

# **Democratic Backsliding in the European Union: The Role of the Hungarian-Polish Coalition**

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## **Abstract**

The paper analyses how the Hungarian-Polish coalition has contributed to democratic backsliding in both member states of the European Union (EU). Combining the insights of EU-specific research on backsliding and coalitions with the literature on the international collaboration of autocrats, we argue that right-wing political leadership in Hungary and Poland have coalesced to advance their respective projects of democratic backsliding. Our analysis reveals three distinct but intertwined uses of the coalition: (1) mutual protection afforded within the supranational arena of the EU aimed at limiting its sanctioning capacities; (2) learning in the form of transfer of democratic backsliding policies; and (3) domestic legitimation. We point out three factors which have driven coalescence patterns: intersecting interests, ideological proximity, and the EU's decision rules regarding sanctions.

## **Keywords**

democratic backsliding; European Union; coalition; Poland; Hungary; rule of law

## **Introduction**

The methodical dismantling of the institutions of liberal democracy in the Member States (MSs) of the European Union (EU) has been at the forefront of recent academic research, focusing primarily on Hungary and Poland. National-conservative governing parties have led both countries to levels of democratic backsliding that are considered intolerable by the EU. As a reaction, in December 2017 the European Commission (EC) triggered Article 7 proceedings of the Treaty of the European Union (TEU) versus Poland and in September 2018 the European Parliament (EP) against Hungary. In 2020, the Hungarian – Polish coalition went against the EU's €1.8 trillion budget and coronavirus recovery package, rejecting efforts to tie the spending to the rule of law. How did the two states, once among the frontrunners of post-communist democratization in Eastern and Central Europe (ECE), become the most prominent examples of democratic decay?

Most of the studies examining backsliding focus on endogenous explanatory factors, e.g., political ideology, patterns of competition or state capture by elite coalitions (Greskovits 2015; Sadurski 2018; Dimitrova 2018; Vegetti 2019) or, alternatively, on the role of the EU, asking whether it has prevented or, conversely contributed to backsliding (Bozóki and Hegedűs 2018; Closa 2019; Halmai 2019; Kelemen 2017, 2019; Meijers and van der Veer 2019). We complement the existing accounts with an additional element: coalescence patterns of the political leadership orchestrating the backsliding. We place at the centre of our analysis the Hungarian-Polish coalition, a durable partnership between right-wing conservative political leaders that has been instrumentalised in democratic backsliding projects on both the supranational and the domestic level. In Hungary the major coalition partner has been the Hungarian Civic

Alliance/Fidesz Magyar Polgári Szövetség (Fidesz). In Poland, the protagonist of the coalition has been the Law and Justice/Prawo i Sprawiedliwość (PiS), but the Civic Platform/Platforma Obywatelska (PO) has also played a secondary role by supporting Fidesz at the early stage of the backsliding process. We argue that while the coalition was not a necessary precondition for the Fidesz and PiS-led governments to initiate democratic backsliding, it has been important in sustaining and even advancing backsliding in the face of strong countervailing pressures.

While a growing literature analyses side by side democratic backsliding in Hungary and Poland in its various manifestations, ranging from similar governance (Grzymala-Busse 2019) to the elaboration of Eurosceptic populist narratives (Csehi and Zgut 2020), few have focused on how the two projects have interacted. To fill this gap, we draw on studies of authoritarian collaboration (e.g., Erdmann et al. 2013; von Soest 2015; Yakouchy 2019), which have developed in relative isolation from the democratic backsliding literature, especially in the EU context. In doing so, we proceed with caution, considering that, on the one hand, backsliding in the EU takes place in a *sui generis* political multi-level system, and that, on the other hand, backsliding states are positioned somewhere between democracy and autocracy therefore following a different logic to authoritarian regimes.

We identify and analyse three uses of the coalition: mutual protection, learning, and legitimation based on the examination of the existing secondary literature that has extensively documented backsliding in Hungary and Poland, as well as two sets of empirical material: (1) minutes of parliamentary debates held in both the national and European parliaments and (2) newspaper articles, including mediated speeches,

statements, press releases, etc. of high-ranking government officials. The combination of these sources allows us to map and reconstruct the actions of those in power, while also gaining insight into the possible motivations underlying these actions.

We begin by providing an overview regarding the current debate on democratic backsliding in general and in Hungary and Poland in particular. We then bring into the discussion the international dimensions of democratic backsliding, the existing typologies of collaboration between autocratic regimes as well as coalescence patterns within the EU. After a note on the data and methods, our empirical analysis follows, in which we describe three ways in which the Hungarian-Polish bilateral coalition has contributed to democratic backsliding. We close by discussing the implications of our findings.

### **Democratic Backsliding: The State of the Debate**

Different fields of research examine advancing dangers to democratic systems worldwide, referring to this process as “democratic backsliding” (Bermeo 2016; Waldner and Lust 2018), “democratic deconsolidation” (Foa and Mounk 2017), “de-democratization” (Bogaards 2018) or “autocratization” (Lührmann and Lindberg 2019). When focusing on the EU, this literature pays special attention to the “illiberal” characteristics of backsliding (e.g., Krastev 2016; Bustikova and Guasti 2017). This terminological diversity points to the challenge to conceptualize the gradual move away from democracy, because its endpoint is unclear and because specific regime transitions can take very different trajectories (recent efforts to bring clarity include Cassani and Tomini 2018 or Lührmann and Lindberg 2019).

