

Artur NIEDŹWIECKI

University of Łódź

ORCID: 0000-0002-2683-5319

Decay of Liberal Democracy in Europe

Abstract: This article aims to present an evolution of the liberal model of world politics along with the potential consequences of this change at the level of the European integration project, taking into account the tools of the school of law and economics. The work elucidates basic elements of the idea of liberal democracy, both in internal (legal and economic system) and external dimensions (attitude to supranational organisations). The liberal order described in the text is confronted with critical statements delivered by creators of the concept of illiberal democracy, according to whom crisis of the paradigm of law and international economy can be currently observed. The recession of the liberal model of global politics is manifested in the tendency to modify the constitutional framework of particular countries and the decomposition of integration processes that have been anchoring liberal order in a united Europe so far. According to the author, the above phenomenon may initiate a split in the Western world, leading to the breakdown of its political unity and the beginning of the era of uncertainty, as a prelude to the emergence of a new order on the Old Continent, the framework of which is not yet known.

Key words: decomposition, liberalism, the European integration

Introduction

According to influential researchers, a sort of decline within liberal institutions is becoming more and more noticeable, both internally (legal and economic systems) and internationally (regimes of world politics). The values flowing from liberal concepts – once extremely desirable – now are perceived by some as a source of possible threats to national communities because – as it is assumed – they suppress the potential of state actors in local and cross-border dimensions. At this point, it is worth noting that symptoms of the crisis of this theory have global consequences, manifested in undermining activities of institutions shaped by the spirit of globalisation, which has grown based on the rule of law and market economy.

The paper's hypothesis is that the decay of liberal global order may lead to decomposition tendencies of some international organisations, resulting in a potential return of more primordial forms of domination and subordination based on traditional formulas of power politics within international relations. The method employed for the study is a qualitative analysis of selected writings devoted to the liberal theory of law and the world economy, with particular emphasis on texts relating to the European integration process, especially in the context of tools of economic analysis of law.¹

Liberal Paradigm of the World Order – Legal and Economic Contexts

It is worth starting with presenting rudiments of liberal international order, taking into account the school of law and economics achievements. An important view that characterises this idea is specific anthropological pessimism, which leads to a belief that power may generate risks for citizens. Therefore, it should be divided or limited. Moreover, the power must be partially located in institutions that are not directly eligible for electoral legitimacy, such as the judiciary (Bellamy, 1997, p. 83), central bank and media, mainly to protect various minorities from the tyranny of the majority. Hence, arises the idea of creating independent bodies, not subject to electoral fluctuations, in which technocrats and professionals play the leading role. An important assignment is performed by the judiciary (especially constitutional courts), which supports a doctrine of the legal state that protects the interests of an individual (Round table of the ministers of justice from countries of central and eastern Europe, 1995). Within this approach, ensuring the independence of judges is seen as a fundamental guarantee for maintaining a democratic system of a state (Albrecht, 2009).

Such a reflection is dictated by dramatic experiences of the past when unlimited majorities transformed democracies into totalitarian systems with ambitions to comprehensively control individuals' lives (e.g., German Nazism). For this reason, liberalism rejects ideas alternative to the

¹ Law and economics – a scientific discipline situated between economics and legal sciences, which is focused on the law analyses using methods of economic sciences. This discipline puts particular emphasis on assessing the economic effectiveness of legal regulations.

principle of the tripartite division of power, such as the unity of power or acting in the name of social justice, because the concentration of all decisions within the majority is perceived as a source of tyranny, not a symbol of people's sovereignty. According to liberals, systemic restrictions should be implemented to overcome a tragic history so that the democratic structure does not turn into an autocracy. These system checks are designed to save the people from themselves, guaranteeing the rights of individuals and minorities in case of potentially oppressive activities undertaken by the majority. Being a paradigm based on institutionalised distrust of rulers, liberalism supports the introduction of independent state bodies intended to limit the will of the majority of citizens. Thus, an assumption that the election winner becomes the only representative of the sovereign's will is rejected (Antoszewski, 2017, p. 25). It should be noted that, due to the experiences of World War II, societies agreed to the restrictions in exchange for the promise of desired peace, security and economic prosperity.

