Is the European Parliament
Committed to Liberal Democracy Anymore?

The Political Discourse in the European Parliament:
Norm Contestation of Liberal Democracy

by

D. Benitez

Submitted in partial fulfillment of the requirements for the degrees of
Master of Science, Global and European Studies, University of Twente and
Master of Arts, Westfälische Wilhelms-Universität Münster

2019

Supervisors:

Dr. Shawn Donnelly
Faculty of Behavioural, Management and Social Sciences
University of Twente

Prof. Dr. Oliver Treib
Institut für Politikwissenschaft
Westfälische Wilhelms-Universität Münster

Abstract

This paper deals with the (reactive and proactive) contestation of norms of liberal democracy inside the European Parliament (EP), particularly by Members of the EP (MEPs). The focus is on key plenary debates relating to developments in Hungary, Poland, Malta, Romania and Spain. By using discourse analysis, the researcher first, assesses the contested interpretations of liberal democracy among MEPs and second, reveals the underlying patterns of position taking by taking into account regional and EP party group affinities. It shows that some values and norms that the EU basically has been founded upon are being eroded by the new profiles of normative contestation that however strongly pertain to ideological considerations. The results yield that a transformative change depends on the outcome of the European Parliament elections this May.

Key words Norm Contestation, Liberal Democracy, Rule of Law, Freedoms, European Parliament, Discourse Analysis

List of Figures

List of Tables

List of Abbreviations

ALDE	Alliance of Liberals and Democrats for Europe
CEE	Central and Eastern Europe
DRF Pact	Pact on Democracy, the Rule of Law and Fundamental Rights
ECR	European Conservatives and Reformists
EEC	European Economic Community
EFDD	Europe of Freedom and Direct Democracy
ENF	Europe of Nations and Freedom
EP	European Parliament
EPP	European People's Party
ECSC	European Coal and Steel Community
EU	European Union
Euratom	European Atomic Energy Community
Greens / EFA	Greens / European Free Alliance
GUE / NGL	European United Left/Nordic Green Left
IR	International Relations
LGBTQ Community	Community of Lesbians, Gays, Bisexuals, Transgenders and Queers
MEP	Member of the European Parliament
NI	Non-attached
S&D	Progressive Alliance of Socialists and Democrats
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

Table of Contents

1   Introduction

"In every family, there is an enfant terrible... I prefer to keep my enfant terrible within the family and to speak with him and to be able to reason with him," said Joseph Daul, President of the center-right European People's Party (EPP) in the context of the party group's reluctance to take tougher action on its Hungarian member Viktor Orbán who is frequently criticized for his autocratic behavior and for violating some of the EU's fundamental values (Emmott, 2018). But recently, although the EPP is "a big family, which can have its differences", Orbán has "overstepped the red line", according to Daul (Anderson, 2019), before his party group decided to suspend the Fidesz membership. What has caused this shift, creating such *irreconcilable differences* between EPP representatives on the one hand, and Orbán on the other? And speaking of the Hungarian *enfant terrible*, what if the Union currently bemoans several black sheep within its liberal democratic family that not only strain its nerves but seriously impair the harmony within the family by questioning its long-held values? As Corazza Bildt, MEP in the EPP Group has emphasized, "the strength of our European family is the rule of law. It is about shared values and democracy [...] and the family cannot be fully functioning if one of the Member States breaches the trust between us" (Poland, 2017). Yet besides Hungary, also Poland, Malta, Romania, and others have been accused of failing to uphold EU values over the past years, leaving us with the question of how the Union can and should deal with these Members.

1.1   Background and Problem Formulation

Liberal democracy is in crisis. Not only in Europe but in parts all over the world, we can witness a "democracy recession" (EIU, 2018, p.3), and the liberal democratic order that has spread after the fall of the Iron Curtain is increasingly challenged by new profiles of normative contestation. Surprisingly, this phenomenon is occurring unexpectedly such as in the heart of the European family, thereof posing a threat to any liberal democracy previously thought to be solid.

Whereas one can blame several factors for this democratic backsliding, yet, it is equally important to understand why leaders of supposedly stable democracies challenge the norms that have shaped inter-national relations for the past decades. What do they contest? Already in 2014, Hungarian prime minister Viktor Orbán gave a speech that has come to be known as his speech on *illiberal democracy*. According to him, a movement is underway that tries to understand "how systems that are not Western, not liberal, not liberal democracies and perhaps

not even democracies, can nevertheless make their nations successful" (Orbán, 2014). According to him, the concept of liberal democracy is in many respects incapable of committing itself to serve the interests of the nation and as a consequence, he wants to construct a new Hungarian state, "an illiberal state, a non-liberal state" (Orbán, 2014). But how is this illiberal state different from the liberal democratic state that we used to know, and can such a state that rejects fundamental norms and principles continue to exist inside the European Union?

Especially in the context of the European Union that is oftentimes labelled a *Wertegemeinschaft*, a community of values, the question arises to what extent its values are still endorsed by its Members. Basically, these values must be translated practically into norms that are widely accepted, shared and promoted in and outside the European Union.

This makes a discussion of principal norms such as liberal democracy so relevant, "as [the EU's] ability to shape conceptions of 'normal' in international relations needs to be given much greater attention" (Manners, 2002, p.239), as it is "ultimately, the greatest power of all" (p.253). In the scholarly debates, these features of the EU to act as a norm setter and enforcer are usually referred to as its *normative power*, "as a soft power organization guided by a normative vision" (Zamfir & Dobreva, 2018, p.1). In the end however, this power to enforce norms, basically to tell others what political, economic and social institutions they should have must be investigated more closely inside the framework of the European Parliament in regard to how it confronts Members that are willing to contest fundamental norms of liberal democracy. This will have wider implications for the future of the European project as a whole.

1.2 Research Question and Sub Questions

So, as the title of this thesis already suggests, the overall aim is to investigate whether the European Parliament is committed to liberal democracy anymore. This is linked to the extent to which norms of liberal democracy are either generally shared or contested as articulated by individual Members of the European Parliament (MEPs). Therefore, the research question of the paper can be formulated as follows: '*In how far are norms of liberal democracy contested in the political discourse of Members of the European Parliament in its current composition?*' This question aims to determine on the one hand, whether there is contestation as regards norms of liberal democracy and on the other hand, how strong this contestation is playing out by distinguishing reactive and proactive forms of contestation. So, this primarily relates to *what* exactly is contested.

Subsequently, to systematically answer the overall research question, several sub questions guide the process.

The first sub question serves as a foundation for the normative discussion of liberal democracy by combining descriptive and conceptual components: '*What is the concept of liberal democracy composed of?*'

In this respect, the second sub question builds on the first one as it aims to explain '*Why and how is liberal democracy an international norm promoted by the European Union, particularly the European Parliament?*'. Given the empirical focus on EP plenary debates, it must be established to what extent the EU constitutes norms of liberal democracy as it has consequences for the validity of norms in its Member States. Therefore, it is settled first, how the EU defines a norm such as liberal democracy, paying regard to its constitution and enforcement in the European framework. And second, the pivotal role of the European Parliament is emphasized.

The third sub question subsequently focuses on '*What is contested about liberal democracy?*' as it is fundamental to understand what is actually disputed about liberal democratic norms and what is promoted instead.

Ultimately, the fourth sub question draws attention to: '*Is there a certain pattern detectable in the European Parliament discourse as regards position taking on norms of liberal democracy?*' It aims to generally identify what is contested *by whom* and whether MEPs position themselves with regard to national or regional considerations or in line with their commitment to an EP party group. For this purpose, two research assumptions have been established.

The first research assumption presumes regional position taking: *MEPs, through speeches given during EP plenary debates, position themselves according to their regional affiliation specifically supposing an Eastern versus Western European pattern.*

The second research assumption presumes EP party group position taking: *MEPs, through speeches given during EP plenary debates, position themselves according to their affiliation to the EP party groups specifically supposing a Left versus Right pattern.*

1.3   Social and Scientific Relevance

Socially, the relevance of posing these questions can be linked to the European elections this May when people in all Member States will decide on the future course of the European Parliament. The elections will show what kind of political system Europeans want as it is basically a decision between Macron's articulated ambitious vision of a *Renaissance européenne* (Macron, 2019) or Hungary's nationalist vision of a *Central European renaissance of overwhelming power* (Orbán, 2019). So, the current crisis might point at a more comprehensive *Grundsatzdebatte*, a fundamental debate about those norms that are the foundations of the European Union.

Specifically, adherence to and the respect for liberal democratic norms by countries' political actors affect everyone since laws and institutions do not suffice to safeguard democracy as we can observe, the forces undermining liberal democracy today are oftentimes the result of democratic elections. Instead, *liberal* norms serve "as the soft guardrails of […] democracy" (Levitsky and Ziblatt, 2018) and without such robust norms, constitutional checks and balances are not effective given that norms of liberal democracy principally limit the power of the executive branch to protect individual freedom. Thus, the preliminary focus is on the *liberal* component of liberal democracy.

Scientifically, this work places itself at the intersection of European Studies, as the European Parliament is a common subject of political science studies that focus on the dynamics of party politics and elections, and the International Relations literature on norm contestation, specifically focusing on norms of liberal democracy.

In his infamous article, "The End of History?", a quarter-century ago, American political scientist Francis Fukuyama (1989) announced the definitive victory of liberal democracies over all other competing forms of government given the foreseeable end of the Cold War. In this context, various studies have been conducted on the transition of post-Communist countries towards democracy, particularly on how democratic elements are consolidated in former autocratic regimes. But what about the resilience of liberal democratic regimes that were thought to be stable? How can we explain their decline? Whereas the success and durability of liberal democracy as the predominant type of regime has recently been questioned by various academics and policy makers alike. The role that norms play in this context and why the discussion of norms is actually so essential have long been neglected concerns. Only recently, norms have been increasingly given scholarly and media attention (Gopnik, 2017). Particularly, the study of norms has been revitalized by Constructivists determining the conditions of how

and why norms emerge and change over time, thereof influencing not only individual but also state behavior. However, it is time to turn the tables and ask to what extent state behavior and individual interests can affect norms. Basically, recent theoretical developments in norm research have revealed a more agency-oriented approach to explain why the constitutive impact of norms varies across states. So, the interest has shifted towards the potential conflictual impact of divergent norm interpretations given that the actual meaning of a specific norm might differ in the contexts of norm implementation (Wiener, 2009). This leads us to consider ambiguity of and contestation over norms as an important aspect in world politics that is often overlooked in International Relations as Constructivists haven often overstated the consensus that exists over norms (Hurd, 2005). In that sense, the concept of contestation has been included in IR discussions in the 2010s. As will be taken up below, it is fundamental to see how contestation will play out at the European level as "it is clear that counternorms to liberal democracy have taken root and are helping authoritarians to retain power" (Cooley, 2015, p.60) as well as given the statements of for instance Orbán, they are more than willing to "re-shape the norms of the international order" (Walker, 2016, p.10), pointing to a probable transformative change inside the Union.

Given that norms, their robustness and change, are now understood in relation with practices of contestation by individual agents, this includes a conceptual shift from "norms *as* structures towards norms *within* discursive structures or larger practices" (Wiener, 2018, p.6). Hence, this paper adopts a discursive approach by focusing on European Parliament plenary debates as it allows us to focus mainly on the stakeholders and discover what kind of contested norm interpretations are coming to the fore, taking MEPs as the units of analysis.

1.4   Methodology and Thesis Structure

This section discusses how the research will be conducted. First, the research design is presented, discourse analysis in particular. Subsequently, I describe the case selection regarding the European Parliament debates before explaining the methods of data collection and data analysis. Ultimately, limitations of this approach are discussed.

1.4.1   Research Design

Via discourse analysis, it is generally possible to dismantle the meaning of a concept through the study of language-in-use by interpreting it as a construct of its social environment (Gee, 2010). Hence, it embraces a "strong social constructivist epistemology" (Phillips & Hardy, 2002, p.2) that helps to understand why liberal democracy has a particular meaning in today's context and how it is constructed and contested in a transnational forum such as the European Parliament. Given the flexible character of norms, particularly with respect to the concept of liberal democracy and its various components, analyzing debates by MEPs should provide valuable insights how they are understood across different (national) contexts and whether this results in a rather consensual or contested application in the European Parliament (Gee, 2010).

Ergo, this approach is a "reflexive - as well as an interpretative - style of analysis" (Phillips & Hardy, 2002, p.5) by examining details of speech or writing that are deemed on the one hand, relevant in the context and on the other hand, relevant to the arguments that the analysis attempts to make (Gee, 2010). So, in a discourse analysis, one must not only consider the discourse itself but also the context in which the discourse takes place particularly as regards the European Parliament; the reason for choosing the European Parliament will be elaborated below. However, not only the immediate, say "verbal environment" (Widdowson, 2008, p. 58) matters for a successful discourse analysis but for interpreting what is meant by a specific statement, one must necessarily make a contextual connection as regards the time and occasion of the debate.

1.4.2   Case Selection

For this research's purpose, European Parliament plenary debates have been chosen.
The European Parliament is the only directly elected institution of the EU that represents the interests and opinions of the European people; hence, it can also be termed "the citizen's voice in the EU" (European Parliament, 2016). It depicts the primary way through which the people participate in the process of policy-making in the EU, thereof providing an important channel of democratic legitimacy. In the recent years, the European Parliament has increasingly engaged in matters concerning the rule of law and democracy; in this respect, the European Parliament's role "as a guardian of liberties, human rights and democracy, both in Europe and beyond" (European Parliament, 2016) has been widely recognized.

The decision to focus on EP plenary debates rests upon the premise that in a democratic system, *public debate* not only reflects the freedom of expression and of speech but forms an essential part of the decision-making process. Since the European Parliament is a consensus-based body, it guarantees that a variety of actors' preferences is duly taken into account and discussed in the plenary. It not only gives a chance to express one's standpoint vis-à-vis each other but importantly, it entails the opportunity to change the other one's opinion about a certain issue.

Specifically, the Members of the European Parliament (MEPs) depict the focal point that are directly elected in the European elections. MEPs form party groups based on their political affinity instead of their nationalities, of which there are currently eight representing all ideological tendencies. Some MEPs however are not affiliated to any group and are known as "non-attached" members (European Parliament, 2018b).[1] In this regard, we are confronted with a hybrid political system in which MEPs are not only accountable to their national party but also to their European party group. Thus, if a national party position differs from the position of the EP party group, the MEP might either be rewarded or punished (Proksch & Slapin, 2009). This trade off that the MEPs face is particularly interesting in our cases as there is for example a lot of controversy surrounding Orbán's Fidesz membership in the European People's Party. It also highlights that there can be a lot of intra-party variation regarding the MEP's positions that makes it difficult to aggregate them to a single national or European scale.

In order to reveal the MEP's positions on specific issues, there are two possibilities. On the one hand, one can have a look at the speeches during the plenary debates or on the other hand, one can investigate the votes they subsequently take on legislative proposals and resolutions. Whereas the latter has been the primary source of data to study MEP's revealed position taking in the European Parliament, legislative speeches have long been an unexplored source (Proksch & Slapin, 2009). However, voting behavior merely reflects being in favor or against of the proposal or resolution, or abstaining from voting but it offers no nuanced understanding or argumentation of the vote. While votes have a direct effect on policy outcomes, speeches however allow for a more detailed explanation of policy positions. Respectively, also the content of the MEP's speeches may differ from their voting patterns (Proksch & Slapin, 2009). For that reason, each debate has been analyzed carefully by the researcher to determine whether the MEP has either a "positive", "negative", or "not explicitly stated" position toward liberal democracy. This rests upon the researcher's interpretation whether someone has stated positive

---

[1] An overview of the current composition and the allocation of seats in the eight term of the European Parliament can be found in the Appendix (Table I).

remarks regarding norms of liberal democracy, particularly pointing to breaches of them by individual Member States, whereas others have focused on counter arguments for explaining why no breaches have been committed. The last category relates to those who have not explicitly stated whether they support or disapprove the arguments brought forward in the plenary.[2]

Before examining several selected debates, it is useful to get a quick catch-up on how European Parliament debates take place.

The 751 MEPs hold their plenary sessions every month in Strasbourg (France) lasting four days. Additional part-sessions are held in the Chambers in Brussels (Belgium). Primarily, these debates are held on legislative and non-legislative reports on a wide range of topics, though, they are also concerned with the supervision of the other EU institutions as well as with cases of 'breaches of human rights, democracy and the rule of law' and short-notice reactions to crucial events (Proksch & Slapin, 2009). The plenary sittings are chaired by the President of the European Parliament who opens the sitting and who is responsible for calling upon speakers and ensuring the proper conduct of the proceedings in line with the rules of procedures of the European Parliament (European Parliament, 2018c). The European Commission and the Council of the European Union take part in the sittings as well.

A central element of the plenary sittings is the allocation of speaking time according to the following criteria: "a first fraction of speaking time is divided equally amongst all the political groups, then a further fraction is divided among the groups in proportion to the total number of their members. MEPs who wish to speak are entered on the list of speakers in an order based on the numerical size of their group. However, a priority speaking slot is given to the rapporteurs of the committees responsible and to drafts men of other committees asked for an opinion" (European Parliament, 2018b). Limitations to this will be discussed below.

Analyzing all debates that somehow deal with norms of liberal democracy would in fact be too time consuming and extend the scope of this paper. Therefore, the choice has been based on the following factors: *First*, as the research interest is not in the evolution of the discourse on liberal democracy over time, the current EP term from 2014 to 2019 has been chosen. Indeed, as explained in the introductory part, the discussion on the erosion of liberal democratic norms in the European Union is a rather recent phenomenon. *Second*, the case selection has been issue-specific by concentrating on a few speeches that are considered relevant or representative for

---

[2] An overview of each debate can be found in Tables II – VIII in the Appendix.

the current discourse on liberal democratic norms. On the EP website, it is possible to either "search by speaker" or "search by word in title"; for this research's purpose, several key terms were inserted as regards for instance *democracy*, *rule of law*, *freedom* or countries where scholarly and media discussions already pointed at a possible contestation of liberal democracy.

Reflecting a purposive sampling, the following cases were selected.[3] There are two specific debates on the need for an EU mechanism on democracy, the rule of law and fundamental rights (EU Mechanism, 2016; EU Mechanism, 2018). Moreover, there are five country-specific debates on the situation of democracy in conjunction with the rule of law and fundamental rights in Spain (2017), Malta (2017), Poland (2017), Hungary (2018) and Romania (2018). I will shortly point out the specific contexts of the debates.

As already alluded to in the introductory Chapter, *Hungary* deserves particular scrutiny due to the current controversy surrounding the Hungarian government in the EU. There have been frequent debates but the one investigated here concerns the triggering of Article 7 TEU considering various ambiguous reforms since 2010, primarily aimed at consolidating the executive power. To name just some examples, the constitutional reforms initiated by the Fidesz party first and foremost undermine judicial independence by changing the Constitutional Court's composition and jurisdictional power. However, various comprehensive constitutional amendments and cardinal laws were introduced that inter alia challenge media freedom, academic freedom (with the most prominent example being the Central European University) and the situation of civil society organizations. (Hungary, 2018)

Likewise, in the year before, *Poland* was the first country where an Article 7 TEU procedure was launched. Similar to the Hungarian case, the Polish PiS government initiated changes shortly after its electoral success that target on the one hand, the independence of the judiciary, primarily the Polish Constitutional Tribunal and on the other hand, it passed legislation attacking the public media. Besides, the debate dealt with diverse issues such as the missing protection and acceptance of minorities as regards first and foremost women's and LGBT rights, the prosecution of peaceful demonstrators as well as the tolerance of xenophobia, racism and neo-fascism in society. (Poland, 2017)

---

[3] ibid.

Following the contested Catalan independence referendum in 2017, the EP set an emergency debate on the situation of the rule of law and fundamental rights in *Spain*, particularly in the wake of the police violation with which the separatist demonstrations have been encountered after the referendum was deemed unconstitutional. (Spain, 2017)

Moreover, *Malta*'s rule of law situation was addressed in the European Parliament in 2017. In the wake of the murder of journalist Daphne Caruana Galizia, the debate mainly centered around freedom of expression and media freedom. Yet, it also considered serious flaws in the Maltese political system primarily as regards corruption. (Malta, 2017)

Finally, despite *Romania*'s long efforts for fighting for freedom and civil liberties and overthrowing a dictatorship, there has been a considerable backlash since 2017 given the changes to the judiciary that would risk undermining judicial independence and the fight against corruption. (Romania, 2018)

1.4.3 Data Collection and Method of Data Analysis

As mentioned before, data is primarily collected via the official European Parliament website. It centers around political speeches given by MEPs in selected plenary debates as these provide useful and valuable insights into their positions on liberal democratic norms. To underline some statements or find further proof for the politicians' positions, interviews, documents and records (written and spoken language) as well as newspaper articles might be consulted as well. This transparency in data gathering enhances the paper's reliability.

The data is then evaluated qualitatively via a textual analysis of the statements made by MEPs in the plenary sessions. Accordingly, the analysis is based on observational and non-experimental methods as it allows for an in-depth study of the rhetoric and substance of individual statements without using a specific coding scheme.

Certainly, there are also difficulties and limitations with regard to this research methodology that I will shortly elaborate on. *First and foremost*, although the European Parliament depicts an interesting case for the study of cross-country position taking, the fact that there are so many political views represented in the EP makes it difficult to establish a clear structure or pattern in a later stage. Moreover, certain views might be underrepresented due to the finite amount of speaking time. Given that each political group decides on the speakers, some MEPs presenting dissident views might be prevented from taking the stage. Despite the official speeches, part of the debate also contains the "catch-the-eye" procedure where Members in the Chamber can

indicate the wish to speak. However also during this procedure, time is limited, and the EP President can decide who is allowed to speak if he or she gets many requests. This indicates again at the difficulty to extrapolate from the individual to the national or European party level and rather consider individual position taking as this results in a higher validity.

Second, the European Union is a multilingual political system and hence, also EP plenary debates are conducted in 24 languages (European Parliament, 2018b). The compilation of speeches, known as the Verbatim Report of Proceedings (short CRE for *Compte Rendu in Extenso* in French) is published after every debate and appears in the language used by the speaker (European Parliament, n.d.b). In fact, to be able to examine political discourses of people with diverse national backgrounds, the researcher must possess a certain level of proficiency in the languages. However, this means that the researcher is highly dependent on translation which might add a different interpretation to the original meaning of a statement. For example, considering the common use of individual narratives and metaphors, these vary across cultural contexts and are language-specific. Translation and interpretation therefore produce additional challenges that may affect the transfer of meaning, thus impacting the study's trustworthiness (Van Nes, Abma, Jonsson & Deeg, 2010).

