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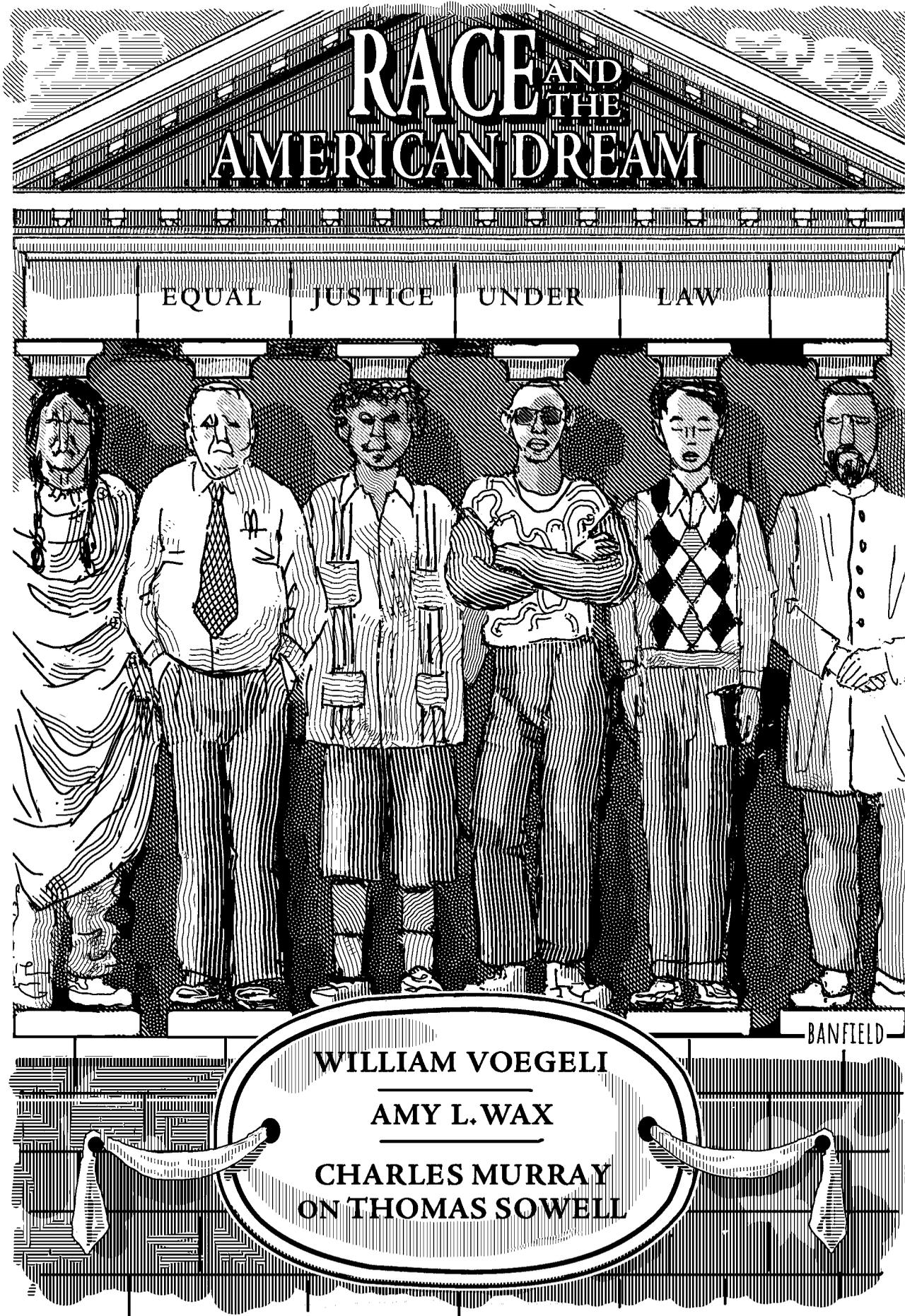
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Essay by Christopher Caldwell

## POLAND AGAINST THE PROGRESSIVES

*The continent's most resolute defender of sovereignty.*



LAST FALL, DURING ONE OF EUROPE'S periodic upticks in coronavirus infections, Polish health minister Adam Niedzielski was challenged by a reporter to explain why the country's preventive measures were so lax. Fewer than 1% of Poles considered the disease a main concern. Vaccination rates had barely scraped above 50%, placing Poland toward the bottom of European nations. Outside the center of Warsaw, should you ever see a waitress or bartender wearing a mask, it will generally be pulled down below the nostrils, or the chin, and accompanied by a truculent smirk. "In our country, coercive measures are not only sometimes received badly," Niedzielski explained to the reporter. "They can be counter-productive."

