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Natalia Sienko[★]

“A Europe of Homelands or Homeland Europe” – Contemporary Limitations of the Idea of the Federalisation of the European Union

Abstract

In this article, the author touches on the evolution of the European integration process, trying to capture the essence of the idea of federalisation on the way to the creation of the European Union. The theoretical narrative within federal thoughts is complemented by contemporary limitations both in the formal acceptance of the idea of federalisation of the European Union and in the informal “pole organizing the imagination” as mentioned by T. Mazowiecki. The main narrative, therefore, concerns the division of the field of EU integration between the analysis of structural limitations of the idea of federalisation of the European Union, including the system and jurisdictions of nation states, as well as ideational limitations, individual approach of the Member States to the integration process or the electoral success of Eurosceptics.

Keywords: Federalism, Federalisation, European Union, European Integration, European Crisis, Structural Limitations, Ideational Limitations

Introduction

Initially, the road to the establishment of the European Union was guided by the idea of a peaceful European federation, which meant the belief that only a guarantee of equality and the formation of a united political system with divided sovereignty would protect Europe from the consequences of further conflicts. The expression of the above became,

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among others organization of the First Pan-European Congress in Vienna in 1926. At that time, over 2,000 delegates from 24 countries discussed the idea of uniting Europe. Moreover, the desire to establish a federal union between the peoples of Europe was announced in the “Manifesto of the European Resistance Movement” of July 7, 1944. Activists recognised that cooperation based on federalisation would be the only way to achieve lasting peace in the future. For the same reasons, the European Coal and Steel Community (ECSC) was established in 1951. Member States decided to delegate their powers in the field of economic policy to the autonomous a “supranational” body – the High Authority, which was to guarantee peaceful cooperation.¹

There is no doubt that along with the expansion of the field of European cooperation (from various spheres, levels of cooperation, to participating actors), the integration process evolved, corresponding to the present complexity and dynamics of the “diverse and contradictory forces”. These diverse and contradictory forces, according to J.N. Rosenau, concern the contemporary dilemma of using the potential of “globalisation, centralisation, and integration on the one hand and localisation, decentralisation and fragmentation on the other”.² Based on these processes, a lively discussion about the way of managing European entities arose. In parallel to the original thinking about the EU in federal terms, a conviction was developed about the need to create a unionist European Union, functioning on the basis of intergovernmental dialogues and compromises.

Despite the fact that the words “A Europe of homelands or homeland Europe” were most likely never spoken by General De Gaulle; fear and unwillingness to cede a part of sovereignty to supranational power resulted in a greater extent of sovereign organisation of the management of the European Union than the proponents of federalist concepts were trying to achieve. Although the present Union, as an economic and political union, possesses some federal features (including the vertical separation of powers), it does not have a central government exercising control over a semi-autonomous states, and therefore does not fully constitute a “European federation”.

In this context, the author of the article has no ambition to prove the correctness of 20th-century theories and models of European integration. In addition, this paper is not an assessment of pro-European proponents

¹ S. Parzymies, *Czy możliwa jest europejska federacja państw narodowych?*, „Civitas Hominibus: Rocznik Filozoficzno-Społeczny”, no. 7/2012, p. 22.

² J.N. Rosenau, *Governance in a new global order*, in: *The global transformation reader*, eds. D. Held, A.G. McGrew, Cambridge 2003, pp. 223–224.

of close cooperation, or Eurosceptics, who are afraid of a strong systemic approach and excessive bureaucratisation. Apart from tracing the influence of thoughts and the evolution of the theoretical approach to federalisation, the author aims to analyse certain limitations both in the formal adoption of the idea of federalisation of the European Union and in the informal "pole organizing the imagination" mentioned by T. Mazowiecki.³

Theoretical Concepts of EU Federalisation

The evidence for the ambiguity of federalism results from the fact that multiple attempts at theorisation within the concept concern a broadly understood debate, views, thoughts, and values which guide the degree of dependence between integration-disintegration of the state, collectivism-individualism, and particularism-centralism. Other times, efforts to capture the phenomenon concern the recognition of federalism as a theory of decentralisation, a social model (organisation of civil society), a political program, or a philosophical and ideological trend.⁴ Studies of federalism are undertaken to take into account political (national and international), legal, economic, cultural, and sociological experiences, and the phenomenon itself falls within the scope of many branches, including: normative, regulatory, analytical, comparative, etc.⁵ Therefore, an inhomogeneous approach also applies to the explication of the term "federation" or "federalisation".

