Sanctioning democratic backsliding within International Organisations: evidence from the European Parliament and the Parliamentary Assembly of the Council of Europe

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Abstract

When do democratic Regional Intergovernmental Organisations (RIOs) punish their own members for violations of democratic norms? The literature has established that there is strong variation in whether RIOs sanction such violations. However, there is also considerable variation in preferences within RIOs about whether any given perpetrator should be punished. Our paper presents a party-political theory of decisions about sanctions in the parliamentary assemblies of RIOs, which includes both instrumental and principled behaviour resulting from actors' ideological orientation that interacts with characteristics of their home country. Actors' ideological orientation relates to their partisan proximity to the target government, their commitment to liberal democracy, and attitude towards regional integration. The relevant characteristics of their home country are the quality of democracy and the extent of a domestic threat to liberal democracy. We test the theory in a multilevel analysis of votes in the European Parliament and the Parliamentary Assembly of the Council of Europe about using sanctions to respond to democratic backsliding in Hungary, Poland, and Turkey.

Introduction

Democratic regional intergovernmental organisations (RIOs) – RIOs that are composed of democracies – typically have rules to punish members that seriously violate democratic norms, but they generally use them very rarely (Donno 2010). In the most democratic regions, this might not appear particularly surprising if we consider that a very high 'democratic density' (Pevehouse 2002) of an RIO makes instances of serious violations of democratic norms less likely. At the same time, during the course

of this decade, post-communist Europe has experienced significant 'democratic backsliding' (Bermeo 2016) – a severe deterioration of the quality of democracy – leading to calls for European RIOs to use their sanctioning powers against the member states concerned (see e.g. Blauberger and Kelemen 2017; Closa and Kochenov 2016; Jenne and Mudde 2012; Kelemen 2017; Muller 2015; Pech and Scheppele 2017; Sedelmeier 2014).

In Hungary, the Fidesz government, elected in 2010 with a constitution-amending majority, and the PiS government in Poland, elected with an absolute majority in 2015, have both taken a number of measures to concentrate power in the executive and to eliminate checks and balances and electoral competition, in particular by curtailing the independence of the court system and the freedom of the media. In Turkey, the quality of democracy has deteriorated dramatically since 2013, especially after the failed coup d'état in 2016. The measures that these governments took to increase executive control did not necessarily break the law, especially in Hungary, where the government majority allowed it to change the constitution. But they severely damage liberal democracy in the view of scholars (e.g. Bankuti et al. 2012, Kelemen and Orenstein 2016) as well as the Venice Commission of the Council of Europe. Yet European RIOs like the European Union (EU) or the Council of Europe (CoE) have been reluctant to sanction Hungary, Poland or Turkey.

The apparent inaction of the EU and CoE towards democratic backsliding generally confirms the observation that RIOs do not use their enforcement powers consistently against their own members when they violate democratic norms (Donno 2010). At the same time, a focus on whether an RIO uses (material) sanctions internally against specific norm-violating members (see also von Borzyskowski and Vabulas 2019) neglects that there can be very different views *within* the institution about whether sanctions should be used. Veto players within a RIO can prevent the use of sanctions, but their preferences might not be shared across institutional actors and member states. The long inaction of the EU towards the Fidesz government in Hungary is a case in point: it is not the result of a shared indifference across EU member states and institutions, but, as commentators have pointed out, because the European Peoples Party (EPP), the political group in the European Parliament (EP) in which Fidesz is a member, has protected it against criticism from the EU (see e.g. Kelemen 2015). This observation suggests a party-political explanation for why actor

in an RIO oppose or support sanctions against democratic backsliding: actors oppose sanctions against governments that are partisan allies and support them if they target partisan competitors. So far, this party-political explanation has not been submitted to systematic analysis. Our paper takes this partisan argument as the starting point for a party-political theory of preferences in RIOs towards sanctioning member governments that severely undermine liberal democracy.

Our theory suggests that actors – individuals – in RIOs have both principled and instrumental motives when they decide whether to oppose or support sanctions. Moreover, their choice is the result of an interaction of their ideological orientation and national affiliation. We test our theory in a most likely case for a party-political explanation: parliamentary assemblies of European RIOs, namely the EP and the Parliamentary Assembly of the CoE (PACE). Drawing on an original dataset of eight sets of votes about sanctioning democratic backsliding in these regional assemblies (RAs), our goal is to explain the voting behaviour of individual RA members, with regard to whether they support or oppose sanctions against a government that violates liberal democracy.

We argue that at one level, party-political orientation influences actors' preferences about sanctions. Actors are more likely to support sanctions against partisan rivals, and oppose them when they belong to the same political group as the target government. However, ideological proximity is not the only aspect of partypolitical orientation that matters. Actors who are strongly committed to liberal democracy are more likely to support sanctions than those with a more traditionalist, authoritarian and nationalist orientation, even if the sanctions target their partisan allies. Moreover, the extent to which actors' attitude towards liberal democracy leads them to support sanctions depends on their attitude towards the ROI. Actors that view the ROI negatively are less likely to support sanctions, even if they have strategic incentives for doing so: their principled opposition to the multilateral institution leads them to prioritise concerns over legitimising the RIO as an appropriate forum to intervene in domestic affairs of a member state. By contrast, for actors with a stronger commitment to liberal democracy, this principled commitment trumps opposition to the ROI: negative attitudes towards the ROI do not decrease their support for sanctions.

In other words, while our theory supports the party-political argument as presented by Kelemen (2017), we suggest that preferences towards sanctions are more complex: in addition to partisan proximity through membership in the same political group, attitudes towards liberal democracy in combination with attitudes towards the RIO also matter.

