



PROTECTING DEMOCRACY INSIDE THE EUROPEAN UNION?

THE PARTY POLITICS OF SANCTIONING DEMOCRATIC
BACKSLIDING IN THE EUROPEAN PARLIAMENT

Ulrich Sedelmeier

No. 27 | July 2016

WORKING PAPER SERIES

MAXCAP Working Paper Series

Edited by the MAXCAP Project “Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond” (MAXCAP)

The MAXCAP Working Paper Series serves to disseminate the research results of the research consortium by making them available to a broader public. It means to create new and strengthen existing links within and between the academic and the policy world on matters relating to the current and future enlargement of the EU.

All MAXCAP Working Papers are available on the MAXCAP website at www.maxcap-project.eu.

Copyright for this issue: Ulrich Sedelmeier

Editorial assistance and production: Sarah Remsky and Laura Milchmeyer

Sedelmeier, Ulrich: Protecting Democracy inside the European Union? The Party Politics of Sanctioning Democratic Backsliding in the European Parliament, No. 27, July 2016, “Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond” (MAXCAP).

ISSN 2198-7653

This publication has been funded by the European Union under the 7th Framework Programme.

Freie Universität Berlin
MAXCAP
“Maximizing the integration capacity of the European Union: Lessons and prospects for enlargement and beyond”
Ihnestr. 22
14195 Berlin
Germany
Phone: +49 30 838 57656
Fax: +49 30 838 55049
maxcap@zedat.fu-berlin.de
www.maxcap-project.eu



This project has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no 320115.

PROTECTING DEMOCRACY INSIDE THE EUROPEAN UNION? THE PARTY POLITICS OF SANCTIONING DEMOCRATIC BACKSLIDING

Ulrich Sedelmeier

Abstract

As the salience of ‘democratic backsliding’ in member states of the European Union (EU) increases, preferences inside EU institutions about whether to sanction governments that breach liberal democratic principles diverge. Anecdotal evidence suggests that party politics play a key role in determining attitudes towards sanctions: parties strategically protect target governments that belong to their European party family. This paper conducts a first systematic analysis of this claim. I examine a most-likely case for partisan politics – the position of political groups in the European Parliament. A fuzzy-set Qualitative Analysis of positions towards backsliding in Hungary (since 2010) and Romania (in 2012) finds that party politics do, indeed, matter, but that they cannot be reduced to ideological distance (in Left/Right terms). Preferences about sanctions are the result of conjectural causation, in which parties’ commitment to liberal democracy as well as their attitudes towards European integration also play a role. An implication of this finding is that while partisan politics can be an obstacle to the use of sanctions, specific partisan configurations are more conducive, e.g. if sanctions target governments of the Left.

The Author



Ulrich Sedelmeier is a reader in International Relations at the London School of Economics and Political Science. He obtained his PhD from the University of Sussex and was previously associate professor of International Relations and European Studies at Central European University, Budapest. He held a Jean Monnet Fellowship (2001/02) and a Marie-Curie Fellowship (2005-06) at the European University Institute, Florence. His research interests include theories of international institutions and the European Union's external relations, in particular its Eastern enlargement and the impact of conditionality in candidate countries and its Eastern neighbourhood.

Contents

1.	Introduction	6
2.	EU sanctions against backsliding	8
3.	Theoretical framework and hypotheses	8
4.	Research design and methodology	10
	<i>4.1. Operationalizing explanatory conditions: supranationalism, liberal democracy, ideological distance</i>	11
	<i>4.2. Operationalizing the outcome: EP political group preferences regarding sanctions</i>	12
5.	Analysis and findings	14
6.	Conclusion	15
7.	Annex	18
8.	References	19

1. Introduction

Among the various activities of the European Union (EU) to promote democracy, one area has so far received very little scholarly attention: sanctions in response to a deterioration of democracy in the EU's member states.¹ There is an obvious reason for this neglect: instances of 'democratic backsliding' – reversals of democratic reforms – and serious deteriorations of liberal democratic practices among EU member states are rare. Moreover, although the Treaty of Amsterdam introduced the possibility to sanction member states that commit serious and persistent breaches of liberal democratic principles, these sanctions have never been used. Yet, even if sanctioning of democratic backsliding might thus appear a non-issue, there are good reasons for closer scrutiny.

First, even if instances of democratic backsliding are rare (and remain open to interpretation), they have become much more salient in recent years (see also Kelemen forthcoming; Kelemen and Orenstein 2016). Concerns about developments in EU member states that maybe undermine liberal democratic principles are certainly not new. They include the domination of the Italian media by Silvio Berlusconi, the participation of the right-wing *Alleanza Nazionale* in Berlusconi's government, or the Austrian People's Party's offer to the right-wing Freedom Party to form a coalition government (see e.g. Merlingen et al. 2001). Yet there is a clear sense that breaches of liberal democracy have been both more blatant and more systemic in some of the EU's post-communist new member states.

