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## **DESPITE THE DEMOCRATIC BACKSLIDING: UNDERSTANDING THE ELECTORAL SUCCESSES AND PUBLIC SUPPORT OF POLAND'S LAW AND JUSTICE 2015–2020**

### **A b s t r a c t**

Social scientific studies on Poland's Law and Justice (PiS) focus on democratic backsliding, autocratization, illiberalism, and populism. Less attention is put to the reasons why the party maintained to keep high support and popularity in the society. Therefore it is essential to ask: what made PiS strong? How do they managed to win elections despite heaviest criticism and accusations? This article aims at answering these questions and understanding what forces made the party successful and winning consecutive elections with record support at record turnouts. The proposed explanation to this are five main factors that made PiS popular: responding to expectations of the people and economic success that helped building credibility. They also sent clear message and proactive narrative, mastered organization of electoral campaigns, what contrasted with divided opposition unable to unite and propose an effective alternative. With this background the activities interpreted as democratic backsliding were rather detrimental, than helping to maintain power.

**K e y w o r d s:** political parties, polarization, elections, right-wing parties and movements, populism, autocratization, democratic backsliding.

## INTRODUCTION

Polish politics in the last years has been governed by many paradoxes. On the one hand, the Poles are one of the most pro-European societies in the EU;<sup>1</sup> on the other, Law and Justice (PiS) party, qualified as conservative-nationalist, populist and Eurosceptic, has won six consecutive elections. Even though they implemented dramatic changes and made highly controversial moves, which brought accusations of building the authoritarian regime, the party leaders have been the most trusted politicians in the society.

The most discussed and criticized moves were personal changes in the Constitutional Tribunal and in the judiciary, where around 20% of chairmen and their deputies in the local, regional and appeal courts were replaced, and courts were put under the administrative oversight of the minister of justice.<sup>2</sup> No less controversial was changing the mode of electing the judges' representation (by the parliament and not by representatives of judges) to the National Council of Judiciary which appoints new judges. PiS tried to remove some judges from the Supreme Court by lowering their retirement age, introduced the disciplinary chamber there and a controversial 'Muzzle law' which did not allow judges to participate in the public debate and criticize the reforms. The opposition and many experts reacted by accusing the government of breaking the constitution, and dismantling the division of powers and the checks and balances. The Article 7 of the Treaty on EU, aimed at punishing the states that violate the rule of law, was launched against Poland as well.<sup>3</sup>

Many of the wide-ranging changes were introduced very hastily, without considering the proposals of the opposition and consulting the interested social groups. The party overtook control over the public media and changed it into the one-sided pro-government

<sup>1</sup> According to CBOS, in 2020 89% of Poles supported the membership in the EU. This figure increased from 84% in 2015 to 91% at peak point in 2019. 'Postrzeganie Unii Europejskiej i jej instytucji', CBOS, Komunikat z Badań 32, 2020, pp. 1–2.

<sup>2</sup> The list of the removed judges was published on the website of the judges' association Iustitia: <https://www.iustitia.pl/informacja-publiczna/2223-decyzje-kadrowe-w-sadach-ad-2018-ujawniamy-pelne-zestawienie/> (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 26 July 2024).

<sup>3</sup> Bojan Bugarić and Tom Ginsburg, 'The Assault on Postcommunist Courts', *Journal of Democracy* 27: 3, 2016, pp. 69–82 (pp. 73–78); Daniel R. Kelemen, 'Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union', *Government and Opposition* 52: 2, 2017, pp. 211–38 (pp. 229–30), <https://doi.org/10.1017/gov.2016.41>.

broadcast.<sup>4</sup> There was also widespread cadre exchange in many public institutions, state services and state-owned companies, with some replacements being unqualified or newly promoted persons.<sup>5</sup> The new government started also worldview discussions by campaigning against LGBT and gender idea, or allowing the bill project banning abortion to reach the stage of parliament work; the bill was later sent to the Constitutional Tribunal, which declared eugenic abortion as unconstitutional and restricted the law, breaking the earlier compromise on the matter. These actions resulted in massive protests, firstly of Committee for the Defence of Democracy (KOD), then women's 'Black Umbrellas' rallies and finally 'All-Poland Women's Strike' movement. Additionally, there were protests of teachers and young doctors who demanded pay rises, and of disabled people occupying the corridor of parliament for increased social benefits. Also the judges protested against changes in the judiciary, and pro-European marches were organized in many towns.<sup>6</sup> Such a contrast leads to a question what were the driving forces that made so criticized party win widespread public endorsement.

This paper aims at examining the driving factors of the electoral successes of PiS and the public support for the party in the period of 2015–2020, as well as finding the main reasons for its extensive and long-lasting gain. The analysis has mostly qualitative character in which the narrative of the party will be examined, as well as its activities and responses to important problems of different social groups. For this aim, different sources will be analysed: statistical data, economic indicators, public opinion research done by Centre for Public Opinion Research (CBOS), as well as statements of politicians, active observation of electoral campaigns and their contents.

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<sup>4</sup> Paweł Surowiec, Magdalena Kania-Lundholm and Małgorzata Winiarska-Brodowska, 'Towards Illiberal Conditioning? New Politics of Media Regulations in Poland (2015–2018)', *East European Politics* 36: 1, 2020, pp. 27–43, <https://doi.org/10.1080/21599165.2019.1608826>.

<sup>5</sup> Anna Grzymala-Busse, 'How Populists Rule: The Consequences for Democratic Governance', *Polity* 51: 4, 2019, pp. 707–17 (pp. 710–11); Joanna Fomina and Jacek Kucharczyk, 'Populism and Protest in Poland', *Journal of Democracy* 27: 4, 2016, pp. 58–68, <https://doi.org/10.1353/jod.2016.0062>.

<sup>6</sup> *Ibid.*, pp. 60–65.

## THEORETICAL BACKGROUND: PiS AS A POPULIST PARTY, POLAND AS BACKSLIDING DEMOCRACY

PiS has been classified as a party belonging to ‘contemporary authoritarian populism’,<sup>7</sup> and as a ‘conservative and very traditional populist party’.<sup>8</sup> Other categories applied include a party of ‘ethnopolitism’, whose politicians aim at defending ‘the people’, which includes race, ethnicity, culture, nation and religion and use it as strategies for getting votes and consolidating their power.<sup>9</sup> ‘Ethno-nationalist populism’<sup>10</sup> combines the populist (anti-elite, dismissing the institutions of the state), nationalist (identity with a nation, by the race, ancestry, religion, culture) and authoritarian (diminishing the rule of law and democratic norms, centralization of power and limiting political freedoms) attitudes and approaches, used by the representatives of such parties. The most common analytical frame though is a populist party,<sup>11</sup> and its variations: populist right wing, national-conservative, radicalized mainstream party,<sup>12</sup> ultra-conservative, nationalist-populist,<sup>13</sup> or radical populist party.<sup>14</sup> PiS is also depicted as a party of paternalist populism with authoritarian innovations, self-confidence, anti-western resentment, and anti-immigrant agenda; a party diminishing the civil society, re-building the belief in the strong state, and using the resurgence of Christianity

<sup>7</sup> Pippa Norris, ‘It’s Not Just Trump. Authoritarian Populism is Rising Across the West. Here’s Why’, *Washington Post*, 11 March 2016.

<sup>8</sup> Michael Bernhard, Venelin I. Ganev, Anna Grzymala-Busse, Stephen E. Hanson, Yoshiko M. Herrera, Dmitrii Kofanov and Anton Shirikov, ‘Weasel Words and the Analysis of “Postcommunist” Politics: A Symposium’, *East European Politics and Societies and Cultures* 34: 2, 2020, pp. 283–325 (p. 302), <https://doi.org/10.1177/0888325419900244>.

