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TOMASZ GRZEGORZ GROSSE

Uniwersytet Warszawski
ORCID: 0000-0002-7270-8900

Perception of Polish Democracy in a Comparative Approach in Relation to the European Integration Processes¹

Introduction

After the coalition of the United Right (with the dominant role of Law and Justice [PiS]) came to power in Poland in 2015, EU institutions expressed concern about the state of Polish democracy (European Parliament, 2017). It was so despite the fact that basic democratic standards were maintained. In Poland, there was freedom to express opinions, associate and demonstrate political attitudes. There were no violent and protracted street protests, as was the case in France in 2018–2019. The political opposition in Poland was free to act and demonstrate their views. For example, there were no political prisoners, as was the case in Spain after 2018. There was media freedom in Poland, and most of them supported the liberal opposition. Independent domestic and foreign institutions did not question the organization and results of the consecutive elections held in Poland.

The quality of democracy even improved after 2015, measured by rising voter turnout. Another factor describing Polish democracy, and especially important to a multipronged public debate, was the diversification of the media. Before 2015, the vast majority of public and private media outlets were in favor of the liberal government. After the conservatives came to power, the public media, in line with the previous practice, supported the government, this time the right-wing one. As I mentioned, this has led to a greater diversity of opinions presented in the public discourse. Nevertheless, the problem was the involvement of the media on the part of individual political forces. In this way, the media in Poland ceased to be apolitical, and became more and more conducive to individual parties, governmental or opposition.

Nevertheless, Polish democracy also experienced problems that resulted mainly from the Covid-19 pandemic and growing political divisions. The politicization of the media was one of the factors of the deepening political polarization in Poland. Strong fragmentation within the political community seems to have been a weakening

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factor for sound democracy. The divisions between the government and the opposition increasingly related to ideological issues and the future of European integration. Thus, the phenomenon of intemperate political polarization, which was negative for the quality of democracy in Poland, was largely stimulated by European integration, especially by the conflict between the conservative government in Warsaw and Brussels, and some other governments in Western Europe, which has been growing since 2015. The aforementioned conflict had an ideological background, as it concerned the interpretation of European values. Moreover, it was associated with a different vision of European integration. It concerned how far Brussels can interfere in the internal affairs of the Member States. According to the authorities in Warsaw, this type of meddling exceeded European treaties and limited democracy in Poland, as it interfered with decisions made by local voters.

It is related to the growing ideologization of European integration. Cooperation in Europe was initially based solely on integration in the economic sphere, and the social policy and related ideological choices were left to national democracies. It is worth noting that the matters related to the definition of the family, including the possibility of marriage and the adoption of children by sexual minorities, the rights to abortion, migration policy, and religious and cultural policy, are left to the competence of the Member States in the Treaties. Nevertheless, at the beginning of the 21st century, in the face of numerous crises and the emergence of strong Eurosceptic movements, pro-European forces decided to put more emphasis on integration in the sphere of liberal and left-wing values and ideas. The tone of this direction of integration was set especially by the political forces originating from Western Europe. Against this background, there was a dispute with governments with conservative political views, mainly from Central Europe.

The article will discuss the phenomena accompanying European integration, which, according to scientists, limit democracy in the Member States. I also hypothesize that the growing ideologization of the EU, i.e. an attempt to harmonize ideas in the sphere of political values, privileging left-wing and liberal parties at the expense of right-wing parties, is another important factor limiting national democracy. This may, in the future, increase the aversion to European integration among the right-wing political circles.

On the basis of two elections in Poland in 2019 and 2020, I assess the local democratic processes and their relationship with European integration. I wonder about the reasons for PiS's election successes. Then I analyze the perception of democracy in the EU, trying to explain why it is perceived so negatively in the western and southern parts of the EU, compared to the assessments by Polish society.

An example of elections in Poland

Poland's parliamentary election in 2019 attracted the attention of Polish voters both at home and abroad while drawing media interest all over the world. At stake were the next four years in power for Poland's ruling coalition United Right, led by the Law and Justice party.² The ruling coalition won the election, taking 235 seats in Poland's

² The United Right coalition is a right-wing alliance formed between Law and Justice, United Poland, and Poland Together.

460-seat Sejm, the lower house of the parliament. Though opposition parties, along with independent candidates, secured a majority of 52 seats in the country's 100-seat Senate, the upper house of the parliament, it is the Sejm where the incumbents have earned a majority of five that has a pivotal role in enacting legislation and forming the country's government (Polish National Electoral Commission, 2019).

The electoral success of the United Right consisted in mobilizing its supporters to a greater extent than any other Polish political groupings did. The right-wing coalition appealed to 2.3 million, or some 30 percent, more voters in 2019 than it did in 2015. In 2019, over 8 million Poles cast their ballot for the Law and Justice. Never before since 1989 – when Poland's transition to democracy began – has any party earned such a high percentage of all votes (43.5 percent). What underlies the triumph of Law and Justice is that it won the election in 90 percent of the country's counties (poviats), or territorial units being of critical importance for constituency delineation. Back in 2015, Law and Justice came first in 300 of Poland's 380 counties, compared to a sweeping majority of 342 in 2019's general vote. The opposition Civic Coalition took the lead chiefly in the city counties.

