

# Europeanization, Democratization, and Backsliding: Trajectories and Framings of Gender Equality Institutions in Poland

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This article investigates how democratic backsliding has affected Europeanizing gender equality institutions. It analyzes Polish public discourse on the Plenipotentiary for Equality, a policy agency that aims to promote gender equality and antidiscrimination. The article traces its framing and trajectories through European Union accession, until the ultraconservative and nationalist backlash in recent years. Post-2015, Polish governments have mainstreamed anti-gender equality rhetoric as a strategy to legitimize systemic changes and democratic backsliding. I demonstrate how discursive and institutional linkages between Europeanization, democratization, and gender equality allow not only progress, but can also lead to opportunity moments for democratic and equality backsliding.

## Introduction

Poland is a prominent case of democratic and anti-equality backsliding in Europe. Since 2015, the nationalist-Catholic party in government, Law and Justice (PiS), has pursued the agenda of consolidating political power by curtailing the judiciary and the independence of the administration; dismantling checks and balances, environmental standards, and civic freedoms; and violating women's and minority rights, triggering four European Court of Justice cases against Poland for breaches of European Union (EU) fundamental values (Karolewski 2021; Krizsán and Roggeband 2019). Poland is an example of party state capture, where the PiS managed to monopolize the political system in their own and their clients' favor (Karolewski 2021; Sata and Karolewski 2020).

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Extant research explored how de-democratization processes not only challenge democratic institutions, but also undo the progress and changes in the field of gender equality (Fomina and Kucharczyk 2016; Krizsán and Roggenband 2019, 5). As Marianna Szczygielska pointed out (2019, 124): “In this hostile environment the domain of gender equality is at the forefront of the process of de-democratization.” Analyses of democratic backsliding must look at the multiplicity of gendered and gendering contexts. The antidemocratic moves of the PiS government in Poland are accompanied by intentional backsliding in the field of gender equality, antidiscrimination, and anti-violence. These changes are transforming women’s policy agency structures and the EU-mandated gender institutional machinery. “Equality institutions are one of the most specific pillars of equality policies” (Krizsán 2012, 544). Such equality institutions have played an important role not just in implementing equality policies, but also in defining and transforming them—they are at the junction of identity politics, actual policy-making, and implementation (Krizsán 2012, 544). While both the design and the implementation of gender equality policies and women’s policy machineries have always faced opposition, it is vital to examine the links between current democratic backsliding and the dilution and decay of the architecture designed to promote gender equality (Verge and Lombardo 2019).

To analyze the de-democratization processes and the backsliding in gender equality in Poland, the article investigates the institutional trajectory of a specific women’s policy agency in the Europeanization context and the broader patterns of current democratic backsliding in the country. The article examines the following questions: to what extent do the trajectories of gender equality institutions follow wider patterns of de-democratization? How are they explained? How are Europeanizing gender equality policies framed and how do these (re)framings lead to backsliding?

The article analyzes Polish public debates on the Plenipotentiary for Equality, a women’s policy agency created to promote (gender) equality. I contend that the Plenipotentiary institution and especially its policy framings are illustrative of the overall implementation and/or backsliding of both gender equality policy and (de-)democratization. The analysis of discourses on the Plenipotentiary highlights how the linking of Europeanization, democratization, and gender equality reforms paved the way for their concurrent backsliding when PiS governments mainstreamed anti-gender equality rhetoric and Euroscepticism. The PiS has foregrounded this framing as part of a strategy aimed at legitimizing systemic de-democratizing changes, while also displacing and diluting the Plenipotentiary institution.

The article draws on and contributes to institutionalist and discursive literatures studying both Europeanization and the success and failure of gender equality architectures (e.g. Forest and Lombardo 2012; Krizsán and Popa 2010; Verge and Lombardo 2019) as well as research on state feminism and women’s policy agencies (e.g. McBride and Mazur 2010; Teghtsoonian and

Chappell 2008). By looking at the critical frames of the gender equality machinery since the 2010s, the article explores the complex position of an East-Central European state in the processes of Europeanization and soft norm diffusion. Following the evolution of the Plenipotentiary office and its framings allows an assessment of success and failure in the implementation of gender equality machinery, women's rights, and antidiscrimination institutions, and how they tie into the current processes of democratic backsliding.

The article begins with a discussion of Europeanization in the Polish post-transformation political context and its relevance to gender equality institutions. Subsequently, it discusses the combined typology of institutional change (Mahoney and Thelen and 2009; Waylen 2014) with the model of policy backsliding proposed by Krizsán and Roggeband (2018, 2019). It also outlines the feminist institutionalist approach used to trace the policy trajectory of the Plenipotentiary office and the critical frame methodology applied to analyze the policy frames regarding the Plenipotentiary in the years 2010–2020. Next, I conduct critical frame analysis of collected documents concerning the Plenipotentiary. In the last section, I discuss the specific framings of the Plenipotentiary agency concerning current gender equality and democratic backsliding. The concluding discussion contributes to the debates on the nexus among Europeanization, gender equality, and democratic backsliding.

## Europeanization, Democratization, and Gender Equality

Feminist political research demonstrated the role of the EU in the “Europeanization of gender equality” (Forest and Lombardo 2012) and debated the impact of EU soft norms through nonbinding instruments on processes of social learning and socialization (Beveridge 2012; Forest and Lombardo 2012; Krizsán and Popa 2010). Following the collapse of the state socialist system, East-Central European countries started the process of European integration. In the 2000s, Polish feminist scholar Agnieszka Graff commented that, according to the expectations of pro-EU politicians and scholars, “Poland was supposed to civilize, modernize, and then pad itself a nest in the united, liberal, and equal Europe” (Graff 2011, 5). EU enlargement was to be “the most successful democracy promotion policy ever implemented by an external actor” (Vachudova 2014, 122).