<sup>9</sup> Erin Jenne, ‘Is Nationalism or Ethno-Populism on the Rise Today?’, *Ethnopolitics*, 17: 5, 2018, pp. 546–52 (pp. 549–50), <https://doi.org/10.1080/17449057.2018.1532635>; Milada Anna Vachudova, ‘Ethnopolitism and Democratic Backsliding in Central Europe’, *East European Politics* 36: 3, 2020, pp. 318–40 (pp. 318–20), <https://doi.org/10.1080/21599165.2020.1787163>.

<sup>10</sup> Bart Bonikowski, ‘Ethno-Nationalist Populism and the Mobilization of Collective Resentment’, *The British Journal of Sociology* 68: S1, 2017, pp. S181–S213 (pp. S182–90, S198), <https://doi.org/10.1111/1468-4446.12325>.

<sup>11</sup> Grzymala-Busse, ‘How Populists Rule’.

<sup>12</sup> Mattia Zulianello, ‘Varieties of Populist Parties and Party Systems in Europe: From State-of-the-Art to the Application of a Novel Classification Scheme to 66 Parties in 33 Countries’, *Government and Opposition* 55: 2, 2020, pp. 327–47 (p. 331), <https://doi.org/10.1017/gov.2019.21>.

<sup>13</sup> Kelemen, ‘Europe’s Other Democratic Deficit’, p. 227.

<sup>14</sup> Ben Stanley and Mikolaj Cześnik, ‘Populism in Poland: A Comparative Perspective’, in Daniel Stockemer, ed., *Populism Around the World: A Comparative Perspective* (Cham: Springer Nature, 2019), pp. 67–87 (p. 85), [https://doi.org/10.1007/978-3-319-96758-5\\_5](https://doi.org/10.1007/978-3-319-96758-5_5).

as a source of identity; a party which managed to transform the populist discourse into the language compatible with governmental roles.<sup>15</sup>

In relation to this scholars put Poland in the ‘third wave of autocratization’, in which the governors ‘gradually, and then substantially undermine democratic norms without abolishing key democratic institutions’, other term used is ‘democratic erosion’.<sup>16</sup> The process of ‘the gradual erosion of democratic norms and practices’ is called ‘authoritarianization’.<sup>17</sup> Other theoretical frames are ‘democratic decay’<sup>18</sup> and ‘democratic deconsolidation’,<sup>19</sup> referring to gradual discharging of democratic institutions. Developments in Poland are also put into the frame of ‘abusive constitutionalism’, in which the governors make subtle changes and undermine the accountability of institutions to strengthen their power<sup>20</sup> and the corresponding frames of ‘autocratic legalism’<sup>21</sup> and ‘constitutional retrogression’.<sup>22</sup> Another interpretation is that PiS government has been descending into authoritarianism via a crisis in the rule of law by introducing the unconstitutional changes with legal solutions,<sup>23</sup> the disciplinary proceedings against judges,<sup>24</sup> eroding formal institutions, and re-writing the history.<sup>25</sup>

<sup>15</sup> Zsolt Enyedi, ‘Right-wing Authoritarian Innovations in Central and Eastern Europe’, *East European Politics* 36: 3, 2020, pp. 363–77 (p. 365, 374), <https://doi.org/10.1080/21599165.2020.1787162>.

<sup>16</sup> Anna Lührmann and Staffan I. Lindberg, ‘A Third Wave of Autocratization is Here: What is New about It?’, *Democratization* 26: 7, 2019, pp. 1095–113 (p. 1103, 1105, 1108), <https://doi.org/10.1080/13510347.2019.1582029>.

<sup>17</sup> Erica Frantz and Andrea Kendall-Taylor, ‘The Evolution of Autocracy: Why Authoritarianism Is Becoming More Formidable’, *Survival* 59: 5, 2017, pp. 57–68 (p. 60), <https://doi.org/10.1080/00396338.2017.1375229>.

<sup>18</sup> Tom Gerald Daly, ‘Democratic Decay: Conceptualising an Emerging Research Field’, *Hague Journal on the Rule of Law* 11: 1, 2019, pp. 9–36, <https://doi.org/10.1007/s40803-019-00086-2>.

<sup>19</sup> Roberto Stefan Foa and Yascha Mounk, ‘The Democratic Disconnect’, *Journal of Democracy* 27: 3, 2016, pp. 5–17 (pp. 14–16).

<sup>20</sup> David Landau, ‘Abusive Constitutionalism’, *UC Davis Law Review* 47: 1, 2013, pp. 189–260.

<sup>21</sup> Kim Lane Scheppele, ‘Autocratic Legalism’, *University of Chicago Law Review* 85: 2, 2018, pp. 545–84.

<sup>22</sup> Aziz Z. Huq and Tom Ginsburg, ‘How to Lose a Constitutional Democracy’, *UCLA Law Review* 65: 1, 2018.

<sup>23</sup> Marcin Matczak, ‘The Clash of Powers in Poland’s Rule of Law Crisis: Tools of Attack and Self-Defence’, *Hague Journal on the Rule of Law* 12: 3, 2020, pp. 421–50 (pp. 421–22, 427–32), <https://doi.org/10.1007/s40803-020-00144-0>.

<sup>24</sup> Katarzyna Gajda-Roszczyńska and Krystian Markiewicz, ‘Disciplinary Proceedings as an Instrument for Breaking the Rule of Law in Poland’, *Hague Journal on the Rule of Law* 12: 3, 2020, pp. 451–83, <https://doi.org/10.1007/s40803-020-00146-y>.

<sup>25</sup> Grzymala-Busse, ‘How Populists Rule’, p. 709.

However, the most popular term is democratic, or populist backsliding,<sup>26</sup> in which the parties eliminate the institutional checks and balances through overtaking institutions, capturing the economy and deepening the polarization of society. They also diminish the role of civil society, or support the groups backing their views and policies.<sup>27</sup> Patronal politics, state capture and identity politics were put together into a concept of ‘caesarean politics’.<sup>28</sup> Moreover the indexes designed by various analytical institutions to measure the level of democracy and democratic values were significantly downgraded for Poland, as shown in table 1.

TAB. 1  
Democratic indexes for Poland 2015–2020

Index	2015	2016	2017	2018	2019	2020
Freedom House Index (score)	–	93	89	85	84	84
Bertelsmann Transformation Index (score)	–	9.23	–	8.58	–	8.15
V-dem indexes:						
Civil liberties	0.95	0.88	0.84	0.84	0.84	0.84
Electoral democracy	0.88	0.73	0.69	0.69	0.68	0.63
Freedom of expression	0.98	0.74	0.70	0.70	0.70	0.71
Liberal democracy	0.80	0.61	0.55	0.55	0.53	0.49
Rule of law	0.94	0.91	0.88	0.84	0.83	0.82
World Press Freedom Index (rank)	18	47	54	58	59	62

Source: <https://freedomhouse.org/country/poland/freedom-world/2020>; <https://bti-project.org/en/meta/downloads.html?content=country&country=POL>; [www.v-dem.net](http://www.v-dem.net); <https://rsf.org/en/poland>.

The support for PiS in the 2015 election was explained by authoritarian clientelism deriving from the national-Catholic socialization, communist blueprint, and low social capital. Another element is the feeling of ‘temporality of enacted solutions’, as a result of blurred phases of democratic transition, and finally as a ‘conservatist revolt against modernity’, supported by the Catholic Church.<sup>29</sup>

<sup>26</sup> Nancy Bermeo, ‘On Democratic Backsliding’, *Journal of Democracy* 27: 1, 2016, pp. 5–19, <https://doi.org/10.1353/jod.2016.0012>.

<sup>27</sup> Vachudova, ‘Ethnopolitism and Democratic Backsliding in Central Europe’, pp. 329–31.

<sup>28</sup> Robert Sata and Ireneusz Paweł Karolewski, ‘Caesarean Politics in Hungary and Poland’, *East European Politics* 36: 2, 2020, pp. 206–25 (pp. 206–09), <https://doi.org/10.1080/21599165.2019.1703694>.

