

Could an Illiberal Europe Work?

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Populists don't want to kill the EU anymore—they want to transform it from the inside. But what would an illiberal Europe look like, and could it function?

With public support for the EU at its highest in ten years and Brexit becoming a nightmare,¹ populists realize that exiting or destroying the EU are no longer viable options for them electorally. Even in Poland and Hungary, where radical right parties are in power, support for Brussels is high, at 74 and 67 percent, respectively.²

So anti-EU populists have changed tack. They want to shift more powers to the national level and prevent the enforcement of EU norms and standards that restrain their exercise of power. In their view, the EU should provide economic benefits and funds, while allowing governments to do what they want with their national democratic and judicial institutions. They depict EU institutions as part of a self-serving, corrupt elite that ignores the will of the people, destroys national identities, and exposes countries to the risks of globalization.

But the populist vision is full of contradictions. It does not offer a plausible way to turn the EU into a better

functioning entity that serves its citizens. Yet the defenders of liberal democracy in Europe can no longer afford to ignore this vision in the run-up to the European Parliament elections in 2019; they need to expose its flaws and dangers and offer their own plan to develop a better EU.

THE RISING POWER OF POPULISM IN THE EU

In this article, the term "populist parties" refers to radical right parties.³ Radical right populism is inherently illiberal because it rejects constraining how a strong leader exercises the will of the people, and it has a monolithic, predetermined conception of the will of the people that leaves no room for pluralism (including rights for minorities) or deliberation. This kind of populism is nationalistic because the political leader claims to be defending the nation against external and internal threats to national identity.⁴

Populist politics is on the rise in most EU countries and has already advanced far into the EU's daily workings. Openly xenophobic, anti-EU parties now in government—such as

Italy's League, Hungary's Fidesz, and Poland's Law and Justice—are participating in decisionmaking at the EU's top table, the European Council. They often set the agenda these days, with mainstream politicians following their lead. This is shown by the constant preoccupation of EU summits with migration, even though the number of arrivals has fallen dramatically in the past two years.⁵ They can also block the Council of Ministers' decisions, which are most often made by consensus.

Over the past decade, populist parties have gained much higher support in most EU member states. In Austria, Bulgaria, the Czech Republic, Finland, Greece, Latvia, and Slovakia, populist parties are now represented in their ruling coalitions, which affects their country's positions at the EU level. And the populist presence in national parliaments is growing.⁶

Feeling the momentum behind them, some populists are now aiming to impede integration and push the EU down a very different road: "Thirty years ago we thought that Europe was our future. Today we believe that we are Europe's future," proclaimed Hungarian Prime Minister Viktor Orbán.⁷

Parties are now limbering up for the European Parliament (EP) elections to be held in May 2019. Usually mainstream parties consider these to be second-order elections, as they are primarily concerned about winning national races. Therefore, they rarely spend much time and money campaigning for the European Parliament—resulting in ever-falling voter turnout. But this time, populists are promoting the vote as a turning point in European history. Italian League party leader Matteo Salvini told a rally in Pontida, "The European elections next year will be a referendum between the Europe of the elites, of banks, of finance, of immigration and precarious work; and the Europe of people and labour."8

Meanwhile, Orbán asserted, "If we are unable to reach a satisfactory result in negotiations . . . on the issues of migration and the budget, then let us wait . . . for the European people to express their will in the 2019 elections to the European Parliament. Then what must be

shall be." Previously, only extreme Europhiles promoted the European elections as being so important.

Populists are likely to achieve greater electoral success in European elections than they have in national ones. The number of populist members of the European Parliament (MEPs) rose with the 2009 and 2014 elections, and they now comprise just over one-fifth of the chamber. But, so far, populist MEPs have assumed several different roles in parliament. Some have excluded themselves from its work, not turning up and just using it as a cash machine to fund and staff their national campaigns. Others use it as a platform for media appearances and propaganda. Very few seek to work on legislation and participate in parliamentary committees.

The response of the bigger parties has been to protect the decisionmaking machinery by excluding the populist MEPs as much as possible and concentrating power in the center-right and center-left through a grand coalition. The populist MEPs made it easier for them to do that by fragmenting into several different party groups.