However, quite apart from the diversity of definitions (resulting undoubtedly from the multifaceted nature of definition), the concept of the federation in the subject literature concerns in particular the aspect of the state and its forms of organisation. The phenomenon of federalisation in the scientific understanding means the system of exercising power – the manner of its territorial organisation, competence, and division. Nevertheless, it seems that the essence of the last aspect in the context of the analysis of the political space remains the most important. In the federal political community, the decision-making process follows the division of powers, both constitutional and official, between the central

³ T. Mazowiecki, *Dylemat, który organizuje debatę o Europie*, Pierwsze Sympozjum im. Ministra Krzysztofa Skubiszewskiego, Uniwersytet Warszawski, <https://www.youtube.com/watch?v=Ix0JWVLDOAg> (access 23.10.2020).

⁴ P.J. Borkowski, *Federalizm a budowanie jedności Europy*, „Studia Europejskie”, no. 2/2006, pp. 89–91.

⁵ F. Lépine, *A journey through the history of federalism: is multilevel governance a form of federalism?*, „Europe en formation: les cahiers du fédéralisme”, no. 363(1)/2012, <https://www.cairn.info/revue-l-europe-en-formation-2012-1-page-21.htm>, DOI: <https://doi.org/10.3917/eufor.363.0021> (access 26.10.2020).

government and regional authorities.⁶ The adoption of a federal system does not, therefore, contradict the principle of self-determination of nations but leads to their inherence within the territorial structures of one state and identification with federalist unity.⁷

While therefore, as P. Borkowski admits, the problems of European integration were “pressed” into the previously existing “set of political and legal ideas”, defined as federalism and concerning the originally mentioned construct of one state rather than a certain member community.⁸ However, this did not prevent pro-European proponents of deepened cooperation from using the experience of federal ideas in the process of searching for an optimal method of European unification. The first federalist movements which appeared in Europe aimed to find a concept of the organisation of a supranational order that would save states from dangerous antagonisms. In this context, the main questions to be answered concerned which supranational bodies would guarantee equality of all actors and strengthen the sense of justice (structural shape), and to what extent European countries would be ready to give up constitutional sovereignty for cooperation (ideational shape)?

R. Coudenhove-Kalergi was considered to be one of the first post-war ideologists who perceived the need to build a “united Europe” or to unify its economic development. The book “Pan-Europe”, published by an Austrian aristocrat in 1923, was an expression of a Eurocentric political project aimed at discrediting the idea of sovereignty and nationalism towards supranational subsidiarity and the formation of a “European nation”. In his opinion, only “self-help through cohesion [integrity]” could save Europe from another conflict and minimise the influence of the “Russian military dictatorship” or the “American financial dictatorship”.⁹ R. Coudenhove-Kalergi, inspired by the federal system of the United States and Switzerland, founded in 1926 the Pan-European Union – a cross-party movement, gaining adherents among some leaders of European countries, which was reflected in the established national committees, e.g., in Poland, Czechoslovakia, and Austria.¹⁰ However,

⁶ P. Eberhard, *Koncepcje federacyjne Milana Hodży*, „Przegląd Geograficzny”, no. 88(2)/2016, pp. 224–226.

⁷ Ibidem. Quoted from: F. Kinsky, *Federalizm. Model europejski*, Wydawnictwo WAM, Kraków 1999, p. 141.

⁸ P.J. Borkowski, op.cit., p. 87.

⁹ R. Coudenhove-Kalergi, *Pan-Europa*, Pan-Europa Verlag, Wien 1923, p. X–XI; W.G. Schwimmer, *The European dream*, Continuum, London–New York 2004, p. 23.

¹⁰ J. Kowalski, Z. Ślusarczyk, *Unia Europejska – proces integracji europejskiej i zakres problematyki instytucjonalno-prawnej*, IURIS – Polskie Wydawnictwo Prawnicze, Warszawa–Poznań 2006, p. 45.

he saw the success of unification in initiating the construction of the European Parliamentary Federation or the European Parliamentary Union (excluding Great Britain and Russia) by introducing the United States of Europe "with a Supreme Council and a Supreme Court, a joint police force, equal human rights for all, a European market and a European currency".¹¹ In this way, Paneuropa built as a federation consisting of the House of Peoples, represented by one deputy per million citizens, and a chamber consisting of 26 representatives of the federal states (the House of States), would be finally bound by a constitution guaranteeing the equality of all European democracies.¹²

It should be emphasised, therefore, that contemporary literature on the subject underlines the utopianism of R. Coudenhove-Kalergi's assumptions, especially the belief in the need to abandon the national consciousness, replace "inequalities of the unfair" with the just, or mix races that would reflect various personalities to a greater extent than nationalities.¹³ It cannot be denied, however, that this concept resulted in the further development of federal ideas.

