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Perspective on the eastern enlargement: Triumph of the EU or seed of its destruction?

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The eastern enlargement of the European Union in 2004, when ten countries joined the EU at one go, was in many ways the peak of the euphoria that had prevailed in Europe since the end of the Cold War. Although there had been fundamental setbacks, especially in relation to the Balkan Wars in the early 1990s, this Big Bang of EU enlargement evinced the belief that Europe was finally united, or at least well on the way. Most of the new member states belonged to the former Eastern Bloc. Now they would be embedded in a structure that, once and for all, would heal the old antagonisms generated or exacerbated by the Cold War. All of them would now be part of a community informed by adherence to the central values of the EU: democracy, human rights and the rule of law, as formulated in the European Council’s Copenhagen criteria of 1993 (European Council Conclusions 1993-2003). Poland, Hungary, Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Cyprus and Malta became full members of the EU family. This was the great triumph of the EU. Or was it? As this is written, and well into the second decade after the eastern enlargement, there is an opportunity to discuss the issue with distance and perspective. Was the enlargement the EU’s shining moment, or was it the beginning of the end of its success story? How did it actually affect the development of a common identity and trust within the Union? These questions are the subject of this chapter, which is arranged as follows.

After a background discussion of the dilemma of the eastern enlargement, the issue of a common identity for the EU and where this might reside is addressed. The argument is that the existence of a common identity based on shared values is critical to trust within the Union, as well as to its influence and standing in the world. The discussion then turns to the
challenges now being directed at the shared fundamental values of the EU: from the “illiberal democracies” of Hungary and Poland; from authoritarian states outside the EU, such as Russia and Turkey; and from populist currents across the entire EU and outside it. The chapter ends with a summation and recommended action to safeguard shared values, common identity and trust within the Union.

The dilemma of the eastern enlargement

Ahead of the eastern enlargement of the EU in 2004, there was certainly awareness in some quarters that fundamental problems remained unsolved. The main worry among the old EU countries was that far too many citizens of the new member states would take advantage of the free movement allowed by the EU to seek better lives in their countries. There were serious concerns that the social security systems in the established EU countries would be over-used. It was also feared that low-wage competition from the new member states would distort labour markets in the old ones. By way of example, an intense and poisonous debate was sparked in France about the invasion of the “Polish plumbers”, spreading anxiety that cheap labour from the new EU countries would push the people in their own countries out of jobs at home.

There were, however, others who pointed out problems of a different magnitude that might eventually ensue. Among those who expressed themselves most presciently was former Czech President Václav Havel. In an address to the European Parliament in Strasbourg a good four years before the eastern enlargement (Havel 2000), he expressed apprehensions about the consequences of the inadequately developed civil societies in the new prospective member states:
If the European Union is shortly to open its doors to new democracies and, in my view, it is in its vital interest to do so, it is extremely important, if not of capital importance, that it help to reconstruct and develop the civil society in these countries (...). The way in which society structures itself cannot, of course, be imposed from on high. But the climate and the conditions which are conducive to its development can be put in place. In this sense, aid for new democracies should be given in the wider context of sustainable development and reinforcement of the civil society at pan-European level.

The more varied, differentiated and interlinked the various civil European structures, the more willing the new democracies will be to join them and the faster the principle of trust in the citizens and subsidiarity will apply in them, thereby reinforcing their stability. But that is not all: the foundations of the European Union as a supranational community will grow all the stronger.

In other words, Havel argued that it was necessary to stimulate and consolidate support for shared values in the new member states to achieve greater trust in the EU as a whole. Today, we seem to find ourselves in a situation where the interpretation of the fundamental values that have long been considered obvious focal points in the EU – democracy, human rights and the rule of law – no longer seem self-evident. In the autumn of 2016, President of the European Commission Jean-Claude Juncker (2016) went so far as to say that the EU is in an existential crisis. In such a context, questions naturally arise about the common identity of the EU, the ideological and emotional cement that ultimately holds the Union together.
The relationship between identity and trust may not be entirely straightforward, but according to socio-psychological research, a common identity encourages the growth of trust within the in-group or collective (Turner 2000). Trust, whose synonyms include confidence, belief and faith, can be described in somewhat dry language as a dependent variable created in contacts between individuals or groups who believe they have something in common and feel a sense of affinity with each other. If such identity-based trust exists, individuals are more likely to engage in or take risks on behalf of shared projects or relatively abstract goals, even though the prize is anything but a sure thing. The connection can be intuitively understood: as individuals, we prefer to trust those whom we believe we have something in common with rather than those who seem utterly foreign or indifferent to us. Trust can also be extended upwards, to political leaders for example, who enjoy legitimacy because they are thought to promote, safeguard and preserve central shared values and sentiments of affinity.

