

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW
AND INTERNATIONAL STUDIES

**Master's degree in
European and Global Studies**



Navigating democratic backsliding in the EU: a comparative
analysis of Poland and Hungary.

Supervisors: Prof. Paolo Roberto Graziano
Prof. Krzysztof Koźbiał

Candidate: Anastasiia Buhaichuk

Matriculation No. 2104944

A.Y. 2023/2024

Acknowledgments

I would like to express my sincere gratitude to Prof. Paolo Roberto Graziano and Prof. Krzysztof Koźbiał for their constant assistance and help during my thesis writing journey. Your suggestions helped me improve my work and gain more from this learning experience.

The Double Degree adventure would not have been possible without the professional assistance of Dorota Krętkowska and Izabela Fulanty from Jagiellonian University, who not only provided administrative support but also helped fulfill my small whims, whether it was organizing a charity collection or a study trip to Berlin. At the same time, I am very thankful to Blerina Brami from the University of Padova, who answered dozens of my questions, always with a smile and a willingness to solve issues.

Learning can be a challenging process, but with the help of dedicated academic teachers, it becomes joyful and fun. Therefore, I would like to thank Dr. Mirosław Natanek and Prof. Laura Polverari, whose passion for the subject matter I find truly inspiring. My deepest gratitude goes to Prof. Matteo Bassoli, who somehow enhanced my curiosity about research, which, just a year ago, I would never have believed possible. I am also grateful for his kindness and support throughout the academic year in Padova and for introducing me to Refugees Welcome Italia, which simply changed my life for the better.

I feel truly fortunate to have met so many different, kind, and nice people during these two years. There is a good chance that I learned as much from them as from the classes I attended. While I cannot list everyone here, please know that if you are reading this, you are most probably on that list. However, I have to mention some names: thank you very much, Lera and Kuba, Pani Maria, Pani Julia, Pani Leticia, Pani Anna, Kelsii, Noa, Michela, Zoe, Iko, Franco, and the whole team of RWI Padova.

Special thanks go to my parents and siblings, who, throughout the years, have developed a unique ability to discern my mood from the first second of our conversations and, therefore, always knew when I needed additional support and provided it.

Abstract

Democracy and democratic values are embedded into the core idea of the functioning of the European Union. Therefore, deterioration of these principles creates significant challenges for the Union. The main goal of this thesis is to explore responses of the EU to democratic backsliding in the member states. In order to identify the strategy towards democratic decline, a comparative analysis of Polish and Hungarian cases was conducted. Aiming to reach the research objective, the following research questions were stated: how has the EU addressed the democracy decline in Poland and Hungary? What are the differences between the EU approaches towards Poland and Hungary? What are the main challenges the EU faces in addressing the democratic backsliding? The study provides a comprehensive literature review on democracy and democratic backsliding, mapping the main tools and mechanisms applied by the European Union to address the problem. The analysis of the Polish and Hungarian cases is supported by an examination of crucial indices, including the Liberal Democracy index, Core Civil Society index, Rule of Law index, Freedom of Expression and Alternative Sources of Information index composed by Varieties of Democracy, along with Corruption Perception Index, created by Transparency International. The general timeframe of the study covers the period from 1989 to the European Parliament elections in 2024, focusing particularly on important governmental changes in both countries: the Law and Justice (PiS) party gaining power in Poland, and the Hungarian Civic Alliance (FIDESZ) coming to power in Hungary. The outcome of this work provides an overview of the issue of democratic backsliding in the EU member states together with the discussion of strategies applied and the main challenges faced.

Key words: Democracy, backsliding, European Union, Poland, Hungary

Table of contents

List of Figures.....	7
List of Tables.....	8
List of abbreviations	9
Introduction	10
Chapter I Democracy, democratization, and democratic backsliding.....	12
1.1 Democracy.....	12
1.2 Democratization.....	17
1.3 Democratic backsliding	23
1.4 Research methodology	26
Chapter II Democratic deficit in the EU.....	30
2.1 Dimensions of the democratic deficit in the EU.....	30
2.1.1 Democratic deficit in the EU institutions	31
2.1.2 Democratic deficit in the member states	31
2.2 Critics towards notion of democratic deficit	34
2.3 EU tools and measures to address democratic steadiness in the member states	36
2.3.1 The Copenhagen Criteria.....	37
2.3.2 The Article 7 of TEU.....	38
2.3.3 Infringement procedure	40
2.3.4 The EU Justice Scoreboard.....	41
2.3.5 The Rule of Law Framework	42
2.3.6 The Rule of Law Mechanism	43
2.3.7 Regulation on a general regime of conditionality for the protection of the Union budget	44
2.3.8 European Democracy Action Plan and Defence of Democracy package	46
Chapter III Democratic backsliding. Case of Poland.....	49
3.1 Towards consolidated democracy. Poland in 1989-2004.....	49
3.1.1 Historical overview.....	49
3.1.2 Civil society.....	50
3.1.3 Political society	52
3.1.4 Economic society.....	53
3.1.5 State bureaucracy.....	54
3.1.6 Rule of law	56
3.2 Poland in 2004-2015.....	58

3.2.1	Historical overview.....	58
3.2.2	Civil society.....	59
3.2.3	Political society.....	60
3.2.4	Economic society.....	61
3.2.5	State bureaucracy.....	62
3.2.6	Rule of law.....	64
3.3	PiS gaining power 2015-2024.....	65
3.3.1	Historical overview.....	65
3.3.2	Civil society.....	65
3.3.3	Political society.....	67
3.3.4	Economic society.....	68
3.3.5	State bureaucracy.....	70
3.3.6	Rule of law.....	71
Chapter IV	Democratic backsliding. Case of Hungary.....	74
4.1	Towards consolidated democracy. Hungary in 1989-2004.....	74
4.1.1	Historical overview.....	74
4.1.2	Civil society.....	75
4.1.3	Political society.....	76
4.1.4	Economic society.....	77
4.1.5	State bureaucracy.....	78
4.1.6	Rule of law.....	79
4.2	Hungary in 2004-2010.....	81
4.2.1	Historical overview.....	81
4.2.2	Civil society.....	81
4.2.3	Political society.....	83
4.2.4	Economic society.....	84
4.2.5	State bureaucracy.....	84
4.2.6	Rule of law.....	86
4.3	Fidesz gaining power. Hungary in 2010-2024.....	87
4.3.1	Historical overview.....	87
4.3.2	Civil society.....	88
4.3.3	Political society.....	89
4.3.4	Economic society.....	90
4.3.5	State bureaucracy.....	92
4.3.6	Rule of law.....	93
Chapter V	Comparative analysis and discussion.....	95

5.1	Democratic evolution and backsliding – comparison	95
5.1.1	Pre-accession period 1989-2004.....	95
5.1.2	Post-accession evolution	96
5.1.3	Backsliding period.....	97
5.1.4	General picture	99
5.2	Identifying the European Union’s strategy towards backsliding	100
5.2.1	Measures applied by the European Union in Polish case.....	100
5.2.2	Measures applied by the European Union in Hungarian case.....	102
5.3	Discussion.....	103
	Conclusions	107
	References	109

List of Figures

FIGURE 1.2.1 PERCENTAGE OF DEMOCRATIC COUNTRIES, 1800 TO 2000.....	18
FIGURE 1.4.1 THE RESEARCH TIME FRAME.	28
FIGURE 2.1.1. DEMOCRATIC DEFICIT IN THE EU.....	30
FIGURE 3.1.1 CORRUPTION PERCEPTION INDEX: POLAND (1996-2004).....	56
FIGURE 3.1.2 CORE V-DEM INDICES FOR POLAND (1989-2004).	57
FIGURE 3.2.1 CORRUPTION PERCEPTION INDEX: POLAND (2004-2015).....	63
FIGURE 3.2.2 CORE V-DEM INDICES FOR POLAND (2004-2015).	64
FIGURE 3.3.1 CORRUPTION PERCEPTION INDEX: POLAND (2015-2023).....	70
FIGURE 3.3.2 CORE V-DEM INDICES FOR POLAND (2015-2023).	73
FIGURE 4.1.1 CORRUPTION PERCEPTION INDEX: HUNGARY (1995-2004).	79
FIGURE 4.1.2 CORE V-DEM INDICES FOR HUNGARY (1989-2004).	80
FIGURE 4.2.1 LEFTIST AND RIGHTIST PROTESTS IN HUNGARY, 1995-2011.	82
FIGURE 4.2.2 CORRUPTION PERCEPTION INDEX: HUNGARY (2004-2010).	86
FIGURE 4.2.3 CORE V-DEM INDICES FOR HUNGARY (2004-2010).	87
FIGURE 4.3.1 CORRUPTION PERCEPTION INDEX: HUNGARY (2010-2023).	92
FIGURE 4.3.2 CORE V-DEM INDICES FOR HUNGARY (2010-2023).	94
FIGURE 5.1.1 CORE V-DEM INDICES FOR POLAND (1989-2023).	99
FIGURE 5.1.2 CORE V-DEM INDICES FOR HUNGARY (1989-2023).	100

List of Tables

TABLE 1.1.1 THE FIVE MAJOR AREAS OF A MODERN CONSOLIDATED DEMOCRACY	16
TABLE 1.2.1 PRECONDITIONS OF DEMOCRATIZATION	21
TABLE 2.2.1 CRITICS TO THE NOTION OF THE DEMOCRATIC DEFICIT IN THE EU.....	35
TABLE 2.3.1 MEASURES FOR THE PROTECTION OF THE UNION BUDGET.....	45

List of abbreviations

CEE	Central and Eastern Europe
CEFTA	Central European Free Trade Agreement
CEPEJ	Commission for the Evaluation of the Quality of Justice
CEU	Central European University
CJEU	The Court of Justice of the European Union
CoE	Council of Europe
CSO	Civil Society Organization
EC	European Commission
EEC	European Economic Community
EDAP	European Democracy Action Plan
EMU	Economic and Monetary Union
EP	European Parliament
EU	European Union
FDI	Foreign Direct Investment
MEP	Member of the European Parliament
MFF	Multiannual Financial Framework
NCJ	National Council of the Judiciary
NGO	Non-Governmental Organization
OECD	Organization for Economic Co-operation and Development
TEU	Treaty on European Union
TFEU	Treaty on Functioning of the European Union
TSO	Third Sector Organization
WTO	World Trade Organization

Introduction

“A Make-or-Break Year for Democracy Worldwide” is how Time describes 2024, paraphrasing Staffan Lindeberg, the director of the Varieties of Democracy (Rajvanshi and Serhan, 2024). Over half of the human population will have a chance to exercise their voting rights in 2024. However, this “big year” opens doors not only for democracy to enhance its values but also for the establishment of new autocracies or the consolidation of existing ones. In this context, the European Union might face some challenges. Article 2 of the Treaty on European Union lists its fundamental values, including democracy, the rule of law, and respect for human rights. At the same time, Article 7 of the TEU defines a three-step measure to be applied against a Member State to prevent it from turning towards an undemocratic path. Article 7 is often referred to as a “nuclear option”, which could lead to suspending certain rights of the Member State, including the right to vote in the Council (Pech and Scheppele, 2017).

However, over the past couple of decades, the European Commission, European Parliament, and Council of the EU have proposed other ideas on how to address the issue of democratic backsliding. On one hand, the introduction of various tools may play a preventive role, eliminating the possibility of undemocratic patterns occurring in the Member States. On the other, the development of new instruments might be considered an ineffective technique, resources are directed towards creating new ones instead of dealing with the problem by using already existing mechanisms (Kelemen, 2023).

This thesis aims to identify the EU’s strategy regarding democracy decline in the member states and assess its effectiveness. To achieve this goal, a comparative study was conducted on two countries: Poland and Hungary, the only countries against which Article 7 of TEU was triggered. To explore the topic, the following research questions were formulated: How has the EU addressed the democracy decline in Poland and Hungary? What are the differences between the EU approaches towards Poland and Hungary? What are the main challenges the EU faces in addressing the democratic backsliding?

To answer the above-mentioned research questions, an inductive approach was applied. Complementary use of qualitative and quantitative methods enabled an in-

depth analysis of the Polish and Hungarian cases, which were analyzed separately and then compared.

The general time frame of the analysis covers the period from the start of political transformation in Poland and Hungary in 1989 to the European Parliament elections in June 2024. To provide more structured outcomes, the time frame was divided into three sub-periods. The first one is identical for both countries and covers the pre-accession years from 1989 to 2004. The second and third sub-periods mirror governmental changes in the countries that are significant for the analysis. For Poland, these are from 2004 to 2015 and from 2015 to 2024. For Hungary, they cover the years from 2004 to 2010 and from 2010 to 2024, respectfully.

The following work consists of five chapters. The first one, titled “Democracy, democratization and democracy backsliding in the EU,” provides a theoretical background of the issue discussed. The second chapter focuses on the discovery of the democratic deficit in the European Union. The third chapter examines the evolution of democracy patterns in Poland, highlighting changes in civil society, political society, economic society, state bureaucracy, and the rule of law. It is followed by a chapter dedicated to Hungary, which constructed in a similar way. The final chapter provides a discussion of the findings, presents instruments and tools used by European institutions, and is followed by the conclusion, where suggestions for further research are stated.

Chapter I Democracy, democratization, and democratic backsliding.

1.1 Democracy

The following chapter aims to present an overview of the three interconnected notions crucial for this thesis: democracy, democratization, and democratic backsliding. Firstly, the literature review highlights the evolution of the concept of democracy, considering its main elements and indicating methodological challenges related to the analyzing this complex topic. Thereafter, the discourse shifts towards the process of democratization, covering Huntington's historical perspective on countries becoming democratic, its critics, and discussing the main challenges and factors influencing the democratization process. The next point of this chapter covers democratic backsliding, providing different interpretations of the concept, describing the possible ways it occurs and listing the main factors leading to democracy breakdown. Lastly, it presents the research methodology applied in this work.

For a better understanding of the concept of democracy decline, it is important to clarify what democracy is. Derived from the ancient Greece, word *demokratia*, where *demos* means “people” and *kratos* means “rule”, can be translated as “rule by the people” (Britannica, n.d.), “government by the people” (Oxford English Dictionary, 2023) or “power of the people” (Council of Europe, n.d.).

While all mentioned translations emphasize people's involvement in the rule of the state, etymological definition cannot fully cover the essence of democracy by itself. For instance, there is a notable difference in the perception of who belonged to the “people” across different historical periods. In ancient Athens, only adult male citizens had the opportunity to participate in the political life of the city, while women, foreigners, people without a citizenship, and slaves were excluded from it (Hansen, 2005). Similarly, in the United States, after the publication of the Declaration of Independence and the American Constitution, only white men with property were able to vote. Later, the right to vote was extended to white men without property. Although, African Americans technically had the right to vote after Congress passed the Fifteenth Amendment in 1870, they still faced many barriers until the enactment of the 1965 Voting Rights Act. Women in the United States were given the right to vote only in

1920 (The Library of Congress; Hansen, 2005). In Europe women's suffrage was first adopted in Finland in 1906, followed by other European countries. The last country in Europe to grant women the right to vote was Liechtenstein in 1984 (Österreichische Nationalbibliothek, n.d.).

The above-mentioned cases demonstrate some examples of exclusionary criteria affecting different categories of society in the democratic process over time. A more comprehensive analysis of the concept can be found in the "The Theory of Democracy Revisited," where Giovanni Sartori (1994, p.38-42) proposed six possible interpretations of "people" in democracy:

- People as literally everyone;
- People as non-defined many;
- People as lower class;
- People as harmonious unified whole;
- People as majority expressed by absolute majority rule;
- People as majority expressed by limited majority rule.

The first five interpretations are criticized by the author. As mentioned earlier, some categories of people were excluded from democratic participation in the past. Even today, groups such as underaged youth, people with intellectual disabilities, prisoners etc., are restricted from voting and other forms of political involvement, making the first interpretation inadequate. The second definition is too broad and requires an explanation of what is considered "many" and consequently what is "whole." The proposal of understanding "people" as only lower class is inappropriate for a number of reasons. First of all, the growing middle-class violates the dichotomous separation between rich and poor, pushing the lower class towards becoming a minority. Secondly, as it is impossible to include everyone, exclusion criteria should be well-defined and flexible, with a chance to be changed, or they should be procedural. Therefore, the understanding of *demos* exceptionally as the lower class makes it impossible for other classes to take part in political life, which is incompatible with the idea of democracy itself. According to Sartori, interpreting the people as a harmonious unified whole, could be more useful for justifying totalitarian autocracy rather than democracy because a holistic approach limits the role of the individual and could be

used to legitimize tyranny. The crucial distinction between the fifth and sixth interpretations is that the absolute majority possesses enough power to indefinitely prolong its own governance, which is against democratic principles. At the same time, the rule of the majority limited by the minorities evades this issue by leaving space for the minorities to become a majority in the future. This possibility of change makes the last interpretation of the concept of “people” in democracy the only appropriate one (Sartori et al., 1994, p.38-42).

Another important matter is how democracy is exercised. In ancient Greece, specifically in Athens, about 40 assemblies took place every year, with about 6000 eligible citizens participating to make political decisions. This form of political participation is named direct democracy and was widely practiced in *polises* – ancient Greek city-states. However, modern governance is shaped by principles of indirect democracy, where citizens participate in the life of the state by voting for representatives. Selected candidates take part in the policy process on behalf of the people (Hansen, 2005). The main difference between the two is that the first one expects continuous direct participation of the people in the exercise of power, while the second one relies on control and limitation of power (Sartori et al., 1994).

In the realm of democracy, it is important to recognize that in contemporary language, the term “democracy” is commonly used as a shortcut for “liberal democracy,” blurring the distinction between two related but different concepts. As the name suggests, liberal democracy is a mix of liberalism and democracy, where the first one aims to limit the power of the government and support individual initiatives, while the second strives to ensure that rule of the people reaches state’s structures and take care of equality and social welfare¹. Liberal democracy can be defined in many different ways. For example, Kenneth Bollen (1993) considers political liberties, such as media freedom and the ability to participate in political groups, but also counts democratic rule, by which he means governmental accountability and citizens’ direct or indirect participation in the political life of the State. He also argues that majority of hypotheses on democracy are linked to the concept of liberal democracy, which partly explains the existence of such a shortcut.

The concepts of media freedom and freedom of association are not new; their

¹ *Ibid.*, p. 450, 472-473.

roots can be found in Tocqueville's "Democracy in America." For Tocqueville (2019), freedom of the press influences not only political beliefs of the people but also their general opinions. He argues that if each individual has the right to govern, they also have to have a right to access different views and facts that could be useful for their political career. Therefore, he states, nation's sovereignty is in line with media freedom, while censorship and general elections could not coexist in the same nation.

Talking about freedom of association, Tocqueville finds it a dangerous, but necessary tool to fight tyranny of the majority, which is present in democratic order. The negative side of this particular freedom is that it is linked to anarchial ideas. On the other hand, the right to freely create a political association reduces the number of secret or conspiratorial coalitions².

According to William Hay (2006), "*real democracy means liberal representative government under law, sustained by a political culture that accepts open disagreement and demand accountability*" (Hay, 2006, p. 3-4). Supporting this definition, he also highlights the role of the rule of law, the importance of the framework of check and balances combined with public opinion, transparency of public administration, and democratic change of power. The scholar pays attention to the role of the institutions, which make the system more predictable, connect people with government, and provide legitimacy for those who rule (Hay, 2006).

In defining a consolidated democracy, Linz and Stepan (1998, p. 7-15) consider the presence of the following five elements in the state: civil society, political society, rule of law, bureaucracy, and institutionalized economic society (see table 1.1.1). Civil society, in form of different associations, plays a crucial role in the political life of the state, and in its ideal condition, it is capable of overthrowing a non-democratic regime. But in order to support process of democratization and establishment of a fully consolidated democracy, political society, including its institutional parts like political parties and elections, is necessary. The rule of law is an inseparable element of consolidated democracy, obliging all the societal actors to follow the rules and enhancing legal culture. Established bureaucracy is in charge of providing the state with the opportunity to exercise legitimate power on its territory in order to secure well-functioning of the democracy. According to Linz and Stepan, consolidated democracies

² *Ibid.*, p. 184-200.

cannot exist in a fully command or market economy. In the first case, excessive government intervention could limit civil society in its actions and affect autonomy of the political society. On the other hand, a fully market economy could include unethical practices, limitation of which requires the application of governmental measures to protect the citizens. Therefore, the fifth element of the consolidated democracy, proposed by Linz and Stepan, is economic society, which links the state and the market by using institutions, policies, and norms.

Table 1.1.1 The five major areas of a modern consolidated democracy.

Arena	Primary Organizing Principle
Civil society	Freedom of association and communication
Political society	Free and inclusive elections; electoral contestation
Economic society	Institutionalized market
State bureaucracy	Rational-legal bureaucratic norms
Rule of law	Constitutionalism

Source: Linz and Stepan (1998).

It is important to note that the five mentioned elements are interconnected, therefore, well-functioning of a consolidated democracy depends on all of them (Linz and Stepan, 1998).

The considerable number of existing definitions of democracy creates a methodological challenge in identifying how to measure and evaluate this complex concept. Scholars must consider what to measure and how. In order to answer the “what?” question, Rose and Shin (2001) propose two general objects of evaluation: democratic institutions and democratic attitudes. To answer the “how?” question, indices on democracy can be useful. Capturing various aspects of the concept, indices can serve as a basis for further empirical analysis. There are many influential datasets such as Freedom House, Polity, V-Dem, The Economist Intelligence Unit that provide data for analysis. According to Graziano and Quaranta (2022), among the above-mentioned indices, only V-dem provides the most comprehensive data on democracy, capturing its key features. The weak points of the other indices include: a high level of subjectivity in the questions used, a constrained range of variables that cannot fully

represent the concept of democracy and its further development, the anonymity of the sources, and reliability issues (Graziano and Quaranta, 2022).

Another evaluation issue can arise when comparing new democracies with already established ones, where the same question about the level of satisfaction with the democratic order could provide misleading results (Rose and Shin, 2001).

To summarize, democracy is a complex concept driven by rule of the people through direct and indirect participation, ensuring political freedoms and institutional accountability.

1.2 Democratization

Following the logic of causality, in order to experience democracy backsliding, a country must first become democratic. Democratization is the process of transitioning from a nondemocratic regime to a consolidated democracy. According to Linz and Stepan (1998):

“A democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when government comes to power that is the direct result of a free and popular vote, when this government de facto has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies de jure” (Linz and Stepan, 1998, p. 3).

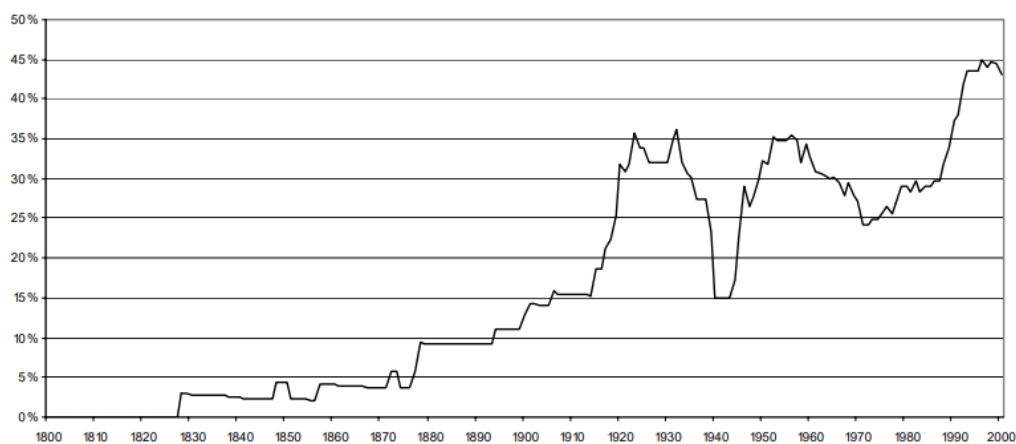
The above-mentioned scholars emphasize the difference between liberalization and democratization. The first one can provide more political freedoms, including tolerance towards opposing views, but this can also occur in nondemocratic regimes. On the other hand, democratization includes not only liberalization of a nondemocratic state but also demands free and competitive elections.

Linz and Stepan (1998) proposed three dimensions of the definition of consolidated democracy: behavioral, attitudinal, and constitutional. The first excludes behaviors of actors involved in the political life of the state characterized by investing their resources into establishing a nondemocratic regime in to reach goals. The attitudinal dimension stands for the positive attitudes expressed by the majority of the people towards democratic institutions and procedures implemented by the state,

making alternatives less favorable or non-acceptable. Lastly, in a constitutional dimension, a regime could be considered as a consolidated democracy when the prevalence of the rule of law, expressed by the resolution of public and private conflicts by following concrete legal procedures dictated by the newly established democratic order, is present³.

Samuel Huntington's works (1984; 1991) on democratization significantly contribute to scholarly discussions on the topic. By analyzing regime changes in different countries over time, Huntington identifies patterns and categorizes them into democratization waves, which are followed by reverse waves. The first democratization wave has its roots in the French and American revolutions and brought the notion of liberal democracy into contemporary political discussion. The following reverse wave in years 1922-1942 is characterized by resumption of authoritarian regimes and the establishment totalitarian rule. The second wave dated 1943-1962, started during the Second World War. The Western allies influenced the formation of democratic institutions in the occupied territories of the Federal Republic of Germany, Italy, Korea, and Japan. During that period, the development of the democratic patterns could be seen in Türkiye and Greece as well. Following the second reversed wave, a third wave of democratization began in 1974. The revolution in Portugal and the collapse of the Soviet Union are considered significant milestones in this third wave. The figure 1.2.1 presents the percentage of democratic countries from 1800 to 2000, where the "wave" shape is noticeable (Skorupka, 2016).

Figure 1.2.1 Percentage of Democratic Countries, 1800 to 2000.



Source: Gates, 2007.

³ *Ibid.*, p. 3-7.

According to Huntington, democratization includes the end of an authoritarian regime, the establishment of a democratic regime, and the consolidation of democracy. Among the variables that significantly contribute to democratization are income distribution equality, a market economy, social modernization and pluralism, economic development, respect for the rule of law, Protestantism, and shared political and social beliefs within the society (Huntington, 1991 as cited in Skorupka, 2016).

Huntington's work has faced criticism in academic debates. The first concern addresses the definition and subsequent operationalization of democracy as applied by Huntington. According to Doorenspleet, the definition proposed in his works lacks an inclusivity aspect, the application of which would decrease the number of countries qualified as democracies at the early stages of analysis (Doorenspleet, 2000, as cited in Gates et al., 2007). On the other hand, Przeworski uses a less strict dichotomous definition of democracy, looking at whether or not the country has, at a minimum, semi-competitive multi-party elections (Przeworski, 2000, as cited in Gates et al., 2007). This less rigorous approach leads to a larger number of countries being eligible to be considered democracies, simultaneously reducing the chances of the regime being classified as changing from democracy to an autocracy in the analysis⁴.

The second concern is linked to the "wave" patterns, described by Huntington. The scholar defines democratization waves by investigating the percentage of democratic states over time. The main issue lies in the exceptional increase in the number of countries during the period discussed, which blurs the analysis. For Przeworski, significant transitions to democracies in the second half of the 20th century are visible only in the Latin America, while Doorenspleet does not find reverse waves at all. The mentioned critics mainly derive from different methodological approaches of scholars, more precisely, in the way how democracy is operationalized⁵.

Despite criticisms of Huntington's notion of democratic waves, the concept was adopted in scientific discourse and used by various scholars. Linking countries that transitioned to democracy to different "waves" made it possible to highlight contrasts between them and their further implications. For instance, Rose and Shin (2001) argue that primary issues within "third-wave democracies" such as corruption, governmental non-transparency, and violations of the rule of law, can be explained by these countries

⁴ *Ibid.*, p. 1-4.

⁵ *Ibid.*, p. 4.

undergoing democratization “backwards”. Building their argument, the authors took into consideration four crucial dimensions of democracy: free elections, the rule of law, civil society, and accountability (Rose and Shin, 2001).