<sup>29</sup> Radosław Markowski, ‘Creating Authoritarian Clientelism: Poland After 2015’, *Hague Journal on the Rule of Law* 11: 1, 2019, pp. 111–32 (pp. 122–29), <https://doi.org/10.1007/s40803-018-0082-5>.

The rise of support for such parties is also credited to the feeling of injustice engendered by social and economic changes and to the threat of migration, which may cause unemployment and lower wages. Additional reasons are the radicalization of public discourse, use of lies and demonization of the opponents, who are unable to respond. What is significant here are the economic disparities between old and new EU-member states – in the latter, despite the economic growth, wide groups of society were highly unsatisfied.<sup>30</sup> This manifested in the counterreaction of society against the ‘elite’s networks’ who built the dominant coalitions and captured the state during the elite-driven post-communist transformation.<sup>31</sup>

### COMING TO POWER – MIXTURE OF STRATEGY AND COINCIDENCE

Before 2015 PiS had a firm and loyal conservative electorate of around 30%, and it seemed impossible to get above that level. The party governed in the period of 2005–07, when it undertook many controversial decisions and was accused of authoritarian desires.<sup>32</sup> After the 2010 plane crash in Smolensk, (one of the victims was Lech Kaczyński, Jarosław’s twin) they managed to consolidate their hard-core electorate by negating the Russian and Polish-government versions of the accident. They also started to build the myth of Lech Kaczyński as one of the most important figures in Polish post-1989 history. This emotionalized the discourse and polarized the politics and the nation, but also cemented the ‘wall’ around the party, making it unacceptable for wider parts of society.<sup>33</sup> In 2015 the electorate of PiS were mainly older people (48% above 55 years old), 52% with

<sup>30</sup> Vachudova, ‘Ethnopolitism and Democratic Backsliding in Central Europe’, pp. 321–23.

<sup>31</sup> Antoaneta L. Dimitrova, ‘The Uncertain Road to Sustainable Democracy: Elite Coalitions, Citizen Protests and the Prospects of Democracy in Central and Eastern Europe’, *East European Politics* 34: 3, 2018, pp. 257–75 (pp. 262–64), <https://doi.org/10.1080/21599165.2018.1491840>.

<sup>32</sup> Daniele Albertazzi and Sean Mueller, ‘Populism and Liberal Democracy: Populists in Government in Austria, Italy, Poland and Switzerland’, *Government and Opposition* 48: 3, 2013, pp. 343–71 (pp. 357–61), <https://doi.org/10.1017/gov.2013.12>; Ben Stanley, ‘Confrontation by Default and Confrontation by Design: Strategic and Institutional Responses to Poland’s Populist Coalition Government’, *Democratization* 23: 2, 2016, pp. 263–82 (pp. 266–67), <https://doi.org/10.1080/13510347.2015.1058782>.

<sup>33</sup> Wojciech Przybylski, ‘Explaining Eastern Europe: Can Poland’s Backsliding Be Stopped?’, *Journal of Democracy* 29: 3, 2018, pp. 52–64 (pp. 55–56).

basic or vocational education, 50% living in rural areas, and 59% declaring themselves as regular churchgoers.<sup>34</sup>

With such a starting point, the party managed to win the presidential elections of 2015 despite putting an almost unknown politician Andrzej Duda into race with president Bronisław Komorowski, who had over 70% of support three months before the elections. They also won the five following elections—all this with record turnouts and voters' mobilization.<sup>35</sup>

What is more interesting, never before in the Polish democracy has one party managed to win the absolute majority in fully democratic elections. The proportional voting promotes multi-party system, so to form a single-party majority, a group needs to win firm and wide support in the society. Paradoxically, this did not happen in 2015 either. Apart from a well-organized campaign with fresh promises (e.g. support for families, building affordable flats, or reversing the rise of retirement age) and bold statements on controversial topics (e.g. strong opposition to accepting migrants from the Middle East),<sup>36</sup> the victory of PiS in the parliamentary elections was a concurrence of three main factors. Firstly they formed a coalition with two small parties: Poland Together of Jarosław Gowin (later restructured into Agreement) and Solidary Poland of Zbigniew Ziobro. This alliance opened PiS to the radicals and to the moderate centre and frustrated voters of other parties. The junior partners of Kaczyński brought over 5% of additional support, which tipped the balance and secured the victory.

Secondly, in Poland one can observe what Anna Grzymala-Busse<sup>37</sup> called 'the failure of Europe's mainstream parties', in which they 'failed to represent constituencies, to articulate their needs, and to propose distinct policy solutions'. At some point they did not manage to recognize and respond to voters' concerns and expectations, which undermined their credibility.<sup>38</sup> The situation is also to be linked with

<sup>34</sup> Stanley and Cześnik, 'Populism in Poland', p. 82; 'Elektoraty PO i PiS w ostatnich dwunastu latach', CBOS, Komunikat z Badań 130, 2017, pp. 2–5.

<sup>35</sup> In 2019 the number of 'wasted votes' was the lowest in the history and comprised only 0.92%, see Radosław Markowski, 'Plurality Support for Democratic Decay: the 2019 Polish Parliamentary Election', *West European Politics* 43: 7, 2020, pp. 1513–25 (p. 1514), <https://doi.org/10.1080/01402382.2020.1720171>.

<sup>36</sup> Fomina and Kucharczyk, 'Populism and protest in Poland', pp. 60–61.

<sup>37</sup> Anna Grzymala-Busse, 'The Failure of Europe's Mainstream Parties', *Journal of Democracy* 30: 4, 2019, pp. 35–47 (pp. 39–43).

<sup>38</sup> Sheri Berman, 'Populism is a Symptom Rather than a Cause: Democratic Disconnect, the Decline of the Center-Left, and the Rise of Populism in Western Europe', *Polity* 51: 4, 2019, pp. 654–67.



liberal consensus and technocratic monism during the transition years.<sup>39</sup> The governing parties lost credibility during the economic and EU crises (eurozone and immigration), not responding to the demands of their voters and focusing on 'responsible' austerity means.<sup>40</sup> Seemingly, Poland went through the 2007–09 crisis successfully: it managed to keep the GDP growth and the quality of life was improving. However, several problems emerged, which the governing PO as well as other parties except PiS failed to acknowledge as important for the people. According to the CBOS,<sup>41</sup> shortly before the September 2015 election 48% of Poles believed the situation in the country was going in the wrong direction, and only 29% thought the opposite; also the economic situation in Poland was perceived as bad by 33%, and as good by 24% of respondents. PO failed to propose solutions to many important social issues such as social security, stable well-paid jobs or affordable homes.<sup>42</sup> Their policies were reactive, aiming to—as Donald Tusk said—'provide warm water in the tap', which has become a symbol of unambitious policies with lack of vision.<sup>43</sup> PO politicians were also involved in several scandals of which the most destructive was a 'tape scandal', in which prominent PO members were illegally recorded in a restaurant in Warsaw, talking about mismanagement of government institutions and corruption activities.<sup>44</sup>

Thirdly, the left parties were in decline, although a very bizarre one: they got over 10% of support, but neither of them managed to get into the parliament.<sup>45</sup> The coalition including the Alliance of Democratic Left (SLD) failed to cross the 8% threshold set for coalitions. The new Razem Party won 3.62% of support after brilliant performance of its leader Adrian Zandberg in the televised debate. As the d'Hondt system promotes bigger parties, the 'wasted' votes gave additional mandates

<sup>39</sup> Stanley Bill and Ben Stanley, 'Whose Poland Is It to Be? PiS and the Struggle between Monism and Pluralism', *East European Politics* 36: 3, 2020, pp. 378–94 (pp. 379–80), <https://doi.org/10.1080/21599165.2020.1787161>.

<sup>40</sup> Martin Brusis, 'Democracies Adrift: How the European Crises Affect East-Central Europe', *Problems of Post-Communism* 63: 5–6, 2016, pp. 263–76 (pp. 266–68), <https://doi.org/10.1080/10758216.2016.1201772>.

