

1

WHO DECIDES EUROPE'S VALUES?

Throughout the Western world, values have become a focus of conflict. Societies find it difficult to establish a consensus on moral norms. Indeed the passions that were once devoted to settling ideological differences are today directed towards engaging in a conflict over values. During the recent decades, all the major conflicts in society have in one way or another been linked to disputes over cultural values. These so-called *Culture Wars* first emerged in the United States in the 1960s. Acrimonious arguments about family life, the role of religion, sexuality, marriage, the end of life, and abortion indicate that there is little consensus on the fundamental values that guide human behaviour in American society. Conflicting attitudes towards cultural values escalated into a veritable war during the 2016 US presidential elections.

In recent times, the Culture Wars have also made their presence felt on the landscape of Europe. Here, controversy has focused on the role of religion, particularly Christianity and, lately, Islam; on the meaning of European culture; on multiculturalism; and on the value of national sentiment. The key issue that underlies all these different controversies is a conflict over the status of national sovereignty and the nation state. The transnational outlook that pervades the institutions of the EU regards national sovereignty as an outdated and potentially disruptive ideal. Such differences over values exist both within member states of the EU and across national boundaries, where they roughly correspond to the old division between East and West Europe.

That the Culture Wars have migrated across the Atlantic was vividly demonstrated during a debate in the European Parliament in January 2012. The debate, titled 'Recent Political Developments in Hungary',¹ was organized as a response to concerns expressed by the EC that a variety of recently enacted Hungarian laws violated the values of the EU. The commission followed up its concerns by launching infringement proceedings against Hungary on three matters: the independence of the national central bank, the retirement age of judges, and the independence of

12 Who decides Europe's values?

the data protection authority. Outwardly at least, this controversy appeared as a dispute about relatively routine technical matters; but as the debate unfolded, it became evident that what motivated the main protagonists were different visions of values.

Before the scheduling of this debate, EU-phile commentators in the media and policymakers had singled out the Hungarian government and its recently enacted Constitution, the 'Fundamental Law', as representing a challenge to the secular, democratic, and liberal values of the EU. Frequently, this Constitution's references to Hungary's national and Christian traditions were portrayed as dangerous sentiments that threatened to unleash the resurgence of the xenophobic nationalism the EU believed it had left behind in the 1940s.

José Manuel Barroso, the then president of the EC, set the tone when he introduced the debate. He characterized his differences with the actions of the Hungarian government as an 'extremely sensitive matter, where I believe we have to be clear on values'. Barroso did not clarify what values were at stake, and he was anything but clear on this issue. However, the implication of his statement was that the Hungarian laws and Constitution violated European values.

Hungary's prime minister, Viktor Orbán, responded to Barroso by insisting that the new Constitution and the subsequent measures enacted by his government 'took place on the basis of European values and principles'. He went out of his way to reiterate his government's adherence to European values and concluded his remarks with the words, 'I ask you to continue to support in the future, in the spirit of European values, the major transformation and restructuring that we are in the process of completing in Hungary.'² Implicit in his statement was the view that there was more than one version of the meaning of European values, and that respecting the right of different nations to interpret them in line with their own traditions was one of them.

During the course of the debate that followed the initial remarks, it became evident that, despite a common rhetorical affirmation of European values, there was a fundamental difference in the way they were interpreted. Speaker after speaker condemned the Hungarian government for its supposed violation of European values. The Flemish Belgian politician, Guy Verhofstadt, leader of the Group of the Alliance of Liberals and Democrats for Europe, took the floor to denounce the Hungarian government's alleged violation of European values. He warned that what was at issue in the debate were not trivial technical issues but the fundamental principles on which the EU was constructed. He stated:

What is necessary here is not a debate on technical issues, as we had at the beginning of the year. This is about checking the conformity of the [Hungarian] constitution and cardinal laws with the European values that are enshrined in Article 2 of the Treaty: democracy, the rule of law, freedom of religion, freedom of expression and so on.

Verhofstadt demanded that the EU's Committee on Civil Rights, Justice and Home Affairs draw up a report investigating the actions of the Hungarian government to

find out whether 'there exists a clear risk or a serious breach of our values'. His use of the term 'our values' conveyed the implication that they were likely to be different than 'theirs'.

The oddity of the demand that a member state of the EU – a sovereign nation – should have its values policed was left unremarked. What this call for value – policing suggested was that the EU's highly acclaimed celebration of the principle of diversity did not apply to different orientations to values and moral norms across national boundaries. Tolerance for the diversity of values – which has been historically a central feature of liberal thought – was clearly not seen as important by those calling for the monitoring of values in Hungary.

Some of the criticisms directed against Orbán were couched in a language that was less restrained than the legalistic jargon used by Verhofstadt. Daniel Cohn-Bendit of the Greens-European Free Alliance condemned the direction taken by Hungary and lectured Orbán that 'we are here to tell you that you are going in the direction of Hugo Chavez, Fidel Castro, and all the other totalitarian authoritarian governments'. Orbán's response to the charge that Hungary was travelling down a totalitarian route was to declare that his values were no less European than those of his detractors.

From Orbán's perspective, the traditionalist system of values promoted by his government were rooted in the historical legacy of European cultural norms. He argued that:

Our ideals are undoubtedly Christian and based on personal responsibility; we find national sentiment to be an important and positive thing, and we believe that families are the foundations of the future. It may be that a great many people believe otherwise, but that makes our position no less a European one. It may be that with this we are in a minority in Europe, but this position is no less a European position, and we are free to represent this conviction.