In 2012, Romania's center-left government blatantly disregarded the rule of law by ignoring constitutional principles and rulings by the Constitutional Court in its pursuit of the impeachment of the center-right president (see e.g. Pop-Eleches 2013; Isumen 2015). The attacks on liberal democracy by Hungary's center-right *Fidesz* government since its landslide victory in the 2010 parliamentary elections have been more subtle, but also much more far-reaching. Ever since *Fidesz* obtained a two-third majority in parliament that allowed it to change the constitution, it was able to take a range of measures to concentrate and entrench power in the hands of the government party without formally breaching the rule of law. Yet, arguably these attacks have been even more serious, since they systematically undermine pluralism, liberal democratic competition and the spirit of liberal democracy (see e.g. Bankuti et al. 2012; Scheppele 2013). More recently, the national-conservative *PiS* government in Poland has started following the Hungarian example by using its absolute majority in elections in October 2015 to assert its control over the Constitutional Court and the media (see e.g. Kelemen/Orenstein 2016).

The academic literature has responded to these developments with in-depth case studies and comparative analyses of the nature of the threats to democracy in the countries concerned (see e.g. Bankuti et al. 2012; Pop-Eleches 2013, 2014); discussions on how the EU can influence domestic developments in such cases (e.g. Jenne/Mudde 2012); proposals on how the EU's instruments should be reformed to make the use of hard sanctions easier (see e.g. Closa et al. 2014; Müller 2015; von Bogdandy et al. 2012); and analyses

1 I would like to thank Daniel Kelemen and Gergő Medve-Balint for their helpful comments.

of the impact that the EU's interventions have had (Sedelmeier 2014; Isumen 2015). A question that has received less attention is why some actors inside the EU have been more willing than others to intervene in cases of democratic backsliding and use sanctions against illiberal practices by member state governments.

Even if the EU institutions have not agreed to use the sanctions available in Article 7 TEU so far, it is particularly important to understand why it has proved so difficult to use this instrument (and thus to threaten its use credibly). More broadly, beyond the hard sanctions of Article 7, how can we explain that some actors appear more willing than others to condemn backsliding? What accounts for the variation in actors' support for European Parliament (EP) resolutions criticizing breaches of liberal democracy?

With regard to the case of Hungary, some commentators have focused on party politics to explain support and opposition to sanctions. Such explanations have highlighted the opposition of the European People's Party (EPP) to sanctions against the center-right Fidesz government in Hungary (see e.g. Kelemen 2015). Likewise, it has been suggested that parties of the Left protected the Romanian center-left Social Democratic (SDL) government (Zalan 2016). Such anecdotal evidence suggests that support and opposition to sanctions against democratic backsliding reflects patterns of partisan friendship and rivalry, focusing on the Left/Right dimension of party political orientation.

This paper takes a first step towards analyzing the conditions under which actors do (or do not) support the use of sanctions against democratic backsliding by submitting the party politics explanation to more systematic analysis. I analyze a most-likely case for partisan politics: the preferences of the political groups in the EP with regard to using sanctions against Hungary and Romania. In the following section, I develop a set of hypotheses to explain the preferences of EP political groups with regard to sanctions. Using fuzzy-set Qualitative Comparative Analysis, I find that there is indeed an important partisan dimension to actors' preferences. Yet, these party political preferences are more complex than a simple focus on the parties' Left/Right orientation presumes.

Instead, the analysis also needs to take into account party attitudes towards European integration, as well as their commitment to liberal democracy – expressed on a continuum from traditional, authoritarian and nationalist, to green, alternative and libertarian attitudes (Hooghe et al. 2002). The analysis suggests that there are, then, two distinct paths that lead actors to support sanctions. For both explanations, actors' support for European integration is a necessary condition, meaning EP groups only support sanctions against democratic backsliding if they have a favorable attitude towards European integration (and thus consider the EU a legitimate forum to decide sanctions). Such party groups will then support sanctions either if they are strongly committed to liberal democracy, or if the sanctions target a government that is a partisan rival (in Left/Right terms). Conversely, there are two different combinations of conditions under which EP groups oppose sanctions. Only EP groups that do not have a strong liberal commitment oppose sanctions, but the absence of such a commitment is not a sufficient condition for opposition. It only leads to opposition if an EP group is either also ideologically close (in Left/Right terms) to the target government, or if the EP group does not support European integration.

2. EU sanctions against backsliding

Broadly speaking, the EU can use two types of sanctions against democratic backsliding in member states: hard (material) sanctions and soft (social) sanctions. The main hard sanctions are defined in Article 7 TEU (see e.g. Sadurski 2012). In Article 7, the Treaty of Amsterdam gave the EU the possibility to punish ‘serious and persistent’ breaches of the liberal democratic values contained in Article 2. If the European Council agrees unanimously (excluding the member state in question) that such a breach exists, the Council can decide by qualified majority to suspend “certain [membership] rights (...) including the voting rights” (European Commission 1997: 9) (but presumably not limited to these rights) of the member state in question.

Soft sanctions against democratic backsliding consist of social pressure, i.e. shaming through open criticism of illiberal practices in a member state. The main instances of social sanctions in the EU are resolutions by the European Parliament. The EP cannot impose legally binding obligations on the government of an illiberal member state, but it can pass resolutions that denounce its practices.

3. Theoretical framework and hypotheses

Party political preferences with regard to sanctioning democratic backsliding can be derived from different dimensions of actors’ partisan orientation: ideological proximity to the target government, commitment to liberal democracy, and attitudes towards European integration.