This was less a confession than a boast: sow conformity and you will reap rebellion. Poles, like Englishmen and Americans, have traditionally been so attached to the spirit of liberty that they are sometimes under the misimpression they invented it. But the don't-tread-on-me spirit has proved incompatible with the spirit of expert administration that marks the 21st century. That incompatibility is leading Poland toward conflict.

No institution on earth better embodies rule by experts than the European Union, the 27-nation federation-in-the-making to which Poland has belonged since 2004. The E.U. is steadily spreading its administrative wiring into areas of European life that were formerly governed by democratic elections. This de-democratizing process is the E.U.'s *raison d'être*. The bloc's own founding documents deem it to be irresistible, pointing to an "ever closer union." Those countries that resist—as a majority of Britons did in 2016 when they voted in the so-called Brexit referendum to exit the European Union—are cast by the E.U.'s defenders as enemies of democracy. But a Brexit-style semi-civil war over the legitimacy of the E.U. now simmers in every European country, with grumbling about regulation, lost freedoms, and assaults on traditional ways of life.

A funny thing has happened to the E.U. since Brexit. The departure of the most democratic and militarily powerful western European country has not chastened the E.U.'s leaders in the slightest—it has liberated them. Germany, the bloc's economic powerhouse, has a new Social Democrat-led government that is calling for a "federal Europe," an actual conti-

nent-wide government that would absorb the historic nations into a single Brussels-based superstate. The E.U. central bank has also established Next Generation E.U. (NGEU), an €800 billion post-COVID recovery plan. Deployed in the national politics of member states, most notably in Italy and Poland, it has buttressed pro-E.U. parties and punished E.U. skeptics.

The populist government of Poland has replaced the United Kingdom as the continent's most powerful defender of local sovereignty—its own and others'. In Brussels the unelected European Commission is actively constructing tools to discipline Poland over questions of climate change, gay rights, abortion, immigration, and the press. In most E.U. countries, judges and lawyers are sympathetic to Brussels, and reliably overturn democratic decisions that cut against E.U. rules. Since its second stint in power began half a decade ago, Poland's populist Law and Justice party (PiS) has tried to prevent this. It has reformed the way courts are staffed and run. Poland's liberal opposition Civic Platform (P.O.) has sought to block those reforms, and Brussels has taken the side of the P.O. The struggle could portend a much stronger hand for Brus-

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sels or an eventual Polish exit from the European Union.

### The Judiciary Crisis

THE PROXIMATE CAUSE OF THE PRESENT controversy came with the Polish elections of 2015. In retrospect, they signaled the populist triumphs of Brexit and of Donald Trump months later. The public was fatigued with the P.O. after eight years in power, and angered by corruption scandals, but PiS presidential candidate Andrzej Duda's victory in May caught a lot of Polish opinion-makers by surprise. Suddenly people remembered that five of the 15 judges on the country's Constitutional Tribunal were due for replacement after the upcoming parliamentary elections in October—three just before the seating of the new government, two just after.

The parliament, P.O.-controlled for the time being, changed the law to permit itself to nominate all five judges in advance—not just the three upcoming retirees but also the two who would retire in the next Parliament. It was a flagrant act of chicanery, and it portended a partisan fight in the fall. The PiS, inclined to see the country's judiciary as a progressive mafia, was already hatching ambitious plans to reform it. Duda announced he would not give any judges the oath of office until after parliamentary elections were done, which meant that none would be able to take power. (Americans will hear echoes here of the Republican Senate's delay when Barack Obama nominated Merrick Garland to the Supreme Court in 2016.)

