

ESSAY

Common European Values and the Future of the European Union

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Abstract

At its inception in 1957, the European integration project, now known as the European Union, was based on a set of pragmatic values and imbued with a common judeochristian heritage which, at that time, was as obvious (or at least directly uncontested) as today it is nonexistent. Secularization, absorption of culturally distinct massive immigration, together with the elite “culture of repudiation” of Western history, tradition and values, have resulted in cultural divisions within and among EU Member States. Consequently, today the meaning of human dignity, democracy, equality, the rule of law, and respect for human rights differs depending on what side of that divide one is on. The 2004 accession to the EU of Central European Member States with their distinct national, social and cultural characteristics, exacerbated those value divisions even more. Meanwhile, the EU institutions and key Member States have been bent on imposing their version of those values upon divided societies and all Member States. That does not bode well for the future of European Union as an exercise in international integration. Such conclusion is supported by Karl W. Deutsch’s seminal 1957 examination of past historical experience in that regard.

Keywords

European Union, common European values, EU integration, neofunctionalism

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Introduction

The paper hypothesizes that recent weaponization of “common European values” by the European Commission and mainstream liberal establishment of key EU Member States against the rising anti-establishment tide within EU Member State societies and among some Member State governments is detrimental to the future of EU integration. Historical experience strongly argues against such top-down value uniformization. It is therefore an important political problem worthy of thorough research and examination. Especially, in view of the fact that the EU has more pressing problems to sort out. Some of them are structural, i.e., demographic aging, underperformance in terms of economic competitiveness and growth, financing of the ever more expensive welfare state, third-country immigration pressure, imbalances in the eurozone, digital transition with its disruptive employment and social potential, inadequate defenses in view of Russia’s neoimperial drive compounded with America’s expected pivot to Asia and its growing reluctance to continue footing the bill for Europe’s security.¹ Other problems of the EU are of its own choosing, especially the aggressive Green Transition which – if continued as intended – will further harm EU’s overall economic performance and produce serious distributional problems within and across EU Member States, energy poverty, housing unaffordability, deepened core-periphery divide, just to name a few.

“Common European values” have been introduced into the EU primary law no sooner than in 2007 by the Treaty of Lisbon.² No need had been felt to do that before, and the saga of European integration goes back to 1951. Meanwhile, the European integration had made great strides – truly unprecedented and indeed hardly expected in the Westphalian international system. The European Economic Community (EEC) became the most integrated grouping of states in the world, institutionally, economically and even societally. The EEC also turned out to be a great economic success in terms of dynamism, standard of living and regional cohesion. So much so, that at the turn of centuries it was proclaimed a “Voluntary Empire” to which benevolent reign states subjected themselves, freely pooling portions of their national sovereignties. It was the prospect of “Eastern Enlargement” which propelled efforts toward greater empowerment of EU institutions and formal uniformization of “European values”. The newcomers, which in 1945 the “Iron Curtain” had cut off from the European mainstream, needed to be brought up to speed valuewise. Except that Western Europe was itself marred by an identity crisis caused by the progressive “multiculturalization” of its societies and the “counter-cultural” subversion of its once underlying values. Therefore, the set of “Common

¹ The 2024 Draghi Report stresses EU’s competitiveness gap and underinvestment in defense. Other structural problems of the EU have been diagnosed in many EU official programmatic documents, starting with the 2000 Lisbon Strategy; Cf. “The Future of European Competitiveness, Part A: A Competitive Strategy for Europe,” *The Draghi Report*, September, 2024, 7–11.

² Art. 6(1) of the 1992 Treaty of Maastricht contained but a very generic version of “principles which are common to the Member States”.

European Values” and their interpretation has become a matter of political choice and instrument of political power. The present paper argues that such “cultural imperialism” could likely be detrimental to the future of European integration.

To corroborate the hypothesis the paper will focus on three research questions. First, what has been the trend with regard to commonality of “European values” throughout the history of European integration? Second, what is the political sense of imposing a uniform version of “common European values” across EU Member States? Third, how such uniformization by political fiat would impact EU integration in view of what relevant international relations theories predict (in particular Karl W. Deutsch’s post-functionalist sociological liberalism)? Method employed will rely on discourse analysis, including consultation of relevant polling data and legal texts reflecting EU’s approach to values.

Although technically Deutsch was puzzled by the possibility of NATO in which former sworn enemies became trusted allies, his analysis has turned out to fit the European integration as hand in glove. It focused on social and economic interactions as the main fabric undergirding political integration. It revealed the fragility of any such project which, in order to work, needs to be carefully managed by the “core of strength” and nurtured by the “politically relevant social strata” to produce economic success equitably shared with weaker units. Preexisting commonality of pragmatic values is helpful, while disputes over fundamental values need to be set aside.

From Common European Values to a Two-Way European Value Divide

Article 2 of the 2007 Treaty on the European Union reads:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

In 1957, i.e., when the EEC was created, some of the values it represented, (a) preceded the founding Treaty of Rome, (b) others were inscribed in it, and (c) still others were implied by it. The process was clearly initiated by the external threat posed by the Soviet Union and the latent internal threat of Germany. The Soviet threat needed to be staved off and Germany needed to be embedded in Europe to exclude a possibility of its return to hegemonic ambitions. Naturally, the EEC was possible only under the umbrella of NATO, complete with America’s unilateral security guarantee to Western Europe. Prointegration elites, without which the integration process could not get off the ground, shared Christian values, or at least did not contest them openly. For Konrad Adenauer, Alcide De Gasperi, Robert Schuman, Joseph Bech and Walter Hallstein it was obvious that Europe shared a canon of Christian values. Adopting in 1949 the Statute of the Council of Europe, co-authored by Schuman himself, its member states reaffirmed “their devotion to

the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy”.³ That common heritage of moral and spiritual values could only be – in current terminology – judeochristian.

Institutionalization in the Treaty of Rome of the Common Market was supposed to free up Europe’s economic development potential, while the Franco-German condominium or “core of strength” -- to provide leadership and management of the integration process. Meanwhile, the Treaty heavily skewed the decisionmaking and thus the integration process itself in favor of the less powerful Member States by privileging them in terms of voting power in the Assembly and the Council and by broad application of unanimity vote in the Council. Already in 1957, the Treaty provided for a European Social Fund to offset the social costs of integration (especially those resulting from the free movement of labor). Soon thereafter, a battery of structural funds was set up, together with a Cohesion Fund to deliver on the promise of socioeconomic cohesion by supporting regions and sectors vulnerable to marginalization under unrestricted market competition. Unhindered operation of the Common Market was supposed to stimulate the volume and frequency of transactions among the integrating units, while structural and cohesion policy – to ensure a balance of transactions favorable to vulnerable groups and areas. With Germany embedded in the European institutions, politics of power was supplanted by rule-based politics of negotiation and coalition-building within the institutional setting provided for by the Treaty and practice. Its operation was supposed to alleviate the core-periphery division naturally emerging in unregulated markets. All that was undergirded by a broad prointegration elite consensus on the fundamental and instrumental values.

