Abstract

This article seeks to explain the causes of the growing popularity of the illiberal right, taking the Polish political party Law and Justice as an example. The adopted analytical approach combines insights derived from the work of Karl Polanyi and the tradition of historical institutionalism. The victory of Law and Justice in the 2015 Polish parliamentary elections is argued to constitute a critical juncture that initiated a fundamental break with the liberal order. Following Polanyi, we argue that the seeds of the recent anti-liberal counter-revolution can be found in the malfunctioning of the Polish economic order built during the period of transition. However, Law and Justice has managed to make use of the critical juncture arising from social discontent and has used it instrumentally to dismantle liberal constitutionalism and the rule of law.

Keywords: illiberal democracy, economic liberalism, social discontent, power struggle

1 Introduction

One of the most astonishing features of present-day European politics is the rise of far-right political movements, which pose a threat to the liberal status quo that emerged after 1989 (Zielonka, 2018; Galston, 2018; see also Lee, 2019). The case of Poland constitutes a representative example of this political shift, and is often mentioned alongside that of Hungary, where Viktor Orbán has been prime minister since 2010. It is especially compelling if we recall that Poland was regarded as a poster boy for its market reforms. The long period of political consensus regarding liberal democracy and the neoliberal model of a ‘catching-up’ economy—which lasted from 1989 to 2015—brought admirable economic growth as well as political reforms aimed at institutionalizing liberal democracy. However, since the parliamentary election of 2015, which was won by the Law and Justice party (Prawo i Sprawiedliwość; henceforth: PiS), there has been an unprecedented turn away from...
liberalism, manifesting in strong criticism of neoliberal economics, overt support for nationalist movements, rejection of the principles of tolerance and multiculturalism, anti-EU rhetoric, and a wholesale assault on the rule of law and the constitutional system of checks and balances. This puzzling turnaround constitutes the subject matter of our inquiry.

In Central and Eastern Europe, the fall of the Berlin Wall and the 'turbulent period around 1989' (Zielonka, 2018: ix) are often interpreted as the symbolic beginning of a distinct political period and characterized as a time of transition from real socialism to market economy and liberal democracy. Admittedly, Poland never fully severed its ties with the past because the former communist elites played an important role in the process of political and economic change. Nevertheless, the post-communist elites fully endorsed the overall goals defined during the transition period. For this reason, it is possible to identify the 'turbulent period around 1989' as constituting a critical juncture both in terms of regime change and general policy orientation. Since then, Polish politics has been defined by wholehearted acceptance of the key principles of political liberalism and neoliberal economics, as well as by the fact that it has embraced so-called 'Western values.' We believe, however, that the victory of PiS in the 2015 parliamentary elections marks the end of the liberal era. The year 2015 would thus represent a second critical juncture in recent Polish history or, as Jan Zielonka puts it, 'a move from revolution to counter-revolution' (2018, p. 1). Of course, the language of revolution should not be taken literally. What is really at stake here, we argue, is the desire to diverge from the path dependence laid down in 1989, and to take a new, non-liberal direction of political development.

In order to prove this thesis, we rely on two analytical approaches. First, we employ the theoretical apparatus of historical institutionalism, from which we borrow the notions of path dependence and critical juncture. As indicated above, we believe that the political and economic order that was established after 1989 followed the path dependence embodied in liberal democracy and the neoliberal economic model (see Kowalik, 2012). However, the 2015 seizure of power by PiS marks a critical juncture characterized by an attempt to reshape the Polish political system in such a way that it will be impossible to return to the previous order. Second, we use the concept of countermovement, borrowed from Karl Polanyi, in order to explain how the critical juncture of 2015 was made possible. We argue that the marriage of political and economic liberalism, despite overall sound economic performance and the apparent stability of liberal democracy, carried the seeds of its own demise. Mounting economic inequality, the increasing instability of the labor market, and intensified cultural conflicts ultimately undermined popular support for liberal democracy.

In our view, the 2015 victory of PiS was an expression of social discontent with the malfunctioning of neoliberal economy, even if the result of these elections was not broadly interpreted in those terms. This does not imply, however, that the goal of PiS has been to restore social justice or provide an ambitious social democratic platform. Far from aiming to establish a more socially embedded economy, PiS has adopted selective protectionist policies to consolidate its political power to an extent unseen in the years 1989–2015. In other words, both social reforms and a new narrative that rejects neoliberalism in favor of greater social solidarity have been instrumentally employed to win the political support necessary for dismantling liberal constitutionalism and the rule of law.

The paper is divided into four parts. The first section discusses recent literature that addresses the rise of illiberal movements in the West. The following section introduces

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in greater detail the notions of double movement, critical juncture, and path dependence. The third section offers reflection on the political and economic order in the years 1989–2015, which caused an accumulation of social tension, ultimately leading to the rise of the discussed countermovement. Finally, the fourth section elaborates on the critical juncture started by the government formed by PiS in 2015, focusing on the political and economic reforms it carried out, and on the new institutional arrangements resulting from their implementation. The conclusion recapitulates the main points and speculates about possible future developments in Polish politics.

