

EU3D

Differentiation
Dominance
Democracy



Imagining the future of Europe

Social and political actors'
proposals on European
integration

Karolina Czerska-Shaw
Marta Warat
(eds.)

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with contributions from Karolina Czerska-Shaw, John Erik Fossum, Magdalena Góra, Przemysław Tacik, Marta Warat, Jozef Bátor, Pavol Babos, Elodie Thevenin, Joanna Orzechowska-Waślawska, Natasza Styczyńska, Katarzyna Zielińska, Kinga Sekerdej, Sergio Fabbrini and Tiziano Zgaga

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Preface

The EU has expanded in depth and breadth across a range of member states with greatly different makeups, making the European integration process more differentiated. *EU Differentiation, Dominance and Democracy* (EU3D) is a research project that specifies the conditions under which differentiation is politically acceptable, institutionally sustainable, and democratically legitimate; and singles out those forms of differentiation that engender dominance.

EU3D brings together around 50 researchers in 10 European countries and is coordinated by ARENA Centre for European Studies at the University of Oslo. The project is funded by the European Union's Horizon 2020 research and innovation programme, Societal Challenges 6: Europe in a changing world – Inclusive, innovative and reflective societies (2019-2023).

The present report is part of the project's work on Future of Europe reforms (work package 5), where researchers analyse proposals for the future of Europe. The authors of the chapters in this report address discursive trends, constructed meanings and policy analyses in relation to prevailing constitutional trajectories in the debate on the future of Europe. The contributions provide valuable insights into the proposals for reform and the debate on the future of Europe.

John Erik Fossum
EU3D Scientific Coordinator

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Chapter 1

Imagining the Future of Europe. Social and Political Actors' Proposals on European Integration. An Introduction

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At the closing ceremony of the Conference on the Future of Europe (CoFoE) on 9 May 2022, French President Emmanuel Macron explained that this was “an unprecedented democratic exercise, which does not consist in presenting our citizens with perhaps overly simple alternatives, for and against, but fully involving them in discussions on the future of our Europe. What you have done, and what has never been seen before, is to be fully involved in the design, at a challenging time in our history, and to create through collective deliberation, intelligent debate, exchanges of ideas, and solutions, some of which could be applied immediately, others which need to be developed, but all working towards building this Europe of today and tomorrow” (Macron 2022). The debate on the future of Europe was initiated in 2015 by the Five Presidents’ Report (European Commission 2015), followed by the European Commission White Paper on the Future of Europe (European Commission 2017). The debate

culminated in a unique, innovative, multilingual and digital citizens' consultation forum – the CoFoE (Schimmelfennig 2020; Blokker 2021; Alemanno and Organ 2021). As Macron claimed, the aim was to allow various actors, from EU institutions and national governments to small civil society organisations and individual citizens, to debate the future trajectories of the European project. Despite the triumphant tone of the closing ceremony, it was a difficult task with as yet unclear outcomes and important criticisms, some of which we outline below (Maher 2020).

From 2015 until the CoFoE in 2021, the debate on the future of Europe had largely been in the hands of political actors – individual MEPs and political groups in the European Parliament, as well as debates on the national levels of governance (Auel and Raunio 2014; Hooghe and Marks 2019). On the European level, following the UK's decision to withdraw from the EU, European Parliament President Antonio Tajani instigated a series of debates on the future of Europe, lasting from 2018 until the parliamentary elections in May 2019. He invited heads of state or government to take the floor during European Parliament sessions: in the end 20 of them delivered speeches on their visions and concerns for the future directions of the Union. This was an unprecedented exercise which yielded some fruitful results – primarily raising awareness of the most important issues facing the EU, as well as reflecting on the state of the Union (Drachenberg and Kotanidis 2019). In national parliaments, opportunities to discuss the present challenges and future directions of the Union, while somewhat peripheral, also surfaced during debates of European significance, such as the Eurozone crisis and reforms and the 2015–16 refugee crisis (Góra, Thevenin, and Zielińska 2022).

What was unprecedented, President Macron claimed, was the concerted effort to include diverse social actors in the formulation and make-up of the debates that have taken place across the continent. The CoFoE was an opportunity to challenge the European Union's alleged communication deficit (Koopmans 2007) and one-way, top-down character. Until the CoFoE, EU actors were prominent in public debates, but they neither connected with the citizens nor involved them directly in political processes. As a result, the EU was seen as a distant, abstract, bureaucratic and rather inward-looking bubble detached from everyday reality. The CoFoE was presented as a unique initiative to engage citizens and organised civil society (such as NGOs) in the policy-making processes, empowering them and making their voices heard and recognised. This

participatory strategy is reckoned to extend citizens' knowledge on the EU and their capacity to engage in civic processes in Europe, as well as to give a new dimension to the understanding of democracy at the EU level.

To stimulate the engagement of citizens and organised civil society, the CoFoE went beyond the already developed instruments and mechanisms and provided innovative, citizens-focused methods to discuss the priorities for the EU. It included:

- A Multilingual Digital Platform – the main interactive instrument available to citizens to share and discuss their ideas as well as contribute to the main areas of the CoFoE. It gathered over 50,000 active participants, who contributed with 17,000 ideas which were further discussed in the European Citizens' Panels and Conference Plenary (Conference...2022: 13).
- European Citizens' Panels organised around the main topics of the CoFoE with 800 randomly selected citizens in four panels.
- A wide range of events within the conference organised by the EU institutions and bodies, member states, regional and local authorities, but also civil society actors, social partners and citizens. Over the period of the CoFoE, several thousand such events were organised, involving around 650,000 people (Conference...2022: 8).

The new deliberative mechanisms used in the CoFoE raised several interesting observations on opening up the debate. Firstly, the debate was not directed solely at those who had already been engaged in consultations or policy-making processes at the EU level or who had already been convinced about the importance of such forms of engagement. Its objective was rather to capture the opinions of those who had remained unheard due to their location at the peripheries of the system or whose experiences and voices had not fit into the EU agenda. Secondly, through deliberative mechanisms, the interest in the opinion of social actors, in addition to political actors, was clearly indicated. Their position to cooperate with states and supranational institutions as well as their functions (such as watchdogs of accountability, legitimacy or contestation of policies and political practices) provided a new, civic perspective on the future of Europe and policy-making processes (Czerska-Shaw et al. 2022).

Yet the conference suffered from a “clearly underwhelming and well below expectations” reception amongst the broader European public, in part due to the lack of media attention and promotion of the event, having to compete for popular interest in the midst of the COVID-19 pandemic and full-scale war on the European continent (Accetti and Reho 2022). Secondly, it is still unclear what the end goal was: to serve as a vehicle for reform (as supported by the European Parliament in a resolution calling on the European Council to agree to start the process to revise the EU Treaties), or rather as a forum for reflection on the future of Europe (as emphasised by the European Council) (Fabbrini et al. 2021). This ambiguity is reflected in an open letter of citizens’ ambassadors to the CoFoE, who first praise the Commission for already implementing some proposals into their working plan for 2023 as well as introducing citizens’ assemblies as a permanent feature of EU-level deliberative democracy. Yet the overall tone of the letter is one of deep concern about the follow-up process of implementation of proposals, without the assurance that their proposals “are not simply cherry-picking and interpreted with the conference as a false pretence”, paying lip service to the engagement of citizens during the CoFoE without more ambitious reforms on the horizon.

The criticism of self-selection has also taken root in regard to the participants of the CoFoE: the citizens on the panels were not selected from a range of political positions and thus tended to reflect more pro-European stances (Accetti and Reho 2022). Self-selection was also present on the digital platforms, where the participants were “mainly from well-organised pressure groups with technical expertise rather than the so-called unengaged citizenry” (Youngs 2022). More critical voices point to conceptual flaws in the CoFoE, such as the depoliticised nature of the undertaking and deliberate exclusion of political actors, which only deepens the gap between policy debates and politics and risks creating a false sense of hope that the level of citizen involvement will have game-changing significance on its own (Youngs 2022; Accetti and Reho 2022). The lack of space for minority rights groups has also been noted, with the outcome of pushing aside rights-oriented agenda items (Youngs 2022). Finally, an important shortcoming is the insufficient involvement and space for civil society actors, who were only allocated eight out of 449 seats in the conference plenary, and who set up their own parallel Civil Society Convention for the Conference on the Future of Europe in order to actively

engage in scrutinising the democratic functioning of the CoFoE (Youngs 2022).

This report refers to some of these shortcomings of the CoFoE. In this context, its key interest is to see how within and around this debate initiated and maintained by the EU institutions, social and political actors – particularly those who have been excluded from the CoFoE – have located themselves, and what future trajectories for the EU they foresee. The report complements the debate started by the conference because it goes straight to the actors from within civil society and the political sphere, capturing their voices which are often not complimentary or reassuring for the European project. Furthermore, we want to establish what the prevailing dividing lines are among EU reform proposals and between the actors who present these ideas. Since our key theoretical underpinning deals with the question of how to assure better democratic performance for the EU, its member states and for citizens, we use the concept of differentiation – characteristic of all developed political systems – to unpack the potential issues in democratic performance (Fossum 2021). Therefore, we are interested in how the reform proposals expressed during, alongside and on the peripheries of the debate on the FoE since 2015 and in the CoFoE seek to deal with the problematic forms of differentiation. Put simply, the report aims to map the sore points of European integration and its democratic (mal)functioning. Finally, since the exercise of the debate and conference are quite innovative, introducing the voices of citizens and social actors, we are interested in what alternative EU governance models the proposals defend and which actors are pushing these forward.

The authors of the chapters presented in this volume address discursive trends, constructed meanings and policy analyses in relation to prevailing constitutional trajectories in the debate on the future of Europe. Contributions include empirical analyses of policy trends, discourses and narratives on the future of the European project from the perspective of a wide range of actors (member states, parliaments, think tanks, civil society actors, academia, etc.) and across various policy areas and polity-level frameworks. Within a collective effort, a broad range of proposals referring to the debate on the future of Europe were gathered across the continent. The report focuses on the analyses of proposals (normative-level visions, policy-based recommendations, critical reflections, reactionary debates, etc.) on the future of Europe in relation to its

democratic functioning from multi-scalar perspectives, including analyses on the sub-national, national and European levels.

Based on these contributions, we aim to reflect on these discourses and policy analyses in a comparative framework: how do they cut across policy/polity areas? How are sub/national-level discourses reflected on the European level, and vice versa? How does the positioning of the chosen actors vis-à-vis centres of decision making impact on their visions of Europe? Have there been critical junctures/changes in the debates on the future of Europe (FoE)?

Our contribution aims to add to the academic debate on the democratic (mal)functioning of the EU: what are the overarching narratives on the democratic (mal)functioning of the EU? What forms of dominance and/or differentiation are exposed/debated, and what proposals to rectify these ills are mentioned (if at all)? Lastly, what future constitutional models are proposed, by whom, and how are they envisioned?

This introduction is structured as follows: firstly, we outline the key theoretical frames for the research of the debate on FoE. This is followed by a reflection on how social and political actors relate to European integration in both theoretical and practical aspects. In the next section we present the methodological considerations in terms of how we mapped the FoE debate and how selected actors and their proposals were analysed. In the second part we present the structure of the volume and an overview of the chapters.

Theorising political and social actors' constitutional narratives in the FoE debate

The debate on FoE initiated in 2015 was yet another attempt to determine the end point of European integration. Since at least the 1960s, debates on the desirable end state of integration have oscillated between the intergovernmental mode and the federal one (Eriksen and Fossum 2012). The key concern was how to assure adherence to democratic principles within the burgeoning new supranational political system (Hix and Høyland 2021). The debate has accelerated since the Treaty of Maastricht and focuses on the expanding nature of integration processes to reach the

core state powers (Genschel and Jachtenfuchs 2015). In principle, from the intergovernmental perspective democracy should be preserved and strengthened at the national level and EU institutions do not require direct democratic legitimacy since they are legitimised indirectly by national governments (Moravcsik 1998; 2002). This assumption has been contested particularly by federalists, who claimed that democratic legitimacy needs to be operational at the supranational level, specifically in the European Parliament (Fossum 2021).

The key characteristic of advanced political systems is that they are differentiated. According to the frames of the project, differentiation allows us to capture the “differentiation-democracy configuration: how the principles of democracy and differentiation are entrenched and combined in the institutional-structural arrangements that are normally embedded in the constitution” (Fossum 2021, 1). In order to paint a detailed picture of the proposed reforms improving the democratic quality of the EU within the current debate on the future of Europe, four key aspects of differentiation were conceptualised (Fossum 2019). Lawmaking (horizontal) differentiation refers to the make-up of the political system and allows us to grasp how power is functionally organised in the EU. It specifically focuses on changing the relations or reshuffling of the competences between the legislative, executive and court institutions within the EU. Many political actors propose very concrete reforms of the EU’s interinstitutional relations as a rectifying measure for democratic malfunctioning.

The second dimension refers to functional (competence-based) differentiation of the EU political system’s scope of competence and the degree of functional specialisation. It captures the EU’s capacity to act, to create new policies or policy instruments. It refers to which issues should be covered at the EU level (i.e. what new EU policies are to be initiated) and how the new aspects of EU capacity are organised, and how specialised this political system is. Thirdly, vertical differentiation (levels of competence) focuses on the relations between levels of governing within the EU. This is about the allocation of powers and competencies across levels of governing. This dimension addresses differentiation in terms of who (what type of institution) has a crucial role in deciding a certain legal act or a policy distinguishing between competences for the EU and member states. The fourth dimension is territorial (vertical) differentiation, focusing on a territorial

differentiation of EU policies or institutional arrangements, including, for instance, a set-up in which not all EU member states take part in a common policy or institution, status of non-members etc. directly and indirectly referring to differentiated integration. There is a substantial debate on territorial differentiation of EU policies or institutions, and many actors explicitly reject existing or proposed territorial differentiation (Schimmelfennig and Winzen 2020; Telle et al. 2022; Schimmelfennig and Winzen 2019). Finally, differentiation also entails citizens' rights. Persons' differentiated access and incorporation refers to issues connected with the nature and range of rights of persons, such as civil and political rights, freedom of movement, citizenship etc.

Overall, these aspects make it possible to detect which prospective constitutional configurations are possible and desirable by various participants in the debate on the FoE. As Tacik claims in this volume, "the current shape of the Union – especially in its legal dimension – was determined during the era of liberal hegemony. The sequence of treaties that first established the EU and later transformed it into an entity focused on the rule of law, multi-layer constitutionalism based on cooperation as well as fundamental rights – from the Treaty of Maastricht up to the Lisbon Treaty – and were adopted with liberal constitutionalism as a model" (Tacik 2022). Therefore, most debates on constitutional configurations stretch from intergovernmental to federal and even cosmopolitan options (Bellamy 2013; 2019; Fossum 2021). Some analysts have discussed the EU as a possible cosmopolitan vanguard (Eriksen and Fossum 2012), figuring as a regional subsystem of a wider global cosmopolitanism. This shows that the debate is not confined to the state form – whether as a collection of states (intergovernmental) or as a state-based federation – but is about the state form itself, including the constitutive role of the principle of sovereignty. Historically speaking, federalism's relationship to sovereignty is at best ambiguous. Cosmopolitanism represents a direct affront to Bodin's notion of state sovereignty.

Recently, however, new narratives have also appeared, promoted by sovereignist Eurosceptic actors often linked to illiberal notions (Spiegeleire, Skinner, and Sweijjs 2017; Verzichelli 2020; Basile and Mazzoleni 2019; Fabbrini and Zgaga 2022). As three of the authors in this volume argue, "in terms of EU institutions, the proponents of sovereignism accept the existence of intergovernmental institutions but

demand significant repatriation of competences from supranational institutions, specifically from the EC” (Góra, Thevenin, and Zielińska 2022). In addition, these actors centre their narratives on the protection of national sovereignty (Fabbrini and Zgaga 2022; Góra and Zielińska 2022). However, the notion of sovereignty and its relationship with the processes of sovereignty pooling is central and important for any reflection on the future of European integration.

Since the debate on the democratic quality of the EU by social actors often focuses on what is dysfunctional and problematic rather than on the prospective reforms, the concept of dominance is useful for systematically assessing such aspects of the debate (Czerska-Shaw et al. 2022). We define dominance as the unjust exercise of power and simultaneously “the relationship or a circumstance wherein an actor (be that a person, an organisation, or a collective) can be arbitrarily interfered with and/or manipulated” (Fossum 2019, 2). There are several possible types of dominance referring to actors’ “formal legal status; limits to or constraints on the actor’s choice options; vulnerability or susceptibility to external influences; deprivation (material and emotional such as the sense of self-worth); lack of or denial of recognition; undue impositions; and forms of exclusion” (Fossum, 2019, 3).

Patterns of domination in differentiation can be grasped with particular acuity in times of epochal shifts in the history of European integration. Liberal constitutionalism, which underpinned the relationship between legal and political dimensions in the construction of the European Union, finds itself globally contested in its current shape. As a result, the crisis within European integration as such overlaps with illiberal mobilisations against the hegemonic constitutional model. Euroscepticism and illiberalism appear as a pre-ordained match, whose concrete incarnations in European “populisms” test the possibilities of creating constitutional models alternative not only to the liberal democracies of EU members, but also to the construction of the Union itself.

Given the strength of the liberal hegemony in the field of constitutionalism, these proposals do not excel in viability and originality. They also raise questions about the normative core of modern constitutionalism, founded as it is on basic individual rights, and hence liberal. The designation “liberal” is therefore not simply about constitutionalism’s specific orientation; it is a matter of constitutionalism’s

normative core. It is thus hardly surprising that illiberalism has had problems finding constitutional theorists. What appears as its striking feature is a negative vector: illiberalism seems to define itself via patterns of opposition with liberal constitutionalism, but consequently appears as structurally reactive. At the same time, however, it affects the constitutionalism of European integration, which resorts to mobilising its pre-EU and, from a liberal perspective, vaguely founded mechanisms (such as the principle of subsidiarity) in defence of what the political impasse prevents from being adequately defended – the liberal underpinning of the Treaties.

Reform proposals. Methodological remarks

This report is based on a broad range of proposals referring to the debate on the future of Europe gathered by a group of researchers. Overall, the database consists of over 1,000 proposals, of which approximately 65% are from the national level in as many as 26 countries. The presented report captures the qualitative analysis of selected proposals by specific actors or concerning distinctive issues.

In order to broadly define the reform proposals, we use the definition of a political claim (Statham and Koopmans 2009). Ruud Koopmans defines claims as units of strategic action in the public sphere, which consist of the expression of political opinion (Koopmans and Erbe 2003). Political claims are therefore articulations of the positions (demands, calls for action, proposals, criticism, etc.) of political actors expressed in intentional, public acts of speech (Statham and Koopmans 2009, 437). Proposals can take various forms. Paraphrasing Koopmans and Erbe (2003), we define a reform proposal as a distinctive statement made in the public sphere which consists of the expression of a political opinion on the future of the European Union, European integration or an aspect thereof (such as a selected policy, policy instruments, institutions and politics) and refers to the polity dimension of the EU (i.e. its institutional shape). Hence, the proposals can address the future of the EU polity, its policies and politics – a division allowing us to further problematise the contestation of polity and policy as well as proposals dealing with the formal institutional set-up and practice of policy making.

In our study we searched for and analysed proposals by political and social actors on the national and European levels. The category is broad in

order to grasp proposals that originate from various sources, beyond official political actors (i.e. the prime ministers or, in the case of a sectoral policy proposal, the relevant ministers or government spokesperson, heads of states). We gathered positions on the future of Europe as expressed by such actors at the national level as national political parties and their leaders as expressed in selected debates in national and European parliaments, national think tanks, public intellectuals, and civil society actors. As regards the latter, the project paid special attention to CSOs that are indicative of specific actors prone to antagonistic politics, like identitarian groups, (non-)confessional groups, Eurosceptics, Euroreject movements with both left-wing and right-wing leanings, as well as pro-European organisations, women/feminist CSOs etc. We likewise gathered proposals by similar categories of actors but operating on the supranational level. Each of the analysed dimensions of differentiation, democracy and dominance as described in the theoretical section was operationalised through a list of detailed questions. The key questions are presented in Table 1.

Table 1. Key questions guiding the analysis

Lawmaking (horizontal) differentiation	Does the proposal mention interinstitutional relations within the EU political system?
Functional (competence-based horizontal) differentiation	Does the proposal mention the EU's capacity to act?
Vertical differentiation (levels of competence)	Does the proposal mention change in competence between the EU and member states?
Territorial (vertical) differentiation	Does the proposal mention territorial differentiation?
Persons' differentiated access and incorporation (citizens' differentiation of rights)	Does the proposal mention citizens' rights: seek to alter citizens' rights and status in the EU, including changes in EU citizenship?
Democratic malfunctioning	Does the proposal aim to improve the democratic malfunctioning of the current EU? At what level does it suggest improvements?
Dominance	Does the proposal diagnose any form of dominance in the EU? What type?

Source: own compilation based on (Fossum 2021).

We gathered papers presenting the perspective of both political and societal actors. While the former focuses on the national-level political parties as well as European-level MEPs belonging to right-wing political groupings, the latter consists of civil society organisations (CSOs) in the area of migration and gender equality, as well as more informalised bottom-up movements from the peripheries of public debates, in the form of “denialist” movements. The perspective of both types of actors has been taken into account to better understand the dynamic of the future of Europe debate and of different articulations depending on the position of power, formal status, structural and symbolic conditions influencing the recognition of the opinions of each actor. The analysis of such a selection of actors is also directed by our analytical perspective, focusing on the functioning of democracy within the EU and political claims regarding the future of Europe.

The selection of the chapters gathered in this report refers to the aforementioned concepts, focusing on selected aspects of differentiation, malfunctioning of democracy and dominance. The contributions also display a wide array of approaches in terms of how the analysis was conducted and constituted the empirical basis for analysis. Some chapters are based on a discursive analysis of parliamentary debates (Góra, Thevenin, Zielińska & Styczyńska, Thevenin). In others, the authors systematically analysed proposals by specific social actors.

Structure of the report and overview of chapters

The report is divided into two sections. The first gathers contributions that take the perspective of political actors, including national-level political parties as well as European-level MEPs belonging to right-wing political groupings. These analyses shed light on the normative-level debates in the European political sphere, ranging from sovereigntism and the different articulations thereof, via constitutional proposals coming from illiberal political forces within EU member states, to various visions (or lack thereof) for the future of European integration from the viewpoint of the political right wing. While political actors are the main forces driving the debates on the future of Europe, our empirically driven selection of these right-wing actors and Eurosceptic elements may offer a perspective from the standpoint of integration contesters, shedding light on their views, visions and counterproposals to the prevailing assumptions of democratic functioning and models of European integration.

In the second section, we turn to societal actors and their differing visions and proposals for the future shape of the European project or specific policy areas, or more broadly for a normative social order. Civil society actors, as mentioned previously, are well situated to provide critical, counter-hegemonic perspectives on locations of dominance and (un)democratic policies and practices within the European political arena. Bringing citizens' values and practices to the table, they are able to convey prevailing trends and attitudes from multiple social fields in European societies. They are at times closely aligned with European ideas and ideals, looking to Europe for partnership in their political and societal interests, such as (at times) migration and feminist CSOs. At other times, they find themselves diametrically opposed to European and other globalising forces, seeing the EU as a neoliberal hegemon.

An important precursor to both sections can be found in the first contribution, by Jozef Bátora, Pavol Babos and John Erik Fossum. The authors take a step back and seek to challenge the usual modes of analysing opinions and perceptions of EU integration and accompanying constitutional models. Based on original research conducted within the EU3D project using relational class analysis methodology (Bátora and Baboš 2022, 2023), the authors analyse meanings of perceptions not through individual responses to individual survey items typically used to analyse citizens' attitudes towards the EU, but rather seek out the relations amongst these responses, linking them to broader belief systems or thought communities in populations of study. These thought communities offer an interesting perspective on ways of thinking about the EU to see how similarly constructed meanings may be seen in very different actors from across different political options and social communities. The application of these thought communities, typified by "statists" and "pragmatists", to the framework of constitutional models used in the EU3D project, may offer new and novel options for the EU's development.

Following from this, Przemysław Tacik's chapter tackles *Right-Wing Populist Constitutional and Extra-Constitutional Legal Narratives*, enquiring whether illiberalism offers any coherent alternative to liberal constitutionalism. The chapter analyses five national forms of illiberalisms – found in Hungary's Fidesz, Poland's Law and Justice, Italy's Forza Italia, France's National Rally, and Germany's AfD. In a paradoxical manner,

these illiberal constitutional forms (Hungary, Poland) and political discourses offer an alternative to governance models in their *lack* of coherency. Some of these illiberalisms (AfD) would go as far as seeking to dismantle EU institutions and safeguards in the name of “liberating” national constitutionalism from the yoke of European hegemony. Alarming, illiberal constitutionalisms exploit the weakness of EU law and its wariness of using language that would create the impression of real federalism, erecting legal obstacles to the recognition of EU law and targeting symbols of liberal democracy (such as rule of law, national inclusiveness, general equality, and checks and balances). Illiberal constitutionalism’s amorphous nature signals a hazy future, except for the general consolidation of power and dismantling of the rule of law. The future, predicts Tacik, “is here groped for vaguely and indirectly”; illiberal constitutionalism becomes a game of smoke and mirrors, responding to political conjectures through vague rhetoric rather than solidifying a legal form.

In Chapter 4, by Magdalena Góra, Elodie Thevenin and Katarzyna Zielińska, the analysis focuses on what is arguably the most heated subject of debate on the future of Europe, namely the notion of sovereignty as it relates to various forms of European integration. Different articulations of sovereignty – itself essentially an empty signifier – allow political actors to fill it with meaning that implies certain visions of EU integration. Untangling these competing meanings of sovereignty can serve as a key to analysing the current narratives on the future of the EU. Through a comparative analysis in the context of the future of Europe debate in three key EU member states – Germany, France and Poland – the research analyses the discursive patterns of the various meanings of sovereignty. Locating the empirical analysis in national parliaments, the authors are able to further nuance the discourses on sovereignty along the lines of political parties and the tensions between competing views on European integration.

Chapter 5, by Joanna Orzechowska-Wałaszewska, dives deeper into the concept of sovereignty – here focusing on its economic aspect – and how it is understood and implemented through policy making at the national level. Taking Poland as a case study, the author critically engages with the assumption that Eastern and Western European states are divided along the lines of their tendencies towards cultural sovereigntism (Eastern Europe) and economic sovereigntism (Western Europe). By way of

economic policy analysis of the Law and Justice-led government, Orzechowska-Wa awska illustrates how “Eastern” European sovereignism is just as economic as it is cultural, raising questions as to the juxtaposing of East and West in this regard and what this may mean for future conceptualisations and reflections of sovereignism.

Chapter 6, the final contribution to the section on political actors, by Natasza Styczyńska and Elodie Thevenin, brings the debate on the future of Europe to the European level, focusing on the way in which the future of the EU project is discursively framed by right-wing groups within the European Parliament. Using qualitative methods to analyse the plenary debates during the eighth term of the European Parliament (2014–2019), the authors find that, while right-wing groups generally align on issues of migration and the protection of national sovereignty and seek to reform the European polity, they offer no clear or unified proposals about the shape or direction of this reform. Debates in the EP are often used as a stage for uploading domestic political interests, rather than a space for concrete visions on the future functioning of the Union. These findings resemble Tacik’s chapter in pointing to the critical voices of these political actors, but without concrete proposals for an alternative way forward.

In the second section of the report, we turn to societal actors and their contesting visions and proposals for European (dis)integration, focusing on the locations of differentiation-driven dominance in EU policy and polity making. In Chapter 7, Karolina Czerska-Shaw focuses on civil society organisations’ narratives surrounding the present and future of European migration and asylum policies. The chapter sheds light on the forms of differentiation-driven dominance at the heart of EU and member-state governance in this field, chiefly the deprivation of rights and status of migrants and asylum seekers on the outer borders of the EU, but also fragmentation due to a lack of coordination and transparency in policy actions. Through the analysis of narratives in the form of policy proposals, responses and recommendations for policy development and reform, stretching across three critical junctures from the 2015–16 refugee crisis, through the Belarusian border crisis in 2021–22, and ending with the refugee flows in the wake of the full-scale Russian invasion on Ukraine in 2022, the author reflects on the type of constitutional orientations these proposals offer. Interestingly, behind a very cautious federalism stands a strong cosmopolitan outlook, which may itself offer a third way to tackle

seemingly irreconcilable visions of European integration in this polity area.

In Chapter 8, Marta Warat enquires whether it is possible to establish gendered democracies in the EU. Through the analysis of proposals of gender equality organisations operating at the international/supranational level within Europe, she shows how gender equality is understood by various actors. Her analysis shows that, according to the narratives of gender equality organisations, the EU contributes to the advancement of gender equality and provides a democratic space for feminists' intervention. Warat's study highlights that the policy areas discussed by gender equality organisations reflect the EU's priorities in their gender equality policies and strategies. The research also provides analysis of framing gender equality, identifying value-based, citizen rights- based and financial gains frames. The paper finally discusses the core values of gendered democracy pointing both to the exclusion of gender-equality organisations from the debate and to the potential they can bring to the vision of the future of Europe.

In Chapter 9, on the narratives of anti-gender organisations, Katarzyna Zielińska offers an analysis of the vision of the EU and the future of the EU integration these organisations promote. Her analysis is embedded in a broader context of anti-gender mobilisation in Europe and the backlash against the equality agenda, which sheds light on the main elements of anti-gender organisations' narratives. She argues that for the CSOs in question the nation-state is a basis for the democratic order, while the EU lacks the legitimacy of the people. To support their position, anti-gender organisations refer to the narratives of citizens' rights and liberal rights to establish a new political order.

In Chapter 10, Kinga Sekerdej provides an analysis of politically mediatised yet scarcely unified discourses coming from what she terms "denialist" groups – particularly those who contest the widespread use of vaccines (so called anti-vaxxers) and those who reject 5G technology. Through these dimensions of health and digital transformation, the author seeks to locate the denialist groups' narratives of the European Union. Unified in a deep sense of distrust and scepticism to mainstream frameworks of knowledge production, these actors' discourses can be conceived through the concepts of political sovereignty and truth-speaking sovereignty (Mede & Shafer, 2020). In the former, the political

elites (tacitly also European political elites) are the illegitimate sovereigns – real legitimacy lies with the ordinary people. The second, truth-speaking sovereignty, points to a deep distrust of the authority of mainstream science, here also seen as a bedfellow of the political elites. The narrative is coherent in its political and science-related populism, highlighting the lack of trust in science and institutions, which does not bode well for the health of European democracy. This final contribution to the section on social actors is something of a foreboding, as the effects of dis-/misinformation gain prominence in the age of uncertainty and technological advancement.

Sergio Fabbrini and Tiziano Zgaga's concluding chapter brings the discussion back to the constitutional models opened up by Bátorá, Babos and Fossum in Chapter 2, this time critically examining each from the perspective of their internal (in)congruencies. They offer a fourth way out that was not reflected in the debates on the future of Europe or in the final CoFoE, but that may be a compromise based on the prevailing constitutional models, outlined as (1) a parliamentary union (2) and intergovernmental union, or (3) an economic community. Their proposal – a federal union – may offer a way out of the current impasses within the future of Europe debates.

References

- Alemanno, Alberto, and James Organ. 2021. Citizen Participation in Democratic Europe: What next for the EU?
- Auel, Katrin, and Tapio Raunio. 2014. "Debating the State of the Union? Comparing Parliamentary Debates on EU Issues in Finland, France, Germany and the United Kingdom." *Journal of Legislative Studies* 20 (1): 13–28. <https://doi.org/10.1080/13572334.2013.871482>.
- Basile, Linda, and Oscar Mazzoleni. 2019. "Sovereignist Wine in Populist Bottles? An Introduction." *European Politics and Society* 21 (2): 151–62. <https://doi.org/10.1080/23745118.2019.1632576>.
- Bellamy, Richard. 2013. "'An Ever Closer Union Among the Peoples of Europe': Republican Intergovernmentalism and Democratic Representation within the EU." *Journal of European Integration* 35 (5): 499–516. <https://doi.org/10.1080/07036337.2013.799936>.
- Bellamy, Richard. 2019. *A Republican Europe of States Cosmopolitanism, Intergovernmentalism and Democracy in the EU*. Cambridge: Cambridge University Press.
- Blokker, Paul. 2021. "The Constitutional Deficit, Constituent Activism, and the (Conference on the) Future of Europe." In *Imagining Europe: Transnational Contestation and Civic Populism*, edited by Paul Blokker. Cham: Springer International Publishing, p.303-340 https://doi.org/10.1007/978-3-030-81369-7_11.
- Conference on the Future of Europe. Report on the final outcome*. 2022. European Union. Available at: <https://futureu.europa.eu/en/pages/reporting?format=html&locale=en>
- Czerska-Shaw, Karolina, Magdalena Gora, Kinga Sekerdej, Natasza Styczynska, Marta Warat, and Katarzyna Zielinska. 2022. "Who's Dominating Whom? The Perception of (EU) Dominance in the Debate on the Future of Europe." *EU3D Research Paper* 26, December. <https://papers.ssrn.com/abstract=4296120>.

- Drachenberg, Ralf and Kotanidis, Silvia. 2019. *The Future of Europe debates in the European Parliament, 2018-19: A synthesis of the speeches by EU Heads of State or Government*. Available at: [https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/637948/EPRS_IDA\(2019\)637948_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/637948/EPRS_IDA(2019)637948_EN.pdf)
- Eriksen, Erik Oddvar, and John Erik Fossum. 2012. "Introduction: Reconfiguring European Democracy." In *Rethinking Democracy and the European Union*, edited by Erik Oddvar Eriksen and John Erik Fossum. Abingdon–New York: Routledge, p.1-14.
- European Commission. 2015. *The Five Presidents' Report: Completing Europe's Economic and Monetary Union*.
- European Commission. 2017. *White Paper on the Future of Europe. Reflections and Scenarios for the EU27 by 2025*.
- Fabbrini, Sergio, John Erik Fossum, Magdalena Góra, and Guntram Wolff. 2021. "Conference on the Future of Europe: Vehicle for Reform or Forum for Reflection? - EU3D." *EU3D Policy Brief*. <https://www.eu3d.uio.no/publications/eu3d-policy-briefs/eu3d-policy-brief-1-may-2021.html>.
- Fabbrini, Sergio, and Tiziano Zgaga. 2022. "Sovereignism and Its Implication: The Differentiated Disintegration of the European Union." *EU3D Research Paper 22*, May. <https://doi.org/10.2139/SSRN.4118801>.
- Fossum, John Erik. 2019. "Europe's Triangular Challenge: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3505864>.
- Fossum, John Erik. 2021. "EU Constitutional Models in 3D: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*, July. <https://doi.org/10.2139/ssrn.3900382>.
- Genschel, Philipp, and Markus Jachtenfuchs. 2015. "More Integration, Less Federation: The European Integration of Core State Powers." *Journal of European Public Policy* 23 (1): 42–59. <https://doi.org/10.1080/13501763.2015.1055782>.
- Góra, Magdalena, Elodie Thevenin, and Katarzyna Zielińska, eds. 2022. *What Future for Europe? Political Actors' Narratives on European Integration and Democracy in National Parliaments (2015-2021)*. *EU3D Report* (forthcoming).
- Góra, Magdalena, and Katarzyna Zielińska. 2022. "Sovereignist Narratives and European Integration: Does Religion Matter and How?" Manuscript.

- Hix, Simon, and Bjørn Kåre Høyland. 2021. *The Political System of the European Union*.
- Hooghe, Liesbet, and Gary Marks. 2019. "Grand Theories of European Integration in the Twenty-First Century." *Journal of European Public Policy* 26(8): 1113-1133.
<https://doi.org/10.1080/13501763.2019.1569711>.
- Koopmans, Ruud. 2007. "Who inhabits the European public sphere? Winners and losers, supporters and opponents in Europeanised political debates". *European Journal of Political Research*, 46: 183-210. <https://doi.org/10.1111/j.1475-6765.2006.00691.x>
- Koopmans, Ruud, and Jessica Erbe. 2003. "Towards a European Public Sphere? Vertical and Horizontal Dimensions of Europeanised Political Communication." Discussion Papers, Working Group Political Communication and Mobilization. WZB Berlin Social Science Center.
<https://econpapers.repec.org/RePEc:zbw:wzbpcm:spiv2003403>.
- Macron, Emmanuel. 2022. *Speech by Emmanuel Macron at the Closing Ceremony of the Conference on the Future of Europe - French Presidency of the Council of the European Union 2022*. French Presidency of the Council of the European Union. May 9, 2022. <https://presidence-francaise.consilium.europa.eu/en/news/speech-by-emmanuel-macron-at-the-closing-ceremony-of-the-conference-on-the-future-of-europe/>.
- Maher, Richard. 2020. "Political Decay or Renewal in the European Union?" *Journal of European Integration* 42(2): 281-286.
<https://doi.org/10.1080/07036337.2020.1717114>.
- Moravcsik, Andrew. 1998. *The Choice for Europe : Social Purpose and State Power from Messina to Maastricht*. UCL Press.
- Moravcsik, Andrew. 2002. "Reassessing Legitimacy in the European Union." *JCMS: Journal of Common Market Studies* 40 (4): 603-24.
<https://doi.org/https://doi.org/10.1111/1468-5965.00390>.
- Schimmelfennig, Frank. 2020. "The Conference on the Future of Europe and EU Reform: Limits of Differentiated Integration." *European Papers - A Journal on Law and Integration* 5 (2): 989-98.
<https://doi.org/10.15166/2499-8249/409>.
- Schimmelfennig, Frank, and Thomas Winzen. 2019. "Grand Theories, Differentiated Integration." *Journal of European Public Policy* 26 (8).
<https://doi.org/10.1080/13501763.2019.1576761>.
- Schimmelfennig, Frank, and Thomas Winzen. 2020. *Ever Looser Union?*

Differentiated European Integration. Ever Looser Union? Oxford: Oxford University Press.

<https://doi.org/10.1093/oso/9780198854333.001.0001>.

Spiegeleire, Stephan De, Clarissa Skinner, and Tim Sweijjs. 2017. *The Rise of Populist Sovereignism: What It Is, Where It Comes from, and What It Means for International Security and Defense*. The Hague. HCSS.

Statham, Paul, and Ruud Koopmans. 2009. "Political Party Contestation over Europe in the Mass Media: Who Criticizes Europe, How, and Why?" *European Political Science Review* 1 (3): 435–63.

<https://doi.org/10.1017/S1755773909990154>.

Telle, Stefan, Lisanne de Blok, Catherine E. de Vries, and Lorenzo Cicchi. 2022. "Elite-Mass Linkages in the Preference Formation on Differentiated Integration." *JCMS: Journal of Common Market Studies* 60 (6): 1663–83.

<https://doi.org/https://doi.org/10.1111/jcms.13339>.

Verzichelli, Luca. 2020. "Conclusions. The Populism-Sovereignism Linkage: Findings, Theoretical Implications and a New Research Agenda." *European Politics and Society* 21 (2): 258–70.

<https://doi.org/10.1080/23745118.2019.1632585>.

Chapter 2

Taking Thinking Seriously: Cognitive Preconditions for the EU's Public Support

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Introduction

This chapter complements the other chapters in the report, which focus on analysis of proposals for the future of Europe (the term proposal is used here as it has been defined in the EU3D project). In contrast, this chapter draws on an original survey designed to reveal distinct “thought communities” in Europe. There are three reasons for inclusion of the chapter, which provides a summary of the survey results¹ in this report. The first reason is that the analysis of thought communities is a fruitful means for analysing Europe’s future. Why is that? Because a better knowledge of the scripts or cognitive frameworks that citizens employ when thinking about the EU provides us with a keener understanding of the nature and range of future options for the EU’s development that citizens are likely to recognise and/or endorse. The chapter will show this,

¹ The complete report is published as EU3D Working Paper 28 and is available here: <https://www.eu3d.uio.no/publications/eu3d-research-papers/2022/eu3d-rp-28-batora-babos.html>

for instance in the important distinction it draws between statist and pragmatists. More detailed investigations of what type of European Union and what bundle of policies each group would accept provides useful information for citizens' acceptance of various EU polity and policy trajectories.

The second reason for including this chapter in the report is that it entails a different way of assessing which constitutional model is most apt for the EU from the other chapters in the report. The third reason is to remind the reader of the need to consider different methodologies when analysing the future of Europe. A major lesson is that future work should endeavour to develop more comprehensive analyses that seek to draw more systematically on the different methodologies with a view to getting a clearer sense of their respective strengths and weaknesses.

In addition to the above, the analysis of thought communities, as has been shown, is itself of value for shedding new light on puzzles and paradoxes in contemporary Europe. Consider the following: there are high levels of public support for the EU in countries with extensive support for anti-EU populist governments. Hungary and Poland consistently show public support for the EU exceeding 70% (over 80% in Poland). Explaining this requires unpacking how people actually think about the EU. Understanding why a Hungarian citizen can be strongly pro-EU and, at the same time, vote for Viktor Orbán with his anti-EU standpoints requires us to delve deeper into the conceptual frameworks that citizens use when thinking about the Union. It will also help us to define what kinds of polity structures and policy types would be readily acceptable in a given national setting.

In this chapter, we present the findings of an original survey (see Bátor and Baboš 2022, 2023) on how citizens in six EU member states (France, Germany, Hungary, Italy, Poland and Slovakia) think about polity and policy formation in the EU. Building on an elaboration of three models of polity in the EU (see Fossum 2021), we discuss which of these models would receive public recognition and support, given the constellation of thought communities present in different EU member states.

In terms of methodology, the analysis focuses on identifying what scripts or cognitive frameworks citizens employ when they think about the EU. We use relational class analysis (Goldberg 2011) to identify patterns in

citizens' responses and thus identify thought communities of citizens sharing cognitive scripts. In several ways, the current analytical approach is complementary to standard opinion polls or research on citizens' attitudes. First, we identify not just attitudes towards particular policies but also the underlying understanding by the surveyed citizens of the EU qua polity and of the policies related to the respective polity concept. Second, we identify thought communities of citizens sharing thinking styles and scripts in their thinking about the Union. Third, we develop explanations for why levels of approval for the EU in a particular member state as such cannot be taken automatically to mean that citizens approve of the Union for the same reasons as citizens in other EU member states. Citizens in Hungary and Poland may approve of the EU but for very different reasons than citizens in Germany or France. In this sense, as our analysis of thought communities suggests, high levels of support for the EU among citizens does not exclude the possibility of high levels of electoral support for populist anti-EU parties. Fourth, the analytical focus on "thought communities" also allows for developing a new approach to the EU's public communications and outreach strategy directed at the member states' populations.

The chapter proceeds as follows. In the first section, we elaborate on three constitutional models of the EU polity as suggested by Fossum (2021). As Fossum shows in that publication, each model represents a distinct configuration of the five differentiation dimensions (lawmaking, functional, vertical, territorial and persons' differentiated access and incorporation). As such, they frame in broader polity terms the five dimensions that all the proposals are assessed against.

The constitutional models provide an analytical benchmark for our discussion of the findings on thought communities in six EU member states. The second section then presents the data on the thought communities. We elaborate on the RCA and on the findings. The conclusion summarises these findings and discusses which of the features of which of the models would find most public support and in which EU countries. We also discuss potential implications for the design of the EU's strategic communications and public outreach campaigns in the member states.

EU constitutional models

The intergovernmental model

As the name suggests, the intergovernmental model focuses on the nation-state as the most important actor in Europe (and the world). The model posits that only the nation-state can foster the type of trust and solidarity that is required to sustain a democratic polity. The EU must hence be devised to ensure that the institutions at the EU level are accountable to the member states, which continue to serve as the main vehicles for ensuring the type of private and public autonomy that democracy requires. The member states are then also the locus of democratic authority. The model therefore rules out a democratic body at the EU level capable of autonomous lawmaking and that can justifiably claim to represent the collective body of citizens in the EU's member states. The lines of authorisation and accountability are mainly vertical, with the EU the agent and each member state a principal. The fact that each member state has the power of veto is meant to serve as a safeguard for national democracy. Nevertheless, precisely since each state has a veto, the model has weak provisions for the members to intervene in the democratic affairs of other member states, should they find them wanting. The model posits that the EU's legitimacy is indirect and hinges on its ability to perform in accordance with prescriptions from the member states. The standard model understands democratic authorisation by member states to take the form of intergovernmental bodies in which the contracting partners strike bargains on behalf of nationally fixed preferences and interests (Moravcsik 1998).

The model posits that the member states authorise EU action and confine and delimit the EU's range of operations through the provisions set out in the treaties, as well as through a set of institutions that permit every member state to exercise the power of veto. It follows from the above that the EU's scope, range of operations and type and range of policy instruments should in principle be determined by the member states. As noted above, the intergovernmental model presumes that the member states delegate competence to the Union. The model treats each member state as a separate entity and focuses on how the member states collaborate in joint institutions at the EU level, institutions wherein each member state has a veto and can block decisions. The model posits that the EU's competence can in principle be revoked (Pollack 2003).

The intergovernmental model leaves no scope for external differentiation in the sense of EU norms and rules incorporated in states that are not EU members. This is because the boundaries of the association of sovereign states correspond to those of its member states.

The federal model

A democratic federation is a system of shared rule combined with self-rule embedded in a constitutional arrangement (as a core element of the federal pact). Modern federalism is intrinsically tied to the state form of governing. The experience of the United States has become the standard, or dominant, account of democratic federalism (Beer 1993; Davis 1978; Ostrom 2008). The federal system is based on a distinction between levels because the federal constitution specifies powers and competences between levels of governing (federal and subunit). In the federation, the subunit level is a legally and constitutionally relevant category with some form of central-level representation (King 1982). The federal court balances relations between levels of governing. Citizens are directly represented in the central institutions, as well as collectively represented in the central institutions through their respective subunits (King 1982).

Contemporary federations are structured in line with the statist principle of functional-territorial contiguity, in which the aggregate federation takes care of all relevant functional realms, but each level's realm of functions is specified in accordance with the division of powers across levels of governing (these vary from exclusive-federal, via shared or concomitant, to exclusive subunit). Federations vary in the scope of functions undertaken at each level, and therefore also in the nature and range of policy instruments. They also differ in the relative capacity (fiscal and administrative) and expertise that is accumulated at each level of governing. The federal level grants citizenship. All citizens of subunits are federal citizens. Citizens also have specific rights and obligations in relation to the subunits they live in. Regarding voting rights in subunit elections, for instance, a citizen must obtain residence status in order to have the right to vote.

An important issue when discussing the EU from a federal perspective is whether a federation needs to be a state, and if so to what extent. This is, as we shall see, a highly consequential issue when considering

citizens' thought communities. In other words, federalism's appeal is closely connected to this issue.

The regional-cosmopolitan model

The EU has been depicted as a cosmopolitan vanguard,² which refers to a political system with a cosmopolitan vocation. The most prominent advocate of a cosmopolitan conception of Europe within the greater global context is Jürgen Habermas. In an impressive number of books and articles,³ Habermas has addressed the vital question of whether deliberative democracy can be entrenched in global and global-regional entities (beyond nation-states). Habermas resuscitates the Kantian cosmopolitan project and comes up with a very sophisticated model.⁴

Habermas argues that we may entrench cosmopolitanism through what he terms world governance without government. This is premised on a clear distinction between "state" and "constitution" along the lines drawn by Hauke Brunkhorst (2004). A key premise is that "[t]he state in its modern form is not a necessary precondition of a constitutional order" (Habermas 2006: 137). Such a structure is, according to Habermas, situated in three key levels and institutional arrangements: (1) the first, global, or world-encompassing level contains a set of supranational arrangements; (2) the second is labelled transnational and pertains to regional arrangements; and (3) the third refers to the nation-state level.

This structure is based on a distinct division of functions. The supranational level, institutionally embedded in a reformed United Nations (UN) system, would be confined to issues of securing peace and protecting human rights. This system is based on the precept of the supranational hierarchical structure being confined to a clearly delimited number of issue-specific, negative, constitutional protections in order to serve as a safeguard against the domination that Immanuel Kant feared from a world republic. Precisely because it is confined in this way it does

² With regard to the EU, see, for instance, Beck and Grande (2007); Delanty and Rumford (2005); Eriksen (2009a; 2009b); Eriksen and Fossum (2012). On Canada, see, for instance, Kymlicka and Walker (2012) and Fossum (2012).

³ The books include Habermas (1998a; 2001; 2006; 2009; 2012); for articles, see in particular Habermas (1998b; 1998c; 2004). See also Grewal (2012), whose first chapter offers a useful periodisation of Habermas' approach to European integration, from Euro-scepticism to Europhilia.

⁴ Other important proposals include Held (1995) and Archibugi (2008). In a different spirit, see Scheuerman (2011). For an assessment of this position as a constitutional cosmopolitan model, see Fossum and Menéndez (2014).

not require a comprehensive system of democratic legitimation (Habermas 2006: 174).

The second, transnational, level is preoccupied with global domestic politics (such as issues pertaining to energy, environment, financial and economic policy) and is composed of regional entities. It is based not on a hierarchical structure, but rather on a heterarchical one with entities that negotiate agreements among themselves. These issues may also be global but are assumed to be more conflict-prone and are more suitably handled at the transnational level, in more densely integrated contexts, through bargains, compromises and various types of settlements.⁵

The third, nation-state, level remains the key repository of democratic legitimacy. In this structure, nation-states have nevertheless gone through learning processes to make their citizens understand themselves as both global citizens and citizens of their respective states. From a democratic perspective, it is important to underline that:

[b]oth at the level of the UN and of transnational negotiation systems, it must receive indirect “backing” from the kinds of democratic processes of opinion- and will-formation that can only be fully institutionalised within constitutional states, regardless of how complex federal states on a continental scale may become

(Habermas 2006: 141).

Democratically speaking, the structure is based in two sources: world citizens and citizens of states. The main democratic legitimation processes are still anchored in the nation-states, but, as noted, subject to the proviso that these states have gone through important learning processes so that citizens understand themselves to have responsibilities to non-nationals which back up their role as world citizens.

In the following analysis we will see how and how much these models are reflected in citizens’ thought communities, as reflected through the survey results.

⁵ Brunkhorst (2009: 66) usefully refers to this as a “global system of segmented continental regimes”.

Analysing thought communities

Thought communities can be defined as groups of citizens sharing “thinking styles” or scripts helping them to conceptualise social phenomena (see Mannheim 1954; Goldberg 2011). Sharing particular scripts helps in the collective exercise of sense making (Zerubavel 1997). Using this method, researchers are able to identify correlations and patterns in responses to multiple survey items. People sharing scripts/cognitive frames would show similar or identical patterns of responding to survey items and would be located within the same thought community. Thought communities as such are not characterised by people sharing opinions or positions on particular aspects of a social phenomenon. Instead, they share a cognitive framework for making sense of that phenomenon. However, sharing a cognitive framework and hence a thinking style about a phenomenon does not equal sharing normative opinions about that same phenomenon. Two people within the same thought community could therefore embrace widely diverging opinions about a particular social phenomenon.

The EU is a rather ambiguous polity or an unsettled political order under development (Olsen 2010). In the context of the political phenomenon it represents, one cannot really take for granted that citizens share the same constructs when thinking about it. With simple opinion polls or attitude surveys, we therefore run the risk of not considering the important nuances in how people perceive the Union and what it means to them. To complement research on attitudes towards the EU, it is hence useful to take a step back and actually explore how people construct meanings around the EU and identify groups sharing similar thinking styles about the Union.

To identify such communities, it is useful to build on the relationality approach proposed by Goldberg (2011) and developed further by DiMaggio et al. (2018). Meaning, from this point of view, emerges not from individual responses to individual survey items but from relations among these responses. This enables a researcher to study not just opinions of individuals but broader belief systems of populations. This takes into account the possibility that many surveys simply ignore the fact that the same survey questions (or items) can generate widely divergent meanings among a group of respondents. Identifying patterns of responses to a set of survey items enables a researcher to establish whether

there are groups of people sharing particular “thinking styles”. Ambiguous political phenomena such as European integration or ambiguous political entities such as the European Union allow for multiple interpretations among any given population. As earlier research has shown, people experience the EU in widely divergent ways in their practical lives and that, in turn, leads to different ways of thinking about the Union, its possible nature and its future development. Indeed, the style of thinking and sense-making about the Union necessarily has implications for how people react to policy- and polity reform proposals or for what policy actions people think are appropriate for their own member state.

Data for the analysis was collected in our own online survey conducted in March 2022.⁶

To measure attitudes towards various aspects of European integration we used a five-point Likert scale. Using Fossum’s three constitutional models of the EU’s political order – a Union of sovereign states, a federal Union, and a cosmopolitan Union – we formulated 10 statements expressing key characteristic features of the models. Statements related to a set of key policy domains including core state powers (defence, diplomacy and intelligence) and various aspects of economic cooperation in the EU’s single market. Also, statements were formulated in ways capturing principles of organising politics in the EU – in this way we would be more likely to tease out respondents’ thinking styles – i.e. not so much what but how they think about the Union. The current analysis is thus different from that of van den Hoogen et al. (2022), who used CCA (an extension of RCA by Boutyline 2017) but focused on identifying meanings attributed

⁶ Data was collected by a professional contracted agency with experience in pan-European surveys and offices in all the member states studied. The survey was translated from Slovak into the local languages (Polish, French, German, Italian, and Hungarian). The translations were monitored by reverse translation testing provided by the agency and also by the authors of this paper. Surveys were then conducted using Computer Aided Web Interviewing in March 2022. In each of the selected member states, we collected a representative sample of about 1,000 respondents. The survey was administered online, and stratified quota sampling was used to ensure representativeness of the sample in regard to gender, age, education, region and residence size.

to the EU among its supporters in one of the member states, the Netherlands.

Based on RCA results, two thought communities in each of the six EU countries were identified. Building on their features, they were termed statisticians and pragmatists (see Table 1).

Table 1: Characteristics of thought communities (adopted from Bátorá and Baboš 2023)

THOUGHT COMMUNITY	CHARACTERISTICS OF THINKING STYLE/CONSTRUCT
STATISTS	<ul style="list-style-type: none"> - Thinking about features of the EU as a polity is interconnected with thinking about policy outputs - The governance structures – as an expression of a polity – and policy outputs at the EU level are seen as mutually dependent, similarly to those in sovereign states. The EU is thus similar to a sovereign state. - Provision of policy outputs by the EU is linked to more competences and stronger governance structures at the EU level. - Thinking style organised around how the state is understood. - The opposing ends of the spectrum in this understanding are EU-level federalist statisticians and nation-state statisticians.
PRAGMATISTS	<ul style="list-style-type: none"> - Thinking about polity-building at the EU-level as a process independent of various types of cooperation that provides policy outputs, including on peace or security.⁷ - Thinking about various types of benefits and policies is mostly aligned, but at the same time, thinking about public policies at the EU level is not aligned with thinking about democratic polity building at the EU level. - Responses to questions about policy outputs are not separated from and independent of responses about EU-level governance or EU-level competences (these respondents do not see an automatic link between policy outputs and the polity structures needed to achieve such outputs). - Thinking style organised around the understanding of policy outputs is decoupled from

⁷ An exception to this pattern among pragmatists is Germany, where federalisation is relatively strongly related to policy outputs.

	structural/institutional governance arrangements for the delivery of such outputs. - The opposing ends of the spectrum are supranational pragmatists and nation-state pragmatists.
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The size of the communities was similar in all six member states under study (see Table 2).

Table 2: Size of thought communities in individual countries (adopted from Bátorá and Baboš 2023)

Country	Statists	Pragmatists
Slovakia	21%	79%
Germany	21%	79%
France	20%	80%
Italy	23%	77%
Poland	24%	76%
Hungary	22%	78%

Source: Own survey.

While both the communities are present in the six member states to a similar extent, there are differences in the respective constellations of features that these communities are characterised by. Differences are pronounced in particular in the pragmatist community across the countries. While the pragmatists are similar in that they decouple policy outputs (and policy making) from polity aspects (and polity formation) in their thinking about the Union, there are differences across the countries in what features of the political order (polity formation) are connected in their thinking (see Table 3).

Table 3: Pragmatists and their linking of the EU and its policy outputs (adopted from Bátorá and Baboš 2023)

Country	Features of political order	
	Dimension 1 of TC Pragmatists	Dimension 2 of TC Pragmatists
Germany	Market	Peace, cooperation, democracy and federalisation
France	Market and federalisation	Peace, cooperation and democracy
Italy	Market and federalisation	Peace, cooperation and democracy
Slovakia	Democracy and federalisation	Peace and cooperation
Hungary	Democracy and federalisation	Peace
Poland	Federalisation	Peace, cooperation and democracy

There are at least four groupings within the pragmatist thought community. First, pragmatists in Germany are different in that they connect policy outputs in such areas as peace, cooperation and democracy directly with the polity dimension of federalisation. This means that pragmatists in Germany understand that if policy outputs in areas of core state powers are to be provided by the EU, there is also a need to set up a federal state structure on the polity level to support delivery of policies. As a result, from the six states studied in this analysis, the German society features the strongest presence of a federalist state script among the pragmatist community. Second, the pragmatist community in France and Italy feature multiple similarities. Members of this subgroup link policy outputs in peace, cooperation and democracy. Separately from these policy outputs, they also link (in their thinking) free-market issues (e.g. free movement, lower taxes, digital services) and federalisation. Pragmatists in France and Italy differ from their fellow pragmatists in Germany in that for the former, polity formation in the EU is linked with policy outputs in the domain of the market but not necessarily with federal state building at the EU level. Third, pragmatists in Hungary and Slovakia are highly similar as in their thinking they link federal polity building at the EU level and democratic principles. In both these countries, EU membership has played an important role in democratisation. Core state functions (peace and cooperation) are also linked in the thinking of pragmatists in Slovakia and Hungary, but they do not necessarily connect these dimensions to federalisation in the EU. What makes the pragmatists in Slovakia and Hungary stand out is that market issues are of marginal importance for them.⁸ Fourth, while pragmatists in Poland share some characteristics with pragmatists in Hungary and Slovakia, they are different as their thinking links policy outputs in areas of cooperation and peace to the dimension of democracy (pragmatists in France and Italy are similar to the Polish pragmatists in this respect). What is more, Polish pragmatists separate federalisation. This suggests that for Polish pragmatists the EU does not necessarily need to be a federation as a polity and still deliver policies and have various kinds of democratic processes.

As discussed, belonging to a particular thought community captures only the basic script the members of such a community would use to

⁸ Correlation of market issues with other survey items among pragmatists is 0.26 in Hungary and 0.22 in Slovakia.

conceptualise a political phenomenon – i.e. the EU. The fact of belonging to a thought community per se does not suggest what attitude towards the EU a respondent holds. Hence, if we, for instance, know that a respondent is a member of the statist community, we are still not sure whether this respondent is a nationalist sovereignist statist or an EU federalist statist. As an indicator of where a respondent finds herself on the spectrum within each of the thought communities, the current analysis asked respondents to rate their trust in three EU institutions – the European Commission, European Parliament and Council of the EU (see Figure 1).

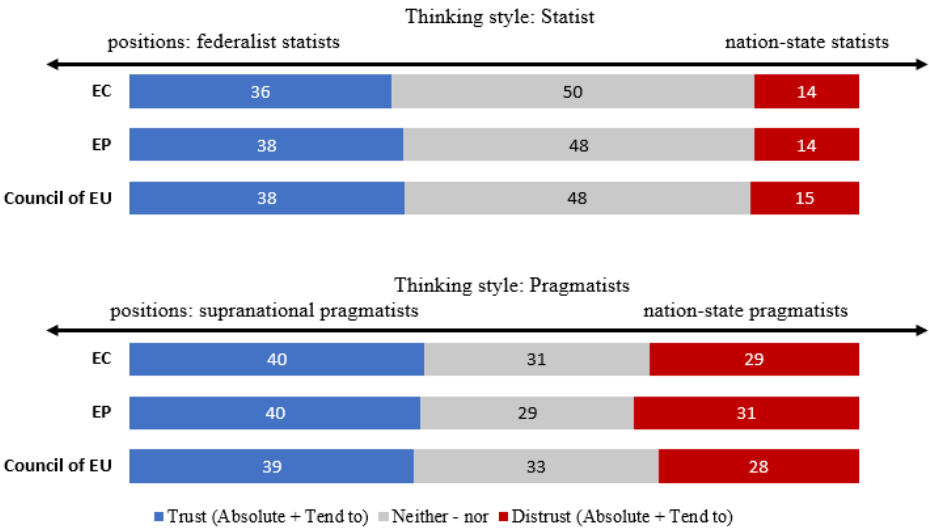


Figure 1: Trust in EU institutions, by thought communities

Source: Authors’ own elaboration.

Further indication of the part of the spectrum within the respective thought communities in which the respondents find themselves was provided by having them answer questions about their preferences for future EU development (Figure 2).

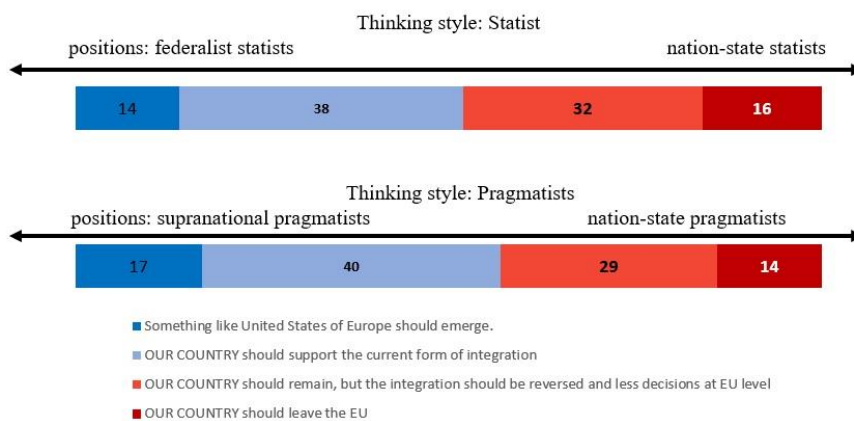


Figure 2: Preference for different scenarios of EU integration for one's country, by thought community

Source: Authors' own elaboration.

Conclusions: thought communities and overlaps of constitutional models

Based on the above analysis, several findings can be reported. To start with, while the state is often thought of as the dominant conceptual framework within which people think about political phenomena – including the EU – the current research shows that, in fact, only a minority (20–24%) of citizens in the six EU member states surveyed actually use the state framework in their thinking about the Union. The statist thought community is present in all member states surveyed, but it is in the minority. Moreover, federalist statist (those who think about the EU in statist terms and prefer the EU to become a federal state) only represent about 7–10% of respondents. Coming back to Fossum's constitutional models, this indicates that a traditional federal state-like polity is not really a polity model with significant support among the population in the six studied member states. Interestingly, however, Germany is in fact an exception, as even the pragmatist thought community links federalisation with aspects of core state powers including peace, cooperation and democracy. This indicates that the understanding of the Union of most Germans is much more informed by the script of the state and thus different from that of the French, Italians or Slovaks. This raises several questions regarding further European integration and public support for various constitutional models.

First, given the different scripts thought communities embrace in different countries, European integration is about to remain a process not just of reconciling governance structures and legal rules but also of reconciling different ways of thinking about the Union. Second, if citizens in one of the core member states and one of the major net contributors to the EU budget, Germany, use significantly different conceptual scripts for conceptualising the Union and political processes associated with it than other member states, we should expect some major tensions between the expectations from European integration of the German population and those of other national populations. The findings of Heermann and Leuffen (2023), showing that the German population would support significant sanctions against those member states that deviate from core EU values, such as rule of law and human rights, are therefore not surprising. The problem that the current findings indicate, though, is that such expectations and views from Germany (represented by German politicians responsive to the views of their electorate) will not be easily understood in countries like Poland, Hungary, France or Italy, where populations simply think otherwise about the Union. For the majority of populations in Italy, France, Hungary, Poland and Slovakia, it is by no means natural to connect policy outputs of the Union with expectations of federal state-like polity building. Hence, they do not automatically think about aspects such as enforceability of laws – a key requirement for state-like polity formation – as a key feature of the European Union qua polity.

Second, the relatively sizeable pragmatist communities in all member states provide a basis for the development of a different model of federalisation in the EU from the traditional statist type. As Fossum (2001, 2007) and Fabbrini (2019) suggest, this type of federalisation is not necessarily about development of structures of federal state-like governance, but it is about development of policy-making capacity at the EU level and the national level based on the principle of subsidiarity. And this is what resonates with a large proportion of citizens – pragmatists. When it comes to political order and formation of the EU qua federal polity, this does open up for what Fabbrini has called a “Girondist” type of federalisation – a model allowing for the maintenance of differences in constitutions and politico-administrative systems between the member states.

Third, the relatively sizeable pragmatist communities in all six countries studied here also indicate that populations are flexible enough – i.e.

cognitively disentangled or decoupled from the once dominant state-centric model of political governance – so that they can cognitively embrace various types of innovative polity arrangements. This potentially includes the third model suggested by Fossum – that of the cosmopolitan Union. Either way, the pragmatists in the member states are citizens ready to accept various ways of policy delivery beyond- and/or without the state framework at the EU level.

Fourth, in an EU characterised by cross-national differences between thought communities, strategic communication by EU institutions directed at “unified” national audiences works only to a limited extent. There is a need to tailor messages catering to the respective constellations of thought communities. Hence, in relation to the German population, it is likely that messages building on an underlying federal state script would be much more effective than in, for instance, Italy, where such messages could have the opposite effect or remain without major effects. In a similar vein, messages targeting the pragmatists in Hungary or France would resonate more easily with the populations. Hence, the EU institutions should go ahead and develop thought communities oriented towards public outreach strategies for communication campaigns directed at the EU population.

References

- Balcer, Adam, Piotr Buras, Grzegorz Gromadzki, and Eugeniusz Smolar. 2017. *Polish views of the EU: the illusion of consensus*. Warsaw: Stefan Batory Foundation
- Bátora, Jozef and Pavol Baboš. 2023. "Thought communities and their implications for polity formation in the EU", *EU3D Policy Brief*, No. 7, June 2023.
- Boutyline, Andrei. 2017. "Improving the measurement of shared cultural schemas with correlational class analysis: theory and method", *Sociological Science*, 4(15), 353–393.
- Fossum, John Erik. 2021. "EU Constitutional Models in 3D: differentiation, dominance and democracy", *EU3D Research Papers*, No 15, July 2021, Oslo: ARENA.
- Goldberg, Amir. 2011. "Mapping Shared Understandings Using Relational Class Analysis: The Case of the Cultural Omnivore Reexamined", *American Journal of Sociology*, 116 (5): 1397–1436.
- van den Hoogen, Elske, Stijn Daenekindt, Willem de Coster, and Jeroen van der Waal. 2022. "Support for European Union membership comes in various guises: Evidence from a Correlational Class Analysis of novel Dutch survey data", *European Union Politics*, 23(3): 489–508.
- Mannheim, Karl. 1954. *Ideology and Utopia: An Introduction to the Sociology of Knowledge*. New York: Harcourt, Brace & Co.
- Zerubavel, E. 1997. *Social Mindscales: An Invitation to Cognitive Sociology*. Cambridge, MA: Harvard University Press.

