

# “European values” under pressure from war in Ukraine

DEMOCRACY &  
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#ukraine  
#war  
#values

## • Abstract

The resumption of war on the European continent reopens old wounds and plunges Europe back into a “tragic chapter of human history”. Often criticised for its idealistic approach and geopolitical ineffectuality, the European Union (EU) has had to adopt a power-based narrative and effective decisions. This “geopolitical awakening” is demonstrated in the support that Europeans provide to Ukraine and is reflected in practical decisions: unprecedented economic and political sanctions, provision of lethal weapons, broad hosting of refugees, economic assistance, etc. Such support can be seen in recent opinion polls which show that a majority of Europeans feel solidarity with Ukraine, highlighting a strengthened cohesion and a feeling of belonging to the EU.

While a majority of Europeans assert that the EU is defending “European values” through its actions in response to the war in Ukraine, there is still some confusion about the underlying meaning of the term “values” which must be clarified. Opinion polls show that these “values” primarily refer to the legal and political principles that result from political liberalism, as developed over Europe’s history and asserted since the Enlightenment. These principles constitute the EU’s founding core: first integration created the conditions for long-lasting peace and anchored democracy before it built strength through unity. The war in Ukraine has, however, brought to the fore a few paradoxes, or contradictions, inherent to the specific frame of reference of “European values”, often used by illiberal governments to discredit the European project. Given this conflicting use of the term, in political, legal, cultural and societal fields, the term “value” is not the most appropriate. A distinction must therefore be made between “principles” and “values”. This would have the

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advantage of creating a clearer structure for the debate surrounding the distinction between the uncompromising and homogenous respect for the fundamental political and legal principles required of all Member States and a convergent yet pluralistic and tolerant approach to the values which underpin Europeans' cultural and societal choices.

This requirement of “political uniformity” is a key condition to ensure that the EU enjoys a sustainable capacity to address external geopolitical challenges. The development of an external European sovereignty in relation to powers such as Russia or China will only ever be meaningful if the exercise of this sovereignty defends and upholds the principles which contribute to the identity of the EU's legal order. In this way, European “power” is inseparable from the feeling of “belonging” related to respect for the political and legal principles on which the EU's existence and the (geo) political identity of Europeans are based. To achieve this, Europeans must maintain their cohesion in relation to these political and legal principles to avoid division. Moreover, if European solidarity, which is perceived in the decisions made by the EU and in the support of European public opinion since the start of the war in Ukraine, is strong enough to prevail and prove that it is an effective protection against a potential invader, this will forge sufficiently close ties between Member States to strengthen the consensus regarding these principles, at the very least, so that a partial lack of consensus does not endanger the entire edifice of Europe.

## • Introduction

The war in Ukraine has disrupted the mindset of the European Union (EU) and of European citizens. The resumption of war on the European continent reopens old wounds and plunges it back into history. As a result of this war, the EU has to reconsider its direction and the values on which it has based its paradigm of political action. Often criticised for its idealistic approach and geopolitical ineffectuality, the EU has had to adopt a narrative and decisions based on hard power and in doing so has become aware of a shift from “values” to the defence of its “interests”<sup>1</sup>.

Yet is it that simple to set values against interests? The reality of war and this new narrative question the framework in which European values are enshrined. Three key questions arise:

- In which ways and to what degree is European public opinion in favour of the decisions made by the EU to support Ukrainians?
- To what extent does such majority support reflect a desire to defend “European values”? If this is the case, which ones?
- Is a clarification of the various aspects of these values essential, given the political divisions within the EU in relation to them?

What is at stake here is that **European cohesion in relation to these fundamental political principles must be guaranteed** if the EU and its Member States are to come together to address the challenges brought about by the war in Ukraine.

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<sup>1</sup> We would like to thank Emmanuel Rivière for having facilitated our access to many of the data sources used in the following analyses and Sébastien Maillard and Jean-Baptiste Roche for their ever-invaluable comments regarding the first draft of this paper.

## I • Europeans' relationship with the EU in response to the war in Ukraine

### I “GEOPOLITICAL AWAKENING OF EUROPE”?

One year on from the Russian invasion of Ukraine, how has the resumption of war on the continent changed Europe? The provision of legal weapons to Ukraine, the broad hosting of refugees, unprecedented economic and political sanctions (which come under hard power) against Russia, and increases in military expenditure, including in Germany: these decisions<sup>2</sup> are historic and the cohesion between European leaders and the strong support of public opinion are remarkable. This cohesion appears to be long-lasting: on 23 March 2023, the European Council approved the provision of one million ammunition rounds to Ukraine<sup>3</sup>, demonstrating once more the EU's lasting support for Ukraine in its war effort. An 11<sup>th</sup> round of sanctions is currently being adopted.

**TABLE 1. European and American assistance for Ukraine (in € billion)**

	Economic and financial assistance	Humanitarian assistance	Military assistance	Total	Total (as a % of GDP)	World ranking (in total assistance)	World ranking (as a % of GDP)
<b>USA</b>	24.46	3.63	43.19	<b>71.3</b>	0.37%	1	10
<b>EU</b>	37.8	17	12	<b>66.8</b>	0.42%	2*	6*
<b>United Kingdom</b>	2.94	0.25	6.63	<b>9.8</b>	0.38%	2	8
<b>Germany</b>	1.3	2.5	3.6	<b>7.4</b>	0.21%	3	18
<b>Japan</b>	5.66	0.57	0.002	<b>6.23</b>	0.13%	4	21
<b>The Netherlands</b>	0.99	0.59	2.36	<b>3.94</b>	0.46%	5	6
<b>Canada</b>	2.06	0.35	1.38	<b>3.79</b>	0.25%	6	15
<b>Poland</b>	0.93	0.17	2.42	<b>3.52</b>	0.64%	7	5
<b>Norway</b>	0.96	0.129	1.26	<b>2.35</b>	0.7	8	4
<b>France</b>	0.7	0.39	0.6	<b>1.7</b>	0.07%	9	24
<b>Sweden</b>	0.17	0.11	1.13	<b>1.41</b>	0.28%	10	13
<b>Italy</b>	0.31	0.052	0.66	<b>1.02</b>	0.06%	11	27
<b>Denmark</b>	0.06	0.1	0.8	<b>0.96</b>	0.29%	12	12
<b>Czech Republic</b>	/	0.37	0.57	<b>0.94</b>	0.41%	13	7
<b>Finland</b>	0.08	0.051	0.77	<b>0.9</b>	0.36%	14	11
<b>Austria</b>	0.04	0.72	0.003	<b>0.77</b>	0.19%	15	19
<b>Spain</b>	0.35	0.05	0.32	<b>0.72</b>	0.06%	16	26
<b>Lithuania</b>	0.02	0.06	0.41	<b>0.49</b>	0.93%	17	3
<b>Portugal</b>	0.25	0.16	0.07	<b>0.48</b>	0.23%	18	16
<b>Australia</b>	/	0.07	0.38	<b>0.45</b>	0.04%	19	29
<b>Latvia</b>	0.015	0.003	0.37	<b>0.39</b>	1.24%	20	1
<b>Switzerland</b>	0.06	0.3	/	<b>0.35</b>	0.05%	21	28
<b>Belgium</b>	0.008	0.09	0.24	<b>0.34</b>	0.70%	22	25
<b>Estonia</b>	/	0.005	0.31	<b>0.31</b>	1.10%	23	2

▲ Source: Council of the European Union, Kiel Institute for the World Economy and calculations of the authors<sup>4</sup>

While the USA is the leading contributor (in absolute terms) to the Ukrainian war effort, the EU has successfully mobilised significant economic, financial, military and humanitarian resources to assist Ukraine and ranks second worldwide. The EU is even

<sup>2</sup> European Council (last reviewed May 2023), “EU solidarity with Ukraine”.