The argument that (different elements of) party-political orientation matter for voting in assemblies of RIO might not come as a surprise to scholars of voting behaviour in the EP who have long held that party politics, rather than national affiliation, explains voting patterns (see e.g. Hix et al. 2009). However, our theory suggests that when voting on democracy enforcement, country-level attributes matter in addition to party politics. Specifically, the extent to which attitudes towards liberal democracy incline actors to support sanctions depends on two country-level factors: the level of democracy of an actor's home country and the domestic electoral success of populist radical right parties. The less democratic their home country is, the less likely are actors who are in principle committed to liberal democracy to support sanctions, as they have to fear reprisals for not demonstrating loyalty to the general country line. Moreover, actors who support liberal democracy are more likely to support sanctions abroad if they face a greater threat to liberal democracy at home.

Voting to punish democratic backsliding: theoretical framework

What influences actors in RIOs when they decide whether to support or oppose sanctions against a member state government that seriously violates principles of liberal democracy?

Our theory suggests that Regional Assembly (RA) members are guided both by instrumental and principled motives that are a function of their party-political/ideological orientation and attributes of their country of origin. In other words, members are driven by party loyalty as well as by principled support for democracy, but the latter depends on both the quality of democracy in their home country and the extent to which populist radical right parties present a threat domestically. Specially we consider the following independent variables: membership in a political group, commitment to liberal democracy, attitudes towards multilateral cooperation and supranational integration, quality of democracy, domestic threat, and, as a control, patterns of geopolitical rivalry and friendship.

Partisan ideological proximity

Commentary on why the EU has not reacted more strongly to democratic backsliding in Hungary under the Fidesz government since 2010 focuses mainly on how the European Peoples Party (EPP), the centre-right political group in the EP of which Fidesz is a member, has shielded the Hungarian government from sanctions (Kelemen 2017).

In a broader historical context, there is plenty of evidence that partisan ideological proximity to the target government drives state behaviour. In the UN Commission on Human Rights (UNCHR) during the Cold War, Lebovic and Voeten find that

'leftist regimes tended to spare other leftist regimes and rightist regimes tended to look kindly upon other rightist regimes Predictably, too, countries governed by a right-wing executive were inclined ... to go after countries with left-wing executives and vice versa ... (2006: 883).

Even if left-right partisanship is not associated with geopolitical rivalry, a number of underlying causal mechanism can explain why RA members' preferences for sanctions depend on their partisan ideological proximity to the government party in the target state. Transnational partisan politics create incentives for governments to support government parties abroad with whom they share their ideological orientation. Especially in RIOs like the EU that are heavily involved in socio-economic policy-making, the left-right dimension of decision-making becomes more important (Hix 1999; Manow et al. 2008). A state's chances of achieving international cooperation on terms that are closer their preferences (in left-right terms) increase the more governments in other member states have a similar orientation.

Membership in the same political group is one way in which partisan proximity affects delegates in RAs, but group membership also entails additional causal mechanisms that lead RA members to support partisan allies. In RAs like the EP and PACE, delegates organise themselves in political groups (currently 6 in the case of PACE and 8 in the EP). Membership in a political group reflects partisan proximity, but it creates additional incentives to vote against sanctions targeting a government party

from the same group. Kelemen (2017) points out that just as in democratic federal states, national parties are often prepared to tolerate authoritarianism in subnational party branches if they depend on them to win federal elections, 'where an authoritarian leader in an EU member state delivers votes to ... a party group in the [EP], its EU-level co-partisans will have incentives to tolerate its democratic backsliding and shield it from EU sanctions (2017: 217).' It is costly for political groups to alienate national party members, not only for forming overall majorities in the RA; the marginal importance of individual votes increases for the distribution of key positions in parliamentary committees.¹ In the EP, the 'Spitzenkandidaten' process in which the largest political group in the EP lays claim to the position of the president of the European Commission, provides further incentives not to alienate the members of an affiliated national party.

Apart from the distinctive causal mechanism attached to it, membership in a political group might be seen as a rather crude indicator of partisan proximity, since it does not take into account that some political groups are ideologically closer than others (in left/right terms) and that the incentives to punish government parties from other political groups might therefore vary. At the same time, it might be precisely the proxy that RA members work with when they try to identify who their allies are: especially in RAs with a large number of countries, individual members might find it impossible to assess for each government party how close or distant there are on key party-political positions.

The above arguments emphasise the strategic and instrumental motives for RA members to support or oppose sanctions depending on partisan proximity to the target government. Constructivist approaches identify a complementary mechanism: members that share certain ideological goals that they consider normatively appropriate may be more forgiving about the means that their partisan allies choose to achieve these goals. Likewise, frequent interactions with members of the same political group can make members more understanding, and less critical, of the actions of their fellow group members. In the following, we refer to partisan proximity as an instrumental motive, while acknowledging that norms of appropriateness may also underpin this causal mechanism.

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¹ We are grateful to Carlos Closa for this point.

H1: RA members are less likely to support sanctions if the target government is a member of the same political group.

Support for liberal democracy

In addition to instrumental motives for punishing members of competing political groups, RA members' preferences about sanctions against governments that violate democratic norms can be driven by a genuine concern about the deterioration of democracy in the target country. The more an actor is committed to the rules of liberal democracy as a normatively appropriate governance system, the more likely she is to be concerned about serious violations of democratic norms within an RIO member state, and to support measures by the RIO, including sanctions, that are intended to punish and rectify such violations.

In densely democratic RIOs, we would expect the great majority of political parties and RA members to share a commitment to democracy. However, even within democratic polities, attitudes may differ with regard to different forms of democratic governance. One key question concerns the extent to which a concentration of power in the executive may be acceptable or even desirable, in contrast to a strong guarantee of pluralism, electoral competition, and checks and balances. Such a cleavage in attitudes towards democracy relates to a 'new politics dimension' identified by Hooghe et **Preferences** fall continuum al. (2002).on а from traditional/authoritarian/nationalist (TAN) to green/alternative/libertarian (GAL) positions. The more actors are positioned at the GAL end of the spectrum, the stronger their commitment to liberal democracy. Actors at the TAN end are more receptive to a concentration of power in the hands of the government party – a key characteristic of backsliding in Hungary, Poland, and Turkey.

