

# 15th October: Poland's comeback

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## About the author



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### Setting the scene

The Polish general elections were labelled as possibly 'the most important' in the current political season. Ahead of the vote, there had been a feeling that it was either going to be glorious and victorious, or simply dramatic and miserable. There seemed to have been no middle ground – which by the way is very befitting to the way the Polish themselves think about the world. With minds shaped by teaching about traditions of romanticism and perpetual uprisings in the name of independence, we Polish are prompt to boldness.

### The one-question election

The vote was predominantly about one question: should there be another 4 years of Law and Justice (PiS) – led government? After having completed two legislative periods in power, the party of Jarosław Kaczyński would then feel empowered to implement its agenda even more aggressively. This looked like a dark scenario indeed. And because of both the size and geographical situating of Poland, it would be bad news also to many others in the EU.

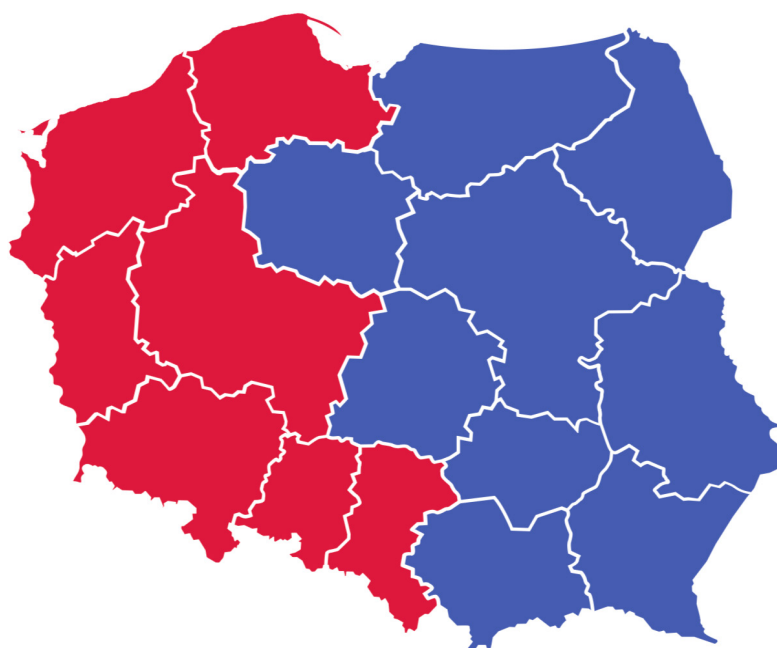
It must be admitted that PiS governed with consequence and projected an image of power. Their actions led to the politicization and subordination of the Constitutional Tribunal (which defines which law is in accordance with the Constitution), which was only first step towards a plan of dismantling independence of the Judicial System. They succeeded in re-writing history, de-emphasizing the role of i.e. socialists in the inter-war period and raising criminals to the rank of heroes. They tempered the educational system. They undermined media freedom and took control of the state media. They introduced laws that allowed the persecution of specific social groups and in some recent bills a "strong suspicion" was considered to be enough for arrest with bypassing the rest of the legal procedures. They changed the abortion law in a way that has effectively already cost people's lives. They put in place legislation allowing deforestation and

destruction of natural reserves. They tarnished any group that could oppose them in any way – judges, teachers, doctors, journalists, thinkers – with many of these professionals painted as “fat cats” that needed to be shown their rightful places. And they kept persevering through all the large demonstrations – Czarny Protest, KOD, Marsz 1000 tóg, a teachers strike and others.

Any attempts to aid the situation from the side of the EU were taken as acts of hostility and vicious foreign interference into the sovereign rule. PiS believed themselves to be reformers, who would correct the mistakes and shortcomings of the country’s transition to democracy since 1989. And in that effort they were also named “the closest ally” of the Catholic Church, which in Poland remains a powerful institution.

Although it seems like a simplistic explanation, the government kept on firm position in the polls thanks to a two-fold strategy. First, there had been a robust agenda of social transfers – child benefits, housing programs, pensions top-ups, investments in large infrastructure. There were no questions about where resources came from, or what they would eventually mean for the subsequent budgetary years. PiS lived their metaphor of “we are rebuilding – what (Donald) Tusk and his mates destroyed”. Against the backdrop of that storyline, nobody seemed to have remembered that the financial resources they could rely on were the long-term results of the policies, which were put in place almost two decades ago by such remarkable economists as Grzegorz Kołodko and Marek Belka.

