

name	color	groundedness
Allocation of EU funds	#bd8976	34
Article 7	#ee695d	32
Attacks against overseeing institution	#EC2364	6
Attacks against the electoral system	#a41508	4
Attacks against the political left	#F21F0D	16
Attacks against the „West“	#FFC197	16
Brussels	#0c525c	120
Budgetary control mechanisms by the	#FFA727	5
Conditionality of EU funds	#009687	20
Corruption involving EU funds	#ee695d	2
Cutting of EU funds	#76C8EE	8
Emotional appealing rhetoric	#28d9c8	51
European Institutions are not fulfilling	#0A93F3	13
Gender and Culture	#6d1109	2
Imposed obligations by EU	#1f2a71	20
Independence of the judiciary	#3D4DB5	45
Intransparent allocation of funds	#1B1616	16
Opinion/Measures of the Commission	#6834B7	11
Opinion/Measures/Resolutions by the	#c6a1fe	11
Presentation of the EU as the enemy	#71197e	28
Proclaiming themselves as saviour an	#9E22B0	25
Rule of Law	#a41a47	232
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codegroups

EU Budget aspects

Rule of Law

State Capture

State Capture

Political Strategy by eurosceptic right wing leaders

Political Strategy by eurosceptic right wing leaders

Systematic euroscepticism

EU Budget aspects

EU Budget aspects

EU Budget aspects

Political Strategy by eurosceptic right wing leaders

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Political Strategy by eurosceptic right wing leaders

Systematic euroscepticism

Rule of Law

EU Budget aspects, State Capture

The European Institutions

The European Institutions

Political Strategy by eurosceptic right wing leaders

Political Strategy by eurosceptic right wing leaders

Rule of Law

State Capture

Political Strategy by eurosceptic right wing leaders

comment

Measures taken by the EU
StateCapture-Judiciary

Measures taken by the EU

Euroscepticism-BlameShifting

Euroscepticism-BlameShifting
Euroscepticism-BlameShifting
Measures taken by the EU

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Bachelor Thesis : Survival of Eurosceptic regimes in the EU

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Abstract

This thesis tries to find an answer to the research question *how Eurosceptic regimes are able to survive in the EU* and to some extent, how they can cement and even expand their political power. To answer this question sufficiently, I am comparing two remarkably similar yet in one variable different cases, namely Poland and Hungary. While Poland's right-wing populist party PiS lost the latest election, Viktor Orbán remains stable in his political power. This topic is complex, and the thesis aims to focus on three main aspects. The thesis has three assumptions, for one the hypothesis that *Eurosceptic leaders depend on EU funds to build a deep state that the EU regulations cannot grasp*, secondly that *the liberal EU is a needed antagonist in the political strategy of Eurosceptic leaders to build an image and ensure political success* lastly that *The EU does not effectively use the instruments it has at hand to combat enemies within*. To discuss the hypotheses, I will mostly consult qualitative data, e.g. scientific papers, newspaper articles and blog posts. I believe this to be the most promising approach as no political phenomena happens in a vacuum and the socio-economic as well as cultural factors should not be forgotten. The Eurosceptic regimes in the EU are a danger to unanimity in the council and the general success of the democratic project European Union. Democratic backsliding in member states makes the EU not as believable when advertising liberal values abroad. This is why, the EU must find a way to deal with the Eurosceptic regimes.

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1. Introduction

Starting from the 2007/2008 financial crisis, a shift in the political sphere of the European Union took place. The member states are not as in favour of the European Union as they used to be. National sovereignty played out to be the highest value for most member states of the European Union. Especially in the Eastern European member states, like Hungary and Poland, there is a development towards voting for populist Eurosceptic right-wing parties. Once forerunners in democratic development in the region, several countries have now for years a Eurosceptic, populist government. Poland for example is strictly anti-imperialistic and fears, due to its history with Germany and the UdSSR, strong neighbours and overreaching powers. Here the Eurosceptic approach seems to be more about conserving national sovereignty, national pride and culture. (Styczyńska, 2023)

Hungary's president Viktor Orban on the other hand seems to need the European Union to position himself and his party as a kind of domestic counter elite to an external oppressive European elite. The European Union is part of his political strategy. (Csehi& Zgut, 2020)

This paper aims to answer, how exactly Eurosceptic regimes are able remain in power and that even successfully. This is important to know, as Eurosceptic governments are one of the most pressing problems of the EU. The EU needs to be well-informed about it in order to be able to fight it. As it otherwise could become very destructive to the political dynamics of the EU. In addition to that several decision-making processes in the Council need unanimity e.g. funding for Ukraine, sanctions against Russia and funds in general. To simply hope that the Eurosceptic governments will disappear is unrealistic and naïve. This is, why it is so important to inspect the details and explanations of the phenomena *Eurosceptic regime survival*. In addition, the EU could potentially loose its pioneering role in promoting democracy, preaching liberal values and the importance of the rule of law if it continues to tolerate Eurosceptic and anti-liberal regimes. It would be against everything that the EU stands for on paper.

Populism itself is not a new phenomenon. The mixture of populist rhetoric, Christian values and Eurosceptic approaches is rather new and poses a great threat to the unity of the European Union. This ethnic focused populism is fittingly called ethnopopulism. The main concept of populism that unites all types of populism from the very right to the very left is that there are some kind of true people that are oppressed by an unwanted, corrupt elite. Due to developments like a rapid globalisation and a focus on international organisation, nation states tend to lose importance. As already mentioned, countries with a history of being part of an imperial power

are deeply afraid of that development. They want to protect their national pride and more than everything their national sovereignty. The populist dichotomy is exported to the international sphere and the EU becomes the oppressive elite. (Styczyńska & Meijer, 2023)

In most cases populist see themselves as the defenders of true democracy and with that worldview they are in desperate need of an enemy they can defend their voters/followers/admirers against. The EU is committed to liberal values and multiethnic communities and with that contradicting the world view of Eurosceptic leaders in general, and Viktor Orbán in particular.

2. Theoretical Framework

To gain an understanding of the political strategy pursued by Eurosceptic regimes and which role the European Union plays in, key concepts need to be defined. Hungary's president Viktor Orbán makes ethnopopulist right-wing and Eurosceptic politics. But what exactly is ethnopopulism and how is euroscepticism defined? Furthermore, it makes sense to look at the nature of the EU and the tools it has in this context. There are enabling factors not only on the national but also on the European level.

In addition to that one cannot fail to notice that the European Union is the favourite entity of populist leaders, like Viktor Orbán, to shift blame to. Why could that be and how does blame shifting in the political context work?

2.1. Populism

Populism is often used loosely in literature, news articles and on social media to describe various extreme political phenomena. But what really is populism and what is it not? Populism's core feature is a strong anti-elite attitude. A worldview, which is centred around the idea of the true people. The "in group" versus the elite, the "out group". In general populism is a thin centred ideology and can easily be combined with a large variety of other ideologies, ranging from the very right to the very left of the political spectrum. That makes populism such a common and successful political strategy. Liberal democrats see populism as a political phenomenon dangerous to liberal democracies while populist leaders see themselves as saviours of real democracy. There is a tension between the idea of a liberal democracy against the populist democracy. Populist leaders want a direct link between the ruler and the ruled without any intermediaries. That is why populists attack the checks and balance system first. (Bakke & Sitter, 2022)

Populist leaders are emphasising the central position of the ordinary people. Criticising the elite, perceiving the citizens as a homogenous entity and proclaiming a serious crisis. (Gerim, 2018). Those leaders see representative, liberal, democracies as detrimental to the “real” will of the people and “they insist that they are democrats since their goal is to restore the power to the people” (Gerim, 2018).

