



IS A FUTURE POLEXIT FEASIBLE?

Roch Dunin-Wąsowicz

Max Migden

Gabriel A. Pierzyński

Lessons from Brexit: is the groundwork for a potential "Polexit" being laid?

Roch Dunin-Wąsowicz

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Introduction

This analysis delves into the possibility of a "Polexit" from the European Union, drawing parallels with the Brexit process. It posits that while structural factors are influential, understanding the potential for a Polexit hinges primarily on the actions of political actors. We shed light on a structural gap within the Polish legal framework, akin to the UK's semi-detached EU relationship, and underscore that political actors' determination would form the linchpin for a potential Polexit. By comparing the agency-driven dynamics in the UK's Brexit with Poland's situation, we spotlight the rise of populist Euroscepticism within Poland's ruling Law and Justice Party (PiS) and its ongoing conflicts with EU institutions. The article suggests that the outcome of the 2023 parliamentary election in Poland will shed light on the likelihood of a future Polexit. Though this appears a remote scenario today, a key structural gap in the Polish legal system mean this should not be discounted as a possibility in the longer-term.

Brexit and Polexit

Brexit represents not just a singular event but an ongoing process that results from the convergence of structural factors and the actions of social and political actors. While it reached its peak during the period of 2015-2021, its repercussions continue to ripple through. As the divergence in political and regulatory approaches between the UK and the EU unfolds, the

foundational elements that paved the way for Brexit can serve as a backdrop for understanding the potential for future EU exits. In this context, we apply the insights drawn from the Brexit experience to the case of Poland, a country governed by the Law and Justice (PiS) party since 2015. This ultra-conservative populist party has often clashed with the principles and norms of European integration, leading us to argue that though unlikely in the short-term, a potential future Polexit is not implausible, and that it might be triggered by populist Eurosceptic political agents, due to the existence of an important legal and structural gap.

Our analysis underscores that Brexit originated from the actions of political actors. However, it is crucial to acknowledge that these actions could not have materialized without the existence of a structural gap that allowed for their exploitation. Consequently, we attribute the role of the initiating factor in an exit process to agency (initiator), while recognizing the structural gap as the facilitating factor (enabler). Although the various structural elements outlined in the subsequent sections may not have been the primary driving force behind an EU exit, they undeniably had the potential to amplify such a process, contingent upon the presence of a structural gap and the determination of political actors to set the process in motion. Therefore, the structure amplifies the consequences arising from decisions facilitated by the structural gap and set into motion by the agency of political actors. These three distinct factors

emerge as crucial components of a potential future phenomenon resembling Brexit, particularly relevant to the situation in Poland, and provide the foundation for anticipating its potential development. We argue that a structural deficiency exists within the Polish legal framework, that creates the space for anti-EU actors to exploit. Combined with the internal dynamics rooted in the actions of the governing party, this deficiency makes a Polish departure from the union a possible, albeit unlikely, future scenario that should fit alongside other more established projections for Poland in the lead up to the October 15, 2023 elections.

Structural holes - the UK and Poland

During its EU membership, the UK remained a hesitant and somewhat awkward participant, characterized by a sense of apartness in terms of both structure and culture. This apartness was attributed to factors such as its geographic location, historical distinctiveness, common law legal system, and its perceived economic and political strength (Dunin-Wąsowicz 2021). However, it's essential to note that the perception of the UK's detachment from Europe, as a driving force behind Brexit, and the framing of Brexit as an inevitable outcome, were constructs created by political actors. The existing disparities between the EU and the UK, including opt-outs, rebates, historical Euroscepticism, and a lack of a strong European identity, were not predetermined prerequisites for an EU exit. These disparities exist to varying degrees in other EU nations but were wielded as tools to construct a narrative of Brexit's inevitability.

Throughout the timeline of the UK's EU membership, various opt-ins and opt-outs were employed as manifestations of the semi-detached approach favored by successive governments. This approach essentially created a structural gap within the UK's relationship with the EU,

embodying the long-standing "apartness" that played a significant role in shaping the Brexit referendum. The UK, by cultivating a relationship characterized by partial and distant commitment, effectively hollowed out this structural gap, making it the enabling factor for Brexit. The principles of "red lines" and opt-outs have been integral to Britain's interaction with the EU (Adler-Nissen, 2014). Although this approach was not unique to the UK (with Denmark and Ireland also having opt-out status), it provided fodder for pro-Brexit narratives. Supporters of Brexit could point to this history as evidence of strained relations, where the EU's supranational framework failed to align with Britain's goals, intentions, and sovereignty claims. Just as an observer might predict a breakup between a bickering couple, proponents of Brexit found it all too easy to envision an inevitable split.

