

Party-politics as Usual? Positions of the European Parliament’s Political Groups towards Sanctions against Democratic Backsliding

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Abstract

Although the European Union (EU) has never used sanctions internally against member state governments that breach liberal democratic principles, preferences inside EU institutions about the use of such sanctions diverge. As the salience of ‘democratic backsliding’ inside the EU has increased during this decade, anecdotal evidence suggests that party politics play a key role in determining attitudes towards sanctions: parties strategically oppose sanctions to protect target governments that belong to their own European party family. This paper conducts a first systematic analysis of this claim. I examine a most likely case for partisan politics – the positions of political groups in the European Parliament (EP). A fuzzy-set Qualitative Comparative Analysis of attitudes towards the use of sanctions to address backsliding in Hungary (since 2010), Romania (in 2012), and Poland (since 2015) finds that party politics indeed matter. However, they cannot be reduced to the ideological distance (in Left/Right terms) between an EP party group and a target government. Preferences about sanctions are the result of conjectural causation, in which parties’ commitment to liberal democracy as well as their attitudes towards European integration also play a role. One implication of this finding is that while partisan politics can be an obstacle to the internal use of sanctions by EU institutions, specific partisan configurations in target countries are more conducive to the imposition of sanctions, e.g. if the target governments is composed of a party of the Left.

Introduction¹

Among the various activities of the European Union (EU) to promote democracy, one area has so far received very little scholarly attention: sanctions in response to a deterioration of democracy in the EU’s member states. One reason for this neglect is that although the Treaty of Amsterdam introduced the possibility to sanction member states that commit serious and persistent breaches of liberal democratic principles, these sanctions have never been used. At the same time, over this decade we have witnessed a dramatic increase in the salience of the debate to use sanctions in the face of instances of ‘democratic backsliding’ – reversals of democratic reforms – and serious deteriorations of liberal democratic practices in EU member states.

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Concerns about developments in EU member states that undermine liberal democratic principles are certainly not new. They include the domination of the Italian media by Silvio Berlusconi, the participation of the right-wing *Alleanza Nazionale* in Berlusconi's government, or the Austrian People's Party's inclusion of the right-wing Freedom Party into a coalition government (see e.g. Merlingen et al. 2001). Yet there is a clear sense that more recently breaches of liberal democracy have been both more blatant and more systemic in some of the EU's post-communist new member states (see also Kelemen forthcoming).

In 2012, Romania's centre-left government blatantly disregarded the rule of law by ignoring constitutional principles and rulings by the Constitutional Court in its pursuit of the impeachment of the centre-right president (see e.g. Pop-Eleches 2013; Isumen 2015). The attacks on liberal democracy by Hungary's centre-right Fidesz government since its land-slide victory in the 2010 parliamentary elections have been more subtle, but also much more far-reaching. Since Fidesz obtained a 2/3 majority in parliament that allowed it to change the constitution, it was able to take a range of measures to concentrate and entrench power in the hands of the government party without formally breaching the rule of law. Yet arguably these attacks have been even more serious, since they systematically undermine pluralism, liberal democratic competition and the spirit of liberal democracy (see e.g. Bankuti et al. 2012; Scheppele 2013). More recently, the national-conservative PiS government in Poland has started to follow the Hungarian example by using its absolute majority in elections in October 2015 to assert its control over the Constitutional Court and the media (see e.g. Kelemen and Orenstein 2016).

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

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

Even if the EU institutions have not agreed to use the sanctions available in Article 7 TEU so far, it is precisely important to understand why it has proved so difficult to use this instrument (and thus to threaten its use credibly). More broadly, beyond the hard sanctions of Article 7, how can we explain that some actors appear more willing than others to condemn backsliding? What accounts for the variation in actors' attitudes towards material and social sanctions against breaches of liberal democracy? With regard to the case of Hungary, some commentators have focused on party politics to explain support and opposition to sanctions. Such explanations have highlighted the opposition of the European People's Party (EPP) to sanctions against the Centre-right Fidesz government in Hungary (see e.g. Kelemen 2015). Likewise, it has been suggested that parties of the Left protected the Romanian centre-left Social Democratic (SDL) government (Zalan 2016). Such anecdotal evidence suggests that support and opposition to sanctions against democratic backsliding reflects patterns of partisan friendship and rivalry, focusing on the Left/Right dimension of party political orientation.