Events did not stand still. That summer hundreds of thousands of refugees from the Syrian war, and eventually millions of migrants from across the Muslim world, began marching toward Europe in hopes of settling there. Having invited the migrants to her own country, German Chancellor Angela Merkel now sought the cooperation of Brussels to distribute them across Europe. The P.O. cast the decisive vote for the E.U.'s migration resettlement plan. The party's longstanding leader, former prime minister Donald Tusk, had by then moved up to Brussels to become president of the European Council and one of the architects of the E.U. migrant policy. The PiS adopted a different approach: an over-my-dead-body approach. Some of its more intemperate members invoked the last German experiment in involuntarily transporting ethnic minorities to Poland.

Two things resulted from the migration crisis: First, a strengthening of the already powerful alliance between the P.O. and the European Union's institutions. Second, a

landslide victory in the legislative elections for PiS, which topped the P.O. by 14 points and won an unprecedented absolute majority. Duda was now ready to play hardball. It had been expected that he would reject the two prospective justices who had been named irregularly. He did. But the PiS parliament, acting on a technicality, now disqualified the other three as well. It then nominated replacements and confirmed them. The rump constitutional tribunal declared this illegal. PiS ignored it.

A half-dozen fresh occasions for distrust now arose. P.O. partisans considered the newly sworn-in judges illegal and illegitimate. They stormed the parliamentary chamber and occupied it. In 2016 PiS therefore met outside the parliamentary chamber to pass its budget, the legality of which was questioned. PiS began its own reform of the National Council of the Judiciary, which had essentially allowed judges to pick their own replacements, and thereby (as PiS saw it) to institutionalize the legal class's progressive political prejudices. Sitting judges opposed these reforms. They refused to sit on panels with PiS-appointed judges. In 2019 PiS empowered the judiciary branch's disciplinary chamber, which ordinarily concerned itself with allegations of bribery or corruption, to address cases in which judges' dereliction stemmed from their political activism or animus. In short, the past half-decade has produced a knot of constitutional dysfunction, which Poles have been too bitterly divided to disentangle. Now the P.O.'s progressive allies in the European Union have resolved to settle matters by force.

### Legacy of Communism

POLISH JUSTICE IS A COMPLEX PROBLEM. It is, in part, a legacy of the paradoxical way Communism ended in Poland. Of course, it was the Poles—and specifically, the trade-union movement Solidarity, starting in the Lenin Shipyards in Gdańsk in the summer of 1980—who led the world out of Communism. Government resolved to break the movement, imposing martial law from 1981 to 1983. But it failed. In 1988, fearing a wave of strikes and thrown off-balance by Mikhail Gorbachev's liberalization in Russia, liberal elements in the Polish Communist party decided to negotiate with Solidarity. The outcome was the Round Table Agreement of April 1989. The striking thing about that date is that it was seven months *before* the fall of the Berlin Wall. While it was an earth-shattering concession by the standards of the time, all it really provided for, in the words of the late Anglo-Hungarian political theorist

George Schöpflin, was “islands of democracy in a sea of authoritarianism.” That is the paradox: countries that were *less* anti-Communist than Poland, such as Czechoslovakia, established their post-Communist institutions after Communism was defeated, and wound up with a better deal.

In 1989 there was no alternative form of social organization onto which the responsibilities of the Communist state could be off-loaded. There was no free market (although Polish companies had managed to get deep in debt to Western banks). There were few free associations of the Tocquevillean sort. (There was the Catholic Church, of course, but the times did not seem to be crying out for theocracy.) But there were professions that could be *made* free. They had their logic, their systems of ethics, their professional organizations. If they could be guaranteed a sphere of autonomy, they could be the anchor of a free society. This turned out to be a naïve idea. It ignored the extent to which politically sensitive professions—journalists, lawyers—had been corrupted under Communism.

Only after the turn of the century were the heirs to the Solidarity movement in a position to claim real power. By the 2005 elections, there was talk of a “fourth republic” that would break with the various disappointing governments of the decade and a half since Communism. But the heirs to Solidarity were now themselves divided—over the legacy of the whole period since the Round Table Agreement. One party, conservative and traditionalist, said Poland shouldn't have made that deal and ought to root out its whole legacy, relying on intelligence files kept by the Institute of National Remembrance to purge those compromised by Communist-era connections.