Poland's most prominent opposition grouping Civic Coalition (KO) came second with 134 seats of support (27.5 percent of all votes), with Civil Platform (PO) serving as the grouping's core³. But – compared to its 2015 result – the coalition attracted a smaller number of all voters. Poland's largest opposition party failed to accomplish its vital election goal as power remained in the hands of Law and Justice. The Civic Coalition seems the main loser of the 2019 parliamentary election.

The remaining three political groupings that crossed the election threshold may feel somehow pleased with their overall performance. The Left, a coalition of left-wing parties, won 12.5 percent as a bonus for having pulled together several smaller⁴ groupings that led it to the parliament after a four-year hiatus. The second grouping that notched up a never-before-seen success is the far-right Confederation Freedom and Independence that won nearly 7 percent of all votes, doubling its electoral score compared to 2015. Thirdly, the agrarian Polish People's Party (PSL), which ran together with the right-wing Kukiz'15 movement, was supported by 8.5 percent of voters in a move that made these two enter parliament at all. Nonetheless, in comparison to their 2015 results, both have lost large groups of voters.

The Confederation, for its part, has already fractured the right-wing, competing with Law and Justice in terms of a far-right political program: it put forward nationalist views, was the only one of all Poland's political groups to see the country outside the European Union and promoted anti-immigrant and anti-Muslim sentiments. The party shared its pro-Russian sympathies while denouncing the incumbent government's social wealth policies.

The election campaign stirred up profound emotions while causing a severe rift among right-wing and left-liberal political groupings. Among those who, in addition to Law and Justice, emerged victorious from this polarization were both the Left and the

³ The biggest opposition bloc is an alliance formed between Civic Platform, Modern, The Greens, Polish Initiative, Silesian Regional Party, Social Democracy of Poland, and Freedom and Equality.

⁴ The Left is a parliamentary coalition made out of the Democratic Left Alliance (SLD), Spring and Together.

Confederation, though on two sides of the political stage, taking most extreme stances on ideological matters. Law and Justice and the Civic Coalition remained far more moderate in their views. Speaking of the latter, it saw intra-party splits developing over these issues, as the party's election list included the names of some conservative lawmakers that in the past held links to Law and Justice. Although in its rhetoric layer the PiS firmly combatted the offensive of left-wing political groupings, as far as the practical, or legislative, dimension is concerned, it was in favor of maintaining the status quo, also by giving a red light to the party's idea of tightening the country's abortion law. The Confederation, for its part, took advantage of the state of affairs, demanding that the existing legal exceptions in the country's 1993 abortion compromise bill be restrained. Under Poland's current legislation, women can only get an abortion in cases of rape or incest, when the pregnancy poses a serious threat to a woman's health, or when there is a severe foetal abnormality.

Electoral polarization pushed many young Poles towards the Left or the Confederation. Although many people aged 18–29 voted for the PiS party in quantitative terms, albeit if judging by this group's percentage share in the final results of some parties, one can notice that both the Left and the Confederation successfully appealed to most of the youth. It is a safe bet to say that the Confederation's 2019 electoral sweep depended mainly on support from young people, of them as many as 50 percent. This should hardly come as a surprise; a poll found that 82 percent of young people express negative feelings towards immigrants (IQS, 2018), compared to 70 percent of the whole population of Poland. As for Poland's youngest voters, they seem to pin their hopes for the future on either far-right or far-left political groupings, at least as far as political values are at stake.

The 2020 presidential election was another clash between governmental groups and opposition parties. It was accompanied by an increase in voter turnout, which is generally a sign of a healthy democracy. The election was won by the incumbent President Andrzej Duda, a representative of the United Right, whose victory was largely possible due to the mobilization of the electorate in the second round of the elections. In this way, over 10.4 million citizens voted for the candidate of government parties. The opposition in the first round was divided, and its candidates received much less support than the candidate from the government camp. However, in the second round, nearly 10 million voters supported the opposition candidate Rafał Trzaskowski, only about half a million less than for the right-wing candidate. This proves serious cleavage in society. The elections showed that despite divisions within the opposition and program differences between the opposition parties, what united voters and the opposition elite was strong criticism of the government camp. Even numerous supporters of the extreme right (Confederation) voted for the liberal opposition candidate. They probably intended to weaken the government camp in this way, which in their opinion was not radical enough in many ideological matters.