<sup>3</sup> Tidey A. (2023), “EU greenlights €2 billion Ukraine ammunition but doubts remain over ability to deliver on time”, *euronews.com*, 26 March.

<sup>4</sup> For the European Union, the data used here is presented on the [official website of the Council](#). Other data was compiled by the [Ukraine Support Tracker set up by the Kiel Institute for the World Economy](#).

ahead of the USA if European assistance is expressed as a percentage of the GDP of the 27 Member States (Table 1). It should also be noted that there are major differences in contribution amounts between Member States, ranging from €190 million for Greece to €7.4 billion for Germany.

The war in Ukraine appears to once again support Jean Monnet's claim that "Europe will be forged in crisis, and will be the sum of the solutions adopted for those crises" as demonstrated by the series of crises over the last fifteen years, with the exception of the unresolved migration crisis<sup>5</sup>. Firstly, on an internal level, following the economic and financial crisis (2008-2015), efforts to add to the euro area were achieved with the creation of several mechanisms, although there are still disagreements when it comes to an economic, financial and budgetary union. In addition, the shock of Brexit did not lead to a break-up of the EU; on the contrary it spurred strengthened cohesion between the 27 Member States among both national governments and public opinion, as evidenced by the heightened feeling of belonging to the EU, and the fact that Europhobic political parties no longer advocate for any country leaving the EU. Beyond the EU, one of the most fundamental recent decisions on an EU level concerning European integration was the adoption of the European recovery plan amounting to €750 billion and the agreement regarding the principle of common debt that heads of State and government came to in July 2020 to support the economy adversely impacted by the Covid-19 pandemic. Once again, it is through "event politics"<sup>6</sup> and a partial departure from the pre-established rules that the EU took another step towards integration, though the key issue of an effective and legitimate European executive power was left unresolved.

As regards the EU's external action, European integration is also the result of European States' responses to the various geopolitical challenges and crises – the Cold War, the Suez Crisis, decolonisation, the fall of the Berlin Wall and the collapse of the USSR, German reunification – which characterised the international backdrop against which the process of European construction was initiated and developed<sup>7</sup>. This is once again the case with the new geopolitical turmoil to the East of the continent with the war in Ukraine. However, this crisis has a radically specific feature. It marks the return of high-intensity warfare on the European continent and heralds the "geopolitical awakening of Europe"<sup>8</sup>; the President of the European Commission, Ursula von der Leyen, announced that the EU also had to learn "the language of power"<sup>9</sup>, suggesting a paradigm shift with regard to the conventional union approaches of European construction. Beyond this, and this is a crucial point: with the Russian invasion of Ukraine, **"this is the first time that the extension of the European democratic project has been opposed by weapons"**<sup>10</sup>!

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5 Chopin T. (2021), "Les crises : moteur ou frein de l'Union européenne ?", *Les Cahiers français*, La documentation française, p. 106-115. One notable exception is the still unresolved migration crisis which hampers the European cohesion recovered as a result of this war, with a focus on the European political "values" and principles, as demonstrated by the non-compliance with the right to asylum in a country like Denmark, in Poland which hosted more than one million Ukrainian refugees but which prior to the war turned away migrants from the Middle East, in addition to wall-building claims, and again in Italy.

6 Van Middelaar, L. (2019), *Alarums and Excursions. Improving Politics on the European Stage*, Agenda Publishing; see also Cohen E., Robert R. (2021), *La Valse européenne. Les trois temps de la crise*, Fayard.

7 Kershaw I. (2018), *Roller-Coaster: Europe, 1950-2017*, Allen Lane.

8 Van Middelaar L. (2021), *Pandemonium. Saving Europe*, Agenda Publishing.

9 [Speech by President-elect von der Leyen in the European Parliament Plenary on the occasion of the presentation of her College of Commissioners and their programme](#), 27 November 2019.

10 Foucher, M. (2023), "C'est la première fois que l'extension du projet européen est contrée par les armes", *L'UE dans le monde*, 22 February; see also Foucher M. (2022), *Ukraine-Russie. La carte mentale du duel*, Gallimard, coll. "Tract".

## MAJORITY SUPPORT IN EUROPEAN PUBLIC OPINION FOR THE DECISIONS TAKEN BY THE EU IN RESPONSE TO THE WAR

The most recent opinion polls indicate that most Europeans support Ukraine. This support appears to be long-lasting (see box 2)<sup>11</sup>. Such support remained stable between March and September 2022<sup>12</sup> and always reaches a high overall level. However, certain questions undergo more fluctuations than others, particularly regarding the provision of weapons, for which support has fallen by roughly ten percentage points, to the 50% mark.

**GRAPH 1. One year on from the start of the war in Ukraine, Europeans continue to show huge majority support**



▲ Source: Standard Eurobarometer (February 2023)