At the turn of the century a conflation of structural changes has led to political polarization of Western European societies which manifested itself in the rise of left and right wing populism. Right wing populism reacted to negative effects of globalization (i.e., deindustrialization with its concomitant disappearance of stable quality jobs and incomes), mass immigration (displacing jobs, keeping wages low, and producing ever growing culturally foreign urban enclaves and undermining social and cultural cohesion) and “betrayal of the elites and institutions” (which ceased to represent interests of “common people”, thus delegitimizing liberal democracy).⁴ Left wing populism has been similarly skeptical about present-day capitalism and liberal democracy. Unlike the right, however, it did not care much about the loss of national unity and identity. Instead, it delved into multiculturalism, identity politics (to protect various minorities) and moral revolution. Both populisms

³ Statute of the Council of Europe, London, 5.V.1949, preamble §3.

⁴ See e.g. P. Sandrin, “The Rise of Right-Wing Populism in Europe: A Psychoanalytical Contribution,” in *Financial Crisis Management and Democracy: Lessons from Europe and Latin America*, eds. B. De Souza et al. (Cham: Springer, 2021), 228–237, accessed August 23, 2022, <https://link.springer.com/content/pdf/10.1007/978-3-030-54895-7.pdf>.

seem to be skeptical about the EU as the stronghold of economic liberalism; while the right -- also of cultural and moral relativism.⁵ Liberal mainstream media have been selectively alarming about a steady rise of support for right wing parties in the EU Member States, such as Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, The Netherlands, Poland, Slovakia, Spain and Sweden.⁶ But left-wing extremism has also been on the rise.⁷ A characteristic illustration of that internal value divide of EU societies provided a heated debate in Italy following an October 2019 rally of the *Fratelli d'Italia* at which their leader Georgia Meloni exclaimed the memorable phrase: "I am Georgia, a woman, a mother, an Italian, a Christian, and you can't take that away from me!" That otherwise banal statement was construed as a radical political manifesto in favor of the traditional family and Italian identity, and against islamization and moral revolution.⁸ That did not, however, prevent Meloni from becoming Italy's prime minister in 2022.

Apart from the value divide within EU Member State societies, there is another one – between the so-called "old" and "new" Member States which joined the EU in 2004 in result of its Eastern Enlargement. According to a 2018 Pew survey, people of Eastern and Central Europe differ from Western Europeans in their approach to European identity (stress Christian heritage, are skeptical of multiculturalism, believe in the superiority of Western culture), religion (more attached to religion and church, more frequently declare themselves as believers, more accepting of Christian symbols in public spaces), concept of the nation and national identity (stress attachment to their country of birth, see nation as community of generations past, present and future, consider the national culture superior to others, regard religion as element of national identity, display low acceptance of Muslims as family members), moral revolution (lower acceptance of same-sex marriages) and to abortion on demand (lower acceptance).⁹

⁵ See e.g. H. Kriesi and J. Schulte-Cloos, "Support for radical parties in western Europe: the role of long- and short-term dynamics," *Electoral Studies* 65 (June, 2020): 8–10.

⁶ S. Shuster, "European Politics Are Swinging to the Right," *Time*, September 22, 2016, accessed August 15, 2022, <https://time.com/4504010/europe-politics-swing-right/>; "Europe and right-wing nationalism: A country-by-country guide," BBC, November 13, 2019, accessed August 23, 2022, <https://www.bbc.com/news/world-europe-36130006>.

⁷ See e.g. A. Applebaum, *Twilight of Democracy: The Seductive Lure of Authoritarianism* (New York: Doubleday, 2020), 18, 19.

⁸ E. Murari, "I am Giorgia and you can't stop me," *Italics Magazine*, November 21, 2019, accessed August 24, 2022, <https://italicsmag.com/2019/11/21/i-giorgia-meloni-right/>.

⁹ "Eastern and Western Europeans Differ on Importance of Religion, Views of Minorities, and Key Social Issues," Pew Research Center, October 29, 2018, accessed August 15, 2022, <https://www.pewresearch.org/religion/2018/10/29/eastern-and-western-europeans-differ-on-importance-of-religion-views-of-minorities-and-key-social-issues/>; I. Krastev, "Democracy, Demography and the East-West Divide in Europe," *Groupe d'études géopolitiques*, January 17, 2022, accessed July 18, 2024, <https://geopolitique.eu/en/2022/01/17/democracy-demography-and-the-east-west-divide-in-europe/>; T. Snyder, "Judenplatz 1010: A Speech to Europe 2019," *Tipping Point. Contemporary Voices for Europe*, May 14, 2019, accessed July 18, 2024, <https://tippingpoint.net/timothy-snyder-judenplatz-1010/>.

Similar picture paints a more recent World Values Survey of 2022, which categorizes value preferences on two axes: *Traditional vs. Secular Values* and *Survival vs. Expression Values*, while attaching European states to three traditions: Catholic, Protestant and Orthodox. *Traditional values* affirm the meaning of religion, parent-children ties, respect for authority and traditional family values, national pride and patriotism, while, *inter alia*, being skeptical of abortion and divorce. *Secular values* affirm contrary preferences. *Survival values* affirm security (physical and economic) represent “ethnocentric views, as well as low level of trust and tolerance”. *Expression values*, in turn, prioritize protection of the environment, tolerance of aliens, homosexuals and lesbians, as well as equality of sexes and greater participation in politics and economics.

As it turns out, even among the Catholic EU Member States, those from East-Central Europe situate themselves visibly closer to *survival* as opposed to *expression values* than their Western European fellows. The divide is even more visible as compared with Protestant states. Orthodox East-Central European states are even more attached to *survival values* than the Catholic ones. When it comes to the *traditional vs. secular* axis, differences between East-Central and Western EU Member States are less pronounced, irrespective of their religious traditions, however Poland and Romania are the two most attached to *traditional values*.¹⁰

Reasons of that divide have been looked for in a unique history and experience of East-Central Europe. In his famous 1984 essay, Milan Kundera pointed out that nations of that region appreciate the value of sovereignty not only because they had experienced lack thereof, but also Western European indifference thereto.¹¹ For that reason – István Bibó argued – unlike in the West where the state was the locus of nation-building, in East-Central Europe it was identity in all its forms – religious, ethnic and linguistic.¹² Therefore, Ivan Krastev observed that for the nations of East-Central Europe, multiethnicity in their historic territories was seen as grave threat to national existence. Collective memory still reminds them that relative mono-ethnicity (a bedrock of their nation-states) has been achieved only after World War II at the tragic cost of cruel ethnic purges and forcible resettlements.¹³ Paradoxically, as Bartłomiej Radziejewski notices, due to the Iron Curtain isolation, East-Central Europe has been spared the anti-capitalist and counterculture rebellion of 1968 when the New Left had in the West begun their “march through

¹⁰ “World Values Survey: Findings and Insights,” accessed August 15, 2022, <https://www.worldvaluessurvey.org/WVSContents.jsp>.

