

# The Polish Law and Justice Party's Strategic Approach to Its Relationship With the European Union

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## Introduction

I<sup>N</sup> FEBRUARY 2020, MICHAEL MEYER-RESENDE OF Democracy Reporting International warned that “the Law and Justice government is on a collision course with EU law, but instead of slowing down, it has accelerated the pace.”<sup>1</sup> More recently, the European Parliament expressed urgent concern about “attacks on the rule of law, democracy and fundamental rights in Poland,” while Law and Justice (PiS) politicians continued to vilify the European Union during PiS presidential candidate Andrzej Duda’s successful campaign for a second term.<sup>2</sup> How did Poland and the EU reach this point? The most powerful political party in Poland, usually a stable pro-European EU member state, is quarreling with the EU over issues as fundamental as the rule of law and the limits of Polish sovereignty, all in the midst of a massive economic downturn and a global pandemic.

From Brussels’ perspective, Poland’s most powerful party is continuously and publicly criticizing the EU and European institutions, failing to respect core European values, and leading Poland in an undemocratic direction.<sup>3</sup> The EU has the task of managing PiS to the best of its ability, and trying to preserve a working relationship with Poland while upholding EU regulations. From the perspective of PiS politicians, the EU is trying to unjustly control Poland and criticize what the party sees as positive reforms for the country. This view, however, is only one side of PiS’s complicated relationship with the EU. By analyzing this relationship from PiS’s perspective, this paper aims to show that the party politicians’ attitudes and behaviors toward the EU are complex on both an ideological and a practical level. This paper seeks to answer the question of how PiS uses the EU for its own strategic purposes.

I will argue that PiS aggravates and draws attention to the areas of tension between itself and the EU in order to amplify the differences between the EU’s liberal, cosmopolitan ideology and PiS’s conservative, nationalist values. By emphasizing the ideological differences and different visions for Poland, PiS hopes to win support from voters whose preferences align with its right-wing populist worldview. The EU is a major power in today’s political landscape. When the ruling party in one of its major member states not only has ongoing conflict with the EU, but takes advantage of the conflict to try to win support domestically, this is not a small issue. The outcome of the intertwined legal, political, and ideological tensions between PiS and the EU has potentially major implications. For other EU member states, Poland’s case will set an example of how other eurosceptic political parties can lead their country within the EU. For the EU itself, the current situation will reveal how, and whether, a country can maintain a good working relationship with the EU while the party in power simultaneously takes advantage of its tensions with the EU for political gain.

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<sup>1</sup>Stokes, Bruce et al, “Europeans face the world divided,” Pew Research Center’s Global Attitudes Project, Pew Research Center, May 31, 2020.

<sup>2</sup>“Rule of law in Poland: Concerns continue to grow among MEPs,” European Parliament - News, European Parliament, May 25, 2020.

<sup>3</sup>Gocłowski, Marcin, “Poland, Hungary scolded for flouting ‘European values’ during pandemic,” Reuters, Reuters, April 17, 2020.

The following section discusses context necessary to understand the current tensions between PiS and the EU. This includes a brief overview of Poland's history in the EU, a synopsis of PiS's rise to power and the party's ideology, and a summary of the issues which initially created tension between PiS and the EU. Section three explores populism and nationalism, two core components of PiS's ideology, as theoretical concepts. Section four discusses these concepts specifically in PiS's context, and how PiS's right-wing populist ideological framework puts the party at odds with the EU. Section five explores PiS's economic policies, and the ways in which the funds Poland receives from the EU further complicate the party's relationship with the EU. Section six examines public opinion data in order to analyze how much Polish citizens may or may not agree with PiS's eurosceptic stances. Finally, section seven provides a brief conclusion.

## I Background Information

Poland joined the EU in 2004, along with ten other Central and Eastern European countries. Accession was the culmination of more than a decade of negotiations, ever since a closer relationship to the EU became a priority at the 1989 Roundtable Talks that facilitated Poland's democratic transition. Since 2004, Poland has largely been an unproblematic member of the EU. Public opinion data has consistently shown that the majority of Poles support their country's EU membership, and the Polish government has made significant contributions to EU projects such as the Eastern Neighborhood Policy.<sup>4</sup> Polish officials have been somewhat resistant to the EU's efforts to create a common foreign policy—Poland has preferred to manage its own relationship with the US, NATO, and Russia, among others.<sup>5</sup> Poland is also not a member of the Eurozone. Still, Poland has been a mostly strong supporter of EU economic integration, and many Polish citizens travel elsewhere in the EU to work. Poland has also received over €100 billion in EU funds since 2004, the highest of any member state.<sup>6</sup>

The Law and Justice Party (Prawo i Sprawiedliwość or PiS in Polish) was founded in 2001 by twin brothers Lech and Jarosław Kaczyński. It is a conservative, nationalist political party. PiS is also a Catholic party (92.9% of Poles identified as Catholic in 2015).<sup>7</sup> At that time, the center-left Democratic Left Alliance (SLD) party controlled the parliament, however, between 2001 and 2005 SLD's popularity dropped significantly. This was largely due to unpopular neoliberal economic policies that many people perceived as prioritizing businesses over workers, and SLD's status has not recovered since. This shift created room for right-wing parties to flourish. Between 2005 and 2010, PiS jostled for control of the government mainly with Civic Platform (PO), the other leading conservative party. PO was, and still is, less far-right and more pro-European than PiS. PiS drifted further and further right over the course of the 2000s, and by 2010 it was Poland's most conservative major political party. That year, Lech Kaczyński, who was then serving as President, died in a plane crash en route to an event in Russia.<sup>8</sup> In the special election held to replace him, the PO candidate won by a narrow margin. In 2015, however, PiS rebounded. PiS candidate Andrzej Duda won the presidential election in May 2015, and PiS won a sweeping victory in the October 2015 parliamentary elections, making it the first party with an absolute majority in Parliament since

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<sup>4</sup>Rzegocki, Arkady, "Fifteen years of Poland thriving in the EU," *Emerging Europe*, Emerging Europe, December 19, 2019.

<sup>5</sup>Vitkus, Gediminas, "European Union foreign policy," *Vilnius Institute of International Relations and Political Science*, 2008.