Why and whether a common EU identity should be pursued is endlessly debatable and the answer depends on one’s general political beliefs. The EU Commission has been engaged in an effort to evoke and reinforce some kind of common identity within the EU since the 1970s, but the work has often been criticised for excessive focus on superficial attributes, such as an EU flag, an anthem, or the symbols on notes and coins in a currency common to most member states (Bottici & Challand 2013, Shore 2013). For those who consider the long-term effectiveness and durability of the EU as positive things, it is clear that these characteristics are predicated upon a shared vision of some kind, or at least a shared understanding of the values that the peoples and their political leaders are willing to stand up for and defend (Petersson & Hellström 2003). If these conditions exist, the growth of trust within the Union will also be fostered.
In the 1990s many analysts predicted that national identities were on their way out and the era of the nation state was coming to an end. Economic transactions, cultural expressions, online communications, pandemics and natural disasters were all forces that did not respect national borders, but moved freely across them. At the same time, and as a reaction to the pressure across the national borders, local identities and communities were reinforced. The term “glocalisation” referred to precisely the cross-pressure in which global and local identities became increasingly important at the expense of national identities. Common regional identities, such as those represented by the EU, however, were thought to be more in keeping with the times than the old national variety.

The national identities, however, proved resilient. This has been especially apparent in times of crisis, whether involving terrorist attacks, financial crises in the eurozone area or the migration crisis that put the borders of EU states under pressure in 2015 in connection with record-high arrivals of refugees and asylum seekers from the Middle East, Africa and Asia. The tendency in times of turbulence to gather around the ingrained values that the nation states are believed to represent is a known phenomenon. This seems to be a way to maintain the personal sense of security as far as possible. The EU identity, however, is not as entrenched and is instead often perceived by many as nothing more than words on paper.

As of today, a common EU identity therefore seems a very long way away from replacing or supplanting the national identities within the member states. However, the problem remains that some shared intellectual goods need to be there to motivate the individual member states and their populations to remain in the Union and even make certain sacrifices to achieve common goals. Widely shared beliefs in the good that can be achieved together must exist to give the political leaders of the member states legitimacy in the eyes of the electorate, especially in times when the engines of economic growth are sputtering. Ultimately, it is a matter of trust: between the governments of the countries and the people they were elected to
represent. The question has gained renewed currency after the British Brexit referendum in June 2016, when a plurality voted in favour of leaving the EU. There is risk that other countries may do likewise if there are no clear and present incentives to remain. If there is no shared vision for what people want to achieve and the economic advantages are not immediately discernible, what reason is there to stay? When, as previously mentioned, EU Commission President in the autumn of 2016 expressed that the EU was in an existential crisis, he put into words the lack of a sense of affinity that seemed to dominate after a year of discord in relation to the migration crisis and the Brexit referendum.

What, then, can persuade popular majorities to think being part of the Union is worthwhile? The late American anthropologist Benedict Anderson (1983) emphasised in his time that nationalism has an unusually strong motivating power that can induce otherwise rational individuals to sacrifice their lives in times of armed conflict and war for the abstract principle that is nationalism. In Anderson’s words, it is a matter of an imagined community, but this perception is so strong that it becomes profoundly real in its consequences. The EU cannot generate any such emotionally mobilising force, nor would it be desirable. Former EU Commission President Jacques Delors (1989) once sighed, in an oft-quoted statement, that you cannot fall in love with a single market. Another former President of the EU Commission, Romano Prodi (2000), pointed to Europe’s Judeo-Christian roots and common cultural heritage in the broad sense, with roots in the 9th century of Charlemagne, as the foundation stones of a common identity in the EU. The history, however, seems too remote and rather too controversial to seriously mobilise popular feeling in a positive and constructive way.

More recent history, however, can be unifying through the deterrent effects of 20th century disasters in Europe, with two world wars, Nazism and the Holocaust, but this remains a negative definition, a common identity defined based on the joint determination to never allow the horrors of the past to be repeated. If, however, one wants to build a community of
identity in the EU based on a positive definition of what unites in the present, apart from the endeavour to prevent a repetition of old evils, the inevitable conclusion is that the natural foundation of the EU’s continued development must be shared values in relation to current political and social reality. After all, there is no common ethnicity, religion or culture in a broad sense to build upon.

In the words of Roxana Barbulescu (2016), a sociologist at the University of Leeds, the European Union is a political union of democracies which protects human rights and presents itself as a beacon of human rights on the global scene. That is a summing-up as good as any. Support for democracy, human rights and the rule of law has long been considered a self-evident normative basis for the activities of the EU. These norms are written into the previously mentioned Copenhagen criteria, established by the European Council in 1993. They have subsequently been said to constitute an absolute requirement for negotiations with new states on membership to even commence. The more precise formulation of the introductory gateway criterion – which states the conditions for opening membership talks – is that new candidate countries must have ‘stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’ (European Commission 2017).

