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RESEARCH ARTICLE

The Polish Government's Response to COVID-19 Protests: Restrictions and Contradictions in "Moments of Madness"

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ABSTRACT: The COVID-19 pandemic produced "moments of madness" (Zolberg 1972), a temporary feeling that everything has changed and all things are possible. While usually viewed as an opportunity for the masses to envision positive change, we argue that governments also feel "moments of madness", and in their crisis response, they may attempt to deepen their institutional power. As this is particularly troublesome in countries with authoritarian tendencies, we examined national laws and public statements of leading Polish members of government about street protest in 2020. The PiS-led government implemented European Union and WHO-recommended social distancing measures that curtailed constitutional freedoms of the right to peaceful assembly. They executed these measures via governmental decrees rather than primary legislative acts and thus normatively ruled out street protests. The government framed themselves as defenders of civil liberties and promoters of social solidarity and argued that the restrictions are essential for public safety. At the same time, they contradicted these frames by disparaging political opponents who engaged in street protests as immoral threats to public health. We highlight the tensions and trade-offs between public health and civil liberties and offer an extension and critique of the "moments of madness" thesis.

KEYWORDS: COVID-19, government response, moments of madness, Poland, protests

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1. Introduction

When there is a major societal crisis, people may perceive a new and expansive vista for social change that Zolberg (1972) calls the “moments of madness”. In this liminal space, societies can change radically because people suddenly feel a tantalizing possibility to act through protest (e.g. Tarrow 1993). Citizens may consider these “moments” as an opening in a relatively closed political opportunity structure (e.g., McAdam, McCarthy, and Zald 1996). Whereas scholarly focus on the “moments of madness” thesis has been on protests against the state, we argue that sentiments of radical possibility can extend to power holders – state officials can also feel a “moment of madness”. The government may view a crisis as full of exploitable possibilities (Young and Bologna 2016). For a government with illiberal tendencies that seeks to selectively manage civil society (Korolczuk 2022; Ślarzyński 2022), this perception has strong consequences for democracy; governments can seize on exploitable crises as a means to achieve their ends.

We argue that the Covid-19 crisis was a “moment of madness” (Zolberg 1972) for both society and government. Whereas the term “moments of madness” typically refers to the euphoric period during or immediately after a major social upheaval, e.g. war or revolution, and has been most often applied to the thoughts and behaviors of the “masses” (Tarrow 1993), in theory, it can apply to pandemics and government response to crisis. Moreover, whereas scholars typically think of a “moment of madness” as a step toward positive social change (e.g. Gutiérrez-Marín and Gutiérrez 2020), we argue that it may also lead to illicit institutional control over the citizens that extends beyond the crisis that precipitated it.

We ask: How do governments use the “moments of madness” to further their aims? To address our question and thesis, we empirically examine how the Polish government, as they constructed their initial COVID-19 pandemic response in 2020, dealt with street protests. At that time, the Polish government formed several political groupings that Solidarity Poland (Pol. *Solidarna Polska*), the Agreement (Pol. *Porozumienie*), and Law and Justice (Pol. *Prawo i Sprawiedliwość*, PiS) dominated. Representatives of PiS were in the majority and it was they who heavily influenced pandemic policy.

Poland is a useful case study to examine the “moments of madness” thesis. Under PiS rule, democracy in Poland began to erode (Bakke and Sitter 2022), which coincided with political battles over democracy and the rule of law (Radiukiewicz 2021). PiS’ attempt to regulate street protest and civil society occurred well before the pandemic. In 2016, the ruling majority passed the Act of December 13, 2016, amending the Law on Assemblies (Journal of Laws of the Republic of Poland 2016, item 925). The amendment introduced a categorization of assemblies into cyclical, ordinary, and spontaneous types, with preferential treatment given to cyclical assemblies (Bidziński 2019; Stępień-Zalucka 2020). Organizations that the government favored received preferential support (Bill 2022), a strategy that helped pro-governmental civil society organizations (Ślarzyński 2022). Thus, civil society was already a contested battleground when the World Health Organization (WHO) and the Polish government announced a pandemic on March 11, 2020. That spring was also presidential election season (Lipinski 2021; Styczyńska and Zubek 2022), and the Polish government had attempted to set electoral policies in motion that favored their incumbent (Tatarczyk and Wojtasik 2023). As civil society, including social movements and interest groups (Pospieszna and Vetulani-Cęgiel 2021), sought to find their footing in a new pandemic political environment, the Polish government was in a position to further influence the field.

The application of Zolberg’s concept to COVID-19 invites reflection into the classic public health trade-off between the common good and the limitation of civil liberties (Roberts and Reich 2002). As the citizenry looks

back on what was necessary and what was an illegal and unhelpful overreach, we cannot lose sight of the unprecedented, rapidly unfolding situation and the paramount need to save lives. At the same time, we, as social scientists, must also be critical of the moment and reveal what was done.

2. The “Moments of Madness” Thesis

Zolberg’s (1972) thesis, designed to help us understand social and political change, was the following. During an intense social and political situation, such as a revolution, there is a mass feeling that everything could change. Zolberg put his question in the first sentence of his article: “What are we to make of moments when human beings living in modern societies believe that ‘all is possible’?” (1972, 183). Zolberg calls them, “moments of madness”.

