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EUROPE ACCORDING TO THE FOUNDING FATHERS AND CONTEMPORARY PROBLEMS OF EUROPEAN INTEGRATION

EUROPA WEDŁUG OJCÓW ZAŁOŻYCIELI
A WSPÓŁCZESNE PROBLEMY
INTEGRACJI EUROPEJSKIEJ

ABSTRACT

Subject, Objective: *The subject of the article is the evolution of European integration in the light of the original ideas of the EU Founding Fathers in the face of contemporary socio-economic and technological transformations. The objective is to assess the relevance of the vision of unity in diversity in the era of the digital society and global crises.*

Methods: *The study employs the dogmatic-legal method (analysis of selected EU legal acts and CJEU case law), source analysis of historical and contemporary documents, and a comparative approach with regard to models of the development of European structures (confederal and federal).*

Results: *The analysis indicates that the contemporary dynamics of integration significantly diverge from the decentralised vision of a confederation of sovereign states. Top-down institutional polarisation and the digital redefinition of social ties generate a risk of internal tensions, weakening the existing public order.*

Discussion: *In the discussion section, a proposal to revise the current political course of the EU is formulated as a de lege ferenda recommendation, distinct from the analytical findings. According to the author, maintaining peace and competitiveness requires moving away from centralist tendencies and the concept of a superstate in favour of respect for the cultural autonomy and legal sovereignty of nations.*

KEYWORDS: *European integration, Founding Fathers, unity in diversity, digital society, Fit for 55 package, state sovereignty*

ABSTRAKT

Przedmiot, Cel: *Przedmiotem artykułu jest ewolucja integracji europejskiej w świetle pierwotnych idei Ojców Założycieli UE wobec współczesnych przeobrażeń społeczno-gospodarczych i technologicznych. Celem jest ocena aktualności wizji jedności w różnorodności w dobie społeczeństwa cyfrowego i kryzysów globalnych.*

Metody: *W badaniu zastosowano metodę dogmatyczno-prawną (analiza wybranych aktów prawa UE i orzecznictwa TSUE), analizę źródłową dokumentów historycznych i współczesnych oraz podejście komparatystyczne w odniesieniu do modeli rozwoju struktur europejskich (konfederacyjnego i federacyjnego).*

Wyniki: *Analiza wskazuje, że współczesna dynamika integracyjna istotnie odbiega od zdecentralizowanej wizji konfederacji suwerennych państw. Odgórna polaryzacja instytucjonalna oraz cyfrowa redefinicja więzi społecznych generują ryzyko wewnętrznych napięć, osłabiając dotychczasowy ład publiczny.*

Omówienie: *W sekcji dyskusyjnej sformułowano – jako rekomendację de lege ferenda, oddzielone od ustaleń analitycznych – postulat rewizji obecnego kursu politycznego UE. Warunkiem zachowania pokoju i konkurencyjności jest, zdaniem autora, odejście od tendencji centralistycznych i koncepcji superpaństwa na rzecz poszanowania autonomii kulturowej i suwerenności prawnej narodów.*

SŁOWA KLUCZOWE: *integracja europejska, Ojcowie Założyciele, jedność w różnorodności, społeczeństwo cyfrowe, pakiet Fit for 55, suwerenność państwowa*

1. INTRODUCTION

Analyzing political events and the profound social changes that have taken place over more than three decades within the European Communities and subsequently the European Union, the question of the future constitutional form and development vision of this voluntary organisation of 27 European states, of which Poland is also a member, becomes crucial. It is worth recalling that the successive stages in the establishment of European institutions and the gradual enlargement of the Community to include new states were accompanied by mutual enthusiasm, felt both by the admitting states and by the societies of the acceding countries. Many still remember the social euphoria caused by Poland's accession to the European Union in 2004.

The passage of time and the emergence of new transnational problems, such as the migration and refugee crisis, the climate crisis, Russia's full-scale war of aggression against Ukraine, or the maintenance of common budgetary and institutional discipline among the Member States, are today giving rise to divisions and disputes concerning specific solutions, the decision-making procedures applied, and the scope of the competences of central institutions in relation to the national states.

The subject of this study is an attempt to reflect in depth on the vision of the future of the European Union. In this context, it seems necessary to return to the original vision of a united Europe in the light of the views of the so-called Founding Fathers, in particular Alcide De Gasperi, Konrad Adenauer and Robert Schuman (Audisio and Chiara, 1995, p. 144). It is then necessary to identify the divisions currently existing within the European Union and their causes.

The final conclusions will outline possible scenarios that could allow for the further development of the structure and integration of the European Union in a form acceptable to all Member States, in the spirit of subsidiarity.

During periods of crisis, the analysis of the original premises of European integration becomes particularly significant. Returning to the founding ideas does not mean advocating the restoration of historical institutional solutions but rather attempting to determine which of the original values remain relevant in the face of new geopolitical, technological, and social challenges. Confronting these values with the current practice of the functioning of the Union makes it possible to assess the extent to which the present direction of integration remains faithful to its axiological foundations and the extent to which it departs from them. In this sense, turning to the founding ideas serves not as nostalgic but as a diagnostic function.

The study is historical-legal and theoretical in nature. The reconstruction of the Founding Fathers' thought is based on the available literature and source documents, the constitutional analysis is based on the interpretation of selected provisions of EU law and the case law of the Court of Justice of the European Union (Part 3), while the diagnosis of contemporary challenges is based on their confrontation with the treaty order established in this way. The proposals formulated in the closing section have the status of political recommendations (*de lege ferenda*) and are clearly separated from the analytical findings. The limitations of the study are discussed in the concluding section.

