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## **A sketch of Krzysztof Skubiszewski's view on the concept of *raison d'état***

In this paper, devoted to Krzysztof Skubiszewski's views on the idea of the reason of state, I want to refer to two of his social roles: that of the Minister of Foreign Affairs (a member of the Council of Ministers, 1989–1993), and that of a Professor of Law. After the memorable parliamentary elections of 1989 and the establishment of the first non-communist Government, he was one among many academics who took up posts in public administration. It is also noteworthy that the position of a University Professor, as surveys consistently show since 1956, holds the first place on the scale of prestige in Poland, the anti-intellectualism of some politicians notwithstanding. In his capacity as a Professor, an established scholar in the field of international law, Skubiszewski enjoyed a privileged position. It gave his ministerial pronouncements additional clout.

His professorial competence proved important for Parliamentary scrutiny at the end of 1992, when the Parliamentary faction of the Polish Peasants' Party (PSL) in the Sejm, which supervises the activities of the Council of Ministers, tabled the following question to the Prime Minister: "How does the Government construe the concept of the Polish reason of state in view of the present social and political challenges in our country?" Note that they did not confine themselves to asking about the contents of the reason of state (what the reason of state was), they were referring to the very concept, inquiring both about the proper formula and its contents. And they were not referring just to foreign policy specifically or to any other singular public policy; indeed, they were rather concerned with the "challenges in our country". I saw the aforementioned question when, in my capacity as secretary general of the Parliament (*Szef Kancelarii Sejmu*), I was, as a matter of routine, examining some documents to be sent to the Prime Minister. If I pondered the question at all, it was in passing. I suspect I probably thought, though I cannot be certain of it now, that Madame Prime Minister would answer it by a formal reference in writing to the

updated programmatic manifesto of her Government as presented to the Sejm when she had been seeking the initial vote of confidence. I was wrong.

Why did they ask about reason of state, not just about national interests or a similar concept? The expression "reason of state" is yet another manifestation of the influence of the French political culture on Poland (whose most prominent sign is perhaps the short-lived Constitution of 1921). Indeed, in the Polish language, the term was not borrowed directly from the Italian *ragione di stato*, where the term had originated, but from the French *raison d'état*. It is translated into Polish as *racja stanu*, where *stan* is not exactly the *state*, as in the term "nation state" but is associated with its original meaning of a social class (*estate*) in the precapitalist or preindustrial society (the term "state" had this designation in peripheral Poland till the first part of the 20<sup>th</sup> century).

Several weeks later, in January of 1993, Minister Skubiszewski answered on behalf of the Council of Ministers, speaking to a packed Chamber. I made use of my seat in the Chamber only rarely but this was an exceptional situation, and so on this occasion I watched him closely. Professor Skubiszewski delivered an academic lecture, solemnly reading out his essay. The MPs listened to him attentively. After the speech, the Speaker allowed time for questions and many MPs took the opportunity. The replies had to be postponed for two weeks. The answers amounted to yet another lecture as he elaborated on some crucial issues in Polish foreign policy, all along brushing aside the very formula of reason of state. In the speeches of Skubiszewski's successors, the term reason of state is slowly, almost seamlessly, replaced with different terms, i.e. "priorities", "tasks", and "interests".

Skubiszewski described the concept of reason of state as one referring to a higher interest and the state interest. He used the term "national interest" more than 50 times, and he talked about national and civic interests, but his focus in the first and principal speech remained on the reason of state. The essence of the reason of state is, he argued, security, whereas its efficiency depends on systemic transition and modernization in terms of civilization, where both processes are linked to privatization of the state property, and to the development of education and scientific research, the economy and similar domains. He specifically elaborated on foreign policy. However, he said:

[T]he [concept of] reason of state is irreducible to a classical definition. Both in seeking to define it, as well as in implementing the reason of state, it is intuition that is playing a special function. Sensing a historical opportunity or a danger

may often lead to taking decisions [by politicians] that are unpopular among and rejected by the public; it may lead to making policies against the will of the majority, sometimes even against the views of the closest collaborators. In various definitions and conceptions of reason of state we can find a common denominator, i.e. the idea that the reason of state is related to the common good, the higher interest, the interest of the state. Therefore, neither a theoretical formula nor scientific precision are the essence of the matter (one should endeavour to achieve the precision, though). The heart of the matter reveals itself in daily conversation, in the language of practical operation, of the precepts and tasks which stem from the national and state interest, while the interest in question is by no means an abstraction but one related to the actual realities and their foreseen extrapolation [...].

He then concluded: "The reason of state may be reduced downright to the problem of security." But he did not say that the security of the state had to be defended at any price. He must have read Machiavelli's famous works but he was not going as far as Machiavelli and his conclusion did not undermine his earlier sceptical remarks.

It is not an easy task to reconstruct Skubiszewski's general attitude. For instance: Why such definitional scepticism? Was Skubiszewski an anti-positivist? I do not think so. I did know him as a man attached to social values, and he was talking about intuition, feeling, sensing etc., but he was a traditionalist, a legalist with an inclination towards the positivist tradition. And he was a practitioner. He was a follower of Kelsen, even if not indiscriminately. I think he would agree principally with H.L.A. Hart, although he would not discard Ronald Dworkin entirely.

My hypothesis is that he was following the Polish philosopher of law, Leon Petrażycki, who died when Skubiszewski was five years old. The eminence of the concept of intuition, the use of such terms like feeling and sensing, as well as his stress on the importance of specific practice, implies the legal psychologism of Petrażycki. This hypothesis awaits a systematic verification in Skubiszewski's œuvre.