Zolberg’s thesis is based on a combination of philosophy, collective behavior, and social psychology and argues that crisis events are a temporary yet major disruption to normal patterns of social and political behavior that arise from a period of “boredom”. He does not define boredom, but from his article, we can surmise that it is a period of intellectual and ideological stagnation and a feeling that the authorities, or the situation, would not permit radical change. A new crisis alleviates the boredom and a collective sense of “madness” temporarily overtakes individuals and groups. People believe that the old order of things is no longer viable – that something was wrong with it – and a new order could be built. Madness occurs only during some periods and in special circumstances.

These “moments” are opportunities for individuals and groups to experiment with new ideas and forms of collective action, power structures, and ideologies. It allows people to see themselves anew, and thus it allows them to see society anew: “In short, that project, repeatedly achieved at least in part, consists in the immediate transformation of society through a drastic change of the conceptions human beings have of that society and of themselves” (Zolberg 1972, 203).

Zolberg’s “moments of madness” thesis has influenced political sociology and is the basis of what McAdam (2013) later called “cognitive liberation”. Cognitive liberation is the change in individual and collective consciousness in which people see the social system as vulnerable to challenge. As McAdam noted, it is a shift in belief from the idea that nothing can change to a conviction that everything can. Exactly as “moments of madness”, cognitive liberation is a strong mobilizer that arises from a new political context (McAdam 2013). As Tarrow (1993) pointed out, “moments” are part of the process of major political change. Whereas the expression of imagination is not bound by time and place, radical events make new impressions in the minds of people and collectives. Indeed, the notion of COVID-19 connects to peoples’ perceptions of other social and political issues (Pressman and Choi-Fitzpatrick 2021; Krings et al. 2021; Grant and Smith 2021; Zajak, Stjepandić, and Steinhilper 2020).

An advantage of Zolberg’s thesis over McAdam’s cognitive liberation is its ready application to observing and understanding how elites and governments think and behave. Cognitive liberation is mainly about how the masses protest when they perceive changes to the environment, and thus the natural methodological application of cognitive liberation is to survey and otherwise interview everyday people. Zolberg’s thesis is different. To build his argument – to ascertain the “atmosphere of the streets” – Zolberg (1972, 185) relied on the accounts of writers and journalists, some of whom recount what was written on pamphlets or what was said on the radio and in the cafes of Paris. Zolberg’s approach was methodologically eclectic. Yet, the benefit of Zolberg’s thesis being grounded in the statements of the elite conveys the idea that all facets of society, including the political elite, can be “cognitively liberated”.

3. Government Reactions to Crisis

Zolberg's moments are created out of crisis, and thus we connect, for the first time, the literature on government crisis to Zolberg's thesis. Indeed, the COVID-19 pandemic was an extraordinary event that academics described as a "state of exception" (Agamben 2020), "state of emergency" (Greene 2020), and "state of crisis" (Athique 2020; Strasser and Dege 2021). All of these approaches underscore the serious and overwhelming nature of the pandemic as a public health emergency.

When a crisis hits, governments face strong challenges in their attempt at crisis management (Lee 2009, 74). Governments deal with intense scrutiny as the public views the crisis in light of previous government actions and leadership. They may question government authority and magnify their attention on government bureaucracy. Crisis can foster a "rally 'round the flag" effect, though it is often short-lived (Johansson et al 2021; Collins 2004). Crises can engender revolutionary sentiments, especially when they expose persistent distrust for the government or politicians and the state's ability to control a massive unprecedented event (Lee 2009).

Crises can impact the government in various ways (Young and Bologna 2016). They can add regulations, laws, and bureaucracy, leading to an expansion of government size and scope that never returns to the pre-crisis level (Higgs 1985). Crises can also decrease the size and scope of government – when governments perceive that the policies they had enacted had led to the crisis, they may repeal or modify those policies (Pitlik and Wirth 2002; Drazen and Grilli 1990). In theory, crises may lead to or increase political polarization in the legislature and, perhaps, stall policy reforms (Mian, Sufi, and Trebbi 2014).

Elements of society may view crises, no matter how tragic, as an opportunity. Indeed, governments may define any situation as a crisis and act accordingly – in democracies, if they can muster enough public support, and in authoritarian governments, if they can convince the military and police forces to control the citizens. Crisis can even become a "technique of government" used to unsettle the status quo so that it can change policies and personnel. As such, crises may empower whom the government defines as experts that usher in technocratic solutions beyond the everyday ken of the citizenry and eventually lead to short-term, hierarchical decision-making on public policy to deal with the crisis (Lawrence 2014). The crisis may even lead to a change in government (Wrátil and Pastorella 2017).

The impact of the crisis on governments may also depend on the level of democracy, which is intimately tied to the quality of the legal system. States with weak systems are more likely to fall into prolonged economic crises (Young and Bologna 2016). Or, a weakened state may seize upon the "moments of madness" to reassert itself and claim new powers beyond the period of the crisis. As governments seek to exploit situations, logically, they are susceptible to the "moments of madness". From the governments-in-crisis literature, it follows from Zolberg (1972) that institutions such as governments can view radical possibilities in extreme circumstances.

During the COVID-19 pandemic, there was wide acceptance of governments using unconventional methods to combat the virus and save lives. Policymakers, seeking solutions under duress and with great haste, imposed seemingly necessary and justified lockdown measures. One scholar described the coalition ruling at that time in Poland as "cutting legal corners and instrumentalizing the COVID-19 crisis to aggrandize power further and undermine liberal democracy" (Guasti 2020, 54). In this novel environment, "citizens look for protection and guidance by their state leaders and accept exceptional measures of social control", and thus governments engaged in symbolic management of the COVID-19 crisis (Pleyers 2020, 1). Although during crises there are many social actors engaged in the discursive process of "a constant negotiation of frames and meanings"

(Coman et al. 2021, 5), the key players at this stage are the governments. Being responsible for crisis management, they also provide rhetorical legitimacy for their actions (Aelst and Blumler 2022; Lilleker et al. 2021; Musolff et al. 2022).

