

TALKS ABOUT EUROPE

# *Can democracy work well in times of crisis?*



European  
Commission

THINKTANK

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***On July 20, 2021, the European Commission published its second Rule of Law Report consisting of a general report that analyses the situation in the European Union ([available here](#)) and 27 chapters dedicated to individual Member States ([available here](#)). The document focuses on the judiciary, anti-corruption measures, freedom of speech and media, as well as institutional and control mechanisms that ensure political pluralism. It illustrates good examples, but also points to issues that need fixing.***



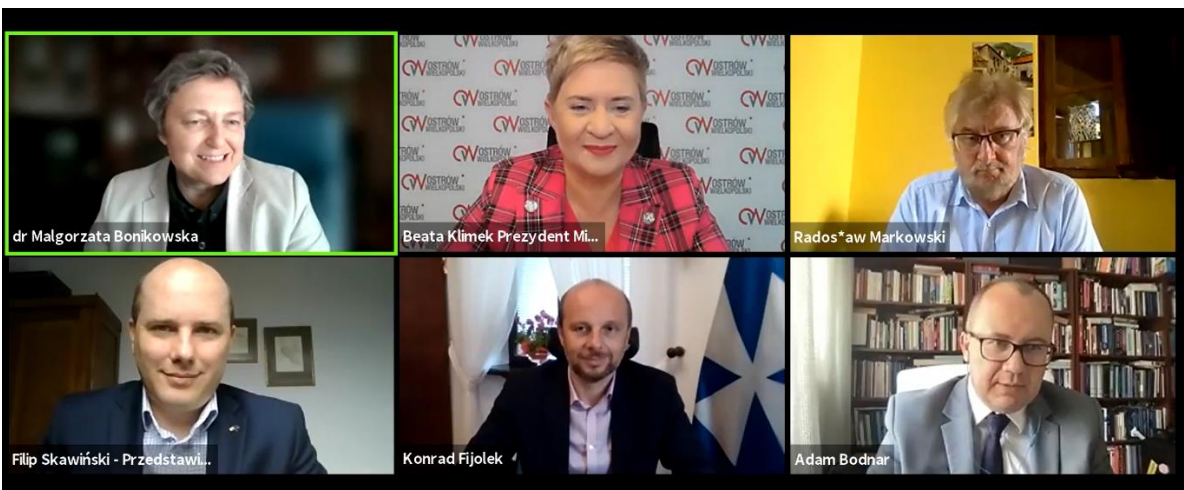
## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

2

What do Europeans think about democracy? How does the dispute over the rule of law affect its condition in the European Union countries? Can and should democracy be improved? Why does it seem to perform worse in difficult times? These questions were answered during a debate held on 22 July 2021, as part of the "Talks about Europe" series, conducted by the THINKTANK centre and the European Commission Representation in Poland.

*In the debate "[Can democracy work well in times of crisis?](#)" attended: Prof. Adam Bodnar – Dean of the Faculty of Law of the SWPS University and the Polish Commissioner for Human Rights in 2015-2021, Konrad Fijolek – Mayor of Rzeszów, Beata Klimek - Mayor of Ostrów Wielkopolski, and Prof. Radosław Markowski – Director of the Centre for the Study of Democracy at the SWPS University. The meeting was moderated by Małgorzata Bonikowska, PhD, President of THINKTANK, member of Team Europe. The debate was introduced by Filip Skawiński, PhD, from the European Commission Representation in Poland.*





## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

| TALKS ABOUT EUROPE

3

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### 1. BACKGROUND

#### HISTORICAL PERSPECTIVE

Over the years, the European Union has developed mechanisms to respond to the changing situation in its increasing number of Member States. In the 21st century, one of the areas of dispute has been the adherence to European values. The first challenge of this type came in 2000 with the attempt to appoint Jörg Haider of the Austrian Freedom Party (FPÖ) as chancellor of Austria, an EU member state since 1995. EU institutions and politicians expressed disapproval of his radical views.<sup>1</sup>

The draft EU Constitution included the incorporation of the EU Charter of Fundamental Rights, announced in 2000, which defined the most important personal rights of every EU citizen (dignity, freedom, equality, solidarity, civil rights and justice). After the rejection of the Constitutional Treaty in 2005 as a result of negative referenda in France and the Netherlands, it was incorporated into the Treaty of Lisbon, which entered into force in December 2009<sup>2</sup>. Article 7 of the Treaty contained provisions on the possibility of disciplining a State whose government does not comply with European values, enshrined in Article 2 (rule of law, political pluralism, democracy, freedom of speech and human rights).