Actors who are strongly committed to liberal democracy and genuinely care about the state of democracy abroad might nonetheless be reluctant to support sanctions if they fear that they might be ineffective or even counterproductive. However, actors with a strong GAL orientation should still be more likely to support sanctions than those with a TAN orientation.

While the focus of our argument about actors' GALTAN orientation above is on normative appropriateness, actors' support for democracy elsewhere in an RIO may also be instrumental. The literature identifies a number of strategic incentives for democracies to foster democracy abroad, from the enhanced possibility of cooperation with like-minded governments to the stability-enhancing effects of democracy (see also Pevehouse 2002: 522-23). In the following, we usually refer to principled support for sanctions in cases in which actors are primarily concerned about democratic backsliding as such, while acknowledging that there may be complementary instrumental motives for such concerns.

H2a: RA members are less likely to support sanctions the more they have a traditional, authoritarian and nationalist (TAN) orientation.

Our theory suggests that the importance of actors' normative support for liberal democracy can moderate the effect of partisan support for target governments that are members of the same political group. The strategic partisan incentives of using sanctions should be strongest for actors with a TAN orientation who are less concerned about counteracting democratic backsliding abroad. By contrast for actors with a GAL orientation, partisan loyalties are more likely to be trumped by concerns about democracy. They are then more likely to support sanctions that target partisan allies than actors with a TAN orientation.

H2b: RA members' membership opposition to sanctions against target governments that are members of the same political group decreases as their GAL orientation increases.

Attitudes towards the Regional International Organisation

In our theory, the likelihood that an actors' position on liberal democracy leads them to support or oppose sanctions against democratic backsliding is mediated by another factor: their attitude towards the RIO. Actor's have different views on multilateralism and supranational integration more generally, which in turn affects their views on the extent to which an RIO should be allowed to interfere in national

politics. With regard to sanctioning democratic backsliding, actors who do not have a positive attitude towards the RIO are likely to contest that it is a legitimate actor to intervene in the internal affairs of a member state. A strong aversion against granting an RIO a role to that they consider illegitimate can make it inconceivable even to use it opportunistically.

H3a: RA members are less likely to support sanctions if they are opposed to the RIO.

While a positive attitude towards the RIO should be conducive to supporting sanctions, we suggest that it interacts with RA members' GALTAN orientation, rather than having an independent effect. Actors' attitude towards the RIO should not as such motivate them to support sanctions (e.g. an actor's strong support for the EU should not make her want to support sanctions),² but an actors' strategic incentives to support sanctions should be mediated by their position on the RIO. An RA member might see the instrumental benefit of punishing partisan rivals, but her principled opposition to the RIO as a legitimate actor may trump these strategic considerations. She would then oppose sanctions for fear of legitimising the RIO's intervention in a member state's domestic affairs.

At the same time, the effect of attitudes towards the RIO on actors' preferences towards sanctions may be asymmetrical across actors with a GAL and a TAN orientation. Positions towards the RIO may have much less of an effect on the support of actors with a GAL orientation than those with a TAN orientation: while strategic incentives to use sanctions are trumped by principled opposition to the RIO, actors whose support for sanctions is principled may be less likely to be deterred from sanctions by their opposition to the RIO. In other words, for them, the principled concern about democracy trumps the principled opposition against the RIO.

H3b: The likelihood RA members with TAN orientation to support sanctions increases as attitude towards the RIO becomes more positive.

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² The case might be different if the sanctions were proposed by an independent, quasi-judicial body within the RIO: strong principled support for the RIO would then translate into a belief in the legitimacy of decisions by independent institutional bodies. However, in the case of the EP and PACE resolutions on sanctions that we consider in this paper, the proposals come from political groups within the RA.

The quality of democracy in an RA member's home country

Scholars of politics in the EP have long established that party politics, rather than nationality matters for voting behaviour of MEPs (see e.g. Hix et al. 2007). However, our theory suggests that nationality, or rather, domestic factors in RA members' home countries, also play an important role in their choice whether to support sanctions against democratic backsliding. As opposed to the bulk of socio-economic policymaking in the EU, where actors' left-right position is highly salient, we might expect decisions to impose sanctions on specific countries to be more affected by the dynamics of inter-state politics. These dynamics might also be stronger in RIOs like the CoE where socio-economic policies are much less important. Our theory focuses on two domestic factors in RA members' countries of origin: the level of democracy and the extent of a domestic threat to democracy.

The literature has established that densely democratic IOs are more likely to enforce violations of democracy (Donno 2010: 2; Mansfield and Pevehouse 2006:158; Pevehouse 2002). Democracies are more transparent and therefore find it more difficult to conceal shirking enforcement of membership rules (Mansfield and Pevehouse 2016:159). By the same token, a constructivist perspective suggests that if democracy is an important aspect of state identity, it more likely that an RA member from that state supports sanctions. RA members from such a state are more inclined to consider democracy an appropriate form of governance and share a belief in the need to take action when it is violated elsewhere, especially within fellow members of a democratic international community.

H4a: RA members are less likely to support sanctions as the quality of democracy in their home country decreases.

At the same time, we expect that the level of democracy also affects the impact that RA members' GAL orientation has on their likelihood to support sanctions. Even autocratic countries might tolerate the existence and a degree of domestic parliamentary representation of parties with a more liberal democratic orientation. However, members of such parties might feel under pressure to demonstrate loyalty to the general line taken by other members from their home country. Moreover, if they

support outside interventions against illiberal governments abroad, they might raise suspicions of supporting similar outside interventions at home. RA members with a GAL orientation that privately support sanctions might therefore feel under pressure to vote alongside the other members of their national delegation to oppose sanctions for fear of possible reprisals for appearing disloyal.

H4b: The likelihood of RA members with a GAL orientation to support sanctions declines as the level of democracy in their home countries decreases.