The political polarization was deepened by the strong emotions visible during the campaign, as well as the hostility of the two political camps. As it seems, at least in part the political polarization concerned the values, and thus the dispute between the left-liberal vision of society and the conservative approach. The question of values was also dominant in the dispute between both camps about their attitude to the EU and

the future of European integration. As ideological matters are increasingly important in the EU, and at the same time the dispute between PiS government and European institutions largely concerned values, these issues were also increasingly important in the elections in Poland. Thus, the dispute over values in the European context had consequences in the form of growing political polarization in Poland.

As it seems, too much polarization of the national political scene may deteriorate the quality of democracy and even threaten its stability in the future. Thus, the dispute over the values and the future of European integration carries a positive phenomenon of increasing voter turnout, as well as a negative one related to the deepening cleavage within the political community. Despite all these phenomena, it should be noted that in the 2020 presidential election, PiS won over the liberal opposition for the 7th time in a row.

Why was Law and Justice so popular?

What lies at heart of the success of PiS in consecutive elections? The party claimed victory despite coming under bitter and long-lasting attacks from the country's opposition parties continuously since 2015 after they rose to power for the second time in history, while first being in office between 2005 and 2007. Poland's conservative government faced at the same time harsh criticism from the biggest Western media outlets, chiefly those based in Western Europe.

While reflecting on the reasons behind all these denunciations, it is vital to examine at least three factors. First of all, Poland, the European Union and the United States have long been the arena of ideological dispute, or what some have branded as the culture wars (Hunter, 1992). The disagreement over values involves a liberal approach on the one hand, and conservative viewpoints on the other. The PiS party cherished Christian values, an attitude that was tantamount to both its support for families as well as an aversion to left-wing plans to loosen Poland's abortion law and provide broader rights to sexual minorities. While serving its previous term in office, Law and Justice abstained from taking legislative actions aiming to stiffen the abortion law or restrict the rights of sexual minorities. As for these two issues, the incumbent ruling party respected consensus that had been reached by the country's then leading political forces many years before Law and Justice rose to power. The situation changed only after the ruling of the Constitutional Tribunal in October 2020, which tightened the possibility of abortion in Poland.

Secondly, the EU Member States were getting increasingly involved in a row over the future of the bloc, a situation that also occurred within some EU nations. Law and Justice's political agenda was marked by strong rhetoric against some EU-wide initiatives: loosening transatlantic ties and building the EU's strategic autonomy toward the United States, an open European migration policy – including a compulsory mechanism for refugee relocation. High on the EU agenda, albeit criticized by the PiS, was also an ambitious climate policy; once adopted by Poland, a country that generates most of its electricity from coal, this would considerably increase costs while reducing competitiveness of many industries. The Polish government considered the EU's monetary union a risky endeavor for the country's economy, a reason behind its rejection of Poland's accession to the eurozone. Poland's EU peers, with Berlin and Paris at the

helm, have adopted a distinct attitude towards the above matters, pushing the government in Warsaw into changing its stance. European policymakers have claimed that Poland had hindered both crisis-prevention mechanisms and the progress of European integration. Poland, for its part, has taken the position that the suggested solutions remain incompatible with its national interests while going against the will of the majority of society. This was the case for the country's green light for a compulsory mechanism for refugee relocation and the adoption of the euro as a legal tender. The Polish government eyed its respecting of the will of the nation as being loyal to democratic principles, which translated into the incumbent ruling parties' victory in the 2019 elections (earlier this year the United Right captured Poland's biggest electoral share in the European Parliament vote).

Thirdly, the PiS has put in place a judiciary reform in a bid to modify the system that remained unreformed since the communist era. This sparked an immediate outcry from Poland's legal circles while drawing strident criticism at home and abroad, from opposition parties and European institutions. The government argued that the changes introduced as part of the reform do not differ from solutions already in place elsewhere. Furthermore, European treaties foresee the organization of the national justice system – along with any amendments – as a competence reserved exclusively to the Member States, and the Polish executive branch may not act in breach of EU laws. Also, the Polish government firmly said that the laws passed were compliant with the Polish constitution – a view somewhat chided by the country's opposition forces that have yet failed to go up the legal path by not lodging a complaint to the Polish Constitutional Tribunal. In the light of Polish law, it is the sole institution eligible to determine whether the constitution has been breached.

Due to the three issues named above, Poland's United Right government has become the object of scorn both at home and abroad. Among those that critically viewed Poland's recent changes were other European policymakers, EU officials and most liberal media outlets. Nonetheless, despite adverse circumstances, the country's conservative government claimed victory in the latest parliamentary and presidential vote. Why?