<sup>6</sup>Nielsen, Nikolaj, "EU is not a 'cash cow', commission tells Poland," *EUobserver*, EUobserver, May 2, 2019.

<sup>7</sup>Polish Central Statistical Office, "Statistical yearbook of the Republic of Poland," Ministry of National Education, 2014.

<sup>8</sup>Kulesza, Czesław, & Rae, Gavin, "The Law and Justice party and Poland's turn to the right," *Transform Network*, Transform! European Network for Alternative Thinking and Political Dialogue, 2017.

1989.<sup>9</sup>

PiS's monumental victory in 2015 marked the start of a more challenging period for Polish relations with the EU. Some experts immediately had doubts about how well a staunchly nationalist, somewhat eurosceptic party would work with the rest of the EU.<sup>10</sup> International concern intensified when PiS made a series of reforms to the Polish judiciary in 2016 and 2017. The most controversial change was the lowering of Polish Supreme Court judges' retirement age. This measure would have forced nearly 40% of judges to leave their positions, but with the caveat that the President could grant five-year extensions to anyone he chose.<sup>11</sup> This law sparked international criticism and large domestic protests in Poland's major cities. It was contested by the European Court of Justice, which ruled in 2019 that the law was illegitimate. In late 2019, President Duda reinstated the judges who had already been forced into retirement.

Still, PiS passed other judicial reforms which remain in place. These include a 2017 law allowing the Supreme Court to issue new rulings on cases from up to twenty years ago. International watchdog organizations have warned that this change will potentially allow politically motivated legal changes. The PiS-controlled parliament also passed a law in 2017 creating an entirely new position in the Supreme Court: the "lay judge." This judge would be appointed by the Sejm (the lower chamber of the Polish parliament) and allowed to sit on cases in the Supreme Court. Another 2017 law gives the President the duty of appointing the Chief Justice of the Supreme Court, a power which previously rested with parliament.<sup>12</sup> In 2019, the Venice Commission observed that, all together, PiS's 2017 court reforms put the Supreme Court "under direct control of the parliamentary majority and of the President of the Republic." By eroding such a basic democratic tenet as the separation of powers, European institutions like the Venice Commission believed PiS was already threatening Polish democracy.

While the judicial reforms attracted the most international outcry, PiS also received backlash for tightening state control over the media and vilifying minority groups such as non-Christians and the LGBT community.<sup>13</sup><sup>14</sup> During its first two years controlling the parliament, PiS also passed several electoral reform laws which, while they appeared benign and inconsequential individually, critics say combined to give PiS an advantage in regional elections.<sup>15</sup> PiS has maintained that all reforms are for Poland's benefit, and that the party has no intention to undermine the separation of powers or checks on PiS's power. Nonetheless, this ongoing situation has created significant tension between Poland and the EU, as well as between Poland and other major EU member states. German politicians, including Chancellor Angela Merkel, have been particularly outspoken in their criticism of PiS's governance. Numerous politicians from other EU member states have also spoken out about the situation.<sup>16</sup>

Clearly, there is a practical basis for the tension between the PiS government and the EU. For PiS, however, this tension is also strategic. As upcoming sections of this paper will discuss,

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<sup>9</sup>Sadurski, Wojciech, "How democracy dies (in Poland): A case study of anti-constitutional populist backsliding," *Rule of Law*, Rule of Law, January 5, 2018.

<sup>10</sup>Lyman, Rick, "Bronisław Komorowski, Poland's president, concedes defeat to right-wing Challenger Andrzej Duda," *The New York Times*, The New York Times Company, May 25, 2015.

<sup>11</sup>Walsh, Alistair, "What are Poland's controversial judicial reforms?" *DW*, Deutsche Welle, May 11, 2019.

<sup>12</sup>Sadurski, Wojciech, "How democracy dies (in Poland): A case study of anti-constitutional populist backsliding," *Rule of Law*, Rule of Law, January 5, 2018.

<sup>13</sup>Ciński, Jan, "New media law gives Polish government Fuller control," *POLITICO*, POLITICO, February 17, 2017.

<sup>14</sup>Ojewska, Natalia, "A 'witch-hunt' for Poland's barely visible refugees," *Al Jazeera*, Al Jazeera Media Network, December 1, 2015.

<sup>15</sup>Marcinkiewicz, Kamil, & Stegmaier, Mary, "Democratic elections in Poland face a new threat," *The Washington Post*, The Washington Post, January 11, 2018.

<sup>16</sup>AFP/The Local, "Merkel: Germany 'can't stay silent' on rule of law in Poland," *AFP/The Local*, The Local de, August 29, 2017.

PiS aggravates and draws attention to the party's tensions with the EU in order to amplify the differences between the EU's liberal, cosmopolitan ideology and PiS's conservative, nationalist values. By emphasizing the ideological differences and different visions for Poland, PiS hopes to win support from voters whose preferences align with its right-wing populist worldview.

## II What Is Populism?

First, in order to analyze PiS as a populist party, it is necessary to establish what populism is. Defining this nebulous concept is no simple task. Multiple definitions exist, with various areas of difference and overlap. Some experts argue that there is no single, correct definition of populism.<sup>17</sup> Political scientist Jon Elster, for example, suggests that there is no ultimate definition of populism, however, some are better than others.

