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*Law and Justice in the European Parliament Elections 2004–2024\**

Prawo i Sprawiedliwość w wyborach do Parlamentu Europejskiego 2004–2024

ABSTRACT

This article aims to provide a comparative analysis of Law and Justice's participation in the European Parliament elections from 2004 to 2024. The research utilized campaign materials, party leaders' statements, election results, statistical data, and academic and journalistic studies. The analysis draws on the concept of populism understood as discourse and political rhetoric. This article assumes that Law and Justice is the largest populist party in the Polish political scene. The research found that Law and Justice gained support and seats from election to election, taking first place in 2019. Research has confirmed that in election campaigns leading up to the European elections, attention focused primarily on domestic issues, but European issues, primarily concerning the EU model and regulations and their impact on Polish national interests and the security of Poland and Poles, increasingly took center stage. The plebiscitary nature of the 2019 and 2024 European elections was confirmed.

**Keywords:** Poland, Law and Justice, European Parliament elections, populism

INTRODUCTION

This article aims to provide a comparative analysis of Law and Justice's participation in the European Parliament elections from 2004–2024. The analysis primarily used election materials, leader statements, election results, and other statistical data.

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Academic and journalistic studies have also been conducted on this topic. The analysis uses elements of populism concepts. This article adopts the concept of populism characteristic of Europe, namely, the concept of exclusionary populism [Marczewska-Rytko 2006: 78–92]. An important element of such populism is nationalism, which focuses on one's community (national, religious, ethnic, etc.). Euroskepticism is an important feature of populism [Szczerbiak, Taggart 2008; Zuba 2006: 215–230]. The authoritarian populism index indicates the following features of populist groups: the crystallization of conflicts on the people (nation) – the elite axis, nationalism, Euroskepticism, and etatism.

Some researchers point to the following elements of populism: appealing to and acting on behalf of the people, the will of the majority without respect for minorities as a determinant of the decision-making process, anti-elitism, anti-intellectualism, populist democracy in place of liberal democracy and the rule of law, a national community based on a common system of Christian values as the ideal state, reference to a conspiratorial theory of history, etatism, and authoritarian forms of leadership [Marczewska-Rytko 2011a: 7–17; 2011b: 268–288]. In turn, other researchers distinguished the following features: political and economic sovereignty of Poland; Euroskepticism and anti-Europeanism; anti-Germanism; anti-communism; anti-elitism and anti-intellectualism; appealing to the people/nation; land treated as the heritage of the Polish nation; justice and social justice; appealing to Christian values, tradition, history, criticism of the Third Polish Republic, criticism of the current order, the concept of the Fourth Polish Republic, criticism of liberalism and liberal democracy, the third way, the welfare state, and intervention in the free market [Przyłęcki 2012: 119–122].

Some researchers use the concept of national populism [Eatwell, Goodwin 2018; Lewandowski 2022; Lewandowski, Polakowski 2018], which overlaps with exclusionary populism to some extent. Roger Eatwell and Matthew Goodwin [2018] characterize national populism using four determinants. First, the elitist nature of liberal democracy breeds distrust of politicians and institutions. Second, migration raises fears of the destruction of national group identity and established lifestyles. Third, concerns about the future are related to growing inequalities in income and wealth. Fourth, the weakening of the bonds between the nation and traditional mainstream political parties.

Pippa Norris and Ronald Inglehart [2019] view populism as a form of rhetoric that makes symbolic claims about the source of legitimate authority and where it should rightly be located. They argue that authoritarian populism, resulting from a revolution in cultural values, is the dominant trend in the country. Political parties employing such rhetoric claim that the only legitimate authority stems directly from the will of the people, whose direct enemy is the political establishment [Norris 2020]. Members of the establishment are characterized as corrupt, detached from reality, self-serving, betraying public trust, and seeking to thwart the will of the people [*ibid.*].

The discourse and rhetoric of populist parties point to a specific perception of politics. As Kirk Hawkins and Rovira Kaltwasser [2019: 1–24] emphasize, it is

a Manichaean struggle between the world of ordinary citizens and an evil, conspiratorial elite. These ideas are expressed in the statements of leaders and supporters and influence the adoption of specific policies. They are also a significant factor in motivating citizens to mobilize and support populist forces. On the one hand, political parties use populist rhetoric to formulate claims about the proper distribution of legitimate power and authority in decision-making processes [Norris 2019]. On the other hand, they supplement this rhetoric with principles encompassing social and economic values and political positions. Thus, various forms of populism are created, reflecting fundamental socioeconomic and cultural divisions within the electorate. Competition between parties and leaders is understood as multidimensional, reflecting divisions between populism and pluralism, the state versus the market in the economic sphere, and authoritarianism versus liberalism/libertarianism in the moral and social spheres. Political party rhetoric is determined by leaders' speeches, rallies, press releases, party platforms, and campaign messages [Norris 2020].

