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OFFICIAL MOVES TO COMBAT "PARASITISM" IN POLAND

Summary: In recent years, increasing alarm has been registered in Poland regarding those (particularly young) people who allegedly lead a parasitic existence. In early February of this year the PUWP Politburo recommended that the Council of Ministers draw up a law designed to solve this problem. Subsequently, the government draft was submitted to public discussions, one of the first instances in which the new leadership's "consultation" pledge has been put into practice. The results of the discussion, as well as suggested changes to the draft, were then forwarded to the relevant Sejm committees, who approved an amended version of the bill on October 12. It is now allegedly ready for final consideration by a plenary session of the Sejm.

This paper briefly examines the roots of the "parasite" problem and reviews the various stages through which the draft bill has passed. Of particular importance here is the public's role in forcing certain changes in the original version. Although the draft, in its present form, is far from ideal, the regime has, in certain instances, yielded to the pressure of public opinion.

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Introduction

The rejection of established values by the younger generation is world-wide in scope, by no means restricted to the West. Although, according to communist doctrine, hooliganism and parasitism are characteristic of the "capitalistic" system and will disappear in a "socialist" society, events to date have not borne out this theory, and manifestations similar to those in the West have not been lacking in the communist bloc.

People's Poland is no exception, although the causes, if not the symptoms, differ from those in other countries. In Poland, too, the older generation has registered with dismay and watched with a sense of helplessness the spectacle of many young people rejecting the existing order and "going astray."

If the demoralization of certain strata of the younger generation has assumed even larger dimensions in Poland than in some other communist countries, this is due to the political situation in the country during the time the present generation of youngsters was growing up. The intensity of the Polish resistance movement, which culminated in the spectacular Warsaw Uprising, was predominantly attributable to the enthusiasm and spirit of sacrifice of the young. However, under communist rule, Poland's youth has had its spirit curbed (in the bleak years of Stalinist control), its hopes for liberalization dashed (in the aftermath of the Polish October of 1956), and its demand for self-expression forcibly repressed (in March 1968). The consequent general frustration produced a wave of demoralization which, in turn, manifested itself in diverse ways -- in cynicism and apathy, in violence, and in avoidance of any sustained effort in daily life.

Once out of hand, the younger generation's "lunatic fringe" became more and more restless and violent. The information media have reported innumerable instances of violent behavior, of vandalism, of living by one's wits -- all of which were in stark contrast to the pressure under which the average Pole had to work. Instances of brutal, even ghoulish behavior, spreading from big cities to smaller towns and even to villages, became daily occurrences, sapping the established order and endangering the security of the average citizen. The harshest punishment permitted under existing legislation apparently had little, if any, palpable effect.

But, despite the outcry for it, the regime was unwilling to introduce any special legislation, because to do so would have been tantamount to admitting that the educational methods in the Polish People's Republic had failed, and that, in combating and -- especially -- preventing hooliganism and parasitism, (1) Poland had fared no better than other countries. And the fact that such legislation already existed in the USSR and that the regime would be accused of imitating the Soviet example (2) -- a point always resented by the Polish population -- also had to be taken into account.

First Legislative Initiatives

Only at the beginning of 1970 did the administration reluctantly decide to start drawing up appropriate legislation. This was preceded by "stock-taking" in radio and the press. Efforts were made to define terms and also provide an answer to the question of how much could be done within the framework of existing legislation. From the very beginning it was obvious that the problem was far from simple, and that it was well-nigh impossible to determine who would be affected by the projected law. There were those who claimed that "in some circumstances" the term "parasite" would comprise thieves, receivers, swindlers, speculators, prostitutes, pimps, black marketeers, currency peddlers, young people still supported by their families although they had completed their studies, alcoholics, beggars, vagrants, and so on. (3)

In January 1970, a debate took place in the Administration of Justice Committee of the Sejm in which it was stressed that two

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- (1) Although far from identical, according to the information media, these two terms belong in the category of "antisocial attitudes and activities," and on many occasions it was pointed out that the passive "parasitism" engenders active "hooliganism."
 - (2) A Soviet decree of 4 May 1961 was recently amended (on 23 November 1970). Its title: "On Intensifying the Struggle Against Persons Who Avoid Socially Useful Work and Lead Parasitic Lives."
 - (3) Trybuna Ludu, 28 May 1970.

groups of parasites could be defined: those who, while leading a parasitic life commit misdeeds that can be dealt with under existing penal sanctions, and those who do not commit such offenses. For those in the first category the penal mechanism is there, but the penalties are not severe enough. However, it was argued that those who follow an inoffensive parasitical way of life are too numerous to be ignored; efforts to persuade them to adopt a better way of life should be made, and only if this fails should legal measures be taken. It was also stressed that there is a iunctim between the two categories; those in the first -- active offenders -- are recruited mainly from among the members of the second -- the passive loafers. (4)

How numerous is the second category? Here the answer was supplied by Barbara Seidler in the Cracow literary and political weekly Zycie Literackie (1 November 1970):

It is known that there are about 50,000 persons . . . whose way of life can and should be called antisocial and parasitic. They include approximately 35,000 young people, many of whom have completed school, but who would do anything rather than soil their hands with work. Half of these are young people under 21. . . .

