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*Elites vs. the People: Populism in the Political Thought  
of Law and Justice<sup>1</sup>*

ABSTRACT

The purpose of this paper was to specify what is the share of narrowly understood micro-ideology in the political thought of Law and Justice. Embarking on the analysis of the above-stated problem, we first and foremost fixed particular methodological assumption. As a point of departure for our analysis we adopted the conception of the ideological morphology by Michael Freeden. In line with it, we assumed that ideologies are not fully distinct entities but they interact with one another. They are also partly overlapping and thus they share some contiguous points. As a result, in the first – conceptual – part of the paper, we defined populism as micro-ideology with four main properties.

In accordance with the concept of populism, in the second part of the paper, we focused our attention on the problematics of elites and the people in the thought of Law and Justice. In the conceptions as well as in diagnoses adhered to by this party, elites did not discharge their duties, alienating themselves from the society and caring mainly about their own socio-economic interest. The critique of elites, as formulated by the politicians of Law and Justice, was mainly related to their non-democratic genesis and artificially created putative “super-expertise”.

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Eventually, within the analyses conducted in the second part of the paper, we proved that populism may be regarded as one of the phenomena characterizing the political thought of Law and Justice, which also makes the understanding of the ideological identity of this party easier.

**Key words:** populism, elites, the people, Law and Justice

## INTRODUCTION

*Populism* in scholarly investigations is a term that evades a clear and – even more – an unambiguous definition. As recently noted by the American scholar Michael Kazin,

(...) populism has long been a contested and ambiguous concept. Scholars debate whether it is a creed, a style, a political strategy, a marketing ploy, or some combination of the above. Populists are praised as defenders of the values and needs of the hard-working majority and condemned as demagogues who prey on the ignorance of the uneducated [Kazin 2016].

However, even in the above-cited excerpt, Kazin notes one of the potential causes of the already-mentioned conceptual vagueness. The term *populism* is a hotly debated concept not only in an academic debate, but also in the political one as well as in the media. What follows is that the concept is subject to a description as well as to evaluative judgements more frequently than many other concepts employed in the political science.

Still, it must be noted that it is precisely – among other reasons – because *populism* is a term more and more frequently used in a public debate, with *populism* capturing – while remaining for a time being at the most general level of description – the phenomenon of the growth of the significance of the parties calling into question the socio-political *status quo* [cf. Müller 2017: 15–16], that the term calls for a more accurate scholarly investigation. In the present paper, we shall attempt to define the concept of populism as well as its possible applications to the current political-science-related analysis. We hereby claim that populism cannot be conceived of too broadly for otherwise it turns from a useful political-science-related category into an invective employed not only in the ongoing political debates but also in – as it seems – descriptive statements revealing reluctance towards a given methodological standpoint, worldview and – most of all – a political doctrine.

The theoretical considerations that we embark on in the first part of the present paper will fundamentally specify the issue which will constitute a key to the analysis of the particular case that we shall deal with. This special case study will relate to the political thought of Law and Justice, and in particular, to the conception illustrating the specific vision of the relation between the people and the elite. Most of all, we

will scrutinize the election programs, which we – following Wojciech Woźniak [2017: 42–43] – regard as being of primary importance when it comes to the evaluation of the political thought of a given party [Budge 1994; Budge et al. 2006]. Additionally, what is going to be of interest to us are the pronouncements of the representatives of Law and Justice concerning their plans and commenting on the real actions taken. The methodological perspective put forward here stems from the fact of adopting a broad definition of political thought, which we understand, in this respect following Jan Jachymek and Waldemar Paruch [2001: 11], as “any form of reflection on political reality, irrespective of the level of its development, internal coherence and systematization as well as regardless of to what degree it is rendered theoretical and independent of its concretization”. We also claim that in order to fully illustrate particular political conceptions it is important to resort to both the evidence and the traces of political thought [Paruch 2015: 167–168].

Our paper will constitute an attempt at analyzing the conception cherished by Law and Justice, with the analysis being conducted with the use of the category of populism as defined by us, which implies that we shall be trying to reinterpret the political thought of this very party. What is meant by reinterpreting is searching for the content which would be significant from the point of view of the problem scrutinized by us. It seems to us that whereas the political thought adhered to by Law and Justice is of interest to the scholars who capture it either comprehensively [Sanecka-Tyczyńska 2011b] or fragmentarily [Sanecka-Tyczyńska 2011a; Sanecka-Tyczyńska 2012; Latosińska 2016; Lewandowski 2017; Rutkowska 2018; Tomaszewski 2011; Łukasik-Gębska 2016], it is still seldom analyzed from the point of view of its relation to populism [Gdula 2018; Nowak 2017; Obacz 2017; Przyłęcki 2012; van Kessel 2015].

The research problem that we thereby pose is the following question: Are there populist elements in the political thought of Law and Justice, with these elements pertaining to the depiction of the people and elites and the relations between them; and if so, how are they characterized?