In defence of his argument, Orbán pointed to the former French foreign minister Robert Schuman, considered to be one of the founding fathers of the EU, who stated 'there will either be a Christian democracy in Europe or there will be no democracy at all'.

What was significant about Orbán's response to the criticism levelled against his government was the emphasis that he attached to the politics of culture. 'We Hungarians believe that what makes Europe Europe is its culture', he stated. The implication of Orbán's statement was that his government stood for a system of cultural norms that, though they contradicted the values of his opponents, were rooted in Europe's historical tradition.

Orbán's affirmation of traditional Christian values provoked respondents to claim that his approach violated the spirit of the modern values of pluralism and diversity. Verhofstadt indicated that the Hungarian Constitution was antithetical to European values such as 'democracy, the rule of law, the freedom of religion, the freedom of expression, equality also'. Some of Orbán's critics went a step further

and insisted that Christianity was entirely alien to the values of the EU. Taking this sceptical approach to religion, the French Member of the European Parliament (MEP), Marie-Christine Vergiat, representing the Left Bloc, asserted that 'European values are not Christian values'. She claimed that 'European values are freedom of conscience, freedom to believe in a religion of one's choice, freedom to believe or not believe'.

Vergiat's disassociation of European values from Christianity expresses the political sentiment that is integral to the outlook of the secular liberal and leftist post-war tradition. However, it should be noted that this outlook has never monopolized the prevailing definition of European values, and it certainly runs counter to the way it was perceived by the advocates of European integration in the past. Schuman, who is proclaimed as one of the 'Founding Fathers' of European integration, was in no doubt about the foundational role of Christianity for this project. In 1958 he proclaimed that, 'we are called to bethink ourselves of the Christian basics of Europe by forming a democratic model of governance which through reconciliation develops into a "community of peoples" in freedom, equality, solidarity and peace and which is deeply rooted in Christian basic values.'³ Even Jacques Delors, the former president of the EC, spoke in July 2011 of the 'Europe of values', in whose Constitution 'Catholicism, or rather Christianity more generally, played a major role'.⁴

However, by the time Delors made his statement, the political interests associated with EU integration had become reluctant to explicitly associate their values with Christianity or, for that matter, with many of the historical traditions associated with the legacy of Europe. In response to this anti-traditional European federalist political culture, Delors observed that 'today we have hidden our shared values'. As an example he pointed to the Lisbon Treaty drawn up in 2007, in which 'several heads of governments refused to have these roots alluded to'. He added that 'this is very sad, because we need to know where we have come from'.

Confusion – or indeed, a fundamental disagreement – about the legacy of Europe and the values that define it transcends the 2012 debate between Orbán and the MEPs hostile to the policies adopted by his government. It was evident that whatever the EU meant, it was not a community of shared values. The debate also revealed that the conflict of values was far more polarizing than differences over economic or social policies. As we shall outline in the chapters to follow, the not-so-silent Culture War sweeping Europe has become the focus for some of the most important disputes in the current era.

The manner in which the 2012 debate was represented in the West European media illustrated the heightened sense of tension that surrounds conflicts over values. An article titled 'Hungary in the Crossfire; Orbán Lashes Out at Critics in European Parliament', carried by the German *Spiegel Online*, condemned Orbán's speech as a 'nationalist tirade',⁵ stating that Orbán 'came across as pugnacious, dogmatic and unforgiving'. The British *Guardian* predicted that because of his speech 'Hungary PM Viktor Orbán faces EU backlash over new policies'.⁶ Other media outlets cast Orbán into the role of an authoritarian demagogue and characterized Hungary as the EU's pariah state. As one columnist for the Canadian *Globe and*

Mail, writing a 'Letter on Freedom to Hungary's Viktor Orbán', asserted, 'you run a country that has become a pariah of the European Union'.⁷

One of the few Western media outlets that attempted to stand back and offer a more dispassionate account of the debate was the British *Financial Times*. In a live blog on the debate, its blogger noted that 'although there were some fireworks, they mostly came from MEPs on the ideological left and not from Orbán himself, who sat through the entire session and remained decorous throughout.' The reporter added that 'after enduring more than three hours of criticism and complaint, Orbán kept his cool in his closing'.⁸

The rhetoric of alarm conveyed by the media is itself sociologically significant. The claims that Orbán launched into a 'nationalist tirade' during the course of the debate are difficult to reconcile with the minutes of the proceedings. However, the rhetoric of condemnation was in all likelihood genuinely felt. Why? Because from the standpoint of the EU's cosmopolitan political culture, the mere hint of a positive orientation towards religious or national traditions was likely to be perceived as out of step with the culture of the new Europe. The passions and hostility that Orbán's statement incited amongst his detractors in the European Parliament and sections of the media were motivated by a genuine conviction that the Hungarian government represented a threat to what, for a lack of better expression, can be characterized as the EU way of life.

Conflicts over culture are noisy and intemperate, and many Western advocates of the EU's anti-national and federalist approach regard Orbán and his government as a unique threat to their project. As the Hungarian MEP György Schöpflin pointed out, 'There seems to be a well-established view in some parts of the European Commission that Hungary under its Fidesz government has become a tiresome member state, that it is constantly breaking the formal and the informal rules of EU membership'. Schöpflin remarked that 'this attitude seems so deeply engrained that in the eyes of some, it no longer needs any proof, but has become a starting assumption'.⁹

The Romanian Social Democratic MEP Ioan Enciu was one of the few of Orbán's critics to point explicitly to the cause of their dislike of the Hungarian government. He stated that 'from the very moment it came to power, the Hungarian government has been persisting in promoting policies that conflict with European law and have a strong nationalist-populist aspect'. From the standpoint of the political class that dominates the EU, the terms 'nationalist' and 'populist' represent maladies that afflict public life. For them, the mere mention of these terms alludes to a political culture that is antithetical to values and practices considered legitimate in Brussels.

