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David against Goliath à la Polonaise
*Opposition responding strategies towards populist right-wing
Law and Justice in rule-of-law debates 2015-2023*
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Abstract

In the Polish case of recent right-wing populism, this thesis pioneered opposition response strategies of two established and assumed non-populist opposition actors, PO (KO) and SLD, towards populist right-wing incumbent PiS. Perceiving of populism as *a political style that features an appeal to 'the people' versus 'the elite', 'bad manners' and the performance of crisis, breakdown or threat* (Moffitt, 2016b: 45), the two research questions sought to answer were what strategies PO employed to respond to the populist right-wing PiS in rule-of-law debates in the Sejm 2015-2019, and what strategies KO and the SLD employed to respond to the populist right-wing PiS in rule-of-law debates 2019-2023.

Defining party strategies as *results-orientated constructs of political actors that bear on cross-situational goal-means-environment calculations* (Raschke & Tils, 2011: 56-57), PO (KO)'s and SLD's strategies were analysed employing the party response typology by Albertazzi et al. (2021). The analysis was conducted as a qualitative content analysis of opposition statements in 16 randomly chosen rule-of-law debates in the Sejm between November 2015 and July 2023. The analysis found a strategy pattern (*clashing, co-optation, cooperation, other strategies*) displayed by both PO (KO) and SLD. Both parties revealed a populist behaviour perpetuated by *qua actor* co-optation of PiS. While PO (KO) showed a distinct populist behaviour itself, SLD appeared more moderate mediating the duopoly between PO (KO) and PiS. These findings suggest that Polish party competition is not a contestation between non-populists and populists. Co-optation of strategy becomes crucial for opposition actors responding to a populist incumbent.

W przypadku polskiego niedawnego prawicowego populizmu, ta teza zapoczątkowała strategię dwóch uznanych i domniemych niepopulistycznych aktorów opozycji, PO (KO) i SLD, na populistyczną prawicową urzędującą partię PiS. Postrzegając populizm jako *styl polityczny, który charakteryzuje się apelowaniem do „ludu” kontra „elita”, „złymi manierami” i odgrywaniem kryzysu, załamania lub zagrożenia* (Moffitt, 2016b: 45), dwa pytania badawcze, na które starano się odpowiedzieć, to jakie strategię zastosowała PO, aby odpowiedzieć populistycznej prawicy PiS w debatach o praworządności w Sejmie w latach 2015-2019 oraz jakie strategię zastosowały KO i SLD, aby odpowiedzieć populistycznej prawicy PiS w debatach o praworządności w latach 2019-2023. Definiując strategię partyjne jako *zorientowane na wyniki konstrukcje aktorów politycznych, które mają wpływ na międzysytuacyjne kalkulacje cel-środky-środowisko* (Raschke & Tils, 2011: 56-57), strategię PO

(KO) i SLD zostały przeanalizowane przy użyciu typologii odpowiedzi partii autorstwa Albertazzi i in. (2021). Analiza została przeprowadzona jako jakościowa analiza treści oświadczeń opozycji w 16 losowo wybranych debatach na temat praworządności w Sejmie w okresie od listopada 2015 r. do lipca 2023 r.

Analiza wykazała wzorzec strategii (*konfrontacja, kooptacja, współpraca, inne strategie*) prezentowany zarówno przez PO (KO), jak i SLD. Obie partie ujawniły zachowanie populistyczne utrwalone przez kooptację PiS. Podczas gdy PO (KO) sama wykazała wyraźne zachowanie populistyczne, SLD wydawała się bardziej umiarkowane, pośrednicząc w konflikcie między PO (KO) a PiS. Wyniki sugerują, że konkurencja partyjna nie jest sporem między nie-populistami i populistami w Polsce. Kooptacja strategii staje się kluczowa dla aktorów opozycji reagujących na urzędującego populistę.

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0 Introduction

0.1 Research Context

The last decade has seen the rise of right-wing populism into the political mainstream across Europe. Precisely, populist right-wing parties have started achieving electoral success moving them into governments¹. While right-wing populist parties have predominantly taken up the role of junior coalition partners in governments in Western Europe², their equivalents in Central Europe have managed to become major ruling parties (Bayer & Cienski, 2022; Brudzinska, 2021; Casal Bértoa & Rama, 2021; Enyedi, 2020; Grzymala-Busse, 2019a, 2019b; Guasti, 2020; Hanley & Vachudova, 2018; Krastev, 2018; Pirro, 2014; Vachudova, 2019; Vittori & Morlino, 2021).

At the European macro-level, research suggests it is the modernisation of political landscapes itself that contributes to the popularity of populism. Present-day political landscapes face a legitimacy crisis of traditional mainstream politics manifesting in the declining significance of ideological cleavages, the collapse of the class character of politics. This cumulates in the alienation of the ordinary citizen from traditional party politics. This recent transformation of political landscapes has resulted in a climate where mediatisation as well as stylisation shape politics. A profound consequence these two developments produce is the simplification of the political discourse to a dichotomous ‘us’ versus ‘them’ antagonism. Thus, if traditional liberal democratic, non-populist mainstream parties strive to stay relevant and to compete credibly in elections, they must respond to this new political code of conduct as well as their populist opponents (Grzymala-Busse, 2019a; Vachudova, 2019). The more crucial this becomes at the Central European meso-level, a region entirely featuring populist governments by 2015. This is why the Central European politics after 2015 are often dubbed the ‘populist moment’ (Krastev, 2008). In two of four cases, right-wing parties featuring populist behaviour have come to power as parliamentary majorities that unleashed the dismantling of democratic institutions and attempts to restrict the opposition³. A regional specification these four countries share is

¹ Prominent examples are the National Rally (formerly National Front) in France, the UKIP in the United Kingdom, or the Alternative for Germany (AfD).

² Two big exceptions are Brothers of Italy and the Dutch People’s Party for Freedom and Democracy winning parliamentary elections in 2022, 2023 respectively.

³ Fidesz in Hungary and the United Right (Law and Justice (largest) in coalition with Solidary Poland and Poland Together) in Poland.

being comparatively young democracies born with the fall of Communism 1989 and confronted with the omnipresent post-communist transformation⁴ in the quest to converge with the West. After eight years of liberal-centrist governance, Poland's swift settling into the Western community made a U-turn following the results of the double elections in 2015. The populist right-wing party Law and Justice (in Polish: *Prawo i Sprawiedliwość*, acronym PiS) narrowly won both the presidential and the parliamentary elections. PiS established a coalition government called United Right (in Polish: *Zjednoczona Prawica*) with two junior partners⁵. Upon its return to power, PiS forthwith started to implement the core project of its programme: a comprehensive reform of the Polish judiciary in order to restore Poland's alleged incomplete sovereignty⁶ (Prawo i Sprawiedliwość, 2014: 15-46). However, instead of a benevolent reform favouring further democratisation, the state was confronted with a reform compromising on the constitution and eroding core principles of democracy such as the separation of powers and the rule of law. In short, the judicial reform facilitated the state capture of the Constitutional Tribunal, the paralysing of the Supreme Court as well as the creation of a parallel judicial reality serving the ruling elite. Thus, the undermining of the rule of law soon became the major point of contestation in Poland's national parliament (in Polish: *Sejm*) between the government and the opposition launching numerous debates on the PiS-led judicial reforms (Bachmann, 2016; Dymek, 2016; Fomina & Kucharczyk, 2016; Kuisz & Wigura, 2020) (see appendix for crisis outline).

Since Poland is also committed to supranational control mechanisms as an EU member this domestic development did not go unnoticed abroad. As a result, the European Commission

⁴ Here, the post-communist transformation (rationalised as post-communism for an ongoing process) is understood after the thought of German sociologist Claus Offe (1991, 2020). Contrary to the term post-communist transition (in German: *postkommunistische Transition*) which exclusively refers to the political and economic change from political totalitarianism and planned economy towards liberal democracy with market economy, Offe postulates the understanding of the post-communist (system-)transformation (in German: *postkommunistische Systemtransformation*). According to Offe, the unravelling of the 1989 order ought to be seen as an integral and all-encompassing process reconfiguring all domains of society (politics, economics, social, cultural) concurrently. This is why Offe suggests that post-communist transforming nations face the dilemma of concurrency (in German: *Dilemma der Gleichzeitigkeit*), the inability to cope with reforming all societal domains at the same time due to limited capacity. In turn, this dilemma causes the neglect of certain domains (most notably the social and cultural domains). This may put a society at risk of breaking up in groups if left to its own devices: the ones able to adjust and the ones struggling to adapt (see Offe, 2020).

⁵ Solidarity Poland (in Polish *Solidarna Polska*, acronym SP; since 2023 Sovereign Poland, in Polish *Suwerenna Polska*) created in 2012 as a breakaway party from PiS, far-right catholic-nationalist profile, led by Zbigniew Ziobro. Poland Together (in Polish *Polska Razem*, since 2017 known as Agreement, in Polish *Porozumienie*) founded in 2013 and led by Jarosław Gowin, liberal-conservative profile (economic liberalism and social conservatism).

⁶ The phenomenon of 'incomplete sovereignty' is further addressed in footnotes 31 and 33 (see pages 19-20).

launched TEU⁷ Article 7(1) procedure as well as several infringement procedures against Poland⁸ (Pyka, 2024; Rojhan Gustafsson & Omtzigt, 2020).

Overall, the rule-of-law crisis contributed to Poland's democratic indices regressing: from liberal democracy to autocratizing electoral democracy (scoring 0.4/1) (Democracy Report 2023. Defiance in the Face of Autocratization, 2023: 23-26), or from consolidated democracy to semi-consolidated democracy (scoring 59/100) comparing 2015 to 2023 (Freedom House, 2024). This provokes the questions how this transformation into the EU's *enfant terrible* propelling democratic backsliding⁹ in Poland could take place seemingly unhindered and subsequently, what role other political actors from the opposition have played.

⁷ Treaty on European Union.

⁸ For a detailed account of the EU-Poland dispute over the breach of the rule of law, please see https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en (European Commission, 2018). Hungary vetoed required unanimous decisions which prevented Poland from being stripping of its voting rights. Brussels imposed costly financial sanctions for the breach of the TEU on Poland and withheld the country's recovery money from the Next Generation EU⁸ fund after the COVID-19 pandemic. Furthermore, also the Venice Commission and the Council of Europe intervened.

⁹ 'Democratic backsliding' is a newer concept in comparative political science and is, in the context of CE, broadly employed to describe deteriorating democracies assessed through the prism of an institutionalist approach (e.g. rule of law breaches, executive aggrandisement etc.) However, the term has remained disputed since it is preoccupied with comparative, institutional democratic stability, rather than overall democratic quality (for further expansion, please see Cianetti et al., 2018).

0.2 Research Outline

Contrary to the expectation for the Polish liberal democratic opposition to become rather proactive to counter the PiS-led government, surprisingly little proactive achievements have been realised by the two biggest established opposition parties, Civic Platform (in Polish: *Platforma Obywatelska*, acronym PO)¹⁰ and Poland's Left, the Democratic Left Alliance (in Polish *Sojusz Lewicy Demokratycznej*, acronym SLD¹¹). At the start of writing this thesis in spring 2023, the only proactive change had been the victory of the liberal democratic opposition in the Senate elections 2019 to which both actors significantly contributed (Krajowe Biuro Wyborcze, 2015, 2019). Still, PiS won a consecutive term in office and the presidential elections in 2020 (Krajowe Biuro Wyborcze, 2021). Yet at the same time, public opinion polls revealed an unprecedented political division of Poland's society since 1989 (Der Sieg über die Populist*innen in Polen. Hinter den Kulissen des Wahlkampfes 2023, 2024; CBOS, 2023, 2024). Since the turning point in Polish politics 2015, the country has received considerable scholarly attention. While comparative studies reflect on the Polish case in the regional context of democratic backsliding in the Viségrad Four (V4) (see for example: Bakke & Sitter, 2020; Bayer & Cienski, 2022; Bustikova & Guasti, 2017; Havlík & Hloušek, 2021; Ilonszki & Dudzińska, 2021), country-specific studies predominantly examine the antecedents, behaviour, and consequences of the PiS government (see for example: Bachmann, 2016; Bill, 2020; Bill & Stanley, 2020; Bucholc & Komornik, 2016, 2020; Pilawski & Politt, 2016; Przybylski, 2018; Tokarski, 2019). There also appears to be a scholarly consensus on PiS's classification as a populist right-wing party¹² (Folvarčný & Kopeček, 2020; PopuList, 2020). However, the current *Hochkonjunktur* of populism in political science reveals a one-sided preoccupation with populist rulers at the expense of a perspective from the liberal democratic non-populist opposition coping with populists in power. This observation points to a crucial gap in the general literature on populism which has only recently been addressed in the opening of a debate around opposition strategies towards populists (McCoy, 2022; McCoy & Somer, 2019; Somer et al., 2021). This observation also applies to academic insights from Central Europe, Poland especially. There is currently no comprehensive scholarly work on the behaviour of the Polish non-populist opposition coping with PiS in power, except for two recent preliminary

¹⁰ Civic Coalition (in Polish: *Koalicja Obywatelska*, acronym KO) since 2019.

¹¹ 2019-2021 SLD was the biggest party in the coalition called Left (in Polish: *Lewica*). Since 2021 this coalition is known as the New Left (in Polish: *Nowa Lewica*, acronym NL) after merging with Spring (in Polish: *Wiosna*). SLD remains the largest actor in these coalitions.

¹² The terminology appears to be, however, oscillating between labels of far-right, extreme or radical right-wing party.

studies (Ilonszki & Dudzińska, 2021; Maatsch, 2023). In short, both studies found that a political game between government and opposition making both camps beneficiaries of the polarisation of populism constrains opposition opportunities. Furthermore, populism was unleashed by mainstream actors with roots in the anti-communist opposition which indicates the weakness of the whole political system and the necessity to critically reevaluate democratic consolidation in Central Europe (Ilonszki & Dudzińska, 2021: 613-614; Maatsch, 2023: 53-54).

Interesting in this context is also the study conducted by Meijers and van der Veer (2019). The study examined how, among other things, Polish populist representatives and their respective liberal democratic opposition actors have acted and responded to each other in a selection of debates on democratic backsliding in the European Parliament. While the study faced several methodological shortcomings, it still managed to produce critical findings. In the Polish case, the scholars did not detect any significant differences between the behaviour of the PiS MEPs and the Polish mainstream opposition MEPs (Meijers & van der Veer, 2019: 846-853). The more significant these findings are viewed against the background of the last parliamentary elections in Czechia as well as the last presidential elections in Slovakia where the liberal democratic opposition has acted proactively contributing to ousting the respective populist rulers (Gosling, 2021; Havlík & Jakub, 2021; Rovny, 2021; Xiao, 2019). Considering this, the question arises as to why Poland seems to follow a different path. Furthermore, the outline above stresses the centrality of the Polish opposition provoking the query what role it plays in current Polish party politics and how it strategically responds to PiS-led government at the national level and with what possible effects. Consequently, this thesis departs to fill this research gap as the first study pioneering the behaviour manifesting in responding strategy choices of the Polish liberal democratic opposition under the recent populist PiS-led governments.

On the one hand, the Polish party system appears stable with three established parties having survived several legislatures, namely SLD, PiS and PO (KO). On the other hand, the Polish party landscape is frequently characterised by small newcomer parties around parliamentary elections causing fragmentation. They mostly resemble fringe-parties with either leftist or far-right profiles hardly becoming critically relevant which at times results in the merging with other political groups or in wasted votes¹³ (Szczerbiak, 2015a). This was also the case in the

¹³ With the exception of the populist right-wing Kukiz'15 movement in 2015, the far-right Confederation (in Polish: *Konfederacja*) in 2019. Noteworthy are Modern (in Polish: *Nowoczesna*, acronym .N), Together (in Polish: *Razem*) or Spring.

2015 parliamentary elections and benefitted the victory of PiS (Fomina & Kucharczyk, 2016; Grzymala-Busse, 2018; Marcinkiewicz, 2016; Szczerbiak, 2015b). As the competition between the established actors appears to dominate Polish party politics (Bill & Stanley, 2020), it makes sense to focus on those. In the configuration of the recent PiS-led governments, the two major liberal democratic opposition actors of interest become PO (KO) and the SLD. Grasping the core project and strongest point of contestation of the PiS programme, the judicial reform, it is best to examine the location where party competition and consultation is most obvious and accessible: Sejm debates. The debates are chosen since they allow for the tracing of party positions which provides a reasonable base for party behaviour evidence. The rule-of-law debates are chosen for the content of analysis because the contrast between PiS and the liberal democratic actors is most pronounced and juxtaposed in PiS's anti-democratic core project. Thus, the possibility for insights is maximised. Concerning the time span of the analysis, the examination will consider the entire two terms of office PiS has had held so far covering eight years of parliamentary debates on the rule-of-law crisis 2015-2023. This plans for enough time to detect strategy patterns and changes. Bearing in mind that the SLD had failed to join the parliament 2015 and re-joined in 2019, this leads to the formulating of two research questions each for one legislature to facilitate easier comparison:

RQ1: What strategies has PO employed to respond to the populist right-wing PiS in rule-of-law debates in the Sejm 2015-2019?

RQ2: What strategies have KO and the SLD employed to respond to the populist right-wing PiS in rule-of-law debates 2019-2023?

Considering the research questions above, the two central concepts become *populism* and *party responding strategies*. Populism is crucial insofar, as with its definition the distinction of what is to be classified as populist and what as non-populist can be made. Thus, populism will be defined after Moffitt (2016b) as “[...] a political style that features an appeal to ‘the people’ versus ‘the elite’, ‘bad manners’ and the performance of crisis, breakdown or threat” (Moffitt, 2016b: 45). To code for responding strategies, the typology proposed by Albertazzi et al. (2021) is employed. Since Albertazzi et al. (2021) do not deliver a concrete definition of the term *strategy*, it is here understood as “[...] results-orientated constructs of political actors that bear on cross-situational goal-means-environment calculations¹⁴” [translated] (Raschke & Tils,

¹⁴ German original: *Politische Strategien sind erfolgsorientierte Konstrukte von Politikakteuren, die auf situationsübergreifenden Ziel-Mittel-Umwelt Kalkulationen beruhen* (ibid.).

2011: 56-57). The research design follows the logic of a qualitative single-case study employing the method of a manual qualitative content analysis of 16 randomly chosen Sejm debates on the rule-of-law crisis.

In terms of structuring, the thesis is divided into four segments. Following the introduction outlining the case, the theoretical chapter is introduced by a contextual chapter examining the development of the Polish party system since 1989. Critical for an analysis of party politics, the contextual chapter is intended to serve as the fundament providing the basic understanding of salient tendencies and trends shaping competition. Based on that knowledge, the two core concepts of the case study, populism and party response strategies, are conceptualised keeping in mind their adaptability to the Polish case. Subsequently, the empirical chapter turns to the analysis of opposition responding strategies displayed in rule-of-law debates in the Polish Sejm. In the first part, the research design, material, method, and procedure are outlined. In the second part, the findings and limitations are presented and assessed. Finally, the last chapter concludes with final remarks on the Polish case as well as the contribution to and suggestions for further party response research. Relevant supporting material is provided in the appendix.

Ultimately, the aim of this thesis is to provide the first in-depth examination of opposition behaviour in Polish party politics under PiS in form of a pioneering qualitative single-case study. The main contribution is to fill an important gap in the literature on populism in two respects. Firstly, the thesis provides key insights on the case of right-wing populism in Poland testing an innovative approach of analysing events through the prism of the non-populist opposition linking populism and party response literature. Secondly, applying common concepts to understudied Central Europe, a region slightly different with a post-communist context, the thesis contributes to the theoretical debate regarding to the suitability of concepts to micro regions and national contexts. Therefore, the academic relevance lies in the broader context of fostering an understanding of the opposition's role and its response options in populist environments. Currently, a phenomenon the more significant across Europe with the EU facing a destabilisation period where right-wing populism has been gaining momentum and seems here to stay, populism remains a top issue on research agendas. In terms of social relevance, understanding how the liberal democratic opposition, an indispensable part of a democratic elite, responds to challenges in a democratic system and what it reflects top-down contributes to understanding certain bottom-up sentiments.

1 Theoretical Framework

1.1 Populism and Polish Party Politics: a Complex Liaison

While the populist takeover in Poland 2015 may have taken some Western scholars by surprise, it was more of an expected event with preceding signs of foreshadowing on the horizon of Polish politics for local experts (Bachmann, 2016; Dymek, 2016; Pilawski & Politt, 2016; Styczyńska, 2019). Moreover, with similar political events concurrently unfolding in all Central European states, the tenor in Western academia has risen the alarm ascribing the region the trend of a uniform illiberal turn (Bustikova & Guasti, 2017; Kuisz & Wigura, 2020). Additionally, behind these rather large concepts of ‘democratic breakdown’ or ‘democratic backsliding’ appears to hide the negligence of scholars to consider current political events as a product of the whole, coherent and fluid political development of Central European states since their embarkment on the post-communist transformation after 1989. In line with the German proverb *the present grows from the past*¹⁵, it is crucial to be aware of the past when assessing present events. Hence, it does not suffice to evaluate a seemingly newer political phenomenon in an isolated manner without considering its place in the larger context.

Thus, the opening chapter seeks to present this case study with the contextualisation of populism in Polish party politics before proceeding to discuss the relevant two theoretical approaches towards populism and responding strategies. The objective of analysing the Polish party system before any theorisation of the two relevant concepts is to build a knowledge base that informs the selection and applicability of concepts meeting the unique context of this single case study. Hence, contextualisation precedes conceptualisation in this case. Until the conceptualisation of populism, the working definition of populism as an antagonistic division between the establishment elite and the ordinary people aggregated and communicated by political actors is employed.

Paving the way to an understanding of Polish populism, its implications for present competition as well as possible acting patterns, this chapter aims at shedding light on the question: *unde venis, Polsko*¹⁶?

¹⁵ *Das Heute wächst aus dem Gestern* (German idiom).

¹⁶ An adaptation by the author of the title of Henryk Sienkiewicz’s feuilleton *Quo vadis* in Warsaw newspaper *Gazeta Polska* (1895-1896).

1.1.1 Developments on the Polish Party System 1989-2001

Populist radical right parties are not an entirely new innovation to the Polish party landscape. Such parties have existed already during the 1990s fulfilling their typically ascribed roles as niche or fringe parties outside the political mainstream. Characteristic for the beginning of the first decade of democratic politics was a highly fragmented political scene with many different parties as well as a relatively high party volatility rendering the party system instable and unpredictable¹⁷ (Maatsch, 2023: 43; Stanley & Cześnik, 2019: 70-72). The study of Bakke and Sitter (2005) found that after a turbulent start, the party system saw a stabilisation towards the end of the 1990s. With the stabilisation, the scholars described two circumstances. Firstly, the number of significant parties decreased towards the end of the decade. Secondly, the scholars used the word stabilisation synonymously for the entrenched two-bloc competition between the centre-left as well as ex-communist Social Democrats (SLD) and the centre-right post-Solidarity camp. This notwithstanding, the term stabilisation appears somewhat ambivalent since the scholars went on to describe the particularities of this two-bloc competition. On the one hand, the scholars showed that the SLD gained a certain party stability. On the other hand, however, Bakke and Sitter (2005) demonstrated how the centre-right had been facing continuous struggles for consolidation. The scholars showed that the centre-right post-Solidarity camp was divided within itself into a liberal and a national-clerical wing. Furthermore, while none of the centre-right wings managed to develop sustained competing strategies, the former regime party SLD proved an anchor on the political landscape of the 1990s in the scholars' findings (Bakke & Sitter, 2005).

While it remains debatable to what degree party system stability was achieved and was not a mere consolidation by appearance with a shift of instability towards the centre-right, the study by Bakke and Sitter (2005) certainly gained one significant insight in terms of cleavages. On the one hand, stabilisation remains ambivalent as the party system stayed diverse. However, on the other hand, the political competition seemed to have consolidated centring around the conflict between former communist and oppositionists, thus resulting in the mentioned two-bloc competition. Indeed, the literature shows a scholarly consensus that in the Polish case, the politics of the 1990s were dominated by the post-communist divide¹⁸ (Bachmann, 2019: 20-35; Bill & Stanley, 2020; Dudek, 2016: 174-401; Fomina, 2019: 130-132; Maatsch, 2023: 43-44;

¹⁷ An example for this period in Polish politics is the Suchocka 1992-1993 government building a coalition with 7 parties.

¹⁸ The post-communist divide is a broadly used term in academia concerning post-communist Central and Eastern Europe describing the political conflict between the post-communist left and former oppositionists. For Polish politics, the post-communist divide refers to the conflict between the post-communist left and post-Solidarity actors and successors.

Pytlas, 2022; Sałek & Sztajdel, 2019; Stanley & Cześnik, 2019: 70-72). Among other scholars, Stanley & Cześnik (2019) attributed this two-bloc competition to the nature of the pacted transition resulting from the Round Table Agreements¹⁹ (Stanley & Cześnik, 2019: 70). To considering is also the aspect of the Central European vacuum. After the breakdown of communism 1989, Poland was among the first countries to set out for the post-communist transformation. This was an internationally unprecedented event and set the political atmosphere of a vacuum also over Poland. There was simply no other feasible alternative available for the newly configured political elite but heading ‘direction West’ joining the capitalist and democratic international community. Therefore, also because of the conditional character of the EU as well as NATO accessions, the opposition was united for a large part in their mission sharing the common goal of joining the West with a corresponding agenda as well as a discourse. In short, there was simply not much capacity for the deviation from the political line within the opposition.

However, the opposition’s quest to pursue this Westernisation policy meant that there was no room for a more critical voice in the political mainstream aggregating the anxieties of the electorate facing the socio-economic hardships the post-communist transformation generated. Therefore, the criticism of this policy was pushed to the margins of political consultation (Stanley & Cześnik, 2019: 71). Consequently, from this context can be derived that a share of the electorate, in other words a part of society, has been underrepresented already in the beginning years of the Third Republic²⁰. Moreover, interesting in this connection is the dissolution of the Olszewski government 1991-1992 after a lost vote of no-confidence. Among other things, a lustration document with a name list of former collaborators and new government deputies appeared in 1992 also accusing then head of state, President Lech Wałęsa, of collaboration. Prime Minister Jan Olszewski supported the publication of the document as an avid supporter of lustration. Wałęsa was not keen on that publication and urged for a vote of no-confidence which went through to dissolve Olszewski’s government at dawn of June 5,

¹⁹ The term ‘pacted transition’ refers to a reached consensus between the old communist elite and the new democratic opposition elite was reached about the nature of the system change from totalitarianism to liberalism. An important feature of the Polish pacted transition is the so-called elite circulation importing the old communist elite into the new system (versus a strict elite exchange). Even without crucial functions or influence, the inclusion of old elite members is a point of contention in Poland since it does not show a clean cut from the past. This opinion also shares PiS leader Jarosław Kaczyński. Kaczyński instrumentalises the ‘pacted transition’ to legitimise his political vision and argued need for a Fourth Republic to end the alleged infiltration by and influence of ‘old elites’ in Poland’s state institutions. This is why Kaczyński assesses the sovereignty of the Third Republic of Poland as pathological. Kaczyński published his political vision in the book *Polska naszych marzeń* (2011).

²⁰ The Third Republic of Poland is the political entity Poland became in 1989 after the Polish People’s Republic ended. The drivers of the Third Republic are liberal democracy and capitalism after the Western model.

1992²¹. This event rocked the young Polish political system. The incident did not paint a favourable picture of the new political elite free of foul play either way. This political affair was picked up by right-wing actors who crafted a conspiracy surrounding this ‘night shift’ (in Polish: *nocna zmiana*) which in its essence planted the seed for an anti-establishment delegitimation of the Polish post-communist transformation. According to this right-wing conspiracy, collaborators disguised as new liberal democratic politicians unrighteously ousted Olszewski’s government (Dudek, 2016: 181-224; Pytlas, 2022: 2).

The last years of the 1990s proved again shaping for the party system. For a start, the Solidarity Election Action (in Polish: *Akcja Wyborcza Solidarność*, acronym AWS)²² started falling apart as it was too big and diverse. This coincided with Poland facing another considerable economic recession. Next, the post-communist left faced internal tensions, but despite that it merged into one social democratic party in 1999. These two circumstances changed the party system once again. On the one hand, the credibility of both political camps of two-bloc competition started dwindling. On the other hand, the prevailing consensus over Poland’s liberal-democratic path that had sustained the post-communist divide weakened among political actors. A largely uncontested political policy during the 1990s, it loosened up in the very end of the decade. Paired with the country’s concurrent recession affecting the society on the socio-economic level, an opportunity structure for a new agenda and narrative meandered into Polish party politics (Stanley, 2020; Stanley & Czeńnik, 2019: 70-71). This moment can be judged as the first peak of the popular demand for an alternative to Poland’s neoliberal course advocating for the losers of the post-communist transformation²³. The ‘old’ established actor’s struggle became the loser’s viable chance. It was also a chance to enhance competitiveness moving away from

²¹ The Civic Accord (in Polish: *Porozumienie Centrum*, acronym PC), the first party of the Kaczyński brothers, backed Olszewski’s government and his support for the publication of the document. It is this event that serves as the base for Jarosław Kaczyński’s conspiracy theory of the newly emerged elite as so-called corrupt collaborators intertwined with the old communist, also used to discredit mainly PO later.

²² A political merger coalition of originally 30 different liberal-conservative groupings, the largest being the liberal wing of Solidarity, the former Solidarity Citizen’s Committee (in Polish: *Komitet Obywatelski “Solidarność”*, acronym KO “S”). The coalition was founded in 1996 and was active until its defeat in the 2001 parliamentary elections when it dissolved entirely. The coalition faced volatility from as early as 1997 with parties in constant flux. In 2001, the AWS was reduced to consist of mainly four political actors: the Christian National Union (in Polish: *Zjednoczenie Chrześcijańsko-Narodowe*, acronym ZChN), the Confederation of Independent Poland (in Polish: *Konfederacja Polski Niepodległej*, acronym KPN), the Party of Christian Democrats (in Polish: *Chrześcijańska Demokracja*, acronym ChD) as well as the Social Movement (in Polish: *Ruch Społeczny*, acronym RS) (Dudek, 2016: 324-332, 402-411).