Populism emerges from the tension between the accumulation and use of power and the limitation of said power in liberal democracies. Representative democracies are seen as a falsification of the will of the people. The three main types of populism are defined as: agrarian, economic and political. The agrarian populism focuses, as the name suggest, on the idea that the agriculture life is the foundation of society. Economic populism on the other hand gives highest importance to economic protectionism and the state is very pro-active. (Vachudová, 2020). Then there is the most known type of populism, which is the political populism. It envisions a hegemonic society that needs to be protected from outside influence. Democracy does not automatically equal liberal democracy, with liberal values like multiculturalism, individualism, and internationalism. To stop illiberal democracies from emerging there needs to be liberal constitutionalism. Populist leaders see these liberal values and constitutions as a dangerous threat on the sovereignty of the people. More than that “the division of power, the rule of law and respect for the rights of minorities are rejected since they limit people's sovereignty” (Gerim, 2018). It seems to be no coincidence that the first thing that populist leader do is to try to change the constitution in their favour.

To achieve significant control over nearly all aspects of the state, including the media landscape. Populist leaders employ different strategies that can be summarised under four main tactics: “(1) exploiting national crisis, (2) deactivating controls, (3) milking cash-cows, that is, acquiring public resources and converting them into assets for the party and (4) using legislative majorities to reshape the political institutions to their benefit” (Auerbach & Kartner, 2022). One of these strategies alone is not enough, all strategies must be successfully pursued to reach the “goal” of state capture. State capture is defined as a situation in which “a group pf actors gain control over a significant number of state bodies, procedures, and policies with the intent to subvert their effectiveness for the group’s benefit” (Auerbach & Kartner, 2022).

Viktor Orbán exploited national crisis several times to gain more political power and to shift the attention of the public away from other issues. While still in opposition Fidesz managed to keep a scandal of the ruling party in the media for weeks and to make the public believe that it

was a danger to national security. In addition to that he used the migration crisis of 2015 to draw the public attention away from his parties' shortcomings and to a danger of loss of national identity and the role of the EU in the crisis. EU funding money seems to be important to the success of Orbán as he seemingly uses it to keep important businessmen in line and close to Fidesz. This observation brings me to the hypothesis that *Eurosceptic leaders depend on EU funds to build a deep state that the EU regulations cannot grasp*. The success of all these tactics stands in direct connection to the resources a party has control over. It “enables captors to accrue specific benefits that facilitate their broad quest to exploit vital institutions, as well as the deployment of other strategies” (Auerbach & Kartner, 2022).

2.2. Euroscepticism

Following the idea of an external enemy and the fear of the others, Euroscepticism connects well to populism. In sum Euroscepticism can be described as a political ideology which opposes further integration of the European Union and increasing powers attributed to the European Union. Euroscepticism ranges from opposing new member states and competences to wanting to leave the European Union. (Kneuer, 2018) This trend can be seen more strongly since the economic crisis of 2007/2008. Populist parties increasingly took on Eurosceptic ideologies as the nation state became more important once again. As already mentioned, national sovereignty is an important concept, if not even a core element, for populism as well as euroscepticism. Both share the idea of an external “evil” elite that is a threat to the “true” people and the good internal elite. In addition to that, citizens are more likely to follow their elite when the moment in time is framed as a crisis, “hence, they will aim to frame the threatening crisis as the consequences of an illegitimate external intervention into domestic politics and the same time seek to present themselves as the only actors able to solve the problem.” (Carin et. Al., 2015). The support for illiberal values tends to grow and the support for the EU tends to go down. In the case of Hungary and Poland the constructed “us” is the white, Christian population of the nation state and the „them “is the European Union. The constructed “them” is oftentimes presented as a danger to the sovereignty and economic wealth of the “us”. This phenomenon is also called “othering”. Following this line of thought I want to test the hypothesis that *the liberal EU is a needed antagonist in the political strategy of Eurosceptic leaders to build an image and ensure political success*.

2.3. The Intersection of Populism and Euroscepticism

A significant part of Euroscepticism and populism is the political phenomenon of blame avoidance and blame shifting. This is not a new part of the political power struggle and strategy but a way to gain power since the beginning of time. It is not only happening in one political sphere but across the whole spectrum and that by every political party. This has to do with a phenomenon called negativity bias. Negativity bias means that voters are more sensitive to real or potential losses than they are to potential or real gains. This leads to a situation in which politicians are more motivated to avoid blame for unpopular actions rather than seeking to claim credit for popular ones. (Weaver, 1986) In addition to that „Policymakers are often placed in situations in which the opportunities to claim credit that discretion affords are simply not worth the associated political costs“ (Weaver, 1986). Most policy makers are „motivated in large part by their desire to maximise their prospects for re-election “(Weaver, 1986). This could be a possible answer to the question on how Eurosceptic regimes are able to stay in power.

2.4. The EU

The very nature of the European Union, being committed to liberal values, the rule of law, liberal democracy and a multiethnic society. These values contradict the values of leaders like Viktor Orbán, they encapsulate an inherently different view of the world. This extreme contrast makes the European Union perfect to build up a political identity against. This extreme contrast makes it exceedingly difficult to understand how Eurosceptic governments can stay in power, and that since several years. Especially, considering that the EU is not completely powerless regarding misbehaving member states, it has the Article 7 procedure and since, 2018 the rule of law conditionality mechanism. The Article 7 of the Treaty on the European Union is also called *suspension clause*. It is a protection mechanism which allows the EU to suspend EU membership rights, if a member state is seriously breaching the values and principles on which the EU is founded. These values and principles are defined in Article 2 of the Treaty on European Union. The membership obligations remain binding under the Article 7 procedure. To activate Article 7 “one third of EU Member States, or of the European Parliament or of the European Commission, the Council, acting by a majority of four fifths of its members, having obtained the Parliament’s consent, may determine that there is a clear risk of a serious breach of these fundamental principles by a Member State, and address appropriate recommendations to it.” (EUR-Lex)

it is surprising that the EU does not do more than cut funding. These cutbacks in funding are always helpful only for a short amount of time until the EU needs Orbán's help once again. (Csehi& Zgut, 2020)

This can partially be explained by the tension between needing Hungary and Poland regarding the war in Ukraine and the migration crisis as well as of the fear of doing too much. There is also the consideration of stability in the region and what the EU is willing to sacrifice for that. Stability in the Balkan region is extremely important to the EU and so it chooses to ignore some political moves of the leaders in the region simply because they are dependent on figures like Viktor Orbán. Furthermore, the EU is not as powerful as some believe it to be. The EU's *acquis Communautaire* is very thin when it comes to the rule of law, the fight against corruption and the safeguarding of liberal democracy and in addition to that not vigilant enough in enforcing the measures available to them. (Vachudová, 2020)

The Organisation for Security and Co-operation in Europe criticised both the election in Hungary in 2014 and 2018 as “Free but not fair” (Bakke&Sitter, 2022). This brings me to the hypothesis that *The EU does not effectively use the instruments it has at hand to combat enemies within.* ‘

3. Methodology

3.1. Research Design

The thesis follows the research format of a comparative case study design with a most similar system design approach. This seems plausible as Poland and Hungary have several similarities but one significant difference, namely success in the latest elections. As mentioned before Viktor Orbán was able to stay in power, while the Polish right-wing populist PiS party lost its majority. What did Orbán do in Hungary that the PiS party might not have been able to do or even miss to do. The comparison of two so cultural, social and political similar countries could bring interesting learnings for other cases in the region. There are several other member states of the EU in the region which are also struggling with Euroscepticism and democratic backsliding e.g. the Czech Republic.