The Culture Wars in perspective

The way that the EU political class uses the terms 'nationalist' and 'populist' has little to do with the original meaning of the terms. According to its anti-populist cultural script, nationalism is the natural companion of xenophobia. It is frequently suggested that it serves as the point of departure for the kind of aggressive nationalism that characterized the violent racist movements of the interwar era. Although

the EU political class justifies its anti-nationalist rhetoric by pointing to the dangers of racist xenophobic movements and constantly harks back to the rise of the Nazis during the Weimar Republic, it is actually hostile to any form of national or patriotic sentiment. It regards people's identification with their nation as a regrettable act of prejudice. Its federalist inclination directs it to adopt a posture of animosity towards the ideal of national sovereignty.

The leadership of the EU regards the principle of national sovereignty as the driver of Euroscepticism and, therefore, as a threat to the integrity of its institutions. Speaking in this vein, Herman van Rompuy, the then president of the EU Council, told a Berlin audience in November 2010 that 'Euroscepticism leads to war', and concluded his speech with the rallying cry, 'we have to fight the danger of the new Euroscepticism'.¹⁰ The claim that Euroscepticism represented an incitement to war was linked to the assertion that such an outlook inevitably encouraged the revival of the aggressive nationalism of the interwar era. In this speech, van Rompuy reasserted the argument that advocacy of nationalism is dangerous and national sovereignty is a 'lie'.

Hostility towards populism is underpinned by the concern that it appeals directly to the public and that its aim to mobilize the masses undermines the EU and its elitist institutions. These institutions are based on insulating decision-makers from direct public pressure so as to allow them to act in accordance with the advice from their experts. As Bulgarian political scientist Ivan Krastev observed, at the 'heart of the conflict' is 'the clash between liberal rationalism embodied by EU institutions and the populist revolt against the unaccountability of the elites'.¹¹ In the context of European political life, hostility towards the unaccountability of the elites frequently assumes the form of Euroscepticism – consequently, governments, and movements that express views and policies which may be construed as nationalist, populist, or Eurosceptic are likely to be condemned by the EU political class.

In this polarized landscape, any criticism of substance directed at the EU is automatically dismissed as a threat to the stability of the institutional order. In an interesting aside, the social anthropologist Maryon Macdonald, who conducted interviews with EU civil servants in Brussels, observed that there were real limits to the kind of criticisms that could be raised with them. A serious critic of the EU courted condemnation for being, by definition, a right-wing extremist. Macdonald wrote that, 'since the 1970s especially, it has become increasingly difficult in Europe to criticize the EU without appearing to be some lunatic right-wing fascist, racist or nationalist, the one often eliding with the other, or simply the parochial idiot of Little Britain.'¹² The power of this rhetoric of condemnation has, until relatively recently, been quite successful in silencing many potential critics.

East European nations anxious to join the EU understood that acceptance of this institution's anti-nationalist and anti-populist values was a non-negotiable part of the deal. As one account of the Europeanization of these former members of the Soviet bloc argues, East European political parties were instructed to model their behaviour on the *modus vivendi* of the Western cousins. If they had to form coalition governments, they were 'expected to forge enduring partnerships and

avoid alliances with extremists, Euro-sceptics, and ex-authoritarians'.¹³ This form of political conditionality placed parties under pressure to act in accordance with the EU consensus. According to one study, in Hungary, 'EU pressure over-rode the pivotal cleavage pitting "traditionalists" against "westernisers" and apparently 'stifled' an incipient conflict of cultural values.¹⁴

Domestic debates on the values that would define Hungarian society in the future were to some extent suspended in order to ensure that there were no political obstacles to becoming a member state of the EU. It was widely recognized that the precondition for former member states of the Soviet bloc to gain entry into the EU was the acceptance of a cultural script produced in Brussels.

Back in the early 1990s, during the period of negotiations regarding the terms of membership, Hungary was assigned the role of a student facing an examination on its capacity to understand and practise European values. The 'Copenhagen Criteria' outlined procedures that candidate countries to the EU had to meet before they could become members. These 'approval procedures' meant that candidate countries had to abide by the terms outlined by the European Council in Copenhagen in 1993. One criterion was the willingness of the candidate state to accept and promote European values.

The document outlining the Copenhagen criteria stated that 'any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them'.¹⁵ Unfortunately, this vague and abstract reference to 'democratic values' lacked clarity and practical meaning. Since the rhetoric of democratic values is used by a wide variety of actors, from the Democratic People's Republic of Korea to the United States, its meaning is open to different interpretations. In practice the implication conveyed to would-be members of the EU was that they would have to endorse uncritically and abide by the political culture promoted and practised by the different institutions of the EU.

