

# The Ball That Failed to Curve: The 2023 “Populist Polarizing” Referendum in Poland

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## Abstract

In October 2023, Poland’s illiberal right-wing government held a referendum modeled after the one held in Hungary one year earlier. Organized in conjunction with the parliamentary elections under the pretext of “saving costs,” the 2023 Polish referendum constitutes the most recent example of how populists can use direct democracy to mobilize their electorate. However, unlike Hungary’s experience a year earlier, this referendum highlights how “populist polarizing” referendums can become a double-edged sword. Building on previous work by Bartolini and Mair, and Enyedi, this article introduces a new type of referendum: the populist polarizing. Initiated by populist parties to amplify political divisions for partisan gain, this referendum-type frames choices in starkly oppositional terms, creating an “us vs. them” dynamic that intensifies polarization. We contrast this with the more known and studied “cleavage referendums.” In particular, using both primary and secondary data, we demonstrate how Poland’s populist government employed the referendum instrumentally. They posed thematically differentiated questions on issues such as relocating migrants within the EU, selling state assets, raising the retirement age, and removing a border barrier. By exploiting emotionally driven political divides, the government aimed to polarize the campaign and mobilize their voters in the lead-up to the general elections. Departing from the case-study literature, we present an innovative argument: opposition parties can counteract populist governments’ strategies and successfully defend democracy by encouraging a selective boycott—voting in elections while refusing to participate in the referendum. The Polish experience illustrates how populist polarizing referendums, initially aimed to increase polarization and undermine democracy, can paradoxically be used to reverse democratic backsliding and safeguard liberal democracy. The Polish case shows that populist polarizing referendums are not infallible. While populist forces typically exploit polarization, referendums can also become a tool for the opposition. However, for the strategy to be effective, the opposition must take a constructive and strategic approach.

## Keywords

boycott; cleavages; Poland; populist polarization; referendum

## 1. Introduction

As instruments of direct democracy, referendums are intended to reflect the will of citizens on public issues. Sometimes they help resolve more ordinary matters, such as the education system, retirement age, sustainable energy, or taxation. Other times, they are used to ratify previously adopted decisions pertaining to constitutions, international treaties, or EU accession. Moreover, they may pose questions on other issues, such as independence, abortion, or immigration—that are based on deeply rooted socio-political divisions. These are what we call “cleavage referendums,” typically grounded in traditional Lipset-Rokkan (1967) cleavages, such as center vs. periphery, state vs. church, and urban vs. rural. The 2016 Brexit referendum in the UK is perhaps the most notable example of a cleavage referendum. It exposed and reinforced long-standing socio-political, cultural, and geographical divisions that had been gradually intensifying over time (Gifford, 2021; Hobolt, 2016; Schnapper, 2021). Other examples include the 2018 abortion referendum in Ireland (Elkink et al., 2020), the 2014 Scottish independence referendum in the UK (Keating, 2015), the 1998 Northern Ireland Good Friday Agreement Referendum (Murphy, 2021), and the 1995 Quebec independence referendums in Canada (Dufour et al., 2020). In fact, all of these referendums, except for the abovementioned 2018 abortion referendum, which was based on a religious cleavage deeply rooted in Irish society (Marsh, 2023), responded to a long-standing center-periphery cleavage.

Building on Enyedi (2016), we introduce “populist polarizing” referendums, which are similar to cleavage referendums. Both referendums are equally conflictive, but unlike those based on genuine cleavages (see Bartolini & Mair, 1990), populist polarizing referendums are used by populists as strategic tools. Rather than reflecting deep societal rifts, they aim to exacerbate existing political divisions, reinforce divisive narratives, marginalize the opposition, and consolidate power. Examples include the 2016 Hungarian referendum on migrant quotas (Musiał-Karg, 2019), the 2017 Turkish constitutional referendum (Castaldo, 2018; Dinçşahin, 2012; Erçetin & Erdoğan, 2021), and the 2022 Hungarian referendum on LGBTQ+ rights (Bíró-Nagy, 2022). Initiated by populist parties to reinforce their rhetoric and mobilize voters, these referendums often push for further illiberal changes in the political system. They show how direct democracy, which populist parties seem to advocate (Gherghina & Pilet, 2021), can be employed to undermine the very foundations of democratic governance. By simplifying complex issues into binary choices, these referendums fail to capture the nuances of public opinion. Moreover, in none of these cases were referendums used to genuinely address deeply rooted cleavages.

Drawing on the concept of populist polarizing referendums and using a case-study approach (George & Bennett, 2005), this article puts forward and tests the following argument: Although these referendums are generally intended to undermine democratic institutions by intensifying political polarization, they can paradoxically strengthen democracy. This occurs when opposition parties unify their strategies and adopt a constructive approach to counteract these divisive efforts.

