MEP Responses to Democratic Backsliding in Hungary and Poland. An Analysis of Agenda-Setting and Voting Behaviour

MAURITS J. MEIJERS[1] and HARMEN VAN DER VEER[2]
[1]Institute for Management Research, Radboud University, Nijmegen [2]Leiden University, Leiden

Abstract

The governments of Hungary and Poland have been accused of sliding toward semi-authoritarianism. Systematic analyses of the responses of political actors at the EU level to these instances of alleged democratic backsliding are scarce, however. This article therefore investigates the responses of Members of the European Parliament (MEPs) to the issue of the quality of democracy and the rule of law in Hungary and Poland. On the basis of data on parliamentary questions and motions for resolutions, we analyse who puts these issues on the European Parliament's (EP's) internal agenda and what positions legislators subsequently take in votes on resolutions. We find that both ideological preferences and strategic interests determine MEPs' responses to democratic backsliding. Our findings are important for research on EU responses to democratic backsliding in EU member states as well as for the literature on party competition in the EP.

Keywords: European Union; European Parliament; roll-call voting; issue competition; democratic backsliding

Introduction

In recent years we have witnessed the rise of semi-authoritarian politics by Central and Eastern European (CEE) governments (Bruszt, 2015; Greskovits, 2015; Kornai, 2015; Krastev, 2016). Since the Fidesz-Hungarian Civic Alliance government took office in Hungary in 2010, the government led by Viktor Orbán has undertaken efforts aimed at eliminating checks on the Hungarian executive by undermining the separation of powers, the independence of the judiciary and the freedom of the media (Kornai, 2015; Rupnik, 2016). In 2017 the Hungarian parliament passed a bill aimed at closing the Hungarian-American Central European University (CEU) in Budapest- forcing the CEU to leave Budapest for its Vienna campus in December 2018 (Stewart, 2017). With the election of the PiS (Law and Justice) government in October 2015, Poland also witnessed the implementation of a significant number of measures at variance with the principles of a liberal constitutional democracy (Fomina and Kucharczyk, 2016; Rupnik, 2016). The PiS government unconstitutionally changed the law on the nomination procedure for the Polish Constitutional Tribunal and attacked media freedom in Poland, purging the ranks of public broadcasting by dismissing the boards of all public radio and television stations and placing the newly installed boards directly under political control of the Ministry of State Treasury.

A number of scholars have argued that the EU has an important role to play in defending democratic standards and constitutionalism in the face of democratic backsliding (Bruszt, 2015; Blauberger and Kelemen, 2017; Kelemen, 2017; Sedelmeier, 2014). Yet the reactions of EU institutions to cases of democratic backsliding are widely

regarded as lacklustre and ineffective. In this context, Kelemen calls for a new research agenda that explores why the EU 'tolerate[s] the slide to autocracy of one or more of its member states' (2017, p. 2). Moreover, scholars have noted how different the reactions of EU actors have been toward different cases of democratic backsliding. Whereas the response to Hungary's relapse into semi-authoritarianism has been insipid, EU member states and institutions have been much more willing to respond to the breaches of democratic standards in Poland. On 20 December 2017 the European Commission triggered the Article 7 process against Poland, which it has been reluctant to do against Hungary. Kelemen, therefore, calls for research that attempts to explain 'differences in the EU's reaction to democratic backsliding in various cases' (2017, p. 2), such as Hungary and Poland.

This article directly addresses this call for a new research agenda by examining the determinants of agenda setting as well as voting behaviour in the European Parliament (EP) on the question of the quality of democracy and the rule of law in Hungary and Poland. Previous research has found that extensive social pressure on national governments by EU actors can be effective in resolving violations of the EU's standards of constitutional liberal democracy (Sedelmeier, 2014). Arguably, the EP, which is at the heart of EU-level political contestation, is one of the most suitable arenas for social pressure on the democratic backsliding. Two important phases for pressure exist in the EP. The first is one of issue emphasis, as MEPs put the issue of democratic backsliding on the agenda through parliamentary questions and motions for resolutions. The second phase is one of position-taking, as MEPs vote for or against the adoption of resolutions on the issue of democratic backsliding in Hungary and Poland. Hence, we are interested not only in who places the issue on the agenda, but also in what positions other legislators take with regard to this issue.

Our analysis of issue emphasis and voting behaviour reveals that both ideological preferences and strategic interests inform MEP responses to democratic backsliding in Hungary and Poland. Our findings are important for research on EU responses to democratic backsliding in member states as well as for the literature on conflict lines and party competition in the EP.

I. EU Responses to Democratic Backsliding in Hungary and Poland

Most scholars and commentators agree that the reaction of the EU and its member states to the slide toward semi-authoritarian practices of some EU member states has been rather half-hearted. To be sure, the legal instruments available to the EU to effectively counteract instances of democratic backsliding are limited (Blauberger and Kelemen, 2017; Bugarič and Ginsburg, 2016; Sedelmeier, 2017). The Commission can, and has, launched infringement proceedings against specific breaches of EU treaty law by democratic backsliders. Yet, while such infringement cases have succeeded in pressuring governments such as Orbán's to retract a number of controversial measures, they constitute piecemeal solutions to a much broader problem of democratic quality and the rule of law (Blauberger and Kelemen, 2017; Kelemen, 2017; see also Scheppele, 2013).

