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ILLIBERAL CONCEPT OF EU REFORM

POLISH CONSERVATIVE IDEOLOGISTS IN THE DEBATE ON DIFFERENTIATED INTEGRATION

ABSTRACT

Differentiated integration is the outcome of intergovernmental negotiations resulting from states' diverse preferences on the European Union's systemic model. The heterogeneity of states' preferences is rooted in many factors of differentiation, where economy and ideology play the leading roles. Their specific interconnection contributed to the creation of the Polish conservative vision of European integration proposed by ideologists close to the Law and Justice party. Three main postulates emerged from their opinions: re-constitution, intergovernmental democracy, and de-hierarchization. This article aims to place this EU vision in the context of the debate on differentiated integration. The thesis is the view that Polish ideologists transformed the political 'vision' into a hybrid 'concept' of differentiation combining temporal, institutionally based, policy-based, and territorial divergencies.

Keywords: Poland, EU reform, illiberalism, differentiated integration

INTRODUCTION

The differentiated integration in the European Union is – just like any other status – the result of intergovernmental negotiations reflecting the diversity of states' preferences on the structure and functioning of the European Union perceived as the political and/or international system.¹ The heterogeneity of states' preferences is rooted in many factors, where economy and ideology play the most important role. Their aggregation contributed to the creation, and in the years 2015-2023 also to some forms of practical implementation, of the Polish conservative vision of the EU future.

This article aims to place this vision in the context of the academic debate. Therefore, the sources used do not include political or party programs. Instead, the views expressed by representatives of academia cooperating with the Law and Justice party (PiS) – called here the 'conservative ideologists' – are subject to elaboration.² Their opinions are analyzed to prove that the 'vision,' perceived as a political phenomenon, has been transformed into the 'concept' that can be analyzed in scientific terms, remaining, however, outside the realm of pure science. In fact, they propose a specific hybrid concept of differentiation that merges four traditional models.³

The structure of the text includes a brief discussion of the relevant elements of the theory of differentiated integration. Methodologically, the categories of liberal intergovernmentalism are used: the vision of negotiations and institutions is followed by an analysis of preferences, regarded here as primary ones. Supplemented by core assumptions of postfunctionalism, this research design leads to the formulation of two hypotheses on the roots of Polish conservative preferences. The conclusions are of a qualitative nature.

THEORETICAL AND METHODOLOGICAL REFERENCES

The scholars of European integration represent various theories and concepts, sometimes mixing them. Also in this article, the research is based on three lines of

¹ A. Moravcsik, "The European Constitutional Settlement," *The World Economy*, vol. 31, no. 1 (2008), pp. 158-183.

² In respect of Poland's European policy, the most prominent of them include Tomasz Grzegorz Grosse, Waldemar Paruch, and Krzysztof Szczerski. Their conservative background is not elaborated here. The very notion (conservatism) has been widely accepted to describe the views of scholars cooperating with PiS. Cf. K. Jasiński, "» Conservative Modernization« and the Rise of Law and Justice in Poland," in K. Bluhm, M. Varga (eds.), *New Conservatives in Russia and Central Europe*, London 2018, pp. 130-153; A. Folvarčny, L. Kopeček, "Which Conservatism? The Identity of the Polish Law and Justice Party," *Politics in Central Europe*, vol. 16, no. 1 (2020), pp. 159-188.

³ A. Stubb, "A Categorization of Differentiated Integration," *Journal of Common Market Studies*, vol. 34, no. 2 (1996), pp. 283-295; B. Leruth, S. Gänzle, J. Trondal, "Introduction: Differentiation in the European Union as a Field of Study," in B. Leruth, S. Gänzle, J. Trondal (eds.), *The Routledge Handbook of Differentiation in the European Union*, London–New York 2022, pp. 1-16.

explanation with the limits of their application clearly marked.⁴ The fundamental approach is the liberal intergovernmentalism. Discussed and criticized many times in the literature, it still offers the categories adequate for examining the positions of states in the (development of) integration process.⁵ Importantly, in the updated version of his theory, Moravcsik suggests that the stability of institutions is strengthened by the long-term effects of integration: *populists [...], [w]here they have won, they have moderated their substantive EU policies to fit their issue-specific functional preferences and limited power.*⁶

The second approach is postfunctionalism, a theory based on four assumptions.⁷ Firstly, member states maintain their strong position in the EU's architecture, secondly – all processes of European integration are more and more politicized, thirdly – the politicization leads to a 'constraining dissensus' of European societies, and fourthly – there appears the mobilization of mass public opinion for or against EU-level solutions. These phenomena polarize societies along cultural and socio-political cleavages, where the liberal/nationalist opposite plays the most important role. In view of Hooghe and Marks, the founders of this theory, it is public and party preferences that lie at the core of theorizing European integration. These preferences transform the EU into a highly politicized element of public debate. Therefore, the conflict over Europe is ideologically structured.⁸ In this way, postfunctionalism is an approach offering the examination of domestic roots of the illiberal concept of EU reform, as well as – although this is beyond the scope of this article – the possibility of influencing the political situation in one member state on the Union as a whole.

