauka Administracji*, Warszawa 2009, p. 388.

<sup>29</sup> Court of Justice of the European Union, Press Release No. 162/22, Luxembourg, 28.09.2022., <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-09/cp220162pl.pdf> [doi: 30.09.2023]

<sup>30</sup> Act of 3 December 2010 amending the Act - Code of Administrative Procedure and the Act - Law on Proceedings before Administrative Courts (Journal of Laws of 2011, No. 6, item 18).

the Republic of Poland. Well, administrative proceedings may not, as before, serve the educational purposes of citizens, but the protection of their freedoms and rights of citizens<sup>31</sup>. Let's recall, Article 8 of the Code of Administrative Procedure reads as follows: "Public administration bodies are obliged to conduct proceedings in such a way as to deepen the confidence of citizens in state bodies and the legal awareness and culture of citizens"<sup>32</sup>. Let's just add that an important element of openness and transparency in the actions of the authorities is the freedom of the media in the broadest sense, from the press, television programs to Internet portals. In authoritarian and non-democratic systems, decisions are made behind "thick walls" of power, which, as we stressed earlier, is exercised in an atmosphere of worship of the individual, submission and quasi-religious attitudes.

In the paradigm of the "society of risk and uncertainty," the concept of procedural and systemic trust goes beyond, i.e. breaks the traditional understanding of social trust in the natural sense and is based primarily on the protection and guarantee of systemic standards in a democratic state of law. Indeed, it is conceivable that a political party with an absolute majority in parliament enacts laws restricting individual rights. Nevertheless, such actions were contrary to the rule of law<sup>33</sup>.

## Summary

The retrospective and prospective analyses conducted reveal the complex dynamics of the process of systemic transformation in Poland and the Czech Republic. It seems that the perspective used to describe the complex political-economic-social situation, can be framed in three possible and inspiring for further research phases, i.e. the building of an "open society", which was in relation to the reality of the totalitarian state a necessary solution, nevertheless the new regime gave rise to a "society of risk and uncertainty", which, in positive terms, allows flexible and multidimensional development, but nevertheless requires the construction of social capital through institutional protection of trust and credibility in the policies and actions of public authorities. Nevertheless, it seems that now, after Russia's aggression against Ukraine, it will be increasingly difficult for Western democracies to promote the established systemic values globally, as new localization processes emerge to limit globalization, such as the introduction of trade barriers, relocation of production to home countries, or migration restrictions and emphasis on national sovereignty.

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<sup>31</sup> Parliamentary paper no. 2987 of 16 April 2010.

<sup>32</sup> Act of 14 June 1960 - Administrative Procedure Code ( Journal of Laws of 2000, No. 98, item 1071).

<sup>33</sup> A. Korybski, L. Grzonka, *Wiedza o państwie...*, p. 49.

