



EUROPEAN POLICY ANALYSIS

Conflict or Conciliation? The Polish elections of 2023 and their consequences for the EU

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Summary

On 15 October Poland will hold parliamentary elections and the result will be decisive for the democratic future of the country as well as its role in the European Union. The two main parties competing for victory are the right-wing Law and Justice (PiS), which has been in power with the support of smaller coalition partners since 2015, and centre-right Civic Platform (PO), which was in power from 2007 to 2015. The emergence of nationalist and Eurosceptic Confederation party could also influence the result: they may have the balance of power in the new parliament.

The elections are a clash of two visions for Poland's future in Europe. PiS, accused of autocratic tendencies and dismantling liberal democracy, is an advocate of the intergovernmental model of European cooperation and limiting of power of the EU institutions. In contrast Civic Platform and its partners declare that, should they win the elections, Poland will return to the European arena as a constructive partner and support further integration. Polish society is highly polarized, the PiS and Civic Platform electorates are rather stable, and the outcome will be determined by undecided voters for whom emotions as well as utilitarian interests play an important role in the final choice.

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The opinions expressed in the publication are those of the author.

1. Introduction

On the 15th of October Poland will hold parliamentary elections that will to a large extent determine the democratic future of the country as well as its role in the European Union. The results of the elections may well also influence the situation in the region and the role the country plays in the international coalition supporting Ukraine in defending itself against Russia's war of aggression. This analysis will explain how domestic politics and historical legacies play a role in Poland's foreign and European policy and how the mainly polarised electorate may influence the future of the country's EU membership. It will also describe the possible scenarios following the elections, and their probable consequences for the EU, which are likely to be significant. Poland is a pro-European society which has elected successive Eurosceptic governments, and this contradiction may, like the election results, have wider European relevance.

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Poland used to serve as a prime example of successful European integration and remains one of the most pro-European countries in the EU. But following its accession in the 'big-bang' enlargement of 2004, Poland, like other Central and Eastern European countries, began to experience what has been called 'delayed transformation fatigue' (Kubik 2020) and the rise of populist nationalism and anti-EU rhetoric: 'fatigue' describes 'people's normative disorientation, impatience, disappointment, and the general lack of 'sense,' and 'delayed' points to the fact that the disorientation and economic upheaval of the 'transition' to a market economy in the 1990s did *not* produce a right-wing populist insurgency; it came much later.

Since 2015, Poland has been ruled by a right-wing coalition led by Law and Justice (PiS), a party that is accused by its political opponents, by democratic civil society, by EU actors and by scholars of dismantling liberal democracy on several fronts: limiting the independence of the judiciary,

violating human rights (for instance of LGBT citizens) and capturing public media in order to use it for their own political ends. This led to a conflict between the Polish government and the European Commission and Poland's fellow member states which saw the triggering, for the first time, of Article 7 of the Treaty on the European Union, a mechanism which provides for the suspension of membership rights if all the other member states agree is a 'clear breach' of the EU's fundamental values. This reaction fueled the Euroscepticism of the Polish ruling parties and deepened the cleavages in the Polish society (Buras 2022). Another election victory for PiS will most likely bring a strengthening of the already implemented policies and, as a consequence, will result in Poland departing further from European standards and its further marginalization in the EU.

A victory for the opposition, on the other hand, would restore Poland's active role in the EU and strengthen pro-European groups, in Poland and elsewhere, ahead of the 2024 EP elections, but it would also pose a challenge to the new governing parties when it comes to domestic policy reforms. An opposition victory would require a careful dialogue with society—especially with the recipients of PiS's redistributive policies—in order to ensure support for changes, otherwise, the cleavage in the society will only get more visible and its consequences could prove difficult to deal with.

2. How Did We Get Here? Identity, History and the Role of Religion

Contemporary Polish politics is deeply rooted in historical legacies, some of which are region-specific. Despite having more than 1,000 years of existence, in the last two centuries the Polish state appeared, disappeared and then reappeared on the map of Europe. Independence in 1918 allowed the building of a modern state out of the lands that had been partitioned by great empires (Austria Prussia and Russia) at the end of the 18th century. Building a unified country from parts that had been developing at different paces and according to different patterns for over 100 years was a demanding task, and contemporary Poland is still marked by uneven development, with the partition borders still visible on electoral maps. The short period of stability in the interwar period was

followed by the Nazi and Soviet occupations and, after the vast destruction of the war, the instalment of a communist regime. The fall of the Iron Curtain in 1989 and the post-communist transformation still influence the political preferences, rhetoric and activity of the dominant political parties and shape Polish conceptions of sovereignty, security and statehood; those opposing EU accession portrayed it as yet another ‘occupation’ or ‘colonisation’ (Styczyńska 2018, 71–72). Moreover, Poland’s specific geopolitical position, sandwiched between Germany and Russia, has always played a significant role in policy-making and its international engagement.