The consequences of World War II sparked an intense debate on the relic of the "nation state" as an institution protecting the social order. The advocates of federalism recognised that in addition to improving living conditions, equality, and respect for human rights in post-war Europe, the creation of a European federation would allow compensation for the "dismantled" defence mechanisms, caused, inter alia, by unlimited sovereignty and autocracy. Among them there are also the "founding fathers", also called the "fathers of European integration", such as A. Spinelli or J. Monnet. The first was the initiator of another resistance movement and headed the European Federalist Movement created in Milan in 1943. He wrote down¹⁴ the theoretical foundations

¹¹ É. Bóka, *Rethinking the role of the federalist ideas in the construction of Europe*, pp. 6–7, <https://www.eva-boka.name/files/pdf/RethinkingTheRole.pdf> (access 12.12.2020). Quoted from: R. Coudenhove-Kalergi, *Appeal to all Europeans*, 28 April 1947, in: *Documents on the history of European integration 4. transnational organizations and political parties and pressure groups in the struggle for European Union, 1945–1950*, eds. W. Lipgens, W. Loth, De Gruyter, Berlin–New York 1991, pp. 123–124.

¹² Nowadays the equivalent of the first can be considered the European Parliament, and the second – the Council of the European Union, or the Council of Europe itself. B. Mucha-Leszko, A. Jarosz-Angowska, *Richard Coudenhove-Kalergi jako autor koncepcji unii federalnej oraz inicjator procesów integracyjnych w Europie*, „Annales Universitatis Mariae Curie-Skłodowska, sectio H – Oeconomias”, no. 84(2)/2014, p. 71, DOI: <http://dx.doi.org/10.17951/h.2014.48.2.69>.

¹³ R. Coudenhove-Kalergi, *Praktischer idealismus: adel-technik-pazifismus*, Paneuropa Verlag, Wien–Leipzig 1925, pp. 22–23.

¹⁴ Together with Italian intellectuals E. Rossi and E. Colorni.

of the movement in a three-chapter, anti-fascist program document, “The Ventonete Manifesto”. Despite the fact that, as a co-founder of the European Defence Community (EDC) and the European Political Community (EPC), he failed to implement these projects, he undoubtedly contributed to the construction of the foundations of the European model of the decision-making process and the creation of the EU legislative body. As a result, A. Spinelli himself, who was a continuator of the idea of adopting the constitution, forming a top-down federal movement and a strong, supranational European government, in 1979 gained a seat in the European Parliament.¹⁵ The other one believed that the proper, new impetus for federalist movements would be given by a grassroots, national consent to the existence of a political community devoid of a legitimate centre of power. According to J. Monnet, the progress of the political integration of Europe would be possible thanks to the federal management system, controlled by specialists not from elections. Thus he treated pragmatism as a premise for the gradual expansion and deepening of inter-state.¹⁶

The aforementioned effective rejection of EDC and EPC projects, which were to reflect federalist assumptions, i.e., to emphasise the supranational character of members by establishing a supranational parliament and the organisation of European armed forces (which, as A. Jaskulski emphasises, was de facto related to limiting the sovereign right of the nation to maintain its own security guarantees); did not rule out integration within another, supranational economic organisation – the European Coal and Steel Community (ECSC).¹⁷ Nevertheless, the focus of cooperation on economic (not political or social) issues showed the adoption of certain assumptions of functionalism, rather than building a federal Europe. Although according to Schuman’s plan, it was supposed to be an announcement.¹⁸

There is also no doubt that since the establishment of the European Communities [in 1951 the above-mentioned ECSC and from 1957 the also functioning European Economic Community (EEC) and the European Atomic Energy Community (EAEC or Euratom)], the vision of states regarding integration processes was often an expression of divergent

¹⁵ S. Saurugger, *The European Union and federalism: possibilities and limits*, in: eds. G. Grin, F. Nicod, B. Altermatt, „Formes d’Europe. Forms of Europe, Economica”, no. 218/2018, p. 177.

¹⁶ P.J. Borkowski, op.cit., pp. 97–98.

¹⁷ A. Jaskulski, *Federalizm europejski początków integracji europejskiej i doby kryzysu gospodarczego*, „Rocznik Integracji Europejskiej”, no. 6/2012, p. 223.

¹⁸ M. Burgess, *Federalism and European Union: the building of Europe, 1950–2000*, Routledge, London 2000, p. 65.

tendencies. When sovereign France, under the leadership of General De Gaulle, was to be a symbol of "European strength" built thanks to independence from American influences, Germany saw a significant chance for development in maintaining close ties with the USA. De Gaulle's policy was therefore strongly criticised by the proponents of building federal structures, who considered the project of a loose confederation of independent states as a manifestation of French nationalism. A plan, published in 1961 and created by the French ambassador Ch. Fouchet, was an expression of the formally proposed solutions which assumed the expansion of European integration based on foreign policy, culture, and science while maintaining individuality. Although this project was rejected due to fear of French domination, blocking pro-American attitudes and weakening NATO's position (which was especially emphasised by Belgium and the Netherlands); showed another barrier of in-depth cooperation prospects.¹⁹