That was the Law and Justice Party—PiS. It was led by a pair of identical twins who, as children, had starred as Jacek and Placek in a beloved film called *The Two Who Stole the Moon* (1962). Lovability was no longer their calling. Lech Kaczyński, a professor in the Solidarity stronghold of Gdańsk, was more instinctively political. He had been interned during martial law. His brother Jarosław was a legal theorist with a reputation for eccentricity and brilliance—he had the air of a Bond villain, with his cat and his resentments and his library full of books about states of emergency.

Another party, liberal in both the free-market and free-wheeling senses of the world, took a different view of Poland's post-Round Table history. A deal was a deal and by-gones were by-gones. Poland was now in the European Union and NATO and had less to fear



from Communism. Ex-Communists could be part of the new Poland, too. That was the Civic Platform—the P.O. It was led by Tusk.

In 2005, these two successor parties of Solidarity planned to rule in coalition, with the presumably more popular P.O. taking the lead. But in a surprise, Lech Kaczyński won the presidency for PiS, and Jarosław Kaczyński made PiS the largest party in parliament. The agreement between the parties fell to pieces. They have been the two irreconcilable contenders in Polish politics ever since. The P.O. is a party of elite multilateralists and globalists and their retinue—the winners of globalization. It is rather like the Democratic Party under Barack Obama. The PiS is a party of nationalist social democrats—the losers of globalization. It is rather like the Democratic Party of Franklin Roosevelt.

The decade that followed the 2005 elections was kind to the P.O. and cruel to PiS. Tusk was elected prime minister in 2007 and over seven years drew Poland more closely into the E.U., where it prospered as a manufacturing hub for Germany. Whether Poles were prospering more doing Germany's handwork than they would have doing their own brainwork is debatable, but Poles thought they were. At any rate they were receiving about €10 billion in E.U. "structural funds" every year to quiet such questioning.

PiS, skeptical of the E.U., joined a Brussels umbrella party that bundled together those with one foot out the E.U. door—including the pre-Brexit British Tories and the nationalistic Fratelli d'Italia. The Kaczyńskis grew increasingly distrustful. They were often likened to Roman Dmowski, the nationalist of a century ago who saw a dangerous incompatibility between the German worldview and the Polish (and was, of course, vindicated). Dmowski's distrust extended to Germany's dynamic economy, and so did the Kaczyńskis'. The magazine *Polityka* periodically polls Poland's entrepreneurs about which party offers better conditions for startups. PiS tends to be the response of about 0%.

In 2010, Lech Kaczyński was killed in a plane crash along with almost 100 other government officials on the way to a commemoration in Russia of the Katyń Forest massacre, the 1940 murder by Soviet troops of 22,000 Polish officers and elites. This darkened the attitudes toward Russia of the PiS rank-and-file. The fresh horror of the crash was conflated with the dark memory of the Katyń atrocity itself. A wave of wild emotion swept over Poland. There has never been any solid evidence of foul play in the air crash, but that's not what you will hear in a lot of PiS-friendly

barrooms. When Tusk visited the site of the crash with Vladimir Putin, his political foes reacted with fury. Today, Poland's politics are probably as sharply divided as those of the United States.

### Culture War

ONCE MIGRANTS BEGAN MARCHING into eastern Europe from the Syrian war, PiS's dark vision of Poland's circumstances turned out to be a ticket back to power. PiS was not outright anti-immigrant—by some estimates there were 2 million Ukrainians living without incident in this country of 38 million, some of them Polish speakers from just across the border. But when it came to more disruptive kinds of migration, the Polish people were about as unwelcoming as could be. A poll this past December, taken at the time of an assault on the Polish border by thousands of Iraqis traveling through Belarus, found that Poles oppose the admission of refugees by 69% to 26%.

This lack of hospitality may arise from close observation of Poland's E.U. neighbors, which have come to rue their overly welcoming immigrant policies of decades past. In almost every prosperous country in western Europe, people tell pollsters that, while migrants are fine as individuals, they are a calamity *en masse*. The problem is that individual migration creates momentum for mass migration. By the time the immigrants are perceptible as a group, it is too late—there is an entire economic and social infrastructure in place that makes the momentum of immigration unstoppable. This means the fatal decisions must be made in the period when the migration is still made up of individuals. It requires a party ruthless enough to tread on the dreams of, say, a nice young couple who are "just looking for a better life." A party like PiS, perhaps.

