Interview - Christian Davies

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Christian Davies is a journalist for *The Guardian* and *Observer* based in Warsaw, Poland. He has also written for *Foreign Policy*, *Gazeta Wyborcza*, *Politico*, *The New Statesman* and the *London Review of Books*. Previous positions include working at the Political Office of Poland's Ministry of Foreign Affairs and as a Parliamentary Researcher for the former UK Foreign Secretary, Sir Malcolm Rifkind. Christian studied History at University College London and completed a Master's degree in International Relations at the London School of Economics.

Where do you see the most exciting research/debates happening in your field?

Correspondents like myself are partly driven by what is in the news, but we also have quite a lot of freedom to explore particular subjects in more depth. For me, the most fascinating, difficult and gruesome subject has been the attack on the rule of law in Poland. It is difficult to cover because of complex legal issues (but which are simple when understood in the context of a concerted attack by the ruling party to take control of the judiciary). As well as being fascinating in itself, it has an influence on every other aspect of life, because ultimately they come down to law – ranging from the protection of minorities to the way in which the law is being used to curtail freedom of speech. It is indicative of a rejection by the current Polish authorities (and a significant section of Polish society, though not all by any means) of the values which underpin the legal order in Europe.

The EU is built on the values of liberal democracy. When a constituent society of the EU, as represented by its government, starts to reject those values, this will inevitably lead to conflict in the legal dimension. The law is ultimately a reflection of society. The legal debate – of how judges are no longer independent, how the government has tried to take direct control of the constitutional court and has partly already taken control of the Supreme Court – leads to a much bigger question. On the 4th of June we had the 30th anniversary of the first partially free elections in Poland, the pivotal moment in Poland's transition. Poland's dramatic transformation in the late 1980s and 1990s has been seen in the west as a confirmatory story, of a country which rejected an authoritarian communist system and adopted a liberal democratic system with enthusiasm and which was rewarded by being one of Europe's great success stories of the last thirty years. Western liberals in particular see this story as an affirmation of their values.

But if Poland accepting liberal values says something about liberalism in Europe, then what does Poland rejecting those values say? Surely the same dynamic works in the opposite direction? Therefore, the legal shenanigans taking place in Poland are a sign that the liberal order which I grew up in, which was never really questioned, is now being questioned in a way which people of my generation have no experience of. This generation will also have to deal with the fallout from this. That is why Poland is so important, because in a country that has had radical transformations, generational tensions are more acute. The experiences of different generations have been so varied and therefore they hold less in common with each other.

How has the way you understand the world changed over time, and what (or who) prompted the most significant shifts in your thinking?

My views on questions of Polish history are influenced by the fact that my father, Norman Davies, is a historian of Poland, so I take them personally. In the 1990s and early 2000s Poles had been denied their history; under an authoritarian system they had not been able to discuss, understand, mourn or pursue reconciliation and justice. It

was necessary for Polish society to go through the process of reacquainting itself with its history when Poland became free. But what we are starting to see is that this relationship with history is turning toxic. It is crossing the line from understanding, reconciliation and justice, to falsification, persecution and a narrow focus on crude concepts of heroism and victimhood rather than reality. As the son of a historian, and this is symbolic of a generational shift, I understand that history is extremely important, but I think that our generation is living through a time in which we are starting to see a downside to focusing on history. Taking a British example, D-Day was an extraordinary event featuring heroism, but you can draw the wrong lessons from it. Britain was not alone on D-Day and did not win the Second World War by itself. I would not suggest that people should not appreciate the significance of D-Day, but to avoid using it in a way that is damaging in a contemporary context. In Poland this is happening on a much greater scale.

How would you describe the current political and social environment in Poland?

Poland is in many ways a frontline state of a debate across Europe and the west. Poland has always had two competing traditions – democratic and nationalist. Although Poland is now a very homogenous country, overwhelmingly white and Christian, that is basically a product of the Second World War – not only the Nazi occupation and Holocaust, but also Soviet deportations and a Soviet desire for homogenous nations that they believed would be easier to control. So Poland's homogeneity is actually a historical anomaly. Going back hundreds of years, Poland was a multinational state. That had both positive and negative implications.