Europeanization was an important part of the political process of democratization and a reference point for the political elites in Poland and the wider region. In a very narrow understanding, it meant the processes of legal adaptation and legislative implementation leading up to EU accession. East-Central European states that were to accede to the EU were obligated to harmonize

their domestic legal frameworks with the *acquis communautaire* of the European community. The harmonization included their acceptance of policy solutions that were already “defined and consolidated in the EU policy process” (Radaelli 2003, 30). However, the process of Europeanization was not limited to accepting EU laws and mechanisms. As with many instruments and processes in EU integration, Europeanization does not really have a set definition, but Radaelli’s (2003, 3) extensive description provides a good clarification of key processes as:

(i) construction, (ii) diffusion, and (iii) institutionalization of formal and informal rules, procedures, policy paradigms, styles, “ways of doing things” and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures, and public policies.

However, Mikulova (2014) claimed that the disputed concept of Europeanization posed an inherent hurdle. Due to its complexity, it tends to involve a myriad of agents, instruments, and mechanisms. It can be operationalized as both process and outcome, making it ambiguous (Mikulova 2014, 166). Feminist scholars have theorized discursive approaches to Europeanization to show this complexity and the pluralism of outcomes (Beveridge 2012; Jacquot, Ledoux, and Pallier 2012; cf. Forest and Lombardo 2012).

Following this logic, gender equality is one of the marks of Europeanization (Liebert 2016) and it is also central to democracy (IPSP 2016). However, during the “democratization” processes and EU accession negotiations, the acceptance of legal provisions on gender equality and gender mainstreaming did not involve much discussion. In Poland, it included a targeted revision of legislation to encompass the gender equality perspective. The legal changes were treated as a kind of “tax”—a form of a “toll” at the city gates that the country was obliged to pay to accede to the EU and receive funds. According to this understanding, gender equality was a part of the European “package”—a “forced fit” as one analyst called it (Weiner 2009, 307). Furthermore, Marta Rawłuszko (2019, 3) argued that the way Europeanization was implemented in Poland was elitist and technocratic, creating a significant democratic deficit that later unintentionally allowed anti-gender actors to frame EU-mandated gender equality norms as “bureaucratic impositions.”

The recognition and implementation of standards of gender equality included in EU recommendations were problematic. While the EU *acquis* was duly translated, adopted, and transposed into domestic law, and seemingly implemented, the “soft” values that were expected to diffuse in society did not. Values surrounding gender equality, equal chances, and

antidiscrimination were not incorporated and did not infuse Polish politics. The lack of “follow-through” and the inefficiency of the social learning model have been discussed in the scholarly literature (O’Dwyer and Schwartz 2010; Slootmaeckers and O’Dwyer 2018), revealing that top-down, elite-driven Europeanization processes of EU conditionality had little impact on attitudinal change. Promoting gender equality in an undemocratic manner did not lead to changes in social environments, rather it yielded opposition to the new institutional norms (Rawłuszko 2019). The discourses on gender equality and gender mainstreaming were presented as distinctly European solutions to regime change (Krizsán and Popa 2010). As observers later noted, however:

after the EU’s Eastern enlargement of 2004, it became clear that some of the reforms in the former candidate countries resembled a Potemkin village: behind the gleaming façade presented to outsiders—notably visitors from Brussels—often lingered a grimmer reality (Mikulova 2014, 163).

Europeanization studies have initially focused on “compliance-convergence” to EU laws and norms and then moved to more “pluralistic” and comprehensive approaches that considered social learning and diffusion of policy paradigms (Forest and Lombardo 2012). The “Europeanization-via-enlargement” approach focused on the conditionality of EU accession and formal transposition of EU law, relying on social learning and “soft norm” diffusion to come nearly organically afterward (Slootmaeckers and O’Dwyer 2018, 408). Recent engagements with Europeanization have called for a more cautious and critical approach “to the role of the EU within the process [of Europeanization] as it might not be the source of good it is often imagined to be” (Slootmaeckers and O’Dwyer 2018, 422). Arguably, the EU should not necessarily be a “teacher of norms,” but rather Europeanization should be conceptualized as a normative political and societal struggle (Slootmaeckers and O’Dwyer 2018, 422). The subsequent analysis adopts this critical stance as, arguably, the case of Poland and the position of Plenipotentiary are a litmus test illustrating this poignantly.

According to Grabowska (2014), the changes that occurred in Polish politics regarding equal treatment have been slow and unsatisfactory. Similarly, research on equality in the European context has recognized a good transposition record in the new East-Central European Member States prior to the accession, which was, however, combined with persistent problems of application and enforcement (Falkner, Treib, and Holzleithner 2008; Krizsán and Papp 2005; Sissenich 2007).

In Poland, Europeanization entailed a revision of laws, including gender equality provisions. Gender-based discrimination had to be specifically outlawed and there was the expectation of a new position responsible for equality at the ministerial/governmental level. The most important of the legislative

changes effected by the EU occurred in the Polish Labor Code between 2002 and 2010 (Grabowska 2014). The Labor Code was amended several times to adapt it to the requirements of EU equality-related directives. The amendments introduced and clarified the definitions of discrimination (direct and indirect), and the definition of sexual harassment.

The second important piece of antidiscrimination law was introduced after 2004 during the process of adjusting Polish law to the EU *acquis* (Grabowska 2014). The “Act on the implementation of some regulations of the European Union regarding equal treatment” entered into force on January 1, 2011. The new law became the basis for the work of the Government Plenipotentiary for Equal Treatment after 2011. It also specified the practices for counteracting discrimination on the accounts of gender, race, ethnic origin, nationality, religion, denomination, worldview, disability, age, and sexual orientation.

However, extant research has shown that in Poland “there is no strong competitor to gender among other inequality categories” (Krizsán and Zentai 2012, 188), as a result of the much earlier institutionalization of the office as a women’s policy agency in the state socialist times. Therefore, the Plenipotentiary office was both newly created in response to EU pressures in the 2000s, but also embedded in the earlier institutionalizations and path dependencies of Polish politics. For this reason, I argue that combining a feminist institutionalist approach in analyzing the trajectories of the Plenipotentiary office provides a socio-institutional background for the policy frames under investigation in the second part of the article.

## A Feminist Institutional Approach to Backsliding

Drawing on the theoretical insights of feminist institutionalism allows for the analysis of various phenomena within political systems, specifically the gendered interplay of formal institutions such as women’s policy agencies and informal institutions and discourses. The discursive approach to institutionalism analyzes how “ideas and discourses construct and shape the very ‘exercise of power’” (Schmidt 2008, 321), providing conceptual insights for the policy frames under analysis. Grzymala-Busse (2010) has claimed that in the post-transformation contexts of East-Central Europe, informal institutions can replace, undermine, support, or strengthen formal institutions, the robustness of the latter notwithstanding.