As Ruth Wodak notes, distinguishing between "us" and "them" allows for the construction of a positive image of the "us" on the one hand, and a negative image of the "them" on the other. This is intended to persuade people to take specific political actions, such as tightening immigration policies [Wodak 2008: 185–215]. In this context, Jan-Werner Müller [2016: 20, 25, 30–32] is important, as he emphasizes the importance of combining anti-elitist rhetoric with claims of exclusive representation. This can, in effect, render any opposition to the regime illegitimate. Once populists come to power, such moralizing anti-pluralism requires, first, programs to take over/reclaim the state; second, mass clientelism, meaning a system of exchanging various benefits in exchange for mass political support; and third, the suppression of civil society [Müller 2016: 44–49].

This article is divided into several sections, which are organized chronologically and thematically. It began by presenting Law and Justice in the Polish political scene from 2001 to 2023. It then analyzes the party's participation in the European Parliament elections of 2004, 2009, 2014, 2019, and 2024. The main programmatic assumptions presented in the campaigns leading up to each election, as well as the results, were analyzed in this study.

#### LAW AND JUSTICE ON THE POLISH POLITICAL SCENE

It should be emphasized that there is no consensus among researchers as to which groups on the Polish political scene should be classified as populist [Wysocka 2010: 44–50; van Kessel 2015; *Europe's New Headache* 2015; Nordsieck 2015; Styczyńska 2018: 146; Marczevska-Rytka 1999/2000: 145–154; Marczevska-Rytka 2011a: 268–288]. The classification of Law and Justice among populist parties is the most controversial [Antoszewski, Żukiewicz 2024; Müller 2016]. Some researchers point out that Law and Justice was not initially a populist party, but over time it adopted

populist rhetoric and took action in the sphere of social and political life to implement it [Lewandowski, Polakowski 2018: 146–163; Obacz 2017: 163–179].

In this context, it is worth emphasizing that before the accession referendum, Law and Justice ran a campaign under the slogan “Strong Poland in Europe”. The party’s television clips were intended to refer to a poster with an eagle, a crown, and the name Law and Justice [*Kampania referendalna*, 2003]. Inaugurating the referendum campaign on April 27, 2003, in Warsaw, Jarosław Kaczyński emphasized:

We want the nation to decide on Poland’s accession to the European Union because we want a strong Poland [...]. Whether we want it or not, the European Union influences our economic situation. However, this influence is far from being achieved. [...] This is the choice; either this influence is unilateral or it is bilateral. I guess every reasonable Pole must answer unequivocally: this influence should be bilateral [*Jarosław Kaczyński, Silna Polska* 2003].

During his visit to Konin on May 29, 2003, Kaczyński, encouraging people to participate in the referendum and vote “yes”, said:

In the EU, Poland will have almost as much influence on decision-making processes as Germany, France, England, and Italy. Only two fewer votes. This is a significant advantage of the proposed method. This counts for a lot. Therefore, giving up this opportunity is a great recklessness. It would simply be giving up a great opportunity for the nation [*Jarosław Kaczyński, Polska w Unii* 2003].

Therefore, at the time, Law and Justice was not an anti-EU or Eurosceptic group. It saw EU membership in the European Union as an opportunity for the Polish nation. Nevertheless, a clear vision of the European community has been emphasized in the literature. This vision was expressed in the individual campaigns of the European Parliament. The Eurosceptic approach to the current shape and competence of the European Union has also grown. Table 1 shows the evolution of political support for Law and Justice in parliamentary elections from 2001 to 2023.

Table 1. Results of populist parties in the parliamentary elections in Poland from 2001 to 2023

Election date and turnout	Name of the electoral committee	Votes		Seats	
		number	%	number	%
23.09.2001 46.29%	Law and Justice	1 236 787	9.50	44	9.57
25.09.2005 40.57%	Law and Justice	3 185 714	26.99	155	33.70
21.10.2007 53.88%	Law and Justice	5 183 477	32.11	166	36.09
9.10.2011 48.92%	Law and Justice	4 295 016	29.89	157	34.13

Election date and turnout	Name of the electoral committee	Votes		Seats	
		number	%	number	%
25.10.2015 50.92%	Law and Justice	5 711 687	37.58	235	51.09
13.10.2019 61.74%	Law and Justice	8 051 935	43.59	235	51.09
15.10.2023 74.38%	Law and Justice	7 640 854	35.38	194	42.17

Source: Author's own study based on data from the National Electoral Commission.

As shown in the table above, Law and Justice exceeded the required electoral threshold in the 2001 parliamentary election. At that time, support for Law and Justice was 9.5%. The 2005 parliamentary elections saw a radical shift in the political landscape: Law and Justice came to power for two years, with 26.99% of the vote. The Civic Platform has entered opposition. The 2007 snap parliamentary elections ushered in further changes to the political landscape. Civic Platform took power in two terms, while Law and Justice remained in opposition with 32.11% support (2007 parliamentary elections) and 29.89% (2011 parliamentary elections). The 2015 elections initiated further changes to the balance of political power. Law and Justice, with 37.58% support, became the ruling party, while Civic Platform moved into opposition for two terms. Table 2 presents the vote flow in percentage points and the number of seats won by Law and Justice from 2004 to 2023.

