



Why did the opposition win the Polish election?

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Summary

Following Poland’s October 2023 parliamentary election, the European Union’s political establishment heaved a collective, and not very well hidden, sigh of relief. After eight years of increasingly bitter conflict between the EU’s supranational institutions and Poland’s right-wing government, opposition parties look set to form the next government. An eclectic liberal-centrist-agrarian electoral coalition won over voters who wanted change but not a return to the pre-2015 status quo. The opposition benefited from an increase in support and turnout in larger towns and among younger voters – but middle-aged electors were just as, if not more, significant.

Record turnout, surprising result

In the 1990s and early 2000s, Polish party politics was notorious for its instability and volatility. While there are still many political parties in Poland, there has been a recent consolidation and stabilisation around a ‘post-transition’ divide based on a duopoly of the two largest political groupings.

In this election, the parties were organised within five main electoral alliances, each of which presented a joint list to voters. Some of these stood as candidates on individual party lists (which faced a 5 per cent threshold for parliamentary representation), while others stood as formal electoral coalitions (which had to secure 8 per cent). With some re-shuffling, and the emergence of one important newcomer, these alliances have remained generally stable since 2019.

Table 1. Polish election result

2019				2023			
	Vote per cent	Seats	Seats per cent		Vote per cent	Seats	Seats per cent
Law and Justice	43.6	235	51.1	Law and Justice	35.4	194	42.2
Left	12.6	49	10.7	New Left	8.6	26	5.7
Civic Coalition	27.4	134	29.1	Civic Coalition	30.7	157	34.1
Polish Coalition	8.6	30	6.5	Third Way	14.4	65	14.1
Confederation	6.8	11	2.4	Confederation	7.2	18	3.9
German minority	0.2	1	0.2	German minority	0.1	0	0.0
	0.9	0	0.0	others	3.7	0	0.0
totals		460	100.0			460	100.0
turnout	61.7			turnout	74.3		

Source: National Election Commission, National Election Office (2023).



Each of the two largest electoral alliances is dominated by a particular party, as described below. In the Polish electoral system, deputies are elected in multi-member constituencies of varying sizes. While broadly proportional in its translation of votes into seats for parties (or rather their lists), the system allocates parliamentary representation using the ‘D’Hondt’ method, which favours larger political groupings. The parliamentary election on 15 October 2023 saw a record 74.4 per cent turnout, the highest-ever in post-communist Poland (see table 1). This reflected an extremely close-fought and polarised campaign, in what many commentators described as the most important Polish election since the collapse of communism in 1989. The right-wing Law and Justice (PiS) grouping, which has governed Poland since the autumn of 2015, won the largest share of the vote, at 35.4 per cent. However, this only translated into 194 seats in the 460-member lower chamber of the Polish parliament, the Sejm, well short of the 231 seats required for an overall majority.

By late November, no new government had yet been formed. The first session of the new parliament began on 13 November. But Law and Justice did not appear to have enough potential allies to remain in office for an unprecedented third term.

Instead, it was the three main opposition groupings that were able to win a combined 248 seats, comfortably enough to form a coalition government. The Civic Coalition alliance is dominated by the liberal-centrist Civic Platform (PO), Poland’s governing party in 2007–15, and is led by former prime minister and European Council president

Donald Tusk. It won 30.7 per cent of the vote and 157 seats. A second alliance, Third Way (Trzecia Droga), comprises the Polish Peasant Party (PSL), which traces its roots to the 19th-century agrarian movement, and a liberal-centrist newcomer, Poland 2050 (Polska 2050), founded by former television personality-turned-politician Szymon Hołownia following his strong showing in the 2020 presidential election. Third Way took third place, with 14.4 per cent of the votes and 65 seats. Another opposition alliance, an amalgam of left-wing parties standing as the New Left (Nowa Lewica), picked up 8.6 per cent of the vote and 26 seats, which represents a loss compared to its result in 2019.

While the two main parties performed broadly as expected, most pre-election polls had not predicted that the opposition parties would be able to form a majority. One of the main reasons for this surprising outcome was that the Third Way won a larger share of the vote than expected. Most polls predicted that it would secure only around a 10 per cent share. Indeed, at one point there was even speculation that it might not get across the 8 per cent threshold.

