

HANDBOOK ON Opposition Politics

Edited by
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ELGAR HANDBOOKS IN POLITICAL SCIENCE

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16. Poland's opposition politics: resisting the populist swing

Agnieszka Kwiatkowska

INTRODUCTION

The 2015 parliamentary and presidential elections marked the beginning of eight years of democratic backsliding in Poland under the rule of the populist right-wing Law and Justice Party (*Prawo i Sprawiedliwość*, PiS). During this period, the ruling party made a concerted effort to consolidate power and neutralise institutions and mechanisms that serve to constrain it, including the rule of law, independent judiciary and the media, and civil society (Cianetti et al., 2018; Lührmann et al., 2018). Despite continuous attacks, the opposition in Poland, encompassing a diverse array of political parties, social movements and civil society organisations, judicial bodies, and independent media, supported by external and transnational actors, has played a pivotal role in resisting this populist swing. The resilience of democratic practices and institutions in Poland amidst these challenges speaks to their cooperation at the local, national, and international level.

This chapter examines the multifaceted nature of opposition politics in Poland from 2015 to 2023. It explores how various actors navigated an increasingly authoritarian environment, strengthening their resilience by involving groups of actors who had previously been absent from the defence of democracy. The formation of coalitions and alliances and the synergistic operations of diverse opposition actors amplified the strength of the opposition by limiting or delaying the process of autocratisation and enhancing civic engagement and public support for democratic institutions and norms. Specifically, the expansion of the field and repertoire of actions enabled unprecedented levels of support for the opposition, as reflected in the record-breaking turnout in the 2023 parliamentary elections and the subsequent removal of the Law and Justice Party from power.

The analysis of this successful case of democratic resilience, emphasising the crucial role of opposition in protecting democratic norms and institutions, is especially significant amid rising autocratic tendencies worldwide (Bustikova, 2019; Cianetti et al., 2018; Freedom House, 2022). While recognising the distinctive political context of Poland, the empirical findings and analytical framework of this study have broader applicability. They are relevant to other countries experiencing democratic erosion, particularly where executive aggrandisement (Bermeo, 2016) is met with organised efforts by the parliamentary opposition. This demonstrates the power of multi-level cooperation that has enabled broad public mobilisation, which is particularly relevant considering the global decline in public engagement in democratic processes, especially among younger generations (Foa and Mounk, 2016; Kostelka and Blais, 2021), posing a significant challenge to the resilience of democracies.

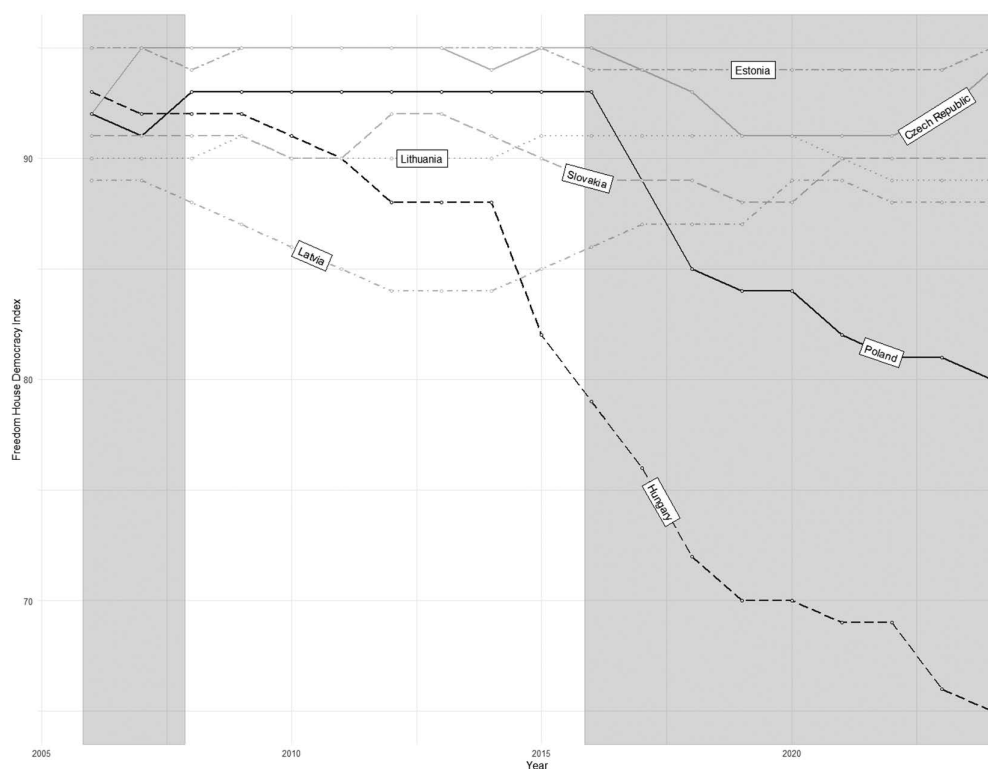
DEMOCRATIC BACKSLIDING IN POLAND

In the first decade following Poland's transition from authoritarian socialism to democracy, the country was widely perceived as a leading example of successful economic transformation and political consolidation in Central and Eastern Europe (Linz et al., 1996; Szczerbiak, 2001). Stable and balanced democratic institutions (Ekiert and Kubik, 1998), a consolidating multi-party system (Walecka, 2018), and continuous support for democracy, expressed both by the citizens and political elites (Markowski and Kwiatkowska, 2018), coupled with fast economic growth, free and varied media environment, and active civil society (Ekiert et al., 2017), ensured the country's high position in international democracy rankings (Freedom House, 2015). Given that 'by most objective economic, social, and political measures, around 2015 Poland became the most successful country among new democracies that emerged in Europe as a result of the collapse of communism in 1989' (Ekiert et al., 2017: 332), an authoritarian reversal in the country seemed implausible.

However, in 2015, the conservative nationalist party Law and Justice won the presidential elections and secured a majority in the national parliament. Although PiS had previously held power, with a short parliamentary majority from 2005 to 2007 and the presidency from 2005 to 2010, their double victory in the presidential and parliamentary elections in 2015 initiated a process of democratic erosion at an unexpectedly fast pace (see Figure 16.1). The electoral triumphs of Law and Justice have been attributed to their effective fusion of redistributive and nativist issues with a populist appeal – a pattern echoed in populist narratives across Europe (Guriev, 2018; Gidron and Hall, 2017; Jaskułowski and Majewski, 2023). This has created a group of loyal party voters willing to accept the incremental dismantling of democratic procedures and institutions, which ensured the party's victory in the 2015 and 2019 parliamentary elections and presidential elections in 2015 and 2020.