Hungary and Poland were considered consolidated liberal democracies until the ascent to power of Fidesz and PiS. Since then, both countries saw the largest drops in levels of democracy in ECE (Cianetti, Dawson, and Hanley 2018). The incremental yet substantial change that has occurred is well-documented: e.g., Freedom House has registered a continuous decline in democratic indicators since 2010 in Hungary and 2015 in Poland. In 2020, the former was demoted to the status of “transitional or hybrid regime” and the latter to a “semi-consolidated democracy”. While some analysts have claimed that Hungary and Poland are on their way to an authoritarian state (Kelemen 2017), or under the rule of “authoritarian populism” (Bugarcic and Kuhelj 2018: 22), in the period here analysed both states can be best described as backsliding states.<sup>1</sup> We understand this term as the decline of democratic quality in existing democracies (Waldner and Lust 2018: 95).

In both cases backsliding has taken the form of “executive aggrandizement” (Bermeo 2016, 11). Indeed, most scholars identify the proximate cause of democratic backsliding in Hungary and Poland as the grip on power by the national-conservative parties, PiS and Fidesz, respectively.<sup>2</sup> Fidesz won by a landslide in the Hungarian 2010 elections amidst a deep economic recession and political scandals mirroring the left-liberal coalition government (Gessler and Kyriazi 2019). The parliamentary supermajority, which was secured also in the following elections in 2014 and 2018, has been a crucial component in the backsliding process since it has allowed successive Fidesz-led governments to easily pass legislation, including constitutional amendments, which weakened democratic checks and balances and the rule of law. In contradistinction, PiS came to power following a period of unbroken economic growth. After securing a

majority in 2015, PiS started to cement its power immediately, taking measures that weakened democratic quality. The election of PiS candidate Andrzej Duda for president only a few months beforehand lowered the probabilities of a presidential veto, further enabling the backsliding process. PiS was able to win also the following 2019 parliamentary elections with the highest vote share won by a party in Poland since 1989, even if it lost its majority in the Senate.

Accordingly, studies on democratic backsliding in the two countries have placed particular emphasis on the agency, ambitions and ideology of political leadership (Greskovits 2015; Sadurski 2018) as well as the broader patterns of political competition (Vegetti 2019). Other factors, such as the failure of competing mainstream parties to meaningfully respond to the demands of increasingly disenchanted electorates (Grzymala-Busse 2019) or the politically motivated manipulation of mass media (Krekó and Enyedi 2018; Surowiec and Štětka 2020) have also been examined. Sata and Karolewski (2020) have recently added to this list (the combined use of) patronalism, party state capture and exclusionary identity politics.

In terms of the international aspects of the backsliding process, the existing research has focused overwhelmingly on the role of the EU. Researchers have pointed to the EU's potential to counter backsliding tendencies (Jenne and Mudde 2012; Kelemen and Blauburger 2017) and it is reasonable to assume that, had backsliding states not been EU members, deterioration would have been even more extensive. Others have pointed to the EU's negative influences. Kelemen (2019) identifies several elements as responsible for advancing backsliding, above all in Hungary: partisan politics, and especially the European People's Party (EPP) reluctance to penalize Fidesz (see also:

Bátory 2016), funding and investment coming from the EU, as well as freedom of movement, which leads to the exit of disenchanting citizens. Bozóki and Hegedűs (2018) argue that the EU has provided both legitimation and indirect financial support for backsliding in Hungary, e.g., through cohesion funds. In Poland, we find the kernels for a similar situation as most of EU support goes to the poorer Eastern parts of the country, whose citizens tend to vote for PiS (Holesch 2018). Closa (2019) argues that the Commission does not have the tools to enforce compliance within the rule of law on MSs and instead it relies upon cooperation with the backsliders. EU actions can even backfire, incentivizing “rogue” governments to showcase their defiance in the face of foreign pressure (Schlipphak and Treib 2017: 361).

A smaller set of studies draw on the literature on authoritarian diffusion, their primary focus being the Hungarian case. The extent to which authoritarian influence of Russia has played a role in Hungary features prominently in the debate, but remains an open question (Buzogány 2017; Ambrosio 2020). Margulies (2019) also looks at a potential Russia effect, though his framework is broader, and includes the links forged among populist actors as an explanatory factor for backsliding.

This paper extends the analysis of democratic backsliding in Hungary and Poland to the relationship and the concerted actions of political leaders in these countries. Below we outline a theoretically-informed synthesis of how like-minded political leaders can work together to bolster democratic backsliding, by integrating the insights of the literature on authoritarian collaboration and coalescence patterns in the EU.

## **Conceptual discussion**

### ***International Factors and Democratic Backsliding***

A major theory on the international determinants of regime change was elaborated by Levitsky and Way (2010) who argue that democratization depends on the density of economic, geopolitical, social, communication and civil society ties to the West (2010, 43-44) and its vulnerability to potential pressure from it. The denser these *linkages* and the stronger this *leverage*, the more likely democratization is. The theory has been applied to post-communist democratization, where the most significant example of linkage and leverage after the breakdown of the Soviet Union was the influence of the EU (Schimmelfennig and Sedelmeier 2004). It can also be fruitfully applied to the process of de-democratization, e.g. if democratic linkages are too weak and/or are replaced by alternative linkages established between illiberal populist challengers (Margulies 2019).

