

# Hungary's Slide toward Autocracy: Domestic and External Impediments to Locking In Democratic Reforms

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IT WAS NOT DIFFICULT, in the comforting glow of the “post–Cold War” dawn, to imagine that liberal democracy worldwide had a bright future ahead of it, and nowhere more so than in the postcommunist states of Central and Eastern Europe (CEE). There, countries such as Poland, Hungary, and then Czechoslovakia were expected to benefit from their impending accession to two Western institutions—the European Union (EU) and the North Atlantic Treaty Organization (NATO)—and to become liberal democracies. For scholars and policymakers alike, hopes were pinned on the phenomenon of “conditionality,” through

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which membership in the pair of Brussels-based institutions was to be made conditional upon the CEE states' embrace of democratic reforms. In this way, the West would "go east" and, in doing so, usher in a new era of regional security.

NATO may have been quicker to expand eastward than the EU, for reasons related both to the security challenges stemming from the breakup of Yugoslavia (and the related prospect that what happened there might happen elsewhere in Europe) and to the debate ongoing among the Europeans throughout the 1990s over whether their union first needed to be "deepened" prior to its being "widened."<sup>1</sup> And NATO did for a time market, not without some success, its own brand of conditionality, eventually packaged under the rubric of "security sector reform."<sup>2</sup> But it was really the EU, once it embraced the expansion project, that would come to be seen as providing the most effective institutional means for promoting liberal democracy's spread within CEE. Accordingly, this article concentrates mainly on the EU experience, with a particular focus on Hungary.

Because the EU required deeper political and economic reforms from candidate countries, it was held to have greater potential than NATO to transform the political architecture of the region. For a time, that potential looked capable of being reached. Today, however, the transformative optimism that once dominated scholarship surrounding the EU's initial eastward enlargement has given way to skepticism and disappointment in the wake of post-accession democratic backsliding and the poor implementation of "conditional" reforms in most CEE countries.<sup>3</sup> Nowhere has that turn toward

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<sup>1</sup>On that debate, see Françoise de la Serre and Christian Lequesne, eds., *Quelle Union pour quelle Europe? L'après-traité d'Amsterdam* (Brussels: Éditions Complexe, 1998).

<sup>2</sup>See David G. Haglund, "From USSR to SSR: The Rise and (Partial) Demise of NATO in Security Sector Reform," in David M. Law, ed., *Intergovernmental Organisations and Security Sector Reform* (Zurich: Lit Verlag/Geneva Centre for the Democratic Control of Armed Forces, 2007), 103–121. On those early success stories, see Rachel A. Epstein, "NATO Enlargement and the Spread of Democracy: Evidence and Expectations," *Security Studies* 14 (January–March 2005): 63–105; and Islam Yusufi, "Security Governance: Security Sector Reform in Southeast Europe" (IPF Research Report, Center for Policy Studies, Budapest, 2003), accessed at <http://www.policy.hu/yusufi/researchreport.pdf>, 19 September 2022.

<sup>3</sup>Examples of critical literature on the effectiveness of EU conditionality include Malte Brosig, ed., *Human Rights in Europe: A Fragmented Regime?* (Frankfurt: Peter Lang, 2006); Bernd Rechel, ed., *Minority Rights in Central and Eastern Europe* (London: Routledge, 2009); Gwendolyn Sasse, "The Politics of EU Conditionality: The Norm of Minority Protection during and beyond EU Accession," *Journal of European Public Policy* 15 (September 2008): 842–860; Jennie L. Schulze, "Estonia Caught between East and West: EU Conditionality, Russia's Activism, and Minority Integration," *Nationalities Papers* 38 (May 2010): 361–392; Milada A. Vachudova, "Tempered by the EU? Political Parties and Party Systems before and after Accession," *Journal of European Public Policy* 15 (September 2008): 861–879; and Peter Vermeersch, "Minority Policy in Central Europe: Exploring the Impact of the EU's Enlargement Strategy," *Global Review of Ethnopolitics* 3 (January 2004): 3–19.

autocracy been more evident than in Hungary. Paul Lendvai was hardly exaggerating when he gloomily asserted of Hungary three years ago that “[s]ince the end of Soviet domination in 1989, never has the future for the liberal values of the Enlightenment seemed so bleak: for tolerance, respect for the importance of fair debate, checked and balanced government, and objectivity and impartiality in media.”<sup>4</sup>

Hungary, of course, is not the only case of retrenchment from democratic commitments in the CEE region; nor is CEE the only region where liberal democracy has become imperiled.<sup>5</sup> Nativist populism and economic protectionism have returned elsewhere in the transatlantic world—including in some long-established Western democracies.<sup>6</sup> However, Hungary is a powerful example that democratic breakdowns can occur even in countries previously hailed as high achievers in meeting accession criteria, and therefore unlikely to backslide. Throughout the EU accession process, European institutions judged Hungary to be making satisfactory progress in each of the three areas of what were termed the Copenhagen criteria for EU accession. Scholars agreed that Hungary had gotten its liberal-democratic house in order and that it represented one of the prime examples of successful democratic consolidation in postcommunist Europe.<sup>7</sup> So what went wrong? How can we explain the failure of political conditionality to lock in democratic reforms in Hungary?

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<sup>4</sup>Paul Lendvai, “The Transformer: Orban’s Evolution and Hungary’s Demise,” *Foreign Affairs* 98 (September/October 2019): 44–54, at 54.

<sup>5</sup>See Henrik B.L. Larsen, *NATO’s Democratic Retrenchment: Hegemony after the Return of History* (London: Routledge, 2019); Stanley R. Sloan, *Transatlantic Traumas: Has Illiberalism Brought the West to the Brink of Collapse?* (Manchester: Manchester University Press, 2018); and especially Ivan Krastev and Stephen Holmes, *The Light That Failed: A Reckoning* (London: Penguin, 2020).

<sup>6</sup>Celeste A. Wallander, “NATO’s Enemies Within: How Democratic Decline Could Destroy the Alliance,” *Foreign Affairs* 97 (July/August 2018): 70–81. For worrisome trends in the United States, see also Jimmy Carter, “America’s Democracy Is in Danger,” *New York Times*, 9 January 2022; and Gabriel Schoenfeld, “The Neo-Nationalist Danger,” *American Interest* 15 (September/October 2019): 4–9, at 9: “Even if it is not yet metastatic,” Schoenfeld warns, “a malignant form of nationalism is being injected into the American body politic. A set of profoundly illiberal ideas is being propounded at a moment when the fragility of liberal democracy has been exposed. We are drawing to the end of a low, dishonest decade, in which the odor of the 1930s has been filling the air.” More generally, see Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018).

<sup>7</sup>András Bozóki, “Success Stories: Lessons of Democratization in Central Europe,” *Regio: Minorities, Politics, Society* 6, no. 1 (2003): 3–37; and Susan Rose-Ackerman, *From Elections to Democracy: Building Accountable Government in Hungary and Poland* (Cambridge: Cambridge University Press, 2005).

Scholars of democratic backsliding in Hungary have primarily focused on either domestic factors<sup>8</sup> or external ones.<sup>9</sup> Some point to the proudly self-proclaimed “illiberal” activism of Hungary’s leader, Viktor Orban, as the explanation for Hungary’s retrenchment, and have also expressed concern that Hungary’s example might inspire other CEE governments to embrace xenophobia, populism, and nationalism as an efficient means to exert greater political control over their political rivals and society at large.<sup>10</sup> While “Orbanism” may provide some inspiration for neighboring countries, such as Poland,<sup>11</sup> we argue that the democratic backsliding that has taken place in Hungary and across the region is the product of deeper structural and political factors at both the international and domestic levels.

Understanding Hungary’s retrenchment requires explaining how a leader with antidemocratic leanings was elected, and why that leader was able to move Hungary in an authoritarian direction without facing serious consequences from either the public or the EU. While much of our explanation privileges domestic-level variables, we show that exogenous economic shocks and interstate relations, as well as the mechanisms of both political conditionality and post-accession sanctions, are crucial for understanding how post-accession backsliding was possible within an institutional framework that purportedly requires adherence to democratic values among its members. We argue that Hungary’s democratic recession emerged from a complex interaction between external and internal processes that goes beyond the politics and personality of Viktor Orban, or the simple loss of EU leverage that occurs after states acquire membership. We spell out those processes here.

At the international level, political conditionality, which requires only formal compliance from candidate states, combined with substantial EU

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<sup>8</sup>Bela Greskovits, “The Hollowing and Backsliding of Democracy in East Central Europe,” *Global Policy* 6, special issue (June 2015): 28–37; and Federico Vegetti, “The Political Nature of Ideological Polarization: The Case of Hungary,” *Annals of the American Academy of Political and Social Science* 681 (January 2019): 78–96.

<sup>9</sup>András Bozóki and D. Hegedűs, “An Externally Constrained Hybrid Regime: Hungary in the European Union,” *Democratization* 25, no. 7 (2018): 1173–1189; Daniel R. Kelemen, “The European Union’s Authoritarian Equilibrium,” *Journal of European Public Policy* 27, no. 3 (2019): 481–499; and Maurits J. Meijers and Harmen van der Vee, “MEP Responses to Democratic Backsliding in Hungary and Poland: An Analysis of Agenda-Setting and Voting Behaviour,” *Journal of Common Market Studies* 57 (July 2019): 838–856.

<sup>10</sup>James Kirchick, *The End of Europe: Dictators, Demagogues, and the Coming Dark Age* (New Haven, CT: Yale University Press, 2018), 64.

<sup>11</sup>See especially Anne Applebaum, “A Warning from Europe: The Worst Is Yet to Come,” *The Atlantic*, October 2018, accessed at <https://www.theatlantic.com/magazine/archive/2018/10/poland-polarization/568324/>, 17 November 2020.

funding and the weakness of post-accession sanctioning mechanisms, can and does create permissive conditions for democratic backsliding and autocratization in member states. In Hungary, a combination of economic and political crises encouraged elites to take advantage of that permissive environment and move toward autocratization. The exogenous shock of the 2008 global financial crisis heightened political competition from the far right and deepened the nationalist turn in Hungarian politics. Orbán's political party, Fidesz, found itself in a position to capitalize on the domestic base of support it had begun cultivating prior to EU accession, largely with the assistance of EU funding. In an effort to hold on to power, the Fidesz government violated democratic norms, such as rule of law and freedom of expression, and used primordial-nationalist narratives to justify its actions and to retain a base of support. However, unlike other post-accession backsliders in the region that have used the accession process to justify not addressing further recommendations for reform, Orbán's government instead went on the offensive against Brussels in order to discredit European criticisms of its post-accession backslide.<sup>12</sup> The absence of effective post-accession sanctioning mechanisms has meant that the EU does not possess the leverage needed to encourage Hungary to correct its course.

Our focus on the interaction between domestic and international variables in the following sections not only provides a fresh look at Hungary's transition from democratic success story to democratic defector, but offers a useful framework for understanding similar cases of democratic backsliding in the region. We problematize the interaction between both endogenous and exogenous variables through detailed process tracing that utilizes EU progress reports, legislative reforms, democracy watchdog reports, and the media, as well as recent scholarship on Hungary's democratic backsliding. In doing so, we explain the conditions that led to Orbán's ascendancy and democratic backsliding in Hungary and show how these conditions can also explain patterns of autocratization in other countries in the region. In the conclusion, we briefly discuss Serbia, an EU candidate country where the same conditions are met and patterns of autocratization hold, as well as Poland and Slovenia,<sup>13</sup> EU member states where there are strong autocratic

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<sup>12</sup>*Hungary Today*, "Orbán: Liberal Democracy Has Become 'Liberal Non-Democracy,'" 6 June 2021, accessed at <https://hungarytoday.hu/orban-liberal-democracy-liberalism-eu-epp-migration/>, 24 July 2021.

<sup>13</sup>Ziga Factor, "Backsliding of Democracy in Slovenia under Right-Wing Populist Janez Jansa," *Europeum Monitor*, 27 April 2020, accessed at <https://europeum.org/data/articles/eumonzigaapril-2020.pdf>, 29 April 2020.

leanings but not all variables are present—at least not yet—for auto-cratization to fully materialize. In each of these cases, self-interested elites have been able to leverage transnational politics to strengthen their domestic hold on power.

### EU CONDITIONALITY AND POST-ACCESSION SANCTIONS: A PERMISSIVE CONTEXT FOR ILLIBERALISM

After the collapse of communism, CEE countries were eager to “return to Europe” by joining Western democratic institutions. These included such political and security organizations as the Council of Europe, the Organization of Security and Cooperation in Europe (OSCE), the EU, and, of course, NATO. While most states in the region became members of both the OSCE and the Council of Europe shortly after the collapse of communism, gaining membership in NATO and the EU proved to be more challenging, as a result of the political conditions the latter two institutions imposed.