Following the authoritarian template developed by Viktor Orbán's *Fidesz* in Hungary (Grzymala-Busse, 2018; Pirro and Stanley, 2022), Law and Justice's reforms aimed at dismantling the institutional pillars of expected opposition in the courts, legislature, and media (Gandhi, 2019). Within the first month of winning the 2015 elections, Law and Justice began its strategy of subjugating the Constitutional Tribunal by appointing their candidates in parallel with already elected judges. The swift submission of the Constitutional Tribunal to government control was intended to prevent it from invalidating government bills by declaring them unconstitutional, as had occurred during the first Law and Justice government (2005–07). This move was pivotal in weakening constitutional checks over the legislative process (see Sadurski, 2019). This was followed by weakening the National Council of the Judiciary, and – to a limited extent – the Supreme Court, which severely limited the independence of these institutions, making them tools for legalising anti-democratic actions (Przybylski, 2018; Pech et al., 2021).

In parallel, restrictions on media freedom were imposed. The government replaced over 200 journalists in public media with ideologically aligned ones and assumed control over public broadcasters through the 2016 media law, which resulted in replacing top management with government appointees, leading to pro-government biases in editorial content and unrelenting attacks on the political opposition (Sadurski, 2018; Surowiec et al., 2020). Additionally, the government increased pressure on privately owned media, particularly those perceived as critical, by restricting the presence of journalists during parliamentary sessions, changing



Note: Periods of Law and Justice governance in Poland are marked as grey areas.

Data source: Freedom in the World dataset, 2013–24, https://freedomhouse.org/sites/default/files/2024-02/All_data_FIW_2013-2024.xlsx.

Figure 16.1 Freedom House Democracy Index in Central and Eastern Europe

the advertising structure, and pushing for ownership changes that favoured state-affiliated or government-friendly groups (Chapman, 2017). The acquisition of a regional news network by PKN Orlen, a state-owned oil company, allowed the state control to expand into regional private outlets.

Restrictions on freedom of assembly were tightened in 2016 through amendments to the Public Assemblies Law, which prioritised recurring state- and church-sponsored demonstrations over spontaneous assemblies (Human Rights Watch, 2017). These laws have been used to prevent or disrupt anti-government protests, and demonstrators have faced detention and fines, affecting Poland's adherence to European human rights standards (Amnesty International, 2018). During the pandemic, for most of the time, the organisation of public gatherings was forbidden or severely limited. In addition, the government introduced arbitrary funding rules for NGOs, halting support for organisations critical towards the government, and made a failed attempt to introduce legal requirements for the disclosure of private foreign donors, like those introduced in Hungary (Pirro and Stanley, 2022).

As a result of these actions, the quality of democracy in Poland rapidly declined over the eight years. The executive aggrandisement and illiberal nationalism in Poland, alongside Hungary (Gora and de Wilde, 2022), led to the most pronounced and rapid decrease in democracy levels across Central and Eastern Europe (Freedom House, 2022), particularly in the areas of the rule of law, freedom of expression and belief, and the electoral process.

THE ROLE OF OPPOSITION ACTORS IN DEMOCRATIC RESILIENCE

To counter the challenges posed by autocratisation, the concept of democratic resilience provides a framework for analysing how democracies can resist and recover from anti-democratic pressures. It denotes the capacity of a democracy to withstand anti-democratic challenges while maintaining core democratic norms and processes without substantial deterioration in their quality (Boese et al., 2021; Merkel and Lührmann, 2021). This capacity is influenced by multiple factors, including institutional robustness, in particular mechanisms of horizontal and vertical accountability and the effectiveness of institutional constraints on the executive, the country's prior experiences with democracy, current economic conditions, civic engagement, political culture, and the strength of a democratic opposition (Boese et al., 2021; Laebens and Lührmann, 2021; Levitsky and Ziblatt, 2018; Foa and Mounk, 2016). Democratic resilience can thus be differentiated at several levels of the political system: the political community, institutions, actors, and citizens (Merkel and Lührmann, 2021). While weakened resilience at one level affects the system's overall response to autocratic threats, on the other hand weaknesses at one level of the system may be compensated by high resilience capacities at another level (Helgest et al., 2022).

Political opposition actors may contribute to democratic resilience through distinct yet interconnected functions. Within parliaments, opposition parties hold the government accountable by scrutinising legislation, questioning executive actions, and offering alternative policies, preventing the monopolisation of power by the ruling party (Dahl, 1971). Extra-parliamentary parties, alongside social movements and NGOs, operate outside the formal political system, contributing to democratic resilience by mobilising public opinion and representing alternative voices and marginalised groups that might not have a significant presence within formal political institutions or do not wish to be associated with formal politics. When the opposition actors on various levels act in a united manner, they may serve as 'the last line of democratic defence' (Lührmann, 2021: 1017), limiting the damage to democratic institutions and enabling further democratic recovery. However, to withstand attacks from the ruling party, opposition actors need robust democratic institutions.

Institutional robustness ensures that the checks and balances of a democratic system can mitigate the risk of backsliding in the event of the emergence of parties challenging the democratic norms. In particular, there is an important role for courts and tribunals, as the judicial constraints on the executive may halt or delay the autocratisation process even if non-democratic parties gain governmental representation (Boese et al., 2021: 886). Moreover, strong institutional mechanisms guarantee the rights of opposition parties to participate in the political process when the authoritarian ruling parties attempt to manipulate electoral laws, access to media, and weaken protection from political persecution to suppress political competitiveness of the opposition (Schmitter, 1983: 887–91). In this way, they follow in the direction of 'competitive authoritarian regimes', where incumbents use state resources, manipulate media,

and deploy coercive tactics to weaken the opposition (Levitsky and Way, 2010). Conversely, an inefficient system of checks and balances weakens the opposition's capacity to hold the government accountable, thereby eroding democratic resilience (Levitsky and Ziblatt, 2018).

Finally, it is necessary for the opposition actors to gain broad public support to enhance democratic resilience effectively. Public backing legitimises their efforts and amplifies their capacity to challenge autocratic tendencies (Levitsky and Way, 2010). Engaging diverse social groups, fostering inclusive political participation, and addressing public grievances is critical in exerting pressure on ruling parties (Foa and Mounk, 2016; Boese et al., 2021). Through sustained engagement and strategic alliances across various sectors, opposition actors can create a resilient democratic front capable of withstanding autocratic pressures (Merkel and Lührmann, 2021).