2. THE ESTABLISHMENT OF THE EUROPEAN COMMUNITIES – THE (UN)FULFILLED HOPES OF THE FOUNDING FATHERS

The traumatic experiences of the Second World War forced European political leaders to seek solutions guaranteeing lasting peace. At that time, Europe was struggling not only with the destruction caused by the war, but also with the loss of income from the colonial system that was then being dismantled (Fitzgerald, 1988, pp. 373–374). Destructive colonial policy, based on the assimilation model (French) or the indirect model (British), destroyed local structures, and generated long-term social problems in the metropolitan countries (Więcek, 2012, pp. 79–80). One of these problems was demographic change caused by the influx of people from the colonies, brought in to perform manual labour from the nineteenth century onwards (Jaworski, 2019, pp. 195–196).

It was in this historical context that the integration concepts of key politicians, Alcide De Gasperi, Konrad Adenauer and Robert Schuman, took shape, although the list of architects of the new Europe also includes, among others, Jean Monnet, Altiero Spinelli, and Winston Churchill (Rudnicki, 2009, pp. 11–27). An analysis of their biographies and political thought makes it possible to answer two questions: what has been achieved from the original premises, and to what extent does the vision of the Founding Fathers remain relevant in the contemporary, globalized, and virtual world?

2.1. ALCIDE DE GASPERI (1881–1954)

Alcide De Gasperi, as a representative of Trentino in the Viennese parliament (1911), already advocated the need for the integration of the continent. These plans were thwarted by the outbreak of the First World War and the expansion of totalitarian regimes. In 1943, he founded the Christian Democracy, and as Prime Minister of Italy (1945–1953), he became an advocate of the democratic reconstruction of Europe. He supported Robert Schuman's plan, which led to the signing of the Treaty of Paris on 18 April 1951, establishing the European Coal and Steel Community (ECSC), in whose structures he played a key role during the initial phase of their operation (Szareyko, 2009a, p. 205). He also initiated, drawing on an early awareness of the continent's defence deficiencies, plans for the establishment of a European Defence Community, which, however, ended in failure (Adamczyk, 2024, pp. 86–90).

When receiving the Charlemagne Prize in 1952, De Gasperi emphasised that Europe's future depended on democratic methods of government and respect for freedom, rather than on force or conquest. He saw integration as a subsidiary association of sovereign states, respecting diversity. Towards the end of his life, he advocated expanding economic cooperation, which anticipated the later establishment of the European Economic Community. He emphasised that the success of integration required the primacy of common political will and solidarity over particular national interests, which constitutes an enduring element of the continent's spiritual and political heritage (European Union, 2021). This pioneering vision laid the foundations for the post-war peace order.

2.2. KONRAD ADENAUER (1876–1967)

Another of the Founding Fathers of a united Europe whose activities shaped the integration process was Konrad Adenauer. During the interwar period, he served as Mayor of Cologne, from which he was removed by the National Socialists in 1933. As a staunch opponent of Nazism, he experienced political persecution and material repression, which forced him to rely on the support of Church institutions. This difficult period strengthened his worldview. In 1949, he became the first Chancellor of the Federal Republic of Germany (FRG), a position he held for 14 years. As a practising Catholic, Adenauer strongly emphasised the axiological and civilisational role of Christianity as the foundation of the post-war reconciliation of nations (Gaziński, 2017, p. 471).

His own experiences during the period of totalitarianism led him to seek mechanisms that would put an end to European conflicts, particularly the historical Franco-German hostility. He based his political strategy on pragmatism and Christian moral principles. Adenauer became a key supporter of the establishment of the ECSC and the subsequent European Economic Community (EEC). He understood the danger inherent in nationalist myths of hegemonic great-power status of the German nation. He argued that Germany could regain its agency and play a constructive role on the international stage only through lasting anchoring in the structures of a united Europe and supranational defence mechanisms. One consequence of this approach was his initial endeavour to replace the traditional sovereign national army with structures integrated into the continent's new economic and political order (Visvizi, 2011, p. 112).

2.3. ROBERT SCHUMAN (1886–1963)

The third of the key architects of a united Europe was Robert Schuman, a French statesman, Minister of Foreign Affairs, Minister of Finance and twice Prime Minister of France, whose activities shaped the post-war processes of integration (Szareyko, 2009b). As a devout Catholic, Schuman believed that the lasting integration of the continent had to be based on a cultural and identity foundation. He pointed out that European self-awareness stemmed from

the Christian heritage, from which three fundamental values directly derived: democracy, peace, and unity in diversity (Kaczmarczyk, 2013, pp. 180–181).

The most significant contribution of Schuman to the construction of supranational structures was the Schuman Declaration of 9 May 1950, regarded as the birth of today's European Union, in commemoration of which this day is celebrated as Europe Day. In his historic speech, Schuman formulated a fundamental methodological principle of integration, stating that Europe would not be created suddenly or according to a single plan, but through concrete, partial achievements building genuine solidarity, which required the unequivocal overcoming of the long-standing Franco-German hostility (Robert Schuman Foundation, 2013). His concept envisaged the creation of an open space based on intercultural dialogue, overcoming ethnic barriers and eliminating geopolitical divisions along the East–West and North–South axes.

The legacy of Schuman's political thought continues to call for the primacy of supranational solidarity over the particular interests of the Member States (Kaczmarczyk, 2013, pp. 180–181; Robert Schuman Foundation, 2013). The convergence of his ideas with the aspirations of Konrad Adenauer and Alcide De Gasperi resulted in the signing, on 18 April 1951, of the Treaty of Paris establishing the European Coal and Steel Community (ECSC), which constituted an institutional prelude to the establishment of the European Economic Community and, in historical perspective, the European Union (Fontaine, 2000, p. 10).