In its second period in office PiS has pursued a wildly popular economic policy aimed at redistributing to modest earners the windfall gains of globalization. It lowered the retirement age. Its Family 500+ program offered families 500 złoty (\$125) per month for every child after its first, regardless of income. It was a boon. The poorer the part of the country you live in, the better a deal the program is, and the poorer the part of the country you live in, the more likely you are to vote PiS. But this golden age of government largesse and egalitarian redistribution is now under threat. Winter statistics found the Polish inflation rate over 8%, even higher than America's. That does not necessarily mean PiS's popularity will go south with the economy. There is something Trumpian about

what is going on. PiS has brought about what the blogger Aleks Szczerbiak calls a "redistribution of prestige," after a long period during which government preoccupied itself with the P.O.'s urban elites and left the remainder feeling like second-class citizens.

Many of the high-sounding arguments about judges and European values and so on are cruder political fights being carried out by other means. In recent years, no doubt watching U.S. trends on transgender rights and gay marriage, a number of municipalities, particularly in the PiS-supporting southeast, have vowed to fight "LGBT ideology" in schools. Gay activists have called Europe to their aid. One of them, Bart Staszewski of Lublin, produced official-looking reflective metal signs that read "LGBT-Free Zone" in five languages and screwed them onto government highway signs at the outskirts of various cities, then posted photos of them online. Whether this was a prank that was misunderstood, as his defenders now claim, or an intentional piece of misinformation, E.U. authorities in Brussels, convinced that such "zones" existed, threatened to cut off funding to the communities in question, leading many rustic mayors to clumsily commend pluralism, diversity, and gayness in all its forms—a comeuppance that occasioned much mirth in the Warsaw newspapers. The Obama Foundation made Staszewski ("he/him/his," according to the foundation's website) one of the awardees of its 2020 "Leaders Europe" program.

In the autumn of 2020, after the Polish court ruled that fetal abnormalities are not grounds for abortion, activist foundations and progressive E.U. governments began pressuring Warsaw. Poles in their tens of thousands joined street demonstrations when a 30-year-old pregnant woman named Izabela died in a hospital in Pszczyna last September. There is no evidence that she died because of the strictness of Poland's abortion laws, which explicitly permit abortions when the life of the mother is endangered. But the tumult followed an activist playbook: the death of pregnant Savita Halappanavar in a hospital in Galway, Ireland, in 2012 had created a groundswell of public opinion in favor of abortion. Now Izabela's death became a cause célèbre in the Dutch parliament, which voted overwhelmingly to use moneys earmarked for health care in the developing world to fund Polish women's abortions.

The world that embraces the P.O. and contemns PiS is disproportionately young and disproportionately urban. Of the hundred biggest cities in Poland, the opposition rules in all but half a dozen. This is ominous for PiS. Most of its strongest areas are in the parts of

