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RAISON D'ÉTAT AND THE POLISH PRESIDENCY

The Presidency of the Council of the European Union, whose former legal models date back to the European Economic Community and the current model is exercised under the Treaty of Lisbon, is an institution that links the European communities with their foundations, i.e. nation-states. This institution of European law, practiced since 1958, evolved under the changing provisions of Treaties and the growth dynamics of the EEC and the EU. Whatever legal solutions determined the function of Presidency at various stages of its evolution, a Presidency has always shifted the responsibility for the execution of European communities' tasks to the level of a Member State. Political responsibility to take action (also in crisis situations), for coordination and implementation of priorities set and, finally, the delivery of growth strategies is in the hands of the institutions of the state that holds the rotating Presidency. This exceptionally prestigious task which requires maximum mobilisation of logistic capacity and competences is considered – especially after EU enlargement in 2004-2007 – to be a "maturity exam" for each nation-state that tests its capacity to act in consideration of European interests and be flexible enough to overcome emerging obstacles and controversies. The Treaty of Lisbon introduced changes that have limited the impact of the Presidency. Among others, it extended the turn taking time in the rotation system from 2.5 years to 12 years and established new EU bodies: the President of the European Council and the High Representative of the European Union for Foreign Affairs and Security Policy. One might perceive those changes as an attempt to decrease the role of nation-states in exercising power at the EU level, however, the changes are also indicative of the Presidency evolving not only under law but also under the influence of the political culture of various countries, personalities of politicians, organisational competencies and cooperation capabilities, and – last but not least – financial resources.[1]

The Presidency gives prominence to national sovereignty, i.e. the statehood status of the presiding state and this facilitates references to *raison d'État*, that is the national interest or the reason of state, and its evolution. In the reality that has

[1] Cf. M. M. Brzezińska, *Kształtowanie się i rozwój prezydencji w Radzie*, in: P. Burgoński, S. Sowiński (ed.) (2011), *Od akcesji do prezydencji. Kościół katolicki w Polsce i Unia Europejska*, Toruń, pp. 61-63.

been shaped for decades by political Treaties of European communities including the most recent Lisbon Treaty, the question about the prospects of a nation-state is still up-to-date. The end of Presidencies prophesied by eurosceptics and many participants of European debates seems to be premature. This has been confirmed by the language of public debates where the term "reason of state" has been revived not only in reference to internal, but also supranational issues.

The term "reason of state" that has accompanied modern European politics and is intertwined with histories of nation-states proved to be an apt concept also in recent decades when Poland experienced the democratic breakthrough and transformation of its political system. This term, associated with Niccolo Machiavelli (though he was not the first to use it), defines superiority of the interest of state where 'state' is a (national) community. It has often been used to justify violation of legal, ethical or traditional norms by those in power to gain profit. Such an abuse was often drastic and its examples can be found even in the last decades of political history of the People's Republic of Poland. However, similarly as Machiavelli's ideas were interpreted anew and their positive aspects approved by ethics and law, the concept of "the reason of state" started to occur in the context different than the attempts to justify the imposition of martial law in 1981, that is in discussions on Polish public life in the period of political transformation and the shaping of the democratic order. The author of "The Prince" was recognised as the promoter of civic ideas, the reviver of Roman republican ideas in Italian towns and, with the publication of his works in the 'new' world, the concept of "the reason of state" was refreshed.[2]

In Polish public debates, the often highlighted issue of civil society put the reason of state in a new light also in reference to the pre-1989 period in Poland. Then postulates of stronger connectivity between the government's reasons of state and the actual national interest voiced by the new opposition as well as the need to speak "about Poland and for Poland" voiced by representatives of the Church were both a call for a coherent state legitimised by its sovereign under a full catalogue of civil rights. The postulates of those participating in the 1980 strike, though largely referring to the dramatic economic situation, linked overcoming the crisis with exercising civil rights. The 1981 October Programme of the Independent Self-Governing Trade Union "Solidarity" negotiated in the 1980-1981 turbulent re-evaluation period, was based on the general postulate that the "Solidarity" would represent the people of labour and defend their rights, dignity and interests, as well as human, civil and employee rights. The notion that effectiveness of actions and efforts is warranted by economic governance coupled with the need for democratic legitimisation to exercise power was derived from the conviction that it is necessary to implement an economic reform that would improve the living conditions of the society and increase economic effectiveness. The cause of the ineffectiveness of the system and the economic downturn was sought in the fundamental anthropological error that

[2] Cf. A. Rzegocki (2008), *Racja stanu a polska tradycja myślenia o polityce*, Cracow, pp. 333-334.

resulted in the impossibility of appeasing human needs, but primarily in the marginalisation of citizens living in an ill-managed state and deprived of opportunities for self-fulfilment and creativity. Postulates of the rule of law, transparency of public life and self-governance that were voiced in the 1980s, were not only the core values of "Solidarity", but also paved the way for systemic changes which took place at the end of that decade. Those postulates, sustained when "Solidarity" was delegalised, continued to be valid in new circumstances when implementation of the principle of self-determination of the nation and democratically legitimised statehood became possible.