A rationalist perspective suggests that the partisan motives for actors to support or oppose the use of sanctions relates to the Left/Right cleavage in party politics. Parties are likely to advocate international sanctions against their ideological adversaries in other member states. Conversely, partisan actors can be expected to be more permissive of democratic backsliding within their own party family.

It is these Left/Right dynamics that are at play when commentators attribute the EU’s inability to sanction Hungary’s Fidesz government to the protection granted to it by its center-right partisan allies in the European People’s Party (EPP) (see e.g. Kelemen 2015). Such commentary does not usually discuss the mechanisms behind such partisan support or opposition. Yet, as intuitively plausible as these explanations appear, the underlying rationale is not obvious. Why should parties care about supporting their ideological friends abroad if it does not affect domestic political competition and hence their ability to obtain or maintain office? One answer is that the incentives for such support do not stem from domestic politics but from international cooperation. Supporting like-minded parties abroad increases the likelihood of achieving international cooperation close to a government’s ideological position. EU politics are not simply interstate politics but have a significant Left/Right dimension (e.g. Hix 1999; Manow et al. 2008). Helping partisan allies in other member states to maintain or obtain office then increases the likelihood that the outcome of negotiations at the EU level comes closer to one’s own preferred outcome.

The **transnational partisan politics hypothesis** is therefore that *actors support sanctions if they are ideologically distant (in Left/Right terms) from the government party of the target state, and oppose sanctions if they are ideologically close.*

Constructivism draws attention to two further dimensions of actors' party-political orientation that can explain their support or opposition to sanctions. The first dimension concerns actors' normative commitment to liberal democracy. At the most basic level, this dimension concerns whether a party is committed to democracy or not. Parties that do not endorse democracy as an appropriate form of government are unlikely to be concerned about breaches of democracy abroad, let alone support the use of sanctions to rectify them.

However, this cleavage might go deeper than simply whether a party supports democracy or not, but *what kind of* democracy. Even if parties endorse democracy, they differ in their views of the extent to which it should be liberal, in terms of guaranteeing pluralism, intense electoral competition and strong checks and balances on executive power. In this sense, it relates to a 'new politics dimension' that Hooghe et al. (2002) conceive as ranging from traditional/authoritarian/nationalist (TAN) to green/alternative/libertarian (GAL) positions. The more actors are positioned towards the GAL end of this spectrum, the stronger their commitment to *liberal* democracy, while actors at the TAN end are more receptive to the idea of a concentration of power in the hands of a strong executive. Actors that have a strong normative commitment to upholding liberal democratic principles could then be expected to support sanctions against democratic backsliding abroad.

A strong normative commitment should increase actors' inclination to use all available instruments against democratic deficiencies in other EU member states. They can be expected to do so regardless of whether the target government is ideologically close in Left/Right terms and sanctioning them would be strategically inopportune. The only reason why actors committed to liberal democracy might not support sanctions is if they are concerned that such EU-level sanctions are ineffective or even counterproductive. External interventions through sanctions can have a 'rallying-round-the-flag effect' as domestic groups back the government in order to avoid appearing disloyal (Galtung 1967). Nonetheless, even if the link between a commitment to liberal democracy and support for sanctions is therefore not entirely straightforward, those actors that are normatively committed to liberal democracy should be more likely to support sanctions than those that are not. Moreover, and crucially, concerns about the effectiveness of sanctions should be primarily salient with regard to *material* sanctions. By contrast, it is more difficult for target governments to instrumentalize *social* sanctions – critical statements – to mobilize domestic support against outside interventions. The link between normative commitment to liberal democracy and support for sanctions should then be much more direct at least with regard to social sanctions. Actors have less reason to fear a backlash in the target country, while at the same time remaining silent when asked to speak out against breaches of liberal democracy would be at odds with standards of appropriate behavior for actors that are normatively committed to upholding liberal democratic values.

The **liberal democratic norms hypothesis** therefore suggests that *actors support sanctions if they have a strong normative commitment to liberal democratic values, and oppose sanctions if this commitment is weak.*

Constructivism also draws attention to a further dimension of party politics that can be expected to affect actors' preferences towards sanctions. These preferences might also depend on actors' general attitudes towards European integration. If actors' identities are incompatible with the idea of supranational governance, they are likely to reject the use of EU sanctions, perceiving it as an illegitimate interference in domestic affairs. In other words, while such actors might not necessarily reject the use of sanctions against illiberal government as such, they consider it inappropriate that the EU should do so, or that the EU should be used as a forum to decide on sanctions. Thus, even if actors had strong partisan incentives to support sanctions or a strong normative commitment to democratic norms, they would only support sanctions if they consider European integration normatively appropriate. A key difference to the above two explanatory factors is that attitudes towards supranational integration would not be expected to be the cause for actors' preferences towards sanctions. Instead, this factor would affect whether an otherwise motivated inclination to support sanctions does actually lead actors to support them.

The **supranational integration hypothesis** therefore suggests that, *ceteris paribus, actors support sanctions if they have a favorable attitude towards European integration, and oppose sanctions if their attitudes are unfavorable.*

4. Research design and methodology

This paper assesses these partly competing, partly complementary party political hypotheses for actors' preferences towards sanctions against democratic backsliding in a highly likely setting for party politics: the European Parliament (EP). The paper analyzes the position taken up by the different political groups – i.e. the party groups the members of the EP belong to, according to political affiliation rather than nationality – towards sanctions in two recent cases of democratic backsliding: Hungary since 2010 and Romania in 2012.