#### MICRO-IDEOLOGY OF POPULISM

As mentioned above, *populism* happens to be a concept defined in various ways both in the public as well as in the scientific discourse. As stated by Noam Gidron and Bart Bonikowski, “the challenge connected with defining populism is at least partly related to the fact that the term is employed to describe movements, parties, ideologies and political leaders in various geographic, historical and ideological contexts” [Gidron, Bonikowski 2013: 3]. However, the very same authors point to three main tendencies in defining populism within the paradigm of political science. The first of them relates the concept in question to a given ideology, the second one indicates that populism is a discursive style; the third one, in turn, presents this phenomenon as a practical strategy for specific political mobilization [Gidron, Bonikowski 2013: 5].

It is canonical researchers that turn their attention to the ideological and doctrinal dimension of the concept of populism. Margaret Canovan in her work *Populism*, in spite of noticing the ambiguity and the susceptibility to criticism of virtually each definition of the scrutinized concept, decided to present a complex ideological characteristics of populism and create a comprehensive typology of its variants [Canovan 1981; Canovan, 2010a: 53–76; Deiwiks 2009: 1]. However, the very same researcher many years later pointed out that the very “possibility of the occurrence of a distinct political ideology that may be labeled as populist” still deserves to be scientifically explored [Canovan 2004: 241].

The attempts to define the ideology of populism too strictly are connected with many dangers. Formulating too many ideological criteria that a populist thought should meet makes the very formulation fail to explain the phenomenon in question; and rather it narrows down its scope too much, restricting it to a specific political movement, and thus skipping others. This strategy normally stems from the desire to sharpen the concept of populism as something over and above the mere rhetoric of “criticism of elites”, which is illustrative of many various political parties under contemporary liberal democracies. However, the strategy by assumption eliminates the possibility that populism is a phenomenon transcending traditional ideological divisions and thus normally reduces them to differently understood “leftism” or “rightism”.

In the work by Jan-Werner Müller bearing the title *Co to jest populizm? (What is Populism?)*, the author defines this phenomenon not only as resistance towards elites but also as the critique and the repudiation of socio-political pluralism [Müller 2017: 142]. Müller in his work criticizes other conceptions of populism which underline the key importance of such elements thereof as making references to the mechanisms of direct democracy (e.g. organizing referenda more frequently). Still, the author himself, by putting the emphasis on social monism in populism [see also: Mudde 2004: 543–544], excludes from the extension of this concept those movements which, despite the conducted critique of the elites and emphasizing the importance of the will of the people, remain fundamentally individualistic and pluralistic in their postulates. Thus conceived, populism gets reduced rather to rightist movements of nationalistic nature [see also: Pankowski 2011], whereas the movements of leftist identity, conceiving of the people not in an essentialist manner but rather strongly underlining their aversion towards the obsolete hierarchical social divisions and suggesting a radical restoration of political orders, get excluded from the scope of populism [Mouffe 2018: Chapter 1].

However, populism is also regarded as a rather leftist phenomenon. The attempt to define populism as a particular political ideology and to emphasize anti-liberal elements of its agenda, especially the economic one, is supposed to indicate the “preponderance of leftist elements” as far as the phenomenon in question is concerned [Drelich 2010: 84–89]. In this case, however, populism appears to be losing its qualitative distinctness, whereas these anti-elitist initiatives whose declared approach

to economy is not unambiguously pro-social or statist are by assumption excluded from the realm of populism.

Due to too restrictive attempts to sharply define populism, in the present paper we assume as a point of departure a narrow understanding of the phenomenon under scrutiny. Yet, such understanding may meet with the objection that we are insufficiently precise or conceptually equivocal. It is because it can be claimed that too narrowly conceived populism is endowed with negligible analytical merits and hence – it is of little scientific significance too [see: Moroska 2010: 24–25]. If narrowly understood populism is to be measured by other classical political ideologies, it does indeed become an incomplete and deficient concept. The key to avoid this problem may be a reference to the distinction put forward by Freeden, who in his concepts of ideologies, divided them into the so-called macro-ideologies and micro-ideologies [Freeden 2003: 78–102].<sup>2</sup>

Thus understood, macro-ideologies painstakingly describe the socio-political world and suggest some reform thereof. As pointed out by Freeden “in the 20<sup>th</sup> century, the dominating ideologies created super ordinate, inclusive frames of ideas which suggested the solutions to all major political issues which societies were facing. The said macro-ideologies met with a social and political appreciation, dominating both on the national and international level” [Freeden 2003: 78]. They established ideological internationals, had their own philosophical underpinnings as well as the collection of canonical texts. Freeden maintains that these ideologies almost without exception date back to the 19<sup>th</sup> century and that they played a vital role in the 20<sup>th</sup> century while exerting a considerable influence on political experiences of the contemporary world. This English researcher subsumed under this group such ideological families as liberalism, conservatism, socialism, fascism, and communism.