Hungary, Poland, and the Czech Republic constituted the first eastern enlargement of NATO in 1999. For this round of candidates, joining the alliance required them to signal their democratic bona fides by vesting control of their military establishments in reliable civilian hands, while at the same time fostering greater cooperation with NATO militaries. In later rounds of enlargement, NATO security guarantees provided additional leverage for European institutions to pressure CEE countries into making political reforms, as was the case with Estonia and Latvia.<sup>14</sup> Nevertheless, NATO conditionality was, and remained, a far more modest enterprise than EU conditionality, and CEE states did not have much difficulty meeting the political conditions for NATO membership.

The 2004 eastern enlargement of the EU generated a great deal of enthusiasm for “Europeanization,” the process by which new members would be “socialized” to adopt the democratic norms, or rules, of the European project.<sup>15</sup> Political conditionality undoubtedly had a democratizing effect on postcommunist states, not only by elevating some issues to government agendas, such as corruption and minority rights, which states were reluctant to address, but also by forcing reforms of the most illiberal policies prior to EU

<sup>14</sup>Jennie L. Schulze, *Strategic Frames: Europe, Russia, and Minority Inclusion in Estonia and Latvia* (Pittsburgh, PA: University of Pittsburgh Press, 2018), 199, 208.

<sup>15</sup>Adrienne Héritier, “Europeanization Research East and West: A Comparative Assessment,” in Frank Schimmelfennig and Ulrich Seidelmeier, eds., *The Europeanization of Central and Eastern Europe* (Ithaca, NY: Cornell University Press, 2005), 199–201.

accession.<sup>16</sup> However, the ability of the EU accession process to lock in liberal norms in candidate countries has been called into question by the lack of policy implementation, as well as by the considerable post-accession backsliding in policy areas that were part of the democratic criteria for accession in several countries across the region.<sup>17</sup> Hungary, which had earlier been considered one of the CEE region's democratic front-runners, became its most egregious political delinquent after accession.<sup>18</sup>

The triggers of autocratization in Hungary involve, as suggested earlier, a combination of exogenous economic shocks and endogenous political processes, including the rise of competitive national populist parties and significant public support for a primordial-nationalist agenda. Nevertheless, structural conditions within the EU provided permissive conditions for domestic elites to backtrack on democratic reforms after accession. These conditions include the emphasis on formal compliance during the accession process as opposed to evidence of deeper forms of compliance, such as behavioral compliance or

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<sup>16</sup>Alexander Cooley, "Western Conditions and Domestic Choices: The Influence of External Actors on the Post-communist Transition," in Adrian Karatnycky, Alexander J. Motyl, Amanda Schnetzer, eds., *Nations in Transit 2003: Democratization in East Central Europe and Eurasia* (New York: Freedom House, 2003), 25–38; Nida M. Gelazis, "The Effects of EU Conditionality on Citizenship Policies and the Protection of National Minorities in the Baltic States," in Vello Pettai and Jan Zielonka, eds., *The Road to the European Union*, vol. 2, *Estonia, Latvia and Lithuania* (Manchester: Manchester University Press, 2003), 46–74; David Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influences, and Identities in Estonia and Latvia* (Stuttgart: ibidem Verlag, 2005); Judith G. Kelley, *Ethnic Politics in Europe* (Princeton, NJ: Princeton University Press, 2004); Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization* 55 (Winter 2001): 47–80; Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, *International Socialization in Europe* (New York: Palgrave Macmillan, 2006); David J. Smith, "Minority Rights, Multiculturalism, and EU Enlargement: The Case of Estonia," *Journal of Ethnopolitics and Minority Issues in Europe* 4, no. 1 (2003): 1–40; David J. Smith, "Western Actors and the Promotion of Democracy," in Jan Zielonka and Alex Pravda, eds., *Democratic Consolidation in Eastern Europe*, vol. 2, *International and Transnational Factors* (Oxford: Oxford University Press, 2001); and Milada A. Vachudova, *Europe Undivided: Democracy, Leverage, and Integration after Communism* (Oxford: Oxford University Press, 2005).

<sup>17</sup>Brosig, *Human Rights in Europe*; Rechel, *Minority Rights in Central and Eastern Europe*; Walter Russell Mead, "The End of the Wilsonian Era: Why Liberal Internationalism Failed," *Foreign Affairs* 100 (January/February 2021): 123–137; Tamás Kiss, István Gergő Székely, Tibor Toró, Nándor Bárdi, and István Horváth, eds., *Unequal Accommodation of Minority Rights* (Cham, Switzerland: Palgrave Macmillan, 2018); Sasse, "The Politics of EU Conditionality"; Schulze, "Estonia Caught between East and West"; Schulze, *Strategic Frames*; Anton Steen, "National Elites and the Russian Minority Issue: Does EU-NATO Integration Matter?," *Journal of European Integration* 32 (March 2010): 193–212; Vachudova, "Tempered by the EU?"; and Vermeersch, "Minority Policy in Central Europe."

<sup>18</sup>Attila Agh, "Europeanization of Policymaking in East Central Europe: The Hungarian Approach to EU Accession," *Journal of European Public Policy* 6 (January 1999): 839–854; Jan-Werner Mueller, "Eastern Europe Goes South: Disappearing Democracy in the EU's Newest Members," *Foreign Affairs* 93 (March/April 2014): 14–19; and Robert Sata and Ireneusz Pawel Karolewski, "Caearean Politics in Hungary and Poland," *East European Politics* 36 (April 2020): 206–225.

norm internalization, the ineffectiveness of post-accession sanctioning mechanisms, and internal divisions between member states (all of which will be discussed later).

### *The Application of Membership Conditionality*

Hungary, along with other Western-oriented postcommunist governments, began pursuing EU accession in the early 1990s as a means of enhancing economic development and prosperity, while at the same time restoring political sovereignty. In late 1989, the European Community created the Poland and Hungary: Assistance for Restructuring their Economies (PHARE) program as a financial support for Hungary's and Poland's transformations toward functioning market economies and liberal democracies. It is not a coincidence that the initial economic aid was designed to assist these two countries, as they were seen as the countries most likely to speedily Westernize and become liberal democracies.<sup>19</sup> Ironically, these two countries became something else within the span of three decades—leaders of democratic backsliding and illiberalism. The distribution of EU funds, which took place through government agencies, fueled the rise of political parties that ultimately led these countries down an autocratic path.<sup>20</sup>

The protection of human rights and democratic principles had been included in various declarations as conditions for aid, but it was not until June 1993 that standards for EU accession were explicitly articulated by the European Council. According to these “Copenhagen criteria,” candidate states were required to demonstrate the stability of institutions guaranteeing democracy, the rule of law, and human rights, including respect for and protection of minorities, as well as a functioning market economy that could deal with market competition and pressures. In addition, all candidate countries were required to demonstrate the administrative and institutional capacity to adopt and implement the *acquis communautaire*, which encompasses the entire body of EU law.<sup>21</sup> The linkage between development aid and democratic conditions was restated in the Amsterdam Treaty (1997), and the political accession criteria were transferred into EU primary law with one exception

<sup>19</sup>This sentiment in the West has been shaped by the perceptions of both Poland's and Hungary's “softer” versions of state socialism and societies that demonstrated opposition to communism—the 1953 movement in Poland, the 1956 revolution in Hungary, and the 1980s Solidarity opposition in Poland.

<sup>20</sup>Gábor Scheiring, *The Retreat of Liberal Democracy: Authoritative Capitalism and the Accumulative State in Hungary* (Cham, Switzerland: Palgrave Macmillan, 2020).

<sup>21</sup>Schimmelfennig, Engert, and Knobel, *International Socialization*, 30.

relating to minority protection.<sup>22</sup> Since 1999, the EU has allowed member states to be sanctioned if they violate the fundamental principles of “liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.” It also states that EU applicants must respect these principles.<sup>23</sup>

Despite the fact that most postcommunist countries in CEE viewed such conditions as a “normalization” of politics, the rhetoric surrounding eastern enlargement has often implied a civilizing mission, in which “political and economic models in core member states were seen as normatively ‘superior’” and compliance with European standards and recommendations as evidence of a candidate’s “Europeanness.”<sup>24</sup> Consequently, Europeanization has for the most part been treated as a top-down process in both theory and practice. Some scholars treat institutions as structures, or social environments, in which actual (or even just anticipated) membership can trigger socialization.<sup>25</sup> Others (and they seem to be in the majority) regard European institutions as purposeful actors attempting to socialize target states toward desired criteria through a variety of material and social mechanisms.<sup>26</sup> During the EU accession process, common political rules, norms, and practices were to be *diffused* to new candidates through political conditionality, the exercise of which involved monitoring and benchmarking, as well as dialogue with candidate countries.

The EU has used material reinforcement alongside social reinforcement to induce policy changes in candidate countries during the accession process. There is considerable complementarity between these mechanisms, which are distinguishable along rationalist and con-

<sup>22</sup>James Hughes, Gwendolyn Sasse, and Claire Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality* (New York: Palgrave Macmillan, 2005), 18.

<sup>23</sup>Gabriel N. Toggenburg, “The European Union’s Policies vis-à-vis Minorities: A Play in Four Parts and an Open End,” in *MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts* (Bolzano, Italy: Sixth Framework Programme, European Academy, 2008), 6.

<sup>24</sup>Hughes, Sasse, and Gordon, *Europeanization and Regionalization*, 13.

<sup>25</sup>Michael Zürn and Jeffrey Checkel, “Getting Socialized to Build Bridges: Constructivism and Rationalism, Europe and the Nation-State,” *International Organization* 59 (Autumn 2005): 1045–1079. For discussion of anticipation as a mechanism for socialization, see Isa Camyar, “Europeanization, Domestic Legacies and Administrative Reforms in Central and Eastern Europe: A Comparative Analysis of Hungary and the Czech Republic,” *Journal of European Integration* 32 (March 2010): 137–155.

<sup>26</sup>Zürn and Checkel, “Getting Socialized to Build Bridges,” 1049. Examples include Kelley, *Ethnic Politics in Europe*; Galbreath, *Nation-Building and Minority Politics*; Schimmelfennig, Engert, and Knobel, *International Socialization*; Vachudova, *Europe Undivided*; and Heather Grabbe, “How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity,” *Journal of European Public Policy* 8 (January 2001): 1013–1031.

structivist lines.<sup>27</sup> *Material reinforcement* relies on tangible incentives such as financial, technical, economic, and military assistance along with the benefits of membership, which include decision-making rights, military protection, and subsidies. During the accession process, institutional ties in the form of association agreements and financial assistance, as well as the prospect of opening accession negotiations, become linked to the fulfillment of the democratic criteria.<sup>28</sup> The EU deploys *social reinforcement* alongside material reinforcement, which involves international praise for democratic reform along with shaming and shunning for nondemocratic behavior. Here, changes in behavior result from the gains or losses that flow from that recognition.<sup>29</sup> European institutions transmit recommendations for reforms to candidate countries through intergovernmental channels and through meetings with societal groups and organizations.

Membership conditionality, therefore, is not an end in itself, but rather a mechanism by which other political objectives are pursued. Charles Pentland has written apropos conditionality that “the idea it expresses is as old as politics itself. It captures a bargaining relationship in which one party is in a position consistently to extract disproportionate concessions from another,” resulting in the aspirants being given an offer they “can’t refuse.”<sup>30</sup> The process is typically divided into two stages: *democratic conditionality*, which includes the adoption of the fundamental democratic principles of the EU and the institutions of the market economy, and *acquis conditionality*, which involves the adoption of the *acquis communautaire*. While compliance with the *acquis* is more a matter of administrative capacity, democratic conditionality is the true litmus test for democratic consolidation.<sup>31</sup> Because the EU has followed an *exclusive strategy*, whereby it holds out the greatest reward—membership—until the end of the accession process, EU conditionality has been considered more effective than the conditionality practiced by

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<sup>27</sup>Zürn and Checkel, “Getting Socialized to Build Bridges” 1056–1065; Guido Schweltnus, “The Adoption of Nondiscrimination and Minority Protection Rules in Romania, Hungary, and Poland,” in Schimmelfennig and Seidelmeier, *The Europeanization of Central and Eastern Europe*, 51–70, at 64; and Schimmelfennig, Engert, and Knobel, *International Socialization*, 3.

<sup>28</sup>Hughes, Sasse, and Gordon, *Europeanization and Regionalization*, 23. They argue that economic criteria were given more importance than democratic criteria in the eastern enlargement.