The paper analyzes these position through a fuzzy-set Qualitative Comparative Analysis (fsQCA) (Ragin 2008; Schneider and Wagemann 2012). The choice of method is partly a pragmatic one: it allows for a systematic analysis, even though the number of cases (n=14 positions of the seven political groups towards sanction for two countries) is too small for a regression analysis. At the same time, there is a substantive reason why QCA is particularly promising for this subject. A key strength of QCA is that it is sensitive to causal complexity; and there are good reasons to believe that at least some of the explanatory conditions have an effect only in particular configurations of, and in combination with other, explanatory conditions. For example, as mentioned above, a favorable attitude towards European integration can only be a necessary condition to support sanctions; it cannot in itself cause support for sanctions, but only in combination with either partisan incentives or normative considerations for doing so. Likewise, partisan incentives to

support sanctions might only lead actors to actually support them if they do not have a strong normative commitment to liberal democracy. In sum, the notion that conjectural causation characterizes the relationship between the three party political explanations suggest that QCA is particularly well suited for this analysis.

The units of analysis, or cases, are the EP political groups and their support for or opposition to sanctions against Hungary and against Romania. The outcome to be explained is these actors' position with regard to sanctions. The explanatory conditions are the actors' political orientation pertaining to the above hypotheses – ideological (Left/Right) distance, commitment to liberal democracy, and attitudes towards supranational integration. Table 1 (below) presents the orientation of EP groups and their positions on sanctions in the two cases.

4.1. Operationalizing explanatory conditions: supranationalism, liberal democracy, ideological distance

The paper derives these party political orientations of the EP's political groups from the expert survey conducted by McElroy and Benoit (2012). Political groups' *attitudes towards European integration* are taken from the question 'EU Federalism' that assesses the extent to which a political group 'promotes a federal vision for the EU' versus a 'Europe of nation-states'. For a party group's *commitment to liberal democracy*, or its GAL/TAN orientation, the closest proxy in McElroy and Benoit (2012) is the category 'social' that captures whether a group 'favors liberal policies on matters such as abortion, homosexuality, and euthanasia'. An obvious drawback of this indicator is that it focuses more on party orientation towards liberal *policies* than on a liberal democratic system of governance committed to pluralism. In other words, it focuses on the policy aspects of the 'libertarian' element of GAL rather than the contrasts with the 'authoritarian' element in TAN, which is what this paper is primarily interested in when trying to assess a party's attitude towards *liberal democracy* in terms of a commitment to pluralism, electoral competition, separation of powers, and so forth.

Still, the use of this proxy appears justified not merely as the best available indicator, but also because it does not appear so distant from the concept it is meant to measure as to make it inappropriate. Our theoretical and empirical knowledge suggests that this proxy is also strongly linked to attitudes towards liberal democratic governance. On the one hand, there is a strong correlation between commitment to individual rights with regard to the policies captured by the 'social' category and commitment to individual rights in the sense of fundamental political rights characteristic of liberal democratic political systems. Moreover, views about what constitutes an acceptable trade-off between individual rights and an effective, strong government are also linked to what are considered acceptable limitations on a separation of powers and political pluralism.

On the other hand, our empirical knowledge suggests that the scores for the different party groups according to the 'social' category by McElroy and Benoit (see Table 1 below) generally also match well the relative commitment of different party families towards liberal democracy in terms of a centralization of power

and limitations on pluralism. In this sense, we would generally consider Green parties and liberal parties to be most strongly committed to liberal democracy; parties of the center-left more than parties of the center-right; and far-right parties the least. The only EP party group for which this relative ranking according to their ‘social’ score does not seem to match obviously with their commitment to liberal democracy is the United Left: while parties of the hard Left may indeed score highly with regard to libertarian policies, they are also generally more inclined to endorse a concentration of executive power. I will return to the possibility that the United Left might be the only political group in the EP for which the proxy for liberal democracy is not well-suited when discussing the results of the analysis. One implication of this operationalization of the party political dimension is that the semantics might appear somewhat counterintuitive. For example, with regard to this dimension, the EPP is considered one of the political groups that do not have a ‘strong commitment to liberal democracy’. This notion might appear confusing since, of course, the parties of the EPP are certainly committed to democracy; but the EPP scores lower with regard to liberal democracy as its members are more prepared to accept limitations on pluralism and on a separation of powers.

With regard to transnational partisan politics, I draw on additional survey data for national parties to calculate the *ideological distance* between an EP political group and a target government. For the two main parties in the target governments – Fidesz in Hungary and the Social Democratic Party (PSD) in Romania – I use the 2010 Chapel Hill Expert Survey (CHES) (Bakker et al. 2015). I calculate the ideological distance by subtracting a target government party’s CHES score for their ‘Left-Right’ position (multiplied by two since it is on a ten-point scale) from McElroy and Benoit’s (2012) ‘Left-Right’ score for an EP political group (using absolute numbers).