If the interpretations of these maxims begin to waver, this criterion is not quite as imperative and commanding of respect. The impact is deadened when different views are represented within the EU regarding which interpretations are correct. Another dilemma is that even if meeting the Copenhagen criteria constitutes a prerequisite for beginning membership talks with the EU, existing member states that fail to fully comply with the criteria are at no risk of exclusion. Once a country has become a member, control practically ceases. While, as Joakim Nergelius describes in his chapter of this volume, there are mechanisms to temporarily deprive erring members of certain rights, including voting rights in the European Council
following the “nuclear option” of article 7 of the Lisbon Treaty, these are blunt instruments and seldom used. Herein lies an undeniable weakness, not least on the moral level.

In the wake of American political scientist and Harvard professor Joseph Nye (1994), it has become popular to talk about “soft power”. Without a doubt, it was the norm dimension, based on what was expressed in the Copenhagen criteria that, along with a strong economy, constituted the basis of the EU’s international influence and standing after the end of the Cold War. To use the expression coined by political scientist Ian Manners (2002) of the University of Copenhagen, the EU had normative power. According to him, there were five influential core norms and four minor norms propounded by the EU. All of these were ultimately based on the Copenhagen criteria.

Following Manners, the EU’s normative power was in the final analysis a matter of its opportunities to gain support for its interpretations of what the core norms mean and what can be considered normal and recommendable to do in a given situation, in both domestic and foreign relations. It was a matter of conviction and presumptions that cannot be compelled, but which evolve through the power of good example. Convictions lead the way, not sanctions and coercion. How relevant is the notion of the EU’s normative power today, more than halfway through the 2010s? Is the positive picture still justified?

Four developmental paths for the EU

In a book published in 2015, my co-authors, Denmark-based historians Hans-Åke Persson of Roskilde University and Cecilie Stokholm Banke of the Danish Institute for International Studies (DIIS), and I had reason to discuss four contending visions of Europe’s future development (Persson et al 2015). These were Europe as a promised land, as a bogeyman, as an anachronism and as a contested ideal.
The first scenario referred to the persistent appeal of Europe in the world, among the candidate countries in the western Balkans or countries like Georgia that aspire to be candidate countries, and on the individual level among migrants who make their way to the EU from other parts of the world. Here, the vision of EU Europe as the promised land has hardly faded in recent years. This is still painfully clear. According to the International Organization of Migration (IOM), more than 1.3 million of refugees and migrants crossed the Mediterranean Sea in 2015 and 2016 alone on their way to EU Europe in search of a better life (IOM 2015, 2016).

The diametrically opposed vision of the EU as bogeyman refers to the risk of repetitions in the EU of parts of Europe’s sombre past, its dreadful 20th century with two world wars and the Holocaust, as well as, lest we forget, its dark colonial history. It was the Stygian experiences of the 20th century that inspired far-sighted statesmen in Europe to join together in the early 1950s laying the foundations of today’s EU. Their rationale was that a repeat of the disasters of the past must be prevented at any cost. This pioneering endeavour has certainly been successful for a long while and was symbolically recognised when the EU was awarded the Nobel Peace Prize in 2012 for its work with peace, reconciliation, democracy and human rights in Europe. But things are not perfect, by any means. Extrapolations of elements in the present are found in the bogeyman vision, where many people seem not the least bit wary of the errors of the past. On the contrary, there are deeply troubling tendencies. These include aspects such as an increase in “Us vs Them” thinking within the individual member states, rising xenophobia, higher numbers of hate crimes and the growing influence of extreme right-wing nationalist movements. From having been a promised land, the EU or parts of it might be degenerating into a cold and inhospitable place where it is dangerous for those identified as foreigners to be.
The outlook that the EU should appear to be an anachronism is a prediction of stagnation. Its argument is that Europe’s influence is past its prime. EU Europe, in its ingrained self-confidence, is resting on former laurels. Based on several economic indicators, the EU is at risk of being outstripped by the BRICS (Brazil, Russia, India, China and South Africa), for example, and is therefore increasingly relegated to playing second fiddle to these countries and the United States. The long-lasting peace among the core countries of the EU since the end of WWII is taken for granted and no longer inspires as it once did. When the EU was hit by the consequences of the global financial crisis in 2007 and the eurozone crisis in 2008 and onwards, much of the economic basis for the Union’s global influence collapsed. Even though growth has also withered in the BRICS countries, the EU was unable to respond to the economic challenge presented by these more dynamic parts of the world. In 2016, Brexit brought the problem of the EU as a possible anachronism to a head. One of the top countries in the EU is leaving: what’s next?