Domestic threat to liberal democracy at home

The literature on international Human Rights regimes and on the role of democratic RIOs in democratisation has established that domestic regime type is the key factor explaining why states create or join these institutions: democratising countries are most likely to do so. Fragile democracies rather than established democracies were the driving force in the creation of the European Convention of Human Rights, as the new democratic elites sought to lock in the rules of democracy through international obligations in order to protect them from their non-democratic domestic opponents (Moravcsik 2000). Democratising states are particularly likely to join democratic IOs since the higher risk of a reversal of the democratic transition increases the need to make a credible commitment to democratisation (Mansfield and Pevehouse 2006). Moreover, democratising states also tend to join specifically those international Human Rights institutions that impose greater constraints on sovereignty because for them the benefits of locking in liberal policies are particularly salient (Hafner-Burton et al. 2015). By extension, countries that experience a higher threat to domestic liberal democracy should be more likely to support RIO sanctions against backsliding. Consistent RIO enforcement of norm violations signals to domestic illiberal parties that the threat of sanctions and ostracism is credible.

Crucially, not only democratising states might experience a threat to liberal democracy. Established democracies might consider liberal democracy under threat domestically if parties of the populist radical right (PRR) obtain a significant share of the vote in national elections. The threat might not only relate to the chances of PRR parties winning majorities that allow them to carry out illiberal reforms, like in Hungary

or Poland. Moderates in centre-right parties have to fear that electoral success of PRR parties generates pressure on them to enter into electoral alliances with them. Merlingen et al. (2001) suggest that the strongest proponents for EU member states to impose bilateral diplomatic sanctions on Austria after the centre-right Austrian Peoples Party had invited the PRR Freedom Party into a coalition government in 2000 were precisely the leaders of mainstream parties in France and Belgium that had to confront calls for electoral pacts with PRR parties domestically.

H5a: RA members are more likely to support sanctions as the domestic threat to liberal democracy from Populist Radical Right parties in their home country increases.

At the same time, the level of a domestic threat should affect RA members differently, depending on their GALTAN orientation. A high threat should increase the likelihood that members support sanctions if they have a GAL orientation. Yet if they have a very strong TAN orientation, then it is likely that they are precisely from those PRR parties that pose the domestic threat; hence they will oppose sanctions. The impact of the threat should also be particularly relevant for RA members from centre-right parties that may have a moderate TAN orientation. For these parties, the threat of electoral competition from PRR parties might be particularly strong; parties with a GAL orientation might worry more generally about the threat to democracy, but centre-right parties might be directly competing for votes with PRR parties.

H5b: RA members with a GALTAN orientation are more likely to support sanctions as the domestic threat to liberal democracy from Populist Radical Right parties in their home country increases.

Geopolitical alliances

As a control variable, we also include an explanation that is in line with realist approaches to international institutions: geopolitical alliances. As Lebovic and Voeten (2006: 883) suggest, the reason why during the Cold War ideological left-right

orientation influenced targeting in the UNHRC is that it mapped on to geopolitical rivalry. Donno (2010) demonstrates that the geopolitical importance of a target country – measured by its size, its military power, and energy exports – is a key determinant of whether RIOs enforce violations of electoral misconduct. Von Borzyskowski Vabulas (2019) find that the geopolitical importance of a state (especially through large endowments of oil resources) is one key explanation why such states are less likely to have their IO membership suspended for political backsliding.

These absolute measures of geopolitical importance are highly compelling when the question concerns variation in enforcement across a large number of target countries. They are less useful if we want to analyse variation in preferences for sanctions for the same, or a very small number of, target countries where there is no, or not much, variation with regard to geopolitical significance. Moreover, the measure of geopolitical importance in terms of size – as one obvious difference between the two target countries in our paper –is at odds with the observations that there was generally stronger support for sanctions against Poland and Turkey than against Hungary. Instead of an absolute measure of geopolitical importance, we need a relational measure of the geopolitical friendship and rivalry between target country and the home country of an RA member.

H6: RA members are less likely to support sanctions when they target a state that is a geopolitical ally of their home country.

Data and operationalisation

We test our theory and the hypotheses using an original data set of voting choices by the members of Regional Assemblies of two European RIOs – the EU and the CoE – in eight resolutions about using sanctions in response to democratic backsliding in Hungary, Poland, and Turkey respectively that took place between 2013 and 2018. We focus on these two institutions since they can be considered as the core European RIOs with regard to the protection of democracy and human rights, and they are also the only ones in which their parliamentary assemblies voted on sanctions against democratic backsliding in their member states since the end of the Cold War. The units of analysis are individual RA member's voting choices in these eight votes.

Dependent variable: RIO sanctions

Sanctions can come in different forms: they can be material or social (see also Donno 2010: 605-606, Sedelmeier 2014: 113-114). Material sanctions include financial penalties, suspension of membership, or restrictions of membership rights and benefits. Social sanctions typically involve shaming. They can range from resolutions or declarations criticising government conduct as inappropriate, to measures that attach a social stigma to target governments. Material and social sanctions are not mutually exclusive; and specific measures can be considered as falling on a continuum between purely material and purely social sanctions.

In our paper, we focus on eight different votes in two core European RIOs in which RA members had an opportunity to support or oppose sanctions against democratic backsliding: two vote in Parliamentary Assembly of the Council of Europe (PACE) concerning sanctions against Hungary (2013) and Turkey (2017), and six votes in the European Parliament (EP); three votes each concerning Hungary (2015, 2017, 2018) and Poland (2016, 2017, 2018).

The key question of the resolutions in PACE concerning Hungary in June 2013 and Turkey in May 2017 was whether a monitoring procedure would be imposed on the countries.³ There is a strong social stigma attached to be subjected to this procedure. It is typically reserved for new member states that are still considered fragile democracies. To be resubmitted to monitoring status is a strong indictment of a member states democratic and human rights practices. Moreover, the monitoring procedure can also trigger material sanctions: the PACE Monitoring Committee 'may penalise persistent failure to honour obligations and commitments' (Art 13, Rules of Procedure) by requesting the Committee of Ministers of the CoE 'to take appropriate action in accordance with Articles 7 and 8 of the Statute of the Council of Europe', which include the suspension of the right of representation as well as a cessation of membership.