Third, the external validity must be treated cautiously due to the purposive selection of cases. Although content analysis of speeches provides for a high internal validity with regard to a specific topic, they are however restricted with regard to other areas that go beyond this discourse. It follows that debates in transnational arenas such as the European Parliament are "unlikely to cover the whole story when considered as a 'snap-shot' situation in which interaction is limited according to time and context" (Wiener, 2007, p.56). For this reason, the analysis will provide for the detection of inter-related discourses as regards norms of liberal democracy in the selected cases, however, these might not be generalizable to others, particularly to countries outside the European Union.

1.4.4   Thesis Structure

This article proceeds as follows. It begins with a theoretical discussion of the concept of norms and norm contestation and continues discussing explicit norms in the context of liberal democracy. Afterwards, I will give a concise overview of the evolution of liberal democracy in the framework of the European Union and specify the role of the European Parliament in acting as a transnational arena in which norms are contested. Subsequently, the analysis seeks to

dismantle how norms of liberal democracy are interpreted by contrasting on the one hand how values and norms pertaining to liberal democracy are considered valid inside the EU constitutional framework while on the other hand, its validity claims are contested by domestic ideas and practices. The penultimate section discusses the findings from the discourse analysis and provides an answer to the research question in how far norms of liberal democracy are contested in the European Parliament, distinguishing reactive and proactive forms of contestation. The results and implications of this study are summarized in the concluding section.

2 Theoretical Framework

2.1 Concept of Norms

In this paper, norms are primarily studied from the perspective of International Relations (IR) theory, though including some elements of international law, particularly EU law.

The rise of the concept of norms in IR theory can be located in the 1990s (Wiener, 2018) despite the dominant state-centered view of international relations. Upon that, the main interest of conventional Constructivism has been in norm implementation and norm following as well as in the causes and indicators that trigger behavioral change supposing that state behavior changes in reaction to norms (Wiener and Puetter, 2009). Particularly, researchers have concentrated on the emergence and diffusion of norms specifically in the areas of human rights, the rule of law and democracy (Deitelhoff & Zimmermann, 2013). Contrariwise, recent critical or agonistic research puts more emphasis on the role of stakeholders who engage with each other about norms, hereby focusing on so-called "sites of contestation" (Wiener, 2009) as will be explained below. Accordingly, this newly informed, agency-oriented approach holds that "norms are what actors make of them" (Wiener and Puetter, 2009, p.4); hence, the interpretation of norms largely depends on a broader social context with less formal procedures and reference frames.

So, norm research has become more skeptical by moving from the conception of norms as mere facts towards the potential conflictual impact of divergent norm interpretations within a discursive environment taking norms as "carriers of normative quality that changes through an agent's contestation of them" (Wiener, 2018, p.19). Norms that previously have been described as robust and uncontested are now called into question by stakeholders in relation with practices of contestation (Figure 1). In this regard, norms carry a dual quality, meaning they are stable *and* dynamic. It follows that norms are always inherently contested and thus subject to change:

"no matter how clearly specified, [a norm] always remains 'questionable - a thing of this world'" (Wiener, 2018, p.14).

```
Previous research:     Norms → State behavior        (power of norms)
Recently:              State behavior → Norms        (change of norms)
                                    ↑
                            through contestation
```
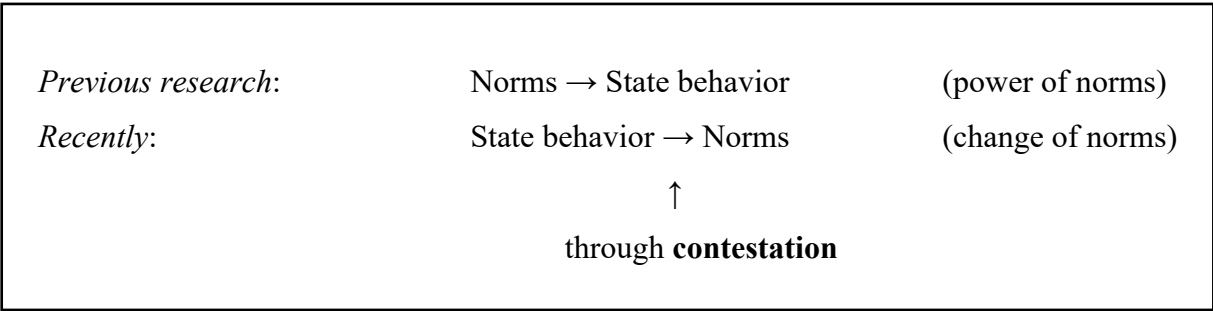
Figure 1: Difference between previous and recent research on norms

In this paper, norms are generally understood as "standards of appropriate behavior for actors with a given identity" (Finnemore & Sikkink, 1998, p.891). Therefore, they reflect not only routines of proper behavior but they also "allow expectations to emerge as to which behavior is appropriate in a specific situation" (Deitelhoff & Zimmermann, 2013, p.4). In the context of international relations, norm compliance however additionally depends on "shared expectations [that are] held by a collectivity of actors" (Checkel, 1999, p.83). Hence, agents in a context such as the European Union generally comply with norms since they accept and share similar conceptions that provide not only meaning for national but also supranational cultures. Particularly for norms of liberal democracy that will be outlined in Chapter 2.2, these "shared normative understandings" (Thomas, 2001, p.17) become considerably relevant as there is currently substantial variation regarding the interpretation of liberal democratic norms among stakeholders in the EU.

2.1.1   Contestation of Norms

So, complying with norms rather depends on their shared recognition than on their formal validity. Accordingly, despite an increasingly globalized and integrated world, the individual level matters significantly to the end that there are individual differences for the way norms matter and are interpreted (Wiener and Puetter, 2009). In this regard, not only norms themselves but also the significance attached by individuals change over time and across specific contexts. This can create "contestation at best and conflict at worst" (Wiener, 2009, p.176). Indeed, contestation should not be mistaken for conflict although it generally refers to the practice of disputing and challenging other views. Instead, already Dahl (1971) acknowledged that opportunities for public contestation are essentially "an aspect of democratization" (p.10), of

legitimate governance. According to Wiener (2007), at first if and when norms are contested, they are likely to spark conflict. Yet, at the same time, contestation is a key condition for democratic governance in the sense that "it is a necessary condition for establishing legitimacy" (p.48) as means to enhance a norm's recognition by enabling input through critique on behalf of the stakeholders (Wiener, 2018b). Contestation can therefore be seen as a means for mutual recognition, to "open oneself to the point of view of the other, to find higher common ground and shared terms to address disputes" (Müller, 2013, p.9).

So, Wiener's observation was that contested compliance lies at the core of international negotiations; this entails a shift of the analytical emphasis from *compliance* (how can compliance be achieved, such as through conditionality, arguing, et cetera) to *contestation* (what is the effect of contestation as a practice of critical engagement) (Wiener, 2017, p.111). Contestation can thus generally be defined as a "social practice [that] entails objections to specific issues that matter to people" (Wiener, 2017, p.112). In international relations, it "involves the range of social practices which discursively express disapproval of norms" (p.112); so, it is basically the process of opposing norms or engaging with them critically. The purpose of this research however, requires distinguishing between two types of normative contestation: On the one hand, it can be interpreted as a social practice via objection to norms (principles, rules, or values) by rejecting them or refusing to implement them – also called *reactive contestation* – through spontaneous social practices, routine legal practices, or the attribution of a variety of meanings to social science concepts (Wiener, 2017). This becomes notable once objection, indicated by the desire to supplant a norm or at least not apply it in a particular issue-domain, is either formulated through language or expressed through behavior (Peterson, 2019). On the other hand, it can be interpreted as a mode of critique via critical engagement about them – also called *proactive contestation* – as an object of normative political theory (Wiener, 2017). Whereas both types first and foremost reveal discontent with the prevailing norm, they follow distinct purposes. While reactive contestation is an indicator of global conflict, transformative change is likely to occur when conflictive engagement about extant fundamental norms involves proactive contestation on behalf of affected stakeholders (Wiener, 2018, pp. 7f.). Through the latter, this reveals the desire to refine a norm with *extant* norms, novel *emergent* and or previously *hidden* norms coming to the fore (Wiener, 2018). Proactive contestation however also depends on the degree to which stakeholders are enabled to engage critically with a norm or whether they are merely expected to implement a norm (Wiener, 2018b). Given the framework of the European Parliament, the investigated MEPs and

government actors are considered to enjoy political agency that generally enables critical engagement with a norm.

Therefore, the analysis seeks to examine specific contestations (expressed in a reactive or proactive way) that are usually practiced on local sites – ergo, the individual background information and local contexts necessarily affect how a norm is interpreted – but given the EU framework, these individual interpretations are put into a global multilogue in the European Parliament. The European Parliament accordingly serves as "the arena[…] in which actors contest norms" (Katzenstein, 1996).

Given that domestically as well as internationally, we live within diverse social contexts with particular historical and cultural circumstances, "distinct and potentially opposed cultures, communities, moral doctrines, ways of life, and religious system cannot avoid mutual confrontation" (Talisse, 2007, p.151). Hence, such a framework "scrutinizes actors' *understandings* of their normative obligations", by concentrating on "ambiguous normative environments in which various actors may differently interpret those obligations and norm enforcers' powers are weakened" (Jose, 2018, p.21). According to Wiener, this process can be summarized via the *logic of contestedness* that posits that "normative meaning is considered to evolve from different cultural backgrounds" (Wiener, 2007, p.52); hence, norm interpretations can vary across distinct (national and international) political arenas. Accordingly, a discourse analysis provides for a deeper investigation into a norm's meaning-in-use to see how a possible clash of distinct, national interpretations of norms of liberal democracy takes place at the international level, particularly in the European Parliament.

2.2   Concept of Liberal Democracy

Without doubt, "we live in a democratic age" (Zakaria, 2004) with democracy being the predominant form of government today extending to about 60 percent of the 195 countries in the world (Freedom House, 2018). Historically, with the end of the Cold War, "the principle of unconditional state sovereignty came into question, so the promotion of democracy became a more explicit ideological objective for the West" (Hague & Harrop, 2013, p.41). In this respect, it appeared that "liberal democracy had won the great ideological battle of the 20th century" (Abramowitz, 2018), thereof fundamentally challenging the then existing alternate (totalitarian) regimes not just in post-communist Eurasia but also throughout Africa, Asia and Latin America.

This paper adopts a minimal definition of democracy *per se*, that connects it to its ancient Greek origin of the word *dêmos* which means "people" and *krátos* which means "power". Thus, it basically implies *power* or *rule of the people* (Plattner, 2010). Given that the EU is an association of democratic states, this paper presupposes that the investigated cases share the basic characteristics of *free* and *fair* elections that are the integral features of *the rule of the people* in a democracy. Accordingly, there must be a framework for political competition that allows independent opposition parties and candidates to participate in fair political campaigning and elections. To further guarantee democratic legitimacy, all eligible voters must be equally entitled to take part in regularly held elections on the basis of secret ballots and whose result is free of electoral fraud and other forms of manipulation (Coppedge and Gerring et al., 2011). However, governments formed by democratic elections may anyhow be "inefficient, corrupt, shortsighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good" (Zakaria, 2004, p.18). Still, this would not necessarily make them un-democratic given the fact that the elections have followed the aforementioned criteria, rather we must further distinguish *liberal* features that do not relate to the democratic process *per se* but more so to the government's intentions and ruling. Referring to a dangerous turn of events, Zakaria (2004) therefore argues that the two strands of liberal democracy are coming apart worldwide, whereas "democracy is flourishing; liberty is not" (p.17).

So, in the contemporary Western understanding of liberal democracy, it generally indicates "a political system marked not only by free and fair elections but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property" (Zakaria, 2004, p.17). Thus, by adding the attribute *liberal* to the definition, this basically includes features as regards the rule of law and the protection of individual freedom and the democratic system can consequently be seen "as a set of practices and principles that institutionalise, and thereby, ultimately, protect freedom" (EIU, 2018, p.61). A tabular overview of the central norms pertaining to liberal democracy can be found on page 20.

According to Zakaria (2004), the origin of the rule of law can be traced back to *constitutional liberalism*, a concept that was typically conjoined with democracy over the last century; thus, liberal democracy is sometimes also termed constitutional democracy. Historically, two works have fundamentally shaped this idea. On the one hand, in his major work, *Two Treatises of Government*, John Locke outlines his basic ideas of a legitimate, non-absolutist constitution by sharply criticizing the absolute monarchy, specifically the "divine right of kings" (Schmidt,

2010, p.59). Instead, he argues for a limited constitutional government whose main concern should be the protection of the people's natural rights. On the other hand, also Montesquieu framed the classic liberal view that political power should be controlled and balanced in order to protect the people's safety. In his 1748 work, *The Spirit of the Laws*, Montesquieu establishes the modern idea of the distribution of powers, the "certaine distribution des trois pouvoirs" (Schmidt, 2010, p.72) that inter alia relates to the separation of the legislative, executive and judiciary branch so that no individual could usurp complete power.

So essentially, constitutional liberalism relates to features that "seek[...] to protect an individual's autonomy and dignity against coercion" (Zakaria, 2004, p.19), thereof combining classic liberal ideas that emphasize individual liberty with constitutional ideas placing the rule of law at the center of political action. Thus, the underlying assumptions are that the people have certain natural, inalienable rights and that the government must accept a basic law to secure them while limiting its own powers; by definition, "liberal democracy is limited government" (Hague & Harrop, 2013, p.47).

Ergo, *liberal* in this context implies the individual's freedom from arbitrary authority that is guaranteed on the one hand, by a written constitution with explicit fundamental rights to which also the government is subordinate and on the other hand, there must be a sufficient degree of horizontal accountability that checks on the power of the government and puts effective legal constraints on the police, military, and other institutions of authority. This also relates to a clear separation of powers with impartial courts and tribunals that can control the executive and prevent any abuse or misuse of powers.

Still, this presupposes that there is inevitably a "tension between constitutional liberalism and democracy [...] that centers on the scope of governmental authority" (Zakaria, 2004, p.101). In that sense, governments may usurp power both horizontally and vertically as rulers, drawing their legitimacy from an elected mandate, consider themselves entitled to govern as they see fit, "constrained only by the hard facts of existing power relations and by a constitutionally limited term of office" (O'Donnell, 1994, p.59). Ergo, "unchecked centralization [of power] has been the enemy of liberal democracy" (Zakaria, 2004, p.105), thereby weakening any other competing centers of power may it be the legislature, the courts or political opponents. Thus, whereas opposition parties may formally use democratic institutions to contest seriously for power, "the playing field is heavily skewed in favor of incumbents" (Levitsky & Way, 2010, p.5). Hence, "for the rule of law to endure, you need more than the good intentions of the rulers, for they may change (both the intentions and the rulers). You need institutions within society

whose strength is independent of the state" (Zakaria, 2004, p.33). In this respect, what distinguishes (Western) liberal democratic governments from other democracies "is best symbolized not by the mass plebiscite but the impartial judge" (Zakaria, 2004, p.20); essentially, liberal democracies offer governance "by law, rather than by people" (Hague & Harrop, 2013, p.47).

Yet, besides this "law-governed character of liberal democracy" (Hague & Harrop, 2013, p.47), scholars emphasize that it does not suffice to have constitutional constraints on state behavior but also, that in order for the people to influence and control the state's decision-making processes, it must possess certain freedoms. According to Beetham (2004), "without liberty there can be no democracy" (p.61), hence, the people "must be free to communicate and associate with one another, to receive accurate information and express divergent opinion, to enjoy freedom of movement, and to be free from arbitrary arrest and imprisonment" (p.61). These freedoms should apply to all people equally thus also to cultural, ethnic, religious and other minorities. Hence, equality before the law and non-discrimination are key principles in a liberal democracy.

Therefore, also dissidents are allowed to freely express their opinion as it is normal for an open society to be divided by pluralist views for which the best way to manage them is "through free and open debate within a larger political culture that values moderation and seeks consensus" (Pappas, 2016, p.31). Thus, as previously mentioned, debate and contestation are central to the democratic legitimacy of a political system. Something worth investigating is therefore the way one encounters the Other in a liberal democratic discourse, particularly political opponents and people expressing divergent views.

Drawing upon the previously described risk of a concentration of powers that rests upon a strong government and weak opposition, it does not only need constitutional and legal constraints but essentially also democratic channels of a vibrant civil society and pluralistic media. In a liberal democracy, the people are generally free to associate with one another, including the right to peaceably assemble and demonstrate. This should be linked to an equal access to justice as regards a fair trial and also the freedom from arbitrary arrest and imprisonment. Also as regards the media landscape, "pluralism rests on competing centers of power" (Zakaria, 2004, p.95), by guaranteeing the freedom of the media that ensures that accurate information is received from independent sources without media censorship or active manipulation.

However, such institutions of pluralism might be hollowed out to assure that dissident voices are kept down. In this regard, polarization may be encouraged, and opponents or protesters are intimidated (Beetham, 2004). At the same time, "those who oppose the leader or ruling party are increasingly identified as enemies of the state, and their diversity of opinion portrayed as illegitimate" (Brookings, 2019, p.5). Precisely given this rhetoric, populism is oftentimes blamed for liberal democracy's malaise (Galston, 2018). Yet, this paper does not foresee a discussion as regards the relation of liberal democracy and populism. Per contra, it is not only populist parties that challenge norms of liberal democracy, but this trend has come to manifest itself even in mainstream political groupings as the empirical section reveals.

In essence, both aspects, guaranteeing the rule of law and the freedoms in a liberal democracy, relate to the same negative view of political power insofar as they determine the quality of democracy via the limits that are placed on the government. The adjective *liberal* is therefore interpreted as to preserve the people's autonomy by providing "not only an accepted framework of political competition, but also an effective shield for defending individual rights against government excess" (Hague & Harrop, 2013, p.8). Both elements are in fact complementary and not exclusively as the individual rights must be effectively defended through the constitution and independent courts (Hague & Harrop, 2013).

Therefore, Coppedge and Gerring et al. (2011) emphasize that one must establish principles and procedures (that I refer to *norms* in this paper) in order to ensure that certain liberties are ensured. However, "some democracies emphasize the liberal element more than others" (Hague & Harrop, 2013, p.48) and as we have learned in the previous chapter on norms, also liberal democratic norms are not fixed and can change over time. Moreover, Table 1 below demonstrates that liberal democracy represents a somewhat *complex* norm, containing more than one prescription. As a consequence of this complex structure, the breach of one of the components of liberal democracy is meant to act as a trigger for the fulfilment of another component (Welsh, 2013). For example, assuming that institutions of the rule of law meant to put limits on the control of the executive are not protected, this consequently has implications for guaranteeing the people's freedoms. Thus, liberal democracy becomes particularly vulnerable to normative contestation because political actors can debate to what extent certain components should have greater emphasis or can be interpreted differently (Welsh, 2013).

Norms of Liberal Democracy

Democratic elections[4]	Free	*Accessibility*
		Inclusivity
		Secrecy
	Fair	*Regularity*
		Competition
		Transparency
Rule of Law	Constitution	*Supremacy of law*
		Equality before the law
		Protection of fundamental rights
	Limited Government	*Accountability*
		Separation of powers
		Impartiality of the judiciary
Freedoms	Civil Society	*Equality*
		Expression and speech
		Association and assembly
	Media	*Independence*
		Pluralism
		No censorship or manipulation

Table 1: Norms of Liberal Democracy

Specifically, the following chapter must address how norms of liberal democracy are defined in the framework of the European Union and whether liberal democracy as a concept as such or its components are preserved in legal and official documents; otherwise, this leaves room for further individual interpretations and contestation.

3 The European Union and Norms of Liberal Democracy

Historically, the European Union was established as an integration project aimed at preserving peace and promoting security among its members after the Second World War. In line with the widely accepted democratic peace theory, the EU was set up as an organization of democratic states to enhance cooperation first and foremost in the economic realm. Since this economic interdependence also had spillover effects to other political and social areas, the idea of further integrating countries in Europe was seen as a lasting way to preserve stability in the region. Toward this end, the EU is founded upon certain collective and shared values that guide its policies in various areas and that it seeks to promote both internally as well as externally with respect to third countries and multilateral institutions (Zamfir & Dobreva, 2018). Accordingly, further integration was and still is seen as a means to diffuse its norms to the wider

---

[4] For this research purpose, the paper takes the norms pertaining to democratic elections as given and concentrates on the *liberal* norms characterizing a liberal democracy as explained before.

neighborhood and world (Slobodchikoff, 2010). However, in the post-war historical context, also the preamble to the Rome Treaty of 1957 stated that the norms underlying EU integration were primarily *to preserve and strengthen peace and liberty*.

Indeed, given the organizations preceding the European Union, specifically the European Coal and Steel Community (ECSC), the European Atomic Energy Community (Euratom) and the European Economic Community (EEC), that were collectively referred to as the European Communities (EC), they did not show a clear commitment to specific values and norms of liberal democracy and were rather concerned with economic issues than with individual rights.

It was not until 1961 when for the first time, an authoritarian regime like Spain's wanted to join the Community. Whereas Franco remarkably gained diplomatic support from some Members, it was the European Parliamentary Assembly that held a debate initiated by the German social democrat Willy Birkelbach that expressed criticism and resistance (Powell, 2015). In the report, it was clearly stated that "*la garantie de l'existence d'une forme d'État démocratique, au sens d'une organisation politique libérale, est une condition à l'adhésion*" (European Parliamentary Assembly, 1961, p.8). Moreover, it stated that among the political conditions, "[*l*]*es États dont les gouvernements n'ont pas de légitimation démocratique et dont les peoples ne participent aux décisions du gouvernement ni directement ni par des représentants élus librement, ne peuvent prétendre être admis dans le cercle des peoples qui forment les Communautés européennes*" (p.8). In this respect, a necessary precondition for joining should be a democratic form of state that derives its legitimacy from a free political order that is established by a people who participates either directly or indirectly in the decisions of the government. Nevertheless, Spain went ahead and as a reaction, Birkelbach criticized the EC's willingness to deal with a request "from 'a regime whose political philosophy and economic practices are in complete opposition to the conceptions and structures of the European communities'" (Powell, 2015, p.8). Although highly informal, these developments highlight the first steps towards integrating norms of liberal democracy into the European framework.