Insights from feminist institutionalism show how different forms of institutional change lead to complex and contradictory outcomes in terms of often-unintended institutional power dynamics (Waylen 2014). Accordingly, institutional change can occur in the form of displacement, when new institutions are created either to replace or compete with old ones (Waylen 2014, 217). Layering, the second type of institutional change, happens when new rules are introduced alongside or on top of old ones (Waylen 2014, 217). On

the other hand, institutional drift in new directions occurs “because of shifts in the environment so that the institutions have new meaning” (Waylen 2014, 217). Lastly, conversion happens when actors work within a system that they cannot change but they adapt its ambiguities to their advantage (Waylen 2014, 217).

While feminist institutionalist analyses have shown that gender equality structures can be diluted or abolished without concomitant democratic backsliding of the political system (Teghtsoonian and Chappell 2008), I suggest combining the four types of institutional change elaborated by Waylen (2014) with the typology proposed by Krizsán and Roggeband (2018, 2019) to analyze the backsliding in gender equality policy as a de-democratization mechanism. They have identified four aspects of gender policy backsliding: (i) gender policy decay (dismantling and reframing); (ii) undermining the implementation of gender policies; (iii) erosion of consultation mechanisms between government and civil society; and (iv) discursive de-legitimization of gender equality policies, specifically via the anti-gender ideology narrative. Waylen’s (2014) typology allows for the classification of types of institutional change over time, while Krizsán and Roggeband’s (2018, 2019) typology sheds light on the content of the changes occurring. The combined typologies allow me to concentrate on the linkages, institutional and discursive change over time, and the de-democratizing effects in the Polish context.

## Material and Methods of Analysis

I undertake two related but separate types of analysis in this article. First, I conduct process tracing of the institutional trajectories of the Plenipotentiary agency using extant secondary literature complemented by Polish government website data. The aim is to provide a careful description and analysis that explores interrelated processes of institutional change in the long-term. Next, I conduct a critical frame analysis of the public discourse on the Plenipotentiary since 2010, when the agency was officially legislated by the parliament. I assess the dominance of policy frames also by considering whether they are governmental or oppositional frames. I conduct critical frame analysis to examine how political actors have maneuvered within discursive limits to shape issues in ways that advance their specific political projects (cf. Verloo 2001, 2005). Policy frames are “organizing principle(s) that transform fragmentary or incidental information into structured and meaningful policy problem(s), in which solution(s) are implicitly or explicitly excluded” (Verloo 2005, 20). Critical frame analysis calls for a reflection on both the discourses within which actors operate and the active deployment of concepts and categories for political purposes (Verloo 2005; Verloo and Lombardo 2007). As Krizsán and Roggeband (2019) argue, it is particularly useful to operationalize questions about the framings of policy decay.

A framing methodology shows the ways in which the framing of a concept affects how policy-makers and legislators think about an issue (Forest and Lombardo 2012). I look at the position of the gender equality office in Poland through a critical frame lens focusing on the nexus between diagnosis and prognosis (Verloo and Lombardo 2007). Specifically, I explore the question: what is the problem that the gender equality institution (the Plenipotentiary) was supposed to solve? Looking at the period 2010–2020, I examine the change in the framing of both the prognosis (Plenipotentiary/gender equality policy) and the diagnosis (what is the problem?). The analysis is informed by Woll and Jacquot’s 2010 notion of “usages” of Europe (cognitive, strategic, and legitimizing), showing how domestic actors reappropriate and redefine “European ideas, norms, opportunities, constraints, and rules . . . to advance their own agenda” (Jacquot, Ledoux, and Pallier 2012, 76).

The research material comprises 117 individually collected documents for the period 2010–2020. I collected the documents between 2018 and 2020 and included all texts that referred to the Plenipotentiary: parliamentary plenary and committee debate transcripts ( $n = 12$ ), Plenipotentiary website posts or reports from the government website ( $n = 49$ ), public speeches, and media comments on the Plenipotentiary by politicians and civil society ( $n = 56$ ). The critical frame analysis relies on the interpretative reading of these documents and reports, as well as on a review of media coverage (available online) of governmental actions, collected by word searching anything having to do with the Plenipotentiary office. The focus is on statements of politicians and state officials. The empirical material also includes parliamentary committee and plenary debates regarding the office of the Plenipotentiary for the period under analysis (collected from the official website of the Polish parliament, sejm.gov.pl, which is freely accessible online and includes digitized archives). The number of collected documents suggests that the Plenipotentiary office was not a highly debated issue and discussions in the media only occurred in case of scandals or controversies pertaining to individual Plenipotentiaries.

By focusing on the office of the Plenipotentiary for Equality from a longitudinal perspective, I analyze a specific policy outcome of Europeanization. Subsequently, I examine the quality and the framing of this gender equality institution (cf. Beveridge 2012; Forest and Lombardo 2012; Jacquot, Ledoux, and Pallier 2012; Krizsán and Popa 2010). The following sections explore the trajectories of institutionalization of the specific office for gender equality, the Plenipotentiary, its critical frames, and the ongoing backsliding in Poland.

## The Fluctuating Trajectory of an Equality Institution: “Plenipotentiary for Equality” in Poland

The Plenipotentiary office epitomizes the women’s policy agencies and equality machineries under analysis and their role in advancing women’s



rights and interests in state policies (McBride and Mazur 2010; Outshoorn and Kantola 2007; Squires 2007). Extant literature on women's policy agencies and equality bodies clusters around two main approaches: state feminism (e.g. McBride and Mazur 2010; Outshoorn and Kantola 2007) and antidiscrimination policy enforcement (cf. Krizsán 2012; Krizsán, Skjeie, and Squires 2012). From a comparative perspective, the fates of these "equality architectures" (Krizsán 2012, 541) have fluctuated everywhere, but they remain significant in terms of the policy changes that have been achieved. European equality regimes after the 2000s have been moving from addressing different inequalities separately towards "an integrated approach to multiple inequalities" (Krizsán, Skjeie, and Squires 2012, 1), amalgamating gender- and women-focused equality institutions into broader antidiscrimination bodies.

