"Trouble in the East": The New Entrants and Challenges to the European Ideal

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Published online: 15 May 2013.

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"Trouble in the East": The New Entrants and Challenges to the European Ideal

Melanie Feakins[1] and Luiza Białasiewicz[2]

Abstract: Two political geographers examine significant ways in which northern-tier states of the EU-10 entrants in 2004 have challenged conceptions of European integration. The paper first focuses on the institution of exclusionary citizenship regimes, particularly in Latvia and Estonia, that created a new caste of "non-citizens" within the EU's boundaries. It then turns to the strained Polish-EU relations involving *inter alia* the war in Iraq, pro-Americanism, and alleged violation of human rights through the purported existence of CIA detention and interrogation facilities. *Journal of Economic Literature*, Classification Numbers: F02, O15, O18, 2 figures, 1 table, 72 references. Key words: Poland, Lithuania, Latvia, Estonia, European Union, enlargement of EU, national identity, citizenship regimes, CIA prisons, death penalty, human rights.

INTRODUCTION

The impacts of the 2004 enlargement of the European Union have not only been economic, socio-political and institutional. The enlargement has also raised questions, even more profoundly, as to what the EU *is*; its very nature as a political and cultural project.

The new entrants may have come gladly "into the fold"—but they have arrived with some rather strong ideas and, often, a strong set of historical grievances. As Murphy (2006, p. 638) notes in his introductory paper, citing William Pfaff (2005), we should not underestimate the "forces of national identity and ambition" in shaping the processes of European integration. This is not only true in the obvious ways: individual states' particularistic defense of broadly defined "national interests" (whether economic or political-strategic); what must also be considered are the widely differing "national" understandings of what Europe is—and what it is *for*.

This paper looks at some important ways in which several of the new entrants have challenged conceptions of European integration and, indeed, Europe's self-definition. In particular, we focus on the ways in which these states have fundamentally challenged Europe's understanding of itself as a sphere defined by a certain conception of rights (human, civil, and political)—and what this means for the European project.

The countries we focus our reflections on are the three Baltic states (Estonia, Latvia, Lithuania) and Poland. Albeit in widely diverging ways, these new entrants on the northern

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tier of the EU-10 have challenged European understandings of legal and political rights. The recent spotlight on Poland's alleged role in the purported web of CIA rendition flights and "ghost prisons" across Europe belies, indeed, a much broader set of "problematic" behaviors in the foreign and domestic policy realms that have made of Poland the "bad boy of Europe" (Rettman, 2006e) in the past several years. The Baltic states, on the other hand, have attracted attention for over a decade now for their deployment of highly exclusionary citizenship regimes: political-juridical anomalies that, with these states' entry into the EU, have created a new caste of "non-citizens" within the Union's boundaries. In the sections that follow, we consider the challenges to Europe that emerge from these "anomalous" situations: first, through an examination of the new citizenship regimes in the three Baltic countries, and subsequently, through a discussion of recent Polish contestations of European "norms and values."

IN EUROPE/OUT OF EUROPE: NEW CITIZENSHIP REGIMES IN THE BALTIC STATES

The literature on the dissolution of the USSR and the establishment of its successor states has devoted considerable attention to questions of sovereignty and citizenship.[3] In the particular context of the Baltic states, these questions were further complicated by distinct histories of independence (and its loss) and the particular legacies of Soviet-Russian colonization. In this section, we trace the evolution of some defining elements of citizenship and sovereignty in the Baltics, from the early years of their independence through the initial period of EU membership. We note how the historical past remains an important influence in the crafting of exclusionary citizenship regimes (Crols, 2005; Morris, 2005), as the justification for—and implementation of—these regimes occurred in the context of re-establishing state sovereignty and reclaiming independence from the USSR, thus rectifying a series of "historical wrongs."

It is important to recall that the disintegration of the Soviet Union was, in some ways, sparked by declarations of independence by the Baltic states. The early political movements for independence drew heavily on sovereignty as a central and legal principle (see Walker, 2003). Of equal importance, the principles of sovereignty also provided a framework for creating citizenship regimes that would exclude portions of the population from automatic citizenship. More specifically, each state, in the process of having its sovereignty recognized, also instituted programs to create its own citizenry (Aalto, 2003; Budryte, 2005b; Crols, 2005; Morris, 2005). At the point of declaring (or re-asserting) independence, each country faced indeterminate questions: Who are the citizens? On what basis are they citizens? If there are non-citizens, on what basis are they so identified? How these questions were answered, and the rationales underlying those answers, became topics of international concern beginning in the 1990s. During that period, the foundation was established for a politically contested category of "non-citizens" to exist in Estonia and Latvia, who would later become "non-EU citizens."