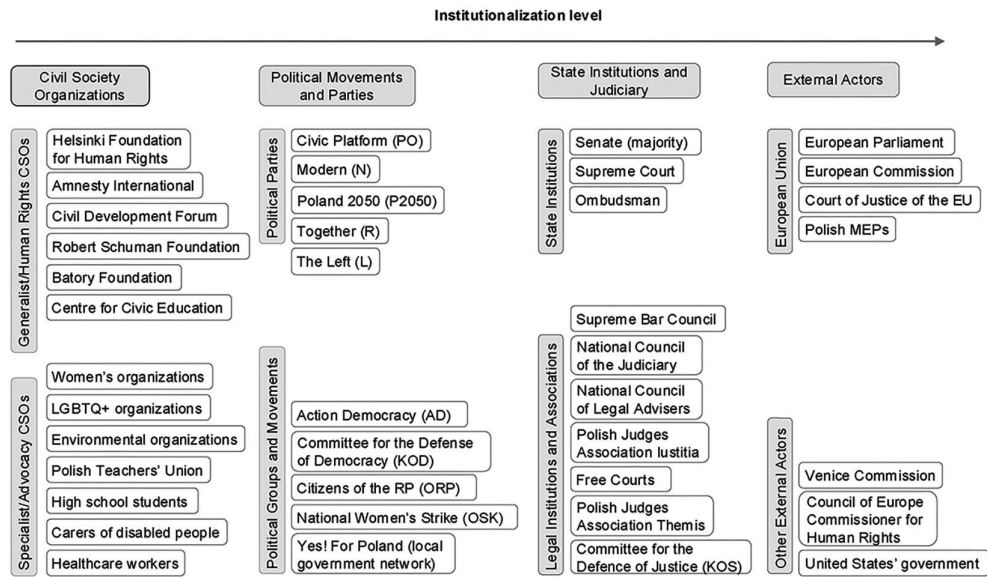
POLITICAL OPPOSITION IN POLAND

While the final battle to end the autocratisation tendencies in Poland has been fought in the electoral booths, it was the actions of a plethora of social and political actors that slowed down and limited democratic backsliding and allowed the opposition survival after eight years of continuous attacks. Multiple actors, representing different levels and varying in degree of cohesion and formality, initially acted independently; however, as the crisis of Polish democracy deepened, they began to act in a coordinated manner – independently, but in concert – while maintaining their diversity. In further sections, interpreting the concept of political opposition very broadly beyond political parties (Richardson, 2000; see also Baturo, O'Malley and Cavatorta, Chapter 1 in this volume), as presented in Figure 16.2, we analyse the impact of extra-parliamentary parties, the informal opposition from civil society, independent judiciary and media, and the rule of law safeguards implemented by the European Union.

Opposition in the Parliamentary Arena

The parliamentary opposition entered the period of democratic backsliding scattered, divided, and unprepared, overwhelmed by the total victory of Law and Justice. It is worth noting that this was an unexpected victory for which the opposition had no time to prepare: until May 2015 (five months before the elections), public opinion polls had predicted a win for the Civic Platform (PO) (Polish Electoral Studies, 2024). Furthermore, in the 2015 parliamentary elections, for the first time since the political transition, the winning party had won a parliamentary majority in *Sejm* (the lower chamber of the Polish parliament) enabling it to form a government without the support of coalition partners. Combined with gaining a majority in the Senate (higher chamber) and staffing the presidential institution, this provided opportunities for free and instantaneous law-making and staffing of key institutions.

Although parliament became a direct extension of the executive after 2015 – just as it was a direct subordinate of the party leader – the Law and Justice government did not have a super-majority allowing them to change the Constitution. Therefore, most legislative changes related to democratic backsliding were carried out in parliament, albeit in violation of the rules of the legislative process. Law and Justice's rule distorted the legislative process via fast-track legislative changes, which were frequently voted on during the late evening or night and then



Source: Author's own composition.

Figure 16.2 *The main actors of the political opposition in Poland during democratic backsliding*

were rapidly passed on to the Senate for approval and the President's signature. In this way, the reform of the Constitutional Tribunal was passed in a mere week (Maatsch, 2021).

Opposition MPs were regularly blocked from exercising their legislative and control rights and voicing disagreement. Opposition parties were not given enough time to familiarise themselves with the new law proposals, were limited in the number of speakers in the debate when their speaking time was severely curtailed and the microphone repeatedly switched off during speeches, and they were excluded from several parliamentary bodies and committees as well (Sadurski, 2018). Thus, while the legal position of the parliament had not changed, the quality of deliberation and the rights of the parliamentary opposition worsened (Sadurski, 2018; Gora and de Wilde, 2020; Maatsch, 2021; Scott, 2023).

Despite the limited role of the parliamentary opposition in the 2015–19 term, the first line of protest against unconstitutional government actions took the form of uncompromising protest aimed at forcing the government to stop undermining democracy, and cease unconstitutional actions that were completely rejecting the possibility of dialogue with the government. The opposition parties, in particular the PO and the Left, consistently challenged the government's attempts to dismantle judicial independence as early as 2015 in response to Law and Justice's unlawful takeover of the Constitutional Tribunal. Similarly, the government's attacks on free media were met with fierce opposition by the opposition MPs (Muliavka et al., 2024).

In the initial years of democratic backsliding, the speeches of the PO concerning the defence of democracy were full of rage, contempt and pompous, grandiloquent phrases: 'Even if you outvote us, you will definitely not be able to destroy Polish democracy silently' (Ewa

Kopacz, 12 November 2015); 'Your children and grandchildren will be ashamed of those who will vote for the introduction of despotism [*"zamordyzm"*] in Poland, for the introduction of an authoritarian system...' (Tomasz Lenz, 22 November 2017). While portraying the regressive and anti-democratic nature of the government's actions, MPs compared the Law and Justice government to Poland's Eastern authoritarian neighbours or to Nazi Germany: ('These are Eastern standards, this is Putin's Russia, this is Belarus. [...] Dictatorships do not always start in the streets, they do not result from wars. [...] They arise in parliamentary halls, as a result of democratic elections. Because what was it like in Germany before the war? [...] This is the path you are going down, and I will say quite clearly on behalf of the entire opposition: we will never allow it' (Grzegorz Schetyna, 7 December 2017)); or Poland's authoritarian communist past ('This debate and the deceitful arguments presented here show only that you are not mature enough for democracy, that mentally you are stuck in the PRL [Polish People's Republic]' (Borys Budka, 7 June 2018). The opposition MPs regularly used derogatory language and *ad personam* attacks as well as accusations of nationalism, xenophobia, and extremism.

The initial strategy of total rejection tactics against Law and Justice only led to the opposition being increasingly marginalised within the legislative process, which accelerated democratic breakdown – in line with findings from prior studies (Gamboa, 2017; Cleary and Öztürk, 2022). In particular, protests against restricting media access to parliamentary sessions imposed by the government, followed by the opposition MPs blocking the parliamentary podium, culminated in the relocation of the sessions by Law and Justice's parliamentary leadership to another hall, where some opposition politicians were not admitted or those present were prevented from participating in the debate as the passage was blocked with chairs. In this way, without the required quorum or the ability to ensure accurate vote counting, the 2017 Budget Act and other laws were passed (Sadurski, 2018; Dąbrowska, 2016). The following month-long period of political stalemate in legislature at the turn of 2016 and 2017, dubbed the '*Sejm* crisis', saw PO and Modern MPs blocking the plenary hall, accompanied by a blockade of the *Sejm* building and street protests opposing restrictions on media freedom and opposition rights.