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

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

EU sanctions against democratic backsliding

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

Soft sanctions against democratic backsliding consist of social pressure – shaming through open criticism of illiberal practices in a member state. The main instances of

social sanctions in the EU are resolutions by the European Parliament (EP). The EP cannot impose legally binding obligations on the government of an illiberal member state, but it can pass resolutions that denounce its practices.

Theoretical framework and hypotheses

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

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

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

outcome of negotiations at the EU level comes closer to one's own preferred outcome.

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

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

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

A strong normative commitment to liberal democracy should increase actors' inclination to use all available instruments against democratic deficiencies in other EU member states. They can be expected to do so regardless of whether the target

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

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

Constructivism also draws attention to a further dimension of party politics that can be expected to affect actors' preferences towards sanctions. These preferences might also depend on actors' general attitudes towards European integration. If actors' identities are incompatible with the idea of supranational governance, they are likely to reject the use of EU sanctions as illegitimate interference in domestic affairs. In other words, while such actors might not necessarily reject the use of sanctions against illiberal government as such, but they consider it inappropriate that the EU should do so, or that the EU should be used as a forum to decide on

sanctions. Thus, even if actors had strong partisan incentives to support sanctions or a strong normative commitment to democratic norms, they would only support sanctions if they consider European integration normatively appropriate. A key difference to the above two explanatory factors is that attitudes towards supranational integration would not be expected to be the cause for actors' preferences towards sanctions. Instead, this factor would affect whether an otherwise motivated inclination to support sanctions does actually lead actors to support them.

The **supranational integration hypothesis** therefore suggests that, *ceteris paribus*, *actors support sanctions if they have a favourable attitude towards European integration, and oppose sanctions if their attitude is unfavourable.*

Research Design and Methodology

This paper assesses these partly competing, partly complementary party political hypotheses for actors' preferences towards sanctions against democratic backsliding in a most likely case for party politics: the European Parliament (EP). The paper analyses the position taken by the different political groups – the party groups in which the members of the EP sit according to political affiliation, rather than by nationality – towards sanctions in the three recent cases of democratic backsliding: Hungary since 2010, Romania in 2012, and Poland since 2015.

The paper analyses these position through a fuzzy-set Qualitative Comparative Analysis (fsQCA) (Ragin, 2008; Schneider and Wagemann, 2012). The choice of method is partly a pragmatic choice: it allows us to conduct a systematic analysis although the number of cases (n=21 positions of the seven political groups towards sanction for three countries) is too small for a regression analysis. At the same time, there is a substantive reason why QCA is particularly promising for this subject. A key strength of QCA is that it is sensitive to causal complexity; and there are good reasons to believe that at least some of the explanatory conditions have their effect only in particular configurations of, and in combination with other, explanatory

conditions. For example, as mentioned above, a favourable attitude towards European integration can only be a necessary condition to support sanctions; it cannot cause in itself support for sanctions but only in combination with either partisan incentives or normative considerations for doing so. Likewise, partisan incentives to support sanctions might only lead actors to actually support them if they do not have a strong normative commitment to liberal democracy. In sum, the hunch that conjectural causation characterises the relationship between the three party political explanations suggest that QCA is particularly well suited for the analysis.

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

Operationalising explanatory conditions: supranationalism, liberal democracy, ideological distance

The paper derives these party political orientations of the EP political groups from the expert survey conducted by McElroy and Benoit (2012). Political groups' *attitudes towards European integration* are taken from the question 'EU Federalism' that assesses the extent to which a political group 'promotes a federal vision for the EU' versus a 'Europe of nation-states'. For a party group's *commitment to liberal democracy*, or its GAL/TAN orientation, the closest proxy in McElroy and Benoit (2012) is the category 'social' that captures whether a group 'favours liberal policies on matters such as abortion, homosexuality, and euthanasia'. An obvious drawback of this indicator is that it focuses more on party orientation towards liberal *policies* than on a liberal democratic system of governance committed to pluralism. In other

words, it focuses on the policy aspects of the ‘libertarian’ element of GAL, rather than the contrast with the ‘authoritarian’ element in TAN, which is what we are primarily interested in when we try to assess a party’s attitude towards *liberal democracy* as a commitment to pluralism, electoral competition, and separation of powers