<sup>41</sup> 'Nastroje społeczne we wrześniu', CBOS, Komunikat z Badań 129, 2015, pp. 1–2.

<sup>42</sup> Dominik Owczarek, 'Social Cohesion And Economic Fears', in *Mapping and Responding to the Rising Culture and Politics of Fear in the European Union: Nothing to Fear but Itself?* (Demos, London 2017), pp. 323–25.

<sup>43</sup> Annabelle Chapman, 'Close-Up: Donald Tusk', *Berlin Policy Journal*, July/August 2016, <https://berlinpolicyjournal.com/close-up-donald-tusk/>.

<sup>44</sup> Jan Cienski, 'A Polish "Game of Tapes"', *Politico*, 10 June 2015; Sata and Karolewski, 'Caesarean Politics in Hungary and Poland', pp. 209–10.

<sup>45</sup> Sheri Berman and Maria Snegovaya, 'Populism and the Decline of Social Democracy', *Journal of Democracy* 30: 3, 2019, pp. 5–19 (p. 13), <https://doi.org/10.1353/jod.2019.0038>.

to PiS and helped the latter get the absolute majority of 235 seats. If the left had gotten around 28 mandates, PiS would have been far from majority and 'single-party' government.

### BUILDING POPULARITY – WHAT MADE LAW AND JUSTICE STRONG?

While PiS' coming to power in 2015 can be explained by co-occurrence of the aforementioned factors, the continuous streak of electoral victories proves that the support in the society remained strong. The party managed not only to keep their voters, but also attract many new groups, which manifests both in vote count and in the absolute numbers. In national and presidential elections of 2019–20 the party's candidates got over 2.3 mio. new votes (43%), which is a massive gain (table 2). Intense disputes and controversial debates contributed to mobilization of the whole society and record turnouts, as well the growth for the opposition. It is important to say that unlike Hungary's Fidesz, they never changed the parliamentary electoral system in a way which would support the party's candidates, or give them advantageous seat divide; nor did they try any kind of gerrymandering.<sup>46</sup> However, the National Electoral Commission which organizes the elections and counts votes was reformed, and judges were partially replaced with members elected by the parliament, which raised objections from many lawyers and experts. Afterwards at no point there was any denouncement of the results of the elections, counting of votes and the reliability and work of the commission;<sup>47</sup> the only thing criticized was the biased public media.<sup>48</sup>

Nevertheless, the phenomenon of high support for PiS cannot be explained without a deeper analysis of the party's policies, rhetoric, content and organization of electoral campaigns, as well as general economic and political situation in the country. It may be also helpful for understanding other cases of countries and parties qualified in the similar theoretical frames. There are five main factors that stand behind the success of PiS:

<sup>46</sup> Matthijs Bogaards, 'De-democratization in Hungary: Diffusely Defective Democracy', *Democratization* 25: 8, 2018, pp. 1481–99 (pp. 1485–86), <https://doi.org/10.1080/13510347.2018.1485015>.

<sup>47</sup> Jacek Sobczak, 'Changing the Model of the Polish Electoral Administration', *Przegląd Prawa Konstytucyjnego* 58: 6, 2020, pp. 69–82, <https://doi.org/10.15804/ppk.2020.06.05>.

<sup>48</sup> Markowski, 'Plurality Support for Democratic Decay', p. 1519.

TAB. 2  
Support for Law and Justice

	2005 (Nat)	2005 (Pres 1st round) (L. Kaczyński)	2007 (Nat)	2009 (Euro)	2010 (Pres 1st round) (J. Kaczyński)	2011 (Nat)	2014 (Euro)	2015 (Pres 1st round) (A. Duda)	2015 (Nat)	2019 (Euro)	2019 (Nat)	2020 (Pres 1st round) (A. Duda)
PiS	26.99 3.18 mio	33.10 4.94 mio	32.11 5.18 mio	27.40 2.01 mio	36.46 6.12 mio	29.89 4.29 mio	31.78 2.24 mio	<b>34.76</b> <b>5.18</b> mio	<b>37.58</b> <b>5.71</b> mio	<b>45.38</b> <b>6.19</b> mio	<b>43.59</b> <b>8.05</b> mio	<b>43.50</b> <b>8.45</b> mio
Turnout	40.57	49.74	53.88	24.53	54.94	48.92	23.82	<b>48.96</b>	<b>50.92</b>	<b>45.68</b>	<b>61.74</b>	<b>64.51</b>

Source: State Electoral Commission (PKW), pkw.gov.pl.

- (1) reading and responding to expectations and desires of the people,
- (2) economic success and building credibility,
- (3) clear message and proactive narrative,
- (4) good organization of electoral campaigns,
- (5) divided opposition rivalling against each other.

#### READING AND RESPONDING TO EXPECTATIONS AND DESIRES OF THE PEOPLE

During his speech at the electoral convention in Katowice in March 2019 Jarosław Kaczyński said: 'Our plan, our program is that in the heart of Europe we achieve the European standard of living for Poles. This is our Europeanness'.<sup>49</sup> Better quality of life and social security is indeed what the Poles wanted the most.<sup>50</sup> Ten years after joining the EU most of the society had an experience with working, studying, or simply traveling abroad to the countries of the 'old EU'.<sup>51</sup> After experiencing the decent life there, they expected to enjoy a similar standard in Poland. However, when the Polish GDP was growing dynamically, it was not followed by fair redistribution as many jobs were based on fixed-term contracts and badly-paid. Changing this and developing a 'Polish model of welfare state' has become one of the most important parts of PiS' rhetoric.<sup>52</sup> They promised to raise the minimum wage and gradually realized it, which combined with falling unemployment rate.

Another issue was the system of social benefits, which existed but was mostly directed at the poorest groups of society. PiS proposed a completely new dimension of welfare under the slogan of 'supporting families'. The flagship project, which they implemented immediately was 'Family 500+'. Its aim was to give 500 zlotys (130\$) per every second

<sup>49</sup> TM, TO, 'Jarosław Kaczyński: Dla Polski nie ma innej alternatywy niż UE', *TVPInfo*, 16 March 2019, <https://www.tvp.info/41773451/kaczynski-i-morawiecki-na-regionalnej-konwencji-pis-w-katowicach>.

<sup>50</sup> According to a CBOS survey, the Poles in 2018 expected from the new Morawiecki's government improvement of healthcare (9%), better pensions (9%), economic development (8%), better jobs (8%), improvement of quality of life (8%), higher wages (7%) (most popular among over 70 issues gathered from spontaneous answers). 'Oczekiwania wobec rządu Mateusza Morawieckiego', CBOS, *Komunikat z Badań* 13, 2018, p. 3.

<sup>51</sup> Jarosław Kuisz and Karolina Wigura, 'The Pushback Against Populism: Reclaiming The Politics of Emotion', *Journal of Democracy* 31: 2, 2020, pp. 41–53 (pp. 49–50).

<sup>52</sup> Bill and Stanley, 'Whose Poland Is It to Be?', p. 385; Ronald Inglehart and Pippa Norris, 'Trump and the Populist Authoritarian Parties: "The Silent Revolution" in Reverse', *Perspectives on Politics* 15: 2, 2017, pp. 443–54 (pp. 448–51), <https://doi.org/10.1017/S1537592717000111>.

and next child in a family, and for the first child in case of the poorest families and children with disabilities. One of the greatest problems of Poland is demography, not only due to high level of emigration but also because the families feel economically insecure and avoid having more children. The 500+ was labelled a pro-demographic program, aimed at improving the material situation of families and encouraging Poles to have more children. In the second stage (after four years) the program was extended to every child, and supplemented by a 300+ school starter kit subsidy, paid at the beginning of the school year.