Firstly, there was a democratic tradition according to which 'Polishness' was to do with rights and freedoms, not ethnicity and religion (although we should not be too idealistic about this) and in which Polish identity was not necessarily synonymous with being Catholic. But the competing nationalist tradition saw the minorities in Poland as somehow a threat to the integrity of the Catholic nation. It is essentially the 18th century democratic tradition dating back to the old Commonwealth, which was destroyed, followed by the 19th or 20th century nationalist tradition which has more to do with blood, soil, god, family and fatherland. These two traditions grew out of similar circumstances, but they are polar opposite visions of what it means to be Polish and to be a member of the nation. Today you see this division very starkly. When you have a pro-government demonstration and an anti-government demonstration, you see on the placards of the democratic opposition slogans about the 'rights of citizens', whereas the pro-government protestors have slogans about 'the will of the nation'. In these competing traditions, we see the same debate which is now Europe-wide. In the west, people might talk about the rule of law and independent judges as obviously good things. Whereas in Poland, you will come across people who do not want independent judges – making the argument that an independent judge only serves himself – they would prefer to have a judge who 'serves society' and what is 'right'. And what is 'right' is decided by the elected government. You are returning to the first principles of liberal democracy, which are being argued over in a very visceral way. When you see the number of people who actually reject things that many in western countries regard as self-evident, you realise how fragile these principles really are. This pattern is not exclusive to Poland and is now starting to happen in other parts of Europe. However, in Poland it is more acute and actually an argument which has been going on for hundreds of years. Poland is a swing state when it comes to European democracy – and when Poland swings, the rest of Europe tends to swing with it.

Poland under communism was occupied by a communist atheist superpower – the Soviet Union. This means that there are now many people, especially on the right of politics, who seem to think that as long as your country is independent then you are free. Since in the east of Europe Catholicism and the church were a means of liberation from Soviet communism, there is a sense that as long as you are independent and Catholic then that somehow means you are free. But the examples of post-war Spain and Portugal are very important counter examples. It is perfectly possible to be in a nominally Catholic state which is independent of other powers, yet for the citizens of that country not to be free if they do not have democratic rights. A few years ago a Spanish diplomat in Poland told me he had been approached by some right-wingers who wanted to organise an exhibition celebration Franco's birthday. The Spanish diplomat was appalled that they thought he would be interested in celebrating Franco. They were surprised at the diplomat's reaction. In their minds, Franco was a bulwark against communism who made the church central to the Spanish state. This is simply a lack of understanding of what it means to be free. The freedom of religion is not the same thing as a sectarian authoritarian confessional state. European history is so rich and we have

so much to learn from each other – the Spanish and Portuguese cases are histories which most people, including in the west, do not appreciate enough. The lesson is that authoritarianism comes in many different forms; but it is not what the dictators say which matters, rather what they do. A soviet communist atheist leader has much more in common with a Spanish Francoist or Portuguese Salazarist than he does with a genuinely democratic politician. On paper they look the opposite, but in practice they are similar. Understanding the mechanisms of authoritarianism is extremely important rather than focusing on rhetoric which tends to distract.

What are the biggest challenges facing journalists, particularly those working Poland?

Although I think this is changing with Brexit and Trump, people in the west do not always recognise that the principle danger for journalism is not of old-fashioned state censorship, but rather of polarisation and cynicism paralysing our ability either to believe or care about things which we should. In Hungary there is very little real contestation in the public space, with the free media being bought up, closed down or facing bankruptcy. In Poland you have a different problem which is much closer to the problems in the US and UK, namely that society is divided between two parallel realities. Common problems which should concern us all slip through the cracks. Either half of us simply do not believe what the other half is saying (wherever or not they have a reasonable point to make) or you get issues which do not fit with the divide, being too complicated or not applying in some way. They get ignored because we are focused on the polarised subjects.

