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## **Democratic transition with those responsible for martial law? Moral criticism of the Polish round table talks**

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### **Abstract**

The martial law in Poland, introduced on 13 December 1981 put an end to any lingering belief in the system's reformability and gradually forced the Jaruzelski regime onto the path of expediency. Thus, in addition to the deepening economic crisis, the need to reach a mutual compromise brought to the negotiating table the leadership of the state and Lech Wałęsa's Citizens' Committee as the constructive opposition. As a consequence, other opposition organisations such as Fighting Solidarity, the Confederation of Independent Poland or the Federation of Fighting Youth sharply criticised not only the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR), but also the mainstream opposition, which was ready to compromise. They pointed to the worst sins of the communist regime, which had become a negotiating partner, with the latest martial law at their head. The clash of these morally-based criticisms with the views of those trying to avoid further bloodshed through negotiations deepened the internal conflicts of the Polish opposition and have proven to be crucial in the contemporary assessment of Poland's transition from Communism to the present democratic system.

### **Keywords**

martial law, transition, Poland, round table talks, Solidarity, Citizens' Committee, Lech Wałęsa, Wojciech Jaruzelski

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# Democratic transition with those responsible for martial law?

## Moral criticism of the Polish round table talks

### Introduction

Although martial law in Poland, introduced on 13 December 1981, was lifted on 22 July 1983, its effects remained decisive on several levels until the transition from Communism in 1989 and indeed to this day. The aim of my paper is to determine the role of the memory of the martial law in the critiques of the events of 1989 made at that time, especially contemporary criticism of the round table talks. I will therefore focus on the opposition organisations that were left out of the central processes of transition, and investigate whether the declaration of Martial Law in December 1981 was treated as an abstract or practical part of their critiques. In order to tackle the problem precisely, it is also essential to review the conclusions that the leadership of the state and that of Solidarity drew from the experience of martial law, and the dimension to which these experiences influenced the negotiated transition. I will also briefly address the post-1989 assessment of martial law.

In this study, I will apply Jan Assmann's concept of *communicative memory*. This type of memory has not yet been institutionalised, its interpretations have not matured, and specialists have not yet accepted it as an established fact. It is unstable: instead of material symbols, it is embodied in everyday communication and interactions.<sup>1</sup> The groups transmitting communicative memory – primarily the organisations of the Polish opposition in the context of this study – do not have a unified internal image of the

1 Assmann, "Communicative and Cultural Memory", 18.

object of memory, and generational differences are decisive in these distinctions.<sup>2</sup> I will approach the interpretations of martial law of 1989 from this point of view.

### Solidarity forced into compromise

In addition to the direct strikes on the opposition, including the internment of opposition leaders and their occasional imprisonment, martial law soon led to the fragmentation of Solidarity. A key factor in the schism was the development of very different ideas among its main spokesmen about how to react to the new situation. Jacek Kuroń, for example, wanted to deal a simultaneous, countrywide blow to state power through a general strike, forcing it to compromise (in a *szybki skok*, i.e. quick jump).<sup>3</sup> Adam Michnik, on the other hand, favoured a comprehensive underground movement that would have served to reconstruct civil society (*długi marsz*, i.e. long march).<sup>4</sup> Such disagreements, that were less ideological than strategic in nature (they all agreed that the communists had to be fought in some form) led to the secession of many groups from Solidarity. For example, Kornel Morawiecki, who rejected the moderate policy, resigned from the Solidarity Regional Strike Committee in Lower Silesia and founded Fighting Solidarity. This group declared an open, uncompromising struggle against the communist regime.<sup>5</sup> At the same time, various student and youth organisations also broke away from Solidarity. Their members did not feel defeated by martial law, so in contrast to the previous generation, which had become highly apathetic by 1989, they had a strong voice in the process of transition, especially as regards criticism of compromises with the authorities. It is also worth mentioning that the vast majority of these new formations rejected the ideas of self-government that were still a feature of Solidarity in 1980–81 and gradually took a stand in favour of the idea of a free market.<sup>6</sup>

2 Assmann, “Communicative and Cultural Memory”, 19.

3 Lis, “Solidarność w podziemiu”, 148.

4 Kucharczyk, *Polska myśl polityczna*, 136–137.

5 With its militaristic structure, the organisation, which was mainly active in Wrocław, saw itself as a successor to World War II resistance movements and a follower of the anti-communist tradition. Kenney, *A Carnival of Revolution*, 30.; Kamiński, “A lengyelországi szükségállapot”, 80.

6 Paczkowski, *Fél évszázad Lengyelország történetéből*, 346; 351.

Thus, the introduction of martial law led to strong anti-communist resentment but not to unity among the opposition, which became further fragmented before 1989.