Starting in 2018, despite some continued sharp criticisms in opposition speeches, there was a noticeable shift toward a less radical discourse. This change is evident in both the themes and tone of the speeches, which increasingly adopted a more measured approach. Accusations became less sweeping and militant, focusing instead on specific violations of law and shifting attention from broad attacks on democratic erosion to issues like incompetence, nepotism, and the misallocation of public resources. This evolution was also reflected in an increased number of speeches proposing detailed legislative reforms rather than simply condemning government actions (Muliavka et al., 2025). This shift in opposition rhetoric suggests a strategic recalibration, potentially aiming to engage a broader audience – expanding the base from those solely focused on defending democracy to a wider group, including middle-class voters less interested in politics – and portray the opposition as a constructive alternative to the current government.

Changes at the level of discourse were accompanied by efforts from opposition parties to unite and create a network of cooperating pro-democracy groups. The aim was twofold: to 'buy time until the next election' (Cleary and Öztürk 2022: 1) by slowing the erosion of democracy, and to gradually build broader popular support. Before the 2019 elections, Polish opposition parties made significant efforts to consolidate democratic forces. In 2018, the

Civic Coalition (*Koalicja Obywatelska*, KO) was formed – a coalition of centrist and left-wing parties led by the PO. The following year saw the creation of the short-lived European Coalition (*Koalicja Europejska*, KE), an alliance of 12 opposition parties spanning a broad spectrum from right to left, established specifically for the 2019 European Parliament elections. However, this coalition dissolved soon after the election. Meanwhile, left-wing parties, learning from their unsuccessful 2015 electoral strategy, opted to unite in 2019. This strategic consolidation allowed them to re-enter parliament successfully.

Despite these efforts at opposition reunification, the extraordinary mobilisation of Law and Justice supporters, growing from over 5.7 million voters (37.6 per cent) in 2015 to over 8 million (43.6 per cent) in 2019, strengthened the party rule. In contrast, the coordinated strategy of nomination of opposition candidates in majority-vote districts in the Senate elections, ensuring that opposition candidates did not compete against each other, led to a commendable electoral success. Securing marginal control over the chamber underscored the effectiveness of their unified approach and significantly slowed the erosion of democracy through legislative processes.

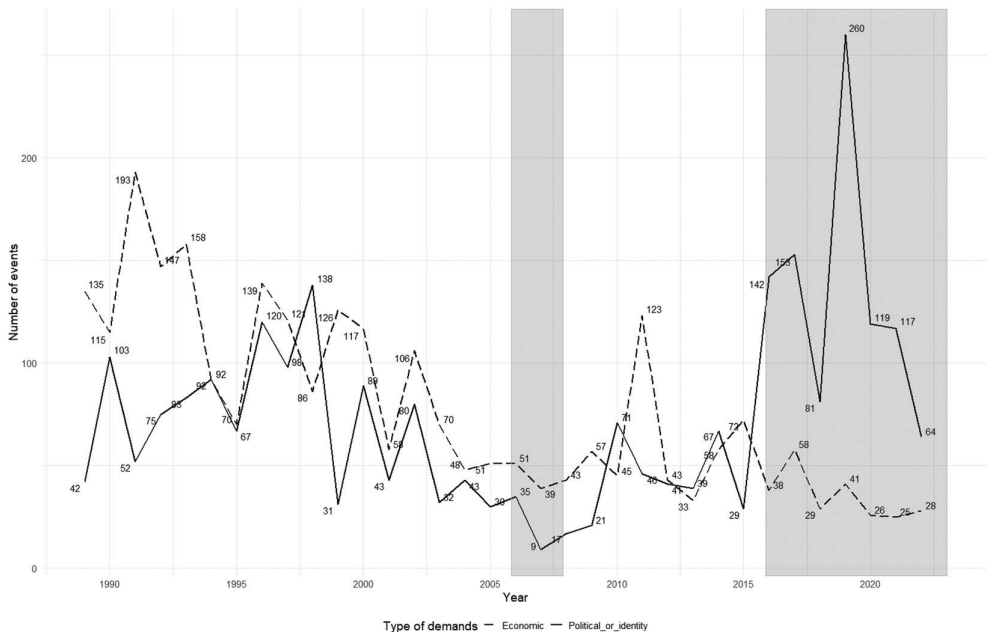
Opposition in the Streets

In addition to opposition parties, civil society actors have significantly contributed to the resilience of democracy in Poland. Mass street protests in defence of democratic institutions were organised throughout the entire period of Law and Justice in government with a regularity reminiscent of a ‘carnival of revolution’ (Kenney, 2003), though with varying intensity (Zakrzewski, 2017; Skórzyński, 2019). Initially, the protests focused primarily on violations of the freedom of judiciary, but progressively, the scope expanded to include issues such as media freedom and the right to assembly, following several temporal bans or limitations of public gatherings imposed by the government during the pandemics without proper legal grounds (Supreme Court, 2021).

In the initial stages of democratic backsliding, a key role in organising anti-government protests was played by the Committee for the Defence of Democracy (KOD), a social and political mass movement created in response to the unconstitutional appointment of ‘duplicate’ judges to the Constitutional Court. Starting in December 2015, KOD organised extensive protests across various Polish cities, drawing in large crowds numbering in the tens of thousands and providing a forum for cooperation between political parties and civil society organisations. Subsequently, two other organisations emerged in response to the crisis affecting the judiciary and the rule of law: Citizens of the Republic of Poland (ORP) and Democracy Action (AD). Major Polish generalist CSOs and think-tanks, including the Batory Foundation, the Robert Schuman Foundation, the Helsinki Foundation for Human Rights, and the Centre for Civic Education, also joined the efforts against democratic backsliding by, among other actions, producing reports on violations of human rights and citizens’ liberties, informing the international community, and organising public readings of the Polish Constitution (Zakrzewski, 2017). Street protests additionally provided an opportunity for activists from left-wing parties, who lacked parliamentary representation in the 2015–19 term, to engage in public actions. Particularly visible was the activity of the small left-wing party Together, which participated in the tent strike by publicly displaying the text of rulings of the Constitutional Court (deeming the government’s amendment to the Constitutional Tribunal Act unconstitutional), the publication of which had been on the wall of the Prime Minister’s Office.

Over time, pro-democracy organisations joined the anti-governmental protests carried out by issue-specific advocacy groups. Such actions expanded the reach of the anti-government movement while allowing individual groups to retain the autonomy necessary due to their thematic and political differences. The Law and Justice approach to governance, characterised by overt political and economic favouritism towards selected social and occupational groups in exchange for their electoral support, combined with a patronising or confrontational style towards others, antagonised a broad spectrum of groups within Polish society. However, social protests during the Law and Justice rule were predominantly political or identity-based, reaching a historical peak in democratic Poland (see Figure 16.3). In contrast, the number of economically focused protests under the Law and Justice government was much lower than during two terms of the coalition KO–PSL (Civic Platform–Polish People's Party) rule and remains the lowest in Poland's democratic history (Ekiert et al., 2025). This shift highlights how the focus of public dissent moved away from economic grievances, focusing instead on issues related to political rights, democratic principles, and identity-based concerns.