The October 2023 Polish referendum, held concurrently with parliamentary elections, is the latest example of how direct democracy can be employed by populist forces to amplify political polarization. Similar to

cleavage referendums, this referendum featured emotionally charged and divisive questions designed to mobilize their electorate and retain power. The questions addressed contentious issues, including whether Poland should accept migrants under an EU relocation plan, allow the sale of state assets to foreign entities, raise the retirement age, and remove the barrier along the border with Belarus (for more, see Section 3). Initiated by the then illiberal government, the 2023 Polish referendum mirrored Viktor Orbán's 2022 referendum strategy in Hungary. It clearly exacerbated the existing socio-political divisions in the country, highlighting the ongoing struggle between the right-wing populist parties and the pro-democratic opposition. For the right-wing parties, the referendum was a political tool to rally the ruling party's supporters while diverting attention from broader, pressing issues in the election, such as the cost of living, low wages, inadequate healthcare, and growing inequality. The opposition not only criticized the biased phrasing of the referendum questions but also called for a boycott of the referendum. They aimed to undermine the legitimacy of the referendum, restore democratic integrity, and stabilize Poland's relations with the EU. Ironically, this boycott strategy helped to mobilize anti-Law and Justice (PiS) voters. These voters, while participating in the parliamentary election, refused to participate in the referendum. The outcome of the strategy was unsurprising. Although the government's stance was supported on all referendum questions, the turnout (41 percent) fell short of the 50 percent threshold needed to make it legally binding. Moreover, while the ruling populist coalition secured the most votes (35.4 percent), the opposition parties were bolstered by a historically high turnout of 74.4 percent. This was the highest turnout ever recorded in Polish democratic history (see Figure A1 in the Supplementary File) and, more recently, also the highest in post-communist Europe (see Figure A2 in the Supplementary File). As a result, the opposition won 53.9 percent of the parliamentary seats, paving the way for the formation of a new pro-democratic government.

In light of growing concerns about the use of referendums by populist forces (Altman, 2017; Mudde, 2007; Topaloff, 2017) and building on the literature discussing cleavage referendums, this article uses a case-study approach to illustrate how political actors can misuse direct democratic tools. Such tools are often exploited to deepen existing political divisions between ruling and opposition parties in their attempt to retain power. Responding to recent discussions on how to face and combat the populist challenge (Casal Bértoa & Rama, 2021), the article also shows how opposition parties can resist falling into political traps set by populists in power, particularly in deeply polarized contexts. In other words, the main goal of this article is to address two central questions: (a) How did the populist government manipulate the 2023 referendum to try to win in parliamentary elections by exacerbating political divisions? And, (b) how did the opposition parties use the referendum boycott to remove the populists from power? The first question is examined in Section 3 whereas the second is discussed in Section 4.

The article is divided into five sections, apart from the Introduction and Conclusion: The first one reviews the literature on referendums, introducing a new concept of populist polarizing referendums and highlighting its differences and similarities with cleavage referendums. The second one explores the sociology of Polish politics, summarizing the evolution of the country's party system since 1989, with a particular focus on the post-2005 period. The next section uses historical turnout data to place the 2023 referendum in a comparative perspective. The fourth one analyses the various ways the government used the referendum as a political tool, manipulating it instrumentally and irregularly. Using regional data on turnout for both the referendum and the parliamentary elections, the fifth section shows how the pro-democratic opposition managed to oust the populist government from power. It also shows that populist polarizing referendums might become a double-edged sword. The article ends with a summary of the main findings.

## 2. Populist Polarizing Referendums and Cleavage Referendums

Referendums are often considered the purest form of democracy as they are believed to directly reflect the will of the people (Qvortrup, 2024). For this reason, populist parties show a strong preference for referendums, using them as a tool to communicate directly with the people they claim to exclusively represent (Gherghina & Pilet, 2021; Mudde & Rovira Kaltwasser, 2013). This holds true even when considering other factors, such as the institutionalization of the party system or the age of democracy. Support for referendums as a decision-making tool is higher in societies where populist attitudes are prevalent (Jacobs et al., 2018; Mohrenberg et al., 2021).

In recent years, concerns have emerged regarding the use of referendums by populist governments to address highly contentious issues and deepen existing divisions. In fact, little is known about how populist parties use referendums to exploit existing and emerging political divisions, increase polarization, and, consequently, mobilize their electorate. Populist parties also use this tactic to sway undecided voters by stirring their emotions. This gap in understanding is really surprising, given that such referendums can have significant consequences. They may lead to further democratic backsliding, as seen in Hungary, or they could galvanize the opposition, ultimately leading to the removal of populist leaders, as in the case of Poland.

Unfortunately, most of the literature has focused on analyzing how particular cleavages, such as class, religion, or ethnicity, have shaped the outcome of referendums in countries with minimal populist influence (Baum & Freire, 2001; Ceccarini & Bordignon, 2017; Dufour et al., 2020; Elkink et al., 2017, 2020). Alternatively, scholars have examined how populist parties benefit from referendums organized by mainstream forces (Ceccarini & Bordignon, 2017; Gifford, 2021). However, with very few exceptions (Gherghina et al., 2024; Kazai, 2022), scholars have largely ignored what is referred to as populist polarizing referendums. These referendums are characterized by “high polarization,” “an intense and aggressive competition between opposing blocs,” and populist strategies. Such strategies often include “the concomitant rejection of the division of power” and focus on defining who truly represents the “people” (Enyedi, 2016, pp. 216–217).

