Polish Journal *of* Political Science

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The right to privacy in the light of case law – selected issues

Abstract

The article presents rudimentary information on how the right to privacy is understood in the doctrine and case law of the European Court of Human Rights, the Polish Constitutional Tribunal, the Supreme Court and common courts. In the first place, the author will discuss protection of the right to privacy in light of the acts of international law and the Constitution of the Republic of Poland. Then, selected judgments linked with the right to privacy in certain aspects will be discussed. The article ends with conclusions on how the right to privacy is understood as well as the observable contemporary threats to its protection.

Introductory issues

First of all, it should be indicated that the source of rights and freedom in light of the Polish Constitution[1] is inherent and inalienable human dignity. This dignity implies the duty of public authorities to protect rights and freedoms. Moreover, it is rightly assumed that dignity constitutes an axiological foundation for the system of law and is recognised as the supreme value underlying the assessment of individual human rights and freedoms[2]. Moreover, the thesis that both privacy and the right of an individual to exercise it do not have any rigid framework and their boundaries are constantly evolving towards the broadest and most effective possible protection of a concrete sphere of individual's life[3].

Protection of the right to privacy in light of the acts of international law

The right to privacy constitutes a value in light of many acts of international law making up the so-called universal system of protection of human rights, which has an impact on the contents of regional and national systems. An example in the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948[4]. Its Art. 12 provides that no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference

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[1]   Journal of Laws No. 78 item 483 as amended.
[2]   Koper (2010).
[3]   Ibidem.
[4]   URL = http://libr.sejm.gov.pl/tek01/txt/onz/1948.html.

or attacks. Moreover, the right to privacy is indicated in the International Covenant on Civil and Political Rights adopted in 1996[5]. Art. 17 (1) and (2) provide that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence. It also provides for the right to legal protection against such interferences and attacks.

A key act of international law concerning protection of human rights and political freedoms, ratified by the Republic of Poland, is the European Convention on Human Rights and Fundamental Freedoms adopted in 1950[6]. Art. 8 of the ECHR provides that

> everyone has the right to respect for his private and family life, his home and his correspondence.

It is obvious that unlike dignity freedom may be restricted by public authorities. It is also in Art. 8(2) that the ECHR lays down the standards for restricting rights and freedoms. It points out the principle that there

> shall be no interference by a public authority with the exercise of this right

and introduces exceptions in cases that are

> in accordance with the law and necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection

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[5]   Journal of Laws 1977 no. 38 item 167 as amended.
[6]   ournal of Laws of 1993 No. 61 item 284 as amended.

of health or morals, or for the protection of the rights
and freedoms of others.

Moreover, as regards acts of European law mention should be
made of Art. 7 of the Charter of Fundamental Rights of the Eu-
ropean Union[7], which also provides for the right to respect for
his or her private and family life, home and communications.
It is worth underlining the high rank of the Charter of Funda-
mental Rights, which in accordance with Art. 6(1) of the Trea-
ty on European Union[8], the same legal value as the Treaties
which underlie the functioning of the community of Euro-
pean states – the European Union.

It may be assumed that legal protection of the right to pri-
vacy rests mostly on the judiciary body, namely the European
Court of Human Rights in Strasbourg, set up under the Con-
vention. It is the case law of the ECHR that defines the limits
of interference with the rights and freedoms of an individual,
as the basic responsibility of this body of international justice
is to consider complaints of citizens signalling irregularities
in the functioning of public authorities.

It should be noted that in light of the ECHR case law the scope
of protection of freedoms and rights is very broad. The only
exception with respect to protection of freedoms and rights
has been laid down in Art. 15 of the ECHR. It provides that
the contracting parties may take measures derogating from
their obligations exclusively in time of war or other public
emergency threatening the life of the nation. This solution has
been allowed under the condition that such measures are not
inconsistent with other obligations under international law.

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[7]   Official Journal of the European Union C. of 2007 No. 303, p. 1
as amended.
[8]   Journal of Laws of 2004 No. 90 item 864/30 as amended.

Protection of the right to privacy in light of the Polish Constitution

Also the Constitution of the Republic of Poland confirms the right to privacy. It is one of the rights enumerated in the catalogue of personal freedoms and rights. It is noted that Art. 47 is a novelty in the Polish systemic regulation. The previously binding fundamental laws did not include such regulation. The right to privacy is recognised as a so-called third generation right. Third generation rights became constitutionally regulated only after the end of World War II[9].

The Polish Constitution does not make a reservation that the right to privacy is to be exercised only by Polish citizens. Therefore, it may be assumed that the rights and freedoms laid down in the Polish Constitution refer to individuals under its jurisdiction regardless of their citizenship.

What is important is that the right to privacy concerns exclusively natural persons. It is assumed that only natural persons are able to have both private and family life, honour and good name. However, the objective scope of the right to privacy refers to many spheres of life – personal and social, and also concerns inviolability of the home, secrecy of correspondence and protection of personal information[10].

It has been in literature that when exercising their right to privacy individuals should be able to freely establish contacts with other people. The possibility of establishing such contacts should be realised according to one's free choice. Additionally, this possibility includes also liberty to make a decision concerning disclosure of one's personal information[11].

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[9]   Opaliński (2016).
[10]   Banaszak (2012): 294.
[11]   Szczechowicz (2009): 19.

Analysis of case law

Further on, analysed will be selected judgments connected with the right to privacy, a particular focus being placed on how the scope of the right to privacy is interpreted, information autonomy, threats arising from the violation of criminal law and the activity of 9individuals on the internet. Moreover, discussed will be the conflicts of values occurring in the context of the right to privacy and restriction of the right to privacy due to performing a public function.

The European Court of Human Rights recognised that the right to respect for private life is very broadly understood in light of Art. 8 of the ECHR. This notion in not fully defined. It is assumed that when interpreting this notion the so-called concept of personal autonomy should be employed and several aspects of physical and social identity of a person, e.g. ethnic identity, should be taken into account. However, it seems more important that in Art. 8 of the ECHR it has been recognised that the parties to this act of international law are obliged to refrain from interference with the right to privacy, but also it is their duty to adopt a number of legal measures and effective mechanisms to protect respect for private life of individuals against violations of this right by others. That is why in this context it should be recognised that the obligations of the state as regards respect the right to privacy are not exclusively of a negative character, but there may also be obligations of a positive character[12].

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[12]   Judgment of the ECHR of 15 March 2012, 4149/04, AKSU v TURKEY.

The ECHR also pointed out that the subjective scope of Art. 8 of the Convention embraces all individuals subject to the jurisdiction of a given state and not only its citizens[13].

It is rightly pointed out that the sphere of the right to privacy is characterised by a large degree of generality. It is not a phrase that does not require profound interpretation on the example of a concrete factual situation. It should be considered correct that the very assessment as to whether the sphere of the right to privacy has been encroached requires interpretation, which takes into account a number of circumstances characterising the situation of an individual. It is indicated that the sphere of private life covers *inter alia* events and circumstances associated with personal and family life. However, the very fact of disclosing information on private life of a given person does not mean that there has been interference with private life and violation of privacy. The assessment will depend on both the evaluation of the entire context and circumstances of the case as well as the fact what kind of information has been disclosed and to whom.[14]

The right to privacy but also protection of the secrecy of communication is associated with an eternal and continuously topical conflict of values between the rights and freedoms of an individual and providing the enforcement bodies with effective means to combat crime. Crime is a negative phenomenon of a kind and affects both observance of the rights and freedoms of individuals in the state as well as citizens' security. It should be noted that protection of the rights and freedoms of individuals in the state against infringements by other individuals, which occurs as a result

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13   Sudere (2013): 12.
14   Judgment of the Supreme Court of 28 April 2004, III CK 442/02.

of many offences, as well as ensuring security for citizens is the duty of the state. The above is explicitly laid down in Art. 5 of the Polish Constitution.

Pursuant to case law it should be assumed that Art. 47 of the Polish Constitution and Art. 8 of the ECHR is of a guarantee character and has an impact on the interpretation of the norms of criminal procedural law when resolving conflicts of values typical of the criminal procedure. In the case of evidence which is confidential and entering the sphere of the rights and freedoms of an individual with the use of such measures as e.g. surveillance and procedural tapping, regulated in Art. 237 et seq. of the Code of Criminal Procedure[15], the court is of the opinion that the norms regulating the use of evidence collected through tapping should be interpreted in accordance with the constitutional guarantees referred to *inter alia* in Art. 47 of the Polish Constitution and Art. 8 of the ECHR[16].

What is important is that it is indicated that the same constitutional value, namely the sphere of privacy, is protected by Art. 47 and Art. 51 of the Constitution. One of the key elements of this private sphere of human life is informational autonomy, which consists in making an autonomous decision as regards disclosure of one's personal information to third parties. Moreover, information autonomy includes exercising control over this information which are in the possession of that individual and other people[17]. It is also pointed out that Art. 51 of the Constitution lays down the mechanism

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[15] Journal of Laws of 2021 item 534.

[16] Judgment of the Court of Appeal in Katowice of 24 November 2017, II AKa 363/17.

[17] Judgment of the Constitutional Tribunal of 19 February 2002, U 3/01.

for protecting the right to privacy by providing that the obligation to disclose personal data may be imposed exclusively by a statute and introducing a condition of necessity in a democratic state ruled by law" of the information on citizens which is acquired, collected or made accessible by public authorities[18].

It should be noted that in case law the right to privacy is considered as the right of each person to dispose of their personal information. Additionally, a person is exclusively authorised to make a decision what happens to their data. First of all, a person makes a decision whether they remain anonymous or allows for their data to be made available to third parties. Additionally, the telecommunications secrecy is considered in the framework of the right to privacy. This secrecy covers a number of aspects of communication by an individual and it embraces the secrecy of conversations, identity of the communicating parties, and – what is important – also billings, that is data processing and disclosure[19]. In the above context, it is also pointed out that legal protection is extended not only as regards confidentiality of conversations, but also identity of the communicating parties, their phone numbers, e-mail addresses, as well as information as to the very fact of making such conversation, its duration, call attempts and contents, that is the data included in billings[20].

Additionally, it is pointed out that the right to privacy implies the need to protect other areas of an individual's life.

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[18]   Judgment of the Constitutional Tribunal of 12 November 2002, SK 40/01.
[19]   Judgment of the Court of Appeal in Białystok of 20 September 2018, I ACa 379/18.
[20]   Judgment of the Court of Appeal in Warsaw of 26 April 2013, I ACa 1002/12.

It is indicated that a manifestation of the right to privacy is the freedom to communicate, which covers not only the secrecy of correspondence, but also all types of interpersonal relations[21].

What is important, legal practitioners notice also technological development and trends to use means of distance communication ever more frequently. And it is in this context that it is specified what information about a person affect the understanding of their right to privacy. It is noticeable that the boundaries of the right to privacy become extended in the times when electronic means of communication become ever more popular. In judicature, it is pointed out that anonymity on the Internet is frequently only apparent. It is reflected that nowadays the Internet provides a media forum to present contents that violate human dignity, honour and good name. That is why it is concluded that in the situations when the IP number indirectly allows to identify a concrete natural person, it should be recognized as a personal data protected under the Personal Data Protection Act of 1997. It is noted that adopting a different interpretation would be contrary to the axiology of the Constitution, in particular the norms concerning human dignity and the right to privacy[22].

It is emphasized in case law that disclosure of personal data must be connected with guarantees of respect for an individual's private life. It is correctly noted that personal data should be disclosed only when it is permissible under a specific law and if the data are available in accordance with the provisions regulating access to information in the public

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[21]   Judgment of the Constitutional Tribunal of 20 June 2005, K 4/04.
[22]   Judgment of the Supreme Administrative Court of 19 May 2011, I OSK 1079/10.

sector. However, it is pointed out that in certain cases it is permissible to recognise that personal data, which in certain circumstances could have been considered sensitive, e.g. with respect to political affiliation, political opinions and religious beliefs, cannot be subject to protection envisaged for sensitive data. This concerns the data of people performing public function, which are stored by appropriate public institutions. Disclosing such personal data is aimed at improving transparency of public life, which may contribute to protection of the rights of third parties[23].

Moreover, holding or running for public offices results in the fact that there are certain limitations as regards the right to pricy of such persons, called justified interest. It is pointed out that a person running for a public office must consider potential interst of public opinion. This interest may be manifested e.g. by the desire to get extensive information on the private life and the past of such person. The fact of collaborating with the state security authorities is quoted as an example[24].

It is rightly pointed out that the right to privacy is also manifested in the freedom from interference with private, family and home life, regardless of whether it concerns indifferent or embarrassing facts. Privacy of an individual is violated upon a given action of the party interfering with the sphere of the private life of the aggrieved person. Such action may consist in making a recording or taking a photograph, preserving the voice and image, respectively, of a person.

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[23]   Judgment of the Constitutional Tribunal of 20 March 2006, K 17/05.
[24]   Judgment of the Constitutional Tribunal of 21 October 1998, K 24/98.

It is pointed out that the evaluation of the gravity of a violation of the right to privacy is influenced not only by the very content of the materials produced as a result of an unauthorised interference with the privacy of the aggrieved person, but also how the violation has been effected. The frequency of such violations is not immaterial, either[25].

Moreover, it has been noticed that the substance of the right to privacy is interpreted when analysing the attributes of offences in a way that actually penalises negative behaviours of the culprit, which infringe on the sphere of privacy of an individual. An example of such offence is e.g. stalking, which is referred to in Art. 190a of the Penal Code[26]. It is pointed out in case law that this aspect shows a connection between the attribute of perseverance of stalking and the significance of the violation of the right to privacy. In case law, it is pointed out that it is difficult to picture a situation whereby stalking, which involves interfering with privacy, would not constitute a significant violatiuon of the right to privacy[27].

Conclusion

The following conclusions may be drawn from the analysis of case law. The right to privacy in understood very broadly. Moreover, specified is a number of obligations of the state as regards protection of the right to private life in a negative and positive aspect. Additionally, it is noted that the right to privacy is defined in very general terms and depending

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[25]   Judgment of the Supreme Court of 12 January 2016, IV KK 196/15.

[26]   Journal of Laws of 2020 item 1444 as amended.

[27]   Judgment of the Supreme Court of 12 January 2016, IV KK 196/15.

on the facts it requires to be interpreted according to the circumstances. What is important is that a broad spectrum of the subjective scope of the right to privacy is indicated.

It is correctly noted that the right to privacy is connected with the eternal and still topical conflict of values in the case of using secret forms of surveillance of the citizens by public authorities for the needs of pending criminal proceedings or in order to acquire information through operational control. Of key importance is the fact that the sphere of privacy, protected under Art. 47 of the Constitution, is linked with information autonomy of an individual and the mechanism of protection of the right to privacy, provided for in Art. 51 of the Constitution.

Also the right to dispose of one's own data and the relationship between the right to privacy and the extent of the confidentiality of communication have been provided for. It is of no lesser importance that a manifestation of the right to privacy is also protection of correspondence and all interpersonal relations as well as the fact that technological development exerts an ever greater impact on the understanding of the extent of the right to privacy. This is seen in the problem of anonymity of an individual on the Internet and protection of their personal data.

Despite extensive protection of the right to privacy and personal data there are exceptional cases when this protection is limited with a view of a specific data subject. Such subject may be a person performing or running for a public office, to whom the so-called "justified interest" in their private life is applicable.

In the context of criminal law it is noted that the right to privacy may be violated by the perpetrator of a specific offence. Infringement of the right to privacy may be a recoding

or a photograph of the aggrieved person. Moreover, it is noted that the right to privacy may be closely related to certain deeds penalised under the Penal Code. For example, as it follows from case law, the right to privacy is analysed in the case of stalking, referred to in Art. 190a of the Penal Code.

