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Conditions for lawful shooting down a civilian aircraft in light of Article 3bis (a) of the Chicago Convention

Abstract

This study aims to review potential issues when applying Article 3bis (a) of the Chicago Convention. This provision sets a number of conditions that have to be fulfilled when using weapons against a civil aircraft in flight. The most controversial issue concerns the possible exception from the general prohibition of downing an aircraft pursuant to the UN Charter. There are some interpretative controversies linked to the possibility of invoking the right to self-defence by states (e.g., whether the state that is neutralizing the potentially rogue aircraft can act in anticipation of an armed attack) and these inaccuracies will be addressed by the author. All of these issues implicate the character of the prohibition enshrined in Article 3bis (a) as such and thus have a huge impact on states' real abilities of protecting their people, for example in situations of terrorist threats.

Keywords: civil aviation, self-defence, terrorism, Chicago Convention, downing an aircraft

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Introduction

Civil aviation has been exposed to different forms of abuse or misuse from the very beginning of its history.¹ The Convention on International Civil Aviation (hereinafter: the Chicago Convention or the Convention), drafted in 1944 by 54 nations, was established to promote cooperation and “create and preserve friendship and understanding among the nations and peoples of the world.”²

Numerous interstate accidents concerning downing of civil aircrafts in foreign territorial airspace have disrupted safety of international civil aviation as well as international peace and security.³ The aircrafts were often neutralized not because they constituted an actual or potential threat of attack, but because they were overflying a militarily area and were suspected of espionage or surveillance operations.⁴ In light of such fatal and blameworthy situations, a strong international reaction was needed.

Article 3bis of the Chicago Convention was introduced by a Protocol⁵ on 10 May 1984 and entered into force in October 1998 when two-thirds of the International Civil Aviation Organization’s member states ratified it. This provision followed *inter alia* the fateful destruction of the Korean

¹ The seriousness of this issue is confirmed for example by the practice of the UN that dedicated seven out of nineteen instruments to deal with terrorism in the context of civil aviation; see also: the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991).

² Chicago Convention (1944): Preamble.

³ Hughes W. (1980): 595.

⁴ For example: shooting down of an El Al airliner in 1955; downing of a Libyan Arab Airlines aircraft in 1973; destruction of the Korean Airlines Flight 902 in 1978; and the Korean Airlines Flight 007 in 1983.

⁵ Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 3 *bis*], ICAO Doc 9436, incorp. in Doc 7300.

Airlines flight no. 007 in 1983 and the aim of its introduction was to prevent perilous situations in airspace and ensure safety of civil aviation.⁶

The preamble to the Protocol reaffirms the principle of the non-use of weapons against civil aircraft in flight and amends the Chicago Convention through new Article 3bis, which in its point (a) states that:

“The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations”.

The character of the obligation of states

The Convention is applicable regardless of the scheduling status of flight or its nationality⁷ unless the aircraft is used in military, customs or police services.⁸ Pursuant to Article 3(a) of the Convention aircrafts are divided into civil and state ones.⁹ While a state aircraft is defined as “used in military, customs and police services”, while civil means those of a non-state character. It should be underlined that

⁶ Kido M. (1997): 1069; Report (1993): passim.

⁷ Brown R. (2007): 82.

⁸ Chicago Convention (1944): Article 3(a).

⁹ This kind of differentiation has its roots in the first international convention addressing the international aerial navigation: The Paris Convention of 1919.

the Convention states about “services” instead of “purposes”, suggesting that non-civil services can be performed only by states and not by non-state actors.¹⁰

When identifying the scope of protection under Article 3bis (a), the wording of this provision has to be carefully analysed. In particular, whether the term “refrain” has been used to allow certain exceptions from the general rule and, if so, what are the possible exceptions from this prohibition.

The phrase “must refrain” raises doubts as to the character of the obligation of states. Namely, it is unclear whether states are required to generally avoid using weapons or must avoid using weapons against civil aircraft. This is for two reasons: first, the term “refrain” does not seem to be the most effective way of creating an unconditional obligation (it is less powerful than for example ‘abstain’);¹¹ and, secondly, Article 3bis (a) itself differentiates the kinds of the obligations states – “must refrain” is compared to “must not” (the second phrase is related to the lives and safety of passengers in case of interception) within the text of the provision.¹²

When interpreting a treaty, the Vienna Convention on the Law of Treaties (hereinafter: VCLT), which is the most authoritative text governing the interpretation of treaties, allows the preparatory work of the treaty and the circumstances of its conclusion, to be taken into consideration as a supplementary means of interpretation.¹³ *Travaux préparatoires* of the Convention points out that this formulation was not

¹⁰ Geiss R. (2005): 239.

¹¹ Cheng B. (1985): 61.

¹² Ibidem: 62.

¹³ VCLT (1969): Article 32

accidental.¹⁴ Other options were considered, but the final decision was made after analysing possible legal issues and loopholes related to accepting a different wording describing the obligation of states. The final formulation seems to be an adequate means to define, on the one hand, the kind of the obligation of a state not to use weapons against an aircraft in flight, but on the other it confirms the non-absolute character of Article 3bis (a) in conjunction with the Charter of the United Nations (hereinafter: UN Charter). Pursuant to the said provision: “[it] shall not be interpreted as modifying in any way the rights and obligations of states set forth in the Charter of the United Nations”.

To conclude, Article 3bis (a) cannot be perceived as an absolute one since there are certain situations in which states may neutralize an aircraft and the conditions of this exception are provided by the UN Charter.¹⁵ States have to act on the basis, but also in accordance with this act. As a result, a general obligation to refrain from using weapons exists and as such has to be respected; a potential decision on using weapons against an aircraft in flight can be made only after specific conditions under the UN Charter are met.

Exception under the Charter of United Nations

The last sentence of Article 3 bis (a) of the Chicago Convention makes an explicit reference to the Charter of the United Nations; namely, to the rights and obligations of states set forth therein. This idea was proposed in the Austria-France and United States drafts; however, those drafts referred

¹⁴ ICAO Executive Committee (1984): 29, 30, 46, 182.

¹⁵ Augustin J. (1998): 203.

directly to Article 51 of the UN Charter (the right to self-defence).¹⁶ Finally, Article 51 was not mentioned in the text of the Convention, nonetheless the intent of the second part of Article 3bis (a) was to provide an exception to the prohibition of the use of force against civil aircraft in flight, specifically, on the basis of the right to self-defence pursuant to Article 51 of the UN Charter.

There were two reasons for dropping the idea of incorporating Article 51 of the UN Charter in the text of the Convention. First, there were voices that an explicit reference to this provision could be too restrictive in some cases and, secondly, there was concern that the right to self-defence under the UN Charter is not applicable in cases of using force against civil aircraft in flight.¹⁷ Moreover, the reference to Article 51 of the UN Charter could be interpreted as a license to use weapons, which would be certainly in contravention to the purpose and object of the Chicago Convention.¹⁸

Several states claimed that due to the limited scope of Article 51 of the UN Charter, the prohibition on the use of force against civil aircraft in flight would be *de facto* absolute and thus unreasonable. By providing reference to Article 51 explicitly, states would not be allowed to take any appropriate measures when civil aircraft breached their territorial integrity.¹⁹ It was generally accepted, that the UN Charter does not allow the use of weapons solely in the purpose of protecting states, except in response to an armed attack – to the extent and for the time necessary to neutralize the danger.²⁰

¹⁶ Draft (1983): 1; see also: Stokdyk S. (1991): 1305–1309.

¹⁷ ICAO Executive Committee (1984): 25.

¹⁸ Ibidem: 38.

¹⁹ Ibidem: 25.

²⁰ Ibidem: 40.

An explicit invocation of Article 51 of the UN Charter would result in a very strict and clear limitation of the powers of states and therefore was agreed to remain avoided.

Potential issues related to Article 51 of the UN Charter

Although states did not agree to put Article 51 of the UN Charter directly in the text of Article 3bis (a) of the Chicago Convention, the drafters were aware that the right to self-defence under the UN Charter constitutes the only exception to the prohibition under the Chicago Convention.²¹

Article 51 of the UN Charter provides some conditions that have to be met when exercising the “inherent right to self-defence”; however, there are also additional conditions that were pronounced by the International Court of Justice in its jurisprudence as necessity²² or proportionality²³ of a state’s reaction.

Pursuant to the wording of Article 51 (“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”) the right to self-defence is applicable only in the situations when: (1) the rogue activity against a Member State has a character of an armed attack; and (2) this armed attack is actually materializing.

²¹ Ibidem: 25, 40.

²² Nicaragua v. United States of America (1986): 176; Congo v. Rwanda (2002): 12; Congo v. Rwanda (2002a): 30; Wall (2014): 241.

²³ Nicaragua v. United States of America (1986): 176; Iran v. United States of America (2003): 51; Gray C. (2004): 121; Simma B. (2002): 805.

a) Aircraft as a lethal force

There are rather no doubts as to the definition of an armed attack. It is widely understood as ‘aggression’ in accordance with the United Nations General Assembly Resolution 3314 (XXIX).²⁴ Consequently, an armed attack may have a form of any activity “of such gravity as to amount to an actual armed attack conducted by regular forces.”²⁵ Therefore, due to its intensity, there is no doubt that the use of a civil aircraft as a large-scale weapon amounts to an armed attack, making the right to self-defence applicable.²⁶ In the situation of threat, the lives of people on board are often compared to thousands of lives of people on the ground. It confirms that any steps taken to neutralize this threat are justified and even required from states in order to protect vulnerable individuals.

b) Right to self-defence and non-state actors

It is broadly accepted that Article 51 of the UN Charter may be invoked if an armed attack has been committed by non-state actors as long as it is imputable to a state.²⁷ The situation is more complicated if an actor acts on their own and is not supported by any state.

The United Nations Security Council in its Resolutions 1368 and 1373 after the events of 11 September 2001 condemned “in the strongest terms the horrifying terrorist attacks” and regarded “such acts [...] as a threat to international peace and security,” but it also expressed “its readiness

²⁴ Definition of Aggression (1974): Articles 1–3.

²⁵ Ibidem: Article 3(g).

²⁶ Geiss R. (2005): 246.

²⁷ Simma B. (2002): 117; see also: Greenwood C. (2002): 301, 314.

to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations”. Neither of these Resolutions limit the application of Article 51 only to terrorist attacks committed by state actors. Moreover, the wording of Article 51 itself seems to support the position that there is no limitation within the text of the said provision to state attacks only.²⁸

However, the International Court of Justice took an opposite view. In its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,²⁹ the Court stated that Article 51 of the UN Charter recognizes an inherent right of self-defence in the case of an armed attack by one state against another state³⁰ and therefore is limited to state attacks only.³¹

This view seems to be extremely restrictive and does not reflect state practice. Moreover, such an approach may clearly limit the scope of states’ responses that can be undertaken in order to protect public security in the situations of terrorist threats.³² After the events of 11 September 2001, the positions of states regarding the right to self-defence and the need of having effective and available tools of protection have evolved. For example, the Attorney General of the United Kingdom, in his statement of 21 April 2004 underlined: “The resolutions passed by the Security Council in the wake of 11 September 2001 recognised both that large-scale terrorist

²⁸ Wall (2004a): 242.

²⁹ Wall (2004): 139.

³⁰ Ibidem.

³¹ Congo v. Uganda (2005): 106.

³² Müllerson R. (2019): 759.

action could constitute an armed attack that will give rise to the right of self-defence and that force might, in certain circumstances, be used in self-defence against those who plan and perpetrate such acts and against those harbouring them, if that is necessary to avert further such terrorist acts.”³³ For these reasons, the restrictive reading of Article 51 of the UN Charter would be unreasonable as too constraining. This provision should be interpreted in a certain context that will be discussed below.

c) Imminence of a threat as a context for interpretation of Article 51 of the UN Charter

Another burning issue related to Article 51 of the UN Charter concerns a state’s ability to exercise the right to self-defence before an armed attack actually occurs. Namely, whether it can perform the anticipatory self-defence that is a concept of customary international law.³⁴

The text of Article 3 bis (a) of the Chicago Convention makes a clear reference to the UN Charter (to its Article 51 as discussed above). Article 51 of the UN Charter does not contain anything suggesting that States are allowed to take countermeasures in anticipation. Pursuant to its wording it is quite the contrary: an armed attack has to “occur” first and only after it “occurs” the right to self-defence becomes applicable. Such a reading would, however, remain in contravention to the object and purpose³⁵

³³ Statement of Attorney General, Lord Goldsmith, to the House of Lords (2004): 370.

³⁴ Brownlie I. (1963): 257; Higgins R. (1994): 248; Shaw M. (2003): 1208, Cassese A. (2005): 362.

³⁵ VCLT (1969): Article 31.

of the Chicago Convention that promotes peace, safety and recognizing every state's sovereignty over the airspace above its territory.³⁶

The UN Charter does not regulate directly all aspects of its content and the customary norms of self-defence are often used when interpreting Article 51. For example, it does not contain any specific rule whereby self-defence would warrant only measures which are proportional to an armed attack and necessary to respond to it, which is a rule well established in customary international law.³⁷ In light of common and unexpected terrorist threats, states are not required to remain passive in the situation of threats to their existence.³⁸ Thus, they should be able to exercise the right to anticipatory self-defence which constitutes nothing else but a context for interpretation of Article 51.

Pursuant to the established jurisprudence³⁹ and state practice⁴⁰, anticipatory measures have always been an intrinsic part of the right to self-defence. This right, according to the drafting history of the UN Charter, is upheld and not excluded by Article 51 of the UN Charter.⁴¹ Moreover,

³⁶ Chicago Convention (1944): Article 1

³⁷ Nicaragua v. United States of America (1986): 176.

³⁸ United Nations General Assembly (1982): 124; Iran v. United States of America (2003): 76; Nicaragua v. United States of America (1986): 193; Bosnia and Herzegovina v. Serbia and Montenegro (1993): 41.

³⁹ Nicaragua v. United States of America (1986a): 173; Waldock H. (1951): 498,503.

⁴⁰ For example: Pakistan's action in the region of Kashmir in 1950; Israel's air strike on Egyptian, Syrian and Jordanian military airfields in 1967; Israel's destruction of Iraqi nuclear reactor in 1981, the US bombing Libyan territory in 1986; or the US intervention in Iraq in 2003.

⁴¹ Franck T. (1970): 809, 821; Szabó K. (2014): 94.

according to the *Caroline*⁴² test, states have the right to anticipatory self-defence when (a) necessity of self-defence is instant, overwhelming, leaving no choice of means, and no moment of deliberation; and (b) the reaction has to be limited by that necessity, *i.e.* is proportionate to the threat.⁴³

Nowadays, terrorists intentionally choose resistless civilian objects instead of well-defended military targets.⁴⁴ The most vulnerable targets would be almost unavoidably destroyed if attacks were not prevented. Thus, anticipatory self-defence may be the only effective means of preventing terrorists from succeeding⁴⁵ and states should not be denied invoking this concept as a justification for their actions.

Conclusion

The concept of the prohibition to use weapons against civil aircraft in flight is undoubtedly right, in particular given the previous tendencies of states to overuse their sovereignty. However, as indicated in this study, the ban raises many interpretative doubts, which the drafters were already aware of at the stage of preparing the Convention. This also includes a question of how much absolute is the Convention. In light of modern terrorist threats, allowing states to use weapons only in the case of self-defence based restrictively on the UN Charter may prove insufficient. Consequently, the issues as the relation between Article 51 of the UN Charter and anticipatory self-defence or the possibility of invoking self-defence against non-state actors should be urgently addressed

⁴² See also: Murphy S. (2002): 50

⁴³ Webster (1841): 1137–1138.

⁴⁴ Just as it happened in Paris (2015) or in Berlin (2016).

⁴⁵ Müllerson R. (2019): 760

with due regard to contemporary terrorist strategies and technological progress. Only then the balance between protection of human lives on board and those on the ground can be preserved.

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**Social conflicts during the operation of state structures
in crisis situations in Poland.
The securological and legal approach**

Abstract

The purpose of this article is to analyse the internal security system of Poland. The author pays attention to the aspects of crisis management and indicates the factors that currently affect the concept of Poland's internal security. In addition, the author analyses legal documents in the area of national security, as well as scientific works in that field. He also characterizes the key state authorities responsible for non-military security.

