# Stefan Auer: European Disunion: Democracy, Sovereignty and the Politics of Emergency

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In *European Disunion: Democracy, Sovereignty and the Politics of Emergency*, Stefan Auer (2022), a Professor of European Studies at the University of Hong Kong, assesses the EU's performance in fulfilling its promises over the course of more than a decade marked by crises, from the economic crisis of 2008 to the Russian invasion of Ukraine in February 2022. The author invites the readers to *"be more open and honest about the EU's limitations"* (p. 108). He contends that such *"crises reveal the extent of the dysfunction"* (p. xxi) which is an outcome of concentrating sovereignty at the EU level due to the need to manage the accelerated series of these crises. This politics of emergency has put democracy under strain at the national level with no compensation at the EU level.

According to Auer, the crises reveal that whether it is coming in too weakly (e.g. the policy towards Russia), too late (e.g. the Covid pandemic) or too strongly at the cost of democratic legitimacy (e.g. the eurozone crisis), the EU *"is failing"* (p. 183). The movement towards more supranational authority weakens the EU's democratic credentials that the very supranational authority claims to be protecting, be it via the rule of law conditionality or the ECJ rulings. This thesis of failure inspires the author to propose a way out of the impasse, namely by recognizing "popular sovereignty" and the community of values expressed at national levels as irreplaceable. Put simply, the nation-state must be brought back in as the most realistic level for achieving democratic legitimacy.

Such a proposal for a Europe of nations might seem trivial and frequent in today's political climate. Yet, European Disunion is still distinct from the more academic work on the conflicts of sovereignty in the EU (RONE ET AL. 2023), other essays critical of the strong role of executive and judicial bodies of the EU (GRIMM 2017), and more concrete proposals for change in the name of democracy (HENNETTE ET AL. 2019). Auer's essay skillfully integrates political theory, especially Carl Schmitt's critique of liberal supranational projects, with a political analysis of recent events (based on public sources). It is a work intended for a broader audience and an ambitious endeavor that draws on both Auer's academic work and his interventions in the public debate as a commentator writing for *Politico* and other outlets.

Auer's account of the capability and legitimacy gap between the EU's stated goals and the reality of its actions then considers more

particularly the stress-test of Russia's invasions of Ukraine and the lessons of the Central and Eastern European (CEE) post-1989 experience. Once again, the critique of technocratic limits of the law-centered European integration evokes earlier debates that emerged during the early 2000s, another pivotal era in the history of the Union. Taking Russia as a stress-test of the EU's power recalls a much earlier essay by Zaki Laïdi (2003), who contrasted the normative power of the EU based on regulations and soft power to the more traditional power of Russia, which is based on military force, energy and realpolitik. Auer's call to take seriously national identities as well as the attitudes of disaffection towards supranational elites, reminds one of, among many others, René Cuperus's (2006) text on the *"vulnerability of the European project"*. The novelty of Auer's piece thus comes not only thanks to his style but also by bringing this kind of critique to the context of today's disorder.

The book is elegantly written and clear in its argument even though the hybrid genre of an academic essay for wider audiences makes the exercise of a review in a scholarly journal challenging. Auer's appeal for a more "modest" EU building on the sovereignty of nation states covers a broader palette of cases and perspectives, however, and is deployed in five chapters, including the introduction. They address the lessons of the euro crisis and the migration crisis (chapter 2), of Brexit (chapter 3), and of Russia's invasion of Ukraine since 2014 (chapter 4), ending with the lessons from "anti-EU rebellions" in CEE (chapter 5), a conclusion and an author's note reflecting on the first month of Russia's full-scale war in Ukraine in 2022. Rather than engaging in a comprehensive debate with Auer's perspective on EU integration, which would necessitate a book-length discussion, I address several ambiguities that undermine the book's persuasiveness, concentrating primarily on the utilization of the post-1989 CEE experience. Before that, however, I will briefly address a more general point related to the architecture of the argument. I will then conclude with a questioning of the relevance of the sovereignty prism for a CEE-centered assessment of the EU's governance.