During the 1990s, all the East European candidate states went out of their way to demonstrate that they fully accepted the Copenhagen criteria and, by implication, the political authority of the EU. In the case of Hungary, virtually the entire political class signalled its willingness to be 'Europeanized'. The April 1994 memorandum accompanying Hungary's application for EU membership stated that joining this institution was a 'historical necessity' for 'which there is no real alternative'.¹⁶ The EC welcomed this response and drew attention to a statement made by Hungary's President Árpád Göncz that endorsed 'Hungarian commitment to an ever closer political Union'.¹⁷

A document outlining Hungary's readiness to meet all the conditions for membership of the EU prepared by this nation's government in 1998 claimed that its political institutions had become fully Europeanized. It boasted that Hungary's 'parliamentary parties mirrored the legacy of European political culture'. The document also implied that Hungary's political system worked in accordance with the political values of the EU and pointedly noted that in neither the elections of 1990 nor those of 1994 did an extreme right-wing or left-wing party gain representation in Parliament.¹⁸

The social consensus adopted by the political leaders of Hungary in the late 1990s was based on the conviction that there was no alternative to an unquestioned acceptance of EU value-conditionality. At the time and subsequently, this consensus around the acceptance of EU conditionality was characterized as a triumph for liberal values. However, the procedure violated one very important principle of liberalism, which was the right to choose between alternatives. Neither the 'take it or leave it' terms offered by the EU nor the policies of the newly emergent East European political elites offered much of a choice to their citizens. Instead the population was informed that the policies and values adopted to meet the Copenhagen criteria were not so much good but necessary. Krastev observed that there was little opportunity for the people of East Europe to express reservation or disagreement with the integration process. He wrote that:

The transition period was marked by excessive elite control over political processes and by a fear of mass politics. The accession of the Central and Eastern European countries to the EU virtually institutionalized elite hegemony over the democratic process.¹⁹

At the time, many East European Governments and politicians looked to their close association with the West in general and the EU in particular to legitimate their authority. For a relatively brief period of time, the politics of Europeanization kept domestic cleavages and dissidence in check. But by the turn of the twenty-first century, disappointment with the promise of regime change and Europeanization provided a fertile terrain for the flourishing of political opposition. Although criticism and opposition to the hegemony of the Westernizing transnational elite took different forms, it assumed a particularly polarizing dimension in the domain of culture. From the turn of the twenty-first century onwards, advocates of Western transnational values of the EU had to compete with those promoted by advocates of Hungarian nationalism and traditionalism.

Weak normative power of the EU

Since the 2012 exchange in the European Parliament discussed earlier, the debate on cultural values between the advocates of a federalist EU and the Orbán government have become even more polarized. As far as Orbán's old opponent Guy Verhofstadt is concerned, Hungary, and for that matter Poland, are beyond the pale. 'The sad reality is that, were they to apply for EU membership today, neither Hungary nor Poland would be admitted,' he warned in April 2016.²⁰ His sentiment is widely shared by pro-EU ideologues and intellectuals who regard the values advocated by the Hungarian government as a fundamental challenge to those of the EU.

Some critics of the Hungarian government go so far as to claim that it represents an existential threat to the EU. For example, Peter Wilkin of Brunel University has asserted that the policies of the Orbán regime call into question the legitimacy of the EU and therefore represents a threat to its integrity.²¹ The German political

scientist Jan-Werner Müller, who regularly exhorts the EU to punish Hungary for its supposed transgressions, warned that 'inaction over Hungary and Poland has undermined the elite's ability to preach "shared European values"'.²² Critics of Hungary and, more recently, of Poland, often use an ethnocentric language that condemns not merely these nations' governments but also their people. For example Jakob Augstein, the editor of the German weekly *Freitag*, has argued for the exclusion of Poland from the EU on the grounds that this nation, like those of others in East Europe, are on the wrong side of the Culture War. Augstein argued that 'the western values of liberalism, tolerance, equality confront the eastern lack of values – racism, ignorance, bigotry'.²³

Müller, unlike many critics of populism, has recognized that what is at stake is a conflict over values; he is particularly concerned with what he perceives as the 'diminishing' of the EU's 'normative' power.²⁴ However, what Müller overlooks is that the EU's normative power has always been conspicuously feeble, and that the actions of the Hungarian and Polish governments merely draw attention to a long-standing problem. In a sense, the very public assertion of the principle of national sovereignty by these governments has created an 'Emperor Has No Clothes' situation.

Since the end of the Second World War, supporters of European federalism have always been concerned about the weak normative foundation on which their project rested. From the 1950s onwards, the advocates of European integration and unification have tended to be more comfortable with promoting an economic justification for their cause than in attempting to win support for an explicit system of shared values. Throughout its history, the project of European unification gained respect and support for the economic and, to a lesser extent, geopolitical advantages that it offered. Institutions such as the old European Economic Community (EEC) took some of the credit for the continent's economic recovery in the post-Second World War era. The close cooperation of West European nations, particularly France and West Germany, were also seen as helpful for maintaining the (sometimes precarious) balance of power during the Cold War.

The problem of providing a normative foundation for the European project was evident to many leading advocates of the European federalist project. Their response in the 1950s and 1960s was to avoid an explicit engagement with the domain of values. Instead, they opted to side-step this issue. The main arguments for European unification stressed its contribution to the promotion of economic prosperity and the provision of security in the face of the Cold War. Until the 1970s, the viability of this approach was underwritten by the post-war boom, an unprecedented era of economic prosperity. The EEC, established in 1958, took the credit for the improved material conditions of Western European societies, and throughout the 1960s, its moral authority was rarely tested.

European transnational institutions were also the progeny of the Cold War. The heightened geopolitical tension during the 1950s and 1960s helped to strengthen the EEC's claim that it was essential for the maintenance of security. The launching of the EU in 1993 continued with the tradition of depoliticizing values-related

issues and adopting a form of technocratic governance that relied on the claim that it played a vital role in the maintenance of economic prosperity.