Still, the use of this proxy appears justified, not merely as the best available indicator, but also because it appears sufficiently close to the concept that it is meant to measure for it to be appropriate. Our theoretical and empirical knowledge also suggests that this proxy is strongly linked to attitudes towards liberal democratic governance. There is a strong association between a commitment to individual rights with regard to the policies captured by the ‘social’ category, and a commitment to individual rights in the sense of fundamental political rights characteristic of liberal democratic political systems. Moreover, views about what constitutes an acceptable trade-off between individual rights and effective, strong government are also linked to what are considered acceptable limitations on a separation of powers and political pluralism.

Our empirical knowledge also suggests that the scores for the different party groups according to the ‘social’ category by McElory and Benoit (see table 1 below) generally also match well their party family’s relative commitment to liberal democracy in terms of a centralisation of power and limitations on pluralism. In this sense, we would generally consider green parties and liberal parties to be most strongly committed to liberal democracy; parties of the centre-left more than parties of the centre-right, and far-right parties the least. The only EP party group for which this relative ranking according to their ‘social’ score does not seem to match well their commitment to liberal democracy is the United Left: while parties of the hard left may indeed score highly with regard to libertarian *policies*, they are also generally more inclined to endorse a concentration of executive power. I will return to the possibility that the United Left might be the only political group in the EP for which the proxy for liberal democracy is not well suited when discussing the results of the analysis. One implication of this operationalisation of this party-political

dimension is that the semantics might appear somewhat counterintuitive. For example, with regard to this dimension, the EPP is considered one of the political groups that do not have a 'strong commitment to liberal democracy'. This notion might appear confusing since of course the parties of the EPP are certainly committed to democracy; but the EPP scores lower with regard to *liberal* democracy as its members are more prepared to accept limitations on pluralism and on a separation of powers.

With regard to transnational partisan politics, I draw on additional survey data for national parties to calculate the *ideological distance* between an EP political group and a target government. For the main parties in the target governments – Fidesz in Hungary, the Social Democratic Party (PSD) in Romania, and Law and Justice (PiS) in Poland – I use the 2014 Chapel Hill Expert Survey (CHES) (Bakker et al. 2015). I calculate the ideological distance by subtracting a target government party's CHES score for their 'Leftright' position (multiplied by 2 since it is on a 10-point scale) from McElory and Benoit's (2012) 'Left-right' score for an EP political group (using absolute numbers).

Operationalising the outcome: EP political group preferences regarding sanctions

The preferences of EP political groups towards sanctions against the Hungarian, Romanian, and Polish governments respectively are derived as follows. No formal proposal to use Article 7 was submitted and voted on for either of these countries. Party attitudes therefore have to be derived from voting behaviour on EP resolutions concerning the political situation in these countries or from statements of the party groups' political leadership.

With regard to Poland, the EP voted with a roll-call on a resolution that endorsed the Commission's use of its 'rule of law framework' in April 2016, which allows us to identify which party groups supported and which opposed the use of this mechanism, and thus at least to use social sanctions against the PiS government. The resolution was supported by the group of Social Democrats (S&D), with a group

cohesion² of 100%; the United Left- Nordic Green Left (GUE/NGL) (100%); the Greens/European Free Alliance (Greens/EFA) (100%); the Liberals (ALDE) (98.39%); as well as the European People's Party/Christian Democrats (EPP) (91.98%). Opposition came from the following groups: the national-conservative Conservatives and Reformists (ECR), cohesion 98.41; the Eurosceptic Europe of Freedom and Direct Democracy group (EFDD, re-formed in June 2014 from the Europe of Freedom and Democracy Group, EFD) (54.84%); and the populist radical right Europe of Nations and Freedom group (ENF)³, (100%).