Polish foreign policy after 1989 was pro-western, and the European Communities (later European Union) has always been seen as a guarantor of security and economic development. One of the priorities of the first democratic government after the fall of Communism led by Tadeusz Mazowiecki (1989–1991) was establishing good relations with Poland’s neighbours and integrating into Western structures. Accession to NATO (1999) and to the European Union (2004) was the result of cross-party consensus supported by a majority of the public. However, widespread agreement regarding an integrationist, pro-Western orientation did not mean a lack of Eurosceptic voices. Anti-EU parties and civil society organisations (to some extent also the Catholic Church) were pointing at the supposedly decadent influence of the West on Polish identity, a possible lack of political sovereignty after accession to the EU, and the risk of domination by the big member states (Germany) as well as discrimination against the new ones. European integration was also seen, by some, as a danger to the national economy.

While the pro-EU stance is prominent in Polish society and mainly motivated by utilitarian arguments, the strong role of religion and the influence of the Catholic Church in political life is a distinctive feature of the Polish political landscape. During partitions and communism, the church played an important role in preserving tradition and identity and was perceived as a

guardian of Polishness. Nowadays, a majority of the clergy is of a conservative worldview claiming that the secular and liberal West is a threat to Poland’s traditional way of life. At the same time, the politicisation of the church and sex abuse scandals are accelerating Poland’s secularization as more and more young Poles decide to leave the Church (Rocca and Ojewska 2022).

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3. Poland’s Right-Leaning Political Landscape

The political and economic transition after 1989 was rapid and full of challenges. The distribution of power between the President and the legislature was debated, while the party system witnessed the mushrooming of new parties (more than 100 parties ran in 1991 elections) which together with a highly proportional electoral formula resulted in a fragmented parliament generating three cabinets in three years (see Kasprówicz et al. 2016, 27). Only the late 1990s brought relative stabilization of the political system and limited electoral volatility.

Anti-communist sentiments, the legacy of *Solidarność*,¹ the strong presence of the Church in public and political life and the appropriation of social rhetoric by the conservative parties resulted in the weakening of the Polish left. Since 1989 and the democratic transition, Poland’s most powerful left-wing party was the communist successor Democratic Left Alliance (which governed from 1993–1997 and 2001–2005 when it negotiated Poland’s EU membership). It lost most of its support during the first populist-conservative turn (PiS’s first government, 2005–2007) and continued

¹ *Solidarność* was a trade union established in 1980 and the most important opposition movement. After 1989 its activists founded several centre-right political parties, out of which in 1996 the Solidarity Electoral Action (AWS) was created and governed from 1997 to 2001.

to lose influence, resulting in a total absence from the parliament during the 2015–2019 term. Currently, the rebranded left gains more support, mainly among younger, more progressive voters (Szczerbiak 2021), and according to opinion polls the New Left should be able to obtain seats during upcoming elections.²

The weakness of the Polish left reflects how, since it joined the EU in 2004, the Polish political scene has shifted to the right and the political arena is today dominated by two parties: right-wing populist PiS (part of the European Conservative and Reformists, in power 2005–2007 and since 2015) and centre-right Civic Platform (PO, part of the European People's Party, in power 2007–2015). The Polish Peasant Party (PSL) used to serve as a junior coalition partner for both left-wing governments and for Civic Platform, and declares itself as a representative of the Polish farmers. Interestingly, although the party has an extensive network of local structures it seems that since 2015 Law and Justice has taken over part of the conservative rural electorate (Wanat 2019). This trend may reverse, especially due to the disappointment that PiS has caused farmers in recent months, and a new player has entered the scene: agrarian socialist Agrounia whose leader decided to run from the list of Civic Platform in the upcoming elections. PSL decided to join efforts with Poland 2050, another centre-right party led by Szymon Hołownia; for both parties this could be the only way to enter parliament.

