Illiberal Neo-Intergovernmentalism: Poland's Conservative Idea for the European Union?

PIOTR TOSIEK

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Abstract: *The aim of this article is to propose the term 'illiberal neo-intergovernmentalism' (IN) to describe and explain Poland's EU concept promoted by the government and some scholars after 2015. The methodology, based on decision, factor and comparative analyses, is of qualitative nature. The main idea is the assumption that Polish vision can be treated as a concept contributing to theory building. The research question relates to the positioning of the Polish concept against the background of other approaches: due to its significant distance from the functionalist trend, a connection with the intergovernmentalist theories is assumed. Two hypotheses are presented, and their verification shows that the main weakness of the Polish concept is the lack of paradigmatic rooting. The 'Eurorealist' illiberal neo-intergovernmentalism has not been created as a result of the evolutionary development of well-founded views typical of the intergovernmental trend and seems to disregard all previous theoretical achievements. Referring to realism alone, without defining the continuity of thought, is not enough to recognise the concept as a realist one. Therefore, this vision does not have explanatory values, while its normative character is the result of the adoption of Eurosceptic and ultraconservative ideology.*

Keywords: ***Integration Theory, Intergovernmentalism, Eurorealism, Illiberal Democracy, Poland***

I. Introduction

The theory of European integration – partly rooted in international relations – is one of the most ambiguous areas of contemporary debate in political, legal, economic and historical sciences. The multiplicity of visions, concepts, approaches and finally theories indicate that their representatives are oriented toward various research subjects. According to the well-known view of Legro and Moravcsik (1999: 11) 'debates among realists, liberals, epistemic theorists, and institutionalists have traditionally centred around the scope, power, and interrelationship of variation in material capabilities (realism), national preferences (liberalism), beliefs (epistemic theory), and international institutions (institutionalism) on state behaviour.'

Typically for social sciences, there is a fundamental contradiction between the goals of theory building: while some approaches are explanatory or empirical, others are aimed at changing reality. Until recently, the normative approaches were dominated by federalist thinking about the European Union, leaving today's politics to the intergovernmentalist trend, although criticised and considered old-fashioned (cf. Moravcsik 2018: 1658–1668). At the same time, most representatives of the theory of European integration have taken ideological convergence around liberal values in the EU for granted. However, this convergence has been reversed in recent years: first in Hungary and later in Poland (Meunier – Vachudova 2018: 1639).

Poland's policy towards the EU, created by cabinets composed of the conservative Law and Justice party (PiS), has been subject to in-depth research. This policy underwent a major change, also in conceptual terms: while in the pre-PiS period, the academic discussion in Poland was limited to the analysis of specific tactical problems, the debate took on a strategic character after the change of power. Polish researchers, especially those ideologically connected with the new authorities,[1] joined the all-European debate, adding some new elements related primarily to illiberal democracy. They call the Polish European doctrine a 'Eurorealism'. In their view (Paruch 2021: 323) it results from two premises: political and cognitive realism (determining thinking about international organisations), as well as from a system of values in which the primary one is the independence, sovereignty and integrity of the state.

The aim of this article is to propose a new scientific term for Poland's concept of European integration. The basic idea is the assumption that this vision can be treated as a contribution to theory building. Within this framework, not so much a definition of political practice is presented, but rather theoretical views justifying its activities. The main research question relates to the positioning

1 The leading representatives of this thought include Waldemar Paruch († 2022) – author of a broad study on PiS's foreign policy; Krzysztof Szczerski – author of a broad study on the normative aspects of Poland's EU policy; Tomasz G. Grosse – author of many studies on EU axiology, structure and functioning.

of the Polish concept against the background of other approaches: due to its significant distance from the broadly understood functionalist trend, a connection with intergovernmentalism is assumed. Hence, the theoretical background of the analysis is the 'classical', the liberal and the new intergovernmentalism. After identifying the most important elements of these three approaches, two hypotheses are discussed to present the preliminary assessment of the Polish concept. Earlier, however, using the definitions accepted by the intergovernmentalists, the intellectual foundations of the Polish vision are characterised.

The conclusions presented are of a qualitative nature, as is the general methodology based on decision, factor and comparative analysis. The author's ambition is not to enter into metatheoretical disputes: therefore, the terms 'theory', 'approach', 'concept' or 'vision' are used interchangeably here. Similarly, the subject of the following analysis is not the search for similarities and differences between Poland and Hungary – this is the topic of many other works (cf. Tosiek 2019).

II. Theoretical Background

Characterising the intergovernmentalist trend in the theory of European integration is seemingly not a complicated task, because it does not include too many propositions. However, it is also not easy, since the paradigmatic positioning of the entire trend is disputed. A general review of the main assumptions of the leading intergovernmentalist approaches to European integration includes Hoffmann's 'classical' thought, Moravcsik's liberal intergovernmentalism (LI) and the new intergovernmentalism (NI). The purpose of this review is not to make a detailed presentation but to find a place for a new normative approach resulting from the political practice of Poland after 2015 and some theoretical proposals connected with this practice. Since most of them refer to the realistic paradigm of international relations, the review should begin with a short reference to it.

The realist theory of international relations is based on three core assumptions (de Buck – Hosli 2020: 6). The first of them characterises states as the core players in international relations, making realism a state-centric approach. The second assumption argues that all states seek to survive and aim to increase their power, while the third is that states are rational actors that strategically calculate the costs and benefits of their moves. One of the fathers of modern realism, Morgenthau (quoted in Lomia, 2020: 595–596), presented six main principles: politics is governed by objective laws, which makes international relations theory a rational one; politics is an autonomous sphere, independent of economics and personal morality; international politics is focused on national interests reflecting the political and cultural context; political ethics is different from the universal moral principles; particular nations cannot impose

their national aspirations on other nations; pessimistic knowledge of human nature is at the centre of international politics. Later, in (defensive or offensive) neorealist or neoclassical versions those old elements have been developed, and some new ones have been added. De Buck and Hosli (2020: 7), quoting Waltz and Mearsheimer, underline that the most important realist assumption is that the international system is anarchic, which does not mean, anyway, that it is chaotic. The next assumption argues that the intentions of other states are always uncertain: this 'mutual mistrust' makes cooperation immensely difficult.