Deeper problems related to the rule of law in EU member states started when Viktor Orbán became Prime Minister of Hungary (2010) and began introducing changes, including subordinating the judiciary to the executive power. When the new government in Warsaw took a similar course,

<sup>1</sup> <https://www.britannica.com/biography/Jorg-Haider>

<sup>2</sup> <https://www.europarl.europa.eu/factsheets/pl/sheet/5/the-treaty-of-lisbon>



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

4

the European Commission decided to activate Article 7 of TEU (December 2017) - for the first time in the EU's history<sup>3</sup>. A few months later, the European Parliament passed a resolution initiating the same procedure against Hungary (September 2018)<sup>4</sup>, but it soon turned out that in practice it was difficult to discipline a Member State based on the provisions of Article 7 due to the need for unanimity in the EU Council to establish a violation of the rule of law, and to be able to introduce sanctions (the so-called "nuclear option").

On January 1, 2021, a regulation entered into force introducing the so-called conditionality clause in connection with the adoption of the EU general budget for 2021-2027 on December 10, 2020, and the new Recovery Fund (Next Generation EU). **It links the payment of EU funds to Member States with compliance with the rule of law**<sup>5</sup>. The regulation has been appealed by Poland and Hungary to the Court of Justice of the EU on the grounds of the legal basis used. The judges are expected to deal with the case in October, and the ruling is expected by the end of 2021. The Commission has been instructed by the European Council not to act on the clause until it is interpreted by the Court, but at the same time the European Parliament is pressing the Commission to apply the law in force.

The European Union has also launched the "Rights and Values" programme. This is a special fund for non-governmental organizations that promote European values and support democracy. The program is to operate in a similar way to the Norwegian Funds, directly supporting NGOs.

<sup>3</sup> [https://ec.europa.eu/poland/news/171220\\_rule\\_of\\_law\\_pl](https://ec.europa.eu/poland/news/171220_rule_of_law_pl)

<sup>4</sup> <https://www.europarl.europa.eu/news/pl/press-room/20180906IPR12104/panstwo-prawa-na-wegrzech-parlament-wzywa-unie-europejska-do-dzialania>

<sup>5</sup> [https://ec.europa.eu/info/strategy/eu-budget/long-term-eu-budget/2021-2027/spending/conditionality-regime\\_pl](https://ec.europa.eu/info/strategy/eu-budget/long-term-eu-budget/2021-2027/spending/conditionality-regime_pl)



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

| TALKS ABOUT EUROPE

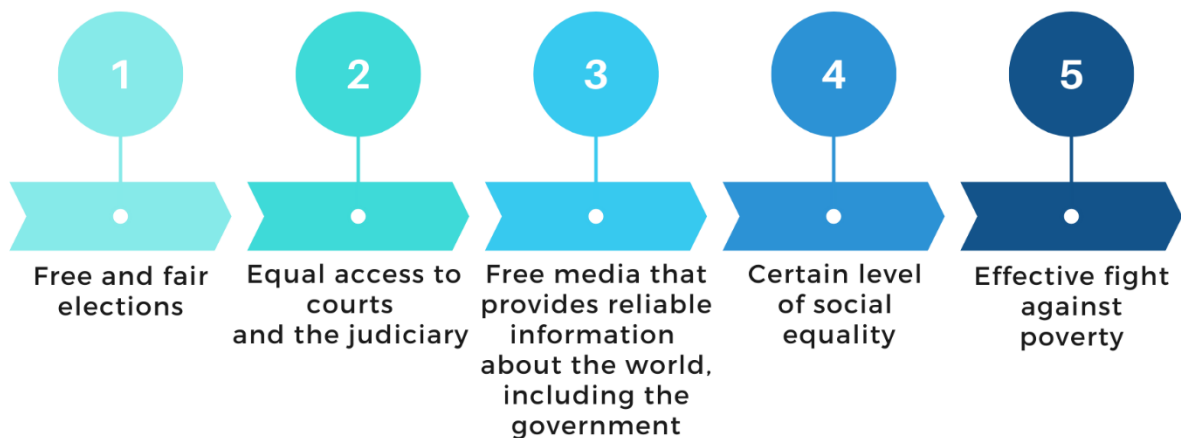
5

### WHAT DO EUROPEANS CONSIDER AS DEMOCRACY?

(based on a survey in 30 European countries)