Summing up it should be pointed out that nowadays the right to privacy constitutes a legally protected value in light of many acts of international law making up the so-called universal, regional and national system of protection of human rights. Having in mind continuous technological development and the fact that many spheres of private life are transferred to the Internet, the right to privacy is ever more frequently interpreted in reference to information autonomy of individuals and in the context of providing the broadest possible protection during all interpersonal communications, including protection of confidentiality of correspondence, and online. Moreover, noticeable is a number of threats to the right to privacy in the aspect of infringing the norms of criminal procedural law or utilising secret means of surveillance by public authorities in order to combat crime.

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An individual and the sense of security in a state.
Religious freedom from the viewpoint of security psychology

Abstract

The author's aim is to present an interdisciplinary reflection combining the contents common to the topics associated with religious freedom of every individual and the sense of security in the state which he postulates to be a subject of research in the area of security psychology. The author believes that the religion related subjective sense of security of individuals living on state territory should be taken into account when creating national security. The study fits into the framework of research on Poland's national security, which draws on the output of such sciences as politology, law, psychology, philosophy.

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Introduction

Satisfaction of the need for security seems to be of rather fundamental importance for the effectiveness of establishing social relations by individuals. A psychological analysis of an individual's need for security should be referred to the nature of their social relationships, including those connected with religion, behaviours arising from religious faith. The aim of this study is an interdisciplinary reflection combining the contents common to the topics associated with religious freedom of every individual and the sense of security in the state which are directly related to Poland's national security and topics typical of reflection in the area of security psychology. The main sources used for writing this text included: the 1997 Constitution of the Republic of Poland, scientific texts concerning national security, politology, psychology, security psychology, religious law.

Issues – basic notions

Guaranteed by law and enforced by the state, religious freedom is one of the preconditions for ensuring personal (from Latin *persona* – person, individual) security, which in the life of a political community is one of the forces making up national security. It is in the interest of the citizens and the state that religious freedom is ensured. It is this freedom that is perceived as one of the forces affecting the sense of security or insecurity of individuals in the state. In this manner questions covered by security psychology surface on the horizon of reflection typical of security science, politology and legal sciences. However, such concepts as "national security", "state", "person/individual", "security psychology" may

appear ambiguous in this context. Therefore, let us qualify them.

National security and the state

First of all, we are interested in national security and the state After Waldemar Kitler, the first of these concepts is understood as the supreme value, national need and the priority objective of the activity of the state, individuals and social groups, and at the same time as a process embracing various means to guarantee sustainable, undisturbed existence and development of the nation (state), including protection and defence of the state as a political institution as well as protection of individuals and the entire society, their property and natural environment against the threats which significantly restrict its functioning or are damaging to the goods which are subject to special protection. Therefore, understood as a value security is a set of numerous specific values.[1] Thus, it not surprising that national security is an area of research for which axiology is a major point of reference.[2] Reflection on individuals, their dignity and rights seem to be the fundamental subject in this research. National security is a very broad notion covering military, identity, economic, materials and energy, cultural, ecological, demographic, social and other issues. The issue of security was taken into account when the principles of the political system of the Republic of Poland were formulated. Security, being an objective of state activities, is an expression of basic social needs and as such requires permanent satisfaction. This satisfaction should take

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[1]   Cf. Kitler (2011): 31.
[2]   Smuniewski (2019).

place both at the level of individuals, social groups, political community (nation), institutions (state and non-governmental), as well as by those entities. At this point we have come to specifying the understanding of another important concept – the state. We assume that it is a compulsory organisation equipped with the attributes of supreme power in order to protect order against external and internal threats, ensuring for the community inhabiting its territory, made up of interdependent groups with diverse interests, the favourable conditions of existence in proportion to strength of their economic position and political influence.[3] It should not escape out attention that the state is a compulsory organisation vis-a-sic individuals, equipped with the attributes of power, while its objective is to protect against various threats, which should be understood positively – the state is meant to create the best possible conditions for the development of individuals and their social forms of living. Therefore, the state is a space where the contents of such notions as person/individuals, society, compulsion, power, security meet and overlap. It is a dynamic space, requiring to be researched from the viewpoint of security psychology. The outcome of such research should become an importance source of information for the state when planning its efforts aimed at assisting individuals and social groups.

Let us add to the above discussion of national security several thoughts of an axiological origin. Thanks to this the issue of values, such as religious freedom and sense of security – which are the subjects of study in security psychology – becomes more clearly visible. In a democratic state ruled by law security is one of the fundamental values affecting

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[3]   Gulczyński (2007): 108.

the society and the functioning of the state and its authorities.[4] The imperative of creating national security arises from the fact that security is a universal value, although of utmost importance is the security of individuals, social groups and the state. It is necessary to take into account the broadness of its categories that are distinguishable depending on the area of activity of a given entity. That is why they are considered extensively likewise as regards the aspect of objectives, functions and tasks they are supposed to fulfil or identification of entities dealing with the analysed issues, as well as the area they affect. The main elements of security include: absence of threats, feeling of certainty and freedom of development, which are closely interrelated.[5] National security understood as a value is associated with other values which

> determine the secure existence of a state (its sovereignty, stability of its borders, territorial integrity) – as a subject of international relations, as well as the society (nation) – as the key component of a democratic state.[6]

In Poland, the basis source of law as regards national and state security if the 1997 Constitution of the Republic of Poland. However, security is one of unnamed constitutional principles. The Polish fundamental law does not provide any definition of security, although the term security is mentioned twice in the enumeration of principles of the system of state.

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[4]   Czuryk, Dunaj, Karpiuk, Prokop (2016): 13.
[5]   Cf. Czuryk (2018): 16; Czuryk, Dunaj, Karpiuk, Prokop (2016): 17; Karpiuk (2014): 28–34; Karpiuk (2013): 26; Lis (2015): 30.
[6]   Kitler (2011): 10; C. Smuniewski (2019): 32–40.

The basic regulation, both for the issue of security and religious freedom,[7] is Art. 5:

> The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.[8]

This provision is correlated with Art. 26:

> The Armed Forces of the Republic of Poland shall safeguard the independence and territorial integrity of the State, and shall ensure the security and inviolability of its borders.[9]

Security is mentioned in the chapter dedicated to the rights of individuals, though in the context of their restriction. Pointed out should be the basic regulation of Art. 31(3):

> Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.[10]

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[7] Cf. Necel (2018): 67.
[8] Journal of Laws of 16 July 1997, No. 78, item 48: Art. 5.
[9] Ibidem: Art. 26.
[10] Ibidem: Art. 31(3).

The notion of security is also used in Art. 53(5):

> The freedom to publicly express religion may be limit-
> ed only by means of statute and only where this is nec-
> essary for the defence of State security, public order,
> health, morals or the freedoms and rights of others.[11]

In the Polish Constitution, the most significant part
of the regulation concerning security has been linked with
the office of the president. The major provision is Art. 126(2):

> The President of the Republic shall ensure observance
> of the Constitution, safeguard the sovereignty and secu-
> rity of the State as well as the inviolability and integrity
> of its territory.[12]

Notwithstanding that in Art. 126 security of the state is men-
tioned separately beside sovereignty, territorial inviolability
and integrity, it does not change the fact that other goods are
protected by the components or even equivalents of state
security. However, the fact that they are mentioned separate-
ly raises their rank.[13] The phrase "national security" is used
in the content of Art. 135:

> The National Security Bureau is a constitutional advi-
> sory body to the President of the Republic of Poland
> in matters of internal and external security of the state.[14]

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[11]   Ibidem: Art. 31(5). Cf. Journal of Laws of 1977 no. 38, item. 167,
Art. 18(3); Cf. Journal of Laws 1993 no. 61 item 284: Art. 9(2).

[12]   Journal of Laws of 16 July 1997, No. 78, item 483: Art. 126(2).

[13]   Cf. Kitler (2011): 28.

[14]   Journal of Laws of 16 July 1997, No. 78, item 483: Art. 135.

Both national and state security are seen in the internal and external aspect.[15] In the Constitution, security is generally identified with the situation of peace, certainty, safeguard, protection, absence of threats. The major types of security are as follows: security of the state, security of citizens, internal security and external security. National security is based on the concept of security of the state in its state-centric approach.[16]

Person

Another important notion is "person". Security as such concerns people (individuals, formal and informal social groups) and the need for security, for human functioning and development appears only in those places that are inhabited by man. Such values as national and state security draw their greatness from a much more fundamental value, which is each and every human being. This study invokes the philosophical notion of a person, keeping in mind the fact that for hundreds of years psychology developed as part of philosophy and has become a separate area of study since empirical research methods were adopted. That is why in literature concerning the history of psychology the opening of the first laboratory of experimental psychology by Wilhelm Maximilian Wundt in Leipzig in 1879 is taken as the date of emancipation of psychology.. The introduction of the term 'person' to psychology, which denotes an individual, of necessity contributed to personalised treatment of man, is a an effect of the quest

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[15]   Cf. Kitler (2011): 28.
[16]   Cf. Bień-Kacała (2015): 26; Zięba-Załucka (2014): 411–428; Czuryk, Dunaj, Karpiuk, Prokop (2016): 23–27.

for the identity of a single person.[17] However, Ryszard Sa-tachowski notes that at this point it is necessary to beware of apparent semantic convergence of Wundt's "individu-al" with the individual contained in the notion of a person in a broad personalistic approach, that is such which refers to a specific human being revealing their abilities both in his-tory as well as everyday life. In this approach a human person is an individual subject rather than a universal abstract crea-ture deprived of the features distinguishing a given individual from the others. On the other hand, Wundt's "individuality" plays a purely methodological function, manifested in the ap-proach which may be called methodological individualism.[18] Let us get back, however, to the separation of psephology from philosophy. That event meant the closing of psychol-ogy to metaphysics, thus leaving no margin for the mystery of man. Consequently, psychology also closed itself to philo-sophical anthropology.[19] However, when psychology focuses its reflection on man as a subject and the category of person, then there is always a problems of the relation between psy-chology and philosophical anthropology, which boils down to a fundamental question: what kind of psychology? what kind of anthropology?[20].

Reflecting at this point on "person" we should remember that this is one of the key notions for Western civilisation, its beginnings and development, major problems and di-lemmas, the end of which is unseen. The notion of "person" makes us reflect on what is uninterruptedly important, what we constantly discover and in what we recognise our future

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[17]   Cf. Stachowski (2005): 113.
[18]   Cf. Ibidem: 114–115.
[19]   Cf. Ibidem: 124.
[20]   Cf. Ibidem: 127.

as the humanity. All the time in history it is a human person that is at stake. As noted by Jean Mouroux:

> The notion of a person is in the centre of all human problems. Every philosophy, every culture should have a position on this issue.[21]

The English lexeme 'person', which is the equivalent of Latin *persona* and Greek πρόσωπον [*prosopon*], has a rich history of applications and thematic references in various areas of knowledge: philosophy, theology, sociology, psychology, theory of communication, pedagogy, politology, security studies and many others. Let us recall that it all began in ancient Greece, when the word *prosopon* was used to designate a mask worn by an actor on stage during a performance. Thanks to such writers as e.g. Tertullian (d. 240), St Gregory of Nazianzus (d. 389 or 390) and St Ciril of Alexandria (d. 444), as well as the Christian discussion on God, which was reflected in the documents of the Council of Ephesus (A.D. 431), stressing the one Person of the Son of God, with time the word 'person' gained an ever broader application and got to be given a definition. It was verbalised by Boethius (d. between 524 and 526) – a Roman philosopher and theologian, translator of Aristotle, who wrote: "naturae rationalis individua substantia". Therefore, person is an individual substance of a rational nature. Therefore, the notion we are interested in originated in the theatre and through theology was adopted by philosophical anthropology, to thus become one of the major notions of the entire Western civilisation. Security of individuals and various types of references to the notion

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[21]   Mouroux (1966): 11.

of person have also become an important research subject in the area of security studies.[22]

Security psychology

The remaining introductory notion is security psychology. This area of knowledge should be located among the auxiliary studies with respect to security science.[23] Security psychology includes, first, a reflection on the security of individuals and the society (also on the national scale); second consideration of security as a psychological concept; third, exploration of psychological contents fitting within the boundaries of security science; and fourth, psychological investigation of the sense of security (sense of threat).[24] Therefore, from the viewpoint of security psychology important is the issue

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[22]   Cf. Gierszewski, Kwiatkowski (2021): 102–122; Rosłon (2019): 243–251; Smuniewski, Mazurek, Kochańczyk-Bonińska (2018): 93–108; Drabik (2013); Grabińska, Spustek (2013); Grabińska (2013).

[23]   In this place I refer to distinctions made by Waldemar Kitler, who claims that the security science includes the following areas of study: 1) general security studies (security theory; security philosophy; security theology); 2) detailed security studies (defence studies; public safety studies; common security studies; political security studies; economic security studies; ecological security studies, social security studies; information security studies; security engineering, etc.); 3) Auxiliary studies (security history; security sociology; security anthropology; security administration; defence administration; military administration; security law; defence law; military law; crisis management; education for security; defence education; security/defence didactics; security, defence and military economics; security, defence and military logistics, etc.). Kitler (2018): 21–25.

[24]   Major topics dealt with at academic classes on security psychology on subjects such as national security or internal security include: psychological concepts fitting within the framework of security science, the concept of threat and typology of threats. Such classes are in a large measures aimed at making students acquire an ability of thinking in

of subjectiveness as regards perception of the sense of security or the sense of threat. The latter concern extremely important problems taking account of which in the analysis of psychological conditions of threats to the individual's sense of security constitutes (or should constitute!) an equally valid complement to the analysis of objectified situational conditions.[25] Without the date supplied thanks to the security psychology studies it would be hard to attain a comprehensive view of the society whose security is created in the state. Without that same data it would be difficult to plan systemic assistance of the state to individuals perceiving various types of threats (the relationship: state – individual – society), as well as to inspire help initiatives within the society (within voluntary relationships arising and existing outside of the sphere of the state and economy).

Religious freedom and security – legal perspective

The notion of religious freedom may be understood in at least three dimensions. First, in the physical dimension – as the freedom to act or refrain from acting. Second, in the moral dimension – as the freedom to do moral good or evil. Third, in the legal dimension – as the freedom provided for by the laws.[26] It is the third that is of particular interest to us, and in the Polish legal order. Henryk Misztal noted that in its legal meaning freedom demands psychological freedom. Any coercion or obstacle in exercising physical freedom

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psychological terms, about the conditions of security, about psychological individual and collective responses in the situations of threat.

[25] Cf. Czajkowski (2017): 146; Czajkowski, Semchuk (2018), Szafrańska, Szołtek (2009).

