Nationalism and the Rule of Law: A Case of Poland and Hungary

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Recently, the governments of Poland and Hungary have faced increasing criticism from the European Union (EU) as "populist, xenophobic, nationalist" parties that seek to benefit from EU funds while undermining EU institutions. While there are several definitions of nationalism, the ethnic nationalism articulated by contemporary Poland and Hungary can be defined as the glorification of an ethnic population in a defined geographical territory that shares similar traits amongst its members. Conversely, the civic nationalism espoused by the intentions of EU institutions refers to the theory of a shared ideological integration within a population resulting in shared values. Scholars have also noted that while there is no widely accepted definition of populism since it is not viewed as an ideology, it is often found in conjunction with nationalism and has been used to describe the governing parties of Hungary and Poland as left-wing populists who assert a single perception of 'the people' while purporting anti-elitism.

In order to work towards an improved understanding of how nationalism has been politically mobilized in Central and Eastern Europe (CEE), the case studies of Poland and Hungary will be compared given their similarities. Namely, in both cases, the countries have populist governments that have leveraged ethnic nationalism to advance their culture wars with the EU, despite their differing policy approaches: Poland's policies reflect fear of imported ideologies, whereas Hungary portrays an attack on their identity. Specifically, the culture

wars waged by Poland and Hungary against the EU have been intended to protect purported 'traditional values' from being overruled by EU laws. In this respect, nationalism has been expressed politically in the policies of Poland and Hungary through the narrative of culture wars by a public call to defend their traditional identity against EU institutions. However, these exchanges over values have legal, political, and economic implications for the relationships of these countries with the EU. To protect what it views as the fundamental rights of all EU citizens, the EU Commission has taken several legal and economic measures to put political pressure on Poland and Hungary. These fundamental rights are outlined in the Charter of Fundamental Rights of the European Union, which solidifies the rights and freedoms of its citizens to liberty, dignity, and equality. Thus, this essay will explore how nationalism has been expressed as a culture war in the policies of immigration and family welfare, the usage of these policies to defend cultural identity, and the implications of this culture war for the EU.

NATIONALISM IN GOVERNMENT POLICIES

Nationalism, as expressed politically in the CEE, underlies the policies of immigration and family welfare in Poland and Hungary. Significantly, the Polish state has remained without an official national migration policy since 2016, and the government rejected the EU proposed redistribution of migrants in 2017. Yet the government faces numerous issues in implementing a migration policy, including the declining population rate and the labor deficit predicted to reach -1.5 million by 2025. The Polish government has attempted to address the declining population and labor shortage through family welfare policies intended to support the expansion of Polish families, such as the "Family 500+" program. Family 500+ aims to increase birth rates and has succeeded with a 13-17% rise from 2015 to 2017. However, this program appears counterproductive in addressing the labor deficit, as eligible mothers for the program in 2017 would have contributed an additional 2.5-3% labor supply. Accordingly, the primary goal of this program is to consolidate Polish identity within the future labor supply so the economy does not rely on imports of immigrant labor. Immigration in Poland is often restricted to Christian migrants from culturally similar countries, such as Ukraine, as to remain resistant to perceived foreign ideologies and continue the narrative of Poland's historic victimization by other countries. Ultimately, the policies of the Polish government towards families and immigration suggest a desire to increase domestic birth rates to address the declining population without increasing immigration.

Comparatively, the Hungarian government has followed a more intensive approach to immigration due to its geographical location along the Balkan route into Europe from the Middle East. In 2016 the government declared a state of emergency

and amended the Criminal Code to imprison those who illegally cross the fence along the southern border. Like Poland, Hungary also rejected the common EU policy on immigration and has opted to introduce numerous tax credits and subsidies for large families to raise birth rates and address the labor shortage. Orbán's government has portrayed these family policies as an alternative to immigration that will protect the values of the "traditional family" more effectively. To achieve this, the government spends roughly 5% of Hungary's annual GDP on family support. This extensive spending by the Hungarian government demonstrates their commitment to protectionist policies that prioritize Hungarian values before all EU concerns and is indicative of a nationalistic approach.

In both instances, the government policies implemented by Poland and Hungary can be viewed as waging a culture war against the EU because the policies are intended to prioritize the well-being of the collective ethnic group at the expense of upholding EU values. These policies are a crucial point of contention between these member states and the EU since it is viewed as a significant deviation from the European identity and values that ensure the internal cohesion of the union. Without this sense of cohesion, the EU is concerned that there will be a lack of common political ground between the EU, Hungary, and Poland to conduct political, economic, and social relations. On the other hand, Hungary and Poland have taken to view the resolve of the EU as attempting to protect the status quo of the union, where the values of countries such as Germany and Belgium take precedence over traditional values. This sentiment has been most clearly articulated by Michal Baranowski, the director of the German Marshall Fund in Poland, who suggested the attitude of Poland towards the EU is "yes to Europe, but which Europe?"