Another meta-methodological line is offered by the theory of differentiated integration. Their proponents assert that the scientific reflection on the EU started by studying 'integration,' then turned to 'differentiated integration,' and now to 'differentiation' itself – the latter including also disintegration processes.⁹ However, in this article, it is assumed that disintegration is equaled with the EU's dissolution or, at least, withdrawal of the state from the Union. All proposals that do not assume these two situations fall within the framework of integration. Therefore, no clear distinction between 'differentiated integration' and 'differentiation' is made: both are perceived as happening inside rather than outside the EU, and both are oriented towards the further existence of the Union.

⁴ Cf. F.M. Häge, *Decision-Making in the Council of the European Union: the Role of Committees*, Leiden 2008, pp. 8-9.

⁵ A. Moravcsik, "Preferences, Power and Institutions in 21st Century Europe," *Journal of Common Market Studies*, vol. 56, no. 7 (2018), pp. 1648-1674.

⁶ *Ibid.*, p. 1664.

⁷ A. Gruszczak, "Internal Rebordering in the European Union: Postfunctionalism Revisited," *Politics and Governance*, vol. 10, no. 2 (2022), p. 247.

⁸ L. Hooghe, G. Marks, "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus," *British Journal of Political Science*, vol. 39, no. 1 (2009), p. 3, 22.

⁹ B. Leruth, S. Gänzle, J. Trondal, "Introduction: Differentiation..." p. 2.

Still, the theory of differentiated integration seems to be in the preliminary phase,¹⁰ with the classic work by Stubb¹¹ perceived as a major step in this area. Holzinger and Schimmelfennig quoting him, briefly state that the first typical model is that of *two or multi-speed Europe* based on temporal differentiation, the second one is the *core Europe* or *Europe of concentric circles* based on territorial differentiation, and the third – the *variable geometry* or *Europe à la carte* based on sectoral differentiation.¹² These authors believe, however, that this classification does not suggest any separable versions, since it is extremely difficult to separate the types of differentiation. Somewhat similarly, Leruth, Gänzle, and Trondal favor division into institutionally based, policy-based, institutionally-based, and territorial differentiation.¹³

Referring to the liberal intergovernmentalist thought, one can formulate a view referring to the essence of differentiated integration where states act according to a decision-making scheme covering three stages: they shape their preferences in response to functional political interdependence; they engage in inter-state negotiations to reach effective solutions; and they delegate the components of the exercise of sovereignty to international institutions in order to extend, implement or enforce the results of previous negotiations.¹⁴ Based on these assumptions, it can be said that differentiated integration is the outcome of intergovernmental negotiations resulting from the non-uniform preferences of states in terms of the institutional model of the European Union postulated by them.

Schimmelfennig and Winzen argue that the heterogeneity of preferences is mainly of an economic nature and results from the divergence of market interests.¹⁵ However, Schimmelfennig himself adds that the second important factor is the state's cultural and political heritage, both based on the dominant religion, the experience of authoritarianism or totalitarianism, or geographical location. The third factor is national identity, where exclusively nationalist perception tends to reduce support for European integration if, additionally, the historically conditioned reluctance towards other member states plays a major role. The fourth factor is the current political situation: the characteristics of the state policy pursued in a given place and time should be perceived as an element creating a more integrated vision of cooperation within the Union.¹⁶

¹⁰ Cf. P. Tosiek, "Integracja zróżnicowana jako cecha systemowa Unii Europejskiej. Perspektywa liberalno-międzypaństwowa," in M. Golińczak, R. Klementowski (eds.), *Europa wielu prędkości. Problemy. Wyzwania. Konsekwencje*, Wrocław–Warszawa, pp. 53-68.

¹¹ A. Stubb, "A Categorization..." p. 287.

¹² K. Holzinger, F. Schimmelfennig, "Differentiated Integration in the European Union: Many Concepts, Sparse Theory, Few Data," *Journal of European Public Policy*, vol. 19, no. 2 (2012), pp. 296-298.

¹³ B. Leruth, S. Gänzle, J. Trondal, "Introduction: Differentiation..." p. 2.

¹⁴ A. Moravcsik, K. Nicolaidis, "Explaining the Treaty of Amsterdam: Interests, Influence, Institutions," *Journal of Common Market Studies*, vol. 37, no. 1 (1999), pp. 59-85; A. Moravcsik, "The European Constitutional..." pp. 159-160.

¹⁵ F. Schimmelfennig, T. Winzen, "Grand Theories, Differentiated Integration," *Journal of European Public Policy*, vol. 26, no. 8 (2019), p. 1177.

¹⁶ F. Schimmelfennig, *Graded Membership in the European Union: Good Governance and Differentiated Integration*, Berlin 2016, pp. 12-13, *KFG Working Paper Series*, no. 73.

Based on the above review, in the following part of the article, three basic analytical categories of liberal intergovernmentalism are used as the main methodological tools. However, the reverse order is adopted here, because the conditions of integration suggested by Polish conservatives are examined first. Only after that, the state's preferences rooted in domestic party politics are discussed. In the first part, the elements of systemic decision-making analysis are used (a vision of the negotiations and institutions), and further – the factor analysis (elements influencing the formation of preferences).

In this context, two hypotheses can be put forward, allowing for a rudimentary assessment of the foundations of Polish conservative preferences in European politics. According to H1, the main reason for preferring such a vision is the level of Poland's economic development (then it is correct to consider this vision as based on rational premises, as suggested by liberal intergovernmentalism). According to H2, the main reason for this preference is the ideology rooted in 'illiberal democracy' (then it is correct to consider the Polish vision as remaining outside the sphere of rationality, as suggested by postfunctionalism).