Radical-right, nationalistic and Eurosceptic attitudes have always existed in Polish society, although before EU accession they were rather marginal. This changed with the Eurosceptic League of Polish Families (LPR) which gained visibility while advocating for the rejection of Polish EU membership during the 2003 referendum. The party became a junior coalition partner for PiS (2006–2007) but lost electoral support and significance after 2007. The 2014 European Parliament elections brought a revival of right-wing Eurosceptic and populist views with the Congress of the New Right (KNP) obtaining

4 seats and joining the Europe of Freedom and Direct Democracy group. The 2015 national elections introduced anti-migration and populist Kukiz'15 to the Polish Sejm, followed by the radical right-wing Konfederacja (Confederation) that secured 11 seats in the 2019 parliamentary elections. Support for this party has increased in recent years and, according to polls, it may become the third political force in the new parliament and could become the next government's kingmaker (Economist 2023). While the rise of populist Eurosceptic parties is observed all around Europe, Poland (together with Hungary) has been an exceptional case where populists are in power, though in 2022 they were joined by Italy.³ The characteristic feature of Polish Euroscepticism is that it recognises the economic and security benefits of membership while rejecting European values and identity as alien and contradictory to the traditional Polish way of life (Mach and Styczyńska 2021, 116).

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4. A Pro-European Electorate & Eurosceptics in Power

After a decade of EU membership, strong Eurosceptic rhetoric appeared during the refugee crisis and fueled the parliamentary campaign of 2015. In the wake of the PiS victory, anti-EU discourse, motivated mainly by anti-migration stances, gained recognition and moved from the margins into the political mainstream. This EU-migration nexus reappeared during a recent campaign relating to the EU's migration pact, which proposes the relocation of migrants from one

² Other smaller left-wing parties and organisations (such as Razem and Women's Strike) decided to join the New Left electoral list.

³ Poland is the only EU country that has been governed by a coalition of as many as three populist parties: PiS and its smaller coalition partners, Agreement (Porozumienie) of Jarosław Gowin, and Solidarity Poland (Solidarna Polska) of Zbigniew Ziobro.

country to another and/or contributions to ease the burden of hosting them; the issue is extremely politicised.

Despite having a strongly Eurosceptic coalition in power since 2015, Poland remains one of the most pro-EU societies in Europe. 47% of Poles trust the EU (while only 32% trust the national government), and 58% declare that the EU has a positive image, compared to 45% in the EU27 (Eurobarometer 2023). After the outbreak of the war in Ukraine, support for Poland's membership in the EU reached a record high level, exceeding 90% (CBOS 2023). In spring 2023 it was 85%, returning to the average support of the last decade. Interestingly, the dispute over the rule of law and the conditionality mechanism has not translated into a decrease in support for membership. There is approval from the majority of Poles (and a quarter of PiS supporters) for the changes suggested by the European Commission in order to unblock the payments from the Recovery plan (Sitnicka 2022).

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The reasons for the positive attitudes to the EU are mostly related to economic prosperity, freedom of movement for work and travel as well as security issues. European identity is still in the making but the benefits of membership are widely recognized; since accession in 2004, Poland's receipts from the EU budget have always outweighed payments. But it is not only the economic factor that matters for the Polish society. The EU, together with the US, is seen as a security guarantor, especially since the 2022 full-fledged invasion of Ukraine by Russia. Polish foreign policy is rooted in the national perspective, which is interpreted to mean support for the EU's Eastern Neighbourhood policy, Enlargement policy (Ukraine, Moldova and the Western Balkans), common energy policy (guaranteeing Polish energy security in the context of securing supplies), and a common stance as regards the Russian Federation (sanctions and support of Ukraine).

Eurosceptic stances are noticeable when it comes to values (secularization, minority rights, gender roles), migration and the eurozone. Contestation of some EU policies is based on the accusation of too much power being given to the EU institutions, but one can observe also criticism towards *not enough* common activities (such as energy policy, speed of imposing sanctions against Russia, migration policy). The right-wing actors claim that integration has gone too far, limiting national sovereignty and allowing the biggest and richest member states to dominate. The ruling coalition sees the future of Europe in the intergovernmental model (wider but not deeper integration) and insists on the reform of the EU. Views on European integration and the issues of sovereignty are related to the general worldview of the electorate. They also confirm the cleavage that has been observed for decades, between more progressive urban centres and western parts of Poland, while more conservative views are predominant in the east of the country and in smaller towns (also in the south of the country).

5. The Difficult Relationship between Warsaw and Brussels

Only months after coming to power in 2015, the coalition led by PiS implemented reforms that affected the entire structure of the justice system by granting political control over decision-making in courts and the procedure of appointment of judges (Sadurski 2018). According to international institutions and the Polish opposition, the reforms undermined the rule of law and the independence of the judiciary. The changes triggered mass street protests as well as protests inside state institutions (Matthes 2022). In 2017, in response to the reforms, the Commission initiated the Article 7 procedure of the Treaty on the European Union against Poland. The procedure was accompanied by debates in the European Parliament and subsequent judgments of the Court of Justice of the EU (CJEU) in cases concerning the reforms. Failing to comply with CJEU judgments has already cost Poland €360 million (Maurice 2023) and it stands to lose much more in suspended funding if the dispute is not resolved. The government claim that the Commission is unlawfully interfering with domestic issues and imposing solutions that are against Polish interests.