There are many Polish journalists I admire for exposing corruption, lies, conflicts of interest and potential interference from foreign powers (particularly from Russia). The problem is not that these things do not get published, it is that nothing happens when they are published. That is a different problem to censorship. You publish a story which shows that the Prime Minister has been engaged in allegedly corrupt financial dealings or that officials close to the government seem to be building relationships with the far right – and no one cares or reacts. This is a 21st century problem which we are going to have to deal with. Poland is an extreme example of this, partly because the information environment in Poland was poisoned decades ago by a communist authoritarian system built on lies. So this paranoia and cynicism was always present in modern Poland. Participation in democratic politics has been very low and politicians have been making Trumpesque speeches and creating strategies based on fear and cynicism right from the early 1990s. Poland is an interesting example of a phenomenon predating developments in the UK and US.

It was assumed that western values would gradually migrate east and take hold in Central and Eastern Europe. Obviously the hope was that they would eventually take hold in Russia, although that hope died a very long time ago. What we are actually seeing are Russian information techniques, Russian style cynicism, paranoia and elite corruption moving westwards. In the west, we are starting to adopt and suffer from very similar phenomenon which were present in Eastern Europe and Russia over the last thirty years; individuals such as Paul Manafort are post-Soviet figures in many ways (despite being American). I have been looking at how Russian organised crime entered Poland and through Poland started to do business in western countries. This is something which has come to light since Trump's election. Whether or not Trump's campaign was complicit in dealings with Russian organised crime, the scrutiny of his campaign has shown the extent to which people connected to Russian organised crime came over in the early 1990s and ended up being influential in the worlds of property, politics and public relations.

What is interesting from a Polish perspective is that while Lech Wałęsa and Boris Yeltsin were negotiating the exit of Russian military units from Poland in the early 1990s, at the exact same time Polish and Russian organised crime groups were negotiating the entry of Russian organised crime into Central Europe. The expansion of the market to the east helped to push out Russian soldiers, but facilitated the entry of post-Soviet organised crime into the western market. It was a two-way process and we are only now starting to understand that. Poland is an interesting example in which these things occurred, because although Poland embraced membership of the west, the legacy of the communist era cannot just be forgotten. It has weak political institutions, parties, civil society and therefore weak attachments to the fundamentals of democratic civil society. Poland was always more vulnerable to infiltration, not only by organised crime but also by extremist narratives. A lot of these ideas, which began on the fringes, have become quite mainstream. Despite this, Poland does not get sufficient attention, because it is in many ways a hybrid between east and west. When you have a country with a division between east and west straight down the middle

(not geographically, but psychologically), you will start to get the most interesting examples of the sort of phenomenon which are now affecting western countries. This is why I am trying to convince people that Poland needs a lot of attention – the dark side of the Polish story, not just the upside which westerners tend to focus on.

You recently wrote about the role of the Institute of National Remembrance (IPN) in investigating the history of the Warsaw Concentration Camp during the Second World War. It has long been a subject of controversy and you link the IPN's lack of transparency and contradictory statements to its control by the ruling Law and Justice Party (PiS). What was the original purpose of the IPN? Why do you believe the IPN has been covering up evidence relating to this subject?