Chapter 3

Right-wing Populist Constitutional and Extra-constitutional Legal Narratives

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Introduction

Crisis is not an alien word to the European Union. In a historical perspective, it seems that European integration has always developed not despite of, but through particular critical conjectures that directed its future trajectories. What they have usually put into question has been the viability of the politico-legal forms in which European integration has managed to solidify in confrontation with the new historical constellations of powers. In this sense, one could say – with a somewhat Benjaminian intuition – that the EU is historically reactive, reabsorbing external impulses or responding to them. What each of these crises puts at stake is the boundaries and legitimacy of a particular politico-legal framework that has already managed to respond to the previous one.

The crisis currently afflicting the EU is no different from this metastructure. The current shape of the Union – especially in its legal dimension – was determined during the era of liberal hegemony. The sequence of treaties that first established the EU and later transformed it into an entity focused on the rule of law, multi-layer constitutionalism based on cooperation as well as fundamental rights – from the Treaty of Maastricht up to the Lisbon Treaty – were adopted with liberal constitutionalism as a model. Naturally, many mechanisms specific to the

European construction, especially the basic principles of EU law, were not easily squarable with liberal constitutionalism; yet the remaining tensions, like the one from the *Solange* saga (Blokker 2017, 20-22), were skilfully relegated behind the wings. Constitutional pluralism acted as the main tool allowing the liberal façade of the EU to be squared with its necessarily variegated internal structure (Avbelj 2016; Lawrence 2019, 26-30). With its values defined in Art. 2 TEU and – at least on paper – safeguarded by Art. 7 TEU, the Union presents itself in the ideology inherent to its law as a robust liberal construction able to defend cooperation with analogical constructions on the domestic level.

Nonetheless, just as liberal constitutionalism nowadays finds itself challenged by broadly illiberal forces in numerous countries around the world, including Israel, Brazil and (formerly) the US under President Trump (Marin and Manova 2015, 180-210), so does the politico-legal construction of the EU as it enters into a field of tensions with anti-liberal constitutionalism. Interestingly, self-proclaimed Eurosceptic movements are now not necessarily opposed to European integration as such; they rather seek to rebuild it in a fashion more palatable to nationalism and sovereignty. As usual, the fight within the legal field is just one of the scenes on which the struggle takes place: economic, symbolic and foreign policy-related dimensions are at least equally important. Yet, since liberal constitutionalism epitomises the apex of liberal hegemony with its attempt to seize the political under the control of the legal, the law is in a certain sense a privileged and exposed scene of conflict (Tacik 2022, 216-227). Strengthening of the political against the legal (and, consequently, the executive and the legislative against the judiciary) has become a target of illiberalism (Scholtes 2019, 353).

European integration therefore finds itself doubly contested: directly by domestic sovereignty, which aims to oppose the EU; and indirectly by the model of legality that illiberal movements and governments propagate. The EU's complicated relationship with liberal constitutionalism adds further complexity to this picture. This means that the current legal crisis within the Union cannot be addressed only through examination of how the legal edifice of the EU itself is challenged; the process of domestic reformulation of liberal constitutionalism that the EU is found now to defend (although in a historical perspective it is a rather recent adaptation) must also be taken into account. Naturally, the Union displays a high level of resilience against the latter, rooted in the fact that,

historically speaking, the marriage between European integration and liberal constitutionalism has not been necessary. Precisely the features that compromise the EU as defender of liberal constitutionalism – political compromises and tolerance for illiberal measures at the domestic levels (Pech and Scheppele 2017, 4) – can be read as mobilisations of pre-liberal forms of integration against the external illiberal threat.

The still solid hegemony of liberal constitutionalism is displayed in the fact that illiberal forms of legality continue to be perceived – also on their own grounds – as negative deviations from the liberal path rather than a self-contained form of legality. Can illiberalism nowadays offer any viable alternative to liberal constitutionalism in the EU? This question needs to be answered at three levels that will correspond to the following subsections of this chapter. First, we need to critique the problem of illiberal constitutionalism in a theoretical way. It will then be necessary to see the entanglement of liberal and illiberal forms of legality at two corresponding levels – European and domestic. Finally, a more empirical study will be presented in which I will investigate concrete examples of how the legality of particular illiberal regimes may be framed into what is called illiberal constitutionalism.

Critique of “illiberal constitutionalism”

In order to answer the question of whether illiberal constitutionalism is at all viable (Blokker, Bugarcic and Halmai 2019, 291-295), it is necessary to return to a metalevel and undertake a proper critique (in the Kantian sense) of the very concept. It is only in this way that we can avoid inherent political bias in the matter itself; instead, we will attempt to consider it from a meta-perspective.

In the opening pages of his *Constitutional Theory*, Carl Schmitt famously defines constitution through a juxtaposition of two terms:

The term “constitution” has various senses. ... “Constitution” can describe the state itself, and, indeed, an individual, concrete state as political unity or as a particular, concrete type and form of state existence. In this instance, it means the complete condition of political unity and order. Yet “constitution” can also mean a closed system of norms and, then, in the same way, can designate a unity, however, not a concrete existing unity, but instead a reflective,

ideal one. In both cases, the concept of the constitution is absolute because it expresses a (real or reflective) whole. Moreover, a form of expression is dominant today, which calls any series of specially constituted statutes a constitution. In the process, constitution and constitutional law are treated as identical. Every individual constitutional law can appear as a constitution, so the concept becomes relative. It no longer concerns an entirety, an order and a unity. It involves, rather, a few, several, or many individual statutory provisions constituted in a particular way.

(Schmitt 2008, 59)

What Schmitt undertakes in this paragraph – in an implicit polemic with Hans Kelsen (Cercel 2018, 18-40) – is to contrast two notions of the constitution. In both meanings it connotes a totality, yet each time a different one. In the first understanding it is a *factual* totality: a preconditional foundational principle that organises the real functioning of the state. In this sense, every state has a constitution, even if it does not have a legal act of this name (parenthetically, the German term “Verfassung” seems to better suit this meaning than the English “constitution”). In the second meaning, the constitution is an *ideal* totality, a harmonious whole of norms organised around the common principle. Not every country has a constitution of this kind, although it is possible to understand it more broadly – as a set of laws rather than one particular act.

If we apply these Schmittian terms to the concept of “illiberal constitutionalism”, we can see that the field in which it is used is marked by a particular conjectural entanglement of the real and ideal constitution. Within the boundaries marked by the hegemony of liberal constitutionalism, these two notions overlap: the only viable constitution is the ideal one, organising the state through a legal act based on fundamental principles that meet certain criteria. When seen in this perspective, illiberal constitutionalism appears as a *contradictio in adiecto*; there can be no constitutionalism beyond the horizon of its liberal incarnation. In Hegelian parlance, we may say that the genus becomes its example: constitutionalism is liberal constitutionalism. Such an overlap has deep roots in the way in which Central-Eastern European countries organised their constitutions after 1989 in the paradigm of the so-called “new constitutionalism”. It put strong stress on the special rank of the

constitution as a suprastatutory legal act defended by judicial review, containing applicable principles and guaranteeing human rights (Blokker 2017, 6-8). Therefore, a deviation from this course – often portrayed through a problematically post-dependence “democratic backsliding” (Pech and Scheppele 2017, 1-4; Halmai 2019b, 262) imagery – seems a path into no constitutionalism rather than its new type.

What it demonstrates is that the two concepts of the constitution organise this field of contestation politically. However disorganised or divergent from liberal standards illiberal constitutionalism may be, it remains *some form of regime* and, as such, a constitution in the first sense. Even if we take into account some features of illiberalism, such as its negative dynamism and political instrumentalism, they are principles that determine the reality of illiberal regimes and may be deemed constitutional ones. “Lack of constitutionalism” – often referred to by Gábor Halmai (Halmai 2019a, 312; Müller 2017) – is therefore equivalent to using terms like “legal nihilism”: in illiberal countries legal systems exist whether they meet liberal standards or not. Even if internal incoherences and the excess of the political over the legal make illiberal constitutionalism paradoxical or aporetic, depriving it of the constitutional quality by replacing the real with the ideal is a political gesture within the field. It elevates liberal constitutionalism to the rank of *the* constitutionalism; useful as it may be in addressing authoritarian measures of illiberalism, it allows the political to reorganise the frame in which constitutionalism is analysed. Liberal hegemony is a profoundly destabilising force for the field of constitutional scholarship: in its own categories every deviation from liberal constitutionalism is a step into non-existence (Oklopcic 2019, 214-215). In this sense, it created a zero-point in constitutional jurisprudence that puts up a firm centre against which all peripheral positions are described in hierarchical and value-imbued terms.

If we accept the premises of this critique, how can we describe illiberal constitutionalism as an existing category? First of all, it is in many respects a postmodern phenomenon. Incongruity, incoherences, tensions and aporias are not reasons for its collapse or feebleness. On the contrary, it lives off them; against the spirit of liberal constitutionalism which aims at coherence and rational balance of principles – despite a much more problematic practice (Scheppele 2019, 315) – it elevates aporeticity to the peak. This incongruity goes deep into the very foundations of illiberal constitutionalism. It displays incoherent excess not only within

constitutional law or between constitutional law and practice, but even to the ideational underpinning of constitutionalism as such. For Schmitt, the ultimate source of constitutionalism is the will of the people that constitutes and preserves the state:

a constitution is valid because it derives from a constitution-making capacity (power or authority) and is established by the will of this constitution-making power. In contrast to mere norms, the word “will” denotes an actually existing power as the origin of a command. The will is existentially present; its power or authority lies in its being. [...] The unity and order lies in the political existence of the state, not in statutes, rules, and just any instrument containing norms.

(Schmitt 2008, 64-65)

Meanwhile, what postmodern constitutionalism demonstrates is that this will in itself is ideational and, when confronted with constitutional practice, fractured. The image of a solid volitional centre which binds itself normatively in a sovereign manner can no longer square with the crisis of representation and modernist imagery of power. Illiberal constitutionalism is fragmented even at the level of the organising “will”. It is an often recognised feature of populism that it performs a narrative overlap between a part of the nation and the nation itself, thereby elevating a fracture of a population to the rank of sovereign proper (Blokker 2018a, 5-6; Bugarič 2019, 598). When transposed onto constitutionalism, this may mean that the “will” in question differs from the Schmittian account and becomes intercepted by a particular group put up ideationally in order to prop up the ruling movement. Perhaps the postmodern component in illiberal constitutionalism is best visible in the fact that in many respects it treats the idea of representation with postmodern irony, blatantly elevating a part to the rank of totality. The “nation” is no longer simply created retroactively and solidified through the constitutional text and the state ideology; constitutionalism mobilises various incarnations of the nation temporarily for short-term political goals. The nation is glaringly virtual without any claims for universality. Therefore, contrary to various forms of fascist or Nazi constitutionalism, contemporary illiberal constitutionalism is not bound by the overarching idea of one national will. If the will is not treated seriously, neither is the very sense of the constitution: as examples of illiberal movements in

Hungary and Poland demonstrate, constitutional law serves tactical purposes. In this sense, *there is no unitary will imagined to be bound by constitutionalism.*

Accordingly, the relationship between *pouvoir constituant* and *pouvoir constitué* is muddled. In traditional uses of these concepts dating back to Sieyès (2003, 135), the former establishes the constitution through an allocution of the nation itself; the latter is power exercised within constitutionally established limits. The barrier between the two can occasionally be passed, especially in a revolutionary act (Doyle 2019, 177-178). Yet illiberal constitutionalism muddles this distinction. Constitutive and constituted power become structurally confused. Two actual constitutional regimes demonstrate two different strategies of confusion. Hungary, being ruled by a party with a constitutional majority, adopted a new “Fundamental Law” in 2011. Yet this act is hardly a stable constitution organising the execution of power: not only has it been amended 11 times since its adoption in order to conform to conjectural political goals, but it also contains targeted legislation such as the famous constitutional provision prohibiting one person, the judge András Baka, from sitting on the new Supreme Court.¹ Fidesz, with a constitutional majority, has used it in order to aptly manipulate between *pouvoir constituant* and *pouvoir constitué*. The Polish example is even more glaring. As I shall demonstrate below, the lack of constitutional majority of the Law and Justice (Prawo i Sprawiedliwość – PiS) party pushed it onto the risky path of adopting unconstitutional subconstitutional laws whose lawfulness could not be tested due to the capture of the Constitutional Court by the ruling coalition. In this way, *pouvoir constitué* effectively arrogated to itself the position of *pouvoir constituant* and changed the regime of the country without a single constitutional amendment. Consequently, the distinction between the two powers often loses operativity in the field reigned by illiberal constitutionalism. Luigi Corrias claimed that illiberals operate in the name of constitutive power in order to overrule constitutional boundaries for constituted power.² Yet it rather seems that the distinction between powers belongs to liberal constitutionalism and loses its sense in its illiberal version: if the invocation of the nation can trump constitutional norms, then the power is exercised from the locus of neither *constitué* nor *constituant*, but a fuzzy field that emerges from the indistinction between them. As a result, illiberal constitutionalism mimics a revolutionary act, albeit from an awry

position (Pap and Śledzińska-Simon 2019, 68): rather than building a constitution from scratch by passing from constituted to constituent power, it simply diverges from the division so that constitutional changes remain unregistered in the symbolic as revolutions. The future – the topical point of all revolutions worthy of this name (Přibáň 2005, 295-297) – is here groped for vaguely and indirectly. At the same time, illiberal constitutionalism profits from destabilisation of *pouvoir constituant* as part of the solid unitary block in which singularity of the nation and its will plays a crucial part. In this sense, it draws ultimate conclusions from the crisis of representation: if there are no viable options of representing the nation and incarnating *pouvoir constituant*, it is all the easier to occupy this place temporarily and ironically.

Secondly, illiberal constitutionalism exhibits structural negativity. Its very name suggests that, rather than offering a new self-sufficient form of constitutionalism, it defines and builds itself through a negative reference to liberal constitutionalism. This process has a few aspects. Illiberalism is based on a strong critique of liberalism, which it denounces as elitist and detached from the people (Halmai 2019a, 300). More importantly, David Landau famously referred to illiberal constitutionalism as “abusive” (Landau 2013, 212-214): especially in the first stages of its establishment, it skilfully uses constitutional law in order to defuse checks and balances and consolidate power. What this meaning seems to suggest is that constitutionalism – if not the legal in general – is treated by illiberalism as a means rather than an autotelic goal. As Landau points out, this path is rather typical:

[p]opulist projects of constitutional change tend to consolidate the power of incumbents, erode the separation of powers, and weaken protections for minority or opposition groups. New constitutions written by populist leaders (or packages of constitutional amendments) have often centralized power in the executive branch and lengthened the amount of time that incumbents could serve in power. They have also tended to rework the rules for appointment and jurisdiction of bodies like constitutional courts (thus making these institutions easier to control) and to strengthen the control of the state over the media and other key aspects of civil society, such as unions and religious organisations.

(Landau 2018, 532)

However, “abusive constitutionalism”, or “counter-constitutionalism”, as Paul Blokker named it (Blokker 2018b, 113-128), are not purely instrumental methods of gaining sway over the legal through the political. In commenting on illiberal constitutionalism, we may at first sight be tempted to claim that it “instrumentalises” the law for political purposes. Yet this picture is too simplistic. Legal systems of European illiberal states are part and parcel of the European legal area, in which crucial norms of international, regional and European level apply – most notably the ECHR and EU law. As a consequence, their legal systems can never become instruments, as the norms created for this purpose clash with norms of external origin. Moreover, remnants of liberal legality – especially in Poland, in which they still find a foothold in the unrepealed 1997 constitution – defended by the judiciary produce the effect of structural inertia that blocks simple instrumentality. It is for this reason that really existing illiberalisms remain “hybrid”, as Gábor Halmai put it (Halmai 2014, 512). Hybridity fits negativity: instead of aiming at stable coherent constitutionalisms, they rather fight against the hegemonic form that was imposed on them through historical legacy and participation in international and European legal instruments.

Consequently, it seems that illiberal constitutionalism is suspended between two poles: antinomianism and instrumentalism of the law. Its struggles to reconfigure the relations between the political and the legal make it encounter similar impasses as those upon which both progressive and reactionary revolutions stumbled. On the one hand, it is clear that illiberal movements perceive the law as a web of unwanted constraints. PiS leader Jarosław Kaczyński has long promoted a doctrine of so-called “impossibilism” – by which he means precisely that the (liberal) law impracticably limits political power and prevents it from proper governing (Zajadło 2017, 17-30). On the other hand, the law is to be changed into a facilitator of political change. For illiberalism, therefore, the law is both an enemy to conquer in itself and a system that should be changed into a “conveyer belt” of political decisions. The general malaise of illiberalism vis-à-vis the law stems from a fight with the legal form inherited from liberal constitutionalism: a hierarchical but pluralist system of multi-level norms that exhibit some proper inertia due to their entanglement. Against it, illiberalism mobilises antinomian impulses and instrumentalist techniques, yet these do not directly yield the desired effects and produce a hybrid system of the law.

The next feature of illiberal constitutionalism – which also reveals its postmodern specificity – is an excess of rhetoric over the properly legal substratum of constitutional law. Naturally, in every constitutionalism, rich rhetorical fabric surrounds the core of binding norms, being present within constitutional law proper – through declarations, preambles and solemn narratives – as well as in the doctrine and political discourses that sustain the exercise of constitutional law. There is no constitutionalism without the cloud of discourses that envelop its content and applicability. Yet comparison of liberal and illiberal constitutionalisms demonstrates that the latter relies more strongly on the rhetorical layer. One of the most influential accounts of populism treats it as a rhetorical strategy (Barr 2018, 44-56). In this perspective, the goal of illiberalism would be the production of narratives that underpin the identification of populists with representation of the “proper” part of the nation and thus legitimise their claim to power (Mudde 2017, 6). Accordingly, a dense web of narratives is produced before illiberals come to power; after they gain it, the transformation of the state and of the law is supplemented with the thus created rhetorical reservoir. The excess of rhetoric within the law is both an attempt to continue the discursive struggle within a different branch of the symbolic and a sign of failure in confrontation with the inert matter of the law. Accordingly, illiberal constitutionalism will often use the law in its ideological function, thereby straddling constitutional and extra-constitutional narratives. The constitution in illiberal constitutionalism seems to lose its centring power: it rather turns into one of the rhetorical pieces of a larger strategy.

Finally, illiberal constitutionalism is – like the movements of which it is a product – inherently dynamic. In this aspect it differs significantly from its liberal counterpart. Whereas the latter aims to solidify the regime through constitutional law, the former does not yet have its “final” form. It seems to act tentatively, with vague declarations and goals rather than with ready-made formulas for the regime it strives to build. Its dynamism is reflected in permanent reaction to political stimuli: the stream of amendments of the Hungarian Fundamental Law demonstrates that this constitutionalism is not meant to govern the future through legal form, but rather bends the legal form to respond to the challenges of the present. Therefore, its constitutional incarnations cannot be treated as lasting, let alone definitive; they are largely responses to political conjectures

suspended in the vague rhetoric that outlines the general future goals to be pursued.

What this critique of illiberal constitutionalism demonstrates is that it is not legal nihilism proper. It neither gets rid of the law nor replaces it entirely with the political. It rather disturbs the fundamental relations between the political and the legal that underpin liberal constitutionalism. By its negativity, dynamism and rhetorical excess it contrasts sharply with liberal constitutionalism as far as its legal form is concerned. This, however, does not need to mean that the practice of political decision making must differ in the two constitutionalisms.

Illiberal constitutionalism and European integration

Illiberal constitutionalism – through developing within the European legal area – inevitably becomes a structural problem of EU law. Naturally, the main target of illiberalism is the domestic legal system; yet it affects EU law in at least two dimensions. First, many illiberal movements – as we shall see – have their own visions of European integration usually centred around the age-old slogan of *l'Europe des patries*; in this dimension they attempt to influence European politics in an anti-integrationist way. Second, transformations of domestic constitutionalism in the illiberal direction undermine key principles of European law and compromise its effectiveness.

As the first dimension will be analysed in subchapter 4, let us focus here on the second. What we should notice at the outset is that illiberal constitutionalisms profit from structurally problematic features of EU law that have long posed a risk for rendering this law impotent vis-à-vis domestic legal orders. Perhaps the most crucial of them is the still unclear status of the primacy principle which, although it made its way to the primary law of the EU through an additional protocol in the Treaty of Lisbon, remains in tension with domestic views on the primacy of constitutions (Lawrence 2019, 30). New constitutionalism in CEE – following the example of older constitutional laws of Germany and Italy – assumed the theoretical primacy of domestic law over EU law (Blokker 2017, 6-7). As in the case of the Solange saga, it carried the risk of opposing domestic law against European law – temporarily suspended by cooperation between the EU and its member countries as well as between the CJEU and domestic constitutional courts. Yet unlike the generally

benevolent relations between the German Constitutional Court and the CJEU, illiberal constitutionalisms are able to mobilise the domestically rooted primacy of constitutions against EU law. The most conspicuous example is the 2021 ruling of the Polish Constitutional Court – captured and controlled by the ruling majority – in which Art. 1 (2) TEU (“This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen”) was found incompatible with the Polish Constitution.³ This gesture needs to be understood as an instrumental manoeuvre in the conflict between Poland and the EU inaugurated by the refusal of the former to implement the CJEU’s rulings. Nonetheless, such contextualisation does not detract from the danger of using this method. The Hungarian Constitutional Court also mobilised analogical discourses against the CJEU in its notorious refugee relocation ruling.⁴ Quite clearly, illiberal constitutionalisms are able to use the legal form of the EU in an abusive way, erecting legal obstacles to recognition of European law.

Secondly, illiberal constitutionalisms can effectively abuse the discourse of pluralist constitutionalism and constitutional identity that long constituted the preferred framework of EU constitutionalism (Kelemen and Pech 2019, 59-74; Lawrence 2019, 26-28). These structures offer for European constitutionalism the tempting possibility of accommodating illiberal changes by framing them as local deviations of a general pattern. Constitutional identity can be invoked by illiberals in defence of their own constitutional models, as it is currently by the Polish government in order to legitimise its undermining of the judiciary (Kelemen and Pech 2019, 67-73). At the same time, as András László Pap and Anna Śledzińska-Simon note, “in the slow, organic and cautious development of the European project, the EU treaty law explicitly recognises member states’ constitutional identity as sacrosanct as it is very wary of using any language that would create the impression of real federalism” (Pap and Śledzińska-Simon 2019, 73). This deference squares well with political restraint in addressing what is a truly constitutive crisis of European constitutionalism (von Bogdandy, Bogdanowicz, Canor, Taborowski and Schmidt 2018, 963-965).

Thirdly, three key principles of EU law – primacy, subsidiarity and mutual trust – contain a potential bomb that may be triggered in confrontation with illiberal constitutionalism. The principle of subsidiarity in its current

version is not only ineffective in its confrontation with illiberal legality, but has a negative synergy with it that undermines the principle of mutual trust. By delegating the vast task of application of EU law to member states, it opens up a spiral that leads the effect of illiberal constitutionalism to spill over the entire European legal area. This is particularly visible in the Area of Freedom, Security and Justice. Judicial and prosecutorial cooperation in Europe demands that European courts have confidence in each other's judicial safeguards. If one of the countries begins to raise doubts as to the independence of the judiciary, courts in other states may be reluctant to participate in cooperation mechanisms, thus undermining the principle of mutual trust.

This problem manifested itself most clearly in the case of the European arrest warrant (EAW), an instrument of cooperation that superseded extradition in intra-EU relations. Generally speaking, the 2002/584/JHA Council Framework Decision⁵ which establishes the EAW is based on the principle of general recognition of instruments issued by courts in other member states (Art. 1 (2)). However, as stipulated in Art. 1 (3) of the Decision, it "shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in" Art. 6 TEU. In other words, domestic courts retain the exceptional entitlement to enquire whether the execution of the EAW will not infringe on fundamental rights. Much as this clause is necessary – especially in the light of possible scrutiny from the ECtHR – the CJEU has historically tended to limit its scope of application, thus defending the principle of mutual trust.⁶

It did not take much time until this provision was tested in relation to CEE populisms. As early as 2018, the CJEU needed to confront the request for a preliminary ruling issued by the Irish High Court, which enquired whether doubts concerning the guarantees of the right to a fair trial in Poland allow for the refusal of the execution of EAWs issued against a Polish citizen living in Ireland. In case C-216/18 PPU, the CJEU recapitulated its jurisprudence on the relationship between the principle of mutual trust and the principle of subsidiarity. As it found, European courts do not have a general mandate to refuse the execution of EAWs in relation to Poland.⁷ Nonetheless, exceptional circumstances allow for undertaking scrutiny of other states' judiciaries.⁸ The genuine risk of violating an individual's right to a fair trial may be sufficient to refuse the execution of an EAW.⁹ In order to acknowledge its existence, every

European court needs to undertake a two-pronged test. First, it should “examine to what extent the systemic or generalised deficiencies” in disputed judiciaries “are liable to have an impact at the level of that State’s courts with jurisdiction over the proceedings to which the requested person will be subject”.¹⁰ If these deficiencies are found, the courts should also verify if the individual concerned “will run a real risk of breach of his fundamental right to an independent tribunal”.¹¹

Consequently, in lieu of a general decision of EU organs (the European Council acting upon Art. 7 (2) TEU¹²), the onus for safeguarding a uniform standard of fundamental rights was placed on domestic courts. They were given “tools” – the CJEU’s preliminary ruling – in order to carry out the highly responsible task of verifying fundamental rights standards in other member states, illiberal ones in particular. Nonetheless, the scope of assessment that these courts need to undertake is vast. It could seem more sensible that the CJEU – with its position and means – be accountable for assessing the independence of domestic judiciaries. Yet the CJEU preferred to use the subsidiary structure of the European judicial system, risking particular courts making incoherent decisions.

To sum up, illiberal constitutionalism took European constitutionalism by surprise, using its internal tensions and abusing its principles. The leeway offered by constitutional pluralism, subsidiarity and the unresolved struggle for primacy within the European legal area has become a breeding ground for illiberal constitutional forms. Consequently, EU law became exceptionally dependent on domestic constitutions. This time its struggle for supremacy over domestic legal systems began to overlap with the political conflict between the liberal and the illiberal. Just as in the famous Heidelberg proposal of “reverse-Solange” EU law was to guarantee fundamental rights in instances where domestic law fails to do so (von Bogdandy, Kottmann, Antpöhler, Dickschen, Hentrei and Smrkolj 2012, 489-519), illiberal constitutionalism augurs a mockery of reversing Solange: it aims to annul rights stemming from EU law at the domestic level. The Polish “muzzle law”,¹³ which seeks to prohibit Polish judges from requesting preliminary questions from the CJEU if they concern unlawful judicial appointments, epitomises this reversal. European constitutionalism is profoundly affected, if not disturbed by the emergence of illiberal constitutionalism at its heart.

Analysis of illiberal constitutionalism: constitutional and extra-constitutional narratives

Let us now delve deeper into more concrete examples of illiberal constitutionalisms. Within the EU we have two examples of two openly illiberal regimes actually having been built (Hungary and Poland), as well as numerous examples of illiberal movements that either have not yet come to power (the French National Rally (Rassemblement National – RN) and the Alternative for Germany (Alternative für Deutschland – AfD) or have not yet managed to construct illiberal states (Brothers of Italy (Fratelli d'Italia) and Lega from Italy). Hence the crucial line of division: CEE has experienced actual illiberal constitutionalisms (in terms of both binding constitutional law and extra-constitutional narratives), whereas the “old” EU members know them only through their rhetorical layer. This draws a fundamental line of division between them.

Hungary: planned illiberalism

Hungarian illiberalism is the pioneer within the EU, being both the oldest and the only one that was built with constitutional majority. As a result, the country's Fidesz party was able to begin its rule with the adoption of the new Fundamental Law,¹⁴ incidentally the first one after 1989. Fidesz therefore managed to identify the post-socialist transition with its illiberal incarnation. It was able to use the language of constitutionalism as a means of self-expression and self-definition, simultaneously imposing its own hegemony on the state and its population (Nagy 2017, 447-455; Kelemen 2017, 211-328; Bugarič 2015, 175-197; Halmai 2014, 497-514; Scheppele 2014, 111-124; Sólyom 2014, 5-31).

The 2011 constitution intermingles elements of liberal democratic tradition with a strong state- and nation-centred foundation (see Toth 2012). Consequently, although it declares respect for the rule of law (Art. B (1)), human rights protection (Art. I-XXIX), democratic election (Art. 2) and the division of powers (Art. C), it contains some manifestly anti-liberal provisions. Notably, it begins with the so-called “National Avowal”, a preamble rife with nationalist imagery that accentuates the unity of nationhood, its Christian roots, labour-based “strength of the community” and the need for “spiritual and intellectual renewal”. Liberal declarations about Hungary as a democratic rule-of-law republic (Art. B (1)) are mixed with enigmatic phrases concerning nationalist creed, like

the provision which changed the official name of the country from the Republic of Hungary to Hungary (“The name of OUR COUNTRY shall be Hungary”, Art. A). Inclusiveness of the Hungarian nation in respect to minorities (declared in the National Avowal, although with a nationalistically conceived cut-and-dried differentiation between the Hungarian nation and national minorities) goes hand in hand with Article D, which stipulates the duties of the state in respect to people of Hungarian nationality living abroad – in a manner that is reminiscent of abusing national minorities in the era of the League of Nations (Fisch 2015, 159-179). From the point of view of liberal constitutional theory, the 2011 Hungarian constitution invents a surprising mix of a classic liberal democracy and anti-liberal, nationalistic state. Nonetheless, the regime that it establishes is not authoritarian per se; it rather accentuates the non-democratic and nationalistic possibilities inherent in the model of liberal nation-states.

The inclusion of the National Avowal gives the Fundamental Law abundant symbolic content. The unbending determination with which the constitution attempts to establish the nation’s identity reveals, in fact, the total emptiness of the “constitutional subject”: the more its unambiguous characteristics are carved in stone, the more imaginary it becomes. The constitution presents a selective construct of the history of the Hungarian state. It is portrayed as founded by King Stephen and then existing thanks to its Christian base. There are no significant events in this continuity with the notable exception of the period of Nazi occupation and of socialism, which was artificially cut off from Hungarian history.¹⁵ Even though the state existed and had its own government in these periods, the 2011 constitution undermines its continuity. Thirdly, the National Avowal describes the constitutional moment (Ackerman 1991, 1-162) of 2011 as a response to “a state of moral decay, we have an abiding need for spiritual and intellectual renewal”.

Clearly, Hungarian constitutionalism struggles with finding the proper language, as it is still dependent on the liberal legal form and diverging from it mainly negatively. The rhetorical excess seems to cover up the fundamental – and programmatic – instability and negativity of the project. Still, the Fundamental Law can be read as a blueprint for development of illiberal constitutionalism.

Poland: illiberalism à la marche

Polish populism is located at the opposite pole. There was never a proper constitutional moment of illiberalism; the 1997 liberal constitution is still in force. What happened was an intra-constitutional coup through which applicability of the constitution was suspended and replaced with laws that are incompliant with it.

Interestingly, PiS had an original draft of the constitution it wanted to adopt in 2010. It was quickly removed from the party's official programme, yet this is telling in the light of subsequent developments. The draft from 2010¹⁶ differed from the 1997 liberal constitution in many respects. Even in the preamble, it accentuated a non-liberal approach to the relations between the state and the nation. It began with an *invocatio dei*; the godhead was referred to as an omnipotent entity, to whom the constitution was addressed and who was responsible – as “Providence” – “for the gift of independence”. Independence was not an attribute of the state, but of the “Polish Nation” (spelled with capital letters, contrary to the rules of Polish orthography) which, under the pronoun “we”, expressed itself in the draft. In clear contrast to the 1997 constitution, the draft did not specify that the nation was to be understood as all the citizens of Poland. It was understood rather as an *ethnos* – guided by Christianity for over a thousand years, liberated from the yoke of “foreign violence and communism”, spiritually linked to past and future generations and, finally, demanding a republic which would be “strong by its truth, honesty and justice”.

The 2010 draft expressed the ideological project through a complex web of re-hierarchisations and omissions. Whereas the 1997 constitution – drawing from a tradition of post-socialist transition – established the Polish Republic as a democratic state ruled by law (Art. 2), the draft also declared in Art. 2 that sovereignty, independence and territorial integrity are key values of the state. Moreover, sovereignty was referred to as “the condition of preserving the heritage of all the generations of Poles and development of a person in the national community” (Art. 2 par. 1), thereby sealing the unholy equivalence between the sovereign state, “the national community” and “development of a person”. Some crucial omissions concerned the status of women (whose equality with men, declared in Art. 33 of the 1997 constitution, was dropped in favour of declaring the state's protection of marriage, understood as a relationship of a man and a woman in Art. 4 par. 3 p. 3 of the draft) and freedom of the press, which was no longer mentioned in the draft.

The whole text was permeated with subdued allusions corresponding to the image the party intentionally adopted. It presented itself as targeting criminals and defending victim-focused laws which are tough, but just. Accordingly, Art. 17 par. 2 of the draft copied almost verbatim the provision of the 1997 constitution on the conditions of limiting human rights and freedoms (limitations must be declared by law, must be necessary and legitimate, and cannot infringe on the essence of a given right), with one telling modification. The last condition – non-infringement on the essence of a right – was supplemented with the following condition: “unless a given limitation consists in administering by the court a just penalty or a measure which is necessary to prevent commission of crimes”. Consequently, “a just penalty” could entirely infringe on the essence of a given right – which concerned, among others, the possibility of the right to life being annulled by the death penalty. What is worth noticing, however, is the fact that this provision used the condition of “justness” of a penalty which legitimised an infringement on the essence of rights. Apart from its vagueness, arbitrariness and material character, it also contains a characteristic insinuation addressed at courts; the law itself assumes that punishments might be “just” or “unjust”. This innuendo went hand in hand with a few other provisions which questioned *pro futuro* – in a mockingly reversed presumption of innocence – the qualities of individuals occupying public posts. Accordingly, the president of the republic was to be granted the power to dismiss judges “whose previous behaviour displays inability or lack of will to hold the office in an honest way” (Art. 145 par. 2). The president could also refuse to swear in a minister “if there is a legitimate ground to believe that this person will not obey the law” (Art. 122 par. 1), which was nothing but an institutionalised judgment *pro futuro* by the president.

Finally, the 2010 draft intended to change the regime of the state to an unambiguously presidential system. Instead of the balance of powers inscribed in the 1997 constitution, the draft gave the president of the republic broad competences to dissolve the parliament, almost entirely at the president’s will (Art. 94), significantly influence nominations in the executive and the judiciary, and use elements of direct democracy (referendums) against decisions of the legislative.

This brief overview of the 2010 draft demonstrates that what later developed into one of the strongest populist movements of Europe made a one-off attempt to define itself, combining elements of conservative,

traditionalist and republican worldviews. Nonetheless, within its constitutional language one can clearly discern an anti-liberal excess. The draft does not simply establish a specific form of a hybrid, liberal and non-liberal state, but it implicitly targets the symbols of liberal democracy: rule of law, national inclusiveness, gender equality, as well as the position of the legislative and the judiciary. These negative points of reference haunted the text, displaying the movement's reliance on a dynamic, anti-liberal agenda which cannot allow the draft to be stabilised on solid, positively determined provisions.

In practice of wielding power, however, PiS decided to undertake "a revolution without a revolution": it has never repealed the 1997 constitution, but instead it effectively suspended it. The Constitutional Court was first paralysed and then captured, turning into a loyal instrument of the ruling majority (Sadurski 2019, 62-65; Jankovic 2016, 49-68; Radkiewicz and Tuleja 2017; Koncewicz 2018, 116). The judiciary was under attack at various levels and with a great number of legal instruments, amongst them – disciplinary proceedings. This has effectively led to the creation of a bifurcated legal system, in which the still valid constitution – backed up by international and European law – co-exists with unconstitutional norms of lower rank.

The Polish illiberal constitutionalism is therefore a shadow of its Hungarian counterpart. It has never defined itself or found a foothold in its own constitutional text. Instead, an unwieldy system was built in which the clash between prioritisation of the political against the legal and the inertia of the legal system still anchored in liberal acts led to a generalised paralysis of the law.

Italy: illiberalism in development

Italian populism has a long history; in many respects, it was the governments led by Silvio Berlusconi in the 1990s that pioneered the future development of populist strategies. Yet the country's path towards illiberalism is very uneven. It rather seems that there is a *longue durée* of populist forms that are at different moments used by different political movements, but with no lasting effect on themselves (Corso 2019, 463-464). Both the Lega party and the Five Star Movement (Movimento 5 Stelle – M5S) have been historically denounced as populist (Bassini 2019, 323-332; Corso 2019, 467-470), yet their influence on Italian politics has proved

limited. In particular, the constitutional reform advocated by M5S – focused on strengthening direct democracy mainly through popular legislative initiative and abrogative referenda – did not push Italy towards the path of illiberal constitutionalism (Corso 2019, 467-480). Undoubtedly, this movement brought into Italian politics a uniquely populist blend of antinomianism and belief that politics can be healed through legal means (Corso 2019, 485-486).

The 2022 parliamentary election was won by a coalition led by Brothers of Italy, a party more or less openly playing on the fascist legacy. The party's electoral programme does not necessarily augur fully fledged illiberal constitutionalism. Amongst the rhetoric of the populist right-wing in Europe it even appears as moderate. Notably, however, it calls for the establishment of a presidential regime with direct election of the President of the Republic. In arguing for this option, the electoral programme points to the notorious instability of Italian governments and accentuates the special relationship between the president and the people¹⁷ – which can be read as tapping populist imagery. Moreover, the programme concerning the judiciary stresses a prohibition on judges entering politics, which – albeit being to a certain degree an Italian speciality – may be seen as falling in the line of banning judges from engaging in political life. Both the Hungarian and Polish illiberalisms vocally denounced political engagement, by which they understood judicial defence of liberal democracy. It therefore seems that Italian illiberalism is at a nascent stage. The current political conjecture might develop in multiple directions; an influence of CEE authoritarianism, although not excluded, seems rather improbable.

France: constitutional illiberalism and immigration

The main right-wing populist party of France, currently known as National Rally, has a long history of contesting the liberal order (Cincu 2017, 21-50; Thillaye and Chwalisz 2015, 103-120). Yet in the process of transformation that has lasted since the leadership of the party switched from Jean-Marie Le Pen to his daughter Marine, RN has been trying to adopt a more centrist appearance. Accordingly, the current programme of the party is not rife with proclamations of how to transform constitutionalism in an illiberal direction. The most popular summary of the party before the 2022 presidential and parliamentary election, entitled *22 mesures pour 2022*, does not mention the constitution even once.¹⁸

Nonetheless, the devil is in the details. The party's programme is separated into 22 *livrets thématiques*.¹⁹ The key one amongst them concerns immigration, which, owing to France's specificity, has historically been RN's most crucial field of contestation. It is precisely in this *livret* that illiberal constitutionalism develops from defiance towards the current immigration model. The party notices that immigration law is governed chiefly by the ECHR and EU law; consequently, France's sovereign powers in this area are limited.²⁰ RN therefore proposes a referendum on two subjects at the same time: immigration laws (concerning rules of entry, social rights and naturalisation) and reform of the Constitution which would restore to the Republic entitlements currently exercised through European law and the Convention. The programme does not call for denunciation of the ECHR; nonetheless, much in line of developments of Russian constitutional law in the previous decade, the RF demands that the French Constitution be amended in a way that guarantees supremacy of domestic law over international law.²¹ The programme quotes here the 2019 ruling of the BVfG and the 2021 ruling of the Polish Constitutional Court, which assert primacy of domestic law against EU law. In doing so, the party accentuates that the referendum is a direct expression of the will of the sovereign people.

In doing so, RN suggests cutting French law from international and European law in the name of the rule of law and constitutional primacy. What is visible here is one of the hallmarks of illiberal constitutionalism: its recycling of liberal constitutionalism through abusive measures and rhetoric. Asserting the rule of law against international treaties – whose position in domestic law is to be regulated by *lois organiques*²² – undermines the post-1989 consensus of anchoring domestic law in international norms, especially in the domain of human rights. Predictably, the programme attacks judicial activism – or, in a broader perspective, judicialisation of politics, naming it a “*dérive jurisprudentielle*”.²³ Against the role played by norms of external origin, RN praises a “*bouclier constitutionnel*”,²⁴ a constitutional shield which will allow the domestic judiciary to invoke French law against international and European law. What is thereby suggested – with a clear reference to the Polish Constitutional Court – is “re-sovereignisation” of the French legal order in blatant disregard to international law and, possibly, replacement of the judiciary with nominees loyal to sovereignism. RN is no longer seeking “Frexit”,²⁵ so quite clearly the Frankensteinian model of

Polish law has become a specimen for this transformation. At the same time, anti-migrant sentiments, couched in quite explicitly racist terms, are used to mask a different intended outcome – transformation to illiberal constitutionalism. Clearly it is not deemed advisable to advocate it openly, but rather to cover it in a typically populist agenda.

Germany: illiberal constitutionalism in a libertarian cloak

In turn, the most influential German populist movement, AfD, presents an open proposal of rebuilding liberal constitutionalism in its current form. In its main programme adopted in 2016,²⁶ constitutional reforms are put at the forefront. Based on the claim that the real division of powers no longer corresponds to its principles,²⁷ the party seeks to “restore” sovereign control over the parliament and legislation (especially at the levels of constitutional law and international law) through referenda modelled on Switzerland.²⁸ Direct democracy is also invoked in order to substantiate the general election of the German president.²⁹ Finally, the programme advocates the somewhat enigmatic “re-establishment” of the correct division of powers, criticising transfers from politics to judicial posts.³⁰ Even stronger anti-elitist rhetoric is reserved for the EU, which is named an entity created by political elites that detracted from sovereign national powers.³¹ As a remedy, the party proposes the old formula of a “Europe of homelands”, corresponding to member states regaining their former competences.³² All these calls are couched in libertarian terms that accentuate the need to limit the government in order to defend civic freedoms.

Nonetheless, rather than building illiberal constitutionalism proper, AfD opts for strengthening of popular democracy using phrases from the populist playbook, but does not need to depart far from liberalism. Interestingly, in the domain of the judiciary, the party refers to the repertoire of liberal measures insofar as it proposes to restrict political influence on judges by making judicial self-government responsible for judicial nominations.³³ Instead of building domestic illiberal constitutionalism against the EU – as Poland did and the French RN would like to – AfD prefers to undertake a deep reform of the Union. Removing competencies from the EU, abolishing the European Parliament, degrading the CJEU to the rank of an arbitration tribunal and – perhaps most importantly – putting an end to the primacy of EU law³⁴

demonstrate how it would like to liberate German constitutionalism from its European anchoring.

To sum up, this overview demonstrates that populist movements are very diverse in terms of their constitutional views. Some advocate illiberal constitutionalism openly, while others play with measures that, though not entirely in the spirit of liberal constitutionalism, can go with it without any tension. There is no unitary illiberal constitutionalism: it rather forms a continuum of measures and arrangements that diverge more or less from the specimen of liberal constitutionalism. In this sense, the very concept of illiberal constitutionalism warps the field of analysis. Dynamic, negative and flexible: these traits associated with illiberalism demonstrate how variegated it may be.

Conclusions: the legal and antinomian vicissitudes of illiberalism

Illiberal constitutionalism – understood as a particularly flexible signifier rather than a stable concept – emerges in the field hegemonised by its liberal counterpart. It is for this reason that the perception of its nature is warped from the beginning: hegemonical claims in which real and ideal constitutionalism overlap hinder the recognition of the specificity that illiberalism brings to legality. That it is incoherent, tactical and instrumentalist does not detract from its status of constitutionalism. It rather demonstrates that illiberalism is much more firmly rooted in postmodern destabilisation of constitutional law – particularly in relations between the people, its “will”, state power and the constitutional text. It seems deliberately amorphous, decentred, rhetorically excessive and unstable, which does not make it any less *actually* constitutional, even if these features greatly differ from the constitutional *ideal*.

This specificity entails the fact that illiberal constitutionalism is difficult to grasp even in its actual form, let alone in its future ones. Texts – of real constitutions (Hungary), drafts (Poland) or reform proposals (France, Italy and Germany) – are not good prognoses for what is going to happen in illiberal constitutional practice. It is therefore difficult to predict how illiberal constitutionalisms will look in Italy or could look in France or Germany. What the Hungarian and Polish examples demonstrate is that there is already a tested repertoire of illiberal manoeuvres aimed at paralysing and abusing liberal constitutionalism. What emerges from

their application, however, is much less determined – perhaps except for general consolidation of power and dismantling of constitutional fuses. Illiberal constitutionalism is not focused on maintaining coherence between its self-defining texts, be they legal or just political, but rather on finding and exploiting a political conjecture. It can easily play out weaknesses of liberal constitutionalism in order to capture institutions and consolidate power.

The very term “illiberal constitutionalism” should thus be understood not as a concept with a firm denotation, but as a name for a continuum of strategies, measures and tactics that draw on liberal constitutionalism and oppose it. Stability may be deemed a strength of liberal constitutionalism, but at the same time it is its Achilles’ heel. Liberal constitutional narratives seem somewhat sapped of energy, if not spiritless. They are a legacy under which the fire has largely burnt out, leaving little more than a loyalty to the past forms. Illiberal constitutionalism, in turn, does not defend any pre-defined positions. It has a goal – consolidation of power (Blokker 2019, 334) – but this can be won through different means. If necessary, as in the case of the AfD, it can be even arguing in favour of judicial independence or, as in the case of the RF, in favour of the rule of law. Contrary to what liberal constitutionalist doctrine seems to assume, these concepts are not values in themselves, but rather outposts to be attacked, conquered and defended in a positional war. Judicial independence in countries such as Hungary or Poland may mean solidification of the illiberal regime, and in this form it would be hardly defensible by the liberal side. The binding between liberal or illiberal values and the outposts in the legal war are changeable and dependent on political conjecture. What is a changeable outpost and what is a value in itself changes depending on the perspective and the conjecture in the fight. Consequently, there is hardly any kind of transitional constitutionalism in illiberalism (Sadurski 2016, 337-355): not interested in establishing firm rules about dealing with the past, it is focused on recycling the present for consolidating power.

One thing therefore seems certain: the liberal hegemony based on identifying the real and the ideal constitution may be a strategy to defend against illiberalism, but it certainly does not provide a good insight into the constitutional field. It remains a kind of “fetishistic disavowal” (Cercel 2019, 17), but as such it only creates illiberal constitutionalism as its dialectical opposite.

European integration in its current form is based on liberal constitutionalism, although this link is neither historically unique nor inherent. In fact, the basis of European integration was more ordoliberal than liberal in the current sense. Consequently, the rule of law is not a constituent element of the functioning of EU law, but rather a late addition to the edifice built on primacy and the direct effect of European norms. The future of the EU is consequently much more malleable than it might appear from the perspective of liberal constitutionalism. The current blockade in reform plans augurs a certain exhaustion of this paradigm. European integration has thus become a hostage to struggles that liberal constitutionalism has been enmeshed in. Without taking this into account it does not seem that the EU will be able to adequately respond to the illiberal challenge.

References

- Ackerman, Bruce. 1991. *We, the People. Vol. 1: Foundations*. Cambridge MA, London: The Belknap Press.
- Avbelj, Matej. 2016. "Transformation of EU Constitutionalism." *VerfBlog*, 2016/6/22, source: <https://verfassungsblog.de/transformation-of-eu-constitutionalism/>, DOI: 10.17176/20160622-161220., last accessed: 2 December 2022.
- Barr, Robert R. 2018. "Populism as a political strategy." In Carlos de la Torre (ed.), *Routledge Handbook on Global Populism*. Abingdon and New York: Routledge, 44-56.
- Bassini, Marco. 2019. "Rise of Populism and the Five Star Movement Model: An Italian Case Study." *Italian Journal of Public Law* 11: 302-333.
- Blokker, Paul. 2017. "The Evolution of Constitutionalism in Post-Communist Countries." In Peter Van Elsuwege and Roman Petrov (eds), *Post-Soviet Constitutions and Challenges of Regional Integration: Adapting to European and Eurasian integration projects*. Abingdon and New York: Routledge 2017, 3-22.
- Blokker, Paul. 2018a. "Introduction: Constitutional Challenges, Reform, and Acceleration." In Paul Blokker (ed.), *Constitutional Acceleration within the European Union and Beyond*. Abingdon and New York: Routledge 2018, 1-21.
- Blokker, Paul. 2018b. "Populist Constitutionalism." In Carlos de la Torre (ed.), *Routledge Handbook on Global Populism*. Abingdon and New York: Routledge 2018, 113-128.
- Blokker, Paul. 2019. "Varieties of populist constitutionalism: The transnational dimension." *German Law Journal* 20: 332-350.
- Blokker Paul, Bojan Bugarcic and Gábor Halmai. 2019. "Introduction: Populist constitutionalism: Varieties, complexities, and contradictions." *German Law Journal*, 20: 291-295.
- von Bogdandy Armin, Matthias Kottmann, Carlino Antpöhler, Johanna Dickschen, Simon Hentrei, and Maja Smrkolj. 2012. "Reverse

- Solange. Protecting the essence of fundamental rights against EU Member States." *Common Market Law Review*, 49: 489-519.
- von Bogdandy Armin, Piotr Bogdanowicz, Iris Canor, Maciej Taborowski and Matthias Schmidt. 2018. "A potential constitutional moment for the European rule of law - The importance of red lines." *Common Market Law Review*, 55: 963-965.
- Bugarič, Bojan. 2014. "Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge." *LSE "Europe in Question" Discussion Paper Series*, 79: 7-14.
- Bugarič, Bojan. 2015. "The Rule of Law Derailed: Lessons from the Post-Communist World." *Hague Journal on the Rule of Law*, 7: 175-197.
- Bugarič, Bojan. 2019. "Central Europe's descent into autocracy: A constitutional analysis of authoritarian populism." *International Journal of Constitutional Law*, 17(2): 597-616.
- Cercel Cosmin. 2018. *Towards A Jurisprudence of State Communism. Law and the Failure of Revolution*. Abingdon and New York: Routledge 2018.
- Cercel, Cosmin. 2019. "Destruction of Legal Reason: Lessons from the Past." *Folia Iuridica*, 89: 15-30.
- Cincu, Adina-Elena. 2017. "Far Right Populist Challenge in Europe: Alternative for Germany and the National Front." *Europolity: Continuity and Change in European Governance*, 11: 21-50.
- Corso, Lucia. 2019. "When Anti-Politics becomes Political: What Can the Italian Five Star Movement Tell Us about the Relationship between Populism and Legalism." *European Constitutional Law Review*, 15: 462-487. Vol. 15 (2019) 462-487.
- Corrias, Luigi. 2016. "Populism in a Constitutional Key: Constituent Power, Popular Sovereignty and Constitutional Identity." *European Constitutional Law Review*, 12(1): 6-26.
- Doyle, Oran. 2019. "Populist constitutionalism and constituent power." *German Law Journal*, 20(2): 161-180.
- Fisch, Jörg. *The Right of Self-Determination of Peoples. The Domestication of an Illusion*. trans. Anita Mage. Cambridge: CUP 2015.
- Halmai, Gábor. "An Illiberal Constitutional System in the Middle of Europe." *European Yearbook on Human Rights*, 14: 497-512.
- Halmai, Gábor. 2019a. "Populism, authoritarianism and constitutionalism." *German Law Journal*, 20(2): 296-313.
- Hálmai, Gabor. 2019b. "Transitional Constitutional Unamendability?" *European Journal of Law Reform*, Vol. 21(3): 259-281.

- Jankovic, Sava. "Polish Democracy Under Threat? An Issue of Mere Politics or a Real Danger?" *Baltic Journal of Law & Politics*, 9: 49-68.
- Kelemen, Daniel R. 2017. "Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union." *Government and Opposition*, 52: 211-238.
- Kelemen, Daniel and Laurent Pech. "The Uses and Abuses of Constitutional Pluralism: Undermining the Rule of Law in the Name of Constitutional Identity in Hungary and Poland." *Cambridge Yearbook of European Legal Studies*, 21: 59-74.
- Konieczny, Tomasz T. 2018. "The Capture of the Polish Constitutional Tribunal and Beyond: Of institution(s), Fidelities and the Rule of Law in Flux." *Review of Central and East European Law*, 43: 116-173.
- Landau, David. 2013. "Abusive Constitutionalism." *UC Davis Law Review*, 47: 189-260.
- Landau, David. 2018. "Populist Constitutions." *The University of Chicago Law Review*, 85: 521-544.
- Lawrence, Jessica C. 2019. "Constitutional Pluralism's Unspoken Normative Core." *Cambridge Yearbook of European Legal Studies*, 21: 24-40.
- Marin, Nikolay and Bilyana Manova. 2015. "The Rise of Nationalism and Populism in Liberal Democracies as a Challenge for Public International Law." *Finnish Yearbook of International Law*, 25: 175-210.
- Mudde, Cas. 2017. "Populism: an Ideational Approach." In Cristobal Rovira Kaltwasser et al. (eds.), *The Oxford Handbook of Populism*. Oxford: Oxford University Press, 27-47.
- Müller, Jan-Werner. 2017. "Populist Constitutions – A Contradiction in Terms?" *Verfblog*, 2017/04/23, source: <https://verfassungsblog.de/populist-constitutions-a-contradiction-in-terms/>, last accessed: 1.12.2022.
- Nagy, Veronika. 2017. "How to silence the lambs? Constructing authoritarian governance in post-transitional Hungary." *Surveillance & Society*, 15: 447-455.
- Oklopcic, Zoran. 2019. "Imagined ideologies: Populist figures, liberalist projections, and the horizons of constitutionalism." *German Law Journal*, 20(2): 201-224.
- Pap, András László and Anna Śledzińska-Simon. 2019. "The Rise of Illiberal Democracy and the Remedies of Multi-Level Constitutionalism." *Hungarian Journal of Legal Studies*, 60(1): 65-85.
- Pech, Laurent and Kim Lane Scheppele. 2017. "Illiberalism Within: Rule

- of Law Backsliding in the EU." *Cambridge Yearbook of European Legal Studies*, 19: 3-47.
- Přibáň, Jiří. 2005. "Constitutional Symbolism and Political (Dis)continuity: Legal Rationality and Its Integrative Function in Postcommunist Transformations." In Adam Czarnota, Martin Krygier and Wojciech Sadurski (eds.), *Rethinking the Rule of Law after Communism*. Budapest: CEU Press, 288-315.
- Radkiewicz Piotr and Piotr Tuleja (eds), *Konstytucyjny spór o granice zmian organizacji i zasad działania Trybunału Konstytucyjnego. Czerwiec 2015-marzec 2016*. Warszawa: Wolters Kluwer.
- Sadurski, Wojciech. 2016. "Transitional Constitutionalism Versus the Rule of Law?" *Hague Journal of the Rule of Law*, 8: 337-355.
- Sadurski, Wojciech. 2019. *Poland's Constitutional Breakdown*. Oxford: Oxford University Press.
- Scheppele, Kim Lane. 2014. "Understanding Hungary's Constitutional Revolution." In Armin von Bogdandy, Pal Sonervend (eds). *Constitutional Crisis in the European Constitutional Area. Theory, Law and Politics in Hungary and Romania*. München: Beck, Hart & Nomos, 111-124.
- Scheppele, Kim Lane. 2019. "The opportunism of populists and the defense of constitutional liberalism." *German Law Journal*, 20(2): 314-331.
- Schmitt, Carl. 2008. *Constitutional theory*. Trans. Jeffrey Seitzer. Durham and London: Duke University Press.
- Scholtes, Julian. 2019. "The complacency of legality: Constitutionalist vulnerabilities to populist constituent power." *German Law Journal*, 20(2): 351-361.
- Sieyès, Emmanuel. 2003. "What is the Third Estate?" in *Political Writings*, trans. M. Sonenscher. Indianapolis & Cambridge: Hackett.
- Sólyom, László. 2014. "The Rise and Decline of Constitutional Culture in Hungary." In Armin von Bogdandy, Pal Sonervend (eds). *Constitutional Crisis in the European Constitutional Area. Theory, Law and Politics in Hungary and Romania*. München: Beck, Hart & Nomos, 5-31.
- Tacik, Przemyslaw. 2022. "A European Legal War? Nationalist populism, the rule of law and the language of constitutionalism." In Joanna Sondel-Cedarmas, Francesco Berti (eds). *The Right-Wing Critique of Europe Nationalist, Sovereignist and Right-Wing Populist Attitudes to the EU*. Abingdon and New York: Routledge, 216-227.

- Thillaye, Renaud and Claudia Chwalisz. 2015. "The Front National: Old Rhetoric, New Practices." *Polish Quarterly of International Affairs*, 24: 103-120.
- Tóth, Gábor Attila (ed.). *Constitution for a Disunited Nation: On Hungary's 2011 Fundamental Law*. Budapest: CEU Press.
- Zajadło, Jerzy. 2017. 'Pojęcie "imposybilizm prawny" a polityczność prawa i prawoznawstwa'. *Państwo i prawo*, 72: 17-30.

Chapter 4

Sovereignty Models in Visions of European Integration. A Comparative Perspective

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Introduction

Debates on the EU's *finalité politique* have taken place periodically during its history. At the current stage, the debate has been reinvigorated by a series of crises that have enveloped the EU in the second decade of the twenty-first century. A sequence of crises – financial (Eurozone), migration, Brexit, and deteriorating security in the EU's Southern and Eastern neighbourhood – has led to intensified reflection on the future of Europe. The Five Presidents' Report of 2015 and the White Paper in 2017 (European Commission 2017) opened the debate, which continues in member states, as well as engaging citizens, within the Conference on the Future of Europe (Fabbrini et al. 2021).

The main axis of the dispute over the shape of integration lies between the views calling for deeper integration of the EU, advocated by French President Emmanuel Macron, and those calling for the protection of national competencies and a return to the nation-state, labelled as sovereignty (Corduwener 2014; Fabbrini 2015; Basile and Mazzoleni 2019; Bellucci 2019; Fossum 2019; Jabko and Luhman 2019; Brack, Coman,

and Crespy 2021). These two main groups of views differ significantly in their visions of the desired institutional structure of the EU and their stance towards nation-states as well as the content of EU policies. However, both groups of views utilise sovereignty as the central concept that serves to articulate the nature of the European polity and its relation to the nation-state. Sovereignty has thus become a buzzword of EU integration in recent years. It often serves as an empty signifier that allows political actors to fill it in with meaning that implies certain visions of European integration. Therefore, untangling these competing meanings of sovereignty can serve as a key to analysing the current narratives on the EU's future.

In this context, our chapter investigates how the notion of sovereignty relates to the existing theoretical constitutional-democratic narratives on EU integration. We demonstrate that sovereignty, with the diversified meanings attached to the concept by different political actors, helps to better understand the envisioned relations between member states and supranational institutions. We illustrate our claims by presenting comparative analysis of how sovereignty is used in the debates related to the future of Europe in three EU member states – Germany, France and Poland – and what it reveals about the political actors' visions of EU integration, the EU polity and its links to nation-states.

From national to European sovereignty, and back?

Theoretical reflections

Sovereignty as a concept relates to the core internal and external features of a state. As Bellamy notes, “[s]overeignty implies being subject to no other authority at home and the equal of other sovereigns abroad” (Bellamy 2019, 74). The concept and its meaning have been debated for centuries and intertwined with nation, independence, and nationalism. It frequently also symbolises exclusive national identity formation patterns. It is therefore specifically relevant in the vocabulary of nationalists, nativists and Eurosceptics, even if its meaning is capacious (Borriello and Brack 2019; Brack, Coman and Crespy 2019). Commonly, sovereignty is understood as the supreme authority of a polity that indicates an ability and authority to control the Weberian trio of people, territory and borders (Sondel-Cedarmas and Berti 2022). The key dynamics of competing visions on sovereignty is between those promoting a zero-sum, divisive

vision of sovereignty in the sense defined by Jean Bodin, embedded solely in the structures of the nation-state, and those that perceive it as a commodity to be shared and pooled especially in the deeply interdependent reality of late globalisation. Domestically, therefore, sovereignty has become a key currency of the new and allegedly dominant Rokkanian cleavage between the communitarianism of the former camp and the cosmopolitanism of the latter (Zürn and de Wilde 2016; de Wilde et al. 2019). It speaks to the previously known divide and dichotomous understanding of sovereignty in relation to citizens' positions on European integration, locating the conflict over sovereignty between proponents and opponents of European integration. In relation to the EU level, the so-called "sovereignty dimension" (Hutter, Grande, and Kriesi 2016) distinguishes supranationalists from those who have nation-state centred views on the course of further integration.

Recent research further complicates the debates on sovereignty based on the sole division between the national and supranational. Firstly, they may also involve "two other dimensions of sovereignty anchored in the democratic tradition, namely parliamentary sovereignty and popular sovereignty" (Brack, Coman, and Crespy 2019). Secondly, scholars also note a new dimension of contextualisation of sovereignty that focuses on a reinterpretation of European identity and values in Central and Eastern Europe (CEE) (Coman and Leconte 2019; Góra and Zielińska 2019, Brack et al. 2019, 818). In defining the rationale for protecting sovereignty, they rely on cultural uniqueness, and often claim superiority by referring to religious underpinnings.

Research on international organisations adds another dimension. Sovereignty means that there is no power above the sovereign entity – so it is equal to other sovereign units. In a globalised world, however, such an ideal is essentially impossible to achieve. International organisations, primarily the EU, are developing features that pool sovereignty from the member states to create a political system that competes with nation-states in terms of their competencies. As Fossum, Garcia Quesada and Zgaga (2020, 10) note, "in the EU the member states cede sovereignty not to a distant entity but to a common unit that they all participate directly in. In EU parlance, this is generally referred to as pooling of sovereignty". Pooled sovereignty at the supranational level has created a novel theoretical challenge of how it can coincide with the established meaning of sovereignty understood in indivisible terms. The recent attempt to

develop the concept of supranational sovereignty further challenges the original meaning of the concept. In his famous Sorbonne speech in 2017, French President Emmanuel Macron promoted a vision of European sovereignty that implied that the EU acquires its own sovereignty besides the one pooled from the member states. The proposal resonated in the Union and provoked intensive debate. Nonetheless, scholars note that this concept is contested and has a blurred definition, linked primarily to strategic autonomy understood as a means of achieving European sovereignty – and to fully fledged power Europe (Dumoulin 2020; Lefebvre and Simon 2021). The concept – despite its blurred meaning – has already entered the official EU discourse in the European Commission strategic programme in the digital sphere 2021–2024 (European Commission 2021).

The constitutional-democratic visions of the EU and conceptualisation of sovereignty

Due to the pivotal role the concept of sovereignty plays in the current discussions on the future of Europe, it is crucial to reflect on how the concept fits into the broader theoretical reflections on the constitutional-democratic order of the future EU. This reflection, we argue, demonstrates how the concept of sovereignty evolves to capture the complexity of the EU reality.

The republican intergovernmentalism and federal Union visions express the main theoretical conceptualisations of the constitutional-democratic vision of EU integration (Fossum 2019). As Fossum (2020) notes, while the republican intergovernmentalism developed by Bellamy (2019) emphasises the importance of sovereignty in states' cooperation, thus taking back some of the EU's supranational features, the visions of federal Union seek to accommodate their sovereignty with a sovereign Union. These visions foresee the role of member states and the nature of the collective where EU democracy is anchored. However, they also imply a specific understanding of sovereignty.

Republican intergovernmentalism stresses the central role of member states in EU integration and polity. Developing this view, Bellamy conceptualises “the EU as a republican association of sovereign states that is designed to overcome the possibility for their mutual domination while providing a mechanism for their securing certain global goods and

avoiding various global bads, not least through their reciprocal recognition of rights to citizenship” (Bellamy 2019, 72). Member states are vessels carrying sovereignty and controlling *functional-territorial contiguity* exerting full control over all functions in a given territory. Importantly, as a result, citizens’ rights are determined by sovereign states and the EU can undertake initiatives concerning these rights with the agreement of member states. Moreover, within that narrative the key notion is that democracy is based on popular sovereignty that is embodied by national structures and strongly advocates safeguarding national democracy. The EU, on the other hand, can develop its competencies, but its actions need to be clearly indicated in the treaties which are controlled and determined by member states. Legitimacy is vested in states, which may delegate it to the EU. Within the European debate at present, there seem to be several visions of that narrative as expressed by political leaders (Góra, Thevenin, and Zielińska 2023). The sovereign vision has gained prominence, departing from the intergovernmental position but putting national sovereignty and its defence at its heart. Contemporary sovereignists preach “a holy alliance between nationalism and populism” (Fabbrini 2019, 62) and therefore “new sovereignism refers to the belief in the primacy of the nation-state, governed according to the principle of popular sovereignty, over inter- and supranational governance structures and the ‘transnational’ sphere of economic and social activity” (De Spiegeleire, Skinner, and Sweijjs 2017, 34). For them, in contrast to republican intergovernmentalism, sovereignty is not a feature of the national democratic origin of European integration, but its key asset to be promoted against supranational enemies (Fabbrini and Zgaga 2022; Góra and Zielińska 2023).

The key element differentiating the republican intergovernmentalism and sovereignist visions is the approach to the consequences of the sovereignty-centred model. Drawing an analogy with studies on collective identification in the EU, one model assumes only zero-sum national sovereignty, which is primarily exclusive and accepts sharing sovereignty to limited (mostly economic) areas. Similarly to essentialist visions of identity, sovereignty can be vested in one vessel – the nation-state (Checkel and Katzenstein 2009; Risse 2010; Góra and Zielińska 2019). This is the model pursued by sovereignists. However, Bellamy’s republican component nuances this set-up into a more segmented understanding of the sovereignty approach (Bellamy, 2019). This second

model, which we refer to as positive-sum (segmented) sovereignty, assumes that there is “a double form of delegation, whereby citizens exercising popular sovereignty at the domestic level delegate their respective representatives to make agreements with each other at the inter-polity level, including delegating and devolving authority upwards to appropriate regulatory bodies, so long as these remain under their joint and equal control” (Bellamy 2019, 90). In this model, pooling sovereignty is possible (similarly to models of collective identification where national and European elements coexist), but it needs to be authorised by states which cede it not to another entity but to a common unit they build and govern. This model mostly assumes that it is desirable to pool sovereignty, but the scope/extent of pooling depends on policy areas, i.e. segments.

Federalists offer a different narrative of their vision. The federal Union model foresees the creation in time of a system with a clear separation between executive and legislative powers at the supranational level (Fossum 2021). Not only is the EU gradually developing single and coherent decision making, but it possesses autonomous budgetary and fiscal power. It will ultimately develop its own sovereignty and accommodate it with member states’ sovereignty. Accordingly, the ultimate feature of this model is that the EU decides how to divide competences between national and European levels. The idea of shifting sovereignty to a higher level of a bigger unit is functionally motivated, as its proponents see it as a functional response to globalisation and growing interdependence. Sovereignty intrinsically links with the populace, which serves as a sovereign in democratic systems. Hence the complication for that unitary federal sovereignty is (so far) a lack of (and a distant perspective for creation of) a European nation or people (Góra, Mach, and Trenz 2013), defined as “possessing the capacity to deliberate in a public way about the public interest” (Bellamy 2019, 84).