As with Enyedi (2016), a publication focusing on party systems, the application of the *populist polarizing* label to referendums might seem unusual. However, when referendums are initiated by parties employing populist strategies, they often turn into a choice between conflicting political options. These conflicts tend to generate significant ideological differences within the population, inevitably leading to polarization and potentially even democratic backsliding. This stands in clear contrast to cleavage referendums. While being equally divisive, cleavage referendums can serve as a tool for democratic deliberation. They typically engage citizens in meaningful debates about the future direction of society and its governance, as seen in Canada, Ireland, and Scotland. In contrast, populist polarizing referendums are less about resolving existing societal cleavages and more about manipulating public sentiment for political gain. Table 1 summarizes the main features of each type of referendum, showing their shared characteristics and critical differences between them.

Moreover, unlike cleavage referendums, which arise from sociological and ideological differences (Bartolini & Mair, 1990), populist polarizing referendums are based on different types of divisions. These divisions vary in their origin, nature, and depth (Needham, 2023; Scisłowska, 2023). Thus, departing from the “cleavage

**Table 1.** Populist polarizing and cleavage referendums: Differences and similarities.

Features	Populist polarizing referendums	Cleavage referendums
<i>Origin</i>	Top-down (by populist leaders)	Bottom-up (respond to the need to resolve/manage long-standing conflicts)
<i>Aim</i>	Consolidate power, undermine opposition, or legitimize controversial policies Oversimplify complex political issues into a binary choice between two options	Resolve long-standing social-political divides/conflicts
<i>Drivers</i>	Promoted by leaders/movements claiming to represent “ordinary” people” against elites/other social enemies	Pre-existing deep cleavages in society (e.g., class, religion, ethnicity, and regionalism)
<i>Rhetoric</i>	Always populist  Rely on emotional/identity appeals, mobilizing voters by emphasizing the “us vs. them” dynamic.	Populist rhetoric is possible but not necessary
<i>Timing</i>	Often opportunistic, called by political leaders as a strategy to: (a) mobilize their base, (b) marginalize the opposition, or (c) claim broad support for their political program	Tend to follow, usually, long political negotiations
<i>Consequences</i>	Increase political polarization and democratic backsliding  Deepen political divisions by focusing on issues that polarize the population along major fault lines	<ul style="list-style-type: none"> <li>• Resolve the conflict and stabilize the party system</li> <li>• Deepen the conflict by destabilizing the party system</li> <li>• In both cases, they do not endanger democracy</li> </ul>

formation” literature (Bartolini, 2005; Deegan-Krause, 2007), populist polarizing referendums highlight divisions that are primarily political. They combine normative (i.e., attitudinal) and behavioral (i.e., organizational), but not empirical (i.e., structural) elements, such as ethnicity, religion, and class.

Both types of referendum reduce political competition to a clear “us vs. them” dynamic, which helps to mobilize the electorate and further widen the gap between opposing sides (Guirola & Rivero, 2022). This often has a long-lasting impact on the political landscape. Depending on the result, the referendum either reinforces the existing structure of inter-party competition by making political divisions more salient, or it can lead to a complete realignment of political forces by shifting the focus of political competition.

An analysis of recent referendums initiated by right-wing populist governments in Hungary and Poland reveals that the ruling parties intended to use mechanisms similar to those of cleavage referendums. As this article shows, these referendums were designed to exploit deeply rooted political divides. By simplifying complex issues into binary choices, they split the electorate into two opposing camps, failing to capture the nuances of public opinion.

The Hungarian 2022 referendum, held concurrently with the parliamentary election, is perhaps the most illustrative and successful example. Initiated by the governing coalition of Fidesz and the Christian Democratic People's Party (KDNP), it was a response to the European Commission's infringement procedure over discrimination against social minorities. The anti-LGBTQ+ referendum was carefully designed not only to show EU countries that the new legislation had wide social support in Hungary but also to mobilize Fidesz voters at the time of the legislative elections (Bíró-Nagy, 2022). Mobilization was further enhanced through the partisan use of state resources. A lavishly financed campaign was carried out by the entire state apparatus, including all public media (Batory & Svensson, 2019; Kazai, 2022).

The referendum included four questions, all framed in a leading manner to support the government's narrative. These questions encouraged voters to reject the promotion of LGBTQ+ issues in child education and media (Enyedi, 2020). Although the referendum failed to become legally binding due to a large number of voters intentionally spoiling their ballots—invalid votes ranged from 20.9 and 21.4 percent, depending on the question—it still served the government's objectives. First, the government was able to claim that a large majority of Hungarians, between 92 and 96 percent, supported the legislation. Second, it successfully mobilized its electorate during the concurrent parliamentary elections. Voter turnout, driven by the combination of the referendum and the parliamentary elections, reached 69.2 percent, the highest ever recorded (see Figure A1 in the Supplementary File).

This referendum is a clear example of how populist forces, framing themselves as defenders of the “true” people or nation against external threats, such as immigration or globalization, and internal enemies like political and economic elites, or sexual minorities, can use direct democracy to their advantage. By exploiting existing ideological divides, they deepen political divisions in the process.

We also place the 2023 Polish referendum in this context, called by the populist government to stoke fear against immigrants, foreign agents, and economic elites in an already polarized society. The goal was to mobilize their own electorate, encourage the undecided to participate in the referendum, and secure a parliamentary majority. However, before we examine the details of the 2023 referendum, it is important to first explore the dynamics of inter-party competition in Poland, with particular attention to the way socio-political divisions have evolved over time.