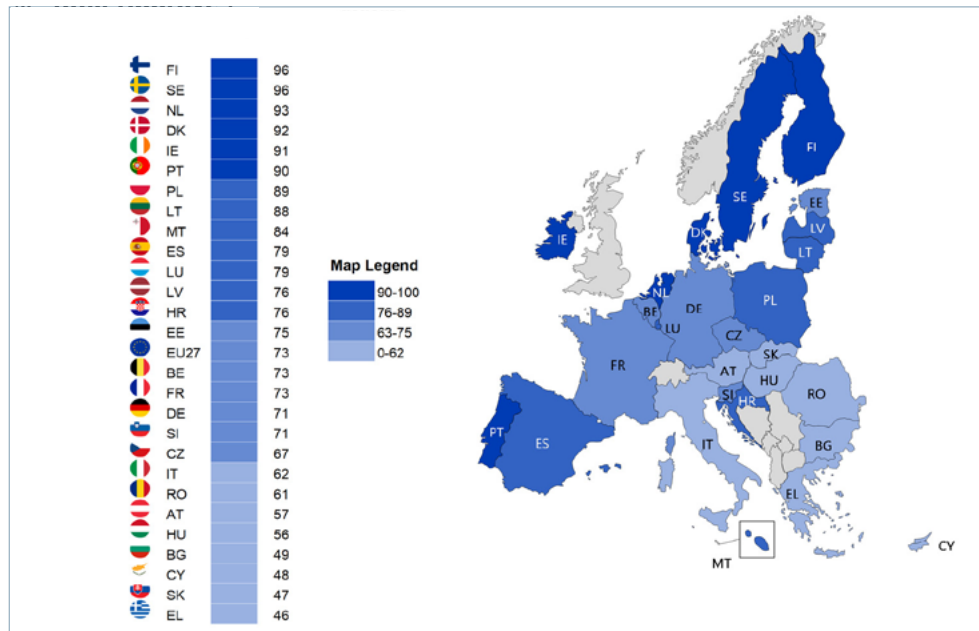
While 73% of respondents approve of the EU's action to support Ukraine and around one quarter (24%) disapprove, approval levels vary significantly according to national situations. A majority approves the EU's actions in 24 countries (more than 90% approval in Sweden, Finland, the Netherlands, Denmark and Ireland); while in Greece (51%) and in Slovakia (49%), a majority of respondents do not agree with the EU's actions. Disapproval is also high in Bulgaria (45%), Hungary (41%) and Austria (40%).

<sup>11</sup> Standard Eurobarometer, published in February 2023.

<sup>12</sup> Isabell Hoffman and Catherine de Vries, "End of Summer, End of Solidarity?" A follow-up to our "Under pressure" report tracking changing views on Ukraine (March-September 2022)", Bertelsmann Stiftung, 1 December 2022.

## MAP 1. Majority support in European public opinion for Ukraine despite national variations

Question: Let's now think in more detail about the different actions taken by the European Union to support Ukraine since the start of the war, such as sanctions against the Russian government or financial, military or humanitarian support: do you approve or disapprove of these actions? (% - Total "Approve")

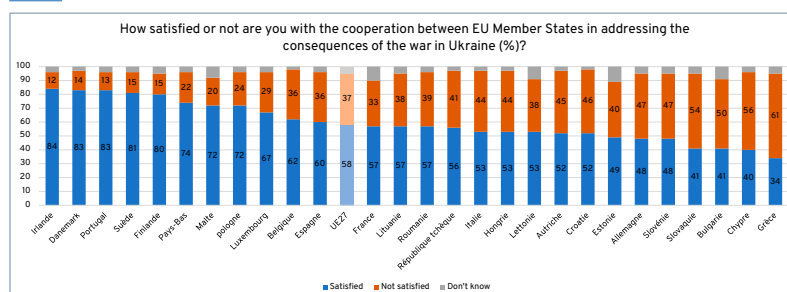


▲ Source: European Parliament Eurobarometer (autumn 2022)

## I HEIGHTENED COHESION AND A FEELING OF BELONGING AMONG EUROPEANS

According to the European Parliament (EP) Eurobarometer of autumn 2022, in 23 Member States, a majority of respondents are satisfied with the cooperation between Member States in addressing the consequences of the war in Ukraine. The level of satisfaction is highest in Ireland (84%), Denmark and Portugal (83% each), in Sweden (81%) and in Finland (80%). The war in Ukraine has strengthened European citizens' confidence in the EU's capacity for action, with a high level of satisfaction regarding European cooperation<sup>13</sup>.

## GRAPH 2. European satisfaction with the EU



▲ Source:  
European  
Parliament  
Eurobarometer  
(autumn 2022)

<sup>13</sup> See on this point Debomy D. (2023), "L'Europe garde les faveurs de l'opinion face à la guerre en Ukraine", *Brief*, Jacques Delors Institute, March 2023 (in French); and also Reynié D. (2022), "Dans un monde démocratique fragilisé, l'attachement à l'Union européenne se renforce", in *L'Opinion européenne 2020-2022*, Fondation pour l'innovation politique, Editions Marie B., coll. "Lignes de repères", p. 47-63.



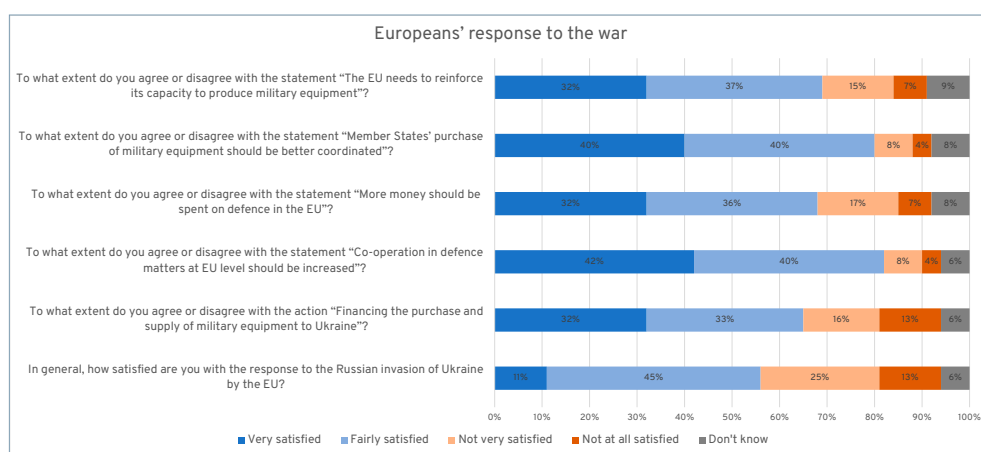
This level of satisfaction with the cooperation between Member States in addressing the consequences of the war in Ukraine is reflected by a **strong sense of belonging to the EU expressed by Europeans**: 66% of respondents think it is important that their country is an EU Member State; around one in ten (11%, +2 pp) think that it is not important and slightly more than one in five (22%, +2 pp) have no opinion. Since autumn 2021, the percentage of citizens who claim that it is important that their country is an EU Member State has increased sharply (+5 pp) while around one quarter were neutral (24%, +2 pp) and 14% (-3 pp) claimed that that it was not important.

National variations can also be observed in this instance. In Luxembourg, Ireland and Lithuania, a majority of citizens are convinced of the importance of their country's membership in the EU (89%, 83% and 82% respectively) as against only 48% in Slovakia and 54% in Bulgaria, Cyprus and Romania. The Czech Republic (21%) is the only country in which one in five respondents believe that EU membership is not important.

For more than seven out of ten EU citizens (72%, no change since winter 2021), their country's membership in the EU is a good thing. Slightly more than one in five (22%, -1 pp) claim that their country has not benefitted from EU membership.

Lastly, it is notable that **the war in Ukraine has heightened Europeans' drive to cooperate in defence matters**. While the questions concerning security and defence issues on a European level are divisive and traditionally give rise to many debates, recent data shows that a majority of Europeans are in favour of strengthening European defence: 82% think that cooperation in defence matters should be stepped up on an EU level, 69% believe that the EU needs to reinforce its capacity to produce military equipment and 68% agree that the more money should be spent on defence in the EU (Graph 3).