Similar to other countries emerging from authoritarianism, in the late 1990s Poland set up the IPN. It had a series of functions. First of all, it was the 'keeper of the files' from authoritarian times – secret service and others relating to the Soviet occupation – regulating access and doing research. Secondly, it is a state institution which is made up largely of academics and has a public function of adjudicating on historical debates and publicising the latest findings. The historical controversies in Poland are numerous and acute. But unusually, the IPN has a third function, which is prosecutorial. So not only does it have historians researching about what happened and archivists regulating archives, it also has prosecutors prosecuting people for crimes against the nation. When you put these three things together, you have a potentially very potent political weapon. These files, which are basically the fruits of the surveillance of an entire population over decades, in the wrong hands can be used to blackmail, discredit and threaten people. To adjudicate over historical controversies provides power for obvious Orwellian reasons. The prosecution element became well known to the outside world when the current government amended the law to prosecute people who attributed crimes of the Nazi German occupiers to the Polish nation. In other words, they wanted to regulate through prosecution discussions about Polish complicity (or lack thereof) in the Holocaust. This demonstrated a willingness to potentially prosecute people for their views about what happened in the Holocaust. This law did not threaten prosecution for anyone who accused any Pole of any complicity in the Holocaust. But what the law did say was that anyone who *falsely* accuses Poles collectively – the Polish nation – of responsibility for the Holocaust could be prosecuted. But who gets to decide what is false and what is not? First of all, state prosecutors decide and secondly the institution is overseen by historians (sometimes not even historians) appointed directly by the ruling party. So the ruling party essentially appoints the people who decide what is historically right or wrong – in relation to the most sensitive historical debates imaginable – and then uses the power of the state to compel people. It is now only civil not criminal prosecution, but the principle still remains that the state can prosecute you if it does not agree with what you say.

My piece in the London Review of Books is about a death camp in Warsaw which never existed. For context, it is first important to note that there has always been a campaign, quite rightly, against attributing to the Poles the establishment of German camps on occupied Polish territory. The Poles did not set them up or operate them and many thousands of them were murdered in them – both Jews and non-Jews such as political prisoners. It is obviously completely wrong to attribute these German camps to Poles. But what I discovered was that there were some nationalist groups who are going the other way and confabulating camps which they say were directed at the mass extermination of Poles. The example is of a camp, which did not exist, but which now has fabricated maps, diagrams, monuments, plaques, ceremonies and religious processions all devoted to the victims (who had never lived) of gas chambers (which had never been built). Although Polish wartime suffering can scarcely be exaggerated, what these nationalist groups want to do is argue that non-Jewish Polish suffering was on the same scale as Jewish suffering – which is simply not true. It is an attempt to diminish the singularity of the Holocaust of the Jews by saying that non-Jewish Poles suffered equally.

I discovered that the IPN was covering up the existence of evidence which proved that this camp, or at least its gas chamber, had never existed. The existence of the camp fits their narrative perfectly: that Polish victimhood is not sufficiently recognised, that the outside world "does not understand what happened to us" and that things have been covered up for conspiratorial reasons. But under political control, this very powerful institution is now covering up the existence of evidence that an entire death camp, with 200,000 non-existent victims, was falsified. This is the institution which is supposed to have the moral and academic authority not only to adjudicate on historical debates but to prosecute people. I make the argument that there are merits to having an institution which regulates memory,

but that in the wrong hands it is extremely dangerous.

The Polish Minister of Foreign Affairs has outlined Poland's diplomatic priorities to include strengthening the EU and rebuilding trust in its institutions, while also criticising the European Commission for proposing that community budget payments should be contingent on assessing the rule of law in member states. How would you define PiS' long term vision for Europe? To what extent can it be described as a Eurosceptic party?

The Polish government's attitude toward membership of the EU can be summed up with a basic formula. They want to be in the EU but they do not share the values on which the EU is constructed. This inevitably leads to conflict, because in the long term it is not sustainable to be in an organisation without sharing its values. The European legal order is constructed not on liberal social values, but on liberal democratic principles – the rule of law, the independence of the judiciary, the rights of minorities and other certain basic human rights. The brute fact is that the present Polish government does not share those values. In fact, it routinely portrays advocates of minority rights as a direct threat not just to the nation but to the state. LGBT rights activists are perceived as wanting to destroy Polish society and since Polish conservative values are the basis of the Polish state, then they are a threat to the Polish state. These are arguments which are overtly made by the leader of the ruling party. In other words, they want all the benefits of EU membership but they cannot fulfil the obligations.