Elster proposes several definitions of populism which, together, provide an overview of how experts generally view populism and its different manifestations. It is important to note that the categories are not rigid. A populist party or candidate may blend different elements of different types of populism at once. The overarching features of Elster's definitions are short-term thinking, a focus on the return of political power to ordinary people (though this focus is not guaranteed to extend past rhetoric, into real action), and an exclusionary mindset.<sup>18</sup>

Regarding populist politicians' short-term thinking, it must be noted that political leaders of all kinds may be tempted to pursue short-term programs that will please voters now, rather than long-term ones which may not satisfy the electorate in time for important electoral victories. This mindset is not exclusive to populist politicians. However, the ambitious promises that frequently appear in populist candidates' platforms seem to make them more prone to short-term thinking. Populism often includes promises to restore power to ordinary people, whether that be political power, economic power, or intangible feelings like dignity or national pride. Once a populist candidate wins office, these promises may leave voters expecting a fast return on their political, and often social-emotional, investment in the candidate. In order to maintain power, some populist candidates then make short-term decisions that they hope will satisfy voters quickly.<sup>19</sup> In Poland, PiS has been accused of enacting irresponsible and short-sighted economic policies which, while providing financial support to their base, critics say is financially unsustainable in the long term.<sup>20</sup>

Short-term thinking goes hand in hand with populists' emphasis on returning power to ordinary people. Although not all populist parties advocate for literal revolution, of course, most advocate for some kind of significant reform that will restore power to ordinary citizens. Left-wing populist parties often advocate reforming, or even overthrowing, an unfair system and replacing it with a socialist one. Right-wing populist parties, on the other hand, tend to strive for more reactionary changes. Many right-wing populist parties, including PiS, advocate for a return to conservative and traditional Polish values. To PiS politicians, these values seem to be inexorably linked to nationalism, Christianity, and heterosexuality.

Perhaps the most central element of populism in all its forms is an exclusionary worldview. This element is present among Elster's conception of populism, as well as other scholars'. For example, Catherine Fieschi describes populism as emphasizing the divide between ordinary people and the elite, and taking advantage of the people's feelings of betrayal by the elite. This ingroup versus

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<sup>17</sup>De Vreese, Claes H. et al. "Populism as an Expression of Political Communication Content and Style: A New Perspective," *The International Journal of Press/Politics* 23, no. 4 (August 2018): 423-438. <https://doi.org/10.1177/1940161218790035>.

<sup>18</sup>Elster, Jon. "Some notes on 'Populism,'" *Philosophy & Social Criticism* 46, no. 5 (2020): 591-600.

<sup>19</sup>Elster, Jon. "Some notes on 'Populism,'" *Philosophy & Social Criticism* 46, no. 5 (2020): 591-600.

<sup>20</sup>Charlish, Alan, and Justyna Pawlak, "'Ticking Bomb': Poland's Economic Progress Under Threat - Post-communist Reformer," Reuters, December 17, 2019.

outgroup, or “pure people” versus “corrupt elite” stance appears in all different brands of populism. Both left- and right-wing populist parties adopt this stance, though they differ in how they divide people. Scholars such as Cas Mudde and Cristóbal Rovira Kaltwasser argue that left-wing populist parties typically use socialism to include large socioeconomic classes in the ingroup while positioning wealthy elites in the outgroup.<sup>21</sup> On the other hand, right-wing populist parties typically identify a nation or ethnicity as the ingroup, and positioning anyone outside that class of “pure people” in the outgroup. Political scientists Benjamin De Cleen and Yiannis Stavrakakis combine these elements into a helpful contextual framework of two axes: an “up-down” axis in which the ingroup is oppressed by wealthier or somehow more powerful outsiders positioned as “above” the common people, and an “in-out” axis in which anyone beyond the ingroup is an outsider.<sup>22</sup>

It must also be noted that even these broad features cannot realistically give rise to a party’s entire ideology. For this reason, populism is typically found in conjunction with other elements, such as PiS’s strong nationalism. Because populism can appear in so many different forms, in conjunction with different, additional ideological elements, it is sometimes referred to as a “thin” ideology. This is because simply labeling an individual or group “populist” does not automatically reveal much about their ideas.<sup>23</sup> Rather, it is necessary to examine a populist party’s unique ideology in greater detail in order to understand it.

### III PiS’s Right-Wing Nationalist Populism

#### *How PiS positions the EU as “above”*

In PiS’s populist discourse, the outgroup is represented both “above” and “outside” the ingroup. Powerful groups not belonging to the class of “common people” are framed as elitist outsiders. PiS also frames other groups of people as outsiders, such as LGBTQ Poles and non-Christians, but these groups have much less political power than the EU, so although they are also frequently framed as threatening outsiders, PiS does not tend to see them as elites in the same way as the EU.

For PiS, the EU and its political leaders make obvious economic scapegoats, since the EU trading bloc is more powerful than Poland’s economy alone, as are the economies of more powerful EU leaders, such as Germany and France. The EU also makes an easy political scapegoat, because as an EU member state, Poland is subject to many rules, including regulations over its domestic political institutions.

PiS also frames EU politicians as foreign cultural elites. When it comes to this conflict between EU “liberal elites” and conservative Poles, PiS politicians play into a broader cultural divide between Poland and its largely more liberal Western EU neighbors.<sup>24</sup> PiS politicians claim that “Brussels bureaucrats” are trying to change Polish people’s way of life by forcing liberal cultural values onto Poland.<sup>25</sup> These supposed changes include gender equality and resettling refugees, which PiS politicians called “totalitarian” ideas in 2016, as well as rights for same-sex couples, such as allowing same-sex civil unions.<sup>26</sup> In 2019, PiS politicians repeatedly called positive attitudes toward

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<sup>21</sup>Mudde, Cas, & Rovira Kaltwasser, Cristóbal. “Studying populism in comparative perspective: Reflections on the contemporary and future research agenda,” *Comparative Political Studies* 51, no. 13 (2018): 1667-1693.

<sup>22</sup>De Cleen, Benjamin, and Yiannis Stavrakakis. “Distinctions and Articulations: A Discourse Theoretical Framework for the Study of Populism and Nationalism,” *Journal of the European Institute for Communication and Culture* 24, no. 4 (2017): 301-319.

<sup>23</sup>Stanley, Ben. “The thin ideology of populism,” *Journal of Political Ideologies* 13, no. 1 (2009): 95-110.

<sup>24</sup>Rettman, Andrew, “Poland’s right-wing ruler wins four more years,” EUobserver, EUobserver, October 14, 2019.

<sup>25</sup>“Poland’s ruling law and justice party is doing lasting damage,” *The Economist*, The Economist Newspaper Limited, April 21, 2018.