In a model of liberal democracy, there are many areas free from direct state interference, e.g., media, market, family, private property, and civil society organisations. The foundations of this system are such values as individualism, pluralism, tolerance, human rights, freedom of belief and multiculturalism. This doctrine grants individuals primacy over community within a new type of society and cultural order (Gawin, 2007, p. 121), the structure of which is diverse and pluralistic. A society in liberal democracy is perceived as a set of diverse individuals, corporations and associations that should not be equated with a homogeneous mass of people.

Within liberalism, significant emphasis is put on the role of the constitution in limiting the arbitrariness of executives, which is guaranteed by the independence of courts, strengthening the rule of law and introducing regulations relating to civil liberties (Diamond, 1999, p. 12). Of course, the principle of majority remains an important rule here, but it is not treated as absolute because it should comply with the rights of individuals and minorities. The way to achieve this is to ensure the rule of law, which means formal equality of all citizens in front of the law and protection of their freedoms guaranteed by an independent judiciary, which decisions are respected by other state bodies. A system arranged in this manner should enable the creation of laws ensuring the safety of citizens and, at the same time, strengthening their freedom and inviolability of private property. According to the liberal paradigm, the nation's sovereignty can-

not be equated with limitlessness and indivisibility of its power, as it is not the same as the will of the majority (Gargarella, 2010, p. 148). The dominance of the parliamentary majority is only temporary and limited by the mentioned institutions that are not subject to direct electoral verification. Therefore, the victory of any political group does not give the right to ignore or marginalise the defeated minority, which rights should be preserved. Sovereign is represented equally by the ruling and opposition parties, between which there should be a dialogue on internal and foreign policy matters. Parties that lost elections might win next time, and their rule should not lead to undermining of the liberal consensus. Within the presented paradigm, this method of understanding political rivalry prevents violent shocks, ensuring a degree of necessary political stability (Krastev, 2016, p. 88).

A significant part of power in this paradigm is entrusted to institutions not elected in general elections to ensure that political decisions are made rationally and substantively. After all, bending to social pressure is perceived as sometimes imprudent and even too risky (Krastev, 2007, p. 56). According to liberals, most citizens tend to succumb to populist slogans that could devastate the entire system. Therefore, public interest cannot be defined by the majority but rather by independent experts. Since the sovereign established a constitutional court, its legitimacy towards the sovereign is analogous to the parliamentary one. Additionally, the legislature presents a variable majority revealing only particular expectations and not the universal will, which finds its fullest expression in the constitution. The sovereign establishes rights contained in the constitution, and the constitutional court is appointed as a guardian of these rights. In this sense, the assertion that the nation's will and the decisions of its representatives have the same legal significance leads to an equation of the sovereign with the parliament, which should not be the case. According to liberals, there is a significant difference between the people's will and specific acts of legislation because the subject of constitutional control is not the will of the sovereign but the particular decisions of its representatives. The sovereign expresses his will primarily in the constitution and not in the acts of statutory rank, so legislation developed by deputies should be entirely subordinated to the constitution. Thus, the nation's will expressed in the constitution is protected by the constitutional court, which also serves as a democratic authorisation of the judicial review focused on the constitutionality of laws (Kaczmarczyk, 2017, p. 82).

An inseparable aspect of liberalism from the economic standpoint is the idea of capitalism, the central element of which is *homo oeconomicus*, i.e., a rational individual enjoying private property within the market economy (Streeck, 2014, p. 21). From this point of view, the only criterion for the common good is the material interest of individuals who benefit from economic freedom. In capitalism, the property is mainly private. It is regulated by laws of constitutional rank, setting the foundation of individual freedom. The economy is subject to undistorted competition within the free market based on the spirit of *laissez-faire*, where people's activity is aimed at maximising their profits. Liberalism argues for the need to ensure freedom in economic activity, which seems to be a major tool for meeting human wishes. Therefore, this type of economic system limits the influence of public institutions on the economic life of society, reducing their role to a just framework for free competition and security of trade between economic entities. State intervention in the form of a social security system is limited to the minimum.