Table 2. Vote and seat flow in parliamentary elections (2004–2023)

Parliamentary election date and turnout	Name of the electoral committee	Votes		Seats	
		+/-	+/-	+/-	+/-
31.01.2005 -5.72	Law and Justice	+17.49		+111	
21.10.2007 +13.51	Law and Justice	+5.12		+11	
9.10.2011 -4.96	Law and Justice	-2.22		-9	
25.10.2015 +2.00	Law and Justice	+7.68		+78	
13.10.2019 +10.82%	Law and Justice	+6.01		-	
15.10.2023 +12.64%	Law and Justice	-8.21		-41	

Source: Author's own study based on data from the National Electoral Commission.

As Table 2 shows, the 2005 parliamentary elections saw Law and Justice increase its support by 17.49 percentage points, which translated into a significant increase in the number of seats. Law and Justice also saw an increase in support and number of seats in the 2007 elections, but this did not translate into the party remaining in power. In 2011, Law and Justice suffered a 2.22 percentage point loss. The subsequent

parliamentary elections brought victory to Law and Justice, gaining 7.68 percentage points in 2015 and 6.01 percentage points in 2019. The situation changed in 2023, when Law and Justice found itself in opposition after two terms in power.

#### LAW AND JUSTICE IN THE 2004 EUROPEAN PARLIAMENT ELECTIONS

In the 2004 European Parliament elections, Law and Justice fielded their candidates and registered lists in all constituencies. Law and Justice ran in the elections with the slogan: “Decent Representation in Europe”. In May 2004, Law and Justice adopted a program on European policy [„*Europa solidarnych narodów*” 2004]. Its foundation was the concept of national interest and sovereignty of nation-states. It advocated for an active policy, guided by the Polish *raison d'état*, rejecting Euroenthusiasm and activating Poland’s role in shaping a European community based on Christian principles.

Instead of the hegemony of the strongest EU state, the principle of solidarity was proposed. This proposed alternative to the rejected EU model was a Europe of solidarity-based nations (Europe of Homelands). The draft of the European Constitution was rejected. Emphasis was placed on implementing the slogan “strong Poland in Europe”, which had been prominently featured during the campaign leading up to the accession referendum. The main assumptions of the program were reflected in the Krakow Declaration [Deklaracja Krakowska 2004; Eurowybory 2004: 137]. Law and Justice candidates for the European Parliament declared their main responsibilities to be MEPs. Expectations and key directions of action in the EU were also outlined in the Law and Justice Election Manifesto [Manifest wyborczy Prawa i Sprawiedliwości 2004; Eurowybory 2004: 137–139]. The results obtained by Law and Justice in the 2004 European Parliament elections are presented in Table 3.

Table 3. Results of the 2004 European Parliament elections

European Parliament election date and turnout	Name of the electoral committee	Votes	Seats
		%	
13.06.2004 20.87%	Civic Platform	24.10	15
	League of Polish Families	15.92	10
	Law and Justice	12.67	7
	Self-Defence of the Republic of Poland	10.78	6
	Democratic Left Alliance – Labor Union	9.35	5
	Freedom Union	7.33	4
	Polish People’s Party	6.34	4
	Poland Social Democracy	5.33	3

Source: Author’s own study.

The elections were held with low turnout, reaching only 20.87% of eligible voters. Law and Justice came second, with seven seats. In total, populist parties won 23 seats. The Law and Justice MEPs joined the Union for Europe of the Nations Group (UEN).

In summary, the Law and Justice party's populist discourse before the 2004 European Parliament elections emphasized a vision of a strong nation-state in a Europe of homelands, underpinned by Christian values. Law and Justice's ambivalent attitude toward the foundations and form of the European Union is noticeable. At that time, Law and Justice competed in populist discourse with both the pro-European Civic Platform and other populist parties: the League of Polish Families and the Self-Defense of the Republic of Poland.

#### LAW AND JUSTICE IN THE 2009 EUROPEAN PARLIAMENT ELECTIONS

The composition of the Polish political scene, shaped by the 2007 parliamentary elections, had a significant impact on the campaign and results of the 2009 European Parliament elections [Fuksiewicz, Szczepanik 2010: 13–17; Zuba 2010: 83–87]. The collapse of the coalition of Law and Justice, Self-Defense of the Republic of Poland, the League of Polish Families, and the call for early elections in 2007 were caused by political conflicts within the coalition, as well as accusations leveled against Deputy Prime Minister Andrzej Lepper. The Civic Platform emerged victorious, forming a government with the Polish People's Party. Law and Justice went into opposition, receiving 32.11% of the votes (Tables 1 and 2). The opinion that the 2009 European Parliament elections in Poland initiated a polarization of the Polish political scene, favoring the two largest political parties – the Civic Platform and Law and Justice – is widely accepted [Radek 2010: 52].

In January 2009, Law and Justice adopted a new program, “Modern, Solidarity, and Safe Poland” [*Nowoczesna, solidarna, bezpieczna Polska* 2009]. Modern Poland was defined as a state striving for a standard of living similar to that of the Old European Union (Old EU) countries. A Poland of Solidarity meant that less affluent citizens and weaker regions could also benefit from development, as well as a concern for the common good. These criticisms point to the underutilization of opportunities associated with Poland's EU membership. Poland's goal in the EU is to present its own vision of Europe's development.