**GRAPH 3. Europeans in the face of war: a greater drive for cooperation in defence matters**



▲ Source: Standard Eurobarometer (February 2023)

## II • Does European cohesion reflect a desire to defend common “values”? The contradictory use of the term “value”...

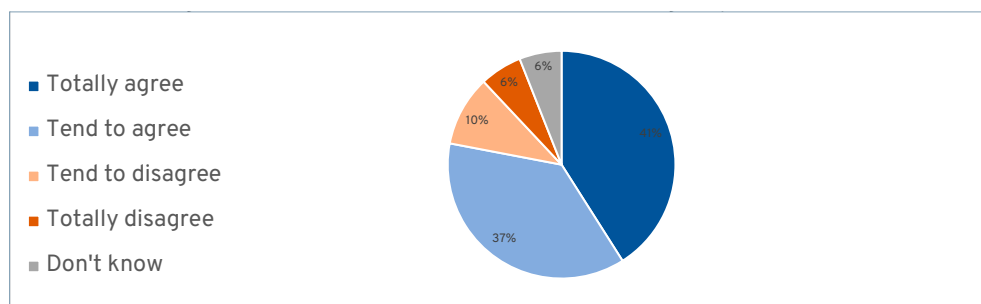
### I FACED WITH THE WAR IN UKRAINE, THE EU DEFENDS “EUROPEAN VALUES”...

Are the decisions made by the EU and its Member States an expression of the desire to defend the fundamental values on which the EU is based and in particular liberal democracy? Some political players and observers in France<sup>14</sup>, in Europe and more broadly in the West (see below) quickly asserted that the war in Ukraine is a “war between two opposing types of political regime” and that “Ukraine’s defeat would be a defeat for democracy” as Vladimir Putin “wants to show his own people that a dictatorship is always more powerful than democracy”; “this is the deep-rooted meaning of this war: it is a litmus test for democratic systems”<sup>15</sup>. Among the top European leaders, Ursula von der Leyen, President of the European Commission, stated with utmost clarity in her most recent speech on the state of the Union: “This is a war on our energy, a war on our economy, a war on our values and a war on our future. This is about autocracy against democracy. [...] the path towards strong democracies and the path towards our Union are one and the same”<sup>16</sup>. What do European citizens think of this? Is this “geopolitical awakening of Europe” embodied in the affirmation of the European Union as a “liberal power”<sup>17</sup>?

According to the Eurobarometer of the European Commission<sup>18</sup>, in all Member States, 78% of respondents agree with the statement “by standing against the Russian invasion of Ukraine, the EU is defending European values”. This percentage exceeds 89% in five countries: Sweden (95%), Finland (92%), the Netherlands (91%), Poland (91%) and Denmark (90%). The lowest scores were recorded in Bulgaria and Slovakia, with a positive response rate of 56% for the two countries.

#### GRAPH 4. Europeans agree with the idea that through its decisions made against the Russian invasion of Ukraine, the EU is defending “European values”

Question: Please tell to what extent you agree or disagree with the statement: “By standing against the Russian invasion of Ukraine, the EU is defending European values”



▲ Source: Eurobarometer 98.1 of the Parliament. Fieldwork in October-November 2022

<sup>14</sup> See for example Baverez N. (2023), *Démocraties contre Empires autoritaires*, Editions de l'Observatoire; and also Glucksmann R. (2023), *La grande confrontation. Comment Poutine fait la guerre à nos démocraties*, Allary Editions.

<sup>15</sup> Stoczkowski, W. (2023), “Vladimir Poutine veut démontrer à son propre peuple que la dictature est toujours plus puissante que la démocratie”, *Le Monde*, 25 January 2023.

<sup>16</sup> 2022 State of the Union Address by President von der Leyen (14 September 2022).

<sup>17</sup> Lefebvre M. (2023), “The European Union and the war in Ukraine: liberal power and its limits”, *Policy paper* n°651, Robert Schuman Foundation, 9 January 2023.

<sup>18</sup> Eurobarometer 98 of the European Commission. Fieldwork in January-February 2023.



## I ...BUT WHICH “VALUES” ARE WE TALKING ABOUT?

The debate on the issue of “European values” is often marred by the confusion between three aspects: (i) legal, (ii) political and (iii) societal. This confusion leads to adverse effects and undermines the clarity of debates on this topic. As Jacques Delors commented: “The fight [for values] is not very clear as it sometimes gets dressed up as a conflict between modernists and those who look back towards the past”<sup>19</sup>. The terms of this debate must be clarified and a distinction made between three different dimensions of these values that are sometimes inappropriately conflated with the fight to defend the values of the rule of law and liberal democracy both within and outside the EU<sup>20</sup>:

- (i) The rule of law in the strictest sense of the term<sup>21</sup> : legality, prohibition of arbitrary conduct by executive powers, independent and impartial jurisdictions, effective judicial protection, including for the respect of fundamental rights, equality before the law. These elements are non-negotiable and are in particular subject to detailed case law by the Court of Justice of the European Union (meaning that the scope here is legal as well as political).
- (ii) The fundamental political “values” (or rather “principles”, see below) of the European Union as specified in article 2 of the TEU and which include but are not limited to rule of law requirements are: “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”. These principles are also non-negotiable but much vaguer. They are not subject to independent mobilisation before the courts and are at best an element in light of which other texts can be interpreted<sup>22</sup>. The lesser legal precision of these principles compared with elements of the rule of law in the strictest sense of the term does not, however, undermine their political importance. The various components of article 2 of the TEU are frequently cited by European political leaders, especially when it comes to the conflict in Ukraine to set themselves apart from Russia. Even political movements which are hostile to European integration do not opt for a head-on opposition of the contents of article 2 of the TEU and their rhetoric focuses more on claiming that the European Union has departed from its purpose and should be more respectful of nations (for example by targeting societal issues, see below) rather than openly criticising the principles of article 2 of the TEU, even though they may be indirectly challenged in such cases<sup>23</sup>.

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<sup>19</sup> Jacques Delors, “Dissertation sur les valeurs”, four-yearly international Congress of Benedictine Abbots, San Anselmo, Rome, 8 September 2000, in *Relire Delors. Discours de Jacques Delors depuis 1996*, Jacques Delors Institute, 2021, p. 102.