The federal vision of European integration does not imply zero-sum unitary European sovereignty, but rather a “national nested in European sovereignty” model. Its main characteristic is that the EU obtains sovereignty as a distinctive unit from member states, but not at the complete expense of member states. It is rather a dynamic model that indicates a direction of change of continuous pooling of sovereignty to the EU, at the same time limiting the national reservoir. The key offered regarding the areas in which sovereignty is to be relocated to the EU level is often functional – to deliver these solutions that cannot be achieved

when acting on a lower level (Habermas 2012). It is important to note that there are also post-sovereignist, cosmopolitan models available. Since these are currently rarely debated by political actors, we will not include them in this paper (Eriksen 2019; Fossum 2019).

Nonetheless, we argue that the two main theoretical visions, i.e. intergovernmentalism and federal Union, and the understanding of sovereignty that they imply, do not capture the growing populist arguments inserted into the debate on the future of Europe. We therefore propose adding a model of popular sovereignty to capture the observable populist turn. This model stresses the demand to subjectivise “true people” against elites and equip them with political instruments having a direct impact on politics. As Borriello and Brack define it, “[p]opular sovereignty is consubstantial to the very nature of populism, whose core feature is the construction of ‘the people’ as a large powerless group and the claim to represent it against ‘the elite’, depicted as a small and powerful group that frustrates the people’s legitimate demands”. According to populist parties, they continue, the principle is “undermined by the increasing importance of non-elected bodies in decision-making processes and the adoption of unpopular austerity measures by national governments” (Borriello and Brack 2019, 836). Table 1 below summarises the different sovereignty models with their specific characteristics, used as indicators of discursive practices.

Table 1. Conceptualisation of sovereignty models in constitutional-democratic visions of the EU

Models of sovereignty	Constitutional-democratic visions of the EU	Key indicators of discursive practices
National nested in European sovereignty	Federal(ising) Union	The EU can develop sovereignty independently from member states (in time). Assumes ceding sovereignty to the EU by member states (even if only in certain areas). In some instances the EU can be sovereign at the (almost complete) expense of member states.
Positive-sum (segmented) sovereignty	Republican intergovernmentalism	Member states cede sovereignty to a common unit that they all participate directly in. Pooling is accepted in some areas (functional) and less possible in core

		state competences. Member states control common unit (i.e. national parliaments). Subsidiarity as a protective mechanism for national sovereignty.
Zero-sum national sovereignty (exclusive)	Sovereignist intergovernmentalism (focusing on economic integration)	Nation-state as the sole possessor of sovereignty. Sharing sovereignty is limited to certain policies (and possibly time-limited) and reversible.
Popular sovereignty	Populist challenge to sovereignty	Sovereignty belonging to people (not elites) Frequent references to direct democracy tools

The debate on the future of Europe clearly indicated that not only do national preferences matter for the position on deepening integration (Fabbrini 2015), but also individual citizens develop opinions on this issue (Leuffen, Schuessler, and Díaz 2020). The ideological divisions of left and right as well as positions on the pro- and anti-European scale determine political parties' stance in such debates (Leruth 2015; Góra, Thevenin, and Zielińska 2023). More generally, partisan divisions play a pivotal role in promoting models of sovereignty in the national contexts. We expect that parties that favour European integration will usually advocate for more EU competencies. Such parties are more likely to refer to the national nested in European sovereignty model, but possibly they also argue for the positive-sum (segmented) sovereignty model. In this respect, we assume that such parties will demand institutional reforms requesting more power for supranational institutions. On the contrary, we assume that Eurosceptic parties would rather advocate for national competencies or keeping the current EU institutional status quo. They would rather support the zero-sum model or, if more moderate, a positive-sum (segmented) model with an assurance that control will remain in intergovernmental institutions. This will also be consistent with the fact that Eurosceptic actors often perceive the EU in terms of power politics terms and the positive-sum (segmented) and European (nested national) sovereignty models are seen as enforcing the possibility of being dominated by the EU or other member states (Cianciara 2022). When it comes to the left-right divide, we expect that left-wing parties would see the zero-sum model as enforcing nationalistic tendencies and oppose it.

Right-wing parties, on the contrary, would rather favour the prospect of defending national interests and the state's sovereignty.

Methodological remarks

We test our assumption on the links between sovereignty models and constitutional democratic visions of the EU by studying how the political actors articulate sovereignty in relation to the constitutional democratic visions of the EU in their contributions to the parliamentary debates on the future of Europe in three EU member states: Germany, France and Poland. The choice of focusing on debates in national parliaments is not accidental. They play a growing role in European integration primarily by fulfilling oversight functions, but also by providing an important venue for deliberation on EU policies (De Wilde and Raunio 2018). The parliaments form arenas in which members of parliament negotiate ideas, opinions, policy suggestions and proposals representing the interests of their respective constituencies and political parties. The political actors also use parliaments to inform their citizens on policy issues (Auel and Raunio 2014, 13). As a result, parliaments not only reflect the political, social and cultural configurations of the dynamic social world, but also “contribute to shaping these configurations linguistically and rhetorically” (Ilie 2010, 1). Hence, they may both reflect and influence the discourses in informal areas of the public sphere (e.g. media, civil society organisations).

Drawing on the discursive approach (Keller 2011), we treat the plenary debates in the respective national parliaments as social arenas “constituted around contested issues, truth claims, and problematisations in which discourses compete with one another, attempting to impose the dominant interpretation of an issue in question” (Góra and Zielińska 2014). Consequently, we understand the narratives on sovereignty as parts of the wider discourses on the future of Europe as encapsulated by the constitutional democratic visions of the EU. Such narratives are articulated by the political actors in their contributions to the plenary debates about “the people”, nation-states and the EU as well as the relations between them, linking them to the broader view on the future of Europe.

Forty-two plenary debates from the lower chambers of three national parliaments – the German Bundestag, the French Assemblée nationale

and the Polish Sejm – covering a timespan from 2015 to 2019 serve as our empirical material. The debates generally exemplified discussions following governments’ information on EU affairs (see table in Annex 1). The selected debates offer an overview of the discussion on the EU in national parliaments, from debates focusing on the future of Europe and diverse (institutional) reforms requested by MPs to those on more specific issues and crises also touching upon the EU’s future integration, i.e. Eurozone and migration (see Table 2). In order to pinpoint the discursive events actualising discourses on the future of Europe that refer to sovereignty, we used a set of keywords (see table in Annex 2), selected via the pilot study and based on the review of literature on the subject matter.

Table 2. Overview of empirical material in three parliaments (2015– 2019)

	French Assemblée nationale	German Bundestag	Polish Sejm
Number of debates	15	15	12
Future of Europe	5	5	5
Migration	5	5	6
Eurozone	5	5	1
Number of substantive speeches ⁹	587	197	257
By MPs	470	189	233
By executive actors	117	8	24
Number of analysed speeches ¹⁰	308	168	131

Source: Own compilation.

A qualitative analysis of the identified fragments allowed us to identify how sovereignty is discursively constructed in the debates on the future of Europe in the three parliaments in question. Our analysis partially covered the 14th (2012–2017) and 15th (2017–2022) parliamentary terms in the French parliament, with a change in the majority in parliament from the Socialist Party (Parti socialiste – PS) to President Macron’s party The Republic on the Move! (La République en Marche! – REM) (Assemblée nationale 2017; 2022). In Germany, the majority was held by a grand coalition of the Christian Democratic Union/Christian Social Union

9 Substantive speeches exclude speeches related to technical interventions in organising the plenary.

10 The speeches analysed only include those containing one or more of the selected keywords (see table in Annex 3).

(Christlich Demokratische Union Deutschland/Christlich-Soziale Union – CDU/CSU) and the Social Democratic Party (Sozialdemokratische Partei Deutschlands – SPD) during the 18th (2013–2017) and 19th (2017–2021) terms (Deutscher Bundestag 2017; 2021). In Poland, the analysed timeframe witnessed a change from the liberal Civic Platform (Platforma Obywatelska – PO), which held a majority during the seventh term (2011–2015), to the conservative United Right (Zjednoczona Prawica) coalition led by Law and Justice (Prawo i Sprawiedliwość – PiS) in the following term (2015–2019) (Sejm 2011; 2015). Table 3 below shows all political parties taking the floor during the analysed parliamentary speeches. For analytical purposes, parties have been grouped in political party families.¹¹

Table 3. Political parties in selected national parliaments

Party family	France	Germany	Poland
Communist/Socialist	La France Insoumise (FI), Parti communiste français (PCF)	Die Linke	
Social democracy	Parti radical de gauche (PRG)*, Parti socialiste (PS)*	Sozialdemokratische Partei Deutschlands (SPD)*	Lewica Razem, Sojusz Lewicy Demokratycznej (SLD), Wiosna
Agrarian			Polskie Stronnictwo Ludowe (PSL)
Green/Ecologist	Europe Écologie Les Verts (EELV)*	Bündnis 90 / Die Grünen	
Liberal	La République En Marche! (REM)*, Mouvement démocrate (MD)*	Freie Demokratische Partei (FDP)	Nowoczesna, Twój Ruch (Palikota) (RP), Demokratyczna Wolności Unia, Platforma Obywatelska (PO)*
Christian democracy		Christlich Demokratische Union (CDU)*, Christlich Soziale Union (CSU)*	

¹¹ Initially based on the ParlGov database and classification (Döring et al. 2023), some political parties re-classified in different party family to better convey their changing party position (see also Góra, Thevenin and Zielińska, 2023).

Conservative	Les Républicains (LR), Union des démocrates et indépendants (UDI)		Prawo i Sprawiedliwość (PiS)*, Koalicja Odnowy Rzeczypospolitej Wolność i Nadzieja KORWiN (KORWIN)
Right-wing	Rassemblement national (RN)	Alternative für Deutschland (AfD)	Kukiz'15, Ruch Narodowy (RN), Wolni i Solidarni
no family	no party affiliation		no party affiliation

Source: Own compilation

Note: *parties in government during the analysed timeframe (2015–2019)

Sovereignty models and constitutional-democratic visions of European integration. Comparative perspective

The political actors' position on sovereignty and its links to the constitutional democratic visions of the EU as well as on the future of Europe need to be seen in a wider political context. The selected countries belong to the EU's "Big Five" in terms of population. They are each characterised by different dynamics of the current debate on the future of Europe. Germany's role in the EU has become more important with the succession of crises the EU has faced (e.g. Eurozone, Crimea–Ukraine–Russia crises). Considered as an "indispensable policy broker", Germany and its strong economy have been able to increasingly set a vision for the EU (Krotz and Maher 2016, 1055). With the election of the Euro-enthusiastic Emmanuel Macron as president in 2017, France expanded its leadership role in the EU, pushing for deeper integration in several policy areas, notably defence. European security and defence policy has long been the core of discussions on deepening European integration. Germany's position on this matter remains ambivalent: while maintaining a position of "good European", aiming at strengthening European integration, Germany's commitment to European defence remains mostly symbolic (Bunde 2021, 255). In spite of this slight divergence, the close cooperation between France and Germany operated as a push towards more integration in the EU. Poland, on the other hand, is a newer member state. It has recently shifted from the position of a poster child of EU enlargement and a success story of democratisation to EU contestator ruled by right-wing and Eurosceptic parties. Moreover, growing illiberal

tendencies and strong Euroscepticism in Poland coexist with high support for European integration, making an interesting case for studying sovereignty (Góra 2017; Zielonka 2018; Zielonka and Rupnik 2020; Cianciara 2022).

These assumptions are confirmed by the observed dynamics of the debates on sovereignty in our case studies. Scholars note a renewed discussion about sovereignty on the French political scene in the context of the pandemic, where all parties and even trade unions mention and interpret sovereignty in different ways (Andréani 2020). In Germany, traditionally we can observe a complicated relationship with the notion of sovereignty, not in the *Grundgesetz* but mostly developed through jurisprudence (Bieber 2013). In Poland, for historical reasons, sovereignty has been considered sacrosanct, and any idea of sharing it is perceived by many as a political cost of European integration (Góra and Mach 2010). Public opinion polls show that sovereignty also carries different meanings for citizens in these countries. Poles and Germans tend to perceive sovereignty in a positive light, stressing its connotation with the independence of a country, while for the French public it is immediately associated with nationalism and raises negative implications (Fondation Jean-Jaurès 2021). Finally, in many contexts supranational sovereignty is a “political taboo”, which is mostly mentioned by Macron (Brack, Coman, and Crespy 2019). For citizens, the concept of European sovereignty is blurred but overall perceived positively (Fondation Jean-Jaurès 2021). The model of popular sovereignty is assumed to be primarily recalled by populist formations across all three countries regardless of their ideological position. Analysis of the parliamentary debates confirms the national differences, but at the same time reveals some similarities between the countries.

National nested in European sovereignty

Our research confirms national differences regarding the preferences for the national nested in European sovereignty model. The concept was thus discussed in more depth primarily in the *Assemblée nationale*, especially in reference to President Macron’s Sorbonne speech (26 September 2017). While during Macron’s address the concept was developed alongside six core elements, European sovereignty was only broadly defined in French parliamentary debates. Seen as a “complementarity between what belongs to the nation and what belongs to Europe” (Nathalie Loiseau,

REM, 2017-11-27), European sovereignty – as framed especially by MPs from the governing party REM – bridged national and European interests. Therefore, national and European sovereignty were seen not as conflicting, but rather as supporting each other. The concept of European sovereignty as framed by REM MPs and government representatives included an inside and outside EU perspective, i.e. the protection of the EU and its citizens, as well as the EU's capacity to act on the global stage:

This sovereign Europe is itself based on three conditions: the unity of Europe, the protection of its citizens and its interests, and what I call the projection capacity of the European Union, that is to say its capacity to act as a global player, to really weigh on international issues and to disseminate its model and its values.

(Jean-Yves Le Drian, PS, 10.10.2017)

A sovereign EU consequently implied European interests and a European citizenry in need of protection. These two core elements were deemed inexistent by the parliamentary opposition, which criticised the concept of European sovereignty. MPs from the communist/socialist FI and right-wing FN indeed refuted the notion of a European people, while the conservative LR disapproved of sovereignty being considered on any other level than the national one.

Based on analysis of the MPs' speeches, we can distinguish two different understandings of the national nested in European sovereignty model, each giving more priority and weight to either the European or the national level. These two understandings of the model were present in the addresses of both liberal parties (REM and MD) to the parliament. On the one hand, several MPs highlighted the shared links and reciprocity between national and European sovereignty in the prospect of contributing to strengthening the EU. The EU's (perceived) role, power and capacity on the global arena were considered as important elements of European sovereignty, in the aim of building a:

Geopolitical unit which inspires the world with both respect for the law and the authority of the power; a Europe which protects as much as a Europe which exchanges, a Europe which shines as much as a Europe which trades, a Europe of realities as much as a Europe of principles.

(Jean-Louis Bourlanges, MD, 2017-10-10)

On the other hand, several MPs depicted European sovereignty as rather contributing to the nation-state's power and protection of interests. The EU and its subsequent as yet unimplemented European sovereignty were thus rather perceived as a booster to promote and protect EU member states' interests:

The sovereignty of France today passes through that of Europe. This sovereignty, which is the opposite of an identarian withdrawal, is a concrete, real notion that allows our country to be heard by the great world powers. Today, it cannot be conceived outside the European Union.

(Jean-François Mbaye, REM, 2018-04-18)

The concept of a European sovereignty encompassing national sovereignty was in fact at the core of debates in the French parliament following Macron's initiative. Nonetheless, while the concept attracted the support of French liberal-centrist MPs (REM and MD), its somewhat vague definition and the undefined paths towards concrete implementation laid the ground for criticism from opposition parties on both sides of the political spectrum. Interestingly, no comparable conception of European sovereignty occurred in the German parliamentary debates. This may be linked to the historically established hesitancy of the German political actors, especially of the political centre, to refer to the concept, but also to Germany's general attitude towards European integration. The country indeed keeps a rather instrumental view of integration with European capacities developed under specific circumstances and conditions (Freudlsperger and Jachtenfuchs 2021). Nonetheless, Macron's vision of Europe resonated (negatively) among the right-wing fringes. For example, AfD criticised Macron's "idea of a deepened European Union - Germany pays, France creates" (Nobert Kleinwächter, AfD, 2019-01-17).

Despite the centrality of the nation-state in Poland, elements of the national nested in European sovereignty model occurred in Polish MPs' speeches, especially those belonging to liberal parties (PO and Modern (Nowoczesna)). They conceptualised the EU as a union of solidarity, composed of states which had overcome their particularistic national

interests. Belonging to such union constitutes a condition for sustaining Poland's sovereignty and for fulfilling its national interests:

Poland is a beneficiary of giving less priority to national egoism than to the feeling of European community. (...) If a Europe of national egoisms triumphs, Poland will lose in such a Europe, because it is weaker.

(Michał Kamiński, PO, 2016-12-01)

Such views also envisage Poland's desired position within the EU: it should be actively involved in EU issues, responsible for shaping the EU's agenda and policies, and take responsibility for the future of the community ("One cannot be an EU member selectively", Marta Golbik, Modern, 2016-12-01). Poland's active and pivotal role in shaping EU policies was seen as a guarantee for the reflection of Polish interests in the broader EU agenda. It offered Poland a better and more powerful position, achievable only through "shared sovereignty":

We have gained a historic opportunity to place Poland in the centre of Europe, so Poland could decide about Europe's future, be one of the main European players. (...) There is a shared sovereignty in Europe. As long as we are in this Union, at any moment we can decide if we are or not in the middle; we can entrust certain competences to European institutions, by common decisions. We have it guaranteed in our Constitution, and we did it by accepting this arrangement in our decision about accession to the EU.

(Marcin Świącicki, PO, 2017-03-23)

Clearly, the national nested in European sovereignty model expressed in the speeches of Polish MPs from the liberal parties is strongly focused on the nation-state's power and protection of interests.

At the same time, the references to the discussed model need to be seen in the broader Polish political context. The liberal MPs used such references to frame the right-wing populist United Right governing coalition's disputes and criticism of the EU as attempts to both challenge Polish national sovereignty and lead to further EU differentiation. Since such differentiation would lead to the weakening the EU, it would further hamper Polish national sovereignty.

To sum up, the national nested in European sovereignty model did not imply the disappearance of national sovereignty or its location in a specific policy field/within specific boundaries. It rested on the assumption that in the union of the European states all national states mutually benefit. Furthermore, this belonging reassured the various dimensions on which the national sovereignty rests, i.e. values, identities, borders, democracy, rule of law. In contrast to the French case, where the references to this model of sovereignty aimed at opening a new discussion on the future of the EU, in the Polish case such references served to strengthen the interests and position of the nation-state. Furthermore, the articulation of the model was entangled in the internal political dynamics and broader politicisation of the EU in the Polish context.

The various manoeuvres of political actors to structure the relations between the supranational entity and nation-state demonstrate the overall difficulty of the federalist vision of European integration. The concept of European sovereignty pursued by Macron, while fostering more federalist narratives in the French context, had only a limited impact on the German and Polish context. In the latter, it was primarily a consequence of the development of more pro-federalist notions by liberal and pro-European actors provoked by the strong Eurosceptic ideas of the ruling right-wing coalition.

Positive-sum sovereignty (segmented sovereignty)

While “European sovereignty” is used and discussed at length in the French parliament, German MPs use the term “sovereignty” more sparingly. References to some sort of supranational sovereignty take on a more implicit form, notably in references to the capacity and competences of national and European institutions. Consequently, supranational sovereignty, if discussed in the Bundestag, takes shape and implies a different (institutional) arrangement than the national nested in European sovereignty model debated in the *Assemblée nationale*. References to sovereignty took the form of a positive-sum sovereignty, usually occurring in the speeches of MPs from the ruling CDU/CSU and SPD coalition. While they recognise the need for development of supranational authority and sovereignty, the extent and area of such supranational sovereignty was rather restricted. Indeed, German MPs distinctively mentioned different policy areas in which supranational sovereignty was seen as beneficial or in some cases necessary. Generally, such positive-sum

sovereignty was thus limited to issues that cannot be dealt with at EU member state level only, notably in the areas of defence and security as well as migration policy and within the EMU. MPs from the governing coalition in particular favoured strengthening European integration in these restricted policy areas, seeing this development as profitable for national interests:

Rather, we need an attractive Europe that people run into out of hope and conviction, a Europe that has concrete benefits. The abolition of national sovereignty alone cannot be that benefit. Rather, it must be a Europe that continues to ensure peace and freedom on the continent, that ensures prosperity for the majority of people and, above all, ensures the security of our citizens. This is how Europe should be. We prefer to concentrate on concrete projects that bring us together, that take us step by step and that bring concrete benefits to the citizens.

(Florian Hahn, CSU, 2017-12-12)

At the same time, MPs referring to the positive-sum sovereignty model see the subsidiarity mechanism as playing a pivotal role in the (future) functioning of the EU:

Each level has its responsibilities, and what you are ultimately asking for in your application is a bureaucratic monster Europe. But we don't want that. We want Europe to take care of the important and crucial issues. This is only possible if the subsidiarity principle is ultimately taken into account, i.e. if tasks that are to be settled at the lower level are also carried out there, be it at the municipal, regional or national level

(Thorsten Frei, CDU, 2016-04-28).

Defence, migration and EMU were in this perspective considered as areas where sovereignty can be shared, as it goes beyond the nation-state and needs to be controlled by the latter. Nevertheless, defence and security policy triggered a heated discussion in the Bundestag, exemplifying Germany's ambivalent position towards European defence (Bunde, 2021) and reflecting a conflictual conception of the political actors of Germany's global role. MPs from the governing coalition and parliamentary majority depicted Germany as a great player in Europe and on the global stage

more generally. However, this vision of a powerful – and militarised – Germany was also challenged by MPs from fringe political parties. The Left party (die Linke) opposed the development of a defence Union, considering this model as “a Europe of war and armament” (Heike Hänsel, The Left, 2017-12-12). AfD also opposed deepening cooperation on security and military matters, thereby expressing their critical evaluation of France’s military operations in Africa: “With PESCO you want to once again force a wide variety of national forms of organisation into a Brussels corset and hope that the states of Europe will then adapt to this corset” (Rüdiger Lucassen, AfD, 2017-12-12).

Reflections on sovereignty – the positive-sum as well as the national nested in European sovereignty model – in both the Bundestag and the Assemblée nationale portrayed Franco-German cooperation as central for the future of Europe. This increased cooperation between France and Germany brought to the table discussion on differentiated integration – understood in territorial terms. The idea of differentiated integration was mostly supported by a parliamentary majority: “The objectives presented by the President of the Republic are ambitious. Those who want to go further, faster, must be able to do so without being prevented. [...] Cooperation will be open to all, with the sole criterion of a shared level of ambition” (Jean-Yves Le Drian, PS, 2017-10-10). France and Germany were therefore seen as drivers of deepening EU integration, although the views on supranational sovereignty differed slightly from full to segmented in specific policy areas.

In the Polish parliament, the references to positive-sum sovereignty occurred mostly in the speeches of MPs from the ruling United Right coalition. Such references emerged mainly in the debates about the future of Europe, and occasionally in the debates on migration. The MPs from the ruling coalition often presented the involvement of the EU institutions (especially of the EU Commission) in certain policy areas as threatening to the state’s sovereignty. The refugee crises illustrate this well. The mechanisms of refugee relocation among EU member states or the quota proposed by the EU Commission stirred very negative reactions and accusations of the EU breaching the sovereignty principle or challenging subsidiarity rules. However, in other areas, ruling coalition MPs demanded more EU involvement, i.e. in security issues and the internal market. The demand for greater EU responsibility/a leading role occurred in the debates on the future of Europe, especially in references to security

issues and global challenges, but also in discussions on the internal market. However, in contrast to the voices in the *Assemblée nationale* arguing for European sovereignty and somehow in line with arguments of some political actors from the Bundestag, the acceptance of the leading role of the EU in particular policies expressed in the Polish parliament aims primarily at strengthening of national sovereignty. MPs from the ruling party therefore expressed a very pragmatic approach. They accepted the leading role of the EU in certain policy areas but emphasised nation-states' sovereignty and primary role in monitoring the EU. In this context, the national parliaments were often assigned with the responsibility of overseeing the EU's actions. MPs claimed that this would permit a better and more unified EU to develop.

At the same time, the EU is also perceived as a potential threat as it may serve as a tool to solidify the position of strong EU member states. In line with such arguments, some EU member states could make use of certain EU policies to gain more power and fulfil their own interests. Such views, expressed mostly by MPs from the ruling coalition, occurred mainly during the discussions on migration and the internal market. As a country with a strong position within the EU, Germany was seen as a prime suspect that shapes the EU's agenda in line with its particularistic interests:

The debate [on the future of the EU] must be started without unnecessary delays. This anniversary that we are celebrating today is the right and good time. What do we need? Not the dictate of the strongest states, because that undermines our solidarity, but a change in political practice to strengthen national and democratic control of the integration process. We believe that national governments and parliaments should be placed at the centre of the European project.

(Izabela Kloc, PiS, 2017-03-23)

The references to positive-sum (segmented) sovereignty by United Right MPs, despite the coalition's generally Eurosceptic stance, is puzzling. The national context with growing politicisation of EU integration in the Polish context allows it to be seen in a broader context.

The United Right's self-positioning as pro-EU may be a way of dealing with the overly positive public opinions on Polish membership in the EU. Coalition MPs therefore needed to present it as pro-EU and at the same time to somehow accommodate its Eurosceptic or Eurorejectionist stances, thereby responding to the divergences both within the coalition and in different constituencies. They therefore made extensive use of the sovereignty argument, but attempted to subside it with the European dimension, controlled and shaped by EU member states.

Zero-sum national sovereignty (exclusive)

In the French parliament, the zero-sum national sovereignty model identified in our analysis mostly attracted MPs from conservative and right-wing political parties (RN, LR and DLR). Their focus on and concern about national sovereignty generally went hand in hand with a critique of the EU and supranational sovereignty established at the European level:

[Y]es, we are European, but we will never accept that European integration is done to the detriment of the peoples, by accepting a stronger federalism in which the only future proposed would be that of the dilution of the prerogatives of the States and therefore of their sovereignty.

(Pierre-Henri Dumont, LR, 2017-10-10)

In this view, supranational sovereignty implies diminishing of national sovereignty and a conflict with the protection of national interests. The EU is therefore considered as a "prison European Union, which hinders the freedom of countries and which, for its part, is almost exclusively at the service of an ideology: ultraliberal globalism" (Marine Le Pen, 2018-02-13). The demand for a return to an exclusive sovereignty located at the nation-state level follows this kind of diagnosis.

Views criticising supranational sovereignty were also voiced in the German parliament, especially by AfD MPs. While explicit references to national sovereignty were limited in the Bundestag, these MPs mentioned the protection of national interests on numerous occasions. They contested decisions taken at the supranational level, claiming that they endangered Germany's interests: "Of course, we share a common set of values with our European neighbours. But that does not replace national interests" (Alexander Gauland, AfD, 2018-06-28).

The rejection of any form of sovereignty beyond the nation-state is also expressed in AfD MPs' criticism of the close cooperation for further EU integration between France and Germany (also contested by the French left-wing party FI). In the wake of the Aachen Treaty and the establishment of the Franco-German Parliamentary Assembly, bilateral cooperation was indeed considered as too deep, endangering national interests and autonomy:

It has always been the line of our party that we do not want to interfere in the internal affairs of other countries, but we are dealing with a partner [France] with whom the government not only wants to deepen cooperation, but with whom it wants to become practically one.

(Alexander Gauland, AfD, 2019-01-17)

Along with increased Franco-German cooperation, the same parties also opposed differentiated integration, claiming that it would "alienate us from the other Europeans and blast exactly those European ideas that Ms Merkel and Mr Macron and the Union always invoke so deeply" (Alexander Gauland, AfD, 2019-01-17).

In the Polish Sejm, references to the zero-sum concept of national sovereignty, denying the role of the EU, occurred almost exclusively in the contributions of one National Movement (Ruch Narodowy - RN) MP, Robert Winnicki. Such references emerged especially in the context of the debates on migration and to a lesser extent in the debates about future of Europe. In his speeches, Winnicki referred to the EU as a "super state"/"super power" that takes away nation-states' sovereignty. He expressed the hope that in the near future the EU would disintegrate as a result of the political success of nationalist forces in various member states. With this in mind, Polish foreign policy, for example, should be based on bilateral relations between nation-states, with a special focus on the relations with large countries. Sovereignty was also defined in cultural terms, with the EU also presented as a threat to the state or nation's cultural integrity. Multiculturalism, often linked with migration processes, served as the main challenges:

We, people in Central Europe, have different notions, we have a different history and different experiences. We esteem such values

as national identity, national sovereignty, and reference to Christian roots. Western Europe, in this multicultural madness, in this madness of destroying its foundations, will try and try to impose the same standards and values on us. It is Poland that must lead the countries of Central Europe in defending itself against this ideological aggression, which is also expressed in the desire to settle illegal immigrants from alien civilisations in Poland.

(Robert Winnicki, RN, 2016-09-02)

The argument about cultural sovereignty was also used in the migration debates by representatives of the United Right. They also conceptualised the EU as a threat to the nation's culture and identity. This confirms the findings of researchers concerning the specificity of far-right discourses in CEE (Brack, Coman and Crespy 2019; Góra and Zielińska 2023).

Popular sovereignty

As stated in the introduction, popular sovereignty is yet another dimension of how political actors refer to sovereignty. References to popular sovereignty occur mostly in the speeches of (far-) left-wing political parties in the French parliament (e.g. FI and PCF). Two main patterns can be observed in regard to popular sovereignty. Firstly, it was often used when debating Brexit. The British referendum was often considered as the "sovereign choice of voters" (Danielle Auroi, EELV, 2016-06-28), and thus the prime example of the expression of the people. Brexit was therefore depicted as an example of a decision (against the European Union) driven by the people, which needed to be respected. Secondly, many references to popular sovereignty concerned the EU's lack of democratic foundations. In this perspective, popular and supranational sovereignty were sometimes addressed together to request the creation of more popular consultations across the EU: "It is decisive and urgent to give the floor to the European peoples, to the sovereign peoples, so that they themselves, directly, decide on the orientations of the European project" (André Chassaigne, PCF, 2016-06-28)

Criticising the concept of European sovereignty, many MPs from the (far-) left-wing populist party FI referred to popular sovereignty rather than national sovereignty:

Sovereignty is the undivided authority of a group over its population and the territory it occupies. And the legitimacy of this undivided authority is democracy. It is because the law is passed by everyone that it applies to everyone. There is therefore sovereignty only among the people, and there is no community except the legal community constituted by the constituent people who decide the laws that apply to them. This is where France's sovereignty lies: in its people.

(Jean-Luc Mélenchon, FI, 2017-10-10)

In light of these parties' socialist/communist agenda, MPs attempt to reach out to the working class, hence focusing on the relationship between citizens and the state, rather than between states or with the EU. In the case of the Sejm, references to popular sovereignty occurred mostly in the speeches of MPs from the populist, anti-establishment Kukiz'15 party. On numerous occasions and mostly in the context of the migration debates, they denied both the EU and the nation-state the right to decide about the acceptance of refugees. By stressing the need to organise the referendum to solve the issues related to the migration crisis, they allocated sovereignty directly to the people:

[...] the citizens must decide in a referendum about accepting or not any tranche of relocated immigrants, or so-called refugees.

(Tomasz Jaskóła, Kukiz'15, 2016-03-09)

The referendum is supposed to make the citizens decide whether we want to accept immigrants and refugees into our country. This is not an incitement or some kind of hate speech, but it is so that the citizens can have their say, so that they can decide.

(Norbert Kaczmarczyk, Kukiz'15, 2016-03-09)

References to popular sovereignty also occurred occasionally in the accounts of liberal opposition parties. They do not speak on behalf of the people, but on behalf of citizens. In the context of their speeches, references to the citizens serve as a legitimising mechanism to the EU either through references to the accession referendum or by stressing the EU's focus on citizens ("The Union is not just a union of states interacting with each other. It is a citizens' Union, because it is the citizens who give

Europe a mandate to act” (Adam Szłapka, *Modern*, 2017-03-23). References to popular sovereignty were therefore examples of populist discourse, in which “the people” – depicted as a homogenous concept – are presented in opposition to elites.

Conclusions

Political actors’ use of the concept of sovereignty in debates on European integration captures the key tension in the overall debate on the future of Europe related to the division of competences between the EU and member states. With his proposal of European sovereignty, Emmanuel Macron sought to foster the federalist vision of integration, while almost at the same time the opposite proposal, which scholars have dubbed sovereignist, gained popularity.

The proposed analytical scheme linking the models of sovereignty with constitutive-democratic visions of European integration reveals in the analysed material that sovereignty is problematised primarily through a national lens and political actors have a different understanding and narrative of European and supranational sovereignty. The Macronist understanding is relevant in French debates but framed differently in the Polish and German contexts and, even if it serves a similar function to support sharing and equipping the EU with sovereignty, it is articulated in less clear and decisive terms. It is also visible in the French context that the blurred meaning of the concept of European sovereignty and specifically its relationship to national sovereignty is an obstacle in achieving its aim. It is something of a “cakeist” approach – one cannot have both European and national sovereignty, and the nesting element is as difficult as is its segmented nature in the positive-sum model.

In addition, it seems that the national nested in European sovereignty and positive-sum models are often blurred in the narratives of political actors and are not exclusive. They are utilised strategically and instrumentally in debates on European integration. Specifically, this is visible in the Polish context, in which national sovereignty has a strong discursive meaning and proponents of deepening of integration manoeuvre between the two models. Interestingly, even the otherwise sovereignist political actors from PiS in fact rarely invoke a complete zero-sum model of sovereignty. They rather limit the scope in which sharing and pooling sovereignty may occur, while still accepting it.

In the German and Polish context, debates occurred regarding the areas in which sharing can take place, indicating specific policy-related tensions within the model. The more Eurosceptic the actors, the more areas were preferred as areas reserved for national authorities. The key controlling mechanism within this model is the subsidiarity principle, indicating the functional aspect of sharing sovereignty. One of the most interesting findings is that proponents of the sovereignist vision of European integration – such as the right-wing PiS party in Poland – do not actually subscribe to the most radical, exclusive model of sovereignty occurring in political discourse. They just occupy the fringes of the segmented model – indicating that the key areas must be controlled by the nation-state.

The zero-sum model is specifically characteristic – at least in the analysed debates – of far-right and radical political actors such as the German AfD and the National Movement in Poland. This model in its core rejects almost entirely the possibility of sharing sovereignty, resulting in radical Eurosceptic views.

The question remains to what extent the segmented model is used by sovereignist actors because remaining in power and participating in the integration process prevents them from full indication of their vision that is actually a zero-sum model. This is why they share with the zero-sum model the cultural aspects of defining sovereignty as relying on the non-negotiable values specific to a national community. Alternatively, however, the use of sovereignist claims may be instrumental for addressing the specific sectors of the electorate that these actors share with more radical parties. At their core, though, they agree with sharing sovereignty with supranational actors. A more nuanced set of indicators that would help to better delimitate the models and hence better map the parties' views would be helpful in further research on the issue.

References

- Andréani, Gilles. 2020. Vous avez dit souveraineté? *Telos*.
https://www.telos-eu.com/fr/politique-francaise-et-internationale/vous-avez-dit-souverainete.html?fbclid=IwAR1Ti23xdr8mfgMY2mp8cPas63xmsCzOIo2l9sPZB-Ki2ED9yBtEH-w_1AQ [Accessed 5 June 2021].
- Assemblée nationale. 2017. "Archives de la XVe législature."
<https://www.assemblee-nationale.fr/qui/?legislature=14>
- Assemblée nationale. 2022. "Assemblée nationale de la 15ème législature." [https://www2.assemblee-nationale.fr/instances/resume/OMC_PO717460/legislature/15/\(block\)/composition](https://www2.assemblee-nationale.fr/instances/resume/OMC_PO717460/legislature/15/(block)/composition)
- Basile, Linda, and Oscar Mazzoleni. 2019. "Sovereignist wine in populist bottles? An introduction." *European Politics and Society*, 21(2), 151-162. doi: 10.1080/23745118.2019.1632576.
- Bellamy, Richard. 2019. *A republican Europe of states cosmopolitanism, intergovernmentalism and democracy in the EU*. Cambridge: Cambridge University Press.
- Bellucci, Stefano. 2019. *Sovereignism*, *Leiden International Studies Blog*. Available at:
<https://www.internationalstudiesblog.nl/articles/sovereignism> (Accessed: 17 November 2021).
- Bieber, Roland. 2013. "La perception allemande de la notion de souveraineté." *L'Europe en Formation*, 368, 61-77.
<https://doi.org/10.3917/eufor.368.0061>
- Borriello, Arthur, and Nathalie Brack. 2019. "'I want my sovereignty back!' A comparative analysis of the populist discourses of Podemos, the 5 Star Movement, the FN and UKIP during the economic and migration crises." *Journal of European Integration*. Routledge, 41(7), 833-853. doi: 10.1080/07036337.2019.1665658.
- Brack, Nathalie, Ramona Coman, and Amandine Crespy. 2019. "Unpacking old and new conflicts of sovereignty in the European

- polity." *Journal of European Integration*. Routledge, 41(7), 817–832. doi: 10.1080/07036337.2019.1665657.
- Brack, Nathalie, Ramona Coman, and Amandine Crespy. (eds). 2021. *Understanding Conflicts of Sovereignty in the EU*. London, New York: Routledge.
- Bunde, Tobias. 2021. "Defending European integration by (symbolically) integrating European defence? Germany and its ambivalent role in European security and defence policy." *Journal of European Integration*, 43(2), 243-259, DOI: 10.1080/07036337.2021.1877693
- Checkel, Jeffrey T., and Peter J. Katzenstein (eds). 2009. *European identity*. Cambridge University Press. Available at: <https://catalogue.nla.gov.au/Record/4585236> (Accessed: 10 July 2021).
- Cianciara, Agnieszka K. 2022. "Between EU's aspiring saint and disillusioned rebel: hegemonic narrative and counter-narrative production in Poland." *Journal of Contemporary European Studies*. Routledge, 30(1), 84–96. doi: 10.1080/14782804.2021.1877121.
- Corduwener, Pepijn. 2014. "The populist conception of democracy beyond popular sovereignty." *Journal of Contemporary European Research*, 10(4), 423–437. doi: 10.30950/jcer.v10i4.636.
- Deutscher Bundestag. 2017. "Abgeordnete der 18. Wahlperiode (2013-2017)." <https://www.bundestag.de/webarchiv/abgeordnete/biografien18>
- Deutscher Bundestag. 2021. "Abgeordnete der 19. Wahlperiode (2017-2021)." <https://www.bundestag.de/webarchiv/abgeordnete/biografien19>
- Dumoulin, André. 2020. "Souveraineté et autonomie stratégique européenne : une quête difficile." *Revue Défense Nationale*, Tribune n°1211.
- Eriksen, Erik O. 2019. *Contesting political differentiation: European division and the problem of dominance*, *Contesting Political Differentiation: European Division and the Problem of Dominance*. Springer International Publishing. doi: 10.1007/978-3-030-11698-9.
- European Commission. 2021. "Horizon Europe Strategic Plan 2021 - 2024." https://ec.europa.eu/info/sites/default/files/research_and_innovation/funding/documents/ec_rtd_horizon-europe-strategic-plan-2021-24.pdf [Accessed 10 July 2021].
- Fabbrini, Sergio. 2015. *Which European union? Europe after the euro crisis*,

- Which European Union?: Europe after the Euro Crisis*. Cambridge University Press. doi: 10.1017/CBO9781316218945.
- Fabbrini, Sergio. et al. 2021. *Conference on the future of Europe: vehicle for reform or forum for reflection? – EU3D*. Available at: <https://www.eu3d.uio.no/publications/eu3d-policy-briefs/eu3d-policy-brief-1-may-2021.html> (Accessed: 10 July 2021).
- Fabbrini, Sergio, and Tiziano Zgaga. 2022. "Sovereignism and its Implication: The Differentiated Disintegration of the European Union." *SSRN Electronic Journal*. Elsevier BV. doi: 10.2139/ssrn.4118801.
- Fossum, John E. 2019. "Europe's Triangular Challenge: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*. doi: 10.2139/ssrn.3505864.
- Fossum, John E. 2021. "EU Constitutional Models in 3D: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*. Elsevier BV. doi: 10.2139/ssrn.3900382.
- Fossum, John E., Monica Garcia Quesada, and Tiziano Zgaga. 2020. *The key principles, underlying logic(s) and types of affiliation for EU non-members, including post-Brexit UK, EU3D Report 1*. Available at: <https://www.sv.uio.no/arena/english/research/publications/arena-reports/2020/report-1-20-fossum-et-al.pdf>.
- Freudlsperger, Christian, and Markus Jachtenfuchs. 2021. "A member state like any other? Germany and the European integration of core state powers." *Journal of European Integration*, 43(2), 117-135, DOI: 10.1080/07036337.2021.1877695
- Góra, Magdalena. 2017. *Who belongs to Europe? Perceptions of the future EU enlargement in the Polish society, Local Community, Power and European Integration*. doi: 10.3726/b11810.
- Góra, Magdalena, and Zdzisław Mach. 2010. "Between Old Fears and New Challenges: The Polish Debate on Europe." in *European Stories: Intellectual Debates on Europe in National Contexts*, edited by Kalypso Nicolaïdis and Justine Lacroix. Oxford: Oxford University Press. doi: 10.1093/acprof:oso/9780199594627.003.0012.
- Góra, Magdalena, Zdzisław Mach, and Hans-Jörg Trenz. 2013. *Situating the demos of a European democracy, Rethinking Democracy and the European Union*. doi: 10.4324/9780203138083.
- Góra, Magdalena, Elodie Thevenin, and Katarzyna Zielińska. (eds). 2023. *What future for Europe? Political actors' narratives on European integration and democracy in national parliaments (2015-2021)*. EU3D

- Report (forthcoming).
- Góra, Magdalena, and Katarzyna Zielińska. 2014. "Defenders of faith? Victims of secularisation? Polish politicians and religion in the European Parliament." *Religion, State and Society*, 42(2-3), 211-226. doi: 10.1080/09637494.2014.936158.
- Góra, Magdalena, and Katarzyna Zielińska. 2019. "Competing Visions: Discursive Articulations of Polish and European Identity after the Eastern Enlargement of the EU." *East European Politics and Societies: and Cultures*, 33(2), 331-356. doi: 10.1177/0888325418791021.
- Góra, Magdalena, and Katarzyna Zielińska. 2023. "The role of religion in sovereignist narratives of European integration: symbolic thickening and identity marking." *Manuscript*.
- Hoeglinger, Dominic. 2016. "The politicisation of European integration in domestic election campaigns." *West European Politics*, 39(1), 44-63, DOI: 10.1080/01402382.2015.1081509
- Hutter, Swen, and Hanspeter Kriesi. 2019. "Politicizing Europe in times of crisis." *Journal of European Public Policy*, 26(7), 996-1017, DOI: 10.1080/13501763.2019.1619801
- Jabko, Nicolas, and Meghan Luhman. 2019. "Reconfiguring sovereignty: crisis, politicization, and European integration." *Journal of European Public Policy*. Routledge, 26(7), 1037-1055. doi: 10.1080/13501763.2019.1619190.
- Keller, Reiner. 2011. "eSKAD)." *Human Studies*, 34(1), 43-65. doi: 10.1007/S10746-011-9175-Z.
- Krotz, Ulrich, and Richard Maher. 2016. "Europe's crises and the EU's 'big three'." *West European Politics*, 39(5), 1053-1072, DOI: 10.1080/01402382.2016.1181872.
- Lefebvre, Maxime, and Édouard Simon. 2021. "L'autonomie stratégique européenne, nouveau projet commun ?" *Revue internationale et stratégique*, 122, 95-103. <https://doi.org/10.3917/ris.122.0095>
- Leruth, Benjamin. 2015. "Operationalizing national preferences on Europe and differentiated integration." *Journal of European Public Policy*. Routledge, 22(6), 816-835. doi: 10.1080/13501763.2015.1020840.
- Leuffen, Dirk, Julian Schuessler, and Jana Gómez Díaz. 2020. "Public support for differentiated integration: individual liberal values and concerns about member state discrimination." <https://doi.org/10.1080/13501763.2020.1829005>. Routledge. doi: 10.1080/13501763.2020.1829005.

- Risse, Thomas. 2010. *A Community of Europeans? Transnational Identities and Public Spheres*. Ithaca, NY: Cornell University Press.
- Sejm. 2011. "Dane o posłach wg stanu na dzień wyborów."
https://www.sejm.gov.pl/Sejm7.nsf/page.xsp/poslowie_poczatek_kad
- Sejm. 2015. "Dane o posłach wg stanu na dzień wyborów."
https://www.sejm.gov.pl/Sejm8.nsf/page.xsp/poslowie_poczatek_kad
- Sondel-Cedarmas, Joanna, and Francesco Berti. (eds). 2022. *The right-wing critique of Europe: nationalist, sovereignist and right-wing populist attitudes to the EU*. Routledge.
- de Wilde, Pieter et al. 2019. *The Struggle Over Borders*. Cambridge: Cambridge University Press. doi: 10.1017/9781108652698.
- de Wilde, Pieter, and Tapio Raunio. 2018. "Redirecting national parliaments: Setting priorities for involvement in EU affairs" in *Comparative European Politics*. Palgrave Macmillan Ltd., 310–329. doi: 10.1057/cep.2015.28.
- Zielonka, Jan. 2018. *Counter-Revolution: Liberal Europe in Retreat*. Oxford: Oxford University Press.
- Zielonka, Jan and Jacques Rupnik. 2020. "From Revolution to "Counter-Revolution": Democracy in Central and Eastern Europe 30 Years On." *Europe-Asia Studies*. Routledge, 72(6), 1073–1099. doi: 10.1080/09668136.2020.1784394.
- Zürn, Michael, and Pieter de Wilde. 2016. "Debating globalization: Cosmopolitanism and communitarianism as political ideologies." *Journal of Political Ideologies*. Routledge, 21(3), 280–301. doi: 10.1080/13569317.2016.1207741.

Annexes Chapter 4

1. List of selected plenary debates in the three parliaments (2015–2019)

Date	Title	Link
Bundestag		
2015-06-18	Abgabe einer Regierungserklärung durch die Bundeskanzlerin zum Europäischen Rat am 25./26. Juni 2015 in Brüssel	https://dipbt.bundestag.de/dip21/btp/18/18112.pdf
2015-07-17	Stabilitätshilfe zugunsten Griechenlands	http://dipbt.bundestag.de/dip21/btp/18/18117.pdf#P.11352
2015-09-24	Abgabe einer Regierungserklärung durch die Bundeskanzlerin: zu den Ergebnissen des Informellen Treffens der Staats- und Regierungschefs der Europäischen Union am 23. September 2015 in Brüssel und zum VN-Gipfel für Nachhaltige Entwicklung vom 25. bis 27. September 2015 in New York	https://dipbt.bundestag.de/dip21/btp/18/18124.pdf
2016-02-17	Abgabe einer Regierungserklärung durch die Bundeskanzlerin zum Europäischen Rat am 18./19. Februar 2016 in Brüssel	https://dipbt.bundestag.de/dip21/btp/18/18154.pdf#P.15129
2016-04-28	Flüchtlingsschutz in der Europäischen Union	http://dipbt.bundestag.de/dip21/btp/18/18167.pdf#P.16448
2016-06-28	Regierungserklärung zum Ausgang des Referendums im Vereinigten Königreich	http://dipbt.bundestag.de/dip21/btp/18/18181.pdf#P.17881
2017-03-23	60 Jahre Römische Verträge	http://dipbt.bundestag.de/dip21/btp/18/18225.pdf#P.22538
2017-05-18	Aktuelle Stunde zu den Vorschlägen von Präsident Macron zur EU-Wirtschafts- und Finanzpolitik	http://dipbt.bundestag.de/dip21/btp/18/18234.pdf#P.23634
2017-06-22	Aktuelle Stunde zur Europapolitik der Bundesregierung zwischen Griechenland-Krise, Brexit und Europäischem Rat	http://dipbt.bundestag.de/dip21/btp/18/18240.pdf#P.24537
2017-12-12	Aktuelle Stunde zur Positionierung der Bundesregierung zu Fragen der Ständigen Strukturierten Zusammenarbeit sowie	http://dipbt.bundestag.de/dip21/btp/19/19004.pdf#P.253

	zum Brexit und weiteren Fragen beim Europäischen Rat am 14./15. Dezember 2017 in Brüssel	
2018-01-31	Aktuelle Stunde zur Europäischen Bankenunion	http://dipbt.bundestag.de/dip21/btp/19/19010.pdf#P.742
2018-06-28	Regierungserklärung zum Europäischen Rat am 28./29.Juni 2018 in Brüssel und zum NATO-Gipfel am 11./12.Juli 2018 in Brüssel	http://dipbt.bundestag.de/dip21/btp/19/19042.pdf#P.4109
2018-12-12	Befragung der Bundesregierung	http://dipbt.bundestag.de/dip21/btp/19/19070.pdf#P.8131
2019-01-17	Zustand der EU– Deutsch-Französische Sonderwege	http://dipbt.bundestag.de/dip21/btp/19/19074.pdf#P.8629
2019-03-14	Wirtschafts- und Währungsunion	http://dipbt.bundestag.de/dip21/btp/19/19086.pdf#P.10222
Assemblée nationale		
2015-07-01	Questions sur la situation économique et financière de la zone euro	http://www.assemblee-nationale.fr/14/cr/2014-2015/20150245.asp#P542649
2015-07-08	Déclaration du Gouvernement sur la situation de Grèce et les enjeux européens	http://www.assemblee-nationale.fr/14/cr/2014-2015-extra/20151010.asp#P577027
2015-07-15	Déclaration du Gouvernement sur l'accord européen relatif à la Grèce	http://www.assemblee-nationale.fr/14/cr/2014-2015-extra/20151014.asp#P579731
2015-09-16	Accueil des réfugiés en France et en Europe	http://www.assemblee-nationale.fr/14/cr/2014-2015-extra2/20152003.asp#P595574
2016-03-31	Débat sur l'accueil des réfugiés en Europe	http://www.assemblee-nationale.fr/14/cr/2015-2016/20160167.asp#P763423
2016-05-26	Débat sur le programme de stabilité 2016-2019	http://www.assemblee-nationale.fr/14/cr/2015-2016/20160173.asp#P768044
2016-06-28	Débat sur les suites du référendum britannique et la préparation du Conseil européen	http://www.assemblee-nationale.fr/14/cr/2015-2016/20160226.asp#P823706
2017-10-10	Déclaration du Gouvernement suivie d'un débat sur l'avenir de l'Union européenne	http://www.assemblee-nationale.fr/15/cr/2017-2018/20180005.asp#P1035703

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2017-11-27	Promotion des symboles de l'Union européenne	http://www.assemblee-nationale.fr/15/cri/2017-2018/20180072.asp#P1114640
2017-12-07	Application du régime d'asile européen	http://www.assemblee-nationale.fr/15/cri/2017-2018/20180088.asp#P1132676 http://www.assemblee-nationale.fr/15/cri/2017-2018/20180089.asp#P1133084
2018-02-13	Élection des représentants au Parlement européen	http://www.assemblee-nationale.fr/15/cri/2017-2018/20180139.asp#P1184654
2018-02-15	Application du régime d'asile européen	http://www.assemblee-nationale.fr/15/cri/2017-2018/20180143.asp#P1188920 http://www.assemblee-nationale.fr/15/cri/2017-2018/20180144.asp#P1190006
2018-04-18	Déclaration du Gouvernement sur le projet de programme de stabilité pour les années 2018-2022 suivie d'un débat et d'un vote sur cette déclaration	http://www.assemblee-nationale.fr/15/cri/2017-2018/20180194.asp#P1239606
2019-03-05	Débat en vue du Conseil européen des 21 et 22 mars 2019	http://www.assemblee-nationale.fr/15/cri/2018-2019/20190164.asp#P1633878
2019-10-07	Déclaration du Gouvernement, suivie d'un débat, sur la politique migratoire de la France et de l'Europe	http://www.assemblee-nationale.fr/14/cri/2014-2015-extra2/20152003.asp#P595575
Sejm		
2015-09-16	Informacja prezesa Rady Ministrów na temat kryzysu migracyjnego w Europie i jego reperkusji dla Polski.	http://orka2.sejm.gov.pl/StenoInter7.nsf/0/A8CA0F4060DE3B1CC1257EC200722812/%24File/100_a_ksiazka.pdf
2016-02-09	Sprawozdanie Komisji do Spraw Unii Europejskiej o poselskim projekcie uchwały w sprawie polityki imigracyjnej państwa polskiego na forum Unii Europejskiej (druki nr 18 i 50).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/CFEA3265E15B757CC1257F54005D968F/%24File/11_a_ksiazka_bis.pdf
2016-03-09	Sprawozdanie Komisji do Spraw Unii Europejskiej o poselskich projektach uchwał w sprawie: - polityki imigracyjnej państwa polskiego na forum Unii Europejskiej, - polityki imigracyjnej Polski.	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/7995B0D85FD508D9C1257F77002F157D/%24File/13_a_ksiazka_bis.pdf
2016-10-05	Informacja dla Sejmu i Senatu Rzeczypospolitej Polskiej o udziale Rzeczypospolitej Polskiej w pracach Unii Europejskiej w okresie styczeń-czerwiec 2016 r. (przewodnictwo Holandii w Radzie Unii Europejskiej) (druk nr 712) wraz ze	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/4D6FCFA93E71D570C1258043006EDA2C/%24File/27_b_ksiazka_bis.pdf

	stanowiskiem Komisji do Spraw Unii Europejskiej (druk nr 714)	
2016-10-21	Pierwsze czytanie komisyjnego projektu uchwały w sprawie propozycji ustanowienia unijnego korekcyjnego mechanizmu alokacji uchodźców oraz mechanizmu solidarności finansowej (druk nr 894).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/6F74FA41DE269CF0C1258053007AE55D/%24File/28_c_ksiazka_bis.pdf
2016-12-01	Sprawozdanie Komisji Administracji i Spraw Wewnętrznych oraz Komisji do Spraw Unii Europejskiej o komisyjnym projekcie uchwały w sprawie propozycji ustanowienia unijnego korekcyjnego mechanizmu alokacji uchodźców oraz mechanizmu solidarności finansowej (druki nr 894 i 1036).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/2C9E4F23C2DFA8EAC125807C006CED3E/%24File/31_c_ksiazka_bis.pdf
2016-12-02		http://orka2.sejm.gov.pl/StenoInter8.nsf/0/5F19349D33B49EE4C125807D006DD73D/%24File/31_d_ksiazka_bis.pdf
2017-03-23	Debata nad informacją bieżąca w sprawie stanu polskiej polityki zagranicznej wobec Unii Europejskiej, strategii w zakresie integracji Rzeczypospolitej Polskiej ze strefą euro i realizacji zobowiązań wynikających z ratyfikacji traktatu ateńskiego	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/4E1412BBDD76C840C12580EC007F55F1/%24File/38_b_ksiazka_bis.pdf#page=34&zoom=78.74,-484,842
2017-03-23	Sprawozdanie Komisji do Spraw Unii Europejskiej o poselskim projekcie uchwały w 60. rocznicę zapoczątkowania procesów integracji europejskiej (druki nr 1391 i 1394).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/4E1412BBDD76C840C12580EC007F55F1/%24File/38_b_ksiazka_bis.pdf
2017-10-12	Informacja dla Sejmu i Senatu Rzeczypospolitej Polskiej o udziale Rzeczypospolitej Polskiej w pracach Unii Europejskiej w okresie styczeń-czerwiec 2017 r. (przewodnictwo Malty w Radzie Unii Europejskiej) (druk nr 1723) wraz ze stanowiskiem Komisji do Spraw Unii Europejskiej (druk nr 1804).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/290F0B0341A2D875C12581B7007CD43E/%24File/49_c_ksiazka_bis.pdf
2018-09-13	Informacja dla Sejmu i Senatu Rzeczypospolitej Polskiej o udziale Rzeczypospolitej Polskiej w pracach Unii Europejskiej w okresie styczeń-czerwiec 2018 r. (przewodnictwo Bułgarii w Radzie Unii Europejskiej) (druk nr 2728) wraz ze stanowiskiem Komisji do Spraw Unii Europejskiej (druk nr 2730).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/D580C61F25713E0BC1258307007CFE54/%24File/68_b_ksiazka_bis.pdf
2019-03-13	Informacja dla Sejmu i Senatu Rzeczypospolitej Polskiej o udziale Rzeczypospolitej Polskiej w pracach Unii Europejskiej w okresie lipiec-grudzień 2018 r. (przewodnictwo Austrii w Radzie Unii Europejskiej) (druk nr 3145) z komisyjnym projektem uchwały (druki nr 3234).	http://orka2.sejm.gov.pl/StenoInter8.nsf/0/C4AC0EBBED0AB979C12583BD000C6500/%24File/78_a_ksiazka_bis.pdf

2. Key words related to sovereignty used for preselection of empirical material in the three parliaments (2015–2019)

Key words ¹²	French (number of occurrences/ documents)	German (number of occurrences/ documents)	Polish (number of occurrences/ documents)
sovereign*	souverain* (162/70)	Souverän* (17/13) *Hoheit* (Staatshoheit, Gebietshoheit, etc.) (5/5)	suwerenn* (46/26)
nation* [includes nationalism*]	Nation* (628/221)	Nation* (285/99)	narodow* (101/49)
identity*	identité* (59/11)	Identität* (5/4)	tożsamość* (23/15)
civilisation*	civilisation* (29/19)	Zivilisation* (1/1)	cywilizacj* (24/11)
democracy*	démocratie* (125/70)	Demokratie* (56/37)	demokracj* (24/18)
citizen*	*citoyen* (282/122)	*Bürger* (164/70)	obywatel* (116/64)
people*	peuple* (402/98)	*Volk* (51/64)	naród* (10/7)
independen*	independan*independe nt (38/28)	unabhängig* (20/16) selb(st)ständig* (2/2) eigenständig* (2/2)	niezależność* (7/7), niepodległość (6/4)*, niezawistość (4/3)*

12 The table shows the roots of words chosen in our analysis, which in the majority of cases allowed both the noun and adjective form to be taken into account. Nouns related to fixed entities such as political parties or institutions (e.g. United Nations) were excluded.

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super-state; super-power	super-état, superpuissance (0/0)	Superstaat (1/1), Supermacht (0/0), Super-EU (1/1)	superpaństw* (2/2), supermocarstw* (3/1)
bureaucracy; bureaucrat*	bureaucrat* (11/11)	bürokrat* (17/12)	biurokra* (3/3)
competen*; capabilit*	compéten* (46/39) capacité* (101/69)	kompeten* (10/10) fähig* (129/57)	Kompetencj* (35/21)
Macron	Macron (96/44)	Macron (130/40)	Macron (1/1)
Total number of occurrences / documents	1979/308	896/168	405/131

Chapter 5

Not Only Cultural: Economic Sovereignism in Poland

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Introduction

The wave of crises that has swept through the European Union since the beginning of the 21st century has significantly challenged the existing status quo shaped in the second half of the 20th century. Starting with the economic and financial crisis of 2008–09, which undermined the confidence in self-regulation of the market and defied the belief in national neutrality of capital, via the refugee crisis (2015), Brexit (2016/2020), which shook the faith in the irreversibility of the European integration process, the COVID-19 pandemic (2020–2022), and finally the ongoing war in Ukraine (2014/2022–), the image of the EU as a stable, unshakeable rock has been effectively challenged. These crises have inevitably brought to the surface critical voices about the Union’s current political make-up, while also reopening the discussion about the place and the role of nation-states in international relations. The questions about the prerogatives of nation-states and the acceptable (and non-acceptable) limitations to their power have become important points in both domestic (national) and international debates in many European states. Those crises have also further stoked already mounting scepticism towards globalisation, criticism of international organisations for their inability to effectively address contemporary challenges, and finally the growing need for national security. The visible consequence of these processes has been the re-emergence of political claims founded on the principle of sovereignty.

Across many European states (and beyond), voices calling for the strengthening of national control and a return to the traditional exclusive and non-divisible understanding of sovereignty, in short to “taking back control”, have become more and more present on the political agenda (Basile and Mazzoleni 2020; Kallis 2018).

This “sovereigntist turn” (Minakov 2021) has gained momentum in recent years, significantly impacting relations within the EU. Most importantly, it has prompted reconsideration of the direction in which the EU should go. As emphasised in Chapter 1, sovereigntist ideas about the shape of international relations have become increasingly present in the debate on the future of Europe, emerging as an alternative model for an organisation of political relations, a particular vision of an intergovernmental model whose characteristics mean it deserves an analysis in itself.

Fabbrini and Zgaga (2022), focusing on European sovereignists, defined sovereignism through the prism of EU internal relations as “the attempt to combine the radical critique of the EU with the necessity to remain within the latter” (p. 2). Sovereignism in this sense emerges as an alternative to nationalism, from which it differs by not assuming an exit option, but advocates for a different EU, giving more power and recognition to nation-states.

This notion of putting the interests of the nation-states above those of the European community (or any other international community and/or organisation), which resonates in Fabbrini and Zgaga’s theoretical proposal, is the most distinctive feature of European sovereignists. To put it differently, what sovereigntist actors in Europe all have in common is a clear rejection of the federalist EU. Other than that, they remain very fragmented when it comes to clear positioning about the nature of the EU’s future make-up. In some cases, the sovereignists may opt for “less EU”, and in others, for “more EU”. The choice depends on whether the EU is seen as a deterrent or an ally in resolving vital national issues. Therefore, not only do these positions differ among sovereignists (the national and territorial dimension), but they are also changeable over time. This means that sovereignists’ positions are difficult to predict when it comes to resolving the competence-based functional differentiation (Fossum 2021) of the European puzzle.

Contemporary research on European sovereignty draws attention to its multifaceted character, typically including at least three divergent, but not mutually exclusive dimensions: political, economic and cultural (e.g. Mueller and Heidelberger 2020; Basile, Borri and Verzichelli 2020). Political sovereignty is mostly concerned with the decision-making process, pressing for more powers and prerogatives to be given to nation-states. Economic sovereignty calls for more state control over economic policies, actors and markets. Cultural sovereignty, on the other hand, advocates for policies that aim at the preservation of the nation-state's particular national culture, including ethnic, linguistic and religious identity/identities. However, when it comes to concrete policy solutions, these dimensions are understood in a very particular, often overly narrow way. Fabbrini and Zgaga (2022) as well as Baldini, Bressanelli and Gianfreda (2020), for example, even though they differ in regard to the political dimension of sovereignty in a broad sense (the former divide it into two: political and institutional sovereignty; the latter distinguish three categories: national, populist and civic), coincide in how they view economic and cultural sovereignty. Economic sovereignty is presented as opposition towards the European and Monetary Union, and cultural sovereignty as opposition to the EU's openness and the effects that this has had on domestic societies. Based on this conceptualisation and empirical analysis of a wide range of sovereignist actors from France, Italy, the Netherlands, Poland and Hungary, Fabbrini and Zgaga conclude that while all sovereignists share their criticism towards the EU's supranational character (what they call institutional sovereignty), as well as the centralised system of policy making (political sovereignty), their motivations differ and are either based on economic rationale (economic sovereignty), which is typically the domain of Western European countries, or cultural arguments (cultural sovereignty), which dominates among sovereignists from Central and Eastern Europe.

I do not fully share this view. The problem lies first and foremost in the very conceptualisation of economic sovereignty per se, which should apply not only to monetary policy, but economic policy in general (meaning that it should also include fiscal policy) and its ramifications within the confines of the internal EU market and common policies. Opening the debate on economic sovereignty in such a way that it includes the full spectrum of economic policy solutions allows us to demonstrate that economic and cultural sovereignty are not exclusive,

but can and actually do (as the Polish and Hungarian cases clearly demonstrate) coexist, as this paper will further demonstrate. It also allows better analysis of the nature of economic policies in general, showing that economic sovereignty may actually be more common in the EU than one might suspect.

Expanding on the discussion on sovereignty in Europe, this chapter focuses predominantly on economic sovereignty. The purpose of this contribution is twofold. Firstly, it aims to develop the three-dimensional model of economic sovereignty, which can be used as a template to assess economic policies. Secondly, it tests the applicability of this model, applying it to the study of four key economic policies that were introduced in recent years in Poland. The choice of Poland as the case study is not accidental. Once a champion of the post-communist transition and an enthusiast of EU integration, during the first ten years of its EU membership, Poland was a clear success story of economic convergence. Since 2015, however, the country has moved away from this path and introduced, under the national populist right-wing government headed by the Law and Justice (Prawo i Sprawiedliwość – PiS) party, a series of policies that are based on strong sovereignist claims. Contrary, however, to Fabbrini and Zgaga's (2022) conclusion that Polish sovereignty remains predominantly cultural, I argue that it is actually both economic and cultural. This is because, while cultural sovereignist claims are often presented in policy discourse to justify certain reforms, they concern and regulate concrete economic areas (policy content). The paper is divided into four parts. Following this introduction, section two outlines the theoretical approach taken in this study and presents the theoretical model of economic sovereignty. Section three provides an analysis of the case study, including an examination of four economic policies that have been introduced in Poland post-2015 and embody the principles of economic sovereignty, offering an analytical summary of these policies. Section four provides conclusions and more general takeaways deriving from the study.

Conceptual framework

Sovereignty is a political concept that can broadly be defined as a principle placing sovereignty as the nation-state's top priority (Mueller and Heidelberger 2020; Spiro 2000). It is based on the indivisible concept of sovereignty, which cannot be shared or transferred and is grounded in

a belief in the mutual exclusivity of territories (Basile and Mazzoleni 2020). In modern times, European sovereignists have often revived the Westphalian understanding of territory and boundaries, calling for “the re-territorialisation of state power” (Fabbrini and Zgaga 2022: 3), which translates into “the exclusion of external actors from domestic authority structures” (Krasner 1999: 20). They push for restoring the control of the national government over key policies (ibid.). This claim stems from the strong conviction widespread among sovereignists that national law should be placed above international norms (De Spiegeleire 2017: 35). They are not against international agreements, but only until “they serve to buttress ultimate and unrestricted decision-making by their citizens in and over their territory” (Mueller and Heidelberger 2020: 184). If any rules and regulations that stem from the membership in international institutions pose limitations to sovereignist power, they become critical of these institutions, portraying them as overreaching. It is for this reason that sovereignists seek to limit the transfer of national power to any supranational organisations.