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[3]E.g., see Dawisha and Parrot (1994), Motyl (1995), and Walker (2003) more generally, and Lehti (2005) for Estonia and Latvia.
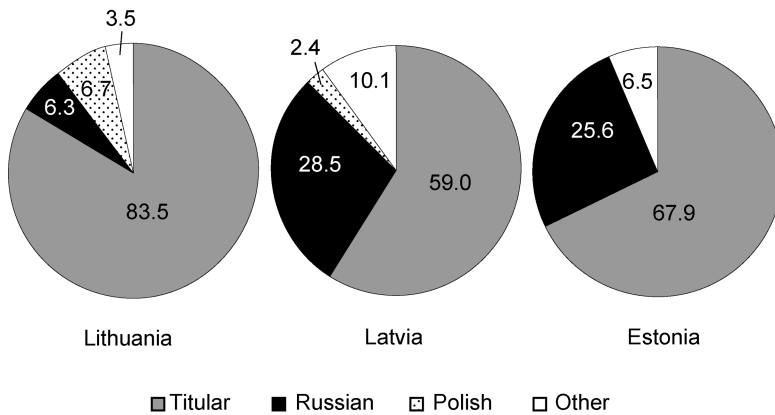
Fig. 1. Titular and minority populations of the Baltic states in 2005 (in percent of total population). Based on most recent census data.

Lithuania

Unlike the situation in Estonia and Latvia, Lithuanian citizenship was offered to all permanent residents of the country—as well as (by 2002) citizens of pre–World War II Lithuania and their descendants who resided outside of Lithuania (Pilietybes, 1997). Minorities resident in Lithuania, who had been citizens of the USSR but were not citizens of pre–World War II Lithuania, thus were offered citizenship if they were permanent residents of the sovereign territory of Lithuania. *All* permanent residents of the country were included: (1) those who had come to live in Lithuania through planned immigration and Russification programs instituted during the Soviet era; (2) those becoming residents by virtue of border shifts between Poland and Lithuania, and (3) migrants involved in post-War population exchanges.

It has been often speculated that Lithuania was able to create and implement this citizenship code because the minority populations represented a smaller percentage of the entire population and therefore constituted a different (or smaller) political risk than in the other two states (Fig. 1). Among the largest minority groups in Lithuania, Poles constitute 6.74 percent of the population, Russians 6.31 percent, and Belorussians 1.23 percent (Statistikos, 2002).[4] Others, however, have claimed that Lithuania's inclusive citizenship legislation was a pragmatic strategy aimed at expediting full independence from the USSR.[5] In Lithuania today, over 99 percent of the population are citizens (and hence now possess EU citizenship rights as well) (ibid).

[4]The Russian and Polish minority populations of Lithuania are concentrated in the eastern part of the country (e.g., in Vilnius County, Poles constituted 26 percent of the population, Russians ca. 12 percent, and Belorussians 3.7 percent; Statistikos, 2002), which has resulted in certain concessions by the state in the realm of cultural affairs and education. It has also afforded some degree of ethnic political mobilization, generating allegations and suspicions of "uncertain loyalty" to Lithuania among ethnic minorities in the east (see Budryte, 2005a and 2005b, pp. 145, 169; see also the article penned by a Polish resident of Vilnius in *Kurjer Wileński* cited in Winston, 2006, p. 198).