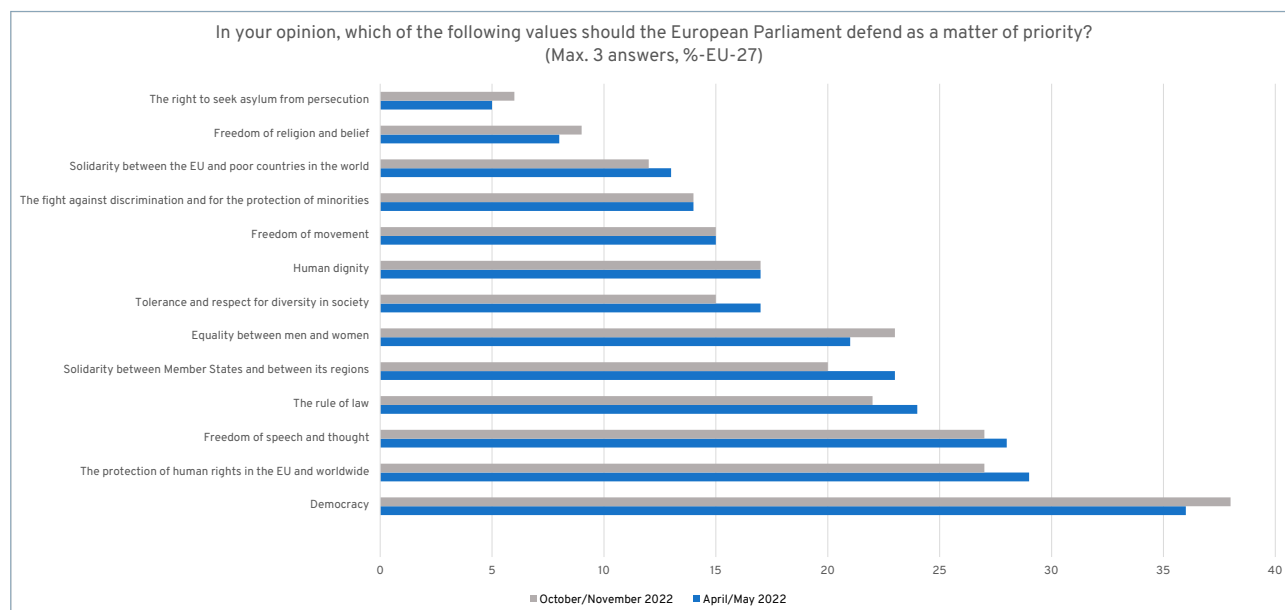
<sup>20</sup> Chopin T., Macek L. (2022), “[European values. Clearer debate for a more effective fight](#)”, *Policy Paper* No.275, Jacques Delors Institute, April 2022.

<sup>21</sup> See the Communication from the European Commission to the European Parliament and the Council, “A New EU Framework to Strengthen the Rule of Law”, COM(2014) 158 final, p. 4.

<sup>22</sup> It should be noted that some recent legal publications insist on the fact that the “value of democracy is not simply a political statement without legal effect” and that “article 2 of the TEU is not merely a list of political directions or intentions, but contains values that underpin [...] the very identity of the EU as a common legal order. These values are embodied in principles containing legally binding obligations for Member States”, in Platon S. (2023), “La démocratie illibérale en droit de l’Union européenne. La question de l’activation juridictionnelle des valeurs de l’Union”, in Barbé V., Combrade B.-L. and Sénac C.-E. (dir.), *La Démocratie illibérale en droit constitutionnel*, Bruxelles, Bruylant, p. 107-134.

<sup>23</sup> See the recent [speech given by Mateusz Morawiecki, Prime Minister of Poland, at the University of Heidelberg in March 2023](#); the [English translation](#) is available on the website of the Chancellery of the Prime Minister of Poland.

**GRAPH 5. Europeans' priority values against the backdrop of the war between Russia and Ukraine**



▲ Source: European Parliament (December 2022)

- (iii) This falls within the scope of legitimate political debate in any national society, including that regarding “societal” values, such as the recent debate on end-of-life care in France. In this respect, the EU leaves Member States some latitude, provided that specific national characteristics are not mobilised to impede a fundamental European acquis; see for example the balance struck by the Court of Justice of the European Union in the *Coman and Hamilton* ruling: Romania is free to not recognise same-sex marriages, but it cannot oppose the free movement acquired by an individual through a same-sex marriage legally performed in another Member State.

Over the period from April to November 2022, opinion polls<sup>24</sup> show that the “values that the EU should defend as a priority” against the backdrop of the war in Ukraine cover the defence of the rule of law and of the political “values” or rather “principles” on which the EU is founded: democracy (36%, -2 pp), the protection of human rights in the EU and worldwide (29%, +2 pp), freedom of speech and thought (28%, +2 pp) and solidarity between EU Member States and between its regions (23%, -3 pp., see Graph 5).

The “European values” under consideration here are legal and political principles resulting from political liberalism, as developed throughout the history of Europe and asserted since the Enlightenment. These values are placed as the foundation of the European construction project: fundamental freedoms, respect for human dignity, equality before the law, the rule of law, representative democracy<sup>25</sup>, etc. The historical experience of European peoples following the tragedies of the 20th century has forged a consensus on these principles that can be broken down into four main elements: combination of democracy (universal suffrage) and political liberalism (rule of

<sup>24</sup> Eurobarometer of the European Parliament, autumn 2022.

<sup>25</sup> Article 10 of the TEU states that “the functioning of the Union shall be founded on representative democracy”.

law, respect for fundamental rights, separation of powers); emphasis on solidarity and attempts to achieve social justice, giving the State an important role; spirit of moderation, tolerance, openness and distrust of political passions (particularly with regard to those stirred up in the name of religions and/or nations); relative renunciation of the use of force and a preference for the peaceful settlement of conflicts through negotiation, etc. These “values” are embodied in the political European integration project which takes the form of a community of law and political principles, not simply an alliance between sovereign States that cannot guarantee that the established peace will be permanent<sup>26</sup>. The States and citizens of the European Union are bound by historical, political and geopolitical events from which these “values” are drawn. This is where the founding “value” of Europe lies: **first integration created the conditions for peace and anchored democracy before it built strength through unity.**

In other words, the European Union’s founding principles and values lie in the need to remain geopolitically united, to protect itself from authoritarian and even totalitarian temptation, to replace the law of the strongest with law and equality between States, to prefer peaceful settlements over conflicts between States, and to promote a vision of inter-State relations as a positive-sum game - which implies a widespread consensus on the idea that a country’s wellbeing cannot be built upon the neighbouring country’s misfortune. Europeans feel European in that they know that their fate, both past and future, is inseparable and that they make up a community of shared destiny. European construction redeemed the collective suicide of the world wars and sublimated national political rivalries by rejecting power politics. The “de facto” solidarity (to use Robert Schuman’s expression) created by the internal market are conducive to creating common interests and a high degree of interdependence that would discourage national egoisms. This logic was achieved thanks to the initiative of Jacques Delors, supported by François Mitterrand and Helmut Kohl. After peace and reconciliation, the idea was that prosperity and solidarity should guide the project for a Unified Europe. The euro has become a symbol of this union because it provides a concrete guarantee that we will not separate: attacking one of the members means attacking the single currency and thus attacking all Member States as a whole<sup>27</sup>. Naturally, both approaches to achieve integration into a community of destiny and intergovernmental integration coexist and Member States can lean towards one State or another, according to their immediate interpretation of their national interests. Yet they must not lose sight of the deep meaning of the commitment they freely undertook to uphold when joining the Union. European integration does not aim to make State sovereignty disappear. Rather, it regulates it, puts it into perspective and “civilises” it - and in doing so ultimately makes it more effective. The current situation in Ukraine is a tragic example of this: when its sovereignty and very existence as a nation were brutally challenged by a neighbouring State acting solely according to a “conventional” power approach, Ukraine expressed a desire to join the European project as quickly as possible. By sharing the exercise of national sovereignty in certain areas, belonging to the European Union entails giving up on the purity of theoretical sovereignty, while enjoying significant benefits in terms of actual sovereignty. The original feature of this ‘union’