On the contrary, a potential exit scenario in Poland faces far less favorable structural conditions compared to those experienced by the UK. This is particularly evident given Poland's economic reliance on EU aid and foreign investment, especially in light of the necessity to sustain rapid economic growth due to the Ukraine conflict (european-union.europa.eu). Decisions such as the blockage of the EU COVID-19 recovery fund due to unconstitutional changes in the Polish legal system (Rankin 2023), the imposition of daily fines totaling a million euros for the same reason (Camut 2023), and the escalating conflict with Ukraine over grain imports have carried considerable implications for Poland, demonstrating that the consequences of a Polesit would be greatly more severe than those resulting from Brexit.

However, a crucial, and little discussed, structural consideration remains relevant in the Polish case. To date, EU membership has not been constitutionally affirmed in the framework of the Polish legal system. Thus, EU membership in Poland can be viewed

either as akin to an international treaty or, from a practical standpoint, as a component of internal state legislation. Consequently, a decision regarding a potential EU exit within Poland could conceivably be made through a legislative majority vote sanctioned by the president. This approach, distinct from a constitutional vote, would require securing over half of the total votes (at least 231 votes), as opposed to the two-thirds majority (approximately 307 votes) mandated for constitutional decisions. To form a functional government capable of enacting new legislation, it is imperative to secure over half of the parliamentary seats within the Sejm, the primary legislative body. Critically, it would not require a popular referendum, as in the UK case.

In essence, the structural prerequisites for effecting an EU exit are embedded within the Polish legal system. These provisions could theoretically be harnessed by an anti-EU government as a mechanism to pursue withdrawal from the Union. The potential for such an exit is legally plausible, though its triggering would depend on the agency of political actors and their determination to exploit the existing structural gap. The following section will delve into the agency-driven dynamics that led to the UK's exit from the EU. It will also attempt to draw parallels between these dynamics and those in Poland, thus shedding light on the possible intersections between the two scenarios.

Agency-driven factors - Britain and Poland

The accession of the UK into the EC in 1972 was an internal decision, with then-Prime Minister Edward Heath rejecting the need for a referendum and emphasizing the sufficiency of the constitutional sovereignty of the Commons (Crowson, 2007). However, against the backdrop of membership referenda in Denmark, Ireland, and Norway, and largely apathetic and sometimes negative public opinion, the idea

of a referendum regarding EC membership soon gained traction within Parliament. Following the 1975 referendum on continued EC membership, conducted under the provisions of the newly established Referendum Act 1975, Europe became not just an "issue for Parliamentary rebellion" but was also legitimized (Westlake, 2017). This legitimization of the 'European issue' as a basis for parliamentary debate and the potential resurgence of membership referenda served as an enabler of the Brexit process.

In 2013, by committing to hold a referendum, Prime Minister David Cameron brought the issue of the UK's EU membership back into the spotlight. This move provided a legitimate platform for populist Euroscepticism to gain momentum among the public. While the UK had a history of Euroscepticism (Baker and Schnapper, 2015; Fitzgerald and Sibley, 2016; Raines et al., 2017), it had yet to transition from euro-critique to a widespread desire to exit the EU. The decision to hold a referendum injected the possibility of a state-sanctioned British exit into the public consciousness.

The Brexit referendum quickly became a 'critical juncture' (Zappettini & Krzyżanowski, 2019), leading to a shift in political discourse towards strongly anti-European positions. It also spurred grassroots social movements in support of Leave and evoked an impatient response from the EU to Cameron's gamble (Barnier 2022). Unfortunately for Cameron, his high-stakes gamble significantly underestimated the role of party loyalty, especially among figures like Boris Johnson and Michael Gove, and misjudged Jeremy Corbyn's ability to rally traditional Labour voters in favor of Remain (Bale, 2023). Ultimately, the critical role played by these protagonists demonstrated that Brexit was not the result of structural factors, but was predominantly driven by political actors (Dunin-Wąsowicz 2021).