¹¹ M. Kundera, “The Tragedy Central Europe,” *New York Review of Books* 31, no. 7, April 26, 1984, accessed August 26, 2021, <https://www.nybooks.com/articles/1984/04/26/the-tragedy-of-central-europe/>.

¹² “Nędza małych państw wschodnioeuropejskich,” in *Eseje polityczne*, ed. I. Bibó (Kraków: Towarzystwo Autorów i Wydawców Prac Naukowych Universitas, 2012), 53.

¹³ I. Krastev, *After Europe* (Philadelphia: University of Pennsylvania Press, 2017), 38–59.

institutions”.¹⁴ Nor is there in East-Central Europe any post-colonial guilt characteristic for the Western part of the continent. For all those reasons, there is not much appetite in East-Central Europe for multiculturalism and appreciation of post-sovereignty.

The value divide within Western societies in general and within EU Member States and among them in particular has been evident not only in the requisite surveys, but also in the writings and pronouncements of prominent intellectuals and opinion leaders. Zbigniew Stawrowski calls it “the clash of civilizations” and “civil war”.¹⁵ Jordan Peterson juxtaposes the judeochristian civilization with what he calls post-Marxist postmodernism of the New Left. Jan Rokita talks about a libertine culture of transgression. Hillary Clinton called her traditional/conservative fellow Americans “deplorables” and the coastal elites call them “fly-over country”.

In the run-up to EU accession the sets of values preferred in East-Central and Western Europe seemed mutually compatible. It was even expected that the differences would gradually and organically wither away.¹⁶ Not anymore. First, it seems that the war in Ukraine and the valiant and heroic defense of their country by the Ukrainians should reinforce the “God-and-country” values which the World Values Survey calls *traditional* and *survival*. That realization has not been lost, for instance, on a famed Polish progressive intellectual Magdalena Środa.¹⁷ Secondly, Europeans of all Member States are reminded of Hannah Arendt’s poignant observation of the value of sovereign state, as without citizenship one may always be regarded as “the other”, with all its tragic consequences.¹⁸ Thirdly, the war will likely make EU accession of Ukraine and Western Balkan states with their *traditional* and *survival*-oriented societies inevitable.¹⁹ Lastly, the war, along with the unrelenting non-European migration pressure makes the value of borders visible and thus weakens if not altogether defeats the heretofore dominant post-national/multicultural narrative. As Hans Kundnani holds, the evident failure of multiculturalism

¹⁴ B. Radziejewski, “Jak wygrać ‘wojnę’ kulturową i dlaczego,” *Granice rewolucji emancypacyjnych*, *Nowa Konfederacja* 10, no. 124 (2020): 3–6.

¹⁵ Z. Stawrowski, *The Clash of Civilizations or Civil War* (Kraków: Tischner Institute, 2013).

¹⁶ J. Zielonka, “Another unification of Europe,” *European View* 7, no. 1 (June 1, 2008): 142, accessed August 24, 2022, <https://journals.sagepub.com/doi/10.1007/s12290-008-0027-9>; P. Akaliyski and C. Welzel, “Clashing Values: Supranational Identities, Geopolitical Rivalry and Europe’s Growing Cultural Divide,” *Journal in Cross-Cultural Psychology* (September, 2020): 11–17, accessed August 16, 2022, <https://journals.sagepub.com/doi/abs/10.1177/0022022120956716>.

¹⁷ M. Środa, “Obronić świat przed patriarchalizmem,” *Gazeta Wyborcza*, April 26, 2022.

¹⁸ H. Arendt, *The Origins of Totalitarianism*, 1st publ. 1951 (London: Penguin Random House UK, 2017), 349–396.

¹⁹ L. Leonardi and S. Soare, “European Union at the Crossroads. Interview With Prof. J. Zielonka,” *Cambio. Rivista Sulle Trasformazioni Sociali* 6, no. 11 (Giugno, 2016): 231–242, accessed August 24, 2022, <https://doi.org/10.13128/cambio-18796>; In 2014, after the first Russia’s aggression against Ukraine, Zielonka remarked: “Look at the irony of the situation.... Ukraine is the only country where people were prepared to die for Europe”.

combined with growing non-European migration pressure will generally push Europeans away from a civic-centered identity of late, back to the ethnic-centered identity of the past.²⁰ Anne Applebaum blames the treacherous *clerics* of the political right pandering their polarizing, xenophobic, identitarian, supremacist, etc. “Medium-Size” lies to the uncertainties of the gullible public.²¹ In a similar vein, Brubacker, points out to the populist manipulations, cleverly adjusting their message to the realities of largely post-Christian and therefore indifferent to traditional moral strictures Western Europe and virtually foreign-culture immigrant-free, yet anti-multicultural east-central part. Thus, Europe’s traditional nationalisms have been replaced by secular Christianist “civilizationism” in the West, and identitarian and securitarian Christianity in its East and Center.²² Be it as it may, EU societies and EU Member States are divided in terms of fundamental values they adhere to. A commonality of European values does not exist in reality.

Before the war in Ukraine, the catalysts of the two-way value divide of the EU were the immigration crisis of 2015 and the new wave of the moral revolution in the West portrayed as emancipation of racial, ethnic and nonheterosexual identities.²³ Roger Scruton called that phenomenon a “culture of repudiation” of the West, its achievements and its values.²⁴ In 2015 the East-Central European EU Member States, along with ever growing parts of West European societies questioned multiculturalism as the only appropriate model of post-modern society.²⁵ That resistance to German *Willkommenspolitik* and EU’s connivance with it, opened public debate on such issues as national identity, cultural cohesion, tolerance, European identity and European values, heretofore hamstrung in the West by the proprieties of officially sanctioned political correctness labeling any challengers to the dominant orthodoxy as “nationalists”, “racists” or even “fascists”. As for the moral revolution, by 2015 thirteen out of 27 Member States had legalized same-sex partnerships or marriages, while in seven Member States traditional marriage has been protected constitutionally. From 2012 the EU has begun systematic investigation of “discrimination in regard to gender, gender identity and gender expression”. As neither international law nor EU law mandate states to legally recognize one’s declared gender identity or

²⁰ H. Kundnani, *Eurowhiteness: Culture, Empire and Race in the European Project* (London: C. Hurst & Co Publishers Ltd, 2023).

²¹ Applebaum, *Twilight of Democracy: The Seductive Lure of Authoritarianism*, 38–54.

²² R. Brubacker, “Between nationalism and civilizationism: the European populist movement in comparative perspective,” *Ethnic and Racial Studies* 40, no. 8 (2017): 1205, 1206.

²³ M. Lilla, *The Once and Future Liberal: After Identity Politics* (New York: HarperCollins, 2017).

²⁴ R. Scruton, *How to be a Conservative* (London: Bloomsbury, 2015), 39, 40.