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MOBILIZATION OF NATIONALISM

Effectively, the populist governments of Poland and Hungary have mobilized rhetoric of traditional identity and family structure through various venues to the general public. Aside from their immigration and family support policies, the Polish government has succeeded in encouraging nationalism among the general public by spurring rhetoric of a cultural war against the LGBTQ+ 'threat'. This nationalism and the subsequent polarization of Poland were on full display when sitting Polish President Duda campaigned on an anti-LGBT platform that dehumanized LGBT persons as the product of an ideology. The governing Law and Justice (PiS) party has also



Poland (dark grey) and Hungary (light grey) have populist governments that have leveraged ethnic nationalism.

supported regional governments in declaring a zone "free of L.G.B.T.," thus seen as affirming Poland's commitment to traditional family values. These efforts to energize nationalist sentiment over the defense of traditional Polish identity largely support the government's agenda to portray the West and the EU as threatening, homogenizing forces. Similarly, the Polish Catholic Church, which has close ties to Polish nationalism, openly discusses Muslim refugees as the greatest threat to Polish identity since they directly oppose Catholic teachings. In this regard, PiS has attempted to capitalize on the influx of refugees to Europe in the last decade by channeling Polish nationalism through the historical identity of the Poles as defenders of Christianity since the Battle of Vienna in 1683. Using this rhetoric, PiS has sought to incite societal opposition to admitting migrants or refugees into Poland according to the belief that migrants will threaten the traditional values of Christianity and Polish culture. The explicit pushback of the EU against the PiS' rhetoric has been that modern Europe is built on tolerance and acceptance of different nationalities and ethnicities. Conversely, the PiS has pushed back by rejecting the EU's proposed migrant quotas intended to facilitate the distribution of large influxes of migrants across all EU states. Overall, Polish nationalism has mobilized through the larger national myth of Poland as the historical defender of the Catholic identity, which is perceived as under threat from the imposed values of religious and ethnic tolerance from the EU.

Similar to Poland, the Hungarian government has roused Hungarian nationalism by portraying itself as the defender of Christian Europe using anti-LGBT laws and propaganda on immigration. In 2021, the ruling party Fidesz passed a law that prohibits any portrayal of homosexuality to minors under the age of 18, which was justified as necessary to protect the traditional family. With similar laws against gay marriage, the Hungarian govern-

ment has incited nationalism, which is closely linked to their concept of family tradition, as pride in being part of the Hungarian ethnic community. Moreover, the Hungarian government has weaponized xenophobia as a political tool to create a siege mentality that refugees threaten Hungary with "different cultural characteristics." Fidesz's National Consultation on Immigration and Terrorism in 2015 likely contributed to the results of the 2016 Eurobarometer survey in which 34% of the population considered immigration a major issue, a rise from 13% the previous year. In a manner reminiscent of Polish political rhetoric, Fidesz frequently pays tribute to the historical narrative of Hungary as the defender of Christian Europe against invading Muslim Ottomans.

The EU has attempted to assert its values to the Polish and Hungarian governments by leveraging its financial support of regional public infrastructure to pressure political change. In particular, the EU moved to reduce its budgetary allocations to support public works in Poland and Hungary over breaches of the rule of law and other principles, which are considered to include respect for migrant quotas and protection of individual rights. However, these nationalist narratives in Hungary and Poland are used to destabilize the power hierarchy between the EU and national governments by subverting EU authority. Specifically, nationalism is used by these governments to garner political power within the EU itself by championing alternative values to the liberal democratic values of the EU.

SIGNIFICANCE OF EU CULTURE WARS

Ultimately, the efforts of the PiS and Fidesz governments have important implications for EU member states, in particular, how their policies have normalized increasingly authoritarian measures that undermine the rule of law. For example, Hungarian censorship of homosexuality amongst minors effectively primes Hungarians for additional censorship measures that are justified as protecting traditional values. However, when these authoritarian measures are combined with the rhetoric of ethnic nationalism, they threaten EU institutions that promote civic nationalism and integration. As an illustration, the glorified narratives of ethnic national majorities in Poland and Hungary neglect the social basis of the argument for further integration with the EU, thereby delaying meaningful progress. While both states would suggest that the postponement of integration is in the best interest of their national sovereignty, this intentional delay is a deception intended to further the political power of PiS and Fidesz.

Since both parties came to power on nationalistic narratives that promised an alternative to the current EU status quo, they both draw on nationalism to prolong their tenure in office. Consequently, the further production of shared values in the EU cannot be created between member states that do not interact with the same institutions due to a lack of integration. For the future of the EU, the continual use

of ethnonationalism to subvert the rule of law by Hungary and Poland could threaten the functioning of its liberal institutions if the EU is unable to produce consequences for these states. In some respects, this subversion of the rule of law has already occurred as Poland and Hungary threaten their veto capabilities against EU legislation if either of these states is unwilling to change their rule of law. The EU has achieved some success by withholding significant monetary contributions to the GDP of both countries, which saw some change in indicators of corruption and the enforcement of the rule of law. However, the continued use of nationalist narratives and nationalism in government policies suggests that the membership of Hungary and Poland in the EU, under their respective governments, is a considerable internal threat to the mandate of the EU that strives to provide an increasingly integrated Europe under democratic principles.

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While these populists claim to represent 'the people' of their nations and protect them from the political will of EU elites, their only legitimacy is derived by narrowly defining 'the people' by ethnicity. The governments in Warsaw and Budapest use their narratives of traditional values standing in opposition to the liberal values of the EU political elite to show the distance between the electorate and the governing officials in Brussels. One way nationalism is used to exaggerate this difference is the culture wars of PiS and Fidesz waged with the EU over Islam and LGBT 'ideology' that undermine common EU human rights and protection against discrimination. Consequently, the EU is portrayed not as the ultimate authority but as incompatible with traditional values and as a scapegoat for populist parties to rally support in the culture war. Illustrative of this was the response of the Polish government to the common EU policy on refugees, rejecting the solidarity mandate as a Western homogenizing force. Overall, the expression and demonstration of nationalism by the Polish and Hungarian governments have been in the interests of consolidating power by undermining EU institutions like the rule of law on a national and supranational level.

In conclusion, the policies of immigration and family welfare in Poland and Hungary are shown to be political expressions of ethnic nationalism that are mobilized by political elites to defend traditional identities. As previously demonstrated, this defense of culture wars with the EU on immigration and LGBT rights serves as a scapegoat in propagating the national narrative of Poland and Hungary as defenders of Christian values. Ultimately, this narrative justifies the work of the elites in undermining the rule of law and increasing their scope of power.

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