2 Literature review: The rise of illiberal democracy

Arguably, the triumph of PiS in the 2015 elections is part of the much wider phenomena of anti-liberal revolts in contemporary politics. Important similarities can be detected in the words and actions of such political figures as Jaroslaw Kaczynski, Victor Orbán, Donald Trump, Marine Le Pen, Beppe Grillo, and others. Writing at the end of the twentieth century, Fareed Zakaria challenged the prevalent belief in the worldwide spread of liberal democracy after the fall of communism. He noted that while democracy has been flourishing, constitutional liberalism has not (Zakaria, 1997, p. 23). Instead, we are witnessing the ‘rise of a disturbing phenomenon in international life—illiberal democracy’ (p. 22). By this term, he means that although political systems have been marked by relatively free and fair elections, the principles of liberal constitutionalism have not been followed. Hence, Zakaria predicts that ‘the problems of governance in the 21st century will likely be problems within democracy’ and they are likely to boil down to a conflict between liberal and illiberal tendencies (p. 42; emphasis preserved). According to many journalists and academics, recent events in Eastern Europe confirm Zakaria’s prediction that illiberal democracy is on the rise. While the latter concentrated only on the problem of political liberalism, others argue that certain important tenets of economic and cultural liberalism are also under attack. Hence, as Zielonka (2018) argues, the retreat from liberalism seems to be the most general characteristic of contemporary political developments in Poland and elsewhere.

As indicated earlier, the substance of what the PiS government does consists of the blatant rejection of the key tenets of political, cultural, and economic liberalism. As far as political liberalism is concerned, institutions guaranteeing the rule of law and the balance of power have come under attack, leading to a conflict with the European Union over the meaning of the rule of law (Sadurski, 2018). Second, the new authorities have consequently ignored key principles of cultural liberalism such as openness and tolerance, especially regarding minorities. Representatives of PiS have systematically used hateful rhetoric directed against various groups such as Muslims, immigrants, feminists, environmental activists, vegans, selected occupational groups, and most recently, sexual minorities (see Memorandum, 2020; Szczypska, 2020). Further, the party’s rhetoric involves an assault on the principles of economic liberalism by embracing a more statist outlook (e.g. Morawiecki, 2016). Still, despite vocal criticism of neoliberal ideology and its chief proponent, Professor Leszek Balcerowicz, actual reforms in this area have been limited. Nevertheless, it is possible to argue that changes at the level of both ideology and policy amount to nothing less than a wholesale rejection of the key tenets of liberalism.

As noted above, the rise of illiberal right is by no means a local phenomenon. In general,
literature has provided two modes of accounting for the rise of populism and illiberalism in recent years. The first focuses on material deprivation, which is connected with economic development around the world, and rooted in neoliberal globalisation and the deindustrialization of advanced capitalist systems. Few have benefited from these processes, while most have experienced insecurity, income stagnation, job losses, and existential anxiety (see Guiso et al. 2019; 2017; Rodrik, 2018; Colantone & Stanig, 2018). In Western democracies, voters have shown their discontent at the voting booth by turning their backs on the establishment and trusting those who promise an easy way out, even though they may actually have insufficient power or flexibility to deliver on their promises. The second explanation relates primarily to the social sphere. In recent decades, factors like technological innovation, changes in morality, as well as global migration and multiculturalism, have created a new social reality. The world of twenty or thirty years ago no longer exists, which makes people feel insecure and alienated (Norris & Inglehart, 2019; Eatwell & Goodwin, 2018). Consequently, people vote for those politicians who promise to halt these processes and restore ‘normality.’ Nevertheless, the worsening quality of life (both in economic and social terms) has contributed greatly to the radical changes in Western democratic systems.

Similar explanations have been offered regarding the reasons for the victory of PiS. For instance, Piotr Sztopka (2016) and Radosław Markowski (2017) favor a socio-cultural interpretation, stressing factors such as cultural lag, civilizational incompetence, and the axiology of Homo Sovieticus. Mirosława Marody claims that illiberal politics in Poland feeds on the conservative backlash against ‘changes in attitudes regarding politics (increased acceptance of democratic solutions) and religion (secularization tendencies), norms regulating sexual relations (greater liberalism), and the position of women in society (equal rights)’ (2019, p. 66). In the context of growing cultural polarization, PiS leader Jarosław Kaczyński managed to present himself as a defender of the traditional axiological order.

On the other hand, surveys and in-depth interviews conducted by Sławomir Sierakowski and Przemysław Sadura reveal that new PiS voters find social programs far more important than the conservative and authoritarian values proclaimed by party leadership (Sadura & Sierakowski, 2019). The same study suggests that PiS-led attempts to dismantle liberal institutions and monopolize power have met with a fair dose of mistrust, even among the party’s most fervent supporters.

Other authors tend to link the rise of illiberalism with real or imagined deficiencies of the Eastern European model of ‘catch-up capitalism.’ Ivan Krastev and Stephen Holmes (2018) have suggested that Eastern European countries have grown tired of imitating the Western model of democracy and capitalism due to psychological and political backlash, which eventually bred feelings of inferiority and inadequacy, as well as led to a feeling of a loss of identity. Others, like David Ost (2016), have emphasized the destabilizing consequences of neoliberal reforms. In his earlier book Defeat of Solidarity: Anger and Politics in Postcommunist Europe, Ost argues that illiberal tendencies stem from the failure to organize worker discontent along class lines. As Ost explains, ‘illiberals […] are able to score great successes as they organize economic anger along noneconomic cleavages’ (Ost, 2005, p. 9). He suggests that the root causes of illiberalism are economic in nature, even if they are sometimes expressed in the cultural idiom of identity politics. Arguably, this mode of analysis can be extended to the study of the reasons for PiS’s rise to power in 2015.
Far from denying the existence of cultural cleavages in Poland, we are convinced that the turn away from the liberal regime cannot be explained by referring only to cultural factors. In our view, the root causes behind the rise of populism—both in Poland and elsewhere—are linked to the destabilizing effects of globalization and neoliberal economic reforms. Following Ost, we assume that discontent with economic realities can be expressed in cultural terms, reflecting the peculiarities of national political traditions and the relative power of various competing political ideologies. Hence, this paper examines both economic frustrations and the socio-cultural discourses in which they are articulated.