Finally, when in the 1980s it was decided to build a political union (which was undoubtedly caused by the economic crisis); France, Denmark, Greece, and Great Britain opposed the federal concept supported by the Netherlands, Belgium, and Germany, ultimately adopting the Single European Act (SEA) without provisions proving this form. As a result, as requested by the United Kingdom, the Maastricht Treaty signed in 1992 also did not include the original formula "a Union with a federal goal".²⁰ Further hopes were sought in the Treaty of Nice (2003), the Treaty establishing a Constitution for Europe (2004) rejected by France and the Netherlands, and the Treaty of Lisbon (2009), but the latter did not spark federal enthusiasm also.

This does not change the fact that some federal features of the modern European Union have been concentrated around the levels of power between nation states, their representative bodies, and the European Parliament and the Council of the European Union (a bicameral system), strengthened by an executive institution - the European Commission and a judicial institution - the Court of Justice of the Union European Union, or EU agents such as Europol and Eurojust. The principle of the primacy

¹⁹ Ibidem, pp. 77–78.

²⁰ It is worth noting that Great Britain refused to enter the ECSC in 1951 and 1957, but when it decided to become a member, General De Gaulle has vetoed twice. B. Master, *Teorie i koncepcje zjednoczeniowe Unii Europejskiej w założeniach programowych oraz w praktyce polskiej polityki integracyjnej*, Wydawnictwo Uniwersytetu Śląskiego, Katowice 2014, pp. 104–110; R. Grzeszczak, *Federalizacja systemu Unii Europejskiej*, in: *Quo vadis Europa III?*, eds. E. Piontek, K. Karasiewicz, Urząd Komitetu Integracji Europejskiej, Warszawa 2009, pp. 163–164.

of the application of EU law over national law is also an important issue. Also, many ideas should not be belittled, including the following: the euro area, the Schengen Agreement, the “Ode to Joy” (recognised as the anthem), the European flag with twelve golden stars on a blue background, Europe Day celebrated on May 9, a passport in the colour of Burgundy wine, or the Euroband itself on the registration plates of cars registered in the EU. Whenever the activities of various European federation-building movements and all kinds of formal manifestations of federal integration can be recalled, and the presence of European solidarity and identity is mentioned; it should be particularly emphasised that, since the establishment of the European Communities, there has not been a situation in which the Member States would express their political will and unanimously opt for a complete rejection of their autonomy towards a “European federation”.²¹

Structural Limitations

One of the contemporary problems that raise many questions on the integration project based on the federalism model is the institutional complexity and centralisation of power towards technocratic Brussels, which has aroused considerable opposition from many citizens of the Member States for years. It turns out that the policy making of actors, sometimes referred to as “unelected bureaucrats”, remains incomprehensible. Thus, while the heads of state and government participating in the meetings of the European Council (a political body) are elected directly or indirectly in the Member States, similarly to the ministers of foreign affairs or other ministries of the Council of the European Union (decision-making body); this definition applies to the members of the European Commission. However, it mostly affects civil servants rather than the College of Commissioners – 28 members initially delegated thanks to Member States’ suggestions, endorsed by the European Parliament and finally appointed by the European Council.²² While some point to the lack of accountability of the European Commission (whose partial responsibility is an expression of elections to national governments and Members of the European Parliament), others accuse some national states of wielding excessive power.

It is therefore argued that one of the arguments regarding the lack of a solidarity policy is the unprecedented election of Donald Tusk as

²¹ R. Grzeszczak, *op.cit.*, pp. 163–165.

²² *Does it make sense to refer to EU officials as „unelected bureaucrats”?*, <https://www.economist.com/the-economist-explains/2017/07/14/does-it-make-sense-to-refer-to-eu-officials-as-unelected-bureaucrats> (access 25.01.2021).

President of the European Council in 2017, despite the opposition of the Polish government. Secondly, the proposal to reduce the number of commissioners in the European Commission is also worrying. Supporters of their restriction, such as French President Emmanuel Macron, admit that the task of independent commissioners is to act in the interest of the Community, not represent the interests of the Member States. In their opinion, there are grounds for some countries to resign from appointing a college member. Excessive dispersion contributes to lowering the effectiveness of activities, and the trust and acceptance of a small college will be (according to the supporters of federalisation) a visible sign of supranational governance. However, among some Member States, such as in Poland and Hungary, there was concern about the downgrading of the role of smaller states and the temporary loss of representation in the European Commission. In this context, Ireland also expressed concern by opposing in 2008 the content of the Lisbon Treaty, which provided for the possibility of reducing the composition of the College of Commissioners. According to the Eurosceptics, this means that, contrary to assurances, the European Commission does not remain a completely independent body.²³