In addition, not only did the number of members of Solidarity decline, but also the supportive crowd behind the union also waned. When the leaders of the organisation, whose structure was disintegrating, were released from internment or prison, they were unable to reconnect directly with society. This alienation was illustrated by the 1985 legislative elections. The National Electoral Commission stated that 78.86% of those eligible voted, in spite of the Solidarity's call to boycott the elections. In contrast Solidarity estimated the participation at approximately 66 percent.<sup>7</sup>

### Limited opportunities of the state leadership

The start of the process of perestroika in the Soviet Union increased the economic and political room for manoeuvre of the Central and Eastern European states.<sup>8</sup> In Poland, however, the introduction of martial law gradually restricted the options of the Jaruzelski regime. During the period of martial law, in parallel with this method of political repression, the leadership of the state also employed economic means to stifle the opposition. Jaruzelski announced reforms as early as January 1982. These measures helped to keep social tensions under control, even at the cost of more severe external indebtedness.<sup>9</sup> After the lifting of martial law, the authorities experimented with progressive measures affecting society in several areas, such as the issue of the ownership of individual farms.<sup>10</sup> The changes taking place in the Soviet Union also greatly contributed to the “reform compulsion” of the Polish leadership. Mikhail Gorbachev made it clear to Jaruzelski that he could not count on his help in solving Poland's internal problems.

In parallel with the growing economic uncertainty, political change was becoming inevitable, especially as Western creditors were making it increasingly clear that they would take into account political factors – not only economic issues – when assessing solvency. Thus, the institution of ombudsman was created, which was highly unusual

7 Siedziako, *Bez wyboru*, 309.

8 Szalai, “A létezett szocializmus”, 62.

9 Szalai, “A létezett szocializmus”, 59.

10 Eisler, *The “Polish Months”*, 110–111.

for a party-state, even if Ewa Łętowska's field of action was restricted.<sup>11</sup> As early as in the spring of 1982, the State Tribunal was established, adjudicating cases in which individuals who occupy (or have occupied) the highest positions of state are charged with violation of the Constitution or other laws. Almost significantly, political liberalisation included the general amnesty in September 1986, which led to the release of political prisoners, allowing Poland to rejoin the IMF after the state had left in 1950. According to Jerzy Eisler: "No doubt the Poles living in the final years of the PRL enjoyed the broadest range of freedoms in the entire Soviet bloc [...]"<sup>12</sup> Although this statement can be criticised due to the fact that the existence of theoretical freedoms did not necessarily mean that citizens could exercise them, it is true that Polish leaders, who closely followed the changes taking place within the Soviet Union, had succeeded in making society highly apolitical by the time of the transition. Radical opposition voices were not finding a receptive audience by then. At the same time, however, the Jaruzelski system had not succeeded in winning over society, as is shown, for example, by the record-low participation in the 1987 referendum. Furthermore, political issues were increasingly being overshadowed by the looming economic difficulties of everyday life. The leadership of the Polish People's Republic (Polska Rzeczpospolita Ludowa, PRL), like other socialist regimes, could do little to avoid the implementation of radical economic and political changes while their own policies were failing<sup>13</sup>.

### Preparatory and round table negotiations

The state of the Polish economy, which sunk to a low point in 1988 – inflation, for example, rose by more than 100% in that year alone<sup>14</sup> – generated, for the first time since 1980–81, a series of national strikes, although these fell short of the size of the 1980 summer walkouts. The strikes began in April, and after a quieter period following May, they flared up again in August, and lasted until the end of the summer, primarily demanding wage increases and the legalisation of Solidarity.<sup>15</sup> Due to the unrelenting

11 Eisler, *The "Polish Months"*, 110–111.

12 Eisler, *The "Polish Months"*, 111.

13 Bartha, "Transition, Transformation, 'Postsocialism'", 30.

14 Vnenchak, *Lech Walesa and Poland*, 132.

15 The latter claim was not accepted by the All-Poland Alliance of Trade Unions (Ogólnop-

resistance, the National Defence Committee (Komitet Obrony Kraju)<sup>16</sup> issued ordinances to the army and the state administration on 20 August 1988 to prepare for the imposition of a state of emergency.<sup>17</sup> Martial law did not, therefore, remain at the level of a recent but gradually receding trauma. At this turning point, just before the start of the transition negotiations, it became a real prospect once again.

As the economic crisis now threatened to re-energize an only recently pacified society and political sphere, the leadership of the state finally admitted the need for compromise. In previous years, the communists had primarily tried to win over the Catholic Church, which they saw as the only force capable of mobilising and taming society at the same time.<sup>18</sup> However, by 1988 Jaruzelski himself was aware that he would not be able to lead the country out of the crisis without coming to an agreement with the opposition.