²³ The winner versus loser paradigm refers to the people affected by the post-communist transformation. As mentioned earlier, the dilemma of concurrency (Claus Offe, 2020) led to the fact that the social and cultural domains were neglected by political elites which translated into the people being left to their own devices with social and cultural adaptation to a new reality a new system of capitalism and liberalism brought (value change, individualism, integration). While some were able to adjust and benefitted from the system change, others were unable and left behind. This created two groups in the Polish society, the winners and losers of the post-communist transformation. In political science, this division is represented in the cleavage cosmopolitans versus communitarians (see Merkel & Scholl, 2018).

colonising the post-communist divide and instead extending conflicts to the socio-economic axis.

Consequently, Poland saw its first populist surge in lights of the so-called earthquake elections (Szczerbiak, 2002) of 2001. While the incumbency during the 1990s has been a tango exclusively between post-Solidarity actors and the left, the 2001 parliamentary election changed the configuration of the political landscape comprehensively in two ways. Firstly, the beleaguered AWS faced its complete demise with a number of members leaving the coalition. The exodus gave birth to two new liberal-conservative political parties, Civic Platform (PO) founded by Donald Tusk and two other personalities, and Law and Justice (PiS) founded by the twin brothers Jarosław and Lech Kaczyński. Both parties with an originally similar liberal-conservative profile made it into parliament, whereby PO outperformed PiS²⁴. The left SLD managed to create a social countenance and performed well achieving the highest voter share in those parliamentary elections despite preceding instability (Dudek, 2016: 439-448; Szczerbiak, 2002: 51-54). Thus, the SLD managed to further colonise the left side party spectrum as a social party, whereas the centre-right side grew more fragmented.

Secondly, two populist challenger parties, the Self-defence (in Polish: *Samoobrona*, acronym SO) and the League of Polish Families (in Polish: *Liga Polskich Rodzin*, acronym LPR), moved from the margins into the mainstream of politics achieving 18.1 per cent of the vote share or 91 seats in the Sejm between them (Krajowe Biuro Wyborcze, 2001). What made these two parties crucial in these elections was their role as a vehicle for a political alternative offering profiles criticising the neoliberal policy. SO was founded by Andrzej Lepper in 1992 and resembled a trade union formation. The main advocacy SO pursued was the promotion of fairer market realities for struggling farmers. Thus, it was a party rooted on the countryside with a combined left-wing but nationalist core. Conversely, LPR had been founded in the same year of the parliamentary elections 2001. Matters are slightly more complicated with this party as it did not embody a simple political party per se. The LPR appears to have been an amalgamation of different far-right political actors as well as civil society groupings. In terms of political actors, LPR merged smallest and splinter parties with nationalist-clerical characters reviving authoritarian interwar currents promoting catholic fundamentalism and Euroscepticism. LPR was affiliated with as well as supported by several groupings engaged in the media, education or in local parishes which offered a far reach into civil society. Founder and leader at the time was Marek Kotlinowski. A crucial affiliation for LPR proved to be Pater Tadeusz Rydzyk, a

²⁴ PO achieved 12.6 per cent, PiS achieved 9.5 per cent (Krajowe Biuro Wyborcze, 2001).

Polish far-right ultra-catholic priest and entrepreneur with a network of catholic media, foundations as well as education²⁵. What both parties had in common was a dividing as well as polarising rhetoric on the socio-economic and cultural axes of the ‘ordinary Pole’ represented by the two populist actors, against the ‘corrupt elites and atheist modernisation’, represented by the post-communist establishment (Stanley & Cześniak, 2019: 71-72, 77). The election results and the subsequent populist breakthrough not only demonstrate that there was a popular demand for a political alternative to the mainstream. The results also imply two important changes to the Polish party system. First of all, the emergence of the populist SO and LPR facilitated the diffusion of the post-communist divide by offering a third way. Their alternative functioned like a valve for the discontent of voters alienated by the previous two-bloc competition. Subsequently, these populists also seem to have triggered the diversification of salient political cleavages in Polish politics. In light of the EU accession and surges of recession around the turn of the millennium, the neoliberal policy decreased in attractiveness with pressing socio-economic and cultural questions on the rise. The populists appear to have aggregated these demands, institutionalised them in the political competition rendering them socially acceptable through their entry into parliament in 2001. In this context can be argued that the cosmopolitanism versus communitarianism cleavage²⁶ surpassed the post-communist divide in salience.

The second key take-away from those parliamentary elections is a metamorphosis of the political discourse. From the context above follows that the populists triggered the shift from post-communist to contemporary issues. Further, SO’s and LPR’s fashion of articulation led to the import of an ‘winner’ versus ‘loser’ duality into Polish politics adding a more polarising and emotional trajectory²⁷. In sum, this momentum in Polish politics is crucial not solely because populists achieved their breakthrough. The populists hit a nerve at the time leaving lasting changes to the political landscape with the diversification of relevant cleavages, the extension of the mainstream as well as the sharpening of the political discourse (for similar, more in-depth assessments, see Fomina, 2019; Merkel & Scholl, 2018; Stanley & Cześniak, 2019; Szczerbiak, 2002). Overall, the emergence of PO and PiS also brought substantial change to the party system structure (see appendix for party portraits).

²⁵ The deal was the following: while Rydzyk supported LPR by providing the party with publicity in his media outlets and recommendations, LPR in turn included interests of Rydzyk’s ultra-catholic fundamentalism on its political agenda.

²⁶ Other scholar also speak of the social GAL-TAN cleavage (for example, see Maatsch, 2023). However, it is less suiting for the Polish case since some Polish parties are known for their liberal conservatism. A popular example is PO, pursuing a more liberal state-church separation but representing socially conservative elements (e.g. opposition to abortion liberation).

²⁷ Precisely, Polish politics have had a dual and thus polarised nature ever since 1989 as seen earlier, but it exacerbated after 2001 with more emotionalised ‘winner’ versus ‘loser’ dichotomy making it into the political mainstream.

1.1.2 Developments on the Polish Party System 2001-2015

The following legislation 2001-2005, saw the perpetuation of discourse shift. The briefly indicated first swerve of post-communist transition grievances was conducive of the further entrenchment of the socio-economic cleavage centring around economic turbulence as well as EU accession anxieties and uncertainties. The government formed SLD in coalition with the centrist Polish People's Party (in Polish *Polskie Stronnictwo Ludowe*, acronym PSL). This liberal-centrist configuration faced an entirely conservative right-wing opposition with PO, PiS and the two populist actors SO and LPR. However, SLD's popularity amongst the electorate sharply decreased after 2003 due to its pursued austerity measures, especially targeting education, health and welfare²⁸. In the same year, the governing coalition broke up since PSL failed to support SLD. In addition, several party conflicts and corruption scandals had come to light which tarnished the governing party²⁹. Events culminated in 2004 with the resignation of PM Leszek Miller and his successor Marek Belka requiring two attempts to win the government support through a vote of no-confidence. Support for another government also came about because the right-wing opposition remained scattered and unable to present an alternative. Nonetheless, the SLD was severely stricken fighting internally as well as externally for survival when approaching the elections in 2005 (Dudek, 2016: 435-526; Szczerbiak, 2007: 205; Stanley, 2020).

The year 2005 was electorally intense with the first ever double-elections, parliamentary and presidential, taking place in Poland since 1989. The parliamentary elections 2005 saw much the same parties competing like in 2001³⁰. An impact on the configuration of the party system left the SLD. Unable to respond to the economic instability causing soaring unemployment and persisting allegations of corruption, SLD was confronted with an almost collapse. It performed poorly in the elections receiving its voter punishment of a mere 11.31 per cent³¹. This is crucial insofar, as 2005 marked the first time since 1989 that the left experienced such a sharp decline.

²⁸ For example, SLD lost credibility as a social-democratic party when it decided the discontinuation of former SLD Prime Minister Buzek's attempt to build a diversified, decentralised welfare state and health insurance and instead introduced more austerity measures.

²⁹ There were persisting detrimental conflicts between PM Miller and President Kwaśniewski over the economy. In the end 2002, the Rywin affair uncovered a major corruption scandal reaching into government. The affair was only the tip of the iceberg of several more alleged cases of corruption linked to SLD. Parliamentary investigation commissions were set up which managed to boost the popularity of certain opposition members such as Jan Rokita (PO) or Roman Giertych (LPR). This in turn popularised the parties (for a detailed account see Szczerbiak, 2007).

³⁰ There were two new splinter parties from SLD dissidents. But they did not achieve the threshold necessary to enter the parliament.

³¹ Compared to achieving a total vote share of 41 per cent in the previous elections in 2001. 2005 turned to be a demise for SLD.

In total, SLD lost 161 seats and was pushed in the opposition causing somewhat of a chain reaction. For the Polish party system, this subsequently meant the lack of significant political actors on the left side of the party spectrum. The political competition shifted exclusively to the centre-right side with the departure of the SLD from the political scene as a trustworthy actor. This departure additionally set a definite end to the bipolarity between former communists and oppositionists. Thus, the post-communist divide became obsolete in 2005 after experiencing a decrease in significance over the previous years as shown above. This is why the political competition did not only move onto the right side but also centred around another cleavage, the dominant socio-economic conflict between ‘winners and loser’ of transition. The most relevant actors present were the two post-Solidarity derivatives PO and PiS as well as the two populist groupings SO and LPR. This newly emerged competition structure forced the conservative actors to compete against each other. Competing against each other also meant turning against each other, especially for the originally programmatically similar PO and PiS³². This is how it came about that, following the divide within Solidarity, PO sought to pursue a more status quo neoliberal policy promoting the free market, VAT, corporation tax, a 15 per cent flat rate income tax and further Europeanisation with the Euro introduction. Conversely, PiS jumped on the alternative bandwagon criticising the neoliberal policy. PiS positioned itself suspicious of the free market opposing austerity measures and instead offering a more social policy of state aid and tax reduction for the poor. Further, PiS claimed to uphold Christian-catholic and traditional values (Dudek, 2016: 527-543; Fomina, 2019: 130-131; Fleming, 2005: 94; Markowski, 2006). In the end, the voter humiliation for the left translated into a boost for the socially conservative PiS and the more liberal-centrist PO. PiS emerged as the winner with 26.9 per cent followed by PO in the second place with 24.1 per cent of the vote share. Third and fifth place came the populists SO and LPR achieving 11.4 per cent, and 7.9 per cent respectively. Both parties did not manage to expand their appeal significantly compared to their performance. PSL gathered just about 7 per cent of the votes. At the same time, these parliamentary elections have had the lowest voter turnout of just 40 per cent and in turn the highest abstention count of almost 60 per cent (Krajowe Biuro Wyborcze, 2005). The results clearly indicate a shift to the right. The elections also mark the moment when the right became split within itself. The study of Fleming (2006) revealed how on the one hand, a socially conservative and traditionalist camp embedded

³² Jan Rokita, one of PO's main strategist at the time and special investigative in the Rywin affair, originally tried to equip PO with a more socially conservative and national-patriotic profile in the immediate years after the party's creation. In particular, Rokita advocated for PO to oppose the new voting provisions thought to replace the to Poland more favourable provisions set in the 2001 Nice Treaty. This is the context in which Rokita coined the phrase ‘Nice or Death’ (in Polish *Nicea albo śmierć*) encapsulating a more conservative profile for PO (Szczerbiak, 2007, p. 206).

itself on the far-right with PiS its centre. Fleming (2006) showed how PiS mainly attracted poorer, small town or rural folks, blue collar workers, housewives or the elderly sections of the population. On the other hand, a more economically liberal centrist camp set its anchor on the moderate right with the centre stage taken by PO. For PO, Fleming (2006) found that the party mainly drew its support from the more affluent section of population such as corporate managers, entrepreneurs, the intelligentsia and students concentrated in larger urban areas. The populists mainly populated the far-right, but their attractiveness remained limited to the rural region and provincial towns (Fleming, 2006: 96-98). This shows that this split within the right was not relevantly contested by other right-wing actors. Thus, a new bipolarity emerged within the right moving to colonise Polish politics due to the lack of a social democratic actor.

In this context, it is also worthwhile taking a look at the character of the presidential elections. The presidential elections 2005 somewhat managed to overshadow the parliamentary elections. To begin with, a series of withdrawals from candidates, the most important withdrawal amongst them being the one from SLD candidate Włodzimierz Cimoszewicz, led to the premature elimination of possible political rivals³³ rendering the election to as an affair of honour between PO and PiS which pitted them the more against each other. In addition to this circumstance, these presidential elections saw the first professionally crafted election campaigns and media coverage in post-89' Poland. The debut made PiS launching a highly publicised presidential campaign resembling American party conventions whereby Lech Kaczyński was the first politician to formally declare his candidacy. Furthermore, the departure of Cimoszewicz, reversed the polarity of the post-communist divide to the socio-economic axis, the dividing subject between PO and PiS, also in the presidential elections. PiS promptly adapted their high-profile campaign to a more radical choice between a neoliberal Third Republic or a social-solidaristic Fourth Republic of Poland. In other words, PiS increasingly construed an assertive 'us losers' versus 'them winners' narrative. Tusk neither pursued a nearly as professionally crafted campaign nor did he develop the powerful tactics to respond to the offensive by PiS. Finally, the 2005 presidential elections also mark the first time where large-scale missions of so-called spin doctors were deployed. This tactic was again most profitably applied by PiS. It managed to damage PO candidate Tusk's reception³⁴. PiS won both election and ended-up

³³ Here, important to remark is that party leader and presidential candidate of populist SO, Andrzej Lepper, surprisingly emerged third in the first round receiving about 15 per cent. However, Lepper lagged 18 points behind PiS, thus remaining rather far away from the first round's pinnacle. Despite this, it was an impressive result for the party itself and confirmed Lepper's popularity.

³⁴ Key PiS-strategist and infamous spin-doctor, Jacek Kurski, disseminated in the Polish media during the presidential rally 2005 that Tusk's grandfather had voluntarily served in the *Wehrmacht* during World War II, thus aiming at activating the Polish trauma and resentment to Germany. It first caused Lech Kaczyński's campaign to lose power as it was uncovered that this

forming a government coalition together with LPR and SO. PiS pursued a programme of many dimensions. On the political axis, the programme resembled economic populism with focus on redistribution, social benefits and staunch anti-communism. This was combined with a more right-wing nativist identity populism on the cultural axis promoting the Catholic church, mobilising against the LGBTQ+ community (Fomina, 2019: 132-134; Pytlas, 2022: 2-4; Stanley & Czeńnik, 2019: 73-75; Szczerbiak, 2007).

In summary, the 2005 elections impacted on party-system in three crucial aspects. As indicated above, the political events of 2005 produced a major turnover of the political elite swinging politics to the right and directing the political game to anchor on the socio-economic ‘winner’ versus ‘losers’ cleavage. This turning point in post-communist politics looks to have mainly been catalysed by contextual factors. The EU accession unleashed renewed fears of modernisation. The struggling economy causing socio-economic instability for many amplified the discontents of the post-communist transition. This new chapter in Polish politics was the first legitimacy crisis of the post-89’ neoliberal consensus triggering the boom for a political alternative accommodating the growing share of estranged voters. Next, the behaviour of PiS showed tendencies for radicalisation kindling with the populists as well as their fashion of articulation, ultimately ending in the first ‘populist’ government in the Third Republic. Further, this radicalisation was not only party-specific but sharpened the discourse in Polish politics generally. Lastly, the interplay of the previous two characteristics aided the crystallisation of the duopoly between PO and PiS within the right-wing camp.

Moving on to further developments on the Polish party system, the early elections 2007 resulted in PO coming to power. On the one hand, PO instrumentalised the already present polarisation to its own advantage. The party won the elections tailoring its narrative around ‘taking back the country’ which appeared to have resonated predominantly with the younger pro-European electorate and beneficiaries of the recovering economy. PiS, on the other hand, radicalised further absorbing the LPR and SO narratives throughout its first governing period. After 2007, both populist parties were of no political significance not entering parliament anymore and dissolved. The expansion of PiS at the expense of the populist actors let the former emerge as the second major party on the political landscape. Moreover, what before was a duopoly between PO and PiS mitigated by other political actors, especially by the relevance of SO and LPR, transformed into a direct rivalry between PO and PiS (Fomina, 2019: 133; Stanley

statement was false. Subsequently, Kurski was sacked from PiS (only to be reemployed after the elections). This ‘incident’ still bore its fruit long-term when it came to light that Tusk’s grandfather indeed served in the Wehrmacht, even if through coercion. All in all, a professionally orchestrated stunt (Szczerbiak, 2007: 217-219).

& Cześnik, 2019: 73-75). The succeeding PO-PSL coalition government 2007-2015 pursued a moderate, largely uncontroversial course, although this judgement often found in literature on Polish politics ought to be regarded with caution³⁵.

The 2010 plane crash led to subsequent investigations which were hampered to some degree by the PO-PSL government unable to respond quickly and professionally to the disaster. This affected the opposition, PiS in the first place, and opened the space for accusations of incompetence and collaboration with Russia. This event led to a second wave of polarisation and a second radicalisation around PiS party-leader Jarosław Kaczyński gain momentum. As a controversial as well as eccentric figure, Jarosław Kaczyński remained unpopular and lost the early presidential elections 2010 against PO candidate Bronisław Komorowski. After the disaster, Jarosław Kaczyński affiliated with highly controversial conspiracy groupings for monthly commemorations and aggregated new discourses around nativist populism. PiS specially began constructing a new narrative in the messianistic tradition which is deeply rooted in the collective memory of Poles. At the same time however, PO neither had a unique narrative nor incorporated the disaster. Much more, PO was meandering between left- and right-wing elements. Nevertheless, PO won the parliamentary elections 2011. Interestingly, PO employed a catch-all tactic called ‘PiS treat’ (in Polish: *straszenie PiSem*) aiming at mobilising the electorate against an increasingly ‘evil’ PiS. At that time, PiS did not manage to respond to this polarising tactic despite moving Kaczyński into the background. Not least, the party also was also undergoing a major reshuffling³⁶ (Fomina, 2019; Pytlas, 2022; Stanley & Cześnik, 2019). In second term, PO’ political meandering became even more evident. The neglect of the social sphere produced a considerable share of the Polish society facing increased job insecurity as well as precarious employment conditions. Extreme poverty rates increased, and the ramshackle communist-era welfare-state was in need for reformation. The ordinary Pole away from big cities was not able to benefit from the PO politics. Additionally, the continuous meandering of PO as well as internal conflicts within the party increasingly alienated the central-left voters. PO did not offer deliberation over a future vision for Poland as a country and society but was preoccupied with upholding the status quo and continuing technocratisation. This is why these politics have been dubbed ‘warm water out in the tap’ by regional experts (see, for example Grzymala-Busse, 2018; Stanley & Cześnik, 2019). The

³⁵ While politics may have looked to be more stable under PO remaining in government for two consecutive terms, the party’s programme grew continuously uneven with the focus mainly on technocratic aspects of modernisation neglecting the socio-economic and cultural spheres.

³⁶ In 2011, shortly after the Smoleńsk accident, PiS underwent the biggest reformation in the direction of radicalisation which caused the first and only considerable break-aways to date, among them Solidarna Polska.

departure of Donald Tusk 2014 to Brussels to take the mandate as president of the EU council meant the subsequent loss of PO's widely known leader and did not benefit the party either³⁷. With PO obscuring its course and several EU-level crises emerging on the horizon testing the legitimisation of the European neoliberal course, the political climate changed in favour of a political alternative setting free the accumulated disillusionment with politics. Characteristic for this climate leading up to the double elections 2015 was the emergence of three new parties, centre-left Modern (in Polish: *Nowoczesna*, acronym .N), left-wing Together (in Polish: *Razem*) and populist anti-establishment Kukiz'15 (K'15), all of which criticised PO and PiS. However, the most successful at formulating a comprehensive political alternative of the 'warm water in the tap' was PiS. After eight years in opposition and an internal reshuffling, PiS returned to the centre of politics. The lack of a strong political narrative created the opportunity structure for PiS to acquire agenda-setting powers together with issue-ownership becoming the dominant force. Consequently, PiS extended the conflict between winners and losers of transition to a conflict over the core meaning of representative democracy on the political axis. Similarly to PO in 2007, PiS engaged in extensively instrumentalising polarisation to its advantage discrediting PO. The political competition once more evolved around an uneven duopoly with an assertive, organised PiS employing a populist-style articulation and a rather unprepared PO pushed into the corner of reaction.

As a result, PO was punished in the elections 2015 for 'warm water in the tap' politics similarly like SLD in 2005 losing both the presidential as well as 15 per cent of its previous support in the parliamentary elections. Furthermore, the left remained weak and for the first time post-89', SLD did not reach the threshold necessary failing to enter parliament³⁸. Instead, two of the three new parties made it into parliament³⁹. The best out of all new parties performed anti-establishment Kukiz'15 coming in third place in both elections⁴⁰. PiS won both elections, the parliamentary elections with 37.5 per cent. Here is to mention that PiS did not enter the competition alone: the party cooperated and acted withing the United Right alliance with two radical right partners and shared lists. PO followed second with 24 per cent. Despite that, characteristic for these elections proved to be the high amount of wasted votes generated by

³⁷ PO faced internal quarrels over Tusk's successor. Ewa Kopacz replaced Tusk 2014 for a short period only to be exchanged with Grzegorz Schetyna in January 2016. Hereby is to note that Kopacz inherited the double role as party-leader and prime minister (until 2015).

³⁸ The left at that time was a conglomerate of several parties, the biggest being SLD, participating in the elections in the coalition formation called United Left (in Polish: *Zjednoczona Lewica*) requiring 8 per cent to enter parliament.

³⁹ .N made it into parliament but did not develop into a relevant opposition actor. Razem did not achieve the threshold required.

⁴⁰ Most popular among and supported by young voters.

combined with an appointment method beneficial to large parties (D'Hondt method). PiS achieved the best result in its history until 2015 (Krajowe Biuro Wyborcze, 2015; Pilawski & Politt, 2016: 7-11, 108-137; Pytlas, 2022; Stanley, 2020; Stanley & Cześnik, 2019; Styczyńska, 2019).

In these elections once more illustrate that it is the biggest mainstream parties, PO and PiS, who settle the race in Polish politics. New parties appear to have a hard time establishing themselves as relevant forces. Furthermore, the political competition was repeatedly concentrated on the right spectrum with a weak left unable to make a stance. In line with these observations, the study of Sałek and Sztajdel (2019) examining the Polish party system 2007-2015 found that, although new parties had been gaining moderate electoral strength, the dominant parties remained PO and PiS. Further, the study confirmed that mainstream parties are the drivers of political change in Poland. The study also confirmed that the voters' preference shifted due to the legitimacy crisis of PO peaking in 2015. The scholars too suggested that the duopoly between PO and PiS has reorientated the political game onto the conflict between losers and winners of the post-communist transformation. PiS had the opportunity structure to set the focus within this conflict on cultural as well as identity-related issues (nativist populism) (Sałek & Sztajdel, 2019: 189-213). Bustikova and Guasti (2017) defined this second swing to the right in Polish post-89' politics as the second wave of right-wing populist insurgency (Bustikova & Guasti, 2017: 168). In terms of cleavages, the salience of winner versus loser conflict was still given. However, one can make out the slow diversification of cleavages which is reflected in the dimensions PiS has extended the conflict to. On the political level, there seems to be an elite conflict based on the nature of the 1989 consensus and pacted transition. Thus, different perceptions of oppositionists (anti-communists/solidarists) versus collaborators (communists/neoliberalists) remain relevant. On the socio-economic level, there is an asymmetry in the distribution of material goods and in the beneficiaries of privatisation/modernisation, producing a two-tier society, the so-called losers and winners. Lastly, there seems to be a demand for the preservation of different lifestyles as a result of modernisation on the cultural level. Observed this can be in the divergence between clerical and secular interests. This can be summarised as the cosmopolitanism versus communitarianism cleavage as previously mentioned. However, it is crucial to underline the growing complexity of Polish party politics.

With PiS coming to power and with controversial politics following, opposition against the government started growing. But the diversification of actors meant the fragmentation of the opposition. As a result, the parliamentary elections 2019 could therefore be named the elections

of coalitions. There was no independent party competing. In total, four opposition coalitions entered the game against the PiS coalition. The emergence of the far-right nationalist and libertarian Confederation (in Polish: *Konfederacja*) coalition accentuated and expanded the right party spectrum. However, the opposition was still too fragmented unwilling to cooperate. It was also programmatically too similar generally lacking an alternative to the PiS programme. PO rebranded as the Civic Coalition (KO) and remained the biggest relevant challenger of PiS. The two impacts the election results had on the party system were first the return of the left as a coalition winning 49 seats. Second, Confederation offered a far-right alternative to the radical government and managed to diffuse some voters that otherwise would have voted for the United Right. Subsequently, PiS emerged as the strongest party winning the elections with 43.6 per cent. Despite that, PiS lost in overall party strength to the benefit of a seat increase for its two junior partners. KO came in second. Furthermore, polarisation did not recede. It started evolving around new controversial topics like LGBTQ+ or Euroscepticism set on the agenda by PiS. The salient cleavages were retained through the reinforced polarisation and fragmentation.

The presidential elections 2020 stood out insofar, as that they took place during the COVID-19 pandemic. The governing PiS party had shut the country down in an autocratic manner which translated into an unfair and asymmetrical competition. Further, irregularities, electoral day changes and a vote card incident overshadowed the elections. The main rally took place between PiS candidate Andrzej Duda and PO nominee Rafał Trzaskowski. Additionally, a new centrist grouping had formed around Szymon Hołownia called Poland 2050 (in Polish: *Polska2050*). Newcomer Hołownia came third in the first round. Andrzej Duda was re-elected. KO challenged the results at the Supreme Court but without success.

Moving on, the division on the political landscape between ruling party allies and opposition actors kept growing stronger as PiS's time in government went ahead. Still fragmented and somewhat weak, the opposition cooperated in order to have a stance against PiS. Proactive in that regard turned to be the New Left followed by KO. The afterpains of the pandemic and the war in Ukraine triggered a cost-of-living crisis, inflation, energy insecurity and a belated post-pandemic economic slow-down in Poland. PiS attractiveness started somewhat deflating creating a new opportunity structure of the opposition. In the run-up to the parliamentary elections 2023 it became evident that the elections would again predominantly involve

coalitions. Indeed, the coalitions kept within the tradition of 2019 and just rebranded slightly⁴¹. KO still was the biggest challenger to PiS. However, the opposition was trying to establish a *cordon sanitaire* to oust PiS. Although, the coalitions rallied formally separately with their own lists and programmes, they agreed to cooperate should the possibility emerge that this would end the PiS incumbency. After facing the biggest protest since 1989 in summer 2023, it became a neck and neck race within the dominating duopoly of PiS and KO, though polarisation benefitted KO. In the end, PiS formally won the elections, but lost its majority for a single rule. Hence, due to the inability form a new PiS government, the opposition signed a multi-coalition government agreement following the invitation to attempt government formation. The KO-Left-Third Way-coalition government was sworn in on December 13th, 2023 (Szczurbiak, 2023; Tilles, 2023).

Finally, looking at the most recent elections, it is a chance for Polish politics that the Confederation underperformed, thus moving the competition more to the centre of the spectrum again. Yet, the opposition remains fragmented. It is not possible to draw comprehensive differences from the three coalitions programmes. The opposition has somewhat isolated PiS with their *cordon sanitaire*. But the question the future will answer is whether the opposition will be able to offer Poles the promised change by realising its programme of policies. The upcoming months will reveal how stable the new ruling coalition is. It will also show whether a new chapter in post-communist politics is started by transcending the duopoly.

1.1.3 Résumé: Three Core Characteristics of Polish Party Competition

Seeking an answer to the question *unde venis Polsko*, this chapter has analysed the development of the Polish party system since 1989. All things considered, the above illustrates the significance and productivity of the contextualisation of Polish party politics providing a solid base for the following tailoring of concepts to this single case study. At this stage, three key take-aways can be formulated that crucially inform the conceptualisation of populism and party responding strategies.

To begin with, the above context reveals that populism is no stranger to Polish party politics. It is inaccurate to consider it a new phenomenon isolated to the last eight years. Populism appears to have been present in Polish politics since the ‘earthquake elections’ (Szczurbiak, 2002) in 2001. Moreover, populism has consequently been taken up by mainstream parties. Most

⁴¹ Five coalitions competed: United Right, Civic Coalition, Third Way (in Polish: *Trzecia Droga*, acronym TD) which was the only new coalition in the competition (alliance between PSL and Poland2050), The Left, and Confederation.

notably, this happened with PiS 2005-2007. Contrary to common opinion, however, also PO (KO) appears to have drawn on populism, especially when mobilising against its main opponent PiS. Examples for that are the tactics of the ‘PiS threat’ (*straszenie PiSem*), the demonising of PiS in the 2011 and 2015 elections or the ‘taking back our country’ campaign as early as 2007. Thus, it looks like mainstream parties have institutionalised populism in the Polish case.

Next, the development of cleavages shows that Polish politics provide a notoriously suitable ground for populism that thrives on division. There appear only two cleavages with outstanding political significance in Polish party politics. For the first decade of post-communism, the anti-communism versus communism cleavage shows to have dominated party politics. This can be seen as an already uneven start into democratic politics based on an antagonistic friend versus foe duality which has been conducive of a two-bloc competition. In the early 2000s, this cleavage was replaced by a new one. With cultural and social issues making it into the political mainstream, party politics appear to have morphed into a contestation over morals and worldviews amalgamating on the cosmopolitanism versus communitarianism cleavage, another powerful division aligning several other classic Lipset and Rokkian cleavages⁴² into two camps. The parties PiS and PO (KO) have clearly colonised this cleavage with PiS representing communitarianism and PO (KO) promoting cosmopolitanism. The latter is additionally shared by SLD. Interestingly, there seems to be a paradox in Poland’s case. The Polish party landscape has diversified and become rather fragmented. However, this does not apply to party politics and voter preferences which give the impression of having had a rather hard time diversifying so far. Born on a divisive, immediate post-communist base, Polish party politics have rather developed into the direction of a two-bloc consolidation. Worldview conflicts predominantly foster unreconcilable camps. Hence, it becomes plausible that this circumstance not only favours populism as a mode of mobilisation but also reinforces it.

Finally, this points to the last key take-away that populism in the Polish context does not solely appear as a bottom-up vessel for disillusion or protest. In this context, populism also needs to be pointed out as a competition tool for political actors in Poland. In other words, it is indeed legitimate to conclude that the mechanism of populism also resembles a top-down instrument to organise politics for the political elite operating in a system with friend versus foe characteristics.

⁴² For Poland certainly relevant, for example, are the state versus church, urban versus rural, and centre versus periphery cleavages.