The history of the controversial and politicized equality architecture in Poland exposes the trajectories of implementation of gender equality provisions (cf. Krizsán 2012; Krizsán and Zentai 2012). I explore the types of institutional change of the Plenipotentiary office since its inception: displacement, drift, layering, and conversion (cf. Mahoney and Thelen 2009). I analyze how these categories of institutional change have potential for both progress and backsliding in terms of gender equality (cf. Waylen 2014). While conversion and layering are "more likely gender equality strategies," displacement and drift are expected to be unlikely effective gender justice strategies (Waylen 2014, 218–19). Arguably, these phases cannot be unequivocally categorized as either democratizing/Europeanizing or backsliding—throughout its life the Plenipotentiary institution was vulnerable to political cycles and experienced both progress and regress in term of its activity (cf. Krizsán and Zentai 2012), displaying institutional displacement, layering, drift, and conversion at various times and with varying intensity. The Plenipotentiary agency experienced three major critical junctures that affected its path dependency: the regime change after 1989, EU accession in 2004, and the election of the right-wing PiS government in 2015.

Prior to EU accession, in the democratization phase, the Polish governments of the 1990s established consecutive state secretary positions within ministries (either labor or social affairs) that were residual to the Plenipotentiary for Women that operated in the last years of state socialism (1986–1989) (Klejdysz 2016; Krizsán 2012). Until 2011, the position of the Plenipotentiary was not a formally legislated and established body in the Polish political system. Plenipotentiaries were appointed by parliamentary resolutions (nonlegislative acts) or by direct prime minister nominations, without formal legislative foundation (Klejdysz 2016). From its beginning, eleven women and three men held the post (two men between 2016 and 2020, under the consecutive PiS governments; for the years 2001–present, see table 1).

Nominally, the agency underwent titular changes—from Plenipotentiary for Women and Family (1991–1992) to Plenipotentiary for Family only (1997–2001), disappearing on several occasions depending on the political

**Table 1.** The list of Plenipotentiaries since the re-establishment of the agency as an EU-mandated requirement

Plenipotentiary name	Term in office	Party affiliation
Izabela Jaruga-Nowacka	December 2001 to August 2004	Labour United (UP) <sup>a</sup>
Magdalena Środa	August 2004 to November 2005	Nonaffiliated <sup>b</sup>
Elżbieta Radziszewska	March 2008 to November 2011	Civic Platform (PO)
Agnieszka Kozłowska-Rajewicz	November 2011 to June 2014	Civic Platform (PO)
Małgorzata Fuszara	August 2014 to November 2015	Nonaffiliated <sup>c</sup>
Wojciech Kaczmarczyk	January 2016 to September 2016	Nonaffiliated <sup>d</sup>
Adam Lipiński	October 2016 to March 2020	PiS
Anna Schmidt-Rodziewicz	March 2020–current	PiS

<sup>a</sup> Unia Pracy was a minor social-democratic political party in Poland. It was a member of the Party of European Socialists. Jaruga-Nowacka was the plenipotentiary for equal treatment for the Social Democratic government majority.

<sup>b</sup> Środa was the Plenipotentiary for the Social Democratic government.

<sup>c</sup> Fuszara was the Plenipotentiary for the Civic Platform center-right government.

<sup>d</sup> Kaczmarczyk was the Plenipotentiary for the Law and Justice right-wing government.

commitments of the elected parliaments (1989–1991, 1992–1995; see [table 2](#)). The democratization period of the 1990s, therefore, already demonstrated several instances of policy decay in the form of dismantlement and reframing. Institutional change came in the form of displacement (when the institution was scratched altogether or re-established) and layering, when new Plenipotentiaries came with their own institutional agendas either overtaking the meaning of the office or changing it completely.

The institutional innovation of transforming the Plenipotentiary office to include an antidiscrimination dimension in the 2010s led to institutional displacement, via the introduction of the agency under a new guise and layering in the gendered legacy of earlier institutional setups. In the pre-accession period, the prime minister recreated the Plenipotentiary office in 2001, displacing the original agency, as a fulfilment of the Copenhagen criteria requirements ([Klejdysz 2016](#)). Initially, it was called the *Government Plenipotentiary for the Equal Status of Women and Men*. The competences extended to include antidiscrimination (not only sex/gender based) in 2002. The existence of a government-level position for gender equality aimed at

**Table 2.** The institutional change of the office of the Plenipotentiary

Institution/agency name	Timeframe	Government in power	Types of institutional change
Plenipotentiary for Women Critical juncture: 1989	1986–1989	State socialist	Displacement
Plenipotentiary for Women and Family	1991–1992	(Center-)right	Displacement Layering
No office of Plenipotentiary for three consecutive (center-) right governments, 1992–1995			Displacement
Plenipotentiary for Family and Women	1995–1997	Center-left	Displacement Drift
Plenipotentiary for family	1997–2001	(Center-)right	Drift Layering
Plenipotentiary for the Equal Treatment of Women and Men	2001–2005	Center-left	Displacement Conversion
Critical juncture: 2004 (EU accession)			
No office of Plenipotentiary, 2005–2007, during the first PiS government			
Plenipotentiary for Equal Treatment	2008–2015	Center-right	Displacement Displacement Conversion
Critical juncture: 2015 (PiS electoral victory)			
Plenipotentiary for the Development of Civil Society and Equal Treatment	2016–2020	Right wing	Displacement Drift
Plenipotentiary for Equal treatment in the Ministry for Family, Labor, and Social Policy	2020–current	Right wing	Displacement

combating discrimination based on sex/gender, race, ethnicity, religion, sexual orientation, and beliefs was one of the conditions that candidate countries had to fulfil joining the EU.

Even though the Plenipotentiary for Equality was merely supposed to initiate and organize an Ombud office (a higher-level agency with more independence and stronger competences), the European Commission accepted the Polish government's efforts and considered the Copenhagen criteria fulfilled before accession. As a result, the later governments never created the Ombud office for gender equality, citing lack of funds as cause, so the work continued within the frame of the Plenipotentiary institution (Klejdysz 2016). The proximity to power in the institutional setup in this phase meant that the Plenipotentiary office could have potentially been successful in seeing gender equality concerns integrated in the governmental work. The Europeanization period was a "permissive" moment in the institutional trajectory of the Plenipotentiary and yet the institutional opportunity was levelled down to the minimum protection of "new inequalities" as permitted by the EU. This is an early instance of backsliding in the form of undermining the implementation of gender equality policy—the Plenipotentiary was never developed to its full expected institutional design.