The assumptions of climate policy have been criticized. It was emphasized that education policy should remain the responsibility of member states, and any manifestations of its Europeanization should be consistent with Polish national interests. The national community, including families operating based on Christian values, was identified as having a fundamental value. The conditions for Polish agriculture to compete in the European market have been defined [*ibid.*: 362–363]. A secure Poland was meant to mean not only its security in various dimensions but also a good political position in the EU [*ibid.*: 373]. Furthermore, Poland's sovereignty and supremacy of the Constitution of the Republic of Poland in the legal system were emphasized. Law and Justice opposed federalist tendencies and the growth of EU Regulations. It advocated for the EU as a community of freedom and respect for

the will of European nations [*ibid.*: 373]. The slogan displayed was Strong Poland in the Europe of Homelands [*ibid.*: 377].

The Law and Justice Electoral Committee received number 10. Its programmatic assumptions were reflected in the campaign, leading up to the European Parliament elections. At the same time, the Civic Platform's government was cast in a negative light. The government's foreign policy was criticized for its insufficient implementation of the Polish *raison d'état*. Criticism also focused on the Civic Platform's slow fulfillment of its election promises. During the PiS Convention in Wrocław, Chairman Jarosław Kaczyński emphasized the need for a strong Polish representation in the European Parliament [*Konwencja PiS we Wrocławiu*]. In his opinion, for Europe to develop and become a major player in global politics, it must be a Europe of equal. Kaczyński also emphasized that "if we want one Poland, it must be a Poland of solidarity. If we want one Europe, it must be a Europe of solidarity" [*ibid.*]. Waldemar Wojtasik rightly noted that the electoral strategies of PiS and PO "assumed reducing the campaign framework to a plebiscitary assessment of Donald Tusk's government, which would marginalize and exclude other parties, creating the impression among voters that only the PO-PiS alternative was relevant" [Wojtasik 2010: 140]. Table 4 presents the results of the 2009 European parliamentary election.

Table 4. Results of the 2009 European Parliament elections

European Parliament election date and turnout	Name of the electoral committee	Votes	Votes	Seats	Seats
		%	+/-		
7.06.2009 24.53% +3.66	Civic Platform	44.43	+20.33	25	+10
	Law and Justice	27.40	+14.73	15	+8
	Democratic Left Alliance – Labor Union	12.34	+2.99	7	+2
	Polish People's Party	7.01	+0.57	3	-1

Source: Author's own study.

The elections were held with low turnout, reaching 24.53% of eligible voters. The turnout in the 2009 elections was 3.66 percentage points higher than in the 2004 elections. In the 2009 European Parliament elections, Law and Justice gained 14.37 percentage points, increasing the number of seats by 8 (totaling 15). This placed Law and Justice second among winning electoral committees. No woman on Law and Justice's list for the European Parliament was elected to the European Parliament. All MEPs joined the ranks of the European Conservatives and Reformists Group (ECR).

In summary, the Law and Justice populist discourse prior to the 2009 European Parliament elections emphasized a vision of a Poland of solidarity, contrasting it with a liberal Poland. The emphasis was on socioeconomic issues, with attention paid to less-affluent citizens and vulnerable regions, as well as concern for the common good. Operating in opposition, Law and Justice created an alternative political platform aimed at mobilizing poorer citizens. On the one hand, the discourse criticized

federalist tendencies and the increasing regulation of the European Union as limiting the functioning of the nation-state. On the other hand, it criticized Donald Tusk's government. The sharp polarization between the Law and Justice and Civic Platform parties on the domestic political scene translated into the plebiscitary nature of the European Parliament elections. At that time, the populist rhetoric of Law and Justice was not strong enough to challenge the Civic Platform's dominant position.

#### LAW AND JUSTICE IN THE 2014 EUROPEAN PARLIAMENT ELECTIONS

The 2014 elections coincided with the tenth anniversary of Poland's EU membership. Some Law and Justice MEPs joined the new party "Poland is Most Important", remaining in the same group in the European Parliament. Another split within Law and Justice resulted in the formation of a new group: Solidarna Polska (Solidarity Poland). In this case, MEPs changed their group to "Europe of Freedom and Democracy". As in previous European Parliament elections, the main battle for European Parliament seats was fought between the two largest parties in Polish politics: the Civic Platform and Law and Justice.

At the 4th Law and Justice Congress, the "Health, Work, Family" program was adopted, which addressed the most important areas of state activity, including European and international affairs [*Program PiS, Zdrowie, praca, rodzina 2014*]. The program consisted of two parts. The first, titled "Starting Point," outlined the main principles and values and provided a diagnosis of the current situation. The second part addresses areas such as the repair of the state, the economy and development, family, society, Poland in Europe, and the world.

The programme advocated the concept of Eurorealism, which meant opposition to cultural unification and support for the sovereignty of European homelands [*ibid.*: 13]. The ruling camp was criticized, pointing out that "the fundamental principle on which the 'Tusk system' is based is treating maintaining power as the overarching goal" [*ibid.*: 18]. The Civic Platform was criticized for – it was claimed – rejecting the vision of the state as an organized community, a historical entity, and a moral value, and for selling off national assets [*ibid.*: 19]. Civic Platform was also criticized for undermining democratic mechanisms and procedures, as well as its foreign policy. Law and Justice advocated strengthening and securing Poland in international politics and in the area of external security [*ibid.*: 149].