1.2 Concept of Populism

The last chapter established the setting in which party competition is embedded in Poland. Moving on, this chapter addresses the first concept that begs for crucial understanding in this thesis: populism. Despite having reached mainstream status in political science over recent years, the difficulty met with populism is that there appears to be no scholarly consensus over a conventional definition of the phenomenon. Instead, the literature remains fragmented and different conceptualisations prevail (Moffitt, 2016, 2020). Due to a limitation of space, the exploration of the ‘murky waters’ (Griffini, 2020) of populism is restricted to discussing the essence of the six most common approaches as well as their possible shortcomings (Griffini, 2020; Mudde & Kaltwasser, 2017). Each of the next six sub-chapters is dedicated to one approach towards populism. The last paragraph to each approach is reserved for critical remarks and assessment based on general criticism as well as insights from empirical studies on Polish manifestations of populism. This shall aid the decision, whether the approach is suiting for this case study. On this basis, the aim of this chapter is to compile a working definition of populism suitable for the current context of party competition in Poland.

1.2.1 The Minimalist-Ideational Approach (Mudde, 2004)

Cas Mudde (2004) approach towards populism had been born out of his disagreement with and critique of two existing notions of populism: a highly emotional and simplistic discourse aiming at reaching the gut feelings of people (populism as a discourse) or an opportunistic strategy employing simple solutions to please the voters and ensure their support (populism as a strategy). For the former definition, Mudde argued that it is per se impossible to set sharp boundaries for something conceived of as emotional, rational, simplistic or serious. Moreover, Mudde suggested that ‘sloganesque politics’ lie anyways at core of political campaigning no matter the position on the left-right spectrum. For the latter notion of populism as an opportunistic strategy, Mudde questioned how policies could be differentiated between honest and sound versus populist and opportunistic. He argued that the mainly subjective judgment underlying this approach results in confusion as “*the one’s populism could be perceived as the other one’s democracy*” (Mudde, 2004: 543). According to Mudde (2004), the weakness of both definitions manifested in the lack of a description of the core constituents of populism. Mudde (2004) worked out that the majority of populist conceptualisations in the literature mention the

relation between ‘the people’ and ‘the elite’ as core of the phenomenon. But other than that, they fell short of providing more meat to the bone in Mudde’s view.

Consequently, Mudde (2004) went on to define populism as “*an ideology that considers society to be ultimately separated into two homogenous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the general will of the people*” (Mudde, 2004: 543). According to this definition, populism has two opposites: elitism and pluralism. On the one hand, elitism stands for the aspiration of the moral elites to determine politics instead of the amorally perceived people. On the other hand, pluralism rejects homogeneity and perceives society as a heterogenous vessel with groups and individuals having different worldviews and needs. However, according to Mudde (2004) populism as an ideology does not possess the same intellectual refinement or consistency as e.g. socialism or liberalism. Therefore, populism is a thin-centred ideology which means that it has a “*restricted core tied to a narrow range of political concepts*” (Mudde, 2004: 544).

Turning to the core concepts, ‘the people’ are at the centre defining an opposition to ‘the elite’. The concept of ‘the people’ is mythical and corresponds to ‘the heartland’ in nationalism where ‘the people’ is an imagined community or a sub-set of the population. As a thin-centred ideology, populism functions as a vessel that can be thickened with other ideologies such as socialism or nationalism in Mudde’s argumentation. Furthermore, the scholar argued that populism is moralistic and not programmatic. That is why the antagonism between ‘the people’ and ‘the elite’ appears essential in the populist discourse, “*and not the empirical difference in behaviour or attitudes*” (Mudde, 2004: 544). Compromise is thus foreign to populism since it would corrupt the purity.

Despite admitting that the definition remained rather broad, Mudde (2004) emphasised that not all politicians are populist since ideological programmes of mainstream actors contain and acknowledge the liberal democratic value of pluralism. This notwithstanding, populist discourse had become the new mainstream in Western politics which Mudde (2004) classified more of “*a feature facilitating rather than defining populism*” (Mudde, 2004: 545). In line with this, Mudde (2004) asserted that populism is not about rejecting technocratic measures, especially if they aid at liquidating certain ‘unwanted’ politicians. Mudde (2004) argued that attributing populism with the phenomenon of social crises⁴³ is too harshly judged. Much more, Mudde (2004) claimed that populism arises when certain circumstances fall together: political resentment, a serious challenge to the ‘normal way of life’ and the existence of an appealing

⁴³ Referring to social change as the transformation to a post-industrial society.

populist leader. In contrast to reactive protest-groups, populists act actively taking initiative and mobilise. In terms of responses to populist challengers, Mudde (2004) suggested that established democratic parties react combining the two strategies of exclusion and inclusion. Following Mudde's reasoning, democratic actors try to exclude populist from gaining political power, while showing ready to incorporate populist topics and rhetoric trying to get rid of the populists. This dynamic perpetuates populist tendencies into the political mainstream, according to the scholar (Mudde, 2004: 542-563).

While the Muddian approach to populism has earned cult status⁴⁴, there are still a few issues. First of all, the definition is almost too minimal. Whereas this might be suiting for comparative research, the concept appears shallow for single-case studies. Furthermore, the conceptual framework remains too unstable on its own and therefore only works to its potential when linked to another concept (e.g. Euroscepticism) (Bešlin et al., 2020). Mudde (2004) suggested this himself as noted above.

Secondly, there is an issue with the term 'thin-centred ideology'. In the beginning, one gets the idea that populism may be a distinct ideology insofar, as it opposes the two liberal democratic concepts of liberalism and pluralism. Theoretically, this does tie populism to the right party spectrum exclusively. How come that later in the argumentation populism is perceived of a vehicle able to carry elements from distinct ideologies? What about left-wing populism, or a combination of both? On top of that, Mudde (2004) mentioned that populism as a thin-centred ideology also draws on discursive elements. Lastly, if populism can allegedly be thickened why call it thin-centred? A vessel, a thin-centred ideology as well as a discursive take do not have an equal footing. These conceptual contradictions remain unsolved and complicate the operationalisability of the definition.

Thirdly, the Muddian concept of populism only includes a vertical division between 'the people' pitted against 'the corrupt elite'. As seen earlier, this does not suit the case of Poland. The Polish society is more divided within itself when it comes to values, worldviews or moral compasses (Fomina, 2019; Sadura, 2020). This is paired with a vertical 'people versus elite' division, a post-communist relict commonly referred to as 'ethical civil society' (Linz et al., 1996) or '*Nischengesellschaft*'⁴⁵ (Salheiser, 2021) with an engrained distrust of political elites. Furthermore, the term 'corrupt' elite remains unclear. Does Mudde's use of 'corrupt' correspond to corruption and bribery, or more to an egoistic sense of self-preservation? This is an especially

⁴⁴ According to citations on Google Scholar.

⁴⁵ niche society.

important detail in the post-communist context where corruption poses a significant issue politicians can capitalise on. Following the argumentation above, it appears as the words ‘corrupt’ and ‘corrupted’ got mixed up. Overall, Mudde’s approach entails too many insecurities and does not fit the Polish context as an alone standing concept anymore.

1.2.2 The Strategic Approach Driven by Opportunism (Weyland, 2017)

According to Weyland (2017), employing the concept of political strategy defines the ways and instruments by which political actors capture the government and execute decisions. Consequently, there are two main components to political strategy: the type of political actor and a power exercising figure with the power capability to mobilise (Weyland, 2017: 55).

Moving on to the phenomenon of populism, Weyland (2017) defined populism as “*a political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, disinstitutionalised support from large numbers of mostly unorganised followers*” (Weyland, 2017: 59). Central in this definition is thus the quasi-direct, unmediated relation between the leader and mass followers (‘the people’). In this light, populism claims to advance the general will. Thus, populism does not stand for or incorporate and result of representation as a process but perceives representation as part of identity. After Weyland (2017), this gives populism deep association and intensity fostering a feeling of belonging for the supporters. This is lost in the mechanisms of liberal democracy with its technocratic and procedural nature. Another important point is that a populist leader can instantly and without great effort win the hearts of the people with his intense and direct appeals. Nevertheless, it can also deflate again when these appeals lose importance. Conversely, political organisation in the liberal democratic sense with party affiliation and support takes time to build but is slower to erode once established⁴⁶ (Weyland, 2017: 59-60).

Populism also introduces political flexibility as populist actors are not urged to adhere to a systematic ideology or rigid programme. They can act as they see fit and adjust their tactical decisions or ideas. Weyland (2017) continued to argue that the true character of a politician is much more reflected in the choices he makes rather than in speeches or other means of discourse. These remain biased, vague, rhetorically licensed, and opportunistic. Strategy therefore yields lesser false positives than discursive or ideological approaches towards populism, according to the scholar (Weyland, 2017: 60-61).

⁴⁶ This is a crucial point for CEE as parties needed to win support quickly after 1989 for modern democracy and did not have time to build political organisation gradually, that was more of a by-product.

Finally, Weyland (2017) argued that in order to maintain flexibility, in Weyland's words manoeuvrability, populists abstain from committing to a specific discourse or ideology. The substantive orientation conversely remains loyal to arbitrary switches generated by the calculations, tactics and choices of the populist actor. Thus, Weyland (2017) claimed ideational definitions of populism give too much centre stage to extreme rights' rhetorical appeals to 'the people'. In turn, the strategic approach apparently points out that ideological radicalism confines populists to the margins limiting their chance to mobilise support from a cross-section of 'the people' (Weyland, 2017: 67-68).

With populism perceived as a strategy, Weyland (2017) proposed a leader-centric approach. This approach becomes problematic when examining party politics. Party leaders undoubtedly are significant. They also have salient roles and visibility in Polish politics. However, the leaders of the parties in question do not fit Weyland's scheme of a charismatic leader per se. Least of all, this applies to Kaczyński (PiS). He is not the classic charismatic leader with his rather eccentric and controversial habitus. Furthermore, he is a political veteran, not any newcomer or charismatic outsider as one could have thought of Andrzej Lepper for example (Stanley, 2020).

Another issue is that Weyland (2017) suggested strategies and modes of organisation across the political spectrum alone that cannot be seen per se populist on their own. This absence of a clear distinction fosters confusion when it comes to identifying what populists do and what responses from non-populists are. The phrasing of the definition with the words 'disinstitutionalised' and 'unorganised' is unfortunate as well. The claim that populism thus thrives on low institutionalism is only partially the case for Poland, if not at all for PiS. Although party institutionalisation Poland is comparatively lower than on the European level, populist PiS is Poland's strongest party when it comes to party discipline and organisation as the review of the party manifesto and statutes reveals (Prawo i Sprawiedliwość, 2016). Additionally, the in-depth analysis by Jacuński et al. (2021) revealed that KO and the SLD have been continuously improving their organisation over the recent years and do not differ greatly from their European counterparts anymore (Jacuński et al., 2021: 247-257).

Finally, contrary to Weyland's claim, populists are not confined to the margins anymore in Poland⁴⁷. The radical right populist PiS demonstrated that it is at the centre of Polish politics and appeals to cross-section of people. This also rejects that populists refrain from adhering to a specific discourse or ideology. PiS pursues a specific discourse of crisis and delegitimising

⁴⁷ Not in Europe, either. Think of the Front National in France, Alternative für Deutschland in Germany, Fidesz in Hungary.

other actors. PiS has been setting the agenda like that. The party keeps thematically flexible promoting different issues but fitting them into the same narrative (Bill & Stanley, 2020). Considering the features of PiS, Weyland's definition does not seem to correspond to the Polish context to which the non-populist opposition is challenged to respond to. It is questionable to what extent the Polish case of populism is a true bottom-up movement, and whether it is mediated by top-down promotion through PiS (Bill & Stanley, 2020).

1.2.3 The Discursive Approach (Laclau, 2005)

Laclau (2005) famously proposed a discursive theorisation of the notion of populism grounded on three theoretical innovations:

1. The specificity of populism does not lie in the unit of the group, but in the logic of articulation,
2. Populism is about the mode of articulation (ontological), and does not embody ideological or political content that constitutes populism and its practices (ontic),
3. The logic of populist articulation generates structural features manifesting themselves in the modes of representation.

According to Laclau (2005), populism cannot be a movement or an ideology as a clear-cut difference to other ideologies cannot be provided. Populism must not be perceived as a political practice either since practices do not express the nature of social actors but constitute them. Thus, practice has an ontological superiority over the actor. Practices would therefore be more primary units of analysis and the group would be a mere result of an articulation of social practices. These things considered, a group is thus not populist because of the pursued politics or ideology that provide tangible contents identifying as populist. If a group is populist then it is due to the presence of a particular logic of articulation (Laclau, 2005: 32-34).

Laclau (2005) defined populism as "*a social logic of articulation*" (Laclau, 2005: 34). The first assumption Laclau (2005) based this definition on is that there is an asymmetry between the society as a whole, 'the people', and social actors operating in this society. In modern and heterogeneous societies, the general will has to be achieved through mechanisms of representation, that is representatives that act for and in the name of the people⁴⁸. From the first assumption, Laclau (2005) derived that there is a chasm between the political will and the

⁴⁸ Most European states are representative democracies these days. Despite representative democracy being a highly rationalised system, a weakening point remains the high levels of bureaucracy and exclusion in varying degrees. Considering the Brussels system, this especially applies to all EU member states, Poland included.

communitarian space of 'the people'. From this point of departure, Laclau (2005) inferred that in order to bridge this 'natural' chasm, the bridging attempt defines the political articulation of social identities. Thereby, Laclau (2005) followed a holistic approach meaning that he considered the premise that building communitarian spaces out of a variety of general wills can never adopt the *Gestalt* of a contract. In other words, individuals in Laclau's perception are mere referential identities representing localised subject positions. The articulation of these positions is thus not individual (actor-centrist) but much more a social (group-centrist) matter. Instead of treating the group as an analytic unit, Laclau (2005) proposed the category of the demand as the elementary unit to foster social links. An ideal-typical democratic system will function after the institutionalised, differential model through the logics of difference (= no social division, legitimate demands are satisfied in an administrative fashion) (Laclau, 2005: 34-38).

If populism arises, a social setting is prevalent in which a variety of demands reaggregate negatively since they remain unsatisfied. In this situation, the logic of operation becomes the logic of equivalence where unsatisfied demands reaggregate themselves into an equivalential chain.

This equivalential chain provides the equivalential links whereby the singular demands become interconnected and start constituting a totality of demands. Furthermore, in a system where the amassment of popular demands remains unsatisfied and is co-existing with an institutional incapability to respond to the demands, a populist rupture can arise fostering popular subjectivity and the creation of an internal frontier between the communitarian space and the institutional space (power versus underdog) due to the underlying negativity. In sum, Laclau (2005) postulated that the structural features defining populism are equivalences, popular subjectivity, and the dichotomic construction of the social around an internal frontier (Laclau, 2005: 38).

With the above in mind, it follows that the equivalential chain owns an anti-institutional character leading to a 'short-circuit' in the relation between demands and system. This means, argued Laclau (2005), that for the creation of an internal frontier, populism relies on the discursive construction of an enemy. Further, the representation of the equivalential moment is the totalisation of the power against the demands of the general will. The bigger the extension of the equivalential chain, the weaker the connection to particular demands assuming the functioning of the democratic mechanisms of representation. In other words, Laclau (2005) tried to say is that populists achieve political efficiency through creating (discursively) empty signifiers in reducing the particularistic content of demands to create equivalential homogeneity

in a heterogenous field of demands. According to Laclau (2005), empty signifiers of populist discourse can be countered by the democratic opposition. For this, the opposition has to keep the central signifiers of popular radicalism intact and inscribe democratic demands in a different chain of equivalence by placing so-called floating signifiers. However, Laclau noted that these two signifiers often overlap (Laclau, 2005: 38-43).

Laclau (2005) acknowledged that he exclusively proposed a formal definition of the phenomenon as all its established features are tied to a specific mode of articulation (equivalential logic) that remains independent of the actual content communicated. Laclau (2005) also underlined that defining populism in an ontic way (ideology, practice) fails as empirical content leads to exceptions or to some form of intuition that cannot be converted into a robust concept. Moreover, Laclau (2005) claimed that his definition is flexible enough to account for populism to arise in any socio-economic and cultural context. Also, populism as a discourse determined by logics of articulation can arise in any socio-institutional structure: established parties etc. as populism does not define the actual politics but the way of articulating their themes regardless of their content. Hence, no political movement is ever entirely exempt from populism. Populism after Laclau is put onto a continuum (institutionalist discourse, logic of difference) pitted against populist discourse (logic of equivalence). For Laclau (2005), populism equals politics as well as the asymmetry between community and collective wills (Laclau, 2005: 44-49).

The innovation introduced by Laclau (2005) is the perception of populism as a political practice in form of a mode of political articulation which emphasises the potential and power of political communication. The main problem, however, is the pronounced theoretical character of Laclau's approach. Theoretically, it may help to shed light on the relationship between 'the people' and 'the politics' and how these spheres may interact and overlap. But Laclau (2005) did not consider empirical analyses for the building of his theory. That is to say, Laclau's expertise lies in Latin American politics which have a vastly different context compared to other parts of the world, Europe included. The empirical examples that were used to support his argument in his monography stem exclusively from Latin America. Moreover, the generalisation that populism equals politics and includes every political movement appears to overstretch the concepts and makes it impossible to operationalise them.

This geographical isolation of the approach is also visible in Laclau's thesis stipulating that populism acts as a corrective in a democratic system for a more social countenance enhancing inclusion, participation and accountability. This may be true for Latin American states. Contrary to this, there are several European examples where the overall democratic quality has suffered

under populist governments⁴⁹ (Lührmann et al., 2019: 906). In Poland, while PiS's mode of articulation may be similar to what Laclau (2005) suggested, the party managed to seriously undermine the democratic functioning of the state (Bachmann, 2019: 147-165).

1.2.4 The Discursive Approach as Stylistic Repertoires (Brubaker, 2017)

Brubaker (2017) conceived of populism in a similar vein to Laclau (2005), but tendencies of other scholars are also recognisable. To begin with, Brubaker (2017) argued the use of the term *repertoire* has three advantages for the study of populism: first, it suggests a “*limited though historically evolving set of relatively standardised elements*” (Brubaker, 2017: 361). Despite the standardisation, the elements leave room for improvisation and elaboration. Due to local circumstances, these elements need to be filled with particular content and adapted to the context of deployment⁵⁰. According to Brubaker (2017), this helps to make sense of these elements and stylistic and discursive templates that can be joined up with different political stances, therefore accounting for the political and ideological ambivalences of populism.

Second, *repertoire* implies that cases of populism are related to one another by ‘family resemblance’ referring to a complex network of similarities rather than strictly logical criteria. Thus, it proves as less fruitful to identify a basic set of elements characterising for a party or discourse as populist. Following Brubaker (2017), elements taken individually are not exclusively populist on their own and can belong to other political repertoires as well. It is about the combination of these elements that is defining for populism.

Third, the term *repertoire* responds to the claim that populism is omnipresent. In spite of the populist repertoire's constant availability in democratic contexts, it is not chronically deployed as the elements evoke a certain cultural resonance and have a political traction that do not suit every circumstance. That is why Brubaker (2017) called for populism to be understood as a matter of degree in contrast to a phenomenon with an overall presence or absence. In sum, while populism seems a matter of degree, it is also a matter of combination of and direction the elements are tailored⁵¹ (Brubaker, 2017: 358-362).

⁴⁹ Among them the Central European trio of Czechia, Hungary and Poland.

⁵⁰ Here, note the influence of the thought by Mudde (2004).

⁵¹ Brubaker (2017) also noted that there are three main reasons to be cautious when dealing with populism. For a start, populism often merges disparate political projects featuring different social bases and modes of action (left, right and hybrid movements, agrarian, urban, economically protectionist, welfarist redistributionist, neoliberal, or religious, secular, cultural liberalism or illiberalism). Second, there is the discursive commonality of the people against various elites noted by many scholars. However, the people and the elites remain far from clear categories: People can refer to the ordinary people, the people as the plebs; the sovereign people – demos; and the ethnoculturally different people, people as a nation or ethnos. Further, using ‘the people’ corresponds to a ubiquitous use in modern democracies suggesting populism is everywhere and

To conceptualise populism, Brubaker (2017) set out to identify and outline its core elements. Discussing the element of ‘the people’, Brubaker (2017) criticised Mudde (2004) insofar that his minimal definition of populism was not minimal as well as too minimal at the same time. Not minimal enough it is since Mudde (2004) used ‘the pure people’ which are not always pure in any case, and the elite is also not always corrupt. Too minimal the definition remained as Mudde (2004) only considered vertical opposition between ‘the people’ and ‘the elite’ neglecting horizontal antagonisms between ‘the people’ and ‘out-groups’. Brubaker (2017) therefore suggested a two-dimensional social space with the intersection of vertical and horizontal antagonisms: in the vertical opposition, ‘the people’ are positioned against the cultural, economic, and political elites. Populism tackles the often-strained bottom-top relationship claiming to redistribute resources, opportunities as well as honour, respect and recognition giving back to the people what is unjustly denied to them. In the horizontal antagonism, the people as a group are positioned in terms of in- and out-groups. Here, Brubaker (2017) highlighted the discursive interweaving of the vertical opposition to elites and the horizontal opposition to out-groups. According to Brubaker (2017), populism sets off when national elites can be blamed for prioritising out-groups on the bottom, whilst neglecting issues of the big ingroup ‘the ordinary people’⁵² (Brubaker, 2017: 362-364).

Overall, Brubaker (2017) claimed that looking at populism through the lens of a stylistic and discursive repertoire, the concept can be given analytical purchase highlighting significant aspects of contemporary politics. In addition, there need not be a sharp boundary between populism and non-populists. Thus, the stylistic tools the populist repertoire offers can also be employed by mainstream political actors, at times exactly in effort to counter against populists (Brubaker, 2017: 367-368, 379-380).

nowhere as a distinctive phenomenon at the same time. Third, populism is a morally and politically charged term also in scholarly analysis. On the one hand, populism is seen as strictly anti-democratic and ‘bad’. On the other hand, there are scholars arguing populism is the core or voice of democracy or a distinct from of administration questioning the institutional order of the status quo (ibid, pp. 358-360).

⁵² Brubaker (2017) presented five specifications of the vertical/horizontal oppositions: The first element is antagonistic re-politicisation which constitutes the claim to re-politicise and reassert democratic political control over previously depoliticised domains that have been removed from democratic decision-making. The second element is majoritarianism which means the assertion of rights and will of the majority against those of certain minorities. The third element is anti-institutionalism meaning the dismantling of previously installed democratic institutions and checks and balances mechanisms and the installing of populist equivalents once in power whereby the legitimisation is provided by the populist protectionist rhetoric of ‘crisis’ (institutional Gleichschaltung like Fidesz in HU and PiS as well). The fourth element is protectionism which can be of economic, securitarian and cultural nature and depends on the rhetoric of crisis. The fifth element is the populist style in term of communication, behaviour, and rhetoric. The populist performative style devalues the complexity of technocratic politics through the rhetorical practices of simplicity, directness as well as anti-intellectualism. Populists valorise common sense and first-hand experience and employ provocation (Ibid.: 364-367).

While the approach by Brubaker (2017) reveals parallels to other scholars (Laclau, 2005; Mudde, 2004), introducing a horizontal division among ‘the people’ is productive and depicts Poland’s ‘people’ better. Also, the thought of a continuum between populists and non-populists is innovative. Nonetheless, the biggest shortcoming of Brubaker’s approach is that it remains too theoretical and has no empirical foundation. Worse, Brubaker (2017) did not provide a clear definition of populism. This proves as an obstacle when trying to operationalise his approach. Therefore, this approach is futile for an empirical analysis.

1.2.5 Modern Populism as Democratic Illiberalism (Pappas, 2020)

Modern populism in the conception of Pappas (2020) is “*a political system that combines democratic electoral politics with disregard for modern liberal institutions*” (Pappas, 2020: 55). This definition originates from Pappas (2020) conception of democracies as Janus-faced. While societies are divided by multiple cleavages still respecting rule of law, norms, deliberative process, minorities in liberalism, Pappas (2020) argued that populism divides society into two antagonistic groups facing perpetual conflict. In its minimal form, modern populism for Pappas (2020) equals with the term democratic illiberalism. However, Pappas (2020) noted that his proposed concept does not apply to all forms of illiberal politics. More precisely, Pappas (2020) claimed modern populism does not account for illiberalism in ‘*dubiously democratic*’ states lacking previous liberal tradition (Pappas, 2020: 55).

Based on his definition, Pappas (2020) also introduced a causal chain leading to the emergence of populism (democratic illiberalism). The first factor is a crisis of democratic representation (e.g. large groups of society excluded from political process, collapse of party system, discourse of politicians decrying a general political malaise⁵³). Next, given a crisis (imagined or real), three possible mechanisms must be activated, according to Pappas (2020): politicisation of social resentment, constituting a community considered ‘the people’, political mobilisation of potential members and voters of that target group⁵⁴. The populist moment is brought about where populists become ruling parties. Once established as incumbents, Pappas (2020) suggested the populist blueprint followed is constituted of four components: charismatic leadership, political polarisation (dividing to cement uncompromising position towards opposition, two camps), colonialisation of state institutions with loyalists and alteration of liberal institutions dismantling checks and balances (media, judiciary, education, state

⁵³ Here, Pappas (2014) mentioned Poland after 2015.

⁵⁴ Pappas (2014) considered PiS chairman Jarosław Kaczyński as a successful leader in launching these three mechanisms.

authorities, NGOs), and state patronage (social-welfare, civil society). In terms of non-populist counter actions, Pappas (2020) called for the establishment of a strong liberal party with strong leader, good agenda, discourse emphasising moderation, consensus, compromise, respect for legal and institutional norms, liberal democratic polity resonating rationally with voters rather than emotionally and benefitting every social group advancing common good (Pappas, 2020: 55-66).

In an earlier contribution, Pappas (2016) noted that his minimal definition of modern populism (democratic illiberalism) only includes the core of populism while excluding the ‘variable’ meaning the focus of empirical investigation that is actually not a matter of definition (e.g. style, strategy etc.). In spite of largely focusing on the quantitative advantage of his proposed definition⁵⁵, Pappas (2016) claimed his definition to have a strong normative determinacy as populism appears as ‘chief foe’ to liberal democracy. Nonetheless, Pappas (2016) emphasised that his proposition requires further conceptual finesse and a coherent analytical framework serving strong analysis (Pappas, 2016: 13-17).

The good thing is that Pappas’ approach is based on an empirical example (Greece) that considered populists in government and the new conditions for the opposition. Nevertheless, the definition of populism seems rather broad, similarly to Mudde (2004). Both factors included, ‘democratic electoral politics’ and ‘modern liberal institutions’ are big concepts. Thus, they may be suitable for variables in quantitative studies. But they are complex to operationalise in a qualitative context. Also, the innovation behind equating populism with democratic illiberalism needs to be questioned. If it is supposed to be the ‘*chief foe*’ a categorical distinction might prove problematic. In this relation, other scholars above noted the gradual nature of populism and the usefulness of aligning it on a continuum. Furthermore, the proposed causal chain model is certainly interesting and could potentially be employed as a basic framework to analyse a different case. Productive is also emphasis on actions of the opposition and factors to consider. Ultimately, however, Poland falls into the category of a ‘*dubiously democratic*’ state⁵⁶, despite Pappas (2014) referring to PiS twice in illustrating the causal chain model.

The study by Kotwas and Kubik (2019) demonstrated that populism in Poland underlies a circular cumulative causation⁵⁷. The scholars observed a mutual intensification of exclusionary

⁵⁵ The empirical operationalisation would then be the contradistinction to the variables to ‘liberalism’ and ‘democraticness’: electoral participation, constitutional legality and single cleavage in society, pursuit of adversarial politics, majoritarianism (vs. cross-cutting cleavages, the pursuit of political moderation, and the protection of minority rights).

⁵⁶ This is a delicate debate as Poland likes to refer to its democratic roots (Constitution 3 May 1791 and interwar ‘democracy’). However, looking at it closely, Poland’s interwar politics had more of an autocratic rather than liberal democratic tendency.

⁵⁷ that is the interaction of cultural, economic, and political factors. Symbolic thickening in the cultural realm interacts an ideological thickening of populism to promote a specific understanding of desired aspects in the political realm.

Catholicism and nativism resulting in a thickened popular culture reinforcing the appeal of right-wing populists such as PiS (Kotwas & Kubik, 2019). In the case of Poland, it does not suffice to examine PiS, a heavily charged party in ideological terms, and the responding non-populist opposition solely based on democratic institutionalism. Redesigning institutions may also be a means in the *modus operandi* of PiS to reinforce a specific ideology, moral compass and set of values. Therefore, it is questionable, whether populism really constitutes a political system of its own in the Polish case or a mechanism of political competition.

1.2.6 Populism in Poland – a Political Style? (Moffitt, 2016b)

In contemporary politics, the legitimacy of the mainstream politics is challenged as seen in the decline of ideological cleavages, the displacement of the class character of politics and the alienation of citizens from traditional party politics. The ultimate consequences are the simplification of the political discourse to ‘us vs them’ antagonisms and ad hoc solutions (Moffitt, 2016a; Moffitt & Tormey, 2014: 388). Thus, argued Moffitt (2016a), styles and repertoires have become more significant makers of political competition and experience than previously party affiliation (Moffitt, 2016a).

To begin with, Moffitt (2016b) conceptualised political style as “*the repertoires of embodied, symbolically mediated performance made to audiences that are used to create and navigate the fields of power that comprise the political, stretching from the domain of government through everyday life*” (Moffitt, 2016b: 38) that consider both the rhetorical as well as the aesthetic dimensions recognising that political performances are constructed. Further, the focus on performance recognises the power dimension that is who is performing, what audiences the performances are aimed at and who distributes the performances (Moffitt, 2016b: 38-39).

According to Moffitt (2016b), the issue with ideological approaches to populism is that they analyse a set of beliefs, ideas or values or examine the reproduction and maintenance of a particular worldview, but do not consider or highlight performative elements. The political style approach and the discursive approach may overlap in the sense that the political style’s performative focus considers several discursive features (language, speech, texts etc.). At the same time, Moffitt (2016b) claimed that the political style approach moves beyond these features considering aesthetic and performative elements. Moffitt (2016b) emphasised there is a crucial split between these two approaches when it comes to ‘ideas versus actions’: whilst the discursive approach sees ideas directly translate into political action, the political style approach

turns it around and sees performance and action as founding drivers of identities (Moffitt, 2016b: 39-41).