The outcomes of “moments” are not necessarily a new and better society. Indeed, although utopianism can give way to pessimism or dystopia, there can be enduring achievements that come out of it (Zolberg 1972, 205-206). Governments, as well as social movements, attempt to shape the narrative of crises, such as the pandemic, for their own ends. One government end is to limit the ability of social movement organizations to question government authority. By muting the voice of protestors, governments can shape the COVID-19 narrative. “Governments have portrayed themselves as the key players in the pandemic”, Pleyers (2020, 12) writes, and “they have massively invested media and public communication seeking to impose their narrative and defending their management of the crisis”. Restrictions on protest are a means for the government to limit voice and control the narrative about the opposition. Limiting protest may discourage government critique and enable authoritarianism to rise (e.g. Poland during the Communist era). This is especially dangerous in democratically backsliding nations, such as Poland in 2020.

4. Methods

To observe the Polish government's statements about protests and protesters during the pandemic, we reconstruct the explanations about the introduced measures provided by government officials (Schultz and Raupp 2010). We examined videos and text made by government ministers, government plenipotentiaries, deputy ministers, and undersecretaries of state from March to December 2020, and selected those that refer to restrictions on protests. In these ten months, the main sources were Parliamentary debates and press conferences published mainly on the official YouTube channel of Polish Prime Minister Mateusz Morawiecki.

We analyzed transcriptions of parliamentary debates from the official website of the Sejm (the lower house of Poland's parliament). To select relevant passages we conducted a systematic keyword search of statements by government representatives during the Sejm meetings from March to December 2020, searching for terms such as “protest” (Pol. protest), “demonstration” (Pol. demonstracja), and “assembly” (Pol. zgromadzenie) that were linked to the pandemic and the associated prohibitions. We included nine statements – speeches by the representative of the government from the tribune – from five Sejm meetings. In the analyzed materials, we also included a transcript of a debate during the meeting of the Standing Committee on Administration and Internal Affairs of the Sejm dedicated among others to the presentation of information of the Minister of the Interior and Administration Mariusz Kamiński (represented at the time by the Secretary of State Maciej Wąsik) on the actions taken by police officers during protests in connection with the pandemic restrictions, as well as, a response of the Minister to interpellation on the events during the Entrepreneurs' Strike in Warsaw on May 16, 2020, and his written announcement commenting on the Independence March in Warsaw on November 11, 2020.

We also examined video recordings of press conferences from 2020 about protest restrictions. During the period under review, we found five press conferences that discussed assemblies, transcribed the respective video segments, and incorporated them into the corpus of materials for our analysis. In addition, we included transcriptions of two public statements about the Constitutional Court ruling on the constitutionality of the abortion ban in October 2020: by PM Mateusz Morawiecki and PiS party chairman, Deputy Prime Minister Jarosław Kaczyński. Both concerned protests that were organized in opposition to the Constitutional Court ruling.

We analyzed government officials' statements via thematic analysis (Terry et al 2017). In this process, we identified and analyzed themes with a particular emphasis on the articulation of justifications and the strategies used to legitimize protest restrictions. We used ATLAS.ti – a software program supporting the analysis of qualitative data – to organize excerpts from the statements into the reasons for the restrictions. The officials talked about the perceived necessity of assembly restrictions and engaged in reflections on the government's role and position regarding these bans and the protests associated with them. The statements encompassed both the assembly bans themselves and the purpose of the demonstrations.

It can be said that the aforementioned politicians, being very high-level authorities and members of Poland's Council of Ministers, dominated the government's narrative on assemblies during the period of interest – the materials for analysis included mostly their statements, except for two: by Health Minister Adam Niedzielski and by Justice Minister Zbigniew Ziobro. Ziobro was the only representative in this group of the PiS coalition partner in the government (Solidarity Poland). We include a list of analyzed materials in the Appendix.

5. Setting

5.1 Poland's COVID-19 Legal Environment for Protests

Poland declared a “state of the pandemic” (Pol. stan epidemii) from March 20, 2020, until May 12, 2022, under Article 46a of the Act of December 5, 2008 on Preventing and Combating Infections and Communicable Diseases among Humans (Journal of Laws of the Republic of Poland 2023, items 1284, 909, 1938) thoroughly revised through the Act of March 2, 2020 on Special Arrangements for Preventing, Counteracting, and Combating COVID-19 (Journal of Laws of the Republic of Poland 2024, item 340), known as “Shield 1.0”. Setting aside debates surrounding their legality, Poland enacted the legislative ground for the government's actions to restrict the rights of citizens, effectively bypassing the authority of Poland's parliament to address extraordinary situations through a primary legislative act (Pol. ustawa). This Act allowed the declaration of the aforementioned “state of the pandemic”, or a “state of the pandemic emergency” (Pol. stan zagrożenia epidemicznego) by means of a decree (Pol. rozporządzenie). Moreover, it empowered the government and specified ministers to issue subsequent decrees with various restrictions and measures to combat the COVID-19 pandemic.