The opposition’s election to lose?

Why was the better-than-expected Third Way performance so significant? Ultimately, there were two main drivers of voting intentions in this election.

On the one hand, most Poles were dissatisfied with Law and Justice’s record in government and felt that it was time for a change. The ruling party had been on the



back foot for most of the last three years. Its initial slump in support was due in large part to a backlash against a highly controversial ruling in October 2020 by Poland's constitutional tribunal. The ruling further tightened Poland's already restrictive abortion law by invalidating termination of pregnancy in cases where the foetus is seriously malformed or suffers from an incurable disorder. Although Law and Justice claimed that this was a sovereign decision by an independent body, the government's opponents argued that the tribunal was under the ruling party's control. The judgement set off a nationwide wave of street protests, particularly involving younger Poles.

The tribunal ruling coincided with a sense that the government was not coping effectively with the second wave of the Covid-19 pandemic. Consequently, according to the *Politico* Poll of Polls, support for Law and Justice fell sharply from 43 per cent in September 2020 to 34 per cent in November and never really recovered.

The ruling also came at the same time as Law and Justice proposed an animal-protection law that was regarded by many Polish farmers, who constituted a key element of the party's rural-agricultural core electorate, as threatening their livelihoods. This constituency was also important in persuading the government, during the

campaign, to continue to prohibit the import of several agricultural products from Ukraine when the EU lifted its restrictions in September.¹

Together with the economic fall-out from the pandemic, the war in neighbouring Ukraine further complicated matters for the government as inflation increased to a 25-year high, eroding the value of the huge welfare payments that were key to Law and Justice's electoral appeal. Counter-inflationary interest rate increases, in turn, exacerbated the sense of economic insecurity. While no single crisis reached the critical stage of a political game-changer, their cumulative effect was to erode support for Law and Justice. For months, no opinion poll had predicted that the party would win enough seats to retain its outright parliamentary majority, making the election very much the opposition's to lose.

A 'gateway drug' for uncertain opposition voters

At the same time, however, Law and Justice's original election victory had also reflected a strong prevailing mood that it was time for change and most Poles did not want a return to the pre-2015 status quo. Law and Justice therefore focused much of its campaign on polarising the election as a straight choice between the incumbent party and Civic Platform, specifically Tusk. Given that he was

¹ Following the Russian blockade of Black Sea ports, the EU had scrapped customs duties and quotas and allowed rerouted Ukrainian grain to pass through Poland and other Eastern European countries on the way to African and Middle East markets. However, much of the grain ended up staying in the Polish market, which, together

with last year's bumper harvest, caused farmers to make huge losses. Law and Justice wanted to avoid the impression that, in focusing on providing solidarity to Ukraine (Warsaw has been one of its staunchest wartime allies), the government had failed to properly protect the interests of Polish farmers.



prime minister for seven of the eight years in which Civic Platform was in office, few politicians better embodied the previous government. Law and Justice believed that, however frustrated Poles might have become with the current administration, most of them did not want to hand the reins of power back to Tusk. This conviction lay at the centre of the governing party's election campaign strategy.

Law and Justice's critics say that this found expression in the negative election coverage of Poland's public service broadcaster, TVP, which was highly favourable to Law and Justice and highly unfavourable towards the opposition. Law and Justice countered that, given that most of the privately owned media is overwhelmingly hostile to the ruling party, the public broadcaster provided balance and pluralism within the broader media landscape.

Another important element of Law and Justice's strategy was to hold several referendums on the same day as the parliamentary poll, including questions on migration, the retirement age and other issues designed specifically to remind voters about various unpopular policies and stances associated with Civic Platform. In fact, most voters followed the opposition's call to boycott the referendums. They attracted only a 40.9 per cent turnout, well short of the 50 per cent required for them to be legally binding.

Moreover, attempts to deploy migration as a major campaign issue against Tusk and the opposition parties were negated by media reports in September that the government was embroiled in a damaging fraud scandal.