2.4. CONCLUSIONS ARISING FROM THE VIEWS OF THE SO-CALLED FOUNDING FATHERS

Summarising the analysis of the profiles and views of the three key Founding Fathers of a united Europe, it should be stated that their political thinking was strongly inspired by Christian axiology. Religion, however, was not intended to serve as a direct instrument of structural integration. These leaders were fully aware of the centuries-old cultural and religious pluralism of the European continent. For this reason, they identified universal values as the foundations of the new Europe: democracy, peace, and unity in diversity.

Their strategic actions were aimed at permanently overcoming the historical Franco-German antagonism and building institutional guarantees of security.

The original concepts deliberately avoided the ideologisation of the unification processes, recognising it as a factor that could polarise societies. Among the Founding Fathers themselves, however, different visions of the desired constitutional form coexisted, ranging from a federal to a confederal model, which requires separate discussion (see section 2.5 of this article) before the founding ideas can serve as a premise for a normative argument.

It should nevertheless be emphasised that the geopolitical horizon of the three statesmen mentioned above was at that time limited to Western Europe. These projects largely disregarded the agency of Central and Eastern Europe, which was a direct consequence of the post-Yalta and Potsdam order and the division of spheres of influence between the Soviet Union and the Western powers. This territorially reduced vision of integration indirectly consolidated for decades the dichotomous division of the continent defined by the Iron Curtain.

2.5. TWO CURRENTS OF FOUNDING THOUGHT AND THE LIMITS OF THE ARGUMENT FROM AUTHORITY

The reliability of the argument requires noting that the founding thought was not monolithic, and that a collective reference to the *Founding Fathers* risks oversimplification. In post-war reflections on integration, at least two currents coexisted. The first, radically federalist, expressed most clearly in Altiero Spinelli and Ernesto Rossi's Ventotene Manifesto (1941), sought to establish a European federation transcending the sovereignty of nation states, while its functional echo was Jean Monnet's strategy, which envisaged the gradual transfer of competences to supranational structures. The second current, gradualist and based on subsidiarity, represented by De Gasperi, Adenauer and Schuman, emphasised peace, Franco-German reconciliation, and sectoral integration based on cooperation between sovereign states, without determining the ultimate constitutional form.

This distinction is significant for the thesis advanced in this study. The argument of this study does not rely on the authority of the founders *en bloc*, as such an approach would be internally contradictory, given that some of them, Spinelli and, to some extent, Monnet, explicitly sought federalism. It refers

exclusively to the subsidiarity-based current, according to which integration was to remain an association of free nations rather than a stage in the construction of a federal state. From this perspective, the contemporary dispute over a *superstate* is not a departure from a supposedly uniform founding vision, but a continuation of the historical tension between the two currents, while the choice between them remains a matter for political determination by the Member States, rather than a matter predetermined by the *spirit* of the founding treaties.

At the same time, it should be noted that the assumption of the originally intergovernmental character of integration has been questioned in the literature. A. Milward argued that Community integration did not weaken, but rather saved and strengthened the nation state, which consciously decided to pool selected competences in order to pursue its own objectives (Milward, 2000, pp. 18–20). Although this perspective derives from different premises, it likewise does not lead to a federal model, but confirms the continuing agency of the Member States, which remains consistent with the findings of the dogmatic and comparative analysis in Part 3.

3. THE CONFEDERAL AND FEDERAL MODELS IN THE LIGHT OF THE TREATIES – A DOGMATIC AND COMPARATIVE ANALYSIS

The question posed in the introduction concerning the constitutional form of the Union and the proposal formulated subsequently to return to the subsidiarity-based vision require operationalisation in legal terms. To this end, this section juxtaposes two classical constitutional models, confederation and federation, and then subjects to dogmatic analysis the provision that is central to this distinction, namely Article 5 of the Treaty on European Union (hereinafter: TEU). This approach makes it possible to verify whether the concern about a *superstate* is grounded in the applicable treaty order, or whether that order still places the Union closer to the confederal model.

3.1. CONFEDERATION AND FEDERATION – CRITERIA FOR DISTINCTION

In the scholarship of constitutional law and international law, a confederation (association of states, Staatenbund) is distinguished from a federation (federal state, Bundesstaat) by several criteria. A confederation is an association of sovereign states based on an international agreement; the competences of the association are derivative and enumerated, decisions are generally taken unanimously, the law of the association does not, as a rule, have direct effect on individuals, and the states retain the competence to determine competences (*Kompetenz-Kompetenz*) as well as the right of withdrawal. A federation, by contrast, is a single composite state based on a constitution: the division of competences is constitutional in nature, federal law applies directly to citizens and enjoys primacy, decisions are taken by majority, and unilateral withdrawal by a constituent part is excluded (Jellinek, 1929, p. 761 et seq.). The table below juxtaposes the two models and situates the European Union in relation to them.

Table 1. *Confederation and federation and the European Union – constitutional criteria*

Criterion	Confederation	Federation	European Union
Basis and character	International agreement; association of sovereign states	Constitution; a composite state	Treaties of a constitutional nature; “union of states” (Staatenverbund) <i>sui generis</i>
The competence to determine competences	Held by the states	Held by the central authority	Held by the states – amendment of the Treaties requires unanimity and ratification (Article 48 TEU)
Presumption of competence	In favour of the states; enumerated competences	Constitutional division	Principle of conferral; competences not conferred remain with the Member States (Article 5(2), Article 4(1) TEU)
Decision-making procedure	As a rule, unanimity	As a rule, majority	Mixed: qualified majority and unanimity in sensitive matters
Effect on individuals	No direct effect	Law applies directly to citizens	Direct effect and primacy (Van Gend en Loos, 26/62; Costa, 6/64)
Right of withdrawal	As a rule, retained	No unilateral right	Express right of withdrawal (Article 50 TEU)

Source: Own elaboration.