[26] Cf. Necel (2018): 67–68.

wipes out psychological freedom thus leading to violation and impediment in exercising legal freedom. That scholar also noted that the concept of psychological and legal freedom is linked with the notion of religious freedom, which refers to that sphere of human activity which is associated with worldview convictions.[27] Religious freedom guaranteed by law at the level of the constitution is one of the forces affecting the sense of security or insecurity of individuals in the state. After all, it is this freedom that is associated with what is most profound in man, what allows to specify the goal and sense of life, establish relationships and assume various responsibilities. Therefore, it is not surprising that the freedom of conscience and religion should be perceived in conjunction with human rights[28] and dignity of each person.[29]

The issue of human dignity seems to be of particular significance here. The 1997 Constitution reads as follows:

> The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities.[30]

The dignity of the person is seen as a basis for religious freedom as well as all other human rights and liberties. That issue was particularly succinctly formulated by Józef Krukowski,

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[27] Cf. Misztal (2000): 206, similar contents were presented by Tadeusz Płoski. Cf. Płoski (2003): 89.
[28] Cf. Sobczak, Gołda-Sobczak (2012): 27–65.
[29] Cf. Abramowicz (2006): 227–244.
[30] Journal of Laws of 16 July 1997, No. 78, item 483: Art. 30.

who in his statement invoked the classical (cf. Boethius' definition) understanding of person:

> The principle that human dignity is the source of human rights and freedoms; it is based on the truth about man as a personal being equipped with the attributes of rationality, freedom, and conscience.[31]

Let us, therefore, look at the Polish legal regulation with respect to the issue of religious freedom and security. In the Preamble to the 1997 Constitution the Polish Nation is described as

> all citizens of the Republic, both those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources, equal in rights and obligations towards the common good – Poland.[32]

The Preamble also mentions culture rooted in the Christian heritage of the Nation and in universal human values, as well as responsibility before God or own conscience. Pursuant to Art. 5 of the Constitution national heritage is safeguarded by the Republic of Poland, just like independence and integrity of its territory. This safeguarding is associated with ensuring human and civil rights and freedoms as well as security of citizens.[33] The reference in the Preamble to the Polish Nation as citizens who believe in God and "those not sharing

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[31]   Krukowski (2000): 89.
[32]   Journal of Laws of 16 July 1997, No. 78, item 483: Preamble.
[33]   Cf. Ibidem, Art. 5.

such faith" should be understood not only as a description of the state of the society in 1997, but also a the right to religious freedom bestowed on citizens in creating the Nation, and consequently building its security.

The relationship between national security and religious freedom is pointed out in the Constitution by invoking to the category of common good, which is evidenced by the following provisions:

> the Republic of Poland shall be the common good of all its citizens;[34]

> loyalty to the Republic of Poland, as well as concern for the common good, shall be the duty of every Polish citizen;[35]

> it shall be the duty of every Polish citizen to defend the Homeland;[36]

and

> the relations between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.[37]

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[34]   Ibidem, Art. 1.
[35]   Ibidem, Art. 82.
[36]   Ibidem, Art. 85 p. 1.
[37]   Ibidem, Art. 25 p.3.

One of the major axiological concepts employed by the 1997 Constitution is the notion of "common good". On one hand, ensuring security as an objective of the activity of the state and its authorities should be perceived exactly from the perspective of common good, which covers security which is a social and public, not exclusively individual value.[38] On the other, there is the issue of collaboration between the state and the Church and other religious communities for common good.[39] It should be noted that the same people are members of state and religious communities (or do not identify themselves with any religion), and the same people are obliged to defend common good – the Homeland.

Conclusions

From the viewpoint of security psychology, the sense of security of individuals in the state and the national (social) sense of security are important issues. This sense of security has a power to reveal itself as a force making one capable of defending the Homeland, building common good. Through promotion and protection of religious freedom the state may fulfil itself as a subject caring for common good, creating conditions for secure development of its own people, the sense of security of individuals in the state and the nation as a whole.

Only the state (the democratic state which is cared for by and cares for its citizens) which is a compulsory organisation can guarantee and protect various freedoms, including religious freedom. It is exactly because the state is the most effective instrument to ensure survival of the society and

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[38]   Cf. Czuryk (2018): 23–24.
[39]   Cf. Świst (2018): 155.

provide undisturbed living and national development conditions, it is able to guarantee religious freedom. Acting for national security, it should take into account efforts aimed at protecting religious freedom. It creates legal and organisational foundations for all safeguards of security, and moreover guarantees unification of efforts of many entities (organisations, including third sector organisations) through strong systemic ties, as their relatively effective promotion and enforcement. The position of the state is particularly privileged here owing to: the scope of its decisions, authoritativeness of decisions, exclusive power to formulated the norms of positive law, postulated monopoly to use force, consequences and extent of decisions. It should be also noted that ideas undermining the existence of nation states have a potential to become a force aimed against religious freedom, and at the same time ideas aimed against religious freedom have a potential to become a threat to national security and functioning of states.

Since the security of the nation (society) and each of its citizens should be most fully realised within the framework of state, but also because it is the state that is obliged to ensure broadly conceived security for each citizen and the entire political community through protection and defence of the people as well as their individual and collective goods against potential and existing threats arising as a result of external and/or internal interference, the state should be concerned with what is the integral part of the society and in a large measure its strength, that is voluntary relationships established and operating outside of the sphere of the state and economy, which involve *inter alia* Churches and religious associations. Those entities (together with others, such as e.g.: associations, independent media, sports and leisure clubs, discussion milieus, civic involvement groups) are in the interest

of the vitality of the state since the pave the road to professional associations, political parties, trade unions, alternative institutions.[40]

Religious freedom, legally guaranteed by the state and safeguarded by relevant institutions, seems to be an element favouring creation of national security through building internal state order. The processes of creating national security require respecting religious freedom in the state. This respect should be, however, under constant supervision: on one hand, by a competent state authority, and on the other by appropriate non-governmental organisations. Supporting such organisations is in the interest of the state.

State social programmes as well as security education at school should include the issues of religious freedom, with reference to the guaranteed human freedoms, rights and duties, internal order favouring development of the national community building security in its various dimensions. Promotion of appropriate contents in social and educational programmes may protects against proliferation of fundamentalist and discriminating behaviours. Such programmes should protect the society both against atheisation of national culture as well as perception of religion as a synonym of a concrete Church/denomination/religious association.

Each person is entitled to religious freedom owing to the very fact of being a human, whose inherent attribute is human dignity. Subjective feelings concerning security (and threats) should not be trivialised, but analysed. Religious freedom should be recognised as one of the areas where internal social relationships can be formed basing on mutual responsibility for each other, building a mutual sense of security.

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[40]   Cf. Żyro (2012): 182.

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In search of the European welfare state. Social Europe concepts in contemporary Polish political thought

Abstract

Social Europe, understood as a desirable political project, has been reflected in contemporary Polish political thought, especially after 2004. This paper explores the accounts of political thought of three political parties: the Democratic Left Alliance (SLD), the Polish People's Party (PSL), and the Self-Defence of the Republic of Poland (Samoobrona RP). Their political thoughts shared emphasis on the social aspects of EU integration. According to the assumptions propagated by these parties, a social Europe would be built by incorporating the welfare-state principles to the European level, becoming a response to the multifaceted and excessive globalisation process, and offering resistance to the neoliberal agenda. All the political parties discussed here focused on the social nature of a unified Europe, and on promoting the values of solidarity, equality, freedom, justice and democracy.

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Background

At the 2017 Gothenburg Summit, the European Parliament, the Council of Europe and the European Commission announced the establishment of the European Pillar of Social Rights. It expresses 20 principles and rights essential for fair and well-functioning labour markets and welfare systems in the 21st century Europe. The Pillar comprises three chapters: "Equal opportunities and access to the labour market", "Fair working conditions", and "Social protection and inclusion". The European Pillar of Social Rights has become a template for building a Social Europe.

The concept of Social Europe goes back to the doctrine called Delorsism (derived from Jacque Delors, President of the European Commission between 1985–1994), whose underlying aim was to finalise building of a single market while ensuring greater appreciation for the social aspect of integration. Delors postulated liberalisation of the European economic space and, at the same time, creation of a European social space (*l'espace sociale*), in which values such as solidarity, social rights, social dialogue, etc. would be fully respected. According to some interpretations his concept was meant as a kind of recompense for economic liberalisation, which would legitimise the single-market project among the public.[1] It should be emphasised that there were three notions of Social Europe circulating in public consciousness. First, as a normative category, or a de facto political project, representing the opposite of the neoliberal vision of the Community (liberal Europe, monetary Europe). Second, as a strategic vision, a kind of "ideological incantation" of the European

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[1]   Anioł (2011): 20; Rinaldi (2016); Dekker (2006).

left (the Party of European Socialists), which was demanding that social issues become a more prominent feature of the integration process. Third, as a descriptive category relating to social trends and processes in the European Union.[2] Social Europe, understood as a desirable political project, has been reflected in contemporary Polish political thought, especially after 2004. The subject of research was the political thought of contemporary Polish political parties. Contemporary Polish political thought was analysed in its three dimensions: ideological, conceptual, and programmatic. This paper explores the accounts of political thought of three political parties: The Democratic Left Alliance (SLD), the Polish People's Party (PSL), and the Self-Defence of the Republic of Poland (Samoobrona RP). Their political thought shared emphasis on the social aspects of EU integration.

The research goal of the article was to establish the content and meaning of "social Europe" in contemporary political thought of selected parties. A methodology specific to political science was applied, i.e. a middle-order system analysis and comparative analysis. Taking into account the research techniques, the basis of the article is the analysis of the sources of political thought.

The Democratic Left Alliance (SLD)

Cooperation between states in international organisations was an important subject in social democratic political thought. European integration was set in the broad context of global interdependence between states. For SLD the multifaceted interdependence between states and the blurring

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[2]   Anioł (2011a): 1–8.

of the lines between national and supranational spheres meant that the state had gained new opportunities to pursue its raison d'état. The empowerment and potential of the state in diverse forms of integration were also a precondition for maintaining sovereignty. Social democrats were proponents of Poland's entry into the EU, taking pride in the fact that a social democratic formation had "led Poland into the Union". They regarded this momentous act as overthrowing the post-Yalta order, "the ultimate fall of the Iron Curtain", a fact with critical bearing for Poland's future and a part of Poles' common good. Poland's entry into the EU was seen as "a historic and strategic" choice for Poland rather than a decision driven by short-term interest, and it was the government's task to "find the right place in the European family" – as an influential state with actual impact on the EU's reality, as opposed to a mere recipient of the EU's decision-making processes.[3]

A particularly accentuated subject was the concept of Social Europe, seen as another stage of European integration, following its political and economic phases. The Social Europe project was meant to bring into reality the social model so cherished by social democrats, one founded upon solidarity, social justice, protection of labour, the poor and the unemployed, and the concept of a welfare state. Social democrats believed that the objectives of a Social Europe were to be met by developing European standards in social policy and aligning healthcare, welfare, and education systems, while respecting the specific national needs of individual Member States.

A Social Europe was meant to be an area of common social standards and a space for achieving a social market economy, full employment, social progress and sustainable

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[3]   Miller (2004).

development – in fact a single European "modern welfare state". Economic and social goals of the EU's policy were to be balanced against each other to ensure the social aspect of integration and promote greater co-responsibility of the states for solving social problems.[4]

In order for a Social Europe to materialise, Europe had to undergo the federalisation process, producing a "strong transnational European organism". Deep integration was meant to include "all possible options", the constitution and expansion of federal institutions. A federation of nation states with strong Community institutions and cultural diversity was to act as a recipe for a range of threats to the EU's stability such as: the economic crisis, integration slowdown, inequalities between Member States, the building of multi-speed Europe, the weakening of European cohesion policy, and a rise in national egoism. Poland's entry into the Eurozone, considered to have been "a re-entry into the European Union" was to deepen the integration, as well as to help Poland avoid marginalisation. Different "speeds" of European integration were thought to be an unavoidable, logical and objective phenomenon. Accordingly, it seemed reasonable to join the EU's centre, focused around the monetary union member states. Community federalisation was seen as the EU's global power, with "a strong European Union" making it possible to build "a strong Poland".

Notably, social democratic views on European integration and the resulting concept of a Social Europe originated from the preferred model of the state which accentuated the welfare component. There were two reasons for which the welfare role of the state was essential. The first one,

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[4]   Słodkowska, Dołbakowska (2010): 71–73.

attributable to the state's thinking being based on humanistic values, aimed to ensure the well-being of people and bridge the social gaps and disproportions between the poor and the rich. The other reason was related to the important social democratic principle of justice. It was meant to materialise in relations between

> employers and employees, the centre and the periphery, the majority and any minority, and between the better and the worse off.

The welfare state was regarded as the highest achievement of the left in post-war Western Europe. In SLD's view man created and improved the state to defend and protect against external threats and prevent strong social groups from dominating the vulnerable. The welfare state's aim was to create conditions for citizens to be active and to shift from giving state handouts to multiplying common resources.

It is worth emphasizing that the SLD was one of the few parties that, from the beginning of Polish integration with the EU, identified themselves directly with the assumptions of the European Parliament faction - the Party of European Socialists (PES), and from 2009 - the Progressive Alliance of Socialists and Democrats (S&D). The PES's program document was recognized by the SLD/UP coalition as the political program concerning the elections to the EP in 2004. For both the faction and the Democratic Left Alliance, the European Union was an important player in the era of globalization, because only a united Europe could overcome global crises and improve the quality of life of its citizens. It was postulated to create a social, democratic and active Europe within the framework of international socialism, in which

the economy would revive and citizens would live in more just and safer societies than ever before. Both the SLD and the S&D advocated a social market economy model that nurtures the values of social solidarity rather than right-wing individualism.[5]

The Polish People's Party (PSL)

The PSL took a more Euro-realistic approach, which was clearly due to the party's actual involvement in the negotiation process. They demonstrated a positive attitude towards European integration, with the caveat that due regard would be given to Poland's national interests, including in particular the well-being of Polish agriculture.[6] The study of accounts of the PSL's political thought led to the conclusion that Poland's membership in the EU was the party's main point of reference in Polish foreign policy and a decisive factor for the range of Poland's links with the world. PSL's politicians saw the EU as evidence of the continent's unification based on a shared Christian, Greek and Roman heritage, as well as a common culture and economic model, regardless of the specific nature of each Member State and the diversity of their interests. The only alternative for Poland was to become part of the "Commonwealth of Independent States" and de facto fall within the Russian sphere of influence.[7]

PSL's politicians claimed that by accepting Christianity in the 10th century, Poland became part of Latin Europe, to which it, in a way, returned after the fall of Communism. This return meant that Poland would re-adopt democratic

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[5] Pienias (2016): 290, 294; Master (2014): 65.
[6] Zuba (2006): 307–308.
[7] Grzyb (2006); Miller (2004).

standards and re-empower its citizens by making them the central point of reference for any actions taken by political authorities. The European Union was regarded as the source of potential economic and social successes, as well as a challenge for the government, especially in relation to creating an integration model in line with the country's interests and ambitions, and to having an impact on EU legislation and EU policy towards third states and international organisations. Hence Poland's presence in the EU was, on the one hand, an obvious and irreversible historic step, dictated by raison d'état, and, on the other, a means to help the country develop its economy, improve the financial situation of its citizens and build a welfare state.[8]

And it is for this reason that PSL's politicians advocated the idea of a social Europe, in which priority would be given to: solidarity, social rights, the principle of the priority of labour over capital, social justice and social security. This project was meant as a synthesis of free-market and social aspects of integration, and a starting point for creating a uniform European "social space".

For PSL's politicians the social Europe project could only be implemented in the integration model of a Europe of homelands, "a Union, as opposed to a strictly federal entity", working for the benefit of Member States. European states could only integrate on equal partnership terms and based on mutual respect. This ran contrary to the federalist idea, which, in PSL's view, would lead to the shrivelling of Member States' sovereignty and the formation of a European superstate, one the one hand, and pose a threat of two powerful states – France and Germany – claiming domination, on the other.

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[8]   Kuźmiuk (2003): 5.

PSL consistently reiterated that the Union should not become a federation, as

> shown by the case of the Soviet Union, which fell because it was too centralised, overtightened, without having regard to cultural differences and the specific nature of individual nations.[9]

Moreover, a two-speed Union would cause the fragmentation of the Community and prevent it from building a common, uniform social space of Member States.