Keywords: social conflicts, crisis management, security

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Introduction

With the beginning of 21st century, life as we know it rapidly gathered pace due to the ongoing globalization and advancement of civilization. The inhabitants of those countries that are termed as the First World regions function in haste, are absorbed in families, focused on work and usually restrict their focus to their immediate surroundings. This rushed lifestyle can cause accumulation of responsibilities – causing issues due to the lack of time and incoming new tasks that add to the workload. As a consequence, individuals encounter higher levels of stress, which compromises their capability for making decisions. Having in mind that higher levels of stress are a common companion of the contemporary society, it seems inevitable for it to escalate into a large-scale conflict in a certain territory. This conflict will, in turn, affect not only individuals but, most importantly, the organizational structures of a state. The main role of these institutions is to maintain order and assure continuity of government. Social unrest provides additional occupation for the structures that are obliged to interfere in order to neutralize the threat.

As the role of the individual is a fundamental element of the social construct, the subject of this work is considered important as a study project. That said, if the individual cannot handle stress and arising tension, the probability of issues appearing within the circle or group that the aforementioned individual is attending, rises exponentially.

The author of this work aims to define the role and the structure of social conflicts that hinder the functionality of national institutions in a crisis.

The author shall use analysis, deduction and aid of legal acts as well as academic texts dealing with national security,

social security, and crisis management. Their goal is to define properly a situation of crisis, crisis management methods and what departments are involved in the elimination of threat in the aforementioned situations. Moreover, the author shall analyse the problem of social conflicts, their types, and shall describe the work of public administration, as well as countermeasures for future occurrences.

Definition and nature of a crisis situation

The term 'crisis' defines an occurrence, internal or external, that comes as an direct or indirect threat to the society, its interests and organizations. A crisis has a culmination phase, in which unrest arises, creating threat to uninterrupted development and survival.¹ It is connected with a long-term disruption of labour, the realization goals, the stability of structures and organizations. This further develops into a threat to survivability. The main features that can help define a crisis include: the element of surprise, loss of control, lack of immediate reaction, pressure of time, missing or incomplete information, high tension, and threat to essential tasks.

In some sources, a *crisis* is equal to a *crisis situation*, even though they differ from each other in that a *crisis* is one of the elements of a *crisis situation*. The signs of the former may, though not necessarily, develop and lead to changes in an organization's structure. It can create a feeling of discomfort or disrupt continuity. Every *crisis* will be considered part of a *crisis situation*, but the statement cannot be applied in reverse.²

¹ J. Gryz , W. Kitler , *System reagowania kryzysowego*, publ. Adam Marszałek, Toruń 2007, p. 22.

² B. Kosowski, *Sprawne i elastyczne zarządzanie w kryzysie*, publ. Difin, Warszawa 2008, p. 24.

Even so, both are characterised by the same criteria, listed in the previous paragraph, as they affect the functionality of important structures.

If a government, as the power structure, is unable to respond quickly in order to suppress a crisis, this may lead to the loss of control, either for a shorter or longer period of time. In consequence, this leads to a *crisis situation* defined as “the sum total of internal and external occurrences that have touched over a system in ways that can shape it, prompting a set of changes”.³ Additionally, as: “a situation that has a negative impact on the safety level of people, property, or environment, creating restrictions on an administrative operations due to the lack of necessary forces and resources”.⁴ An important factor in dealing with a *crisis situation* is time. A swift response to the observed symptoms prompts action from public administration that is aimed at preventing further escalation. At this stage, it is necessary to implement the procedures and proceed with a crisis management plan, as provided for by legislation. This may include proclaiming a state of emergency (after a natural disaster⁵ or a national threat⁶⁷). It is essential to act in compliance with the established regulations – they define the scope of available resources

³ R. Wróblewski, *Zarys teorii kryzysu. Zagadnienia prewencji i zarządzania kryzysami*, publ. Akademia Obrony Narodowej, Warszawa 1996, p. 10.

⁴ Act of 26 April 2007 *on crisis management*, Journal of Laws 2007, no. 89, item 590, Art. 3.

⁵ Act of 18 April 2002 *on the state of natural disaster*, Journal of Laws 2002, no. 62, item 558, Art. 3.

⁶ *Constitution of the Republic of Poland* of 2 April 1997, Journal of Laws 1997, no. 78, item 483, Chapter XI, Art. 228–234.

⁷ Ordinance of the President of the Republic of Poland of 16 March 1928 *on the state of emergency*, Journal of Laws 1928, no. 78, item 443.

according to law. Such an approach will restrict the occurrence of undesirable effects.

Taking into consideration a *crisis situation* with respect to the society and social safety – satisfaction takes on different properties and factors. In a social context, it becomes a turning point, an emotional situation that carries significance and affects various social groups that may feel threatened by an unexpected change. Usually it is a natural occurrence – one that arises everywhere, in every society and nation. A result of these changes might be a modification in the structure and function of an entity.

Every *crisis situation* may, though not necessarily, turn repeatedly into a *crisis* and its dynamics, that is its time of occurrence and intensity, may change. It is caused by the possible lack of or significantly restricted restoration of the original state. Because of this the length of time elapsing between the first symptom of a crisis and the first countermeasures is a priority.

A crisis situation and its management in a nation

Due to its special character, a crisis situation affects public security, including the local community directly impacted by the crisis. The situation can occur anywhere, thus posing a threat not only to inhabitants, but also infrastructure and environment.

In order to deal effectively with a *crisis situation*, public administration departments cooperate within an established crisis management system. A system like this functions to protect lives, workplaces and a broadly understood social environment. It is also used to provide aid to victims of war and eliminate consequences of natural disasters.

The system includes different levels of administration, such as: crisis management teams, consulting teams, and centres focused on crisis management that operate 24/7.⁸ There is also a prepared collection of rules and regulations as well as instructions for institutions in time of crisis.

According to Art. 2 of the *Crisis Management Act* crisis management means “all necessary actions taken by public administration as a part of national security management, the main task of which is crisis prevention, preparation for taking control them through planned activities, response in the event of a crisis situations, removal of the effects and recovery of resources as well as reconstruction of critical infrastructure.”⁹ Basing on the cited definition, four phases of crisis management implemented by state authorities and institutions can be distinguished, namely: prevention, preparation, response, and recovery. An important correlation between individual phases is their overlapping which allows for free transition from an earlier to a later stage of crisis management.

In the prevention phase, actions are taken with the main goal of anticipating as well as reducing and limiting the possibility of a crisis situation or its complete elimination.¹⁰ These include, first of all, the analysis of possible threats and assessment of sensitivity to specific factors, conducting and supporting applied research and technology transfers, raising public awareness of possible dangers, as well as running the educational system in terms of counteracting them. It is also necessary

⁸ Crisis Management System in Poland <https://www.gov.pl/web/rcb/zarzadzanie-kryzysowe2> (access 20 June 2020).

⁹ Act of 26 April 2007 *on crisis management...*, op. cit., Art. 2.

¹⁰ The article also provides for an obligation to extend adequate support to the Polish Armed Forces, which are participating in preventing and reducing the effects of a threat under crisis management.

Act of 26 April 2007 *on crisis management...*, op. cit., Art. 3.

to establish an appropriate system of financial restrictions and adequate resources to guarantee efficient coordination.

The preparation phase is based on the planning sphere and development of a crisis management plans which includes information on when and what actions will be taken given the human and material resources available. An important element is to update the legal regulations so that the activities performed are carried out in an effective manner by means of a unified command post, a crisis communication system and a system for alerting the cooperating entities about the changes taking place. Preparation also includes provision of specialized equipment and adequate training of people to engage effectively in the removal of a crisis situation.

The next stage of crisis management is the phase of response, which takes place after the actual effects of the incident occur. Its task is to launch appropriate actions to minimize or limit any possible damage and start rescue operations to support and help the injured people and prevent secondary losses and damages. During that phase the authorities competent in matters of data collection and processing further analyse the complications of the crisis situation and possible implications of legal decisions.

The final but no less important phase of crisis management cycle is the phase of recovery. Reconstruction continues until all systems guaranteeing the safety of the unit and property return to their original state or a better one. Due to the multiplicity of complications and the extent of damage, this phase can be divided into short-term and long-term.¹¹

¹¹ J. Piwowski, M. Rozwadowski, *System zarządzania kryzysowego jako element bezpieczeństwa narodowego*, pub. Wyższa Szkoła Biznesu i Przedsiębiorczości w Ostrowcu Świętokrzyskim, research paper ASO.A.7(1)/2016, pp. 348–351.

The short-term consists in restoring operability of the systems necessary to function in terms of basic operational standards (ability to operate). It also involves reconstructing objects in terms of technical, organizational, psychosocial and sociological aspects.¹²

The different phases of the crisis management cycle overlap, so it is difficult to define the boundaries between them. Importantly, crisis management is a continuous process that requires uninterrupted activity (within the security chain).¹³ In order for these phases to run smoothly, it is necessary to establish and develop the principles and competences of persons and bodies obliged to take specific actions at specific stages in advance.

These crisis management principles that govern coordination, risk categorization and accountability include:

- primacy of the territorial system – recognizes the territorial system of the state as the basic structure of this model and reduces the sectoral system to an auxiliary function;
- one-man management – decisions are made by one-man, with full acceptance of responsibility;
- responsibility of public authorities – they assume competence and responsibility to make decisions in a crisis situation;

¹² Long-term reconstruction may take many years until the effects are completely resolved, thus restoring the entire crisis area to the normal state.

¹³ A sequence of cause-and-effect activities, thanks to which the smooth operation of public administration bodies and their subordinate entities is maintained in the event of a crisis. As a result of these undertakings, the authorities have a clever vision and specific procedures for cooperation and counteracting their effects.

- unification – granting administrative authorities general competences guaranteeing fulfilment of the responsibilities they have been charged with;
- categorization of threats – consists in the classification of threats into separate groups according to the type and spectrum of impact, as well as assigning them to specific legal solutions;
- universality – crisis management is organized by public authorities in cooperation with the specialized institutions and organizations operating in the public space.¹⁴

The activities included in crisis management are a more or less effective response to the multitude of non-military (natural and anthropogenic) and military (political and military crises) threats. Moreover, as many experts believe, they are an integral part of the national security and defence system. Their purpose is to reduce the likelihood of a crisis situation at the time of their taking control over them, as a result of which it is possible to restore the original functionality of the state.

The phenomenon of social conflicts and their variants

One of the concepts most frequently analysed by social scientists is the definition of conflicts that occur in society, in the workplace and within various organizations. This term is difficult to standardize due to its broad spectrum as well as the accompanying generalizations that do not reflect the intensity of the dispute or its possible course.

¹⁴ J. Piwowarski, M. Rozwadowski, *System zarządzania kryzysowego jako...*, op. cit., p. 351.

The concepts of conflict presented above make it possible to consider its constructive and functional aspects in terms of its effects on society.

The etymology of the word conflict is derived from the Latin *conflictus*, meaning a collision, which is often defined as a clash, contradiction of aspirations, dispute, incompatibility of interests or views. In sociology, this term is “usually associated with dissimilarity or contradiction of individual or group interests resulting from a limited access to goods, which creates the basis of a conflict”.¹⁵ So it is a situation involving at least two sides, as a result of which there is a clash of opposing views, values or interests at a specific place and time, preventing peaceful coexistence.

According to researchers, a conflict is a “situation of emotional and intellectual involvement arising from social contact, which leads to the distortion of ties connecting people and is the cause of difficulties in establishing and maintaining interpersonal contacts.”¹⁶ In conclusion, the previously mentioned *conflictus* is not only the struggle of entities for specific goods or values, but it is also a situation in which relationships are damaged and sometimes even completely destroyed. Disagreement between people or social groups takes place when opposing views are confronted, the aim of which is to implement previously established assumptions. Additionally, considering the essence and nature of man, about therefore

¹⁵ Encyklopedia Państwowego Wydawnictwa Naukowego <https://encyklopedia.pwn.pl/haslo/konflikt-spooleczny;3924927.html> (access 31 July 2020).

¹⁶ J. Borkowski, M. Dyrda, L. Kanarski, B. Rokicki, *O konfliktach i negocjacjach*, publ. Wyższa Szkoła Informatyki Stosowanej i Zarządzania, Warszawa 2000, p. 11.

T. Hobbes¹⁷ wrote that among others, a worldview conflict is an unavoidable situation.

Another definition is included in the *Słownik terminów z zakresu bezpieczeństwa narodowego* (Glossary of National Security Terms), where conflict is presented as “a peculiar kind of a relationship between social groups (or their parts) that arises when their members are convinced that there is a conflict of interest between them and that the vital needs and interests of one group are prevented from being satisfied by the other.”¹⁸ This perception of conflict indicates it as a zero-sum game,¹⁹ where one party meets its needs, while the other is left with nothing. In the above period, the cause of the dispute is not only the opposition of interests in themselves, but man himself as an individual, opting for a specific interest and its subjective view. A similar situation occurs within social groups, thus also putting a group’s interests ahead of the rest of society. This contradiction also occurs in groups with similar goals, but incompatible due to the existence of discrepancies in the presented political, cultural, and religious postulates or traditions.

Basing on the abovementioned definitions it can be assumed that a conflict is a dispute between at least two social entities with specific goals that perceive the other party as a barrier or obstacle to achieving their goals. The concept

¹⁷ T. Hobbes (1588–1679) – an English thinker and philosopher who in his work entitled “Leviathan” described the relations of the state of nature occurring between people according to the principle “man is wolf to man”, according to which man is the greatest threat to himself – *bellum omnium contra omnes* – the war of all against all.

¹⁸ *Słownik terminów z zakresu bezpieczeństwa narodowego*, publ. Akademia Obrony Narodowej, Warszawa 2008, p. 64.

¹⁹ J. Stewart, *Bridges Not Walls. A Book about Interpersonal Communication*, publ. McGraw-Hill, Ontario 1995 p. 490.

of *conflictus* implies that there are various possibilities of creating tensions in society caused by social discontent, unfavourable geopolitical situation, collapse of the economic market and its fluctuations, any discriminations on grounds of income, worldview or cultural and social reasons. Thus given the numerous reasons for the occurrence of unrest, it is impossible to predict which of events or situations will cause a sudden increase in social discontent.

By analysing the terms of the phenomenon of a social conflict, it can be observed that for a conflict to occur certain conditions must exist as a result of which it may develop: the existence of at least two or more parties affected by the conflict; actions taken by each party must be opposed to each other; it takes place when there is a shortage of certain goods for all entities; the aspect of power is a key element in the dispute; the behaviour assumed during a conflict is destructive towards the opponent; there is a clear line in the social relations of the warring parties.

Based on the circumstances of the conflicts, S. Chełpa and T. Witkowski²⁰ divided conflicts into five individual phases, with the following distinctions: escalation, settlement and resolution of the dispute, and compromise reached by the parties. The first phase is characterized by the occurrence of a small tension between the parties, which is the beginning of the appearance of conflict detectors, which proves an exacerbation of the dispute. The second phase, called by researchers the phase of mutual hostility,²¹ is the stage

²⁰ The phases of conflicts are presented differently by various authors. More in: W. Skrzyński, M. Dyrda, *Wykłady z psychologii społecznej*, pub. Naukowe Medium, Warszawa 2003, p. 202.

²¹ S. Chełpa, T. Witkowski, *Psychologia konfliktów*, pub. Oficyna Wydawnicza UNUS, Wałbrzych 1999, p.151.

of increasing negative assessment of the opposing party and the manifestation of hostile behaviour towards it by members of the other group. The third stage is the situation of the so-called climax of the subsequent conflict. During it, the current tension between the parties is released because of a disagreement, whereby rational arguments usually are not recognised. The fourth phase takes the form of internal contemplation (quiet phase), when each of the parties to the dispute is ready to enter a peaceful dialogue and separate the existing emotions from the presented arguments. Equally important, if not the most important, is the last phase of the conflict, as a result of which the groups of stakeholders establish an understanding and work out their positions and the interests they present, enabling their coexistence with the rest of the society.

An important element on the basis of which a conflict and its causes are analysed is to identify the hotspot and subject it to a detailed investigation, breaking it down into key factors. This approach makes it possible to draw the right conclusions, as well as accurately trace the attitudes of entities towards each other, their positions and the goal they were trying to achieve. Frequently, getting into conflict may indicate a low level of emotional intelligence²² or a lack of soft skills, the competences that determine how an individual or

²² According to D. Goleman, one of the main elements creating the structure of human personality is emotional intelligence, which is part of self-awareness, independent of the intellect possessed. Simply put, it is the ability to show empathy and the ability to behave in society by influencing one's own emotions. It consists of: knowing one's emotions; managing emotions; the ability to motivate oneself; recognizing and maintaining relationships with others. More: D. Goleman, *Emotional Intelligence*, publ. Bantam Doubleday Dell Publishing, New York 1996. pp. 446–457.

a social group behaves, how they communicate with other people or how they organize their work and activity. According to David. J. Deming's²³ research there is a steady increase in the need for people with soft skills.