Linkages are similar to the concept of the coalition in that they both draw attention to the power of relationships. However, linkages work in an indirect, cumulative way, by shaping preferences and/or the domestic distribution of resources and power (Waldner and Lust 2018: 105). This offers little insight regarding the specific actions and behaviours of political leaders of backsliding states. Further, linkage theory and its various Europeanisation variants tend to posit a vertical relationship between those who exert influence and those who respond to it, paying less attention to horizontal relationships, which is our interest here.

The literature on the international collaboration of authoritarian regimes is well-placed to shed light to exactly these blind spots. Several classifications of authoritarian



collaboration exist. Yakouchyk (2019) presents three main mechanisms of autocratic support: *economic* (energy subsidies, loans or trade agreements); *military* (exporting or donating arms, deploying troops or military advisors); and *political* (strategic advice, rhetorical legitimation on the international level, promoting favourable media coverage or diplomacy). Due to the supranational and democratic nature of the EU, economic and military support can be largely excluded; trade is managed by the EU directly and loaning between MSs to date has been an unusual practice. Nonetheless, political backing can indeed be a key instrument.

While this typology is based on the substance of collaboration, other classifications focus on behavioural patterns. Erdmann et al. (2013) distinguish between ideational, material or military *support; protection* afforded on the international level, e.g., a veto in the UN Security Council; and *learning*, e.g., the exchange of ideas or advice. Von Soest (2015) builds a similar typology introducing an additional distinction, that between *direct* and *indirect* ways through which international influence can prevent the spread of democracy: *learning* (adaptation based on observation of others), *collaboration* (coordinating tactics to achieve shared goals), and *support* (bolstering a fellow autocrat) are considered direct mechanisms, while *diffusion* (spontaneous spread of policies, practices and ideas) is the indirect one. These typologies delineate the repertoire of actions of backsliding but not (yet) autocratic political leadership, too, and constitute the framework for our empirical analysis.

Isolating these mechanisms is an important task; yet, we are also interested in the way they can be combined. Moreover, the consistent and enduring use of such mechanisms, which goes beyond ad hoc collaboration or occasional support points to an

underlying *coalition* pattern. Partnerships between actors are ubiquitous, ranging from social movements to electoral, party and governing coalitions. Within the EU, coalitions play a crucial role given that intergovernmental bargaining and negotiation between the MSs is routine (Hosli 1996). Coalitions, therefore, have been analysed with a focus on voting procedures and patterns in European institutions (Elgström et al. 2001; Kreppel and Tsebelis 1999). The role of decision rules in particular, i.e. consensus or the qualified majority principle, have been shown to influence coalescence dynamics (Elgström et al. 2001).

Coalitions can be based on both the strategic choices and shared identities of actors (Kaeding and Selck 2005). They can be ad hoc and ephemeral, forged around one specific issue and dissolved when the issue loses its relevance; but they can also be durable and indeed, several intergovernmental institutionalized coalitions exist in the EU, such as the Benelux and the Nordic Subgroups (Ruse 2012: 320). Of particular importance to our study is the Visegrád Group (or V4), a long-standing regional block formed by the Czech Republic, Hungary, Poland and Slovakia (Törő, Butler and Grüber 2014). EU coalitions have been found to enhance the partners' bargaining power through exchange of information, pooling of expertise, and rhetorical action (Ruse 2012).

To sum up, while the literature on the cooperation of authoritarian regimes can give us guidance regarding the specific mechanisms of international collaboration and support impacting democratic quality, the literature on coalescence patterns in the EU illuminates the way these mechanisms are embedded within EU MSs' webs of relationships and institutionalized modes of interaction.

### ***The Hungarian-Polish backsliding coalition***

Based on this review we can sketch out in more detail our concept of the backsliding coalition and the empirical strategy tackling it. We posit that the Hungarian and Polish political leadership have forged a bilateral pact that revolves around one subject matter, democratic backsliding, but which is embedded in and draws on a broader framework of institutionalized Hungarian-Polish regional cooperation, functioning on multiple sites. The term “coalition” draws attention to the stable features of the relationship which go beyond convenient mutual support. A prominent part of a coalition is the predictability that it affords to actors’ actions: if the backsliders know that they can count on each-other they will be more ambitious in their projects. At the same time, it also signals to opponents that any preventive or punitive actions will likely be blocked.

The existence of the backsliding coalition does not presuppose that the two partners agree on every policy issue all of the time. Perceptions that the Fidesz government was too closely aligned with Russia have given rise to concerns: a 2014 deal with Rosatom to enlarge Hungary’s nuclear power plant led to dramatic reactions on the Polish right, with PiS politicians declining the invitations to meet Orbán. We also find instances of conspicuous failures to support the other partner, such as, e.g. when the Hungarian side refused to vote against Tusk’s second term as European Council President, which PiS strongly resisted.

That said, within the EU, Hungary and Poland appear very closely aligned: they have been recently found to have the closest relationship in terms of the number of contacts, shared interests and level of responsiveness in the EU (Janning et al. 2018).

This pattern is replicated on the regional level, which includes the cooperation within the V4 as well as broader ECE region.

In terms of bilateral relations, these go beyond the routine diplomatic ties between officials of any two states. Rather uniquely, the Hungarian-Polish relation has an outsized identitarian dimension, which revolves around the trope of historic Hungarian-Polish “friendship”, expressed, for example, in the commonly known phrase “A Pole and a Hungarian, two good friends, they fight and drink together.” While some degree of historic entanglement is, indeed, factual (Magyar and Mitrovits 2016), nonetheless, national-conservative political leadership has constructed and disseminated a vastly overstated version of it, making “friendship” the most recognizable discursive element of the Hungarian-Polish coalition. The emphasis of the bilateral “friendship” has the purpose of casting the Hungarian-Polish bond as somehow unbreakable also in the eyes of ordinary citizens, who may not know much about Art. 7 proceedings, but may have a vague idea about the common history of the two “likeminded nations.”