The current popularity of sovereignist claims has resulted in new strands of research on sovereignism, either focusing on new conceptualisations and typologies of modern sovereignism (e.g. Mueller and Heidelberger 2020; Alles and Badie 2016) or exploring the relationship with other ideologies, especially the link between sovereignism and populism (e.g. Verzichelli 2020; Basile, Borri and Verzichelli 2020; Baldini, Bressanelli and Gianfreda 2020; Basile and Mazzoleni 2020; Kallis 2018; De Spiegeleire 2017). Even though sovereignism is *de facto* a worldwide phenomenon, significant scholarly attention has been given to the study of its presence in Europe, in the form of either particular country case studies (e.g. France – Faure 2020; Italy – Maccaferri and Newth 2022; Stamati 2020; the UK – Baldini, Bressanelli and Gianfreda 2020), comparative studies (e.g. Basile, Borri and Verzichelli 2020; Brusenbauch Meislova and Buckledee 2021), or more general consideration about Europe (e.g. Auer 2022; Fabbrini 2019). While sovereignism resembles nationalism and both categories are connected, they differ in terms of the source of their political claims, as well as their political end goals. In short, sovereignism is organised around the state, and seeks to ensure its exclusive authority over its territory and affairs. Since the sovereignists put the interests of the nation-state first, their voice resounds most fully in relation to international organisations, such as (in the European case) the EU, within which they

demand increased prerogatives of the nation-state. Nationalism, on the other hand, is concerned with nation, and seeks to protect its well-being (De Spiegeleire 2017: 37-38). Both meet at the level of nation-state relations, but conceptually and ideologically they are not congruent. Sovereignism is also linked to populism, and often the two concepts coincide. In many cases, the modern populists stood behind the rebirth of sovereignist ideas. In his seminal paper on sovereignism in the United States, Spiro calls this phenomenon “new sovereignism” (Spiro 2000). In Poland, which is the case study discussed here, it has been a populist government that has promoted the sovereignist policies. Where sovereignism and populism differ is the relation to whom and against whom their message is directed. While populists are clearly anti-elitists and their discourse is directed inward, i.e. to “the people” whose interests they claim to represent, sovereignists are more concerned with foreign interests, foreign business and foreign elites. Both -isms are based on division, yet while populism is grounded in the separation of society into “the people” and “the elites”, sovereignists’ main axis of division is between the domestic (national) and the foreign.

Nationalism, populisms and sovereignism are in principle all multidimensional categories which, apart from being political phenomena, have also been analysed through the prism of their economic nature. Hence the rich body of literature on economic nationalism (e.g. Fetzner 2019; Colantone and Stanig 2019; Pryke 2012; Helleiner and Pickel 2005; Pickel 2003; Crane 1998; Baughn and Yaprak 1996), economic populism (e.g. Benczes and Szabo 2022; Feldman and Popa 2022; Rodrik 2018; Dornbusch and Edwards 1990), and – albeit to a lesser extent – economic sovereignism (e.g. Mazzoleni and Ivaldi 2022; Faure 2020). On many occasions these terms, as economic phenomena, were defined separately from their political understanding. Contrary to this practice, in this work I take the position that, just as economic nationalism remains in its core first and foremost a political concept which manifests itself in the space of the economy, economic sovereignism should primarily be understood as a political category, which, as stated above, aims to “bring back control” and re-establish the state as the main point of reference in internal and external relations.

Model

Regarding the economic dimension of sovereignty, in this paper I propose viewing economic sovereignty as a political strategy based on three key premises:

- (1) Statism, i.e. the desire to strengthen the position and control of the state within the sphere of economic activity, often done through an increased level of centralisation.
- (2) Promotion of national interests often associated with anti-foreign regulations, in the pursuit of the restoration of the people's well-being and the nation's prosperity.
- (3) Contestation of supranational powers and the criticism (but not rejection per se) of international organisations.

We can also add a fourth dimension, referring to the orientation, i.e. whether the policy is intended to bring results mostly within the national setting (inward orientation) or whether it aims at projection of power and/or international impact on the wider international scene (outward orientation). Both are theoretically possible when it comes to economic sovereignty policies.

Poland as case study

In this section I use this three-element template to analyse key economic policies recently implemented in Poland, which embody the economic sovereignist profile.

Timewise, the analysis presented here covers a period of seven years, since 2015, when PiS, heading the United Right coalition, won both the parliamentary and presidential elections, installing a majoritarian government known for its clear sovereignist direction, criticism of the EU, and polarising anti-elitist discourse. PiS repeated its electoral success in 2019 and remains in power at the time of writing (2023). Andrzej Duda, a former PiS member, was re-elected as president in 2020. The study is primarily based on policy analysis exploring the motives behind selected legislation (discourse), its scope, and social and economic effects.

The section is organised as follows: it starts with a detailed presentation of four economic policies, namely repolonisation (i.e. domestication and nationalisation of some sectors of Polish economy), the national

champions strategy, retail tax, and the Sunday trading ban. It then concludes by analysing these policies through the prism of the proposed model.

First illustration: repolonisation

At the heart of the Polish nationally focused economic programme lies the concept of “repolonisation”. This is primarily a political strategy aiming at the restoration of domestic ownership over important sectors of the Polish economy. The main idea behind repolonisation is quite straightforward, i.e. – to quote PiS leader Jarosław Kaczyński – to “reclaim the most strategic parts of the Polish economy from foreign capital” (Kaczyński 2022a).

From the start, repolonisation was intended as a wide-ranging programme, covering various domains of economic activity, from banking, through energy to transportation. As such, repolonisation, along with a family-oriented welfare programme embodied by the Family 500 plus policy (i.e. a monthly allowance of 500 zloty per month for each child under the age of 18), constituted one of the two pillars of PiS’s plan for Poland’s social and economic transformation. Translating the idea of repolonisation into practice, this strategy has consisted (so far) in the acquisition by national actors (mainly Polish state-owned entities) of foreign-owned companies that operated in important sectors of the Polish economy. Many of these companies used to belong to the State Treasury, and were bought by foreign capital in the process of Polish post-communist privatisation during the 1990s.

In many respects, repolonisation was intended to counter the effects of the privatisation, which resulted in an increased share of foreign capital. From the start, the process raised much criticism from many political and social actors, who have questioned the methods, scope and manner in which it was conducted. PiS politicians have been quite vocal in this respect too, often labelling Polish privatisation as “thieving privatisation” (Suski 2002). Repolonisation in this context was proposed as a remedy, a correction measure to increase the national control over key sectors of the Polish economy.

The process of repolonisation was initiated shortly after PiS won the 2015 elections, with the banking sector being the first to be subject to repolonisation practices. The intention to repolonise banks was explicitly

announced by PiS politicians before the election. In 2015, at a presidential election rally, then candidate Andrzej Duda, speaking in front of the Polish Financial Supervision Authority Headquarters, launched a vehement attack on the foreign ownership structure of Polish banks: “15 billion zloty a year. This is how much banks earn on Polish citizens, and this money does not stay in our country, but instead it goes to the budgets of the countries where the banks come from” (Szymańska 2016). This was a clear message that the banks would be the first prey of the repolonisation process.

The first decision that commenced the repolonisation of the banking sector was the purchase of Alior Bank in 2016 by the Polish insurance company PZU, a publicly traded entity in which the control share belongs to the state treasury. This was later followed by the merger of BPH with Alior Bank at the end of 2016, to conclude with the purchase of Pekao by the state-controlled PZU and state-owned Polish Development Fund in 2017. By the end of 2017, the ownership structure of the banks in Poland changed significantly, and for the first time since 1999 the share of domestic investors in the sector’s assets became higher than the share of foreign investors (54.5% in 2017, against 43.4% at the end of 2016) (UKNF 2020).

Since 2017, the ownership situation in the banking sector has remained stable. It is dominated by Polish capital (over 57%), with a clear predominance of the public sector. According to 2021 data, Polish private capital covers only slightly more than 11% of the market, and the state more than 46%. The rest, 42.7%, belongs to foreign investors, mostly of Spanish, German, Dutch and French origin (UKNF 2022).

Following the successes of repolonisation of the banks, during its seven years in power the PiS-led government has pursued numerous initiatives aimed at repolonisation of other sectors of Polish economy. These include the purchase in 2017 of numerous heat and power plants, from the French EdF and Engie by the Polish state-owned energy companies PGE and Enea, as well as, in the transportation sector, the procurement of railway and mountain cable car and funicular operator PKL by state-owned Polish Development Fund from Mid Europa Partners. Unlike in the banking sector, these activities have so far been fragmentary and have not yet covered entire industries.

There are four key peculiarities of repolonisation. First of all, it is a reactionary process. It is a response to modernisation and privatisation, intended to restore what has been lost. It is not, however, a vehicle aiming to bring back the past economic system. Rather, repolonisation is a peculiar combination of the same old mechanisms of centralisation, state control and heavy reliance on public property (typical of socialist-type economies) implemented in the institutional setup of the market economy. To put it simply, repolonisation is a strategy that accommodates old solutions into a new modern reality. Secondly, it is an inward-focused policy. It is directed at the Polish market and concerned with the so-called strategic sectors of economic activity, such as banking and energy. Thirdly, it is about ownership and control. The underlying principle behind repolonisation is the belief that, contrary to what globalists have said, capital actually has nationality, and thus it is not without importance who makes the decisions regarding strategic segments of the national economy. Equally important is where, i.e. in which political, geographic or economic setting, these decisions are being made. Thus, repolonisation is a clearly anti-foreign policy. Fourth and finally, the key question at stake is who at the national level is to exercise control and be in charge. Should the ownership fall to Polish private investors? Or should it be in the hands of the state? While theoretically both options are valid, the practice of repolonisation points to the prevalence of the public sector (the state) over private business. So far, repolonisation has proven to be a process of nationalisation, rather than just domestication. It was planned and implemented as buying out foreign investors (private or public), by either state-owned or state-controlled Polish companies. Such activities were supported by the institutions of a strong, active and increasingly centralised state, whose position in the economy was redefined to include the roles of regulator, referee and provider, as well as those of owner and producer.

What makes repolonisation stand out is its discursive aspect. First of all, the term itself is quite peculiar. Repolonisation is actually not a new concept, as it was used in the past most typically to describe political and cultural initiatives aimed at reversing the processes of forced Germanisation and Russification of Polish territory and society during the Polish fight for independence. Use of this term to describe the activities aimed at increasing the share of Polish capital in the economy in the modern context was an interesting move, very much in line with PiS's

discursive practices. Drawing on existing (old) concepts and bringing them out of oblivion, while modifying their original meaning and seemingly detaching from their original context, before finally introducing them into the language of everyday politics, is a very effective discursive technique used extensively by PiS politicians (Napiórkowski 2019; Kłosińska and Rusinek 2019). However, these concepts, appropriated and adapted to the new context, do not completely lose their original meanings, which always resonate in the background. When it comes to repolonisation the overtone is obvious, evoking associations with the Polish defence against unjust foreign domination. This clear historical charge becomes at the same time the ultimate justification of all actions carried out in the name of repolonisation. To put it simply, repolonisation is legitimised by the very fact that it is a programme carried out in the defence of Poland and the Polish people. Repolonisation therefore becomes a kind of discursive bridge that brings together the past fight for independence with today's struggle to maintain sovereignty.

United Right politicians have discussed repolonisation explicitly in one of the two ways. In the first context, it is portrayed as a way to restore Poland's greatness. This rests on the assumption that since capital has nationality, it is necessary to ensure that key strategic Polish resources and sectors stay in Polish hands. In terms of linguistic devices, the concept most often evoked in this context is that of "ancestral silver", sold off (disgracefully) in the past and now, i.e. under the leadership of the current government, being retrieved. This expression is one of the favourite catchphrases of Prime Minister Mateusz Morawiecki, who uses it in different contexts - either to explicitly praise the progress of repolonisation ("the ancestral silver is coming back under Polish control"; Morawiecki 2017a) or to blame his political opponents for selling "our ancestral silver, our great companies" (Morawiecki 2018). The second narrative of repolonisation emphasises the importance of ownership. This is not about the greatness of Poland as such, but "ourness", according to the principle that, in order to be strong, Poland must be fully sovereign, i.e. it cannot be allowed to be owned by foreign capital. It is in this context that we can read another statement by Morawiecki delivered in his speech at the Warsaw Stock Exchange in 2017: "We threw down the gauntlet to the economic mainstream, which indebted us and pushed us towards consumption. The previous 100 years have de facto been increasing the Polish debt, and we are reducing it. We have a trade surplus, we care

about the expansion of Polish capital, because it will slowly level the playing field. Bloomberg and Piketty, the absolute economic mainstream, claim that we are a foreign-owned country. We challenge this colonisation of our country. We want to be an equal partner for foreign entities and we are becoming one” (Morawiecki 2017b).

Second illustration: national champions

At the outset, it should be emphasised that the strategy of nurturing of national champions is not a Polish invention. Contrary to repolonisation, which by definition is a home-grown Polish initiative, the national champions programme is an imported policy of economic sovereignty. National champions have been around for long and today remain frequent phenomena in economic relations. Airbus, Siemens, Samsung, Volkswagen, Michelin, Hyundai, Fiat etc. all have in common the fact that they were grown as *de facto* national champions, i.e. companies that due to governmental policies (favourable treatment, financial aid, lobbying opportunities) were able to achieve a leading position in the national economies.

The typical expectation of national champions is that, having been granted state support, they should become key players not only internally, but also beyond the domestic setting, successfully competing on the international arena. National champions receive preferential treatment in the hope that they will promote the state’s interests abroad and act as “business ambassadors” of the country, turning into recognisable and referential national brands.

The assessment of economic policy based on the promotion of national champions is not unambiguous. In many respects it corresponds with the arguments for and against the state’s involvement in the economy. The opponents of interventionism policies perceive national champions as forms of economic protectionism, an undue and discriminatory form of state aid. Advocates, on the other hand, claim that such companies are not only important, but indispensable, especially if they operate in strategic segments of the economy.

In Poland, the turn towards national champions as the strategy for Polish economic development is clearly related to the PiS administration, even though the existence of Polish national champions naturally precedes 2015. Upon taking office, the PiS-led government clearly broke with the

dominant hitherto policy of openness, privatisation and internationalisation, moving towards strong state interventionism. This premise was announced by Morawiecki in his first statement as prime minister, delivered on 13 December 2017: “the state is seriously returning to the game. The entrepreneurial state is now joining the entrepreneurial business. It was, after all, a state that has laid the foundation for the success behind the American Silicon Valley or Israeli innovation, or Korean or German industry. We need to find a golden mean between the minimum state which leaves its citizens behind, as was often the case in our history, and the sluggish bureaucratic state. We don’t want to be either of them. Instead, we want to make a great modernisation of Poland” (Morawiecki 2017c).

The Polish national champions strategy is similar to the programme of repolonisation in that both seek to strengthen the nation’s economic wealth and increase the state’s prerogatives, by increasing the government’s presence in the economy. Thus, when looking at the source of capital involved in national champions, the dominant position on the Polish market is occupied by state-controlled companies. In the ranking of national champions published regularly since 2018 by Polityka Insight, the top positions belong to either KGHM Polska Miedź S.A. or PKN Orlen, in which the State Treasury owns 31.79% and 27.52% of the shares respectively. The case of PKN Orlen is especially illustrative. Economically, the company opened the way for national champions, with the purchase of a Lithuanian refinery in Mažeikiai in 2006 (Czerniak and Bobiński 2018). Since then, it has grown to become the largest company in Central and Eastern Europe operating on the fuel and energy markets. It has successfully engaged in numerous acquisitions in the energy sector, including high-profile mergers with Energa, Grupa Lotos, and PGNiG. Organisationally, the company was initially established as a state enterprise, then partially privatised, and today the state treasury holds only a little more than a quarter of votes. However, it has been guaranteed special rights in the company’s status when it comes to appointing members of the supervisory and management boards. As a result, chief managerial positions, including PKN Orlen’s CEO, are clearly politically driven personnel decisions. It is precisely in the growing interdependencies between the political and the economic that the challenge with the national champions policy lies. Without well-functioning normative mechanisms, this type of growing

interdependence can be conducive to different forms of political corruption and cronyism. First, there is a question of personnel, especially the practice of employing people related to the ruling party in state-owned companies, which has apparently also been the case of PKN Orlen and its subsidiaries. Second, there is a question of separation between business and political decisions. Much controversy has arisen from PKN Orlen's acquisition in 2021 of Polska Press, a media company with a dominant position in regional dailies and nothing to do with the energy sector, but much to do with PiS's long-promised media repolonisation initiative.

Third illustration: taxes for foreign entities

Contrary to the policies described above, which mostly aimed at empowering the state, the tax policy proposed by the PiS-led government at the beginning of its term, and especially the new retail tax discussed in this section, were driven by a clear anti-foreign narrative. During an electoral meeting in Gliwice in November 2022, Kaczyński clearly expressed this sentiment, saying: "Foreign large-format stores – hypermarkets – are not properly taxed in Poland, although they should be. But here, of course, the problems lie with the European Union. We tried, we didn't completely lose [in this area], but we mostly failed" (Kaczyński 2022b). He was referring to the government's initiatives to tax hypermarkets and a long battle with the European Commission to introduce a new retail sales tax. The law on the retail levy was passed back in 2016, but it only came into force much later, on 1 January 2021. The introduction of this tax was postponed several times, due to the Commission's enquiry into its legality. This objection was, however, ruled against by the European General Court and the Court of Justice of the European Union.

The tax must apply to all retailers operating in Poland, regardless of the nationality of their capital. However, given the structure of the retail sector in Poland, the protectionist intention behind its introduction was clear: to allow smaller, i.e. Polish companies to compete with bigger (foreign) entities. The results of this policy are yet to be seen, yet the prognosis and experiences so far emphasise that the levy may actually bring about the opposite results to those intended. The first problem results from the differences in retail networks' organisational structure. The tax is payable when the monthly revenue from sales exceeds 17 million zloty, therefore more dispersed networks, in which the individual

stores operate as separate companies under the Polish law may, in effect, not be levied, while the smaller but more consolidated networks operating as one entity will be taxed. The case of the electronics as well as home and household appliances sectors brings out a particularly interesting example. Foreign entities operating on this market are often more dispersed, while the Polish entities are not, thus it might actually be the Polish network that would be heavily levied (ZZP 2021). The other issue is the fact that, regardless of the ownership of the capital, the costs of the tax will eventually be passed on to the final consumers, causing inflationary pressure.

Fourth illustration: Sunday trading ban

Of the four policies described in this chapter, the so-called Sunday trading ban is a somewhat peculiar example of economic sovereignty. This is because the primary reason behind its introduction, as laid out in the citizen's bill proposal submitted by the Solidarity trade union (Citizens' bill proposal on restriction of trade on Sunday, 22 September 2016) was to strengthen the protection of workers' rights and working conditions, which is a universal concern that the trade unions share regardless of their national setting. The obligation to work on Sundays was portrayed as harmful, especially for the female employees of large-format stores, a factor that induces undue stress and has negative overall effects on workers' health. The legally guaranteed right to a work-free Sunday was considered necessary for employees' well-being, and the existing regulations on this matter, including the EU's Working Time Directive, were presented as unsatisfactory measures to protect the work-life balance. Additional remuneration for Sunday shifts or compensation for working on Sunday with another day off were portrayed as insufficient. This was most of all due to the special significance of Sunday, which is a typical free day for the vast majority of occupations and schools. Also important was the European dimension of the bill. The authors referred to similar restrictions operating in many European countries, explicitly citing the examples of Austria, Germany, Norway, Switzerland, France, the UK, Greece, Belgium and Denmark, where total or partial restrictions (depending on region, season or store size) on Sunday trading were already in force.

Initially, the government's stance towards the proposal was rather ambiguous. While the very idea of work-free Sundays was not

problematic – it was after all consistent with PiS’s family-focused programme – the specific solutions proposed in the act, including severe penalties for violating the ban, aroused a great deal of controversy. Many members of the PiS-led government therefore initially hesitated to fully support the bill in the presented form. Morawiecki, at the time deputy prime minister, in an interview in February 2017 stated quite simply that a total ban on Sunday trading was “out of the question” (Morawiecki 2017d).

The initial tentativeness of the government towards the adoption of the ban was dictated, among other factors, by economic concerns. There was visible opposition towards this bill, from many economic actors, including different trade unions. A political cost was involved. Public opinion polls indicated that the public remained divided when it came to introduction of a full Sunday trade ban. According to respondents to a CBOS survey (2017), a better solution than introduction of a complete ban on Sunday trading would have been shortening of the opening hours of shops on that day. All this explains why, in an interview for Catholic weekly magazine *Gość Niedzielny*, Prime Minister Beata Szydło admitted that: “Personally, I am in favour of having all Sundays free. We will see what the final shape of this law will be, but in our camp the opinions are divided. I will try to convince the others, but of course we also need to listen to the other side, because business owners have a different opinion here” (Szydło 2017). A similar opinion was expressed by Elżbieta Rafalska, the families minister, who in an interview for the TVN24 news channel admitted to support for work-free Sundays, but insisted on gradual implementation of this regulation (Rafalska 2017a). This was consistent with the concerns she had raised earlier the same year in an interview for *Gość Niedzielny*: “In my opinion, we should not immediately completely ban Sunday trading. This process needs to be broken down into stages. In my opinion, we must take into account the bad habit of making large purchases on Sunday. Although there is social consent to confining Sunday trade, a complete ban would not find full acceptance at the moment” (Rafalska 2017b).

In the end, the bill restricting trading on Sundays and holidays was adopted on 10 January 2018 (entering into force on 1 March 2018) after 16 months of legislative work. It was a visibly diluted version of the initial draft. The provision allowing for punishment by imprisonment for breaking the ban was removed, while the list of exemptions significantly expanded, to include in the final version of the bill as many as 32 specific

exceptions. According to Article 6 of the bill (Act on the limitation of trade on Sundays; 10 January 2018), the ban was not to apply, among others, to pastry shops, bakeries, pharmacies, restaurants, florists, souvenir and devotional shops, kiosks selling predominantly newspaper, tobacco, lottery and betting coupons, animal health facilities, commercial facilities at railway stations, ports, harbours and airports, duty-free stores, shops in petrol stations, and post offices. Shops in which trading was conducted personally by the owner could also stay open on Sundays. Online shopping was excluded from the ban, without any limitations.

The restriction was introduced in 2018 gradually. Since 2020 it has applied to almost all Sundays, with a few exceptions. As a result there is a maximum number of seven Sundays per year when stores may remain open, which is precisely what the initial trade union draft anticipated.

Although the concern for employees' right to a free Sunday was the explicit rationale behind the proposal, the discussion accompanying the regulation revealed other, more important reasons, which may explain why the government finally backed the bill. For one, there was a social explanation. Sunday was considered a special day of rest that should be devoted to family and not to work or shopping. From this perspective, the ban on Sunday trading was an important piece of social legislation for both workers employed in the shops and consumers. While the former could now enjoy work-free Sundays, the latter were finally released from the urge to conduct Sunday shopping. Both groups could devote their free day to other, presumably family-focused activities. This social justification was perpetuated by two divergent, but not necessarily contradictory narratives. First of all, there was a clear aspirational story. The ban was portrayed as a standard in the EU's developed countries. In September 2016, just before Solidarity submitted the bill proposal, Morawiecki, speaking at the 26th Economic Forum in Krynica, stated: "I would like to point out that we are one of the last EU countries where there is no ban on Sunday trading" (Morawiecki 2016). He emphasised that while the scope of this regulation varied, "only we have a sort of free-for-all" (ibid.). Therefore, by regulating Sunday trading, "we want to join those countries that consider family life as a social value" (ibid.). Even though the restrictions required a change to shopping patterns, they were proof that Poland had finally achieved the level of development of other EU economies, and after years of catching up with the West, Polish society could enjoy prosperity and ensure a free Sunday for (almost) all. Such a

justification fitted well in the narrative of empowerment which PiS has consistently employed since the 2015 elections. PiS had rightly diagnosed that the expectations of the Polish society have significantly grown since the country entered the EU. There was visible fatigue with transformation, and Poles were simply unwilling to continue to fasten the belt any more (cf. Gdula 2017). It is worth remembering that Sunday shopping did not have a long-standing tradition in Poland. It was a social invention that came with transition and modernisation. Shops in Poland started to open their doors on Sundays only in 1990s, when the Polish economy was on the rising wave of economic transformation, opening up to new types of business and also inviting foreign investments in the retail sector. Even though the ban constituted a practical inconvenience for many shoppers, closing of shops on Sundays was symbolic proof that Poland, after many years of modernisation, was no longer a country “working its way up”. The fact that many Western economies have actually loosened these restrictions in recent years (ZPP 2019) has not impacted this narrative. Now, somewhat paradoxically, considering the initial international context, Poland is one of the few European countries with the strictest regulations on Sunday trading.

The social interpretation of trading-free Sundays also had another dimension, namely, it referred to the religious significance of Sunday as a holy day. In the draft bill proposal, the religious dimension of this holiday was clearly emphasised from the beginning. The authors of the bill explicitly stated that: “Of fundamental importance for the establishment of Sunday as a trading-free day is a doctrine of the Catholic Church” (Citizens’ bill proposal on restriction of trading on Sunday; 22 September 2016). They then devoted an important part of the justification to citing extensively Pope John Paul II’s apostolic letter to bishops, priests and all the faithful about celebrating Sundays.

Analysing the way in which the regulation was proceeded, there is no doubt that the Polish Catholic Church played no smaller role than the Solidarity trade union in the adoption of the ban. Church representatives were quite vocal as to their expectations. In the official communiqué issued on 31 October 2017, the presidium of the Polish Episcopate made the Church’s position bluntly clear: “In relation to the ongoing legislative work on the draft act on the restriction of Sunday trading, as the presidium of the Polish Bishops’ Conference – taking into account the numerous voices of the faithful of the Roman Catholic Church and Christians from

other churches – we express our concern about the fate of Solidarity’s civic initiative, which was supported by the signatures of over 500,000 Polish citizens. Both the Polish Bishops’ Conference and the bishops of individual dioceses have repeatedly provided unanimous support to this initiative in communiqués and pastoral letters, counting on restoring Sunday as a day of rest and a time to build family bonds and strengthen social relations for all members of Polish society. Unfortunately, as can be seen from the proceedings regarding the bill so far, the currently proposed solutions differ fundamentally from the proposed shape of this initiative. Silence on our part in this matter would be a neglect of our pastoral duty to uphold the common good” (Presidium of the Polish Bishops’ Conference 2017). In the letter, addressed to “those who have a real impact on the shape of the law in our country” (ibid.), the Polish bishops called for respect for the values professed by the politicians in power during the election campaign. There was a certain transactional aspect to this message. After all, many bishops and priests actively supported the United Right during the parliamentary and presidential campaign. Finally, they cited arguments of secularisation, the chief threat to contemporary European societies, and at the same time referred to the preparations to celebrate the 100th anniversary of Poland regaining its independence. In this way, the Sunday trading ban ceased to be a purely socio-economic concern, but became a matter of Polish patriotism, a “glue” – as the letter explicitly stated – “strengthening the national community” (ibid.). As such, the regulation, while remaining economic in nature, has been discursively legitimised by cultural concerns.

The other explanation behind the restriction was of an economic nature. Here the arguments were similar to those on the retail tax, namely to level the field in commercial services and provide help to small and medium-sized Polish businesses, which in this case meant small, Polish neighbourhood shops, that were being pushed out of the market by large foreign-owned stores. This was to be achieved by the numerous exceptions to the Sunday trading ban, which large retail stores could not meet. Such was, for example, the exception that permitted the stores in which the owner (or franchisee) was personally working behind the counter to stay open on Sundays, which was the case in small towns and rural areas. The most controversial, however, was the ability for post offices to remain open. Many stores used this as a loophole. The most notorious example was Żabka, which, despite its friendly, Polish-

sounding name is in fact a foreign-owned franchise of small grocery stores that grew rapidly on the back of this regulation, providing courier services in order to operate on Sundays. The regulation was sealed by the Amendment (14 October 2021) according to which the option allowing trade on Sunday applies only to those entities for which postal services constitute its core business.

The effects on Sunday trading are not precisely what the lawmakers intended. Foreign-owned chains, especially discount stores, have changed their marketing model, focusing on Saturday offers and extended working hours, as well as testing other loopholes in the ban. Even though the ban benefited small shops, it did not slow down the process of their gradual decline (Pallus 2021). According to Nielsen data, between 2018 and the end of 2020 more than 4,400 small grocery stores (up to 40 square metres) and 2,000 kiosks disappeared from the Polish market, while the number of supermarkets, discount retailers and big stores actually increased. The e-commerce sector also grew. In 2019 alone, as Dun & Bradstreet data shows, 7,700 new online shops appeared. The COVID-19 pandemic of 2020-2022 only strengthened this trend.

Difficulties in implementing the objective of defence of Polish trade have encouraged policymakers to reach for solutions that have been tested in different areas. There is a growing temptation to extend the policy of repolonisation on retail. Last year (2022), Jarosław Kaczyński even hinted at the nationalisation of Żabka: “You know what Żabka is. These stores may also be bought back. We are going in this direction” (Kaczyński 2022a).

Economic sovereignty in Poland

Analysing the policies presented above through the prism of the economic sovereignty model, as laid down in the Conceptual framework (see above), we can formulate four key observations (Table 1). First, all of the policies aim at promotion of national interests in the economy, but in the case of retail tax and the Sunday trading ban, and to some extent the repolonisation policy, they have an evident anti-foreign angle. Second, the statist dimension of economic sovereignty is present in all economic policies, but it is especially visible in the case of repolonisation and the national champions programme, as it advocates for the state to not only regulate, but also participate in the economy as an owner along with (and

in many cases: instead of) private businesses. Third, and perhaps paradoxically, the criticism of international organisations – the EU in this case – is the least manifested dimension. It only becomes explicit when the proposed policy is questioned by European institutions. This would suggest that sovereignists are not necessarily always critical of international organisation. However, they do become so when those institutions pose limitations to their power, which is congruent with Mueller and Heidelberger’s (2020) observation. This was clearly visible in the case of retail tax, which was initially blocked by the European Commission, causing much discontent and criticism in Poland and fuelling a Eurosceptic narrative. The criticism of the EU stopped, however, when a decision was reached (also by EU institutions) that was favourable for the Polish government.

Finally, all of the policies discussed here are directed and implemented internally, and only the national champions strategy also includes an outward orientation, which shows that sovereignism does not necessarily offer a concrete proposal for organisation of the international order (the future of Europe debate in this case) but is mostly intended to solve internal issues.

Table 1.

Policies	Degree of the state’s presence in and control over the economy	Promotion of national interests	Criticism of international organisation	Orientation
Repolonisation	++	++	+	Inward
National champions	++	++		Inward and Outward
Taxes	+	++	+	Inward
Sunday trade ban	+	+		Inward

Source: Own elaboration.

Conclusions

This chapter was devoted to the analysis of economic sovereignism in Europe. It provided a theoretical template for analysing economic sovereignism, using Poland as a case study.

Three main takeaways can be derived from this paper. Firstly, referring to the Polish case, the paper argued that post-2015 Poland under the leadership of the Law and Justice party has demonstrated a strong sovereignist bias. While questioning the authority of the EU institutions and the rules governing the decision-making process within the EU (which is typically referred to as political sovereignism (Fabbrini and Zgaga, 2022)), the PiS-led government has also exposed strong economic sovereignist positions on top of an often polarising cultural discourse (cultural sovereignism). While this observation was based on one country's experience, it has wider ramifications, namely that economic and cultural sovereignism are not mutually exclusive. The division between the two in the context of Europe's West-East axis, with the economic rationale corresponding with Western European sovereignists and the cultural one with those in Eastern Europe (Fabbrini and Zgaga 2022), is not supported by empirical study. Sovereignism in Poland, as presented here, is as economic as it is cultural, and the two are intertwined. While the substantive policies (as illustrated by the four types of policies) are economic in nature, they arise from social concerns and are often justified with cultural reasoning.

Secondly, the chapter took economic sovereignism out of the overly narrow framework of monetary policy, proposing to analyse it in relation to various types of economic policies. In order to do so, it proposed a three-dimensional model of economic sovereignism, defining it through the prism of (1) statism, (2) promotion of national interests, and (3) criticism (but not necessarily refusal) of supranational organisations. Application of this model to the study of sovereignist policies in other countries would allow for a fuller view of the objectives and areas of activity of European sovereignists, which not only affect relations within the EMU, but also significantly affect the functioning of the single European market.

Thirdly, sovereignism needs an international setting: it can only exist if there is a perceived (or actual) infringement of nation-states' powers. Sovereignists do not question countries' membership in international organisations; they do, however, tend to challenge the existing rules of the game. And very often they do so for the purpose of an internal power game in their respective countries. It is curious how European sovereignists' positions vis-à-vis the EU depend on whether or not certain policy solutions introduced at the EU level are perceived - and

communicated to the national audiences – as consistent with national interests. This makes sovereignists a very heterogeneous group, a form of political and ideological platform whose only common denominator is a preoccupation with safeguarding the interests of nation-states. Because sovereignism is based on the belief of the primacy of nation-state interests over any supranational governance structures (Spiro 2000), economic sovereignism in Europe may pose a significant challenge for the adoption of European policies also within the regulations related to the EU's core economic areas.

References

- Alles, Delphine and Bertrand Badie. 2016. "Sovereignism in the international system: from change to split." *European Review of International Studies* 3(2): 5-19.
- Auer, Stefan. 2022. "A Sovereignist Europe? Rebellions from within and without." In Stefan Auer. *European Disunion: Democracy, Sovereignty and the Politics of Emergency*. Oxford: Oxford Academic.
- Baldini, Gianfranco, Edoardo Bressanelli, and Stella Gianfreda. 2020. "Taking back control? Brexit, sovereignism and populism in Westminster (2015-17)." *European Politics and Society* 21(2): 219-234.
- Basile, Linda, Rossella Borri, and Luca Verzichelli. 2020. "For whom the sovereignist Bell Tolls? Individual determinants of support for sovereignism in ten European countries." *European Politics and Society* 21(2): 235-257.
- Basile, Linda and Oscar Mazzoleni. 2020. "Sovereignist wine in populist bottles? An introduction." *European Politics and Society* 21(2): 151-162.
- Baughn, Christopher and Attila Yaprak. 1996. "Economic nationalism: Conceptual and empirical development." *Political Psychology* 17(4): 759-778.
- Benczes, István and Krisztina Szabo. 2022. "An Economic Understanding of Populism: A Conceptual Framework of the Demand and the Supply Side of Populism." *Political Studies Review* 0(0).
- Brusenbauch Meislova, Monika and Steve Buckledee. 2021. "Discursive (re)construction of populist sovereignism by right-wing hard Eurosceptic parties in the 2019 European parliament elections: Insights from the UK, Italy, the Czech Republic and Slovakia." *Journal of Language and Politics* 20(6): 825-851.
- Colantone, Italo and Piero Stanig. 2019. "The Surge of Economic Nationalism in Western Europe." *Journal of Economic Perspectives* 33(4): 128-51.
- Crane, George T. 1998. "Economic Nationalism: Bringing the Nation Back In." *Millennium* 27(1): 55-75.

- Czerniak, Adam and Andrzej Bobiński. 2018. "Czempioni narodowi Jakich potrzebuje Polska." Report. *Polityka Insight*. Available at: https://www.politykainsight.pl/_resource/multimedium/20140285
- De Spiegeleire, Stephan et al. 2017. *The Rise of Populist Sovereignism: What It Is, Where It Comes from, and What It Means for International Security and Defense*. Hague Centre for Strategic Studies.
- Dornbusch, Rudiger and Sebastian Edwards. 1990. "Macroeconomic populism." *Journal of Development Economics* 32(2): 247-277.
- Faure, Samuel B. H. 2020. "When sovereignty prevails. Analysing the French defence capitalism through the programmatic action framework." *Gouvernement et action publique* 9(3) 31-57.
- Fabbrini, Sergio and Tiziano Zgaga. 2022. "Sovereignism and its Implication: The Differentiated Disintegration of the European Union". EU3D Research Paper No. 22.
- Fabbrini, Sergio. 2019. "Sovereignist Challenges and the Political Union." In *Europe's Future: Decoupling and Reforming*. Cambridge: Cambridge University Press.
- Feldman, Magnus and Mircea Popa. 2022. "Populism and economic policy: lessons from Central and Eastern Europe." *Post-Communist Economies* 34(2): 219-245.
- Fetzer, Thomas. 2020. "Nationalism and Economy." *Nationalities Papers* 48(6): 963-973.
- Fossum, John Erik. 2021. "EU Constitutional Models in 3D: Differentiation, Dominance and Democracy". EU3D Research Paper No. 15, Available at SSRN: <https://ssrn.com/abstract=3900382> or <http://dx.doi.org/10.2139/ssrn.3900382>
- Gdula, Maciej. 2017. "Dobra zmiana w Miastku. Neoautorytaryzm w polskiej polityce z perspektywy małego miasta". Report. Available at: <https://krytykapolityczna.pl/instytut/wp-content/uploads/sites/4/2017/10/Dobra-zmiana-w-Miastku.pdf>
- Helleiner, Eric and Andreas Pickel (eds). 2005. *Economic Nationalism in a Globalizing World*. Ithaca/London: Cornell University Press.
- Kallis, Aristotle. 2018. "Populism, Sovereignism, and the Unlikely Re-Emergence of the Territorial Nation-State." *Fudan Journal of the Humanities and Social Sciences* 11: 285-302.
- Kłosińska, Katarzyna and Michał Rusinek. 2019. *Dobra zmiana. Czyli jak się rządzi światem za pomocą słów*. Kraków: Znak.

- Krasner, Stephen D. 1999. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press.
- Maccaferri, Marzia and George Newth. 2022. "The delegitimation of Europe in a pro-European country: 'Sovereignism' and populism in the political discourse of Matteo Salvini's Lega." *Journal of Language and Politics* 21(2): 277-299.
- Mazzoleni, Oscar and Gilles Ivaldi. 2022. "Economic Populist Sovereignism and Electoral Support for Radical Right-Wing Populism." *Political Studies* 70(2): 304-326.
- Minakov, Mikhail. 2022. "Sovereignty as a Contested Concept: The Cases of Trumpism and Putinism." In Mikhail Minakov (ed.), *Inventing Majorities: Ideological Creativity in Post-Soviet Societies (Soviet and Post-Soviet Politics and Society)*. Stuttgart: ibidem-Verlag.
- Mueller, Sean and Anja Heidelberger. 2020. "Should we stay or should we join? 30 years of Sovereignism and direct democracy in Switzerland." *European Politics and Society* 21(2): 182-201.
- Napiórkowski, Marcin. 2019. *Turbopatriotyzm*. Wołowiec: Czarne.
- Pallus, Patryk. 2021. "Zakaz handlu w niedziele ma już trzy lata. Kto na nim zyskał, a kto stracił?" Available at: <https://businessinsider.com.pl/finanse/handel/zakaz-handlu-w-niedziele-bilans-po-trzech-latach-sytuacja-sklepow/vzrhvq1>
- Pickel, Andreas. 2003. "Explaining, and explaining with, economic nationalism." *Nations and nationalism* 9(1): 105-127.
- Presidium of the Polish Bishops' Conference. 2017. Communiqué on 13 October 2017. Available at: <https://episkopat.pl/en/prezydium-episkopatu-potrzebne-prawne-i-definitywne-zabezpieczenie-wolnej-od-pracy-niedzieli/>
- Pryke, Sam. 2012. "Economic Nationalism: Theory, History and Prospects." *Global Policy* 3(3): 281-291.
- Rodrik, Dani. 2018. "Is Populism Necessarily Bad Economics?" *AEA Papers and Proceedings* 108: 196-99.
- Spiro, Peter J. 2000. "The New Sovereignists: American Exceptionalism and Its False Prophets," *Foreign Affairs*. Available at: <https://www.foreignaffairs.com/articles/united-states/2000-11-01/new-sovereignists-american-exceptionalism-and-its-false-prophets>.
- Stamati, Furio. 2020. "'Sovereignism' and the challenge of welfare reform. Pensions and social assistance between innovation, continuity and reversions to the past." *Contemporary Italian Politics*

12(2): 258-273.

Sowiński, Paweł. 2018. "Repolonizacja banków." Available at:

<https://wpolityce.pl/twoje-finanse/378793-repolonizacja-bankow>.

Szymańska, Beata. 2016. "Czy czeka nas repolonizacja banków? Analiza struktury własnościowej banków w Polsce." Available at:

<https://www.najlepszekonto.pl/repolonizacja-struktury-wlasnosciowej-bankow>.

The Economist. 2018. "Poland's government wants to take control of banking." Available at:

<https://www.economist.com/europe/2018/08/09/polands-government-wants-to-take-control-of-banking>

Urząd Komisji Nadzoru Finansowego. 2022. "Informacja na temat sytuacji sektora bankowego w 2021 roku." Available at:

https://www.knf.gov.pl/knf/pl/komponenty/img/Raport_roczny_2021.pdf

Urząd Komisji Nadzoru Finansowego. 2020. "Report on the situation in the banking sector in 2019." Available at:

https://www.knf.gov.pl/knf/en/komponenty/img/Raport_roczny_EN_70883.pdf.

Urząd Komisji Nadzoru Finansowego. 2009. "Raport o sytuacji banków w 2008 roku." Available at:

https://www.knf.gov.pl/knf/pl/komponenty/img/Raport_banki_2008_10241.pdf

Verzichelli, Luca. 2020. "Conclusions. The populism-sovereignism linkage: findings, theoretical implications and a new research agenda." *European Politics and Society* 21(2): 258-270.

ZPP (Związek Przedsiębiorców i Pracodawców). 2021. "Skutki wprowadzenia podatku od sprzedaży detalicznej od 1 stycznia 2021r." Report. Available at: <https://zpp.net.pl/wp-content/uploads/2021/01/12.01.2021-Raport-ZPP-Skutki-wprowadzenia-podatku-od-sprzeda%C5%BCy-detalicznej-od-1-stycznia-2021-r..pdf>

ZPP (Związek Przedsiębiorców i Pracodawców). 2019. "Gospodarcze skutki ograniczenia handlu w niedziele – realizacja czarnego scenariusza." Report. Available at: <https://zpp.net.pl/wp-content/uploads/2019/03/Gospodarcze-skutki-ograniczenia-handlu-w-niedziele.pdf>

Speeches:

- Kaczyński, Jarosław. 2022a. Meeting in Puławy on 12 October 2022. Available at: <https://businessinsider.com.pl/wiadomosci/kaczynski-mowi-o-przejeciu-zabki-siec-zabiera-glos/yw34qcy>
- Kaczyński, Jarosław. 2022b. Meeting in Gliwice on 20 November 2022. Available at: <https://businessinsider.com.pl/wiadomosci/bedzie-nowy-podatek-jaroslaw-kaczynski-o-obciazeniu-marketow/wxs6zwm>
- Suski, Marek. 2002. Parliamentary speech delivered on 20 December 2002. Available at: <http://orka2.sejm.gov.pl/Debata4.nsf/main/700461CF>
- Morawiecki, Mateusz. 2019. Exposé delivered on 19 November 2019. Available at: <https://www.gov.pl/web/premier/stenogram-expos-mateusza-morawieckiego-2019>
- Morawiecki, Mateusz. 2018. Interview in TVP Info on 24 January 2018. Available at: <https://www.pap.pl/aktualnosci/news%2C1259659%2Cpremier-rok-2018-bedzie-dobry-dla-gospodarki-swiatowej-i-polskiej.html>
- Morawiecki, Mateusz, 2017a. Press Conference on 7 June 2017. Available at: <https://www.pap.pl/aktualnosci/news%2C965759%2Cmorawiecki-udalo-sie-udomowic-pekao-sa.html>
- Morawiecki, Mateusz. 2017b. Speech at Warsaw Stock Exchange on 15 November 2017. Available at: <https://www.money.pl/gospodarka/wiadomosci/artykul/mateusz-morawiecki-podsumowanie-2-lata,106,0,2389098.html>
- Morawiecki, Mateusz. 2017c. Statement delivered on 12 December 2017. Available at: <https://www.gov.pl/web/premier/stenogram-expos-premiera-mateusza-morawieckiego>
- Morawiecki, Mateusz. 2017d. Press Conference on 28 February 2017. Available at: <https://www.gazetaprawna.pl/wiadomosci/artykuly/1023245,morawiecki-calkowity-zakaz-handlu-w-niedziele-nie-wchodzi-w-gre.html>
- Morawiecki, Mateusz. 2016. Speaking at the 26th Economic Forum in Krynica on 6 September 2016. Available at: <https://www.rp.pl/handel/art10946741-wicepremier-mateusz-morawiecki-popieram-zakaz-handlu-w-niedziele>
- Rafalska, Elżbieta. 2017a. Interview on TVN24 on 12 October 2017.

Available at: <https://archiwum.mriips.gov.pl/dla-mediow/wywiady-minister-elzbiety-rafalskiej/art,9342,minister-elzbieta-rafalska-w-programie-jeden-na-jeden-tvn24-12-pazdziernika-2017-r-.html>

Rafalska, Elżbieta. 2017b. Interview in *Gość Niedzielny*, No. 13/2017.

Available at: <https://www.gosc.pl/doc/3779020.Szukamy-kompromisowych-rozwiazan>

Szydło, Beata. 2017. Interview in *Gość Niedzielny*, No. 42/2017. Available

at: <https://www.gosc.pl/doc/4258610.Nie-jestem-feministka>

Chapter 6

“The EU Has No Future”. Right-wing Eurosceptic MEPs on the Future of Europe

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Introduction

Amid increasing contestation, a renewed debate on the future of Europe (FoE) has been taking place since 2015, involving institutions, civil society and citizens at different levels. The European Parliament (EP) acts as the main agora dedicated to discussing not only current EU policies and activities but also the future of the European project as such (Drachenberg and Kotanidis 2019; Thevenin and Umit 2023). The White Paper on the Future of Europe drafted by the European Commission (EC) (European Commission 2017) and the EP debates that followed triggered an extensive discussion about not only the current state of the EU but also the visions of EU integration in the future. These EP debates aimed to map the support for the proposals included in the White Paper, as well as to create an open forum for alternative visions, policy proposals, remarks and ideas. The format of the debates hence provided an unprecedented opportunity for Eurosceptic or anti-EU actors to voice their concerns and visions for the EU's future.

Immediately after the 2014 European elections, scholars noted a rise in the presence and popularity of Eurosceptic actors in the EP, accompanied by anti-EU rhetoric (FitzGibbon 2014). Discussion on the migration crisis, economic issues and democratic deficit provided a fertile ground for cooperation between right-wing Eurosceptics (Startin and Brack 2017, 38). While research focusing on the right-wing Eurosceptic groups in the EP

investigates strategies and (non-)cooperation in policymaking (Startin and Brack 2017; Brack 2018; McDonnell and Werner 2019; Diermeier, Frohwein and Nau 2021; Börzel and Hartlapp 2022), the attitudes towards the future of the European project remains under-researched.

EP party groups influence policy making and the agenda of the EU and thus have a direct impact on European integration. In this perspective, we aim to contribute to the existing literature on right-wing Euroscepticism in the EP by focusing on the supply side of Euroscepticism. Applying an actor-centred perspective, right-wing Eurosceptic groups in the EP are at the core of our analysis. The main objective of our research is to analyse how MEPs belonging to these groups discursively frame the future of the European project during specific parliamentary debates on the future of Europe. By qualitatively analysing the speeches of the Eurosceptic MEPs, we examine whether, in the specific context of the FoE debate, selected right-wing Eurosceptic parliamentary groups form a unified bloc in the European Parliament, or at least which arguments they share and what alternative vision(s) of the EU's future they propose.

Drawing on the existing literature on (the future of) European integration, we pay particular attention to certain proposals for reforming the EU – including the possibility of differentiated integration. In order to understand Eurosceptic attitudes, we focus on the arguments driving anti-European stances, such as perceived dominance in the EU – either within the EU political system or between EU member states (EUMS). We see parliamentary debates on the future of Europe as providing a good avenue for research on the discussed diagnosis of the EU's possible malfunctioning (with regard to democracy and dominance in the EU), as well as potential reforms and visions of the future of European integration advocated for by right-wing Eurosceptic MEPs.

While the FoE debate could present a challenge to Eurosceptic actors, given that their criticism of the European project is rarely accompanied by a detailed proposal for the development of the EU in the future, the repeated public appearances of prominent right-wing leaders (also sometimes MEPs), such as Matteo Salvini, Jarosław Kaczyński and Marine

Le Pen may give the impression that the Eurosceptic bloc has prepared a proposal to reform and “save Europe”.¹³

Looking at discourse on the future of European integration, this chapter addresses this specific issue of Eurosceptic groups possibly forming a united bloc in their vision of the future of Europe. However, our results rather point to a united lack of concrete proposals regarding the future of the EU.

The chapter starts with theoretical considerations presenting right-wing Euroscepticism and the selected EP groups for analysis, taking into account their characteristics and the possibility of a common front in the debate on the future of Europe. Thereafter, we move on to the significance of the recent debate on the future of Europe for the study of European integration and attitudes towards the EU. After a short presentation of the gathered data and applied methodology, our findings are presented focusing on 1) right-wing Eurosceptic MEPs’ participation in FoE debates, 2) their stances on the future of European integration, and 3) their perceptions of dominance within the EU.

Right-wing Euroscepticism in the European Parliament

Often associated with criticism of the European project, Euroscepticism claims the need to limit European integration. While the degree and the basis of this criticism may vary, studies on Euroscepticism also demonstrate that anti-EU stances can be based on strategic and/or ideological foundations (Vasilopoulou 2018, 4). Although criticism towards the EU or EU policies can also be traced among left-wing parties, the strongest EU contestation may be found on the right of the political spectrum (Vasilopoulou 2011; 2018). Therefore, this chapter focuses specifically on right-wing Euroscepticism, which notably tends to be associated with nationalism. In that vein, the European project is seen as a danger to national identity and sovereignty and subsequently contested. Right-wing Euroscepticism also maintains links with another thin-centred ideology, i.e. populism, which claims to represent “the people”, who are

13 See for instance the opinion column from Marine Le Pen published on the National Rally’s website “60 years of the Constitution: saving nations to save Europe” (“60 ans de la Constitution : sauver les nations pour sauver l’Europe”), 2018, retrieved from the Rassemblement National website: <https://rassemblementnational.fr/tribunes-libres/60-ans-de-la-constitution-sauver-les-nations-pour-sauver-leurope/>.

oppressed or dominated by “corrupted elites” at both the domestic and supranational levels (Mudde and Kaltwasser 2017).

In the model proposed by Vasilopoulou (2018, 15), right-wing Euroscepticism can be “categorised into the rejectionist, conditional and compromising patterns of opposition towards European integration”. However, as McDonnell and Werner’s study (2019) demonstrates, the majority of Eurosceptic MEPs in the eighth term of EP eschew total rejection of the EU, instead focusing on voicing the urgent need for EU reform. The main reason for this is the high public support towards EU membership observed in the majority of EUMS after Brexit. In the eighth EP term, three party groups were considered as right-wing: the European Conservatives and Reformists (ECR), Europe of Freedom and Direct Democracy (EFDD), and Europe of Nations and Freedom (ENF) (McDonnell and Werner 2018; 2019).

The first of the groups studied – the European Conservatives and Reformists – is also the biggest one. In the 2014 EP elections, it received 9.32% of votes and 70 seats (European Parliament 2014a). Cooperation was initiated with the Prague Declaration in 2009, signed by the UK Conservatives, the Polish Law and Justice party (Prawo i Sprawiedliwość – PiS), the Czech Civic Democratic Party (Občanská Demokratická Strana – ODS), the Belgian List Dedecker (Lijst Dedecker – LD), the Bulgarian Order, Law and Justice (Ред, законност и справедливост – RZS) and the Latvian For Fatherland and Freedom/LNNK (Tēvzemei un Brīvībai/LNNK – TB/LNNK). In its founding declaration, the ECR stressed the “urgent need to reform the EU based on Eurorealism, Openness, Accountability and Democracy”, underlining the importance of sovereignty (ODS 2009).

The second group analysed is Europe of Freedom and Direct Democracy, perceived as the successor to EFD (Europe of Freedom and Democracy), which was present in the seventh EP. In the 2014 EP elections, the EFDD group received 48 seats (6.36% of votes), which made it the least numerous political group (European Parliament 2014a) until the creation of ENF. EFDD was dominated by the UK Independence Party (UKIP) (24 MEPs) and the Italian Five Star Movement (Movimento 5 Stelle – M5S) with 17 MEPs (Franzosi, Marone and Salvati 2015, 118). Looking at the composition of the group, it seems that EFDD was one of the less ideologically coherent groups in the eighth EP term, and according to

VoteWatch (2019) it had the lowest cohesion rate among all political groups. McDonnell and Werner (2019, 98; 126) argue that smaller parties treated EFDD (as well as EFD previously) as a “halfway house” to the mainstream, while the bigger parties, like the EU-rejectionist UKIP and populist M5S, fitted into different ideological frames.

The third group included in our study is the Europe of Nations and Freedom group, formed in 2015. Most of its MEPs were members of parties in the Movement for a Europe of Nations and Freedom (MENF) Europarty. The EP group included MEPs representing the French National Rally (Rassemblement National – RN), the Freedom Party of Austria (Freiheitliche Partei Österreichs – FPÖ), the Italian Northern League (Lega Nord – LN), the Flemish Vlaams Belang (VB) and a former UKIP member, Janice Atkinson, as well as non-MENF politicians, members of the Dutch Party for Freedom (Partij voor de Vrijheid – PVV) and the Polish Congress of the New Right (Kongres Nowej Prawicy – KNP) (Styczyńska and Thevenin 2021). At the end of the eighth term of the EP, this group consisted of 36 MEPs representing eight member states and was led by two chairmen, Nicolas Bay (RN) and Marcel de Graaff (PVV) (*ibid.*). Interestingly, membership in MENF was individual and not every member joined ENF (McDonnell and Werner 2019, 133), while ENF’s MEPs did not hold any position in the EP bureau in either part of the term (European Parliament 2014b).

Although none of the right-wing Eurosceptic groups in the eighth EP was ideologically coherent, the ECR was the biggest and the most influential group. We can categorise their rhetoric as compromising Euroscepticism, despite the changes in the political arena throughout the EP term and the fact that the ECR accepted radical right-wing parties like the Danish People’s Party (Dansk Folkeparti – DF), Alternative for Germany (Alternative für Deutschland – AfD), and the Finns Party (Perussuomalaiset – PS), even though they were previously refused membership (McDonnell and Werner 2019, 57-58). This cooperation can be perceived as a “respectable marriage” that opens the gates to the mainstream to radical parties and helps them overcome their extreme or un-coalitionable status at the national level (*ibid.*, 91). Despite having an EU-rejectionist component (UKIP), EFDD seemed to be less ideologically coherent, and cooperation between its members in the European arena was less visible. ENF, the most radical Eurosceptic group, chose to make extreme rhetoric a “new normal”, focusing mainly on migration. This

became a salient issue after the 2015 refugee crisis, and their calls for limiting migration to the EU were therefore presented as a pan-European issue of great importance (ibid., 160).

Although views on EU policies may differ among right-wing Eurosceptic groups in the EP, it is interesting to observe whether the topic of the future of Europe generated coherence in the parliamentary arena. In the past, both internal and external challenges to the EU provided fertile ground for the cooperation of right-wing Eurosceptics. Interestingly, even if advocating for similar solutions, cooperation around the right-wing party family is rather more visible at the transnational or regional level than within European institutions such as the EP (Startin and Brack 2017, 38). Traditionally, right-wing MEPs would agree on the need to limit immigration, criticism of globalisation, and claims that the process of EU integration has gone too far, giving EU institutions too many prerogatives and being a danger to national sovereignty. They would express criticism towards EU bureaucracy and underline that EU institutions are becoming too dominant in relations with member states.

As previously mentioned, most researchers studying Euroscepticism agree that right-wing groups contesting European integration are no longer on the fringes of the political debate; some of them have become mainstream, with their voice being heard in the debate on the future of Europe. This is addressed in the following section.

Debate on the future of Europe

Amid multiple crises and contestation from diverse sides, the past few years have marked a crucial moment for the future of the European project. A debate on the future of Europe is indeed happening in both the institutional and the academic arenas, within which the EU seems to be at a crossroads, yet to decide on the path integration should follow. The reaffirmation of national sovereignty in opposition to EU integration notably sparked this renewed discussion on Europe's future (Fabbrini 2019).

Institutionally, increased discussions on the future of European integration have been happening since 2015, at European, national and local levels. From EU institutions – with the 2015 Five Presidents' Report (European Commission 2015) or the 2017 White Paper on the Future of

Europe (European Commission 2017) – to citizens and civil society actors involved in the 2021–2022 Conference on the Future of Europe, Europe’s future is at the heart of substantive debates. The goal of this comprehensive exercise initiated by the EU is to think anew about the path forward to European integration. While the EU is facing growing opposition, this debate serves as the occasion for many (political) actors to discuss and rethink the EU’s competencies and functioning. The European Parliament is no exception – in 2017, EP President Antonio Tajani initiated a series of debates on the future of Europe during plenary sessions. These debates, conducted with EUMS’ heads of state or governments, were followed by remarks from all parliamentary groups of the EP. The main aim of these debates was to map the support towards proposals that were included in the EC’s White Paper on the Future of Europe, as well as to open the floor to alternative visions, policy proposals, remarks and ideas. This open forum therefore also provided an avenue for Eurosceptic and EU-pessimistic politicians within EU institutions to voice their views on the future of the European project. In this perspective, one of our key research questions seeks to investigate *to what extent right-wing Eurosceptic MEPs discuss the future of European integration*. Academic literature shows that right-wing Eurosceptic actors are often focusing on specific issues (such as migration) rather than the broader future of European integration. A strong focus on migration is indeed at the core of right-wing Eurosceptics’ claims, containing criticism towards both internal EU movement (Toshkov 2021) and migration from outside the EU (Kentmen-Cin and Erisen 2017).

Scenarios on the path that EU integration could take have notably been developed by EU institutions. The 2017 White Paper on the Future of Europe published by the EC provides key scenarios regarding the possible state of European integration by 2025, evolving from an ever-closer EU (“Scenario 5: Doing much more together”) (European Commission 2017, 24) to the reinforcement of the current status quo (“Scenario 1: Carrying on”) (ibid., 16). The range of EU competences is also at stake in these developed scenarios, with a possible refocusing on specific policy areas (“Scenario 4: Doing less more efficiently”) (ibid., 22) and a strict concentration on economic matters only (“Scenario 2: Nothing but the single market”) (ibid., 18). The EC also envisions the possibility of increased selective cooperation between willing member states on specific policy matters as developed by “Scenario 3: Those who want more do

more” (ibid., 20). Our research pays particular attention to the scenarios developed by the EC, investigating whether and how they are addressed and assessed by right-wing Eurosceptic MEPs. Should right-wing Eurosceptic MEPs offer alternative proposals, our research analysed the mooted direction of European integration – more or less integration – and the policy areas in which integration is seen as desirable, as well as how it is justified. The justifications for or against a policy proposal were operationalised to encompass utilitarian (material and cost-related) and identitarian (values and identity-based) arguments (Sørensen 2008; Boomgaarden et al. 2011). Furthermore, drawing on Vasilopoulou, right-wing Eurosceptics’ opposition towards the EU was considered regarding the definition, principle, practice and future of European integration (2011, 231). Investigating right-wing Eurosceptic MEPs’ position towards (the future of) European integration allows us to address the issue of a possible “Eurosceptic bloc” in the EP. While, as previously mentioned, research demonstrates a plurality of Euroscepticism, we expect a certain cohesion of right-wing Eurosceptic MEPs in their vision of the future of European integration.

The increased institutional debate on the future of Europe echoes the more theoretical debate on the future of European integration occurring in academia, notably with regard to differentiation. In this vein, the concept of differentiated integration (DI) is one example of an overreaching vision for the future of European integration (Fossum 2015). DI has received increasing academic attention in the past few years (e.g. Leuffen, Rittberger and Schimmelfennig 2013; Fossum 2015) as being a phenomenon already in place in the EU – e.g. the different opt-ins and opt-outs granted to EUMS on specific policies – which could be increasingly developed in the future, depending on the direction taken by the EU regarding its integration. DI might indeed take diverse forms and be observed both within the EU and in its external relations (Cianciara and Szymański 2019). DI results in both support and opposition at member-state level (Adler-Nissen 2014), but also among the citizenry (Leuffen, Müller and Schüssler 2020). The presence of Eurosceptic parties in government likely results in increased bargaining for DI in the EU (Winzen 2020). Our research explores right-wing Eurosceptic MEPs’ stances on DI, notably questioning *whether DI is mentioned and how it is assessed*.

While the outcomes of this differentiated phenomenon regarding democracy in Europe are still a matter of enquiry, recent academic work focuses on the interconnection between differentiation, democracy and dominance (Fossum 2019). With a broader understanding than DI, EU differentiation addresses the political arrangements in the polity (Fossum 2015). Differentiation envisages that modern political systems are differentiated notably along territorial and functional lines (Parsons 1971). In this perspective, the EU presents a specific case of differentiation within multilevel governance that can be analysed through four dimensions (Fossum 2019). The first dimension of differentiation refers to the institutional setting and the balance of powers and capacities between EU institutions, as well as member-state-level institutions. Functional differentiation focuses on the range of capacities granted to the EU, while territorial differentiation reflects on the territorial order of capacities. Finally, citizens' access to rights addresses the division of rights (harmonisation or imbalance) in the EU (*ibid.*). Differentiation raises serious concerns about the democratic consequences of such a process, which can possibly lead to dominance within the EU system (*ibid.*).

Dominance is an important relational element in the current setting of the EU, proposing that asymmetrical relationships might be observed between several EUMS or between EUMS and EU institutions (Fossum 2019). Dominance in this perspective is defined as a "relationship or a circumstance wherein an actor (be that a person, an organisation, or a collective) can be arbitrarily interfered with and/or manipulated" (*ibid.*, 2) and might take different forms, including the limitation of a given actor's choices, lack of recognition, etc. While it necessarily impacts the EU's democratic environment, dominance per se may not be perceived negatively by the dominated structure or actors, as it might be the result of voluntary submission (*ibid.*, 32). In this perspective, Orzechowska-Waławska, Mach and Sekerdej (2021) demonstrate that several arguments justifying asymmetrical relations were advanced by Polish members of parliament in the context of EU accession debates in the Polish parliament. On the contrary, dominance can be perceived negatively by some actors and result in fierce opposition. In this regard, our research pays attention to dominance as right-wing Eurosceptic actors often assume a contesting stance towards the EU. Euroscepticism is indeed often linked with populism and utilises the "us" versus "them" dichotomy, pointing to national and European elites as the "corrupted

elites” that not only ignore the “pure” people but try to dominate the sovereign nation-states (Bešlin et al. 2020). In this vein, the notion of dominance is in line with the argument about the oppressive elite, being a foreign, dominant actor, imposed from above. Dominance has both structural and relational aspects (Shapiro 2012), which our research seeks to capture by focusing on the perception of dominance, as well as the said dominating entity (i.e. EU institutions, EUMS, specific political actors, etc.). In the codebook used for the analysis, dominance was thus operationalised as the perception by MEPs of being or feeling dominated by another actor or entity. We therefore investigated *how dominance was mentioned by right-wing Eurosceptic MEPs, and whether dominance was assessed negatively or positively*. When dominance was addressed, we also looked at *which actor was perceived as dominating, as well as MEPs’ proposed measures to counter this perceived dominance*.

Data and methodology

Our research is based on an analysis of a series of plenary sessions held in the EP on the future of Europe as a fruitful context to investigate discourse on and visions of the future of European integration. From this perspective, Eurosceptic MEPs present an interesting and important case study due to their established critique of the EU. We analysed speeches performed during the plenary debates on the future of Europe held during the eighth term of the EP. A total of 20 debates, taking place from January 2018 to April 2019 (see Annex 1), were analysed. As presented in Chart 1 below, the multilingual dataset consists of 134 speeches of Eurosceptic MEPs (ECR: 68; EFDD: 39; ENF: 27), representing most EUMS.

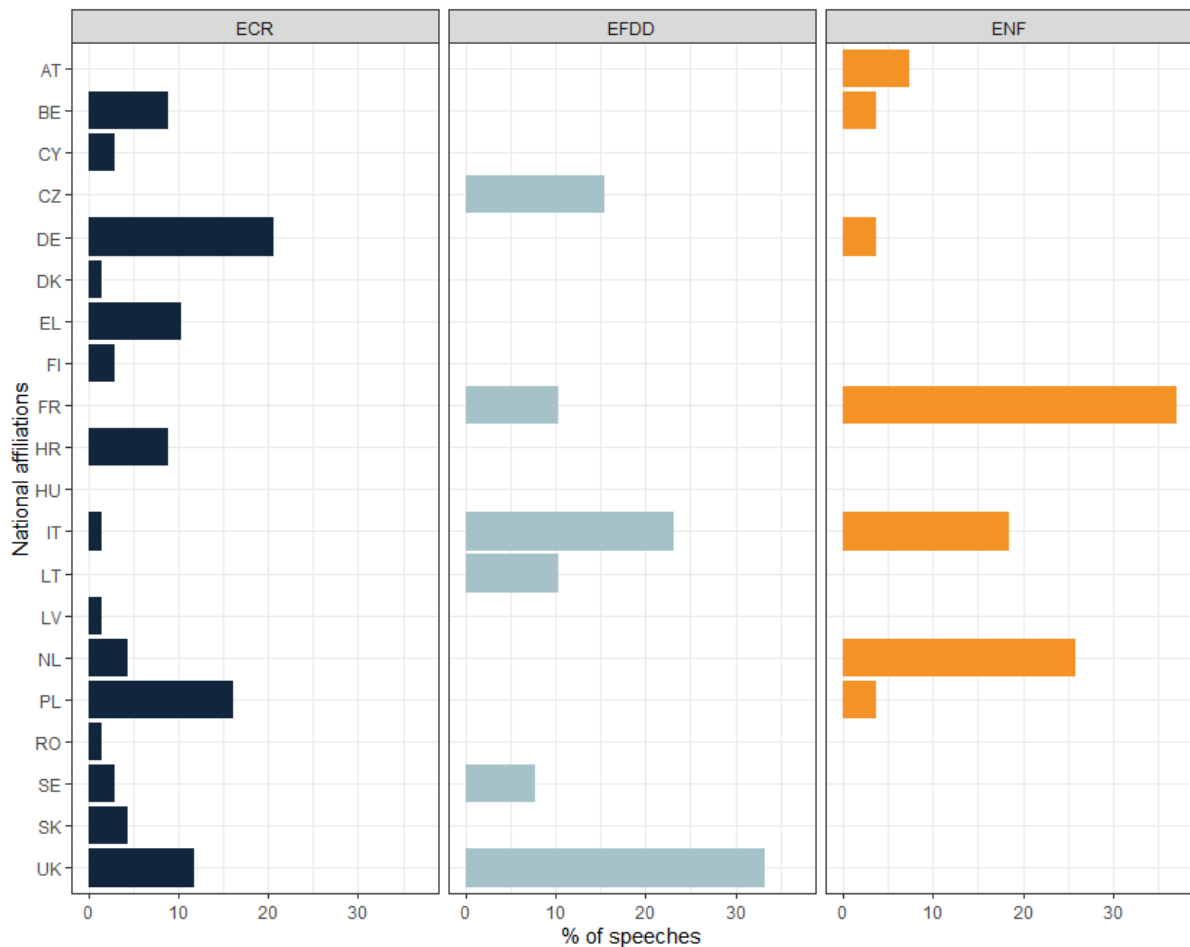


Figure 1: Share of MEPs' speeches by political group and nationality

Source: authors' own elaboration.