It was however not until defining the accession criteria, or *Copenhagen criteria* named after the European Council in Copenhagen in 1993, that norms relating to liberal democracy were consolidated into necessary preconditions that a candidate country must satisfy to become a Member State of the Union. Besides economic criteria as regards for instance a functioning market economy, and the administrative and institutional capacity to effectively implement the *acquis*, they also include political criteria that emphasize the stability of institutions

guaranteeing democracy and the rule of law as well as human rights and respect for and protection of minorities (European Commission, 2016).

Particularly in the wake of the Eastern enlargement in the 1990s, the concern appeared to constitutionalize the norms of liberal democracy to consolidate the former communist countries. Yet, it was a long and gradual process towards codification in the Treaties (Marzocchi, 2018). In the beginning, there was no perceived need to provide for explicit rules or norms concerning the respect for fundamental rights and individual freedoms as these were considered guaranteed by the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which the Member States have signed.

Still, with further integration and progressive expansion of EU competences to various areas of social life, the need for a clear legal basis and rules governing liberal democratic standards in the EU arose (Marzocchi, 2018). Thus, in the Treaty of Maastricht (1992) there was already direct reference to the ECHR and the Treaty of Amsterdam (1999) affirmed the European 'principles' that were subsequently listed as 'values' in Article 2 of the Treaty of Lisbon entering into force in 2009. Respectively, Article 2 TEU determines the key values upon which the EU is founded: "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".

Yet, although these values are clearly established in the Treaty, no reference is made towards enforcing them. Howbeit, with Article 7 TEU the EU has a mechanism at its disposal to ensure that the values enshrined in Article 2 TEU are respected beyond the legal limits posed by EU competences (Marzocchi, 2018); accordingly, the EU can also intervene in areas that fall in the competences of the Member States in cases of a "clear risk of a serious breach […] of the values referred to in Article 2". In this regard, this goes beyond the Copenhagen criteria by establishing that the adherence to and protection of these values remain valid also after accession. Yet, the invocation of Article 7 TEU proves very difficult in practice[5] and is in fact considered the "nuclear option" (Barroso, 2012). Thus, a gap exists between on the one hand, the Article 7 TEU procedures meant to address situations outside the scope of EU law and with respect to breaches that are systematic and persistent and on the other hand, specific infringement

---

[5] One of the reasons lies in the procedure under Article 7 TEU. Whereas the imposition of sanctions requires a qualified majority, excluding the state concerned requires a unanimous vote in the European Council. This might result in some members backing each other by vetoing.

proceedings that fall within EU competences but have only limited effect at least in the areas of democracy and the rule of law.

Moreover, enforcement may also be jeopardized given that *norms* are never explicitly mentioned in the EU context. The EU frequently speaks of *values,* but can these notions be used interchangeably? What is the difference between norms and values, if any? Does this have wider implications for the (legal) validity of norms, and does it leave room for individual interpretations thereof possibly reinforcing contestation? A little digression will be necessary, however, a clear distinction among them would be the subject of another paper with purposes other than those aimed for here.

According to Wiener (2007), "the early sociological distinction between norms and values […] holds that 'values are individual, or commonly shared conceptions of the desirable", whereas "norms are generally accepted, sanctioned prescriptions for, or prohibitions against, others' behavior, belief, or feeling" (p.50). In this sense, "values can be held by a single individual, norms cannot" (Wiener, 2007, p.50), as the latter operate within social environments being defined by certain norm setters for norm followers to obey; accordingly, norms are socially constructed though interaction in a context and at best, maintain shared recognition (Wiener, 2018). While values only have one subject, namely the believer, norms have both, subjects and objects given those who set the prescriptions and those to whom they apply (Wiener, 2007). According to Kooiman and Jentoft (2009), values are therefore the most general and fundamental notions held by individuals. Norms can be deduced from values and are more specified. Thus, there is already contestation inherent in the conceptualization of the terms as liberal democratic norms, without taking into account the cultural differences and national contexts in which they arise, might challenge traditional values. Accordingly, whereas the European Union establishes norms, their enforcement consequently depends on how the norm is translated into the members' manifestations of it.

In short, whereas values depict sets of beliefs at the most general level, norms represent standards of behavior established by norm setters and are thus imposed from outside. Moreover, in contrast to law, norms are *un*written codes of conducts but they "may entail validity via a legal framework that stipulates them (constitution, treaty) and have achieved social facility (appearing as appropriate to a group)" (Wiener, 2007, p.5).

It is however questionable whether Article 2 TEU confers any material competence to the EU given that the listed values are meant to give some orientation to the Member States when implementing Union law or policies. In other words, "values create no obligations" (Müller,

2015) and also Jose (2018) notes that the power of norms is not derived from material sources but interpretative ones. Values and norms *should* be followed and protected, yet, they have not been translated appropriately into constitutionally binding principles. In this regard, the EU cannot intervene directly in the domestic affairs of a member state even if it fundamentally challenges norms of liberal democracy, rather, "Article 7 can only bring about direct political change in the form of a 'normative isolationism'" (Müller, 2015, p.7).

Thus, again, complying with norms of liberal democracy should be understood less in a legal sense but in a broader moral sense that rests upon a liberal democratic consensus inside the European Union.

Put in a nutshell, in the framework of the European Union, more important for the compliance with fundamental norms than a legal basis, is their shared recognition and thus the continuous support and endorsement by the norm followers. In her analysis of contestation, Wiener (2008) pays particular attention to a norm's social recognition and cultural validity as opposed to its formal validity emerging from institutionalization. This emphasizes again the specific contexts and the social interactions that generate individually held normative baggage that inevitably will spark conflict (Wiener, 2017). Thus, a high-level transnational interaction among the norm followers is fundamental in order to ensure sufficient feedback and to avoid the emergence of different interpretations.

3.1   The Role of the European Parliament

We have learned that modern communities generally offer a constitutional framework to regulate, maintain and enforce fundamental norms that rule global politics (Wiener, 2007). However, in a global context in which the survival of key norms such as democracy, the rule of law and fundamental freedoms is assumed despite the absence of political, constitutional or social boundaries, resolving divergent norm interpretations and conflicts increasingly depends on transnational arenas (Wiener, 2007). The question that consequently arises is: Can the European Parliament act as such a transnational arena?

In fact, to understand normative departures, it does not suffice to examine only those who are accused of violating norms, but it is equally important to understand the role of accusers (Jose, 2018). In this regard, the scholarly focus has long been on the European Union as such, considering the legal possibilities of the distinct institutions to confront a Member State's

departure from fundamental principles. However, the influence of the European Parliament that also plays "an important role in EU values' enforcement" (European Parliament, 2018) has not received sufficient attention due to its limited legal powers. Whereas for example Article 7(1) TEU foresees a so-called "preventive phase" (Marzocchi, 2018) that also empowers the European Parliament to co-initiate a procedure to determine the existence of a serious breach of the EU values as it for instance recently did with regard to Hungary, it however cannot trigger the "sanctioning mechanism" (Marzocchi, 2018) foreseen by the second and third paragraphs; this is limited to the Commission or one third of Member States only. In both cases, the Parliament must give its consent in line with Article 354(4) TFEU. This highlights that the European Parliament is not meant to act like a guardian of the Treaties but rather as a forum to discuss and to allow for a hearing of the concerned Member State, therefore possibly functioning as the "guardian of Europe's *acquis normatif*" (Müller, 2015, p.18). Thus, it essentially serves to enhance global multilogue in order to avoid misinterpretations and uncertainties about fundamental norms in the global arena. As is also highlighted during the plenary debates, the European Parliament is seen "as the only – the only – buoy of stability" (Engel in EU Mechanism, 2016) as it functions as a forum for structural, objective and constructive dialogue that is "the only European way out" (Timmermans in Hungary, 2018).

Yet, according to Wiener (2007), the institutional framework of the European Parliament might already point to the fact that it is likely "to follow different – less stable and more contested – rules than in a fully constitutionalised organisation such as the political arena of the modern nation-state" (p.61), therefore, producing a "stronger spill-back into domestic contexts" (p.61). Due to the diversity of individual background experiences which come into play in an international encounter particularly respecting the national MEPs grouped together in European party groups, the shared recognition of norms becomes less likely and, accordingly, clashes about norms are to be expected (Wiener, 2017). Therefore, it is fundamental to examine why "some of the fundamental norms that lie at the core of the international community […] generate diverse interpretation when enacted in different contexts" (Wiener, 2009, p.12), particularly, what explains their consensus and dissensus? In fact, it is crucial that there exists a general agreement over the importance of adhering to key norms and values as these are also relevant for various policy areas. Though, it has become visible that polarization in any political system has increased recently that makes it more difficult to reach a broader consensus. Also, it is not common anymore that the two largest groups in the EP consensually decide on political solutions and further, the distance between left and right on the political spectrum has increased. In the European Parliament as well, we can detect intra-political group discrepancies as regards

for instance dealing with the Fidesz party in the EPP. Therefore, we must ask whether contestation also influences coalition-building as to who shows solidarity with whom: is it an expected East versus West trajectory or do the party groups appear homogenously?

The task at hand lies in "identifying normative change through the contestation of extant norms and the emergence of novel or formerly hidden norms in that process" (Wiener, 2018, p.20). So, it will be necessary to identify the context of the European norm conflict when reactive contestation of an extant fundamental norm (*here*: norms pertaining to liberal democracy) becomes public. This primarily regards the appearance of distinct norm interpretations in the European Parliament and explains how specific members reject or refuse to implement liberal democratic norms. Accordingly, it focuses on reactive contestation as an indicator of global conflict: Is there contestation? If so, *what* exactly is contested and *by whom*?

4   Analysis

The underlying presumption for our normative discussion is that the European Union is "a community of values" (EU Mechanism, 2016) that is founded on democracy, respect for the rule of law and fundamental rights. According to Timmermans, "[t]he three need each other. They cannot exclude each other. [One] cannot use one against the other. If [one] remove[s] one pillar, then the others will fall too" (Spain, 2017). In this respect, the rule of law protects the weak against the will of the strongest, protects what is small from what is big, thereof protecting especially the weak people against the will of a strong government (Spain, 2017). Some MEPs are indeed concerned about the ideas of the nation and the people that are presented for instance by Orbán and shared by some in the European Parliament, particularly on the right flank. According to Björk (GUE/NGL), the European project cannot be built on such ideas that are patriarchal, authoritarian, anti-democratic, racist and dangerous to minorities (Hungary, 2018). Therefore, some emphasize the House's moral and historical responsibility to fight against those who attack the EU's values as it is a collective normative obligation to guarantee "that the […] authorities respect their moral and legal obligations as an EU Member State" (Poland, 2017), something that intrinsically rests upon a shared understanding over the values that are enshrined in Article 2 TEU. However, Lunacek (Greens/EFA) expresses his concern that it currently lacks this kind of *Wir-Gefühl* and thus, also Timmermans emphasizes the need to work "towards a common understanding of our values at national and at European level" (EU Mechanism, 2016) in order to avoid division. Weber adds that instead of division, the European

way of life needs unity in diversity, it needs not more nationalism but cooperation and therefore also the willingness to compromise (Spain, 2017). But should the Members of the European Parliament be willing to compromise on the values and norms upon which the Union has been founded and to which all Members agreed prior to their accession? And how does the European Parliament deal with such divergent norm interpretations, can it accommodate them?

There is currently a lot of controversy on the normative meaning of liberal democracy in the European framework; whereas some argue that certain domestic reforms and actions initiated by the government are breaching norms of liberal democracy relating to the rule of law and individual freedoms, others contend that no breaches have been committed by interpreting their normative obligations differently. To understand such diverse interpretations requires identifying the particular arguments of the involved stakeholders. What exactly is contested? Hence, it is necessary to zoom in on the contested applications of liberal democratic norms by political actors in the European Parliament. Can we still speak of a shared normative understanding of liberal democratic norms among Members in the EP? In order to reach preliminary conclusions whether the norms are still shared by the majority of MEPs or whether this exposes a deep split possibly hinting at a transformative change taking place at the European level, the Chapter subsequently reveals patterns underlying the positions taken by individual MEPs.

4.1   Contestation of Liberal Democracy in the European Parliament

As the titles of the debates suggest, many of them center around the rule of law and its concomitant impact on the peoples' freedoms. However, there is a lot of discussion and controversy surrounding the very concept of the rule of law, deeming it too abstract, thereof creating divergent interpretations.

Many EP officials agree on the relevance of the rule of law for guaranteeing the people's fundamental rights; both are in a vice-versa relationship, as the recognition of the latter is based on the respect for the rule of law (EU Mechanism, 2016). According to Timmermans, the rule of law therefore depicts the fundament upon which the EU is built; without it, "there is nothing to keep the European Union together, other than naked power politics" (EU Mechanism, 2016). Thus, by violating the principles enshrined in the national constitutions and the EU treaties, this takes away the people's freedom at first (Lewandowski in Poland, 2017). Also, Sippel (S&D)

warns that one cannot expect people to have confidence in the liberal democratic nature of the EU when governments continue to interpret treaties, laws and court rulings as they see fit or simply ignore them without being punished for it (EU Mechanism, 2018). Protecting the rule of law therefore means to reaffirm that the Union is not just an economic construction but that it is based upon values and that the EU knows how to preserve and defend them particularly for the European citizens (EU Mechanism, 2016).

On these grounds, Spinelli (GUE/NGL) and Fajon (S&D) essentially recognize that the rule *of* law is distinct from the rule *by* law (Poland, 2017). Whereas rule of law reflects the idea of including a substantive concept of law such as a set of fundamental rights, the independence of judges, separation of powers, free expression and the rights of minorities. In this respect, all people including the executive are equally subject to the law and can thus be held accountable. In contrast, rule by law basically implies *government by law* where the law is the act used by those exercising power on the basis of a parliamentary majority. Accordingly, what remains controversial is the content of the law as it implies that executive actions must be in line with the law drawn by legislature, however, if this law is in itself deficient or corrupt, there is no way of being held accountable. One might therefore argue that the rule of law implies rule by law with additional (liberal) principles and values.

Respectively, MEPs base their accusations on several domestic, primarily constitutional reforms whose ambiguous contents and applications threaten the rule of law and consequently, the people's freedoms in the Member States. According to many MEPs, Orbán has therefore adopted an approach in line with "le fort contre le faible", the strong against the weak (Vergiat in Hungary, 2018) as his two-thirds majority in the Hungarian Parliament gives him leeway to make profound constitutional changes while claiming democratic legitimacy. In this respect, Timmermans declares, that one "cannot use democracy against the rule of law" (Poland, 2017) and in addition, Pitella (S&D) denounces that the citizens have never given the government any mandate to reduce the independence of the judiciary. Likewise, Engel (EPP) stresses that "it is about guaranteeing that elections in the future change policies, yes, but not the nature of their state" (EU Mechanism, 2016). For today's leaders of Hungary, "demokracja liberalna jest wcieleniem diabła", democracy depicts the incarnation of the devil (Boni in Hungary, 2018). Yet, similar developments are detectable in other Member States as well. According to Verhofstadt (ALDE), Polish practices are copying Orbán (Poland, 2017) and also in the wake

of the debate on Romania (2018), Verhofstadt warns that the government's actions resemble "the way Orbán and Kaczyński lead their countries".

As a consequence, the debates have been initiated to inform about the governments' misconducts as well as to call for sanctions for these violations. This rests on the premise that the European Union itself is based on the rule of law. Therefore, every action is founded on treaties that were approved voluntarily and democratically by the EU Member States. Hence, by gaining membership to the European Union and ratifying the Lisbon Treaty, the countries inter alia agreed to Article 2 TEU. By that, all the Member States made a commitment: an obligation to defend, respect and promote these values, regardless of political differences (Sargentini in Hungary, 2018). In this context however, MEPs frequently bemoan the so-called *Copenhagen dilemma* that once states have become Members of the EU, they cannot be held to those standards and there are hardly any adequate means to punish non-compliance or deliberate violations of these values (EU Mechanism, 2016; EU Mechanism, 2018). This is criticized by MEPs from the ALDE, S&D, EPP and Greens/EFA Groups alike. For instance, Verhofstadt argues that "the inconvenient truth is that, under these circumstances, it would be impossible today, [...] for Hungary to join the European Union" (Hungary, 2018), at least not without fundamental changes in its structures and legislation (Lambers in Hungary, 2018). In this regard, the only thing the EP is doing, is holding Member States accountable to their commitments. Certainly, the Union is not "a restaurant à la carte", neither a supermarket where one can simply choose the products one likes. In this respect, Pitella, Fajon and Weidenholzer from the S&D Group emphasize that the same rules apply to everyone as embodied by the Copenhagen criteria and Article 2 TEU.

Sophia in 't Veld from the ALDE Group and other MEPs criticize that the EU has been endowed with a solid legislative basis to enforce for example competition or foreign policies, yet, there are no sufficient instruments to protect the values at the core of the Union (EU Mechanism, 2018). Particularly MEPs from the S&D Group denounce the reduction of the EU's significance to an economic alliance or just the internal market, more so, the EU must engage further to protect fundamental values (EU Mechanism, 2016). In this respect, there is the widespread impression that the EU relentlessly punishes countries for tenths of a budget deficit but closes its eyes to extremely serious violations of fundamental norms of liberal democracy. At present, there is a single market but there are no common standards to determine whether a Member State is breaking the rule of law, there is no single model of liberal democracy that all members agreed on. Without a clearer legal basis or a more comprehensive mechanism, such core norms

will be interpreted arbitrarily and provide for more contested applications in the European Parliament. Thus, the EP oftentimes needs to face critique that it exploits its mandate by intervening into the domestic affairs of its Members.

Still, the EP maintains that its right to deal with such domestic affairs is because the ones suffering the most under these attacks on the rule of law are the European citizens, whose voice the EP represents. Thus, these debates are important as "so many citizens in Europe from different states […] look to us when their rights are in danger, or when their institutions cannot be relied on or when the promise that is Europe is under threat" (Metsola in EU Mechanism, 2018). According to Keller (Greens/EFA), "there is no second-class citizenship" (Romania, 2018) and thus European institutions have to defend the rights of every European citizen, be it anywhere. By endorsing a sense of shared citizenship, EP officials emphasize that the nationals of a Member State are essentially also the people of the European Union. Respectively, "they are not only sovereign Poles; they are also sovereign Europeans, and they want back their sovereignty over thought, over speech and over behavior" (Engel in Poland, 2017). In some cases, MEPs from the targeted countries were actually raising their voices asking the EP for help. In the case of Malta, these were primarily MEPs from the EPP Group, for instance Casa and Metsola explain that the rule of law needs the Union's immediate and urgent intervention, stating that the European Parliament has become the last bastion of hope for the people they represent. Similarly, Molnár, Hungarian MEP in the S&D Group asserts that there is not a more shameful thing than a dictator who does not take responsibility for his actions and the system he built but instead, legitimizes it with his own people (Hungary, 2018).

Sophia in 't Veld from the ALDE Group maintains that "the government speakers represent – or claim to represent – the […] people, as if there is only one opinion and one truth. Do you know what that is called? Absolutism" (Poland, 2017). Instead, a government elected with such an enormous majority "has extra responsibility to bring along all its people". In fact, Article 2 should be about nothing else but the people and what is best for them. It is "not about nepotism. Nepotism is not a European value" (Sargentini in Hungary, 2018). Instead of protecting the freedoms of the people, the government is consolidating its personal power and particularly, "corruption makes people lose trust in the state and in democracy"; thus, they ask for freedom, "freedom from corruption, freedom of assembly, freedom from discrimination" (Keller in Romania, 2018).

Several other MEPs however contest how these liberal democratic values are interpreted in the European Parliament. Especially when it comes to allegations regarding national constitutional issues such as the rule of law in a Member State, MEPs respond that the EP is not legally entitled to interfere in the domestic affairs of a Member State by indicating at the principles of conferral and of subsidiarity. In particular, MEPs point to the lack of a legal basis to question the constitution and the functioning of the judicial authority of a Member State (EU Mechanism, 2018). In this context, they specifically disapprove to confer more powers to the European Parliament. The debates in the European Parliament resemble another Orwellian screening, a demonstration of strength, basically it is about power and the display of who has the power (Poland, 2017). Legutko (ECR) borrows a term from Shakespeare, particularly Hamlet, by referring to the *insolence of office*; the practice by the European Parliament reflects some sort of immoderate, overbearing behavior (from the Latin word *insolens*) as the EP believes that it can do, say and order everything it wants (Poland, 2017).

Therefore, representatives from the ECR, EFDD and ENF Groups find that Article 7 TEU is already at hands of the Council to assess whether a Member State is violating fundamental values, thus any intervening act by the EP violates the principle of subsidiarity (EU Mechanism, 2016). Similarly, non-attached MEP Synadinos argues that the European Parliament works on interfering in the domestic affairs of a country under the guise of governmental threats against the rule of law, yet, these powers belong primarily to the Council and the Member States (Poland, 2017). The interference of the European Parliament in cases outside Community law is considered arbitrary and contrary to the rule of law (Szájer in Hungary, 2018). Particularly, the EP should not function as a chief judge that decides whether or not a national Parliament may implement legislation (Zijlstra in Hungary, 2018). It is argued that the public approves and supports the changes foreseen by the government as demonstrated in the election results, therefore defending the government's democratic legitimacy.

Thus, criticism is oftentimes construed as an attack on the country's people, more so on their honor and the democratic decision to elect the government whose actions are now publicly criticized (Hungary, 2018). Democracy means the power of the people, it is the right of people to self-determination, ergo, the people should be allowed to regulate their domestic affairs themselves and decide their own destiny (EU Mechanism, 2016). According to James, a non-attached MEP, the criticism conveys an image that the EU is supreme, that the Member States are subservient, and that EU dictatorship is now in place. This understanding of "supposedly shared sovereignty" (Poland, 2017) of Union membership would render democratic national elections and associated promises and outcomes by the winning party absolutely meaningless.

For these reasons, the Member States must be the sources of the rule of law and democracy from the bottom up. James (EFDD) asserts that Hungary and Poland are rightly exercising their sovereign right to curtail EU influence and control in the areas of democracy, the rule of law and fundamental rights, claiming that this is about sovereign nationhood (EU Mechanism, 2016). They fear that the EP tries to remove powers and independence from the states and enforce the will of an EU leadership group. This is part of the political domination over the Member States as Synadinos (NI) terms it and in like manner, Pimenta Lopes (GUE/NGL) thinks that it deepens the federalization of the European Union (EU Mechanism, 2016). Some go even further by saying that the EP engages in imperialist interventions and that this behavior reflects some old colonial habits (Legutko in Poland, 2017). According to non-attached MEP Gollnisch and Farage (EFDD), this is the Brezhnev doctrine of limited sovereignty revisited (EU Mechanism, 2016; Hungary, 2018), thereof recalling the doctrine by Leonid Brezhnev who in November 1968, affirmed the right of the Soviet Union to intervene in the affairs of Communist countries in order to strengthen Communism.