The PZPR slowly recognized that they had to begin negotiations with Lech Wałęsa, the leader of Solidarity, which was considered the only legitimate party in the Western world. Resolving the economic crisis at this point had become more important than the question of who would resolve it. Informal talks, which had been taking place since January 1988, were replaced by direct negotiations between Interior Minister Czesław Kiszczak and Wałęsa from the end of August, after the latter fulfilled the condition of state power, i.e. put an end to the high volume of strikes.<sup>19</sup>

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olskie Porozumienie Związków Zawodowych), which primarily instigated the strikes. The trade union, led by Alfred Miodowicz, was set up in 1984 to counterbalance Solidarity, so it initially almost fully supported and followed the policies dictated by the PZPR. However, as early as March 1987, its leadership issued a statement openly criticising the reform plans announced by the government. Garlicki, *Karuzela*, 15.; Paczkowski, *Fél évszázad Lengyelország történetéből*, 1997. 357; Dudek, *Historia polityczna Polski*, 18.

16 Committee on Defence Affairs of the Council of Ministers of the Polish People's Republic, established in 1959. It was empowered to supervise and coordinate the work of all state bodies performing defence tasks. In the event of an imminent threat to state security, it was given full authority, led by the first secretary of the PZPR.

17 Paczkowski, *Fél évszázad Lengyelország történetéből*, 372.

18 Kuta, "Polityczne konstruowanie „okrągłego stołu”, 33–42.

19 Dudek, *Pierwsze lata III*, 21–22.

The round table talks,<sup>20</sup> originally scheduled for October 1988, could not be started for months due to the postponement of the adoption of a position on political and trade union pluralism, the lack of unity in the PZPR and a change of prime minister. The passage of time favoured the opposition, as it gave Solidarity time to put its battered organisational infrastructure in order and to strengthen the image of Wałęsa. The joint outcome of these two processes was the setting up on 18 December 1988 of the Citizens' Committee (Komitet Obywatelski).<sup>21</sup> In addition to Wałęsa, the leaders of the organisation, which involved about 135 participants, were Adam Michnik, Jacek Kuroń and Bronisław Geremek. The 15 thematic groups of members, in practice, corresponded to the subcommittees of the subsequent round table talks.<sup>22</sup> Thus, within Solidarity, which was already party-like in many respects despite encapsulating many ideologies, a narrower group emerged, the main connecting element of which was its leading figure.

The membership of Solidarity had already been polarised by the mere fact of it entering into negotiations with the authorities.<sup>23</sup> Furthermore, potential participants were divided into “constructives” or “obstructives” by Wałęsa himself and his closest confidants. All this deepened the fault lines within Solidarity. At the same time, society was also divided as to which line to follow.<sup>24</sup> The origins of this conflict can be traced back to Wałęsa's release from 11 months of internment in November 1982. From then on, his leadership approach was often described as dictatorial by prominent figures of Solidarity, such as Anna Walentynowicz or Andrzej Gwiazda. In their eyes, the operation of the trade union had become more and more anti-democratic. Meanwhile, Wałęsa tried to create an organisational structure that matched his own charismatic leadership style. For this reason he formed the Temporary Council of Solidarity (Tymczasowa Rada NSZZ Solidarność) in September 1986. The declared goal of the governing body, created by members of Wałęsa's trusted circle, was to lead Solidarity back to the path of legal operation.<sup>25</sup> In response to this, the Working Group of the National Commission

20 The term was first used by Wojciech Jaruzelski during the 7th Congress of the Central Committee of the PZPR, in his speech in June 1988 on the need for “open dialogue” prior to the enactment of a new law on companies and associations. Dudek, *Pierwsze lata III*, 20.

21 Opulski, “Gracze, szulerzy”, 44.

22 Jurzysta, *Unia Wolności*, 9.

23 Opulski, “Gracze, szulerzy”, 49–50.

24 Mitrovits, “From the Idea of Self-Management to Capitalism”, 168–170.

25 The Temporary Council of Solidarity was dissolved in the spring of 1989. Its members con-

of Solidarity (Grupa Robocza Komisji Krajowej NSZZ “Solidarność”) was founded in April 1987, led by such figures as Andrzej Gwiazda and Seweryn Jaworski.<sup>26</sup>

On 18 January 1989, the “Position of the PZPR Central Committee on political and trade union pluralism” was adopted at the 10th Plenum of the PZPR Central Committee. On 27 January, Kiszczak and Wałęsa agreed on a list of participants to meet at the Round Table. The strength of the opposition’s negotiating position is shown by the fact that, despite putting Michnik and Kuroń on the blacklist of “radicals”, Kiszczak and the State Security Service (Służba Bezpieczeństwa), failed to exclude them from the talks. The final decision on their presence was made personally by Wojciech Jaruzelski.

In the meantime, a common goal of the state authority and the Citizens’ Committee became evident: to prevent the more radical opposition organisations from influencing the course of events at all costs.