After 2011, the Plenipotentiary for Equality was a government position at the level of the secretary of state in the chancellery of the prime minister. It was only partially designed according to the model of equality bodies promoted by the EU (cf. Kantola 2010). It combined the human rights-based model that engages in the preparation of opinions, reports, and policy recommendations based on research with the ombudsperson body aiming to promote equality and social goals (cf. Nousiainen 2008). The EU-promoted model of women's agencies was more influential in other East-Central European Member States because they did not have pre-existing equality bodies, unlike Poland (Koldinska 2009). At the same time, the 2010 law that formally created the agency left the Plenipotentiary office beholden to the executive, limiting its institutional independence and exposing it to political shifts. The institutional change in this period demonstrated institutional conversion, with actors keener on gender equality change trying to use the ambiguity of the existing norms and structures to their advantage despite their limited power. Between 2011 and 2015, the Plenipotentiaries connected to feminist activism or academia transformed the agency into a body more sympathetic to gender equality concerns, despite its limited policy and power remit.

Since inception, the Plenipotentiary position was controversial in the Polish parliament, and there were several attempts to restrict its workings, undermining the implementation. There were two petitions calling for the dismissal of Jaruga-Nowacka and Środa in 2002–2004, when they headed the office. In 2003, the right-wing opposition party proposed to rename and re-establish the position as the *Plenipotentiary for Family Matters*, but the

legislative proposal fell through in parliament. In 2005, the parliament voted down a comprehensive legislative proposal on the equal treatment of women and men that outlawed all forms of discrimination based on sex/gender, race, ethnicity, religion, beliefs, age, and sexual orientation and would have expanded the Plenipotentiary agency and its scope.

In this period, office of the Plenipotentiary for Equality, focused on researching and producing reports pertaining to antidiscrimination policy. The first two Plenipotentiaries also actively participated in civil society activities and supported non-governmental campaigns promoting feminist and lesbian, gay, bisexual, trans, queer (LGBTQ)+ causes. Magdalena Środa criticized the role of the Polish Catholic church in “promoting the culture of violence” and accused the church hierarchy of covering up the scale of the problem of domestic violence in the country as a result of its resistance to divorce. Polish right-wing and religious parties were not supportive of the Plenipotentiary position, constituting important veto players in the system, but the office and institution continued its workings throughout the 2000s.

In the history of the Plenipotentiary agency, right-wing actors and political parties in parliament were consistently institutional “insurrectionaries” (Mahoney and Thelen 2009, 23), trying to eliminate the existing institution when they were in government and undermining its workings when in opposition by discursive reframing. Following the 2005 elections, a right-dominated parliament came to power. It eliminated the Plenipotentiary agency for several years. Despite protests by civil society and the existence of the legal requirement for the position, the two subsequent PiS governments did not nominate anyone and the office disappeared, yet again demonstrating displacing change. The 2007-elected center-right Civic Platform (PO) government recreated the institution as the *Government Plenipotentiary for Equal Treatment* in 2008. It was held by two PO deputies and one feminist academic (Małgorzata Fuszara).

In 2012, Poland became immersed in a mobilization against “gender ideology.” The campaign took the form of attacks and virulent critiques ranging from high-level politicians, the Catholic establishment, and ultraconservative media throughout the local and national levels of administration and government (Gaweda 2017). While the then Prime Minister Donald Tusk remained conspicuously silent on the topic, the government Plenipotentiary for Equal Treatment, Agnieszka Kozłowska-Rajewicz, defended teachers who conducted gender equality programs at schools and safeguarded budget spent on gender mainstreaming. She issued official statements to the Polish anti-genderists and the Catholic Church aiming to explain the term “gender” and “gender studies”.

The anti-gender campaign led to a significant de-legitimization of gender equality, one of the four components of policy backsliding (Szczygielska 2019).

Following the 2015 elections, there was controversy whether the PiS government would discard the Plenipotentiary agency again. However, in early 2016, Prime Minister Beata Szydło nominated Wojciech Kaczmarczyk to the position and renamed it as *Government Plenipotentiary for Civil Society and Equal Treatment* (Polskie Radio 2016). In this context, the agency also devolved from specifically “gendered” topics to more nondescript civil society and equal opportunity ones, thereby completely displacing the institution.

The democratic backsliding phase beginning in 2015 proved to be a critical juncture in the institutional life of the Plenipotentiary position. PiS governments after 2015 rebranded the equality Plenipotentiary, losing the gender equality and antidiscrimination component. The office itself could not disappear because it had been legislated and was a requirement from the EU side. Therefore, PiS governments appropriated and displaced the institution by reframing its scope and moving the focus to a more “neutral” topic—producing institutional drift contrary to the originally intended scope. The government shifted the focus of the agency to civil society instead, thereby diluting its workings, showing how both institutional drift and displacement can occur together.

The first PiS Plenipotentiary, Wojciech Kaczmarczyk proved himself controversial—a subversive actor, who helped to displace the institution undermining its meaning from within. He was heavily criticized by women’s rights and antidiscrimination activists. In 2016, Kaczmarczyk defended discriminating practices in the access to services based on the idea of market freedom. A journalist asked Kaczmarczyk whether a hotel owner had the right to deny service to people of color. His answer was: “Even if I personally disagree, the law cannot ban or order anything . . . the over-regulation of the free market is always socially wrong” (Dryjańska 2016). During the Congress of Women in 2016, Kaczmarczyk, invited as a speaker, stated that “the glass ceiling exists only in women’s minds” (Gazeta.pl 2016). In an interview he later refused to authorize, Kaczmarczyk was quoted as having said: “Research on homophobia is unreliable; pharmacists can refuse to sell contraceptives; disabled people do not need to file a complaint about not having the rights stipulated in the UN Convention on the Rights of Persons with Disabilities” (Siedlecka 2016). During only eight months in office, the first PiS Plenipotentiary furthered the erosion of consultation mechanisms between the government and women’s rights advocates. Severing the consultative links also advanced the discursive de-legitimization of gender and especially antidiscrimination policy objectives.