EU member states do, in fact, formally have the power to impose far-reaching sanctions through the activation of Article 7 of the Treaty on European Union. In case of a breach of the fundamental democratic values enshrined in Article 2 of the Treaty on European

Union, Article 7 allows member states to suspend certain membership rights of the Member State in question including the suspension of voting rights. Yet the activation of Article 7 is fraught with difficulty. Member states have never had taken recourse to Article 7 before, which can be explained by the fact that unanimity is required in the Council and a demanding majority is needed in the EP. Due to the unanimity requirement in the Council, moreover, other 'backsliding' states can obstruct the activation of Article 7 – as Hungary said it would block sanctions imposed on Poland (Gotev, 2017).

Due to the lack of unanimity in the Council, the Commission's recent move to trigger the Article 7 process is therefore best regarded as a symbolic move. Similarly, the recently created additional tools to address problems regarding the rule of law in member states, such as the Commission's Rule of Law Framework and the Council's Rule of Law Dialogue, are again examples of soft policy, rather than decisive legal action against breaches of the rule of law.

While the reluctance to react to cases of democratic relapse can be explained to some extent by the fact that the EU has very limited formal and legal means to intervene, some argue that a lack of political will as well as strategic party-political considerations among key political actors in the EU institutions are also important factors (Kelemen, 2017). In this study we aim to analyse how such party-political considerations play out in the EP, which both legally and rhetorically has an important part to play in the EU's reactions to democratic backsliding.

Kelemen (2017) has argued that strategic party politics has informed the attitude of the Christian-Democratic party group European People's Party (EPP) towards Orbán's Fidesz government in Hungary. Crucially, the plurality of the EPP in the EP is strengthened by the 12 seats provided by Fidesz, which is a member of the EPP. The relevance of party politics is also suggested by the very different reaction of EU institutions to democratic backsliding in Poland since PiS came to power.

Whereas the European Commission did not launch the Rule of Law Framework procedure or the Article 7 procedure against Hungary, it did so against Poland. Arguably, unlike Fidesz, PiS does not enjoy the protection of a large and powerful party group. Rather, it is affiliated to the European Conservatives and Reformists (ECR) – a very heterogeneous party group led by the British Conservative Party, which also includes the radical right Danish People's Party and the Finns Party.

Besides strategic motivations, another possible explanation for the weak response to democratic backsliding is ideological: political actors disagree on the need for concern about the quality of democracy and the rule of law in Hungary and Poland. As Orbán's explicit support for the Polish PiS government shows, the EU is far from united on what the standards for democracy and rule of law should be. Qualitative evidence suggests, moreover, that Orbán's politics garners support from radical right politicians such as Freedom Party leader Geert Wilders (2017).

II. The Party Politics of MEPs' Responses to Democratic Backsliding

Our analysis aims to understand how strategic party-political considerations and ideological heterogeneity amongst MEPs and their parties inform responses to democratic backsliding in the EP. We study two parliamentary phases. In the first phase, we analyse agenda-setting attempts by studying which MEPs put the issue on the agenda and which

attempt to keep it off the agenda on the basis of parliamentary questions and motions data. In the second phase, the issue has appeared on the agenda and MEPs are forced to take positions on it by voting in EP plenary roll-call votes on motions for resolutions, which is considered to be primarily a form of position-taking in the EP (Høyland, 2010).

In line with saliency theory, we argue that political parties (through their legislators) emphasize different issues and try to gain a competitive advantage with their issue emphasis strategy (Budge and Farlie, 1983; Carmines and Stimson, 1986; Dolezal *et al.*, 2014; Schattschneider, 1960). As such, saliency theory expects political parties to tend to remain silent on issues that are less advantageous to them. Crucially, such forms of issue competition are found not only in the domestic parliamentary arena (Baumgartner and Jones, 1991; Green-Pedersen, 2010; Vliegenthart *et al.*, 2011; van de Wardt, 2015) but in the EP arena as well (Meijers and van der Veer, forthcoming; Proksch and Slapin, 2011; Slapin and Proksch, 2010).

Our first set of hypotheses deals with the first parliamentary phase of putting the issue on the parliamentary agenda. More specifically, our first hypothesis relates to intra-party group ideological convictions as an important factor. Previous research has shown that MEPs and party groups in the EP mainly compete along two ideological axes: a left–right dimension and a European integration dimension (Hix *et al.*, 2007; see also Otjes and van der Veer, 2016). The left–right dimension encompasses not only the positions of parties and legislators on economic issues (that is, state-based versus market-based solutions to economic management), but also includes cultural components. The European integration dimension captures the positions of legislators and parties towards the issue of more or less European integration as well as a national government–opposition divide.

To some legislators and parties, the relapse of democratic standards in Hungary and Poland signals a profound ideological conflict. The implementation of illiberal measures in Hungary and Poland can be seen as a product of party competition being reduced to identity politics on the cultural dimension (Krastev, 2016; Rupnik, 2016). This is in line with the argument that conflict along cultural lines is becoming important in European politics (Kriesi *et al.*, 2012).

Crucially, whether or not the changes Hungary and Poland have implemented are seen as a form of democratic *backsliding* (rather than merely a form of the development of democracy, or even *progress*) probably follows pre-existing lines of conflict in the EP. As noted, existing studies primarily focus on two dimensions of conflict. We complement this understanding of the structure of political conflict in the EP by specifically studying the effects of the cultural dimension, operationalized as the GAL–TAN dimension popularized by Hooghe and Marks (2018) that sets apart traditional, authoritarian and nationalist (TAN) parties and legislators from those who are green, alternative and liberal (GAL). MEPs from parties on the TAN pole are more likely to *agree substantively* with the illiberal reforms in CEE countries (see Sedelmeier, 2014). Consequently, our first hypothesis is based on the expectation that MEPs from parties with a TAN ideological profile have an incentive to keep the issue of the quality of democracy and rule of law in EU member states off the agenda:

> *H1* (Ideology agenda-setting hypothesis): MEPs from national parties with a TAN ideology are less likely to raise the issue of democratic backsliding than are MEPs from national parties with a GAL ideology.