The last scenario, finally, is the EU as contested ideal. This refers to what this chapter discusses more specifically: the risk that the core values of the EU will be undermined when dissonant voices join the European chorus about what are the central values, or even try to drown it out. There has been an increasingly strong tendency in recent years for countries both within and outside the EU to lay claim to speaking for Europe. The British political scientist and Russia expert Richard Sakwa (2014) at the University of Kent has discussed this development in relation to the concept of Greater Europe, which thus encompasses considerably more than the EU. In this context, the EU is no longer even the obvious hub. The interpretation of the EU’s ingrained fundamental values as expressed in the Copenhagen criteria are being challenged by outsider countries like Russia and Turkey. At the same time, increasingly vociferous challenges are coming from inside the EU itself. Which way development should go is no longer obvious. The likely consequences are that trust within the
Union will diminish as the member states diverge on questions of values and the EU’s standing outside its borders will decline. Its normative power will palpably weaken in relation to the rest of the world.

Whether we like it or not, the cohesion of the EU ultimately depends upon boundaries, both physical and psychological. All collective identities are based on what the in-group is and, perhaps above all, what it is not. The EU’s influence as a normative power largely depends on its capacity to draw clear lines of demarcation between it and other parts of the world that do not embrace the principles expressed in the Copenhagen criteria. The core values of democracy shine brightest when set against the darkness of authoritarianism. Expressed somewhat more brutally, the EU identity, as an identity to be proud of in positive terms, is based on the fact that the EU is not Russia, with its authoritarian development and lack of respect for borders acknowledged under international law. It is also based on the fact that the EU is not Turkey, with its mass arrests, purges and threats to reinstate capital punishment in the wake of the failed military coup in 2016. The core values of the Copenhagen criteria, the goodness of the open society, also shines brightly in relation to the challenges of the Islamic State’s terrorism and religious fanaticism. This is a pitched battle. And yet, the lustre of the normative power may be dulled if EU member states go too far in their efforts to respond to threats from the outside. It is vital to the common identity, and thus to trust, that the non-democratic traits we otherwise claim distinguish Them do not tarnish Us.

A Kidnapped West redux – or turning fish soup into an aquarium?

Today, in the late 2010s, the challenges to the EU’s core values from the inside are coming not least from Central Europe. As Norwegian political scientist Iver B. Neumann (1999b) of
the London School of Economics noted, use of the term Central Europe at the end of the Cold War was fraught with tension. Representations of Central Europe took on three major forms. The most common use of the term Central Europe referred to three countries in the geographical centre of Europe: Czechoslovakia (which still existed), Hungary and Poland. These made up the “Visegrad bloc”. The second use of the term Central Europe was propagated by a number of states, from Estonia, Latvia and Lithuania in the north to Bulgaria and Romania and the countries of the former Yugoslavia in the south, which also claimed to fit within the political-geographical frame of reference indicated by the designation of Central Europe. Thirdly, the term Central Europe was found in a state of tension with the term Mitteleuropa where Germany, rather than the Visegrad bloc, was clearly the centre.

Neumann’s interpretation is that the first-mentioned usage gained the greatest currency, which had important effects. The discourse on a Central Europe comprising mainly the Czech Republic, Slovakia, Hungary and Poland was so influential that it seemed self-evident that these states should be prioritised for membership in the EU as well as the NATO military alliance. That they were considered to be at the head of the line was connected to the assumption that they had the shortest route to reshaping their states in line with the demands of democracy and the market economy.

The Czech author Milan Kundera’s (1984) essay called “A Kidnapped West” had tremendous impact among Western European politicians and the public at the time. He argued that Western Europe was represented by the EU, while Central Europe had been kidnapped by the Soviet Union. Culturally, however, it was free-thinking and potentially dynamic, and thus essentially different from the stagnant and static Eastern Europe. Central Europe therefore was and remained something completely other than Russia and the Soviet Union. The argument became an important aspect of the self-representation of Central European leaders and was also embraced by influential political leaders in Western Europe.
Reincorporating Central Europe with the rest of Europe in the EU became a symbolically important endeavour. By making the term Central Europe accepted in the vernacular, along with the interpretation that the region consisted of the Czech Republic, Slovakia, Poland and Hungary, the political leaders in the Visegrad bloc garnered sympathy for the idea that their countries constituted a vital part of the European project. They were participants in a larger European identity, which was in turn defined to a significant extent based upon the involvement of the Central European states. The great and important mission in connection with the eastern enlargement of the EU in 2004 was therefore to finally make EU-Europe whole again, to give Central Europe full access to the European legacy and the European community to which it had for so long been denied entry. As Neumann (2015) reminds us, however, it was not necessarily so that Central Europe must be interpreted as the centre of EU-Europe. Logically, Central Europe is instead the place where influences from the European West and the European East meet and clash. It was therefore an erroneous conclusion from the outset that the EU would remain the same in terms of values after the eastern enlargement as it was before. Apropos the unification of Europe a popular joke at the time of the end of the Cold War had it that while it is easy to turn an aquarium into a fish soup, it is much harder to turn a fish soup back into an aquarium. Developments have shown that his evocative description was not necessarily off the mark.