She also pointed out the iunctim between hooliganism and parasitism:

Persons who are not gainfully employed commit more than half of the offenses in some categories; 55 per cent of the adults who commit armed robberies are not employed anywhere, and the figures for burglary and theft are 65 and 50 per cent respectively. There are 9,410 known prostitutes in this country -- and I purposely use the term "known," not "registered," for we do not register women who engage in prostitution. . . .

Seidler also recalled that in its draft form the recently adopted Polish Penal Code (5) had originally contained a clause

(4) Ibid.

(5) It went into effect on 19 April 1969 (see Dziennik Ustaw [Journal of Laws] No. 13/69).

making parasitism illegal, but "this clause was deleted during discussion in the legislature, although the idea itself met with universal approval." She added:

. . . It was acknowledged during the discussion of that article in the Penal Code that a special law is needed to provide means of combating parasitism, so that a prison sentence would be the final argument, after all other means had been exhausted. . . .
[However] the result was that the article was deleted but the problem remained.

The Draft Takes Shape

On 11 February 1971, PAP released the following statement:

The Politburo of the PUWP CC has recommended to the government the drawing up of a draft law designed to solve the problem of people who lead the lives of parasites.

Thus the first step was taken. PAP justified the move by stressing that "at recent meetings in enterprises workers have demanded that the problem of social outcasts who earn their livings by criminal activity or actions bordering on criminal activity, be solved. Society [spoleczenstwo] will no longer tolerate this."

The communiqué also contained an attempt to define those whose attitudes and activities (or lack of them) are covered by the draft:

Among those who have no steady jobs and live by engaging in criminal activities are black marketeers, smugglers, speculators, and crooks of various sorts. (6)

Once set in motion, the drafting of the law proceeded quickly: only two weeks later, PAP announced that "the Council of Ministers recently discussed a draft law on the prevention of and the struggle against parasitism." For the first time the title of the new law

(6) The vagueness of this definition is striking, but it is a journalistic comment, not a legal text.

was revealed; it also became apparent that the law would have two elements: preventive and punitive. The age of those affected by the law was also given ("anyone over 18"), as was a new definition of the term "parasite":

The proposed law affects anyone who does not attend school and, though able to work, persistently refuses to do socially useful work [emphasis supplied].

Public Opinion Consulted

The draft had thus technically achieved the stage when it could be sent to the legislature, to become law. This was done on March 11 (PAP of that day). But prior to setting the legislative machinery in motion, the regime decided that the public should be consulted. The purpose of this move was not only to consult the people of the country on the merits of the draft but also (or perhaps mainly) to convert them to the widely unpalatable idea that the freedom of persons who had not done anything punishable under existing laws should be limited. One aspect of this campaign was clearly evident in the summer months, during which the information media repeatedly brought up cases of hooliganism, which were linked with parasitism in such a way as to generate support for the draft law.

The official media, as is usual in such cases, also reported widespread enthusiasm for the project. However, it could not conceal the fact that public opinion was polarized with regard to the draft. Workers seemed to be generally in favor of drastic measures against loafers, and this attitude, although no doubt played up in the press, was certainly genuine enough. Hardline elements in the country naturally embraced the idea wholeheartedly: the military daily Zolnierz Wolnosci (7) did not beat about the bush: "Respect for the law should not be expressed by exercising excessive tolerance in enforcing it." The organ of the Polish Lawyers' Association, Prawo i Zycie, (8) known for its "reactionary" attitude, also joined the chorus of those demanding that severe measures be taken against parasites. It cited the Soviet example as the proper

(7) 16 August 1971.

(8) 18 April 1971.

yardstick for the Poles to apply, and recalled Lenin's famous slogan: "He who does not work, does not eat."

In contrast, the intelligentsia and all liberal elements were alarmed. The Catholic weekly Tygodnik Powszechny (9) drew attention to the inadequacies in the draft, and stressed as its weakest point the fact that it placed limitations on the freedom of the citizenry:

The law against parasites evokes a number of doubts, and the fear that its application might violate the personal freedom of completely innocent Bogu ducha winni citizens, the more so since action against an alleged parasite may be initiated even by private persons.

Lawyers at the Polish Academy of Sciences (PAN) also voiced doubts. At a meeting in March 1971, PAN jurists argued, inter alia, that the draft law, in compelling the employment of loafers, might do so at the expense of women who were seeking jobs or of unskilled workers who, in many regions of the country, are facing a decreasing demand for their labor -- in effect giving loafers priority over other citizens and perhaps turning the law on enforced employment into an unenforceable paper declaration. (10)

Even the general press expressed hesitation with regard to the draft. The popular Warsaw daily Zycie Warszawy (29 April 1971) published an article by Danuta Kaczynska under the telling title: "The Parasite -- A Poorly Defined Entity."