The experience of nearly 25 years of sovereignty of the Republic of Poland must suggest divergent assessments of the scale of civic actions and the quality of political culture. Poland, considered to be the initiator and a pillar of democratic transformation of Eastern and Central Europe, has encountered the problem of a relatively low involvement of citizens in the process of legitimising the political system. Even during the breakthrough 1989 parliamentary elections, less than 63% of eligible citizens cast their vote, and an inglorious record was set in the 2004 elections to the European Parliament when only 20% of voters cast their ballot. This quantitative data reflects the lack of trust toward the political class or a strong focus on private interests, both of which are to a large extent a legacy of the times when citizens had very limited means of influencing the public sphere and a long-term result of the above strategy of the communist authorities that was aimed at marginalising citizens in their own state. The democratic legitimisation of power after 1989 was not limited to a mechanical cabinet reshuffling and setting of new goals. The change did not occur in a void, but against the backdrop of dynamic transformations on the international arena and the changing global trends. The national ethos, brought to light after years of restrictions and prohibitions, was confronted with globalisation that erased the system of clear-cut borders and, especially in Europe, with advancement of integration processes and institutionalisation of the supranational order. Also the very exercise of power taken over by former oppositionists was not limited to following the procedures that were previously carried out by Józef Cyrankiewicz, Piotr Jaroszewicz and Zbigniew Messner. "In 1989 the government of Tadeusz Mazowiecki inherited state institutions that were not suited to govern the state but to carry out directives formulated elsewhere. The Council of Ministers was not prepared to gather and process generally available information; there were no communication mechanisms within the administration. The tools facilitating effective governance had to be created from scratch".[3] There was much to be dealt with. There were ideological clashes, state administration had to be reconstructed (the most essential element of which was the radical reform of local government), and next to those, the urgent need to develop governance standards and to lay the constitutional foundations for the evolving state order.

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[3] R. Matyja, *Przywództwo i instytucje*, in: I. Jackiewicz (ed.) (2004), *Budowanie instytucji państwa 1989-2001. W poszukiwaniu modelu*, Warsaw, p. 13.

This evolutionary manner of political transformation and democratisation brought about many far-reaching paradoxes. What was lacking was a clear turning point that would mark the moment of change and a clear demarcation line between the old and the new order. Although the peaceful and evolutionary political change was undoubtedly a timeless historical achievement, it was underestimated by the society at large, i.e. its social recognition and impact on shaping civil awareness were low. Though it is possible to discern the short period when the authoritarian regime was phased out (1989-1991), the period when institutions and legal bases of the new order were introduced (until the adoption of the Constitution in 1997), and the stage of democracy consolidation[4], subsequent attempts to depreciate the achievements of the sovereign state proved that social awareness of the fundamental change was very weak. The adoption of the Constitution in 1997 was not perceived by the society as a breakthrough moment, partly due to disputes and polemics accompanying it. As drafting the new basic law took nearly 10 years, the "constitutional momentum" had been identified with by the agreement that led to the 1989 elections.[5] The proportional electoral law that favoured politicians and political parties, which mushroomed in the 1990s as a natural consequence of 50 years of single-party rule in Poland, also had an impact on the constitutional solutions. In the situation where the political arena was strongly diversified and the potential and capacity of particular parties were difficult to assess, solutions adopted favoured general interests of the scattered political class, not democratically legitimised interests of civil society.[6]

To say categorically that this phenomenon was a gross mistake that cast a shadow on the political transformation is disputable. From the now longer distance, the weakness of the 1990s political scene can be seen as a maturing phase of pluralistic political culture. Despite the political fragmentation there was the agreement on fundamental issues such as the reorientation of foreign policy, the economic reform implemented according to the Balcerowicz Plan and adjustment of transformation processes toward Poland's integration with Europe and NATO security structures. Major discrepancies in defining the interest of state surfaced later on when the political scene polarised. This took place both under the government of the post-communist left and after 2005 when the main political groups competing were all post-Solidarity formations. The debate on the state was revived when it was needed in order to achieve the main objectives of Poland's policies after 1989. The political dynamics and social energy directed toward the implementation of the state's basic objectives outlined at the turn of the 1990s had its culmination point at the time of the EU accession referendum (7-8 June 2003) and the preceding campaign, but these were not

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[4] Cf. M. Cześnik, R. Markowski, *Uwarunkowania budowy polskiego systemu partyjnego: instytucje i procesy*, in: I. Jackiewicz (ed.), *Budowanie instytucji*..., p. 29.