For Hungary and Romania, the identification of party positions towards sanctions is less straightforward. For Hungary, the EP voted on five resolutions regarding the political situation in Hungary (in July 2011, February 2012, July 2013, June 2015, and December 2015). Although the first four resolutions did not use roll call votes, we can infer the positions on sanctions of the EP groups from the identity of the groups that tabled the resolutions and counter-resolutions and from media reports (*Agence Europe*, 6.7.2011; 17.2.2012).

With regard to the EP resolution adopted on 3 July 2013 ('Tavares Report') with 370 votes against 249 votes and 82 abstentions, it is difficult to identify the positions for the different EP groups. For the other three resolutions without roll-call votes, the patterns are clearer. On 5 July 2011, the EP adopted by 331 votes to 274 with 54 abstentions a resolution on the revised Hungarian constitution tabled by the Social Democrats, the United Left, the Greens and ALDE groups. The resolution on the political situation in Hungary that was adopted on 10 June 2015 (362 votes for, 247 against, 88 abstentions) was tabled by the same groups. Again the same groups had also tabled the resolution of 16 February 2012 on recent political developments in Hungary. That resolution was adopted (315 votes for, 263 against, 49 abstentions) after defeating two motions for a resolution tabled respectively by the EPP and the ECR. These patterns indicate that the former four groups supported sanctions

² Here calculated as loyal votes out of the total number of votes cast by the political group.

³ The ENF was launched in June 2015 and is not included in the analysis since it is not covered by McElroy and Benoit (2012).

while the latter two opposed them. The EFD did not (co-)sponsor any of these critical resolutions, and although it neither did so for the counter-resolutions, this behaviour can be interpreted as lack of support for sanctions.

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

With regard to Romania, the EP did not pass any resolutions since the Romanian government acquiesced fairly quickly to the demands by the presidents of the Commission and the European Council to redress the breaches of the rule of law in 2012. However, we can use statements by the leaders of the political groups reported in the media as indicators of their inclination to consider sanctions against the Romanian government. Such critical statements were made by the leadership of the EPP (*EUObserver*, 6.7.2012), the S&D Group (*Agence Europe*, 11.7.2012), ALDE (*Agence Europe*, 19.7.2012), and the Greens (*Agence Europe*, 31.7.2012). The remaining party groups – the United Left, the ECR and the EFD –did not make statements that criticised the Romanian government and/or stated their support for the possibility to use Article 7 if the Romanian government did not redress its breaches of the rule of law. For the analysis, I treat the lack of explicit support for sanctions as opposition to sanctions. Table 1 summarises the positions of the political groups with regard to sanctions against Hungary, Romania, and Poland respectively.

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

<i>EP political group</i>	<i>Target government</i>	<i>Commitment to liberal democracy¹</i>	<i>Ideological (left-right) distance to target government¹</i>	<i>Support for European integration¹</i>	<i>Support (1) or opposition (0) to sanctions</i>
United Left	Hungary	15.1	10.86	6.1	1
United Left	Romania	15.1	3.1	6.1	0 ²
United Left	Poland	15.1	12.98	6.1	1
Greens	Hungary	17.3	9.36	12.7	1
Greens	Romania	17.3	1.6	12.7	1
Greens	Poland	17.3	11.48	12.7	1
S&D	Hungary	14.7	5.96	12.6	1
S&D	Romania	14.7	1.8	12.6	1
S&D	Poland	14.7	8.08	12.6	1
ALDE	Hungary	15.8	1.86	13.9	1
ALDE	Romania	15.8	5.9	13.9	1
ALDE	Poland	15.8	3.98	13.9	1
EPP	Hungary	6.3	0.26	12.1	0
EPP	Romania	6.3	7.5	12.1	1
EPP	Poland	6.3	2.38	12.1	1
ECR	Hungary	4.7	3.34	1.8	0
ECR	Romania	4.7	11.1	1.8	0 ²
ECR	Poland	4.7	1.22	1.8	0
EFD	Hungary	3.6	4.84	0.1	0
EFD	Romania	3.6	12.6	0.1	0 ²
EFDD	Poland	3.6	2.72	0.1	0

¹ On a scale from 0-20.

² No explicit statement supporting sanctions; interpreted as opposition to sanctions (absence of support).