Due to the extensive and imprecise conceptual definition of a conflict as well as the different perception and interpretation by researchers in the field of psychology and sociology, it is possible to distinguish several types of conflicts. Given its nature researchers are able to select the most common ones, including interpersonal conflicts, internal conflicts, intra-group conflicts, inter-group conflicts, as well as international and global conflicts. From the point of view of this article, the author will focus on the first four types.

An interpersonal conflict arises when two or more people experience a clash of conflicting views, different interests or goals that are followed by individuals.²⁴ In such a conflict there is not only an unhealthy competition between the disputing parties, but also a struggle for privileges and position in the group to which they belong begins. This situation is so dangerous that it may lead to a division within a given community and contribute to the evolution of the conflict on a larger scale.

A conflict of an internal nature can be considered when for a given individual there are at least two incompatible values that are equally attractive. An additional difficulty in deciding may be the contradictory pieces of information reaching the recipient or the influence of third parties in their close proximity. When an individual is under the long-term effect of that contradiction, this state may change the functioning

²³ D.J. Deming, *The growing importance of social skills in the labor market*, National Bureau of Economic Research, May 2017.

²⁴ J. Stewart, *Bridges Not Walls. A Book about...*, op. cit., p. 53.

of that individual in the society or their total exclusion from participating in public life.

An intra-group conflict affects groups operating in the society as well as some of their representatives who do not support the values and norms, question their position in the hierarchy, as well as do not agree with the rules prevailing in the community. As it happens the beginning of this type of conflict is deliberate opposition and breaking the set rules for selfish reasons.²⁵ Such actions lead to a change in the functioning of the group through its disintegration and destabilization, emergence of divisions that may affect the group – working out new, better solutions or be destructive by leading to a group split.

The fourth type of conflict is an inter-group conflict that occurs as a result of a collision of several groups whose aspirations lead to conflicting activities or interests with positive effects for one group and negative for other groups.²⁶ This is the least predictable conflict, due to the size of a given group, the forces and resources at their disposal needed to achieve the goal set in advance. It happens that the competing sides try to destroy or disintegrate the opponent's internal structure.

Those types of conflicts describe the sphere of relations that take place between individual entities participating in social life. An important aspect in conflict analysis is to find out what exactly the dispute is about, what is its original nature (value). Over time, it becomes blurred due to the surrender to one's emotional instincts, and as a result people turn reluctant towards the other side rather than display genuine will to reach a compromise.

²⁵ J. Borkowski, M. Dyrda, *O konflikcie i negocjacjach...*, op. cit., p. 31.

²⁶ Ibidem, p. 32–33.

An American mediator, C. W. Moore, who created the model (Moore's Circle²⁷), focused on the specific nature of conflict, where he distinguished the following types of disputes: conflicts of values, interests dispute, data conflicts, structural conflicts and conflicts in relationships. According to the mediator, a single conflict may have several causes at the same time.

A conflict of values is the difference in the professed traditions and ideological attitudes that determine the way a person perceives the world around them. Depending on the type of attitude of a given person, he or she may share the *us-them*²⁸ environment and to a greater or lesser extent accept tolerance for religious or cultural differences.

A relationship conflict comprises several factors, as well as the nature of those involved. These are: poor communication resulting from the disruption of the message at the sender-recipient level leading to an incorrect or disturbed verbal communication; misperception is closely related to poor communication (intentional or unintentional), as a result of which the parties attribute to themselves a wrong set of character traits for their behaviour; being guided by strong emotions that make it impossible to perceive rational solutions to the existing situation.

A data conflict occurs when the presented data is misunderstood or when the data is misinterpreted, often combined with a lack of information.²⁹ The cause of this conflict is:

²⁷ C.W. Moore, *The mediation Process. Practical Strategies for Resolving Conflicts*, pub. Jossey Bass, San Francisco 2003.

²⁸ In the case of this conflict, the subjectivism of a given individual or a group of stakeholders is of great importance, e.g. through social comparison, i.e. the cognitive process of oneself in relation to the beliefs of people around us.

²⁹ M. Koter, *Konflikt interpersonalny*, [in:] L. Kanarski, M. Koter, K. Loranty, I. Urych, *Spółeczne uwarunkowania bezpieczeństwa*.

misunderstanding the data –drawing incorrect conclusions; a wrong way of receiving information due to one's status, e.g. social status; lack of or insufficient amount of received information resulting in tension caused by inability to relate to the data, making the individual feel threats to their goals and perceive the situation as an attempt to manipulate them.

A structural conflict is a manifestation of insufficient resources, e.g. the number of personnel, time, or the lack of definition of social roles. This dispute is conditioned by uneven distribution of human resources, leading to a division into a more and less elite social groups. Time plays an important role, affecting the efficiency of entities and disproportionate control over the resources held within the group, e.g. when deciding on the allocation of the social fund the opinion of the CEO of a company is considered to be more important.

In his 2015 publication, M. Koter³⁰ points out that a conflict of interest is a phenomenon of a competition between individuals or social groups for non-constitutional goods, where the so-called zero-sum game is played. It consists in satisfying one's needs at the expense of the others in the following areas: psychological needs³¹ (for example justice), material goods, or matters relating to specific procedures. The parties involved in the dispute are primarily concerned with the fulfilment and satisfaction of their needs or the needs of the group they belong to. They are related to satisfaction

Wybrane zagadnienia psychologii i socjologii, pub. Akademia Obrony Narodowej, Warszawa 2015, pp. 223–247.

³⁰ Ibidem, p. 231.

³¹ The participants in the dispute about the nature of psychological needs are not focused on obtaining material benefits from a given conflict, but changes in the functioning of a given group as well as satisfying important mental or moral needs, e.g. a sense of equality or compensations for unequal treatment.

with the achieved results of their activities and the previously mentioned intangible benefits. Additionally, in order to establish cooperation with the other party, they must be treated with due respect, fairness and equality. The key condition in the process of constructing solutions and durability of the agreements reached is to define the preferences of each of the parties involved in the conflict.

The role of conflicts in society

Both in human mentality and consciousness, there are convictions, attitudes and views relating to the issue of coping with the existing social conflicts as well as preventing these events. Researcher D. Litwin-Lewandowska, in her book entitled “Zmiana kultury konfliktów społecznych”,³² distinguished three perceptions regarding interpersonal disputes: first they occur during crisis situations in which the most effective way to resolve them is to fight them; disputes are present as one of the elements of human life; the third perception is that an individual has no influence on conflict prevention.

When analysing the individual perceptions mentioned by the author, it can be noticed that they lead to accepting the statement that conflicts are widely accepted as an inevitable and important part of human existence³³ and treated as an effective method of eliminating differences in social life. Such thinking may lead to the conclusion that their character must be negative – constituting a significant obstacle

³² D. Litwin-Lewandowska, *Zmiana kultury konfliktów społecznych*, [in:] TEKA Komisji Politologii i Stosunków Międzynarodowych, no. IV, publ. Państwowa Akademia Nauk, Lublin 2009.

³³ W. Ury, *Getting to Peace: Transforming Conflict at Home, at Work, and in the World*, publ. Viking, Michigan 1999, p. 22.

on the path of mankind, or positively leading to changes, as an outcome of which *homo sapiens* developed better and more durable models of social behaviour.

The distinction between constructive and destructive conflicts was rightly interpreted by J. Stewart, who distinguished them during the analysis of interactions between people. The main difference that separates them from each other is that “constructive conflicts are realistic, meaning that they focus on real problems that can potentially be resolved by the parties involved. While destructive conflicts are unrealistic, meaning they are measured by a manifestation of aggression aimed at overcoming or hurting the other side.”³⁴ Regarding the first interaction described by the author, it can be noticed that both the attitudes and behaviours of individuals are flexible. While during the occurrence of a destructive interaction, they are characterized by the lack of this variability. Moreover, the method of a constructive dispute resolution is assumed to be based on the possibility of implementing smaller or larger parts, determined by the opposing parties. It takes place when the conflicting parties show a willingness to cooperate over and above their differences. On the other hand, a destructive conflict is reduced to a zero-sum game, leading to the total victory of one side over the other.

With the occurrence of the phenomenon of social conflicts in everyday public life as well as the multitude of social entities that it affects, there is a justified fear that those conflicts will turn into a situation where large areas of dispute arise. The scope of a potential conflict should be perceived from the viewpoint of a narrower or wider spectrum of its occurrence – and what is related to it, its intensity and its leading

³⁴ J. Stewart, *Bridges Not Walls. A Book about...*, op. cit., p.490.

to a social crisis. Due to the possible nature of a potential conflict, the number of people participating in it and its potential scope (local, regional or national) it may take the form of mass demonstrations, through which it is possible to present the views of one's group to a large audience.

Social conflicts during crisis situations

The fact that conflict is an inseparable element occurring in various spheres of human life (at work, at school, in the circle of friends, trade union or society in general). Along with the changes taking place in the technological, cultural, economic, and demographic areas, there is a growing number of people actively participating in social life.³⁵ Thus, there is a larger number of people who may be potentially involved in the conflict.

The event of social conflicts is not assigned to a given situation that currently prevails in a country. In the absence of threats, in which the functioning of the state is not disturbed, the allocation of appropriate resources necessary for monitoring and exercising control over the safe course of this conflict is small. However, this is not always a situation of "peaceful" threats. The occurrence of social tensions presents itself differently when there is a simultaneous threat to security. The moment the crisis occurs, public administration structures³⁶ and their subordinate security services (the police³⁷

³⁵ W. Skrzypczak, *Geografia społeczno-ekonomiczna*, publ. Efekt, Warszawa 1998, p. 27.

³⁶ Act of 4 September 1997 *on the activities of government administration*, Journal of Laws, no. 141, item 943, Art. 38.

³⁷ Act of 6 April 1990 *on the police*, Journal of Laws, no. 30, item 179, Art. 1.3.

or municipal police³⁸) have reduced human and material resources at their disposal. This allows allocation of some forces and resources necessary to act on site of the event. In addition, the authorities at the appropriate level of administration implement crisis management plans in order to enable the entities participating in rescue operation take more efficient actions.

When carrying out projects envisaged for individual services in the response phase, these units are under time pressure on which the health and life of many people depends, but also on the scale of effects resulting from this situation. The difficulties in carrying out a precise rescue operation are: the prevailing weather conditions, difficulties caused by the panic of the population, lack of specialist equipment, as well as insufficient number of qualified personnel. The occurrence of a conflict of a social nature would constitute an additional burden on law enforcement entities and force them to redirect some of the units to secure the situation. In the case of a peaceful dispute, e.g. in the form of a demonstration, there is no serious threat to the gathered participants and the bodies actively participating in crisis operations. Each side of the conflict is able to present their arguments or expectations towards the opposing side and establish a social dialogue, which is often a creative factor as an outcome on which a compromise is achieved. However, the situation is different at the time of a dysfunctional conflict. Its elements are strengthened in presenting aggressive social attitudes, such as anger, dissatisfaction, willingness to change – often without considering the long-term consequences resulting

³⁸ Act of 29 August 1997 on *municipal police*, Journal of Laws, no. 123, item 779, Art. 1.9.5 and 1.9.11.

from the decisions made. It also should be remembered that the ringleaders of this type of behaviour deliberately take actions during critical situations in order to use them to their advantage and achieve the articulated postulates. Due to the dynamic nature of social dissonance, this event is usually difficult to predict and requires constant monitoring of the environment by specific law enforcement institutions. The dysfunction of this type of conflict consists in taking the form of a strike, blockades of traffic or public institutions, e.g. hospitals or law enforcement facilities³⁹ that are the key factors due to the occurrence of a crisis situation.

In the event of a road blockade that took place in the key areas of Poland in 2019 due to the farmers' strike,⁴⁰ the access of emergency services, whose main task is to quickly reach the scene and provide immediate assistance to the injured, was impossible. As a result of this situation, the management centres responsible for coordinating and supervising the services were obliged to designate a substitute route and redirect the necessary forces. Any extra tasks generate delays that extend time of response, cause disorder and increase the degree of threat to human life and health. In addition, detours contribute to greater consumption of resources, e.g. fuel, excessive use of vehicles or specialized equipment.

³⁹ In November 2020, there was a strike organized by the National Trade Union of Nurses and Midwives, the purpose of which was to force the government to make necessary changes to the regulations. Those changes were to improve the conditions and quality of work and wages of nurses and midwives. The conflict that arose was caused by the excessive hours that medical personnel had to work during the designated shifts due to the shortage of staff and the possibility of proper rotations between night and day shifts. Article by Adrianna Rozwadowska published on 11 December 2020 in *Gazeta Wyborcza*.

⁴⁰ *Protest rolników w Warszawie. Centrum stolicy zablokowane na kilka godzin*, Newsweek 3 April 2019.

An equally important element of crisis management is the allocation of such forces and resources to the areas of the where they will be able to secure the demonstrations and, if necessary, will proceed to end them in case of a threat to public order.⁴¹ The location of the units constituting the peripheral reserve in a region other than the area affected by the crisis makes it impossible to redirect them quickly enough to support the services that carry out tasks at the scene of the event.

Conclusions

When symptoms of a social conflict are detected by the competent authorities during a crisis situation, it is necessary to take immediate preventive measures in order to limit the number of potential victims due to the prevailing threat. It is important that the authorities have adequate human resources and equipment, the use of which will not raise doubts as to the actions taken to protect human life, health or property. Additional burdens for the management system in the field of crisis management and entities participating in preventive and rescue activities in the risk area constitute a challenge for these authorities. The need to monitor two separate events, as well as the involvement of services from the administrative area, strains the available resources and weakens the effective functioning of the authorities. A significant issue that affects the assurance of safety, public order and sense of satisfaction and belonging of individuals and stakeholders' groups to society is an appropriate social

⁴¹ Act of 24 July 2015 *on assemblies*, Journal of Laws, item 1485, Art. 20.1.

policy. By ensuring the possibility of undisturbed existence, professional and intellectual development, education, as well as building social awareness and emotional intelligence, a high level of social order is effected. Thanks to such activities, state entities minimize the possibility of a situation in which there may be a rapid increase in dissatisfaction among the population. The extreme manifestation of this is the occurrence of a dysfunctional social conflict hindering the efficient functioning and operation of public administration structures in non-threatening and crisis situations.

Social conflicts taking the form of a large gatherings, such as demonstrations or blockades of critical infrastructure not only hamper the work of public administration bodies and their subordinate bodies. Frequently, demonstrators think only of their own goals and benefits from organizing such a gathering, but they often forget about the possible, even violent, effect on bystanders. The negative aspects of social conflicts that hinder normal functioning pose a direct threat to the life and health of the population. Demonstrators who block the access routes to areas affected by the crisis because they want to force the authorities to accept their demands also make it impossible to move to an area that is not under direct threat.

This article deals with the presentation of crisis management as a specific form of managing the activities of state entities that implement projects in the field of prevention, preparation, response in the event of danger and reconstruction of the damaged areas by restoring the original state. The most important legal acts have been distinguished, containing a list of authorities involved in crisis situations, which have been assigned specific tasks for this period. The author has also taken up the subject of the phenomenon of conflict,

its occurrence between individuals, groups of interest or one that affects a significant part of society. Possible types of these disputes, individual phases of their course, methods of their possible resolution and their negative or positive character have been indicated.

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Lonely Citizen Effect: How is Democracy Influenced by the Growing Problem of Loneliness?

Abstract

The problem of loneliness is spreading across modern societies faster than ever before. The main aim of this paper is to demonstrate that this change has negative effects not only on the wellbeing of individuals, but also on the political stability of democratic societies. Loneliness-induced impairments of social cognition make citizens maintain a hostile perception of others and prevent them from looking for truth and participating in reciprocal relationships. Inability to regulate emotions makes them, in turn, prefer affective narratives instead of facts, as well as succumb to manipulations or join unpredictable, deindividuating, totalitarian-like movements. The combination of aforementioned effects may pose a great threat to democratic systems. A suggested way to improve this situation is to fill in the gaps of human emotional instincts and ineffectiveness of welfare institutions, which endorse psychological and physical social isolation. It can be done by using various sorts of innovative applications of modern technologies.