This comparison highlights the mixed character of the Union. On the one hand, it exhibits federal features: EU law has direct effect and enjoys primacy (since the judgments in Cases 26/62 *Van Gend en Loos* and 6/64 *Costa v ENEL*), some decisions are taken by qualified majority, and the European Parliament is elected directly. On the other hand, it retains decisive confederal features: the Member States remain the *masters of the Treaties* (*Herren der Verträge*), possessing the competence to determine competences, the principle of conferral applies, and Article 50 TEU guarantees the right of unilateral withdrawal, which the United Kingdom successfully exercised.

The German Federal Constitutional Court, in its judgment of 30 June 2009 concerning the Treaty of Lisbon (2 BvE 2/08), described the Union precisely as a *union of states* (*Staatenverbund*), rather than a federal state, emphasising that the competence to determine competences remains vested in the Member States. In terms of positive law, the Union therefore remains closer to the confederal model than to the federal model, which corresponds to the subsidiarity-based vision of the Founding Fathers and weakens the thesis that the transformation into a *superstate* has already taken place.

3.2. THE PRINCIPLE OF CONFERRAL AND SUBSIDIARITY (ARTICLE 5 TEU) – A DOGMATIC ANALYSIS

The normative link between the above distinction is Article 5 TEU, which establishes three principles defining the limits and manner of the exercise of the Union's competences. According to paragraph 1, *the limits of Union competences are governed by the principle of conferral, while the use of Union competences is governed by the principles of subsidiarity and proportionality*. The provision therefore distinguishes between two questions: the existence of competence (an) and the manner and intensity of its exercise (quomodo).

Crucial to the assessment of the constitutional character of the Union is paragraph 2, according to which *the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties, while competences not conferred upon the Union in the Treaties remain with the Member States*. The principle of conferral (conferred competences) establishes a presumption of competence in favour of the states, a solution typical

of a union of states rather than of a federal state, in which the central authority possesses comprehensive powers. This provision should be read together with Article 4(1) TEU, which confirms this rule, and Article 4(2) TEU, which requires the Union to respect the national identities of the Member States, inherent in their fundamental political and constitutional structures. The competences defined in this manner cannot be extended by the Union on its own initiative: under Article 48 TEU, revision of the Treaties requires the unanimity of the states and ratification in accordance with their constitutional requirements.

Paragraph 3 introduces the principle of subsidiarity: in areas which do not fall within its exclusive competence, the Union may act *only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States*, and can, by reason of the scale or effects of the proposed action, be better achieved at Union level. This principle also has a procedural dimension: national parliaments monitor compliance with it under Protocol No 2, having at their disposal the *yellow card* and *orange card* mechanisms. Paragraph 4 complements it with the principle of proportionality, according to which the content and form of Union action *shall not exceed what is necessary to achieve the objectives of the Treaties*. In its case law, the Court of Justice subjects subsidiarity to judicial review of limited intensity (including C-84/94 United Kingdom v Council; C-233/94 Germany v European Parliament and Council; C-58/08 Vodafone), which in practice weakens its restraining function, and it is precisely this gap between the content of the principle and its enforcement, rather than the wording of the provision itself, that may be a source of concerns about *creeping* centralisation.

The analysis of Article 5 TEU therefore leads to a conclusion consistent with the comparative section. *De iure*, the treaty order remains based on the principle of conferral and a presumption of competence in favour of the states, and thus on a construction appropriate to a union of states; a shift towards a federal model cannot take place through the practice of the institutions alone but would require an amendment of the Treaties under Article 48 TEU, and therefore the consent of all Member States. The *return to the subsidiarity-based vision* proposed in the further part is therefore not an appeal for a change in the law, but for fidelity to the principles already in force, in particular

the genuine, rather than merely declarative, application of subsidiarity and respect for the constitutional identity of the states (Article 4(2) TEU).

Since the Treaties in force retain a model based on the principle of conferral of competences and subsidiarity, it is justified to examine whether the contemporary practice of the functioning of the European Union remains consistent with them. The next part of the study is devoted to this verification.

4. CONTEMPORARY PROBLEMS OF THE EUROPEAN UNION

The process of European integration, from the establishment of the European Coal and Steel Community to the contemporary structure of the European Union, is characterised by dynamic evolution, determined by both endogenous and exogenous factors. The multidimensional nature of these transformations makes it impossible to discuss them comprehensively within this study. Therefore, the analysis will be limited to the key stages of development and the most paradigmatic challenges of the present day.

A milestone in the initial period of integration was the establishment of the European Economic Community (EEC) in 1957. The main objective of this institution was to stimulate the harmonious economic development of the Member States, raise the standard of living of citizens, establish a common market, and gradually achieve the convergence of economic policies. Consequently, through successive treaty revisions, a common customs policy was established, fiscal and quantitative barriers to intra-Community trade were eliminated, and the four fundamental freedoms were implemented: the free movement of persons, goods, services, and capital. In addition, common sectoral policies, including agricultural and transport policies, were implemented, and the institutional core of the Communities was developed, with the European Commission and the European Parliament at the forefront, with their synergy secured by appropriate financial instruments (Doliwa-Klepacki, 2005, p. 799).

Today's European Union operates under conditions of permanent crisis, facing new and unprecedented challenges of a global nature. The most important of these include the migration crisis and challenges related to asylum policy, the need for a radical energy and climate transformation, including

the implementation of the objectives of the European Green Deal, as well as the protection of democratic institutions and the rule of law within the Member States (Mik, 2025, pp. 382–384). Moreover, in the face of the destabilisation of the international order, the development of a common security and defence policy, resilience to hybrid threats, and the management of digital transformation and artificial intelligence processes have become priorities (Ergül Jorgensen and Jørgensen, 2025, p. 1960).