In order to analyse how the right-wing Eurosceptic groups in the European Parliament discursively frame the future of the European project, we coded and analysed MEPs' speeches from the ECR, ENF and EFDD groups. We carried out a qualitative content analysis of the selected parliamentary debates (beforehand translated into English) to explore MEPs' positions on the future of Europe and to search for patterns of opposition towards the European project. The coding was conducted using MAXQDA software, based on a codebook (see Annex 2) exploring the policy areas mentioned, attitudes towards policy proposals, stances regarding dominance, as well as visions of European integration, including DI. In the context of debates on the future of Europe, our analysis uses the visions of European integration as a dependent variable and belonging to a right-wing Euroscepticism group in the EP as an independent one.

The future of Europe framed by right-wing Eurosceptics

MEPs' participation and addressed policy areas

The FoE debates provided an interesting venue for MEPs to discuss the future of the European project. Based on the political groups' size and parliamentary rules, differences were noticeable in the engagement of the different parliamentary groups during plenaries. Of the three parliamentary groups included in this study, MEPs from the ECR group were more active (50.7% of analysed speeches) than those of EFDD or ENF, possibly because the ECR was the biggest group. Comparatively in size, however, MEPs from EFDD were more active in spoken comments and questions (29.1%) than their counterparts from ENF (20.1%).

MEPs' involvement in FoE debates also depended on the head of state or government invited. In many cases, when a given head of state or government addressed the EP, most of the participation in the debates was from MEPs from the same member state. As a result, right-wing Eurosceptic MEPs, like other MEPs, were more active during the FoE debate with their national representative, consequently seeing it as an opportunity to discuss domestic issues. This point is particularly exemplified by Slovak MEPs, only three of whom – all from the ECR group – intervened during the 20 FoE debates. The three speeches only took place during the debate in which the Slovak prime minister was addressing the European Parliament and focused primarily on domestic issues. Hence, debates on the future of European integration tended to be seen especially from national perspectives and proposals on the future of Europe from Eurosceptic MEPs were consequently relatively absent from the debates.

Overall, the policy that was most addressed by Eurosceptic MEPs during debates on the future of Europe was migration and mobility (24.6% of coded data), followed by the European Monetary Union (EMU) (15.7%) and Brexit (9.7%). In most of the cases, even if the debate was supposed to be about the future of European integration, the analysed Eurosceptic MEPs did not refer directly to the proposed five scenarios on the future of the EU.

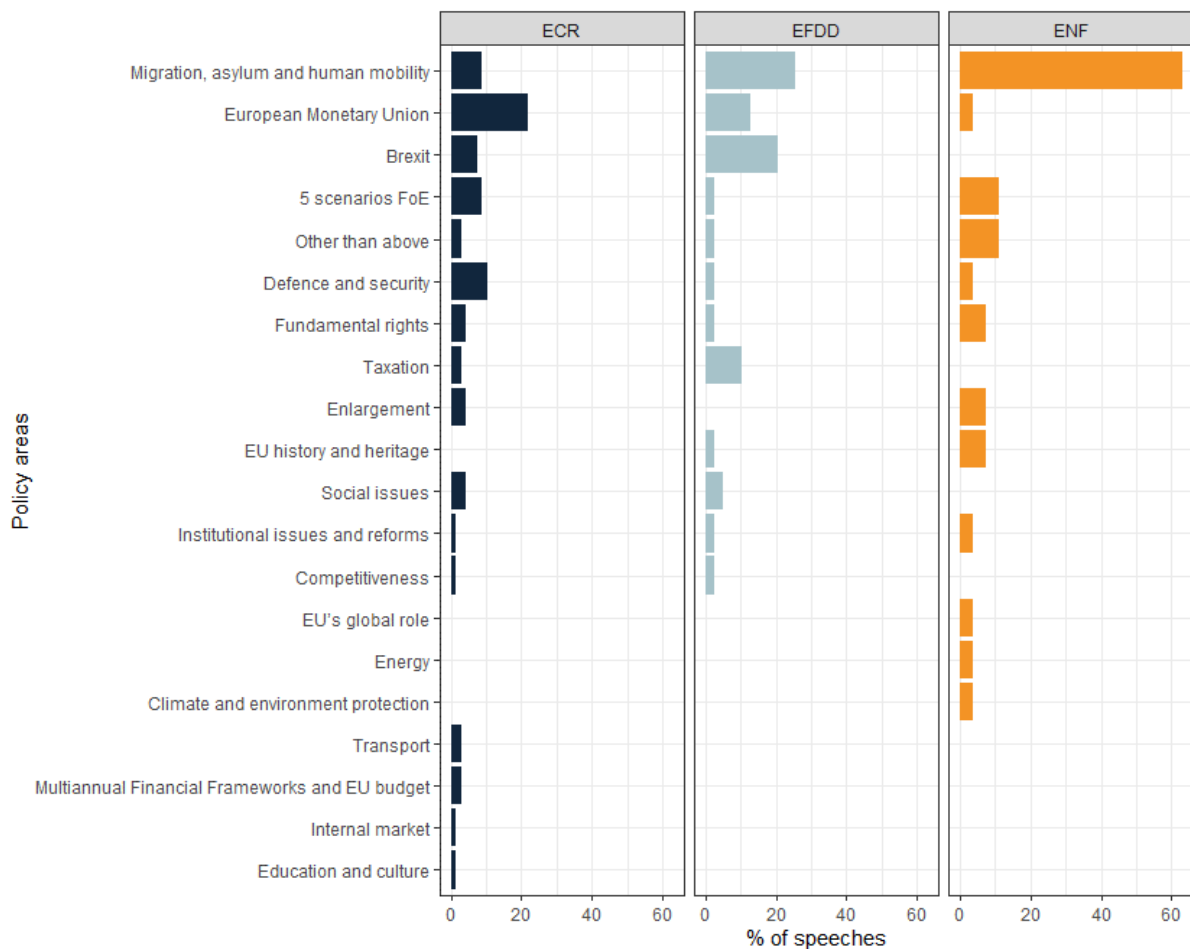


Chart 2: MEPs' mentions of policy areas by political group

Source: authors' own elaboration.

As demonstrated in Chart 2, the MEPs representing the ECR group spoke more about the crisis of the Eurozone, defence and the future of Europe than those from EFDD and ENF. The latter two dedicated more time to expressing their stance on migration and the refugee crisis. Furthermore, as previously mentioned, issues with domestic repercussions were particularly discussed when MEPs addressed the EP.

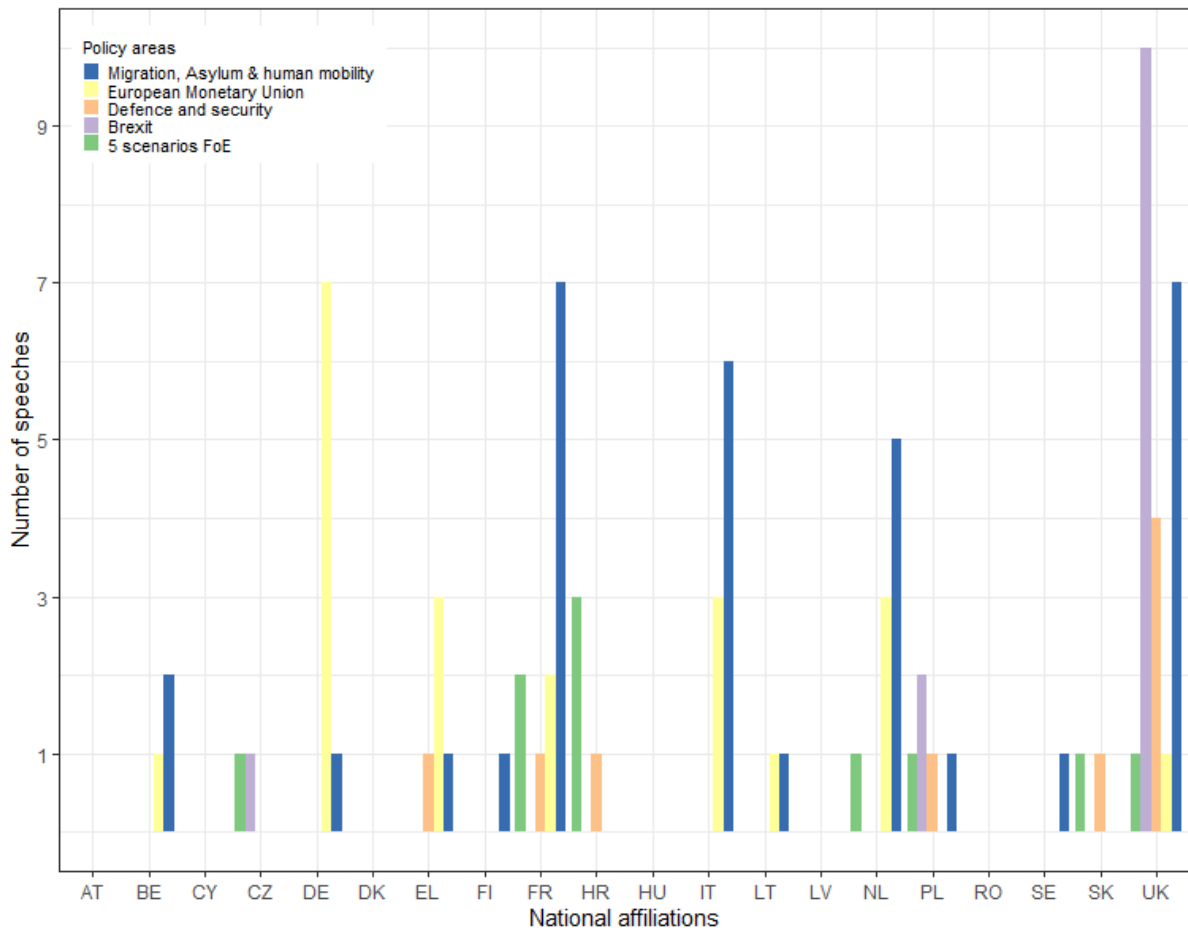


Chart 3: MEPs’ mentions of policy areas by nationality

Source: authors’ own elaboration.

As shown in Chart 3, the national context and issues with a national impact were therefore predominantly visible in MEPs’ speeches. Polish Eurosceptic MEPs, for instance, focused rather on the rule of law and the dispute between the Polish government and the EC than on the FoE per se. They used their time to comment on the resolutions adopted by the EP regarding the rule of law in Poland and criticised the involvement of the EC in the internal matters of EUMS, especially in Poland and Hungary.

[W]hen I hear about the separation of powers in Poland, the problem of the separation of powers, I think: “Come on!” Here we have a Commissioner, a Commissioner who is representative of the executive body, and the Commissioner is telling the Polish Parliament and the Polish courts what to do with this and that law, or how this law should be changed. Is that an example of the separation of powers? It is a blatant violation of the separation of powers.

(Ryszard Antoni Legutko, PL, ECR, 4 July 2018)

These types of arguments demonstrate that right-wing Eurosceptic MEPs do not support deeper political integration; they would rather opt for economic cooperation only, as EU membership is seen as giving “clear benefits from being able to trade with the whole of Europe” (Peter Lundgren, SE, ECR, 3 October 2018).

In several other cases, the debates were similarly used to further discuss internal issues, e.g. Greek MEPs debated on the dispute between Greece and North Macedonia or Turkish military activities, rather than FoE. From this perspective, Brexit, as an important European issue concerning the future of European integration, is particularly mentioned by British MEPs, especially Nigel Farage. The issue seems to be important for the MEPs representing the ECR and EFDD group, who used Brexit as a warning for the future of the European project. The UK withdrawal is also referred to as a loss of opposing power within the EU, especially in the face of a strong Franco-German consensus on EU politics:

[T]he United Kingdom has always acted as a constructive opposition, as a countervailing force against the often too dominant Germany-France axis. However, there is an old trauma in Berlin: people never want to become dominant again. So ultimately, within that German-French axis, Paris determines what will happen. That means, especially now with Macron, even more Europe. The exit of the United Kingdom means that the country in the European Union that counterbalanced in a sober and constructive way has disappeared.

(Peter van Dalen, NL, ECR, 13 June 2018)

Accordingly, in a similar way to migration, Brexit was discursively linked to dominance in the EU, which was seen as coming from certain EUMS as well as EU institutions. In essence, our results demonstrate that right-wing Eurosceptic MEPs focused on specific policy issues, notably migration, rather than the future of Europe in broad terms. But more than being policy-focused, the MEPs were also oriented to national issues. They notably took the opportunity of having (their) national head of states or governments to directly address the national electorate on issues with domestic implications; they did so more often than other EP groups. As

shown by Thevenin and Umit (2023), other EP groups also had more elaborate visions for Europe's future, while right-wing Eurosceptic groups came up with comparatively limited proposals.

Stances towards the future of the European project and differentiated integration

When discussing the future of European integration, right-wing Eurosceptic MEPs have a rather pessimistic stance: "The EU has no right to a future. The EU has no future. The future of Europe is to the nation states and its people" (Marcel de Graaff, NL, ENF, 30 May 2018).

A general lack of proposals is visible regarding the future of the European project, as the MEPs tended to focus mostly on national issues. The FoE scenarios as described in the White Paper were scarcely mentioned during the debates (7.5% of coded material) and mostly criticised. The few mentions of the scenarios opposed the centralisation of power to EU institutions as presented in most of the proposed scenarios. Eurosceptic MEPs rather favoured a scenario stressing national sovereignty. Although MEPs did not explicitly mention the proposed scenarios in the White Paper, they referred to the future of the EU in general. All three groups spoke with the same voice, claiming that there should be less political integration within the EU. The main criticism referred to the practice of EU integration (28.4% of coded data), as opposed to criticism of the future of European integration (6%) or the very principle of European integration (0%). Throughout our analysis, we did not detect any rejectionist voices, meaning that although there was criticism towards the current shape of the EU, the very idea of European integration was not contested by Eurosceptic MEPs.

European identity and culture were mentioned as being threatened by the EU's current (secular) policies and its "globalist agenda of self-destruction" (Marcel de Graaff, NL, ENF, 14 March 2018). In this respect, alternatives were mentioned, such as the Europa Christi movement, which underlines the need to follow "basic European values such as Christianity, that should be mentioned in the EU documents", as well as "the protection of life from conception to natural death and traditional model of family" (Mirosław Piotrowski, PL, ECR, 23 October 2018).

Overall, Eurosceptic right-wing MEPs rather favoured a Union of European nations, i.e. with a strong emphasis on national identity or

sovereignty: “Only a Europe based on nation-states and peoples can be an alternative to the Europe of banking and multinationals” (Notis Marias, EL, ECR, 6 February 2018). Eurosceptic MEPs therefore firmly rejected the vision of a federal Europe and favoured deeper cooperation in some specific areas, but not broader collaboration in terms of the number of policies. A certain kind of cooperation (mostly economic) in Europe was therefore perceived as beneficial, but no more:

Most people want a Europe of genuine trade, friendship and cooperation. They do not want rule from Brussels.

(Gerard Batten, UK, EFDD, 13 June 2018)

We were therefore able to ascertain from indirect declarations that MEPs advocated for a less integrated EU mostly based on economic cooperation (although sometimes security and defence policy were also mentioned as a policy area in which European cooperation is valuable). The very idea of European integration was not disputed (almost no Euro-reject stances), but the organisation of the EU and policy making were fiercely questioned. Consequently, our analysis points to the fact that the commonality in right-wing Eurosceptic MEPs was their criticism towards the EU and desire to limit the process of European integration. Yet the MEPs did not present a common and clear vision of the future of European integration. The future of European reforms remained elusive and was scarcely developed.

DI was in fact barely mentioned by right-wing Eurosceptic MEPs during the analysed debates. The MEPs mostly suggested this differentiated (unequal) process from the perspective of having “two Europes. There is the Europe that is part of the European Union and there is the Europe that isn’t” (Gerard Batten UK, EFDD, 4 July 2018). In this context, right-wing Eurosceptic MEPs considered Brexit to be this new fracture line in Europe, splitting it into two opposing entities:

The future of Europe is one of a division like the Berlin Wall. On one side we will have those countries outside the EU, particularly in the Anglosphere and its free enterprise, which will prosper and grow as it always has. On the other side will be a command economy – the EU. Once again plunged into poverty, darkness and held back from real progress like the Soviet Union. It is the EU folly,

along with the absence of a proper relationship which will cause Europe to collapse.

(David Coburn, UK, EFDD, 28 November 2018)

In addition to Brexit creating multiple Europes, the other fracture line pictured by MEPs is that of the East-West divide. Right-wing Eurosceptic MEPs highlighted this already-existing division in Europe, which could be further exacerbated by DI, fearing that “disparities in the European Union will be even greater than they are now” (Roberts Zile, LV, ECR, 17 April 2019). In this perspective, the few mentions of DI were mostly critical of this process. DI was often discussed along dominance lines, whereby MEPs criticised the possibility of creating a multispeed EU, comparing such a division within the EU to a “new curtain” that would sink the idea of “the unity of Europe” (Zdzisław Krasnodębski, PL, ECR, 4 July 2018). Against this background, DI was mostly criticised as intensifying divisions and dominance in the EU, especially depending on the national affiliation of political actors. Furthermore, as developed by Thevenin and Umit (2023), right-wing Eurosceptic MEPs favoured DI in certain policy areas, notably when it comes to the Eurozone and the (non-)adoption of the euro for all member states.

Perceptions of dominance

Dominance in the EP is particularly addressed by right-wing Eurosceptic groups (Thevenin and Umit 2023). Our analysis further demonstrates that dominance was often mentioned, especially in the context of the relationship between EU institutions and EU citizens, who are portrayed as not having a say in the EU’s democratic life (i.e. democratic deficit and lack of representation):

[C]itizens of different countries are tired of this Europe. What they want first is democracy. However, democracy is by definition based on the sovereignty of peoples, and we do not create a people by artificially grouping together, under the rule of a finicky bureaucracy, people whose only aim, only hope, is a single market organised around a savage unfair competition, uncontrolled immigration, for the benefit of a few large groups and lobbies hostile to democracy.

(Florian Philippot, FR, EFDD, 17 January 2018)

As such, right-wing Eurosceptic MEPs disapproved of the current practice of the EU – seen as rather undemocratic and breaching national sovereignty – rather than the project of European integration per se. Additionally, MEPs stressed that the citizens of the EU feel like decisions are being made without them, and “that they have no influence at all on what is happening in Brussels”, accompanied by “voices calling for a real alternative to replace the Lisbon Treaty with a democratic establishment” (Jiří Payne, CZ, EFDD, 14 March 2018). Overall, MEPs criticised the unbalanced voices of EUMS in the EU, exacerbated by the lack of democratic legitimacy of EU institutions.

In MEPs’ discourse, the EU was depicted as disregarding the “weakest” citizens (poor, old or disabled), as well as the “smallest” EUMS (in terms of both size and economic power). These types of practices were assessed negatively: “if the European Union is a playground only for the big and powerful who will impose their will on the smaller and weaker, it will never fulfil its full potential” (Ruža Tomašić, HR, ECR, 6 February 2018). The EU was thus seen as imposing and enforcing decisions on its member states against their will and national sovereignty: “You can have the rule of law, but you cannot have the rule of your own law. You can only have the rule of this – place law” (Gerard Batten, UK, EFDD, 4 July 2018).

Dominance of the EU and its institutions was mentioned and in all cases assessed negatively. This is hardly surprising, as too much power cumulated in the EU institutions has for a long time been one of the most audible arguments of the Eurosceptic parties and movements:

[T]he aim of the present European Union is to crush all resistance to the authority of the European Commission and to force the citizens of the Union to obey it absolutely. Hence the suppression of patriotism, because countries with patriotism are difficult to enslave. Hence the fight against family ties, because where there is parental love, the authority of officials disappears. Hence the fight against Christianity, because according to these future rulers of Europe, it is a competition for the government of souls. Hence the consent to the flooding of Europe with crowds of Muslim immigrants, because if people in Europe are afraid, it will be easier to take their freedom and rule them.

(Stanisław Żółtek, PL, ENF, 4 July 2018)

The EU was thus depicted as a bureaucratic structure lacking transparency in decisions and functioning, as it proceeded to “harmonisations through the back door and a more and more obscure power structure” (Ryszard Antoni Legutko, PL, ECR, 13 November 2018).

Some manifestation of dominance was also perceived – negatively – amongst EUMS. This was principally the case of France and Germany, which other MEPs (mostly from CEE) often considered as having a greater impact on EU decisions. Germany was in this perspective also heavily criticised by Italian MEPs in regard to the Eurozone and other economic issues, as well as in the area of migration policy:

[T]he overwhelming majority of Italians, in the face of the arrogance and harshness of the rules imposed by this European Union, I would say under German leadership, have the impression of being in the same situation as those Italian military internees [...].

(Mario Borghezio, IT, ENF, 13 November 2018)

Dominance was indeed mentioned by Eurosceptic MEPs when discussing migration, especially regarding the relations between member states. Migration policy was very much discursively linked to “an increasingly German-dominated European Union” (Nigel Farage, UK, EFDD, 13.11.2018), recalling Germany’s open-door policy at the beginning of the 2015 migration crisis.

Not only were some EUMS and EU institutions targeted as imposing an excessively liberal migration policy, but the presence of migrants on EU territory was also perceived in terms of dominance. Indeed, right-wing Eurosceptic MEPs often framed migration as an imposition that contradicted national identity and values. In this regard, migrants were depicted as imposing a different identity on the receiving European countries – characterised by Islam:

Meanwhile, our security is endangered because of the results of mass immigration. Under Mrs Merkel’s leadership you have brought in millions of people from Africa, the Middle East and beyond, and you intend to bring in millions more. You have turned many parts of Europe into foreign countries. You use the emotional blackmail argument of talking about helping defenceless refugee

families, and yet the reality is that the vast majority of these migrants are young men from Islamic countries. This is not immigration, this is invasion.

(Gerard Batten, UK, EFDD, 13 June 2018)

Identity-driven arguments were often put forward against EU migration policy, with the EU being accused of attempting to undermine its own existence by the “destruction of European culture and the agenda of replacing the European people by people from Islamic countries” (Marcel de Graaff, NL, ENF, 14 March 2018). Eurosceptic MEPs thus requested tougher measures to limit migration to Europe, fearing that otherwise “the future of Europe will be Islamic” (Marcel de Graaff, NL, ENF, 17 January 2018).

Overall, Eurosceptic MEPs perceived dominance negatively, strongly rejecting their perceived subjugation to EU institutions (mostly the European Commission) as well as to some EUMS (predominantly France and Germany):

Enough of Europe enslaved by banks and multinationals. Enough of the Europe of spread and austerity. Enough of the Europe of Juncker, of Merkel, of Macron, who want to command our home and humiliate the Italian people. In Italy, Italian citizens rule, not Merkel or Macron.

(Maria Bizzotto, IT, ENF, 12 February 2019)

Based on this opposition to the authority of EU institutions as well as the supposed discrepancy in the EUMS’ voice and power in the EU, Eurosceptic MEPs presented their own vision for the future of European integration, focusing on sovereignty and the protection of national values.

Table 1. Overview of parliamentary groups’ discourse on dominance

	ECR	EFDD	ENF
Mentions of dominance ¹⁴	Present (20.6%)	Very present (59%)	Very present (59.3%)

¹⁴ The threshold between “present” and “very present” is 50% of speeches, i.e. when mentions of dominance (explicit and suggested) exceeded presence in at least 50% of speeches of a right-wing Eurosceptic EP group, dominance was considered as very present in MEPs’ discourse.

Perception of dominance	Negative	Negative	Negative
Object of criticism	<ul style="list-style-type: none"> - EUMS: France and Germany (always referred to together), rich Eurozone countries - EU institutions: no mention 	<ul style="list-style-type: none"> - EUMS: Germany, sometimes Franco-German tandem - EU institutions: strong criticism towards EC 	<ul style="list-style-type: none"> - EUMS: Germany, sometimes Franco-German tandem - EU institutions: strong criticism towards EC - EU elites criticised
Reasons for criticism	<ul style="list-style-type: none"> - Exclusion, feeling of being left behind, not having a voice in the EU in comparison to other EUMS 	<ul style="list-style-type: none"> - Malfunctioning of bureaucracy and of EU democracy - Attack on national sovereignty - Imposition of decisions 	<ul style="list-style-type: none"> - Attack on national sovereignty - Disregard for national identity - Unfair power structure amongst EUMS, and between EUMS and EU institutions - Imposition of decisions and values

Source: authors' own elaboration.

As demonstrated in Table 1 above, the discourse on dominance of the analysed MEPs was present and very similar from one parliamentary group to another. Moreover, MEPs had a negative perception of overall dominance in the EU. One of the major differences noticeable in the discourse was the identity and value-based arguments of the EFDD and ENF groups, while the ECR MEPs rather criticised other EUMS for the lack of transparency in deliberations and for taking decisions without them.

Conclusions

Our research demonstrated that debates dedicated to the EC's scenarios and the White Paper are not only used to discuss the future of European integration by right-wing Eurosceptic MEPs, but rather to tackle current issues and challenges (such as Brexit, migration or security) that have an impact at the MEPs' national level. National(ist) elements are clearly visible, since comments or questions aimed at heads of states, governments or EU officials are very often domestic in nature and do not

cover the future of Europe at all. This is mostly evident in the case of the countries that were hit by the economic and migration crisis (Greece), but also new member states that are in a dispute with the EC over the rule of law (Hungary, Poland).

One might expect the future of Europe debates to become an arena in which the right-wing Eurosceptic actors would present their alternative vision of the EU in the future. On the contrary, our analysis demonstrated that, similarly to the previous terms of the EP, right-wing Eurosceptic MEPs have much in common when it comes to a critical assessment of the EU institutions and the current performance of the EU. Yet the MEPs we analysed demonstrate a lack of an alternative – and constructive – vision of the EU's future. Additionally, it is important to note that criticism of deeper political integration is not often accompanied by disapproval of the very idea of the European Union. Right-wing Eurosceptic MEPs focus their criticism mostly on the way the current EU is functioning. Thus, the right-wing Eurosceptic stances presented in the EP are rather compromising or/and conditional (with the exception of pro-Brexit MEPs). If the analysed MEPs speak in one voice, this is rather about the limitation of political integration than the complete dismantling of the EU.

The main topics raised by right-wing Eurosceptic MEPs during the debates on the future of Europe are migration, the Eurozone (including taxation and economic inequality), defence and democratic deficit. These findings are in line with those of Startin and Brack (2017, 28), who note that traditional anti-migration discourse often aligns with Euroscepticism and anti-globalism. Börzel and Hartlapp (2022, 117), in their study on legislative behaviour in the EP, also notice that Eurosceptic cohesion is strongest regarding issues situated on Green, Alternative, Liberal (GAL) versus Traditional, Authoritarian, Nationalist (TAN) axis.

Eurosceptic MEPs frequently view the EU as a bureaucratic machine with no (or limited) legitimacy which tries to dominate member states and push for even more integration without consultations with its members. Many of the topics discussed above are interconnected; Brexit, for example, is given as an effect of the EU's dominance-driven policies. In a similar vein, democratic deficit and dominance are often mentioned and always assessed negatively by right-wing Eurosceptic MEPs. The MEPs analysed in the study present very similar arguments and diagnoses of dominance within the EU, with the main difference being that references to identity

and value-based claims are more present in EFDD and ENF MEPs' discourse, while ECR MEPs rather focused on the dominance of bigger (and often "older") member states. All the analysed EP groups point to the dichotomy between elites and "ordinary citizens", which is one of the core arguments used not only by Eurosceptics but by a wide range of populist actors.

As previously mentioned, the critical stances are not accompanied by constructive alternative visions of the EU's future development, nor do they clearly favour any of the EC scenarios included in the White Paper. What we learn is that the majority of the MEPs analysed oppose more integration, while also demanding the immediate - yet elusive - reform of the EU.

Right-wing Eurosceptic MEPs, therefore, favour some cooperation amongst EUMS - especially in economic and security matters - on condition that national sovereignty and national identity are safeguarded. Although the right-wing Eurosceptic parties are considered to be "no longer a fringe phenomenon" but an important agenda-setter in the EP (Brack 2018, 4), they still lack the ability to offer constructive policy proposals in the areas of their vested interest. It seems that even the discussion on the EU's future was not able to generate a common front among Eurosceptic actors. The debates we analysed indeed highlighted that, although the ECR, EFDD, and ENF groups may be united in their criticism towards the EU, the lack of constructive proposals regarding the future of the EU prevails as the visible feature of the Eurosceptic bloc.

References

- Adler-Nissen, Rebecca. 2014. *Opting Out of the European Union: Diplomacy, Sovereignty and European Integration*. Cambridge: Cambridge University Press.
- Bešlin, Milivoj, Haris Dajč, Piret Ehin, Sean Hanley, Nataša Jovanović Ajzenhamer, Jan Kubik, Andrey Makarychev, Richard Mole, Nikola Pantelić, Mladen Radulović, Natasza Styczyńska, Liisa Talving, and Maja Vasiljević. 2020. "Political populism from the fringe to the mainstream: A conceptual framework." POPREBEL Working Paper series Working Paper 4. Available at: <https://populism-europe.com/wp-content/uploads/2020/09/Working-Paper-4.pdf>
- Boomgaarden, Hajo G., Andreas Schuck, Matthijs Elenbaas, and Claes de Vreese. 2011. "Mapping EU attitudes: conceptual and empirical dimensions of Euroscepticism and EU support." *European Union Politics* 12 (2): 241-266.
- Börzel, Tanja A. and Miriam Hartlapp. 2022. "Eurosceptic Contestation and Legislative Behaviour in the European Parliament" In Petra Ahrens, Anna Elomäki, Johanna Kantola (eds). *European Parliament's Political Groups in Turbulent Times*. London: Palgrave Macmillan.
- Brack, Nathalie. 2018. *Opposing Europe in the European Parliament*. London: Palgrave Macmillan.
- Cianciara, Agnieszka K. and Adam Szymański. 2020. "Differentiated integration: towards a new model of European Union-Turkey relations?" *Turkish Studies* 21 (2): 254-273.
- Diermeier, Matthias, Hannah Frohwein, and Aljoscha Nau. 2021. "One for one and none for all – The Radical Right in the European Parliament." *LSE Europe in Question Discussion Paper Series No. 167/2020*.
- Drachenberg, Ralf and Silvia Kotanidis. 2019. "The Future of Europe debates in the European Parliament, 2018-19: A synthesis of the speeches by EU Heads of State or Government." Available at:

- [https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/637948/EPRS_IDA\(2019\)637948_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/637948/EPRS_IDA(2019)637948_EN.pdf)
- European Commission. 2015. "The Five Presidents' Report: Completing Europe's Economic and Monetary Union." Available at: https://ec.europa.eu/info/publications/five-presidents-report-completing-europes-economic-and-monetary-union_en
- European Commission. 2017. "White Paper on the Future of Europe." Available at: https://ec.europa.eu/info/future-europe/white-paper-future-europe_en
- European Parliament. 2014a. "European Parliament: 2014-2019." Available at: <https://europarl.europa.eu/election-results-2019/en/european-results/2014-2019/outgoing-parliament/>
- European Parliament. 2014b. "The bureau: meet the people in charge of the 8th European Parliament." Available at: <https://www.europarl.europa.eu/news/en/headlines/priorities/leadership/20140702STO51229/the-bureau-meet-the-people-in-charge-of-the-8th-european-parliament>
- Fabbrini, Sergio. 2019. *Europe's Future: Decoupling and Reforming*. Cambridge: Cambridge University Press.
- FitzGibbon, John. 2014. "Euro-scepticism and the 2014 European Parliamentary Elections." *L'Europe en Formation* 373: 29-44.
- Fossum, John Erik. 2015. "Democracy and Differentiation in Europe." *Journal of European Public Policy* 22 (6): 799-815.
- Fossum, John Erik. 2019. "Europe's Triangular Challenge: Differentiation, Dominance and Democracy." *EU3D Research Papers* 1. Available at: <https://www.eu3d.uio.no/publications/eu3d-research-papers/2019/research-paper-01-fossum.html>
- Franzosi, Paolo, Francesco Marone, and Eugenio Salvati. 2015. "Populism and Euro-scepticism in the Italian Five Star Movement." *The International Spectator* 50 (2): 109-124.
- Kentmen-Cin, Cigdem and Cengiz Erisen. 2017. "Anti-Immigration Attitudes and the Opposition to European Integration: A Critical Assessment." *European Union Politics* 18 (1): 3-25.
- Leuffen, Dirk, Berthold Rittberger, and Frank Schimmelfennig. 2013. *Differentiated Integration: Explaining Variation in the European Union*. London: Palgrave Macmillan.
- Leuffen, Dirk, Jana Müller, and Julian Schuessler. 2020. "National Concerns and Individual Liberal Values Explain Support for Differentiated Integration in the European Union." *EU3D Research Papers* 2. Available at: <https://www.eu3d.uio.no/publications/eu3d->

- research-papers/2020/research-paper-02-leuffen-mueller-schuessler.html
- McDonnell, Duncan and Annika Werner. 2018. "Respectable radicals: why some radical right parties in the European Parliament forsake policy congruence." *Journal of European Public Policy* 25 (5): 747-763.
- McDonnell, Duncan and Annika Werner. 2019. *International Populism. The Radical Right in the European Parliament*. London: C. Hurst & Co.
- Mudde, Cas and Cristóbal Rovira Kaltwasser. 2017. *Populism. A very short introduction*. Oxford University Press.
- ODS. 2009. "Prague Declaration." Available at: <https://web.archive.org/web/20110727161358/http://www.ods.cz/en/policy/document/591>
- Orzechowska-Waślawska, Joanna, Zdzisław Mach, and Kinga Sekerdej. 2021. "The Limits of Voluntary Submission. Dominance Frames in Polish Parliamentary Debates on the EU Accession." *EU3D Research Papers* 18. Available at: <https://www.eu3d.uio.no/publications/eu3d-research-papers/2021/research-paper-18-orzechowska-waclawska.html>
- Parsons, Talcott. 1971. *The System of Modern Societies*. Englewood Cliffs: Prentice-Hall.
- Shapiro, Ian. 2012. "On Non-Domination." *University of Toronto Law Journal* 62: 293-335.
- Sørensen, Catharina. 2008. "Love me, love me not: a typology of public Euroscepticism." *Sussex European Institute Working Paper* 101.
- Startin, Nicholas and Nathalie Brack. 2017. "To Cooperate or Not To Cooperate? The European Radical Right and Pan-European Cooperation." In John Fitzgibbon, Benjamin Leruth and Nicholas Startin (eds) *Euroscepticism as a Transnational and Pan-European Phenomenon*, Routledge.
- Styczyńska, Natasza and Elodie Thevenin. 2021. "Sojusz Europejskich Ruchów Narodowych i Ruch na rzecz Europy Narodów i Wolności: podzieleni kontestatorzy integracji." In Anna Paczeński and Bartosz Rydliński (eds) *Europejskie partie polityczne - reżyser czy statysta?*, Warsaw: Wydawnictwo Sejmowe.
- Thevenin, Elodie and Resul Umit. 2023. "European Parliament: Conflicting Visions on the Future of the Union." In Magdalena Góra, Elodie Thevenin and Katarzyna Zielińska (eds) *What future for Europe? Political actors' narratives on European integration and democracy in national parliaments (2015-2021)*. EU3D report 10.

Available at: <https://www.eu3d.uio.no/publications/eu3d-reports/eu3d-report-10-gora.pdf>

Toshkov, Dimiter. 2021. "Immigration Within the European Union Increases Support for Eurosceptic Parties." OSF Preprints.

Vasilopoulou, Sofia. 2011. "European Integration and the radical right: Three Patterns of Opposition." *Government and Opposition* 46 (2): 223-244.

Vasilopoulou, Sofia. 2018. *Far right parties and Euroscepticism. Patterns of Opposition*. ECPR Press.

VoteWatch. 2019. "Which EP political groups are actually fake?" Available at: <https://www.votewatch.eu/blog/which-ep-political-groups-are-actually-fake/>

Winzen, Thomas. 2020. "Government Euroscepticism and differentiated integration." *Journal of European Public Policy* 27 (12): 1819-1837.

Annex 1: Selected debates on the future of Europe in the European Parliament

EP - FoE debates					
#	Date	Title	EUM S	EU Leader	Link
1	17.01.2018	Debate with the Taoiseach of Ireland Leo Varadkar on the Future of Europe	IE	Leo Varadkar	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-01-17-ITM-008_EN.html
2	06.02.2018	Debate with the Prime Minister of Croatia, Andrej Plenković, on the Future of Europe	HR	Andrej Plenković	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-02-06-ITM-003_EN.html
3	14.03.2018	Debate with the Prime Minister of Portugal, António Costa, on the Future of Europe	PT	António Costa	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-03-14-ITM-006_EN.html
4	17.04.2018	Debate with the President of the French Republic, Emmanuel Macron, on the	FR	Emmanuel Macron	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-04-17-ITM-004_EN.html

		Future of Europe			
5	03.05.2018	Debate with the Prime Minister of Belgium, Charles Michel, on the Future of Europe	BE	Charles Michel	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-05-03-ITM-003_EN.html
6	30.05.2018	Debate with the Prime Minister of Luxembourg, Xavier Bettel, on the Future of Europe	LU	Xavier Bettel	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-05-30-ITM-007_EN.html
7	13.06.2018	Debate with the Prime Minister of the Netherlands, Mark Rutte, on the Future of Europe	NL	Mark Rutte	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-06-13-ITM-006_EN.html
8	04.07.2018	Debate with the Prime Minister of Poland, Mateusz Morawiecki, on the Future of Europe	PL	Mateusz Morawiecki	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-07-04-ITM-004_EN.html
9	11.09.2018	Debate with the Prime Minister of Greece, Alexis Tsipras, on the Future of Europe	EL	Alexis Tsipras	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-09-11-ITM-002_EN.html
10	03.10.2018	Debate with the Prime Minister of Estonia, Jüri Ratas, on the Future of Europe	EE	Jüri Ratas	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-10-03-ITM-004_EN.html
11	23.10.2018	Debate with the President of Romania, Klaus Iohannis, on the Future of Europe	RO	Klaus Iohannis	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-10-23-ITM-005_EN.html

12	13.11.2018	Debate with the Chancellor of Germany, Angela Merkel, on the Future of Europe	DE	Angela Merkel	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-11-13-ITM-008_EN.html
13	28.11.2018	Debate with the Prime Minister of Denmark, Lars Løkke Rasmussen, on the Future of Europe	DK	Lars Løkke Rasmussen	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-11-28-ITM-017_EN.html
14	12.12.2018	Debate with the President of the Republic of Cyprus, Nicos Anastasiades, on the Future of Europe	CY	Nicos Anastasiades	https://www.europarl.europa.eu/doceo/document/CRE-8-2018-12-12-ITM-007_EN.html
15	16.01.2019	Debate with the President of the Government of Spain, Pedro Sánchez Pérez-Castejón, on the Future of Europe	ES	Pedro Sánchez Pérez-Castejón	https://www.europarl.europa.eu/doceo/document/CRE-8-2019-01-16-ITM-009_EN.html
16	31.01.2019	Debate with the Prime Minister of Finland, Mr Juha Sipilä, on the Future of Europe	FI	Juha Sipilä	https://www.europarl.europa.eu/doceo/document/CRE-8-2019-01-31-ITM-005_EN.html
17	12.02.2019	Debate with the President of the Council of Ministers of the Italian Republic, Giuseppe Conte, on the Future of Europe	IT	Giuseppe Conte	https://www.europarl.europa.eu/doceo/document/CRE-8-2019-02-12-ITM-018_EN.html
18	12.03.2019	Debate with the Prime Minister of the Slovak Republic, Peter	SK	Peter Pellegrini	https://www.europarl.europa.eu/doceo/document/CRE-8-2019-03-12-ITM-007_EN.html

		Pellegrini, on the Future of Europe			
19	03.04.2019	Debate with the Prime Minister of Sweden, Stefan Löfven, on the Future of Europe	SE	Stefan Löfven	https://www.europarl.europa.eu/doceo/document/CRE-8-2019-04-03-ITM-012_EN.html
20	17.04.2019	Debate with the Prime Minister of the Republic of Latvia, Krišjānis Kariņš, on the Future of Europe	LV	Krišjānis Kariņš	https://www.europarl.europa.eu/doceo/document/CRE-8-2019-04-17-ITM-006_EN.html

Annex 2: Coding system

What policy area is mentioned in reference to the proposal?
5 scenarios FoE
Brexit
Common agriculture policy
Climate and environment protection
Cohesion policy
Competitiveness
Defence and security
Development policy
Digital
Education & culture
European Monetary Union
Energy
Enlargement
EU elections
EU history and heritage
EU's global role

Food & health
Institutional issues and reforms
Internal market
Multiannual Financial Frameworks and EU budget
Migration, Asylum & human mobility
Multilateralism
Fundamental rights
Social issues (Social Europe)
Taxation
Trade
Transport
Other than above
If a new proposal is made, how is it justified?
Material interests serve as justification
Costs serve as justification
Justice/fairness serve as justification
Values serve as justification
Identity serves as justification
Other than above
If a proposal is criticised, how is it justified?
Material interests are the basis of opposition to a proposal
Costs are the basis of opposition to a proposal
Justice/fairness is the basis of opposition to a proposal
Values are the basis of opposition to a proposal
Identity is the basis of opposition to a proposal
Other than above
Is dominance mentioned?
Yes, dominance is suggested
Yes, dominance is explicitly mentioned
How is dominance evaluated?
Dominance is evaluated positively
Dominance is evaluated negatively
Dominance is evaluated in a mixed way
Other than above
Who is targeted by the speaker as an opponent to the proposal?
Other member state is targeted as an opponent
National parliament is targeted as an opponent
EU institution is targeted as an opponent
Specific national actor is targeted as an opponent
International actor is targeted as an opponent
Other than above
Who is called to cooperate on the proposal?
Other member state is called to cooperate on the proposal

EU institution is called to cooperate on the proposal
Specific national actor is called to cooperate on the proposal
International actor is called to cooperate on the proposal
Other actor is called to cooperate on the proposal
Is differentiated integration mentioned?
Yes, DI is explicitly mentioned
Yes, DI is suggested
How is differentiated integration evaluated?
DI is evaluated positively
DI is evaluated negatively
DI is evaluated in a mixed way
Other than above
To which constitutional narrative does the proposal refer?
Republican intergovernmentalism
EU as a federal Union
Federal-political union
Many-headed federal type
EU as a regional/cosmopolitan government
Other than the above
What do the MEPs wants in regard to European integration?
Overall, more integration
Overall, less integration
No integration at all
Only economic integration if it guarantees national benefits
Integration in other policy area to guarantee national benefits
Integration in other policy area to preserve sovereignty
Other than the above
What does the MEP criticise about deepening EU integration?
The very principle of European integration
The practice of European integration
The future of European integration
Other than above

Chapter 7

In Search of a Cosmopolitan Outlook: Proposals for the Future of EU Migration and Asylum Policy from European Migration CSOs

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Introduction

Politics and policies of migration, borders and asylum have served amongst the headlining themes in the debates on the future of Europe (FoE) initiated in 2015 and concluding with the 2021–22 Conference on the Future of Europe (CoFoE). Yet perhaps more than most other policy fields, the discourses on migration have been notoriously politicised and polarised, seeping beyond the formalised spaces such as the CoFoE towards the media, national-level debates and public attitudes (Hadj Abdou, 2020; Weiner, Bonjour and Zhyznomirska, 2019). Everyone, it seems, has their own proposal on how migration and asylum policies ought to develop.

The predominance of widespread debates on migration and asylum, often coupled with security issues in the European public sphere, is not without reason: since 2015, Europe has been continually confronted with migration-related crises which have struck at the heart of its security, values, and sense of unity. Firstly, Europe witnessed the refugee crisis of

2015–16 that triggered policy changes and political upheaval. Secondly, it faced Brexit, in which from 2016 to 2020 migration and mobility matters featured as a key issue. Then, in 2021–22, a lesser-known but highly significant orchestrated migration crisis on the Polish, Latvian and Lithuanian borders with Belarus raised security and securitisation measures to the forefront of debates. Finally, the flows of people from Ukraine seeking temporary protection since the full-scale Russian aggression in February 2022 have instigated the need for a complete reassessment of the existing policies and practices in this field.

In this particularly complex environment, there are many stakeholders with varying degrees of agency and access to centres of decision making and the power to frame discourses, characterised by a multiplicity of views, interests and approaches (Pastore and Roman 2020). EU migration and asylum governance has been widely debated at the EU and national levels, as well as amongst public intellectuals, private stakeholders such as labour recruitment agencies, media and, importantly, civil society organisations (CSOs). In this governance system, taken to be a set of interactions involving multiple societal actors (Stel 2021, 5), CSOs are often at the frontlines and uniquely positioned to implement and cooperate with states and supranational institutions in migration management. The EU has emphasised the importance of CSOs in agenda-setting and implementation of migration policies, providing on-the-ground intelligence on the needs and conditions of migrants, helping to bridge state and society and increase the political legitimacy of policies (COM 2020). The inclusion of CSOs in development and consultation processes further creates a sense of ownership for the implementation of policies and helps define rights-based principles for policy making. At the same time, CSOs serve as watchdogs of accountability, legitimacy and contestation of policies and practices implemented at the national and EU levels of governance (Banulescu-Bogdan 2011). Yet their role in this bargaining process has largely been limited to consultations that are criticised as being “pro forma” only, “merely checking off a box that civil society was represented” (Banulescu-Bogdan 2011, 1).

While CSOs are frequently juxtaposed with governing systems of power, they are just as often invited to the table to discuss policy solutions. Therefore, their proposals, demands, recommendations and responses to policy changes may serve as a useful litmus test of democratic (mal)functioning in this policy area. Their criticisms of policies and

practices may highlight structures of dominance derived from problematic forms of differentiated integration in the policy field, which I elaborate on below. The positioning of European-level CSOs in the migration governance framework – often as advocacy groups or policy entrepreneurs close to centres of decision making – may further help to nuance the discourses on power imbalances within the policy-making processes. It may also serve to highlight their visions of how well-functioning models of EU migration governance ought to develop.

Against this backdrop, this chapter examines how European-level CSOs frame and evaluate EU migration and asylum policies and practices and what their proposals for the future of policy in this field hold. Two critical questions are raised. First, *what systems of dominance are present in this policy area that are being exposed and criticised by CSOs and how are they linked to forms of differentiation in this field?* Second, *what are the common threads within CSOs' proposals for future governance of migration and asylum, and how do they reflect current discussions on European integration?*

It is unsurprising that CSOs working in the field of migration and asylum raise serious concerns about democratic legitimacy within this policy area. Their concerns stem from three interrelated side-effects of differentiation within EU integration: (1) a deficit of transparency derived from a lack of clear division of competencies and accountability of EU institutions and agencies in the field, (2) increasing fragmentation and arbitrariness due to a lack of coordination of policies and practices, and (3) deprivation of rights and status to migrants/asylum seekers and activists, derived from EU policy actions and concessions vis-à-vis member states. The chapter argues that CSOs on their part offer a way out through a focused “cosmopolitan outlook” with cautious federalist underpinnings for the future of Europe, focusing on human security as a primary source of the legitimising principle of democracy.

Taking an actor-centred approach and through a text-based qualitative analysis of CSO proposals for the development of European-level migration and asylum policy, we can analyse how these civil society actors construct narratives in this policy field. The proposals may help to answer the questions of what the causes of the problems are and what solutions are available, at the same time allowing for CSOs to position themselves and their preferences in this governance framework. Three critical junctures are taken into account: the 2015–16 European refugee crisis, the

orchestrated crisis on the EU-Belarusian border in 2021–22, and the onset of forced cross-border migration in the wake of the full-scale Russian invasion of Ukraine in February 2022. These critical junctures have served as moments of increased policy changes, together with reactions and proposals for improvement on the part of CSOs working in the field. While the debate on the future of Europe, particularly in the form of the CoFoE, served as a reference point for the discussions and proposals in the analysis, it was not the site of the most intensive claims-making for European-level CSOs. For this reason, the chapter explores the proposals which go beyond the scope of the formal debates at the EU level.

The first conceptual section expands on the constitutional narratives framing the EU migration and asylum policy field, followed by the forms and structures of differentiation-driven dominance and the unique positioning of CSOs within migration governance. The methodological section explains the empirical approach to the study, including sampling limitations and the policy narrative approach. The empirical analysis of proposals is then followed by a discussion and conclusions about the sites of dominance “uncovered” in CSO discourses, as well as visions for the future of a cautious federalist European migration and asylum system with a strong cosmopolitan “outlook”.

Constitutional narratives and differentiation-driven dominance

A substantial body of literature on EU migration and asylum policy and its development frames this policy area through the lens of intergovernmentalism or neofunctionalism, a policy of “failing forward” (Jones et al. 2021; Scipioni 2018) towards more integration through incompleteness in contracts and governance structures. Through the process of “ups” and “downs”, member states bargain on a lowest-common-denominator basis, agreeing on incomplete solutions that then lead to crises, which in turn force the next round of bargaining for incomplete solutions, thus “failing forward” to more integration (Lavenex 2018). From an institutionalist perspective, scholars highlight the “capabilities-expectations gap” (Hill 1993; Larsen 2020) that is inherent in the structure of the polity: human rights-based universalist underpinnings at loggerheads with protectionist states’ policies (Boswell 2003). The

outcome is “organised hypocrisy” or “an unconscious organisational strategy to cope with irreconcilable demands” (Lavenex 2018).

On the other hand, the development of this policy field may be seen through a “soft” supranationalist lens, particularly in the early 2000s with the Treaty of Lisbon and Article 67 of the TFEU. The TFEU called for “a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals” (TFEU Article 67), as well as the binding character of the Charter of Fundamental Rights (Thym 2013). The gradual communitarisation of migration and asylum policy brought with it a shift in the power and influence of EU supranational institutions in imposing standards and overseeing of the implementation of EU law (Bonjour, Ripoll and Thielemann 2018). Strong narratives of Europeanisation in this policy area (Guild 2006; Lavenex 2001, 2006) led to a conceptualisation of a “liberal constraint” thesis, which posits that EU institutions provide a system of checks and balances against member states’ restrictionist tendencies (Kaunert and Léonard 2012). However, sustained migration and asylum crises since 2015 have impeded political and policy cohesion on the EU level, with sovereigntist and Eurosceptic discourses vehemently underscoring migration control as a critical feature of nation-state autonomy (see Styczyńska and Thevenin; Góra, Thevenin and Zielińska in this volume). The effect has been increased through pooling or “supranationalisation” of security measures and externalisation practices at the expense of a common framework for legal migration and the more robust human rights underpinnings of a common asylum system.

What is less common in the literature and political meta-narratives on the future of EU migration and asylum governance is a cosmopolitan perspective, with some notable exceptions (Thym 2013; Fossum and Olsen 2022; Fossum 2018). This lens highlights an individual human rights approach to policy making, drawing on moral universalism as a regulatory norm, requiring us to “challenge all forms of exclusion that are based on arbitrary use of power, not reason” (Fossum and Olsen 2022). What has sometimes been referred to as an “outlook” (Thym 2013) or “gaze” (Fossum and Olsen, 2022), the cosmopolitan approach seems a fitting framework to analyse the articulations of CSOs working with and for migrants and asylum seekers, which take individual human rights as their guiding principle. In this contribution, cosmopolitanism is operationalised around three distinctive features: (1) locating autonomy

in the individual (rather than the nation-state); (2) an onus on openness encompassed in the values of diversity, inclusion of otherness, and reflexivity; and (3) a move towards lowering the barriers to entry and exit into political communities, aiming at a convergence between alienage and citizenship (Fossum 2019, 2021; Thym 2013).

The criticisms, proposals and future orientations of European-level CSOs working in the field of migration and asylum are analysed here from an actor-centred constructivist perspective in reference to the three discussed meta-narratives of European integration – intergovernmentalism, supranationalism and cosmopolitanism – in order to discern the direction in which they are advocating the EU to develop. Yet a challenge for the analysis of meta-narratives of European integration is how they may be studied empirically through the analysis of policy actions and responses to them. In the field of migration and asylum governance, much focus has been given to the analysis of framing of migration and migrants, predominantly along the axis of humanitarianism vs securitisation. Humanitarianism carries with it cosmopolitan notions of migrant-centred rights and access to status and protection, whereas securitisation is anchored in a state-centric or inter-governmental logic of migration control. Supranationalist narratives tend to vacillate between the two frames, focusing on the transfer of power to EU-level institutions and agencies, which have varying preferences depending on the policy area, political context and institution in question (Scipioni 2018; Kaunart and Léonard 2012).

Migration policy analyses have pointed to various historical paradigm shifts in the framing of migration, some marking the change towards securitisation as early as the 1980s and the initiation of the Schengen Agreement and the freedom of movement of EU nationals (Lavenex and Piper 2021). Others see the same critical juncture as a step towards the convergence of fundamental rights (of third-country nationals) with the fundamental freedoms (of EU nationals) (Thym 2013). Research has also pointed to the intensification of security practices within the EU agency Frontex between 2005 and 2016 (Léonard and Kaunert 2020), as well as the intensification of externalisation approaches in EU policy making (Martins and Strange 2019), which seem to have been normalised under the framework proposal of the New Pact on Migration and Asylum published in December 2020. The shifting frames of migration, particularly towards securitisation practices, have laid bare the forms of

dominance, power structures, and inequalities within this space of governance, which CSOs acting in the field have scrutinised at multiple turns. Analysis of their criticisms and recommendations may help us to discern modes of dominance within them and their proposals on how to increase democratic accountability and legitimacy in this area.

In this research, dominance is seen from a constructivist perspective as a system or relations of asymmetry that are socially constructed and reflected through discourses. Dominance in this view focuses not on the result of the action itself, but on the subjective perceptions of the actors involved and their positionality within the social arena of these relations. This is closely tied to the concept of governance, which may be seen as the capacity to shape (or rather determine) the field of action of others (Stel 2021), a space that is inherently about power relations. Through focusing on the perceptions of CSOs working in the field of migration and asylum on the EU level of policy making in three intertwining and consecutive events (EU refugee crisis, Belarusian border crisis, temporary protection mechanisms as a result of the full-scale Russian invasion of Ukraine), the research also emphasises the importance of contextuality and processualism.

Dominance from this perspective is therefore a relational structure and circumstance (Fossum 2019). Following Joanna Orzechowska-Waławska, Kinga Sekerdej and Zdzisław Mach (2021), it is important to consider five factors in analysing dominance. First, dominance is fundamentally about relations of power. When one or several actors (individuals, groups or collectives) occupies a dominating position over the other, and this position allows them to influence, interfere, make decisions and/or establish rules of the game dictated by their own interests, without proper consideration of the interest of those who are subject to this power, we may speak of dominance. Second, it is about the capacity for action, not the action itself. Dominance concerns what agents may do, rather than what they really do. Third, dominance is subjective; it is a felt experience (Lovett 2001). Fourth, it is a ubiquitous condition of social relations, parallel to the notion of power in post-structuralism (Foucault 1980). Finally, it is not seen here from a moral standpoint ascertaining its rightfulness or wrong, but its justification in certain conditions, through social acceptance and legitimisation.

In this research, three forms of dominance are of particular importance: (1) a lack of transparency, (2) fragmentation, and (3) rights deprivation or inequality in status with differentiated access to resources (Fossum 2019: 18). In unpacking these forms of dominance, however, the concept of differentiation as it relates to European integration and forms of dominance merits some further explanation. Fossum (2019, 2021) has outlined four dimensions of differentiation in EU policy making and polity areas which, when managed adequately, increase the democratic functioning of the EU, but in certain conditions may entail different forms of dominance. Differentiation firstly takes on the form of law-making differentiation, wherein institutional forms at the EU level vary along legislative, sanctioning and executive lines from the national level. In this dimension, a lack of clear functional division of competencies and accountability may entail dominance in the form of arbitrariness and informality, resulting in a lack of transparency. It can be associated with dominance when actors know that their interests and concerns will be affected but not by whom, when and how.

Secondly, in competence-based functional differentiation, a balance of expert independence and coordination, as well as an adequate range of policy instruments and resources, will foster democratic governance. Yet dominance may occur when coordination fails, technocracy and illicit hierarchy dominate, and fragmentation ensues, when there is a breakdown of coordination and governing no longer proceeds according to predictable rules but is the result of caprice and circumstances (Fossum 2019). In the sphere of migration governance, these two forms of differentiation outlined by Fossum may be likened to what Nora Stel has termed “strategic ambiguity”, characterised by ad hoc measures, temporariness, and informality in policy making and actions, wherein the dominance of particular interests takes over, “producing a manoeuvring space in which political decision-makers maximise their own influence at the expense of others” (Stel 2021, 6).

A third form of differentiation refers to the territorial dimension, both in territorial jurisdiction and in the relations across different levels of governing. A clear division of competences promotes democratic governance, whereas incongruence may bring about forms of exclusion as well as a lack of accountability. Finally, a fourth and significant dimension of differentiation for this research is individuals’ differentiated access and incorporation in the political system (Fossum 2019, 21). Democratic

principles are safeguarded through the access to rights, for citizens, groups and collectives, and non-citizens according to the law, with adequate systems of representation and participation. A primary source of dominance is rights or status deprivation, as well as exclusion from accessing certain rights and entitlements and inequalities in status. As the analysis below shows, these forms of dominance – particularly the lack of transparency, arbitrariness, and rights deprivation – or “strategic ambiguity” have been discerned within CSO reactions and criticisms of EU policy proposals and practices. Nodes of dominance have been identified through the analysis between different actors in a relational structure: the EU vis-à-vis migrants, the EU vis-à-vis member states, the EU vis-à-vis third countries, and the EU vis-à-vis civil society actors.

Methodology

Definition of terms

The analysis of civil society organisations in the field of migration and asylum first requires a definition of terms. To take Banulescu-Bogdan’s definition, civil society in the field of migration encompasses “a range of non-state actors who may influence formal and informal migration-related rules, practices and processes, such as migration-run nongovernmental organisations (including diaspora organisations), professional associations, religious or faith-based institutions, trade unions, charities, human-rights organisations, women’s associations, and advocacy groups” (Banulescu-Bogdan 2011). The term “civil society organisation” (CSO) has a broader scope than NGO and is therefore preferred in this contribution.

The literature on the positioning of civil society actors and their role and potential to influence policy making in the global migration governance framework has seen some interest in recent years (Bisong 2022; Schierup et al. 2018; Kalm and Uhlin 2015; Lavenex and Piper 2022). Researchers analysing the Global Forum on Migration and Development (a state-led space of dialogue between the UN, governments, and other stakeholders initiated in 2007) have noted a distinction between those “invited” and “invented” spaces for discourse and action in the field of migration governance (Schierup et al. 2018). The first “invited” spaces consist of formal fora for dialogue, where CSOs/NGOs are invited to the table for discussions with governments and international organisations such as the

United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM). Yet these formal spaces have their critics: civil society actors become enveloped in the neo-liberal global system of migration governance, which is far from a rights-based or human-security-oriented framework. Some researchers posit that resistance from below is the only way to build a socially just international migration regime (Delgado Wise 2018). Others criticise these types of fora for their tokenism – limited to consultations at best or simple ticking of the box that mentions that civil society actors were present (Banulescu-Bogdan 2011). Alternatively, they simply fall short of meaningfully reframing dominant migration paradigms (Wee, Vanyoro, and Jinnah 2018).

“Invented” spaces, on the other hand, are those platforms and positions of a counter-hegemonic nature, which act through contestation, confronting the status quo (Schierup et al. 2018). These alternative spaces may also have a high-profile character, such as the People’s Global Action on Migration, Development and Human Rights (PGA), but they are characterised by their bottom-up approach and their alternativeness, led by civil society actors with similar values and interests (Piper and Rother 2021). While the present research looks into the EU-level “invited” spaces of dialogue, cognisant of leaving out the invented spaces of contestation, I argue here that civil society as represented in the invited spaces may still be positioned in the realm of contesting ideas, a “primary political realm to give insight into how counter-hegemonic knowledge is produced” (Buckley 2013, 239), and is thereby well placed to shine light on various forms of dominance.

Structure and analytical approach

In analysing “policy frames” or “policy narratives” (Boswell, Geddes, and Scholten 2011), the research aims to analyse the role of perceptions, normative narratives and knowledge claims concerning certain migration policy issues from the perspective of European-based CSOs. Drawing upon research by Pastore and Roman (2020) and the perceptions of Tunisian CSOs on EU migration and asylum policy agreements, the research uses the structure of policy frames, consisting of three essential components: 1) the definition of the policy problem, which typically involves claims about the scale and nature of the problem; 2) the causes of the problem, including claims on the extent to which such causes can be

controlled through policy interventions; 3) the solutions to the problem, including claims about how policy interventions have affected, or are likely to affect, the problem.

The first and second components – the “core framing task” or “diagnostic framing” (Benford and Snow 2000) – include both the identification of the problem/issue and the identification of the sources of causality, blame, and/or agents responsible for the problem (Pastore and Roman, 2020). This allows for the analysis of the types of dominance within these structures and their locations. Who are the agents responsible for this dominance, and towards whom? Secondly, the research analyses how CSOs describe the causes of these policy issues (factors and actors affecting them, with a focus on dominance).

A third component of policy frames corresponds to Benford and Snow’s “prognostic framing”, involving the articulation of a proposed solution to the problem and the strategies to achieve it. The research analyses proposals/recommendations of CSOs and their different articulations, as well as CSOs’ evaluation of the policy responses, highlighting narratives of desired future directions of policy making in the field.

Sampling, scope and methods

The data collected is primarily in the form of documents (reports, position papers, contributions, summaries, open letters, posted communication on the organisations’ websites, as well as proposals from the CoFoE). A total of 31 documents were analysed, ranging from two pages in length to approximately one hundred, collected from 17 European-level CSOs’ websites. Importantly, eight of the documents were in the form of joint statements, reports or declarations, which included lists ranging from 10 to 200 signatory organisations. The organisation or platform that had the most accessible link to the joint document was added. This highlights the consolidation of voices in the European migration CSO space, often making their statements under one umbrella platform or organisation. The timeframe for collection of documents consists of three critical junctures: the first is the European refugee crisis of 2015–16; the second consists of the orchestrated migration crisis on the EU-Belarusian border in the spring of 2021 (data collected from April 2021 to June 2022), and the third the onset of the refugee crisis in the wake of the full-scale Russian

invasion of Ukraine in February 2022 (data collected from 25 February 2022 to January 2023).

In analysing the “invited” spaces in which CSOs are present in the sphere of EU migration governance, the data collection consisted of accessing lists of organisations involved in EU public consultations. These included the Consultation on Legal Migration (23 September–30 December 2020), Consultation on the European Union’s (EU) legislation on the legal migration of non-EU citizens (Fitness Check on EU legal migration legislation) (19 June 2017 to 18 September 2017), Consultation and an expert migrant group on integration, the European Migration Forum (October 2021), the European Integration Forum (coordinated by the European Economic and Social Council), the EESC Study group on Immigration and Integration – Project: The role of civil society organisations in ensuring the integration of migrants and refugees, UN list of approved CSOs and NGOs taking part in the high-level plenary on migration and asylum at the UN – 2016, and finally, in the list of contributors taken from public consultations and CSO participants in the Conference on the Future of Europe, particularly the events and proposals under the topic of “migration” (including asylum). Through the data collection process, it became apparent that these lists overlap, with a handful of organisations or, more often, umbrella associations uniting smaller nationally based CSOs, speaking on their behalf. While this may pose significant questions regarding representation of voices and convergence of views, this is outside the scope of the present research.

The primary coding was concluded based on the policy frame structure noted above, corresponding to the following questions:

- Who is perceived as dominating and who is dominated?
- How does the asymmetry of power feature in perceived dominance relations?
- Is a type of dominance mentioned?
- Are ways to prevent/fix dominance offered? If so, what are they?

Analysis

Who is perceived as dominating and who is dominated?

As we may recall, dominance is a relational structure, dependent on the positioning of actors in the social field and circumstances within which dominance occurs (Fossum 2019). The positioning of the CSOs studied here is one of relative privilege – they are in the “invited space” of EU policy making, in which they may voice their opinions and make recommendations, yet they are speaking on behalf of those migrants/refugees themselves who are largely without agency. The forum of discourse analysed is inherently European, wherein the main institutional framework is the European Union, its institutions and agencies, and thus also the main point of reference in relation to positions of power. With this in mind, we can pinpoint four main constellations of relations of power in this space that stem from CSO narratives: (1) EU vis-à-vis migrants/asylum seekers; (2) EU vis-à-vis member states (3) EU vis-à-vis third countries (particularly transit and hosting countries in the EU Neighbourhood), and (4) EU vis-à-vis CSOs.

Within the first constellation – EU vis-à-vis migrants/asylum seekers – CSO narratives underline the problematic positioning of the dominated: there is an almost total absence of agency for migrants/asylum seekers within the framework of migration and asylum governance in the EU. To recall, dominance is the ability to make decisions dictated by actors’ own interests without proper consideration of the interests of those subject to its power. This view is present in the proposals analysed from the 2015 refugee crisis to the Belarusian border crisis, although the disregard of the interests of migrants/refugees is temporarily lifted with the Temporary Protection Directive towards Ukrainian refugees in 2022. Generally, however, the main criticisms point to an absence of a framework for legal migration and a rights-based or “migrant-centred” approach to policy making, as a proposal from the Red Cross underscores:

The absence of an effective framework for safe and legal migration to the EU is contributing to irregular migration and pushing people to undertake increasingly perilous journeys. (...) Migrants’ rights and their humanitarian needs are undermined by the EU’s sustained emphasis on countering irregular migration.

(RC_2019_06_24)

The asymmetry of power in the relations between the dominant (EU institutions and agencies) and the dominated (asylum seekers, migrants) is also visible in the securitisation of EU regulations on migration, asylum and borders, like those providing the European Border and Coast Guard (EBCG, or Frontex) with more powers and less accountability, where there is a considerable risk of further deteriorating the protection of human rights of those seeking to enter the EU. As the European Council on Refugees and Exiles states in response to the Commission's proposal for a regulation on EBCG/Frontex) (COM(2018)631 FINAL):

Given its political and institutional implications and the existential questions it has raised for the EU as a whole, the asylum package no longer seems to be pushed as a key priority. Instead, a major boost for the EBCG Agency's powers and resources and a reduction of procedural safeguards in return processes is now presented as quintessential for the EU's policy on asylum, migration and border management. ,

(ECRE_2018_11_23)

What we may infer from these criticisms is that from the vantage point of CSOs in the field, EU migration and asylum policies have established the rules of the game in such a way that the gateway for legal migration into the EU is all but blocked (for both economic migrants and asylum seekers). This fuels irregular migration flows that are routinely securitised, focusing on returns and the externalisation of asylum policies, undermining the fundamental rights of those seeking to enter.