Legro and Moravcsik (1999: 12–18) claim that realism proposes the existence of a set of 'conflict groups', each organised as a unitary political actor that rationally pursues distinctive goals within an anarchic setting. Each unit is able to undertake unitary action: interstate politics is thus a perpetual bargaining over the redistribution of resources. Another element is the ability of states to coerce or bribe their counterparts. It follows that 'the strong do what they can and the weak suffer what they must'. These assumptions did not fully correspond to the reality of integrating Europe, which prevented realists from presenting their own theory of integration. Anyway, regional integration is perceived here as an attempt to counterbalance the power of a large state or coalition of states. For example, cooperation between the states of the European Communities was initially described by realism as unlikely, and later as an attempt to increase Europe's power in the global system (de Buck – Hosli 2020: 11).

In European studies, it is the intergovernmentalism identified with Hoffmann that has been perceived as an idea based on realism. According to traditional views (Hoffmann 1966: 867–868) there are three factors that help to analyse the interaction between the state and the international system. They are: national consciousness, national situation (social structure, political system, geography, formal obligations), and nationalism understood as the way allowing political leaders to interpret the suggestions of the national situation. Having said that, Hoffmann underlined Europe's asymmetries, stating that transforming the national consciousness of Germany into the European one had not succeeded, being a habit rather than 'something deep' (ibid.: 890–891).

In this view, states are still important because of internal circumstances and outside legacies. At the same time, they are not focused on 'community building', having diverse domestic determinants based on geo-historical situations (ibid.: 863–864). As noticed by Verdun (2020: 4–6), quoting Hoffmann, the reason for this situation is two factors. Firstly, every state is bound to the 'legitimacy of self-determination', being the 'universal actor' in the international system. Secondly, many states, which was true after World War II and is still true in the case of the Eastern enlargement, are 'new' ones, at least in terms of their sovereignty. With this in mind, the EU is to be perceived as an international regime: Hoffmann argued that to develop a theory the focus must be directed on the units (states), on their domestic underpinnings, on the impact of the

external environment on the various actors, and on the relationship between the states and the Community bodies (ibid.). In Reichwein's view (2021: 90), Hoffmann argued that it was the logic of diversity and the effects of national differences that best characterised the integration process. This led to a 'permanent confrontation' and to a 'logic of competition', which both made the European Communities located in a 'dialectic of fragmentation and unity'.

The development of the above concept was the liberal intergovernmentalism invented by Moravcsik (1998). The analytical structure of this approach is based on the identification of three stages of a rational state's behaviour in international relations (Hadvabova 2006: 19). The first is the formation of national preferences, in which five factors play a major role: the competition of domestic political forces; the determination of major social groups; national practices of political representation; analysis of preferences of government's representatives; economic and geopolitical conditions constituting the background of preferences. The second stage is the progress of interstate negotiations with seven specific factors: the reasons for the motivation of cooperation; the relative intensity of governments' preferences; comparing the intensity of preferences of the negotiating states; the tendency to make concessions and compromises; the threat of veto; the possibility of forming coalitions; connections between problems and package deals. The third stage consists of choosing an institutional solution. It is conditioned by two factors: identifying the incentives for states to 'pool' or delegate sovereignty, and the argumentation for or against the use of unanimity or qualified majority in an intergovernmental institution or transfer of a decision to a supranational institution (ibid.; cf. Tosiek 2018: 17–66).

It should, therefore, be noted that as a theory rooted in the liberal paradigm, LI departed from treating the interior of states as an element that is not worth analysing. Moreover, it put the formation of state preferences at its starting point. Shaping state's preferences, according to the updated approach of Moravcsik (2018: 1650–1652), covers a wide range of phenomena, including non-economic issues, public opinion, partisan policy, the role of smaller states, informal and evolutionary processes, and unintended consequences. It was initially believed that the economy was the primary factor shaping preferences, but later it was emphasised that other factors must also be taken into account.

Moravcsik (2008: 159–160) departs from the traditional understanding of interstate negotiations. Recognising the asymmetry of states as the basic factor in negotiations, he emphasises that the nature of the relationship here is based on interdependencies, which may vary from one issue negotiated to another. As a result, not only large states have influence, and the power is not directly related to size (Moravcsik 2018: 1654). Similarly, the institutional choice made by states is not solely based on the balance of power. Rather, institutions are created to compel governments to have credible attachments to decisions on

the extension, implementation or imposition of common solutions. This happens in conditions of uncertainty, issue connections and non-zero-sum games. Institutionalisation of international relations under such conditions leads to the creation of institutional support for 'diffuse reciprocity' (Moravcsik 2008: 167–168). The institutions should be perceived as (international) regimes (Moravcsik 2018: 1655).

Smeets and Zaun (2021: 856) argue that Moravcsik started from traditional intergovernmentalist assumptions but then responded to the challenges of reality by putting forward an updated version. He took into account the EU crises at the beginning of the 21st century that showed that there were processes that did not touch directly upon the economy: while downplaying the role of sectoral interests, the EU responses to crises were primarily determined by domestically determined interests and interdependence, with little autonomous role for institutional actors. This resulted in the lowest 'common denominator steps' to deal with 'functional challenges' posed by the crises (ibid.).

A more recent concept that has gained considerable popularity is the new intergovernmentalism proposed by Bickerton, Hodson and Puetter (2015a; 2015b). They believe that the entry into force of the (Maastricht) Treaty on the European Union was the beginning of the current stage of European integration. In their view, the general 'constitutional framework' of the Union remained unchanged, but integration was significantly intensified through the coordination of member states' policies, mainly at the level of the European Council. At the same time, the transfer of competencies to traditional supranational institutions, that is, the Commission and the European Parliament, was avoided, and it was decided to transfer them to '*de novo* bodies' (e.g. agencies, the European Central Bank or the European External Action Service). As a consequence, intergovernmental decision-making based on deliberation and consensus is today the dominant way to proceed. Problems in domestic preference formation have become important inputs into the European integration process, while the differences between high and low politics have become blurred. Europe entered the stage of 'disequilibrium', and policy-making has been developing informally (Bickerton – Hodson – Puetter 2015a: 705–717).