<sup>26</sup>Ost, David, “Regime change in Poland, carried out from within,” *The Nation*, The Nation, January 8, 2016.

the LGBTQ community “imported ideas” that violated Polish values.<sup>27</sup>

Perhaps one of the clearest demonstrations of PiS’s stance toward the EU was one of its major 2015 rallying cries: “Poland off its knees.”<sup>28</sup> PiS presents Poland as an underdog on the European stage, being unjustly ordered around by its economic and cultural rivals. In the case of Germany, the EU’s wealthiest country frequently seen as its leader, the historic rivalry may cause some Polish to feel an extra layer of resentment over Germany’s more elite position in the EU. Many Polish people appear to be frustrated by what they perceive as Poland’s underdog position in the EU, their own underdog economic status compared to richer neighbors in Germany or France, or a feeling that Western European liberal elites look down on their traditional conservative values. For these people, PiS’s proposal that Poland needs a return to independent, national strength is probably highly appealing.

### *How PiS positions the EU as “outside”*

PiS’s populism is heavily intertwined with nationalism. To the party, not only are EU elites “above” Poland in certain ways, looking down on Poland’s conservative values and overshadowing the country economically, but the EU is outside the Polish nation. PiS frames EU politicians, bureaucrats, and leading member states as a foreign outgroup, distinct from the ingroup of the Polish nation. “Nation” is sometimes a nebulous concept. In Poland, as in many other countries in Europe, “nation” refers to more than just Polish ancestry. To many people, the Polish “nation” seems to be an intangible national essence unique to conservative, patriotic Poles with traditional values and national pride. In a 2016 survey, over 70% of Poles agreed that Roman Catholic faith is an important criterion in determining if someone is truly Polish, and less than 30% disagreed.<sup>29</sup> This subjective conception of nationhood appears frequently in PiS politicians’ rhetoric. For example, in a 2015 speech by MP Kornel Morawiecki (the father of Prime Minister Mateusz Morawiecki) he stated that “the good of the nation is above the law. If the law conflicts with that good, then we’re not allowed to treat it as something we can’t break” and received a standing ovation from other party members.<sup>30</sup><sup>31</sup> PiS has been accused of using this kind of thinking to try to justify undemocratic reforms. In 2016, for instance, Jarosław Kaczyński argued that checks and balances make it impossible for a democratically elected government to fulfil the “nation’s will.”<sup>32</sup>

PiS’s idea of the Polish nation and its importance is clearly central to the party’s ideology. One could argue that PiS’s staunchly anti-immigrant stance shows that its orientation on De Cleen and Stavrakakis’ in-out axis, with the Polish nation “in,” is more central to the party than its orientation on the up-down axis, with the Polish nation as the underdog below wealthier countries like Germany and France. Still, some scholars would prefer not to separate PiS’s nationalism and its populism. Political scientist Rogers Brubaker argues that populism and nationalism are “analytically distinct but not analytically independent,” and that the two concepts are “intersecting and mutually implicated though not fully overlapping fields of phenomena.”<sup>33</sup>

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<sup>27</sup>Hajdari, Una, “The demagogue’s cocktail of Victimhood and strength,” *The Atlantic*, The Atlantic, December 31, 2019.

<sup>28</sup>Ost, David, “Regime change in Poland, carried out from within,” *The Nation*, The Nation, January 8, 2016.

<sup>29</sup>Stokes, Bruce. et al. “Europeans face the world divided,” Pew Research Center’s Global Attitudes Project, Pew Research Center, May 31, 2020.

<sup>30</sup>Davies, Christian, “Hostile takeover: How law and justice captured Poland’s courts,” Freedom House, Freedom House, February 18, 2018.

<sup>31</sup>Ciński, Jan, “Poland’s constitutional crisis goes international,” *POLITICO*. *POLITICO*, December 27, 2015. <https://www.politico.eu/article/poland-constitution-crisis-kaczynski-duda/>

<sup>32</sup>Davies, Christian, “Hostile takeover: How law and justice captured Poland’s courts,” Freedom House, Freedom House, February 18, 2018.

<sup>33</sup>Brubaker, Rogers. “Populism and nationalism,” *Nations and Nationalism* 26, no. 1 (2020): 44-66. doi:10.1111/nana.12522.

It is clear that populism and nationalism are closely intertwined in PiS's worldview, and the party invokes both when it comes to its relationship with the EU. In the party's ideological framework, the EU is an external body which does not seek to preserve and protect the Polish nation like the party does. When PiS politicians can succeed at framing EU bureaucrats as foreign elites trying to control Poland, both the up-down and the in-out axis are at play.

The issue of refugee resettlement quotas is perhaps the best example of both nationalist and populist stances putting PiS at odds with the EU. In 2015, in response to the influx of refugees fleeing to Europe from the Middle East and Africa, the EU created a deal to resettle 160,000 refugees among various member states. The deal was intended to take some pressure off of Italy and Greece, where most asylum seekers arrived, and spread the burden more evenly between countries. The deal was formalized in mid-2015, before PiS's monumental victory, and the Civic Platform government agreed to it. However, soon after PiS came to power, party politicians expressed doubt about whether Poland would cooperate. Jarosław Kaczyński, who attracted attention during the 2015 parliamentary campaign trail for saying that migrants carry "all sorts of parasites" and dangerous bacteria, claimed that Poland "would have to completely change our culture and radically lower the level of safety in our country." Interior Minister Mariusz Błaszczak commented that "in agreeing to take in refugees, the [previous government] put a ticking bomb under us, and we're defusing that bomb." Błaszczak also warned that accepting asylum seekers would be "a straight road to a social catastrophe, with the result that in a few years Warsaw could look like Brussels."<sup>34</sup>

When talking about migrants, PiS politicians can easily invoke the in-out axis of its populism by appealing to xenophobia and racism. Migrants are outside the Polish nation, especially those who are brown, black, or Muslim. Since most asylum seekers coming to Europe in and after the 2015 migrant crisis look so different from Poles, and about three quarters of Polish people are already against accepting migrants from the Middle East and Africa, PiS politicians do not need to work very hard to activate supporters' exclusionary nationalism on this issue.<sup>35</sup>

The EU trying to mandate that Poland accept some refugees also makes it easy for PiS politicians to appeal to the up-down axis of its populism. PiS politicians have been able to present the EU's refugee resettlement deal as an attempt by Brussels to force Poland to change its society, by including people who would change its traditions and threaten the Polish way of life. By 2017, the EU's refugee resettlement program lapsed, and the possibility that Brussels could somehow force Poland to accept asylum seekers diminished. In April 2020, the European Court of Justice (ECJ) ruled that Poland, along with Hungary and the Czech Republic, did not hold up its end of the deal in 2015. This ruling may tarnish Poland's image in the eyes of other EU member states; however, PiS was ultimately able to claim a victory. In a statement issued after the ECJ ruling, the government said that "the refusal to comply with the relocation mechanism was dictated by the need to protect Poland's internal security and defend it against uncontrolled migration. The most important goal of government policy is to ensure the safety of our citizens."<sup>36</sup> The party has thus continued to present this issue as a success in preventing EU elites from controlling Poland.