Choosing a case study format makes it possible to explore topics, that are extremely complex, in a structured way. As already mentioned, I believe this topic to be rich in nuance and therefore need a method which would allow a multifaceted approach. In addition to that I want to explore the *why* and *how* of the phenomenon and not the *what*. (Bhattacharjee, 2012)

Here a comparative case study seems more fitting than a single case study or a multiple case study. The single case study would not offer enough nuance while the multiple case study approach might lead to the issue, that interesting details could be overlooked, due to the large data set needed for such research. The comparative design intends to help me to develop a richer and more nuanced interpretations of the phenomenon regime survival against the odds. (Bhattacharjee, 2012) In addition to that, the case study approach makes it possible to examine the phenomenon of regime survival not only on the national but also on the European level. As I already know the phenomenon I want to study, *Eurosceptic regime survival*, it makes sense to choose case study research as I might be able to discover various political, social or economic variable that I was not aware of before. (Bhattacharjee, 2012)

This whole research is designed as a deductive qualitative interpretative approach. Deductive, in this case, means that through developing the theoretic framework I came to two main hypotheses which I intend to test through textual content analysis. The data will be mainly qualitative in nature. In combination with the case study approach, it offers me the opportunity to look at a variety of contextual data and I am not limited to statistical data or surveys etc. Alone.

3.2.Data Collection

The analysis will mainly be focused on scientific papers from the last 10-15 years and official EU documents as well as statements made/published by EU officials/bodies. This means, that the data collected will mainly be, as mentioned before, qualitative data. Newspapers articles will also be inspected, but it is important to note that some nuance might be missed due to the language barrier. This is why I will focus mainly on English papers, articles, tweets and blog posts. Translation oftentimes already has an interpretation in mind, even if not intended. I believe the qualitative deductive approach to be the most fitting here, as no political phenomenon happens in a vacuum and statistical results alone would not showcase the different perspectives on the same political phenomenon. Newspaper articles and social media posts will be helpful to grasp the attitude of the citizens and the big media houses.

The scientific papers are mostly collected from journals focused on eastern Europe as well as political foundations which have specialised themselves in that area e.g. *Eastern Journal of European Studies*, *East European Politics and Societies*, *Journal for central and Eastern European History and Politics* and *Journal of Contemporary Central and Eastern Europe*. Choosing these journals as a starting point for the qualitative data collection, tries to make sure that the collected data is not only from a western European viewpoint but from scientists who understand the cultural, historic, and political background of eastern Europe. Western European view on eastern Europe could potentially be different than their view on themselves. In addition to that, the diverse data sources help me to make connections between different explanations of the same phenomenon. (Stemler, 2015)

To gain an understanding of the European perspective, the official EU statements regarding Viktor Orbán, the Fidesz Party and the Polish equivalent PiS will be helpful. In addition, the discussions, and official statements around Article 7 of the TEU regarding the cases of Hungary and Poland are also part of the data collection. Here it will be interesting to see the differences/similarities between the scientific view on EU politics and the self-presentation of the EU. I expect to find at least some differences between the way that the EU views its own measures and the political/social scientist's view. Eurosceptic politics is not one dimensional and happens on multiple levels. The implications are not limited to the national or EU level but are influencing each other. Each measure taken by the EU leads to some reaction by the political leaders of Eurosceptic governments and the other way around.

3.3.Data Analysis

To gain a good overview of qualitative data and to not get lost in the sheer mass of information accumulated, the text analysis software Atlas.ti will be used. Atlas.ti makes it possible to grasp large data sets relatively quickly and to find similarities/differences between the different papers. (Miller, 2000)

Atlas. Ti is, as already mentioned, especially helpful when one deals with large data sets which otherwise would take an extensive amount of time to work through. With Atlas.ti the researcher can generate so called “codes”, these codes are basically self-chosen text markers. (Miller, 2000) Using the same codes for different papers shows systematic similarities relatively fast. The codes are in this case derived from the theoretic framework of the thesis. In addition to that Atlas.ti can help to showcase the relationship between the dependent variable and the independent variables. Here a structured approach is important as the volume of qualitative data

could otherwise lead to confusion. More than that, it helps to set a clear focus and not get lost in small, maybe interesting but unrelated details.

In line with my research question the dependent variable that I am examining is *regime survival*. With the help of Atlas.ti I am exploring the independent variables, the codes, that I believe to influence the dependent variable *regime survival*.

Through Atls.ti, I will be able to generate data which then will help me to test the accuracy of my hypotheses and the influence of the independent variables. The conceptualisation of the most important concepts mentioned in the theory part will be translated to code groups. Here the conceptualisation is incredibly important because of the “imprecisions, vagueness and ambiguity of many social constructs” (Bhattacharjee, 2012).

For the first look at the scientific papers, the first round of coding, merely the frequency of the code groups will be analysed. These code groups, or independent variables, derived from the main theoretic concepts, are *State capture*, *Euroscepticism* and *Measures taken by the European Union*. These codes correspond with my hypotheses that Eurosceptic leaders need the EU, and the EU unfortunately needs them/tolerates them. In addition to that, the code *state capture* is important as that is at the core of populist political strategy, to build a state administration and judiciary according to their own liking. By looking at the frequency of the codes, I will be able to see if there is a “trend” towards this topic in the recent years, determine as how important scholars deem this topic and to some extent the pace of this development.

The three main code groups will have each two to three codes with three to four sub-codes as “given the high level of subjectivity and imprecision inherent on social constructs, we tend to measure most of the constructs using multiple indicators” (Bhattacharjee, 2012). These sub-codes are, as the three main code groups, derived from theoretic framework and their connection to the hypotheses that this thesis is aiming to test.

The second round of coding will be more going into the direction of a textual content analysis. I have decided for a content analysis and not a discourse analysis, even so that would also be interesting, because I do not speak Polish and/or Hungarian and a lot of nuances, owned by the respective language, would be missed. This could lead to falsified results. As already mentioned above, every translation already has some interpretation in it, even if not intended. Language is incredible complex, and I would not be able to live up to this.

The use of Atlas.ti will help me to compare different definitions of the same concepts in multiple papers with each other and find different perspectives as well as explanations for the same phenomena. (Smit, 2002)

The second round of coding allows for a structured approach, as I will have already gained some general knowledge on the topic as well as some similarities and differences in the first round. In the second round, I will be able to explore these findings in more detail and in a more structured way than I would have been able to do in the first round. Here a detailed and structured coding scheme is vital to success.

The code group *State capture* has three main codes; *attacks against overseeing institutions*, *corruption involving EU funds* and *attacks against the electoral system*. These are, derived from the theory the most important corner stones used by populist politicians to gain influence beyond their legislature period. These sub-codes are still relatively easily to compare but offer a more nuanced approach than in the first round. The same is true for the code *EU budget aspects* with its sub-codes' *allocation of EU funds* and *Budgetary control mechanism by the EU*, *Conditionality of EU funds*, *cutting of EU funds* and the code from *state capture: unclear allocation of EU funds*. The code group *Rule of Law* has the main codes *Article 7*, *Rule of law and independence of the judiciary*. Then the code group *political strategy by Eurosceptic right-wing leaders* which is divided into *presenting the EU as enemy/elite or similar expression*, *proclaiming of self as protector or saviour* as well as *Attacks against the political left*, *Attacks against the West*, *emotional appealing rhetoric* and at last *that Europea institutions are not fulfilling their purpose*. The code group *European Institutions* has the sub-codes *Opinion/Measures/Regulations by the Commission* and *Opinion/Measures/Regulations by the Parliament*. The last code group is *world view* and includes the codes *migration* and *gender and culture*.

After collecting the information from the code groups, codes and sub-codes, I will have specific information on exactly the phenomena that I am exploring with this thesis. It is important to mention that the coding scheme is not set in stone and that it might be changing when I gain more in-depth understanding. Added information learned can lead to changed research and slight changes in the coding scheme, at least to some extent.