NEGOTIATIONS AND INSTITUTIONS: THE DESIRED PLAYING FIELD

The general vision used by Polish conservative ideologists is called 'Eurorealism.' It was originally invented to describe the attitudes to the EU as something in between 'Euroenthusiasm' and 'Euroskepticism.' In fact, however, this very term has not been scientifically accepted, because in practice it was a disguise for soft or openly Eurosceptic views.¹⁷ In Paruch's opinion, 'Eurorealism' is based on the general acceptance of integration, but with significant reservations regarding some of its forms and manifestations creating a non-state public space. For instance, excluded is the transfer of important competencies to EU institutions or the creation of a European federal system.¹⁸ The same author claims that the activity at the European level should be identified with participation 'in a game' where the state uses its resources and skills to multiply them and increase its political influence on other participants. The categories of competition and cooperation *in a given time, space, and situation* appear here.¹⁹ If this is a game, the vision of EU reform can be called 'the desired playing field.'

Polish intellectuals close to the ruling party joined the all-European debate, adding some new elements related primarily to illiberal democracy. The EU institutional system is defined by them very broadly: not only does it include the treaty entities, but also, and mainly, the member states themselves. In this line, the Polish conservative

¹⁷ M. Steven, A. Szczerbiak, "Conservatism and 'Eurorealism' in the European Parliament: The European Conservatives and Reformists under the Leadership of Poland's Law and Justice," *European Politics and Society*, vol. 24, no. 5 (2023), pp. 592-594.

¹⁸ W. Paruch, *Realizm i wartości. Prawo i Sprawiedliwość o polityce zagranicznej*, Lublin 2021, p. 331.

¹⁹ *Ibid.*, p. 327.

vision is based on three interconnected pillars: reconstitution, intergovernmental democracy, and de-hierarchization.²⁰

Reconstitution is defined by Szczerski, who invented the term for this purpose, as *a reform consisting of maintaining the continuity of political institutions combined with changing the parameters of their operation*.²¹ A deeper analysis distinguishes here the geopolitical, economic, axiological, and institutional dimensions. The geopolitical one is linked to the historical context. Two basic elements come to the fore: polycentrism and subregional cooperation. The basic assumption is that the EU should be a polycentric entity open to enlargement, consisting of many 'decentralized regional communities,' which independently shape the model of their operation, remaining in accordance with uniform pan-European general standards. In this system, Poland should be a separate center for the region of Central Europe, creating the coordination core of its own integration model and building an 'alliance of the second speed' and out-of-the-mainstream group. The regional community whose point of contact would be Poland is the Three Seas Initiative oriented on abandoning the 'imitation' of the Western European model of economic development and creating its own one. In the economic dimension, the basic objective is to depart from the 'neo-colonial model of development' and to deregulate the economy, move away from standardization within the EU, and significantly reduce bureaucracy. However, economic liberalization would go hand in hand with maintaining the cohesion policy and the principle of equalizing the levels of economic development of all EU states. Axiologically, two alternative options for the European Union's activity are discussed. The first of them is 'axiological neutrality' consisting of a lack of interest on the part of the EU institutions in the functioning of the member states in this sphere. The second option, clearly preferred, would be based on the return of the entire Union to strong Christian traditions. The fourth, and probably the most important, context of the 'reconstitution' is its institutional dimension, based on the idea of 'intergovernmental democracy.' It is rooted in four principles: unanimity as the main decision-making method; strengthening the role of national parliaments in scrutinizing supranational institutions; the abolition of the right of EU institutions to interfere in the law of states outside the areas of exclusive EU competence; and the strict enforcement of the subsidiarity principle.²²

'Intergovernmental democracy' itself creates a separate pillar of EU reform. In this respect, the catalog of institutional changes is proposed also by Grosse.²³ Referring to a literature review, including the purported Scharpf's opinions, he selects proposals for reforms that indicate the need to limit the scope of matters voted by a majority in favor

²⁰ Cf. P. Tosiek, "Polska wizja 'rekonstytucji' Unii Europejskiej: nowy model integracji zróżnicowanej?," *Przegląd Europejski*, no. 3 (2017), pp. 39-56; idem, "Illiberal Neo-Intergovernmentalism: Poland's Conservative Idea for the European Union?," *Politics in Central Europe*, vol. 19, no. 4 (2023), pp. 791-816.

²¹ K. Szczerski, *Utopia europejska. Kryzys integracji i polska inicjatywa naprawy*, Kraków 2017, p. 93.

²² *Ibid.*, pp. 155-239.

²³ T.G. Grosse, "Propozycje kierunkowych zmian traktatów unijnych," in M. Romanowski, J. Szymanek (eds.), *Wizje przyszłości Unii Europejskiej*, Warszawa 2022, pp. 46-53.

of unanimity and suggests the possibility of excluding a member state from a specific EU norm in the result of a resolution of the national parliament. Further, he proposes a procedure in which the approval of four groups of states representing Western, Southern, Northern, and Central Europe would be required to adopt a legal act. It would be possible to introduce a rule allowing for the approval of the judgments of the Court of Justice of the EU by the member states in a majority vote or by a decision of the national constitutional court. The purpose of these changes is to reject the principle of the supremacy of European law and the general EU's jurisprudence.