A second constellation of power relations focuses on the EU and member states. There is a great deal of ambiguity here in analysing the proposals and perceptions of CSOs and how they position these two actors towards each other. On the one hand, proposals lament the Commission's relinquishing of power to member states (for example in the Belarusian border crisis), signalling the EU's impotence or incapacity to act (Czerska-Shaw et al. 2022), yet it is unclear if this is seen as a matter of convenience or lack of competence in this area.

The European Commission President's repeated expressions of solidarity with Latvia, Lithuania and Poland betray a troubling

disregard for the hunger and freezing temperatures people were enduring in the border area and for the loss of human life.

(AI_2021_12_07)

In a letter signed by CSOs in Latvia, Lithuania and Poland actively working to protect the rights of asylum seekers on the Belarusian border, civil society actors call on the EU to “*undertake decisive actions against said violations [perpetrated by Latvia, Lithuania and Poland]* (JOINT_ALI_2021_10_11). They suggest a thorough investigation of the situation on the border, the initiation of infringement procedures against said states, access of human rights and humanitarian organisations to border areas, and the organisation of a meeting with civil society actors. Clearly, CSOs expect the EU to play the role of protector of EU law (including asylum law) and by extension human rights, but they are continuously confounded (or disappointed) by its inability or incapacity to act in response to member states’ infringements of these rights.

On the other hand, CSOs highlight instances of EU decisions superseding those of member states but still leading to the accentuation of dominance via migrants/asylum seekers. The criticism of the EU-instigated hotspot approach in Italy during the 2015–16 refugee crisis is a case in point.

So the EU implemented a new approach and imposed a 100% fingerprinting target on Italy, including recommending the use of force where necessary to obtain them. Meeting this target has pushed Italian authorities to the limits – and beyond – of what is permissible under international human rights law. [...] The hotspot approach has increased, not reduced, the burden on front-line states to police borders, protect asylum-seekers and keep irregular migrants out.

(AI_2016_11_03)

The location of dominance in this constellation thus seems to be in a constant state of flux between member states and the EU: the only constant here is that the one who is dominating is perceived to be the more security oriented of the two.

The third constellation – the EU vis-à-vis third countries – is similarly contextual as the one above. In most cases, the neighbourhood “transit”

or “hosting” countries are seen to be in a dependent position towards the EU, cemented in the form of conditionality in agreements signed between these parties. In the various bilateral agreements with neighbouring states in the wake of the 2015 refugee crisis (such as Tunisia, Libya, Serbia and Turkey), promises of aid and other forms of support (lifting of visa restrictions, capacity building) are contingent on these states hosting would-be migrants or asylum seekers to the European Union.

CONCORD Europe strongly opposes applying conditionality to development aid for partner countries, based on their compliance with returns and readmissions, migration management and border control. [...] [...] It risks draining partner countries of its own well-educated talent, only to benefit Europe. [...] It is particularly concerning that Europe is leveraging its economic, financial and political power to incentivise talents from some of the poorest countries in the world to leave their home country.

(CONC_2020_06_10)

Interestingly, this is not necessarily the case for CSOs in these hosting or transit countries, who are often beneficiaries of EU funding (and other international organisations like the UNHCR) to support their activities. In a study on the implementation of EU externalisation policies in Tunisia and Egypt, the findings point to the advantageous position of both CSOs and “migrants themselves, who are able to turn externalised initiatives aimed at their immobilisation into instruments facilitating their mobility towards Europe” (Cuttitta 2020). Further comparative studies would be useful here to juxtapose the positions of CSOs inside and outside of the EU. In the case of the Belarusian crisis, the asymmetry of power between the EU and third countries is not in the EU’s favour either: the Belarusian regime is the clear aggressor, although its dominance is short-lived. Here the EU is called upon to take the “moral high ground” by putting human security first. As Save the Children International CEO Inger Ashing notes:

Belarus’s cynical exploitation and mistreatment of migrants and asylum seekers is despicable. But there is a clear way for Poland and the EU to reclaim the moral high ground: let in people at the border and let humanitarian organisations assist them. Belarus is not a safe country for these people, as events over the past few days have clearly demonstrated. [...] The EU has a well-deserved global

reputation as a humanitarian donor, but the current crisis poses a serious question: is the EU solely a chequebook humanitarian, or truly committed to helping people in need regardless of the circumstances?

(STC_2021_11_17)

The fourth constellation of relations is between the EU and CSOs themselves. In this relationship, the EU is consistently positioned as the potential protector of civil society vis-à-vis policies of (more illiberal) states, particularly when CSOs come under threat of criminalisation of their activities. On the one hand there is hope that the EU may provide a counterbalance to member state laws in favour of civil society actors. As with the first constellation, therefore, the presence of a strong EU is favourable, as there is a third, potentially more dominant actor in the form of member states. The absence of the EU in this space becomes an enabling agent for dominance to occur. This is clear in the proposals which call on the EU to ensure access of humanitarian organisations to border areas, or to provide a space for civil society actors to be heard. Yet others are more sceptical of the EU's role of protector of civil society, particularly search and rescue organisations in the Mediterranean. As StateWatch argues:

The last time the Commission took a concerted interest in search and rescue by private vessels, it resulted in the drafting, with the Italian authorities, of a Code of Conduct for NGO vessels that led to multiple organisations having to halt operations in the Mediterranean.

(SW_2021_04_23)

Locations of dominance, therefore, are dependent on the constellation of relations they are embedded in. In the constellations analysed above, the EU and its agencies have an ambiguous position: they have the potential to serve as protector (of those dominated), yet this potential is often not fulfilled, and in fact countered by policies and practices that increase the spaces of dominance in the migration governance framework.

What types of differentiation-driven dominance are mentioned and in which areas are they perceived?

At the heart of CSO criticisms of EU migration and asylum policies is the dearth of a rights-based (or “migrant-centred”) approach to migration governance. As a result, the first most noted type of dominance is in the form of status deprivation, relating to the positioning of the migrant/asylum seeker (and particularly irregular migrants), who are denied access to the possibility of a formal status within the EU (for example the status of an asylum seeker). Additionally, we may talk about rights deprivation in the procedures at the border: inter alia arbitrary detention, lack of transparency in procedures at the border, and pushbacks. Strongly worded pleas aimed at EU institutions and agencies (particularly Frontex) were present throughout the 2015–16 refugee crisis, as well as the Belarusian border crisis in 2021–22. In the latter case, a European Commission proposal for a Council Decision on provisional measures to help Latvia, Lithuania and Poland (COM(2021) 752 final, 1 December 2021) was particularly criticised by CSOs for undermining the EU’s own adherence to the principles set out in the treaties. As Amnesty International argues:

While derogations are meant to be temporary and only addressed to three EU countries, they have an adverse human rights impact and override the necessary democratic scrutiny, other than risk weakening the other EU countries’ commitment to observing the EU asylum rules when faced with arrivals of migrants and refugees at their border.

(AI_2021_12_07)

On the other hand, with the activation of the Temporary Protection Directive, CSOs lauded the EU for formally granting access to immediate temporary protection, including access to the labour market and key social support services, to people fleeing the war in Ukraine.

The European Union and its Member States should be rightfully proud of many of the actions they have taken in response to the escalating conflict in Ukraine.

(STC_2022_09_30)

The unprecedented and speedy measure, in contrast to other responses to displacements, allowed for an effective response and

granted access to a wide spectrum of rights to those fleeing Ukraine.

(ECRE_2023_01_13)

However, what CSOs have also noted is that differentiated access and incorporation is de jure solidified in the case of the Temporary Protection Directive. Those with temporary protection from Ukraine “jump the queue” to access the rights and status that those fleeing other conflict zones need to wait for or are rejected from, entrenching inequalities in an already stratified system of preferential access.

Further, differentiated access and incorporation into the political system of CSOs themselves, whether through denial of access to “invited” spaces of dialogue or a lack of protection via the EU for civil society actors who are criminalised for their activities on the national level, leads to the perception of exclusion in the case of the former, and rights’ deprivation in the latter. While there have been half-hearted calls from Commissioners to stop the criminalisation of CSOs in the field, there are signs that CSOs are becoming wary of EU (in)actions, furthering the perception of the EU as a hegemonic and hypocritical power in this context. As a strongly worded joint statement of over 100 CSOs working in the field of migration and asylum in Europe states:

Criminalising solidarity also distracts the public from the real issues in EU migration and asylum policies: lack of protected entry and regular migration channels, inadequate reception conditions, violations of international obligations in Search and Rescue operations, pullbacks to Libya and other EU neighbouring countries as well as pushbacks amongst Member States, and lack of clear agreements on disembarkation arrangements. [...] In addition, the EU protects human rights defenders abroad but fails to protect people acting in solidarity with migrants within its own borders.

(JOINT_PICUM_2019_07_26)

The second type of dominance that was inferred in CSO narratives is attributed to fragmentation due to a lack of coordination mechanisms, leading to arbitrariness or a sort of “strategic ambiguity” in the space of migration governance (Stel 2021). This is particularly seen in the presence

or absence of the EBCG (Frontex) on the EU borders, such as during the 2015–16 refugee crisis. Chaotic and ambiguous border control operations in the Mediterranean and Aegean seas resulted in increasingly arbitrary practices, leading to the formation of the Balkan route and more dangerous crossings from the Libyan coast. During the Belarusian border crisis, paradoxically it was the absence of Frontex (particularly in Poland) that was a cause for concern. The lack of order and coordination allowed for illegal pushbacks to take place at the whim of national governments.

Yet it is not just the presence or absence of EU agencies – oftentimes contingent on relations with member states – that is seen as an issue of (the lack of) EU coordination in the field of migration and asylum. Certain EU measures are also criticised for introducing mechanisms which allow for derogations of member states’ responsibilities under EU asylum law, thus lowering harmonisation and increasing arbitrariness. The proposal of the Instrumentalisation Regulation (COM (2021) 890) to counter third-country governments’ acts of destabilisation by instrumentalising migration flows – like on the EU-Belarusian border in 2021–23 – is a case in point. This type of dominance is the result of what Fossum (2019; 21) terms as competence-based functional differentiation in the EU. As a joint statement of European migration CSOs highlights:

The reforms create the risk of arbitrariness with Member States applying different standards, and opting in and out of the CEAS at will. Non-compliance with EU standards is already rampant and Member States will use “instrumentalisation” to justify not applying the rules.

(JOINT_ECRE_2022_09_08)

In the case of the Ukrainian refugee situation, despite the positive reception of the Temporary Protection Directive for those fleeing the conflict in Ukraine, CSOs again point to the lack of clear coordination mechanisms at EU level to ensure coherent relocation initiatives and return procedures (for example for those Ukrainian nationals with temporary protection who move onwards to another country and would then like to come back to the first country of protection). This increases the risk of arbitrary controls and incongruent standards across member states, increasing inequality in treatment of those fleeing the conflict in Ukraine. This results from:

The absence of clear legal provisions regulating pendular movements to and from Ukraine of TP holders [...] and results in considerable inconsistencies across the EU. [...] ECRE's concern is that setting any specific term for short-term poses a risk of arbitrariness and may lead to premature suspension of TP-related rights and the withdrawal of the TP status.

(ECRE_2023_01_13)

A third type of dominance that was most often referred to in the CSO narratives is the lack of transparency – firstly in the border procedures themselves, particularly processing centres at borders and the proposal for “swift screening” mechanisms in the New Pact on Migration and Asylum. Secondly, the lack of transparency is linked to the push for externalisation of asylum and migration management to third countries: the powers of the EBCG and Asylum Agency and the proposal to extend their actions in third “transit” or “hosting” countries under the New Pact on Migration and Asylum is of particular concern. CSOs note a clear lack of oversight and legal jurisdiction for actions that may potentially lead to the abuse of rights and protection of migrants and asylum seekers. This is connected to the proposed extended powers of the EBCG in and outside of the EU borders without proper democratic scrutiny. Another problem they point to is the lack of accountability mechanisms, which may lead to violations of human rights, such as expulsions and pushbacks leading to torture or ill-treatment, hindering access to asylum procedures and protection from violence. The proposed extension of Frontex operations in neighbouring non-EU states poses particular risks in this regard, as they lack transparency and oversight. The EU-Turkey Statement of 18 March 2016 marks the apogee of this decision-making differentiation, which in this case blurred where the responsibility for migrants and asylum seekers lies and where (geographically and morally) it ends. As a statement from the Council on Refugees and Exiles notes, external processing centres are:

In flagrant denial of the legal responsibility of EU Member States for persons in need of protection: thus limiting protection space as well as shifting responsibility for refugee protection to third countries or countries in the region.

(ECRE_2017_02_28)

On the EU-Turkey deal, they further state that:

Whereas ECRE actively promotes resettlement as a safe and legal channel for refugees to reach safety in Europe [...], it strongly rejects the one for one approach as the most cynical and opportunist response to the refugee crisis in Europe.

(ECRE_2017_02_28)

Are ways to prevent/fix dominance offered? If so, what are they?

Unlike in many other fields, the proposals put forward by CSOs working with migration and asylum in Europe outline clear pathways to prevent and fix the structures of dominance present in the governance of migration and asylum in the EU. While these proposals outline concrete policy solutions rather than polity orientations, it is possible to discern overarching themes which point in a common direction: towards a cautiously federalist mode of integration with cosmopolitan undertones. A federalist direction of proposals generally calls for a strengthening of the power and competences at the level of EU institutions (EP, Commission) with supranational level funding procurement, whereas a cosmopolitan outlook underscores an orientation towards the individual, a transformative conception of integration looking beyond “us” and “them”, and a convergence between alienage and citizenship, which can be summarised as “the accentuation of universal moral respect for others” (Thym 2013, 726).

A federalist direction was most evident in the calls for a greater role and clearer competences at the level of EU supranational institutions, particularly the Commission. Notwithstanding the criticisms thereof, as outlined above, the proposals were unanimous in calling for more and clearer competences for EU-level institutions, rather than more power towards member states. However, with the securitising tendencies of the European Commission regarding migration and asylum particularly after 2015, there is evidence of more cautionary undertones in CSOs’ support for the accumulation of power within this supranational EU institution:

ECRE offers a cautious welcome to the increased role of the Commission because monitoring Member States’ implementation of the CEAS and ensuring compliance with legal standards should

be a higher priority. Nonetheless, there are also risks attached to an enhanced role for the Commission.

(ECRE_2021_02_28)

The alternatives are few, however, and CSO proposals clearly underscore their discontent with the increasing externalisation of migration control or transferring of responsibility to third countries:

ECRE finds it unwelcome that the most important legislative proposal on the future of asylum in Europe begins with a reference to the responsibilities of third countries rather than to those of EU countries.

(ECRE_2021_02_28)

A federalist direction is also present in a modest preference for increased European funding for migration and integration efforts, although these proposals are rarely concrete in how they are to be allocated or through which instruments:

EU funding has the potential to play an important role in the functioning of the Common European Asylum System (CEAS) and in supporting EU member states to build more inclusive societies.

(ECRE_PICUM_2020_10_30)

Allocate new additional and ad-hoc funds to tackle the multi-level consequences of the conflict in Ukraine. This could be borrowed as was done in support of the postpandemic recovery or could be set up through national contributions.

(STC_2022_09_30)

Whereas proposals for the funding of instruments remain vague, concrete calls for policy reforms are at the forefront of CSOs' visions for the future of EU migration and asylum policy. Generally, they call for the overhaul of current and proposed policy frameworks, towards a strengthening of mandatory solidarity (rather than flexible solidarity) to be coordinated by the Commission (particularly in reference to the proposed New Pact on Migration and Asylum):

On the proposal in the New Pact on Migration and Asylum for “flexible” solidarity: If taken forward, this approach [flexible solidarity] would considerably weaken the intention for the EU to have a common approach to asylum and migration and allows the Member States with an explicit anti-migration agenda to legitimise their abandoning of responsibilities within the CEAS and international law.

(ECRE_2021_02_28)

While the calls for increased federalism are cautiously supported, a cosmopolitan vision is strongly embraced throughout CSO proposals for the future of EU migration and asylum policy. The underlying characteristic is an orientation towards the needs of the individual:

We believe that there is a need to move the current RAMM [Regulation on Asylum and Migration Management] in a direction that represents not only the interests of the Member States themselves, but also of the women, men and children who are seeking protection.

(CCME_2021_04_13.1)

Further, a transformative conception of integration through an interculturalist approach marks a common vision of CSOs working in the field. They particularly emphasise a bottom-up approach to integration which includes migrants themselves in the policy-making process, focusing on the needs of whole communities through fostering individual contacts and trust-building at local levels.

Social inclusion initiatives through EU funding should be targeting all migrants regardless of their status [...]. Prioritise models of reception which favour the development of contacts and exchanges with the local community and access to mainstream services provided in the communities and not just within the reception centres themselves.

(CCME_2021_04_13.1)

A transformative conception of integration which blurs the distinction between “us” and “them” is not possible without an accompanying

convergence between alienage and citizenship rights, however. While CSO proposals are careful not to fully close the gap between adherence to fundamental human rights for all individuals and the fundamental freedoms of Union citizens, there are calls for more freedoms for third country nationals (TCNs), particularly those asylum seekers who are restricted under the current Dublin regulations and also within the new RAMM proposals:

Ensure that family and other meaningful links to a Member State are proactively taken into account and enforced with priority and consistency by the national authorities in the process of determining the Member State responsible. The country of first arrival criterion should not overshadow the implementation of the hierarchy of criteria.

(ECRE_2021_02_28)

To summarise, CSOs working in the field of migration and asylum, whilst cautiously welcoming a more federalist direction in the policy field, first and foremost underline the need for a cosmopolitan outlook in migration governance. This would be based on a migrant-centred approach to policy development, a transformative understanding of community that moves beyond the dichotomy of foreigners and hosting societies, and an incremental convergence between alienage and European citizenship.

Conclusions

Civil society organisations working in the field of migration and asylum in the European Union are only one of many stakeholders in this governance framework, and their positioning as humanitarian or human rights-based actors often puts them at odds with securitising national level interests as well as those of some EU institutions and agencies. In this research, the perspectives of those CSOs from so-called “invited spaces” of governance working close to centres of decision making were included to offer a critical view from the inside (although largely from the side lines) of EU policy making in this field.

On closer inspection, CSOs’ perspectives reveal a strategic ambiguity in the positioning, policies and practices of EU institutions and accompanying agencies in the field of migration and asylum, opening up spaces for dominance to occur and democratic malfunctioning to

proliferate. Firstly, whilst the EU is ostensibly supportive of a migrant-centred, rights-based approach to migration and asylum governance, in practice this seems largely for export. CSOs highlight the lack of a holistic, multi-scalar EU migration governance framework prioritising access to fair asylum procedures and a widening of the scope of legal pathways into the EU.

Secondly, in matters of coordination of the space of migration governance, the role of the EU and its agencies ought to be pivotal. Admittedly, coordination is an extremely difficult and thankless task, particularly in a period of constant and sustained crises and insecurity. However, where the EU in conjunction with CSOs could play a significant coordinating role, the assessment of its activities and policies has ranged from lukewarm (the triggering of the Temporary Protection Directive in March 2022 was welcomed, but the coordination of activities fell well short of expectations), to critical (allowing for states to derogate from the Common European Asylum System towards more securitised measures in the case of the EU-Belarusian border crisis), to downright betrayal (supporting the formulation of policies calling for the criminalisation of CSO search and rescue activities). Therefore, where the EU could be a critical kingmaker or peace-broker within the borders of the EU, we find arbitrariness, temporariness and, at worst, the deepening of status and rights deprivation for those seeking to enter the EU and others wishing to protect their human rights.

Lastly, the increasing externalisation of EU migration and asylum policies puts transparency beyond the scope of democratic scrutiny and turns all pretence at supporting human security into “organised hypocrisy”. It is not surprising, therefore, that CSOs have limited confidence in the EU and its institutions to remedy this intractable set-up. Yet it is towards the EU that their proposals flow, with calls for more and clearer coordination (of funds, of border control), from the side of EU institutions and agencies, with increased monitoring, audits and checks and balances from a variety of actors (including the European Fundamental Rights Agency and CSO actors in the field). This cautious federalist direction has a clear cosmopolitan outlook, a sort of cosmopolitan checks-and-balances perspective, which would: (1) not only pay lip service but give real agency and co-decision to those migrants/asylum seekers in the integration process, (2) offer agency to CSOs within the governance framework as partners in the protection of human rights, (3) create spaces of

convergence between alienage and citizenship, calling for a reconsideration of (some) forms of restrictions to the mobility of asylum seekers and generally third-country nationals within the EU, as well as fairer and more access to rights, particularly for asylum seekers.

For the moment, however, this cosmopolitan checks-and-balances outlook looks rather bleak. The temporary protection granted to Ukrainian nationals fleeing from the Russian aggression in their home country is by all accounts the exception rather than a new normal for EU asylum rights. Sweden, which took over the EU rotating presidency of the Council in January 2023, vowed to make migration a key issue. Yet it is focusing on curbing migration and securitising the borders, rather than looking for ways to create more equitable, safe and sustained routes to legal migration into the EU. CSOs did not have a strong voice in the Conference on the Future of Europe, where migration matters were one of the main pillars of debate in citizens' panels and plenary debates. While the recommendations stemming from the CoFoE call on the EU to reframe migration from a human perspective, the solutions seem to focus on a proliferation of agencies (for instance, a proposal for a new EU agency for immigration), or the strengthening of existing agencies (Frontex, EU Asylum Agency), calling on the EU to be the "first agency that manages all agencies and NGOs directly dealing with asylum issues". This fuels criticism of the CoFoE as a forum for advocates for a more federal Europe. Therefore, even from what have been framed as citizens' outlooks from the bottom up, there seems to be more of a push for a concentration of power (in this case, within EU institutions) within the future of Europe debates, rather than a multi-scalar, increased coordination of activities as advocated by CSOs working in the field.

References

- Banulescu-Bogdan, Natalia. 2011. "The Role of Civil Society in EU Migration Policy: Perspectives on the European Union's Engagement in Its Neighborhood," 22.
- Benford, Robert D., and David A. Snow. 2000. "FRAMING PROCESSES AND SOCIAL MOVEMENTS: An Overview and Assessment." *Annual Review of Sociology* 26: 611-39.
- Bisong, Amanda. 2022. "Invented, Invited and Instrumentalised Spaces: Conceptualising Non-State Actor Engagement in Regional Migration Governance in West Africa." *Journal of Ethnic and Migration Studies* 48 (12): 2945-63. <https://doi.org/10.1080/1369183X.2021.1972570>.
- Cuttitta, Paolo. 2020. "Non-governmental/civil society organisations and the European Union-externalisation of migration management in Tunisia and Egypt." *Population, Space and Place* 26 (7): <https://doi.org/10.1002/psp.2329>
- Block, Laura, and Saskia Bonjour. 2013. "Fortress Europe or Europe of rights? The europeanisation of family migration policies in France, Germany and the Netherlands." *European Journal of Migration and Law* 15(2): 203-24.
- Bonjour, Saskia, Ariadna Ripoll Servant and Eiko Thielemann. (2018). "Beyond venue shopping and liberal constraint: a new research agenda for EU migration policies and politics." *Journal of European Public Policy*, 25 (3), 409-421, <https://doi.org/10.1080/13501763.2016.1268640>
- Boswell, Christina. 2003. "The 'External Dimension' of EU Immigration and Asylum Policy." *International Affairs* 79 (3): 619-38.
- Boswell, Christina, Andrew Geddes, and Peter Scholten. 2011. "The Role of Narratives in Migration Policy-Making: A Research Framework." *British Journal of Politics and International Relations* 13 (1): 1-11. <https://doi.org/10.1111/j.1467-856X.2010.00435.x>.
- Buckley, Karen. 2013. "Global Civil Society: The Dialectics of Concept and Reality." *Globalizations* 10 (2): 231-44.

- <https://doi.org/10.1080/14747731.2013.786231>.
- Delgado Wise, Raul. 2018. "Is There a Space for Counterhegemonic Participation? Civil Society in the Global Governance of Migration." <https://doi.org/10.1080/14747731.2018.1484204>.
- Eriksen, Erik O. 2018. "Political Differentiation and the Problem of Dominance: Segmentation and Hegemony." *European Journal of Political Research* 57 (4): 989–1008. <https://doi.org/10.1111/1475-6765.12263>.
- Fossum, John Erik. 2019. "Europe's Triangular Challenge: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*, no. 1. <https://doi.org/10.2139/ssrn.3505864>.
- Fossum, John Erik. 2021. "EU Constitutional Models in 3D: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3900382>.
- Fossum, John Erik. 2018. "Can We (Still) Think About the European Union and Canada as 'Cosmopolitan Vanguards'?" In *Diversity and Contestations over Nationalism in Europe and Canada*, edited by John Erik Fossum, Riva Kastoryano, and Birte Siim. London: Palgrave Macmillan, pp. 155-186.
- Fossum, John Erik, and Espen D.H. Olsen. 2022. "Cosmopolitanism: moral universalism and the politics of migration." In *Contested Conceptions in Migration Studies*, edited by Ricard Zapata-Barrero, Dirk Jacobs, and Riva Kastoryano. London: Routledge, pp. 61–77.
- Foucault, Michel. 1980. *Power/Knowledge: Selected Interviews and Other Writings, 1972-79*. Edited by Colin Gordon. New York: Pantheon.
- Guild, Elspeth. 2006. "The Europeanisation of Europe's Asylum Policy." *International Journal of Refugee Law*, Vol. 18, Issue 3-4, pp. 630-651, 2006, <http://dx.doi.org/10.1093/ijrl/eel018>.
- Hadj Abdou, Leila. 2020. "'Push or pull'? Framing immigration in times of crisis in the European Union and the United States." *Journal of European Integration*, 42:5, 643-658, DOI: 10.1080/07036337.2020.1792468
- Hill, Christopher. 1993. "The Capability-Expectations Gap, or Conceptualizing Europe's International Role." *JCMS: Journal of Common Market Studies* 31 (3): 305–28. <https://doi.org/10.1111/J.1468-5965.1993.TB00466.X>.
- Honneth, Axel. 2004. "Recognition and Justice." *Acta Sociologica* 47 (4): 351–64. <https://doi.org/10.1177/0001699304048668>.
- Jones, Erik, R. Daniel Kelemen, and Sophie Meunier. 2021. "Failing

- Forward? Crises and Patterns of European Integration.”
<https://doi.org/10.1080/13501763.2021.1954068> 28 (10): 1519–36.
- Kalm, Sara, and Anders Uhlin. 2015. *Civil Society and the Governance of Development*. London: Palgrave Macmillan.
<https://doi.org/10.1057/9781137461315>.
- Kaunert, Christian and Sarah Léonard. 2012. “The development of the EU asylum policy: venue- shopping in perspective.” *Journal of European Public Policy* 19(9): 1396–413
- Larsen, Henrik. 2020. “Normative Power Europe or Capability-Expectations Gap? The Performativity of Concepts in the Study of European Foreign Policy.” *Journal of Common Market Studies* 58 (4): 962–77. <https://doi.org/10.1111/jcms.12998>.
- Lavenex, Sandra. 2001. “The Europeanization of refugee policies: normative challenges and institutional legacies.” *JCMS: Journal of Common Market Studies* 39(5): 851–74.
- Lavenex, Sandra. 2006. “Towards the constitutionalization of aliens’ rights in the European Union?” *Journal of European Public Policy* 13(8): 1284–301.
- Lavenex, Sandra, and Nicola Piper. 2021. “Regions and Global Migration Governance: Perspectives ‘from above’, ‘from below’ and ‘from Beyond.’” *Journal of Ethnic and Migration Studies*.
- Lavenex, Sandra. 2018. “‘Failing Forward’ Towards Which Europe? Organized Hypocrisy in the Common European Asylum System.” *JCMS: Journal of Common Market Studies* 56 (5): 1195–1212.
<https://doi.org/10.1111/JCMS.12739>.
- Lavenex, Sandra, and Nicola Piper. 2022. “Regions and Global Migration Governance: Perspectives ‘from above’, ‘from below’ and ‘from Beyond.’” *Journal of Ethnic and Migration Studies* 48 (12): 2837–54.
<https://doi.org/10.1080/1369183X.2021.1972564>.
- Léonard, Sarah, and Christian Kaunert. 2020. “The Securitisation of Migration in the European Union: Frontex and Its Evolving Security Practices.” *Journal of Ethnic and Migration Studies* 0 (0): 1–13.
<https://doi.org/10.1080/1369183X.2020.1851469>.
- Lovett, Frank. 2001. “Domination: A Preliminary Analysis.” *The Monist*, Volume 84, Issue 1, 1 January 2001, 98–112,
<https://doi.org/10.5840/monist20018414>
- Oliveira Martins, Bruno, and Michael Strange. 2019. “Rethinking EU External Migration Policy: Contestation and Critique.” *Global Affairs* 5 (3): 195–202. <https://doi.org/10.1080/23340460.2019.1641128>.

- Orzechowska-Waclawska, Joanna, Zdzislaw Mach, and Kinga Sekerdej. 2021. "The Limits of Voluntary Submission. Dominance Frames in Polish Parliamentary Debates on the EU Accession." *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3914750>.
- Pastore, Ferruccio and Emanuela Roman. 2020a. "Framing Migration in the Southern Mediterranean: How Do Civil Society Actors Evaluate EU Migration Policies? The Case of Tunisia." *Comparative Migration Studies* 8 (1). <https://doi.org/10.1186/s40878-019-0160-4>.
- Pastore, Ferruccio, and Emanuela Roman. 2020b. "Framing Migration in the Southern Mediterranean: How Do Civil Society Actors Evaluate EU Migration Policies? The Case of Tunisia." *Comparative Migration Studies* 8 (1). <https://doi.org/10.1186/s40878-019-0160-4>.
- Piper, Nicola and Stefan Rother. 2021. "Governing Regional Migration from the 'Bottom-up': A Nodal Approach to the Role of Transnational Activist Networks in Asia." <https://doi.org/10.1080/1369183X.2021.1972569> 48 (12): 2927–44. <https://doi.org/10.1080/1369183X.2021.1972569>.
- Schierup, Carl-Ulrik, Branka Likić-Brborić, Raúl Delgado Wise, and Gülay Toksöz. 2020. "Migration, Civil Society and Global Governance: An Introduction to the Special Issue." In *Migration, Civil Society and Global Governance*, 3–15. Routledge. <https://doi.org/10.4324/9780429053207-2>.
- Schofberger, Irene. 2019. Migration: Solid Nations and Liquid Transnationalism? The EU's Struggle to Find a Shared Course on African Migration 1999-2019.
- Scipioni, Marco. 2018. "Failing forward in EU migration policy? EU integration after the 2015 asylum and migration crisis." *Journal of European Public Policy* 25:9, 1357-1375, DOI: 10.1080/13501763.2017.1325920
- Wee, Kellynn, Kudakwashe P. Vanyoro, and Zaheera Jinnah. 2018. "Repoliticizing International Migration Narratives? Critical Reflections on the Civil Society Days of the Global Forum on Migration and Development." *Globalizations* 15 (6): 795–808. <https://doi.org/10.1080/14747731.2018.1446600>.
- Weiner, Agnieszka, Saskia Bonjour, and Lyubov Zhyznomirska (eds). 2019. *The Routledge Handbook of the Politics of Migration in Europe*. London: Routledge.

Annex 1: List of analysed reform proposals

No.	Name of actor	Title of proposal	Medium for making proposal	Date proposal made	Code for proposal
1	Amnesty International	Hotspot Italy. How EU's flagship approach leads to violations of refugee and migrant rights	website	3/11/2016	AI_2016_11_03
2	Amnesty International	Temporary Measures on asylum and return must be rejected	website	7/12/2021	AI_2021_12_07
3	Caritas Europa	Caritas Europa's analysis and recommendations on the EU Pact on Migration and Asylum	website	12/31/2020	CE_2020_12_31
4	Churches' Commission for Migrants in Europe	Comments on the Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX (Asylum and Migration Fund)	website	4/13/2021	CCME_2021_04_13.1

5	Churches' Commission for Migrants in Europe	Comments on the EU New Pact on Migration and Asylum	website	4/13/2021	CCME_2021_04_13
6	Concord - European NGO Confederation for Relief and Development	CONCORD initial reaction to the New Pact on Migration and Asylum	website	6/10/2020	CONC_2020_06_10
7	Danish Refugee Council	New Pact, New Direction? DRC's Recommendations on the New Pact on Migration and Asylum	website	3/31/2020	DRC_2020_03_31
8	ETUC European Trade Union Confederation	A common migration and asylum policy, based on respect for rights and equal treatment	website	5/20/2021	ETUC_2021_05_20
9	European Council on Refugees and Exiles	ECRE Comments on the Commission Proposal for a Regulation on the European Border and Coast Guard	website	11/23/2018	ECRE_2018_11_23
10	European Council on Refugees and Exiles	ECRE Comments on the Commission Proposal for a Regulation on Asylum and Migration Management	website	2/28/2021	ECRE_2021_02_28
11	European Council on Refugees and Exiles	PROTECTION IN EUROPE: SAFE AND LEGAL ACCESS CHANNELS: ECRE'S VISION OF EUROPE'S ROLE IN THE GLOBAL REFUGEE PROTECTION	website	2/28/2017	ECRE_2017_02_28

		REGIME: POLICY PAPER 1			
12	European Council on Refugees and Exiles	ECRE COMMENTS ON THE COMMISSION PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ADDRESSING SITUATIONS OF INSTRUMENTALISATION IN THE FIELD OF MIGRATION AND ASYLUM COM(2021) 890 FINAL	website	31/1/2022	ECRE_2022_01_31
13	European Council on Refugees and Exiles	EU External Cooperation and Global Responsibility Sharing: Towards and EU Agenda for Refugee Protection.	website	31/02/2017	ECRE_2017_02_31
14	European Council on Refugees and Exiles	Holding Frontex to Account. ECRE's proposals for strengthening non-judicial mechanisms for scrutiny of Frontex.	website	31/05/2021	ECRE_2021_05_31
15	European Council on Refugees and Exiles	Movement to and from Ukraine under the Temporary Protection Directive	website	13/01/2023	ECRE_2023_01_13
16	European Council on Refugees and Exiles & Platform for International Cooperati	The Future EU Action Plan on Integration and Inclusion: Ensuring an Approach Inclusive of All Policy Paper	website	10/30/2020	ECRE_PICUM_2020_10_30

	on on Undocumented Migrants				
17	European Network on Migrant Women	EU Migration and Asylum Pact through the eyes of a woman	website	18/12/2020	ENMW_2020_12_18
18	European Sardines	Migrants on the Balkan Route: 6 concrete proposals	website	8/10/2021	ES_2021_08_10
19	Joint Declaration – Civil Society Europe	The Future of Europe is Ours. A view from civil society. Recommendations from civil society organisations for the Conference on the Future of Europe	website	31/06/2022	JOINT_CSE_2022_06_31
20	Joint Report – Hungarian Helsinki Committee / Foundation PRO ASYL	Pushed back at the door: denial of access to asylum in Eastern EU Member States	website	31/12/2017	JOINT_HC_PRO_AZYL_2017_12_31
21	Joint Statement – Association for Legal Intervention	Joint Letter to Commissioner Johansson on pushbacks at the Belarusian border	website	11/10/2021	JOINT_ALI_2021_10_11
22	Joint Statement – Don Bosco International	Children cannot wait: 7 priority actions to protect all refugee and migrant children	website	11/29/2016	JOINT_DBI_2016_11_29
23	Joint Statement – European Council of	Last call: The future Asylum, Migration and Integration Fund Making the case for humane, transparent and	website	30/11/2020	JOINT_CRE_2020_11_30

	Refugees and Exiles	effective use of EU resources for asylum and migration in the Union			
24	Joint Statement – European Council on Refugees and Exiles	Joint Statement: NGOs call on Member States: Agreeing on the Instrumentalisation Regulation will be the Final Blow to a COMMON European Asylum System (CEAS) in Europe	website	8/9/2022	JOINT_CRE_2022_09_08
25	Joint Statement – Platform for International Cooperation on Undocumented Migrants	The EU must stop the criminalisation of solidarity with migrants and refugees	website	26/07/2019	JOINT_PICUM_2019_07_26
26	Joint Statement – Red Cross EU Office	The Asylum and Migration Fund: A tool for more humane, transparent and effective asylum and migration policies in the EU?	website	28/02/2019	JOINT_RC_2019_02_28
27	Red Cross EU Office	Key Priorities for the EU in the Future	website	6/24/2019	RC_2019_06_24
28	Save the Children	Putting Children First – Priorities for the EU's response to the conflict in Ukraine	website	30/09/2022	STC_2022_09_30
29	Save the Children	Belarus border crisis: A moment of truth for EU's humanitarian commitments	website	17/11/2021	STC_2021_11_17

30	Statewatch	Mediterranean: European Contact Group on Search and Rescue failing to meet transparency requirements	website	23/04/2021	SW_2021_04_23
31	The Commission of Catholic Episcopal Conferences of the EU – Working Group on Migration and Asylum	Statement by the COMECE Working Group on Migration and Asylum on the EU Pact on Migration and Asylum proposed by the European Commission	website	12/15/2020	CCEC_2020_12_15

Chapter 8

Feminist Visions of Europe: the Voices of Gender Equality Organisations

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Introduction

It is hardly possible to imagine a European democracy without feminist perspectives. Gender equality is one of the fundamental values and principles of the European Union (EU), an ultimate goal that must be achieved at the European and national level. It is part of the EU treaty-based obligations, as well as being set out in the Gender Equality Strategy (2020–2025) and Gender Action Plan, just to name the most recent documents. Gender equality is also thought to contribute to economic growth, with a positive impact on competitiveness of employment and productivity and gross domestic product (EIGE undated). However, despite efforts to mainstream gender equality, it has not been achieved in many areas: there is still a gender gap in employment and care as well as gender inequality in decision making and power, while the rates of gender-based violence and harassment are increasing. Many of these aspects of gender inequalities have been reflected in the baseline of public policies and in the allocation of public resources, indicating that the European Commission has not satisfied its obligations in the promotion and implementation of gender equality (Gender mainstreaming... 2021). At the same time, the current anti-gender campaigns and mobilisation against gender equality have revealed how fragile the concept of gender

equality is, and opposition to feminist politics is visible at the national and European level. Neoliberalism and authoritarianism have created new alliances and led to de-democratisation and resistance to gender equality. What seemed to be achieved in the field of gender equality is now being questioned.

With these challenges in mind, this study focuses on the vision of Europe articulated by gender equality CSOs operating at the international/supranational level within Europe. The selection of these gender equality CSOs is motivated by several reasons. First, they differ from traditional bureaucratic structures and are often formed because of exclusion in the mainstream public sphere and democratic processes. They are located between state and society, playing a mediating role and functioning as one of the counterpublics (Fraser 1990). As such, they can offer a contestation of the dominant official narratives presented by the EU and the state (at the national level) and create an alternative vision(s) of Europe. They can widen the official debates by bringing in issues and problems which have been ignored or overlooked in the dominant debates. This potential is especially important in the context of changing the EU's priorities on gender equality: since the 2008 financial crisis, it has not been defined as a goal in itself and has become more of a tool used to achieve other goals.

Secondly, bringing gender equality CSOs into a discussion also challenges the situation in which politics is in the hands of states, European and transnational institutions and global corporations. In the context of the European Parliament and Council, Joyce Marie Mushaben (2019) refers to "trilogues" - informal and secret meetings between EP leadership, the Commission, and Council staff - as being exclusionary and inaccessible for gender experts. Therefore, providing the perspectives of gender equality CSOs responds to a demand for inclusion of gender experts and their voices in decision-making processes.

Thirdly, the EU is often seen as an ally for gender equality CSOs and think tanks. EU policies and structures have been used to support their actions and lobby for advancing gender equality at the national level. There is no doubt that the EU has included the objective of gender equality, as well as forcing member states to transpose the EU regulations and harmonise

their policies at the national level. To some extent, we could talk about the success of putting gender equality on the EU agenda. At the same time, however, gender equality CSOs have argued that this institutional support has not been sufficient: gender equality has not been a priority for the member states and has been defined as a soft law, leaving a high degree of flexibility to member states in the implementation of the EU gender equality directives.

Finally, the debates around gender equality reflect many problems that are essential to the debates on the EU polycrisis (Zeitlin, Nicoli, and Laffan 2019), the financial crisis (Walby 2015), and the rise of right-wing populism (Pirro and van Kessel 2017), to name but a few. Here, gender equality is expected to provide normative knowledge and reflexivity (Lombardo, Meier, and Verloo 2009), which will further transform unequal gendered power relations, practices, and norms and create more equal and just societies (Ferree 2006). This contribution of gender equality organisations was significant in the debates on the future of Europe – an initiative launched by the European Commission to discuss how to reform the EU institutions and policies. As the debates aimed to capture the voices of citizens, they became an important forum for the CSOs to engage. For gender equality organisations, the reason was twofold. The voices and opinions of gender equality organisations broadened the perspective on the issues discussed by applying a gender lens and providing arguments supporting their views to stakeholders and citizens. Furthermore, the debate on the future of Europe, and especially the Conference on the Future of Europe (CoFoE), made a public space available for feminist academics, politicians, and activists from gender equality movements and organisations known as the “velvet triangle” (Woodward 2004). In other words, the debate on the future of Europe can be seen as a political opportunity structure to implement gender equality policies and to integrate gender perspectives into the new policy frameworks. This role of gender equality organisations seems to be very important if we examine the Five Presidents’ Report or the White Paper on the Future of Europe. While the former barely discusses gender equality (e.g. increasing the employment of women), the latter states: “The EU is now the place where [...] equality is not just spoken about but continues to be fought for” and “in the section on the drivers of Europe’s future some problems, such as ageing societies in Europe, new family structures, a changing population, urbanisation and more diverse

working lives, affect the way social cohesion is built". Moreover, voices emphasising the importance of gender equality are valued and needed in a context of anti-gender discourses and cultural wars. To counteract the hegemonic narratives that mobilise members of European societies through the instrumentalisation of emotions, it is important to introduce the perspective of the other side.

This chapter aims at identifying the conceptual and policy contributions of gender equality organisations to the advancement of gender equality and democracy in Europe. It examines how gender equality is framed and articulated in the documents of gender equality CSOs and enquires whether their contributions can reinforce democracy and counteract anti-gender movements. The first part of the chapter provides an overview of the gender equality policies in the EU and sheds light on the concept of regendering democracy. This is followed by methodological reflection explaining the research approach and selection of the empirical material. The second part focuses on the vision of gendered democracy put forward by gender equality CSOs. It presents three frameworks used by CSOs to argue for the advancement of gender equality: the value-based approach, citizen-rights approach, and financial gains approach. This illustrates the dominant gender frames CSOs adopt to legitimise gender equality and mobilise the EU institutions to implement gender equality as a horizontal principle in policies. This analysis leads to a discussion on the role of the EU as a promoter of gender equality and offers an insight on the possibilities of developing a feminist vision of Europe.

Gender democracy and the EU

Has gender equality been achieved in the EU? Can the EU be seen as a gender-equal polity? What role does the EU play in combating the inequalities between women and men? Who can have an impact on gender equality policies at the EU level? The answers to these questions vary. Some scholars have proven that, despite the EU's extensive efforts to promote gender equality as a horizontal principle that intersects in various policy areas, gender inequalities still persist and the effects of EU policies are limited. Insufficient gender equality machinery, differences in the imposition of EU gender equality regulations among member states, weak political will among member states, and exclusion by the EU of important policy areas (such as abortion), as well as development of "soft" rather than "hard" law interventions are often named as hindering factors

(Walby 2004). Others, while recognising the limitations of the EU's impact on gender inequalities, focus on the development of the legal framework allowing gender inequalities to be identified and combated, as well as pressure from female Members of the European Parliament and from feminist movements and non-governmental organisations to advance gender equality. They acknowledge the effectiveness of gender units in the EU Commission in including the gender perspective in various policies and point out that gender equality has been presented as the main common value, strongly linked to human rights and social equity. The more progressive character of the EU's legal provision and policies is also emphasised: the EU neither simply reflects nor restricts the national interests, but can be seen as a leader in advancing gender equality. Thus, as Jacquot (2020) claims, the EU is believed to be "exceptional" with respect to gender equality policies.

The EU recognises gender equality as one of its values (Article 2, Treaty on European Union - TEU), a fundamental right (Article 23, EU Charter of Fundamental Rights), and a positive duty (Article 157, TFEU) (cf. MacRae, Guerrina, and Masselot 2021: 188). This approach was enhanced by including gender equality as an objective of the EU in the Treaty on the Functioning of the EU (Article 3 and Article 8) and the Amsterdam Treaty (1997), which emphasises that "In all other activities referred to in this Article, the Community shall aim to eliminate inequalities and promote equality between men and women" (Amsterdam Treaty, Art. 3, Article 8 TFEU). In addition to the broad definition of gender equality, gender equality policies have been developed through a number of directives. In particular, they address the issue of equal pay for the work of equal value (1975), equal access to employment, vocational training, promotion, and working conditions (1976), equal treatment in statutory social security (1978), an occupational social security scheme (1986), equal treatment of self-employed people (1986), protection guaranteed to pregnant workers and workers who have recently given birth or are breastfeeding (1992), working time (1993), parental leave of at least three months to male and female workers (1996), reversing the burden of proof of discrimination on the defendant (1997), the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (2006), work-life balance (2019) and gender balance in corporate boards (2022). While most of the directives advance gender equality in the labour market or work-life balance, Directive 2004/113/EC implements the

principle of equal treatment between men and women in access to and supply of goods and services.

The EU's commitment to promoting gender equality also transfers into several strategies, including the most recent ones, such as the Gender Equality Strategy 2020–2025, which provides further guidelines on the measures aimed at combating inequalities. As the Strategy states: “In all its activities, the Union shall aim to eliminate inequalities and to promote equality between men and women” (European Commission, 2020: 2). It addresses, among others, gender-based violence, gender stereotypes, gender inequalities in the labour market, as well as decision making and political representation. Importantly, for the first time, all these areas should be approached from the intersectional perspective and in collaboration with CSOs. To achieve the latter, the EU urges member states to “support civil society and public services in preventing and combating gender-based violence and gender stereotyping, including with the help of EU funding available under the ‘citizens, equality, rights, and values’ programme” (European Commission, 2020: 7). This demand is especially timely considering that more progressive legal initiatives were blocked by member states, but also far-right populist groupings and religious conservatives which oppose feminist politics and legislation.

According to Sylvia Walby (2004), this regulatory policy-led model emphasising the role of the EU polity in transforming gender regimes was initially embedded in the “sameness” approach to allow women to reconcile professional work with care, but over time it has shifted to “gender mainstreaming” by transcending economic issues and including gender in all policy areas. This shift can also be seen as a process of developing the EU “gender regime” (Wahl 2021), helping to understand the process of regendering democracy: making democracy and gender equality inseparable and strengthening each other. In practice, however, this relationship is not self-evident and is often contested. This has become evident in the face of current challenges, including the Eurozone crisis, the rise of populism, Brexit and the COVID-19 pandemic, which have led to democratic backsliding and hindered the role of gender equality CSOs and the possibilities of reducing gender inequalities.

In this context, the contribution of the feminist approach, pointing to the importance of regendering democracy, led to a feminist project of developing more radical and deep democracy (Phillips 1991; Galligan

2015). Its origin can be traced back to the critics of the sexual contract located in patriarchy, which was later transferred to liberal democracies and constituted women's subordination (Pateman 1988). Over time, the discussion of how democracies are gendered expanded and referred to several key dimensions. First, it calls for gender justice as the key value and principle of democratic governance. Second, it addresses the democratic bias and the inability of democracy to provide equal representation by proposing the notion of inclusion and recognition of women. These concepts are understood not only as providing procedures and mechanisms such as quotas to increase the number of under-represented groups, especially women, but also as including the interests and perspective of women in policy-making processes organising the political and social order. The latter, according to Walby (2015, 116), refers to "the governance of major public services, such as finance, health, education and care services, through procedures that are democratically accountable, rather than through procedures focused on increasing profits for private owners". Therefore, gender equality is presented as central to all democratic processes and activities, varying from the articulation of distinctive opinions and points of view through representatives of all genders to policy development and allocation of resources. The inclusion of the gender dimension and gender experts is perceived as necessary to achieve policy progress (McBride and Mazur, 2013), and a lack of supportive conditions for feminist advocates will result in backsliding and undermining of gender equality policies (Krizsan and Roggeband, 2018).

Methodology

This chapter focuses on the visions of feminist Europe as articulated by gender equality organisations in the debate on the future of the EU. It examines how gender equality is addressed in gender equality organisations' proposals covering the 2015–2022 period. Is it seen as related to particular policy areas? Do these areas reflect the priorities of the EU gender equality framework? Do feminist organisations set the same goals as the EU? Second, the justifications for the arguments supporting the feminist perspective are analysed. Do feminist organisations support their claims by referring to European values? Or do they use the neoliberal logic or emphasise how gender equality is profitable for the EU, member states, and citizens? Third, the analysis of the proposal is a point of departure to examine how feminist claims can

gender democracy (Phillips 1991), especially in the context of the conservative backlash and the rise of “gender ideology” (Verloo 2018, Korolczuk and Graff 2018, Kuhar and Paternotte 2017).

This study captures the voices of gender equality organisations, which operate on two levels that are not mutually exclusive and allow multiple roles to be performed: those contributing to the discussion on policy issues, offering gender consulting and conducting gender evaluations, as well as those acting as watchdog organisations, evaluating and controlling the policies and strategies established at the EU level. The gender equality CSOs were selected through several strategies. First, based on the existing literature on gender equality in the EU, I identified the most vocal organisations active in the area of gender equality. Second, I analysed the debates on the future of Europe to capture the organisations actively contributing to the discussions either by taking part in public debates or by submitting proposals with vision(s) of gender equality policies/gender equality democracy. Finally, I checked the Transparency Register to examine which organisations are present in the law-making and policy development processes of the EU institutions. Based on these three strategies, a list of gender equality organisations was created and their websites were reviewed to identify the proposals which discuss their opinions on gender equality policies and the future of Europe. For the purposes of this chapter, I selected six gender equality CSOs (Annex 1) based on several criteria: 1) inclusion of mainstream and peripheral organisations, 2) diverse areas of expertise, 3) diverse ideological approach to feminism. Their proposals were analysed by applying qualitative content analysis.

Understanding gender equality

Analysis of the proposals made by gender equality organisations shows that they contributed to discussions on topics closely related to their own expertise. They provided feminist knowledge of how to understand political and policy processes from a gendered perspective, as well as explaining the gendered aspects of various policy areas. They promoted gender expertise as policy and transformative expertise (Hoard 2015), indicating how new feminist concepts can enhance democracy and counterbalance the essentialist understanding of gender promoted by conservative, populist, or right-wing milieus. Yet, by focussing on their specific area of expertise, they provide some insight on the EU mechanism

of governance, decision-making power relations between the EU and the Member States, as well as the prerogatives of the EU to mainstream gender as a basis of democratic order. The analysis illustrates the importance of the European Union as responsible for developing gender equality policies and highlights gender equality as the foundation for future development and integration of the EU.

The key areas of actions for the EU indicated in their proposals overlap with the scope of actions of organisations, but also with the gender equality policies already implemented by the EU. These are: violence against women, economy (including gender budgeting), care, political representation, participation in decision-making processes, and sexual and reproductive health and rights. Equally important from gender equality CSOs is the role of the EU in establishing gender mainstreaming by applying gender budgeting, collecting sex-disaggregated data on all policy areas or in new, emerging areas of interest, such as energy poverty.

Regardless of the policy area discussed in the proposals, gender equality organisations provide the current state of gender equality. While they identify some achievements, they are critical in evaluating the progress made at both the EU and national level. Not only did they notice that there is still gender inequality *in general*, but they also provided specific examples of gender gaps and gender bias. As illustrated in the proposal published by G5+:

In the last 20 years, there has been some progress in “descriptive” representation, for example, in relation to the number of women in panels, but not much in “substantive” representation, such as the discussion of a gender perspective on climate change. Regarding the “symbolic” representation, the EU must be stronger in defending gender equality as part of its identity, which is part of its founding principles and mission.

(G5+2021:2)

They are also critical of the process of implementation of gender mainstreaming as a horizontal principle. While the idea that gender equality should be integrated in all policy areas at all levels is seen as a step in the right direction, there is little commitment to developing tools

to encourage the implementation of gender mainstreaming and measurement of its impact.

(...) gender mainstreaming has no standalone quantitative target even though it is also described as a horizontal principle. Moreover, according to the European Parliament's Resolution of 14 March 2017: "tools for gender mainstreaming, such as gender indicators, gender impact assessment and gender budgeting, are rarely used in policy design and implementation".

(Young Feminist Europe 2019a)

The assessment of progress is a point of departure for providing recommendations on measures to be taken, either in the context of specific EU regulations or documents they consulted or in the form of political guidelines across all policy areas. Although the political objectives for the EU do not differ from those set in the EU documents (e.g. EU Gender Equality Strategy 2020–2025), gender equality organisations provide more specific measures. For example, to advance gender equality in decision-making processes, the following should be utilised: alternation of zipped lists in elections (i.e. alternating female and male candidates on the list), granting gender parity of elected and appointed officials, or ensuring gender equality in all policy fields, especially at the highest levels. The proposals discussing gender-based violence (GBV) urged attention to a broad scope of violence, including online violence and sexual exploitation in both the private and public spheres, as well as creation of a comprehensive policy framework combining both external policies (such as the Council of Europe Convention on preventing and combating violence against women and domestic violence – Istanbul Convention) and future EU directives. More progressive solutions are put forward in the field of care, where there is a need to adopt a feminist economy of wellbeing in the form of a European Care Deal. This mechanism reinforces the arguments and solutions already present at the EU and national levels (such as investment in accessible and affordable public care infrastructure, implementing work-life policies, ensuring payment for care work), but it also suggests a holistic approach based on the recognition of a universal right to care. The latter strongly supports the equal-earner equal-carer model, which can be achieved only if both paid and unpaid care is taken into account and equally valued. The shift towards advancing gender equality in care must be accompanied by reducing gender gaps in the

labour market and recognising the unpaid care work done by women in macroeconomic policies and indicators. In the latter case, the gender mainstreaming strategy should be applied in the budgetary process as a tool to promote equality between men and women (Young Feminist Europe 2019a).

Framing gender equality

To support their demands regarding the advancement of gender equality, gender equality CSOs have developed several strategies. Based on the analysis of the gathered documents, it is possible to inductively point to three of them: the value-based approach, citizen-rights approach, and financial gains approach.

Value-based approach

One of the most common ways of addressing gender equality is the language of values and human rights. This approach is strongly linked with the core values promoted and safeguarded by the EU, which plays a central role in justifying the attempts to advance gender equality, at both European and national levels. Gender equality organisations claim that the EU has a long-standing commitment to gender equality, which is reflected in the EU treaties: the Lisbon Treaty (2007), the EU Charter of Fundamental Rights (2000), and the Treaty on the Functioning of the European Union (2012). These documents define gender equality as a goal and core value of the EU and give it prerogatives to promote gender equality in its activities. By referring to these documents, the gender equality organisations legitimise the role of the EU as an institution responsible for undertaking actions aimed at advancing gender equality and consequently building a more just and cohesive society. They do not question the EU competences in the field of gender equality as defined in the constitutional treaties and therefore, do not consider the EU as overstepping them in its effort to advance gender equality. This approach clearly shows that gender equality organisations recognise the importance of supranational institutions (such as the EU) and their collaboration as having a strategic impact on the promotion of women's rights and supporting their actions. Therefore, they do not demand to deconstruct the existing institutional order – quite the contrary: they expect that it will be sustained and developed to reinforce the EU and its prerogatives in the field of gender equality. In this way, the EU would be able to overcome

the difficulties it has faced, reinforce its power over the member states and rebuild its democratic order.

All the gender equality organisations analysed emphasise that the use of the EU as a tool to challenge insufficient progress toward gender equality has become even more pressing in the context of unprecedented challenges, such as rising populism, anti-gender movements, climate change, the migration crisis, backsliding in gender equality, women's and LGBTIQI + rights, and, most recently, the COVID-19 crisis (cf. Krizsan, Roggeband 2018). As never before, these crises have put human rights, including women's and LGBTIQI+ rights, and liberal democracy under threat. In this context, gender equality organisations show the gendered consequences of crises, suggesting that they may open a window of opportunity for the EU to advance gender equality. They call for greater involvement of the EU to defend its core value and challenge the political and societal opposition to gender equality in the EU and its member states.

Urgent and firmer action is required from the EU to safeguard its values in its own Member States. The EU must closely monitor and denounce any negative developments regarding the rule of law, fundamental rights, and civic space in EU Member States. **The EU must use all the tools at its disposal to ensure respect for these values in EU Member States** – including legal (infringements proceedings at the Court of Justice of the EU), financial (conditionality of EU funds), political (Rule of law mechanism, Article 7 TEU) tools; and apply sanctions whenever necessary.

(IPPF 2021)

This situation is also exacerbated by the current **backsliding in gender equality, women's and LGBTI+ rights** (lesbian, gay, bisexual, trans, intersex), **and SRHR**. These rights and values are increasingly under threat in Europe and beyond. Recent years have seen an increase in coercive, authoritarian, and misogynistic movements, trying to take away people's reproductive freedom and impose a harmful worldview about gender roles. These actors are linked to far-right or illiberal movements and parties in Europe. Their funding and genuine goals often lack transparency. Their concerted efforts aim to undermine the European values of the rule of law, democracy, and respect for human rights, including

equality and non-discrimination. **The EU must resist the regressive measures they seek to impose and defend its values, including reproductive freedom.**

(IPPF 2021)

Reference to gender equality as a value is not an exceptional strategy utilised exclusively by gender equality organisations. A similar rhetoric comes from conservative, populist, and right-wing organisations that argue against defining some women's rights (e.g. abortion) as human rights while using this perspective to address other important rights from their perspective.

In addition to its legal dimension, gender equality is not just about the abstract value promoted in EU documents. It is also seen by gender equality organisations as a "lived" value supported by the majority of Europeans: "The value of **gender equality** is close to the hearts of European citizens – 91% of Europeans believe that promoting it is important to ensure a fair and democratic society" (IPPF 2021). Therefore, the protection of gender equality is seen as the obligation towards Europeans to safeguard a rights-based democracy and civic space in EU member states, but it is also presented as a citizen's right to demand that the EU should respect its own value. This implies that the EU should not only promote gender equality at the symbolic level, but also undertake specific actions:

gender equality financing needs to have more place within the EU budget to make gender equality a reality. As citizens, we must request the EU to uphold and respect its own founding institutional principles and legal texts. In this sense, supporting gender-responsible budgeting means standing for a feminist EU.

(Young Feminist Europe 2019a)

Framing gender equality as embedded in the EU values shows that for gender equality organisations, the role and prerogatives of the EU are not questioned. They are seen as being deeply rooted in the European normative framework: the EU's responsibility for advancing gender equality is seen as its obligation towards the Member States embedded not only in the official EU documents but also supported by citizens' expectations. Consequently, the EU not only has a legal basis to act in the

field of gender equality, it is also seen as legitimate representative of EU citizens. However, as mentioned above, gender equality organisations recognize some limitations faced by the EU in implementing gender mainstreaming and point to a need of even greater involvement of the EU in this policy area.

Citizen-rights approach

The claims of gender equality organisations are also supported by the concept of citizenship, understood as “a right to have equal possibilities to participate in the governance of society” (Pettersson 1989: 16, in Siim 1991). Gender equality CSOs argue that, as women account for half of the population, it is not possible to develop a democratic system without women’s equality. They clearly anchor the debate on gender equality in the concept of citizenship, which cannot be seen as universalist. On the contrary, in its gendered nature, they see the potential to challenge women’s exclusion and recognise their experiences, needs, and interests but also knowledge, skills and talents. Without taking them into account, the EU risks violating the rights of some of its citizens, which can lead to their disengagement and disappointment of the EU.

As they [women] make up half of the population, women’s experiences, needs and interests should be fully addressed when deciding on the future of the EU, if this future is to be equal. Advancing gender equality requires having women’s rights as a priority on the agenda, and the CoFoE must be one of the channels to advance this goal.

(EWL 2022)

Even though young European women are born with the same formal rights as their male counterparts, they realise that gender inequalities persist in practice in all fields of their lives (economically, in politics, socially...). This creates frustration and a feeling of being left apart. [...] When developing new policies, one should think of the consequences that it may have on different age and gender groups and foster equality when in practice there is none.

(Young Feminist Europe 2019b)

Gender equality in this context is based on the demand for inclusion based upon the conviction that women are different from men (i.e. the gender-differentiated concept of citizenship). Recognising them as “first-class citizens” cannot be limited only to their role as legitimating actors or their consultative roles and be seen as a “politically correct” approach. To fully acknowledge their needs and role and to bring about sustainable change, we need a transformation from a tokenistic participation towards co-leadership and co-ownership of public spaces and processes (Young Feminist Europe 2021a). For G5+ (2019b), this process requires the transition towards parity democracy and substantive gender equality. It not only responds to the question of citizens’ rights and justice, but expands beyond gender equality, also reflecting a diversity among women which must be accounted for (G5+ 2019b; EWLA 2022b).

Parity democracy does not aim to treat women as a minority group within the dominant framework, but to create a more inclusive framework. It aims at transforming democracy by including all women in their diversity, and not only a group of selected women that have managed to adapt to the male constructed parameters of politics. Moving towards parity democracy in the EU means greater diversity, and thus, it means a better reflection and representation of the real Europe.

(G5+ 2019b: 7)

The approach embedded in the intersectional and women-rights perspective is contrasted with historical decision-making processes, typically – as emphasised by gender equality organisations – open to and representing white, upper-class men, which did not lead to the recognition of women’s needs, perspectives and interests in various areas, and especially in GBV.

This argument is also present in the proposal published in response to COVID-19, which clearly indicates that gender-blind policies and measures will not consider the specific needs of more than half of the population – women and girls. The insufficient response to the gender aspects of the pandemic was also caused by the exclusion of women from

decision-making positions responsible for preparing the strategies to deal with the pandemic and health crisis.

It is a wake-up call about the urgency of moving towards a socio-economic model that recognises women's and girls' invaluable contributions to society and places care at its centre.

(Young Feminist Europe 2022)

To conclude, reference to a citizen's-rights approach occurs in the analysed proposals in different contexts and in relation to various aspects. What seems to be important is a redefinition or change of focus emphasised by some gender equality organisations: from the recognition of women as first class citizens, to the intersection of different axes of social inequalities.

Financial gain approach

Gender equality is also seen from the perspective of macroeconomic and financial changes. Some organisations point to the insufficiency of the EU budget devoted to gender equality:

The cost of a feminist EU will not be found scratching fake arguments when just 1% of the ESIF budget has been allocated to gender equality measures.

(Young Feminist Europe 2019a)

Among the reasons explaining the lack of proper funding allocation is a lack of understanding of the purpose of investing in gender equality and little priority given to gender mainstreaming in funding programmes and policies.

Gender equality is also justified as leading to economic progress and financial gains. A member of G5+, Maria Stratigaki, while discussing the report on the 2019 European Parliament election stressed that, based on the EIGE study, the promotion of equality issues by 2050 will increase the European GDP by up to 9.6% (3.15 trillion EUR) (G5+ 2019; EWL 2020a). The proposals using this argument indicate the cost if no action is taken to advance gender equality, especially in the field of care and violence against women and girls.

Apart from the great human cost, a recent EIGE report estimated the cost to the economy of gender-based violence at 300 billion euros a year, and this has been considered an underestimate. The cost of inaction goes far beyond the economic cost when almost every woman in the EU experiences some form of gender-based violence and the statistics are very disturbing.

(G5+ 2022b)

The arguments indicated that the financial loss due to the lack of measures and policies for gender equality are clearly visible in the proposals discussing the impact of COVID-19 on gender equality. Although this tendency pre-dated the pandemic, the lockdown revealed them with redoubled force, as well as bringing new equality challenges. They illustrate how women were disproportionately affected by Covid: they did the lion's share of unpaid care, were hit by job losses more than men, dominated in professions which were crucial during the pandemic (e.g. nurses, cleaners, supermarket workers or other service workers) and were at increased risk of violence (Young Feminist 2022; EWLA 2022a). The gendered consequences are even more visible in the case of migrant women and women and girls staying in displacement sites or those affected by humanitarian crises. The financial arguments for adopting new, long-term policies are justified by pointing to the gender aspect of individual cost (e.g. reduced opportunities for women to pursue professional work) and societal cost (e.g. loss of labour force, increase in public spending for victims of gender-based violence).

In this context, the economic crisis may well reduce overall female labour participation rates and increase female unemployment. Because many companies are still reluctant to introduce gender-sensitive strategies in relation to personnel management, more women will be forced to quit their jobs or to reduce their work-time loads; caring for others contributes to their loss of income and, thus, economic independence.

(G5+ undated)

Current economic indicators and macroeconomic policies do not consider the impact of unpaid care work of women. Meanwhile,

the value of unpaid domestic work and unpaid family care work ranged between 27% and 37% of EU GDP in 2010.

(Young Feminist Europe)

Closing inequality gaps between women and men will boost the European project, and set a global example of a united region that is grounded in care for all people and the planet. We trust that you share our concern that EU spending must reflect the EU's political priorities and that this will be at the core of the ECOFIN meeting.

(EWL 2020a)

The financial argument goes beyond economic growth or economic loss – financial investments are seen not only as leading to financial gains but also as a way to build strong and fair societies.

Gendering democracy? The vision of feminist Europe

How do gender equality organisations envisage engendering democracy and building a feminist Europe? Although all gender equality organisations refer to feminist values as a foundation for their vision of democracy, it is possible to distinguish two main lines of argument. For some gender equality organisations, engendering democracy relates to advancing equality between women and men. However, this process cannot be limited only to increasing the number of women in decision making, promoting feminist leadership, narrowing gender gaps in the labour market, or combating violence against women and girls. Gender equality is understood here as a fundamental value underlying all democratic processes and practices, changing democratic structures and organisational culture. They argue that promotion of gender equality has not provided the expected results, and call for actions attempting to guarantee equality. Other gender equality organisations base their proposal on the intersectional approach, stressing inclusion as a basis for gendered democracy.

We seek to offer a truly feminist, transformative and intersectional vision that shapes multilateral, multi-stakeholder, and multigenerational processes such as this one, and to contribute to

the redistribution of power that is mindful of intersecting structures of discrimination and inequalities.

(Young Feminist Europe 2021b)

Gender equality organisations argue that citizens are subject to multiple systems of oppressions: racism, colonialism, capitalism, patriarchy, to name but a few. These multiple axes of oppression cannot be understood in isolation, as they interact and reinforce each other. To better understand them, gender equality organisations urge recognition of the power dynamic and “engage in the five main dimensions where discrimination, inequality, and oppression take place: individual, institutional, organisational, systemic, and historic dimensions” (Young Feminist Europe).

