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Political Techniques Applied by The Law And Justice Party Since The 2015 Elections (outline)

ABSTRACT

In 2015 it was a double victory of Law and Justice (Prawo i Sprawiedliwość - PiS) in Poland: first, presidential elections were won by Andrzej Duda, a candidate from the PiS nomination, and a few weeks later the victory was confirmed by parliamentary elections - PiS won an independent majority in both houses of parliament. It was important because for the first time since 1989, one political group has gained an independent majority in the parliament. An important element of the change that led to the persistence of relatively high support for the ruling party was the breach of unwritten rules related to public media pluralism or consensus on foreign (European) policy. The subject of the paper will be an attempt to determine how the Law and Justice party implements the election program. At the same time, the author will undertake to assess to what extent the use of specific political mechanisms leads to the implementation of political postulates that do not find broad support.

Keywords: Law and Justice party, Kaczyński, Poland

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INTRODUCTION

The elections of 2011 were exceptional for the then ruling party – Civic Platform (Platforma Obywatelska). At that time, for the first time since 1989, the ruling party won the next election. This series, however, was interrupted in the next election. In 2015, two elections took place in Poland: in May (10 and 24) presidential elections and a few months later - on October 25 - parliamentary elections were held.

While the result of the presidential election was a huge surprise for the public (Bronisław; Poland election; Poland's president)², because the current president B. Komorowski had had a stable advantage over his competitors in the parliamentary elections, according to predictions, the Law and Justice (Prawo i Sprawiedliwość) won. It is worth mentioning that the Law and Justice win was so special that for the first time since 1989 the winning election committee won the majority of parliamentary elections enabling the formation of the government³.

The subject of the article is an attempt to indicate and present the characteristics of remittances, which the Law and Justice used in the first years after taking power. The author undertakes attempts to formulate the most comprehensive analysis of the way PiS exercises power, by indicating a number of principles that the party's policy-makers seem to use in relation to the implementation of political assumptions.

The author tries to prove the hypothesis according to which the activities of the government camp are the result of an efficiently thought out strategy, and its efficient implementation leads to maintaining high social support. This is important as it was only the previous governments (i.e. the PO-PSL coalition⁴) that brought about some stabilization of the party system, thanks to which these groupings could be able to stay in power after four years of rule. In other words, in previous terms the norm was a significant drop in the polls of the ruling parties after several months of being in the government. PO-PSL governments and current PiS governments seem to deny this tendency.

INTERRUPTED TERM (2005-2007)

Law and Justice party before 2015 had its own short government episode. In 2005, in the face of the falling support for the ruling left wing, two post-Solidarity groups, Law and Justice (PiS) and Civic Platform (PO) loomed ahead of the election race, with the latter having slightly more support from the PiS. Both parties clearly indicated that after the election a coalition PO-PiS would be concluded. Finally, the election was won by Law and Justice, and the twin brother of the PiS (Lech Kaczyński) became the president.

The coalition negotiations between the two post-Solidarity parties (PiS and PO) ended in fiasco and the PiS established the government thanks to the support of two

² President B. Komorowski was previously the Speaker of the Sejm (from the Civic Platform). With the support of this party he competed in the early presidential elections in 2010.

³ It resulted, among others, from the specifics of the electoral law, the rules of which meant that there was no leftist alliance in the Sejm (it received 1.1 million votes), and KORWiN party (0.7 million) was just below the electoral threshold. The presence of at least one of these groups in the parliament would significantly complicate the formation of the government (Polish right; Rightwing Law; Poland elections: Conservatives).

⁴ Polskie Stronnictwo Ludowe, Polish People's Party – abbreviated as PSL (traditionally translated as Polish Peasants' Party), is an agrarian political party. It was the junior partner in a coalition with Civic Platform.

smaller groups: the Self-Defense⁵ and the League of Polish Families⁶. Kazimierz Marcinkiewicz stood up unexpectedly at the head of the government. In July 2006, he was replaced by the PiS leader Jarosław Kaczyński, and thus twin brothers stood at the head of government and state (*Polish President's Twin*).