Reviewing again the contexts of the debates, particularly the report compiled by Greens MEP Sargentini on Hungary, there are indeed passages that raise specific criticism among some MEPs, reminding them of old patterns of domination. Besides the already condemned interference into domestic constitutional issues given the critique on the functioning of the constitutional and electoral system and the independence of the judiciary, the report additionally discusses Hungary's treatment of migrants and asylum seekers as well as refers to its "constitutional ban on discrimination [that] does not explicitly list sexual orientation and gender identity among the grounds of discrimination". Furthermore, it comments upon "its restrictive definition of family [that] could give rise to discrimination as it does not encompass certain types of family arrangements, including same-sex couples" (Sargentini Report, 2017). The aspects under economic and social rights also list measures regarding Hungary's employment and pension policies as well as the extent of welfare benefits. Although not illegitimate concerns, "a report on the rule of law and poor health of Hungary's democracy is not the place to delve into such issues" (Rohac, 2018), particularly as regards "areas of social and cultural policy [...] whose relationship to liberal democratic principles is by no means obvious" (Plattner, 2019, p.13). Indeed, including such highly controversial and ideologically-biased issues leads MEPs from the EFDD and ENF Groups to conclude that concerning the debate on the situation in Hungary, this resembles a witchcraft trial that is being conducted exclusively on behalf of the prosecutor and that is based on inaccurate information of anti-Fidesz groups in

the EP (Hungary, 2018). Under these circumstances, they claim that these are fictitious problems, that the debates are about hypocrisy and falsehood and that it is an example of incredible arrogance that is widespread among the political elites in Western Europe to interfere in such domestic issues (Hungary, 2018; Poland, 2017).

As a consequence, several MEPs refer to Article 4 TEU stating that the EP is obliged to respect the national identities of the Member States "inherent in their fundamental political and constitutional structure, including regional and local government" (EU Mechanism, 2016). Tomasevski (ECR) warns that the Union can only survive its current crisis if it respects the national identities of all the individual Member States that is their main historical and cultural heritage (EU Mechanism, 2016).

Thus, as some sort of validation for the fact that the EP judgements as regards for instance cultural and social policies are contrary to the feelings of the majority of the people, it is brought forward that every time the European Parliament demands rights for homosexuals or some *stupid* women's rights, domestic support for the Polish Law and Justice party is growing (Korwin-Mikke in Poland, 2017; Legutko in Hungary, 2018). According to Troszczynski from the ENF Group, the EP's interference is increasingly rejected by the European people as the EP is questioning laws that were passed by sovereign national parliaments (EU Mechanism, 2016). Particularly, it is put forward that the EP "keep[s] talking to us about democracy, but it is no longer in your mouths that you repeat a kind of mantra to better accuse your opponents of your own turpitudes; opponents you call populists because they are the spokesmen of the peoples you no longer want to listen to" (Bay in EU Mechanism, 2016). Instead of posing itself as an external lecturer, it should listen a little more to the people's aspirations (Lebreton in EU Mechanism, 2018). Therefore, areas such as cultural and social policies must necessarily remain in the Member State's domain. For instance, it is the exclusive right of a Member State to decide on traditional family values and the scope of the Istanbul Convention, hence, the EP should not blame one specific country for not respecting rights of the LGBTQ community as this depicts an ideologically biased topic also between the conservative and liberal groups of this Parliament (Hungary, 2018).

Apparently, the discourses center around arguments that miss a clear delineation of liberal democracy as conceptualized in this paper from ideologically contentious issues. In this respect, support for liberal democracy is closely linked to support for modern liberal (social and cultural) policies like immigration policies or the legalization of gay marriage as not only the

counter narratives imply but also the Sargentini report. Yet, as already argued, norms of liberal democracy principally stem from the classic, *Lockean* liberal ideas of incorporating features such as the rule of law and freedoms to ultimately protect individual liberty. In the modern sense however, the notion *liberal* is usually employed in the context of political liberalism that associates it with progressive policies. Therefore, the discussion "seeks to equate the term liberal as it is used in the phrase 'liberal democracy' with the term liberal […] to denote 'progressives' as opposed to 'conservatives'" (Plattner, 2019, p.11). What further implications does this carry for contestation in the EP?

As a result, several MEPs oppose the "deformed version of democracy that the left-wing liberals are preaching to the EU states" (Skripek in Hungary, 2018) and instead, they defend the values of identity and popular sovereignty, putting an emphasis on defending borders and saying no to the invasion of immigrants. For example, Tomasevski, member of the ECR Group, criticizes the Union's lack of commitment to include references to the Christian roots of Europe in the founding values (EU Mechanism, 2016). Likewise, Orbán states that they are thinking differently about the Christian nature of Europe, particularly the role of nations and national cultures, the way the essence and vocation of family is perceived, and that they have conflicting views on migration (Hungary, 2018). According to them, these European (or traditional Christian democratic) values are in opposition to EU values that are imposed on them, thereof severely impacting state sovereignty.

This argumentation is however not new. Already in 2014, Orbán announced to break with the dogmas and ideologies that have been adopted by the West (Orbán, 2014) and instead, to promote an alternative model that protects "the ways of life springing from Christian culture" (Orbán, 2018), thereof defending "human dignity, the family and the nation" (Orbán, 2018). In contrast to liberal democracy, he rules out that his model may ever be liberal, by citing three aspects on which the two differ; particularly, Orbán asserts that liberal democracy gives priority to multiculturalism, pro-immigration and adaptable family models.

In that sense, he and other MEPs denounce the multiculturalism that is encouraged by many in the European Union, specifically they contradict the invasion of (illegal) immigrants as only the national people will decide with whom they want to live together and the Hungarian people for instance have decided that their country will not be an immigrant country (Orbán in Hungary, 2018).

One might therefore argue that various MEPs embrace some sort of nationalist understanding of liberal democracy in their counter arguments. For instance, Lebreton (ENF) calls for "l'Europe des nations" that treats European states with more respect (EU Mechanism, 2018). In their view as expressed by ENF member Bizzotto, Europe must be changed in order to give security, justice and true democracy to the people (Hungary, 2018). Leaders like Orbán are seen as "un vrai défenseur de nos valeurs de civilisation, contre le communisme hier, contre le mondialisme aujourd'hui" (Bay in Hungary, 2018), as the country's protector from deadly ideologies such as Communism in the past and Globalism today. This again highlights the impression that the discourse on democracy and the rule of law risks to turn into an ideological, inter-party conflict between conservative and liberal viewpoints.

Although his critique as outlined by the discourse is therefore primarily directed at the Brussel's liberal elite, particularly left-wing liberal parties, Orbán still frequently criticizes that the EPP dances to the tune of Socialists and Liberals (Hungary, 2018). According to Orbán, the differences outlined in the debates should not be taken to stigmatize and exclude a party from joint decision-making (Hungary, 2018). In this respect, also Skripek from the ECR Group denounces the current behavior vis-à-vis Orbán because this is against the European guiding motto of being *united in diversity* as they want to kick someone out for being or thinking differently than Brussels. His colleague Primdahl Vistisen (ECR) adds that if the EP really believes in diversity, they would give the Hungarian people the opportunity to vote and choose their government and be governed then (Hungary, 2018). Otherwise, they argue that if the EP does not like the election result, it should "just abolish the election and appoint somebody from outside to be the viceroy of Hungary", and moreover, Legutko provokes that "Mr. Timmermans will be more than willing to take the job. And after you do that, do the same with Poland. That will solve all the problems" (Hungary, 2018).

The normative obligations under the EU framework are therefore primarily interpreted in domestic terms as the governments and MEPs feel primarily obliged to follow the will of the national people that have elected the government. In this regard, the government must be accountable only to its citizens and, as long as it serves them, it must not accept any intervention from the outside (Poland, 2017). Thus, in cases when the EP tries to interfere and when such domestic issues are dealt with at the European level, affected Member States oftentimes interpret the criticism as an external threat, as something being imposed on them (EU Mechanism, 2016). Some terms introduced in this context relate to European totalitarianism, linking the current conflict over EU values with resisting Nazi barbarism and Communism

(Poland, 2017). Moreover, it is talked about the European Union as European Soviet Union (Bizzotto in Hungary, 2018) and frequently also as European dictatorship (Annemans in EU Mechanism, 2016; James in Poland, 2017; Gosiewska in Poland, 2017). The values that were originally meant to be a stimulus for cooperation and the collective pursuit of democracy for past communist dictatorship have generated into some kind of standardized rules of Big Brother, or "Big Brother statehood" as James from the EFDD Group terms it.

In sum, after having settled what is explicitly contested in the discourse of the European Parliament, it seems that there is in fact a lot of controversy as regards the interpretation of and thus the compliance with EU values. Whereas one side claims that inter alia *freedom*, *democracy* and the *rule of law* as enshrined in Article 2 TEU ought to be respected by the Members due to their previous commitment when joining the EU, based on a sense of legal obligation. The other side claims that these values do not confer any competences to the EP to interfere in the domestic affairs of a Member State as any of their actions is democratically legitimized. Moreover, these MEPs argue that their distinct interpretations should not be reason for excluding them given that other Members share this assessment as well. Thus, they assume that they suffer from an ideologically motivated campaign. Particularly when it comes to social and cultural issues, several MEPs from the right argue that the EP tries to impose its liberal (generally associated with the leftist ideology) doctrine on the Member States. Thus, they suppose that the reasons for initiating the debates principally stem from political motivations, to punish a country for not complying with EU ideals thereby assuming a perceived unequal treatment of individual countries. Yet, others suspect that this is grounded on an ideological rivalry between the party groups in the EP. The following section addresses these options to establish patterns underlying *why* and *by whom* certain norms are contested.

4.2   Contestation by whom?

Why do some MEPs contest the values and norms that are relevant to liberal democracy more than others? And why do they generally generate different interpretations, particularly what is contested by whom? To answer these questions, this section aims to identify patterns underlying the arguments and positions taken by individual MEPs. Deducing from the discourse, it seems as if particularly MEPs from Central and Eastern European countries share a distinct understanding of their normative obligations. In particular, they feel misunderstood or mistreated as they claim that no breaches have been committed and that they are therefore

unfairly targeted by criticism in the EP. At first, it is therefore assumed that countries with similar problems or traditions show similar patterns in regard to their position taking. Yet, as already explained in the methodological section, MEPs are accountable not only to their national party but also to the EP party group that they decided to join. Thus, an alternate pattern underlying position taking is also considered by studying whether MEPs appear homogenously within their EP party groups.

4.2.1   MEP's Position Taking: European Geographical Regions

MEPs, through speeches given during EP plenary debates, position themselves according to their regional affiliation specifically supposing an Eastern versus Western European pattern.

Particularly in the debates on Poland and Hungary, various MEPs asked why there is no talk about developments in Malta, Slovakia, Romania or even France in the context of the *gilets jaunes* movement. Moreover, Dăncilă, Prime Minister of Romania, criticized that rallies in Spain, Germany or the United Kingdom that were encountered with the same means as those used in Romania by the Gendarmerie during riots in Bucharest in the course of anti-government demonstrations are simply ignored by European authorities (Romania, 2018). However, Sargentini (Greens/EFA) determines that "two wrongs do not make a right" (Hungary, 2018), arguing that somebody's else mistake does not compensate for one's own.

Yet, this highlights a widespread impression that the European Parliament applies its norms arbitrarily, targeting some countries more than others. Therefore, Legutko from the ECR Group criticizes that it looks more like a Union of selective values (Spain, 2017) and de Graaff (ENF) elaborates further that the EU is indeed a community of values, "of double values and double standards" (Spain, 2017).

One frequent critique relates to the reluctance of the EP authorities to interfere in Spain, deeming the issue an internal Spanish matter. Besides remaining rather vague, they defend that the Catalan government is disrespecting the Spanish Constitution and the rule of law, thereof justifying the proportionate use of force by the Spanish Police to uphold the rule of law in Catalonia in the wake of the independence referendum that was ruled illegal by Spain's Constitutional Court (Spain, 2017). In this respect, Tarand (Greens/EFA) criticizes that the two leading political groups in the Parliament continue to pretend that there is no problem. Instead, it is emphasized that the referendum was not valid, that it is against the Spanish Constitution and that "not the protests on the streets, but the institutions in a democracy in Spain, will decide

on the future of the country" (Spain, 2017) and Weber from the EPP Group declares that one cannot find a solution to this Spanish internal conflict in the European Parliament, instead, this conflict can only be solved by the Spanish people. He emphasizes that the EU "neither [has] the will nor the right to intervene in a true liberal democracy such as Spain" (Spain, 2017). Moreover, although repeating that the freedom to demonstrate is a fundamental right for all European citizens, Timmermans states that "one opinion is not more valuable than another opinion only because it is expressed more loudly" (Spain, 2017).

Apparently, it seems like leaders from the EPP and S&D Groups avoid making this Catalan crisis an EU issue, causing other MEPs to conclude that for Spain, "national sovereignty and the primacy of the Constitution apply. For Poland and Hungary, they do not" (de Graaf in Spain, 2017). The statement by Weber suggests that European authorities distinguish between on the one hand, true liberal democracies such as Spain's where peacefully demonstrating people are not considered desirable and on the other hand, Member States such as Hungary or Poland where protests by the civil society are explicitly encouraged. So, there is in fact a lot of disagreement over handling the situation in Spain as Keller from the Greens/EFA Group contradicts Weber and the others who argue that the whole affair is an internal matter. Instead, it is a European affair that goes to the heart of the EU's fundamental values (Spain, 2017).

As a result, many accuse the European Parliament of double standards, at the detriment of Central and Eastern European states. Faced with corruption criticism, also Romania's prime minister Dăncilă has accused Western European MEPs of double standards for scrutinizing Romania and Bulgaria disproportionately since they are the only countries to have been subjected to the Cooperation and Verification Mechanism.
According to various MEPs, this discrepancy stems primarily from political motivations. MEPs from the ECR Group consider it unacceptable that a few countries are branded because some others do not like their right nostrils. They denounce that this uneven application of standards is politically motivated, arbitrary and unfair (EU Mechanism, 2016). For example, Legutko (ECR) claims that the EP might have some sort of persistent obsession with these governments for setting up frequent debates and Lundgren (EFDD) adds that Poland has become one of the EP's favorite mobbing victims (Poland, 2017). Gollnisch, a non-attached MEP from the French Front National and also Chauprade from the EFDD Group, link this behavior to a wider political motive, stating that it resembles a political trial that aims to silence courageous voices in Hungary, Poland, Austria, the Czech Republic and other countries that refuse to make the same mistakes as the West in immigration matters. They assert that the only motive behind attacking

Hungary and Poland is to punish them for being skeptical about the EU policy of forced redistribution of millions of so-called refugees although it is against the opinion and will of the nation's people (EU Mechanism, 2016; Hungary, 2018). Several MEPs from the ENF and ECR Groups argue that those states are punished that dare to resist the dictate of Brussels, particularly Hungary is guilty of resisting the EU's migration policy and Poland is guilty of refusing to allow itself to have dictated its family policy by the LGBT community (EU Mechanism, 2016; Spain, 2017; Hungary, 2018). According to Halla-aho (ECR), "unfortunately, liberal immigration policies and multiculturalism have become the European value in this House" (Hungary, 2018). This again stresses the impression that the discourse risks to be interpreted on ideological grounds by confusing classic liberal with modern liberal values.

So, can we detect an *East versus West* pattern in the European Parliament discourse? To what extent is there evidence that Western European states usually stick together whereas also Eastern and Central Eastern European (CEE) member states protect each other?

In fact, such an argumentation might be explained by the fact that these countries share similar democratic traditions and have followed similar paths towards democratic consolidation and entering the European Union. This argumentation of a shared historical past that creates some kind of solidarity among the CEE countries could explain the common sentiment that when the European Parliament welcomed the new CEE Member States among their ranks, it made it clear "on the premise that they welcomed to the club, but did not welcome the attitudes coming from the countries" (Primdahl Vistisen in Hungary, 2018).

Skripek (ECR), a Slovakian MEP, recalls historical circumstances in Czechoslovakia in 1948 when the dictated rule of values was experienced by the Communist government, ending in a revolution in 1989. The event he refers to relates to the Czechoslovak coup d'état in which the Communist Party of Czechoslovakia (with Soviet backing) assumed undisputed control over the Czechoslovakian government resulting in the onset of four decades of communist rule. The experiences in the EP resemble yet another February 1948 and Skripek warns that the Union of cooperation is turning into a forced one (EU Mechanism, 2016). In the following debate on the situation in Hungary, Skripek reiterates that, "after 40 years of Communist oppression, we are entitled to shape the EU project as well. We experienced totalitarianism already; we experienced the dictating of opinions" (Hungary, 2018), thereof creating a *Wir-Gefühl* among post-Communist countries that still struggle for recognition in the European Parliament.

Yet, looking at Figure 2 below, this approach fails to provide for a clear pattern how MEPs position themselves vis-à-vis norms of liberal democracy. In the overall picture, it suggests that MEPs from Western and Southern European countries have the highest share on defending liberal democratic norms whereas support for them is weaker in Northern and Eastern European countries. However as already remarked in the methodological section, position taking on the basis of speeches is not illustrative for this purpose given that the allocation of speaking time depends first and foremost on the political groups and is not country specific. So, the next section takes into account whether position taking might be better explained by ideological considerations with regard to the European party groups.
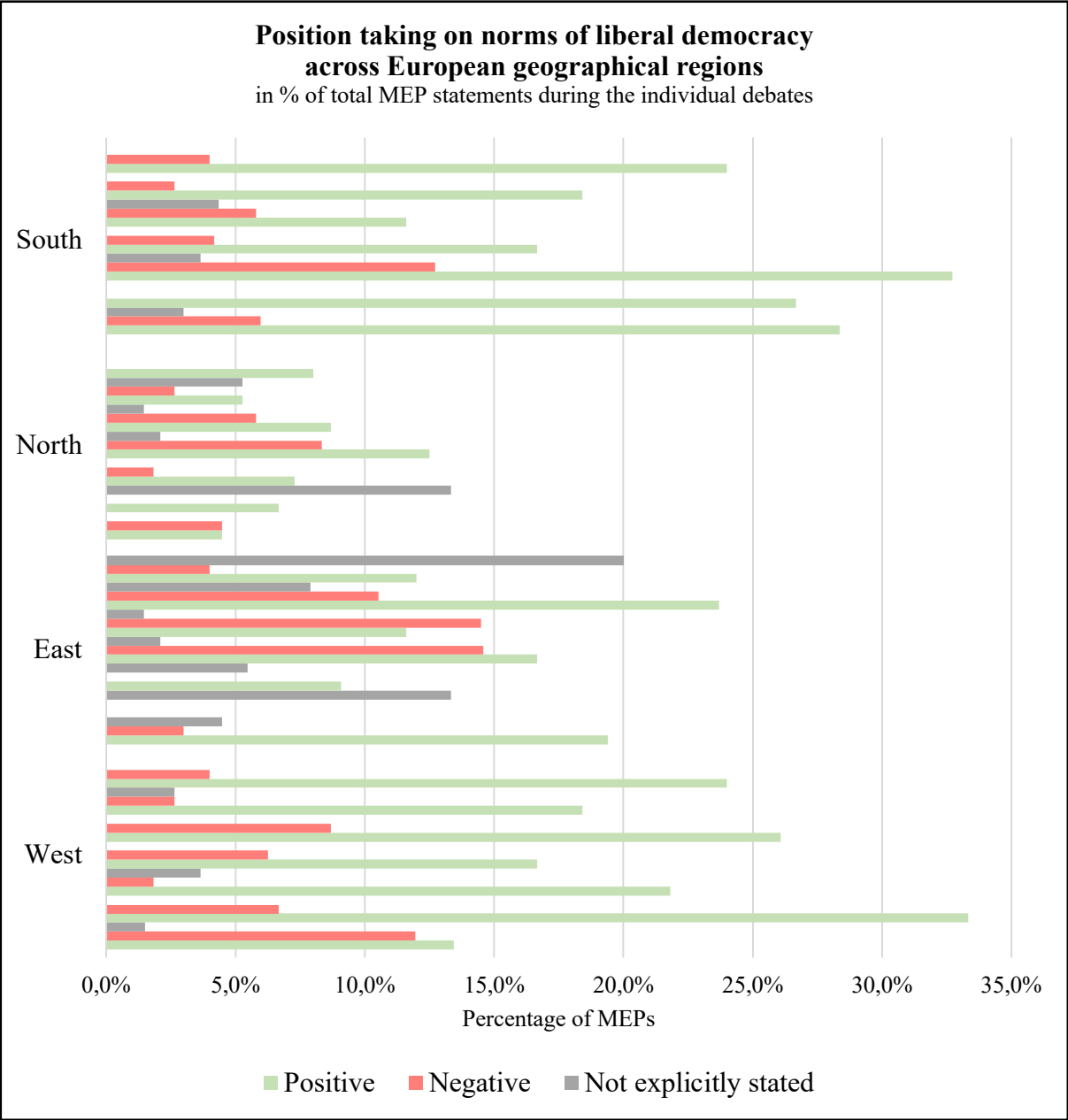

Figure 2: Position taking on norms of liberal democracy across European geographical regions: all debates

40

4.2.2 MEP's Position Taking: EP Party Groups

MEPs, through speeches given during EP plenary debates, position themselves according to their affiliation to the EP party groups specifically supposing a Left versus Right pattern.

The selected cases share one basic characteristic: the respective governments were all criticized in the EP plenary for violating the rule of law in their countries, thereof threatening fundamental freedoms of the people. However, they are distinct in one essential feature, namely on the one hand, the governments of Hungary and Poland consist of national conservative, Christian Democratic parties whereas on the other hand, Spain as well as Malta and Romania have ruling Socialist or Social Democratic parties.

Several MEPs have been critical by arguing that too much politics is involved in the European Parliament debates, particularly assuming partiality among the two leading EP party groups, the EPP and the S&D respectively. However, party politics should not intermingle with such a fundamental issue like EU values and Timmermans expresses his concern that "given the seriousness of this issue, and given the seriousness of the questions that were put on the table, we do not turn this into a party-political fight" (Malta, 2017). According to Spinelli (GUE/NGL), this could ultimately lead to an emptying of the rule of law itself when the issue of the rule of law in Member states turns into a field of electoral or inter-state contention, when it is called into question selectively on the basis of partisan considerations in the EP (EU Mechanism, 2018).