<sup>29</sup>Schimmelfennig, Engert and Nobel, *International Socialization*, 7, 35.

<sup>30</sup>Charles C. Pentland, “Enlarging the Security Community: NATO, the EU, and the Uses of Political Conditionality,” in David G. Haglund, ed., *New NATO, New Century: Canada, the United States, and the Future of the Atlantic Alliance* (Kingston, Ontario: Queen’s University Centre for International Relations, 2000), 64. The author’s allusion here, of course, is to Francis Ford Coppola’s 1972 film *The Godfather*.

<sup>31</sup>Gwendolyn Sasse, “The Politics of EU Conditionality: The Norm of Minority Protection during and beyond EU Accession,” *Journal of European Public Policy* 15 (September 2008): 842–860.

other organizations, such as international financial institutions, or even NATO. Nevertheless, the exercise of conditionality was a mutual process, whereby both European institutions and candidate countries became invested in the success of the process.

Hungary was largely hailed as a democratic front-runner throughout the accession process, and severe democratic deficits were not singled out in regular report cards issued by the European Commission. For example, the main areas that were noted as needing attention in the EU's "Regular Progress Report" in 1997 were the environment, customs control, and energy. But when it came to the political criteria, the commission declared that Hungary "presents the characteristics of a democracy with stable institutions which guarantee the rule of law, human rights and respect for and the protection of minorities."<sup>32</sup> In later reports, the commission did note the need for Budapest to pick up its socks on such matters as combating corruption, improving the situation of the Roma, and developing and implementing reforms on immigration and refugee policy.<sup>33</sup> But by 2000, the EU reported that those matters had largely been resolved,<sup>34</sup> and the commission recommended that the government increase dialogue with civil society in order better to prepare the country for EU accession.<sup>35</sup>

Some scholars have argued that Hungary's trajectory toward democratic consolidation probably would have proceeded even in the absence of EU conditionality.<sup>36</sup> They may be right, but to us, it appears more

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<sup>32</sup>European Commission, *Agenda 2000: Commission Opinion on Hungary's Application for Membership of the European Union*, Supplement 6/97 (Luxembourg: European Commission, 1997), 77, accessed at <https://op.europa.eu/en/publication-detail/-/publication/0e01aba6-ab37-4427-b6cc-e6973ae49e5b>, 8 February 2020.

<sup>33</sup>European Commission, *Regular Report from the Commission on Hungary's Progress toward Accession* (1998), COM (98) 700; and European Commission, *Regular Report from the Commission on Hungary's Progress toward Accession* (1999), COM (99) 505, accessed at <http://aei.pitt.edu/44534/>, 9 February 2020.

<sup>34</sup>European Commission, *Regular Report from the Commission on Hungary's Progress toward Accession* (2000), COM (2000) 705, accessed at <http://aei.pitt.edu/44534/>, 9 February 2020.

<sup>35</sup>For discussion, see Umut Korkut, "The European Union and the Accession Process in Hungary, Poland, and Romania: Is There a Place for Social Dialogue?," *Perspectives on European Politics and Society* 3 (May 2002): 297–324.

<sup>36</sup>Milada Vachudova, "The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union" (Working Paper RSC 2001/33, European University Institute, 2001), accessed at [https://cadmus.eui.eu/bitstream/handle/1814/1742/01\\_33.pdf;sequence=1](https://cadmus.eui.eu/bitstream/handle/1814/1742/01_33.pdf;sequence=1), 21 September 2022; Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe," *Journal of European Public Policy* 11 (January 2004): 661–679; Frank Schimmelfennig, "European Regional Organizations, Political Conditionality, and Democratic Transformation in Eastern Europe," *East European Politics and Societies* 21 (February 2007): 126–141; and Tim Haughton, "When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe," *Political Studies Review* 5 (May 2007): 233–246.

likely that the accession process and the politics of conditionality did make a difference, reinforcing Hungary's liberal trajectory in the early 1990s by providing material and social incentives for undertaking democratic reforms and by elevating difficult issues such as corruption and minority rights to the political agenda. By the same token, the application of membership conditionality, with its focus on formal compliance as opposed to *behavioral* compliance, nevertheless provided opportunities for post-accession backsliding.

Formal compliance—that is, the incorporation of community rules or recommendations into policy—is the criterion for EU admission, and therefore the basis upon which many have evaluated the influence of European institutions on political outcomes in candidate countries.<sup>37</sup> The logics of path dependency, and the domestic audience costs involved in reversing course, could have locked in policy reforms. However, the speed and urgency with which candidate states rushed to adopt policy recommendations before “windows of opportunity closed” not only limited the depth of pre-accession reforms, but did not necessarily translate into a practical understanding of European recommendations among domestic elites or policy implementation after formal adoption of the rule.<sup>38</sup>

It might not have been feasible for European institutions, or even politically desirable for member states, to require evidence of behavioral compliance, such as policy implementation or norm internalization, as criteria for accession. There was substantial disagreement and conflict between member states regarding the meaning of democratic criteria, as well as the considerable differences in adherence to those standards across EU members and candidate states.<sup>39</sup> However, through PHARE funding, the EU provided material resources to fuel Orbán's illiberal turn, by supplying him and his Fidesz colleagues with the resources to

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<sup>37</sup>Galbreath, *Nation-Building and Minority Politics*; Kelley, *Ethnic Politics in Europe*; Sasse, “The Politics of EU Conditionality”; Schimmelfennig, “The EU: Promoting Liberal Democracy”; and Vachudova, *Europe Undivided*.

<sup>38</sup>Tamás et al., *Unequal Accommodation of Minority Rights*; Kristi Raik, “EU Accession of Central and Eastern European Countries: Democracy and Integration as Conflicting Logics,” *East European Politics and Societies* 18 (November 2004): 567–594; and Schulze, *Strategic Frames*, 254–255.

<sup>39</sup>Heather Grabbe, “European Union Conditionality and the *Acquis Communautaire*,” *International Political Science Review* 23 (July 2002): 249–268, at 252; Hughes, Sasse, and Gordon, “Conditionality and Compliance,” 10, citing Grabbe, “How Does Europeanization Affect CEE Governance”; Schweltnus, “The Adoption of Nondiscrimination,” 56–57; Schimmelfennig, Engert, and Knobel, *International Socialization*, 32; Wojciech Sadurski, “Minority Protection in Central Europe and Accession to the EU,” in Marc Weller and Denika Blacklock, eds., *The Protection of Minorities in the Wider Europe* (New York: Palgrave Macmillan, 2008), 209–231; and Sasse, “The Politics of EU Conditionality,” 843.

keep their clients satisfied and to strengthen their grip on the Hungarian economy and state.<sup>40</sup>

We are not suggesting that the EU at the time of Hungary's accession could have reasonably foreseen the economic and political crises that would combine to move Hungary toward authoritarianism. However, as we demonstrate here, there did exist evidence of an antiliberal primordial-nationalist agenda prior to Hungary's accession that might have rung some warning bells. In light of the subsequent democratic backsliding in Hungary and other EU member states, it is worth considering how existing mechanisms might have fostered a permissive environment for retrenchment—a consideration especially pertinent today, as the bloc considers anew the admission of membership candidates displaying antiliberal proclivities. This is simply to say that deeper forms of compliance, such as behavioral compliance or norm internalization, are more likely to produce the type of lock-in effects that would make it more difficult for domestic actors to reverse course after accession.

Some analysts have rather cynically explained post-accession backsliding as the result of a lack of commitment to the liberal-democratic project among CEE elites from the outset and to resentment over the double standards imposed on the candidacies of their countries.<sup>41</sup> In this more cynical view, CEE elites never did desire to implement liberal reforms, and they were more than content to hide behind the accession process as “proof” that they had indeed met democratic criteria for membership; this generated “negative lock-in effects” that would make implementation of reforms and further liberalization extremely difficult, once membership had been achieved.<sup>42</sup> There is indeed evidence of these dynamics across the CEE landscape, even in countries considered by some to be success stories of EU conditionality, such as the Baltic states.<sup>43</sup>

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<sup>40</sup>Steven Erlanger and Benjamin Novak, “How the E.U. Allowed Hungary to Become an Illiberal Model,” *New York Times*, 3 January 2022, accessed at <https://www.nytimes.com/2022/01/03/world/europe/hungary-european-union.html?referringSource=articleShare>, 6 January 2022. See also Scheiring, *The Retreat of Liberal Democracy*.

<sup>41</sup>Mead, “End of the Wilsonian Era,” 133.

<sup>42</sup>Timofey Agarin and Ada-Charlotte Regelman, “Which Is the Only Game in Town? Minority Rights Issues in Estonia and Slovakia,” *Perspectives on European Politics and Society* 13 (December 2012): 443–461; Corina Lacatus, “Explaining Institutional Strength: The Case of National Human Rights Institutions in Europe and Its Neighborhood,” *Journal of European Public Policy* 26 (November 2019): 1657–1677; Sasse, “The Politics of EU Conditionality”; Schulze, “Estonia Caught between East and West”; and Steen, “National Elites and the Russian Minority.”

<sup>43</sup>Sasse, “The Politics of Conditionality”; and Schulze, *Strategic Frames*.

Other explanations for why EU conditionality did not have a more enduring transformative effect on countries in the region focus on the deficiencies at the European level and genuine confusion in candidate states over standards that were not only unclear, but applied unevenly across states.<sup>44</sup> All explanations, however, hinge upon the interaction of international and domestic-level factors. As will be discussed in greater detail later, domestic-level variables are essential for understanding the influence of Europeanization upon the political trajectories of CEE states, especially Hungary's post-accession slide toward autocratization. After all, external pressures, including political conditionality and post-accession accountability mechanisms, are always filtered through domestic institutions and processes. However, the influence of membership conditionality on Hungary's political trajectory prior to accession, and the mechanisms by which Hungarian elites have justified retrenchment from liberal-democratic norms after accession, differ from other cases in the region.

They differ because, in contrast with some other CEE countries where political conditionality contributed to significant policy reforms prior to accession, in Hungary, the EU accession process primarily reinforced liberalization that had already been taking place. With the exception of occasional attention accorded to issues of minority rights and corruption, EU progress reports regularly provided confirmation of Hungary's formal compliance with democratic norms.<sup>45</sup> Nevertheless, the application of EU conditionality, which eschewed deeper forms of compliance in favor of the more efficient standard of rule adoption, contributed to the creation of a permissive environment for democratic backsliding after accession. In Hungary's case, the acceptance and internalization of conditional criteria were not locked in, and exogenous economic shocks combined with the entrance of illiberal domestic agendas pushed Hungary toward autocratization. The absence of effective post-accession sanctions for rule breakers, which is a product of both the way the mechanisms are set up, as well as disagreements over political priorities among member states, provide real opportunities for illiberal elites to backtrack on democratic criteria after accession.

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<sup>44</sup>Grabbe, "European Union Conditionality and the *Acquis Communautaire*," 252; Hughes, Sasse, and Gordon, "Conditionality and Compliance," 10, citing Grabbe, "How Does Europeanization Affect CEE Governance"; Schwelnuus, "The Adoption of Nondiscrimination," 56–57; Schimmelfennig, Engert, and Knobel, *International Socialization*, 32; Sadurski, "Minority Protection in Central Europe"; and Sasse, "The Politics of EU Conditionality," 843.

<sup>45</sup>Vachudova, "The Leverage of International Institutions."

### *The Problems with Post-accession Sanctions*

Ensuring compliance with “conditional” reforms after accession can be, and usually is, problematic. From an incentive-based perspective, we would expect European recommendations to have less impact after accession, once the carrots of EU membership have been awarded. We might even expect some backsliding in states where policymakers only grudgingly made reforms in the first place—and for reasons not exactly the same as those of their Western proselytizers.<sup>46</sup> Nor does it help that those reforms may have been particularly shallow in policy areas that were part of democratic conditionality, but not included in the *acquis*.<sup>47</sup>

The structural difficulties of enacting post-accession sanctions to punish rule breakers contribute to the permissive conditions for post-accession backsliding. In other words, in the absence of significant material punishment, elites know that they can get away with backsliding so long as they can justify it to their domestic audiences. Justification is easier to achieve where deeper forms of compliance have never managed to take root, or where exogenous shocks have undermined the incentives for continued compliance, or both. And so long as they can respond effectively to social punishment, such as the international “shaming” of their behavior, elites have little to fear. As we argue later, these conditions were evident elsewhere in the CEE region, but they were most apparent in Hungary.