Twenty-six of the fifty-six people who took part in the roundtable talks were delegated by the opposition, fourteen by the governing coalition,<sup>27</sup> and six by the All-Poland Alliance of Trade Unions, while fourteen were invited as “independent authorities”.<sup>28</sup> The Roman Catholic and Lutheran Churches were also present as observers, with Bronisław Dembowski and Alojzy Orszulik representing the former and Janusz Narzyński the latter church.<sup>29</sup> The election of Cardinal Archbishop of Kraków Karol Wojtyła as Pope in 1978 played a huge role in making the Polish Catholic Church, which has traditionally been deeply socially embedded, an unavoidable presence. John Paul II made three pilgrimages in the PRL, and in the spirit of his role as a mediator, he greeted Jaruzelski at the Vatican in early 1987. According to state security reports on Archbishop of Kraków Franciszek Macharski, he summarised the purpose and responsibilities of the clergy as regards the round table talks at a conference on 22 March, 1989, as follows:

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tinued their activities in the Citizens’ Committee.

26 Pilarski, “Okrągły stół” 81.

27 In the PRL there was a quasi-one-party system. In addition to the unquestionable dominance of the PZPR, other allied parties – the United People’s Party (Zjednoczone Stronnictwo Ludowe) and the Alliance of Democrats (Stronnictwo Demokratyczne) – also took part in the National Assembly.

28 Five of the latter also strengthened the ranks of the Citizens’ Committee.

29 Dudek. *Pierwsze lata III*, 32.

Representatives of the church are present at all times during the meetings, but only as observers [...] The Round Table should lead to an agreement between all constructive actors in the country. In order not to waste this opportunity, prudence and serenity are needed. The priesthood is absolutely necessary to achieve this goal. Any action by its members in this situation that is irresponsible, politicised, malicious or disturbing the mood of society is completely unacceptable.<sup>30</sup>

The Polish Catholic Church professed faith in the negotiated solution in this spirit, drawing a sharp dividing line in view of the system's past crimes.

On 6 February 1989, the round table talks<sup>31</sup> began in the Viceroy (now Presidential) Palace in Warsaw, the seat of the Prime Minister's Office. The negotiations took place in three committees (economic and social policy, trade union pluralism, political reform) and their subcommittees.

### **The appearance of the memory of martial law in the critique of transition negotiations**

When attempting to determine whether the memory of martial law was decisive in the background of the objections to the negotiations, it is first worth pointing out that the criticism coming from within Solidarity did not focus on this aspect in the least. Those leaders of the trade union who were not members of Walesa's inner circle, above all Andrzej Gwiazda, instead criticised the discussions in the light of the role of Solidarity in 1980–81. It is part of the overall picture, however, that Gwiazda did not even sign the Gdańsk Agreement of 31 August 1980, claiming that it contained too many compromises. Along with several others, he also strongly protested against the Warsaw Agreement (30 March 1981), which was made after Wałęsa ended the strikes without the consent of the National Coordinating Commission.<sup>32</sup>

30 Łatka, "Osoba numer 2", 308.

31 When using the common term, it is worth noting that at the Round Table itself, the negotiating parties took their seats only at the opening and the closing ceremony. See Opulski, "Gracze, szulerzy", 45.

32 Paczkowski, *Fél évszázad Lengyelország történetéből*, 319–320.

In addition to the old fault lines within Solidarity, the negotiations were also heavily criticised from outside. Kornel Morawiecki was the first to declare that he considered the dialogue with state authorities, manifested in the Kiszczak–Wałęsa talks, to be a mistake not only politically but also morally.<sup>33</sup> He thus predicted that criticisms of the negotiations would relate at least as much to the mere fact that they took place as to their specific content.

It is difficult to determine the extent to which the communicative memory of martial law played a role in the formation of similar opinions. The very genesis of certain organisations – for example Fighting Solidarity – was linked to martial law, as they were created in reaction to it. Thus, this aspect could hardly have become unimportant for them barely 7 years later.

Furthermore, there is a concrete, tangible aspect: personal overlaps. The largely anti-communist opposition organisations<sup>34</sup> such as Fighting Solidarity, the Confederation of Independent Poland (Konfederacja Polski Niepodległej), the Federation of Fighting Youth (Federacja Młodzieży Walczącej), and so on, were particularly critical of the process of transition due to the leading role played by the politicians who had introduced martial law. Indeed, there were no personnel changes in several key positions of the state in the previous years. In addition to Wojciech Jaruzelski, who was still the first secretary of the Central Committee of the PZPR, and Czesław Kiszczak, who had held the post of Minister of the Interior without interruption since July 1981, mention may also be made of names such as Janusz Narzyński. He was the bishop of the Evangelical Church of the Augsburg Confession in Poland from 1975 to 1991. In 1989 he was given observer status at the Round Table, despite having previously welcomed the introduction of martial law and then done much to improve the foreign image of the PRL. The key figure, however, was above all Jaruzelski: the symbol of the communist authorities' war on their own nation, which culminated in the introduction of martial law.<sup>35</sup>

As in other East-Central European states, not only the state party but also the opposition that showed its readiness to compromise was the subject of much criticism for participating in the talks. In Poland, the leading figures of the opposition, just like

33 Ligarski, “Wolni i solidarni”, 93.

34 In Poland, party formation-fever was only diminished by the Law on Political Parties No. 312, which came into force on 28 July 1990. Until then we can only speak of political organisations.