4.1. CHALLENGES TO PEACE, SECURITY AND DEFENCE

The founding visions of European integration, developed in the early 1950s by Robert Schuman and Konrad Adenauer, were essentially projects for peace. Their primary substantive objective was to prevent the outbreak of another war on the continent by institutionally linking economic potential and attempting to establish common defence structures, such as the ultimately unsuccessful European Defence Community. For almost seven decades, the security of the European Communities and subsequently of the European Union was based on the paradigm of so-called *soft power*, economic development and the military protective umbrella provided by the United States within the framework of NATO. Contemporary geopolitical realities, however, have forced the Community to radically redefine this approach and return to questions concerning actual military mechanisms for the defence of its own borders.

The most serious and direct threat to European peace and stability has become the full-scale aggression of the Russian Federation against Ukraine. This event irreversibly destroyed the security architecture developed after the end of the Cold War and exposed the structural weaknesses of the Union in the military sphere. The Union was faced with the necessity of immediately abandoning its pacifist tone in favour of developing real defence capabilities. This process is being implemented, among other things, through the implementation of the Strategic Compass for Security and Defence (*Strategic Compass*), the EU's first common defence doctrine, which provides for the establishment of EU rapid reaction forces, closer cooperation between defence industries and increased defence expenditure by the Member States (Council of the European Union, 2022).

An additional problem that clashes with the original idea of the Founding Fathers of a *Europe without borders* is the need to confront new forms of aggression described as hybrid threats. Today, the protection of peace is no longer limited to conventional armed conflicts, but also includes counteracting information warfare, disinformation, cyberattacks against critical infrastructure and the instrumentalisation of migration at the EU's external borders, for example, at the Polish-Belarusian border, which directly destabilises the political systems of the Member States (Wawrzusiszyn, 2025, pp. 12–13). The Union currently faces a fundamental constitutional challenge: it must transform itself from a purely economic union into a mature actor with geopolitical agency, capable of independently guaranteeing the security of its citizens, which in turn gives rise to difficult discussions concerning the scope of the national sovereignty of the Member States in the deployment of their own armed forces.

4.2. THE CRISIS OF DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS WITHIN THE EU STRUCTURES

The contemporary discourse on the constitutional condition of the European Union focuses on a profound dispute over the interpretation and implementation of fundamental values, such as democracy, the rule of law and the universalism of human rights. Although in Aristotle's classical typology democracy is sometimes classified among the degenerate (deviant) forms of government, oriented towards the particular interest of the poorer part of the community rather than the common good (Aristotle, 2005, pp. 114–116), contemporary constitutional doctrine understands democracy as government by the people implementing the principles of the rule of law and social justice, distinguishing three complementary blocks of principles: institutional and organisational, legislative, and those concerning individual freedoms (Banaszak, 2012, pp. 17–21; Chmaj and Urbaniak, 2022, p. 35; Granat, 2020, p. 100).

The traditional, state-based understanding of these frameworks is, however, undergoing deterritorialisation. The development of the information society has meant that the debate on civil rights has extended beyond the borders of nation states, moving into the sphere of supranational and globalised

structures and compelling political elites to legitimise their actions before the international community (Sitek, W., 2022, pp. 650–651).

The intra-EU dispute over the quality of democratic mechanisms is sometimes described in the literature as ideological polarisation along a liberal-left and conservative-Christian axis, extending from a debate over the content of law to a dispute over the meaning of concepts. Critics of the dominant direction argue that categories such as *the rule of law*, *progress* or *the defence of constitutionalism* are sometimes used in current political competition, inter alia, to challenge the legitimacy of right-wing conservative governments; supporters of this direction, in turn, accuse conservative circles of instrumental treatment of cultural identity and the Christian heritage. Regardless of the assessment, the literature points out that a dispute conducted in this manner shifts the focus from a substantive debate on the axiology of integration to competition for institutional influence.

This dispute has also assumed a specific legal form. The instrument around which some of the controversies have centred has been the budgetary conditionality mechanism established by Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020, making the disbursement of EU funds conditional upon respect for the principles of the rule of law. Hungary and Poland challenged this regulation under Article 263 TFEU, but in judgments of 16 February 2022 in Cases C-156/21 (Hungary v European Parliament and Council) and C-157/21 (Poland v European Parliament and Council), the Court of Justice of the European Union dismissed both actions, confirming the validity of the mechanism and its basis in Article 322(1)(a) TFEU. These judgments illustrate the tension between the protection of the Union budget and the scope of the competences conferred as well as the constitutional autonomy of the Member States.

EU policy in the field of human rights has undergone a similar evolution. The concept of the protection of the inherent dignity of the individual, which emerged from post-war experience and was codified, inter alia, in the European Convention on Human Rights (Orzeszyna et al., 2022, p. 75; Sitek, M., 2016, p. 71), is currently subject to redefinition. The universal character of these rights, founded on the Western tradition, is sometimes confronted with a tendency to distinguish new categories of rights and provide special protection

to the interests of minority groups. Academic discussion points out that excessive institutional emphasis on the rights of minority groups at the expense of the rights of the majority may give rise to a sense of marginalisation and create new lines of division, while the top-down harmonisation of axiological standards is sometimes perceived rather as a factor generating tensions than as strengthening the protection of the individual, contrary to the treaty objective of building an ever closer union among the peoples of Europe.

4.3. *THE MIGRATION CRISIS AND DILEMMAS OF INTEGRATION POLICY*

Immigration, as a phenomenon that has historically been continuous and natural to civilisational development, is currently one of the most polarising challenges within the European Union (Dziedzic, 2017, pp. 37–38). Contemporary migration flows, which have taken on a chaotic and mass character for more than two decades, are largely determined by the consequences of the colonial and post-colonial policies of the United Kingdom, France, Germany, Spain, Belgium, the Netherlands, and Portugal. The economic exploitation of the countries of the Global South, mainly African and Asian, by these states, and today also by China and Russia, generates strong emigration pressure directed towards Europe as a space of economic stability.