A more detailed vision of the reform is presented by Romanowski.²⁴ Here, the guideline governing relations within the EU should be the principle of conferral with the simultaneous presumption of competencies on the part of the member states. A 'Competence Tribunal' should be established, which would be the 'legal arm of the European Council' to guard the institutional balance. It would be appropriate to propose a change in the method of appointing judges to the Court of Justice of the EU, making it more democratic. The 'axiological and ideological peregrination of the EU institutions' should be clearly limited. Serious institutional reform would also be required by the European Parliament: it would cover both the selection and the status of MEPs, as well as the powers of this institution. National contingents of deputies should be marked more strongly than at present, and deputies' factions should include states or groups of states. 'Factional voting' should be questioned and every MEP should have the sole right to vote. The unanimity method should be reintroduced and used to a greater extent in the European Council, while the multiple interpretations of the 'principle of national identity' should be allowed.

Grosse considers the form of a non-hierarchical 'European confederation' as a desirable one, where there is no political community (*demos*), there are no institutions of direct democracy, and all treaty changes are made unanimously.²⁵ Paruch adds that the EU must move away from perceiving the Union as *a political means used to pursue their own interests*, making Central Europe a subordinated entity.²⁶ In this way, the 'de-hierarchization' creates the third pillar of EU reform.

PREFERENCES: THE FOUNDATIONS OF THE DESIRED PLAYING FIELD

The first hypothesis (H1) presented above is based on liberal intergovernmentalism, assuming that the level of Poland's economic development is the reason for the Polish conservative vision. In-depth economic research remains beyond the political scientific

²⁴ M. Romanowski, "Kierunki zmian instytucjonalnych w Unii Europejskiej," in M. Romanowski, J. Szymanek (eds.), *Wizje przyszłości...*, pp. 27-31.

²⁵ Ibid., pp. 39-43; idem, "Podsumowanie. W kierunku teorii dezintegracji regionalnej," in T.G. Grosse (ed.), *Polityki europejskie w dobie kryzysu*, Warszawa 2016, pp. 293-302.

²⁶ W. Paruch, *Realizm i wartości...*, p. 324.

analysis, and, therefore, the comprehensive verification of H1 must be left to economists. However, for the purposes of this article, it is possible to provide some basic data offering the initial evidence in this area.²⁷

The macroeconomic indicators show, in some simplification, that the level of Poland's development (GDP in PPS) corresponds to four-fifths of the Union's average index.²⁸ As for the GDP growth, and thus the accumulated economic development of Poland after EU accession, a permanent and irreversible upward trend is noted: at the time of accession, the level of Poland's economic development was only half of the EU average.²⁹ Poland, being the fifth largest member state in terms of population, occupies the sixth place in the ranking of the global GDP at current market prices (in euro).³⁰ Due to its position in the EU economic system, Poland has been the biggest recipient of structural policy since the beginning of its membership. This is reflected in the shape of all the EU's financial frameworks. The data on financial flows between the EU and Poland clearly show Poland's status as a net beneficiary, with ca. EUR 161 billion surplus.³¹

Other economic indicators seem to be equally important. According to the Polish Economic Institute, Poland's GDP in PPS was 31% higher in 2021 than it could have been in the case of non-accession to the EU, and a quarter of GDP depends directly or indirectly on economic cooperation within the Union. Participation in the single market also affects the unemployment rate – in 2004-2018, the number of employees whose jobs depended on demand in the EU increased by 1.257 million. Poland's surplus in trade in goods with the EU is also significant: in 2021 it amounted to EUR 24 billion (by the state of dispatch), and 75% of all Polish exports (EUR 216 billion) are directed to EU states. A similar situation applies to the export of services: in 2020, the share of EU states was 63.8%, and in 2021 the positive balance here amounted to EUR 15 billion. Also, 92% of total cumulative foreign direct investments in Poland came from EU states, and 65% of Polish investments were located in the EU. Importantly, 1.336 million Poles (60% of the total) stayed temporarily in other EU member states in 2020.³²

It can, therefore, be concluded that EU membership clearly positively affects Poland's economic situation both domestically and in the context of its external economic

²⁷ Cf. P. Tosiek, *Member State in the Decision-Making System of the European Union. The Example of Poland*, Lublin 2018, pp. 168-172.

²⁸ "GDP per capita in PPS," at <https://ec.europa.eu/eurostat/databrowser/view/TEC00114/default/table?lang=en>, 17 August 2023.

²⁹ *Ibid.*; "GDP per capita in PPS," at <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&cinit=1&language=en&pcode=tec00114&plugin=1>, 20 November 2015; "GDP per capita in PPS," at <https://ec.europa.eu/eurostat/databrowser/view/tec00114/default/table?lang=en>, 28 September 2022.

³⁰ "Gross Domestic Product at Market Prices," at <https://ec.europa.eu/eurostat/databrowser/view/TEC00001/default/bar?lang=en>, 17 August 2023.

³¹ Cumulated data from 1 May 2004 to 30 September 2023. "Transfery finansowe Polska – budżet UE," at <https://www.gov.pl/web/finanse/transfery-polska-ue-unia-europejska>, 10 November 2023.