Secondly, they held onto a very strong narrative of which central part were national pride and recognition of the right to entitlement. They claimed to be the ones standing for Polish sovereignty and having a mission of restoring dignity to ordinary people. And, they also had a set of Fallen Heroes to cherish – namely late President Lech Kaczyński (twin brother to Jarosław) and their party colleagues who had died in the Smolensk plane crash. They used their memory to inspire monthly rallies and also fuel conflicts around diverse conspiracy theories. Everyone questioning their policies was considered a public enemy, agent of the foreign powers or simply a malicious person. A most telling example was the attack on Donald Tusk, whom they accused of serving German interests and being more German than the Germans themselves. With that the divides in Polish society that allowed for PiS to be elected to begin with deepened and social conflicts sharpened, which electoral map clearly points out to.



Poland Divided



## The trench warfare

The link between PiS and its electorate was incredibly strong. So much so, that in the pre-campaign and the campaign itself the governing party seemed to have been immune to anything that could have made their numbers drop. Jaroslaw Kaczynski's offensive comments that "women decide to have children too late (beyond age of 25) because they drink heavily", the visa scandal around foreign ministry's alleged sale of the permissions of entry to Schengen to migrants, the resignations of the generals ahead of the election with explanation that they refuse to prepare for Martial Law eventuality after 15th October – those and many others still did not seem to have hurt PiS's polling.

Still, the opposition succeeded in their push back. The last days ahead of the vote were very tense and, in that sense, the "March of 1 million hearts" was very important. It may not have triggered any poll movement at the time but served as an encouragement – being called the largest mobilization of that kind in the post-1989 reality. Consequently, the joint opposition's list for the Senate elections (which are run within 100 majority constituencies) allowed them to corner PiS, leaving them with just 34 seats. And within Sejm (the lower chamber), though PiS came out first with 35.38% and 194 MPs (out of 460), they have no majority. This was significant because if the President used his right of nomination to designate someone from PiS to take on the challenge, he or she would not have enough votes to confirm the government. In the next step, the prerogative to propose an alternative will fall onto the lower chamber. Then, only if that fails, the President can try again. If that second attempt, the third link in the process is unsuccessful, a new snap election would have to be called.

What is more, the referendum of 4 questions that the PiS government attached to the general elections failed to reach the threshold of voters responding. And hence its outcomes remain invalid. It may have not been in the focus of the attention, but perhaps is worth mentioning as it points to determination of the opposition that called upon the voters to refuse taking part. One needed to decline receiving referendum ballots openly in the polling station, which evidently already gave a hint as per voting intentions.

## The Presidential filibuster

So today, the snap elections is an unlikely scenario. PiS has been rather silent after the electoral night, during which Kaczynski's gave a speech about how this wasn't the end. President Andrzej Duda (also from PiS and enjoying his second, hence last term) may be filibustering a bit with the way he is conducting the consultations, but at the end of the day the parties that are likely to form a new government also need to digest the result fully and agree on the conditions for the coalition. Though they shared the great joy of electoral night, the moment the perspective to govern became realistic – they were faced with the divisions and the very many ambitions among them. This is not unusual, especially since a great majority among those who are to negotiate never had a chance to serve in a government, and after so many years there is a grand appetite to acquire top positions.

The disinterest in turning negotiations tables upside down derives both from a sense of responsibility, and also from very sober calculations. The victorious opposition is composed of Donald Tusk's Civic Coalition (KO), which reached 30,70% and secured 157 MPs; Third Way - Trzecia Droga (3D) with 14,40% and 60 MPs, and New Left - Nowa Lewica with 8,61% and 26 MPs. There is no reason for KO to believe that they could mobilise more voters. The turnout was very

high for Poland – with 74,38% for the country and almost 80% for Mazowsze region (which includes Warsaw that serves as a constituency for all those voting from abroad). 3D (coalition of Polish People's Party PSL and liberal Polska 2050) obtained more votes than anyone assumed. The citizens were anxious that it wouldn't reach 8% threshold (which is there for coalitions) and that the D'Hondt system would have their votes relocated for the benefit of PiS. Their result would be hard for them to replicate. New Left (common list of Nowa Lewica and Razem) ran a very intense campaign and focused on traditional centre-left issues (public policies, housing etc.), but still emerged from the vote weakened and went from 49 to 26 seats (7 of which are taken by Razem). This makes them uninterested in a repetition of the elections any time soon. To complete the picture, Konfederacja (ultra-right-wing party) finished with only a bit more than 7% and 18 MPs. This is a very weak result and does not put them in a position they would have loved: to have capacity to keep everything hostage.