Our second hypothesis relates to strategic inter-party group considerations. In line with the argument put forward by Kelemen (2017), we posit that MEPs are unlikely to raise the salience of the democratic transgressions of member-state governments when the governing parties in question belong to the same European party group. Raising attention to such cases of democratic relapse is likely to backfire, given that MEPs and their respective national parties are likely to be criticized for condoning such 'bad democrats' in their midst. Moreover, party groups are also incentivized to protect member-state governments if they provide seats in the EP that are necessary to their party group as well as votes in the EP and the council (Kelemen, 2017, p. 3). Therefore, we expect MEPs from party groups harbouring these parties to emphasize the issue less than other mainstream parties:

> *H2* (Party group agenda-setting hypothesis)*: MEPs from European party groups affiliated with the party in government in the country in question are less likely to raise the issue of democratic backsliding than MEPs from (other) mainstream party groups.

Our second set of hypotheses deals with the second parliamentary phase by analysing position-taking through roll-call votes on motions for resolutions about democratic backsliding in Hungary and Poland. Whereas legislators are free to try to put an item on the agenda, they are limited in the options they have in voting on a motion. When facing the vote, legislators have to choose, first of all, whether to vote and when they do so, whether they are in favour of or against the motion or whether they vote to abstain.[1] For this reason, Carrubba *et al.* (2006) and Høyland (2010) consider voting on resolutions in roll-call votes to be an ideal venue for position-taking.

The third hypothesis is similar to the first, and expects legislators to vote against motions that condemn democratic backsliding in Hungary and Poland if their national parties occupy a TAN position. This is because we expect these parties to disagree substantially with the classification of backsliding – instead, they are likely to agree with the reforms taking place in Hungary and Poland. Our third hypothesis therefore reads:

> *H3* (Ideology voting hypothesis): MEPs from national parties with a TAN ideology are more likely to vote against resolutions condemning democratic backsliding than are MEPs from national parties with a GAL ideology.

Our fourth and final hypothesis is related to our second hypothesis in that we expect legislators from party groups with MEPs from parties in national government in Hungary or Poland (depending on which country is condemned in the motion) to vote against these resolutions. As argued before in relation to hypothesis H2 on agenda-setting, voting in favour of such a motion might backfire and lead to accusations of hosting

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[1]Legislators face four options when a roll is being called. They can simply stay away from the plenary and therefore not participate in the roll call (their vote will be recorded as 'not present'). When they do participate, they can vote in favour, against or abstain. Unlike in most other parliaments, legislators thus have two ways of abstaining: by not being present or by voting 'I abstain'. Yordanova and Mühlböck (2015) find that active abstentions (by voting) constitute an important venue for party groups to deal with dissent among their legislators and national party delegations.

non-democratic parties among the group's midst. As a result, our fourth hypothesis reads:

> *H4* (Party group voting hypothesis): MEPs from European party groups affiliated with the party in government in the country in question are less likely to vote in favour of motions condemning democratic backsliding than MEPs from (other) mainstream party groups.

III. Data and Methods

We test our hypotheses on MEP behaviour over the quality of democracy and the rule of law in Hungary and Poland on the basis of a dataset capturing issue emphasis in the EP and a dataset measuring MEP voting behaviour on motions for resolutions. All replication materials are in the Supporting Information online.[2]

Measuring Issue Emphasis in the EP

We measure MEPs' agenda setting on democratic backsliding in Hungary and Poland through their emphasis of the issue in parliamentary questions and motions. As noted, parliamentary questions and motions are particularly useful for agenda-setting purposes as these instruments are the least affected by the disproportionate agenda-setting powers in the EU.

The analysis relies on an original dataset constructed by the scraping and normalization of disaggregated data from the EP's online parliamentary archives. Subsequently, we linked the data to stable identifiers for legislators, parties and various other types of institutions, including identifying links to other common datasets such as ParlGov (Döring and Manow, 2016) and the Chapel Hill Expert Survey (Bakker *et al*., 2015; Polk *et al*., 2017). Whether a parliamentary question or motion is related to issue of the quality of democracy and the rule of law in Hungary or Poland is established by means of a semi-automated content analysis using a basic dictionary of keywords. The keyword dictionary combines two keyword lists: one with keywords on the quality of democracy and rule of law and one of country keywords on the government and government officials in office during the period of study in the country in question. The lists of keywords can be found in the supporting information online (Table S1–S3). The rationale behind this strategy is that if an MEP chooses to discuss the decline of democratic standards in a certain country, she will use terms concerned with central democratic values or principles allegedly under threat in combination with a reference to the government or government officials of the country in question.[3]

Because the democratic deterioration has taken place in different periods for the two cases under examination, we examine the parliamentary questions and motions for different time frames. For the Hungarian case, we collect parliamentary questions and motions on democratic backsliding for the period from 25 April 2010, the day Orbán's

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[2]http://www.maurits-meijers.eu/data/

[3]We extracted a sample of 10 per cent of such cases and manually checked the automated coding procedure. We found that around 80 per cent of the questions and motions speak of democratic backsliding in Hungary and Poland in a condemning way, while around 13 per cent support backsliding. Moreover, we found that 29 per cent of the retrieved documents were not directly related to backsliding. We determined, furthermore, that these non-relevant documents were spread out equally among party groups and cases, which strengthens our confidence in the data quality.