About ten years after the big enlargement, certain governments of Central Europe started to break the consensus on how the EU’s core values should be interpreted. This may be seen as an irony of fate, since the EU put so much political prestige on the line to bring these states into the EU-European project in the first place. Perhaps the transformation to a working market economy was so arduous for the new democratic leaders that developing a new political culture was put on the back burner. If so, Havel’s warning was indeed justified.
Illiberal democracy

The term “illiberal democracy” is usually ascribed to the Indian-American writer Fareed Zakaria (1997). He used the term to describe regimes that indeed held elections, but gave short shrift to the rule of law and loosely interpreted what the country’s constitution had to say about checks and balances between branches of government. Above all, the term suggested that the liberal element of democracy, as regards the rights of minorities and individual liberty, was ascribed less importance by the regimes in question.

The emergence of illiberal democracy in the EU is of relatively recent vintage, with Hungary on the forefront. The country’s populist-influenced leader, Prime Minister Viktor Orbán, came to power after the national elections in 2010, at the head of a coalition government led by his national conservative party Fidesz. After the elections, this government could rely on a two-thirds majority in parliament, which made it possible to amend the constitution. As Nergelius also describes in his chapter in this volume, a number of restrictive changes to judicial independence have since occurred. Freedom of the press has been curtailed in pace with increases in state political control over the media and the initiation of constitutional amendments. Laws have been enacted that make insulting or disparaging national symbols a crime punishable with imprisonment.

Orbán even goes so far as to advocate reinstatement of capital punishment in Hungary (The Guardian 2015). To seriously broach this subject is symbolically as far as one can go if one is aiming to distance oneself from the EU’s core values. When Turkish President Recep Tayyip Erdogan, after the failed military coup in 2016, indicated that the death penalty might be reinstated in Turkey because, as he put it, the people demanded it, leading politicians in the EU including the German Minister of Foreign Affairs, Sigmar Gabriel
emphasised that if this were to happen, the country’s membership talks had reached the end of the road. Capital punishment was a Rubicon, a red line, which could not be crossed under any circumstances.

Here again, there is an obvious difference between member states and candidate countries. As mentioned, opportunities to impose sanctions on existing members are heavily restricted.

As the negative reactions from outside Hungary pile up, the Orbán government seems to become only more intent upon being the bête noire of the EU. A referendum on refugee reception was held in Hungary in 2016. The main question asked was whether the voters would allow the European Union to be able to mandate the obligatory resettlement of “non-Hungarian citizens” in the country. The referendum was initiated by reason of the EU’s proposed quota system for the allocation of refugee reception within the Union, a principle that the Hungarian government, together with the Slovakian, strongly opposed. A stunning 98 per cent of those who voted sided with the government’s position in the polls, but the referendum was nevertheless declared invalid due to the voter turnout being below the required 50 per cent.

In his nationalist rhetoric, Prime Minister Orbán identifies enemies foreign and domestic that wish Hungary ill. It is the threats from these forces that, according to him, justify the authoritarian elements of the government’s policies. His speeches during the migration crisis of 2015 and leading up to the referendum in 2016, where he links migration with terrorism, are glaring examples of this. Orbán is thus responsible for what is called in the literature securitisation of migration issues in political debate (Huysmans 2000), where he seeks to legitimise the forceful pushback against migrants that he considers necessary to protect the country from threats inside and outside its borders. He advocates a zero vision in the migration area: Hungary should not accept any refugees, period, regardless of what is happening in the world. Those who do not agree with the Prime Minister’s policy are not real
Hungarians, according to the rhetoric. The hard line is supported in popular opinion, which thus seems to favour a very restrictive stance on the refugee issue. Orbán also tries to strike a balance against the right-wing extremist party Jobbik, which usually goes further than his own party Fidesz in rhetoric and policy proposals.

If anything, Orbán (2014) seems proud of the challenge he is lobbing at the EU’s normative, fundamental values. In a platform speech in the summer of 2014, he urged his audience to understand “systems that are not western, are not liberal, are not liberal democracies, perhaps are not even democracies, and yet manage to make their nations successful.” The gist of his argument was that Hungary is now exploring how the country can liberate itself from “western dogmas” and optimally organise a society that is competitive in the world arena. He suggested that countries like Russia, China, India, Turkey and Singapore are states worthy of serving as models for Hungary’s political and economic development. This is a far cry from what happened at the end of the Cold War, when Hungarian leaders were the first in the Eastern Bloc to cut holes in the fence that demarcated the Iron Curtain and thus open the country in earnest to democratic values and other influences from the West.