The party's recent triumphs stem from its adherence to its voters' preferences in pursuing its domestic and foreign policies, and its fulfillment of election promises. If the majority of society refuses to adopt the single currency, it was a bothersome task to bow to pressure from German lawmakers who repeatedly encourage their Polish peers to join the monetary union. The same is true for the migration to the European Union from non-member countries, with 70 percent of Poles saying no (CBOS, 2018). 66 percent of respondents held negative views of Muslims and were against their residing in the country. Most Poles spoke out in favor of conservative values in the social sphere. While left-wing and liberal political groupings have unleashed a blistering attack on these qualities – by seeking on the one hand to raise the rights of sexual minorities and insulting most Poles who hold more conservative views on the other (e.g. by profaning religious symbols) – the government firmly defended the existing status quo and legal solutions passed in compliance with the Polish constitution. In this manner, Polish decision-makers drew widespread support from those who sought changes in the areas discussed above.

The PiS government showed a conservative attitude to ideological matters while pursuing a left-wing social policy. The latter pushed the incumbents towards launching a social redistribution program – developed with the country’s most economically vulnerable in mind – that to no small extent backs families with many children who enjoy the 500 Plus child benefit package. By handing out 500 zlotys for every child in a family, the PiS government sought to reduce income inequalities that have been worsening since the time of Poland’s transition to democracy and the launch of European integration. It counteracted a common belief that a narrow elite club benefitted from Poland’s democratic changes and integration with the bloc, though to the detriment of a large group of Polish citizens. Thanks to the PiS’ social redistribution agenda, this stereotype may gradually slide into oblivion while the fruits of Poland’s political shuffles, among which the country’s EU membership, should offer more balanced benefits for society. It is not without significance that in its previous term in office, the government maintained the high economic growth, equivalent to 5 percent of Poland’s GDP as of 2018, allowing the government to bankroll social expenditures.

All in all, the Law and Justice’s election triumphs rely on three main pillars. First, the party enjoyed relatively high credibility among its voters due to its urge to keep promises and respecting the society’s well being high on the agenda. This seems to be a principal element of a healthy democracy. Secondly, the government’s success stemmed from a list of mistakes made by opposition parties that shifted the campaign onto the ideological ground instead of presenting an account of complex reforms put in place by the ruling team. Hence, it turned out that the majority of voters were inclined towards the government’s conservative approach while rebuking radical social shifts hinted by the opposition. Political experts say that one significant factor has been the opposition’s lack of effective leadership and unsuccessful campaign that revealed many contradictions and inconsistencies in its electoral program (Wyborcza.pl, 2019). Perhaps this was except for a shared demand to remove Law and Justice from power, a statement that eventually proved insufficient for Polish voters. Thirdly, the success of PiS derived from its social redistribution programs, though seen as one of many reasons underlying its triumph. Poland’s government groups have introduced a set of changes in the areas that earlier had been rebuffed by their political predecessors, varying from the adequately designed social redistribution programs to the judicial reform. In both cases, most voters approved these shifts, though they had come under harsh criticism from opposition politicians who branded them as populist (Family 500+ child benefit program) or judged noncompliant with the constitution (judiciary reform).

Polish democracy in a comparative perspective

Poland’s 2019 general election may be interpreted as positive for Polish democracy, which is chiefly owing to a high voter turnout, being at its highest since the country’s transition to democracy in 1989, though slightly lower than during the 1995 presidential run-off. In the fall of 2019, some 62 percent of eligible voters cast their votes, which marked a 10-percent increase compared to the 2015 general election. Given the high voter turnout and the opposition’s victory in the Senate, it is challeng-

ing to depict Poland as plunged in a crisis of democracy. The 2019 general election has proven that the opposition is able to restrain somehow the Law and Justice's grip on power. The two parties to the dispute – both the incumbent government and opposition parties – successfully mobilized their respective electorates in a bid to boost voter turnout. Another increase in the turnout was recorded in the presidential election in 2020, when nearly 68 percent of voters went to the polls.

The good condition of Polish democracy is also exemplified by a set of other arguments, especially when compared to the other EU Member States. A Pew Research Center survey revealed that Polish society happily embraces the way multiparty democracy is working in the country, a finding that distinguishes Poland among its Central European peers. As many as 85 percent of Poles supported the shifts to a democratic system, which is more than the percentage of Polish citizens backing their country's EU membership as found in the same survey (Pew Research Center, 2019). In Poland, 66 percent of respondents were satisfied with the way democracy is working. This shows a favorable result in comparison to many EU Member States, including France, Spain, Italy, Greece, and the United Kingdom, where most respondents said they are dissatisfied. Compared to a 2009 survey, thus when Civic Platform held power in the country, the percentage of people content with the way democracy was working rose by 13 percent. Also, 65 percent of Poles said the overall direction of the country was positive. This is far more than what Western European countries believed, with pessimistic moods being prevalent in France (65 percent), Italy (72 percent) and Greece (82 percent).

Some 71 percent of Polish voters were more likely than their European peers to believe that voting could give a say in what happens in their country – more than in France or Germany. In comparison to Poland's early days of transition to democracy, 30 percent more of Poles believed they were powerful enough to introduce changes in the country. This is also 24 percent higher than when Civic Platform was in power. It is challenging not to make a link between the country's better results and a greater credibility of the Law and Justice government, which relates to its honoring of pre-election promises. These results, eyed as a positive phenomenon for Polish democracy, are best evidenced when compared to France's attitude, where the perceived importance of regular elections has decreased by 10 percent over the past thirty years.

