

What does Andrzej Duda's presidential election victory mean for Polish politics?



Poland's ruling party is hoping that its presidential election victory will encourage domestic and international elites to accept it has a clear three-year run controlling all the levers of state power to continue with its radical state reconstruction programme, writes [Aleks Szczerbiak](#). The reelected President also has a huge personal mandate, giving him the potential to carve out a more independent role, but to do so he will need a more distinctive political agenda and a stronger support base.

Earlier this month, incumbent Andrzej Duda – who was supported by the right-wing Law and Justice (PiS) grouping, Poland's ruling party since autumn 2015 – won a closely-fought presidential election run-off against Warsaw mayor Rafał Trzaskowski – who was backed by the liberal-centrist Civic Platform (PO), the country's governing party between 2007-15 and currently the main opposition grouping – by 51% to 49%. In what was effectively a plebiscite on the Law and Justice government, Duda's narrow victory was secured on the basis of a 68.2% turnout, the second highest in any election since the return of democracy in 1989, reflecting the fact Poles are evenly divided and polarised in their attitudes towards the ruling party.

Duda's success was secured by mobilising Law and Justice's core supporters in small-town provincial Poland where election turnout is traditionally lower. The most significant increase in voting between the first and second rounds was precisely in the smaller towns and rural areas that constitute Law and Justice's electoral heartlands. Duda made great efforts to reach out to these often-forgotten areas and earlier this year fulfilled his pledge to become the first President to visit every one of Poland's 380 administrative counties during his term of office.

Duda's core appeal was as the guarantor of Law and Justice's extremely popular social spending and welfare programmes directed especially at poorer families and households who felt frustrated that they had not shared sufficiently in Poland's post-communist economic transformation. This was part of a claim that Law and Justice was the first party to show as much respect to citizens living in the provinces as those in larger urban agglomerations, including respecting their more traditional culturally conservative values and views on issues such as the legal status of sexual minorities. Duda's appeal, therefore, dovetailed with the party's broader political project which some commentators term the 'redistribution of prestige', whereby ordinary Poles who previously felt themselves to be second-class citizens started to regain a sense of dignity and self-respect.

Completing the judicial overhaul

Duda's victory is crucially important because it gives Law and Justice a clear three-year run until the next parliamentary election during which time it can continue to push ahead with its radical state reconstruction programme. Given that the ruling party lacks the three-fifths legislative majority required to over-turn a presidential veto, a victory for Duda's challenger would have been a disaster for Law and Justice, seriously hampering its ability to govern effectively and possibly precipitating an early parliamentary election.

A key priority will be completing the government's radical but fiercely-contested overhaul of the judicial system, which the liberal-centrist and left-wing opposition, and Poland's legal establishment, have strongly criticised as an attack on the rule of law and infringement of the key democratic principle of constitutional separation of powers. Warning of a drift towards authoritarian rule, the government's opponents argue that, by putting judicial appointments under political control, these reforms allowed Law and Justice to pack the courts with its own, hand-picked nominees, and thereby undermined their independence. Law and Justice's sweeping judicial reforms also triggered an ongoing conflict between Poland and the EU political establishment.



Andrzej Duda, Credit: [Ministerstwo Rodziny, Pracy i Polityki Społecznej \(CC BY-ND 2.0\)](#)

The government's supporters, on the other hand, argued that the reforms were sorely needed because Polish courts were too slow, deeply inefficient and tolerated frequent irregularities and corrupt practices. Law and Justice believes that, following the country's flawed transition to democracy in 1989, the judiciary, like many key Polish institutions, was expropriated by an extremely well-entrenched, and often deeply corrupt, post-communist elite, which then co-opted a new legal establishment that perpetuated its legacy. The judicial elite, they said, operated as a 'state within a state' incapable of reforming itself, so making judges and their supervisory organs more accountable to elected bodies was both justifiable and in line with practices in other established democracies. Duda will continue to approve new judicial appointments and legislation preventing any attempts by the legal establishment to block Law and Justice's reforms. The ruling party may also try and find ways of accelerating judicial turnover by, for example, re-organising the Polish court system.

Gagging critical media or ensuring greater pluralism?

Another highly contentious policy area is likely to be Law and Justice's plans for media reform. The opposition argues that under Law and Justice, Polish public TV has turned into a government propaganda tool, and during the presidential election campaign Trzaskowski called for the scrapping of its news and information service. However, Law and Justice argues that public TV brings greater pluralism to a broader media landscape which it says has an in-built structural bias favouring the liberal-left.

It also believes that ensuring media balance in Poland currently depends solely upon Law and Justice retaining influence within public TV. It fears that if there was a change of government not only would Law and Justice lose access to this crucial element of its communication strategy but also sections of the privately-owned media that are currently adopting a more neutral political stance (such as the Polsat TV station) would quickly revert to their instinctive liberal-left bias. Consequently, Law and Justice will be looking to extend its influence in privately-owned media.