However, apart from macro-ideologies it is also micro-ideologies that Freeden distinguishes. He claims that it would be erroneous to assume *a priori* that “grand ideological traditions exhaust the logical space” of politicalness. According to this conception, not all ideologies have to be exhaustive or to authoritatively and painstakingly interpret the socio-political world. Micro-ideologies “are restricted to a set of core concepts, with the concepts themselves not being able to »bring about a sufficiently broad, let alone exhaustive, set of answers to the most pressing socio-political issues«” [Stanley 2008: 99]. However, according to Freeden, micro-ideologies remain political ideologies since they still express a specific way of conceiving of politicalness through imposing the interpretation of the key political concepts – or recognized as key within the said ideologies – on others [Stanley 2008: 95]. Therefore, whereas macro-ideologies embrace a wide array of established and interconnected concepts (according to Freeden, these are the so-called core, adjacent and peripheral concepts) constituting a detailed interpretative framework for socio-political issues,

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<sup>2</sup> Within the same dichotomy, the author employed the concepts of *thick ideology* and *thin ideology*.

in the case of micro-ideologies, the framework is much more variable (its stability is principally reducible to only core concepts), more restricted and less exhaustive [Aslanidis 2015: 3; see: Freedon 1998: 748–751]. Micro-ideologies more often and more easily than macro-ideologies interact with other ideologies, and thus it is the former that seems fuzzier than the latter [Stanley 2008: 95–96].

In the scrutinized case, what counts as a key concept of thus conceived micro-ideology of populism [see: Mudde 2004: 544] is definitely some certain understanding of the people and elite from which the other issues stem, with the issues being taken up within this current. Following Ben Stanley, it may be stated that what constitutes the core idea of populism is a claim that it is the people that is a focal point of politics. Around that statement, one can formulate the following four indicators of populism, that is:

1. The existence of two homogeneous analytical units: the people and elite;
2. The presence of the antagonistic relations between the people and elite;
3. Underlining the idea of the sovereignty of the people;
4. Judging the people positively and criticizing the elite [Stanley 2008: 102].

The point of departure for the attempts at diagnosing the political situation and organizing political actions in case of populist movements is tantamount to recognizing the category of the people as the key constituent of any analysis of social and political reality [Drelich 2010: 76–77]. As pointed out by Cas Mudde “the people” within populism is the elementary category systematizing the remaining bit of reflection. In terms characteristic of populism, the concept of *the elite* is always derived from the concept of *the people*; “the former derives its identity from the latter (being the opposite of the latter, its nemesis)” [Mudde 2004: 544] – still, both categories constitute fundamental analytical units within populist theories. There is an ongoing antagonist relation holding between “the people” and “the elite” [Mudde 2004: 543], us/them opposition, which makes the structure of the presented conception of populism approximate the theory of the political by Carl Schmitt as reinterpreted by Chantal Mouffe. Yet, the people itself may be differently defined by populism, which is decisive for the other aspects raised by a given variant of populism; and eventually, for its ultimate shape [Canovan 2010b: 287–288]. Therefore, the people may assume the form of a relatively homogeneous national, ethnic or cultural community. Also, it can be defined as a fundamentally heterogeneous community of harmed “ordinary people”; in other words, as merely a large number of people [Acemoglu et al. 2013: 772; see: Müller 2017: 43–44]. Therefore, the concept of the people may assume such a form in which its designate is a group of people of strictly defined stable qualities. Another form it may assume is the one in which it is characterized as a variable quality which is homogenized in the political process [Laclau 2009: 136–141]. Adopting different ways of defining the people, bearing in mind that each definition tallies well with the phenomenon of populism, is critical for the form populism is supposed to eventually assume as well as for which of the other ideologies it can approximate. However, it is crucial to note that in populism,

the people are always depicted as a subject whose differentially understood welfare is violated by socio-political elites [Moroska 2010: 26]. The way to work out of this predicament is to underline the sovereignty of the people, as an opposition towards the elites in one way or the other limiting the said sovereignty. Under the present circumstances, what stems from precisely this essential property of populism is the critique of the deficiencies of liberal democracy and of the idea of representation, with the latter one inadequately realizing the democratic postulate of the rule of the people and the political equality of citizens. Populists emphasize the idea of sovereignty of the people through the slogans referring to its efficiency and power. Simultaneously, they oppose the imposed – in their opinion – by the elites picture of democratic reality of the contemporary state, dominated by impossibilism and the incapability of carrying out any major social reform. The elites imposing such a picture of reality allegedly intend, on the one hand, to neglect the real tensions and social problems; and on the other hand, they attempt to artificially resolve the existent social conflicts. References to the sovereignty of the people can, although they do not have to, in populism assume the form of promoting the mechanisms of direct or participatory democracy. Yet, the references always emphasize the necessity of a considerable correction of the current state of affairs in which the said sovereignty is insufficiently realized even if it is to be connected with choosing the representative listening better to social expectations. The people in the ideology of populism gets always at least rhetorically empowered, thus creating a positive counterbalance to the degeneration of the current elites – it is the people that is immaculate, whereas the elites are corrupted [Mudde 2004: 543].