Keywords: loneliness, politics, democracy, social cognition, emotions, citizenship

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Introduction

COVID-19 pandemics gave every one of us the dubious pleasure of experiencing how social isolation feels like. However, can you imagine living in such a condition for a longer time or even for a lifetime? When the pandemic will finally end and we will be able to hug our relatives and shake hands with our friends, there will still be some people who will remain in their own psychological state of isolation. Many of them have already been experiencing it long before the lockdown. To better understand this situation, let us outline the difference between *objective* social isolation, which can be experienced while practicing social-distancing and staying at home, and *perceived* social isolation, commonly recognized as *loneliness*.¹ John Cacioppo, one of the most prominent scientists in the field of social neuroscience, described loneliness as a state of subjective discrepancy between one's preferred and actual social relations, leading to a negative experience of feeling socially isolated, even when among family or friends.² Loneliness is certainly not a novelty to the human race as social exclusion was one of the greatest life-threatening dangers for entities throughout thousands of years. Nonetheless, since the second half of the 20th century it has become a much more common problem. Even before the COVID-19 pandemic, 61% of Americans already felt lonely.³ What is surprising, the highest scores were obtained

¹ Cacioppo, Hawkley (2009).

² Cacioppo et al. (2015); The difference between loneliness and solitude is also worth mentioning as the first one represents a negative feeling which is not one's voluntary decision, whereas the latter relates to a conscious choice of avoiding social interaction for some period of time and must not have negative connotations.

³ Cigna (2020).

not among the elderly, but among respondents from Generation Z (79%) and the Millennials (71%).⁴ The situation in Europe seems to be relatively better as only 7% of respondents admitted feeling lonely, with the number being 10% for Polish respondents.⁵ On the other hand, objective social isolation was reported by 18% of the Europeans and 35% of the Poles.⁶

Researchers in this field point out various factors, which could be the reasons for such a situation. They stress the growing role of social media and radical individualism as well as the overall influence of neo-capitalistic structures, resulting in large-scale migrations to cities, a rising number of single-person households, automation of many jobs and the failure of welfare services in helping the citizens in need.⁷ The consequences of loneliness turn out to be not only of a psychological nature, but also affect the physical health of individuals. The correlation between the social isolation level and the risk of cardiovascular disease, Alzheimer's disease or premature death have been reported across many papers.⁸ Lonely individuals also suffer greater mental health problems, higher levels of stress and impaired cognitive functioning.⁹

John Cacioppo and William Patrick have distinguished three main factors, which are crucial for understanding

⁴ Ibidem; *Generation Z* – a generation of people born after the second half of 1990s.; *Millennials* – a generation of people born between 1980 and the first half of 1990s.

⁵ European Commission (2019).

⁶ Ibidem.

⁷ Hertz (2020); Hunt et al. (2018); Sagan (2017).

⁸ Ong et al. (2016); Holt-Lunstad, Smith (2016); Hawkey, Cacioppo (2010).

⁹ Okruszek et al. (2020); Wang et al. (2018); Boss et al. (2015); Cacioppo et al. (2014).

the causes and consequences of the state of loneliness: (1) level of vulnerability to social alienation (being a mixed result of the genetic and environmental factors), (2) emotional self-regulation skills (the ability to self-regulate the emotions associated with being isolated) and (3) social cognition (mental representations, expectations of others and reasoning about them).¹⁰ Meanwhile, all of the aforementioned factors exert influence on the perceived level of loneliness, only the latter two are also shaped by this state. That is, the more lonely individuals feel, the greater impairments in the area of social cognition and emotional self-regulation they suffer:¹¹

“When humans feel socially isolated, their brains, too, switch automatically into a self-preservation mode of information processing. As a result, when a person feels lonely, they tend to become more defensive and focused on their own welfare and self-preservation. [...] a lonely person may become more hostile and defensive when talking with people, [...] their brains show less activation in the area involved in understanding and sharing others’ emotions (empathy) and in understanding others’ viewpoint from their perspective (perspective taking).”¹²

The aforementioned effects can therefore make one not only unable to maintain satisfactory social interactions on a micro-scale, that is between single individuals, but also impair the overall quality of their civic participation in the society, making it an issue of a macro-scale. Just like the fundamental

¹⁰ Cacioppo, Patrick (2009): 14–15.

¹¹ Nowland et al. (2018); Cacioppo, Hawkley (2009).

¹² Cacioppo, Cacioppo (2013): 2.

concept of the social pact introduced by Jean-Jacques Rousseau required citizens to submit their particular wills to the collective will, in modern democracies citizenship requires its participants to sacrifice a certain part of their intrinsic freedom and self-preserving behaviour in order to make both harmonious and pluralistic society possible.¹³

In this paper I aim to present how impairments in the area of social cognition and emotional self-regulation, caused by loneliness, can negatively affect political attitudes and behaviour of citizens in modern societies. In order to make the analysis clear I shall divide the aforementioned implications into two subcategories with respect to the cognitive impairment they originate from: impairment of emotional self-regulation or impairment of social cognition.

Citizen with Biased Social Cognition

Loneliness-related impairments in the area of social cognition consist mostly in hyper-vigilance to social threats, which means that lonely people “are more likely to remember negative social events, hold negative social expectations and pay more attention to information that is socially threatening than non-lonely individuals.”¹⁴ This, on the other hand, enhances the influence of self-preserving attitudes and various cognitive biases. An example may be the selective and the attentional bias, which makes one focused on negative stimuli, or the pseudodiagnosticity bias, which is in turn a type of the confirmation bias.¹⁵

¹³ Rousseau (2004).

¹⁴ Bangee et al. (2014): 16.

¹⁵ Cacioppo et al. (2016); Han (2020).

Cognitive biases are defined as “systematic (that is, non-random and, thus, predictable) deviations from rationality in judgment or decision-making.”¹⁶ Depending on the specific type of bias they can influence one’s cognition in many different ways and circumstances, but they all bring about the same result – impaired rational thinking and reduced awareness of the actual characteristics of the situation. The citizens’ lack of objective understanding and predictability of the consequences of biases for human cognition can be easily taken advantage of by powerful and hence very dangerous tools of *dark sociotechnics*.¹⁷ Let us consider the concept of Orwellian *doublethink* and the way it was used to rewrite history, just like it was stated in the Party slogan: “Who controls the past, controls the future: who controls the present, controls the past.”¹⁸ Such manipulations are not just a creation of literary fiction. The events of the 20th century brought about multiple cases of historical negationism attempts, which were aimed at obtaining certain ideological or political goals, the examples of which are the denials of the Holocaust, Armenian Genocide, or numerous Soviet crimes.¹⁹ The society of unaware, predictable and manipulation-prone citizens would not be able to trace such discourse crimes and fight against their spreading.²⁰ Moreover, the effects of confirmatory bias could even make them

¹⁶ Blanco (2017): 1.

¹⁷ *Dark sociotechnics* is a term introduced by Adam Podgórecki and it refers to a situation in which sociotechnics is consciously used to produce harm. Podgórecki (1996): 27.

¹⁸ Orwell (2008): 37.

¹⁹ Radwan (2019).

²⁰ In this paper the word *discourse* is understood as “the use of language in speech and writing in order to produce meaning” (Oxford Advanced Learner’s Dictionary).

enforce such lies. If the first version of events they encounter was a manipulated one, then they would be avoiding evaluation of such “knowledge” by rejecting any opposing evidence and therefore maintaining the politically constructed historical narratives. This mechanism also applies to susceptibility towards pseudoscience and conspiracy theories. Once having succumbed to such beliefs, one tend to look only for the evidence reinforcing them, while rejecting evidence which could prove otherwise.²¹ A biased perception of the world can make citizens not only conformist and easy to manipulate, but even dangerous taking as an example anti-vaxxers or COVID-conspiracists, who can significantly impact health and life of other citizens by refusing to wear facemasks, spreading fake news about virus non-existence, or even by illegally entering isolation wards in hospitals.²²

Besides the issue of misinformation and being prone to discourse manipulations, lonely citizens have another very dangerous trait. As they are much more sensitive to social threats, they are also significantly more biased in terms of *me vs. others*, but also *us vs. them* divisions. Loneliness-induced self-preserving attitude, being the consequence of the first differentiation, could actually be described as an outcome of the influence that cognitive biases have on perception of reality. Many kinds of heuristics, such as naïve cynicism, actor-observer bias or self-preserving bias, make one more critical when assessing others and at the same time protective of one’s values and image superiority. However, the group-level issue seems to be much more threatening to political stability. By enhancing the stereotypes, attributing

²¹ Gilovich (1991).

²² Goodman, Carmichael (2020); Giles et al. (2021); Bieńczyk, Zasa-da (2021).

hostile intentions to opposing groups and assuming superiority of one's own group, strong intragroup bias leads straight to political and ideological polarization. Consequently, this can have dramatic effects on both national and global political stability. Lonely citizens view *others* as a potential threat, which means that working out any kind of trust and social capital would be quite challenging in a loneliness-dominated society. Marcin Król, one of the most remarkable Polish political philosophers, wrote:

“Brotherhood, understood as friendship, is a condition for the democratic community to exist. But what we ought to do, if we differ so much, that we simply cannot get along? Well, friendship, and thus the community, should be of a minimalistic character.”²³

The suggested direction of trying to work out at least a minimalistic-level friendship between citizens seems to be a promising solution for diversified, pluralistic societies. Lately, however, antagonistic and vicious feelings have reached such a point where even this idea seems impossible. That is the reason why *the politics of threat* can be considered yet another effective sociotechnical tool to be used on lonely, threat-sensitive citizens. Such population is much easier to manipulate into anti-minorities narratives and discriminatory behaviour or attitudes. It is based on framing the discourse about certain minority groups in such a way that it presents them as a threat to the majority's safety, wellbeing or cultural values and therefore triggers negative reactions

²³ Król (2017): 172; All of the cited Polish texts were translated by the author of the paper, unless stated otherwise.

towards these groups.²⁴ In most cases, the actual level of danger is additionally overrated due to the threat-spreading discourse used by the media.²⁵

Even in more homogeneous societies, where intergroup polarization is not necessarily an issue, a different disadvantageous kind of loneliness-induced trait may emerge. An aggregated effect of social hostility and self-protecting attitudes would result in the egoistic understanding of the concept of community, therefore preventing active citizenship.²⁶ A lonely citizen would rather ask what the community can do for them than what they can do for the community.²⁷ They would focus mainly on fulfilling their own needs, while avoiding the responsibility of providing for the community as well. A society of such entities will obviously face the *free-rider* problem, which is well-known across democracies. To grasp a better understanding of why reciprocity, crucial for the development of *tit for tat* relations, does not exactly work in modern individualistic societies, an anthropological perspective should be briefly introduced. In the classic work of Marcel Mauss, “The Gift”, various forms of maintaining reciprocity are discussed.²⁸ Maori people believed, for example, in *hau*, a spiritual power of things, which forces the individuals to accept gifts and pass them on, therefore upholding the circulation of wealth.²⁹ On the other hand, the rituals like *Potlatch*, or its Melanesian version called *Kula exchange*, besides relying on the sacral, spiritual part of the tradition,

²⁴ Hertz (2020).

²⁵ Gadarian (2010).

²⁶ Malon (2020).

²⁷ The original version of this statement was used in John F. Kennedy’s Inaugural Address in 1961.

²⁸ Mauss (1954).

²⁹ *Ibidem*: 9.

were aimed also at demonstrating one's own superiority and social status.³⁰ Now, considering modern religious and moral relativism, as well as the replacing the capital embedded in social relations (and hence one's social reputation) with placing it in material goods, it becomes more understandable why reciprocity is much more difficult to maintain nowadays. For a lonely citizen, the perceived social threat is so unsettling that it will not allow them to believe in any sort of sacral or spiritual assurance, or rely on other citizens. Therefore, in a lonely society there can be no real community - there are only *particular will*-driven individuals playing simultaneously within the rules of law.

Citizens with Impaired Emotional Self-Regulation

Emotion regulation refers to one's ability to overcome one's automatic emotional response by deliberately controlling their interpretation of the stimulus and reaction to it.³¹ The evidence from both neuroscientific and psychological studies indicate that lonely subjects are less efficient in emotional self-regulation than the socially connected ones.³² The effects of these impairments on civic behaviours and attitudes can be divided into two groups of results: the first group as a *direct* outcome of the inability to manage one's own emotions and the second group as an *indirect* result of the way lonely individuals are trying to deal with their unfulfilled social needs.

Beginning with the first one, it should be noted that emotions, while being extremely important from the functional and evolutionary perspective, in many cases display their

³⁰ Ibidem: 72.

³¹ Ward (2017): 134.

³² Kong et al. (2014); Vanhalst et al. (2018).

maladaptive influence as well. Having in mind the findings of Antonio Damasio, who showed that patients with lesioned ventromedial prefrontal cortex not only became emotionless, but also were unable to make any reasonable decisions, we know that emotions are necessary even for the seemingly most logical processes.³³ The topic of emotions seems to be especially important in the discussion of democratic societies, because on average their citizens are not specialists in political science. Therefore, their political behaviours or attitudes are based mainly on gut feelings, moral intuitions and emotional evaluations, while the logical political, economic or philosophical reasoning plays a minor part here.

Jonathan Haidt, an American social and moral psychologist, describes extensively in his book, “The Righteous Mind”, how the interaction between rationality and emotions shapes the way we perceive and act upon the political reality.³⁴ He metaphorically depicts our gut feelings as an elephant, steering the general direction of the attitude, whose will can be only more or less corrected by the rider on its back, depending on his proficiency in persuading the elephant.³⁵ Now, if the riders in lonely citizens are not skilled enough to keep their elephants under any kind of control, they leave them out for others to be taken advantage of. Haidt also adds that conservatives are especially good at elephant-charming, because they know how to address all of the five moral intuitions in their political statements and simply understand their importance better than liberals.³⁶ In case of the procedural

³³ Damasio (2006); Ventromedial prefrontal cortex (vmPFC) is a cortical region responsible for emotional responses.

³⁴ Haidt (2013).

³⁵ *Ibidem*: 52–54.

³⁶ *Ibidem*: 180–182.

democracy, the opportunity to manipulate citizens' moral emotions is typically vastly misused during election campaigns. Król calls attention to the example of political program quality:

“During the last decades a serious degradation of their substantive content occurred. As we know that *quantity* does not read, politicians abridge their programs to one word, a sentence, at most – a paragraph. There are dozens of examples and the restrictions which Twitter communication sets only add up to this brevity.”³⁷

The replacement of a discussion with some catchy slogans restricts such an important decision as the election vote almost entirely to manipulation-prone moral and emotional content. Therefore, in a society of overemotional voters democracy may no longer be able to serve all of its citizens by working out compromise solutions, but instead may become the tyranny of a majority, or – what is even more threatening – a majority of *believers*. Examples from history indicate that when Milan Kundera suggested in his novel that claiming “My conscience is clear! I didn't know! I was a believer!” lies at the very root of human irreparable guilt, he was probably right.³⁸ After all, too many monstrous ideologies became powerful just because of their virtuosity in making masses believe and feel.

³⁷ Król (2018): 106; Król refers to *quantity* as an area of the most important, deepest changes in the past 200 years, subject to ever growing numbers of such things as: “people, goods, inter-institutional relations, voters, forum users, terminally sick people.” (Król (2018): 45).

³⁸ Kundera (1987): 211.

The ability to manage citizens emotions in order to attain some particular goals is a widely used move in the so-called post-truth era.³⁹ According to Oxford Dictionary, post-truth “relates to or denotes circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief.”⁴⁰ The political discourse is therefore contaminated by post-truth as well. Objective arguments are being overridden by their affective caricatures, because, as Król explains, “Citizens are not interested in facts anymore, they don’t know them. For they are drowned in a narrative, thus, in a fairy-tale about the facts.”⁴¹ The concept of *narratives* introduced by Jerome Bruner is indeed based on the replacement of facts with the “life-likeness” of the story. However, as Haidt and Craig explained, the narrative mode is still the most accessible form of thought for humans and plays the biggest part in moral information processing, because it provides a coherent, available way to make sense of the uncountable amount of modern world’s stimuli.⁴² Although reducing the cognitive load offered by narratives may seem appealing, the global effects of entire societies being made their loyal believers may have significant consequences. Depending on the circumstances, it could result either in the populist tyranny of the majority provided that the narratives in society would be quite homogenous, or in the radical political polarization in case many contradictable narratives occur.

³⁹ Keyes (2004); Salgado (2018); Mair (2017).

⁴⁰ Oxford Advanced Learner’s Dictionary.

⁴¹ Król (2017): 182; Another comment on that matter can be found in: Król (2018): 80–81.

⁴² Haidt, Joseph (2008): 388–390.