Most Poles believed that their state advanced the interests of all citizens and not those of just a handful of the privileged. Positive views in this respect grew by 16 percent in comparison to the time when Civic Platform held power in the country. This may be a result of the expansion of social welfare programs pushed forward by the Law and Justice government. Nevertheless, citizen satisfaction allowed for a fresh political mandate and boosted voters' faith in democratic principles. Trust in one's own government as institution acting for the benefit of the whole society was higher in Poland than in Germany or France, for example.

In Poland, satisfaction with democracy translates into society's contentment with European integration. In this respect, Poles scored higher than Western European nations in Greece, Italy, and the United Kingdom. Where does Polish enthusiasm for integration come from? This seems to derive first and foremost from the way national democracy is working. Voters tend to get what they expect from the government, while

the latter protects them against any adverse consequences of integration. Among them, most Poles saw illegal immigration from outside Europe and their country's joining the monetary union. Owing to the attitude adopted by their own government, Poles – unlike other European nations – did not feel repercussions of the migrant crisis and that in the eurozone, which showed their greater pro-European attitudes than those in Italy, Greece or France.

Democracy still important for voters

Modern Europe's problems with democracy seem to be a major challenge for future integration processes. Some research has referred to the "democratic deficit" in the EU or insufficient political legitimacy for the European project (Grosse, 2014, pp. 24–52). The most well-known typology specifies two types of legitimacy: the first is the so-called "input legitimacy," which is typically based on a mandate granted via general scrutiny (Scharpf, 1999). According to the aforementioned research, such legitimacy appears weak in the European context (Schmidt, 2004; Schmidt, 2006; Risse, Kleine, 2007, pp. 69–80). The second type of legitimacy, hereby referred to as "output legitimacy," regards essentially the direct results of all policy-making processes. That is why it is justly specified as "utilitarian legitimacy." In times of economic prosperity, when the European Union was not tormented by any serious crises, the issue of insufficient "input legitimacy" was usually downplayed; instead, the community was rather praised for its usefulness in relation to the Member States, being alleged to provide better solutions to social and political problems. Therefore, utilitarian legitimacy was expected to constitute the very core of both the EU's political authorization and its subsequent progress. Yet this sometimes occurred at the expense of reducing the influence of electoral *politicization* while progress in integration acted to the detriment of "input legitimacy" of the political process. Nonetheless, electoral mechanisms constitute the very core of democracy while utilitarian legitimacy has only a complementary character.

During subsequent crises it turned out that all claims concerning the EU's higher utility had been severely dented whereas utilitarian legitimacy ceased to justify the EU's power over European societies. According to polls conducted by Eurobarometer, such was the feeling of at least a large part of EU citizens (Eurobarometer, 2018, pp. 51–52). Therefore, it can be assumed that the EU's structure is properly legitimated during "good times," but not during periods of trouble. Before such problematic situations started to emerge, progress in integration processes enjoyed some social consent, even though the project did not fully meet all democratic criteria. In the literature on this subject matter, such phenomenon is generally referred to as the period of "permissive consensus" (Hooghe, Marks, 2009, pp. 1–23). Citizens allowed political elites to make decisions on the EU's essential affairs as long as there were no major problems; it was only later that they began to monitor the issue of integration – either to criticize it or to question its further development. Such was the manifestation of electoral politics, which had until recently been either dormant or simply ignored by the elites during some integration processes. This new political period has been referred to as

“constraining dissensus,” which was equivalent to reducing integration processes by dissatisfied Europeans. Interestingly, some scholars have been wondering why certain societies eventually decided to accept integration processes, bearing in mind that they kept evolving without any proper democratic mandates for quite a long time (Scharpf, 2017). Additionally, experts claim that the growing importance of electoral politics in the EU, thus the ever-increasing role of voters in political processes at the European level, may exacerbate hitherto crises and prevent integration from developing (Hutter, Grande, Kresi, 2016).

Integration mechanisms: not really democratic

It is vital to indicate two basic integration mechanisms. The first is referred to as integration “through law” or “European constitutionalism.” This consists of granting European law supremacy over national law, as well as envisaging the systematic strengthening of the competences of the European Commission (EC) and the Court of Justice of the European Union in ensuring proper implementation of EU law in all Member States. In light of the discussed concept, European treaties aspire to become EU constitutional law whereas the CJEU is eager to be perceived as the constitutional court for the entire community. Under the notion of integration “through law,” as mentioned above, both treaties and European law tend to encompass more and more public affairs. In addition, these two institutions actively seek to extend their current scope of competences as well the impact of EU law, even beyond the literal understanding of treaty provisions, which in fact influences some spheres controlled exclusively by the Member States (Cappelletti, Secombe, Weiler, 1985).