#### The five most important expectations for democracy.

(the first two conditions were considered necessary for democracy in general):



Source: <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780198766902.001.0001/acprof-9780198766902>

### RULE OF LAW REPORTS

In response to the allegations that Article 7 became an element of a political campaign against the governments in Budapest and Warsaw, the European Commission decided to introduce permanent monitoring of compliance with Article 2, that is European values, in the form of "**Rule**



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

| TALKS ABOUT EUROPE

6

of Law Reports". It is an annual review of the situation in all 27 Member States in terms of 4 key areas:

1. Justice
2. Anti-corruption framework
3. Media pluralism and freedom
4. Other institutional issues related to the system of checks and balances

The second "Rule of Law Report", published on July 20, 2021, analyses the situation across the EU and in individual Member States. It consists of both the positive aspects and good practices present in each country, as well as the challenges that they have to face. The EC applied the same methodology and considered the same aspects in all Member States.

## 2. PARTICIPANTS' COMMENTS

### Radosław Markowski

- Authoritarian systems seem to be more capable to produce so-called economic miracles than democratic states. This can be seen, for example, in Singapore or China. Democracy also lost out to the market's savage forces during the 2008 economic crisis. However, **when we consider the redistribution of goods and social control, democracies are by far ahead.**



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

7

- Large European studies on the democratic system have shown that what people in a given country think about democracy and how it actually works corresponds to how experts speak of the same subject. So, what is missing here in Poland? **First and foremost, citizens; a responsible and committed civil society.**
- Political activity is located very low in the hierarchy of human priorities. On a daily basis, only 5 percent of citizens are actively involved in politics. Mobilization increases in specific circumstances, such as before elections. This is due to the fact that most people are preoccupied with their daily affairs and are not interested in politics.
- **People are not born as democrats; they must be educated to it.** We become democrats through socialization and education.
- I see a certain analogy between Poland and what has recently happened in the United States. When White Anglo-Saxon Protestants, who have been slowly losing majority in the U.S. population, noticed that in 5-10 years their world and the way of life in which they grew up might disappear and they might become a minority, they began to fight against the values of democracy, incl. by breaking the rule of law and undermining the election results. In Poland, too, conservative circles feel threatened because they are losing their majority. This trend is confirmed by research: **Polish society is becoming liberal, open, and cosmopolitan.** Conservatism, therefore, started fighting back to maintain its dominant position, which, however, is unlikely to reverse the ongoing social processes.



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

8

- Restrictions currently introduced by the Ministry of Education and Science means that some teaching will go beyond the school walls, and knowledge will be supplemented elsewhere. In the long run, such a conservative policy will "sober up" the society, because an overly extreme and orthodox approach usually produces the opposite effect.

### Konrad Fijolek

- I started my efforts to become a mayor of Rzeszów amid doubts whether my victory was possible at all. It was believed that people did not feel that they had a real influence on the outcome of the elections, when confronted with the State machine. When it turned out that I had won, in the first round, the citizens regained their faith in democracy because they felt that their mobilization and commitment had made a change. To this day, they react with enthusiasm when they see me on the street and sincerely congratulate me on being elected mayor of the city.
- **I see the future of democracy, mainly local governments, in a strong involvement of local community members in the decision-making process.** The experience in Rzeszów shows that we should focus on direct democracy and support it with modern technology. Using their smartphones, citizens could, for example, vote on the draft civic budget and decide what we should allocate funds to. This would speed up decision making and give people a sense of greater agency and participation in co-deciding about their city's affairs.
- Today, young people learn about the world, but also their city and surroundings, mainly from the Internet and social media. This is also how they communicate. **This means that the Web has become an element of the democratic process for good.** Before the mayoral elections in





## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

9

Rzeszów, I did not visit schools but as many as 80 percent of students voted for me anyway. They had to get their knowledge of me from other sources, that was from the Internet.

- **It is worth treating citizens as your allies.** For us local government officials are like a shield as they protect us from mistakes we could make. Thanks to prior consultation with the local community, it is easier to make decisions and understand them better. This is critical in difficult or controversial situations.