[5]See the discussion of Sinkevičius (2000) in Budryte (2005b, p. 151).
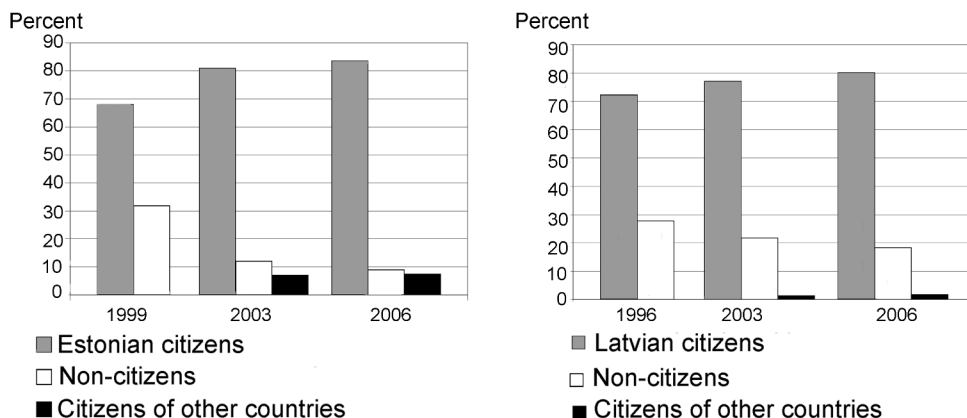
Fig. 2. Estonian (left) and Latvian (right) populations by citizenship category, 1996–2006. The category of "non-citizens" for Estonia is synonymous with "persons with undertermined citizenship." The category of "non-citizens" for Latvia in 1996 includes all persons not counted as citizens (i.e., non-citizens and citizens of other countries). *Sources*: Estonian Ministry of the Interior (2006) and La Centrala, 2006.

Estonia

In Estonia today, a significant feature of the political landscape is the contested understanding of the body politic. The politics of inclusion and exclusion based on citizenship have been debated in Estonia since the late 1980s, when movements for independence first gained momentum. As of April 1, 2006, 83.6 percent of Estonia's population of ca. 1.4 million held Estonian citizenship, 7.4 percent were citizens of other countries; and 9.0 percent were of undetermined citizenship (Fig. 2; Estonian, 2006). These percentages are considerably higher than in the early 1990s when Estonian statehood was restored and the Law on Citizenship was passed. In 1992 only 68 percent of the population were identified as citizens and as many as 32 percent were "non-citizens," i.e., had undetermined citizenship (Fig. 2).

The category of "undetermined citizenship" used by the Estonian government—unlike such labels as "non-citizens" and "stateless people" used in other contexts—implies that there is or ultimately will be a "determined citizenship": it only remains to be established whether this citizenship is Estonian or of another county. In contrast, the term "non-citizen" suggests the absence of citizenship and all rights associated with it, while the term "stateless person" implies that one cannot make claims on any state and that no state will act on one's behalf. Which of these terms is used is often a highly political choice.[6] The category of "undetermined citizenship" was introduced in 1992, following the restoration of Estonian statehood in 1991 and the subsequent restoration of Estonian citizenship to pre-war Estonian citizens and their descendants (Semjonov, 2003; Budryte, 2005b). Consequently, unlike in Lithuania, all residents of Estonia who had come to live in the country during the Soviet period and their descendants were not automatically offered citizenship, but fell into the "undetermined" category.

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[6]For example, the term "stateless" was used recently by Refugees International (2005) in their coverage of the Russian-speaking minority.

Support for such a policy comes from those who believe that Estonia should be allowed to actively "de-colonize" its territory of residents transferred there as part of the Soviet occupation, with the actual procedures advocated to implement decolonization ranging from disenfranchisement to actual resettlement (Budryte, 2005b, p. 70). This view is based on the premise that the Russian-speaking population is accountable for the Soviet state's occupation of Estonia. Other supporters of exclusionary citizenship laws argue that the presence of a significant minority (the Russian-speaking minority represented over 30 percent of the population on the eve of the country's independence) poses a potential political threat to the new Estonian state (Estonian Statistical Office, 1995).[7]

Opponents have argued that the emphasis on the restorationist approach in Estonia has resulted in the division of the population into "a dominant community of Estonians and a sub-ordinate and vulnerable community of non-Estonians, or so-called Russian speakers" (Semjonov, 2003, p. 146). Although changes in the process of immigration and naturalization have altered the proportion of citizens and non-citizens in the country in the one and one-half decades since independence,[8] for the most part people who immigrated to Estonia during the Soviet era and their descendants desiring to become citizens must pass examinations demonstrating proficiency in the Estonian language[9] and knowledge of the Estonian Constitution and Citizenship Law, as well as being resident continuously for five years. Despite scrupulous avoidance of references to ethnic origin in Estonia's Law on Citizenship of 1992 (MOFA, 2006), "it was immediately evident that implementation would first and foremost affect minority groups, and Russians in particular" (Semjonov, 2003, p. 148).

Nonetheless, the number of naturalized citizens increased after 2004, when Estonia was admitted to the EU (Table 1). One of the factors responsible for the increase, according to the Estonian Population Minister Paul-Eerik Rummo, was the policy of fully reimbursing applicants for the costs of language study. However, the continued presence of 124,681 residents of "undetermined citizenship" in Estonia in late 2006 (9 percent of the population), indicates the persistence of a major unresolved problem (Estonian, 2006).