In Poland, it is possible to draw some similarities between the rhetoric of the Leave campaign and that of the ruling Law and Justice Party (PiS), which has engaged in conflicts with the EU over its rule of law record. The disruption of the legal order in Poland began with the appointment of three "ghost judges" with voting rights to the Constitutional Tribunal, undermining the system of checks and balances and challenging the legal foundations of the Polish and EU legal systems. Questioning fundamental principles of national and EU law may increase the opportunity for political actors to exploit the structural gap outlined above.

The conflict between PiS and EU institutions has led to growing resentment. Despite Polish society being one of the most pro-European within the EU (Mach 2020), it has elected a populist Eurosceptic party to power in two consecutive elections (Dunin-Wąswoicz & Gartzou-Katsouyanni 2023). Populist Eurosceptic positions have become a central element of political discourse, with parties like Suwerenna Polska and Konfederacja making extensive use of these positions (Tilles 2023).

In the context of the upcoming October election, the ruling party is unlikely to secure an overall parliamentary majority without forming a coalition government with other parliamentary actors, possibly Konfederacja (Szczerbiak 2023). Such a coalition would likely shift the rhetoric towards a more populist Eurosceptic stance. However, the election's outcome remains uncertain, as does Konfederacja's willingness to form a coalition with PiS. Populist Eurosceptic positions are not a prominent element of public debate, with PiS often framing its conflict with the EU as a dispute with Germany. The consistent pro-EU sentiment in Polish society suggests that the conflict with the EU is primarily an issue of party politics, with the possibility of a future EU exit contingent on political

actors' willingness to exploit the structural gap in the Polish legal system.

Enabler, Initiator and Amplifier

Our analysis suggests that agency will prove a fundamental factor in determining Poland's EU future in the long-term. However, this agency alone would be insufficient without the presence of a structural gap in Polish law. In this framework, agency serves as the factor capable of instigating Polexit (initiator), while the structural gap functions as the factor that can facilitate it (enabler). The structural factors (amplifier) outlined in the initial section are likely not pivotal in directly triggering the process. However, they could considerably magnify the impact of the process if a structural gap exists as an enabler, and if political actors are inclined to initiate the process. Under the present circumstances, in which public support for the EU is strong, and with crucial geopolitical factors increasingly tying Poland closely into the 'west', it is hard to see a majority PiS government instigating a Polexit. However, it remains to be seen how a coalition with both Suwerenna Polska and Konfederacja may affect this calculus, with the latter frequently expressing support for leaving the EU.

Polexit as a process

While highly unlikely, the potential for Poland to exit the EU at a future date should not be entirely discounted. Our argument posits that while the structural factors influencing the Brexit process differ from those at play in Poland, there are notable resemblances in the agency-driven components when compared to dynamics observed in the UK. The presence of a structural gap facilitating a potential Polexit, combined with the discernible shift of the Polish right towards radical anti-EU stances, could conceivably lay the ground for a future scenario of this type, were

public opinion on the EU to shift significantly.

Indeed, despite being broadly pro-European, the enthusiasm of the Polish population towards the EU appears to be relatively shallow. In 2017, a poll by CBOS investigating Polish responses to the EU migrant quota scheme revealed that 65% of Poles were opposed to accepting migrants from majority-Muslim nations, even in the face of significant financial penalties. This is significant because, especially among older generations, the notion that the European integration process represented a symbolic reunification of Poland with a Western international community of shared values, one that they had always considered themselves a part of culturally and spiritually, was a major driver for Poles in the country's 2003 accession referendum (Szczerbiak, 2017). As the homogeneity of the Polish populace is seen as under threat, the erosion of traditional values and national identity that supposedly follows, as evidenced by Polish perceptions of other EU member states' moral decline, is viewed as a possible, if not probable, future for Poland if it remains in the EU (Ibid.).

Thus, the likelihood of a future Polesxit would not primarily result from a strategic reorientation of foreign policy or a perception of the EU as a superfluous and domineering entity. Instead, the impetus to initiate the exit process would likely originate within the realm of internal

domestic politics. By drawing parallels between Brexit and the prospective Polesxit, we can analyze the interplay of structural and agency-related factors that might shape the unfolding scenario in Poland.

Although Poland's economic, structural, and geopolitical context differs significantly from the UK's, the presence of a structural gap within the Polish legal framework provides political actors with the means to initiate the Polesxit process, contingent upon their intent, without a popular referendum. An examination of the agency-based dynamics in the Polish political landscape reveals that the potential for state actors to make the decision to trigger the process is increasing.