The basic goal announced by the PiS in the election campaign was the construction of the Fourth Republic, which was read as a will to radically reform (rebuild) state structures, due to the break with the post-communist Poland heritage (i.e. after 1989), which for PiS activists and supporters was seen as a pathological form (Brier 2009, 63-85)⁷. Law and Justice prepared a draft constitution for this purpose. It is worth emphasizing that this was not a draft amendment to the binding basic act but a proposal to adopt a completely new constitution the main goal of which seemed to strengthen the executive power (being precisely the head of state)⁸. This is all the more important because such a radical change (even based on the PiS politicians' announcements) clearly indicated that PiS governments should bring a new order, i.e., the one we dealt with in the event of a change in France from 4th to 5th Republic.

A change to the constitution in Poland requires the support of the 2/3 of the lower house of parliament, which is clearly a difficult situation in Polish political conditions: as previously indicated, none of the groups before 2015 gained sufficient support to obtain an absolute majority in the lower house of parliament. It is worth pointing out that despite the fact that in 2005 voters clearly transferred their support from the post-communist left to two post-Solidarity groups, the combined forces of both parties (PO and PiS) did not allow for a radical reform of the system. This, if it were to be done through the amendment of the basic law, beside the support of all PiS and PO deputies, would require the votes of yet another parliamentary group⁹.

The demands with which Law and Justice operated during the electoral campaign referred to a large extent to two foundations: a strong state (i.e., an efficient one that fights against corruption) and a solidarity approach in matters of the place of state in the economy¹⁰. It is worth pointing out that the difference was significant with regard to the Civic Platform in the matter of economy: the PO was a liberal party, reluctant of the very active role of the state in the economy.

The government of Jarosław Kaczyński finally collapsed in 2007 as a result of scandals related to internal conflicts in the coalition. Eventually, the parliamentary term was shortened, resulting in early elections in October of the same year.

⁵ This party which was widely recognized as populist has grown in the popularity of Andrzej Lepper, who from a farmer blocking roads has undergone a huge change, becoming a real politician.

⁶ Liga Polskich Rodzin (League of Polish Families) is a conservative and clearly eurosceptic party.

⁷ It should be pointed out that thinking about post-communist Poland as the form of a deformed, pathological system was matched by the fact that the Constitution was passed by a parliamentary majority composed mainly of the left (post-communist, which must be emphasized) and the center.

⁸ In Poland, we are dealing with a non-classical form of the parliamentary system with a strong position of the head of state. PiS's proposal would change this system more towards the French model (the so-called semi-presidential system).

⁹ Without going into details, it is worth pointing out that apart from the 2/3 support in the lower chamber of the parliament, the Constitution also requires the support of an absolute majority in the upper house, which is not usually a major problem for the ruling group under the terms of the majority electoral law.

¹⁰ The electorate and ideological foundations of the Law and Justice party are indicated very efficiently by M. Castle: (Castle 2015, 623).

THE ELECTORAL VICTORY IN 2015

It is true that this study is not intended to explain the PiS victory in the 2015 election, but it is not possible to discuss the issue of techniques used by PiS either without even indicating the most important elements of the PiS's electoral success. The double victory in the 2015 elections was largely due to the fatigue of the eight-year ruling coalitions of the Civic Platform and the Polish People's Party. The victory in the elections was undoubtedly influenced by a firm declaration of PiS politicians in the matter of resolving the refugee crisis. The PiS explicitly opposed to accepting any amounts, rejecting the demands of European Union leaders that the member states would jointly accept the population that came to Europe from North Africa and the Middle East. There is no doubt that the PO-PSL government's policy towards the migration crisis seemed underdeveloped (or simply unfinished).

It was understandable that the PO-PSL government would finally accept the need to accept the refugees as such, but it was not known what the number would be¹¹. In the end, for the PiS, a key - as it seems - expression was the one that was formulated by the then government spokesperson who said that "as a country we are prepared for every number of refugees" (*Czy chcesz*). This quote, combined with the fear of terrorist attacks that occurred in Western Europe (especially in France), was later used as a tool to create a clear message for voters: the choice of Civic Platform means bringing immigrants to Poland who will be a real threat to security of the Poles, and the choice of Law and Justice dismisses this threat while this party is against any immigrants.

