

Poland at the edge of political and social transition

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In 2020, Polish politics performed in the shadow of coronavirus. But there were many issues going on: the presidential election, reproductive rights, LGBT rights, the rule of law, animal welfare and the matter of Jarosław Kaczyński's leadership in the right-wing coalition. All of these issues – with the notable exception of the result of the presidential elections – have undermined the position of the governing Law and Justice (PiS) party and have pushed the Polish political system to the verge of a profound transition. This process is illustrated by recent opinion polls which show that average support for PiS fell from 44 per cent in March to only 29 per cent in November. This support now stands at the lowest level since the party came to power in 2005. Furthermore, for the first time since the 2015 elections, approval for parties opposing the government is higher (43 per cent at the end October) than approval for those supporting it (33 per cent). Another significant trend in the polls is the increasing number of undecided voters. In 2020 the whole PiS system started to show cracks, giving opposition parties a hope that the invincible PiS might become vulnerable.

Presidential elections in the shadow of Covid-19

The Covid-19 pandemic developed in Poland in a similar way to in other countries of Central and Eastern Europe. During spring 2020, the number of new infections was below public expectation, especially in comparison with the number of new infections in Southern Europe. While Polish society is not generally convinced of the efficiency of the state and public services, the achievements in fighting the pandemic allowed the government to present its struggle with Covid-19 as a success story. But everything changed in October when the sudden spread of the pandemic exceeded the limit of the efficiency of the state structures, and the government increasingly seemed to have lost control of the virus.

In early 2020, it seemed the main political event of the year in Poland would be the presidential election. The leader in the polls was the incumbent president, Andrzej Duda. The opposition centre-right Civic Platform (PO, EPP) nominated Małgorzata Kidawa-Błońska as its leader, the former speaker of the Polish parliament (the Sejm). After its success in the parlia-

mentary election, the Left chose the leader of the progressive Wiosna ('Spring') party, Robert Biedroń, a member of the European Parliament.

But the pandemic changed the polls dramatically: Kidawa-Błońska was supplanted from her position as Duda's main rival by Szymon Hołownia, a former TV celebrity and journalist with a Catholic and anti-establishment agenda. Hołownia campaigned successfully on social media and across communications networks, and managed to steer social anger against the whole political class.

The elections were initially planned for early May, when Duda's constitutional mandate ended, but they were then delayed due to the pandemic and other political factors. The Civic Platform meanwhile dropped their candidate Małgorzata Kidawa-Błońska and replaced her with Rafał Trzaskowski, the mayor of Warsaw.

This shift had an impact on the voting intentions of liberal and left-wing voters. Trzaskowski's good numbers in the polls made the possibility of him defeating Andrzej Duda look plausible. Many voters therefore gathered around the mayor of Warsaw, at the expense of the Left's candidate Biedroń. Indeed, only 400,000 of those voters who had voted left in the 2019 parliamentary elections supported it this time around, while one million former left voters this time chose Rafał Trzaskowski. Another 500,000 former left-wing voters supported the conservative-liberal anti-establishment candidate Szymon Hołownia.

LGBT rights in the presidential campaign

Trzaskowski thrust the issue of LGBT rights into the campaign. Paradoxically, however, the candidacy of Biedroń, one of the few openly gay politicians in the country, had not done so before.

Trzaskowski became mayor of Warsaw in 2018. While his predecessor, Hanna Gronkiewicz-Waltz, had represented the more conservative wing of the same PO party, Trzaskowski decided to modernise the political agenda of the local PO and signed the LGBT Charter. This included a set of antidiscrimination policies. He also took part in the Warsaw Pride demonstration.

Throughout the presidential election campaign, Duda's spin doctors pursued the strategic goal of dividing Polish society into supporters of conservative family values on one side, and people in favour of marriage equality on the other. In May, amid the election campaign, Duda signed the so-called 'Family Charter' (as opposed to the LGBT Charter). This declaration included a guarantee of maintaining PiS social policies. In particular, the Family Charter also included a promise to ban "LGBT propaganda in public institutions". Duda furthermore claimed that "LGBT is not people, it is an ideology".