Analysis and Findings

The result of the fsQCA are two equifinal solutions for EP groups' support for sanctions.⁴ In other words, two different combinations of explanatory factors both produce (or explain) this outcome. These results are summarised in QCA language below:

support → integration (liberalism + distance)
~support → ~liberalism (~distance + ~integration)

For EP groups to support sanctions against democratic backsliding, it is a necessary condition that they have a positive attitude towards European integration. If a political group is favourable to European integration, then it supports sanctions against another EU member state *either* if it is committed to the values of liberal democracy *or* if it is ideologically distant from the target government. The first combination includes the positions of ALDE, the Greens, and the Social Democrats in all three country cases. These groups supported sanctions in both cases regardless of the ideological proximity in Left/Right terms for Social Democrats and Greens with regard to the Romanian PSD government and for ALDE with regard to Fidesz in Hungary. The second combination applies to the EPP's support for sanctions against the Romanian government - an ideological rival (it also applies to the cases of the Social Democrats and Greens with regard to Hungary and Poland, which means that these four cases are overdetermined and fit with both explanations). The only cases that are not covered by these explanations are the support of the (moderately) Eurosceptic United Left group for sanctions against both the Hungarian and Polish government, as well as the EPP's support for sanctions against PiS in Poland despite ideological proximity in Left/Right terms. I will return to these cases, and in particular the apparent anomaly of the United Left, below.

⁴ This result has a very high consistency (0.967) and a reasonable coverage (0.661). This is the results for the complex solution. For detailed results see Annex 1, Table 3.

The analysis also produces two explanations for the opposition to sanctions.⁵ The absence of a commitment to liberal democracy emerges as a necessary condition for such an opposition. If an EP group is not strongly committed to liberal democracy, it opposes sanctions if either of two additional conditions is present. First, political groups that do not have a strong commitment to liberal democracy oppose sanctions against target governments to which they are ideologically close (with regard to their left-right orientation). This explanation covers the cases of the opposition to sanctions against Hungary from the EPP, the ECR and the EFD/EFDD, as well from the latter two in the case of Poland. All three groups have a weaker commitment to *liberal* democracy (and instead are – to varying degrees – more strongly characterised by traditionalist, authoritarian, or nationalist attitudes) and are ideologically close to the Hungarian Fidesz government and the Polish PiS government in Left/Right terms. The one case that is inconsistent with this explanation is the EPP's *support* for sanctions against the Polish government, despite its ideological proximity (in Left/Right terms) and lack of strong commitment to liberal democracy. However, while close in Left/Right terms, in contrast to the case of Fidesz in Hungary, PiS is not a member of the EPP, but of the ECR, formed by the UK's Conservative Party to bring together Eurosceptic conservative parties. In this sense, partisan ideological distance might not be best expressed in Left/Right terms, but through membership in another political group. Indeed, a separate analysis that uses membership in a political group as an indicator of ideological distance shows that it increases both the consistency and the coverage of the results both for the explanation of support for, and opposition against, sanctions (see Annex I, table 4).

The second explanatory path is that EP groups lacking a strong commitment to liberal democracy oppose sanctions – even if they target an ideological rival – if they do not support European integration. This finding suggests that for Eurosceptic political groups, their aversion to the EU's involvement in a member state's domestic politics trumps the potential party political benefits of sanctions. This explanation

⁵ This solution has a high consistency (0.8) and a high coverage (0.836). The results are identical for the parsimonious, intermediate and complex solution; there are no logical remainders. For detailed results see Annex 1, Table 3.

covers the cases of the opposition of the Eurosceptic ECR and the EDF to sanctions against the Romanian PSD government (despite their ideological distance) as well as the opposition of these two groups to sanctions against Hungary and Poland (which are thus covered by both explanatory paths, since in these cases, the target governments are also ideologically close in Left/Right terms).