4.2. Operationalizing the outcome: EP political group preferences regarding sanctions

The preferences of EP political groups towards sanctions against the Hungarian and Romanian government, respectively, are derived as follows. No formal proposal to use Article 7 was submitted and voted on for either Hungary or Romania. For Hungary, the EP passed a number of resolutions regarding the political situation in Hungary and I use the political groups’ voting behavior to establish their attitudes towards sanctioning Hungary. The EP voted on five resolutions concerning the political situation in Hungary (in July 2011, February 2012, July 2013, June 2015, and December 2015). Although the first four resolutions did not use roll-call votes, we can infer the positions on sanctions of the EP groups from the identity of the groups that tabled the resolutions and counter-resolutions as well as from media reports (*Agence Europe* 06.07.2011; 17.02.2012).

It is more difficult to determine the positions for EP groups with regard to the resolution it adopted on 3 July 2013 (‘Tavares Report’²) with 370 votes against 249 votes and 82 abstentions. For the other three resolutions without roll-call votes, the patterns are clearer. On 5 July 2011, the EP adopted – by 331 votes to 274

2 See European Parliament (2013) ‘Report on the situation of fundamental rights: standards and practices in Hungary’, (2012/2130(INI)), Brussels, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0229&language=EN>, accessed 14 June 2016.

with 54 abstentions – a resolution on the revised Hungarian constitution tabled by the Social Democrats (S&D), the United Left/Nordic Green Left (GUE/NGL), the Greens/European Free Alliance (Greens/EFA) and Liberals (ALDE) groups. The resolution on the political situation in Hungary that was adopted on 10 June 2015 (362 votes for, 247 against, 88 abstentions) was tabled by the same groups. Again, the same groups had also tabled the resolution of 16 February 2012 on the recent political developments in Hungary. This resolution was adopted (315 votes for, 263 against, 49 abstentions) after defeating two motions for a resolution tabled respectively by the European People’s Party/Christian Democrats (EPP) and the national-conservative Conservatives and Reformists (ECR) groups. These patterns indicate that the former four groups supported sanctions while the latter two opposed them. The Eurosceptic Europe of Freedom and Democracy group (EFD, re-formed in June 2014 as Europe of Freedom and Direct Democracy Group) did not (co-)sponsor any of these critical resolutions, and although it neither did so for the counter-resolutions, this behavior can be interpreted as lack of support for sanctions.

These patterns are confirmed in the roll-call vote on two amendments to the resolution of 16 December 2015 (a follow-up to the resolution of June 2015 on the situation in Hungary). EPP, ECR, EFD, ENF (and non-attached MEPs) narrowly defeated (325 to 322, 39 abstentions) GUE-NGL, Greens/EFA, S&D, and ALDE to delete the original paragraph 5 that would have made the resolution tougher by stating that “contrary to the statement made by the Commission (...) the conditions for the activation of the rule of law framework and Article 7(1) TEU are fully met” (European Parliament 2012). The cohesion within political groups for this vote was 91 percent. The same coalition (again with 91 percent group cohesion) deleted (329 to 320, 38 abstentions) the original Paragraph 10 that had welcomed a call for “the Commission to propose triggering Article 7 TEU” and called “on the Council to act pursuant to Article 7(1) TEU” (European Parliament 2012).

With regard to Romania, the EP did not pass any resolutions since the Romanian government acquiesced fairly quickly to the demands by the presidents of the Commission and the European Council to redress the breaches of the rule of law in 2012. However, we can use statements by the leaders of the political groups reported in the media as indicators of their inclination to consider sanctions against the Romanian government. Such critical statements were made by the leadership of the EPP (*EUObserver*, 06.07.2012), the S&D Group (*Agence Europe*, 11.07.2012), ALDE (*Agence Europe*, 19.07.2012), and the Greens (*Agence Europe*, 31.07.2012). The remaining party groups – the United Left, the ECR and the EFD – did not make statements that criticized the Romanian government and/or stated their support for the possibility to use Article 7 if the Romanian government did not redress its breaches to the rule of law. For the analysis, I treat the lack of explicit support for sanctions as opposition to sanctions. Table 1 summarizes the positions of the political groups with regard to sanctions against Hungary and Romania respectively.

Table 1: Actors' party political orientations and support for sanctions against democratic backsliding

Table 1: Actor's party political orientations and support for sanctions against democratic backsliding

EP political group	Target government	Commitment to liberal democracy ¹	Ideological (left-right) distance to target government ¹	Support for European integration ¹	Support (1) or opposition (0) to sanctions
United Left	Hungary	15.1	10.86	6.1	1
United Left	Romania	15.1	3.1	6.1	0 ²
Greens	Hungary	17.3	9.36	12.7	1
Greens	Romania	17.3	1.6	12.7	1
S&D	Hungary	14.7	5.96	12.6	1
S&D	Romania	14.7	1.8	12.6	1
ALDE	Hungary	15.8	1.86	13.9	1
ALDE	Romania	15.8	5.9	13.9	1
EPP	Hungary	6.3	0.26	12.1	0
EPP	Romania	6.3	7.5	12.1	1
ECR	Hungary	4.7	3.34	1.8	0
ECR	Romania	4.7	11.1	1.8	0 ²
TFD	Hungary	3.6	4.84	0.1	0
TFD	Romania	3.6	12.6	0.1	0 ²

¹ On a scale from 0-20.