Fidesz party was elected, until 1 June 2017. The analysis of the Polish case starts on 25 October 2015, the day the PiS party was elected, until 1 June 2017. For both cases the data is aggregated over time with the individual MEP as unit of analysis.

The dependent variable in the agenda-setting analysis is the total number of parliamentary questions and motions a given MEP puts forward that matches the list of keywords on democratic backsliding described above. Hence, our estimations deal with discrete, non-negative values. The data, in addition, are over-dispersed, meaning that the variance of the count variables exceeds their mean. This is common for event counts where many observations have a value of zero, but it violates the assumption of statistical independence in the observed events and can inflate coefficient significance. To study the emphasis on democratic backsliding, we therefore employ negative binomial regression models, which include a parameter that reflects the unobserved heterogeneity in the observations (Long and Freese, 2001, p. 243).[4]

Measuring Voting Behaviour in the EP

Voting behaviour in the EP is usually studied on the basis of roll-call vote data.[5] Broadly speaking, MEPs can vote on two types of motions; legislative proposals and motions for resolutions (Carrubba *et al*., 2006). While motions under the ordinary legislative and consent procedure can have a substantial impact on legislative outcomes, resolutions are not legislatively consequential. Voting for resolutions is therefore largely a matter of position-taking (Carrubba *et al*., 2006, p. 695; Høyland, 2010). An analysis of voting behaviour in motions for resolutions on the quality of democracy and rule of law in Hungary and Poland is therefore well suited to study MEP preferences on democratic backsliding.

For the voting behaviour analysis, we use data from four roll-call votes on the quality of democracy and the rule of law: one roll-call vote on the situation in Hungary in 2017 and three votes on Poland in 2016. The vote on Hungary (B8–0295/2017) and two votes on Poland (B8–0461/2016; B8–0977/2016) were on resolutions condemning democratic backsliding. The other resolution on Poland, tabled by the radical right Europe of Nations and Freedom (ENF) party group, was in defence of the Polish government against EU interference (B8–0865/2016). It is worth noting that for all four votes it was the radical right party group ENF that requested the roll call. This is in line with Thierse's (2016, p. 236) argument that roll-call vote requests 'offer a minority the opportunity to stake out a position and to coerce a majority into taking a publicly recorded stance' on a certain issue.[6]

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[4]Likelihood ratio tests also indicate that negative binomial regression models are preferable to Poisson count models. The Vuong test, moreover, indicates that zero-inflated negative binomial regression model is not preferable to regular negative binomial regression models (Hilbe, 2014, p. 197).

[5]The use of roll-call voting data has been criticized in the literature on account of potential selection bias. Roll-call votes constitute approximately one-third of all votes cast in the EP (Carrubba *et al*., 2006; Høyland, 2010; Thierse, 2016; Yordanova and Mühlböck, 2015). Any party group or at least 40 MEPs can ask to call the roll. For other voting methods, such as voting by show-of-hands or electronic votes, only the end result of the votes is recorded and this is therefore not suitable for analyses of individual voting decisions. For our purposes, selection bias is not a problem because we are interested in a specific set of motions of resolutions related to democratic backsliding in Hungary and Poland, as opposed to an entire set of representative votes.

[6]For one resolution vote on Poland, the ECR, party group of the Polish government party PiS, also requested a roll-call vote – possibly to signal within-party group disagreement.

In line with recent research, we analyse roll-call votes using logistic regression analysis, in which individual vote decisions by legislators are used as the dependent variables and quantities of interests as the independent variables, such as party (group) affiliation and ideological positions (Otjes and van der Veer, 2016; Roger *et al.*, 2017). Using this method, we select a small number of votes on which we regress the voting decisions of individual legislators as a function of ideological and party group affiliation. We employ a logistic regression model in which the dependent variable measures the yea votes as opposed to the no votes. Abstentions are not taken into account in the logistic regression analysis. As such, we are able to ascertain what factors contributed to condemning Hungary and Poland. As one of the motions was put forward by a radical right legislator, defending rather than condemning democratic backsliding, we 'flip' the vote so that we predict the act of voting nay rather than yea.

Independent Variables

To test our hypotheses, we construct the independent variables for analysing the issue emphasis and the voting behaviour in similar ways.

To test the national party ideology hypotheses (Hypothesis 1 and Hypothesis 3), we employ the GAL–TAN variable in the Chapel Hill Expert Survey data to determine the extent to which a party adheres to traditional, authoritarian and nationalist positions or instead promotes democratic liberal values (see also Sedelmeier, 2014). The variable is rescaled from 0 to 10 – with 10 marking the most extreme stance on the TAN pole. Because the agenda-setting data are aggregated over a longer time period in the case of Hungary, we take the mean of an MEP's national party left–right and GAL–TAN scores throughout the whole period (2010–17).

In order to measure the party group hypotheses (Hypothesis 2 and Hypothesis 4), we introduce dummy variables signifying the membership of the national party of the party group in question. When MEPs have switched party groups we use the party group affiliation the MEP held for the plurality of the time. In the hypotheses, we gauge whether MEPs who shared a party affiliation with the Hungarian or Polish governing parties (the EPP and the ECR, respectively) differ from other mainstream parties. The Christian democratic EPP, the social democratic S&D (Socialists and Democrats) and the liberal ALDE (Alliance of Liberals and Democrats for Europe) are considered to be mainstream actors, as their constituent national parties are regularly in government (Hix *et al.*, 2007, p. 116). Table S4 in the supporting information shows that the absolute number as well as proportion of national parties in government within the EPP, S&D and ALDE is much higher. Although the ECR, the party group of the UK Conservatives and the Polish PiS, cannot be considered a mainstream party group, we compare them in Polish case against the EPP, S&D and ALDE.