In the context of the Cold War and relative economic security, the project of European unification faced relatively little pressure to justify itself in normative terms. Consequently, the capacity of its normative power to influence developments were rarely tested. Until the mid-1970s, the EEC's leaders adhered to the conviction that the benefits of economic cooperation would eventually encourage the people of Europe to identify politically with the federalist project.

However in the 1970s, advocates of the European project realized that reliance on economics alone was not enough – the formulation of a normative foundation on which the authority of their institution rested had to be addressed. Their calls for a 'new narrative for Europe' were motivated by the realization that the EU could no longer count on the Cold War to legitimize its standing indefinitely. Nor could it forever rely on the stabilizing influence of economic prosperity to retain the passive support of the public for its institutions.

Linking the fortunes of the project of European unity with the economic stability and wellbeing of member states became increasingly problematic from 1973 onwards. The economic crisis of 1973 indicated to the leadership of the EEC that it was necessary to find some kind of explicitly political or cultural justification for its existence. The leadership of the EEC responded by attempting to mobilize the resources of culture in an effort to win hearts and minds.²⁵

Since the 1970s, a series of recurrent economic crises has forced the EU to try to supplement its economic authority with a series of cultural initiatives. The EU-sponsored report *The Spiritual and Cultural Dimension of Europe* of October 2004 recognized that with the end of the Cold War, economics must still continue to play an important role in legitimating the authority of the EU. Its 'Concluding Remarks', penned by Kurt Biedenkopf, Bronislaw Geremek, and Krzysztof Michalski, stated:

As memories of the Second World War faded and the risk of conflict between the Atlantic Alliance and the Soviet Union receded, the transformation of the EEC into the European Community, and finally into the European Union, pushed the Union's economic goals ever more to the fore. Economic growth, improvement in living standards, extending and enhancing systems of social protection, and rounding off the common market assumed a priority.²⁶

However, although this report emphasized the importance of economic growth for underwriting the authority of the EU, it also recognized that something else was needed to endow this institution with legitimacy.

The report concluded that the principal challenge facing the EU was a political one, and that the viability of the project of unification therefore depended on its ability to establish a political foundation for its authority. It warned that the 'internal cohesion that is necessary for the European Union' cannot be provided by 'economic forces alone':

It is no coincidence that economic integration is not enough to drive European political reform. Economic integration simply does not, of itself, lead to political integration because markets cannot produce a politically resilient solidarity. Solidarity – a genuine sense of civic community – is vital because the competition that dominates the marketplace gives rise to powerful centrifugal forces. Markets may create the economic basis of a polity and are thereby an indispensable condition of its political constitution. But they cannot on their own produce political integration and provide a constitutive infrastructure for the Union. The original expectation, that the political unity of the EU would be a consequence of the European common market has proven to be illusory.²⁷

In pointing out the limits of economics for maintaining and developing the political unity of the EU, the authors of this report echoed the pithy statement made previously by Jacques Delors, former president of the EC, who noted in his essay, 'Our Europe', that 'nobody falls in love with a growth rate'.

A report published by the EU in 2013 titled *New Narrative for Europe*, and the publication *Mind and Body of Europe: New Narrative*, explicitly recognized that the end of the Cold War represented a challenge to the standing and relevance of the EU. The Luxembourg MEP and prominent advocate of the EU, Viviane Reding, stated that:

In recent years, the experiences of war, of totalitarian regimes and the Cold War have gradually lost their immediacy in the eyes of the general public, which is to say that those horrors are losing their legitimising force. More and more Europeans regard the experiences of the 20th century – rightly or wrongly – as a thing of the past. The alarming results of the most recent European elections are proof of this trend: the fact that 25 % of the European electorate voted for extremist and anti-European parties shows that they must have somehow 'forgotten' the reasons for which the European Union was built. This presents a particular challenge for a new narrative for future European integration. It needs to give 'heart and soul' to Europe and help prevent people from repeating the mistakes of the past as citizens are increasingly swayed by dangerous, populist rabble-rouser.²⁸

The call for a new narrative for European unity was motivated by the understanding that the EU could no longer rely on the passive acquiescence of the European public, and that the practice of technocratic governance needed to be supplemented by a political narrative that could capture the imagination of citizens. But since values that could legitimate the EU cannot simply be plucked out of thin air, finding the 'heart and soul' of Europe proved to be a constantly elusive quest.

At the time Barroso, the president of the EC, argued that the era of passive acquiescence or what he called 'implicit consent' had to be replaced by a more explicit

22 Who decides Europe's values?

engagement with public life. He informed his audience at the State of the Union conference in May 2013:

We are at a point in time when European integration must be pursued openly, transparently and with the explicit support of the citizens of Europe. The times of European integration by implicit consent of citizens are over. Europe has to be ever more democratic. Europe's democratic legitimacy and accountability must keep pace with its increased role and power.²⁹

For Barroso, the concept of implicit consent implied a state of affairs where European institutions were spared the task of having to gain the endorsement of the public as its legitimate authority. Barroso's statement on the end of implicit consent raised the question of how to inspire people to adopt a more explicit identification with the EU. Unfortunately the answer that the EU leadership offered to this question was not, as Barroso suggested, more democracy – rather, it was the use of the public relations practice of rebranding the EU through a 'new narrative'.