Articles 46 and 46b of the Act of December 5, 2008, provided legal provisions for the issuance of governmental decrees, permitting the implementation of temporary restrictions or prohibitions on public gatherings, notably protests. These measures encompassed several key restrictions. First, under Article 46(4)(1), authorities were empowered to enforce temporary limitations on individual movement to mitigate the transmission of the virus. Second, Article 46(4)(4) explicitly prohibited the organization of public gatherings, thereby curtailing the universal and constitutional right to assemble. Importantly, under Article 57 in conjunction with Article 30(3) of the Constitution of the Republic of Poland (Journal of Laws of the Republic of Poland 1997, no. 78, item 483 et al.), any restrictions on the right to assembly must be established through primary legislative act, which requires a clear indication of the scope and rationale behind such restrictions in a democratic state. Third, Article 46b(5) enabled the imposition of quarantine orders, further constraining the ability to convene. Furthermore, Article 46b(13) mandated the use of face coverings in specified circumstances and locations. Additionally, the Council of Ministers' Decree of August 7, 2020, establishing certain restrictions, commands, and prohibitions in connection with the appearance of a state of the pandemic (Journal of Laws of the Republic of Poland 2020, item 1356), introduced means for decentralization measures, allowing for varying restrictions across different regions of Poland depending on

their local pandemic situation. Potential measures regarding decentralization and its application to the pandemic situation were, in turn, designated as centralized and discretionary governmental decisions.

Significant concerns have emerged over the imposition of fines by the Sanitary Inspectorate for failure to adhere to public health measures during protests. The criticism arises from the Sanitary Inspectorate's legal role in overseeing government efforts to prevent and mitigate public health issues, rather than functioning as a law enforcement agency. In Amnesty International Poland's opinion (2020), fines ranging from PLN 5,000 to PLN 30,000 are significantly higher than those for regular violations under the Act of May 20, 1971 – Misdemeanors Code (Journal of Laws of the Republic of Poland 2023, item 2119). This legal framework, while aimed at controlling the spread of the virus, raises critical questions regarding the balance between public health and civil liberties. The fines could discourage protests and limit the freedom of assembly.

5.2 Implications of Poland's COVID-19 Legal Environment

Whereas these measures may be considered by some as necessary to prevent the spread of COVID-19 and save lives, they constrained constitutional liberties, including the right to assemble in large public groups. Rather than passing formal legislation, these rules were formalized through governmental decrees, normatively discouraging street protests.

Moreover, Poland's legal response to the COVID-19 pandemic, including restrictions on public gatherings, has raised important legal challenges, particularly in the context of the freedom of assembly. While the government has a legitimate interest in protecting public health, in a democracy, the government should ensure that any restrictions imposed on fundamental rights, including the right to protest, are necessary, proportionate, and do not infringe upon the essence of these rights. Balancing public health and individual freedoms remains a complex challenge for legal systems around the world during the pandemic. Whereas, legally, such restrictions should only result from legislation, these measures primarily constrained constitutional freedom of assembly through governmental decrees.

The introduction of such measures would probably not be possible in a non-pandemic context, which, we argue, expressed itself in radical possibilities for social actors to act in extraordinary ways. The government's "moment of madness" was not overtly, at that point, about instituting a permanent state of protest restrictions. However, abolishing the right to protest in a democratic country can undermine its foundations. In the example of the Polish government's crisis response to the coronavirus, one may observe how the "windows of opportunity" for fundamental institutional changes in the system were opened and used – during this short period, while political actors can demonstrate leadership and effective governance, ordinary politics is not necessarily "suspended" during this time (Kuhlmann et al. 2021). As various aggrieved actors took to the streets in Poland, one can argue that the government saw a radical possibility and imposed various decrees designed to strengthen the state's power.

5.3 Protests in 2020

Despite the pandemic and government-imposed bans, protests were held in Poland. In the first months of the pandemic (March-April), gatherings were organized primarily by residents and workers from border towns who often demanded the ability to move. During this time, protests also began by entrepreneurs and workers from industries who claimed to have suffered from the restrictions. Their activity grew, and in May more such gatherings were held under the banner of the Entrepreneurs' Strike (Pol. Strajk Przedsiębiorców). The Entrepreneurs' Strike was initiated by individuals previously associated with the Direct Democracy party (Pol. Demokracja Bezpośrednia), born out of the 2012 protests against the EU-US ACTA agreement. On May 16,

2020, several thousand participants protested in Warsaw to launch the broader “All-Poland General Strike” (Pol. Ogólnopolski Strajk Generalny). Subsequently, on May 30, 2020, they announced plans to establish the Liberal Poland! Entrepreneurs’ Strike party (Pol. Polska Liberalna! Strajk Przedsiębiorców). Their focus was on opposing COVID-19 restrictions and anti-business policies of the national government (Kocyba 2021).

The activities of the Entrepreneurs’ Strike were linked to the presidential election scheduled for May of that year and its leader, Pawel Tanajno, was a candidate (the Presidential election was finally held in June 2020). The government’s push to organize the elections during the pandemic also triggered protests by anti-government organizations such as the Committee for Defense of Democracy (Pol. Komitet Obrony Demokracji, KOD) and Citizens of Poland (Pol. Obywatele RP). These groups were established after the PiS party won the 2015 elections to oppose the government’s policies. In 2016-17, KOD organized one of the biggest gatherings in Poland after 1989 (Radiukiewicz 2021), and in June 2020 vigorously protested in response to actions by the Tribunal Court and politicians targeting the independence of the courts (Jałoszewski 2020).