Returning to the *indirect* set of effects resulting from emotional regulation impairments induced by loneliness, let us examine the mechanism of the self-perpetuating loneliness loop. If the objective state of social isolation, which can happen to anyone and actually does happen on a broad scale in the COVID-19 times, lasts too long, it can impact one's social and emotional functioning. As I have already mentioned, it makes affected individuals hostile and focused on themselves, as they feel that they can no longer rely on anybody else. Therefore, instead of trying to quit this state through reconnecting with other people and initiating the most basic reciprocal *tit for tat* relations, they just keep drowning in the state of loneliness and self-reliance, at the same time reducing their ability to engage in meaningful relations and break the loop.

However, it does not mean that lonely individuals passively cope with their social pain. Even though it is hard for them to establish and maintain healthy reciprocal relationships, most often they manage to find other, significantly simpler and more automatic ways to fulfil this need, at least on the superficial level. According to Haidt, there are many ways to turn oneself into such a group-related adaptation, making one feel "simply a part of the whole".⁴³ He calls it a *hive switch* and explains that it is a product of our *conditionally groupish nature*, which allows us to connect with other humans on an almost sacral level. It may be initialized by rhythmical movement, singing (which can be found both in military and tribal rituals) or specific kinds of drugs, like Aztec psilocybin. Oxytocin, the hormone of closeness hypothetically responsible for this state, is also the reason why

⁴³ Haidt (2013): 261.

people are bonding with each other while eating, drinking moderate amounts of alcohol or smoking together.⁴⁴

This specific kind of ultra-groupish emotions has both its bright side and a much darker one. Bonding effects, which are used for instance in the military or to promote national identity attachment, can be especially appealing for lonely citizens and make them deliberately look for occasions which allow them to turn on the hive switch. For example, the atmosphere of protests, where the common goal, expressive slogans and rhythmical chanting create a very special feeling of unity, may particularly attract people lacking social connections and encourage them to spontaneously join manifestations. It is hard to unambiguously decide whether it is a good sign for democracy or not. While public demonstrations and grassroots movements are a crucial element of showing citizens' will in a democratic civil society, there is also a great chance that such protests of emotionally unstable and socially deprived people will become an ecstatic, uncontrollable, massive wave of chaos as has been shown in Todd Philip's "Joker".⁴⁵

However, the greatest threat socially deprived people may pose seem to lie in the danger of joining and therefore strengthening totalitarian organizations. Such authors as Stefan Czarnowski or Aleksander Hertz, who observed the rise of the 20th century totalitarian regimes, stressed in their papers the role of *redundant* or *déclassé* people.⁴⁶ As the authors explained, their lack of any kind of purpose or community to belong to made them specifically susceptible to all things the totalitarian groups were offering them: social status,

⁴⁴ Cacioppo, Patrick (2009); Haidt (2013).

⁴⁵ Philips (2019); Redmond (2021).

⁴⁶ Hertz (1937); Czarnowski (1936).

purpose, plain moral matrix and, most importantly, brotherhood of all members.⁴⁷ Although the nomenclature used by Hertz and Czarnowski is not necessarily the most accurate one in our case, as being lonely does not have to mean also *déclassé* or redundant, the described mechanism itself could apply to socially deprived people as well. The observations made by Hannah Arendt in “The Origins of Totalitarianism” seem to be much better matched to the problem of loneliness.⁴⁸ She explained that loneliness, described as “the experience of not belonging to the world at all” and “the most radical and desperate experiences of man” makes one simply surrender to the ideological narrative in order to retrieve one’s self-respect and life-purpose.⁴⁹ That description sheds a light on why all radical ideologies are structured so as to keep the hive switch of their members constantly turned on. Eventually, if there is no self, no loneliness can be felt.

Conclusions

As I attempted to present, the state of loneliness affects not only the welfare of individual citizens, but also the welfare of entire democratic systems. Impairments of social cognition and emotional self-regulation have multiple adverse consequences, but the conclusions flowing from the presented analysis allow us to distinguish three main problems: the loss of truth, multidimensional polarization, and the threat of totalitarian influences. In the pursuit of the possible solutions to that matter, a quotation from Edward Wilson can give some cues:

⁴⁷ Ibidem.

⁴⁸ Arendt (1968).

⁴⁹ Ibidem: 128, 475.

“The real problem of humanity is the following: We have Palaeolithic emotions, medieval institutions and godlike technology. And it is terrifically dangerous, and it is now approaching a point of crisis overall.”⁵⁰

Now, what might be reasonable to do about it, is to make use of our *godlike technology* in such a way that it would serve as a kind of a prosthesis, instead of letting it dominate us. A kind of a prosthesis complementing both our old-fashioned institutions, whose inefficacy in fulfilling citizens’ basic needs may enhance the growth of totalitarian groups, and our even more rudimentary emotions, which make us polarized and manipulation-prone. For instance, the lack of sufficiently effective public institutions can be partly complemented by various kinds of self-help groups supporting the citizens in need. An example may be the Polish Facebook group called “A visible hand”, where people in home quarantine can ask strangers for help in shopping, walking their dogs or any other necessary errands. Certain neuroscientific techniques, like transcranial direct current stimulation (tDCS) are another example of technology which can help in turn to minimize the problem of implicit intergroup prejudices.⁵¹ When it comes to the issue of emotional regulation, there are even more proven ways we can simply practice as any other skill. It can be done by attending EEG or fMRI neurofeedback therapy or even by using simple apps helping to control one’s feelings and reframe their initial interpretation in the Cognitive-Behavioural Therapy paradigm.⁵² Such grassroots endeavours may not seem so powerful at first

⁵⁰ Wilson (2009).

⁵¹ Sellaro et al. (2015).

⁵² Johnston et al. (2010); Silk et al. (2020).

sight. Nonetheless, they can be thought of as a way of working out certain good practices and ideas, which can be later used for reconstructing the new versions of existing institutions and making them more human.

Shared intentionality, which made us evolutionarily social, cooperative and therefore more successful than other primates, has also allowed us to create social pacts and arrange social life so as to make our communities flourish. Once shared intentionality would be diminished by growing hostility, polarization and radical individualism, we will probably not be able to create any sensible pacts anymore. As I tried to present, there are still many ways to prevent such a scenario and protect the heritage of our ancestors, as numerous useful tools are already available or ready to explore. However, not much can be done by single individuals. In the end, loneliness can only be overcome by joint, honest actions and it seems like currently we all have the need to join in.

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**Guarantee of marriage and family protection
in the constitution of the republic of poland. The comparative
analysis of the basic law in selected member states of the
European Union.**

Abstract

The aim of this article is to present marriage and family protection in the light of Polish constitutional law. The Constitution of the Republic of Poland provides for this protection through a constitutional guarantee.¹ The publication shall present aspects of marriage and family not only on the basis of the regulations of the Basic Law, but also in accordance with the Family and Guardianship Code.² The discussion in this article focuses mainly on protection of the institution of marriage and family as the fundamental social unit. Furthermore, a comparative analysis of constitutional legislation including the Basic Law of the Republic of Italy and Spain in the field of marriage and family protection has been performed.

Key words: Constitution of the Republic of Poland, family law, marriage, family, European Union, Italy, Spain.

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¹ The Constitution of the Republic of Poland of 2 April 1997, Journal of Laws of 2009, no. 114, item 946.

² The Act of 25 February 1964, The Family and Guardianship Code, consolidated text, Journal of Laws, item 2086.

1. Introduction

The aim of this publication is not only to present constitutional protection of marriage and family based on the Constitution of the Republic of Poland, but also to make comparative analysis of the constitutional legislation including the Basic Law in selected Member States such as Italy and Spain in the field of marriage and family protection. First, consideration shall be given to the Constitution of the Republic of Poland.

The Constitution of the Republic of Poland was adopted by the National Assembly on 2 April 1997 and, according to its Art. 8, shall be the supreme law of the Republic of Poland (Section 1). The provisions of the Constitution shall apply directly, unless the Constitution provides otherwise (Section 2). The Constitution, also known as the Basic Law, in the constitutional law studies is described as a normative act with the supreme legal value and special rules (formal aspect) that regulate the basics of the political, social and economic system (material aspect).³ The Constitution of the Republic of Poland is the act of written law of superior legal force, which determines the basic principles and competence of the state or other state authorities; a special procedure, different than that applicable to any other legislative act, shall be established in order to pass or to amend ordinary acts.⁴ The particular role of the Constitution ensures that it has the highest level in the hierarchy of statutory law, which means the acts of the lower level cannot exist in breach of it. However, these acts shall be interpreted in accordance with

³ Szmyta (2010): 127.

⁴ Garlicki (2018): 44.

its implementation.⁵ The special procedure of passing and amending the Constitution confirms that it is the supreme and the most significant law in the Republic of Poland. What is more, the Constitution is a type of a foundation for creating new areas of legal practise. The specificity of constitutional law as a branch of law is presented as academic achievements for other law disciplines. According to B. Banaszak, it shall not be claimed that the disciplines, especially related to constitutional law are less important and play as auxiliary role.⁶ However, the role of constitutional law studies is not only to systematise and explain the terms that exists in the provisions of law belonging to the same branch of law, but also to determine what is obligatory on the grounds of constitutional law.⁷

The aim of constitutional law is to conduct comparative studies that lead to better understanding how an institution from a different branch of law should function.

2. The constitutional guarantee in the Republic of Poland

The constitutional guarantee is the overall factors and safety measures of constitutional provisions. This applies to the factors of social forces as well as to legal measures provided by the Constitution.⁸

Effectively, it is the protection of norms in the Constitution. What is more, it is not only a realisation of the entire content of the Constitution, but also implementation of each provision individually. According to B. Banaszak, the constitutional

⁵ Podsiadło (2010): 24.

⁶ Banaszak (2015): 6.

⁷ Banaszak, Preisner (1996): 37.

⁸ Siemieński (1980): 36.

guarantee is a term including the overall measures and systemic institutions used in order to ensure the implementation of constitutional norms.⁹ Therefore, the constitutional guarantee assures that all rights and liberties included in the Constitution are equally applicable for all people without regard to origin, race, or religion.

The constitutional guarantee is a typical feature of all Constitutions in democratic states. It is the overall measures and institutions used for the implementation of constitutional norms. At this point, direct and indirect guarantees shall be distinguished. The direct guarantee is established in order to uphold the Constitution, whereas the indirect guarantee is developed with the purpose of the implementation of constitutional norms. The following examples of the direct guarantee shall be presented: constitutional jurisdiction, institutions of constitutional liability. However, the examples of the indirect guarantee shall be presented with reference to B. Banaszak, who indicates the following division:

- material – including the principles of the political system or basic mechanisms protecting the upholding of the Constitution;
- formal (institutional) – consisting of legal institutions protecting the primacy of the Constitution, the implementation of constitutional norms, regularity of law and the decision-making process (for instance, institutions functioning in order to control the legality of state actions toward individuals).¹⁰

⁹ Banaszak, Preisner (1996): 37.

¹⁰ Banaszak (2015): 94.

The constitutional guarantee may also be presented as a kind of a 'promise' that all rights included in the Basic Law must be exercised. The guarantee in the Constitution relates to marriage and family. The study of constitutional law does not include research about the family law status; however, it utilises the results of other areas of law, especially family law.¹¹

To conclude the above reflection about the constitutional guarantee and the Constitution of the Republic of Poland, I shall quote L. Garlicki : "The Constitution is a value in itself, guaranteeing the stability of a democratic state, so it has to be respected and upheld by all actors of political governance, even if it does not correspond with their interests."¹²

3. Definition of family

Family in Polish law is presented as a fundamental social unit which is subject to special protection by law. This protection is provided by the Constitution and the Family and Guardianship Code. Starting a family is associated with particular rights and duties. The spouses, according to their abilities, have an obligation to satisfy their mutual needs, care for existence of the family, and support each other whenever the circumstances require.¹³ There is a perception in the society that family is formed by a married couple with a child. It is an incorrect comprehension of family because, according to the Polish law, a childless married couple is considered to be a family. As stated in Art. 23 of the Family and Guardianship Code, the spouses have equal rights and obligations

¹¹ Winiarz (2001): 12.

¹² Garlicki (2018): 39.

¹³ Adynowska, Bielak, Brygier (2008): 640.

in marriage, so they have an equal position as a husband and a wife in relation to cohabitation and their children. Equal rights and obligations do not need to be identical as spouses play different roles. A particular attention shall be drawn to the role of a wife, who is involved in motherhood and upbringing of children. However, each of the spouses has a right to make a decision about everyday life independently. By contrast, important decisions about property, upbringing and education of children shall be made jointly. In case of disagreement, the family court shall decide.

To give an unequivocal explanation of family is not a simple matter. According to the definition, a family shall consist of people of common ancestry or biologically related regardless of the relationship between them in different areas of life. The legislator does not provide a definition of family, however, the content is presented in the Social Assistance Act of 12 March 2004.¹⁴ In accordance with Art. 6. 14 of that Act a family shall be formed by people who are or are not related to each other, or by individuals living under one roof and sharing the same household. However, Art. 13.16 of the Act of 28 November 2003 on family benefits¹⁵ presents a family as a group of people comprising of spouses, parents, children, guardians, children under 25 years of age who are dependent and children over 25 years of age with a disability certificate and care allowance, carer's benefit or other benefits for a guardian pursuant to the Act of 4 April 2014 on determination and payment of benefits

¹⁴ The Act of 12 March 2004 about social assistance, consolidated text, Journal of Laws of n 2019, item 2473.

¹⁵ The Act of 28 November 2003, about family benefits, consolidated text, Journal of Laws of 2020, item 111.

for guardians.¹⁶ The Constitutional Tribunal in its judgment of 12 April 2011 declared that every lasting relationship between two people or more, consisting of at least one adult and one child, based on emotional, legal or blood ties is understood as family. A family can be complete, including a family with many children, or incomplete such as a single-parent family. A complete family consists of two adult people who share a household, emotional ties and who raise a child or children.¹⁷ Within a family there are minor children as well as those who are dependent and live together with the parents, at the same time sharing the household. Adopted children are included in a family. According to K. Gromek, family is a social institution characterised by a sexual relationship, normalised and lasting properly in a way so that the society shall be renewed by reproduction. That kind of a family performs the following functions: material, economic, caring, raising, procreating, sexual, controlling, cultural, social, emotional, and expressive. Furthermore, it shall be indicated that a family develops personal functions such as: being a wife, a husband, fatherhood, motherhood, or being a brother and sister.¹⁸ M. Dobrowolski stated that family as an object to be researched falls outside the scope of only a single branch of science. A family cannot be treated as a legal institution because it has a wider meaning as a natural and irreplaceable element of the structure of society named a fundamental social unit. It is a basic form of social life and has a crucial

¹⁶ The Act of 4 April 2014, about determination and payment of benefits to guardians, consolidated text, Journal of Laws of 2019, item 1818.

¹⁷ The judgment of the Constitutional Tribunal of 12 April 2011, SK 62/08, OTK-A 2011, no.3, item 22.

¹⁸ Gromek (2019): 3.

impact on the functioning of the state.¹⁹ A family is a fundamental social unit which has particular functions in the state. Marriage with or without children is considered to be family. The Constitution of the Republic of Poland recognises marriage as an institution under its protection.

4. Definition of marriage

Marriage is an individual, natural, corporeal or spiritual relationship between a woman and a man. The Family and Guardianship Code does not contain a legal definition of marriage. Notwithstanding, Art. 1 of the Family and Guardianship Code lays down the conditions for entering into marriage. According to §1, marriage is concluded when a man and a woman are both present before the head of a civil registry office and make a declaration that they take each other into a marital union, whereas § 2 states that marriage is also concluded when a man and a woman enter into a marital union under common law or the law of a religious order by stating their mutual intention to enter into marriage under Polish law in the presence of a member of the clergy, and the head of the registry office then draws up a marriage certificate. If this conditions are met, the marriage is considered to have been concluded at the moment of making the declaration of intent in front of the cleric. Anyone wishing to enter into marriage should submit or present to the head of the registry office the documents necessary to enter into marriage, as follows:

¹⁹ Dobrowolski, (1999): 21.

- A document which testifies to the identity, an abridged copy of the birth certificate.
- If one of the prospective spouses has already been married - a proof of termination, invalidation, or non-existence of previous marriage;
- A written declaration that they are unaware of the existence of any impediments to marriage;
- An permission to marry as required by the provisions of the Family and Guardianship Code only in the case of a person who is less than 18 years old.