The Self-Defence of the Republic of Poland (Samoobrona RP)

European integration was an important subject for Samoobrona RP. Its politicians participated in the debates on EU-related subjects, both before and after Poland's entry to the EU, but had no impact on the negotiation process and its results, nor had they any influence on shaping EU policy after 2004.

The party declared its support for European integration and wished that it had a positive influence "on the lives and pockets of each citizen of our homeland", since – as Samoobrona RP argued – Poland was and is in Europe", and given the growing international connections in the contemporary world, it was unacceptable for states to remain politically and economically isolated. At the same time, the party warned that interdependence between states should not mean subordination and domination, which was in the interest of strong states. For Samoobrona RP European integration meant cooperation rather than "consolidation at all costs", and its aim was

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[9]   Pawlak (2011).

to help "overcome historical political divides" and "to chase out 'Cold War' demons once and for all". Party members claimed that the 2004 EU enlargement changed the balance of power in the Union and strengthened the international position of the entire region.

After Poland joined the Community, the party opined that with the negotiations having an unfavourable outcome for Poland, the country would be unable to benefit from EU membership, have an inferior status, be an underdog, have the "humiliating" position of a second-rate state, "a poor relation". And the most painful cost of this "moving with the crowd" towards the Union would involve throwing away economic relations with the East, from which Poland had been "squeezed out" of by Western countries. Samoobrona RP blamed this on the political elites of the Third Polish Republic, which substituted loyalty to Poland with servility towards "foreign, anti-Polish European interests", implementing a plan of "colonial-style subjugation of Poland to international economic and political organisations".

Like PSL and SLD, Samoobrona RP promoted the concept of a social (solidary) Europe, understood as a commonwealth of states in which human dignity was a supreme value enshrined in EU legislation. For Samoobrona RP the idea of a social Europe represented a constitutive value which cemented European integration by respecting human rights, including, above all, economic, social and cultural rights, as opposed to the "destructive" neoliberal model, associated with income inequality and poverty.

Running counter to the "neoliberal version of a globalising world", the EU model was based on five principles: (1) subsidiarity, which set the boundaries of Community law and drew the lines of responsibility between EU institutions and

Member State governments, ensuring that decisions could be taken at the lowest possible level – that of the nation states' administrations; (2) solidarity between nations, helping to bridge developmental gaps and balance economic and social potentials between Member States "subject to the consent, and at the cost" of affluent states; (3) balance between protection of interests and the ability to reach compromises and build coalitions with states which have similar problems and negotiation interests; (4) partnership based on the empowerment of Member States, respect for their raison d'état and right to follow their own path of social, economic and cultural development; and (5) "unity in diversity", running counter to Europe's cultural homogenisation and uniformisation.

Similarly to PSL, Samoobrona RP was consistent in its view that the concept of a social Europe could be brought into being by implementing the integration model of a Europe of homelands – "Charles de Gaulle's, Margaret Thatcher's and John Paul II's idea", aimed at the integration of nation states, as opposed to regions and "blurred state and national identities". Such an integration model, promoting unity without eradicating differences, was in line with Poland's national interest as it gave freedom to the nation state, considered by the party's politicians as "an independent and lasting entity, cherished for generations". The Europe-of-homelands model was to be reinforced by sanctioning Europe's Christian roots and protecting the family and human life. Samoobrona opposed solutions which stood in opposition to the idea of nation states, such as granting legal personality to the EU, leading to the emergence of a European superstate, or the prevalence of EU law over Member States' legislation. The party believed that a transnational federation, coupled

with a departure from the idea of a nation and sovereignty, would serve the interests of the "leading group" – the narrow club of founding Member States – marginalising other Member States, downgrading them and effectively leading to a "double-standard" Union, banishing any chance of building a welfare state.

The concept of a social Europe had its analogy in the state model preferred by Samoobrona. Samoobrona's desirable state model was a social liberal state, understood as a modern social state in which people would be the most important agents. Resting on the premise, typical for the advocates of social liberalism, that the state should be free from poverty, the party claimed that the state's task was to bridge social gaps, promote prosperity and ensure access to basic goods. They ascribed a broad catalogue of functions to the social liberal state, in accordance with the principle stating that

> the state's obligations towards citizens should have priority, followed by citizens' obligations towards the state.

The state was to give its citizens guarantees at least in three areas: the first one was national security, understood as the "biological, economic and political" existence of the nation, by defending the life, property and social interests of citizens. Another area was social development in undisturbed conditions of state identity and sovereignty. The rule of law represented the third aspect. For Samoobrona's politicians, the primary role of the state was to create social morality and guarantee the economic rights of its citizens. The new state philosophy would be based on the idea of respecting civil rights, meaning in practice social security ("supporting its citizens in both their professional and economic pursuits").

All these elements would be incorporated in the European integration model.[10]

Final remarks

The concepts of a social (solidary) Europe expressed in the political thought of the Democratic Left Alliance (SLD), the Polish People's Party (PSL) and the Self-Defence of the Republic of Poland (Samoobrona RP) showed many similarities. According to the assumptions propagated by these parties, a social Europe would be built by incorporating the welfare-state principles to the European level, becoming a response to the multifaceted and extensive globalisation process, and offering resistance to the neoliberal agenda. All the political parties discussed here focused on the social nature of a unified Europe, and on promoting the values of solidarity, equality, freedom, justice and democracy. More specifically, the concept of a social Europe proposed that EU institutions implement social policies and have the obligation to meet the social needs of Member State's citizens. In reality, this would involve taking social rights of citizens to the European level, top-down and organised social policy regulations, promoting sustainable development, making active efforts to reduce unemployment, promoting a fair distribution of wealth and redistribution of goods on a European scale, establishing a uniform and harmonised tax system, improving the overall quality of life, introducing the European minimum wage and the guarantee of a minimum social income.

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[10]   Piskorski (2007); Krajewski (2007).

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Legal and political aspects of space mining

Abstract

In recent years, there has been a great interest of states and inter-national corporations in the problem of obtaining raw materials from celestial bodies. Space mining is a future branch of indus-try that does not exist yet, related to the extraction of natural re-sources from celestial bodies. Although we currently bring from space at most samples of material for research, serious compa-nies have been established that deal with the development of technologies related to the extraction of raw materials. Today, space mining is treated as an inevitable and important element of the future world economy. Moreover, it is already a source of conflicts. Space mining is of interest mainly to those countries which have not been endowed by nature with deposits of rare raw materials sufficient to meet the needs and ambitions, and private entities encouraged by the scale of potential profits. The flagship example of the first type is the United States, for which the ultimate goal of the space programme is the expansion of humanity throughout the solar system; it also counts on quick and big profits. For years, the Americans have been concerned about maintaining freedom of action, e.g. by remaining outside the regime of the Moon Treaty; they even introduced in their domestic legislation preliminary regulations regarding extra-terrestrial extraction and ownership of raw materials.. In April this year, President Trump issued a decree affirming the right to commercial extraction of raw materials from space bodies, rejecting the concept of space as a "global community" that

had been the international norm until then. Some researchers say that recent US policy actions are part of a coordinated effort to redirect international space cooperation to short-term commercial interests that could lead to a "race to the bottom", sabotaging the efforts to ensure secure access to space activities. The only way out of this situation is an international agreement, which will amend space laws (international and national) towards their modernization and harmonisation.

Key words: space mining, international law, national law, research missions

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Introduction

Many countries in the world, including the United States, Russian Federation, China, Japan, India, Canada, United Arab Emirates and certain Member States of the European Union have expressed their interest in acquiring raw materials from outer space and suggest that they have suitable means to do it. Moreover, still back in 2017, four large corporations: Planetary Resources, Deep Space Industries, Shackleton Energy and Moon Express formulated their space mining programmes. Those companies actually are still at the phase of developing technology, and starting extraction is still a remote business proposition. So far, they rely on other projects, for example those related to monitoring various types of LEO (Low Earth Orbit) wireless communication signals.

Therefore, the commencement of practical mining operations requires a lot of expensive research and resolution of a number of fundamental issues, inter alia of a legal and technological nature[1].

1. Exploration of outer space vs international and national space laws

Given the growing involvement of governments and private capital as well as technological development there is a need to explain many issues, for instance difference in the interpretations of such term connected with outer space as "use" and "exploration".[2] In the existing space law, the treaties and common law the principle of non-appropriation and freedom

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[1]   Jakhu, Pelton (2019): 379–380.
[2]   Nyman-Metcalf (1999): 192–194.

to use outer space are well established. The analysis of these principles reveals, however, that in certain circumstances they may be mutually contradictory. A possible conflict between use and appropriation is a challenge for future space law.

Current space law does not provide any definition of the word "use". Several indications are provided in the 1979 Moon Treaty, but it was adopted by very few states. Certain principles are laid down in the 1967 Outer Space Treaty; the major indication is that the use of outer space resources, including celestial bodies, is permitted, though applies exclusively to resource sampling.[3] Given the absence of international regulations, certain states regulate the issues associated with the operation of private entities in the outer space in their internal legislation.[4] This gave rise to the idea of global cooperation of governments and private entities.[5] A good example are the provisions regulating the operation of the International Space Station (ISS).[6] However, there is still a lack of sufficient legal solutions regulating for instance the operation of satellites.[7] Even in the case of space tourism there is a need for numerous procedures associated in particular with transport: spaceship equipment, types of routes, insurance of the crew and passengers, emergency procedures, space port infrastructure, etc.

Commercialization of outer space activities involves also to many legal problems, e.g. in connection with third-party liability. Some people believe that the issue of this type of liability should be left for the market to

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[3]   Bőckstiegel (1995) 1–6.
[4]   Skaar (2004): 5.
[5]   Filho (2000) 22–23.
[6]   Farand (2003): 83–88.
[7]   Leister, Frazier (2000): 164–167.

resolve.[8] Space transport and telecommunication services may require separate and specific international regulations. Other authors believe that a space flight may use the fourth and third freedom traffic rights (jointly) established by the Chicago Convention in 1944 and still used in civil aviation. Transport of a satellite to Earth may be compared to cabotage (the satellite is recognized as a quasi-territory of a state).[9]

However, not all lawyers are advocates of excessive liberalisation of operations in outer space. They believe that the "international regulator" should take in account the difference of opinion and requirements of states, hence transport rights and expansion of space operations cannot be the same for all states.[10] Some authors point out the need to create a new branch of space law concerning commercial activity in outer space.[11]

So far, however, issues of jurisdiction are a serious problem for private entities. The concept of responsibility for activities that are out of compliance with international law, including the activities of private entities, as well as state liability for damage caused by space objects, including by private operators, becomes a fundamental problem of international space law. Therefore, states are forced to undertake internal measures, to monitor and supervise the activities of private entrepreneurs. Therefore, interaction of international and national legislation is a must.

States controlling private enterprises should, therefore, have in place legislative mechanisms necessary to set up a regime for licencing and monitoring as well as a system

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[8]   Quizhi (1990): 333–342.
[9]   Ravillon (1998): 61–62.
[10]   Wassenbergh (1998): 201–229.
[11]   Salin (2001): 179–195.

of sanctions. It seems that it should be left to international law to define the parameters and the extent to which such control of private enterprises should take place. States should be able to decide as to the categories private entities may operate in.[12]

2. Raw materials found on celestial bodies

Space mining is a future branch of industry that does not exist yet, related to the extraction of natural resources from celestial bodies. Although we currently bring from space at most samples of material for research, serious companies have been established that deal with the development of technologies related to the extraction of raw materials. Today, space mining is treated as an inevitable and important element of the future world economy. Moreover, it is already a source of conflicts.

The internal structure of Earth is such that the majority of the planet's natural resources is trapped too deeply to be available for mining. The crust, that is the layer from which extraction is possible, contains relatively small deposits of minerals. At the same time, some of them are particularly valuable for power generation, heavy industry, jewellery and other areas of the economy. The state that have such deposits in their territories profit – not only financially but also politically – from extracting and selling raw materials. The best example of this mechanism is the activity of OPEC states, although oil is not the sole strategic raw material. Also states that have other raw materials, such as e.g. natural gas, cobalt, tungsten, platinum group metals or rare earth elements acquire considerable from their sale. If their extraction is for

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[12]   von Dunk (2019) 470–471.

various reasons particularly intensive, it may inescapably lead to the depletion of those deposits. This means not only an end to the inflow of cash and political influence of the extracting states, but also a pressure on customers to find alternative sources of their supply. In extreme cases this may involve development of new technologies, such as e.g. producing petrol from hard coal by Germany during World War II.

The concept of space mining offers the simplest solution to those dilemmas: a new, external source of raw materials that are rare on Earth. The operations of their extraction will be theoretically available to anyone who is the first to develop the technology and make the undertaking profitable.

Over the past decades our perception of the Solar System has been significantly changed. Ever more precise instruments allow for continuous cataloguing of new objects: not only the moons of distant outer planets or the ring of debris called the Kuiper belt, but also planetoids, comets and meteoroids close to Earth (i.e. NEOs – Near Earth Objects); it turns out that there is a lot of them in the immediate neighbourhood of Earth.

We also improve our knowledge about NEOs composition and structure. Spaceships with robots have been sent to some of them. There are even online services, such as *Asterank*, which offer information on the likely value of a given object based on the estimates of its mineral deposits. Nothing is more appealing to imagination as a vision of acquiring raw material independence and unimaginable wealth which is available almost within hand's reach. Those minerals may be divided into several major categories: scarce raw materials potentially transported to Earth (iridium, osmium, palladium, platinum, rhenium, ruthenium, tungsten, etc.), raw materials to be used for the development of space infrastructure

(*inter alia* titanium, iron, cobalt, manganese, molybdenum, nickel), substances indispensable for life support systems (water and oxygen), as well as those for the production of rocket fuel, such as hydrogen, oxygen or ammonium. This list is obviously not exhaustive and is only meant to illustrate the scale of possibilities and diversity of space mining.

Given the prospect of colonisation of other celestial bodies declared by both state agencies and commercial entities the possibility of acquiring raw materials from outer space would be invaluable. It is simply not profitable to overcome terrestrial gravity well each time with deliveries growing ever bigger alongside the increasing needs and expansion of colonies, even if the costs of flights decline, which is intensively worked on by the largest corporations in this sector. Therefore, the development of space mining seems to be a historic necessity.[13]

3. Plans to mine raw materials in near and more distant future

Most frequently the media inform about the plans to mine rare materials that are scarce on Earth, e.g. platinum or rare earth elements. In reality, much more rational seem to be the ideas of getting water from regolith, that is superficial layers of celestial bodies. Outside of our planet water can be found in the form of ice practically on each celestial body in the solar system except Venus; development of such water resources will help expand our capabilities to explore outer space. It is water on which all activities in outer space can be based since the viewpoint of space missions it is most important as the source of drinking water and oxygen.

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[13]   Stutt (2020).

It is fuel that is the greatest impediment to our exploratory capabilities: in order to overcome gravity and get away from Earth enormous amounts of fuel are needed; hence the view that it is water which may be the basis for the entire chain of deliveries and orbital infrastructure. United Launch Alliance, an American rocket manufacturer, which in this business may be additionally supported by NASA, claims that 2450 tonnes of moon water can yield about 450 tonnes of fuel. In this way the construction of orbital infrastructure will be initiated, which will later allow to put in motion more complicated operations. However, extraction of other space resource from asteroids is a distant perspective, extending even to the next century.