The Polish judicial reform was also on the agenda of other international organisations, including the Council of Europe (through its Venice Commission) and the UN (through the Special Rapporteur on the independence of judges and lawyers). In the meantime, a new EU budget and common funding for post-COVID-19 recovery plans were passed in Brussels. Due to rule of law conditionality Poland will not be able to receive €36 billion in Recovery and Resilience Facility (RRF) funds until the new judicial reform bill is implemented. The changes agreed as ‘milestones’ between Warsaw and Brussels in order for the funds to be released were sent to the PiS-controlled Constitutional Tribunal by President Duda earlier this year, so any solution will take even longer (Cienski 2023).

On top of that, the disagreements between the PiS-led government and the Commission deepened in June, due to a controversial ‘Russian influence law’ that is in practice aimed at discrediting former European Council President and the leader of Civic Platform Donald Tusk, who stands accused of favouring Russian interests. The law brought into existence a committee to supposedly investigate Russian influence in the country between 2007 and 2022, which resulted in yet another infringement procedure against Poland launched by the Commission, which claims, among other things, that the law ‘unduly interferes with the democratic process’ (European Commission 2023).

The judiciary is not the only bone of contention between the Polish government and the European institutions, other areas where government actions are criticized by democratic institutions include education, freedom of media, minority rights and reproductive rights to list just a few.

6. The Electoral Campaign and Possible Outcomes

This section briefly outlines Poland’s democratic system before describing the electoral campaign so far and the possible outcomes.

Poland’s parliament is bicameral and the elections this year are to both the Sejm (lower chamber) and the Senate (upper chamber). Executive power is exercised by the President (directly elected; the next elections in 2025) and the Council of Ministers, whose chair is the Prime Minister. The 2015 parliamentary elections resulted in a clear victory for the PiS coalition in both the Sejm (235 of the 460 seats) and the Senate (61 of the 100 seats), but the 2019 elections made the situation somewhat more nuanced; PiS won a majority in the Sejm, but not in the Senate, where the opposition took 51 seats.⁴ In such circumstances, potential vetoes or amendments by the Senate may still be rejected by the Sejm, but the legislative procedure extends over time, giving the opposition the opportunity to mobilize public opinion, the media or international institutions.

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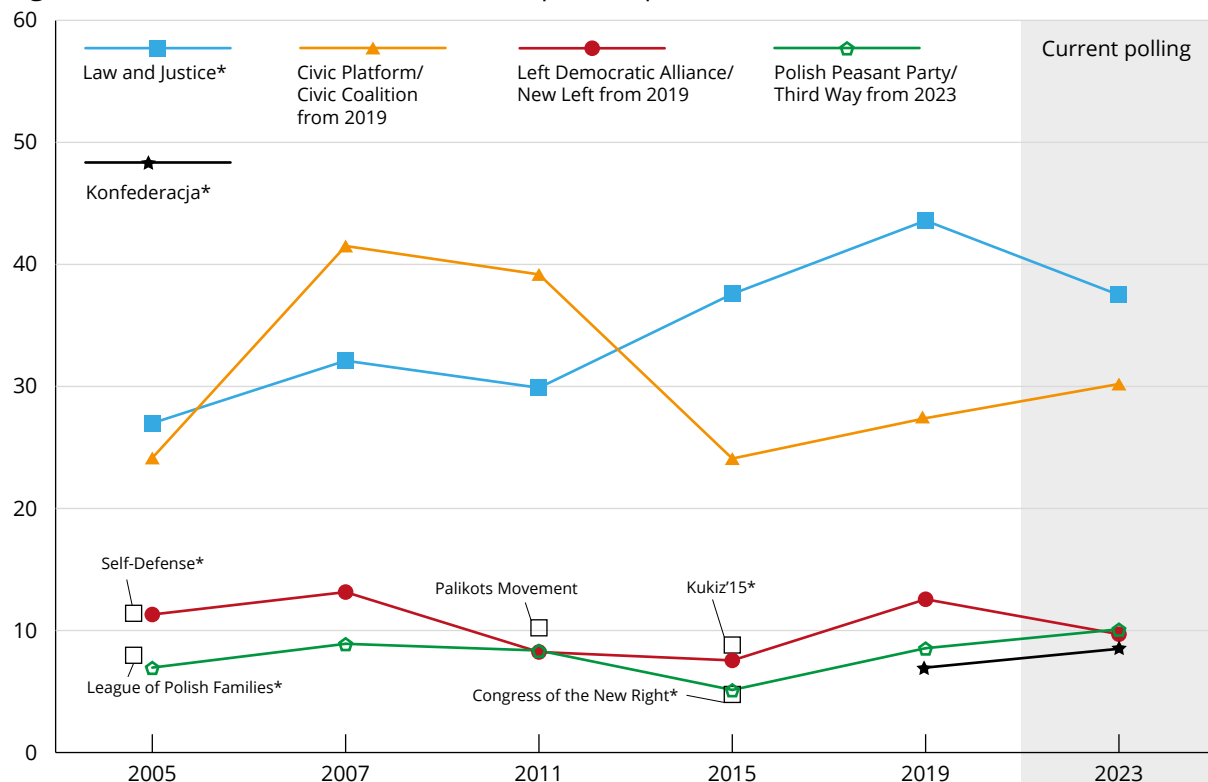
Poland is a parliamentary democracy and the role of the president is mostly representative, however current President Andrzej Duda clearly supports the ruling coalition and uses presidential prerogatives (such as the veto power, and nomination of judges) in line with the PiS policies. Duda, re-elected in 2020, remains loyal to PiS despite predictions that he would drift towards greater neutrality during his second term.