Crucially, Trzaskowski did not confront Duda on his attacks against the LGBT community. Instead, he focused on defending human dignity in general. Neither did he support the Left's proposal for a marriage equality bill. Trzaskowski did, however, express support for a registered civil partnership, which could also be available for same-gender couples, although he emphasised during the campaign that this registered civil partnership was not the most significant

issue in the 2020 presidential elections and that the government had to concentrate its efforts on healthcare and overcoming the economic crisis.

Despite Trzaskowski's unprecedented mobilisation of supporters from various opposition parties, his tactics did not pay off in the ballots and he was defeated in a run-off by President Duda by 422,000 votes. Not exactly a razor-thin margin!

In the end analysis, Trzaskowski suffered from the lack of a consistent vision of state and social progress, and from the lack of a real alternative to the paternalistic conservatism of PiS. His campaign was solely focused on the negation of the vision of PiS founder and former president Jarosław Kaczyński, who is still the party's strongman. Trzaskowski's campaign was enough to gain over 10 million votes, but it was not enough for PO to win a majority. Many of the independent voters in the election remembered the anti-social legislation of the previous centre-right government under Donald Tusk, especially the increase in the retirement age to 67 years (for women from 60 to 67). Trzaskowski's positions on the retirement age were unconvincing and thus gave Duda's staff the opportunity to put the issue of former governments' anti-social legislation on the agenda. This was especially important for blue-collar voters. However, Trzaskowski failed to propose them his own vision of the non-authoritarian welfare state.

Since the presidential election, LGBT issues have continued to be at the centre of Polish public debate. In August, a handful of teenage LGBT-activists placed rainbow banners on some of Warsaw's most significant monuments, including a statue of Jesus. This prompted the conservative government to respond harshly by sending in the police and involving the prosecutor's office, which are both under the authority of the government. At the request of the prosecutor, the court issued an arrest warrant for one of the young activists – Margot, a non-binary person – who was accused of destroying a van (which was broadcasting homophobic propaganda). Spontaneous protests in reaction to this were crushed by the police. Over 50 protesters were temporarily detained and their civil rights were violated (eg, the detainees were denied the right to contact a lawyer). It was two weeks afterwards when the court of appeal ordered the activists to be released.

The right wing's new balance of power

In the aftermath of Duda's success in the presidential election, the PiS parliamentary majority has started to show cracks. Since taking power in 2015, the coalition has been composed not only of PiS, but also of two smaller right-wing parties: Zbigniew Ziobro's Solidarity Poland (SP) and Jarosław Gowin's Porozumienie ('Agreement').

The SP is eurosceptic and national conservative, with leanings towards the US alt-right, while Porozumienie rather represents a moderate pro-European tendency, ideologically close to the economically liberal conservatism of Margaret Thatcher and Ronald Reagan.

Since the 2019 parliamentary elections, PiS has needed the members of parliament of both these smaller parties all the more urgently, and the increased political weight of SP and Porozumienie has triggered a triple struggle within the coalition: a struggle for influence in the current gov-

ement and state-owned enterprises; a struggle for power in the near future when Kaczyński's leadership begins to wane; and a struggle for the future ideological direction of the Polish right.

The ideological struggle is now in full swing. In line with his alt-right sympathies, Ziobro insists on tightening the conservative agenda, with a focus on cultural war issues like LGBT and reproductive rights, and with an anti-gender perspective. He also asked for the country to withdraw from the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

This issue of withdrawing from this convention was very inconvenient for Prime Minister Mateusz Morawiecki, who would rather have focused on economic issues, and especially on rebuilding the economy after the coronavirus crisis. He managed to temporarily water down the discussion on the Istanbul Convention by asking the Supreme Court to check its constitutionality. By delaying its judgment, the Court managed to buy Morawiecki some time.