[5] *Ibid.*, pp. 33-34.

[6] *Cf.* A. Z. Kamiński, *Stracony moment konstytucyjny w pokomunistycznej Polsce: skutki dla jakości rządzenia dwadzieścia lat później*, in: W. Morawski (ed.) (2010), *Modernizacja Polski. Struktury agencje instytucje*, Warsaw, p. 327.

fully used to strengthen or upgrade the political culture and civic ethos. The latter has been more successfully shaped by activities of local government and bottom-up initiatives than by any stimuli of state institutions. At the same time "it is impossible to improve the Polish state, unless one scrutinises the sources of low-quality governance. There is also no chance to enhance the growth of political culture in the society and the level of citizens' awareness, without deep changes in the system of public institutions. The changes cannot be limited to reforming the administration because its status is determined by factors present in the political system as a whole and, primarily, by legislative procedures and control mechanisms that facilitate assessment of decisions taken and holding decision-makers accountable for their actions."[7] Negative assessments of political elites, confirmed by gradually decreasing election turnouts, corroborate problems in the functioning of the state and its institutions.

Difficulties in shaping stable foundations of a democratic state ready to face a new era were in the background of Poland's integration with European structures. Poland's accession to the European Union was not a single process. The preparations had to follow a defined schedule and in their course some changes in the functioning of state and local government institutions had to be introduced (e.g. further acts on civil service). Despite all efforts, there was an organisational chaos that accompanied the establishment and transformation of state institutions and agencies that supported the introduction of EU standards to Polish law and realities. Like in the case of the building of state structures and deciding on the electoral law, the evolution of institutions that served the purpose of Poland's integration and accession was a resultant of political games and coalition agreements and not the outcome of the optimal and planned strategy of Poland's path towards the EU.[8] It may be necessary to consider the specificity of Polish democracy where "the strength and effectiveness of state governance is not determined by wide competences and flexibility of its executive bodies, but the feeling of societal agency and civic responsibility as well as the societal awareness of citizens' obligations and rights toward the state. A modern state cannot be effective unless its citizens identify with the state, and this is possible only under parliamentary democracy and full civil liberties."[9] In Poland, this means referring to the tradition of the "Solidarity" ethos. The "Solidarity" was a social movement with a strong drive toward democracy, often verging on anarchy, that favoured public opinion over legal authority. Tensions between institutions of government and citizens' feeling of the sovereignty of the state remain tangible.

The six-month Polish Presidency of the Council of the European Union was the time of Poland's great organisational and administrative efforts. Seven years after Poland's accession to the EU, Poland had a chance to deepen the awareness of the EU and its institutions among the citizens of the Republic of Poland. In the context

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[7] *Ibid.*, p. 352.

[8] *Cf.* A. Biegaj, *Dostosowanie struktur władzy w Polsce do realizacji polityki integracji europejskiej*, in: I. Jackiewicz (ed.), *Budowanie instytucji...*, p. 265-266.

[9] M. Śliwa (2010), *Demokracja polska. Idee – ludzie – dzieje*, Warsaw, pp. 272-273.

of the latter, it was important to propagate the obvious, but not generally accepted opinion that the EU is not "them" any more, that Poland has become an integral part of that enormous body and has an impact on EU activities proportionally to its potential and the power of its arguments. The Polish Presidency was not free of paradoxes: the economic crisis and attempts to counteract its effects seemed to be blowing the Union up from within, while, at the same time, accession negotiations with Croatia and Iceland were held. Criticism of the ambitions of particular countries and methods of EU policy implementation does not thwart the approval for the community, and even most fervent critics of Poland's EU membership find it difficult to discount their outright protests voiced eight years ago. Positive assessments of the Polish six-month EU leadership by external observers and the measurable scope of achieved objectives are just one side of the coin. The other side of the coin is that the Presidency used its six months to strengthen political culture and civic education in the country. Preparation and coordination of the implementation of the pre-set goals in accordance with the binding Treaty regulations, practically boil down to rendering efficient administrative services, and the presiding state is rather to perform the role of a professional moderator than a player.[10] The Polish public administration passed the Presidency "maturity exam" successfully not only in terms of its efficient operation but also its capability to present EU positions in external relations in a nuanced manner, even if those positions differed from the Polish stance. An example of such impartiality was the Climate Change Conference in Durban held after Poland's veto on the EU compromise on CO_2 emission.[11]