3.4.Coding Scheme

Codes	Sub-Codes
State capture	Attacks against overseeing institutions Attacks against the electoral system Unclear allocation of funds
EU budget aspect	Allocation of EU funds Budgetary control mechanism by the EU Conditionality of EU funds Cutting of EU funds Unclear allocation of funds
Rule of Law	Rule of Law Article 7 Independence of the Judiciary
World View	Gender and Culture Migration
Blame shifting	Mentioning of the EU as the enemy/elite or similar expressions Proclaiming of themselves as protector of traditional values Imposed obligations by EU Attacks against the political left Attacks against the West European Institutions are not fulfilling their purpose
Measures by the EU	Opinion/Measure/Resolution by the Commission Opinion/Measure/Resolution by the Parliament

4. Analysis

4.1. Hungary

Hypothesis 1 *„Eurosceptic leaders depend on EU funds to build a deep state that the EU regulations cannot grasp.*

In 2018 the European Parliament initiated the conditionality of EU funds to the rule of law. With this clause the EU tries to regain control and transparency over the way in which funds are spend by member states. The values of the European Union, laid down in the treaties, and especially the rule of law should not be damaged with the help of funds from Brussels. Especially the cases of Hungary and Poland showed the EU that it does have to protect its funds and make sure that they receive the designated beneficiaries. Hungary has benefited significantly from the EU cohesion fund in recent years. Since joining the EU in 2004 it received around 2% of its GDP annually in net terms from EU funds. (European Commission, 2023a) Hungary is supposed to receive 21.7billion EUR of cohesion policy funds in the financial cycle from 2021-2027. In addition to that it is supposed to receive 5.8billion under the Recovery and Resilience Plan (RRP), equal to 3.8% of Hungary's GDP in 2021. (European Commission, 2023a) The RRP was approved by the EU under the procedure pursuant to Regulation EC, Euratom 2020/2092. The European Union introduced 27 super milestones, ranging from media freedom to judiciary independence that Hungary needs to fulfil to receive funds. Furthermore, these super milestones are aimed to ensure the sound management of the funds and to protect the fiscal interests of the EU. (European Commission, 2023a)

The importance of EU funds

The Budgetary Control Committee of the European Parliament has the objective to ensure the sound management of EU funds. In the mission report of the Budgetary Control Committee of the European Parliament to Hungary, 15 – 17 May 2023, representatives of NGOs as well as the opposition, local authorities and investigative journalists claimed, that Orbán's success is partially build on EU funds. Without these funds, he would not have been able to build the deep state behind the constitutional state. (Mission Report, Budgetary Control EP, 15-17 May 2023) Most importantly would not be able to keep it running as stable and successfully. This deep state is partially what makes it so difficult to regain control over the EU funds in Hungary and transparency over their allocation in the country. Journalists, NGO members and opposition politicians told a delegation of the European Parliament, that EU funds are vital to the political survival of Viktor Orbán. (Mission Report, Budgetary Control EP, 15-17 May 2023) Even so withholding funds hurts the ordinary people that would be beneficiaries of these financial subsidies, it is a danger to Orbán's regime.(Mission Report, Budgetary Control EP, 15-17 May 2023) Orbán tries to paint a picture in which the EU wants to take away subsidies from the ordinary people. In his end of the year press conference in 2023 he claims that Brussels

“punishing the Hungarian people through the Erasmus program is something alien to the Hungarian soul”. (Orbán, 2023a)

Even so Orbán “plays” with the picture of Fidesz and him redistributing wealth and EU funds, most of the benefiting companies, NGOs and businesspeople are those who follow his political line and support him. EU funds are often distributed in in-transparent evaluation processes. Why and how a company gets the public contract is oftentimes difficult to follow.

EU funds and their influence on elections

Furthermore, opposition politicians mentioned to the MEPs that not-Fidesz led towns often do not receive enough money to run the city successfully and that they pay more in tax than they receive. The message here is clear. The opposition is not able to manage the town and so citizens should better vote for Fidesz. (Mission Report, Budgetary Control EP, 15-17 May 2023) As already mentioned, public contracts are mostly given to companies with close ties to Fidesz, or the Orbán family. In many cases the direct beneficiaries are family members of Orbán. The father of Viktor Orbán for example owns a mining company which delivers building material to big infrastructure projects in Hungary. (Zöldi & Pethó, 2020) The mining company, Dolomit Ltd., offers good quality material but is in comparison to its concurrence up to 30% more expensive, making it not the most natural choice for public contracts. (Zöldi & Pethó, 2020) Loyalty to the Fidesz party program or Orbán directly seems to make it more likely that a company receives funds.

The delegation of the EU Parliament also met with international companies and these companies mentioned the unfair tactics employed by the government to ensure that funds go to loyal Fidesz supporters. It happened regularly that the police searched offices and made it in general exceedingly difficult to build successful business. (Mission Report, Budgetary Control EP, 15-17 May 2023) In addition to that, new policies were often adopted overnight, and the legal uncertainty is remarkably high. The budget of 2022 was modified 95 times, without consultation of the parliament. Making it exceedingly difficult for the opposition to fulfil its role on keeping a check on the government spending. (Mission Report Budgetary Control EP, 15-17 May 2023)

EU Funds and bought loyalty towards the regime

Viktor Orbán very strategically gives out the EU grants to loyal companions or businesspeople who could be useful in the future. (Mission Report, Budgetary Control EP, 15-17 May 2023) He uses, at least partially the capital provided by the European Union to connect the wealth and success of the important men of Hungary to his political success and survival. Would he lose the support of those men and businesses, employing the extensive political campaigning and information campaigns would become more difficult.

When taking a close look at the political strategy it becomes noticeably clear that political gestures by the EU or talks with Orbán do not make him follow the rule of law. Cutting funding and withdrawing the capital from his oligarch network might lead to changes. (Mission Report, Budgetary Control EP, 15-17 May 2023) On the other hand, these changes might be minimal as he had too much time to build a deep state and his supporters captures the state in every aspect. The chief prosecutor of Hungary for example is known to be Fidesz-loyal and all cases connected to Fidesz or the Orbán family led nowhere. (Scheppelle, 2021) Here it becomes clear that OLAF, the EU anti-corruption agency is in desperate need of prosecution competencies for itself. This new mandate would require unanimity in the Council.

Hypothesis 2 ,*The liberal EU is a needed antagonist in the political strategy of Eurosceptic leader to build an image and ensure political success* ‘

Figure 1: Distribution of catch slogans in Orbán’s speeches

Viktor Orbán Speeches	
Attacks against the „West“	15
Attacks against the political left	15
Brussels	120
Imposed obligations by EU	11
Presentation of the EU as the enemy/dis...	22
Proclaiming themselves as saviour and ...	21
Rule of Law	2

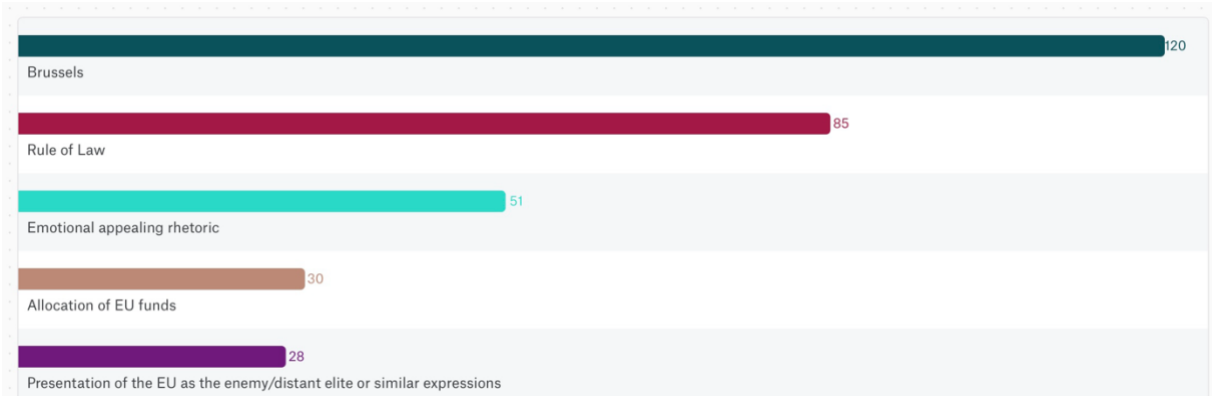
In order to test the hypothesis that the EU is needed as an antagonist in the political rhetoric of Eurosceptic leaders, eleven speeches of Viktor Orbán from the last two years were analysed. Especially focusing on his choice of words surrounding the EU and the "West" in general. When reading his speeches it becomes apparent that the EU is something that Orbán needs and despises at the same time. He makes the point that: ”we have been cheated. It is time to rise-up” (Orbán, 2023a).