## Bibliografia

- Bankowicz M., *Dekada niełatwej wolności: przemiany polityczne w Czechach i na Słowacji w latach 1989–1999*, „Państwo i Społeczeństwo” 2001, nr 1.
- Beck U., *Społeczeństwo ryzyka. W drodze do innej nowoczesności*, tłum. S. Cieśla, Warszawa 2002.
- Beck U., Beck-Gernsheim E. (eds), *Riskante Freiheiten: Individualisierung in modernen Gesellschaften*, Suhrkamp Verlag 1994.
- Beck U., *Riziková společnost. Na cestě k jiné moderně*, tłum. O. Vochoč, Praha 2004 (2011, 2018).
- Błachut M. (red.), *Z zagadnień teorii i filozofii prawa. Ponowoczesność*, Wrocław 2007.
- Bradley J.F.N., *Czechoslovakia's Velvet Revolution. A Political Analysis*, New York 1992.
- Brooks D., *Globalization is over. The global culture wars have begun*, „The New York Times”, 8 kwietnia 2022, <https://www.nytimes.com/2022/04/08/opinion/globalization-global-culture-war.html> [dostęp: 20.09.2022].
- Cerami A., Vanhuysse P. (eds), *Post-Comunist Welfare Pathways: Theorizing Social Policy Transformation in Central and Eastern Europe*, Palgrave Macmillan 2009.
- Chodakiewicz M.J., Radziwiłowski J., Tołczyk D. (eds), *Poland's Transformation. A Work in Progress*, Routledge 2017.
- Dahrendorf R., *Life Chance. Approaches to Social and Political Theory*, Chicago, 1990.
- Dudek A., *Historia Polski 1989–2012*, Kraków 2013.
- Giddens A., *Socjologia*, tłum. A. Szulżycka, Warszawa 2008.
- Grabarczyk J. (red.), *Problem rodziny 2007–2016*, Warszawa 2017.
- Hausner J., *Zarządzanie publiczne*, Warszawa 2008.
- Hryniewicz J.T., *Społeczeństwo ryzyka. Teoria, model, analiza krytyczna*, „Przeгляд Socjologiczny” 2014, nr 2.
- Konopka D., *Społeczny wymiar patologii w administracji publicznej*, [w:] B. Kudrycka, B.G. Peters, P.J. Suwaj, *Nauka administracji*, Warszawa 2009.
- Korybski A., Grzonka L., *Wiedza o państwie i prawie*, Warszawa 2014.
- Krajewski S., *Polska transformacja gospodarcza 1989–2022. Przesłanki, dylematy, przebieg i skutki*, Warszawa 2022.
- Lux M., *Změny ve spotřebních vzorcích českých domácností 1990–1999*, [w:] Mansfeldová Z., Tuček M. (red.), *Současná česká společnost. Sociologické studie*, Praha 2002.
- Mansfeldová Z., Tuček M. (red.), *Současná česká společnost. Sociologické studie*, Praha 2002.
- Popper K.R., *The Open Society and Its Enemies*, London 1945 (*Społeczeństwo otwarte i jego wrogowie*, tłum. H. Kraheńska, J. Witold, Warszawa 1993).
- Stelmach J. (red.), *Filozofia prawa wobec globalizmu*, Kraków 2003.

Šujan I., Šujanova M., *The Macroeconomic Situation in the Czech Republic*, [in:] J. Svejnar (eds), *The Czech Republic and Economic Transition in Eastern Europe*, Pittsburgh 1995.

Sztompka P., *Wiarygodność. Sekret dobrych relacji*, Kraków 2023.

Sztompka P., *Zaufanie. Fundament społeczeństwa*, Kraków 2007.

Ślipko T., *Bioetyka. Najważniejsze problemy*, Kraków 2021.

Warren R. (eds), *Democracy and Trust*, Cambridge 1999.

Wróblewski D. (red.), *Zarządzanie ryzykiem – przegląd wybranych metodyk*, Józefów 2015.

### **Akty normatywne**

Konstytucja Rzeczypospolitej z 2 kwietnia 1997 r. (t.j. Dz. U. z 2009 r., nr 114, poz. 946).

Ústava České Republiky ze dne 16 prosince 1992 r. (Sbírka zákonů České Republiky, č 1/1993).

Ustawa z dnia 3 grudnia 2010 r. o zmianie ustawy – Kodeks postępowania administracyjnego oraz ustawy – Prawo o postępowaniu przed sądami administracyjnymi (Dz. U. z 2011 r., nr 6, poz. 18).

## **Etapy przemian systemowych w Polsce i Czechach oraz ich wpływ na życie społeczne – okres przełomu, terażniejszość i przyszłość**

### **Streszczenie**

Autor przedstawia proces przemian systemowych w Polsce i Czechach z perspektywy zmian lokalnych i globalnych, które w sposób istotny warunkowały przemiany ustrojowe w obu krajach. Wyróżniono trzy etapy tego rodzaju przemian systemowych: czas przełomu politycznego, tworzenie „społeczeństwa otwartego”; okres młodej demokracji i pojawienie się „społeczeństwa ryzyka i niepewności” na wzór innych zachodnich społeczeństw demokratycznych; poszukiwanie nowych form roli państwa w odkryciu fenomenu „zaufania i wiarygodności” instytucjonalnej. Ponadto autor zauważa na koniec, iż silny do tej pory proces globalizacji, jako intensyfikacja stosunków społecznych o zasięgu światowym, który łączy różne lokalności (państwa), obecnie traci na znaczeniu, pojawiają się nowe podziały kulturowe i procesy lokalizacyjne, zmierzające do ograniczenia lub nawet odwrócenia globalizacji.

**Słowa kluczowe:** przemiany ustrojowe, przemiany systemowe, zaufanie, wiarygodność.