³² E. Ambroziak et al., *How Poland Benefits from the Single Market. Report of the Polish Economic Institute*, Warsaw 2023.

relations. It is difficult to find a dissenting opinion in this respect among Polish economists, and if they exist, they are created by extremely Eurosceptic researchers and are considered to be based on a misinterpretation of data.³³ With limitations connected with the necessity of further specialized research, it can be initially stated that H1 has been negatively verified, which calls into question the rational foundations of the Polish vision.

In the second hypothesis (H2), based on postfunctionalism, it is assumed that the main reason for Polish conservative preference is the ideology rooted in 'illiberal democracy', which should prove its irrationality. The starting point here is the view of Polish conservative ideologists perceiving the EU as dangerous for popular sovereignty.³⁴ Domestic illiberal trends in Polish party politics³⁵ are rooted in a wider tendency of democratic deconsolidation present in Central Europe, with Hungary as the most prominent example.³⁶ In contrast to the Western liberal conception anchored in the protection of individual human rights, Central Europe has developed an illiberal one oriented on the popular sovereignty of the nation.³⁷ All of this made the formerly taboo subjects accepted in mainstream discourse.³⁸

In view of postfunctionalism, the preferences of states do not result from economic conditions, being replaced by non-economic factors, including ideology. However, similarly to liberal intergovernmentalism, states' preferences should be formed in the domestic democratic process. The trouble was that in 2015 Poland entered the stage of democratic backsliding and started to promote 'illiberal democracy',³⁹ the notion popularized in the 1990s by Zakaria as a description of *political communities that have more or less functioning electoral systems and working democratic reforms but evince a serious lack of core liberal institutions, such as individual rights, constitutionalism, checks and balances, and the rule of law, at the same time*.⁴⁰ Some scholars use the term 'illiberal backsliding', which, however, misrepresents de-democratization process because it implies that democracies return to something that existed in the past: it is better to

³³ The example is T.G. Grosse, Z. Krysiak, *The Balance of Financial Transfers between the European Union and Poland*, Warsaw 2021.

³⁴ R. Csehi, E. Zgut, "»We Won't Let Brussels Dictate Us«: Eurosceptic Populism in Hungary and Poland," *European Politics and Society*, vol. 22, no. 1 (2021), pp. 53-68.

³⁵ V. Havlík, V. Hloušek, "Differential Illiberalism: Classifying Illiberal Trends in Central European Party Politics," in A. Lorenz, L.H. Anders (eds.), *Illiberal Trends and Anti-EU Politics in East Central Europe*, Cham 2021, pp. 111-136.

³⁶ D. Bochsler, A. Juon, "Authoritarian Footprints in Central and Eastern Europe," *East European Politics*, vol. 36, no. 2 (2020), pp. 167-187.

³⁷ P.J. Verovšek, "Caught between 1945 and 1989: Collective Memory and the Rise of Illiberal Democracy in Post-Communist Europe," *Journal of European Public Policy*, vol. 28, no. 6 (2021), pp. 840-857.

³⁸ R. Wodak, "Entering the 'Post-Shame Era': The Rise of Illiberal Democracy, Populism and Neo-Authoritarianism in Europe," *Global Discourse*, vol. 9, no. 1 (2019), pp. 195-213.

³⁹ Cf. P. Tosiek, "Illiberal Neo-Intergovernmentalism...", pp. 800-801.

⁴⁰ Quoted in O. Hidalgo, "Religious Backgrounds of Illiberal Democracy in Central and Eastern Europe," *Religion and Society in Central and Eastern Europe*, vol. 12, no. 1 (2019), p. 5.

focus on ‘autocratization,’ as this indicates the emergence of hybrid regimes.⁴¹ Drinóczi and Bień-Kacała propose the category of ‘illiberal constitutionalism’: they define it as a particular phase in the process of democratic decline or departure from liberal constitutionalism towards an authoritarian regime, adding that the way the illiberal transformation has been accomplished in Poland is rooted in authoritarian reconsolidation following the ‘third wave of democratization’ of the 1990s.⁴²

The Law and Justice party represents a specific type of conservatism rooted in particularistic national history. Hence, Poland’s European policy after 2015 was to be built on the foundation of moral reasons, which included, on the one hand, the human and material losses suffered as a result of the aggression of totalitarian states, and on the other hand, the Polish contribution to the liberation of European nations from communism.⁴³ In the analysis based on a historical review presented by Drinóczi and Bień-Kacała, Poles are described as a nation suffering the loss of statehood and independence. The nation has a controversial attitude to freedom, which is largely based on a strong Catholic faith, which results in a lack of pluralism. Another strong feature is parochialism and folk social structure, both combined with a feeling of ‘messianism,’⁴⁴ which underlines the role of religion as a supporting factor for illiberalism.⁴⁵

This trend is also rooted in recent history, and there are some scholars who try to explain and actually justify this situation. According to Auer, the EU states of Central Europe have never met the ‘Copenhagen criteria,’ and their policy before 2010, when new tendencies appeared in Hungary, can be called ‘undemocratic liberalism,’ that is, a system of government in which many decisions are made outside the democratic mechanism and without reference to the will of the people. In contrast, the ‘illiberal democracy’ is less concerned with minority rights and individual liberties, but better reflects the will of the people.⁴⁶ In this line, as asserted by Hidalgo, the illiberal politics may keep formal respect to the democratic principles and institutions: after all, *liberty and equality, representation and popular sovereignty, quality and quantity, plurality and social unity, individual and collective claims and, finally, universality and particularity are democratic principles of equal normative rank.*⁴⁷

Drinóczi and Bień-Kacała claim that, despite the liberal experience after 1989, a significant part of Polish society is characterized by a lack of respect for others, impaired

⁴¹ A. Lorenz, L.H. Anders, “Illiberal Trends and Anti-EU Politics in East Central Europe: Major Findings and Avenues for Future Research,” in *Illiberal Trends...*, p. 332.