Thus, when it comes to contemporary populism, Moffitt (2016b) proposed the phenomenon is best defined as “*a political style that features an appeal to ‘the people’ versus ‘the elite’, ‘bad manners’ and the performance of crisis, breakdown or threat*” (Moffitt, 2016b: 45).⁵⁸

This definition generates four advantages, according to Moffitt:

1. Populism understood as a style can travel across different contexts as well as the ideological spectrum,
2. The concept of political style stops considering populism as a binary category but places populism much more on a continuum enabling actors to be more or less populist regulating their appeal to the context (see figure 1 below). Thus, this approach takes into consideration the so-called grey space between two extremes. This is why the populist political style is opposed on the continuum to the technocratic style,
3. This continuum or gradational approach also accounts for different types of populism such as the technocrat-populism and the flexibility of the concept itself when one style can be more prevalent than the other,
4. It also becomes explicable where from more moderated actors have appropriated the populist tools (Moffitt, 2016b: 46-48). Moffitt (2016b) put it: “*The emphasis on performance shifts the focus from forms of representation to the mechanisms of representation*”, (Moffitt, 2016b: 49).

In this context, the findings of one of the latest studies on populism in Poland by Lewandowski & Polakowski (2023) are enlightening. Detached from any existing theoretical conceptualisation of populism, the scholars set out to inductively explore the kind of populism promoted by PiS and shaping current Polish party politics. Lewandowski and Polakowski (2023) found that the type of populism in Poland does not have any ‘pure form’ of the approaches discussed above⁵⁹. Rather, the scholars established that the Polish case fits a what they called a hybrid populism. That is supposed to be a socio-cultural phenomenon in which a crucial role is played by various local cultural symbols in form of political ideas or aggregated in populist discourse but also visible in gestures, behaviour and appealing to a specific electorate (Lewandowski & Polakowski, 2023: 2-4).

⁵⁸

⁵⁹ According to the scholars, the populism driven by PiS is neither purely ideological (socialism meets nativism), nor discursive (solidarity with lower classes), or strategic (top-down). Rather, all these aspects overlap and merge into a conglomerate of a style – therefore the term ‘hybrid’.

Moreover, Lewandowski and Polakowski (2023) proposed that it is the post-communist transformation for a crucial factor that significantly determines post-communist populism⁶⁰. On the basis of this important distinction, the scholars proposed to treat populism in Central Europe as “*a style of doing policy in which political party uses populist tools (political communication, political agenda), generates divisions in the society and exploits them*” adapting to Moffitt (2016b) (Lewandowski & Polakowski, 2023: 13-14). According to the scholars, this definition does not only serve to locate the phenomenon of populism in the post-communist environment but also stresses the influence of the post-communist context in shaping the kind of populism prevalent in CE states⁶¹. Demonstrating the post-communist and populist character of PiS, the scholars concluded that the party [PiS] is “*an excellent example of post-communist populism stemming from powerful criticism of the elites of the Polish newly built liberal democracy and incorporating political, social and economic models characteristic of more developed Western states*” (Lewandowski & Polakowski, 2023: 19, 14-19).

All things considered, the best suited conceptualisation of populism for researching non-populist responses to the populist PiS case in Poland seems the one offered by Moffitt (2016b). While there appear to be contradictions or certain issues with the applicability of most of the approaches towards populism to the Polish case due to its specific setting, Moffitt (2016b) offers a plausible conceptualisation. On the one hand, the study by Lewandowski and Polakowski (2023) confirms the suitability of populism as a style to the Polish case. Moreover, the study underlines the significance of regional specifications such as the post-communist setting. If central regional factors are not accounted for or ignored it will cause a potential bias. Therefore, another key takeaway from the same study is the need for a flexible yet somewhat holistic conceptualisation of populism acknowledging that it is performed. In a performance, previously separated aspects like discourse, ideology or strategy become integral interacting parts as to where before, it seemed that they overlapped as individual concepts. This is especially crucial in the context of party politics. Further, a performance is always embedded in a setting and depends on the latter's character.

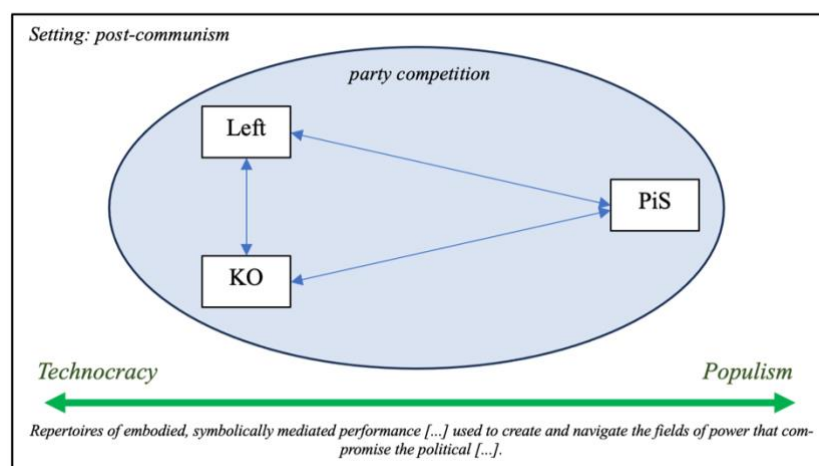
However, both conceptualisations of populism proposed by Moffitt (2016b) or Lewandowski and Polakowski (2023) are not immaculate. Whereas ‘*bad manners*’ in Moffitt's definition

⁶⁰ With a special emphasis being made on the historical context of CE states in contrast to Western European populism.

⁶¹ For Poland, Lewandowski and Polakowski (2023) situated their post-communist populism in a counter-revolution towards the in Europe prevalent liberal-democratic system. Thus, such populists aim at challenging the 1989 consensus, the pacted changes, now embodied by technocratic elites. According to the authors, populists offer an alternative in a post-communist political environment of lukewarm water lacking another clear democratic alternative appealing to the impatience and dissatisfaction of society. What is more, the post-communist transformation is perceived as an imitation of the West importing Western supremacy in terms of institutions and ideology. A ‘homemade’ alternative to that has been missing until now.

remain slightly broad and therefore subject to personal judgement⁶², the definition of Lewandowski and Polakowski (2023) is too broad when it comes to ‘populist tools’ and ‘divisions’⁶³. Since PiS pursues a strong anti-elitism as well as a narrative capitalising on crisis and threat it is most adequate to adapt to Moffitt (2016b). His definition sums up best how PiS is performing and what the non-populist PO (KO) and SLD are challenged to respond to. Approaching populism through the prism of a style, populist behaviour is not nominal anymore, but on a continuum opposing technocracy. This leaves open that established parties can display a similar behaviour. This is critical in the case of Poland. The previous chapter on the development of Polish party politics emphasised a deeply rooted duality embedded in the of post-communist setting. Thus, mechanisms of representation become of key interest when examining party competition in current Poland (see figure 1 below).

Figure 1 Representation Mechanism of Contemporary Polish Party Politics



Source: self-made, based on context chapter and Moffitt (2016b)

⁶² Moffitt (2016): “[...] slang, swearing, political incorrectness, and being overly demonstrative and ‘colourful’, as opposed to the ‘high’ behaviours of rigidity, rationality, composure and use of technocratic language [...] link deeply with a society’s history, existing group differences, identities, and resentments”, (Moffitt, 2016b: 44).

⁶³ Any ‘division’ could virtually be a ‘normal’ cleavage in party politics that is reinforced by different stances of non-populist parties.

1.3 Concept of Party Responding Strategies

1.3.1 The Potential of Party Responding Strategies

Turning to the second core concept, party responding strategies, the term *strategy* needs to be clarified first. Generally, publications on the potential of political strategies are scarce. This fosters confusion between the terms *strategy* and *tactic*. Broadly, *strategies* are action-plans, technical sets, to accomplish a long-term goal which shape and guide the behaviour of an actor. Thus, strategies comprise of the patterns of action. In contrast, *tactics* entail the individual steps taken to realise a *strategy*. In this relation, *tactics* are the individual building-blocks (Raschke & Tils, 2011). Strategies are action-centric and ultimately actor-centric.

Why do strategies matter for political actors? The knowledge about responses to recent challenges and developments on the political landscapes of transitioning countries and beyond is limited. New anti-establishment parties with a populist behaviour challenge the usual mechanism of representation⁶⁴. This appears to increase the competitiveness of elections and promotes the appeal of personalisation as well as the bottom-up interest for involvement in the decision-making through the mediatisation of politics. This changing environment challenges established parties to adjust. For their survival, established parties face the need to adapt their messages relative to the party competition, not to the electorate only (Gherghina, 2020). Hence, established parties need to respond with calculated actions. But is strategy in politics possible? It is the complexity, uncertainty and evolving dynamic of politics that require strategy as a capacity- and energy-preserving mechanism (Raschke & Tils, 2011). Essentially, party politics are a competition based on different positions which forces interaction and therefore strategy to navigate. Consequently, strategies are defined: “[...] *results-orientated constructs of political actors that bear on cross-situational goal-means-environment calculations*⁶⁵” [translated] (Raschke & Tils, 2011: 56-57).

Why observe party responding strategies in the parliament? In a democracy, parliamentary consultation is everyday business where parties need to interact to treat policies. The opposition has the key scrutiny function criticising and amending government policies. Overall, the parliament serves as an arena where party (inter)actions can be observed, collected to establish a pattern and to generate an idea of a party’s behaviour. The issue with strategies is that they

⁶⁴ This is a trend across Europe and not limited to transitioning countries, albeit clustered in the CE region.

⁶⁵ German original: *Politische Strategien sind erfolgsorientierte Konstrukte von Politikakteuren, die auf situationsübergreifenden Ziel-Mittel-Umwelt Kalkulationen beruhen* (ibid.).

are nowhere transparently disclosed. Party manifestos offer but a remote or biased idea. This is why strategies are best found where the competition directly takes place: in parliamentary exchange.

The potential of studying party response strategies lies in the fact that they constitute an alternative to institutionalist approaches. To understand how political actors act and what behaviour they consequently display requires an actor-centric approach. This is what party response strategies offer: setting the emphasis on the actor, not the institution and its constraints around it.

Analysing PO (KO) and SLD creates the circumstance of dealing with established parties in opposition responding to a populist, predominantly right-wing incumbent, PiS in this case. This requires a theoretical concept suiting this trajectory. Employing the working definition of populism as a political style, this leaves open the space for country-specific features which is critical for the analysis of a Central European country like Poland. This also implies that not any concept of responding strategies developed for another country-specific case study can be imported and tested. This biases the Polish context. Therefore, the strategy approach chosen must be a compromised one: clear and compact, yet universal and neutral enough to suit the Polish context.

This chapter is divided into three sections. The following section outlines the field of party strategy literature and discusses the shortcomings of one particular strand within the literature. The second section discusses the party response literature in-depth. The last section elucidates the party response strategy framework by Albertazzi et al. (2021) relevant for this thesis and adapts it to the Polish case.

1.3.2 State of the Art of the Party Strategy Literature

Despite party strategies being a relatively young research field, strategy options for political parties are increasingly experiencing scholarly attention and have especially seen a boost during the last decade with anti-establishment parties gaining relevance. Generally, two main strands within the party strategy literature can be detected. On the one hand, there is the original strand basing on party response literature. On the other hand, there has recently emerged another strand premised on the emerging literature on democratic resilience. Starting with the latter, it provides innovative thought. Most notably, three scholarly contributions have recently sparked an interesting discussion which will be presented shortly. However, maybe due to its youth, this strand of strategy literature holds many shortcomings. To begin with, the concept of democratic

resilience is problematic. Similarly to populism, democratic resilience remains a concept with no scholarly consensus over a definition lacking tangibility⁶⁶ (Holloway & Manwaring, 2022). What is more, this strand seeks to directly connect to the field of populism. Principally, this is an innovating link. Nonetheless, as seen above, populism too remains a contested concept among scholars. Considering these two factors, this creates a rather unstable strand within the field of political strategies. This can also be observed taking a look at the three most common scholarly contributions shaping this strand.

Undoubtedly, the most innovative contribution and root to the new strand in strategy literature is the publication of Somer et al. (2021). With their work *Pernicious polarization, autocratization and opposition strategies*, the scholars not only introduced a new set of strategies tailored to democratic opposition actors but also theoretically introduced and interlocked several new concepts floating in the orbit of populism. The scholars positioned themselves on the premise that democratic resilience is achieved through ‘successfully’ combating *pernicious polarisation* being “*the division of society into mutually distrustful Us versus Them camps in which political identity becomes a social identity*” (McCoy et al., 2018; McCoy & Somer, 2019: 263-267; Somer et al., 2021: 929). According to Somer et al. (2021), pernicious polarisation fosters autocratisation and endorses anti-democratic politicians. The scholars mentioned populism sporadically, but without providing any clear definition, not to mention of autocratisation or democratic resilience. Therefore, one gets the impression that these concepts had been somewhat muddled as well as employed interchangeably. This is problematic regarding the clear-cut structure necessary for the reliability of the proposed approach. The consistent measure appears to be the reduction of pernicious polarisation as a proclaimed remedy for the concepts of autocratisation and populism, or boost to democratic resilience respectively. Consequently, the scholars proposed a deductively built typology of four strategies for democratic oppositionists to counter pernicious polarisation⁶⁷: following a reactive logic, either *reciprocal polarisation* or *passive depolarisation* can be employed. The result is either deepened or suspended elite polarisation. In turn, pursuing a proactive logic allegedly conducive of a pro-democratic polarisation, either *transformative repolarisation* or *active depolarisation* can be employed. These two options, claimed the scholars, slow or reverse autocratisation (= populism, or strengthen democratic resilience) (Somer et al., 2021: 934-943).

⁶⁶ Due to the lack of space and relevance for this thesis, ‘democratic resilience’ is not further expanded upon. There is, however, a recent debate on the utility of concepts such as ‘democratic resilience’, ‘democratic backsliding’ or ‘democratic breakdown’ as well as their criticism (see Cianetti et al., 2018; Holloway & Manwaring, 2022).

⁶⁷ For their typology, the scholars drew on empirical examples from countries across the globe such as Chile, Egypt, Indonesia, Kenya, Russia, South Korea, Slovakia, Tunisia, Turkey, the US, Venezuela, Zimbabwe.

Although this study proves innovative in terms of linking polarisation to the democratic opposition, it remains too general and it complicates matters manifolding the notion of polarisation. Further, empirical references remain too diffuse and disorganised. Instead of developing clear analytical categories, it appears the scholars developed their typology suiting punctual case studies and not systematic empirical evidence per se. This is why the challenge with the publication of Somer et al. (2021) is that it remains theoretical. It does not yet find translation into an adequate operationalisation for empirical applicability to assess the robustness of the proposed approach.

A similar assessment can be issued for the contribution of Lührmann (2021). Also joining the ranks of democratic resilience, Lührmann (2021) proposed a two-stage approach. After developing an ideal-typical sequencing model of how autocratisation comes about and its meanings for democratic actors, Lührmann (2021) went on to propose another strategy toolkit called *critical engagement strategy*. The theoretical focus with Lührmann (2021) lies on democratic actors coping through discourse with anti-pluralist actors rising to power. Those are mainly (far-right) populists that Lührmann (2021) defined as using “*stark rhetoric separating a society into the “people” (us), and its enemies (them)*” (Lührmann, 2021: 1025). The scholar tied this concept of anti-pluralists to the concept of pernicious polarisation as suggested by McCoy et al. (2018). Essentially, Lührmann’s *critical engagement strategy* aims at responding to the features of pernicious polarisation, in Lührmann’s words toxic polarisation, which she defines as going “*beyond healthy, controversial debates about policy preferences and impedes trustful interactions between citizens with different points of view*” (Lührmann, 2021: 1025). The *critical engagement strategy* ultimately appears as an attempt by Lührmann (2021) to bridge democratic resilience studies with party response research. The *critical engagement strategy* unites three strategies often found in party response literature: exclusion, ignoring and inclusion with counter mobilisation from democratic resilience research as above suggested by Somer et al. (2021). Lührmann (2021) mapped out different sub-strategy options for each of those four categories and placed the *critical engagement strategy* on their intersection. Therefore, the *critical engagement strategy* functions as an umbrella construct comprising the four strategy mechanisms of democratic mobilisation (counter mobilisation), targeted sanctions and confrontation (exclusion [sic!]), salience decreasing (ignoring) and follower persuasion (inclusion). Overall, critical engagement was suggested to counter polarisation as well as the legitimacy of anti-pluralists (Lührmann, 2021: 1027-1029). Also Lührmann (2021) presented an innovative approach in terms of theory. However, this scholar too backed her approach with specific selected-to-fit case examples from around the globe rather than presenting an empirical

study providing operationalisation of the proposed theory. Moreover, Lührmann (2021) merged two separate strategy categories from the party response literature, adversarial efforts and exclusion, which operationally generates an entanglement. Further, the proposed categories have names describing a certain phenomenon but remain without exact definition of what these ideal-typical sub-strategies comprise of. The scholar herself noted that the more autocratisation and therefore anti-pluralists gain power, the more the proposed critical engagement is constrained. Furthermore, when Lührmann (2021) spoke of anti-pluralists in power she repeatedly mentioned how crucial strengthening judicial oversight and independence becomes. For unclear reasons, it had not been included in her typology (Lührmann, 2021: 1029-1031). Lastly, the latest contribution by Tomini et al. (2022) proposed yet another approach. But appears to face similar challenges as noted previously. To begin with, Tomini et al. (2022) delivered a new definition of democratic resilience against autocratisation⁶⁸ as “[...] *any, or combination of activities, taken by a changing set of often interconnected and interacting actors who, regardless of the motivations, attempt at slowing down, stopping, or reverting the actions of the actors responsible for the process of autocratisation*” (Tomini et al., 2022: 3). Among other things, the scholars set out with this definition to inductively tackle the question of what main strategies were adopted to resist autocratisation.

Because the approach is inductive side and somewhat missing the discussing on the concept of strategies, this study produced a rather general typology. It gives the impression that the scholar aimed at collecting as much comparative insights as possible. But the lack of a set guideline resulted in a typology that is more descriptive than robust to employ for other case studies. Even though strategies were explicitly sought out for, the proposed typology hardly provided further insights in the end. What can be derived from it are two strategies, alliance building among democratic actors and opposition and social movements, that are not clearly categorised or defined further (Tomini et al., 2022: 14). In line with this, the scholars had come to conclude themselves that the strategy literature on democratic resilience is a new field in its infancy and note the significance of further analytical contributions (Tomini et al., 2022: 13).

In sum, this newer strand within the strategy literature on democratic resilience towards mainly populist authoritarianism is not futile per se. Innovative at core, the issue with it lies in its infancy as acknowledged by Tomini et al. (2022) or conceptual complexity and overstretching as noted by Holloway and Manwaring (2022). As outlined above, this sub-body of strategy

⁶⁸ Autocratisation being referred to as an umbrella concept and defined as a simple regime change to the detriment of democracy. The authors set their focus exclusively on cases of failed autocratisation (Tomini et al., 2022: 2-3).

literature remains diffuse as well as inconsistent in terms of conceptual merging. As of now, one cannot define a trend or set of strategies proven ‘successful’⁶⁹ as empirical studies are yet scarce and lacking robustness. This calls for further fine-tuning in terms of theorisation as well as translation into analytical frameworks with emphasis on operationalisation. Finally, the main contributions have all been of comparative character. On the one hand, this may aid in supporting claims. However, on the other hand, they tend to remain too superficial as country-specific differences are eradicated or concepts run at risk of being overcomplicated to create a one size fits all approach. Thus, this approach may be problematic for single-case studies which are still needed. Overall, this is why this new strand does not yet offer an approach robust enough for a Master thesis. Finally, reviewing the growing body of democratic resilience strategy literature highlights the significance of two key aspects that cannot be ignored when so-called ‘populists’ become incumbents: the behaviour of the opposition, and polarisation.

1.3.3 Review of the Party Response Literature

These insights lead on to the discussion of the party response literature which constitutes the main strand within the field of strategy research. In contrast to the democratic resilience approach, this strand is well-established comprising of an extended body of both theoretical thought as well as empirical contributions (for a selection of popular works see Albertazzi et al., 2021; Bale et al., 2010; Casal Bértoa & Rama, 2021; Downs, 2012; Goodwin, 2011; Heinze, 2018, 2022; Kaltwasser & Taggart, 2016; Meguid, 2005; Mudde & Kaltwasser, 2012; Pirro & Taggart, 2018). Conveniently, this approach shows a healthy degree of consolidation and scholarly consensus over the theoretical rationale (see table 1 below). Therefore, instead of presenting each study, the general rationale and trends are discussed. This comes to aid of narrowing down to the explicit approach relevant for this thesis.

The root of the party response literature and its theoretical foundation constitutes the work by Bonnie Meguid (2005) *Competition Between Unequals: The Role of Mainstream Party Strategy in Niche Party Success*⁷⁰. Meguid (2005) suggested three basic strategic approaches that can be pursued by democratic mainstream parties that have different effects on the niche-party’s electoral success in terms of diminishing the issue salience as well as ownership of the latter’s

⁶⁹ Successful in terms of a reliable working instrument to apply to different empirical contexts.

⁷⁰ Meguid never refers to the term populist and instead uses the term niche-party. However, from her elaborations on niche-parties (pages 347-348) they, retrospectively, also do include what today would be classified as populist radical right parties.

argument (Meguid, 2005: 348-350). Precisely, the three common strategic options Meguid (2005) named accommodative, adversarial and dismissive (Meguid, 2005: 350).

Meguid (2005) tested her approach in a quantitatively designed empirical analysis over 30 party cases in 17 different Western European countries over a time span of 30 years (1970-2000) (Meguid, 2005: 351). The scholar found the impact of mainstream parties' strategies on the electoral performance of niche-parties to be confirmed. Furthermore, the common strategies proved to be accommodative and adversarial. Interestingly, Meguid (2005) demonstrated that adversarial strategies backfire when employed against non-proximal niche-parties and lead to the demise of the mainstream party, its replacement and consequently to party system realignment (Meguid, 2005: 353-358). With this comprehensive study, Meguid (2005) was also able to demonstrate the operationalisability as well as robustness of her approach.

Meanwhile, this pioneering contribution of Meguid (2005) has paved the way for the emergence of a growing body of party response literature over the past 19 years with Meguid's thought building the cornerstone of most studies⁷¹. The party response literature has developed diversity whilst staying consolidated at the same time. From the table below follows that contributions reach from comparative works to theory-building contributions employing both qualitative and quantitative designs⁷². Three insights here are critical. Firstly, while comparative analyses clearly dominate, single-case studies remain rather scarce. It might be due to the rather general framework proposed by Meguid (2005) which suits comparative analysis better than single-case studies which require clear conceptual definitions and categorical depth. This circumstance indicates not only the need but also the potential of single-case studies for advancing the field. Secondly, the main research emphasis has been set on Western Europe so far. Central European countries have been sporadically included. However, a systematic up-to-date inclusion⁷³ and insights from that region remain neglected despite them being part of Europe as well as EU members. Thirdly, the table 1 below reveals that a content analysis seems a reliable method in qualitative studies to examine strategies of political actor manifesting themselves in discursive positions or policy stances (see table 1 next page).

⁷¹ 'Most studies' here refers to the most popular studies that can be found on Google Scholar. Most popular is meant in terms of most cited and receiving resonance. The following two tables systematise these studies.

⁷² The Mixed-methods approach is only about to be introduced to the field.

⁷³ For Central Europe, responses to recent ANO (Czechia), PiS (Poland) or Fidesz (Hungary) governments have not yet been researched. If those countries are considered, then government actors relevant before 2010 are considered. The same goes for Slovakia.

Table 1 Overview Party Response Literature

	Design	Method	Trend	Countries
Meguid (2005)	comparative analysis, quantitative	regression model	accommodative, adversarial (!)	17 Western EU countries (see p. 358)
Albertazzi et al. (2021)	comparative analysis, mixed methods	no coherent methodological approach	accommodative	Austria, Denmark, Finland, France, Germany, Greece, Italy, Netherlands, Switzerland, UK
Bale et al. (2010)	comparative analysis, qualitative	?	<i>inconsistent</i>	Austria, Denmark, Netherlands, Norway
Casal Bértoa & Rama (2021)	comparative analysis qualitative	deductive theory building	regeneration	EU (Poland), Turkey, Latin America
Downs (2012)	comparative analysis, qualitative	deductive theory building	accommodation	EU, including CEE (Hungary, Slovakia)
Goodwin (2011)	comparative analysis qualitative	content analysis	interaction	EU, including CEE (Poland - LPR)
Heinze (2018)	comparative analysis (most similar design), qualitative	content and correlation analysis	accommodative (Denmark, Norway, Finland) cordon sanitaire (Sweden)	Scandinavia
Heinze (2022)	comparative single-case study, qualitative	Semi-structured interviews with MPs, content analysis parliamentary documents	<i>inconsistent</i>	Germany (Baden-Württemberg, Rhineland-Palatinate, Saxony-Anhalt, Thuringia)
Kaltwasser & Taggart (2016)	Comparative analysis, qualitative	<i>inconsistent</i>	Confrontation (adversarial) isolation no longer viable if populists in government	Austria, Ecuador, Hungary, Italy, Poland, Venezuela
Mudde & Kaltwasser (2012)	Comparative Analysis, qualitative	<i>inconsistent</i>	Socialisation (accommodative)	Austria, Belgium, Canada, Czechia, Peru, Mexico, Slovakia, Venezuela
Pirro & Taggart (2018)	-	deductive theory building	-	-

Source: self-made.

The overview of the frameworks employed in the listed studies (see table 2 below) reveals that the party response literature has been continuously following the three-fold strategy scheme of incorporate, confront, or ignore. While some studies refined the approach moving to a more specific level identifying more concrete sub-actions, other studies rebranded the strategies but remained within the original framework. Despite the absence of a ‘magic formula’ (Heinze, 2022) the tenor regarding the most effective strategies appear to be accommodation and confrontation drawing on table 2 below.

In recent years, the literature has also started adapting to the new political challenge of populists in power. The latest party response contributions have transcended their focus from mainstream parties tackling niche-parties to the democratic opposition responding to populist incumbents. Although, the power-relation between the actors in question is reversed, the first comprehensive issue by Taggart and Kaltwasser (2016) dedicated to this new trajectory demonstrated that the basic framework could remain unchanged while it was the impacts of the strategy that changed. Taggart and Kaltwasser (2016) concluded that isolating was no longer a viable strategy in contexts where populists became incumbents. Instead, democratic oppositions resorted to confrontation. The scholars found that confronting also required cooperation among non-populists (Taggart & Kaltwasser, 2016: 354-361) (see Mudde (2016) for a similar assessment). This is a critical takeaway as it confirms the applicability of the framework to the context of democratic oppositions responding to populist incumbents relevant for this thesis.

Table 2 Overview Party Response Strategies

Strategies				Scholar(s)
Accommodative	Adversarial	Dismissive		Meguid (2005)
<i>accommodative</i>	<i>adversarial</i>	<i>dismissive</i>		Albertazzi et al. (2021)
<i>adopt</i>	<i>defuse</i>	<i>hold</i>		Bale et al. (2010)
<i>accommodation</i>	<i>extirpation (banning)</i>	<i>marginalisation</i>	Regeneration (targeting real illness: mainstream party crisis)	Bértoa & Rama (2021)
<i>co-opt, collaborate</i>	<i>isolate (ban)</i>	<i>ignore</i>		Downs (2012)

<i>adoption</i>	<i>exclusion</i>	<i>defusing</i>		Goodwin (2011)
<i>adopt, collaborate</i>	<i>defuse, demonise, legal restrictions, cordon sanitaire</i>	<i>hold, ignore</i>		Heinze (2018)
<i>adopt, debate</i>	<i>defuse</i>	<i>ignore</i>		Heinze (2022)
<i>co-opt, incorporation</i>	<i>militancy, purge</i>	<i>ignore, isolating</i>	<i>education, regulated inclusion</i>	Kaltwasser & Taggart (2016)
<i>adaptation</i>	<i>confrontation</i>	<i>isolation</i>	Socialisation (pacification, de-radicalisation of populists and their inclusion in political establishment)	Mudde & Kaltwasser (2012)
<i>collaboration, co-optation</i>	-	<i>ignorance, isolation</i>		Pirro & Taggart (2018)

Source: self-made.

The only difficulty is the applicability of party response frameworks to the CEE region since hardly any study has considered this region lately. However, there are two precious studies in this context regarding Poland. On the one hand, Stanley (2016) examined the response, role and strategies of the non-populist opposition in dealing with the first populist government in the Third Republic of Poland 2005-2007. The scholar employed the analytical framework proposed by Mudde and Kaltwasser (2012) (see table 2). Stanley (2016) demonstrated that the first PiS government came about due to the breakdown of relations between PiS and PO which did not want to join government a junior party. The formation of the first populist coalition government Stanley (2016) therefore judged as a scenario of a mainstream party joining the populist camp, rather than drawing it into the mainstream. Subsequently, Stanley (2016) found the evolving main responding strategy of the opposition towards the government to be confrontation. The scholar assessed confrontation as a logic consequence between the non-populist opposition and PiS since the latter sought to keep its antagonistic position to realise its political project⁷⁴. Thus, also the Polish case showed that responses were closely related to path dependencies. This means that the availability of strategies narrowed once PiS came to power. Confrontation became default. Stanley (2016) concluded that confrontation by the non-populist opposition

⁷⁴ A political project capitalising on fragmentation and polarisation, thus PiS's relied on sustaining it.

ultimately managed to oust the first PiS government, but entrenched populism in the Polish political system (Stanley, 2016: 266-278).

On the other hand, the recent contribution by Ilonszki and Drudzińska (2021) is also of key interest. Aside from any given response framework, the scholars sought out to inductively examine the opposition behaviour, including strategies, during the first term of the PiS government 2015-2019. The scholars found that three variables; the power relationship between executive and legislative, the activity of parliamentary actors as well as the opposition party frame and strategies had an especially strong influence on the opposition behaviour. Ilonszki and Drudzińska (2021) demonstrated that robust intra-parliamentary strategies were increasing. Parallel to the findings of Taggart and Kaltwasser (2016), the scholars found the main strategy employed by the non-populist KO and the SLD against PiS to be adversarial (boycotting and filibustering). Accommodation gained significance mainly amongst non-populist opposition actors in the case of SLD and Modern offering cooperation to PiS occasionally. Finally, the scholars noted the aforementioned political game between government and opposition (Ilonszki & Dudzińska, 2021: 609-614). Two aspects make the studies of Stanley (2016) and Ilonszki and Drudzińska (2021) valuable for this thesis. The studies confirms that party response frameworks can be applied to and are fruitful in the post-communist context.