As calculated by the Colorado School of Mines, implementation of such integrated mining and processing process on the Moon should cost about US$ 4 billion. On the other hand, it is capable (within the timeframe of 10 years) bring about some US$2.5 billion in profit from the sale of fuel. Moreover, other sources of income may be deliveries of drinking water for manned stations on the Moon, generation of energy or cheaper tourist flights.

As regards financing for space mining, the majority of the funds is in the United States, which is followed suit by China, which frequently keeps its detailed plans secret, however. Both states are planning to build at least a temporary base on the Moon – and one of them is likely to do so in the forthcoming 10 to 15 years.[14]

Also a Polish engineer, Adam Jan Zwierzyniecki, is an optimist and estimates that on asteroid Hebe there is enough iron to cover mankind's needs for a least one million years, and

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[14]   Florencka (2020).

gold for over 700 thou. years. For the time being, however, the main stress has been placed on developing the Moon. NASA plans for landing people on the Moon under its ARTE-MIS program in 2024. Americans have such ambitious plans among other things because of China, which plan to create by 2050 a special Earth-Moon economic zone that is to generate an income of US$10 billion annually.

When Starship constructed by SpaceX is ready, the way to the Moon and Mars will be opened for private companies. That planet is even more interesting as regards mining as there are many craters left by asteroids. As we know, most of rare earth elements on Earth originate from asteroids.

Enormous progress has been made recently as regards space technology. In 2011, the cost of launching a space shuttle amounted to US$ 450 million, and on the average over 30 years – US$1.5 billion. And a shuttle is able to carry only 23 tons of cargo into space. The theoretical cost of the Falcon Heavy rocket, which takes much more cargo, amounts to slightly over US$90 million. Technological problems will be sooner or later overcome; political and organisational barriers may prove to be more difficult.[15]

At the conference of the International Astronautical Congress (IAC) organised in 2019 in Washington results of a very interesting analysis of space mining were presented to the effect that space mining is likely not to bring about any benefits for the forthcoming decades. However, if space raw materials (e.g. precious metals) could be acquired at a cheaper cost, their prices on the world market would collapse. At the same conference, a presentation was shown at a space sector economics session, which focused on delivering water as a raw

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[15]   Britoa, Deeb (2020).

material for the production of fuel, oxygen and potable water for manned missions on the Moon. It turned out that until 2050 actually the only clients will be space agencies, which may not be sufficient to create even a germ of space mining.

However, the new generation of rockets may offer the greatest competition for space mining. It is very likely that in the next decade new powerful launchers will be brought into service, such as SpaceX's Starship or Blue Origin's New Glenn. Apart from that, SpaceX's Falcon Heavy rocket is already in service. It may be assumed that those rockets will transport supplies towards the Moon and planetoids. It turns out that the cost of delivering water from Earth with those rockets will be comparable or even lower. This means that regular missions from Earth with the use of such rockets will be simply cheaper and more attractive than longer and more complicated flights to planetoids in order to acquire raw materials. Anyway, so far there is no technology for extracting metals from metallic planetoids. So far it is possible to "collect" metallic gases from the surface of planetoids – the problem is that in a large measure these would be blocks of iron-and-nickel matter whose value would be too low to make even a smallest unmanned mission profitable. It seems that after the initial enthusiasm as regards space mining, currently the sentiments are much "cooler". It is however possible that alongside technological progress new options for the extraction and use of raw materials from planetoids will surface.[16]

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[16]   Kanawka (2019).

4. A political game for extra-terrestrial resources

Still back in the 1980s, the United States announced a programme of commercialisation of space technologies, which included *inter alia* postulates to ensure convenient conditions for the development of private companies, continuation of exploration and discoveries, containment of risks and limitations imposed by space technologies. Many American researchers are even of the opinion the US companies involved in space operations should be allowed to circumvent certain regulations until they themselves create relevant rules concerning space operations.[17] A lot of interest is also aroused by commercial exploration of celestial bodies, including the Moon; even a new concept of "Moon economy" has been coined. In 2015, the United States passed the draft of the Commercial Space Launch Competiveness Act. The bill obliges the President, who acts through appropriate federal agencies, to facilitate commercial exploration and extraction of space resources by US cotizens.

Luxembourg, which is not a space superpower, adopted similar legislation. The Luxembourg government is very active; it organises symposia and conferences, which attract experts and businessmen. It also cooperates with other states and international organisations (e.g. United Nations Office for Outer Space Affairs - UNOOSA) with respect to various space initiatives and projects. It has also created favourable economic conditions for space sector companies and useful legal framework for them. The Space Resources Innovation Centre has been established. Moreover, a legislative act opening the market for external companies involved in outer space

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17   Dula (1984) 12–18.

research has been elaborated (the Law of 2017 on the Exploration and Use of Space Resources). Art. 1 of the law provides that: "space resources may be subject to ownership." Exploration is permitted.

> Authorisation is granted to an operator for a mission to explore and use space resources commercially upon a written application addressed to ministers[18],[19].

At the symposium on this issue organised by the Luxembourg Space Agency (13–14 November 2019) – the Hague international working group for space resources management adopted the "Building Blocks for the Development of an International Framework on Space Resource Activities." The working group had been appointed to promote international cooperation and dialogue with many interested parties in order to determine the method of commercial exploitation of space resources.

Space mining is of interest mainly to those countries which have not been endowed by nature with deposits of rare raw materials sufficient to meet the needs and ambitions, and private entities encouraged by the scale of potential profits. The flagship example of the first type is the United States, for which the ultimate goal of the space program is the expansion of humanity throughout the solar system; it also counts on quick and big profits. The Americans have been for years concerned with retaining freedom of operation, among other things by remaining outside of the Moon Treaty regime. In 2015, they even adopted in internal legislation preliminary

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[18]   The Law of 2017 on the Exploration and Use of Space Resources, Art. 3.
[19]   Johnson (2020): 12.

regulations concerning extra-terrestrial mining and owner-ship of raw materials.

There are also those who are dissatisfied – those who face considerable losses as a result of fast development of space mining. Regular deliveries of various raw materials from outer space will totally change the market, which at present is a profitable source of their income. Another group which politically restrains the development of asteroid mining in-cludes those entities which would like to secure their part in this business, but for various reasons cannot do it – for ex-ample they cannot afford to carry out their own programme. It is in the interest of those groups to delay this type of un-dertaking as much as possible or enforce creation of interna-tional law regime that would be favourable for them.

How such attempts end is best illustrated by the history of international space law. Despite high-flown propaganda as to peaceful utilisation of outer space, its content was in prac-tice determined by two superpowers, the them monopolists as regards orbital flights (USA and USSR) – while satellites are today legally used for military or actually warfare pur-poses. The same happened as regard the geostationary orbit. Poorer equatorial states claimed their rights to it – not to use it in practice, but to be able to sell orbital slots. The only per-manent remnant left behind after this attempt is the phrase frequently used by the United Nations Office for Outer Space Affairs: "taking into account the interests of the developing countries", and the defunct provision of the Constitution of Columbia, which is still claiming the right to the exclusive use if the fragment of the GEO located above its territory. When money and strategic interests are at play – and it is un-doubtedly the case as regards space mining – usually this race ends with the victory of stronger and wealthier entities.

Politics is but one of the problems. Another – and for the time perhaps the most important one – is money. Insofar as space mining constitutes a potential gold mine, the current available technology, primarily rocket technology, is imperfect and expensive to operate. It is unknown which of the technological solutions that are considered will be most profitable as concerns transporting raw materials to Earth. Also the start-up of the operation has to be paid for. If commercialisation of the rocket sector actually leads soon to the lowering of the costs of space flights, mining infrastructure needs to be designed right now. Against all appearance, there is a pressure of time. The greatest profits are derived from a breakthrough technology in the period immediately following its implementation, before it is copied by the competition.[20]

Aaron Boley and Michael Byers from University of British Columbia invoke the US Space Act of 2015, which grants US citizens and companies the right to won and sell space resource in accordance with US law. In April this year, President Trump issued a decree affirming the right to commercial extraction of raw materials from space bodies, rejecting the concept of space as a "global community" that had been the international norm until then. These researchers state that recent US policy actions are part of a coordinated effort to redirect international space cooperation to short-term commercial interests that could lead to a "race to the bottom", sabotaging the efforts to ensure secure access to space activities.

Recently Nasa announce that each state wishing to become a partner in the forthcoming American missions aimed to establish permanent human presence on the Moon

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[20]   Stróż (2017).

(Artemis Program) will have to sign a bilateral agreement with the US. Those agreements will reinforce the idea that commercial space mining will be governed by nationalrather than international law, and that the companies will be able to get protection for their operations by not allowing competitors to operate in a given area. In this way the United States will be able to utilise its dominating position to enforce its interpretation of international law and commercial goals of outer space development. Such policy of Moon exploitation, which practically gives private companies total freedom in many areas of mining activities, may lead to e.g. destruction deposits which may contain invaluable scientific information. It may also lead to creating dangerous quantities of moon dust, which could seriously damage spacecrafts, increase the amount of cosmic waste, or – in the worst case – form meteorites which could threaten satellites or even hit Earth.[21]

Some people are afraid that other space powers will try to create their own regulation and interest groups, which may lead to armed conflicts. Such intentions are attributed by the US to China. B. Mulvaney, an American, representative of the China Aerospace Studies University, is however of the opinion that for the time being China does intend to trigger off a war but focuses on scientific and experimental objectives, including working out the principles for extracting raw materials from celestial bodies, mainly the Moon.[22]

It seems that China's latest actions correspond with that thesis. For instance, China invited other countries to cooperate in its moon missions. Such invitation was also issued to India (long-time adversary of China) – until 2036 it would

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[21]   Gent (2020).
[22]   Mulvaney (2020).

co-implement the Chinese plan of lunar exploration. Another Chinese initiative is invitation of individual states to use its navigation system "Beidou". Simonetta di Pippo, Director of the United Nations Office for Outer Space Affairs (UNOOSA) signed with China representatives an appeal addressed to the UN Member States to file applications for participation in the operations of a future Chinese space station. This Chinese initiative has been call a peaceful Marshall Plan by the Southern African Customs Union.

Looking for raw materials in outer space, China signed a memorandum of understanding with Luxembourg and established a unit for outer space research there, mostly because of the liberal local regulations. In exchange, the Bank of China concluded a contract with Luxembourg for the sale of Chinese bonds (worth US$ 500 million) allocated for the construction of a space station.[23]

In March 2019, the Canadian government published a long awaited "national space strategy" focused on artificial intelligence, deep-sea robot systems, Earth observation and cooperation with the European Space Agency. However, the central element of the 22-page strategy was the recently announced commitment in a NASA project called the Lunar Orbital Platform Gateway providing for a 24-year financial contribution and development of a new generation of the Canadarm robot. Canada was the first country to formally commit in the Gateway Project (the Canadian government is to expend 2 billion Canadian dollars for this and other space programmes). Moreover, It was noted in the "space strategy" that the government would allocate 125 million Canadian dollars, which would help the country to remain the world leader in space

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[23]   Goswami (2019).

robotics utilising artificial intelligence. Apart from that, in that document 150 million Canadian dollars were guaranteed to paid out over 5 years to small and medium-sized companies involved in lunar exploration.[24]

The Indian Space Research Organisation (ISRO) can boast of the unmanned Chandarayaan-1 lunar probe launched in 2008 and the Mars Orbiter Mission probe, which in 2014 reached a Mars orbit. Thus, India is the first country to have successfully place it spaceship on a Mars orbit at first attempt.[25] At present, there are 58 Indian satellites on orbit, which places India 6th in the world in this respect. The Indian space economy is valued at US$7 billion, which accounts for around 2% of the global space economy.[26] The Indian government adopted a decision on assistance of the state space sector to private companies and their close cooperation with ISRO. This was recognised as a significant step in Indian politics towards entering the elite group of space powers.

On the other hand Japan not only considerably increases its defence spending, but also considers joining the American lunar programme planning *inter alia* to build a structure on the Moon.

Conclusion

Space mining still remain a hypothetical branch of global economy. Nevertheless, the growth of Earth's population and depletion of local raw materials justifies looking for a solution of these issues in the outer space. At the same time, space mining may contribute to development of traditional mining

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[24]   Pugliese (2019).
[25]   Alberti (2018): 9–40.
[26]   Patkowska (2019).

techniques thanks to utilisation of new space technologies on Earth.

The existing international space law regime not only fails to provide economic incentives for space investors, but also arouses uncertainties as regards ownership rights to extracted resources. The possibility of appropriating a part of outer space and thus exercising certain forms of ownership there may result in international tensions and lead to conflicts between the entities involved. On the other hand, should the ban on appropriation of outer space be lifted, states and private entities would start a competition aimed at acquiring an ownership title to potentially most valuable parts of celestial bodies. Because of the absence of any regulatory mechanism or authority, the richest states and the largest global corporations would be beneficiaries of this process. As a result of recent adoption by the US and Luxembourg of internal laws concerning admissibility of conducting extraction operation on the Moon and other celestial bodies the subject of space mining ceased to be purely theoretical and has become a real challenge for the international community. Hence, future development of space mining requires adjustment of national laws to the requirements of international space law, which in turn requires reasonable changes. Neglecting this may lead to conflicts between states as regards access to raw materials from celestial bodies. Moreover, an international agreement may protect the world market against the threat caused by the rapid growth of supply of scarce minerals and uncontrolled decline of prices.

So far, however, the activities of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space have failed to bring about any results. Notwithstanding the above, one may hope that in the near future

certain states (among other the USA) in their own interest will agree for elaboration and adoption of new international law regulating space mining operations. An example may be a number of existing international agreement, including the Antarctic Treaty and geostationary orbit agreements, and those which pending, e.g. on sea bottom.

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Hyperpower as a post-Westphalian international environment management hub

Abstract

The issue of managing the late-Westphalian international environment, especially in the phase of a deep and accelerated qualitative transformation, is among one of the most intensely analyzed by the scientific community. Many models are considered by different scholars, ranging from imperial models to multi-level management models. One of the forms of managing international relations and a tool of power projection can be the form called a hyperpower. It is a unique subjective structure including a core in the form of a superpower and a network of connections and decision-making chains – formal as well as informal – functioning in the transnational social space. This system is situated as an intermediate form between empire and hegemony. It is distinguished from the former by flexibility and softness, from the latter – by international legitimacy that goes beyond the mere recognition of effectiveness in managing global affairs. Its functioning can be traced on the example of three most important functions: sanction, indoctrination, and legitimization.

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Hyperpower as a post-Westphalian international environment management hub

Since the last decade of the 20th century, international relations scholars have been engaged in debates concerning the growing urgency for redefining the scope, structures and functions of international environment. This situation has occurred mainly thanks to changes occurring within the deep undercurrents of civilization – so-called megatrends.[1] The observed change embraces transition from the classical form of international environment known as Westphalian,[2] existing since 1648. Its predominant feature is dualism present in every aspect of social relations, for instance between national and international law.[3] As a next generation of the international environment is taking shape, this dualism is slowly modified to the point where both orders will overlap and interpenetrate themselves. A manifestation of this phenomenon may be the emergence of numerous, ephemeral forms of political and social organizations functioning at the intersection of both spheres. The area of activity of those actors – formal and semi-formal – will cover a number of legal, political and

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[1]   The term was introduced to the science of international relations by John Naisbitt. Currently, it is used to describe universal tendencies that shape the international order at the highest social level (civilization). Different researchers identify and name different megatrends: J. Naisbitt distinguishes 10 of them, P. Kennedy - 7, National Defense Council report (Global Trends 2015) - 7, H. McRae - 5; M. Perczyński - 4, and J. Pajestka - 2. On the other hand, B. Balcerowicz distinguished 6 megatrends: globalization, IT revolution, uneven demographic explosion, threats to the natural environment, systemic transformation - in the economic (capitalism) and political (democratization) domains - and also the clash of civilizations. More: Balcerowicz (2002): 85 – 118.