Victor Orbán’s speeches are nothing short of indirect and direct attacks against the EU. Starting from economic related topics like tax harmonisation all the way to international politics, for

example the Russian war on Ukraine. Orbán without failing, always finds a way to mention *Brussels* no matter the original topic of the speech or the event that the speech is held at. In the eleven speeches analysed here, *Brussels* is mentioned 120 times. (See figure 1) The EU is his rhetoric antagonist against which he profiles himself and his political party Fidesz. Orbán's speeches showcase his worldview in which the EU is taken over by left gender activists and the ordinary people of Europe do not have a voice anymore. In the end of the year press conference in 2023 he claims, “that the Bureaucrats in Brussels live in a bubble and therefore Brussels is blind, that it does not see life as it really is, and that its detached from the problems that people are struggling with, not only in Hungary, but throughout Europe” (Orbán., 2023a). In addition to that, Orbán claims, in his speech celebrating the 176th anniversary of the Hungarian revolution 1848-49, that “today the people of Europe fear for their freedom in the eyes of Brussels“ and that „they want to press us into war, they want to saddle us with migrants, and they want to re-educate our children”. (Orbán., 2024d)

When analysing eleven speeches alone, there were 22 incidents, see figure 1, where Orbán directly attacked the European Union as a distant elite. Furthermore, there were eleven cases in which policies in Hungary were presented as imposed obligations from Brussels, including tax raises. (See figure 1)

Figure 2: Compared distribution of codes in Viktor Orban speeches



In addition to that the rule of law principle is nothing more but a threat to Hungary's sovereignty and a tool used to shut down those member states which dare to speak up against the mainstreamed politics in Brussels. In the end-of-the-year press conference on December 21, 2023, he says that: “its perhaps worth saying that blackmailing is a public acknowledged fact. So, the fact that Hungary's being blackmailed in Brussels is a fact admitted by the blackmailers themselves”. (Orbán,2024c)

The high number of times that Orbán mentions Brussels shows that in some way Orbán needs the EU. Brussels for him is an important entity that he can profile himself and his Fidesz party against. The EU is also ideal to shift blame towards, as “normal” Hungarians do not have many contact points with it. This makes it easy for Orbán to default many societal and economic problems that Hungary is facing towards a failure of EU policy and politics, especially regarding migration and culture. As already mentioned, withholding funds seem to be effective in punishing Orbán as financial blackmailing is a topic in several speeches. Orbán also sees enemies in Hungary, those who cooperate with left-liberal media and values, „those engaged in sabotage in Brussels to take money from teachers and kindergarten teachers” (Orbán, 2024c). His speeches are characterised by emotional rhetoric. Orbán regularly titles his listeners as his “*friends*” and appeals to the greatness and nature of the Hungarian nation (reference). Disagreeing with him is somewhat disagreeing with the greatness of the Hungarian nation. His speeches end with: “God above us all, Hungary before all else.” making it truly clear that he is a man of Christ and serves Christianity. In addition to that, there are 21 cases in which he portrays himself as a sort of hero to the nation, that protects the ordinary people from Brussels.(see figure 1) Especially his speech for the 176th anniversary of the Hungarian revolution is characterised by the narrative of an overbearing EU.(see figure 1) Orbán draws parallels between the situation of Hungary now and in the past claiming that the revolutionaries „knew that the Hungarian homeland lived in a shadow of eternal threat“ (Orbán, 2024d) Orbán does not reject the European Union as a whole but rather the, in his view, liberal direction the policies have moved to. Orbán believes that: “therefore, if we want to preserve Hungary's freedom and sovereignty, we have no choice but to occupy Brussels, (...) Now we will march on Brussels and we will make the change in the European Union ourselves “(Orbán, 2024d)

Gender and culture war

Orbán's rhetoric is a direct counter argument to everything that the EU stands for. Liberal values like LGBTQ+ rights, asylum and anti-discrimination are for him threats against the traditional, Christian way of life. It becomes apparent that he sees a left-liberal threat against Hungary coming from the EU. Orbán tries to install fear into his followers when claiming that the EU wants to re-educate their children and make family whatever people want it to be. Gender-activists would take over the schools. (Orbán, 2023a) Orbán's speeches showcase his worldview in which the EU is taken over by left gender activists and the ordinary people of Europe do not

have a voice anymore.(Orbán, 2023a) Orbán's speeches showcase his worldview in which the EU is taken over by left gender activists and the ordinary people of Europe do not have a voice anymore. The EU, in his worldview, wants Hungary to change its way of life and take away what is Hungarian in Orbán's eyes, conservative, Christian values. This world view can be seen, when Orban is talking about the resigning president: “A mother, a kind and highly capable person who wanted to prove her aptitude not in competition with men, and not by their standards. This always greatly impressed me. In her own natural way, she showed us men that the realm of women’s feelings and thoughts is essential and irreplaceable in every walk of life – including in politics.” (Orban, 2024g)

Europe in his world view follows a strong Christian tradition which is now weak and not ready to defend itself: “to integrate somebody in a society which is based on the Christian heritage, we would need a strong Christian, attractive, convincing energy. But look around in Europe! It does not look like that. So how can somebody imagine that a weak Christian culture will integrate a strong, self-confident Muslim culture?” (Orbán, 2023b) This very much reflects the idea of a culture war within the EU, where one-part sticks to the traditional Christian way of life while the other part moves in a more liberal secular direction.

Migration

As already mentioned above, migration is an important topic for Viktor Orban. Migration especially is the issue he is profiling himself against the common course of the EU. He is a man that opposed migration from the very beginning, and proud to do so. In a talk with the Swiss magazine *Weltwoche* he talks about a conversation with the German chancellor Angela Merkel who supported migration., “I have to veto all decisions which is related to that” (Orbán., 2023b). If people would want to come, they would: “need to knock and not kick the door” (Orbán, 2023b) Profiling himself and his party Fidesz as the protector of the nation and the EU on the other side as an entity which wants to swarm Hungary with migrants. Orbán uses metaphors of plagues to enhance his story telling of the danger of migrants to society. In the opening speech of CPAC he says: “they sat there in Brussels and Berlin with candy floss in their hands, and then they were surprised when they were swarmed by wasps” (Orbán,2024h). Once again, he tries to install fear in his listeners and himself as the Saviour. Capturing crisis and the discourse around them is a key strategy of populist leaders.

Furthermore, he makes it clear that all border control measures are financed by Hungary itself and not supported by European Funds, as the European Union does not support the building of

walls. That translates to the idea, that he does everything in his power for the security of the Hungarian citizens. And that without the support of the EU. He is for a: “protected society”: one in which the state protects its citizens; one in which migration is not organised, but borders are defended” (Orbán, 2024h) Mentioning that the EU does not provide Hungary with funds for border control may lead to Hungarian citizens to feel like the EU leaves them alone with the challenges of migration. Orbán may be the only one able to offer security. In the conversation with the Swiss magazine Weltwoche he makes clear that: “we have got nothing, financial support for that purpose from the European Union. Fence is a taboo. Fence and defending patrol cannot be financed from the European budget up to now” (Orbán, 2023b). Making it clear that he is the one who takes care of the “problem” and shifts the blame of any problems to the EU.

Orbán seems to be proud of his near air-tight border and aims to make it 100% uncrossable for migrants, “We’d like it to be 100 per cent, but the truth is that sometimes migrants manage to break through. And then we have to use the police to escort them back” (Orbán,2023a). Migrants for Fidesz are mostly entering the EU to get access to social benefits. In a conversation with the Swiss magazine Weltwoche he claims that: “don’t forget that the migration, the most attractive thing for the migration is the social welfare they can get in rich countries” (Orbán, 2023b).