The main foreign policy guidelines formulated by President Lech Kaczyński were cited: "the security of the Polish state, strengthening our international presence, both state and social, both bilaterally and multilaterally, as well as in international organizations, and guaranteeing Poland a high status as a state – an indispensable participant in international decisions" [*ibid.*: 149]. Therefore, they advocated for changes in the legal system to guarantee Poland's sovereignty, changes in the organization and operation of Polish diplomacy, and a redefinition of the concept of foreign

and security policy [*ibid.*: 150]. Law and Justice declared that it would “effectively defend Polish national identity, traditions, culture, and the Polish model of life and customs against emerging tendencies to introduce risky cultural experiments across national borders, which are not accepted by the majority of society” [*ibid.*: 157–158]. The seven points also recall the EU model advocated by Law and Justice:

1. A Union of many regional centers, not one divided into a single decision-making center in the Eurozone and its dependent peripheries;
2. A Union of equal states, not a hierarchy between states;
3. A Union of deregulation, not subsequent sanctions, prohibitions, and orders;
4. A Union of solidarity, because it is solidarity that builds community, and solidarity means that the Union develops as quickly as its weakest state, and not that we pay for each other’s mistakes;
5. A Union of democracy and democracy is organized in the member states, because in these states there are real civic people, the rest are utopian and a pipe dream;
6. An open union that always leaves the possibility of adding new states to its composition;
7. A Union built on the lasting roots of civilizational identity, not on social constructivism [*ibid.*: 158–159].

Table 5 presents the results of the 2014 European parliamentary election.

Table 5. Results of the 2014 European Parliament elections

European Parliament election date and turnout	Name of the electoral committee	Votes	Votes	Seats	Seats
		%	+/-		+/-
25.05.2014 23.83% -0.7	Civic Platform	32.13	-12.30	19	-6
	Law and Justice	31.78	+4.38	19	+4
	Democratic Left Alliance – Labor Union	9.44	-2.90	5	-2
	New Right – Janusz Korwin-Mikke	7.15	–	4	–
	Polish People’s Party	6.80	-0.21	4	+1

Source: Author’s own study.

The elections were held with low voter turnout, reaching 23.83% of eligible voters. The turnout in the 2014 elections was 0.7 percentage points lower than in the 2009 elections. In the 2009 European Parliament elections, Law and Justice gained 14.37 percentage points, increasing the number of seats by 8 (totaling 15). This placed Law and Justice second among winning electoral committees. In the 2014 European Parliament elections, Law and Justice gained 4.38 percentage points, increasing its number of seats by 4 (totaling 19). This once again placed Law and Justice second among winning electoral committees. The Civic Platform and Law and Justice elected the same number of MEPs. Four women were elected to the European Parliament from among the candidates on the Law and Justice list. All MEPs joined the European Conservatives and Reformists Group (ECR).

In summary, Law and Justice’s populist rhetoric before the 2014 European Parliament elections focused on socioeconomic and cultural issues. Emphasis was

placed on elements of populist discourse, such as national identity, tradition, culture, and the Polish model of life and customs. Fears of cultural unification, the selling off of national assets, and distrust of the ruling party were all stoked. Political competitors were portrayed as seeking only to secure power, failing to pursue national interests, and opposing moral values. In the 2014 European Parliament election campaign, Law and Justice successfully resonated with a significant portion of the electorate, leading to an increase in support for the party and a decline in support for the Civic Platform party.

#### LAW AND JUSTICE IN THE 2019 EUROPEAN PARLIAMENT ELECTIONS

The Law and Justice Electoral Committee received number 4. Politicians from Jarosław Gowin's Agreement for Democracy and Zbigniew Ziobro's Solidarity Poland also ran on the committee's lists. The Law and Justice Party's demands were included in the "European Declaration" [*PiS program wyborczy 2019*]. They included the following principles: a Europe of values, meaning a return to the principles espoused by its founders; a Europe of the family, presuming the right of parents to raise children; European support for rural Poland, presuming the defense of the interests of Polish farmers; a European Union budget good for Poland, which means negotiating a new budget favorable to Poland; a European common free market in which Polish companies are treated equally; secure European borders; an energy-independent Europe; the same quality of products across Europe; a Europe of equal opportunities (eliminating double standards in the treatment of EU members); a fair European climate policy that takes into account Polish interests; sustainable development as the foundation of a strong European Union; and opposition to illegal immigration [*ibid.*].

In addition, Law and Justice declared support for small- and medium-sized enterprises, a thorough reform of public finances, the introduction of tax breaks based on the number of children in a family, maintaining differentiated VAT rates while simultaneously lowering the standard rate, maintaining state control over strategically important companies, maintaining free education, introducing a system of state-guaranteed housing loans, supporting Polish families through numerous social programs, opposition to Poland's rapid adoption of the euro, and statutory regulation of the problem of Swiss franc borrowers. In the face of the opposition's attempt to impose a narrative about Law and Justice's desire to withdraw Poland from the EU, the party emphasized Poland's continued participation in the European Union, which should include a greater common market and democratic procedures, and less protectionism and inequality. The demand for a pro-American policy was reiterated [*ibid.*].