As stated by Hodson and Puetter (2019: 1157–1158), disequilibrium is the tendency of the EU to create political outcomes that polarise politics in a way that calls into question the future of the Union. This trend evolves into systemic risk, including the erosion of the EU normative political and legal order, being a danger to the territorial integrity of the Union and its main policy areas. This disequilibrium is presumed to result from the dysfunctional performance of integrationist and consensus-seeking elites, as well as (lack of) trust in the EU and national political systems. Fabbrini and Puetter (2016: 493) argue that after Maastricht, and above all after Lisbon, the institutional dynamics of the EU developed alongside the pre-existing institutional architecture. This

raised questions about how to understand the respective roles of old and new institutional actors – especially the European Council, which is *de facto* at the centre of decision-making processes. Beroš and Beroš (2019: 700) believe that '*de novo* bodies' are the essential NI element since they have the power to bind member states to mutually agreed goals, being able to isolate European politics from the electoral cycle.

It seems that NI is a theoretical response to crises: decision-making by heads of states or governments is connected here with the growing role of active citizens in the domestic process of preference aggregation (Schimmelfennig 2015: 727). At the same time, the sub-types appear within this trend, including 'deliberative intergovernmentalism' and 'intergovernmental union': the first introduces constructivist elements of consensus and deliberation, and the second refers to dominance, hierarchy and centralisation (Smeets – Zaun 2021: 855, quoting Fabbrini and Puetter).

This general overview leads to the conclusion that traditional intergovernmentalism was initially close to the realist tradition: nation-states were considered the principal and unitary actors (Verdun 2020: 4). The later varieties did not depart from this assumption, but the goals and behaviour of states started to be perceived in a different way – liberalism or (elements of) constructivism became the basis of the argument. The following part of this article analyses the current Polish integration concept using three relatively uncontroversial intergovermentalist categories proposed by Moravcsik: preferences, negotiations and institutions. This conceptual structure offers methodological tools appropriate for step-by-step theory building. In this respect, two hypotheses should be put forward. Firstly, the vision of European integration adopted by the Polish authorities after 2015, and justified by a group of influential researchers, should create a concept that develops earlier approaches characteristic of the intergovernmental trend (H1). This would result from the premise of the evolutionary development of the theory. Secondly, however, the vision presented by Poland may disregard the current intergovernmental theoretical achievements (H2). The basis for this assumption would be the premise of the 'revolutionary' nature of the Polish proposal and its connections with other schools of thought.

III. Preferences: Ideology

Typically, states' preferences should be formed in a national democratic process, while Poland now is in the stage of democratic backsliding. Drinóczi and Bień-Kacała (2019: 1141–1142) distinguish four conditions for this phenomenon. Firstly, democracy was not a consolidated phenomenon here, because Poland was only subject to the third wave of democratisation at the turn of the 1980s. Secondly, the course of the transformation was linked to political and economic crises that led to the strengthening of the political majority that gained power

in 2015. Thirdly, the political processes in Poland are characterised by a lack of 'political restraint', and, therefore, they have the symptoms of a competitive political system. Fourthly, Polish people are either unable or unwilling to create a civil society, which is the result of social culture rooted in the communist system.

In this situation, when the state departs from the principles rooted in liberal democracy and a pluralistic society, the way of domestic aggregation of preferences is at stake (Meunier – Vachudova 2018: 1639). PiS does not agree with the statement that the ideologies have been liquidated in contemporary political practice. Poland's position in the EU, due to the choice of the 'Eurorealist' orientation, has, like the attitude towards the North Atlantic Alliance, a deeply ideological character (Paruch 2021: 325–337). At the same time, the point of reference in the perception of the international system is the 'national interest' (Sanecka–Tyczyńska 2021: 117–118).

There are many practical examples of behaviour of Polish authorities resulting from such a perception of reality. Firstly, the ideological approach to Poland's European policy manifests itself in pushing for the spill-back of integration processes. Secondly, there is a clear proximity to American conservatism, which was visible in supporting the presidency of Donald Trump and initial difficulties in accepting Joe Biden's victory (the situation changed only after the outbreak of war in Ukraine in 2022). Thirdly, the ruling party in Poland maintains close relations with far-right and Eurosceptic parties from Western Europe (French *Rassemblement National*, Italian *Fratelli d'Italia* and *Lega* and Spanish *Vox*).

In this line, the ideologisation of politics is not perceived as a phenomenon specific to Poland. Only its vector can be different because, as Grosse claims (2022a: 5), in the current axiological attitude of Western societies – as part of the next phase of 'European universalism' – liberal and left-wing values, including those referring to the Marxist legacy, prevail. According to the same author (2022b: 71), beliefs about the possibility of eliminating nationalism should be regarded as utopian, since it is still permanently present also in the largest EU member states.

PiS represents a specific type of conservatism rooted in particularistic national history. Hence, Poland's foreign policy is to be built on the foundation of moral reasons, which include, on the one hand, the human and material losses suffered as a result of the aggression of totalitarian states in the 20th century, and on the other hand, the Polish contribution to the liberation of European nations from communism (Sanecka–Tyczyńska 2021: 122). In the analysis based on a historical review presented by Drinóczi and Bień-Kacała (2019: 1144), Poles are described as a traumatised nation suffering the loss of statehood and independence many times over the last 300 years. 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 parochial-

ism and folk social structure, both combined with a feeling of messianism often turning into megalomania.