According to the two scholars, one of the key factors that distinguish the third-wave democracies is the sequence of compliance with these dimensions. More precisely, new regimes, in opposition to the previous waves, have adopted free elections first, before establishing a modern state with appropriate institutions. This alteration in sequence caused three main challenges, that countries have to face in order to become consolidated democracies: building a modern state with functional institutions, ensuring the prevalence of the rule of law and civil society, defending the path of democratization through free elections, and, for countries with command economies, securing a transition to a market economy. Therefore, countries in a process of transition to democracy, or as authors refer to them “incomplete democracies,” have three available paths to follow: finishing the transition, preserving a state of incomplete democracy, or backsliding to the previous or an alternative regime. In the first case, the state should complete the mentioned challenges because the mere provision of the free elections does not guarantee consolidation. The second option allows a certain level of governmental shortcomings, such as inconsistencies in use of the rule of law, corruption, lack of transparency. However, governmental weaknesses of this type of regime can demotivate citizens to fulfill their tax obligations, making it harder to sustain further democratic changes. Acceptance of these weak points could be explained by lowering the bar of expectations of the citizens from the political elites who could not meet their demands. Additionally, from a cultural point of view, public perceptions and attitudes towards politics tend to change slowly. The last option remains for countries that are incapable of completing the democratization challenge (Rose and Shin, 2001, p. 348-351).

A significant role in the transitional process is played by the type of the previous regime. For instance, totalitarianism represses civil society, while autocracy could give it a little margin to function, which could ease the transition in the future⁶. Furthermore, a preceding democratic experience of the country could have a positive impact on the restoration of democracy (Huntington, 1991).

⁶ *Ibid.*, p. 353-354.

A more structured analysis of preconditions for democratization was proposed by Huntington (1984), who listed four general factors that should be considered: economic, social, external, and cultural (see table 1.2.2). Furthermore, in one of his subsequent works (1991), the scholar puts emphasis not only on the significance of economic development but also on the role of political leadership, which according to him: “*makes it [democracy] real*” (Huntington 1991, p.33).

Table 1.2.1 Preconditions of Democratization

Factors	Argument	Critics
Economic	Wealthy countries could provide better education, space for deliberate decision-making culture, and more equal distribution of wealth, which makes further democratization process more plausible.	Existence of correlation between economic development and political competitiveness could be explained by spurious relationship caused by external variables e.g., Protestantism. In some cases, economic development led to establishment of stronger forms of authoritarianism.
Social	Presence of the pluralistic society with different autonomous groups in it, could limit state influence, putting its institutions under control of the citizens. Presence of autonomous bourgeoisie as well as labor unions could also put pressure on the government.	Lack of the feudal past in the Northern America is considered as a precondition of democracy, which does not comply with an argument. Communal pluralism, which mainly could function on a consociational basis, could evolve into oligarchy, exchanging contestation to representation.
External	Influence of the established democracies in other countries e.g., military conquest and Western colonialism have spread the democratic ideas and institutions. Powerful democracies put direct and indirect pressure on other countries for them to complete the transformation. Regional powers, such as European Community ⁷ also have a significant impact on democratization and can act as an incentive.	Limited results of the Western colonialism.
Cultural	Cultural background of citizens affects predisposition of the	Complexity of the cultural dimension makes it difficult to systemize the

⁷ The article was published in 1984, before formal establishment of the European Union with the Maastricht Treaty in 1993. However, taking into account the existence of the European Neighborhood Policy, one of the priorities of which is democracy - the argument still could be found accurate.

	<p>country towards democracy development. An important role might play a dominant religion in the country. For instance, Protestantism and Catholicism are considered to be more supportive for the democratic transition, in contrast to Islamic countries. Cultures characterized by mutual trust, openness towards diversity and good conflict management favor democratization.</p>	<p>evidence and measure its influence on the democracy development.</p>
--	---	---

Source: own elaboration based on Huntington (1984, p. 242- 256)

Despite influential factors, the author points out two processes through which democratization could be completed: replacement and transition. In the first case, authoritarian leaders leave the state apparatus as a consequence of the regime collapse, making it possible for democratic powers to replace it. The second process assumes a change in the political views of the existing authoritarian elites towards democracy and requires leadership proficiency in order to successfully complete the transitional path. (Huntington, 1984, p. 259-260).

An alternative point of view on democratic transition was proposed by Thomas Carothers (2002), who argued that, despite its usefulness for a certain period, the transition paradigm is no longer beneficial. It could mistakenly attach a hopeful notion of democratic transition to countries that are stalled in their progress. Instead, Carothers offers the idea of countries entering a political “gray zone,” where some democratic features are preserved, although affected by major democratic deficits. The various types of political regimes that have entered the “gray zone” could be quite different from each other, but they might have two general patterns in common: feckless pluralism and dominant-power politics. The first refers to the situation where, despite the society’s access to political freedoms, there is a limited political participation due to an erosion of plural political elites who are not capable of leading towards consolidated democracy. The second indicates that, even within a limited space for opposition and contestation, political power is concentrated in the hands of particular actors, and prospects for further change are blurred (Carothers, 2002).

In conclusion, democratization represents a complex process of transitioning

from non-democratic regimes to a consolidated democracy. From a historical perspective, democratization follows the “waves” pattern, wherein countries transition to democracy during some periods followed by subsequent reverse waves. Challenges faced by “third-wave democracies” include establishing modern state institutions, securing a democratic path through free-elections, and, particularly for post-communist states, navigating the transition to a market economy. Among favorable conditions for democratic development, significant roles are played by political leadership, economic development, and the social, external, and cultural environment. The democratization process can occur through the replacement of the previous regime or gradual transition. Countries that experience stagnation during the process of democratization enter the political gray zone and are most-likely trapped by feckless pluralism or dominant-power politics.

1.3 Democratic backsliding

Democratic backsliding, erosion, decay, decline, regression, recession, breakdown of the democracy, de-democratization. These are different terms applied by political scientists to describe the same concept in the scientific discourse on democracy. Significant deterioration of democratic indexes brought special attention from scholars, simultaneously giving them new and important research objectives: to find the reasons for the erosion and possible preventive methods.

Larry Diamond (2015) presents two possible interpretations of these empirical tendencies. The first one negates the idea of democracy backsliding, explaining the trend either by reaching the state of equilibrium, where range of democracies remained stable without any significant declines, or by claiming that some regimes were misclassified from the beginning. The other interpretation admits the general decay democracy, which can be seen in the weakening of already established democracies, instability in gray zone countries, and the consolidation of authoritarian rule in non-democracies (Diamond, 2015).

According to Licia Cianetti and Seán Hanley (2021), democracy backsliding could be defined as: “*gradual stripping away of constitutional safeguards and piecemeal dismantling of democratic institutions by elected politicians, often illiberally inclined populists*” (Cianetti and Hanley, 2021, p.66).

The mentioned definition covers the main attributes of democracy backsliding but presents only one way it can break down. An expanded explanation was proposed by Nancy Bermeo (2016), who mentioned six ways democracies may regress. According to the author, the democracies can break down through classic coups, executive coups, election-day vote fraud, promissory coups, executive aggrandizement, and strategic manipulation of the elections. While the first three options were common in the past, the last three became significant more recently and deserve more detailed discussion (Bermeo, 2016, p. 8-16).

As the name suggests, promissory coups are characterized by promises of the political elites to follow the democratic path, which are not kept after the election day. The number of this type of coups increased from 35% to 85% covering periods from 1946 to 1990 and from 1990 to 2014 accordingly. Executive aggrandizement is characterized by the gradual extension of power by democratically elected leaders through small but constant institutional changes. New legal initiatives significantly limit power of opposition, civil society and decrease institutional transparency under the cover of a democratic mandate. The case of Türkiye under the rule of Erdoğan could be an example of such erosion. The last way of how democracy can backslide is through the strategic manipulation of elections, which also could support other forms of democratic erosion. The manipulations are done through tactical and planned actions before the elections, such as influencing different media channels, making changes in electoral commissions, creating potential barriers for voters etc. These measures demand a high level of political craft of the leaders to create favorable pre-elections conditions without visible violations of the legal order⁸.

It follows logically that to explain the notion of democratic decay, it is reasonable to look back at factors that make a political regime democratic. Larry Diamond (2020) argues that one of the first signs of recession is the deterioration of the rule of law. Lack of rule of law and high levels of corruption create a good ground for the rooting of so called “illiberal democracies.” Furthermore, Diamond highlights the role of political culture, institutions, and civil society, which act as safeguards of democratic rule. A general feeling of the distrust and absence of the deliberation process

⁸ *Ibid.*, p. 6-14.

could be a starting point for erosion (Diamond, 2020, p. 3-5).

An important role in democratic backsliding is played by political craft, most represented by populist leaders. Diamond mentions three types of leaders: those who follow democratic rules, those who are more distant from core democratic values but not capable of changing the order, and those who are interested in democratic breakdown and could complete it. Using their rhetorical skills, populist leaders tend to decrease the credibility of other political actors and institutions by establishing negative connotations with them. The creation of hostile attitudes and conflicts between different groups in society results in diminished political pluralism, consequently affecting the quality of democracy (Diamond. 2020, p.12).

Another essential factor is how democracy is promoted around the world. According to Diamond, efforts to share democratic views and values by the European Union and the United States have become more radical, to the extent of using force to establish democracies in Afghanistan and Iraq⁹.

Changing the socio-economic environment has also created space for backsliding. The development and diffusion of communication technologies made it possible for people to freely express their views but also to use various channels to spread misinformation and sharp political polarization. Furthermore, globalization has deepened interconnections between countries, making them more vulnerable to crises in different places. Diamond also mentions the unequal redistribution of income caused by the increased role of knowledge and technology in production but does not elaborate directly on implications of this factor for democracy backsliding¹⁰. Economic and social factors proposed by Huntington (1984), discussed in the previous section, could be useful here, as they highlight the link between economic development and democracy.

Last but not least is the role of so-called sharp power. Sharp power lies between soft and hard power and aims to weaken democratic institutions and minimize meaning of the core democratic values through corrupt and influential strategies. Similarly to how the United States and European Union promote democracy, countries like China and Russia create a safe space for autocracies, trying to legitimize the regime by showcasing the weak points of Western democracies¹¹.

⁹ *Ibid.*, p. 13-15.

¹⁰ *Ibid.*, p. 15-16.

¹¹ *Ibid.*, p. 16-18.

In his following works, Larry Diamond (2022) has also emphasized the “bad neighbor” effect, which puts democracies in danger, as leaders of non-democratic regimes seek to reduce the chances of instability in their countries by expanding non-democratic regimes to neighboring states. He uses the cases of Russian aggression in Ukraine and the conflict between China and Taiwan as examples (Diamond, 2022, p. 173-174.).

As it was mentioned at the beginning of this section, the backsliding paradigm faces some criticism. Despite difficulties in classifying the countries that belong to the gray zone¹², some factors might only seem to be a threat to democracy. For instance, even if populist party gains power, a good quality system of checks and balances could significantly limit the space for completing democracy breakdown. Furthermore, in some cases, exclusion of some groups of people from the political process could act as prevention and saving mechanism, even though this practice cannot be classified as liberal. This can be seen in the example of the exclusion of Russian-speaking minorities in Latvia and Estonia in some political activities (Cianetti and Hanley, 2021, p.75-77).

There are different interpretations of the concept of democratic backsliding. However, most of them are based on empirical evidence and explained by populist elites gaining power and implementing destructive changes. More recent democracy breakdowns are done through promissory coups, executive aggrandizement, or strategic manipulation of elections. At the same time, the deterioration of the rule of law is explained by weakening political culture and civil society. External forces such as non-democratic neighbors, sharp power and negative consequences of globalization can also have a significant impact on the weakening democratic rule. Critics of the backsliding paradigm suggest that sometimes visible erosions could be just tradeoffs to secure the democratic rule.

1.4 Research methodology

There are many factors and errors that might affect the quality of research. Reflexivity might be used to tackle the issue of systematic errors, increasing the validity of the research. According to Berger (2013), the researcher’s experiences and biases

¹² The “gray zone” notion might alternatively be called “twilight zone”, see: Cianetti, L., & Hanley, S. (2021). *The end of the backsliding paradigm*.

influence the way how study is conducted, data gathered, analyzed, and presented. Therefore, researcher's reflections on their own positionality and acknowledgement of their own prejudices towards the topic explored may lead to more objective outcomes (Berger, 2013) and provide an important background information for the reader, ensuring transparency and compliance with ethical research practices.

The author of this work lived in Poland for over eight years and participated in anti-government protests in 2020-2021 and in 2023. On one hand, extended residence in Poland provided an opportunity to understand the local context and gain an insider perspective on the most salient political issues in the country. On the other hand, foreigner status put restrictions on being fully integrated into political life of Poland, securing the possibility to look at the political scene from an outsider point of view. Considering that the mentioned anti-government activism indicates a certain level of bias towards Polish government, to ensure appropriateness and objectiveness of the questions created for the semi-structured interviews, the questionnaire was consulted with both supervisors of this thesis. The other parts of the research are written with an awareness of the author's possible prejudices and, accordingly, with the application of a reflexive approach to ensure validity of the findings.

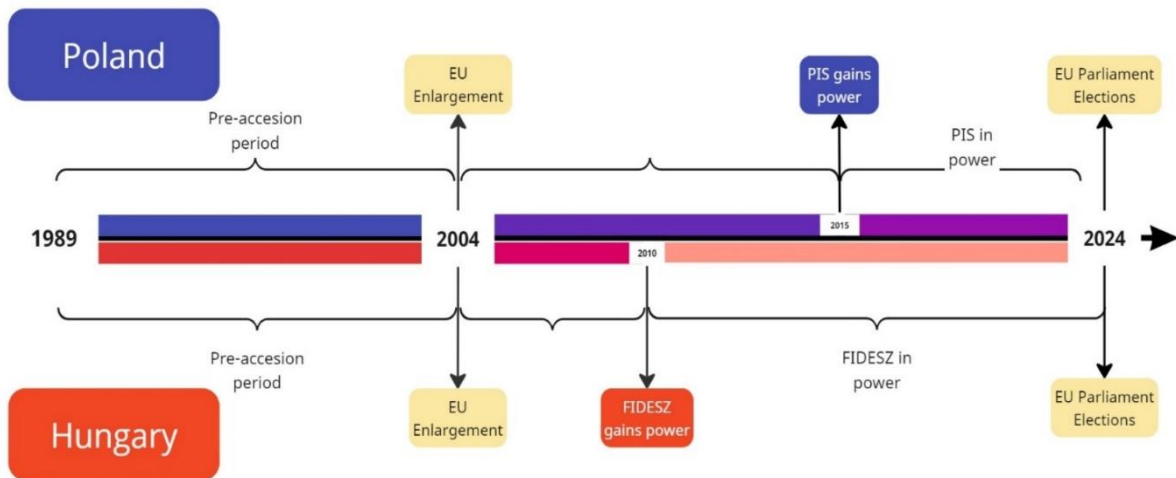
The aim to explore the EU strategies towards democratic backsliding tendencies in the member states shapes the qualitative character of this study. Application of inductive approach allows for the expansion of theoretical margins and the provision of valuable insights into the topic studied (Ashworth et al., 2018). A comparative case study analysis of two member states gives an opportunity to identify general line of actions of the European Union towards democratic backsliding, assess its effectiveness, and identify differences and challenges that EU faces.

The decision to conduct an analysis on Polish and Hungarian cases seems to be a natural choice for a couple of reasons. First of all, these neighboring countries are located in Central Europe and share some cultural and historical similarities. Poland and Hungary were members of Warsaw pact and therefore functioned under the significant influence of Soviet Union politics in the 20th century. After the fall of the Berlin Wall and the related collapse of socialist states in 1989, both countries began a democratic transitioning process and 15 years later joined the European Union under so-called "Big Bang" enlargement in 2004 (Berend, 2005). In both countries, populist right-wing

parties practiced their powers (Varga and Buzogány, 2020) and, finally, against both countries procedure described under Article 7(1) TEU was triggered ((2017/2131(INL)) and (COM (2017) 835)). These factors caused increased scholarly attention towards the topic of democratic backsliding in Poland and Hungary, providing a solid theoretical foundation for the research.

The time frame of the research (see figure 1.4.1 below) covers the period from the start of political transformation in Poland and Hungary in 1989 to the European Parliament elections in June 2024. To provide more structured outcomes, the time frame is divided into three sub-periods. The first one describes pre-accession years for both countries: from 1989 to 2004. The second and third sub-periods mirror governmental changes in countries that are salient for the analysis. For Poland, these are from 2004 to 2015 and from 2015 to 2024. For Hungary, periods are from 2004 to 2010 and from 2010 to 2024, respectively.

Figure 1.4.1 The research time frame.



Aiming to comprehensively capture the evolution and deterioration of democracies in Poland and Hungary, these countries were analyzed through the analytical framework proposed by Linz and Stepan (1998). According to the defined timeframe, in chapters III and IV, each sub-period was explored through the lens of the five key areas of consolidated democracy: civil society, political society, economic society, state bureaucracy and the rule of law. In chapter V, sub-periods were compared to identify key differences and similarities between the countries.

To examine the topic of democratic backsliding and identify the EU strategy

towards democratic erosion in the members states, the following research questions were stated:

- How has the EU addressed the democracy decline in Poland and Hungary?
- What are the differences between the EU approaches towards Poland and Hungary?
- What are the main challenges the EU faces addressing the democratic backsliding?

To comprehensive explore the phenomenon of democratic backsliding in the member states and the following EU reaction, triangulation was applied (Carter et al., 2014). Analysis of primary sources such as EU legal acts was followed by secondary documentation investigation. The literature review was extended to an examination of the crucial indices for the studied topic, including the Liberal Democracy index, Core Civil Society index, Rule of Law index and Freedom of Expression Corruption Perception Index. The decision to choose these indices is led by their alignment with the core dimensions of the democracy, which were discussed earlier. Moreover, the majority of indices are produced by the V-dem Institute, which secures reliability of the data. The analysis was further complemented by in-depth semi-structured expert interviews.

To discover the specifics of the strategy applied by the EU, non-probability expert sampling was used for the semi-structured interviews. One interview was conducted with a representative of the third sector organization (TSO) Visegrad Insight, which focuses specifically on the issue of democratic security in Central and Eastern Europe since 2012¹³. The second interviewee is a university professor who specializes in political theory and democratic research and has published number of scientific articles on this topic. The interviews were conducted online and held in Polish. They were recorded with the consent of the interviewees, transcribed, and translated. The sampling technique allowed for the gathering of invaluable expert opinions and answers to the stated research questions.

¹³ See more: <https://visegradinsight.eu/>.

Chapter II Democratic deficit in the EU.

2.1 Dimensions of the democratic deficit in the EU

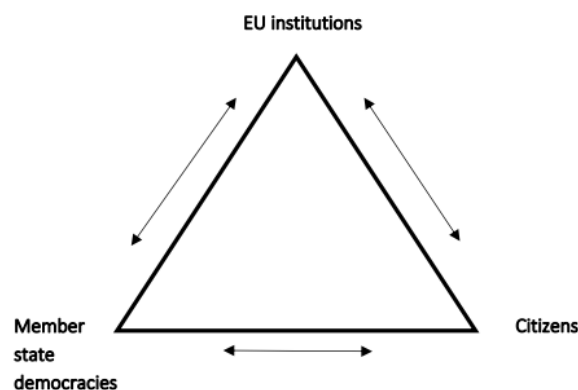
The purpose of this chapter is to describe the patterns and main characteristics of the democratic deficit in the European Union. The first section discusses key dimensions of the democratic erosion, covering tendencies in the EU institutions and member states. The following section is dedicated to critiques to the notion of the democratic deficit in the EU. The last section provides an overview of the main tools and measures created and applied by the EU to address democratic steadiness in the member states.

Speaking about the European Union, it is difficult to underestimate the role of the democracy in it. Article 2 of the Treaty on European Union (TUE) states:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities....”

Embedded in the core values of the EU, democracy serves as a source of legitimacy for the member states, indicating their commitment to its principles. However, despite the promotion of democracy, complex structure of the European Union creates space for democratic erosions within the different levels of governance. Paul Blokker (2021) identifies interconnected dimensions of democratic deficit in the EU, which may occur between institutions and member states (see figure 2.1.1).

Figure 2.1.1. Democratic deficit in the EU.



Source: Blokker (2021).

2.1.1 Democratic deficit in the EU institutions

Democratic deficit on the institutional level is explained by several factors. First of all, particular attention is needed to the way how representatives of the European people are elected. Only Members of the European Parliament (MEPs) are chosen directly through elections. The Council of the European Union consist of national ministers, while the European Commission is shaped by the President of the Commission, who selects future commissioners proposed by the member states. The President of the Commission is proposed by the European Council and elected by European Parliament¹⁴. Performing executive functions and possessing a monopoly on making legislative proposals, the Commission sets the trajectory of EU politics. At the same time, the way how it is appointed is accompanied by constant criticism of being a technocratic rather than democratic institution, which decreases its accountability (Blokker, 2021). As Crombez (2003) aptly points out, each level of delegation complicates further monitoring of representatives' actions and increases the distance between citizens and institutions. Another problem mentioned by the author is the lack of transparency, expressed in a too "secretive" legislative process. Voters do not have the ability to track some of the Commission's and Council's meetings, which results in information asymmetry and blurs the democratic process (Crombez, 2003).

Among other concerns, the unequal weight and influence of the member states can be found. For instance, the degressive proportionality rule in MEP's appointment results in overrepresentation of the smaller member states. Additionally, functioning at the European level party system presents situations where MEPs with significantly different political views represent the same political group. Not only does this restrict cohesion within the political camp, but also makes it difficult to establish a party system with clear pluralistic visions on further European integration that European citizens could vote for (Blokker, 2021).

2.1.2 Democratic deficit in the member states

Another dimension of the democratic deficit in the EU is visible at the member states level. To join the European Union, a candidate country must fulfill the Accession

¹⁴ For more information on elections and appointment of EU officials check: https://european-union.europa.eu/institutions-law-budget/leadership/elections-and-appointments_en.

criteria (also known as Copenhagen criteria), among which “*stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities*”¹⁵ are listed. Supporting the fundamental values of the EU, Copenhagen criteria aim to secure democracy and exclude possibility of its erosion. The effectiveness of the criteria might be seen in a Slovakia’s pre-accession case, when under the rule of Vladimír Mečiar, the country followed undemocratic path, supported by corruption, nepotism, oppression of opposition, and abuse of power (Sitter and Bakke, 2019, p.11). As a reaction to such shortcomings, the Commission (COM (97) 2004, p.117) refused to recommend start of the negotiation process with Slovakia, which began only after governmental change (Sitter and Bakke, 2019).

However, referring to 2004 enlargement, Attila Ágh (2017) has introduced the concept of the so-called “Copenhagen Dilemma”, indicating that despite the strong emphasis on democratization during the pre-accession period, European Union faces challenges in maintaining the required democratic order in its member states afterwards (Ágh, 2017). The “Copenhagen Dilemma” could be linked to the more general concept of “post-democracy,” proposed by Colin Crouch (2000). On one hand, characterized by fatigue and disengagement of citizens and on the other, by elitism and technocratization at the governmental level – post-democracy accompanies member states towards backsliding. In the context of the European Union, post-democracy trends are noticeable in crises management like the Eurozone crisis (see Papadopoulos, 2019), where lack of transparency and technocratic character of the decision-making process have triggered questions of democratic deficit in the Union (Papadopoulos, 2019, p. 567).

A counterbalancing reaction to post-democracy trends took the form of raising euroscepticism and populism among the countries. The notion of populism has already been mentioned in this work, but considering its significant role in democratic backsliding, it requires more precise definition. Mudde (2004) explains populism as:

“An ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite,’ and which argues that politics should be an expression of the volonté générale (general will) of the people” (Mudde, 2004, 543).

Populism may serve as a useful tool for leaders to gain power. Sitter and Bakke

¹⁵ All the Copenhagen Criteria could be found here: <https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html>.

(2019) point out that democratic decline does not have a random character and requires concrete actions from the government. It pushes rulers who choose the backsliding path to act strategically and carefully, as they have to leverage between consolidating their own powers and securing gains from the EU membership, while avoiding punishment for undemocratic practices (Sitter and Bakke, 2019, p. 7-8).

Populism became a recognizable element of so-called “illiberal democracy,” a notion used by Prime Minister of Hungary Viktor Orbán during his famous Băile Tuşnad speech in 2014¹⁶. Despite the fact that some scholars see concept of illiberal democracy as an oxymoron (Halmai, 2021), it became part of the scientific debate on democratic backsliding. In Orbán’s words, illiberalism:

“... does not deny foundational values of liberalism, as freedom, etc. But it does not make this ideology a central element of state organization, but applies a specific, national, particular approach in its stead” (Tóth, 2014).

Shifting from liberal values towards national sovereignty, illiberal democracy targets supranational institutions, multiculturalism, and minority rights, shielding by common will and interest of the people (Laruelle, 2022, p. 309). This setting goes beyond the democratic values promoted by the European Union, creating space for democratic erosion and conflicts between the EU and member states. As Blokker (2019) suggests, increased democratic rule at the EU level might be seen as a threat to practicing sovereign democratic rights in the member states. This point of view not only explains euroscepticism but also gives a reason for legal disputes between national constitutional courts and the Court of Justice of the European Union (CJEU) (Blokker, 2019, p. 14-15).

More complexity to the issue of democratic deficit in the member states is added by the role of the European Union, which, surprisingly, does not always serve as a guardian of democracy. Kelemen (2019) argues that despite constant promotion of democratic values within the Union and abroad, in a way, the European Union sustain democratic erosion in the member states. The scholar proposes the notion of “authoritarian equilibrium,” which is based on partial politicization, money, and migration. The first dimension relates to the way of functioning of the Europarties, which might have incentives to protect its authoritarian members to secure power in

¹⁶ Full text of the speech could be found here: <https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/>.

European Parliament and the Council. Another crucial factor for sustaining authoritarian regimes is the funds availability. The scholar points out that the main “leaders” of backsliding in the EU – Poland and Hungary - are at the same time one of the main recipients of EU funds. Moreover, EU member states status provides legitimacy and attract foreign direct investment (FDI), which helps to keep the authoritarian regime afloat. According to the author, the last pillar of the equilibrium is emigration. Freedom of movement in the European Union allows dissatisfied citizens to easily leave the country, creating a safe and loyal environment for authoritarian leaders. Furthermore, considering the assumption that the emergence of democratic backsliding is more probable in economically challenged states, migrants who move to more developed countries could indirectly support their home regime through remittances (Kelemen, 2019, p. 483 - 491).

Civic engagement plays a salient role in the proper functioning of the democratic order in the member states, therefore lack of it may provide significant shortcomings. Blokker (2019, p. 21) lists five key factors that enhance the engagement of citizens: equality of access and opportunity, availability of material and non-material resources, expectations of effectiveness and impact of the involvement, general understanding of the meaningfulness of actions, and knowledge. However, according to the author, increased involvement of the citizens might also be related to the politicization of the issues at stake, which on one side could bring alternative political views to the discussion, but on the other side could evolve into dangerous populist and radical movements (Blokker, 2021, p. 21-23).

2.2 Critics towards notion of democratic deficit

The key critiques of the notion of the democratic deficit in the European Union were proposed by Andrew Moravcsik (2008), who referred to the concept as a “myth”. According to the scholar, there is a strong misconception between perception of the EU and the reality (see table 2.2.1). By addressing main concerns regarding political accountability and legitimacy of the Union, Moravcsik highlights that the European demos is mostly worried about salient issues, meaning matters that serve “*to designate issues that citizens consider important enough to motivate the sort of major shifts in mass voting, political learning or political organization that would be necessary to*

generate a shift of organization, allegiance, education, and behavior required to politicize EU decision-making at the mass level” (Moravcsik, 2008, p. 339). The point is that salient issues like health care, civil protection, industry, education, and culture, according to division of competences within the European Union, belong to the member states, while the EU plays only a supporting role¹⁷.

Table 2.2.1 Critics to the notion of the democratic deficit in the EU

	Issue	Counterargument
Political accountability	Intrusive character of the Union in terms of national decision-making process.	EU policy-making has an impact on 10-20% of national decision-making, with major scope on less salient issues.
	Technocratic nature and lack of transparency of the institutions.	The EU institutions are subjects of regular controls, transparency requirements and are restricted on fiscal, coercive, and administrative capacity.
	Absence of democratic accountability of the representatives.	EU decision-makers are dependent on multiple democratic accountability checks and might provide a greater direct accountability than national actors.
Political legitimacy	Negative referendum results ¹⁸ is a sign of mistrust for the EU and its policies.	Citizens’ negative voting behavior is linked to unfamiliarity of issues discussed rather than rooted opposition toward European Union.
	Lack of public participation explains ignorance towards European institutions.	There is a lack of positive correlation among participation and public trust. An attempt to “democratize” the Union might increase euroscepticism.
	European citizens do not participate actively because of the barriers set by institutions.	Citizens are more concerned about salient issues that are discussed on the national level, which makes EU’s agenda secondary. Involvement an uninterested people into deliberation process might negatively result on participation.