[2]   Gross (1948): 20 – 41.

[3]   Seaulac (2004): 181 – 213.

social mechanisms enabling external interference in the national constitutional order.[4] One of the entities, predominant, and the most potent of those actors is a hyperpower.

This concept may be confusing, as it has been coined very recently and bears strong resemblance to the notion of a superpower, relating mainly to a specific category of an extremely potent state.[5] This concept defines a new quality of international environment, introducing a different set of constructs and fulfilling different set of functions than the classical, Westphalian international institutions. The issue of its essence and composition will be subject of this paper. The analysis will focus on three variables: national component, transnational component, and functions. First, it is the role of the national component, which is the nation-state, one of the most potent examples of the category of a superpower or world power. Nowadays, the role of the center of a hyperpower is strongly held by United States of America. Although there are voices stating that its position is deteriorating, the consensus assumes that a change at this position will not be disputed, at least in the mid-term perspective. Second, it is the role of the transnational component in the form of a network of transnational connections between the hyperpower's center and other elements of international environment. This is an essence of the new quality of this phenomenon: the existence of a transnational avatar of a hyperpower which magnifies the classical attributes of a power and creates a new set of hyperpower vulnerabilities, unseen with respect to more classical actors. Third, it is also the function of a hyperpower in the international environment, as well

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[4]   *Praworządność w Polsce i na Węgrzech: sytuacja pogarsza się: komunikat prasowy* (2002).

[5]   Fox (1944).

as its role and contribution to the transformation of the Westphalian international environment into the next-generation international environment. In the conclusion to this article, a forecast of further development of the hyperpower institution in the future will be presented.

The research aim of the article is to present the definition of a hyperpower in the framework of the late-Westphalian international environment and beyond. In this context, the following elements will be presented: definition, components and functions. This notion will be compared with similar, historical concepts, such as an empire and hegemony. Two research hypotheses will be subjected to verification. The first one will refer to the nature of a hyperpower, which in its structure includes the construction of a complete balance between the tools for shaping international geopolitical reality and for shaping transnational social reality. The second one concerns the basic mechanism of the functioning of a hyperpower in the international reality. Unlike the previous forms, it is clearly passive, shaping the perception of other participants in international relations rather than actively formatting actual international relations.

The notion of a hyperpower is one of crucial definitions to explain and analyze the emerging international environment. It combines the features and elements typical of two other forms of management hubs of international relations: one typical of the pre-Westphalian international environment – an empire, and the other typical of the Westphalian international environment – hegemony; but it never corresponds with any of them. This is a new quality of international relations, still under construction as a form of practice and framework for a theoretical analysis. It is based on the theory of the dynamics of power, which assumes continuous

unification of formerly separated elements of the Westphalian international environment in the form of a quantum field of power projection. The final issue which needs to be addressed is the question whether the mantle of a hyperpower could be passed onto another international actor. This is a particularly urgent issue, as it will determine the direction of the evolution of the post-Westphalian international environment.

A hyperpower – the scope of the term

The notion of a hyperpower[6] was introduced to the science of international relations only recently. Initially, it appeared in newspaper articles, commentaries produced by various politicians and to some extent scholars of international relations. With time, it was introduced to the academic discourse.[7] At first glance, this notion could be considered as an empty catch-phrase without any fixed and predefined content. However, with time it proved crucial to analyzing and explaining the international role of the sole survivor of the first generation of the superpowers of the 20th century – the United States of America. It is an important concept in the analysis of its present international status and role of the United States. Initially, they were understood as an example of imperial domination.[8]

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[6]   The notion of "a hyperpower" was introduced into the science on international relations in the newspaper article written by French Minister of Foreign Affairs Hubert Védrine in 1999: *To Paris, U.S. Looks Like a 'Hyperpower'*. It was developed and perfected in: Nossal (1999); Cohen (2004); Chua (2007).

[7]   The term was introduced into the academic discourse literally: Das (2004); Cohen (2004): 49–63; as well as conceptually, for instance Friedman (2009).

[8]   Bender (2004).

However, unlike in the case of colonialism – psychological and social,[9] Marxist[10] and liberal[11] – it can be pointed out that the supremacy of the United States shows four distinguishing features.

First, as regrds its ideological basis, it assumes rejecting of exploitation of the peripheries, at least declaratively.[12] This relation was a driving force for European colonial powers. Exploitation was predominantly economic in nature, but soon it was supplemented with a cultural and ideological superstructure. The liberal ideology, governing the foreign policy of the United States, is based on negating the experience of the functioning of the Old World. Manifest Destiny[13] assumes that domination is not for political and economic benefits, but leading to liberation and guidance for others. Admittedly, the experience of those who were led and guided may differ from the original intentions. However, this justification was convincing for the American people, who eagerly supported the participation of the United States in subsequent

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[9]   The main representative of a psycho-social imperialism is Joseph A. Schumpeter (1883–1950). Czaputowicz (2008): 149–150.

[10]   The main representative of Marxist imperialism is Vladimir I. Lenin (Ulyanov) (1870–1924). Ibidem: 146–149.

[11]   The main representative of liberal imperialism is John A. Hobson (1858–1940). Ibidem: 145–146.

[12]   Wilson.

[13]   *Manifest Destiny* is a designation associated with the ideology which explained the external expansion of the United States in the second half of the 19th and at the beginning of the 20th century. It stemmed from three basic foundations. The first one was the assumption that the US society is a peak achievement of the sociopolitical evolution of mankind. The second was that the United States' political structures are far more effective than other structures around the globe, with particular emphasis given to the Europe. The third was a conviction that there is no other viable path of development than that presented by the United States. More details concerning this project and its criticism: Fresonke (2003).

armed conflicts: the Spanish-American war in 1898,[14] participation in both world wars,[15] and recently also in the war in Iraq in 2003.

Second, United States as a nation was free from the geo-economic need which propelled the European colonization effort. Economic expansion, understood as the quest for new sources of raw materials and markets to sell products of ever growing economies, was one of the basic priorities of colonial powers. While European imperialism was generated by the geo-economic need,[16] the activities of the United States of America were exclusively acts of its collective will. Even today, this nation is characterized by one of the lowest population density compared not only to the developed nations, but also the globe as a whole.[17] This means that a drive for

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[14] The war was fought between April and August of 1898.

[15] In this case motivation was based on the attempt to curb and contain negative powers present on the globe, which inhibited progress in the direction postulated by *Manifest Destiny*. In the former case, the main opponent were the forces of the *ancient régime*, which were associated with Europe in general rather than any particular alliance. The fixed branding of the Central Powers as wrongdoers took place after the sinking of a liner *Lusitania*, which marked the beginning of an unrestricted submarine warfare which endangered the freedom of navigation for neutral powers. In the latter case, US public opinion, reluctant at first, was slowly convinced into active support for participation through associating the Axis Powers as forces of regress, especially after initiating another unrestricted submarine campaign by *Kriegsmarine*.

[16] Contrary to the United States situated on a virgin and unexploited territory, the great powers of Europe occupied relatively small and exploited spaces. Mojsiewicz (2004): 289–290.

[17] Basing on the data presented in the CIA public database, the US population density in 2015 was approximately 32.68 people per square kilometer. The US occupies 181ˢᵗ place, between Zimbabwe and Venezuela. For comparison, the average population density for the globe as a whole was 14.23 people per square kilometer (including the oceans and the Antarctica), 48.72 people per square kilometer (excluding

gains is a secondary motivator for international operations, as the basic needs of its society could be satisfy with the resources available at home. Additionally, the size of the population is so large that it is possible for the production of goods and services to be absorbed purely by the internal market. Furthermore, the US market is so extensive that it is able to consume the lion's share of the production from other regions of the world, which generates a number of challenges for the American society, especially in the context of the new rivalry with the People's Republic of China.[18]

Third, the status of other elements of the international system, especially first-tier powers, which represent the most important challenge for the hyperpower, is unclear. If they retain their sovereignty within the late-Westphalian international environment,[19] which seems likely, the condition for creating a fully fledged empire will not be met. It is understood as achieving the state of assimilation of the entire known world within one political organism, leaving unknown regions inhabited by barbarians beyond its borders.[20] Such

the oceans) and 53.78 people per square kilometer (excluding the oceans and the Antarctica). *CIA World Factbook* (2015).

[18]   In this place particularly meaningful becomes the concept of *Chimerica*, that is a specific combination of the two states in the economic dimension, which was, however, also translated into the issues of politics. Szumowski, (2014).

[19]   Pietraś (2008): 57–74; Kondrakiewicz (2008): 249–271; Panas (2014): 51–68.

[20]   The empire is defined as a political entity which embraces the whole world. This means this entity's limits are the results of a power balance within its central elements, which express the cost-effectiveness of expanding those limits. Whenever this limit is exceeded this means a serious challenge for the imperial core in a process called *imperial overstretch*. In this context, a hyperpower displays similar characteristics. It encompasses all of the international relations system; however,

a state was achieved in the case of the Roman or Chinese empires. Today, the only area that is not used economically, politically and militarily is the interplanetary void, and also in this sphere there are areas important for the modern empire: for example, La Grange points in the Earth-Luna system.[21] An additional element is also the fact that there are dynamic boundaries of space available for development by various social groups, not only in the physical dimension, but above all within the constantly generated and regenerated transnational space. The key issue is that despite its role and predominance in the international environment, the United States did not manage to mold sovereignties of other nations into a joint global political system, as it happened in the case of global economy.[22] Therefore, unless political integration of the globe is completed, at least to the extente proposed by Amin Malouf,[23] the required condition to create an actual empire will not be met.

Fourth, there is no emperor in the modern empire understood as an individual or a group of people equipped with legitimacy and competences to make decisions on behalf

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the level of political control is limited to the point when there could be sovereignty displayed within the system.

[21]   For each system made up of three objects (two objects and a so-called test object), there are five such points, generally designated L1 through L5. Points L1 – L3 are on a line through the object of the system and are unstable. Points L4 and L5 together with both objects form an equilateral triangle and are linearly stable, but a certain level of instability is retained. Stability in this case means that if the object has motion parameters that do not differ much from the parameters of a point, it will stay around this point for as long as possible. Instability means that the object will move away from the libration point. More details: Cornish (2015).

[22]   Czaputowicz (2008): 159.

[23]   Maalouf (2011).

the empire as a whole, or a social group that pursues personal ambitions and social interests that fuels imperial expansion. It is difficult to identify and distinguish the above-mentioned entities in the society and history of the United States,. There are even doubts that a hyperpower is managed by official authorities of a superpower being in the core of the whole system. However, a natural candidate for the potential leader of a hyperpower is the President of United States. There were two persons taking this office which were closest to initiate transformation into an actual empire. The first was President Franklin Delano Roosevelt,[24] who held the office from 1933 to 1945.[25] The second was George Walker Bush Jr., who held the office between 2000 and 2008. His presidency encompassed response to one of the most traumatic events for the American society: the attack on the World Trade Center.[26] According to Salvatore Babones' analysis, it is the period of Bush's presidency that the imperial potential in real international action could be realized[27].

The United States, especially since the end of the Cold War, has escaped the classical scientific framework of analysis. For this reason, scholars are looking for notions and ideas which will correspond with the results of the analysis

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[24]   In 1945, the United States was merely a developed nation with the territory largely untouched by the consequences of World War II, its industrial output amounting to over 50% of global industrial output, the largest standing army and in exclusive possession of a nuclear weapons platform. Kennedy (1995): 351–352.

[25]   Time limits for United States presidency - ten years in office (two full terms, and a margin for unexpected promotion of vice-president) – were introduced by the 22nd Amendment in 1951.

[26]   Krebs, Lobasz (2007): 409–451.

[27]   This was the main thesis of a lecture delivered on 28 September 2015 at the Political Science Faculty of Maria Curie Skłodowska University in Lublin, Poland.

of the empirical qualities of this nation. Two concepts seem to be particularly promising. The first is the concept of hegemony taken over from the Chinese school of international relations.[28] The second is the concept of a hyperpower, introduced by the French branch of the Western theory of international relations[29].

In the context of Chinese history and political science, hegemony is the institution equipped in capabilities and legitimacy to forcefully gain and secure access to the required resources which are in the possession of lower-level geopolitical units. This is a flashback of the legendary first Chinese Emperor Qin Shi Huang, who ruthlessly exploited his domain to the brink of rebellion.[30] In addition, hegemony has tools to moderate public discourse derived from moral and philosophical principles, religious and ideological beliefs and tenets derived from a cultural context. An additional challenge is the reinterpretation of one's own strategy of achieving political goals in relation to the imposed way of perceiving reality.[31] The politicians of the People's Republic of China viewed the alliance shift of 1970 in this dimension, and seeing themselves as junior partners in this coalition, were highly reluctant to deposit their own fate in the hands of an external

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[28]   Mosher (2007): 21–22.

[29]   Védrine (1999).

[30]   Mosher (2007): 50.

[31]   An outline of the basic development path of the Chinese theory of international relations has been sketched on the basis of the conclusions of the panel *Chinese International Relations Theory: Re-Configuration and Internationalization of International Relations in the Shadow of Global Crises* chaired by Professor Nele Noesselt, held under the *8th Pan-European Conference on International Relations. One International Relations or Many? Multiple Worlds, Multiple Crises*, organized on 17- 21 September 2013.

entity, and thus becoming dependent on realization of the hegemon's particular interests. This can be clearly seen in the example of the United States' war on terrorism in the first decade of the 21ˢᵗ century, which led to destabilization of the global situation, which has been affecting their allies till today. The goals of hegemony always prevail in this theory, and are materialized at the expense of junior partners.

A slightly milder form of hegemony is described by the concept of the tributary system presented by Yuen Foong Khong.[32] In his theory, the key element is the tributary system. This is a hierarchical organized entity of various strata, connected by the ties of a normative nature, which could be described as subordination. It includes a number of participants of the international community, connected in a formalized and hierarchical, permanent and ritualistic way. There are two basic principles to this system. The first is that the hegemon's interference is limited only to the formal requirement of a declaration of participation in the system. Second, the major part of resource flows and recognition is directed from the center towards the peripheries. In this context, the hegemon is referred to as "benevolent" as it requires the peripheral elements almost exclusively to participate in certain rituals.

Summing up, the basic definition of the concept can be formulated as a new mode of management of the contemporary international system situated between hegemony and empire. Due to contextual differences, both notions are associated with past iterations of the international environment. It includes features and flows, which could be associated with both of them. Therefore, a hyperpower is located between empire and hegemony, without military dominance of the former

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[32]   Khong (2013): 1–47.

but with legal grounds denied for the latter. However the full extent of this institution is yet to be uncovered.