While this identity-narrative presents the Hungarian and Polish “nations” as homogenous and unitary actors, it obscures a more complex reality. Bilateral relations have fluctuated over the years, depending on the international and domestic context or specific events. The coincidence in government of the Hungarian Socialists and the first PiS government (2005-2007) was marked by particularly icy relations. Conversely, right-wing actors have pursued stronger links, but again, PiS and the PO have approached this issue differently. The latter is aligned with Fidesz in the EPP and has indeed provided crucial assistance to the Fidesz government from 2012 on, as we shall see below. It did so, however, at a time when the true proportions of Fidesz’s backsliding ambitions had

not yet been revealed. The annexation of the Crimea, which the Hungarian government was reluctant to criticize, provided further impetus for the PO to distance themselves. Once in opposition, the PO politicians voted in 2018 in favour of initiating Art. 7 proceedings against Hungary in the EP.

From an analytical perspective, the partisan character of bilateral affinity underlines the need to focus on political parties, party-leadership in particular, as key strategic actors and protagonists of the coalition (see Capoccia and Ziblatt 2010). Specifically, we study the actions of government officials, lawmakers and other high-ranking state officials affiliated with them, - which is how we define “political leadership.”

#### **A note on the data and method**

This paper combines the extensive secondary literature that documents in detail democratic backsliding in Hungary and Poland with two sets of original empirical evidence. First, for the purposes of this paper we have collected 508 newspaper articles published in influential right-leaning<sup>3</sup> media-outlets in Hungary and Poland between 2010 (when Fidesz came to power in Hungary) and 2019 (the period when PiS secured its second governmental term). Specifically, 282 articles were found in the Hungarian daily *Magyar Nemzet* for the period 2010-2017 and the news website *Origo* for 2018-2019, while 226 in the Polish *Rzeczpospolita*. We used two Hungarian sources because *Magyar Nemzet* was discontinued in April 2018. To build this corpus we first conducted a general keyword search typing “Hungary” and “Poland”, or “Węgry” (“Hungary” in Polish) and “lengyel\*” (the stem of “Poland” in Hungarian) in Factiva for

*Rzeczpospolita*, Arcanum Digitheca for *Magyar Nemzet*, and *Origo*'s online search functionality, followed by manual sorting of relevant material, i.e. retaining those articles that dealt with some aspect of Polish-Hungarian relations, such as summits, meetings, press conferences, interviews, protests, etc.<sup>4</sup> Based on this we identified key instances when the Hungarian-Polish relationship was implicated in backsliding and the different mechanisms through which it has operated.

Our other primary source are parliamentary debates, which complement the newspaper articles by capturing different aspects of the Hungarian-Polish relationship. We retrieved these documents via the key-word search described above using the search functionalities of the official website of the Polish Sejm (<http://search.sejm.gov.pl/SejmSearch/ADDL.aspx?DoSearch>) and the Hungarian National Assembly (<https://www.parlament.hu/web/guest/felszolalások-keresése>). Additionally, we identified and accessed nineteen EP debates held in relation to democratic backsliding and the situation of rule of law, thirteen regarding Hungary (2011-2019) and six regarding Poland (2016-2019) in this link <https://www.europarl.europa.eu/plenary/en/minutes.html#sidesForm>.

Our analysis relies on close reading of the primary and secondary sources, seeking to identify connections between the Hungarian and Polish backsliding projects based on the theoretical-conceptual insights we have already discussed. More specifically, evidence for “support” can be found in participants’ discourse (offering verbal defense, providing excuses, threatening opponents) as well as their actions (votes in relevant decision-making arenas, meetings and coordination between leaders). We identify “legitimation” based on claims made and actions taken by political leaders with

the aim of boosting regime acceptance by the population (e.g. stressing the governments' popular mandate won in elections or participating in celebrations and photo ops). Finally, to detect "learning" we also rely on the accounts of the participants (e.g. whether they claim that they are following the example of the other coalition partner). However, since actors tend to conceal their motivations, we include in the discussion the content of the backsliding policies, their sequence and application strategies, seeking to find intersections and influences between the Hungarian and the Polish projects. For this, we rely on the available indicators of Freedom House and the secondary literature that documents democratic backsliding in Poland and Hungary.<sup>5</sup>

### **The three mechanisms of the backsliding coalition**

#### ***Mutual Protection in the EU Multi-level Framework***

Erdmann et al. (2013) argue that one possible form of authoritarian cooperation is protection within the international institutions, e.g., with a veto in the UN Security Council. We find a similar mechanism in the EU, in which backsliding states can offer reciprocal protection. This has taken different forms and occurred in different institutional fora, but it invariably has aimed to prevent meaningful sanctions against backsliding in the face of strong external pressures.

To contextualize this process, we briefly present the relevant sanctioning mechanisms and decision-making rules that apply within the EU framework. Art. 2 of TEU states that the Union is founded on the values of "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities." The EU has established different mechanisms

against its MSs to ensure compliance with EU law. Under Article 258-259 of the Treaty on the Functioning of the European Union (TFEU), the Commission or an MS may file an action to obtain from the Court of Justice of the European Union a judgment regarding a MS's (non-)compliance with EU law.