### Beata Klimek

- **Democracy is a system that we must constantly work on.** Are we cherishing democratic values well enough? Ten years after the tragedy on the Norwegian island of Utoya, it is clear that extremism and racism are on the rise in Europe. There are great global social processes that are not managed by anyone. Or are used by politicians in an ad hoc game of power. This makes democracies weaker in difficult times.
- **There is no democracy without education and continuous building of citizens' awareness, expanding their knowledge about the functioning of the State and social processes.** This is especially true of young people whom we need to talk with and help them go through events they witness that can evoke a wide variety of emotions. This happened, for example, after the murder of Paweł Adamowicz which was a shock for many. In Ostrów Wielkopolski, we started talking with young people about the consequences of hate speech and intolerance, about human dignity and how to protect it.



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

10

- As local government officials, we are restricted by the central government. Now, for example, the changes proposed by the Ministry of Education and Science will make it impossible for local government officials to meet students at school without the consent of the superintendent (state institution). And yet somewhere young people must be taught self-governance, it is a very important value, it helps in the building and cementing of local communities. **Free and independent self-government is one of the inalienable elements of democracy.** If it is not possible to do this at schools, we will arrange educational meetings at city halls.
- **Social dialogue and initiatives, such as the civic budget, should be developed and the inhabitants should be encouraged to participate in decision-making.** I have been the mayor of Ostrów Wielkopolski since 2014 and I have spent a lot of time on direct contact with citizens. I come face-to-face with them, providing reports on the activities. I also do not avoid difficult topics, at the same time realizing that I am not able to meet all the challenges and expectations. A mayor who does not listen to their citizens has no chance of being re-elected. The distance between the authorities and citizens must be shortened.

### **Adam Bodnar**

- During my term of office as the Ombudsman, I saw a change in the way of thinking about the Constitution and civil rights and freedoms. Today many people realize that these are relevant to our lives. Just a few years ago, when we were organizing events on the 20th anniversary of the Polish Constitution, I had the feeling that we were at a funeral wake.



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

11

But then many things have happened in the public space that drew attention to the Constitution and its importance.

- **Everything starts and ends with citizenship.** To what extent are we active citizens able to exercise our rights and freedoms? To what extent do we urge fellow citizens to make use of them? A good example of civic activities is the "Tour de Konstytucja" initiative aimed at, among other things, promoting knowledge about civil rights and freedoms. The project also reaches large cities, but mainly smaller towns and villages all over Poland. Opportunities to talk about the Constitution are at hand, but we are not always aware of them.
- Even if the actions of the central government are directly aimed at limiting the possibility of discussions with young people about democracy and civil liberties in the school space, there is nothing to prevent them from being organized outside school, in public spaces or in city halls. **The local government may conduct educational activities related to self-governance and democracy, e.g. by reporting on current activities and decisions made.** The question is whether we have sufficient motivation and whether we want it or not. Extraordinary times require an extraordinary civic approach. **In Poland, we search too little and too rarely think about how to use the space for civic activity.** Too often, we follow established lines of action.



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

| TALKS ABOUT EUROPE

12

### 3. CONCLUSIONS FROM THE DEBATE

- **Democracy is a system that we must constantly work on.** It cannot work well without the participation of informed and prepared citizens.
- **The rule of law is a foundation of all rights, including fundamental rights.** Therefore, compliance with the rule of law in all EU countries is a necessary precondition for the continuation of the European project.
- One of the inalienable elements of democracy is free and independent self-government. **Government restrictions should encourage local leaders to be even more open with their citizens.** It is necessary to look for alternative ways of strengthening direct democracy and civic participation in governance.
- Self-government may take responsibility for educational activities related to self-government and democracy and initiate talks on the constitution and civil liberties.
- **Education of the young generation is particularly important.** For this purpose, it is worth using all available opportunities for contact with citizens, including the formats and channels created by the technological revolution, especially social media.
- **It is worth introducing and using the Danish version of democracy, incl. technological panels.** However, they only work at the micro level (cities and local governments) and not at the macro level (nationwide). In order to conduct them, it is necessary to meet several conditions,



## CAN DEMOCRACY WORK WELL IN TIMES OF CRISIS?

### | TALKS ABOUT EUROPE

13

e.g. the criterion of non-partisanship and training experts for discussion. **The assumption is that experts receive the necessary knowledge from scientists, and on this basis, they have to reach a consensus and make a decision.** For example, on where the landfill will be located.

- **Democracy and citizenship are best built by involving citizens in the decision-making process.** Extraordinary times require extraordinary civic involvement.
- **In Poland, we search too little, and too rarely think about how to use the space for civic activity.** We too rarely go beyond the established framework. Democracy needs innovation.