Another serious problem for Polish families was lack of houses and apartments. According to Eurostat statistics, the average number of rooms per person was 1.1, which was one of the worst quotas in Europe, and there were estimated 3 mio. apartments lacking on the market. In this situation, combined with steadily growing wages, the property prices skyrocketed. The response of PiS was the Apartment+ program, which was to create a cheap alternative on the property market with state's assistance, aiming at building up to 100.000 flats within four years. Although this turned out to be the greatest failure of the government as only several hundred flats were built, still the message was clear, and no other party proposed an alternative.

Important group to which PiS directed its proposals were seniors. The average pension in Poland in 2015 was 575.1\$. PiS started by reversing the highly unpopular reform of retirement age introduced by Tusk's government, which raised it from 60 for women and 65 for men to 67 universally. The next step was introducing free basic medicines for people above 70 and the pension for stay-at-home mothers who gave birth to four and more children. In 2019 PiS introduced the 'thirteenth pension', an extra benefit paid once a year (238\$) and promised to make it regular, with a perspective of introducing the 'fourteenth pension' in the future.

PiS politicians focused a lot of attention on the voters in smaller towns and rural areas, promising them the same quality of life and access to public services as in the biggest cities. They started to restore village police stations, stopped liquidation of small village schools, and introduced a farmland protection law to prevent its purchase by investors, in particular foreign ones. Other government programs supported the voluntary fire brigades and country women associations, which are the most important civil society organizations in Polish villages. PiS also promised wide support for farmers, including higher subventions within EU Common Agricultural Policy, which for Poles

are below the EU average. As around 25% of villages have no access to public transport (bus or railway), the government reacted to transport exclusion by developing a program of restoring local connections.

PiS promised what Francis Fukuyama calls a 'state capacity'—a strong state, in terms of bringing security, operative administration and well-functioning judiciary.<sup>53</sup> They modernized and equipped the security services, like police, fire brigades, border police and the military. Part of army modernization involved extending the number of soldiers by forming territorial defence troops, modelled on the U.S. National Guard, which should be stationed in every county and be partially professional soldiers with tasks supplementary to regular forces. The actual army was to be modernized as well by using as far as possible domestic production and arms industry; however, some spectacular contracts were signed with the U.S. for Patriot missiles and F35 fighters. The deployment of U.S. troops in Poland, although partly agreed earlier, counted as an achievement of the PiS government and President Duda, as thanks to them Poles felt much more secure, particularly after the Russian aggression against Ukraine in 2014.

#### ECONOMIC SUCCESS AND BUILDING CREDIBILITY

One of the very first critiques against PiS government came from the experts in economics, pronouncing the ideas of PiS as unrealistic due to shortage of money in the state budget. Mateusz Morawiecki, the then minister of development (prime minister since December 2017) responded that the main idea of PiS government is to close the VAT gap. He accused the PO-PSL government of letting the state lose over \$52 billion during eight years of their government. PiS governments managed to decrease the gap from 24% in 2015 to 11,2% in 2019,<sup>54</sup> which, combined with the good global economic situation, boosted the incomes of the state budget by about 25% within four years. Having more money, PiS could finance new social benefits, make further investments in the infrastructure and prepare new development programs.

The main program was the Strategy for Responsible Development, or the 'Morawiecki's plan', aimed at improving the infrastructure, building Polish capital, supporting expansion of Polish companies to

<sup>53</sup> Francis Fukuyama, 'Why Is Democracy Performing So Poorly?', *Journal of Democracy* 26: 1, 2015, pp. 11–20 (pp. 15–16).

<sup>54</sup> JAF, 'Luka w VAT urosła. Oto jak skomentowało to ministerstwo', *Businessinsider.pl*, 25 April 2023, <https://businessinsider.com.pl/gospodarka/podatki/luka-w-vat-urosla-oto-jak-skomentowalo-to-ministerstwo/lk5697j>.

international markets and building their brands, encouraging Polish companies to make investments and develop new technologies. This was the response to the fact that Poland has hardly any worldwide-known brands and, according to Global Innovation Index, Polish economy is one of the least innovative in Europe.<sup>55</sup> The plan contained also ambitious visions like the Central Communication Port with network of fast railways. The second project was the Vistula Split canal, which was to provide sea access to the harbour in Elbląg and smaller ones located at the Vistula Lagoon in the eastern part of Polish coast, almost unused as ships had to go through the Russian territorial waters to reach the Baltiysk Strait.

This contributed to very dynamic development of Polish economy (outlined in table 3). GDP per capita grew with much higher year-to-year rates than expected by rating and analytical agencies and by the government itself. Deficit of the general government sector fell to 2%, while the state debt grew to over \$262 billion, but fell significantly if counted in the relation to GDP. One of the principles often repeated by the PiS politicians was that the people should profit from the dynamic economic growth. Through the generous social benefits programs the share of the growth was improved, and this was appreciated by the majority of society. During the coronavirus pandemics the ‘anti-crisis shields’ and subsidies paid to the companies helped to keep them running and stopped rapid growth of unemployment despite the months of partial economic lockdown.

TAB. 3  
Economic indicators for Poland 2015–2019

	2015	2016	2017	2018	2019
GDP growth	4.3%	3.2%	4.8%	5.4%	4.2%
Unemployment	9.7%	8.2%	6.6%	5.8%	5.2%
Gini index	30.6	29.8	29.2	27.8	28.5
HDI	0.863	0.869	0.873	0.877	0.880
Budget revenues (bln\$)	76.6	83.3	92.8	100.7	106.1
Budget expenditures (bln\$)	87.9	95.6	99.5	103.4	109.7
Budget deficit	-2.4%	-2.5%	-1.3%	-0.2%	-0.1%
State debt (bln\$)	232.4	255.7	254.8	260.8	262.3
Public debt	48.7%	51.9%	48.4%	46.4%	43.4%
Minimum wages (\$)	463.7	490.2	529.9	556.4	596.2
Average wages (\$)	1035.5	1073.7	1135.1	1216,2	1303,7
Average pension (\$)	575.2	584.2	597.1	615,6	641,6

Source: Statistics Poland.

<sup>55</sup> The index available at: <https://www.globalinnovationindex.org/analysis-indicator>.

All this gave the party credibility, as the one which fulfils its promises, what was constantly emphasized by PiS politicians and pro-government media. The social benefit programs were implemented against the opinions of experts and opposition, and the numbers show that the standard of living of many families has been improved and the state budget and finances have not collapsed; on the contrary, they were in a good shape. There are promises that have not been realized, or some results were not as successful as expected, like e.g. education or healthcare reforms, but the government undertook the activity to change the sectors which needed improvement and showed determination to make changes. PiS also proved to be a very operative force in the parliament—their MPs were able to produce a new law within mere days. This was on one hand forcefully criticized for violating the legislative procedures, or not giving enough time for opposition to participate in the debate, yet on the other it proved determination to get quick changes and results, and efficiency in implementing them.

#### CLEAR MESSAGE AND PROACTIVE NARRATIVE

Although ideologies as such were compromised in the 20<sup>th</sup> century, the problem of the last decades has become the lack of guidance, goal-setting and showing direction, which results in both poor leadership and disorientation of voters. The differences between the main traditional parties had become blurred—the right is not the right and the left is not the left anymore.<sup>56</sup> In Poland these divisions have always been unclear: initially due to the post-communist cleavage, which set former communists against the former opposition, and after 2005 because the political scene has been overtaken by two (initially very similar) parties with roots in Solidarity movement.<sup>57</sup>

The two parties went into conflict after 2005 when PiS formed a minority government after failed coalition talks with PO, later establishing a coalition with populist parties. PiS had to differentiate from their main opponents and went firmly into the conservative direction and built its narrative strongly on patriotic sentiments. Nowadays, when Poland has overcome the difficulties of the post-

<sup>56</sup> Grzymala-Busse, 'The Failure of Europe's Mainstream Parties', p. 40.

<sup>57</sup> Margit Tavits and Natalia Letki, 'When Left is Right: Party Ideology and Policy in Post-Communist Europe', *American Political Science Review* 103: 4, 2009, pp. 555–69, <https://doi.org/10.1017/S0003055409990220>.