Ziobro also threatened the unity of the right-wing government by insisting on vetoing the EU's Multiannual Financial Framework for 2021-2027, and the Next Generation EU recovery instrument, as he was not prepared to accept the rule of law conditionality. Accepting it, according to his collaborators, would have been a betrayal of Polish national interests.

Although Morawiecki finally withdrew the Polish veto, the episode highlighted the main difference between Kaczyński and Morawiecki on one side and Ziobro on the other. For Kaczyński and Morawiecki, eurosceptic propaganda is a tool, while for Ziobro it is his core business. Ziobro has therefore announced that when the Next Generation EU is to be ratified in the Sejm, he will vote against it, and against the rest of the right-wing coalition.

It was against this backdrop that Jarosław Kaczyński attempted to confirm his leadership and marginalise his junior coalition partners by a government reshuffle in September 2020. He then re-entered government with a formal role – as deputy prime minister. Whether that was a sign of strength or weakness is debatable.

Kaczyński's animal welfare showdown

In another botched attempt to bolster his leadership, Kaczyński introduced a bill on animal welfare that would have prohibited fur farming, and limited ritual slaughter as well as circus shows with animals. While the PiS leader is well-known for his soft feelings towards animals, these feelings are not shared by many other Polish conservatives. Rather than being a political necessity or an emotional weakness, he conceived the bill as a loyalty test of his right-wing members of parliament, forcing them to bend to his will, even if that entailed voting against their own views. But what was meant as a show-off of Kaczyński's strength became an element of the disintegration of the right-wing coalition.

Not only did Kaczyński not manage to embark his coalition partners (SP voted against, Porozumienie abstained), but in a challenge to his authority even 18 members of parliament from his own party voted against the initiative. When the bill finally did pass in the Sejm – with the support of the Left and the centre-right Civic Platform – it triggered mass demonstrations of farmers, normally a core group of the PiS electorate. The anger of the protesters was directed

at the government, but also at Kaczyński personally. Although the Senate, too, approved the bill, the protests prompted PiS not to finalise the legislative process. For Kaczyński, who had invested his personal authority in this issue, it was a crucial defeat. In addition, in the process, Jan Krzysztof Ardanowski, the minister for agriculture, was dismissed because of his opposition to the bill. When the whole legislative initiative finally fell apart, Ardanowski briefly threatened to create his own breakaway parliamentary group.

Covid-19 as a factor of political decomposition

The game-changing moment in Polish politics in 2020, however, was the outbreak of the autumn wave of the Covid-19 pandemic. Until then and thanks to strong social discipline, Poland had coped with the spring wave of the Covid-19 pandemic unexpectedly well. During the spring wave, the minister of health, Łukasz Szumowski, had gained unique authority. But he lost it during summer, when information about public procurement was published in the media, undermining his credibility.

As the first round of the presidential election showed a low turnout among senior voters who were fearful for their health and life, right-wing politicians then started a campaign to encourage the elderly to take part in the second round. The prime minister said people “should not be afraid of coronavirus” and that “coronavirus is in retreat”. This propaganda campaign was successful and Duda won the run-off backed by many elderly, conservative voters.

When the second wave of the pandemic hit in October, 27,000 infections per day were reported – in a country that had never seen a daily rate of over 1,000 until then – ventilators were running out, the whole healthcare system was pushed to the verge of collapse. During these days, people remembered Morawiecki’s reassuring words well, and saw the opposite becoming true. They also recalled the words of President Duda that “not everyone enjoys wearing masks”, and his admission that he was one of those people. Duda also refused to be vaccinated against the seasonal influenza.

In this context, the government’s earlier reputation of successfully fighting off the pandemic fell apart. Indeed, people started to blame PiS for the collapse of the healthcare system.

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The women’s strike

The issue that has caused the biggest social outbreak since the beginning of PiS rule has been reproductive rights. While the farmers and the far-right members of the PiS parliamentary fraction were protesting against the animal welfare bill, it said it is believed by political observ-

ers that Kaczyński decided to give the green light to the constitutional court's procedure on an anti-abortion bill.