The so-called "Kaczyński Five" was also announced, encompassing the programmatic proposals of Law and Justice announced by Jarosław Kaczyński at the party convention in February 2019: PLN 500+ for the first child, the "thirteenth-month

pension” for retirees and disability pensioners, no tax for employees under 26, a reduction in employee personal income tax, and the restoration of previously reduced bus connections [„*Piątka Kaczyńskiego*”]. The idea proposed by Jarosław Kaczyński regarding PLN 500+ for every cow and PLN 100 for a fattened pig has generated significant public resonance [Gołdyn 2019]. The Law and Justice electoral committee adopted the concept of reaching out to the residents of small towns and villages, thus, establishing direct contact with them. Law and Justice conducted the “Defend Your Right” campaign [*Akcja PiS „obroń swoje prawo”*]. The recipients were threatened that if they did not vote for Law and Justice, “someone would take away what was important to them, e.g. the European Commission would take away the Polish złoty, replace it with the euro, and then prices would rise in Poland; or »others« would decide to take away »our rights«” [Mierzyńska 2019].

In early 2019, a scandal erupted involving the “Srebrna” company. One element of the scandal was the controversy surrounding the ties of Law and Justice activists, led by the party chairman Jarosław Kaczyński, to the company. This raises questions regarding the Political Parties Act, which prohibits political parties from conducting business. Table 6 presents the results of the 2019 European Parliament elections.

Table 6. Results of the 2019 European Parliament elections

European Parliament election date and turnout	Name of the electoral committee	Votes	Votes	Seats	Seats
		%	+/-		+/-
26.05.2019 45.68% +21.85	Law and Justice	45.38	+13.60	26 (27)	+7 (8)
	European Coalition PO, PSL, SLD, N, the Greens	38.47	-10.22	22	-6
	Robert Biedroń's Spring	6.06	-	3	-

Source: Author's own study.

The elections were held with high voter turnout, reaching 45.68% of eligible voters. The turnout in the 2019 elections was 21.85 percentage points higher than in the 2014 elections. In the 2019 European Parliament elections, Law and Justice gained 13.6 percentage points, translating into 27 seats (the additional seat was related to new regulations following the United Kingdom's exit from the EU). In the 2019 European Parliament elections, a populist party won the European Coalition for the first time in terms of its support and seating. The European Coalition comprising the Civic Platform, the Polish People's Party, the Democratic Left Alliance, Modern, and Greens won second place. Among the candidates running on the Law and Justice list, 11 women were elected to the European Parliament. Owing to the Brexit arrangements, one MEP began his term in 2020. All MEPs have joined the European Conservatives and Reformists Group.

In summary, Law and Justice's rhetoric before the 2019 European Parliament elections emphasized a comprehensive populist vision encompassing socio-economic, cultural, political, and international issues. Law and Justice's populist discourse

utilized elements of populism highlighted by Norris [2020], among others: opposition political competitors were characterized as corrupt, betraying public trust, and seeking to thwart the will of the people. The populist narrative – in line with Müller’s concept [2016: 44–49] – was complemented on a practical level by announced programs to take over/regain the state, the introduced system of exchanging various benefits for mass political support, and the suppression of civil society. In the European Parliament election campaign, Law and Justice’s populism was not merely a discourse or rhetoric used to gain voter support. It served as the basis for a systemic revolution and a change in foreign policy principles. Both the populist rhetoric employed and the resulting practical actions were significant factors in the growing polarization of the two political camps, proclaiming different visions of the political order, as well as the growing divisions and distrust within society.

#### LAW AND JUSTICE IN THE 2024 EUROPEAN PARLIAMENT ELECTIONS

Politicians from Solidarity Poland also ran on the committee list. In 2023, Law and Justice adopted the program “Safe Future of Poles” [*Program PiS, Bezpieczna przyszłość Polaków 2024*]. The programme focused on reiterating key values and principles, including the value of human life, freedom, solidarity, equality, justice, family, nation, security, and the state. It then referred to the reforms implemented by Law and Justice, described as “major.” This section of the program lists reforms in public finance, social policy, local policy, development policy, security policy, anti-crisis policy, cultural policy, education reform, and agricultural policy. The final two sections of the program outlined Poland’s development perspective until 2031 and a vision for Poland after 2031. The program was accompanied by an annex entitled “Strong Economy, Stable Budget, Safe Poland”.

The program emphasized that during the eight years of Law and Justice’s rule, civilizational change had taken place in the lives of the Poles [*ibid.*: 9]. Political opponents were accused of treating power as an end in itself and creating a state that was strong towards the weak and weak towards the strong. The Civic Platform–Polish People’s Party coalition in power from 2007 to 2015 was accused of pursuing an irresponsible defense policy, attempting a “reset” in relations with Russia and Vladimir Putin, dismantling military units in the east of the country, and establishing a potential defense only from the Vistula River line [*ibid.*: 150]. The role of increasing Poland’s defense capacity, border security, and responsible migration policy was emphasized. EU decisions on the relocation of migrants were rejected, claiming that “the fundamental component of state security is the sovereign right to decide on migration policy” [*ibid.*: 155]. The construction of a 187 km physical barrier on the border with Belarus, along with an electronic barrier, and the continuation of such construction on the Polish-Russian border were proudly emphasized [*ibid.*: 156].