3 Theoretical considerations: Double movement, path dependence, and critical juncture

Our approach to political analysis is broadly institutional. For the purpose of the present argument we have selected three categories from the institutional toolbox: double movement, path dependence, and critical juncture. This section discusses them in detail.

The category of double movement was introduced by Karl Polanyi in his groundbreaking study *The Great Transformation: Political and Economic Origins of Our Time* (Polanyi, 2001). In this book, he holds that the creation of the modern market society led to the conflict between laissez-faireism and social protection—a tendency that Polanyi termed ‘double movement.’ He believed that after World War II the double movement halted due to the crumbling of liberal capitalism. However, the neoliberal revolution of the 1980s and the 1990s brought the double movement back into contemporary politics. In hindsight, the post-war social compromise resembles a temporary armistice in the ongoing conflict between pro-market and anti-market forces (Blyth, 2002). As Mark Blyth put it, ‘the political struggle between disembedding and reembedding the market continues today, even though its contours have shifted’ (2002, p. 4). Following Fred Block, we argue that the notion of double movement offers a hypothesis regarding the political dynamics of modern market society (Block, 2008). In fact, subsequent scholarship has demonstrated that Polanyi’s key concept can be applied to a wide variety of phenomena, ranging from anti-austerity protests in Greece to the movement against modern football (Webber, 2017; Kentitkelenis, 2018).

Double movement can be depicted as a permanent struggle between two opposing principles of social organization (Polanyi, 2001, p. 138). The first one is that of economic liberalism. The goal of the latter is to create a self-regulating market, preferably on a global scale. The second one is that of social protection. This tries to limit the market in certain respects, especially when the interests of key social groups are at stake. For the purpose of this article, it is important to highlight four important aspects of the double movement thesis. First, Polanyi believes that there is a certain asymmetry between the two sides of double movement: the pro-market forces are the aggressive side, whereas protectionism is merely a reaction to them. For this reason, Polanyi calls it a counter-movement. Furthermore, while proponents of marketization share a single, unified ideology, the movement for social protection is much more diversified in ideological terms. It can be progressive or conservative, leftist or rightist, social-democratic or fascist, technocratic or populist, nationalist or internationalist, wishing to preserve liberal democracy or determined to see it collapse. Second, Polanyi maintains that the double movement manifests primarily in
the sphere of so-called fictitious commodities—that is labor, land, and capital (or money). Third, Polanyi argues that each side of the double movement relies on the support of different social classes. More specifically, marketization is supported by the middle class and internationally oriented capitalists who often operate on financial markets. In contrast, protectionism is backed by the working class, farmers, and nationally-oriented capitalists who seek protection from the global market. Fourth, Polanyi argues that the dynamics of double movement can explain the rise of anti-liberal movements such as fascism or authoritarian populism. According to Polanyi, such movements exploit the weaknesses of the market order and use protectionist policies instrumentally to gain mass support for the dismantling of liberal political institutions. In fact, we claim that PiS is an example of an anti-liberal counter-movement.

Historical institutionalism offers two important concepts that are employed in the present analysis: path dependence and critical juncture. This strand of research concentrates on examining ‘how temporal processes and events influence the origin and transformation of institutions that govern political and economic relations’ (Fioretos et al., 2016, p. 3). It emphasizes the role of timing and sequence of events in generating institutional arrangements, as well as investigates how institutions emerge and influence public policies and the distribution of power. Historical institutionalism takes into consideration collective interests as well as the formation of political preferences over time. In order to explain political phenomena, this brand of institutionalism refers not so much to economic rationality but to ideas, beliefs, and values. Thus, it displays a close affinity with ideational or discursive institutionalism (Schmidt, 2008). The chief analytical advantage of the concept of path dependence is that it can explain how a particular configuration of institutions created in the past structures or constrains collective preferences and interests today. In other words, institutions pose formidable barriers to political contestation in the struggle for power. Also, path dependence points to the fact that some institutional arrangements persist even if they are contested or suboptimal. They last because they generate increasing returns or positive feedback, benefiting influential political actors (Pierson, 2004).

According to the classic article by Ruth Berins Collier and David Collier (1991, p. 29), critical juncture is a ‘period of significant change’ that is supposed to ‘produce distinct legacies.’ Giovanni Capoccia and R. Daniel Kelemen (2007) define critical junctures as ‘relatively short periods of time during which there is a substantially heightened probability that agents’ choices will affect the outcome of interest’; thus, ‘critical junctures trigger a path dependent process that constrains future choices’ (p. 348). At a particular historical moment, politics as usual is suddenly broadened, incorporating new, previously unavailable options. The choices made in this brief period of time most probably have a significant impact on future possibilities and may set in motion new path-dependent processes. Importantly, such changes are not random occurrences but result from conscious choices of viable policy options (Capoccia & Kelemen, 2007, p. 355). This, however, requires a careful reconstruction of the background conditions and the more immediate context of key decisions during the critical juncture (Capoccia, 2016, p. 94). Critical juncture often requires a reconceptualization of public discourse to give change some legitimacy (see Capoccia, 2016, pp. 96–98). The role of the new political narrative is to generate sufficient support for the proposed political agenda to facilitate change (especially radical change). One useful means of achieving this is constructing a crisis narrative (see Hay, 1996, as an informative
example), in which political actors may impose a particular interpretation of social or economic problems, and pledge to solve them after seizing power. It may also be helpful to involve specific interests, symbols, and preferences with which the masses can identify.