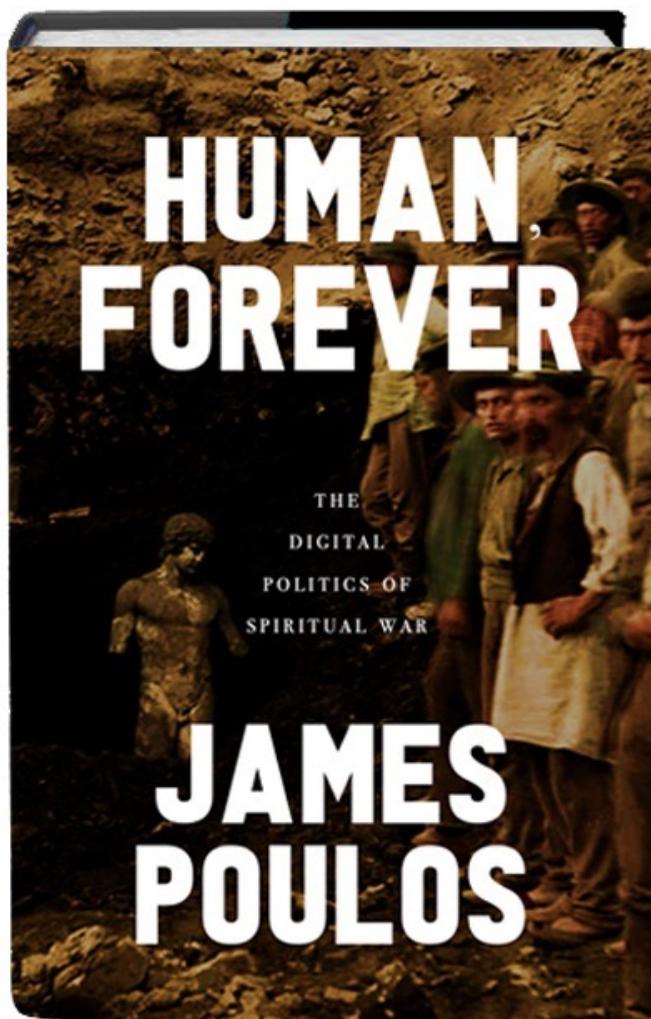
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Poland that in the 19th century were in Russian hands—not the most dynamic parts of contemporary Poland. PiS's electorate tends to be Catholic, and weekly Mass attendance has fallen sharply in recent years, to roughly 40%. The P.O. does best in the western areas that belonged to Prussia 150 years ago—and are doing well today. Like Democrats in America, leaders of the P.O. have assumed that demographic change will translate automatically into electoral victories. Like Democrats, they have lately been disappointed. In fact, young men are abandoning liberalism in large numbers. Among voters between 18 and 25, 39% of women gravitate to a (non-P.O.) party of the center-left; 40% of men support Konfederacja, a nationalist party impatient with compromises of any sort, and apt to accuse the PiS of tergiversation.

### Where Does the E.U. Get Off?

POLAND'S LEADERS USED TO BELIEVE that western Europe offered an inflexible model for imitation. In the 1990s Leszek Balcerowicz, who drew up the country's post-Communist economic blueprint, would dismiss those calling for a "third way" between capitalism and socialism by saying that the Third Way leads to the Third World. Those who dream of Poland's future in the E.U. still speak of it the same way. An advertisement for *Gazeta Wyborcza*, flagship newspaper of the urban anti-PiS opposition, shows a short-haired young woman, her face perforated with jewelry, telling us, "I live in Warsaw...but I live in Europe."

Yet the mood has changed. For a decade after the Maastricht Treaty in 1992, when the E.U.'s member countries pledged themselves to ever closer union, the bloc steadily absorbed powers and prerogatives from Europe's historic nation-states. It established a currency, the euro, which most members use. (Poland does not.) In 2004 it admitted ten new members, the most important of which by far was Poland—its population at the time (38 million) was more than that of the other nine combined (36 million).

But that was the last hurrah. In 2005, the E.U. proposed a constitution that would have formalized the transfer of these powers to Brussels. It was defeated in a landslide in referenda in both France and the Netherlands, and the E.U. withdrew it. Sneakily, the bloc's leaders managed to secure some of the powers the constitution had sought, by means of the Lisbon Treaty of 2007, which altered the terms of the Maastricht Treaty and renamed it the Treaty on European Union. But democratically sanctioned, above-board expansion

of the E.U.'s prerogatives has proved impossible. Publics have soured on the European Union, and have conferred on it about all the power they care to. What is more, adding those ten new countries in 2004 made the E.U. unwieldy. Wholesale constitutional changes require a unanimous vote of the member states. The humblest dissenter, be it Cyprus or Malta, can bring the best-laid plans of Brussels to a grinding halt. (It is, ironically, a variant of the *liberum veto* through which the dashing and corrupt noble families of Poland long held the country's interests to ransom, until they brought about its outright collapse in 1795.) Today, Brussels relies on the approval of many eastern governments that survived Communism, inhabit a geostrategically dangerous part of the world, and don't define "human rights" and "gender equity" in quite the same way as the alumni of elite Western universities. When the P.O. is in power, this problem is dispelled. When the PiS is in power, Poland is feared and resented as a potential ringleader of insubordination.

E.U. leaders and sympathizers believe there is something unnatural, even treasonous, about opposition to further integration.