35 Łatka, “The Catholic Church in Poland”, 304.

those of the PZPR, were the same as when martial law was introduced. Above all, their critics pointed to the most serious sins of the regime,<sup>36</sup> which had become their negotiating partner, including most recently the imposition of martial law.<sup>37</sup> The clash of these moral criticisms with the position of those seeking to avoid more bloodshed through negotiations<sup>38</sup> further deepened the internal conflicts of the Polish opposition. In addition, it proved decisive in the subsequent assessment of the regime change. Dissatisfaction was further exacerbated by conspiracy theories, which were rapidly gaining ground and which were fuelled by members of the right wing of Solidarity, who were increasingly pushed into the background of the negotiations.<sup>39</sup> They spread rumours that the real agreements, in which the elite of Solidarity was transferring the PZPR *nomenklatura* to the new system in exchange for certain leading positions, were being concluded in the villa of the Ministry of the Interior in Magdalenka.<sup>40</sup> The latter location really did host unofficial meetings running parallel to the official talks, where the negotiators tried to resolve the most intractable disputes of the Round Table. Twisted out of the context of an actual phenomenon that occurred in the regime changes in Central and Eastern Europe – the transformation of members of party *nomenklatura* appointments into capitalists<sup>41</sup> – in the eyes of many, those negotiations made the discussions entered into with the state a symbol of a deal with the enemy rather than an attempt at democratisation. The “black legend” of the Polish transition was born.<sup>42</sup>

36 Namely, putting a bloody end to the Poznan 1956 uprisings and the 1970 protests, as well as the administrative and existential repression of the 1968 student and 1976 workers’ protests.

37 As a Hungarian analogy, it is worth mentioning that the memory of the defeat of the 1956 revolution and the retaliation that followed it was more than three decades old by 1989. The temporal distance not only resulted in the envelopment of trauma, but also in the overwhelming replacement of the elite of the one-party system. Thus, all the “1956” events of 1989, with the exception of the brief attempts to revive the workers’ councils, were symbolic: Imre Pozsgay’s “revolutionary” radio speech, the reburial of Imre Nagy, the proclamation of the republic on October 23, and so on.

38 As early as 1976, Adam Michnik made it clear in his essay, *A New Evolutionism*, that changing the system cannot claim more human lives.

39 Vetter, *Jak Lech Wałęsa*, 285.

40 Mitrovits, *A remény hónapjai*, 172.

41 Seeing the unreformability of the planned economy and the inevitable fall of state concentration, the party-state elites turned to the free market and the multi-party system to ensure their stay in positions of power.

42 Szumiło, “Reform or revolution?”, 269.

It is important to note that most of the critical organisations had already long since rejected the idea of negotiations with the state leadership.<sup>43</sup> For example, the Polish Independence Party (Polska Partia Niepodległościowa) had announced on 22 January 1985 in the programme it issued at the formation of the party that, in the light of the experience of martial law, there could be no dialogue and agreement with these authorities. They also declared the compromises of August and September 1980<sup>44</sup> to be ‘naïve’.<sup>45</sup> The latter criticism is particularly interesting in terms of the round table talks, when the radical opposition organisations seem to have collectively forgotten that the state authorities and Solidarity had already resolved a crisis situation through negotiation. From another point of view, it was also overlooked that the Polish leadership had much more experience in neutralising situations that threatened a social explosion by force than they had in negotiated solutions. The mere fact that such negotiations began in 1989 can be considered at least a half-success, especially in the light of the decrees of August 1988, which prepared for the re-introduction of martial law. While it would be wrong to claim that the only alternative to the round table talks would have been bloodshed, another solution in the absence of direct social pressure – e.g. on the model of the Czechoslovak Velvet Revolution – could not have taken place.

Depending on their ideological stance, the various critical opposition organisations denounced the round table talks from different perspectives. Janusz Waluszko, for instance, one of the leaders of the Alternative Society Movement (Ruch Społeczeństwa Alternatywnego) in Gdańsk, noted that the Round Table “is an instrument of communist-style repression and economic exploitation”.<sup>46</sup> A common element in this and similar critiques is that the Round Table was seen as a “communist” phenomenon, a construct serving the interests of the PZPR.

43 Rejecting the thought of negotiations was quite typical. The need for some kind of compromise was first openly proclaimed by Adam Michnik in 1985 (*Takie czasy... Rzecz o kompromisie*).

44 In August and September 1980, the strike committees reached a total of four different agreements with government representatives. They stated the need for new self-governing unions, which allowed Solidarity to become legal, while the government undertook to ease censorship, re-employ those made dismissed as a result of their participation in the 1970 and 1976 workers’ movements, and to hold a public debate on the essential elements of the necessary economic reform.