In the wake of an increase in illiberal practices in Hungary and elsewhere, there have been calls to strengthen the EU’s mechanisms to address backsliding. However, reforms end up dead on arrival, for the good reason that member states are highly resistant to ceding more authority to EU institutions.<sup>48</sup> There is, however, still one paddle that can, in theory, be applied to a backslider’s backside: Article 7 of the Treaty on European Union (TEU). This is the EU’s primary material instrument

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<sup>46</sup>Bernard Steunenberg and Antoneta Dimitrova, “Compliance in the EU Enlargement Process: The Limits of Conditionality,” *European Integration Online Papers* 11 (2007), accessed at <http://eiop.or.at/eiop/pdf/2007-005.pdf>, 17 November 2020; Ulrich Sedelmeier, “After Conditionality: Post-Accession Compliance with EU Law in East Central Europe,” *Journal of European Public Policy* 15 (September 2008): 806–825; and Mehmet Ugur, “Europeanization, EU Conditionality, and Governance Quality: Empirical Evidence on Central and Eastern European Countries,” *International Studies Quarterly* 57 (March 2013): 41–51.

<sup>47</sup>Agnes Batory, “Post-accession Malaise? EU Conditionality, Domestic Politics, and Anti-corruption Policy in Hungary,” *Global Crime* 11, no. 2 (2010): 164–177, at 165. For instance, the “rule of law” was not only not included in the *acquis*, it was not singled out as an area that needed improvement by the European Commission during the accession process.

<sup>48</sup>Ulrich Sedelmeier, “Political Safeguards against Democratic Backsliding in the EU: The Limits of Material Sanctions and the Scope of Social Pressure,” *Journal of European Public Policy* 24 (March 2017): 337–351.

for addressing violations of liberal democracy. It enables the EU to suspend the membership of a country found to be in continuous violation of the liberal-democratic principles enshrined in Article 2 of the TEU. The use of Article 7 could carry penalties such as the suspension of voting rights and the withholding of EU funds. While such sanctions are significant, and therefore might be seen to constitute a powerful mechanism to induce reform in target states, Article 7 has *never* been applied, because of a combination of member state preferences and the difficult voting rules attached to the mechanism.<sup>49</sup>

The implied threat of punishment seems clear enough, but, as usual, the devil resides in the details. Applying Article 7 requires agreement among member states on the existence of a breach of liberal values, as well as agreement on how to sanction the backslider. The former requires unanimity (minus one) in the European Council, as well as a two-thirds majority in the European Parliament. Because this is extremely difficult to obtain, there may be a reluctance even to present proposals aimed at employing Article 7, out of a fear that defeat could be interpreted as confirmation that there had been *no* breach of democratic principles in the first place. In addition to the exacting nature of Article 7, the strong preference of member states is to maintain national sovereignty. This, combined with the presence of two very illiberal governments ensconced in the European Council (Hungary and Poland), suffices to make the use of Article 7 problematic, given that Budapest and Warsaw may continue to support each other in the European Council, notwithstanding the breach that developed between them in early 2022 over Russia's attack on Ukraine, with Poland's vehement denunciations of Moscow's aggression standing in diametric opposition to Hungary's indifference to, if not acquiescence in, Vladimir Putin's war.

Disagreement and divisions between member states and across EU institutions have always been part of the politics of EU decision-making. Party alliances within the European Parliament can also make states reluctant to discipline members of their coalition out of concern for eroding their political power within decision-making structures. As Daniel Kelemen contends, the "EU has become trapped in an authoritarian equilibrium," hallmarks of which have been the EU's "half-baked system of party politics" and its fundamental resistance to interfering in the domestic politics of member states.<sup>50</sup> For instance, Hungary's Fidesz had long been a member of the European People's Party (EPP)—the EU's

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<sup>49</sup>Sedelmeier, "Political Safeguards," 339.

<sup>50</sup>Kelemen, "The European Union's Authoritarian Equilibrium."

coalition of conservative and Christian Democratic parties—and the EPP's most influential leader, German chancellor Angela Merkel, had pursued a cautious policy to avoid alienating Fidesz. Over time, the EPP members found it so difficult to justify their silent support for Orban to their domestic audiences that they began to criticize Fidesz for its authoritarian grip on society and to threaten its expulsion from the party family. Orban, however, beat those critics to the punch, pulling his party out of the EPP before it could be expelled.<sup>51</sup> He then joined forces with some of the European far-right and Euro-skeptic parties to create another influential voting block within the EU.<sup>52</sup> Given the importance of coalitions within the European Parliament, it is therefore hardly surprising that the EU has not been able to reach the consensus needed to punish democratic violators.

Even were there no such hurdles to the invocation of Article 7, we cannot assume that material sanctions would be effective in correcting backsliding. Several scholars have noted that even prior to accession, the effectiveness of material sanctions was circumscribed by the impact of domestic audience costs. This is another way of saying that politicians would be unlikely to support reforms if they were going to be punished in the voting booth.<sup>53</sup> Domestic audiences may indeed be more willing to punish elites in a post-accession context, if they stand to lose the benefits of membership. However, illiberal governments often have the resources to withstand public scrutiny and to divert the blame for sanctions onto others.<sup>54</sup> This strategy has proven to be effective for Orban, as we discuss in greater detail later.

All of the above leaves the EU with *social persuasion* as the mechanism by which to discourage backsliding once membership has been achieved. This consists largely of using monitoring reports to expose and criticize violations of liberal-democratic principles in member states. The goal is to “shame” those states into making the requisite reforms. Ulrich Sedelmeier identifies the European Commission's “rule of law

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<sup>51</sup>Alexandra Brzozowski and Vlagyislav Makszimov, “Orbán's Fidesz Leaves EPP Group before Being Kicked Out,” Euractiv, 3 March 2021, accessed at <https://www.euractiv.com/section/future-eu/news/orban-fidesz-leaves-epp-group-before-being-kicked-out/>, 4 March 2021.

<sup>52</sup>Maia de la Baume, “Orbán, Le Pen, Salvini Join Forces to Blast EU Integration,” Politico, 2 July 2021, accessed at <https://www.politico.eu/article/viktor-orban-marine-le-pen-matteo-salvini-eu-integration-european-superstate-radical-forces/>, 14 July 2021.

<sup>53</sup>Schimmelfennig, Engert, and Knobel, *International Socialization*, 10. See also Kelley, *Ethnic Politics in Europe*; and Frank Schimmelfennig, “The EU: Promoting Liberal Democracy through Membership Conditionality,” in Trine Floekhart, ed., *Socializing Democratic Norms: The Role of International Organizations for the Construction of Europe* (Basingstoke: Palgrave Macmillan, 2005), 106–126.

<sup>54</sup>Sedelmeier, “Political Safeguards,” 342.

framework” and the European Council’s “rule of law dialogue” as two mechanisms the EU can use to persuade states to make changes. The former allows the European Commission to enter into a dialogue with the member state and to make recommendations in order to resolve illiberal practices. The threat (such as it is) of using Article 7, should the target state not implement recommendations, hangs over the process. Since 2013, the European Commission has also annually published the “EU Justice Scoreboard,” which presents data on the independence, quality, and efficiency of national courts.<sup>55</sup> This mechanism aids member states in addressing the challenges in their judicial systems and creates a basis for dialogue on solutions. In 2014, the European Council established an annual “rule of law dialogue” to promote and safeguard the rule of law in member states. There have been recent discussions about strengthening this mechanism to include a peer-review process that would allow monitoring of how rule of law is implemented by member states. Article 7 could, in principle if not in practice, be utilized in the case of severe breach of the rule of law. The consistent use of these mechanisms, regardless of the likelihood of inducing change in target states, is critical for establishing their legitimacy. However, the existence of such mechanisms has thus far not proven sufficient to correct Hungary’s illiberal turn.

### *Bringing Domestic-Level Variables into Explanations of Compliance*

In the wake of post-accession backsliding and rather uneven compliance with European recommendations in Hungary and other recent accession states, a new research agenda has emerged encouraging scholars to move “beyond conditionality,” both temporally and with respect to theories of compliance.<sup>56</sup> There is a consensus emerging among those who have been following the travails of conditionality that treats policy change primarily as a product of domestic politics, while still acknowledging the importance of the external environment as a background variable or condition.<sup>57</sup> Domestic variables including historical legacies, institutional constraints, and the strategic calculations of national actors, all influence

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<sup>55</sup>EU Justice Scoreboard, accessed at [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en), 7 February 2020.

<sup>56</sup>Rachel A. Epstein and Ulrich Sedelmeier, “Beyond Conditionality: International Institutions in Post-communist Europe after Enlargement,” *Journal of European Public Policy* 15 (September 2008): 795–805. See all contributions to this issue.

<sup>57</sup>Zsuzsa Csergo, *Talk of the Nation: Language and Conflict in Romania and Slovakia* (Ithaca, NY: Cornell University Press, 2007); Wade Jacoby, *The Enlargement of the EU and NATO: Ordering from the Menu in Central Europe* (New York: Cambridge University Press, 2006); Vachudova, “Tempered by the EU?”; and Schulze, *Strategic Frames*.

the effectiveness of European socialization mechanisms, and thus ultimately help to explain political trajectories across the region.<sup>58</sup>

Some scholars argue that the EU was really only successful in enforcing democratic conditionality under two conditions that are individually necessary and jointly sufficient: where the EU offered a credible membership incentive, and where incumbent governments did not consider domestic costs of compliance threatening to their hold on power.<sup>59</sup> Furthermore, social persuasion is only effective when the rules are clear, the target state identifies with the community that establishes those rules, and the rules resonate with domestic political and legal culture and practices.<sup>60</sup> Needless to say, these scope conditions are dependent to a significant degree on the ways in which politicians in target states interpret European rules and recommendations, and then strategically frame European institutions, the rules, their consequences, and their fit with the domestic environment, in a manner that satisfies domestic audiences and reduces the political costs of reform.

Such “bottom-up” approaches, of which this article constitutes an example, recognize that Europeanization processes play only an indirect role in encouraging reform in target states by providing resources for domestic political action that include material resources in the form of funding,<sup>61</sup> as well as new and powerful ways for policymakers to justify policies.<sup>62</sup> We apply a similar logic to explain post-accession trajectories. Given the difficulty of reversing course after policies are passed, because of path dependency, institutional inertia, and domestic audience costs, elites need to justify illiberal backsliding in ways that resonate with domestic audiences. The degree of public support for EU membership and its interventions into domestic policy affect both the range of frames available to domestic elites and the size of audience costs. As discussed in

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<sup>58</sup>Camyar, “Europeanization, Domestic Legacies and Administrative Reforms,” 139; and Geoffrey Pridham, “The EU’s Political Conditionality and Post-Accession Tendencies: Comparisons from Slovakia and Latvia,” *Journal of Common Market Studies* 46 (March 2008): 365–387.

<sup>59</sup>Schimmelfennig, Engert, and Knobel, *International Socialization*, 10. See also Kelley, *Ethnic Politics in Europe*; Schimmelfennig, “The EU: Promoting Liberal Democracy”; Schimmelfennig and Sedelmeier, *The Europeanization of Central and Eastern Europe*; and Vachudova, *Europe Undivided*.

<sup>60</sup>Jeffrey T. Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” *International Studies Quarterly* 43 (March 1999): 83–114, at 87.

<sup>61</sup>Tove Malloy, “National Minorities between Protection and Empowerment: Towards a Theory of Empowerment,” *Journal of Ethnopolitics and Minority Issues in Europe* 13, no. 2 (2014): 11–29; Sophie Jacquot and Cornelia Woll, “Using Europe: Strategic Action in Multi-level Politics,” *Comparative European Politics* 8 (April 2010): 110–126; and Claudio M. Raedaelli and Romain Pasquier, “Conceptual Issues,” in Paulo Graziano and Marteen P. Vink, eds., *Europeanization: New Research Agendas* (Basingstoke: Palgrave Macmillan, 2007), 35–45.

<sup>62</sup>Agarin and Regelmann, “Which Is the Only Game in Town?”; and Ugur, “Europeanization, EU Conditionality, and Governance Quality,” 41.

the next section, Orbán's government has gone on the offensive in attacking European institutions and used primordial-nationalist discourse to justify illiberal policies to its domestic audience.

The following section details how political competition and the rise of national populism within Hungary—processes that were reinforced by the exogenous shock of the global financial crisis in 2008, and later by the global pandemic—pushed the government of Viktor Orbán down an increasingly illiberal path. That path was facilitated by the permissive structural conditions and lack of consequences for such actions at the EU level, as well as the framing of illiberal policies through primordial-nationalist discourses that a sufficiently large portion of the public found appealing.