At the European level, a stabiliser of the analysed system is the integration process, which assignment is to anchor the liberal institutions of the member states. In this approach, European integration becomes the quintessence of the liberal paradigm, as it is managed by independent institutions (e.g., the European Commission, the European Court of Justice), which review, *inter alia*, compliance with laws in the area of the common market (Junes, 2016, p. 9). The European system guarantees the strengthening of individuals' subjectivity and their emancipation from national communities through the institution of EU citizenship. Belonging to a community is a guarantee of protecting people through non-discrimination measures. Sharing sovereignty by the member states is intended to create supranational institutions that protect individuals and minorities and overcome nationalism through tolerance and acceptance of immigrants. In a model discussed, democratic states are willing to cooperate and build supranational structures. The experience of wars and totalitarianism resulted in the conviction that Europe would either be liberal or annihilated. Hence arises a concept of the „third wave of democratisation” and the „end of History”, which announces the dissolution of nation-states into a supranational politics, connected with the spirit of economic neoliberalism grounded within the Washington Consensus (Cerny, 1999, p. 8).

Criticism of the Liberal Theory of International Relations from the Perspective of Law and Economics School

It is worth considering the imperfections of the liberal paradigm of world politics, especially from the perspective of economic analysis of law. In the critics' opinions, countries adhering to the described model, embedded in supranational organisations, can „produce” only liberal policies (Karatnycky, 1999, p. 114) because the periodic change of parliamentary majority has a relatively modest impact on the core directions of their activities (Öniş, 2017, p. 21). Paradoxically, this gives an impression of a „democratic deficit” due to a weakening feeling of influence on the national politics of the majority. Systemic constraints restricting the will of the majority, which were intended to protect the rights of individuals and minorities, lead to an eruption of social discontent as they hinder an ability to react in the face of various turbulences within the system. Moreover, the capitalist economy generates significant layers of inequality, lowering the standards of living of the middle class, which constitutes the foundation of modern democracy. Cyclical economic downturns that plague the *laissez-faire* system urge governments to allocate significant means to the financial sector, preventing it from collapsing at the expense of many taxpayers. State control over globalised markets is becoming more and more illusory, and societies are critical toward the elite which once promised security and prosperity. Various crises undermine the authority of architects of this order, exposing – according to critics – its lack of ability to act in emergencies (Krastev, Smilov, 2008, p. 7). There is a noticeable deficit in reflection on the common good due to selfishness and pursuit of profit, and liberal values such as pluralism, tolerance, and the free market are perceived as a threat that magnifies perturbations. The „minimum state” that plays the role of „night watchman”, due to its inability to resist problems effectively, turns out to be – in many cases – a fragile guarantor of individual freedoms (Diamond, 1996, p. 23).

Critics of the discussed model argue that liberal procedures and decisions are, in fact, devoid of transparency and democratic legitimacy, and professionals who are their authors do not take responsibility for them. In their opinion, an image of an effective system of liberal democracy is being created, strengthened by integration processes, while at the same time being silent about its defects and deficiencies. Citizens lose their sense of participation in the ruling, and EU institutions intensify the impression of

a „democratic deficit” used by populists to justify their thesis about the „facade nature” of the current system. In the opinion of right-wingers, liberalism no longer protects individuals and minorities. However, it constitutes progressive governments that impose a definition of normality and rationality on the majority (Habes, 2015, p. 147) in line with a new type of society (e.g., political correctness). Moreover, the state helps selectively, i.e., primarily financial institutions or profit-oriented entities, not ordinary citizens. It creates economic inequalities that bolster the anger and frustration of the people who fear losing control of free markets. Populists propose a return to nation-states as a remedy for the undermined authority of governments, which cannot aggregate interests and regulate globalised markets effectively. Particular disappointment is caused by the poorly functioning mechanism of the rulers’ accountability, which was perceived in the past as the strongest side of the discussed theory, but now calls into question confidence in the electoral legitimacy of the elite (della Porta, 2013, p. 112).