²⁵ J. Zielonka, *Counter-Revolution: Liberal Europe in Retreat* (Oxford: Oxford University Press, 2018), 105–108.

gender expression, it has been proposed to dynamically interpret the EU Charter of Fundamental Rights.²⁶

Finally, the two-way value divide of the EU described above has consequences on the understanding of the supposedly “common European values” as proclaimed in Article 2 of the Treaty on the European Union. Human dignity means one thing for someone who believes that abortion is a human right and something quite different for someone who believes that it is arbitrary taking of human life. For some, the limit of freedom is set by criminal law, while for others by the existence of a polity without which individual rights and liberties are meaningless. Democracy can be construed as a system in which the government is responsive to the will of the majority and privileges interests of citizens over aliens, or a system whereby institutional checks contain the will of the majority to what those elite-controlled institutions consider appropriate. Equality could be construed as equality of opportunity or equality of outcomes. The rule of law may be understood as application of abstract legal texts to particular cases respecting the ordinary meaning of the terms used, or a dynamic interpretation of the law according to the changing societal circumstances as the interpreters deem them to be. Human rights may be understood as barriers to governmental infringements on individual liberty or vehicles of social progress and moral revolution. Respect of minority rights may mandate the governments to ensure their non-discrimination, but may also be used to warrant government censorship of speech, reform of traditional institutions, such as family, or even official redefinition of biological facts. The same goes for the understanding of pluralism, tolerance, justice, solidarity, and so forth. In the absence of the underlying commonality of values, TUE Article 2 “common European values” are, therefore, but a legal fiction which precise contents gets determined in a political process, i.e., by those who hold power.

From a “Voluntary Empire” to Moral Imperialism

Consideration how the EU has been shifting from a “voluntary empire” to a moral empire has to be prefixed by Larry Wolff’s well-documented contention that in the mentality of enlightened Western Europeans, European civilization ends on the eastern border of Germany. Enter Poland and you are among “these demi-savage figures”, as an ambassador of King Louis XVI to Russia memorably put it.²⁷ It follows that to become true Europeans, those East-Central European “demi-savage figures” would need to be subjected to a *mission civilisatrice* of sorts. As a favor bestowed on them.

²⁶ M. van den Brink and P. Dunne, “Trans and intersex equality rights in Europe – a comparative analysis,” European legal experts in gender equality and nondiscrimination, European Commission, November, 2018, 8–14, accessed August 31, 2022, https://ec.europa.eu/info/sites/default/files/trans_and_intersex_equality_rights.pdf.

²⁷ L. Wolf, *Inventing Eastern Europe: The Map of Civilization on the Mind of the Enlightenment* (Stanford: Stanford University Press, 1994), 17–49.

Such condescending approach of mainstream European elites has not been restricted to Eastern Europe.²⁸ It is also directed to their own societies, the conservative and traditional parts of them often labeled as backward, nationalistic, racist or even fascist. However, the practice of “domestic moral imperialism” by the establishment elites over their “deplorables”, resulting in the crisis of liberal democracy, is beyond the remit of this text which focuses on power relations within the EU.

Over time common European values have changed their meaning at a fundamental level. In 1957 when the saga of European integration had begun, and even in 2004 when the Eastern Enlargement took place, such notions as man, woman, marriage or rule of law were clear and obvious to everyone in Europe. Consequently, the right to form a family or non-discrimination on account of sex were noncontroversial. The judiciary was applying laws within the limits of the separation of powers and not creatively legislating from the bench. Today, however, because of the accelerated moral revolution and populist shift of the electorate or “civilizational deficit” of the “new Member States”, the understanding of “common European values” is at the center of political controversy and has therefore become an instrument of political power.

In 2001 when Robert Cooper was conjuring up “the next empire”, he could take it for granted that the whole world, including China, had been irreversibly sold on the conviction that “human rights and middle-class values” are a *sine qua non* of material wellbeing.²⁹ Thus, intervention in internal affairs – a natural problem of any empire – would disappear. Giving up a portion of one’s sovereignty seemed as a negligible cost to reap such manifestly obvious benefits. Thus following the counsel of the more experienced “about the way in which the country is organized and governed – so called good governance provisions” would generate a “voluntary movement of self-imposition” of the imperial rule by the states aspiring to EU membership. Of course, Cooper knew that the “aspirants” were the East-Central European ones. What were those obvious benefits, Cooper explained in his 2003 essay on the breaking of nations. The post-modern “voluntary empire”, founded on respect for human rights and common values, rejects national egoism and power politics. Instead, by following commonly accepted rules, it negotiates, arrives at compromises, coopts, respects interests of the weaker units. What ensues is economic prosperity of all. All it asks for in exchange is acceptance of a catalog of liberal values along with rights and institutions which are their guardians. Consequently, all integrating units abandon the principle of nonintervention in their domestic affairs, as the very distinction between internal and union affairs loses its sense and purpose. That in a nutshell was supposed to be the allure of the “voluntary empire”. It would

²⁸ Cf. *The Soul of Europe: What unites and divides us Europeans?*, eds. J. Hausner and J. Kuisz (Kraków: Fundacja GAP, 2024), 24–26.

²⁹ R. Cooper, “The next empire,” *Prospect*, October, 2001, accessed August 28, 2022, <https://www.prospect-magazine.co.uk/magazine/thenextempire>.

be a bundle of post-modern states equating community interest with national interest.³⁰

Cooper was formulating his vision not only in an air of Fukuyama's "end of history" but when EU Eastern enlargement was a forgone conclusion. Therefore, to the soon-to-be "new Member States" he directed his hope that "[i]t is probably good, on balance, that a set of western rules and norms is available off the peg".³¹ In 2022, after a series of Western debacles of "democracy-building" in Afghanistan, "reset" with Russia and economic liberalization of China, Stephen Kotkin would call such Western condescension of others a "Pygmalion syndrome" (belief that, given a chance, every nation would want to be the liberal West of today) and John Mearsheimer (already in 2018) -- an outright "delusion".³² Already in 2008 Jan Zielonka very astutely observed:

...the discrepancy of power between the EU and candidate States was enormous, and one wonders how much actual freedom the candidate States could ever have had in the accession negotiation process. In fact, the Union has from the start made it clear that the candidate countries must adopt the entire body of European law before entering the Union. This was power politics at its best, and not just a technical operation guided by moral considerations.³³

Deepening of integration was the political price for the acceptance of Eastern Enlargement. The 2004 Constitutional Treaty was supposed to have sealed that deal. Its Article I-2 entitled "Union Values" contained the text of what, after the rejection of that Treaty by France and The Netherlands, became the eponymous Article 2 of TEU. In articles II-61 through II-114 the Constitutional Treaty contained a EU Charter of Fundamental Rights, which per Article 6 of TEU became part of EU primary law, albeit with a proviso that it should be interpreted with due regard to the explanations of the Presidium of European Convention.³⁴ That proviso is mirrored by Article 52(7) of the Charter. Not all Member States were satisfied by that oblique legal constraint. Therefore, Poland and the UK attached the so-called "British Protocol" to the Treaty on the Functioning of the European Union (TFEU), clearly excluding the Charter as actionable before their domestic courts and in regard to them by the Court of Justice of the EU, while the Czech Republic expressed

³⁰ R. Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (New York: Atlantic Monthly Press, 2003), 26–40, 50–54.