The mass influx of migrants already at the end of the 20th century came into conflict with the crisis of the assumptions underlying multiculturalism (*multiculturalism*). The experiences of France, Germany and Sweden indicate that traditional models of assimilating newly arrived groups often fail, while some immigrants, particularly those from non-European communities, display a tendency towards self-isolation and the reproduction of their own socio-religious structures; this phenomenon is sometimes reinforced by the weak Europeanisation of subsequent generations, which in extreme cases leads to social tensions and conflicts, such as the riots in France in 2023. The integration crisis is compounded by demographic decline: the ageing of societies has led some elites to compensate for labour market shortages through migration, as a result of which the share of foreigners in the populations of Germany and France exceeded 13.1% and 12.7%, respectively (Deutsche Welle, 2023). This raises questions about the limits of the continent's cultural capacity and

about the coherence between the top-down promotion of *Europeanisation* and the identities of migrants themselves.

The current migration policy of the Union remains inconsistent and poorly controlled. Attempts to address the problem systematically by the European Commission, manifested, inter alia, in the implementation of the New Pact on Migration and Asylum and the mandatory solidarity mechanism, which leaves Member States the choice between relocation, a financial contribution and other forms of support, have met with opposition from some Member States (Tutak, 2026, p. 709). Controversy arises from attributing the consequences of the colonial past of certain metropolitan states to Central and Eastern European countries that never possessed colonies. The asymmetry of the actions of EU institutions also became apparent in the context of the war in Ukraine: frontline states, particularly Poland, received several million actual war refugees, which raises questions about the adequacy of systemic and financial support from the central institutions of the Union.

4.4. ENVIRONMENTAL PROTECTION AND THE CLIMATE TRANSITION UNDER CONDITIONS OF MARKET ASYMMETRY

The origins of the Union's environmental protection policy in treaty terms date back to the implementation of the Single European Act of 1986. Title VII (Articles 130r–130t), introduced at that time into the Treaty establishing the European Economic Community, defined the Community's fundamental environmental objectives. These included the protection and improvement of the quality of the environment, linking environmental measures with the protection of human health, and the rational use of non-renewable resources (Sitek, M., 1997, p. 33). The evolution of these objectives was based on successive framework programmes, of which the 8th General Union Environment Action Programme to 2030 is currently being implemented, established by Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022. The programme sets the framework for action until 2030, embedded in a long-term vision of well-being *within the limits of our planet* by 2050, focusing on reducing the European Union's material

and consumption footprint and the gradual phasing out of subsidies harmful to the ecosystem (Decision 2022/591).

Today, the European Union actively contributes to shaping the global sustainable development policy developed within the framework of the UN Earth Summits, focusing its activities on reducing air pollution and reducing carbon dioxide emissions. A key instrument for implementing these objectives is the Fit for 55 legislative package presented by the European Commission in 2021. Its primary task is for the EU to achieve full climate neutrality by 2050 through a profound transformation of legal and economic structures (Hałub-Kowalczyk, 2021, p. 51).

The implementation of the objectives of this package, however, generates significant economic dilemmas, the most serious of which concerns the asymmetry in the costs of financing the energy transition. The burden of technological modernisation is considerably easier to absorb for wealthier Member States, such as Germany, France, Belgium, or the Netherlands, than for countries with lower GDP levels and traditionally coal-based energy mixes, such as Poland, Bulgaria, Romania, or Hungary. For this reason, among others, Poland openly questions selected instruments of the Fit for 55 package, raising arguments concerning the risk of energy poverty. Existing economic disparities are being mitigated through dedicated support instruments, such as the Just Transition Fund (Regulation 2021/1056) and the Social Climate Fund (Regulation 2023/955), yet their actual effectiveness in fully eliminating development disparities remains the subject of doctrinal controversy.

An additional threat resulting from a rigorous climate policy is the decline in the competitiveness of European goods and services: high decarbonisation costs increase production prices, placing EU enterprises at a disadvantage compared with entities from countries with less restrictive emission limits, particularly China, India, and the United States. Moreover, given the global circulation of air masses, emission reductions limited to the territory of the Union do not eliminate the inflow of pollutants from outside its borders, which weakens the effectiveness of unilateral restrictions in the absence of a global consensus.

5. DISCUSSION AND FINAL CONCLUSIONS

The European Coal and Steel Community, established at the initiative of the Founding Fathers, and subsequently the European Union that emerged on its basis, served for decades as a fundamental guarantor of peace, stability, and economic development on the European continent. Although the original idea of integration was articulated by statesmen rooted in Christian axiology, their intention was not to build structures of a theocratic nature, but to create a stable, democratic, and prosperous consortium of sovereign states. In its founding framework, this Community was intended to constitute a space based on the classical understanding of the maxim of *unity in diversity*, respecting the identity and cultural autonomy of the nations constituting Europe.

The current stage of European integration is, however, undergoing profound evolution, driven not only by political and economic dynamics, but above all by globalisation and the development of the information society, which has redefined traditional national ties. Social groups today communicate across the geographical and political barriers that have existed to date, which increases the importance of tolerance as a condition for the peaceful coexistence of different worldviews. In this context, attempts by the European Parliament and the European Commission to impose top-down ideological framing on public debate, as well as the excessive institutional prioritisation of the demands of minority groups, give rise, in the author's view, to a justified risk of deepening existing social divisions and even increasing the risk of social conflicts. These actions, instead of cementing the Community, may become a polarising factor, weaken the integration processes to date, and generate internal social tensions, thereby threatening public order.