Estonia's membership in the EU therefore has produced a new compounded form of exclusion and lack of mobility for these non-citizen residents of that country. Whereas Estonian citizens enjoy visa-free movement within the EU, non-citizens must contend with restrictions that involve the requirement of applying for traditional visas for travel to (and work permits for employment in) EU member states. Neither can they vote (nor run) in elections for EU institutions.

Latvia

Latvia's post-Soviet political landscape also has been marked by changing and often contested definitions of citizenship. The general restorationist approach to citizenship makes

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[7]At the same time, other observers have argued that alienating the Russian-speaking community is not in the country's "national interest" (see account in Budryte, 2005b).

[8]E.g., the laws on naturalization have been amended many times (e.g., see Kodakondsuse, 1995; Budryte, 2005b, p. 67-68).

[9]At the time when the Estonian language was declared the official language of the state, about 35 percent of the population identified themselves as Russian speakers, of which between 9 percent to 15 percent could speak Estonian (Budryte, 2005b, p. 71). The lack of adequate proficiency in the Estonian language among the Russian-speaking population and the difficulties in learning Estonian are widely regarded as the main obstacles to "undetermined citizens" wishing to obtain citizenship.

Table 1. Non-Citizens and Naturalization of Residents in Estonia and Latvia, 2000–2006

Year	Estonia		Latvia	
	N of non-citizens	*N* of naturalized residents	*N* of non-citizens	*N* of naturalized residents
2000	178,425	3,425	503,999	14,900
2001	174,201	3,090	516,639	10,637
2002	172,325	4,091	498,253	9,884
2003	164,730	3,706	504,572	10,049
2004	162,075	6,523	481,635	16,064
2005	150,536	7,072	452,302	19,169
2006[a]	136,000	4,364	418,686	13,897

[a]January–November 2006.
Sources: Compiled and calculated by authors from Kodakondsus, 2003, 2006; La Centrālā, 2006; Estonian Ministry of the Interior, 2006; Ministry of Foreign Affairs of the Republic of Latvia, 2006b; and Naturalizacijas Pārvalde, 2006.

Latvia's case somewhat similar to that of Estonia (e.g., see Myers, 2002). Here too the approach to citizenship has produced new divisions of the population along citizen/non-citizen lines, with a significant ethnic overtones. As in Estonia, the vast majority of Latvian "non-citizens" are Russian-speakers, although their numbers and proportions are even greater than in Estonia.

As of January 1, 2006, 18.3 percent of Latvia's population (418,440 people out of the country's total of 1.8 million) were non-citizens (Ministry of Foreign Affairs, 2006). Although the percentage share of the population with full citizenship is roughly comparable to that of Estonia (80 percent in Latvia versus ca. 84 percent in Estonia), the percentage of non-citizens is roughly double (18.3 percent compared with 9 percent in Estonia; ibid.).[10] Because only 58 percent of Latvia's population is ethnically Latvian, yet 80 percent of the population are citizens, it is clear that there are many non-Latvians in the citizenship body. Nonetheless, ethnic minorities clearly constitute the majority of the "non-citizen" category.

A 1994 citizenship resolution passed shortly after Latvia's independence (Latvijas, 2006) restored citizenship to persons who had held Latvian citizenship before WWII and their descendants. This resolution left more than 700,000 people (ca. 28 percent of the population) without Latvian citizenship. The sizeable group comprised Soviet-era settlers (mostly Russians, Ukrainians, and Belorussians) who, as in Estonia, had come to Latvia largely through organized settlement and Russification programs. The arguments advanced by the Latvian government to justify not granting them citizenship resemble those in Estonia.[11] The international community, during the period leading to the Citizenship Law's enactment and thereafter, expressed many concerns relating to this situation (e.g., see Lashkevich, 1998; Lieven, 1999; Ushakov, 2002; and Budryte, 2005b), including concerns over human rights violations. As a result, the Latvian government was pressed to introduce more liberal citizenship policies, particularly for children.

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[10]An additional roughly 2 percent of Latvian residents are "aliens" or citizens of other countries.

[11]E.g., much of the relevant public discourse focused on issues of past suffering and restored justice, as well as the threat posed by Russian speakers not fluent in Latvian and with questionable loyalty to the Latvian state.