To a large extent, it should be noted, which in the author's opinion is of great importance for the popularity of Law and Justice in 2015 that the management of this party seemed to notice mistakes from 2005-2007 when due to governmental image mistakes (or more broadly: mistakes made by the PiS politicians and both coalition's parties) the government of J. Kaczyński was associated with something shameful: supporting the PiS meant parochial thinking about the world (*The end of Poland's*).

The ambiguous policy of the party toward the European Union was definitely characteristic. One should agree here with J. Szyszko who points at, for example, the fact of supporting the accession to the EU, and at the same time the inclusion of the eurosceptics in the European Parliament in 2004 in the faction. President Kaczyński's ambiguous attitude to the signing of the Treaty of Lisbon also called into question the Euro-enthusiastic PiS declaration (Szyszko 2012).

Finally, the declarations, as well as the subsequent political practice, showed that for PiS, the pillars of foreign policy would be based on military and political alliance with the US (and thus with NATO), while adopting the strategy of treating the European Union as an organization in which Germany is the hegemon and thus looking at the European Union only (!) by national interest (an example of which is the rejection of immigrant quotas).

It is worth mentioning that among a number of reasons for victory, the underlying reasons were not economic tensions, but "an increase in aspirations related to raising the standard of living. PiS appealed to these aspirations much better than the Civic Platform and promised people that the state would be an important partner in their satisfaction"¹².

¹¹ Most often in the media it was the amount of 2,000 refugees that the Polish government was to declare.

¹² In the context of the answer to the question of why PiS has such a high public support, it is worth reading the report by Professor Maciej Gdula: (Gdula 2017).

The last two weeks of the election campaign were dominated by the European migration crisis, as previously mentioned, while other topics that appeared were: retirement age, benefits for children, education or health care, and foreign policy issues, such as the country's place of residence in the European Union (*Rzeczpospolita Polska, Wybory*, 10).

Law and Justice in connection with numerous election promises as the basic postulate - which can be read from political actions - took on something as obvious as keeping electoral promises. Such an idea stood against the standard created in the previous few parliamentary terms: electoral promises were mainly aimed at attracting the electorate and persuading it to vote for a given grouping. The above should not be treated as a statement that earlier political parties did not fulfill their election promises, but only that the degree of non-compliance was relatively high. PiS leadership noticing the lack of information about the intention of raising the electoral age by the PO-PSL coalition with the simultaneous failure to keep promises in the health care sector, it had a relatively easy situation to include in its proposals the withdrawal of reforms implemented by the PO-PSL government (apart from the pension reform, it is worth mentioning the equally unpopular decision of the minister of national education who piloted the program introducing the schooling obligation for the six-year-old).

The wide-ranging program offer has undoubtedly influenced the electoral success of Law and Justice. As rightly noted by Rafał Miernik, PiS efficiently used the strategy of absorbing the program assumptions. This strategy is based on taking over the program assumptions of other parties in order to take over their electorate. It is connected with the party's pursuit of expanding the market and directing its offer to new and attractive voter segments. In the case of PiS, various solutions were proposed that were to lead to the extension of the electorate: Self-Defense (rural and social electorate), League of the Polish Families (right-wing electorate), Democratic Left Alliance (socialist electorate) and the Polish People's Party (rural electorate) (Miernik 2018, 99-116). As it turned out later, PiS was voted by a large percentage of people of primary education as well as pensioners, farmers, unemployed, and workers. This way you can see that the postulates formulated in the election campaign found interest in the electorate (Tyrała 2018, 70).

IMPLEMENTATION OF THE ELECTION PROGRAM BY THE PiS GOVERNMENT AFTER 2015

The reforms promised by PiS politicians and at the same time the political situation in the parliament which was unexpected by most observers (i.e., the lack of the need for a government coalition with any party) led to the possibility of implementing its political program without any limitation by coalition commitments. The only constraints seemed to be the constitutional framework.