Supporters of illiberal democracy argue that individuals and minorities should submit to the masses, which means that all authorities, including the judiciary, should be dominated by the parliamentary majority. Independent bodies and systemic mechanisms (especially constitutional judiciary) are treated with distrust. The „sovereign will” argument is considered sufficient to legitimise a mono-party parliamentary majority, which is to prevail over authorisation based on other principles, e.g., separation of powers, checks and balances, independence of some institutions from the executive, etc. Electoral victory and forming an absolute parliamentary majority reduce the tendency to discuss and compromise with political opponents (David, 2015, p. 5). A role of the judiciary is being undermined, which – in the opinion of populists – wants to enter an area reserved for parliament and government while being a sphere without direct electoral legitimacy, which violates the mandate obtained by legislature and executive from the sovereign (Łętowska, 2017). Supporters of illiberal democracy are not sharing the view that the democratic system is not limited to an idea of a victorious party exercising power but also to a need to respect the fundamental principles that underpin the entire democratic system, i.e., rights and freedoms of individuals, which are upheld by the judicature. In their opinion, the judiciary did not always perform its function properly because it too often agreed on the violation of the social rights of individuals, justifying it by an argument of the capitalist market economy.

The concept of illiberal democracy challenges the division between left and right as it does not reflect the current social conflict. Instead, there is competition between parties that support the vision of liberal democracy and parties that contest it. Illiberal democracy negates cultural pluralism by undermining desired unity of society. It does not call for the marginalisation of radical parties and considers them an equal part of the broader political spectrum. Only the party that won the elections is the sovereign's representative, gaining the support of the majority of the population. A majority can express the will of a homogeneous nation, which is the basic prerequisite of modern populism (Schmitter, 2015, p. 32). It means glorification of sovereignty equated to the dominance of the majority, associated with distrust of such patterns of political activities as negotiations or compromises with the opposition, which has no democratic legitimacy to co-govern while representing only a minority according to populists (Vanderhill, 2017, p. 41). Illiberal democracy questions the assumption of the pluralist nature of society, replacing it with a vision of a homogeneous nation, and assumes the existence of one common social interest, the determination and implementation of which is the task of elected delegates.

The realisation of the illiberal democracy project means a significant change in the structure of a political system (Pappas, 2016, p. 22). The public sphere is no longer an arena for the game of diversified interests, which tends to their harmonisation. It becomes a sum of activities to strengthen the community's unity, both in internal and external relations. Liberalism treats politics as an indicator of the multiplicity of divisions, so it patronises the achievement of social consensus within a pluralist community. His critics, however, are in favour of reducing social divisions to a dispute between the people and the elites. In the view of illiberal democracy, politics is a zero-sum game in the environment of increasing polarisation, which leads to concentration and centralisation of power at the expense of rejecting consensualism (Ingraham, 2017, p. 27).

There is room for political opposition in the given variant of democracy, but its real systemic importance is decreased. Apart from weakening the role of opposition, the importance of institutions not subject to direct election control, i.e., media, judiciary, and non-governmental organisations, is diminishing. Supporters of illiberal solutions argue about the deep crisis of structures shaped by *status quo*, which seems to be an argument for departing from existing rules by separating democracy from its

liberal ingredients (Pabst, 2016, p. 91). The divergence of democracy and liberalism herald concentration and centralisation of political power and mitigation of supranational institutions (Mouffe, 2011, p. 51). According to populists, societies governed by rules of liberalism minimise their competitiveness at the international level. Liberal elites are commonly blamed for the lack of understanding of national interest. Not only do they fail to cope with economic challenges for which they were allegedly well prepared, but they marginalise traditional values, such as patriotism, religion, and national identity. The consequence of this criticism is that liberalism is considered a harmful paradigm, so following it may lead to deepening existing crises.