### 3. The Polish Political Landscape: Cleavages and Political Divides

In the last 30 years, Poland's political landscape has been turbulent, marked by shifts in the underlying cleavages. After the fall of the Berlin Wall, the country adopted a proportional electoral system and a semi-presidential regime (Casal Bértoa, 2012; see also Grzybowska-Walecka et al., in press). This system evolved around two different types of cross-cutting cleavages: “economic and cultural/axiological, which includes religious and post-communist divisions” (Casal Bértoa, 2014, p. 27; Kitschelt et al., 1999; Markowski, 2010). As different scholars have shown (Jasiewicz, 2007; Szczerbiak, 2006), the combination of these two cleavages led to the formation of four distinct political camps: *liberal*, characterized by secular values and a pro-market stance; *conservative*, defined by religious values and a pro-market orientation; *agrarian*, rooted in religious values and a pro-state approach; and *social-democratic*, which embraced secular values and a pro-state agenda. Until 2001, these camps were represented by a multitude of parties, making the Polish party system resemble an “alphabet soup” of political options (Casal Bértoa & Guerra, 2018, p. 224).

Following the collapse of the left-wing government in 2005, the distinction between these four political camps became more pronounced. Civic Platform (PO) emerged as a leader of the liberal camp, while PiS represented the conservative camp. The Polish People's Party (PSL) became the dominant force in the agrarian camp, and the post-communist Democratic Left Alliance (SLD) headed the social-democratic camp. In addition, a new populist camp emerged. This camp combined Euroscepticism and nationalism with conservative and anti-communist values while maintaining strong support for state interventionism. The most prominent representatives of this populist camp were the agrarian Self-Defense of the Republic of Poland (SRP) and the ultra-conservative League of Polish Families (LPR). Alongside PiS, these two formed a coalition government between 2005 and 2007. However, both SRP and LPR collapsed after 2007, paving the way for a new coalition government formed by PO and PSL (Gwiazda, 2016). This coalition lasted until October 2015, when a strategic mistake by the SLD-led electoral coalition changed the political landscape. The coalition failed to register its electoral committee as a party, resulting in failing just 0.4 points short of achieving the 8 percent threshold. This allowed the PiS-led electoral coalition, which included the liberal-conservative Poland Together (PR) and the Catholic-nationalist Sovereign Poland (SP), to secure a parliamentary majority. PiS had transformed during its eight years in opposition, gradually shifting towards more socially conservative positions, and absorbed much of the populist, radical right-wing core from the collapsed SRP and LPR (Pytlas, 2021). When PiS returned to power, it did so with renewed force and determination.

In 2015–2023, the new PiS-PR-SP coalition, supported by a PiS-nominated president, actively sought to dismantle the political system known as the Third Republic. This system was established by the 1997 constitution, and approved by a parliament which was then dominated by liberal, agrarian, and social-democratic forces. At that time, the main conservative parties were not represented due to a strategic mistake, similar to the one made by SLD in 2015. The primary goal of the new coalition was to establish an Orbán's style of illiberal democracy (Pirro & Stanley, 2022) and create a so-called Fourth Republic. The so-called populist coalition government (Stanley, 2016) focused on enacting a comprehensive reform of the justice system, tightening control over the media and education systems, which inevitably led to confrontation with the EU (Bodnar & Ploszka, in press). The political shift led to an exponential increase in polarization (Horonziak, 2022; Tworzecki, 2019) and the emergence of "a new populist divide" (Stanley, 2018). On the one side, we had PiS and its allies, including PR, SP, and the far-right Confederation, whereas on the other stood the pro-democratic, pro-EU camp, formed by the remaining political forces: the liberal Civic Coalition (KO) between PO, Modern, and the Greens, the agrarian-conservative Third Way coalition of PSL and Poland 2050, and The Left coalition composed of the social-democratic New Left party and the radical-Left Together. This divide and polarization were further fueled by issues such as abortion, immigration, and the distribution of generous welfare benefits to certain social groups (Lindner et al., 2020).

This was Poland's critical situation leading up to the parliamentary election in October 2023. Opposition parties were eager to unite against the governing parties and restore liberal democracy, as they had done in the 2020 presidential elections. Aware of the challenges in retaining power, as no Polish government has ever been re-elected more than once (Casal Bértoa & Enyedi, 2022), PiS decided to copy Orbán's 2022 strategy. Consequently, PiS announced a nationwide referendum to coincide with the legislative elections. The referendum aimed to (a) exploit the new political divide, (b) intensify polarization, and (c) help mobilize their electorate for the parliamentary elections. The following section includes the study of this highly instrumental referendum.

#### 4. The 2023 Referendum in Comparative Perspective

Poland has not had an exceptionally positive experience with nationwide referendums. Since the transition to democracy in 1989, only six referendums have been held, with an average turnout of 35.9 percent. Out of these, only one reached the necessary 50 percent turnout threshold to be considered binding (see Figure A1 in the Supplementary File). This was the 2003 referendum on Poland's accession to the EU, which saw 58.9 percent turnout. It is important to note that, despite a low turnout of 42.9 percent in the 1997 constitutional referendum, the Polish Constitutional Court ruled the referendum binding. The Court based its decision on the 1992 "small" constitution, considered to take precedence over the 1995 Referendum Act that introduced the 50 percent threshold (Musiał-Karg, 2008).