On the eve of the 2023 elections, it appears that there are just 5 parties which will be able to enter parliament:

Law and Justice (PiS) under the leadership of Jarosław Kaczyński (who is the *de facto* ruler of the country) built up an electoral list with its usual allies, including Minister of Justice Zbigniew Ziobro’s Sovereign Poland, Kukiz’15,

⁴ Voting systems for the two chambers differ: first-past-the-post in single-member district voting for Senate and proportional representation for Sejm. As the 2019 elections demonstrated, a united opposition list gives higher chances for victory in the Senate than several party lists.

Figure 1. The vote share of selected Polish political parties



*Euroseptic

Source: author's own elaboration based on data from Państwowa Komisja Wyborcza (the Polish national election commission); projections from ewyborc.eu.

The Republicans and smaller right-wing parties and movements. The majority of the PiS electorate supports Poland's membership in the EU, therefore PiS focuses on contesting the current shape of the community, not the idea of integration itself. The electoral manifesto emphasizes that Poles have always been and remain Europeans, but the European Union requires thorough reform (PiS 2023). The call to limit the competences of institutions, rejecting federalization and any deeper political integration and subjecting EU institutions to direct control of citizens are consistent with the demands expressed by The European Conservatives and Reformists (ECR), the European party to which PiS belongs. Sovereign Poland, which is part of the current coalition, is the most Eurosceptic formation on the electoral list, strongly opposes the EU's 'Fit for 55' emissions reduction package and also criticizes the Common Agricultural Policy.

The **Civic Coalition** is a wide pro-democratic coalition led by the Civic Platform of former prime minister and the former President of the European Council Donald Tusk. All parties engaged declare

EU membership being one of the most important issues on their agenda. The Civic Platform party is an active constituent party of the European Peoples Party and EPP Group in the European Parliament. In their programme for the first 100 days in office, Civic Coalition promises to implement the rulings of the Court of Justice of the European Union and the European Court of Human Rights regarding the independence of courts and judges, and thus promises to unlock financial resources for Poland. The coalition also announces that Poland will return to the group of countries actively creating policy in the EU, and that it will be closely involved in the European Defence Fund (PO 2023).

The **Confederation Freedom and Independence** (Konfederacja) is a coalition of right-wing and Eurosceptic parties and movements established before the 2019 EP elections. Konfederacja is (along with Sovereign Poland) the most Eurosceptic party running for Parliament. Party leaders Krzysztof Bosak and Sławomir Mentzen underline that the party is characterised by EU-rejectionism

rather than Euroscepticism, meaning support for the place of the Polish nation in 'European heritage', but calling for clear limits to European political integration and to the authority of European law (Konfederacja 2020, 17–18). During the 2023 campaign, Konfederacja has criticized the ban on the sale of combustion cars after 2035, CO2 emission certification systems and Fit for 55, and also calls for media campaigns to provide a counterweight to the European Commission's 'propaganda monopoly'. The electoral programme also includes a review of 'illegal EU programmes', which, according to Konfederacja, are not only inconsistent with the Polish constitution but also inconsistent with treaties and are the result of excessive competences having been acquired by eurocrats. Konfederacja opposes social assistance from the state budget for refugees from Ukraine and emphasizes that Poland and Ukraine have no common interests. Some Konfederacja politicians are known for their pro-Russian views, blaming the West for the war.