The likelihood of a future Polesxit is contingent on the political dynamics of Poland, which goes to the polls in a few days. As long as public opinion remains strong, it is unlikely that populist Eurosceptic or anti-EU political actors would choose to pursue a policy of Polesxit. But the erosion of positive public attitudes towards EU membership over time, consequent on the media or external dynamics, could create the space for the possibility in future. Thus, the potential for a future Polesxit, even if weak today, should not be underestimated in the longer-term. Addressing this is likely to be a central focus for the pro-European opposition, alongside attempts to rebuild the strained relationship between Poland and the EU.

1. Adler-Nissen, R. (2014). Introduction. In: *Opting Out of the European Union: Diplomacy, Sovereignty and European Integration*. [online] Cambridge: Cambridge University Press, pp.1–24. Available at: <https://www.cambridge.org/core/books/abs/opting-out-of-the-european-union/introduction/47FADDC85DB217E12183A7881C24D997> [Accessed 21 Aug. 2023].

2. Baker, D. and Schnapper, P. (2015). Euroscepticism in Britain: Cause or Symptom of the European Crisis? In: *Britain and the Crisis of the European Union*. London: Palgrave Macmillan, pp.61–90.
3. Bale, T. (2022). *Brexit: an accident waiting to happen? Why David Cameron called the 2016 Referendum – and why he lost it*. Independently Published.
4. CBOS (2017). *Polish Public Opinion*. [online] *cbos.pl*. Warsaw: CBOS. Available at: https://www.cbos.pl/PL/publikacje/public_opinion/2017/05_2017.pdf [Accessed 1 Oct. 2023].
5. Crowson, N.J. (2007). *The Conservative Party and European Integration since 1945: At the Heart of Europe?* 1st ed. Milton Park: Routledge.
6. Dunin-Wąsowicz, R. and Glendinning, S. (2016). *Ever closer to different destinations: how the renegotiation changed the EU's aims*. [online] LSE BREXIT. Available at: <https://blogs.lse.ac.uk/brexit/2016/06/12/ever-closer-to-different-destinations-how-the-renegotiation-changed-the-eus-aims/> [Accessed 23 Aug. 2023].
7. Dunin-Wąsowicz, Roch. (2021) *Lekcje z brexitu dla Polski: długi masz po polexit już się rozpoczęł*. Institute of Public Affairs. Warsaw
8. Dunin-Wąsowicz, Roch. Kira Gartzou-Katsouyanni, Kira. (2023 - forthcoming) *Geographical dimensions of populist Euroscepticism*. Political Studies Review.
9. Fitzgerald, R. and Sibley, E. (2014). *The United Kingdom in the European context – top-line reflections from the European Social Survey*. [online] *europeansocialsurvey.com*, London: European Social Survey, pp.1–42. Available at: <https://www.europeansocialsurvey.org/docs/about/United-Kingdom-in-the-European-Context.pdf> [Accessed 21 Aug. 2023].
10. Mach, Z. and Natasza Styczyńska (2020). Poland: Economic Enthusiasts, Value Adversaries. *Springer eBooks*, pp.115–118. doi:https://doi.org/10.1007/978-3-030-41272-2_28.

11. Raines, T., Goodwin, M. and Cutts, D. (2017). *The Future of Europe: Comparing Public and Elite Attitudes*. [online] *bosch-stiftung.de*, London: Chatham House, pp.1–48. Available at: https://www.bosch-stiftung.de/sites/default/files/publications/pdf_import/The_Future_of_Europe_Study.pdf.
12. Szczerbiak, A. (2017). *How is the European migration crisis affecting Polish politics?* [online] <https://blogs.lse.ac.uk/>. Available at: <https://blogs.lse.ac.uk/europpblog/2017/07/06/european-migration-crisis-affecting-polish-politics/> [Accessed 1 Oct. 2023].
11. Szczerbiak, A. (2023). *Can Poland's right-wing ruling party win this year's parliamentary election?* [online] Notes From Poland. Available at: <https://notesfrompoland.com/2023/02/09/can-polands-right-wing-ruling-party-win-this-years-parliamentary-election/>.
12. Tilles, D. (2023). *Polish far right eyes role as kingmaker after this year's elections*. [online] Notes From Poland. Available at: <https://notesfrompoland.com/2023/04/02/polish-far-right-eyes-role-as-kingmaker-after-this-years-elections/>.
13. Westlake, M. (2017). THE INCREASING INEVITABILITY OF THAT REFERENDUM. In: W. Outhwaite, ed., *Brexit: Sociological Responses*. [online] London: Anthem Press, pp.3–18. Available at: <https://www.jstor.org/stable/j.ctt1kft8cd> [Accessed 21 Aug. 2023].
14. Zappettini, F. and Krzyżanowski, M. (2019). The critical juncture of Brexit in media & political discourses: from national-populist imaginary to cross-national social and political crisis. *Critical Discourse Studies*, 16(4), pp.1–8. doi:<https://doi.org/10.1080/17405904.2019.1592767>.