This stands in clear contrast to the "enfranchisement" and "privatization" referendums, both held in 1996, which only reached a turnout of 32.4 percent. Even lower, and setting a record not just in Poland but in post-WWII Europe, was the 2015 referendum with a turnout of 7.8 percent (see Figure A1 in the Supplementary File). The referendum was called by President Bronisław Komorowski (affiliated with the centrist PO) after he came second in the first round of the 2015 presidential election. The referendum posed three issues: (a) the adoption of single-mandate electoral districts, (b) the abolition of direct public funding for political parties, and (c) the introduction of the "*in dubio pro taxpayer*" principle. By adopting some of the most popular postulates of the third presidential candidate, populist rocker Paweł Kukiz, president Komorowski hoped to attract part of Kukiz's supporters in the run-off and consequently defeat Andrzej Duda (PiS' candidate). However, Duda finally won the election (Hartliński, 2015). The 2015 referendum was the first instance of the instrumental use of direct democracy in Poland (Musiał-Karg, 2017).

The 2023 referendum managed to attract only 40.9 percent of the electorate. While this represents a relatively higher turnout compared to other referendums (as shown in Figure A1 in the Supplementary File), it highlights the broader apathy among Polish voters. This voter indifference can be attributed to several factors such as the absence of a strong referendum tradition as Poland just held two referendums during the inter-war period and two more during the Communist regime. Other facts include low public interest in politics, widespread skepticism about the significance of individual votes, and the perception that referendums are often exploited by politicians to serve their own interests (Marczewska-Rytko, 2018; Musiał-Karg, 2017).

Following the Hungarian example, the Polish government utilized the prerogative included in Article 90 of the 2003 Referendum Act. On August 17, 2023, the Polish government passed a resolution in parliament to hold a nationwide referendum alongside the parliamentary elections scheduled on October 15 by President Andrzej Duda just days earlier. The resolution was passed with 234 MPs, mostly from the populist camp, voting in favor. While 210 MPs, mainly from the opposition, voted against it, and seven MPs abstained from voting.

While the official reason to hold the referendum concurrently with the parliamentary elections was to reduce costs, it was evident that the true motive was strategic. The government aimed to boost electoral support and secure a parliamentary majority for the third consecutive term. By replicating Orbán's referendum strategy from the previous year, the Polish government expanded on the tactic by posing four questions to the public, each addressing a different topic. The exact wording of the questions was as follows:



1. Do you support the sell-off of state assets to foreign companies, leading to a loss of control by Polish women and men over strategic sectors of the economy?
2. Do you support an increase in retirement age and the reinstatement of the increased retirement age to 67 for men and women?
3. Do you support the removal of the barrier on the border between the Republic of Poland and the Republic of Belarus?
4. Do you support the admission of thousands of illegal immigrants from the Middle East and Africa, in accordance with the relocation mechanism imposed by the European bureaucracy?

The first referendum question was part of PiS's broader strategy to frame the parliamentary elections as a choice between a government protecting Polish sovereignty and an opposition that endangered it. By tapping into nationalist sentiment, the main goal was to appeal to conservative voters and discredit the "liberal" opposition.

The second question was strategically crafted to draw a sharp contrast between the government and the opposition. In 2015, PiS lowered the retirement age by two years, reversing the policy introduced by the main opposition party (i.e., PO). PO, led by Donald Tusk, a former prime minister of Poland and past president of the European Council, had initiated an increase in the retirement age in 2012, raising it from 60 to 67 for women and from 65 to 67 for men. By reviving this issue, which resonates strongly with older and working-class citizens, the government aimed to remind voters of Tusk's perceived disconnect from the interests of ordinary poles and weaken his credibility as the leader of the opposition.

The last two questions were about immigration, a very sensitive topic in Poland, especially after the huge influx of Ukrainian refugees following Russia's invasion. These questions were also linked to the ongoing Polish-Belarusian border crisis, which started in 2021 and involved Belarus using migrants from North Africa and the Middle East to destabilize Poland and other countries in the region (Bodnar & Grzelak, 2023; Grzywaczewski, 2021). Additionally, they touched on Poland's conflict with the EU over the EU migrant relocation system. These questions were designed to appeal to PiS core voters, known for their conservatism, nationalism, and monoculturalism. By prioritizing national identity and security, the government wanted to remind voters of Donald Tusk's role, as president of the European Council, in EU-level decisions regarding immigration during the 2015 "Syrian crisis." Furthermore, the strategy sought to attract more nationalist voters from the far-right Confederation party, which had emphasized anti-immigration as a key part of its electoral campaign.

These referendum questions were part of a strategic effort by the populist government to exploit sensitive and divisive issues, such as national identity, welfare, and security. The goal was to position itself as the defender of Polishness against pressures from the EU and external threats from Russia and Islam, while discrediting the opposition in general, and its leader Donald Tusk in particular. A review of videos posted on Facebook announcing the referendum questions shows the use of fear-based tactics. PiS leaders claimed that "Germans want Tusk in Poland to sell off state assets" and accused opposition politicians of endangering Poland by allowing illegal migrants. They warned of "rapes, murders, terror zones, and property destruction," allegedly linked to immigration in Western Europe, using dramatic visuals to amplify these fears. Additionally, PiS argued that "Poland could become Putin's next target," and urged voters to prioritize security by supporting the government's stance.