Hypothesis 3 ,*The EU does not effectively use the instruments it has at hand to combat enemies within.* ‘

The European Union has several overseeing institutions and mechanisms which tasks it is to control the EU funds as well as the member states commitment to the European values, laid down in the founding treaties. The two main instruments, also the ones most known to the European public, is the *Article 7* procedure and the *rule of law conditionality regulation*.

Article 7

The Article 7 procedure was triggered in September 2018 with 448 yes votes, 197 against and 48 abstentions. The Article 7 procedure aims to re-establish the conditions for a constructive dialogue between the EU and Hungary. Regarding the judicial independence, an integral part of the rule of law and Article 7, the Commission and Parliament seem to evaluate the situation differently. The European Parliament considers Hungary as of their Press Release form the 15.09.2022 not to be full democracy anymore but an electoral authoritarian state. In addition to that, MEPs claim, that the lack of progress regarding Article 7 would amount to a rule of law

breach by the Council. Furthermore, the Commission should make full use of all the instruments at their disposal, as Article 7(1) does not require unanimity to identify a clear risk of serious breach of EU values. The Commission and the Council did not pursue the Article 7 enough. Since 2018 Viktor Orbán has been building an illiberal state with no improvement in sight. The Article 7 procedure remains blocked in the Council. The European Parliament claims that regarding the Article 7 procedure, that the “lack of decisive EU action has contributed to the emergence of a hybrid regime of electoral autocracy” and that the “EU inaction is detrimental to fundamental rights in Hungary” (September 15, 2022, MEPs: Hungary can no longer be considered a full democracy) Most importantly, “Article 7(1) does not require unanimity among member states to identify a clear risk of serious breach of EU values” (September, 15, 2022, MEPs: Hungary can no longer be considered a full democracy)

While analysing press releases, as well as mission reports and other documents by the three main EU institution it becomes apparent that the European Parliament seems to be the institution most serious regarding the protection of the rule of law.

The rule of law conditionality mechanism

The rule of law conditionality regulation is one of the instruments that aims to regain control over its finances and protect the EU fund. But the task remains difficult. The European Parliament and the European Council initiated the regulation on the 16.12.2020 under Art.106 TEAEC and Art. 322 TFEU (Treaty on the Functioning of the European Union). Further information: COM/2018/324) But the MEPs claim: ‘that you (the Commission) are lacking a certain sense of urgency. ‘ (Article; Rule of law; MEPs press Commission to defend EU funds, 08-07-2021, 16:49, 20210527ST004908) Furthermore the “Parliament has consistently argued that the mechanism is in place and the Commission has the legal duty to defend the EU’s financial interest” (European Parliament, 2021) The Director General of the Commission budget department at that time, Koopman, referred to the very sensitive nature of potential Commission measures. The Commission must do it right from the very beginning and cannot afford to have measures annulled by the Court. (*Rule of law: MEPs press Commission to defend EU funds*)

The Commission did, as of its decision on December 20, 2022, adopt Hungary’s Cohesion Policy but does not consider Hungary to have fulfilled the horizontal enabling condition on the EU Charter of Fundamental Rights. This includes concerns regarding the judicial independence. (European Commission, Press Release, December 13th ,2023). On November 23, 2023, the

Commission, after extensive exchange with Hungary, considers that Hungary has taken the measures it committed to take regarding judicial independence. (European Commission, 2023b) The Commission considers that the horizontal enabling condition on the EU Charter of fundamental Rights is fulfilled in what concerns judicial independence. Hungary will receive up to €10.2 billion in reimbursements. It is important to know, that €11.7billion remain suspended given concerns regarding the so-called child protection law, serious risks to academic freedom and the right to asylum. (European Commission, 2023b) The horizontal enabling conditions remain unfulfilled. In addition to that, the Cohesion Policy, with a budget of €6.3billion, remains suspended under the budget conditionality mechanism regarding the rule of law as adopted by the Council. (European Commission, 2023b) The Commission is not in the position to do something about that. (European Commission, 2023b) The funding that remains blocked amounts to €21billion. The Parliament condemns the unfreezing of EU funds by the Commission and according to a Press Release from 18.01.2024 assesses possible legal action over the Commission's decision to unblock €10.2billion in funds for Hungary. (Press Release December 18, 2024) The Parliament is concerned of reported systematic discriminatory practices when allocating funds and considers legal action against the Commission. (Press Release December 18, 2024)

4.2. Poland

Hypothesis 1 ,Euro sceptic leaders depend on EU funds to build a deep state that the EU regulations cannot grasp‘

The importance of the EU funds in the political strategy

Poland, since becoming a member of the European Union in 2007, has benefitted significantly from EU funds. According to data from the Polish Ministry of Finance, Poland received, from May 1, 2004 to the end of 2023, a gross amount of €245.5billion from the EU. (GazetaSGH) The EU funds are equivalent to about 2-3.5% of Poland’s annual GDP. (GazetaSGH)

EU funds and bought/rewarded loyalty

There have been several cases in the media regarding the allocation of EU funds in Poland which did not follow transparent processes. For example, is there the recent case of more than 100 Polish start-up companies that did not receive the grants that they were awarded through an EU project at the end of 2023. (Wanat,2023) The grants ranged from €500.000-€26.500.000 and were distributed through the National Centre of Research and Development (NCBR). The

NCBR was established in 2007 and is one of the main institutions for distributing EU funding for innovation and research projects. (Wanat, 2023) At the start of the year 2024, the NCBR started to sign contracts with the selected companies and in February of 2024, the media reported that two of the successful businesses had links to the right-wing Republican party, part of Poland's ruling coalition (Wanat, 2023) The ruling coalition can appoint members to the NCBR. (Wanat, 2023) The biggest grant, €26.5million was awarded to a company with personal links to the NCBR's advisory board. Another grant of € 11.8 million was awarded to only a 10-day-old company whose CEO was a 27-year-old bartender. (Wanat, 2023) The company was furthermore registered at the old address of the Republican party. (Wanat, 2023) This example shows that the ruling coalition parties use their political influence to distribute EU funds strategically under their supporters and themselves.

EU funds and their influence on elections

In another case from 2013, also investigated by OLAF, EU grants were used to fund a pre-election congress under the disguise of a climate conference. The ,climate conference 'was organised by the Polish party Solidarna Polska, which was part of the ruling coalition under PiS till 2023. At that time, Solidarna Polska was part of the opposition. The conference was organised in Cracow and was attended by almost 1000 people. (Szczygieł, K., 2023) The conference received €40.000 in grants from the European Parliament. (Szczygieł, K., 2023) Even so the conference was officially organised as a climate conference, the climate never was a topic of discussion. The conference was used as a pre-election congress. As soon as the media reported about that, all photos and videos from the conference disappeared from the internet. (Szczygieł, K., 2023) The investigation by OLAF is ongoing while the investigation by the polish prosecutors was quietly closed in 2019. The chief prosecutor was appointed by the PiS party and is known to be PiS loyal. (Szczygieł, K., 2023) Eurosceptic political parties seem to very cleverly use EU funds to further their political strategy.

Municipalities which have a PiS major receive up to ten times the amount of grants in comparison to neutral or opposition municipalities. (Flis et al., 2021) This might also lead to citizens voting for PiS to continue receiving larger grants for their local community. (Flis et al. 2021) Due to the Rule of Law issues €36billion remained blocked from the NextGenerationEU covid-19 recovery funds.

Hypothesis 2 , *The liberal EU is a needed antagonist in the political strategy of Eurosceptic leader to build a political image and ensure political success* ‘

Disclaimer: Due to difficulties in accessing speeches and other primary resources from PiS politicians, it was necessary to resort to scientific papers, secondary sources, to confirm/deny this hypothesis.