Supranational international organisations, such as the European Union, are the backbone of liberal systems and values. National authorities remain constrained by the institutional architecture of such regimes. In this way, the parliamentary majority cannot undermine the liberal foundations of the state. Then, the question arises of whether illiberal democracy can participate in such organisations? Decomposition of an idea of liberal democracy has international consequences as it potentially leads to the disintegration of global regimes. Transferring competencies back to the level of nation-states may lead to erosion of European cooperation. In bodies based on the division of sovereignty, only liberal democracies seem to be capable of participation, as different political solutions may not be compatible with the EU system. Admittedly, liberalism – as an internationalist ideology – helped preserve the peace and security of Europe for the decades after the end of World War II. However, supporters of illiberal democracy criticise many aspects of the European integration process, which seems to be primarily the domain of liberal politicians and representatives of global business. In fact, broad masses of member states' societies are either not interested in participating in institutionalisation phenomena or have an extremely ambivalent, not to say sceptical, attitude to this issue. Supporters of illiberal democracy distance themselves from the achievements of the European project, focusing on strengthening the role of nation-states. However, national communities, adhering to the „will of the sovereign”, may be powerless to face global challenges related to economy, migration or security. Return to national democracy does not have to restore a sense of people's control nor cover up economic disproportions due to the overwhelming power of globalisation (Kruk, 2016).

Within the European bodies, the importance of the democratic roots of Western civilisation is particularly emphasised. Nevertheless, their structures' „democratic deficit” becomes the main cause of disintegration processes in the European Community. At the same time, the functioning of democracy in member states leads to strengthening the exclusiveness of their national policies. It appears that democracies within particular countries preserve a sovereign intergovernmental policy model and thus limit the possibilities of integration development towards a strong supranational association, which confirms the existence of the opposition between an idea of democracy and a process of integration. According to critics of liberalism, unification does not guarantee solid legitimacy at the supranational level and contributes to undermining democracy in the member states. Thus, voters have an increasingly illusory influence on key decisions in such institutions. Their policy is not properly authorised and often limits the possibilities of sovereign decisions performed by national structures (Inglehart, 2016, p. 18). Although national legislators retain formal power, they are systematically deprived of competencies favouring the EU structures. In the opinion of critics of liberalism, practising a kind of „quasi-democracy” at the supranational level was possible in the era of economic growth. Voters did not rebel against governments steering unification processes, and election cycles remained neutral for the continuation of integration due to economic benefits for all participants in the project. According to supporters of illiberal democracy, some crises have dispelled the illusion of efficient management at the EU level and undermined the legitimacy of supranational institutions (Buzogány, 2017, p. 1307).

In a long-term economic downturn, it is difficult to avoid the impact of election verification on institutionalisation processes. Society's opposition to existing concepts of integration processes is becoming increasingly visible. In countries of the centre, citizens oppose overdistribution of their tax funds to save poorer countries, putting into question the community's principle of solidarity. By contrast, in peripheral countries, voters are against admitting immigrants, also questioning the idea of European solidarity. Before the crisis, anti-liberal tendencies functioned on the margins as an insignificant populism, whereas in post-crisis Europe, this phenomenon is gaining ground by attracting more and more voters (Dawson, 2016, p. 20). It is because the economic inequalities that a liberal economy generates are, unfortunately, quite permanent. The European integration project appears to be an insufficient mechanism of convergence

aimed at overcoming divisions of an economic nature. Strengthening social and economic cohesion of the entire structure appears to be quite sluggish, and successive financial crises deepen the divisions, leading to a sort of „multi-speed Europe”. The impasse of the liberal concept means that the traditional distinction between the centre and the periphery may be emphasised by more direct methods of domination and subordination (Ágh, 2016, p. 277).