This involved Polish consular officials in developing countries processing work visa applications at an accelerated pace, without proper checks, through intermediary companies in exchange for bribes. This allowed Civic Platform to argue that, while the government presented itself as being opposed to uncontrolled illegal immigration, it was actually overseeing a corruption-prone system in which hundreds of thousands of work visas could have been allocated in a fraudulent way, including to those who might pose a national security risk. Law and Justice pointed out that the investigation only involved several hundred visa applications, all of which had been vetted, and no security threats had been identified. In addition, the majority of applications had been rejected. However, by appearing to show that the system for controlling permits for foreign workers coming to Poland was illusory and corrupt, the scandal opened the party up to charges of inconsistency and hypocrisy, undermining Law and Justice's core campaign message that it was the only effective guarantor of secure Polish borders.

In the event, the desire for change proved to be the most powerful driver. Here, the role of the Third Way was crucial in acting as an effective channel – a sort of 'gateway drug' – for uncertain voters who were disillusioned with Law and Justice but reluctant to vote for Civic Platform and Tusk.

There were significant developments in the final two weeks of the election campaign, as a lot of undecided voters made up their minds. First, Civic Platform made a deliberate strategic pivot to de-polarise the campaign and try to persuade voters to support any of the opposition parties. Meanwhile,



Hołownia, who earlier in the year appeared to be a spent force politically, performed well in the only televised party leaders' debate, which was organised by TVP. He was able to recapture the 'newness' that characterised his 2020 presidential campaign and his alliance's catchy slogan, 'Either the Third Way or a Law and Justice third term' (*Trzecia Droga albo trzecia kadencja PiS*), also gained traction. A decision by the grouping's leaders not to participate in Civic Platform's huge pre-election 'March of a Million Hearts' (Marsz Miliona Serc) demonstration proved an effective way to differentiate themselves from Tusk's party.

In effect, the Third Way convinced enough voters that it represented something new and different while Law and Justice failed in its efforts to tie the grouping to Civic Platform and Tusk in the public consciousness. Its success appeared to vindicate the arguments of those who were against the main opposition parties running as a single electoral list, on the grounds that such a list could lose voters on its flanks. Voters who rejected the current party duopoly might instead have gravitated to 'challenger' groupings or simply have abstained.

Confederation underperforms

The other big surprise was the under-performance of the radical-right, free-market Confederation (Konfederacja) party, which secured only 7.2 per cent of the vote. Had it obtained the 10 per cent that most final opinion polls were predicting, it would almost certainly have held the balance of power in the new parliament. Confederation surged to double-digit support in the late spring and early summer but had no idea how

to consolidate and build on this momentum. It peaked too early.

Confederation was unable to cope with the intense media scrutiny that it came under. It struggled especially to reassure voters who were put off by some of the more extreme statements made by its candidates and leaders. The party's growth had been based largely on Confederation professionalising its image. It consciously sidelined its most controversial figures and foregrounded younger leaders, who were able to communicate the radical Confederation programme in a more measured and reasonable way. One such figure was the charismatic 36-year-old businessman, Sławomir Mentzen, who was the most effective of all Polish politicians at using the internet. Nonetheless, he revealed a lack of experience and depth when thrust into the media spotlight.

The party's early success also gave its opponents time to develop an attractive counteroffer. Indeed, its underperformance was, to some extent, linked to the better-than-expected result of the Third Way, which pitched its own free-market ideas. It hoovered up some of the younger, aspirational voters who had been attracted to Confederation as a 'third force' challenge to the dominance of Law and Justice and Civic Platform.

Middle-aged voters count too

According to the exit poll conducted by the Ipsos agency (2023), there was very little evidence of significant voter transfers between the governing and opposition camps. Rather, the key to the opposition



parties' victory appears to be their ability to secure the support of 64.1 per cent of 'new' electors, who did not vote in the 2019 poll, compared with only 15.5 per cent who opted for Law and Justice.

Much of the Western opinion-forming media has interpreted this as a revolt of young, urban, female cosmopolitan liberals against Law and Justice's predominantly elderly, provincial, male and socially conservative electoral base. The real picture is more complicated. While turnout among women increased from 61.5 per cent to 73.7 per cent, it increased by roughly the same proportion among men (60.8 per cent to 72.1 per cent). Law and Justice remained the most popular party among women. Indeed, the fall in its vote share among women, from 43 per cent to 36 per cent, was in line with its losses among the whole electorate.