Rendering values explicit

Barroso's statement regarding the EU's legitimacy deficit indicated that the question of European values was far more problematic than he implied in his January 2012 exchange with Viktor Orbán. Barroso was in no doubt that 'the politics of implicit consent' were over and that the 'peace, prosperity and democracy' that had legitimized the EU in the past could no longer motivate the younger generations.³⁰ While Barroso recognized that the problem of the EU's legitimacy deficit had to be confronted, he could provide no solution for it, since this would have required an explicit engagement with the question of the normative foundation on which this institution rested.

The problem with the Hungarian government was not so much its advocacy of traditional values but that it raised questions to do with the domain of the normative in the first place. Avoiding the domain of the normative was integral to the practice of implicit consent, and Hungary's approach to values threatened to open up a can of worms.

The reluctance to address the thorny question of Europe's foundational values has been a long-standing practice in the EU. As noted previously, Jacques Delors drew attention to the EU's reluctance to engage with this problem openly, when he stated back in 2010 that 'today we have hidden our shared values'. In this remarkable statement, Delors explicitly criticized the leadership of the EU, argued that the EU leadership's failure to uphold Europe's values would have drastic consequences in the future. He asserted;

I do not know where the frontiers of this Europe of values are to be found but, from an intellectual viewpoint, European society does exist, even though today we have hidden our shared values. We have done so on the one hand

because we are terrified by globalisation and, on the other, because we are developing a kind of individualism that is made worse by a world characterized by media coverage and a kind of politics based on public opinion polls. All those values that go to make up a society are being done away with; day after day they are being destroyed. If the values of Europe are in decline, then it is Europe that suffers.³¹

Delors' concern about political leaders' apparent indifference to Europe's shared historical values was particularly directed at the casual manner with which they ignored the cultural legacy of the continent's past. His statement directly touched on the issues that were later raised in the debate on Hungary in the European Parliament in January 2012. As if responding to the statement by French MEP Marie-Christine Vergiat that 'European values are not Christian values', Delors remarked that on the contrary, 'Catholicism, or rather Christianity more generally, played a major role in the Europe of values'.

The one question that neither Barroso nor Delors addressed is, why? Why were Europe's shared values hidden by political leaders committed to the cause of European unification? Arguably this was the issue that fuelled the highly charged and polarized debate that erupted in the 2012 debate. As we explain later, from 1945 onwards, the project of European unification was entwined with the aspiration to break away from the legacy of the past – including the traditions and values that were associated with the history of this continent. Initially this aspiration was motivated by a reaction to Europe's troubled and often violent past. The pioneers of European unification were determined to distance their project from the influences that led to the outbreak of two world wars. With the passing of time, their attempt to distance Europe from its legacy of conflict hardened into an attitude that regarded the values and traditions of the past with suspicion. Consequently, instead of forging an authority based on the values of Europe's tradition, the founders of the EU looked to expert and technocratic authority for gaining legitimacy.

Traditional values were not so much explicitly rejected as evaded and depoliticized. In the post-Second World War era, the status of tradition and many of the values associated with it acquired negative connotations in Western public discourse. The standing of traditional values further diminished in the 1960s. One of the accomplishments of the 1960s cultural revolution was to provide an explicit narrative for the devaluation of traditional norms and practices. In many quarters traditional norms and values were portrayed as expressions of outdated prejudice. Referring to this development, the historian Eric Hobsbawm wrote of a 'cultural revolution', which he described as 'the breaking of the threads which in the past had woven human beings into social textures'. Hobsbawm stated that as a result, 'what children could learn from parents became less obvious than what parents did not know and children did'.³²

Supporters of tradition were clearly on the defensive and, according to the chair of the Adenauer Foundation, 'the revolt of 1968 destroyed more values than did the

Third Reich'.³³ It was clear to many conservative thinkers that by this time, these values could only survive on life-support. For the British historian J. H. Plumb, the widespread derision of 'hollow' values confirmed *The Death of the Past*. In a lecture given in 1968, he told his audience that 'wherever we look, in all areas of social and personal life, the hold of the past is weakening'.³⁴ Indeed for many, the past had ceased to be a repository of meaningful values with which to influence and socialize the younger generations.

One of the consequences of exiling the past and its traditions from public life was the growing tendency to adopt a public language that eschewed statements of values and moral norms. In Western European public life, arguments and statements that are communicated through a self-consciously moral language are rarely taken seriously in their own terms. This trend is particularly evident in communications within academic circles and cultural elites. In academic literature, morally framed arguments tend to be treated with contempt and scorn. The sociologists Shai Dromi and Eva Illouz point to a tendency to de-legitimate morality as a subject that ought to be taken seriously and to a 'widespread conflation of morality with coercive ideological structures'.³⁵ The historian David Rowe echoes this point, contending that in some cases, the term 'moral' is deployed to signify that a particular phenomenon should not be taken seriously. He wrote that the coupling of the adjective 'moral' with the noun 'panic' offers 'a pejorative connotative dimension'.³⁶

Because in the current cultural climate issues that touch on the domain of the moral are perceived by policy makers as divisive and disruptive, they tend to be avoided. Often their reluctance to engage explicitly with moral issues is expressed through a technical language that insists that what matters is what the evidence shows rather than the a priori claim of what is right and wrong. Often this approach is justified by the claim that morality is at best an outdated form of false consciousness and at worst a coercive ideological construct. So it is not surprising that sections of the EU's political elite have elected to hide Europe's shared values. The moral language of right and wrong and good and evil are often rejected on the grounds that they are too judgmental. Politics often used a non-judgmental and morally neutral technical vocabulary so that decisions are justified as being 'evidence based' and founded upon 'research'.