⁴² T. Drinóczi, A. Bień-Kacała, “Illiberal Constitutionalism: The Case of Hungary and Poland,” *German Law Journal*, vol. 20, no. 8 (2019), pp. 1140-1149.

⁴³ J. Sanecka-Tyczyńska, “Między mocarstwowością a peryferyjnością. Międzynarodowa pozycja Polski w XXI wieku w narodowej i konserwatywnej refleksji politycznej,” *Polityka i Społeczeństwo*, no. 3(19) (2021), p. 122.

⁴⁴ T. Drinóczi, A. Bień-Kacała, “Illiberal Constitutionalism...,” p. 1144.

⁴⁵ O. Hidalgo, “Religious Backgrounds...,” p. 17.

⁴⁶ S. Auer, *European Disunion. Democracy, Sovereignty and the Politics of Emergency*, London 2022, pp. 148-162.

⁴⁷ O. Hidalgo, “Religious Backgrounds...,” pp. 6-7.

self-confidence, a sense of being a victim associated with a sense of inferiority, the need for a strong leader, prioritizing the values of conservatism and hierarchy, as well as an aversion to the values of a liberal constitutional democracy or an open society.⁴⁸ This allows for generally positive verification of H2, that is, inferring the irrational foundations of the Polish vision.

CONCLUSIONS

In 2015-2023 Poland was *an increasingly 'awkward partner' that talk[ed] unity but act[ed] differentiation*.⁴⁹ The conservative 'vision' of integration supported at that time can be treated as a starting point for the creation of the specific 'concept' of differentiated integration. The analysis proposed above leads to the conclusion that the basis of the Polish vision was the consent to diversify integration according to the concept of 'multispeed Europe,' and a relatively clear postulate of 'Europe of circles,' this time the polycentric ones. The implementation of the proposed institutional reforms could, in the longer term, lead to the 'Europe à la carte' model.

However, Polish conservative ideologists proposed neither the dissolution of the EU nor Poland's withdrawal. Instead, they created an illiberal hybrid concept of differentiated integration (or differentiation) that dynamically combines Stubb's temporal, territorial, and sectoral differentiation, adding some elements of institutionally-based divergencies, as proposed by Leruth, Gänzle, and Trondal. The main elements of the Polish concept, some of them hardly separable, are listed in Table 1.

Table 1. Elements of the illiberal hybrid concept of differentiated integration

Temporal differentiation	Territorial Differentiation	Sectoral differentiation	Institutional differentiation
Alliance of the 'second-speed' group	Polycentrism	No EU-wide standardization	Strong inclusion of national parliaments
Independent state's development	Subregional Cooperation	State's own economic model	Strong national representations in EP
Unanimity as blocking mechanism	Decentralized regional communities	State's own axiology	Geographical groups of states in institutions
Being out of the mainstream	Inter-state balance of powers	Strengthened subsidiarity	CJEU judgments subject to approval

Source: own study based on categorizations proposed by Leruth, Gänzle, and Trondal and views presented by Grosse, Paruch, Romanowski, and Szczerski.

⁴⁸ T. Drinóczi, A. Bień-Kacała, "Illiberal Constitutionalism...", pp. 1166.

⁴⁹ A.K. Cianciara, "Poland as the New (Awkward) Partner. Differentiated Integration or Differentiated Disintegration?," in B. Leruth, S. Gänzle, J. Trondal (eds.), *The Routledge Handbook...*, pp. 537-550.

The Polish conservative vision, while transformed into the concept, is highly criticized.⁵⁰ The starting point of this criticism is its incompatibility with Poland's interests in terms of security, economic development, and influencing European policy. Firstly, the concept is perceived as an inconsistent one. The method for maintaining the unity of the Union is the introduction of polycentrism based on cultural and economic diversity. Institutional reforms are aimed at weakening the interstate hierarchy, while the proposed measures, being strictly intergovernmental ones, may strengthen this hierarchy. Liberalization in the economic sphere is connected with the desire to maintain strong mechanisms of redistribution, and the axiological postulates are contradictory to each other. Secondly, this ideological concept is based on the political heritage of the 'Jagiellonian idea' and 'Polish republicanism,' both being 500-years-old ideas.⁵¹ They refer to the non-universal components of the history of a single state located at the periphery. Thirdly, the concept is accused of being based on surrealist adaptation.⁵² Reading the main features of the current EU situation results here from misperception, the one ideologically conditioned. It ignores the heterogeneity of member states and the dominating political tendencies.