Concepts of critical juncture and path dependence are closely related. A critical juncture marks the onset of a path-dependent process. However, such changes always take place in a different context and are differently timed, which explains the existence of divergent legacies within the political orders present in various countries. Hillel David Soifer (2012) suggests that the distinction between permissive and productive conditions can be a useful tool for the study of critical junctures. The former are related to the loosening of external or internal constraints (often concerning more than one country), which allows for change to occur, whereas the latter constitute a transformative force (new ideas, political coalitions, or an altered distribution of power).

The next section attempts to apply this analytical framework to explain how PiS rose to power. We shall demonstrate how exploiting economic and social cleavages facilitated the rise of a counter-movement, especially because the success of illiberal movements elsewhere created favorable conditions for undermining liberal democracy at home. Further, we shall investigate whether (and if so, to what extent) the reforms enacted by the PiS government are sufficient to mark out a new path of political and economic development. Hence, we shall critically explore the multifaceted political legacies of the Polish illiberal right.

4 The rise of a counter-movement, or the accumulation of discontent in Poland after 1989

The attempt to use Polanyi’s work to shed some light on the political and economic developments in Eastern Europe is by no means new. Heterodox economists, sociologists, and anthropologists have employed ideas derived from *The Great Transformation* to expose the limitations of neoliberal economic utopianism and provide a richer institutional and anthropological account of the changes occurring in the region (Bryant & Mokrzycki, 1994; Glasman, 1996; Kregel, 2006; Hann, 2011; Bohle & Greskovits, 2012). Arguably, one of the problems on which Polanyi’s work can shed new light is social resistance to market reforms. In *The Great Transformation* the latter argues that ‘in order to comprehend German fascism, we must revert to Ricardian England’ (Polanyi, 2001, p. 32). This indicates Polanyi’s belief that the success of illiberal movements cannot be understood without acknowledging the disruptive consequences of economic liberalism. Our thesis is analogous to that of Polanyi’s. We maintain that the current rise of illiberal right in Poland cannot be explained without taking into account the phase of neoliberal transition.

The liberal regime introduced as a result of implementing the Balcerowicz Plan and subsequent reforms differed significantly from the social democratic consensus reached during the Round Table Talks. Neoliberal arrangements were also at odds with egalitarian attitudes represented by significant sections of Polish society and inherited from the previous regime. Even after two decades of transition, some surveys showed consistent support for egalitarian and interventionist policies among Poles (Rae, 2017; Marody, 2019). Despite being inconsistent with the economic views held by a large section of society, the Polish version of capitalism (indeed, a rather liberal one) managed to gain substantial popular
support. While detailed discussion of political developments in the period 1989–2015 are beyond the scope of this paper, it would be useful to list the major factors that contributed to the relative stability of the liberal regime. Consumerist values associated with a Western lifestyle considerably appealed to Poles, who were dissatisfied with the limited range of consumer goods available under real socialism. Hardships associated with market reforms were justified as being the cost of ‘rejoining the West’ (i.e., integration with NATO and EU)—an idea that enjoyed mass popular support. Equally importantly, the consensus behind the Western orientation of Polish politics was backed by the majority of the political elite, both post-communists and former opposition members. Moreover, rapid economic growth produced a sizeable middle class, which was the chief beneficiary of the liberal regime. Especially in the early 1990s, the opportunity of rapid career growth opened up in such new industries as banking, media, IT, and advertising. The alliance formed by the elites defending what they regarded as their legacy, and by the upwardly mobile middle class was strong enough to keep any contenders at bay. For more than two decades, the logic of path dependence protected the post-1989 liberal consensus.

However, the liberal regime of 1989-2015 was not free from destabilizing tendencies in the sphere of fictitious commodities. PiS is the first Polish political party that managed to unify the interests and sentiments of all sections of the counter movement representing land, labor, and domestic capital. In what follows, we employ four arguments to support this claim. In the sphere of land, PiS managed to capitalize on agricultural protests following the demise of Self-Defense (Samoobrona), the party of rural unrest. After the 2011 suicide of Andrzej Lepper, the leader of Self-Defense, PiS managed to fashion itself as the party concerned with the fate of the poorer countryside, whereas the Polish Peasant Party (Polskie Stronnictwo Ludowe) would represent those farmers who benefited most from EU agricultural subsidies. Second, in the field of labor PiS secured the backing of Solidarity, one of the biggest Polish trade unions. Third, PiS deployed the rhetoric of economic nationalism to militate against foreign capital. As Polanyi argues in The Great Transformation, it is not only land and labor but also the capitalist organization of production that needs to be protected from the operations of the market (Polanyi, 2001, p. 137). During the Polish transition, the attempt to protect domestic production took the form of intense criticism of the process of privatization, which was often depicted in terms of selling the country to foreigners. Moreover, the influx of foreign capital into Poland after its accession to the EU fomented discontent among small- and medium-sized companies, which were forced to compete with much bigger and more effective ones. The discourse of vehement opposition to foreign capital is popular in radical and religious rightist movements, which are centered on particular media (e.g. the ultra-conservative Catholic radio station Radio Maryja), most of which have formed an alliance with PiS.