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³ In the resolution on Hungary, the crucial vote was not on the resolution as such (which passed), but on an amendment that determined the resolution's position on sanctions: amendment 2 proposed that the monitoring procedure should not be used (i.e. a vote in support of the amendment meant opposition to sanctions).

In the EP, the sanction related to the threat of using Article 7 TEU, which may lead to the suspension of a states' membership right, as well as to the use of Article 7(1), which would allow the EU's Council of Ministers to give a formal warning to any country accused of violating fundamental rights. In the two resolutions concerning Hungary in December 2015 and Poland in April 2016, the key question was whether MEPs supported the use of the European Commission's 'Rule of Law Procedure' against the Hungarian and Polish governments respectively. The use of the procedure has a social stigma, but it still offers scope for a settlement before sanctions are imposed. Yet it can lead to triggering Article 7 TEU which entails material sanctions (the suspension of membership rights). The EP resolution on Poland in April 2016 focused explicitly on whether MEPs supported the Commission's use of the Rule of Law Procedure. The resolution on Hungary in December 2015 included a vote on a paragraph that would have confirmed that the conditions for using the Rule of Law Procedure and Art 7(1) were fully met.⁴ The resolutions concerning Hungary in May 2017 and Poland in November 2017 both stated that there was a 'clear risk of a serious breach of [liberal democratic] values' and asked for a plenary vote to propose the use of Art. 7(1). The resolution in February 2018 welcomed the European Commission's decision in December 2017 to activate Art. 7(1) against Poland. The EP resolution in September 2018 proposed to the Council the use of Art. 7(1).

The relevant votes targeting Hungary in PACE and in the EP in 2015 failed to achieve a majority in support of sanctions.⁵ The resolutions on Poland in the EP, as well as the EP resolutions on Hungary in 2017 and 2018, and the PACE resolution on Turkey, all passed. The sanctions that the RA members voted on in these instances share that they are still largely social—the votes were not as such about the imposition of specific material sanctions—but the social sanctions concerned have a sharp edge: they can lead to the imposition of material sanctions if the target governments do not change their behaviour.

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⁴ However, the procedural hurdles for both Art. 7(1) and Art. 7(2) in the Council are high: they require respectively a majority of four fifths of the member states and unanimity minus one.

⁵ As in the PACE resolution on Hungary in 2013, the crucial vote that determined the resolution's position on sanctions was a separate vote to delete paragraph 5 of the original motion that had stated that 'the conditions for the activation of the rule of law framework and Article 7(1) TEU are fully met' (i.e. a vote to delete this paragraph therefore meant opposition to sanctions).

For our analysis of the determinants of RA members' preferences about whether an RIO should take measures against anti-democratic behaviour of member state governments, focusing on these type of sanctions - on the harder side of soft sanctions, but not quite hard sanctions yet – offers a distinct advantage over focusing on measures at the two extremes of the continuum between social and material sanctions. A focus on pure shaming without even the shadow of a threat of material sanctions can generate false positives: RA members might agree to them as a cheap concession to social pressure to use sanctions. Voting for such a measure could then be a means to avoid harder sanctions rather than reflecting a preference for using sanctions. At the other end of the continuum, votes on the imposition of material sanctions can include false negatives: actors might be genuinely alarmed about the state of democracy in a target country and believe that the RIO should act to redress the situation. But they might fear that material sanctions are ineffective or even counterproductive as they allow target governments to deflect blame and/or cause a 'rallying round the flag' effect (see e.g. Galtung 1967; Schlippak and Treib 2017). These members would thus vote against such sanctions despite their general preference for RIO intervention against democratic backsliding. The types of sanctions our analysis focuses on should thus minimise both these false positives and false negatives. We code a member's vote choice as 1 if she voted in favour of an imposition of sanctions, and as 0 if she voted against; abstentions or members who did not participate in a vote are excluded.

Independent variables

To test H1 about the role of *partisan proximity*, we use a dummy variable that captures whether an RA member belongs to a national party that is part of the same political group as the target government. It takes the value of 1 for all delegates that belong to a national party that is part of the EPP (EPP/CD) for the votes on Hungary in the EP and PACE, and a member of the European Conservatives and Reformists (ECR) for the vote on Poland in the EP, and of the European Conservatives Group (EC) for the resolution on Turkey in PACE. Members of all other political groups are coded 0 for these votes.

For H2 and H3 that concern RA members' ideological orientation with regard to liberal democracy and regional integration respectively, we use as a proxy for their individual beliefs the orientation of the national parties that they represent. Members typically act as perfect agents of their national parties.⁶

For these party positions, we use the Chapel Hill Expert Survey (CHES) (Polk et al. 2017). The main reason for using expert survey data rather than, say, Comparative Manifesto Project data, is that they are likely to capture better a key dimension of ideological orientation in analysis: attitudes towards democracy. In the cases of Fidesz and PiS, these parties did not advertise their illiberal post-election practices in their electoral party manifestoes in 2010 and 2015 respectively. In other words, for our analysis it is more important what parties do than what they say, and expert surveys are better placed to capture the former. The CHES 2014 includes all EU member states, as well as a number of additional countries which are relevant for the vote in PACE (Albania, Bosnia, Macedonia, Montenegro, Norway, Serbia, Switzerland, Turkey, Ukraine), but we had to exclude members from a number of countries that are not included in CHES (e.g. Russia, Azerbaijan, Armenia, Georgia, Moldova) or where we have less than 3 members from a country.

For H2a/H2b about an actor's *commitment to liberal democracy*, we use the GALTAN variable of the CHES which captures their 'views on democratic freedoms and rights.' It ranges from 0-10, denoting a move from a libertarian/postmaterialist (GAL) to a traditional/authoritarian (TAN) position.