³¹ Cooper, "The next empire," *Prospect*.

³² "5 More Questions For Stephen Kotkin: Ukraine Edition," Uncommon Knowledge, Hoover Institution, March 3, 2022, accessed August 20, 2022, <https://www.hoover.org/research/5-more-questions-stephen-kotkin-ukraine-edition-1>.

³³ Zielonka, "Another unification of Europe," 141; J.J. Mearsheimer, *The Great Delusion: Liberal Dreams and International Realities* (New Haven: Yale University Press, 2018).

³⁴ EU Charter of Fundamental Rights, Preamble §5. "Explanations" referred to herein: Explanations relating to the Charter of Fundamental Rights [2007] OJ C 303/17.

similar intent in a formal declaration.³⁵ The Irish protocol excluded any use of EU law (including the Charter) to challenge its then existing legal ban on abortion.³⁶

In 1999–2007 when the texts of the Constitutional Treaty and then the Lisbon Treaty, as well of the Charter and “explanations” thereto were being negotiated, the meaning of “common European values” of Article 2 of TEU was far from controversial. Only the Charter was controversial. First, it was not clear whether the Charter, as stated in its preamble, just made the already existing rights “more visible” or whether, as stipulated in its regulatory part, created new rights. Secondly, unclear was the scope of the Charter’s application. Article 51(1) of the Charter, which refers to this issue, is formulated in such convoluted language so as to leave infinite opportunities for its interpretation to the European Commission and the Court of Justice of the EU. It is so, because since the landmark 1978 *Tyrer v. United Kingdom* decision by the European Court of Human Rights, international courts adhere to the “living treaty” doctrine.³⁷ Thus, third, it is impossible to know *a priori* the actual meaning of the rights contained in the Charter, and in what situations and to what extent the Charter applies. And those rights largely instantiate the “common European values” of Article 2 of the TEU. The UK traditionally stood up against “progressive” interpretations of EU laws. Yet, in 2020, Brexit eliminated that obstacle. Fourth, the Charter does not clearly respect the key legal distinction on how civil and political rights bind states in comparison to social rights which tend to be much more demanding in their implementation in terms of financial resources and administrative capacities.³⁸ Thus, at the international level, each of those categories of human rights has been regulated differently and by separate international instruments (UN Covenant on Civil and Political Rights and UN Covenant on Economic, Social and Cultural Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms and European Social Charter).³⁹ That distinction is germane to values as the right to healthcare is a social right which progressive activists like to extend to “reproductive health”, by which they mean, *inter alia*, abortion. Furthermore, in clear contravention of Article 6 TEU and Article 51(2) of the Charter stating that the Charter does not establish any new power of the

³⁵ Protocol No 30 on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom, OJ 115, 09/05/2008 P. 0313 – 0314; Declaration by the Czech Republic on the Charter of Fundamental Rights of the European Union, OJ C 326/357 (2012).

³⁶ Protocol No 35 On Article 40.3.3 of the Constitution of Ireland, OJ C 326/321 (2012), on the “right to life of the unborn”. The 2018 Irish referendum removed that right.

³⁷ Council of Europe: European Court of Human Rights, “*Tyrer v. The United Kingdom*, 5856/72,” March 15, 1978, accessed August 31, 2022, <https://hudoc.echr.coe.int/fre?i=001-57587>.

³⁸ See e.g. S. Douglas-Scott, “The European Union and Human Rights after the Treaty of Lisbon,” *Human Rights Law Review* 11, no. 4 (2011): 651–654, accessed August 30, 2022, <https://www.corteidh.or.cr/tablas/r27635.pdf>.

³⁹ Admittedly, the above mentioned “Explanations” introduce a distinction between the “rights” (i.e., civil and political) and “principles” of the Charter (i.e., “social rights: which the “Explanations” call “social law”). Yet, such “explanations” any court may simply ignore.

Union, it clearly does, as for the first time in history of international human rights protection, it subjects social rights contained in it to binding decisions by a supranational court, i.e., the Court of Justice of the EU. Fifth, because of the deliberate lack of clarity of the Charter as to its contents, field of application and division of competences between the Member States and EU Institutions, the Charter effectively opened to the European Commission and the Court of Justice of the EU possibility to intervene in the autonomy of Member State legal systems when it comes to morality, such as availability of abortion, definition of family, etc. More generally, the Treaty of Lisbon together with the EU Charter of Fundamental Rights have sanctioned the expansion of EU competences, primarily of the Commission and the Court of Justice of the EU, in defining the current meaning of “common European values” as well as their activism in so doing, i.e., in regard to issues which divide EU societies and Member States.

Until 2014, the only way of verifying whether a EU Member State seriously and persistently breached the “common European values” of Article 2 of TEU, was by following the procedure of Article 7 of TEU whereby no EU Member State could be censured by the Council without a unanimous finding of such breaches. The Commission used as a pretext its political dispute with Hungary over the rule of law in that country to extend its powers beyond the limits set out by the Treaties. In “A New Framework to Strengthen the Rule of Law” of 2014 the Commission gave itself the right to question internal policies of Member States which it deemed as not in compliance with law and order and fundamental rights.⁴⁰ Jan Rokita, an independent Polish commentator opined that “the Commission clearly stretched” the TEU Article 7 procedure “which, when applied rigorously, neither gives it a right to harass a government with hearings, nor to formulate recommendations, even less so, setting deadlines for their implementation”.⁴¹ Those machinations, caused resistance of East-Central European Member States which viewed resorts to TEU Article 7 procedure as means of political pressure exerted by the more influential Member States against the weaker ones.⁴²

Commission’s powers were further extended by Regulation 2020/2092 of 16 December 2020 on a general regime of conditionality for the protection of the Union budget. Seemingly restricting its application to the Union budget allowed for its adoption in accordance with the regular legislative procedure, thus depriving Poland and Hungary, then accused of violations of liberal democracy, of their veto. Without any doubt, the scope of the regulation goes well beyond the protection of

⁴⁰ Communication from the Commission to the European Parliament and the Council, “A new Framework to strengthen the Rule of Law,” COM(2014) 158 final, Brussels, March 11, 2014.

⁴¹ J. Rokita, “Lekceważona przestroga Merkel,” *Sieci*, March 22, 2020, 71.

⁴² M. Michelot, “The ‘Article 7’ proceedings against Poland and Hungary: What concrete effects?,” Blog Post, Notre Europe Jacques Delors Institute, May 6, 2019, accessed August 31, 2022, https://institutdelors.eu/en/publications/__trashed/.