The **Third Way** (Trzecia Droga) is a political project uniting the Polish Peasant Party (PSL) and their allies (Koalicja Polska) with Poland 2050 under the leadership of Szymon Hołownia and Władysław Kosiniak-Kamysz. The leaders announce that after the elections they will implement their own programmes, so they have issued separate electoral manifestos, which, however, are compatible in the most important issues, although very general. Both parties declare pro-EU stances, the necessity of solving the dispute between the Polish government and the European Commission, and the restitution of the rule of law. Moreover, Koalicja Polska is in favour of the EU Fit for 55 packages, it supports tightening EU climate policy further and increasing carbon dioxide emission fees. Poland 2050 does not directly refer to Poland's role in the EU but declares the need to resolve the dispute over the rule of law and to restore of democracy (Poland 2050 2023).

The Left (Lewica) is a cooperation between SLD, Spring, Together, the Polish Socialist Party and The Labour Union under the leadership of Włodzimierz Czarzasty. Most of the parties are members of the Party of European Socialists and their agenda is pro-European, although the programme for the 2023 elections is focused mainly on domestic issues. Similarly to other opposition parties, The Left promised to unblock the Recovery Fund

and to implement a more active European policy (supporting the Green Deal, further enlargement, and accession to the eurozone, see Lewica 2023). Unlike Konfederacja, the Left declared its will to support Ukraine both in military and humanitarian ways.

Polish political parties and their EU positions

Law and Justice (PiS). Supports continued EU membership but contests the current form of the European Union; caused prolonged conflict with EU institutions over the rule of law.

Sovereign Poland (part of the current governing coalition). The most Eurosceptic formation on the electoral list; strongly opposes 'Fit for 55' and criticizes the Common Agricultural Policy.

Civic Coalition. Announces that Poland will return to actively creating policy in the EU; promises to implement rulings on the independence of the judiciary and thus to unlock EU funds.

Confederation Freedom and Independence (Konfederacja). Along with Sovereign Poland the most Eurosceptic party running for Parliament; party leaders call for clear limits to European political integration and to the authority of EU law.

The Third Way (uniting the Polish Peasant Party and their allies). Declares pro-EU stances and the need to resolve the dispute over the rule of law. Supports further tightening of EU climate policy.

The Left. Pro-European; promises to unblock the Recovery Fund and to implement a more active European policy.

The threshold for single parties is 5% while for coalitions it is 8%. 231 seats are needed for the majority but it is a prerogative of the president to indicate who shall form a government. There is one more crucial element that may influence the electoral results. On the same day as the parliamentary elections, PiS ordered a nationwide referendum with four questions. Poles will be asked their opinion on the privatisation of state companies, raising the retirement age, the removal of the barrier on the Belarus border, and accepting migrants under a European Union deal, though no opposition party is proposing

these measures (Euractiv 2023). Experts say the referendum is unconstitutional and the opposition calls for a boycott (not accepting the ballot in the referendum) although it may be considered problematic by the voters who will receive all ballots together and whose refusal to take a referendum ballot will, in accordance with electoral law, be recorded.

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Scheduling both the elections and the referendums on the same day makes the campaign even more peculiar, as the public media openly support the ruling coalition’s positions on the referendum issues. Additionally, PiS are able to run this proxy campaign without legal and financial limitations. According to the existing regulations, the referendum allows for the usage of public money for an information campaign. Currently, the financial resources are used by the ruling coalition to organize campaign events in the form of ‘picnics’ in rural areas and small towns—traditional bastions of the conservative vote. As noticed already back in 2015 by former Prime Minister Grzegorz Schetyna, in Poland ‘elections are won in Końskie [middle size town], not in Wilanów [prosperous district of Warsaw]’.

Although polarisation is strong and it appears unlikely that the core electorate of PO or PiS will change their political preferences, there is still a relatively big group of undecided voters. Some of them may abstain, some traditionally vote for the protest parties (no matter their ideological stance) but some will decide only on the day of the elections (very often based on emotions and last-minute events). The elections will show whether the rural-urban divide is deepening—in the last months farmers voiced discontent with the policies of PiS (for example due to the delayed ban on Ukrainian grain)—and also whether the nationalist, xenophobic and anti-EU Konfederacja will obtain enough votes to influence the government creation.

As for now, the opinion polls show that PiS and their current coalition partners can still win but the number of undecided voters is still high and their choice could prove decisive.