² No explicit statement supporting sanctions; interpreted as opposition sanctions.

Source: Author

5. Analysis and findings

The result of the fsQCA are two equifinal solutions for EP groups' support for sanctions.³ In other words, two different combinations of explanatory factors produce (or explain) this outcome. These results are summarized in QCA language below:

support --> integration (liberalism + distance)

~support --> ~liberalism (~distance + ~integration)

For EP groups to support sanctions against democratic backsliding, it is a necessary condition that they have a positive attitude towards European integration. If a political group is favorable to European integration, then it supports sanctions against another EU member state either if it is committed to the values of liberal democracy or if it is ideologically distant from the target government. The first combination includes the positions of ALDE, the Greens, and the Social Democrats towards both Hungary and Romania. These groups supported sanctions in both cases regardless of their ideological proximity – in Left/Right terms – to the Romanian PSD for the Social Democrats and Greens government. The second combination applies to the EPP's support for sanctions against the Romanian government – an ideological rival (it also applies to the cases of the Social Democrats and Greens with regard to Hungary, and to ALDE with regard to Romania, which means that these three cases are overdetermined and fit with both explanations). The only case that

3 This result has a very high consistency (0.966) and good coverage (0.751). The results are identical for the parsimonious, intermediate and complex solution; there are no logical remainders. For detailed results see Annex 1.

is not fully consistent with these explanations is the support of the (mildly) Eurosceptic United Left group for sanctions against the Hungarian government. I will return to the case of the United Left below.

The analysis also produces two explanations for the opposition to sanctions.⁴ The absence of a commitment to liberal democracy emerges as a necessary condition for such an opposition. If an EP group is not strongly committed to liberal democracy, it opposes sanctions if either of the two additional conditions is present. First, political groups that do not have a strong commitment to liberal democracy oppose sanctions against target governments to which they are ideologically close (with regard to their Left-Right orientation). This explanation covers the cases of the opposition to sanctions against Hungary by the EPP as well as the ECR and the EFD. All three groups have a weaker commitment to liberal democracy (and are instead – albeit to varying degrees – more strongly characterized by traditionalist, authoritarian, or nationalist attitudes) and are ideologically close to the Hungarian Fidesz government in Left/Right terms.

The second explanatory path is that EP groups lacking a strong commitment to liberal democracy oppose sanctions – even if they target an ideological rival – if they do not support European integration. This finding suggests that for Eurosceptic political groups, their aversion to the EU's involvement in a member state's domestic political arena trumps the potential party political benefits of sanctions. This explanation covers the cases of the opposition of the ECR and the EDF to sanctions against the Romanian PSD government (despite their ideological distance) as well as the opposition of these two groups to sanctions against Hungary (which is thus covered by both explanatory paths). Again, one case does not fully fit this explanation: the opposition to (or rather, lack of support for) sanctions against the Romanian government by the United Left is inconsistent with its commitment to liberal democracy (even if it fits with its, albeit mild, Euroscepticism and ideological proximity). As mentioned earlier, the fact that the United Left is a case that is not fully consistent both with the explanations for support for, and opposition to, sanctions, might be related to the indicator for 'commitment to liberal democracy' that the analysis used. I suggested that the United Left would be the only case for which the category 'social' in McElroy and Benoit (2012) might not be a good proxy, as it might overstate the extent of its commitment to liberal democracy (as opposed to libertarian policies). If we considered a lower score for the United Left's commitment to liberal democracy, the results would be likely to have an even higher consistency.

6. Conclusion

What are the obstacles to the EU's democracy promotion inside its membership in sanctioning democratic backsliding? Under which conditions does the EU use such sanctions? Is the Left/Right party political dimension a key factor in determining actors' attitude to sanctions? This paper has provided a more systematic analysis of the positions of the EP political groups towards sanctions against democratic backsliding in Hungary and Romania. The analysis suggests that party politics do, indeed, matter. However, while actors' ideological (Left/Right) distance can play a role in the actors' decisions on whether to sanction democratic backsliding, this decision cannot be reduced to only this dimension.

⁴ This solution has a very high consistency (0.912) and a high coverage (0.803). The results are identical for the parsimonious, intermediate and complex solution; there are no logical remainders. For detailed results see Annex 1.

EP political groups do support sanctions against target governments composed of ideological rivals and they do oppose sanctions against partisan allies, but they do not always do so. In other words, transnational partisan politics alone are no sufficient condition for these outcomes. Ideological proximity leads political groups to oppose sanctions that target their partisan allies only if they are not strongly committed to liberal democracy. This is the case for the EPP's opposition to sanctions against Victor Orbán's Fidesz government in Hungary (as well as by the ECR and EDF). While the case of the EPP and Hungary has been the key case on which commentators have focused to highlight the importance of party politics for attitudes towards sanctions against democratic backsliding in the EP, we have to be careful not to reduce the argument to the Left/Right dimension. Ideological distance does matter in a specific constellation of party political orientations, but it does not by itself lead to support for or opposition to sanctions. If party groups are strongly committed to democracy then they do not oppose sanctions, even if they target a partisan ally abroad as in the case of the Social Democrats and the Romanian SDL government. Likewise, ideological distance only leads party groups to support sanctions against partisan rivals if the group otherwise has a favorable attitude towards European integration and thus considers the EU a legitimate actor to intervene in the domestic affairs of member states. If this is not the case, then they do not support sanctions even if targeted at ideological adversaries, as in the case of the ECR or EFD with regard to the Romanian government.