National Sovereignty and national identity

Even before PiS came into power, Kaczyński, head of the PiS party and the government coalition talked about a reform of the state and constitutional changes. Kaczyński explained in a speech from 2014 that: „all the changes that we propose are under the current constitution. This does not mean that we give up the prospect of adopting a new constitution” (Csehi, R. & Zgut, E. (2020)). Kaczyński seems to see the rule of law as an obstacle which bounds the hands of the reformer and favours the old communist elites and privileges. Due to the fact, that PiS had no majority in the Polish parliament, PiS was not able to change the constitution. As rewriting the constitution was not possible, PiS made changes to the judicial branch, especially to the Constitutional Court, the prosecutor's office and the common courts. (Csehi, R. & Zgut, E. (2020)). These changes to the judiciary can be seen as a part of state capture to ensure political power. The European Commission already made recommendations in 2016 concerning the rule of law and especially the independence of the Constitutional Court. (Commission, 2016) Furthermore, the European Parliament adopted several resolutions which called for action by the other institutions to restore the rule of law in Poland. In 2017, the European Commission opened the Article 7 procedure.

Kaczyński portrayed the courts as the “corrupt elite”, as institutions that “have nothing to do with the interest of the vast majority of Poles” (Csehi, R. & Zgut, E. (2020)). Furthermore, he portrays the courts as an institution which stood in the way of new democratic developments for the new republic. According to him, the Constitutional Court was a representative of everything that “was bad and shameful over the past 26 years” (Csehi, R. & Zgut, E., 2020). The electoral victory according to Kaczyński gives PiS every right to make changes to the court system. Critics on the national and level are “the worst sort of Poles” and “traitors” who “complain about Poland to Brussels” (Csehi, R. & Zgut, E., 2020). The clear disdain to liberal values, the core of the European Union, makes the EU an excellent antagonist in Kaczyński's political rhetoric. Portraying especially the courts as enemies of progress and change, the core component of the rule of law, makes a constructive dialogue with the Polish government quite difficult. In addition to that, PiS-followers may feel inclined to believe that the EU really is a distant elite that wants to limit the nation's sovereignty.

Due to the ongoing conflict with the European Council, PiS focuses on the topic of national sovereignty and Kaczyński claimed that “we will let no one in the EU indicate what path we should take” (Csehi, R. & Zgut, E., 2020). Furthermore, Poland is ,not a colony, we will go our own way.’ (Csehi, R. & Zgut, E.,2020) The funds provided by the European Union, even so needed, are portrayed as an attempt to “obtain a mighty regulatory power over Poland” (Csehi, R. & Zgut, E., 2020) and to gain “the right to regulate the lives of others, to impose on them various types of solutions” (Csehi, R. & Zgut, E., 2020). Portraying the EU as an overbearing, distant elite makes it easy to shift blame for unwanted measures and regulations to the EU. In addition to that, the centralisation attempts of the European Union under Germany and France make it easy for PiS to install the fear of identity lost in its follower and polish citizens in general. Like every populist party, PiS needs an antagonist that it can profile itself against. It seems to have found it in the European Union.

Gender and Culture

In 2019 some local governments advertised themselves to be LGBTQI+ free zones. After the European Union stopped funding these local governments, they repealed their homophobic statements. This might be one example where the withholding of funds had an immediate effect. (Euronews, 202a) In response to the polish attempt to ban LGBTQI+ people, the European Parliament voted to declare the EU as a freedom zone for members of the LGTBQI+ community. (Euronews, 2021a)

Migration

On June 15, 2023, Jaroslaw Kaczyński, the leader of the PiS party, announced that, together with the general election, a referendum on the relocation of migrants. Referenda in Poland are a rare occurrence and can only be hold on matters which are significant to the state. This referendum presented itself to be a big topic in the upcoming elections. (Baranowska, 2023) Between the announcement of the referendum and the announcements of the questions laid two months. The questions were presented on August 11, 2023. (Baranowska, 2023) Two out of the four questions were about migration. Prime Minister Mateusz Morawiecki presented the question: “Do you support the admission of thousands of illegal immigrants from the Middle East and Africa, in accordance with the forced relocation mechanism imposed by the European bureaucracy?” (Baranowska, 2023). The question is formulated with bias in mind and suggesting numbers, origin of the migrants and the use of force by the European Union. This fits with the general approach to migration of PiS. (Baranowska, 2023) The party has in the past

spoken out against the relocation of migrants within the EU. The other question related to migration was presented by the Minister of defense: “Do you support the elimination on the barrier between the Republic of Poland and the Republic of Belarus?” (Baranowska, 2023). The humanitarian crisis in the no-man's land between the two countries was answered with force by Polish authorities. PiS encourages all its supporters and Polish society to vote with no to all questions. The referendum was used to present the general positions of PiS and attack the opposition. The opposition mostly ignored the referendum and encouraged their supporters not to vote in it. (Baranowska, 2023)

Hypothesis 3 , *The EU does not effectively use the instruments it has at hand to combat enemies within.* ’

The European Union struggles with the Eurosceptic government of Poland and how to combat the democratic backsliding. Furthermore, PiS and its ruling coalition repeatedly introduced new laws that undermine the principle of the rule of law and other core European values. More than that, the Polish government simply chose to ignore the rulings of the European Court of Justice. Most prominently the Polish courts questioned the primacy of the European law over the Polish national law. (Zoll et al., 2022) In response the European Court of Justice fined the Polish government with €1million per day until the issue is resolved. (Reuters, 2021)

Article 7

After a two-year long dialogue with the Polish government under the rule of law framework, the European Commission triggered the Article 7 procedure on December 20, 2017. Before that the Commission issued several recommendations, (EU) 2016/1374 3; (EU) 2017/146 4; (EU) 2017/1520 5. In addition to that the Commission exchanged more than 25 letters with the Polish government. The dialogue and exchange did not lead to the desired outcomes and so the Commission saw it as necessary to trigger Article 7. (COM (2017) 835 final; 2017/0360 (NLE)) Rule of law is mentioned 72 times in the EU documents, it seems to be the most important topic connected to Poland.

Infringement Procedures

In addition to the Article 7 procedure, the Commission launched, on the 3 April 2019, an infringement procedure to protect judges in Poland from political control. An infringement procedure allows the Commission to refer an issue to the EU Court of Justice which can impose financial penalties. The Polish government introduced the so-called disciplinary regime which undermines the judicial independence (Zoll et al., 2022). The government through introducing the disciplinary regime does not offer the necessary guarantees to protect judges from political control and with that fails to fulfil its obligations under Article 267 TFEU. Article 267 TFEU enshrines the right of courts to request a preliminary ruling from the European Court of Justice, also called the preliminary reference mechanism. Before opening the infringement procedure, the Commission already opened two other infringement procedures, one over the independence and retirement provisions of the Ordinary Courts on July 27th, 2017. Another infringement procedure was opened on July 2nd, 2018, over the Polish Law on Supreme Courts on the grounds of its retirement provision and the impact on the Supreme Court in general. The European Court of Justice, on December 17th, 2018, ordered to stop the law, after the Commission referred the issue to it on September 24th, 2018. The infringement and decision of the Court did not stop the Polish government from enacting the laws.

The PiS even introduced a new electoral reform shortly before the national elections in autumn of 2023 and the European elections in 2024. In addition to the changes to the Polish Electoral Code, the „new “State Commission on Russian interference” should be scrapped or suspended and amended” (European Parliament, 2023). The State Commission was, from 2007-2022, an administrative body with the power to bar individuals from entering public office positions. This could also affect the most prominent, and the most promising opposition candidate Donald Tusk. The European Parliament claims that: “if the act remains in force, the Commission should pursue an expedited infringement procedure as soon as possible and apply to the EU Court of Justice for interim measures” (European Parliament, 2023). The Parliament voted with 472 votes in favour, 136 against and 16 abstentions. (European Parliament, 2023) The systematic actions of the government undermined the rule of law for several years now. (Petersen and Wasilczyk, 2022) The PiS government does not seem to fear European institution resolutions or infringement procedures by the EU. Even so several infringement procedures were in progress the Commission did not resort to the rule of law conditionality regulation.