As for the second mechanism responsible for deepening integration, this concerns the ever-growing number of cases submitted to intergovernmental institutions (mainly in the EU Council) that are subsequently handled through the majority voting procedure. This institution plays a leading role in legislative procedure (“community method”), even despite the fact that it is the European Commission that has a near monopoly on legislative initiatives while the European Parliament is also involved in the legislative procedure. In addition to improving governance, majority voting speeds up the law-giving process as well as facilitating the adoption of more effective solutions and not only those that could satisfy all interested parties. Nonetheless, such procedure shifts power in the EU to the community’s largest states, which only intensifies during times of crises, and what I refer to as the systemic tendency towards the “asymmetric confederation” (Grosse, 2017, pp. 9–32).

Thus, scholars claim that these two main integration development mechanisms should not be perceived as purely democratic tools. According to Fritz W. Scharpf, integration “through law,” along with expanding the competences of both the EC and the CJEU, seem highly problematic from the perspective of democratic principles (Scharpf, 2017, p. 319). The former lacks appropriate electoral input legitimacy while the latter does not have at its disposal adequate political supervision from the elected “majoritarian” institutions. Being part of the *trias politica* model, the judicial system shall indeed enjoy some autonomy; nonetheless, it cannot be completely free of influence exerted

by the electoral politics in any of the world's democratic countries. Such claim may be evidenced by the fact that in many democratic systems voters, parliaments or representatives of the executive branch have the right to appoint judges, or to influence the choice of the state's highest judicial bodies, with particular regard to members of constitutional courts. Moreover, the EC tends to extend the scope of impact exerted by European law also on the domains being within exclusive competences of Member States and those that have been nominally excluded from the jurisdiction of the CJEU. The Commission interferes in these areas on the pretext of protecting liberties on the common market as well as taking advantage of referring Member States to the CJEU. Such was the case of the limited use of military offsets by EU countries, even regardless of the fact that both security and defence matters were excluded from the rules related to common market (pursuant to Article 346 of the TFEU) (Weiss, Blauburger, 2016, p. 451). As for the Court, it tends to agree with the Commission in such cases (Malecki, 2012, pp. 59–75). Needless to say that, under the CJEU rulings, also in some matters in which the European Union has no competencies, Member States shall exercise their respective powers in accordance with European law (Case C-341/05; Weiss, Blauburger, 2016, p. 448). Such attitude violates the democratic principle, according to which only sovereign political communities, backed by their democratically-elected representatives, are entitled to pass competences to international institutions.

In addition, more and more cases of majority voting have emerged, the procedure of which raises some concern about its compliance with democratic principles. The EU is closer to a confederal rather than federal solution, thus constituting first and foremost a union of equal states while its democratic mandate derives primarily from scrutiny carried out in subsequent Member States. Many scholars urge that the EU should be referred to as a “demoi-cracy,” and not as a “democracy”; it forms a union of democratic national communities (*demoi*) that has failed to develop into a uniform European community (*demos*). So, voting processes in such systems shall be primarily based on consensus, understood in terms of unanimous decisions made by their members. Thus, it is not democratic to let one national community – or a group of them – to outvote any other ones. Under EU principles, all democratic communities shall be equal with no apparent dominant structure (Cheneval, Lavenex, Schimmelfennig, 2015, pp. 1–18; Habermas, 2017, pp. 171–182; Nicolaïdis, 2013, pp. 351–369; Scharpf, 2017). Thus, providing only one of them with a greater number of votes and – more importantly – outvoting some other communities in the Council of the European Union – does not comply with democratic legitimacy. If the European Union had the intention to apply majority voting in its institutions, such occurrences would have to take place only in cases where a losing minority could be entitled to take advantage of the opt-out right, which would allow them to exclude themselves from a given regulation without a need to implement it on their territory (Scharpf, 2017, p. 331). For instance, such was the case of the Central European countries that voted against legislation on the compulsory relocation of asylum seekers in the EU in 2015 when having been outvoted by other Member States, they refused to enter the directive into force in their respective national systems. Although such behaviour constituted an example of violating EU law as well as the principles of “European constitutionalism,” they acted according to democratic rules.

The essential problem of the EU results basically from the choice between the greater effectiveness of its governance and fidelity to the democratic principles. Nonetheless, today's political reality makes it impossible to meet both of these criteria while any undertakings aiming to enhance action effectiveness are immediately associated with disregarding democratic legitimacy. The fact of obeying such strict democratic norms translates usually into a detention in action efficiency as well as difficulties occurring at the decision-making level in the EU institutions. This is dramatic for the European project, constituting a situation with no simple solution, which has additionally worsened during subsequent crises.