The entry into force of the Maastricht Treaty initiated the arduous process of introducing new restrictions. Overregulation remains apparent in many meticulous and seemingly insignificant aspects – from the legal framework of the electricity market and the limits of its consumption in toasters, to the debate about considering carrots as a fruit or snail as a fish, to analysing the correct curvature of bananas when the regulation of September 16, 1994, stated that bananas may have “slight defects in shape” and “slight skin defects”.²⁴ Formality, inefficiency and lack of transparency of procedures, and repeatedly raising issues considered absurd, also resulted in criticism of countries that are among the most competitive in the EU, such as Germany and, until recently, Great Britain, promoting a free-market economy.²⁵

The financial crisis in the euro area also showed a significant weakness and structural limitations of the EU [especially within the monetary

²³ J. Chmiel, *Polskę czeka szantaż ze strony UE? Polska może nie mieć swojego komisarza w Unii Europejskiej!*, <https://www.stefczyk.info/2019/04/30/polske-czeka-szantaż-ze-strony-ue-polska-może-nie-mieć-swojego-komisarza-w-unii-europejskiej/> (access 25.01.2021).

²⁴ Commission Regulation (EC) no. 2257/94 of 16 September 1994 laying down quality standards for bananas, OJ L 245, Brussels 20.09.1994.

²⁵ Ping Chan S., *Germany pleads with UK to remain in EU to fight red tape*, <https://www.telegraph.co.uk/finance/economics/11718554/Germany-pleas-with-UK-to-remain-in-EU-to-fight-red-tape.html> (access 1.02.2021).

policy of the Economic and Monetary Union (EMU)]. Despite the fact that the currency integration chosen by countries with different levels of competitiveness was to contribute to the elimination of structural inequalities, it resulted in an increase in imbalance and sensitivity to “asymmetric shocks”. In the indebted European public sector, it did not protect against the effects of global paralysis. Interestingly, another cause of the instability of the euro area is the adoption of a federal monetary system, which is not commensurate with the neutralisation of this type of recession by fiscal integration (fiscal federalism) and the high mobility on the labour market observed in federal countries.²⁶

In particular, the lack of financial discipline and flexibility of the European market, as well as, according to A. Visvizi, the insufficient capacity to make authoritative political decisions, limited the introduction of mechanisms that effectively maintain the stability of the economic and monetary union. As a result, the EU leadership, in agreement with the International Monetary Fund (IMF) and the European Central Bank (ECB), was forced to neutralise the consequences of the Greek ruling party’s decisions (excessive spending or concealing the state of the economy) of the multi-annual aid program, granting loans worth over EUR 300 billion since 2010 and buying Greek, as well as Irish, Italian, Spanish, and Portuguese bonds in 2010–2012. Due to the lack of a cohesion policy, designed at the central level of the monetary union and conducted in the event of an economic downturn, the most stable euro area countries, such as Austria and Germany, were among the creditworthy countries. Both countries, previously criticised for suspending the program due to concerns over the transfer of their taxpayers’ money, were subsequently accused of taking advantage of the economic crisis and earning interest on loans.²⁷

There is no doubt, therefore, that the natural consequence of the weakness of the institutional system, in which mechanisms imposing free-market reforms were not implemented, was, as admitted by T.G. Rosse “a growing tendency to differentiate political power between member states

²⁶ A. Visvizi, *The eurozone crisis in perspective: causes and implications*, in: *The eurozone crisis: implications for Central and Eastern Europe*, eds. A. Visvizi, T. Stępniewski, „Yearbook of the Institute of East-Central Europe”, no. 10(5)/2012, pp. 13–16; *Unia Europejska i strefa euro. Doświadczenia i wyzwania ekonomiczne, techniczne, inżynierskie*, eds. M. Gwóźdź-Lasoń, S. Miklaszewicz, K. Pujer, Exante, Wrocław 2017, pp. 46–48; T.G. Rosse, *Systemowe uwarunkowania kryzysu strefy euro*, Instytut Studiów Politycznych PAN, Warszawa 2010, p. 347, <http://www.bibliotekacyfrowa.pl/Content/35518/015.pdf> (access 2.02.2021).