Is the EU capable of creating a feminist Europe? Analysis of the gender equality organisations’ proposals points to a positive answer to this question. Despite the fact that the implementation of gender equality has sometimes been problematic, insufficient and ineffective, the EU has a transformative potential:

In particular, the EU has the capacity to provide a gender analysis of all policies, supported by gender impact assessments and gender budgeting to help shape effective national policies in this field.

(G5+ 2019b: 15)

Also, women are not a homogenous group and thus it is essential to look at the great diversity of their experiences, backgrounds and the issues they face. When tackling discrimination on the grounds of sex, it is crucial to keep in mind that the discrimination of women is often combined with other factors that affect women, such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation (art. 21 Charter of Fundamental Rights of the EU). These other factors may affect women belonging to such groups to a different degree or in different ways to men, and aggravate their negative impact.

(EWL 2020c)

To develop a European polity, common values and principles should be promoted and diffused (Meyer et al. 1997). Regardless of the strategies applied, the proposal regarding the future of Europe positions the EU as a promoter of gender equality. Gender equality CSOs stress that to build a feminist Europe and gendered democracy, the EU will have to apply a gender lens and expand the scope of its activities. While these tasks are part of the EU's competencies, gender equality organisations show that the Union has fallen short of its expectations and obligations embedded in its treaties. They clearly recognise the policy areas in which the EU has impact and those where gender equality policies are the responsibility of the member states (i.e. national states). However, the development of gender mainstreaming as the main EU strategy has opened new possibilities for gender equality organisations to put pressure also on the areas that were not central to the EU. It has also developed stronger links between the European and national levels in the process of developing legal measures and policies to advance women's rights. To bridge the gap between existing EU policies and the vision of gendered democracy, the EU must – as part of its obligations and prerogatives – shift from a strategy based on “soft” laws related to gender equality to express greater commitment to gender equality issues at the national and supranational level.

While previous actions are recognised and appreciated, there is a strong need for the EU to become more vocal in building gendered democracy, a democracy that puts gender equality and gender justice at the centre of its attention. In this context, it is not surprising that the Union is expected to take more specific and concrete action to “truly advance women's rights in the EU” (EWL 2022: 1) or to build “a gender-responsive Europe” (Young Feminist 2019a). No longer is the EU seen mostly as responsible for the development of a general framework for gender equality and protection of this value as a European one. The need for change from “equality of rhetoric” and “promotion of equality” to “guarantees of equality” and “positive actions” has been voiced (G5+ 2019b: 32). The EU is expected to monitor gender equality policies and demand that the member states conform and implement the policies as part of building a gendered democracy. As one organisation notes:

Putting women and gender equality at the centre of EU politics, adopting social policies with a strong gender perspective and implementing gender balance systematically would help to achieve

the objective of “a Europe of gender equality and empowered women”, the first resolution of the Party of European Socialists. It would also be a smart and forward-looking move.

(Young Feminist Europe 2019c)

The turn towards “harder” instruments clearly shows that the EU is expected to become a role model by transforming its own institutions and pushing the member states to implement measures aimed at advancing gender equality (e.g. zipper system quotas for election, nominating one female and one male Commission candidate) and sanction the member states which oppose the EU’s suggestions.

The role of the EU is especially needed due to a lack of adequate funding at member-state level as well as the rising influence of populism, the anti-gender movement and external developments such as the climate or energy crisis and Russia’s aggression against Ukraine. In this context, the EU is expected to support feminist organisations engaged in projects related to various dimensions of gender equality (e.g. G5+ 2022a). To be able to do so, it must also deal with its internal divisions around gender – both the European Parliament and the Council – which might be seen as a barrier to legitimising “gender equality as a foundational principle of the EU and thereby threatening a strong pillar of democracy in Europe” (G5+ 2021a).

Although the CoFoE was seen as a window of opportunity to make gender equality claims heard and recognised, it has not been fully utilised to advance this cause. As noted in one contribution to the conference:

It is not acceptable and disappointing that gender equality is not one of the 9 themes of the CoFoE. Gender equality cannot be an addition, but must be a central cross-cutting issue. Currently, it is mainly discussed under the rule of law/ rights theme, including the question of sexual and reproductive health, which undeniably is a crucial issue for women. The theme of **gender-responsive budgets** must be included.

(G5+ 2021b)

This quotation illustrates the disillusionment at the CoFoE, emphasising the deficit of areas to discuss gender equality and the deficit of women

taking part in the conference, revealing that gender equality was neither a crucial category for debates nor used as a gender angle. As noted by G5+ (2021b):

From the available statistics, it appears that **women have not been encouraged to participate** in the CoFoE process. In September 2021, an analysis of **20,000 contributions** and 1,600 events showed that 63% were coming from men and **only 15% from women**.

As a result, the debate on the future of Europe may not adequately reflect all relevant concerns and respond to citizens' various experiences and needs. The lack of recognition of half of citizens (i.e. women) and their unequal inclusion in the decision-making processes is a source of democratic deficit, resulting in questions on the legitimacy and functioning of the EU. The debate on the future of Europe also points to the difficulties to mainstream gender equality as a foundation of future democracy. In other words, it is uncertain whether the CoFoE will manage to promote gender equality through any concrete proposals on this issue.

The point was also strongly made that the CoFoE is a very Brussels bubble-orientated process and no information has been provided on how the debate is open at national and regional level with what support, for what kind of groups. Women's rights and feminist organisations do not appear to be specifically consulted or receive support to campaign for the conference. The need for the EU to support women's organisations was highlighted, both in general and as part of the CoFoE process.

(G5+ 2021b)

Action should be taken to stimulate the participation of women in an intersectional perspective – if not, the results will not be democratically representative.

(G5+ 2021b)

These quotations refer to gender justice, but also illustrate the need to apply an intersectional approach to cover various perspectives. In this way, it shows that the proposals are not disconnected from political demands and the democratisation process. However, critical reflection

does not prevent the gender equality organisations from seeking to ally with the EU:

The moment for more radical action on gender equality is now! At the EU level, we have the first women president and the most gender-sensitive Commission in history.

(G5+ 2021b)

Under your leadership [Commissioner for Equality Dalli], the European Commission must play its vital role in responding to the crisis: through acting not only as a linking point between Member States in this time of need but also providing a vision for the future of Europe that is more inclusive, equal and sustainable for all.

(EWL 2020b)

The EC can play a significant role in making sure we continue to move closer to achieving equality for LGBTI people, especially in more challenging times. With this strategy [LGBTIQ Equality Strategy], the Commission is equipping itself to do just that. We are looking forward to working with everyone at the Commission and other EU institutions to make sure the ambitions in the strategy translate into real change for LGBTI people across the EU and beyond.

(ILGA 2020)

The transformation of democracy is also presented by gender equality organisations as a bottom-up process and illustrates the process of inclusion and recognition, a basis for gendered democracy. From their proposals, it is clear that advancing gender equality cannot be done without collaboration and support from CSOs. At the same time, engaging civil society and promoting a dialogue requires support (especially financial contributions and leadership) from the EU:

The EU must protect civil society actors and support them politically and financially. Their work is crucial for gender equality.

(IPPF :4)

The EWL is calling on the EU to play a strong leadership role in shaping a better world for women and girls (...).

(EWL 2020c)

This demand to invite women's CSOs to the political discussion as equal partners illustrates one of the key elements of gendered democracy and clearly responds to the current weak accountability and inclusion mechanism, as women's CSOs (with some exceptions) barely participate in EU mechanisms. Their engagement varies and their strategies depend on CSOs' capacity and their previous engagement, which have a direct impact on their access and position in relation to the EU. Although organisations with established connections and a long history of cooperation with the EU are more often consulted, new organisations, which have just started their activism in relation to gender equality and are often more progressive and radical, are less willing to adjust to the EU's way of functioning. This new approach may challenge the structures of the EU, which is an example proving that the higher number of women in decision-making positions does not necessarily translate into gender equality policies and strategies. To overcome the internal ideological divisions and to ensure a better cooperation and use of female leadership of several EU institutions and member states' governments, the women's movement should focus on achieving specific common goals despite ideological/political differences. Furthermore, gender equality organisations point to a need for internal changes in the EU institutions, such as establishing a permanent commissioner for equality with her/his own directorate-general, a stronger women's committee in the European Parliament, and an EU gender and diversity council (G5+ 2022b).

Conclusions

Gender equality has been of great significance for the European Union, affecting all areas of its intervention. Yet the current discussion on the future of Europe, especially the "EU White Paper on the Future of Europe: Reflections and scenarios for the EU27 by 2025", does not pay attention to how all future options are gendered, thus making the contributions from gender equality CSOs more timely and valid.

The aim of this chapter was to provide analysis of the feminist vision of Europe presented by gender equality organisations. Analysis of their

proposals shows on the one hand how democracy is deeply gendered, but on the other how difficult it is to mainstream gender. The EU plays an important role in this project – it is seen as an important actor and co-creator of feminist Europe. This perception shows the Union's dominant position towards member states in the field of gender equality.

While advocating for the feminist vision, gender equality organisations point to three frames: the value-based, citizen-rights and financial gains approaches. The first focuses on providing arguments to recognise gender equality as a foundation of Europe as well as to legitimise the EU as an actor promoting and developing gender equality policies. Gender equality is seen as being in the centre of the EU, and diminishing or dismantling its role is viewed as having a negative impact on the functioning of the EU. The second approach highlights the unevenness of citizens in the EU, not only pointing to the recognition of women's rights, but also expanding this approach to the intersection of gender and other axes of inequalities. The third approach shows how gender equality organisations use value-based and human-rights language and arguments, but also economic discourse. In this context, the financial gains of advancing gender equality are discussed to demand a more equal and inclusive Europe. Based on the frameworks stemming from gender equality organisations' proposals, they argue that the feminist project of Europe is not contradictory to the cultural, political, social and economic goals of the EU, but is rather a necessary aspect of each of them. This shows an effort of women's organisations to promote equality and social justice and to keep gender equality (also intersecting with other inequalities) as an important goal of deep democracy. Through this value-based, rights-based and financial gains approach, gender equality organisations have clearly re-politicised the demands for gender equality and legitimised the EU's gender mainstreaming strategy.

References

- Gender Equality Strategy 2020-2025*. 2020. Brussels: European Commission.
- Fraser, Nancy. 1990. "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy.", *Social Text* 25/26: 56-80.
- Galligan, Yvonne, ed. 2015. *States of Democracy Gender and Politics in the European Union*. London: Routledge.
- Gender mainstreaming in the EU budget: time to turn words into action*. Special report. Luxembourg: European Courts of Auditors, available <https://www.eca.europa.eu/Lists/ECADocuments/SR2110/SRGendermainstreamingEN.pdf>
- Hoard, Season. 2015. *Gender Expertise in Public Policy. Towards a Theory of Policy Success*, Basingstoke: Palgrave Macmillan.
- Jacquot, Sophie, 2020. "Small decisions? The European Commission and the transformation of the role of legal expert groups: the case of gender equality and non-discrimination. *JCMS: Journal of Common Market Studies* 58(3): 545-561.
- Korolczuk, Elżbieta, and Agnieszka Graff. 2018. "Gender as 'Ebola from Brussels': The anti-colonial frame and the rise of illiberal populism." *Signs. Journal of Women in Culture and Society* 43(4): 797-821.
- Krizsan, Andrea, and Conny Roggeband. 2018. "Towards a Conceptual Framework for Struggles over Democracy in Backsliding States: Gender Equality Policy in Central and Eastern Europe." *Politics and Governance* 6 (3): 90-100.
- Kuhar, Roman, and David Paternotte. 2017. *Anti-gender Campaigns in Europe: Mobilizing against Equality*. London: Rowman & Littlefield International.
- Lombardo, Emanuela, Petra Meier, and Mieke Verloo, M. (eds). 2009. *The Discursive Politics of Gender Equality. Stretching, Bending and Policymaking*, London and New York: Routledge.
- MacRae, Heather, Roberta Guerrina, and Annick Masselot. 2021. "A

- Crisis is a Terrible Thing to Waste: Feminist Reflections on the EU's Crisis Responses". *International Studies* 58(2): 184-200.
- McBride, Dorothy, and Amy G. Mazur. 2013. "Women's policy agencies and state feminism." In *The Oxford handbook of gender and politics*, edited by Georgina Waylen, Karen Celis, Johanna Kantola, and S. Laurel Weldon. Oxford: Oxford University Press, pp.654-678.
- Meyer, John W., John Boli, George M. Thomas, and Francesco O. Ramirez. 1997. "Word Society and the Nation-State." *American Journal of Sociology* 103(1): 144-181.
- Mushaben, Joyce Marie. 2019. "Undermining Critical Mass: The Impact of Trilogues and Treaty Reforms on Gender-Sensitive Decision-Making in the European Parliament." In *Gendering the European Parliament. Structures, Policies and Practices*, edited by Petra Ahrens and Lise Rolandsen Augustin. London: Rowman & Littlefield International Ltd.
- Pateman, Carole. 1988. *The sexual contract*. Stanford: Stanford University Press.
- Phillips, Anne. 1991. *Engendering democracy*. Cambridge, Polity Press
- Pirro, Andrea L. P. and Stijn van Kessel. 2017. "United in Opposition? The Populist Radical Right's EU-pessimism in Times of Crisis." *Journal of European Integration* 39(4): 405-20.
- Pollack, Mark A., Emilie Hafner-Burton. 2000. "Mainstreaming gender in the European Union." *Journal of European Public Policy* 7(3): 432-456, DOI: 10.1080/13501760050086116
- Siim, Birte. 1991. "Welfare State, Gender Policies and Equality Politics: Women's Citizenship in the Scandinavian Welfare State. In *Equality Politics and Gender*, edited by Elizabeth Meehan, and Selma Sevenhuisen. SAGE
- Wahl, Angelika von. 2021. "The EU as a Gender Equality Regime: A Core Research Concept" In *The Routledge Handbook of Gender and EU Politics*, edited by Gabriel Abels, Andrea Krizsán, Heather MacRae, Anna van der Vleuten.
- Verloo, Mieke, ed. 2018. *Varieties of Opposition to Gender Equality in Europe*. New York: Routledge.
- Walby, Sylvia. 1994. "Is citizenship gendered?" *Sociology* 28 (2): 379-395.
- Walby, Sylvia. 2004. "The European Union and Gender Equality: Emergent varieties of Gender Regimes." *Social Politics: International Studies in Gender, State & Society* 11 (1): 4-29.
- Walby, Sylvia. 2015. *Crisis*. Cambridge: Polity

Woodward, Alison (2003) "Building Velvet Triangles: Gender and Informal Governance" In *Informal Governance in the European Union*, edited by Thomas Christiansen and Simona Piattoni, Cheltenham: Edward Elgar.

Zeitlin, Jonathan, Francesco Nicoli and Brigid Laffan. 2019. "Introduction: The European Union beyond the polycrisis? Integration and politicization in an age of shifting cleavages." *Journal of European Public Policy* 26:7, 963-976, DOI: 10.1080/13501763.2019.1619803.

Annex 1: List of quoted reform proposals

No.	Name of actor	Title of proposal	Medium for making proposal	Date proposal made	Code for proposal
1	Young Feminist Europe	Why is it Crucial to Support Gender Budgeting?	website	2019	Young Feminist Europe 2019a
2	Young Feminist Europe	Young Women to Sweep Social Democrats Back in Force	website	2019	Young Feminist Europe 2019b
3	Young Feminist Europe	Young Women to Sweep Social Democrats Back in Force	website	2019	Young Feminist Europe 2019c
	Young Feminist Europe	<i>Young Feminist Europe Contribution To The CWS65 Draft Agreed Conclusions</i>	website	2021	Young Feminist Europe 2021a
	Young Feminist Europe	Zero draft contribution	website	2021	Young Feminist Europe 2021b
	Young Feminist Europe	What are the gendered dimensions of the coronavirus and how women are specifically affected by it?	website	2022	Young Feminist Europe 2022
	G5+	Towards a Gendered Recovery in the EU. Women and Equality in the	website	undated	G5+ undated

		aftermath of COVID-29 pandemic			
	G5+	G5+ presents parity democracy report in Cyprus	website	2019	G5+ 2019a
	G5+	EUROPEAN PARLIAMENT'S ELECTIONS 2019: towards parity democracy in Europe	website	2019	G5+ 2019b
	G5+	Brainstorming Session On The Conference On The Future Of Europe (COFoE)	website	2021	G5+ 2021a
	G5+	CoFoE: Why a Gender Perspective is needed - Recommendations and Highlights	website	2021	G5+ 2021b
	G5+	"Towards a Future for Europe without violence against women" – Recommendations and Highlights	website	2022	G5+ 2022a
	G5+	CoFoE: Women and the Future of Europe - Recommendations and Highlights	website	2022	G5+ 2022b
	EWLA	EWLA welcomes the new EU draft Directive on combating violence against women and domestic violence	website	2022	EWLA 2022a
	EWLA	EWLA welcomes the adoption by the EU of a general	website	2022	EWLA 2022b

		approach on an EU directive aiming to strengthen gender equality on corporate boards			
	IPPF	Conference of the Future of Europe. A call for a feminist Europe: the need for stronger EU leadership to advance sexual and reproductive health and rights in the EU and beyond	website	2021	IPPF 2021
	EWL	Open letter to the ECOFIN Council calling for a long-term EU budget and recovery funds that advances women's rights and equality between women and men	website	2020	EWL 2020a
	EWL	RE: COVID-19 pandemic impact on women and girls and immediate responses needed from the European Commission	website	2020	EWL 2020b
	EWL	European Women's Lobby recommendation on the European Commission strategy on equality between women and men 2020-2025	website	2020	EWL 2020c

Imagining the future of Europe

	EWL	Conference on the Future of Europe: A Significant opportunity to advance women's rights in the EU	website	2022	EWL 2022
	ILGA	EU shifts gear with adoption of LGBTIQ Equality Strategy	website	2020	ILGA 2020

Chapter 9

Back to “Tradition”? The Future of the EU in the Narratives of the Anti-gender Movement in Europe

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Introduction

The EU often presents itself and is viewed as a guardian and promoter of gender equality and LGBTQ+ rights. This presentation is coherent with the gender equality principles enshrined in various EU documents and enacted in equality policies (Kantola 2010). The centrality of the EU's gender equality and LGBTQ+ rights agenda triggers conflicting reactions among civil society actors (hereafter CSOs). For socially progressive groups, the EU represents an institution that supports their agenda and could be used to advance the rights of vulnerable communities (Slootmaeckers 2020). In this perspective, the EU serves for progressive groups as a useful ally in putting pressure on the EU member states lagging in their acceptance and promotion of the equality agenda. Various research confirms that socially progressive CSOs use the Europeanisation mechanism to put pressure on member states (Hafner-Burton and Pollack 2009; Anderson 2006; Chiva 2009; Galligan 2014). Furthermore, such organisations often support the EU integration process, seeing the EU as a political entity further promoting gender equality in Europe (see e.g. Warat in this volume).

CSOs representing a more socially conservative agenda (this often includes faith-based organisations and CSOs representing the religious or conservative strata of the European population) evaluate the EU equality agenda more critically. The activities of such organisations, often referred to as the “anti-gender movement”, have been visible in the EU over the last decade. They contest and resist the EU’s equality policies, promote conservative social values and mobilise EU citizens against the Union’s equality agenda.

The growing organisational capacity of anti-gender organisations and their ability to both mobilise citizens and shape the discourses on human rights have already attracted scholarly interest (Kuhar and Paternotte 2017; Korolczuk 2017; Paternotte and Kuhar 2018; Sosa 2021; Grzebalska and Petó 2018). However, the question of how such organisations envision the future of the EU and integration process has drawn less attention, even if it becomes particularly pressing in the context of their growing power and the ongoing debate on the future of Europe. This paper aims to fill this gap. It focuses on the question of how anti-gender organisations envision the future of Europe. More specifically, I am interested in finding out how conservative CSOs, as exemplified by the anti-gender movement, evaluate the EU and EU integration, how they see the desired institutional arrangement of the EU, its normative framework, and the distribution of power and capacities between EU and member states, and what their views are on democracy.

The chapter unfolds as follows. The first part offers an overview on the links between civil society, democracy and European integration. This is followed by some insight into the specificity of the anti-gender movement. The methodological section presents the research approach and explains the empirical material. The second part of the article offers an insight into how the CSOs involved in anti-gender campaigns articulate the future of Europe. The analysis shows that the CSOs in question are rather critical of the EU’s activities, prioritising the role and importance of the sovereign nation-state. The nation-state serves as a template for democratic practices and embodies the “right” values. By contrast, the EU’s legitimacy is presented as problematic, lacking links to constituencies and departing from the founding values and regulations. The analysis also reveals the notion of differentiated citizenship. Finally, it shows the intersections of conservative CSOs’ narratives on the future of Europe with the narratives of populist right-wing groups.

Civil society, democracy and European integration

Scholarship has long seen civil society's vitality as a central condition for thriving democracy (Kopecký and Mudde 2010). The positive role played by civil society organisations in challenging the authoritarian communist regimes and in the process of democracy consolidation in post-1989 Central and Eastern Europe strengthened these perceptions (Kopecký and Mudde 2010; Ekiert and Kubik 2014; Ekiert and Ziblatt 2012). Therefore, the promotion and support for civil society organisations became a template for international organisations and Western democracies to bring change and promote democracy (Poppe and Wolff 2017, 469). With time, the overall positive role of CSOs in building and sustaining liberal democracies began to be evaluated more critically. The failed or only partial impact of civil society mobilisations on democratisation especially in Eastern Europe (Ukraine, Georgia) showed their limited ability to bring actual progressive change (Poppe and Wolff 2017, 470; Ekiert 2019). The research also revealed that the participation and existence of active CSOs alone does not necessarily guarantee the development and consolidation of liberal democracy. On the contrary, it may also have the reverse impact, as a study on civil society and the rise of fascism has revealed (Riley 2010).

Research pointing to the ambiguous role of civil society in relation to liberal democracy also has theoretical implications. It is reflected in the theoretical distinction between civil/uncivil and good/bad civil society that aims to problematise the relations between civil society and democracy (Chambers and Kopstein 2001). As Petr Kopecky and Cas Mudde rightly conclude, "there is no straightforward relation between the ideology of CSOs and their effect on democracy [...] civil movements are not by definition good for democracy/democratization, and 'uncivil' movements are not by definition bad for democracy/democratization". This link depends very much on the context, and its nature needs to be researched and not assumed (Kopecký and Mudde 2010, 11).

Similarly, an overly positive perception of civil society actors has dominated in studies on their role at the EU level. The involvement of such actors has been seen as pivotal for EU democracy transformation, but also for further European integration (Kohler-Koch and Finke 2007; Schoenefeld 2021). The Eurosceptic responses to the EU's multiple crises, visible also within civil society, challenged this one-sided view and opened a more nuanced discussion on the role of CSOs in EU integration.

Some scholars see the entry of conservative, uncivil organisations as potential vehicles of radical-right populist discourses, often involving a Eurosceptic (or Euro-reject) agenda (see e.g. Ruzza 2021a; 2021b, 122). Yet, interpreted in the light of the European civil society literature (della Porta 2009, Kohler-Koch 2010), the Eurosceptic or EU critical voices of civil society can be seen as a factor contributing to the discourses on EU integration. This view follows Habermas's concept of the European demos (Habermas 1996), which sees CSOs, even if contesting EU integration, as communicating the citizen's policy preferences and opinions. They thus contribute towards building of the European public sphere and European demos (Fitzgibbon 2013). The scholarship also suggests that such critical voices may be interpreted as not simply rejection of the EU, but as offering its alternative vision (see also della Porta, Kouki, and Fernández 2017) or resisting the EU (Crespy and Percheron 2009).

Resisting equality? Anti-gender mobilisations in the EU

The anti-gender mobilisations can be seen as an example of conservative civil society's mobilisation and resistance towards the EU's equality policies. The anti-gender mobilisations/movement serve as an umbrella term for the groups opposing the EU's egalitarian politics and demanding restoration or protection of the traditional gender order and heterosexuality. This includes groups that oppose feminism, gender studies, gender equality policies (e.g. gender mainstreaming, combating gender-based violence), LGBTQ+ rights (e.g. same-sex marriage/unions, anti-discrimination policies) as well as reproductive rights (e.g. sex education, contraception, abortion) (Bracke and Paternotte 2016; Paternotte and Kuhar 2018; Zacharenko 2016).

Even if the backlash against the equality agenda has been visible globally since the 1990s, the 2010s mark the beginning of the dynamic growth of anti-gender CSOs in Europe. Scholars link the anti-gender mobilisations with more global processes. Firstly, they point to the pivotal role of the Catholic Church and Vatican in laying the ground for building such mobilisations. The theology of complementarity offered an epistemological framework for articulating "gender ideology" (Case 2017; Garbagnoli 2017; Graff 2014). The concept "regards gender as the ideological matrix of a set of abhorred ethical and social reforms, namely sexual and reproductive rights, same-sex marriage and adoption, new reproductive technologies, sex education, gender mainstreaming"

(Paternotte and Kuhar 2018, 5). The Catholic Church also offered the network, channels and resources to promote anti-gender discourse and sustain mobilisation of civil society (Bracke and Paternotte 2016, 146). Other religious actors also embrace the concept, as illustrated by research on anti-gender mobilisation in the countries where Orthodoxy dominates (Merdjanova 2022).

Secondly, the existing research reveals the links between anti-gender mobilisation and the global right and the rise of right-wing populism (Korolczuk and Graff 2018; Kováts 2018; Grzebalska and Pető 2018; Paternotte and Kuhar 2018). The alliance with right-wing populist mobilisations popularised anti-gender campaigns across Europe. Both populist right-wing and anti-gender discourses share similarities in their othering of the EU, invoking of national and racial sentiments and anti-globalism (Paternotte and Kuhar 2018; Korolczuk and Graff 2018; Grzebalska and Pető 2018; Rawłuszko 2020). “Gender ideology” also serves as a “symbolic glue” as it has “allowed illiberal actors to unite under one umbrella term various issues attributed to the liberal agenda” (e.g. reproductive rights, rights of sexual minorities, gender studies and gender mainstreaming) (Grzebalska and Pető 2018).

The modus operandi of anti-gender CSOs involves a variety of actions (e.g. protests, collecting signatures and preparing petitions, knowledge production through writing reports, campaigning for referendums and electoral campaigns, lobbying) (disentangling). They involve rhetoric based on the mechanism of creating victim-perpetrator reversal, scapegoating and conspiracy theories (Paternotte and Kuhar 2018; Wodak 2015). Finally, the scholars highlight their transnational network of cooperation.

Methodological remarks

Against the presented theoretical background, this chapter aims to analyse how the CSOs active in pursuing anti-gender advocacy see the EU and how they evaluate the EU and EU integration, how they see the desired institutional arrangement of the EU and its normative framework, the distribution of power and capacities between EU and member states, and what their views on democracy are. I use the label “anti-gender movement” to denote the groups, initiatives and organisations that

resisted the EU's equality initiatives, promote conservative social values and mobilise EU citizens against the Union's equality agenda.

For the sake of this study, I was interested in the CSOs operating at the EU level. I assumed that through their activities directed at the EU institutions or/and European societies and through their transnational networks they are more visible in the European public sphere. Hence, they are able to shape the discursive field on the future of Europe. For the process of identifying CSOs to be included in the research I followed a fourfold strategy. At the beginning I reviewed the existing scholarship on anti-gender mobilisations in the EU and identified actors who are active in the field. The second step involved looking at the Transparency Register. This is a tool that is designated for European citizens to "see what interests are being represented at Union level (European Parliament, the Council of the European Union and the European Commission) and on whose behalf, as well as the financial and human resources dedicated to these activities" ("Transparency Register" n.d.). Drawing on the reviewed literature (e.g. Kuhar and Paternotte 2017; Paternotte and Kuhar 2018; Korolczuk and Graff 2018; Kováts 2018; Zacharenko 2016), I applied a key word search (e.g. abortion, family, Christian values, marriage, human dignity, LGBTQ+) to identify the actors promoting conservative social values and active in anti-equality advocacy. The registry also helped to reconstruct their participation in the process of policy shaping and get access to the submitted comments and opinions produced in response to the EU policy proposals. The third step involved a systematic review of websites of the identified CSOs in order to find the documents (e.g. reports, press releases, commentaries, letters, contributions to the Conference on the Future of Europe) that express the actor's position on the equality policies in question or more generally on the future of the EU. The websites also aimed to identify the other organisations with which the CSO in question cooperates, and their websites were also reviewed. This led to the final stage. The review of websites pointed to the CSOs' statements, reports, policy briefs, commentaries, press releases that served as the empirical material for my research. The collected documents covered the period of 2015–2022 to correspond with the ongoing debate on the future of the EU. Annex 1 includes the list of the analysed documents and names of the organisations.

The collected documents mostly addressed issues broadly related to gender, LGBTQ+ issues, reproductive rights and family. Drawing on the

theoretical premises of discourse theory, I treated these documents as the articulation of the anti-gender narratives that, as constructed in the opposition to the EU policies, also entail underlying visions and evaluations of the EU and its future. The qualitative content analysis served as a way to analyse the collected material. It was exercised with the assistance of MAXQDA 2022 software, designed for qualitative data analysis. The analysis was guided by the research questions presented above.

Tradition as the future for the EU

How should the EU operate? Centrality of (sovereign) nation-states

Discussion on the institutional make-up and relations between the EU institutions does not occur often, if at all, in the analysed documents. Nonetheless, the documents shed some light on the evaluation of the role of the EU institutions, the capacity of the EU to act in the field of the policies in question and the desired division of competences between the EU and member states. The analysis shows that the anti-gender CSOs identify the European Commission (hereafter EC) and/or European Parliament (hereafter EP) as the main actors responsible for developing progressive policies in the EU. As a result, the activities and positions of these two institutions are most often commented on. The CSOs in question criticise both institutions for overstepping their role as defined in the constitutional treaties. Such arguments occurred particularly frequently in reaction to anti-discrimination initiatives (e.g. the EP's report "An EU mechanism on democracy, the rule of law and fundamental rights. European Added Value Assessment Accompanying the Legislative Initiative Report" (Van Ballegooij and Navarra 2020), the EC's proposal on "Regulation on the recognition of parenthood between Member States" (European Commission 2021), and the EP's report and resolution regarding reproductive rights in the EU ("Report on the situation of sexual and reproductive health and rights in the EU in the frame of women's health" (Committee on Women's Rights and Gender Equality 2020)). In all cases, conservative CSOs strongly objected to the content of the proposals, accusing the EC or the EP of a "leftist" progressive agenda and of promotion of "ideological" content and a "distorted" understanding of human rights. They often objected to the proposed initiatives by accusing

the EC or EP of extending the EU's competences beyond their formal prerogatives as defined in its founding documents:

The European Union's lack of authority to interfere in the health policies of the Member States has been repeatedly confirmed by the European Commission itself. Countries joined the European Union as a community of equal, sovereign, and diverse states. A community based on the principles of subsidiarity of the Union and respect for the exclusive powers of each state.

(CAMR_2021)

The imposed measures [recognition of parenthood between member states] are a gross interference with the family law and the legal status of persons who, under the EU Treaties, fall entirely within the competence of the Member States. The European Commission inception impact assessment confirms this fact. The right to free movement cannot be used to oblige Member States to adopt legislation that is contrary to our Constitutions and the principle of subsidiarity.

(SVA_2021-05-12)

References to the EU treaties pointing to the unjustified involvement of the EC or the EP suggest that the CSOs neither question the institutional order nor demand its redefinition. On the contrary, they request that such order is respected and implemented by the EU institutions themselves, as illustrated by the frequent references to the treaty's specific articles, official EU documents and the principle of subsidiarity. This suggests that the organisations do not reject the EU or EU integration as such, but criticise the way it currently operates.

Criticism of the EU institutions' extension of competences implies that this happens at the cost of the nation-states' prerogatives. According to this logic, the EU is presented as attempting to create a superpower or superstate that suppresses the legitimate power of the nation-state:

The European Union is and should remain an international organisation uniting nation-states within a community. Any projects aiming at "deeper integration" by gradually shifting or removing power from the member states, while creating the

structures and legal framework for the new “superstate”, should be rejected.

(Ordo Iuris_2022-12-31)

For the CSOs in question the EU is seen rather critically as an illegitimate limitation to the sovereign power of nation-states. Hence, the sovereignty of the nation-state is presented as the main principle organising the functioning of the EU, its democratic order and the future of the EU integration. This resembles the sovereigntist arguments used by populist right-wing political actors. They rest on the belief in “the primacy of the nation-state, governed according to the principle of popular sovereignty, over inter- and supranational governance structures and the “transnational” sphere of economic and social activity” (de Spiegeleire, Skinner, and Sweijts 2017, 34; see also Góra, Thevenin and Zielińska in this volume). The legitimacy of the state therefore builds on “the people”, and by implication the EU lacks such legitimation.

However, the analysed material also shows that in some areas the CSOs in question accept or even see the EU involvement as desired. Analysis of the documents and commentaries of the Federation of Catholic Family Associations in Europe – FAFCE – on the EU initiatives exemplifies this well, as illustrated in the following passage:

FAFCE encourages the European Union to help address the problem of low fertility rates, brain drain, depopulation, and ageing, notably by designing and implementing family policies to increase the attractiveness of rural regions. Brain drain – mitigating challenges associated with population decline.

(FAFCE_2022-06-22)

While in principle objecting to the EU’s involvement in family policies due to lack of competences (especially involving reproductive rights), FAFCE accepts or even demands an active role of the EU in shaping family policies when it stays in line with the organisation’s principles and concerns (i.e. protection of children, vulnerable families, European population decline). This suggest that the view on EU competences or division of powers between the EU and nation-state is modified not only by the policy field in question and the EU competences within it, but also by the specific concerns or areas of this field.

To sum up, analysis of the collected material shows that the CSOs do not often speak directly about how the EU should be institutionally or functionally organised. Consequently, there is no specific discussion of the desired functional organisation of power within the EU. The competences of the EU are questioned, especially in the fields of family, marriage or reproductive rights, since they are seen as being solely within the competences of the nation-states. However, as illustrated above, some CSOs do recognise the potential of the EU in promoting certain policies, so they try to shape the EC position in line with their own agenda.

Democracy engendered? Causes of and remedies for the malfunctioning of democracy in the EU

The critical voices about the EU overstepping its competences often connect with accusations about its perceived democratic deficit. Conservative CSOs usually locate the causes of this in the way the EU institutions fulfil their functions. Firstly, by pushing an “agenda” criticised and objected to by European citizens, the EU institutions violate the links with the constituencies and “the people”, becoming disconnected from EU citizens. In line with such narratives, the democratic deficit stems from the violation of the norms underlying the democratic order, of direct democracy rules of representation and of the nation-state’s sovereignty. Hence the EU is accused of excluding citizens from decision making (i.e. the EU disconnect from the people and its democratic deficit), denying recognition of people (i.e. of personhood of the “unborn”), limiting citizens’ rights (i.e. right to life, freedom of speech, freedom of consciousness) as well as imposing the values foreign to or contested by “the people”. Additionally, the EU institutions are accused of promoting the coercive policies that misrepresent the rights of their citizens in the very name of these rights.

If adopted, this regulation would constitute a grave breach of the authority vested in the European Union by the member states and violate their right to enact laws in conformity with the will of their citizens.

(Ordo Iuris_2021-04-21)

All this allows conservative CSOs to present the EU institutions as deprived of legitimacy of “the people” and hence exercising unjust power over the citizens.

Secondly, the EC and the EP, by promoting gender and LGBTQ+ equality policies, assisted reproduction, surrogacy or reproductive rights in fact reject and betray “true” European values. By implication, they become disconnected from the normative framework that the EU is based on. This involves lack of recognition of the EU’s true nature stemming from the human rights framework and/or Christian values. Consequently, the EU institutions promote or impose norms alien to the EU’s “true nature”, enforcing their distorted version. The following passages illustrate this argument:

In times when the EU stands on rocky grounds, the CJEU and other EU institutions should be cautious not to further the divide and tear apart the Union. Undermining national (even constitutional) definitions of marriage and eschewing democratic processes is unacceptable for the EU project, originally founded on respect for cultural, religious and national diversity.

(Coalition of NGOs_2018-06-05)

We must urgently react against this unlawful appropriation of power, before it is too late. (...) The EU commissioners know very well that we do not agree with the arbitrary and unlawful imposition of legal provisions, which are not based on the Treaties, and to which the societies of the EU countries did not consent.

(Ordo Iuris_2021-04-21)

Lack of respect for values relates to lack of respect for sovereignty of the member states. However, it also subtly links with accusations that the EU’s support for reproductive rights or recognition of same-sex unions promotes a “demographic winter” (IBF_2020-09-07) that constitutes a threat to the biological and cultural survival of Europe. In consequence, in the longer run such policies enhance and promote migration from outside the EU. This would, in reverse, further endanger the European norms and identity, conceptualised by the CSOs in question as embedded in Christianity. Hence supporters of such policies, e.g. the EU, are presented as internal threats that strengthen these trends. This implicitly connects

with the anti-immigration narratives of the far right (i.e. replacement theory), which suggest that non-white immigrants in Europe, Muslims in particular, challenge “the existing demographic balance” (Raemdonck, Kahlina, and Sygnowska, n.d., 4).

Finally, the disconnect also expresses itself in the violation of nation-states’ sovereignty. This undermines the democratic legitimacy that the member states render to the EU. Such views involve references to dominance. The CSOs often speak of the EU institutions’ dominance over member states. This takes the form of lack of respect for the member states’ sovereignty as enshrined in the Treaty documents and guaranteed by the subsidiarity principle. The following quotations illustrate such reasoning:

Abortion is not part of the accepted and ratified fundamental principles and laws of the European Union and we oppose its inclusion in any official document of the EU. In this sense we would like to highlight that European institutions should respect the values set out in the European Union’s founding documents and the fact that each member state has the sovereign right to act on its own convictions in these matters.

(PNV_2021-05-05)

Searching for a remedy, the conservative CSOs present themselves as the defenders of vulnerable communities, true representatives of the disempowered European citizens as well as guarantors or protectors of the true democratic order in the EU. These CSOs therefore cast themselves as legitimate representatives of European citizens. Consequently, they demand that the EU should be based on Christian values and support traditional way of life (e.g. traditional family, heterosexuality, dignity of life and its protection from conception):

Those who are highlighting the attachment of Europe to the values of the right to life, of respect for the dignity of every human being. The future of Europe can only be built by strengthening these founding values of the cultural, intellectual, social, and political heritage of Europe.

(One of Us_2022-05-07)

In this vision, the future of the EU depends on its return to traditional norms and values, explicitly or implicitly linked to the Christian tradition and the traditional model of the heterosexual family that guarantees the growth of the European population and dichotomous conceptualisation of the gender order. For conservative CSOs this is the only way for the EU to survive in the future. Although not directly, the documents suggest that strong nation-states become indispensable for building such future. Hence, implicitly, in the narratives of the CSOs, no matter whether they come from more or less conservative countries, the nation-state becomes the central institution for protecting democracy and citizens' rights. But it also seems to mark the desired social order in contrast to the EU, which challenges it. Clearly, the proposals regarding the future of the EU formulated by such organisations intersect with the agenda of Christian Churches as well as with that of (far-) right (populist) movements or parties (Kuhar and Paternotte 2017; Grzebalska and Pető 2018; Korolczuk and Graff 2018). For the conservative CSOs, therefore, the "true" European values are usually identified as Christian values, as illustrated by the references to the EU founding fathers. Consequently, the EU institutions should implement such values. Their rejection or negligence to do so constitute a betrayal. Return to such values and the respect of sovereign states are seen as remedies for the malfunctioning of democracy in the EU.

The construction of the EU or EU institutions as threatening to the people as well as to the integrity and sovereignty of the member states closely resembles the populist logic of vertical othering. The EU is presented as elitist and detached from the citizens, promoting a leftist agenda. On the contrary, nation-states and citizens are presented as the ultimate authority, and both the people and the nation-state need to be "re-empowered as political subjects" (Mazzoleni and Ivaldi 2020, 3).

Extending or limiting rights? Differentiation of citizens' rights

References to the rights of citizens frequently occur in the analysed documents, especially when the CSOs refer to dominance. In their narratives, the EU's equality policy initiatives incorrectly interpret the fundamental rights, meaning that they result in the limitation of the vulnerable groups' rights:

This is a fatal signal against the protection of life and an attack on the free and democratic basic order of the EU. This decision reverses the spirit of the Christian founding fathers of the European Union into the absolute opposite, which will certainly lead to a further inner turning away from Europe among many Union citizens. In fact, today's vote heralds Europe's dark hour, when killing was declared a right and the unrestricted right to life, which is explicitly enshrined in all international treaties and many constitutions, was effectively abolished. (...) With the vote, the Parliament is also going against its own human rights convention, which not only declares the right to life in Article 2, but also freedom of conscience in Article 9 to be a fundamental right.

(BVL_2021-06-24)

In their rights-related arguments, the CSOs in question propose the extension or redefinition of the rights for citizens who are defined as "vulnerable". Interestingly, the category of vulnerable applies to the groups of various status. This includes the "unborn children" who cannot speak on their own, children adopted or born in surrogacy, as they are deprived of their rights to know their parents, women who are manipulated into abortion through "Big Pharma" or the sexualised culture, mothers whose special status is not recognised, or conservatives who are subjected to coercive EU policies limiting their freedoms or depriving them of their status. At the same time they refuse or question the need to provide such rights to other citizens. Such limitation of rights is visible in their contestation, among others, of rights for women (reproductive rights, equality) or of LGBTQ+ communities for equality or legal recognition of their unions or parental rights. Hence, the latter become "privileges advocated by LGBT activists" (Ordo Iuris_2019). Activism on behalf of such communities is called "LGBT ideology" (CitizenGo_2016-06-05). In fact, advocacy for the rights of such groups is presented as a challenge or deprivation of rights to the groups recognised by conservative CSOs as vulnerable. Same-sex marriage is thus seen as having a "potential of seriously undermining the rights and protections that are due to the marriage of a man and a woman and the family resulting therefrom" (MDK_2015-12-09). This includes member states becoming "subjects" to the unjustified power of the EU institutions. Such ambiguity suggests that conservative CSOs propose the differentiation of citizenship. Accordingly, the rights of some individuals should be

extended (i.e. the personhood of a foetus granting it full citizenship). Meanwhile, the rights of other persons should be limited (i.e. same-sex couples and recognition of their parenthood, women's bodily self-determination). This differentiation is usually legitimised by the language of fundamental rights. However, their interpretation is filtered through the normative framework of the conservative and Christian worldview, sustaining the patriarchal and heteronormative social order. The claims for differentiation of citizenship also reflect the majoritarian principle that underlies the narratives of the conservative CSOs, linking them with the broader illiberal turn (Pirro 2022).

Conclusions

The future of Europe debate has engaged collective social actors representing a variety of standpoints and interests. This chapter focused on the question of how anti-gender CSOs envision the future of the EU and its integration. Analysis of the collected empirical material reveals the main features of their narratives, with the nation-state as its core element. A strong, sovereign nation-state is seen as a template of the democratic order and the only legitimate institution representing the people. In contrast, the EU lacks such attributes, due to a lack of European demos, and its democratic performance is problematic as it does not have popular legitimacy. Furthermore, by overstepping its competences the EU also undermines the legitimacy rendered to it by nation-states. As such, there is no discussion on how to improve democracy at the EU level through institutional reorganisation. Shifting power back to the nation-state, whose sovereignty needs to be respected and protected, is suggested as the only way. Interestingly, whereas the CSOs critically evaluate the state of democracy at the EU level, often using liberal arguments (e.g. human rights, legitimacy), the quality of democracy at the nation-state level remains beyond such scrutiny. The CSOs do not discuss the issue of democracy backsliding observable in some EU countries (Bochsler and Juon 2020). Consequently, arguing for a return to the strong nation-state as the way to restore democracy, the CSOs in fact call for restoring democracy, but often in its illiberal form. This uncritical stance on democracy in nation-states should be seen in the light of research pointing to the links between the CSOs in question and populist (far-) right-wing mobilisations (Paternotte and Kuhar 2018; Grzebalska and Petó 2018). At the same time, the centrality of the nation-state in the anti-gender CSOs'

narratives on the future of Europe reveals that their perception of the EU's future integration resembles the sovereigntist visions of EU integration. However, there is a strand in the narratives advocating for a federalist Europe, only if it stays in line with the conservative (Christian) values as advocated by the CSOs in question.

Citizens' rights constitute another important dimension of the analysed narratives on the future of Europe. On the one hand, the CSOs in question speak about extension of rights to include, for example, unborn children. This often not only implies extension of the notion of citizenship, but also suggests that such citizenship has a European dimension as it should be protected in all member states. Hence, it implies the recognition of the European demos. On the other hand, they clearly demand that the rights of other citizens (e.g. LGBTQ+ community, women) should be limited. In this context, the power to execute such rights is attributed to the nation-state only. The differentiated notion of citizenship reflects the CSOs' ambiguous view of the EU, which is sometimes seen as a potential ally and otherwise as an enemy, depending on the context and specific dimension of the policy in question.

The centrality of the nation-state and the arguments about citizens' rights being kept under nation-state control link the anti-gender CSOs' narratives with the broader narrative of an intergovernmental Union (Fossum 2019, 26). This implies that the democratic order is embedded at the nation-state level and sovereignty guarantees democracy at both nation-state and EU levels (see (Góra, Thevenin, and Zielińska 2023) in this volume). While there are no specific suggestions for how the EU would need to be institutionally reformed to meet such an ideal, there is a strong call to change its normative basis.

References

- Anderson, Leah Seppanen. 2006. "European Union Gender Regulations in the East: The Czech and Polish Accession Process." *East European Politics and Societies* 20 (1): 101–25.
<https://doi.org/10.1177/0888325405284314>.
- Ballegooij, Wouter Van, and Cecilia Navarra. 2020. "An EU Mechanism on Democracy, the Rule of Law and Fundamental Rights. European Added Value Assessment." Brussels.
- Bochsler, Daniel, and Andreas Juon. 2020. "Authoritarian Footprints in Central and Eastern Europe." *East European Politics* 36 (2): 167–87.
<https://doi.org/10.1080/21599165.2019.1698420>.
- Bracke, Sarah, and David Paternotte. 2016. "Unpacking the Sin of Gender." *Religion and Gender* 6 (2): 143–54.
<https://doi.org/10.18352/rg.10167>.
- Case, Mary Anne. 2017. "The Role of the Popes in the Invention of Complementarity and the Vatican's Anathematization of Gender." *Religion and Gender* 6 (2): 155–72.
<https://doi.org/10.18352/RG.10124/>.
- Chambers, Simone, and Jeffrey Kopstein. 2001. "Bad Civil Society." *Political Theory* 29 (6): 837–65.
https://doi.org/10.1177/0090591701029006008/ASSET/0090591701029006008.FP.PNG_V03.
- Chiva, Cristina. 2009. "The Limits of Europeanisation: EU Accession and Gender Equality in Bulgaria and Romania." *Perspectives on European Politics and Society* 10 (2): 195–209.
<https://doi.org/10.1080/15705850902899230>.
- Committee on Women's Rights and Gender Equality. 2020. "Report on the Situation of Sexual and Reproductive Health and Rights in the EU, in the Frame of Women's Health."
- Crespy, Amandine, and Nicolas Verschuere. 2009. "From Euroscepticism to Resistance to European Integration: An Interdisciplinary Perspective." *Perspectives on European Politics and*

- Society* 10 (3): 377–93. <https://doi.org/10.1080/15705850903105793>.
- Ekiert, Grzegorz. 2019. "Civil Society as a Threat to Democracy. Organisational Bases of the Populist Counterrevolution in Poland." *CES Open Forum Series 2019-2020*.
- Ekiert, Grzegorz, and Jan Kubik. 2014. "Myths and Realities of Civil Society." *Journal of Democracy* 25 (1): 46–58. <https://doi.org/10.1353/jod.2014.0009>.
- Ekiert, Grzegorz, and Daniel Ziblatt. 2012. "Democracy in Central and Eastern Europe One Hundred Years On." *East European Politics & Societies*, December. <https://doi.org/10.1177/0888325412465310>.
- European Commission. 2021. *Regulation on the Recognition of Parenthood between Member States*. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12878-Cross-border-family-situations-recognition-of-parenthood_en.
- Fitzgibbon, John. 2013. "Citizens against Europe? Civil Society and Eurosceptic Protest in Ireland, the United Kingdom and Denmark." *Journal of Common Market Studies* 51 (1): 105–21. <https://doi.org/10.1111/j.1468-5965.2012.02302.x>.
- Fossum, John Erik. 2019. "Europe's Triangular Challenge: Differentiation, Dominance and Democracy." Oslo.
- Galligan, Yvonne, ed. 2014. *States of Democracy Gender and Politics in the European Union*. London: Routledge.
- Garbagnoli, Sara. 2017. "Against the Heresy of Immanence: Vatican's 'Gender' as a New Rhetorical Device Against the Denaturalization of the Sexual Order." *Religion and Gender* 6 (2): 187–204. <https://doi.org/10.18352/rg.10156>.
- Góra, Magdalena, Elodie Thevenin, and Katarzyna Zielińska. 2023. "Sovereignty Models in the Visions of European Integration. Comparative Perspective." In *Imagining the Future of Europe. Social and Political Actors' Proposals on European Integration*, edited by Karolina Czerska and Marta Warat. Oslo: Arena Centre for European Studies.
- Graff, Agnieszka. 2014. "Report from the Gender Trenches: War against 'genderism' in Poland." *European Journal of Women's Studies* 21 (4): 431–35. <https://doi.org/10.1177/1350506814546091>.
- Grzebalska, Weronika, and Andrea Pető. 2018. "The Gendered Modus Operandi of the Illiberal Transformation in Hungary and Poland." *Women's Studies International Forum* 68 (May): 164–72. <https://doi.org/10.1016/j.wsif.2017.12.001>.

- Habermas, Jürgen. 1996. *Between Facts and Norms Contributions to a Discourse Theory of Law and Democracy*. Cambridge, MA: The MIT Press.
- Hafner-Burton, Emilie M., and Mark A. Pollack. 2009. "Mainstreaming Gender in the European Union: Getting the Incentives Right." *Comparative European Politics* 7 (1): 114–38. <https://doi.org/10.1057/cep.2008.37>.
- Kantola, Johanna. 2010. *Gender and the European Union*. Basingstoke: Palgrave Macmillan.
- Kohler-Koch, Beate, and Barbara Finke. 2007. "The Institutional Shaping of EU–Society Relations: A Contribution to Democracy via Participation?" *Journal of Civil Society* 3 (3): 205–21. <https://doi.org/10.1080/17448680701775630>.
- Kopecký, Petr, and Cas Mudde. 2010. "Rethinking Civil Society." <Http://Dx.Doi.Org/10.1080/13510340312331293907> 10 (3): 1–14. <https://doi.org/10.1080/13510340312331293907>.
- Korolczuk, Elżbieta. 2017. "The Vatican and the Birth of Anti-Gender Studies." *Religion and Gender* 6 (2): 293. <https://doi.org/10.18352/rg.10181>.
- Korolczuk, Elżbieta, and Agnieszka Graff. 2018. "Gender as 'Ebola from Brussels': The Anticolonial Frame and the Rise of Illiberal Populism." <Https://Doi.Org/10.1086/696691> 43 (4): 797–821. <https://doi.org/10.1086/696691>.
- Kováts, Eszter. 2018. "Questioning Consensuses: Right-Wing Populism, Anti-Populism, and the Threat of 'Gender Ideology.'" *Sociological Research Online* 23 (2): 528–38. <https://doi.org/10.1177/1360780418764735>.
- Kuhar, Roman, and David Paternotte. 2017. *Anti-Gender Campaigns in Europe: Mobilizing against Equality*. London: Rowmn&Littlefield.
- Mazzoleni, Oscar, and Gilles Ivaldi. 2020. "Economic Populist Sovereignism and Electoral Support for Radical Right-Wing Populism." *Political Studies*. <https://doi.org/10.1177/0032321720958567>.
- Merdjanova, Ina. 2022. "The Orthodox Church, Neosecularisation, and the Rise of Anti-Gender Politics in Bulgaria." *Religions* 13 (4). <https://doi.org/10.3390/rel13040359>.
- Paternotte, David, and Roman Kuhar. 2018. "Disentangling and Locating the 'Global Right': Anti-Gender Campaigns in Europe." *Politics and Governance* 6 (3): 6–19. <https://doi.org/10.17645/pag.v6i3.1557>.

- Pirro, Andrea L.P. 2022. "Far Right: The Significance of an Umbrella Concept." *Nations and Nationalism*, January. <https://doi.org/10.1111/nana.12860>.
- Poppe, Annika Elena, and Jonas Wolff. 2017. "The Contested Spaces of Civil Society in a Plural World: Norm Contestation in the Debate about Restrictions on International Civil Society Support." *Contemporary Politics* 23 (4): 469–88. <https://doi.org/10.1080/13569775.2017.1343219>.
- Porta, Donatella della, Hara Kouki, and Joseba Fernández. 2017. "Left's Love and Hate for Europe: Syriza, Podemos and Critical Visions of Europe During the Crisis." In *Euroscepticism, Democracy and the Media*, edited by Manuela Caiani and Simona Guerra, 219–40. London: Palgrave Macmillan. https://doi.org/10.1057/978-1-137-59643-7_10.
- Raemdonck, An Van, Katja Kahlina, and Aleksandra Sygnowska. n.d. "Paradoxes in the Far Right's Gender and Sexuality Politics: Nationalism, Islamophobia and Multiple Positionings on Gender." *Journal of Diversity and Gender Studies*. <https://digest.ugent.be>.
- Rawłuszko, Marta. 2020. "Podręczne Mniejszości, Skryte Kolaborantki, Prawdziwi Polacy." *Stan Rzeczy* 1 (20): 79–109. <https://doi.org/10.51196/srz.20.4/80>.
- Riley, Dylan. 2010. *The Civic Foundations of Fascism in Europe*. Johns Hopkins University Press. <https://doi.org/10.1353/book.458>.
- Ruzza, Carlo. 2021a. "The Populist Radical Right and Its Discursive Impact on EU-Level Civil Society." *European Politics and Society* 22 (4): 567–88. <https://doi.org/10.1080/23745118.2020.1801186>.
- Ruzza, Carlo. 2021b. "The Institutionalisation of Populist Political Discourse and Conservative Uncivil Society in the European Union: From the Margins to the Mainstream?" *Nordicom Review* 42 (S1): 119–33. <https://doi.org/10.2478/nor-2021-0010>.
- Schoenefeld, Jonas J. 2021. "Interest Groups, NGOs or Civil Society Organisations? The Framing of Non-State Actors in the EU." *Voluntas* 32 (3): 585–96. <https://doi.org/10.1007/s11266-020-00283-w>.
- Slootmaeckers, Koen. 2020. "Constructing European Union Identity through LGBT Equality Promotion: Crises and Shifting Othering Processes in the European Union Enlargement." *Political Studies Review* 18 (3): 346–61. <https://doi.org/10.1177/1478929919877624>.
- Sosa, Lorena. 2021. "Beyond Gender Equality? Anti-Gender Campaigns

and the Erosion of Human Rights and Democracy.” *Netherlands Quarterly of Human Rights* 39 (1): 3–10.

<https://doi.org/10.1177/0924051921996697/FORMAT/EPUB>.

Spiegeleire, Stephan de, Clarissa Skinner, and Tim Sweijjs. 2017. *The Rise of Populist Sovereignism: What It Is, Where It Comes From, and What It Means for International Security and Defense*. Hague: The Hague Centre for Strategic Studies SECURITY.

“Transparency Register.” n.d. Accessed February 25, 2023.

https://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=WHY_TRANSPARENCY_REGISTER.

Wodak, Ruth. 2015. *The Politics of Fear: What Right-Wing Populist Discourses Mean*. *The Politics of Fear: What Right-Wing Populist Discourses Mean*. London: SAGE Publications Inc.

<https://doi.org/10.4135/9781446270073>.

Zacharenko, Elena. 2016. “Perspectives on Anti-Choice Lobbying in Europe. Study for Policy Makers on Opposition to Sexual and Reproductive Health and Rights in Europe.” Brussels.

Annex 1: List of analysed reform proposals

No	Name of actor	Title of proposal	Date proposal made	Medium for making proposal	Code for proposal
1	Alliance VITA	Sexual and reproductive health and rights in the Union, in the context of women's health: an ideological motion for a resolution	31.05.2021	Website (official website)	VITA_2021-05-31
2	Alliance VITA	Europe: abortion, hostage to political gesticulation	19.01.2022	Website (official website)	VITA_2022-01-19
3	Center for Fundamental Rights	The European Commission attacked our country in the back!	09.09.2022	Website (official website)	CFR_2022-0909
4	Center for Fundamental Rights	European empire or national sovereignty?	30.09.2021	Website (official website)	CFR_2021-09-30
5	Center for Fundamental Rights	War without battles	18.11.2021	Website (official website)	CFR_2021-11-18
6	CitizenGo	EU Ombudsman Must Vet AND EU Commission Must Stop/Reduce	05.06.2016	Website (official website)	CitizenGo_2016-06-05

		Funding for the ILGA			
7	Coalition against the Matic report	Say no to EU violating Treaties. Say No to calling abortion "human right". Say no to Matic Report	13.07.1905	Website (official website)	CAMR_2021
8	European Centre for Law and Justice (ECLJ)	Preventing Abortion in Europe: Guaranteeing the Social Right Not to Abort	22.06.2017	Website (official website)	ECLJ_2017-06-22
9	Federal Association fo the Right to Life (BVL)	WRITE TO YOUR MEPS!	26.05.2021	Website (official website)	BVL_2021-05-26
10	Federal Association fo the Right to Life (BVL)	Abortion as part of a charter of fundamental rights reduces fundamental rights to absurdity	07.07.2022	Website (official website)	BVL_2022-07-07
11	Federal Association fo the Right to Life (BVL)	ÄFDL: MATIC REPORT ACCEPTED IN THE EU PARLIAMENT: DOCTORS FOR LIFE EV EXPECT FURTHER EROSION OF THE RIGHT TO LIFE IN EUROPE	24.06.2021	Website (official website)	BVL_2021-06-24
12	Federal Association fo the Right to Life (BVL)	ALFA: ADOPTING THE MATIĆ REPORT IS A SHAME FOR EUROPE	25.06.2021	Website (official website)	BVL_2021-06-25

13	Federal Association fo the Right to Life (BVL)	CDL OPINION: FOR A VOTE IN THE EU PARLIAMENT ON JUNE 23, 2021 CALLING FOR A "HUMAN RIGHT TO ABORTION".	21.06.2021	Website (official website)	BVL_202106-21-
14	Federal Association fo the Right to Life (BVL)	CDL: DARK HOUR FOR THE EUROPEAN RULE OF LAW	24.06.2021	Website (official website)	BVL_2021-06-24
15	FEDERAL ASSOCIATION FOR THE RIGHT TO LIFE (BVL)	Stop the Matić Report!	23.06.2021	Website (official website)	BVL_2021-06-23
16	Federation of Catholic Family Associations in Europe (FAFCE)	FAFCE's Open Letter to French President Emmanuel Macron: "Are we still free to protect life?"	21.01.2022	Website (official website)	FAFCE_2022-01-21
17	Federation of Catholic Family Associations in Europe (FAFCE)	FAFCE Contributes to Public Consultation on Gender-Based and Domestic Violence	19.05.2019	Website (official website)	FAFCE_2019-05-19
18	Federation of Catholic Family Associations in Europe (FAFCE)	Board Resolution SURROGACY: A VIOLATION OF HUMAN DIGNITY Motherhood: a precious gift, to respect and protect	13.04.2016	Website (official website)	FAFCE_2016-04-13
19	Federation of Catholic Family Associations in Europe (FAFCE)	FAFCE Board Resolution Rebuilding Europe Restarting from the Family	15.05.2019	Website (official website)	FAFCE_2019-05-15

20	Federation of Catholic Family Associations in Europe (FAFCE)	FAFCE Board Resolution Call for a European Natality Pact	09.10.2019	Website (official website)	FAFCE_2019_10-09
21	Federation of Catholic Family Associations in Europe (FAFCE)	FAFCE 2021 Spring Board Resolution: The Family is the Democratic and Demographic Future of Europe	27.05.2021	Website (official website)	FAFCE_2021-05-27
22	Federation of Catholic Family Associations in Europe (FAFCE)	Demographic Challenges and Sustainable Development. A new chapter for Family Policies in Europe?	26.06.2020	Website (official website)	FAFCE_2020-06-26
23	Federation of Catholic Family Associations in Europe (FAFCE)	Matic Report: let's respect subsidiarity and stay focused on the future Statement of Vincenzo Bassi, President of the Federation of Catholic Family Associations in Europe (FAFCE)	23.06.2021	Website (official website)	FAFCE_2021-06-23
24	Federation of Catholic Family Associations in Europe (FAFCE)	Brain drain – mitigating challenges associated with population decline	22.06.2022	Website (official website)	FAFCE_2022-06-22
25	István Barankovics Foundation	Demographic winter in rainbow flag	07.09.2020	Website (official website)	IBF_2020-09-07
26	István Barankovics Foundation	Climate change and European migration	21.11.2019	Website (official website)	IBF_2019-11-21
27	István Barankovics Foundation	Our new common Europe - "No one else will find Christian	14.12.2017	Website (official website)	IBF_2017-12-14

		Democratic answers instead of us"			
28	István Barankovics Foundation	The possibilities of Christian democracy in the 21st century	23.03.2021	Website (official website)	IBV_2021-03-23
29	Letter of 731 NGOs from 9 EU Member States	The Coman case and national sovereignty in marital matters	05.06.2018	Website (official website)	Coalition of NGOs_2018-06-05
30	Mum, Dad & Kids - European Citizens' Initiative	Mum, Dad & Kids - European Citizens' Initiative to protect Marriage and Family	09.12.2015	Website (official website)	MDK_2015-12-09
31	One of Us European Federation	European Union and Coronavirus	12.06.2020	Website (official website)	One of Us_2020-06-12
32	One of Us European Federation	Statement European Federation One of Us against Matić Report	16.06.2021	Website (official website)	One of Us_2021-05-26
33	One of Us European Federation	Presentation for presentation of "One of Us" Manifesto in Paris	23.02.2019	Website (official website)	One of Us_2019-02-23
34	One of Us European Federation	The EU, abortion, and the French Presidency - Open Letter	15.03.2022	Website (official website)	One of Us_2022-03-15
35	One of Us European Federation	"One of Us" Heard by the Grand Chamber of Europe's Highest Court Luxembourg. March 27, 2019.	27.03.2019	Website (official website)	One of Us_2019-03-27
36	One of Us European Federation	Manifesto Cultural Platform "One of Us" For a Europe faithful to human dignity	31.08.2019	Website (official website)	One of Us_2019-08-31

37	One of Us European Federation	Abortion returns with force to the European Parliament: we must mobilize for life	4.07.2022	Website (official website)	One of Us_2022-07-04
38	One of Us European Federation	Abortion: every woman's right? A fundamental freedom? or a reflection that we have not met the needs of women?	12.07.2017	Website (official website)	One of Us_2017-07-12
39	One of Us European Federation	Convention for our Future: a Europe Faithful to Human Dignity	07.05.2022	Website (official website)	One of Us_2022-05-07
40	Ordo Iuris Institute for Legal Culture	Procedural Rule of Law in the European Parliament	31.12.2018	Website (official website)	Ordo Iuris_2018-12-31
41	Ordo Iuris Institute for Legal Culture	Say no to EU redefining parenthood! Let's protect the family!	31.12.2021	Website (official website)	Ordo Iuris_2021-12-31
42	Ordo Iuris Institute for Legal Culture	Commentary to selected proposals of the Conference on the Future of Europe	31.12.2022	Website (official website)	Ordo Iuris_2022-12-31
43	Ordo Iuris Institute for Legal Culture	Memorandum on the new European Union Action Plan on Human Rights and Democracy for 2020–2024	22.04.2020	Website (official website)	Ordo Iuris_2020-04-22
44	Ordo Iuris Institute for Legal Culture	Draft amendments to the EU anti-discrimination law and the freedom of economic activity	31.12.2016	Website (official website)	Ordo Iuris_2016-12-31

45	Ordo Iuris Institute for Legal Culture	Demographic Policy of the EU and the Population Challenges faced by Member States	18.09.2015	Website (official website)	Ordo Iuris_2015-09-18
46	Ordo Iuris Institute for Legal Culture (with coalition of other organisations)	Petition - Stop Gender Convention. Stand For Family	09.06.2020	Website (official website)	Ordo Iuris_2020-06-09
47	Ordo Iuris Institute for Legal Culture (with coalition of other organisations)	Commentary to selected proposals of the Conference on the Future of Europe	01.01.2022	Website (official website)	Ordo Iuris_2022-01-01
48	Ordo Iuris Institute for Legal Culture (with coalition of other organisations)	Równouprawnienie czy uniformizacja? Polityka na rzecz równości kobiet i mężczyzn Unii Europejskiej.	01.01.2020	Website (official website)	Ordo Iuris_2020-01-01
49	Ordo Iuris Institute for Legal Culture (with coalition of other organisations)	UNIA CHCE NARZUCIĆ HOMOADOPCJĘ. POWIEDZMY NIE!	21.04.2021	Website (official website)	Ordo Iuris_2021-04-21
50	Ordo Iuris Institute for Legal Culture	No to the gender plans of the new EU Commissioner - Maszwpływ.pl	2019	Website (official website)	Ordo Iuris_2019
51	Political Network for Values.	YOUNG LEADERS FROM EUROPE AND AMERICA LAUNCH	27.05.2022	Website (official website)	PNV_2022-05-27

		“BUDAPEST DECLARATION” FOR LIFE, FAMILY AND FREEDOMS			
52	Political Network for Values.	CONCERNS ON DRAFT REPORT THREATENING HUMAN RIGHTS AT THE EUROPEAN PARLIAMENT The situation of sexual and reproductive health and rights in the EU	05.05.2021	Website (official website)	PNV_2021-05-05
53	Right to Life for All (ALfA eV)	PRESS RELEASE ALfA: Adoption of the Matic report is a disgrace for Europe - Kaminski: Brutal attack on the right to life, freedom of conscience and freedom of expression	24.06.2021	Website (official website)	ALfA eV_2021-06-24
54	Right to Life for All (ALfA eV)	Please write to your MEP! Ask your member of parliament to get involved too!	28.05.2021	Website (official website)	ALfA eV_2021-05-28
55	Society and Values Association	Opinion on why the EC does not have to extend the EU list of crimes to "hate speech" and "hate crime"	20.04.2021	Website (official website)	SVA_2021-04-20
56	Society and Values Association	Our appeal to the European Commission in relation to gender policies against violence	10.05.2021	Website (official website)	SVA_2021-05-10

57	Society and Values Association	Letter from 731 organisations with a call not to destroy the family and the EU	30.05.2018	Website (official website)	SVA_2018-05-30
58	Society and Values Association	Letter from 333 European organisations requesting changes to the Istanbul Convention	21.03.2018	Website (official website)	SVA_021-05-12
59	Society and Values Association	Society and Values Association	12.05.2021	Website (official website)	SVA_2021-05-12
60	Society for the Protection of Unborn Children (SPUC)	SPUC slams “grotesque” EU for declaring abortion a human right	25.06.2021	Website (official website)	SPUC_2021-06-25
61	Society for the Protection of Unborn Children (SPUC)	“Sickening” President Macron wants abortion enshrined in EU rights charter	20.01.2022	Website (official website)	SPUC_2022-01-20
62	Society for the Protection of Unborn Children (SPUC)	Catholic bishops denounce European Parliament for demanding that “abortion rights” be upheld in US	13.06.2022	Website (official website)	SPUC_2022-06-13
63	Society for the Protection of Unborn Children (SPUC)	EU Resolution on “Sexual and Reproductive Rights”	21.06.2021	Website (official website)	SPUC_2021-06-21
64	Society for the Protection of Unborn Children (SPUC)	European Parliament demands that EU Charter of Fundamental Rights include abortion: This is	08.07.2022	Website (official website)	SPUC_2022-07-08

		"obscene", says SPUC			
65	The Italian Movement for Life (MPVI)	EU ELECTIONS. Appeal to voters and candidates	16.05.2019	Website (official website)	MPVI_2019-05-16

Chapter 10

Narrating from the Fringes. Science-related Populism Referring to Europe

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Introduction¹⁵

The past few years in the EU and beyond have been marked by unexpected crises including the global pandemic and, more recently, the war in Ukraine and its humanitarian and geopolitical costs. The challenges facing the EU are also aggravated by internal discontent and controversies concerning both the conceptual differences regarding the EU polity and its particular policies. With many countries included, the discussions revolve around what the shape of the EU polity should have, to what extent it needs to be unified, and where differentiation is accepted and where it is problematic (Fossum 2019). Simultaneously, different policies need both immediate actions and long-term solutions, but, not surprisingly, there are various stances regarding the question of which solutions are preferable. Moreover, in an EU in which citizens are to be given a voice, as stated in the *Joint Declaration on the Conference on the Future of Europe* (2021), it is not only member states and EU institutions

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that are at play. The European community is also continuously imagined and reimagined (cf. Anderson 1991) by its citizens and neighbours.