The models also controll for the position of the MEPs' national party on the economic left–right axis using Chapel Hill Expert Survey data. The variable is operationalized in the same way as the GAL–TAN variables and is also rescaled from 0 to 10. We also controll with a dummy variable for whether the country is a CEE country or not. Moreover, Proksch and Slapin (2011) and Jensen *et al.* (2013) have argued that national opposition parties tend to use agenda-setting instruments to make EU institutions, primarily the Commission, aware of problems of implementation of EU regulations and laws. To

ascertain whether our findings are not driven by the government–opposition status of the MEP's national party, we controll for this. Given that we examine an extended period with aggregated data in the agenda-setting analyses, a dummy variable whether a party was in government or not is not feasible – as many EU member states have seen government changes in that period. Therefore, we calculate the proportion of the number of days an individual MEP's national had been in government relative to the days when the MEP was in the EP. For the roll-call voting analysis, a regular government-opposition dummy is used.

Robustness Checks

In addition to these main models, we also conduct a number of robustness checks. First, in line with the analysis by Jensen *et al.* (2013), we recognize that opposition parties might use agenda-setting methods in the EP to call upon EU institutions to undertake action against wrongdoing from their *own* governments. In a separate model in the online appendix, we test the models while controlling for whether the Hungarian or Polish MEP belongs to a respective national opposition party with a dummy variable. In addition, we control for the possibility that the EU position of an MEP's national party affected our main results. The EU position variables are measured using Chapel Hill Expert Survey data and operationalized in the same way as the GAL–TAN and left–right variable.

In addition we test a number of different models for both the issue emphasis analysis and roll-call vote analysis. For both analyses, we test the models with MEP country fixed effects. For the issue emphasis model, we also report Poisson estimates as well as logistic regression models. For the roll-call vote analysis, we verify whether abstention votes affect our main results by estimating different models by including abstentions. In addition, we examine whether the results of the Polish roll-call votes analyses are affected by the different votes with a dummy variable. Tables with the descriptive statistics for each dataset are provided in the supporting information (Table S6–8).

VI. Findings

Table 1 shows the results of the negative binomial regression analysis of the agenda-setting analysis (model A1 and A2) and the results for the logistic regression analysis of the resolution votes (model B1 and B2). Rather than the estimated logarithm of the expected event count, we report exponentiated coefficients (incidence rate ratios) in this table. That is, they show how a one-unit increase in the independent variable affects the rate by which MEPs emphasize democratic backsliding, on the one hand, and the propensity of MEPs to vote in favour of a condemning resolution, on the other. Values below 1 signal a negative relationship, values above 1 a positive relationship. The original models showing the estimated expected change in the log odds can be found in the supporting information (Table S9).

The ideology agenda-setting hypothesis (H1) expects that parties with a TAN ideology were less likely to emphasize the issue of quality of democracy and the rule of law. Model A1 shows for the Hungarian case that a one-point increase in the GAL–TAN variable (ranging from 0 to 10) induces a statistically significant 23 per cent drop in the expected number of questions and motions on democratic backsliding. For Poland

Table 1: Regression Analysis Results

	Issue Emphasis Negative binomial count model		Vote in Favour Binary logistic model	
	Hungary Model A1	Poland Model A2	Hungary Model B1	Poland Model B2
GAL–TAN	0.774*** (0.0248)	0.919** (0.0247)	0.293*** (0.0353)	0.244*** (0.0210)
Left–Right	0.936 (0.0398)	0.887*** (0.0296)	0.549*** (0.0639)	1.116 (0.0776)
In government	0.614** (0.112)	1.032 (0.129)	0.419** (0.139)	0.565** (0.117)
CEE country	1.487** (0.216)	2.324*** (0.291)	0.641 (0.238)	2.084** (0.581)
Wald χ^2	120.84***	64.52***	-	-
Log likelihood	−1545.44	−731.79	-	-
Pseudo R^2	-	-	0.588	0.510
N	1099	605	497	1563

Models A1 and A2 present the negative binomial regression analysis. Models B1 and B2 present the logistic regression analysis. For all models exponentiated coefficients (incidence rate ratios) are presented with robust standard errors in parentheses. * $P < 0.05$, ** $P < 0.01$, *** $P < 0.001$

Source: Authors' data (models A1 and A2) and votewatch.eu (models B1 and B2).

(model A2), the GAL–TAN variable also shows a negative effect – albeit with a smaller substantive effect as a higher value on the GAL–TAN variable induces an 8 per cent drop in the expected issue emphasis. To facilitate a substantive interpretation of these results we also visualize the marginal effect of the GAL–TAN variable on the emphasis democratic backsliding in Figure 1. Figure 1 clearly shows that, while for both Hungary and Poland there is a negative effect of GAL–TAN position, the effect is substantively smaller in the Polish case. Nevertheless, these findings allow us to accept H1 in both cases.

Looking at the control variables in both models A1 and A2, we see that MEPs from CEE countries were more likely to raise the issue. In the Polish case, MEPs from national parties that belong to the economic right were less likely to emphasize the issue. In the Hungarian case, MEPs from national parties that were in government were less likely to push the issue onto the agenda.