A family court judge may give a permission to conclude marriage in case of a woman who is 16 years old only for the following reasons: childbirth, pregnancy, or a long-lasting relationship.²⁰ Marriage is determined as a long-lasting legal relationship that connects people for life; therefore; those people who, under the constitutional principles contained in the Family and Guardianship Code, have completed a legal act in a form of marriage and as a result have become legal entities with equal rights and obligations in order to realise the social functions of the family relationship.²¹ According to A. Zieliński, marriage is a legal and formal relationship between a woman and a man, concluded in accordance with the provisions of applicable law, for the purposes provided for by law.²² Undoubtedly, marriage is a subject of many studies from different fields of science, not only law, but also sociology, psychology, or theology. According to its formal shape, law provides the finest protection. For society, marriage is an important element of ensuring law and order.

²⁰ Adynowska, Bielak, Brygier, (2008): 344.

²¹ Smyczyński (2014): 70.

²² Zieliński (2011):48.

Marriage shall facilitate to determine the origin of a child and it forms a family relationship within a wide range. However, marriage is not always a relationship that is long-lasting and full of happiness. Marriage concluded by young and immature people often may turn out to be a disaster. Impulsive and irresponsible decisions lead to divorce. I. Ignatowicz presents marriage as a specific, individual, natural, spiritual, corporal social relationship, inherently long-lasting between a woman and a man. This relationship is legally privileged and sanctioned; therefore, it forms a legal and a family relationship, which is at the same time a legal institution.²³ This institution is definitely fundamental for the functioning of society, especially with reference to the procreation function. In the doctrine, the view about marriage is presented as follows: marriage as a relationship between a woman and a man (two people of different genders) is considered to be a legal relationship of a strictly personal nature, connecting only a husband and a wife. However, this view is deemed to be old fashioned. What is more, it is thought to be a discrimination of homosexual relationships.²⁴ It is worth mentioning at this point that marriage shall be based on the traditional model of family which comprises a woman and a man. The relationships of a homosexual nature should be childless. In this case, definitely tolerance shall be given only to the condition of not having children. The European Court of Human Rights in its judgment of 5 January 2010 introduced a ban on impairing the institution of marriage in national law. However, limitation of the right to enter into marriage, established by a national law system, shall consist of formal rules relating

²³ Ignatowicz (2016): 66.

²⁴ Gromek (2019): 13.

to the transparency and validity of marriage. In the context of immigration law and legal justification, states shall be eligible for prevention of a fraudulent marriage concluded only in order to acquire immigration rights. What is more, law shall not deprive a person or a category of persons of the legal capacity to conclude marriage with a chosen partner.²⁵ According to Polish law, marriage may be concluded also in a religious form. It is possible only on condition that there is a formal international agreement or an act regulating the relations between a church or another religious organisation and a state which provides for the possibility of concluding a religious marriage governed by the internal law of this church or another religious organisation. Such an agreement is the Concordat between the Holy See and the Republic of Poland signed in Warsaw on 28 July 1993.²⁶ It is worth mentioning here that on the basis of family and religious law similar reasons for the existence of marriage may be underlined. These reasons can be named as follows: sexual difference, presence of a bride and a groom at the time of giving a statement, accuracy of the statement expressing the will to enter into marriage, participation of two witnesses.

5. Protection of marriage and family in the constitution of the Republic of Poland

The Constitution of the Republic of Poland in its preamble refers to the principle of subsidiarity,²⁷ in which the guarantee

²⁵ The Judgment of the European Court of Human Rights from 5 January 2010 in the case *Frasik against Poland*, no. 22933_2.

²⁶ The Concordat of 28 July 1993 between the Holy See and the Republic of Poland, *Journal of Laws of 1998*, no. 51, item 318.

²⁷ Andrzejewski (2003): 59.

of state support to marriage and family is provided. According to Art. 18 of the Constitution “marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.” Marriage and family are values in themselves that play an instrumental role in the social and legal order. Therefore, the Constitution includes appropriate norms related to the relationship between the state and family, especially in the field of family protection. The provision of Art. 18 has a dual function: it is an element of constitutional axiology as well as sets the goals and determines the tasks of public authority resulted from the obligation of giving protection to marriage and family.²⁸ The provision precisely indicates that the Constitution defines marriage as a relationship between a woman and a man. That is why there is no doubt that a relationship between people of the same gender does not have any characteristics of marriage. The legislator does not define the term family. Family law states that marriage is a family made up of a woman and a man. Hence, Art. 18 of the Constitution not only provides protection to marriage, but also to broadly understood family. Protection of family rights is not a common term.

The following aspects can be considered:

- Protection in its narrower meaning (including the system of property claims, which is intended to restore the situation that complies with the law – it is material and legal protection) and the guarantee provided through the procedure for investigating the rights infringed (legal and procedural protection),

²⁸ Garlicki (2003): 2.

- Protection in its broader meaning (provided by institutions which support and enhance legal and family situation of an individual).²⁹

Art. 47 of the Constitution is the provision that protects family. According to it everyone shall have the right to legal protection of their private and family life, of their honour and good reputation and to making decisions about their personal life. Private family life requires a statutory guarantee of civil liberties and permissibility of their limitation with respect to the right to live a private life in family. In the assessment whether there has been any interference in the field of private life, which is protected by law, the term privacy shall not be idealized. Hence, because of the level of its generality, it requires an interpretation which takes into account all circumstances related to a particular situation. “The private sphere of life includes circumstances that form the area of personal and family life. The regime of legal protection of privacy, referring to common personal interests based on constitutional provisions and provisions of civil law (the regime of personal data protection) are independent of each other.”³⁰

According to Art. 48.1 of the Constitution parents shall have the right to rear their children in accordance with their own convictions. Such upbringing shall respect the degree of maturity of a child as well as their freedom of conscience and belief and also his convictions. However, as stated in Art. 48.2, limitation or deprivation of parental rights may be effected only in the instances specified by the Act and only on the basis of a final court judgment. This provision determines the principle of parental priority to initiate educational

²⁹ Bieliński, Pannert (2016): 10.

³⁰ The Supreme Court Judgment of 28 April 2004, III CK 442pr/02, LEX no 1125280.

activities for their children. The right to rear their children in accordance with their own convictions shall not be absolute. Parents' convictions that interfere with the legal order shall not be the basis of educational activities for children. Parents may be deprived of custody or their custody may be restricted only in the case provided for in the Act or under a legally binding decision. In the doctrine, there is a claim that "in order to assess the proportionality of legislator's interference into this constitutional law, Art. 31.3 of the Constitution should not be applied. However, the limitation of parental rights is shaped by a child's best interests based on art. 72 of the Constitution."³¹ The Constitution of the Republic of Poland broadly protects marriage, family and child, which is confirmed by Art. 71, which reads: "1. Families, finding themselves in difficult material and social circumstances – particularly those with many children or single parents – shall have the right to special assistance from public authorities." What is more, Art. 72 provides that "1. The Republic of Poland shall ensure protection of the rights of the child. Everyone shall have the right to demand of organs of public authority that they defend children against violence, cruelty, exploitation and actions which undermine their moral sense. 2. A child deprived of parental care shall have the right to care and assistance provided by public authorities. 3. Organs of public authority and persons responsible for children, in the course of establishing the rights of a child, shall consider and, insofar as possible, give priority to the views of the child. 4. The competence and procedure for appointment of the Commissioner for Children's Rights shall be specified by statute." This provision

³¹ Ciżyńska, Karakulski, Kos, Pyłko, (2017): 128.

protects a child and establishes a special authority in order to protect its rights. This authority is the Ombudsman for Children, whose competence is regulated by the Act of 6 January 2000 on the Ombudsman for Children.³² This person is appointed by the Sejm of the Republic of Poland with the approval of the Senate for a period of 5 years. According to the above Act, a child is every human being from the moment of conception to the legal age (Art 2. 1). The Ombudsman for Children is obligated to protect the legal provisions that stabilise a person's legal situation also in the prenatal phase. As it has been presented, the Constitution provides for the protection of marriage, family, and child. State support is provided through the constitutional guarantee.

6. Comparative analysis of the basic law in the Republic of Italy and Spain including the constitution of the Republic of Poland in relation to marriage and family protection

In the analysis presented below, the Constitution of the Republic of Italy of 27 December 1947³³ and the Constitution of the Republic of Spain of 27 December 1978³⁴ have been discussed. According to Art. 32 of the Constitution of the Republic of Spain: "1. Man and woman have the right to marry with full legal equality. 2. The law shall make provision for the forms of marriage, the age and capacity for concluding it, the rights and duties of the spouses, the grounds for separation and dissolution, and their effects." This provision shall indicate that marriage can be concluded by a woman

³² The Act of 6 January 2000 on the Ombudsman for Children, consolidated text, Journal of Laws of 2020, item 141.

³³ The Constitution of the Republic of Italy of 27 December 1947.

³⁴ The Constitution of the Republic of Spain of 27 December 1978.

and a man, whereas a marriage of people of the same gender is impermissible. It should be mentioned that in Art. 18 of the Constitution of the Republic of Poland also a woman and a man can enter into marriage that is protected by law. The Basic Law of the Republic of Italy does not present any legal regulation; however, it indicates directly the entities who are able to conclude marriage. According to Art. 29, marriage and family is presented as follows: “The Republic recognises the rights of the family as a natural society founded on marriage. Marriage is based on the moral and legal equality of the spouses within the limits laid down by law to guarantee the unity of the family.”

The right to protect private life, including family life, is provided by Art. 47 of the Constitution. A similar provision is found in Art. 18 of the Spanish Basic Law as follows: “1. The right to honour, to personal and family privacy and to the own image is guaranteed. 4. The law shall restrict the use of data processing in order to guarantee the honour and personal and family privacy of citizens and the full exercise of their rights.” The Italian and Spanish legislators provide for the right to personal and family life privacy. Those Constitutions, according to their supremacy, provide for the guarantee of private life protection on the basis of the legal order. The Basic Law in Italy and Spain give special status to illegitimate children. Art. 39.4 of the Constitution of the Republic of Spain indicates that: “Parents must provide their children, whether born within or outside wedlock, with assistance of every kind while they are still under age and in other circumstances in which the law so establishes.” According to Art. 30 of the Constitution of the Republic of Italy: “It is the duty and right of parents to support, raise and educate their children, even if born out of wedlock.

In the case of incapacity of the parents, the law provides for the fulfilment of their duties. The law ensures such legal and social protection measures as are compatible with the rights of the members of the legitimate family to any children born out of wedlock. The law shall establish rules and constraints for the determination of paternity.” As it is mentioned above, these legal regulations, in their concept, refer to a child born out of wedlock; what is more, the legislator ensures that children are taken under special protection due to the situation they are in. These children are not discriminated; quite the reverse, they are presented in a privileged situation, which is this special protection provided by both Constitutions. In this analysis, it should be indicated that Italy, Spain, and Poland provide support for families through their policies. Art. 31 of the Constitution of the Republic of Italy presents the state support for the families in the following way: “The Republic assists the formation of the family and the fulfilment of its duties, with particular consideration for large families, through economic measures and other benefits. The Republic protects mothers, children and the young by adopting necessary provisions.” This provision underlines the rank of education according to parents convictions; however it does not indicate any material support of the state to family. At this point, it should be mentioned that Art. 71 of the Constitution of the Republic of Poland also focuses on state support for families as follows: “The State, in its social and economic policy, shall take into account the good of the family. Families, finding themselves in difficult material and social circumstances – particularly those with many children or a single parent – shall have the right to special assistance from public authorities.” In this analysis, the Spanish and Italian constitutional legislation

as well as the constitutional legislation of the Republic of Poland were discussed. In conclusion, it should be mentioned that all these countries guarantee constitutional protection of marriage and family in many areas not only economic but also social.

7. Conclusion

In this article, the subject of the guarantee of marriage and family protection in the Constitution of the Republic of Poland has been presented. It should be mentioned that discussed the guarantee offers the sense of security, legal order and protection provided by the state to family and marriage. The Constitution of the Republic of Poland protects these institutions in a special way. This publication presents the institutions of marriage and family on the basis of Polish Family and Guardianship Code and the Constitution of the Republic of Poland. Furthermore, the comparative analysis of the Basic Law in two member states of European Union – Spain and Italy, and the Polish Basic Law, is presented. The analysis performed shows that the constitutional legislation in Spain and Italy presents marriage and family as a fundamental social unit that must be protected.

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Aesopic Fables on Politics

Abstract

In the ancient Greek Aesopic fables political matters were an important part of their contents and message. Voicing popular ideas, the fables were most often critical towards the authorities and the usual methods of government. The fables show political mechanisms, condemn violence and lies in public life. However, they were used also as an instrument of the ruling class propaganda, but even the fables that praise rulers unmask them indirectly. Although they remain highly realistic in their description of life, they promote values important for public life in the times of war and peace, such as finding good allies, honesty and freedom.

Key words: Aesop, fables, antiquity, Greek politics, popular opinion, ancient political science

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The use of Aesopic fables and metaphors in the political discourse is widespread and well known. However, the subject of the initial political intention of these fables seems neglected, even if the works on these fables do note briefly some political allusions in them. Such allusions should be collected and analysed.

From among almost five hundred ancient Greek Aesopic fables which have been preserved, a considerable number speak metaphorically about politics. Their authors were inspired by the realities of their times, primarily by democracy in city states and monarchy. However, animal fables and anecdotes from the Aesopic tradition have an intended universal dimension and some of them sound surprisingly topical. In fact, it is the case with many ancient ideas and stories.

The fables were created by many authors and it took a few centuries to gather them all in one place; only a fraction of them could have been written by the semi-legendary Aesop, who lived in the 6th century B.C.¹ Therefore, their message could not have been and is not uniform. In particular, some fables justify the authorities in power, while others criticise them.

Since they are generally anonymous works originating from the lower strata of society, the fables present a perspective which is quite different from the works of philosophers and political treatises. The observations in them are simpler, fractional. Their value lies in the fact that they represent the perspective of a common man to a much greater extent

¹ I abstain from speculations on the political ideas of historical Aesop. They are sometimes looked for in *Vitae Aesopi*, a Hellenistic legendary story on Aesop (e.g. Kurke, 2011). It is to be rejected.

than other types of ancient literature.² One may note certain continuity between our eras in this respect, between an Aesopic fable and a contemporary political joke.

When interpreting Aesopic fables, the moral behind them is usually taken into account, although one has to bear in mind that those fables quite often portray ‘simple life’ where the fittest survive. A moral or political message behind the fables is not explicit, but readers have to find it themselves. This was done already in ancient times by adding comments after the fables, *epimythia* (called ‘moral’ nowadays), although in most cases they were originally absent. More often than not they are inaccurate and deform the message of the fables.

Studies of Greek Aesopic fables usually focus on their historical and literary aspects as well as on their pedagogical uses. The message behind fables, also the political message, was analysed much less often.³ On the other hand, both original Aesopic fables and their subsequent multiple imitations were used in modern times in the political discourse.⁴

Nowadays, Aesop’s fables are often limited to school readings for children and few of them are known better. There are many translations, but not always complete. Among the English translations, I prefer the one by Daly, usually quoted below;⁵ the poetic versions of fables were translated

² From their beginning they were perceived as popular and oracular productions; cf. Rothwell (1994–1995). Only later Aesop’s fables became a school reading.

³ Cf. Demandt (1991), who discusses Latin fables of Phaedrus as well. More about using them in teaching: Schmidt (1979); Zafiroopoulos (2003) considers only *Collectio Augustana*, 231 fables. Partial aspect: Charpentier, (2002). In Polish: Wojciechowski (2009–2010).

⁴ Cf. e.g. Patterson (1991).

⁵ *Aesop without Morals* (1961). I also quote from: *Aesop’s Fables*, Gibbs (2002); however, he frequently prefers secondary versions of the text. Cf. in Polish: *Ezop i inni* (2006).

by Perry.⁶ Aesop's fables are variously numbered, so I refer below to the numbers given to fables in three parallel editions in Greek (Chambry, Hausrath, and Perry).⁷

I. Justification of rulers and authorities

It has to be said that even though some of Aesopic fables favour rulers, it often seems that the defence of power and authority presented in them is, in fact, its incrimination.

Aristotle gives an example about a fox and a hedgehog:⁸

Once in Samos, Aesop, in his defence of a demagogue who was being tried for his life, said that a fox was crossing a stream, got carried into a ravine and, being unable to get out, had a hard time for a good while and got covered with bloodsuckers. A hedgehog happening by saw the fox and, taking pity on her, asked if he could pick them off. The fox wouldn't let him and, when asked why, said: "These are full of blood and are not sucking much now, but if you take them off, other hungry ones will come and drink what blood I have left."

Aesop was believed to have concluded from the fable that the accused, as a rich person, would no longer harm the people of Samos, whereas new leaders, who were poor, would steal everything from them. Thus, the fable defends the *status quo* and the abuse committed before. The corrupt ruling class

⁶ *Babrius and Phaedrus*, transl. Perry (1965).