5.1. LIMITATIONS OF THE STUDY AND DIRECTIONS FOR FURTHER RESEARCH

The analysis conducted is preliminary in nature and is subject to limitations that also determine the directions for further research. First, the argument is presented from a Central European (Polish) perspective, which makes the conclusions formulated hypotheses requiring verification through

a comparative approach encompassing other Member States. Second, the reconstruction of the Founding Fathers' thought is based mainly on secondary literature; a more comprehensive substantiation of the thesis would require reference to primary sources, including Schuman's writings, Adenauer's memoirs and De Gasperi's speeches, as well as confrontation with federalist literature and its criticism, including A. Milward and J.-P. Weiler. Third, empirical claims concerning migration, energy poverty or competitiveness require an extensive analysis of the underlying data, for which there is no room in the text. Fourth, a more comprehensive dogmatic analysis should include an interpretation of Articles 2 and 7 TEU and a broader range of CJEU case law.

5.2. RECOMMENDATIONS (*DE LEGE FERENDA*)

The following proposals are political and normative recommendations formulated by the author and should be distinguished from the analytical findings of the preceding sections. In light of the analyses conducted, in order for the European Union to respond effectively to contemporary crises, including climate, migration and external security crises, a redefinition of the current political course appears justified on the basis of the following pillars:

Return to the founding subsidiarity-based vision: the European Union should, in the author's view, abandon efforts to build a centralised super-state under the political leadership of one or two dominant powers in favour of the idea of a community of free and sovereign nations based on the principle of subsidiarity.

Respect for cultural agency: respect for the diversity of European nations requires abandoning attempts at ideological unification and recognising the right of the Member States to protect their own cultural heritage and legal tradition.

Focus on treaty objectives and security: instead of involving the institutional apparatus in internal ideological disputes, the EU's priority should be to build genuine defence sovereignty, protect external borders in the context of the migration crisis, and preserve global economic competitiveness.

DECLARATIONS

Funding: The author did not receive external funding for the purposes of this study.

Conflict of interest: The author declares that there is no conflict of interest.

Ethics committee approval: Not applicable — the study did not involve human participants or animals.

Data availability: Not applicable — the article is based on publicly available sources, legal acts and literature indicated in the bibliography.

Author contribution: The article is entirely the work of a single author (conceptualisation, research, analysis, and editing).

Declaration on the use of generative artificial intelligence: In accordance with the *Journal of Modern Science* policy on generative artificial intelligence, the author declares that he used the AI tool Claude. The role of this tool was auxiliary and operational in nature – it was limited to implementing the author's instructions and the recommendations of the reviewer of the original text. All substantive decisions were made by the author himself. In addition, the Chat GPT Model was used to polish translation of the article to English language.

REFERENCES

- Adamczyk, N. (2024). *Wzmocnienie zdolności obronnych w perspektywie dalszego rozwoju Unii Europejskiej*, Krakowskie Studia Międzynarodowe, 21(1), 83–106.
- Arystoteles. (2005). *Polityka* (L. Piotrowicz, tłum.). Wydawnictwo Naukowe PWN.
- Audisio, G. i Chiara, A. (1995). *Twórcy zjednoczonej Europy*. Robert Schuman, Konrad Adenauer, Alcide De Gasperi (P. Borkowski, tłum.). Instytut Wydawniczy Pax.
- Banaszak, B. (2012). *Konstytucja Rzeczypospolitej Polskiej*. Komentarz. C.H. Beck.
- Chmaj, M. i Urbaniak, M. (2022). *Komentarz do Konstytucji RP*. Instytut Analiz Politycznych.
- Deutsche Welle. (2023, 20th June). Niemcy. Rekordowa liczba ludności dzięki uchodźcom. <https://www.dw.com/pl/niemcy-rekordowa-liczba-ludno%C5%9Bci-dzi%C4%99ki-uchod%C5%BACom/a-65972205>
- Doliwa-Klepacki, Z. M. (2005). Integracja europejska. Łącznie z uczestnictwem Polski w UE i Konstytucją dla Europy. Temida 2.
- Dziedzic, J. (2017). *Zjawisko migracji Polaków*. Polonia Sacra, 21(4), 37–60.
- Ergül Jorgensen, F. A. i Jørgensen, K. E. (2025). *The European Union and the crisis of multilateralism in an era of uncertainty and power politics*, Third World Quarterly, 46(15), 1959–1978.
- Fitzgerald, E. P. (1988). *Did France's colonial empire make economic sense? A perspective from the postwar decade, 1946–1956*, The Journal of Economic History, 48(2), 373–385.
- Fontaine, P. (2000). *A new idea for Europe: The Schuman declaration – 1950–2000*. Office for Official Publications of the European Communities.
- Fundacja Roberta Schumana. (2013). *Deklaracja z 9 maja 1950 r. ogłoszona przez Roberta Schumana*. Dostęp 24.08.2026 z <https://www.robert-schuman.eu/pl/doc/questions-d-europe/qe-204-pl.pdf>
- Gaziński, B. (2017). *Inspiracje chrześcijańskie w działalności Konrada Adenauera – współtwórcy powojennych Niemiec i dzisiejszej Unii Europejskiej*, Nurt SVD, 142(2), 467–481.
- Granat, M. (2020). *Prawo konstytucyjne. Pytania i odpowiedzi*. Wolters Kluwer.
- Hałub-Kowalczyk, O. (2021). *Przeciwdziałanie ubóstwu energetycznemu w unijnej strategii Fit for 55 – zarys problematyki*, Polityka i Społeczeństwo, 19(4), 50–60.
- Jaworski, K. (2019). *Francuska wizja zróżnicowanej integracji europejskiej w kontekście debaty na temat przyszłości UE i strefy euro*, Sprawy Międzynarodowe, 72(4), 195–229.
- Jellinek, G., W. Jellinek. *Allgemeine Staatslehre*, Springer, 1929.
- Kaczmarczyk, Ł. (2013). *Czy warto zaczynać od kultury? Chrześcijańskie inspiracje myśli Roberta Schumana na temat integracji w Europie*, Kultura Współczesna, (2), 175–186.
- Mik, C. (2025). *Wpływ kryzysów globalnych na zmianę podejścia Unii Europejskiej do sytuacji kryzysowych*. *Aspekty prawne*, Prawo i Więź, 53(6), 364–397.