As in Estonia, the process of naturalization for citizenship is rigorous, and requires that applicants pass a Latvian language test, take an oath of loyalty to Latvia, and display knowledge of Latvian history and the country's constitution. Applicants must also be residents of Latvia for at least five years and have a legal source of income. However, the numbers achieving naturalization (Table 1) evidence rather low rates of naturalization for non-citizens, although as in Estonia there has been a spike since the country's accession to EU membership.[12]

As in Estonia, the language requirement is regarded as one of the major obstacles to naturalization. In 1989, not long before Latvia became independent, only 20 percent of the non-Latvian population could speak Latvian. While that share increased to 51.5 percent in 2000, reflecting increased knowledge of Latvian, out-migration, and deaths (Budryte, 2005b, p. 125; Morris, 2005, p. 256), Latvian language ability in the minority communities is still restricted. Surveys have suggested that many elderly non-citizens would fail any language test, no matter how simple, leading to an estimate that "approximately 300,000 of these will never become citizens" (Morris, 2005, p. 253).

Non-citizen status in Latvia differs from Estonia in one very important regard: in Estonia, non-citizens are able to vote in local elections (e.g., Maloveryan, 1996 and Lashkevich, 1999), whereas in Latvia they cannot. While this difference in part reflects different conceptions of what constitutes local and national polities in these countries, it also may be a response to the distinct spatial distributions of non-citizen groups. In Latvia, the non-citizen population is comparatively dispersed regionally and fairly urbanized, with ethnic Latvians constituting a *minority* in seven of the eight largest towns. As a result, if non-citizens were afforded voting privileges in local elections, the political constituencies in many municipalities would be altered (Morris, 2005, p. 256-257). In Estonia, the population of Russian-speaking "undetermined citizens" is heavily concentrated in relatively few localities: the capital city of Tallinn and in the industrial cities of Narva, Sillamae, and Kohtla-Jarve along the Russian border in the far northeastern part of the country, especially in Ida-Virumaa County, with a Russian population of ca. 80 percent in 2003 (e.g., see Tammaru and Kulu, 2003, pp. 112-113; Lust, 2006, p. 20).

What does this mean for Europe—and for the European conception of citizenship rights? In legal terms, citizenship of the European Union is an "addition to," rather than a replacement of the citizenship of the constituent states.[13] EU citizens have the right to "to move and reside freely within the territory of the Member States," to vote or stand as candidates in European and municipal elections in their member state of residence, and, "within the territory of a third country," the right to make use of the consular and diplomatic services of another member state where their own is not represented. Explicitly, in the second two instances, and implicitly in the first, the conditions will be the same as those "for the nationals of that State."[14] Clearly, those denied *national* citizenship in Estonia and Latvia are deprived of these rights, putatively extended to all EU citizens.

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[12]According to the head of Latvia's Naturalization Board, Eizenija Aldermane, after the positive outcome of the EU referendum in September 2003, the number of naturalization applicants doubled (Morris, 2005, p. 252), reaching an annual average of over 17,000 persons in 2004 and 2005.

[13]As specified most recently in the EU Draft Constitution (I-10.1, 10.2) (European Commission, 2004).

[14]These provisions regarding the citizenship of the Union are not new to the Draft Constitution, but had already been put into place with the Treaties of Maastricht and Amsterdam (for a further discussion, see Weiler, 1999 and Białasiewicz et al., 2005a).

Now one could argue that all European states hold widely differing conceptions of "nationhood"—and, accordingly, widely differing requisites of national citizenship. What is unique about the Estonian and Latvian citizenship regimes, however, is that they function to effectively strip of *all* citizenship a certain portion of the state's population, creating the new categories of "non-citizens"' or "undetermined citizens"—individuals with no legal-political rights and, feasibly (at least not until their citizenship is "determined"), no state to which they can advance claims.

But there is a further series of questions that are raised by the Baltic "anomaly." One of the political-geographic "innovations" of the European project is the creation of Europe as a "space of rights"; as "an area of freedom, security, and justice." These are the rights enshrined in the European Charter of Fundamental Rights (a key part of the Constitutional text, but approved/put into practice already at the 2000 Nice summit): rights that range from the right to freedom of thought, conscience, and religion, to the "prohibition of any [form of] discrimination . . ."[15] to a variety of social and economic rights: the right to education, health-care, and "social security and social assistance". What is most relevant here, however, is that these rights are extended *not only to EU citizens but to all those (legally) residing on the territory of the Union*, regardless of their citizenship status. The exclusion of whole segments of the population from citizenship rights by two EU member states tends to be a grave problem in this sense—both legally/juridically, but *especially* because it undermines Europe's efforts at imagining itself as a certain kind of polity.[16]