For H3a/H3b about the impact of *attitudes towards the RIO*, we use the CHES data for POSITION that captures the orientation towards European integration, ranging from 1-7, where 1 is strong opposition, 4 is neutral, and 7 is strong support. Attitudes towards European integration capture not only directly attitudes towards the EU, but are also a good proxy for the perceived legitimacy of the CoE as a form of multilateral cooperation. In the following, we use the terms 'position on the EU' and on 'European integration' interchangeably, denoting members' attitudes towards both EU and CoE.

To measure the *quality of democracy* in an RA member's home country for H4a/H4b, we use Freedom House, averaging the scores for political rights and civil

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⁶ E.g. for the 1525 voting choices for or against sanctions across the three votes between 2013-2015, only 16 were disloyal to the national party line.

liberties (for the corresponding year in which the respective votes were taken). The scores range from 1 (free) to 7 (not free).⁷

For the domestic threat (H5), we use the share of the vote of Populist Radical Right (PRR) parties in the last national election prior to the relevant RA vote. The list of PPR parties is taken from Mudde (2007), as updated by Roodujin (2019). The election results are from the ParlGov database (Döring and Manow 2018).

For our control variable, geopolitical alliances (H6) we use a dummy variable that is coded 1 if an RA member's home country was a NATO member (like the target countries, Hungary, Poland, and Turkey) on the date of the relevant vote and 0 if it was not.

Estimation Strategy

Since our dependent variable assumes only two values, capturing support and the lack of support for sanctions, a simple logistic regression would seem an obvious strategy for analyzing this data. However, the assumption about the independence of observations that underpins such models may not be reasonable in this case. Indeed, it is very plausible that members of the EP and PACE from the same country may have similar characteristics that affect their vote. Ignoring this possibility could lead to incorrect estimations of the standard errors and potentially erroneous conclusions about statistical significance of our predictors. Consequently, we treat our data as hierarchical, with MEPs and PACE members (Level1) being nested in countries (Level 2), and employ a multi-level logistic model that promises to offer more accurate estimates. This decision is supported by standard tests. The intra-class correlation coefficient for the empty model indicates that 29.9% of variation is explained by country and the likelihood ratio test is highly significant, suggesting that ignoring the clustering would be a mistake.8 The design effect of 29.03 also supports the conclusion that multilevel modeling is the more appropriate estimation strategy than a simple logistic regression.

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⁷ As a robustness check, we used PolityIV as well as Comparative Manifesto Project data, which does not change the results. To use the CMP data, we constructed a variable 'EU_net' that captures positive statements about the EU minus negative statements, instead of 'Position' in the CHES, as well as a – instead of GALTAN in the CHES – a constructed variable 'Trad_Nat', which captures positive statement about 'Traditional Morality' minus negative statements, and adds them to positive statements about the 'National Way of Life' minus negative statements.

⁸ When the data is disaggregated on PACE and EP votes, ICC is 0.34 and 0.21 respectively.

Our models include three variables at each level. At level one we consider the effect of our primary variables of interest that capture the strategic and principled considerations of our subjects, namely their membership in political groups in EP and PACE, their ideological orientation on the GALTAN scale, and their position towards the European integration. At level two we consider country-level variables: the level of democracy, the vote share of the PPR parties (capturing the domestic threat to democracy), and membership in NATO (as an indicator of whether a country belongs to the same alliance as the target government). In line with standard recommendations for data centering in multilevel models (Enders and Tofighy, 2007), all continuous variables at Level 1 are group mean centred (by country) and continuous Level 2 variables are grand mean centred.

Following Nezlek (2008) and Robson and Pevalin (2016), our choice of models is driven primarily by theoretical considerations. Since we have no clear theoretical reason to believe that our Level 1 variables should have very different effects across countries, we do not model random coefficients and instead employ more parsimonious and computationally less demanding random intercept models.

Results

We followed a step-by-step approach to building our models so to keep them as parsimonious as possible. Table 1 presents our final models. Model 1 is the full model that includes all Level 1 and Level 2 variables. All Level 1 variables are highly significant, indicating that both strategic and principled considerations are driving the decision to support or oppose sanctions. Belonging to the same political group (in EP or PACE) as the target government is a strong predictor of voting choice (H1). The predicted probability of supporting actions that may lead to sanctions is 0.78 for delegates of parties that do not belong to the same political group as the target government, but only 0.026 for those who do. This effect remains robust across the three models. This finding is in line with, and provides systematic evidence for, Kelemen's (2017) argument that parties have an incentive to 'shield local autocrats who deliver votes and seats to their coalitions at the federal level' (2017: 231). However, strategic considerations do not seem to tell the whole story as the indicators of principled considerations, namely GALTAN orientation (H2a) and the position towards the European integration (H3a), also matter. While all of the country-level

variables are signed as expected, none of them reach customary levels of statistical significance.⁹

[TABLE 1 ABOUT HERE]

Models 2 and 3 test our interactive hypotheses. Model 2 includes two intra-level interactions at Level 1: between the GALTAN position and being a member of the same party group as the target government (H2b) and between the GALTAN position and the stance towards European integration (H3b). The results confirm both hypotheses. The effect of ideology – an RA member's GALTAN orientation – on their attitude towards the use of sanctions is moderated by the RA member's stance towards the EU and the CoE. In Model 3, we add two cross-level interactions to test our hypotheses that the effects of ideology also depend on country-level variables, namely the quality of democracy (H4b) and the threat of democracy from PRR parties (H5). Both interactions are statistically significant, thus lending support to our hypotheses.

Since the coefficients from logistic models are not helpful in understanding the substantive effects of our variables, we turn to predicted probabilities to further assess our interactive hypotheses and to discuss the results. All probabilities are calculated on the basis of Model 3.