For instance, Hungarian MEP Jávor (Greens/EFA) states that, "apparently it seems that political affiliation matters" (EU Mechanism, 2016) given that Law and Justice in Poland does not belong to the EPP but the Hungarian Fidesz does. He argues that double standards clearly exist and calls for the EP party groups to "stop denying the obvious and strop protecting the unprotectable" (EU Mechanism, 2016). However, an Article 7 TEU procedure has not only been triggered against Poland but last year, the European Parliament has also voted for a resolution in favor of triggering Article 7 with regard to Hungary.

Notably, however, the EPP Group remains vague during the Hungarian debate and the group's leader Manfred Weber rather diminishes the significance of Article 7 TEU by picturing it as a form of dialogue, stating that without readiness on the part of the Hungarian Government to resolve the current lines of conflict, "the start of a dialogue [...] could be necessary" (Hungary, 2018). Such a statement might in fact downgrade the severity of the current situation as Orbán

has recently reiterated his support for Weber for the Commission's position arguing that Weber has indeed voted for the report but on the premise that "this report is a good chance for a constructive dialogue with Hungary" (Alexander & Kálnoky, 2019).

Particularly in the debate on Hungary, there have consequently been sincere appeals to the EPP Group by MEPs from the S&D and ALDE Groups. For example, Bullmann and Gomes (both S&D) call upon the colleagues in the EPP that this is a moment of truth for the group to assume their responsibilities and to choose Europe and not the corrupt system of Orbán (Hungary, 2018). Members in the ALDE Group, particularly Verhofstadt states that "more important than size and power are in fact principles and values" (Hungary, 2018). In his urgent pleas, Verhofstadt appeals to the colleagues in the EPP Group that "please for once", they should see that Orbán is "the seed of discord that will ultimately destroy our beautiful European project" (Hungary, 2018).

Likewise, a similar pattern is detectable in the debates on Spain, Malta and Romania. Here, specifically MEPs from the EPP Group like for instance Mayer, Langer and Hohlmeier criticize that the whole S&D Group is either not present or defends the lack of rule of law in Malta as normal and distracts by arguing that the situation cannot be equated with Hungary or Poland. Similarly, in the debate on Romania (2018), Tomc (EPP) asserts it is clear that Socialists have double standards in the treatment of individual countries. While they were very critical in the debate about Hungary, their tone is more conciliatory when it concerns a government of their Socialist family or they are silent, so one might conclude that this is not a sincere commitment to the rule of law under the same criteria applying to all states equally (Romania, 2018). But not only the EPP Group, also MEPs from the ALDE Group, particularly Michel targets the S&D Group, arguing he has known them to be more vigorous when it comes to denouncing a Member State's shortcomings in relation to human rights.

Contrarily, Frunzulica, a Romanian MEP in the S&D Group condemns that the debate on the rule of law in Romania has only been included in the EP program at the insistence of the EPP Group, in an artificial way in order to politically balance the Parliament's resolution on Hungary. According to her, political goals are being pursued, specifically to weaken the Social Democrats (Romania, 2018). In the same way, MEPs from Malta (particularly those in the S&D Group) feel mistreated by the EPP Group. Particularly, Dalli, Fajon and Schaldemose condemn the strongly exaggerated reactions of the EPP MEPs who should not equate Malta with EU countries that do not comply with the rule of law such as Hungary or Poland. Instead, Malta is

condemned for having a problem with organized crime as regards practices of corruption and money laundering from illicit origin, yet, López Aguilar as well as Jáuregui Atondo (both S&D) assert that this does not point to a general problem of a regression of freedoms or the rule of law. Moreover, the murder of Daphne "cannot be held to reflect on the rule of law here or wherever" (Malta, 2017). MEP Sant (S&D) suspects this is done "as a tit-for-tat related to processes about the rule of law that other Member States are being subjected to" (Malta, 2017).

This certainly suggests that the affiliation to an EP party group matters for the intensity of contestation during plenary debates. This particularly relates to the two largest groups in the European Parliament that accuse each other of double standards in the treatment of Member States.

The overall picture (Figure 3) suggests that support for norms of liberal democracy is highest on the left and lowest on the right of the political spectrum in the EP. This is in line with what the discourse revealed namely that leftist MEPs oftentimes claim that the EU does too little and cares too much about economic issues than about enforcing EU fundamental values whereas rightist MEPs emphasize the importance of national sovereignty and the democratic legitimacy of domestic reforms.

Regarding the EP party groups, MEPs across all party groups (except for the ALDE and Greens/EFA Groups) have, at some point, presented *negative* positions. Yet, most contestation took place in the party groups on the right of the spectrum, in the ECR, EFDD, ENF Groups, respectively. The EPP thereby depicts the midpoint, though showing more *positive* attitudes. However, more profound conclusions cannot be drawn due to the heterogeneity of the EP party groups and again, because the EP party groups are not equally represented due to the allocation of speaking time. For that purpose, it would make more sense to look at the voting patterns in the European Parliament to include all MEPs in the plenary and achieve more far-reaching conclusions.

Nevertheless, we might zoom in on three individual debates, taking on the one hand, the debate on Hungary – given that the target was the Fidesz party of the Conservative EPP – and on the other hand, the debate on Romania – given that the targeted government belongs to the Social Democratic family. Moreover, as a third case, the debate on Poland is selected to contrast it to the others given that the governing Law and Justice party belongs to the ECR Group.

The case of Hungary (Figure 4) certainly exposes serious internal divisions in the European Peoples' Party whereas the S&D Group appears homogenously. In the case of Malta (Figure

5), it is the other way around. Moreover, in the case of Poland (Figure 6), both, the EPP and the S&D, express similar positions, showing support for norms of liberal democracy. Hence, partisan considerations seem to be a powerful explanation for why the EP currently fails or takes too long to take tougher actions in specific circumstances, particularly when comparing the cases of Poland and Hungary. Whereas in Hungary concerns as regards its democratic backsliding began already in 2010, considerations in Poland were not before 2015 after the Law & Justice Party came to power, and although both cases resemble each other, however an Article 7 TEU procedure for Poland was already triggered one year before Hungary's.
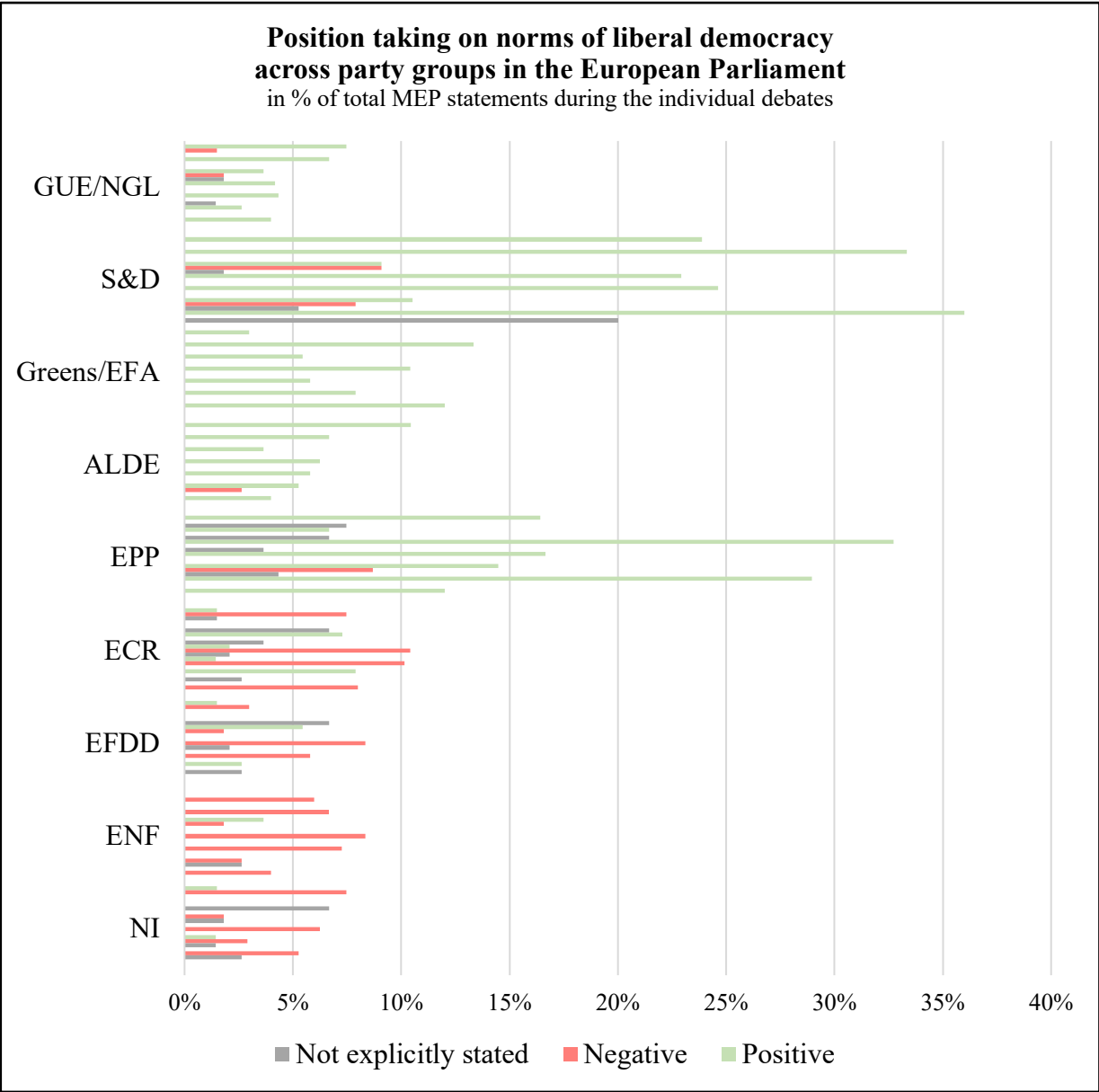

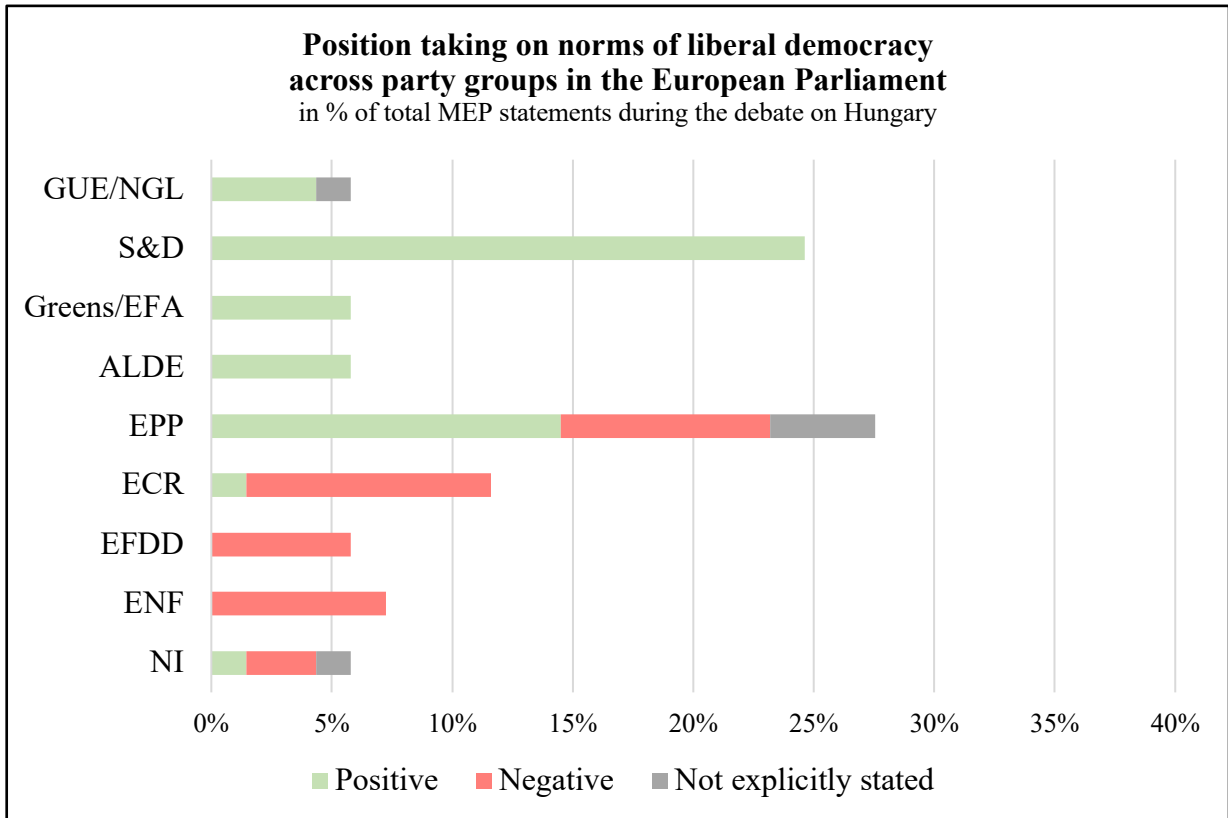*Figure 3: Position taking on norms of liberal democracy across party groups in the EP: all debates*

Figure 4: Position taking on norms of liberal democracy across party groups in the EP: Hungary
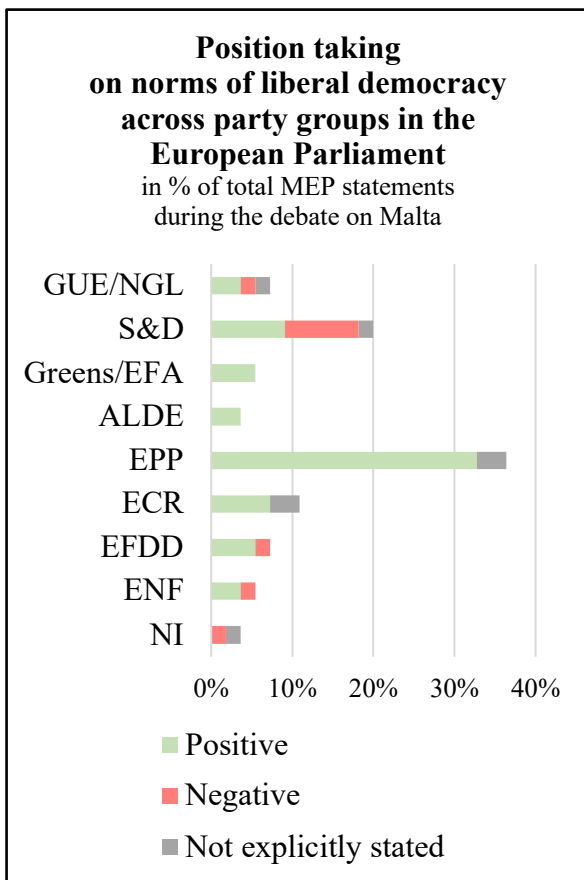

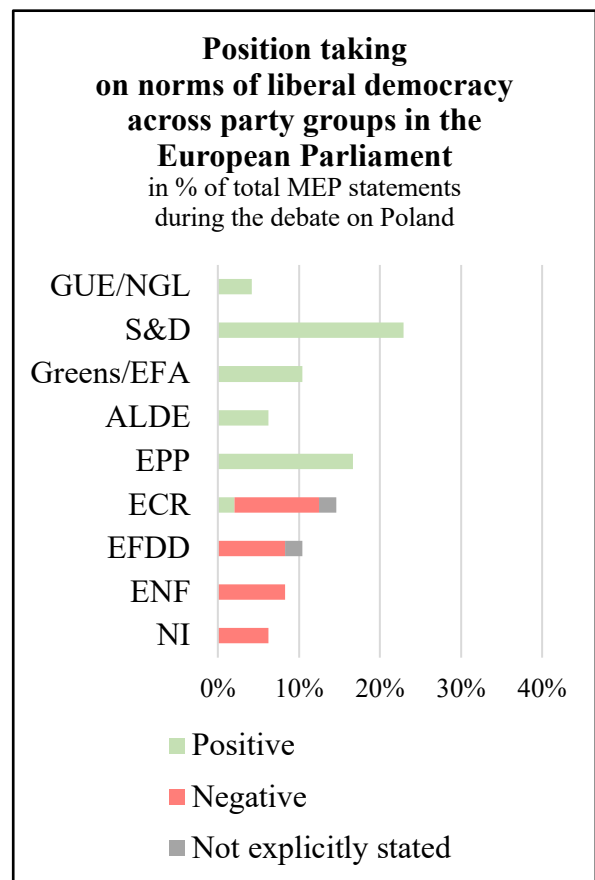*Figure 5: Position taking on norms of liberal democracy across party groups in the EP: Malta*

Figure 6: Position taking on norms of liberal democracy across party groups in the EP: Poland

5 Discussion: Will Liberal Democracy *Norm*-alize Soon?

Norm compliance has long been considered to be guaranteed by the formal validity of norms as enshrined in constitutional principles. Particularly in the wake of the fall of the Iron Curtain, liberal democracies were thought to have supplanted any other competing forms of government and thus, it was long presumed that liberal democracy enjoys universal validity in the context of the global West. Although norms of liberal democracy as regards the rule of law and certain freedoms were consequently established by global treaty regimes and international organizations, at the same time, "contestation has produced particular nationally or locally devised meanings" (Wiener, 2018b, p.6). So, despite the consensus that should exist given the formal validation of liberal democratic norms at the international level, one must pay attention to their context dependent meanings at the national and local levels. Particularly, in a transnational forum such as the European Parliament, clashes about normative interpretations can be expected due to the diverse national root contexts. Chapter 3 has therefore already highlighted that in the context of the European Union, the EU Treaties refer to *values* in Article 2 TEU, but these are too vague and insufficiently translated into normative obligations. To confront a Member's departure from these values, the only available legal option for the EP is to appeal to the Council to determine whether there is a clear risk of a breach under Article 7(1) TEU. This instrument is however considered impractical and thereby raises the question how compliance with fundamental norms such as liberal democracy can be guaranteed despite or beyond their formal validation and particularly within the EP framework. In this regard, Wiener came up with the idea that norm compliance should be understood in a moral sense that rests upon the social recognition of a norm, particularly its understanding must be shared among the norm setters and the norm followers. Therefore, this paper has focused on the European Parliament as the "guardian of Europe's *acquis normatif*" (Müller, 2015, p.18). In fact, public debate and contestation are key democratic elements in any parliamentary system, yet, it is necessary to examine how the Parliament can accommodate divergent interpretations and remind its Members of their shared normative responsibilities.

To answer this paper's research question, *in how far norms of liberal democracy are contested in the political discourse of Members of the European Parliament*, it is therefore crucial to re-assess the discourses underlying the contested interpretations of liberal democratic norms in the European Parliament, particularly distinguishing reactive and proactive forms of contestation. In this regard, it is possible to identify whether the counter narratives merely display objection

to the norms or whether they indicate the desire to refine them that might point to a transformative change in the future course of the EP.

5.1 Reactive Contestation

The discourse analysis has revealed that underpinning much of the contestation concerning liberal democratic norms is a deeper discomfort with their understanding and application in the context of the European Parliament. There are basically two distinct conceptions of how liberal democracy should be interpreted; specifically, one side argues that the norms underlying liberal democracy have been objected by the government in question with reference to their formal validation through the Copenhagen criteria and Article 2 TEU. Particularly, various Members in the EP criticize that reforms initiated by the governments at the domestic level breach their normative obligations as stipulated in Article 2 TEU and they should consequently be sanctioned. Liberalism is thereof understood in terms of individual liberty, making reference to constitutional restraints imposed on governments by the rule of law. This view highlights an open and pluralist society in which minorities are protected not only related to women or the LGBTQ community but essentially also to refugees, thereof embracing a multicultural and tolerant way of living.

On the contrary, certain MEPs understand liberalism in a more nationalist sense. For them, liberalism implies a Europe free from ideological coercion, to be able to decide which values to believe in. Specifically, they contest how the European Parliament understands its normative obligations vis-à-vis the Members; they claim that the EP illegitimately interferes in the domestic affairs of the Member States, not only as regards constitutional aspects such as the rule of law but essentially also when it comes to such salient issues like the traditional image of the family and rights of the LGBT community as these are tightly linked to a nation's understanding of its culture, constitutional tradition and history as protected by Article 4 TEU. Moreover, strongly held national preferences prevail when it comes to domestic policy choices such as in immigration issues, reiterating the principle of subsidiarity. Whereas the EP emphasizes the need to tackle such challenges in a common aspiration, some nations feel that their sovereign right is undermined; instead, they want to decide who to live with in their country. Some MEPs therefore interpret the current debates on the rule of law in some Member States, particularly Poland and Hungary, as some kind of blackmail for being against EU policies as regards for example the protection of minorities or migration issues. Society is

considered to be less inclusive by embracing a strong sense of national identity and adopting a distinct vision of family and migration. Resultantly, the national actors consistently claim democratic legitimacy, while pointing to the EP's lack of respecting the national popular will.

Although the primary focus in this paper was to assess what actually is contested about norms of liberal democracy, yet, due to this disagreement over their interpretation also requires reflecting a bit on the reasons and underlying patterns of it. Contestation has generally been defined as a social practice that entails objections to issues that matter to people (Wiener, 2017) and given that the political actors continuously claim to defend the will of the people, they understand their normative obligations primarily in domestic terms. Thus, it seems that national or traditional values prevail over the validation of European norms. To draw more far-reaching conclusions however, I recommend that future research examines the effect of national and cultural diversity on norm validation by conducting country-specific case studies to explain why norms of liberal democracy are contested by some countries more than by others. From a normative perspective, I assume that much of the contestation may be due to the fact that not all stakeholders were equally involved in the struggle of norm constitution and in the recognition of the universal validity claim of liberal democracy because many Central and Eastern European countries joined the EU in a later stage. Especially these countries now wish to shape the European project as well but feel that their opinions are merely "thrown into the wastebasket. They are just not taken into account" (Legutko in Hungary, 2018). Such a top-down approach by the Union given that its Members are simply expected to obey irrespective of their peculiar historical and political experiences, carries the risk to not generate a shared understanding of the norms as comes now to the fore in the EP.

So, may position taking be explained by an East versus West pattern? Chapter 4.2 inter alia studied a possible divide as regards regional affiliation. Yet Figure 2 did not point to an East versus West phenomenon although many tend to frame it as a battle between the liberal West against an illiberal East in the discourse, also Orbán himself. One can certainly detect a divisive East-West rhetoric during the debates, particularly as the situations in Hungary and Poland are often taken as reference points for showing that conditions are even worse than in their own countries. One should nevertheless remember that the phenomenon is not confined to CEE countries only as the examples of Malta and Spain (Catalonia) have shown. Thus, Romanian MEP González Pons warns that this should not be treated as an "east-west issue, this is a European issue" (Romania, 2018).