However, the grand coalition strategy contains an inherent contradiction: the primacy that the big parties have given to efficient decisionmaking has enhanced the EP's power but reduced the legislature's role as a forum for political debate. The emphasis on efficiency has weakened parliament's link with citizens and reinforced the perception that it is a part of the EU's bureaucracy rather than an institution that ensures accountability of government to the people.

Populism is opportunistic, however, and populist leaders sometimes go pro-EU when real costs to intransigence emerge. For example, when he was Slovakia's prime minister, Robert Fico shared many of his Hungarian and Polish counterparts' positions, particularly in refusing to take asylum seekers under the burden-sharing scheme agreed to by the European Council. But his rhetoric turned pro-European when Slovaks reacted negatively to the prospect of their country being relegated to a second tier in a more flexible EU. In countries where there is still an active opposition to a populist government, positions on the EU can shift rapidly.

But the 2019 elections could significantly increase the number of populist MEPs, and they will have more opportunities to influence important votes and reports. Unlike in the past, when they made a lot of noise but had little effect on EU-level decisions, they could now cause a shift in the power relationships within each EU institution—thus profoundly affecting what the EU can do in the future. It is impossible to reform the institutions formally because changing the EU's treaties is politically out of reach. However, the institutions could be changed from the inside as a result of the political dynamics unleashed by populism.

The European Commission has so far been relatively unaffected by the rise of populism, but it could now become the most vulnerable institution to deadlock. The few commissioners appointed by populist governments have gone with the mainstream once they arrived in Brussels. That could easily change in 2019 if several populist governments nominate candidates who oppose central EU policies and values.

Next year's confirmation process for new commissioners could get blocked if MEPs object to populist candidates but prime ministers insist on their own picks. To appease the EP, the commission's president could respond by asking the government for another nomination or allocating an insignificant portfolio of work to the controversial nominee once confirmed. But even just a couple active populist commissioners could disrupt the institution's functioning significantly.

By tradition, the commission's twenty-eight-member College of Commissioners makes decisions mostly by consensus, so even a commissioner with an unimportant portfolio can hamper the work of others. To counter this, the college could start voting more often on proposals to overcome the opposition of a few. But that would be very divisive and fundamentally change the working culture of the commission. National interests have always played a role in the commission's work, but so far this has been handled discreetly and kept within bounds. If actively populist commissioners appear on the scene, the college will start to resemble the Council

of Ministers, with national interests becoming the main basis for commissioners' positions rather than their official responsibilities and the "common European interest" that is supposed to guide all their decisions.

Beyond all the EU institutional ramifications, the biggest impact of the 2019 elections could be psychological—further weakening the will to reform the EU, making hostility toward migrants a mainstream political agenda, and encouraging broader xenophobia in European societies.

DO THE POPULISTS HAVE A VISION FOR EUROPE?

Because of their patchy and sometimes contradictory positions on the EU and its policies, most populists are not interested in putting forward a coherent vision for Europe. For them, the EU is a convenient scapegoat. They often portray it as an external enemy when it constrains their ability to exercise what they claim to be the will of the people.

Their attitudes toward the EU reflect their belief that the national government is the only legitimate holder of power. As politician Heiner Merz of the Alternative for Germany (AfD) party said recently, "We need to return to free, sovereign and diverse nation states that can determine their development without external interference." Populists are only interested in a few aspects of what the EU actually does. In the populist view of politics, the EU is part of the corrupt elite that always appears in their political narrative.

But in recent years, the EU has drawn more fire from them because of three developments: the austerity policies that followed the euro crisis after 2008, the migration crisis of 2015–2016, and now the confrontations with illiberal governments accused of undermining the rule of law.