The presented understanding of populism does not ignore its potential variability and at the same time the said understanding seems sufficiently clear to distinguish it from other concepts applied both in the political as well as in the political-science-related analysis. At the same time, it does not confuse a theoretical order with a purely practical one, with the latter involving, e.g. defining populism in terms of organizational properties of populist movements or their respective location in a party system [see: Kasprowicz, Hess 2017: 204–205; Taggart 2010: 77–79].

Within the described theoretical perspective, we therefore define populism as a characteristically understood political ideology. However, the said perspective may be also easily adopted to attempt to describe populism as a discursive style, thus, reconciling these two theoretical approaches [Gidron, Bonikowski 2013: 3–10; see: Laclau 2010: 99–101; Przyłęcki 2012: 115]. This is, in turn, facilitated, when operationalizing the term *populism*, by resorting to the conception of ideological morphology – here treated paradigmatically – the author of which is Freedon [1996: 75–91]. This conception postulates basing the interpretation of all the ideologies on conceptual analysis. It is because it must refer also to rhetoric strategies of potential representatives of a given current, due to which it acquires an additional value of applicability. It is this very value of the presented conception of populism that will be taken advantage of in the forthcoming part of the paper.



## ELITES AND THE PEOPLE IN THE POLITICAL THOUGHT OF LAW AND JUSTICE

As specified in the first part of the paper, key concepts for populism are *the people* and *the elite*. The latter is subject to criticism; the indictment is that it dissociates itself from a society or nation (depending on which ideological profile a given sort of populism assumes) and it does not realize the postulates of ordinary people; and finally, that it does not represent those people's needs.

From our vantage point, the way Law and Justice construes elites is conditioned upon the diagnosis of the political transformation, with this diagnosis being from the very beginning adopted by Jarosław Kaczyński's party. Law and Justice regarded the Third Republic of Poland as the post-communist state being "the facade of the democratic state of law", in which the introduction of democratic procedures was not combined to a sufficient degree with personal changes within the elites themselves. The indictments that were formulated against the transformations after 1989 were related to the enfranchisement of the *nomenklatura* and to the emergence – due to the former event – of oligarchic groups having a jurisdiction over "then form of Polish economic life". The said indictments also pertained to the fact of vital occupational groups being closed within professional corporations endowed with numerous privileges. And last but not least, the accusation was connected with economic reforms carried out in accordance with liberal patterns, which consequently led up to the unequal participation of Poles in the cost of transformation [Sanecka-Tyczyńska 2011b: 49–67]. The above diagnosis led to the formulation of the opinion about Third Republic of Poland as

(...) the state which is only partly democratic, and weak due to the inefficiency of the state apparatus and of the administration of justice, not being immune to bribery and interests of particular groups and joining forces with the grey market in making decisions and redistributing public money through informal coalitions [Sanecka-Tyczyńska 2011b: 68–69].

The above perspective obviously had a bearing on a clearly negative picture of political and economic elites of the Third Republic of Poland, with this picture being a constituent of the political thought of Law and Justice. It was the very historical-social origins of the elites of the Third Republic of Poland that seemed suspicious to the politicians comprising Law and Justice. According to them, these elites owed their position to – among others – the connections with the representatives of The People's Republic of Poland (PRL). As stated in Law and Justice's program dating back to 2014:

(...) The aim of "Tusk's system" is to sustain the Third Republic of Poland, to wit, the Polish form of post-communism, with post-communism having being upset in 2004–2007. What is thereby meant are the interests on the part of the establishment having emerged in the process of the so-called transformation. The establishment has



an essentially weak position, is not possessed of a strong mandate or any other major indicators of the social rank. The past – as conceived of by the large part of this group – is merely a burden and not a reason for pride; prestige is artificially built up and it is easy to undermine. The strong state and the free market connected therewith (the strong state goes hand in hand with the free market), democratic and media mechanisms operating efficiently and providing access to information; and eventually, the system of justice being objective and obeying the principle of equality is supposed to shortly bring about the radical verification of the personal make-up of the dominating social group” [Zdrowie. Praca. Rodzina... (Health. Labor. Family...) 2014: 24].

According to Law and Justice, these elites for over 10 years have held an unjustified and extraordinarily strong position. It was – among others – in the election program dating back to 2011, in which what was denied was the social mechanism of the functioning of elites recognized as exceptional and exquisite members of the society or of the nation. It was recognized that a social myth which a part of elites were deluded into believing, with the myth being detrimental to the functioning of both the state and the society, is a belief that

(...) the key to understanding complex processes taking place in the contemporary world, and as a result to making major decisions in economy, politics, law and morality, lies in the hands of “super-wise men” or “super-experts” towering over communities and groups they originate from. They owe their respective positions to being coopted into the elite of the chosen and initiated according to the criteria which are not subject to a democratic debate but which are impenetrable and unrecognizable to mere mortals [Nowoczesna, Solidarna, Bezpieczna Polska... (Modern, Consolidated, Safe Poland...) 2011: 57].