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<sup>26</sup> Chopin T. (2021), “L’Union européenne n’est pas une simple alliance entre Etats souverains”, *Le Monde*, 19 October 2021.

<sup>27</sup> For example, for several years, the Baltic States have felt threatened in terms of their borders and security by Russia, which has resulted in a strategy of strengthening integration with the adoption of the euro, perceived as a guarantee of greater solidarity. This idea of solidarity is also expressed in article 42.7 of the TEU: “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power”.

lies precisely in the fact that it is very different in nature from an alliance that is solely based on the sovereignty of States. An alliance does not create a new form of sovereignty, whereas EU law does<sup>28</sup>.

### I A CONFLICTING USE OF EUROPEAN “VALUES”...

The war in Ukraine has, however, brought to the fore a few paradoxes inherent to the specific frame of reference of “European values” and which are actually caused by the confusion between the different ways in which the term “value’ is used, as presented above.

The first paradoxical use of European “values” concerns the political and legal register. Since the Russian invasion of Ukraine, a country such as Poland has been claiming to be the “leader” of Ukrainian national integrity and sovereignty, but also of European political values. In a recent address given at the University of Heidelberg, the Polish Prime Minister, Mateusz Morawiecki, was absolutely clear regarding the Ukraine’s fight against Russia: “It must be said clearly: a fascist is someone who wants to destroy other nations. It is someone who violates human rights and tramples on human dignity. The fascist today is Vladimir Putin and all accomplices of Russian aggression. As Europeans, we have a duty to oppose Russian fascism. This is what European identity is all about”<sup>29</sup>. On the strength of its closeness to Kyiv and the political and moral legitimacy of correctly identifying the reality of the Russian threat, **Poland has positioned itself as the genuine European leader of democracy against the Russian neo-imperialist dictatorship**. In Central Europe, generally speaking (with the exception of Hungary), and in Poland in particular, Putin’s war in Ukraine is perceived as a clash between dictatorship and democracy. This echoes US President Joe Biden’s words about the USA being the “leader of the free world”<sup>30</sup>. However, this narrative must be contrasted with the measures adopted by the Polish government in recent years contrary to some of the political and legal principles that are key to the EU’s foundation and to the rule of law. **The ability to play a geopolitical role cannot be separated from the question of a united community based on the rule of law that constitutes the European Union and of the cohesion concerning its founding political and legal principles**. The highly “Schmittian”<sup>31</sup> quotation from the Polish Prime Minister given above champions the idea that Europeans are defined in relation to a common enemy; yet unity with regard to values (at least fundamental ones) is however necessary for any political construction, even if a unity of strategic interests may suffice to defend what already exists. In this regard, Poland’s case is a clear example of tension between the fact that “this country is vitally important in view of the European reaction following the Russian invasion” and that “Warsaw is clearly determined to contest the European legal order. If Brussels decided to turn a blind eye to Warsaw’s behaviour, the cohesion of its legal area may start to crack”, which would be detrimental to Europeans’ capacity to continue to act together against Putin’s Russia<sup>32</sup>. This ambi-

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<sup>28</sup> On the concept of “European sovereignty” introduced by Emmanuel Macron in the address he gave at the Sorbonne (26 September 2017), for a recent contribution see Chopin T. (ed.) (2022) “La souveraineté européenne : entre interdépendance et autonomie”, *Revue des juristes de Sciences Po*, Lexis-Nexis, March 2022; and also Guiot F.-V. (2022), *La souveraineté européenne. Du discours politique à une réalité juridique ?*, mare & martin, coll. Horizons européens.

<sup>29</sup> Address given by Mateusz Morawiecki at the University of Heidelberg, *op. cit.*

<sup>30</sup> On this matter, see Rupnik J. (2023), “L’Europe de l’Est à l’heure atlantique”, *Telos*, 27 February 2023.

<sup>31</sup> In reference to Carl Schmitt who defined the “political criterion” on the basis of “the distinction between friend and enemy”; cf. Schmitt C. (1932), *The Concept of the Political*; English translation (1996), University of Chicago Press.

<sup>32</sup> Krastev I. (2023), « Un test de résilience pour l’UE », in Duclos M. (dir.), *Guerre en Ukraine et nouvel ordre du monde*, Editions de l’Observatoire – Institut Montaigne, p. 170-171.

valence towards defending the political and legal principles that form the basis of the EU is, ultimately, likely to undermine European cohesion and unity as a result of the development of national-populist and illiberal forces within the EU, both in the East and the West.

Thirty years on from the collapse of the Soviet Union, and the “end of history” declared a little too early, and at the very moment when Europe is experiencing a return to historical tragedy with the resumption of war on the continent, the idea here is not to assert the existence of a new East-West divide on “European values”. The wave of contestation of liberal political principles, and the rule of law, while taking specific forms in each Member State, is more of a general phenomenon that affects the EU as a whole<sup>33</sup>. In this respect, and particularly against the current backdrop, two widely-made errors of perception and interpretation must be avoided. In the West there is a strong trend to overvalue the “otherness”, the specificity of Central and Eastern Europe in terms of “values”. This perception ignores the internal diversity of these countries, the often extremely strong resilience of the checks and balances and the gaps between the discourse and the political acts. Conversely, the very same perception tends to minimise the problem in the West, where “European values” are also under great challenge, although the ability to resist this varies according to several splits, including the one that separates the oldest democracies from those that have been built since 1989.