Source: own elaboration based on Moravcsik (2008).

¹⁷ More information about division of competence in the European Union could be found here: <https://eur-lex.europa.eu/EN/legal-content/summary/division-of-competences-within-the-european-union.html>

¹⁸ In a context of negative outcome of the referendum on approval of the Lisbon Treaty by Irish people. For more information see: <https://www.theguardian.com/world/2008/jun/13/ireland>.

Summarizing his critique, Moravcsik suggests that the overall democratic performance of the Union exceeds the performance of the member states. The EU was capable of introducing a common currency, create a single market, and completing several rounds of enlargement. This underlines the ability of mostly indirect governance to produce concrete positive results. He also warns that increased direct participation could affect political legitimacy and will not make the EU more trustworthy. The expectations for the EU to act like a perfect democracy, while a nation-state is not capable of reaching the same level, should be seen as a double standard. Moreover, instead of creating space for populist movements by emphasizing technocratic practices employed by the institutions, it is better and more useful to accept indirect character of functioning of the European Union (Moravcsik, 2008, p. 339-340).

Even though Moravcsik's critical articles were cited thousands of times and became part of the academic debate, the notion of the democratic deficit became stronger on the political side of the discussion and, for instance, was used in the successful Brexit campaign. Highlighting the dangerous misuse of the notion of the democratic deficit, Malinov (2021) proposed additional critiques on the issue. According to the scholar, the democratic deficit in the European Union falls into the fallacy of false analogy, where it is compared to a modern democratic state, rather than perceived in its own *sui generis* character. The author points out that as long as the Union does not clearly aim to become a federal state, the critics of lack of European demos and other common democratic features should be considered irrelevant. This might be explained by the fact that the polity is based on different identities and cannot be compared to democracy in the real-functioning federal state. In the author's view, because of the unique structure of the European Union, the best way to judge its democratic determination is to look at output legitimacy, which will indicate if the results of governance align with the preferences of the citizens (Malinov, 2021, p. 226 - 232).

2.3 EU tools and measures to address democratic steadiness in the member states

The never-ending academic debate on the democratic deficit only highlights the importance of democracy in the European Union. Therefore, different approaches were

applied to set a standard, develop, and sustain democratic regimes in the members states, and to prevent their backsliding. The following section focuses on a brief analysis of the main tools designed to guard the core values of the Union. It is important to note that many of the instruments discussed below are specifically focused on the protection of the rule of law. The relation of the rule of law to democracy was already highlighted in a previous chapter, but it is also communicated by the European Commission (COM/2014/0158), which states that:

“...there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.”

2.3.1 The Copenhagen Criteria

The starting point of the analysis is the Copenhagen Criteria. Designed by the European Council in Copenhagen in 1993, the Criteria act as a response to the new post-communist and post-Cold War reality, where the Central and East European (CEE) countries expressed an increased interest in joining the European Union (Marktle, 2006). The criteria cover three main dimensions and are stated as follows¹⁹:

- *Political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities;*
- *Economic criteria: a functioning market economy and the capacity to cope with competition and market forces;*
- *Administrative and institutional capacity to effectively implement the acquis and ability to take on the obligations of membership.*

At the same time, to successfully complete the accession process, there should be a capacity to absorb new member states on the EU side. Taking into account the topic of this thesis, the main focus will be on the political criteria.

Marktle (2006) highlights that the Commission draws no clear line between democracy and the rule of law while evaluating the candidate states. However, by accessing various documents, the author indicates core dimensions related to the

¹⁹ For further information see: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/glossary/accession-criteria_en.

mentioned concepts. Under the frame of democracy and the rule of law fall: free and fair elections, competent work of the national parliament, which fully respects the opposition and also offers enough space for minorities to be represented, transparency of the legislation process, a well-functioning executive and public administration, a stable and independent judiciary, and a strong commitment to eradicate corruption (Marktle, 2006, p.349 - 351).

Overall, the Copenhagen Criteria, by acting as a gatekeeper, have become an integral part of the enlargement process. Political, economic, and administrative requirements set an agenda for policymakers in the candidate states. At the same time, the Commission provides regular evaluations and annual reports on the progress made. However, the main issue with the Criteria is connected to their general form, as they do not address specific requirements and a list of actions that candidate states need to do. On one side, this gives some level of uncertainty to the countries interested in joining the European Union, but on the other side, the Commission and the European Council have more flexibility in deciding whenever the demanded political and democratic standards are secured (Hillion, 2004).

2.3.2 The Article 7 of TEU

The next important mechanism for protecting democratic values within the European Union is Article 7 of the TEU. The Article acts as a suspension clause in case of breaching the values listed in Article 2 of the TEU, among which democracy and the rule of law can be found. The mechanism was originally included in the Amsterdam Treaty, but later amendments were added in the Nice Treaty. According to Fekete (2017), these amendments were a reaction to the so-called “Haider-affair”, when political instability in the Austrian government gave a clear signal that in order to protect democracy and the rule of law within the Union, a preventive step to the Article 7 is needed. The Lisbon Treaty added small modifications to the tool discussed, to provide the possibility of having an open dialogue with the member state against which the Article was triggered (Fekete, 2017). The mechanism looks as following:

- 7(1) Determination of the clear risk of a serious breach of the values listed in Article 2. The Council may address recommendations to the state in question;
- 7(2) Determination of the existence of a serious breach of the values listed in the

Article 2. The member state in question may submit its observations;

- 7(3) Suspension of the rights of the member state in question. The obligations of the member state remain binding.

It is important to note that rights are suspended in a proportional way, considering possible effects on the member state in question. Moreover, in case of improvement of the situation, the Council may revoke the rights back (Art. 7 TEU).

Technically, Article 7 consists of two parts: preventive measures (defined in Article 7(1)) and sanction mechanism (defined in Articles 7(2) and 7(3)). Interestingly enough, political scientists have a different point of view on how the two procedures should be interpreted and applied. Fekete (2017) suggests that logically, the “risk” should be identified before the actual breach of the values listed in the Article 2. This, according to the author, makes preventive measures defined in 7(1) an integral element of the whole instrument and should be triggered and applied first (Fekete, 2017, p.15). In contrast, Coli (2018) highlights that preventive measures and sanction mechanism should be understood and treated as two separate processes, which could be triggered independently from each other (Coli, 2018, p. 278). The same vision of Article 7 can be seen on the webpage of the European Parliament, where preventive measures and sanction mechanism are portrayed separately²⁰.

Exploring the literature on Article 7, it is possible to identify some issues connected to its practical implementation. First of all, despite the legal nature of Article 7, it has a strong political character. This acts simultaneously as a strength and a weakness. On one hand, it is referred as a “nuclear option” (Sitter and Bakke, 2019) which is applied only in radical situations, but on the other hand, it might not be used even if needed, because of possible conflict of interest, and countries’ concern that they might become next “target” (Fekete, 2017). Moreover, triggering such a measure could be seen and/or framed as a threat to the national identity of the state and empower euroscepticism, deepening the conflict between the EU and a member state (Coli, 2018).

The next point is the complexity of the procedure. In order to guard the values of the European Union, major actors are involved: the European Council, the Council of the European Union, the European Commission, the European Parliament, and in some

²⁰ Check the EP webpage:

<https://www.europarl.europa.eu/topics/en/article/20180222STO98434/breaches-of-eu-values-how-the-eu-can-act-infographic>.

cases also the European Court of Justice. This number of the actors not only brings together different opinions and interests, but also results in a longer process of practical application and decreases efficiency of the tool (Fekete, 2017). Depending on the stage and type of measure, the process may involve majority voting, qualified majority voting, and unanimity in case of Article 7(2). High political stakes involved result in the willingness of the members states to look for an alternative, softer solutions to tackle backsliding (Coli, 2018).

Another challenge is to precisely define what is considered as a “serious and persistent breach” of the values defined in Article 2, especially in context of gradual backsliding (Sitter and Bakke, 2019) but also what it means in legal terms, so the article could be triggered and effectively applied (Fekete, 2017).

2.3.3 Infringement procedure

Another complementary legal tool to Article 7 is the infringement procedure, applied in case of member state’s failure to implement EU law²¹. The mechanism itself is described in Articles 258 and 259 of the Treaty on Functioning of the European Union (TFEU). Furthermore, Article 260 of the TFEU articulates the opportunity to impose financial penalties on the member state in question.

The main actors involved in the imposition of this instrument are the European Commission, which triggers the procedure²², and the Court of Justice of the European Union (CJEU), which may impose financial penalties.

The procedure itself is divided into two steps: administrative and judicial. The first step aims to solve the dispute without reaching the Court, giving the state in question a chance to justify its behavior. The Commission issues a letter of formal notice, asking the member state for a justification of the breach of the law. If this stage does not bring a positive result, the Commission issues a reasoned opinion with set deadlines for actions. In the case of non-compliance, the judicial step may be triggered, and the case may be brought before the Court (Gormley, 2017). The Court, referring to the Article 260 TFEU, may decide to impose the sanctions on the country violating the

²¹ See more on the EU commission website: https://commission.europa.eu/law/application-eu-law/implementing-eu-law/infringement-procedure_en.

²² As Article 259 of TFEU states, the infringement procedure may also be triggered by another member state, however this practice is rare. For more information see: Gormley (2017).

law. However, in imposing financial penalties, the lump sum or daily penalties are calculated considering the proportionality principle, taking into account appropriateness of financial penalties, the character and seriousness of the breach, and the capability of the member state to fulfill potential financial obligations (European Commission, 2023/C 2/01).

Compared to the previously discussed Article 7, which has a more political character, the infringement procedure is considered a legal way of enforcing the rule of law on the member states, thereby securing the democratic order (Śledzińska-Simon and Bárd, 2019).

2.3.4 The EU Justice Scoreboard

The EU Justice Scoreboard is designed to improve national justice systems and, correspondingly, the rule of law within the Union²³. Since 2013, the Scoreboard has provided an overview of the judicial systems of the member states in the form of annual reports, highlighting their efficiency, quality, and independence (COM (2023) 309). The data published by the Scoreboard is significant not only for protection of EU values and addressing rule of law considerations but also for creating a reliable environment for investors (Strelkov, 2018). According to Dori (2015), on one hand, the Scoreboard aims to secure the rule of law and fundamental values of the European Union, while on the other hand, it aims to improve the economic performance of the member states (Dori, 2015). This creates a link between the EU Justice Scoreboard and the European Semester, under the framework of which specific country recommendations related to the functioning of the rule of law could be issued (Strelkov, 2018).

It is important to highlight that the instrument discussed serves as an information tool with a neutral character, as it does not rank countries on their performance or impose judicial system preferences (COM (2023) 309). The annual report is around 50-60 pages long and presents quantitative data related to judicial matters, covering all the member states. From a methodological point of view, there are some concerns about the quality of information, as the Commission is highly reliant on the data provided by the Council of Europe (CoE) Commission for the Evaluation of the Quality of Justice

²³ See more on the European Commission website: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en

(CEPEJ), NGOs, and also the willingness of the member states to share the data. Moreover, some of the interactions with the actors involved in the creation of the EU Justice Scoreboard are not formalized and can happen in an ad hoc manner, which challenges the objectiveness of the tool (Strelkov, 2018).

Another alarming methodological aspect is connected to the validity of the presented data, as it raises questions about how the unique characteristics of the member states' judicial systems could be adequately operationalized, presented in a complete way, and compared (Dori, 2015).

Overall, the EU Justice Scoreboard is an important statistical tool, which addresses the democratic deficit in more indirect manner, mainly providing data for other instruments such as the European Semester and the EU Mechanism on Democracy.

2.3.5 The Rule of Law Framework

Responding to the worrying tendencies of rule of law deterioration in some member states and the call to protect the core values of the Union by the other members²⁴, in 2014, the European Commission proposed another tool aimed at guarding the values listed in Article 2 TEU. According to the Commission, the Rule of Law Framework was designed to solve the disputes by establishing a dialogue with the country, that by its actions, creates a systematic threat to the rule of law²⁵.

Despite existing tools like Article 7 TEU and the infringement procedure which address the same issue, the Rule of Law Framework was created to fill the gap between those two instruments and should be treated as a complementary and preceding mechanism. As discussed earlier, the activation of the Article 7(1) preventive mechanism is possible when there is a “clear risk of a serious breach”, and sanction mechanism 7(2) only in case of a “serious and persistent breach” of the rule of law. Given that Article 7 is framed as a “nuclear option”, this configuration does not leave room for solving a problem in a softer manner before reaching the measure of last resort. On the other hand, the infringement procedures can only be activated in case of

²⁴ See: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/genaff/136915.pdf

²⁵ See: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en

country's non-compliance with specific EU laws. Therefore, despite the effectiveness of the instrument, its application is narrow (COM/2014/0158).

The Rule of Law Framework compliments other instruments and addresses exclusively issues which might have a systematic character, leaving the individual breaches of law to the member states' judicial systems. The Framework consists of three main steps taken by the European Commission:

- Issuing of the “rule of law opinion;”
- Issuing of the recommendations;
- Issuing the follow-up to the recommendations.

After an examination of the situation in the member state, the Commission issues a “rule of law opinion,” establishing dialogue with the country in question. In case of the refusal to cooperate by the member state, the Commission goes to the second stage and issues the “rule of law recommendations,” with a clear statement of the concerns and suggested deadlines for the implementation of changes. The last element of the Framework is a follow-up from the Commission, with an assessment of the progress. In case of the further refusal of the member state to cooperate, the Article 7 might be triggered. The entire process must comply with principles of objectivity, equal treatment of the member states and solution-focused dialogue²⁶.

According to Kochenov and Pech (2016) the Rule of Law Framework has a couple of weak points. First of all, the recommendations' non-legally binding character may not create enough pressure and motivation for change, especially in situations where member states purposely have committed actions that affected the rule of law. Another important aspect highlighted by the authors relates to the lack of a clear vision of what is considered a “systematic breach.” It gives the Commission a lot of freedom in deciding when, how, and against which country the Framework should be activated, blurring the objectiveness of the decision-making process in the Framework application (Kochenov and Pech, 2016).

2.3.6 The Rule of Law Mechanism

Another preventive instrument aiming to identify possible rule of law erosions in the member states is the Rule of Law Mechanism, proposed by the Belgian and German

²⁶ *Ibid.*

foreign ministers back in 2019 (O’Neal, 2019). According to the Commission, this tool initiates the dialogue between European institutions, member states, national parliaments, civil society, and other actors on the rule of law²⁷. The main outcome of the Mechanism is a Rule of Law Report, which is issued annually for each member state and assesses the justice system, anti-corruption framework, media pluralism, and compliance with other checks and balances²⁸. Regular assessment of these rule of law dimensions gives the Commission an opportunity to react promptly to unhealthy and potentially harmful developments in the member states (O’Neal, 2019).

2.3.7 Regulation on a general regime of conditionality for the protection of the Union budget

An important role in the protection of the EU core values is played by Regulation 2020/2092, which came into force in January 2021 and established a general regime of conditionality for the protection of the Union budget²⁹. This tool has an administrative enforcement character and can be seen as a response measure to the rule of law deterioration in the member states (Staudinger, 2022). As the name of the instrument suggests, the Regulation establishes a link between respect for the rule of law and access to EU funds, thereby protecting both EU funds and the legal order in the member states. The tool is applicable to the Multiannual Financial Framework (MFF) 2021-2027, including the Next Generation EU program (Łacny, 2021).

There are no predefined rules on which type of sanctions and how many of them should be applied. Different types of measures might be used, depending on how the budget is implemented (see table 2.3.1). It is important to keep in mind that the measures to be applied are tailored to sector-specific regulations³⁰ to properly address the problem.

Protection of the rule of law by applying the above-mentioned measures might be effective, but at the same time, suspension of payments, participation in programs, and other sanctions could directly harm those who are interested in the country’s

²⁷ See: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en

²⁸ *Ibid.*

²⁹ See: https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation_en

³⁰ *Ibid.*

commitment to the rule of law - recipients of funds and citizens. Therefore, the Regulation covers the whistleblowers protection and protects other beneficiaries. In the case of direct management, the Commission directly pays the beneficiaries, while shared management demands the fulfilment of the member states' financial obligations to beneficiaries independently of the funds received from the Commission. The lack of compliance with the duty of the member state in question to pay beneficiaries may result in further imposition of sanctions (Łacny, 2021).

Table 2.3.1 Measures for the protection of the Union budget.

Direct or indirect management by the Commission	Shared management between the Commission and the member state
Suspension of payments or of the implementation of the legal commitment or a termination of the legal commitment pursuant to Article 131(3) of the Financial Regulation.	Suspension of the approval of one or more programmes or an amendment thereof.
Prohibition on entering into new legal commitments.	Suspension of commitments.
Suspension of the disbursement of instalments in full or in part or an early repayment of loans guaranteed by the Union budget.	Reduction of commitments, including through financial corrections or transfers to other spending programmes.
Suspension or reduction of the economic advantage under an instrument guaranteed by the Union budget.	Reduction of pre-financing.
Prohibition on entering into new agreements on loans or other instruments guaranteed by the Union budget.	Interruption of payment deadlines.
	Suspension of payments.

Source: Article (5) Regulation 2020/2092.

One of the key differences that distinguish the Regulation from the other instruments is that individual violation of the rule of law might be a sufficient reason to use the financial sanctions. Moreover, there are different time limitations that are created in order to foster change in the member states. For instance, a country that faces suspension of the Union funds and commitments has only two years to implement changes. In case of further non-compliance, the country loses funds, which go back to the Union budget. On the other side, the imposed sanctions could be lifted if the

member state asks the Commission for a reassessment³¹.

The adoption of the Rule of Law Conditionality regulation faced contention from the Polish and Hungarian governments, who filed a case with the CJEU. However, their contest was dismissed, leading to the adoption of the regulation (Blanke and Sander, 2023, pp. 266-267).

According to Łacny (2021), there are a different view on the effectiveness of such instrument. On one hand, suspension of the financial benefits might encourage the member states to comply and respect the values listed in Article 2, simultaneously showing the EU's readiness to act sharply in case of rule of law breaches. On the other hand, author underlines that real change in the legal culture of a country deeply relies on the willingness of its implementation within the member state in question; therefore, external imposition of financial sanctions may do little to achieve the desired result (Łacny, 2021).

2.3.8 European Democracy Action Plan and Defence of Democracy package

Importance of the protection of democracy within the European Union was recognized by the Commission. In December 2020, the European Commission has published a communication (COM (2020) 790) on the European Democracy Action Plan (EDAP). The Action Plan is addressed to various stakeholders such as European institutions, member states but also civil society and other stakeholders. The main focus of the plan is to promote, through regulations and directives, free and fair elections in the digital era, encourage strong democratic participation, secure media freedom and pluralism, and fight against disinformation.

In the assessment of the implementation progress of the EDAP, the European Partnership for Democracy report (2023) highlighted those three years after the introduction of the plan, out of 30 actions proposed by the Commission, 20 have been successfully implemented, 7 were in progress, and 3 waiting for implementation. The report also mentions the main shortcomings of the EDAP, among them delays and slowing down of some initiative, making it impossible to execute all the planned actions before the European Parliament elections in 2024. Moreover, some of the procedures

³¹ *Ibid.*

are characterized as non-transparent, which makes assessment harder (Antoniou et al., 2023).

In addition to the EDAP, in December 2023, the Commission issued communication (COM (2023) 630) on the Defence of Democracy package, which not only evaluates the EDAP but also proposes actions to enhance transparency on foreign influence on the EU's democracies. The Directive aims to shed light on the role and motivations of third countries to investing in "representation activities." It will require obligatory registration and data provision of the third-country entities that seek to influence different stages of the EU's policy cycle. However, the implementation of the Directive should respect the proportionality rule and follow "Once Only" principle, which allows the re-use submitted data for convenience purposes. The most important information about third-nation entities will be publicly available, providing transparency. The Commission (COM (2023) 630) expresses its willingness to implement this initiative before the European Parliament elections to secure democratic accountability and be prepared for possible foreign interference actions (COM (2023) 630).

The instruments described above show the complexity of the approaches used by the European Union to tackle the issue of the democratic deficit in the member states.

Starting from the accession period, the EU sets a democracy benchmark by using the Copenhagen criteria. Aiming to secure democracy in the member states, the EU applies complementary tools, which may act as monitoring, prevention, or sanction mechanisms. For instance, the EU Justice Scoreboard and the Rule of law Mechanism monitor and assess the countries' performance, providing key data for countries and other stakeholders. The Rule of law Framework and the European Democracy Action Plan have a preventive character, where the former tool establishes dialogue between the member state and European institutions, while the later one protects democracy through the implementation of regulations and directives aiming to secure democratic values. Article 7 of TEU and an infringement procedure are complex tools that include both prevention and sanction elements. The Rule of law conditionality forces member states to follow their legal obligations and respect core European values, sanctioning countries by limiting or fully cutting their access to European funds in case of non-compliance.

Discussed measures have their strength and weaknesses and, depending on the tool, might be characterized as “nuclear,” political, legal, or neutral, but all of them are united by the common goal of protecting democracy in the member states. The application and effectiveness of the instruments will be assessed in the following chapters based on cases of Poland and Hungary.

Chapter III Democratic backsliding. Case of Poland

The third chapter of the thesis focuses on the description of the democratic patterns' evolution in Poland. The analysis of the Polish case is divided accordingly to the defined timeframe and follows an analytical framework proposed by Linz and Stepan (1998), discussing development of civil society, political society, rule of law, state bureaucracy, and economic society. It provides an overview on general democratic tendencies, including changes in civil society, rule of law, freedom of expression and corruption.

3.1 Towards consolidated democracy. Poland in 1989-2004

3.1.1 Historical overview

This paragraph presents a short history of Poland's European integration journey following Willa's (2007) description.

Year 1989 marks the start of cooperation between Poland and the European Economic Community (EEC) when the first agreement on trade and economic cooperation was signed. In 1990, Poland started formal negotiations on establishing an association with the European Community, which not only showed the pro-European aspirations of the country but also implied the creation of institutions responsible for further political and economic integration. After the Copenhagen European Council in 1993, where CEE countries received a green light for joining the EU on the condition of aligning with political and economic criteria, Poland submitted a membership application in 1994. The following year, the European Commission issued a "White Paper," a set of guidelines directed to the candidate states, which included crucial information for establishing the rule of law framework for a smooth transition and adaptation of Poland to the free market and general alignment with EU law.

In 1997, the European Commission issued a positive opinion (DOC/97/16) on Poland's application to the EU. According to the document, Poland had "presented the characteristics of the democracy," with stable institutions and a functioning rule of law and showed an ability to be fully prepared to be integrated into the single market in the mid-term. However, the country still required some reforms in agriculture, environment, and transport, as well as administrative reforms. The Commission recommended

opening negotiations for the accession. Moreover, in 1997 the European Union presented the Agenda 2000 (COM (97) 2000) legislative package, where the main priorities and challenges related to the future development of the Union in context of enlargement were listed. In 1998, under the Partnership for the Accession of Poland, the EU provided a number of pre-accession tools, in particular financial instruments like SAPARD and ISPA funds, aim of which was to help Poland implement the reforms in different spheres. From 1998 to 2002, Poland negotiated 31 chapters of the *acquis*, adopting the national legislation to the EU's standards. On April 9th, 2003, the European Parliament gave its assent for Poland to become a member of the EU by issuing a legislative resolution (P5_TA (2003)0176). Following a referendum in Poland, where the voter turnout was 58,85% and 77,45% of voters said "yes" to Polish accession to the EU, the country officially became a member of the European Union on May 1st, 2004 (Willa, 2007).

3.1.2 Civil society

From the Polish perspective, organized anti-communistic impulses toward regime change is linked with the birth and development of the Solidarity [Solidarność] Movement in 1980. Represented by more than 10 million workers, it was able to achieve recognition of independent trade union status, the first to do so within a communist state (Linz and Stepan, 1998, p. 262).

The year 1989 might be considered a landmark for the development of democracy in Poland, which became an inspiration for other countries in Eastern Europe. Subsequent waves of Solidarność protests led to the Polish Round Table discussions, where Lech Wałęsa, leader of the movement, together with his team, was able to negotiate the first in 40 years free elections to the upper house of the parliament [Senat], and partially free elections to the lower house [Sejm], with a possibility of freely appointing up to 35% of the seats. This had a significant impact on democracy development in the post-communist world. The results of the elections indirectly contributed to the appointment of the first non-Communist prime minister in 1989. On the other side, weakly defined functions of the president created a space for possible abuse of power, which, together with 65% non-democratically elected members of the

lower house of the parliament, threatened further democratic consolidation³².

However, according to the Marszałek-Kawa (2015), Polish civil society had mixed feelings towards the democratic transition. The author gives a couple of explanations for this phenomenon. First of all, there was a mismatch between the expectations of the citizens and the reality, which, accompanied by a large number of disputes between politicians, led to the development of negative attitudes towards change: from ignorance and decreased interest in politics to contestation. Additionally, despite the effectiveness of Balcerowicz's "shock therapy" – a set of economic reforms aiming to transition from a centrally planned economy towards a market economy (

Sachs, 1994) which compliments the process of the establishment the economic society described by Linz and Stepan (1998), it increased unemployment and negatively impacted society, influencing their views related to changes. Due to the above-mentioned issues, Polish civil society in the '90s had a more informal and local character with decreasing real participation and interest in political matters (Marszałek-Kawa, 2015, p. 28-33).

Another aspect of the democratic transition in Poland is associated with freedom of expression and media freedom. As Sadurski (1996) points out, the abolition of communist media censorship and ideological propaganda in 1990 led to the liberation of different sources of information, opening doors for pluralistic opinions. It gave an opportunity for citizens to criticize the government, have access to data, which was restricted earlier, and protection of privacy (Sadurski, 1996). For instance, one example of the development of media freedom was the creation, by members of Solidarność, of *Gazeta Wyborcza* in 1989, a major newspaper which has contributed to the development of information freedom and plurality of opinions in Poland (Linz and Stepan, 2016).

A sign of the system change was visible in an increased number of court cases against journalists, which was not the case under the communist regime, as during that time the questionable material would not be published at all. Interestingly, elements of communist heritage were visible in the behavior of both politicians and journalists. While the first group tended to avoid journalists to not confront themselves, the latter were influenced by the practices developed during the regime (Sadurski, 1996).

³² *Ibid*, p. 267.

However, according to Kot (2020), it also resulted in an increased presence of foreign capital in domestic media market, and subsequently, the appearance of foreign perspectives in the local discourse became more common. Moreover, media pluralism could not fully defeat the issue of propaganda, instead it resulted in a more careful approach by the agenda-setters, who started looking for ways to influence citizens' opinions in a more indirectly (Kot, 2020).

3.1.3 Political society

Explaining the challenges of the process of democratic transition in Poland, Linz and Stepan (1998) highlight tensions in the relationship between Polish civil society and political society – two crucial elements of consolidated democracy. Polish civil society was a driver of change, gaining its own specific features and being referred to as “ethical civil society.” The dichotomous separation between civil society and the party-state shaped the actions of the former in a way that it could be fully dissociated from the latter, promoting so-called “politics of anti-politics,” and highlighting the role of truth and unity. At the same time, political society demanded an institutionalized approach to politics, which recognizes internal conflicts and aims to resolve disputes through enhancement of dialogue rather than rejection of the existence of such a problem³³.

The apolitical behavior of Solidarność created some challenges and left behind key political opportunities that might have secured Poland a smoother transition process. For instance, Lech Wałęsa refused to create a party in the Sejm or run for the prime minister position. Moreover, he decided to postpone advocacy for completely free elections to the Sejm in 1990, which caused a split within the Solidarność itself. In 1990, Wałęsa ran for president as a non-party candidate, further promoting ethical society stands. This apolitical approach contributed to increased party fragmentation and created difficulties in forming a government. The weakness was effectively used by the former Communist leader Aleksander Kwaśniewski to regain power in the 1995 presidential elections. Another obstacle to democratic consolidation was a semi-presidential character of political system with no clear definitions of responsibilities and separation of power between the president and prime minister. This created a space for constitutional deadlocks in case of disagreement between the authorities. The conflict

³³ *Ibid*, p.273- 287.

between these democratic branches lowered trust in the government. Another obstacle to the development of the Polish political society was the introduction of the electoral law in 1993, which set thresholds for party representation in the Sejm, which in reality led to increased disproportional representation³⁴.