Due to the fact that the dichotomous party group variables are highly collinear with the ideology variables, it is not possible to compare the relative strength of the ideology variables vis-à-vis the party group affiliation variables. For the agenda-setting analysis, the leverage of the party group variables has therefore been calculated in different models without the ideology variables. Figure 2 shows the predicted number of parliamentary questions and motions on democratic backsliding in Hungary and Poland per party group. For the Hungarian case, the figure shows that, in accordance with the party group agenda-setting hypothesis (H2), the EPP is very reluctant to ask questions about Hungary and asks significantly fewer questions than ALDE and the S&D. For Poland, we would expect to see the ECR – of which the PiS party is a member – to ask fewer questions than its

Figure 1: Marginal Effect of Traditional, Authoritarian and Nationalist (TAN) and Green, Alternative and Liberal (GAL–TAN) Position on the Predicted Emphasis on Democratic Backsliding.
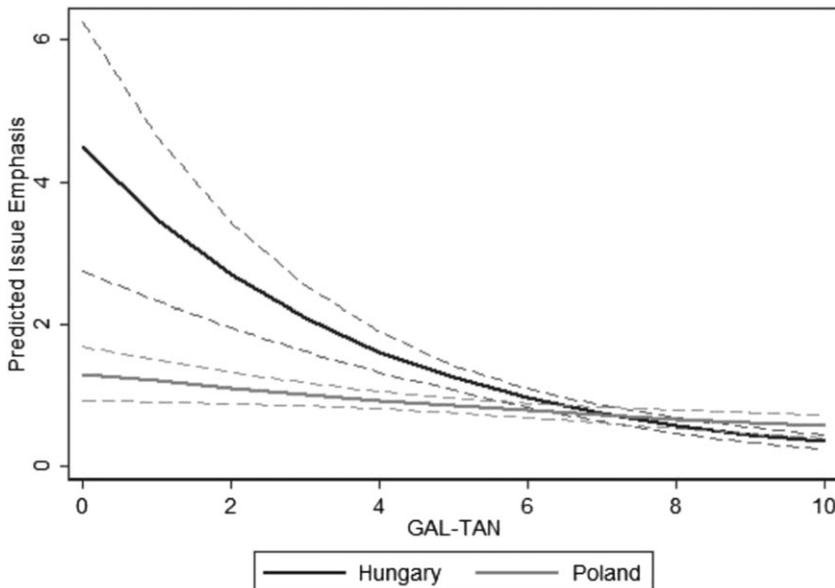
The estimates for Hungary are based on model A1 and the estimates for Poland are based on model A2 (Table 1). The dashes represent 95% confidence intervals. Source: authors' data.

Figure 2: Predicted Emphasis on Democratic Backsliding per Party Group. Estimates from Hungary and Poland are based on Models 1 and 2 in Table S10. The whiskers represent 95% confidence intervals.
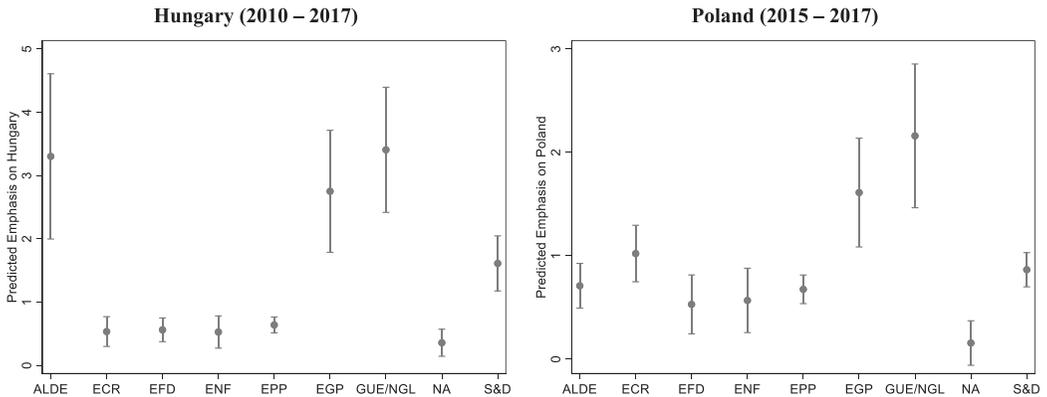
ALDE, Alliance of Liberals and Democrats for Europe; ECR, European Conservatives and Reformists; EFD, Europe of Freedom and Democracy; EGP, European Green Party; ENF, Europe of Nations and Freedom; EPP, European People's Party; GUE/NGL, European United Left–Nordic Green Left; NA, Non-Attached; S&D, Socialists & Democrats.

mainstream competitors. While we see in Figure 2 that the ECR clearly asks fewer questions than the European Green Party (EGP) and the European United Left–Nordic Green Left (GUE/NGL), there is no statistically significant difference between the emphasis of the ECR and the emphasis of the EPP and S&D. In both the Hungarian case and the Polish case, MEPs from the liberal party group ALDE, the radical left GUE/NGL and the EGP were most likely to emphasize the issue of quality of democracy and the rule of law.

Turning to the analysis of MEPs' voting behaviour on the quality of democracy and rule of law in Hungary and Poland, model B1 shows that the ideology voting hypothesis (H3), which formulates the expectation that that MEPs from national parties with a TAN ideology are more likely to vote against condemning resolutions, can be accepted in both the Hungarian and the Polish case. To visualize this effect, Figure 3 shows the marginal effect of the GAL–TAN position on the probability of voting in favour of sanctions on Hungary and Poland. The steep slope in both cases indicates the strong negative effect that the GAL–TAN position has on MEPs' likelihood to vote for sanctions.