## IV PiS's Economics: Supportive or Short-Sighted?

PiS's tendency for short-term thinking appears most clearly in its economic policies. Economics are also where the party's purported emphasis on returning power to the people is most apparent.

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<sup>34</sup>Ciński, Jan, "New media law gives Polish government Fuller control," *POLITICO*, *POLITICO*, February 17, 2017.

<sup>35</sup>Center for Public Opinion Research. "Stosunek do przyjmowania uchodźców," Warsaw, Poland: Centrum Badań Opinii Społecznej, 2017. [https://www.cbos.pl/SPISKOM.POL/2017/K\\_044\\_17.PDF](https://www.cbos.pl/SPISKOM.POL/2017/K_044_17.PDF).

<sup>36</sup>Stavis-Gridneff, Matina, & Pronczuk, Monika, "E.U. Court rules 3 countries violated deal on refugee quotas," *The New York Times*, *The New York Times Company*, April 2, 2020.

The party frames its extensive social spending and financial reforms as ways to economically empower the lower and middle classes. Both supporters and critics of the party tend to agree that PiS's populist economic policies, especially its extensive social spending programs, have been key in its electoral successes.<sup>37</sup>

Domestically, Prime Minister Morawiecki has been outspoken about the importance of avoiding excessive dependence on foreign capital. PiS is also skeptical of free-market economics. Within the party's populist framework, in a world where European technocrats, liberal elites, and foreign, globalist forces are competing with the Polish people for wealth and resources, the government must step in to protect Polish industry and Polish workers. To do so, the government plans to slow privatization initiatives that began under previous governments, and instead "re-polonise" sectors of the economy by putting them under increased state control. They have already taken steps in this direction. Specifically, in 2016 the government increased state control of the banking sector from 30 percent to over 50 percent. Most of the difference was previously dominated by foreign private owned banks. The government also began requiring banks with portfolios of foreign currency mortgages to make quarterly payments into a new mortgage relief fund, which would be used to help borrowers make their mortgage payments. This was a step back from PiS's 2015 campaign promise to require banks to convert foreign currency loans into zloty, but still a substantial change. The government also fulfilled PiS's pledge to nationalize more of the energy sector and pension funds. In short, PiS's monetary policy is nothing extreme, but it does follow the patterns we would expect from a populist, nationalist party by focusing on protections for working-class people and increasing domestic economic activity.<sup>38</sup>

The PiS government's fiscal policy has been less conventional. It has engaged in heavy social spending that, while unusual for a right-wing party, is not unusual for a populist one. This strategy seems to be one of the main factors making the party popular with voters. Since 2015, PiS has embarked on a social spending plan meant to support "family values."<sup>39</sup> One of the cornerstones of the plan is raising birth rates and decreasing child poverty through the Rodzina 500+ (Family 500+) program. Rodzina 500+ provides a stipend of 500 zlotys per month, per child, to all families in Poland. At the beginning of the program, the party stated that it hoped to support children and help their families meet their basic needs, as well as increase Poland's birth rate of 1.39, which is well below the replacement rate of 2.1.<sup>40</sup> The program was immediately popular with citizens, and has been renewed every year since. In addition to Rodzina 500+, the PiS government has introduced annual cash bonus payments for pensioners and retirees, lowered the retirement age, and promised to nearly double the minimum wage. Party leaders explain that PiS's goal is to build a "prosperous state" based on social solidarity.<sup>41</sup>

This message, and the fact that the party has genuinely delivered on many of its social spending pledges, seems to resonate with many Poles. Some citizens report feeling as though PiS's government is the first which has helped them share in Poland's economic prosperity, when they previously had not. Many say the party is the first to truly deliver on their promises to such a significant degree. Some observers have also noted that PiS's social spending programs may be successful partly because citizens appreciate the government demonstrating that it trusts the middle and lower classes to handle their own finances. The previous government was sometimes criticized for

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<sup>37</sup>Kulesza, Czesław, & Rae, Gavin, "The Law and Justice party and Poland's turn to the right," Transform Network, Transform! European Network for Alternative Thinking and Political Dialogue, 2017.

<sup>38</sup>Toplišek, Alen. "The political economy of populist rule in post-crisis Europe: Hungary and Poland," *New Political Economy* 25, no. 3 (2019): 388-403.

<sup>39</sup>Sussman, Anna, "The Poland model—Promoting 'Family values' with cash handouts," *The Atlantic*, The Atlantic, October 14, 2019.

<sup>40</sup>World Bank Open Data, The World Bank Group, Accessed July 1, 2020.

<sup>41</sup>Szczerbiak, Aleks, "Why is Poland's law and justice party still so popular?" *London School of Economics and Political Science, LSE*, October 8, 2019.

taking an overly paternalistic attitude toward the poor, and opting for less direct social aid programs because it did not trust people to handle their own money.<sup>42</sup> At a time when unemployment is at its lowest in years and PiS's tax cuts are lessening financial burdens on more and more families, it is easy to see why the current government's socially conscious fiscal policy has been so popular.

At the same time, critics of PiS's financial reforms warn that the tax cuts and huge increase in social spending put a dangerous strain on public finances. This is a common critique leveled at populist parties, many of which prioritize popular, short-term projects over longer-term ones that may be less immediately attractive to voters. PiS's critics say that during prosperous economic times, the government should focus on long-term investment in goods and services instead of short-term spending programs. The previous Civic Platform did this by concentrating on long-term projects like infrastructure investment and reforming the pension system.