One of the most important differences in relation to the 2005-2007 governments was the focus on the implementation of political and electoral programs. Some of these changes have already occurred at the beginning of the government of Beata Szydło (eg, the Ministry of the Interior and Administration was brought back to life¹³). Others required appropriate legislative changes and were introduced within a few more weeks: a change in the retirement age, change in the schooling obligation of the six-year-old, the

¹³ During the PO-PSL government, there were two ministries: (1) digitalization and (2) administration and internal affairs. This is interesting because when coalition talks between PiS and PO took place in 2005, Law and Justice proposed the division of the same ministry (Ministry of Interior and Administration) into two ministries: administration and home affairs (interior) (*Marcinkiewicz: proponujemy*, 2005).

liquidation of the Ministry of Treasury, or even the merger of the office of the Minister of Justice and the Prosecutor General in one person. What is worth noticing is that a certain part of the changes consisted of no more than simply withdrawing the changes introduced by the PO-PSL coalition within the last 8 years. The confirmation of this was among others to return to the previous retirement age, the removal of the six-year-old school attendance, joining the offices of the Minister of Justice and that of the Prosecutor General.

It seems that the most flagship elements of the election program were the promise of paying PLN 500 monthly for each second and subsequent child¹⁴. The indication that this benefit will be paid in principle for the next child (and not for the first one) was to be justified by the purpose of the program - increasing the fertility of Polish women.

Beata Szydło's government survived until December 2017 when the current Vice Prime Minister and minister of the two economic departments (development and finance) - Mateusz Morawiecki - headed the cabinet. The government focused more on economic issues of priorities. According to commentators, the change in the position of the head of government was dictated by the desire to settle the dispute with the European Commission regarding the so-called justice reform (*Polish PM; Poland: Reasons; Poland: Mateusz*).

POLITICAL TECHNIQUES USED BY THE PiS LEADERSHIP AFTER 2015

Techniques will be understood here as the ways of implementing the political program (including electoral) by the ruling group. Law and Justice applies a whole catalog of political tools and techniques that enables this party to govern relatively efficiently and provide high public support. There is no doubt that the techniques themselves can be more than the ones listed below. However, the article here is an attempt to look at it as broadly as possible¹⁵.

It is worth indicating the principle first of all, which is of a general nature: if there are legal regulations being proceeded by the parliament or government and someone (e.g. an opposition politician, or even widely respected constitutionalist) raises some concerns of constitutionality of their wording, policymakers use democratic justification. In other words, each change can be justified by referring to legitimization (according to this narrative: the right to reform results from the democratic elections, and therefore possible criticism is at most a manifestation of the frustration of the opposition who has lost power and is not substantive).

"TWO STEPS FORWARD AND ONE BACK"

This principle consists of proposing two types of political and / or legal solutions: the first may seem controversial and artificial, definitely more controversial than the other. This principle works in such a way that after the public is focused on the criticism of a much more controversial idea, the political decision maker implements only the first

¹⁴ Eventually, the project also predicted PLN 500 (117 Euro) for the first child, but only for the poorest families.

¹⁵ A very interesting hypothesis is used by the editor Jacek Żakowski who calls the PiS action on the "reform of the Supreme Court" by the fire-piromaniac method, which on the one hand is responsible for the occurrence of the problem and at the same time offers mechanisms to solve this problem (*Żakowski o SN, 2018*).

idea, while at the end the second one is not introduced due to the fact that the government carefully listens to the sovereign's opinions.

This technique has been used several times, including the case of the Electoral Code, pursuant to which the bill was to provide for a limitation to two terms. It is with the provision that local government officials who have held office for at least two terms will not be able to run for another. This idea seemed to violate the principle of the prohibition of legal retrocession by many constitutionalists. Finally, the law was adopted, which introduced a limitation to two terms of local government, but it is counted from the elections of 2018. In addition, the ordinance was amended a definition of a valid vote. It is also worth pointing out that despite the objection of the opposition, PiS eliminated the possibility of postal voting. It was used by: disabled people, the elderly, people staying outside the country. The election law introduced the possibility of postal voting only for people with moderate or severe disabilities (*Ordynacja wyborcza*).

THE USE OF THE ALLEGED LACK OF PRECISION OF THE CONSTITUTION

In many places, the Polish constitution refers to the ordinary law. This seems justified, as the basic law should only create an institutional framework for the operation of state organs and the exercise by citizens of their rights. Law and Justice, due to the lack of a constitutional majority, uses the provisions on the necessity of issuing the relevant act and thus clarifies in detail the solutions that are either not necessary or may conflict with the Constitution. Examples of such acts were: law on the National Council of the Judiciary, a number of laws concerning the Constitutional Tribunal, laws regarding the Supreme Court, laws regarding the system of common courts, the law on assemblies, law regulating the system of the National Electoral Commission (*Poland – Country*).