"THE BAD BOY OF EUROPE": POLAND'S TROUBLES WITH THE EU

The persistence of policies of exclusion of the kind described above is certainly a quandary for European institutions. But it is a largely invisible problem, removed from the direct concerns of most Europeans and European policymakers and not really a glaring stain on the EU's external image. The problem is seen, largely, as a "Baltic problem" that the EU has perhaps not been forceful enough in confronting.[17] What has been much more awkward is the very evident—and very public—series of disagreements that have emerged over the past several years between some of the new EU member states, older EU members, and European institutions. The real "troublemaker," in this sense, has been Poland, and it is to an examination of Polish-EU tensions that we now turn.

The differences of opinion are not new to the post-enlargement period. The war in Iraq already marked the emergence of a profound political and geopolitical divide in Europe. In the early months of 2003, the strength of popular feeling against the war in the EU-15 appeared strikingly at odds with the thrust of public—and certainly governmental—opinion in the Eastern and Central European states, where an important majority proclaimed themselves much closer to the American position than the European one.[18] Three Eastern and Central European states—

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[15]The all-encompassing prohibition covers discrimination "based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation."

[16]For a discussion see, among others, Balibar, (2002), Berezin and Schain (2003), Rumford and Delanty (2005), Soysal (1997), and Wiener (1997).

[17]Although the European Court of Human Rights has been very forceful in its condemnation of these policies and has passed a number of judgments designed to assure the rights of "non-citizens"— see http://www.echr.coe.int/ECHR/

[18]With what has been described as a mixture of "pragmatism and opportunism," to cite Polish ex-dissident Adam Michnik's (2003) caustic assessment. For an in-depth discussion of these divisions, see Białasiewicz and Minca (2005) and Joenniemi (2004).

the Czech Republic, Hungary and Poland—were among the signatories of the famous "United We Stand Letter of Eight," pledging to support the American war effort. The characterization of the divide by then–U.S. Secretary of Defence Donald Rumsfeld as that between a "New Europe" (largely corresponding to the Eastern and Central European states, together with Britain, Denmark, Italy, Portugal, and Spain), willing to share the American burden and "rise to the challenge" of the war—and an "Old Europe" (most markedly, France and Germany), cowardly and weak in its convictions, may have been overly simplistic, but it did capture a fundamental break in the European family, and a very different set of attitudes to the War on Terror.

Poland was, from the outset, one of the most vocal members of the "coalition of the willing." Much has been written on Poland's distinct geopolitical positioning in the Iraqi war effort, particularly vis-à-vis other European partners, so we do not intend to rehearse these arguments here.[19] Nor do we wish to comment on the nature of some of the critical reactions in "Old Europe" to Poland's seemingly unquestioning support of the Bush administration: a variety of commentators and political leaders described Poland (and the other Eastern and Central European states) on that occasion as suffering from a "learning deficit"; "blindly" following the American cause since "not fully European"; "not yet able" to perceive Europe's best interests.[20]

What we would like to highlight, rather, are some broader differences in the understanding of the conduct and direction of foreign as well as domestic policy that have emerged between Poland and other EU members over the past several years—differences that cannot be reduced to the question of relations with the United States. Yes, the "American question" has been an important one and speaks to wider geopolitical issues regarding the role of the United States in what Michael Smith (1999) has termed "Europe-making"[21]—but it is hardly the only one. Similarly, differences of opinion have not been limited merely to the period following Poland's accession to the EU, nor are they solely the expression of the current governing coalition. For although the Kaczyński government has explicitly committed itself "to a more patriotic foreign policy" (Wagstyl, 2006 as quoted in Murphy, 2006, p. 644), differences of opinion and practice with other European states were already well in evidence under the previous center-left governments.[22]

Poland was equally vocal, indeed, in the debates surrounding the European Constitution, and here too came into sharp conflict with other EU members. The inclusion of a reference to Europe's "Christian Heritage'" (the famous "God Question" that tormented the deliberations of the Constitutional Convention) was a key point in these disputes, with Polish politicians and Church leaders expressing strong "distaste" for the final wording of the Preamble to the Draft Constitution.[23] The text of the Constitution came under criticism for other reasons as well, however; in particular, the provisions of the Charter of Fundamental Rights relating to discrimination[24] were described by politicians from the League of Polish Families party (part

[19]See, among others, Forsberg and Herd (2006), Peterson and Pollack (2003), and the edited volume by Levy et al. (2005).