The second argument concerns the political consequences of the labor market’s instability. Under the previous government Civic Platform (Platforma Obywatelska), Poland was depicted as the so-called ‘green island’—i.e. the only country in Europe that managed to evade the economic crisis of 2008–2010. However, the reality was much bleaker. Relying on data about labor market instability collected within the project Living With Hard Times. How Citizens React to Economic Crises and Their Social and Political Consequences (Kurowska & Theiss, 2018; Kurowska et al., 2017), one can argue that the burden of the crisis in Poland was shouldered by workers. To start with, after 2009 the rate of unem-

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ployment in Poland among people under twenty-nine exceeded 25 per cent, second only to that of Greece. Moreover, a large proportion of Polish workers were employed on the basis of civil law agreements rather than regular employment contracts. In 2013, as many as 1.4 million people (i.e. 13 per cent of the entire workforce) had so-called junk jobs. Further, we may note that in 2015 more than 22 per cent of Polish workers had only temporary employment contracts, which was a record high number in Europe at that time. Finally, wages in the public sector stagnated, especially in the civil service. Public employees did not benefit from economic growth. Anna Kurowska and Maria Theiss (2018) believe that the insecurity in the labor market was a major contributor to the loss of legitimacy of the liberal political regime.

Third, the rise of income inequality in Poland also contributed to the undermining of political support for democratic political institutions. According to the findings of Piketty-inspired research conducted by Paweł Bukowski and Filip Novokment (2017), the benefits of economic growth during the transition era were not distributed equally. According to the data they present, the income share of the top 1 per cent increased in the years 1989–2015 from 4 per cent to 14 per cent, whereas the share of the top 10 per cent in the same period rose from 23 per cent to 40 per cent. At the same time, the income share of the bottom 50 per cent fell from 31 per cent to 23 per cent. Also, while virtually all sectors of the population benefited economically during the transition era, the dividends of growth were distributed unequally. Between 1989 and 2015, the incomes of the top 1 per cent increased by 458 per cent and the incomes of the top 10 per cent by 190 per cent. In the same period, the bottom 50 per cent of the population observed only modest growth of 38 per cent. Furthermore, a study on the political effects of economic inequalities in Poland (Brzezinski et al., 2014) demonstrated that the highly unequal distribution of income and other benefits contributed to the loss of legitimacy of the liberal political regime. Both income inequality and labor market instability help to explain the relatively weak identification with the established political system in Poland. In the 2015 elections, PiS won by a very narrow margin, obtaining only 37 per cent of all votes and securing 51 per cent of seats in parliament. It is significant, however, that the party managed to retain a high level of popular support after introducing a series of non-constitutional acts (Poll, n.d.). Moreover, in the 2019 parliamentary elections, PiS gathered as many as 43.6 per cent of votes, with a record high turnout of 61.7 per cent. This also appears to indicate a widespread loss of faith in liberal democracy.

Finally, we believe that some of the cultural conflicts manifesting in Polish public debate are related to contemporary economic problems. Generally, hate campaigns against feminists, environmentalists, immigrants or the LGBT community can be seen as a typical far-right response to globalization, involving venting people’s anger on certain minorities. More specifically, PiS politicians often talk about ‘restoring dignity’ to ordinary people, the former which was supposedly abused by the arrogant, progressive and cosmopolitan elites. Certainly, there is merit to this claim when it is regarded from a certain perspective. As Karl Polanyi noted, one of the likely outcomes of market transformation is the splitting of society into two separate groups: the rich, and the poor, or—in the Polish case—the victors and the victims of market reforms. Moreover, in notes on Disraeli’s ‘Two Nations’ and the Problem of Colored Races Polanyi observes the affinity between the language employed to describe the poor and the ‘uncivilized nations’ in the colonies (Polanyi, ...
Both the poor and ‘the colonials’ were depicted as lazy, demoralized, and unruly. One of the most peculiar products of Polish public discourse during the period of transition was the figure of so-called ‘Homo Sovieticus’ (Buchowski, 2006; Tyszka, 2009). Philosophers, sociologists, and journalists referred to this rather mysterious figure to indicate purported mental barriers to building liberal democracy and a market economy—barriers thus rooted in the communist regime. Hence, the Homo Sovieticus syndrome consisted of learned helplessness, civilizational incompetence, collectivism, and a lack of individual initiative, excessive reliance on the state, etc. The 2015 victory of PiS can be interpreted as the revenge of Homo Sovieticus. Although the stigmatizing rhetoric was preserved, it was directed against pro-Western modernizers. For instance, when Jarosław Kaczyński, the leader of PiS, spoke about ‘Poles of the worse sort’ (Lymand & Berendt, 2015), he clearly meant the cosmopolitan elites, not those struggling to find their place in the contemporary market economy. PiS has not solved any real problems of those sections of population that benefited the least from economic reforms. However, it offered them symbolic vindication of any resentment and anger they might be feeling.

It would be unfair to claim that there were no attempts to organize counter-movements in Poland after 1989. Labor and rural protests were frequent and often called for the protection of those interests that were bound to the social structure inherited from the communist regime (Mokrzycki, 1993). The Social Democratic Alliance (Sojusz Lewicy Demokratycznej, henceforth: SLD), a leftist party of post-communist origins, employed anti-neoliberal rhetoric in electoral campaigns, only to drop it entirely when in power. Still, the first SLD government significantly slowed the tempo of neoliberal reforms, allowing for a more gradual social adjustment. Neoliberalism was vigorously challenged by the aforementioned rural-populist Self-Defense, but this party proved incapable of developing a coherent alternative. Finally, the short rule of the 2005–2007 PiS government, formed in coalition with Self-Defense and the League of Polish Families (Liga Polskich Rodzin), can be regarded as a prefiguration of the illiberal policies adopted after 2015. Nevertheless, before 2015 the different counter-movements were isolated, erratic, organizationally weak, and ideologically incoherent. Despite the fact that dissent was widespread, all of the above-mentioned counter-movements were unable to seriously threaten the dominant liberal and pro-Western orientation of Polish politics, which was protected by the consensus of the powerful political-, intellectual-, and media elites.