Taking into consideration the issues mentioned above regarding the creation of a party system, Lorencka (2016) mentions three stages of party system evolution in Poland (Lorencka et al., 2016, p.69):

- Disintegration of political movements in the years 1989-1993;
- Two block post-communist division in the years 1993-2004;
- Marginalization of the post-communist parties after 2004.

The Solidarity Movement played a crucial role in establishing democratic order in the post-Communist world, fostering change, and setting a trajectory for democratic transition in the early '90s. However, the character of the ethical civil society in Poland slowed down the development of political society and resulted in a number of institutional weaknesses and partially decreased trust in the government.

3.1.4 Economic society

The Communist rule destroyed market institutions in Poland, which caused a need for their restoration after 1989.

As Sachs (1992) explains, the economic reforms in the early 90th were strict and done quickly to avoid uncertainty, politicization, and contestation of the process. steps for the creation of economic society were introduced through the implementation of three types of economic activities: economic liberalization, macroeconomic stabilization, and privatization. Economic liberalization meant legal administrative modifications, which would create a solid basis for functioning of the market economy. At the same time, macroeconomic stabilization was done through the implementation of strict monetary policy and fiscal policies to limit the money supply and budget deficit. Privatization of the market was possible in two ways: creation of new firms or the privatization of existing ones. Poland was successful in “small-scale privatization,” effectively translating smaller state-owned firms into private ownership. However, the privatization of industrial enterprises was more complicated (Sachs, 1992, p.6-9).

³⁴ *Ibid*, p. 289-291.

As was mentioned earlier, despite the effectiveness of the economic reforms, they were painful for certain groups of society like local farmers who lost subsidies or industrial workers who lost their jobs because of increased unemployment. This and the fact that the real effects of the reforms need some time to become visible after their implementation, led to political tensions³⁵.

Among the signs of proactive development of the economic society is Poland's involvement in international cooperation. The country was one of the founders of the Central European Free Trade Agreement [CEFTA], member of the World Trade Organization [WTO] since its establishment in 1995 and became a member of the Organization for Economic Co-operation and Development [OECD] in 1996 (European Commission, Supplement 7/97, 1997).

The Agenda 2000 supplement (7/97) highlights that Poland's initial transition plan was drastic and comprehensive, its implementation did not face significant reversals despite several government changes. Compared to other economies in transition, Poland experienced a relatively limited drop in output and was able to quickly recover. A couple of years after the implementation of reforms, the Polish economy began to grow and was capable of returning to its pre-transition output level by 1995, and continued to grow strongly afterward (European Commission, Supplement 7/97, 1997).

3.1.5 State bureaucracy

Significant impact on the functioning of Polish public administration has been the adoption of the Civil Service Act in 1996. It defined the staff appointment procedure, making it more transparent and apolitical, but also regulated the status and code of conduct of civil servants (European Commission, Supplement 7/97, 1997). Among the weak points of the developing Polish administration, it is possible to find a lack of experience and appropriate trainings of the workers which created barriers for the further cooperation with European institutions, tax evasion and weak enforcement mechanisms³⁶.

An unwanted post-communist legacy, which blurred the democratic transition

³⁵ *Ibid.*

³⁶ *Ibid.*

process in Poland, was corruption. In its report (1999), the World Bank defines corruption as: “the abuse of public office for private gain”, which may take the form of bribery, theft, patronage, influence peddling and others. Corruption has a significant influence on the functioning of democracies, as it has directly linked to trust in public institutions, but it also has negative economic implications that have a direct effect on regular citizens’ well-being. The World Bank’s report acknowledges efforts and reforms that Poland has implemented in order to tackle corruption; however, it still highlights major setbacks in high-level corruption such as: manipulation of privatization, a non-transparent system of grant and license awarding, interference in different stages of the judicial process, and common conflicts of interests (World Bank, 1999, p. 3-8).

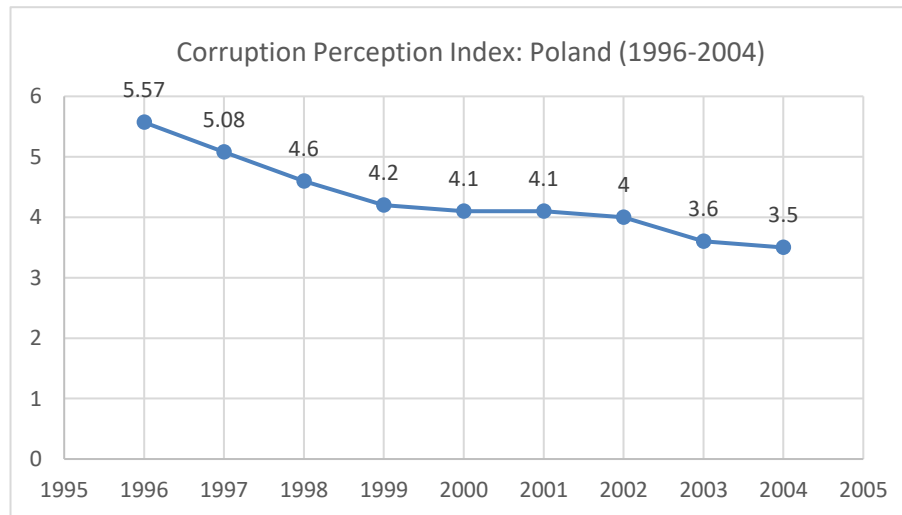
According to Koryś and Tymniński (2016), the roots of corruption in the CEE region and accordingly in Poland, can be found in the so-called “nomenklatura” recruitment system that functioning under the Soviet regime. Nomenklatura was the appointment of public authorities by the party; therefore, loyalty to the party secured the stability of the position and helped to sustain an elite status. Scholars point out that the “culture of corruption” infiltrated newly established institutions through pre-existing informal links and connections. It explains the fact that about 40% of the higher public administration authorities in 1993 belonged to the group of elite civil servants during the final years of the existence of the communist regime in Poland (Koryś and Tymniński, 2016, p. 212-214).

One of the main issues related to dealing with corruption is difficulties in measuring it. The existence of hidden corruption schemes, different strategies, and informal practices results in an inability of indicators to fully capture the real depth of the problem. However, indices still are useful as they show a general picture and allow to provide a comparative analysis³⁷. The figure 3.1.1 below presents a Corruption Perception Index in Poland created by Transparency International. The index is ranges from 1 to 10, where 1 indicates a very high level of perceived corruption and 10 indicated a very low level of perceived corruption. Surprisingly, despite the ongoing democratic transition process, the establishment of the new institutions, and the inspirations of joining the European Union and NATO, CPI indicates that over time the amount of perceived corruption has increased. According to Koryś and Tymniński

³⁷ *Ibid*, p. 214.

(2016), the increased level of perceived corruption in the beginning of the millennium could be linked to the exposure of major financial affairs in Poland, which also brought public attention (Koryś and Tymniński, 2016, p. 215).

Figure 3.1.1 Corruption Perception Index: Poland (1996-2004).



Source: <https://www.transparency.org/en/>

On the other hand, the World Bank points out in its report, during the transition period, Poland possessed the needed tools to effectively fight corruption, but it lacked the capacity and will to implement policies for change (World Bank, 1999).

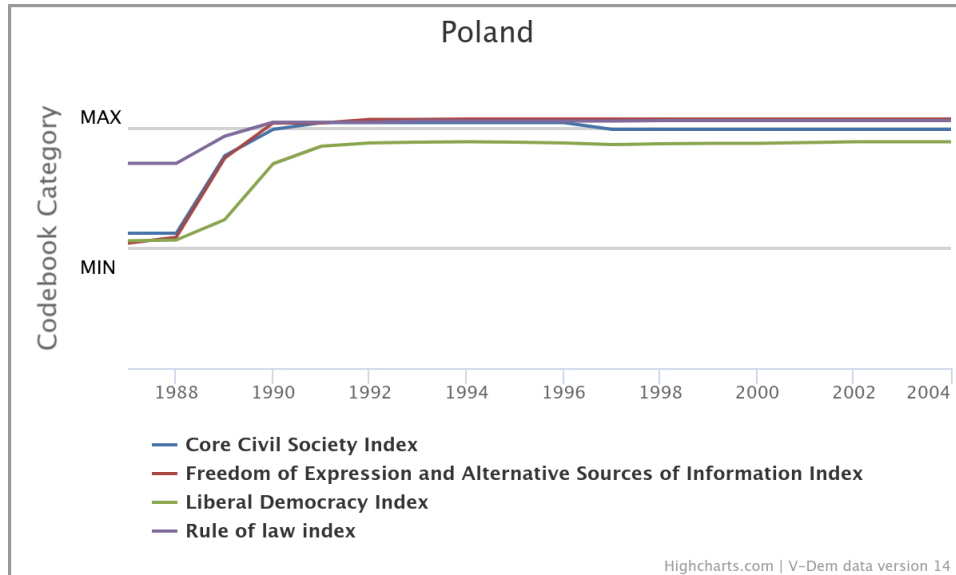
3.1.6 Rule of law

Looking at other indices (see figure 3.1.2), it is easy to notice a significant change in civil society, freedom of expression and alternative sources of information, the rule of law and the general liberal democracy index at the beginning of the 90th, which reflects the change in the regime in Poland. The significant change is visible in the Liberal Democracy index, which comprehensively covers dimensions of the democracy such as protection of civil liberties, independence of the judicial system, the rule of law, checks and balances, and the level of counts electoral democracy³⁸. Its gradual change could be explained by modifications in the electoral system and the appointment of Lech Wałęsa as president in 1990 as well as the first fully free

³⁸ See more about V-Dem methodology: <https://v-dem.net/about/v-dem-project/methodology/>.

parliamentary elections in 1991. After the 1991, the liberal democracy Index remained relatively stable.

Figure 3.1.2 Core V-dem indices for Poland (1989-2004).



Source: V-Dem data version 14.

The freedom of expression and Alternative Sources of Information Index reached its peak in 1990, when censorship was abolished providing pluralism of opinion in public discourse. It has remained stable throughout the entire analyzed period, from 1989-2004. Identically, the Core Civil Society Index shows significant improvement in the beginning of the 90s. However, a small deterioration is visible in 1996, which according to the V-Dem data was related to some barriers to the entry and exit of the CSOs [Civil Society Organization] in public life in 1996. Despite being highly compared to other indices, the starting point of the Rule of Law Index still showed improvement at the beginning of the analyzed period.

During the transition period in Poland, the European Union was one of the main incentives and supporters of democratic change in the country. Firstly, it established trade relations with Poland, which was followed by further political integration. Technical support like the “White Paper” provided crucial guidelines for smoother integration into a common market and helped strengthen the rule of law, ensuring its compliance with EU legal standards. At the same time, the financial aid offered by the Union made the implementation of reforms possible.

Since 1989, Poland has been able to develop new institutions and achieve complete separation of powers, ensure media freedom, implement major economic reforms, and mobilize society, which together has granted it a leading position among CEE countries for accession to the EU (World Bank, 1999) and finally its membership in the European Union on May 1st, 2004.

3.2 Poland in 2004-2015

3.2.1 Historical overview

During the ceremony of signing the Treaty of Accession on April 16th, 2003, in Athens, Polish president, Aleksander Kwaśniewski said:

*“Poland in the European Union is not only about financial assistance and development guarantees, it is a presence in the family of countries that are free and democratic, the countries that respect human rights and respect each other”*³⁹. The statement highlights the consolidation of Polish democracy and marks an entrance to a new chapter of Polish democratic history.

The first presidential and parliamentary election were held in 2005 and resulted in election of Jarosław Kaczyński of the Law and Justice [Prawo i Sprawiedliwość, PIS] party as president and a coalition government of PIS and Civic Platform [Platforma Obywatelska, PO] in the parliament⁴⁰. As Turczyński (2023) explains, in 2007, due to internal conflicts between PIS and PO, the Sejm voted for its own dismissal. This led to new elections that brought a more pro-European PO to power. The shift in Polish politics was influenced by the 2010 Smolensk Air Disaster, which resulted in the death of President Lech Kaczyński. Bronisław Komorowski, a member of PO, won the 2010 elections and became president of Poland. PO also won the parliamentary elections in 2011, when Donald Tusk became prime minister, succeeded by Ewa Kopacz in 2014 due to Tusk’s appointment as President of the European Council. In 2015, PIS gained a majority in parliament, and Andrzej Duda of PIS began his first term as president (Turczyński, 2023, p. 67-76).

³⁹ The full speech is available here: <https://www.prezydent.pl/kancelaria/archiwum/archiwum-aleksandra-kwasniewskiego/aktualnosci/rok-2003/uroczystosc-podpisania-traktatu-akcesyjnego-w-atenach.30178.archive>

⁴⁰ More information about the party: <https://pis.org.pl/partia/historia-partii#2001>

3.2.2 Civil society

Accession to the European Union has had an impact on civil society in Poland. Piotr Gliński (2011) identifies a number of positive and negative changes in Polish civil society provoked by the Europeanization. First of all, since becoming a member state of the EU, Poland and its CSOs have gained access to European structural funds and started using this opportunity. However, in 2004-2008, only one-fifth of Polish NGOs applied for the funds, which was explained by a lack of the resources, competences, but also psychological barriers related to the management of the EU-funded projects (Gliński, 2011, p. 289). This thesis was confirmed by an empirical study conducted by Mahoney and Beckstrand (2011), in which scholars highlighted that the EU does not apply preferential treatment to new member states with weaker civil society. Instead, the EU tends to fund well-established western CSOs that have the capacity to apply and carry out the projects. The described approach goes beyond social cohesion goals and the development of a more participatory and active civil society in new member states, leaving behind smaller initiatives that could have benefited from EU support (Mahoney and Beckstrand, 2011, p. 1358).

Another point made by Gliński (2011) is that the EU seems to offer greater support to NGOs related to “leftist values”, like minority rights, and to organizations that are focused on promotion of democratic participation. An important role in supporting democratic development in Poland was development of civic dialogue institutions, which allowed regular citizens to become part of the decision-making process and boost representative democracy. The negative side of civic dialogue is connected with the risk of “corporatization” and bureaucratization of the civil society sector. Gliński aptly points out that society needs time to adapt to institutional changes and adjust to European democracy patterns (Gliński, 2011, p. 290-293).

Media freedom is another aspect which was influenced by EU accession, as after Poland received its membership, media had to comply with EU regulations. Merklejn and Węglińska (2014) point out increased foreign investment in Polish media. According to the scholars, traditional newspapers are not popular in Poland, with less than 30% of the population classified as regular readers. The key actors in traditional publishing are: “Gazeta Wyborcza” and “Rzeczpospolita,” which represent central-left and central right views, respectively. During the studied period, television remained the

main source of information in Poland, dominated by TVP – national broadcaster, followed by commercial networks such as Polsat and TVN. Internet portals, as well as social media, were gaining popularity in Poland. Despite the stability of freedom of expression and alternative sources of information during the studied period, the Smolensk tragedy in 2010 became a turning point in the politicization of the media, creating a space for conspiracy theories against Donald Tusk and opposition in general. It also caused the resignation or dismissal of number of journalists (Merklejn and Węglińska, 2014, 110-115). According to Tyrała (2020), populism functions on basis of the identity politics and politics of morality, which made the Smoleńsk catastrophe another narrative successfully used by PIS in media war against the opposition.

3.2.3 Political society

In 2005, the first presidential and parliamentary elections after accession took place. The Law and Justice party, created by twin brothers Lech and Jarosław Kaczyński in 2001, won a parliamentary election, while Lech Kaczyński became the president of Poland⁴¹. As Turczyński (2023) explains, in 2007, due to governmental inability of PIS and Civic Platform to rule in coalition, Sejm voted for its own dismissal. New parliamentary elections led to the rule of Civic Platform, which showed a more pro-European attitude and therefore enjoyed a greater support from the Polish citizens office (Turczyński, 2023, p. 67-76).

The Smolensk Air Disaster in 2010 had a major influence on Polish politics, resulting in a tragic death of president Lech Kaczyński and other political elites. The tragic event became a handy tool for PIS government as it gave an opportunity to exercise the politics of memory against domestic opposition (Tyrała, 2020; Merklejn and Węglińska, 2014).

In result of elections, Bronisław Komorowski, member of PO party, became a president of Poland and served for one term. PO won scheduled parliamentary elections in 2011, and Donald Tusk became prime minister of Poland. However, he was replaced by Ewa Kopacz in 2014 due to his appointment as the President of the European Council. Major changes have happened in 2015, when PIS secured a majority in parliament, and Andrzej Duda, a member of PIS party, became president-in-office

⁴¹ More information about the party: <https://pis.org.pl/partia/historia-partii#2001>

(Turczyński, 2023, p. 67-76).

From the description provided above, the Polish political scene is predominantly occupied by the two major parties, PO, and PIS. These parties are characterized by a dichotomous ideological division, which, in simple terms, lies in acceptance of new cultural norms or their complete rejection (Tyrała, 2020).

According to Wojtaszczyk (2023), the rule of the left and Civic Platform in 2004-2005 and 2007-2015 led to the strengthening Polish relations with the European Union, as well as development of countries infrastructure, which was supported by EU funds. In the process of strengthening its own democracy, Poland also became one of the co-initiators of launching the Eastern Partnership program, which aims to promote democratic change in post-communist EU neighbouring countries (Przybylski, 2018).

3.2.4 Economic society

Membership in the European Union secured for the new member states respect for four fundamental freedoms: free movement of goods, services, capital, and labour; protection of competition; common financial mechanisms; and fiscal discipline, all of which had a significant impact on the Polish economy and development of its economic society (Balcerowicz, 2007). In other words, the Polish economy was expected to experience economic growth and benefit in a medium and long term.

Good economic performance during the first years of accession can be explained by the number of reforms adopted prior. Balcerowicz (2007) points out a several positive changes in Polish economy. First of all, Poland improved its trade performance with a significant increase in export to EU countries. Moreover, in contrast to the tendencies of the 1990s, foreign direct investment flourished in Poland after the accession; however, there was still room for improvement to attract bigger flows of foreign capital. The country also became a net beneficiary of EU funds but lacked the capacity to use all the resources. This might be explained by weak coordination, lack of appropriate legal support and laws, the ongoing process of reforming the public finances sector, and a lack of knowledge and qualified human capital to implement the programs, as well as the need for state co-financing (Balcerowicz, p. 14-26).

One of the greatest signs of the quality of Polish economic society was its reaction to the global economic crisis in 2008-2009. Figuratively speaking, Poland

passed the test with distinction. As Reichart (2011, p. 40) points out, while European countries experienced major recessions, Polish GDP grew by 1.7% in 2009 and continued this trend the next year. However, it was not possible to fully escape from the crisis, and Poland was affected by the world's economic instability like other countries. This was also confirmed by Rapacki and Prochniak (2019), who indicated weaker convergence toward the old member states in the years 2009 – 2010. According to Reichart (2011), international interdependence negatively affected the speed of growth, and strict crisis prevention reforms resulted in increased unemployment, and cuts in public spending limited social services support. On the other hand, support from European funds, increased taxes, deficit spending, and the Polish złoty as national currency complemented faster recovery for Poland (Reichart, 2011, p. 40-46).

Another point that impacted the development of the Polish economy was migration caused by the enlargement. On one hand, youth, skilled and educated labor left the domestic market, but on the other hand, there was an increased level of remittances sent back to Poland (Balcerowicz, 2007).

The ability to attract FDI, perform well in the European single market, and timely react to international crises proved the strengthening of Polish economic society. However, as Rapacki and Prochniak (2019) point out, the economic convergence of Poland demands further actions and promotion economic reforms, inclusion in international trade, and improvement of transparency and quality of governance (Prochniak, 2019).

3.2.5 State bureaucracy

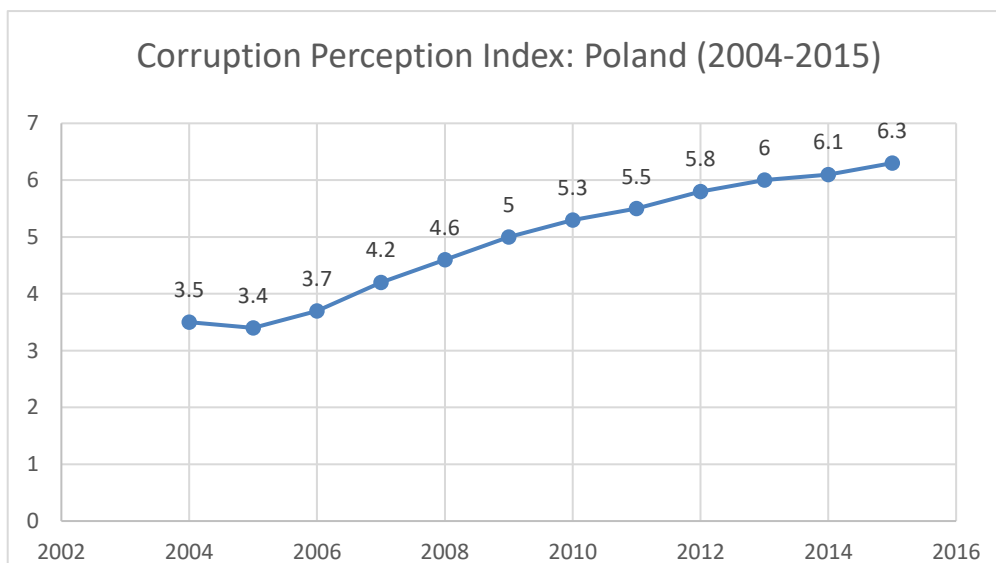
An important aspect that influenced the development and consolidation of Polish democracy during the studied period is corruption. Gadowska (2010) argues that, in a long-term perspective, pressure from international institutions play a key role in fighting corruption in the European countries. For instance, during the first two years after becoming a member of the EU, Poland participated in the Transition Facility project, aiming to successfully implement anti-corruption measures under the EU supervision and following evaluation, but also to develop a more general anti-corruption strategy (Gadowska, 2010, 191-192). After accession to the EU, both PIS and PO parties have recognized corruption as a problem which is needed to be solved (Przybylski, 2018, p.

55).

PIS went further and made fight with corruption a part of its political program and created the Central Anti-corruption Bureau (CBA) in 2006. Despite the positive character of the initiative, the Bureau was used to target the opposition and promote the upstanding views of the PIS party (Gadowska, 2010). On the other hand, Gadowska (2010) by referring to a report made by anti-corruption nongovernmental organizations coalition, highlights that since the rule of the PO in 2007, not many promised anti-corruption reforms were implemented either (Gadowska, 2010). Moreover, according to Bugaric (2008, p.195), adopted changes in the civil service laws increased politicization in civil service, leading to political appointment of the servants.

Despite politicization of the issue corruption, CPI (see figure 3.2.1) presents a positive picture of the level of corruption perceived by the citizens. As Beblavý and Sičáková-Beblavá (2014) argue, among the countries that have joined the European

Figure 3.2.1 Corruption Perception Index: Poland (2004-2015).



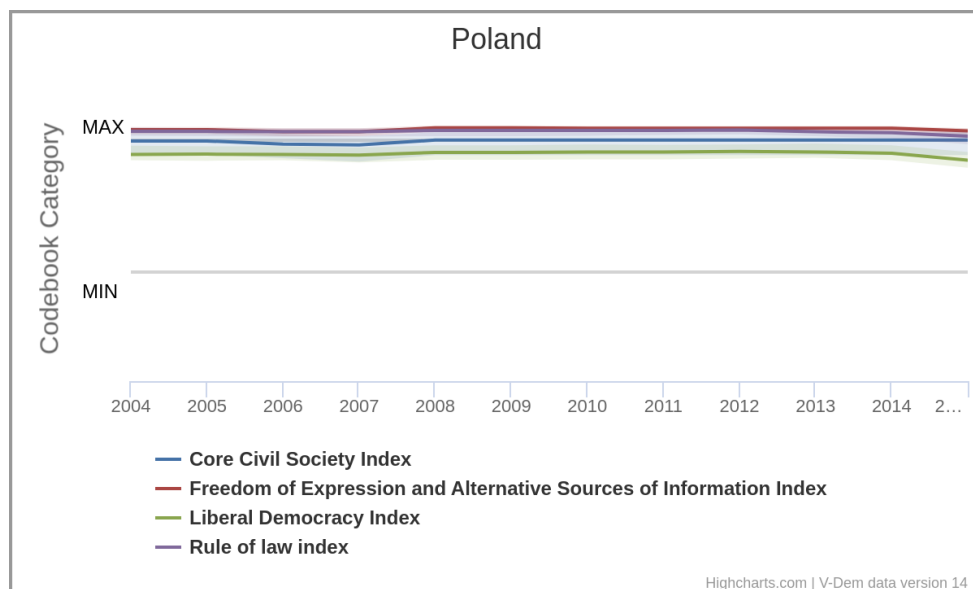
Source: <https://www.transparency.org/en/>

Union in 2004, only Poland has experiences significant improvement in tackling the corruption issue. Pressure to comply with the EU law, number of anti-corruption initiatives directed at the new member states, as well as Polish domestic dedication to solving the corruption issue, could explain the presented by CPI tendency.

3.2.6 Rule of law

During the analyzed period, the development of the rule of law in Poland was mainly related to the recent accession to the European Union and its ability to implement and comply with EU laws. The development of civil and economic societies, together with the establishment of the Anti-Corruption Bureau to provide transparency in public administration, has positively influenced the rule of law in the country. This is also confirmed by the general picture of democracy and related indices shown below (see figure 3.2.2), indicating the distinctive performance of the rule of law.

Figure 3.2.2 Core V-dem indices for Poland (2004-2015).



Source: V-Dem data version 14.

The indices present that 2004-2015 period was relatively stable, and Poland performed well in all analyzed spheres. Access to European funds stimulated the general development of the country and civil society, positively influencing its legal performance. The Smolensk Disaster impacted Polish media, but they remained diverse and accessible. Co-creation of the pro-democratic EU Eastern Neighbourhood program and the election of Donald Tusk as President of the European Council helped Poland become an important and reliable actor and agenda-setter at the EU level.

3.3 PiS gaining power 2015-2024

3.3.1 Historical overview

Significant changes in Polish democracy begun in 2015 when PiS won both parliamentary and presidential elections, repeating its success in 2019 and 2020 elections respectively (Kubas, 2022). In the parliamentary elections in 2023 PiS was able to receive the majority of people's votes but did not secure the majority of seats in parliament⁴². During the discussed period, there were three prime ministers: Beata Szydło, a member of PiS governing from 2015 to 2017; Mateusz Morawiecki, a member of PiS and prime minister from 2017 to 2023; and Donald Tusk, a member of Civic Platform who has started his duties in 2023. Andrzej Duda won presidential elections in 2015 and was reelected in 2020.

3.3.2 Civil society

The change of power in 2015 has resulted in some significant changes in civil society: both in its structure and its functioning. First of all, strong promotion of national values, "Polish identity" and link to the Church by PiS led to a sharper separation between two pillars of the Polish civil society: one associated with the new government's ethics and the other related to the pro-European opposition (Ekiert, 2020, p.219).

In his work, Płoszka (2020) mentions several activities undertaken by the Polish government from 2015 to 2020 in order to limit functioning of civil society, especially those presenting opposing views to the government. In 2016, amendments to the law put restrictions on the right to peaceful assembly, introducing the concept of the "cyclical assembly", which should be related to Polish history and have priority over regular assemblies. The law also put limitations on a possibility of counter protest, which now had to be held only at a distance exceeding 100 meters.

Another dimension of governmental intervention was change in the financing of Civil Society organizations. Since the practice of grant competition organization changed, many of the CSO lost their competitiveness in the process. Main visible

⁴² See details of the 2023 parliamentary elections here:
<https://sejmsenat2023.pkw.gov.pl/sejmsenat2023/pl/sejm/wynik/pl>

changes included: short application deadlines, lack of transparency in the selection process, and allocation of funds to organizations with little experience in the field. This discriminatory process was supported by media campaigns aiming to defame NGOs that tried to shed light on the constitutional crisis in Poland. One of the hard-to-ignore behaviors of the Polish government was its dualistic attitude towards activists and the imposition of legal harassment on the opposition. In many cases during demonstrations, the arrests of activists were instrumental, where violations by opposition supporters led to court cases, while radical behavior of pro-government protestors was ignored by authorities (Ploszka, 2020, p. 946-955).