Moreover, other constellations of party political conditions can lead to the support or opposition of sanctions regardless of the target government's Left/Right orientation. Political groups with a strong commitment to democracy that also have a positive attitude towards European integration support sanctions against democratic backsliding, irrespective of the target government's Left/Right orientation. Conversely, political groups oppose sanctions if they do not have a strong normative commitment to liberal democracy and at the same time do not have a favorable attitude towards the EU, again, regardless of the target government's Left/Right orientation.

In other words, while party politics play an important role in explaining positions of EP political groups towards sanctions, ideological distance with regard to the Left/Right dimension of party political orientation is neither a necessary, nor a sufficient condition for either the support for or the opposition to sanctions. In other words, ideological distance is an **INUS** condition for supporting sanctions against democratic backsliding: an **I**nsufficient, but **N**ecessary part of a condition which itself is **U**nnecessary but **S**ufficient for the occurrence of the outcome (Mackie 1965).

How generalizable are these findings about the preferences of EP party groups for EU politics? The EP is a highly likely setting to find party political dynamics underpinning attitudes towards sanctions. Since the party political explanation for sanctioning democratic backsliding had not yet been subjected to a more systematic analysis, the choice of a most-likely case appears appropriate. At the same time, the positive finding with regard to the EP means that further research is required to confirm that party politics – and similar constellations of party political orientations – are also relevant for preferences among member state governments in the Council. Yet, even if such further research found that party politics are limited to the EP, this would not mean that they are unimportant for EU sanctions against backsliding more generally. First, EP resolutions exposing and condemning democratic backsliding in member states remain a central

element of the EU's social sanctions. Second, party politics in the EP are also highly significant with regard to the EU's material sanctions under Article 7 TEU since they require the EP's consent with a two-third majority.

What are the implications of these findings for the EU's ability to sanction democratic backsliding? The finding that different party political constellations can predispose actors against sanctions suggest that it will always be difficult to meet the demanding majority requirements of Article 7 even just in the EP. However, even if we do not focus only on the hard sanctions of Article 7 but softer social sanctions, such as critical EP resolutions, the findings also suggest that it might be easier to agree on sanctions if the target government has a specific party political orientation. Democratic backsliding appears more likely to be punished in countries that are governed by parties of the political Left rather than the Right. Since a commitment to liberal democracy (a GAL orientation) tends to be stronger among EP groups of the Left, they should be less reluctant to use sanctions against ideologically close target governments, while EP groups of the Right (as long as they support European integration) are likely to support these sanctions since they target an ideological rival.

7. Annex

Annex 1: Details of the fsQCA Analysis

Table 2: Results

Analysis: support -> (complex, parsimonious, and intermediate solution);
consistency cutoff: 0.903

	raw coverage	unique coverage	consistency
liberalism*integration	0.666	0.333	0.962
distance*integration	0.419	0.085	0.954
solution coverage: 0.751			
solution consistency: 0.966			

Analysis: ~support (complex, parsimonious, and intermediate solution);
consistency cutoff: 0.672

	raw coverage	unique coverage	consistency
~liberalism*~integration	0.690	0.432	0.900
~liberalism*~distance	0.372	0.113	0.845
solution coverage: 0.803			
solution consistency: 0.912			

Table 3: Cut-off points for calibration of fuzzy-set scores for explanatory conditions
(1= full membership in a set; 0= full non-membership)

	Fuzzy-set scores		
	0.95	0.5	0.05
<i>Ideological distance</i> (calculated according to 'left/right' positions on 0-20 scale; max. 12.6; min. 0.26)	>10	5	<0
<i>Commitment to liberal democracy</i> (0-20 scale; max. 17.3, min. 3.6)	>15	10	<5
<i>Support for European integration</i> (0-20 scale; max 13.9, min. 0.1)	>15	10	<5

8. References

Bakker, R.; de Vries, C.; Edwards, E.; Hooghe, L.; Jolly, S.; Marks, G.; Polk, J.; Rovny, J.; Steenbergen, M. and Vachudova, M. (2015) 'Measuring Party Positions in Europe: The Chapel Hill Expert Survey Trend File, 1999-2010', *Party Politics* 21(1): 143-52.

Bánkuti, M.; Halmai, G. and Scheppele, K.L. (2012) 'Disabling the Constitution', *Journal of Democracy* 23(3): 138-46.

Closa, C.; Kochenov, D. and Weiler, J. H. H. (2014) 'Reinforcing Rule of Law Oversight in the European Union, Florence', *EUI Working Papers RSCAS 2014/25*, Florence: Robert Schuman Centre for Advanced Studies.

European Commission (1997) Treaty of Amsterdam (97/C 340/01), Brussels: European Commission.

European Parliament (2013) 'Report on the situation of fundamental rights: standards and practices in Hungary', (2012/2130(INI)), Brussels, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0229&language=EN>, accessed 14 June 2016.