With the above in mind, it seems most logical to adapt to an analytical framework from the party response literature. The two conditions this framework needs to fulfil is providing enough categorical definition and depth due to the qualitative single-case study nature of this thesis. Considering this, only one framework out of the 11 systematised frameworks above is qualified while the remaining are tailored to comparative analysis.

1.3.4 Party Response Strategies after Albertazzi et al. (2021)

One of the newest, most comprehensive contributions in the party response field is the work of Albertazzi et al. (2021). A whole book dedicated to research party responses of non-populist actors towards populists, it may not appear as innovative per se. However, the innovation lies in the fact that the Albertazzi and colleagues reworked and extended the initial three-fold strategy typology providing an analytical framework also suitable for single-case studies flexible to be applied to all political levels. Furthermore, the approach offers a high degree of flexibility with its multi-directionality. This allows for the examining of different actor relations and is in line with the trajectory in politics departing from populism and possible responding mechanisms to populist incumbents.

Additionally, most scholars still adopt the traditional terminology of ‘mainstream parties’ dealing with ‘populist’ parties. However, an important finding in the book was that populism and mainstream were not distinct categories anymore as some populist parties had become mainstream or were more established than other parties. That is why Vampa and Albertazzi (2021) also introduced a new terminology researching current party politics. Conceiving of mainstream parties as “*typically governing actors that occupy an over-all advantageous position in the system*” (Vampa & Albertazzi, 2021: 283), populist parties should now be considered part of the mainstream too as they have moved into governments, according to the authors⁷⁵. This is why the authors suggest referring to the competition between non-populists and populists. To make matters straight-forward, the two-dimensional framework of how to better define political parties without confusion is introduced (see table 3 below) (Vampa & Albertazzi, 2021: 283-284).

Table 3 Populist/Non-Populist Matrix

	non-populist	populist
established (previously ‘mainstream’)	established non-populist	established populist
challenger (previously fringe/niche)	challenger non-populist	challenger populist

Source: self-made, based on Albertazzi and Vampa (2021).

⁷⁵ Party competition has widely become a competition between non-populists and populists and should therefore also be clearly indicated as such argued Vampa and Albertazzi (2021).

1.3.4.1 Populism and Competing Patterns

Starting out with theoretical aspects, the authors acknowledged the difficulty to conceive of populism. The authors departed from the scholarly agreement (see Moffitt, 2020) over the core constituents of populism: a moral division of the people and the elite. Drawing on the study by Rooduijn (2014) that found 12 features associated with populism, Albertazzi et al. (2021a) narrowed them down to four in order to find the most common, lowest denominator: anti-elite, people-centrism, the people as homogenous entity and perception of a sense of crisis. Consequently, the authors adopted the definition of populism as a thin-centred ideology after Mudde (2004) reflecting their lowest denominator best. The authors argued that the ideational approach (Mudde, 2004) was useful for assessing party competition as it focuses on what populists do. Moreover, according to the Albertazzi et al. (2021a), the definition offers clear boundaries on what counts as populism and what does not⁷⁶ (Albertazzi et al., 2021a: 1-15). To make the multifaceted nature of populism tangible, the authors distinguished populism in three types: exclusionist (populist radical right parties, acronym PRRPs), inclusivist and neo-liberal for their pre-study⁷⁷.

Vittori and Morlino (2021) conducted a pre-study which revealed that across Europe, PRRPs had been particularly successful in the past decade increasing their presence in governments as well as their electoral performance. In addition, populists in 11 European countries (Central and Western Europe) achieved 19.7 per cent in the role as major partners in governments between 2010 and 2018. Taken all roles into consideration, populist parties in governments made up 44.5 per cent in the period 2010-2018 in those 11 nations. In this relation, the case of the Viségrad countries stood out, most notably Hungary and Poland⁷⁸ (Vittori & Morlino, 2021: 19-29). Furthermore, the authors pre-study found that increased governmental participation gave populists more opportunities to shape political agendas and impact on policies and democratic processes. For the period 2010-2018, the empirical evidence revealed the popularity of exclusionary populism disseminated by PRRPs. There was also a clear link between PRRPs and the deterioration of pluralist institutions in the Viségrad Countries, including Poland.

⁷⁶ Additionally, the scholars argued that with this definition, different kinds of populism can be categorised and operationalised logically.

⁷⁷ These three types of populism the authors operationalised along three dimensions (material, political and symbolic), but this is not relevant in the context of this thesis (if interested, see Vittori & Morlino, 2021: 21).

⁷⁸ Note that parties like Fidesz and PiS are interestingly borderline cases since they have not always been populist but are both examples for established parties having turned populist meaning they have changed their behaviour. The pre-study above does not consider this.

Therefore, established non-populist parties from Central Europe seemed under pressure to respond to these challenges posed by PRRPs (Vittori & Morlino, 2021: 29-49).

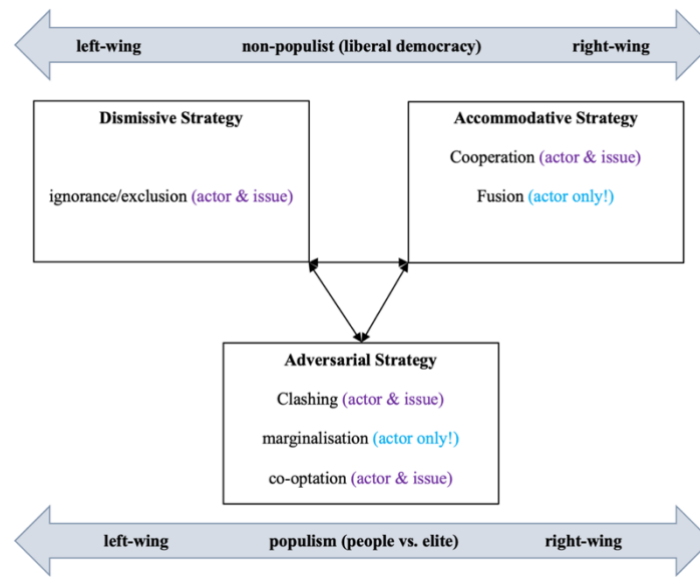
1.3.4.2 A Reworked Typology Adapted to the Polish Case

Albertazzi and colleagues reworked a new typology of strategies that can be employed to assess the responses of non-populist actors to populists. More specifically, the authors converged the existing party response literature on a set of categories that, no matter their label, acknowledge possibilities for political actors to either collaborate with, confront, or ignore their opponents⁷⁹. Building on Bonnie Meguid (2005), the authors established a typology comprising three main responding strategies for non-populists, accommodative, adversarial and dismissive, providing specific definitions and sub-strategies each (see figure 2 below). The suggested strategies base on the principle of salience. According to Albertazzi et al. (2021b), the decision of political actors to deploy a certain strategy depends on the conviction that the salience of issues owned by the opponent, or the importance of the opponent can be decreased. What the scholars have done here with this definition is uniting policy and discursive approaches that have previously been kept separate in the party response literature. This appears to secure a more flexible approach as political actors not only pursue certain policy stances but are discursively active at the same time. Thanks to the directional neutrality of the typology, the authors suggested that it can be employed as the independent or dependent variable for researching strategies. Furthermore, as actor-relationships remain undefined, relations between all actors can be explored: non-populists versus populists, populists against non-populists, or even populists against populists.

Nonetheless, there is a word of caution. Albertazzi et al. (2021b) emphasised that also their typology features ideal-typical strategies that may not always present themselves in their pure form in the real world or may evolve at times. Moreover, the authors also acknowledged the existence of different patterns of political competition in multi-level systems (local, regional, national and supranational strategies may differ). For example, Albertazzi et al. (2021b) noted it is worth being aware that parties can cooperate at the supranational levels, while opposing each other's policy stances at the national level (Albertazzi et al., 2021b: 50-70).

⁷⁹ For their convergence, Albertazzi et al. (2021) considered the works by Bale et al. (2010), Downs (2012), Goodwin (2011) as well as Pirro and Taggart (2018).

Figure 2 Typology Response Strategies in Populist Setting



Source: self-made, based on Albertazzi and Vampa (2021).

Dedicating the second half of the book to empirical single case-studies, the authors invited other scholars to apply and test their typology in different contexts across ten Western European countries. Finally, Vampa and Albertazzi (2021) themselves assessed the results comparatively. First of all, the studies confirmed the operationalisability of the typology both qualitatively and quantitatively. Secondly, identifying general patterns, the authors found the ranking of commonly employed strategies of non-populist conservative (right-wing) parties against populists to be as follows: co-optation (32.4 per cent), cooperation (32.4 per cent), marginalisation (16.2 per cent), dismissive (13.6 per cent), clashing (5.4 per cent)⁸⁰. As a result, cooperation and co-optation strategies seemed to have had a weakening effect on populist parties amongst conservative non-populist actors whilst clashing seemed important for left-wing non-populist actors (Vampa & Albertazzi, 2021: 269-282). The only shortcoming is that Central Europe was not accounted for in the empirical analyses, although the V4 were included in the pre-study. This translates into the potential of this thesis to fill-in exactly this gap. Overall, the typology proposed by Albertazzi et al. (2021) currently remains the only viable analytical framework for qualitative single-case studies within the party response literature. The innovation of the approach does not lie in the proposed framework per se as it largely

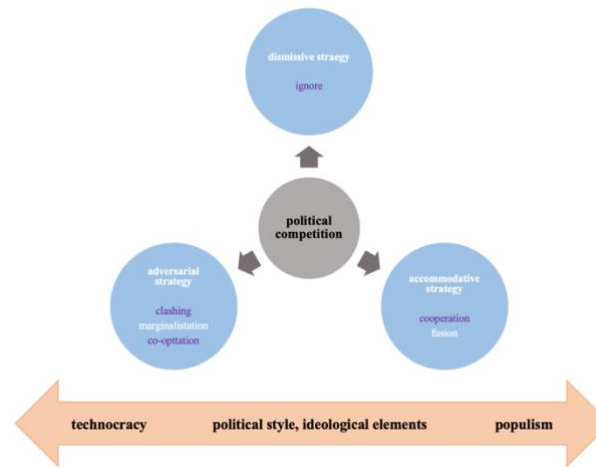
⁸⁰ For the left-wing non-populists: clashing (44.8 per cent), co-optation (20.7 per cent), marginalisation (13.8 per cent), dismissive (13.8 per cent), cooperation (3.4 per cent), and unclear (3.4 per cent). For populists versus populists: clashing (43.8 per cent), co-optation (25 per cent), cooperation (18.7 per cent), and dismissive (12.5 per cent).

synthesises the insights from the most common literature contributions within the field. The innovation lies in the second step where Albertazzi et al. (2021) moved a level deeper adding categorically organised sub-units with clear definitions to the otherwise too shallow and undefined appearing three-fold strategy approaches. Yet, the scholars have managed to keep a degree of openness without restricting their typology to a particular political level or actor relationship.

Regardless, strategy concepts always correspond to ideal-typical approaches. The textbook application of the chosen conceptualisation is not granted in empirical studies. Therefore, flexibility is crucial. Although this thesis will employ the framework proposed by Albertazzi et al. (2021), it will not follow it in an orthodox manner. While the framework is deductively employed, it shall be reserved to modify and complement it in order to account for occurring strategies that do not find mention in the chosen framework.

An issue that needs to be addressed is the definition of populism the typology is grounded on. To recap, Albertazzi et al. (2021) adopted the minimal concept of populism proposed by Mudde (2004). As Kaltwasser and Mudde (2012) argued themselves, their minimal definition of populism is mainly thought as a lens to determine, whether specific cases may be classified as manifestations of populism or not, and to examine in what respects a selected cases of populism differ. Therefore, employing a minimal definition of populism, as minimal denominator so to speak, allows for an exploration across spaces and cases embedded in different contexts. This is valuable in comparative analyses, whereas single-case studies require more analytical depth. Something the minimal definition does not offer, according to the scholars (Mudde & Kaltwasser, 2012: 206). In contrast, this thesis operates in the context of Poland as a post-communist country with slightly different party trajectory. The nature of post-communism already provides a dual, polarisable competition landscape. Thus, it is questionable, whether populism thrives on an ideational basis in Poland. In this case, the grounding of the chosen framework by Albertazzi et al. (2021) needs to be adjusted and based on the conceptualisation of populism by Moffitt (2016b). Thankfully, this adaptation does not change the typology but only the theoretical rationale on populism the typology is set on. Below illustrated is the analytical framework for this thesis linking Moffitt (2016b) to Albertazzi et al. (2021) (see figure 3 below).

Figure 3 Analytical Framework



Source: self-made, based on Albertazzi et al. (2021),
and Moffitt (2016b).

Finally, the following four expectations for the analysis can be formulated drawing on the above discussion:

1. Polish party politics resemble a political game between government and opposition rather than an issue contestation (Ilonszki & Dudzińska, 2021; Maatsch, 2023).
2. Responding to populists in government, adversarial strategies become key such as confrontation or filibustering (Ilonszki & Dudzińska, 2021; Stanley, 2016).
3. In turn, dismissive and marginalising strategies become redundant when dealing with populists in power (Stanley, 2016).
4. The responding strategies patterns of PO (KO) and the SLD reproduce the profiles suggested by Albertazzi et al. (2021):
Non-populist conservative parties: co-opt, cooperate, (marginalise, dismiss) clash
Non-populist liberal parties: clash, co-opt, (marginalise, dismiss), cooperate, unclear
Populists versus populists: clash, co-opt, cooperate, (dismiss)

2 Empirical Analysis

2.1 Method

2.1.1 Research Design

To recapitulate, the two research questions ask *what strategies PO has employed to respond to the populist right-wing PiS in rule-of-law debates in the Sejm 2015-2019* and *what strategies KO and the SLD have employed to respond to the populist right-wing PiS in rule-of-law debates 2019-2023*. As the research questions indicate, this thesis pursues a qualitative single-case study setting the focus on the responses of the two biggest established opposition parties: PO (KO) and the SLD during the recent PiS governments 2015-2023. The research design follows the qualitative logic since this is the first study to comprehensively analyse opposition strategies in the setting of a recent populist government in Poland. Due to the lack of previous empirical insights or theoretical approaches, inductively generating knowledge is therefore key. Thus, the topic itself is treated from an explorative angle.

In order to adequately answer the research questions, a qualitative content analysis is selected for the research method. The choice of this method is due to its popularity and proven suitability in previous qualitative party response studies (see Berti, 2021; Heinze, 2018, 2022). Further needs to be considered that the main difficulty in researching party strategies poses the rather unofficial, confidential character of strategic behaviour of political parties. Hence, direct strategy documents are not attainable or open to public as long as the political actor of interest continues to stay relevant. In other words, strategies must be traced down first in secondary material before they can be analysed. Consequently, the sources available to trace strategies of political parties mainly take the form of written content shedding light on the behaviour of the actor such as party manifestos, policy positions or transcribed parliamentary debates.

This thesis combines the virtues of the approaches of qualitative category-led content analysis by Mayring (2019a, 2022) and Schreier (2012). Both propose a similar procedure, yet the individual steps vary. Combined, the approaches reach their full potential. Schreier (2012) suggested a three-stage procedure to undertake a qualitative category-led content analysis. First, the coding manual⁸¹ for a superordinate category system must be established. The coding

⁸¹ The term codebook is intentionally not employed to prevent confusion with the American tradition of qualitative content analysis where the codebook usually entails a loser, inductively built and not rule-governed collection of coded categories. Instead, the term coding manual is employed to refer to the category system. It is the English translation borrowed from the German original *Kodierleitfaden* (Mayring employs that term).

manual is developed concept-driven meaning the categories are developed deductively based on the chosen theoretical conceptualisation of the relevant concept. Next, the category definitions (coding rules) are determined, and the coding manual is piloted. Finally, the actual analysis is conducted. Schreier (2012) noted, however, that employing a concept-driven coding manual for analysis is rather uncommon and best suited for the testing of hypotheses, not for explorative studies (Schreier, 2012: 85-86). In contrast, following a similar procedure, Mayring (2019, 2022) argued that employing technical know-how of quantitative analysis to approach qualitative content analysis not only produces a strong rule-governed and intersubjective procedure able to account for latent meanings. Consequently, Mayring's approach sets a strong emphasis on the development of the coding manual which is expanded upon below. The actual analysis follows a two-step process. Once established, the coding manual is applied to the research content (category allocation). Then, the frequency of prevalent categories is ascertained quasi-statistically (Kötter & Kohlbrunn, 2021; Mayring, 2019, 2022; Mayring & Fenzl, 2019: 633-635).

2.1.2 Quality Criteria

With regard to quality criteria, of special significance in qualitative content analyses become the intracoder as well as intercoder validity. Due to the fact that this thesis is a one-person project, the intercoder validity cannot be accounted for and has to be abandoned. For this reason, Mayring (2019, 2022) is chosen for the main approach featuring a strong intracoder validity thanks to the category-led coding manual that is thought to somewhat balance out the lack of intercoder validity. When it comes to objectivity, the method of conducting the content analysis after a set sequence model and employing the category-led coding manual secure a high degree of objectivity. Nonetheless, latent content must be subjectively judged in order to be categorised. Therefore, small biases may occur. In terms of reliability, it can only be properly assessed after the actual analysis. Again, the strongly rule-governed category-led coding manual with its clear definitions and examples ensures a certain degree of precision as well as stability when it comes to the exactness of measurement. Thus, a decent degree of reliability can be expected.

2.1.3 Data

For data, transcripts of Sejm debates on the rule of law alignment policy of PiS are considered covering the timeframe of November 2015 (start of the first PiS legislature) to July 2023 (end of the second consecutive PiS legislature). The rule of law debate is chosen for two reasons: Firstly, the judicial reforms, hence the rule of law debates, are the central part to the PiS programme as illustrated earlier. Secondly, as the most controversial and divisive policy, the rule of law debates clearly split government from opposition. This makes visible the different opposition strategies and their contrasts.

What regards the data collection, a formal request for debate transcripts was put in to the Chancellery of the Sejm via its online portal on March 13, 2023⁸². The next day, the request was rejected via email pointing to the publicly accessible archive and suggesting manual research via the extended search function in the section for shorthand reports of the Sejm sessions⁸³. Subsequently, the material was collected through manual archive research on the Sejm webpage. For each legislature the extended search function was used to directly locate debates on the rule of law. The keyword used was *praworzędność*, in English constitutionality (rule of law), in its asterisked form *praworzędn** to maximise the search results⁸⁴. That means *praworzędność* was transformed into its asterisked form to account for the different grammatical cases the word could have possibly been transcribed in⁸⁵. The search generated 128 debate transcripts for the 2015-2019 term, and 125 transcripts for the 2019-2023 term. During the material screening, the tables of contents of all 253 documents were assessed to locate relevant consultations fitting into the rule of law debate. This resulted in narrowing down the total of 253 documents to 39 transcripts (28 transcripts for 2015-2019, 11 transcripts for 2019-2023). Out of each legislative pool, 8 debates were randomly selected. Together they constituted the sample of 16 debate transcripts (n = 16) as the data for the content analysis (in total 637 opposition statements, PO (KO): 521; SLD: 116). The randomly selected sample of

⁸² Online portal: https://www.sejm.gov.pl/Sejm10.nsf/page.xsp/informacja_publ (Sejm, 2023).

⁸³ Sprawozdania stenograficzne z posiedzeń Sejmu. Please note that despite the mentioning of shorthand, there is no need to be familiar with shorthand as the documents publicly available are transcripts provided in normal language.

⁸⁴ The path used was: <https://www.sejm.gov.pl/Sejm10.nsf/page.xsp/archiwum> > select legislature (kadencja) > Sejm work (praca Sejmu) (top second to left) > Sejm sessions (posiedzenia Sejmu) > shorthand reports of the sessions of the Sejm (sprawozdania stenograficzne z posiedzeń Sejmu) > search function (wyszukiwanie) > enter *praworzędn** into any words field (dowolne słowa) > leave rest blank and see results.

⁸⁵ Contrary to English grammar where cases are not obvious in terms of changed word endings, Polish words change their endings with declination. With such languages like Polish, it is recommended that one searches with the asterisked stem of the word in question in archival research to account for this issue. An example is breach of the rule of law, in Polish *naruszenie praworzędności*: the asterisked version includes this eventuality, whereas searching with *praworzędność* does not account for this. To search with the asterisked word was a recommendation received by the Secretary of the Sejm Office.

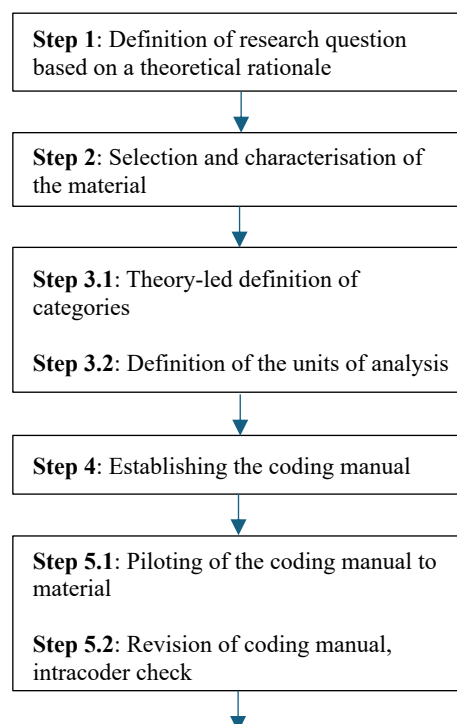
debate transcripts comprised of seven debates on the Constitutional Tribunal, four debates on the Supreme Court as well as five debates on the general judiciary (in total 131 pages of analysis material) (see bibliography for debates).

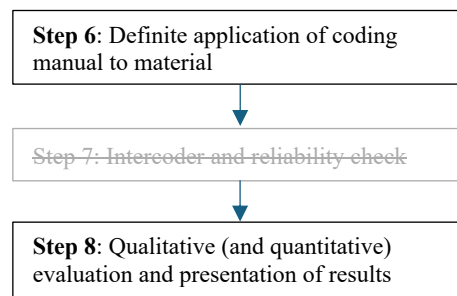
Lastly, the data was tidied up and arranged in a document. The extraneous cursive comments describing the atmosphere in the Sejm (e.g. the time, applause, bustle in the room or interjections) interrupting the transcribed statements were edited out so a continuous text could be established. The redundant greetings and closing phrases were also removed.

2.1.4 Coding and Procedure

The following sequence model is a product of combining both approaches (Mayring, 2019, 2022; Mayring & Fenzl, 2019; Schreier, 2012) bearing in mind the category-led character as well as including three alterations. Firstly, step 3 has originally been divided into two separate steps. However, as the definition of the units of analysis strongly depends on the definition of categories, both processes are rationalised into one step. Secondly, whilst also piloting and revising the coding manual have been suggested as separate steps, revising is here seen as the logic concluding part of the pilot phase. Therefore, both were taken together. Thirdly, step 7 is excluded as an intercoder check is not possible in the framework of this thesis. These alterations generate a more compact flowchart after which the content analysis is executed.

Figure 4 Sequence Model Content Analysis





Source: borrowed from Schreier (2014), adapted.

The category-led coding manual functioned as the main instrument of the analysis. Here, Mayring's proposal for a strong coding manual has been followed (Mayring & Fenzl, 2019: 638-639). In the first instance, the selected typology on responding strategies by Albertazzi et al. (2021) was transformed into a theory-led, 'simple' category list meaning a category system based on a nominal scale providing clear, mutually exclusive categories. In the next step, the category list was tabulated. Each category received its individual section comprising of four fields starting with the category name and code (CA1-CA6). This was followed with the category definition, a prime example and the coding rule. While the category definitions could simply be borrowed from Albertazzi et al. (2021), the prime examples and coding rules needed to be established separately. However, as Mayring (2019) noted, coding rules can be optional in the case when categories are distinct enough from each other. Put differently, if the categories coded for follow a nominal instead of ordinal logic coding rules become very similar to the category definition already given (Mayring, 2019). That is why coding rules were ignored. What regards the prime examples, hypothetical examples customised to the Polish context were established. In total, the original category-led coding manual comprised of three superordinate category sections (*dismissive*, *adversarial*, *accommodative*) with their respective sub-categories each (*dismissing*, *clashing*, *marginalisation*, *co-optation*, *cooperation*, *fusion*) (see appendix for coding manual). Following the development of the coding manual, the units of analysis were defined to systematise the content analysis. As for the coding unit, single sentences were chosen. The context unit was defined to consider paragraphs. Finally, the evaluation unit was set to comprise of all statements given by opposition actors from PO (KO) or the SLD in the respective 16 debates.

In a pilot phase, three debates were randomly selected to test the coding manual. It became evident that ambiguous passages no category applied for remained. As a result, the coding manual was adjusted, and an additional section was created named *Other Strategies*. The

category *other (CA0)* was dedicated to function as a vessel capturing unidentifiable content that was to be separately analysed in order to complete the country-specific context. In other words, the creation of this additional category, inspired by redundancy classifications in quantitative analysis, aimed at including an inductive mechanism to still capture relevant features of Polish party competition despite the typology by Albertazzi et al. (2021) not coding for it. Therefore, *Other Strategies* was described as *acting patterns of party A towards party B that are equally salient but not included in the theoretical approach by Albertazzi et al. (2021)* and the category *other (CA0)* was defined as *party A employs a strategy that cannot be allocated to any of the above described and theory-based categories*. Prime examples or a coding rule have intentionally not been established for the sake of variety inclusion in that category.

In addition, the coding manual was tidied according to Schreier (2012)⁸⁶ and no cross-interference was found (Schreier, 2012: 104). Against theoretical suggestions that certain strategies (*dismissing, marginalisation*) are not viable anymore when non-populist actors respond to populists in government, all possible strategies were included in the coding manual since there is no empirical evidence confirming this assumption for the Polish case in question. Also, the previously defined units of analysis appeared reasonable. After these adjustments, the coding manual was applied to the material.

In total, two full passes were conducted. On the first pass, it became evident that coding the material in its original language, Polish, was going to be rather challenging and a control mechanism was needed. Thus, the material was translated into English in its literal sense in order to lose as little of the original sense as possible. Subsequently, the material passed an additional control run. As the last step, the Polish and English versions of the coding were collated to ensure the robustness and quality of the analysis. The coding itself proved to be a complex process. Working with transcribed spoken language produced a vast collection of proverbs and abbreviations that first needed to be researched and contextualised before the coding could advance. In order to simplify the coding, a glossary with the most crucial abbreviations was established and added to the head of the analysis document. The coding of the opposition positions in parliamentary debates was performed manually.

⁸⁶ Checklist: eliminate substantial overlaps; full set of concept-driven categories is mutually exclusive; prevent mixed dimensions.

2.2 Findings

Having defined populism as “*a political style that features an appeal to ‘the people’ versus ‘the elite’, ‘bad manners’ and the performance of crisis, breakdown or threat*” (Moffitt, 2016b: 45), this thesis set out to explore the Polish case of populism through the much understudied prism of the non-populist opposition guided by the research questions: *what strategies have the two largest established non-populist opposition parties, PO (KO) and the SLD, employed to respond to the established radical right, tuned populist party PiS in rule-of-law debates in the Polish Sejm between 2015 and 2023*⁸⁷? In order to gauge opposition responding strategies, a qualitative content analysis was performed testing the typology proposed by Albertazzi et al. (2021) on responding strategies of non-populists towards populists in power (*dismissing [dismissive]; clashing, marginalisation, co-optation [adversarial]; cooperation, fusion [accommodative]*). First, the empirical findings are discussed for both legislative periods before tackling theoretical implications and limitations.

2.2.1 2015-2019 Legislative Period

Starting with the findings on the first PiS-led government 2015-2019, it is important to recall that Polish politics morphed into a direct confrontation and competition between Poland’s two largest established parties, populist PiS and non-populist PO, since the SLD did not achieve the threshold necessary to make it into parliament. Therefore, there was only one opposition party, PO, assessed for this legislature. Turning to the findings, the content analysis reveals an interesting responding pattern. Out of a total of 367 codings (= first eight debates, n = 8), the strategy of cooperation proves to be the least popular with only two cases. This is in line with expectations. Cooperation can only take place to a limited degree in a relationship between two unequal actors, meaning between government and opposition, especially in the Polish Sejm where the opposition has a relatively weak position for a start and the final decision in terms of cooperation being up to the government. Moreover, cooperation between PO and PiS means a loss of credibility for both actors, but especially for PO. Pursuing cooperation, the party looks like actively seeking affiliation with an undemocratic actor which is not only incompatible with its own profile, but also means cooperation with its longstanding political ‘archenemy’.

⁸⁷ Original phrasing: RQ1: *What strategies has PO employed to respond to the populist right-wing PiS in rule-of-law debates in the Sejm 2015-2019?* RQ2: *What strategies have KO and the SLD employed to respond to the populist right-wing PiS in rule-of-law debates 2019-2023?*

Therefore, the political survival of PO is put at risk pursuing cooperation, especially in the context of a highly controversial judicial reform. The two cooperation attempts mirror this. Whereas the first cooperation attempt calls for the standoff between PiS and PO to be transformed into a relationship taking each other seriously, the second cooperation attempt is PO admitting the need for a judicial reform and its readiness to consult over it but requiring government projects and consultations not leveraging out the opposition. This shows that PO has attempted to mellow the direct conflict with PiS showing itself cooperative in terms of policy as well as *qua actor yet* staying carefully general as to what it can do within the scope of its checking-role as the main opposition. Thus, cooperation in a conflict field between a non-populist actor and a populist actor sought by the non-populist actor proves most unfeasible since it is hardly likely to proceed without making precarious concessions.

As the second least common response shows the *other strategies* category. This is surprising at the same time since this is the category that was added after the pilot phase and did not code for the initially adapted strategy typology by Albertazzi et al. (2021). Accounting for 57 codings, this so-called ‘redundancy vessel’ captured content mainly revealing three different types of party responses by PO. Randomised questions pose the largest group within this category. Those are opposition statements with questions of no importance or salience in the ongoing debate. They lack confrontational character and appear to hold much more of a space filler function as rhetorical questions than anything else. The second largest group within this category is best called cynicism. This includes opposition statements that are isolated from the debates’ contexts and aim purely at ridiculing PiS *qua actor* or certain reform features, or entire projects presented by PiS MPs in parliament. For example, a number of PO MPs stylised the proposed relocation of the seat of the Constitutional Tribunal outside Warsaw to a *Wunschkonzert*⁸⁸ over the new location and outbidding each other in suggesting locations during a debate. Among these locations were not only the hometowns of MPs but also controversial places such as Bereza Kartuska, Arłamów, or Jaworzno⁸⁹. In another instance, one PO MP asked PiS MPs: “Do you know what the word “dictatorship” means in the dictionary? Let me quote: „it is the power of an individual or a narrow group; the characteristics of dictatorship include, among others: using force against political opponents - it does not say physical - lack of respect

⁸⁸ Game of wish and desire.