The history of 'the abortion compromise' against women

The debate on reproductive rights goes back a long way in Poland's history. Indeed, Polish women gained the right to decide about their parenthood in 1956. During the transition after 1989, the Catholic church fought against abortion rights until, in 1993, right-wing and liberal politicians passed a law banning these rights, except when the woman's life or health is endangered by the pregnancy, when the pregnancy is a result of a criminal act, and when there is a high probability of a severe and irreversible foetal impairment. In the media this regulation became known as 'the abortion compromise'. The second part of this 'compromise' was that contraception should be made available and science-based sexual education taught in public schools. This second part, however, was never implemented.

When PiS took power in 2015, Polish anti-abortion organisations proposed to ban abortion in all cases, except to save the woman's life. The citizens' initiative on this bill included penalties of up to five years imprisonment for medical staff who conduct abortions. The bill was debated in Sejm in 2016 and a majority of members of parliament voted in favour of continuing the legislative process. This triggered the so-called 'Czarny Protest' ('Black Protest') when approximately 100,000 protestors gathered to denounce the new bill. Although the women's strike (2016) did not result in a reversal of the existing anti-abortion laws, the ruling PiS party decided to abandon the initiative.

An attack on women's rights under cover of the pandemic

Despite delaying the case, the PiS-controlled constitutional court ruled on 22 October 2020 that abortion in the situation of severe foetal defects is inconsistent with Poland's constitution as this provides for the legal protection of life. The court's ruling came in response to a constitutional complaint by a group of conservative members of parliament from PiS and from the far-right Konfederacja (a coalition of libertarians and nationalists, who do not support the government).

In opposition to the ruling, people took to the streets in more than 500 places, even including many PiS strongholds. In some cities, protesters staged sit-ins in Catholic churches and disrupted Sunday masses. The single biggest demonstration in Warsaw gathered over 100,000 protesters, an impressive number in a country not used to big street demonstrations. Often, the demonstrations were attacked by far-right supporters and football hooligans. But those acts of violence did not intimidate Polish women and over one million protesters took part in demonstrations across the country.

Before the most violent incidents, Jarosław Kaczyński – in his new role as deputy prime minister, overseeing also national security – called on right-wing supporters to "defend churches". He also called the protesters "criminals". According to media reports, PiS leaders wanted Polish police forces to suppress the protests, but the inspector general of the police did not accept.

A social movement for women's rights and against the power of conservatives and clergy

The protests were coordinated by the 'All-Poland Women's Strike' (OSK), a movement established in 2016 under the leadership of Marta Lempart and Klementyna Suchanow. According to OSK, the aims of the protests include demands for legal abortion, sex education, contraception and restoration of the independence of constitutional institutions (the Constitutional Tribunal and the Supreme Court). Four main forms of social anger were expressed on the streets during the peak of the social protests: anger at the violation of women's freedom connected with their calls for legal abortion; anger at PiS, which was expressed in a slogan consisting of eight stars (***** ***) that was widely understood as vulgar demand for the instant resignation of the government; anger at the whole political system, which was expressed by the slogan 'Wypierdalać' ('Fuck Off'); and anger at the dominant role of the Catholic church in Polish social life, expressed in the form of protests in or nearby churches.

The protests against the deprivation of reproductive rights have united different generations, despite high school and university students being clearly dominant. The participation of the youngest generation in the protests, and the radical expression of their views, have terrified right-wing politicians and conservative commentators, as well as the clergy. The current protests are much younger than the previous ones in defence of judicial independence and generally the rule of law, which instead tended to attract a generation for whom the democratic transition was the main political experience of their life.

In cooperation with female members of parliament from the Left, the OSK established a citizens' committee to collect signatures in favour of a bill to legalise abortion law in Poland. President Duda meanwhile introduced a 'compromise' solution to the abortion crisis. This allows ending pregnancy only when foetal impairment leads to the immediate death of the child. In essence, Duda's 'compromise' was just a tightening of the abortion law, and the proposal was widely criticised both by pro-choice and anti-choice organisations. Even the clergy criticised Duda's solution, as not being conservative enough.