In contrast, his successor, Adam Lipiński, was not very controversial, an “opportunist” actor (Mahoney and Thelen 2009, 26) who did not seek to undermine the institution he represented, but rather exploited the status quo provided by the PiS government. Indeed, he hardly worked on equality and antidiscrimination. According to the Plenipotentiary website, the agency

mostly focused on general civil society promotion and monitoring via tenders, meetings, lectures, and evaluation reports. Lipiński was low-key in the media. For instance, under the tab “antidiscrimination work for LGBTQ+ groups,” there was no activity since 2016. This period of the Plenipotentiary institution displayed policy decay and further institutional drift through inertia and lack of operations.

Inconspicuously, in January 2020, the PiS-dominated parliament changed the 2010 “Act on the implementation of some regulations of the European Union regarding equal treatment” that formally established the Plenipotentiary office ten years prior and moved the office from the government-level (state secretary) to the sub-ministerial level “within the relevant ministry dealing with family affairs” (Chrzczonowicz 2020). Most media outlets and the public did not notice the change (Chrzczonowicz 2020). In March 2020, without any publicity, the government transformed the office of the Plenipotentiary again. Adam Lipiński remained as the Plenipotentiary for the Development of Civil Society at the state secretary level, while the office for equal treatment was institutionally “demoted” to the Ministry for Family, Labor, and Social Policy. Anna Schmidt-Rodziewicz is the new Plenipotentiary for Equal Treatment at the time of writing (August 2020) (Rownetraktowanie.gov.pl 2020). Thus, in addition to other forms of backsliding, the PiS added a further level of policy decay, namely a partial dismantling of the Plenipotentiary office by marginalizing it.

As extant literature suggests, the tribulations of the Plenipotentiary office reflect the impact of factors such as institutional design, remit, agency administrative capacity (also location within the governmental bureaucracy structure), policy proposal power (agenda-setting), context of the political arena, as well as path dependency (cf. McBride and Mazur 2010). The institutional trajectory of the Plenipotentiary office has shown opportunity and “permissive” moments (in the democratization and Europeanization phases) as well as policy backsliding elements throughout its life. It proves that gender equality machineries do not exist as “free-floating blank slates” (Mackay 2014, 567), but that their workings are contingent, complex, and often contradictory. The Plenipotentiary institutional trajectory in Poland demonstrated how often the displacement of the institution in the form of re-establishing it as a new agency was followed by institutional drift because of the changes in the political environment. Furthermore, the analysis demonstrated that institutional change in the form of layering and conversion can also lead to less gender equal policy outcomes, given the presence of strong veto players in the political arena. To unpack the contradictions and complexities in the Plenipotentiary institutions, I next look at the discursive policy frames with the aim of understanding the dense socio-discursive context in which the above path dependencies occurred.

## Critical Frames of the Plenipotentiary for Equality (2010–2020)

In the research material under analysis, I identified the following policy frames with regards to the Plenipotentiary office: the Europeanizing requirement; gender equality and the antidiscrimination frame; institutional overgrowth; the “gender ideology” frame; and the outside imposition frame. The analysis of the frames follows the structure set out in the critical frame section above (cf. [Dombos Horváth and Krizsán 2007](#)). First, I contextualize the frame with regards to actors (who articulates it) and location (where it occurs); second, I provide an exploration of what is conceived as the problem that the Plenipotentiary solves; third, I discuss the specific formulation of the Plenipotentiary office as solution; fourth, I look at the normative claims within the frame. In the final section, I analyze how the frames changed over the period under analysis.

### The Plenipotentiary for Equality as a Europeanizing Requirement

This frame was a dominant governmental frame in the 2010–2015 period. Its hegemony stemmed from the privileged position of the mainstream PO governmental discourse at the time. The parliamentary debates on the antidiscrimination legislation in 2010–2011 explicitly defined the establishment of the Plenipotentiary position as an EU-mandated obligation. Deputies from center-right and center-left parties unequivocally used the statement “the purpose is to adopt EU legislation,” referring to EU law dogmatically. In the parliamentary debate transcripts of 2010–2011, PO deputies highlighted how the EU Commission had started a formal procedure against Poland for not implementing the EU *acquis* concerning gender equality and antidiscrimination. Also, the Plenipotentiary reports in the 2000s (Europeanization phase) explicitly referred to this. The main proponents of this frame were center-right, liberal, and center-left politicians and decision-makers, especially in the discussions leading up to the formal legislation of the Plenipotentiary for Equal Treatment in 2010.

This frame centered on the idea that the establishment and proper functioning of the Plenipotentiary office was an EU accession and membership requirement. It was a form of “club membership card” that proved Poland’s status in Europe. Thus, the Plenipotentiary institution solved the problem of “not being Europeanized enough.” It also very practically fulfilled EU Copenhagen criteria, so there was a utilitarian strategic aspect to its implementation. By association, gender equality and antidiscrimination aims were purposefully framed as a condition of membership, too. The idea of “Europe” was used cognitively and strategically in this frame, allowing for the definition and interpretation of the Plenipotentiary position as a necessity and to advance strategically its implementation.



Hence, the normative basis for this frame comprised legalistic arguments with references to the obligations stemming from EU membership. The frame was also underlined by more nebulous ideas of modernization, “catching up to Europe,” and outside expectations about the quality of democracy in the country. Europeanization was linked with progress and democratization.

### **The Plenipotentiary as a Guarantor of Gender Equality and Antidiscrimination**

This frame was a nonhegemonic continuing frame in the years 2010–2020. While in the period 2010–2015, some governmental forces expressed it too, after 2015, it became mainly an oppositional frame articulated by the same actors. The main articulators of this frame were centrist-liberal, and center-left politicians and decision-makers. After 2015, mainly women’s rights activists and civil society actors articulated this frame. The frame is found in media discussions (e.g. interviews given by the Plenipotentiaries in 2010–2015), usually when actors justified the need for maintaining the Plenipotentiary office as part of the wider gender equality framework.