⁸⁹ **Bereza Kartuska**: place of isolation, concentration camp for political prisoners, mainly communists, during the *Sanacja* government 1934-1939, nowadays Belarus. **Arłamów**: heavily guarded and secluded recreation centre for the political elite from 1960s-1989, former terrain of Operation Vistula, also dubbed State of Arłamów or Red Dutchy. **Jaworzno**: Central Labour Camp 1945-1949, from 1949-1956 Soviet-inspired labour camp.

for civil rights or freedom to legislate.”⁹⁰, (Kancelaria Sejmu, 2015: 261). For a third example, another PO MP asked: “*I thought you could do anything, that you could stipulate in this project that judges of the Constitutional Tribunal must wear dwarf hats. I thought you were going to write in this project that they have to hop on one leg. I thought you would write down that they have half an hour every day to shout that there is only one demiurge, and this demiurge is always right* [referring to PiS leader Jarosław Kaczyński]”⁹¹, (Kancelaria Sejmu, 2016a: 230). At a closer look, what these three additionally detected responses have in common is a filibustering nature. This shows that obstruction became a vital fourth strategy at least during the first PiS government for the PO opposition. This insight holds two implications. Firstly, it is the additional category *other strategies* which captures and visualises some idiosyncrasies of Polish party competition. Secondly, the relatively consistent filibustering by PO MPs suggests that they were otherwise rather limited in their action as the opposition in the Sejm that was tactically reorganised into a voting machine for the ruling camp. This underlines the rather weak position of the opposition in the configuration of the Polish governmental system. What is more, telling in this context becomes the feature of cynicism. Frequent opposition statements in this fashion imply a rather low degree of professionalism and put the allegedly ‘good manners’ of PO as a modern democratic party into question. This translates into the questioning of PO and its strength *qua actor*. Disseminating cynicism is transactional meaning it also makes PO a target for ridicule, especially since it stands in direct contradiction with PO’s suggestion of a more cooperative behaviour. Considering this, the cynicism may be interpreted as a secondary symptom of PO’s own weakness. This apart, a takeaway that can be derived from this observation is the need to question what democratic professionalism in post-communist politics looks like.

Interestingly, the results of the content analysis uncover co-optation as the second most crucial strategy of PO during the first PiS government with 78 codings. What stands out is that the co-optation codings exclusively show the nature of *qua actor* co-optation. There are no traces of policy co-optation. This indicates that PO has been predominantly co-optating the behaviour of PiS. Most notably, this becomes visible in the PO MPs statements disclosing the use of a vocabulary considerably reminiscent of the populist vocabulary and rhetoric deployed by PiS.

⁹⁰ Polish original: *Czy wiecie państwo, co kryje się pod słowem „dyktatura” w słowniku? Zacytuję: to władza jednostki lub wąskiej grupy, cechami charakterystycznymi dla dyktatury są m.in. używanie siły wobec przeciwników politycznych – nie jest napisane, że fizycznej – brak szacunku wobec praw obywatelskich czy dowolność stanowienia prawa.*

⁹¹ Polish original: *Myślałem, że możecie wszystko, że możecie w tym projekcie zapisać, że sędziowie Trybunału Konstytucyjnego muszą chodzić w czapkach krasnali. Myślałem, że zapiszecie w tym projekcie, że mają skakać na jednej nodze. Myślałem, że zapiszecie, że mają codziennie przez pół godziny krzyczeć, że jest tylko jeden demiurg i ten demiurg ma zawsze rację.*

Significant in this context appears to be the concept of “the Poles⁹²” and the claiming of it. Most of the PO statements coded for as co-optation engage in an equally populist and divisive discourse as PiS employing phrases like ‘our compatriots’, ‘our Poles’, ‘our listeners’, or ‘our voters against your followers’⁹³. At the same time, PO MPs show to have repeatedly put their claims into contrast with accusing PiS of ‘fouling Poles’, ‘offending God’, ‘robbing the country’, or ‘waging war’⁹⁴. Furthermore, a few instances disclose that PO MPs have directly picked up and engaged in PiS narratives. One example that stands out is the case of one PO MP who opened his parliamentary speech: “*Let me start by saying that I am from the worse sort, and I will add that I am from Silesia, so from the camouflaged German option*”⁹⁵, (Kancelaria Sejmu, 2015: 261).

On the one hand, the above illustrates how PO followed the footsteps of PiS when it comes to displaying a rather similar antagonistic and populist rhetoric. Furthermore, it can be observed that the more the first legislature advanced the more often statements from PO MPs were coded for as co-optation in terms of populist style. This suggests that if there is a populist ruling party owning the dominance over communication-setting like PiS, the non-populist opposition such like PO is pushed to adapt to the populists in power to some extent at least in the parliamentary exchange reacting and engaging to stay relevant. On the other hand, however, the nature of the populist statements by PO implies that PO has not only engaged in and thus reproduced a populist style of doing politics but has actively participated in perpetuating a rhetoric of crisis and division. Discrediting PiS and its followers as the ‘foes’⁹⁶ of modern Poland and addressing “the Poles” from the rostrum claiming ownership over them, PO shows that its own narrative centres around populism. While PO’s behaviour may not appear to be antagonistic per se since it is not radical right or anti-constitutional, it is nonetheless equally anti-pluralist as the one of PiS. Anti-pluralist is meant in the sense that both PO and PiS display a behaviour pursuing an emotional actor delegitimation conflict rather than a political competition between two political actors respecting the democratic principle of pluralism. In other words, the above discloses an entrenched elite conflict evolving around the question of who has the right to govern over the Poles instead how best to represent the interests of Poland’s citizens.

⁹² In Polish: *Polacy*.

⁹³ In Polish: *nasi rodacy, nasi Polacy, nasi słuchacze, nasi wyborcy przeciwko waszym zwolennikom*.

⁹⁴ In Polish: *Oszukujecie Polaków, obrażacie Boga, okradacie kraj, prowadzicie wojnę*.

⁹⁵ Polish original: *Rozpocznę od tego, że jestem z tego gorszego sortu, i dodam, że ze Śląska, więc z zakamuflowanej opcji niemieckiej*.

⁹⁶ In Polish: *wrogowie*.

Finally, the quasi-statistical overview of responding strategies reveals clashing to be the by far most popular strategy of PO to respond to PiS in its first term of office. Accounting for 230 codings, the clashing employed by PO can be described as multi-directional. To begin with, the findings reveal that PO has engaged in an extensive policy-oriented clashing marking a clear and critical stance against the many bills connected to the judiciary reform submitted to the Sejm by PiS MPs for consultation⁹⁷. PO MPs have uniformly called for the rejection of all bills suchlike introduced to the parliament by PiS actors in all party statements for the debate openings. Moreover, PO MPs have supported their bill confronting segments with argumentation as to why bills were unacceptable (e.g. unconstitutionality, breach of rules of procedure, anti-democratic nature). Considering PO's political profile as a modern-conservative party claiming to respect democracy, opposing to PiS bills appears logical. Also, clashing poses the most viable solution being mindful of the PO's rather limited sphere of influence as the opposition. Another feature that shows in PO's policy clashing is a frequent asking of rhetorical question addressing PiS of the type: "*Are you satisfied with this? Is that what you had in mind?*"⁹⁸, (Kancelaria Sejmu, 2016c: 404). At first glance dispensable questions, this reflects the changes of the Sejm regulations aiming at marginalising the opposition further. In fact, this shows PO's tactic to win turf for confrontation omitting the sharply reduced speech time for the opposition and meeting the requirements. PO MPs started packaging policy clashing as questions to the debate in order to place their statements. To a certain degree, this emphasises PO's adaptivity to the conditions of the new rules of the game imposed by the PiS-led government.

Apart from that, the findings additionally disclose a strong *qua actor* clashing seemingly overpowering policy clashing. On the one hand, the statements in question reveal that PO MPs have extensively engaged in discrediting PiS as a collective actor in a manner of naming and shaming. This appears to mainly have entailed direct clashing telling PiS in various forms how 'unacceptable', 'unprofessional', 'disgraceful' or 'populist' and 'harmful'⁹⁹ its behaviour was. For instance, one PO MP concluded his statement: "*In your campaign, you also talked a lot about Poland in ruins. You just did not say that this is not a description of the actual situation,*

⁹⁷ Here, note that PiS switched to the tactic of having singular MPs submitting a bill to Sejm, a mechanism allowing for fast-track consultation. Not submitting bills majorly through parliamentary commissions has become a tool for PiS to omit debate/the opposition which made it more difficult for the latter to contest policies.

⁹⁸ Polish original: *Czy jesteście państwo z tego zadowoleni? Czy o to wam chodziło?*

⁹⁹ In Polish: *nieakceptowalne, nieprofesjonalne, haniebne, populistyczne i szkodliwe zachowanie.*

*but your election promise*¹⁰⁰, (Kancelaria Sejmu, 2015: 255). Another PO MP retaliated: “*Law and Justice needs repair. Jarosław Kaczyński needs repair. Your thinking about the state as plunder, the state as a permanent war against the opposition, needs repair. You insult us at every turn. And Jarosław Kaczyński expressed the quintessence of his thinking about Poland in one sentence: If we retreated, it would be capitulation. If someone looks at their own homeland as a battlefield, they do not deserve to pretend to be a patriot*”¹⁰¹, (Kancelaria Sejmu, 2016b: 266) A repeating accusation was ‘cowardice’ and ‘hypocrisy’¹⁰² and the return to Communism heading direction East. One MP accused PiS: “[...] *this is a real return to what is your home - to the commune*”¹⁰³, (Kancelaria Sejmu, 2017: 117).

On the other hand, the confrontational statements conspicuously often reveal accusations and shaming directed against individual PiS members as well as personal conflicts between PO and PiS MPs. This becomes visible in the cases of one rather controversial PiS figure, Stanisław Piotrowicz. PO MPs show to have frequently addressed him as ‘prosecutor of the Polish People’s Republic’, ‘martial law prosecutor’ or ‘comrade’, and accused him of being a ‘communist apparatchik’¹⁰⁴ exposing his past on most occasions. The statements show Piotrowicz has also been labelled a ‘coward’¹⁰⁵. Furthermore, the content analysis reveals that one PO MP even presented material about Piotrowicz from the 1980s to the Sejm requesting: “[...] *I am submitting a formal request for a break and for the fugitive martial law prosecutor Piotrowicz to be familiarised with this material. This is the page, December 13, 1981, the name of Piotrowicz Stanisław appears here, the creator of the indictment in the case of Mr. Pikul, the indictment of September 24, 1982. I would like to ask you to respond to this during the break. Perhaps there was a fatal mistake, and it was the wrong martial law prosecutor.*”¹⁰⁶, (Kancelaria Sejmu, 2016c: 412). Another PO MP confronted Piotrowicz asking him: “*How do you explain your shameful behaviour during martial law today?*”¹⁰⁷, (Kancelaria Sejmu, 2016c: 407). Yet

¹⁰⁰ Polish original: *W swojej kampanii dużo mówiliście też o Polsce w ruinie. Tylko nie mówiliście, że nie jest to opis stanu faktycznego, tylko wasza obietnica wyborcza.*

¹⁰¹ Polish original: *Naprawy potrzebuje Prawo i Sprawiedliwość. Naprawy potrzebuje Jarosław Kaczyński. Naprawy potrzebuje wasze myślenie o państwie jako łupie, państwie jako permanentnej wojnie z opozycją. Państwo obrażacie na każdym kroku. A Jarosław Kaczyński kwintesencję swojego myślenia o Polsce wyraził w jednym zdaniu: Gdybyśmy się cofnęli, to byłaby kapitulacja. Jeśli ktoś na własną ojczyznę patrzy jak na pole bitwy, nie zasługuje, by udawać, że jest patriotą.*

¹⁰² In Polish: *tchórzostwo, hipokryzja.*

¹⁰³ Polish original: *[...] to jest prawdziwy powrót do tego, co jest waszym domem – do komuny.*

¹⁰⁴ In Polish: *prokurator PRL, prokurator stanu wojennego, towarzysz, aparatczyk komunistyczny.*

¹⁰⁵ In Polish: *tchórz.*

¹⁰⁶ Polish original: *[...] składam wniosek formalny o przerwę i zapoznanie zbiegłego pana prokuratora stanu wojennego Piotrowicza z tym materiałem. To jest strona, 13 grudnia roku 1981, figuruje tu nazwisko Piotrowicz Stanisław, twórca aktu oskarżenia w sprawie pana Pikula, akt oskarżenia z dnia 24 września 1982 r. Bardzo proszę o ustosunkowanie się do tego w trakcie przerwy. Być może doszło do fatalnej pomyłki i to nie ten prokurator stanu wojennego.*

¹⁰⁷ Polish original: *[...] jak dziś tłumaczy pan swoje haniebne postępowanie z czasów stanu wojennego?*

another PO MP felt the need to open his statement declaring: “*I will tell my colleagues from PiS only one thing: during the martial law, I did not pursue Solidarity people, but hid them in my house*”¹⁰⁸, (Kancelaria Sejmu, 2017: 96). In addition, there are traces that also other high-profile PiS members, among them MP Krystyna Pawłowicz, Speaker Marek Kuchciński, or President Andrzej Duda and party-leader and MP Jarosław Kaczyński, have been confronted. For example, President Duda has been accused of having ‘abdicated’ ‘deceiving Poles’ not vetoing unconstitutional bills and therefore should be ‘ashamed’¹⁰⁹ of himself. Despite ‘needing repair’, Kaczyński was confronted in another instance by a PO MP asking: “*Are you a brave man or a coward? [...] What evil acts have you prepared [...]?*”¹¹⁰, (Kancelaria Sejmu, 2015: 259).

What is already hinted at in other statements becomes particularly visible in the section of individual clashing: Polish party politics appear to be engulfed in an elite conflict. The above illustrates how little attention PO dedicated to discussing the actual matters of the judiciary reform and instead kept diverting to a more abstract discussion of Poland’s past linking it to itself as well as PiS personnel. It is clear that PiS controversial actions need to be considered in this case fuelling this nature of confrontation. Nevertheless, taking into account PO’s policy clashing and the character of its populist statements, the observation that there is an entrenched elite conflict dominating Polish politics is supported. This conflict seems to be indeed overarched by post-communism and its divide animating the current Polish political elite to quarrel over the rightfulness and wrongness of the nature of the post-communist transformation. Verifying the group PO MPs speaking, the average age lies at 57 years (see appendix for MP list). Additional Internet research reveals that many PO MPs had ties to the anti-communist movement in the past. From this follows that a share of PO MPs has already belonged to the transition elite and is therefore relatively well acquainted with the PiS personnel which further underpins the observation.

In sum, the findings for the first recent PiS government 2015-2019 reveal a direct clashing between the two most established parties on the Polish party system, PO and PiS. At first glance, this clashing gives the impression of constituting a clear case of an unequal competition between populists in power (PiS) and a non-populist opposition (PO). However, the strategy pattern of PO and its contents uncovers a more complex picture. In its essence, Polish politics and its makers, the political parties, seem fundamentally divided. In this connection, also the

¹⁰⁸ Polish original: *Kolegom i koleżankom z PiS-u powiem tylko jedno, że w okresie stanu wojennego ja nie ścigałem ludzi „Solidarności”, ale ukrywałem ich u siebie w domu.*

¹⁰⁹ In Polish: *abdykował, oszukując Polaków, wstydzić się.*

¹¹⁰ Polish original: *Jest pan odważnym człowiekiem czy tchórzem? [...] Jakie podłości macie przygotowane [...]?*

surprising insight of populist co-optation as the second most coded strategy for PO, gains in significance. PO's strategy pattern paired with its equally questionable behaviour ignoring professional standards points to the need to reassess the Polish case in terms of the 'populist government-non-populist opposition' relationship. In a political environment where an elite conflict over the right to rule Poland and the claiming of ownership over "Poles" according to a disagreement over a worldview prevails, populism as a style appears to become default. Hence, the above reveals a fluid blending of styles instead of a clear-cut delineability. Lastly, the post-communist divide emerges as an interfering factor that cannot be ignored. Crucially shaping Polish politics in an antagonistic fashion, the proclaimed clear example of Poland as a Central European case of right-wing populism is obscured.

2.2.2 2019-2023 Legislative Period

Moving on to review the findings for the second PiS-led government 2019-2023, the parliamentary configuration changes. The SLD returned to the Sejm and took on the position of the second largest non-populist opposition grouping after KO (PO until 2019). Thus, the focus of analysis for this period is extended to assess both opposition actors, KO and the SLD, in accordance with the research questions. The first general observation is that the debates as well as the opposition statements appear significantly shorter on average in contrast to the previous legislature. Another feature standing out in the overview of statements is an increased proactivity by both opposition parties. Submitting formal requests to change the rules of procedure or to initiate a break gained in frequency. As mentioned above, a tool PO rather sparingly employed in the period 2015-2019.

Turning to the results of the content analysis, the coding interestingly reproduces the same strategy pattern that has already been identified for the first PiS-led term 2015-2019. Interestingly, the strategy pattern is identical between KO and the SLD (see appendix for evaluation template). Out of a total of 270 codings (154 KO; 116 SLD) for the last eight debates (n=8), cooperation shows as the least popular strategy. Although cooperation shows only once for the SLD, it has presented a more credible offer for cooperation with PiS compared to KO's four attempts. The left has clearly stated: "*The Left has returned to the Sejm and does not intend to be a total opposition, fighting just to fight [...]*"¹¹¹, (Kancelaria Sejmu, 2019a). KO has

¹¹¹ Polish original: *Lewica wróciła do Sejmu i nie zamierza być opozycją totalną, tłuc się tylko po to, żeby się tłuc [...]*.

remained more superficial requesting: “[...] *the offer of cooperation and normal parliamentary rules is standard for us*”¹¹² (Kancelaria Sejmu, 2019a).

The second least popular strategy again turns to be the additionally created category *other strategies*. The configuration also remains the same. MPs from both parties show to have tried filibustering asking random questions or protesting. The smaller share of codings confirms the further presence of cynicism. For example, an MP from the SLD dedicated their whole statement to ask PiS about its direction: “*Are you already preparing accession to the Commonwealth of Independent States or are you preparing your own union, e.g. with San Escobar?*”¹¹³, (Kancelaria Sejmu, 2019: 124). A KO MP used his statement to declare: “*But I have the distinct impression that President Przyłębska cooks more lunches for Kaczyński than the Constitutional Tribunal issues judgments. I think she does it more often, unfortunately*”¹¹⁴, (Kancelaria Sejmu, 2019: 125) Interesting in this category also is one interruption by another KO MP protesting about being disciplined wearing a scarf saying “constitution”: “[...] *Madam Speaker, I have a procedural request for a break until 4pm. and to explain to me, a member of the Sejm of the Republic of Poland of the first term, why Marshal Terlecki wants to discipline my colleagues, and me, for wearing a scarf with the inscription: constitution. What crime is this, Mr. Speaker? I want to know*”¹¹⁵, (Kancelaria Sejmu, 2019: 140). This statement reveals a rather unique mentality prevalent among some Polish politicians. The unique self-concept emphasising the MP’s origin implies that some politicians apparently belong to the ‘rightful elite’ and thus deserve more respect than others. The MP above legitimised this with the presence during the term when the Small Constitution was adopted 1993.

Moving on to the second most popular strategy, co-optation, the content analysis also uncovers similarities to the previous legislature where a *qua actor* co-optation in terms of co-opting the populist style over policy co-optation dominates. Surprisingly, this shows to apply to both allegedly non-populist opposition parties, and not only to KO. On the one hand, the statements disclose how KO has pursued to perpetuate its antagonist rhetoric. Most notable in this context are statements by KO MPs following a distinct ‘you versus us’ logic. Additionally, labelling

¹¹² Polish original: [...] *oferta współpracy i normalnych parlamentarnych reguł jest dla nas standardem.*

¹¹³ Polish original: *Czy w związku z tym przygotowujecie już państwo akces do Wspólnoty Niepodległych Państw, tudzież szykujecie państwo własną unię, np. z San Escobarem?*

¹¹⁴ Polish original: *Ale mam nieodparte wrażenie, że pani prezes Przyłębska robi więcej obiadów Kaczyńskiemu, niż Trybunał Konstytucyjny wydaje wyroków. Chyba robi to niestety częściej.*

¹¹⁵ Polish original: *Pani marszałek, mam wniosek formalny o przerwę do godz. 16 i wytłumaczenie mi, posłowi na Sejm Rzeczypospolitej Polskiej pierwszej kadencji, dlaczego marszałek Terlecki chce dyscyplinować moje koleżanki, i mnie, za to, że miałam na sobie szalik z napisem: konstytucja. Jakie to jest przestępstwo, panie marszałku? Chcę to wiedzieć.*

PiS as ‘anti-Polish’ has gone along with phrases like: “You are always on the wrong side”¹¹⁶ (Kancelaria Sejmu, 2019b: 114). On one occasion, a KO MP sought the moral high ground stating: “*When you are afraid you go to God, when you [PiS] need to fix something, you come to the opposition*”¹¹⁷, (Kancelaria Sejmu, 2023: 28). On the other hand, the results show how also statements of SLD MPs follow a populist style rhetoric. In contrast to KO’s rhetoric, the SLD appears to have remained more moderate. Thus, the SLD shows a ‘PiS versus us’ logic that is supported by rhetorically dividing the Sejm into the right [PiS-United Right-camp, bad] and left [opposition, good] side of the room and claiming: “*We stand on the good side, we say clearly that we do not agree to this*”¹¹⁸, (Kancelaria Sejmu, 2019b). These observations imply two things. Firstly, KO’s readiness to continue enforcing its anti-PiS narrative further supports the earlier suspicion of an elite conflict among the transition elite, embodied by PiS and KO. Secondly and in line with this, the post-communist division within Polish politics turns visible also in the SLD’s behaviour which is another confirmation for an elite conflict dominating party politics where third parties, such as the SLD, are forced to join either camp. Therefore, the division underpinning Polish politics, which resembles the basic mechanism of populism, seems a crucial factor in fostering the fluidity between technocracy and populism. This crystallises in two established opposition parties showing to employ a populist style whilst pursuing a democratic programme.

The findings reveal clashing as the most frequent strategy for both opposition parties. The strategy of clashing shows to be a configuration of policy and *qua actor* clashing. Both parties demonstrate a similar clashing fashion and vocabulary. When it comes to policy clashing, KO shows its usual distaste for PiS bills labelling them as ‘pseudo projects’, ‘absolutely unacceptable’, ‘disgraceful’, ‘crap’, ‘muzzle laws’, ‘Bolshevik methods’ or ‘Putin standards’¹¹⁹. The SLD appears no less confrontational expressing its objection against the bills. It can be argued the SLD discloses an even stronger vocabulary referring to governmental bills as ‘piece[s] of crap’, ‘pure legal bullshit’, ‘rotten compromise’ or ‘muzzle law[s]’ belonging into the ‘dustbin of history’¹²⁰. However, the above points to one crucial difference between KO and the SLD. While KO clearly employs an anti-communist and anti-Russia repertoire, the SLD

¹¹⁶ Polish original: *Wy jesteście zawsze po tej złej stronie.*

¹¹⁷ Polish original: *Jak trwoga, to do Boga, jak trzeba coś naprawiać, to przychodźcie do opozycji.*

¹¹⁸ Polish original: *Stoimy po dobrej stronie, mówimy jasno, że się na to nie zgadzamy.*

¹¹⁹ In Polish: *pseudo projekty, absolutnie niedopuszczalne, haniebne, bzdura, ustawy kagańcowe, metody bolszewickie, standardy Putina.*

¹²⁰ In Polish: *kawałki gówna, czyste prawne bzdury, zgniły kompromis, kagańcowe ustawy, które powinny trafić na śmietnik historii.*

seems more moderate in this respect lacking such a narrative entirely. This observation is supported when reviewing the *qua actor* clashing. On the one hand, KO shows to have extensively engaged into discrediting PiS as an actor. KO has discredited PiS as ‘sugar-coated PZPR activists’, ‘troglodytes’, ‘no normal people’ and ‘Bolshevik reconstruction group’ with a ‘split personality’ turning Poland into a ‘PiS oligarchy’ and ‘Banaśrepublic’¹²¹. The SLD, on the other hand, does not show to having engaged into discrediting PiS, occasionally referring to it as ‘eagles of legal art’, ‘legal eagles from the right’ or ‘taken from outer space MPs’¹²².

While KO’s *qua actor* clashing has clearly dominated again in the party’s clashing, the findings reveal the opposite for the SLD. KO appears to be more personally occupied with PiS than the SLD. This implies a certain moderation in the SLD’s behaviour. Considering the SLD’s still precarious standing due to its affiliations to the former communist elite (old Left), it seems logic the SLD cannot tactically afford to take a more extreme position in Polish politics if it cares about its political survival¹²³. Moreover, this moderation is also due to the fact that the SLD does not fit into the pattern of the transition elite conflict which is concentrated to the right side of the political spectrum. Thus, the SLD appears as a moderating third player in the rivalry between KO and PiS. This is reflected in an additional observation. The content analysis reveals that solely the SLD has addressed the atmosphere in the Sejm during the debates. The SLD has acknowledged that emotions heated up and condemned the shouting and laughing during debates requesting PiS and KO: “[...] *you gentlemen stop calling each other boors*”, (Kancelaria Sejmu, 2019b). Consequently, these statements capture and demonstrate once more the emotionality in those Sejm debates and rather low standards of professionalism mirroring in the KO’s inability to conduct objective consultations. This observation emphasises the position of the SLD in-between KO and PiS. This apart, another noteworthy observation is a certain cooperation among the opposition parties KO and the SLD. Not only do they show to having expressed to be a united opposition but together, they also show to have submitted a cross-party project to the Sejm called the Iustitia bill¹²⁴. Furthermore, individual conflicts previously

¹²¹ In Polish: *lukrowani działacze PZPR, troglodyci, nienormalni ludzie, bolszewicka grupa odbudowy, rozdwojenie jaźni, oligarchia PiS, republika Banasia*.

¹²² In Polish: *orły sztuki prawniczej, orły prawne z prawej, wzięte z kosmosu postowie*.

¹²³ Since 1989, the Left has invented itself anew and changed configurations over the years. Nonetheless, it is worth remembering that the Left has a generally more difficult standing due to Poland’s communist past and the Left’s involvement in it. Additionally, Poland opted for an elite circulation (hence, the round table agreements and elite consensus between ‘old’ (Communists) and ‘new’ (anti-communist opposition Solidarity) elites. This elite circulation has enabled old elite members to transfer into the new system post 1989 and gain important positions and influence again. Thus, the argument that there has not been made a clean break with the past in Poland’s new reality is not entirely unjustified.

¹²⁴ The bill was drafted by the Iustitia Association of Polish Judges and a joint effort with together with the liberal democratic Polish opposition KO and SLD aiming at restoring the rule of law in Poland as well as an independent judiciary.

prominent in the 2015-2019 legislature show to have waned. Occasionally, confronted were the Speaker of the Sejm Elżbieta Witek, Justice Minister Zbigniew Ziobro, and Julia Przyłębska, President of the Constitutional Tribunal.

The comparison of the quasi-statistical percentual shares of the individual strategy patterns between the two parties reveals further support for the trend observed above (see table 4 below). Looking at the strategy patters of KO, they remain rather similar. The hierarchy of employed strategies stays the same. While clashing has increased three per cent, cooperation has increased two per cent in the second legislature 2019-2023. Co-optation shows to have gained one per cent. This appears to have happened against other strategies decreasing just under six per cent. This is especially interesting put into context with the SLD’s strategy profile 2019-2023. Compared to KO, the SLD shows more dominant in clashing (72.4 per cent) whilst disclosing more moderation in co-optation (18.9 per cent). The SLD indicates less cooperation attempts (0.86 per cent), whereas the category of other strategies remains similar between the party and KO 2019-2023. Still, the hierarchy of strategies remains the same for both parties. Moreover, calculating the percentual reduction between clashing and co-optation for KO for both legislatures reveals that it stayed at about 66 per cent. The 0.3 per cent increase in the reduction for 2019-2023 suggests a mild influence by the SLD’s more clashing-centric pattern. This numerically supports the above observed role of the SLD as the in-between moderator. First, PO’s behaviour 2015-2019 became increasingly populist which was mirrored in increasing qua actor co-optation. Then, KO’s behaviour moderated again 2019-2023 with the presence of SLD. However, the unchanged reduction between clashing and co-optation in KO’s strategy profiles may indicate two things: on the one hand, it suggests further evidence for the assumption of a gridlocked conflict among the political elite over Poland’s transition. On the other hand, this may point to path dependencies that erupt when right-wing populists with agenda setting powers and issue ownership come to power and the opposition is confined to clashing as default response.