Liberal regimes sway under the pressure of centrifugal processes, potentially leading to the reorganisation of the EU order. It may end up in the emergence of a new security architecture characterised by irregularities and asymmetries. Economic weakness, the eruption of nationalism and undermining fragile unification will certainly reduce a sense of security in Europe. The functioning of regimes forced an encounter with „Others”, which created defensive reactions among rather homogeneous societies. The fear of newcomers, which populist politicians prey on, generates the need to curb integration trends and perhaps even reverse them. Moreover, common institutions become an arena of fierce political conflicts between representatives of *ancien régime* and supporters of change. Since common organisations ceased to solve problems and became even their source, the transfer of loyalty and competence from the national level to supranational institutions is being questioned (Albertazzi, Müller, 2013, p. 343).

A relatively new phenomenon is the deaccession activities initiated by liberal democracies, which are initiated through electoral processes (see: „Brexit”). They encourage state actors to withdraw entirely or partially from international bodies, as significant social groups favour unilateral actions at the expense of multilateralism. Such disintegration decisions are characterised by a fairly high degree of democratic legitimacy, prompting states to reduce the number of common public policies. Institutions of the Western world anchor democratic forms of social participation. When voters are allowed to express their opinion, they can support anti-establishment protest parties that trigger nationalist tendencies, providing an opportunity to promote demagoguery and obscurantism. Therefore, the excess of direct democracy may burst various regimes, hence scepticism of liberal circles towards plebiscites concerning international affairs (Bokajło, 2017, p. 475).

The crisis of liberalism makes decision-makers aware that integration is a rather fragile and non-obvious process, the irreversibility of which may be questioned. This issue highlights the dilemma between progres-

sive belief in economic profitability or the non-alternative nature of institutionalisation and the liberal postulate of taking into account the democratic voice of citizens. Perhaps collective problem-solving is no longer rational, and unilateral activities turn out to be more reasonable? The scarcity of cooperative actions may lead to the reduction of predictability and repeatability of the state actors' behaviour and the marginalisation of their loyal cooperation. It heralds a potential violation of common principles and departure from the self-limitation model of states through international law institutions (Abts, Rummens, 2007, p. 405).

Conclusion

Symptoms of decomposition of the liberal order manifested in the contestation of globalisation are in dialogue with signs of inhibition or even regression in those spheres of world politics that have been saturated with various norms and supranational institutions. A kind of helplessness towards erosive tendencies observed in some international institutions becomes noticeable. Challenging the current order occurs in many areas, including views on human nature, for whom the cooperation with other individuals ceases to be proper behaviour. Consequently, faith in laws as the basic regulator of social life disappears, and elites gradually cease to enjoy social support because their recipes no longer guarantee the prosperity of ordinary people. One of the first victims of such a crisis is the readiness for participation in international regimes as an emanation of the liberal order that the establishment has guarded. Thus, there is a shift towards national contexts to avoid threats with which European integration is increasingly associated.

Motivations related to the need to ensure security are currently in the foreground, and international cooperation is perceived as a source of risks. Earlier, the emphasis on cooperation came from societies that wanted to increase their prosperity, while now the same communities are moving towards building „national boats in the ocean of world politics”. Although the founders of many international organisations navigated to ensure peace and stability, their arguments do not capture the hearts and minds of citizens anymore. Supranational regimes are no longer a universal recipe for problems of the modern West.

The crisis of the liberal paradigm seems to be connected with the conviction that the re-nationalisation of selected areas of politics and

economy is more rational than their supranationalisation. Until now, the free movement of people, services and goods led to political cooperation limiting the state's influence on economic processes. After the global economic crisis in 2009, scepticism began to spread, leading to a belief that it might be better to function outside supranational institutions due to threats that these regimes have become a symbol of. At that time, the integration impulse weakened, the number of accession activities to various organisations decreased, and centrifugal tendencies in some international structures intensified. Further cooperation is seen as a way to escalate crises, and electorates begin to support policy delegitimising international institutions, leading to renegotiating terms of membership or transferring competencies back to national levels.