One means of achieving this are proposals to 'deconcentrate' and 'repolonise' the media. Law and Justice argues that foreign-owned media conglomerates openly interfered in and tried to tip the scales in favour of the opposition during the presidential election. For example, the party was furious when, in the final days of the campaign, Law and Justice felt that Poland's most popular newspaper 'Fakt', which is owned by the German-Swiss Ringier Axel Springer group, reported one of Duda's presidential pardons involving a child abuse case in a highly misleading way.

'Deconcentration' would involve placing limits on a publisher's share of the media market thereby obliging some foreign-owned concerns to sell their share to Polish companies, possibly including state-owned enterprises or private investors more sympathetic to Law and Justice. The government's critics argue that such plans would be a pretext for the ruling party to close down critical media and that it would be hard to draw up such legislation without breaking EU law. Law and Justice says that foreign-owned media companies exercise too much influence in Polish internal affairs and such measures would ensure greater media pluralism.

Coming to terms with Law and Justice

Beyond the policy sphere, Law and Justice is banking on the fact that Duda's victory will encourage the business and cultural elites, and those working in public administration, who may have been hedging their bets up until now to come to terms with the fact that there will be a Law and Justice government controlling all the main state institutions for at least another three years. They will also be hoping that some opposition politicians will defect to the governing camp.

This could help Law and Justice increase its narrow five-seat majority in the Sejm, the more powerful lower house of the Polish parliament, and regain control of the Senate, Poland's second chamber which is less powerful but can delay legislation for up to 30 days and block some key appointments. Currently, 51 out of 100 Senators are aligned with the opposition. The ruling party will also be looking to increase its influence in the country's 16 regional councils, which play a major role in distributing EU funds and are a key source of local party patronage but half of which are currently controlled by the opposition.

Law and Justice is hoping that the same process of pragmatic acceptance will play out at the international level, particularly within the EU where, the opposition argues, Poland has been increasingly marginalised during the last five years. In fact, Law and Justice has for some time pursued a twin-track approach to its EU relations. On the one hand, it accepts that there will be disagreements with the EU political establishment on moral-cultural issues, where Law and Justice rejects what it sees as a hegemonic EU liberal-left consensus that undermines Poland's traditional values and national identity.

It argues that policy clashes with the major EU powers are inevitable because Poland often has interests that conflict with the dominant Franco-German axis, and Law and Justice is, the party claims, pursuing a more robust and assertive approach than its predecessors. The party also recognises that the EU political establishment largely agrees with the Polish opposition and legal establishment's argument that Law and Justice's actions in areas such as judicial reform are undermining democracy and the rule of law (although it strongly contests these claims).

At the same time, Law and Justice has tried to present Poland as a positive and constructive EU member, arguing that these disagreements do not prevent it from developing normal pragmatic day-to-day working relations on bread-and-butter policy issues. It is now hoping that, for all their political differences, Duda's victory will help to persuade the EU political establishment to put contentious issues that could undermine broader strategic co-operation with Poland, such as 'rule of law' compliance, on the back-burner and develop a positive working relationship with a Law and Justice government that they now know will be in office for at least three years.

A key early challenge here for Law and Justice's EU strategy is its attempt to decouple systemic 'rule of law' compliance (which, Law and Justice argues, is difficult to measure objectively) from the disbursement and management of EU funds. The Polish government appears to have had some initial success on this front at July's European Council summit negotiations on the next EU budget round and coronavirus recovery fund.

A more autonomous presidency?

Finally, although the election result was extremely close, the very high turnout provides Duda with a huge personal mandate. This, together with the fact that it will be his final presidential term, potentially gives the President much greater room for manoeuvre to carve out a more independent political role for himself. Duda's biggest weakness during his first term was his vulnerability to the accusation that he was marginalised in key state policy decisions and simply acted as the government's 'notary'. Now he could, for example, try and develop some new political initiatives aimed at de-escalating the conflict between the government and opposition. Duda made precisely such an apparently conciliatory gesture when, shortly after polls closed but with his victory not yet confirmed, he invited Trzaskowski to the presidential palace to formally end the campaign with a public handshake.

However, except on a few rare occasions, up until now Duda has not made any serious attempts to develop the kind of distinctive political agenda required to transcend the government-opposition divide. In many ways, this is not surprising as Duda broadly agrees with much of Law and Justice's critique of the alleged dysfunctionality of the post-communist state and its core institutions; his disagreements are generally over how radical reforms should be and the best means of achieving them. But part of the problem here is also the fact that, up until now, Duda has preferred to surround himself with technocrats rather than experienced political operators. If Duda wants to go beyond occasional disagreements over tactics or the pace of reforms, and carry forward his independent initiatives more effectively, then he will need to develop a much clearer defining concept for his second term, and a stronger intellectual and political support base to carry it forward.

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Note: This article originally appeared at Aleks Szczerbiak's [personal blog](#). The article gives the views of the author, not the position of EUROPP – European Politics and Policy or the London School of Economics.

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