### **HUNGARY'S AUTOCRATIZATION: OPPORTUNITY STRUCTURES AND DOMESTIC DRIVERS**

To say again, understanding Hungary's post-accession slide toward autocratization requires examining the intersection of European-level and domestic-level factors. European rules, including the difficulties of enforcing democratic norms through Article 7 of the TEU, and the democratic retrenchment of other EU members provided permissive conditions for democratic backsliding in Hungary. This permissive environment, combined with a political opportunity structure in Hungary that rewarded a national populist agenda, created the perfect storm for Orbán's government to consolidate power through the erosion of democratic rules. This section will explore the challenges of sanctioning Hungary through EU mechanisms, as well as how Orbán's government was able to take advantage of those weaknesses along with political opportunities provided by generous EU funding, and later by the economic crisis, European migrant crisis, and most recently the pandemic, to move Hungary in an ever more illiberal direction.

#### *Laying the Groundwork: Political Competition, Economic Shock, and Primordial Nationalism*

Hungary's backsliding was triggered by the political crisis of 2006 and the subsequent economic crisis, which provided the political opportunity structure for Orbán and Fidesz to return to power with an overwhelming majority in parliament. During Orbán's first term as prime minister from 1998 to 2002, Fidesz had formed a coalition government, in which the party was far from attaining the dominant position in parliament that it would enjoy in 2010. Nonetheless, even during his first term as prime minister, Orbán showed a glimpse of his authoritarian tendencies by

intimidating critical media and attempting to install his loyalists in the state-run broadcaster.<sup>63</sup> However, as a result of his relatively weak position in parliament, strong Socialist opposition, and Hungary's eagerness to join the EU, Orbán's first attempts at authoritarianism and centralization were short-lived, and he was defeated in the 2002 election by the Hungarian Socialist Party (MSZP).

Orbán's second and far more forceful ascent began in the midst of a political crisis. In the April 2006 elections, the Socialists emerged as the single largest party in the assembly, taking 186 of 386 seats. The political crisis began after the MSZP prime minister, Ferenc Gyurcsány, delivered what he thought was a confidential policy address to party colleagues—an address in which he candidly, if unwisely, admitted to having recently lied to the electorate so as to win a second consecutive term. After the leaked speech, Fidesz, the conservative opposition party, began organizing prolonged mass protests that lasted through the remaining months of 2006 and into the beginning of 2007—protests the likes of which the country had not witnessed since the 1956 revolt against the Soviets.<sup>64</sup> The political crisis was further exacerbated by the Gyurcsány government's austerity measures of 2007, implemented to reduce the public deficit from over 9 percent to 3 percent of gross domestic product, as required by the European Commission if Hungary was to qualify to join the Eurozone under the Maastricht criteria.<sup>65</sup> These measures reduced wages, increased taxes, and slowed economic growth, yet they failed to secure Hungary's entry into the Eurozone.

The economic downturn worsened severely in 2008 with the world financial crisis. Among the EU newcomers who had joined in May 2004, Hungary suffered the most severe economic damage because more of its debt was owned by foreign banks, resulting in the devaluation of the national currency and further economic hardship.<sup>66</sup> This prompted the government to seek a bailout plan from the International Monetary Fund, which in turn, led to even stricter austerity measures imposed upon an already “downsizing” economy.<sup>67</sup> Not surprisingly, the gloomy

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<sup>63</sup>Committee to Protect Journalists, “Attacks on the Press in 1999—Hungary,” February 2000, accessed at <https://www.refworld.org/docid/47c565acc.html>, 7 June 2021.

<sup>64</sup>Daniel McLaughlin, “150 Injured as Hungarians Riot over PM's Lies,” *The Guardian*, 19 September 2006, accessed at <https://www.theguardian.com/world/2006/sep/19/1>, 17 November 2020.

<sup>65</sup>Freedom House, “Freedom in the World 2008: Hungary,” 2 July 2008, accessed at <https://www.refworld.org/docid/487ca2138.html>, 13 October 2020.

<sup>66</sup>Other states joining at this time were Cyprus, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

<sup>67</sup>Zsolt Darvas, “The Rise and Fall of Hungary,” *The Guardian*, 29 October 2008, accessed at <https://www.theguardian.com/business/blog/2008/oct/29/hungary-imf>, 13 October 2020.

economic climate proved propitious for the opposition Fidesz, which continued to gain momentum by mobilizing mass grassroots protests, tapping into a network of movements that it had been cultivating since Orbán's first term in power and that had strengthened during his time in opposition. Those networks were groomed and mobilized through the use of primordial-nationalist rhetoric. The relationship between economic downturn and the popularity of far-right populist rhetoric is a pattern evident elsewhere in the region.<sup>68</sup>

In the early 2000s, Fidesz established the Civic Circles Movement in a bid to promote a right-wing agenda fueled by narratives centered on a nationalist ethos that emphasized the citizenry's responsibility to safeguard the political and moral health of the nation.<sup>69</sup> For instance, this movement advanced an agenda to appeal to ethnic Hungarians about the injustices they had suffered since the Trianon Treaty of 1920, when Hungary lost two-thirds of its perceived ethno-national homeland. The movement celebrated Hungary's glorious past, while excommunicating those who failed to appreciate this glory.<sup>70</sup> Primordial nationalism is a form of nativism grounded in the idea of the ancient, organic, and inalienable rootedness of the "people" in their perceived national homeland, where membership is acquired as an ethno-linguistic birthright. The ideological architecture that Orbán solidified in the early 2000s, reminiscent of the revisionist anti-Trianon right-wing ideologies of Hungary's interwar period, later proved to be a powerful frame for securing a loyal voting bloc for his Fidesz party in each election following his first outright victory in 2010. It would prove to be one of the most powerful of the permissive conditions facilitating Hungarian backsliding—a condition, moreover, predating the country's accession to the EU. Ironically, the ability of Orbán to build this strong base of support was accomplished in large part through EU funds.

In short, the constituency that Orbán formed and consolidated through this primordial-nationalist discourse provided the necessary electoral support for parliamentary dominance, enabling him to dismantle fundamental democratic institutions including the legal system, civil society, and independent business. By the second half of the decade,

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<sup>68</sup>Manuel Funke and Christoph Trebesch, "Financial Crisis and the Populist Right," *ifo Dice Report 15* (April 2017), accessed at <https://www.ifo.de/DocDL/dice-report-2017-4-funke-trebesch-december.pdf>, 22 March 2021.

<sup>69</sup>Béla Greskovits, "Rebuilding the Hungarian Right through Civil Organization and Contention: The Civic Circles Movement" (Working Paper 37, Robert Schuman Centre for Advanced Studies, 2017), accessed at <https://cadmus.eui.eu/handle/1814/47245>, 21 September 2022.

<sup>70</sup>Greskovits, "Rebuilding the Hungarian Right," 19.

when Hungary was facing a deepening political and economic crisis worse than anything experienced since the fall of communism, this nationalist turn paid dividends for Fidesz, whose mass support swelled. At the same time, a political party much further to its right, Jobbik, was also rising to prominence, with a program focused on activities intended to reenergize the intense “feeling of injustice” supposedly lurking in the hearts of all Hungarians as a result of the nefarious consequences of Trianon. In addition to its revisionist rhetoric about a “greater Hungary,” Jobbik directed its activism against minorities (primarily the Roma and the Jewish communities), accused of being the authors of all of Hungary’s misfortunes.

In 2007, when anti-government sentiment reached a peak, Jobbik created an organization called Magyar Garda (Hungarian Guard), whose members were sworn in during ceremonies oozing with Nazi-era symbolism and sentimentality. According to one of its most prominent adherents, Gábor Vona, the Guard had been “set up in order to carry out the real change of regime (from communism) and to rescue Hungarians” from the continuous injustices they had suffered since Trianon.<sup>71</sup> The Guard’s presence on the ground was meant to intimidate anyone not seen as being a deserving member of the Hungarian nation, with the Roma prominently in their crosshairs. One alarming incident in December 2007 witnessed some 300 black-uniformed Guard members tromping through a village, chanting for the punishment of what they called “Gypsy delinquency” and advocating the Roma’s segregation from society.<sup>72</sup> Fidesz took note, and it was quick to appropriate the budding primordialist-nationalist narrative and to energize its grassroots architecture through its previously consolidated Civic Circles Movement in order to keep the majority of right-wing voters firmly in its own orbit.

Against this steadily deteriorating political and economic backdrop, Fidesz predictably won the European Parliament elections in 2009 with 56 percent of the vote, gaining 14 of the assembly’s 22 seats reserved for Hungary. Although everyone expected the Socialists to do poorly (they obliged, capturing a mere 17 percent of the vote), what came as more of a surprise was Jobbik’s third-place finish, its vote total of 15 percent nearly matching that of the Socialists. In a postelection speech, Orbán stressed that the election results clearly indicated that the MSZP should “get out

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<sup>71</sup>Siobhán Dowling, “The World from Berlin: Neo-Fascist Magyar Garda Is ‘Hungary’s Shame,’” *Der Spiegel*, 27 August 2007, accessed at <http://www.spiegel.de/international/germany/the-world-from-berlin-neo-fascist-magyar-garda-is-hungary-s-shame-a-502184.html>, 17 November 2020.

<sup>72</sup>Adam LeBor, “Marching Back to the Future: Magyar Garda and the Resurgence of the Right in Hungary,” *Dissent* 55 (Spring 2008): 34–38.

of the way of change” and appealed to nationalist sentiments by boasting that “Hungarians will have a significant presence in Brussels representing the Carpathian basin.”<sup>73</sup>

This somewhat unusual geopolitical reference did not pass unnoticed by foreign observers, who had already begun to take worrisome account of the nationalist turn in Hungary. One American diplomat cabled that “Orban’s comments on ethnic Hungarian successes in the EU elections in neighboring Slovakia and Romania are a continuation of his controversial statements referring to ethnic Hungarian representatives in the European Parliament who will look out for the interests of all Hungarians in the Carpathian basin.” The same cable noted Jobbik’s success in the elections.<sup>74</sup> The following year, the pattern of the 2009 European elections was repeated in the Hungarian parliamentary elections, with Fidesz winning a two-thirds majority in parliament (263 of 386 seats with slightly more than 68 percent of the vote), the Socialists winning only 59 seats (with roughly 15 percent of the vote),<sup>75</sup> and Jobbik again placing third, though beating the Socialists in some parts of the country.<sup>76</sup>

### *Consolidating Power: The Attack on Democratic Institutions*

The political competition of the previous decade reinforced for Orban the necessity of consolidating power through institutional reforms.<sup>77</sup> Coupled as it was with external shocks buffeting the country’s economy, this political competition virtually guaranteed a tough uphill slog for anyone really trying to get Hungary to comply with the EU’s liberal-democratic norms. Orban was able to take advantage of the permissive environment to engage in the targeted erosion of democratic institutions resulting in the creation of a pyramidal power structure at whose apex sat Orban and his party colleagues.

After taking office in 2010 with his dominant two-thirds majority in parliament, Orban began consolidating power by eroding the authority of the courts and the freedom of the press. The government immediately targeted the constitutional court, the country’s most powerful

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<sup>73</sup>“Extremists Exceed Expectations in EP Elections,” WikiLeaks Public Library of US Diplomacy, accessed at <https://wikileaks.org/plusd/cables/09BUDAPEST410>, 13 October 2020.

<sup>74</sup>“Extremists Exceed Expectations in EP Elections.”

<sup>75</sup>Agnes Batory, “Kin-State Identity in the European Context: Citizenship, Nationalism and Constitutionalism in Hungary,” *Nations and Nationalism* 16 (January 2010): 31–48.

<sup>76</sup>Batory, “Kin-State Identity in the European Context.”

<sup>77</sup>Miklos Haraszti, “The ‘Real’ Viktor Orban,” *openDemocracy*, 1 May 2002, accessed at [https://www.opendemocracy.net/en/article\\_358jsp/](https://www.opendemocracy.net/en/article_358jsp/), 21 September 2022.

institutional check on legislative and executive overreach. In early 2011, Fidesz passed a new constitution and a new law on the constitutional court,<sup>78</sup> drastically narrowing the latter's competences. It abolished the *actio popularis* procedures for ex post review, the court's powers to review budget-related legislation, and its right to cite its own rulings made prior to January 2012, when the new constitution came into force.<sup>79</sup> Also, the new law on the court increased the number of justices from 11 to 15, with the government arrogating to itself the power to appoint seven new judges, with no requirement for a parliamentary consensus on their appointments. Thus, within a few months, all of the justices became government loyalists; two had even served as members of Orbán's first government from 1998 to 2002, while others were appointed directly from parliament.<sup>80</sup> The legislation also allowed for the indefinite tenure of justices in the event that parliament failed to agree on the election of a new justice upon the expiry of the incumbent justice's term. This provision essentially ensured that Orbán's loyalists on the constitutional court would remain in charge, even in the event that his party lost its two-thirds majority in parliament.