²⁷ Ibidem; *Austriacy zarobili na nieszczęściu Grecji*, <https://wgospodarcze.pl/informacje/53049-austriacy-zarobili-na-nieszczesciu-grecji> (access 5.02.2021).

and strive to maximise national interests within existing institutions".²⁸ It is not surprising that it is the national decision-makers who pursue fiscal policy and transfer aid from national budgets that coordinate the stability of the euro system, on terms that they themselves accept. In view of the above, the circumstances surrounding the crisis, including the strengthening of Germany's position as the EU leader, gave rise in 2015 to Greek demands for German reparations for the effects of World War II and sustained further opposition from Member States (downplaying their disapproval of the enlargement of the euro area) against excessive redistribution of taxes to the EU fund. Thus, the perspective of the political will to harmonise legislative and institutional solutions at the national and supranational level was still receding.²⁹

Further limitations in the process of EU integration concerned the gradual expansion of the Schengen Area and the different perceptions of the Member States about institutional cooperation in the field of preventing and combating crime, migration issues, asylum policy, and judicial cooperation. Removing controls at the EU's internal borders required harmonised measures to build the security of the European organisation. Although in 2002 it was decided to set up a European Arrest Warrant (EAW), and following the terrorist attacks in Madrid in 2004, an EU Counter-Terrorism Coordinator (EU-CTC) was appointed; Europol as a fully-fledged police agency designated to fight cross-border organised crime and terrorism was established in 2010 after almost 30 years of debate on its shape. In the process of its formation, countries wondered whether the transfer of classified information to other Member States would harm the image of a state fighting organised crime, and what police powers could be transferred to the agency. First and foremost, the lengthy process of formation was a consequence of concerns about the authorisation of Europol officers to conduct investigations without the consent of the Member States. Therefore, there is no possibility of using coercive measures on behalf of the agency, and transnational cooperation concerns in particular the exchange of operational information, expertise or strategic data.³⁰ Similarly, Eurojust – established to fight transnational crime and meeting Europol's competences in the field of operational and strategic cooperation in the field of the judiciary, has no practical

²⁸ T.G. Rosse, op.cit., p. 343.

²⁹ Ibidem, pp. 346–347; A. Visvizi, *Niebezpieczne związki, czyli Niemcy i Grecja w dobie kryzysu*, „Biuletyn Niemiecki”, no. 58/2015, pp. 2–8.

³⁰ More on this: N. Sienko, *Europejski Urząd Policji – działania operacyjne na rzecz przeciwdziałania nielegalnej migracji i handlu ludźmi*, „Rynek – Społeczeństwo – Kultura”, no. 26/2017, pp. 53–56.

instruments that would entitle EU citizens to be prosecuted before the competent courts of the Member States, if they do not demonstrate such will.³¹

However, while common foundations have been established in the field of data transfer, a pressing problem in 2015 due to the record number of third-country nationals arriving in Europe turned out to be a lively discussion about the EU's limited resources to fight the cross-border activity of people who illegally transport immigrants and the very effects of migration. In September of that year, German border controls were strengthened, and the German government was followed by, among others, Austrian, Hungarian, and Slovak authorities. The construction of a wall separating Bulgaria from Turkey was also started. Thus, it turned out that Frontex, established in 2004 (the European Border and Coast Guard Agency since 2016), is unable to seal the EU's external borders. Despite the fact that Poland, Germany, Austria, and France supported the need to increase the capacity of the agency to provide technical and operational support to the Member States allowing border control, the rulers did not reach an agreement on the announced obligation to accept the number of immigrants imposed by the European Commission. Germany and France envisaged the support of Greece and Italy, which are on the first transit line on the Eastern and Central Mediterranean routes. Poland, Hungary, the Czech Republic, Slovakia, and Austria, concerned about the lack of institutional opportunities and financial resources, refused to introduce an immigration reform.³²

Fear of being unable to solve the problem of illegal immigration resulted in mutual migratory pressures, emphasising the importance of national security policies rather than the European solidarity of EU members. Accordingly, as J. Estevens notes: "(...) all Member States tend to impose their own protection standards on EU asylum policies at EU level, but some (...) influence EU policies more effectively than others, and therefore there are Member States to have a greater impact on the legislative outcomes of migration and asylum in the EU".³³

As in the case of difficulties with the development of an appropriate system and ruling powers of national states, a coordinated response to

³¹ Council Decision no 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, O.J. L 63/1, 6.3.2002, Brussels 28.02.2002.

³² *Where do EU countries stand on migration?*, <https://www.dw.com/en/where-do-eu-countries-stand-on-migration/a-44356857> (access 17.02.2021).

³³ J. Estevens, *Migration crisis in the EU: developing a framework for analysis of national security and defence strategies*, „Comparative Migration Studies”, no. 1/2018, p. 7, DOI: <https://doi.org/10.1186/s40878-018-0093-3>.

economic problems or a crisis hitting the European migration and asylum policy; the importance of individual security of the Member States, translated above the EU subsidiarity and solidarity, is evidenced by the recent reports on the introduction of the export ban, blocking the shipments of protective materials, medical equipment and other personal protective equipment used to fight the COVID-19 pandemic,³⁴ as well as independent negotiations with producers vaccines and the purchase of additional doses outside the EU vaccination strategy, coordinated by the European Commission.³⁵ It seems, therefore, that it is the difference in the matter of counteracting the effects of the coronavirus, including the lack of consent to the establishment and spending of the EU aid fund, that will affect the further debate on the legitimacy of the functioning of the EU in its present shape.

