

Law and Justice now have the momentum in the lead up to Poland's general election

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Andrzej Duda of the opposition Law and Justice party secured a surprise victory in Poland's presidential election on 24 May. [Aleks Szczerbiak](#) writes on what the election result means for the country ahead of the more significant parliamentary elections due to be held later this year. He notes that Duda's success suggests the ruling Civic Platform government can no longer rely on its previously productive strategy of mobilising reluctant supporters through generating fear of an opposition victory.



In one of the biggest electoral upsets in post-communist Polish politics, Andrzej Duda – the candidate of the right-wing [Law and Justice](#) (PiS) party, the main opposition grouping – pulled off a stunning victory in the 24 May presidential election second round run-off, defeating incumbent Bronisław Komorowski by 51.6 per cent to 48.5 per cent.

Mr Komorowski, who was backed by the ruling centrist [Civic Platform](#) (PO) party led by Prime Minister Ewa Kopacz, started the campaign with personal and job approval ratings of over 70 per cent and appeared odds-on favourite to win, possibly even in the first round. However, the President saw his poll ratings slide during the course of a weak and complacent campaign that appeared to be based on the assumption that his popularity would translate automatically into electoral support.

Mr Komorowski's core campaign message, based on the slogan 'Agreement and Security', was the claim that, unlike his opponents, he represented political consensus and stability. These qualities had, he argued, ensured that Poland avoided sharp internal conflicts thereby maintaining continuous economic growth throughout the global financial crisis and underpinning national security at a time when the international situation in the region was so unstable.

However, Mr Komorowski's abstract message about the apparent success of Poland's post-communist transition appeared disconnected from the day-to-day realities of life experienced by many Poles. Even as the country's economy has grown, large swathes of the population beyond the large urban centres have failed to see an increase in their living standards. In particular, a large number of young Poles often faced an invidious choice between moving abroad to take jobs that fell well short of their abilities and aspirations or remaining in a country which they felt offered them few prospects for the future.



Mr Komorowski completely under-estimated this growing wave of frustration among younger voters who had previously formed a key element of Civic Platform's core electorate. Many of them supported the charismatic former rock star Paweł Kukiz who, standing as an 'anti-system' candidate, secured more than one-fifth of the votes in the first round of the election. Mr Komorowski's 'security' message, that a period of on-going international tension was

not a time to risk experiments with political novices, had greater potential appeal to voter concerns about instability on Poland's Eastern border, but as the Ukrainian conflict no longer dominated news headlines it was not a salient campaign issue.

Mr Duda promised an active presidency

Mr Duda, on the other hand, ran an energetic and dynamic campaign that caught Mr Komorowski off-guard. Focusing on meeting voters across the country and presenting a youthful and modern image, he was not a stereotypical Law and Justice politician and had a much more open style and ability to connect with ordinary people. In contrast to Mr Komorowski's alleged aloofness and passivity, Mr Duda promised to be an active President who would improve social dialogue.

His campaign focused primarily on socio-economic issues and included a large number of electoral promises that were popular, but that went beyond the competencies of the presidency and were potentially extremely costly. These included pledges to raise tax allowances significantly and repeal the Civic Platform-led government's extremely unpopular pension reforms that increased the retirement age to 67, while the only notable revenue-raising measures proposed were new taxes on banks and supermarkets.

More broadly, Mr Duda tapped into discontent with the political status quo and turned the election into a de facto referendum on a government that many Poles had grown weary of after nearly eight years in office. He linked its apparent inertia, which many commentators referred to dismissively as the politics of 'warm water in the taps', with Mr Komorowski's passive presidential style, attacking him for ignoring criticisms of the government and rubber-stamping virtually all of its laws.

The 'politics of fear' did not work

It was only after the initial shock of Mr Komorowski's unexpected first round defeat – when, in spite of having been well ahead in every poll during the campaign, he finished behind Mr Duda by 33.8 per cent to 34.8 per cent – that the President tried to develop a more dynamic campaign and communicate with voters in a sharper, more engaging way. This included, for example, preparing himself intensively for the two head-to-head TV candidate debates where he adopted a much more combative (although not particularly consensual) style and, in the first of these at least, was able to catch Mr Duda out on a couple of occasions.

Belatedly, Mr Komorowski also tried to present himself as an active and responsive President by using the instruments at his disposal to unveil a series of legislative initiatives. For example, in an effort to win over Mr Kukiz's supporters he initiated a national referendum on introducing single-member electoral constituencies and abolishing state party funding: two of the 'anti-system' challenger's signature issues. He also proposed legislation allowing Poles to retire after having worked for 40 years (which he withdrew immediately after polling day). However, Mr Komorowski's new initiatives were so disconnected from his previous campaign message, that he represented continuity and stability, that they were widely dismissed as inauthentic, particularly given that as President he had rejected earlier citizens' initiatives that enjoyed widespread public backing.

In fact, the main pillar of Mr Komorowski's second round campaign was an attempt to re-conceptualise another earlier slogan which tried to draw a contrast between what he termed 'rational' and 'radical' Poland. Realising that this appeared to dismiss a large proportion of the population as beyond the democratic pale, thereby contradicting his claim to be the candidate of consensus and agreement, Mr Komorowski tried to re-frame this message by drawing on his record as a veteran of Poland's anti-communist opposition and presenting himself as the 'President of our freedom' pitted against politicians like Mr Duda who, he claimed, wanted to interfere in and control ordinary citizens' private lives.