If PiS wins but does not have a majority in Sejm, the President still can (as he indirectly communicated that he will) entrust the party with the mission of creating a government. It means either a coalition with other like-minded parties or a minority government, but it needs to receive the support of a majority in the Sejm (231 MPs). During the campaign, Konfederacja party rejected the possibility of entering any coalition, but PiS may obtain a majority by acquiring the support of just a few extra MPs from Konfederacja or any other party (perhaps even the more conservative MPs from the opposition).

According to recent polls obtaining a majority by a coalition led by Tusk is rather unlikely, thus the coalition with The Third Way or/and The Left would be needed. The opposition parties don’t want to speak about possible scenarios of future cooperation but the voters can observe that in the last weeks, they unofficially united efforts against PiS and Konfederacja.

The Third Way and the Left according to polls can count on 8–10%, but due to the electoral system, their lower performance may only strengthen PiS. The crucial factor is the turnout, which used to be much lower than in the established democracies (on average around 50%, data from Election Guide 2023). This trend seems to have changed, the 2019 parliament and EP elections brought relatively high turnout and the polling prognosis suggests a minimum of 60% in these elections. The undecided and those who are unsure if they are going to vote will de facto decide about the result of the elections.

The outcomes of the elections to the Senate are difficult to predict, but even if the opposition keeps its majority, President Duda will probably remain loyal to PiS until the end of his term in 2025 which means delaying any problematic bills by sending them to politicised Tribunal Court.

Even in its last few days the election campaign may still bring a sharp turn of events, as happened during the 2019 campaign (anti-LGBTQ campaign), 2015 (anti-refugee campaign) and

the presidential elections of 2005 (accusations that Tusk's grandfather voluntarily served in Wehrmacht). Very likely emotions and possibly new scandals will play a crucial role in and have some influence on the as-yet undecided voters.

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The anti-German rhetoric of PiS seems to appeal to some parts of the electorate (especially older citizens); the recent political advert promoting PiS in which Donald Tusk is portrayed as an agent of German interests serves as a good example of such emotionally driven messages. On the other hand, the scandal with the visa system and corruption in the Ministry of Foreign Affairs (which reportedly charged non-EU citizens up to \$5,000 for a Polish visa via outside companies) is being used by the opposition to underline the discrepancy between the words and deeds of the ruling coalition (Kość 2023). The checks on the border with Poland announced by Germany, caused by the growing number of asylum seekers arriving from Belarus via Poland, are being used by PiS to prove the thesis about Donald Tusk's ties with Germany and Berlin's attempt to influence the elections in Poland. But these same border controls have caused negative emotions and criticism of the government, as Poles consider freedom of movement within the Schengen area to be one of the most important benefits of EU membership.

7. Consequences for the EU

It is widely agreed that the Polish parliamentary elections are the most important elections in the EU in 2023; their results will determine not only internal politics but also the relations Poland will have with EU institutions and member states. This final section outlines the likely meaning for Europe of the two main scenarios; a PiS or opposition victory.

A PiS Victory

Should PiS win and be able to form a government, we can simply expect the continuation of the EU policies implemented in the last 8 years. Vis-à-vis

Ukraine, much will depend on whether PiS will be able to receive enough votes to govern only with the help of Zbigniew Ziobro's Sovereign Poland, or whether it will need to seek a wider coalition. But in terms of rule of law, a PiS third term would mean an even more intense conflict with the European Union whether or not they need the support of smaller parties: the party's electoral programme calls for completing the judicial reform and Kaczyński has said 'no-one will stop us' (Jałoszewski 2023). Further politicization of the education system, and limitation of minority rights—these, too, are bones of contention with the EU—is also highly likely. We know already that if Poland doesn't increase its observance of the EU's fundamental rights, it risks losing over €70 billion in cohesion funds in 2024. Similarly, if PiS wins the elections, and does not modify its position, it seems that the money from the Recovery Fund will not be released (for an account of the funding at risk, see Scheppele and Morijn 2023). As a consequence the economic situation is likely to worsen and Poland's membership in the Eurozone will become impossible not only due to the views of the government of the day but also due to economic indicators.

Should PiS win another term in office then their obstructiveness will be even more important than it has been so far, and it is worth considering, for a moment, their Polish brand of Euroscepticism. The building of a European 'polity' is evidently the most contested and least supported aspect of European integration in Polish politics, and while one can observe the strong attachment to the idea of Europe and Poland's place in it, there is much less enthusiasm regarding the EU as a 'project' and current policy making (Styczyńska and Meijer 2023).