Paradoxically, the development of civil society, which is commonly associated with democratic consolidation, in Poland has created an engine for democratic backsliding, where antiliberal movements were supported by preferential treatment of the ruling party. On the other hand, such pressure on CSOs mobilized people and resulted in resistance movements. Since 2015, Poland has been a center of world attention because of the number and size of protests organized by people. During the analyzed period, there were protests related to the Polish constitutional tribunal crisis in 2015, protests against changes in the justice system in 2017, Supreme Court of Poland strikes in 2018, an all-Poland women's strike against tightening abortion laws, a media without choice strike in 2021, anti-government protest on June 4th, 2023, among others.

According to Bill (2020), so-called "counter-elite" populism became another part of the PIS strategy, as most actions targeted CSOs elites who advocated for the "wrong" values. The scholar identifies two instruments applied by PIS to reshape civil society in a way more suitable for the governmental agenda: pressure and promotion. The first relates to pressure put on CSOs, including police raids, smear campaigns and cutting funds. The latter is linked to the systematic use of various instruments by the government to support CSOs that align ideologically with the party. By providing freer access to funds, promoting conservative values, and supporting right-wing youth organization, PIS strengthened its political influence and rooted more conservative society.

Media freedom and access to alternative sources of information were also damaged by PIS politics during the period discussed. Implemented changes to the media law in 2015 have helped PIS to expand its influence on state-owned sources of

information like radio and television, removing journalists with opposing views from office. Using public media sources for official propaganda allowed PIS to reach a broader population and has strengthened its position (Adamska-Gallant, 2022).

As Sata and Karolewski argue (2023), control of national media was actively used during the 2020 Duda presidential campaign, to promote him as a candidate and put the opposition under fake news attacks. The scholars mention the notion of “repolonization” of the media, explained as *“an attempt to concentrate as many media as possible in the hands of PIS and its satellite organizations”* (Sata and Karolewski, 2023, p. 6). This was done by the purchasing local and regional newspapers, replacing journalists with PIS-friendly ones, and spreading the propaganda. The “repolonization” enters the television dimension by convincing other channels to collaborate with state-owned media or by using other forms of pressure. For instance, only because of the US pressure in 2021, Andrej Duda did not sign the “Lex TVN” law, which would have revoked the broadcasting license from one of the main opposition stations – TVN (Sata and Karolewski, 2023). In this way, Polish media, which previously were characterized as free and polarized, transformed into a monopolized governmental tool fueled by populist propaganda.

3.3.3 Political society

The deterioration of the political society during the PIS government is communicated in many ways. The concept of “Repolonization” that fueled the ruling party resulted in oppression of the civil society and control of media discussed earlier, and in economic nationalism that will be discussed in a further part of this work. Disobedience to follow the rule of law created more possibilities for its breach or misinterpretation and shortcomings.

For instance, organization of the postal presidential elections in 2020, during the Covid-19 pandemic could serve as an example of degradation of the electoral law in Poland. Kowalska (2023), explains that the law for execution of the presidential elections during the exceptional situations such as Covid-19 pandemic, was created in just one day, ignoring the regular procedure. Moreover, according to the Polish law, the change of the election process should be implemented maximum 6 months before the elections and postal voting could be only implemented as an additional way of voting,

but not as a substitutional procedure. The created law also excluded people residing abroad and people with disabilities. Because of the large number of complaints, the elections finally were held in mix-mode, with opportunity to vote by post. However, this solution was still discriminative for the Polish citizens residing abroad, as due to pandemic restrictions, the number of voting districts was two times less than in 2019 parliamentary elections (Kowalska, 2023, p. 140-145). The way how presidential elections were organized, not only led to misuse of public funds during the crisis, but also took away the chance for a number of citizens to exercise their constitutional rights, putting in question legitimacy of the re-elected president.

Another characteristic of the Polish political society was proposed by Ruczkowski (2019), who argued that after the change of government in 2015, Poland turned towards eurosceptic self-isolation, stepping away from respecting European values. The scholar lists five signs of rising euroscepticism in the country: neglecting the EU values listed in the Art. 2 of TEU, infringement procedures, institutional self-isolation, self-differentiation, and domestic ethnocentrism. The first two elements were already mentioned in this work, while institutional self-isolation is explained as the inability of Polish representatives to form a coalition on the European level to set an agenda. Self-differentiation relates to Poland's distant position on further European integration, expressed by lack of implementation of EU regulations and an unfriendly attitude towards adoption the Euro as a currency. The last sign of the eurosceptic self-isolation is domestic ethnocentrism, which comes in form of strengthening nationalistic narrations and movements, often were labeled by PIS as patriotism, to legitimize the actions taken (Ruczkowski, 2019, p. 516-529).

The situation has changed after the election of the government in 2023, which is visible by attempts of the current government to restore the situation. For instance, in 2024 Poland was able to get back an access to the frozen European funds and exit Art. 7(1) procedure⁴³.

3.3.4 Economic society

Political changes in Polish government in 2015 left a trace on economic society.

⁴³ Measures applied by the European Union against Poland and Hungary will be further discussed in Chapter 5.

concentration of power, deterioration of the rule of law, and ignorance of checks and balances set before made economy more vulnerable and state-dependant.

Ganga (2021, p. 697 - 702) mentions several changes in the economy after the “illiberal turn” of the government in 2015. First of all, because of the right-wing and populist character of the PIS party, the concept of “Repolonization” which was mentioned earlier, was also applied to the economy. Poland turned toward economic nationalism, gradually increasing state influence in economic control. For instance, Polish authorities gained control over the banking sector under the slogan of “Repolonization.” In other terms, it was a process of nationalizing banks with the establishment of further political influence in the sector.

Another tool mentioned by the author, was the “Family 500+” program introduced by PIS, which provided 500 złoty⁴⁴ on a monthly basis for each child until the age of 18. The financial incentive secured support for PIS and highlight its promotion of “family values.” However, it also resulted in an increase in unemployment among young women, and a larger budget deficit.

The scholar also refers to the introduction of the rule of law conditionality mechanism that could be applied by the European Union. Because of this, FDI became even more important for Poland, as it was crucial for the country to sustain the regime. In this regard, Poland redirected its focus on attracting the foreign capital. For instance, it established 14 Special Economic Zones⁴⁵ with friendly conditions for investors to attract FDI (Ganga, 2021, p. 697 -703).

The deterioration of the rule of law in Poland became a real problem for the economy, as the European Union has indeed “frozen” 59.8 billion euro under the Recover and Resilience Facility and 76.5 billion euro in Cohesion funds. However, the efforts made by the new government at the end of 2023 and the beginning of 2024 have, in terms of the European Commission, “paved the way” for accessing the funds (European Commission, IP/24/1222).

The Covid-19 pandemic significantly impacted Polish economy. For the first time in 27 years, Poland experienced a drop in GDP for 2% (Pancer-Cybulska, 2023, p.

⁴⁴ The sum increased to 800 złoty since 1st of January 2024, see more:

<https://www.gov.pl/web/rodzina/rodzina-500-plus>

⁴⁵ Find more information on Special Economic zones here: <https://www.gov.pl/web/rozwoj-technologie/specjalne-strefy-ekonomiczne>

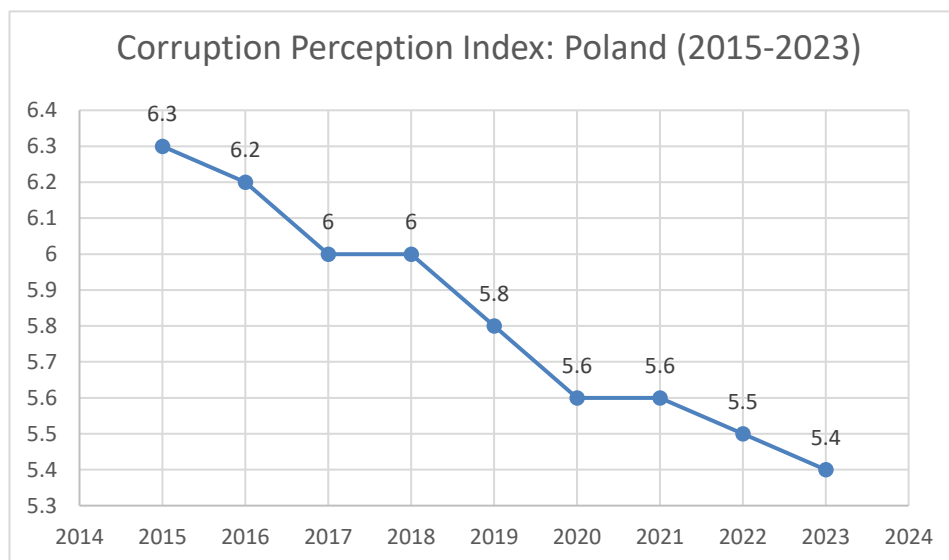
31). The government launched an “Anti-crisis shield” program, aiming to protect employment and subsidize wages. Public aid was offered to firms that experienced a major decrease in sales. The measure itself could not fully save all the local firms and the Polish economy in general, however, the decrease in GDP in Poland was smaller than in other European countries (Pancer-Cybulska, 2023, p. 44-45).

The introduced economic developments showed that before the change of government in 2023, Poland was moving toward economic nationalism, trying to benefit from European funds and Foreign Direct Investment while ignoring the rule of law. This increased tensions between the country and the European Union. It is still important to acknowledge that country was able to implement reforms and recover after the Covid-19 crisis, as well as unblock the access to the European funds.

3.3.5 State bureaucracy

Another dimension of the democratic backsliding in Poland during the analyzed period is corruption. Data from Transparency International (see table 3.3.1) indicates an increase in the level of the perceived corruption.

Figure 3.3.1 Corruption Perception Index: Poland (2015-2023).



Source: <https://www.transparency.org/en/>

Piątek (2023) points out that action of PIS created a friendly environment for “grand corruption”, which is directly connected to the rule of law deterioration as well

as to a non-transparent, discriminatory actions against media and civil society, such as preferential funds allocations or appointment of the loyal candidates. Those backlashes have a systematic character, taking their roots in institutions with increased influence of political and economic elites (Piątek, 2023). Mentioned previously postal elections could serve as an example. The nationalization of the banking sector as well as state's control over major media channels, also became a source of untransparent practices and abuse of power by public authorities.

However, according to Hryniewicz (2023), from 2012 to 2020, the distance in terms of corruption performance level between Poland and Central European countries did not experience any significant changes (Hryniewicz, 2023, p. 474).

3.3.6 Rule of law

One of the major changes during the right-wing rule in Poland was the modification of the judicial system, which caused a conflict between the member state discussed and the European Union (Wojtaszczyk, 2023). The rule of law shifts began with a number of amendments to the Act on the Constitutional Tribunal of Poland adopted in 2015 (Dz.U. 2015 poz. 1928). Novelization has provided new rules for appointing judges, increasing the president's competences, which goes against the separation of powers and judicial independence rule, thus violating the impartiality of the Tribunal (Adamska-Gallant, 2022).

As Filipek (2018) argues, further changes were adopted in 2017, when new acts on the National Council of the Judiciary (NCJ) – an organ created to protect the judicial system - significantly changing the way how the judges were appointed and reducing term of service of current judicial workers. Before the amendments, judges were elected by peers, but the adopted act allowed Sejm to elect 15 judicial members of the NCJ, increasing political influence in the judicial system. The term reduction resulted in replacing current judges and appointing new ones, following the updated rules. The implementation of the mentioned actions by Polish authorities led to the suspension of Poland's membership in the European Network for Council of the Judiciary (ENCJ), highlighting the seriousness of the problem (Filipek, 2018, p. 177- 178).

Another dimension of the rule of law erosion in Poland was the creation of the Disciplinary Chamber of the Supreme Court in 2017, which gave judges appointed by

the Minister of Justice the power to initiate disciplinary proceeding against other judges, with questionable independence of the entire procedure (Adamska-Gallant, 2022).

The actions of the Polish authorities did not go without an attention of the European institutions and courts. However, in situation of disagreement with ECJ decisions, ruling party directed the case to the Constitutional Court, which confirmed the incompatibility of the EU Court decisions with the Polish Constitution, framing it as a threat to the Polish sovereignty and neglecting the core principle of primacy of EU law (Adamska-Gallant, 2022). Evidence of this can be seen in the ruling issued on October 7th, 2021, by the Constitutional Tribunal, stating that the European Union exceeds the scope of competences conferred by Poland and creates barriers for the country to function as a sovereign and democratic state (K 3/21).

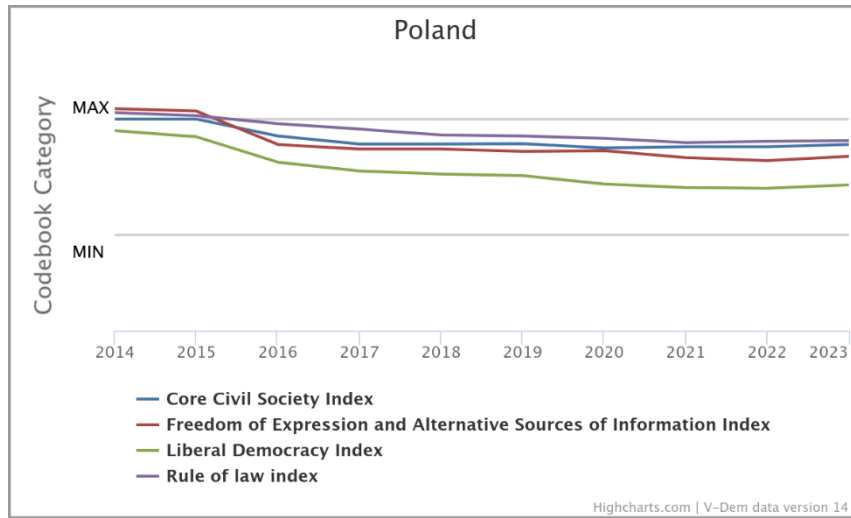
"October 15 will go down in history as a day of peaceful revolt for freedom and democracy" said Donald Tusk after his appointment as the new prime minister of Poland, opening a new chapter in Polish democratic history in 2023 (Lepiarz, 2023). The new government has delivered a strong pro-European message and expressed its ambitions to restore the rule of law crisis (Reuters, 2024). Changes in government have impacted national media, leading to the firing heads of information stations like TVP, Polish Radio and PAP. The parliament asked the Ministry of Culture to take steps towards providing citizens with reliable, pluralistic, and independent sources of information. Moreover, new organs were created in order to investigate the misuse of public money during the COVID-19 Pandemic on elections by postal voting (Kość, 2023).

Previously discussed challenges to Polish democracy after the change of government in 2015 are also reflected in V-dem indices (see figure 3.3.2).

All analyzed dimensions have experienced a significant drop in value. The Core Civil Society Index decrease is explained by frequented government CSO repressions and settlement of entry and exit barriers. All indicators of the Freedom of Expression and Alternative Sources of Information Index, such as government censorship efforts, harassment of journalists, media self-censorship, media bias, print media critical, freedom of discussion and freedom of academic and cultural expression, were significantly affected after 2015, leading to a drop in the Index value. Changes in the judicial system resulted in deterioration of the rule of law Index, where high court

independence indicator has reached a negative value (V-dem data version 14).

Figure 3.3.2 Core V-dem indices for Poland (2015-2023).



Source: V-Dem data version 14.

Exploration of the Polish case shows a non-linear pattern of democratic development: from the Solidarność movement and advocacy for liberal rights in the early 1990s to the oppression of civil society and breaches of judicial independence after 2015, followed by attempts to repair the damage after 2023. The measures applied by the European Union to tackle the issue of democratic backsliding in Poland since 2015 will be investigated in the chapter 5 of the thesis.

Chapter IV Democratic backsliding. Case of Hungary

The following chapter is dedicated to the evolution of the democracy in Hungary since 1989. The chapter is divided in three periods: the pre-accession from 1989 to 2004, before Fidesz gaining power from 2004 to 2010 and after it, from 2010 onwards. Similarly to the previous chapter, it gives a brief historical overview of the main democratic trends, covering changes in civil society, political society, institutionalized economic society, bureaucracy, and rule of law in Hungary.

4.1 Towards consolidated democracy. Hungary in 1989-2004

4.1.1 Historical overview

Hungary is quoted as another “success story” of the democratic transition after 1989. However, the transition process was different from the Polish path. One of the characteristics of the Hungarian post-communist transition is that it was peaceful process and relied on negotiations during the National Round Table discussion in 1989 between the Communist Party and regime reformers (Linz and Stepan, 1998). The successful negotiations have resulted in the first free parliament elections followed by indirect elections of the president in 1990. József Antall of the Hungarian Democratic Forum (MDF) becoming the first democratically elected prime minister and Árpád Göncz of the Alliance of Free Democrats becoming president of Hungary (Pogany, 1993). In 1991, the Association Agreement was signed, creating more close relations between Hungary and the European Union (European Community, 1993). Three years later, in 1994, under Prime Minister Gyula Horn of the Hungarian Socialist Party (MSZP), Hungary formally applied for EU membership (DOC/97/13). In years 1998-2002, Viktor Orbán, member of Fidesz, has begun his first term as a prime minister of Hungary, making important steps toward the EU accession and receiving a green light for start of the accession negotiations process in 1999⁴⁶. After the positive outcome of the referendum on EU membership in 2003, where four fifth of Hungarian citizens expressed their will to join the EU, Hungary officially became a member of the

⁴⁶ *Ibid.*

European Union on May 1, 2004, together with other nine states⁴⁷.

4.1.2 Civil society

Linz and Stepan (1998) argue that Hungary that ideological shifts and have started before 1989. The large anti-communist protest in 1956 was muffled, but it gave a clear message about the people's will and that dominance of the communist regime is a question of time.

One of the features mentioned by authors which distinguish Hungarian case from the Polish one is the late development and of the civil society in transition, which emerged around 1988 and was inspired by Polish Solidarity Movement advocating for its autonomy. In 1989, part of civil society has quickly evolved into political movements and parties and, surprisingly, after 1989 has hampered development of its origins - civil society, by ignoring its voices and limiting media access (Linz and Stepan, 1998). As Miszlivetz (1997) points out, despite the statistically strong civil society expressed by number of newly created NGOs after 1989, it does not fully reflect its real participation in politics. Part of the registered organizations were indirectly linked to governmental elites, expanding their political influence on civil society. Moreover, some of the NGOs did not possess enough capacity, resources and knowledge required to impact the political agenda. The governmental authoritarian shift in respect of civil society after the first free election, was expressed by banning some of the TV programmes and dismissal of more than 100 journalists, led to re-activation of the civil groups (Miszlivetz, 1997, p. 28-37).

However, according to Cox and Vass (2000), after the first decade of the democratic rule in Hungary, civil society is functioning more or less as expected in imperfect democracy, neither becoming the main source of its thrive nor an origin of its deterioration (Cox and Vass, 2000).

According to Láncki and O'Neil (1996), even during the communist regime, media in Hungary were limited by self-censorship rather than total censorship, which gave some space for the opposing views. After the change of the regime, the active process of privatization and pluralization of the press has begun, attracting the foreign

⁴⁷ See more here: <https://www.robert-schuman.eu/en/monitor/171-the-hungarians-approved-their-country-s-membership-to-the-european-union-by-a-wide-majority>.

investment flows in the sector. Government has also tried to secure some influence and gain control over number of magazines and newspapers, however, despite the efforts, it was not able to successfully compete with the major publishers. Similarly to Poland one of the issues was lack of an appropriate training of journalists, so they can catch up to the western standards. The situation was different in television and radio spheres, crucial sources for shaping public opinion, which was not regulated, and government possessed control over the main TV chandelles and radio stations. The MDF coalition was shaping a government-friendly media through the budgetary cuts, journalists' dismissal, and cancellation of the certain programs. However, even with change of government in 1994, the media oppression did not disappear, as interventions and manipulations of the ruling party were now justified by the need of "cleaning" after the previous state powers. After the passing of new media legislation in 1995, television and radio received more freedom, but the law was still criticized by its complexity and politicization (Lánczi and O'Neil,1996).

4.1.3 Political society

The first signs of the political opposition in Hungary were seen in 1987, when first protoparties have been formed. Creation of political movements such as: Hungarian Democratic Forum [MDF], Federation of Young Democrats [Fidesz], Alliance of Free Democrats [SZDSZ] and reactivation of the pre-communist parties in late 1987 and early 1988, have laid a solid foundation for the opposition and multiparty system. Rise of political society led to the "Opposition Round Table" in 1989, where different views of actors were united by the common acknowledgement of the necessity of the free and fair elections which will determine the future of Hungary (Linz and Stepan, 1998, 296-316).

Following the rational choice strategy, the Communist Party had had to recognize the legitimacy of the multiparty system. This decision was influenced by number of factors, such as confidence of the Communist Party of its own strength, changing geopolitical environment with an increased role of the developing political society, economic instability, visible general public preferences⁴⁸ but also law chances of external intervention (Pogany, 1993). Moreover, aiming to fit in the new political

⁴⁸ *Ibid.*

order, the Communist Party evolved into Hungarian Socialist Party [MSZP], becoming a main competitor of Fidesz in the next decades (Rupnik, 2012). This led to the first completely free parliamentary elections in March and April 1990, and was followed by indirect election of the president Árpád Göncz, member of the Alliance of Free Democrats in August 1990 (Linz and Stepan, 1998).

As Ágh (1999) argues, Accession to the European Union became one of the main priorities for the Hungarian authorities, which was visible in creation of number of institutions like: Association Council, Association Committee and Joint Parliamentary Committee. Despite the recognition of salience of the European matters, during the first stages of negotiations, Hungarian Parliament did not take active role in the process of policymaking, putting european issues on the second place (Ágh, 1999, p.843-844).

Overall, the Agenda 2000 (1997) gave a positive opinion on functioning of the Hungarian parliament and legislative power. It has noted that elections in Hungary can be characterized as free and fair, there are no barriers in establishing a new political party and opposition can freely exercise its activities (European Commission, 1997).

4.1.4 Economic society

Economic shifts and development of the economic society in Hungary have started before 1989. The New Economic Mechanism introduced in 1968 allowed people to work in private for a limited number of hours, relocate and change the jobs. More than decade later, the housing market was created, and it was possible to have buy or sell a house. Restructuration of the command economy in Hungary has begun with the reforms legalizing property rights adopted in 1982, which have formed the economic society and prepared a solid base for a market economy (Linz and Stepan, 1998).

As mentioned in the Copenhagen Criteria, functioning market economy is one of the requirements to join the European Union. Despite existing solid legal ground for market economy created before the change of regime, Hungary still had to regulate some of the key dimensions of market economy like the financial sector, public finances, process of privatization and agriculture. Applied reforms in 1995 resulted in significant increase of private sector' share in GDP, growing up to 70% compared to 16% in 1989 (European Commission, 1997, p. 20-21).

Ágh (1999) points out that Hungary has also shown a high level of trade

integration with the EU market, where in 1997 positive trade balance was expressed by 71% of export and 63% of import coming from the Union. Moreover, it became an attractive destination for the foreign capital, attracting the highest FDI per capita among all the candidate states (Ágh, 1999).

4.1.5 State bureaucracy

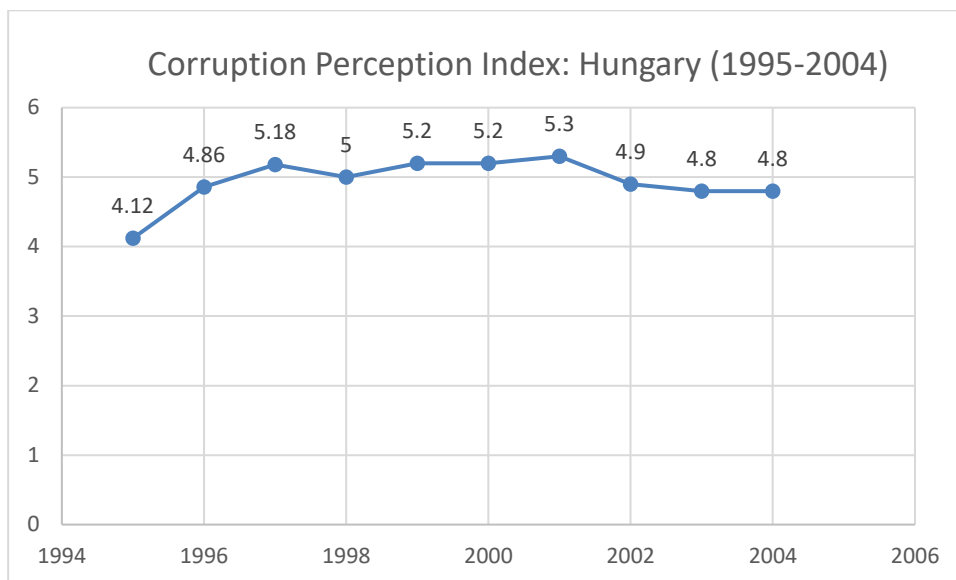
In 1997 public administration was characterized “in general politically independent”, however with present habit of Ministers to be hired in top positions in the civil service. The government also took steps toward re-organization of public administration, aiming to meet European standards. For instance, it has adopted a program called “Hungary in a new Europe,” creating the medium-term strategy for the country with an emphasis on further de-centralization and regional development (European Commission, 1997).

Hungary was following the right direction by the implementation of the administrative reform; however, the process was slowed down by demotivation of the civil workers caused by small pay, “brain drain” into the private sector, lack of needed skills and an appropriate training of the civil service workers (Paraskevopoulos and Leonardi, 2004, 345).

The issue of corruption become present in the public discourse, but finding the hard evidence of the crimes was problematic. The need to implement more effective measures in order to combat corruption in the country was highlighted in Commission’s Opinion (DOC/97/13). On the other hand, accession to the EU required Hungary to do an amendments or adopt new laws to comply with EU directives and make procedures transparent (Csáki and Gelléri, 2005). Moreover, in 1999, Hungary became one of the leaders in the UNODC anticorruption initiative, creating plans and strategies aiming to tackle the problem.

The Corruption Perception Index (see figure 4.1.1) shows the highest values in years 1997 to 2001 indicating the lowest level of perceived corruption, which may be explained by the adoption of reforms in public administration and preparations for the EU accession.

Figure 4.1.1 Corruption Perception Index: Hungary (1995-2004).



Source: <https://www.transparency.org/en/>

Overall, the public administration has experienced positive changes since 1989, adopting the reforms and adjusting to the EU framework. However, issues with unqualified staff and corruption remained.

4.1.6 Rule of law

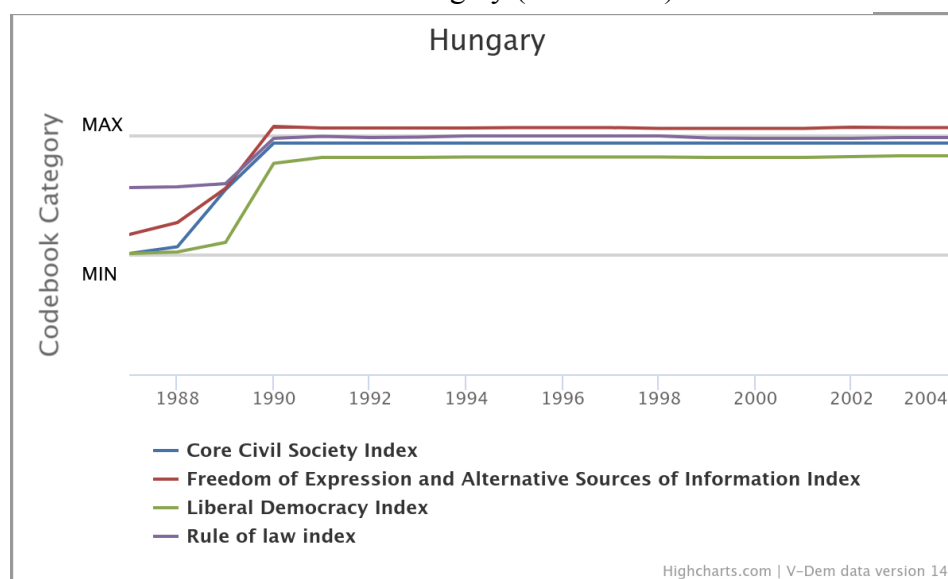
One of the key elements required for the peaceful transition was establishment of the rule of law in Hungary. As Pogany (1993) explains, during the National Round Table discussion in 1989, representatives from the Communist Party, the Opposition Round Table and third sector organizations reached an agreement on different dimensions of the transition, which has created a base for a major amendment to the 1949 Constitution. These amendments reflected the core principles of modern democracy: establishment of multi-party system, respect for the rule of law and human rights, market economy, provide clear separation of powers and follow the international law rules. Moreover, by number of the Constitutional Court decisions, the presidential competences were strictly limited, giving the real executive powers to the prime minister, and setting a boundary between the actors' responsibilities (Pogany, 1993, p. 336-354).