However, the prevalence of the pro-Western narrative slowly began to fade after the achievement of some of the major goals of Polish geopolitical strategy—i.e., integration with NATO structures and accession to the EU. The prolonged crisis of the post-communist party SLD, discredited by corruption scandals and its open embrace of neoliberalism, created a political vacuum on the Polish left. PiS seized this political opportunity and gathered all major sections of the counter-movement under one political umbrella. In other words, PiS decided to take advantage of the generative cleavages produced by the liberal order that generated discontent in that part of society that was sensitive to radical rhetoric. Thus, the absence of genuinely leftist parties and the discrediting of liberal movements caused the opposition to neoliberalism to take on more right-wing and illiberal forms (Krastev, 2007).

Interestingly enough, recent sociological research conducted by Przemysław Sadura and Sławomir Sierakowski revealed strong anti-elitist sentiments among the PiS electorate (Sadura & Sierakowski, 2019, pp. 7–9). Some respondents who participated in focused interviews expressed the conviction that the liberal cultural elites actually despise them and their way of life.
Moreover, the success of illiberal movements elsewhere in the region—most importantly, in Hungary—as well as the international crisis of neoliberal orthodoxy following the recession of 2008, created permissive conditions for the above-mentioned substantial change of the Polish political order. Domestically, scandals erupting within the Civic Platform party (chiefly ones related to leaked tapes containing private conversations of its most prominent politicians), as well as mounting inequalities and labor market instability all contributed to the opening of new political possibilities. To employ the theoretical idiom of historical institutionalism, one could say that there emerged a new critical juncture. The next section explores how the PiS government has been able to exploit that opportunity, and to what extent.

5 Second critical juncture: The illiberal Right in power

In 2015, PiS triumphed twice: first in May, when Andrzej Duda defeated Bronisław Komorowski in the presidential election, and then in October, winning the parliamentary elections and receiving over two million votes more than the ruling Civic Platform. This double electoral victory enabled PiS to take over both centers of power in the Polish political system, paving the way for a revision of the unjust post-communist order. While it is fair to say that PiS is a catch-all party that addresses all social classes, it nevertheless secured a disproportionately high proportion of votes among those sections of the electorate that were negatively affected by economic reforms. This broad category includes voters with a lower level of education, people living in small towns and villages, the elderly, and inhabitants of the country’s eastern regions. Equally importantly, PiS was able to exploit the conservative, religious, and nationalist attitudes widespread in Polish society. Further, it relied on the steady support of the Polish Roman Catholic Church, which ‘has been dominated by option inimical to pluralism and liberal democracy’ (Marody & Mandes, 2017, p. 248). Hence, the core electorate of PiS can be described as economically underprivileged and culturally conservative.

It may be instructive to briefly compare the PiS government formed in 2015 with the party’s previous term in office between 2005 and 2007. In contrast to the coalition-based rule in the years 2005–2007, PiS was able to form its own government without taking other parties into consideration. Since 2007, PiS evolved both in terms of ideology and political strategy. In ideological terms, Anne Applebaum (2018) suggest that PiS drifted away from a traditional right-wing agenda. Unlike any typical Christian democratic party, PiS embraced a more militant ideology, seeking to restore national sovereignty, which was allegedly endangered by liberal and cosmopolitan forces. Arguably, an anti-liberal ideology was not fully crystallized yet when PiS took power for the first time. Moreover, the experiences of Viktor Orbán’s government in Hungary demonstrated the usefulness of selective protectionist policies for the right-wing agenda. In the first PiS government, the position of the Minister of Finance was occupied by Zyta Gilowska, a professor of economics known for her neoliberal views. After the 2015 election, however, PiS decided to firmly dissociate itself from the neoliberal economic doctrine.

Also in 2015, much effort was put into creating strong legitimacy for change. PiS managed to spin a successful narrative aimed at generating the necessary mass support for the reconstruction of the broad institutional arrangements of Polish polity. The party based its
message on the necessity of finally breaking with post-communism and installing a truly national order. However, their actual opponents were former liberal elites, not communists. Thus, PiS politicians would publicly doubt the historical role and personal integrity of Lech Wałęsa, playing down the importance of symbolic events such as the Round Table Agreement or the first semi-free elections that took place on June 4, 1989. In the electoral campaign, the leading message was that the liberal rule had left Poland ‘in ruins.’ Therefore, PiS argued, the country needed a ‘good change,’ allowing ordinary people to finally ‘lift themselves from their knees.’ The campaign rhetoric and election program offered by PiS created two expectations. First, PiS committed itself to the implementation of anti-neoliberal economic policies, which would rebalance the relations between capital and labor. In particular, the power of big (and usually foreign) capital was to be mitigated both by empowering small (and usually national) businesses and by granting new labor rights. Second, PiS promised to reverse several of the measures introduced by previous governments, including educational reform, pension system reform, alterations in the structure of government, tax reforms, and the realignment of guidelines for the country’s economic development. Importantly, all of these changes could be introduced more or less successfully under the existing institutional regime. However, PiS chose to take a different path, unleashing an impressive offensive on the institutions of the rule of law and the system of checks and balances (see Sadurski, 2018). This included the capturing and paralyzing of the Constitutional Tribunal, the subordination of the Supreme Court and the National Council of Judiciary, as well as wide reorganization of the common courts. This was complemented by an assault on individual rights and liberties concerning, inter alia, the right to assemble and freedom of speech.