Table 4 Percentual Shares of Strategies

		PO (KO)	SLD
2015-2019			
<i>Clashing</i>		62.6per cent	N/A
<i>Co-optation</i>		21.2per cent	N/A
<i>Cooperation</i>		0.54per cent	N/A
<i>Other</i>		15.5per cent	N/A
2019-2023			

<i>Clashing</i>		65.5per cent	72.4per cent
<i>Co-optation</i>		22.0per cent	18.9per cent
<i>Cooperation</i>		2.50per cent	0.86per cent
<i>Other</i>		9.74per cent	7.75per cent

Source: self-made

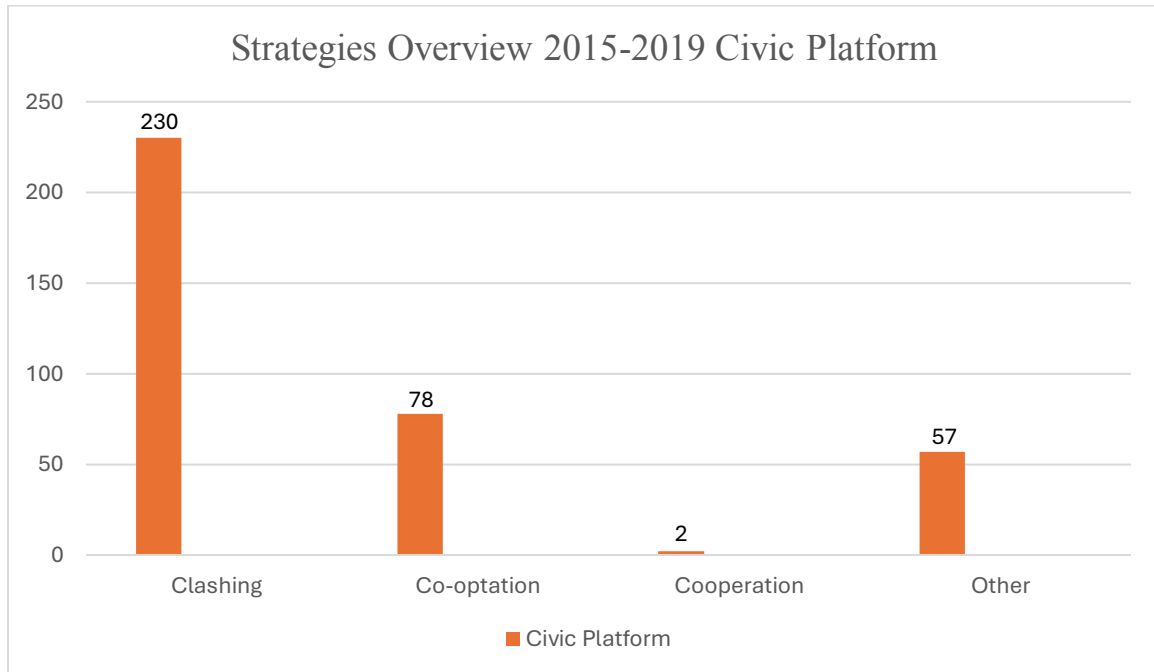
2.2.3 Theoretical Implications of the Empirical Findings

Examining 637 opposition statements over the period of eight years 2015-2023 through the prism of populism as a style (Moffit, 2016) reveals the main actors of the Polish opposition to be at the core of this issue showing a significant populist behaviour themselves. This is a new perspective and landmark finding in the analysis of Polish party politics and questions the usual normative portraying of a populist PiS incumbent and a liberal democratic non-populist opposition. However, concluding that all three major established parties in the Polish party system are populist, thus ultimately rendering Polish politics populist¹²⁵, is premature. While both parties, KO and the SLD, display a classic populist articulation of crisis, division and threat as well as bad manners interacting with PiS, the above shows how critical it is to take the analysis beyond the initial, visible division and consider its content. The current case of Polish party competition is not about non-populists against populists. The division in Polish politics that seems populist is much a phenomenon of post-communism in its essence. The analysis supports what the contextual chapter illustrated. The pact transition not only diversified the Polish society but caused a two-class society of winner and losers dividing the minds over the nature of transition and culminating in an elite conflict over the righteous right to govern Poland. This winner versus loser division holds considerable political capital for further exploitation to either side's benefit. Both parties, PiS and KO have recognised this potential and aligned Polish party competition to this cleavage constituting a dual competition following a nominal logic of threat, anti-threat, crisis, anti-crisis, friend versus foe and so forth since 2005. Therefore, populism in Polish party politics seems to be an instrument to sustain this political game and profit from it. This observation meets the first expectation that Polish party politics evolve around an elite game which supports the findings of other scholars (see page 66). Moreover, the analysis above uncovers the significance of post-communism as an interference factor because it is a source of division itself. This is why populism in Poland is everything but a straightforward matter that needs to be examined carefully.

¹²⁵ And falling into the dead-end logic proposed by Laclau (2005) that democratic politics are essentially populist.

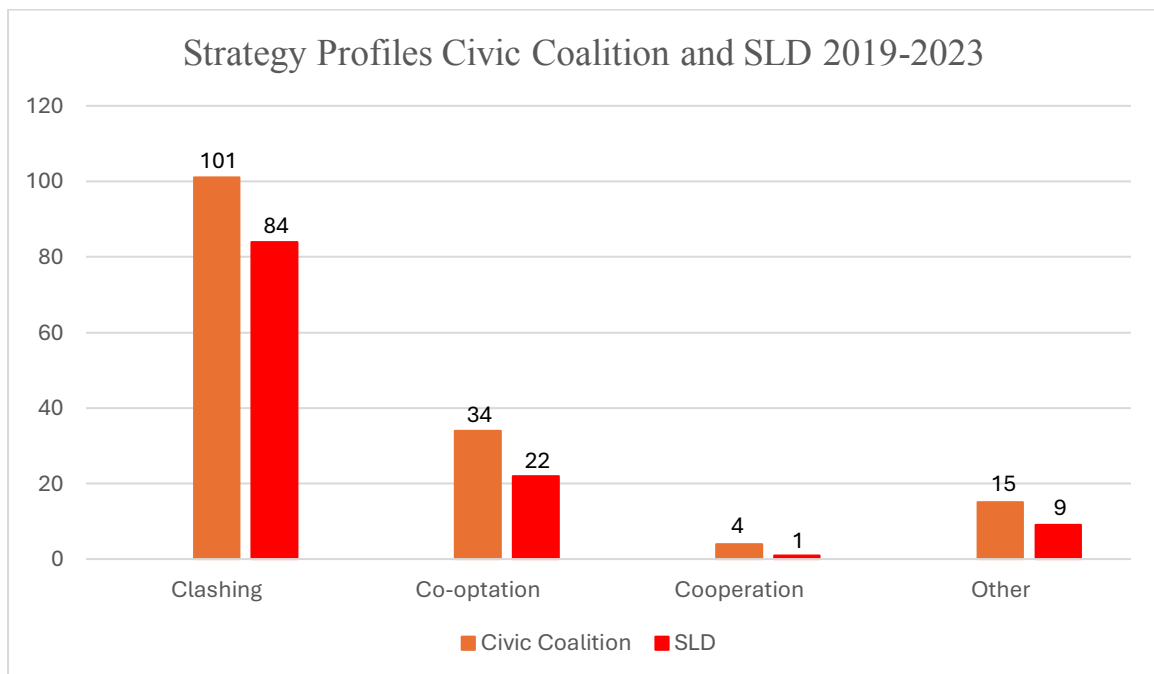
The gravity of post-communism in Polish party politics has been showing in almost every debate where references on Poland's transition, the elite circulation or the communist period are to be found at high frequency. This emphasises that the past much is the present among the political elite of Poland. Interesting in this context is the re-entry of the SLD into parliament 2019-2023. Although the SLD has been initially forced to join camp, hence also the cooperation with PO (KO), its activity as a third player not engulfed in the latter's *affaire d'honneur* with PiS managed to transform the parliamentary opposition action from a more passive responding 2015-2019 to a more active interacting 2019-2023 (see figures 5 and 6 on the next page).

Figure 5 Strategy Profile PO 2015-2019



Source: self-made.

Figure 6 Strategy Profiles KO and SLD 2019-2023



Source: self-made.

Finally, this leads over to evaluating the remaining three expectations formulated prior to embarking on the analysis. The overview above of the total of coded strategies per party for each legislative period clearly meets the second expectation that adversarial strategies (*clashing* and *co-optation*) become default when responding to populists in government in the Polish case. Category ‘Other’ (CA0) accounting for additional strategies, including filibustering, came in third place. Taken together, the three most popular strategies employed by PO (KO) and the SLD turned out to be exclusively adversarial. Conversely, no dismissive or marginalising attempts were coded for which confirms the third expectation that once populists are in power, *dismissing* or *marginalising* do not yield viable responding solutions anymore since ruling parties cannot be excluded or ignored anymore. Checking the last expectation that PO (KO) and the SLD produce one of the three suggested patterns by Albertazzi et al. (2021), it becomes more complex. At first glance, they do not look like fitting any pattern since an additional category (CA0) had been added for analysis and the strategies marginalising/dismiss became irrelevant. Strictly speaking, the expectation can thus only partially be supported due to this alternation. However, if argued that CA0 captured mainly filibustering (adversarial) and unclear cynicism/sarcasm and the category is be split up accordingly, then both PO (KO) and the SLD correspond to the profile of non-populist liberal parties¹²⁶. If left as it is and CA0 is renamed ‘*unclear*’, the two parties would still meet the non-populist liberal party pattern, only with the last two categories switched around (*unclear* (CA0) before *cooperation*). However, the above context illustrates that both parties employed populist behaviour, PO (KO) more strongly. Keeping this in mind, the patterns of PO (KO) and the SLD would also meet the populist profile if shielding CA0. Hence, the profile question is not straight forward since PO (KO) and the SLD fall in-between the non-populist liberal and the populist groups. Instead of arguing for partially supporting the fourth expectation, it is worth pointing out that this may still imply some difference in character between Western and Central European parties¹²⁷. Another possibility is that opposition parties were not included in the studies in Albertazzi et al. (2021) and therefore present biased strategy patterns.

Overall, collecting evidence supporting three out of the four expectations demonstrates the robustness of the analysis.

¹²⁶ This is likely to apply also for parties across Europe.

¹²⁷ Here, recall that Albertazzi et al. (2021) only considered Western European case studies for the synthesising of strategy profiles according to the three party groupings. Hence, this may be biased and not apply to Central European examples.

2.3 Limitations

Despite the above analysis generating insights of particular significance for the further examination of Polish party competition, three challenges remain that ought to be addressed.

First of all, attention needs to be drawn to the operationalisability of the chosen strategy framework. As previously discussed in the theoretical chapter on responding strategies, a difficulty many strategies approaches face is a certain broadness causing a compromise on the precision of analysis. This circumstance is due to the fact that most frameworks employ broad theoretical conceptualisations or lack definitions. In potentially fitting frameworks for this analysis, this mainly concern the concept of populism. In addition, critical for these frameworks is also their logic of analysis. The majority of the generalisable frameworks follow a comparative logic as shown in the overview on strategy frameworks (see table 1, page 56). This renders these frameworks potentially unfitting for single-case studies (depth versus broadness). In contrast to this challenge, the framework for strategy analysis by Albertazzi et al. (2021) chosen for the above analysis claims to specifically evade these two central challenges proposing a typology suitable for both comparative and single-case studies most importantly. The above analysis, however, confounds this claim.

Already before the analysis, the issue of the employed definition of populism was raised in the theoretical chapter. Defining populism after Mudde (2004) remains too broad and is thus not suitable for a single-case study. Consequently, the base of the strategy framework with the minimal definition of populism (Mudde, 2004) had been exchanged with populism perceived as a political style (Moffitt, 2016b). While the framework by Albertazzi et al. (2021) proved practical to operationalise into a category-led coding manual in preparations for the examination, the framework did not perform smoothly in the content analysis. The provided definitions for the strategy categories proved too broad. This manifested in a conflict between the adversarial categories of *clashing* (CA2) and *co-optation* (CA4). Sporadically, this fostered a zebra-like pattern over paragraphs in the coding. This indicates a critical weakness of the employed framework lacking enough depth and precision in definitions to adequately cope with borderline cases. In order to minimise a potential coder bias, borderline cases have been systematically coded for as clashing (CA2). This may have fostered an overproportionately high score of clashing (CA2). At least, it secured a decent consistency. The received strategy profiles appear plausible as they do reflect consistency and are evidence similar to findings from other studies. Nonetheless, applying the framework for strategy analysis by Albertazzi et al. (2021) to the Polish case underlines the need for a more local approach when examining a

singular country context. It can be concluded that the reliability of the framework proposed by Albertazzi et al. (2021) remains rather low, certainly in light of a single-case analysis. Thus, questioning the applicability of this framework to single-case studies is justified and the need for further theoretical advancement obvious.

Secondly, a word of caution also needs to be dedicated to the quality criteria of the category-led content analysis. While intersubjectivity, transparency, and the range of applicability are granted with the detailed account and discussion of the analysis as well as the relevant material of procedures presented in the appendix, the validity remains an issue. Moreover, the quality criteria of validity for a qualitative content analysis in fact consists of two separate criteria: intercoder and intracoder validity. Due to the fact that this analysis has been conducted as a one-person project, the former could not be accounted for. However, the more attention was dedicated to the latter. For this purpose, the form of a category-led coding manual was chosen to systematise the analysis as far as possible ensuring consistency and objectivity. Furthermore, the entire material (n = 16 debates, 637 opposition statements) was coded twice following the initial pilot phase. More specifically, the material was once coded in its original language Polish and once coded closely translated into English. This was necessary as making sense of the material in its original language Polish proved rather complex at times. It must be acknowledged that not only the degree of command of the Polish language plays a significant role in a content analysis. A good command of Polish as a second language does not compare to a native language. The examination of debates provides latent content requiring subjective coder judgements which are determined by mentality. However, mentalities and interpretation vary. For example, often met in Sejm debates was a perceived irony and sarcasm. As this has been a content analysis of written material without audio, it appeared more difficult to tell irony or sarcasm apart from a greater sense of purpose in the transcribed speeches. Therefore, what may not have been a language barrier per se but more of a mentality difference is responsible for possible biases.

Lastly, it ought to be addressed that only the detection of trends lies within the scope of a qualitative study. Thus, a qualitative study may identify certain markers pointing into a possible direction, but the relationships among these markers or their causality remain mere suggestions. In other words, the findings do not provide as clear a picture than results of a correlation study do. In this context, it remains rather impossible to assess to what extent the strategy patterns of both examined opposition parties, PO (KO) and the SLD, are actual strategies or a mere path-dependency of reacting to PiS's issue ownership and current political domination which was suggested by Stanley (2016) examining the first populist PiS government 2005-2007. What is

more, the findings cannot be transplanted to other cases featuring different settings due to the individual context a single-case study exhibits. This is why the generalisationability of the findings remains limited.

3 Conclusion

3.1 Outlook for Polish Party Competition

Since 2015, Polish party politics have been stylised a battle against right-wing populism in academia with PiS and the United Right having come to power dismantling democratic institutions and violating core principles of liberal democracy, most notably the rule of law. Departing on the premise that liberal democratic actors are pressured to respond to anti-democratic forces, this thesis analysed the Polish rule-of-law debate through the prism of established liberal democratic opposition response strategies. This understudied and unique approach uncovered another, consequential trajectory to Polish party politics that challenges the popular conception of Polish party politics as a contestation between populists and non-populists.

Precisely, two questions guided this piece of research:

RQ1: What strategies has PO employed to respond to the populist right-wing PiS in rule-of-law debates in the Sejm 2015-2019?

RQ2: What strategies have KO and SLD employed to respond to the populist right-wing PiS in rule-of-law debates 2019-2023?

The analysis concentrated on how the two biggest established liberal democratic opposition parties, PO (KO) and SLD, strategically responded to the Polish case of right-wing populism. Responding sets the emphasis on acting. Thus, populism was given the performative definition of “*a political style that features an appeal to ‘the people’ versus ‘the elite’, ‘bad manners and the performance of crisis, breakdown or threat’*” (Moffitt, 2016b: 45). While the rule-of-law debates were expected to reveal the pronounced difference between PiS (acting populist), PO (KO) and the SLD (counteracting), they generated surprising evidence of performative commonalities. Employing the strategy framework by Albertazzi et al. (2021), both PO (KO) and the SLD demonstrated a populist behaviour matching the above definition. For the 2015-2019 legislature, PO followed the clear pattern of *qua actor* and policy clashing, followed by *qua actor* co-optation (populist behaviour) and filibustering. On the one hand, both *qua actor* and policy clashing appear to become a path-dependent default strategy of coping with ruling

right-wing populists. On the other, the dominating *qua actor* clashing by PO displays the prevalence of a personal conflict between both actors that is entirely detached from the rule-of-law debate concentrating on what could be referred to as a post-communist transition related settling accounts on who has the right to rule Poland. Additionally, the content of co-optation, however, revealed that PO not only reproduced PiS populist performance of division crisis and threat, but also distinctively crafted its own version of a populist style that was less aimed at resolving rather than enforcing the conflict. A feature that increased as the legislature advanced. Together, these observations find support in the contextual chapter that managed to carve out this duopoly between these two actors and the connected potential of a populist style of doing politics. In this regard, PO is no stranger to the populist style and behaviour. The rather directionless filibustering additionally highlights the lacking professionalism of PO. Cooperation was sporadically offered but did not show as serious attempts. Overall, the behaviour of PO resembled the one from PiS 2015-2019. It was in their programmatic choices and ideology where these two parties differed. Thus, the analysis shows the 2015-2019 legislative period showed to be a highly emotive stand-off between PiS and PO whereby the latter clearly engaged in quarrels rather than in constructive counteraction focusing on policies. Only one counteractive project has been presented to the Sejm which had been prepared by the Committee for the Defence of Democracy (in Polish: *Komitet Obrony Demokracji*, acronym KOD) and supported by PO.

In the 2019-2023 legislative period, the same strategy pattern (*clashing, co-optation, filibustering, co-operation*) proved to stay relevant, and that not only for KO but also for SLD. However, subtle but not insignificant changes became visible within the pattern. With SLD moving into parliament, a third player emerged moderating the duopoly between KO and PiS. The SLD's profile reveals that the party gave proportionally more weight to policy clashing and kept *qua actor* clashing as well as co-optation more contained than KO. This pattern positions SLD as an outsider to the duopoly between PiS and KO. Moreover, SLD shows to have the potential of an intermediary actor. Contrary to KO, SLD did not act as a 'total opposition' and criticised both PiS and KO. Together in the opposition confronted with the need to join forces to maximise the opposition's influence, KO was forced to cooperate with SLD on joint-bills or amendments. This circumstance appears to have had a moderating effect on KO. This is reflected in the party's profile with a slight but not unnoteworthy reduction in its populism. SLD strong policy clashing and relatively moderate cynicism seem to have adjusted parliamentary consultation on the issue of the rule-of-law debates. Despite that, also SLD displays a populist behaviour as its secondary asset. This demonstrates: current Polish party

poli-tics are not a contestation between non-populists and populists. Clear is that the first legislature was overall more emotive and frequently focused on quarrels concerning the past at the cost of losing the rule-of-law debates out of sight. The second legislative period saw the emergence of a third actor which led to a moderation within the opposition camp as well as to a realignment with the rule-of-law debates.

To acknowledge are two factors that interfered in the analysis. The first factor is the systemic weakness of the general opposition in the Polish parliamentary system. The present systemic configuration of Poland's took shape after 1989 in a climate where there was still a fear of a communist return. The communists then constituted the opposition. Hence, there was an interest in keeping the opposition associated with the communists as weak as possible. Times and parties have changed, also the former Polish communists, but the systemic disadvantage has stayed. A relict from the past, it compromises on the democratic control mechanisms an opposition should have nowadays. In addition, PiS marginalised the opposition further by reforming the Sejm procedures in 2017 considerably reducing the speech time to one minute and excluding the opposition entirely from consultation. PO (KO) showed to have adapted to this marginalisation 2015-2019 by instrumentalising the question functions to gain speech time. This was continued by both PO (KO) and SLD 2019-2023. Nonetheless, this factor affects the opposition insofar, as that it generally remained weakened which is likely to have affected strategic choices.

Further to address is the issue of the post-communist transformation that also affects the political elite. Democratic culture and code of conduct is a 'new behaviour' coming with the new system and is not endogenous to the Polish elite. High democratic culture and professionalism needs to be learnt. Therefore, it remains opaque, whether these 'bad manners', low standards culture and lacking professionalism are a pure characteristic of performing populism according to Moffitt (2016b). Likely also is the lack of internalisation of democratic behaviour by the elites, including the opposition.

Those factors influence on the final judgement and on the strategy patterns possible. Since this is not a correlation study, a definite answer cannot be produced. However, the trends point into the direction that the Polish case is more complex than a contestation between non-populists and populists. It is plausible that there is a certain path-dependency when it comes to available strategies to counter a populist incumbent. This is supported with the same responding strategy order of PO (KO) and SLD. Nuances within the strategy patterns suggest different objectives. While SLD attempted at countering PiS more constructively, PO (KO) demonstrated a conflicting behaviour on the populist-emotive side. From a strategic point of view, both parties

look to have perpetuated the entrenchment of populism as a mechanism of representation in Polish party competition.

Quo vadis, Polsko? Meanwhile, after eight years of PiS rule, the Polish opposition has managed to win the parliamentary elections in autumn 2023 and formed a new, pro-democratic government ousting PiS and the United Right. Strategically, it proved a productive decision for the pro-democratic opposition to compete as individual coalitions with separate lists. Like this, the opposition was able to channel votes shares through diverse streams drawing votes away from PiS. The agreement to form a *cordon sanitaire* against PiS among the opposition parties led to the strategic exclusion of PiS from government.

Now in government, the three-alliance coalition KO, New Left and Third Way has been ruling for about half a year. From a strategic point of view, the roles are now reversed. At present, the former pro-democratic opposition parties are in ruling position, whereas radical right PiS is the new major opposition player. Despite this change, the new government faces a complex rule. On the one hand, the Polish governmental system de facto is a semi-presidentialism. This means a bicephalic executive and a significant veto-influence by the Polish President, who remains Andrzej Duda (PiS) until next year. This compromises the ability of the government to move ahead with several reforms delivered as election promises which may foster voter disappointment. On the other hand, the government's configuration proves fragile. The coalition has already faced several internal conflicts due to ideological differences. The current government is also not a coalition between equals with an ambitious Prime Minister Tusk eager to absorb the power of his partners and expand KO. The local elections and the European elections 2024 highlight this intra-governmental power struggle with diminishing results for Third Way and New Left. Recently emerged coalitions with what looked like the potential to diversify Polish party politics, this shows that parties face a dilemma between *cordon sanitaire* and own survival. What is more, PiS won the local elections and came second in the European elections after KO. This demonstrates PiS's continuous relevance as a competitor. These recent developments reveal an interesting trend: KO and PiS remain the two strongest parties on the political landscape at the expense of the New Left and Third Way. Thus, it can be expected that the competition between KO and PiS continues to shape Polish party politics for some time.

The mechanism of representation shaping party competition appears to have changed in Poland since 2015 with radical right PiS championing the populist style of doing politics. The findings demonstrate that it is no longer a game between a populist and non-populist elite. Aligning the technocratic and populist mechanisms of representation not as mutually exclusive categories

but on a vis-à-vis continuum has shown that also the pro-democratic opposition frequently resorted to acting a populist style. In the Polish case, the technocratic and populist mechanisms of representation appear to extend each other possibly generating leverage for a party depending on how it combines these two approaches of doing politics. Evidence from across Europe suggests that the populist style of politics experiences popularity among electorates. The same applies for Poland. With PiS, a party came to power in 2015 that showed a dominance of the populist style over the technocratic one. An alignment which contributed to facilitating the party's competitiveness. In the following eight years, the second most popular strategy among PO (KO) and SLD responding to PiS has been the co-optation of the populist style. This implies that co-optation per se becomes a significant strategy to copy the other's competitive profile which maximises one's competitiveness whilst diminishing the opponent's strategy toolkit that has set it apart from other parties before. Hence, borrowing trending political styles seems a key strategy among Polish political actors. Like issue-ownership, the findings indicate a significance to the ownership of political style.

This is why the populist contestation is not over in Poland and is likely to further influence on Polish party politics. The recent salience of the populist mechanism of representation challenges all parties to adapt and to consider it for their strategic competition. Therefore, the strategy of exclusion can be seen as a temporary short-term solution and does not equal marginalisation. Marginalising the salience of PiS may happen in two ways: One scenario is that PiS chairman and chief strategist, Jarosław Kaczyński, retires from politics which is likely to have an impact on the party's cohesion. The other scenario is that political actors continue co-optation, recycle the PiS agenda and pair it with a reorientation of Polish politics. Nonetheless, marginalising an actor cannot be equalised with dismissing an appealing political style that can be instrumentalised as a strategic means to increase competitiveness. Time will tell as future events unfold.

3.2 Contribution to Party Response Research

As a qualitative single-case study pioneering opposition party response strategies, the contributions to the response strategy research are three-fold. First, the Polish case confounds the normative distinction of a populist versus non-populist contestation of politics dominating the party response literature. Conceptualising populism as a style of doing politics after Moffitt (2016b) proved a productive prism to analyse the current case of Polish party politics. The innovation lies in a centrality given to actions constituting a certain behaviour of a collective political actor which is contrary to other approaches departing on the premise that it is the behaviour of a political actor that determines his actions. Thanks to the assumption that actions constitute the behaviour, it becomes possible to accommodate populism on a continuum opposing technocracy. This opens the ground to account for political parties across the spectrum to resort to a dividing populist style of doing politics, performing crisis and threat, and trading professionalism for ‘bad manners’ capitalising on the effects of emotionalisation and scandalisation. The potential of this conceptual detail has been demonstrated here by linking it as the footing to the response strategy framework by Albertazzi et al. (2021). This conceptual connection premiered in this thesis unveiled that populist styles of doing politics are not confined to the radical right with PiS in current Polish party politics. In the Polish case, liberal democrats such as PO (KO) and SLD showed their own populist behaviour, even if to a different extent each. This once more highlights the significance of a technocracy-populism continuum for party response research. PO (KO) and SLD positioned themselves differently between these two styles of politics, hence also the nuances within the strategy patterns. Therefore, the first contribution yields the insight that analytical frameworks for response strategies need to move away from categorical conceptualisations of populism as underlying mechanisms and consider a continuum for a more adequate assessment also of pro-democratic parties and their strategies of doing politics.

Examining response strategies towards populist incumbents through the prism of the opposition, the second contribution to party response research is that analytical frameworks with different strategic sets are required for the study of opposition responses. While it makes sense to include strategies such as *dismissing*, *fusion*, or *marginalising* in frameworks tailored to analysing established parties’ responses to populist challengers, the Polish case suggests that these strategies become obsolete when tackling the opposition to a populist incumbent. In such a configuration, the opposition faces a marginalised position due to institutional reasons. Instead, ‘other strategies’ appear to gain significance. Especially, this seems to be the strategy

of *filibustering* as the Polish case has shown. This strategy replaces *dismissing* and *marginalising* in the context of the opposition because with a populist incumbent setting the agenda as well as the political style, *dismissing* or *marginalising* becomes impossible.

In keeping with strategies, the final contribution is the insight that the strategy of *co-optation* becomes crucial for opposition actors when responding to populists in government. This is supported by the finding that co-opting not only the incumbent's policies but also predominantly its behaviour, thus its style of doing politics, was an outstanding strategy employed by both PO (KO) and SLD. This implies that political style as the mechanism of representation is not only appealing to the electorate but also effective in party competition. Hence, *co-optation* of the incumbent's strategy can be understood as a significant opposition strategy aiming at manoeuvring itself from the political margins back to the centre of political competition increasing its competitiveness. This insight challenges the common argumentation in party response research that the convergence of incumbent and opposition behaviour in terms of populist style over time is entirely a path-dependency. This notwithstanding, caution is of essence also in the analysis of responding strategies as certain biases remain. The most consequential weakness uncovered in the employed framework by Albertazzi et al. (2021) proved to be the conceptual fluidity between the strategies *clashing* and *co-optation*. This imprecision has translated into borderline judgments which has compromised on the operationalisability and will have fostered minor biases. However, employing a content analysis proved fruitful in moderating these biases by providing context which informed the judgment of the scholar. To conclude, it ought to be acknowledged that a single-case study comes with a limited generalisability of findings. But since similar political developments are to be found across Europe it is likely that the insights and advances for party response research deduced from the Polish case find support elsewhere.

In terms of further research, addressed need be the academic inconsequence which the contextual chapter and the analysis above have carved out: populism as a style is present across the political spectrum in Poland. Before PiS came to power in 2015, PO (KO) already employed a populist style of doing politics with "*straszenie PiSem*". The research negligence lies in the fact that PO (KO), or also SLD for that matter, have so far not been analysed and treated as comprehensively. In the Polish case, populism has been reserved and connected to the right with candidates like PiS. To a degree, this makes sense since radical right-wing forces are potentially harmful to democracies. Nevertheless, the behaviour of pro-democratic parties like PO (KO) or SLD equally matters. It is the behaviour of such parties that is also bound to have an impact on the character and quality of party politics. Thus, more contributions on PO (KO)

and SLD are needed. Especially, since the latter appears strategically promising as to what looks like an established third force playing outside the ‘main game’ between PO (KO) and PiS. Further research regarding responding strategies of Polish parties should also include quantitative designs that may be able to enlighten on how much other factors interfere. Another productive link are comparative studies regarding responding strategies between established actors (PO (KO), SLD) and newcomers (Together, Spring, Poland 2050). Further, comparative studies also contribute to uncovering commonalities and differences between CEE party strategies and Western European patterns. Finally, further potential lies in studies bridging responding strategy with institutionalist approaches. As uncovered above, a systemically weak positioning of the opposition in Poland’s Sejm suggests certain limitations to responding options and mechanisms. Whilst this may have been a favourable design to keep the communist opposition contained, it is now a post-communist relict that it worth reassessing for the further political development of Poland.

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Appendix

The Polish Rule-of-Law Crisis

One cannot examine the rule-of-law debates without being acquainted with the trajectory, scope and impact of PiS chairman Kaczyński's priority for judicial reforms under the pretext of a new and just sovereignty for the country. Allegedly aiming at de-communising the last remaining realms in Polish post-communism, PiS accomplishes Poland's transition, a promise neglected by previous elites (PiS, 2018; Prawo i Sprawiedliwość, 2014: 15-72). A process unleashed at an unprecedented speed with a glut of new laws and amendments instrumentalising extraordinary parliamentary procedures, the PiS reform of is a complex matter. The judicial reform has taken place over the course of two consecutive PiS tenures and seen its most intense period from 2015 to 2017. This outline presents the key developments and laws passed to foster and understanding of what is at stake regarding the Polish judiciary. The following three sections are organised according to the three levels of the Polish judiciary affected by PiS's orchestrated judicial reform and the matters' chronological order as far as possible.