One case does not fully fit with either these explanations: the opposition to (or rather, lack of support for) sanctions against the Romanian government by the United Left is not covered by either explanation, due to its strong commitment to liberal democracy (even if it fits with its Euroscepticism and ideological proximity to the PDS). As mentioned earlier, the fact that the United Left is a case that is not fully consistent both with the explanations for support for, and opposition to, sanctions, might be related to the indicator for 'commitment to liberal democracy' that the analysis used. The United Left might be the only case for which the category 'social' in McElroy and Benoit (2012) is not a good proxy, as it might overstate the extent of its commitment to *liberal democracy* (as opposed to libertarian *policies*). However, if we conduct a separate analysis in which we convert the party groups' scores for liberal democracy into crisp-sets (either 0 or 1) and set the score for the United Left to 0, then the coverage of the results increases, especially for the explanation of opposition to sanctions. However, it does decrease the consistency of the explanation for the opposition to sanctions (see Annex I, Table 5.)

Conclusions

What are the obstacles to the EU's democracy promotion inside its membership through sanctioning democratic backsliding? Under what conditions does the EU use such sanctions? Is the Left/Right party political dimension a key factor determining actors' attitude to sanctions? This paper has provided a more systematic analysis of the positions of the EP political groups towards sanctions in recent cases of democratic backsliding in Hungary, Romania, and Poland. The analysis suggests that party politics indeed matter. However, while actors' ideological (Left/Right) distance

can play a role in actors' decisions about whether to sanction democratic backsliding, this decision cannot be reduced to this dimension.

There are instances when EP political groups do support sanctions against target governments composed of ideological rivals and conversely, when they do oppose sanctions against partisan allies. But do not *always* do so. In other words, transnational partisan politics based on ideological distance alone are not a sufficient condition for these outcomes. Ideological proximity leads political groups to oppose sanctions that target their partisan allies only if they are not strongly committed to liberal democracy. This is the case for the EPP's opposition to sanctions against Viktor Orbán's Fidesz government in Hungary (as well as by the ECR and EFD/EFDD in the cases of Hungary and Poland). While the case of the EPP's support for the Fidesz government in Hungary has been the key case on which commentators have focused to highlight the importance of party politics for attitudes towards sanctions against democratic backsliding in the EP, we have to be careful not to reduce the argument to the Left/Right dimension. Ideological distance does matter in a specific constellation of party political orientations, but it does not lead by itself to support or opposition to sanctions. If party groups are strongly committed to liberal democracy, then they do not oppose sanctions, even if they target a partisan ally abroad, as in the case of the Social Democrats and the Romanian SDL government. Likewise, ideological distance only leads party groups to support sanctions against partisan rivals if the group otherwise has a favourable attitude towards European integration and thus considers the EU a legitimate actor to intervene in the domestic affairs of member states. If they do not, then they do not support sanctions even if targeted at ideological adversaries, as in the case of the ECR or EFD with regard to the Romanian government.

Moreover, other constellations of party political conditions can lead to support or opposition of sanctions regardless of the Left/Right orientation of the target government. Political groups with a strong commitment to liberal democracy that also have a positive attitude towards European integration support sanctions against democratic backsliding, regardless of the Left/Right orientation of the target

government. Conversely, political groups oppose sanctions if they do not have a strong normative commitment to liberal democracy and at the same time do not have a favourable attitude towards the EU, again, regardless of the Left/Right orientation of the target government.

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

How generalizable are these findings about the preferences of EP party groups for EU politics more generally? The EP is a most likely case to find party political dynamics underpinning attitudes towards sanctions. Since the party political explanation for sanctioning democratic backsliding had not yet been subjected to a more systematic analysis, the choice of a most-likely case appears appropriate. At the same time, the positive finding with regard to the EP means that further research is required to confirm that party politics – and similar constellations of party political orientations – are also relevant for preferences among member state governments in the Council. Yet even if such further research found that party politics are limited to the EP, this would not mean that they are unimportant for EU sanctions against backsliding more generally. First, EP resolutions exposing and condemning democratic backsliding in member states remain a central element of the EU's social sanctions. Second, party politics in the EP are also highly significant for the EU's material sanctions under Article 7 TEU, since they require the EP's consent with a 2/3 majority.