[FIGURE 1 ABOUT HERE]

Figure 1 depicts our Level 1 interaction between GALTAN orientation and membership in the same political group. It shows predicted probabilities of supporting sanctions at three values of GALTAN for different levels of EU approval. The blue line captures the probability for delegates from parties that are close to the maximum GAL orientation in our sample, while the green line captures the probability for members of strongly TAN parties. The red line shows the probability of supporting sanctions for delegates that are at the mean value of GALTAN for a typical country. Figures 1 confirms that, in line with H2a, membership in the same political group as the target

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⁹ Note that higher levels of the index of democracy are associated with a lower quality of democracy.

government is a significant predictor of vote. The finding that RA members are less likely to support sanctions if they target parties of the same political group supports the argument by Kelemen (2017). However, the intra-level interaction that confirms H2b provides an important qualification to this argument: the effect of being in the same political group as the target government depends on the RA member's GALTAN orientation. RA members with a TAN orientation are more likely to be motivated by partisan incentives and use sanctions against partisan rivals while opposing sanctions against partisan allies. Members with a GAL orientation are more likely to prioritise normative concerns about democracy abroad and sanction members that belong to their own political group. Put differently, the negative effect that being a member in the same political group has on the support for sanctions is stronger for RA members with a TAN orientation than for those with a GAL orientation.

[FIGURE 2 ABOUT HERE]

Figure 2 depicts the Level 1 interaction between GALTAN orientation and the stance towards the EU. ¹⁰ In line with our hypotheses, the graph shows, first, that the probability of GAL members to support sanctions is always higher than for TAN members (H2). Second, the effect of an RA member's GALTAN orientation on their support for sanctions is moderated by the RA member's stance towards the RIO. Moreover, in line with H3b, this effect is uneven across the GALTAN continuum. The probability for TAN members to support sanctions increases as their parties become more pro-EU (H3b). As expected, the position towards the EU has little influence on the expected probability of GAL members to support sanctions. RA members with a GAL orientation are likely to support RIO sanctions even if they view the RIO otherwise negatively. However, as RA members' TAN orientation increases, they become more likely to oppose sanctions the more they have a negative attitude of the RIO as the institution imposing the sanctions.

[FIGURE 3 ABOUT HERE]

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¹⁰ The original scale for the position towards the EU has been centred by country and the values on X-axis are centred values with higher values indicating more favourable attitudes towards the EU.

Figures 3 and 4 depict the effects of cross-level interactions. Figure 3 shows the interaction between GALTAN orientation and democracy. As outlined in our hypothesis H4b, where the quality of democracy is high, GAL parties are more likely to support sanctions than TAN parties. However, as the quality of democracy erodes, RA members with a GAL orientation become less likely to support sanctions and the difference between GAL and TAN parties in terms of the likelihood to support sanctions narrows considerably. The greater vulnerability of GAL parties in more deficient democracies and the fear of reprisals at the domestic level creates pressure for members of GAL parties to signaling their opposition to RIO intervention against illiberal practices. The graph also seems to suggest that TAN parties become somewhat more likely to support sanctions in more deficient democracies. However, this counterintuitive finding should not be overstated given that the confidence intervals on the right-hand side of this graph are considerably wider than for lower levels of the democracy index.¹¹

[FIGURE 4 ABOUT HERE]

Figure 4 depicts the effect of the interaction between GALTAN orientation and the domestic threat to democracy, measured by the share of votes secured by PRR parties. Delegates from GAL parties are considerably more likely to support sanctions than those from TAN parties. In line with our hypothesis, this graph also shows that delegates from GAL parities are more likely to support sanctions when they face a stronger threat to democracy at home. In contrast, TAN parties are less likely to support sanctions as the share of the PRR vote increases, either because they may be members of those parties or because they may depend on them for coalition building.

Conclusions

Whether democratic RIOs punish violations of democratic norms varies across offending states, and it generally is very rare (Donno 2010; von Borzyskowski and Vabulas 2019). Our paper suggests that we need to pay closer attention to the variation of preferences towards sanctions across the actors *within* RIOs. We have

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¹¹ This reflects the fact that the (centred) democracy index is above 1.75 in only 1.6% of the observations in our dataset.

tested a party-political theory of attitudes towards sanctions with regard to recent cases of democratic backsliding among member states of core European RIOs. As a starting point, we took the observation that ideological partisan proximity, and more specifically, membership in the same political group, is a key determinant of attitudes towards sanctions (Kelemen 2017), and an explanation for differences in response across target countries. Submitting this argument to a first systematic test, we find strong evidence to support it.

However, our evidence suggests that the determinants of attitudes towards sanctions are more complex, and cannot be captured by an exclusive focus on instrumental partisan incentives stemming from membership in a political group. In addition to instrumental motives to protect partisan allies and to punish partisan rivals, we find evidence for a principled support for sanctions, relating to actors' normative commitment to liberal democracy. Moreover, attitudes towards liberal democracy moderate the effect that membership in a political group has on the likelihood that members of a RA support sanctions. As their support for liberal democracy increases (GAL orientation), the more likely they become to support sanctions even if they target government parties that are members of the same political group.

At the same time, the effect that attitudes towards liberal democracy have on actors' preferences on sanctions interacts with their attitude towards the RIO as a multilateral agent of enforcement. Actors with a traditional/authoritarian/nationalist orientation become less likely to support sanctions the more they have a negative attitude towards European integration. Their opposition to legitimising the intervention of an RIO in the domestic affairs of a member state trumps the strategic incentives to punish partisan rivals.

In addition, we find that these party-political determinants interact with characteristics of actors' home country, namely the quality of democracy and the extent of a domestic threat to liberal democracy from populist radical right parties. Actors with a green/alternative/libertarian orientation are less likely to support sanctions when they are from less democratic countries. The same actors become more likely to support sanctions as the share of the vote of PRR parties in national elections increases, while a greater threat to liberal democracy make TAN actors more

likely to oppose them. At the same time, patterns of geopolitical alliances with target governments do not seem to matter.