## 5. The 2023 Referendum: An Evaluation

This section examines how the government used the referendum instrumentally and irregularly to advance its political objectives. It also explores how opposition parties used the referendum boycott as a counterstrategy to undermine populist power. This analysis highlights the crucial role of the referendum in the wider struggle between populist and opposition forces and offers insights into its function as a tool for political maneuvering.

The decision to hold the referendum was controversial from the outset. Opposition parties objected to the idea of having the referendum in parallel with parliamentary elections. They accused the government of exploiting what should otherwise be a democratic tool for particularistic, electoral gains. Opposition parties expressed serious concerns supported by experts in electoral law and election campaign financing (see Musiał-Karg & Casal Bértoa, 2024; Musiałek, 2023; Urbaniak, 2023). The opposition stance was also supported by numerous NGOs and international organizations, such as the Batory Foundation, the Political Accountability Foundation, and the European Platform for Democratic Elections. These organizations questioned not only the appropriateness of the referendum but also its legality and the integrity of the whole process. Moreover, the Office for Democratic Institutions and Human Rights (ODIHR, 2023) mission expressed concerns in its preliminary findings. These included: (a) the highly confrontational style of the campaign, (b) lack of financial transparency, particularly regarding third-party involvement and state-owned companies bypassing spending limits, (c) the overlap between the ruling party's campaign and government information campaigns, and (d) breach of ballot secrecy due to overcrowding and inadequate voting booths. These issues, especially those related to the concurrent nature of the voting, clearly violated several key principles of the Code of Good Practice on Referendums (Venice Commission, 2022). These principles include fairness, transparency, and the separation of state and party interests. Below, this article examines some of the key concerns.

### 5.1. *Vacatio Legis*

The government hastily drafted the referendum bill in parliament, failing to comply with several important statutory requirements. First, it did not comply with many legal provisions. Second, it bypassed the usual stages of the regular legislative process. Third, no consultations were held with experts on the matter. Additionally, the government violated the *vacatio legis* rule, which mandates a 14-day period between the publication of a law and its enforcement. The law, adopted on July 7, 2023, went into effect the very next day.

Moreover, the government disregarded international standards, which stipulate that, to prevent the instrumental use of elections and ensure fair electoral competition, changes to electoral legislation should not be made less than six months before the actual vote (Urbaniak, 2023). The Polish Constitutional Court had repeatedly upheld this standard, extending the recommended “legislative silence” period to at least one year before elections (Musiał-Karg & Kapsa, 2021; Venice Commission, 2022).

### 5.2. *Wording of the Questions*

The wording of the questions was deliberately biased to influence voters' opinions. The first question targeted foreign influence, the second aimed to discredit the opposition leader, and the third and fourth focused on

immigration and the EU. All four questions were framed to stir social fear and exacerbate political division and polarization.

An analysis of the terminology used in the referendum questions, such as “selling-off national assets,” “loss of control,” “border,” “border barrier,” “Belarus,” “refugees,” “forced resettlement,” “illegal immigration,” and “European bureaucracy,” reveals the deployment of various rhetorical mechanisms designed to elicit particular reactions from voters. These mechanisms include evoking fears of losing sovereignty, highlighting external threats, raising concerns about national security, and portraying opponents in a negative light. The use of fear-inducing language and the construction of a threat narrative are hallmarks of populist strategies (Mudde & Rovira Kaltwasser, 2018). They were designed to polarize emotions and mobilize voters. By provoking fear and invoking the urgent need to “defend” the nation, these strategies fostered suspicion about the consequences of an unfavorable outcome. Overall, the language reflected a populist discourse (McDonnell & Ondelli, 2024), appealing to nationalist and security concerns. It established a clear division between “the people” and perceived threats, whether external like migrants, or internal such as elites (Wojczewski, 2020).

### **5.3. Issue Salience**

According to Article 125.1 of the 1997 Constitution, nationwide referendums may be held on matters of “special importance for the state.” While the Constitution does not list what qualifies as such, legal experts have traditionally maintained that these issues should refer to constitutional provisions, political systems, or extremely controversial social matters (Wiszwaty, 2015). Additionally, a referendum should always address issues that are part of the public debate. At the time the referendum was called, however, these issues were largely absent from the public discourse, raising doubts about whether the referendum truly met the standard of “special importance.”

### **5.4. Secret Voting**

Given that the voting in both parliamentary elections and the referendum was held at the same polling stations, it was impossible to guarantee the secrecy of voting for those who participated in the parliamentary elections but refused to vote in the referendum (Horbaczewski, 2023). This issue was further exacerbated by the requirement for electoral officers to mark the voter roll with the names of citizens who chose to boycott the referendum (ODIHR, 2023; Urbaniak, 2023).

### **5.5. Unlimited Campaign Finance**

The simultaneous campaigns—one for the parliamentary elections and another for the referendum—led to a clash between two distinct funding models: the more restrictive 2011 Electoral Code (KW) and the more liberal 1995 Referendum Act (Casal Bértoa et al., in press). This clash allowed for duplication of campaign funding, especially benefiting the governing parties, whose political agenda clearly aligned with the referendum objectives. It also enabled the ruling parties to tap into funding sources, such as state-owned enterprises. This funding, permitted under the 1995 Act but prohibited by the 2011 KW, certainly violated international standards. These included guidelines from the Venice Commission and the OSCE/ODIHR 2020 Guidelines of Political Party Regulation, which are designed to prevent the abuse of state resources and guarantee a level playing field in elections (ODIHR, 2023; Political Accountability Foundation, 2024).