Debates about values often acquire an acrimonious character. As the American political theorist Francis Fukuyama noted, 'conflicts over "values" are potentially much more deadly than conflicts over material possessions or wealth'.³⁷ But the hostility directed towards Orbán and the Constitution enacted by his government was not simply directed at the values it endorsed but the very fact that by its actions, Hungary had placed the question of values back on the political agenda. And many EU politicians fear that a serious debate on moral norms runs the risk of isolating them from a significant section of the people of Europe.

In a conversation conducted with the *Frankfurter Allgemeine Zeitung* a couple of months after the 2012 European Parliament debate, Orbán was reminded by his interviewer: 'Mr Prime Minister, you are being criticised by the EU institutions

in Brussels like no head of government.' Orbán's explanation about the hostility directed at him was focused on his opponents' determination to ensure that Europe's shared values remain hidden. 'There is something that I call a hidden or a secret Europe', he remarked. 'I have this feeling that for the sake of the debate over cultural and political correctness we no longer speak about the topics that are necessary so that we can continue to exist as a crucial civilisation.'³⁸

In a sense, the questions raised by the journalist from the *Frankfurter Allgemeine Zeitung* pointed to two distinct but interrelated issues. One was that of the status of traditional values, such as nation, family, and the role of religion; the other was the willingness to discuss these issues openly and to render explicit Europe's relation with its past. For better or worse, the Hungarian Constitution, and especially its historical preamble, is self-consciously directed at affirming the authority of the past. In contrast, the EU has found it difficult to reconcile its vision of the future with its history. Despite considerable efforts, the EU's attempt to elaborate on 'A New Narrative for Europe' fails to point out what was the 'old narrative'. Nor is it able to project a Europe that is organically related to what went before.³⁹ Indeed, judging by many of the statements made by its political and intellectual advocates, the launching of the project of European unification is often depicted as an act of negating Europe's past.

The problem of the past

The contrast between the new Hungarian Constitution and the one that it replaced mirrors the difference between attitudes towards the values of the past expressed during the 2012 debate in the European Parliament. The 1989 Hungarian Constitution that emerged in the aftermath of this nation's transition from the Stalinist era was the product of deliberations that sought to avoid the dealing with the question of the relationship between Hungary's past and present predicament. This 1989 Constitution was founded not on the historical traditions of Hungarian society, but on what one of its most ardent Western supporters, the Princeton University sociologist Kim Lane Scheppele, has characterized as 'transnational constitutionalism'.⁴⁰

Transnational constitutionalism 'takes its inspiration from internationally respected norms of human rights' and from rules and procedures advocated by international organizations. The appeal of transnational ideals for its Hungarian supporters was that they bypassed the question, what is the foundation for the authority of Hungary's Constitution? As far as the authors of the 1989 Constitution were concerned, one of its virtues was that it provided a breathing space, during which the more profound question of the relationship between Hungary's past and the present could be evaded.

Transnational constitutionalism emerged in the post-Second World War era and paralleled the 'shift of emphasis from substantive to procedural sources of authority' in Western societies.⁴¹ Transnational constitutionalism presents itself as a value-neutral expression of the rule of law. András Bozóki, a former minister of culture, has praised

the '1989 democratic constitution' because of its value-neutrality. He contends that the 1989 Constitution was 'ideologically neutral'. He criticizes the new Constitution on the grounds that it 'features one of the longest preambles in Europe, composed of a whopping 26 paragraphs', which serves as an expression of a 'national religious belief system'.⁴² It is anything but a neutral document.

Supporters of the new Constitution, the Fundamental Law, argue that the connection that the preamble of this document draws between the present and its long-standing historical traditions is underpinned by a legitimate concern to uphold and celebrate the nation's cultural and moral legacy. The Hungarian conservative philosopher, Ferenc Hörcher, contends that 'it is through the preamble that the text of the constitution tries to connect the neutral state institutions with society's cultural-moral order, in this way making it possible for trust to accumulate towards it'.⁴³

Hörcher's argument raises important questions about the relation of values to the authority of the law. He criticizes the 1989 Constitution on the ground that because of the reluctance of its authors to engage with the realm of values it failed to confront the question of how to forge a relationship of trust between citizens and government. Hörcher appears to suggest that during the period of regime change, when Hungary had to abide by the rules set by Western international organizations, there was little choice but to opt for a so-called value-neutral constitutional arrangement. However, he believes that short-term expediency on the values questions had a corrosive impact on the legitimacy of the new system, arguing that, 'in the long run the system's value deficit played a major role in delegitimizing the political system'.⁴⁴

It is important to point out that despite the claim of value-neutrality, constitutional arrangements are rarely neutral. They may be silent on the question of values and hold them implicitly, but in debates about constitutional arrangements there are always values at stake. The very fact that in its debate of Hungary, the European Parliament raised the question of whether or not the Constitution violated the EU's values was an implicit recognition of the fact that it was far from value-neutral.

The current debate on European values and of their relation to the policies of the Hungarian government and its Constitution do not simply reflect a clash of cultural attitudes towards everyday issues in political and public life. They raise fundamental questions that touch on the legitimacy of political institutions and, ultimately, on the foundation on which the social and moral order is constituted. Since the acquisition of legitimacy remains one of the most important challenges facing all European governments, the problems raised in the European Parliamentary debate on Hungary has continued to serve as a focus of conflict.

During the years following this debate, the actions of the Hungarian government continued to be seen as a threat to the viability of democracy not only within the nation but also within the EU.⁴⁵ However, even though many European federalists may not like what they see in Hungary, they know that the conflict over values will not go away. Sooner or later they too will have to engage with the question of what are the values that binds their society together.