However, one of the main concerns was lack of the “new” constitution, which caused some conflicts in 1995, and 15 years later, was effectively used by Fidesz to

embed a number of ideological principles in the new constitution in 2011 (Rupnik, 2012).

The indices presented in the figure 4.1.2, show that the Core Civil society index together with Freedom of Expression and Alternative Sources of Information index started rapidly growing in 1988, while the Rule of law index and the Liberal Democracy index experienced the sharp growth in value in the following year. After the 1990, all the indices have remained relatively stable.

Figure 4.1.2 Core V-dem indices for Hungary (1989-2004).



Source: V-Dem data version 14.

Following a Linz and Stepan (1998, p.314) and Pogany's (1993, p. 347) descriptions, it is possible to capture the start transition period in Hungary in a simple year-by-year perspective:

- 1988 a year of civil society,
- 1989 a year of political society,
- 1990 a year of the elections,
- 1991 a year of the Constitutional Court.

The main factors that have supported the democratic transition process in Hungary were: mobilization of the civil society in 1988; developed and structured political society before the transition, fully parliamentary system of the government which has prevented a possible appearance of the institutional deadlocks; significant changes in constitution which guaranteed the rule of law, protection of the human right

and provided check and balances system; reforms implemented by public administration; institutionalized economic society which attracted foreign direct investment and was able to smoothly complete a transformation from common to market economy.

4.2 Hungary in 2004-2010

4.2.1 Historical overview

On May 1st, 2004, Hungary officially became a member of the European Union, marking a new stage in the democratic development of the country. A couple of months later, due to resignation of prime minister Medgyessy, Ferenc Gyurcsány, a member of the Hungarian Socialist Party (MSZP), started his service as Prime Minister and was re-elected in 2006. However, Gyurcsány resigned in 2009 and was succeeded by Gordon Bajnai, an independent candidate supported by the MSZP, who served as Prime Minister until 2010 parliamentary elections. Viktor Orbán then came back to power, accompanied by the triumph of his party, which secured two-thirds the of seats in parliament (Ágh, 2010, p.79-80).

4.2.2 Civil society

Similarly to the Polish case, membership in the European Union provided financial aid opportunities for the civil society sector.

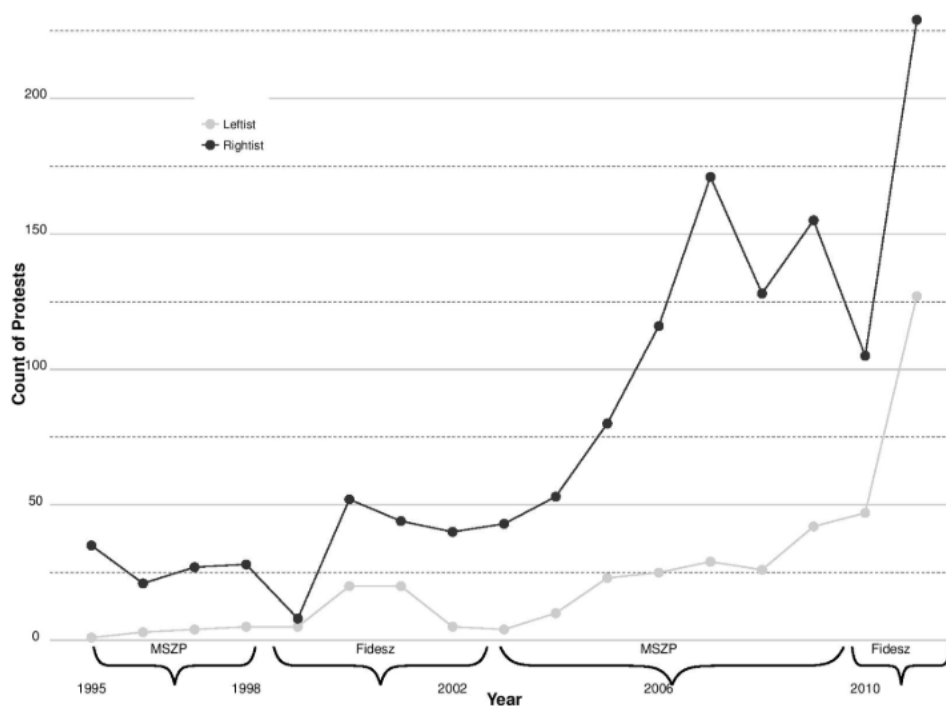
According to Meyer et al. (2017), in 2005-2006, some positive reforms regarding the functioning of civil society were adopted. For instance, adoption of the law on public benefit volunteering in 2005 defined voluntary activities for the public interest and provided a list of tax-free allowances for volunteers. Moreover, from 2000 to 2010, the proportion of state support in the funding sources of CSO increased from 28% to 43% of total income. Those conditions led to activation of more than 12,000 new CSOs since 2004, reaching a total of 64 987 registered organizations in 2010 (Meyer et al., 2017, 60-66).

However, as Ágh (2010) points out, democratic transformation, especially its economic dimension, created “losers” of the transition who felt underrepresented by the government. Dissatisfaction among the population strengthen the already existed right-

wing populist parties and shifted other parties towards a more nationalistic and Eurosceptic direction (Ágh, 2010, 77).

Interesting insights into the functioning of Hungarian civil society are presented in figure 4.2.1 below, where the intensity of leftist and rightist protests is illustrated. First of all, the general tendency shows an increase in the number of protests. However, rightist protests became more frequent after the end of Fidesz government in 2002 and start of the Hungarian Socialist party rule. A significant rise in right-wing protests is visible in years 2005-2007, reflecting a governmental crisis and re-election of Gyurcsány. Another pick of protests occurred in 2009, which led to Gyurcsány's resignation.

Figure 4.2.1 Leftist and Rightist Protests in Hungary, 1995-2011.



Source: Greskovits and Wittenberg, 2016.

If rise of the leftish protests after Fidesz gained power in 2010 is self-explanatory, the growing number of rightist protests is confusing. However, as Greskovits and Wittenberg (2016, p. 27) explain: “*The rise in rightist civil society activity between 2010 and 2011 seems puzzling given the magnitude of Fidesz’s victory until one realizes that this activity, largely organized by Fidesz itself, is meant to show support for Fidesz policies in the face of much more numerous anti-Fidesz protests from*

left and radical right organizations.”.

To sum up with, the frequency of protests increased, with notable peaks during governmental crises and leadership changes, highlighting political tensions in the country.

4.2.3 Political society

The post-accession crisis has pressured Hungary both from the outside and inside. The country now has to comply with EU membership obligations and adopt further reforms, but at the same time, it is exposed to market pressure and experiences social dissatisfaction with general living standards (Ágh, 2010, p. 76-78).

This context put political society on shaky ground during the period discussed. The first evidence of instability was seen just a couple of months after Hungary became a member of the European Union. The political crisis led to resignation of prime minister Peter Medgyessy mid-term. He lost the support of his party after an attempt to fire a Free Democrat minister and was accused of being unable to handle economic reforms and properly prepare the country for the EU membership (Radio Free Europe, 2004).

The newly appointed prime minister Ferenc Gyurcsány started his office in 2004 and was the first prime minister to be reelected in Hungarian democratic history (Ágh, 2010, p. 79-80).

Increased governmental spending, together with irresponsible economic policies, developed tensions within society. The political situation worsened when a recording of re-elected in 2006 prime minister Gyurcsány's speech, in which he confirmed his party's constant lies about the real state of economy to gain popular trust, was transmitted on national radio (Orenstein, 2010, p. 2-3). This led to massive antigovernmental protests in Hungary in autumn 2006⁴⁹. Highly unpopular fiscal reforms adopted by Gyurcsány and the rise of a strong populist opposition, led to massive dissatisfaction in society and resulted in the prime minister's resignation in 2009 (Ágh, 2010, p.79-80). He was replaced by Gordon Bajnai, Minister of the Economy, who served as prime minister until the 2010 parliamentary elections.

During the analyzed period, Hungarian political society was pressured by internal

⁴⁹ *Ibid.*

and external factors but was capable to handling several elections, prime minister resignations, the first re-election of an incumbent, and the execution of a vote of no-confidence. However, the political instability during those years decreased people's trust in government and parties, resulting in lower voter turnout and general disappointment (Bozóki and Simon, 2010).

4.2.4 Economic society

During the post-accession period, Hungary experienced several challenges in its economic performance. As Dezséri (2007) mentions, despite its ambitions, Hungary was not able to join the third stage of the Economic and Monetary Union [EMU] and introduce the Euro as a currency. However, Hungary showed a high level of trade volumes with other member states, indicating a notable level of economic integration. It also started benefiting from community support fostering cohesion, the effects of which are visible in GDP growth during the first years after accession (Dezséri, 2007).

Orenstein (2010, p. 2-6) lists several factors that impacted the Hungarian economy. First of all, Hungary is a small country and therefore is more exposed to market shocks and competition. This also results in a greater dependency of the country on external actors like IMF and interventions of the EU. Moreover, according to the author, Hungary implemented thoughtless fiscal policies and expanded its debt, which led to the 2006 political crisis discussed earlier (Orenstein, 2010). According to Benczes (2010), Hungary started initiating some economic reforms in order to stabilize the situation in late 2006, however, it still lacked the will to adopt more strict measures (Benczes, 2010).

Attachment to export, growing public debt and a decrease of its competitiveness in international markets, made Hungary extremely exposed to the crisis of 2008-2009. The mentioned problems combined with the crisis led to a decline in GDP of 6.7% from 2008 to 2009. A significant drop in productivity was visible in industrial production, but also in any other export-oriented sector.

4.2.5 State bureaucracy

In terms of public administration, Hungarian authorities adopted a new civil service policy in 2006, modifying the existent order. According to Staroňová and

Gajduschek (2013), the new system implemented “New Public Management” practices, increasing role of servants’ performance through incentives. The new policy led to the establishment of a central HR unit responsible for the selection process. On one hand, this was a more objective way to recruit civil servants as the process was now independent from the heads of offices. On the other hand, the centralized HR unit created a space for possible governmental influence (Staroňová and Gajduschek, 2013, 13-17).

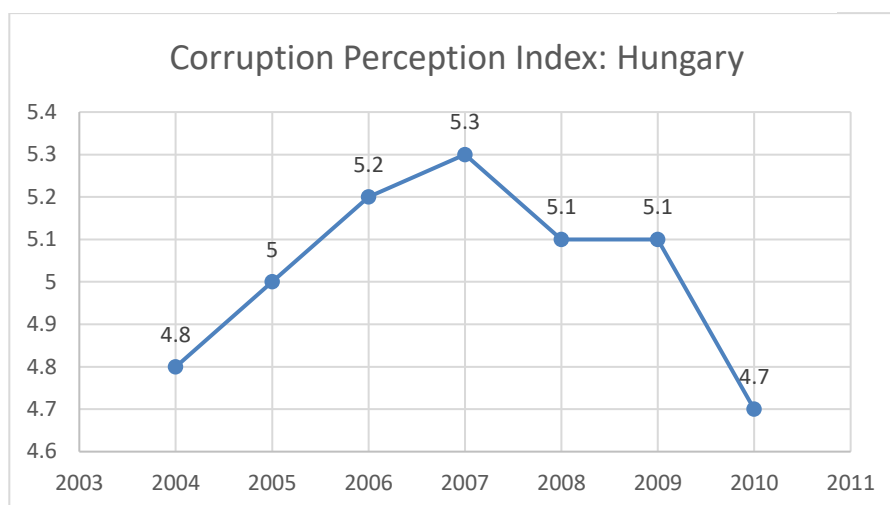
During the analyzed period, the wages of civil workers increased to address the problem of a lack of young specialists and professionals, as mentioned in the previous sub-chapter. However, the wages in public administration still could not effectively compete with those in the private sector, leading to many cases of political appointment of specialists “from the field.” Despite the negative character of such practice, paradoxically, low wages protected public administration because, after completing their tasks, appointed specialists returned to the more profitable private market. Another problem in the functioning of public administration was the lack of employment security. Due to economic instabilities, large-scale reductions in the number of civil servants were periodically implemented by the government⁵⁰.

As Bozóki and Simon (2010) point out, the issue of corruption was relevant in the country. Some parties tried to soften privatization laws in order to gain power over strategic industries. The majority of reforms aimed at increasing transparency of procedures faced no interest in implementation. A number of corruption scandals became known but faced no appropriate consequences (Bozóki and Simon, 2010, p. 220).

During the analyzed period, the Corruption Perception Index (see figure 4.2.2) reached its peak in 2007, indicating the lowest level of perceived corruption. However, after that point, the level of corruption perceived increased significantly. This could be explained by a general distrust of the government, but also by corruption scandals like the investigation into former MSZP politician Janos Zuschlag, who misappropriated a large sum of public funds through a fraud scheme (Field, 2014).

⁵⁰ *Ibid.*

Figure 4.2.2 Corruption Perception Index: Hungary (2004-2010).



Source: <https://www.transparency.org/en/>

In summary, Hungarian public administration did not form an appropriate administrative culture, which opened opportunities for further politicization of the civil service in the country and created a space for corruption practices.

4.2.6 Rule of law

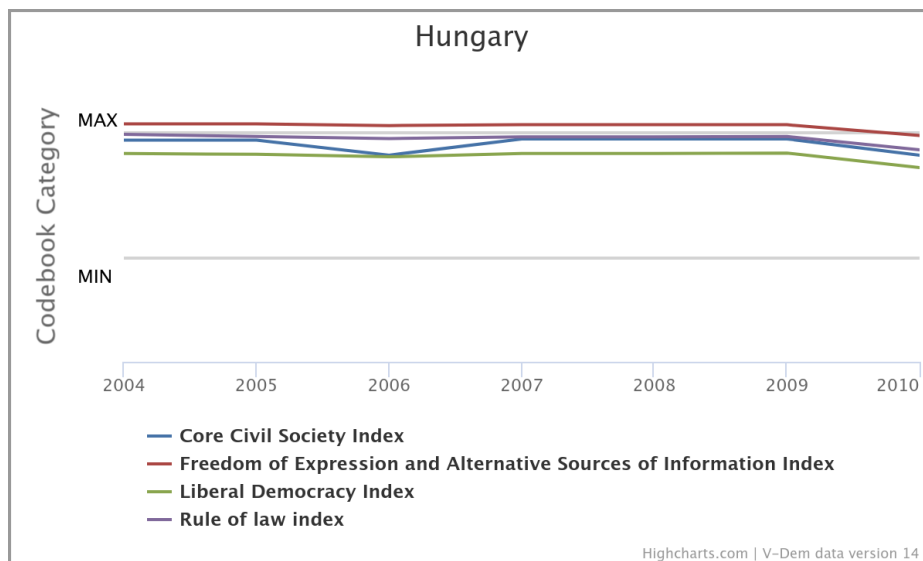
As in Polish case, after becoming a member of the EU, Hungarian justice system received a number of new challenges in its way of adjusting to EU legal order. According to Varju and Kovacs (2014), after the accession, Hungary started a gradual process of decreasing the gap between of national and European laws, however, legal convergence faced some level of domestic contestation.

From the perspective of the protection of the human rights, Fox et al. (2011) admits that since accession to the European Union, Hungary adopted human rights frameworks and law such as modification of Minorities law in 2005 which improved quality of the minority self-government and compliance with Equal Treatment and Equal Opportunities law adopted in 2003. Moreover, the country received financial support from the Union in order to support inclusive initiatives for minorities. However, despite the efforts, the discrimination towards Roma remained. In some cases, Roma population was used by local firms in order to fulfil minimum compliance with the requirements to receive funds, with no further benefits for original target population (Fox et al., 2011, p. 24-29).

Despite political and economic instability discussed in previous sub-chapters, V-

dem indices (see figure 4.2.3) in general did not experience significant changes from 2004 to 2010. However, the year 2006 shows a small deterioration in Civil Society Index which according to V-dem, is connected to appearance of entry and exit barriers and CSO repression. It might be related to the antigovernmental protests in autumn 2006.

Figure 4.2.3 Core V-dem indices for Hungary (2004-2010).



Source: V-Dem data version 14.

Nevertheless, all the indices slightly decreased since 2009, when prime minister Gyurcsány resigned and was succeeded by Bajnai. Freedom of Expression and Alternative Sources of Information Index was mainly affected by government censorship efforts and media self-censorship. Meanwhile, the Rule of Law Index was influenced by increase of executive bribery, corrupt exchanges, and theft, accompanied by decrease in law transparency and predictability.

4.3 Fidesz gaining power. Hungary in 2010-2024

4.3.1 Historical overview

Parliamentary elections in 2010 marked the starting point of democratic backsliding in Hungary (Bernhard, 2021). As Pirro and Stanley (2021) describe that year, Fidesz gained a qualified majority in the parliament, securing its leader, Viktor

Orbán, a prime minister position. The next year, the country adopted a new constitution, which reflected the ideology of Fidesz. In 2014, Fidesz won the parliamentary elections again, securing a supermajority. The refugee crisis in 2015 was met with anti-migration policies, securitizing refugees, and boosting nationalistic attitudes in the country. In 2017, the government implemented a number of measures targeting NGOs and civil society. Fidesz retained its supermajority in the parliament after both the 2018 and 2022 parliamentary elections (Pirro and Stanley, 2021, p. 86-92). Hungarian illiberal politics increased tensions between the country and the European Union, especially after showing sympathy towards Russia during the Russian full-scale invasion of Ukraine since 2022 (Camut, 2023).

4.3.2 Civil society

Since 2010, civil society in Hungary has become a target of the illiberal government. In 2010, the implemented media law significantly reduced freedom of expression and pluralism and increased political influence in the sector (Pirro and Stanley, 2021, p. 92). Moreover, according to Przybylski (2018), the Hungarian government put pressure on foreign-funded media through imposition of taxation and other limitations, making media sector become more government-friendly.

Griffen (2020, p.58) distinguishes four elements of the Hungarian strategy in media control. The first is media capture, which refers to taking control of media resources through the governmental or loyal oligarchs' ownership. This led to approximately 80% of politically related news in Hungary being financially linked to the government, enhancing state propaganda efforts. The second element is media market manipulation, which is achieved by imposing taxes and arbitrarily funding, limiting the competition strength of independent media. The next point is delegitimization and exclusion of journalists, mainly through smear campaigns and limiting access to information. The last element is the preservation of the illusion of media freedom, highlighting the existence of alternative sources of information, which in reality are highly pressured by the government (Griffen,2020, p.58-62).

One of the first attacks against civil society organizations in Hungary was the accusation of spying and representing foreign interest (Meyer et al., 2017, p.60). This affected a number of organizations focused on humanitarian aid and received funds

from abroad. The government forced these types of NGOs to register as “foreign-funded organization,” which later became a subject to taxation. Another step was taken in 2018 when the government marginalized the activities of NGOs focused on humanitarian aid and assistance to migrants and refugees. It adopted a law that punished such actions with one year of imprisonment (Pirro and Stanley, 2021, p. 92). The state also limited financial support to CSOs, which decreased from 43% in 2010 to 29% in 2014. The main sources of revenue were earned income (52%), domestic private support (11%) and foreign support (8%) (Meyer et al., 2017, p. 62).

Another attack on civil society, specifically on higher education in Hungary, was the adoption of so-called Lex CEU [Central European University]. The law required every university sponsored by foreign capital to have an intergovernmental agreement in to function in Hungary. Despite compliance with all the requirements, the Hungarian government was slow in issuing the decision, placing the University in a situation of uncertainty regarding its legal status. Those actions led to the relocation of the University to Vienna, where it could function freely. These actions also targeted George Soros, a pro-democratic philanthropist with Hungarian origin and the founder of the University (Pirro and Stanley, 2021, p. 93).

Freedom of speech, media pluralism, freedom of association, and academic freedom are basic elements of liberal democracy and fundamental needs for the normal functioning of civil society. However, during past 14 years, Fidesz’s regime has significantly affected these freedoms, supporting the democratic backsliding in the country.

4.3.3 Political society

For 14 years, the Hungarian political scene has been dominated by Fidesz, a far-right populist party (Sükösd, 2022), which has significantly impacted the development of political society in Hungary.

Modifications to the electoral system and the constitution have made elections free but not fair. After the amendments, members of the National Election Commission were elected by a qualified majority in the parliament, making the Commission dependent on Fidesz’s will (Pirro and Stanley, 2021, p.92).

The oppression of media and civil society, as described earlier, significantly

limits the ability of opposition to act. On the other hand, Fidesz uses its economic policies to target its core voter base, consolidating own strength (see the following sub-chapter).

It is important to mention the relationship between populism and Hungarian political society. According to Sükösd (2022), Orbán predominantly uses the language of fear in his speeches, highlighting existence of major threats and enemies to the nation. Therefore, populism, combined with nativism – policies aiming to protect native people’s interests from the “enemies” – has become a regular practice in political society (Pirro and Stanley, 2021, p.87). The nativist character of Hungarian political society is expressed in many ways. For instance, its main targets include “Brussels”, framed as a threat to Hungarian national sovereignty; migrants, especially after 2015, who, together with Roma people, are portrayed as criminals; George Soros, who was mentioned in the previous sub-section as a key supporter of liberal and democratic values; and other minorities like LGBTQ+ people, homeless people, etc. (Sükösd, 2022, p.181-183). Another example was ban of gender studies in the Universities under the pretext of unpopularity of the studies, but in reality, this action had political character and expressed Fidesz’s opposition toward such “ideology” (Pirro and Stanley, 2021, p.94).

During the analyzed period, Hungary’s political society was dominated by the Fidesz party. The constitutional and legal changes that consolidated power within the ruling party, control over media and judiciary, oppression of the opposition, and strategic use of economic policies to maintain its own electoral support became the main characteristics of the regime. At the same time, right-wing populism played a crucial role in legitimizing the system of government in Hungary (Sükösd, 2022, p. 184).

4.3.4 Economic society

The rule of Fidesz since 2010 reshaped the economic society in Hungary. The characteristic way economics functioned received its own name and was referred as “Orbanomics”.

Scheiring (2020, p.3) explains “Orbanomics” as: *“economic policies aim to boost the creation of wealth and capital accumulation targeting the upper middle class,*

national capital, and transnational corporations. However, Orbánomics is a profoundly polarizing socio-economic strategy, requiring authoritarian fixes to stabilize power.”

Policies implemented after 2010 supported oligarchs, for instance, through the creation of a so-called “tax haven” with a flat 9% corporate tax and a flat 16% personal income tax, benefitting the richest 20% of the population. Moreover, loyal capitalists could be appointed to numerous governmental positions (Scheiring, 2020). The economic society was backed by Fidesz’s qualified majority in the parliament, allowing to pass all the necessary bills (Ganga, p. 696).

However, the cost of these policies was paid by decrease in the living standard of regular citizens. Cuts in educational, public healthcare and social spending helped the government to maintain a relatively low budget deficit (Scheiring, 2020).

In order to soften the social consequences and ensure electorate support, the Hungarian government made efforts to fight unemployment by creating and promoting public works programs, which were later gradually substituted by increased number of market jobs positions⁵¹. However, it did not solve the problem of rising income and social inequality.

As in the Polish case, the Hungarian economy turned toward national interests. According to Ganga (2021, p.696) this was evident in Orbán’s advocacy for utility companies to remain under national ownership and for increasing the role of domestic players in the market, accompanied by limiting foreign ownership in key sectors like banking and media. For instance, the share of the commercial banking sector dropped from 80% to almost 50% after the first years of Fidesz government. This change allowed the government to pressure different sectors by manipulating access to capital.

Another important aspect of Hungarian economic society is its pro-Russian attitude. Hungary is one of the supporters of Russia's full-scale war in Ukraine started in 2022. Despite European solidarity with Ukraine, Hungary is blocking sanctions against Russia (Gavin et al., 2024) and military aid packages for Ukraine. The country has started using this situation to pressure the European Union to unblock frozen funds and further benefit from cooperation with Russia (Camut, 2023).

During the period discussed, the economic society can be characterized as corrupt, oligarchic, and national-oriented. Though favouring the upper middle class and

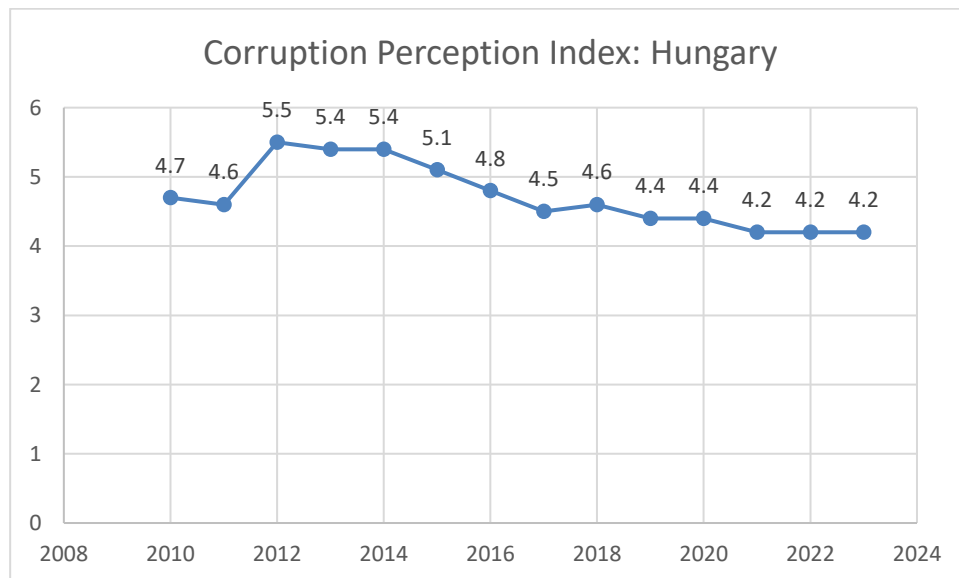
⁵¹ *Ibid.*

partially supporting the low-income population, Fidesz boosted national economy, leading to the economic growth, and helping Hungary to handle the Covid-19 crisis well (Skidelsky and Olah, 2021). Hungary is one of the main net beneficiaries of EU funds, which pushes country to create different strategies to balance securing access to EU funds and furthering illiberal changes.

4.3.5 State bureaucracy

During the analyzed period, the Corruption Perception Index (see figure 4.3.1) shows an increase in its value in year 2012, followed by a gradual decline until the end of the timeframe. It is important to note that in 2012 the methodology of the CPI was changed, which might have influenced the presented data. In 2022, level of perceived corruption in Hungary was the worst among all the 27 members states, with no adequate mechanisms to efficiently track high-level corruption (SWD (2023) 817).

Figure 4.3.1 Corruption Perception Index: Hungary (2010-2023).



Source: <https://www.transparency.org/en/>

According to Hajnal (2020), illiberal changes in Hungary since 2010 have affected public administration in several ways. First of all, there is a visible tendency towards centralization of public administration by decreasing the number of local government competencies and limiting resources. Another aspect is linked to the politicization of civil service, mixed with issues of corruption and nepotism. Among

less discussed issues of public administration in Hungary, the author highlights the low level of expertise and knowledge about the policy process among public servants, combined with ignorance towards established procedures. This leads to an increased level of unpredictability and inefficiency in public administration in Hungary (Hajnal, 2020, p. 2-4).

4.3.6 Rule of law

The key change made by Fidesz right after its election in 2010 was the creation of the constitution. As previously discussed, after the regime change in 1989, Hungary only made major amendments to the 1949 constitution, which served as a pretext for Fidesz to create The Fundamental Law in 2011. Moreover, the constitution was adopted without consultation with opposition (Pirro and Stanley, 2021).

The changes did not leave behind the judiciary system. The procedure for the appointment of judges was changed to a qualified majority vote in parliament, making the process purely political and dependant on Fidesz preferences. Moreover, the number of judges was increased, allowing the appointment of more judges loyal to the party. The latest Rule of Law Report issued by the European Commission (SWD (2023) 817) indicates a decrease in perceived judicial independence in the country. Additionally, in 2022, government launched smear campaigns against several judges.