The practice of governments' political cooperation with the dominant Catholic Church has been a constant feature of the ruling parties for many years of transformation. However, this phenomenon adopted extreme variants only after 2015. They are reflected, firstly, in the unambiguous support of the clergy for the policy of the ruling party. This is manifested, for example, in political agitation during church services or making Churches' premises available for election campaigns. Secondly, the leading representatives of the ruling party participate in religious ceremonies collectively, with particular emphasis on those conducted by the religious-nationalist *Radio Maryja*. Thirdly, there is a clear preference for the Catholic religion in programmes in primary and secondary education, and fourthly, the Church's various activities are heavily subsidised by the state budget.

Religion can be a vital source of illiberal agendas due to the 'theologically political' ideas of power, hierarchy and inequality (Hidalgo 2019: 10). In Western societies, the opposition between the democratic idea of power (based on the rule of law and the majority) and religion (with its claim to absolute truth) either forces democracy to renounce any religious authority or gives democracy the opportunity to compensate for its shortcomings with the help of religion – for example, social atomism, disintegration, lack of social capital and civic engagement. However, a different phenomenon seems to be taking place in Poland: a sub-type of illiberal democracy is created, supported by populists in order to compensate for the obvious deficiencies in the legitimacy of their power. Based on this, illiberal positions can be treated as synonymous with the need for a common identity and as resistance against the negative elements of liberal democracy (ibid.: 12–13).

The current trend is rooted in recent history. According to Auer (2022: 148–162), 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. The phenomenon of the 'tyranny of legalism' prevails here. In contrast, 'illiberal democracy' is less concerned with minority rights and individual liberties, but better reflects the will of the people (ibid.). As a result, legalism is rejected in today's Poland, and authorities – using informal tools of breaching and disregarding constitutional provisions – are transforming the courts into the servants of the ruling party (Drinóczi – Bień-Kacała 2019: 1146).

The departure from the rules of liberal democracy is visible not only in the continuous reforms of the judiciary system but also in the functioning of the Polish parliament. In 2015–2019, when PiS dominated both houses of the parliament, the full legislative procedure (from submitting a draft up to publication

of the act in the official journal) could have been carried out in several days without a real debate. This is also reflected in the exclusion of the opposition from parliamentary debates by shortening the speaking time or using urgent procedures. These phenomena have a direct impact on the political position of the state in the EU: the first ever initiated procedure for violating EU values under Art. 7 TEU was used against Poland, while the reforms of the judiciary became the basis for many CJEU's judgments and legal disputes with the Polish Constitutional Tribunal. Violation of the rule of law is also the reason for the blocking of funds attributed to Poland under the 'Next Generation EU' programmes.

It is worth reminding that the concept of 'illiberal democracy' was introduced 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' (quoted in Hidalgo 2019: 5). The majority of scholars use the term 'illiberal backsliding', which, however, misrepresents the de-democratisation process because it implies that democracies return to something that existed in the past: it is better to focus on 'autocratization', as this indicates the emergence of hybrid regimes (Lorenz and Anders 2021: 332). Drinóczi and Bień-Kacała (2019: 1140–1149) 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. In their view, illiberal constitutionalism is not the opposite of liberal constitutionalism, but a situation in which power relativises the rule of law, democracy and human rights in politically sensitive cases. It constitutionalises populist nationalism, uses identity politics, creates a new patrimonialism and clientelism, and supports state-controlled corruption.

The same authors (2019: 1142–1143), referring to the literature review, highlight the most important characteristics of voters supporting Polish political changes in recent years, pointing out that the current policy can only be treated as a consequence, not the root, of building an illiberal state. Changes in Poland enjoy relatively strong support from a large part of society. In this line, Jan-Werner Mueller (quoted in Auer 2022: 162–169) draws attention to the anti-elitism of illiberal democracy: 'the elites were in favour of constrained democracy', that is, a system protecting people against their inferior instincts, and, therefore, strong constitutional courts have been created and the rule of law respected.

Polish attitudes to democracy and the rule of law are part of a broader phenomenon, but at the same time, they have their own specificity. Yet, the determinants of Euroscepticism reveal patterns assigned to a given state, and not necessarily for the entire region (Lorenz – Anders 2021: 326–328). According

to many studies, people in Central Europe are no more, or rather less, Eurosceptic than people in Western member states. This is also true of Poland, where support for European integration has always been strong. Sedelmeier (2023: 21) – referring to the results of quantitative and qualitative research – proves that Western member states are also not immune to backsliding, and it would be wrong to use the notion of an East-West democracy divide. Some Eastern members, like Estonia, stand out for having attained a level of democracy that is better than most Western European states. Still, Hungary and Poland are examples of entities where democracy is under the most serious threat.

Despite the liberal experience after 1989, a significant part of Polish society is characterised by a lack of respect for others, impaired self-confidence, a sense of being a victim associated with a sense of inferiority, the need for a strong leader, prioritising the values of conservatism and hierarchy, as well as an aversion to the values of a liberal constitutional democracy or an open society (Drinóczi – Bień-Kacała 2019: 1166). In the context of transforming this situation into the preferences of states constituting the basis for negotiations within the EU institutional system, it is worth recalling the view of Meunier and Vachudova (2018: 1640–1641) that illiberal governments will have 'not just different preference intensities but conflicts of interest with liberal governments'. The most immediate consequence may be disagreement over outcomes and strategies in policies governed by unanimity, and a shift in preferences by one illiberal government can have a disproportionate impact on the whole EU decision-making process.

IV. Negotiations: Bargaining

The starting point for the analysis of the negotiating power of member states may be Auer's opinion (2022: 136–141) that Europe is currently characterised by 'liberal nationalism', which is incompatible with the creation of a centre that abolishes all practices inconsistent with its principles. Hidalgo (2019: 16) adds that the idea of nationalism in Western Europe apparently diverges from the religious belongings in Central Europe since the Western concept of 'nation' as well as the ideology of 'nationalism' is not connected with religious identities.