For instance, one common criticism is that PiS's decision to lower the retirement age will create a huge challenge when it comes time to support Poland's aging population in just a few decades. Marek Belka, a former Prime Minister, former Finance Minister, and current member of the European Parliament, went so far as to call PiS's social spending "a festival of irresponsibility."<sup>43</sup> He criticized the PiS government's fiscal policy as irresponsible short-term thinking which is unlikely to make any genuine, lasting improvements to Poland's healthcare, education, or infrastructure systems. Leszek Balcerowicz, an economist who played a central role in Poland's transition from communism in 1989, has made similar criticisms. He commented that the PiS government's spending was coming at the expense of more impactful investment in education or healthcare, and that the extensive spending left Poland's economy vulnerable in the case that growth slows.<sup>44</sup> The fact that PiS has invested more in programs designed to increase family size than in areas such as education or healthcare is consistent with the party's focus on traditional, conservative family values. More children per family could result in more women leaving the workforce to pursue a traditional role at home, although PiS politicians have not explicitly stated that this is a goal of their family-oriented spending programs.

PiS politicians, unsurprisingly, insist that the government and the economy can handle the spending. They point out that the Polish economy grew by 4.1% in 2019 and the budget deficit is at an almost record low of 0.7%. Since PiS's monumental victory in 2015, unemployment has fallen 7%, down to 3.7%, and wages have increased by an average of 7% or more per year. This data was collected in 2019, before the Polish economy was hit with the COVID-19 pandemic. Current projections suggest that the Polish economy will contract by 3.9% in 2020.<sup>45</sup> However, Poland is also set to receive the third largest amount of pandemic aid from the EU, after only Spain and Italy.<sup>46</sup>

In 2016, Poland also became the first country from the former Soviet bloc classified as a "developed country" by the FTSE. This was an important symbolic milestone that, for many, represented Poland's official step into the ranks of wealthy countries.<sup>47</sup> According to Prime Minister Mateusz Morawiecki, PiS's economic policies are part of its broader efforts to revitalize Polish society. In

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<sup>42</sup>Sussman, Anna, "The Poland model—Promoting 'Family values' with cash handouts," *The Atlantic*, *The Atlantic*, October 14, 2019.

<sup>43</sup>Cragg, Gulliver, "Poland woos voters with controversial child benefit scheme," *France 24*, *France 24*, May 15, 2019.

<sup>44</sup>Charlish, Alan, and Justyna Pawlak. "'Ticking Bomb': Poland's Economic Progress Under Threat - Post-communist Reformer," *Reuters*, December 17, 2019.

<sup>45</sup>World Bank, "Polish Economy to Shrink in 2020 due to Pandemic: Then It May Start a Moderate Recovery," *The World Bank*, *The World Bank Group*, October 7, 2020.

<sup>46</sup>European Parliament News. "COVID-19 and Natural Disasters: €823 Million in EU Aid for Eight Member States," *News | European Parliament*, *European Parliament*. January 11, 2020.

<sup>47</sup>Cragg, Gulliver, "Poland woos voters with controversial child benefit scheme," *France 24*, *France 24*, May 15, 2019.

2019, Morawiecki commented that PiS's economic reforms were "fundamental and quite revolutionary." He described the changes as "a revolution in the economy, in terms of social policy, redistribution, if you want, of goods and services and money, and the promise to do more. To repair all the flaws from the post-communist era."<sup>48</sup>

Some experts argue that PiS cannot take as much credit for Poland's economic success as the party would like. According to economist Tomasz Kasprowicz, for example, Poland's prosperity "doesn't have anything to do with the government." He argues that PiS has been taking credit for a boom that occurred thanks to solid economic foundations put in place by the previous government.<sup>49</sup> Others point to the fact that Poland receives billions of euros in EU subsidies every year, and argue that PiS's policies have only succeeded because of the financial foundation these subsidies provide. In 2018, the EU spent €16.3 billion, equivalent to about 3.4% of the Polish economy, on structural and development projects in Poland, while the Polish government contributed just €3.9 billion to the EU budget. Some economists wonder if PiS's spending habits would be sustainable without reliance on EU subsidies.<sup>50</sup>

The subsidies also complicate PiS's relationship with the EU. The party is likely wary of seeming excessively critical of the EU and other member states, and of violating major EU regulations, in order to keep the funding intact. Already, some other member states have signaled their doubts about whether it is fair to give Poland more financial assistance to help the country's economy recover from the effects of coronavirus while the ongoing constitutional court crisis is still unresolved, and while PiS continues to vilify European institutions. For example, Luxembourg's Prime Minister Xavier Bettel commented that "using public money for countries where our values are not respected is something which is very difficult to explain." The President of the European Council has also stated that he wants Poland to subscribe to the EU's 2050 carbon neutrality goals in order to receive EU funds.<sup>51</sup> Several of the EU countries which contribute the most to the EU's public funds have previously proposed that funding for Poland be conditional on the rule of law being upheld. In November 2020, this issue came to the forefront of European politics when Poland and Hungary blocked an EU stimulus package intended to help the EU recover from the economic damage caused by COVID-19. Polish and Hungarian politicians made it clear that they disagreed with the relief funds being contingent on rule-of-law conditions, such as each country maintaining an independent judiciary. After weeks of this roadblock, EU leaders reached a compromise in December 2020 that unblocked the €1.8 trillion of relief funds by weakening the enforcement measures tied to the rule-of-law stipulations.<sup>52</sup>

In the end, as long as the large majority of Polish voters do not want to leave the EU and doing so would likely be economically harmful to Poland, PiS is in a difficult position. So far, party politicians seem to be walking the line of criticizing the EU enough to win support from eurosceptic Poles, while not seriously suggesting leaving the EU or doing anything so egregious that Poland's EU funding is seriously interrupted. As long as Poland's economy is weak enough that it still needs to receive EU subsidies, PiS will continue to navigate this complex economic and political relationship.