The invoked excerpt from the manifesto fits the description given by Artur Laska [2017: 55] of the rebellion so typical of populism, with the rebellion being on the part of “those who have enough of the power wielded by experts and instead take matters in their hands, getting rid of technocrats and granting power to »ordinary people«”. According to Law and Justice, the above-delineated “expert” sort of exclusivism should be repudiated. Therefore, they postulated that “political life in free and independent Poland must be based on democratic principles of legitimacy and pluralism, the very opposite of which is the monopoly held by one particular circle of people or restrict freedom of the society by the self-proclaimed elites” [Nowoczesna, Solidarna, Bezpieczna Polska... 2011: 7]. Therefore, the key to cure the situation would be, in the first place, to respect the principle of equality before the law and the protection of freedom and the enforcement of citizens’ rights [Nowoczesna, Solidarna, Bezpieczna Polska... 2011: 7].

In the circles of Law and Justice, the above-described “myth” of exclusivism was recognized as the dominating in the Third Republic of Poland justification of putting

many areas of public life beyond democratic control and subjecting major decisions made by representative bodies to certain censorship wielded by anonymous technocracy not answerable to anyone. Furthermore, the said myth served as a justification of enormous – not justified by either a level of competence or the amount of effort made – pay-gap between a sparse elite and “the rest”, with the latter being a valid sovereign [*Nowoczesna, Solidarna, Bezpieczna Polska...* 2011: 57].

The significance of accusations towards the elites stemmed also from the belief – present in Law and Justice – about the anti-statist mentality of elites, which was supposed to imply treating state authorities instrumentally in order to get rich. It also meant the lack of respect for the state and inequality between all the citizens [Sanecka-Tyczyńska 2011b: 53].

The critical opinions issued against Polish elites were mainly related to the latter’s predispositions to “get subjugated to external influences on the level of identity”. As the election program *Zdrowie. Praca. Rodzina...* [2014: 17] stated:

(...) It assumes various forms, including the most conspicuous one – almost ostentatious – and that is the one putting into question the values of Polishness and confronting them with Europeanism. Such an attitude often goes hand in hand with the uncritical readiness, disinterested or not, to accept the postulates flowing from without but interfering with Polish internal affairs. This sort of attitude, encountered not only among elites, scholars and journalists, is defined as post-colonialism due to its analogy to the beliefs and behaviors of ruling groups in the colonies which were gaining independence but were still subjugated to metropolis and feeling distaste towards their citizens. Irrespective of the scientific correctness of the concept of “postcolonialism”, the fact that a part of the elite resigned from being loyal to the Polish state is definitely an outstanding feature of the system established after 1989.

In still some other manifesto, they added another indictment against the elites, to wit, that the roles of the elites reduce to following foreign trends and submissively “performing the directives issued by foreign authorities”, e.g. being situated within European Union structures or international economic elites constituting supranational economic organizations and financial markets. As suggested, in place of the above, Polish elites should aspire to influence politics and culture in line with Polish national interest so that Poland should not become a European province [*Nowoczesna, Solidarna, Bezpieczna Polska...* 2011: 61].

In the light of the above conclusion, it is to be stressed that Jarosław Kaczyński’s party was the one criticizing the existence of the specific social hierarchy or the elites themselves. It is because it was agreed that they are indispensable for democracy to continue as well as that they constitute a special part of the nation. Furthermore, it was believed that they were of some use to the nation as models to follow, whereas their major task was to carry out the public debate, which is after vital for democracy [Sanecka-Tyczyńska 2011a: 492].

The sort of “ungluing” of the elite off the people was strongly emphasized in the process of the election campaign in 2015. Even the very slogan of the convention of Law and Justice (which took place in January 2014), i.e. “Blżej ludzi” (“Closer to people”), or the declaration *Służyć ludziom. Słuchać Polaków* (*Serving People. Listening to Poles*) of the self-government adopted in 2014, were highly indicative of the direction the party was heading – stressing the significance of the people and listening both to its voice and to the voice of political elites as the representatives of the former [*PiS bliżej ludzi. Polska jest jedna* (*PiS closer to people. There is one Poland*) 2014]. The peak of the process took place during the election campaign proper dating back to 2015. It was then that the constant leitmotif of the speeches made by the representatives of Law and Justice was to underline the fact of “listening to people”, to their problems, etc. It was already during the convention in June 2015, when Beata Szydło was officially presented as a candidate for a Prime Minister, that the above-mentioned thread was explicitly mentioned. During the speech of then future Miss Prime Minister, there were statements made that stressed the significance of keeping in touch with Poles and the need to learn their problems (for details, see: Table 1).