The crisis of the Enlightenment values, which in the past gave hope for a rational arrangement of relations between European countries, is currently leading to the emergence of selfish tendencies heralding the unilateralisation of politics. It may result in the suspension of internalisation of common principles in favour of their superficial imitation, resulting in the rebirth of old divisions. The liberal paradigm is no longer commonly seen as a source of opportunities for states and citizens but as a reservoir of potential threats. That may mark the beginning of a split in the Western world, leading to a breakdown of its political unity, and at the same time era of fear and uncertainty, as a prelude to new European order, the framework of which is not yet known.

Bibliography

- Abts K., Rummens S. (2007), *Populism versus Democracy*, "Political Studies", 55 (2), pp. 405–424.
- Ágh A. (2016), *The Decline of Democracy in East-Central Europe. Hungary as the Worst-Case Scenario*, "Problems of Post-Communism", no. 63 (5–6).
- Albertazzi D., Müller S. (2013), *Populism and Liberal Democracy: Populism in Government in Austria, Italy, Poland and Switzerland*, "Government and Opposition", no. 48 (3).
- Albrecht P. A. (2009), *Strengthen the Judiciary Independence in Europe!: International Recommendation for an Independent Judicial Power*, Berlin–Antwerpen.
- Antoszewski A. (2017), *Suwerenność ludu – podejście liberalne*, in: *Suwerenność państwa członkowskiego Unii Europejskiej*, eds. P. Stawarz, T. Wallas, K. A. Wojtaszczyk, Warszawa.

- Bellamy R. (1997), *Liberal Politics and the Judiciary: The Supreme Court and American Democracy*, "Res Publica", no. 1.
- Bokajło W. (2017), *Słabość liberalnej demokracji siłą dyktatury. Casus Niemiec*, in: *Od historii myśli do praktyki politycznej*, eds. J. Sielezin, R. Wiszniowski, M. Alberska, Toruń.
- Buzogány A. (2017), *Illiberal democracy in Hungary: authoritarian diffusion or domestic causation?*, "Democratisation", no. 24 (7).
- Cerny P. G. (1999), *Globalization and the Erosion of Democracy*, "European Journal of Political Research", no. 1.
- Dawson J., Hanley S. (2016), *The Fading Mirage of the "Liberal Consensus"*, "Journal of Democracy", no. 27 (1).
- David I. (2015), *Rethinking Liberal Democracy: Prelude to Totalitarianism*, "Journal of Liberty and International Affairs", no. 1.
- della Porta D. (2013), *Can Democracy be Saved? Participation, Deliberation and Social Movements*, Cambridge.
- Diamond L. (1999), *Developing Democracy. Toward Consolidation*, Baltimore–London.
- Diamond L. (1996), *Is the Third Wave Over?*, "Journal of Democracy", no. 3.
- Gargarella R. (2010), *Większościowe odczytanie rządów prawa*, in: *Demokracja i rządy prawa*, eds. J. Maravall, A. Przeworski, Warszawa.
- Gawin D. (2007), *Granice demokracji liberalnej*, Kraków.
- Habets I. (2015), *Liberal Democracy: the Threat of Counter-Narratives*, "European View", no. 1.
- Inglehart R. (2016), *How Much Should We Worry?*, "Journal of Democracy", no. 3.
- Ingraham L. (2017), *Billionaire at the Barricades: The Populist Revolution from Reagan to Trump*, New York.
- Junes T. (2016), *Illiberalism and authoritarianism can be successfully challenged in Poland*, OpenDemocracy. Free Thinking for the World.
- Kaczmarczyk H. (2017), *Legitymizacja sądownictwa konstytucyjnego*, in: *Dwadzieścia lat obowiązywania Konstytucji RP. Polska myśl konstytucyjna a międzynarodowe standardy demokratyczne*, eds. J. Jaskiernia, K. Spryszak, Toruń.
- Karatnycky A. (1999), *The Decline of Illiberal Democracy*, "Journal of Democracy", no. 1.
- Krastev I. (2007), *The Strange Death of Liberal Consensus*, "Journal of Democracy", no. 18 (4).
- Krastev I. (2016), *The Unraveling of the Post-1989 Order*, "Journal of Democracy", no. 27 (4).
- Krastev I., Smilov D. (2008), *The Rise of Populism in Eastern Europe: Policy Paper*, in: *Populist Politics and Liberal Democracy in Central and Eastern Europe*, eds. G. Mesežnikov, O. Gyárfášová, D. Smilov, Bratislava.