In addition, the logistic regression models show that parties in opposition were more likely to vote in a condemning manner on democratic backsliding. Moreover, in the Hungarian case we found that the more left-wing MEPs' national parties are, the more likely they are to condemn democratic backsliding. The variable controlling for MEPs being from a CEE country is significant in the Polish case, but not in the Hungarian case.

Figure 4 presents the voting records of the four resolutions under examination per party group. The descriptive data allow us to examine the voting patterns per party

Figure 3: Marginal effect of Traditional, Authoritarian and Nationalist (TAN) Parties and Green, Alternative and Liberal (GAL–TAN) Position on the Predicted Probability of Voting for Sanctions.
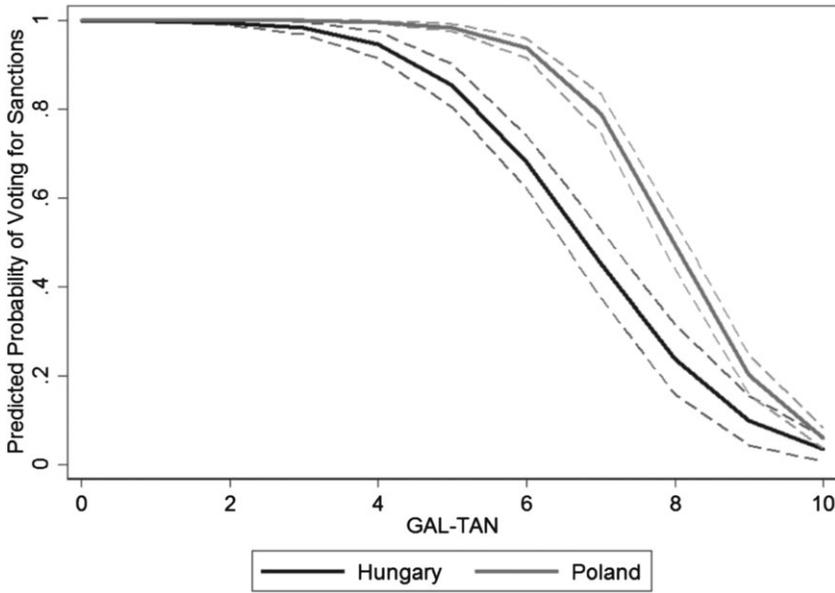
The estimates for Hungary are based on model B1 and the estimates for Poland are based on model B2 (Table 1). The dashes represent 95% confidence intervals. Source: votewatch.eu.

Figure 4: Voting Record per Party Group.
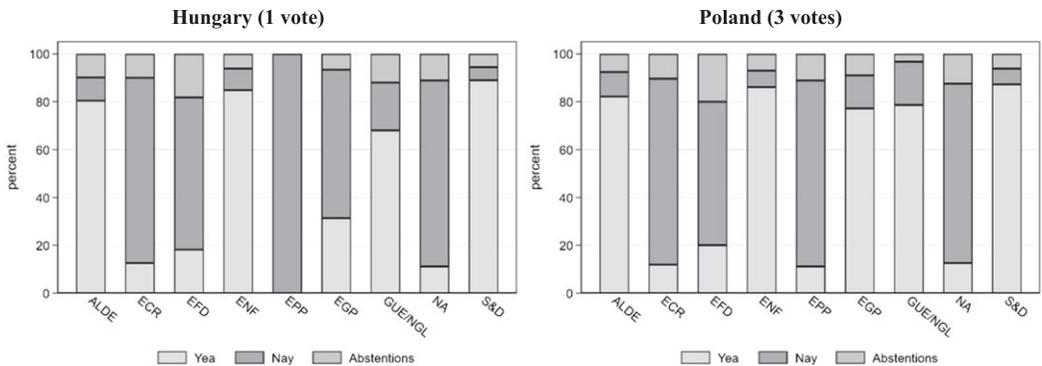
ALDE, Alliance of Liberals and Democrats for Europe; ECR, European Conservatives and Reformists; EFD, Europe of Freedom and Democracy; EGP, European Green Party; ENF, Europe of Nations and Freedom; EPP, European People's Party; GUE/NGL, European United Left –Nordic Green Left; NA, Non-Attached ; S&D, Socialists & Democrats.

group. As hypothesized in the party group voting hypothesis (H4), we see that that most of the MEPs from the EPP voted against the resolution on the situation in Hungary. Yet, approximately 30 per cent of MEPs from the EPP condemned this situation in Hungary, indicating important divisions within the party group. Figure 4 shows that, in line with our expectations, in the resolutions on the Polish case more than 75 per cent of the ECR, the party group of the Polish governing party PiS, did not condemn the Polish government. Approximately 12 per cent of the ECR did condemn the Polish government. The voting patterns of the other party groups are very much in line with our findings of MEPs' agenda-setting attempts – as ALDE and the EGP in particular voted overwhelmingly in favour of resolutions condemning the Hungarian and Polish governments.

As robustness checks, we have included a large number of alternative model specifications. We present and discuss these models in Appendix S1.