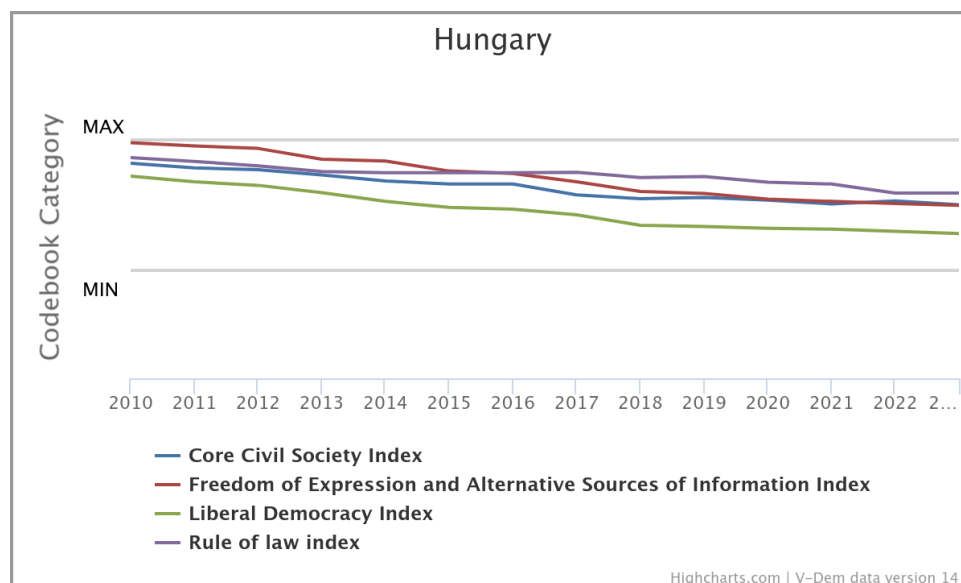
The anti-migrant attitude of Fidesz became especially visible during the 2015 refugee crisis when the Hungarian government applied measures that went against European laws. For instance, amendments to the Asylum Act adopted in 2016 de facto allowed Hungarian police to perform pushbacks within 8 kilometres of the border. Moreover, the country forced the asylum seekers to reside in detention centres during the entire asylum application procedure (Pirro and Stanley, 2021).

However, the Rule of Law Report mentions a small number of positive changes in the judicial system, such as the partial implementation of the recommendation from the previous reports. In general, the report highlights a high level of digitalization of the justice system, but also limited access to justice for vulnerable people, and a decrease in real salaries for judges, as increases in salaries did not exceed the level of inflation in Hungary (SWD (2023) 817).

Figure 4.3.2 below presents changes in core V-dem indices from 2010 to 2023.

The general picture reflects the illiberal turn in Hungary, with gradual deterioration of all the indices. Overall, the Liberal Democracy Index decreased by more than half during the analyzed 13 years. Adopted media laws and further oppression of alternative sources of information by Fidesz explain the drop in the value of the Freedom of Expression and Alternative Sources of Information index. The hostile attitude towards civil society, limitations on academic, association, and other basic freedoms are reflected in the progressive drop of the Core Civil Society Index. The Rule of law index also decreased; however, the change in value is small compared to other indices. This might be explained by something that Pirro and Stanley (2021, p.90) call “bending”, which in their words means: “*policy change is consistent with the letter of the law, but in contradiction to its spirit*” and is a characteristic feature of illiberal democracies.

Figure 4.3.2 Core V-dem indices for Hungary (2010-2023).



Source: V-Dem data version 14.

The developments presented in this sub-chapter indicate strong deterioration of the rule of law in Hungary over the past 14 years. This can be seen in different dimensions, such as corruption, discrimination against minorities, general human rights violations, increased governmental control of the judicial system, oppression of media and a civil society.

Chapter V Comparative analysis and discussion

The following chapter presents a comparison between the democratic evolution and backsliding in Poland and Hungary. Additionally, it outlines actions taken by the European Union to tackle democratic erosion in member states. The research questions are answered in the discussion section and are complemented by insights from conducted interviews.

5.1 Democratic evolution and backsliding – comparison

5.1.1 Pre-accession period 1989-2004

Civil society played an important role in the democratic transition in both Poland and Hungary. However, there are several differences between the two countries. First, they vary in timing and nature. Polish civil society was rooted in the early 80s with the strong Solidarity movement, advocating for democratic change for almost a decade before the fall of the Berlin Wall. This also gave ethical character of the Polish civil society, which promoted the politics of anti-politics. On the other hand, Hungary's civil society emerged on the verge of the collapse of the socialist regime and quickly evolved into a political society. In terms of media freedom, Poland showed significant change, becoming one of the leaders in media and press freedom in Europe (Sadurski, 1996, p. 456). Hungary experienced the liberalization of media as well; however, state attempts to control alternative sources of information returned in the mid-90s.

Regime transformation led to the development of political society in Poland and Hungary. Both countries switched to multi-party systems and had partially free and later completely free elections. The form of government in Poland has a semi-presidential character, which, due to the lack of clear separations of powers, created some barriers to efficient democratic transformation. At the same time, Hungary adopted parliamentary system with limited functions for the president. A common incentive for advancing in democratic transition was the prospect of joining the European Union.

The regime change required a switch from a command economy to a market economy, which was completed differently in the two analyzed countries. Poland went through “Shock therapy,” with sharp economic reforms focused on economic liberalization, macroeconomic stabilization, and privatization (Sachs, 1992). The

reforms were successful and secured a relatively quick transition, however, they had short-term but significant negative social impact. In Hungary, the economic transition started earlier, allowing the economy to transform gradually. The country attracted a larger flow of FDI compared to Poland, boosting the transformation. Both countries also advanced international trade by joining organizations and signing trade agreements.

State bureaucracy required restructuring, which was achieved through several administrative reforms in both countries. However, Poland and Hungary lacked skilled civil servants, who either needed specific training or chose a market job for financial reasons. Corruption was another common struggle faced by both countries.

Establishing the rule of law required numerous changes in the existent judicial systems. During the transition period, both countries focused on establishing institutions and providing a separation of powers. Hungary, in contrast to Poland, did not create a new constitution but significantly amended the old one. On the other hand, Hungary had a strong and independent constitutional court. The development of the rule of law was also influenced by aspirations to join the European Union, which demanded compliance with EU law and supported the implementation of changes.

5.1.2 Post-accession evolution

Accession to the European Union provided an opportunity for civil society organizations in new member states to receive additional funds. However, smaller NGOs faced challenges during the application process due to a lack of resources, capacity, and knowledge. In Poland, media remained free, but following the Smolensk tragedy, it became more politicized. In Hungary, civil society was notably mobilized during the 2006 anti-governmental protests. According to the V-dem Core Civil Society Index, civil society experienced increased oppression during this analyzed period.

Poland and Hungary both saw challenges and further development in their political societies. Regular elections were held in both countries despite political instabilities and changes, allowing them to shape their main political actors. Hungary experienced internal and external pressures due to economic challenges and general dissatisfaction among citizens. In Poland, the Smolensk tragedy heightened tensions within the political society, fueling populist narratives and further division.

Despite increased competition after joining the single market, both countries

achieved notable economic integration with the EU. Poland, however, performed significantly better during the 2008-2009 economic crisis, while Hungary struggled to normalize its economic performance.

During the analyzed period, there were several corruption scandals in both Poland and Hungary. However, according to the Corruption Perception Index, Poland's performance has improved, partly due to the establishment of the Anti-Corruption Bureau. Both countries struggled to ensure transparency in public administration and faced shortages of qualified staff.

After the accession Poland and Hungary have to comply with EU law, which put pressure on domestic systems. Nevertheless, access to EU funds positively influenced the development of institutions and improved their legal framework.

5.1.3 Backsliding period

After the change of government in Poland in 2015 and in Hungary in 2010, civil society in both countries experienced quite similar unpleasant treatment. Pro-governmental organizations received better treatment and access to funds, while CSOs that opposed the ruling party's views were pressured through various laws, smear campaigns, and funding cuts. Governments in both countries expanded their control over sources of mass information, making them useful tools to spread propaganda. The independent media and journalists became new targets for illiberal governments. The trend in both countries points towards increased authoritarianism and decreased civil liberties, contributing to democratic backsliding. Civil society in both countries was significantly weakened; however, the level of resistance mobilized by civil society in Poland was higher than in Hungary, which was visible in numerous protests in the country.

In both countries, political society was dominated by right-wing populist parties: PIS in Poland and Fidesz in Hungary. Both governments showed eurosceptic tendencies, neglecting EU values under the cover of sovereignty threats, and continued to promote domestic ethnocentrism. Populism played an important role in legitimizing governmental actions. The electoral system was affected as well. The legitimacy of the last presidential elections in Poland was questioned, and on the other side, the increased influence of Fidesz over electoral commissions in Hungary blurred the transparency of

the elections. As mentioned earlier, ruling parties increased their control over the media sector and oppressed opposition and civil society. While there are strong similarities in their approaches to media control, electoral manipulation, and oppression of civil society, notable differences exist in their attitudes towards the War in Ukraine and resulting refugees. Poland hosted more than 1.7 million refugees⁵², while Hungary continued its hostile attitude towards newcomers. These changes have contributed to democratic backsliding and increased authoritarianism in both countries. However, after the change of government in Poland in 2023, the political society tried to reverse the backsliding trend.

Political changes influenced local economies, which turned towards economic nationalism. Economic policies targeted the electoral base, crucial for regime survival. Like the rest of the world, these countries were affected by the Covid-19 pandemics, but they managed to handle the crisis and start the recovery process. The deterioration of the rule of law led to the application of the rule of law conditionality procedure by the European Union, resulting in the freezing of funds assigned to these countries. Despite tensions with the EU over rule of law issues, Poland has taken steps to address concerns, particularly in accessing EU funds and complying with EU standards. However, Hungary's performance, including issues related to corruption and democratic principles, increased tensions in its relations with the EU. Fidesz's economic policies, also known as "Orbanomics," heavily favored oligarchs and loyal elites, who benefited from low taxes and government positions. This created a corrupt, oligarchic economic society with significant income inequalities in Hungary. While economic nationalism and state control increased in Poland, there were fewer news about the oligarchic dominance and openness to the foreign direct investment shown by the country.

State bureaucracy became another target of the ruling parties. During the backsliding period, both countries made efforts towards centralization and decreased the autonomy of local authorities. Public administrations became politicized, with appointments favoring loyalty over competence, and there was a lack of transparency and proper investigation of the corruption scandals. However, while Poland has focused on maintaining stability and addressing some of the EU concerns, Hungary has faced deeper challenges with corruption and governance standard.

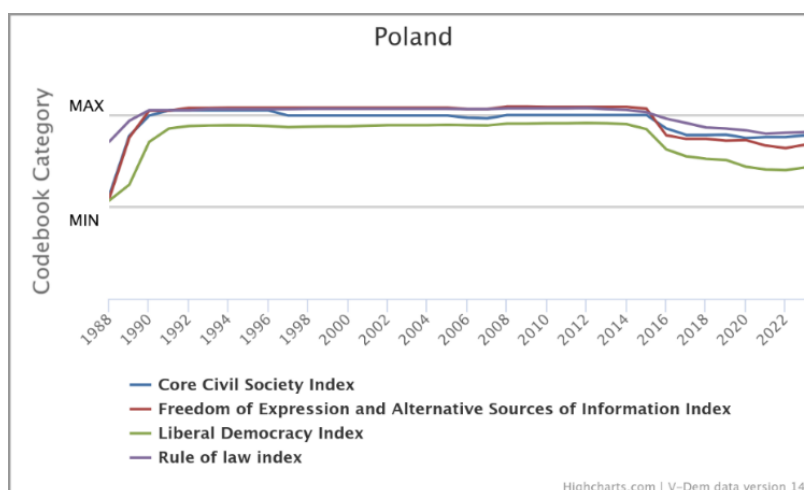
⁵² See more detailed statistics here: <https://data.unhcr.org/en/situations/ukraine/location/10781>

Both Poland and Hungary have experienced significant challenges to the rule of law under right-wing populist governments. Significant changes to the judicial system, restrictions on media freedom, corruption, and confrontations with EU institutions show similarities in their illiberal development. The adoption of the controversial constitution in Hungary in 2011 created a space for shortcoming, influencing further deterioration of the rule of law. Amendments to the Act on the Constitutional Tribunal and the National Council of the Judiciary have raised concerns about judicial independence in Poland. However, after the change of government in 2023, the new Polish government made the first steps towards restoring democratic norms. Hungary, meanwhile, continues its illiberal rule.

5.1.4 General picture

The general picture of democratic evolution and backsliding in Poland and Hungary is visible in figures 5.1.1 and 5.1.2, which present the development of the Core V-dem indices in these countries.

Figure 5.1.1 Core V-dem indices for Poland (1989-2023).



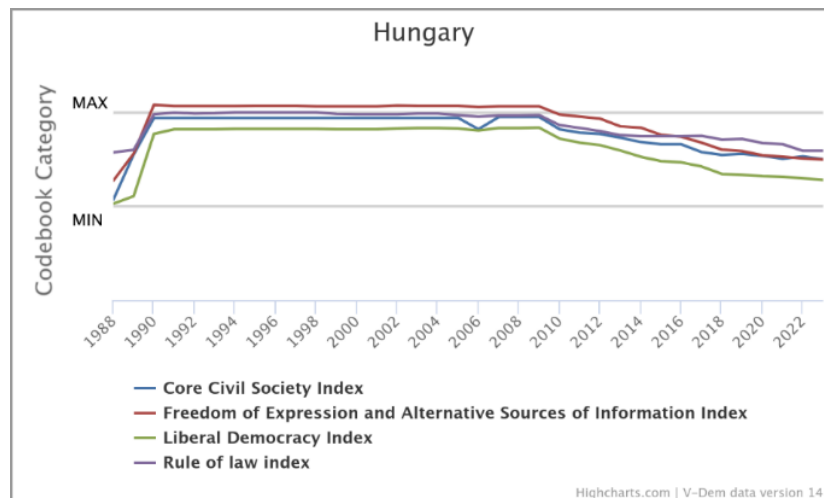
Source: V-Dem data version 14.

The Polish case presents the start of the democratization process in the early 90s, connected to the regime change and reflected in significant growth of the indices. After the 1991, the indices were relatively stable. This trend remained until 2015, when PIS regained power and began implementing illiberal changes, causing democratic backsliding. As figure 5.1.1 shows, the drop in indices was sharp from 2015 to 2016,

followed by more subtle deterioration later.

The Hungarian case illustrates similar tendencies in the early 90s, reflecting the collapse of the socialist regime (see figure 5.1.2).

Figure 5.1.2 Core V-dem indices for Hungary (1989-2023).



Source: V-Dem data version 14.

The general decline in index values started in 2010 when Fidesz became the ruling party, with a drop and subsequent restoration in the Core Civil Society Index in 2006, when anti-governmental protests were held. However, in contrast to the Polish case, in Hungary, the illiberal change has been gradual and continued since 2010.

5.2 Identifying the European Union’s strategy towards backsliding

5.2.1 Measures applied by the European Union in Polish case

Importance of the core European values listed in Art. 2 of TEU has been mentioned several times in this work. To protect those values, the EU designed a number of mechanisms that could be used to create incentives to follow the rule of law or to sanction countries that breach it (see chapter 2.3).

Despite the use of soft, nonbinding tools such as the EU Justice Scoreboard, the Rule of Law Framework, and the Rule of Law Mechanism, the European Union has applied a number of “sticks” aiming at addressing the deterioration of democracy and the backsliding of the rule of law in member states. The following text will present the

most salient actions taken by the Union.

After the change of power in 2015, for the first time in Union history, the Article 7(1) was invoked against Poland (COM (2017)835). In its decision, the Council stated a clear risk of a serious breach of the rule of law and issued recommendations regarding the appointment of judges and amendments to existing laws to secure judicial independence and legal certainty.

Another important measure was taken by the Court of Justice of the European Union, which issued several rulings concerning the rule of law in Poland, including:

- C-619/18 – ruling stating that lowering the retirement age for Supreme Court judges and extending judges’ mandates by the president threatens judicial independence and goes against EU law;
- C-192/18 – ruling stating that lowering the retirement age of ordinary courts judges threatens judicial independence and implies gender discrimination;
- C-791/19 – ruling stating that the new disciplinary regime for judges significantly affects judicial independence and could be used as a tool of political control and pressure over judicial decisions.

In 2021, the Court of Justice of the European Union initiated a new infringement procedure against Poland and, due to lack of compliance with previous judgments, on April 1st, mandated Poland to pay one million euros per day until the changes were implemented (C-204/21). Two years later, Poland showed some improvements and applied for the cancellation or reduction of the order. Consequently, in April 2023, the fine was reduced from one million euros to 500,000 euros per day (CJEU, 65/23)

Based on Poland's noncompliance with four enabling conditions to receive European funds—state aid, public procurement, the Convention on the Rights of Persons with Disabilities, and the Charter of Fundamental Rights (Feld and Bonini, 2024)—the European Union has suspended 59.8 billion euros under the Recover and Resilience Facility and 76.5 billion euros in Cohesion funds. However, according to the European Commission's assessment (IP/24/1222), the actions taken by the new government in late 2023 and early 2024 have paved the way for accessing these funds.

Moreover, a press release issued by the European Commission on May 6, 2024 (IP/24/2461), highlighted the Commission's intentions to close the Article 7(1) procedure against Poland due to the presentation and first steps of implementation of the

Action Plan prepared earlier to restore the rule of law in the country.

5.2.2 Measures applied by the European Union in Hungarian case

During the first years of Fidesz's rule, the measures applied by the European Union had a soft character. For instance, the European Parliament issued a number of resolutions concerning the deterioration of the rule of law:

- (2012/2511(RSP) – resolution of February 2012, concerning the state of democracy, rule of law, respect of human rights. It requested opinions of other from other EU organs on the newly adopted Hungarian Constitution. The resolution also questioned the necessity of activating Article 7(1) and included recommendations for Hungarian government.
- (2012/2130(INI) – resolution of July 2013, which is an expansion of the previous resolution (2012/2511(RSP) with an emphasis on constitutional reforms, the independence of the judiciary, and media freedom. It addressed new recommendations to Hungarian authorities to ensure respect for EU values and for actions by the European Commission to ensure a more comprehensive approach to rule of law deterioration in member states.
- (2015/2700(RSP) – resolution of June 2015, expressed further concerns related to human rights violations, particularly linked to the debate on re-establishing the death penalty and spreading biased opinions about migrants in a public discourse. The resolution also called for dialogue and action to protect fundamental rights in Hungary.

There were also number of significant rulings issued by the Court of Justice of the European Union, such as:

- Case C-286/12 – ruling from 2012, which stated that Hungary's established retirement system for judges failed to secure equal treatment in employment and occupation;
- Case C-66/18 - ruling from 2020 referred to the Law on Higher Education, stating that the requirement of an international agreement to provide educational services in Hungary breaches the principles of the single market;

- Case C-78/18- ruling from 2020 connected to the Hungary's restrictions on the financing of civil society organizations from abroad. According to the ruling, the legislation violated EU laws with discriminatory restrictions and disrespect of fundamental rights.

In September 2018, the European Parliament invoked Article 7(1) against Hungary (2017/2131(INL)).

In four years, in September 2022, the Rule of Law Conditionality was exercised against Hungary for the first time, giving the country a two-month deadline to implement seventeen remedial measures before the application of sanctions. However, Hungary was not capable of adopting all the changes, and after reassessment in December, a decision was made to freeze 6.3 billion euros in funds, which was less than the initial sum of 7.5 billion euros (Blanke and Sander, 2023).

According to the Commission's press release (IP/23/6465), similarly to the Polish case, Hungary was not complying with several horizontal enabling conditions, and therefore, access to EU funds was limited by a decision adopted by the Commission on December 22, 2022. However, in 2023, the Commission partially unblocked frozen funds, making 10.2 billion euros available for Hungary. Therefore, currently, Hungary has restricted access to around 21 billion euros, including 6.3 billion euros frozen under the Rule of Law Conditionality (European Commission, IP/23/6465).

5.3 Discussion

Provided previously, information about mechanisms applied by the European Union against democratic backsliding in Poland and Hungary, together with the analysis of the evolution of democracy in these countries, allows to answer the research questions stated in a chapter I.

Answering the first research question: How has the EU addressed the democracy decline in Poland and Hungary? It is evident that the Union used different types of mechanisms, initially trying to influence changes through soft tools and dialogue with the countries and then applying more restrictive measures. In both cases, the Union activated Article 7(1), from which Poland is expected to exit soon. The CJEU issued several significant judgements, which were partially successful in addressing unlawful

changes. Additionally, countries were limited in their access to European funds through horizontal enabling conditions and the Rule of Law Conditionality procedure in the case of Hungary.

In the opinion one of the respondents, the tools applied against Poland were:

“... ineffective. The so-called soft law mechanisms, which relied mainly on the recommendations of the European Commission, were largely ineffective. They were completely unproductive because they were used against Poland very early in 2016 and, in fact, they failed completely because Poland basically did not comply with them in any way.”

On the other hand, some of the measures resulted in partial successes. For instance, the Rule of Law report for Hungary (SWD (2023) 817, p. 11-12) indicates that in response to the Rule of Law Conditionality procedure launched against Hungary, country started working on a National Anti-corruption Strategy, which should be finalized until 2025.

While financial sanctions and restrictions seems to be effective tools, they also have caused a number of disagreements within the Union. According to Schultz (2024), the decision to release of 10.2 billion euros for Hungary could be politically driven and not based on real rule of law improvements in the country. This makes the European Union vulnerable to the so-called veto players, who might block decisions that require unanimity, like opening accession negotiations or providing new financial support packages for Ukraine (Schultz, 2024).

Aiming to answer the second research question: What are the differences between the EU approaches towards Poland and Hungary? It is important to look into the tactics of Poland and Hungary to cover illiberal changes.

Poland was following the sovereignty line, highlighting the division of competences between the state and the Union to legitimize adopted changes. As one of the interviewees points out:

“Poland seemed to have a tactic by emphasizing that [...] matters related to changes in the judicial system and the reform of state administration, are not EU competences.”

On the other hand, Hungary applied a different strategy and used negotiations to create a *façade* of democratic changes and avoid strict measures from the Union.

“Hungary had a so-called dialogue strategy, i.e., Orbán often went to Brussels, partially agreed, and withdrew from certain changes in the reforms, for example the reform of introducing a lower retirement age for judges. He later partially withdrew from the reform itself, but did not withdraw from removing judges.”

One of the conspicuous differences in the Union’s approach towards Poland and Hungary was timing of applying Article 7(1) against countries. Notably, it was triggered first by the Commission against Poland in 2017, only after two years of the PIS government. Meanwhile, the procedure under Article 7(1) was initiated by the European Parliament against Hungary only in 2018, eight years after Fidesz came to power. This highlights the Union’s vulnerability to capture and react properly to gradual backsliding when illiberal changes gain a systematic character.

Moreover, by blocking aid for Ukraine, Hungary pressured the European authorities and forced them to act more favorable towards the country.

Answering the third research question: What are the main challenges the EU faces addressing the democratic backsliding? It is possible to list several difficulties faced by the EU. First of all, the Union has a limited ability to influence the actions of governments and their willingness to implement changes. As one of the interviewees said:

“If the government had not changed in Poland, these [illiberal] changes would not have actually been withdrawn.”

Both respondents highlighted the role and need of education and further development of the civil society in the countries, which could force democratic change.

Another challenge is growing populism in the backsliding countries, which, combined with media control and censorship, frames “Brussels” as an enemy. In this light, applying hard measures, such as Rule of Law Conditionality or infringement procedures by the European Union, could lead to general dissatisfaction among citizens and spread euroscepticism.

While designing tools to guard democracy in the member states, the EU did not predict possible cooperation between the backsliding states, which significantly limits the application of stricter measures. As one of the interviewees points out:

“The European Union did not foresee that there could be more than one problematic country among its members.”

For instance, the existence of coalitions of backsliding states can prevent the suspension of voting rights of the member state in question, as defined under Article 7(2,3), as the application of the mechanism requires an unanimity vote.

Economic sanctions have their weaknesses as well. According to one of the interviewees, limited access of Hungary to European funds leads to negative consequences for the Union:

“Even though funds are blocked, the government finds ways to play with it. Moreover, in a way that harms the interests of the EU by reaching for Chinese investments and cooperation with Russia, i.e., its strategic rivals.”

Moreover, as the Hungarian case has shown, as long as backsliding country has veto power, the exercise of economic sanctions could become subject to political will, and therefore, instead of fostering positive change, it can simply support the regime, complementing Kelemen’s (2019) authoritarian equilibrium described in the second chapter.

Despite the weaknesses and challenges the EU faces in addressing democratic backsliding in member states, according to Ruskowski (2019), the cases of Poland and Hungary have pushed the European Union towards creating new policies aimed at protecting the rule of law and deep integration within the Union (Ruskowski, 2019, p. 517-518).

Conclusions

Poland and Hungary underwent a long path of transformation from socialist states with command economies to members of the European Union, which entail respect for democratic values and human rights, the prevalence of the rule of law and market economies. However, the rise of right-wing populist parties and the implementation of illiberal reforms have led to the deterioration of democracy.

There is a visible evolution in the European Union's approach to addressing democratic stability in its member states. Since 1989, the EU has developed a number of soft and hard instruments, including the Copenhagen criteria, infringement procedures, Article 7, the Rule of Law Conditionality mechanism, the Rule of Law framework, and others. These mechanisms were applied in response to democratic backsliding in Poland and Hungary, demonstrating steps toward consolidating the EU's role in opposing democratic erosion in member states.

However, strategies applied by the Polish and Hungarian governments to cover the illiberal changes and the development of civil, political, and economic societies, as well as the rule of law and state bureaucracy in these countries, have shaped different trajectories of the EU's response to democratic deterioration. One of the main difficulties was capturing the gradual backsliding in Hungary.

The European Union faced several challenges, such as limited influence over member states, populist movements, manipulation of veto powers, and the emergence of more than one backsliding country, which resulted in the weakening the mechanisms requiring a unanimous vote.

As Priebus and Anders (2024) argue, in recent years, the protection of the rule of law in the European Union has shifted from an intergovernmental approach to a supranational one. This shift could be seen in the use of the Rule of Law Conditionality Regulation and infringement procedures, which were previously associated with secondary law breaches. However, in 2018, the Commission initiated a procedure against Poland based on primary law. As the authors (Priebus and Anders, 2024, p. 235) state:

“Apparently, the Commission is trying to turn infringement procedures into a tool for the direct enforcement of EU values. If the ECJ were to follow this reasoning, then the infringement procedure would become another effective supranational tool for

protecting the rule of law.”

The main limitations of this research include the breath of the time frame, sampling constraints and methodological issues of the Corruption Perception Index. From one perspective, the expanded time frame allowed for description of the salient for the research data and provided useful context for the research. However, it might have also led to a more general investigation of the topic, partly sacrificing the depth of the analysis. The second issue relates to the sampling frame. Despite the high quality of the two in-depth interviews with experts, the research could benefit from a greater number of discussions with experts. Because the Corruption Perception Index was created in 1995 and first data for Poland was available in 1996, the index does not fully cover the timeframe of analysis. Moreover, its methodology was changed in 2011, where index from 1995-2011 was presented in a range from 0 to 10, and from 2012 to 2023 from 0 to 100. For consistency reasons index from the second period was divided by 10, following the solution proposed by Koryś and Tymniński (2016, p. 215).

Recently, democratic backsliding has attracted increased scholarly attention. The research could benefit from a comparative analysis of democratic patterns and the EU strategies used in other Central and Eastern European states, such as Slovakia and Romania, with a narrower timeframe to allow for a deeper analysis of the phenomena. Moreover, further in-depth investigation into the effectiveness of the applied tools, the role of veto players, and the involvement of non-state actors in addressing democratic backsliding could provide valuable insights into this developing research field.

This thesis contributes to the understanding of the EU's role in protecting democracy within its member states and highlights the importance of preventing democratic backsliding. An analysis of the civil, political, and economic societies, as well as the rule of law and state bureaucracy in Poland and Hungary, has shown the interrelation of these elements and how vulnerable civil society and the rule of law become when an illiberal turn takes place. This reflects the need for the development of reliable mechanisms to safeguard democratic values, ensuring the EU can respond more effectively to future cases of democratic erosion. The findings highlight both the limitations and the potential of the European Union to enhance its values and promote democratic governance.