What are the implications of these findings for the EU's ability to sanction democratic backsliding? The finding that different party political constellations can predispose actors against sanctions – apparently irrespective of the merits of a

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

References

- Bakker, R., C. de Vries, E. Edwards, L. Hooghe, S. Jolly, G. Marks, J. Polk, J. Rovny, M. Steenbergen, and M. Vachudova (2015) 'Measuring Party Positions in Europe: The Chapel Hill Expert Survey Trend File, 1999-2010', *Party Politics* 21(1): 143-52.
- Bánkúti, M., Halmai, G. and Scheppele, K.L. (2012) 'Disabling the Constitution', *Journal of Democracy*, 23(3): 138–46.
- Closa, C., Kochenov, D. and Weiler, J. H. H. 2014. Reinforcing Rule of Law Oversight in the European Union, Florence: EUI Working Papers RSCAS 2014/25.
- Galtung, J. (1967) 'On the Effects of International Economic Sanctions, With Examples from the Case of Rhodesia', *World Politics* 19(3): 378-416.
- Hix, S. (1999) 'Dimensions and alignments in European Union politics: cognitive constraints and partisan responses', *European Journal of Political Research*, 35(1): 69-106.
- Hooghe, L., Marks, G., and C. Wilson (2002) 'Does Left/Right Structure Party Positions on European Integration?', *Comparative Political Studies*, 35(8): 965-89.
- Iusmen, I. (2015) 'EU Leverage and Democratic Backsliding in Central and Eastern Europe: the Case of Romania', *Journal of Common Market Studies* 53(3): 593-608.
- Jenne, E.K and Mudde, C. (2012) ' Hungary's Illiberal Turn: Can Outsiders Help?', *Journal of Democracy*, 23(3): 147-55.
- Kelemen, D. (2015) 'EPP ♥ Orbán: Leading figures in the European People's Party are sheltering the Orbán regime in the name of partisan politics', POLITICO,

- 18.06.2015,<<http://www.politico.eu/article/epp-defends-hungary-orban-against-criticism/>>
- Kelemen, R. D. (forthcoming) 'Europe's Other Democratic Deficit: National Authoritarianism in a Democratic Union', *Government & Opposition*.
- Kelemen, R. D. and M. A. Orenstein (2016) 'Europe's Autocracy Problem: Polish Democracy's Final Days?', *Foreign Affairs*, 7 January 2016.
- Mackie, J.L. (1965) 'Causes and Conditions', *American Philosophical Quarterly*, 12: 245–65.
- Manow, P., Schafer, A. and H. Zorn (2008) 'Europe's party-political centre of gravity, 1957–2003', *Journal of European Public Policy* 15(1): 20–39.
- McElroy, G. and Benoit, K. (2012) 'Policy Positioning in the European Parliament'. *European Union Politics*, 13(1): 150-67.
- Merlingen, M., Mudde, C. and Sedelmeier, U. (2001) 'The Right and the Righteous? European Norms, Domestic Politics and the Sanctions against Austria'. *Journal of Common Market Studies*, 39(1): 59-77.
- Müller, J.W. (2015) 'Should the EU Protect Democracy and the Rule of Law inside Member States?', *European Law Journal* 21(2): 141-60.
- Pop-Eleches, G. (2013) 'Learning from Mistakes: Romanian Democracy and the Hungarian Precedent'. *Newsletter of the European Politics and Society Section of the American Political Science Association*, Winter 2013, pp. 9-12.
- Pop-Eleches, G. (2014) 'Authoritarian Backsliding in Eastern Europe - "Achievements" and Limitations', *APSA-Comparative Politics Newsletter* 24(2): 7-9.
- Ragin, C.C. (2008) *Redesigning Social Inquiry: Fuzzy Sets and Beyond* (Chicago: University of Chicago Press).
- Sadurski, W. (2012) *Constitutionalism and the Enlargement of Europe* (Oxford: Oxford University Press.)
- Scheppele, Kim Lane (2013) 'Not Your Father's Authoritarianism: The Creation of the "Frankenstate"'. *Newsletter of the European Politics and Society Section of the American Political Science Association*, Winter, pp. 5–9.
- Schneider, C.Q. and Wagemann, C. (2012) *Set-Theoretic Methods for the Social Sciences: A Guide to Qualitative Comparative Analysis* (Cambridge: Cambridge University Press).
- Sedelmeier, U. (2014) 'Anchoring Democracy from Above? The European Union and Democratic Backsliding in Hungary and Romania after Accession', *Journal of Common Market Studies* 52(1): 105-121.
- von Bogdandy, A., Kottmann, M., Antpöhler, C., Dickschen, J. and Hentrei, S. (2012) 'Reverse Solange. Protecting the essence of fundamental rights against EU Member States', *Common Market Law Review* 49(2): 489-519.
- Zalan, E. (2016) 'Can Europe Stand Up to its Own Strongmen? Eastern Europe is Backsliding on Democracy – and Brussels Isn't Doing Anything to Stop It.' *Foreign Policy*, 10 March 2016. <<http://foreignpolicy.com/2016/03/10/can-europe-stand-up-to-its-own-strongmen/>>