This produces a much more nuanced picture. First of all, Polish society as a whole is much more pro-European than the current government, but the government is engaged in a confrontation with Brussels over its so-called judicial reforms. In its conflict with Brussels, the government has been trying to do the exact opposite of building confidence in the EU institutions. It portrays the EU as bullying the Polish government and people. This is a classic Kremlin textbook strategy – to identify the government with the people and pretend that their interests are exactly the same. The president gave a speech, for example, saying that the EU is an 'imagined community' which does not really benefit Poland. In another, he likened EU membership to the partitions of Poland in the late eighteenth century. On the other hand, when elections come about, the government is worried about the argument that they could fathom taking Poland out of the EU. They know that the Poles do not want to leave. So they run election campaigns saying that Poland is the 'heart of Europe' and that no one is more dedicated to the European project than the Poles. When they took power they removed many EU flags in government buildings, but during the European parliamentary election campaign they wanted to portray themselves as pro-Europeans, so the EU flags reappeared. With the elections over, the flags have gone again. The problem is that they want to be a member without obligations, which is a recipe for conflict and that is now exactly what they have got. In that sense, it is not actually that complicated. They want an EU that will give them money but that will not interfere in their desire to take over the Polish courts. They will say that the EU needs to show more solidarity on economic issues yet needs to offer more subsidiarity when it comes to internal affairs. That is called having your cake and eating it.

It needs to be understood that all national courts in the EU are European courts. There is no distinction. The national courts are the foundation of European law because national courts in the first instance interpret whether national legislation is compliant with European law. Questions of compliance ultimately are referred to the European courts by the national courts. The national courts therefore form the basis of the European legal system and the European legal system is in turn the basis of the EU. The whole system works on the concept of mutual recognition – that national courts recognise one another. A court in Portugal understands that a court in Lithuania is independent and vice versa because they are both applying the same legal order. In other words, you cannot have a European legal order in which part of it is not functioning in accordance with European law, including the independence of the judiciary. Once one part is broken, the whole system in theory and increasingly in practice, is broken as well. The issue of the independence of the Polish courts and judiciary is therefore not just an internal matter. It is a fundamental issue for the whole EU; this is something which many people do not understand. It is not a question of Brussels bullying Poland and telling them what to do, it is rather Poland which is threatening the integrity of the wider European legal order and therefore the guardians of that legal order must defend it, otherwise there will be no European legal order. It is an existential threat to the EU. The notion that you can have non-independent courts operating in the EU will destroy the EU.

In a Freedom House Report you argued that the Hungarian government is constructing an authoritarian order, but broadly within the limits of Hungarian law and from the position of enjoying a constitutional majority, whereas the Polish government does not have a constitutional majority and is simply dismantling the constitutional order. Do these differences limit the value of drawing comparisons between the two countries and their disputes with the EU?

Yes and no. The comparison is still valid in the sense that although the two countries have reached different destinations using different methods (although with many similarities), the basic point is exactly the same – they do not comply with their obligations as members of the EU. In doing so, I would refer to my earlier point that if you do not have an independent judiciary in one part of the EU, then you threaten the integrity of the legal order as a whole. Although I am not an expert on Hungary, I recognise that this distinction is important. Hungarian Prime Minister Viktor Orbán, for a long part of his rule, had a constitutional majority and was therefore able to shape the state in an authoritarian direction, manipulating legal processes in such a way that the Hungarian state no longer complies with the spirit of the democratic order but which overall did not constitute a destruction of the legal order. It is a very interesting case of how you can slowly extinguish democracy whilst maintaining the façade of at least adhering to the legal order. In Poland, they simply smashed it. Orbán got a constitutional majority and rewrote it in such a way which gives himself more power. In Poland, the government had a problem with the constitutional court because they were trying to do things which were clearly in violation of the constitution.

When the Polish constitutional court was still independent, it was issuing rulings which were explicitly saying which things the government was not allowed to be doing. But in Poland, the rulings of the constitutional court are technically not legally in force until they have been physically printed. The printing works are controlled by the government. Therefore, the government exploited this unusual legal loophole and did not authorise the rulings to be printed. So even though the rulings were issued by the constitutional court, since they had not been physically printed, the government claimed that they had no legal standing and could be ignored. This makes a total mockery of the rule of law in its most basic form. If a court cannot pass legally binding rulings on a government's activity, it means that the constitution does not in practice apply to the government. And if the constitution does not apply to the government, then there is no rule of law by definition. And if there is no rule of law, then there is no democracy. It may not feel any different, but in theory without the rule of law you have no rights because you cannot enforce the rights.