Ideational Limitations

Life in the age of globalisation, that is "the gradual expansion on a global scale of the social impact of the division of labour and market exchange, connections and interactions between human communities in all spheres of life", sparked the aforementioned debate on the relic of the "state". Therefore, one cannot disagree with the fact that some state competences have been shifted to supranational actors (international organisations, such as the EU) and the groups below its level (e.g. specialised in maintaining public security and order) or the instruments next to it (e.g. mass media).³⁶ The fact is that it is the state, which is the main actor in international relations, that faces a number of challenges. It is undeniable that "the creation of a European federation would mean the collective suicide of nation states".³⁷

³⁴ This process concerns, inter alia, Germany, Poland, Slovakia or Romania. K. Kaźmierczak, *Niemcy wstrzymały maseczki zakupione przez Włochów z Chin*, <https://kresy.pl/wydarzenia/regiony/europa-zachodnia/niemcy-wstrzymaly-maseczki-zakupione-przez-wlochow-z-chin/> (access 20.02.2021).

³⁵ *Szczepienia przeciwko COVID-19 w Europie. Węgry i Niemcy wylały się z mechanizmu wspólnych zakupów*, <https://pulsmedycyny.pl/szczepienia-przeciwko-covid-19-w-europie-wegry-i-niemcy-wylaly-sie-z-mechanizmu-wspolnych-zakupow-1107808> (access 20.02.2021).

³⁶ J. Ruskowski, *Państwo poza państwem. Wstępna konceptualizacja procesu przesuwania władzy państwa na otoczenie pozapaństwowe*, in: *Państwo w czasach zmiany*, eds. M. Pietraś, I. Hofman, S. Michałowski, Wydawnictwo UMCS, Lublin 2018, pp. 90–91.

³⁷ J. Zielenka, *Kontrrewolucja. Liberalna Europa w odwrocie*, Wydawnictwo Naukowe PWN, Warszawa 2018, p. 229.

One of the reasons why states do not build a European federation is therefore nationalism, which is a construct of nations' past, their historically conditioned aspirations for sovereignty, and is now understood as a special promotion of solidarity within the internal borders of EU members. This attitude, emerging from growing concerns about the loss of control over the implementation of state interests, the contemporary sense of economic injustice, or resulting from the threat to the cohesion of social groups, could be the reason for the lack of will to federalise the EU structures.

Also, the current failure to apply the reallocation system proposed by the EU bodies is due to the fear of the inability to tackle illegal immigration transnationally. The lack of trust contributed to the subjective rhetoric of the citizens of countries in which the necessity to enter into new types of social interactions caused considerable concern about internal security. On the one hand, the migration crisis contributed to the spread of Islamophobia and racism in social media. The record migratory flows were seen as a threat to the stability and development of the state and gave rise to the formation of anti-immigrant groups, and resulted in physical manifestations of hatred. On the other hand, however, there have been accusations of leftism and idealisation of life in the "multi-culti" space by groups emphasising supra-state and supra-ethnic solidarity.³⁸

However, taking into consideration recent events, the expression of the divided Union has also completed the picture of emerging "extremist narratives inside right-wing political parties".³⁹ Among the Eurosceptics who criticised some of the Community ideas were, inter alia, Law and Justice in Poland, Fidesz with the Christian Democratic People's Party in Hungary, and the Sweden Democrats rejecting the adoption of the euro in Sweden.⁴⁰ Moreover, it seems that the results of the elections to the European Parliament in 2014 and 2019 showed the regression of liberal democracy with the simultaneous flourishing of counter-revolutionary groups, which include contemporary right-wing populist groups opposing Europeanisation. Radical changes, according to J. Zielonka, result from the liberal distortion of freedom, equality, social justice, from "betraying" by the "liberal oligarchy" the original ideas at the expense of the ideology of power and depriving the electorate of any influence on politics. Nowadays, an alternative to pro-European groups in the European Parliament turned out to be groups using the "policy of fear",

³⁸ N. Sienko, *Czeska debata wokół kryzysu migracyjnego w przekazie i dyskursie medialnym*, „Kultura – historia – globalizacja”, no. 25/2019, p. 163–167.

³⁹ J. Estevens, op.cit., pp. 8–11.