Besides that, in 2014 the Commission established “A rule of law framework for the European Union,” which includes various recommendations for a dialogue on part of the Commission and the concerned MS. It is a non-binding framework, which, if it fails, advances to Article 7 procedures, also called a “nuclear option” (Barroso 2013, 10), which include three distinct application stages. Article 7.1. focuses on preventive measures and can be initiated by 1/3 of the Member States, the European Commission or the European Parliament. In the next steps the procedure needs support in the EP, which gives it consent with 2/3 of its votes and later in the Council, which needs to determine with a 4/5 majority a clear *risk* of a serious breach of the values referred in Article 2 TEU. During the second stage – the *determination* of the existence of a serious and persistent breach of values in Article 2 TEU, the decision in the Council has to be taken with unanimity. While the affected MS loses its voting rights, the veto of only one member state can halt the procedure.

Against this background, Polish political leadership provided crucial defence to its Hungarian counterpart from as early as January 2012. At that time, Article 7 proceedings were not being considered, but the EC decided to trigger infringement proceedings against Hungary following Article 258 TFEU, at which point the then Polish PM Tusk from PO stated: “We have agreed that Poland will offer, if Prime Minister Orbán and the Hungarians are interested in it, some form of political support [...]”



(Rzeczpospolita, 2012b). Tusk and other PO politicians repeated similar statements in the following months, which were also taken up as talking points by Hungarian political leadership and widely publicized in the Hungarian media (see section “Domestic Legitimation” below). Therefore, in the early phase of backsliding in Hungary, Fidesz relied not only on PiS but also on PO, which withdrew its support only gradually.

Eleven debates on political developments in Hungary took place in the EP between 2011-2019, where numerous Polish Members of the European Parliament (MEPs) defended the Hungarian government’s actions. While most of them were PiS-MEPs - speaking in the name of the European Conservatives and Reformists (ECR) - support came also from PO-MEPs, who sat together with Fidesz within the EPP. In the debate on the Media Law in Hungary held in early 2011, Zbigniew Ziobro (PiS) claimed that this was ‘a pretext for the centre-left to attack the right-wing, conservative government of Prime Minister Orbán’ (European Parliament, 2011). During the second debate four PiS and one PO MEPs intervened in favour of Hungary (European Parliament 2012). In the third debate, two PiS and one PO MEPs argued against the Tavares Report (European Parliament 2013). From around the mid-2010s PO MEPs started to advance arguments against Orbán (see the speech of PO-MEP Jarosław Wałęsa, European Parliament 2015). From that point on, only PiS-MEPs continued to support the actions of the Hungarian leadership (European Parliament 2018a).

In the aftermath of its win in October 2015, PiS started changing the composition of the Constitutional Tribunal (CT) and took over the public media. Unlike in the case of Hungary, European institutions were quick to threaten sanctions against Poland, including initiating Art. 7 procedures. As soon as potential sanctions against Poland were

floated, Orbán made his position clear: he would not allow any sanctions against Poland to proceed. This is how *Magyar Nemzet* reported on Orbán's stance:

*'He also said that it was not worthwhile for the EU to think about imposing any sanctions on Poland, as this would require full agreement, and Hungary will never support sanctions against Poland. More respect for the Poles because they deserve it,' he insisted. (Magyar Nemzet, 2016, 3)*

When the EP voted in March 2018 on the ECs decision to activate Article 7 (1) TEU in a resolution about the situation in Poland, all Fidesz MEPs voted in favour of the PiS government, rebelling against the EPP recommendation (Votewatch Europe, 2018a).

Likewise, during the vote to trigger Article 7.1. procedure against Hungary by the EP in September 2018, PiS MEPs voted against it, while the former ally, PO, voted in favour of the EPs motion, and PSL (Polish Peasants Party, also in the EPP) abstained (Votewatch Europe 2018b). After the proposal passed, PiS MEPs contributed to the writing of the minority opinion, which claimed - among others - that the decision was "extremely harmful," politically motivated and based on double standards, which did not understand the post-communist reality in ECE (European Parliament 2018b). Shortly afterward, the Polish Ministry of Foreign Affairs tweeted that it observed 'with concern today's EP decision' and that 'Poland will vote in the forums of European institutions against possible sanctions against Hungary' (Ministerstwo Spraw Zagranicznych RP, 2018).

As this section demonstrates, the mutual assurance of veto in the Council is a key achievement of the Hungarian-Polish coalition, which became prominent also during the budget and coronavirus recovery fund negotiations in 2020. In the absence of a veto, the

procedure outlined in Art.7 could have advanced way further, checking the backsliding process in both Hungary and Poland.

### ***Learning***

A second use of the Hungarian-Polish coalition has been the transfer of backsliding measures and practices. Since the Hungarian leadership initiated the backsliding first, we expected learning to be a mechanism used predominantly by the Polish partner. Indeed, we found no strong evidence of concrete transfer of what could be considered a backsliding policy blueprint from the Polish to the Hungarian partner. We did detect, however, some influence on Hungarian politics from the Polish national-conservative camp in general and within PiS in particular, as government officials and lawmakers from the ruling coalition in Hungary tended to reference Polish examples on issues tangential to the backsliding project, such as decommunization and the role of religion in politics among others.