Table 1. The selected statements derived from the speeches made by Beata Szydło during the Convention of Law and Justice dating back to 20 June 2015

No.	The statements stressing the importance of the conversation with Poles
1.	“We were listening to it and believe us: we could hear what you were telling to us”.
2.	“I will listen to the youth and to the elderly, to the poor and to the rich”.
3.	“Duda’s team won because we were talking to people and we were listening to them. This is what Poland needs”.
4.	“Poles do not have an elementary sense of justice in their own country. Poles must feel that they are important for their state”.
5.	“We will come to you to have a conversation. We will be there where is a discussion about Poland going on. I do not want one thing to be said and the other to be done for the sake of election campaign. The time of celebrity politicians is over. Now it’s time for craftsmen politicians who will listen to Poles with humility”.

Source: Authors’ own study on the basis of <http://niezalezna.pl/68196-nazywam-sie-szydlo-beata-szydlo-i-bede-sluchac-ludzi-poznalismy-program-nowego-rzadu> (access: 28.06.2018).

This listening to Poles aroused positively charged emotions. As noted by Olgierd Annusewicz [2016: 84], “everybody wants to be listened to”. At the same time, such a promise implied that Poles have not been listened to so far. The elements that made the fulfillment of this promise credible was “Dudabus” and later “Szydłobus”, by which the candidates of Law and Justice, respectively, the one running for presidency (Andrzej Duda) and the one being a candidate for a Prime Minister (Beata Szydło) could reach even the smallest towns in the so-called “Polska powiatowa” (Poland at the level of *powiat*), the towns being deprived of any access to common railway communication, and sometimes even to bus communication, and inhabited by “ordinary people” isolated from city-dwelling elites. During her journeys, Beata

Szydło reminded her audience of the fact that the PO–PSL coalition government defeated the initiative of carrying out referenda and thus sent a signal that the ruling coalition did not want to listen to society [Annusewicz 2016: 84].

This raised thread of the lack of efficiency on the part of the people, its negligible significance and unrealized sovereignty being the result of the dysfunctions of the system of the Third Republic of Poland should be interpreted in a broader context. As suggested by Joanna Sanecka-Tyczyńska [2011a: 63], in the opinion of Law and Justice, the weaknesses of the Third Republic of Poland, including the weakness of the then political elite, was explained by the low level of influence exerted by the citizens on the functioning of the state, which, in turn, was a consequence of the strategy – adopted after 1989 – of modernizing the Polish state “somehow counter to society and without its participation”.

Stressing the realization of the will of Poles took place also after the elections, which, for example, held true in the case of extinguishing the duty (the duty not being supported by the society) to start attending school at the age of six, which was justified by the willingness to take into account the voice of parents, who know the needs of their respective children best [Łukasik-Gębska 2016: 55]. In a similar vein, Law and Justice argued for lowering retirement age for Poles. This move was described by then Prime Minister as giving back to Poles the right of choice: “Lowering retirement age back to 60 years old for women and 65 for men, we bring back to Poles a dignified choice” [DK 2017].

As we established earlier, the concept of the people may assume the form of a relatively homogeneous community, e.g. a national one or it may be conceptualized as a heterogeneous community of harmed, excluded “ordinary people”. In the political thought of Law and Justice, over years, what was getting manifested was the domination of the first of the above-suggested approaches; and yet, there were also hints of the other one present therein too.

The fundamental concept related to the term *the people* is nation, conceived of as an independent of others and autonomous community of culture, of language, of the same values, political tradition or history [Zdrowie. Praca. Rodzina... 2014: 9; Migalski 2018: 217–219]. However, nation was also regarded as a synonym of society [Sanecka-Tyczyńska 2011a: 490], which allowed for grasping the former as the broadest social group forming the basis of democratic political communities.

Therefore, on the one hand, in the political thought of Law and Justice, nation is regarded as homogeneous, as a “unifying” category based on common values, as opposed to civil society thought of as a diversified community [Sanecka-Tyczyńska 2011a: 490–492]. On the other hand, the important element of the conception of the nation scrutinized here was kind of idiosyncratic “folksiness”, which, following Lech Rubisz [2000: 67], should be labelled as the one derived from the idea of a national community, which simultaneously refers back the tradition of solidarity and to the Catholic social teaching and embraces in its scope different social groups which were stricken with poverty and deficiencies, which was particularly stressed in the

election campaign in 2005 [*IV Rzeczpospolita. Sprawiedliwość dla Wszystkich... (Fourth Republic of Poland. Justice for All...)* 2005].

Conceiving of nation as the people was also manifested in populist postulates of “bringing the state to the Nation”, which was supposed to practically mean an efficient state apparatus functioning for the sake of citizens [Sanecka-Tyczyńska 2011a: 491–492] as well as relating this sort of community of experience and values to the category of a real sovereign, which reached its peak in the election campaign in 2015 [Kad 2016].