Anti-government demonstrations were organised by various community and occupational groups antagonised by Law and Justice, including environmentalists, teachers and students, women, LGBT+ individuals, medical workers, and carers of people with disabilities (Zakrzewski, 2017; Skórzyński, 2019). Environmental groups protested against policies perceived as too favourable to industrial interests over environmental protection, particularly



Note: The periods of Law and Justice governance are marked as grey areas.
Data source: Ekiert et al. (2025).

Figure 16.3 Number of protests in Poland over time by the type of demands

against the so-called *lex Szyszko*, which allowed trees to be cut down without a permit, and against the so-called *lex developer*, according to which construction companies were allowed to build in contravention to local development plans. Throughout the whole period of the Law and Justice governments, protests were also held to block the devastation of Poland's most valuable natural sites, in particular the UNESCO World Heritage Białowieża Forest (Blavascunas and Cope, 2023).

Teachers and students protested the overloading of the school curriculum with religion and martyrdom and for an increase in salaries. School lessons were halted for the 2019 collective protest and teachers did not mark final exams. Caregivers of disabled people demanded higher benefits and the ability to take on extra work, and the protest culminated in the 40-day occupation of the *Sejm* by a group of people with disabilities and their caregivers in April and May 2018 (Zdrodowska, 2023). In September 2021, the largest protest by medical workers in Warsaw gathered 30,000 people, before developing into a three-month stationary tent protest in front of the Prime Minister's Office, called the White Town (Krawczyk et al., 2021). A day earlier, thousands of judicial and prosecutorial administration employees protested and formed a Red Town, which lasted for four months (Krawczyk, 2021). Farmers, miners, police officers, postal workers, social workers, and welfare workers also held demonstrations. Although these protests had primarily economic objectives, they also had the power to mobilise opponents of the government within specific professional or social groups, as well as to create bonds and support between participants in the various protests. Local government politicians also engaged in protests, notably forming 'Yes! For Poland', the largest association of local government activists in Poland (Skórzyński, 2019).

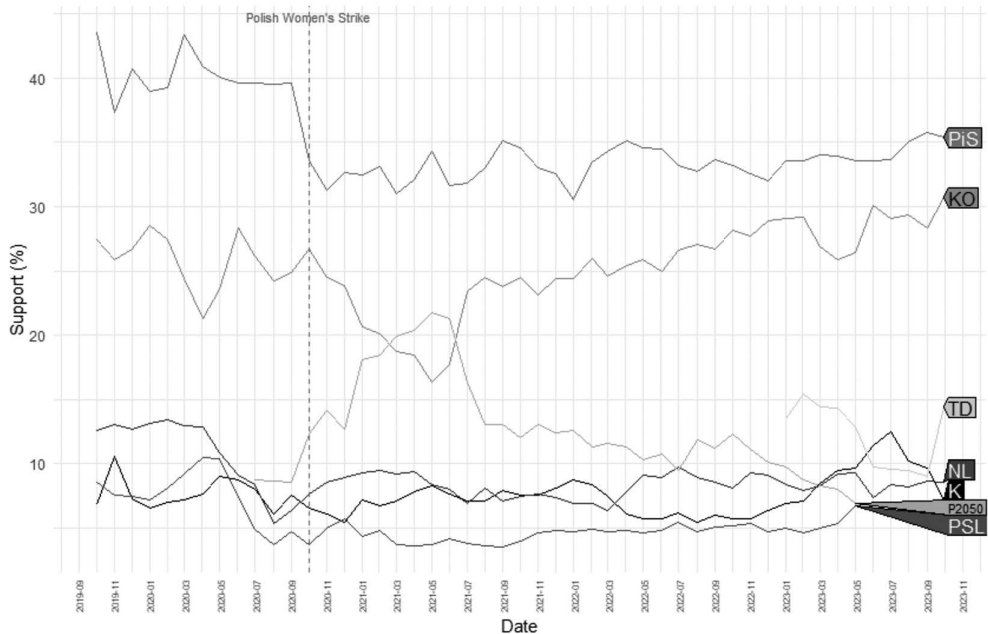
Following the logic of the worldwide conservative resurgence (see Lombardo et al., 2021), the most intensive conflicts between the government and civil society concerned sexuality and women's rights. In 2019 and 2020, over 90 local communities in Poland adopted 'anti-LGBT resolutions' aimed at the symbolic rejection of sexual minorities (Bucholc, 2022). The arrest of pro-LGBTQ+ activists protesting state homophobic propaganda resulted in large solidarity protests in August 2020, dubbed the Rainbow Night, and letters of support to the President of the European Commission and signed by several hundred scholars and artists from around the world, including Noam Chomsky, Pedro Almodóvar, and Margaret Atwood (LGBT+ Community, 2020).

However, the field in which the strongest confrontation between the government and civil society took place, and which had the greatest impact on the decline in public support for the government, was women's reproductive rights. Throughout the democratic backsliding period, the Polish parliament regularly debated proposals to amend the abortion law from pro-choice and anti-choice factions, which was accompanied by large demonstrations by street women, in particular the 2016 Black Protest (Król and Pustułka, 2018). Recognising the impossibility of enacting the abortion ban through standard legislative procedures, Law and Justice decided to enforce the changes through the subjugated Constitutional Tribunal. Despite the legal prohibition of public gatherings, the Tribunal's decision to restrict radically the possibility of abortion incited the largest nationwide demonstrations since the Solidarity protests in the communist era. According to surveys, around 2.5 million Poles participated in street protests organised by the Polish Women's Strike across over 400 Polish cities and towns; for the young women age group (18–24 years old), over 40 per cent declared to have participated (CBOS, 2020). Although the women's movement did not force the government to withdraw the restrictive law, the movement had a powerful impact on Polish politics, radicalising

public attitudes, permanently depleting support for Law and Justice and increasing support for the opposition (Figure 16.4), and changing the political programmes of the main opposition groups (Kwiatkowska et al., 2024). As shown in Figure 16.4, while until October 2020, Law and Justice had consistently had around 40 per cent support, between October and December 2020 they dropped to nearly 30 per cent and never returned to their previous level.

Opposition in Courts and Media

The deceleration of democratic erosion can also be attributed to the active role of the judiciary in protesting anti-democratic legal changes – using formal and informal channels. Law and Justice held control over the Constitutional Tribunal, partial control over the Supreme Court and over some lower courts. However, many other courts remained independent, actively defending democratic principles and the judiciary's independence. Since the onset of democratic backsliding, national associations of judges and lawyers, such as the Supreme Bar Council, the National Council of Legal Advisers, the National Council of the Judiciary, the Ombudsman of Poland, and the Association of Polish Judges 'Iustitia', were vocal in their opposition to the government's anti-democratic reforms. While appeals to Law and Justice MPs to abide by rule of law or appeals to the President to veto particular bills were not successful, the presence of critical independent judicial institutions was critical in slowing down



Note: Results of major national polls aggregated by month.
Data source: Sondaże Polska (2024), <https://ewybory.eu/sondaze/>.