In Fall 2020 there was a wave of protests that coincided with the second wave of the pandemic. The pandemic’s second wave produced rapidly increasing numbers of infections, hospitalizations, and deaths, and a vaccine was not yet publicly accessible (Zakrzewska and Dubrow 2022). By late October, a range of public health measures were in place: dining establishments were limited to delivery, primary and secondary students shifted to remote learning, daytime curfews were enforced for children up to 16, and senior citizens were advised to stay home except for emergencies. Public gatherings were capped at five individuals from different households, and retail spaces had limitations on customer capacity. Additionally, indoor mask mandates were extended to include outdoor settings as of early October. Cases rose steadily, reaching a peak in late November, with ca. 30,000 per day; by mid-November, there were ca. 600 recorded deaths per day (Zakrzewska and Dubrow 2022).

A wave of protests against restrictions was staged in October 2020 and organized by activists from the anti-vaccine organization All-Poland Association for Vaccination Awareness STOP NOP (Pol. Ogólnopolskie Stowarzyszenie Wiedzy o Szczepieniach STOP NOP) and local, national, or even parliamentarian politicians from the far-right Confederation Liberty and Independence party (Pol. Konfederacja Wolność i Niepodległość). In addition to supporting the anti-vaccine movement, the party also backed the Entrepreneurs’ Strike protests (Kocyba 2021). At the same time, after the October 22 Constitutional Court ruling that terminating pregnancies due to fetal abnormalities is unconstitutional (Zakrzewska and Dubrow 2022), the Women’s Strike (Strajk Kobiet) began with almost daily protests in October and November. In October 2020 alone there were ca. 700 such events (Zakrzewska and Dubrow 2022, 31). The most sizable demonstration occurred in Warsaw on October 31, where an estimated 100,000 people assembled to protest the ban. In November, as every year, there was also a march to celebrate Independence Day. The gathering was traditionally organized by far-right organizations (e.g., the Independence March Association and the National Movement – which was at that time a part of the Confederation Liberty Independence party). Throughout the Fall, protests by businesspeople and workers, particularly in the transportation sector, persisted. All in all, there were many assemblies during the pandemic, but the political elite we examine usually referred to two major protests: the so-called “Entrepreneur’s Strike” of late Spring 2020, and the Women’s Strike protests in Fall 2020.

6. Government Statements about protests during the pandemic

With regard to protest, the government promoted two major messages. One theme was restrictions of protest. These restrictions are based on the following factors: social distancing policies across Europe, the PiS party's campaign of the rhetoric of social solidarity through the enforcement of public order to protect fellow citizens from catching the virus. With restrictions came contradictions. The government (a) promoted themselves as protectors of civil liberties and (b) sought to maintain the rule of law, but in doing so, they (c) temporarily abrogated Poland's Constitutional rights to public assembly, including the prohibitions of public gatherings of more than five people. The other contradiction was how the government undermined its social solidarity message: they painted their political and ideological opponents as illegally and actively harming the country by protesting government policies.

6.1 Restrictions: Solidarity, Protection of Others, and Rule of Law

Government representatives projected an image of being staunch advocates for civil liberties and emphasized the importance of the right to assembly. They argued that the temporary prohibition on public protests was solely due to pandemic-related health concerns. During the press conference about restrictions on public gatherings on May 22, Kamiński, PiS' Minister of the Interior, called the expression of civil liberties a "sacred right:" "I want to unequivocally say on behalf of the government, on behalf of the political grouping I represent, namely the Law and Justice, that the right to free expression of political views, including in the form of political demonstrations, is a sacred right of every citizen. In this regard, there is not the slightest talk, the slightest intention, or the slightest discussion of permanently limiting citizens' rights. Only epidemic reasons prompt this temporary ban" (Kamiński 2020). In the communication during the first wave of the pandemic, the government created a positive image of itself that was framed around the concept of responsibility.

Government officials claimed that, despite their commitment to civil liberties, the introduction of restrictions on assembly is necessary to protect people's lives. Their main argument was that public assemblies accelerate the spread of the virus. The case was given, e.g., by Minister Kamiński during the mentioned press conference. Kamiński argued that the main reason for the restrictions is to protect others: "The possibility of a significant group of citizens gathering in one place exposes these people, as well as others in the public space, to the development of the epidemic" (Kamiński 2020). A similar argument was used by Jarosław Kaczyński in his parliamentary speech on October 28. The head of PiS responded to the political opposition's allegations related to changes in the law on abortion and numerous counter-protests by saying: "We have a state where these demonstrations will certainly cost many lives" (Kaczyński 2020a). Kaczyński thus shifted the accusations to the protesters and the politicians who supported them.

To strengthen the argument about the need for an assembly ban, during the pandemic's second wave, the government cited epidemiologists, but not by name or scientific record, who claimed that public gatherings significantly contribute to the spread of infection and subsequent deaths. Such an argument was used, for example, by Morawiecki on October 23 (the day before a major international protest by the anti-vaccine movement): "(...) we clearly see that in recent days there have been meetings of large groups of people and we are convinced and this is also our opinion epidemiologists that these were the sources and foci of infections. That's why it's limited to five people" (Morawiecki 2020a). In November, during the wave of protests of the Women's Strike, he attempted to cite statistics to bolster his claim: "according to the analysis of specialists from the University of Warsaw, every day the increase in the number of infections as a result of street protests

can be about 5000 people every day, and so after a month we could have about 150000 more people than we would have if everyone stuck to the rules we set” (Morawiecki 2020d).