Annex 1: Details of the fsQCA Analysis

Table 2: Cut-off points for direct calibration of fuzzy-set scores for explanatory conditions (1= full membership in a set; 0= full non-membership)

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

Table 3: Results of the fsQCA analysis

1. Analysis: Support for sanctions (consistency cutoff: 0.82)

Complex solution

	raw coverage	unique coverage	consistency
liberalism*integration	0.622	0.23	0.974
distance*integration	0.432	0.039	0.951
solution coverage: 0.662			
solution consistency: 0.967			

Parsimonious solutions

	raw coverage	unique coverage	consistency
~distance*liberalism	0.318	0.169	0.85
distance*integration	0.432	0.282	0.951
solution coverage: 0.601			
solution consistency: 0.907			

Intermediate solution

	raw coverage	unique coverage	consistency
integration*distance	0.432	0.432	0.951
solution coverage: 0.432			
solution consistency: 0.951			

2. Analysis: Opposition to sanctions (identical results for complex, parsimonious, and intermediate solution);

consistency cutoff: 0.353

	raw coverage	unique coverage	consistency
~liberalism*~integration	0.760	0.284	0.881
~liberalism*~distance	0.553	0.076	0.733
solution coverage: 0.836			
solution consistency: 0.8			

consistency cutoff: 0.776

	raw coverage	unique coverage	consistency
~liberalism*~integration	0.76	0.76	0.881
solution coverage: 0.76			
solution consistency: 0.881			

Table 4: Results for fsQCA with party group membership instead of Left/Right orientation as indicator of ideological distance

1. Analysis: Support for sanctions (consistency cutoff: 0.882; identical results for complex, parsimonious and intermediate solution)

	raw coverage	unique coverage	consistency
liberalism*integration	0.622	0.064	0.974
distance*integration	0.663	0.105	0.987
solution coverage: 0.727			
solution consistency: 0.977			

2. Analysis: Opposition to sanctions (consistency cutoff: 0.866; identical results for complex, parsimonious, and intermediate solution);

	raw coverage	unique coverage	consistency
~liberalism*~integration	0.760	0.613	0.881
~liberalism*~distance	0.233	0.085	0.969
solution coverage: 0.845			
solution consistency: 0.892			

Table 5: FsQCA results with 'liberalism' converted to crisp-set and adjusted for GUE

1. Analysis: Support for sanctions (consistency cutoff: 0.754)

Complex and intermediate solution

	raw coverage	unique coverage	consistency
liberalism*integration	0.593	0.23	1.0
distance*integration	0.432	0.068	0.951
solution coverage: 0.662			
solution consistency: 0.967			

Parsimonious solution

	raw coverage	unique coverage	consistency
liberalism	0.692	0.329	1.0
distance*integration	0.432	0.068	0.951

solution coverage: 0.761

solution consistency: 0.972

2. Analysis: Opposition to sanctions (consistency cutoff: 0.412)

Complex and intermediate solution

	raw coverage	unique coverage	consistency
~liberalism*~integration	0.888	0.36	0.759
~liberalism*~distance	0.604	0.076	0.787

solution coverage: 0.964

solution consistency: 0.713

Parsimonious solution

	raw coverage	unique coverage	consistency
~integration	0.888	0.36	0.667
~liberalism*~distance	0.604	0.076	0.787

solution coverage: 0.964

solution consistency: 0.637