⁴⁰ N. Sienko, *Czeska debata...*, op.cit., pp. 169.

opposing technocracy or weakening the position of nation states, such as the Marine Le Pen's National Front, V. Orban's Fidesz, and M. Salvini's League.⁴¹

Centrifugal tensions in the EU do not remain visible only within the Eurosceptic rhetoric, but concern systemic changes made on January 31, 2020 by the United Kingdom, deciding to leave the EU structures in line with the 2016 referendum. As F. O'Toole admits: "England seems to be stumbling towards a national independence it has scarcely even discussed, let alone prepared for. It is on the brink of one of history's strangest nationalist revolutions", and also adds that "the inexorable logic of Brexit is the logic of English nationalism: the birth of a new nation state bounded by the Channel and the Tweed".⁴² The motive for Great Britain's withdrawal from the EU is therefore the pursuit of independence in the face of barriers imposed by participation in the EU community. The concept of "Global Britain" (building relationships "with old friends and new allies"), the need for implementation of which was emphasised by T. May, is to be an expression of openness to the world and building bold trade ties.⁴³

The wave of comments about the next act of leaving – "Czexit", "Swexit", "Nexit", "Italexit" resulted in uncertainty about the future of the EU. Therefore, the question arose whether "being" a European results only from living in the geographical area of Europe, recognising the European identity as a political construct, or does it mean actually adopting a certain model of group identification? When in Great Britain T. May mentioned that the British were leaving the EU in the national interest but would not renounce their European heritage,⁴⁴ the leader of the Swedish Democrats J. Åkesson, calling the EU structures "the main force of corruption", announced the construction of a Swedish national space, free from membership. G. Wilders, the leader of the Dutch Party for Freedom, also spoke about the EU as an identity-interfering "expansionist monster".⁴⁵ However, if the further implementation of "separation"

⁴¹ J. Zielonka, *op.cit.*, pp. 15–19.

⁴² F. O'Toole, *Brexit is being driven by English nationalism. And it will end in self-rule*, <https://www.theguardian.com/commentisfree/2016/jun/18/england-eu-referendum-brexit> (access 27.02.2021).

⁴³ Theresa May's Brexit speech at London's Lancaster House, 17.01.2017, <https://www.youtube.com/watch?v=o0rRnTFJszU> (access 27.02.2021).

⁴⁴ *Ibidem*.

⁴⁵ *Referendum w sprawie członkostwa w UE*, <https://skandynawiainfo.pl/referendum-w-sprawie-czlonkostwa-w-ue/>; *Dlaczego UE się sypie? Holandia i Nexit*, <https://pl.sputniknews.com/opinie/201608223745558-ue-eurosceptyzm-holandia-nexit/> (access 27.02.2021).

initiatives seems to remain distant, it suggests considerable dissatisfaction of the Member States with the results of European integration and the particular need to consolidate and protect state security.

Conclusions

It does not seem possible to talk of the near future of “the state of Europe”, a “homeland Europe” – a federation of EU nation states. Although the times of war in Europe are but a memory, the construction of an integral political area, apart from structural issues, faces a number of constraints. Some limitations include various models of economic and cultural policy, separate historical experiences, political divisions and representations, indicators of poverty, the level of economic emigration, and problems in shaping national awareness into being constructed ideas of the nation. Consequently, the conditions under which the European Communities were established and the EU evolved depended on the motives of action, capabilities, ambitions of the Member States and different perceptions of transnational integration.

It is also difficult to imagine the situation mentioned by S. Fabbrini, who recognises that an EU federation could be established within the countries belonging to the euro area, institutionally separating from those which strive to maintain unwavering national sovereignty. From the beginning of the establishment of the European Communities, this form of cooperation has not been used by the Member States. If it were so, it is impossible not to agree with J. Zielonka that Germany, France, or Belgium would create a small federal state. Thus, the formal promotion of the concept of a “two-speed Europe” could be economically and politically diversified and, culturally, the EU should strengthen the sense of marginalisation and lead to the replacement of the organisation with many other initiatives or strengthening of integration within the existing ones, such as The Visegrad Group, the Three Seas Initiative, the Central European Initiative, the Slavkov Declaration.⁴⁶

However, it seems that both the concept of “upward” and “downward” integration towards disintegration remain unprofitable for the Member States. The future of the Union will depend on how far it is possible to move “aside” – from the centralisation of the Union’s power to the

⁴⁶ S. Fabbrini, *Which European Union? Europe after the euro crisis*, Cambridge University Press, Cambridge 2015, pp. XVII–XVIII; M. Graczyk, *Pomysł na Europę pilnie poszukiwany – wywiad z prof. Janem Zielonką*, <https://www.euractiv.pl/section/institucje-ue/interview/pomysl-na-europe-pilnie-poszukiwany-wywiad-z-prof-janem-zielonka/> (access 27.02.2021).

political activity of cities, non-governmental organisations and citizens, participating in shaping and developing political, social and economic initiatives.⁴⁷

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⁴⁷ Ibidem.

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