Some politicians, including Szymon Hołownia (who took third place in the presidential elections), propose a referendum on abortion, but the OSK strongly opposes this. The Left's politics do not exclude any scenario, which may potentially lead to the liberalisation of the anti-abortion law.

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The acceleration of secularisation

Alongside the issue of abortion, the social authority of the Catholic church is also collapsing under the weight of two documentaries evidencing a previously unknown level of paedophilia,

which have both registered over 30 million views on YouTube.¹ A third documentary, 'Don Stanisław',² on Polish TV about the role of cardinal Stanisław Dziwisz in paedophile scandals has undermined his social position and cast a shadow on the legacy of Pope John Paul II, whose position and authority was one of the bedrocks of conservative hegemony in Poland during the transition period.

In addition, the close alliance of the Catholic church with the ruling PiS party, as well as the church's homophobic statements, are damaging the standing of the Catholic church in Poland. Positions such as those of the archbishop of Kraków, Marek Jędraszewski, who called LGBT rights an "ideology" and spoke of the movement as a "rainbow plague", comparing it to the 'red plague' of communism, are rejected by the young generation.

The number of pupils attending religious education in public schools has been decreasing for last decade. The protests against the deprivation of reproductive rights was an opportunity for the youngest generation to make themselves heard in the public debate.

At the edge of transition

The failure to hammer the animal welfare bill through, the protests of farmers, the abortion ruling of the constitutional court and the mass protests in defence of reproductive rights, but also Kaczyński's calls for the 'defence of churches' and inciting violence, are all factors suggesting that the PiS leader is losing his ability to read social emotions – his crucial political asset until now. The Polish right-wing coalition under Kaczyński's leadership seems to be showing signs of a gradual decomposition.

This is pushing the Polish political system towards a profound transition, with polls now showing that for the first time since the 2015 elections approval for parties opposing the government is higher (43 per cent at the end October) than that for its supporters (33 per cent). In early October, support of the government still stood at 38 per cent, while its opponents scored 34 per cent. During the same period, Kaczyński lost 11 per cent in approval rating polls, President Duda lost 13 per cent and Prime Minister Morawiecki lost 10 per cent. Rafał Trzaskowski from Civic Platform (PO), however, gained 3 per cent, as did the Left's leader Włodzimierz Czarzasty, and conservative-liberal anti-establishment politician Szymon Hołownia gained 2 per cent. Hołownia, with the support of half the polls' respondents, is now the politician with the highest approval rating.

Szymon Hołownia is also the main political beneficiary of social protests, despite the fact his movement supports the 'abortion compromise'. Indeed, he has even stated he would personally consider tightening the law. But his success can be explained by former PiS supporters who have turned their backs on their former party and are now considering supporting left or liberal parties. Another significant trend in the polls is the increasing number of undecided voters.

1 *Tylko nie mów nikomu* 2019, <https://youtu.be/BrUvQ3W3nV4>; *Zabawa w chowanego* (2020) <https://youtu.be/T0ym5kPf3Vc>.

2 <https://player.pl/programy-online/don-stanislaw-druga-twarz-kardynala-dziwisza,192443>.

All this announces crucial changes in the Polish political system. PiS is no longer the favourite to win the next general election. What is more, the perspective of a change of power is now a realistic option – even though it is too early to forecast how a future ruling majority will look. The women's strike has triggered a process of evolution of political opinions for many voters. Furthermore, it has activated the youngest generation of voters for whom a negative attitude to PiS is a crucial element of their political stance. Nevertheless, the issue of a liberalisation of the anti-abortion law is rather a long-term perspective, longer than one term of the parliament. Indeed, without changing the majority in the constitutional court, liberalisation will not be possible. Given that the term of this court is nine years, the evolution of Polish politics will be a lengthy process. But the direction of this evolution is now clearly progressive.

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