It should perhaps be stressed that Orbán never actually defined what illiberal democracy entails in his platform speech. Illiberalism was presented only as the negation of liberalism, which Orbán argued incorporates “corruption, sex and violence”, but the Prime Minister did not delve more concretely into which liberal rights and freedoms should be curtailed. He did emphasise, however, that “values of Christianity, freedom and human rights” would still be respected in an illiberal Hungary, although he did not put much emphasis on the EU’s core values of democracy and the rule of law in this context. This might have been a harbinger of the future direction of Hungarian policy. In any case, the reference to Christian values is likely to have given Muslims in the country reason to feel stigmatised.
Hungary is no longer alone in appearing to be an illiberal democracy within the EU. The parliamentary elections in Poland in 2015 brought the national conservative party *Prawo i Sprawiedliwość* (PiS, Law and Justice) headed by Prime Minister-elect Beata Szydło, and endorsed by party chairman Jarosław Kaczyński, to power with the backing of an absolute majority in Parliament. In many ways, Kaczyński seems to be the real leader of the Polish movement towards illiberal democracy. As early as 2011, he expressed his wish to create a “Budapest in Warsaw” (The Financial Times 2016).

After the change of government in 2015 a new media law that empowered the government to appoint about 20 senior positions in state-owned radio and television channels constricted freedom of the press and freedom of expression. One move in particular that garnered much outside attention was the attempt by the new culture minister to ban the production of a play by the Nobel laureate Elfriede Jelinek, on the grounds that the opening scene was pornographic. State censorship, which had been lifted from Polish arts and culture with the liberation from the Eastern Bloc, thus seemed to be on the way back.

Most crucially, however, on the strength of the election results in 2015, the government was able, as in Hungary, to amend the constitution. It quickly pushed through a restriction of the powers of the constitutional court. Extraordinary judicial appointments were made in violation of existing regulations and the government decreed that decisions by the Constitutional Tribunal would henceforth require a two-thirds majority. As the Polish government moved in 2017 to initiate laws giving itself the power to dismiss Supreme-Court judges and give veto power to government-appointed members of the National Council of the Judiciary, which selects judicial candidates, the European Commission reacted very strongly. It warned that the EU was on the brink, for the first time ever, of triggering the “nuclear option” of article 7 in the Lisbon Treaty, under which the Polish government could lose its voting rights in the EU institutions. Under the influence of strong domestic protest rallies and
the negative international reactions, the Polish President, Andrzej Duda, decided however to block the two controversial laws, so the threat was not carried out at the time (The Guardian 2017).

Islands of the East in the West

Until Hungary and Poland became the standard-bearers for illiberal democracy in the EU, the challenges to the EU’s interpretive monopoly in the matter of what constitutes European values came from the outside, primarily from Russia. The idea of Russia’s “sovereign democracy” was launched soon after Vladimir Putin’s first term as president began in the early 2000s, where the main message was that no outside state had any right to interfere in how Russia chose to interpret and apply the concept of democracy and what it entails (Makarychev 2008; Chen 2016). It was the great power’s sovereign right to choose its interpretations and chart its own course, which need not at all harmonise with that of the United States or the European Union.

Ever since he came into power in the late 1990s, Putin has consistently managed to maintain his popularity among the Russian electorate (Petersson 2017). The three times he has run for president so far, in 2000, 2004 and 2012, he was elected in the first round. His approval ratings are astoundingly high and have only rarely dropped below 65 per cent, a rating that his political colleagues in the West can only achieve in their dreams. Putin’s heavy-handed emphasis on the idea of Russia as a predestined great power seems to appeal to Russian voters, along with his imposition and maintenance of law and order after the political chaos and economic weakness of the 1990s. The hosting of the 2014 Winter Olympics in Sochi
became a symbolic manifestation of Russia’s resurgence as a global power. Actions such as the annexation of Crimea that same year and the intervention in the civil conflicts in Ukraine and the war in Syria have also been highly popular among the voters (Hutcheson & Petersson 2016). In connection with these events, Putin’s approval curve shot up and stayed there. In the monthly surveys taken in the autumn of 2017 by Moscow-based Levada Center, 83 per cent of respondents still expressed their approval of the president’s policies (http://www.levada.ru/en/ratings/).

The popularity Putin enjoys among the populist right wing in the West is, on the face of it, highly surprising. This development is particularly disquieting when it is put in relation to the discussion on European core values. With his harsh rhetoric, his macho ideal and his authoritarian image and policy, Putin has become something of an idol among European right-wing populists (Klapsis 2016). The leaders of the Hungarian Jobbik party have described him as a guarantor of European values, as opposed to a putatively degenerate EU. Politicians like Marine Le Pen in France and Nigel Farage in the United Kingdom have repeatedly expressed their admiration for his politics and style. On their website, the Greek ultra-nationalist Golden Dawn are looking forward to a Russian-Greek alliance between the two Orthodox states in the areas of trade, energy and national security (http://www.xryshaygh.com/en/view/golden-dawn-welcomes-the-leader-of-russia-mr.-vladimir-putin-to-greece).