45 Deklaracja Programowa Polskiej Partii Niepodległościowej [Programme Declaration of the Polish Independence Party], Archiwum Akt Nowych (hereafter: AAN), 2/2853/0/-/1

46 Informacja o ingerencjach dokonanych w marcu 1989. [Information on interferences made in March 1989.] AAN, 2/1102/0, kat. A, Sygn. 3925.

From the point of view of communicative memory, not only generational differences, but also distinctions within each generation can be observed. For some young people martial law was an actual point of reference, for others it was not, even if the negotiations were criticised by both. This question can be approached from two sides. For one group, the introduction of martial law was a crime that precluded compromise with those responsible. For the other group, however, the events of December 1981 and their consequences were simply not tangible enough by 1989. While they were not inclined to come to an agreement with the authorities, this was not because they were afraid of them: they did not see the possible recurrence of martial law as a real threat.

It is also worth addressing the characteristics of the use of the adjective “totalitarian” in conceptual terms. Ignoring the above-mentioned process of detotalization and the original meaning of the term, this phrase has become a constant element in the description of the system in the vocabulary of the radical opposition. However, there have also been instances of individuals going beyond the use of this adjective in their criticism of the state leadership. Earlier, in 1986, Jan Józef Lipski stated that the rivalry of the reborn political camps (left and right) could only be secondary to the conflict between “democracy and totalitarianism”.<sup>47</sup> Nevertheless, when the Polish Socialist Party (Polska Partia Socjalistyczna) was reorganised under his leadership in November 1987, he had already expressed doubts as to whether the power exercised by the PZPR was indeed totalitarian.<sup>48</sup> However, this left him in the minority in the opposition space. Some of its anti-system representatives thus inadvertently contributed to the legitimacy of the constructive opposition they sought to criticise, as the latter could be credited as the conquerors of a vast, totalitarian state rather than the somewhat weaker reality of the late Jaruzelski regime.<sup>49</sup>

47 Garbal, “Inicjatywa odbudowy PPS”, 417–418.

48 Garbal, “Inicjatywa odbudowy PPS”, 431.

49 Walicki, “Totalitarianism and Detotalitarization”, 525. The inadequate use of the totalitarian phrase during the period of transition was by no means limited to Poland.

## The round table agreement and the elections

The main political results of the round table talks presented at the plenary session of 5 April 1989 were as follows:

- the re-legalization of Solidarity (but without the right to strike);
- the restoration of the upper house of the Polish Parliament, the Senate, which had been cancelled by the falsified referendum of 1946, as that would have entailed continuity with the Second Polish Republic;
- the establishment of the institution of the President of the Polish People's Republic in place of the Council of State, with broad authority;
- an undertaking that Members will initially enter parliament, which will work to develop a new democratic constitution and suffrage law, through compromise elections. Under the latter agreement, all seats in the Senate were available, while in the Sejm only 35 % could be freely elected, with sixty percent of the seats held by the PZPR and its satellite parties, and five percent by certain Catholic organisations (PAX Association, Polish Christian Social Association, Christian Social Union).

The success of the roundtable negotiations and the agreement that was reached represented a failure for the organisations protesting against the talks. Although the initiative of the Congress of the Anti-System Opposition, which aimed to unify their operations at least in part, had its second (and last) meeting in May 1989, the changing political climate provoked increasingly different reactions from those involved.

The central fault lines lay in the differing attitudes towards the parliamentary elections. One of the harshest condemnations of elections can be read in *Bojkot Wyborów*, a statement submitted to the National Committee by the Gdańsk wing of the Federation of Fighting Youth. According to this declaration, the election boycott is “a political order and a moral duty for all Poles”, as participating in the elections would legitimise a state power “on which hands there is blood of the soldiers of the Home Army, the workers of Poznań and the Tri-city, and the victims of martial law”.<sup>50</sup>

50 Wąsowicz SDB, „„Nie pójdziemy na wybory!” Akcje bojkotu wyborów organizowane przez młodzieżowe organizacje niezależne w Gdańsku w latach 1984–1988”, 757.

However, an election boycott did not prove to be a common position among the organisations criticising the round table talks. The case of the Confederation of Independent Poland, founded in 1979 as the first opposition group in the Eastern Bloc which defined itself as a party,<sup>51</sup> is particularly interesting. In his essay *Revolution without Revolution* (Rewolucja bez rewolucji), its leader, Leszek Moczulski, criticised those in the opposition who could only imagine the change hand-in-hand with the PZPR, seeing chaos as the only alternative.<sup>52</sup> The Confederation's view of the state party as an administrative tool of Soviet colonisation,<sup>53</sup> along with its strongly anti-Soviet rhetoric and the setting of national independence as its main goal, was primarily addressed at conservative-nationalist groups.<sup>54</sup> Identified by the security services as an organisation posing a national security risk on the basis of intelligence analyses,<sup>55</sup> the Confederation was particularly devastated by martial law. 272 of its members were interned and several served prison sentences. Moczulski, who had been in prison almost continuously since 1980, received a 7-year prison sentence in October 1982. He was released under an amnesty after 1 year and 9 months.<sup>56</sup>