Holding the Presidency strengthens the position of the Member State in European Communities. At the same time it is an impulse to strengthen the very institution of the state itself and to underline its priorities pursued on an every-day basis, foreign affairs included. The hallmark of the Polish Presidency were the relations with the EU's eastern neighbours, though Polish efforts did not produce the expected results. The signing of the accession agreement with Croatia did not balance the troubled relations with Ukraine and Belarus, which, however, were troubled due to internal political situations in those states. Poland's ambitions to recall the solidarity of European nations clashed with a logic divergent from EU priorities. On the other hand, the same solidarity was to inspire solutions to the current crisis-related problems in the EU and the Eurozone. Steps taken to save the stability of the Communities were the result of cool calculations and common sense. However, making this issue a subject of the debate held between authorities and citizens meant that an axiological argument had to be used. Crisis-ridden Europe (not only the European Union) experiences a serious deficit of the values that hold it together. The discussion on the role of values in the public sphere, intense in Poland before the

[10] *Cf.* S. Sowiński, *Kościół szansą polskiej prezydencji, prezydencja szansą Kościoła*, in: P. Burgoński, S. Sowiński (eds), *Od akcesji do prezydencji*..., pp. 113-114.

[11] See B. Nowak (2012), *Ostatnia prezydencja dużych oczekiwań– refleksje po Prezydencji Polski w Radzie UE*, Reports and analyses, Centre for International Relations 2/2012, Warszawa, pp. 4-5.

2003 referendum on Poland's accession to the EU and the actual accession, was at the time viewed in an utilitarian way as a tool for achieving the objective of formal integration with EU structures. The current crisis situation, which is painful for most European states, has demonstrated however, that this discussion cannot be stopped or used as a tool to achieve even the most basic goals. This is not only about eliciting temporary empathy and solidarity among EU Member States that would legitimise governments' activities aimed at rescuing most indebted national economies. The necessity to arduously work out such a consent by national governments painfully revealed that Europeans lack civic awareness. Advanced integration requires a stable political foundation based on values and civic ethos. To make that happen, it is necessary to change the understanding of the goals and tasks of the state and supranational communities. Political theorists are not the only ones to be held responsible for redefining the term "the reason of state" adequately for the time of globalisation and integration movements. The success of the "European project" has always depended and will on the feeling of belonging to the community based on its identity and solidarity, that is on values and not only on interests. The validity of the above had been proven with the current crisis. The discussion on the crisis causes and attempts to overcome it, in which Poland – the then presiding state of the Council of the European Union – participated, was another attempt at drawing attention to the values that are the foundations the European community. Paradoxically, the complex crisis situation might have made Europe pay greater attention to the issue of values, and the Polish Presidency was not exposed to sceptic comments such as "we'll listen to you another time". Opinions presented by intellectuals and researchers specialising in European history could have been heard better by politicians who had to confront both the consequences of the economic crisis and their failures in promoting democracy and human rights while dealing with the EU's eastern neighbours. It was the situation where the integration legacy of the EU and the search for effective solutions that would stabilise the EU in the nearest future were questioned, that pointed to the domain of concepts and values where action guidelines should be searched for.

Opinions presented at Europe's most important forums cannot replace arduous work dedicated to civic education that will help create a social network of citizens and third-sector institutions, and prepare the foundation for cooperation that will be not only international, but will involve nations. This is the only right path to create a Europe that respects the principle of authentic solidarity, that calls on its history and adheres to a range of positive values, as well as a Europe that operates in compliance with the principle of subsidiarity. Adopting the perception of Europe as a community of values requires a redefinition of the reason of state. Europeanization is considered to be not only the formal act of accession but also an advancement of civilisation standards that facilitates detachment from the past era of isolation and backwardness. It also gives Poland an opportunity to take the place it deserves in terms of its potential among the free and democratic states of the continent. Such understood Europeanization is an element of the modern reason of state. This does not mean, as those who interpret politics sometimes put it, that Poland is forced to

abandon the model of nation-state. To the contrary, Europeanization means that Poland has to undertake actions aimed at guarding its institutions in the face of modern challenges. Nowadays not only economic enterprises and political interests but also threats have global outreach. The response of European states, i.e. the decision to implement integration projects that dates back to the end of WW2, is burdened with numerous imperfections and is far from its *finalité*. However, for CEE countries, their integration with European community, which was a mythical goal in times of their struggle for sovereignty, it is a reference point guiding their modernisation and securing the state's existence.