A separate thread is taking control over the Constitutional Tribunal by explicitly omitting the verdicts of that body, as well as refusing to perform duties (in this case: publication of the Tribunal's judgment, which the head of government is obliged to do)¹⁶. After the takeover of the Tribunal, this body is used to legalize certain activities of the power camp, such as the recognition that the President of the Republic of Poland has the right to exercise the right of grace towards a person against whom a final judgment has not been passed (Sadurski 2019; *Polish president pardons; President Duda's Controversial*).

"GOAT PRINCIPLE"

This technique is based on a well-known story about a goat¹⁷, whose basic premise is to create a problem that it is later solved, and in the eyes of the audience this act is

¹⁶ It is worth mentioning that in the narrative of Law and Justice there was an explanation of the rapid takeover of the Tribunal. According to this narrative, PiS was afraid that the Tribunal would recognize the 500+ program as incompatible with the Constitution, which would significantly hinder the ruling of this party (Bakalarczyk 2017, 15).

¹⁷ I am citing this story:

“There is an old Jewish story about a man who lives in a very small house with his wife, many children, no space, and very little money. So the man goes to his rabbi for advice: ‘Rabbi, you are so wise, and here I am living in a small house, with no light and little space. And I am so poor. What can I do?’ The rabbi listens and instructs the man: ‘Go to the market, buy a goat, and put the goat inside the house with you for a week and then come back to me.’ The man is shocked: ‘But, rabbi, as I told you, I have very little space and money. If I buy a goat, I won’t have any space and I’ll lose all my money.’ But the rabbi insists: ‘Get that goat!’ So the man buys the goat. He takes it home with him. The goat eats the furniture. It’s too big and takes up all the space in the small home. The man’s life is miserable. After a week, he goes to the rabbi and

perceived as beneficial for the community. The community does not see that this problem was artificially created by the decision maker - this principle was applied in the case of the law on the Institute of National Remembrance (Instytut Pamięci Narodowej), when the PiS prepared an amendment to that law. That amendment was provided to protect the Poles as a nation against accusations about murdering the Jewish population during the World War II (*Is Poland*).

The amendment has led to a serious crisis in relations with Israel, and thus to the shortfall on the Warsaw-Washington route. Ultimately, the crisis was averted by the revision of the law on the IPN, which de facto restored the previous legal order. The government carried out the law by the parliament at an express pace, after which normalization in relations with Tel Aviv was announced as its success.

RELYING ON FEAR OF EXTERNAL DANGER

It is important to emphasize that such anxiety is also raised on the basis of the danger that may arise within the political system - and this is the danger of winning the opposition party (parties) that would take away all social benefits introduced during the ruling group's rule.

As far as the fear of external danger is concerned, it is worth pointing out that this fear may have existed earlier, but it may also be created (strengthened) by media-dependent media - it is to mobilize the electorate to support the ruling group (taking over the opposition by the authorities does not guarantee preventing these "dangers"). What is noteworthy was not threatened with war (e.g. with Russia), while these dangers are: refugees¹⁸ (due to the risk of terrorist attacks), purchase of agricultural land by strangers (due to the possibility of taking over agricultural land by Germans and Dutch), LGBT community (by indicating that it can lead to the demoralization of children in sexual education classes) (Bierzyński 2017).

Dominika Sitnicka draws the right note that the similarity between the refugee crisis and the LGBT community has many similarities, as in both cases the satisfaction of the needs of the LGBT community is (Sitnicka 2019): to arouse fear (children are especially at risk); it is contrary to national identity (the Church's teaching and Polish tradition); violates Polish sovereignty (the EU wants to impose its rights); it's linked with spending money which may be used on other, more important aim.