What is important from the standpoint of our analysis is to note the vantage point suggested by Jarosław Kaczyński’s party, according to which what it takes for the establishment to realize its own interest is the weak (“soft”) state. This belief resulted from the negative evaluation of PO–PSL coalition government [*Zdrowie. Praca. Rodzina... 2014*]. The authors of the program of Law and Justice in this respect invoked the pronouncements of Donald Tusk, identified with the style of thinking demonstrated by then elites. In the said pronouncements – in Law and Justice’s opinion – there were the arguments against strengthening the controlling mechanisms of the state, even the ones realized by the institutions which are themselves subject to democratic control. Such an approach would imply that the elites centered around various professional corporations remained under a lesser control of the citizens, and separated from the society/nation (the sovereign) [*Zdrowie. Praca. Rodzina... 2014: 29–30*]. At the same time, however, “soft” state meant leaving the people to their own devices. As was argued:

(...) In the past six years of Donald Tusk’s cabinet, the state ceased to be responsible for important areas of social life; and its institutions, instead of serving citizens’ interest, to a considerable degree concentrate their efforts on the actions taken with the interest of those currently in power in mind. The state is “soft”, helpless or absent when it comes to some justified interest of an individual, family, society or nation. Still, the state can be aggressive, relentless and brutal when it comes to interests of influential people or the ones in power, and not always acting legally interest groups [*Nowoczesna, Solidarna, Bezpieczna Polska... 2011: 47*].

In purely practical terms, the above-mentioned withdrawal of the state supposedly meant the annulment or the restriction of the operations of public institutions established with the intention of fulfilling vital, and oftentimes even elementary, tasks towards the citizens. “Public authorities leave Poles to their own devices with the latter’s needs and problems unattended or the former doom them to resort to expensive services provided by the private sector, which fills the gap which emerged as a result of the withdrawal of public institutions” [*Zdrowie. Praca. Rodzina... 2014: 47*], which aggravates the unjust differences in access to these services, with the access depending on differential individual endowments. What served as examples of the areas in which the said process takes place is the following:

- the area of national education and of raising youth (liquidating many schools and libraries, resigning from the idea of uniformized curricula, high prices for school textbooks);
- the area of healthcare (liquidating hospitals and hospital wards as well as school doctor's office and dentist's office; privatizing the area of health care well-funded by NFZ,<sup>3</sup> limiting patients' admissions);
- the area of security of citizens and state (the weakness of Police and Armed Forces, the liquidation of military units, police stations and Border Patrol facilities);
- the area of transport and communication (reducing the number of public institutions and post offices as well as bus and railway connections);
- the area of culture (closing down and imposing limitations on funding cultural institutions, e.g. pedagogical libraries);
- judicial system (liquidating some district courts, closing down family divisions of courts, the chronic delays in court proceedings) [*Zdrowie. Praca. Rodzina...* 2014: 47–48].

The distinct area of the state influence, which according to Law and Justice functions poorly due to the erroneous policies on the part of elites, is economic policy. In this respect, as Agnieszka Latosińska [2016: 171–172] put it, “the entire program of Law and Justice related to the scheduled transformations presupposes the equality of chances and sustained development of all the social groups”. What was of special importance in this context was the program of Law in Justice from 2005. It was precisely this document that underlined the fact that the consequence of taking the wrong course during political transformation after 1989, but also of the political decisions made by then elites, which “instead of discontinuing the heritage of the People's Republic of Poland, being such a burden to the Polish state, rather embarked on the policy of continuing it”, was the emergence of the people who in the first years of the Third Republic of Poland suffered from a financial failure. On the other hand, it was the people from the previous regime, unjustifiably privileged from the very beginning, that became beneficiaries of this situation. Instead of all-embracing capitalism, the regime that emerged after 1989 was post-communist political capitalism [*IV Rzeczpospolita Sprawiedliwość dla Wszystkich...* 2005: 7]. The slogan, put forward by Law and Justice in 2005, of “commonly supportive state was directed at the citizens who felt harmed by the new economic system built after 1989. The assumption of the project of the Fourth Republic of Poland was that these citizens will take advantage of the opportunities offered by economic and civil progress” [Sanecka-Tyczyńska 2011b: 115]. The politicians of Law and Justice believed that it is necessary to change the economic policy, with the change being aimed at just and impartial development, which

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<sup>3</sup> The abbreviation stands for Narodowy Fundusz Zdrowia (National Health Fund), which is a close equivalent of National Health Service in Great Britain.



(...) will bring decent life to the nation, corresponding to the standards holding for big European countries. It was also believed that it will be not only a narrow group of the richest but also all the Poles put together that must avail themselves of the said economic growth. This is the demand of both the elementary responsibility for the nation and the state and of the sense of justice [IV Rzeczpospolita. Sprawiedliwość dla Wszystkich... 2005: 7, 11].