Union's budget, i.e., funds transferred to Member States from the regular EU budget and the COVID-related 650 billion euro Recovery and Resilience Facility. The Commission may block the disbursement of funds to those Member States which, upon executive decision of the Council adopted by regular voting procedure, violate law and order as defined by Article 2 TEU, including "effective judicial protection", "fundamental rights", "non-discrimination and equality before the law" (Art. 2 of Regulation 2020/2092).⁴³ The intention to broadly interpret the principle of the "rule of law" is clearly stated in the second sentence of Article 2 of that Regulation: "The rule of law shall be understood having regard to the other Union values and principles enshrined in Article 2 TEU".⁴⁴ That regulation *contra legem* replaces the Article 7 Treaty procedure of verification of breaches of the "common European values" of Article 2 TEU which requires unanimity with a procedure of financial sanctions administered by a majority vote, as secondary law must not change the Treaties. Yet, the EU Court of Justice dismissed the Polish-Hungarian complaint about the Regulation's legality.⁴⁵

The Court of Justice of the EU clearly engaged in a political dispute with Poland when, contrary to TEU Article 4(2) mandating EU's respect of Member State "national identities, inherent in their fundamental structures, political and constitutional" and a clear Treaty norm of Article 1(1) of the Polish-British Protocol that "The Charter does not extend the ability of the Court of Justice of the European Union, or any court or tribunal of Poland or of the United Kingdom, to find that the laws, regulations or administrative provisions, practices or action of Poland or of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that it reaffirms", it nevertheless held that Polish law providing for differentiated retirement age for male and female justices of the Polish Supreme Court and the right of the Minister of Justice to grant them extensions of service is contrary to EU law.⁴⁶

In sum, by 2020 through informal reinterpretation of Treaty norms on "common European values", circumvention of TEU Article 7 procedure of verification of grave and persistent breaches of those values by Regulation 2020/2092 and ratification of those practices by the Court of Justice of the EU, the EU, i.e., in practice the Commission, the Court of Justice and those influential Member States who control those institutions politically, have created procedures for enforcing their definition

⁴³ Procedure provided for by Article 6 of Regulation 2020/2092, in conj. w. Art. 291 TFEU.

⁴⁴ Formally, Article 4 of the Regulation 2020/2092 enumerates the instances of application of conditionality, yet its letter (h) states that it also applies to "other situations or conduct of authorities that are relevant to the sound financial management of the Union budget or the protection of the financial interests of the Union".

⁴⁵ J. Rankin, "ECJ dismisses Hungary's and Poland's complaints over rule-of-law measure," *The Guardian*, February 16, 2022, accessed July 21, 2024, <https://www.theguardian.com/law/2022/feb/16/ecj-dismisses-hungary-poland-complaints-eu-rule-of-law-measure>.

⁴⁶ "European Commission v. Poland, CJEU, C-192/18," November 5, 2019.

of those values upon the dissenters. Those procedures have a color of law and may be used as vehicles of “moral imperialism” or a new *mission civilisatrice*. Their arbitrary nature was clearly revealed, for instance, by the Commission’s February 2024 decision to release funding for Poland, previously blocked over claims of law and order violations, shortly after the right wing Jarosław Kaczyński’s PiS-Law and Justice government was replaced by the one of the Commission’s liking. No changes in Polish legislation or practice were required.⁴⁷

Naturally, the Central and Eastern European states do not form a unified bloc of resistance against the EU tide of “moral imperialism”. Some, like Hungary under Victor Orbán or Poland under the PiS-Law and Justice government have challenged such practices openly and directly. Others choose more subtle ways. The fact of the matter, however, is that their legal orders and administrative practices by and large reflect the *traditional* and *survival* value preferences of their citizenry. In Lithuania, in 2024 the Seimas rejected government-sponsored bill legalizing “civil partnerships”. In all those states, save for Estonia, constitutions restrict marriage to a union between one man and one woman. But four of them (Latvia, Hungary, Czech Republic and Slovenia) have legalized civil partnerships. Respect for the legal status of same sex unions contracted in Western EU Member States has been imposed on the “new Member States” by the rulings of the EU Court of Justice. When from 2022 Russia had begun shipping migrants through Belarus to the EU, Poland, Lithuania, Latvia and Estonia have not adopted the lenient approach of their Western counterparts. Instead, they have secured their borders with fences and actively prevented intruders from crossing them. That was as much border policing as it was demonstration of their opposition toward multiculturalism.

As had been the case with the 2004 EU Eastern Enlargement, the prospect of the admission of Western Balkan states and eventually Ukraine, has been used as a pretext for further federalization reforms of the EU. It is characteristic that key reform proposals floated hitherto involve elimination of veto and insistence on even stronger action toward uniformization of the “common European values”. The September 2023 French-German proposal “Sailing on High Seas: Reforming an Enlarging the EU for the 21st Century” disguised as a product of twelve experts, argued for even stronger budgetary conditionality of all EU funds, current and future, as is already the case with the Next Generation EU, alongside with the elimination of unanimity from the TEU Article 7 procedure. Thus, the supposed breachers of “common European values” which interpretation depends on the whim of the interpreters, would not only be punished by denial of funds, to which they have contributed and which, in case of EU loans, they will be required to pay back with interest, but also by denial of vote in the Council. It was also proposed to eliminate veto in favor of qualified majority vote; veto being presented not as a defense

⁴⁷ See e.g. “European funds for Poland unblocked,” February 23, 2024, accessed November 10, 2024, <https://www.gov.pl/web/funds-regional-policy/european-funds-for-poland-unblocked>.

clause of the weak in the “voluntary empire”, but as obstacle to progress. Characteristically, in the eyes of the proponents, veto would not be such an obstacle when deciding about EU enlargement, defense and foreign policy, EU budget and taxes.⁴⁸ The European Parliament followed with similar reform ideas, except that they envisioned greater role for the Parliament itself and were even more radical in regard to elimination of veto.⁴⁹ As the legal instruments for “moral imperialism” are already in place, it seems to be immaterial whether those Treaty amendment proposals will actually go through. However, they are a clear statement of intent by the establishment that uniform enforcement of “common European values” must go on.

Passing the test of history?

It so happened, that 1957 saw not only the establishment of the EEC, but also the publishing of Karl W. Deutsch’s and his seven collaborators’ seminal book on the establishment of NATO – a security community in the North Atlantic area.⁵⁰ Its authors had reviewed thirty-three and systematically studied ten (out of which eight in detail) historical cases of successful and failed international integration projects. Although the book is 68 years old, yet its findings remain solid. Indeed, they seem very relevant to today’s problems with the European project.

For Deutsch, *et al.*, a *pluralistic security community* is formed by groups of people who, while retaining their separate governments, become so integrated that there is high expectation of peaceful change, i.e., resolution of social problems by institutionalized procedures, without resort to large-scale physical force.⁵¹ They come about in a complex and always fragile social, economic and political process. It could be conceived of as a less advanced stage of integration as compared to an *amalgamated security community*, where the integrating units lose their separate identities on behalf of a common superior authority functioning internationally as a single unit. Examples of *amalgamated security communities* are the United States, Canada or United Kingdom, while NATO or the EEC (later EU) would be *pluralistic security communities*.