Populist parties are primarily focused on immigration. They blame the EU for failing to stop people coming in, and some populist leaders reject any scheme to share

the burden of asylum seekers among the member states. In addition, they often disparage the notion of multiculturalism and some even advocate reducing ethnic diversity within their own countries. ¹³ Although they differ on who should take responsibility for refugees, populists generally support "Fortress Europe"—building ever more barriers to entry into the EU. ¹⁴ They prefer to shift responsibility for providing asylum to third countries in neighboring regions. In their view, national rather than common migration policies should take precedence, even at the cost of weakening the Schengen system of free movement and reintroducing internal border controls. ¹⁵

Once in power, populists attempt to consolidate their power by removing constraints, particularly the checks and balances put in place by their country's constitution. They try to control state institutions and reduce freedoms for civil society and universities to reduce critical voices. They particularly dislike EU institutions that have a mandate to constrain national governments from breaking EU laws. When the European Commission complains that the current Hungarian and Polish governments' actions are incompatible with EU norms and continent-wide rule of law, the governments insist on the primacy of their electoral mandate. Most populists characterize the commission as a group of "unelected bureaucrats" and advocate downgrading its role to that of a secretariat rather than the guardian of the EU's treaties. 16 Consequently, they prefer power to lie in the European Council, where they can exercise national vetoes.

Their hostility to the commission also stems from seeing it as an agent of globalization. The radical right, similar to many on the left, holds some nostalgia for the industrial era, when there was national control over economic policy. Former French presidential candidate Marine Le Pen launched her campaign with the slogan, "The divide is not between left and right anymore, but between patriots and globalists." Populist parties generally prefer protectionist trade policies, but they rarely put forward comprehensive or coherent economic policies. Resisting any further deepening of European integra-

tion, they want a minimal framework for economic cooperation but also the benefits of trade and investment that come from being part of a single market.

Regarding EU foreign policy, populists support loose cooperation between governments but oppose any constraints at the EU level on implementing national policy. They have little use for effective multilateralism and a liberal world order. Like U.S. President Donald Trump, they see the world as one of clashing national interests. They consequently dismiss the promotion of values in EU external action and are prepared to block or undermine common decisions, consensus, and united action. Most admire Russian President Vladimir Putin. They want to cut special deals with external powers such as Russia, China, Israel, and Egypt on energy and investment, even at the cost of the common EU interest.

WHAT WOULD AN ILLIBERAL EUROPE LOOK LIKE?

Imagine a continent where people identify themselves primarily with their nation and are wary of foreigners. To prevent any threat to their culture and views, these nations have harsh policies to ensure would-be immigrants are kept out and minorities are kept down. The ruling party runs the country according to the will of the people, as expressed by absolute majority votes in elections and referendums. It draws its legitimacy from elections and is accountable only to the parliament and judiciary that it controls. It rejects any outside interference, including international rules and standards.

The nations cooperate through a regional body, but it is fully under the control of national governments, which can veto every decision it makes, with minimal supranational powers. The governments avoid comprehensive regional trade agreements and remain free to enter into bilateral deals with outside powers (for example, on energy and infrastructure). They agree to rules for economic cooperation but not to significant limits on national sovereignty.

Drawing together their scattered positions on many issues, this is the kind of Europe that most radical right populist parties are promoting, including Austria's Freedom Party, France's National Rally (formerly National Front), Germany's AfD, Hungary's Fidesz, Italy's League, and Poland's Law and Justice.

FIVE FALLACIES OF THE POPULIST WORLDVIEW

The illiberal worldview of populists contains many contradictions. Here are five fallacies that directly concern the EU.

"We Can Have Our Cake and Eat It, Too"

This illiberal vision of Europe is inherently contradictory because it assumes that the benefits delivered by European integration will continue regardless of the behaviour of national governments.

Populist leaders claim that they can reassert the primacy of national governments and drop inconvenient norms and standards while maintaining stability and prosperity. For them, core principles such as the rule of law, mutual recognition, and pluralism are impositions. But these principles are what support stability and prosperity, because they allow member states to trust each other, providing the legal certainty and institutional reliability needed for commerce and cooperation in both the public and private sectors. By rejecting supranational constraints that guarantee the rule of law, illiberal governments undermine mutual trust across the whole EU—and the single market.

When in government, populists usually want to take over state institutions to consolidate their own power and line their pockets. In the short term, businesses can avoid the problems caused by weak rule of law by striking cosy deals with authoritarian governments. But the centralization of power by one party and attempts to rein in independent judiciaries usually result in corruption that reduces economic potential over the longer term. It is no coincidence that illiberalism rarely results

in sustainable economic success; the urge to control judges, journalists, and nongovernmental organizations is motivated by a desire to avoid public scrutiny and recourse to justice—which, in turn, reduces fair competition and undermines democracy. Corroding the rule of law ultimately reduces the prosperity of everyone. The populists who are trying to avoid the rules are free-riding on the EU's legal framework.