The single-pyramid structure of power engulfed the civil and business sectors as well. Within a few months of coming to power, Orbán's government passed two media laws that prompted Western commentators to warn that Hungary was "in league with Russia and Belarus on press freedom." One of the laws effectively made Fidesz the controller of state television along with all other public media, while the other created a powerful media council to regulate newspapers, TV, radio and the internet.<sup>81</sup> This council was given the authority to fine media for offenses, such as not providing balanced coverage, publishing "insulting" news, or acting against "public morality."<sup>82</sup> These laws also changed the financial structure of public media, merging them into one body called the Media Services and Support Trust Fund. Moreover, this fund significantly reduced the channels' autonomy, leaving the state-owned Hungarian News

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<sup>78</sup>"The Fundamental Law of Hungary," accessed at <http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf>, 17 November 2020.

<sup>79</sup>Human Rights Watch, "Wrong Direction on Rights: Assessing the Impact of Hungary's New Constitution and Laws," 2013, 14–17, accessed at [https://www.hrw.org/sites/default/files/reports/hungary0513\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/hungary0513_ForUpload.pdf), 17 November 2020.

<sup>80</sup>András L. Pap, *Democratic Decline in Hungary: Law and Society in an Illiberal Democracy* (New York: Routledge, 2018).

<sup>81</sup>"The Putinization of Hungary," *Washington Post*, 26 December 2010, accessed at <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/26/AR2010122601791.html>, 13 October 2020.

<sup>82</sup>Diane Shnier, "Slow and Steady: Hungary's Media Clampdown," Canadian Journalists for Free Expression, 12 July 2014, accessed at [https://www.cjfe.org/slow\\_and\\_steady\\_hungary\\_s\\_media\\_clampdown](https://www.cjfe.org/slow_and_steady_hungary_s_media_clampdown), 21 June 2017.

Agency as the only source of news on the market.<sup>83</sup> In so doing, Orban brought the media under his control. The country's plummeting reputation regarding freedom of the press testifies to his thoroughness in muzzling the mainstream media. By 2020, the Reporters Without Borders index of world press freedom had downgraded Hungary from its former lofty ranking among the top dozen countries to a dismal 89th place.<sup>84</sup>

With respect to the economy, Orban advanced an elaborate plan to build a "national bourgeoisie," to which end he employed the ministry of national development, working in close collaboration with his old high-school and university friend, the oligarch Lajos Simicka. The development ministry's top ranks were staffed with protégés of both men,<sup>85</sup> and it was given the responsibility for receiving and distributing all subsidies coming Hungary's way from EU sources. In addition to doling out EU largesse, the ministry was empowered to purchase shares of private enterprises.<sup>86</sup> One such enterprise was the Hungarian oil company, in which the government had purchased a 20 percent equity share after winning elections in 2014. Orban also extended his reach into banking, tourism, retail, agriculture, and infrastructure.<sup>87</sup> By controlling these sectors, Orban ensured his absolute dominance of the economy's "commanding heights" (to use Lenin's familiar term). It also enabled him to cultivate a substantial electoral base of close to two million Fidesz loyalists, sufficient to win elections with fairly low turnout.<sup>88</sup> Where Orban could not command or co-opt segments of society, he enacted measures to severely restrict the operations of opponents in civil society

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<sup>83</sup>Zselyke Csaky, "How Orban Redrew Hungary's Media Map to Solidify His Power," *World Politics Review*, 7 March 2017, accessed at <https://www.worldpoliticsreview.com/articles/21440/how-orban-redrew-hungary-s-media-map-to-solidify-his-power>, 13 October 2020.

<sup>84</sup>Reporters Without Borders, "2020 World Press Freedom Index," accessed at <https://rsf.org/en/ranking>, 8 January 2021.

<sup>85</sup>Eva S. Balogh, "The Ministry of National Development and the Building of a 'National Bourgeoisie,'" *Hungarian Spectrum*, 26 December 2011, accessed at <http://hungarianspectrum.org/2011/12/26/the-ministry-of-national-development-and-the-building-of-a-national-bourgeoisie/>, 13 October 2020.

<sup>86</sup>Eva S. Balogh, "Nationalization Hungarian Style," *Hungarian Spectrum*, 27 June 2013, accessed at <http://hungarianspectrum.org/2013/06/27/nationalization-hungarian-style/>, 13 October 2020.

<sup>87</sup>Simeon Djankov, "Hungary under Orban: Back to State Banks," *PIIE*, 12 March 2015, accessed at <https://piie.com/blogs/realtime-economic-issues-watch/hungary-under-orban-back-state-banks>, 17 November 2020; Christofer Adam, "Fidesz Politician Buys 49% Share in MKB Bank," *Hungarian Free Press*, 1 June 2017, accessed at <http://hungarianfreepress.com/2017/06/01/fidesz-politician-buys-49-share-in-mkb-bank/>, 17 November 2020; and Mihaly Koltai, "The Economics of 'Orbanism,'" *LeftEast*, 2 April 2018, accessed at <http://www.criticatac.ro/lefteast/the-economics-of-orbanism/>, 17 November 2020.

<sup>88</sup>Organization of Security and Cooperation in Europe, "Hungary Parliamentary Elections 8 April 2018: ODIHR Limited Election Observation Mission Final Report," 27 June 2018, accessed at <https://www.osce.org/odihr/elections/hungary/385959?download=true>, 13 October 2020.

and nongovernmental organizations (NGOs), which he perceived to be especially dangerous to his authoritarian rule.

*Justifying Autocratization through Primordial-Nationalist Frames*

Despite this severe retrenchment from liberal-democratic norms, Orban won a third mandate in April 2018, with a new two-thirds majority in parliament. Jobbik, the parliament's second-largest party since 2014, also increased its seats from the previous election (to 26).<sup>89</sup> How did Orban sell these illiberal changes to the domestic electorate? He did so by capitalizing on the ideological architecture already in place prior to EU accession in 2004 and by running a campaign that centered on primordialist-nationalist messages vowing to protect Hungary from enemies said to be interfering in its domestic affairs. His opponents, he charged, "want to take away our country," delivering it lock, stock, and barrel to pernicious foreigners.<sup>90</sup> In an interview conducted shortly before he was once more sworn in as prime minister, Orban declared that the primary task in this third mandate would be to "preserve Hungary's security and Christian culture." He also announced that one of the first laws his government would pass would be a bill dubbed "Stop Soros," which would impose a 25 percent tax on foreign-funded NGOs.<sup>91</sup> Indeed, within days of this statement, the Soros Open Society Foundations announced it would close its Hungarian operations after nearly 35 years in the country. The Open Society Foundations stated that "over the past two years, the Hungarian government has spent more than 100 million euros in public funds on a campaign to spread lies about the Foundations and their partner."<sup>92</sup> According to the Soros Foundations, Orban's hate campaign included propaganda tinged with anti-Semitic imagery from World War II and a "national consultation" attacking the American philanthropist George Soros, the foundations' founder and chair.<sup>93</sup>

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<sup>89</sup>Lili Bayer, "Orbán Wins Landslide to Secure Third Straight Term," Politico, 8 April 2018, accessed at <https://www.politico.eu/article/hungary-election-2018-viktor-orban-fidesz-jobbik/>, 13 October 2020.

<sup>90</sup>Lili Bayer, "Orbán Rails against Foreign Interests in Closing Campaign Rally," Politico, 6 April 2018, accessed at <https://www.politico.eu/article/orban-rails-against-foreign-interests-in-closing-campaign-rally/>, 13 October 2020.

<sup>91</sup>Aleksandra Wróbel, "Orbán Pledges to Keep Hungary Safe and Christian," Politico, 5 July 2018, accessed at <https://www.politico.eu/article/orban-christian-migrants-pledges-to-keep-hungary-safe/>, 13 October 2020.

<sup>92</sup>Open Society Foundations, "The Open Society Foundations to Close International Operations in Budapest," 15 May 2018, accessed at <https://www.opensocietyfoundations.org/press-releases/open-society-foundations-close-international-operations-budapest>, 17 November 2020.

<sup>93</sup>Lili Bayer, "George Soros-Backed Foundation Leaving Hungary," Politico, 15 May 2018, accessed at <https://www.politico.eu/article/soros-open-society-foundations-leaving-hungary>, 13 October 2020.

With its emphasis on ethnic nationhood and limitations on pluralism and individual freedoms, Orbán's primordial-nationalist brand of "illiberal democracy" has generated divisions by fueling anti-immigrant sentiments, racism, and xenophobia, as well as by creating an environment hostile to gender rights and the legal protection of sexual minorities. Since 2010, and especially since the party's double electoral victory in 2014 (in both the Hungarian and the European elections), Fidesz leaders have rather consistently and openly challenged several major EU directives, especially in the domain of refugee policy. The refugee crisis, which hit Europe especially hard after 2015, when millions began risking dangerous journeys across the Mediterranean to escape violence or economic hardship, or both, in the Middle East and Africa, provided opportunities for the Orbán government to consolidate power further, again by resorting to primordial-nationalist rhetoric and imagery.

The Dublin agreement, which required refugees coming into the EU to remain in the first member country they reached, was declared obsolete by the EU in mid-2015, at which time it designed a new policy aimed at distributing refugees across member states according to each country's characteristics (such as size and economic capacity). However, Hungary, along with the other three Visegrad countries, (Poland, the Czech Republic, and Slovakia) rejected this approach and stated that it would not accept any refugee resettlement policy decided outside its domestic legislative body (in other words, by Fidesz's supermajority in the Hungarian parliament). Orbán even organized a referendum on the migrant quota that had been allocated to Hungary in October 2016. Although this referendum failed to reach the 50 percent turnout threshold required for it to be binding, nearly all of those who voted—a whopping 98 percent of the 40 percent of the electorate casting a ballot—opted to reject the EU-decreed quotas. Orbán trumpeted the outcome as a resounding victory, stressing that the 3.2 million Hungarians who had just rejected the migrant quota represented an even larger share of the electorate than had the 3.05 million who had voted for EU membership back in 2004.<sup>94</sup> This outcome demonstrates the considerable and solidified support for the anti-immigrant, primordial-nationalist rhetoric that has been fueled by the government and the right-wing press since the migrant crisis began in 2015.<sup>95</sup>

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<sup>94</sup>Krisztina Than and Gergely Szakacs, "Hungarians Vote to Reject Migrant Quotas, but Turnout Too Low to Be Valid," Reuters, 2 October 2016, accessed at <https://www.reuters.com/article/us-europe-migrants-hungary-referendum-idUSKCN1213Q3>, 11 January 2021.

<sup>95</sup>Elzbieta M. Goździak and Péter Marton, "Where the Wild Things Are: Fear of Islam and the Anti-refugee Rhetoric in Hungary and in Poland," *Central and Eastern European Migration Review* 7 (June 2018): 125–151.

Hungary's autocratization, therefore, has been a result of the interaction between endogenous and long-standing sociopolitical factors and a combination of endogenous and exogenous triggering factors. The endogenous factors were twofold. First, as we argued earlier, was the primordial-nationalist political legacy that started to gain momentum during Orban's initial term as prime minister and continued to build during his opposition years until 2006. The second was Orban's role as an incumbent autocrat. After winning an overwhelming electoral victory in 2010 he constructed a pyramidal structure of power that subsumed the critical institutions that had once served as checks and balances on government authority, as well as business and civil society sectors that might otherwise have been auxiliary constraints on his exercise of power. The economic crisis combined with a strong challenge from the far right undermined the incentives for compliance with democratic conditions that were part of EU accession criteria, and which had not been substantially "locked in," in part because of the permissive structural environment within the EU.

The triggering factors were also twofold. First was the downfall of the incumbent Socialist prime minister after conversations within the party about deceiving the public were leaked to the public. Second was the subsequent economic crisis that hit Hungary much more profoundly than any other CEE country. These enabled Orban to capitalize on substantial anti-Socialist sentiments (the party was already viewed as a legacy of communism by the conservative and right-wing voters) and to enlarge, consolidate, and solidify a voting bloc receptive to the primordial-nationalist agenda with roots in anti-Trianon historical revisionism predating the communist regime. These developments were facilitated by a permissive European environment, in which the accession process had shown itself insufficient for identifying worrying trends in Hungary prior to 2004, and in which post-accession sanctions proved to be feckless, with a substantial portion of the electorate turning against European interventions into Hungarian politics. It is to the latter that we now turn.