**"If someone attacks us in  
a completely unfair way,  
we will defend ourselves in  
any possible manner."**

Tusk's attitude toward Brexit was typical. Amidst the great international campaign of obstruction that followed the British vote to leave, he said that there would be a "special place in hell" for those who lied to the British people to make them vote that way. That a majority of the British might, based on accurate information and constitutional principle, sincerely wish *not* to be a part of the European Union seems not to have occurred to him.

So, integration continues through emergency decrees. The E.U. claimed the right to pressure its member states financially during the 2010 euro crisis in Greece, to the extent of taking over the Greek government's budgeting authority. At the beginnings of the COVID epidemic, the bloc claimed the right to incur massive deficits in the name of the historic nation-states to fund Next Generation E.U., variously described as a "recovery" fund and a "stimulus." But the main instrument the E.U. has used to claim more power is its supreme court, the Court of Justice of the European Union (CJEU) in Luxembourg, which has, since the 1960s, claimed that its

laws have primacy over those of, say, France or Germany. The bloc's case for bringing Poland to heel is the claim that the authority of Luxembourg to overrule the Polish government is unlimited. Under this authority it has ordered the Polish courts' disciplinary chamber shut down. Poland has pretended to comply, but has not complied.

Support for the CJEU's understanding in the E.U.'s founding documents is flimsy. The reformers of 2005 wanted to write E.U. supremacy into a European constitution. But they failed. Voters rejected it. The Lisbon Treaty that replaced the constitution does not contain any binding language on E.U. supremacy, though an appendix alludes to it. CJEU authority rests on Article 2, which states that: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights."

The CJEU intends to use "values" the way American judicial activists use the 14th Amendment's "due process"—as a skeleton key to permit intervention in the most private corners of society. Some of the "values" for which Poland is now being shanghaied in Luxembourg—trans rights, for example—had not even been invented at the time the Lisbon Treaty was agreed. Certainly the E.U.'s ideal of a constitutional court free of political interference from the executive branch is a defensible one. But it is being imposed on Poland selectively. France's Conseil d'État, the country's supreme court for administrative justice, is, at the same time, an office of the presidency. Finland doesn't even *have* a constitutional court.

The Lisbon Treaty, alas for Brussels, also has the equivalent of the American 10th Amendment in it. Article 5 establishes the principle of "conferral" (what we would call "delegation"), which ensures that "the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States."

The Polish case is that judiciary power has never been "conferred" on the E.U. In March 2020, Poland's Prime Minister Mateusz Morawiecki asked the Polish constitutional tribunal whether it considered that the E.U. had the authority to block Poland's judicial reforms. The tribunal said no—the CJEU was acting *ultra vires*, or beyond its lawful powers. This presented Brussels with an explosive constitutional question. The Bundesverfassungsgericht, the German constitutional court, had used the expression to issue a warning about the E.U.'s ambitious bond-buying program. In response, the European



Commission (the E.U. executive) took legal action against the German court.

How do you sue a court? In an impressive account of the rule of law controversy that appeared in the *New Left Review*, the sociologist Wolfgang Streeck described the resolution of the German case, which seems to presage the resolution the E.U. wants for Poland. In early December the Commission dropped its case against Germany in exchange for Germany's commitment "to use all means available to actively avoid a future repetition of an *ultra vires* finding." In other words, the new Social Democrat-led German government has promised to interfere with the courts' impartiality to make impossible a judicial decision that would inconvenience Brussels. It has promised to protect the "rule of law" by violating the rule of law.

### The Double-Cross

THE E.U. INTENDS TO MAKE POLAND suffer financially until it approves a justice system more in conformity with the pro-E.U. opposition's wishes. It has levied a fine of €1 million per day that will run as long as Poland does not comply with the E.U.'s order that it dismantle its disciplinary chamber. Adding in a €500,000-a-day E.U. fine previously assessed on a polluting coal mine (a fine that Poland believes the bloc has no right to levy), Poland is being assessed an extraordinary bill from Brussels. At an equivalent level of GDP, it would be as if some international body were fining the United States \$22 billion a year. And it is not just a fine. It is also an intervention in the domestic politics of the Polish state. PiS will not pay the fine as long as it is in power. The P.O. can expect that it will be forgiven should it come to power.