Secondly, this paradoxical use of “European values” may be analysed from a cultural and societal standpoint. The current national-sovereignism is not only aimed at the principles of political liberalism but also at the societal values of cultural liberalism, accused of causing a decline in traditional values and national identity. From this cultural viewpoint, conservative or even reactionary political and societal discourse may sometimes resonate strongly in certain societies in Central and Eastern Europe, for example in Poland or Hungary<sup>34</sup>. For instance, upon the first anniversary of the death of Helmut Kohl, on 16 June 2018, Hungarian Prime Minister Viktor Orbán gave a speech that attracted attention, in which he claimed: “Today the liberal order is collapsing because it has become clear that its ideals are based not on life, not on reality and not on history, but on artificial constructs which simply cannot accommodate concepts which they see as irrational configurations, but which have shaped and determined Europe and the lives of Europeans for two thousand years: concepts such as faith, nation, community and family”, and more recently: “In this corner of the world there will never be a majority in favour of the Western lunacy (...) that is being played out over there. Quite simply, Hungarians – or the sons of some other peoples – cannot get their heads around this. There are all these gender things: transnational and transgender (...). We cannot go any further than that. So I ask you not to be misled, not to be deceived: there is a war, an energy crisis, an economic crisis and wartime inflation, and all of this is drawing a screen in front of our eyes, a screen between us and the issue of gender and migration. But in fact it is on these issues that the future will be decided. This is the great historic battle that we are fighting: demography, migration and gender”<sup>35</sup>. This type of discourse is found elsewhere in Central Europe and, once again, the aim is not to restore an East-West divide on the issue of the “culture war” on values. For example, before becoming Prime Minister of Italy, Giorgia Meloni claimed: “We know that reality is the sworn

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<sup>33</sup> Chopin, T. and Macek, L. (2018), “In the face of the European Union’s political crisis: the vital cultural struggle over values”, *European Issues*, Fondation Robert Schuman, July 2018; and also Rupnik, J. (2019), “East-West, reality and relativity of a divide”, *Brief*, Jacques Delors Institute, 19 March 2019.

<sup>34</sup> V. Rupnik J. (2021), “Populismes et révolution conservatrice en Europe de l’Est”, in *Les Cahiers français*, *op. cit.*, p. 98-195.

<sup>35</sup> Speech by Prime Minister Viktor Orbán at the 31st Bálványos Summer Free University and Student Camp 23 July 2022 - 23 July 2022.

enemy of ideology but be careful, the dominant ideology of political correctness is not a utopia that dreamers strive for in good faith. It is an attempt to provide great impetus for sinister interests: to destroy identity, the central role of people, the achievements of our civilisation (...). Instead of worrying about the nightmare of losing votes to the right, my advice for the people is as follows: your opponent is not the right. Wake up and defend the true values for which you were born!"<sup>36</sup>.

Yet even if the form and the rhetoric are sometimes different, it is striking to note that these statements echo and converge to some extent with those of the Russian President on the decadence of Europe and more broadly the West, driven by "wokeism" and "political correctness". For example, during his speech on 21 February 2023, one year on from the Russian invasion of Ukraine, Vladimir Putin declared: "Look what they are doing to their own people. It is all about the destruction of the family, of cultural and national identity, perversion and abuse of children, including pedophilia, all of which are declared normal in their life. They are forcing the priests to bless same-sex marriages"<sup>37</sup>. Despite the difference in tone between these speeches, there is a criticism of the EU, presented as the Trojan horse of an anti-religious modernity based on values and societal choices decried as a source of decadence and the ultimate destruction of what should be the "true" European identity. Once again, the disadvantage of using the term "values" is clear. It is likely to foster divisions and rifts between the governments of Member States, fuelled by Putin's narrative, while unfailing cohesion regarding the political principles on which the EU is founded is essential to stand and remain united in response to the major event that is the war in Ukraine.

### **III • From values to political principles : an essential uniformity, both within and outside the EU**

Given this paradoxical and even contradictory use of "European values", it is clear that the term "value" is not the most appropriate and that a distinction must be made between "principles" and "values". The importance of principles is conventional in European political thinking and philosophy. One prime example is Montesquieu's analysis of political regimes and forms of government: "The difference between the nature and principle of government, that the former is that by which it is constituted, the latter that by which it is made to act. One is its particular structure, and the other the human passions which set it in motion"<sup>38</sup>. The political principles at the foundation of any regime are understood as principles of action. In law, the term principle is conventionally preferred to value both in the language of positive law and in the vocabulary of legal theory<sup>39</sup>. This is the case, for instance, in the Declaration of the Rights of Man and of the Citizen which refers to "simple and incontestable principles". However, the term "value" has been used increasingly often in the last forty years to the detriment of the term "principle", or as a synonym in a confusing fashion.

This is in particular the case in the terminology of European Union legislation. The preamble of the Charter of Fundamental Rights of the European Union uses the two

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<sup>36</sup> Speech by Giorgia Meloni on 12 June 2022 in Marbella to the Spanish far-right party Vox.

<sup>37</sup> Putin V. (2023), "[Presidential Address to Federal Assembly](#)", en.kremlin.ru, 21 February.

<sup>38</sup> Montesquieu, *Spirit of Laws*, Book III: Chapter one, "Difference between the Nature and Principle of Government".

<sup>39</sup> The following arguments owe much to the work of Michel Troper; see in particular Troper M. (2021), "A quoi sert le concept de valeur ?", in Ruffier-Méray J. (dir.), *Droit, réel et valeurs : les liaisons subtiles*, mare & martin, coll. "Droit public", p. 165-179.



terms interchangeably<sup>40</sup>: “The peoples of Europe, in creating an ever-closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the *indivisible, universal values* of human dignity, freedom, equality and solidarity; it is based on the *principles* of democracy and the rule of law”. Similarly, the preamble of the Treaty on European Union provides that: “Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the *universal values* of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law; Recalling the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe, Confirming their attachment to the *principles* of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law”.

Beyond the legal differentiation and characterisation between principles and values, from a political standpoint, confusing the two terms is harmful in that it damages the clarity of debates and even the fight in favour of the legal and political principles of the rule of law and liberal democracy: if the political narrative on “values” allows the various stakeholders present to grant themselves a form of moral legitimacy and in doing so to disqualify more easily their political opponents, it also enables the enemies of the rule of law and liberal democracy to force their opponents to engage with them, both internally and externally in a culture war on societal values. On the assumption that **it would be preferable to distinguish between political and legal principles and cultural and societal values**, this would have the advantage of creating a clearer structure for the debate surrounding the following corresponding distinction between the uncompromising and homogenous respect for the fundamental political and legal principles required of all Member States, of which the rule of law is the cornerstone, and a convergent yet pluralistic and tolerant approach<sup>41</sup> to the values which underpin Europeans’ cultural and societal choices. In short, an approach true to the European motto of being “united in diversity”: **“united” around common principles in a “diversity” of values**<sup>42</sup>.

**The requirement of an essential consensus on the EU’s political and legal principles** is a necessity, both internally and externally. Internally, the stability of a political and legal order, composed of States that have freely and under sovereignty decided to associate themselves in a wider Union to exclude any risk of conflict between them for the long term, requires **a minimum degree of political homogeneity which in turn implies a consensus on these shared political principles**, which

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<sup>40</sup> The term “value” is used in these preambles somewhat conventionally but without any real impact in that preambles do not have any legal force when considered independently. It is also found, in a more interesting case, in the wording of the Court of Justice in its case law on the rule of law with regard to Poland (C-791/19).