[20]For a critical reading, see the essays by Ross, Esterhazy, and Krzemiński in Levy et al. (2005). There was also Jacques Chirac's unfortunate quip upon the publication of the "Letter of Eight": Poland "had simply lost a good opportunity to keep quiet."

[21]On this question, see also Joenniemi (2004).

[22]On the Kaczyński twins' Euroskeptical politics, see Rettman (2006a). For a recent account of Poland's awkward government, see also *The Economist*, December 2, 2006, pp. 55–56.

[23]For a discussion, see Białasiewicz et al. (2005a, 2005b).

[24]I.e., "the prohibition of any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation."

of the current governing coalition) as "the imposition of alien values"' on the Polish nation. The Polish Catholic Right has long focused its anti-European propaganda on the "deconstruction" of Polish identity threatened by European accession—fears not only directed at the inevitable loss of Polish political and economic sovereignty within the European Union but also—and especially—at the threats posed by Europe's "enforced globalism" (Dybowski, 2003). A "globalism" envisioned both in political-economic terms (the threat of a new "colonization" of Poland, this time by European [read: German] capital), but even more insidiously, in terms of a forcible "cultural-political brainwashing" of Polish youth into values "alien" to the Polish nation, including the "forced" promotion of sexual and reproductive rights (ibid.).[25]

Polish Prime Minister Jaroslaw Kaczyński traveled to Brussels this past August on a visit intended to smooth relations with EU leaders and repair Poland's image "as a tolerant country," upholding "liberal European values": "I ask you not to believe in the myth of Poland as an anti-semitic, homophobic and xenophobic country", Kaczyński argued before the assembled press and MEPs (Rettman, 2006b).[26] Yet Kaczyński's public-relations initiative aside, the comments (and actions) of leading members of the governing coalition—in particular, politicians from the League of Polish Families and Self-Defence parties—have, over the past year, "only confirmed all the worst, anti-European stereotypes of Poland," Bronisław Komorowski of the opposition Civic Platform argued, following the publication of a report by the European Parliament on June 15 that highlighted "an alarming rise of racism, anti-semitism, xenophobia and homophobia in Poland" (Wiśniewska, 2006).[27]

It is not only a question of divergent sets of personal and religious "values," however. What we are talking about here is a deep political disagreement, with deep political and geopolitical effects—illustrated most vividly by the two most recent conflicts between EU institutions and Poland. In late November 2006, the European Parliament threatened to impose sanctions on Poland (including a possible suspension of Polish voting rights in the EU) if it continues to refuse to collaborate with the EU Parliamentary inquiry into the alleged web of secret CIA "rendition flights" and "ghost prisons" across Europe. Poland, along with Romania, has been targeted by the inquiry in particular for supposedly having not only facilitated air transfers of imprisoned terrorists but also of having provided interrogation and detention facilities for the CIA in its "extraordinary rendition" operations.[28] In so doing, the Polish government stands accused of having breached Article 6 of the EU Treaty in having potentially participated in serious violations of human rights, including the transfer of incarcerated terrorists to locations where torture may have been practiced.[29]

As speculated upon by the European investigation—and reported by Poland's largest daily newspaper *Gazeta Wyborcza* in a series of articles—at least 11 alleged rendition flights purportedly stopped off at Polish airports in 2002 and 2003. The flight records indicated that

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[25]See also the arguments made in Adwent (2002) and Bryksa (2002), all published by the self-described "patriotic" publishing house Antyk.

[26]See also the press release on this occasion from the Polish Ministry of Foreign Affairs: http://www.mfa.gov.pl/.

[27]The most recent Eurobarometer report (European Commission, 2006) has also highlighted a wide divergence in attitudes on a series of "moral and political issues" between Poland and other EU states.

[28]The most complete description of these allegations can be found in Grey (2006).