The concept is a non-academic one for both formal and material reasons. However, its quasi-scientific nature and political attractiveness make it the subject of scientific study. As such it can be analyzed by liberal intergovernmentalism and postfunctionalism. The first of these theories offers a convincing three-element analytical framework, and the second explains the role of domestic factors in EU politics. Taking into account both approaches, it can be concluded that in terms of state preferences, 2015-2023 Poland's vision was built on the basis of partisan ideology rather than economic situation; in terms of negotiations it emphasized bargains based on asymmetry and relative powers; in terms of institutions the inner EU balance of power created by intergovernmental cooperation and unanimity played a fundamental role. It can, therefore, be stated that the reflection of Polish conservative intellectuals contributed to the building of the theory of differentiated integration but also resulted in the emergence of a new general normative concept of integration. This new pattern, called 'illiberal neo-intergovernmentalism,' has been introduced and elaborated elsewhere⁵³ and is the subject of further research.

BIBLIOGRAPHY

Ambroziak Ł. et al., *How Poland Benefits from the Single Market. Report of the Polish Economic Institute*, Warsaw 2023.

Auer S., *European Disunion. Democracy, Sovereignty and the Politics of Emergency*, London 2022, <https://doi.org/10.1093/oso/9780197659601.001.0001>.

⁵⁰ Cf. P. Tosiek, "Polska wizja...", p. 54.

⁵¹ Cf. D. Pietrzyk-Reeves, „Tradycja republikańska, respublica, republikanizm,” *Horyzonty Polityki*, no. 7 (2014), pp. 47-67.

⁵² Cf. Z.J. Pietraś, *Decydowanie polityczne*, Warszawa–Kraków 1998, pp. 59-60.

⁵³ P. Tosiek, "Illiberal Neo-Intergovernmentalism..."

- Bochsler D., Juon A., "Authoritarian Footprints in Central and Eastern Europe," *East European Politics*, vol. 36, no. 2 (2020), pp. 167-187, <https://doi.org/10.1080/21599165.2019.1698420>.
- Cianciara A.K., "Poland as the New (Awkward) Partner. Differentiated Integration or Differentiated Disintegration?," in B. Leruth, S. Gänzle, J. Trondal (eds.), *The Routledge Handbook of Differentiation in the European Union*, London–New York 2022, pp. 537-550, <https://doi.org/10.4324/9780429054136-36>.
- Csehi R., Zgut E., "»We Won't Let Brussels Dictate Us«: Eurosceptic Populism in Hungary and Poland," *European Politics and Society*, vol. 22, no. 1 (2021), pp. 53-68, <https://doi.org/10.1080/23745118.2020.1717064>.
- Drinóczy T., Bień-Kacała A., "Illiberal Constitutionalism: The Case of Hungary and Poland," *German Law Journal*, vol. 20, no. 8 (2019), pp. 1140-1166, <https://doi.org/10.1017/glj.2019.83>.
- Folvarčny A., Kopeček L., "Which Conservatism? The Identity of the Polish Law and Justice Party," *Politics in Central Europe*, vol. 16, no. 1 (2020), pp. 159-188, <https://doi.org/10.2478/pce-2020-0008>.
- "GDP per capita in PPS," <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tec00114&plugin=1>.
- "GDP per capita in PPS," <https://ec.europa.eu/eurostat/databrowser/view/tec00114/default/table?lang=en>.
- "GDP per capita in PPS," <https://ec.europa.eu/eurostat/databrowser/view/TEC00114/default/table?lang=en>.
- "Gross Domestic Product at Market Prices," <https://ec.europa.eu/eurostat/databrowser/view/TEC00001/default/bar?lang=en>.
- Grosse T.G., "Podsumowanie. W kierunku teorii dezintegracji regionalnej," in T.G. Grosse (ed.), *Polityki europejskie w dobie kryzysu*, Warszawa 2016, pp. 293-302.
- Grosse T.G., "Propozycje kierunkowych zmian traktatów unijnych," in M. Romanowski, J. Szymanek (eds.), *Wizje przyszłości Unii Europejskiej*, Warszawa 2022, pp. 33-54.
- Grosse T.G., Krysiak Z., *The Balance of Financial Transfers between the European Union and Poland*, Warsaw 2021.
- Gruszczak A., "Internal Rebordering in the European Union: Postfunctionalism Revisited," *Politics and Governance*, vol. 10, no. 2 (2022), pp. 246-255, <https://doi.org/10.17645/pag.v10i2.5165>.
- Häge F.M., *Decision-Making in the Council of the European Union: the Role of Committees*, Leiden 2008.
- Havlík V., Hloušek V., "Differential Illiberalism: Classifying Illiberal Trends in Central European Party Politics," in A. Lorenz, L.H. Anders (eds.), *Illiberal Trends and Anti-EU Politics in East Central Europe*, Cham 2021, pp. 111-136, https://doi.org/10.1007/978-3-030-54674-8_5.
- Hidalgo O., "Religious Backgrounds of Illiberal Democracy in Central and Eastern Europe," *Religion and Society in Central and Eastern Europe*, vol. 12, no. 1 (2019), pp. 3-21.
- Holzinger K., Schimmelfennig F., "Differentiated Integration in the European Union: Many Concepts, Sparse Theory, Few Data," *Journal of European Public Policy*, vol. 19, no. 2 (2012), pp. 292-305, <https://doi.org/10.1080/13501763.2012.641747>.