The Draft

The text of the draft, as adopted by the Council of Ministers at its meeting on 26 February 1971, was published in toto in Gazeta Sadowa i Penitencjarna (16 March 1971). The heart of the matter, an attempt to define the term parasite, was contained in the first paragraph:

(9) 11 April 1971.

(10) Kultura, 25 April 1971.

The proposed law affects persons who are over 18 years of age and do not attend school but, though able to work, persistently refuse to do any socially useful work, making a living in a manner, or from sources, inconsistent with the principles of social coexistence, thus threatening legal order.

The sanctions foreseen in the draft were: warning, guardianship, and a term in an "educational labor center." A "parasite" would be summoned to the local organ of the Ministry of Internal Affairs at the local National Council, on the basis of a militia report, or a complaint drawn up by a social organization, self-government, or other organ, or even an individual and would be advised to take a job or start attending school. If the warning was not effective, the person would then be put under "guardianship" and ordered to take a job. The period of guardianship would not exceed three years. If both these measures prove ineffective (Paragraph 6), the person would be brought to court, which would be empowered to send him to an "educational labor center." The period of work in a labor center would not be fixed in advance; it would depend on "educational considerations," but in no case can it exceed three years.

Amendments to the Draft

On April 20, the then Minister of Justice Stanislaw Walczak met with journalists at a press conference in Cracow. He informed the audience that the public discussion of the law on parasites had lasted a month, and had "aroused even greater interest than anticipated." In no fewer than 545 places of work discussions had been held, mainly in tightly packed auditoriums. "This is significant, since attendance was voluntary," stressed the minister. He also admitted that members of the Institute of Legal Sciences of the PAN had appraised the law "most critically" in a special memorandum, containing many amendments. (11) On May 9, Trybuna Ludu announced that on the previous day Sejm committees had received these and other amendments "prepared after thorough analysis of the results of broad public discussions."

(11) Prawo i Zycie, 2 May 1971.

The proposed amendments were along three lines:

First, an attempt was made to make some of the formulations in the draft more precise;

Second, more stress was placed on the educational nature of the penalties provided in the law; it was suggested that the warning talks in which parasites were to be ordered to go to work should also include an effort to find out and eliminate the roots of the evil. It was recalled that the possibility of changing a manner of life was often associated with the need to treat alcoholics, to resolve a difficult family situation, or to ensure social aid. One amendment also contained an entirely new regulation that it be made mandatory that a teacher be present during talks with persons under 21;

The third aspect was an effort to guarantee more effective procedures for dealing with the most demoralized persons -- e.g., if he fails to answer a summon to a warning talk, an individual may be fetched by the militia. Similarly, it was suggested that the period of educational supervision (guardianship) be reduced from three to two years. (12)

On October 12, two Sejm committees adopted the "improved" version of the draft, and Sejm deputy Bronislaw Ostapczuk was interviewed on the subject by Radio Warsaw (October 13). He explained that two committees, the Administration of Justice Committee and Internal Affairs Committee, had appointed a subcommittee which considered the final draft, amending the first version. According to Ostapczuk, the draft submitted by the subcommittee was approved by the two committees, and the bill would be considered at a subsequent plenary session of the Sejm.

Conclusion

There is little doubt that the regime was impressed by the extent and intensity of the criticism of the draft, which showed

(12) Trybuna Ludu, 9 May 1971.

that the "general approval" was not so widespread as the regime would like it to be. Indeed, a number of amendments to the draft reflected the weight of public (particularly legal) opinion. For example, a constructive change was introduced into the definition of a parasite -- the condition that to be considered one a person must be a threat to legal order. Other welcome changes include the recognition in the draft of health and/or personal problems as a reason for not working, the stipulation that a teacher must be present during warning talks with persons under 21, and the abolishment of the provision that every citizen has a right to accuse someone of parasitism.

On the other hand, the draft, as it stands now, has some weak, potentially dangerous, spots. First of all, the definition of those affected by the law remains deplorably vague; many of the formulations in it allow of completely arbitrary interpretation that might be unscrupulously applied against certain segments of the population. Moreover, not all of the changes in the draft had a liberalizing effect. For instance, the Ministry of Justice's amendment reducing the period of guardianship from three to two years only shortens the proceedings leading to assignment to a compulsory labor center.

Although the parasite bill, in its present form, still contains controversial elements, further last-minute changes may be made before the draft becomes law. Indeed, the regime may have decided to give additional consideration to the subject. Despite the earlier-mentioned indications that the bill is now ready to be considered by the Sejm, it was not discussed at the recent two-day (October 25-26) session of the Polish parliament. Although the reasons for this are not clear, it is possible that the new leadership, having put into practice the "consultation" pledge in this case, may have had second thoughts about introducing (without additional changes) a draft law that, in certain important respects, has not taken account of public attitudes.

Wojciech Krzyzanowski