Escalating the power of both the EC and the CJEU in relation to subsequent countries, as well as outvoting all countries representing interests other than those of the EU's largest Member States, may eventually lead to some instances, in which the EU's political order could be openly questioned. This might be executed on the basis of, or even to defend, democratic principles (Grosse, 2015, pp. 203–223). Individual national communities or their governments may challenge the authority of the Commission as well as the judgments of the CJEU, or even fail to implement any regulations that have been adopted contrary to their positions. Scharpf urges that undermining the EU's legal order may concern the rejection of liberal principles applied in the internal market by voters being increasingly critical of liberalization and globalization processes (Scharpf, 2017, p. 321). The same may also apply to liberal values being questioned in other domains. Such a trend seems more and more visible in the case of migration policy, as evidenced by the example of tensions amid the alleged violation of the rule of law principle by both Poland and Hungary, within the framework of which the right of the European institutions to interfere in states' internal reforms has been reportedly undermined in both countries. Nonetheless, the European legal system was perhaps most seriously questioned during the United Kingdom's European Union membership referendum in 2016, as a result of which the country voted to leave the community. Most Britons sought to, among others, regain their sovereignty in enacting law-giving processes and thus, also to become independent of the judicial decisions issued by the CJEU.

Conclusions

There is a differentiation of the perception of Polish democracy between Polish society and the opinion fashioned in the west of the continent. There is also a clear difference in the perception of democracy – generally positive in Poland and negative in the countries of the western and southern parts of the EU. The main factor that brought disappointment to national democracy were the successive crises, which affected mainly Western and Southern Europe. The problems were not effectively resolved, neither by national nor European authorities. This showed the weakness of European integration, which resulted in a loss of faith in this project among European societies.

European integration has limited democracy in the Member States in many ways. The article lists the most important ones, indicated in the scientific literature. In addition, the growing ideologization of the European project leads to excessive political

polarization, as was the case in Poland. This weakens the political community at the national level as well as contributes to the radicalization of Eurosceptic views on the right side of the party spectrum. The result will be increasingly stronger fringe groups demanding to leave the EU.

Poland's election results in the years 2019–2020 reflect positive trend for democracy, measured by a significant increase in voter turnout. This achievement relies primarily on the fact that voters seem to have a sense of their needs being communicated to policymakers and that voting affords them some influence on what will happen next. Nevertheless, the negative facet of Polish democracy is excessive polarization and mounting support for the country's extreme political groups on both sides. It is noteworthy that – like in Poland – there is an intense political polarization in many other EU Member States. Moreover, European integration is itself branded as conducive for glaring discrepancies and intense election emotions. In present-day Europe, many electoral disputes refer to what values should prevail across the bloc, along with to what extent the EU institutions are entitled to interfere in the internal affairs of Member States, and how Brussels should respond to the ensuing European crises. Naturally, extreme and anti-European attitudes pose a threat to integration. However, the way of tackling these challenges should be far from narrowing down national democracy or impose legal and financial constraints on any policymakers that promote conservative or even Eurosceptic viewpoints.

The salvation for the European Union may be higher EU decision-makers' respect for voters across the Member States while allowing citizens throughout the bloc to restore faith in their own national democracies. Europe can stay strong if its national communities and democratic procedures are so. Also, the progress of European integration depends on mutual respect that European policymakers accord to national voters and their characteristics. Besides, any endeavors to push forward proposals against the will of both national voters and democratically elected governments are the worst solution of all. Consequently, any actions taken to bolster flexibility – rather than appointing centralized authorities – should open up an opportunity to pause disintegration processes within the bloc.

Bibliography

- Cappelletti M., Secombe M., Weiler J. H. H. (eds) (1985), *Integration through Law: Europe and the American Federal Experiment*, De Gruyter, Berlin.
- Case C-341/05 Laval, No. 87.
- CBOS (2018), *Stosunek Polaków i Czechów do przyjmowania uchodźców* [Poles and Czechs' attitude to receiving refugees], no. 87.
- Cheneval F., Lavenex S., Schimmelfennig F. (2015), *Democracy in the European Union: principles, institutions, policies*, "Journal of European Public Policy", vol. 22, no. 1.
- Eurobarometer (2018), *Survey 89.2 of the European Parliament*, A Public Opinion Monitoring Study, European Parliament, June.
- European Parliament (2017), *Resolution of 15 November 2017 on the situation of the rule of law and democracy in Poland*, 2017/2931(RSP), https://www.europarl.europa.eu/doceo/document/TA-8-2017-0442_EN.html, 27.06.2020.