TAKEOVER OF PUBLIC TELEVISION, WHICH IS TO SERVE ONLY AS A COMMUNICATION CHANNEL BETWEEN PIS AND THE SOCIETY (ELECTORATE)

Undoubtedly, the best, most effective and visible tool that the ruling party uses to convey the narrative of its policy to the sovereign (or being precise: to the electorate) is

cries: 'Rabbi, I put a goat inside my house. There is really no space anymore. Please help!' The rabbi responds: 'Go to the market, sell your goat, and come back to me in one week.' The man sells the goat and returns after a week to the rabbi. 'Rabbi, this week my life was great! With no goat in the house, it's really huge now and my family and I have so much space to live in. And after selling the goat, I actually have more money. You are a very wise man, rabbi!'"

Cited from: *The Surge Scam: Getting Rid of the Goat*, <https://rightweb.irc-online.org/the-surge-scam-getting-rid-of-the-goat/>, 30.04.2019. Hear: <https://youtu.be/MeujSUM63uw>, 30.04.2019.

¹⁸ Purposefully, by the politicians and media associated with PiS, they do not call the population "refugees" but "immigrants", which is to emphasize the reason for their inflow other than the official narrative: not an escape from the effects of wars, but economic migration (also understood in a special way: not as a desire to working, but to getting benefits).

the acquisition of public media, including public television, in particular. This is all the more important since in 1989 there was a kind of consensus that despite the fact that there were various groups in power, elements of pluralism appeared in the media, an attempt to show different points of view (even by inviting representatives to run journalistic programs of other ideological, political options). The year 2015 radically broke with this principle and the decision of political decision-makers, the public media became the media pursuing the interests of the ruling party.

The public media do not even stress nuances, political complexities, and attempts to look neutral at political reality. Through public media, the ruling party can conveniently present its own vision of political reality, select appropriate arguments that defend their own narrative. Due to the fact that the public media reach a wide group, which the opposition cannot see equally, it is extremely useful for the rulers (Eyre, Goillandau 2019; Scally 2016).

FOREIGN POLICY AS A SERIES OF SUCCESSES

A very important element of the PiS policy is foreign policy. This is important because it aims to show the voters that the lack of respect for the country outside its borders (in other countries) is already over. In the narrative the phrase "getting up from the knees" was very often repeated¹⁹. Hence, it was important that the Polish government did not have any disasters (even small ones) in foreign policy. The appearance of such scandals would have been a denial of the proposed narrative about building a strong position of Poland in the world. Therefore, as part of shaping the narrative about foreign policy, political decision-makers presented successes as great successes (eg, obtaining a pre-emptive place on the UN Security Council by Poland), which by the minister of foreign affairs became a success: "The result has exceeded our wildest expectations. The whole world perceives us well. Success has many parents. I am thanking to the president, prime minister and my whole team [...]. We start to act globally, we are not afraid of serious challenges" (*Polityka zagraniczna*). In this context, it is worth mentioning that the role of states playing the role of non-permanent members of the Security Council is usually small compared to the position of permanent members who have the right to veto.

In turn, obvious defeats in foreign policy are either overlooked or intentionally silenced. The most glaring example of the rejection by the ruling camp of the possibility of recognizing the defeat was the reelection of Donald Tusk, disliked by PiS. Tusk tried to be re-elected as the President of the European Council. The Polish government, not wanting to support its political opponent, submitted its own candidacy. Eventually, none of the leaders of the states supported the candidate proposed by the Polish government, and Donald Tusk was elected with one opposition (Polish) vote. It was incomprehensible to European public opinion that in many countries there is a kind of consensus to support politicians from a given country, even if they come from different political camps (*Poland tries; EU leaders; Poland reacts*).

¹⁹ In this context, it is worth mentioning that this restoration of dignity to PiS voters was extremely important to them: "Just for the lack of respect, especially from the hated elites, many interlocutors complained. The PiS sensed these sentiments and served the arousing antagonisms, even repeating the slogan "getting up from the knees" in foreign policy. The slogans of the Right about Poland as the last bastion of Christianity in Europe or the "bulwark" that protected the Old Continent from the "flood" of Islamic refugees had even greater merits. For many PiS voters, these slogans finally allowed them to feel pride in being Poles, to give meaning to their lives and to be active in politics" (*Wyborcy PiS-u* 2018).

BUILDING THE IMAGE OF LECH KACZYŃSKI AS A STATESMAN

A very interesting topic of PiS's political formulation is its behavior related to two elements related to each other: the myth of Lech Kaczyński as the statesman and the context of the Smolensk catastrophe. After 10 April 2010, a few weeks before the end of the presidency, Lech Kaczyński and 95 people (including the highest state representatives) died in a plane crash near Smolensk²⁰. Jarosław Kaczyński's camp blamed Donald Tusk for contributing to this disaster.