Hyperpower – constitutive elements

Most scientists dealing with the issue of defining the term hyperpower emphasize two dimensions of the phenomenon. First, it is its quantitative nature. There is still a debate going on in the scientific community as to whether the United States meets the requirements for holding this position in the international system.[33] Most of them are variables of a quantitative nature, which are visible mainly in the economic and military spheres. In this context, while military domination is not questioned, the economic position of the United States of America is subject to reconsideration, especially in the context of the great financial crisis of 2008, which began with the collapse of the American financial markets.[34] Second, it is also its role in international relations, which is a derivative of the functions fulfilled by United States for the rest of the global community. At least two opposing opinions could be identified. On the one hand, there is the statement made by Andrew Bacevich,[35] who sees the hyperpower United States of America as a threat not only to stability and world peace, but above all to the delicate political mechanisms which constitute the unique nature and character of democracy practiced in the United States of America. In this context, exercising the function of a global hegemony entails loss of prestige due to disasters, errors and losses resulting from international

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[33]   Kondrakiewicz (2015): 219–241.
[34]   The symbolic beginning of the crisis of 2008 was the collapse of the Lehman Brothers investment bank on 15 September 2008.
[35]   Bacevich (2011).

involvement. On the other extreme, there are the concepts put forth by Salvatore Babones and George Friedmann, who emphasize the need to play the role of a global power in order to effectively protect national interests and a favorable balance of power in the international environment. Therefore, a hyperpower was created by the unipolar moment present in the United States' recent history. The question about the efficiency of seizing this moment need to be left unanswered, at least for now.

Most Western scholars seem to agree that hyperpowerhood is based on the conjunction of the three spheres of activity of the subject in the international environment. First, there are military capabilities.[36] Paradoxically, what distinguishes the military capabilities of the hyperpower is not the extremely effective ability to use military force, but a sufficiently developed potential in this field that even defeat on the battlefield can contribute to the achievement of the political goals set in the government's strategy. The key issue for the US hyperpower position seems to be its resistance to military defeats, while maintaining a sufficient number of remaining segments for effective power projection in other areas of influence. The most important reason for the defeat of the United States may be societal sensitivity to losses: both own and that of the enemy. This situation is contrary to an empire, which could absorb tremendous casualties without the need to concede defeat as Rome proved during a series of conflicts known as the Punic Wars.

Second, it is also an economic position. In most cases, this dimension is understood as exercising political control over

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[36]   The entire operation was carried out between 17 January and 28 February 1991. Operation *Desert Storm* officially ended on 30 November 1995.

a significant segment of the global economy, most often expressed as a percentage of gross global production. However, as in the previous point, the economic dimension of hyperpowerhood is visible above all in qualitative participation in the world economy. And also by drawing on the so-called hegemonic rent,[37] i.e. an additional income generated from managing the world economy. This is the element of most disputed nature. The events of 2008 aroused doubts about the domination of the United States in the global economy. However, one thins needs to be mentioned. Its international position in the global economy is also qualitative in nature, and needs to be analyzed also in terms of the relations between national economies which are designed to retain the US economy in the center of the system.

Third, it is the realm of culture. The area of culture should be divided into two sub-spheres. The first one concerns the legitimacy of a superpower as a norm-creating entity shaping the principles and mechanisms regulating the international reality. The whole issue is based on the challenge of legitimizing the position of the hyperpower on the level of a normative power, described in more detail in the previous chapter. The second is undoubtedly the cultural mimicry of the lifestyle of a hyperpower society. This mimicry covers three basic ranges. Firstly, it is the sphere of values as well

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[37]   The concept is quite vague and defined differently by various scholars. In most cases hegemonic rent means additional profits obtained by exercising the function of a hegemon. Although in the scientific community there is no consensus on the exact content to this notion. There are various dimensions of it ranging from the political domination of the international system, which means the possibility of initiation and implementation of complex political projects to the subconscious influence of deciding about accepted patterns of behaviours according to normative Power as defined by Ian Manners.

as philosophical and, to some extent, religious systems, which are transferred into the international and transnational space, and thus recombined within individual political units, partially resembling them, but in most cases leading to grotesque effects. Secondly, it is the sphere of the codes of higher culture, or rather the tools necessary for their effective reading. In the case of a hyperpower, this knowledge is more widely distributed, which makes it possible to read and internalize the message on a much larger scale within the mimicry of the lifestyle. Third, it is also a question of popular culture, related to such issues as fashion, entertainment and consumer behavior. It is an element of culture almost completely devoid of a national context, it is extremely easy to decode and imitate, but in practice its reproduction is related to the perception of the source of mass culture. In summary, the category of hyperpower is still extremely difficult to identify and analyze. However one thing needs to be mentioned. In this scope, hyperpower is recognized as a role model for the rest of the global civil society, which remains to be vulnerable to the transmission of values carried out by state and non-state means.

In the context of discussing the subject of hyperpower, of key importance becomes the answer to the question about the nature of the entity corresponding with the hyperpower criterion, and more specifically with regard to the continuity of the internal category of the state. Paradoxically, it can be said that hyperpower is a category that is located above the state, and between hegemony and empire. As a result, it is deprived of a large part of the mechanisms supporting expansion to the limits of the known world; on the other hand, its position and internal mechanisms distinguish a country belonging to this category from others, even the largest ones.

In essence, the hyperpower is the whole system in which the superpower is located, but it goes beyond its own borders and reaches almost every corner of the Earth, using formal and informal networks of transnational connections, supported by state and non-state participants in international relations. Unlike an empire, which is able to operate in an active phase in an international environment, a hyperpower is mostly a passive entity, the activation of which consumes enormous amounts of resources and, as a process, is rarely successful. Therefore, its existence depends predominantly on external recognition of the remaining members of the global community. Thus, a natural inclination is that its existence requires consumption of acsignificant portion of resources produced worldwide.

In the case of the United States being a hyperpower, its activation has happened twice in contemporary history. For the first time, during the United Nations' intervention during the Korean war in 1950–1953. It was possible mainly due to the self-exclusion of the Soviet Union and its satellite states from the international decision-making process, which allowed for the mobilization of the resources of the hyperpower and for an effective intervention.[38] The second time it happened during the First Gulf War in 1990–1991, when an international coalition carried out an operation first to secure Saudi Arabia's sovereignty as part of Operation Desert Shield,[39] and then to destroy the forces occupying Kuwait also as part of Operation Desert Storm[40].

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[38]   Stueck (2002).
[39]   This operation was a response to the occupation of Kuwait by the Iraqi army (2–4 August 1991).
[40]   Tanner (2007): 81–106.

As a result, the existence of a hyperpower made it possible to carry out complex and sophisticated political and military operations efficiently and effectively without overburdening the nation – the state located in the center of the hyperpower. Nonetheless, in most of the remaining cases, the United States did not make any effort to mobilize the majority, if not all connections of this system, as was the case with point campaigns in Latin America, such as in the case of Panama.[41] Either its efforts ended in a failure, a spectacular example of which was the Second Gulf War, started in 2003,[42] or it was unable to effectively use the accumulated potential, which was the case with the Vietnam War in 1955–1975[43]. Thus, in most instances the hyperpower remains passive, as its activation requires additional portions of resources, skills of the central government and involvement of other actors of the international community.

The hyperpower system is located between two historically existing levels of international actors. The first is the empire, which is a model of rigid management. The key to distinguishing between imperial models is their social legitimacy. The Roman Empire was based on the assimilation of the elite, symbolized by the widely known figure of Saint Paul of Tarsus, a Jewish national who obtained Roman citizenship as an individual particularly useful for the interests of Rome. In this approach, legitimacy was expressed mainly through the recognition by higher social spheres of Rome's

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[41]   Ibidem: 41–60.
[42]   Despite having designated the international forces occupying Iraq after 2003 as a coalition, it was disproportionately smaller and therefore more asymmetric than the corresponding coalition formed in 1990. The largest nations, apart from the United States, are Great Britain (second-tier power) as well as Poland and Spain (medium-sized nations).
[43]   Summers (1993).

superiority over local authorities.[44] The opposite of this model was the Chinese model, in which central power was based primarily on assimilation of the lower strata of the society after conquest and extermination of the leadership.[45]

The second is hegemony, which according to George Modelski[46] is similar to the concept of global leadership formulated by contemporary scientists.[47] Political and military domination is not directly translated into the shape of the system, as additional legitimization is required from other participants in international relations. In this context, this system is more flexible than the empire. This function is derived from the efficiency of its operations, as no actor is capable of assuming rigid global domination similar to the empire. Therefore, this mode assumes that the most powerful entity present will be capable only of disrupting initiatives aimed at undermining the position of the hegemon. However, positive initiatives need to be reinforced by initiatives and support of other members of the international community.

Hyperpower –functions in the international environment

The biggest innovation of a hyperpower is what types of functions it fulfills within the framework of the global

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[44]   In this context, officials such as proconsuls, prosecutors or provincial governors, who performed their functions on behalf of the emperor and senate, to some extent represent these institutions in relation to local government institutions and client entities, are of particular importance.

[45]   Mosher (2007): 61.

[46]   Modelski (1987). The theory has also been subject to criticism and numerous modifications, and has become a permanent part of modern strategic thought.

[47]   Nye (2008). Even later publications such as Friedman (2012), are constructed on the basic assumption of the personal leadership of individual global decision makers as its determining factor.

international environment. There is an important common feature for empire, hegemony and hyperpower: all of them exert a decisive impact on whole system, not only a single part or layer. Having said that, it needs to be underlined that this impact is very different. Within the imperial system, this influence is overwhelming, legitimate and justified, and without a viable alternative. Within the hegemonic system, this influence is barely visible, legitimized by its efficiency and highly contested. Within the hyperpower system, this influence combines the features mentioned above, paradoxically combining strengths and vulnerabilities. It is overwhelming, but rather hidden beneath the surface, thus barely visible. It is legitimate when it comes to the existing procedures and decisions; however, those procedures assume a high level of discourse and argumentation. And, above all, it seems that a hyperpower relies more on its reception by the peripheries rather than the actual performance of its core. Moreover, a hyperpower persists despite having suffered a defeat and its vulnerability to casualties. Summarizing, a hyperpower is impressively bolstered by contemporary technologies and cyberspace, but it is also persuasive in nature and passive. This could be visible in a variety of forms a hyperpower manifest itself in.

The potential of a hyperpower can be projected within the contemporary international environment in three major ways: sanction, coordination, and indoctrination. The first feature is typical of historical systems. It assumes the possibility of assessing the activity of other entities and taking action in the event of their inadmissibility in order to compel those entities to adapt to the desired course of action. However, unlike the previous ones, which relied predominantly on plain and obvious coercion, the application of sanctions requires

different strategies and tools, sometimes more targeted, and less obvious. A hyperpower acts rather like a homeostat[48] concerned with an unending quest to balance the simultaneously deteriorating and developing system. In the context of the application of sanctions, a hyperpower depends on efficient functioning of the network of transnational connections, which are bypassing classical tools available to a superpower. As a result, as previously mentioned, a hyperpower is highly susceptible to the cost of sanctions. This means that the contemporary environment limits the independence of a hyperpower government as regards its powers, empowering non-governmental organizations, social groups and individual citizens to question the government's course. Therefore, sanctions within a hyperpower are always collectively projected and focused on limiting access of targeted entities to infrastructure, assets, capabilities and territory under the jurisdiction of a hyperpower and its allies.[49]

The key factor, when it comes to implementing and executing sanctions, is the extensive CNN effect that allows not only, in accordance with its creator's intent, to deform the will of the undecided political elite[50], but also to exert pressure to change the established policy, or to change the government composition in the case of its persistent support

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[48]   According to the dictionary a homeostat is: "a cybernetic machine constituting a system composed of a series of regulators imitating homeostasis." On the other hand, homeostasis is: "the ability of a living organism to maintain a relatively constant state of equilibrium, for example blood composition or temperature, through appropriate coordination and regulation of life processes," *Słownik Języka Polskiego PWN* (1983).

[49]   In most cases those sanctions are related to global financial markets, which in their vastness are created by the hyperpower center.

[50]   Robinson (2006): 30–32.

of the questioned policy. In the case of the implementation of sanctions by the hyperpower, it should be noted that it has a much wider range of possibilities, in which military sanctions are not the most important, but most demanding in terms of limitations and costs. An ideal example is the Ukrainian crisis, the main obstacle to the political and military activity of the Russian Federation not so much by military intervention of the United States, but by the prospect of cutting off the banking sector from the system of the Society for Worldwide Interbank Financial Telecommunication, SWIFT,[51] created to facilitate financial transactions between national financial market institutions.

To sum up, the hyperpower has a much more developed, but at the same time much softer, range of sanctions to be applied in the international environment. In addition, these sanctions are very rarely employed - both in terms of making decisions and as part of their implementation - unilaterally by the central state of the system. In most cases, they are the resultant of the interests of entities located at various levels of the hyperpower, not only of a national but also non-state nature. Examples include the sanctions imposed on Iran

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[51] This association was founded in 1973 in Brussels as a union of financial institutions with the objective of creating a common communication network used for financial purposes. Currently, SWIFT brings together over nine thousand financial institutions and transfers over fifteen million messages a day. More details on the Association's website: www.swift.com. However, there are often issues of compromising network security, as a part of which unauthorized messages are delivered. The most serious case of this type took place in February 2016, when hackers placed transfer orders from the Bank of Bangladesh in the SWIFT system for a total amount of US$ 971 million. From this, transfers of US$ 101 million were made, of which US$ 38 million was recovered. Byron (2016). Moreover, there have also been many smaller heists in various banks around the world: Metzger (2016).

to force out elimination of the military elements from the nuclear program,[52] the sanctions imposed on Russia to persuade it to resolve the conflict in the Crimea and its eastern neighbors,[53] including participation in the sinking of a corvette belonging to the Republic of Korea Navy, and a hacking attack on servers owned by Sony Pictures.[54] The general direction is to reduce destructiveness only to the necessary level. As a consequence, the hyperpower in this context assumes the trait of Chinese imperialism, mainly in the dimension of its ritualism.

The second level of power projection is coordination of various activities and initiatives which take place within the contemporary international system. This is a derivative of the shift along the axis of authority that shapes the quantum field of the manifestation of power in the late-Westphalian international environment. The result of the aforementioned change is the need to confirm the legitimacy of international initiatives and limit the possibility of using direct coercive

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[52] Within the framework of *Joint Comprehensive Plan of Action* (JCOPA), Persian برنامه جامع اقدام مشترک , برجام (BARJAM), signed on 14 July 2015 in Vienna, when the deal provided for serious limitation and slowing down of the Iranian nuclear program, especially in terms of research and development initiatives and resigning from stockpiles of enriched uranium in exchange for releasing assets frozen within the critical infrastructure under the supervision of the United States, estimated for US$ 100 quadrillion. Full text available on URL = http://eeas.europa.eu/statements-eeas.

[53] *Sankcje i Rosja* (2015). Additionally, sanctions are restricted to a deliberately prescribed time. After the deadline, the activity of the targeted regime is assessed and sanctions are either lifted or reaffirmed. Last reaffirmation of sanctions took place on 16 December 2020. *Sankcje wobec Rosji. Unijni ambasadorowie poparli ich przedłużenie* (2020).

[54] *USA nakładają kolejne sankcje na Koreę Północną. To odpowiedź na cyberatak* (2015).

measures in a drive to promote individual points of view. As a result, the role of the central actor of the hyperpower is changing. From the center that gives orders - and enforces obedience - the hyperpower changes into a center for harmonizing international activities and initiatives. An extremely flexible, though fuzzy structure is created, which allows the achievement of the goals of the hyperpower center by creating structures and metastructures that limit the possibility of undertaking activities inconsistent with the values of the hyperpower.