Still, the content of the arguments revealed that the national context matters. Taking again the example of Hungary, one could see that Polish MEPs were either reluctant to criticize Hungary's rule of law situation or actively defended Orbán and his practices. One explanation may relate to the historical circumstances that were also frequently mentioned during the debates. For example, the EU was referred to as European Soviet Union or European totalitarianism for putting yet another ideological belief on the Member States. In that sense, the resistance of CEE countries as regards for example mandatory quotas for asylum seekers should not only be understood in terms of preserving the national identity and rejecting a multicultural society but essentially, this is also a way of putting an end to outsiders' practices of telling them what to do against their will like they already experienced with respect to the past Communist rule.

Another explanation that is also followed below relates to the fact that these countries that face similar problems and are afraid of or are already being targeted provide support to each other in the context of a possible Article 7 TEU sanctioning procedure. Orbán, for example, has pledged to veto any sanctions against Poland that requires a unanimous vote in the European Council to proceed. Moreover, during the debate on Romania, particularly MEPs from the Southern states supported the country, articulating concerns when a country's rule of law situation is introduced as a conditionality in the allocation of European funds. Yet, in a debate in January 2019, the Commission's proposal to adopt a rule of law conditionality for Member States in order to receive structural funds was supported by the European Parliament and will now be decided on in the Council.

Despite the national context, the analysis pointed yet at another possibility of categorizing the positions of MEPs across EP party groups. In point of fact, MEPs are not only accountable to their national party and thus to national or regional associated considerations, but they voluntarily decide to join EP party groups whose interests they also have to represent. This actually highlighted how much ideology and political affiliation seems to matter inside the European Parliament.

Such partisan dynamics relate to party groups on the right as well as on the left of the political spectrum. For instance, the discourse has revealed that pro-Hungarian and pro-Polish MEPs depict criticism as politically motivated by leftist parties whereas likewise, Socialists have expressed that putting a debate on Malta on the agenda was simply an act of revenge by the EPP Group. Party members can therefore count (at least most of the times) on support from their respective EP party groups. Whereas it is most visible and vividly discussed with regard

to the EPP as will be argued below, yet, this also relates to the S&D with regard to Romania and Malta or also to the ECR as regards the Polish PiS. However, as Kelemen (2017) argues as well: "Poland's PiS has been targeted more heavily than Fidesz because it does not enjoy protection from powerful partisan allies at the EU level to the extent that Fidesz does" (p.220). Ultimately, such strong party-politics might downplay the relevance of discussing the underlying problems as some sort of "horse trading or mutual back-scratching" (Müller, 2013, p.21) in a sense of if you leave Hungary alone, we leave Malta alone. According to Sant (S&D), "partisanship over the rule of law will undermine the moral basis of this House" (Malta, 2017).

Already Kelemen (2017) found that partisan dynamics provide for a powerful explanation of when and why the EP may tolerate democratic backsliding by one of its members. He argues that "where an authoritarian leader in an EU member state delivers votes to an EU-level political coalition – such as a party group in the European Parliament – its EU-level co-partisans will have incentives to tolerate its democratic backsliding and shield it from EU sanctions" (p.217). Especially in the wake of the May elections, one might as well argue that short-term electoral strategies are pursued. According to Martin (2018), this shows how much power politics is actually pursued as it is basically about retaining power in the European Parliament. Thus, the EPP's *compromise* with Orbán to suspend him rather than exclude and make a clear demarcation in terms of content from what he and the Fidesz party preach may be their large delegation as they currently provide for 11 MEPs in the EPP Group. An exclusion could erode the EPP's current dominance in the EP and gaining membership to Committees also depends on the party group's size.

The Orbán case in the EPP however discloses that instead of moving individual MEPs in their political groups closer together, it showed and hardened lines of conflicts by exposing serious internal divisions over handling EPP member Orbán and his Fidesz party. In this respect, positions of the Member States in fundamental issues drift apart and the question arises whether there will ever be a consolidating point. If Orbán is campaigning so much against the liberal West and against the norms and values that are contrary to the Christian values that he proposes: Why does he not abandon the European project as such? What becomes obvious in the debates is that Orbán does not plan to leave the Union – although for instance British MEP Farage directly approached Orbán that he should join the Brexit club (Hungary, 2018) – but instead, he and several others plan to transform it from inside. Last summer for instance, Orbán proclaimed that "[t]hirty years ago we thought that Europe was our future. Today we believe that we are Europe's future" (Orbán, 2018).

So, the various challenging views expressed in the discourse of MEPs already indicate at a transnational, European conflict due to diverging expectations as regards liberal democratic norms. Whereas reactive contestation is *per se* re-constitutive, relating to what *has* changed, the discourses of Orbán and other MEPs as they wish to restructure and reform the European Parliament from inside already indicate at the agents' proactive contestation (what *ought to* change), therefore allowing for strategic, normative change: it is not merely objection to norms but instead purposeful pro-action (Wiener, 2018).

5.2 Proactive Contestation

The statements of Orbán and other MEPs certainly not only express disdain for the status quo but also indicate the desire to refine the norms that are currently governing them. But *how*? Deducing from the debates, one of the recurring demands relates to re-integrating Christianity into the modern understanding of democracy. For instance, Orbán frequently claims to replace the Union's commitment to *liberal* democracy with his understanding of *Christian* democracy. Whereas in the past, there was a clear delineation of the contents of Christian Democrats, Social Democrats and Liberals, the latter have already taken over the Socialists and if "[C]hristian [D]emocracy doesn't defend itself against the adoption of liberal terms and concepts, it will also perish" (Alexander & Kálnoky, 2019). Specifically, Orbán and particularly MEPs from the political right denounce the liberal, globalist ideas of the "unelected bureaucrats" in Brussels (Hungary, 2018) and the notion liberal has therefore become symbolic for all liberal policies that they oppose, particularly centering around migration. In this regard, Orbán already announced at the beginning of this year that anti-immigration forces should take over the European Parliament, therefore clearly denouncing the vision that Macron is preaching for the future of Europe (Euractiv, 2019). Hence, national interests should generally be put first, seeking national rather than common solutions by guaranteeing the securitization of the borders and deciding with whom they want to live. Accordingly, governments wish to preserve their national culture by opposing not only immigrants and foreigners but also minorities. In this context, one of Orbán's latest attacks has been on Juncker, picturing him next to Hungarian-American financier and philanthropist George Soros on a controversial taxpayer-funded campaign poster whom he accuses to open up the EU to ever more migration. As the poster states, the EU wants to bring in the mandatory settlement quota, weaken the Member States' right to border defense and facilitate immigration with a migrant visa (Figure I in the Appendix).

This campaign has strongly been denounced by various EP and EU officials and moreover, they contradict Orbán's version of Christian democracy. Verhofstadt emphasizes that the European Union has been built on Christian democratic principles and beliefs, referring to the legacies of Adenauer, Schuman, Monnet and De Gasperi. By quoting Schuman, he stresses that "Christianity teaches us equality of all men without distinction between race, colour, class or profession, [...] the dignity of each human person in protection of his individual liberty and with respect for his individual rights by practicing brotherly love to all" (Hungary, 2018). Corazza Bildt (EPP) adds that deriving from this heritage, Christianity today is even more about "respecting human dignity and helping the most vulnerable in need, not sabotaging any European solution on migration" (Hungary, 2018). Accordingly, this perception of Christianity that guides EU behavior is "in many ways exactly the opposite to the divisive, narrow and destructive actions and opinions of Mr Orbán" (Verhofstadt in Hungary, 2018). Engel, a MEP from the EPP Group, compares Orbán to "the leader of a sect", that is only about "religion, the right form of family, the nation, and shutting the other out" (Hungary, 2018).

Such statements give rise to the question, which understanding and interpretation of liberal, or Christian democracy will ultimately prevail: Can we expect liberal democracy to *norm*-alize soon or does this indicate a transformative change in the upcoming EP elections?

Up to this point, this paper still indicates at a very diverse picture on position taking among Members in the European Parliament. Particularly also because those MEPs who contest the validity of liberal democratic norms are still divided among several EP party groups and ultimately depict a smaller fraction. Yet, if those MEPs that have a distinct understanding of the EU values, possibly supporting Orbán's vision of Christian democratic values, unite in the wake of the upcoming European elections, they could get stronger, ultimately having a decisive impact on decision-making in the EP. In the May elections, one might expect that Eurosceptic and nationalist parties will probably lead to more fragmentation in the EP and therefore more contestation given their plans to transform it. On the one hand, this reduces the EP's effectiveness of EU legislation but on the other hand, this can also increase its democratic legitimacy: It can ever more act as a transnational forum for debate and for accommodating the divergent opinions.

However, the risk does not only stem from the smaller party groups but for instance, Orbán already made clear that he wants to transform the mainstream European right and shape its future direction, beginning with renewing the EPP, turning it into an anti-immigration force if

he continues to stay with it. So, given his indefinite suspension in the EPP, there is a lot of controversy whether the EPP should have taken a harsher stance vis-à-vis the Fidesz party and put more pressure on the Hungarian government, and likewise any other party group with members that show similar patterns. On the one hand, I do agree that with keeping such dissident voices in the ranks, this is an opportunity to keep them in check and to prevent them from building an increasingly powerful alliance with even more skeptical groups on the far right. On the other hand, it is unlikely that Orbán & Co. will change their modus operandi and thus, particularly the mainstream parties risk denying their long-held principles, therefore losing the voters' trust. Especially the EPP risks to be associated with Orbán's nationalist and racist agenda during the crucial election campaigning, specifically Weber who wishes to become the President of the Commission. From his association with Orbán, he might suffer from crucial votes as Orbán himself proclaimed in the wake of his controversial campaign that "Mr. Juncker is the past. Mr. Weber is the future" (Alexander & Kálnoky, 2019).

However, aside from the European elections, one should additionally consider whether there can be more efficient means to prevent a transformative change, particularly when it comes to challenging such fundamental norms. Given that Orbán is just one of the EU's *enfants terribles*, what would generally be required on the part of the EU to get better results and get national governments to respect and uphold norms of liberal democracy again? Are there limits to tolerating political change and is Article 7 TEU the only valuable option? Many argue that it is unusable for several reasons. First, it is considered the nuclear option among EU instruments deeming it too violent and too ill-targeted (EU Mechanism, 2018). Second, it is criticized that it is not impartial, being a political, rather than a judicial instrument given that ultimately, national executives decide on its implementation. This directly leads us to a third point, namely, MEPs frequently reiterated that the European Parliament should not decide upon another instrument as the European Council is already responsible. In fact, although Article 7 TEU has been triggered in relation to the rule of law situations in Poland and Hungary, it is likely that these and other countries exercise national vetoes given the fear that sanctions might be applied to them as well.

So, given the impracticality of existing institutional mechanisms, this study has looked at yet another possibility, specifically how the European Parliament can contribute to the EU's efforts in protecting liberal democracy within Member States. Although its role as regards existing instruments is rather limited given that it can only vote a resolution calling the Council to determine whether there is a clear risk of a serious breach under Article 7(1) TEU, the EP can

however have an impact on a normative level. In this regard, complying with the values of the EU largely depends on the political will of the Members. Therefore, the EP can function as a forum to discuss and remind them of their normative obligations to ultimately work towards a shared understanding of the values and norms inside the Union. Yet, the analysis has shown that the discussions inside the EP currently fail to concentrate on the most essential. Although a lot is being discussed and done, "it is piecemeal and erratic. It is too little and, too often, too late" (in't Veld in EU Mechanism, 2018). Sargentini (Greens/EFA) adds that regarding the early stages of rule of law violations in several Member States, this is exactly "voor wat het Parlement vraagt, namelijk niet wachten tot het kalf verdronken is" (EU Mechanism, 2018).
As an attempt to develop a mechanism that enhances the EU's enforcement of norms of liberal democracy and correct shortcomings of existing mechanisms, the European Parliament has already proposed a DRF Pact in 2016. However, "notre demande est restée lettre morte" (Revault d'Allonnes Bonnefoy in EU Mechanism, 2018) and the European Parliament is still alleged of its inability to respond timely to abuses of liberal democratic norms.

Nevertheless, I want to draw attention to the proposed DRF Pact and consider its applicability. First of all, it is a permanent mechanism and not crisis-driven that includes ongoing monitoring that is objective, evidence-based, and not politically motivated that applies equally to all Member States and the EU institutions (EU Mechanism, 2016). Thus, it acts as an early warning and dialogue mechanism because when it comes to fundamental norms, one should not wait for the violation to take place. In my view, such a mechanism could certainly lead to a more objective debate, leaving aside emotional or partisan considerations as the information that is being discussed starts in an early, preventive stage and is based on established comparative examinations that are independently conducted. Given for instance the earlier critique that the value breaches cannot be compared in a sense of *what is happening in Hungary also happens in Malta*, one must respect that the Member States differ as regards their political system and that each country should be judged according to the institutions it has (EU Mechanism, 2018). This would also remove the common argument that problems are generally found only in the CEE countries and that these countries may feel discriminated that could in turn also lead to an increased level of racist and anti-democratic forces that exploit these sentiments within the peoples (Ward in EU Mechanism, 2018). Such a mechanism can therefore counter the rhetoric frequently used in the debates that there are double standards employed and instead, move towards a constructive dialogue. For constructive dialogue to take place however, it also requires conceptual clarity. There is the need to establish a clear and precise definition of criteria

that are sufficiently binding and that allow for a successful monitoring of compliance in the Member States (Benóva in EU Mechanism, 2016). In fact, a key element in the discourses relates to a misunderstanding of the very concept of the rule of law and what actually determines a violation. In order to have a constructive political discourse at the European level, there must be a consensus on the concepts that make sense to domestic contexts as well. In this respect, the EP must engage in an interactive process with the Member States that inter alia depends on the recognition of individual expectations and experiences. Also, Wiener and Puetter (2009) have found that such a bottom-up approach is crucial as understanding norms within distinct domestic contexts is fundamental for the norm's social and cultural validation which is in turn necessary for a norm's acceptance. Otherwise, one can expect increased contestation and the feeling as expressed by some MEPs that the EU values are contrary to their vision of European values or that EU values are imposed on them, consequently contributing to their will to refine them. For the European Union to function, there must be at least a minimum level of normative homogeneity (Leconte, 2007), or say linkage between national interests of the Member States and a wider shared understanding of common EU norms and values. Instead of an *Us versus Them* as is commonly employed, it needs a common spirit inside the Union.

6   Conclusion and Recommendations

Liberal democracy has come under considerable threat worldwide, also in Europe. Particularly in some of the Member States of the European Union, certain governments have not only re-shaped the inner political discourse on liberal democracy, but they have triggered a fundamental debate over liberal democratic norms in the context of the EU, specifically in the European Parliament. The aim of this thesis was to assess on the one hand, *what* exactly is contested by certain Members in the EP to examine whether contestation is merely reactive or actually proactive, possibly hinting at a transformative change taking place. On the other hand, it also shed light on what is contested *by whom* by analyzing the underlying patterns of position taking by MEPs. So, this paper has adopted a qualitative, discursive approach by drawing on the International Relations literature on norm contestation and on the Political Science scholarship. The lessons are threefold:

First, in a transnational forum such as the EP, complying with norms essentially rests upon a shared understanding among norm setter and norm followers. Yet, the analysis has shown that the normative obligations are currently interpreted differently. Whereas on the one hand, MEPs

emphasize the need to respect the values as enshrined in Article 2 TEU, understanding their normative obligations primarily in the context of the international community and vis-à-vis the will of a European people. Others give priority to strong nationalist considerations of sovereignty and identity, understanding their normative obligations primarily in the context of the national state and vis-à-vis the will of a national (homogeneous) people. This paper has made clear a dilemma in which the EP currently finds itself as the debates fail to constructively discuss the renunciation from liberal democracy by its Members and instead, there is a lot of controversy relating to the wording *liberal* and how it should be interpreted. By some MEPs, this notion is associated with progressive liberal policies such as in economic, social or cultural areas and thus, they feel as some in the EP use the debates to prescribe national policies for instance in relation to migration. So, to save liberal democracy, it is necessary to de-couple the discourses on such salient, ideologically-biased subjects from other discourses on the respect for the rule of law. In my point of view, this again points to the necessity to make the debates in the EP more objective and thus constructive. Debates based on a prior, evidence-based assessment as foreseen by a DRF Pact are in my view indispensable.

Second, and relating to the first point, the role of the European Parliament and its normative instead of legal power must be given more attention. Public debate and contestation do both form integral parts of any democratic system and thereof provide for its legitimacy. Whereas the Union's interference in the Member States is increasingly rejected, claiming democratic legitimacy for the actions at the domestic level, it needs a strong European Parliament that can act as a forum for discussion, to accommodate divergent viewpoints and find common grounds. Especially when it comes to such fundamental norms, it must be avoided that Members understand them as being dictated from above.

However, the EP currently risks that its normative commitment is overshadowed by partisan dynamics. Particularly, the debates are rejected for being irrational and instead, they are driven by ideological and other political motives, discriminating certain countries or individuals. The discourse analysis revealed that particularly in the two largest EP party groups, namely the EPP and the S&D, partisan considerations prevail as they protect their members no matter the facts. Undoubtedly, this points at a far more serious problem when in fact party group members and also leading figures are willing to sacrifice their normative commitment to liberal democratic norms for advancing partisan interests. Specifically, the present discussion on Fidesz membership in the EPP has shown what impact such a politicization has on discussing fundamental values that the Union has been founded on. So, MEPs particularly from the two

largest party groups may put aside partisan considerations and put up a united front at least when it comes to defending liberal democracy.

Third, in the face of such serious developments, can we conclude that the European Parliament is still committed to liberal democracy? Whereas reactive contestation is clearly visible given the disapproval of various MEPs concerning EU values, the effect of the MEP's proactive ambitions to refine these values and reform the EP from inside is currently not foreseeable. Yet, there are no signs that this crisis will soon be solved, on the contrary, a lot will depend on the outcome of the European elections this May as they will disclose new power constellations and coalition-building in the European Parliament. For now, contestation is still highly fragmented among the party groups, but the EP must be cautious that nationalist forces are not ultimately undermining the very foundations of this political project. Although the EP's official slogan for the 2014 elections was labelled "This time it's different" (European Parliament, 2013), it seems that this time, it is really different. The MEPs must actively campaign by concentrating on the normative foundations of the European Union to not let it turn into a contest between anti-immigration and pro-immigration forces as for instance Orbán likes to frame it.

Some aspects and recommendations to consider before concluding this thesis: The thesis has emphasized that for understanding normative departures, it is crucial to consider the particular contexts. Yet, it has not focused on country- or region-specific backgrounds but rather considered the debates to deal with similar aspects of liberal democracy. Therefore, the aim was to establish the general discourse in the EP on this topic and deduce common and recurring narratives. However, when evaluating the findings of the thesis one must be aware that there are variations with respect to the degree to which specific norms of liberal democracy have been or have not been breached at the domestic level. Given for instance the debate following the Catalan independence referendum, the recurring arguments were that the EU on the one hand interferes in countries such as Hungary or Poland but on the other hand, it deems the Catalan issue a Spanish internal matter and does not seek mediation. Here, the context matters as in fact, the Spanish democratic Constitution of 1978 establishes *the indissoluble unity of the Spanish nation*. Therefore, it is legally certain that the EU cannot judge the rule of law situation in the same way as it does for example vis-à-vis Hungary that systematically changes its Constitution. Thus, distinct liberal democratic traditions as well as country-specific peculiarities make it difficult to compare certain parts of the discourse. Also, it is necessary to clearly demarcate persistent, systemic from one-time violations that must be encountered

differently. Ultimately, however, any (political) crisis in a Member States will have an impact on the European Union as a whole. Therefore the debates in the EP are important to deal with such contestations and at best, resolve them. In the end, the European project builds on mutual trust and if a Member continues to systematically violate its legal and normative obligations, this has consequences for other areas as a lack of trust weakens the reliability of a state. So, the EU's general problem with these countries is that it currently cannot encounter effectively when a country turns away from democratic principles, de facto the EU cannot exclude a state. So, future discussions must consider whether the existing instruments are adequate or whether it is necessary to enhance the lawfulness of for instance the Copenhagen criteria to remain valid also after accession and include further monitoring and sanctioning mechanisms.

Thus, for future research and particularly relevant for the future of the European project, it is important to understand *why* some of the fundamental norms that lie at the core of governing international relations generate diverse interpretations when enacted in different contexts. Thus, I recommend examining country-specific variations in norm acceptance and implementation by conducting single case studies taking the national governments as units of analysis. This will provide a far deeper insight into the discourses at the national level and trade the origins of this turn away from liberal democracy. Also, a longitudinal approach would be interesting to see how the discourses have evolved over the years and analyze whether specific events such as the financial and the migration crises have shaped the perception of some countries with regard to the Western model of liberal democracy given that current disdain largely concentrates on such liberal aspects of openness and multiculturalism.

7 Literature

Alexander, R. & Kálnoky, B. (2019). Viktor Orbán: "I don't like the politics of vengeance". *WELT*. Retrieved 05.03.19 from https://www.welt.de/politik/ausland/article189692633/Viktor-Orban-I-don-t-like-the-politics-of-vengeance.html

Anderson, E. (2019). EPP President Daul says Orbán crossed 'red line'. *Politico*. Retrieved 10.03.19 from https://www.politico.eu/article/epp-to-debate-expelling-fidesz-on-march-20/

Barroso, J. M. (2012). State of the Union 2012 Address. *European Commission*. Retrieved 17.01.19 from http://europa.eu/rapid/press-release_SPEECH-12-596_en.htm

Beetham, D. (2004). Freedom as the Foundation. *Journal of Democracy*, 15 (4), 61-75.

Bertelsmann (2018). The quality of democracy is declining in many industrialized states. *Bertelsmann-Stiftung*. Retrieved 10.12.18 from https://www.bertelsmann-stiftung.de/en/topics/latest-news/2018/oktober/the-quality-of-democracy-is-declining-in-many-industrialized-states/

Brookings (2019). The Anatomy of Illiberal States: Assessing and Responding to Democratic Decline in Turkey and Central Europe. *Foreign Policy at Brookings*. Retrieved 02.03.19 from https://www.brookings.edu/wp-content/uploads/2019/02/illiberal-states-web.pdf

Bugaric, B. (2014). Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge. *LSE Europe in Question Discussion Paper Series*. Retrieved 16.02.19 from http://www.lse.ac.uk/europeanInstitute/LEQS%20Discussion%20Paper%20Series/leqspaper79.pdf

Checkel, J. T. (1999). Norms, institutions, and national identity in contemporary Europe. *International Studies Quarterly*, *43* (1), 83-114.