The symbolic expression of the will to explain the circumstances of the death of the head of state was organized monthly by assemblies when marches and prayers were held for President Kaczyński. In the context of the article, it is worth noting that PiS politicians, who promised that they would explain the circumstances of Kaczyński's death, spoke at the marches. Finally, after PiS won the election, Antoni Macierewicz who had previously been responsible for chairing the parliamentary team was appointed to investigate the causes of the disaster, he became the Minister of National Defense. The government seemed to have all the possible instruments already (excluding the wreck of an aircraft which is still in Russia) to determine the "real" causes of the disaster.

Finally, during one of the monthly assemblies, Jarosław Kaczyński announced that a monument to the victims of the catastrophe would be erected in the 96th month, saying that it was the will of the people participating in the monthly assemblies²¹. In this connection, it could be clearly seen that Jarosław Kaczyński treated the disaster in this context very instrumentally and the postulates of alleged explanation of the causes of the disaster were only for policy making purposes.

The second context which is also worth mentioning is the shaping of the myth of Lech Kaczyński. It was based mainly on the courageous pronouncement of the president on the imperial behavior of Russia. An example of Kaczyński's attitude was his decision to go to Georgia during Russian aggression to its northern provinces and giving a speech in the main square of Tbilisi where he defended Georgia's sovereignty. It is also worth pointing out that any support for the actions of the head of state in Poland was minor (*Poparcie dla PiS*): in March 2010 (thus one month before the disaster), 58% of respondents assessed poorly the head of the state, while only 31% did well. The catastrophe itself changed the perception of the presidency, because the Poles assessed L. Kaczyński a little more than indicated by research a few weeks before the catastrophe (*Ocena Prezydenta*). Kaczyński is a myth cultivated by uncovering various types of monuments throughout Poland (*W Polsce jest*).

²⁰ The president's delegation went there to commemorate the Poles who were murdered by the Russians during World War II. It is worth mentioning that the conflict between the president and the prime minister grew around the visit (*Tusk Vs Kaczyński; The king of Poland*).

²¹ It is also worth pointing out that along with the first major reconstruction of the government Antoni Macierewicz was dismissed from the post of the minister of national defense. Thus, many analysts indicated that such a political decision was aimed at ending the issue of investigating the causes of the Smolensk catastrophe and thus politically marginalizing Macierewicz himself who, thank to his involvement in researching the causes of the catastrophe, gained popularity among those doubting the official causes of the catastrophe (Cienski 2018).

OTHER MECHANISMS

Among the mechanisms that the PiS uses it is worth paying back to the following:

- labeling of opposition groups - clearly the PiS divided the opposition into a constructive one (Kukiz '15) and a total one (Civic Platform and Modern); which seems obvious that the biggest attack by the PiS political tools is supposed to be on a "total" opposition because it has the greatest public support, and Kukiz'15 can always serve as a coalition partner after the next parliamentary election;
- labeling of opponents as the opponents of the nation / state and not of the party, in the case of PiS the opponents will be: European Union (here appears as Frans Timmermans, Jean-Claude Juncker, Donald Tusk, Angela Merkel), Civic Platform as a party pursuing the interests of Brussels and/or of Germany;
- creating a black and white image of the Polish political history – while PiS tries to show the Polish Round Table Talks (and Agreement) as failures, this construction allows to discredit virtually every political competitor by putting every each of his/her action into a story about the sins and crimes of the Third Polish Republic. It is necessary to build and strengthen the idea of a great breakthrough after the 2015 election(s) (Janicki, Władyka 2017);
- in the case of emerging social groups that demand any social benefits (including raising wages), protesters appear as non-understandable principles of constructing a budget that cannot be extended - (in the case of PiS governments, these groups were: doctors, teachers, parents of adults with disabilities);
- in the case of non-political enemies appearing, the searching for the so-called black sheep - an example here can be the judges who, according to the PiS narrative, are to be largely post-communist (i.e., they have not been subjected to the process of lustration) or commit indecent acts (e.g., thefts);
- a cynical game with the European Commission - that is, treating EU institutions as they would be clinging to the Polish government (including above all, changes in the judiciary and the logging of the Białowieża Forest);
- showing the positive characteristics of the previous governments in comparison with the band of scandals of their predecessors, and if any crises occur in the PiS camp, their relativization;
- promotion and construction of large social programs – 500 PLN (500 plus), Flat Plus (Mieszkanie Plus), the renewal of transport connections, thirteenth pension retirement;
- promoting and basing state security on two pillars: an alliance with the USA and the development of military infrastructure and human resources.