Figure 16.4 The changes in support for the main political parties over time

the process of dismantling the rule of law. The Supreme Court remained partially independent throughout the Law and Justice rule and, despite facing substantial pressure from the ruling government, it continued to issue rulings upholding constitutional norms and principles and submitting requests for preliminary rulings to the Court of Justice of the European Union (CJEU) to clarify if legislation violated European law. The ultimate burial of the backsliding period authored by the Supreme Court was the ruling of 13 December 2023 indicating explicitly that the Constitutional Court with so-called ‘stunt judges’ was not a tribunal and its judgments were not binding (Jałoszewski, 2024).

Until it was dismantled in 2018, the National Council of the Judiciary, responsible for nominating judges and appointed to guard the independence of courts and judges, stood as the guardian of the constitutional independence of the judiciary. National associations of judges and lawyers, including the National Council of Legal Advisers, Polish Judges Associations *Iustitia* and *Themis*, foundations *Free Courts*, and *Lex Super Omnia*, used lawsuits against the government to defend persecuted and discriminated judges and submitted complaints to the European Court of Human Rights. Judges’ associations, alongside NGOs, used informal and formal contacts with EU agencies and representatives to inform on anti-democratic actions of the government, lobbied for initiation of the infringement procedures at the Court of Justice of the EU and the application of the rule of law conditionality mechanism as the required means to stop democratic backsliding (Moroska-Bonkiewicz and Domagała, 2023).

In addition to formal procedures, judges and their associations engaged in informal collective actions. While the judges avoided collaborating with opposition parties (both at the level of national parliament and European Parliament) to steer clear of accusations of violating constitutional political neutrality, they cooperated with several NGOs to organise protests and demonstrations. The *Free Courts* initiative and *Iustitia* were particularly active. Judges also collaborated with the NGOs via the common network of 12 legal and human rights associations called the Justice Defence Committee (KOS). In particular, protests in defence of the independence of the judiciary in July 2017 took place in some 250 cities in Poland. Other actions include the ‘Chain of Lights’ demonstrations and ‘the March of 1,000 Robes’ in January 2020 against the introduction of the so-called muzzle-law, introducing disciplinary responsibility of judges for actions in defence of the rule of law (Matthes, 2022).

The opposition to attempts at media suppression were less pronounced, possibly because the media in Poland had always been subject to government control. However, strong protests, along with coordinated actions from many competing media entities, thwarted Law and Justice’s attempts in 2021 to suppress major private opposition media outlets. In protest against the government’s proposed legislation to introduce an additional advertising tax on the media, a one-day action ‘Media Without Choice’ took place: newspapers published a protest statement on their front page or covered it in black, television and radio stations broadcast only messages of protest, and online portals suspended content publication. These actions were accompanied by social protests. However, the most significant protests occurred in August and December 2021 against the media law labelled ‘Lex TVN’, modelled on Hungarian regulations, which was designed to prevent television broadcasters from outside the European Economic Area from operating, and which primarily targeted the main opposition television network TVN, controlled by the US Discovery Group. In August and December 2021, protests were held in around 100 cities across Poland under the slogan ‘Free people, free media, free Poland’. Over 1,200 journalists signed a letter in defence of TVN, and more than 2 million

people signed a petition to the President calling for a veto in defence of TVN (Ptak and Florkiewicz, 2021).

External Support

Domestic actors have increasingly benefited from robust and expanding support from the European Union institutions and other external actors. This trajectory began with critical evaluations from the Venice Commission and the Council of Europe Commissioner for Human Rights in 2016. Unlike Hungary, where the European Commission for a long time delayed activating the Rule of Law Framework or Article 7(1) TEU, in the case of Poland the EC's reaction was very fast and the Rule of Law Framework was activated as early as January 2016, that is, about two months after the election of the stunt judges by the Polish Parliament. This difference in the European Commission's actions arose both from the necessity for swift response – learning from the case of Hungary, where backsliding was already advanced – and from the fact that while the Hungarian government legally amended the constitution to take over the Constitutional Court, the Polish government, lacking a parliamentary supermajority, had to breach the Constitution to achieve the same goal (Scheppele and Pech, 2018). Secondly, the European Conservatives and Reformists political group in the European Parliament, of which Law and Justice is a member, did not have enough power to protect the party from sanctions imposed by the European Commission and the European Parliament in the way Fidesz was protected by their EP group, European People Party (Wolkenstein, 2022).

In subsequent years, the influence of the European Commission and the CJEU intensified. In December 2017, following the Polish government's persistent non-compliance with the European Commission's recommendations, the European Commission invoked Article 7 against Poland in an unprecedented move in response to the erosion of judicial independence. The European Parliament backed this move in a resolution in March 2018. In the years that followed, the European Commission referred several cases involving Poland to the CJEU, which levied substantial financial penalties against Poland. Ultimately, the CJEU upheld the conditionality mechanism linking EU funding to compliance with the rule of law by dismissing the legal challenges brought against it. As a consequence, the European Commission suspended the disbursement of funds from Poland's Reconstruction Plan (Blanke and Sander, 2023). At the same time, Law and Justice, while attacking the EU, could not openly move towards Poland's exit from the Union due to the overwhelmingly positive attitude of Poles towards membership, including stable majority support for Poland's membership in the EU of over 90 per cent among their voters (CBOS, 2022).

Additionally, the UN Human Rights Committee condemned the Polish government's anti-democratic actions. The United States actively supported democracy and media freedom, notably defending the opposition-aligned media group TVN, owned by the American corporation Discovery, Inc. (Skórzyński, 2019). According to Sata and Karolewski (2023), it was solely pressure from the United States that prevented Polish President Duda from signing the law. The presidential veto, which followed large public protests and international reactions, has been applauded, among others, by the US President Biden.