At the end of 2022 there were some improvements regarding the rule of law. On December 12, 2022, PiS proposed a change in law. Polish judges would not be punished anymore when referring cases to ECJ jurisdiction or when they refuse to participate in panels with peers whose

nominations violates the European standards of judicial independence. (Comms und Comms (2022) This change is not due to changes in views of the Polish government but rather due to the fear that Poland loses its credibility on the financial markets. In addition to that, Poland could slowly use the money for necessary investments. (Comms und Comms (2022)

Changes in the course against the Polish government and the clear risk of breach of the rule of law did not occur due to improvements for the rule of law but due to the change of government.

The end of Article 7 procedure

In a press release from May 5th, 2024, the European Commission states that it intends to close the Article 7(1) TEU procedure against Poland. The Commission does not consider there to be a clear risk of a serious breach of the rule of law in Poland anymore. According to the Commission the new government under Donald Tusk has launched measures to address the concerns of the rule of law and is committed to implement the judgements of the Court of Justice. Donald Tusk, the head of the new government, presented an Action Plan on the 20.02.2024 with the improvement of the rule of law in mind. After the Commission has carefully examined the action plan and the measures already taken it is of the opinion that there is no clear risk of a serious breach of the rule of law. With the closing of the Article 7 procedure, Poland will be entitled to about €137 billion in recovery and cohesion funds (Liboreiro, 2024) The Article 7(1) procedure will be closed more due to the promises and plans by Donald Tusk, then significant real changes.

4.3. Comparison

Hypothesis 1

The importance of EU funds

EU funds make up a significant part of the annual GDP in Hungary as well as in Poland. Fidesz as well as PiS strategically allocate EU funds to businesses and companies which support them and their political course. Having economically influential companies behind their back supports their public image and influence in the public sphere. Strategically allocating EU funds can potentially also stop political competition from running for public office. Both countries make it exceedingly difficult to understand which and why projects exactly are funded by the

EU and to what extent. Letting EU funds disappear in unclear chaired committees and similar institutions. (Scheppelle, 2023) One might claim, that Orbán used the EU funds more successfully to build a deep state in comparison to PiS. The Budgetary Control Committee of the EP had several conversations with opposition members, NGOs and international companies in Budapest which all confirmed the unfair practices and asked the EP to support them more. (*Budgetary control committee mission to Budapest (Hungary), 15-17 May 2023*)

Hypothesis 2

National Sovereignty and Identity

In addition to shared values, Orbán and Kaczyński also share the rhetoric, that they are part of a conservative domestic elite countering the Brussels elite. The importance of national sovereignty against the European Union is a key component of their speeches and party programs. Even so they are not opposed to the idea of European integration itself, they fear the domination by the European Union. Orbán in his speeches uses metaphors that give the European Union an imperial character. In his speech on the 176th anniversary of the Hungarian revolution of 1848-49, he claims that: “Europe is not the first empire to have its gaze on Hungary” (Orbán, 2024d). Orbán’s speeches clearly display a negative attitude towards the overseeing institutions of the EU and the liberal forces within the EU. The possible loss of identity and sovereignty is a political strategy shared by the head of PiS, Kaczyński, when he talks about the fact that Poland is not a colony but a sovereign state. (Csehi, R. & Zgut, E., 2020)

Gender and Culture

Both Fidesz and PiS are driven by the commitment to traditional Christian values and the protection of the traditional family. The reality of LGBTQI+ people existing does not fit their narrative. By threatening to withhold funds, the EU managed to stop Poland from declaring LGBTQI+ free zones but that does not change the general attitude in the country towards member of the community. For Viktor Orban LGBTQI+ people are a threat to his world view and traditional values. Orban repeatedly portrays them as a danger to Hungarian people. (Orban, 2024d)

Migration

The topic of migration goes hand in hand with concerns regarding national sovereignty and cultural hegemony. The idea of a protected society in which migration is not managed but must be stopped at all cost, is shared by Fidesz and PiS. The Polish population on the other side does not see migration as the most pressing issue. Only 16% of the Polish population, compared to 24% EU wide see migration as a topic of high priority (Eurobarometer, 2024) In Hungary on the other hand 23% see migration and asylum as a high priority topic. (Eurobarometer, 2024) But migration is not as important as Orbán and Kaczyński made it to appear. The most important topics to citizens are poverty, public health, climate change and the defense of the EU. (Eurobarometer, 2024) They portray themselves as the saviors of the Christian nation that is in danger of being overturned with migrants by the EU. Even claiming that it is the goal of the liberal-left block in the EU to overrun them with migrants.

Hypothesis 3

Article 7

While Kaczyński in Poland made similar efforts to Orbán to amend the constitution, PiS did not have the majority in the parliament it would have needed. Following the example of Orbán, PiS attacked the constitutional and common courts as well as the independence of the judges.

As Poland and Hungary in the past shared similar attitudes towards the rule of law and the EU, they made it a point to back each other in the council regarding the Article 7 procedures. (Zalan, 2021). Making it impossible for the Article 7 procedure to continue. Since 2018 there have only been five hearings regarding Poland and four hearings regarding Hungary. The decision regarding Article 7 must be made by unanimity. This remains difficult when there are multiple authoritarian democracies which protect each other. The change of government in Poland and its plan to re-install the rule of law and judicial independence led the Commission to close the Article 7 procedure. This decision led the Hungarian minister Boka Janos of EU affairs to claim that: “the Commission's assessment seems to be a purely political product that confirms double standards and goes blatantly against its previous position in rule of law-related issues, (...) It reinforces the view that Article 7 is nothing but a tool for political blackmailing.” (Liboreiro, 2024)

Rule of law conditionality mechanism

Poland is, in difference to Hungary, not subject to the rule of law conditionality mechanism. The European Parliament, before the change of government, asked the Commission several

times to finally trigger the mechanism. The rule of law conditionality is at least somewhat effective as Orbán made some amendments to the judiciary's independence, but the main concerns of the EU remain. Since neither Hungary or Poland are members of EPPO, the European Prosecutor Office, investigating corruption scandals involving EU funds and other high-stake crimes remains difficult. Under the new government under Donald Tusk, Poland wants to join the EPPO as soon as possible.

5. Conclusion

Orbán and Kaczyński share the idea of being a part of a conservative domestic elite countering the Brussels elite. Both fear, due to their history, the domination through an outside power and share the importance of national sovereignty against the EU. They are not opposed to the idea of European integration itself but fear the domination and centralisation by the EU. Eurosceptic regimes can survive because the EU lacks decisive action and a sense of urgency from early on. Authoritarian regimes must be fought before they have the chance to become authoritarian. This thesis confirms the research discussed in the theoretical framework. Populist leaders are oftentimes faster and cleverer in exploiting crisis for their political gain. Eurosceptic leaders are creative in changing the flows of EU funds to their benefit. This thesis clearly shows just how important the money from the EU is for authoritarian regimes. Without the funds, the system would most likely slowly start to crumble as supporters could not be paid accordingly anymore or at least with increasing difficulties. The institutions of the EU need to find a strategy that they stand behind united. Otherwise, Orbán will always find a way to press the EU to unfreeze funds like he now does with the EU help for Ukraine. More than that, starting from 1st of July 2024 Hungary will be head of the European Council. What that could mean for the course of the EU remains a mystery. Furthermore, Orbán announced a hard right alliance in the EP called *Patriots for Europe*. When comparing the cases of Hungary and Poland it becomes clear that change must come from within the broad civil society. In supporting the work of the civil society, the EU might be able to eventually effectively fight Orbán's system. Due to the time constraint, I was not able to investigate the economic background and the exact politics within the EP and other institutions. Of course, the question remains on how widely applicable these findings are. Critics may claim that democracies do not have to be liberal to be true.

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