Conclusion

This article has provided evidence on the question how MEPs respond to democratic backsliding in EU member states in terms of two parliamentary phases; namely, legislators' attempts at putting the issue on the agenda and the position-taking of legislators afterwards. While there is a significant overlap between the patterns of MEP behaviour with respect to democratic backsliding in the Hungarian and Polish case, there are a number of noteworthy differences. Unlike in the Hungarian case, opposition status and party group membership did not have statistically significant effect on an emphasis of the issue of the quality of democracy and the rule of law in Poland. Moreover, MEPs from governing parties were less likely to support resolutions condemning democratic backsliding in both Hungary and Poland and they were less likely to emphasize the issue of democratic quality and the rule of law in the case of Hungary. With respect to party group membership, we demonstrated that in the Hungarian case MEPs from the EPP were less likely to emphasize the issue. In the Polish case, we saw no significant difference between ECR MEPs and mainstream party group MEPs. With respect to the roll-call votes, most MEPs from the EPP and the ECR both voted against motions condemning the Hungarian and Polish governments, respectively. As we were not able to calculate the ideological determinants and party group affiliation variables in a single model we were not able to determine whether party group membership or national party ideology is more decisive in steering MEP behaviour. Future research could attempt to disentangle party group membership and national party ideology as determinants for MEP behaviour – for instance with MEP-level data of ideological preferences.

How can we account for these contrasting findings? First, MEPs from opposition parties may feel less need to check the European executive in the Polish case because the EU, and especially the Commission, have been much more decisive in targeting the Polish government than the Hungarian one (Kelemen, 2017; Sedelmeier, 2014, 2017). In addition, the periods in which our two cases have experienced democratic backsliding differ. The situation in Hungary has been ongoing for almost eight years, whereas Poland has started steering away from liberal democracy only relatively recently. These shorter time periods may affect the propensity to which national opposition parties and

party groups have been able to devise issue emphasis strategies on the matter. With respect to the insignificant party group effect in the Polish case it is important to recognize that the ECR is a rather recent party group marked by significant ideological heterogeneity – including, for instance, both UK Conservatives, the radical right Danish People's Party and the left-leaning Christian Union from the Netherlands. The shorter period of analysis for the Polish case has, of course, also affected the number of observations, raising the bar for statistically significant results. It is, moreover, striking that the variable controlling for whether a MEP is from a CEE country is significant in the agenda-setting analysis, but not in the roll-call vote analysis in the Hungarian case. This contrasting finding suggests that additional research is needed about how political actors from the CEE region respond to democratic backsliding and what accounts for the variation between countries and between political response mechanisms.

Sedelmeier (2014, 2017) demonstrated for the 2012 case of Romania that the exertion of social pressure on member states can be effective in inducing a return to liberal democracy. Our findings suggest that only some MEPs and party groups are, in fact, exerting such social pressure through agenda-setting mechanisms as well as voting behaviour in resolutions. In particular, the EPP, the EP's largest party group, is remarkably silent. While it is possible that the EPP uses other political arenas, such as the Council, to advance claims on democratic backsliding, we know from the existing literature that it has been hesitant to do so (Kelemen, 2017).

Besides differences between the cases of Hungary and Poland, we also found a number of commonalities. We have provided evidence that suggests that both MEPs' ideological preferences and strategic interests determine their responses to democratic backsliding in Hungary and Poland. In both cases MEPs from national parties with traditional, authoritarian and nationalist positions place less emphasize on the issue of democratic quality and the rule of law and tend to vote against motions condemning challenges to democracy and the rule of law. This suggests that some do not want to question the democratic backsliding of liberal democratic values because they agree substantively with attempts to create semi-autocratic regimes in Western Europe (see Hooghe and Marks, 2018). These results could indicate that a conflict is emerging among MEPs about what political direction the EU or its member states should take, at least partly following the GAL–TAN divide. Further research is therefore called for to establish whether or not a new line of (cultural) conflict permeates political conflict in the EP.

Our findings also have important implications for the literature on the influence of European party groups and federations on national partner parties in CEE countries. In line with scholarship on Europeanization (Schimmelfennig and Sedelmeier, 2005), this literature assumed that European party groups were able to 'Westeuropeanize' CEE parties by the exchange of material and immaterial resources as well as through socialization processes (Delsoldato, 2002; Lewis and Mansfeldová, 2007; von dem Berge and Poguntke, 2013). Today we see that European party groups have been reluctant to enforce adherence to liberal democratic norms as they are incentivized to maximize their number of seats in the EP – the suspension of the Slovak Direction-Social Democracy (SMER-SD) by the Progressive Alliance of Socialists and Democrats (PES/S&D) is an exception to this rule (Haughton, 2014). In the case of Fidesz and the EPP it seems that the size of Fidesz in the EP and as a a player in the Council has led the EPP to 'accept

a difficult, that is, not very compatible, partner among its ranks' (von dem Berge and Poguntke, 2013, p. 320).

There have been a number of indications recently, however, that the EPP's attitude towards Orbán's Fidesz government is slowly changing. Prominent EPP politicians such as EPP parliament leader Manfred Weber and German Chancellor Angela Merkel have denounced Orbán's recent attack on academic freedom in Hungary (Central European University, 2017; Sheftalovich, 2017). As Kelemen (2017) has argued, support for autocratic sub-polity regimes can be withdrawn when the reputational cost of supporting them becomes too high. Time will tell whether such public statements against the Fidesz government signal a profound change in the EU's policy towards Orbán's Hungary or are, instead, strategic attempts to defuse the mounting criticism of the EPP's close ties with the Orbán government.

Correspondence: Maurits J. Meijers, Department of Political Science, Institute for Management Research, Radboud University P.O. Box 9108, 6500 HK, Nijmegen, The Netherlands.
email: m.meijers@fm.ru.nl

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Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

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Table S2: List of Keywords Used on Hungarian Government Actors
Table S3: List of Keywords Used on Polish Government Actors
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Table S9: Regression Analysis Results (Log Odds**)**

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Table S11: Robustness Checks - Issue Emphasis Analysis.

Table S12: Robustness Checks - Roll Call Votes 1

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