In light of all this, it is understandable why the Confederation deciding to run in the June 1989 elections stirred up such a storm in the opposition. In the election program of the organisation – which was in line with the objectives accepted by its 3rd Congress in March 1989 – they justified their participation with the argument that if only constructive opposition candidates ran for seats, it could seem that Polish society was legitimising the existing system, which was still dominated by those responsible for martial law.<sup>57</sup>

51 It also tried to run in the 1980 Sejm elections. Paczkowski, *Fél évszázad Lengyelország történetéből*. 286.

52 Moczulski, “Rewolucja bez rewolucji”, 6.

53 Gieroń, “Konfederacja Polski Niepodległej”, 60–61.

54 Körösényi, *Értelmiség, politikai gondolkodás*, 52.

55 Gieroń, “Konfederacja Polski Niepodległej”, 63.

56 Cecuda, *Leksykon opozycji*, 50.

57 *Program wyborczy Konfederacji Polski Niepodległej*. Lengyel Kutatóintézet és Múzeum (hereafter: LKM), Polish samizdat publications, 5/151.

The state authorities originally hoped that the Citizens' Committee, as a legally functioning parliamentary opposition, would merely help them convince society to accept the planned, painful economic reforms. However, the Citizens' Committee was overwhelmingly successful in the elections, with a participation rate of 62 %. They had acquired all the seats in the Sejm available to them, and this was also true of the Senate, with one exception.

### After the elections

The state authorities, which had suffered a serious defeat in the elections, still won a parliamentary majority thanks to the round table compromise. Adam Michnik offered a solution to this unexpected problem of power sharing in a *Gazeta Wyborcza*<sup>58</sup> editorial of 3 July, 1989: “Your President, Our Prime Minister” (*Wasz Prezydent, Nasz Premier*).<sup>59</sup> The idea, which was considered hasty by many commentators, was embraced by Lech Wałęsa and, more importantly, by the Soviet and American leadership. With the help of the latter, Wojciech Jaruzelski accepted his candidacy for the presidency, and Solidarity did not nominate a counter-candidate. Despite the road being cleared in this way, on 19 July 1989 the parliament elected Jaruzelski as President by only a one-vote majority, as counter-votes were received from each faction. His election provoked serious indignation from Solidarity voters. Jaruzelski's successor to the position of first secretary of the Central Committee of the PZPR was Mieczysław Rakowski, who resigned with his government after the elections.

Meanwhile, the Alliance of Democrats and the United People's Party were pivotal to the issue of government formation. Together with their representatives, either the PZPR parliamentary group or the Citizens' Parliamentary Club (*Obywatelski Klub Parlamentarny*) could have achieved a majority. The latter's first attempt to agree with the satellite parties was unsuccessful, so on 2 August, 1989, the Sejm finally supported Czesław Kiszczak's candidacy for prime minister. The communists wrongly calculated

58 The newspaper was the legal continuation of the samizdat sheet *Tygodnik Mazowsze*, which had previously been published in editions of 50–70 thousand copies. The first issue as the campaign newspaper of Solidarity's Citizens Committee was published on 8 May 1989. After the political struggles following the June 1989 elections and the formation of the Mazowiecki government, it gradually became an independent daily newspaper. Its editor-in-chief has been Adam Michnik from the beginning.

59 Michnik, “Wasz prezydent, nasz premier”, 1.

that Solidarity would also join the cabinet. This should have offset the fact that not only the head of state, but now also the prime minister was a PZPR member. All of this made it very doubtful that they would be able to gain social trust for an effective fight against the economic crisis.<sup>60</sup>

After lengthy out-of-parliament negotiating, the Alliance of Democrats and the United People's Party were eventually open to the offer of Lech Wałęsa. Kiszczak's election was opposed by several of their representatives for moral reasons. Thus, after the resignation of Kiszczak, on 24 August 1989, Tadeusz Mazowiecki was designated Prime Minister, forming his government on 12 September. The PZPR delegated four members to this cabinet, holding key ministries such as home affairs, defence, foreign trade and transport. The post of Minister of Finance was given to Leszek Balcerowicz, a non-party deputy prime minister. The economic shock therapy he initiated was intended to drag the state out of the hopeless economic situation. On 19 September 1990, Wojciech Jaruzelski announced his intention to shorten the term of his presidency, and on 27 September, a Sejm decree changed the method of electing the President from indirect to direct.<sup>61</sup> In the second round of the presidential elections on 9 December, Lech Wałęsa triumphed, collecting almost 75% of the vote. Then in 1991, now completely free, uncompromising parliamentary elections were held in Poland, ending the political history of the transition.