When Fidesz came to power in 2010, its victory was welcomed by both PO and PiS, the latter being especially enthusiastic. PiS Leader Jarosław Kaczyński famously claimed - after losing the parliamentary elections in 2011 - that he was “convinced that one day, we will have Budapest in Warsaw” (TVN24, 2011).<sup>6</sup> Once PiS took power, Kaczyński reiterated the same idea: “We learn from each other. For us, Prime Minister Orbán is someone who has shown in Europe that it is possible. He showed it and this is a very important lesson for us, and we use this lesson.” (RMF24, 2016). PiS viewed the rapidly growing illiberal policies of the Hungarian government as a conservative-Catholic revolution – as proof that this course of action could be successful in another

“friendly” state. While in opposition (2007-2015), PiS politicians suggested copying some of the Hungarian measures, especially in the field of social and family policies (Sejm, 2014). Policy transfer has also occurred in the economic field, as the heterodox financial and pension policies propagated by Viktor Orbán prompted PiS to move away from economic liberalism (Dąbrowska et al. 2018).

The imitation of the Hungarian example was noticed in Poland, with PO MP Witold Zembaczyński arguing that PiS MPs read “*only last year’s press from Budapest and articles by your guru Orban*” (Sejm, 2015). It was also seen abroad when Guy Verhofstadt from the Alliance of Liberals and Democrats for Europe (ALDE) argued in the EP: *[...] Mr. Kaczyński [...] thinks that he can copy someone [...], namely Mr Orbán, who also thinks that he has to establish illiberal states everywhere in the European Union. To copy Mr Orbán is, I think, not in the interests of Poland and Polish society and Polish citizens.* (European Parliament, 2017) Certainly, such critical remarks incentivise the Polish partner to downplay the influence impressed upon it by the Hungarian side.

Since actors have an incentive to conceal their motivations, we now turn to additional evidence for learning, namely, a close examination of the targets, sequence and content of the measures adopted by PiS. These show considerable overlap with the Fidesz model. To begin with, according to Freedom House’s Nations in Transit indicators, both governments launched an all-out attack on the institutions of liberal democracy: even though other EU member states in ECE also registered some degree of democratic backsliding, Hungary and Poland stand out in terms of the breath, depth and swift pace of deterioration. Moreover, while other countries in the region experienced at

least some degree of improvement since the on-set of backsliding, there has been a uniform downward trend in Hungary and Poland. Both governments have targeted the judiciary, the media and civil society and meddled with the electoral process. While PiS lacked the supermajority of its Hungarian counterpart, which limited its room for manoeuvre, it did implement its backsliding project in an accelerated and concentrated form.

In both cases the judiciary was an early and major target of backsliding. In Hungary, one of the earliest measures of the new Fidesz government was to curtail the jurisdiction of the Constitutional Court. Further, the judiciary was brought under government control via administrative reorganization (the establishment of a new National Judicial Office headed by a Fidesz loyalist) accompanied by politically motivated removal and appointment of personnel, without consultation with opposition parties. Numerous judges, as well as prosecutors and notaries at various levels, were forced to retire. Likewise, the first target of the PiS government was the judiciary. Immediately after the 2015 elections, controversy erupted over the Constitutional Tribunal because the new PiS-government refused three judges nominated by the former PO-government before they left Office. PiS named its candidates, which led to a blockade of the CT and a swift reaction by the EU against infringement on the rule of law (Sadurski 2019). Also after that, the PiS-dominated Sejm - with help from President Duda - repeatedly changed legislation aimed at compromising the independence of the CT. Finally, PiS appointed judges became the majority and the CT became an instrument of the ruling party.

Another target was the reform of the Supreme Court (SC), of which Poland copied at least two elements. First, similar to Hungary, the retirement age of the judges was lowered, leading to a replacement of forty percent of the judges. In both countries, the Chief Justices of the Supreme Courts, András Baka in Hungary and Małgorzata Gelsdorf in Poland, have faced attacks (Sadurski 2019). Second, the judiciary was brought under partisan control. A new PiS law targeted the National Council of the Judiciary (NCL), which has the power to nominate candidates for seats in the judicial branch, prescribing that fifteen out of the 25 NCL members should be elected, not by the judiciary itself, but by the parliamentary majority.<sup>7</sup>

Beyond the judiciary, another target of the democratic backsliding in both Hungary and Poland was the media. From 2010, Fidesz increasingly applied pressure in this sphere, starting with public television broadcasts, followed by political intervention in the private media market (e.g., government loyalists buying out media outlets). Moreover, the government has strategically used state advertising to distribute public money to pro-government media, which distorts the public sphere and contributes to democratic backsliding (Bátorfy and Urbán 2020). Similarly, PiS substituted the directors of the public television and radio stations with favourable candidates, and those journalists who voiced criticism were also pressured to leave. The government maintained a strained relationship with the press, e.g., by limiting journalists' access to parliament. The PiS government was able to turn the public service media into a propaganda tool, which constantly praises the government and attacks the opposition, "subjecting citizens to the dominant worldview through the prism of imposed, top-down, national traditions, patriotic and Christian values" (Surowiec, Kania-Lundholm and

Winiarska-Brodowska 2020: 37). Finally, even if PiS did not have the tools to take over the private media like Fidesz, it did provide wide-ranging support for its own partisan media outlets.

A third major area of change was meddling with the electoral processes. Indicatively, at the end of 2011, a new law was passed in Hungary containing redistricting provisions, mandatory voter registration along with a ban on campaign advertising in the private media. Implemented in 2012, the law effectively functioned to the advantage of the incumbent. Similarly, PiS undertook an electoral reform in 2017, which, once again, focused on changing the composition of the National Electoral Commission, making it more PiS-friendly. In 2018, additional power to accept or reject election and referendum results was vested in a new chamber in the SC, ‘the Chamber of Extraordinary Control and Public Affairs’, which since its creation has demonstrated its vulnerability to politicization.