### *The Failure of Post-accession Sanctions*

Just days after Orban's third consecutive electoral victory in 2018, the European Parliament drafted a report calling for sanctions in response to Hungary's violation of the EU's core values. The report raised concerns about the independence of the judiciary, corruption, freedom of expression, the rights of the Roma and Jewish minorities, and refugees, among other issues. As noted earlier, under Article 7 of the Lisbon

Treaty, a member state can be sanctioned for breaching the EU's core values, on the condition that all member states in the European Council, save the one under scrutiny, agree to the imposition of such sanctions, along with a two-thirds majority support in the European Parliament.<sup>96</sup> The process stalled because Poland, which had embarked on its own illiberal path, announced that it would block any sanctions against Hungary.<sup>97</sup> Hungary had done the same when Article 7 proceedings were triggered against Poland in 2017, in reaction to its government's moves to limit the independence of the constitutional court and the media.<sup>98</sup> The EU's option to limit funding allocated to Hungary also proved to be a difficult path; the European Commission simply does not possess the authority to unilaterally cut funding of a member state. Again, all heads of state as well as the European Parliament must agree for this to happen. Consequently, voting rules designed to protect state sovereignty make it nearly impossible to sanction states for a breach of democratic values.

Attempts to invoke Article 7 against Poland and Hungary highlight the challenges of sanctioning. After the European Parliament voted to trigger this article in September 2018, the procedure stalled, since Article 7 is only an invitation to the European Council to begin a procedure. While the council may only require a four-fifths majority to invoke preventive measures, it needs the full unanimity of member states to apply *corrective* measures. As a result, the proceedings never even reached a phase in the council that either Poland or Hungary (or a third member state) could block the measures for one another, and so halt the procedure.<sup>99</sup> Evidence that such opposition would be the most likely scenario if a vote came to the European Council is abundant; Poland and

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<sup>96</sup>Yasmeen Serhan, "The EU Watches as Hungary Kills Democracy," *The Atlantic*, 2 April 2020, accessed at <https://www.theatlantic.com/international/archive/2020/04/europe-hungary-viktor-orban-coronavirus-covid19-democracy/609313/>, 13 April 2020.

<sup>97</sup>"Poland Says It Will Block any EU Sanctions against Hungary," Reuters, 13 September 2018, accessed at <https://www.reuters.com/article/us-eu-hungary-poland/poland-says-it-will-block-any-eu-sanctions-against-hungary-idUSKCNILT0ND>, 13 April 2020.

<sup>98</sup>European Commission, "Commission Opinion on the Rule of Law in Poland and the Rule of Law Framework: Questions & Answers," 1 June 2016, accessed at [http://europa.eu/rapid/press-release\\_MEMO-16-2017\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-2017_en.htm), 2 February 2020; European Commission, "Rule of Law: Commission Issues Recommendation to Poland," 27 July 2016, accessed at [http://europa.eu/rapid/press-release\\_IP-16-2643\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2643_en.htm), 2 February 2016. For discussion, see Ireneusz Pawel Karolewski and Roland Benedikter, "Europe's New Rogue States, Poland and Hungary: A Narrative and Its Perspectives," *Chinese Political Science Review* 2 (June 2017): 179–200.

<sup>99</sup>Sergio Carrera and Petra Bárd, "The European Parliament Vote on Article 7 TEU against the Hungarian Government: Too Late, Too Little, Too Political?," CEPS, 14 September 2018, accessed at <https://www.ceps.eu/ceps-publications/european-parliament-vote-article-7-teu-against-hungarian-government-too-late-too-little/>, 17 November 2020.

Hungary have been coordinating efforts across a broad range of issues within the EU (though it remains to be seen whether this solidarity can survive their wide differences over the Ukraine war). One striking example of coordination was their bid to frustrate legislation on gender equality, in which they were later supported by Bulgaria and Slovakia. EU diplomats have expressed concern that this joint effort by the two countries could undermine gender equality on a range of disparate issues and roll back years of substantial progress.<sup>100</sup> Meanwhile, Hungary passed a new anti-LGBTQ+ law in June 2021,<sup>101</sup> which prompted the European Parliament to denounce it and to urge that the European Commission bring legal action against it at the European highest court.<sup>102</sup>

The Hungarian government's challenges to the EU continued into 2020, when the EU proposed a financial relief stimulus package to deal with the consequences of the coronavirus pandemic. Specifically, in November 2020, the EU decided to tie access to the long-term EU budget to mechanisms binding member states to uphold the rule of law and democratic standards.<sup>103</sup> At the outset of the COVID-19 pandemic, the Fidesz-dominated Hungarian parliament voted to give Orban extensive powers to rule by decree, without a term limit.<sup>104</sup> According to critics, such a decision would strengthen his authoritarian rule with consequences for human rights and freedom of speech. Although the rule by decree was formally abolished on 16 June 2020, NGOs critical of Orban's government jointly argued that this abolishment was only an "optical illusion" and that the government still retained much more power than before the crisis.<sup>105</sup>

Meanwhile, Orban again found Poland to be a staunch ally in opposing EU policy respecting rule of law principles, by joining it in voting against approval of the EU budget. After a meeting between Orban and Polish counterpart, Mateusz Morawiecki, the two leaders produced a

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<sup>100</sup>Eszter Zalan, "Poland and Hungary Battle to Eradicate 'Gender' in EU Policies," EUobserver, 16 December 2020, accessed at <https://euobserver.com/political/150395>, 11 January 2021.

<sup>101</sup>Jennifer Rankin, "Hungary Passes Law Banning LGBT Content in Schools or Kids' TV," *The Guardian*, 15 June 2021, accessed at <https://www.theguardian.com/world/2021/jun/15/hungary-passes-law-banning-lgbt-content-in-schools>, 14 August 2021.

<sup>102</sup>Jennifer Rankin and Shaun Walker, "EU Launches Legal Action over LGBTQ+ Rights in Hungary and Poland," *The Guardian*, 15 July 2021, accessed at <https://www.theguardian.com/world/2021/jul/15/eu-launches-legal-action-over-lgbtq-rights-in-hungary-and-poland>, 14 August 2021.

<sup>103</sup>Deutsche Welle, "EU Agrees to Link Rule of Law to Budget Fund Access," 5 November 2020, accessed at <https://p.dw.com/p/3kvHj>, 11 January 2021.

<sup>104</sup>Nick Thorpe, "Coronavirus: Hungary Government Gets Sweeping Powers," BBC News, 30 March 2020, accessed at <https://www.bbc.com/news/world-europe-52095500>, 1 April 2020.

<sup>105</sup>BBC News, "Coronavirus: Hungary Votes to End Viktor Orban Emergency Powers," 16 June 2020, accessed at <https://www.bbc.com/news/world-europe-53062177>, 11 January 2021.

counterproposal that challenged the budget's linking of the EU's financing with the issue of member states' adherence to the rule of law.<sup>106</sup> Eventually, Poland, Hungary, and the European Commission deferred the issue to the European Court of Justice, which ruled against Budapest and Warsaw in February 2022, finding that EU funds can be discontinued for member-states that violate democratic standards. But tensions continue, as the issue remains unsettled.<sup>107</sup> The inability of the EU to effect democratic change in Hungary was evident in the European Parliament's statement of January 2020, which acknowledged that the situation in that country had in fact worsened since Article 7 was triggered and called on the European Commission (to little avail) "[t]o use all tools at its disposal to prevent a serious breach of common values."<sup>108</sup>

The Hungarian regime's war on the institutions of liberal democracy continues despite increasing discontent expressed by European officials. Orban's government has been criticized as an active instigator of xenophobia and racism through both its public discourse and its policies.<sup>109</sup> The Council of Europe's European Commission Against Racism and Intolerance (ECRI) published a report in 2015 accusing Budapest of rampant racism and xenophobia.<sup>110</sup> In a follow-up statement from 2018, the ECRI reiterated the accusations, concluding that Budapest had not sufficiently acted upon recommendations it made in its 2015 report.<sup>111</sup> Orban, however, scored a brief success in July 2017 by hosting an official visit of the Israeli prime minister, Benjamin Netanyahu, and by making a solemn promise to protect the country's Jewish population.<sup>112</sup> Meanwhile, the economic marginalization of the Roma continues. Women continue to bear the burden of primary responsibility for parenting (and are called upon to have more children in exchange for financial support),

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<sup>106</sup>RTE, "Poland and Hungary Issue Statement on EU Budget Row," 26 November 2020, accessed at <https://www.rte.ie/news/world/2020/1126/1180782-eu-budget-dispute/>, 11 January 2021.

<sup>107</sup>Lili Bayer, "EU Power to Cut Funds over Rule-of-Law Concerns Is Legal, Top EU Court Advisor Says," *Politico*, 2 December 2021, accessed at <https://www.politico.eu/article/rule-of-law-mechanisms-legal-advocate-general-court-justice-eu-hungary-poland>, 23 January 2022.

<sup>108</sup>European Parliament, "Rule of Law in Poland and Hungary Has Worsened," 16 January 2020, accessed at <https://www.europarl.europa.eu/news/en/press-room/20200109IPR69907/rule-of-law-in-poland-and-hungary-has-worsened>, 11 January 2021.

<sup>109</sup>Pap, *Democratic Decline in Hungary*.

<sup>110</sup>Council of Europe, "ECRI Report on Hungary (Fifth Monitoring Cycle)," 9 June 2015, accessed at <https://rm.coe.int/fifth-report-on-hungary/16808b57e8>, 11 January 2021.

<sup>111</sup>Council of Europe, "ECRI Conclusions on the Implementation of the Recommendations in Respect of Hungary's Subject to Interim Follow-Up," 15 May 2018, accessed at <https://rm.coe.int/interim-follow-up-conclusions-on-hungary-5th-monitoring-cycle/16808b57f9>, 11 January 2021.

<sup>112</sup>Herb Keinon, "Analysis: Why Do the Hungarians and Netanyahu Want Each Other?," *Jerusalem Post*, 18 July 2017, accessed at <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Why-do-the-Hungarians-and-Netanyahu-want-each-other-499996>, 15 February 2021.

as well as for care work, even though so many are simultaneously expected to maintain full employment. In the name of the same illiberal political ideology, sexual minority members face increasing threats.

Orban's government has successfully framed liberal human rights issues (for example, accepting migrants, promoting the work of such civil society organizations as the Soros Foundations that promote an open society, as well as gender issues and LGBT rights) into one "enemy" liberal package that resonates with a substantial number of Hungarians. Such framing allows the government to ride out criticism from European institutions as it continues to implement its primordial-nationalist agenda. In November 2020, Orban's government presented constitutional amendments preventing LGBT individuals from adopting children, denying them the right to a different gender identity than that assigned at birth, and rejecting diversity by stipulating that children should be brought up "in accordance with the values of Hungary's constitutional identity and Christian culture."<sup>113</sup> Earlier in the year, the Hungarian parliament had passed a law banning transgender or intersex people from legally changing their gender.<sup>114</sup>

While in principle eviction from the liberal-democratic club should entail audience costs for the Orban government, elites have been adept at dismissing European accusations while at the same time sustaining, if not increasing, public support. For example, Orban responded to Article 7 proceedings by accusing the European parliamentarian who drafted the report of being part of a conspiracy network run by Soros. Hungary's foreign minister, Péter Szijjártó, dismissed the European Parliament's investigation as "theater," while the government's official spokesperson took to calling the document the "Soros report."<sup>115</sup> A substantial number of Hungarians agree with this rhetoric. In a poll sponsored by the National Endowment for Democracy, 51 percent of respondents said Hungarian politicians should not compromise on issues of "national identity" such as immigration and other EU-Hungary matters. Furthermore, 47 percent of respondents said that the activities of civil society organ-

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<sup>113</sup>Human Rights Watch, "Hungary: Intensified Attack on LGBT People," 18 November 2020, accessed at <https://www.hrw.org/news/2020/11/18/hungary-intensified-attack-lgbt-people>, 11 January 2021.

<sup>114</sup>Human Rights Watch, "Hungary Ends Legal Recognition for Transgender and Intersex People," 21 May 2020, accessed at <https://www.hrw.org/news/2020/05/21/hungary-ends-legal-recognition-transgender-and-intersex-people>, 11 January 2021.

<sup>115</sup>Lili Bayer and Maia De La Baume, "European Parliament Report Calls for Sanctions Procedure against Hungary," Politico, 12 April 2018, accessed at <https://www.politico.eu/article/viktor-orban-european-parliament-report-judith-sargentini-calls-for-sanctions-procedure-against-hungary>, 11 January 2021.

izations did not contribute to solving Hungary's problems.<sup>116</sup> Public opinion polls such as these demonstrate how Hungarian elites can strategically frame their way out of political crises by adopting discourses that resonate with society, and remind us how European recommendations and principles can be endowed with new meaning as a result of domestic-level processes.