They also stated what follows:

(...) It cannot be the case that it is only a minor privileged group of citizens that participates in economic growth and in the increase in material wellbeing. The benefits stemming from the transformations must embrace also the less rich part of society. We maintain that public policy which prevents too large number of Poles from deriving benefits from the political transformation and from the economic growth of the country is deeply UNJUST [IV Rzeczpospolita. Sprawiedliwość dla Wszystkich... 2005: 114–115].

Law and Justice's reluctance towards so-far elites was in recent years focused on the PO–PSL coalition government, which in the terminology employed in election programs was labelled as “Tusk’s system”. The PO–PSL coalition government was dubbed as “disfigurement of the essence of democracy both with respect to the contents as well as to procedures and mechanisms characterizing this political regime” [Zdrowie. Praca. Rodzina... 2014: 44]. It was also added that “Tusk’s system” first of all precluded the possibility of positive changes in – among others – economy; and second of all, it was stressed that it is Law and Justice that is a proponent of new public policy which is expected by Poles and which is going to be founded upon clear values derived from “our tradition” and at the same time which will be “subservient to the public good” [Zdrowie. Praca. Rodzina... 2014: 44]. The important dimension of Law and Justice's populism was also constituted by its language depicting both elites and the people. To the concepts employed in the first decade of the 21<sup>st</sup> century such as *łże-elity*<sup>4</sup> or *wykształciuchy*,<sup>5</sup> they also contributed the already-mentioned concept of “Tusk’s system”. As noted by Sanecka-Tyczyńska [2011a: 135], as time went on, in Law and Justice's narration, the concept of the elites of the Third Republic of Poland was superseded by the concept of “the class reigning in the Third Republic of Poland”, under which they subsumed “well-situated people, representatives of business and science and a part of the ruling class”. Certainly, the above-stated elites were juxtaposed with “the people”, with the latter being associated with “ordinary Poles”, and “honest people” [Drelich 2009: 205], or recently, with – as they dub it – a sovereign [Kad 2016].

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<sup>4</sup> An untranslatable word play due to morphological inadequacies of English as compared to Polish. The word play is a close equivalent of “deceptive elites”.

<sup>5</sup> A pejorative term for the educated people.



## CONCLUSIONS

Summarizing, it should be stated that a characteristic constituent of the political thought of Law and Justice in which the idea of populism is materialized is explicit criticism of the elites of the Third Republic of Poland and confronting them with the notion of *the people*. In Law and Justice's opinion, between elites and the people there is genuine antagonism going on after 1989. Moreover, as far as the depicted conflict is concerned, the notion of *the people* is positively charged, while the one of *the elites* is negatively charged. However, what seems important is the caveat that Law and Justice undermines not as much the very institution of elites (because this party treats elites as natural for societies as such) as the particular case of contemporary democratic elites, which – as conceived of Law and Justice itself – did not discharge their duties, alienating themselves from the society and caring mostly about their own socio-economic interests [Gdula 2018: 76–77]. Stressing these very economic and social dimensions of the said antagonism is also an essential element of the conception cherished by Law and Justice. As suggested by Sanecka-Tyczyńska [2012: 244], Law and Justice is a proponent of understanding democracy within the current put forward by Giovanni Sartori, who apart from political and legal dimensions also took heed of a social and economic dimensions of democracy. In the context of our analysis, what seems important is the last dimension, which assumes redistribution of wealth and equalization of chances, conditions and possibilities of economic growth of the whole society.

In program-related agendas of Law and Justice, there appear some ideological references to the of sovereignty of the people. This party, which is also underlined by Paweł Przyłęcki [2012: 196], frequently proposes a postulate that it is the nation itself that should decide in key issues in a direct fashion. However, the party does so mostly at the moments and in the issues favorable to itself, particularly when it acts as a political opposition. Despite of that, stressing the importance of the will of the people and of subjectifying it (however, rather without specific systemic solutions) is to be, according to Law and Justice, a recipe for obviating deficiencies of Polish liberal democracy and preventing another possible alienation of elites.

Apart from the above-enumerated points, what should be added to the main elements of the critical characteristics of the elites, the characteristics being present in the political thought of Law and Justice, is also a non-democratic genesis of elites and an artificially created and mythical “super-expertise”.

Taking up the analysis of the issue specified in the title of the paper, we first and foremost fixed a particular methodological assumption. Adopting as a point of departure for our considerations the conception of the ideological morphology by Freedon and acting in accordance with the said conception, we assumed that ideologies are not fully distinct entities but rather interact with each other, oftentimes overlapping with one another and thus sharing some contiguous points. Therefore, our aim was not to prejudge that Law and Justice is an exclusively (or mainly) a populist party.

Rather, our purpose was to establish whether a narrowly understood (micro)ideology of populism plays a vital role in the thought of this party. According to our agenda, we proved that these relations are significant and populism might be regarded as one of the phenomena characterizing the message of the scrutinized party.

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