- Grosse T. G. (2014), *Kryzys demokracji w Europie* [Crisis of Democracy in Europe], "Przegląd Europejski", no. 3.
- Grosse T. G. (2015), *A Potential for Revolution in Europe?*, in: *European Union on The Global Scene: United or Irrelevant?*, ed. B. J. Góralczyk, Center for Europe, University of Warsaw, Warsaw.
- Grosse T. G. (2017), *Introduction*, in: *European Union Policies at a Time of Crisis*, ed. T. G. Grosse, Scholar Publishing House, Warsaw.
- Habermas J. (2017), *Citizen and State Equality in a Supranational Political Community: Degressive Proportionality and the Pouvoir Constituant Mixte*, "Journal of Common Market Studies", vol. 55, no. 2.
- Hooghe L., Marks G. (2009), *A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus*, "British Journal of Political Science", vol. 39, no. 1.
- Hunter J. D. (1992), *Culture Wars*, Basic Books, New York.
- Hutter S., Grande E., Kresi H. (eds.) (2016), *Politicising Europe: Integration and Mass Politics*, Cambridge University Press, Cambridge.
- IQS (2018), *Świat Młodych 5*, IQS Sp. z o.o., Warsaw.
- Malecki M. (2012), *Do ECJ judges all speak with the same voice? Evidence of divergent preferences from the judgments of chambers*, "Journal of European Public Policy", vol. 19, no. 1.
- Nicolaïdis K. (2013), *European Democracy and Its Crisis*, "Journal of Common Market Studies", vol. 51, no. 2.
- Pew Research Center (2019), *European Public Opinion Three Decades After the Fall of Communism*, October 15, Washington, DC.
- Polish National Electoral Commission (2019), https://pkw.gov.pl/853_Wybory_do_Sejmu_i_Senatu_w_2019_r., 27.10.2019.
- Risse T., Kleine M. (2007), *Assessing the Legitimacy of the EU's Treaty Revision Methods*, "Journal of Common Market Studies", vol. 45, no. 1.
- Scharpf F. W. (1999), *Governing in Europe: Effective and Democratic?*, Oxford University Press, Oxford–New York.
- Scharpf F. W. (2017), *De-constitutionalisation and majority rule: A democratic Vision for Europe*, "European Law Journal", vol. 23, no. 5.
- Schmidt V. A. (2004), *The European Union: Democratic Legitimacy in a Regional State?*, "Journal of Common Market Studies", vol. 42, no. 5.
- Schmidt V. A. (2006), *Democracy in Europe. The EU and National Politics*, Oxford University Press, Oxford–New York.
- Weiss M., Blauberger M. (2016), *Judicial Law-Making and Opportunistic Enforcement: Explaining the EU's Challenge of National Defence Offsets*, "Journal of Common Market Studies", vol. 54, no. 2.
- Wyborcza.pl (2019), *Politolog: Platforma jest w przededniu poszukiwań nowych liderów, bo reputacja przywódcy została mocno nadzarpnięta, rozmowa z prof. Andrzej Antoszewskim* [Political scientist: The Platform is on the eve of looking for new leaders, because the reputation of the leader has been severely tarnished, interview with prof. Andrzej Antoszewski], October 15, <https://wroclaw.wyborcza.pl/wroclaw/7,35771,25308998,wybory-parlamentarne-2019-politolog-platforma-jest-w.html?disableRedirects=true>, 27.06.2020.

Summary

The aim of the article is to show the condition of Polish democracy on the example of two elections held in 2019 and 2020. The elections brought about a positive phenomenon for democ-

racy, which is an increase in voter turnout. On the other hand, negative phenomena appeared, in particular the violent political polarization within the political community. The example of the Polish elections was then confronted with the perception of democracy among Polish society in a comparative approach, i.e. against the perception of other European nations. Against this background, the assessment of Polish democracy by Poles is exceptionally positive. Later in the article, an attempt was made to consider to what extent the integration processes may be responsible for weakening democracy in the Member States, as well as for the decline in trust in democratic institutions in the west and southern part of the continent.

Key words: democracy, political polarization, European integration, Poland

Postrzeganie polskiej demokracji w ujęciu porównawczym w odniesieniu do procesów integracji europejskiej

Streszczenie

Celem artykułu jest ukazanie kondycji polskiej demokracji na przykładzie dwóch wyborów przeprowadzonych w 2019 i 2020 roku. Wybory przyniosły pozytywne zjawisko z punktu widzenia jakości demokracji, jakim jest wzrost frekwencji wyborczej. Z drugiej strony pojawiły się negatywne zjawiska, w szczególności gwałtowna polaryzacja polityczna w ramach wspólnoty politycznej. Przykład wyborów w Polsce i postrzeganie demokracji w społeczeństwie polskim zostały pokazane w ujęciu porównawczym, czyli w odniesieniu do percepcji demokracji u innych narodów europejskich. Na tym tle ocena krajowej demokracji przez Polaków jest wyjątkowo pozytywna. W dalszej części artykułu podjęto próbę rozważenia, w jakim stopniu procesy integracyjne mogą odpowiadać za osłabienie postrzegania demokracji w państwach członkowskich, a zwłaszcza za spadek zaufania do instytucji demokratycznych w zachodniej i południowej części kontynentu.

Słowa kluczowe: demokracja, polaryzacja polityczna, integracja europejska, Polska