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<sup>48</sup>Santora, Mark, "In Poland, nationalism with a progressive touch wins voters," *The New York Times*, The New York Times Company, October 10, 2019.

<sup>49</sup>Cragg, Gulliver. "Poland woos voters with controversial child benefit scheme," *France 24*. France 24, May 15, 2019.

<sup>50</sup>Dempsey, Judy, "Poland's retreat from Europe," *Carnegie Europe*, Carnegie Europe, June 30, 2020.

<sup>51</sup>Balcer, Adam et al. "Polish views of the EU: the illusion of consensus," *Stefan Batory Foundation*, 2017.

<sup>52</sup>Stavis-Gridneff, Matina, & Pronczuk, Monika, "E.U. Court rules 3 countries violated deal on refugee quotas," *The New York Times*, The New York Times Company, April 2, 2020.

## V Polish Public Opinion

How much do Polish people agree with PiS's eurosceptic stance? Although it is sometimes difficult to draw concrete conclusions from public opinion data, surveys of Polish citizens may be able to paint a picture of voters' beliefs and attitudes toward the EU.

At first glance, much of the available data seems to suggest that Polish people are generally more pro-European than PiS. The large majority seems to approve of the EU in general, and they want Poland to remain in it. Specifically, in 2016 77% of Poles indicated that they want Poland to remain in the EU, and only 16% indicated that they wanted Poland to leave.<sup>53</sup> According to a 2019 Eurobarometer survey, 84% of Polish people have a favorable view of the EU. This was the highest rate among the 15 EU member states surveyed. 67% of respondents also reported that they believe Poland's membership in the EU is a good thing (this was tied for the second-highest rate among the countries surveyed), and 71% indicated that they believe the economic integration of Europe has strengthened Poland's economy (this was the highest rate among the countries surveyed). Eurobarometer results also show that self-reported life satisfaction has increased in Poland since EU accession.<sup>54</sup> A survey by the Stefan Batory Foundation found that 61% of Poles agree with the statement "the EU should play a more active role in the world than it does today." This is below the 74% median response rate of all countries surveyed, but still a majority.<sup>55</sup>

This data would seem to suggest that PiS holds a much more negative view of the EU than the average Polish voter. However, there is also some public opinion data that suggests Polish voters' opinions align more closely with PiS's stance. Despite the overwhelming majority of Poles reporting that they want Poland to remain in the EU, 37% say they believe Poland could better face the future outside the EU. Barely half (51%) disagree.<sup>56</sup> This suggests that although a significant portion of Polish voters perhaps do not want the country to go through the process of leaving the EU, however, they do not view the EU as essential to Poland's success.

This is not the only public opinion data that seems contradictory. Surveys also show that Poles are less supportive of increased European integration than respondents in other EU countries. One 2019 study shows that only 9% support further integration, while 39% prefer a continuation of the status quo and 38% want more power devolved to individual member states. This study also found that 65% of Poles reportedly agree with the statement that Poland should "deal with its own problems and let other nations fend for themselves as best they can." Surveys also show that Poland is the only country in Central Europe where most people have a negative attitude toward joining the Eurozone.<sup>57</sup>

There is also some data that sheds light on the opinions of PiS voters, specifically. According to a European Council on Foreign Relations (ECFR) poll in April 2019, 31% of people who voted for PiS "strongly distrust" the European Commission, compared to just 16% of people who did not vote for PiS. An additional 25% of PiS voters "tend to distrust" the commission, compared to 14% of people who did not vote for PiS. While 12% of people who did not vote for PiS report that they "strongly trust" the Commission, only 3% of PiS voters reported the same.<sup>58</sup> This suggests that PiS supporters are significantly more likely than other voters to distrust at least one major European institution. Similarly, in response to the question "do you agree that Polish values are

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<sup>53</sup>Balcer, Adam et al. "Polish views of the EU: the illusion of consensus," Stefan Batory Foundation, 2017.

<sup>54</sup>European Commission for Democracy Through Law (Venice Commission), "Poland: opinion (904)." Council of Europe, 2019.

<sup>55</sup>Balcer, Adam et al. "Polish views of the EU: the illusion of consensus," Stefan Batory Foundation, 2017.

<sup>56</sup>Balcer, Adam et al. "Polish views of the EU: the illusion of consensus," Stefan Batory Foundation, 2017.

<sup>57</sup>Balcer, Adam et al. "Polish views of the EU: the illusion of consensus," Stefan Batory Foundation, 2017.

<sup>58</sup>Buras, Piotr, "Poland after the election: New headaches for the EU," European Council on Foreign Relations. ECFR, October 15, 2019.

under threat in Europe?” 17% of PiS voters “strongly agree” and 37% “tend to agree,” while only 17% disagree. Among people who did not vote for PiS, 11% “strongly agree” and 18% “tend to agree,” while 36% disagree.<sup>59</sup> This suggests that many PiS supporters and non-supporters have entirely different views of where “Polish values” stand in a broader European context.

Of course, it is important not to make assumptions with this kind of public opinion data. Just because an individual does not want Poland to join the eurozone, for example, does not necessarily mean they are opposed to a strong EU or increased European integration in other areas. Holding one eurosceptic opinion also does not automatically mean someone must be a PiS supporter. Still, this data does suggest that a significant portion of Polish voters hold at least some eurosceptic views that align with PiS’s. PiS does not need the majority of the population to agree with their views on the EU, or even with their platform as a whole. The party has yet to win the popular vote in a national election. In Poland’s multiparty system, PiS only needs a large enough base to make it more powerful than competing parties, and public opinion data suggests that PiS has this in regard to Euroscepticism.

Ultimately, PiS’s euroscepticism is only one component of their platform. Though their stance toward the EU ties in closely with the rest of their ideology, it is not their entire platform. Some observers argue that most of PiS’s supporters don’t have strong feelings about the EU one way or the other. They tend to argue that economics are the much more important issue at play for many voters, and that PiS’s fiscal policies are what helped the party achieve its monumental win in 2015. Some experts point out that even the current salient issues for PiS, such as immigration and terrorism, have only become hot-button issues since PiS came to power, and that these issues were also secondary to economics in PiS’s initial success.<sup>60</sup> In this argument, PiS is just part of the broader trend of increasingly popular right-wing parties using populist economics to promise better lives for the working class.