Despite these worrisome developments, the project of consolidating power in the hands of PiS is not yet complete. Despite heavy political pressure, common courts continue to struggle to maintain judicial independence from political inference. Equally importantly, private media are relatively free from political pressure by the ruling party. This might be attributed to the fact that the TVN group, one of the biggest media complexes opposing the government, is owned by the American company Discovery Communications. Hence, any attempts to interfere with its operations could lead to an unwanted diplomatic dispute with the United States. Nonetheless, PiS has recently managed to take control of the Polska Press publisher, which owns 20 regional newspapers, over 120 weeklies, and over 500 websites (Cienski & Tamma, 2020), reaching almost 17.5 million readers. Unlike in Hungary and Russia, Poland has so far avoided creating a significant class of entrepreneurs and oligarchs who owe their status to the political support of the ruling party (Csillag & Szelenyi, 2015). Still, the recent meteoric rise of Daniel Obajtek, the new executive chairman of the state-controlled petrol retailer and oil refiner PKN Orlen, might suggest that PiS is compensating for the lack of its own oligarchy with state-owned enterprises.

Some commentators criticize the concept of illiberal democracy and argue that illiberal regimes cannot be truly democratic in the long term (Sadurski, 2018, p. 8; Müller, 2017, p. 56). While we agree that the anti-liberal reforms of PiS pose a potential threat to democracy, we nevertheless insist that the present Polish regime can still be regarded as democratic. All recent elections—European ones in May 2019, parliamentary in October 2019, and presidential in May 2020—were won by PiS, which defeated all opponents, including the left, the center, and the far-right. Although defeated, all opposition parties
recognized the validity of these elections. Moreover, the political campaign was conducted in the context of media pluralism, notwithstanding the biased and one-sided approach of public television. Consequently, not only were the elections procedurally fair, but the electorate also had an opportunity to make a genuine choice. Hence, there are no sufficient grounds to label the present Polish political regime authoritarian, even in the less restrictive sense of competitive authoritarianism (see Levitsky & Way, 2002). As things stand, the concept of illiberal democracy, despite its shortcomings, seems to be the best available term to describe the political order created by PiS.

Probably the most pronounced part of PiS’s electoral program was its promise to change the economic policy. The party has thus successfully stirred up the resentment at the neoliberal model of economy by promising to alleviate the rule of markets and big capital. In this vein, the government introduced a number of social policies, thereby increasing the disposable income of many citizens. This includes the so-called ‘family 500+’ child allowance program (500 PLN per child), the school starter kit program (300 PLN per child that starts a school year), and bonus, thirteenth-month pension. The widely applauded reforms also include the reversal of the former pension reform, the former which involved lowering the retirement age from 67 to 65 for men and from 67 to 60 for women, as well as the steep rise in the minimum wage from 1750 PLN in 2015 to 2250 PLN in 2019. Other significant government initiatives include the introduction of non-commercial Sundays and the rather unsuccessful state-financed housing investment program. However, some of the proposals have failed, like free medicine for the elderly, and the taxation of large supermarkets. The extension of public transfers, previously perceived as damaging to the self-regulatory mechanisms of the market, are now considered to be an undeniable success of PiS, especially since this has not impaired the stability of public finances (Morawski, 2018). Nevertheless, the overall effect of the new social policies is still disputed, especially with regard to limiting inequality and alleviating poverty. For instance, recent data from Statistics Poland show that poverty in Poland increased in 2018, despite the social programs introduced by PiS. As many as 5.4 per cent of the population experienced extreme poverty in 2018 (in comparison to 4.3 per cent in 2017), while 14.2 per cent of the population were living in relative poverty (compared to 13.4 per cent in 2017) (Statistics Poland, 2018).

Besides expanding its welfare policies, PiS also attempted to redefine the role of the state in the economy. Inspired by Mariana Mazzucato’s idea of the entrepreneurial state (Mazzucato, 2015), Mateusz Morawiecki, Minister of Development in 2015–2016 and Prime Minister since 2017, formulated the Responsible Development Plan according to which the state should be involved in economic affairs to a much greater degree than before. It should stimulate industrial investment, as well as individual entrepreneurship and innovation. Moreover, it should actively promote exports and the accumulation of national capital for large investment. The establishment of the Polish Development Fund in 2016 is an example of this. However, extensive projects connected with electromobility, clean energy, and anti-smog solutions have so far failed to materialize. Similarly, the construction of a central airport and a waterway connecting the port in Elbląg to the sea have both remained political gestures rather than sensible investments. The only successful examples of new industrial policy so far are the renationalization (or ‘re-Polonization’) of banks (Alior Bank and Pekao) and the subordination of energy companies to government-defined priorities.
Arguably, these success stories are the outcome of ad hoc political decisions that are unrelated to any long-term strategy. Hence, speaking of permanent change in the sphere of state intervention may be regarded as premature. So far, the ‘good change’ in this area boils down to grand announcements and isolated political decisions. Real achievements are yet to come. In contrast to social policy, the pro-interventionist stance can easily be changed when the situation requires it.