<sup>41</sup> This approach is similar to the spirit of the principle of subsidiarity, dear to Jacques Delors (“The acceptance of the subsidiarity principle implies the respect of pluralism and thus of diversities”, address given in Bruges, 17 October 1989). Cf. also Maillard, Sébastien (2021): “[Respectons les valeurs propres à chaque pays membre de l’Union européenne!](#)”, *Le Figaro*, 12 October 2021.

<sup>42</sup> Here we see the balance struck by the Court in the Coman and Hamilton ruling cited above: an impediment of a European citizen’s free movement cannot be tolerated but a Member State cannot be forced to acknowledge and accept a change that its society is not ready for.



cannot tolerate any degree of differentiation<sup>43</sup>. As regards the European Union, these political principles have been enshrined in EU law, ratified by all Member States upon accession, not only in article 2 of the TEU (see above) but also in the **Charter of Fundamental Rights**, adopted in 2000 and incorporated into the Treaty of Lisbon in 2009, which stresses that the EU is not simply a large marketplace but that it also upholds political and legal principles and guarantees freedoms<sup>44</sup>.

Externally, this degree of “political uniformity” is also a key condition to ensure that the EU enjoys a sustainable capacity to address external geopolitical challenges. This link between the theme of cohesion with regard to the EU’s political and legal principles and geopolitical “power” challenges is key. It may be useful here to remember that the programme of the French Presidency of the Council of the European Union (FPEU) strove to combine the promotion of a “more sovereign Europe” with the assertion of a Europe “that defends the rule of law and uphold its values”. Its motto brought together “strength” and “a sense of belonging”. In this respect, it would be preferable to assert this link between these two aspects much more forcefully and it seems quite clear against this backdrop that “the ambition of a conceptual renewal that drives European sovereignty will have to be seen in the context of the EU’s constitutional vision (...) the relatively vague link (...) between European sovereignty and values needs to be more firmly established and clarified. The concept of sovereignty as a power is formally separated from the requirements related to membership. However, recent case law clearly demonstrates, in particular as regards the rule of law, that the different requirements that are a result of it, as well as the declaration of values as “the very foundations of the European Union and its legal order”<sup>45</sup>, are now the foundation of the relation of membership States enjoy with the Union”<sup>46</sup>. In other words, “the external projection of a European sovereignty with regard to powers such as Russia or China is only meaningful if the exercise of this sovereignty defends and upholds the values that contribute to the very identity of the EU’s legal order” and the war in Ukraine “could prove to be a major catalyst that steps up the external aspect of European sovereignty, particularly in terms of common defence capacities”<sup>47</sup>. In short, **European “power” cannot be separated from the sense of “belonging” related to respect for the political and legal principles at the foundation of the EU and the (geo)political identity of Europeans**<sup>48</sup>.

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<sup>43</sup> Montesquieu had already asserted that “a confederate government ought to be composed of States of the same nature, especially of the republican kind”, in *The Spirit of Laws*, Book IX, chap. 2; similarly, Tocqueville, anticipating the risk of conflict (“collisions between the two sovereignties” of the Union and States) within a Confederation, developed a theory of the “uniformity of civilization” between “the different peoples who compose it” and defended the idea that a political uniformity, entailing a general agreement on the key principles on which the Confederation is founded, is a pre-condition to avoid the radical divergence between States and the fragmentation of the Union, in *Democracy in America*, Book I, part one, chap. 8.

<sup>44</sup> Particularly as litigation invoking the Charter is becoming increasingly common. This strength also leads to another of the EU’s weaknesses: which distinction should be made between the Council of Europe and the ECHR, institutions with distinct geographical scopes?

<sup>45</sup> CJEU, Full Court., 16 February 2022, *Hungary and Poland vs Parliament and Council*, case C-156/21.

<sup>46</sup> La Rosa de S., “La souveraineté européenne : du discours au concept ?”, in Nabli B. (dir.) (2022), *L’État intégré, un nouveau type d’État européen. Le cas de la France*, Brussels, Bruylant, p. 64 (in French).

<sup>47</sup> *Ibid.*

<sup>48</sup> On the link between “power” and “belonging”, see Chopin T. (dir.) (2022), *Une Europe pour aujourd’hui et pour demain. Souveraineté, solidarités, identité commune*, La documentation française.

## • Conclusion

In recent years, the political principles of liberal democracy that form the basis of the European Union have been called into question. Within the EU, authoritarian and neo-nationalist far-right populist movements that are hostile to political liberalism are challenging these “values”. Outside the EU, these principles are also disputed against the backdrop of a rise in authoritarian, dictatorial and totalitarian regimes, particularly in China, and even challenged by weapons in Ukraine by Russia, which aim to reshape the world order by claiming that the “values” that underpin it are Western and not universal<sup>49</sup>.

The arguments discussed above show that Europeans must defend their political and democratic principles and their societal model at all costs as Putin’s Russia is waging war against them in Ukraine and in a hybrid form in EU Member States. To achieve this, Europeans must maintain their cohesion in relation to these political and legal principles that form the basis of European construction to avoid division. Moreover, if European solidarity, which is perceived in the decisions made by the EU and in the support of European public opinion since the start of the war in Ukraine, is strong enough to prevail and prove that it is an effective protection against a potential invader, this will forge **sufficiently close ties between Member States to strengthen the consensus regarding these principles, at the very least, so that a partial lack of consensus does not endanger the entire edifice of Europe.**

An analysis of American society is interesting in this respect: US citizens are actually extremely divided, even polarised, when it comes to values; yet their unity is no less solid, as society has proved its ability to play a key role in external relations. There is an agreement in principle on the form of political system with deep disagreements on the values that this system must champion, but these discussions, and even dissent, do not challenge the overall structure, at least for the moment. This is what must be achieved in Europe. Naturally, the case of the USA is very different from that of Europe but the development of extreme rhetoric (which shifts from the promotion of the end of the EU to the promotion of their own vision of the EU) seems to be an indicator that it is possible to achieve the same outcome within the EU if a sufficiently strong founding moment could justify once and for all that the Union is the right answer. Could the war in Ukraine be this “founding moment” that other major EU issues, such as migration and the climate, have failed to capture?

Historically, the European project for a united Europe was designed and implemented as one of the most innovative and effective responses to overcome the sovereignty clashes between European nations. Today, the European Union, as a project for an “ever closer union”, is one of the strongest responses to change the scale of power that the continent’s democratic nations wield on the global stage and to assert its political system of liberal democracy by the consent of the governed in a political form and on a territorial level that is compatible with the return of brutal power struggles and neo-imperialistic ambitions.

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<sup>49</sup> See on this point Chopin T. (2022), “[To what extent are European values universal?](#)”, *Policy paper* N°285, Jacques Delors Institute, December 2022.

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