To justify restrictions, members of the government also pointed to similar, if not more stringent, measures adopted across Europe that suggested a pan-continental consensus on the issue – with Poland being temporarily and comparatively lenient. Kamiński, during the parliamentary discussions to explain restrictions imposed applied the Women’s Strikes, claimed that “in many countries of the European Union, there is a curfew, ladies and gentlemen, there is a ban on any assemblies, there is the possibility to leave home only for work” (Kamiński 2020c). The government framed its decision as the outcome of thorough deliberation, grounded in consultations with various experts, such as analysts from the Chief Sanitary Inspectorate and recommendations from the World Health Organization. The government also highlighted ongoing discussions in other countries that were considering loosening similar restrictions, implicitly contrasting its own steadfast approach. The Minister of the Interior, who oversees the police, spoke to the Sejm to oppose allegations made by the political minority about a violent crackdown on protests: “Under current law in connection with the pandemic, gathering bans have been introduced throughout Europe, in almost all European countries, in order to maintain social distance because this is the most effective form of limiting the pandemic. In some countries, these bans still exist. In France, eight people can legally gather. Across Europe, such bans have been introduced” (Kamiński 2020a).

PiS government officials positioned themselves as prudent defenders of the nation and presented the ban on protests as a necessary tool for public health. Abrogation of the right to public assembly was necessary, they argued, to save Poland’s economy and health care system. In an official statement on the October 27 Constitutional Court ruling, Prime Minister Morawiecki claimed that protests have downwind effects that could put the entire economy in peril: “(...) by protecting ourselves and following the rules that apply in the epidemic, we also protect others, and let’s keep this in mind on these special days when we are experiencing a huge risk. The risk of uncontrolled growth of infections. This risk is also a risk to jobs and to the lives of many millions of Poles” (Morawiecki 2020b).

Similar issues were raised during a press conference with the Prime Minister and Health Minister Adam Niedzielski on November 4. During that meeting, Morawiecki noted: “Although we do not have the same views, we should be united on one point: the epidemic is a fundamental threat to the Polish economy, to the Polish health system, it is a threat to thousands of lives” (Morawiecki 2020d). Niedzielski also referred to the unity and solidarity necessary to protect the healthcare system and to save lives. “This health care system is no longer efficient”, said the Minister of Health. “We must all realize the seriousness of the situation we find ourselves in. This is not the time for disagreements, this is not the time for arguments, this is not the time for ideological discussions. This is the time to protect life, to protect this fundamental value” (Niedzielski 2020).

Government claims that the sole purpose of the protest restrictions was to safeguard public health and the economy implied that compliance with the ban should be viewed as an act of community solidarity. Morawiecki pleaded for solidarity during a press conference on October 30, as Strajk Kobiet organized protests across the country: “Our common responsibility, our common solidarity is also important because only in this way will we truly stop the virus” (Morawiecki 2020c). In formulating his opinion, the Prime Minister appealed to a sense of community to create a symbolic bond between Poles, which includes the bond between the government and citizens. During protests over the divisive abortion decision, Morawiecki asked the public to refrain from public assembly as a necessary personal sacrifice – that, despite their “worldview” differences, Poles should unite in the fight against the pandemic: “Recently, we Poles have been divided by worldview issues. But more important than worldview issues today is the health and lives of our people. We can argue

about these very important matters, about very important issues, but let's first take care of the lives of our parents. Let's take care of them so that we can spend Christmas together" (Morawiecki 2020c).

On October 30, at the peak of the Women's Strike protest, Morawiecki appealed for social solidarity and called for protesters to lay down their banners and stay home, temporarily, for the good of their families and the nation. "I would like to ask all those who are angry to stay at home, because this is the best way to confirm that we care for those we love, that we are convinced that we will best serve our parents, our grandparents if we take care of their health if we do not allow this virus to spread. Ladies and gentlemen, I am not asking us to forget ideological disputes. Let's postpone them in order to effectively combat the epidemic" (Morawiecki 2020c). A few days later, on November 4, at another press conference on the pandemic situation and restrictions, he threatened that – if public protests were to continue, if their policies were not adhered to, if solidarity weakens, if the protesters continue to act "irresponsibly" – they would impose harsher measures: "(...) if we fail at this stage of our plan, in a week to 10 days, only the final stage awaits us: the national quarantine" (Morawiecki 2020d).

To reinforce his position, Morawiecki not only referred to the need to protect people from contagion but also to the need to obey the law. One interpretation is that the Prime Minister was building a community, largely symbolic, via calls for solidarity and adherence to the new Pandemic rules. A reasonable interpretation is that, in his view, the government both protects the lives of citizens and is responsible and supportive of fair law enforcement. The statements point out the importance of laws and regulations to protect public health, control the spread of COVID-19, and ensure social stability in difficult times. "We are protecting life", Prime Minister Morawiecki said, "and therefore I appeal to all those who are committing violations of the law in the current situation not to do so because we are also living in a special time of the epidemics. And also protests must be limited by the rules of the epidemic" (Morawiecki 2020b). The problem of compliance with the law was highlighted not only concerning the Women's Strike, as in the Prime Minister's statement quoted above, or in the parliamentary speeches of Wąsik (2020d) or Ziobro (2000), but with regard to the Entrepreneurs Strike (Wąsik 2020b). For instance, Kamiński, emphasizing the vigilance of the law enforcement under his supervision, highlighted that the police force diligently monitors legal compliance: "(...) police officers face unacceptable situations, with aggression, with insults, with attempts to physically prevent them from carrying out their legitimate work activities. These are unacceptable things and contrary to the law. Regardless of who is committing such things, whether it is an ordinary citizen or someone who has parliamentary immunity, such things must not be tolerated" (Kamiński 2020c).