At the same time, we can also see that some policies enacted by the government are in line with neoliberal guidelines. The controversial expansion of markets can clearly be noticed in terms of the commodification of nature. Primary examples of this include the liberalization of regulations with regard to logging and hunting, disregard for environmentally protected areas, and the facilitation of commercial real-estate investment by enabling investors to evade restrictions defined by local governments. So far, PiS has also failed to reform labor market regulations, which insufficiently protect workers’ rights and support low-paid, junk jobs, with Poland being the leader in this category in the EU. According to national statistical data, over 1.2 million workers had a junk job in 2017 and over 3 million workers signed temporary contracts in 2018. Although the flexibility of employment was extensively criticized in the electoral campaign, it still continues, and the Chief Labor Inspectorate remains quite powerless. The division of the labor market into two parts—well-paid and secure employment for well-qualified workers on the one hand, and poor working conditions with low wages for the rest—prevails under PiS rule. Recent research shows that the Polish tax system is highly regressive and benefits high earners and individual entrepreneurs, while workers and those who receive a low income are burdened with disproportionately high fiscal levies (Sawulski, 2019). Alas, reform of the Polish tax code was never high on PiS’s political agenda.

Another aspect of the state that has not been reformed by the PiS government is public services, which are in poor condition. Recent data shows that the share of wages within the public sector in relation to GDP fell from almost 12 per cent to 10 per cent in the period 2004–2018 (Morawski, 2019). Contrastingly, the share of wages in the private sector rose from 14.5 per cent in 2005 to 17 per cent in 2018. Low wages and chaos induced by badly prepared reforms led to the teachers’ strike in 2019, one of the largest labor disputes in recent Polish history. Moreover, government expenditure on public services remains rather low compared to other EU or OECD countries. For instance, according to OECD data, public spending on healthcare amounted to 4.5 per cent with an additional 1.8 per cent of GDP spent privately (OECD, 2019). The overall level of spending on healthcare, both private and public, is thus significantly lower than the OECD average of 8.8 per cent of GDP. Inadequate healthcare continues to be a sensitive political issue in Poland. The PiS government announced a plan for increasing public spending on health to 6 per cent of GDP, but the prospects of fulfilling this promise in the predictable future remain rather bleak. All in all, the Polish public sector appears poorly financed and badly organized, while public employees remain underpaid, and citizens are widely disappointed with the quality of services. This situation has been aptly described by John Kenneth Galbraith in terms of a strange coexistence of ‘private opulence and public squalor’ (Galbraith, 1958, p. 203). In contemporary Polish political discourse, the problem of the starved public sector has become known as the phenomenon of ‘the cardboard state’—a metaphor indicating impotence and sluggishness on the part of state officials in many spheres of social life.
To recapitulate, so far PiS has not solved any of the systemic problems of Poland’s rather non-egalitarian version of capitalism. Income inequalities, labor market instability, and underfinanced public services persist and can potentially undermine support for the governing party. It would be inaccurate to interpret PiS as a defender of the interests of ordinary people, or a slightly more conservative version of social democracy. In fact, we believe that PiS has employed many social policies instrumentally to win political support for their anti-liberal agenda. Obviously, illiberal political reforms are widely contested by the opposition. However, even if PiS were to lose political power, dismantling illiberal democracy may prove to be a daunting task. PiS has secured long-term appointments for its nominees in several pivotal posts (Davies, 2018), including ones on the Constitutional Court, the Supreme Court, and the National Council of the Judiciary. Moreover, PiS might exercise veto power to thwart any attempts at restoring the rule of law. Consequently, it may be impossible to reverse many of the reforms introduced by PiS without a parliamentary majority of two-thirds.

Finally, the President has appointed scores of new judges from among candidates approved by The National Council of The Judiciary, whose legal standing is questioned by the Court of Justice of European Union (2019). Equally important, European Court of Human Rights claimed that the Polish Constitutional Tribunal is not a ‘tribunal established by law’ because it contains a judge appointed with the violation of proper legal procedures (2021). As things stand, it is difficult to imagine how the legacy of the ‘good change’ can be rescinded without creating further legal problems.

Conclusion

The American playwright Arthur Miller once remarked that ‘an era can be said to end when its basic illusions are exhausted’ (Miller, 1974/1975, p. 30). The Polish experiment with a market economy and liberal democracy after 1989 was founded on the illusion that relatively unfettered markets are compatible with political liberties. The victory of PiS in the 2015 elections and the party’s subsequent rule has tarnished that illusion. We concur with David Ost, who argues that ‘too much economic liberalism threatens political liberalism’ (2016). Thus, as this paper shows, the social discontent bred by economic liberalism has created a countermovement that questions the virtues of liberalism itself. PiS rule is an example of the instrumental use of social discontent. Promises to counter the growing commodification of labor and firmly re-embed markets in society, announced during electoral campaigns, were successfully reformulated into disputes over culture and identity after the party gained power. Meanwhile, many serious maladies—such as growing inequality, labor market insecurity, and inefficient public services—have not been addressed by the government. Thus, popular discontent has been only temporarily silenced by redistributive measures. We would thus argue that after 2015 the Polish political scene underwent significant change, which is already producing ‘distinct legacies’ in terms of remolded discourse, the dismantling of liberal constitutionalism, and the creation of new power elites. The determination and uncompromising attitude displayed by PiS has created new opportunities for political actors who are no longer constrained by legal considerations. Moreover, a strongly anti-European language and the incitement of hatred towards minorities has ceased to be taboo in Polish political discourse. The dismantling of the rule
of law cannot be easily undone. The seizure of power has allowed PiS to create its own elite in the media and culture, as well as among those who work in the third sector, public services, and legal professions. Many such nominees are protected by fixed terms of office or majority requirements in the case of parliamentary voting. Moreover, the social legislation introduced by PiS is highly popular, and seems unlikely to be challenged by a potential opposition government. Given the party’s successful electoral campaigns, the rhetoric of social promises is likely to be taken up by political rivals, making a full-scale return to neoliberal discourse improbable. Consequently, we can conclude that the potential for systemic change unlocked by the party’s rise to power in 2015 has indeed produced lasting results.

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