- Kruk K. (2016), *Zmierzch czy renesans liberalnej demokracji*, Instytut Obywatelski, <http://www.institutobywatelski.pl/25569/komentarze/spoleczenstwo-komentarze/zmierzch-czy-renesansliberalnej-demokracji>.
- Łętowska E. (2017), *Państwo prawa na peryferiach Europy. O transformacji w Polsce w latach 1988–2016*, Public Seminar, <http://www.publicseminar.org/wp-content/uploads/2017/07/Ewa-Letowska-wroclaw-address-in-PL.pdf>.
- Mouffe Ch. (2011), *Carl Schmitt i paradoks demokracji liberalnej*, in: *Carl Schmitt: wyzwanie polityczności*, ed. Ch. Mouffe, Warszawa.
- Öniş Z. (2017), *The Age of Anxiety: The Crisis of Liberal Democracy in a Post-Hegemonic Global Order*, “The International Spectator”, no. 3.
- Pabst A. (2016), *Is Liberal Democracy Sliding into “Democratic Despotism”*, “Political Quarterly”, no. 1.
- Pappas T. (2016), *Distinguishing Liberal Democracy’s Challengers*, “Journal of Democracy”, no. 27 (4).
- Schmitter P. (2015), *Crisis and Transition, But Not Decline*, “Journal of Democracy”, no. 26 (1).
- Streeck W. (2014), *Buying Time. The Delayed Crisis of Democratic Capitalism*, London–New York.
- The role of the judiciary in a state governed by the rule of law: proceedings: Round table of the ministers of justice from countries of central and eastern Europe*, organised by the Council of Europe with the cooperation of the Minister of Justice of the Republic of Poland, Warsaw (Poland), 4 April 1995.
- Vanderhill R. (2017), *Active resistance to democratic diffusion*, “Communist and Post-Communist Studies”, no. 50 (1).

Schylek demokracji liberalnej w Europie

Streszczenie

Celem tego artykułu jest przedstawienie ewolucji liberalnego modelu polityki światowej wraz z potencjalnymi następstwami prezentowanej zmiany na płaszczyźnie projektu integracji europejskiej, z uwzględnieniem narzędzi ekonomicznej analizy prawa. W pracy ukazano zasadnicze elementy idei demokracji liberalnej, zarówno w aspekcie wewnętrznym (ustrój prawno-gospodarczy), jak i w wymiarze międzynarodowym (stosunek do organizacji supranarodowych). Opisany w tekście ład liberalny został skonfrontowany z krytycznymi wypowiedziami twórców koncepcji demokracji nieliberalnej, zdaniem których aktualnie można zaobserwować kryzys ww. paradygmatu prawa i gospodarki międzynarodowej. Dekoniunktura liberalnego modelu polityki globalnej przejawia się w tendencji do metamorfozy form ustrojowych niektórych państw, a także dekompozycji procesów integracyjnych, które dotychczas zakotwiczyły liberalny porządek zjednoczonej Europy. Zda-

niem autora, powyższe zjawisko może zainicjować rozłam w świecie Zachodu, prowadząc do osłabienia jego politycznej jedności i zapoczątkowania ery niepewności, jako preludium do powstania nowego ładu na Starym Kontynencie, którego ramy nie są jeszcze znane.

Słowa kluczowe: rozkład, liberalizm, integracja europejska