For a security community to emerge, a set of background conditions must be at work. In the Westphalian international system like units do not normally integrate. It is an intrinsically delicate process which must be inspired, nurtured and solidified by elites which Deutsch calls “politically relevant social strata”. Security communities, especially of the pluralistic kind, are never irreversible; a point of no return or

⁴⁸ Report of the Franco-German Working Group on EU Institutional Reform, Paris-Berlin, September 18, 2023.

⁴⁹ S. Contanidis, “Parliament’s Proposals to Reform the Treaties,” European Parliamentary Research Service, PE 754.593, November, 2023.

⁵⁰ K.W. Deutsch *et al.*, *Political Community in the North Atlantic Area: International Organization in the Light of Political Experience*, 1st ed. 1957 (Princeton: Princeton University Press, 1968).

⁵¹ Deutsch *et al.*, *Political Community in the North Atlantic Area: International Organization in the Light of Political Experience*, 5.

integration take-off does not exist. Seemingly well-integrated security communities, such as Austria-Hungary, Britain's union with Ireland, Sweden's with Norway and Denmark's with Norway, all fell apart. In recent times similar fate befell the Soviet Union, Czechoslovakia, Yugoslavia and then Serbia. In the 1995 referendum, Quebec remained part of Canada by 0.58% of votes with 93.52% attendance. Catalonia and Scotland repeatedly aspire for independence. Disintegration of *amalgamated security communities* has not been restricted to the West, witness secessions of Eritrea, Southern Sudan and Somaliland. In 2020, the EU – a *pluralistic security community*-plus, was left by the UK.

Modernity does not automatically lead to integration or amalgamation. Welfare state made national governments more important than ever. Consequently, free migration (seen as integrative force) has been strictly regulated. The state has remained the highest form of collective identity. “Altogether, our findings suggest that greater political capabilities, and in particular greater political responsiveness, cannot be expected to emerge as an automatic by-product of historical evolution, or of earlier stages of the amalgamative process. Rather, these may have to be striven for as distinct and specific political and administrative aims if political integration is to be attained”.⁵²

What are the conditions conducive to integration in pluralistic and amalgamated security communities and what is the place of commonality of values among them? External threat, like that of the Soviet Union at the beginning of NATO (and the EEC), may be useful to start up an integration process but will not sustain it. What is really essential is the existence of a “core of strength” (e.g., England in Britain, Austria in the Hapsburg Empire, or Prussia in Germany, and – presumably – the Franco-German tandem at EEC's inception) which provides economic basis for integration, administrative capacity to manage it and political leadership to set out its course; those are prerequisites of economic success translating into tangible improvements in the standard of living. Development of common institutions for peaceful resolution of conflicts of interests is also essential. Accelerated economic growth resulting in increased interdependence must be coupled with utmost care that the balance of transactions favors weaker integrating units. In other words, the win-win alone will not do the job without equitable distribution of benefits. Deutsch points out to the Swiss Confederation whose very name derives from the weakest canton of Schwyz and to the accession to the English throne of the Scottish Stewarts.⁵³ By the way, from the outset of the union in the 14th century up until the late 16th century, the Polish-Lithuanian Commonwealth was ruled by the Lithuanian Jagiellonian dynasty, and *liberum veto*, that is the right of every single deputy to the Sejm to bloc legislation, was meant to ensure that the Commonwealth would not be dominated by the much more powerful Polish part.

⁵² Deutsch *et al.*, *Political Community in the North Atlantic Area: International Organization in the Light*, 25.

⁵³ Deutsch *et al.*, *Political Community in the North Atlantic Area*, 22–42.

Indeed, Deutsch's 1957 observation about the importance of the balance of transactions for the success of international integration is shared across schools of international relations theory. According to liberal institutionalists, such as Robert O. Keohane and Joseph S. Nye, Jr., economic interdependence (which is a condition of integrated units, e.g., the EU) may become a source of power, which, in extreme cases of *vulnerability interdependence*, may even lead to war.⁵⁴ Neorealist Kenneth N. Waltz held that in the Westphalian international system, uncertainty as to the balance of transactions under economic interdependence constitutes a structural obstacle to integration of states because what matters are not absolute, but relative gains: "Who gains more".⁵⁵ International integration projects are thus borne out by their economic success, equitably distributed.

For Deutsch, as well as for other post-functionalists, international integration essentially amounts to an economic and social process with political consequences. Commonality of values among the prointegration elites is important for its success. They should strive that values are also increasingly shared by the members of integrating societies. However, what is meant here is commonality of economic and political objectives as well as commonality of culture. It is then about commonality of instrumental rather than fundamental values. Deutsch explains:

In regard to values, we found in all our cases a compatibility of the main values held by the politically relevant strata of all participating units. Sometimes this was supplemented by a tacit agreement to deprive of political significance any incompatible values that might remain. In this manner the gradual depoliticization of the continuing difference between Protestant and Catholic religious values in the course of the eighteenth century furnished an essential pre-condition to the successful amalgamation of Germany and Switzerland, respectively, in the course of the following century.⁵⁶ [Other examples follow].

Values were most effective politically when they were not held merely in abstract terms, but when they were incorporated in political institutions and in habits of political behavior which permitted these values to be acted on in such a way as to strengthen people's attachment to them. This connection between values, institutions, and habits we call a "way of life," and it turned out to be crucial.⁵⁷

⁵⁴ R.O. Keohane and J.S. Nye, *Power and Interdependence*, 1st ed. 1977 (New York: HarperCollins, 1989), 10–22.

⁵⁵ K.N. Waltz, *Theory of International Politics* (Reading: Addison-Wesley Publishing Company, 1979), 104–107.

⁵⁶ Deutsch *et al.*, *Political Community in the North Atlantic*, 46, 47.

⁵⁷ Deutsch *et al.*, *Political Community in the North*, 47, 48.

In regard to expectations [about this new distinctive “way of life”], we found that in all our cases amalgamation was preceded by widespread expectations of joint rewards for the participating units, through strong economic ties or gains envisaged for the future. By economic ties, we mean primarily close relations of trade permitting large scale division of labor and almost always giving rise to vested interests.⁵⁸

In a nutshell, the pre-existing commonality of values in the EU, which – at best – is a *pluralistic security community*-plus, well below an *amalgamated security community*, ought to be conducive to economic success, social market economy, well-functioning welfare state, as well as social and socioeconomic cohesion. As much as possible, divisions over fundamental or moral values ought to be deemphasized. It follows that exacerbation of such divisions would be detrimental to the integration process.