-socialist transformation, Poles want to have the position of an important nation in Europe and be appropriately treated. Because of difficult historical experiences, they remain strongly attached to their state and the nation as community of values, and that is why the majority perceives cosmopolitan views with distance. They want to be both Poles and Europeans, one of the equal nations among others in the united Europe. Part of this mental makeup is Catholicism, as the Catholic faith and Church played important role in hard times and has become a crucial part of Polish national identity.

PiS read these feelings and based their narrative on patriotism, traditional values, pride in historical achievements and glory of the heroes.<sup>58</sup> The party strongly stressed the need of presenting the Polish point of view on historical events, such as the 1920 battle of Warsaw that stopped the march of Bolsheviks on Europe. One of the postulates in 2015 campaign (not realised) was producing a Hollywood film, with top star-actors, that would present Polish history to the world. This is also related to PiS' vision of the EU as Europe of fatherlands and an association of independent and sovereign states, not a federal super-state. The party is not Eurosceptic, nor does it want the 'Polexit', as often alleged. Its discourse is always directed against the 'European elites', 'European bureaucracy' or 'Brussels clerks', but not against the EU itself.

PiS has had a proactive narrative, presenting ambitious prospects of Poland's development and visionary projects. According to it this was to be a recipe for healing the bad shape of the state, which had adopted the 'impossibilistic' attitude to solving the problems of people, and its elites, corrupted and submissive to different lobbies and interest groups. The remedy to this was the 'good change'. Furthermore, Poland should be a good place for living, develop innovative technologies and be a strong sovereign state, offering security and serving its citizens. Poland should also escape the middle-income trap by building its economic potential and capital, combine tradition with modernity, and protect its cultural heritage.

Another element of this narrative is polarization, clear black-and-white divisions. Since PO and PiS have dominated the political scene after 2005, PiS consequently tried to push PO into the corner of post-communism and unclear relations to the former regime. When the Left disappeared from the parliament in 2015–19, this narrative has

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<sup>58</sup> Francis Fukuyama, 'Why National Identity Matters', *Journal of Democracy* 29: 4, 2018, pp. 5–15 (p. 8).

become so strong, that PO started to be perceived as a liberal and leftist party (although it had a very strong conservative wing). The argument of fighting post-communism was often used to justify the exchange of leading cadres in different institutions such as courts and administration. This has led to attempts to reinterpret the modern history with suggestions of 'betrayal' of the Round Table elites and alleged relations of many Solidarity leaders to Communist leadership and security services. This has ended in a number of scandals and was not accepted by the majority of society, therefore after some attempts the party has toned it down.<sup>59</sup>

In political debates PiS was the party that determined the discourse and political agenda. Proposals made by its politicians and issues evoked by Kaczyński were the most discussed and disputed. Other parties had severe problems in bringing topics under debate, both in the campaigns and between elections. They would rather orientate and position themselves to what PiS did and said than put the topics on the agenda by themselves. This gave PiS advantage as by being a constant point of reference they gained recognition and popularity.

#### GOOD ORGANIZATION OF ELECTORAL CAMPAIGNS

PiS has mastered running the campaigns, based on strong and clear message and direct contact with the voters. Before every election they prepared a party program, which usually was a book of more than 150 pages, but in the public they focused on a few carefully selected issues and topics and communicated them as short slogans. Before the parliamentary election in 2015 they had clear messages: 500 zlotys for every second child, reversing the retirement age change, free medicaments for elderly etc. Knowing he had a high negative electorate, Kaczyński decided to make a step back and nominated Beata Szydło, a popular chief of Andrzej Duda's presidential campaign, to be the face of the party. For the purposes of the campaign, radical and controversial politicians faded into the background and the rhetoric was moderated.

From 2018 PiS started to formulate programs called *piątka* ('a five')—five clear, easy to remember postulates, e.g. for the local elections of 2018 there was a 'Morawiecki's five'. It contained (1) insulation

<sup>59</sup> Marta Bucholc, 'Commemorative Lawmaking: Memory Frames of the Democratic Backsliding in Poland After 2015', *Hague Journal on the Rule of Law* 11: 1, 2019, pp. 85–110 (p. 96), <https://doi.org/10.1007/s40803-018-0080-7>.

of houses and improvement of garbage segregation; (2) investments in elderly people's social clubs, outdoor gyms and playgrounds for children; (3) repairs of municipal footpaths and renovations of local bus stations; (4) fast internet for every municipality; (5) participatory budgeting for rural municipalities. For the European elections of 2019 the 'Kaczyński's five' was even less complicated: (1) '500+' for every child; (2) thirteenth pension; (3) zero income tax rate for the young (under 26); (4) lower income tax for every working person; (5) restoration of local bus connections.

Always next to a *piątka* PiS brought a controversial topic into the public debate and took a bold stance on it in order to play on emotions and mobilize their potential voters. During the 2015 campaign PiS strongly opposed the uncontrolled flow and acceptance of migrants and refugees.<sup>60</sup> During the European campaign of 2019 they clearly denied rapid introduction of the euro currency in Poland, knowing that 71% of Poles do not want it and claiming that it would lead to higher prices.<sup>61</sup> They also strongly opposed the LGBT and gender idea, and firmly defended the Church in the context of the accusations of committing and hiding children abuse. During the parliamentary elections of 2019 they fought against 'sexualisation of children', sexual education at schools and gender equality lessons, as a threat to Polish culture and families.<sup>62</sup>

PiS has mastered the campaigning from the organizational perspective and put the highest priority on direct contact with the voters. In the presidential campaign of 2015 in the moment when the incumbent Bronisław Komorowski started his activities, Andrzej Duda had already visited several dozens of counties, and later during his presidency visited all 380 counties, meeting directly hundreds of thousands of people. In the local elections of 2018, knowing that PiS' chances to get their candidates elected for mayors in the biggest cities were quite low, the party leadership selected young and dynamic candidates, who could promote themselves in their future parliamentary constituencies and become leaders of party lists in the next elections, or mayors in the future. Although almost none of the candidates won a mayor post in the biggest cities, they achieved very good results in 2019.

<sup>60</sup> Aleksander Fuksiewicz, 'Globalization and European Integration', in *Mapping and Responding to the Rising Culture and Politics of Fear in the European Union: Nothing to Fear but Itself?* (Demos, London 2017), pp. 331–32; Ivan Krastev, 'The Specter Haunting Europe: The Unravelling of the Post-1989 Order', *Journal of Democracy* 27: 4, 2016, pp. 88–98.

<sup>61</sup> 'Polska w Unii Europejskiej', CBOS, Komunikat z Badań 166, 2018, p. 6.

<sup>62</sup> Bill and Stanley, 'Whose Poland Is It to Be?', pp. 387–89.

In both European and national elections of 2019, before other parties decided in which format they wanted to start or who would join which coalition, PiS had already mobilized volunteers, put posters on the fences and street lamps, and organized conventions in various places. During the parliamentary race Jarosław Kaczyński, despite his age (70), visited all 41 constituencies, and Mateusz Morawiecki visited a dozen as well. In every of them local party members organized rallies, which gathered crowds of party supporters.

#### DIVIDED OPPOSITION RIVALLING AGAINST EACH OTHER

The year 2014 can be symbolic for the liberal and progressive parties in Poland when Prime Minister Donald Tusk got a post of the President of the European Council. The mistake he made was not leaving a dynamic and charismatic heir. Ewa Kopacz proved to be a likable person, and had ordinary trust quotas in CBOS researches (of about 46% who trusted her), but failed to become a true leader who could bring their party to another level. This was also the result of Tusk's policy of marginalizing many talented and popular politicians, who in consequence left the party. The governing party was also weakened by the formation of the Modern of Ryszard Petru which took over a significant number of voters who would probably have supported PO.