Polish Euroscepticism, similar to that in Hungary, is focused on historical trauma, national identity and tradition. The recent memory of anti-communist resistance has allowed for an 'anti-imperialist' Eurosceptic narrative to emerge and resonate in Central Europe, emphasizing national sovereignty and resistance against powerful neighbours and supranational authorities (Csehi and Zgut 2021; Cilento and Conti 2021).

Kaczyński, like Orbán, accepts democracy only in the majority version, considering liberal democracy to be a mistake. Minority rights, but also building

European identity and strong European institutions are perceived as challenging if not dangerous inventions of 'the West'. This understanding of democracy makes it impossible to dialogue with partners in the EU, but also to be present and impactful in the structures of the democratic world.

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What may look like a perspective of marginalization is at the same time a signal of the strengthening of the right-wing and anti-EU bloc in Europe. PiS is currently the leading party in the ECR group in the EP, but it is also willing to cooperate with more radical right groups in Europe: in 2021, PiS joined an informal radical-right-wing coalition established by 16 parties, including Hungarian *Fidesz*, French *Rassemblement National*, Italian *Lega* and Spanish *Vox*. In their joint declaration (PiS et al. 2021), the need for reform of the EU and weakening of the EU institutions were stressed, and those institutions were portrayed as oppressive and aimed at building a 'European Superstate'. Such cooperation will have an impact on the mobilization of the sovereigntist block ahead of the European elections scheduled for 2024. In a similar vein, continuing noncompliance in the area of the rule of law could be interpreted as a manifestation of a disintegration strategy and thus a deliberate undermining of the EU legal framework (Cianciara 2023). Such activity can be understood as a challenger strategy of PiS and its allies aimed at undermining the foundations of the European polity. Peculiar for the case of Poland is that anti-EU sentiments are implemented top-down: it is not a Eurosceptic society that constrains a pro-EU government, but a Eurosceptic government that could be setting the EU on a path leading to disintegration without direct support of the citizens.

The election results will also influence international perception of Poland, especially in the context of the war in Ukraine. After the full-scale invasion of Russia on Ukraine in February 2022, Poland was

again at the centre of policymaking in Europe. No matter who forms a government, Poland will still be an important player, this is guaranteed by its geographical position. However, if the new government continues to undermine EU policies, Poland may lose its position as a trusted partner which may cause problems for the Polish presidency of the Council of the EU, scheduled for 2025. Moreover, if *Konfederacja* becomes a king-maker then we may expect a change in foreign policy since the party criticises the US presence in Poland and the volume of Polish military assistance to Ukraine (see Bronert 2023).

An Opposition Victory

Polish society's attitude towards the EU is positive but dominated by the feeling of the obviousness of the integration: membership and its benefits are taken for granted by the majority of Polish society. For that reason, the opposition underlines that the basic freedoms that come with EU membership as well as economic benefits may be over if the right-wing parties stay in power. Pro-European rhetoric is an important part of the Civic Platform's campaign and the good relations of Donald Tusk with the European leaders are emphasised. If PiS moved into opposition we may expect a reorientation of the currently hostile European policy, but also more openness towards common EU policies (e.g. climate policy). Consequently, with Civic Platform in power, one could expect a solution to the rule of law dispute and advanced internal reforms in many areas (e.g. education, public spending, judiciary, media) including ideological issues (e.g. abortion, same-sex partnerships). Tusk promises to strengthen Polish interests by restoring Poland to the role of policy-maker in the EU and improving bilateral relations with Germany. The main challenge for opposition parties will be the swift restoration of the rule of law by democratic means.

If the PiS-led coalition were to lose power, then Viktor Orbán's illiberal-populist government in Hungary would find itself more isolated on the European stage, being supported only by Slovakia's Robert Fico (if, as seems likely, his party *Smer* will be able to form a government). Whereas if PiS wins we may see a revival of Visegrad cooperation, but this time in the V3+1 formula (the Czech Republic is unlikely to remain an active part of the community).

Whatever the result, there will be significant consequences for Poland as a polity and for the EU and its member states. Among the most significant will be the boost that an opposition victory would give to the mainstream elements of the EPP ahead of the European Parliament elections in 2024, or conversely the confidence a PiS victory would give to the ECR, and to those in the EPP who favour a cooperative relationship with that party. But perhaps the *most* significant of the potential impacts

is on stability and security in the region: if PiS can only govern with the support of the isolationist Konfederacja, and Poland's retreat from supporting Ukraine intensifies, then this could accelerate a splintering in the international coalition. Despite PiS' hostility to Russia, their victory would likely embolden Russia in its ongoing attempts to destabilise the EU by strengthening Eurosceptic sentiments in the former communist EU member states.

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