## IS THE EU A SUPRANATIONAL TECHNOCRATIC BEHEMOTH?

Though not novel, the criticism of a technocratic Union resonates well in times of a general demise of technocracy's appeal that is concomitant to the revived ideological polarization. The domestic political isolation of the French President Emmanuel Macron, once an incarnation of the centrist promise of expert rule, and the radicalization of CEE's once champion of "technopopulism" (BICKERTON – ACCETTI 2021) Andrej Babiš do indeed testify that the technocratic aspirations to bypass ideology and agonistic politics are becoming increasingly out of vogue. Auer is clear about where he stands in this trend.

However, one can take issue with his method leading to criticism of the EU's governance. Auer reduces the EU studies literatures to those focusing on a law-based supranational integration while conflating the narratives originating in the neofunctionalist theory with the supposedly actually shared aspirations of the different actors of EU integration (as if they all pursued the ideal of a "superstate"). Using this caricature, he then proceeds to argue that the already fragile liberal democracy can best be pursued in the framework of a nation state. Referring to Böckenförde's dilemma (p. 82–83), he can then stress that democracy requires a homogeneity of shared values, pointing to the communitarian strand of democratic theory.

Such a simplification of how the EU works provides an all too easy target, even though a tension between supranational authority and national governments is one of the defining features of the "really existing EU". As much as there has been a plurality of competing projects for the EU among transnationalists, as historians of integration show (WARLOUZET 2022), there have also been areas where the "supranational" and "intergovernmental" dimensions have each been more or less important. From another standpoint, political sociology has described EU politics not so much as a supranational haven of technocrats, but rather as a specific "field of power" centered around the work of public policy production, where a variety of actors, including myriads of national officials, experts, and politicians, compete for power and positions (GEORGAKAKIS – ROWELL 2013). Put simply, the EU is a more conflictual beast than Auer is ready to admit.

## PLACING THE CENTRAL AND EASTERN EUROPEAN EXPERIENCE CENTER STAGE

One of the refreshing aspects of Auer's book is its exploration of the complex relationship between EU membership and the rise of illiberal leaders in Central Europe. Born in the region himself, Auer draws a causal link between them as he claims that the *"historic irony is that illiberal leaders have flourished in the countries of Central Europe, not despite their membership in the EU, but to some extent because of it"* (p. 27). According to Auer, *"populism found fertile soil in a number of new member states [...] owing to the sense of powerlessness induced by the previous governments' reliance on the rhetoric of necessity"* because populists promise to "reclaim agency" for the people (p. 28). Here, again, Auer might be painting a simplified picture that fits his own argument and intellectual conviction.

In looking at what EU membership has brought to the post-communist democracies, Auer makes at least two interesting points. First, when analyzing the emergence of radical national conservative governments that have openly turned their backs on liberal democracy, Auer rightly takes a step back from narratives on "democratic backsliding". He points out that this framing of Poland and Hungary's radical conservative governments in terms of transgressing the principles of liberal democracy, although perfectly understandable considering the expectations of stabilization through integration, reproduces the biases of transitology. This is done by presupposing a linear development from authoritarianism to liberal democracy and a "golden age" of democratization preceding that of "backsliding". Instead, he invites a critical look at the 1990s, which is indeed a research agenda with great potential thanks to today's 30 years of hindsight and the availability of new sources with which to study this period. What is more, Auer stresses that *"the superficial adaptation of Western institutions and practices"* (p. 149) helped the former communists convert themselves into democrats and capitalists (a process that Auer disparages), fueling in turn the criticism of the transformation. One can indeed agree that the very peculiar appropriations and realizations of "democratic capitalism" in CEE added to the disillusionment with both the architects of the transformation and the metanarrative of westernization.

The second interesting point of Auer's take on the CEE experience that I want to stress is the assertion that the *"anti-EU rebellions"* also result from the failure of other political actors to articulate a discourse on the national community – from liberal, left or other positions – and thus their leaving it to nationalists alone. It can be said, indeed, that when post-communist voters were long presented with a choice between political offers articulated around neoliberalism and those articulated around nationalism, after an initial period of consensus on belt tightening and "catching up", nationalist and sovereigntist agendas started recording success. Auer portrays the Polish PiS and the Hungarian Fidesz governments, for instance, as showcasing the inevitable fallback on nationalism where political power seems to shift towards more distant elites with no guarantees of accountability. The absence of a "social contract" with those more distant elites (be they political, administrative or economic) can then feed the support for a "return" of power, even to corrupt local elites. Auer's call to rediscover the tradition of 19th century liberal nationalism does sound appealing in this context and builds on his previous work (AUER 2004). Other ways out of the neoliberalism vs. nationalism predicament are also possible, such as a renewal of a liberal socialist tradition.