"We Will Restore National Sovereignty and Take Back Control"

Populism typically contains a large dose of nostalgia. Europe's illiberal leaders hark back to a simpler world when national governments could control economic and social conditions. But there is no way back to the 1950s. European prosperity depends on transnational supply chains and access to global markets, and technological change is rapidly reshaping all economies. Global trade has slowed down and some industrial production might revert to Europe, but protectionism and nationalist beggar-thy-neighbor policies—that prop up one's economy at the expense of another—would ultimately destroy European jobs and result in economic decline.

Restoration of national sovereignty is an illusion in a globalized, interdependent world, especially for Europe's smaller countries. Far from making economies more independent, attempts to weaken the European Commission's lead role in trade and standards reduce the EU's collective power internationally. That exposes Europe to greater pressure from external forces—from rising powers like China and India to tech monopolies like Facebook and Google.

Equally self-defeating are populists' calls for more autonomous national foreign policies so that they can cut special deals with Russia, China, and other powers—outside of EU rules on fair competition and public procurement. The weight of individual European countries is falling on a global scale. Bundling influence and resources through common policies and collective action is the only way for Europe to maintain its influence on international developments. By competing for the

favors of Russia, China and other powers, populists are weakening Europe's collective leverage internationally.

In reality, the lack of a united front makes individual countries more vulnerable to external influence—just what the populists claim to want to prevent. Protectionism and special deals with foreign powers hurt small European countries the most, ultimately giving them less control and sovereignty than a united EU front would.

"National Interest First, No Compromise"

Because they view the will of the people as homogeneous and absolute, populists see compromise as betrayal. The EU's endless negotiations and search for common ground are anathema to the populist worldview. For this reason, they often refuse to engage in finding solutions at the EU level and they are increasingly undermining agreements and breaking solidarity in international forums like the United Nations.

Even among themselves, populists show little solidarity. For example, Salvini wants other countries to share Italy's burden of being the first arrival point of many migrants. 19 But Central European populists are adamantly refusing to take any refugees, following a beggar-thy-neighbor logic of trying to keep migrants in the country next door. In another example, populist parties in Hungary and Poland want to continue receiving EU funds, but populist parties in net contributor countries like Austria prefer to reduce their bill.²⁰ Similarly, Central European countries want to maintain the right of their citizens to live and work in other member states,²¹ whereas Austrian, Dutch, French, and German nationalist parties would like to restrict this freedom. The contradictory positions of Austrian, Italian, and Polish nationalist politicians on the Nord Stream 2 pipeline are another example.²²

A purely transactional approach to EU membership will not work. The EU needs a minimum degree of solidarity to function because member states are so deeply integrated. Countries with such a deep level of mutual interdependence have to give and take across a large range of issues. In the absence of any willingness for

compromise, the EU will seize up. Zero-sum nationalism makes sustained cooperation impossible.

"Keeping Out People Who Don't Belong Here Will Solve Our Problems"

Populist parties' obsessive focus on migration is dividing societies, undermining trust, and destroying civility and tolerance. The daily speeches of politicians claiming that millions of foreigners are trying to overwhelm their native people creates a climate of fear. This fear creates a vicious circle that also fuels xenophobia toward other Europeans: it increases hostility toward foreigners from other European countries and minorities already living in the country.

Xenophobia then becomes self-perpetuating, with social tensions driving yet more fear and loathing of people who are different in any way from the majority population. That encourages ever more repressive policies and discrimination, further increasing social tensions.

These dynamics—and populists' claim that there is a pure, homogeneous native people of their country ignore the diversity that has characterized most European societies throughout history. Societies that have a high level of hostility toward minorities are not only more predisposed to violence but also bad relations with their neighbors—which can lead to interstate conflict. That lesson from the twentieth-century wars in Europe was the primary motivation for creating the EU in the first place. European integration started as a project to encourage trust across borders and the creation of common interests that made going to war less likely. Common rules that promote integration help states to avoid conflict. Xenophobia drives up international tensions and undermines the stability created over the past sixty years in Europe. It becomes self-perpetuating and harms all societies.