⁷ Chambry (1927); Hausrath (1959–1970); Perry (1952).

⁸ *Rhetorics* 2.20 (1393b–1394a). The fable is not included in the main Greek collection; Perry 427.

tells the citizens that everybody has to steal. The truth is different: taking off bloodsuckers does not increase the number of new ones, whereas prosecuting corrupt politicians prevents further stealing from citizens.

Another fable suggests that there is no escape from the abuse of power and it is better not to try to change it. It is a story about oxen and butchers, preserved only in an altered poetic version:⁹

Once some oxen were planning to destroy the butchers, because these men were their enemies by profession. So they got together and began to sharpen their horns for the battle ahead. But among them was a very old fellow who had done much ploughing of the lands and this is what he said to them by way of advice: "These men slaughter us with experienced hands, and when they kill it is without torture; but if we fall into the hands of unskilled men, our death will be a double one. There will always be someone to slaughter the ox, even if there is no professional butcher."

Such a fable could be a tool for rulers' political propaganda. Herodotus (*History* 1.141.1–3) tells a story about how Persian king Cyrus reproached Greeks, Ionians, and Aeolians for not having surrendered voluntarily, but only after Croesus, the king of Lydia, had fallen. In the story, Cyrus is an aulete-fisherman:¹⁰

⁹ Fables of Babrius 21; Perry 290.

¹⁰ He played an *aulos*. A version from the Aesopic collection: Chambry 24, Hausrath 11, Perry 11. An allusion to that fable in the Gospels (Matthew 11.16; Luke 7.31) proves its popularity.

A fisherman who knew how to play the pipes took his pipes and his nets and went down to the sea. First he stood there on a jutting rock and played his pipes, thinking that the fish would be attracted by the sweet sound and come right out of the water of their own accord. When he had gone on playing for some time and nothing had happened, he put his pipes aside, took up his net, cast it into water, and caught a large number of fish. He dumped them out of his net onto the shore, and when he saw them wriggling, he said: "Why you miserable creatures, when I piped, you wouldn't dance, but now that I've stopped, you do!"

Defenders of the monarchy and the aristocracy wrote fables in which common people were treated with disdain. An example of that can be the fable about a lion and a frog – a tribune of the people recognised as a demagogue:¹¹ "A lion heard a frog croaking and turned around in the direction of the sound, thinking it must be some great beast. He waited a little, and when he saw the frog come out of the pool, he walked up and stepped on him with the remark: "The sound of a thing shouldn't disturb anyone until he sees it'." The fable about noble trees and bramble bush prohibits common people from interfering with disputes of noblemen.¹²

The fables that tell us to stick to our duties and to refrain from the duties of the stronger are also directed against common people interfering with politics ("shoemaker, not beyond the shoe;" incidentally, painter Apelles is believed to have said it to a shoemaker who tried to lecture him on

¹¹ Chambry 201, Hausrath 146, Perry 141.

¹² Chambry 324, Hausrath 233, Perry 213. The similar message is conveyed in the fable about a gudgeon (Chambry 95).

painting).¹³ As examples we can mention the following fables: about a jackdaw imitating an eagle that attacked a ram, about an incompetent singer in front of an audience, about a monkey caught in a fishing net, about a monkey and a camel that imitated its dance, about a lion and a fox that tried to hunt like it.¹⁴

Rulers by nature are the heads of society and a rebellion against them seems to be absurd, just like in the fable about the tail of the snake¹⁵:

Once upon a time the tail of the snake decided that she would no longer follow the head which crept along in front. 'It's my turn to be the leader!' said the tail. The other parts of the snake's body said to the tail, 'You wretched creature, why can't you just keep quiet? How are you going to be our leader when you don't have eyes or a nose, the things that guide the limbs of animals when they move?' But the tail did not listen to the other members of the snake's body, and thus the rational was defeated by the irrational. The back now ruled the front and the tail took the lead, blindly trailing the whole body behind her. Finally the tail led the body into a deep stony hole, scraping its spine against the rocks. Then the stubborn thing began to fawn and beg, "O head, my leader, please save us if you will! I have provoked a harmful quarrel with harmful results."

¹³ Plinius, *Historia naturalis* 35.84–85.

¹⁴ Chambry 5, 156, 304, 306; Hausrath 2, 123, 219, 85, 323; Perry 2, 121, 203, 83, 294.

¹⁵ Translated by Gibbs. Babrius 134, Chambry 288, Hausrath 291, Perry 362. This story is present also in Plutarch's works (*Agis* 2).

Certain fables praise the virtues of monarchs. An example can be the one-sentence story about a lioness and a fox:¹⁶ “A lioness who was being belittled by a fox for always bearing just one cub said: ‘Yes, but it’s a lion’.” There, the mediocrity of majorities in democracies seems indirectly criticised. The Aesopic fables include also the naive panegyric of the golden age of the monarchy of the lion, before which a sheep could accuse a wolf.¹⁷

A serious attempt at justifying the position of the authorities is made in the fable about the belly and the feet,¹⁸ which promotes an organic concept of society: “The belly and the feet were arguing about their importance and when the feet kept saying that they were so much stronger that they even carried the stomach around, the stomach replied: ‘But, my good friends, if I didn’t take in food, you wouldn’t be able to carry anything’.” Plato knew a comparison of social life to an organism where individual parts have different functions (*Republic* 5.10), but the Aesopic version, with an apology of consumption practised by the rulers, might have been earlier.

The theory of an organic social bond based on nature was later developed by the Stoics. There exist numerous variants of this fable; in Plutarch’s *Coriolanus* (6), the stomach laughs at other body parts; in Livy’s version (2.32.9–12) told by consul Menenius Agrippa to plebeians (494 BC), the entire body gets weaker as a result of a rebellion of the limbs against the stomach. Another fable, about a dog and sheep,¹⁹

¹⁶ Chambry 194, Hausrath 167, Perry 257. A more universal dimension is possible.

¹⁷ Chambry 195, Perry 334.

¹⁸ Chambry 159, Hausrath 132, Perry 130. The use of its main theme by Saint Paul (1 Corinthians 12.21 etc.) proves its popularity.

¹⁹ Perry 356a, another variant in the poetic fables of Babrios (128).

is similar as it justifies the better position of the shepherd and the dog when compared to the sheep: they defend and take care of them.

II. Criticism of rulers

In Aesop's fables, however, a negative view of the rulers prevails. The fables often mention plundering the subjects by force or trickery. Let us have a look at the fable about an old lion and a fox:²⁰

A lion who was growing old and couldn't get his food by force decided he would get it by wit. So he went into a cave where he lay down and played sick. When the other animals came in to visit him, he would eat them. After many animals had been done away with, a fox, who had seen through his trick, came along and, standing at a distance from the cave, asked him how he was. When the lion said he was not well and asked why he didn't come in, the fox said: "Why, I would if I didn't see so many tracks going in but none coming out."

The actual objectives of authorities which pretend to care for citizens are briefly discussed in the fable about the marten and the hens²¹: "A marten, when he heard that the hens in a certain spot were sick, dressed up as a doctor and, taking along the instruments appropriate to his profession, went

²⁰ Chambry 196, Hausrath 147, Perry 142. The alleged use of the fable by Socrates in Plato's *Alcibiades I* (123a) was of a political nature as well: money goes to Sparta, but does not come back.

²¹ Chambry 14, Hausrath 7, Perry 7. Translations of this fable have the cat instead of the marten (*ailouros*) and the birds instead of the hens.

and took his stand near the spot. He asked them how they were, and they replied: ‘Very well, indeed, if you get away from here’.”

The exploitation of the subjects should at least be kept within reasonable limits, which is proposed by the fable about shearing the sheep:²² “A sheep who was being clumsily sheared said to the shearer: ‘If you want my wool, don’t cut so close, but if it’s my meat you’re after, just cut my throat and stop this slow torment’.” A similar thought may be found in the emperor’s remark quoted by Suetonius, according to which a good shepherd should shear sheep and not skin them.²³ Over-taxation, destructive even for prosperous taxpayers, is also criticised by the famous fable about killing the hen laying golden eggs.²⁴

The exploitation of the citizens is a common goal of politicians, even if they compete against each other. It is indicated in the fable about the snake, the marten (or the weasel), and the mice:²⁵ “A snake and a marten were fighting in a house. The mice in the house, who were always being killed off by both them, came out of hiding when they saw them fighting. But when the snake and the marten saw the mice, they forgot their own fight and turned on them.”²⁶

The rulers bend the law to their advantage and do not abide by it themselves, just like in the fable about the wolf and the ass:²⁷

²² Chambry 321, Hausrath 232, Perry 212.

²³ *Tiberius* 32.

²⁴ Chambry 287, Hausrath 89, Perry 87.

²⁵ Chambry 289, Hausrath 212, Perry 197.

²⁶ In the tales featuring weasels, they are presented as cats since weasels were used to catch mice.

²⁷ Chambry 228, Perry 348. Perhaps another animal should be substituted for the ass.

A wolf who was acting as governor of the other wolves established laws to the effect that each wolf should bring whatever he caught in hunting before them all and give an equal share to each so that the others would not be in need and eat one another. But an ass who was passing by tossed his mane and said: "That's a fine idea, but how does it come that you stored away in your lair what you caught yesterday? You'd better bring that out and share it, too". And the wolf, being exposed, abrogated his laws.

As we see, the ideas of socialism and communism were already known in the ancient times ("From each according to his ability, to each according to his need"). What is more, it was known that 'socialist' and 'communist' leaders were liars who cared only for their personal income. Yet another version of that fable may be found in the collection of sayings attributed to Aesop (*Aisopou logoi* 31): "Becoming old, a wolf promulgates laws."

Exploitation and violence prevent building a society, just like in the fable about the fowler and the lark:²⁸ "A fowler set his trap for birds. A lark saw him and asked him what he was doing, and he said he was founding a city. The lark believed him, walked up to the trap, ate some of the bait, and before he knew what was happening, was caught in the net. Then when the fowler run up and seized him, the lark said: 'Well, if this is the kind of cities you're founding, you won't find many to live in them'." As the fable concerns *polis*, a city-state, a political allegory is evident.

²⁸ Chambry 283, Hausrath 207, Perry 193. The fable tells of the crested lark, *galleria cristata*, common in Greece.

Politicians recommend harmful nonsense for their own convenience. Here is the fable about the fox without a tail²⁹:

A fox had had his tail cut off by a trap and was so ashamed that he found life intolerable. He decided that he must persuade the other foxes to share his condition so that he could conceal his own loss in the common misfortune. Therefore, he called them all together and urged that a tail was not only unsightly thin but that it was an added burden that they were obliged to carry. One of them interrupted him and said: "My dear friend, if this weren't to your advantage, you wouldn't be offering us your advice."

A mention about an assembly of the foxes indicates that the fable speaks about proposals submitted at assemblies of people.

The rulers, apart from greed, show stupidity, just like in the fable about the monkey and the fox:³⁰

At an assembly of the dumb animals, a monkey won their favour and was chosen king. But the fox was jealous of him, and when he saw some meat set in a trap, He took the monkey to it and told him he had made a rich find and hadn't taken it but kept it as a royal prize for him. He urged him to take it, and the monkey went right ahead without thought. When he was caught in the trap and accused the fox of plotting against him, he said: "And are you, my dear monkey, to be king of dumb animals although you have so poor a wit?"

²⁹ Chambry 41, Hausrath 17, Perry 17.

³⁰ Chambry 38, Hausrath 83, Perry 81.

One may also find there a criticism of the democratic system since voters are fooled by actors' shows. Moreover, an alternative to vain demagogues seems to be tricksters...

The second most frequent subject of criticism are prop-aganda lies. Thefts are accompanied by razzmatazz; there is no bread, but politicians propose circuses. Here is the fable about the horse and the groom:³¹ "There was a groom who used to sell his horse's barley to the innkeepers and drink all evening long. He would then spend the whole next day combing and cleaning the horse. The horse said to the groom: 'If you really want me to look good, then don't sell the food that nourishes me!'"

The fable about the peacock and the jackdaw warns against the bad consequences of good appearances for the elections.³² "When the birds were debating who should be king, the peacock argued that he ought to be elected for his beauty. As the birds were on the point of doing this, a jack-daw spoke up and said: 'But if you are king and an eagle attacks us, how will you defend us?'"

Campaigning politicians attribute others' contributions to themselves, just like the jackdaw during the debate for bird king:³³

Zeus wished to set up a king of the birds and he fixed a date on which they were to appear before him. The jackdaw, who knew that he was unattractive, went around gathering up the feathers that dropped from the other birds and fastened them on himself. When the appointed day arrived, he presented himself before

³¹ Chambry 140, Perry 319. Translated by Gibbs.

³² Chambry 334, Hausrath 244, Perry 219.

³³ Chambry 162, Hausrath 103, Perry 101.

Zeus in all his splendour. But as Zeus was about to appoint him king because of his handsome appearance, the other birds gathered angrily about, and each took off the feather that belonged to himself so that in the end he was stripped and became a jackdaw again.

A similar message is conveyed by the fable about the donkey who frightened everyone by wearing a lion's skin until they exposed and beat him.³⁴

Showing off to voters is ridiculed by the fable about the dancing monkeys³⁵:

It is said that an Egyptian king once taught some apes the Pyrrhic dance, and they – for they are said to be very imitative of human action – quickly learned and would dance [...]. One smart spectator threw some nuts he had under his robe in their midst. When they saw these, the apes forgot their dancing and behaved like the apes they were instead of dancers. They smashed the masks and ripped the robes and fought one another for the nuts [...].

A tyrant lies as well, just like the bear exposed by the fox:³⁶ “The bear boasted that he was exceptionally fond of mankind since, as he explained, bears don't pull dead people's bodies to pieces. The fox remarked: ‘I'd prefer that you mangled the dead ones, if you'd leave the living alone!’” Since the bear

³⁴ Chambry 279, Hausrath 199, Perry 358.

³⁵ The story is not included in the Aesopic collection: Lucian, *Ha-lieus* 36; Perry 463. According to Lucian, philosophers moralising other people do the same when they see money.

³⁶ Chambry 63, Perry 288. Translated by Gibbs.

boasted that he was kind to people (*filanthropia* in Greek), a virtue that rulers eagerly attributed to themselves, it is presumably a satire on their predatory habits.

Ethical qualifications of politicians are bluntly presented in the fable about the camel in the river:³⁷ “As the camel was crossing a swift-flowing river, she relieved herself. Then, when she saw her excrement floating out in front of her, the camel remarked, ‘Oh, this is a bad business indeed: the thing that should have stayed behind has now moved up to the front!’.” The ancient moral appended to the fable applies it to politics: “Someone could tell this Aesop’s fable about a city where it is not the first-class citizens who rule, but people who are of the lowest order.”

However, this does not exhaust the metaphorical sense of the story. It shows that in confusion, the worst can come to the front. The fable may also tell that abuse comes to the surface in the end, to the surprise of guilty politicians.³⁸

A good summary of the Aesopic evaluation of politicians is the fable about the fisherman³⁹ that gave birth to the saying “fish in troubled waters”:

A fisherman was fishing in a river. When he had laid his nets and cut off the stream from bank to bank, He

³⁷ Chambray 144, Perry 321. Translated by Gibbs.

³⁸ Moreover, rulers are portrayed negatively also in the fable about the trees that elected king (Chambray 252, Hausrath 293, Perry 262). However, this fable was included into the Aesopic collection during the Byzantine times; it is widely known from the Bible (Judges 9.8–15). This story corresponds with the Aesopic criticism. It is very old, stemming from the Ancient Near East. (Only the thorn agreed to be the king and shortly after it threatened to burn its subjects; this fable expresses a belief that politicians cannot do anything useful and the worst people strive for power).

³⁹ Chambray 27, Hausrath 26, Perry 26. Translated by Gibbs.

tied a stone to a piece of cord and began to beat the water so that the fish would make a reckless attempt to get away and become entangled in the mesh. One of the men who lived thereabouts saw him doing this and complained of his roiling the river and preventing them from drinking clear water. The fisherman replied: "Well, if the river isn't troubled like this, I'll have to die of starvation".

The ancient moral leaves no doubt: "So it is with demagogues in politics. They accomplish the most when they lead their state into strife."

III. Political mechanisms

Political mechanisms – rather impersonal phenomena – are also presented critically and satirically. Let us begin with those associated with democracy. Here are elections depicted in the fable about the camel, the elephant and the monkey:⁴⁰

When the dumb beasts decided to choose a king, the camel and the elephant declared their candidacy and carried on a campaign, claiming preference over all others because of their size and strength. But the monkey declared that they were both unsuited for the office: "The camel because he has no spunk to stand up against those who wrong him, and the elephant because there is reason to fear that if he is king, the pig, whom he fears, may attack us."