### 5.6. *Doubtful Binding Effect*

The binding consequences of the referendum were also questionable. First, the Polish-Belarusian border issue had already been resolved: a barrier on the border was approved on October 29, 2021, and constructed between January 25 and June 30, 2022. Second, any decisions regarding immigration quotas could conflict with European regulations, which supersede national legislation. Third, the government had yet to clarify the nuances of the legislation required to address the remaining two issues, i.e., state assets and retirement age (Musiał-Karg & Casal Bértoa, 2024; Political Accountability Foundation, 2024).

In response to the concerns mentioned above, the opposition parties rallied together and called for a boycott of the referendum. They asked their supporters to refuse the collection of referendum ballots when voting in the parliamentary elections. This approach differed from that of the Hungarian opposition, which encouraged supporters to invalidate the referendum ballots rather than boycott them. The results in the two countries were consequently very different. While in both cases the referendum failed to meet the binding threshold, in Hungary, the opposition strategy did not prevent the electoral mobilization that Orbán had intended by holding the referendum at the same time as the parliamentary elections. Turnout for both the referendum and elections was around 69 percent, which benefited the ruling party. As a result, Fidesz and its coalition partner, KDNP, secured their fourth consecutive constitutional majority (Simon, 2022).

## 6. Populist Polarizing Referendums: A Double-Edged Sword

Building on the above comparison of opposition strategies in Poland and Hungary, this section delves into regional turnout data for both the referendum and parliamentary elections. It highlights how Poland's pro-democratic opposition successfully mobilized voters to counteract populist tactics and ultimately unseat the government. Furthermore, it examines the risks inherent in populist polarizing referendums, demonstrating how the latter can backfire and ultimately weaken populist movements.

Like in Hungary, the Polish government managed to show wide support for their policies among those voting in the referendum. On average, almost 96 percent of voters opposed selling off national assets to foreign companies, raising the retirement age, removing the border barrier between Poland and Belarus, and allowing illegal immigrants into the country. However, unlike Hungary in 2022, the Polish populists did not manage to mobilize enough of the electorate to secure a parliamentary majority. In fact, we can assume that all those who voted “no” in the referendum also supported the government in the parliamentary elections. This is evidenced by nearly identical support figures, namely 35.4 percent in the elections and 36.9 percent in the referendum. Thus, it becomes evident that the government's strategy to mobilize the electorate beyond its core base failed. Barely 36 percent of voters cast ballots in both the election and the referendum. In contrast, a large majority of opposition supporters boycotted the referendum. The fact that virtually all PiS voters participated in the referendum, while opposition voters boycotted it, illustrates the deep political divide in Polish politics.

An interesting pattern emerges when we compare electoral support figures for the governing PiS-led United Right (ZP) and the main opposition KO in the parliamentary elections with the turnout in the referendum per province (see Table 2). In general, support for ZP was higher in those regions where the turnout was highest, particularly in Podkarpackie, Lubelskie, Świętokrzyskie, Małopolskie, and Podlaskie. These five provinces,

**Table 2.** Votes in parliamentary elections (lower chamber) and turnout in the referendum by province.

Province	% of votes for the <i>Sejm</i>		≠ in % of votes (PiS as baseline)	Referendum turnout
	PiS	KO		
Podkarpackie	52.8	17	35.8	52.2
Lubelskie	47.7	19.1	28.6	49.1
Świętokrzyskie	47.1	20.9	26.2	48
Małopolskie	41.7	23.5	18.2	47
Podlaskie	42.4	20.8	21.6	46.2
Łódzkie	38.1	29.7	8.4	43.5
Mazowieckie	34.9	31.5	3.4	42.6
Śląskie	33.5	32.1	1.4	40
Wielkopolskie	30.1	33.6	-3.5	37.7
Kujawsko-Pomorskie	32.3	32.3	0	37.3
Dolnośląskie	30.6	36	-5.4	36.2
Warmińsko-Mazurskie	33.6	32.6	1	36
Opolskie	31.3	33.6	-2.3	35
Zachodniopomorskie	29.7	39.6	-9.9	34.3
Pomorskie	27.3	39.7	-12.4	33.9
Lubuskie	27.8	37.7	-9.9	33

Source: National Electoral Commission (2023).

traditionally considered PiS electoral strongholds, showed a significant lead for ZP over KO, with the gap ranging from 18.2 in Podlaskie to almost 36 percentage points in Podkarpackie.

Overall, ZP won in all provinces where electoral turnout was higher than 40 percent. Conversely, it lost in six of the eight provinces where turnout was below that threshold. These provinces, Lubuskie, Pomorskie, Zachodniopomorskie, Opolskie, Dolnośląskie, and Wielkopolskie, are located in the traditionally more liberal western part of Poland (Zarycki, 2015). In the centrally located province of Kujawsko-Pomorskie, ZP and KO were nearly tied. The only exception was in Warmińsko-Mazurskie, one of the poorest regions in the country, where PiS managed to defeat KO despite a rather low referendum turnout of just 36 percent.