Among many people and groups active in the public sphere, there are those considered to be on the fringes of legitimate discourse. This chapter focuses on some of those actors who are considered to be populist, and asks whether one might find a vision of Europe in their discourses. The aim here is to present and analyse the arguments related to democracy and dominance put forward by movements that might be labelled as denialist or anti-intellectual, in the sense that they consistently express a generalised mistrust in experts and expert knowledge (cf. Merkley 2020; Merkley and Loewen 2021; Motta 2018).

Trust in science and public understanding of science is socially and politically important. Understanding the phenomena of knowledge resistance (Klintman 2021) and anti-intellectualism (Motta 2018) sheds light on cognitive mechanisms (Kahan 2016), the role of new media in spreading misinformation, and the political implications of lack of trust in science (Anderson et al. 2012; Brossard and Scheufele 2013; Damstra et al. 2021; Hmielowski et al. 2013). The terms “knowledge resistance” and “anti-intellectualism” are both used in the relevant literature. However, it is important to note that they are themselves value-laden, expressing condescension. Thus, these terms, stressing the importance of knowledge and intellect, at the same time create sharp social divisions: into those who accept knowledge and those who are resistant; into those who value intellect and those who are anti-intellectual. Those labels might be important for the general public in order to clearly state what has a basis in facts and research and what does not. After all, it is crucial to make sure that pseudoscience and fake information do not gain an equal status to claims based on evidence and which are thoroughly examined in accordance with accepted research methodologies.

Representatives of movements denying evidence-based research perceive themselves as being subject to dominance, although it is not always clear by whom they are dominated. This sense of being dominated is thus part of the “discursive and stylistic repertoire” of populism (Brubaker 2017). The terms they are labelled with in academic publications may justify that perception. Nonetheless, it is possible to inquire why certain people and groups do not accept scientific evidence or build their social and political capital on that mistrust in science, without necessarily labelling them in

an antagonistic way. Science-sceptics would be a fairly neutral denominator; however, scepticism, as one of the founding principles of science and rationality, would be an even more problematic label for the opposite reason. In this chapter, I will therefore use a term that is not completely neutral, although perhaps less value-laden: “denialists” or “deniers”.

Different groups and views have been analysed with regard to their anti-scientific convictions and projections. Most notably, for many years research has focused on climate-change deniers (cf. Cann and Raymond 2018; R. Dunlap 2013; R. E. Dunlap and McCright 2015; Forchtner 2019; Forchtner et al. 2018; Kulin et al. 2021; McCright 2007; McCright et al. 2016; Oreskes and Conway 2011; Poortinga et al. 2011; Żuk and Szulecki 2020). The spread of COVID-19, along with public health concerns and policies implemented in response, resulted in significant attention on the reasons behind anti-vax movements and vaccine hesitation in the general population, and how they evolved in the face of the pandemic. Besides these two most salient issues, others have also gained public attention. With the full-scale Russian aggression in Ukraine, the problem of energy has become not only a climate challenge, but also a security concern, hence the attention to nuclear energy and facts and fears around it. There are also many topics related to anti-scientific convictions that have an impact on public health, but are not that central to the public debate, like medical treatments such as homeopathy, psychological interventions, or wellness and dietary concerns (cf. Baker 2022; Boudry et al. 2015; Chan et al. 2018; Colquhoun 2007; Goldacre 2010; Thomas et al. 2018).

This chapter provides an analysis of the common themes in both anti-5G and denialist movements that relate, albeit not always directly, to Europe and EU policies. More specifically, it refers to the understandings of democracy and dominance that can be inferred from the analysed texts. To be sure, neither democracy nor dominance are a subject of interest to these actors per se. However, through the lens of the contested policies central to their concern, their documents refer to what they see as a breach of democratic standards or as proof of dominance relations. I start by presenting the conceptual framework. This is followed by presenting the sample and methods and an analysis of instances in which democracy and dominance appear in the texts published by the studied actors. The chapter is concluded by an attempt to provide a wider context: the

relationship to political polarisation, and to a specific form of populism, namely science-related populism.

Conceptual framework

This chapter does not attempt to conceptualise democracy, dominance or differentiation. The initial aim of the research was to determine 1) whether denialist actors relate to the EU as a polity, and 2) if they have any proposals that refer to the future of that polity. Based on the analysis of their statements published online, the answer to both of these questions is negative. Nonetheless, dismissing denialist voices as not important to the debate because of the lack of proposals about the future of the EU would mean losing from the overall picture sentiments that – even if not mainstream – influence the tone and framing of public debate on core societal topics. Topics regarding health and digital transformation are not only central to the EU priorities; they are also issues that have been polarising public opinion. For that reason, this analysis attempts to infer how concepts like democracy or dominance are used by the selected actors.

The rise of dis- and misinformation poses a challenge to democracy, as both a legitimisation principle and an organisational form (Fossum 2021, 2022). This is mostly not because of the content of the claims – in that respect, mis- and disinformation are nothing new. The new challenge is in the reach those messages have – thus creating new circumstances for the rise in modern propaganda. The second challenge is that – contrary to creating a democratic forum for a pluralism of voices, they might not be an expression of pluralism, but rather only generate the illusion of it (cf. Pomerantsev 2019).

Differentiation – if operationalised as the structural make-up of the EU and the process that leads to its less or greater differentiation (Fossum 2021, 1) – is a concept that is not reflected in what denialist actors write about. However, given the political power relations in the member states and within the EU, the fears that are kindled by those movements might be conducive to the dis-integrationist direction.

One could analyse the denialist groups from a wider perspective as a challenge to democracy, perhaps as actors that might be instrumental for

decisions about differentiating certain policies, and certainly as a movement that appeals to the not necessarily clearly targeted sentiments people might hold of being dominated by more powerful societal agents. Nonetheless, the aim of this chapter is not to determine or explore the role denialist movements imply for the democratic order, nor for national and EU decision making. Although those issues are of crucial importance, this paper focuses on how democracy and dominance are operationalised by those actors themselves. Their claims, however, are placed in a wider context of populism, and its specific manifestation: science-related populism.

The movements analysed here operate using a populist playbook, and seek common ground with those who feel excluded by elites, however they are understood. Thus, the sentiment of being dominated is central to these actors. The notion of unjust domination is core to the populist narrative of the social world, as is the claim of speaking in the name of “the people”. Populism has been operationalised as a discursive and stylistic repertoire (Brubaker 2017) that could be likened to a cultural toolbox (Swidler 1986), or as a “thin-centred” ideology (Mudde & Kaltwasser 2017). Being thin-centred and focusing on the division between “us” and “them”, “the pure people” and “corrupt elites”, populism is adaptable to host-ideologies. The key demarcation is vertical – between “the people” and “the elites” – but at times it is marked horizontally, between the ingroup and the outgroup (Brubaker 2017). Thus, the substance of the main concerns of the anti-vax or anti-5G movements is less salient than the discursive repertoire around those topics.

The populist discursive repertoire has common features, which are also visible in the documents analysed here. Firstly, there is the basic division between “us” and “them”. The demarcation line in this case is mostly vertical, “them” being *corrupt elites, defined as an alliance between pharmaceutical, insurance and financial companies, supported by big technology, governments, and academic circles* (cf. annex, proposal 22). Secondly, we can point to heightened expressions of affect and appeals to affect (Obradović et al. 2020). The principal way of appealing to feelings and emotions in the analysed example is seeding doubt and fearmongering (Glassner 2004) by addressing the dangers and health hazards “we” are subject to, as a result of decisions (regarding vaccines or introducing 5G technology) made by the “corrupt elites”. Another common feature of the populist repertoire is

the use of a rhetoric of crisis (Brubaker 2017; Kyle & Gultchin 2018). Whilst during the pandemic, the state of crisis was largely accepted through international and state decision makers, the crisis has been differently framed by denialist groups. It was not the virus they saw as the source of crisis, but rather the decisions of policy makers, seen as violating the freedom and democracy of “ordinary people” by imposing compulsory vaccination.

Research from social psychology points to populism’s rhetorical mobilisation of psychological needs (Obradović et al. 2020). Especially heightened needs for status are activated and mobilised through moralisation and rumour sharing (Petersen et al. 2021). Hence, in this light the expressed perceived dominance, prominent in denialist documents and imbued with affective language, might be operationalised as status-seeking endeavours.

In essence, these movements are part of a phenomenon that has been gaining salience, namely science-related populism (Mede & Schäfer 2020). Populism, we recall, in broad terms is a movement claiming to speak for “the allegedly virtuous people” against allegedly corrupt political and economic elites and any institutions they see as representing the societal establishment (Wirth et al. 2016; Brubaker 2017). Recently, researchers and scientists have been more visibly included in this elite, thus academic elites are seen as a subset of the general elite. It has become a marker with the rise of post-truth politics (Fossum 2023), where expertise is suspect and truth is relative (Motta 2018). With the participatory turn in the public sphere, expertise has become one of many potentially equally valid opinions on a given topic. In this light, therefore, knowledge and evidence might be seen as a point of view rather than expertise. Mede and Schäfer (2020) conceptualise science-related populism as “a set of ideas suggesting an antagonism between an (allegedly) virtuous ordinary people and an (allegedly) unvirtuous academic elite – an antagonism that is due to the elite illegitimately claiming and the people legitimately demanding science-related decision-making sovereignty and truth-speaking sovereignty” (Mede & Schäfer 2020, 484). Science-related populists might focus on socially polarising topics (such as vaccines or 5G), but they also might refer to less visible areas (such as homeopathy or dietary trends). In the case of the actors analysed here, the issues central to their concerns are both science-related and polarising. Therefore, they are salient in relevant

European policy areas, and, as they relate to politics, may impact their views on the European polity.

Methods and sample

Whilst the scope for analysis of denialist movements is wide, in this chapter I focus on two groups which relate directly to EU priority policies: “anti-vaxxers” and groups forming around protests and fears regarding 5G technology. Although health was not listed among the European Commission’s priorities for 2019–2024, the pandemic has moved health issues to the centre of the EU’s attention. The topic of vaccines and social hesitancy therefore became a pressing issue for the bloc during the COVID-19 pandemic and the vaccine rollout. As a result, the EU4Health programme was adopted with the goal of reinforcing crisis preparedness in the EU (EU 2021/522).

The second group of denialists (the anti-5G movement) is directly related to one of the European Commission’s priorities for 2019–2024, namely “a Europe fit for the digital age” (EC 2019). Within this broad theme the EU intends to invest in key digital infrastructures, such as extensive 5G (and future 6G) networks, a new Radio Spectrum Policy programme, and 5G corridors for connected or automated mobility (EC 2020). The anti-5G movement thus directly relates to the EU’s concerns.

Precisely because of the centrality of these themes – vaccines during the pandemic and digital transformation – I chose to focus on these two denialist movements. I intended to find out how their discourses relate to the EU, which is – or intends to be – moving forward policies these groups are vehemently opposed to.

The groups analysed in this chapter may be considered as fringe, not mainstream. Nonetheless, whether seeing this peripheral position as a descriptive (where they are situated) or normative characteristic (where they ought to be as a group spreading mis-/disinformation), their peripheral locus influences the narratives they produce. Although not in the mainstream, they are instrumental in seeding doubt about the safety of proposed policies, thus it is important to scrutinise these narratives.

To determine whether denialist movements have a coherent vision of Europe, a content analysis of 22 documents published by these actors was performed. Thirteen of them concerned the COVID-19 vaccines (four were

at EU level and nine from Polish actors), and nine were related to 5G technology (eight at EU level, one published in Poland). These documents do not form consistent proposals; they are scattered among various actors. Although representing the denialist stance and cross-citing each other, they are not clearly organised groups. Moreover, since these are not proposed by CSOs with clear structures and user-friendly websites, most of these documents leave an impression of chaotic utterances that do not follow clear and straightforward arguments. The inclusion criterion of the sample was unequivocal rejection of either vaccines or 5G technology.

The aim of the research was to find written utterances that relate to the EU or Europe, in publicly available web documents produced by denialist actors. Initially, contributions from those actors to the debate on the future of Europe were sought. However, since they did not participate in that discussion, the scope was broadened to include the representations of EU in documents not relating directly to the Conference on the Future of Europe (CoFoE). Apart from the theme of Europe, those documents were coded in MAXQDA according to three further dimensions (Fossum 2019): democracy, differentiation and dominance. Although Fossum's take on these concepts refers to the polity of the EU, here they were treated in a broader sense, i.e. beyond the references to the EU, if they appeared as such in the documents. As the analysed actors are not necessarily organised in clear institutional structures, the search for the documents was based on keywords ("stop 5G", "phone masts", "plandemic", "stop vaccines"). New documents were also reached using the snowball technique. Although not exclusively, the encountered documents are mainly from Poland. Dis- and misinformation have been a constant challenge, hence some of the documents labelled as disinformation have been tracked by OSINT (Open Source Investigation) groups (such as FDI, Bellingcat) and removed from public domains (e.g. the White Rose). In Poland, at the time of the research, the ruling parties did not have an unequivocally disapproving stance towards those groups, hence their presence in the public sphere has not been censored significantly. The documents collected were produced between 2017 and 2022. This chapter presents the findings from analysis of those texts.

In analysing societal actors who do not directly comment on the polity of the EU, but rather focus on policies relevant to the Union, it is difficult to discern coherent narratives regarding either democracy, differentiation, or dominance. However, these actors operate within the national and

European context, hence they use concepts that resonate with the general public. Moreover, their claims are political, because they relate to public decisions they are opposed to. It would therefore be nearly impossible for them to shy away from central political issues regarding the limits of power of the state and European institutions versus individual and collective interests.

Democracy, differentiation and dominance

Do the denialist movements care about the polity of the EU? This is not a clear concern, as they focus on the policies they see as dangerous for “the people”; however, the people are understood in a specific context. But since the EU explicitly tackles issues like vaccination programmes and 5G networks, the European Union is present in their narratives, albeit not always directly. The following paragraphs present whether and how democracy, differentiation, or dominance were referred to in the analysed documents.

Democracy itself is not a concept that has been widely referred to by the anti-vax and anti-5G groups. In fact, in the 22 analysed documents there were just two explicit mentions of democracy. In the first instance this was an appeal to the EU to follow democratic principles laid out by the European Commission in a document “Secure 5G deployment- EU toolbox”, stating that the Commission, the EP, the Council and the governments and parliaments of the member states should provide a democratic framework for consultation (STOP 5G | Proposal 23, P. 2: 308) by organising public debates led by scientists with biomedical expertise who are free from conflicts of interest and by “creating of a body that brings together scientists and representatives of different schools of thought, elected in complete independence from business circles and governments” (STOP 5G | Proposal 23, P. 1: 857) (STOP 5G | Proposal 23, P. 1: 125). Hence the standard of being free from conflicts of interests (CoI) is presented as a proposal implying that at present that is not the case. The lack of CoI in turn echoes the principle of “independent experts” that should have a voice in the debate, which is a recurrent theme in all the documents (mentioned 42 times in both Polish and international appeals). The second explicit mention of democracy refers to a warning that there are forces wanting to cede power and decision making to non-democratic and unelected global bodies (such as the World Health Organisation) (SWW | Apel, P. 1: 1614). Hence democracy - understood here

pragmatically as the inclusion of denialist voices – is referred to as a lacking but important principle. The perceived lack of democracy is reinforced using such words as “dictatorship” (10 instances in three documents) or “totalitarianism” (four mentions in three documents). In both cases they are employed only in the Polish documents. These descriptions apply in those contexts to the “totalitarian regime” introduced either through 5G technology or by population vaccinations, and to “medical dictatorship”, the message being starker by evoking the Nuremberg Code and medical experiments on people.

Differentiation does not appear in the Polish or international documents analysed here. This is not surprising, as the polity of the European Union is not the concern of those groups and the subtleties of integration do not fit into the dichotomous concepts of populism. In the populist antagonism between “us” (the virtuous people) and “them” (the corrupt elites), these signifiers can be occupied by diverse content (Brubaker 2017). However, they are not gradational. So “we” and “us” at times means “the Polish people”, or “the public”, or “parents”, or “Europeans”, or “citizens” – in essence, whatever suits the argument. By the same token, “they” and “them” in turn signify the “so-called experts”, “corrupt scientists”, “foreign powers” (be it economic or political), or “bureaucratic elites”. The discussion therefore in no way refers to reflecting on the different levels of integration. At best it employs the well-known critique from other contexts of ceding the power of decision making to non-elected entities. Even if it does not always refer explicitly to EU institutions, the Polish documents echo the right-wing arguments that only the national parliament and national bodies have full democratic legitimacy and any attempts at federalisation (although this exact word is not used at any point in these brochures) in essence undermine democratic credentials.

If democracy and differentiation are not a prominent topic in those outlets, *dominance* definitely is. Although they do not use dominance or domination as a literal description, the overall sentiment does point to the perceived unjust imbalance of power. If one breaks down the possible expressions of negative evaluations of dominance relations, they repeatedly used emotion-laden words. The most visible of these were “freedom” and the alleged absence of it (62 coded fragments in 17 documents), “decision” and who gets to decide as opposed to who should be the one getting to decide (30 occurrences in 13 documents), “choice” and the lack of it (18 fragments in 7 documents), “discrimination” of “the

people” (14 mentions in 3 documents), or the “force” by which policies are brought forward (11 occurrences in 10 documents). Therefore, even if dominance was not mentioned as an explicitly recognised problem, it was operationalised by these emotional expressions.

Who then dominates whom? Again, these documents are not consistent in pointing to specific dominating entities. However, countries and the people living there are in general dominated by global actors or “foreign powers”. These might represent industries (like pharmaceutical or telecommunication companies) or other, allegedly untransparent institutions, such as the World Health Organisation. Disapproval of an unspecific “one international government” is voiced at times. Sometimes it is states that are curbing the freedom of their citizens. The European Union is also mentioned as one of these untransparent bodies aiming at restricting the sovereignty of member states. WHO is considered as a dominator by both anti-vax and anti-5G groups. In turn, anti-vaxxers see the European Medicines Agency as representing dominant power. Not surprisingly, in tune with conspiracy theories, it is not specific actors that are seen as responsible, but rather “an alliance of technology, media, academic circles and government institutions”. These are accountable for dominating, either individuals (ordinary people, citizens), groups (like “decent scientists”, “independent doctors”), or states (countries in general or, in some documents, Poland specifically).

John Erik Fossum (2019) has conceptually identified seven forms of dominance. It may be argued that the denialists use the whole spectrum of these dominance occurrences; however, three of them are most visible: exclusion, illicit hierarchy, and oppression. This of course refers to the subjective presentation of how they perceive the power imbalance. *Exclusion* (18 coded fragments in eight documents) – people, citizens, “independent experts”, countries – all of those presented as dominated actors are excluded from decision making and from debates on policy measures. Deniers also claim that they are dominated, because they are not included in debates on science-driven policies. *Illicit hierarchy* (nine occurrences in 10 documents) – WHO, the EMA, and EU institutions in general are portrayed as having illicit power, due to the perceived lack of accountability to any constituents. Depending on the context, the denialists either point to the fact that these institutions are not democratically elected or they consider their policies to be of major importance and thus argue that they should be subject to democratic

voting. In different instances, but complimentary to those above they see individual freedom being curbed by illicit hierarchy: institutions allegedly unlawfully deciding about individuals. By the same token, *oppression* (27 related fragments in 10 documents) is their most widely used notion of dominance – they and the people they claim to represent do not have the power to exercise their freedoms from vaccines and/or from electromagnetic fields. Thus, they are allegedly oppressed, and this message is underlined using such expressions as “experiments on people” (11 times), or by references to the Nuremberg Code (nine times).

The European Union is mentioned here in two settings referring to dominance. The first conceptualised the EU as infringing individual European citizens’ rights through institutions which do not have democratic legitimacy and are susceptible to unrevealed conflicts of interests (like WHO, the EMA). The second presented the Union as a place where national sovereignty is at stake because of centralising plans regarding health, digital, and climate policies. Those actors argued that these policies should be decided at the national level, where there is an appropriate democratic mandate. Thus, unelected European institutions are seen as dominating and undermining democratically elected state authorities.

Political ideologies and polarisation

One cannot turn a blind eye to the political implications of denialist convictions and their possible connections to political ideologies. These connections might be straightforward, i.e. between given political organisations and denialist movements. They can also be indirect, linking given attitudes towards societal issues with sympathies for various political ideologies. There is a body of research inquiring about the link between political ideology and denialist movements or “science-sceptic” attitudes (cf. Campbell and Kay 2014; Czarnek et al. 2020; Dahlgren et al. 2019; Featherstone et al. 2019; Gabel et al. 2021; Kossowska et al. 2021; Kulin et al. 2021; McCright et al. 2013, 2016; Rutjens et al. 2018; Zaslove 2009). Research also shows that political ideology matters when it comes to trust in science and to conspiracy beliefs. Political conservatives are more susceptible to conspiracy beliefs, have more negative attitudes towards scientific experts and are less willing to accept scientific consensus (Blank and Shaw 2015; Featherstone et al. 2019; Hamilton et al. 2015; Motta 2018). Gauchat (2012), examining US data from nearly three

decades, shows a trend over time in which conservatives have become increasingly distrustful of science. While in the 1970s the respondents identifying themselves as conservatives had the highest trust in science, at the end of the studied period (2010) they expressed the lowest trust (in comparison to liberals and moderates). One must keep in mind that the link between right-wing ideology and distrust in science has been explored mainly in the context of the US and its division between Democrats and Republicans. Nonetheless, research done outside of the North American continent also convincingly suggests that a broadly right-wing ideology predicts less favourable attitudes towards science and scientific consensus (Forchtner et al. 2018; Kulin et al. 2021; Żuk and Szulecki 2020). The association between right-wing parties/voters and distrust in scientific consensus is especially visible when it comes to climate action policies. Right-wing parties are more likely to oppose climate change policies, hence it is not obvious whether their supporters are less enthusiastic to those policies because they tend not to accept the scientific consensus, or because this is a function of their general support for right-wing parties and their ideologies (Huber et al. 2021). Blank and Shaw (2015) argue that scientists tend to be more liberal or moderate than conservatives, and public policy recommendations from scientists require action and change, something that conservatives are more likely to oppose, which partly explains the scepticism towards science itself. Furthermore, they argue that disbelief in science stems from the conflict between a scientific worldview and political ideology and/or religious beliefs.

Right- or left-wing ideologies convey a cluster of meanings, and it would be worthwhile to find which particular part of that ideology is salient and important for convictions relating to scientific consensus. For instance, a body of research shows that free-market enthusiasts tend to reject the findings of climate change, as to accept it means also accepting the necessity of putting into place control mechanisms over the free market, constraining it and empowering the public institutions, encouraging government interventions, which is something that goes against conservative convictions (Oreskes and Conway 2011, 249-255). The arguments have a nationalist undertone: the right-wing populists blame the elites for acting against national interests by supporting climate-change-related policies, such as sustainable energy transformations (Fraune and Knodt 2018), which imply major changes in private and

national economies. Further, universal claims, like the sustainability of the planet and well-being of humanity and other species, do not resonate well with nationalistic ideology.

Science-related topics have become an object of political polarisation. While discussing the policies addressing specific societal problems and challenges, some deny the very basis of those policies. In other words, the discussion does not revolve around whether the solutions to climate change or public health crises are adequate. A great deal of energy in the discussion shifts to debating whether climate change actually exists and there actually is a public health crisis. And since that discussion is about values, not facts, many political actors delve into the so-called debate and are instrumental in providing more saliency to the denialist groups (Hamilton et al. 2015; Hmielowski et al. 2014; McCright and Dunlap 2011). The debate is political and polarising, with part of the strategy embraced by denialists being to undermine science, by casting doubt over consensus among scientists and hinting that many scientists are driven by ill motives (like “Big Pharma” incentives). Nowadays science has become a target of populism, where scientists are ascribed the role of alien and antagonist elites. If populism stems from marginalisation of those “left behind” by globalisation and technological change (Lockwood 2018), the complex nature of science leaves behind virtually all non-specialists in each scientific field. However, not all turn against the scientific premises.

There is one further factor which is difficult to verify and therefore does not appear often in research articles, although it is widely present in popular media, including press, television and social media. It concerns the question of whether the denialist groups are grassroots or if they are a deliberate political tool not of misinformation, but of disinformation, where both people and bots are harnessed for foreign political goals. After all, they are seeding doubt as well as instigating fear and societal unrest, and are therefore instrumental in slowing down beneficial policies regarding health or digital transformation. Hence, open-source investigation (OSINT) communities point to the role of foreign, especially pro-Kremlin, interests (Broad 2019; Cockerell 2022; Kayali and Scott 2022; Thomas 2022; Zachová 2022; Zappone 2019). There are several indications that foreign actions and interests might be at play in both anti-5G and anti-vax practices and ideas. First, social network and special analyses show that the accounts used by them are interrelated (Ahmed et al. 2020; Flaherty et al. 2022, GDI 2019; Weiner 2020). Second, the beginning of a

visible anti-5G movement has been dated to May 2018, when RTA (Russia Today America) started to air apocalyptic warnings of the danger of 5G (Broad 2019). Third, with the Russian invasion on Ukraine, anti-vax and anti-5G internet accounts were reported to shift to anti-Ukrainian messages (Brezar 2022; Kayali and Scott 2022). Certainly, one must be cautious with such claims, as this is a tempting and easy explanation which itself borders on conspiracy thinking. Moreover, it is always useful to remember one of the basic methodological principles, that “correlation is not causation”. At least some of the activists of the denialist movements analysed here had a prior history of engagement in those issues, before the COVID-19 pandemic and before the moral panic regarding 5G technology. They came respectively from parent-centred opposition groups to compulsory vaccines (e.g. STOP NOP) and from activists warning about the hazards of EMF (e.g. Instytut Maxwella). However, one should bear in mind that, even if those movements were not incited by deliberate concerted political actions, they might be seen by them as valuable for stirring uncertainty regarding core EU policies, like public health and digital transformation.

Decision-making sovereignty and truth-speaking sovereignty

In their conceptualisation of science-related populism, Mede and Schäfer (2020) formulate two core principles of that populism: *decision-making sovereignty* and *truth-speaking sovereignty*. The former is akin to political populism, as it rests upon the assertion that political elites are seen as illegitimate sovereigns (Mede and Schäfer 2020, 477; Wirth 2016). They are illegitimate, because politics in the view of populism should embody the popular will; hence the people are legitimate sovereigns, not the political elites. The latter rests upon claims for epistemic authority over how valid knowledge is produced (Mede and Schäfer 2020, 482). I would argue that in the anti-vax and anti-5G documents analysed, the political and science-related populisms are conflated. Firstly, the claims for decision-making sovereignty relate both to political and scientific elites. In both instances it is the ordinary people who are allegedly not biased by elite interests and therefore should be the primary decision makers. However, once the political mode is evoked, it brings along the opposition of nation-state vs the EU, along with other global forces. The first legitimately represents the people; the second does not. Hence, this populist sentiment echoes the

arguments of Eurosceptic groups and parties. When the science-related mode is at play, however, academic circles and scientific experts are seen as claiming sovereignty illegitimately, because they are allegedly guided by ideological agendas. In that mode, it is “the ordinary people”, not states or nations, that should be the legitimate bearers of science-related decision-making sovereignty (Mede and Schäfer 2020, 482-483).

Truth-speaking sovereignty defines who has authority over knowledge production and over the definition of what constitutes “true knowledge”. Populism rejects the conviction that scientists, using their theories and methodologies, have a superior epistemology compared to other alternative views of the world. The populist view sees this as illegitimate, because the scientific establishment relies on alien theories, not on everyday experiences. What to science might seem anecdotal knowledge, to populist views is precisely the expression of a down-to-earth approach, based on common sense and the experience of ordinary people. Thus, there are competing truths: that of the scientific establishment and that of the ordinary people. In the populist claims, authenticity of the people and their experience-driven truth is opposed to the alienated, theory-driven knowledge production of the scientific elites (Mede and Schäfer 2020, 483). Both anti-vax and anti-5G arguments follow this logic. They argue against “ivory-tower” experts, who allegedly derive their knowledge from behind-closed-doors concepts and are hence illegitimate in terms of truth. Moreover, they are seen as ideologically skewed and working for undisclosed interests. and are therefore illegitimate in terms of decision making. The denialist movements therefore share with the Eurosceptics the political populist views that national sovereignty is being endangered by EU institutions. Additionally, however, they express the conviction that ordinary people are legitimate bearers of science-related decision making and truth-speaking sovereignty.

Conclusions

Content analysis of anti-5G and anti-vax documents shows a coinciding and coherent populist narrative. That narrative is situated within political populism, but also has a prominent science-related populism component. Their core demands for legitimacy relate to decision making and truth-speaking sovereignty. The message they convey presents them, the member states and “ordinary people” as being dominated by an unspecified alliance of political, economic, and “so-called intellectual”

elites. The European Union and its institutions are explicitly a concern to those movements only when it fits in the populist signifier, which depends on the context.

The analysed actors seem not to care about the character of the present or future polity of the European Union; it is irrelevant in their narrative. This might be one of the indicators of the populist character of those movements. They are not targeting primary policies in a way that could promote their preferred solutions in the area of health or technology. Instead, their documents focus on seeding doubt, fearmongering, and accusing loosely understood elites or vague global and local powers of exploiting ordinary people for their economic and political goals. Because the narrative appeals to virtuous people, it is not devoid of nationalistic overtones. Nonetheless, the elites they despise might be national, but they are still seen as distant and entangled in the web of global interests and mistreating ordinary citizens. There is therefore no constitutional model of the EU that might be regarded as preferred by those movements. Neither the European Union nor any of the member states are reflected on even indirectly. These narratives are “thin” and vague, hence they do not propose or support any direction for action, apart from disintegration.

Populism is a challenge to modern democracy. John Erik Fossum (2023) enquires whether the phenomenon of disinformation may be confined to certain political actors and if, together with fake news, they may be considered as “bellwethers of the health of democracy”, or whether they constitute part of a structural problem. Building on the example of Norway and EEA, his response is that fake news, mis-/disinformation, and manipulation themselves do not mark the state of democracy as much as the structural features and “the trust gap in the circumstances surrounding policymaking and politics” (Fossum 2023, 32). This chapter’s aim was to view the link between science-related populism and political ideology through the lens of policy-related mis(dis)information. The analysed examples clearly locate the denialists to right-wing populist parties, via both similar views and personal connections (although I have managed to trace those personal connections only in the documents produced in Poland). One needs to remember, however, that although right-wing ideology has been more often proven to correlate with science denial, the ideological right by no means has a monopoly over populism. In terms of science-related issues, the fear of nuclear energy is a counterexample, with left-wing parties traditionally opposing it (cf.

Pampel 2011). Fossum (2023, 34) asserts the structural role of political culture and of trust in government and in fellow citizens for the health of democracy. That is not an optimistic constatation, as one of the biggest challenges mis-/disinformation and denialist stances pose is the fact that what seems to be at the forefront of their claims is not the policies themselves, which they are ostensibly concerned with. Neither is it even sovereignty that they are preoccupied with. Their recurring core assertions relate to seeding doubt, sowing uncertainty and, first and foremost, spreading institutional and social distrust.

References

- Ahmed, Wasim, Josep Vidal-Alaball, Joseph Downing, and Francesc López Seguí. 2020. "COVID-19 and the 5G conspiracy theory: Social network analysis of Twitter data." *Journal of Medical Internet Research*, 22(5). <https://doi.org/10.2196/19458>
- Anderson, Ashley A., Dietram A. Scheufele, Dominique Brossard, and Elizabeth A. Corley. 2012. "The role of media and deference to scientific authority in cultivating trust in sources of information about emerging technologies." *International Journal of Public Opinion Research*, 24(2), 225–237. <https://doi.org/10.1093/IJPOR/EDR032>
- Anderson, Benedict R. 1991. *Imagined communities: reflections on the origin and spread of nationalism* (Revised and extended. ed.). London: Verso.
- Andrade, Gabriel. 2020. "Medical conspiracy theories: cognitive science and implications for ethics." *Medicine, Health Care, and Philosophy*, 23(3), 505. <https://doi.org/10.1007/S11019-020-09951-6>
- Baicus, Anda. 2012. "History of polio vaccination." *World Journal of Virology*, 1(4), 108. <https://doi.org/10.5501/WJV.V1.I4.108>
- Baker, Stephanie A. 2022. "Alt. Health Influencers: how wellness culture and web culture have been weaponised to promote conspiracy theories and far-right extremism during the COVID-19 pandemic." *European Journal of Cultural Studies*, 25(1), 3–24. https://doi.org/10.1177/13675494211062623/ASSET/IMAGES/10.1177_13675494211062623-IMG2.PNG
- Blank, Joshua M. and Daron Shaw. 2015. "Does Partisanship Shape Attitudes toward Science and Public Policy? The Case for Ideology and Religion." *ANNALS*, 658. <https://doi.org/10.1177/0002716214554756>
- Blume, Stewart, Ingrid Geesink. 2000. "A brief history of polio vaccines." *Science*, 288(5471), 1593–1594. <https://doi.org/10.1126/SCIENCE.288.5471.1593/ASSET/44F23E97-44CB-4BEC-BAB6-6EF364A62F8D/ASSETS/GRAPHIC/1593-2.GIF>
- Boudry, Maarten, Stefaan Blancke, and Massimo Pigliucci. 2015. "What

- makes weird beliefs thrive? The epidemiology of pseudoscience." *Philosophical Psychology*, 28(8), 1177–1198.
<https://doi.org/10.1080/09515089.2014.971946>
- Brezar, Aleksandar. 2022. "From anti-vax to pro-Putin, how conspiracy theorists are backing Russia's war in Ukraine." *Euronews*. 13 May. Retrieved 21 December 2022, from <https://www.euronews.com/my-europe/2022/05/13/from-anti-vax-to-pro-putin-how-conspiracy-theorists-are-backing-russia-s-war-in-ukraine>
- Broad, William J. 2019. "Your 5G Phone Won't Hurt You. But Russia Wants You to Think Otherwise." *The New York Times*. May 12. Retrieved 21 December 2022, from <https://www.nytimes.com/2019/05/12/science/5g-phone-safety-health-russia.html>
- Brossard, Dominique, & Scheufele, Dietram A. 2013. "Science, new media, and the public." *Science*, 339(6115), 40–41.
<https://doi.org/10.1126/SCIENCE.1232329>
- Brubaker, Rogers. 2017. "Why populism?" *Theory and Society*, 46(5), 357–385. <https://doi.org/10.1007/S11186-017-9301-7>
- Campbell, Troy H. and Aaron C. Kay. 2014. "Solution aversion: On the relation between ideology and motivated disbelief." *Journal of Personality and Social Psychology*, 107(5), 809–824.
<https://doi.org/10.1037/A0037963>
- Cann, Heather W. and Lee Raymond. 2018. "Does climate denialism still matter? The prevalence of alternative frames in opposition to climate policy." *Environmental Politics*, 27(3), 433–454.
<https://doi.org/10.1080/09644016.2018.1439353>
- Collier, Roger. 2018. "Containing health myths in the age of viral misinformation." *CMAJ*, 190(19), E578–E578.
<https://doi.org/10.1503/CMAJ.180543>
- Coady, David. 2006. *Conspiracy theories: the philosophical debate*. Retrieved 20 December 2022, from <https://www.routledge.com/Conspiracy-Theories-The-Philosophical-Debate/Coady/p/book/9781138247918>
- Cockerell, Isobel. 2022. "Why anti-vaccine groups are running with Putin's narrative." *Coda Story*. April 1. Retrieved 21 December 2022, from <https://www.codastory.com/newsletters/putin-anti-vaxxers/>
- Colquhoun, David. 2007. "Science degrees without the science." *Nature* 2007 446:7134, 446(7134), 373–374. <https://doi.org/10.1038/446373a>
- Conrad, Maximilian, Guðmundur Hálfðanarson, Asimina Michailidou,

- Charlotte Galpin, and Niko Pyrhönen. 2023. *Europe in the age of post-truth politics: populism, disinformation and the public sphere*. 259.
- Cook, John, Peter Ellerton, and David Kinkead. 2018. "Deconstructing climate misinformation to identify reasoning errors." *Environmental Research Letters*, 13(2), 024018. <https://doi.org/10.1088/1748-9326/AAA49F>
- Cook, John. 2020. "Deconstructing Climate Science Denial." In David C. Holmes and Lucy M. Richardson (eds). *Edward Elgar Research Handbook in Communicating Climate Change*. Cheltenham: Edward Elgar.
- Czarnek, Gabriela, Małgorzata Kossowska, and Paulina Szwed. 2020. *Political ideology and attitudes toward vaccination: Study report*. <https://doi.org/10.31234/OSF.IO/UWEHK>
- Dahlgren, Peter M., Adam Shehata, and Jesper Strömbäck. 2019. "Reinforcing spirals at work? Mutual influences between selective news exposure and ideological leaning." *European Journal of Communication*, 34(2), 159–174. <https://doi.org/10.1177/0267323119830056>
- Damstra, Alyt and Michael Hameleers. 2021. "Knowledge Acquisition in Times of the 2020 Coronavirus Pandemic: Evidence from a Four-Wave Panel Study." *International Journal of Public Opinion Research*. <https://doi.org/10.1093/IJPOR/EDAB017>
- Dattani, Saloni, Fiona Spooner, Sophie Ochmann, and Max Roser. 2022. "Polio." *Our World in Data*. Published online at [OurWorldInData.org](https://ourworldindata.org). Retrieved from: <https://ourworldindata.org/polio> [Online Resource].
- Davidson, Michael. 2017. "Vaccination as a cause of autism-myths and controversies." *Dialogues in Clinical Neuroscience*, 19(4), 403–407. <https://doi.org/10.31887/DCNS.2017.19.4/MDAVIDSON>
- Dunlap, Riley. 2013. "Climate change skepticism and denial: an introduction." *Am Behav Sci*, 57(6), 691–698.
- Dunlap, Riley E. and Aaron M. McCright. 2015. Challenging Climate Change. *Climate Change and Society*, 300–332. <https://doi.org/10.1093/ACPROF:OSO/9780199356102.003.0010>
- EC 2019. Available at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age_en
- EC 2020. Available at: https://commission.europa.eu/system/files/2020-02/communication-shaping-europes-digital-future-feb2020_en_4.pdf

- EU 2021/522. available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.107.01.0001.01.ENG
European Parliament, European Council, European Commission. 2021. *Joint Declaration on the Conference on the Future of Europe*. (2021/C 91 I/01) Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021C0318%2801%29>, Date of access 12.12.2022.
- Featherstone, Jieyu D., Robert A. Bell, and Jeanette B. Ruiz. 2019. "Relationship of people's sources of health information and political ideology with acceptance of conspiratorial beliefs about vaccines." *Vaccine*, 37(23), 2993–2997.
<https://doi.org/10.1016/J.VACCINE.2019.04.063>
- Flaherty, Eoin, Tristan Sturm, and Elizabeth Farries. 2022. The conspiracy of Covid-19 and 5G: Spatial analysis fallacies in the age of data democratization. *Social Science & Medicine* (1982), 293, 114546.
<https://doi.org/10.1016/J.SOCSCIMED.2021.114546>
- Forchtner, Bernhard. 2019. "Climate change and the far right." *Wiley Interdisciplinary Reviews: Climate Change*, 10(5).
<https://doi.org/10.1002/WCC.604>
- Forchtner, Bernhard, Andreas Kroneder, David Wetzel. 2018. "Being Skeptical? Exploring Far-Right Climate-Change Communication in Germany." *Environmental Communication*, 12(5), 589–604.
<https://doi.org/10.1080/17524032.2018.1470546>
- Forgas, Joseph P., William D. Crano, and Klaus Fiedler (eds). 2021. *The psychology of populism*. NY: Routledge.
- Fossum, John E. 2019. "Europe's Triangular Challenge: Differentiation, Dominance and Democracy." *SSRN Electronic Journal*.
<https://doi.org/10.2139/SSRN.3505864>
- Fossum, John E. 2023. "The Context of Fake News, Disinformation, and Manipulation." *Europe in the Age of Post-Truth Politics*, 31–52.
https://doi.org/10.1007/978-3-031-13694-8_3
- Frank, John W. 2021. "Electromagnetic fields, 5G and health: what about the precautionary principle?" *J Epidemiol Community Health*, 75(6), 562–566. <https://doi.org/10.1136/JECH-2019-213595>
- Fraune, Cornelia and Michele Knodt. 2018. "Sustainable energy transformations in an age of populism, post-truth politics, and local resistance." *Energy Research and Social Science*, 43, 1–7.
<https://doi.org/10.1016/J.ERSS.2018.05.029>
- Gabel, Matthew, Jonathan Gooblar, Catherine M. Roe and John C.

- Morris. 2021. "The ideological divide in confidence in science and participation in medical research." *Scientific Reports*, 11(1).
<https://doi.org/10.1038/S41598-021-82516-6>
- Gauchat, Gordon. 2012. "Politicization of science in the public sphere: A study of public trust in the United States, 1974 to 2010." *American Sociological Review*, 77(2), 167-187.
<https://doi.org/10.1177/0003122412438225>
- GDI. 2019. "Mapping the Anti-5G Campaign." *The Global Disinformation Index*. Available here:
<https://www.disinformationindex.org/blog/2019-5-31-mapping-the-anti-5g-campaign/>
- Glassner, Barry. 2004. "Narrative techniques of fear mongering." *Social Research*, 71(4), 819-826.
- Goertzel, Ted. 2010. "Conspiracy theories in science." *EMBO Reports*, 11(7), 493-499. <https://doi.org/10.1038/EMBOR.2010.84>
- Goldacre, Ben. 2010. *Bad science: quacks, hacks, and big pharma flacks*. 288.
- Greenwood, Brian. 2014. "The contribution of vaccination to global health: past, present and future." *Philosophical Transactions of the Royal Society B: Biological Sciences*, 369(1645).
<https://doi.org/10.1098/RSTB.2013.0433>
- Hamilton, Lawrence C., Joel Hartter, and Kei Saito. 2015. "Trust in Scientists on Climate Change and Vaccines." <https://doi.org/10.1177/2158244015602752>, 5(3).
<https://doi.org/10.1177/2158244015602752>
- Hmielowski, Jay D., Lauren Feldman, Teresa A. Myers, Anthony Leiserowitz, and Edward Maibach. 2014. "An attack on science? Media use, trust in scientists, and perceptions of global warming." *Public Understanding of Science*, 23(7), 866-883.
<https://doi.org/10.1177/0963662513480091>
- Huber, Robert A., Esther Greussing, and Jakob-Moritz Eberl. 2021. *Environmental Politics ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/fenp20 From populism to climate scepticism: the role of institutional trust and attitudes towards science.*
<https://doi.org/10.1080/09644016.2021.1978200>
- Kahan, Dan M. 2016. The Politically Motivated Reasoning Paradigm, Part 2: Unanswered Questions. *Emerging Trends in the Social and Behavioral Sciences*, 1-15.
<https://doi.org/10.1002/9781118900772.ETRDS0418>
- Kayali, Laura and Mark Scott. 2022. "Anti-vax conspiracy groups lean

- into pro-Kremlin propaganda in Ukraine." *POLITICO*. 17 March. Retrieved 21 December 2022, from <https://www.politico.eu/article/antivax-conspiracy-lean-pro-kremlin-propaganda-ukraine/>
- Keeley, Brian L. 2006.** "Of Conspiracy Theories." In David Coady (ed.). *Conspiracy theories: the philosophical debate*. Routledge.
- Klintman, Mikael. 2019. *Knowledge resistance: How we avoid insight from others*. Manchester University Press.
- Kolodziejewski, Lauren R. 2014. "Harms of Hedging in Scientific Discourse: Andrew Wakefield and the Origins of the Autism Vaccine Controversy." *Http://Dx.Doi.Org/10.1080/10572252.2013.816487*, 23(3), 165–183. <https://doi.org/10.1080/10572252.2013.816487>
- Kossowska, Małgorzata, Paulina Szwed, and Gabriela Czarnek. 2021. "Ideology shapes trust in scientists and attitudes towards vaccines during the COVID-19 pandemic." *Group Processes and Intergroup Relations*, 24(5), 720–737. <https://doi.org/10.1177/13684302211001946>
- Kulin, Joakim, Ingemar Johansson Sevä, and Riley E. Dunlap. 2021. "Nationalist ideology, rightwing populism, and public views about climate change in Europe." *Environmental Politics*, 30(7), 1111–1134. <https://doi.org/10.1080/09644016.2021.1898879>
- Lockwood, Matthew. 2018. "Right-wing populism and the climate change agenda: exploring the linkages." *Environmental Politics*, 27(4), 712–732. <https://doi.org/10.1080/09644016.2018.1458411>
- McCright, Aaron M. 2007. "Dealing with climate change contrarians." *Creating a Climate for Change*, 200–212. <https://doi.org/10.1017/CBO9780511535871.015>
- McCright, Aaron M., Katherin Dentzman, Meghan Charters, and Thomas Dietz. 2013. "The influence of political ideology on trust in science." *Environmental Research Letters*, 8(4). <https://doi.org/10.1088/1748-9326/8/4/044029>
- McCright, Aaron M., Riley E. Dunlap. 2011. "Cool dudes: The denial of climate change among conservative white males in the United States." *Global Environmental Change*, 21(4), 1163–1172. <https://doi.org/10.1016/J.GLOENVCHA.2011.06.003>
- McCright, Aaron M., Riley E. Dunlap, and Sandra T. Marquart-Pyatt. 2016. "Political ideology and views about climate change in the European Union." *Environmental Politics*, 25(2), 338–358. <https://doi.org/10.1080/09644016.2015.1090371>

- Mede, Niels G. and Mike S. Schäfer. 2020. "Science-related populism: Conceptualizing populist demands toward science." *Public Understanding of Science*, 29(5), 473–491.
<https://doi.org/10.1177/0963662520924259>
- Merkley, Eric. 2020. "Anti-intellectualism, populism, and motivated resistance to expert consensus." *Public Opin. Q.*, 84(1), 24–48.
<https://doi.org/10.1093/poq/nfz053>
- Merkley, Eric and Peter J. Loewen. 2021. "Anti-intellectualism and the mass public's response to the COVID-19 pandemic." *Nature Human Behaviour* 2021 5:6, 5(6), 706–715. <https://doi.org/10.1038/s41562-021-01112-w>
- Motta, Matthew. 2018. "The Dynamics and Political Implications of Anti-Intellectualism in the United States." *American Politics Research*, 46(3), 465–498. <https://doi.org/10.1177/1532673X17719507>
- Mudde, Cas, Cristobal R. Kaltwasser. 2017. *Populism: a very short introduction*. Oxford: Oxford University Press.
- Obradović, Sandra, Seamus A. Power, Jennifer Sheehy-Skeffington. 2020. "Understanding the psychological appeal of populism." *Current Opinion in Psychology*. Vol. 35, 125-131.
- Ochmann, Sophie and Max Roser. 2018. "Smallpox." *Our World in Data*. Published online at OurWorldInData.org. Retrieved from: <https://ourworldindata.org/smallpox>.
- Oreskes, Nancy and Eric M. Conway. 2011. *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*. NY: Bloomsbury.
- Pampel, Fred C. 2011. "Support for Nuclear Energy in the Context of Climate Change." [Http://Dx.Doi.Org/10.1177/1086026611422261](http://Dx.Doi.Org/10.1177/1086026611422261), 24(3), 249–268. <https://doi.org/10.1177/1086026611422261>
- Petersen, Michael B., Mathias Osmundsen, and Alexander Bor. 2021. "Beyond populism. The psychology of status-seeking and extreme political discontent." In: Joseph P. Forgas, William D. Crano, and Klaus Fiedler (eds) *The psychology of populism*. NY: Routledge.
- Pomerantsev, Peter. 2019. *This is not propaganda: Adventures in the war against reality*. NY: Public Affairs.
- Poortinga, Wouter, Alexa Spence, Lorraine Whitmarsh, Stewart Capstick, and Nick F. Pidgeon. 2011. "Uncertain climate: An investigation into public scepticism about anthropogenic climate change." *Global Environmental Change*, 21(3), 1015–1024.
<https://doi.org/10.1016/J.GLOENVCHA.2011.03.001>

- Pormohammad, Ali, Mohammad Zarei, Saied Ghorbani, Mehdi Mohammadi, Mohammad H. Razizadeh, Diana L. Turner, Raymond J. Turner. 2021. "Efficacy and Safety of COVID-19 Vaccines: A Systematic Review and Meta-Analysis of Randomized Clinical Trials." *Vaccines*, 9(5). <https://doi.org/10.3390/VACCINES9050467>
- Rubin, G. James, Jayati das Munshi, Simon Wessely. 2005. "Electromagnetic hypersensitivity: a systematic review of provocation studies." *Psychosomatic Medicine*, 67(2), 224–232. <https://doi.org/10.1097/01.PSY.0000155664.13300.64>
- Rutjens, Bastiaan T., Robbie M. Sutton, Romy van der Lee. 2018. "Not All Skepticism Is Equal: Exploring the Ideological Antecedents of Science Acceptance and Rejection." *Personality and Social Psychology Bulletin*, 44(3). <https://doi.org/10.1177/0146167217741314>
- Sejm. 2020a. *Informacja ws danych społecznego współpracownika posta*. Available at: https://orka.sejm.gov.pl/WspP9.nsf/0/2F367CBDDFF0F26DC12584F100453D45/%24File/WSP9_034.004.pdf
- Sejm. 2020b. *Informacja ws danych społecznego współpracownika posta*. Available at: https://orka.sejm.gov.pl/WspP9.nsf/0/39868633629945CFC1258504002E90CF/%24File/WSP9_325.004.pdf
- Stewart, Alexandra J., and Philip M. Devlin. 2006. "The history of the smallpox vaccine." *Journal of Infection*, 52(5), 329–334. <https://doi.org/10.1016/J.JINF.2005.07.021>
- Swidler, Ann. 1986. "Culture in action: symbols and strategies." *American Sociological Review*, 51(2), 273-286.
- Thomas, Elise. 2022. "Why Western conspiracy influencers are promoting pro-Kremlin propaganda." *Institute for Strategic Dialogue*. 10 March. Retrieved 21 December 2022, from https://www.isdglobal.org/digital_dispatches/why-western-conspiracy-influencers-are-promoting-pro-kremlin-propaganda/
- Thomas, Jackson, Gregory M. Peterson, Erin Walker, Julia K. Christenson, Melissa Cowley, Sam Kosari, Kavya E. Baby, and Mark Naunton. 2018. "Fake News: Medicines Misinformation by the Media." *Clinical Pharmacology and Therapeutics*, 104(6), 1059–1061. <https://doi.org/10.1002/CPT.1199>
- Vanderslott, Samantha, Saloni Dattani, Fiona Spooner, Max Roser. 2013. "Vaccination." *Our World in Data*. Published online at OurWorldInData.org. Retrieved from:

- <https://ourworldindata.org/vaccination> [Online Resource]
- Weiner, Eli. 2020. "Conspiratorial Conjunctions: Anti-Vaccine Group Has Seized on the Anti-5G Movement." *The German Marshall Fund*. 29 July. Retrieved 21 December 2022, from <https://www.gmfus.org/news/conspiratorial-conjunctions-anti-vaccine-group-has-seized-anti-5g-movement>
- Wirth Werner, Frank Esser, Martin Wettstein, Sven Engesser, Dominique Wirz, Anne Schulz, et al. 2016. "The appeal of populist ideas, strategies and styles: A theoretical model and research design for analyzing populist political communication." *NCCR Democracy Working Paper series 88*, <https://doi.org/10.5167/uzh-127461>
- Zachova, Aneta. 2022. "Czech anti-vaxxers turning into pro-Russian activists." *EURACTIV.com*. February 22. Retrieved 21 December 2022, from https://www.euractiv.com/section/politics/short_news/czech-anti-vaxxers-turning-into-pro-russian-activists/
- Zappone, Chris. 2019. "Russian propaganda 'very likely' stoking 5G health fears in Australia: expert claims." *The Sydney Morning Herald*, 16 September. Retrieved 21 December 2022, from <https://www.smh.com.au/world/oceania/russian-propaganda-stoking-5g-health-fears-in-australia-20190916-p52rmc.html>
- Zaslove, Andrej. 2009. "The populist radical right: Ideology, party families and core principles." *Political Studies Review*, 7(3), 309–318. <https://doi.org/10.1111/J.1478-9302.2009.00191.X>
- Żuk, Piotr, and Kacper Szulecki. 2020. "Unpacking the right-populist threat to climate action: Poland's pro-governmental media on energy transition and climate change." *Energy Research and Social Science*, 66. <https://doi.org/10.1016/J.ERSS.2020.101485>

Chapter 11

Models of EU Polity Integration and Their Implications for Differentiation, Dominance, and Democracy: a Congruence Test

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Introduction

The Conference on the Future of Europe (CoFoE) has been a unique experiment of deliberative democracy. Although it has not been without criticism (Czerska-Shaw et al., this volume), the CoFoE has produced an impressive final report that summarises the views on EU integration that emerged in the debate. From this final report, Fabbrini et al. (2023) derived three different models of EU polity: parliamentary union, intergovernmental union, and economic community. More generally, these models seem to have been common in the debate on the future of Europe in the last decade (Fabbrini 2015). We examine each of them, criticising their internal congruence. On this basis, we identify a fourth model – federal union – that seems less internally contradictory than the previous ones. In any case, the implementation of all four models in their pure form would imply a change (albeit differentiated) to the Treaties. Our test concerns the logic of the four models and not their political feasibility. Here, we seek to address the following question: what critical implications

do these four models of EU polity have for differentiation, dominance, and democracy? To do so, we point to the different types of differentiation (Fossum 2019; 2021), the threat of dominance, and the risks of democratic malfunctioning that each model could trigger.

The EU as a parliamentary union

The parliamentary union model argues that the European Parliament (EP) should be empowered. The EP should have the power to propose new legislation – a prerogative which currently only the Commission has. This model pushes for establishing a relationship of confidence between the legislature (EP) and the executive (Commission) as it occurs in parliamentary fusion of powers systems at the national level. According to the “Spitzenkandidaten” practice, the parties in the EP – and not national governments within the European Council – should have the decisive voice in the appointment of the European Commission’s president. This proposal is part of the attempt to establish transnational lists for the EP elections.

Law-making differentiation should consist in transferring powers currently held by the Commission and by the (European) Council to the EP. In terms of functional (competence-based differentiation), the parliamentary union model favours the establishment of new policies and policy instruments at the EU level: this also includes the nationally sensitive realm of core state powers (Genschel & Jachtenfuchs 2016), like fiscal, foreign, and security policy. As becomes clear, the model implies that the allocation of policy competences changes in favour of the EU level (vertical differentiation). Although less explicit on the issue of differentiated integration, the parliamentary union model ultimately implies the creation of a centralised federal state of the EU. In such a polity, there would be little if no room for a scenario of territorial differentiation, where some member states take part in certain policies but not in others.

This model has several incongruences. First, it implies that member states – and, specifically, their governments – would accept abdicating their powers in favour of an institution, the EP, which they could not control. Second, the model underestimates some member states’ attachment to their sovereignty. Particularly in the northern and eastern parts of the continent, several national governments want to remain in charge of

specific core state powers, opposing any step to provide the EU with a stronger fiscal or military capacity at the central level. However, the model takes for granted that member states share the same finalité of the integration process – the development of a federal state. The idea of a constitutional decoupling (Fabbrini 2019) is never considered.

No less important are the implications of the parliamentary union model for patterns of dominance. Each member state has a degressive proportional number of representatives in the EP. A stronger EP would, therefore, grant more powers to some member states over others. Next to this intra-institutional pattern of dominance, an inter-institutional form of dominance could also materialise (Zgaga et al. forthcoming). As an institution representing the interests of European citizens, the EP would prevail over the Council and the European Council as institutions representing national governments. This model would bend the EU in the direction of a union of citizens (and not also of states). Last but not least, a question of democratic malfunctioning arises: which role would national parliaments play in the parliamentary union model?

The EU as an intergovernmental union

The intergovernmental union model argues that the Council and the European Council should be the key decision-making actors in the EU. The EP should be mainly consulted *ex ante* and informed *ex post*, without having any key voice in the decision-making process. The Commission should not propose new legislation, but should simply enforce the decisions taken by the intergovernmental institutions. Unlike the parliamentary union model, the intergovernmental union model welcomes a stronger involvement of national parliaments in the EU's decision-making process. While some member states, like France and Germany, argue for taking decisions in the Council and in the European Council through qualified majority voting, others, like Hungary, Poland, Sweden and Denmark, push for keeping unanimity in place, thus granting any government a veto power.

For the intergovernmental union model, law-making differentiation should consist in strengthening the Council as a legislative and the European Council as an executive institution in charge of the fundamental decisions regarding the integration process. While the EP should be downsized, the Commission's role should be changed from being a

proponent of legislation to an executor of policies. The development of new policies and/or policy instruments (functional differentiation) is not a core aim of the intergovernmental union model. The key point is rather to bring almost all EU policies under the control of national governments. Similarly, the model does not state in advance which policies should be integrated and which ones should remain nationalised or become renationalised: the direction of vertical differentiation is determined by member states as the masters of the treaties. The intergovernmental union model accepts territorial differentiation, provided that each member state is left free to decide on its participation in different EU policy regimes.

Like the parliamentary union model, the intergovernmental union model also has relevant incongruences. First, it underestimates the powers that supranational institutions have acquired over the last thirty years, particularly in the regulatory policies of the single market. As part of the ordinary legislative procedure, the EP has become a co-legislator together with the Council. Specifically, it has also acquired stronger powers on the EU budget. Similarly, the enforcement role of the Commission has been strengthened, up to the point that its recommendations to the Council are often deemed to be adopted unless the Council opposes them through reverse qualified majority voting (RQMV) (Zgaga 2020). The intergovernmental union model unrealistically assumes that governments could simply “pool and coordinate” their sovereignty without relying on the support of supranational institutions. Second, the model overestimates the efficiency of a strictly intergovernmental decision-making process. On several issues, member states have divergent preferences, and the veto power assigned to each of them can easily cause a decisional deadlock. As Fabbrini et al. (2023, 4) put it, “coordination among national governments can generate a positive result only if the policy at stake doesn’t impinge on their national interests and identities”.

What about the intergovernmental union model and dominance? Although formally in the intergovernmental regime all member states are equal, de facto this is not the case. Especially in a context of crisis, some powerful states can use their political influence to exercise pressure on others. The euro crisis with the Franco-German *directoire* is a good example. In addition, member states can veto a decision for whatever reason, thus holding the other national governments hostage. In democratic terms, therefore, intergovernmentalism can result in not only a tyranny of the majority but also a tyranny of the minority (Zgaga et al.

forthcoming). Lastly, the intergovernmental union model poses serious problems of democratic accountability and legitimacy: national governments are formed through national elections, but when they take decisions within (particularly) the European Council they also affect constituencies other than those from which they derive their legitimacy.

The EU as an economic community

The economic community model argues that the EU should consist mainly of an integrated single market. The European Council should be the key decision-making actor. Supranational institutions should be disempowered, while core state powers should be repatriated. Similarly, an empowerment of national parliaments corresponds to a disempowerment of the EP. The Commission should be marginalised. The centrality for the protection of national interests is epitomised by the unanimity vote in the European Council.

Unlike the intergovernmental union model, the economic community model conceives law-making differentiation as the goal of strengthening the European Council only. No new policies should be integrated unless strictly necessary (functional differentiation). Vertical differentiation clearly points towards the re-domestication of most EU policies. In terms of territorial differentiation, this model does not have a clear prescription: member states are free to do what they prefer. Yet the single market is seen as a basis to which all member states could in principle agree because it does not impinge upon their sovereignty.

How congruent is this model? On the one hand, it is unrealistic because it underestimates the role of supranational institutions in creating and preserving the European single market. Its logic appears to be congruent with a free-trade area, and not with an integrated market. On the other hand, the European Council might be able to make fundamental decisions on the course of integration, but it is unable to effectively deal with daily EU policies. Moreover, it needs the Commission to enforce its decisions. In addition, it is not clear how national parliaments could more effectively participate in the EU decision-making process.

Regarding dominance and democracy, the economic community model faces similar risks to the intergovernmental union model: the imposition

of some member states over others and the impossibility of national constituencies holding the European Council to account.

The EU as a federal union

Although it did not emerge from the CoFoE debate, a fourth model might be devised from it. We call this the federal union model. It is based upon a compromise: on the one hand, core state powers (where positive externalities can be created in military, security, and fiscal policy) should be transferred to Brussels, while some of the centralised single market policies (where member states could be more effective in their control without jeopardising the integrity of the single market) should go back to national capitals. Hence, selective integration would co-exist with selective repatriation grounded on the principle of subsidiarity (or alternatively, constitutional division of competences). Institutionally, the model does not argue for the centrality of either supranational (like the parliamentary union model) or intergovernmental (like the intergovernmental and the economic community model) institutions. Rather, a system of checks and balances should constitute the only effective (or less ineffective) way for taking decisions in a union of asymmetrical states and nationally differentiated citizens (Fabbrini et al. 2023). This would represent a compromise between institutions representing European and national interests.

In terms of law-making differentiation, the federal union model argues for the empowerment of both executive and legislative institutions, albeit with different pre-eminences, where pre-eminence in specific policies is possible yet without any predominance of one institution over the other or even full exclusion, for instance of the EP, from the decision-making process. As for functional differentiation, the choice for more/fewer policies to be integrated is answered on a case-by-case basis grounded on efficiency criteria: new policies from the member states to the EU if this is associated with the creation of European public goods or the adoption of countercyclical policies in times of crisis; new policies from the EU back to the member states if the subsidiarity principle so suggests (functional differentiation). The same logic applies to the general competence allocation between the EU and the member states (vertical differentiation). Lastly, the federal union model allows for territorial differentiation: those member states that are willing to advance in the integration process should be allowed to do so; those which do not want to should not be

forced to advance. It accommodates constitutional decoupling as a basic democratic right at the disposal of a member state (Fabbrini 2019). Forms of coordination between more or less integrationist member states should be found. The federal union model is less exposed to patterns of dominance than the other models. The main reason is that supranational and intergovernmental institutions would operate on an equal footing. In democratic terms, the system of checks and balances prevents anti-majoritarian drifts, within and between the institutions.

Conclusion

From the final CoFoE report, three main models of EU polity can be identified: parliamentary union, intergovernmental union, and economic community. Each of them employs a different approach to the question of differentiation in its four main configurations (law making, functional, vertical, and territorial). This short contribution has shown that each model has negative implications for dominance and democracy in the EU.

In light of this, we have outlined a fourth model, namely the federal union model. Unlike the previous ones, this model appears better suited for balancing the representation of European and national interests in the EU. When arguing for differentiation, the model does not have a mutually exclusive approach: no institution should be empowered to be dominant over the others (law-making differentiation); the claim is not necessarily in favour of either more or fewer policies to be integrated (functional differentiation); the allocation of competences does not have an either-or approach (integration vs repatriation, vertical differentiation); and the model does not argue only for uniform integration or for differentiated integration (territorial differentiation).

The federal union model is compromise-based. Since it aims to balance different interests, it is less exposed to patterns of dominance and/or to democratic malfunctioning compared to the other models.

References

- Fabbrini, Sergio. 2015. *Which European Union? Europe After the Euro Crisis*. Cambridge University Press.
- Fabbrini, Sergio. 2019. *Europe's Future: Decoupling and Reforming*. Cambridge University Press.
- Fabbrini, Sergio, Andrea Capati, Dora Hegedus, and Tiziano Zgaga. 2023. "A federal union for dealing with the Russian war." EU3D Policy Brief No. 3. <https://www.eu3d.uio.no/publications/eu3d-policy-briefs/eu3d-policybrief-3-fabbrini-capati-hegedus-zgaga.pdf>
- Fabbrini, Sergio and Tiziano Zgaga. 2022. "Sovereignism and its Implication: The Differentiated Disintegration of the European Union." EU3D Research Paper No. 22. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4118801
- Fabbrini, Sergio and Tiziano Zgaga (forthcoming). "Right-wing sovereignism in the European Union: definition, features, implications." *Journal of Common Market Studies*.
- Fossum, John Erik. 2019. "Europe's Triangular Challenge: Differentiation, Dominance. EU3D Research Paper No. 1." https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3505864
- Fossum, John Erik. 2021. "EU Constitutional Models in 3D: differentiation, dominance and democracy." EU3D Research Paper No. 15. <https://www.eu3d.uio.no/publications/eu3d-research-papers/2021/research-paper-15-fossum.html>
- Genschel, Philipp and Markus Jachtenfuchs. 2016. "More integration, less federation: the European integration of core state powers." *Journal of European Public Policy*, 23(1): 42-59.
- Zgaga, Tiziano. 2020. "The fiscal regime of the European Union and its autonomy from the member states: a comparative federal analysis", PhD dissertation. <https://iris.luiss.it/retrieve/e163de42-aa0a-19c7-e053-6605fe0a8397/20200604-Zgaga.pdf>

Zgaga, Tiziano, Andrea Capati, and Dora Hegedus (forthcoming). "The European Council: Actor and Arena of Dominance?" EU3D Report.



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