According to this way of thinking, some peripheral EU states have clearly disagreed with the expansion of universalism with its institutional basis in the EU, being to a large extent the promotion of geopolitical interests of the largest Western European states. This led to the 'excluding constraint', as integration began to be increasingly aimed at excluding some forces from legitimised politics, limiting the scope of discussion about the future of the EU to the directions and values preferred by the political mainstream (Grosse 2022a: 5–14). Similarly, the basic systemic feature of the Union is the hierarchy between the member states, and the method used by the largest states to regain political influence on

integration processes is to limit the role of technocratic institutions and narrow the circle of states participating in decision-making (Grosse 2012: 125). The use of the 'old' Community method is only virtual because in reality decisions are made in an intergovernmental way. This feature was additionally strengthened by the changes introduced in the Treaty of Lisbon, which intensified informal cooperation between the largest states. The period of crisis thus highlighted the existence of a 'directorate' or 'concert of powers' (Grosse 2015: 111–113).

The EU is called an 'asymmetric quasi-federation' (Grosse 2013: 17–19) or an 'asymmetric confederation' (Grosse 2015: 120–126). Its main feature is the unequal distribution of power between the largest (and economically strong) states and the smaller (and weaker) ones. A characteristic of the EU is an inter--state hierarchy associated with the distribution of costs and benefits of integration, which in turn may result in the emergence of a neo-colonial system (Beck, quoted in Grosse, 2015: 120). This situation is complemented by the processes of segmentation, that is, striving to differentiate integration. This arrangement is referred to as an 'empire' in which one state exercises political control over others. It is characterised by the differentiation of rights of member states, as well as the lack of democracy (Czaputowicz 2017: 51–59).

Paruch (2021: 325) claims that European integration has neither changed the anarchic (or polyarchic) substance of international relations nor has it abolished the rivalry inherent in the international environment. The European system should be perceived in a realist way, that is, with the use of such categories as stratification, advantage, alliance, centre-periphery relations and clientelism – all the concepts 'which European politics does not tolerate, because they are not appropriate for post-politics' (ibid.: 341, quoting Szczerski). Representatives of realism – as stated by Reichwein (2021: 81–82) – regard Europe as an internally asymmetric continent dominated by selfish and opportunistic actors. This leads to a constant security dilemma, sometimes in the form of counterbalancing of EU member states against Germany's attempts to set the EU agenda.

According to Paruch (2019: 82–83), the realistic policy model is based on three pillars: limited trust in other political entities; dialogue and compromise as means aimed at achieving one's own goals and interests; and referring to power, pride and firmness. Neither the global order nor the continental order is constituted on the basis of the norms of international law, being instead derived from the balance of power between individual states. If a state wants to win, it needs to increase its political potential, especially in terms of comparison with its neighbours. Due to its status as a pivotal medium state, Poland should choose a band-wagoning policy, but the core of this model is the United States of America, and not any European power (Paruch 2021: 350–352).

In this view, the main challenge for Polish geopolitics is the strong position of Germany and its cooperation with France. And although for Poland, including PiS, the accession to the European Union was a historical necessity, it can also

be seen as historical fatalism. The only alternative is remaining in the sphere of Russian influence (ibid.: 339–340). Having this in mind, the threat here is the formation of a European centre in the form of a concert of Western European powers (Carolingian Europe) and the Central European and Southern European peripheries, as well as the start of a dialogue by European powers with Russia on the delimitation of spheres of influence. This can permanently transform Central Europe into the EU's periphery with Russia's interests guaranteed (ibid.: 342).

The political hostility towards Germany is manifested in the general resentment that characterises the PiS government. Constant references to the period of World War II, repeated demands for war reparations and strong anti-German propaganda in the government-controlled media find some resonance in part of Polish society. Opposition parties, mainly Civic Platform (PO), are presented as entities pursuing a pro-German – that is, anti-Polish, policy. A kind of obsession on the part of PiS is closely related to the need for the creation of a Central European counterbalance to Germany.

Germany has 'a power combining political stability, economic strength, and other capabilities with historical legacy, moral responsibility, and coercive diplomacy in order to deal with new challenges and crises', while France plays a similar role because both states share the same security concerns and support the integration process serving their individual interests (Reichwein 2021: 90–93). It is in this context that the sense of Poland's Three Seas Initiative should be seen: the key here is the striving for more symmetrical relations between Germany and the states of Central Europe (Grosse 2020: 153). This is also related to the concept of polycentrism, according to which the European Union should be an organisation consisting of many autonomous sub-centres of integration, 'decentralized regional communities', which independently shape the model of their operation. In this system, Poland should serve as a separate centre for its own integration model (Szczerski 2017: 235–239).

In Paruch's view (2021: 367–369), Central Europe is a permanent geopolitical entity, existing regardless of its international status, while the European Union is a historical entity, a temporary one. Therefore, Poland treats Central Europe, on the one hand, as a resource in the policy of strengthening Poland's international position, and on the other, as a factor in leveraging Poland's position in international relations (ibid.; cf. Zheltovskyy 2022: 668). It is, after all, a component of a broader view of the quality of contemporary international relations and their perception as a system based on a dichotomy understood as the existence of two mutually exclusive 'international orientations' (Sanecka–Tyczyńska 2021: 117–121). On the one hand, there is a 'safe world' composed of nation-states, dominated by the United States of America, and on the other – a 'world of international chaos' and 'regional domination' referred to as globalism, in which the sovereignty of states is limited. In such a perception, the desired status for Poland would be the one of Turkey considered a 'serious' state (ibid.).

Practically, the PiS government emphasises the role of the Visegrad Group (V4) and, in the context of transatlantic cooperation, the 'Bucharest Nine' as important tools for achieving Poland's goals in international politics. However, the effectiveness of these instruments is limited, because – firstly – on many occasions, the states of the region have interests distinct from Polish ones (as indicated by Hungary's perception of the Russian-Ukrainian war), and secondly, most Central European states view Germany, and not Poland, as the main political partner.