Considering these somewhat unexpected expressions of sympathy, as the previously mentioned Neumann (2015) has so vividly put it, the political East may pop up anywhere on the European political map in the future, and even off the same. This very much includes the formerly acknowledged bastion of western liberal democracy, the United States. During the election campaign in 2016 the populist Donald Trump expressed his admiration in several speeches for his Russian counterpart Putin (and vice versa), and has since becoming president
indicated what seems to be a very muddled view of democracy. Almost one year into its political lifespan, the political course of the Trump administration is volatile and erratic. Even if it is clear that the candidate preferred by Moscow emerged victorious from the U.S. presidential election, it is still too early to tell the extent to which the political East has truly reached all the way to Washington DC. Even so, the effects of the Trump administration on the political climate in Europe and the rest of the world may be as profound as they are unpredictable.

As if Europe’s own problems were not enough. The antipathy towards refugees and asylum-seekers is making itself felt across the entire European political map. Right-wing populist parties across the entire EU are castigating these groups, in alignment with the views represented by Orbán and Kaczyński in their illiberal democracies in Visegrad. Migrants are depicted by default as a threat to national security, a serious burden on social welfare systems and a general threat to putative national cultures and values. In several countries, such as Denmark and Austria, the established parties have moved closer to the perspectives and views of the populist factions in a bid to win over their voters and opinion support. This is yet another manifestation of the increasingly patchy backing of the EU’s core values. It seems clear that the migration crisis has put trust within the EU and, especially, between EU residents and recently arrived migrants to a serious test.

A somewhat different challenge to the European core values is coming from the official EU candidate country Turkey. When President Erdogan responded to criticism of Turkey’s inadequate respect for democracy, human rights and the rule of law in March 2016 (four months before the failed military coup in the country), he was quoted as saying, “Democracy, freedom and the rule of law… for us, these words have absolutely no value any longer” (http://www.independent.co.uk/news/world/europe/president-erdogan-says-freedom-and-democracy-have-no-value-in-turkey-amid-arrests-and-military-a6938266.html). After the
failed coup, things got far worse. Tens of thousands of people were dismissed from their positions in public administration, the military, media and education. Fifteen private universities were closed, putatively due to connections to the oppositional Gülen movement. Turkey is ruled by emergency laws, mass arrests have taken place, copious reports of torture are being made and reinstatement of capital punishment is under discussion. In spite of such actions, the EU is so far maintaining its ambition to continue membership talks with Turkey, even though German Chancellor Angela Merkel in the early autumn of 2017 vowed to seek to end them (https://www.reuters.com/article/us-germany-turkey-merkel/in-shift-merkel-backs-end-to-eu-turkey-membership-talks-idUSKCN1BE15B). Under the present circumstances the EU would clearly seem to put its core values at stake by continuing talks with Turkey.

Illiberalism, canaries and legitimacy

Using Hungary as an example, Jan-Werner Müller (2016) of Princeton University cautions against widespread and accepted use of the term “illiberal democracy”, which can help solidify and legitimise the power of authoritarian regimes. He argues that the concept can be misleading and that an unwarrantedly positive impression may be given that these regimes are primarily opposed to the materialism and selfish individualism of the market economy. This would obscure the fact that they are also attempting to limit protection of minorities, freedom of speech and assembly, as well as media pluralism, all of which are at the heart of democracy. The political orientation is not so much “illiberal” as it is “undemocratic”: things should be called what they really are.

It is bad enough that countries like Hungary and Poland seem to have made illiberal and undemocratic ideas their own. The line of thinking expressed by sociologist Abby Innes
(2015) of the London School of Economics is even more alarming: that developments in
Hungary and Poland might be a memento mori for Europe at large. She argues that the
pressure on democracy in Hungary can be compared to the canaries in the coal mines of
yesteryear. When toxic gases began billowing through the mine shafts, the canaries were the
first to die, thus giving an early warning to the miners, who could take themselves to safety.
What Innes is suggesting is that Hungary, with the economic stresses it has endured during its
transition to democracy, the market economy and acceptable social welfare systems, has in
many ways, and in magnified form, been ahead of the rest of the EU when it comes to the
urgency and means of getting out of a deep economic crisis. For Hungary, the need arose after
the end of the Cold War, while the euro countries did not have their crisis to overcome until
2007/2008 and later. There is thus reason, according to Innes, to study the Hungarian warning
signs carefully: democracy in Hungary may be the EU’s canary. Populism, national
conservatism and illiberal currents may easily arise in countries closer to the core of Europe,
she argues, and the essence of democracy may be the first to die. Hardly subtle strategies to
maintain the good will of voters may be tempting and easy ways for political elites to achieve
the legitimacy they need to stay in power. Identifying scapegoats, such as refugees, is a
classic recipe.