[29]Article 19 of the EU's Charter of Fundamental Rights specifies in detail the provisions of "Protection in the event of removal, expulsion or extradition": "No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment."

the planes had arrived variously from Afghanistan, Morocco, Washington, and Prague and flew on to Larnaca, Tashkent, Rabat, Kabul, or Washington. Some of the flights landed at Warsaw's international airport, Okęcie, whereas others passed through the Szymanów airport in the northeast part of the country.[30] Poland, of course, is not the only EU state to be implicated in the alleged web of "rendition flights": actually 11 member states have been "named and shamed" in the report. Italy, the UK, Germany, Sweden, and Austria all allegedly allowed terrorism suspects to be "snatched" from their territory, while the UK, Germany, Ireland, Portugal, Spain, Greece, Cyprus, Italy, Romania, and Poland all stand accused of hosting hundreds of secret CIA flights.[31]

What makes the Polish case unique are two things—first, the Polish government's reaction to the investigation (on which we will comment below) and, second, the accusation that Poland may have not only allowed the flights to pass through its airports and airspace but that it actually provided "temporary, secret holding facilities." The allegations are based on various eyewitness testimonies, including one of a Boeing 737 plane from Kabul that landed on September 22, 2003 at the Szymanów airfield with seven people on board. The plane allegedly picked up another five prisoners before flying on to Guantanamo Bay. Further testimonies tend to suggest that other alleged CIA flights to Szymanów were "approached and accompanied" by Polish military vehicles (Grey, 2006; Rettman, 2006d).

The EU Parliamentary inquiry took Poland to task in particular for its failure to cooperate in the investigation: Warsaw declined to field any senior government ministers or MPs to answer the commission's questions and the Polish parliament explicitly decided not to hold an inquiry into the affair. When questioned by *Gazeta Wyborcza* in the days preceding the release of the results of the investigation, Minister and Deputy Chairman of the Parliamentary Defence Committee Przemysław Gosiewski dismissed the accusation that the government "was not taking seriously" the efforts of the EU commission and declared the matter to be the exclusive domain of "the appropriate national security bodies" (interview in Gugała, 2006).

The European Union defines itself today through a distinct set of values and ideals, the most important of which are a commitment to the protection of fundamental human rights. What should the Union do if a new member state violates such values–or, in the Polish case, when accused of violating such values, cites "national security" prerogatives to block the European investigation? Article 6 of the Treaty on the European Union specifies that the Union "is founded on the principles of liberty, democracy, respect for human rights, . . . and the rule of law," and that it "shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms"[32] as "general principles of Community law." Article 7 of the Treaty further specifies that the Council, under certain conditions "may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Art. 6(1)" and "may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council" (European Commission, 2002).

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[30]See the alleged description of events in Gadziński (2006a) as well as the interview with S. Grey in Gadziński (2006b).

[31]For the accusations of the involvement of European governments in the "extraordinary rendition" operations, see Beunderman (2006) as well as the remarks made by Condoleezza Rice (2005) in response to the initial allegations.

[32]Signed in Rome on November 4, 1950.

But the question of the alleged CIA rendition flights is not the only one souring relations between Poland and EU institutions at present; nor is it the only one to have thrown into sharp relief the differences in understanding of certain "fundamental European values." Only a few months ago, Polish President Lech Kaczyński caused an uproar in Brussels with his call for opening an EU-wide debate on reinstating the death penalty. "Countries that give up this penalty" he argued "award an unimaginable advantage to the criminal over his victim" (Spongenberg, 2006). Kaczyński's comments came on the heels of an initiative by the League of Polish Families to partially restore the death penalty in Poland "for murderers and paedophiles" (Wróblewski, 2006a, 2006b). The abolition of the death penalty is a fundamental requisite for all states seeking accession to the European Union, and a key pillar of the Charter of Fundamental Rights.[33]

Opposition to the death penalty is, in other words, a vital part of the European Union's moral-political self-definition. How should the Union react to a member state which claims—at least in part—not to share these "fundamental values"?

WHOSE EUROPE?

Our brief discussion of some of the political challenges presented by the new member states raises a number of questions. What are "European values"? What responsibilities and obligations does belonging to the EU "club" entail? And, more importantly, who has the right to speak *about* Europe, about what Europe is and should be? These are questions that the EU is only now beginning to face head-on, although often quite awkwardly: the debates surrounding the Draft Constitution are illustrative in this regard.

One thing appears certain: the new EU states have challenged a unitary idea—and ideal—of Europe. As Murphy (2006, p. 645) contends, the 2004 enlargement has not only thrown into question "the idea that being within the EU is an all-or-nothing proposition"; it has also "fundamentally shaped the way the question [of Europe] is viewed."

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[33]The Charter, moreover, specifies that no one may be deported or extradited from any EU state to any country where they may face the death penalty (see the Draft text of the EU Constitution in European Commission, 2004).

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