V. Institutions: Balance of Power

In the traditional view presented by Hoffmann (1966: 904–911) 'the integration to succeed must meet the following factors: the units must be political communities in a formal sense; the leaders of integration inside states must be strong; the units must be similar subjectively; nation-state must be a basic unit; states are transformed; the international system must offer incentives to create the entity beyond the state'. In Poland's conservative view, European institutions are treated as a platform on which states play a political game, competing to satisfy their selfish claims (Paruch 2021: 343). At the same time, strengthening states in the context of who has the final say (EU or the state) needs a political solution, since it cannot be resolved in solely legal terms (Auer 2022: 181).

Thus, the Polish authorities perceive the Union as an international organisation of sovereign member states that have concluded a contract with each other in the form of treaties, defining both its political system and the competencies of individual EU bodies, with all respect to states' sovereignty (Paruch 2021: 357). There are seven foundations on which PiS wants to base relations between member states: the multitude of regional centres; equality of states instead of their hierarchy; deregulation carried out by EU institutions instead of bans and orders; solidarity between states, taking into account the capabilities of the weakest ones; openness to accepting new members; democracy organised and effectively practiced in member states; return to the Greek-Roman-Christian civilisational identity (ibid.: 387).

In one of the most famous formulations (Szczerski 2017), today's Union should be 'reconstituted'. Apart from the geopolitical dimension, this has three contexts (cf. Tosiek 2017: 48). In terms of axiology, two alternative options are assumed, of which (the preferred) one is 'returning of the Union to Christian traditions'. The second one, also acceptable, consists of 'axiological neutrality' meaning a lack of interest on the part of the EU institutions in the functioning of the member states in the sphere of values (Szczerski 2017: 230–239). In terms of economic conditions, the basic assumption is to depart from the 'neo-colonial model of development' of states. In a more general context, the aim is to deregulate the economy, although such liberalisation would go hand

in hand with maintaining cohesion policy and upholding the principle of equalising the levels of economic development of all EU states (ibid.: 230). In terms of the decision-making system, the main assumption is the principle of the EU's 'intergovernmental democracy' based on four pillars: unanimity as the main method of decision-making; strengthening the role of national parliaments in scrutinising supranational institutions; the abolition of the right of EU institutions to interfere in the domestic law of states outside the areas of exclusive EU competence; and strict enforcement of the subsidiarity principle (ibid.: 155–156, 235–236; Musiałek 2016: 146–147).

A more detailed vision of the reform of the EU decision-making system is presented by Romanowski (2022: 27–31). 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 (ibid.).

Also, the double majority system currently in force in the Council is subject to far-reaching criticism. According to Kleinowski and Czaputowicz (2018: 176–189), a voting system in which the size of the population is reflected proportionally constitutes a situation worse than that of traditional federal states. The system favours entities with the largest populations (especially Germany) and the six states with the lowest populations, at the expense of the others. The desired solution should be based on a compromise between the equality of states and the equality of citizens. Still, 'the system introduced in the Treaty of Lisbon breaks with the idea of voting principles advantageous for less populous states, which have existed in the EU for half a century' (ibid.).

A very broad catalogue of changes is proposed by Grosse (2022c: 46–53). Referring to a literature review, including the purported Scharpf's opinions, he selects proposals for reforms of EU decision-making procedures that are functional for the Polish vision. They indicate the need to limit the scope of matters voted by a majority in the Council in favour of unanimity, proposing the possibility of excluding a member state from a specific EU norm as a result

of a resolution of the national parliament. Further, it is worth thinking about 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 also be possible to introduce a rule according to which the judgments of the Court of Justice of the EU were to be approved by the member states in a majority vote. The possibility that those judgments could be reviewed by constitutional courts should also be considered. Another proposal is the introduction of an institution that would monitor the observance of treaty powers entrusted by member states to EU institutions. The purpose of these changes is to reject the principle of the supremacy of European law and the EU's jurisprudence over national constitutions. The thresholds of the votes required for national parliaments to submit their legal objections should be significantly lowered, and the opinions of national parliaments should be addressed directly to the Council of the EU, that is, bypassing the European Commission (ibid.).

The Polish government promotes its own EU concept also practically, although the effectiveness of its activities in this respect is limited. Firstly, Poland abandoned the idea of proposing treaty changes, limiting itself to programmatic speeches of prime ministers during debates devoted to the future of the EU in the European Parliament. Secondly, the Conference on the Future of Europe was almost completely ignored in Poland: PiS representatives ostentatiously presented negative opinions on the very concept of this form of deliberation, while the government joined the initiatives aimed at avoiding the implementation of the conference results.

The very concept used by Polish authorities, 'Eurorealism', was originally invented to describe the attitudes to the EU as something in between Euroenthusiasm and Euroscepticism. In fact, however, the term has not been scientifically accepted, because in practice it was a disguise for soft or openly Eurosceptic views (Steven – Szczerbiak 2022: 8–10). In Paruch's opinion (2021: 331), '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. Excluded is the transfer of important competencies to EU institutions as well as the building of a European federation based on the European *demos, while the creation of a 'supra-state' is a main threat.* In addition, the element of Polish 'Eurorealism' is the consent to flexible forms of integration and accepting the 'minimum legal harmonization and legal coercion in the participation of all states in subsequent aspects of integration' (Grosse 2022c: 34). However, such an attitude can create the 'other democratic deficit' of the Union, rooted in varieties of definitions of democracy and the rule of law (Raube – Costa Reis 2021: 642, quoting Kelemen).