The EU's development directions were viewed critically as protecting the interests of the largest EU member states. It was argued that "the CJEU decided, without a legal basis, to impose financial penalties for failing to comply with so-called interim measures. The European Commission began using common EU funds as a tool for exerting financial pressure on states" [ibid.: 165].

As part of an alternative EU development model, the following were proposed: adopting mechanisms that would prevent institutions in Brussels from operating outside the treaties; rejecting ideas that would abolish the unanimity rule; opting for the concept of active subsidiarity (deepening cooperation in areas where there is full consent); concepts of diverse Europe; support for EU enlargement; including in the treaties the possibility of appealing to the will of citizens expressed in a referendum; the institution of qualified petition (reaching a certain threshold of citizens supporting it obliges the European Commission to prepare proposals for legislative action); introducing term limits for members of the European Commission and the Court of Justice of the European Union; regulating the issue of assessing compliance with values, clarifying Article 7 of the Treaty on European Union, and creating a procedure for examining the rule of law of the actions of European institutions [ibid.: 165–168].

The Law and Justice campaign launch took place in Warsaw on April 27, 2024 [*Inauguracja kampanii PiS do Parlamentu Europejskiego 2024*]. The Law and Justice focused on defending Poland's sovereignty and criticizing the EU. The phrase "no consensus" was repeatedly used. This disagreement concerned EU projects, such as the Green Deal, the Migration Pact, the Euro, plans for EU institutional reform, and plans for agriculture. Among the tasks for Law and Justice MEPs were rejecting the Green Deal and the Migration Pact, stopping the new Treaty, defending the złoty and opposing the euro, defending the interests of Polish rural areas, strengthening Poland's security and arming, and defending Polish freedom [ibid.]. Table 7 presents the results of the 2024 European parliamentary elections.

Table 7. Results of the 2024 European Parliament elections

European Parliament election date and turnout	Name of the electoral committee	Votes	Votes	Seats	Seats
		%	+/-		
9.06.2024 40.65% -5.03	Civic Coalition	37.06	–	21	–
	Law and Justice	36.16	-9.22	20	-7
	Confederation Freedom and Independence	12.80	–	6	–
	Third Way and Polish People's Party	6.91	–	3	–
	Left	6.30	–	3	–

Source: Author's own study.

The elections were held with high voter turnout, reaching 40.65% of eligible voters. The turnout in the 2024 election was 5.03 percentage points lower than that in the 2019 election. In the 2024 European Parliament elections, Law and Justice lost 9.22 percentage points, which translates to a loss of 20 seats (seven seats fewer than

in the previous term of the European Parliament). Law and Justice came second, with support only 1.1 percentage points lower than Civic Coalition. Of the candidates running on Law and Justice's lists, five women were elected to the European Parliament. All MEPs joined the ranks of the European Conservatives and Reformists Group.

In summary, the populist rhetoric of Law and Justice ahead of the European Parliament elections highlighted the division between us (Law and Justice) and them (Civic Platform, the European Union in its current form, immigrants). The achievements of the eight-year rule of Law and Justice (2014–2023) were contrasted with the policies of the coalition of Civic Platform and the Polish People's Party (2007–2014) and the ruling coalition formed following the parliamentary elections in October 2023. Although Law and Justice did not defeat the Civic Coalition in the 2024 EP elections, populist rhetoric nevertheless has many supporters, and the polarization in Poland remains high. Interestingly, in the 2024 campaign, some populist rhetoric was used by the Confederation of Freedom and Independence, a political party that came third in the European Parliament elections.

## CONCLUSION

The aim of this article was to conduct a comparative analysis of Law and Justice's participation in the European Parliament elections. To conduct this research, the first part of the article invokes selected concepts of populism that are specific to Europe. The context in which populism occurs is crucial to populism research. For example, populism is generally inclusive in Latin America. In Europe, it is unequivocally exclusive and takes the form of national populism. Regardless of the debates on whether populism is influenced by economic, cultural, social, or political factors, all of these factors influence the growth of populism in Europe. A similar situation exists in Poland. The subsequent parts of the article analyze all editions of the European elections, focusing primarily on the populist discourse and rhetoric of Law and Justice contained in political programs, campaign materials, and the leaders' speeches. The thesis is that Law and Justice is the largest populist party in the Polish political scene.

All editions of the European elections were analyzed. It should be emphasized that Law and Justice received 12.67% of the vote in the European Parliament elections of the 6th term (2004–2009), which translated into seven seats. The collapse of the coalition of Law and Justice, the League of Polish Families, and Self-Defense of the Republic of Poland in the Sejm, as well as mutual disputes and accusations, resulted in defeat in the parliamentary elections. The League of Polish Families and Self-Defense also meant political annihilation. The results of the 2009 European Parliament elections confirmed the validity of the Civic Platform – Law Justice alternative. By eliminating its coalition partners at the national stage, Law and Justice also eliminated populist competition in the European campaign. Support for Law and

Justice increased by 14.73 pp compared to 2004, translating to 15 seats in the 7th term of the European Parliament. At that time, Law and Justice was 17.3 percentage points behind the victorious Civic Platform. In the 2014 elections, this difference narrowed to 0.35 percentage points. During this period, support for the winning Civic Platform fell by 12.3 pp, whereas support for Law and Justice increased by 4.38 pp.