This is not to say that all of Hungarian society has endorsed this illiberal turn, but that enough do was made manifest by Orbán's reelection in early April 2022, when his Fidesz party racked up a majority of 53 percent of the vote, against the opposition United for Hungary's total of 35 percent.<sup>117</sup> Hungary's voters pointedly refrained from doing to Orbán what Czech voters had done when they went to the polls the previous autumn to oust their own autocratic prime minister, Andrej Babiš.<sup>118</sup> Orbán's sustained attacks on institutions that champion liberal-democratic values—such as civil society institutions and the opposition media—have generated massive peaceful demonstrations by his opponents and have also received broad international attention over the years. The government has responded by trying to control not only the institutions most directly relevant for political power, but also educational and cultural institutions, such as theaters and museums. Orbán announced his intention to focus on these domains after winning his third (post-2010) term in 2018, when he stated, “we must embed the political system in a cultural era.”<sup>119</sup> These measures are construed as necessary for the preservation of Hungarian identity from the threats of “foreign” and “liberal” influence. As with other polices, such framing has engendered support from many Hungarians. As part of its strategy, the government adopted a law in December 2019 severely limiting state funding for theaters, and shifted responsibility for their funding to municipal governments, while maintaining central control over the appointment of institution directors. Analysts have seen this policy change as an attempt to place pressure on local authorities, especially in the capital city of

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<sup>116</sup>Center for Insights in Survey Research, “Public Opinion in Hungary,” 2018, accessed at [https://www.iri.org/sites/default/files/wysiwyg/hungary\\_poll\\_presentation.pdf](https://www.iri.org/sites/default/files/wysiwyg/hungary_poll_presentation.pdf), 11 January 2021.

<sup>117</sup>“Unstoppable Strongman,” *The Economist*, 9 April 2022, 41.

<sup>118</sup>Andrew Higgins, “Populist Leader of Czech Republic Narrowly Defeated in Election,” *New York Times*, 9 October 2021, accessed at [https://www.nytimes.com/2021/10/09/world/europe/andrej-babis-defeated-czech-republic.html?campaign\\_id=2&emc=edit\\_th\\_20211010&instance\\_id=42507&nl=todaysheadlines&regi\\_id=62171838&segment\\_id=71274&user\\_id=23a0e0df85dc5b50fc649eea833dabd0](https://www.nytimes.com/2021/10/09/world/europe/andrej-babis-defeated-czech-republic.html?campaign_id=2&emc=edit_th_20211010&instance_id=42507&nl=todaysheadlines&regi_id=62171838&segment_id=71274&user_id=23a0e0df85dc5b50fc649eea833dabd0), 11 October 2021.

<sup>119</sup>Palko Karasz, “Theaters in Hungary Feel the Chill of Viktor Orbán's Culture War,” *New York Times*, 13 December 2019, accessed at <https://www.nytimes.com/2019/12/13/arts/hungary-theater-orban.html>, 21 September 2022.

Budapest, which has a high concentration of theaters and other cultural institutions, and where the opposition won the mayoral election earlier that year.<sup>120</sup> The fact that the opposition has been able to win the local elections in the capital, a first serious blow to Orbán's Fidesz after nearly a decade of authoritarian rule both nationally and locally, shows that there is important civic resilience to authoritarianism in Hungary. However, at the national, not the municipal level, Orbán's rule has been so deeply institutionally entrenched through the series of autocratizing mechanisms detailed above, that any prodemocratic opposition faces numerous obstacles.

## CONCLUSION

After years of democratic degradation in Hungary and the effective establishment of authoritarian governance, the EU has been reduced to merely standing by while the former poster child for liberal democracy in CEE has busily transformed itself into the region's champion of autocracy. While EU conditionality, and to a lesser extent NATO membership, no doubt reinforced the allure of "returning" to Europe and even, for a time, consolidated a liberal-democratic trend throughout the 1990s, the formal policy reforms required of the conditionality process proved insufficient for long-term socialization and for preventing the rise of an illiberal right-wing populist leader. Conditionality may not have failed everywhere in the CEE, but it certainly did not lock in any liberal-democratic trajectory in Hungary, nor did it expose nationalist-primordialist tendencies that were afoot even prior to Hungary's accession.

For Hungary, joining the EU has been a clear benefit, and there is no apparent interest among the major Hungarian political actors to reverse its European integration. The Orbán government's actions since 2010, while taking full advantage of the benefits of membership, have repeatedly challenged several EU norms and institutions, particularly regarding the rule of law, the protection of minorities, and civil liberties. The government has received numerous warnings and admonitions from European institutions, but it has yet to face any real consequences, not only because, as we argue earlier, EU rules make it extremely difficult for European officials to hold member states accountable for their policies, but also because EU-level party politics further complicate efforts to sanction defiant governments. These factors, combined with the

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<sup>120</sup>Karasz, "Theaters in Hungary Feel the Chill."

exogenous shocks of the economic crisis, migrant crisis, and pandemic, along with an increase in political competition and support for primordial nationalism, help us understand how “illiberal democracy” was able to manifest so well in one of the region’s erstwhile democratic front-runners.

Though Hungary has been the starkest example of a once-promising liberal democracy veering off in an authoritarian direction, it is not the only case. There have been various primordial-nationalist political movements across Europe in recent years, both within the EU and outside of it. These have featured the kind of rhetoric and political agendas Orban has so successfully exploited in Hungary over the past decade. Many of the international and domestic factors that contributed to Hungary’s retrenchment from liberal-democratic norms are also present to greater and lesser degrees in other countries in the region—as, indeed, in some countries further west in Europe. The increase in political competition from parties on the far right, which have been successful across several Western European countries,<sup>121</sup> combined with the exogenous shocks of the global pandemic and subsequent economic recession, have provided a permissive environment for democratic backsliding, in some cases creating conditions similar to those that facilitated Hungary’s retrenchment. Future scholarship should pay careful attention to how patterns of democratic recession emerge across Europe (and even beyond) and the degree to which they follow the “Hungarian” pattern.

But as it has been the CEE region that provides the geographical focus of this article, we end our analysis of the Hungarian experience with democratic backsliding by a cursory examination of three regional states that do appear to be taking a page out of Orban’s book. They are Poland, Slovenia, and Serbia. Poland was also a democratic front-runner in the early post-Cold War years, was included in the same waves of NATO and EU enlargement as Hungary, and has undergone a similar illiberal transformation. Poland’s Law and Justice party, in power since 2015, has been implementing illiberal policies, primarily attacking the judiciary and other checks on executive power, thereby exhibiting alongside Hungary the clearest signs of autocratization within the EU. As noted above, Poland and Hungary have together provided a bulwark against EU sanctioning mechanisms by supporting one another within the European Council, though the wedge driven between the two miscreants by the Ukraine war may alter that pattern.

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<sup>121</sup>Andre Tartar, “How the Populist Right Is Redrawing the Map of Europe,” Bloomberg, 11 December 2017, accessed at <https://www.bloomberg.com/graphics/2017-europe-populist-right/>, 18 March 2022.

The most recent example of democratic backsliding mirroring Orbán's model of governance and its underlying ideology within the EU is Slovenia, a country that, like Hungary, had also been heralded as an early success story of democratic consolidation. Indeed, if any country could rise triumphantly from the ashes of the former Yugoslavia, it was going to be the one to do so. Yet since Janez Jansa became prime minister in 2018, a spate of attacks, strikingly similar to those instituted during Orbán's early years in office post-2010, has been launched against Slovenia's political opposition, its judiciary, and its independent media.<sup>122</sup> True, Jansa's position in the Slovenian parliament is far from the dominant one that Orbán has enjoyed in the Hungarian legislature, thus not all of the permissive conditions are yet present for Slovenia to be adjudged decisively to have entered into an "autocratizing" phase of its political existence. Nevertheless, the potential for it to do so is high. Moreover, it is hardly a coincidence that Slovenian media supportive of Jansa have been stimulated by Hungarian money, in an effort to weaken the scope of the critical or independent media and eventually monopolize the country's media landscape, as had been done within Hungary.<sup>123</sup> Finally, Jansa's rhetoric has been strikingly similar to Orbán's primordial-nationalist rhetoric, parroting his dim views on the role of the EU and especially its migration policy.<sup>124</sup>

Similar trends are glimpsed in Serbia, an EU candidate country, which has been exhibiting much the same kind of autocratization since Aleksandar Vučić and his Serbian Progressive Party (despite its name, it is a sister party of Orbán's Fidesz) came to dominate the country's politics after 2013. Serbia has been negotiating for EU membership since 2014, and though under strict conditionality monitoring regarding its progression toward EU membership, Vučić has been able to roll back democratic reforms that had been enacted in the wake of the collapse of Slobodan Milošević's regime in 2000. Like Orbán, Vučić, too, has been pursuing primordial-nationalist narratives, albeit centered not on Trianon myths but on the issue of Kosovo's

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<sup>122</sup>Valerie Hopkins, "Slovenia's Jansa Follows Hungary Down Authoritarian Path," *Financial Times*, 23 May 2021, accessed at <https://www.ft.com/content/100454c3-c628-40a0-af6e-392cc79a53f9>, 18 March 2022.

<sup>123</sup>Stephan Ozsvath, "Prime Minister Janez Jansa, Slovenia's Marshal Tweeto and the Media," DW, 4 March 2021, accessed at <https://www.dw.com/en/prime-minister-janez-jansa-slovenias-marshal-tweeto-and-the-media/a-56764735>, 18 March 2022.

<sup>124</sup>Shaun Walker, "Slovenia's PM Janša Channels Orbán with Attacks on Media and Migrants," *The Guardian*, 4 May 2020, accessed at <https://www.theguardian.com/world/2020/may/04/janez-jansa-new-pm-slovenia-in-mould-of-orban>, 6 June 2020.

independence; Vucic also has created a pyramidal power structure resembling Hungary's.<sup>125</sup>

Given the “lessons learned” from previous rounds of EU enlargement, Serbia will be a critical test of the Union’s political will to ensure that conditionality promotes liberal-democratic values. The picture is not a bright one. Should it accede to membership, we might expect to see even more post-accession backsliding on Serbia’s part than has been evident elsewhere in CEE lands, including Hungary. This will be due to Serbia’s possessing alternatives to EU support, namely from Russia and China, virtually ensuring that Belgrade suffers minimal if any audience costs as it whittles away the country’s remaining stock of liberal-democratic practices. While the Serbian public has been more or less evenly split on the question of whether they would support the country’s EU membership, most respondents view Russia and China far more positively than the EU.<sup>126</sup>

Complex party politics and the increasing influence of primordial-nationalist agendas across many EU countries, combined with the weakness of current European-level mechanisms to address breaches to EU democratic norms and values, mean that it will be difficult to bring post-accession backsliders (and even some aspirant countries like Serbia) back into the liberal-democratic fold. However, liberal democracies could reinforce socialization processes by supporting civil society organizations, including the media, as well as politicians supporting a return to liberal-democratic principles, through funding as well as through a mixture of public narratives that name and shame illiberal behavior. The lessons of the Hungarian case should also serve as a warning that the politics of conditionality has its limits. Absent significant internalization of liberal-democratic norms by the political elite and the majority of the public, illiberal post-accession backsliding will remain Europe’s Achilles heel. The Hungarian case should therefore inform future decisions about enlargement to the southern Balkans, where liberal norms have yet to be internalized, and skepticism over the benefits of EU membership are deeper. Failure to ensure that states will uphold liberal-democratic

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<sup>125</sup>Natalie Nougayrède, “Beware the Chameleon Strongmen of Europe,” *The Guardian*, 11 April 2018, accessed at <https://www.theguardian.com/commentisfree/2018/apr/11/viktor-orban-aleksandar-vucic-europe-eu>; and Martin Russel, “Serbia at Risk of Authoritarianism?,” European Parliamentary Research Service, May 2019, accessed at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637944/EPRS\\_BRI\(2019\)637944\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637944/EPRS_BRI(2019)637944_EN.pdf), 6 June 2020.

<sup>126</sup>Euractiv, “Poll: Russia and China Are Serbians’ ‘Best Friends,’” 23 November 2020, accessed at [https://www.euractiv.com/section/politics/short\\_news/poll-russia-and-china-are-serbians-best-friends/](https://www.euractiv.com/section/politics/short_news/poll-russia-and-china-are-serbians-best-friends/), 15 August 2021.

principles once admitted, will erode European soft power, thereby ensuring that Europe will continue to punch below its weight on foreign policy issues. If this is so, then it would mean that conditionality has backfired, making an enlarging Europe an entity that, in foreign policy, is considerably less than the sum of its parts.