VI. Towards a New Theory?

The behavioural pattern adopted by Poland in the EU institutional system has not been a stable and consistent one since the accession (see Table 1). Four phases can be distinguished here (cf. Karolewski – Mehlhausen 2017: 55–56). In the first of them, shortly after the accession, the left-wing and post-communist government of Poland showed a mild approach to the cooperation and competition of states in the EU decision-making processes, which was largely caused by the status of a 'newcomer' and the need to be subjected to socialisation. After PiS took power in 2005, the attitude became more pragmatic, and the Polish authorities were often guided by scepticism towards strategic decisions taken at the EU level, which was reflected in the relatively difficult acceptance of the Treaty of Lisbon. Pragmatism also remained a feature of Poland's European policy in the years 2007–2015, that is, the governments of the Civic Platform (PO) and Polish Peoples' Party (PSL); however, Poland began to play an increasingly important role, which was reflected both in substantive matters (e.g. the Eastern Partnership concept) and personal policy (e.g. Donald Tusk as the President of the European Council). According to PO politicians that dominated the cabinets at that time, the main goal of Poland's EU membership was economic and social development, as well as significant civilisational changes bringing Polish society closer to the Western European model. In strategic terms, the main task was, therefore, to weaken the influence of Poland's peripheral location on its position in Europe. This meant remaining in the EU mainstream, as exemplified by the initial declaration of the adoption of the single currency (made in 2008) and the consent to participate in the distribution of refugee quotas in 2015 (then cancelled by the PiS government).

However, some significant similarities in EU policies of PiS and PO-PSL governments also occurred (Czachór *et al.* 2019: 49–51). Each of the governments declared a strong attachment to the national interest, although they emphasised it in a different way in practice. It seems that, with the exception of 2005–2007, integration with Western Europe was perceived as a fundamental and unquestionable priority of Poland's policy, and only during the first PiS government did alternative options begin to be considered. In terms of the effects, the policies of all governments were actually similar. The differences concerned the style of policy, while a more assertive one did not bring more favourable results than a policy aimed at seeking elements that coincided with the interests of other states. The situation changed in 2015, when PiS took power again, which initiated a period of undermining EU decision-making procedures, and assertiveness was replaced by contestation.

Table 1: Phases of Poland's EU policy (behavioural patterns)

Phase	Pattern
2004–2005	Learning
2005–2007	Sceptical pragmatism
2007–2015	Enthusiastic pragmatism
2015–	Contestation

Source: Author's own analysis.

Also, the EU vision preferred by Poland was subject to fluctuations. Karolewski and Mehlhausen (2017: 58–63), referring to Münch's concept, distinguished three ideal types of 'images of Europe' adopted by political practitioners. The first of them is the federation model, where the nation-state is perceived as the most important political level, which, however, is 'successively transcended' towards a European federal state. The second one is the model of cooperation, in which states are also the main actors of integration in the long-term perspective, and the unanimity rule applies in sensitive policy areas. The third is the model of autonomy expressed in a critical perception of the European Union that is controlled by large states and has a 'neo-hegemonic' character. According to those authors (see Table 2), the acceptance of the federation model can be attributed to the period just after the accession and to left-liberal parties, although even at that time there were many references to the cooperation model. Some features of the federal model were also manifested by the cabinets of Donald Tusk, although, in general, their activities were closer to the cooperation model. It seems that also during the first rule of PiS, the model of cooperation dominated, which was definitely abandoned in favour of autonomy after 2015 (cf. Czachór *et al.* 2019: 46–47).

Table 2: Phases of Poland's EU policy (EU vision)

Phase	Vision
2004–2005	Federalism
2005–2007	Cooperation
2007–2015	Federalism/Cooperation
2015–	Autonomy

Source: Karolewski – Mehlhausen 2017 (based on Münch's concept).

Undoubtedly, the period after 2015 is a qualitative change in Poland's EU policy, both in respect of the behavioural model and the preferred vision of integration. The comprehensive causes and effects of this change are the topics of the extensive literature on illiberal democracy, democratic backsliding, or rule of law non-compliance (Sadurski 2019), where Poland is sometimes attributed to 'regressiveness' or 'Eurohostility' (Ruszkowski 2022). Sticking to the analytical framework suggested by liberal intergovernmentalism and referring to the above short elaboration, it can be concluded that in terms of state's preferences, Poland's current policy is built on the basis of ideology connected with history and religion; in terms of negotiations it emphasises bargains based on asymmetry and relative power; in terms of institutions the inner EU balance of power created by intergovernmental cooperation and unanimity plays a fundamental role. It can, therefore, be stated that political practice combined with the reflection of some intellectuals resulted in the emergence of a new normative concept of integration, which can be called 'illiberal neo-intergovernmentalism' (IN).

The very term 'neo-intergovernmentalism' has not been widely used in European studies so far, and the name itself can cause confusion. Some authors apply this name to the new intergovernmentalism (Beetz – Rossi 2015: 10) or to all intergovernmentalist concepts created after Hoffmann (Merlingen 1997: 23). However, there are also preliminary proposals that treat neo-intergovernmentalism as a separate model. One of them has been proposed by Mather (2005: 36–39): there the concept combines the main premise of multilevel governance, that is, the dispersion of power at subnational, national and supranational levels, with the assumption that the governments of the member states are the main political EU actors. Still, the state's policies can be effectively conditioned by path dependencies created by formal or informal factors, including regionalisms. Another type of neo-intergovernmentalism has been suggested by Savatic (2021:10–12, 46–50): starting from a specific conjunction of neo-functionalism and liberal intergovernmentalism, he believes that the new name should be used in the context of the way in which states can use exclusion as a tool to protect their interests that are not based on material or empirical realities. Convergence within the EU depends on, firstly, the perception that diverging national policies can cause negative cross-border externalities and, secondly, the threat of being excluded from the benefits of integration along with the associated costs. During the negotiations, some states may demand the adjustment of other states' policies in order to limit the risk of externalities. Such a situation may result in the exclusion of some partners from integration if policy convergence is not at a sufficiently high level. In fact, it seems that neo-intergovernmentalism understood in this way is an approach that indicates that states can treat the participation in integration flexibly (ibid.).

The name 'illiberal neo-intergovernmetalism' proposed here is not used by the creators of this concept, but it seems to properly reflect two main features

of Poland's EU vision. First of all, the prefix 'neo' does not indicate modernity, but rather a kind of 'retrograde novelty', typical of thought built on earlier similar views. Secondly, building *à rebours* on the basis of Moravcsik's theory, the adjective 'illiberal' must be added to the name. After all, it is the ideology that builds the substance of the new approach, distinguishing it from other modern intergovernmentalist theories, that is, LI and NI.