15. Buras, Piotr. "Rifts and Realities: The Strained Bond between Poland and Ukraine." *ECFR*, 28 Sept. 2023, ecfr.eu/article/rifts-and-realities-the-strained-bond-between-poland-and-ukraine/. Accessed 30 Sept. 2023.
16. Fried, Daniel, and Jakub Wisniewski. "Poland and the United States: What's Right, What's Not, and What's Next." *Atlantic Council*, 16 July 2021, www.atlanticcouncil.org/in-depth-research-reports/issue-brief/poland-and-the-united-states-whats-right-whats-not-and-whats-next/.
17. Krzysztozek, Aleksandra. "Biden's Visit Not a Sign of Breakthrough between Poland and the US." *Www.euractiv.com*, 28 Mar. 2022, www.euractiv.com/section/politics/short_news/bidens-visit-not-a-sign-of-breakthrough-between-poland-and-the-us/. Accessed 30 Sept. 2023.
18. Minder, Raphael, and Laura Pitel. "Poland and Germany: The Feud at the Heart of Europe." *Financial Times*, 2 May 2023, www.ft.com/content/81825290-29a2-48b2-8e69-73e897dafa9d.
19. Rankin, Jennifer. "How Soulmates Hungary and Poland Fell out over Ukraine War." *The Guardian*, 18 Oct. 2022, www.theguardian.com/world/2022/oct/18/how-soulmates-hungary-and-poland-fell-out-over-ukraine-war.
20. The Economist. "Why Poland Is Halting Its Supply of Weapons to Ukraine." *The Economist*, www.economist.com/the-economist-explains/2023/09/21/why-poland-is-halting-its-supply-of-weapons-to-ukraine.
21. von der Burchard, Hans. "Tensions Rise between Germany and Poland as Scholz Mulls Border Checks." *POLITICO*, 25 Sept. 2023, www.politico.eu/article/tensions-rise-germany-poland-olaf-scholz-mull-border-check-migration/. Accessed 30 Sept. 2023.

22. Zachová, Aneta, and Barbora Pištorová. "Czechia-Poland Dispute over Coal Mine Settled, but Locals Still Suffer." *Www.euractiv.com*, 5 Apr. 2023, www.euractiv.com/section/politics/news/czechia-poland-dispute-over-coal-mine-settled-but-locals-still-suffer/. Accessed 30 Sept. 2023.
23. Zerka, Pawel. "United in Distrust: How France and Poland Can Repair Their Broken Relations – European Council on Foreign Relations." *ECFR*, 23 Sept. 2020, ecfr.eu/article/commentary_united_in_distrust_how_france_and_poland_can_repair_their_broken/
24. Camut, Nicolas . "EU Court Slashes Daily Fine against Poland to €500K in Rule-of-Law Dispute." *POLITICO*, 21 Apr. 2023, www.politico.eu/article/court-justice-eu-reduce-fine-against-poland-e500k-rule-law-dispute/.
25. Jones, Sam. "Poland Will No Longer Send Weapons to Ukraine, Says PM, as Grain Dispute Escalates." *The Guardian*, 21 Sept. 2023, www.theguardian.com/world/2023/sep/21/poland-stop-ukraine-weapons-supply-grain-exports-dispute.
26. Krzysztozek, Aleksandra. "Poland-Ukraine "Grain War" Escalates Dangerously." *Www.euractiv.com*, 21 Sept. 2023, www.euractiv.com/section/politics/news/poland-ukraine-grain-war-escalates-dangerously/. Accessed 30 Sept. 2023.
27. Rankin, Jennifer. "European Commission Takes Poland to Court over "Legal Polexit."” *The Guardian*, 15 Feb. 2023, www.theguardian.com/world/2023/feb/15/european-commission-takes-poland-to-court-over-legal-polexit#:~:text=As%20a%20result%20of%20concerns. Accessed 30 Sept. 2023.