Coppedge, M., Gerring, J., Altman, D., Bernhard, M., Fish, S., Hicken, A., ... & Semetko, H. A. (2011). Conceptualizing and measuring democracy: A new approach. *Perspectives on Politics*, 9 (2), 247-267.

Crook, C. (2018). Populists aren't the only enemies of liberal democracy. *Bloomberg*. Retrieved 05.12.18 from https://www.bloomberg.com/opinion/articles/2018-08-01/populists-aren-t-the-only-enemies-of-liberal-democracy

Dahl, R.A. (1971) *Polyarchy: Participation and Opposition* (New Haven & London: Yale University Press)

Deitelhoff, N., & Zimmermann, L. (2013). Things we lost in the fire: How different types of contestation affect the validity of international norms. *PRIF Working Papers*. Retrieved 24.02.19 from https://www.ssoar.info/ssoar/bitstream/handle/document/45520/ssoar-2013-%20deitelhoff_et_al-Things_we_lost_in_the.pdf?sequence=1

ECHR (1950). Convention for the Protection of Human Rights and Fundamental Freedoms. *European Court of Human Rights* and *Council of Europe*. Retrieved 16.01.19 from https://www.echr.coe.int/Documents/Collection_Convention_1950_ENG.pdf

Emmott, R. (2018). EU's biggest grouping puts Hungary's Orban on notice amid rights concerns. *Reuters*. Retrieved 09.12.18 from https://www.reuters.com/article/us-hungary-eu-epp/eus-biggest-grouping-puts-hungarys-orban-on-notice-amid-rights-concerns-idUSKCN1NC2H4

EPP (2018a). Emergency resolution: Resolution adopted at the EPP Congress, Helsinki (Finland), 7-8 November 2018. *EPP*. Retrieved 05.12.18 from https://www.epp.eu/files/uploads/2018/11/1-Emergency-Resolution_Protecting-EU-Values-and-Safeguarding.pdf

EPP (2018b). Manfred Weber elected as EPP candidate for the President of the European Commission. *EPP*. Retrieved 09.12.18 from https://www.epp.eu/press-releases/manfred-weber-elected-as-epp-candidate-for-the-president-of-the-european-commission/

European Commission (2016). Accession criteria. *European Commission*. Retrieved 14.01.19 from https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en

EU Mechanism (2016). EU mechanism on democracy, the rule of law and fundamental rights (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20161025+ITEM-003+DOC+XML+V0//EN&language=EN

EU Mechanism (2018). Need for a comprehensive Democracy, Rule of Law and Fundamental Rights mechanism (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20181023+ITEM-017+DOC+XML+V0//EN&language=EN

Euractiv (2019). Orban puts hopes in new anti-migration European Parliament. *Euractiv.com with Reuters*. Retrieved 28.03.19 from https://www.euractiv.com/section/eu-elections-2019/news/orban-puts-hopes-in-new-anti-migration-european-parliament/

European Parliament (2013). This time it's different. *European Parliament*. Retrieved 24.02.19 from http://www.europarl.europa.eu/elections-2014/en/top-stories/this-time-it's-different/

European Parliament (2016). The European Parliament: The Citizen's Voice in the EU. *European Parliament*. Retrieved 09.02.19 from http://www.europarl.europa.eu/about-parliament/files/home-page/en-ep-brochure.pdf

European Parliament (2018). Establishing of an EU mechanism on democracy, the rule of law and fundamental rights. *Legislative Train Schedule*. Retrieved 18.01.19 from http://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-mechanism-on-democracy-the-rule-of-law-and-fundamental-rights

European Parliament (2018b). How plenary works. *European Parliament*. Retrieved 09.02.19 from http://www.europarl.europa.eu/about-parliament/en/organisation-and-rules/how-plenary-works

European Parliament (2018c). Rules of Procedure of the European Parliament. *European Parliament*. Retrieved 09.02.19 from https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20180731+TOC+DOC+XML+V0//EN&language=EN

European Parliament (n.d.). Democracy and human rights. *European Parliament*. Retrieved 18.01.19 from http://www.europarl.europa.eu/about-parliament/en/democracy-and-human-rights

European Parliament (n.d.b). Verbatim Report of Proceedings. *European Parliament*. Retrieved 09.02.19 from http://www.europarl.europa.eu/cre/info_en.htm

European Parliamentary Assembly (1961). Report by Willi Birkelbach on the political and institutional aspects of accession to or association with the Community (19 December 1961). *CVCE*. Retrieved 16.01.19 from https://www.cvce.eu/en/obj/report_by_willi_birkelbach_on_the_political_and_institutional_aspects_of_accession_to_or_association_with_the_community_19_december_1961-en-2d53201e-09db-43ee-9f80-552812d39c03.html

Finnemore, M., & Sikkink, K. (1998). International norm dynamics and political change. *International organization*, *52* (4), 887-917.

Freedom House (2018). Freedom in the World 2018: Methodology. *Freedom House*. Retrieved 24.02.19 from https://freedomhouse.org/report/methodology-freedom-world-2018

Fukuyama, F. (1989). The end of history?. *The National Interest* (16), 3-18.

Galston, W. A. (2017). *Anti-Pluralism: The Populist Threat to Liberal Democracy*. Yale University Press.

Galston, W. A. (2018). The populist challenge to liberal democracy. *Brookings*. Retrieved 23.10.18 from https://www.brookings.edu/research/the-populist-challenge-to-liberal-democracy/#footnote-6

Gassert, P. (2018). Volksparteien: Deutschlands Parteiensystem wird normal. *Zeit Online*. Retrieved 11.12.18 from https://www.zeit.de/politik/deutschland/2018-11/volksparteien-spd-cdu-parlamentarismus-parteiensystem#comments

Gee, J. P. (2004). *An introduction to discourse analysis: Theory and method*. Routledge.

Gopnik, A. (2017). Norms and Cliffs in Trump's America. *The New Yorker*. Retrieved 20.02.19 from https://www.newyorker.com/news/daily-comment/norms-and-cliffs-in-trumps-america

Hague, R. & Harrop, M. (2013). Comparative government and politics (Vol. 9). New York: Palgrave Macmillan.

Hungary (2018). The situation in Hungary (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20180911+ITEM-011+DOC+XML+V0//EN&language=EN

Hurd, I. (2005). The strategic use of liberal internationalism: Libya and the UN sanctions, 1992–2003. *International Organization*, *59* (3), 495-526.

Jose, B. (2018). Norm Contestation: A Theoretical Framework. In *Norm Contestation* (pp. 21-46). Springer, Cham.

Katzenstein, P. J. (Ed.). (1996). *The culture of national security: Norms and identity in world politics*. Columbia University Press.

Kelemen, R. D. (2017). Europe's other democratic deficit: National authoritarianism in Europe's Democratic Union. *Government and opposition*, *52* (2), 211-238.

Kooiman, J., & Jentoft, S. (2009). Meta-governance: values, norms and principles, and the making of hard choices. *Public administration*, *87* (4), 818-836.

Leconte, C. (2005). The Fragility of the EU as a 'Community of Values': Lessons from the Haider Affair. *West European Politics*, *28* (3), 620-649.

Levitsky, S. & Way, L. A. (2010). Competitive authoritarianism: Hybrid regimes after the Cold War. Cambridge University Press.

Levitsky, S. & Ziblatt, D. (2018). This is how democracies die. *The Guardian*. Retrieved 14.01.19 from https://www.theguardian.com/us-news/commentisfree/2018/jan/21/this-is-how-democracies-die

Macron, E. (2019). "Pour une Renaissance européenne": la letter d'Emmanuel Macron aux Européens. *Le Parisien*. Retrieved 24.03.19 from http://www.leparisien.fr/politique/pour-une-renaissance-europeenne-la-lettre-d-emmanuel-macron-aux-europeens-04-03-2019-8024766.php#xtor=AD-1481423553

Malta (2017). Rule of law in Malta (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20171114+ITEM-011+DOC+XML+V0//EN&language=EN

Manners, I. (2002). Normative power Europe: a contradiction in terms?. *JCMS: Journal of common market studies*, *40* (2), 235-258.

Martin, H. P. (2018). *Game over: Wohlstand für wenige, Demokratie für niemand, Nationalismus für alle: Und dann?* München: Penguin Verlag.

Marzocchi, O. (2018). The protection of fundamental rights in the EU. *European Parliament*. Retrieved 16.01.19 from http://www.europarl.europa.eu/factsheets/en/sheet/146/the-charter-of-fundamental-rights

Mounk, Y. (2018). The Undemocratic Dilemma. *Journal of Democracy*. Retrieved 21.11.18 from https://www.journalofdemocracy.org/article/undemocratic-dilemma

Mudde, C. (2018). On extremism and democracy in Europe: three years later. *OpenDemocracy*. Retrieved 04.12.18 from https://www.opendemocracy.net/can-europe-make-it/cas-mudde/on-extremism-and-democracy-in-europe-three-years-later

Müller, J. W. (2013). Safeguarding Democracy inside the EU. *Brussels and the Future of Liberal Order, Transatlantic Academy Paper Series*.

Müller, J. W. (2015). Should the EU protect democracy and the rule of law inside member states?. *European Law Journal*, *21* (2), 141-160.

O'Donell, G. A. (1994). Delegative democracy. Journal of democracy, 5 (1), 55-69.

Oliker, O. (2017). Putinism, populism and the defence of liberal democracy. *Survival*, *59* (1), 7-24.

Orbán, V. (2014). Prime Minister Viktor Orbán's Speech at the 25th Bálványos Summer Free University and Student Camp. *Website of the Hungarian Government*. Retrieved 23.03.19 from http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp

Orbán, V. (2018). Prime Minister Viktor Orbán's speech at the 29th Bálványos Summer Open University and Student Camp. *Website of the Hungarian Government*. Retrieved 24.02.19

from http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-29th-balvanyos-summer-open-university-and-student-camp

Orbán, V. (2019). Without Christian culture there will be no free life in Europe, if we fail to defend our Christian culture we will lose Europe, and Europe will no longer belong to Europeans. *Website of the Hungarian Government*. Retrieved 24.03.19 from https://www.kormany.hu/en/the-prime-minister/news/without-christian-culture-there-will-be-no-free-life-in-europe-if-we-fail-to-defend-our-christian-culture-we-will-lose-europe-and-europe-will-no-longer-belong-to-europeans

Pappas, T. S. (2016). Distinguishing liberal democracy's challengers. *Journal of democracy*, *27* (4), 22-36. Retrieved 02.03.19 from https://www.journalofdemocracy.org/sites/default/files/Pappas-27-4.pdf

Patel, K. K. (2017). Der Streit um Werte und Normen. Die Präambel des Entwurfs des Verfassungsvertrags von 2003. Retrieved 14.01.19 from https://www.europa.clio-online.de/essay/id/artikel-4323

Peterson, M. J. (Ed.). (2019). Contesting Global Environmental Knowledge, Norms and Governance. Routledge.

Phillips, L. & Jorgensen, M. W. (2002). Discourse analysis as theory and method. London: Sage Publications.

Phillips, N. & Hardy, C. (2002). Discourse Analysis: Investigating Processes of Social Construction. Thousand Oaks: Sage Publications, Inc.

Plattner, M. F. (2010). Populism, pluralism, and liberal democracy. *Journal of Democracy*, 21 (1), 81-92. Retrieved 04.12.18 from https://www.journalofdemocracy.org/article/populism-pluralism-and-liberal-democracy

Plattner, M. F. (2019). Illiberal Democracy and the Struggle on the Right. *Journal of Democracy*, *30* (1), 5-19.

Poland (2017). The situation of the rule of law and democracy in Poland (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20171115+ITEM-007+DOC+XML+V0//EN&language=EN

Powell, C. (2015). The long road to Europe: Spain and the European Community, 1957-1986. *Elcano Royal Institute*. Retrieved 16.01.19 from https://charlespowell.eu/wp-content/uploads/2016/01/DT9-2015-Powell-Long-Road-Europe-Spain-European-Community-1957-1986.pdf

Proksch, S.-O. & Slapin, J. B. (2009). Position Taking in European Parliament Speeches. *Cambridge University Press*. Retrieved 08.02.19 from https://pdfs.semanticscholar.org/e2b3/9be229a57a8ef645150a65f42558e92f4562.pdf

Rawls, J. (1996). *Political Liberalism*. Columbia University Press.

Rohac, D. (2018). In Hungary, Social Conservatism and Authoritarianism Aren't the Same. *Foreign Policy*. Retrieved 24.03.19 from https://foreignpolicy.com/2018/09/11/in-hungary-social-conservatism-and-authoritarianism-arent-the-same/

Romania (2018). The rule of law in Romania (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20181003+ITEM-003+DOC+XML+V0//EN&language=EN

Sargentini Report (2017). Motion for a European Parliament Resolution on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded. *European Parliament*. Retrieved 24.03.19 from http://www.europarl.europa.eu/doceo/document/A-8-2018-0250_EN.html

Schimmelfennig, F. (2005). The EU: Promoting Liberal-Democracy through Membership Conditionality. In Socializing Democratic Norms (pp. 106-126). Palgrave Macmillan, London.

Slobodchikoff, M. O. (2010). The New European Union: Integration as a Means of Norm Diffusion. *Journal on Ethnopolitics and Minority Issues in Europe*, *9*, 1. Retrieved 14.01.19 from https://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2010/Slobodchikoff.pdf

Spain (2017). Constitution, rule of law and fundamental rights in Spain in the light of the events in Catalonia (debate). *European Parliament Debates*. Retrieved 09.02.19 from http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20171004+ITEM-013+DOC+XML+V0//EN&language=EN

Spaventa, E (2016). The interpretation of Article 51 of the EU Charter of Fundamental Rights: the dilemma of stricter or broader application of the Charter to national measures. *Policy Department for Citizen's Rights and Constitutional Affairs*. Retrieved 16.01.19 from http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556930/IPOL_STU(2016)556930_EN.pdf

Talisse, R. B. (2007). Pluralism and Liberal Democracy, by Richard E. Flathman. *Social Theory and Practice*, *33* (1), 151-158.

Thomas, W. (2001). *The ethics of destruction: norms and force in international relations*. Cornell University Press.

Van Nes, F., Abma, T., Jonsson, H., & Deeg, D. (2010). Language differences in qualitative research: is meaning lost in translation?. *European journal of ageing*, *7* (4), 313-316.

Welsh, J. M. (2013). Norm contestation and the responsibility to protect. *Global Responsibility to Protect*, *5* (4), 365-396.

Widdowson, H. G. (2008). *Text, context, pretext: Critical issues in discourse analysis* (Vol. 12). John Wiley & Sons.

Wiener, A. (2007). The dual quality of norms and governance beyond the state: Sociological and normative approaches to 'Interaction'. *Critical Review of International Social and Political Philosophy*, *10* (1), 47-69.

Wiener, A. (2009). Enacting Meaning-in-Use: Qualitative Research on Norms and International Relations. *Review of International Studies*, 35 (1), 175-193. Retrieved 24.02.19 from https://www.jstor.org/stable/20542769

Wiener, A., & Puetter, U. (2009). The Quality of Norms is What Actors Make of It: Critical Constructivist Research on Norms. *Journal of International Law and International Relations*, *5*, 1.

Wiener, A. (2018). *Contestation and constitution of norms in global international relations*. Cambridge University Press.

Wiener, A. (2018b). The rule of law in inter-national relations: contestation *despite* diffusion – diffusion *through* contestation. Forthcoming as Chapter 7 in: May, Christopher and Adam Winchester, eds, Handbook on the Rule of Law, Edward Elgar Publ (in press): https://www.e-elgar.com/shop/handbook-on-the-rule-of-law

Winkler, H. A. (2017). Ohne Werte ist Europa nichts. *ZEIT Online*. Retrieved 09.12.18 from https://www.zeit.de/2017/49/eu-werte-demokratie-polen-reform/komplettansicht

Wolf, M. (2018). Saving liberal democracy from the extremes. *Financial Times*. Retrieved 10.12.18 from https://www.ft.com/content/36bfc242-bd8a-11e8-94b2-17176fbf93f5

Zakaria, F. (2004). The Future of Freedom: Illiberal Democracy at Home and Abroad. NY.: WW Norton & Company.

Zamfir, I. & Dobreva, A. (2018). EU support for democracy and peace in the world. European Parliament Research Service. Retrieved 09.01.19 from http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628271/EPRS_BRI(2018)628271_EN.pdf

8 Appendix

8.1 Table I. The composition of the European Parliament during its eight term (2014-2019) as of 1 April 2018

EP Party Group	Label	Seats	Seat %
Confederal Group of the European United Left/Nordic Green Left	GUE/NGL	51	6.8
Group of the Progressive Alliance of Socialists and Democrats	S&D	189	25.2
Group of the Greens/European Free Alliance	Greens/EFA	52	6.9
Group of the Alliance of Liberals and Democrats for Europe	ALDE	68	9.0
Group of the European People's Party	EPP	219	29.2
European Conservatives and Reformists Group	ECR	72	9.6
Europe of Freedom and Direct Democracy Group	EFDD	44	5.9
Europe of Nations and Freedom	ENF	36	4.8
Non-attached Members	NI	20	2.6
Total		751	100

Data is retrieved from https://epthinktank.eu/2014/11/26/european-parliament-facts-and-figures/1-ep-size-and-proportion-of-political-groups-3/

8.2 Tables II-VIII. Overview of the Debates

Table II. Debate on "*EU mechanism on democracy, the rule of law and fundamental rights*" (EU Mechanism, 2016)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country[6]	Position towards liberal democracy
Sophia in 't Veld	Democraten 66	ALDE	Netherlands	West	Positive
György Schöpflin	Fidesz	EPP	Hungary	East	Not explicitly stated

[6] as defined by the United Nations Statistics Division: https://unstats.un.org/unsd/methodology/m49/

Frank Engel	Christian Social People's Party	EPP	Luxembourg	West	Positive
Monika Flasiková Benová	Direction - Social Democracy	S&D	Slovakia	East	Positive
Kazimierz Michal Ujazdowski	Independent	NI	Poland	East	Positive
Maite Pagazaurtundúa Ruiz	Union, Progress and Democracy	ALDE	Spain	South	Positive
Barbara Spinelli	Independent	GUE / NGL	Italy	South	Positive
Ulrike Lunacek	Die Grünen	Greens / EFA	Austria	West	Positive
Laura Ferrara	Five Star Movement	EFDD	Italy	South	Positive
Gilles Lebreton	National Rally	ENF	France	West	Negative
Bruno Gollnisch	Front National	NI	France	West	Negative
Barbara Kudrycka	Civic Platform	EPP	Poland	East	Positive
Pedro Silva Pereira	Socialist Party	S&D	Portugal	South	Positive
Hans-Olaf Henkel	Independent	ECR	Germany	West	Negative
Cecilia Wikström	Liberals	ALDE	Sweden	North	Positive
Marie-Christine Vergiat	Left Front	GUE / NGL	France	West	Positive
Benedek Jávor	Together 2014	Greens / EFA	Hungary	East	Positive
Gerard Batten	UKIP	EFDD	United Kingdom	North	Negative
Gerolf Annemans	Vlaams Belang	ENF	Belgium	West	Negative
Eleftherios Synadinos	Patriotic Radical Union	NI	Greece	South	Negative
Pavel Svoboda	Christian and Democratic Union – Czechoslovak People's Party	EPP	Czechia	East	Positive
Tanja Fajon	Social Democrats	S&D	Slovenia	South	Positive
Arne Gericke	Alliance C - Christians for Germany	ECR	Germany	West	Negative
Filiz Hyusmenova	Movement for Rights and Freedoms	ALDE	Bulgaria	East	Positive
Marina Albiol Guzmán	United Left	GUE / NGL	Spain	South	Positive

			United Kingdom	North	Negative
Diane James	Independent	EFDD			
Nicolas Bay	National Rally	ENF	France	West	Negative
Udo Voigt	National Democratic Party (NPD)	Ni	Germany	West	Negative
Anna Záborská	Christian Democratic Movement	EPP	Slovakia	East	Not explicitly stated
Josef Weidenholzer	Social Democratic Party	S&D	Austria	West	Positive
Zdzislaw Krasnodebski	Independent	ECR	Poland	East	Negative
Kostas Chrysogonos	Independent	GUE / NGL	Greece	South	Positive
Mylène Troszczynski	National Rally	ENF	France	West	Negative
Michal Boni	Civic Platform	EPP	Poland	East	Positive
Péter Niedermüller	Democratic Coalition	S&D	Hungary	East	Positive
Ruza Tomasic	Croatian Conservative Party	ECR	Croatia	South	Positive
Carlos Coelho	Social Democratic Party	EPP	Portugal	South	Positive
Sylvia-Yvonne Kaufmann	Social Democratic Party (SPD)	S&D	Germany	West	Positive
Milan Zver	Slovenian Democratic Party	EPP	Slovenia	South	Positive
Caterina Chinnici	Democratic Party	S&D	Italy	South	Positive
Alessandra Mussolini	Independent	EPP	Italy	South	Positive
Soraya Post	Feminist Initiative	S&D	Sweden	North	Positive
Kinga Gál	Fidesz	EPP	Hungary	East	Not explicitly stated
Christine Revault D'Allonnes Bonnefoy	Socialist Party	S&D	France	West	Positive
Jeroen Lenaers	Christian Democratic Appeal	EPP	Netherlands	West	Positive
Csaba Sógor	Democratic Alliance of Hungarians in Romania	EPP	Romania	East	Positive
Emil Radev	Citizens for European Development of Bulgaria	EPP	Bulgaria	East	Positive