However, there are more differences described in a simplified form in Table 3. Firstly, while LI is primarily aimed at explaining integration processes, and NI is based on the latest post-Maastricht historical experience, IN is an ideological concept of a normative nature. It does not explain and does not draw on the features of the EU as it is, but proposes to transform reality into 'neo-reality'. Secondly, despite the fact that Moravcsik's idea is sometimes called a 'liberal intergovernmentalist variant of neo-realism' (Larsson – Maurer 2000: 79–81), LI is undoubtedly based on the liberal paradigm. It assumes the inherently democratic character of all member states, reflected in the way of shaping states' preferences and, indirectly, in the features of the EU institutional system (Moravcsik 2002). The creators of NI most likely added to their concept some constructivist elements originating from researchers of deliberative processes. In contrast, although its roots in this paradigm have not yet been properly explained by its creators, IN is close to realism, rather in the classical sense. It could be called a nationalist approach, which makes any paradigmatic connection even more difficult. Thirdly, elements of realism are perhaps most evident in the context of IN's preferred relations between member states. According to this concept, the European Union should be an entity consisting of polycentric regional communities with their leaders. Due to the negative attitude towards the hegemony of one state, such regional powers should be called 'sub-hegemons', with Poland as one of them. Fourthly, while Moravcsik's three-element analytical structure seems to be well suited not only to LI but also to NI, in the case of IN it should be reconstructed in a realist direction. Preferences should be explicitly called 'interests', and institutions should be perceived as 'regimes'. Also, the basis of preferences – in LI related to the economy and in NI to mass politics – is different in the case of IN, as it is almost exclusively related to ideology. The only method of negotiation here is bargaining, and the resulting regimes are built on the principle of balance of power, instead of inter-state reciprocity (substantively) or consensus (procedurally). Fifthly, in LI many modes of decision-making are accepted because they are issue-specific, and in NI the method identified with the post-Maastricht era is the deliberative consensus. In turn, the promoters of IN emphasise that not only in strategic decisions but also in day-to-day politics, unanimity should be the dominant method, assuming the right of each state to exercise the right of veto.

Table 3: Comparison of modern intergovernmentalisms vs. illiberal neo-intergovernmentalism

	LI	NI	IN
Theoretical model	Explanatory	Empirical	Normative
Paradigmatic adherence	Liberalism	Liberalism Constructivism	Realism (?)
Nature of interstate relations	Issue-specific asymmetric interdependence	Deliberative member statism	Sub-hegemonic polycentrism
Analytical framework	Preferences – based on economy Negotiations – based on bargaining/arguing Institutions – based on reciprocity	Preferences – based on popular views Negotiations – based on arguing Institutions – based on consensus	Interests – based on ideology Negotiations – based on bargaining Regimes – based on the balance of power
Decision–making method	Unanimity/QMV/Consensus	Consensus	Unanimity

Source: Author's own analysis based on works of Moravcsik, Bickerton, Hodson, and Puetter quoted in the article.

IN is not a theoretical proposition that would testify to the continuity of intergovernmentalist thinking about the EU. It is completely different from LI and NI, and at the same time quite distant from Hoffmann's traditional concept. For him, nationalism was a way of perceiving international reality without ideological connotations, while national interests were not given but resulted from the interplay of various factors, including political leadership, a broader context of national experience, traditions, institutions, norms and randomness (Patel 2022). The relations between the Community and the states were, in his view, not a zero-sum game. The Community helped preserve nation-states (Hoffmann 1982: 21), and, therefore, they survived in a transformed form (Hoffmann 1966: 889). At the same time, IN does not seem to be fully in line with realism: referring to this kind of thought alone, without recalling its version and defining the continuity, is not enough to recognise the concept as a realist one.

VII. Conclusion

In order to define the current Polish concept of European integration the name 'illiberal neo-intergovernmentalism' has been proposed in this article. This IN vision contributes to theory building, although its substantive quality is not

very high. The main weakness is the lack of unambiguous paradigmatic rooting. It can be said – contrary to the first hypothesis examined here – that the Polish vision has not been created as a result of the evolutionary development of well-founded intergovernmentalist views. The concept presented by Poland seems to disregard the previous theoretical achievements (not only that of intergovernmentalist but any), which makes the second hypothesis strengthened but still not positively verified. In its essence, IN exemplifies a kind of 'regressive progression'. It results from an 'ultra-realistic' adaptation based on misperception, containing postulates of adjusting the EU to a situation that has never existed and still does not occur (cf. Pietraś 1998: 59–60). Therefore, this vision does not have explanatory values, while its normative character is the effect of the adoption of Eurosceptic and ultra-conservative ideology, disguised as 'Eurorealism'.

According to Raube and Costa Reis (2021: 628), the EU as an 'order' is currently being challenged by the crisis of democracy and the rule of law in its member states in three different ways. Firstly, the EU is facing an identity crisis because it is changing from within towards values contrary to its principles. Secondly, the EU is facing a compliance and implementation crisis as violations of the rule of law could be seen as undermining the effectiveness of EU secondary law and the direct effect. Thirdly, a crisis of perception may also occur, which weakens the perception of the Union as a community of values. As a new way of thinking about integration, IN may therefore have far-reaching consequences for political practice.

At the same time, IN proposes a new direction for further research oriented on placing this concept within the differentiated integration theory. The vision promoted by Poland essentially suggests a 'unilateral self-differentiation' (Ruszkowski 2022: 37), itself being a 'hybrid differentiation concept' (Tosiek 2017: 52). The implementation of IN could result in 'multispeed Europe' or 'Europe of (poly)centric circles'. In the long run, this might lead to the disintegration and acceptance of the 'Europe *à la carte*' model.

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Piotr Tosiek *is an assistant professor at the Faculty of Political Science and International Studies, University of Warsaw, and Head of the Department of European Union Law and Institutions at this university. His research activity focuses on: theories of European integration, the EU political system, and the role of member states in the EU decision–making system. Email: p. tosiek@uw.edu.pl*