We tested our theory in a most likely case for party politics: the parliamentary assemblies of RIOs. One implication is that confirming it in this case may cast doubts on the generalisability for other bodies of the RIO: do the same motives explain preferences in, say, the EU's Council of Ministers if it came to a vote on Article 7 TEU? It may well be that partisan determinants matter less and that additional inter-state dynamics come into play. While this question is particularly important when it comes to the imposition of material sanctions, the findings on RAs are important in their own right. For material sanctions, even if RA do not decide them autonomously, their approval is typically required. Moreover, when we shift our focus from material to social sanctions, resolutions in RAs are a central tool of RIOs.

Our findings also have implications for the kinds of cases of backsliding that are more likely to result in sanctions. First, the importance of country-level democracy suggests that sanctions are more likely to be used the more densely democratic an RIO is (see also Pevehouse 2002); the EU/EP are therefore more likely to agree them than the CoE/PACE. In addition, as GAL parties are more likely to support sanctions, the likelihood of sanctions increases the more an RA is composed of members of parties of the Left, Green parties and Liberal parties. More crucially, the type of target government that breaches democratic norms matter. If a parliamentary assembly has largely similar size groups from Left and Right, sanctions are more likely if the target government is composed of parties of the Left (or, in principle, composed of liberal or green parties). In such instances, GAL parties are more likely to sanction partisan allies in the same group. At the same time, parties of the Right tend to be more TAN, and while this makes them likely to protect their own, they have a strategic incentive to support sanctions if targeting partisan rivals. Moreover, if the target government is from a smaller political group – as in the case of PiS in Poland or AKP in Turkey that are members of the ECR/EC- they are also more likely to face sanctions. While party politics therefore appear a key obstacle for sanctions against democratic backsliding in Hungary, party politics may be less of an obstacle, or even a push factor to sanction backsliding in other cases.

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Table 1: Determinants of support for sanctions

	(1)	(2)	(3)
	(±)	(2)	(3)
GALTAN	-0.663*** (0.0429)	-0.672*** (0.0538)	-0.682*** (0.0535)
EU position	0.888*** (0.0541)	0.809*** (0.0583)	0.778*** (0.0600)
	(0:0011)	(0.0000)	(0.0000)
Same group	-3.625***	-3.780***	-3.861***
	(0.176)	(0.184)	(0.194)
Democracy	-0.486	-0.555	-0.508
	(0.396)	(0.373)	(0.348)
Domestic threat	0.00958	0.0108	0.0115
	(0.0155)	(0.0149)	(0.0150)
Alliance	-0.422	-0.503	-0.557
	(0.733)	(0.687)	(0.649)
GALTAN*Same group		0.182* (0.0907)	0.248** (0.0951)
GALTAN* EU position		0.0801*** (0.0230)	0.0798*** (0.0241)
		(313-31)	
GALTAN*Threat			-0.00879** (0.00272)
GALTAN*Democracy			0.179**
			(0.0635)
cons	2.776***	2.937***	3.053***
_	(0.638)	(0.601)	(0.569)
var(Constant)			
Constant	3.276** (1.257)	2.790* (1.091)	2.431* (0.944)
N AIC	3734 1838.9	3734 1819.5	3734 1805.1
icc	0.499	0.459	0.425
11	-911.4 	-899.8 	-890.5

Standard errors in parentheses * p<0.05, ** p<0.01, *** p<0.001

Figure 1: Predicted probability of support for sanctions - Interaction between GALTAN orientation and same group

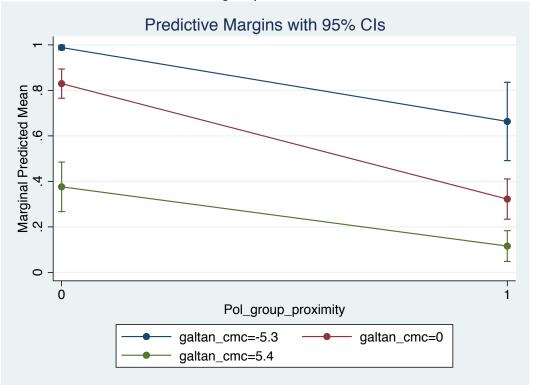


Figure 2: Predicted probability of support for sanctions - Interaction between GALTAN orientation and position towards the EU

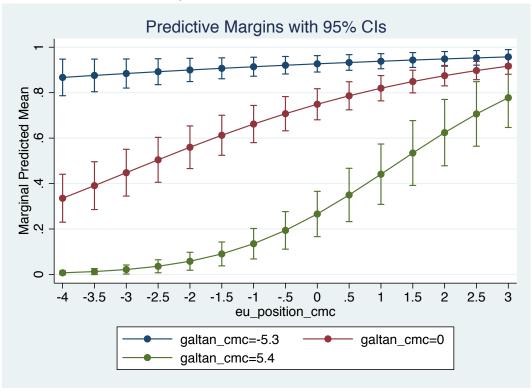


Figure 3: Predicted probability of supporting sanctions – Interaction between GALTAN orientation and quality of democracy

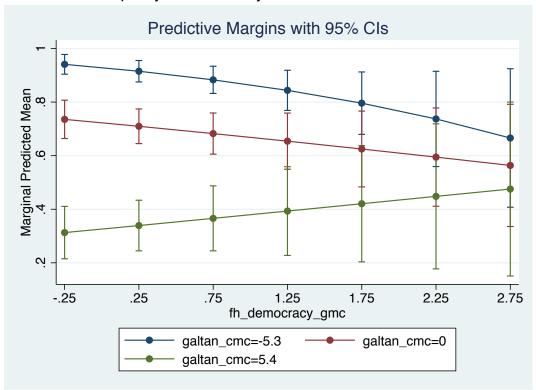


Figure 4: Predicted probability of supporting sanctions – Interaction between GALTAN orientation and threat to democracy/share of populist radical right vote