This frame identified the problem to be solved by the Plenipotentiary office as the prerequisite to secure systemic and legislative protection of women’s and minority rights. It recognized the need to coordinate efforts to fight inequality and discrimination at governmental level. Nonetheless, it displayed a rather narrow and closed-list understanding of the antidiscrimination principle, namely only regarding the issues outlined in the 2010 “Act on the implementation of some regulations of the European Union regarding equal treatment.” It did not include or address the systemic and structural sources of discrimination. Wider social learning, societal attitudes, and behavioral change were not in the frame.

In this frame, the office of Plenipotentiary should be a guardian of gender equality and antidiscrimination. The normative claims within this frame focused on equal opportunities and fighting “multiple inequalities,” rather than intersectional ones (cf. [Krizsán, Skjeie, and Squires 2012](#)). There was a desire to improve women’s rights, linking this with democratization, social progress, and Europeanization.

### **The Plenipotentiary as Institutional Overgrowth**

This frame is a nonhegemonic frame, the articulation of which was present throughout the period of analysis. The frame also moved from being mainly an opposition frame (2010–2015) to one of the government frames after 2015. The proponents of this frame were, on the one hand, centrist-liberal advocates of “small government” and, on the other, right-wing parties who believed that Poland “traditionally respects women’s rights” and is the “most tolerant country in Europe,” so there should be no need for the “exponential growth” of institutions to regulate people. The frame also entailed a refusal to act in any

way perceived to be straying too far off from the minimum requirement (coming from law). I observed the frame in parliamentary debates and especially in (center-) right politicians' interviews in the media.

The frame is technical (technocratic) and presents itself as a rational approach to government. The diagnosed problem in this frame was the existence of too many governmental institutions aiming to regulate society and individual choices. Hence, the Plenipotentiary office should not have been "upgraded" to an Ombud or given more scope in the early 2010s. Similarly, when the PiS government "repurposed" the Plenipotentiary office in 2016, the spokesperson of the Prime Minister stated that "a separate, very elaborate institution in our situation is not needed," implying that the office was too big and costly for the material situation of the country.

Also PiS deputies from the parliamentary Finance Committee stated at that time that "it's easy to spend budget money, but at some point we need a dam and have to act according to logic" (TVN24.pl 2016). Normative claims within this frame centered on the idea that "we do not need that sort of bureaucracy" and drew on neoliberal ideas of deregulating and *laissez-faire*.

### The Plenipotentiary as a Facet of "Gender Ideology"

This frame was a nonhegemonic, oppositional frame in 2010–2015. However, after 2015, it gained prominence since the main anti-gender actors were in power. It was widespread in the statements of right-wing and ultra-Catholic political actors, who attacked the PO Plenipotentiaries in the years 2011–2015, especially when Plenipotentiary Kozłowska-Rajewicz took matronage over the Warsaw Pride march and an "Equality Textbook" in 2013. Throughout the period of analysis, the "gender ideology" frame was most visible in media comments and interviews by right-wing politicians.

The "anti-gender" frame regarding the Plenipotentiary identified the problem as the spread of the menacing "gender ideology." Along the lines of the narrative proposed by anti-gender mobilizations, gender equality, and women's and minority rights were framed as Trojan horses aimed at destroying the traditional, national, healthy, Polish family. Within this frame, the position of Plenipotentiary was "ideologized," or "infected with genderism" and therefore dangerous. This frame was used to undermine the position in 2015–2016, when the PiS government diluted the office by restructuring and partially dismantling it. The PiS government spokesperson at that time stated that "until now the plenipotentiaries focused absolutely only on the *ideological* sphere" (TVN24.pl 2016). The normative claims pertaining to his frame called for defending the traditional family, preventing the alleged sexualization of children, and the fight against "homolobbies" and "genderists."

### Gender Equality as an Outside Imposition

This frame was also an oppositional, nonhegemonic frame until 2015. The main articulators were PiS politicians and later PiS government officials in 2015–2020. This frame was present in PiS party manifestos (e.g. the one published before the 2019 elections) and called for “Eurorealism” that was supposed to mean opposition to “cultural violence” and political correctness that was “imposed” on Poles (PiS.org.pl 2019). This frame was a corollary of the first *Europeanizing requirement* frame. It also complemented the above *anti-gender* frame.

The problem diagnosed was a foreign imposition of values that were supposedly alien to Poland. The perception of EU requirements was no longer a benchmark to be reached, but rather a not-so desired or fitting obligation that should be moderated. The overall perception was that the contemporary understanding of (gender) equality values and thereby the position of Plenipotentiary was an institution standing for foreign “gender ideology”. The “usages” of Europe in this frame were strategic and legitimizing—a specific image of the EU was constructed to communicate and legitimize anti-democratic policy decisions. The normative claims within this frame adopted national(ist) arguments and “othering” tactics, arguing that what is “ours” (national, Polish) is good and European, whereas Western influences are compromising and decadent.

### Backsliding Changes: Institutional Drift and Policy Decay—Reframing, Dismantling, and Dilution

The analyzed frames did not all appear at the same time, with the same level of dominance (table 3). Their distribution and prevalence differed in the period under analysis. They also moved from being “governmental” to “oppositional” frames and back, depending on which parties were in power at a given time. I identified two clear stages in the time period under analysis: 2010–2015, when the first three frames were governmental frames and set out the debate about the Plenipotentiary (and gender equality policy by association); and the period 2015–2020, when the debate was reframed by ultraconservative actors leading to a dominance of the latter two frames described above (with recourse also to the frame of institutional overgrowth). This shows a devolution and regress conducive to policy backsliding and democratization.