However, Auer's synthesis of the CEE experience and EU membership relativizes the autocratic transgressions against political and media pluralism, the separation of powers, independent control of the state and non-discrimination a little too much. In other words, he offers a selective reading of the post-1989 history that fits his main argument in support of an EU integration that would be more respectful of national sovereignty and gives an ambiguous account of CEE's radical conservative leaders. The very labeling of Viktor Orbán's governments as well as the PiS governments as *"anti-EU rebellions"* and as *"provocative"* is questionable insofar as it espouses their own self-representation as forerunners of a resistance to "Brussels". Furthermore, the book presents their opposition to liberalism as entrenched in a different *"prioritization of values"* as reflected by the different value hierarchies in these societies. Auer is of course right to argue that there is a substantial or thick ideology behind "populist" leaders, which is why the adjective is increasingly criticized as imprecise (see SZELENYI – CSILLAG 2015; ZALEWSKI 2016). He also acknowledges that the "methods" employed by Orbán or Kaczyński were "unsavoury" (p. 152). Yet, at times implicitly, at times explicitly, Auer's discussion of these differences in value

hierarchies simply means a discussion of culture war themes, such as sexual and gender minority rights, themes politicized by the very national conservatives as symbols of the alleged imposition of foreign norms on national communities, usually in combination with memory and identity politics (BARŠA – HESOVÁ – SLAČÁLEK 2021). The presupposed equivalence between culture, nation and value hierarchies would itself require a separate analysis, not to speak of the missing recognition of the historically deep-seated and still vivid cultural and political pluralism within CEE societies.

Auer shares the reading of the recent disputes about "values" that sees the issue as the EU's supranational bodies imposing their definition of democracy, freedom and equality on member states without political legitimacy and in a manner akin to imperialism (p. 161). In his analysis, Auer agrees with Glyn Morgan's criticism of the EU's normative power in terms of *"'the Centre forcing the abolition of all cultural practices incompatible with freedom and equality as the Centre understands those terms'"*, where Morgan adds that *"'the Periphery finds that it can no longer ban gay marriage, discriminate against local minorities, or refuse to accept refugees'* (MORGAN 2020: 1428)*"* (quoted p. 161). Auer goes on to say that such an approach *"undermines (the EU's) democratic credentials and erodes the basis for liberal nationalism in Europe. [...] What legitimacy does 'the Centre' have to decide how those basic values – freedom and equality - are to be understood? And who is to be 'the Centre' anyway, France, and/or Germany? Or, moving away from nations, should it fall to the European Commission and European Courts to define what constitute the basic values underpinning a 'European Superstate'?"* (p. 136). The defense of liberal nationalism thus turns into Auer's own provocative reflection about the EU's legitimacy in sanctioning the Polish or Hungarian radical conservative governments, for discrimination or anything else, which suggests that disputes about democracy, rule of law or equality should be settled at national level.

When it comes to detailing what values of CEE societies might be in danger, the argument mostly boils down to culture war issues. According to the author, the protection of minority rights risks going too far, becoming *"another version of TINA" – "'there is no alternative' to progressive liberal values on a number of issues, such as nationalism, religion or LGBT rights"* (p. 169). However, the analytical frame of "value conflicts" prevents Auer from seeing that the politicization of gender and sexuality in CEE contexts gains salience to a great extent as a fill-in critical narrative of neoliberal

transformation (GRAFF – KOROLCZUK 2022) and gains traction in the absence of a more important plurality of critical narratives of transformation and westernization. As such, then, its success represents one of the effects of the reduced ideological offer in CEE politics that the author himself laments. In addition, such a narrow focus on minority rights as a new "TINA" draws a distorted portrait of the reality of minority rights in CEE. In other words, it may appear as if in countries where sexual and gender minorities are still moving targets of verbal and physical violence (see the terrorist attack in a bar in Bratislava known as a safe haven for LGBTI+ people on 22 October 2022, where two people died and one was left heavily injured), liberal policies were going too far and were being imposed from the outside. Yet the equality of rights and freedoms is entrenched in the countries' very own constitutions and as the author surely knows, the EU did not interfere in Poland's de facto ban on abortion of 2021 (actually dating back to the 1990s, when a lighter version appeared), or in Slovakia's constitutional exclusion of the principle of same-sex marriage (back in 2014). He nevertheless shares Frank Furedi's criticism of "illiberal anti-populism", a term that can refer to "cancel culture" as well as to the EU's rule of law policies, and suggests that *"authoritarian liberalism"* (p. 160) is as important a threat to democracy as *"populist transgressions against judicial independence"* (IBID.).