In the end, however, it is probably safe to assume that as a political party, PiS politicians would not be making critical comments about the EU if they did not believe some portion of their base agreed. Although it may be difficult to quantify how much of PiS’s base shares its eurosceptic views, or how many supporters see PiS’s views toward the EU as a very important criterion for their voting decisions, some experts have developed theories about who PiS’s base is. One theory, put forth by David Ost, proposes that PiS’s base consists of three groups. The first group consists of people who feel excluded from the gains of neoliberal capitalism, and this group is guided by economics. The second group consists of fundamentalist Catholics who approve of PiS’s emphasis on Christian values, and this group is guided by ideology. The third group, also guided by ideology, is made up of secular intellectuals committed to “Polishness” and an increasing Poland’s global status. Ost argues that while the first group is the largest, it is PiS’s least solid basis of support, while the second and third groups are PiS’s truly unwavering base. Within this framework, at least some portion of both the second and third groups likely share PiS’s negative opinions of the EU and European institutions, primarily for ideological reasons. It is also possible that a significant portion of the first group share PiS’s eurosceptic opinions, due to dissatisfaction with the EU’s neoliberalism. Though it is impossible to know exactly what kinds of PiS supporters agree with the party’s eurosceptic stances, this segment of PiS’s support is likely sizable, though not necessarily the majority.<sup>61</sup>

Another theory about PiS’s support also divides the Polish public into three categories, although this theory deals with all voters, not only PiS supporters. The Stefan Batory Foundation, a Polish non-governmental research organization, proposes that Polish society can be divided into three

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<sup>59</sup>Buras, Piotr, “Poland after the election: New headaches for the EU,” European Council on Foreign Relations. ECFR, October 15, 2019.

<sup>60</sup>Ost, David, “Regime change in Poland, carried out from within,” *The Nation*, The Nation, January 8, 2016.

<sup>61</sup>Ost, David, “Regime change in Poland, carried out from within,” *The Nation*, The Nation, January 8, 2016.

groups: an open group, a closed group, and an intermediate group. The open group consists of people who are in favor of European integration and open to foreigners. The closed group consists of people who are opposed to European integration and opposed to immigration. People in the intermediate group hold a mixture of opinions that places them somewhere in between. The Stefan Batory Foundation concluded that, based on the foundation's public opinion research, approximately 30-35% of people belong to the open group, while 40% belong to the closed group and the remaining 25-30% belong to the intermediate group.<sup>62</sup> While not everyone who belongs to the closed group is necessarily a PiS supporter, this framework suggests that people who share PiS's negative view of European integration, as well as the immigration the EU has tried to pressure Poland to allow, make up a significant portion of Polish society, if still not necessarily the majority.

Again, PiS does not need the popular majority's support in order to win elections, especially not on a component like euroscepticism, which does not encompass the party's entire platform. Because of this, the support of a large minority may well be enough to explain the party's success, and why PiS politicians continue to publicly express their eurosceptic views. And because PiS is the most eurosceptic of Poland's major political parties, it has a good chance of capturing eurosceptic voters' support. Although public opinion data does not provide a perfectly clear indication as to how much the Polish people actually support PiS's stance toward the EU, the data do seem to at least indicate that enough people support the stance for PiS to maintain their eurosceptic position.

It is worth pointing out that public opinion data can be difficult to interpret accurately. Even when the data is collected carefully and respondents are honest about their views, people do not always vote for the party that aligns best with their opinions. Still, at the very least, the most reliable data on this particular issue appear to show division among Polish voters. PiS is undoubtedly aware of this division, and it is probably fair to say that the party uses its eurosceptic rhetoric to appeal to one side of the divide.

## VI Conclusion

As in most EU member states, the Polish government's relationship to the EU is complex. It consists of extensive regulations over vast portions of Poland's political and economic life, as well as the constant communication required to navigate modern European issues and shifting relationships within the EU. Given the scale complexity of this relationship, the fact that Poland's ruling party has some disagreements with the EU is neither surprising nor a cause for concern, on its own. However, upon closer analysis of PiS's guiding ideology, it becomes clear that the idea of Poland's "collision course with the EU" is not necessarily overblown.<sup>63</sup> PiS politicians walk a tense line between maintaining a functional political, and especially economic, relationship to the EU, while simultaneously staying true to the party's populist, nationalist, eurosceptic ideology in ways they hope will resonate with Polish voters. Pro-European opponents of PiS, both inside and outside Poland, can only hope that the party does not irreparably damage Poland's relationship with the EU and other member states while trying to maintain this balance. PiS's ability to singlehandedly make decisions for the Polish government may be waning. In the October 2019 elections, the party lost control of the Senate (the upper house of parliament) after opposition parties united under a single candidate in most districts. The Senate is less powerful than the Sejm; however, this ended PiS's complete parliamentary control. More recently, in July 2020, President Duda only barely managed to win reelection with 51.03% of the votes in a runoff election. Still, although recent elections did not give PiS the same sweeping victories it achieved in 2015, PiS still holds an undisputable

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<sup>62</sup>Balcer, Adam et al. "Polish views of the EU: the illusion of consensus," Stefan Batory Foundation, 2017.

<sup>63</sup>Ciensi, Jan, and Wanat, Zosia, "Poland's PiS wins election, but its grip on power is weakened," POLITICO, POLITICO, October 15, 2019.

majority of government power. It is likely that between now and the next parliamentary elections in 2023, and the next presidential election in 2025, the party will only escalate its populist tactics. What some experts have called Poland's "collision course with the EU" is still on track. In a worst-case scenario, this conflict could hurt Poland's economy by disrupting the EU subsidies it receives, or even jeopardize Poland's EU membership status. PiS's populist economic policies have already changed the Polish economic and social landscape, and its populist, nationalist rhetoric toward the EU will continue to shape the country's relationship with the rest of Europe. PiS is demonstrating what can happen when a nationalist, populist, and eurosceptic party controls a major EU member state. What happens in the upcoming years, and how the EU responds, will have political and ideological ramifications far into the future.

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