References

- Adamska – Gallant, A. (2022). *Backsliding of the rule of law in Poland – a systemic problem with the independence of courts*. International Journal for Court Administration, 13(3).
- Ashworth, R. E., McDermott, A. M., Currie, G. (2018). *Theorizing from qualitative research in public administration: Plurality through a combination of rigor and richness*. Journal of Public Administration Research and Theory, 29(2), 318–333.
- Antoniou, E., Calabrese S., Johnson C., Smith L., *Reviewing progress on the European Democracy Action Plan*. European Partnership for Democracy.
- Balcerowicz, E. (2007). *The impact of Poland's EU accession on its economy*. SSRN Electronic Journal.
- Beblavý M. and Sičáková-Beblavá E. (2014) *The Changing Faces of Europeanisation: How Did the European Union Influence Corruption in Slovakia Before and After Accession?*, Europe-Asia Studies, 66:4, 536-556.
- Berend, I. T. (2005). *What is Central and Eastern Europe?* European Journal of Social Theory, 8(4), 401–416.
- Benczes, I. (2011). *Market reform and fiscal laxity in Communist and post-communist Hungary*. International Journal of Emerging Markets, 6(2), 118–131.
- Berger, R. (2013). *Now I see it, now I don't: Researcher's position and reflexivity in Qualitative Research*. Qualitative Research, 15(2), 219–234.
- Bernhard, M. (2021). *Democratic backsliding in Poland and Hungary*. Slavic Review, 80(3), 585–607.
- Bermeo, N. (2016). *On Democratic backsliding*. Journal of Democracy, 27(1), 5–19.
- Bill, S. (2020). *Counter-elite populism and civil society in Poland: PIS's strategies of Elite Replacement*. East European Politics and Societies: And Cultures, 36(1), 118–140.
- Blanke, H.-J., Sander, A. (2023). *Enforcing the rule of law in the EU: The case of Poland and Hungary*. Zeitschrift Für Europarechtliche Studien, 26(2), 239–276.
- Blokker P. (2021), *The democracy and rule of law crises in the European Union and its Member States*. RECONNECT deliverable 14.1.
- Bollen, K. (1993). *Liberal democracy: Validity and method factors in cross-national measures*. American Journal of Political Science, 37(4), 1207.

- Bozóki, A., Simon, E. (2010). *Hungary since 1989*. Central and Southeast European Politics since 1989, 204–232.
- Bugaric, B. (2008). *Populism, liberal democracy, and the rule of law in Central and Eastern Europe*. Communist and Post-Communist Studies, 41(2), 191–203.
- Carothers, T. (2002). *The end of the transition paradigm*. Journal of Democracy, 13(1), 5–21.
- Carter, N., Bryant-Lukosius, D., DiCenso, A., Blythe, J., Neville, A. J. (2014). *The use of triangulation in qualitative research*. Oncology Nursing Forum, 41(5), 545–547.
- Cannizzaro, E. (2024). *The Spitzenkandidaten Method and the European Material Constitution*. European Papers, 9(1), 17-19.
- Cianetti, L., Hanley, S. (2021). *The end of the backsliding paradigm*. Journal of Democracy, 32(1), 66–80.
- Coli, M. (2018). *Article 7 TEU: From a dormant provision to an active enforcement tool?* Perspectives on Federalism, 10(3), 272–302.
- Cox, T., and Vass, L. (2000). Government-Interest Group Relations in Hungarian politics since 1989. *Europe-Asia Studies*, 52(6), 1095–1114.
- Crombez, C. (2003). *The Democratic deficit in the European Union*. European Union Politics, 4(1), 101–120.
- Crouch, C. (2000). *Coping with Post-Democracy*. Fabian Ideas 598. London: Fabian Society.
- Csáki, C., and Gelléri, P. (2005). *Conditions and benefits of applying decision technological solutions as a tool to curb corruption within the procurement process: The case of Hungary*. Journal of Purchasing and Supply Management, 11(5–6), 252–259.
- Dezséri K. (2007). *Three Years of the EU Membership - The Case of Hungary*. ISPI, Working Papers.
- Diamond, L. (2015). *Facing up to the Democratic recession*. Journal of Democracy, 26(1), 141–155.
- Diamond, L. (2020). *Democratic regression in comparative perspective: Scope, methods, and causes*. Democratization, 28(1), 22–42.
- Diamond, L. (2022). *Democracy's ARC: From resurgent to imperiled*. Journal of Democracy, 33(1), 163–179.

- Dori, A. (2015). *The EU justice scoreboard - judicial evaluation as a new governance tool*. SSRN Electronic Journal.
- Egedy T. (2012). *The effects of global economic crisis in Hungary*. Hungarian Geographical Bulletin 61(2), p. 155-173.
- Ekiert G. (2020). *Czy społeczeństwo obywatelskie zagraża polskiej demokracji? Sfera publiczna w Polsce i jej współczesne konteksty*. Instytut spraw publicznych.
- European Commission (1997), “Agenda 2000 - Commission Opinion on Slovakia’s Application for Membership of the European Union”, 16 July, 1997.
- Fekete, B. (2017). *On Article 7 TEU: Context, history, doctrine and shortcomings*. SSRN Electronic Journal.
- Gadowska K. (2010) *National and international anti-corruption efforts: the case of Poland*, Global Crime, 11:2, 178-209.
- Ganga, P. (2021). *Economic consequences of illiberalism in Eastern Europe*. Routledge Handbook of Illiberalism, 691–709.
- Gates, S., Hegre, H., Jones, M. P., Strand, M. (2007) *Democratic Waves? Global Patterns of Democratization, 1800 – 2000*.
- Gliński P. (2011). *Twenty Years of Civil Society in Poland?* Polish sociological review, vol. 175.
- Gormley, L. (2017). *Infringement proceedings*. The Enforcement of EU Law and Values.
- Graziano, P., Quaranta, M. (2022). *Studying democracy in Europe: Conceptualization, measurement and indices*. Government and Opposition, 59(2), 605–631.
- Greskovits B. and Wittenberg J. (2016). *Civil Society and Democratic Consolidation in Hungary in the 1990s and 2000s*.
- Griffen, S. (2020). *Hungary: A lesson in media control*. British Journalism Review, 31(1), 57–62.
- Filipek, P. (2018). *The New National Council of the Judiciary and its impact on the Supreme Court in the light of the principle of judicial independence*. Problemy Współczesnego Prawa Międzynarodowego, Europejskiego i Porównawczego.
- Fox J., Horvath A., Vidra Z. (2011). *Tolerance and Cultural Diversity Discourses in Hungary*. CPS Policy Research Reports.
- Halmi, G. (2021). *Does illiberal democracy exist? Rule of Law vs Majoritarian Democracy*.

- Hansen, M. H. (2005). *The tradition of Ancient Greek democracy and its importance for modern democracy*. Kongelige Danske Videnskabernes Selskab.
- Hay, W. A. (2006). *What is democracy? liberal institutions and stability in Changing Societies*. *Orbis*, 50(1), 133–151.
- Hillion, C. (2004) *The Copenhagen Criteria and Their Progeny*, EU enlargement, Oxford, Hart Publishing.
- Hryniewicz J. (2023). *The Cultural Impacts of Economic and Public Administration Reforms in Poland: Continuity or Change in the Cultural Potential for Economic Development since 1990*. *Polish sociological review*, 4(224).
- Huntington, S. P. (1984). *Will more countries become Democratic?* *Political Science Quarterly*, 99(2), 193–218.
- Huntington, S. P. (1991). *Democracy's third wave*. *Journal of Democracy*, 2(2), 12–34.
- Jensen, T. (2009). *The Democratic Deficit of the European Union*. *Living Reviews in Democracy*. 1.
- Kelemen, D. R. (2019). *The European Union's authoritarian equilibrium*. SSRN Electronic Journal.
- Kelemen D. R. (2023) *The European Union's failure to address the autocracy crisis: MacGyver, Rube Goldberg, and Europe's unused tools*, *Journal of European Integration*, 45:2, 223-238.
- Kochenov D. (2004) *Behind the Copenhagen façade. The meaning and structure of the Copenhagen political criterion of democracy and the rule of law*, *European Integration online Papers*, Vol. 8.
- Kochenov, D., and Pech, L. (2016). *Better Late Than Never? on the Commission's rule of law framework and its first activation*. SSRN Electronic Journal.
- Koryś, P., Tymniński, M. (2016). *The unwanted legacy. In search of historical roots of corruption in Poland*. *Sociologija*, 58(2), 203–219.
- Kot, M. (2020). *Edukacja medialna a przemiana ustrojowa w Polsce*. *Kultura-Media-Teologia*, (41), 83–100.
- Kowalska, M. (2023). *Recesja polskiego Prawa Wyborczego na przykładzie głosowania korespondencyjnego*. *Polityka i Społeczeństwo*, 21(3), 134–147.
- Kubas, S. (2022). *Illiberal democracy in the comparative analysis of Hungary and Poland*. *Przegląd Prawa Konstytucyjnego*, 66(2), 253–267.

- Laruelle, M. (2022). *Illiberalism: A conceptual introduction*. East European Politics, 38(2), 303–327.
- Linz, J. J., Stepan, A. (1998). *Problems of democratic transition and consolidation: Southern Europe, South America, and post-communist Europe*. Johns Hopkins Univ. Press.
- Lorencka, M., Myśliwiec, M., Wojtasik, W. (2016). *Evolution of the political system in Poland after 1989*. Democratisation Processes in Poland and Slovenia: Comparative Study, 63–76.
- Lánczi A., O'Neil H. P. (1996) *Pluralization and the politics of media change in Hungary*, Journal of Communist Studies and Transition Politics, 12:4, 82-101.
- Mahoney, C., Beckstrand, M. J. (2011). *Following the money: European Union Funding of Civil Society Organizations*. JCMS: Journal of Common Market Studies, 49(6), 1339–1361.
- Malinov, S. (2021). *The Democratic deficit of the EU: Breaking the spell of a false analogy*. European View, 20(2), 226–233.
- Marktle, T. (2006). *The power of the copenhagen criteria*. Croatian Yearbook of European Law and Policy, 2(2), 343-363.
- Marszałek-Kawa, J., Plecka, D. (2015). *Political Culture and the democratisation of a political regime*. The case of Poland after 1989. European Journal of transformation studies, vol. 3, No. 2.
- Merklejn, I.R., Węglińska, A. (2014). *Media landscape of Poland - from a distance*.
- Meyer M., Millner R., Vador P. (2017). *Civil Society in Central and Eastern Europe: Challenges and Opportunities*. ERSTE Foundation.
- Miszlivetz, F. (1997). *Participation and transition: Can the Civil Society Project Survive in Hungary?* Journal of Communist Studies and Transition Politics, 13(1), 27–40.
- Moravcsik, A. (2008). *The myth of Europe's 'democratic deficit'*, Intereconomics, Vol. 43, Iss. 6, 331-340.
- Mudde, C. (2004). *The populist Zeitgeist*. Government and Opposition, 39(4), 541–563.
- O'Neal M. (2019) *The European Commission's Enhanced Rule of Law Mechanism*. SWP Comment 48.
- Orenstein M. A. (2010). *The Political Economy of Financial Crisis in Central and Eastern Europe: Poland and Hungary Compared*.

- Pancer-Cybulska, E. (2023). *Polska gospodarka W Warunkach Pandemii covid-19 na Tle Unii Europejskiej*. *Ekonomia*, 28(4), 29–47.
- Papadopoulos, Y. (2019). *Eurozone crisis management and the changing nature of the Democratic deficit in the European Union*. *The European Social Model under Pressure*, 567–581.
- Paraskevopoulos, C. J., and Leonardi, R. (2004). *Introduction: Adaptational pressures and social learning in European regional policy – cohesion (Greece, Ireland and Portugal) vs. CEE (Hungary, Poland) countries*. *Regional and amp; Federal Studies*, 14(3), 315–354.
- Pech, L., Scheppele, K. L. (2017) *Illiberalism Within: Rule of Law Backsliding in the EU*. *Cambridge Yearbook of European Legal Studies* 19: 3-47.
- Pirro, A. L., Stanley, B. (2021a). *Forging, bending, and breaking: Enacting the “Illiberal playbook” in Hungary and Poland*. *Perspectives on Politics*, 20(1), 86–101.
- Piątek, D. (2023). *The illiberal model of state capitalism in Poland*". *Ekonomia i Prawo. Economics and Law* 1:157-175.
- Pogany, I. (1993). *Constitutional reform in central and Eastern Europe: Hungary’s transition to democracy*. *International and Comparative Law Quarterly*, 42(2), 332–355.
- Rapacki R., Prochniak M. (2019). *EU Membership and Economic Growth: Empirical Evidence for the CEE countries*. *The European Journal of Comparative Economics* Vol. 16, no. 1, pp. 3-40.
- Reichardt A. (2011.) *Poland and the Global Economic Crisis: Observations and Reflections in the Public Sector*. *Journal of Finance and Management in Public Services*.
- Rose, R., Shin, D. C. (2001). *Democratization backwards: The problem of third-wave democracies*. *Cambridge University Press*, 31(2), 331–354.
- Ploszka, A. (2020). *Shrinking space for civil society: A case study of Poland*. *European Public Law*, 26(Issue 4), 941–960.
- Przybylski, W. (2018). *Can Poland’s backsliding be stopped?* *Journal of Democracy*, 29(3), 52–64.
- Rupnik, J. (2012). *Hungary’s illiberal turn: How things went wrong*. *Journal of Democracy*, 23(3), 132–137.
- Ruszkowski, J. (2019). *Polska w Unii Europejskiej. W kierunku eurosceptycznej samoizolacji*.

- Sadurski, W. (1996). *Freedom of the press in Postcommunist Poland*. East European Politics and Societies: And Cultures, 10(3), 439–456.
- Sachs, J. (1992). *The Economic Transformation of Eastern Europe: The case of Poland*. The American Economist, 36(2), 3–11.
- Sachs J., (1994). *Shock Therapy in Poland: Perspectives of Five Years*, The Tanner Lectures on Human values.
- Sartori, G., Grinberg, D., Amsterdamski, P. (1994). *Teoria Demokracji*. Wydawnictwo Naukowe PWN.
- Sata R., Karolewski I. P. (2023). *Illiberal spectatorship – the disfigurement of citizenship in Hungary and Poland*, Journal of Contemporary European Studies.
- Scheiring G. (2020). *Orbanomics: A polarising answer to the crisis of liberal dependent capitalism*. Friedreich Ebert Stiftung.
- Sitter, N., Bakke, E. (2019). *Democratic backsliding in the European Union*. Oxford Research Encyclopedia of Politics.
- Skidelsky R., Olah D. (2021). *Full Employment, as the Hearth of the Cultural Economics of Orban*, Challenge.
- Skorupka, A. (2016). *Demokratyzacja świata według Samuela Huntingtona*. Rocznik filozoficzny Ignatianum, XXII / 2.
- Staroňová, K., Gajduschek, G. 2013. *Civil service reform in Slovakia and Hungary: the road to professionalisation? Civil Servants and Politics : A Delicate Balance*. Basingstoke: Palgrave Macmillan. Pp. 123-151.
- Staudinger, I. (2022). *The Rise and Fall of Rule of Law Conditionality*. European Papers Vol.7, no 22, 721-737.
- Scheiring G. (2020). *Orbanomics: A polarising answer to the crisis of liberal dependent capitalism*. Friedreich Ebert Stiftung.
- Strelkov, A. (2018). *EU justice scoreboard: A new policy tool for “Deepening” european integration?* Journal of Contemporary European Studies, 27(1), 15–27.
- Sükösd, M. (2022). *Victorious victimization: Orbán the orator—deep securitization and state populism in Hungary’s propaganda state*. Populist Rhetorics, 165–185.
- Tocqueville, A. de. (2019). *O demokracji w ameryce*. Wydawnictwo Aletheia. European
- Tyrała, M. (2020). *Wpływ kultury Politycznej na Proces Funkcjonowania Demokracji w Polsce W Latach 2006–2018*. Srodkowoeuropejskie Studia Polityczne, (1), 97–113.

- Turczyński P. (2023). *Polish concepts of modernisation of the European Union*.
- Varga, M., Buzogány, A. (2020). *The foreign policy of Populists in power: Contesting liberalism in Poland and Hungary*. *Geopolitics*, 26(5), 1442–1463.
- Varju, M., Kovacs, A. (2014). *Hungary: The Europeanization of Judicial Review*. *European Public Law*, 20(Issue 2), 195–226.
- Willa, R. (2007). *Droga do Członkostwa w Unii Europejskiej – Przykład Polski*. *Dialogi Polityczne*, (8), 83.
- Wojtaszczyk, K. A., Wallas T., Stawarz P. (2023). *The Future of the European Union*.
- Ágh, A. (1999) *Europeanization of policy-making in East Central Europe: the Hungarian approach to EU accession*, *Journal of European Public Policy*, 6:5, 839-854.
- Ágh, A. (2010). *Post-Accession Crisis in the New Member States: Progressing or Backsliding in the EU?* *Studies of Transition States and Societies*, 2(1), 74-95.
- Ágh, A. (2017). *The EU polycrisis and hard populism in east -Central Europe: From the copenhagen dilemma to the Juncker paradox*. *Politics in Central Europe*, 13(2–3).
- Łacny, J. (2021). *The rule of law conditionality under Regulation no 2092/2020—is it all about the money?* *Hague Journal on the Rule of Law*, 13(1), 79–105.
- Śledzińska-Simon, A., and Bárd, P. (2019). *The teleos and the anatomy of the rule of law in EU infringement procedures*. *Hague Journal on the Rule of Law*, 11(2–3), 439–445.

Legal documents and other reports

Article 2 TUE.

Article 7 TUE.

Article 258 TFUE.

Article 259 TFUE.

Article 260 TFUE.

Court of Justice of the European Union. (2012). *Commission v. Hungary*. (Case C-286/12).

Court of Justice of the European Union. (2019). *Commission v. Poland*

- (Case C-192/18).
- Court of Justice of the European Union. (2019). *Commission v. Poland* (Case C-619/18).
- Court of Justice of the European Union. (2020). *Commission v. Hungary* (Case C-66/18).
- Court of Justice of the European Union. (2020). *Commission v. Hungary* (Case C-78/18).
- Court of Justice of the European Union. (2021). *Commission v. Poland* (Case C-791/19).
- Court of Justice of the European Union. (2023). *Rule of law: the amount of the daily penalty payment which Poland is required to pay is reduced from one million to 500 000 euros*. Press release No 65/23.
- European Commission. (1997, July 15). *Agenda 2000 - Commission Opinion on Poland's Application for Membership of the European Union*. Opinion (DOC/97/16).
- European Commission. (1997, July 15). *Commission opinion on Poland's application for membership of the European Union*. Supplement 7/97.
- European Commission. (1997, July 15). *Agenda 2000 for stronger and wider Europe* Communication (COM(97) 2000).
- European Commission, Secretariat-General, (1997, July 15). *Agenda 2000 : Commission opinion on Hungary's application for membership of the European Union*, Publications Office.
- European Commission. (1997, July 15). *Commission Opinion on Hungary's Application for Membership of the European Union*. (DOC/97/13).
- European Commission. (1997, July 15). *Agenda 2000 - Commission Opinion on Slovakia's Application for Membership of the European Union*. Opinion (COM (97) 2004).
- European Commission. (2014, March 11). *A new EU Framework to strengthen the Rule of Law*. Communication (COM/2014/0158).
- European Union. (2017, December 20). *On the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law*. Council decision (COM(2017) 835).
- European Commission. (2020, December 3). *On the European democracy action plan*. Communication (COM(2020) 790).

- European Commission. (2020, December 12). *Reasoned proposal in accordance with article 7(1) of the treaty on european union regarding the rule of law in Poland*. Council decision (COM(2017) 835).
- European Commission. (2023, January 1). *Financial sanctions in infringement proceedings*. Communication (2023/C 2/01).
- European Commission. (2023, June 6). *2023 EU Justice Scoreboard*. Communication (COM(2023) 309).
- European Commission. (2023, July 5). *2023 Rule of Law Report Country Chapter on the rule of law situation in Hungary*. Communication (SWD(2023) 817).
- European Commission. (2023, December 12). *On Defence of Democracy*. Communication (COM(2023) 630).
- European Commission. (2023, December, 13). *Commission considers that Hungary's judicial reform addressed deficiencies in judicial independence, but maintains measures on budget conditionality*. Press release (IP/23/6465).
- European Commission. (2024, February 29). *Poland's efforts to restore rule of law pave the way for accessing up to €137 billion in EU funds*. Press release (IP/24/1222).
- European Commission. (2024, May 6). *Commission intends to close Article 7(1) TEU procedure for Poland*. Press release (IP/24/2461).
- European Community. (1993). ECSC, EC: *Decision of the Council and the Commission of 13 December 1993 on the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part*. Decision (93/742/Euratom).
- European Parliament. (2003). *On the application by the Republic of Poland to become a member of the European Union*. Legislative resolution (P5_TA(2003)0176).
- European Parliament. (2012, February 16). *On the recent political developments in Hungary*. Resolution (2012/2511(RSP)).
- European Parliament. (2013, July 3). *On the situation of fundamental rights: standards and practices in Hungary*. Resolution (2012/2130(INI)).
- European Parliament. (2015, June 10). *On the situation in Hungary*. Resolution (2015/2700(RSP)).
- European Parliament. (2019). *Election of the President of the European Commission Understanding the Spitzenkandidaten process*. Briefing.
- European Parliament. (2019, September 12). *On a proposal calling on the Council to*

determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded. Resolution (2017/2131(INL).

European Union. (2020, December 16). *On a general regime of conditionality for the protection of the Union budget.* Regulation (2020/2092).

Ustawa z dnia 19 listopada 2015 r. o zmianie ustawy o Trybunale Konstytucyjnym (Dz.U. 2015 poz. 1928).

Wyrok Trybunału Konstytucyjnego z dnia 7 października 2021 r. K 3/21.

World Bank. (1999, October 11). *Corruption in Poland: review on priority areas and proposals for action.*

Wyrok Trybunału Konstytucyjnego z dnia 7 października 2021 r. K 3/21.

Websites

Accession criteria (Copenhagen criteria). Retrieved on 20.04.24 from: <https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html>

Accession criteria. European Neighborhood Policy and Enlargement Negotiations (DG NEAR). Retrieved on 10.04.24 from: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/glossary/accession-criteria_en

Breaches of EU values: How the EU can act (infographic). European Parliament. Retrieved on 29.04.24 from: <https://www.europarl.europa.eu/topics/en/article/20180222STO98434/breaches-of-eu-values-how-the-eu-can-act-infographic>

Camut, N. (2023, December 13). *Commission unblocks €10.2B for Hungary as EU tries to sway Viktor Orbán on Ukraine.* POLITICO. Retrieved on 11.06.24 from: <https://www.politico.eu/article/commission-unblocks-e10-2-billion-for-hungary-as-eu-tries-to-sway-viktor-orban-on-ukraine/>

Deloy, C. (2003, April 12). *Referendum on UE Membership 2003 Hungary.* La Fondation Robert Schuman le centre de recherches et d'études sur l'Europe. Retrieved on 06.06.24 from: <https://www.robert-schuman.eu/en/monitor/171-the-hungarians-approved-their-country-s-membership-to-the-european-union-by-a-wide-majority>

Democracy - Manual for Human Rights Education with young people - www.coe.int. Manual for Human Rights Education with Young people. <https://www.coe.int/en/web/compass/democracy>

Democracy, N. meanings, etymology and more | Oxford English dictionary. Retrieved on 27.12.23 from: https://www.oed.com/dictionary/democracy_n?tab=meaning_and_use&tl=true

Division of competences within the European Union. EUR. Retrieved on 26.04.24 from <https://eur-lex.europa.eu/EN/legal-content/summary/division-of-competences-within-the-european-union.html>

Encyclopedia Britannica. *Democracy*. Encyclopedia Britannica. Retrieved on 27.12.23 from: <https://www.britannica.com/topic/democracy>

European Commission. *EU Justice Scoreboard*. Retrieved on 03.05.24 from: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard_en

European Union. *Elections and appointments - institutions*. Retrieved on 13.04.24 from: https://european-union.europa.eu/institutions-law-budget/leadership/elections-and-appointments_en

European Union. *European Neighborhood policy*. European Neighborhood Policy and Enlargement Negotiations (DG NEAR). Retrieved on 26.03.24 from: https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy_en

Feld, S., Bonini, E. (2024, March 5). *Poland can now receive the EU funds that remained blocked*. Eunews. Retrieved on 16.06.24 from: <https://www.eunews.it/en/2024/02/29/eu-commission-unblocks-payments-from-polands-nrrp-and-cohesion-funds/>

Field, R. (2014, March 10). *Janos Zuschlag tells all: Confessions of a MSZP scapegoat or turncoat?*. The Budapest Beacon. Retrieved on 26.03.24 from: <https://budapestbeacon.com/janos-zuschlag-tells-all-confessions-of-a-mszp-scapegoat-or-turncoat/>

Infringement procedure. European Commission. Retrieved on 02.05.24 from: https://commission.europa.eu/law/application-eu-law/implementing-eu-law/infringement-procedure_en

Gavin, G., Jack, V., Gijs, C. (2024, May 14). *Hungary teases veto over new EU Russian Gas Sanctions*. POLITICO. Retrieved on 11.06.24 from: <https://www.politico.eu/article/hungary-veto-eu-russia-gas-sanctions/>

Guardian News and Media. (2008, June 13). *Irish voters reject EU Treaty*. The Guardian. Retrieved on 24.04.24 from: <https://www.theguardian.com/world/2008/jun/13/ireland>

Kość, W. (2023, December 20). *Poland's revolution gets real as government reclaims control of public media*. POLITICO. Retrieved on 03.06.24 from:

<https://www.politico.eu/article/poland-government-media-news-agency-law-and-justice-tusk/>

Lepiarz, J. (2023, December 14). *Poland's new PM tusk sets bold pro-EU agenda in Parliament.* dw.com. Retrieved on 03.06.24 from: <https://www.dw.com/en/polands-new-pm-tusk-sets-bold-pro-eu-agenda-in-parliament/a-67706880>

Radio Free Europe/Radio Liberty. (2004, August 25). *Hungarian prime minister resigns.* Retrieved on 09.06.24 from: <https://www.rferl.org/a/1054497.html>

Rajvanshi, A., and Serhan, Y. (2024, January 10). *The elections of 2024 can make or break democracy worldwide.* Time. Retrieved on 27.12.23 from: <https://time.com/6551743/2024-elections-democracy-trump-putin>

Reuters. (2024, February 20). *EU welcomes new Polish government's plan to "restore rule of law."* Voice of America. Retrieved on 03.06.24 from: <https://www.voanews.com/a/eu-welcomes-new-polish-government-s-plan-to-restore-rule-of-law-/7495000.html>

Rule of law conditionality regulation. European Commission. Retrieved on 06.05.24 from: https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation_en

Rule of Law Framework. European Commission. Retrieved on 05.05.24 from: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en

Schultz, T. (2024, March 15). *Hungary: Unfrozen funds to be investigated in EU Court – DW – 03/14/2024.* dw.com. Retrieved on 17.06.24 from: <https://www.dw.com/en/hungary-unfrozen-funds-investigated-in-eu-court-orban/a-68516593>

Situation Ukraine refugee situation. UNHCR Data Portal. Retrieved on 14.06.24 from: <https://data.unhcr.org/en/situations/ukraine/location/10781>

The right to vote: elections: classroom materials at the library of congress: library of Congress. The Library of Congress. Retrieved on 28.12.23 from: <https://www.loc.gov/classroom-materials/elections/right-to-vote/>

Transparency International. Transparency.org. Retrieved on 28.04.24 from: <https://www.transparency.org/en/>

Tóth, C. (2014, October 23). *Full text of Viktor Orbán's speech at Băile Tușnad (Tusnádfürdő) of 26 July 2014.* The Budapest Beacon. Retrieved on 21.04.24 from: <https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/>

Varieties of Democracy. Retrieved on 18.05.24 from: <https://v-dem.net/>

Visegrad Insight. (2024, April 22). Retrieved on 18.05.24 from: <https://visegradinsight.eu/>

Women's right to vote in Europe. Österreichische Nationalbibliothek. Retrieved on 28.12.23, from: <https://www.onb.ac.at/en/more/ariadne-the-women-and-gender-specific-knowledge-portal/women-use-your-vote/womens-right-to-vote-in-europe>

. Wybory do Sejmu i Senatu Rzeczypospolitej Polskiej w 2023 r. Retrieved on 1.06.24, from: <https://sejmsenat2023.pkw.gov.pl/sejmsenat2023/pl/sejm/wynik/pl>