The analysis demonstrates the extent to which referendums and parliamentary elections are often intrinsically linked, as widely acknowledged in the literature (Levine & Roberts, 1994; Rakowska, 2023; Setälä & Schiller, 2009). However, the 2023 Polish referendum shows that contrary to the initial expectations, populist polarizing referendums can function like cleavage referendums (e.g., Brexit) and act as a double-edged sword. The outcome largely depends on the strategy adopted by the opposition. In Poland, the opposition successfully united and leveraged the high level of polarization to mobilize their voters while encouraging them to refrain from participating in what was widely perceived as a completely instrumental and manipulative referendum. By doing so, opposition parties may prevent populists from retaining power and help reverse democratic backsliding.

The opposition successfully turned the referendum against the ruling party by adopting a highly informative campaign strategy aimed at raising public awareness. They informed voters on how they could participate in

the parliamentary elections while abstaining from the referendum. By empowering voters with the knowledge to engage selectively in the democratic process, the opposition positioned themselves as defenders of democracy. They stood against what they perceived as the ruling party's manipulation of inherently democratic tools for partisan political gain. In addition to promoting a boycott of the referendum, the opposition ran a positive campaign, advocating for democratic reforms and presenting a vision of a more pro-European, open, and socially cohesive Poland. These strategies were designed to attract undecided voters and energize an electorate disillusioned with current PiS policies. This approach proved successful, as it shifted the focus away from the PiS populist rhetoric and toward the more substantive issues in the parliamentary elections. Thanks to this cohesive messaging and the unification of opposition parties, their strategy resulted in a surge of support, culminating in the opposition's victory and the consequent shift in the balance of power in Poland. As a result, despite PiS receiving more votes than any other party, the opposition—comprising KO, the Third Way (TD), and the New Left (NL)—was able to form a parliamentary majority. This ultimately led to the establishment of a new pro-democratic government under Tusk's premiership.

This stands in stark contrast to the situation in Hungary, where the opposition's strategy of encouraging voters to invalidate Orbán's referendum backfired. Not only did it fail to increase turnout among its own supporters at the parliamentary elections, but it also did not prevent Fidesz from successfully mobilizing its electorate (Scheppele, 2022). The outcome was yet another populist victory that pushed the country even further toward autocratization.

## 7. Conclusions

The 2023 referendum marks a pivotal moment in Poland's contemporary history. Framed around emotionally charged and divisive issues, the referendum reflected the government's populist tactic aimed at strengthening its electoral position. By shaping the political discourse, the government sought to deflect attention from its governance shortcomings and stir up division within the opposition. Additionally, by intensifying polarization during the electoral campaign, the ruling party hoped not only to consolidate its supporters but also attract undecided voters in the concurrently held parliamentary elections. It is also important to note that referendums can serve as highly polarizing political tools. By presenting voters with a binary choice, referendums inherently reduce space for nuanced and moderate views, forcing the electorate into two opposing blocs: for vs. against.

What the government failed to anticipate was that the referendum strategy would backfire, despite the seemingly successful precedent set by Hungary's 2022 populist polarizing referendum. In Hungary, Orbán used the referendum on LGBTQ+ education to further polarize Hungarian society and drive his supporters to the polls. The key difference in Poland was the opposition's strategy. Opposition parties united and called for a boycott, effectively countering the populist narrative and undermining the legitimacy of the referendum. This outcome highlights a paradox: in highly populist, polarized contexts, democratic backsliding can be reversed not by engaging in direct democracy, but by refusing to participate in its instrumentalized form. Thus, the Polish example illustrates that by strategically demobilizing their own voters in response to the populist instrumentalization of direct democracy, opposition parties can resist populist tactics and restore liberal democracy.

Understanding the relationship between populism, cleavage politics, and referendums is essential, as populism often thrives on and exacerbates existing political divides. Populists use these divides to mobilize support and frame political discourse in ways that increase polarization. By introducing the concept of populist polarizing referendums, we aim to distinguish this category from cleavage referendums, highlighting their distinct origins, purposes, rhetoric, timing, and effects. We hope this contribution enhances the literature by offering a deeper understanding of how referendums are increasingly used in modern politics. It also promotes a more nuanced analysis of referendums as tools of political strategy and their implications for democratic governance.

Populist polarizing referendums are often deliberately used by populist actors to frame issues in ways that emphasize existing political conflicts and/or ideological divides. These direct democratic tools are typically initiated by populist actors to heighten polarization and mobilize a specific sector of the electorate. While this article shows that the increasing use of such referendums, seen in countries like Turkey and Hungary, can pose significant challenges to the healthy functioning of democracy, they can also, as in Poland, become instruments of democratic regeneration.

The Polish case shows that populist polarizing referendums are not infallible. Although populists often exploit polarization for their gain, opposition forces can also turn this dynamic to their advantage. The key lies in the opposition acting constructively, using unity as a tool to build rather than to divide. Ultimately, what populists intend as political “curveballs” can be effectively transformed into “sliders” by a well-organized and strategic opposition.

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The authors declare no conflict of interests.

### Data Availability

Supplementary material for this article is available online in the format provided by the authors (unedited).

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