Finally, we also find that PiS adopted similar tactics to those of Fidesz. It aimed at removing most of the checks and balances, changing the Parliament in an instrument of executive power, where legislation is drafted hastily and passed swiftly, via proceedings that do not allow for consultation or debate with civil society, or the opposition. Many of the reforms made in Poland violated the parliamentary procedures pushing through laws at night and at a speed not allowing a sensible debate. In cases when legislative proposals failed or were criticized PiS, like Fidesz, re-packaged them and passed them successfully marginalising the opposition (Sadurski, 2019).

### ***Domestic Legitimation of Backsliding Rule***

A third mechanism that has emerged from our study of the Hungarian-Polish coalition is that of domestic legitimation. Building on Dukalskis and Gerschewski (2017), we define legitimation as the need of those in power to justify their rule, which is achieved through the deployment of legitimating claims, symbols and narratives. Not only do autocrats strive to legitimate their rule (von Soest and Grauvogel 2017), but also legitimation can sometimes come from abroad. For instance, the Russian leadership has routinely sought to legitimate flawed elections taking place in post-Soviet states, e.g. by prematurely congratulating its preferred candidate or by framing criticism as biased (Tolstrup 2015).

In the context of democratic backsliding, political backing by a key international ally can be a welcomed instrument (especially given the unavailability of military or economic option, [Yakouchyk 2019]), since endorsement on the international level helps to cast the government's controversial actions as normal and justified at home. Accordingly, a form of backsliding collaboration can involve making legitimating claims and symbolic gestures on behalf of a political ally, which the latter can use to defend and validate its actions.<sup>8</sup>

Given that Hungary was the frontrunner of the backsliding process in the EU, political leadership was particularly interested in strengthening its legitimacy in the domestic arena. This frequently happened in two steps. First, sympathetic right-wing Polish politicians offered praise and support, often in joint appearances, speeches, interviews, etc. Subsequently, these gestures were fed into and disseminated by the Hungarian right-wing media, which, as aforementioned, was gradually brought under



government control. The first high-profile incident was in 2012 when the then PM Tusk defended Hungary against planned EU-actions. He claimed:

*Hungary is not only our friend but a country in a similar situation as we are. It is in the interest of Warsaw that Brussels does not treat the “new countries” of the Community as younger, poor brothers. And does not discipline them like school kids, when - in its opinion - they are starting to depart from European values. (Rzeczpospolita 2012a)*

PiS also defended the Hungarian measures, making even more vocal statements and organizing sympathy protests. These actions and remarks were then repeated time and again by the Hungarian right-wing political leadership and media, with headlines such as “They Were Protesting for Hungary in Warsaw” (Magyar Nemzet 2012a, 3) and “Polish support for Hungary” (Magyar Nemzet 2012b, 2). Further, in February the Hungarian Parliament drafted a resolution to “thank” the Poles for their solidarity, which was again widely reported in the Hungarian press (Magyar Nemzet 2012c, 1).

In the Sejm PiS, but also PO politicians, have routinely emphasized during their speeches the strong “friendship” between the countries, arguing for solidarity with Hungary against EU criticism (Sejm 2013); some of them even praised the Hungarian constitutional and media reforms (Sejm 2011). Furthermore, PiS politicians have vocally defended the actions of the Hungarian government in the EP debates surrounding the deterioration of democracy in Hungary, arguing that its actions were justified based on its popular mandate. The following quote from the PiS MEP Ryszard Antoni Legutko is characteristic:

*The people of Hungary are still supporting Mr Orbán's government. Why do we not trust those people? After all, it is they, and not the EU, who are the real guardians of democracy. Prime Minister Orbán, I wish you and the Hungarian people every success. (European Parliament 2012)*

In tandem, the Hungarian partner has also routinely exhibited their unwavering backing of the Polish partner. In February 2018, after the initiation of Article 7 proceedings against Poland, following a long debate peppered with emotive expressions of solidarity, the Hungarian Parliament passed a resolution calling on the Hungarian government to stand by Poland against the “pressure exerted by Brussels” (Hungarian National Assembly 2018). The resolution, entitled “On standing with Poland against pressure from Brussels”, was subsequently hand delivered by a high-ranking Hungarian official to Beata Mazurek, Deputy Marshal of the Sejm. Again, extensive reporting followed in the Hungarian media (Origo 2018). Interestingly, however, such highly symbolic gestures were intended predominantly for Hungarian domestic consumption, finding much smaller resonance in the Polish press.

Another highly publicised event was the participation, in March 2019, of Polish PM Mateusz Morawiecki in the commemoration held on the occasion of the 1848-49 Hungarian Revolution and War of Independence from the Habsburg Monarchy. This was a sensitive time as the EPP was considering to possibly suspend Fidesz's membership in it. PM Orbán began his ceremonial speech by pointing out: “The Poles are with us here today,” immediately turning to EU-criticism:

*When Poland is attacked from Brussels, the attack is against the whole of Central Europe – and us Hungarians. To empire-builders who seek to cast their shadow*

*over Central Europe, we have this to say: they will always need to reckon with the strong bonds between Poland and Hungary. (Origo 2019)*

Our data show that the Hungarian partner has relied more on the endorsement and praise offered by Polish leaders. We find no analogous use of the coalition in the Polish public sphere, even though the Hungarian partner has also sought to boost the legitimacy of the Polish side. One reason for this may be that the late backslider loses the incentives to associate themselves with the early backslider, anticipating criticism from political opponents as we have already seen in the previous section on learning. Association with Orbán may be seen as de-legitimizing and damaging for the Polish leadership and therefore it is downplayed.