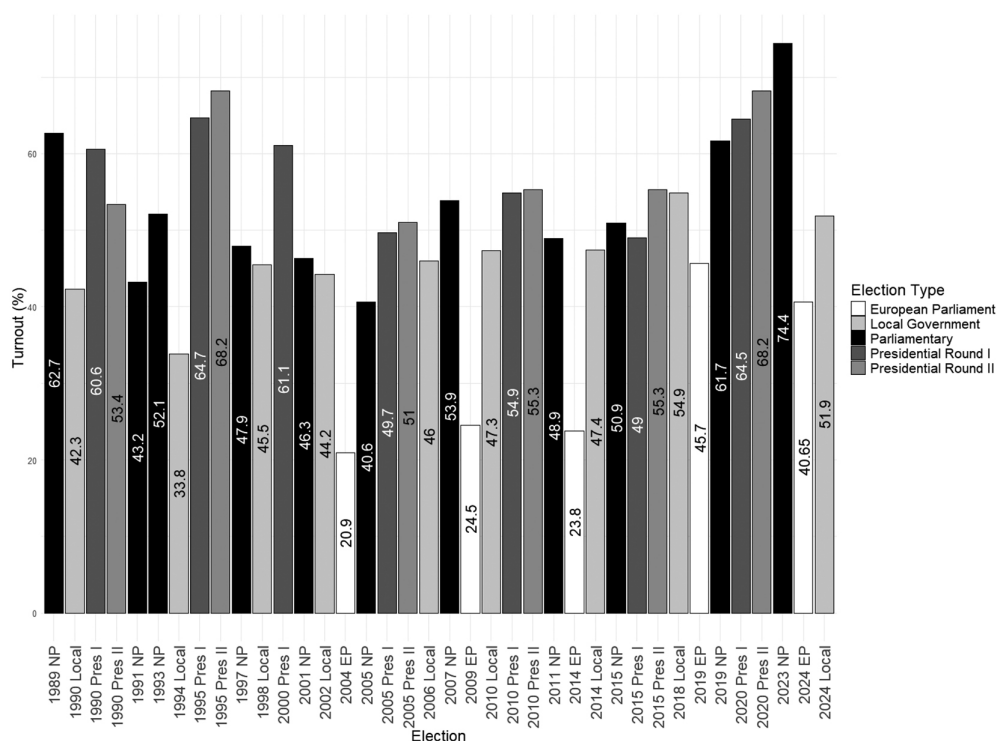
OPPOSITION DURING THE CRITICAL 2023 ELECTION

The culmination of the actions of the various actors in opposition to the democratic backsliding process was the parliamentary election on 15 October 2023. However, until election day, neither a high voter turnout nor the victory of the opposition over the Law and Justice party were apparent. During the campaign, the ruling party utilised state resources, including funding from state-controlled companies and their foundations, as well as its control over public media, which broadcast openly partisan coverage. In addition, for nearly a year leading up to the elections, leaders of the opposition parties were publicly disputing the terms for a joint list and ultimately went to the polls separately, which, from the perspective of the electoral system for the *Sejm*, was risky considering the existence of the electoral threshold and the shaky support for the Left and the Third Way. In a survey conducted a month before the elections, 55 per cent of respondents predicted that Law and Justice would win, while only 22 per cent believed that the opposition parties would win. The remaining respondents had no opinion on the matter (CBOS, 2023).

The hope for the opposition remained in the form of a high and increasing voter mobilisation. The march on 4 June 2023, which saw the participation of the leaders of all the main opposition groups, was organised in response to the *Sejm*'s adoption of the so-called 'Lex anti-Tusk' law. This law allowed a parliamentary committee to ban individuals from holding public office and could potentially be used to eliminate Donald Tusk, the leader of the PO, from the elections. Approximately 400,000 people participated in the march, making it one of the largest ever protests in democratic Poland and one with the greatest media reach (Dąbrowska-Cydzik, 2023). Even more participants, around one million, were drawn to the 'March of a Million Hearts', organised by the opposition on 1 October, just two weeks before the elections.

The predicted participation in the elections was estimated at about 65 per cent until it began to rise rapidly in the last few weeks before the election. The group that caused the greatest concern due to their electoral apathy were young women, of whom around half declared a few months before the elections that they would abstain (Kajta et al., 2023). Therefore, in addition to the actions taken by the party during the electoral campaign, at least 27 large intense voter turnout campaigns were conducted simultaneously by various NGOs. These campaigns were carried out primarily on social media and in the form of online advertisements, and were primarily targeted at young women, emphasising the ongoing threat to reproductive rights as the main issue. The reach of these campaigns was extensive: 39 per cent of respondents from a nationwide sample and two-thirds from a nationwide sample of internet users stated that they had seen voter turnout advertisements from entities not directly connected to institutional politics or in the media; it is estimated that an eligible voter encountered a message from one of the voter turnout advertisements at least 13 times on average (Jaworska-Surma et al., 2024).

In the final days before the 2023 elections, most surveys predicted a tight margin between the opposition and the government. The election ultimately saw a record voter turnout of 74.4 per cent. While turnout had been steadily increasing in successive elections since 2019, this unprecedented level exceeded even the previously highest average turnout seen in presidential elections. Notably, even in the landmark 1989 parliamentary election, when Poles had the chance to participate in the first partially free elections after more than half a century of communist rule, turnout reached only about 65 per cent, roughly 10 percentage points lower than in 2023 (see Figure 16.5).



Data source: Polish Electoral Commission, author's own compilation.

Figure 16.5 Electoral turnout in Poland since the democratic transition

Finally, although the Law and Justice remained the strongest single electoral force, receiving the highest percentage of votes, this was not enough to form a government. Only a favourable convergence of factors, including the successful electoral mobilisation of young women through voter turnout campaigns and the demobilisation of supporters of the ultra-right Confederation due to PR problems of its leaders, enabled the three opposition coalitions competing in the elections to secure a majority in the parliament and form a government, successfully removing Law and Justice from power.

The key role in the opposition's victory was played by the unusually high electoral participation of young women (72 per cent in the 18–29 age group, according to the IPSOS late poll), who represented the group with the highest level of support for the opposition in society (73 per cent compared to the 54 per cent average for the population). This was primarily due to their strong support for the Left (24 per cent compared to the 9 per cent population average), which emphasised the issue of liberalising abortion laws most strongly during the electoral campaign. Simultaneously, the study on the impact of the multiple voter turnout campaigns, organised by NGOs and aimed mostly at young women, suggests that, if not for the mobilisation of selected groups of voters 'in the final stretch', partly due to the voter turnout campaigns, the voter turnout would have been about 7 percentage points lower, which could have

led to a different election outcome (Jaworska-Surma et al., 2024) and a further deepening of democratic backsliding in Poland.

CONCLUSIONS

The eight years of Law and Justice government between 2015 and 2023 underscored critical lessons for opposition movements under semi-democratic or competitive authoritarian conditions, characterised by executive aggrandisement (Bermeo, 2016). Initially, Poland's opposition focused primarily on rejecting the ruling party outright, a strategy that ultimately proved ineffective against a government with control over key institutions, a parliamentary majority and presidency, and a mobilised voter base tolerant of democratic violations (Bustikova, 2019; Muliavka et al., 2025). On the contrary, this strategy inadvertently facilitated the exclusion of opposition from legislative influence and accelerated democratic backsliding. The Polish case thus highlights a common pitfall for opposition movements: direct confrontation alone may reinforce autocratisation rather than curtail it (Gamboa, 2017; Cleary and Öztürk, 2022), especially where the regime holds institutional and electoral advantages.