The first years of Poland's membership in the EU revealed a significant discrepancy between the practice of integration and the ideas necessary to enhance civic awareness and political culture. In Poland, the consumption of material profits resulting from the EU membership probably feeds the social support for integration which remains high in contrast to other Member States and despite the crisis that affects the Community. However, the deficit of thinking in terms of strategies and identification of national interests becomes increasingly apparent. The achievement of the goals set almost half a century ago by the state that gradually regained its sovereignty led to the establishment of a strategic vacuum in the current political thought and practice. Nowadays, this empty space can be veiled by the implementation of integration, that is the implementation of structural modernisation programmes, which was truly necessary and approved of. Similarly, in the area of foreign policy, much time has been needed to adjust actions and short-term strategies to the pace of changes in the international political and security order. There is little space and time left for a more thorough discussion and reflection on the prospects of Poland's further modernisation and policies. It is difficult to imagine that in a state dedicated to democracy and sovereignty such a discussion takes place solely among the political class, but the superfluous nature of Polish public debates is not very promising in that respect. The Polish Presidency was a new impulse for non-governmental organisations, local communities and educational institutions that make the society better acquainted with the history and functioning of the EU. There is a need for their involvement on daily basis to enhance both a basic knowledge of the mechanisms of the EU and its relations with nation-states, and to advance the discussion on the direction in which this special project should be heading. It seems that eight years after Poland's accession to the EU, its structural modernisation, so generously supported with EU funds, is still the dominant dimension of Poland's membership, and the support of Poles for European integration, for years exceeding 80%, is more intuitive than resulting from monitoring EU developments and in-depth knowledge of the structure and competences of EU institutions. The prevailing view that integration is no threat for Poland's sovereignty and that Poland's membership in the group of Members States that cooperate most closely is beneficial for Poland, is the measure for Polish euroenthusiasm, even in the time of crisis.[12] Therefore, when politicians speak about

[12] *Polacy o pakcie fiskalnym i pogłębianiu integracji w Unii Europejskiej*, Survey report, Public Opinion Research Centre, Warsaw, February 2012, pp. 2; 11-14.

the potential of fresh energy that the country located between the Oder and the Bug has to offer, it is not a cliché. It would be a valuable contribution to the EU if the civic foundation of Poland's statehood was recognised again and brought bold and convincing ideas to the European discussion on the future; ideas that would allow for drafting a new interpretation of the reason of state reflecting realities of the state that realises its sovereignty in frames of supranational cooperation.

A similar vision – *toutes proportions gardées* – seems to emerge from the six-month Polish Presidency. It was undoubtedly the time when Poland efficiently organised activities necessary to coordinate and manage current policies. Poland's efficiency was highly appreciated also in the context of the needed adjustment and response to the current crisis situation. The question that needs to be answered is whether Poland – the state that was the cradle of the "Solidarity" movement and works toward its prosperity and security, have implemented the tasks of the Presidency playing the liaison role and promoting the values and ideas that have been the cornerstone of the European community. Have Poland's eastern neighbours perceived Poland as a symbol of the EU's openness? The experience of the laborious process of uniting the European continent should be food for thought for governments in western Europe and prove useful for the community, not only in the nearest future.

ABSTRACT

The Presidency of the Council of the European Union is an institution of the European law which has been exercised since 1958 and evolves together with changes of the Treaty and the dynamism of development of the European Communities and the EU. It binds the European communities to their foundation, i.e. nation-states, and by giving prominence to the subjectivity of the state it facilitates references to the idea of the reason of state. In Poland, this idea manifested its validity in the last decades which are identified with the democratic breakthrough and transformation of the state system of government. The civic theme voiced in public rhetoric showed the reason of state in a new light, revealing its affinity to national interest. The civic foundation of statehood is expected to contribute bold and convincing ideas to the European debate on the future. This will help to outline a new interpretation of the notion of the reason of state, compatible with the model of a state that realises its sovereignty within the framework of an institution of transnational cooperation.