- Hooghe L., Marks G., "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus," *British Journal of Political Science*, vol. 39, no. 1 (2009), pp. 1-23, <https://doi.org/10.1017/S0007123408000409>.
- Jasiecki K., "»Conservative Modernization« and the Rise of Law and Justice in Poland," in K. Bluhm, M. Varga (eds.), *New Conservatives in Russia and Central Europe*, London 2018, pp. 130-153, <https://doi.org/10.4324/9781351020305-7>.
- Leruth B., Gänzle S., Trondal J., "Introduction: Differentiation in the European Union as a Field of Study," in B. Leruth, S. Gänzle, J. Trondal (eds.), *The Routledge Handbook of Differentiation in the European Union*, London–New York 2022, pp. 1-16, <https://doi.org/10.4324/9780429054136-1>.
- Lorenz A., Anders L.H., "Illiberal Trends and Anti-EU Politics in East Central Europe: Major Findings and Avenues for Future Research," in A. Lorenz, L.H. Anders (eds.), *Illiberal Trends and Anti-EU Politics in East Central Europe*, Cham 2021, pp 323-347, https://doi.org/10.1007/978-3-030-54674-8_14.
- Moravcsik A., "Preferences, Power and Institutions in 21st-Century Europe," *Journal of Common Market Studies*, vol. 56, no. 7 (2018), pp. 1648-1674, <https://doi.org/10.1111/jcms.12804>.
- Moravcsik A., "The European Constitutional Settlement," *The World Economy*, vol. 31, no. 1 (2008), pp. 158-183, <https://doi.org/10.1111/j.1467-9701.2007.01086.x>.
- Moravcsik A., Nicolaïdis K., "Explaining the Treaty of Amsterdam: Interests, Influence, Institutions," *Journal of Common Market Studies*, vol. 37, no. 1 (1999), pp. 59-85, <https://doi.org/10.1111/1468-5965.00150>.
- Paruch W., *Realizm i wartości. Prawo i Sprawiedliwość o polityce zagranicznej*, Lublin 2021, <https://doi.org/10.36874/M21443>.
- Pietraś Z.J., *Decydowanie polityczne*, Warszawa–Kraków 1998.
- Pietrzyk-Reeves D., "Tradycja republikańska, respublica, republikanizm," *Horyzonty Polityki*, no. 7 (2014), pp. 47-67.
- Romanowski M., "Kierunki zmian instytucjonalnych w Unii Europejskiej," in M. Romanowski, J. Szymanek (eds.), *Wizje przyszłości Unii Europejskiej*, Warszawa 2022, pp. 21-32, <https://doi.org/10.52694/MSWWS.28>.
- Sanecka-Tyczyńska J., "Między mocarstwowością a peryferyjnością. Międzynarodowa pozycja Polski w XXI wieku w narodowej i konserwatywnej refleksji politycznej," *Polityka i Społeczeństwo*, no. 3(19) (2021), pp. 110-128, <https://doi.org/10.15584/polispol.2021.3.8>.
- Schimmelfennig F., *Graded Membership in the European Union: Good Governance and Differentiated Integration*, Berlin 2016, *KFG Working Paper Series*, no. 73.
- Schimmelfennig F., Winzen T., "Grand Theories, Differentiated Integration," *Journal of European Public Policy*, vol. 26, no. 8 (2019), pp. 1172-1192, <https://doi.org/10.1080/13501763.2019.1576761>.
- Steven M., Szczerbiak A., "Conservatism and 'Eurorealism' in the European Parliament: The European Conservatives and Reformists under the Leadership of Poland's Law and Justice," *European Politics and Society*, vol. 24, no. 5 (2023), pp. 585-602, <https://doi.org/10.1080/23745118.2022.2065725>.
- Stubb, A., "A Categorization of Differentiated Integration," *Journal of Common Market Studies*, vol. 34, no. 2 (1996), pp. 283-295, <https://doi.org/10.1111/j.1468-5965.1996.tb00573.x>.

Szczerski K., *Utopia europejska. Kryzys integracji i polska inicjatywa naprawy*, Kraków 2017.

Tosiek, P., "Illiberal Neo-Intergovernmentalism: Poland's Conservative Idea for the European Union?," *Politics in Central Europe*, vol. 19, no. 4 (2023), pp. 791-816, <https://doi.org/10.2478/pce-2023-0035>.

Tosiek P., "Integracja zróżnicowana jako cecha systemowa Unii Europejskiej. Perspektywa liberalno-międzypaństwowa," in M. Golińczak, R. Klementowski (eds.), *Europa wielu prędkości. Problemy. Wyzwania. Konsekwencje*, Wrocław–Warszawa 2021, pp. 53-68.

Tosiek, P., *Member State in the Decision-Making System of the European Union. The Example of Poland*, Lublin 2018.

Tosiek P., "Polska wizja 'rekonstrukcji' Unii Europejskiej: nowy model integracji zróżnicowanej?," *Przegląd Europejski*, no. 3 (2017), pp. 39-56.

"Transfery finansowe Polska – budżet UE," <https://www.gov.pl/web/finanse/transfery-polska-ue-unia-europejska>.

Verovšek P.J., "Caught between 1945 and 1989: Collective Memory and the Rise of Illiberal Democracy in Post-Communist Europe," *Journal of European Public Policy*, vol. 28, no. 6 (2021), pp. 840-857, <https://doi.org/10.1080/13501763.2020.1768279>.

Wodak R., "Entering the 'Post-Shame Era': the Rise of Illiberal Democracy, Populism and Neo-Authoritarianism in Europe," *Global Discourse*, vol. 9, no. 1 (2019), pp. 195-213, <https://doi.org/10.1332/204378919X15470487645420>.

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