In the end, Auer's book thus skillfully deconstructs the anti-democratic tendencies of EU technocracy while simultaneously risking being an apologetics for conservative authoritarian tendencies in CEE. First, his claim that matters such as the rule of law should be dealt with by national politicians at home instead of by technocrats in Brussels fails to acknowledge that the very same politicians in Budapest, Warsaw, or elsewhere that would deal with these matters at home, variously manipulated the related judicial reforms, politicized intelligence services, captured public media or distorted the electoral system in their favour (see the OSCE's report on the 2014 Hungarian elections, for instance (OSCE 2014)). Moreover, the discarding of court decisions as technocratic also includes the labeling of the work of the constitutional and high courts at national level as too technocratic to decide on what kind of democracy the people demand. Such a delegitimization of the judicial branch of power calls for forms of plebiscitary democracy rather than liberal democracy in the sense of a constitutional democracy based on a separation of powers and the protection of individual rights and freedoms.

## THE SOVEREIGNTY PREMISE

Finally, a question that the book raises is one about the heuristic potential of the focus on sovereignty in the assessment of European integration. The organization of the book's argument around sovereignty undoubtedly gives it coherence, yet steers the argument in ways perhaps too narrow even in the author's own judgment – when analyzing Brexit, for instance, Auer indeed concludes by saying that *"if we are serious about our commitment to democracy, we must remain open to the idea that there is not one correct answer to the question of an appropriate location of sovereignty, or whether sovereignty as a term is relevant in the first place"* (p. 98). At the same time, the concentration on sovereignty is justified in the book precisely by the premise that "popular sovereignty", which is indispensable for democratic governance, travels to Brussels in national governments' suitcases.

Auer smooths away the ambiguity about the primacy of national sovereignty or of democracy in his argument at the cost of a series of omissions and simplifications. For instance, the book does not mention the massive importance of bottom-up calls for the EU to safeguard the rule of law that were explicit in CEE in parallel to the "anti-EU rebellions" (e.g. the EU flags in mass demonstrations critical of government leaders and/or policies in the Czech Republic, Slovakia, Poland and Hungary). Relatedly, Auer's assertion that the 1989 revolutions were about retrieving national independence more than about democratization is imprecise – they were both, and large parts of CEE indeed viewed accession to the EU precisely as an additional layer of protection against the arbitrariness of political power. Moreover, by disregarding the public opinions and mass mobilizations in CEE over the past decade (e.g. the *Czarny protest, Strajk kobiet*), Auer also reproduces the opposition between "liberal values" on cultural issues as supranational impositions amounting to imperialism, and CEE societies' traditionalism and conservatism on these issues.

In a way, the sovereignty perspective closes the analysis off from a more dynamic view, isolating it in a rather static and generic opposition between the nation state as the main point of return of democratic aspirations, and the EU as an actor taking sovereignty away from the states. Auer does allude to this on the margins, but the role of Europeanization in

the weakening of national sovereignty cannot be separated from the much wider impacts of the globalization and financialization of economy that, as Wolfgang Streeck and others have argued, put Western democracies under strain already in the 1970s (FOURCADE-GOURINCHAS – BABB 2002; STREECK 2014). When reading *European Disunion*, then, this focus on conflicts of sovereignty prompts a reflection on alternative angles for a critical appraisal of EU politics. Among the options, the questioning of the distribution of power among the diversity of actors producing EU public policy, built on a conception of the EU institutions as arenas of competition between these various national, international and supranational actors, public and private, appears to me as a more fruitful entry point, especially from a CEE perspective. In other words, what would a more balanced distribution of power and a more accountable exercise of power in the EU look like from the perspective of "member states" in the strong sense of the term situated on the economic semi-periphery (with the EU or without it), where – eminently in Slovakia, Poland or Romania – families are at least as transnational as they are "traditional", stitching their life trajectories under multiple skies and across territories of national sovereignty?

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