## The path forward

With all these elements, it seems that there is nothing else but a path forward. With the fair questions of what kind of ambition is realistic and what could create a common programme for the new government. And here there are several important elements.

First, the visit of Donald Tusk in Brussels last week – being the first trip abroad, is a symbolic one. The government will have to restore trust and pursue a mission of rebuilding the relationship with the EU. The relevance of it goes beyond the question of arriving to the point at which the penalties by the European Court of Justice are lifted and the money from the RRF unblocked. These are important, but nobody believes that that will happen without solid reforms first and these will take time. Hence in the context of the EU politics, the more urgent question is if Poland will reclaim its prominent place at the debating table. There is much speculation about potential for Franco-German-Polish (Weimar) Triangle to be rebuilt, but it is too early to assume this to be a default option. One should not forget the traditional Polish commitment to the US, which is bound to play an important role in setting new diplomatic agenda. The new coalition will be pro-European but will also try to keep a watchful eye on transatlantic developments. And the latter will play a role in defining the next steps in policies of supporting Ukraine, as also the geopolitical outlook in the current times of the turmoil also in the Middle East.

Secondly, the negotiations around the governmental programme are bound to be challenging. Whilst the parties that will most likely form a coalition had a common electoral objective (to push PiS out), they have very different ideas about what should be done next and how. Poland will need to rectify many of the reforms introduced by PiS, starting possibly with the Justice System. However bold the commitment, there are many procedural issues to tackle. While disciplinary chambers can be eliminated, the subsequent question is what to do about the “neo-judges” – as the judges nominated with the support of PiS were called by their peers – many of whom kept refusing to enter the courtroom together. This already shows that some changes will prove harder than the others.

To offer another example, the already mentioned direct and universal social transfers have become in Polish perception sort of entitlements and hence all parties will be reluctant to touch these. Consequently, all parties seem to agree keep these transfers intact and look for necessary financial means elsewhere. And they will need these resources for a badly overdue reform of i.e. public healthcare provision or housing programmes (about which i.e. Nowa Lewica was talking about in the campaign).

To that end, there are also many dossiers on which there is a vast disagreement among potential coalition partners. This already manifested itself when 3D and more specifically its' PSL wing announced that they would not allow ideological issues to be part of the new government's programme. The term refers directly to the issue of liberalization of abortion law. Now, not only this is something others around the table feel passionate about – but also a rebellion of women was part of the electoral mobilization. Hence one cannot “agree to disagree” and move on, especially considering that the further steps including the division of the ministries will again be troublesome. Expectations are that Donald Tusk being among the few with institutional experience will have an upper hand.

Thirdly, though from the external perspective it looks like an eagerly anticipated moment of turning the page – one should not be too casual about the support that PiS mobilized. They were the party of farmers and workers, of elderly and unemployed. As Marcin Duma of IBRIS reports, their electorate remained consolidated, with very few vote transfers (mostly towards abstentions) and they still managed to get a relevant portion of new voters. Following Ipsos, PiS won in 9 out of 16 voivodships, leaving Poland divided in between West and East. Those higher educated and living in larger agglomerations supported opposition parties, as also 1/3 of young people entrusted Civic Platform and every fifth young person voted New Left. Whilst there is of course more to the electoral data, one conclusion is quite obvious – Poland remains a polarized country and the new coalition will have to be smart about that, as the changes they need to have ambitions for will take longer than just one legislative period to implement.

## **The reasons for cautious optimism**

A month ago, the historical challenge seemed to have been coming down to removing PiS from power, but today Poland is a step further. The opposition won. Now, transforming itself to a ‘coalition’, it will have to ensure the country's return to the path of democracy and development, which will underpin social progress for all. Clearly, there will be many obstacles in consolidating a governmental agenda – but the experience of some among the leaders and the energy of those, who joined the ranks of the respective parties during of the last 8 hard years should help overcome them. Especially that all around the negotiating table share the sense of responsibility. Their mission is about turning the page and doing so for good.