In part, this was simply an attempt to revive Civic Platform's traditional anti-Law and Justice message: that the ruling party is a better guarantor of stability than the confrontational and allegedly authoritarian style of politics that many

voters (rightly or wrongly) associate with Law and Justice and its combative leader Jarosław Kaczyński. This theme was a key element in all of the ruling party's recent, successful election campaigns.

However, it also involved a conscious effort to 'toxify' Mr Duda – whom Law and Justice tried to present as a moderate and reasonable centrist – by, for example, highlighting his alleged radicalism on moral-cultural issues where the public took a socially liberal stance such as in vitro fertilisation. The Komorowski campaign drew attention to the fact that, in 2012, Mr Duda had supported a draft law that would have led to the imprisonment of doctors involved in such procedures, a proposal that Law and Justice has since withdrawn. They also tried to claim that Mr Kaczyński, who kept a very low profile during the campaign, would attempt to steer Mr Duda from behind-the-scenes.

Mr Komorowski's strategy was based on the premise that a substantial number of his potential voters had abstained in the first round as a protest to show the government a 'yellow card', but could be persuaded to return to the fold when faced with the prospect of a Law and Justice-backed candidate being elected President. The key to his success was, therefore, felt to be in boosting turnout – which, at only 49 per cent in the first round, was a record low for a Polish presidential election – among his more reluctant supporters.

In fact, Mr Duda won in spite of the fact that turnout in the second round actually increased to 55.3 per cent, broadly in line with the previous 2010 presidential poll. This questioned the previous received wisdom that Law and Justice had a highly motivated, but limited core electorate, and that there was a 'glass ceiling' preventing its support from rising above a certain level. Perhaps most dangerously for the ruling party, Mr Duda's victory, therefore, suggests that its previously, highly successful strategy of mobilising the passive anti-Law and Justice majority through invoking the 'politics of fear' is no longer as effective as it once was, particularly among a new generation who have no (positive or negative) memories of the 2005-7 Law and Justice-led governments; Mr Duda secured 60 per cent support among younger voters.

Civic Platform's strategy in tatters?

The Polish presidency is not simply a ceremonial role and retains some important constitutional powers such as: the right to initiate legislation, refer bills to the Constitutional Tribunal, nominate a number of key state officials, and, perhaps most significantly, a suspensive veto that requires a two-thirds parliamentary majority to over-turn. However, the President's competencies are much less significant than those of, say, his French counterpart, and real executive power lies with the Prime Minister. The presidential poll should, therefore, be seen above all as a precursor to the more important autumn parliamentary election which will determine the shape of the Polish political scene for several years to come.

Given the relatively short gap between the two elections, Mr Duda's victory potentially changes the dynamics of the parliamentary poll. A key element of Mrs Kopacz's political strategy when she took over the premiership last autumn was that a resounding victory for Mr Komorowski, preferably in the first round, would create a wave of popular enthusiasm that could help carry the ruling party through to a parliamentary election victory. Mr Duda's success has left this plan in tatters and beyond the (increasingly less effective) tactic of invoking the politics of fear, Mrs Kopacz's plan for victory now appears to consist mainly of a series of voter-friendly social and welfare policies.

Moreover, although Mr Duda will not be sworn in as President until the beginning of August, he will still be basking in a post-election glow of victory and could use the months between then and the parliamentary poll to smooth the way for the opposition by introducing popular legislation that will be very difficult for Civic Platform to reject, most likely his two flagship policies of lowering the retirement age and increasing tax allowances.

At the same time, while, up until now, Law and Justice appeared to have no obvious coalition partners among the main parliamentary groupings – which meant that, even if it 'won' the election, Civic Platform could still end up remaining in office – the possible entry into parliament of a substantial 'anti-system' right-wing bloc clustered around Mr Kukiz could radically alter possible future coalition configurations, opening up a potential pathway to power for Mr

Kaczyński's party.

All to play for, but Law and Justice has the momentum

In fact, a lot can happen during the next five months and the election outcome remains open and unpredictable, especially if Law and Justice falls into the trap of excessive triumphalism. Mr Komorowski's defeat was a narrow one and the ruling party still has large reservoirs of popular support that it can draw upon as well as the backing of most of the cultural and media establishment. Moreover, the focus of Civic Platform's negative campaigning will be Mr Kaczyński who has much more political baggage than the fresh-faced Mr Duda.

However, it is clearly Law and Justice that has the momentum, while Mr Komorowski's defeat could prompt in-fighting and recriminations in what is, beneath the surface, a deeply divided and factionalised ruling party. Above all, Mr Duda has a much greater popular mandate than any Civic Platform politician and his ability to overcome the 'politics of fear' and apparently break through Law and Justice's 'glass ceiling' of support has potentially very considerable implications for the future of Polish politics.

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Note: This article originally appeared at Aleks Szczerbiak's [personal blog](#). It gives the views of the author, not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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