Galtung, J. (1967) 'On the Effects of International Economic Sanctions, With Examples from the Case of Rhodesia', *World Politics* 19(3): 378-416.

Hix, S. (1999) 'Dimensions and alignments in European Union politics: cognitive constraints and partisan responses', *European Journal of Political Research* 35(1): 69-106.

Hooghe, L.; Marks, G., and C. Wilson (2002) 'Does Left/Right Structure Party Positions on European Integration?', *Comparative Political Studies* 35(8): 965-989.

Iusmen, I. (2015) 'EU Leverage and Democratic Backsliding in Central and Eastern Europe: the Case of Romania', *Journal of Common Market Studies* 53(3): 593-608.

Jenne, E.K and Mudde, C. (2012) 'Hungary's Illiberal Turn: Can Outsiders Help?', *Journal of Democracy* 23(3): 147-155.

Kelemen, D. (2015) 'EPP <3 Orbán: Leading figures in the European People's Party are sheltering the Orbán regime in the name of partisan politics', *POLITICO* 18.06.2015, available at <http://www.politico.eu/article/epp-defends-hungary-orban-against-criticism/>, accessed 28 May 2016.

Kelemen, R. D. (forthcoming) 'Europe's Other Democratic Deficit: National Authoritarianism in a Democratic Union', *Government & Opposition*.

Kelemen, R. D. and Orenstein, M. A. (2016) 'Europe's Autocracy Problem: Polish Democracy's Final Days?', *Foreign Affairs* 07.01.2016, available at <https://www.foreignaffairs.com/articles/poland/2016-01-07/europes-autocracy-problem>, accessed 14 June 2016.

- Mackie, J.L. (1965) 'Causes and Conditions', *American Philosophical Quarterly* 12: 245–265.
- Manow, P.; Schafer, A. and Zorn, H. (2008) 'Europe's party-political centre of gravity, 1957–2003', *Journal of European Public Policy* 15(1): 20–39.
- McElroy, G. and Benoit, K. (2012) 'Policy Positioning in the European Parliament', *European Union Politics* 13(1): 150-167.
- Merlingen, M.; Mudde, C. and Sedelmeier, U. (2001) 'The Right and the Righteous? European Norms, Domestic Politics and the Sanctions against Austria', *Journal of Common Market Studies* 39(1): 59-77.
- Müller, J.W. (2015) 'Should the EU Protect Democracy and the Rule of Law inside Member States?', *European Law Journal* 21(2): 141-160.
- Pop-Eleches, G. (2013) 'Learning from Mistakes: Romanian Democracy and the Hungarian Precedent', *Newsletter of the European Politics and Society Section of the American Political Science Association: Winter 2013*, pp. 9-12.
- Pop-Eleches, G. (2014) 'Authoritarian Backsliding in Eastern Europe - "Achievements" and Limitations', *APSA-Comparative Politics Newsletter* 24(2): 7-9.
- Ragin, C.C. (2008) *Redesigning Social Inquiry: Fuzzy Sets and Beyond*, Chicago: University of Chicago Press.
- Sadurski, W. (2012) *Constitutionalism and the Enlargement of Europe*, Oxford: Oxford University Press.
- Scheppele, K. L. (2013) 'Not Your Father's Authoritarianism: The Creation of the "Frankenstate"', *Newsletter of the European Politics and Society Section of the American Political Science Association: Winter 2013*, pp. 5-9.
- Schneider, C.Q. and Wagemann, C. (2012) *Set-Theoretic Methods for the Social Sciences: A Guide to Qualitative Comparative Analysis*, Cambridge: Cambridge University Press.
- Sedelmeier, U. (2014) 'Anchoring Democracy from Above? The European Union and Democratic Backsliding in Hungary and Romania after Accession', *Journal of Common Market Studies* 52(1): 105-121.
- von Bogdandy, A.; Kottmann, M.; Antpöhler, C.; Dickschen, J. and Hentrei, S. (2012) 'Reverse Solange. Protecting the essence of fundamental rights against EU Member States', *Common Market Law Review* 49(2): 489-519.
- Zalan, E. (2016) 'Can Europe Stand Up to its Own Strongmen? Eastern Europe is Backsliding on Democracy – and Brussels Isn't Doing Anything to Stop It', *Foreign Policy* 10.03.2016, available at <http://foreignpolicy.com/2016/03/10/can-europe-stand-up-to-its-own-strongmen/>, accessed 28 May 2016.



“Maximizing the integration capacity of the European Union: Lessons of and prospects for enlargement and beyond”

The ‘big bang enlargement’ of the European Union (EU) has nurtured vivid debates among both academics and practitioners about the consequences of ‘an ever larger Union’ for the EU’s integration capacity. The research project MAXCAP will start with a critical analysis of the effects of the 2004-2007 enlargement on stability, democracy and prosperity of candidate countries, on the one hand, and the EU’s institutions, on the other. We will then investigate how the EU can maximize its integration capacity for current and future enlargements. Featuring a nine-partner consortium of academic, policy, dissemination and management excellence, MAXCAP will create new and strengthen existing links within and between the academic and the policy world on matters relating to the current and future enlargement of the EU.