In the EEC or EU context, the requirement of adequate administrative capacity, as established by Deutsch, which must involve the rule of law, has to be understood as impartial application of the laws contained in the Treaties and not a policy of imposing on all their particular political interpretation. Only such pragmatic approach would be consistent with the fundamental principles upon which that form of international integration has at all been possible, i.e., of proportionality, subsidiarity, and conferred competences, as well as the TUE Article 4(2) injunction to respect the plurality of “their national identities, inherent in their fundamental structures, political and constitutional...”.

It is quite remarkable, that the 2024 Draghi Report on how to make EU competitive (i.e., how to meet a key requirement of EU’s success as an integration project) does not mention forcing “common European values” at all in its Part A laying down the actual competitiveness strategy. “European values” appear merely twice in its Part B containing in-depth analysis and recommendations:

The EU’s efforts to hone its competitive edge need to be guided by European values, which should be further reinforced by its action. These encompass fundamental values, including human rights, the rule of law and democracy, but also values of specific relevance to research and innovation, such as academic freedom and independence, research integrity and ethics, transparency, diversity, inclusion, gender equality, open science and open access to scientific publications and research data. These values and principles should remain at the core of Europe’s approach and constitute the strength of its model of excellent, collaborative research. Promoting these values makes Europe a more attractive place for researchers and businesses from around the world.

⁵⁸ Deutsch *et al.*, *Political Community*, 49.

On the basis of these principles, to address previously highlighted shortcomings, we now discuss several proposals. If jointly adopted, these measures would contribute to setting the European innovation ecosystem on a more dynamic path, helping the EU avoid widening gaps in critical sectors compared to the US and China, and maintain its competitive edge in global leadership areas.⁵⁹

With all due regard to the fundamental values, rule of law, democracy, diversity and inclusion, the context of Draghi Report references to values in fact confirms Deutsch's above quoted observations on the need for their "depoliticization" as condition of successful integration. Draghi Report holds that what matters in practice is commonality of certain pragmatic values. Those guaranteeing freedoms of scientific pursuit as *sine qua non* for Europe's progress in new technologies.

Conclusions

This article started from the observation that in 2024 the EU seems to have greater problems to deal with, than pushing a uniform version of "common European values" which would have to be forced upon dissenters both within EU societies and among its Member States. Structural weaknesses of the euro, adjustment to the inevitable digital transition, socially unsustainable green policy, self-made energy crisis harming EU's international competitiveness and European "way of life" largely defined by its ubiquitous "welfare state", containment of illegal immigration, distance between the EU and US economies which has grown much bigger than was the case at the time of the 2000 Lisbon Strategy, the rebuilding and post-war rehabilitation of Ukraine, just to name the few. Those problems need to be addressed effectively for the EU integration project to continue. This is what Karl W. Deutsch's findings suggest. Economic prosperity and equitable distribution of its benefits are key to EU's success. It is a process which needs to be carefully nurtured by the political class wisely led by the "core of strength".

It has been shown that neither EU societies, nor EU Member States, as represented by their governments, do share a uniform interpretation of "common European values" listed in Article 2 of TUE, i.e., human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. On the contrary, as Europe becomes increasingly post-Christian, more multicultural and multiethnic, pluralism of values is on the rise. It is a cumulative effect of Europe's New Left's march through the institutions, growing immigration from culturally foreign regions, inability or unwillingness to culturally assimilate masses of immigrants and growing crisis of liberal democracy with its inability to express popular will and translate it into government policies. Public debate has been hamstrung by the proprieties of political correctness which over time resulted

⁵⁹ "The Future of European Competitiveness, Part B: In-depth analysis and recommendations," *The Draghi Report*, September, 2024, 246.

in delegitimization of legacy media. Political radicalization followed, inviting censorial reactions by the establishment. In any case, European societies are today politically divided and polarized. Existing value divide is documented by public opinion polls and election returns, with growing popularity of antiestablishment parties. The Eastern Enlargement had added another dimension to that division. It has brought to the EU a group of countries with distinct historical and political experience on such matters as nation formation, relation to state institutions, role of religion, importance of national and cultural identity, tolerance of minorities, etc. All in all, they are significantly more conservative than the nations of the “old Europe”. That divide of the EU will likely deepen with further EU enlargement to Western Balkans and Ukraine. Those crisscrossing value divisions, their sources and consequences, have been noticed and explained by the scholars and public intellectuals consulted above.

There can be no doubt that Article 2 of TUE does not reflect European reality. It may, however, be interpreted according to the ideological preferences of the political, bureaucratic and, perhaps, economic elites engaged in the EU integration project. The present article documents those elites’ political journey of turning the EU from “voluntary empire” into an agent of moral imperialism unnecessarily alienating support for the European integration project. Formally, its key milestones involve, the politically failed but conceptually significant 2000 EU Constitutional Treaty, the 2007 Treaty of Lisbon with its TUE Article 2 “common European values” and the EU Charter of Fundamental Rights, “creative” interpretations of their woolly provisions by the European Commission and the Court of Justice of the EU, up to the notorious conditionality regulation 2020/2092 coupled with its formidable Recovery and Resilience Facility. Possible future steps on that road have been sketched out in the plans for future EU reform referred to above. In any case, legal instruments of moral imperialism are already in place. Temptation to turn that potentiality into practice directed mainly against the “new” Member States has been rising as the undergirding value divide within EU societies and Member States deepened. Disciplinary measures citing violation of common values have been directed primarily against the “new” Member States, not just because they were historically more conservative. Other reasons involved traditional condescension of Old Europe’s political elites, the erstwhile inferior status of East Central European countries as applicants to the EU, and—after accession—their limited influence within the Commission bureaucracy, their high dependency on structural aid programs and their overall relative economic weakness. Their political shift toward “populism”, resistance to the inroads of the moral revolution and open revolt on the immigration issue in 2015 which publicly exposed bankruptcy of multiculturalism, made EU punitive action against Hungary under Victor Orbán and Poland under Jarosław Kaczyński inevitable. Especially, that there was no Britain to block it.

Finally, it has been shown that historical experience with successful and unsuccessful international integration, as gathered and analyzed by post-functionalist

scholarship, strongly argues against moral imperialism. International integration works when it produces economic success, rising living standards and equitable distribution of gains in favor of the weaker units. Divisions over fundamental values ought to be “depoliticized”, i.e., taken off the table, as a precondition of success. Thus, forcing a uniform politically charged interpretation of fundamental values on all EU Member States will likely harm the EU integration project. Especially, that it already suffers from fundamental problems and vulnerabilities likely to fuel euroscepticism. The 2024 Draghi Report seems to corroborate such contention. The rule of law seems to be the only area where insistence on its common understanding will contribute to the success of European integration. Insofar as it means strict adherence by Member States and EU Institutions to the letter of the law (not to its creative interpretations) and is used as used as instrument to reach pragmatic values, e.g., eradication of corruption.

Ethics and consent statement

Ethical approval and consent were not required.

Data availability statement

No data associated with this article.

The article analyzes publically available public opinion polls, documents or scholarly literature.