## **Discussion**

Our article shows that while it is domestic factors that put a state on a backsliding trajectory, international cooperation can contribute to keeping it on it. We have identified three specific mechanisms the Hungarian and Polish governments coalesced to further their backsliding projects: mutual protection, learning and domestic legitimation. This theoretical tool can be used to analyse the cooperation of backsliding leaderships in the future.

The most compelling use of the Hungarian-Polish coalition was to debilitate the EU's sanctioning power, which was brought to the extreme during the negotiations over the EU's €1.8 trillion budget and coronavirus recovery package in 2020. The EU's decision rules have, in turn, contributed to the formation of the coalition, with the possibility of veto encouraging the formation of a bilateral stable coalition instead of

broader consensus-seeking. We have further shown that the collaboration of the Hungarian and Polish leadership has enhanced their backsliding projects overall, even though they have utilized it differently: the former for regime legitimation, the latter for drawing lessons.

We have developed the concept of backsliding coalition by drawing on the literature on international collaboration of authoritarian regimes and adapting existing insights to a liberal-democratic order and the multi-level system of the EU. Even though “robust” mechanisms of cooperation for autocratic survival and/or autocracy promotion, such as direct intervention or financial support, are not feasible in this context, more subtle mechanisms do operate and can be instrumental in advancing democratic backsliding projects. We concur with Margulies (2019) in arguing that linkages can degrade democratic quality when forged between illiberal or undemocratic actors and can be used to build alternatives to EU (Western) institutions. Our results also contribute to social theory, showing that some these mechanisms such as mutual protection can be based on rational, while others such as learning on sociological motivations.

To our knowledge, this article is the first systematic investigation of a coalition between backsliding states in general and Hungarian and Polish leadership in particular. Focusing on these two countries, we argue that the motivations for the Hungarian-Polish coalition have been both interest-based and ideological. On the one hand, like in the case of authoritarians (Von Soest 2015; Burnell 2010), political leaders have found cooperation useful for their political projects, and to an extent, their political survival. On the other hand, ideological closeness has also played a role: the coalition crystallized after PiS’s victory in 2015 but has found comparably less resonance among the PO,

which is situated on the liberal - conservative end of the political spectrum and which also sits with the EPP, but does not espouse a national-populist political ideology as are Fidesz and PiS. The stance of the PO between 2012 and 2015 is particularly instructive. PO helped the Fidesz government at crucial moments, even though we shall note that the true proportions of the Hungarian backsliding project at the time had not yet been revealed. This shows that durable alliance structures between political leaders can act as stabilizers for backsliding regimes, especially at the start of the backsliding process.

The current trends of collaboration and support among illiberal leaders within the EU (Salvini, Le Pen) signals the importance of looking beyond state characteristics and to include the impact of interactions of political leadership on domestic developments, including the deterioration of democratic quality. Moreover, since Hungary and Poland have acted as “trendsetters” in ECE (Ágh 2015) they could play a key role in popularizing the idea of backsliding among leaders with similar ideological predilections and ambitions. Already visible are the contours of Orbán’s “soft power” attempt in the Western Balkans (Krekó and Enyedi 2018) – a region where EU conditionality has been insufficient and even counter-productive to achieving democratization (Richter and Wunsch 2020). Whether the Hungarian-Polish coalition can be extended within the EU is an interesting avenue for further investigation.

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## Appendix

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<sup>1</sup> We are aware, that due to the dynamic developments since, also the term “autocratizing coalition” would be a valid alternative.

<sup>2</sup> Although both PiS and Fidesz govern in alliance, (the former with the Christian Democratic People’s Party [KDNP] and the latter within the United Right), due to the marginal impact of the coalition partners, our research refers primarily to PiS and Fidesz.

<sup>3</sup> Comparison with other newspapers showed that the coverage of Polish-Hungarian relations in the time-period of interest was more extensive in the right-leaning press.

<sup>4</sup> The material provided in this article, if not accessible in English, has been translated from the Hungarian and Polish originals by the authors. These examples are fully referenced, but the authors can provide access

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to the rest of the data upon request. On few occasions we have also included evidence outside of this delineated set of texts, either when citing a foreign leader or a well-publicized and widely known statement.

<sup>5</sup> While some authors point out that PiS “copied” Fidesz’s project of democratic backsliding (e.g. Kelemen and Orenstein 2016), empirically proving that learning has indeed occurred is not as straightforward. It is possible to conflate learning with isomorphism, i.e., similar actors doing similar things because this is the “optimal” way for achieving their goals using similar rhetoric to legitimize these actions.

<sup>6</sup> Interestingly, Orbán had characterized PiS’s 2005 victory as an “outline and a script” for Hungary (*Magyar Hírlap, January 18, 2006, p. 7*).

<sup>7</sup> The changes of the judicial system went way further in Poland than in Hungary. The PiS government introduced a disciplinary system against critical judges in 2018, followed by the controversial “Muzzle Law” in 2020, which allows for punishing Polish judges if they question the government’s judicial reforms, ask the European Court of Justice for a preliminary ruling, or even make public statements.

<sup>8</sup> In this paper we do not assess how legitimating claims and gestures that target the general population are actually received.