Poland is not actually a functioning democracy. People will say this is an exaggeration because they can point to people voting in elections, but at a basic level the rule of law no longer applies. Destroying the law is different to manipulating the law and that is why the European Commission took a much more proactive approach to Poland than it did to Hungary – Hungary was complicated whereas in Poland the situation was stark. You sometimes hear, including from people who should know better, that Poland is somehow being picked on and that the European Commission is being hypocritical, perhaps because Orbán is in the powerful pan-European party the EPP. The accusation here being that the Commission challenges Poland rather than Hungary because it is politicised. In fact, this is to misunderstand the differences between the two cases. If anything, the European Commission was too slow, cautious and pusillanimous in dealing with Poland. That is partly because even the European Commission itself did not grasp how dramatic the events in Poland were. It is a good example of how the specificity of two different cases need to be understood in order to draw the right conclusions.

Hungarian Prime Minister Viktor Orbán recently stated that "when Poland is attacked from Brussels, the attack is against the whole of central Europe, and against us Hungarians… they will always need to reckon with the strong bonds between Poland and Hungary". To what extent do the two countries represent a cohesive bloc in the EU? Do you expect diplomatic and political corporation to evolve further?

When Donald Tusk was up for being reconfirmed as the President of the European Council, the Polish government tried to torpedo his reappointment and expected Hungarian support to do so. It was a complete fiasco and Poland lost the vote 27-1, with Orbán voting in favour of Tusk. This is partly because Orbán and Tusk are part of the same political family and it would have made no sense for Orbán to make a stand with the Polish government for a completely futile cause. But a lot of supporters of the Polish government seemed very surprised and dismayed by

Orbán's decision – they even called him a 'traitor', which is bizarre since Orbán is not Polish and owes them nothing. This is the mentality – you can be a traitor even if you are from another country. It could be in each country's self-interest to protect the other, so as to receive protection for themselves in return. But the thing about people who obsesses about stabs in the back is that they tend to be the people most likely to stab other people in the back. It may be that Orbán, who I believe is a much cannier operator than anyone in the Polish government, may find that stabbing Poland in the back in exchange for Europe turning a blind eye in some way to what he is doing in Hungary is an opportunity he would take. If I was in the Polish government, I would be very wary of relying on Orbán's support.

What is the most important advice you could give to scholars interested in pursuing a career in journalism?

You often get people who say "I've always wanted to write" or "I've considered writing something". The main advice I would give – and I am guilty of this as well – is that no one is stopping you. If you have a pen and a piece of paper, you can write. I used to agonise in this way a lot. But when you speak to someone who writes for a living, as I do now, you will often get an impatient reply – "well bloody write something then!". Getting something published is the next stage, but when you are starting out, you need to write first and think about publishing later.

What I would say to a scholar who is interested in writing or journalism, who even if they do not want to be a reporter may still want to write and publish something, is to imagine that you go to the pub and end up talking to the commissioning editor for a website or magazine. You say to them that you have always wanted to write something for their publication, so they ask if you have anything that they could look at. You say no. Your chance is gone! You never know when an opportunity might come up. Brutally speaking, no one is interested in your aspirations to write. If you write something which is good, then people will be interested. Talking about writing does not mean anything. You have got to just do it. Get in the habit of writing and only then think about the next stage, which is getting someone to be interested in it. It is actually very simple – if you are good, people will be interested. And if you are not good, then you should not be a writer. It is hard and people should be under no illusions about this. I do not mean in the sense that it is hard to write, if you are good at it and love it then that is one thing, but it is hard to live as a writer. Not just in terms of money but in finding space in your head, organising your life and finding your niche. But you should remember it is not one of those vocations which you do because it is easy – you do it because deep down you know you have to.