Moreover, turnout increased by roughly the same proportion in rural areas (10.3 per cent) and smaller towns (11.3 per cent) as it did in medium-sized towns (12.9 per cent) and cities (11.4 per cent). The real surge was in larger towns (between 200,000 and 500,000 residents), where turnout increased by 18.6 per cent to 82.6 per cent. This was also where Law and Justice saw its largest drop in support and where the opposition's vote share increased by 9.2 per cent, compared to 5.1 per cent across all demographics.

For sure, there was a massive 23.5 per cent increase in turnout among younger (18-30-year-old) voters, from just 46.4 per cent to 69.9 per cent, compared with the overall increase of 12.7 per cent, while electoral participation among over-60s actually fell slightly, to 65.5 per cent. Law and Justice also

saw a 11.3 per cent slump in support among younger voters, to only 14.9 per cent (and 13.6 per cent among 30-39-year-olds, to 26.3 per cent). Its vote among over-60s only fell by 2.6 per cent, to 53.0 per cent. At the same time, the overall opposition vote among younger voters increased by 10.9 per cent, but only by 1.3 per cent among the oldest.

However, the biggest increase in turnout – by 23.8 per cent, to 83.4 per cent – was among 50-59-year-olds. While the most significant increase in support for the opposition parties – by 14.8 per cent, to 58.7 per cent – was among the 40-49-year-old age group, among which there was a 79.9 per cent turnout. Not only were there more older voters than younger ones, but year-on-year the disproportion has increased. Since the early 2000s, for example, the number of under-30s voting has declined from 10 million to 4.5 million, while over-60s increased from 7 million to 10 million. Middle-aged voters living in less-fashionable towns out of the media glare might not have been as photogenic as young urban hipsters, but their votes counted too – and there were many more of them.

Next steps for Poland – and the EU

Poland is an increasingly powerful player in European politics. The direction taken by its government matters a lot to its neighbours, not least with respect to the war in Ukraine. The defeat of Law and Justice, and the near-certain formation of a new government were especially welcome to the EU political establishment in the aftermath of the return to power, just a couple of weeks previously, of a Slovakian leader who is often described



as ‘populist’. The establishment took heart from the fact that, as the liberal news magazine *The Economist* asserted, ‘Poland shows that populists can be beaten’.

Poland’s opposition parties rejected Law and Justice’s previous attempts to build alternative coalitions within the EU, particularly among the post-communist states, to challenge the hegemony of the Franco-German axis. The Civic Coalition, in particular, has pledged to align Poland once again more with the “European mainstream” and develop closer relations with Berlin and Brussels. Beyond such rhetorical commitments, however, the opposition parties did not really discuss in detail during the election campaign how their approach would differ with regard to specific EU policies that are controversial in Poland. These include the EU’s proposed migration pact, its climate policy and its proposals to reduce the scope for national vetoes on issues such as foreign policy and taxation.

One specific pledge that the opposition did make was to secure the release of Poland’s share of the EU pandemic-recovery fund. This has been withheld as part of the EU’s dispute with the Polish government over so-called rule-of-law compliance, on the grounds of inappropriate interference with the judiciary. However, in order to meet the European

Commission’s “milestones” for these funds to be unfrozen, the Polish government would have to pass legislation amending past judicial reforms. When the government tried to do this earlier in the year, the president, Andrzej Duda referred it to the constitutional tribunal. There is an obvious risk that the president might block any similar legislation proposed by a new government. If, on the other hand, the Commission were to release the recovery funds without such legislation, Law and Justice might accuse the EU of applying double standards.

There was, then, no shortage of challenges for a new government. The coalition in neighbouring Germany is only one example of how difficult it can be for an ideologically disparate cabinet to govern effectively in hard times. Even if it could agree a coherent programme, a government of Civic Coalition, Third Way and New Left would also face a potentially hostile president, whose legislative veto it lacks the parliamentary strength to override, and a constitutional tribunal that can strike down or delay its laws.

Note

An earlier, shorter version of this UI Brief was published on the *Polish Politics Blog*.



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