Statements by government members also emphasized that the restrictions and their enforcement affect all citizens equally. The government thus portrayed itself as unprejudiced, treating all protests fairly – they sought to construct an image of a government that transcends political divisions for the good of the nation. The authorities asserted that all protests and protesters are treated uniformly, regardless of the cause or individuals involved: "The police are apolitical, the police are performing their duties according to the law and will continue to do so" (Kamiński 2020) – explained Kamiński a day before a forceful police intervention during the protest organized by the Entrepreneurs' Strike. Later, he repeated a similar claim in the Sejm when commenting on police actions on the Women's Strikes: "General epidemic restrictions apply, affecting everyone, regardless of what views are presented at gatherings" (Kamiński 2020c).

6.2 Contradictions: Negative Portrayal of Protestors and the Political Opposition

Whereas the government created a positive image of itself as a defender of civil rights and a promoter of solidarity and law and order, with words they paint a strongly negative picture of their political opponents. In

the statements, the protests and protestors constitute a point of symbolic reference for the representatives. The government called them “outrageous” and “illegal”, organized by “pseudo-fans” or people who are “known by police”. They called them “extreme groups”, calling for “the overthrow of constitutional bodies”, and individuals “shouting hateful slogans”. The purpose was to delegitimize the protesters and promote the government as morally superior.

One of the most common objections of the government was what they perceived as the aggression of the protesters. For example, on November 11, in his official comment about the Independence March, Kamiński (2020b) said that during the gathering there were many incidents involving aggressive actions by some marchers, destruction of property, and direct attacks on police officers. Similarly, one of the government’s main arguments against the Women’s Strike protests was that the protesters were physically and verbally violent. As the Prime Minister commented on protests regarding the Constitutional Court ruling: “(...) what also takes place in the public space, these acts of aggression, assaults, attacks, vandalism, acts of barbarism are very often absolutely unacceptable” (Morawiecki 2020b). More than any other protest of the time, the government spoke strongest about the Women’s Strike protests. The fiercest narrator was Jarosław Kaczyński (2000, 2000a, 2000b). For instance, in his statement about the gatherings published on the Facebook channel of the PiS party, he condemned protests in or near Catholic churches and, in so doing, he called Women’s Strike protesters vulgar nihilists: “This moral deposit, which is held by the Church, is the only moral system that is widely known in Poland. Its rejection is nihilism. And this nihilism is precisely what we see in these demonstrations. And in these attacks on the Church, but also in the way of expression, the expression of those who demonstrate incredible vulgarity. In all of this, which shows the very bad sides of a certain part of our society” (Kaczyński 2020). Similar, though not as harsh, words were used, for example, by Maciej Wąsik, who summed up his description of the attacks on churches and police officers during the October 28 session of the Sejm: “this is barbarism” (Wąsik 2020c).

Beyond categorizing protests as illegal, violent, and threatening, government representatives asserted that they are top-down politically motivated rather than spontaneous grassroots mobilizations. For example, they mocked the Entrepreneurs’ Strike by claiming that they are a platform to promote a specific presidential candidate: “(...) there was a demonstration organized by a presidential candidate who had such an idea for his campaign. Five years ago, it took last place with a result of 0.2%. Now, he wanted to lead a wave of some protests. Can anyone really believe that we were dealing with a strike of entrepreneurs? Stop, really stop telling yourself these absurdities. We were dealing with a political happening” (Kamiński 2020a). The government denied that protesters and the politicians who join or otherwise support them are rational and vulnerable. With the idea that protests spread the virus, they characterized public protest as “irresponsible”. Kamiński, during his speech on the injury of one of the opposition politicians in a protest in front of the Sejm, rejected the allegations that police actions were excessive and admonished politicians who joined or promoted the gatherings: “(...) introducing such great emotions is irresponsible. Every Polish politician knows that there are problems that outrage large social groups, but we are in a time of pandemic, we are in a time when 600 people are dying a day in recent days. It is obvious that public gatherings and lack of social distancing undoubtedly contribute to this” (Kamiński 2020c).

As some of the government framed the opposition as responsible for the number and fierceness of the protests and thus for the spread of the virus, Kaczyński threatened the opposition with reprisals. Speaking to the political opposition in the Sejm in the context of social unrest against the abortion ban, he said, “You are criminals. (...) There is a crime of causing general danger. You are causing these kinds of dangers by calling for demonstrations. And you will answer for it” (Kaczyński 2020a). The authorities posited that collective responsibility is crucial and presented restrictions on the right to assemble as part of a broader “stay-at-home” strategy; they characterized those who violated these measures as risk-takers who merit punitive action. The

government representatives also took the opportunity to critique and proffer guidance, imploring the politicians of the Civic Platform (the main party of the political opposition at that time) or the Left to modify or improve their behavior. In doing so, they tried to position themselves as rational caregivers, acting in solidarity with vulnerable citizens, and operating from a vantage point of moral superiority.

In their attempt to contrast themselves to the protesters, the government painted a picture in which the political opposition illegally, irresponsibly, and immorally supported the protesters; they accused them of encouraging and escalating aggression and violence. We witness such allegations formulated in the speech by Wąsik during the Standing Committee on June 29 on the actions taken by police officers in connection with the restrictions resulting from the pandemic (Wąsik 2020a) and by Minister of Justice Zbigniew Ziobro, during one of the October sessions of the Sejm spoke about the wave of protests organized by Strajk Kobiet: “These are the behaviors of that part of the activists that we see on the street, as supported by the opposition, which often boils down to not only showing a lack of elementary respect for others who have a different point of view, (...) these activists often resort to methods and modus operandi that have nothing to do with the law, which is expressed in the use of physical violence, blackmail, intimidation, insults, and vulgar language. And these kinds of forms of manifestation of one’s own views, which have little to do with that democracy for which generations of Poles have fought, are unfortunately affirmed and fully supported by the opposition. Is this the responsible role of the opposition to support such behavior? What does this say about your concern, which you have repeatedly expressed when calling for a fight against hate speech?” (Ziobro 2020). In this speech, the Minister accused the opposition of allyship with violent, anti-democratic, and lawbreaking protesters. In this way, he created a clear dividing line between “us” (the government, non-protesting citizens) and “them” (the opposition and protesters).