⁴⁰ Chambray 145, Hausrath 246, Perry 220.

The fable refers to ancient superstitions about animals. Slanderous accusations are obstacles for the best and strongest candidates.

Consequences of frequent changes in authority are portrayed in an obscene fable about the hyenas, which also refers to superstitions about animals:⁴¹ “They say that hyenas change their nature annually and are sometimes male and sometimes female. In fact, a male hyena once showed unnatural inclination toward a female hyena, and she said to him: ‘Very well, my friend, but remember that whatever you do now you will soon have done to you’.” It would not be clear enough if it were not for the ancient remark: “For elected officials who call those under them to account and later, as it turns out, are called to account by them.” It was about an *archon*, one of the Athenian officials elected once a year.

Two fables are about a career built on the contributions of the predecessors. There is also the fable about the goldcrest and the eagle, which we know only from its synopsis:⁴² the goldcrest was sitting on the eagle’s wings when suddenly it flew up and overtook the eagle. Here is another story:⁴³ “Themistocles said that the Day After was disputing with the Feast Day and said that the Feast Day was full of bustle and was wearisome, while she permitted everyone to enjoy at his leisure the provisions that had already been made. The Feast Day said to this: ‘But if it weren’t for me, you wouldn’t be’.” It was said he had applied that example to himself and to political life: thanks to his activity, Athenians were then living better, but new leaders undeservedly attributed his contributions to themselves.

⁴¹ Chambry 340, Hausrath 240, Perry 243.

⁴² Perry 434; source: Plutarch, *Moralia* 806e.

⁴³ Perry 441; source: Plutarch, *Themistocles* 18.

Abuse and mistakes would be less common if not for the stupidity of the citizens. Demosthenes mocked them as follows:⁴⁴

Once when Demosthenes was being interrupted by the Athenians in a speech he was making before the assembly, he said that he had a little something he wanted to say to them. When they quieted down, he spoke: “On a summer day, a young man hired an ass to take him from the city to Megara. About noontime, when the sun was blazing down, both the young man and driver wanted to get in the shadow of the ass. They got in one another’s way, and one said he had hired out the ass, but not his shadow, and the other that he had hired all the rights to the ass.” So saying, Demosthenes started to leave. When the Athenians stopped him and asked him to finish the story, he said: “Oh, so you want to hear about the shadow of an ass, but you don’t want to hear me talk about important matters.”

People do not know what is good for them. It is illustrated by the famous fable about the frog king:⁴⁵

Some frogs who were bothered at not having a ruler sent representatives to Zeus to ask him to provide them with a king. Realizing their stupidity, he dropped

⁴⁴ Perry 460, source: Pseudo-Plutarch, *Moralia* 848a. A similar story has orator Demades as its protagonist (Chambry 96, Hausrath 63, Perry 63).

⁴⁵ Chambry 66, Hausrath 44, Perry 44. According to Phaedrus, *Fabulae* (1.2), Aesop told that fable about the Athenians and Peisistratos, an Athenian tyrant. In later adaptations, the snake was replaced by the stork.

a log into their pool. At first the frogs were terrorized at the sound and dived to the bottom of the pool. Later, when the log came to rest, they came back and were so contemptuous of it that they climbed on top and used it for a perch. They were so indignant as having this kind of a king that they went to Zeus a second time and urged him to give them a change of rulers, for the first one was too much of a dullard. Zeus was angry at this and sent them a water snake by which they were caught and eaten.

The fable is of a strictly political nature as it tells that – in accordance with the minimal state theory – the authority that does not interfere with the lives of the citizens is better, whereas an alternative is tyranny. Moreover, any change of government is a risk.

Another popular subject of criticism is propaganda and luring others with privileges. The fable about the goatherd and the wild goats warns against it.⁴⁶ “When he found wild goats in the cave with his tamed goats, he fed the wild animals better. However, they ran away at the first opportunity and told him that: ‘If you took better care of us, who came to you only yesterday, than you did of your old flock, obviously, if any others come to you, you’ll prefer them to us’.”

False promises are also tackled the longer fable about the dog at the party.⁴⁷ Encouraged by a friend, the dog went to a party, hoping that it could appease its hunger, but the lord of the house threw out and beat the dog. When other dogs

⁴⁶ Chambry 17, Hausrath 6, Perry 6.

⁴⁷ Chambry 178, Hausrath 283, Perry 328.

met the poor dog, he did not tell them what had happened, but he claimed he had drunk too much and did not know how he had wound up outside. Who has false hopes of appeasing one's needs at someone else's expense does not want to admit one's defeat afterwards. The fable explains why those who fall for social slogans do not want to draw conclusions and to acknowledge their mistake.

The propaganda of success is discussed also in the following parable:⁴⁸

Once a lion was travelling with a man and in their conversation both of them were bragging. Along the road they came to a monument of a man strangling a lion. The man pointed it out to the lion and said: 'You see how much more powerful we are than you'. The lion only smiled and said: "If lions only knew how to carve, you would see many victims of lions."

Yet another fable warns against propaganda used by the enemy to divide us, as per the principle *divide et impera*. Here is the fable about the lion and the bulls:⁴⁹

A lion was attacking two bulls, hoping to make a meal of them. The bulls, however, both opposed the lion with their horns. Once they had taken their stand, the bulls did not allow the lion to come between them. When the lion saw that he was powerless against the two bulls together, he slyly spoke to one of them and said: "If you hand your partner over to me, I will keep you

⁴⁸ Chambry 59, Hausrath 264, Perry 284.

⁴⁹ Chambry 71, Hausrath 321, Perry 372. Translated by Gibbs.

safe from harm.” In this way, he was able to seize both of the bulls.

The use of the Greek term *homonoia*, which means (among others) agreement between citizens and states, signifies that the fable was supposed to encourage the quarrelling citizens or Greek states at risk of invasion to bury the hatchet. The Greek moral added to that fable suggests that its readers understood that: “This fable shows that the same is true of cities and people: when they are in agreement with one another, they do not allow their enemies to defeat them, but if they refuse to cooperate, it is an easy matter for their enemies to destroy them.”

The third interesting group contains fables about reckoning with power. It makes them similar to the aforementioned fables which defend power and authority. However, they vary from those fables in the fact that they offer reasonable arguments and show political necessities from a distance.

There is the fable about the horse and the hunter:⁵⁰

A wild boar and a horse used to pasture in the same spot, but the boar would always ruin the grass and muddy the water. The horse wanted to protect himself and went to a hunter to enlist his assistance. The hunter said that he couldn't help unless the horse would take a bit in his mouth and let him mount. The horse agreed to all this. Once the hunter was on his back, he hunted down the boar and then took the horse home and tied him up in his stable.

⁵⁰ Chambray 328, Hausrath 238, Perry 269.

According to Aristotle,⁵¹ the fable was told by Stesichorus (6th century BC) who warned the residents of Himera against leaving their defence to Phalaris, a future tyrant. However, its original political undertone does not have to be explicitly negative; perhaps it is worth restricting liberty in exchange for safety?

The fable about the tree and the reeds encourages compromises in the face of an overwhelming power. Here is one of its many variants:⁵² “An oak and a reed were arguing about their strength. When a strong wind came up, the reed avoided being uprooted by bending and leaning with the gusts of wind, but the oak stood firm and was torn up by the roots.”

The senselessness of fighting with those much more powerful is also depicted in the fable about the lions and the rabbits:⁵³ “Antisthenes said that the lions replied to the rabbits who were arguing before the assembly that they ought to have an equal share of everything: <‘Your arguments, good rabbits, need claws and teeth such as we have’>.” It is also a satire on the semblance of equality in democracies.

The fable about the lice warns against annoyance towards the stronger one:⁵⁴ “The lice kept biting away at a farmer as he was ploughing. Twice he stopped his plough and cleaned them out of his shirt. When they started biting him again, in order to avoid stopping so often, he burned his shirt.”

⁵¹ *Rhetorics* 1393b.

⁵² Chambry 359, Hausrath 239, Perry 70.

⁵³ Aristotle, *Politics* 3, 8, 2 (1284a); Perry 450. Since Aristotle briefly mentioned that fable as a well-known story, the answer of the lions (bracketed by <...>) needs to be reconstructed.

⁵⁴ Perry 471; Appian, *Civil Wars* 1.101, in connection with the reign of Sulla.

IV. Wars and alliances

The themes of war and violence are frequent in Aesop's fables. The law of the strongest prevails in dozens of them. It was understood by the commentators both as a surrender to fate and as condemnation of violence. Some of the fables are more about wars. I do not intend to discuss those which tell about waging wars (e.g. about confrontations of the besieged and the besiegers). I will provide examples of the political dimension of war.

The fable about the lion and the bear,⁵⁵ who fiercely fought over the loot until they were too exhausted to continue and the fox took the loot, obviously shows the consequences of an unnecessary war. The harmfulness of fratricidal wars over supremacy is also portrayed in the fable about Heracles and Theseus.⁵⁶ A dispute arose about which of the gods was greater: Theseus or Heracles. As a result, both gods were angered and each of them took revenge on the country of the other one. Since one hero was the patron of Athens and the other was the patron of Sparta, it refers to wars between them.

Condemnation of an assailant looking for false excuses for assault may be found in the fable about the wolf and the lamb:⁵⁷

⁵⁵ Chambry 200, Hausrath 152, Perry 147.

⁵⁶ Chambry 44, Perry 278.

⁵⁷ Chambry 221, Hausrath 160, Perry 155. Identical in structure is fable 12, Chambry (the marten and the rooster). In "Frankfurter Zeitung", on Christmas 1941, an article on that fable with an allusion to Hitler was published.

The wolf saw a lamb drinking from a river and decided to find a plausible reason for making a meal of him. So when he stood upstream he began to complain that the lamb was muddying the water and not letting him get a drink. When the lamb said he was no more than touching the water with his lips and that besides, from where he was standing downstream, he couldn't possibly disturb the water above him, the wolf failing in this complaint, said: "But last year you made unpleasant remarks about my father." Then, when the lamb said he wasn't even a year old, the wolf said to him: "Am I to be cheated out of eating you just because you are so glib with your excuses?"

A satire on naive pacifism and disarmament can be found in the well-known fable about the wolves and the sheep:⁵⁸

Some wolves were plotting against a flock of sheep but could not get the better of them because of the dogs who guarded them, and so they decided they would have to do it by trickery. They sent ambassadors and demanded the surrender of the dogs, arguing that the dogs were the cause of enmity between them and that if they would deliver the dogs into their hands, there would be peace between them. The sheep didn't foresee the result and surrendered the dogs. The wolves easily got

⁵⁸ Chambry 217, Hausrath 158, Perry 153. There is a variant of this fable (Chambry 218) where the sheep refuse to surrender to the dogs. It is said that the fable was quoted by Demosthenes to the Athenians when Philip of Macedon demanded them to release the leaders (as described in Plutarch's *Life of Demosthenes*).

the better of the sheep and destroyed the unprotected flock.

There are other fables which convey the same message. When the fearsome lion agreed to get rid of his claws and fangs in exchange for a promise of marriage, the girl's father could chase the lion away with a stick.⁵⁹ Encouraged by a friendly lion, the formidable bull got rid of its horns since they were heavy and unnecessary during the time of peace, but, soon after that, the lion ate the bull.⁶⁰

Another war-related and political theme are alliances, just like in the fable about the lion and the dolphin.⁶¹

A lion was straying along the seashore and saw a dolphin bobbing through the water. He invited the dolphin to join forces with him, arguing that it was particularly appropriate for them to be friends and allies, since the dolphin was lord of the creatures of the sea and he of those on the land. The dolphin readily agreed, and it wasn't long until the lion engaged a wild bull in battle and called on him for help. Although he was quite willing to come out of the sea, he couldn't, and the lion charged him with being a traitor. The dolphin replied: "Don't blame me. Blame nature which made me for the sea and doesn't permit me to go ashore."

The manuscripts add the following moral: "Obviously we, too, in establishing our alliances should choose allies who

⁵⁹ Chambry 198, Hausrath 145, Perry 140.

⁶⁰ Perry 469; the fable has been preserved in the rhetorical exercises of Nikephoros Basilakes.

⁶¹ Chambry 202, Hausrath 150, Perry 145. Cf. fable 117 (Chambry).

are able to stand by us in our dangers.” Originally, the fable could be about an alliance with an island state that was of little help in war on land.

V. Hope

Even though political life is presented critically and pessimistically in Aesop’s fables, they sometimes give hope. For instance, in the fable about the wolf and the donkey, mentioned above, the evil intentions of the rulers are exposed and dealt with. Some of the examples mentioned earlier praise rulers’ moderation, like in the defence of the reign of the lion or in the requirement to carefully shear the subjects. The well-known fable about the lion and the mouse reminds of the fact that rulers need the weaker:⁶²

While a lion was sleeping, a mouse ran over his body. The lion awoke, seized the mouse, and was on the point of devouring him. When the mouse begged the lion to let him go and said that if he were spared he would repay him in gratitude, the lion smiled and released him. But it turned out that it wasn’t long until the lion’s life was saved, thanks to the mouse. When he was caught by some hunters and tied on a tree with a rope, the mouse heard his groans, came to his aid, gnawed through the rope, and set him free [...].

Here is the fable about Boreas and Helios:⁶³

⁶² Chambry 206, Hausrath 155, Perry 150.

⁶³ Chambry 73, Hausrath 46, Perry 46. Boreas personifies the North Wind and Helios is the Sun.

The North Wind and the Sun were arguing over their power. They decided to give the prize to the one of them who could make a man who was walking along the road take off his clothes. The North Wind went first and blew hard. When the man held tight to his clothes, the North Wind blew all the harder. But the man felt the cold and only pulled his clothes tighter around him until the North Wind surrendered him to the Sun. The Sun, at first, shone gently on him. When the man took off his unnecessary robes, the Sun increased the intensity of his warmth until the man, no longer able to stand the heat, undressed and went for a swim in the nearby river. *Moral:* The story shows that persuasion is often more effective than force.

In this fable it was shown in an allegorical manner that ruling people should not be based on coercion, but rather on creating conditions for the subjects to do on their own what is required from them. It reminds of the Montesquieu's idea that instead of 'hustling' their subjects, rulers should make their subjects follow them voluntarily. Incidentally, Montesquieu had to be familiar with Aesop's fables.

But the clouds of pessimism are from time to time broken by the rays characteristic of the Greek spirit: appreciation of freedom. Let us finish this paper with two fables – about the way of freedom⁶⁴ and about springtime.

Once, at the command of Zeus, Prometheus described to men two ways, one the way of freedom, and the other that of slavery. The way of freedom he pictured

⁶⁴ Perry 383, the fable from *Life of Aesop* 94 (translated by Daly).

as rough at the beginning, narrow, steep, and waterless, full of brambles, and beset with perils elsewhere, but finally a level plain amid parks, groves of fruit trees, and water courses where the struggle reaches its end in the rest. The way of slavery he pictured as a level plain at the beginning, flowery and pleasant to look upon with much to delight but at its end narrow, hard, and like a cliff.

It is presumed in the *Life of Aesop* that with that fable, Aesop persuaded the inhabitants of Samos towards refusing to kneel before Croesus, the king of Lydia.

Winter and spring.⁶⁵

Winter mocked at Spring and found fault because as soon as Spring arrived no one any longer had any peace, but one man would be off to the fields and woods because he liked to gather spring flowers or admire a rose and put it in his hair, while another would take to his ship and go sailing off across the sea perhaps to meet men of other lands, and no one would give another thought to the winds or flood waters. And he said: "I am like a ruler and a monarch. I bid them look not up at the heavens, but cast their eyes down upon the earth in fear and trembling, and sometimes make them glad to stay in the shelter of their houses." And Spring said: "That is just why men are glad to be rid of you. But they feel that my very name is a thing of beauty – the most beautiful of all names, by Zeus –

⁶⁵ Chambray 346, Hausrath 297, Perry 271.

so that they think of me when I am gone and rejoice when I appear.”

Spring follows winter, and freedom follows tyranny.

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The texts selected from the Aesopic fables prove that political matters were indeed an important part of their contents and message. As an expression of popular opinions the fables were most often critical towards the authorities and towards the usual methods of government, although they were sometimes used as an instrument of propaganda of the ruling class. The fables condemn violence and lies in public life. Staying highly realistic, they promote values important for social life, such as honesty and freedom. They are a manifestation of the freedom of speech and courage of their authors (Greek *parrhesia*).

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