After the lost election PO maintained the status of the biggest opposition party, but went through a deep internal crisis. Most importantly, what they failed to recognize was that PiS had introduced a new standard to Polish politics: they made people expect the concrete issues to be named and problems to be solved. PO designed programs, but mostly consisting of very general or vague statements, saying mostly that they would reverse what PiS had done wrong. They tried to follow the path of PiS in formulating lists of postulates, e.g. the 'six-pack' named after the new party leader Grzegorz Schetyna, but they were caught by the journalists on not knowing precisely what their own program contains, or their main slogans. They had been also inconsistent in their judgments, saying firstly that the main PiS project 500+ humiliates people, the state budget will collapse because of it, or only those who work should get such support etc., but after some time they started to demand introducing it for every child.<sup>63</sup>

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<sup>63</sup> Kuisz and Wigura, 'The Pushback Against Populism', p. 52.

The opposition parties tried to unite against PiS, but never succeeded in the long term; leaders of these parties rather competed for the leadership of the opposition and built position of their own parties than aimed at uniting against PiS. The closest was the 2019 European election, where the opposition formed the European Coalition, but still the newly formed party Wiosna (Spring) of Robert Biedroń, a declared homosexual and former mayor of Słupsk, remained outside of it. After the election Civic Platform and Polish People's Party (PSL) joined the EPP group and SLD with Wiosna the Social Democrats. Before the 2019 parliamentary election PSL decided to leave the big coalition and form its own Polish Coalition together with the protest movement Kukiz 15. SLD formed the left coalition joined by Wiosna and Razem, and radical and nationalist forces united with the libertarian party of Janusz Korwin-Mikke and created Confederation, which has overtaken the role of the protest party.

Smaller opposition parties followed the pattern of PiS and designed their own 'fives', in which they formulated their proposals, and won new voters. There was some fruitful cooperation of the opposition in the elections to the Senate (upper chamber) in 2019, when they decided not to register the candidates against each other in one mandate constituencies. As a result PiS won this election but got only 48 seats out of 100, with the opposition parties having majority and electing their speaker. This gave them a tool to delay the PiS bills, but the Sejm (lower chamber) can ultimately reject the Senate's amendments.<sup>64</sup>

#### DISCUSSION: DEMOCRATIC BACKSLIDING AND PUBLIC SUPPORT

Even if PiS exchanged cadres in many institutions, elected their loyalists to Constitutional Tribunal, National Council of Justice, Supreme Court, or controlled the public media, still the voters were the ones who legitimated their power. The Polish society is nowadays deeply divided and polarized, and politics has become extremely emotional, what was again confirmed at 2020 presidential election, won by president Duda in the second round with the support of 51.03%.<sup>65</sup> The achievements of PiS after five years of governing were

<sup>64</sup> Markowski, 'Plurality Support for Democratic Decay', p. 1520.

<sup>65</sup> Joanna Fomina, 'Of "Patriots" and Citizens: Asymmetric Populist Polarization in Poland', in Thomas Carothers and Andrew O'Donohue, eds, *Democracies Divided: The Global Challenge of Political Polarization* (Washington, D.C.: The Brookings Institution, 2019), pp. 126–50.

offset by its controversial activities, scandals and misuses of power, which was depicted in the opinion polls. According to a CBOS survey (February 2019) 51% of Poles supported the activities of PiS and 40% were critical of it; among the supporters, 69% appreciated the social programs and economic policies, and among the critics, 37% complained about abuse of power.<sup>66</sup> This was confirmed in a survey in 2021, in which for supporters of PiS the worldviews played secondary role to good governance and economic situation (31.1%), serving and respecting the people (24.2%), helping the young and families (21.5%), honesty and credibility (18.7%), and higher pensions (11.9%).<sup>67</sup> This proves that the voters of PiS appreciated way more the economic factors and rising welfare and quality of life, than the populist narratives. These had most of all a polarising function, and stood in contrast to proactive rhetoric about the modernization programmes, development, investments, reforms and their positive results.

It is difficult to find an explanation for the electoral success of PiS in the means of propaganda, as the situation on the media market in Poland was to the disadvantage of the party. Despite the generous support, i.a. in the form of state-owned companies' advertisements, PiS-backing media were in the minority, and their viewership and readership was much lower than of those sympathizing with the opposition, which criticized the government fiercely. In 2020 on the press market the only daily newspaper supporting PiS *Gazeta Polska Codziennie* sold around 12,400 copies (the biggest *Gazeta Wyborcza* 88,000), the three PiS-backing weeklies *Gazeta Polska* (23,500), *Sieci* (41,000) and *Do Rzeczy* (29,000) together sold less than pro-opposition *Polityka* (over 100,000) and *Newsweek* (91,400). However, the publisher of regional newspapers PolskaPress, owning 20 regional dailies, 120 weeklies and several web-portals was bought by the state-owned petrol company Orlen. This was a significant strengthening of the party-supporting broadcast on the press market.<sup>68</sup>

Taking over the public broadcasting media did not guarantee the dominance and had an equalizing effect only. The most popular daily news broadcast in 2020 was private *Fakty TVN*, which strongly

<sup>66</sup> 'Ocena rządów PiS po ponad trzech latach sprawowania władzy', CBOS, Komunikat z Badań 18, 2019, pp. 1–8.

<sup>67</sup> 'Motywacje wyborcze Polaków', CBOS, Komunikat z Badań, 32, 2021, p. 4.

<sup>68</sup> Alicja Ptak and Anna Koper, 'Poland Uses State-Owned Refiner to Buy Regional Media Firm', *Reuters*, 7 December 2020, <https://www.reuters.com/article/us-polskapress-m-a-pknorlen-idINKBN28H277>.

supported the opposition with the audience of 2.99 mio.; *Wiadomości TVP*, which supported PiS had 2.92 mio. viewers, and neutral *Wydarzenia* of Polsat over 2.00 mio. Among news channels, PiS-critical TVN24 had a 5.35% of market share, pro-government TVP Info 4.82%, neutral Polsat News 2.03%, private pro-PiS TVRepublika 0.05% and TVwPolsce.pl 0.01%. The radio market was dominated by neutral private broadcasters (RMF FM 29.3% and Radio Zet 12.5%), whereas the public stations overtaken by PiS have experienced a significant decrease in the number of listeners and together had market share of about 10%. Among 15 the most opinion-making media of all types TVP Info was the only PiS supporting broadcaster, and was ranked on place 12, way behind the other media.<sup>69</sup>

The numbers prove that PiS never managed to dominate the media broadcast with their attitude towards the most important issues. Even if they brought a topic into the public discourse and on the political agenda, the opinions and commentaries in the most popular media were critical (in some cases totally), complying with the opposition narrative. Another problem was the quality of the journalism in the public media. The information programs not only informed about government activities and concealed inconvenient actions and events, but also directly and often personally attacked opposition politicians and those who criticized the party. On the one hand this tactic brought some profits because the government had a powerful mean to respond to allegations of the opponents and balance their rhetoric. On the other, such way of presenting things repelled wide masses of society, who decided to change channels and thus were e.g. not informed or did not believe the information about successes of the government. Furthermore, personal, often exaggerated attacks made many turn against the governing party, and had more polarising effect and consolidating the core electorate than winning new supporters.

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<sup>69</sup> Data on the media market share and readership is regularly published on the website [wirtualnemedial.pl](http://wirtualnemedial.pl). See *'Fakty' wygrały z 'Wiadomościami' w 2020 roku. 'Wydarzenia' straciły widzów*, 9 January 2021, <https://www.wirtualnemedial.pl/artykul/ogladalnosc-programy-informacyjne-2020-rok-fakty-liderem-opinie>; *TVP1 liderem w 2020 roku, TVN24 najchętniej oglądaną stacją tematyczną (top 171)*, 8 February 2021, <https://www.wirtualnemedial.pl/artykul/najpopularniejsze-stacje-telewizyjne-2020-roku-top-171-kto-liderem-opinie>; *W 2020 roku zasięg dzienny radia spadł o milion słuchaczy. 'Pandemia przewróciła nasze życie do góry nogami'*, 14 January 2021, <https://www.wirtualnemedial.pl/artykul/sluchalnosc-radia-2020-rok-kto-liderem-jaki-zasieg>; *Najbardziej opiniotwórcze media w Polsce 2020 – raport roczny*, IMM, 2 February 2021, <https://www.imm.com.pl/najbardziej-opiniotworcze-media-w-polsce-2020-raport-roczny/>.