"We Are the Future of the EU"

If the illiberal vision of Europe prevails, it is unlikely to result in a stable equilibrium in which European integration can survive. Populism relies on the constant rallying of people against an external enemy. So populist leaders will never be satisfied; they will need to keep railing against the EU, regardless of what it does, because it is such a convenient scapegoat. No reform of the EU would reconcile populists with European integration. More radical forces will crowd out the less radical ones, and trust and cohesion between countries will unrayel.

The vision of a sovereignist, yet prosperous and stable Europe assumes that national interests will somehow magically align without the compromises that member states now make every day. But this is not what will happen. Without the communal approach based on shared sovereignty, clashing interests will result in blockage and conflict. Loss of trust and cohesion will create a dynamic of disintegration that never stops. It will create a vicious circle with disengagement from the EU, resulting in an ever looser and ever angrier union.

FROM EXCLUSION TO PERSUASION—MOVE OVER, GRAND COALITION

The volatility in national politics across Europe is about to destabilize the EU level. The European Parliament will be a chamber of conflict—at risk of becoming deadlocked owing to populists who have few policies to propose but want to block the system.

The *ancien régime* is doomed: the grand coalition of center-right and center-left parties that has dominated the EU for decades is losing power. Its strategy of keeping the radicals at the edge of the system is unsustainable.

In the last decade, the center-right European People's Party (EPP) Group and center-left Progressive Alliance of Socialists & Democrats (S&D) Group have acted as a grand coalition on the basis that they are the only possible defenders of liberal Europe. But this won't work in the future. The Socialists & Democrats could lose many seats, as they have at the national level in recent years. They already face competition from new parties—on the left from Jean-Luc Mélenchon's France Insoumise and Spain's Podemos and on the right from French President Emmanuel Macron's En Marche and his allies.

The EPP is deeply divided about its future orientation, even more so since it split over the vote on rule of law in Hungary on September 12.²³ Orbán openly aims to pull it further toward the right and illiberalism, causing disquiet among its more moderate members: "Instead of desertion, we should take on the more difficult task of renewing the European People's Party, and helping it to find its way back to its Christian democratic roots."²⁴

The battle for the EPP's soul could go on for a long time, rendering many of its members incapable of defending liberal Europe. The Liberal and Green parties could become more important players as the swing voters in shifting alliances within the parliament. But they would find it very difficult to support any EPP candidate who just wants to maintain the old order. That will make filling the top EU positions after the elections very complicated.

The biggest risk is that liberals become more fragmented and weaker, while illiberals—so far divided among several party groups—become motivated to unite because they smell power at the EU level. So far, populists have been successful in heating up the political discourse and in shaping the agenda. Now they could have a major impact on decisionmaking. Politics at the EU level is bound to become more confrontational, making it harder to find compromises.

The current establishment could try to cling to power by using existing procedures and new rules to exclude newcomers. This would be a mistake, however, as voters would perceive these moves as the stubborn defense of entrenched interests—which would lead to a bigger crash down the road.

To pass legislation, the next parliament will have to rely on the cooperation of old and new parties united by a common commitment to the liberal values on which the EU was built. But this cooperation should not result in a consolidated power structure to rival the old grand coalition. The EP needs to overcome its fixation on the division between pro- and anti-EU forces and move toward a more vibrant political debate among the various party groups on the most urgent concerns

of citizens—rising inequality, stagnating middle-class incomes, broken tax systems, and social and environmental standards.

The new constellations of forces within parliament could take some time to emerge, and the stability of earlier decades may be gone forever. The shifting constellations will reduce the effectiveness of the legislature, with consequences for the EU's functioning. But a more open party system could emerge, with shifting party constellations and ad hoc coalitions that could include some of the nonmainstream parties like Italy's Five Star Movement. That would enhance parliament's role as a forum for political debate and hence its democratic legitimacy. It would also bring in original ideas that have been stifled by the old party machine, as well as fresh faces in a tired chamber.

Defenders of a liberal Europe should explore potential engagement across party lines, including with groups that are anti-establishment but not illiberal. Liberals cannot find common ground with xenophobic and racist parties like Golden Dawn in Greece. But in important new parties, such as the Five Star Movement in Italy and Ciudadanos in Spain, views are still forming, and there is much diversity among their members. On the left, there are Spain's Podemos and Greece's Syriza, which oppose austerity imposed by the EU but are not xenophobic.