The changes that followed the June 1989 election gradually weakened the more radical anti-system organisations. In the pluralistic political space, their paths took a variety of directions, but they uniformly criticised the election of Jaruzelski as President for the last time. As early as May 1989, Wojciech Myślecki, a leading figure of Fighting Solidarity, stated that the removal of people like Jaruzelski from the political scene constituted the primary task and moral duty of the Polish opposition, and they in no way supported his election as a possible President.<sup>62</sup> However, one of the consequences of the round table agreement was that the decommunization demanded by the radical opposition did not take place in many areas – and not only in the highest leadership sphere.

60 Dudek. *Pierwsze lata III*, 70–72.

61 Dudek. *Pierwsze lata III*, 60.

62 Informacja o ingerencjach dokonanych w maju 1989. [Information on interference made in May 1989] AAN, 2/1102/0, kat. A, Sygn. 3925. 5.

## Assessment of martial law after the transition

The roundtable talks in Poland were to create the framework for a democratic transformation in a state where, in the absence of a substantive tradition of democracy – or indeed of a citizenry itself – it had serious historical limitations. Thus, the transition could not be conducted on a fully democratic basis, so the subsequent assessment of the round table talks in Polish history was difficult from the beginning. Debates about their evaluation are still raging in the political space to this day, and often abandon scientific, professional approaches similar to the treatment of the period of martial law.

The negligent or at least severely incomplete prosecution of the instigators of martial law plays a major role in all this. As early as 1989, a parliamentary fact-finding committee was set up to investigate the possible involvement of the State Security Service in 122 deaths after 13 December 1981. However, despite the fact that evidence was found in 88 cases, no one was brought to justice as a result of its work. In 1992, the Sejm declared the introduction of martial law illegal, but did not name anyone responsible.<sup>63</sup> Despite refutations from many historians, there is still a strong basis for Wojciech Jaruzelski's position that the introduction of martial law allowed the avoidance of the "greater evil," namely, Soviet intervention. However, the truth is that he himself asked for Moscow's help, but the Soviets were only willing to threaten the possibility of an intervention rather than carry it through.<sup>64</sup> Jaruzelski was tried in 2006 for the introduction of martial law, but the proceedings were suspended in 2011, three years before his death, due to his failing health. Four cases have been brought against the former Minister of the Interior, General Czesław Kiszczak, including the case of nine strikers killed on 16 December 1981 in the Wujek Mine in Katowice. He was acquitted of this charge in 2011, but a year later he was found guilty of introducing martial law. Despite this, many assess the result of the impeachments related to martial law as insufficient, often stating that decommunization has not taken place in the justice sector – more precisely in the judiciary. In recent years, the current Polish government has also fully embraced this position.

63 Mitrovits, "A történelem kriminalizálása", 105–106.

64 Mitrovits, *A remény hónapjai...*, 278–282.

## Conclusions

The memory of martial law appeared in the critiques voiced at the time of the democratic transition in Poland in 1989, but it remained superficial, and did not play a decisive role. The focus of this criticism was on personal overlaps. Partly due to the proximity of events, the elites both in the state party and in the opposition had largely not changed since the time of martial law, thus they were the ones who “dragged” society into capitalist conditions.<sup>65</sup> However, their entry into various state positions or, in the case of PZPR leaders, their remaining in such positions was criticised by anti-system opposition organisations not only because of the shadows of the recent past. They recognized the central role of the round table talks in the redistribution of political and economic power, and identified the disadvantage they suffered in the emerging pluralist competition by being omitted from the process of transition. Groups outside the shrinking bloc of Solidarity were not able to become negotiating partners of the state leadership and its organisations, and thus could not take their places among the shapers of transition.

The experience of martial law also influenced the horizons of radically anti-communist organisations. Their criticisms, debates, and even their basic theoretical starting points were focused on the political sphere, so they also viewed the transition exclusively as a political act. In their eyes, the economic aspects were completely relegated to the background. Just like the Citizens’ Committee, they did not have a comprehensive economic program. The lack of alternatives they could offer proved crucial in their failure to build relationships with society. Despite the extensive underground press life through which their messages could be delivered, the moral questioning of the transition negotiations did not prove sufficient to attract the attention of Polish society, which wanted a rapid economic transformation first of all. An unknown author aptly put it in the February–March 1989 issue of the journal of the Confederation of Independent Poland: “The viability of the Polish opposition [...] is hardly tangible for the average Pole who has been standing in the same sad line for half a kilo of jowl fat for decades.”<sup>66</sup>

65 Szalai, “A létezett szocializmus”, 67.

66 “The vibrancy of the Polish opposition [...] is hard to grasp for the average Pole standing in the sad queue for a pound of sausage that has been going on for a couple of decades.” Kilka uwag o opozycji. “Droga” XII. (1989) 28. 33.

The memory of martial law has gradually separated from the communicative memory. The duration of the latter is severely limited, and we are now at the 40-year turning point when the generation of those who experienced the events of 13 December 1981 and the events that followed as adults is slowly fading. Their generational memory is being institutionalised both in the scientific (political science, history, sociology) and political spheres.

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