PiS tended to involve easily into destructive conflict situations, which helps to explain massive disagreement and hostilities towards the party. The most important three downgrading factors were: the discussed media situation, the reform of judiciary and the case of the Constitutional Tribunal. Several months before the 2015 election PO changed the law, allowing five tribunal judges whose term was to finish in autumn and winter 2015 to be elected by the old parliament—and so they were, despite the appeals of the newly elected president Duda not to do it. Duda refused to take the oath from the judges and the newly elected, PiS-dominated parliament cancelled the resolutions and elected new judges, which launched a long-lasting conflict with the tribunal and European institutions. PiS exposed itself to the hardest attacks of breaking the constitution and wanting to start the ‘Polexit’.<sup>70</sup>

Further changes of judiciary have been continuously made in a deep conflict with the lawyers’ community, which did not accept the personal changes and introducing the new chambers to the Supreme Court. PiS tried to de-corporate it and bring under social control, but chose a dubious way of doing it, implementing laws that were later derogated by the European Tribunal of Justice, and changes had to be reversed. Another part of the conflict were the disciplinary proceedings against the judges who criticized the government in the media, or questioned the legality of the newly elected National Council of Judiciary, and the judges appointed by it. The so called ‘Muzzle Law’, which was to prevent it, was interpreted as an interference in the judicial independence and heightened the tensions even more.<sup>71</sup>

According to CBOS Poles were critical of the judiciary’s functioning (in 2020 42% distrusted the courts, and only 33% trusted them, compared to 52% distrust in 2015), and 60% of the Poles wanted

<sup>70</sup> After the perturbations with numerous legal acts changing the competences and procedures of work of the tribunal, its legal position and competences remained unchanged, but the personnel was duly exchanged. Apart from three contested judges, the rest was elected following the standard procedure, as the term of their predecessors came to an end. From the beginning of the post-socialist transformation the judges have been elected with absolute majority and can be elected without the consent of the opposition. See Wojciech Sadurski, ‘Polish Constitutional Tribunal Under PiS: From an Activist Court, to a Paralysed Tribunal, to a Governmental Enabler’, *Hague Journal on the Rule of Law* 11, 2019, pp. 63–84, <https://doi.org/10.1007/s40803-018-0078-1>.

<sup>71</sup> Gajda-Roszczyńska and Markiewicz, ‘Disciplinary Proceedings as an Instrument for Breaking the Rule’, pp. 461–66; Łukasz Jureńczyk, ‘Democratic Backsliding in Poland: The Importance of the Values of Liberal Democracy and the Rule of Law in Polish-American Relations’, *Historia i Polityka* 42: 49, 2022, pp. 97–116 (pp. 101–03).



changes (including 17–26% among supporters of the main opposition parties).<sup>72</sup> They thought the implemented changes helped to fight pathologies in judiciary (31%), improved its functioning (26%) and the democratic control (21%) (three options could be chosen in the survey). However, the way it was done repelled wide groups, and turned them against the governing party. In the same survey among the most popular descriptors of the change process were chaos (44%), politicizing of judiciary (33%), violating the constitution and rule of law (26%), and repressing the judges (24%).<sup>73</sup> These results confirm that the described authoritarian inclinations and attempts to steer the judiciary were also perceived negatively by the society and in fact brought more opponents than supporters.

Also the practical dimension of politics cannot be overlooked. PiS won every election between 2015–2020, but always after hard field work and an almost perfectly organized campaign. The results were unsatisfactory though, like 2018 local elections, where 34.12% in regional assemblies was way below the expectations. PiS has not won a single mayor seat in the biggest cities, with the most prestigious defeat in Warsaw. In the parliamentary election of 2019 to Sejm the three main opposition blocks achieved 48.51% of votes and PiS 43.59%. This result gave the party (thanks to d'Hondt method of distributing mandates) only a small majority of 235 mandates (out of 460), in which an important part belonged to coalition parties: 18 seats went to Gowin's and 17 to Ziobro's. The COVID-19 crisis has exposed differences and fractures, when Gowin left the government after the dispute about the date of presidential elections, and when Ziobro contested the EU policies, e.g. the recovery fund.<sup>74</sup> For the long period of time the government majority was guaranteed thanks to the support of several MPs who left other parliamentary groups. This proves that if there had been a closer cooperation of the opposition parties, probably they would have been able to win the majority, like it happened in the election to the Senate.

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<sup>72</sup> 'Oceny działalności instytucji publicznych', CBOS, Komunikat z Badań 121, 2020, p. 10.

<sup>73</sup> 'Polacy o zmianach w sądownictwie', CBOS, Komunikat z Badań 22, 2020, p. 4.

<sup>74</sup> James Shotter, 'Kaczynski Warns of Threat to Polish Coalition from EU Recovery Fund Vote', *The Irish Times*, 7 April 2021, <https://www.irishtimes.com/news/world/europe/kaczynski-warns-of-threat-to-polish-coalition-from-eu-recovery-fund-vote-1.4531285>.

## CONCLUSION

As coming to power by PiS can be explained by a coincidence of proactive campaign, alliance with two small parties, failures of the governing coalition and most of all division of the left, the electoral successes afterwards were the result of the five analysed indicators. The most important ones were the accurate response to expectations and desires of the people and economic success which helped building credibility. They were supplemented with clear message and proactive, clear narratives, and well organized electoral campaigns, focused on the direct contact with the voters. On the other side the divided opposition dealing with internal crises and restructurings was not able to win the wide support and offer an alternative.

Social and economic policies made PiS strong as the supporters acknowledged their successes and visible improvement of the quality of life. Social programmes were directed to very wide groups of society: families with children and pensioners. They were followed by visible improvement of economic situation, higher salaries, low unemployment and many public investments including rural areas and small towns, due to the dynamic growth of GDP and improvement of the situation of public finances. As a result this generated higher budgetary revenues and made higher public expenditures possible. PiS managed to build the image of a party that is operative, credible and fulfils promises. Well organised campaigns with direct contact with the voters of the top politicians were to prove the openness and care for the problems of ordinary citizens.

On the other hand, for the wide part of society (even if they as well recognized some positives) the activities classified as democratic backsliding, abusive constitutionalism, or constitutional retrogression worked in broader perspective to the disadvantage of the party. Capturing the state institutions, attempts to diminish the role of institutions, violating checks and balances and rule of law, changing the political system and constitutional norms through controversial legislation, the politicisation of judiciary, overtaking the public media, and populist narratives (anti-immigration, anti-elite, anti-LGBT) motivated many activists of civil society to organise massive protests and helped the opposition parties to mobilise their supporters.

Especially for the moderately conservative, centre oriented and liberal voters (mostly from the bigger cities and with higher education) this was unacceptable, which demonstrated in the election results.

The described conflicts played to the disadvantage of the party and diminished its public support, also the offensive style of the public media was very badly perceived, the same as rhetorical attacks on social groups, opposition leaders and activists. This stood in a high contrast to positive narratives and economic development.

Through the whole analysed period the gap between PiS and opposition was close, and it took a lot of effort (of personal engagement, but also mobilising the state resources) for the party to keep their position after consecutive elections. Even though the opposition was divided and reluctant to closer cooperation, PiS never managed to marginalise it and dominate the political scene completely. In this context democratic backsliding was rather detrimental for PiS than helping them to keep power and to a higher extend turned against the party, and was one of the reasons for the electoral defeat and losing power in October 2023.

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