The analysis of the trajectories of the Plenipotentiary institution combined with the critical frames shows that there are not only “permissive” institutional moments and discursive opportunities for pro-equality actors, but that the same discursive and institutional opportunity critical juncture moments can be used by hostile actors to undermine, reframe, and usurp equality machineries. The type of institutional change does not seem to preclude any gender equality outcome. Displacement of the Plenipotentiary institution often

**Table 3.** Summary of examined critical frames regarding the Plenipotentiary

	Europeizing requirement	Guarantor of gender equality and antidiscrimination	Institutional overgrowth	“Gender ideology” institution	Outside imposition
What is the problem?	EU membership—“joining a club”	Need to secure systemic protection of women’s and minority rights	Too many governmental and oversight institutions	Spread of the nefarious “gender ideology”	Gender equality is an imposition from outside
What is the solution?	Establishment of the office: having an “entrance card”	Plenipotentiary as guardian of gender equality and antidiscrimination principles	Keep the office as small and limited as possible	Institution is ideologized, therefore not needed	EU obligation that should be moderated; “Europe of sovereign fatherlands”
Actors	Center-right, liberal, and center-left politicians and policy-makers	Centrist-liberal and center left politicians and policymakers	(Center-)right	Right wing	Right wing
Where?	Parliamentary debates; Plenipotentiary reports; politicians’ statements in the media	Parliamentary debates; Plenipotentiary reports; civil society commentaries	Parliamentary debates; politicians’ interviews to media	Parliamentary debates; politicians’ interviews to media	PIS party manifestos; politicians’ interviews to media
Normative claims	“Catching up to Europe”, “we need	Desire to improve women’s rights,	“We don’t need that sort of bureaucracy”;	Defending “traditional families” and	Polish values presented as good and

*Continued*

	Europeanizing requirement	Guarantor of gender equality and antidiscrimination	Institutional overgrowth	“Gender ideology” institution	Outside imposition
	to adopt EU law”	linked with democratization, social progress, and Europeanization	citing costs	children	“foreign” —European values as evil
Time frame	Hegemonic and governmental (PO) frame 2010–2015	Nonhegemonic frame: 2010–2015 After 2015: nongovernmental actors	Nonhegemonic 2010–2020	Oppositional, nonhegemonic 2010–2015; governmental (PiS) since 2015	Oppositional 2010–2015; Hegemonic, governmental (PiS) since 2015
Link to democracy	Democratization and Europeanization narrative	Democratization and Europeanization narrative	De-democratization	De-democratization	De-democratization

combined with drift in the Polish case and strong insurrectionist veto actors led to policy decay, the reframing of gender equality and overall policy dismantling. The linking of Europeanization and democratization with the adoption and implementation of gender equality policy until 2015 was eventually supplanted by its reframing as more nefarious in conjunction with the Euroskepticism of the ruling PiS party since 2015.

In line with extant research, the analysis demonstrated how political the different “usages” of Europe are in national contexts (Jacquot, Ledoux, and Pallier 2012; Woll and Jacquot 2010). Polish politics and public discourses shifted from the initially dominating post-accession EU-enthusiasm to more religious conservatism and nationalism. As a result of the anti-gender mobilization, the term “gender” has been thrown in political debates as an offhand comment for something at once nefarious and ridiculous. Right-wing actors pinpointed equality policy as a sneaky way to get “gender” into the healthy fabric of Polish family and society.

This shift in dominant frames went hand in hand with the partial dismantling of the Plenipotentiary for Equality, which was rebranded as an office for the “development of civil society,” whereas its tasks pertaining to equal treatment were redistributed at a lower government level. Over the period of analysis, dominant frames redefined the policy focus from implementing gender equality policy to Europeanize, to reclaiming “sovereignty” vis-à-vis a foreign-imposed values regime. In the Polish case, the linking of gender equality policy with democratization and Europeanization and its implementation only at a formal, legislative level paved the way for policy dismantling and knee-jerk rejection of gender equality (cf. Rawłuszko 2019). The institutional framing was first “de-gendered,” by stressing civil society over the importance of the gender dimension. Subsequently, the Plenipotentiary institution changed to a specific conservative frame of equality, as the 2020 legislative amendment moves the office to a “relevant ministry for *family* affairs,” allowing for complete displacement and dilution of the institution. This strategic reframing led to the policy decay of the Plenipotentiary office and thereby democratic and policy backsliding.

## Conclusions

Subsequent governments and parliaments in Poland have demonstrated ambivalent positions in terms of their commitment to implementing gender equality policies. Despite *pro forma* and “on paper” democratization, Europeanization, and diffusion of gender mainstreaming, not much was done to entrench equality values institutionally or practically. Europeanization and concomitant gender equality reforms remained largely elite-driven and technocratic. The Plenipotentiary position was often seen as a token for the EU and a window-dressing addition to politics that showed how progressive the

governments were. However, the ambiguous political commitment in the implementation of gender equality policies cannot be covered up or made up for by the existence of even long-standing, gender-equality-focused governmental bodies, especially if these institutions undergo displacement and drift after every election because their institutional remit and scope depend on the government in power. The analysis has shown that both Europeanization and democratization are contested, struggling processes that yield opportunity moments to both progressive and veto actors.

In spite of their commitment and work up to 2015, the Plenipotentiaries never managed to go beyond the rigid political divisions of Polish post-transformation politics because they were restricted by the institutional design of the office as well as its historical path dependency, discursive, and socio-political contexts, as shown in both the institutional and framing analysis parts of the article. This paved the way for the current dismantling of the already weak institutional guarantors of antidiscrimination and equality, which took place in the context of an “anti-gender campaign” conducted both at societal level and within the new right-wing-dominated parliament, combining policy decay with undermining discursive elements of policy backsliding.

Following the parliamentary and presidential elections in 2019 and 2020, Polish political mainstream embarked on a reinvigorated discrimination campaign against “LGBT ideology,” leading to further backsliding in terms of the democratic principles of equality, antidiscrimination, tolerance, and justice. Overall, the analysis supports the findings in the literature that de-democratization compounds gender equality policy backsliding. More specifically, the analysis contributed to the debates on the fate of gender equality architectures and how they connect to democratic backsliding, with Europeanization as the connection, because in the Polish case the de-democratization is legitimized as backlash against the EU.

The article highlights the necessity for further research and discussion of the strategic reframing of Europeanization and the associated gender equality values as the problem that the current democratically backsliding governments are purporting to solve. The dismantling of the Plenipotentiary for Equality is part of the broader decay of the democratic institutions in Poland, but its trajectory can also elucidate broader de-democratization mechanisms. Importantly, it shows the contingency and context-dependence of the complex ways in which gender equality machineries succeed or fail. I have shown that it is also part and parcel of legitimizing backsliding changes by strategically reframing the connection between the EU and gender equality.

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