A major impetus to mobilize voters will need to come from new forces who offer a strong new liberal and pro-European vision, rather than a weak version of the populist migration-focused agenda. A number of new parties based on bottom-up movements have the chance to enter parliament for the first time.²⁵

But mainstream politicians also need to rediscover how to appeal to Europeans' core democratic convictions. There is still support for these values, as shown when Europeans are asked about specific issues like freedom of expression and nondiscrimination.²⁶ They do not want to live in a society like Russia's or Turkey's. Sceptical voters need to hear the pragmatic arguments for liberal values and why the EU should defend them, as

illustrated by Dutch Prime Minister Marc Rutte's recent speech on European integration.²⁷

To find common ground, these politicians need to put their cards on the table about what kind of Europe and what kind of society they really want—not just talk in vague terms about being pro- or anti-European.

Populists have succeeded in triggering a genuinely transnational debate about issues that find resonance across many countries: economic insecurity and migration. Liberal forces need to respond with a renewed vision for the values on which the EU was founded. One force to mobilize is civil society, which in many EU countries is opposing illiberalism. There is great energy in the grassroots movements that have sprung up in recent years; they have traditionally focused on single issues but are now looking at a range of concerns.

Most voters understand that EU membership brings benefits, but many of them take for granted the legal system that delivers economic prosperity. They also underestimate the threat that illiberalism poses to democratic and open societies. Civil society is therefore a vital part of the renewal of liberal Europe—first and foremost to revive awareness of why European values still matter for protecting rights and freedoms.

THIS TIME IT REALLY IS DIFFERENT

The 2019 European Parliament elections will be far from second-order. They will determine whether the EU can continue to function and whether it can live up to its values. The official slogan of the EP's 2014 election—"This time it's different"—seemed silly five years ago, but now it's serious. Given the mobilization of the radical right ahead of 2019, it would be highly risky for mainstream parties to run the lukewarm campaigns of the past.

If mainstream liberal politicians do not take up the challenge, radical right populists will focus the campaign on migration and deepen the climate of fear, raising tensions in many parts of European society. Their electoral

gains will give them a much bigger power base in EU institutions, making it harder for the EU to function.

An illiberal Europe of the kind promoted by populists would destroy itself through its own internal contradictions. It relies on free-riding on the legal order and stable institutions built at the EU level over sixty years and ignores the fact that chipping away at the rule of law and solidarity would ultimately destroy Europe's prosperity and stability. Inherent in the populists' varying visions of what is good for their own societies is the kind of interstate competition that led to conflict in Europe in past centuries.

Even if the populist vision of Europe is incoherent and self-contradictory, populists' role in the EU is growing and could disrupt future integration significantly. Liberals need to face this challenge and expose the populist fallacies if they are to win back the voters who are disappointed by establishment politics and looking for new solutions to economic insecurity and social change.

Liberals of all stripes should focus their 2019 election campaigns on building the case for a values-based Europe on the basis of its track record in delivering benefits for citizens. Instead of continuing the false dichotomy of pro- and anti-EU, they need to talk much more about what kind of Europe people want to live in. Liberals need to make the case for cooperation, solidarity, and common rules and values as part of an organic whole that underpins a prosperous and open society.

This publication is part of the European Reformists project, a joint initiative of the Open Society European Policy Institute and Carnegie Europe.

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 nine of ten EU member countries, most people hold a
 favorable view of Brussels, with support being highest in
 Poland (74 percent), Germany (68 percent), and Hungary
 (67 percent). In the most recent Eurobarometer survey
 (see endnote 1), 60 percent of Europeans consider EU
 membership a good thing, while two-thirds of Europeans
 believe that their country has benefited from being an EU
 member—the highest percentage since 1983.
- 3 Using Cas Mudde's seminal classification, these are the parties that consider "society to be ultimately separated into two homogeneous and antagonistic groups—the 'pure people' versus the 'corrupt elite,' and which argues that politics should be an expression of the 'volonté générale' (general will) of the people." See Cas Mudde, On Extremism and Democracy in Europe (Abingdon: Routledge, 2016), 64.
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