					Not explicitly stated
Marijana Petir	Independent	EPP	Croatia	South	
Juan Fernando López Aguilar	Spanish Socialist Workers' Party	S&D	Spain	South	Positive
Notis Marias	Greece-The Alternative Road	ECR	Greece	South	Not explicitly stated
Izaskun Bilbao Barandica	Basque Nationalist Party	ALDE	Spain	South	Positive
João Pimenta Lopes	Portuguese Communist Party	GUE / NGL	Portugal	South	Negative
Maria Grapini	Parti du pouvoir humaniste	S&D	Romania	East	Positive
Ivo Vajgl	DeSUS - Democratic Party of Pensioners of Slovenia	ALDE	Slovenia	South	Positive
Josu Juaristi Abaunz	EH Bildu	GUE / NGL	Spain	South	Positive
Georgios Epitideios	Popular Association - Golden Dawn	NI	Greece	South	Negative
Ana Gomes	Socialist Party	S&D	Portugal	South	Positive
Branislav Skripek	Ordinary People	ECR	Slovakia	East	Negative
Ramon Tremosa i Balcells	Catalan European Democratic Party	ALDE	Spain	South	Positive
Konstantinos Papadakis	Communist Party of Greece	NI	Greece	South	Negative
Nicola Caputo	Democratic Party	S&D	Italy	South	Positive
Hugues Bayet	Socialist Party	S&D	Belgium	West	Positive
Brice Hortefeux	The Republicans	EPP	France	West	Not explicitly stated
Csaba Molnár	Democratic Coalition	S&D	Hungary	East	Positive
Sirpa Pietikainen	National Coalition Party	EPP	Finland	North	Positive
Tibor Szanyi	Hungarian Socialist Party	S&D	Hungary	East	Positive
Valdemar Tomasevski	Electoral Action of Poles in Lithuania – Christian Families Alliance	ECR	Lithuania	North	Negative

Table III. Debate on "*Constitution, rule of law and fundamental rights in Spain in the light of the events in Catalonia*" (Spain, 2017)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Manfred Weber	Christian Social Union in Bavaria	EPP	Germany	West	Positive
Gianni Pittella	Democratic Party	S&D	Italy	South	Positive
Ryszard Antoni Legutko	Law and Justice	ECR	Poland	East	Not explicitly stated
Guy Verhofstadt	Open Flemish Liberals and Democrats	ALDE	Belgium	West	Positive
Patrick Le Hyaric	Left Front	GUE / NGL	France	West	Positive
Ska Keller	Alliance 90/The Greens	Greens / EFA	Germany	West	Positive
Raymong Finch	UKIP	EFDD	United Kingdom	North	Not explicitly stated
Marcel de Graaff	Party for Freedom	ENF	Netherlands	West	Negative
Steven Woolfe	Independent	NI	United Kingdom	North	Not explicitly stated
Nicola Caputo	Democratic Party	S&D	Italy	South	Positive
Eugen Freund	Social Democratic Party of Austria	S&D	Austria	West	Positive
Ana Gomes	Socialist Party	S&D	Portugal	South	Positive
Indrek Tarand	Independent	Greens / EFA	Estonia	North	Positive
László Tokés	Fidesz	EPP	Hungary	East	Not explicitly stated
Carlos Zorrinho	Socialist Party	S&D	Portugal	South	Positive

Table IV. Debate on "*Rule of law in Malta*" (Malta, 2017)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Esteban González Pons	People's Party	EPP	Spain	South	Positive
Tanja Fajon	Social Democrats	S&D	Slovenia	South	Positive
Maite Pagazaurtundúa Ruiz	Union, Progress and Democracy	ALDE	Spain	South	Positive
Patrick Le Hyaric	Left Front	GUE / NGL	France	West	Positive
Sven Giegold	Alliance 90/The Greens	Greens / EFA	Germany	West	Positive
Monica Macovei	Independent	ECR	Romania	East	Positive
Raymond Finch	UKIP	EFDD	United Kingdom	North	Negative
Edouard Ferrand	Front National	ENF	France	West	Positive
Frank Engel	Christian Social People's Party	EPP	Luxembourg	West	Positive
Alfred Sant	Labour Party	S&D	Malta	South	Negative
Bernd Lucke	Liberal-Conservative Reformists	ECR	Germany	West	Not explicitly stated
Louis Michel	Reformist Movement	ALDE	Belgium	West	Positive
Takis Hadjigeorgiou	Progressive Party of Working People - Left - New Forces	GUE / NGL	Cyprus	East	Not explicitly stated
Eva Joly	Europe Ecology	Greens / EFA	France	West	Positive
Rolandas Paksas	Order and Justice	EFDD	Lithuania	North	Positive
Georg Mayer	Freedom Party of Austria	ENF	Austria	West	Positive
David Casa	Nationalist Party	EPP	Malta	South	Positive
Eugen Freund	Social Democratic Party of Austria	S&D	Austria	West	Positive
Branislav Skripek	Ordinary People	ECR	Slovakia	East	Positive
Stelios Koulogiou	Coalition of the Radical Left	GUE / NGL	Greece	South	Negative
Josep-Maria Terricabras	Republican Left of Catalonia	Greens / EFA	Spain	South	Positive
Ignazio Corrao	Five Star Movement	EFDD	Italy	South	Positive
Dominique Bilde	National Rally	ENF	France	West	Negative

Roberta Metsola	Nationalist Party	EPP	Malta	South	Positive
Miriam Dalli	Labour Party	S&D	Malta	South	Negative
Zdzislaw Krasnodebski	Independent	ECR	Poland	East	Not explicitly stated
Luke Ming Flanagan	Independent	GUE / NGL	Ireland	North	Positive
Marco Valli	Independent	EFDD	Italy	South	Positive
Werner Langen	Christian Democratic Union	EPP	Germany	West	Positive
Ana Gomes	Socialist Party	S&D	Portugal	South	Not explicitly stated
Lara Comi	Forza Italia	EPP	Italy	South	Positive
Juan Fernando López Aguilar	Spanish Socialist Workers' Party	S&D	Spain	South	Negative
Paul Rübig	Austrian People's Party	EPP	Austria	West	Not explicitly stated
Michal Boni	Civic Platform	EPP	Poland	East	Positive
Marlene Mizzi	Labour Party	S&D	Malta	South	Negative
Monika Hohlmeier	Christian Social Union in Bavaria	EPP	Germany	West	Positive
Jérôme Lavrilleux	Independent	EPP	France	West	Positive
Ramón Jáuregui Atondo	Spanish Socialist Workers' Party	S&D	Spain	South	Negative
Agustín Díaz de Mera García Consuegra	People's Party	EPP	Spain	South	Positive
Marc Tarabella	Socialist Party	S&D	France	West	Positive
Milan Zver	Slovenian Democratic Party	EPP	Slovenia	South	Positive
Christel Schaldemose	Social Democrats	S&D	Denmark	North	Positive
Manolis Kefalogiannis	New Democracy	EPP	Greece	South	Positive
Cécile Kashetu Kyenge	Democratic Party	S&D	Italy	South	Positive
Michaela Sojdrová	Christian and Democratic Union - Czechoslovak People's Party	EPP	Czechia	East	Positive
Lívia Járóka	Fidesz	EPP	Hungary	East	Not explicitly stated
Francis Zammit Dimech	Nationalist Party	EPP	Malta	South	Positive
Dariusz Rosati	Civic Platform	EPP	Poland	East	Positive

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Paulo Rangel	Social Democratic Party	EPP	Portugal	South	Positive
Patricija Sulin	Slovenian Democratic Party	EPP	Slovenia	South	Positive
Notis Marias	Greece - The Alternative Road	ECR	Greece	South	Positive
Eleftherios Synadinos	Patriotic Radical Union	NI	Greece	South	Negative
Georgios Epitideios	Popular Association - Golden Dawn	NI	Greece	South	Not explicitly stated
Pirkko Ruohonen-Lerner	Finns Party	ECR	Finland	North	Positive
Romana Tomc	Slovenian Democratic Party	EPP	Slovenia	South	Positive

Table V. Debate on "*The situation of the rule of law and democracy in Poland*" (Poland, 2017)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Janusz Lewandowski	Civic Platform	EPP	Poland	East	Positive
Gianni Pittella	Democratic Party	S&D	Italy	South	Positive
Jacek Saryusz-Wolski	No party member	NI	Poland	East	Negative
Ryszard Antoni Legutko	Law and Justice	ECR	Poland	East	Negative
Barbara Kudrycka	Civic Platform	EPP	Poland	East	Positive
Guy Verhofstadt	Open Flemish Liberals and Democrats	ALDE	Belgium	West	Positive
Marek Jurek	Right Wing of the Republic	ECR	Poland	East	Not explicitly stated
Barbara Spinelli	Independent	GUE / NGL	Italy	South	Positive
Judith Sargentini	GroenLinks	Greens / EFA	Netherlands	West	Positive
Robert Jaroslaw Iwaszkiewicz	Liberty	EFDD	Poland	East	Negative
Liisa Jaakonsaari	Social Democratic Party of Finland	S&D	Finland	North	Positive

Michal Marusik	Congress of the New Right	ENF	Poland	East	Negative
Janusz Korwin-Mikke	Congress of the New Right	NI	Poland	East	Negative
Beatriz Becerra Basterrechea	Independent	ALDE	Spain	South	Positive
Roberta Metsola	Nationalist Party	EPP	Malta	South	Positive
Boguslaw Liberadzki	Democratic Left Alliance	S&D	Poland	East	Positive
Sophia in 't Veld	Democraten 66	ALDE	Netherlands	West	Positive
Malin Björk	Left Party	GUE / NGL	Sweden	North	Positive
Terry Reintke	Alliance 90/The Greens	Greens / EFA	Germany	West	Positive
David Coburn	Independent	EFDD	United Kingdom	North	Not explicitly stated
Peter Lundgren	Sweden Democrats	ECR	Sweden	North	Negative
Gunnar Hökmark	Moderate Party	EPP	Sweden	North	Positive
Auke Zijlstra	Party for Freedom	ENF	Netherlands	West	Negative
Frank Engel	Christian Social People's Party	EPP	Luxembourg	West	Positive
Josef Weidenholzer	Social Democratic Party	S&D	Austria	West	Positive
Rolandas Paksas	Order and Justice	EFDD	Lithuania	North	Negative
Jean-Luc Schaffhauser	Rassemblement bleu marine	ENF	France	West	Negative
Eleftherios Synadinos	Patriotic Radical Union	NI	Greece	South	Negative
Anna Maria Corazza Bildt	Moderate Party	EPP	Sweden	North	Positive
Birgit Sippel	Social Democratic Party (SPD)	S&D	Germany	West	Positive
Gerolf Annemans	Vlaams Belang	ENF	Belgium	West	Negative
Tanja Fajon	Social Democrats	S&D	Slovenia	South	Positive
Danuta Jazlowiecka	Civic Platform	EPP	Poland	East	Positive
Juan Fernando López Aguilar	Spanish Socialist Workers' Party	S&D	Spain	South	Positive
Ruza Tomasic	Croatian Conservative Party	ECR	Croatia	South	Negative
Diane James	Independent	EFDD	United Kingdom	North	Negative
Anna Elzbieta Fotyga	Law and Justice	ECR	Poland	East	Negative
Adam Gierek	Labour Union	S&D	Poland	East	Positive
Ana Gomes	Socialist Party	S&D	Portugal	South	Positive
Beata Gosiewska	Law and Justice	ECR	Poland	East	Negative

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Ian Hudghton	Scottish National Party	Greens / EFA	United Kingdom	North	Positive
Benedek Jávor	Together 2014	Greens / EFA	Hungary	East	Positive
Notis Marias	Greece-The Alternative Road	ECR	Greece	South	Positive
Péter Niedermüller	Democratic Coalition	S&D	Hungary	East	Positive
Christine Revault d'Allonnes Bonnefoy	Socialist Party	S&D	France	West	Positive
Alyn Smith	Scottish National Party	Greens / EFA	United Kingdom	North	Positive
Ivan Stefanec	Christian Democratic Movement	EPP	Slovakia	East	Positive
Kristina Winberg	Sweden Democrats	EFDD	Sweden	North	Negative

Table VI. Debate on "*The situation in Hungary*" (Hungary, 2018)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Judith Sargentini	GroenLinks	Greens / EFA	Netherlands	West	Positive
Ingeborg Grässle	Christian Democratic Union	EPP	Germany	West	Positive
Petra Kammerevert	Social Democratic Party	S&D	Germany	West	Positive
Maite Pagazaurtundúa Ruiz	Union, Progress and Democracy	ALDE	Spain	South	Positive
Maria Noichl	Social Democratic Party	S&D	Germany	West	Positive
Manfred Weber	Christian Social Union in Bavaria	EPP	Germany	West	Positive
Udo Bullmann	Social Democratic Party	S&D	Germany	West	Positive
Ryszard Antoni Legutko	Law and Justice	ECR	Poland	East	Negative
Guy Verhofstadt	Open Flemish Liberals and Democrats	ALDE	Belgium	West	Positive
Philippe Lamberts	Écologistes confédérés pour	Greens / EFA	Belgium	West	Positive

	l'organisation de luttes originales				
Marie-Christine Vergiat	Left Front	GUE / NGL	France	West	Positive
Nigel Farage	Independent	EFDD	United Kingdom	North	Negative
Nicolas Bay	National Rally	ENF	France	West	Negative
Krisztina Morvai	(supports Fidesz)	NI	Hungary	East	Negative
József Szájer	Fidesz	EPP	Hungary	East	Negative
Josef Weidenholzer	Social Democratic Party	S&D	Austria	West	Positive
Marek Jurek	Right Wing of the Republic	ECR	Poland	East	Negative
Sophia in 't Veld	Democraten 66	ALDE	Netherlands	West	Positive
Romeo Franz	Alliance 90/The Greens	Greens / EFA	Germany	West	Positive
Malin Björk	Left Party	GUE / NGL	Sweden	North	Positive
James Carver	Independent	NI (now EFDD)	United Kingdom	North	Not explicitly stated
Jörg Meuthen	AfD	EFDD	Germany	West	Negative
Auke Zijlstra	Party for Freedom	ENF	Netherlands	West	Negative
Zoltán Balczó	Jobbik	NI	Hungary	East	Positive
Roberta Metsola	Nationalist Party	EPP	Malta	South	Positive
Tanja Fajon	Social Democrats	S&D	Slovenia	South	Positive
Branislav Skripek	Ordinary People	ECR	Slovakia	East	Negative
Nadja Hirsch	Free Democratic Party	ALDE	Germany	West	Positive
Eva Joly	Europe Ecology	Greens / EFA	France	West	Positive
Aymeric Chauprade	Les Francais Libres	EFDD	France	West	Negative
Mara Bizzotto	Lega Nord	ENF	Italy	South	Negative
Othmar Karas	Austrian People's Party	EPP	Austria	West	Positive
István Ujhelyi	Hungarian Socialist Party	S&D	Hungary	East	Positive
Jussi Halla-aho	Finns Party	ECR	Finland	North	Negative
Bernard Monot	Debout la France	EFDD	France	West	Negative
Harald Vilimsky	Freedom Party of Austria	ENF	Austria	West	Negative
Kinga Gál	Fidesz	EPP	Hungary	East	Negative
Cécile Kashetu Kyenge	Democratic Party	S&D	Italy	South	Positive
Monica Macovei	Independent	ECR	Romania	East	Positive
Frank Engel	Christian Social People's Party	EPP	Luxembourg	West	Positive

Iratxe García Pérez	Spanish Socialist Workers' Party	S&D	Spain	South	Positive
Anders Primdahl Vistisen	Danish People's Party	ECR	Denmark	North	Negative
Seán Kelly	Fine Gael Party	EPP	Ireland	North	Positive
Christine Revault D'Allonnes Bonnefoy	Socialist Party	S&D	France	West	Positive
Peter Lundgren	Sweden Democrats	ECR	Sweden	North	Negative
Lívia Járóka	Fidesz	EPP	Hungary	East	Negative
Péter Niedermüller	Democratic Coalition	S&D	Hungary	East	Positive
Anna Maria Corazza Bildt	Moderate Party	EPP	Sweden	North	Positive
Juan Fernando López Aguilar	Spanish Socialist Workers' Party	S&D	Spain	South	Positive
Ádám Kósa	Fidesz	EPP	Hungary	East	Negative
Patrizia Toia	Democratic Party	S&D	Italy	South	Positive
Anna Záborská	Christian Democratic Movement	EPP	Slovakia	East	Not explicitly stated
Michal Boni	Civic Platform	EPP	Poland	East	Positive
Milan Zver	Slovenian Democratic Party	EPP	Slovenia	South	Negative
Marijana Petir	Independent	EPP	Croatia	South	Not explicitly stated
Julie Ward	Labour Party	S&D	United Kingdom	North	Positive
Luke Ming Flanagan	Independent	GUE / NGL	Ireland	North	Positive
Mario Borghezio	Lega Nord	ENF	Italy	South	Negative
Lampros Fountoulis	Popular Association - Golden Dawn	NI	Greece	South	Negative
Elisabetta Gardini	Forza Italia	EPP	Italy	South	Not explicitly stated
Maria Grapini	Parti du pouvoir humaniste	S&D	Romania	East	Positive
Cristian-Silviu Busoi	National Liberal Party	EPP	Romania	East	Positive
Joao Ferreira	Portuguese Communist Party	GUE / NGL	Portugal	South	Not explicitly stated
Ana Gomes	Socialist Party	S&D	Portugal	South	Positive
Beata Gosiewska	Law and Justice	ECR	Poland	East	Negative
Antanas Guoga	Independent	EPP	Lithuania	North	Positive
András Gyürk	Fidesz	EPP	Hungary	East	Negative

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Csaba Molnár	Democratic Coalition	S&D	Hungary	East	Positive
Kathleen Van Brempt	Socialistische Partij Anders	S&D	Belgium	West	Positive

Table VII. Debate on "*The rule of law in Romania*" (Romania, 2018)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Esteban González Pons	People's Party	EPP	Spain	South	Positive
Josef Weidenholzer	Social Democratic Party	S&D	Austria	West	Positive
Monica Macovei	Independent	ECR	Romania	East	Positive
Guy Verhofstadt	Open Flemish Liberals and Democrats	ALDE	Belgium	West	Positive
Ska Keller	Alliance 90/The Greens	Greens / EFA	Germany	West	Positive
Barbara Spinelli	Independent	GUE / NGL	Italy	South	Positive
Ignazio Corrao	Five Star Movement	EFDD	Italy	South	Positive
Nicolas Bay	National Rally	ENF	France	West	Negative
Steven Woolfe	Independent	NI	United Kingdom	North	Negative
Dan Nica	Social Democratic Party	S&D	Romania	East	Positive
Gunnar Hökmark	Moderate Party	EPP	Sweden	North	Positive
Laurentju Rebega	PRO Romania	ECR	Romania	East	Positive
James Carver	Independent	NI	United Kingdom	North	Not explicitly stated
Sophia in 't Veld	Democraten 66	ALDE	Netherlands	West	Positive
Harald Vilimsky	Freedom Party of Austria	ENF	Austria	West	Not explicitly stated
Marek Jurek	Right Wing of the Republic	ECR	Poland	East	Not explicitly stated
Roberta Metsola	Nationalist Party	EPP	Malta	South	Positive
Juan Fernando López Aguilar	Spanish Socialist Workers' Party	S&D	Spain	South	Positive
Ruza Tomasic	Croatian Conservative Party	ECR	Croatia	South	Positive

Norica Nicolai	ALDE Romania	ALDE	Romania	East	Negative
John Stuart Agnew	UKIP	EFDD	United Kingdom	North	Not explicitly stated
Razvan Popa	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Emilian Pavel	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Maria Grapini	Parti du pouvoir humaniste	S&D	Romania	East	Negative
Eleftherios Synadinos	Patriotic Radical Union	NI	Greece	South	Negative
Siegfried Muresan	National Liberal Party	EPP	Romania	East	Positive
Ioan Mircea Pascu	Social Democratic Party	S&D	Romania	East	Positive
Cristian-Silviu Busoi	National Liberal Party	EPP	Romania	East	Positive
Birgit Collin-Langen	Christian Democratic Union	EPP	Germany	West	Positive
Doru-Claudian Frunzulica	Social Democratic Party	S&D	Romania	East	Negative
Antanas Guoga	Independent	EPP	Lithuania	North	Positive
Eva Joly	Europe Ecology	Greens / EFA	France	West	Positive
Marian-Jean Marinescu	National Liberal Party	EPP	Romania	East	Positive
Michaela Sojdrová	Christian and Democratic Union - Czechoslovak People's Party	EPP	Czechia	East	Positive
Claudia Tapardel	Social Democratic Party	S&D	Romania	East	Negative
László Tokés	Fidesz	EPP	Hungary	East	Positive
Romana Tomc	Slovenian Democratic Party	EPP	Slovenia	South	Positive
Monika Vana	The Greens - The Green Alternative	Greens / EFA	Austria	West	Positive

Table VIII. Debate on "*Need for a comprehensive Democracy, Rule of Law and Fundamental Rights mechanism*" (EU Mechanism, 2018)

Name of the MEP	National party	EU Political Group	Country	Geographical location of the country	Position towards liberal democracy
Frank Engel	Christian Social People's Party	EPP	Luxembourg	West	Positive
Josef Weidenholzer	Social Democratic Party	S&D	Austria	West	Positive
Zdzislaw Krasnodebski	Independent	ECR	Poland	East	Negative
Sophia in 't Veld	Democraten 66	ALDE	Netherlands	West	Positive
Judith Sargentini	GroenLinks	Greens / EFA	Netherlands	West	Positive
Barbara Spinelli	Independent	GUE / NGL	Italy	South	Positive
Gilles Lebreton	National Rally	ENF	France	West	Negative
Roberta Metsola	Nationalist Party	EPP	Malta	South	Positive
Claude Moraes	Labour Party	S&D	United Kingdom	North	Positive
Birgit Sippel	Social Democratic Party	S&D	Germany	West	Positive
Jirí Pospísil	TOP 09	EPP	Czechia	East	Positive
Doru-Claudian Frunzulica	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Julie Ward	Labour Party	S&D	United Kingdom	North	Positive
Maria Gabriela Zoana	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Maria Grapini	Parti du pouvoir humaniste	S&D	Romania	East	Positive
Juan Fernando López Aguilar	Spanish Socialist Workers' Party	S&D	Spain	South	Positive
Razvan Popa	Social Democratic Party	S&D	Romania	East	Positive
Claudiu Ciprian Tanasescu	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Claudia Tapardel	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Notis Marias	Greece - The Alternative Road	ECR	Greece	South	Negative
Jordi Solé	Republican Left of Catalonia	Greens / EFA	Spain	South	Positive
Ana Miranda	Galician Nationalist Bloc	Greens / EFA	Spain	South	Positive

					Not explicitly stated
Victor Bostinaru	Social Democratic Party	S&D	Romania	East	Not explicitly stated
Christine Revault D'Allonnes Bonnefoy	Socialist Party	S&D	France	West	Positive
Alfred Sant	Labour Party	S&D	Malta	South	Positive

8.2 Figure I. Campaign poster by the Fidesz Party

Retrieved from https://www.euractiv.com/section/eu-elections-2019/news/hungarys-ruling-party-doesnt-belong-in-epp-says-juncker/