- Milward, A. (1999). *The European rescue of the nation state*. Routledge.
- Orzeszyna, K., Skwarzyński, M. i Tabaszewski, R. (2022). *Prawo międzynarodowe praw człowieka*. C.H. Beck.
- Rudnicki, Z. B. (2009). *Polityczne koncepcje Unii Europejskiej*, *Studia Humanistyczne AGH*, 7, 11–27.
- Sitek, M. (1997). Problemy ekologii w polityce i prawie Wspólnoty Europejskiej. Wkład do europejskiej kultury prawnej. *TNOiK Dom Organizatora*.
- Sitek, M. (2016). *Prawa (potrzeby) człowieka w ponowoczesności*. Wydawnictwo Wyższej Szkoły Gospodarki Euroregionalnej.
- Sitek, W. B. (2022). *System of values in a digital society*. *Journal of Modern Science*, 49(2), 646–658.
- Szareyko, H. (2009a). *Alcide De Gasperi. Jeden z Ojców Zjednoczonej Europy*, *Wrocławski Przegląd Teologiczny*, 17(2), 199–206.
- Szareyko, H. (2009b). *Robert Schuman. Jeden z Ojców zjednoczonej Europy*, *Wrocławski Przegląd Teologiczny*, 17(1), 219–227.
- Tutak, G. (2026). *Polityka migracyjna Polski po 2021 roku – między bezpieczeństwem a solidarnością*, *Journal of Modern Science*, 65(1), 704–728.
- Unia Europejska. (2021). *Alcide De Gasperi: natchniony rzecznik demokracji i wolności w Europie*. Dostęp 24.08.2026 z https://european-union.europa.eu/system/files/2021-06/eu-pioneers-alcide-de-gasperi_pl.pdf
- Visvizi, A. (2011). Rola Niemiec w Europie: od zjednoczenia do kryzysu w Grecji. in: K. A. Kłosiński (ed.), *Japonia, Niemcy – odzyskany honor w rozwoju gospodarczym*, s. 109–127. Wydawnictwo Naukowe KUL.
- Wawrzusiszyn, A. (2025). *Rosyjsko-białoruskie działania hybrydowe na granicach Unii Europejskiej i NATO*, *Journal of Modern Science*, 61(1), 10–32.
- Więcek, A. (2012). *Kolonializm w Afryce i jego skutki – model brytyjski i model francuski*. *Przegląd Prawniczy, Ekonomiczny i Społeczny*, (4), 79–93.

LEGAL ACTS AND CASE LAW

- Council of the European Union. (2022). *A Strategic Compass for Security and Defence*. General Secretariat of the Council. [https://www.consilium.europa.eu/Decision\(EU\)2022/591oftheEuropeanParliamentandoftheCouncilof6April2022onaGeneralUnionEnvironmentActionProgrammeto2030\(OJEU\)2022/114of12.04.2022](https://www.consilium.europa.eu/Decision(EU)2022/591oftheEuropeanParliamentandoftheCouncilof6April2022onaGeneralUnionEnvironmentActionProgrammeto2030(OJEU)2022/114of12.04.2022), pp. 22–36).
- Judgment of the Court of Justice (Grand Chamber) of 16 February 2022, C-156/21, *Hungary v European Parliament and Council*, ECLI:EU:C:2022:97.
- Judgment of the Court of Justice (Grand Chamber) of 16 February 2022, C-157/21, *Republic of Poland v European Parliament and Council*, ECLI:EU:C:2022:98.
- Judgment of the Court of Justice (Grand Chamber) of 8 June 2010, C-58/08, *Vodafone and Others*, ECLI:EU:C:2010:321.

- Judgment of the Court of Justice of 12 November 1996, C-84/94, United Kingdom v Council, ECLI:EU:C:1996:431.
- Judgment of the Court of Justice of 13 May 1997, C-233/94, Germany v European Parliament and Council, ECLI:EU:C:1997:231.
- Judgment of the Court of Justice of 15 July 1964, 6/64, Costa v ENEL, ECLI:EU:C:1964:66.
- Judgment of the Court of Justice of 5 February 1963, 26/62, Van Gend en Loos, ECLI:EU:C:1963:1.
- Judgment of the Federal Constitutional Court of Germany (Bundesverfassungsgericht) of 30 June 2009, 2 BvE 2/08 and Others (Treaty of Lisbon).
- Protocol (No 2) on the application of the principles of subsidiarity and proportionality (OJ EU C 202 of 7.06.2016, p. 206).
- Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (OJ EU L 433I of 22.12.2020, pp. 1–10).
- Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (OJ EU L 231 of 30.06.2021, pp. 1–20).
- Regulation (EU) 2023/955 of the European Parliament and of the Council of 10 May 2023 establishing a Social Climate Fund (OJ EU L 130 of 16.05.2023, pp. 1–51).
- Treaty on European Union (consolidated version) (OJ EU C 202 of 7.06.2016, p. 13) – in particular, Articles 4, 5, 48 and 50.
- Treaty on the Functioning of the European Union (consolidated version) (OJ EU C 202 of 7.06.2016, p. 47).