In his own time, the great German sociologist Max Weber (1978) determined that there are
various ways for the political elites to acquire more long-term and enduring support,
legitimacy, from the electorate. A common definition of legitimacy is the existence of
widespread beliefs that the power of leaders is lawful, rightful and in accordance with the will
of the people. Weber differentiated three ideal types: charismatic authority (based on the
charisma and personal qualities of the leader), traditional authority (when power is vested in a
person, group or family who have held power for so long that it seems as if there is no longer
any alternative) and rational-legal authority (the mature, Western type, in which public trust is
gained through conscientious observance of existing laws and rules). The dilemma that the illiberal leaders in the EU are actualising is that there seems to be a movement in various places in the member states away from rational-legal legitimacy and towards charismatic legitimacy. Instead of careful observation of the letter and the spirit of existing laws and constitutions, leaders influenced by populism are using charismatic addresses and over-simplified solutions – such as stopping all refugee immigration – to address complex social problems. As the charismatic style of leadership generally prefers black-and-white descriptions of reality in which an Us is contrasted with a threatening Them, this is a trend that certainly does not encourage the development of trust within the EU.

Protect the core values, secure their interpretation

The eastern enlargement in 2004 included ten countries, eight of them in the former Eastern Europe. When it was implemented, it was considered a major advance for Western liberal order and democracy, although some problems were foreseen, primarily in relation to labour markets and social safety nets. The kidnapped Central Europe would now be fully liberated and Europe made whole again. But the enlargement led to tensions within the Union in a way that few people other than the prescient Václav Havel could predict. It included states whose political systems and civil societies were still scarred by their experiences of the Cold War and their prolonged affiliation with the Soviet-dominated Eastern Bloc. The integration of Central Europe thus did not entail a simple enlargement of the core of the EU: instead it seems to have involved a partial redefinition of the core.

In Hungary and Poland new governments came to power in the 2010s, supported by discontented electoral majorities and with a somewhat divergent view of what constitutes the
core values of the EU. The accepted interpretations of what the democracy, human rights and rule of law of the Copenhagen criteria are, and what they mean, were challenged. These governments seemed most inclined to listen to the Siren song of authoritarian forces in Russia and perhaps Turkey. As this is written, it seems by no means self-evident that the democratic and liberal model represented by the old EU will be competitive in the long run or that its normative, preferential rights of interpretation vis-à-vis the rest of the world can be maintained. The EU seems to be moving in to a phase where the only instrument available to play is second fiddle. The Golden Age of the EU may already have passed; the Union may seem to be an anachronism, as Brexit seems to suggest.

The trials of the EU’s fundamental values are thus emanating from authoritarian states outside its borders and from illiberal member states at its centre, but not only from there. This has to do not only with a political East that is spreading here and there across the entire EU territory; it is rather an illiberal patchwork quilt being sewn under the influence of a protracted economic crisis. The growing support of the populist parties in public opinion in recent years is a serious concern and seems, if anything, to be a challenge to the core values of the EU. The pushing of simple solutions to complex problems is gaining widespread support in public opinion in the member states. The knee-jerk characterisation of refugees and other migrants as threats to national security, terrorists and general burdens on national resources and values is happening all over the EU. Perhaps the populist challenge is actually the toxic gas pouring out of the EU’s political mine?

A unifying vision for the EU member states and their people is needed to continue moving forward together, regardless of the economic crises and Brexit. There must be consensus as to how the core values should be interpreted and implemented. The Copenhagen criteria should therefore be extended with an authoritative and shared interpretation of what its maxims entail. In this way, the criteria can be protected from attempts to set up competing or
conflicting interpretations, whether these are purported to be of a sovereign or illiberal nature. Democracy, human rights and the rule of law must never be allowed to become beautiful words devoid of concrete content; the EU must remain a beacon. In turn, this means that concern for democracy, the rule of law and human rights must also imbue the relationships among people who reside in the Union’s territory but are not her citizens.

Impactful sanctions against existing member states that breach the accepted interpretation of the core values must be considered in the future. What should be done in relation to candidate countries that claim the maxims are of no value at all is another problem that must be addressed. One is forced to conclude that continued membership talks with Turkey, which for all intents and purposes is breaching the EU’s core values under the mantle of emergency legislation, are in the current circumstances a contravention of the Copenhagen criteria. The EU would certainly be enlarged, but it would most likely have to sell its soul along the way.

A common identity would foster trust between EU member states and their populations to be further developed and consolidated. Such an identity must, however, grow organically and support for the common values would be the most fertile soil. Unconditional unity around the interpretation of the Copenhagen criteria is essential to promoting a sustainable common identity and trust.

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