The lack of cooperation between opposition parties also contributed to their initial limited success. As a result, left-wing parties had no parliamentary representation during the 2015–19 term, and centrist parties held a relatively weak position in the 2019–23 term. However, by 2019, opposition parties began to realise the importance of unity and strategic collaboration to 'buy time until the next election' (Cleary and Öztürk, 2022). Over time the Polish opposition demonstrated a shift from reactive resistance to strategic adaptability, exemplified by the formation of the Senate coalition in the 2019 elections, which demonstrated the effectiveness of a united front and allowed for a significant slowdown of the government's anti-democratic actions. This shift involved consolidating diverse groups under a common agenda while preserving their distinct identities – a balance crucial for effective coalition-building. This strategic alignment was maintained and expanded upon in the 2023 parliamentary elections.

This adaptability highlights a fundamental principle for democratic resilience: the success of opposition movements often lies not in uniformity but in the coalition's ability to harness a plurality of voices in a united front. Poland's opposition effectively operationalised this principle, forming alliances with mass movements like the Polish Women's Strike and broadening their policy agenda to include progressive social issues, incorporating the demands of protesting groups such as women, teachers, healthcare workers, disabled individuals, working parents, and the LGBTQ+ community, thereby mobilising demographics beyond their traditional voter base. The main opposition party, Civic Coalition, included issues of abortion law liberalisation and the legalisation of same-sex civil partnerships in its programme, which was a considerable step for a party previously hesitant about such policies during its two terms in power (2007–15). This expansion illustrates that democratic resilience requires an opposition that not only addresses institutional breaches but resonates with the everyday concerns and identities, speaking to diverse interests across society.

At the same time, KO, previously known for its liberal economic agenda, challenged Law and Justice on its own turf by proposing an increase in public transfers within the framework of Law and Justice's flagship '500+' project aimed at families with children. This move was intended to attract some of the Law and Justice voters who supported the party solely for own financial gains (Sadura and Sierakowski, 2019). Furthermore, KO leaders, particularly

Donald Tusk, successfully incorporated elements of soft, centrist populism into their messaging, adopting and reversing the Law and Justice narrative of bad political elites and good ordinary Poles (Leszczyński, 2022). This strategic shift not only broadened their appeal but also enabled them to connect with voters on issues of economic justice and social inclusion, areas traditionally dominated by Law and Justice.

Furthermore, the legal defence mounted by the judiciary was instrumental in slowing down the pace of democratic erosion, confirming its role as the 'last bulwark against autocracy' (Boese et al., 2021: 886). Key state judiciary institutions which managed to keep a degree of independence and legal professional organisations consistently opposed the government's anti-democratic reforms, delaying the process of democratic erosion through legal means. They engaged in repelling legal and political attacks directed at activists, politicians, and independent judges, informed European Union agencies on the deteriorating quality of democracy in Poland, and lobbied for the implementation of stronger pressure measures.

International actors, particularly the European Union, played a notable role in reinforcing democratic resilience. Poland's case demonstrates the importance of external support in tempering the ambitions of authoritarian-leaning governments, especially when internal institutions face limitations. The initial actions of the European Union, although quickly implemented, were weak and ineffective, and Law and Justice successfully played for time in negotiations with the European Commission by either not fulfilling the Commission's demands or fulfilling them to a very limited extent. It was only the European Commission's decision to suspend funds for the Reconstruction Plan for Poland until rule of law conditions were met, alongside substantial financial penalties imposed by the CJEU, that exerted considerable pressure on the Polish government. However, the effectiveness of external support depended on a strong internal opposition capable of leveraging these pressures and channeling them into sustained public engagement. The Polish opposition's adeptness at collaborating with European institutions using different types of externalisation strategies targeting the European Union to put pressure on the national government (Della Porta and Caiani, 2009: 15) underscores the importance of an interconnected opposition strategy that links internal resilience with international democratic standards. This strategy highlights the challenge faced by authoritarian-leaning regimes following a forerunner, exemplified in this case by Law and Justice implementing methods from the illiberal playbook (Pirro and Stanley, 2022) that have already been tested by Fidesz: while they may draw on established autocratic tactics, they are constrained by the institutional learning of international bodies, which have become increasingly adept at recognising and countering such tactics.

Moreover, internal conflicts within Law and Justice – including divisions among factions and the growing conflict between the government and President, exemplified by the presidential veto of laws on the National Council of the Judiciary and the Supreme Court – unexpectedly hindered the party's consolidation of power. This factor reveals a crucial insight: authoritarian consolidation can be limited not only by external and public opposition but also by internal fragmentation within ruling coalitions. The opposition's ability to capitalise on these conflicts and amplify them through public narratives reveals an effective counter-strategy, delaying autocratic progression. Moreover, the process of democratic erosion in Poland was also limited – in comparison with the frontrunner in democratic backsliding, Hungary – by the electoral system, the media ownership structure, and the more decisive actions of the European Union (Scheppele and Pech, 2018; Wolkenstein, 2022).

Finally, the analysis of successful democratic resilience in Poland provides evidence that in a context of consistently strong political mobilisation of voters for the ruling autocratic government, reinforced by capture of the state, achieving exceptionally heightened social mobilisation, including segments of the electorate that have previously been politically inactive, is necessary to counterbalance the ruling power effectively. In turn, to achieve this, flexible cooperation among broad-based opposition actors is essential, with each having the capability to reach different segments of the electorate. Fostering cross-sectoral collaboration across political parties, social movements and civil society organisations, the media and celebrities, and remaining independent institutions requires programmatic concessions by opposition parties in favour of diverse allies and adapting political strategies to resonate with a wider electorate, leverage external support effectively, and tactically navigate the internal vulnerabilities of authoritarian coalitions. Simultaneously, strategies focused on ‘buying time until the next election’ (Cleary and Öztürk 2022: 4) proved essential for the opposition, enabling them to slow the pace of autocratic reforms and gain time to build alliances crucial for democratic survival.

However, the aftermath of the 2023 elections highlights the fragility of democratic resilience when broad anti-backsliding coalitions are not anchored in shared normative commitments. The government, constrained by conservative coalition partners and a veto-wielding president from PiS, quickly abandoned or diluted its promises regarding women’s rights, LGBTQ+ equality, and refugee rights. This failure generated frustration among progressive voters and social movements that had been instrumental in mobilising against autocratisation, and culminated in the 2025 presidential elections, won by the PiS candidate. Poland’s trajectory thus illustrates the double-edged nature of umbrella alliances built primarily on strategic necessity rather than substantive agreements: while essential for resisting authoritarian advances, their inability to institutionalise programmatic commitments to social rights risks fuelling disillusionment among diverse constituencies and inadvertently empowering radical-right forces. More broadly, the Polish case contributes to theorising democratic resilience by showing that broad anti-backsliding coalitions, while vital for short-term resistance, can only secure lasting democratic renewal if grounded in shared values, formalised programmatic agreements between coalition members, and strategies that expand rights and inclusion rather than leave space for radical-right mobilisation.

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