INSTEAD OF SUMMARY

At the beginning of May, one of the daily newspapers published a survey, which was conducted among the electorate of Law and Justice, which gave its declared answer to the question about the reasons for voting for this grouping. Respondents had to indicate 3 reasons for their choice. The survey showed in a distinct way that a high but above all stable support for PiS results from putting the implementation of election promises in politics, which consists of relatively large social transfers (Family 500+, thirteenth-month pension, "moving Poland out of poverty") combined with maintaining economic development at a stable level ("because Poland's economy is developing better under their rule") and focusing on the implementation of national interests (defense of Polish interests, customs, values; conducting a good foreign policy, which results in a sense of lack of humiliation).

At the same time, it is worth noting that PiS appealed to the slogans from 2005-7, when the authorities were supposed to settle their predecessors (then post-communists), which is now widely recognized by the electorate ("PiS politicians (...) make order with scandals, which appeared during the previous government").

It is worth noting, first of all, that PiS governments after 2015 are not even a slight repetition or reference to the period of the government of this party from the period 2005-2007. PiS politicians clearly gave up on their rhetoric and the message being built from the slogans of the construction of the Fourth Polish Republic. It is worth noting that a significant number of observers express a different opinion: in their opinion, the reform of the justice system (seen by them as the dismantling of the justice system) is one of the elements of the construction of the Fourth Polish Republic (*In Poland, No law; Poland Elections Test*).

The most important conclusion that emerges from the above analysis is undoubtedly the question of how the broad tool catalog is used by the ruling party, and - what should be recognized - the small number of crises that the group had to face. It seems that the two biggest political events were the biggest surprises for political decision-makers: vetoing two of the three law reforming laws by President Duda (Poland's new cabinet (*Poland's new*, 4) and a protest regarding changes to the anti-abortion law. A very efficient group coped with the so-called December crisis (the Polish Sejm crisis, 16 December 2016—12 January 2017) (*Poland protests: Crowds*), where the PiS was forced to pass the state budget in a parliamentary chamber other than the plenary.

Table 1. Answers to the PiS electorate's questions about the reasons for voting for this party

Answer the question: Why do you intend to vote for Law and Justice? Indicate up to three from the most important reasons.	
"PiS care for ordinary people and moving Poland out of poverty"	41%
"PiS politicians are honest and are tidying up with scandals that appeared during the previous government"	30%
"because for their governments the Polish economy is developing better"	28%
for introducing the Family 500+ program	28%
for defending Polish interests	28%
for defending Polish customs and values	25%
"I generally support PiS policy"	20%
for good and just governance	18%
because PiS is a lesser evil	18%
it is easier to get a work under the PiS government rule	13%
because of the thirteenth retirement for seniors	10%
I do not feel humiliated under the PiS government	8%
because they conduct foreign policy accordingly	5%
because Jarosław Kaczyński is at the head of the party	3%
for another reason	1%

Source: (*To dlatego*). The research was carried out by the Pollster Research Institute on April 26-29, 2019, on a sample of 1031 adult Poles.

In view of the above, a number of questions arise: what is the nature of Law and Justice? Has the idea of Poland's transformation in the Fourth Republic been ultimately buried by the PiS, whether it will be introduced through ordinary laws or is this plan postponed for the future? Is PiS a populist group in the context of slogans and the practice of that party? Does the PiS therefore seek to limit the bipolar political division in Poland in favor of plans to transform the PiS into a group that would resemble the Swedish Social Democrats or the Mexican Institutional Revolutionary Party? These and other questions related to the future of liberal democracy in Poland, as well as the PiS's place on the Polish political scene, should be sought for an answer.

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