But there is more. With the €750 billion Next Generation E.U. recovery fund, passed at the height of the COVID lockdowns in 2020, the European Central Bank established a stimulus plan which doubles as an additional tool for influencing the politics of member states. Both Poland and Hungary were entitled to veto the €1.8 trillion seven-year budget framework that included the plan. And they were inclined to because it included language conditioning grants on adherence to the "rule of law," which was left wholly undefined. But Poland and Hungary made a deal. They okayed the long-term budget when the

E.U. announced that no rule-of-law proceedings would be undertaken until a ruling on their legality by the CJEU, due sometime later this year. So the E.U. would get to defend its "values," once Poland's money was already disbursed and spent. But Europe delayed paying out Poland and Hungary's share. The European Parliament ordered a speeding up of the CJEU case. A judgment against Poland is expected in March. Now it appears the €36 billion to which the country is entitled may simply be confiscated.

This Damoclean deployment of funds serves a number of near-term goals for the E.U. It will certainly weaken the government of Viktor Orbán in Hungary's upcoming elections, though probably not fatally, and it places the Polish government in serious budgetary trouble, since the NGEU transfers equal 6-7% of Polish GDP.

But it is a double-cross for which Brussels may eventually pay a high price. Until now, major structural changes have required unanimous consent and been subject to veto. Justice minister Zbigniew Ziobro, who represents Solidarity Poland, PiS's considerably more conservative coalition partners, finds himself spectacularly vindicated. Ziobro had called on the government to veto the seven-year E.U. budget unless Poland's exemption from "rule of law" prosecutions were made explicit. Until a few weeks ago that was considered a radical position. Now there are politicians urging that Poland veto *everything* until it receives the money to which it is entitled. After a ministerial meeting in Brussels in October, Polish Prime Minister Mateusz Morawiecki—one of the more moderate and urbane members of PiS—warned his European colleagues: "If someone attacks us in a completely unfair way, we will defend ourselves in any possible manner."

If Poland were located where the United Kingdom is, public opinion would now be pushing the country's leaders to keep their distance from the E.U., and the situation would begin to deteriorate. As it is, Poland has reason to be nervous about the volatile situation in Belarus and Ukraine and has no long-established global trading partnerships to fall back on. It is an ambiguous situation. Large majorities of Poles like being in the E.U.—a vivid symbol of their return to a central spot in Europe after Communism. On the other hand, their attachment to the E.U. is not particularly passionate: 68% of

Poles say transfers of money are the main benefit of membership.

Much in the Polish situation threatens escalation. As the historian Perry Anderson notes in his new book, *Ever Closer Union?* (2021), European historians have lately begun drawing sympathetic parallels between the European Union and the Concert of Europe established by Klemens von Metternich at the Congress of Vienna in the wake of Napoleon's defeat. "For a long time," Metternich told the Duke of Wellington in 1815, "Europe has been a fatherland to me." In Metternich's view, western Europe was much of a muchness. Every European country displayed a similar political polarization—royal houses on the one hand, a rabble of nationalist revolutionaries on the other. Upholding peace meant strengthening the former at the expense of the latter. It meant extinguishing nations in the name of pacifying them. The anti-national vision of Metternich seemed vanquished by the revolutions of 1848 and the unification of Germany and Italy.

But now a version of it has returned. Metternich's reputation has been reassessed. In Brussels, at least, he is no longer a censor of patriots and breaker of nations but a founding father of the E.U. The global information economy has created similar social structures in every developed country. In Europe, as elsewhere in the West, the global economy's winners have more in common with their business partners abroad than they do with their poorer compatriots. The global economy's losers, too, have more in common with each other, but they lack the transnational institutions to make that common interest felt. What they have is their "old" political systems: their nations. So in almost all Western democracies there is, on one hand, an internationalist party (usually more capable) that extols and executes globalism's creative destruction; and, on the other, a nationalist party (usually more numerous) that opposes its high-handedness and usurpation. We find ourselves once again in an age that asks whether ancient nations should flourish or be suppressed. The E.U., whatever else it is, is a movement dedicated to the latter proposition. Under such circumstances, the difference between partisan politics and the "rule of law" can be hard to discern.

*Christopher Caldwell is a contributing editor of the Claremont Review of Books and the author, most recently, of The Age of Entitlement: America Since the Sixties (Simon & Schuster).*

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