This function of a hyperpower in the late-Westphalian international environment arises from the theory of "benign hegemony" coined and developed by Bob Catley.[55] In this context, based on the theory of hegemony, the United States stands out from the historical powers by two features: gentleness and self-limitation,[56] especially as regards the use of violence. However, most analysts of the phenomenon point out that this feature of the United States has been visible only in the last thirty years, marked by a high degree of pacification of the international environment.[57] It remains an open question whether in a more turbulent phase of development of the international environment these limitations would remain binding for the hyperpower's activities. Despite these similarities, it should be noted that the concept of hyperpower shows two qualitative differences. The first is the omission of the second element of a hyperpower, that is, the network of transnational ties that developed with the evolution of the late-Westphalian international environment. The second is underestimating the fact of the mutual interpenetration

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[55]   Catley (1997): 377–399.
[56]   Kupchan (1998): 46.
[57]   Ibidem: 41.

of individual international entities, led by a hyperpower. As a result, the theory in question applies to a specific, yet classically understood foreign policy of the United States, seen as a nation-state - powerful, but not qualitatively distinct from the rest of this collection. Paradoxically, in many cases, it has resulted in a failure to achieve short-term goals, which could be seen in the spectacular failure of the US policy towards Iraq after 2003. A regularly recurring circumstance is that the US government is losing international disputes and conflicts, which generates a conviction about the decline of American power, which is present in the science of international relations among both American[58] and European scientists.[59] However, it seems that the signs of the waning US leadership in the world are in fact indicating that the single surviving superpower is turning into a hyperpower. Its most important element is the change of the form of leadership: from giving orders towards synchronization and coordination of the initiatives of other entities. Such a location and understanding of the center of the hyperpower has two consequences.

First, coordination does not require initiating international action. Moreover, it seems that the initiation of activities in the hyperpower system by entities of a lower rank is not so much possible as desirable. This is due to the immanent drive to reduce costs – both in the economic area and in the ideological and legislative dimension. However, in this context, it should be pointed out that the role of the hyperpower core cannot be limited only to participation or passivity. An event such as the Syrian civil war, with varying intensity going on since 2011,[60] requires initiative from the center

[58]   Fry (2010).
[59]   Joffe (2014).
[60]   Jenkins (2016).

of the entire system. In many cases the urge to initiate some activities is vocalized by secondary and tertiary power centers of the hyperpower. In the absence of any initiative - or even worse consistency[61] - at the center of the system, initiatives of the international community will prove ineffective as different secondary centers seem to promote diverse solutions. As a result of the United States' withdrawal from the role of the global coordinator, the international community has lost the required level of coherence, exacerbating rather than managing the challenges generated by the conflict in Syria.

Second, this function makes it possible to reduce the costs of managing the international environment for various actors in the international environment. Through allocating tasks to different, specialized entities involved in making and implementing international decisions, the resources of a hyperpower are not wasted. The biggest challenge is to avoid micromanagement of international activities, as it would not only compromise the activity but also create enormous resentment of abused organizations. It also employs actors with unique knowledge and capabilities necessary to take effective action by the group of decision-makers. For this reason, coordination of the hyperpower system most often manifests itself in the formation of the so-called coalition of the willing.

The reduction of costs within these coalitions is achieved through the following three processes. The first one is to involve in the international decision-making process those entities the implementation of the initiative by which is of greatest importance. Similar patterns can also be seen at the level

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[61]   *Obama obrywa za Syrię. Rosja i i Iran nie boją się USA* (2016); Ball (2012).

of the hyperpower core as a consequence of the military victory over the Republic of Iraq in 2003 and protracted occupation, gradual build-up of rebellion and passive resistance from other participants in the international community.[62] Another pattern is illustrated by the financial crisis of 2008,[63] one of the most important consequences of which is that the weaknesses and shortcomings of the Western model of development collectively, referred to as Washington consensus, were exposed.[64] The second process is gaining access to the resources necessary to carry out effective exercise of power in the international environment. Securing access to know-how necessary for the correct and optimal exercise of power in the situational context becomes of particular importance. The key to this process is to understand the diversity of contemporary international relations, both in terms of the cultural context of the activities undertaken, resulting from the late-Westphalian activation of non-Western cultural complexes, and in the objective dimension of the instruments of operation in international relations. This is one of the most important features of a hyperpower. The reversal of the principle of the hegemon's activity in favor of a kind of passivity serves to hide the hyperpower – and its core – behind the direct executors of individual international initiatives. The use of qualitatively different entities, both in terms of strategy development and its implementation, in fact allows for a dramatic reduction of the costs of international activity, increasing the probability of obtaining the desired results, as well as their consolidation in the international reality. It displays

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[62]   Kaldor (2006): 150–177.
[63]   Madej (2011).
[64]   Stiglitz (2003): 33–40; Trinidad (2006): 973–987. And after the collapse of financial system in 2008: Birdsall, Fukuyama (2011).

negative strategic and operational consequences, however. The most important challenge is the struggle to incorporate their objectives into the hyperpower agenda.

A recent example may be the struggle between the United States of America and the Republic of Turkey concerning the way of tackling the emerging ISIS threat. In the geopolitical perspective, Turkey is considered to be a geopolitical pin,[65] representing the West in the Middle East. The entirety of Turkish policy towards Syria has already been subject to a number of analytical studies.[66] However, in the context of its functioning in the late-Westphalian international environment, its importance as one of the most vital access points to the so-called Eurasian Balkans should be emphasized. Any action initiated by a hyperpower in order to manage the Syrian conflict needs to embrace Turkish interests, particularly as regards Kurdish organizations in and around Turkey.[67] This conflict within the structures of the hyperpower should be considered. The political situation is complicated further by the presence and actions of those segments of the hyperpower which are contesting the role of the current core. In other words – Russia. This was the case with Turkey in November 2015, when a Russian aircraft taking part in combat operations on the territory of Syria was shot down.[68] Ending the dangerous situation and re-synchronizing the activities of both coalitions consumed subsequent portions of resources and the analytical potential of

[65]   Brzeziński (1999): 48–49.
[66]   Smoleń (2014): 107–122; Gunter (2015): 102–111; Hinnebusch (2015): 14–22 or even Aras, Mencutek (2015): 193–208.
[67]   Sarr (2019): 278–300.
[68]   *Rosyjski bombowiec Su-24 zestrzelony przez Turcję. "Naruszył przestrzeń powietrzną* (2015).

the hyperpower.[69] And its effectiveness is yet to be determined. An additional challenge concerns also the issues related to the understanding of individual terms and tools used in the implementation of sanctions, ensuing from different communication systems, supplemented with different philosophical and religious principles, resulting in small but significant differences in the understanding of the common strategy. As a result, the actions expected by the coordinator differ from their understanding by the contractor. This is particularly evident in the case of the Democratic People's Republic of Korea, especially in the context of mutual negotiations between the United States of America and the People's Republic of China.[70]

The third process involves equalization of cost distribution of the undertaken initiatives, without diminishing the potential of the hyperpower core. The remaining elements of the hyperpower system are tasked with covering their respective parts of joint investments. In cash, as well as in kind. As a reward, those entities are entitled to participate in the decision-making process and allocated their share in benefits, although in most cases they are not directly derived from the mentioned initiative, but are produced and inspired in a different section of the hyperpower system. Activity in the late-Westphalian international environment is becoming a conglomerate of various sorts of prizes which the patrons of the enterprise need to cover. It is required primarily due to complex interconnectivity, which can sparkle a random generation of consequences in remote areas of the quantum field of power

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[69] *Irańscy Strażnicy Rewolucji wypuścili Amerykanów. "Popsuła im się nawigacja"* (2016); *Niebezpieczny incydent w Syrii: rosyjski myśliwiec na kursie kolizyjnym z amerykańskim samolotem* (2016).
[70] Kosta (2004): 300–313.

projection, which require a unique set of skills to be managed efficiently. Given their hybrid nature, the wider is the scope of initiative, the costs tend to increase exponentially.

The third feature of the hyperpower system is the indoctrination of the subordinate participants in the system, which means virtually any other international actor. This mechanism is based predominantly on Ian Manners' idea of normative power.[71] According to the theory of George Modelski,[72] hegemony displays the possibility of binding norms and values of the entire global system towards its own national interests and perspectives. As the hegemonic system evolves into a hyperpower, this capacity only gains in importance and is consequently developed. This particular mechanism is related to the evolution of the environment and a thorough reconfiguration and expansion of the critical infrastructure network,[73] which is the main soft power projection channel and almost exclusively responsible for the application of sanctions and shaping the preferences of normative power application. In the current configuration, it utilizes extensive channels of expressing respect and legitimacy, and is displayed in conjunction with a rather specific system of sanctions, primarily in the social dimension, with particular emphasis on the most effective of the entire range, i.e. name and shame, which assumes ridiculing the trespasser.[74]

Furthermore, these mechanisms maintain a low profile, but nearly constant and daily activities, which are jointly labeled as a third face of power, according to Kenneth Boulding.[75]

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[71] Manners (2002): 235 – 258.
[72] Modelski, Thompson (1996).
[73] The White House Office of the Press Secretary (2013).
[74] Lenz (2013): 214–215; Braithwaite, Drahos (2002): 269–288.
[75] Boulding (1990): 109 – 124.

They are based on the subconscious projection of patterns and values into the international environment and their equally subconscious integration into own hierarchies of values of other participants of international relations. As a result of this process, other actors are subjected to the process of socialization, consisting in identifying and pressing in certain strictly defined mechanisms of functioning and determining the parameters of acceptable actions. Moreover, the implementation of this pattern consists in practical elimination of the remaining possibilities for the implementation of international relations. The hyperpower presents itself and is perceived at the same time as a solution without alternatives. The broadening rift between those two dimension may be potentially devastating not only to its initiatives, but also to its continuous existence. Nonetheless, being aware of the lack of alternatives allows the hyperpower core to dedicate less resources to managing the entire system, as most of the processes are carried out automatically by individual organisms subjected to such an impact.

Additionally, those mechanisms of belonging can be extremely effective, though very unpredictable. This is mainly due to the need to acquire a conjunction of three volatile factors, which are according to Ian Manners' research, the key to success.[76] First, there are shared values that serve to create a similar cultural context for a homogeneous interpretation of individual activities and initiatives. Second, it is geopolitical proximity understood as strong, transnational links between the participating actors. Third, it is also a shared socio-cultural heritage, ranging from identical institutions to a greater or lesser part of a shared history. The conjunction of all three

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[76]   Manners (2002): 244 – 245.

factors occurs relatively rarely in the international environment. Thus, despite considerable efficiency and relatively low costs, this tool rarely produces the desired outcomes. In most known cases, the crucial element of its effectiveness remains perception – and reception – of targeted nations.

On the global scale, this conjunction is extremely difficult to achieve, but the hyperpower is particularly predisposed to do so. First of all, American culture plays an important role here, which is constructed on the basis of two basic paradigms. First, a proportionately large presence of its culture is the content belonging to the sphere of popular or low culture. These elements are the main drivers of the process of unifying consumer behavior on the global scale, constituting the essence of globalization of its cultural path.[77] The second is the primitivity of American culture, obtained either by accident or by design. Nonetheless it results from the social context the American nation comes from, which developed an extremely effective mechanism for incorporation of successive waves of migration from various corners of the world. As a result, it was necessary to develop a model that would be understandable to each of the newcomers, and thus quite drastically simplified, even to the most primitive patterns – such as picture writing (comic books).[78] An unpredictable consequence is that American culture has also become legible to other cultures in places of their domination. To some extent, remaining cultures and subcultures to various extent relate to those patterns, either absorbing or rejecting them.

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[77]   Pietraś (2007): 579.
[78]   Sarfati, Hardy-Baylé, Besche, Widlöcher (1997): 199–209. There is also evidence of transmitting a more complex content and values, even addressed to children and adolescents.

In addition, the United States, as a hyperpower, maintains an important presence on the regional scale in many areas of the world, both in the factual (the Persian Gulf region), institutional (NATO) and normative (Eastern Europe) dimensions. It is not a distant entity, but rather keen on shortening distances whether it will be manageable and possible. Therefore, its presence has become much more internalized on the institutional and individual level than before. This effect is achieved mainly due to the branched system of various non-state entities of the hyperpower, which eliminates the problem of geographical distance. As a result, in an overwhelming number of cases, ranging from participation in wars to hosting the military bases, and from trade negotiations to the spread of American pop culture, the United States is treated if not as a neighboring state, then a close one.

Hyperpower – international future

Summarizing the above dsicussion about the nature of hyperpower, three basic conclusions should be articulated. First, it is a system that combines the features of both hegemony and empire, their strengths as well as weaknesses. As a result, it represents a new quality of the international environment. On one hand, it is one of the largest systems existing in the modern world, connecting through long decision-making chains the cener with the entire international system, i.e. the United States of America, secondary participants in the state system, international organizations, corporations and transnational enterprises, and non-governmental organizations. On the other, the entire hyperpower system can be described by juxtaposing three paradoxes: passivity, sensitivity, and the demand for assets.

The first paradox indicates that the system, although extensive and extremely complex, is in fact a passive one. Since its inception, it has been possible only twice to mobilize the greater part of the system as a result of the initiative of its decision-making center. The second paradox indicates that despite the incomparable status vis-à-vis other entities in this category and the potential directly or indirectly covering most of the resources, a hyperpower is much more sensitive to losses than an empire or hegemony, especially in the dimension of its social sensitivity to collateral damages and casualties – its own as well as those of its foes. By comparison, the most serious defeat of the US Army since the symbolic establishment of the hyperpower in 1945 occurred during the military conflict in Vietnam that continued from 1957 to 1975,[79] with serious internal repercussions and a decline in morale. The third paradox is asset consumption in order to maintain its further existence. This demand is particularly painful for the hyperpower core during the process of its full activation. The costs of managing the system as a whole, or even the comprehensive activation of most of its mechanisms gradually, go beyond the capabilities of the decision-making center. Thus in order to operate efficiently secondary actors – national as well as non-national – have to be emoployed, which raises the cost, at the expense of compromising certain objectives, which need to be abandoned or embraced, depending on their individual demands. This translates also into the evolution of the United States' hierarchy of preferences, which virtually eliminates the possibility of serious unilateral actions. Of course, the costs of activity are not constant for the entire period, oscillating on the basis of the will of other

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[79] Lau, Brown, Sears (1978): 464–482.

entities to accept global leadership. As a result, the United States learned to form so-called coalitions of the willing and with their help to manage the entire international system.

The scientific community remains divided as to the future of the hyperpower model.[80] Some scholars and politicians lean toward the opinion of Zbigniew Brzeziński that the contemporary international environment does not prefer such central management and that the United States is the last actor to develop these capabilities, and its eventual demise means a downfall of this type of construction.[81] Others, like Andrew Bacevich, add that today we are witnessing the decline of the role of the United States as the global hegemony beyond the capacity to recover.[82] Others, however, such as George Friedman, argue that the decline of American power is neither as swift nor as certain as pessimists seem to assume.[83] Moreover, comprehensive studies of international relations conducted by Paul Kennedy[84] and George Modelsky[85] show that the tendency to the cyclical accumulation of power in international relations is extremely deeply rooted in the nature of the political activity of large social groups. In fact, some of those studies indicate that in certain circumstances those entities can withstand a crisis designed to push the mantle of leadership toward a different actor. As a result, even in spite of the phases of decline and disintegration, so far there has always been a return to centralization of power at the global level in every phase of the international sys-

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[80] Kondrakiewicz (2015): 219–241.
[81] Brzeziński (1999): 213–219; Brzeziński (2013): 67–79.
[82] Bacevich (2011): 224–226.
[83] Friedman (2009): 281–285; Kagan (2021),
[84] Kennedy (1995): 495–515.
[85] Modelski (1988): 97–132.

tem. Additionally, as Salvatore Babones points out, the center of the international environment may surface in a different, unpredictable place in the world today. More importantly, the next hyperpower center may even show legitimate ties to the modern United States[86] in a manner comparable to that of Byzantium's genetic ties with Rome.

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[86]   Babones (2005).

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