And there is a further plausible explanation of his position that is consistent with the above hypothesis. Professor Skubiszewski must have seen the tension between his statement that the concept of reason of state cannot be defined, and the obvious fact that many such definitions are on offer. I stress this point: He did not say that it was a matter of choice and judgement which definition, however imperfect, one ultimately adopted. In his capacity as a Minister, he plainly rejected the very idea of defining the concept, and preferred to use a descriptive approach and rely on intuition; he recommended relying on practice in making a choice of priorities,

precepts, interests, tasks etc. I wonder, did he perhaps act as a political tactician?

I knew him as a cautious man, with a buttoned-up personality, very economical with the words. We heard him only once allude riskily to going against the will of the majority, without making it clear what he meant. By nature he was a reserved man, though – paradoxically – an active thinker and innovator. It seemed to me that he wrote with a feeling that somebody was looking over his shoulder. Yes, he was in a free country, but the freedom was a new experience. And let us not forget also that Skubiszewski's choice as the Minister of Foreign Affairs was a Round Table compromise. He had been a non-party member of the Consultative Council (1986–1989) of the Chairman of the Council of State (that is, General Wojciech Jaruzelski, the First Secretary of the Central Committee of the Polish United Workers' Party), and he also enjoyed the trust of the Primate of Poland, Cardinal Glemp. Not a member of *Solidarność*, he was a man of the political centre. It is true that the Minister of Internal Affairs – when they were members of the same Council of Ministers – had in 1992 officially linked Skubiszewski to the intelligence of the old *régime*, but I presume that the accusation referred simply to Skubiszewski's expert opinions on international issues.

Anyway, he neither chose a definition nor wanted to create a definition of reason of state, because any definition he would announce under the circumstances would have achieved an official status, thereby becoming liable to criticism, providing ammunition for the parliamentary Opposition. And, I think, the Minister also did not want to turn out to be an academic lame duck in politics. It may have seemed to him that it would be easier to defend the Government position, indeed his own policies, by alleging a host of national interests, state interests, civic interests etc., all of them subject to the Government's seemingly collective intuition.

Most unfortunately, his description (not a definition) of reason of state was confined to foreign policy considerations with respect to government-to-government relationships. Like many others, he erroneously linked the concept of reason of state to foreign policy and first of all, moreover, to foreign policy-making in its traditional diplomatic aspect only. Nevertheless, he emphasized the significance of security, and that implied some hierarchy among the interests he enumerated. It brought him close to a quasi-definition. In short, security first, yes, existential security as the principal component of the reason of state, very much so, but including a protective cover for the Government as a premise for all musings about the concept of reason of state.

Minister Skubiszewski was efficient as far as relations with other governments were concerned. His personal contribution as a Minister and as a Professor was great. In this domain of foreign policy, the true reason of state, albeit formally undefined and therefore imperfect, did its own thing under conditions of the all-nation tacit consensus regarding the national interest with respect of security and re-integration with the political West. It helped the Government to negotiate the removal of the Soviet/Russian armed forces from the territory of the Polish state (the last detachment left on 17 September 1993), it helped contribute to the dissolution of the Warsaw Pact and of the Comecon, and it helped to negotiate the memberships of Nato and of the EU. It also worked well for the Polish foreign debt, influencing government creditors (Club of Paris) and private creditors (Club of London) who negotiated with the Minister of Finance.

At the same time, however, no properly defined reason of state could be seen, or reconstructed by an analyst, in the Polish Government policy regarding privatization of state-owned enterprises in connection with foreign corporations and banks as investors in Poland. In some cases, the methods applied and the outcomes obtained were very mixed. But modern foreign policymaking, let alone the concept of reason of state, should not neglect the national economy. That said, this responsibility was not his or the Government's alone; the responsibility for the economic side of the transition also rested with the legislative power, the Sejm and Senate.

Likewise, the reason of state has not been clear enough in policymaking – with respect to modernization of the government administration, diplomatic service included – or, I fear, in the Government's implementation of the article of the Constitution that states: "The Republic of Poland shall be a democratic state based upon the rule of law and principles of social justice". Of course, this constitutional issue also goes beyond Minister Skubiszewski's exclusive responsibilities. Nevertheless, the state has to be conceptualized as a whole, the concept of reason of state comprises all policymaking, and policymaking has to be analyzed holistically. That is why each and every member of the Council of Ministers, Minister Krzysztof Skubiszewski included, has to be held responsible for the Government's concept of reason of state, as approved by the Sejm, and for all policymaking of a specific Government.

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Minister Skubiszewski's speech in the Sejm is included in the edited verbatim report of proceedings: *Sprawozdanie stenograficzne z 34.*

*posiedzenia Sejmu RP, 7–9 i 21 stycznia 1993 r.*, pp. 201–205. For an extensive analysis of Skubiszewski's view, see my *Wprowadzenie do analizy polityki zagranicznej RP* [Introduction to the Polish foreign policy analysis], Second Edition, PISM, Warsaw 2007, pp. 207–216. For my discussion of the ethical criterion of the reason of state, see my *Kryterium etyczne w koncepcji racji stanu*, in: A. Krzynówek-Arndt, ed., *Kryterium etyczne w racji stanu* [Ethical criterion in the reason of state], Akademia Ignatianum – Wydawnictwo WAM, Kraków 2013, pp. 13–35. My most recent view on the reason of state is set out in my books: *O prowadzeniu i analizowaniu polityki państwa* [On policy-making and how to analyze it], ATUT, Wrocław 2013, and *Wprowadzenie do analizy polityki zagranicznej Rzeczypospolitej Polskiej, Wydanie III* [An Introduction to the foreign policy analysis of the Republic of Poland, Third Edition], Wydawnictwo Naukowe Scholar, Warszawa, forthcoming 2015.