Similar allegations were made by the Prime Minister who, two months later, criticized the “ranks” of the opposition: “See now what was happening in your ranks, what was coming out of your ranks: vandalism, aggression, insulting people, extreme vulgarity, and, once again, attacks on the Church. It must be said that precisely such behavior, which is extreme anti-social, anti-Polish behavior, was guaranteed by you” (Morawiecki 2020e). Morawiecki, in the statement above, suggested that the opposition has become an ally and an enabler of unsocial and anti-Polish (because they target churches) protests. In his statement, “they” represent a strongly unified side (it is basically the political opposition that is the source, not the support, of the protests). Minister Kamiński, in turn, during another Sejm session, hinted that the opposition’s actions were being taken to escalate protests rather than keep an eye on the police – he called them “pseudo-interventions” and referred to them, derisively, as “little political games”: “I have seen many videos posted on the Internet, I saw one of the members of the Civic Platform who dared to say to an officer ‘k...’¹ and addressed him directly: What are you doing, you supposed to do this or that? It is you who provoke, you who insult the dignity of Polish officers, the Polish police. To your little political games, you introduce the element of attacking other public officials” (Kamiński 2020c).

7. Conclusion

The COVID-19 pandemic in Poland offers a compelling case study of how moments of crisis, including pandemics, can become “moments of madness” that the government feels and that can substantially influence the political landscape towards their ends. In our analysis of the government’s public statements with regard to street protests, we found restrictions with contradictions. As for restrictions, the government attempted restrictions to protest that were encouraged by social distancing policies of the EU and WHO and preached for

¹ The term ‘k...’ denotes the word *kurwa* which is considered in Poland to be vulgar.

social solidarity in the face of crisis. As for contradictions, their restrictions were laced with discrepancies. They appealed to the rule of law, yet ruled by decree; they fostered the rhetoric of solidarity and care, yet painted protestors as immoral others.

The COVID-19 crisis served as a “moment of madness” for both society and government, albeit driven by anxious fear rather than joyous freedom. The Polish government’s response to the pandemic, particularly its imposition of restrictions on public gatherings and protests, reflects the dynamic between crisis events and governmental actions. The government, faced with a crisis that threatened public health, introduced extraordinary measures. Although the government presented these decisions as crucial for public welfare and in line with their emphasis on the rule of law and social solidarity, they simultaneously leveraged the situation to portray their political adversaries as hazards to public health.

Poland stood out as a unique backdrop for the imposition of restrictions. The advent of PiS into power in 2015 marked a period rife with extensive demonstrations concerning democracy and the meaning of the Constitution. Moreover, the clash with opposition parties further escalated tensions. The dynamics and content of the analyzed statements reveal political antagonism. A visible symptom of the ongoing conflict was the government’s embrace of an “us versus them” narrative, depicting PiS as champions of lawful and compliant protection of citizens’ lives while portraying protestors and political opposition as aggressive and anti-social elements.

This strategy underscored a stark contrast between the government’s deliberately crafted positive portrayal – highlighting themes of national solidarity, care about citizens through political control over the law, and support for Catholic Church teachings, notably in the context of the abortion ban or defending Catholic religious buildings – and its portrayal of protestors as aggressive and dangerous. PiS officials and appointees took the opportunity to disparage the opposition as vulgar law-breakers interested mainly in political games at the expense of public safety. This multifaceted strategy revolved around the prioritization of public health, the appeal to shared values like solidarity and community responsibility, and the projection of a carefully considered, expert-backed governance image while discrediting opposition perspectives. This duality in the government’s narrative mirrored the shifting dynamics of a crisis-induced “moment of madness”, where, at least in the case of Poland, unity against a common problem could quickly devolve into an “us versus them” pattern. As a result, crisis communication regarding the restrictions was in line with the government’s enduring objectives – strengthening its support while criticizing the opposition. Therefore, we argue, the government had seized the opportunity to gain an advantage in the political arena.

The COVID-19 pandemic in Poland provides a valuable case study illustrating that moments of crisis can indeed provide opportunities for institutional control and reactions. As highlighted by Guasti (2020), in Visegrad countries, the pandemic accentuated pre-existing democratic disfigurements rather than solely fostering the rise of authoritarianism. The dynamics observed in Poland underscore the importance of vigilance and a robust democratic framework to safeguard against the potential exploitation of such moments for prolonged or illicit governmental control. It also calls for ongoing scholarly inquiry into the dynamics of crisis-induced “moments of madness”, which can have far-reaching consequences for both society and government.

The government’s response, characterized by its interaction with the public, framing of the crisis, and imposition of restrictions, aligns with the broader theoretical framework of crisis-induced “moments of madness” and the strategic exploitation of such moments by political actors. These dynamics underscore the complex interplay between crisis, government actions, and societal responses in the context of a global pandemic. Our analyses show the usefulness of the perspective proposed by Zolberg (1972) for contemporary analyses of events that affect societies. They show that the “moment of madness” applies to society as a whole and can be exploited by both civil society actors and institutionalized political parties. The consequences are still unfolding.

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