Notes

- 1 For a record of these debates see www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20120118+ITEM-021+DOC+XML+V0//EN.
- 2 See www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20120118+ITEM-021+DOC+XML+V0//EN.
- 3 Fountain, J. (2011) 'A Christian Europe(an): The Forgotten Vision of Robert Schuman', *The Schuman Centre for European Studies, Netherlands, Encounters Mission Journal*, no. 36, March 2011, https://encountersmissionjournal.files.wordpress.com/2011/08/fountain_2011-03_schumann_and_europe.pdf.
- 4 See his statement on www.eurozine.com/articles/2011-07-01-delors-en.html.
- 5 Verseck, K. (2012) 'Hungary in the Crossfire: Orbán Lashes Out at Critics in European Parliament', 19 January 2012, www.spiegel.de/international/europe/hungary-in-the-crossfire-orban-lashes-out-at-critics-in-european-parliament-a-810062.html.
- 6 www.theguardian.com/world/2012/jan/18/hungary-viktor-orban-eu-backlash.
- 7 Peter, K. (2012) 'A Letter on freedom to Hungary's Viktor Orbán', *The Globe and Mail*, 26 January 2012.
- 8 Peter, S (2012) 'Live Blog: Viktor Orbán at the EU parliament', 18 January 2012, <http://blogs.ft.com/brusselsblog/2012/01/18/live-blog-viktor-orban-at-the-eu-parliament/>
- 9 Schöpflin, G. 'Hungary and the EU: A Troubled Relationship', *Politico*, 11 July 2012, www.politico.eu/article/hungary-and-the-eu-a-troubled-relationship/
- 10 Waterfield, B. (2010) 'Herman Van Rompuy: 'Eurocepticism Leads to War'', *The Daily Telegraph*, 10 November 2010.
- 11 Krastev (2007).
- 12 McDonald (2005) p. 4.
- 13 Mikulova (2013) p. 167.
- 14 Mikulova (2013) p. 167.
- 15 See 'Copenhagen criteria', http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm.
- 16 Cited in 'Commission Opinion on Hungary's Application for Membership of the European Union', *DOC/97/13 Brussels*, 15 July 1997, [file:///Users/frankfuredi/Downloads/DOC-97-13_EN%20\(1\).pdf](file:///Users/frankfuredi/Downloads/DOC-97-13_EN%20(1).pdf)
- 17 *ibid.*
- 18 Magyar Köztársaság Külügyminisztérium as a Integrációs Stratégiai Munkacsoport (1998) *Magyarország a '90-es években: A Magyar kormány válasza az Európai Unió kérdőívére – rövidett változat*, Budapest, p. 9.
- 19 Krastev (2007)
- 20 www.project-syndicate.org/columnist/guy-verhofstadt.
- 21 Wilkin is cited in, 'EU faces 'crisis of legitimacy' as Hungary's far-right continues to push against migrants', *The Daily Express*, 12 November, 2016.
- 22 www.lrb.co.uk/v38/n11/jan-werner-muller/europes-sullen-child.
- 23 Cited by Weiss, C. (2016) 'German Politicians and Media Agitate against Poland', 12 January 2016, www.wsws.org/en/articles/2016/01/12/pola-j12.html.
- 24 www.lrb.co.uk/v38/n11/jan-werner-muller/europes-sullen-child.
- 25 See Kaiser (2015) p. 374.
- 26 https://ec.europa.eu/research/social-sciences/pdf/other_pubs/michalski_091104_report_annexes_en.pdf.
- 27 https://ec.europa.eu/research/social-sciences/pdf/other_pubs/michalski_091104_report_annexes_en.pdf.
- 28 Viviane Reding *Stimulating the European Public Space* (2013) in *Mind and Body of Europe: New Narrative*.
- 29 Speech by President Barroso at the State of the Union conference: Restoring confidence 9 May 2013, http://europa.eu/rapid/press-release_SPEECH-13-397_en.htm.
- 30 Barosso is cited in Kaiser (2015) p. 367.

28 Who decides Europe's values?

- 31 See 'An interview with Jacques Delors', 8 September, 2010, by Nikola Tietze and Ulrich Bielefeld, *Mittelweg*, 36, published by *Eurozine* www.eurozine.com/articles/2011-07-01-delors-en.html.
- 32 Hobsbawn (2004) pp. 327 & 334.
- 33 Cited in *The Nation*; 22 May 1989.
- 34 Plumb (1989) p. 66.
- 35 Dromi & Illouz (2010) p. 351.
- 36 Rowe (2009) p. 23.
- 37 Fukuyama (1992) p. 214.
- 38 For Orbán's interview, see *Frankfurter Allgemeine Zeitung*, 4th March 2012.
- 39 See discussion in Kaiser (2015) pp. 367–368.
- 40 Scheppele (2000)
- 41 Spiro (1958) p. 54.
- 42 Bozoki, A. (2012) 'The Crisis of Democracy in Hungary', 21 May, Heinrich Böll Stiftung, www.boell.de/de/node/276334.
- 43 Hörcher (2014) p. 356.
- 44 Hörcher (2014) p. 355.
- 45 See the argument contained in Europe's Other Democratic Deficit: National Authoritarianism in a Democratic Union R. Daniel Kelemen Professor and Jean Monnet Chair Department of Political Science, Rutgers University, Paper presented at the Council for European Studies, 22nd International Conference of Europeanists, July 8–10, 2015 Sciences Po, Paris, France <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.716.8922&rep=rep1&type=pdf>