The Constitutional Tribunal

Precisely, the rule-of-law dispute had already gained momentum before PiS came to power in October 2015. Between the presidential elections in the spring and the parliamentary elections in autumn, the PO-PSL coalition government adopted a provision concerning the election procedure for the successors of retiring Constitutional Tribunal (CT) (in Polish: *Trybunał Konstytucyjny*) judges. The provision from the 25th of June enabled the ruling coalition to unilaterally nominate and elect candidates for the judges' posts expiring in 2015¹²⁸. Concretely, five of the six judges' offices previously nominated by the PiS government 2005-2007 were due to expire in October and December. In addition, PO was facing a recession in public polls by then which made the scenario of PiS also winning the parliamentary elections realistic. After the presidential victory of PiS candidate Andrzej Duda and his assumption of office in August, PO-PSL elected the successors for the five to become vacant posts two weeks before the parliamentary elections. In this case, the actions undertaken by PO-PSL imply an attempt to

¹²⁸ The CT bench comprises of 15 judges who are elected for a singular nine-year term. At the time of PO-PSL enacting the provision, the composition of the bench was 6 judges previously nominated by the PiS government and its coalition partners 2005-2007, and 9 judges nominated by the successive two PO governments and its coalition partners.

install their own nominees in one of the most important institutions of the Polish judicial branch securing their own interests before PiS gets chance to nominate an entirely PiS-affiliated bench. However, President Duda refused the swearing in of the five newly elected judges. Instead, the new PiS-led government brought the case before the CT and had a convenient public legitimisation for the necessity of offsetting a comprehensive judicial reform. On the one hand, the ruling stated that the election of three judges was constitutional. On the other hand, the nomination of the two remaining candidates was ruled unconstitutional as the expiration of those offices (December) fell into the period of the new government. Contrary to the CT ruling, the new government elected five candidates who were immediately sworn in by President Duda in the same night at half past one in the morning on the 25th of November 2015. The CT intervened and ruled the amendments by PiS unconstitutional. Generally, CT judgements are final as well as binding and ought to be published in the Official Gazette¹²⁹ by the Prime Minister's Office. However, there was no publication, and the judgement was entirely ignored by PiS. Instead, PiS pushed several more acts on the CT through the Sejm in order to adjust the CT to the party's vision. In total, the party implemented six so-called 'remedial bills' concerning the CT over the course of a year, 2015-2016. The following outlines the most crucial changes. In the end of June 2016, an act on the CT was adopted by the ruling majority in the Sejm comprising of several far-reaching laws. First, there was the quorum law reducing the number of judges required for the full court from 13 to 11 judges. Additionally, the two-third majority for decisions was abolished. Alternatively, the position of the CT president was strengthened equipping the president with the power to unilaterally declare a case as complex and to require for a case to be heard by the full court without. This presidential power lacked a provision for a mechanism to be overruled or vetoed. Furthermore, the law included the provision that groups of three judges can make the call for a case to be treated in full court.

Secondly, the June act granted more personal power to top-level chief positions. The Prosecutor General gained influence over CT procedures as full court hearings were now required to include him. In other words, the Prosecutor General's absence *de facto* gave him the ability to block proceedings and laws. This can be seen as a precarious development since the Polish law renewed under PiS sees the Prosecutor General as the Minister of Justice *ex officio*. Further, considerable discretion was also granted to the Polish President in appointment procedures of CT judges. In line with this, a provision was added enabling a group of three judges to suggest a new candidate judge to the President. The Sejm was empowered to recall judges. The CT

¹²⁹ In Polish: *Monitor Polski*.

president was ascribed the power to change the order of cases in exceptional circumstances¹³⁰. Moreover, the formalities of the publishing of the rulings as the competence of the CT president were reorganised. Instead of ordering the publishing of the judgements by the authorities, the CT president was defined to be able to simply request publishing. This gave the publishing authorities (Prime Minister's Office) the right to decline the request to publish rulings in the Official Gazette. On the 16th of August 2016, CT rulings were published for the first time after PiS took office. However, it was a 'pseudo' publication. The wording of the publication had been altered and did not comply with formalities. The term 'conclusions' referring to the judgments was replaced with 'findings'¹³¹. Thus, CT rulings were argued as mere recommendations by the ruling majority and therefore not binding.

On the 19th of December 2016, the office of the formerly PO-PSL elected CT president, Andrzej Rzepliński, expired. Following questionable accelerated procedures, Rzepliński was replaced by PiS candidate Julia Przyłębska, already having been a regular CT judge since 2015. She was sworn in by President Duda two days later. It was under Przyłębska that two of the most contested decisions were issued¹³² (Bucholc & Komornik, 2016; Rojhan Gustafsson & Omtzigt, 2020; Sadurski, 2019: 55-88). In the beginning of December 2019, two controversial figures and former PiS MPs, Krystyna Pawłowicz and Stanisław Piotrowicz, were sworn in by President Duda as CT judges (Trybunał Konstytucyjny, 2019). Ultimately, the PiS-led government managed to fill all 15 seats of the CT with loyalists by 2021 (Trybunał Konstytucyjny, 2022).

The Supreme Court

The most relevant changes to the Supreme Court (in Polish: *Sąd Najwyższy*) were enacted with the presidential Act on the Supreme Court on the 20th of December 2017. To understand the scope of the implemented changes, the Supreme Court is the highest judicial authority of the ordinary and military jurisdiction in Poland. Moreover, the Supreme Court also verifies the validity of the parliamentary election results. The presidential act foresaw the creation of two new additional chambers to the Supreme Court¹³³: a disciplinary chamber as an internal

¹³⁰ Defined as either a threat to a citizen's personal freedoms, a threat to the national security or danger to the constitutional order. Other than that, the consideration of cases was redefined to follow the order of their filing.

¹³¹ In Polish: *rozstrzygnięcia* versus *wyroki*.

¹³² This concerns the total abortion ban in 2020 and the subordination of EU law under Polish domestic law in 2021.

¹³³ Before the presidential Act on the Supreme Court, the Supreme Court was composed of three chambers: civil matters, criminal matters, labour and social security matters.

accountability mechanism for Supreme Court judges and a chamber for extraordinary appeals¹³⁴ as well as electoral and public disputes. The latter additionally received the competence to assess the results of European Parliament elections. For both chambers, lay members were added to the benches. Both chambers were also defined as hierarchically superior in the relation to the regular chambers. According to the regulating provision, the lay members are selected by the Senate for a four-year term. They are not required to have any legal knowledge or education and do not need to prove secondary education either. The president of the Supreme Court received full discretion in the appointment of the lay members. The judges for those new chambers are selected by the National Council of the Judiciary.

The disciplinary chamber consists of 15 judges. The new regulation requires a parliamentary committee to prepare a list recommending 15 candidates. They are to be elected by the Sejm with a three-fifth majority. The prolongation of employment for a judge is confirmed by the Sejm with an absolute majority should a three-fifth majority not be achieved. For a result, exclusively PiS-loyal judges have been elected to the disciplinary chamber. The chamber controls the judges and disciplines them, also at the request of the Justice Minister. Disciplinary measures comprise of fines, salary reductions or exclusion from position. Motivations for the exclusion of judges have been political activity, advocacy for the independence of benches or dealing with sensitive cases involving individuals close to the government.

Concerning the chamber for extraordinary appeals, its defined task is to revise legally binding judgements issued by other Polish courts, including the regular chambers of the Supreme Courts itself. The competence of initiating appeals lies with the Minister of Justice and the ombudsman. A defined transition time of three years allowed for the possibility to reopen any case issued after the 17th of October 1997. Since the expiration of this transition time, criminal cases can be appealed to be reopened no longer than six months after the final ruling. A five-year limit is set for all other cases.

This is a rather problematic development. Essentially, it means that no judgement is ever final anymore in the Polish justice system and can be appealed until the desired ruling is achieved. Furthermore, this newly established chambers de facto act like a second court within a court creating a parallel judicial system to the actual Polish judiciary. This parallel judicial system was clearly designed to serve the ruling PiS elite. This also reflects in the fact that salaries in the new second chamber were raised to be higher than in the other chambers.

¹³⁴ The regulation does not clearly define the term extraordinary appeal. It is merely suggested that in case of suspected social injustice such an appeal can be initiated.

Another provision in the act revised the retirement conditions for Supreme Court judges. The retirement age was reduced from 70 years to 65 years for both genders. A clause defined the amended retirement age to have a retroactive character applying also to sitting judges including the Supreme Court president at the time, Małgorzata Gersdorf. In total, this new provision affected 27 judges at the time of coming into force. The government's argument was the need to de-communise the Supreme Court removing former communist collaborators¹³⁵. This apart, the President of Poland was granted full discretion in the decision which judges can continue working after reaching the retirement age without a possibility to appeal. While 12 Supreme Court judges had applied for extension, President Duda only granted extensions in five cases. However, this retroactive early retirement mechanism was reversed on the 21st of November 2018 because of pressure and the fact that the term duration for Supreme Court judges is set in the constitution. Nonetheless, the presidential Act on the Supreme Court from 2017 also revised the position of the Supreme Court president. Firstly, the President of Poland received the competence to determine and appoint the Supreme Court president selecting from a list of five candidates proposed by the General Assembly of the Supreme Court. Secondly, the Supreme Court president was ascribed the discretionary powers in disciplinary proceedings and the composition of benches. In 2020, Supreme Court president Gersdorf was succeeded by PiS-ally Małgorzata Manowska (Rojhan Gustafsson & Omtzigt, 2020; Sadurski, 2019: 106-115).

The General Judiciary and Common Courts

The National Public Prosecutor Office (NPPO) (in Polish: *Prokuratura Krajowa*) was reformed in January 2016. On the 24th of December 2015, the NPPO reform was packaged and presented as an MP project to the Sejm, thus evading formal public consultation. The Prosecution Service was rendered accountable to the executive with the Minister of Justice. This means that the Prosecutor General and the Minister of Justice became the same person de facto and de jure. On the one hand, this equipped the Minister of Justice with powers to intervene in ongoing cases. Intervention was defined as having the right to access case files as well as the ability to request additional operational or investigative procedures and instruct the judges. On the other hand, the Minister of Justice was granted the right to inspect the activities of disciplinary courts. The competences of reproofing or remedying transgressions enabled him to directly influence

¹³⁵ In contrast, a report by the Council of Europe revealed that decommunisation had taken place in 1990 replacing 80 per cent of judges. Further the report noted that at the time of the act passed in 2017 only one individual with affiliations to the communist past was left in the Supreme Court (Rojhan Gustafsson & Omtzigt, 2020).

judges' careers. At least 114 prosecutors have been seconded from the general office to regional offices by January 2020¹³⁶. There have also been secondments of so-called delegated prosecutors in order to bypass existing appointment procedures and install staff in regional offices as reward for their loyalty. In this fashion, also the National Prosecution Service was considerably politicised at the expense of democratic impartiality.

In July 2017, the relevant Act on the Organisation of the Common Courts was passed. The act mainly concerned the further expansion of competences ascribed to the Minister of Justice as well as the alteration of organisational structures. Regarding the former, the Minister of Justice was granted further excessive powers over the recruitment of court presidents, disciplinary proceedings against judges and over the internal configuration of courts. Introduced was a six-month transitional period whereby the Minister of Justice received full discretion to appoint or dismiss court presidents and their vice presidents without the possibility to appeal. This provision produced a wave of dismissals concerning 160 individuals. A further provision saw the implementation of a so-called post six-month period in which the Minister of Justice was required to justify his appointment decisions. In 2018, this was again amended and requires the Minister of Justice to consult the college of court and in case his decision is overruled, the final decision is made by the National Council of the Judiciary (in Polish: *Krajowa Rada Sądownictwa*, acronym KRS) with a two-third majority. In addition, the Minister of Justice was authorised to admonish and fine judges for alleged mismanagement based on newly introduced annual reports. By provision, the salaries were subjected to be raised or cut up to 50 per cent depending on the content of the annual report. Furthermore, there is no provision for a mechanism to appeal for the judge concerned. Evidence suggests that disciplinary proceedings have increased under Justice Minister Zbigniew Ziobro. In terms of the latter, the retirement age for judges has been lowered from 67 years to 65 years for men, and to 60 years for women respectively. The retirement age was adjusted in 2018, setting it to 65 years for both genders, but adding an option for women to retire at the age of 60. Applying for prolongation of employment until the age of 70 is possible but requires a medical certificate and an approval by the National Council of the Judiciary¹³⁷.

¹³⁶ Most of these prosecutors are known to have dealt with sensitive cases that have, at times, also involved individuals affiliated with or close to government personnel.

¹³⁷ The National Council of the Judiciary was subjected to a restructuring reform in late 2017 whereby the election procedure of 15 (out of 25) judges was allegedly 'democratised'. In reality, the new election procedure naming the Sejm to vote and appoint the 15 judges with a 3/5 majority paved the way for another control mechanism for the PiS-majority legislative to gain influence over installing loyal judges. In other words, the KRS was much rather politicised than democratised to serve the ruling PiS (Regalski, 2020). Therefore, the opposition started referring to the National Council of the Judiciary as the "*neo-KRS*", a newly politicised PiS body not coming after its intended function which is to monitor the independence and impartiality of judges.

Overall, these changes to the general judiciary resulted in over 600 vacancies in Polish courts nation-wide by May 2018. Only 32 prolongations out of 130 applications had been granted and 98 individuals were forced into early retirement. In one and a half years, approximately 1174 disciplinary investigations against judges had been initiated of which 71 cases were opened, 34 brought to court and 19 adjudicated. The Piebiak affair¹³⁸ exposed in August 2019 is one example indicating smear campaigns orchestrated by the Ministry of Justice against independent judges (Rojhan Gustafsson & Omtzigt, 2020; Sadurski, 2019: 96-99, 115-126).

A Portrait of Law and Justice (PiS)

PiS was born in 2001 amid the collapse of the AWS. Keeping in the tradition with the AWS, the party's profile originally reflected a relatively moderate conservatism with a pronounced anti-communism. PiS was founded by Jarosław Kaczyński but was led by both brothers with Lech Kaczyński acting as the party's formal leader until 2005. In 2002, Lech was unexpectedly elected mayor of Warsaw which boosted his popularity among the electorate. Already at that time, the Kaczyński brothers had been experienced political actors well acquainted with the Polish system¹³⁹. Moreover, PiS can be treated as an indirect successor of or at least with ties to the Civic Accord (in Polish: *Porozumienie Centrum*, acronym PC). Active during the 1990s, it was the first party the Kaczyński brothers founded in post-communist Poland. PC was formed in 1990 after the brothers had experienced alienation from Solidarity's powerful liberal government wing which did not harmonise with their conservative and staunch anti-communist views. This shows that from the start of the Third Republic, the brothers were ideologically much closer to the conservative wing of Solidarity. Thus, PC affiliated itself with the latter fraction of Solidarity which gave the party a clear position within the post-communist divide. PC was a member of government from 1991 to 1993. After 1993, it spent the remaining years in opposition. The party was of low political significance before its dissolution in 2001. Similarly to PC, the Kaczyński brothers also positioned PiS within the post-communist divide initially (Fomina, 2019: 132-133; Stanley, 2020: 172-175; Stanley & Cześniak, 2019: 72-74).

¹³⁸ Social media chat conversations between Łukasz Piebiak (Vice Minister of Justice at the time) and the wife of a high-profile judge called Emilia were published. The exposed messages contained sensitive and personal information potentially causing harm to no less than 20 judges. Investigative journalism suggests a smear campaign directed by the Ministry of Justice supporting its own troll farm (Gańczyńska, 2019).

¹³⁹ Both Kaczyński brothers were active member in the Polish underground movement against the communist rulers before Solidarity had been established. Then, both became active members of Solidarity and participated in the Round Table negotiations and transitioned as politicians or government officials into the politics of the Third Republic.

A Portrait of the Civic Platform (PO)/Civic Coalition (KO)

PO was also formed in 2001, but amid the collapse of the Freedom Union (in Polish *Unia Wolności*, acronym UW). This instigates that also the founders of PO were anything but newcomers to Polish party politics. Among them, PO's most prominent figure was co-founder Donald Tusk. He too was an active member in the Solidarity movement before departing to form the Liberal Democratic Congress (in Polish *Kongres Liberalno-Demokratyczny*, acronym KLD) in 1990¹⁴⁰. A year later in 1991, Tusk became the leader of the party. Ideologically, the KLD pursued a profile of pragmatic liberalism. It entered the parliament in the 1991 elections but occupied the opposition to Olszewski's government which was supported by Kaczyński's PC. In 1993, the party lost its seats and merged with the Democratic Union (in Polish *Unia Demokratyczna*, acronym UD) founding the Freedom Union. Tusk also received a leading position emerging as a deputy leader in this new political formation. In the last legislative period of the 1990s (1997-2001), the Freedom Union formally entered coalition with AWS but withdrew from it in 2000. In 2001, Tusk instigated a coup against UW leader Bronisław Geremek. Eventually, the coup failed, and a defeated Tusk left the party with his supporters in tow to form liberal-conservative PO, a pronounced pro-European and free market enthusiast (Stanley, 2020: 172-176).

¹⁴⁰ Tusk entered the politics of the underground in the late 1970s as a student in Gdańsk. He established an independent student association with affiliation to Solidarity, thus becoming a leader. He was also member of a grouping of liberal intellectuals, the Gdańsk Socio Economic Circle evolving around the publication *Przegląd Polityczny* (Stanley, 2020: 176).

Material Collection Parliamentary Rule-of-Law Debates Sejm Archive

Legislative Period 2015-2019

Date	Number	Content
1. 17 Dec. 2015	05_c_2015	Punkt 22 Trybunał konstytucyjny
2. 22 Dec 2015	06_b_2015	Punkt 8 Trybunał konstytucyjny
3. 10 June 2016	20_c_2016	Punkt 35 Trybunał konstytucyjny
4. 09 June 2016	20_b_2016	Punkt 19/20/21/35 Trybunał konstytucyjny
5. 07 July 2016	22_c_2016	Punkt 32 Trybunał konstytucyjny
6. 06 July 2016	22_b_2016	Punkt 32 Trybunał konstytucyjny
7. 05 July 2016	22_a_2016	Punkt 2 Trybunał konstytucyjny
8. 25 Nov 2015	02_a_2015	Punkt 9/10/11/12/13 Trybunał konstytucyjny
9. 19 Nov 2015	01_e_2015	Punkt 15 Trybunał konstytucyjny
10. 06 Oct 2016	27_c_2016	Punkt 15 Trybunał konstytucyjny
11. 05 Oct 2016	27_b_2016	Punkt 15 Trybunał konstytucyjny
12. 04 Nov 2016	29_b_2016	Punkt 7 Trybunał konstytucyjny
13. 02 Dec 2016	31_d_2016	Punkt 41 Trybunał konstytucyjny
14. 01 Dec 2016	31_c_2016	Punkt 41 Trybunał konstytucyjny
15. 29 Nov 2016	31_a_2016	Punkt 7 Trybunał konstytucyjny
16. 13 Dec 2016	32_a_2016	Punkt 4 Trybunał konstytucyjny
17. 24 May 2017	42_a_2017	Punkt 3 Sądy powszechne
18. 07 June 2017	43_a_2017	Punkt 3 Sądy powszechne
19. 12 July 2017	45_c_2017	Punkt 29/30 Sądy powszechne
20. 18 July 2017	46_a_2017	Punkt 2 Sądy powszechne
21. 20 July 2017	46_c_2017	Punkt 2 Sądy powszechne
22. 22 Nov 2017	52_a_2017	Punkt 9/10/11 Sądy powszechne + rada sądownictwa
23. 06 Dec 2017	53_a_2017	Punkt 5/6 Sądy powszechne + rada sądownictwa
24. 08 Dec 2017	53_c_2017	Punkt 5/6 Sądy powszechne + rada sądownictwa

25. 11 Apr 2018	61_a_2018	Punkt 1 Sądy powszechne + rada sądownictwa
26.	61_b_2018	Punkt 16 Sądy powszechne + rada sądownictwa
27. 21 Nov 2018	72_a_2018	Punkt 3 Sąd najwyższy
28. 13 Mar 2019	78_a_2019	Punkt 8 Trybunał konstytucyjny

Legislative Period 2019-2023

Date	Number of Debate	Content
1. 21 Nov 2019	01_d_2019	Punkty 18/19/20 Trybunał konstytucyjny + krajowa rada sądownictwa
2. 19 Dec 2019	02_b_2019	Punkt 19 Sąd najwyższy
3. 20 Dec 2019	02_c_2019	Punkt 24 Sąd najwyższy + sądy powszechne
4. 12 Feb 2020	05_a_2020	Punkt 5 Trybunał konstytucyjny
5. 24 July 2020	15_c_2020	Punkt 26 Krajowa rada sądownictwa
6. 24 Feb 2021	26_a_2021	Punkt 3 Sąd najwyższy
7. 25 Feb 2021	26_b_2021	Punkt 26 Sąd najwyższy
8. 24 Mar 2022	51_b_2022	Punkt 15/16/17/18/19 Sądownictwo
9. 25 May 2022	55_a_2022	Punkt 2a Sąd najwyższy
10. 09 June 2022	56_b_2022	Punkt 23 Krajowa rada sądownictwa
11. 11 Jan 2023	70_a_2023	Punkt 2 Sąd najwyższy

Coding Manual Category-led Content Analysis

Coding Manual Oppositional Responding Strategies Towards PiS Populism			
Dismissive Strategy			
Category	Definition	Prime example	Coding rules
CA1 Dismissing	<p>Party A finds policy of, or entire party B should be discounted.</p> <p>Party A may fear party B as actor and wants to deflect and remains committed to its own principles ignoring party B.</p> <p>Can function if Party B is a new challenger.</p> <p>If party B is already established and has issue ownership it translates into an advantage for party B and party A disadvantages itself.</p>	<p><i>*hypothetical*</i></p> <p>PO (KO) and/or SLD do not respond to the blatant far-right populism as well as policies such like promoted by PiS, for example the exacerbation of the separation of powers.</p>	
Adversarial Strategy			
<p><i>Party A declares 'hostility' to party B in its entirety or to policy stances when party B is already so salient that ignoring is not an option anymore.</i></p> <p><i>'Hostility' can be declared in three different ways:</i></p>			
Category	Definition	Prime example	Coding rules
CA2 Clashing	<p>Party A actively engages party B (policies or actor) in order to weaken party.</p> <p>Party A actively opposes party B in parliamentary debates or engages Party B qua actor in quarrels over character and credibility of the latter.</p>	<p><i>*hypothetical*</i></p> <p>PO (KO) and/or SLD verbally discredit PiS for their interpretation of the rule of law.</p>	
CA3 Marginalisation	<p>Party A either ostracises party B or silences it by introducing restrictions on public funding, access to media or initiates party ban.</p>	<p><i>*hypothetical*</i></p> <p>PO (KO) and/or SLD win parliamentary majority and exclude PiS from the government and limit the latter's access to public media.</p>	
CA4 Co-optation	<p>Party A strives to become more like party B (copying features or policies without cooperation) to occupy political space and weaken party B.</p>	<p><i>*hypothetical*</i></p> <p>PO (KO) and/or SLD copy populist style (polarisation and division), social welfare policies and far-right stances such as Euroscepticism, abortion ban, state centrism etc. from PiS.</p>	
Accommodative Strategy			

<i>Party A strives to collaborate with party B in its own interest 'welcoming the opponent as a partner'. Parties A and B work together either genuinely or based on an agreement to achieve X but without positional convergence:</i>			
Category	Definition	Prime example	Coding rules
CA5 Cooperation	Parties A and B cooperate on policy stances through joint action in different arenas or on different levels.	<i>*hypothetical*</i> PO (KO) and/or SLD cooperate with PiS to achieve the suspension of the Art. 7 procedures against Poland on the EU-level. KO and/or SLD cooperate with PiS for more local self-government on the regional level.	
CA6 Fusion	Exclusively between actors: party A and party B join forces on a more permanent basis creating new identity.	<i>*hypothetical*</i> PO (KO) and/or SLD join forces with PiS for a comprehensive reformation of the Polish state.	
Other Strategies <i>Acting patterns of party A towards party B that are equally salient but not included in the theoretical approach by Albertazzi et al. (2021).</i>			
Category	Definition	Prime example	Coding rules
CA0 Other	Party A employs a strategy that cannot be allocated to any of the above described and theory-based categories.		

*Party A stands for the two biggest established Polish opposition parties PO (KO) and SLD.

** Party B refers to the current Polish radical right populist incumbent PiS.

Evaluation Template Coding Results Frequency

2015-2019 legislative period accounting for PO (KO)

Dismissive Strategy		
Category	Category name	Frequency
CA1	Dismissing	0

Adversarial Strategy		
Category	Category name	Frequency
CA2	Clashing	230
CA3	Marginalisation	0
CA4	Co-optation	78

Accommodative Strategy		
Category	Category name	Frequency
CA5	Cooperation	2
CA6	Fusion	0

Other Strategies		
Category	Category name	Frequency
CA0	Other	57

2019-2023 legislative period accounting for both PO (KO) and SLD

Dismissive Strategy		
Category	Category name	Frequency
CA1	Dismissing	0

Adversarial Strategy		
Category	Category name	Frequency
CA2	Clashing	185
CA3	Marginalisation	0
CA4	Co-optation	56

Accommodative Strategy		
Category	Category name	Frequency
CA5	Cooperation	5
CA6	Fusion	0

Other Strategies		
Category	Category name	Frequency
CA0	Other	24

List of Sejm MPs Speaking in Rule-of-Law Debates

List of PO (KO) MPs with speeches in Sejm 2015-2023

Name	Profession	Birth year	Age in 2024
Adam Cyrański	engineer, entrepreneur	1960	64
Agnieszka Hanajczyk	jurist	1963	61
Agnieszka Kołacz-Leszczynska	local government representative	1972	52
Agnieszka Pomaska	politologist	1980	44
Aleksander Miszalski	entrepreneur	1980	44
Andrzej Szewiński	officer	1970	54
Anna Białkowska	teacher	1971	53
Anna Nemś	MP	1964	60
Anna Wojciechowska	?	1960	64
Arkadiusz Marchewka	economist	1886	38
Arkadiusz Myrcha	jurist, local government official	1984	40
Artur Dunin	geodesist	1969	55
Artur Łącki	local government officer	1961	63
Barbara Dolniak	jurist	1960	64
Bartłomiej Sienkiewicz	historian, publicist	1961	63
Borys Budka	legal counsel, economist	1978	46
Bożena Kamińska	economist, local government official	1965	59
Cezary Grabarczyk	advocate	1960	64
Cezary Tomczyk	politologist	1984	40
Czesław Mroczek	jurist	1964	60
Elżbieta Gapińska	pedagogue	1960	64
Ewa Drozd	pedagogue, local government official	1963	61
Ewa Kolodziej	local government official	1978	46
Gabriela Lenartowicz	local government official	1960	64
Grzegorz Furgo	cultural manager	1957	67
Grzegorz Raniewicz	MP	1970	54
Grzegorz Rusiecki	jurist	1983	41
Grzegorz Schetyna	MP	1963	61
Henryka Krzywonos-Strycharska	office typist	1953	71
Iwona Maria Kozłowska	pedagogue	1963	61
Izabela Leszczyna	teacher	1962	62
Jacek Protas	politician	1964	60
Jacek Protasiewicz	philologist-polonist	1967	57
Jakub Rutnicki	politician	1978	46
Jan Grabiec	MP	1972	52
Jarosław Marciniak	politologist	1980	44
Joanna Augustynowska	economist, jurist	1979	45
Joanna Frydrych	economist	1978	46
Joanna Jaškowiak	solicitor	1965	59
Józef Lassota	engineer, local government official	1943	81
Kamila Gasiuk-Pihowicz	jurist	1983	41
Katarzyna Osos	Law	1980	44
Killion Munyama	economist	1961	63
Kinga Gajewska(-Plochocka)	jurist, politologist	1993	31
Krystyna Skowrońska	administrative officer	1954	70
Krzysztof Brejza	jurist	1983	41

Krzysztof Gadowski	transport engineer	1962	62
Krzysztof Grabczuk	university lecturer	1962	62
Krzysztof Piątkowski	historian	1969	55
Krzysztof Truskolaski	economist	1990	34
Leszek Ruszczyk	economist	1959	65
Lidia Gądek	doctor	1967	57
Magdalena Filiks	economist	1978	46
Małgorzata Chmiel	architect	1953	71
Małgorzata Niemczyk	economist	1969	55
Małgorzata Pępek	economist	1961	63
Marcin Kierwiński	electro engineer	1976	48
Marcin Święcicki	sociologist	1947	77
Marek Hok	gynaecologist	1953	71
Marek Krząkała	teacher	1967	57
Marek Rząsa	teacher	1957	67
Marek Sowa	economist	1967	57
Maria Małgorzata Janyska	economist	1962	62
Marta Golbik	economist	1985	39
Marta Wcisło	entrepreneur	1969	55
Marzena Okla-Drewnowicz	MP	1972	52
Mateusz Bochenek	local government officer	1993	31
Michał Jaros	MP	1981	43
Michał Stasiński	jurist, entrepreneur	1968	56
Michał Szczerba	sociologist, local government official	1977	47
Mirosław Suchoń	economist	1976	48
Monika Rosa	politologist	1986	38
Monika Wielichowska	local government official, NGO	1973	51
Norbert Obrycki	university lecturer	1972	52
Paweł Bańkowski	economist	1969	55
Paweł Kowal	university teacher	1975	49
Piotr Benedykt Zientarski	MP, advocate, jurist	1952	72
Piotr Cieśliński	economist	1978	46
Rafał Grupiński	teacher	1952	72
Rafał Trzaskowski	politologist, mayor of Warsaw	1972	52
Rajmund Miller	doctor	1954	70
Robert Kropwinicki	jurist, politologist	1974	50
Ryszard Wilczyński	local government official, former voivode	1960	64
Sławomir Neumann	economist	1968	56
Sławomir Nitras	politologist	1973	51
Tomasz Głogowski	university lecturer	1974	50
Tomasz Kostuś	politologist	1974	50
Tomasz Lenz	historian	1968	56
Tomasz Piotr Nowak	MP, philologist	1956	67
Tomasz Szymański	MP	1978	46
Włodzimierz Nykiel	jurist, academic	1951	73
Wojciech Król	?	1985	39
Wojciech Wilk	?	1972	52
Zbigniew Ajchler	farmer, local government official	1955	69
Zbigniew Konwiński	manager	1974	50
Zofia Czernow	MP	1950	74
			57.07

List of SLD MPs with speeches in the Sejm 2019-2023

Name	Profession	Birth year	Age in 2024
Agnieszka Dziemianowicz-Bąk	pedagogue	1984	40
Anita Sowińska	economist	1973	51
Anna Maria Żukowska	jurist	1983	41
Beata Maciejewska	educator	1968	56
Dariusz Wiczorek	electro engineer	1965	59
Jacek Czerniak	politologist	1964	60
Jan Szopiński	officer	1957	67
Katarzyna Ueberhan	philosopher	1975	49
Krzysztof Gawkowski	university lecturer	1980	44
Krzysztof Śmiszek	jurist, university lecturer, human rights activist	1979	45
Małgorzata Sekuła-Szmajdzińska	advocate	1956	68
Rafał Adamczyk	local government officer	1974	50
Tadeusz Tomaszewski	MP	1959	65
Tomasz Trela	economist	1979	45
Wanda Nowicka	activist	1956	68
			53.8

Source of information: <https://www.sejm.gov.pl/sejm9.nsf/poslowie.xsp?type=P>.

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