Notably, in 2019, Law and Justice won European elections. Compared to 2014, support for Law and Justice increased by 13.6 pp. Law and Justice gained 6.91 percentage points compared to the European Coalition, which included the Civic Platform, Polish People's Party, Democratic Left Alliance, Modern, and the Greens. It is also important to note that in the 2009 elections, Civic Platform achieved a victory of 20.33 percentage points, while in 2014, despite receiving the largest number of votes among the participating electoral committees, it lost 12.3 percentage points. During the same period, the Law and Justice Party gained 4.38 pp. more votes. In short, the level of support for the two largest political parties gradually equalized, leading to the Law and Justice party's decisive victory in 2019. As it turned out, building a coalition composed primarily of pro-European groups did not help Civic Platform.

In the 2024 European elections, the situation was reversed: the Civic Coalition won, while Law and Justice came second. Compared to 2019, the support for Law and Justice decreased by 9.22 pp. Law and Justice received fewer votes than the Civic Coalition. The difference in support between Law and Justice and Civic Coalition was only 1.1 percentage points, in favor of the Civic Coalition. Notably, in the 2024 elections, the Confederation of Freedom and Independence largely capitalized on anti-EU and Eurosceptic attitudes, gaining the support of 12.8% of voters. Thus, as an anti-EU party, the Confederation is a natural competitor to Law and Justice in the fight for votes from anti-EU and Eurosceptic voters.

As demonstrated in this article, before accession to the European Union, Law and Justice was not an anti-EU or Eurosceptic political party. Rather, it viewed EU membership as an opportunity for Poland. However, even at that time, a vision of the European community as a Europe of homelands emerged. This vision was echoed in individual campaigns for the European Parliament elections. A Eurosceptic approach to the current shape and competences of the European Union was also growing.

An evolution in the rhetoric used before each European Parliament election is also evident in the data. Undoubtedly, a persistent element of populist discourse is the proclaimed vision of Poland as a strong nation-state in a Europe of homelands underpinned by Christian values. A similarly persistent element is the distrust of the competence of EU structures. From the perspective of populist discourse, Law and Justice's creation of a division between a Poland of solidarity and a Poland of liberalism played a significant role. This concept was used both nationally and in the European Parliament elections. It became a reference point for the dichotomous division: us versus them. Populist discourse emphasizes elements such as national identity, tradition, culture, and the Polish model of life and customs. This narrative mobilized poorer segments of Polish society and all those who feared the influx of culturally alien migrants, perceived

as a threat to Christian values and jobs. Simultaneously, political rivals, especially the Civic Platform Party, were portrayed negatively. The main accusations leveled against them included a failure to advance the national interest, a failure to ensure Poland's security, the selling of national assets, the acceptance of migrants, and a departure from national and moral values. Importantly, Law and Justice's populist discourse not only shaped a comprehensive vision of Poland but also began implementing this vision after the party took power. The populist discourse of Law and Justice used the elements of populism highlighted by, among others, Norris [2020]: political competitors remaining in opposition were characterized as corrupt, betraying public trust, and trying to thwart the will of the people.

Law and Justice's populist narrative – in line with Müller's concept [2016: 44–49] – was complemented on a practical level by announced programs to take over/reclaim the state, introducing a system of exchanging various benefits in exchange for mass political support and the suppression of civil society. In the European Parliament election campaign, Law and Justice's populism was not merely a discourse or rhetoric used to gain voter support. It served as a basis for carrying out systemic revolution and changing foreign policy principles. Both the populist rhetoric employed and the resulting practical actions were significant factors in the growing polarization of the two political camps, proclaiming different visions of the political order, and the growing divisions and distrust within society.

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#### PRAWO I SPRAWIEDLIWOŚĆ W WYBORACH DO PARLAMENTU EUROPEJSKIEGO 2004–2024

**Streszczenie:** Celem artykułu jest analiza porównawcza udziału Prawa i Sprawiedliwości w wyborach do Parlamentu Europejskiego w latach 2004–2024. W badaniach wykorzystano materiały wyborcze, wypowiedzi liderów, wyniki wyborcze, dane statystyczne oraz opracowania naukowe i publicystyczne. Do analizy zastosowano koncepcje populizmu rozumianego jako dyskurs i retoryka polityczna. W artykule przyjęto założenie zgodnie z którym Prawo i Sprawiedliwość jest największym ugrupowaniem populistycznym na polskiej scenie politycznej. W toku badań odnotowano, że Prawo i Sprawiedliwość z wyborów na wybory zyskiwało wzrost poparcia i liczby mandatów, by w 2019 roku zająć pierwsze miejsce. Badania potwierdziły, że w kampaniach wyborczych przed euro wyborami uwaga skupiała się przede wszystkim na kwestiach krajowych, jednak coraz więcej miejsca zajmowała problematyka europejska, dotycząca przede wszystkim modelu oraz regulacji UE i ich wpływu na polski interes narodowy oraz bezpieczeństwo Polski i Polaków. Potwierdzony został plebiscytarny charakter eurowyborów 2019 i 2024 roku.

**Słowa kluczowe:** Polska, Prawo i Sprawiedliwość, wybory do Parlamentu Europejskiego, populizm

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